

Regulation/GM/No. 0013 of 15 January 1976

The State Minister of the Interior, at the proposal of the Special Secretariat for the Environment, in exercise of the powers conferred upon him by Decree No. 73.030, of 30 October 1973, Decree-Law No. 1.413, of 14 August 1975, and Decree No. 76.389, of 3 October 1975;

Whereas the need to classify domestic water courses is essential for the protection of their quality, which is measured using determined parameters;

Whereas the costs for the control of pollution may be more proportionate when the required quality, for a given water course or for its various stretches, is in accordance with the preponderant use to be given to same;

Whereas the classification of domestic bodies of water must be based not necessarily on their current condition, but on the parameters which they must possess in order to meet the needs of the community;

RESOLVES to establish the following classification of domestic waters in the National Territory:

I. The domestic waters in the National Territory are divided into four classes, in accordance with their preponderant use:

1. Class 1 -- water intended for: a) domestic use, without prior or with little treatment.
2. Class 2 -- water intended for: a) domestic use, after conventional treatment; b) irrigation of horticulture or fruiting plants; c) primary contact recreation (swimming, water skiing and diving).
3. Class 3 -- water intended for: a) domestic use, after conventional treatment; b) the protection of fish in general, and other flora and fauna; c) use by wildlife for drinking purposes.
4. Class 4 -- water intended for: a) domestic use, after heavy treatment; b) navigation; c) scenic purposes; d) industrial use, irrigation and less demanding uses.

II. There is no obstacle to the use of water of better quality for less demanding purposes, provided that such use does not prejudice the quality established for that water.

III. The discharge of waste water into the waters of classes 2, 3 and 4 shall be tolerated, provided that, in addition to meeting the provisions of item XIV of this Regulation, they satisfy the limits of the parameters established for the corresponding classes after discharge and, in this case, it shall be up to the agency responsible for pollution control to quantify the permissible polluting loads.

IV. Keeping in view the preponderant uses fixed for the waters, the competent agencies shall establish pollution control programs, so that the standards for the aforesaid classes are met:

a) Bodies of water which, on the date of their classification, are of a quality inferior to that established for class 4, shall be the objects of measures aimed toward their recovery to at least the standards of this latter class, it being up to the pollution control authorities to fix the periods for this to be accomplished; b) Bodies of water planned for the treatment and transport of waste waters shall not be the object of classification in the classes provided for in this Regulation; c) The classification of Federal waters shall be established by SEMA, after consultation with the National Water and Electrical Power Department; d) For state water courses, classification shall be carried out by the competent state agency; e) The competent agencies shall define specific conditions of quality for intermittent rivers.

V. The discharge of even treated effluent shall not be tolerated into class 1 waters.

VI. The following limits or conditions are established for class 2 waters:

a) floating materials, including non-natural foam: virtually absent; b) oils and greases: virtually absent; c) substances which give off tastes or odors: virtually absent; d) the presence of artificial colorings which are not removable by conventional coagulation, sedimentation and filtration processes are not permitted; e) a limit of 1,000 fecal coliform bacteria per 100 milliliters must not be exceeded in 80% or more of at least 5 monthly samples collected during any month; in the case that there are not adequate local means to test for fecal coliform bacteria, the total count indicating the existence of relatively good bacteriological conditions for primary contact recreation (swimming), shall be up to 5,000 total coliform bacteria in more than 80% of at least 5 monthly samples, collected during any month; f) DBO/5 days, 20 degrees C, up to 5 mg/l; g) OD in any sample, not less than 5 mg/l; h) potentially harmful substances (maximum content): -- Ammonia: 0.5 mg/l; -- Arsenic: 0.1 mg/l; -- Barium: 1 mg/l; -- Cadmium: 0.01 mg/l; -- Chrome: 0.05 mg/l; -- Cyanide: 0.2 mg/l; -- Copper: 1 mg/l; -- Lead: 0.1 mg/l; -- Tin: 2 mg/l; -- Phenols: 0.001 mg/l; -- Fluorine: 1.4 mg/l; -- Mercury: 0.002 mg/l; -- Nitrate: 10 mg/l of N; -- Nitrite: 1 mg/l of N; -- Selenium: 0.01 mg/l; -- Zinc: 5 mg/l.

VII. For class 3 water, the same limits or conditions are established as for class 2, with the exception of the following:

a) number of fecal coliform bacteria up to 4,000 per 100 milliliters in 80% or more of at least 5 monthly samples collected during any month; in the case that there are not adequate local means to test for fecal coliform bacteria, the maximum count shall be up to a total of 20,000 coliform bacteria in 80% or more of at least 5 monthly samples, collected during any month; b) DBO/5 days, 20 degrees C up to 10 mg/l; c) OD in any sample: not less than 4 mg/l.

VIII. For class 4 water, the following limits or conditions are established:

a) floating materials, including non-natural foam: virtually absent; b) odor and appearance: not objectionable; c) phenols up to 1 mg/l; d) OD greater than 0.5 mg/l in any sample.

IX. In the case where class 4 water has coliform counts higher than the values established for class 3, they may be used for public water supplies only if special treatment methods are used, in order to guarantee its drinkability.

X. In the case where class 4 water is used for public water supplies, the same limits of concentrations for potentially harmful substances established for classes 2 and 3 shall apply.

XI. The DBO limits established for classes 2 and 3 may be raised in case the self-cleansing capacity study of the receiving body of water shows that the minimum OD content specified shall not exceed, at any point of same, critical discharge conditions.

XII. For the effect of this Regulation, the term "virtually absent" shall be understood to mean a negligible pollutant content, it being the responsibility of the competent executive agencies to quantify them in each case, when necessary.

XIII. The competent water pollution control authorities may add new parameters, or make those established in this Regulation more stringent, keeping local conditions in mind.

XIV. Effluents from any polluting source may be directly or indirectly discharged into the water courses when they meet the following conditions:

a) pH between 5 and 9; b) temperature less than 40 degrees C; c) sedimentary material up to 1 ml/liter in a 1 hour Imhoff cone test; d) a discharge system with a maximum flow of up to 1.5 times the average daily flow; e) absence of floating materials; f) oils and fats up to 100 mg/l; g) substances in concentrations which might be harmful, in accordance with the limits to be fixed by SEMA; h) special treatment, if they come from hospitals and other establishments in which there is waste infected with pathogenic microorganisms, and are discharged into water intended for primary recreation and irrigation use, no matter what the initial coliform count is.

XV. Besides complying with the limits indicated in the prior item, the effluents must not give the receiving body of water characteristics inconsistent with its classification in terms of this Regulation, it being the responsibility of the executive pollution control agency to make the necessary inspections.

XVI. In keeping with this Regulation, businesses which do not have treatment facilities as of the date of publication of this regulation, shall have a deadline equivalent to the total of the periods required for preparation of plans, acquisition of equipment from the manufacturer, installation and testing, these periods being fixed in each case by the competent executive agency, considering for each stage that the periods consist of the least time required, always keeping in sight the possibility of the acquisition of equipment manufactured domestically.

XVII. Business which do have facilities for the treatment of their wastes approved by a public agency, and complying with legislation already in effect, shall have a term of not less than 3 years nor greater than 6 years, to be fixed by the water pollution control agencies, to meet the requirements of this Regulation, so long as said facilities remain in operation with the capacity and under the operating and other conditions for which they were approved.

XVIII. In special cases, at the request of the executive pollution control agencies, SEMA may reduce the term fixed in item XVII.

XIX. Water pollution control agencies are responsible for the enforcement of this Regulation, with respect to inspection for compliance with legislation as well as with the imposition of penalties contained within it, including the suspension of industrial polluting activities, respecting the provisions of Decree-Law No. 1.413, of 14 August 1975, and its regulations in Decree No. 76.389, of 3 October 1975.

XX. In cases where there is no state agency charged with executive control of pollution, or if there is, where there are failures or omissions, or appreciable harm to the uses established for the stipulated waters, the Special Secretariat for the Environment may act directly, in a supplementary manner.

XXI. The state pollution control agencies shall always keep SEMA informed on the classifications they apply to the domestic bodies of water, as well as of any supplementary standards they might establish.

XXII. All industrial establishments which cause or might cause water pollution must inform the executive water pollution control agency, annually, or whenever there is a change, of the volume and types of their effluents, as well as of their anti-pollution equipment and devices, under penalty of suitable fines, the competent agency being required to send copies of these reports to SEMA, STI (MIC), and to the IBGE (SEPLAN).

XXIII. The States shall exercise their activities of improving the quality and inspection of waste water within their territories through their respective pollution control agencies, even though the injured water course are not under their ownership or jurisdiction.

XXIV. For failure to comply with the provisions of this Regulation, in the event that there are no municipal or state penalties, or where they are not sufficient, the penalties provided for in letters "a" and "b" of Article 5 of Decree No. 76.389, of 3 October 1975, shall be imposed upon infractors at the initiative of SEMA, together with the competent Federal agencies.

XXV. This Regulation shall enter into force on the date of its publication, any provisions to the contrary being repealed.

(Ass.) Mauricio Rangel Reis