Water law No. IV of 1964

. . . . . .

13. (1) The contamination of waters is forbidden.

(2) Waters are to be protected against all effects which cause a change in their natural physical, chemical and biological conditions and adversely influence their natural quality and self-purification.

14. Those enterprises which cause harmful pollution to the waters are to be built with a suitable treatment plant.

15. Those enterprises which cause harmful pollution to the waters shall pay an effluent fine.

. . . . . .

[This skeleton law has been filled in by the State Decree 40/1969/XI.25 about the effluent fine and the Departmental Order of the President of the National Water Authority No. 1/1969/XI.25.]

State Decree No. 40/1969 on the effluent fine. – 25 November 1969. – *Magyar Közlöny* No. 88, 25 November 1969, p. 813.

1. (1) Those enterprises which cause harmful pollution to the waters must pay an effluent fine. The amount of the fine is written in the Appendix of the Decree.

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[1] Based on translation by Dr. A. Homonnay, Head of Legal Department, National Water Authority, Inspectorate of Water Pollution Control, Budapest, Hungary.

(2) The effluent fine is to be paid according to the various pollutants comprised in the discharge which overstep the maximum permissible levels of concentration laid down in the Appendix.

(3) The National Water Authority is authorized to lay down, for the good of the enterprises, individual maximum permissible levels, if their modern treatment plants are, in spite of careful operation, unable to treat effluents to within the general maximum permissible levels.

2. (1) In imposing the fine modifying factors are to be applied according to the unfavourable effect of the discharge on the water quality of the receptor, on its self-purification capacity and in relation to other interests of water management.

(2) The numerical value of the modifying factors is to be established by the president of the National Water Authority.

3. (1) In the third year of fining the enterprise has to pay a fine of double the amount of the original fine, in the fourth year threefold, in the fifth and following years fivefold.

(2) If an enterprise was fined in the year of 1968, this year is to be taken as the first year of fining.

(3) Those enterprises which began operating after 1 January 1969, without suitable waste treatment, have to pay the progressive fine from the first year of fining.

4. [*Summary.*] If an enterprise, according to the conditions of the water-use permit, starts building its treatment plant and the work is carried on continuously, the provision for progressive fines need not be applied.

5. The President of the National Water Authority may use the proceeds of the fines for financial assistance with priority in the following cases:

(*a*) To increase the financial resources of enterprises engaged in manufacturing equipment for the control of pollution;

(*b*) To offset expenditures which overstep the immediate interests of an enterprise and are necessary from the viewpoint of water management;

(*c*) To encourage common industrial waste-water treatment;

(*d*) To offset building costs of co-ordinated communal sewage treatment plants.

6. [*Omitted.*]

APPENDIX

Types and limits of harmful pollution and the amount of the fine

I. *Polluting Materials*

No.	*Pollutant*	*Limit mg/l*	*Amount of fine ft/kg*
1.	COD ($K_2Cr_2O_7$)	75	1.00
2.	Oils and fats (by organic solvent extract)	10	20.00
3.	pH value [1]	under 6.5 – over 8.5	5.00
4.	Dissolved matter: natural	2 000	0.10
	Dissolved matter: technological .	2 000	1.00
5.	Sodium [2]	45 equivalent %	2.00
6.	Phenolic compounds	3	50.00
7.	Solid substances	1 000	0.50
8.	Tar	2.5	120.00
9.	Ammonium ions	30	1.00
10.	Iron	5	5.00
11.	Manganese	2.5	20.00
12.	Surfactans (anionic)	5	60.00
13.	PO_4 [3]	4	5.00
14.	NO_3 [3]	20	1.00
15.	Sulphide (S)	5	100.00
16.	Chlorine (free)	2	50.00
17.	Fluoride	10	50.00

[1] Converted into appropriate amount of NaOH or HCl.
[2] The amount in excess of the limit 45 equivalent % in kg.
[3] These components are to be taken into account in catchment areas of lakes and reservoirs.

II. *Toxic Materials*

No.	*Pollutant*	*Limit mg/l*	*Amount of fine ft/kg*
18.	Cyanide (free) [1]	0.2	5 000.00
19.	Cyanide (total) [2]	10	50.00
20.	Copper	25	50.00
21.	Lead	10	100.00
22.	Chromium (hexavalent)	10	100.00
23.	Chromium (trivalent)	50	5.00
24.	Arsenic	5	200.00
25.	Cadmium	10	100.00
26.	Mercury	2	500.00
27.	Nickel	2	500.00
28.	Silver	0.1	1 000.00
29.	Zinc	5	100.00
30.	Tin	5	100.00
31.	Radioactivity	laid down individually	

[1] Free cyanide distilled out of a medium 7 pH.
[2] Total cyanide distilled out of a medium 2 pH.

Departmental Order of the President of the National Water Authority No. 1/1969. – 25 November 1969. – *Magyar Közlöny* No. 88, 25 November 1969, p. 821.

1. (1) All enterprises have to undergo an on site examination by the district water authorities to establish the conditions of their waste-water treatment operations.

(2) The on site examination is to be made as far as possible in the first half of the year, and for seasonal enterprises during the season.

(3) In cases of a sudden and dangerous occurrence of pollution, the examination must be made within the 24 hours following the notification.

2. (1) During the on site examination the following are to be determined:

- the daily amount of the discharge;
- the yearly planned days of operation;
- the operational circumstances and suitability of treatment plants;
- the manner of discharge (discharge onto shore or into the current);
- the receptor and its special conditions.

(2) [*Omitted.*]

(3) The treatment plant is suitable for proper use if it is able to treat the effluent so that it does not exceed the maximum permissible levels laid down in the Appendix of State Decree No. 40/1969.

3. [*Omitted.*]

4. A sample is to be taken of all discharges of the enterprise

- before they reach the receptor;
- in cases of toxic materials, after the decontaminating equipment or at the place where the toxic waste-water originates.

5. [*Omitted.*]

6. (1) The enterprise is authorized to ask for an adequate amount of the sample for control purposes.

(2) [*Omitted.*]

(3) The results of the examinations are to be placed on record.

(4) [*Omitted.*]

7. (1) If as a result of analyses of the samples an overstepping of the limits can be proved, the district water authority makes an appraisal of facts which have been established during the examination, and mails it to the enterprise within 15 days.

(2) The enterprise is authorized to appeal within 8 days. If the appeal is grounded and has an essential effect on the fine, the matter in dispute is to be clarified within 30 days, if necessary by repetition of the examination.

8. [*Summary.*] If the quality or quantity of waste-water undergoes an essential change during the year, the enterprise might ask for the repetition of the examination.

9. [*Omitted.*]

10. (1) The fine is to be levied for a year/season in the following year after the examination. The decision to impose a fine is to be mailed to the enterprise not later than the 30 April of the same year.

(2) The amount of the fine is the multiplication of

(*a*) the daily amount by which the maximum permissible levels for the particular pollutants involved have been exceeded, in kg;

(*b*) the effective days of operation of the year;

(*c*) the amount of the fine for the particular pollutant; and

(*d*) the modifying factors mentioned in the Appendix.

11. When the several polluting matters individually exceed the maximum permissible levels, the fine is to be levied for every single component.

12. to **15.** [*Omitted.*]

APPENDIX

Modifying factors and method for their calculation,

Categories of water sources by rate of flow Q 95%.

I.	over	210	m^3/sec
II.	30 to	210	"
III.	5 to	30	"
IV.	1 to	5	"
V.	0.25 to	1	"
VI.	under	0.25	"

Natural and artificial lakes, reservoirs, irrigation canals and the groundwater fall under the VI. category.

(1) *Modifying factors depending on the critical rate of flow and manner of discharge*

Manner of discharge	*Categories of water sources and the factor*					
	I.	II.	III.	IV.	V.	VI.
Discharge into shore	0.3	0.5	0.7	0.8	0.9	1
Discharge into the current	0.1	0.3	0.6	0.8	0.9	1

(2) *Modifying factor depending on effects on the self-purification capacity of the receptor*

This factor is applicable to the COD value of the effluent, where that effluent contains substances which act as a biological poison but are not listed in the Appendix (organic poisons).

The dilution demand to reach the lethal concentration 50 per cent is to be established by a biological test (Daphnia magna, Strauss). The factors concerning the dilution which are to be used are as follows:

Dilution demand	*Factor*
Under 3	1
Between 3 and 15	1.2
Between 15 and 30	1.5
Between 30 and 60	2
Between 60 and 100	2.5
Between 100 and 400	3
Between 400 and 800	3.5
Over 800	4

(3) *Modifying factor depending on other interests of water management*

Using this factor the following are to be judged:

- the treatability of the effluent;
- the harmfulness of the effluent on public health;

- the operational conditions of the treatment plants;
- the downstream water uses;
- the special conditions of the receptor;
- other water management interests.

The degree of harmfulness on public health is to be established by the local public health organizations.

This factor can be established between 0.5 and 1.5.