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*Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.*

## **Prevention of Seawater Pollution by Land-based Sources Regulations, 5750-1990**

By the power vested in me under Section 14 of the Law for the Prevention of Seawater Pollution by Land-based Sources, 5758-1998 (hereafter – “the Law”), and with the approval of the Knesset Internal Affairs and Environmental Protection Committee, I hereby make the following regulations:

### Definitions

1. For the purpose of these regulations –

“Permit application” – includes permit renewal application;

“Best available technology economically achievable” – The best up-to-date technology existing for the prevention of pollution, which is in use and is economically achievable;

“The Committee” – the Permits Committee appointed according to Section 3 of the Law;

“Permit” – a permit to dump waste or to discharge wastewater to sea from a land-based source, for the purpose of disposing them to sea;

“Land-based source” – as per its meaning in the Law, in which waste or wastewater, which is liable to cause seawater pollution, is produced or processed;

“Monitoring” – Continuous, periodic or occasional sampling and testing;

### Permit application

2. A permit application shall be submitted to the Committee in writing and it shall include the details specified in the First Schedule, however the submission of the details, under Sections 5 and 6(1) of the First Schedule, shall be according to the information known to the applicant.

Completion of  
application

3.

- a) Where the Committee believes that additional details are needed in order to process the application, it may request the applicant to provide it with these additional details, in addition to those that he submitted under Regulation 2, and it may request the applicant to provide it with data and test results or with a professional opinion.
- b) The request stated in sub-section (a) shall be presented to the applicant no later than 45 days from the application submission date.

Consideration and  
decision regarding  
the application.

Amendment 5765-2005

4.

- a) The Committee shall consider and decide about an application within 75 days of its submission, and in case of a request under Regulation 3 – 75 days from the day in which the required additional details are submitted; where an application for an emergency permit is submitted, as described in Section 9(b), the Committee shall consider the application no later than 72 hours following its submission.
- b) The chairperson of the Committee may, at the request of the applicant, decide to hold the Committee's deliberations behind closed doors and confidential.
- c) The Committee may approve the application, with or without conditions, or deny it.
- d) Where the Committee decides to approve the application, the chairperson of the Committee shall grant the permit to the applicant as soon as possible.
- e) Where the Committee decides to deny the application, the chairperson of the Committee shall provide the applicant with a reasoned written notification.

- f) The Committee may reconsider an application for a permit which it denied or the conditions which it prescribed in the permit if so requested by a member of the Committee or the applicant in a reasoned written request.

Application fee

Amendment 5761-2001

5.

- a) An applicant shall pay a fee when submitting an application for a permit or its renewal, as specified below:
- 1) 3,700 NIS – for an application for a permit to discharge wastewater to sea which is sea water, groundwater, ion-exchange brine, reverse osmosis brine or any other brine that contains only chloride, potassium, sodium or magnesium, without any organic matter and without metals;
  - 2) 7,401 NIS - for an application for a permit to discharge to sea food and tanning brine or textile brine;
  - 3) 14,810 NIS – for an application for a permit to dump waste or discharge wastewater to sea - which do not contain the substances specified in the Second Schedule and that are not specified in any other paragraph in this regulation;
  - 4) 29,630 NIS - for an application for a permit to dump waste or discharge wastewater to sea, which contains the substances that are specified in the Second Schedule;
  - 5) 14,810 NIS – for an application for a permit to discharge wastewater to sea, as described in paragraph (4), which were treated for the purpose of pollution prevention by means of the best available technology economically achievable.
- b) Without derogating from the generality of the aforesaid in sub-regulation (a), a fee of 6,500 NIS shall be paid upon submission of an emergency permit application, as said in regulation 9(b).
- c) For the purpose of this regulation –
- “Seawater” – water that is pumped from the sea or from drillings near the sea;

“Groundwater” – water that is pumped from drillings, wells or boreholes on land;

“Reverse osmosis brine” – wastewater that originates from a concentrate that is created by a reverse osmosis process of water;

“Textile brine”, “food and tanning brine”, “ion-exchange brine” – as defined in the Water Regulations (Prevention of Water Pollution) (Prohibition on Discharge of Brines to Water Sources), 5758-1998.

Linkage to the index  
Amendment 5761-2001

5A.

a) On the 1<sup>st</sup> of January of each year (hereafter – “the change day”), the fee amounts that are specified in regulation 5 shall be changed according to the increase rate of the new index compared to the base index.

b) For the purpose of this regulation –

“The index” – the Consumer Price Index that is published by the Central Bureau of Statistics;

“The new index” – the most recently published index prior to the adjustment day;

“The base index” – the last index published prior to the previous change day; and in the matter of the first change day after these regulations enter into force – the index that was published on December 2000;

c) The sum of the fee that was changed, as described in sub-regulation (a), shall be rounded to the closest sum which is a multiple of 10 NIS, and a sum of 5 NIS shall be rounded down.

Prohibition to grant  
a permit

6. The Committee shall not permit the dumping or discharge into the sea of wastes and wastewater in one of the following cases:

1) There are, in its opinion, alternatives for land treatment or disposal of the waste or the wastewater, or methods for

waste or wastewater reuse,, or appropriate low-waste technology alternatives; provided that these alternatives are in use, economically achievable and less harmful to the environment;

- 2) The wastes or the wastewater contain substances that are specified in the Second Schedule and the provisions of regulation 7(2) or ((3) are not met.

#### Granting a permit

7. The Committee may permit dumping or discharge to sea of waste or wastewater, provided that –
  - 1) They do not contain substances that are specified in the Second Schedule;
  - 2) They contain substances that are specified in the Second Schedule, but the applicant proves, to the satisfaction of the Committee, that the best available technologies existing for the treatment of waste and wastewater were installed and operated prior to their dumping or discharge to sea;
  - 3) There is no reasonable technical possibility to prevent the dumping or discharge to sea, due to an extraordinary event.

#### Considerations in granting a permit

8. When considering a permit application, the Committee shall take account, *inter alia*, of the considerations specified in the Third Schedule.

#### Types of permit

9.
  - a) A permit may be general or specific, as specified below:
    - 1) General permit – in the matter of regulation 7(1), without any time limit;
    - 2) Special permit – in the matter of regulation 7(2), for a limited period of no less than one year and no more than 5 years, according to the circumstances of each case.

- b) The Committee may grant an emergency permit in the matter of regulation 7(3), for a limited and short period of time, even if it deviates from the provisions of these regulations (hereafter – “emergency permit”).
- c) The Committee shall determine rules and criteria for the consideration of a special permit renewal, as described in sub-regulation (a)(2), taking into account, *inter alia*, considerations that are related to the operation of the land-based source, and the quantity and composition of the waste that is dumped or the wastewater that is discharged from it.

#### Permit provisions

- 10. The permit shall, among other things, include provisions on the following matters:
  - 1) The quantity and composition of the wastes or the wastewater that are permitted to be dumped or disposed to sea;
  - 2) The mode of dumping or discharge, including its date;
  - 3) The site of dumping or discharge;
  - 4) Monitoring and control measures.

#### Monitoring

- 11.
  - a) Within the framework of the Committee’s provisions, as stated in regulation 10(4), the permit may include a demand to carry out monitoring at sea to examine the environmental and health impacts of the dumping or discharge, in accordance with a monitoring plan that the applicant shall submit according to the Committee’s guidelines.
  - b) The monitoring results shall be delivered to the Committee in a manner and dates that will be specified in the monitoring plan.

#### Report

- 12.
  - a) A permit recipient shall report to the Committee –

- 1) Continuously and routinely, in periods to be determined by the Committee, about matters enumerated in regulation 10, in whole or in part;
  - 2) As soon as possible, about changes that took place, or that may take place, in the structure, the installations and the operation of the land-based source from which the waste is dumped or the wastewater is discharged to sea, and that have, or may have, an impact on the quantity or the quality of the waste or the wastewater that are dumped or discharged to the sea, or on the manner of their dumping or discharge.
- b) Whoever dumped or discharged wastes or wastewater due to damage, accident or real danger to human life, as said in Section 7 of the Law, whether with or without a permit, shall report to the Committee about the dumping or discharge within seven days of the event; such a report shall include:
- 1) A description of the circumstances that necessitated the dumping or discharge;
  - 2) Specification of the matters enumerated in regulation 10.

#### Records

13.
  - a) A permit recipient, as stated in regulation 9, shall keep complete and organized records on the execution of the dumping or discharge in practice, which shall, *inter alia*, include specification of the matters enumerated in regulation 10 (hereafter – “the records”).
  - b) The records shall be kept by the permit recipient for a period of at least three years from the day of their preparation and shall be available for review by an inspector or by an authorized representative of the Committee; a copy of the records shall be delivered to the inspector or an authorized representative of the Committee, as per his request.

#### Revocation of a permit

14. The Committee may revoke a permit it had granted, in one of the following circumstances:

- 1) The permit's provisions were not complied with;
- 2) Certain information was brought to the attention of the Committee, of which it was not aware at the time it granted the permit, that would have precluded its grant of the permit had it known it at the time.

#### Commencement

15. These regulations shall enter into force six months following their date of publication.

#### Transitional provision

16. Despite the aforesaid in regulation 7(2), the Committee may permit a land-based source that exists on the commencement date of these regulations to dump or discharge waste or wastewater to sea, for a limited period of time which it shall determine, as is required in its opinion, to install and operate the best available technology for the treatment of waste or wastewater prior to their dumping or discharge to sea or for the purpose of stopping the dumping or discharge to sea.

#### **First Schedule**

#### **(Regulation 2)**

Details to be included in the permit application

1. Name and address of applicant;
2. Details on the land-based source, as required in order to grant the permit, including
  - 1) Its location;
  - 2) Details of its production processes and raw materials, intermediate products and products which are processed and produced in it;
  - 3) Description of the process that caused the creation of the waste or wastewater that is designated for dumping or discharge.
3. Physical and chemical description of the waste designated for dumping or the wastewater designated for discharge including:



- 1) Scientific name (including chemical formula), technical name (including trademark, if such exists);
  - 2) Description: identification, composition and state of aggregation;
  - 3) Quantity or flow rate, as the case may be.
4. Description of the proposed dumping or discharge, including –
- 1) Dates;
  - 2) Location (geographic location and sea-bottom depth);
  - 3) Specification of the manner of dumping and means of discharge.
5. Description of the marine and coastal environment of the proposed dumping or discharge, including specification of biological, hydrographical, meteorological, geological and topographical properties.
6. The reasons for the submission of the permit application, subject to the provisions of these regulations, including specific reference to the following matters:
- 1) Specification and evaluation of the expected or forecasted environmental and health impacts of the dumping or discharge, including impacts on the possibilities of utilizing both living and inanimate marine resources, carrying out scientific research, and boating and recreational activities;
  - 2) Detailed explanation about the need for the proposed dumping or discharge, with a detailed examination of the possibility of fulfilling the provisions of regulation 6(1);
  - 3) Specification of the technological means that are installed and operated in the land-based source or in connection with it, for the treatment of waste or wastewater prior to their dumping or discharge to sea, with detailed relation to the fulfillment of the provisions of regulation 7(2).

**Second Schedule**  
(Regulations 6 and 7)  
Specification of substances

For the purpose of this Schedule, “Protocol” – The Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources, the Annex to the Convention for the Protection of the Mediterranean Sea Against Pollution, Barcelona, 1976.

1. The substances, families and groups of substances, as specified in Annex I of the Protocol, are not written in order of priority, which were selected mainly on the basis of their toxicity, persistence and bio-accumulation:
  - 1) Organohalogen compounds and substances that may create such compounds in the marine environment.
  - 2) Organophosphorus compounds and substances that may create such compounds in the marine environment;
  - 3) Organotin compounds and substances that may create such compounds in the marine environment;
  - 4) Mercury and mercury compounds;
  - 5) Cadmium and cadmium compounds;
  - 6) Used lubricating oils;
  - 7) Persistent synthetic substances which may float, sink or remain suspended, and which may interfere with any permitted use of the sea;
  - 8) Substances that were proven to be carcinogenic or as having teratogenic or mutagenic properties in the marine environment or through it;
  - 9) Radioactive substances, including their wastes, when their dumping or discharge does not comply with the rules of protection from radiation as defined by the authorized international organizations, taking account of the protection of the marine environment;

Note: In the matter of paragraphs (1), (2) and (3) – except those which are biologically harmless or which are rapidly converted into biologically harmless substances.

2. The substances, families and groups of substances or pollution sources, as specified in Annex II to the Protocol, are not written in order of priority, which were selected mainly on the basis of the criteria that were used for Annex I of the Protocol, while

taking into account that they are generally less harmful, or more easily become less harmful by natural processes:

- 1) The following elements and their components: zinc, copper, nickel, chromium, lead, selenium, arsenic, antimony, molybdenum, titanium, tin, barium, beryllium, boron, uranium, vanadium, cobalt, thallium, tellurium and silver;
- 2) Pesticides and their derivatives, which are not included in Annex I to the Protocol;
- 3) Organosilicon compounds and substances that may create such compounds in the marine environment, except those which are biologically harmless or are rapidly converted into biologically harmless substances;
- 4) Crude oil and hydrocarbons of any origin;
- 5) Cyanides and fluorides;
- 6) Non-biodegradable detergents and other surface-active substances;
- 7) Inorganic compounds of phosphorus and elemental phosphorus;
- 8) Pathogenic microorganisms;
- 9) Thermal dumping or discharge;
- 10) Substances with a harmful impact on the taste or smell of products that originate in the marine environment and are designated for human consumption, and compounds liable to give rise to such substances in the marine environment;
- 11) Substances that have an adverse impact, directly or indirectly, on the oxygen content in the marine environment; and especially those that cause eutrophication;
- 12) Acid or alkaline compounds, in a composition and quantity that might damage seawater quality;
- 13) Substances, which although non-toxic by nature, may become harmful to the marine environment or may interfere with a permitted use of the sea, owing to the quantities in which they are dumped or discharged.

**Third Schedule**  
(Regulation 8)

Considerations for granting a permit

1. Properties and composition of the waste or the wastewater
  - 1) Type and size of the source of the waste or the wastewater (e.g.: industrial plant, sewage facility);
  - 2) Type of waste or wastewater (origin, average composition);
  - 3) Form of waste or wastewater (solid, liquid, sludge, liquid sludge);
  - 4) Total quantity (the volume which is dumped or discharged in a year, for example);
  - 5) Mode of dumping or discharge (continuous, intermittent, seasonal, etc.);
  - 6) Concentrations, in relation to the main components of the waste or the wastewater, with explicit reference to the substances that are specified in the Second Schedule as well as other substances, as needed;
  - 7) Physical, chemical and biochemical properties of the waste or the wastewater.
  
2. Properties of the components of the waste or the wastewater, with reference to the degree of their impact.
  - 1) Persistence (physical, chemical and biological) in the marine environment;
  - 2) Toxicity and other harmful impacts;
  - 3) Accumulation in biological substances and in sea-bottom sediments;
  - 4) Biochemical transformation which creates harmful compounds;
  - 5) Adverse impacts on oxygen content and its balance;
  - 6) Sensitivity to physical, chemical and biochemical changes and to interactions in the marine environment with other seawater components which might create harmful biological impacts or other impacts on any of the uses that are specified in Section 4 below.

3. The characteristics of the dumping or discharge site and of the receiving marine environment.
  - 1) Hydrographical, meteorological, geological and topographical characteristics of the marine and coastal environment;
  - 2) Location and type of dumping or discharge (estuary, canal, outlets, etc.) and its linkage to other areas (such as recreational areas, reproduction, growth and fishing areas; and mollusk habitats) and to other sites of dumping and discharge;
  - 3) Initial dilution achieved at the point of dumping or discharge into the receiving marine environment;
  - 4) Dispersion properties (e.g.: effects of currents, high and low tides and winds on horizontal transport and vertical mixing);
  - 5) The properties of the receiving water, in relation to the physical, chemical, biological and ecological conditions at the area of dumping or discharge;
  - 6) The capacity of the receiving marine environment to receive the dumping or discharge of waste or wastewater without undesirable impacts.
  
4. The possibility of adverse impacts on the marine environment:
  - 1) Impacts on human health, due to the impact of the pollution on edible marine organisms and bathing water;
  - 2) Impacts on marine eco-systems, and mainly on living resources, species in danger of extinction, and vital and sensitive habitats;
  - 3) Impact on other accepted uses of the sea and on aesthetic aspects.