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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.*

Water Regulations (Prevention of Water Pollution) (Evaporation and Storage Ponds), 5757-1997

By the powers vested in me under section 20D (a) (1) and (2) of the Water Law 5719-1959 (hereinafter - the Water Law), and under Section 7 of the Abatement of Nuisances Law 5721-1961 (hereinafter - Abatement of Nuisances Law), and after consultation with the Minister of Health and the Water Council and with the approval of the Economics Committee of the Knesset, I make these regulations:

Definitions

1 In these regulations -

"Pond" – an evaporation pond or a storage pond;

"Storage pond" – a pond, of a volume that exceeds 10 cubic meters, which is dug into the ground and contains wastewater, brine, liquid material which contains a hazardous substance, or solid material which dissolves in water and contains a hazardous substance, except for fuel and its products;

"Evaporation pond" – a pond used or designated to be used for the disposal of wastewater;

"Leak" – leak of wastewater or liquids from a pond or from a discharge system to the pond, except for a leak of a negligible amount during continuous operation;

"The Supervisor" – whoever the Minister of Environmental Protection has appointed in writing as Supervisor for the purposes of these regulations;

"Hazardous substance" – as defined in the Hazardous Substances Law, 5753-1993;

"Operator" - any of the following:

(1) A business license holder under the Licensing of Businesses Law, 5728-1968 (hereinafter - Licensing of Businesses Law) within the area of whose business a pond is situated;

(2) A person under whose ownership, control or supervision a pond operates;

"Water resource" – as defined in Section 20A of the Water Law;

"Wastewater" – industrial waste which is removed by discharge, including brine, originating in a place in which work is done, products and materials are manufactured or stored, or in a business requiring licensing as per its meaning in the Licensing of Businesses Law.

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| Construction of a new pond and its operation | 2 | <p>(a) A person constructing a pond shall only do so after it was proved, to the satisfaction of the Supervisor, that no available alternative, that it is economically feasible and not harmful to the environment, exists for the treatment of the wastewater or for its disposal, and that he possesses the following information:</p> <p>(1) A geological profile of the location of the pond, details of existing water drillings within a horizontal radius of three kilometers from it, and details on groundwater levels within this radius;</p> <p>(2) A description of the soil type up to the level of groundwater or up to an impermeable layer, including details of hydrological conductivity within this area;</p> <p>(3) A description of surface and underground drainage at the pond's location.</p> <p>(b) A person constructing a pond or its operator, shall construct and operate it in a manner that does not cause or is not liable to cause pollution of a water resource, or air pollution or an unreasonable odor as per their meaning in the Abatement of Nuisances Law.</p> |
| Provisions on the construction of a pond | 3 | <p>(a) A person constructing a pond or operating it shall comply with all the following:</p> <p>(1) The floor of the pond and its walls are double sealed, and a drainage system to boreholes exists between the two sealing layers, which enables continuous leak monitoring between the two sealing layers;</p> <p>(2) The sealing layer is made of material that is resistant to the types of wastewater that will be discharged to the pond and to solar radiation and climatic damage;</p> <p>(3) The effectiveness of the sealing was examined by the best available technological methods and that are economically feasible, prior to operation of the pond and during installation of the sealing;</p> <p>(4) The necessary means were installed for monitoring leaks from the pond, as well as means of maintenance of the pond and its sound operation for the prevention of water resource pollution.</p> <p>(5) The pond's volume will prevent overflow of liquids due to overfilling, including during rainfall; rainfall data shall be calculated, for this purpose, according to the maximum quantity of rain in the last five years;</p> <p>(6) The manner of pond construction enables the removal of sediment when necessary without affecting its impermeability;</p> <p>(7) Means are installed to prevent the flow of surface runoff or groundwater infiltration to the pond;</p> |

(8) The pond is fenced and its maintenance and operation are carried out under proper safety conditions to prevent danger to humans, including the fixing of warning signboards;

(9) Procedures are prepared for leak monitoring and control, for treatment in case of leak and for the rehabilitation of soil and water resources that were polluted as a result of a leak.

(b) In addition to that stated in subregulation (a), the person constructing an evaporation pond shall also comply with one of the following –

(1) The pond shall be comprised of at least two evaporation units, so that one unit shall enable the reception of wastewater while wastewater evaporation and settling of sediments for the purpose of their disposal take place in the other evaporation unit.

(2) The pond shall be constructed in another way which enables sediment to be removed from it.

Clean out of sediment from evaporation pond

4 (a) An operator of an evaporation pond shall clean out the sediment that has accumulated in it when it reaches a height of one third of the depth of the pond or four years after the time of its construction or after the date of the last cleaning, whichever is earliest.

(b) The clean out of sediment shall be carried out in a manner that does not damage or is not liable to damage the sealing layer; upon completion of the clean out, the operator shall carry out an inspection to ensure that the pond sealing was not damaged during the cleanout operation.

(c) An operator shall remove and dispose of sediment in accordance with the provisions of any law, with regard to the manner of sediment disposal.

(d) An operator of an evaporation pond is permitted not to clean it of sediment that has accumulated in it or to clean it at different times than those prescribed in subregulation (a), if this does not cause danger of wastewater overflow from the pond and if it is proved, to the satisfaction of the Supervisor, that leaving the sediments in the pond will not increase the danger of water resource pollution or that cleaning out the pond might endanger water resources.

Operation of an existing pond

5 The operator of an existing pond shall operate it in a manner that does not cause or is not liable to cause water resource pollution, or air pollution or unreasonable odor as per their meaning in the Abatement of Nuisances Law, and to the Supervisor's satisfaction.

Taking of measures during a leak event

6 (a) Where a leak has occurred from a pond or there is fear that a leak from a pond has occurred or might occur –

(1) The operator shall take all necessary measures for its prevention

or for its immediate cessation, as the case may be;

(2) The operator shall report the leak and the means he took as aforesaid to the Supervisor within 48 hours from the time of discovery of the leak.

(b) Where soil has been polluted as a result of a leak as stated in subregulation (a) which contains a hazardous substance, the operator shall treat the polluted soil in one or more of the following methods:

(1) Immediate removal of the polluted soil layer to a waste site which the Supervisor has approved;

(2) Biological treatment of the soil;

(3) Another method in the event that the aforesaid in paragraphs (1) and (2) is not feasible.

Closure of pond	7	<p>An operator who wishes to close down a pond shall do all the following:</p> <p>(1) Remove the sediment that has accumulated in the pond in accordance with the provisions of regulation 4;</p> <p>(2) Conduct water tests in the vicinity of the pond in accordance with the Supervisor's guidelines;</p> <p>(3) Clean the location of the pond and the soil that was polluted in its vicinity, and fill the pond volume with an inert substance that is environmentally compatible.</p>
Limitation to applicability	8	<p>(a) These regulations shall not apply to –</p> <p>(1) An evaporation pond as per its meaning in the Water Regulations (Prevention of Water Pollution) (Rinsing of Spraying Containers), 5751-1991;</p> <p>(2) A pond used for water recycling in the cement industry, or in the quarry and minerals industry, provided that during the water recycling process there is no accumulation of chloride salts, sodium salts or hazardous substances.</p> <p>(b) The provisions of regulations 2, 3 (a) (1) - (7), and 3 (b) shall not apply to a pond that existed on the date of the entry into force of these regulations.</p>
Saving of laws	9	<p>These regulations are intended to add to the provisions of any law in relation to the treatment and removal of hazardous substances from a water resource and not to derogate from them.</p>
Penalties	10	<p>A person who contravenes any of the provisions of these regulations shall be liable to that stated in section 20U of the Water Law.</p>
Commencement	11	<p>These regulations shall enter into force six months from the date of their publication.</p>