

WATER RESOURCES (WATER POLLUTION CONTROL) REGULATIONS

under s. 24

G.N. 31/1978

39/1997

1. Citation

These Regulations may be cited as the Water Resources (Water Pollution Control) Regulations.

2. Minister's approval to build septic tank or pit-latrine

Except with the prior written approval of the Minister, no person shall—

- (a) build a septic tank or pit-latrine within a distance of 220 yards from a borehole; or
- (b) build any septic tank with a capacity of 5,000 gallons or more.

3. Manner of constructing boreholes and wells

Every borehole and every well, intended for use as a source of water supply to the public, shall be constructed in a manner which will prevent any deleterious matter from entering the aquifer.

4. Minister's consent to discharge water or effluent required

(1) Except with the prior written consent of the Minister granted in accordance with these Regulations, no person shall discharge or cause to be discharged into public water—

- (a) any water or effluent resulting from:

- (i) any sewage treatment works;
 - (ii) any water-borne sanitation system; or
 - (iii) the use of water for any manufacturing, mining or other industrial process; and
- (b) any storm-water sewer effluent.

(2) The provisions of subregulation (1)—

(a) shall, in respect of the waste or effluent specified in paragraph (a) thereof, apply whether the discharge of such waste or effluent is by seepage or drainage; and

(b) shall not apply where any waste or effluent specified therein has been accepted into a local authority sewer.

5. Application of regulations 2, 3 and 4

Regulations 2, 3 and 4 shall, as the case may be, apply also to—

- (a) all septic tanks and pit-latrines;
- (b) all boreholes, wells or other sources of water supply to the public; and
- (c) all waste or effluent discharges, existing at the time of the coming into operation of these regulations.

6. Application for Minister's consent

(1) Any person may apply for the Minister's consent to discharge any waste or effluent specified in regulation 4. G.N. 39/1997

(2) An application for the Minister's consent shall be made in Form WRB 7 set out in the First Schedule hereto and shall be submitted through the Board which shall, within fourteen days after receiving the application, give notice thereof in the Gazette and in at least two consecutive issues of the most frequently circulated paper in Malawi, the date of such Gazette and the date of either of such issues being not more than five days apart. Schedule (Form WRB 7)

(3) The Board shall, by notice published in the Gazette, specify the places where Form WRB 7 may be obtained.

7. Interested persons may object to an application

Where notice of an application has been published under regulation 6, any person having an interest in the matter may, within thirty days after the date of such publication in the Gazette, object to the application in writing addressed to the Board, stating—

- (a) his name and address;

- (b) his interest in the matter;
- (c) the matter in respect of which he is objecting to the application;
- (d) the grounds of his objection; and
- (e) whether or not he wishes to be heard on his objection.

8. The Board to consider applications and objections

The Board shall consider every application for the Minister's consent and any objection thereto and may consult such persons and authorities as it deems necessary for the purpose of considering such application or objection.

9. Objector's right to be heard

(1) Every person who, pursuant to regulation 7, objects to an application for the Minister's consent shall, during the consideration of his objection, be entitled to attend before the Board in person or, if such person is a body corporate, by a senior director or executive of such body corporate or to be represented thereat by a legal practitioner and shall be entitled to be heard and to adduce evidence in respect of any matter relevant to his objection.

(2) The Board shall, by letter sent by ordinary post to the address stated in the objection, notify the person objecting to an application for the Minister's consent of the date, time and place of consideration of his objection.

10. The Board to forward application, etc., to Minister

(1) Having considered an application for the Minister's consent and any objection thereto, the Board shall, without undue delay, forward the application to the Minister together with its report and recommendations thereon and such other documents in its possession as it deems relevant to the application.

(2) An applicant or any person objecting to an application for the Minister's consent shall not be entitled to a copy, or to be informed of the contents, of any report made to the Minister by the Board pursuant to subregulation (1).

11. Minister's consent

(1) The Minister, having considered an application and the report of the Board thereon and such other documents as were submitted to him under regulation 10, shall decide whether or not he should grant his consent and where he has decided so to do he shall grant his consent in Form WRB 8 set out in the First Schedule hereto. G.N. 39/1997, Schedule (Form WRB 8)

(2) The Board shall notify the applicant and any person objecting to an application for the Minister's consent of the Minister's decision made pursuant to subregulation (1) and where the

Minister's consent has been granted the Board shall forward to the applicant a signed copy of the consent.

(3) In every consent granted under subregulation (1), the Minister—

(a) shall specify the period for which such consent shall remain valid, but such consent may be renewed thereafter, at the discretion of the Minister, for any further period;

(b) may specify any conditions upon which such consent has been granted.

(4) The determination of the period specified under subparagraph (a) and the conditions specified under subparagraph (b) of subregulation (3) shall lie solely in the discretion of the Minister.

12. Person granted consent to do certain things

(1) A person to whom the Minister's consent has been granted shall—

(a) pay such fees and rents, and in such manner, as the Minister may specify in the consent;

(b) erect, in such workmanlike manner as shall satisfy the Minister, works which are required for the discharge of waste or effluent into any public water, and in this case the works shall be erected in a manner which shall ensure that the effluent does not cause any unnecessary damage or disturbance to the bed, banks or surroundings of such public water nor collect into pools within the vicinity of the works;

(c) if so required by the Minister, erect, in such workmanlike manner as shall satisfy the Minister, works which are required for the sampling and testing of any waste or effluent capable of being discharged by such person;

(d) not assign the consent to any other person, unless the Minister has first agreed in writing to such assignment; and

(e) comply with every condition specified in the consent.

(2) Any person authorized by the Board may, at any time and without prior notice to any person, enter upon any land for the purpose of testing, or taking samples of, the waste or effluent capable of being discharged by means of the works erected pursuant to paragraph (b) of subregulation (1), but no compensation shall be payable by such authorized person or the Board to any person in respect of any damage done to such land by reason of such entry.

13. Government to be indemnified

A person to whom the Minister's consent has been granted shall indemnify the Government against any loss which it has suffered arising out of any action, claim or demand brought or made against it in respect of anything done by such person under the authority of the consent.

14. Government to be compensated

A person who, by an act or omission committed by him, his agent or his employee in contravention of any of these Regulations, causes any loss to the Government or puts the Government to any expense shall, if so required by the Minister, pay to the Government such sums as shall adequately compensate the Government for such loss or expense.

15. Analysis of waste or effluent

Where the Minister requires him so to do, an applicant for the Minister's consent or a person to whom the Minister's consent has been granted shall, at no expense to the Minister or the Board take samples of waste or effluent in the manner which the Minister may prescribe and have such samples analysed by an analyst recognized by the Minister and furnish the results of such analysis to the Minister.

16. Minister's consent may be withdrawn

The Minister's consent granted under these Regulations may be withdrawn at any time and without prior notice—

(a) if the quantity or quality of the waste or effluent has, in the opinion of the Minister, varied significantly from that allowed in the consent;

(b) if there has been a breach of any of these Regulations; or

(c) if any requirement of the Minister or the Board made under these Regulations has not been complied with.

17. Fees and rents

The fees and rents payable in respect of the discharge of effluent, etc., shall be as are specified in the Second Schedule. G.N. 39/1997

FIRST SCHEDULE reg. 6

WATER RESOURCES ACT

(CAP. 72:03)

FORM WRB 7

WATER RESOURCES (WATER POLLUTION CONTROL) REGULATIONS

(REGULATION 6)

APPLICATION FOR MINISTER'S CONSENT TO DISCHARGE WASTE OR EFFLUENT INTO PUBLIC WATER

This form is to be submitted in duplicate to the Chairman of the Water Resources Board, P.O. Box 30026, Lilongwe 3.

NOTES:

(1) This form is not to be used for applications involving discharge of waste and effluent water to a public sewer.

(2) All applications must be accompanied by maps or, failing maps, plans to a scale of at least 1:50,000, drawn or copied on good quality drawing or copying paper.

(3) A copy of any technical or engineering report relating to and explaining the proposals should be submitted as an addendum to the application for the information of the Water Resources Board.

PART A

I/We hereby apply for consent to discharge waste or effluent as described in this application and shown on the attached drawings.

I/We hereby agree to supply further information which may be required by the Water Resources Board.

I/We enclose herewith crossed Cheque/Postal Order/Money Order No(s). of K to cover the prescribed fee for this application and undertake to pay the Board on demand the cost of publication in the Government Gazette and in at least two issues of a newspaper circulating in Malawi of a notice pursuant to Regulation 6.

Date

.....

Signature of applicant or

his duly authorized agent

FOR OFFICE USE

Applicant's File No.N.G.R.NatureMax. DischargeBoard No.Consent No.

PART B

(To be completed in all cases)

1.Applicant's full name and addressTel. No.2.Agent, if any: Name and profession and address3.Details of existing and/or proposed works. (Give location, address and/or map number and six figure Grid reference on 1:50,000 Malawi series.) Attach drawings as necessary.4.Period for which works will be required (if temporary, state period).Permanent/ Temporary5.Nature of the discharge(a)Sewage effluentYes/No(b)Storm tank effluent or overflow from a foul sewerYes/No(c)Surface water sewer/drain effluentYes/No(d)Trade effluentYes/No(e)Other discharge (give details) 6.Treatment prior to discharge, if any (give details).

PART C

(To be completed for discharge of biologically treated sewage effluent)

1. Volume of discharge in dry weather $m^3/dgal./day$
2. Maximum rate of discharge $l/sgal./hr.$
3. Average daily volume of trade effluent, if any, received at the works $m^3gal.$
4. Population to be served by the works and date this will be reached
5. Method of measurement of flows from the works

PART D

(To be completed for discharge of storm tank effluents and foul sewer overflows)

1. Dry weather flow in associated sewer(s) $m^3/dgal./day$
2. Rate of flow in associated sewers at which overflow will commence $l/sgal./hr.$
3. Rate of rainfall if known at which overflow will commence $mm/hin./hr.$
4. If the overflow is situated at a pumping station state what standby equipment is to be provided

PART E

(To be completed for discharge from surface water sewer/drains)

1. Is any oil to be stored or used in the area served by the sewer/drain? If so what precautions are to be taken to prevent discharge of oil (e.g. by bunding of tanks, provision of interceptors, etc.)?
2. Are any poisonous, noxious or polluting substances to be stored or used on the premises served in such a manner that they could contaminate surface water (give brief details)?

PART F

(To be completed for discharge of trade effluent or for any other effluent)

1. Trade or process from which discharges will arise
2. Daily volume of discharge—(a) average $m^3/dgal./day$ (b) maximum $m^3/dgal./day$
3. Maximum rate of discharge $l/sgal./hr.$
4. Method of measurement of discharge
5. Maximum temperature of the discharge $^{\circ}C$
6. Maximum concentration of any contaminants known to be present in the discharge

COMMENTS (IF ANY BY THE WATER RESOURCES BOARD):

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FORM WRB 8

WATER RESOURCES ACT

(CAP. 72:03)

WATER RESOURCES (WATER POLLUTION CONTROL) REGULATIONS

(REGULATION 11)

MINISTER'S CONSENT TO DISCHARGE WASTE OR EFFLUENT INTO PUBLIC WATER

Applicant's File No.

Consent No.

Plot No.

N.G.R.

..... of
..... is hereby authorized to discharge waste or effluent into for a period of with effect from the day of 20..... at a rate not exceeding gallons per day or gallons per hour and at the rent of K per, paid in advance by the day of, 20.....

This consent is granted subject to the conditions stated hereunder.

Dated this day of, 20.....

.....

Minister of Agriculture and

Natural Resources

CONDITIONS

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.....
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RENEWALS

SECOND SCHEDULE G.N. 39/1997

FEES

Kt(i)Application for Minister's consent to discharge effluent25000(ii)Application for variation of Minister's consent5000(iii)Application for cancellation of Minister's consent5000(iv)Application for renewal of Minister's consent5000

RENTS

The rent payable annually shall be calculated as a product of four factors A, B, C and D, given below and also a function of a Unit Rate prescribed by the Minister.

FACTORS

A.RECEIVING WATERType of SourceFactorLakes10Stream class 3 or 51Stream class 15Stream class 2 or 410These classes are related to surface water use as follows—Stream class 1IrrigationStream class 2Potable waterStream class 3Industrial water supplyStream class 4FisheriesStream class 5Waste disposalB.CONSTITUENT OF THE EFFLUENTType of effluentFactor(1)BOD or COD or pv—(i)Less than or equal to 20 mg/l(ii)More than 20 mg/l(1/10) of BOD(2)Suspended Solids (SS)—(i)Less than or equal to 30 mg/l(ii)More than 30 mg/l(1/15) of SS(3)Total dissolved solids (TDS)—(i)Less than or equal to 500 mg/l(ii)More than 500 mg/l(1/500) of TDS(4)Toxins—(i)Less than or equal to 0.5 mg/l(ii)More than 0.5 mg/l2 × Concentration in mg/l(5)Turbidity—(i)Less than or equal to 5 NTU1.0(ii)More than 5 NTU(1/5) of NTU(6)Colour—(i)Less than or equal to NTU1.0(ii)More than NTU(1/5) of TCU.NOTE: Effluent which are wholly storm water shall be rated 0. Also effluent in which all parameters 1–4 are factored at 1 shall be rated 0.C.QUANTITY OF EFFLUENTVolume of EffluentFactor(i)Less than 5 m³ per day1(ii)More than 5 m³ (per day)1/5 dischargedD.DRY WEATHER FLOW (DWF) DILUTION(m³ per day)(i)Less than 10:1(ii)Between 10:1 and 100:10.1(iii)Greater than 100:10.01(iv)Close to lakeshore0.1(v)Deep water in lake0.001Unit ChargeUnit charge prescribed by the Minister is K5.00 per unit volume (1 m³) of effluent.