

23/1977 Coll.
REGULATION
of the Ministry of Forest and Water Management
of the Slovak socialist Republic
from 1 March 1977
on Protection of the Quality of surface and ground water.

The Ministry of Forest and Water Management of the Slovak socialist Republic, after the agreement with relevant central state administration bodies, according to the Article 25 par. 4, and after the agreement with the Ministry of Interior of the Slovak socialist Republic and the Ministry of Health of the Slovak socialist Republic, according to the Article 26 par. 3 of the Act No. 138/1973 Coll. on the Water (the Water Act) establishes:

Article 1

Materials, endangering the quality or health
harmless quality of water

(1) surface and ground water are necessary to be protected against devaluating not only by waste water, but also by other materials, which may endanger its quality or health harmless quality (hereafter "harmful materials"). If they are not part of the waste water in the extent, permitted for handling the water, the harmful materials are:

- a) petroleum materials - hydrocarbons and their mixtures, 1)
- b) poisons and other materials, harmful to health, 2)
- c) alkalis, radioactive emitter and radioactive waste, 3)
- d) silage juices,
- e) industrial and organic manure and their liquid parts, aerobe stabilised composts,
- f) preparations for protection of plants and for obliteration of pests and plants,
- g) solid and liquid waste in nutrition industry, solid waste in consumer industry and waste in machinery industry:
 - 1 from surface modification of metals (chemicals for preparation of function dipping, all contemned dipping and solid waste from its cleaning and regeneration),
 - 2 from heated appreciation of metals (salts, used for hardening and waste, resulted from its use),
 - 3 from non-conventional technologies of forming (electronic and chemical forming)
 - 4 from processing the metals, containing remaining oils,
- h) concentrated chrome-acting dipping,
- i) slime, or solid polluted materials and waste of any kind, which were formatted
 - 1 during collection and transporting of waste from households, hospitals, etc.
 - 2 during cleaning the storage containers, transportation vehicles, manipulation areas and roads, polluted by petroleum materials,
 - 3 during removing the cinder, ash, etc.,
 - 4 during mining and modification of raw materials.
- j) other soluble, freely storable materials, mainly spreading salts.

(2) Used packaging from harmful materials are being handled in the same way, like harmful materials.

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- 1) Czechoslovak norm ČSN 83 0915 Objects for manipulation with petroleum materials, and their storing.

- 2) the Governmental Decree No. 56/1967 Coll. on Poisons and other Materials, harmful to Health.
- 3) the Regulation of the Ministry of Health of the Slovak socialist Republic No. 65/1972 Coll. on Protection of Health against ionising radiation.

Conditions, under which it is possible,
to handle harmful materials

Article 2

(1) Everyone, who handles harmful materials, i.e. who mines, stores, processes, transport them, or handle them in any other way, is being considered for user of harmful materials.

(2) User of harmful materials is obliged to follow the provision of the article 25 of the Water Act, as well as fulfil the obligations established by this Regulation.

Article 3

(1) User of harmful materials is obliged to take the measures for protection of the quality or health harmless quality of surface or ground water (hereafter "quality of water"); such measures are measures, adequate to the type of harmful material, i.e.:

- a) placing the facilities, in which the harmful materials are being used, captured, stored, processed or transported, so that it is possible to avoid undesired escape of harmful materials into soils, or its undesired mixing with waste or rainfall water,
- b) arranging the protection of the quality of water, during preparation and realisation of investments,
- c) using such facilities, respectively the method, when handling harmful materials, which are appropriate also from protection of the quality of water point of view,
- d) regular inspections of warehouses and landfills, as well as checking the tightness of pipes or containers, determined for storing, and vehicles for transportation of harmful materials, including soon repairs; warehouses must be equipped with impenetrable modification against escaping of harmful materials into ground water, 1)
- e) building appropriate control system for monitoring the escape of harmful materials,
- f) getting familiar with the conditions, determined by special provisions for handling harmful materials from protection of quality of water point of view, respectively also with security provisions, 4) as well as with the obligations for reducing the emergency impairment and for removing its harmful impacts.

(2) If user of harmful materials handles these materials in bigger extent, or if handling these materials is connected with increased danger, then user of harmful materials is obliged to take also following measures, besides the measures, listed in par. 1:

- a) to elaborate the plan of actions for cases of emergency impairment of water (hereafter "the plan of emergency actions") and submit it to relevant water management body for its approval; 5) if the plan of emergency actions relates to water flow, then before submitting it, the user of harmful materials will discuss it with administrator of water flow, to whom, he will also submit one copy of the plan of emergency actions,
- b) to prepare special equipment and tools for eliminating emergency impairment, as well as for removing its harmful impacts, and professionally to train relevant employees for this aim,
- c) keep the records on realised actions.

(3) Water management body may the provisions, according to par. 1 and 2 impose also by the decision. 6)

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- 1) Czechoslovak norm ČSN 83 0915 Objects for manipulation with petroleum materials, and their storing.
 - 4) E.g. Czechoslovak norms ČSN 46 5890 Testing and permitting of new chemical preparation for protection of plants, ČSN 46 5891 Storing of

chemical preparations for protection of plants, ČSN 83 0915 Objects for manipulation with petroleum materials, and their storing.

5) Article 2 and art. 4 par. 2 subpar. b) of the Act of the Slovak National Council No. 135/1974 Coll. on State Administration in Water Management.

6) Article 27 of the Act No. 138/1973 Coll. on the Water (the Water Act).

Article 4

User of harmful materials is obliged, during taking the actions, according to the art. 3, to follow the instructions of water management body, respectively of the body of hygienic service, and report to them realisation of these actions.

Article 5

Water management body may, when using harmful materials, besides petroleum materials, permit the exemption from general obligation, mentioned in the art. 25 par. 1 of the Water Act, in necessary extent, for limited time, and under the assumption, that they will be used:

- a) for modification and for keeping the water flow,
- b) for breeding the fishes and for fertilisation of the water for increasing its benefit,
- c) for medical reasons, e.g. during usage of disinfecting materials in surface water in the recreational area,
- d) for modification of water for certain ways of usage, e.g. for coagulating inorganic nutrition, directly in the water flow,
- e) for removing undesired flora or fauna in the water flow,
- f) as indication materials during measuring.

Emergency impairment of the quality of water

Article 6

Emergency impairment of the quality of water (hereafter “emergencies”) is extraordinary significant impairment, respectively extraordinary significant endangering of the quality of water. Extraordinary significant impairment of the quality of water is regularly immediate, unexpected, and it mainly results in spoiled discolouring, stinking, formatting of sediments, greasy layer or foam, respectively in extraordinary death of fishes. Extraordinary significant impairment of the quality of water is the impairment, which was caused by unmanageable entrance of harmful materials, respectively waste water in the quality or in the quantity, which may cause the emergency, into the area, related to surface or ground water. Also the cases of technical breakage and errors, which cause such entrance, and cases of escape of petroleum materials from equipment for its capturing, storing, transporting and putting, are being considered for extraordinary significant impairment of the quality of water.

Article 7

The cases of impairment or endangering of the quality of the water with petroleum materials, respectively by radioactive emitters and by radioactive waste, as well as the cases of impairment or endangering of the quality of water in preserved water management areas, in preserved belts, or at supplying water flows, and in their watersheds, are always being considered for the emergency. It does not refer to emergency in such cases, when taking into consideration the extent and place of escape, the danger of entrance of harmful materials into surface or ground water is excluded.

Reporting the emergency

Article 8

(1) Originator of the emergency, or who, finds it out, will report the emergency in most appropriate and fastest way, according to local conditions, e.g. in person, by telephone, by telegraph or in written form.

7)

(2) Originator of the emergency, or who finds it out, will report the emergency to district national committee, and in Bratislava to National committee of capital city of the Slovak socialist Republic Bratislava, in spatial area of which, the emergency, or its characteristics were discovered, and if there is the endangering of the quality of water, referred to infringing the sewerage guideline, also to administrator of public sewerage; citizen may report the emergency to nearest unit of Public Security. These units overpass the accepted report to relevant national committee, or in Bratislava to national committee of capital city of the Slovak socialist Republic Bratislava, without any delay; when doing it, they follow appropriate provisions. 8)

- 7) Emergency report, according to this provision, does not replace the report of the emergency, according to the Regulation of the Slovak Office for Security of Work and the Slovak Mining Agency No. 111/1975 Coll. on Evidence and Registration of Work Injuries and on Reporting the operational Accidents (Emergencies) and Breakage of Technical Equipment.
- 8) The Act No. 40/1974 Coll. on National Security Forces.

Article 9

(1) The report on emergency at border flow, will be submitted by district national committee to regional national committee and to the Ministry of Forest and Water Management of the Slovak socialist Republic.

(2) District national committee is obliged to submit the report to relevant regional national committee on the emergency, exceeding the spatial area of district national committee, or its capabilities, and also on the emergency, of which harmful impacts may present itself outside the area of the Slovak socialist Republic; if this is the emergency of extraordinary extent at border flow, then regional national committee will present the report to the Ministry of Forest and Water Management of the Slovak socialist Republic.

(3) The obligation of regional national committees to take the actions, which would otherwise applied to district national committee, in the cases, if the emergency exceeds the spatial area of district national committee or its capabilities, is not being touched by the provision of par. 2.

Article 10

(1) District national committee, and in Bratislava National committee of capital city of the Slovak socialist Republic Bratislava, respectively for the emergency at border flow, the regional national committee (hereafter "relevant national committee") will report the emergency to the bodies and to the organisations, which may contribute to eliminating the emergency, and to removing its harmful impacts, and if this is the emergency at water flow, or the emergency, which may endanger the water flow, also to administrator of water flow; when reporting, it will report, whether it will require co-operation, and whether the originator of the emergency is known.

(2) At the mean time, the relevant national committee will notify on the emergency the organisations, which will be touched in the right to handle the water, and if this is the emergency in preserved belts of natural medicinal sources, also the Inspection Agency of spas and springs at the Ministry of Health of the Slovak socialist Republic. According to the need, it will arrange, so that national committees, in spatial area of which the harmful impacts may present themselves, publish the formation of emergency.

Article 11

Unless it is enacted by this Regulation otherwise, it is necessary to proceed the reporting and eliminating of the emergency of extraordinary extent, 9) as well as for removing its harmful impacts, similarly, as for the emergency, while provision of the Art. 42 par. 2 of the Water Act applies adequately, for avoiding harmful impacts of the emergency.

9) the Article 26 par. 2 of the Water Act.

Elimination of the emergency,
and removing its harmful impacts

Article 12

(1) User of harmful materials, as well as who handles the water, is obliged to take first of all immediate action for elimination of the emergency, and also the actions for removing its harmful impacts, if there is the emergency with him (hereafter “originator of the emergency”).

(2) Immediate action for elimination of emergency is mainly:

- a) elimination of escaped harmful materials,
- b) monitoring of the quality of endangered ground water, if there is the danger of penetration of harmful materials into ground,
- c) putting the damaged place into original statement, if it is possible.

Article 13

(1) When taking the actions, according to the Article 12 par. 2 and 3, the originator of the emergency follows the plan of emergency actions, respectively the instructions from water management body; he is obliged to submit the notes on the emergency and on taken actions, to this water management body.

(2) Originator of emergency is obliged to co-operate with the bodies and with the organisations in the extent, established in the Art. 15 to 22, when taking these actions.

Co-operation of bodies and organisations

Article 14

(1) Water management body is authorised to require for co-operation with bodies and organisations, when eliminating the emergency and when eliminating its harmful impacts.

(2) In the framework of the co-operation between the bodies and organisations, the water management body may establish working group from their representatives.

(3) Bodies and organisations, to whom the relevant national committee reported the emergency, according to the Art. 10, and for co-operation of which it required for, are obliged to co-operate during eliminating the emergency and during eliminating its harmful impacts, mainly, they are obliged to determine their representative in working group, after being required for it, from water management body.

(4) The extent of co-operation of the bodies and organisations is being regulated by the operancy, or by relevance of the bodies and organisations, respectively it is being determined in the Art. 15 to 22

Article 15

(1) Water management body co-ordinates the co-operation of bodies and organisations, according to its plan of emergency actions, elaborated in co-operation with the Slovak Water Management Inspection, with the bodies of hygienic service, and with public fire forces, respectively with other bodies; if the originator of the emergency is not known, then it co-ordinates also elimination of emergency itself, and removing its harmful impacts.

(2) For members of working group, water management body will determine regularly district hygiene official, administrator of water flow, at which there is the emergency, respectively the administrator of water flow, important from water management point of view, in watershed of which, there is the emergency, and if he is known, also the originator of emergency; if it is necessary also representatives of the

Inspection Agency of spas and springs at the Ministry of Health of the Slovak socialist Republic, of the Slovak fish Union, respectively of the organisation of state fish industry, and of State Veterinary service, and of Plant-medical service, as well as of the Inspection of fire protection of the national committee and of the Unit of Public Security, in spatial area of which, the emergency has been discovered, and of the bodies, performing the supervision, according to special provisions, over the technical equipment, which caused the emergency, may be determined for the members of working group; representative of the Slovak Water Management Inspections is always the member of working group.

Article 16

If water management body created working group, then this group, in the framework of the co-operation between bodies and organisations,

- a) evaluates the emergency and its influence to water flow, respectively to ground water,
- b) realises the viewing of the place, and identifies the originator of emergency,
- c) explores immediate actions for elimination of emergency,
- d) proposes the procedure and actions for elimination of emergency, and for removing its harmful impacts,
- e) controls fulfilling the actions, according to the plan of emergency actions, or according to actions imposed to originator of the emergency, referring to emergency, respectively to bodies and to organisations, in the framework of the co-operation,
- f) elaborates final report on the emergency.

Article 17

The Slovak Water Management Inspection in the framework of the co-operation of the bodies and organisations

- a) realises professional water-management investigation of the reasons of the emergency, and identifies the originator of the emergency,
- b) proposes the method of removing harmful impacts of the emergency, and preventive actions for avoiding the formation of similar emergency,
- c) controls taken actions.

Article 18

District hygiene official, in the framework of the co-operation of bodies and organisations, issues the actions to be taken for protection of healthy living conditions, 10) and controls its following; at the meantime, it monitors also health harmless quality of the water, determined for arranging emergency supplying of the citizens, according to the Art. 16 par. 2 of the Water Act.

10) the Regulation of the Ministry of Health No. 45/1966 Coll. on Creating and Protection of Healthy Living Conditions.

Article 19

Administrator of water flow, in the framework of the co-operation between bodies and organisations,

- a) arranges, at the water flow and at its banks, the actions for capturing and removing harmful materials, which caused the emergency,
- b) proposes and conducts extraordinary manipulations, respectively provides instructions for extraordinary manipulation with water management works to their users, for removing harmful impacts of the emergency to water management works,
- c) in necessary cases, removes died fishes by himself, otherwise only under the participation of the organisation, which administers the part of the water flow, influenced by the emergency, from fish management point of view,

Article 20

The administrator of water flow, important from water management point of view, besides the co-operation, which he provides as an administrator of water flow,

- a) elaborates the plan of telecommunication connection for the aims of reporting the emergencies and for the co-operation of the bodies and organisations, during its elimination,
- b) arranges necessary material tools and equipment for eliminating the emergency and for removing its harmful impacts to water flows,
- c) conducts the survey of the purity of water, withdrawal of the samples, and necessary analysis.

Article 21

Forces of fire protection, in the framework of their capabilities and of their technical equipment, assist during capturing and liquidation of flammable or explosive materials.

Article 22

Other bodies and organisations, besides the co-operation, which results, or relates to their activity or mission, are obliged to assist during elimination of the emergency, and during removing its harmful impacts, if being asked by water management body, mainly:

- a) to provide transportation and mechanisation vehicles, fuels, tools, etc.,
- b) to enable the entrance to immovable properties, which are being administered or used by them,
- c) to participate, according to their capabilities, during removing harmful impacts of the emergency.

Article 23

Relevant national committee, in the framework of the co-operation between bodies and organisations, seeks and determines the places, where escaped petroleum materials, and by it contemned materials, will be incinerated, respectively eliminated otherwise, or placed, and supervises the administrators of landfills from protection of the purity of water point of view. He marks the landfills in his plan of emergency actions.

Article 24

(1) The co-operation of the bodies and organisations, during eliminating of the emergency, and during removing its harmful impacts, does not prevent the originator of the emergency from the obligation to take immediate actions for eliminating the emergency and the actions for removing its harmful impacts, and to cover the costs, reasonably spent, in order to avoid the loss, and if it has been already formatted, so that it does not expand any further, and so that it is removed.

(2) Neither the obligation of the originator of the emergency for the loss, nor his criminal responsibility are being touched by the provision of the par. 1.

Final provisions

Article 25

The Regulation of the Ministry of the Forest and Water Management of the Slovak socialist Republic No. 12/1973 Coll. on Protection of Water against Polluting by Petroleum Materials is being abrogated.

Article 26

This Regulation enters into force on the day of its announcement.

Minister:
Ing. Margetin, sign manual