



BELIZE

**ENVIRONMENTAL PROTECTION ACT
CHAPTER 328**

REVISED EDITION 2003
SHOWING THE SUBSIDIARY LAWS AS AT 31ST OCTOBER, 2003

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CHAPTER 328

POLLUTION REGULATIONS

(Section 45)

56 of 1996.
60 of 2002.
Act 22 of 1992.

[20th April, 1996.]

PART I
PRELIMINARY

1. These Regulations may be cited as the Short title.

POLLUTION REGULATIONS.

2. (1) In these Regulations, unless the context otherwise requires- Definitions.

“Act” means the Environmental Protection Act; No. 22/1992.

“authorised officer” means a designated officer as defined in section 2 of the Act;

“air” means the unconfined portion of the atmosphere excluding any structure or underground space;

“air contaminants” include smoke, vapours, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid, mist, aerosols, aerosol droplets, odours, particulate matter, windborne matter, radioactive materials, noxious chemicals or any other like materials in the outdoor atmosphere;

“air pollution” means the presence in the outdoor atmosphere of one or more air contaminants or a combination thereof in sufficient quantities which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant or animal life or cause damage to property, or unreasonably interferes with the comfortable enjoyment

of life or property of a substantial part of a community or obscures visibility or which in any way reduces the quality of the ambient air below the standards as determined by the Department;

“air pollution control equipment” means equipment used to eliminate, reduce or control the discharge of air contaminants into the ambient air;

“air pollution source” means any physical facility, arrangement, device, contrivance, condition or structure which may emit contaminants;

“ambient air” means that portion of the atmosphere, external to buildings, to which the public has access;

“atmosphere” means the layer of air surrounding the earth;

“BTU” means British Thermal Unit, which is the quantity of heat required to raise the temperature of 1 pound of water to 1 degree Fahrenheit;

“Chief Environmental Officer” means the Chief Environmental Officer appointed under section 3 (1) of the Act;

60 of 2002.

“CFC” means any chlorofluorocarbons specified in Part II of the Sixth Schedule or any mixture of such chlorofluorocarbons;

“combustion” means the burning of matter;

“contaminant” means a solid, liquid or gaseous matter, microorganism, odour, radiation or a combination of any of the foregoing that is likely to alter the quality of the environment in any way;

“Department” means the Department of the Environment, established under the Act;

“discharge” means the release, escape or emission of a contaminant into the

ambient air;

“dust” means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state;

“emission” means any act of passing into the atmosphere an air contaminant or a gas stream, visible or invisible;

“end user” means any technician working in the refrigeration and air conditioning sector; 60 of 2002.

“equivalent opacity scale” means a measurement index for ranking plumes in terms of opacities equivalent to opacities on the Ringelmann Scale using per cent opacity as the unit of measurement;

“existing source” means any source of pollution which is not a new source;

“fuel” means any material which is burned for the purpose of producing energy;

“fugitive dust” means uncontrolled dust;

“fume” means solid particulate matter resulting from the condensation and subsequent solidification of vapours of melted solid materials;

“heat input” means the quantity of heat in terms of BTUs generated by fuels fed into fuel burning equipment under conditions of complete combustion;

“importer” includes any individual or company who or which imports, exports, trans-ships or transits any scheduled substance through Belize; 60 of 2002.

“motor vehicle” means any self-propelled vehicle designed for transporting persons or property on roads and public highways;

“new source” means any source of air pollution or potential source of air pollution,

the construction or modification of which was commenced after the effective date of these Regulations; and in the context of the foregoing definition “commenced” means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into an agreement that is binding in law to undertake or complete within a reasonable time, a continuous program of construction or modification, construction” means fabrication, erection or installation of an affected facility, and “modification” means any physical change in, or change in the method of, operation of an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility which results in the emission of any air pollutant (to which a standard applies) not previously emitted but routine maintenance, and “repair and replacement” shall not be considered physical change;

“opacity” means the degree of obscuration of transmitted light;

“operation” means any physical or chemical action resulting in the change in location, form, physical properties or chemical character of a material;

“particulate matter” means any finely divided liquid or solid material, other than uncombined water;

“per cent opacity” means a unit of measurement shown on the equivalent opacity scale;

“permanent production curtailment” means the reduction of sulfur input on a continuing basis;

“person” includes an individual, any public or private corporation, company, partnership, firm, association or society of persons, the Government of Belize, and any of its departments or agencies;

“plume” means visible effluent;

“pollutant” means a contaminant or a mixture of several contaminants present in the environment in a concentration or quantity greater than the permissible level prescribed by these Regulations;

“positive control” means permanent production curtailment or the operation of emission control equipment of sulfur removal techniques or any combination thereof;

“PPM” means parts per million by volume;

“process” means one operation or more, including equipment and technology, used in the production of foods or services or the control of by-products or waste;

“process source” means the last operation or process which produces an air contaminant resulting from the separation of the air contaminant from the process material or the conversion of constituents of the process materials into air contaminants and which is not an air pollution abatement operation;

“process weight rate” means a rate established as follows:

- (a) for continuous or long-run, steady-state process source, the total weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof;
- (b) for cyclical or batch process sources, the total process weight for a period which covers a complete operation or an integral number of cycles divided by the hours or actual process operation during such period;

“quota year” means the period specified in Part IV of the Sixth Schedule; Sixth Schedule.

“Ringlemann chart” means a standardised device employing a graduated series

of opacities according to the Ringlemann scale;

“Ringlemann scale” means a standardised rank of opacities using the Ringlemann number as the unit of measurement employed when determining the opacity of a plume;

“smoke” means particulate matter resulting from incomplete combustion;

“source of contamination” means any activity or condition causing the emission of a contaminant into the environment;

“soot” means the carbonaceous particulate product of incomplete combustion which may be a component of smoke;

“standard conditions” means the gas temperature of 60 degrees F and gas pressure of 14.7 pounds per square inch absolute;

“vapour” means the gaseous form of a substance normally occurring in a liquid or solid state;

“vapour pressure” means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form;

“volatility” means the capability of a substance to vaporize or change to vapour form;

“water” means surface water, ground water and storm water wherever located including natural and artificial drainage courses.

(2) A word or phrase not specifically defined in these Regulations shall have the meaning assigned to it in the Act.

PART II
EMISSION OF CONTAMINANTS INTO THE
ENVIRONMENT

3. (1) No person shall emit, deposit, issue or cause the emission, deposit, issuance or discharge into the environment of-

Emission of contaminants generally. 60 of 2002.

(a) a contaminant from a domestic, commercial, agricultural, recreational, industrial, or any other source; or

(b) a contaminant, the presence of which in the environment is prohibited by these Regulations or is likely to affect the life, health, safety, welfare or comfort of human beings or cause damage to or otherwise impair the quality of the environment,

unless a prior permit to do so has been granted by the Department upon such terms and conditions as it may determine.

(2) Where the discharge of any pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the premises, vessel, vehicle or container shall be bound to prevent or mitigate the pollution caused as a result of such discharge and shall also forthwith inform the Department of the fact of such occurrence or apprehension of such occurrence and provide the Department with –

60 of 2002.

(a) a brief description of the emission;

(b) an assessment of any damage or potential damage to the public health or the environment associated with the emission;

- (c) a description of the emergency response plan and resources to address the discharge;
- (d) evidence that he has taken or is taking steps to mitigate damage or contamination resulting from the emission;

60 of 2002.

(3) Every person who fails to comply with sub-regulation (1) commits an offence and is liable on conviction to a fine of five thousand dollars or to imprisonment for one year.

Emission of
contaminant from
industry.

4. (1) No person shall undertake to operate an industry, carry on an activity, use an industrial process or increase the production of any goods or services if it appears likely that this will result in an emission, deposit, issuance or discharge of contaminants into the environment resulting in a change in the quality of the environment unless a permit to do so has been granted by the Department upon such terms and conditions as the Department may determine.

(2) The Department may, in considering an application from a major industry for permission to emit a contaminant into the atmosphere, cause a study to be made, or request the applicant to carry out a study, on the impact which such emission is likely to have on the environment, and the Department may also require the applicant to carry out certain research experiments in respect of that industry,

(3) For the purposes of sub-regulation (2), “major industries” include:-

- (a) mining industries;
- (b) sugar manufacturing and rum distilling industries;
- (c) oil refineries;

- (d) cement factories;
- (e) power generating industries;
- (f) chemical factories;
- (g) salt factories;
- (h) food processing industries or plants; and
- (i) such other industries as may be designed by the Minister.

5. (1) The Department may, if it considers it necessary for ensuring the protection or sanitary condition of the environment, order the person responsible for a source of contamination to use any class or type of apparatus, or method as specified by the Department, to abate or eliminate the emission, deposit, issuance or discharge of a contaminant.

Abatement of contamination.

(2) Without prejudice to sub-regulation (1), the Department may, if it considers it necessary for ensuring the supervision of the quality of the environment, order the person responsible for a source of contamination to install, within the time and at the place specified by the Department, any class or type of equipment or apparatus or method for measuring the concentration, quantity or quality of any contaminant; and the Department may further order such person to submit to the Department, in the form specified, any data collected from such equipment, apparatus or method.

PART III
AIR POLLUTION GENERALLY

6. (1) No person shall cause, allow or permit contaminants to be emitted or discharged either directly or indirectly, into the ambient air from any source.

Emission of contaminants into the air.

(2) Nothing in sub-regulation (1) shall be interpreted as prohibiting the discharge or emission of -

- (a) uncontaminated aqueous steam into the open air unless such discharge constitutes a safety hazard; or
- (b) contaminant emissions inside of buildings except as this may be related to the ultimate release of contaminants into the ambient air.

(3) Control methods utilized to comply with the requirements of these Regulations shall not create air contaminants in concentrations in excess of emission standards specified in the First Schedule.

First Schedule.

(4) Notwithstanding the emission standards specified in these Regulations, no person shall cause the ground level concentration outside the boundaries of his operation to exceed the limits so specified.

Temporary emission of contaminants.

7. (1) Subject to sub-regulation (2), emissions in excess of the prescribed limits which are temporary and due to unavoidable breakdown of equipment or disruption of operations shall not be considered a violation of these Regulations if-

- (a) the Department is immediately notified of any such occurrence and a time period for correction of the breakdown or disruption is proposed;
- (b) the Department considers the proposed time-period for repair reasonable;
- (c) the breakdown or disruption is considered by the Department to be unavoidable and not the result of negligence; and

- (d) the Department is provided with daily and weekly reports and is immediately notified when corrective measures have been accomplished; and
- (e) the Department is provided with an assessment of damages or potential risks to human health associated with the breakdown or disruption.

(2) The person responsible for the emission of contaminants into the ambient air in the circumstances described in sub-regulation (1) shall submit a written report to the Department which shall include the cause and nature of the emission, the estimated quantity of contaminants emitted, the time of the emission and steps taken to control the emission and to prevent a recurrence.

(3) The Department may, subject to such conditions as may be imposed by the Department, grant an exemption to a person responsible for a source of contamination in the circumstances of start-up, shut-down or scheduled maintenance if the person responsible for the source of contamination notifies the Department, within twenty-one days prior to such occurrence, of the nature, duration and unavoidability of the emissions and such other information as may be requested by the Department.

(4) Where start-up or shut-down of equipment is a normal operating condition, the Department may grant a continuing specified period of time within which there must be compliance with these Regulations.

PART IV
PARTICULATE EMISSIONS FROM
STATIONARY SOURCES

8. (1) Power generating installations: Power generating installations.
- (a) which are new sources, shall not emit more than 0.80 pounds of sulfur dioxide, maximum two-hour

average, per million BTU when the oil is fired;

- (b) which are existing sources, shall not emit more than 1.0 pound of sulfur dioxide, maximum two-hour average, per million BTU when low sulfur oil is fired;
- (c) which are existing sources, shall not emit more than 2.2 pounds of sulfur dioxide, maximum two-hour average, per million BTU when high sulfur oil is fired;
- (d) which are new sources, shall not-emit more than 0.80 pounds of sulfur dioxide, maximum two-hour average, per million BTU heat input when coal is fired;
- (e) which are existing sources, shall not emit more than 1.0 pound of sulfur dioxide, maximum two-hour average, when coal is fired.

(2) Any permit issued for the operation of an existing source or any renewal or modification of such permit shall include a clause indicating that when the conditions justifying the use of high sulfur oil no longer exists the permit shall be modified accordingly.

(3) This Regulation applies to an installation operated for the purpose of producing electrical power with a resulting discharge of sulfur dioxide in the installation effluent gases.

(4) For the purposes of this Regulation

- (a) “low sulfur oil” means fuel oil containing less than 0.90 per cent by weight of sulfur; and

(b) "High sulfur oil" means fuel oil containing 0.90 per cent or more by weight of sulfur.

9. Except as otherwise provided in these Regulations relating to specific types of sources, the opacity of any plume or effluent shall not be as great as, or greater than, that designated as No. 2 on the Ringlemann Scale or per cent opacity equivalent to No. 2 on the Ringlemann Scale. Opacity of plume or effluent.

10. (1) No person shall cause or permit a building or its appurtenances, open area, or road or alley to be used, constituted, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Escape of plume or effluent.

(2) Dust and other types of particulates shall be kept to a minimum by such measures as wetting-down, covering, landscaping, paving, treating, detouring or by other reasonable means.

11. No person shall cause or permit the extracting, crushing, screening, handling or conveyance of materials or other operations likely to give rise to airborne dust without taking reasonable precautions, by means of spray bars or wetting agents, to prevent particulate matter from becoming airborne. Airborne dust.

12. No person shall within any urban area cause or permit - Illicit burning.

(a) the burning of refuse or other combustible material so as to cause a nuisance to any other person; or

(b) the burning of refuse in a commercial area instead of making provision for adequate cleaning.

13. (1) The Department may permit the use of disposal sites where burning may be carried out for the purpose of disposing of solid waste and combustible material at such times and under such conditions as it determines. Establishment of disposal sites.

(2) The site, for the purpose of sub-regulation (1), shall be authorized on the basis of the environmental and atmospheric conditions of the area.

Fuel burning
equipment.

14. (1) No person shall cause or permit the emission of particulate matter into the atmosphere, caused by the combustion of fuel, from any fuel burning operation in excess of the quantity established by the standards of the Department.

(2) The maximum allowable emission of particulate matter in pounds per hour per BTU of heat input shall be based upon a 24 hour arithmetic average and calculated directly from the heat input according to established procedures adopted by the Department.

(3) For the purposes of these Regulations:

- (a) the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet;
- (b) the heat input value shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater;
- (c) the total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

Process industries.

15. (1) No person shall cause or permit the discharge of particulate matter into the atmosphere, in any one hour from an existing process source, except from incineration and fuel-burning equipment, the total quantity of which is in excess of the amount specified by the Department.

(2) The rate of emission shall be determined on the basis of the process weight rate.

16. (1) No person shall cause or permit the acid discharge into the atmosphere of :. Sulfur plants.

(a) more than 4.0 pounds of sulfur dioxide per ton of sulfur acid produced (calculated as 100 per cent H₂SO₄); maximum two-hour average; or

(b) more than 0.15 pounds of sulfuric acid mist per ton of sulfur acid produced (calculated as 100 per cent H₂SO₄), maximum two-hour average, expressed as H₂SO₄, from facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation's acid, hydrogen sulfide, organic sulfides and mercaptans or acid sludge.

(2) This Regulation shall not apply to existing sources such as metallurgical plants or other facilities when conversion to sulfuric acid is utilized as a means of controlling emission to the atmosphere of sulfur dioxide or other sulfur compounds.

17. No person shall cause or permit the discharge of reduced sulfur into the atmosphere from any other industry, other than those referred to in Regulations 8 to 17, which includes sulfur equivalent from all sulfur emissions, including but not limited to sulfur dioxide, sulfur trioxide and sulfuric acid, in excess of 10 per cent of the sulfur entering the process as feed. Other industries.

PART V
EMISSION OF ORGANIC COMPOUNDS FROM
STATIONARY SOURCES

Reservoir, tanks,
etc.

18. (1) No person shall place, store or hold in any reservoir, stationary tank or other container, having a capacity of 50.000 or more gallons, any gasoline or any petroleum product that has a rebate pressure higher than 5.0 pounds per square inch absolute or greater under actual storage conditions, unless such reservoir, tank or other container is a pressure tank that maintains working pressure sufficient at all times to prevent hydrocarbon vapour or gas loss to the atmosphere, or is equipped with one of the following vapour loss control devices, properly installed in good working order and in operation:

- (a) a floating roof consisting of a pontoon type or double-deck type roof resting on the surface of the liquid contents and equipped with a closure seal to close the space between the roof-ease and tank-well and a vapour balloon or vapour dome, designed in accordance with standards approved by the Department;
- (b) other equipment approved by the Department to be of equal efficiency for preventing discharge of hydrocarbon gases and vapours into the atmosphere.

(2) Any other petroleum storage tank which is constructed or extensively remodeled on or after the commencement of these Regulations shall be equipped with a submerged filling device or acceptable equivalent for the control of hydrocarbon emissions.

(3) Sub-regulation (2) above shall only apply to new sources.

Loading of volatile
organic compounds.

19. All facilities for dock loading or unloading of petroleum products, with

a vapour pressure of 5.0 pounds per square inch absolute or greater at loading pressure shall provide for submerged filling or acceptable equivalent for the control of hydrocarbon emissions.

20. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere. Pumps and compressors.

21. Materials such as solvents and other volatile compounds, including but not limited to paints, acids, alkalies, pesticides, fertilizer and manure, stored in commercial quantities, shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where means are available to effectively reduce the contribution to air pollution from evaporation, leakage or discharge, the installation and use of control methods, devices or equipment shall be required. Organic solvents and other volatile compounds.

PART VI
EMISSIONS OF CARBON MONOXIDE FROM
STATIONARY SOURCES

22. No person shall cause or permit the emission from any industrial plant or factory, carbon monoxide emissions above the prescribed level without the use of complete secondary combustion of waste gases generated by any process source. Industrial sources.

PART VII
EMISSIONS OF NITROGEN OXIDES

23. No person shall cause or permit the discharge from, a nitric acid plant producing weak nitric acid, which is 30 to 70 per cent in strength, either by increased pressure or atmospheric pressure process, of more than 3.0 pounds of total oxides of nitrogen per ton of acid produced, maximum two-hour average, expressed as nitrogen dioxide. Nitric acid plants.

Sources of air pollution.

24. (1) The owner or operator of any major stationary source of air pollution may be requested by the Department, in writing, to maintain adequate monitoring of the amount of pollutants emitted from such source as may be deemed necessary to determine whether such sources are in compliance with the relevant emission standards.

(2) Where the Department is satisfied that the levels of air pollution exceed any relevant emission standards, then the owner or operator of any source of air pollution may be requested by the Department in writing, to carry out performance tests on the efficiency of its process and emission control in order to determine whether or not the emissions from the process are in excess of the standards established by the Department or such other standard that is acceptable in that industry.

(3) The owner or operator of any source of air pollution-

(a) shall permit the Department to conduct performance tests and provide the necessary access to sampling points; or

(b) shall provide the Department with a written report of the results of performance tests carried out by him; or

(c) shall provide in a timely manner complete and accurate information in respect of any request for information from the Department or in response to any inspection by the Department of the nature and sources of air pollution.

(4) Performance tests shall be conducted and reported according to procedures established by the Department.

PART VIII
EMISSION FROM COMBUSTION ENGINES

25. (1) No person shall cause a vehicle to discharge into the atmosphere contaminants in excess of the quantity specified by the Department. Exhaust emission standard.

(2) The quantity of emission from motor vehicle engines shall be set according to the type of vehicle engine and the model year of the vehicle.

(3) Motor vehicles shall be subject to testing of carbon monoxide, hydrocarbon and crankcase pressure which shall be carried out in accordance with levels and procedures to be prescribed by the Minister.

(4) The testing of a motor vehicle shall be carried out at the time of inspection; but any vehicle with visible emission may be subjected to such testing.

(5) Where a motor vehicle has been tested in accordance with subregulations (3) and (4) and defects have been discovered in the exhaust emission, the owner of the vehicle shall be so notified and requested to correct the defects within 15 days of such notification at which time the vehicle shall be returned for retesting.

26. (1) No person shall cause or permit the discharge into the atmosphere of any contaminant from a gasoline or diesel engine in excess of the quantity specified by the Minister for a motor vehicle operating under normal conditions. Visible contaminants.

(2) The intensity of the emission shall be measured in terms of its density when compared to the Ringlemann Chart.

PART IX
WATER POLLUTION

27. The Department may for the purpose of ensuring the control and Control of water pollution.

abatement of water pollution classify receiving bodies of water according to present and projected future use.

Haulage of waste water.

28. (1) The Department may designate disposal areas for the receipt of waste water from cesspool emptiers.

(2) The Department may give directions as to the times during which the hauling of waste water is permitted.

Notice to abstain from pollution practices.
60 of 2002.

28:01 (1) Where it appears to the Department that any waters have been or are likely to be polluted, the Department may serve on the owner or occupier of the land where the act or omission took place, or on the pollutant a notice requiring him to stop or prevent the acts or omissions causing the pollution.

60 of 2002.

(2) Any person who refuses or fails to comply with a notice served under this Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and where the offence is a continuing offence, he shall be liable to a further fine not exceeding one thousand dollars for each day on which the offence continues after conviction.

Operations by Department regarding pollution of water.
60 of 2002.

28:02 (1) Without prejudice to Regulation 28A, where it appears to the Department that any poisonous, noxious or polluting matter is likely to enter, or is, or was present in any waters, the Department may, after consultation with any agency or department of Government having functions in relation to water and water resources, carry out such operations as it considers appropriate to prevent entry or remedying or mitigating any pollution caused, or restoring the waters, so far as is reasonably practical to do so, to the state in which the water were prior to contamination.

60 of 2002.

(2) Any expenditure reasonably incurred by the Department in carrying out operations in accordance with subregulation (1) are, subject to subregulation (3), recoverable by the Department as a debt against the person

who caused or permitted the poisonous, noxious or polluting matter, as the case may be, to be present at the place from which it was likely in the opinion of the Department to enter waters or, as the case may be, to be present in such waters; and accordingly, without prejudice to any penalty imposable on such person or persons, such sums may be recoverable in a District Court, without limit of amount, as a civil debt.

(3) A person shall not be liable to pay for any sums expended by the Department pursuant to this Regulation if he satisfies the court that such sums were incurred unnecessarily. 60 of 2002.

(4) Any person who willfully obstructs the Department or any person authorized in that behalf in the exercise of its powers under this Regulation commits an offence under this Act and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year. 60 of 2002.

28:03 No person shall dump or discharge or cause or permit the dumping or discharge of any waste in any inland waters or in the marine environment. Dumping waste. 60 of 2002.

MARINE CRAFTS

29. (1) No person shall dump, deposit, place, throw or leave rubbish, refuse, debris, bidge, filthy or odouriferous objects, substances or other trash, from a marine craft on any waters or the shorelines of any waters of Belize. Dumping of refuse etc. on waters.

(2) No person, whether or not he is the owner, operator, guest or occupant of a boat, shall remove, place, leave or discharge or cause to be removed, placed, left or discharged any container of inadequately treated waste water in any waters of Belize.

30. (1) No marine toilet on any vessel operated upon the waters of Belize shall be constructed and operated so as to permit the discharge of any inadequately treated waste water into the waters of Belize, whether directly or Toilet on marine craft.

indirectly.

(2) Any marine toilet located on or within any vessel operated in the waters of Belize shall have securely affixed to the interior discharge opening of such toilet a suitable treatment device, or some other treatment device or method approved by the Department, in operating condition and properly constructed and fastened.

(3) No person shall discharge or cause to be discharged into the waters of Belize any waste water from a boat unless such waste water is passed through a treatment device, described in subregulation (2) that is affixed to the interior discharge opening of the marine toilet.

PART X
POLLUTION OF LAND

Pollution of land generally.

31. (1) A person shall not pollute land so that the condition of the land is so changed as to make or be reasonably expected to make the land or the produce of the land -

- (a) noxious or poisonous;
- (b) harmful or potentially harmful to the health or welfare of human beings;
- (c) poisonous, harmful or potentially harmful to animals, birds or wildlife;
- (d) poisonous, harmful or potentially harmful to plants or vegetation;
- (e) obnoxious or unduly offensive to the senses of human beings; or

(f) detrimental to any beneficial use made of the land.

(2) Without in any way limiting the generality of subregulation (1) a person shall be deemed to have polluted land in contravention of that subregulation if -

(a) that person causes or permits to be placed in or on any land or in any place where it may gain access to any land any matter whether solid, liquid or gaseous which -

(i) is prohibited by or under these Regulations;
or

(ii) does not comply with any standard prescribed for that matter; or

(b) that person establishes on any land-

(i) a refuse dump;

(ii) a garbage tip;

(iii) a soil and rock disposal site;

(iv) any other site for the disposal of or as a repository for solid or liquid waste:

without the written permission of the Department.

60 of 2002.

(3) A person who contravenes any of the provisions of this Regulation shall be guilty of an offence and liable to a penalty of not more than five thousand dollars.

60 of 2002.

- Leaching contamination. 32. No person shall cause any seepage or leaching contamination of the adjacent soil, ground water or surface water.
- Directions by the Department. 33. (1) The Department may issue, in respect of a person operating a site for elimination or storage of waste or a solid waste treatment plant and disposal system directions it considers appropriate respecting -
- (a) the quality of the service;
 - (b) the reports to be submitted;
 - (c) the terms and conditions upon which the operation shall be carried on; and
 - (d) the standards to be attained and the code of practice to be followed.
- (2) Where an operator fails to comply with a direction under subregulation (1) the Department may -
- (a) cancel or suspend the permit issued in respect of that operator; or
 - (b) execute any work, at the expense of the operator, that may be necessary to cause the operator to comply with the established standards.
- No building or sites used for elimination of waste. 34. (1) No person shall, without the written permission of the Department, construct any building on a site that was formerly used for the elimination of waste.
- (2) No person shall, without the prior written permission of the Department, sell or offer for sale any building on a site that was formerly used for the elimination of waste.

35. No person shall deposit waste in a place other than on a site approved by the Department for the elimination or storage of waste or for the operation of a waste treatment plant or a waste management system. Deposit of waste.

36. For the purposes of Regulations 32 to 35: Interpretation.

(a) “waste” includes solid or liquid residue from industrial, commercial or agricultural activities, rubbish, household garbage, used lubricants, demolition debris, pathological waste material, bodies of animals, motor vehicle wrecks, chemical and radioactive material, and empty containers;

(b) “waste management system” means a combination of technical and administrative operations for the removal, collection, transport, storage, treatment and final disposal of waste.

PART XI
NOISE ABATEMENT

37. (1) A person who on any premises uses or causes or allows to be used any equipment in such a way as to cause or allow it to emit unreasonable noise from those premises commits an offence. Unreasonable noise emissions on premises.

(2) A prosecution for an alleged offence under subregulation (1) may be instituted only by -

(a) any three or more persons, each of whom is the occupier of the premises and claims to be directly affected by that alleged offence;

(b) an authorized person; or

(c) a police officer.

Installation of
equipment emitting
unreasonable noise.

38. A person who installs on or in any premises any equipment which he knows or would have known had he exercised reasonable care, that when so installed and operated emits an unreasonable noise, commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for a term of not less than three months.

Noise abatement
directions.

39. (1) If an authorized person considers that an unreasonable noise has been or is being emitted from any premises, the authorized person may -

(a) direct, either orally or in writing, as he considers appropriate,

(i) the person whom he believes to be the occupier of those premises to cause the emission of that unreasonable noise to cease; or

(ii) any person whom he believes to be making or contributing to the making of that unreasonable noise to cease making or contributing to the making of that unreasonable noise; or

(b) take such measures or cause such measures to be taken as the authorized person or police officer considers necessary to abate the emission of that unreasonable noise or to remove the likelihood of any unreasonable noise being emitted.

(2) A person who does not without reasonable excuse comply with a direction given by an authorized person under subregulation (1) commits an offence.

(3) A direction given under subregulation (1) shall have effect for such period not exceeding 7 days as is specified in that direction, but may within that period be revoked by the authorized person who gave it or by any other person authorized by the Department for that purpose.

40. (1) An authorized person may, for the purpose of enabling him to give direction, or to take or cause to be taken any measures, in respect of noise emitted from any premises or to ascertain whether or not an offence under Regulation 37 (2) has been committed on any premises -

Powers of entry in respect of noise abatement directions.

(a) enter such premises, with the aid of such other authorized persons as he considers necessary; and

(b) whether or not he enters such premises, require any person

(i) whom he considers on reasonable grounds was or to have been present in or on such premises at any time when the noise was being emitted; and

(ii) to whom he has given an oral or written warning of his obligation to furnish him with his name and address and with the name and address of the occupier of those premises,

to furnish him with the names and addresses so requested by him.

(2) A person who does not comply with a requirement made under subregulation (1) (b) commits an offence.

(3) An authorized person shall not, if he exercises the power

referred to in subregulation (l)(a), use force in so doing unless he is accompanied by a police officer.

Excessive noise emissions from vehicles or vessels.

41. (1) A person who is the owner or driver of a vehicle or vessel which does not comply with any noise emission standard prescribed for the purposes of this subregulation commits an offence.

(2) For the purposes of subregulation (1) above, evidence that a vehicle or vessel was found, upon inspection, measurement or test, made by an authorized person, not more than six weeks after the commission of the alleged offence, not to comply with the noise emission standard as set in that subregulation shall be sufficient evidence to prove that the vessel or vehicle exceeded the prescribed noise limit.

Noise levels.
Second Schedule.

42. Noise levels in excess of the levels contained in the Second Schedule to these Regulations in respect of the various structures as indicated in that Schedule are prohibited.

Offences
60 of 2002.

43. Every person who contravenes or fails to comply with any of the provisions of this Part, commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART XII
PROHIBITION OF THE MANUFACTURE OF
OZONE LAYER DAMAGING SUBSTANCES

Scheduled substance defined.

44. For the purposes of this Part, “scheduled substance”

Third Schedule.

(a) means a substance listed in the Third Schedule to these Regulations;

(b) in Regulations 44 and 45, does not include a substance listed in the Third Schedule that is a

manufactured product (other than one used solely for the transportation or storage of the substance) and the substance is used in the operation of the manufactured product or the mere dispensing of the contents of the product that constitutes the intended use of the substance, or that is part of a manufactured product solely because the substance was used in the process of manufacturing the product.

45. For the purpose of protecting the ozone layer, the manufacture of all scheduled substances is prohibited except where a licence is obtained for the purpose of research or academic instruction and in quantities not exceeding one kilogram of the substance in a 12 month period.

Manufacture of scheduled substance prohibited.

46. (1) The importation into Belize of equipment, using or containing any scheduled substances or mixtures of such substances, listed in the first column of the Fifth Schedule shall be prohibited with effect from the dates specified in the second column of that Schedule.

Importation of equipment containing scheduled substances (especially CFCs). Fifth Schedule. 60 of 2002.

(2) This Regulation shall not apply to the importation of CFC-based propellants in metered dose inhalers for medical use.

60 of 2002.

(3) Owners or Importers of any vehicle whose air conditioning system is using CFC-12 or a mixture of CFC-12 shall before any such vehicle is allowed to enter into Belize, be required to retrofit any such vehicle with a non Ozone Depleting Substance, or permanently disable the air conditioning system, at any of Belize's border points before the Customs Department releases the vehicle for entry into Belize.

60 of 2002.

(4) Where any retrofit is done pursuant to subregulation (3), a certificate shall be issued by the retrofitter, in accordance with the Ninth Schedule.

60 of 2002. Ninth Schedule.

- Licence to import or export scheduled substances especially CFC Gas). Sixth Schedule. 60 of 2002.
47. (1) Only an individual or company listed in Part I of the Sixth Schedule shall apply, on the form prescribed in Seventh Schedule, to the Chief Environmental Officer for a license to import or export any of the scheduled substances or mixtures of such substances.
- 60 of 2002.
- (2) There shall be a fee of three hundred dollars per ton of CFC quota payable to the Department in respect of any licence or permit issued.
- 60 of 2002.
Sixth Schedule.
- (3) The individuals or companies listed in Part I of the Sixth Schedule shall only import or export scheduled substances in accordance with:
- Eight Schedule.
- (a) a licence granted by the Department pursuant to the Eight Schedule; and
- Sixth Schedule.
- (b) their respective annual quota allocations for CFC's specified in Part III of the Sixth Schedule.
- 60 of 2002.
Sixth Schedule.
- (4) Subject to subregulation (3), the total quantities of CFC's that may be imported in respect of each year shall not exceed the respective quantities specified in Part IV of the Sixth Schedule.
- 60 of 2002.
Sixth Schedule.
- (5) In the event of any disaster or national emergency the Government may directly import any scheduled substance; where the Government imports any scheduled substance; the quantity imported shall be subtracted on a probated basis from the quota entitlement of the importers listed in Part III of the Sixth Schedule.
- 60 of 2002.
- (6) Any licence issued pursuant to this Regulation shall be valid for a period of twelve (12) months.
- 60 of 2002.
Sixth Schedule.
- (7) An importer of any scheduled substance may, with the approval of the Department, transfer to any other importer listed in Part I of the Sixth Schedule, up to 50% of his annual quota allocation in any given quota year.

- (8) Any individual or company operating in any free zone in Belize, who or which has intention of exporting any scheduled substance, must first apply to the Chief Environmental Officer for a permit authorizing the trans-shipment or transit through Belize of the scheduled substance. 60 of 2002.
- (9) Applicants under subregulation 8 shall comply with Regulation 47:01. 60 of 2002.
- 47:01 (1) Subject to subregulation (2), the labeling of retail containers containing any scheduled substance, especially CFC's or mixtures of CFC's, shall conform to the requirements of the Belize National Standard Specifications for Labeling (Part 2: Labeling of Pre-packaged Goods-BZSI: 1998.) Labeling. 60 of 2002.
- (2) Notwithstanding the provisions of subregulation (1), the labeling shall provide the following:- 60 of 2002.
- (a) name or registered number of the ODS content;
- (b) net weight of the ODS content (including mixtures).
- 47:02 (1) Importers and end users of scheduled substances, especially CFC's, are required to keep a record of their purchases and report annually to the Department the total quantity of scheduled substances (especially CFC gases) purchased and used. Reporting of data on purchases and use of CFCs. 60 of 2002.
- (2) The Department may inspect any record of a purchase of a scheduled substance (especially CFC gases) kept by any importer or end user. 60 of 2002.
- (3) Any accidental discharge of CFCs into the environment shall be reported immediately to the Department. 60 of 2002.
- (4) End users are required to submit to the Department quarterly reports, in the format prescribed in the Tenth Schedule. 60 of 2002. Tenth Schedule.

- 60 of 2002. (5) Any trans-shipment or transit through Belize of any scheduled substance shall not be recorded as “imports” into Belize.
- Cancellation of Licence.
60 of 2002. 48. (1) The Minister may, after consultation with the Department, by Order published in the *Gazette* amend Part I of the Sixth Schedule to remove the name of a registered importer if:-
- (a) the company or person ceases to import or export any scheduled substance; or
 - (b) the importer’s license is revoked in accordance with Regulation 48(2)(b).
- 60 of 2002. (2) Any Importer who imports or exports any scheduled substance in breach of the quota allocation for CFCs in any quota year shall be liable, in addition to any penalty, to a reduction of his quota allocation in the following quota year as follows –
- (a) 50% reduction of the allocation in respect of a first breach; and
 - (b) in the event of a second breach, the licence shall be revoked.
- Prohibitions.
60 of 2002. 48:01 (1) The refilling and or re-charging of equipment (such as refrigerators and freezers) originally charged with refrigerant 134a, with CFC-12 is prohibited with effect from 1st January, 2003.
- 60 of 2002. (2) The recharging of air conditioning units of vehicles, originally charged with 134a, with CFC-12 is prohibited with effect from 1st January, 2003.
- 60 of 2002. (3) The importation of cans of less than sixteen ounces (16oz) containing CFCs is prohibited with effect from 1st January 2003.

- (4) The importation of CFC-11 is prohibited with effect from 1st July, 2002. 60 of 2002.
49. (1) Any person who contravenes the provisions of this Part commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to six months imprisonment or to both such fine and imprisonment. Offences. 60 of 2002.
- (2) Where an offence under these Regulations is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued, and liable to a fine of not less than one hundred dollars for each day on which the offence is committed or continued. 60 of 2002.
- (3) Any person who willfully discharges CFCs into the atmosphere shall be liable to prosecution pursuant to these Regulations. 60 of 2002.
- (4) Any scheduled substance imported without a license or permit from the Chief Environmental Officer shall be liable to seizure by the Department. 60 of 2002.

PART XIII
MISCELLANEOUS

50. (1) Notwithstanding anything to the contrary in these Regulations, the Department may by notice in writing direct - Notice to clean up pollution. 60 of 2002.
- (a) the owner, occupier, or agent of any premises upon or from which pollution has occurred or been permitted to occur;
- (b) the person who has caused or permitted the pollution to occur;
- (c) any person who appears to have abandoned or dumped any industrial waste or potentially

hazardous substance; or

- (d) any person who is handling industrial waste or potentially hazardous substances in a manner which is likely to cause an environmental hazard;

to take the clean-up measures as specified in the notice.

(2) The Department may specify in the notice any condition, requirement, restriction, performance, standard or level that it thinks fit, including -

- (a) a condition or requirement that things specified in the notice are to be done to the satisfaction of the Department; and
- (b) a condition or requirement that things specified in the notice are to be done forthwith or by any day or date or within or over any period as specified in the notice; and
- (c) a condition or requirement that clean-up measures are to be carried in stages by any day or date within or over any period as specified in the notice; and
- (d) a condition or requirement that any measurement, recording, sample, report, plan, drawing, document, calculation, test, analysis, or thing be lodged with the Department or be approved by the Department before any clean-up measures or things specified in the notice are carried out.

Abatement of
pollution in certain
areas.

51. (1) where -

Notwithstanding anything to the contrary in these Regulations,

- (a) pollutants have been or are being discharged;
- (b) a condition of pollution is likely to arise;
- (c) any industrial waste or potentially hazardous substance appears to have been abandoned or dumped; or
- (d) any industrial wastes or potentially hazardous substances are being handled in a manner which is likely to cause an environmental hazard,

the Department may conduct a clean-up or cause a clean-up to be conducted as the Department considers necessary.

(2) The Department may recover any reasonable costs incurred by the Department in taking any action under subregulation (1) from the person who caused the action to be taken or the occupier of the premises on which anything referred to in subregulation (1)(a) to (d) has occurred, in any court of competent jurisdiction as a debt due to the Department.

(3) If the Department cannot recover costs under subregulation (2) from the occupier of the premises on which anything referred to in subregulation (1)(a) to (d) has occurred because the occupier cannot be found the costs shall become a charge on the property of the occupier after an advertisement has been published three times in a newspaper, circulating in the area where the property is situated.

- (4) The advertisement shall specify -
- (a) the purpose of the advertisement and the provision of these Regulations under which it is made; and
 - (b) the amount in respect of which the charge is to be

imposed; and

(c) the land on which the charge is to be imposed.

Pollution abatement notice. 52. (1) If the Department is satisfied that a process or activity which is being carried on or is proposed to be carried on at any premises or the use or proposed use of any premises -

(a) has caused or is likely to cause pollution;

(b) has caused or is likely to cause a failure to comply with -

(i) any standard prescribed by these Regulations;

(ii) any condition in a licence or permit; or

(c) has created or is likely to create an environmental hazard;

the Department may serve a pollution abatement notice on the occupier of those premises specifying the reason for which the pollution abatement notice is served.

(2) A pollution abatement notice may require the owner, the occupier, or agent of any premises on whom it is served to do any one or more of the following:

(a) to cease carrying on or not commence the process, activity or use;

(b) to carry on, modify or control the process, activity or use in the manner specified in the pollution

abatement notice;

- (c) to supply to the Department plans, specifications and other information as is specified in the pollution abatement notice showing how the process, activity or use will be carried on, modified or controlled;
- (d) to take the measures including the installation, alteration, maintenance or operation of any apparatus, plant or structures as maybe specified in the pollution abatement notice;
- (e) to comply with -
 - (i) any standard prescribed by these Regulations;
 - (ii) any condition in a licence or permit;
- (f) to provide monitoring equipment and carry out a monitoring program as specified in the pollution abatement notice.

(3) If premises are premises on which more than the prescribed quantity or the prescribed concentration of a notifiable chemical are stored, processed or used, the pollution abatement notice may require the occupier of any premises on whom it is served to provide the Department with financial security satisfactory to the Department.

(4) A requirement contained in a pollution abatement notice may be expressed to be general or limited in operation as to particular times, places or circumstances.

(5) A pollution abatement notice may specify a period of time within

which any requirement specified in the pollution abatement notice is to be complied with.

(6) The Department may by notice of amendment in writing served on the occupier of any premises on whom a pollution abatement notice has been served -

- (a) extend the period, if any, for compliance with a requirement specified in the pollution abatement notice if the Department is satisfied that the circumstances of the case justify an extension of that period; and
- (b) revoke or amend any requirement specified in the pollution abatement notice.

(7) A pollution abatement notice and any notice of amendment of a pollution abatement notice shall not take effect until a day specified in the pollution abatement notice or notice of amendment being a day not less than 30 days after the day on which the pollution abatement notice or notice of amendment is served.

60 of 2002.

(8) An owner, occupier, or agent of any premises on whom a pollution abatement notice or a notice of amendment has been served under this Regulation who contravenes a requirement specified in the notice shall be guilty of an offence and liable to a penalty of not more than ten thousand dollars and in the case of a continuing offence to an additional penalty of not more than one hundred dollars for each day during which the offence continues.

Site abandonment.

53. (1) Unless otherwise directed by the Department, any contractor, owner or operator who carries on quarry or mining, manufacturing, power generating or related activities shall, prior to closing down operations on any site -

- (a) remove all equipment and installations, structures, plants, appliances from the relinquished area or site in a manner agreed with the Department pursuant to an abandonment plan; and
- (b) perform all necessary site restoration activities in accordance with the directives of the Department, and shall take all other action necessary to prevent hazards to human life, property or to the environment.

(2) In order to ensure compliance with the requirements of subregulation (1) the Department may require the contractor, etc., to post a bond or guarantee acceptable to the Department, or in the alternative, to fund a reserve for future estimated abandonment and site restoration costs.

54. (1) Notwithstanding anything to the contrary in these Regulations –

Special powers of authorized officers where imminent danger to life or limb or to the environment.

- (a) if-
 - (i) pollutants have been or are being discharged;
 - (ii) a condition of pollution is likely to arise;
 - (iii) any industrial waste or potentially hazardous substance appears to have been abandoned or dumped; or
 - (iv) any industrial waste or potentially hazardous substance is being handled; and

- (b) an authorized officer is of the opinion that there is or is likely to be imminent danger to life or limb or to the environment -

the authorized officer may give such directions either orally or in writing as the authorized officer considers appropriate to remove, disperse, destroy or, dispose of, abate, neutralize or treat any pollutant, waste substance, environmental hazard or noise.

(2) Any costs incurred in complying with subregulation (1) by any person who is not the person who caused or permitted the situation described in subregulation (1)(a) are to be reimbursed to that person by the Department.

(3) Where the Department has reimbursed any costs under subregulation (2) the Department may recover the costs from any person proved to have been the person who caused or permitted the situation described in subregulation (1)(a) in any court of competent jurisdiction as a debt due to the Department and when recovered must be paid into the Consolidated Revenue Fund.

(4) No matter or thing done by an authorized officer or by any person under a direction given by an authorized officer shall, if the matter or thing was done in good faith in the exercise of the power conferred by these Regulations on an authorized officer, subject the authorized officer or that person personally to any action, liability, claim or demand whatsoever.

(5) Any person who contravenes without reasonable cause a direction given by an authorized officer under subregulation (1) shall be guilty of an offence.

Presumption that occupier caused discharge etc.

55. If any segment or element of the environment is polluted as a result of a discharge, emission or deposit of any substance from or on any premises on which there is conducted any commercial or industrial undertaking, the occupier of the premises is deemed to have polluted that segment or element of the

environment unless the occupier adduces evidence that the discharge, emission or deposit was unrelated to the commercial or industrial undertaking.

56. If an offence is committed against these Regulations with respect to the discharge or emission of wastes or pollutants or noise from any ship, the owner and the master of the ship are each guilty of the offence.

Owner and master of ship each guilty of pollution from ship.

57. (1) The Department may by notice in writing served on the occupier of any premises or any previous occupier of the premises require that occupier to furnish to the Department within fourteen days or such longer period as is specified in the notice such information as to any manufacturing, industrial, or trade process carried on in or on the premises or as to any waste which has been, is being or is likely to be discharged from, or any noise which has been, is being or is likely to be emitted from, or any waste which is being or is likely to be stored on, those premises as is specified in the notice.

Furnishing of information.

(2) Any person who contravenes any requirement made under this Regulation shall be guilty of an offence.

(3) Any information furnished or statement made to the Department pursuant to any requirement made under subregulation (1) shall not, if the person furnishing the information or making the statement objects, at the time of furnishing the information or statement, to doing so on the ground that it might tend to incriminate him, be admissible in evidence in any proceedings against that person for an offence except the offence of refusing or failing to comply with the requirements of a notice given under this Regulation.

57:01 The Department may by notice require the owner or operator of any factory, industrial plant or similar facility to undertake an environmental audit on the processes utilized in such factory, industrial plant, or similar facility, the type of pollution effluent discharged by such factory, industrial plant, or similar facility, as well as the steps being taken to control or reduce pollution, and to submit the environmental audit to the Department within such time as may be specified by the Department.

Environmental audits.
60 of 2002.

Environmental
incentive
programmes.

58. (1) The Department shall develop, promote and implement appropriate incentive programmes which encourage the voluntary use of effective environmental management systems and the achievement of improvements in environmental quality, including-

- (a) the establishment of a voluntary facility environmental audit programme which allows for the exercise of enforcement discretion by the Department with respect to liability which might otherwise arise, if an offence or violation is detected as a result of such an audit programme and voluntary disclosure to the Department-,
- (b) the establishment of environmental certification or labeling programmes which allow the Department to distinguish or designate specific persons, activities or products which the Department certifies as demonstrating or representing significant environmental management qualities;
- (c) the operation of deposit-refund systems for specified materials to increase the level of recycling, reuse or other authorised disposition; and
- (d) any other programmes or mechanisms which may further the objectives of the Act.

(2) With the approval of the Minister the Department may impose pollution charges or user fees to encourage the protection and conservation of the environment.

(3) For purposes of this Regulation, “facility environmental audit programme” means a comprehensive investigation and evaluation system

designed and implemented at a facility for the purpose of -

- (a) detecting and preventing violations of environmental requirements or the commission of offences under these Regulations; and
- (b) identifying opportunities for achieving improvements in environmental programmes at the facility.

59. No person shall wash any motor vehicle or any other type of vehicle in any river or stream. Washing of motor vehicles.

60. (1) Where no penalty is specifically provided in the Act, a person who contravenes these Regulations is guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years and in the case of a continuing offence, to a further fine not exceeding one hundred dollars for each day or part thereof during which the offence continues after a conviction is first obtained. Offence.
60 of 2002.

(2) In imposing any fine, the magistrate may order that the fine imposed, or a portion of such fine, be paid into an environmental fund established by the Department. 60 of 2002.

61. Where an act or omission constitutes an offence under these Regulations and is also an offence under any other law, nothing in these Regulations shall affect the operation of such other law and the accused person may be charged and tried under such other law, notwithstanding the provisions of these Regulations. Savings in respect of other offences.

62. The fees set out in the Fourth Schedule shall be paid in respect of the permits specified in the Fourth Schedule. Fees.
Fourth Schedule.
60 of 2002.

63. (1) The Department may, in performing any of its functions under these Regulations, from time to time, require any person, officer or other authority Department may collect information.
60 of 2002.

to furnish to it or to any prescribed authority or officer any reports, returns, statistics, accounts and other information that may be required for the purposes of these Regulations and such person, officer, or other authority shall be bound to do so.

60 of 2002.

(2) A person who fails to comply with subregulation (1) on being required by the Department to do so, commits an offence and is liable on conviction to a fine not exceeding five thousand dollars.

Additional offences. 64.
60 of 2002.

(1) Any person who –

- (a) fails to manage any pollutants, hazardous materials, processes or wastes in accordance with any permit, licence or lawful instruction of the Department or contrary to these Regulations;
- (b) knowingly or fraudulently mislabels wastes, pesticides or chemicals;
- (c) aids or abets the illegal trafficking in wastes, chemicals, pesticides or hazardous processes, wastes or substances

commits an offence and shall upon conviction be liable to a fine of not less than five thousand dollars and not more than twenty thousand dollars or to imprisonment for two years.

60 of 2002.

(2) Any person who discharges or emits any pollutant into the environment otherwise than in accordance with these Regulations commits an offence and shall be liable, upon conviction, to a fine of not less than ten thousand dollars or to imprisonment for ten years or to both such fine and imprisonment.

MADE by the Minister of Tourism and the Environment this 10th day of April, 1996.

(HENRY YOUNG)

*Minister of Tourism and the Environment,
Minister responsible for the Environment.*

FIRST SCHEDULE**[Regulation 6]****CONCENTRATION OF AIR CONTAMINANTS**

	Concentration in micrograms per meter cube			
	SPM	SO ₂	CO	NO _x
A. Industrial and mixed use	500	120	5000	120
B. Residential & Rural	200	80	2000	80
C. Sensitive	100	30	1000	30

1. **Cement****Standard for particulate matter emission.**

Capacity	Other area
200 tpd and less	400 mg/Nm ³
Greater than 200 tpd	250 mg/Nm ³

2. **THERMAL POWER****(a) Standard for particulate matter emission.**

Boiler size	Other area
Less than 200 MW	350 mg/Nm ³
200 MW & above	150 mg/Nm ³

**(b) Standard for Sulphur dioxide control
(through stack height)**

Boiler size	Stack height
Less than 200 MW	H=14 (Q) 0.3
200 MW to less than 500 MW	220 meters
500 MW & more	275 meters

Q=Sulphur Dioxide emission in kg/hr

H=Stack height in meters

3. IRON & STEEL**Standard for particulate matter**

Process	Emission Limits
Sintering plant	150 mg/Nm ³
Coke oven	-
Blast furnace	-
Steel making during normal operation	150mg/Nm ³
Steel making during oxygen lancing	400 mg/Nm ³

4. FERTILIZER (UREA)**Standard for particulate matter emission**

Process	Emission Limit
Drilling Tower	50mg/Nm ³

5. FERTILIZER (PHOSPHATIC)**Standard for fluoride and particulate matter.**

Process	Emission Limit
Acidification of rock phosphate	25 mg/Nm ³ as total fluoride (F ⁻)
Granulation, Mixing, Rock Grinding	150 mg/Nm ³ of particulate matter from each process.

6. SULPHURIC ACID**Standard for sulphur dioxide and acid mist emission**

Process	Sulphur dioxide emission	Acid mist emission
Single conversion Single absorption	10 Kg /tonne of concentrated (100%) acid produced	50mg/Nm ³
Double conversion Double absorption	4 Kg/tonne of concentrated (100%) acid produced	50mg/Nm ³

7. CALCIUM CARBIDE**Standard for particulate matter emission.**

Source	Emission Limit
Kiln	250mg/Nm ³
Arc Furnace	150 mg/Nm ³

8. COPPER, LEAD AND ZINC SMELTING**Standards for particulate matter and oxides of sulphur.**

Concentrator Smelter & Converter	150 mg/Nm ³ for particulate matter Off-gases must go for H ₂ SO ₄ manufacture. No release of SO ₂ , SO ₃ shall be permitted from the smelter or converter.
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9. CARBON BLACK**Standard for particulate matter emission.**

Year of commissioning	Emission Limit
All plants	150 mg/Nm ³

10. NITRIC ACID**Standards for oxides of nitrogen, NO_x**3Kg of NO_x per tonne of weak acid (before concentration) produced.

SECOND SCHEDULE**[Regulation 42]****NOISE LEVELS**

Noise Level According to the dB (A) Scale (as defined by the International Electronics Commission)

Duration of the Noise	Structure A		Structure B		Structure C		Structure D		Structure E	
	D	N	D	N	D	N	D	N	D	N
1. More than 9 hrs	60		60		70		70		85	
2. More than 3 hrs, less than 9 hrs	70		70		75		75		90	
3. More than 30 mins	75		75		80		80		100	
4. More than 30 mins		45		45		45		45		90
5. More than 15 mins and less than 1 hr	70		70		90		90		105	
6. More than 10 mins and less than 30 mins		45		50		50		50		90
7. More than 5 mins and less than 15 mins	70		85		100		90		90	
8. More than 2 mins and less than 5 mins	90		95		100		100		95	
9. Less than 10 mins		50		70		70		70		80
10. Less than 2 mins	100		100		105		100		110	
Noise from infrequent (less than 4 times per week) explosions	109		109		114		114		114	

D = Day N = Night

- Structure A: any building used as a hospital, convalescent home, old age home, or school.
- Structure B: any residential building.
- Structure C: any building in an area that is used for residential and one or more of the following purposes: commerce, small scale production, entertainment.
- Structure D: any residential apartment in an area that is used for the purposes of industry, commerce or small scale production.
- Structure E: any building used for the purposes of industry, commerce, or small scale production in an area used for the purposes of industry, commerce, or small scale production.

THIRD SCHEDULE**[Regulations 44 and 45]****SCHEDULED SUBSTANCES****PART I**

Chlorofluorocarbons (CFC)

Chemical Name	Common Name
CFC ₁ ₃ - Trichlorofluoromethane	CFC11
CF ₂ Cl - Dichlorodifluoromethane	CFC12
C ₂ F ₃ Cl ₃ - Trichlorotrifluoroethane	CFC113
C ₂ F ₄ Cl ₂ - Dichlorotetrafluoroethane	CFC114
C ₂ F ₅ Cl - Chloropentafluoroethane	CFC115

PART 2

Halons

Chemical Name	Common Name
CF ₂ BrCl - Bromochlorodifluoromethane	halon 1211
CF ₃ Br - Bromotrifluoromethane	halon 1301
C ₂ F ₄ Br - Dibromotetrafluoroethane	halon 2402

PART 3

Other Fully Halogenated Chlorofluorocarbons

Chemical Name	Common Name
CF ₃ Cl - Chlorotrifluoromethane	CFC13
C ₂ FCl - Pentachlorofluoroethane	CFC111
C ₂ F ₂ Cl ₄ - Tetrachlorodifluoroethane	CFC112
C ₃ FCl ₇ - Heptachlorofluoropropane	CFC211
C ₃ F ₂ Cl ₆ - Hexchlorodifluoropropane	CFC212
C ₃ F ₃ Cl ₅ - Pentachlorotrifluoropropane	CFC213

$C_3F_4Cl_4$ - Tetrachlorotetrafluoropropane	CFC214
$C_3F_5Cl_3$ - Trichloropentafluoropropane	CFC215
$C_3F_6Cl_2$ - Dichlorohexafluoropropane	CFC216
C_3F_7Cl - Chloroheptafluoropropane	CFC217

PART 4

Carbon Tetrachloride

Chemical Name CCl_4 - Tetrachloromethane**Common Name**

Carbon Tetrachloride

PART 5

Methyl Chloroform

Chemical Name $C_2H_3Cl_3$ - 1,1,1 - Trichloroethane**Common Name**

Methyl Chloroform

FOURTH SCHEDULE

[Regulation 62]

FEES

Permit to emit contaminants into the environment under Regulation 3 or Regulation 4.	\$500
Permit to construct building on site formerly used for the elimination of waste under Regulation 4.	\$1000

FIFTH SCHEDULE**[Regulation 46]**

<u>Equipment</u>	<u>Effective Date</u>
Domestic refrigerators and freezers	1/1/03
Industrial refrigeration units	1/1/03
Commercial refrigeration units, including Display Cabinets, bottle coolers and Soda fountains	1/1/03
Aerosols, foams and solvents which use or are made up of the following ozone depleting substances 1/1/03	1/1/03
CFC-11	
CFC-12	
CFC-113	
CFC-114	
CFC-115	
Vehicular air conditioning units	1/1/03
Halon-based fire fighting equipment	1/7/02

SIXTH SCHEDULE

[Regulations 2 and 47(1)]

Part I – List of Licensed Refrigerant Importers

LICENSED IMPORTERS

Midway Convenience Store
Enrique Martinez & Sons

Part II – CFC to be imported under the Quota System

Chlorofluorocarbons

CFC-11 (CFC-13) -	Until 2002
CFC-12 (CFC2CL2) -	Until 2010
CFC-113 (C2F3CL3) -	“ “
CFC-114 (C2F4CL2) -	“ “
CFC-115 (C2F5CL) –	“ “
R502 (51.2% CFC-115 and 48.8% HCFC 22)	“ “

Part III – Annual Quota Allocations for Imports of CFCs

Importers

Quota Allocations

Enrique Martinez & Sons	50%
Midway Convenience Store	50%

Part IV – CFC Imported Quotas 2001 - 2008

Jan 2002 to Dec 2002	25 metric tonnes
Jan 2003 to Dec 2003	20 metric tonnes
Jan 2004 to Dec 2004	15 metric tonnes
Jan 2005 to Dec 2005	10 metric tonnes

SEVENTH SCHEDULE

[Regulation 47(1)]

APPLICATION FORM

**APPLICATION FOR LICENSE TO
IMPORT/EXPORT SCHEDULED SUBSTANCES
(OZONE DEPLETING SUBSTANCES)**

- 1. Name of Importer:
-
- 2. Address of Importer:
-
- 3. Description and Quantity/Volume of Substances to be Imported/Exported:
-
-
- 5. Country of Origin of Substance:
-
- 6. Supplier's Name and Address:
-

7. Port of Entry:

.....

8. Has any previous application been made? Yes No

If Yes, please state When and Quantity Imported:

.....

.....

Date

.....

Applicant's Signature

For Official Use Only

Approved/Not Approved

Note:

Chief Environmental Officer

EIGHT SCHEDULE**[Regulation 47(1) and (3)]****ENVIRONMENTAL PROTECTION ACT (CAP. 328)****LICENCE TO IMPORT/EXPORT SCHEDULED SUBSTANCE**

THE DEPARTMENT OF THE ENVIRONMENT HEREBY GRANTS A LICENCE TO:

To Import/Export scheduled substances pursuant to an applicant for importation/exportation dated the _____ day of _____ .

Location of the Importing/Exporting company or person: _____

Type, Quota of scheduled substance for which this license is being authorised:

Type: _____

Quota: _____

This LICENSE is granted subject to the following conditions:

1. Only a maximum volume/quantity of scheduled substances will be permitted to be imported/exported as per the annual quota stated above.
2. A maximum of 50% of the above quota will be permitted for transfer to another scheduled importer/exporter.
3. This licence is valid for one year only.
4. This licence can be revoked by the Chief Environmental Officer at anytime, pursuant to Regulation 48.

This Licence expires:

31st December, 2__.

Date

Chief Environmental Officer

NINTH SCHEDULE

[Regulation 45(4)]

RETROFIT CERTIFICATE

Name of Importer: _____

Address: _____

Item: _____

Nature of Retrofit: _____

Type of Gas removed from system: _____

Type of Gas System Retrofitted to: _____

Name of Retrofitter: _____

Remarks: _____

TENTH SCHEDULE**[Regulation 47B (4)]****QUARTERLY REPORT FORM
ODS RETROFITTING**

Reporting Period: _____

Type of Equipment	Number retrofitted	Previous total	Year to date
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Refrigerator
 Deep Freezer
 A/C Unit (window)
 A/C Unit (heavy duty vehicle)
 A/C Unit (motor vehicle)
 A/C Unit (other)
 Refrigerated Truck
 Other

TOTAL

Comments:

Port of Entry:

Signed _____

Signature of Supervisor _____

Date _____

Date _____