

Trade Effluent Control Regulations 2010



June 2010

Issued by:
The Regulation and Supervision Bureau
for the water, wastewater and electricity sector
in the Emirate of Abu Dhabi

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www.rsb.gov.ae**

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Foreword

The Regulation and Supervision Bureau is established in Abu Dhabi law to oversee the economic and technical activities of the electricity, water and wastewater companies that are licensed to operate in the Emirate of Abu Dhabi.

In addition to its duties over licensed companies, the Bureau has certain responsibilities towards the general public including the assurance of safe and efficient electricity, water and wastewater services to customers. These Regulations have been produced with this primary aim in mind.

The Regulations establish a legal framework for the safe and economic collection, treatment and disposal of Trade Effluent in the Emirate of Abu Dhabi and have been developed following an extensive consultation with the sector.

These Regulations are effective from 1 June 2010 and shall be cited as the Trade Effluent Control Regulations 2010.

They are also available in Arabic, but the reader should note they were first written in English. They may be downloaded from the Bureau's website at www.rsb.gov.ae.

NICHOLAS CARTER
Director General

1 June 2010

List of revisions

Revision	Date	Prepared by:	Checked by:	Issued to:
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Note: Document numbering

These Regulations use the following numbering system:

Parts: are referred by integers

(e.g. 1,2,...)

Regulations: are referred by one full stop between numbers

(e.g. 1.1,1.2,...)

Clauses: are referred by two full stops between numbers.

(e.g. 2.2.1, 2.3.1)

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Introduction

1.1 Citation

- 1.1.1 These Regulations shall be cited as the Trade Effluent Control Regulations 2010.
- 1.1.2 These Regulations are issued by the Regulation and Supervision Bureau pursuant to Article (62) of Law No (2) of 1998, as amended.

1.2 Commencement

- 1.2.1 These Regulations come into force on 1 June 2010 except for any Trade Effluent currently being discharged to a Sewerage System.
- 1.2.2 These Regulations come into force on 1 June 2011 for any Trade Effluent discharge of more than 500m³/d to a Sewerage System on 1 June 2010.
- 1.2.3 These Regulations come into force on 1 June 2012 for any Trade Effluent discharge of up to, but not more than, 500m³/d to a Sewerage System on 1 June 2010.
- 1.2.4 These Regulations may be modified or revoked at any time.

1.3 Scope

- 1.3.1 These Regulations apply to all Collection Licensees and to all Entities that discharge or intend to discharge Trade Effluent to a Sewerage System in the Emirate of Abu Dhabi.
- 1.3.2 Nothing in these Regulations is intended to conflict with or affect the operation of:
 - (a) UAE Federal Law No (24) of 1999 for the Protection and Development of the Environment and its executive orders;
 - (b) Law No. (21) of 2005 for Waste Management in the Emirate of Abu Dhabi; or
 - (c) Decree of the Crown Prince, Chairman of the Executive Council No. (42) of 2009 Concerning The Environmental Health and Safety Management System in the Emirate of Abu Dhabi (EHSMS).

Definitions

2.1 Interpretation

- 2.1.2 Words which are defined under this Part 2 begin with capital letters when used in the Regulations.
- 2.1.3 Words or expressions defined in the singular have the same meaning when used in the plural and words or expressions defined in the plural have the same meaning when used in the singular.
- 2.1.4 A word or expression which is defined in Law No (2) and used, but not defined, in these Regulations, has the same meaning as in Law No (2).

2.2 Definitions

Bureau – the Regulation and Supervision Bureau for the water, wastewater and electricity sectors in the Emirate of Abu Dhabi as established by Law No (2).

Collection Licensee – the holder of a licence, issued by the Bureau, for the collection of Wastewater.

Consent Holder – an Entity which holds a Trade Effluent Consent.

Entity – an individual, establishment, company, association, society, partnership, corporation, municipality, institution, government organisation, agency or group.

Grey Water – Wastewater sourced solely from baths, showers, hand basins and domestic laundries.

Law No (2) – Law No (2) of 1998, as amended, concerning the regulation of the water and electricity sectors in the Emirate of Abu Dhabi.

Licensee – the holder of a licence issued by the Bureau.

Panel or Trade Effluent Control Panel – the panel established under Part 11 of these Regulations.

Pre-treatment – any device, system or equipment that can physically, biologically or chemically change the nature or composition of Wastewater within Trade Premises before discharge to a Sewerage System.

Prohibited Waste – any material defined in Schedule A of these Regulations.

Public Nuisance – anything that disturbs the general public’s reasonable use of property, endangers life or health, or is offensive to the general public.

Restricted Substance – a substance defined in Schedule B of these Regulations.

Sewerage Services Licensee – the holder of a licence, issued by the Bureau, for one or more of the activities of collection, treatment or disposal of Wastewater.

Sewerage System – a system consisting, wholly or mainly, of sewerage pipes, pumping stations, tankers and other plant and equipment owned or operated by a Collection Licensee and used for the transportation of Wastewater from premises or customers to a Wastewater Treatment System.

Trade Effluent – any Wastewater discharged to a Sewerage System which is produced in the course of any industrial, commercial, agricultural, medical, scientific or trade activity, but does not include domestic Wastewater.

Trade Effluent Consent or Consent – a written consent issued by a Collection Licensee to allow an Entity to discharge Trade Effluent to its Sewerage System.

Trade Premises – any premises used or intended to be used for any industrial, commercial, agricultural, medical, scientific or trade activity.

Treatment Licensee – the holder of a licence, issued by the Bureau, for the treatment of Wastewater.

Treatment System – a system consisting, wholly or mainly, of pipes, pumping stations, tankers and other plant and equipment owned or operated by a Treatment Licensee and used for Wastewater treatment.

UAE – United Arab Emirates.

Wastewater – the water-borne waste generated by any domestic, commercial or industrial activity including grey water and Trade Effluent.

Prohibitions

3.1 Prohibitions

3.1.1 No Entity shall discharge or allow the discharge to a Sewerage System of a:

- (a) Prohibited Waste identified in Schedule A;
- (b) Trade Effluent which contains Restricted Substances in excess of the maximum allowable concentrations identified in Schedule B;
- (c) Trade Effluent without a Trade Effluent Consent; and
- (d) Trade Effluent that does not comply with the terms of its Consent.

3.1.2 No Entity, even if it is in possession of a Consent, shall discharge or allow the discharge to a Sewerage System of a Trade Effluent which, due to its concentration or quantity may:

- (a) cause a safety hazard for any person operating or maintaining any Sewerage, Treatment or disposal system for Wastewater; or
- (b) interfere with the proper working of any system for the collection, treatment and disposal of Wastewater.

3.2 Low risk Trade Effluent

3.2.1 Any type of Trade Effluent identified in Schedule C of these Regulations shall be classified as low risk and only subject to Part 7 of these Regulations.

Duties of a Collection Licensee

4.1 Primary duty

4.1.1 A Collection Licensee must take all reasonable steps to make sure that Trade Effluent is not discharged to its Sewerage System:

- (a) without a Consent; or
- (b) in breach of a condition of a Consent.

4.2 Duty to take action

4.2.1 As soon as a Collection Licensee becomes aware that Trade Effluent has been, or is being, discharged to its Sewerage System:

- (a) without Consent; or
- (b) in breach of a condition of a Consent,

it must implement its procedures for managing non compliance developed under Regulation 6.3.

4.3 Duty to report

4.3.1 A Collection Licensee must report to the Bureau any incident where a Trade Effluent has been, or is being, discharged to its Sewerage System:

- (a) without Consent; or
- (b) in breach of a condition of a Consent.

4.4 Breach of duty by a Collection Licensee

4.4.1 A Collection Licensee has breached its duties if it knows of an incident of a Trade Effluent being discharged to its Sewerage System without a Consent or in breach of a condition of a Consent but:

- (a) does not report the incident; or

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- (b) fails to take necessary action to stop the breach of Consent.
- 4.4.2 A Collection Licensee has breached its duty under Regulation 4.1 if its failure to monitor a consented Trade Effluent discharge, as required under Part 8 of these Regulations, means it is unaware of an incident of a Trade Effluent being discharged to its Sewerage System that is in breach of a condition of a Consent.
- 4.4.3 Failure by the Collection Licensee to comply with these Regulations shall be contrary to Law No (2) and enforced in accordance with Law No (2).

Discharging Trade Effluent

5.1 Consent to discharge

- 5.1.1 An Entity must have a Trade Effluent Consent to discharge Trade Effluent to a Sewerage System.
- 5.1.2 A Trade Effluent Consent must be obtained from a Collection Licensee.

5.2 Applying for a Consent

- 5.2.1 Any Entity intending to discharge Trade Effluent to a Sewerage System must apply for a Trade Effluent Consent from the Collection Licensee for that system.
- 5.2.2 An application for a Trade Effluent Consent must be made on the Licensee's application form.
- 5.2.3 The general arrangement of a Consent application form developed by a Collection Licensee must be approved by the Bureau.
- 5.2.4 An Entity applying for a Consent must provide any further information reasonably requested by a Collection Licensee to assess the application for a Consent.

5.3 Issue of a Consent

- 5.3.1 A Collection Licensee must issue a Consent to an Entity that has applied, if it is satisfied that:
 - (a) the Trade Effluent will not contain any Prohibited Wastes;
 - (b) the Trade Effluent will not contain any Restricted Substances in excess of the concentrations defined in Schedule B;
 - (c) the Trade Effluent will not harm the health and safety of:
 - (i) anyone working on the Licensee's Sewerage System;
 - (ii) anyone working on the receiving Treatment System; or
 - (iii) the general public;

- (d) the Trade Effluent will not cause significant or lasting harm to its Sewerage System or the receiving Treatment System;
- (e) the Sewerage System and Treatment System receiving the Trade Effluent are capable of conveying and treating the Trade Effluent in a way that does not compromise any Licensees' legal obligations; and
- (f) the Trade Effluent will not significantly affect existing or potential reuse options for the recycled water or biosolids produced by the receiving Treatment System.

5.3.2 A Collection Licensee must inform the Entity who has applied for Consent whether it has been successful within 60 days of the application being made.

5.3.3 A Collection Licensee must give its reasons for refusing any application for a Consent.

5.3.4 Any notification of a successful application given under Clause 5.3.2 must include a draft Consent.

5.4 Consent details

5.4.1 The format of Trade Effluent Consents developed by a Collection Licensee must be approved by the Bureau.

5.4.2 A Consent must:

- (a) describe the nature and composition of the Trade Effluent including, amongst other things:
 - (i) the volume, frequency and rate of discharge of the Trade Effluent;
 - (ii) the allowable concentrations or mass of Restricted Substances the Trade Effluent may contain; and
 - (iii) where the Trade Effluent may be discharged into the Licensee's Sewerage System;
- (b) state the terms and conditions for discharging and receiving the Trade Effluent;

- (c) give the start date and the end date of the Consent;
- (d) state the reasons why the Licensee may cancel or vary the Consent;
- (e) include details of the inspection, sampling and monitoring programme for the Trade Effluent including, amongst other things:
 - (i) inspection chamber requirements;
 - (ii) the provision, maintenance and testing of meters needed to measure volume, frequency and rate of discharge of Trade Effluent; and
 - (iii) the provision, maintenance and testing of equipment required to analyse the nature and composition of Trade Effluent being discharged;
- (f) define the records to be kept by the Consent Holder;
- (g) identify the information and data the Consent Holder must provide to the Collection Licensee; and
- (h) state that the Consent Holder shall be liable for the payment of charges and tariffs to the Collection Licensee for the collection treatment and disposal of Trade Effluent, if such charges and tariffs are approved by the Bureau in accordance with the licence of the Collection Licensee.

5.5 Register of Trade Effluent Consents

- 5.5.1 The Bureau shall keep a register of all Trade Effluent Consents.
- 5.5.2 A Collection Licensee shall give the Bureau a copy of any Consent it issues to an Entity within 14 days.

5.6 Consent refused

- 5.6.1 Any Entity refused a Trade Effluent Consent by a Collection Licensee may appeal to the Bureau under the terms set out in Part 9.

5.7 Unreasonable conditions

- 5.7.1 Any Entity issued a Consent by a Collection Licensee with conditions it considers are unreasonable may appeal to the Bureau under the terms set out in Part 9.

5.8 Reviewing the terms of a Consent

- 5.8.1 A Collection Licensee may review the terms of a Consent if a period of two years has passed since the start date of the Consent.
- 5.8.2 A Collection Licensee may vary or cancel a Consent following a review, provided that any action by a Licensee complies with these Regulations.

5.9 Varying a Consent

- 5.9.1 A Collection Licensee may vary a condition of a Consent at any time if:
- (a) there is a change in law which makes it necessary to change a condition;
 - (b) the Trade Effluent being discharged has significantly changed since the Consent was given;
 - (c) if there has been a change in control of the Entity who applied for the Consent; or
 - (d) a short term change is required to accommodate exceptional circumstances.
- 5.9.2 A Collection Licensee must give written notice to a Consent Holder and the Bureau if it intends to vary a condition of a Consent.
- 5.9.3 A notice to vary a condition of a Consent must:
- (a) list each condition to be varied;
 - (b) state the reason why a condition will be varied;
 - (c) state the date the variation will come into force and any associated time limits; and

- (d) give information on the Consent Holder's right of appeal.

5.9.4 A notice to vary a condition of Consent must be given to the Consent Holder at least 30 days before the date the variation comes into force, unless the law requires action to be taken sooner.

5.10 Consent Holder request to vary Consent

5.10.1 A Consent Holder may ask a Collection Licensee to vary a condition of its Consent if:

- (a) the Trade Effluent discharge has significantly changed since the Consent was issued; or
- (b) a short term change is required to accommodate exceptional circumstances.

5.10.2 If a Consent Holder's request to vary a condition of its Consent is refused by the Collection Licensee, the Consent Holder may appeal to the Bureau under the terms set out in Part 9.

Compliance with Consents

6.1 Compliance assessment

- 6.1.1 A Collection Licensee must assess the compliance of all of its Consent Holders at least once a year.
- 6.1.2 To assess a Consent Holders compliance with a Consent, the Collection Licensee must review:
- (a) the records required to be kept by the Consent Holder under the Consent;
 - (b) the results of inspections, monitoring or sampling carried out by the Licensee's inspectors; and
 - (c) any other information it considers relevant.

6.2 Compliance report

- 6.2.1 A Collection Licensee must submit a compliance report to the Bureau once a year. The compliance report must summarise the performance of the Licensee's Consent Holders.
- 6.2.2 The format of the compliance assessment report developed by Collection Licensees must be approved by the Bureau.

6.3 Managing non-compliance

- 6.3.1 A Collection Licensee must develop procedures for managing non-compliance with Consent conditions.
- 6.3.2 A Collection Licensee's procedures for managing non-compliance with Consent conditions must be approved by the Bureau.
- 6.3.3 A Collection Licensee may issue improvement notices or terminate a Consent provided that any action by the Collection Licensee complies with these Regulations.

6.4 Improvement notices

6.4.1 A Collection Licensee may issue an improvement notice to any Consent Holder if:

- (a) the Consent Holder has breached a condition of its Consent; or
- (b) the Consent Holder has breached these Regulations; or
- (c) action is required to protect the health and safety of the general public or Licensee employees; or
- (d) action is required to:
 - (i) prevent damage to the environment;
 - (ii) minimise Public Nuisance; or
 - (iii) protect the receiving Sewerage or Treatment System.

6.4.2 Any improvement notice must be given in writing to the Consent Holder.

6.4.3 A copy of any improvement notice served by the Licensee must be sent to the Bureau within seven days of its issue.

6.4.4 An improvement notice must:

- (a) state:
 - (i) the condition of the Consent or Regulations that has been breached;
 - (ii) the Public Nuisance; or
 - (iii) the threat to health and safety, the environment or the receiving Sewerage or Treatment systems;
- (b) explain how:
 - (i) the condition has been breached;
 - (ii) the Public Nuisance established; or
 - (iii) the threat to health and safety, the environment or the receiving Sewerage and Treatment Systems established;

- (c) state the action the Consent Holder must take;
- (d) give the date by which the Consent Holder must complete any action;
- (e) state what will happen if the Consent Holder does not take action in time;
- (f) state what the Collection Licensee could do to monitor progress with the terms of the improvement notice; and
- (g) give information regarding the Consent Holder's right of appeal.

6.4.5 Any Consent Holder issued with an improvement notice with conditions it considers unreasonable may appeal to the Bureau under the terms set out in Part 9.

6.5 Terminating a Consent

6.5.1 A Collection Licensee may terminate a Consent if:

- (a) the Consent Holder has breached a condition of an improvement notice;
- (b) the Consent is no longer suitable because the Trade Effluent has significantly changed since the Consent was given; or
- (c) urgent action is required to:
 - (i) protect the health and safety of the general public or Licensee employees; or
 - (ii) prevent significant or lasting damage to the environment or to the receiving Sewerage or Treatment System.

6.6 Notice to terminate

6.6.1 A notice to terminate a Consent must be given in writing not less than 30 days before the date of termination except when the termination is ordered as urgent action to protect health and safety or prevent damage to the environment.

6.6.2 The Collection Licensee must issue the written notice to the Consent Holder and the Bureau.

6.6.3 A notice to terminate a Consent must:

- (a) state:
 - (i) the condition of the improvement notice that has been breached; or
 - (ii) the significant changes to the Trade Effluent;
- (b) explain how:
 - (i) the condition has been breached; or
 - (ii) the changes to the Trade Effluent have been determined;
- (c) state the date of termination;
- (d) state the action the Consent Holder must take and when it must be taken;
- (e) state what will happen if the Consent Holder does not take action in time;
- (f) state what action the Collection Licensee may take to monitor the Trade Effluent discharge connection point after the date of termination; and
- (g) give information regarding the Consent Holder's right of appeal.

6.6.4 A Consent Holder receiving a notice to terminate a Consent may appeal to the Bureau under the terms set out in Part 9.

6.7 Urgent action

6.7.1 A Collection Licensee may issue a verbal termination notice to a Consent if urgent action is required to:

- (a) protect the health and safety of the general public and Licensee employees;
- (b) prevent significant or lasting damage to the environment; or

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- (c) safeguard the receiving Sewerage and Treatment systems.

6.7.2 If a Collection Licensee issues a verbal termination notice they must give written notice to the Consent Holder as soon as practicable after the Consent has been terminated.

6.8 Breach of a notice to terminate

6.8.1 Failure by a Consent Holder to comply with a termination notice is contrary to Law No (2) and enforced in accordance with Law No (2).

6.9 Recovery of costs

6.9.1 If a Consent Holder wilfully or negligently breaches a condition of Consent, the Collection Treatment and Disposal Licensees affected by the breach may recover any reasonable costs and expenses incurred as result of the Consent Holder's actions.

6.9.2 Any disputes over the assessment of reasonable costs and expenses shall be heard by the court with the appropriate jurisdiction.

Low risk Trade Effluent

7.1 Low risk Trade Effluent

7.1.1 The Bureau may define any type of Trade Effluent as low risk if:

- (a) it is generally of low volume and strength;
- (b) it poses a low risk to the Sewerage and Treatment Systems receiving it; and
- (c) there is a Bureau approved code of practice for the management of that type of Trade Effluent.

7.1.2 Any Entity may discharge a low risk Trade Effluent to a Sewerage System subject to the following conditions:

- (a) the discharge is subject to low risk Trade Effluent terms and conditions for sewerage services issued by a Collection Licensee;
- (b) the discharge is made in accordance with the code of practice for that type of Trade Effluent; and
- (c) the discharge is inspected by a Collection Licensee in accordance with the requirements of the code of practice for that type of Trade Effluent.

7.2 Application for low risk status

7.2.1 An Entity may apply to the Bureau for a type of Trade Effluent to be defined as low risk.

7.2.2 An application for low risk status must be made in writing.

7.2.3 The Bureau may ask an applicant to provide any additional information or material the Bureau needs to make its decision.

7.2.4 The Bureau must seek the advice of the Panel on any application it receives for low risk status.

7.3 Application approval

7.3.1 The Bureau must make its decision within 90 days of receiving a completed application for low risk status.

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- 7.3.2 If the Bureau approves the application it may:
- (a) set conditions and a time-limit on any approval; and
 - (b) define a time period for Collection Licensees to implement the requirements of the low risk Trade Effluent code of practice at Trade Premises affected by the approval.

7.4 Application refused

- 7.4.1 Any Entity refused its application for low risk status for a type of Trade Effluent shall have the right to refer the matter to arbitration under the terms set out in Part 9 of these Regulations.

7.5 Approved code of practice for low risk Trade Effluent

- 7.5.1 The Bureau shall develop a code of practice for each type of Trade Effluent granted low risk status.
- 7.5.2 The Bureau must consult the Panel and all Sewerage Services Licensees during the development of codes of practice for low risk Trade Effluent.

7.6 Register of low risk Trade Effluent activities

- 7.6.1 A Collection Licensee must keep a register of all low risk Trade Effluent discharges to its Sewerage System.
- 7.6.2 A Collection Licensee must complete a regular inspection of all Trade Premises making a low risk Trade Effluent discharge to its Sewerage System. The frequency of the inspection must follow the requirements defined in the relevant code of practice.
- 7.6.3 A Collection Licensee must submit a report on its low risk Trade Effluent inspections to the Bureau on 31 March every year.

Inspection and monitoring

8.1 Inspectors

- 8.1.1 A Collection Licensee must appoint qualified inspectors to monitor Trade Effluent discharges.
- 8.1.2 The inspectors shall have the right to enter Trade Premises discharging Trade Effluent:
- (a) at any reasonable time; and
 - (b) without prior notice,
- to inspect, sample and monitor the Trade Effluent discharge.

8.2 Inspection, sampling and monitoring programme

- 8.2.1 A Collection Licensee must prepare and include an inspection, sampling and monitoring programme in any Consent it issues to meet the requirements of Clause 5.4.2 (e).
- 8.2.2 Any inspection, sampling and monitoring programme must be in proportion to the risks posed by the Trade Effluent discharge.
- 8.2.3 The Consent must specify how any sampling and monitoring should be carried out.
- 8.2.4 Any sampling or monitoring defined in the Consent may be completed by the Collection Licensee or the Consent Holder.
- 8.2.5 Any sampling or monitoring to be carried out by the Consent Holder as a condition of the Consent must be done at the Consent Holder's expense and in accordance with any direction given by the Collection Licensee.

8.3 Monitoring points

- 8.3.1 A Collection Licensee may require a Consent Holder to install and maintain a discharge monitoring point at a mutually agreed location.

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- 8.3.2 The monitoring point must:
- (a) enable an inspector to obtain a representative sample of the Trade Effluent discharged into the Sewerage System at any time;
 - (b) have good access and egress; and
 - (c) be safe and suitable for monitoring and sampling.

8.4 Sampling requirements

8.4.1 Any sample taken to fulfil the requirements of the monitoring programme must be handled, transported and stored in such a way as to make sure that it:

- (a) represents the nature and composition of the Trade Effluent;
- (b) is not contaminated at any stage in the sampling process; and
- (c) is kept under conditions necessary to prevent change to any part of the Trade Effluent.

8.4.2 A sample must be analysed:

- (a) by a person competent to carry out the task;
- (b) using analytical systems and methods capable of establishing the concentration of substances identified in the Consent within acceptable limits of deviation; and
- (c) at a laboratory that has a system of analytical quality control audited by an independent third party.

8.5 Monitoring equipment

8.5.1 A Collection Licensee may require a Consent Holder to install and maintain meters and equipment to monitor:

- (a) the volume, frequency and rate of discharge; and
- (b) the composition and nature of the Trade Effluent discharged into the Sewerage System at any time.

- 8.5.2 All meters and equipment installed to monitor Trade Effluent shall meet the requirements of appropriate national or international standards.

8.6 Records

- 8.6.1 A Collection Licensee must keep records of all inspection, sampling and monitoring of Trade Effluent discharges for at least ten years.
- 8.6.2 A Collection Licensee may require a Consent Holder to keep records of information and data measured by monitoring equipment or from sampling carried out by the Consent Holder for at least ten years relating to:
- (a) the volume, frequency and rate of discharge;
 - (b) the nature and composition of its Trade Effluent discharge; and
 - (c) servicing and calibration of meters and equipment used to monitor its Trade Effluent discharge.

8.7 Analytical systems and methods

- 8.7.1 The Panel must provide advice to the Bureau on analytical systems and methods for detecting and measuring the concentration of the Restricted Substances identified in Schedule B.
- 8.7.2 The Bureau may, from time to time, audit the analytical systems and methods used by any laboratory testing samples of Trade Effluent.
- 8.7.3 Where the Bureau identifies deficiencies in the analytical systems and methods used by a laboratory testing Trade Effluent it will:
- (a) issue a notice to any Licensee using that laboratory identifying deficiencies found; and
 - (b) require Licensees who use the laboratory to assess, rectify and report on the impact of the laboratory deficiencies on their compliance with these Regulations.

Appeals

9.1 Appeals

- 9.1.1 Any dispute between a Collection Licensee and a Consent Holder in relation to the exercise of the Collection Licensee's powers under these Regulations may be referred to the Bureau.

9.2 Appeal form

- 9.2.1 An appeal to the Bureau made under these Regulations must be made on the Bureau's appeal form and sent with any supporting documents.

9.3 Notice of appeal

- 9.3.1 The Bureau must give written notice of any appeal it receives to any other Entity party to the appeal.
- 9.3.2 A notice of appeal must be sent within seven days of the date the appeal is received by the Bureau.
- 9.3.3 A notice of appeal must include:
- (a) a copy of the completed appeal form and any supporting documents;
 - (b) a copy of any other material lodged by the Entity making the appeal; and
 - (c) the date of receipt of the appeal by the Bureau.

9.4 Timescale for appeal

- 9.4.1 An appeal to the Bureau made under these Regulations must be received by the Bureau within 30 days of the date of notice of the decision to be appealed.
- 9.4.2 An appeal lodged outside the timescale for appeal specified in Clause 9.4.1 will be dismissed by the Bureau, unless the Bureau agrees to extend the time to appeal according to Regulation 9.5

9.5 Extension of timescale to appeal

- 9.5.1 Any Entity making an appeal may apply for an extension of timescale to appeal, provided that the Entity:
- (a) lodges its application to extend the timescale to appeal not less than five days before the expiry of the timescale to appeal;
 - (b) provides full details of its reason for seeking an extension;
 - (c) gives notice of its application to the other Entity at the same time it makes its application for an extension; and
 - (d) provides a signed and stamped statement that it has given a notice of its appeal to the other Entity.
- 9.5.2 The Bureau may extend the timescale to appeal and may set any conditions it sees fit.
- 9.5.3 The Bureau must notify the Entities party to an appeal of any decision to extend the timescale to appeal within seven days of making its decision.
- 9.5.4 If the timescale to appeal is extended, the Entity making the appeal must comply strictly with any conditions attached to the extension.

9.6 Bureau consideration

- 9.6.1 The Bureau may request from any Entity party to an appeal, any information or documents it considers reasonable and necessary in the circumstances.

9.7 Bureau decision

- 9.7.1 The Bureau must make its decision within 30 days of receiving an appeal.

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- 9.7.2 The Bureau may:
- (a) make any decision it sees fit in the circumstances; and
 - (b) issue directions to any party to an appeal.
- 9.7.3 Any decisions or directions issued by the Bureau are binding on the Entities party to the appeal.

9.8 Arbitration

- 9.8.1 Any decision by the Bureau referred to arbitration will be subject to the requirements of Article (67) and Article (130) of Law No (2) and Schedule 2 of Law No (2).

Education and guidance

10.1 Education and guidance

- 10.1.1 A Collection Licensee must develop a strategy to educate Consent Holders about their rights and responsibilities and best practice for managing Trade Effluent.
- 10.1.2 This strategy must deliver guidance on:
- (a) the need for a Consent to discharge Trade Effluent;
 - (b) the rights and duties of a Consent Holder; and
 - (c) information on best practice for reducing and handling Trade Effluent.
- 10.1.3 The Bureau shall approve any strategy to educate Consent Holders before it is implemented by a Collection Licensee.

Trade Effluent Control Panel

11.1 Establishment of the Panel

11.1.1 A Trade Effluent Control Panel is established by these Regulations.

11.2 Role of the Panel

11.2.1 The Trade Effluent Control Panel will advise the Bureau on:

- (a) materials and substances which should be defined as Prohibited Wastes and Restricted Substances;
- (b) the maximum allowable concentrations of Restricted Substances;
- (c) systems and methods for detecting and measuring the concentration of the Restricted Substances;
- (d) the requirements which must be included in a code of practice for any type of Trade Effluent defined as low risk ; and
- (e) the content of education and guidance strategies for Consent Holders.

11.3 Prohibited Wastes and Restricted Substances

11.3.1 The Panel shall recommend to the Bureau any substance or material that should be defined as:

- (a) a Prohibited Waste; or
- (b) a Restricted Substance.

11.3.2 Every two years the Panel shall review:

- (a) Schedule A – Prohibited Wastes;
- (b) Schedule B – Restricted Substances; and
- (c) the maximum allowable concentration of each Restricted Substance that can be discharged to a Sewerage System.

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- 11.3.3 The Panel shall recommend to the Bureau possible amendments or additions to Schedules A and B of these Regulations following its review.

11.4 Analytical systems and methods

- 11.4.1 The Panel must review advances in analytical systems and methods for detecting and measuring the concentration of the Restricted Substances identified in Schedule B.
- 11.4.2 From time to time and if the Bureau requests, the Panel must report on developments in analytical systems and methods for detecting and measuring the concentration of the Restricted Substances identified in Schedule B.

11.5 Codes of practice for low risk Trade Effluent

- 11.5.1 The Panel shall advise the Bureau on the requirements which must be included in codes of practice for low risk Trade Effluents. The advice must include details of:
- (a) any Pre-treatment required;
 - (b) the criteria for specifying the size, operation and maintenance of any Pre-treatment;
 - (c) how often a Trade Premises must be inspected by a Collection Licensee; and
 - (d) the records that must be kept by a Collection Licensee and the Entity discharging low risk Trade Effluent.

11.6 Education and guidance

- 11.6.1 The Panel shall provide advice to the Bureau on the form and content of effective Trade Effluent education and guidance strategies.

11.7 Panel members

- 11.7.1 The Panel shall include members from the following organisations:
- (a) the Bureau;
 - (b) All Sewerage Services Licensees with a permanent licence;
 - (c) Government agencies responsible for the protection of the environment and public health;
 - (d) Entities which represent Consent Holders; and
 - (e) Expert advisers.
- 11.7.2 The Bureau shall establish a working group of Panel members to address each of the Panel's obligations under these Regulations. Each working group shall comprise five members including a chairman nominated by the Bureau.
- 11.7.3 The Bureau shall hold a meeting of all Panel members annually to review the membership of the Panel and consider nominations for new or alternative members.
- 11.7.4 Any person nominated to serve on the Panel must:
- (a) be qualified and competent; and
 - (b) have authority to agree and undertake any actions on behalf of the organisation they represent.

11.8 Panel rules

- 11.8.1 The Panel must set its own rules and procedures for conducting its business.
- 11.8.2 The Panel's rules and procedures must be approved by the Bureau.

SCHEDULES

Schedules

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Schedule A

Prohibited Waste

Schedule A: Prohibited Waste



A Prohibited Waste is:

- (a) Hazardous waste – as defined in Federal Law No (24) of 1999 for the protection and development of the environment and its executive order regarding the handling of hazardous materials, hazardous wastes and medical wastes.
- (b) Medical waste – as defined in Federal Law No (24) of 1999 for the protection and development of the environment and its executive order regarding the handling of hazardous materials, hazardous wastes and medical wastes.
- (c) Radioactive waste – as defined in Federal Law No (1) of 2002 regarding the regulation and control of the use of radiation sources and protection against their hazards.
- (d) Any substance, either by itself or in combination with other substances, that will:
 - (i) give rise to an explosion or flammable atmosphere in a Sewerage or Treatment System;
 - (ii) cause the obstruction of a Sewerage System because of its quantity, nature or size; and
 - (iii) cause an atmosphere in a Sewerage or Treatment System that is hazardous to human life or causes a Public Nuisance.

Schedule B

Restricted Substances

Schedule B: Restricted Substances

B

Table B1.1(A): General characteristics

Substance	Unit	Maximum allowable concentration or characteristic
Chemical Oxygen Demand (COD)	mg/l	1000
Total Suspended Solids (TSS)	mg/l	500
Total Dissolved Solids (TDS)	mg/l	3000
Temperature	Degrees Celsius	45
pH	unit	> 6 and < 9
Grease & oil (hydrocarbon)	mg/l	60
Grease & oil (non hydrocarbon)	mg/l	100
Maximum physical size of non faecal matter	mm in 2 dimensions	15

Table B1.1(B): Inorganic compounds

Substance	Unit	Maximum allowable concentration or characteristic
Chloride (as Cl ⁻ ion)	mg/l	1000
Cyanide (as CN ⁻)	mg/l	2
Fluoride (as F ⁻ ion)	mg/l	15
Sulphate (as SO ₄)	mg/l	1000
Sulphide (as S)	mg/l	1
Total Kjeldahl Nitrogen	mg/l	150
Total Phosphorus	mg/l	50

Table B1.1(C): Organic compounds

Substance	Unit	Maximum allowable concentration or characteristic
Detergents (Linear Alkylate Sulphonate as Methylene blue active substances)	mg/l	30
Phenolic Compounds (as Phenol)	mg/l	0.5
Polycyclic Aromatic Hydrocarbons (PAH)	mg/l	0.05
Organophosphorus Pesticides	mg/l	0.01
Organochlorine Pesticides	mg/l	0.01

Table B1.1(D): Metals

Substance	Unit	Maximum allowable concentration or characteristic
Aluminium	mg/l	100
Arsenic	mg/l	5
Barium	mg/l	10
Beryllium	mg/l	5
Boron	mg/l	5
Cadmium	mg/l	1
Chromium (Total)	mg/l	5
Cobalt	mg/l	5
Copper	mg/l	5
Iron	mg/l	50
Lead	mg/l	5
Lithium	mg/l	2.5
Manganese	mg/l	10
Mercury	mg/l	0.5
Molybdenum	mg/l	10
Nickel	mg/l	10
Selenium	mg/l	10
Silver	mg/l	5
Tin	mg/l	10
Vanadium	mg/l	1
Zinc	mg/l	10

Schedule C

Low risk Trade Effluents

Schedule C : Low risk Trade Effluents

C

Trade Effluent Type	Description	Last Reviewed
Laundry services		June 2010
Restaurants and cafes (including fast food and takeaways)		June 2010

Regulation and Supervision Bureau

for

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