

ENVIRONMENTAL POLLUTION CONTROL ACT

(CHAPTER 94A)

(Original Enactment: Act 9 of 1999)

[1st April 1999]

PART IV

AIR POLLUTION CONTROL

Occupier to maintain and operate air pollution control equipment

10.—(1) The occupier of any industrial or trade premises shall maintain any fuel burning equipment and any air pollution control equipment installed in or on the premises in an efficient condition.

(2) The occupier of any industrial or trade premises shall ensure that any air pollution control equipment installed in or on the premises is working in a proper and efficient manner whenever the industrial plant or fuel burning equipment is being used.

(3) Any occupier who fails to comply with subsection (1) or (2) shall be guilty of an offence.

Prohibition of dark smoke from chimney

11.—(1) Any owner or occupier of any industrial or trade premises who causes, permits or allows the emission of dark smoke from a chimney of, or used in connection with, those premises shall be guilty of an offence.

(2) This section shall not apply to the emission of dark smoke from any chimney lasting for not longer than such periods as may be prescribed and subject to any prescribed limitations.

Control of air impurities

12.—(1) Any owner or occupier of any industrial or trade premises who conducts any trade or industrial process, or operates any fuel burning equipment or industrial plant in or on the premises in such manner as to cause, permit or allow the emission of air impurities in excess of the standard of concentration or rate of emission prescribed in respect of that industry, process, fuel burning equipment or industrial plant shall be guilty of an offence.

(2) Where any such standard has not been so prescribed, it shall be the duty of the owner or occupier of any industrial or trade premises to conduct any trade or industrial

process or operate any fuel burning equipment or industrial plant in or on the premises by the best practicable means available as may be necessary to prevent or minimise air pollution.

(3) If any dispute arises as to the best practicable means available for the purposes of subsection (2), it shall be determined by the Director.

(4) The Director may, in respect of a specified period of time, by notice in writing require the owner or occupier of any industrial or trade premises to ensure that any air impurity exceeding a specified amount shall not be emitted during that period.

(5) The Minister may by regulations provide for the control or prohibition of the emission of air impurities from any other source.

Power of Director to require work on any premises

13.—(1) Where, in the opinion of the Director, any air impurities are being or are likely to be emitted from any industrial or trade premises, the Director may by notice in writing require the owner or occupier of the premises —

- (a) to install and operate any industrial plant, air pollution control equipment or additional air pollution control equipment, in or on the premises;
- (b) to repair, alter or replace any industrial plant, fuel burning equipment or air pollution control equipment installed in or on the premises;
- (c) to erect or alter the height or dimension of any chimney through which air impurities may be discharged from the premises;
- (d) to alter the method of operation or process used in or on the premises to prevent or reduce air pollution;
- (e) to use a specified type of fuel to prevent or reduce air pollution;
- (f) to dismantle or disconnect any industrial plant, fuel burning equipment, air pollution control equipment or chimney installed in or on the premises; or
- (g) to install and operate such instruments and carry out such tests and keep records thereof,

within such time and in such manner as may be specified in the notice.

(2) The owner or occupier of any industrial or trade premises to whom any notice in writing is given under this section shall comply with all the requirements set out in the notice.

Power to prohibit use of combustible materials, fuel burning equipment or

industrial plants in designated areas

14.—(1) The Minister may, by order published in the *Gazette* —

- (a) prohibit or restrict the use of any or any class of combustible material, fuel burning equipment or industrial plant as may be specified in the order; or
- (b) prohibit or restrict the burning of any or any class of material as may be specified in the order,

within such area or premises as may be designated and at such times as may be specified in the order.

(2) Any occupier or owner of any premises or any other person who contravenes an order made under subsection (1) shall be guilty of an offence.

(3) If, in any proceedings for a contravention or non-compliance of an order made under subsection (1), it is shown that any combustible material, fuel burning equipment or industrial plant was found or that the burning of any material was carried out in or on any premises, it shall be presumed, until the contrary is proved, that --

- (a) the combustible material, fuel burning equipment or industrial plant was used; or
- (b) the burning of any material was carried out,

by the occupier of such premises, other than a principal contractor to which section 35 applies.