

ENVIRONMENTAL POLLUTION CONTROL ACT

(CHAPTER 94A)

(Original Enactment: Act 9 of 1999)

[1st April 1999]

PART V

WATER POLLUTION CONTROL

Licence for the discharge of trade effluent, oil, chemical, sewage or other polluting matters

15.—(1) Any person who discharges or causes or permits to be discharged any trade effluent, oil, chemical, sewage or other polluting matters into any drain or land, without a licence from the Director, shall be guilty of an offence.

(2) Where any trade effluent, oil, chemical, sewage or other polluting matters has been discharged from any premises into any drain or land, it shall be presumed, until the contrary is proved, that the occupier of the premises, other than a principal contractor to which section 35 applies, had discharged or caused or permitted to be discharged the trade effluent, oil, chemical, sewage or other polluting matters in contravention of subsection (1).

(3) Subject to subsection (4), any person who causes or suffers any trade effluent, oil, chemical, sewage or other polluting matters to enter or pass into any drain or land without a licence from the Director (whether wilfully or by accident) shall immediately inform the Director of such occurrence.

(4) The requirements in subsection (3) may be waived by the Director in any case where the amount of trade effluent, oil, chemical, sewage or other polluting matters is, in the opinion of the Director, not of a substantial nature.

(5) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6) This section shall not apply to the discharge of a toxic or hazardous substance to which section 17 applies.

Plant for treatment of trade effluent

16.—(1) The occupier of any premises shall treat any trade effluent discharged therefrom in such manner as may be prescribed before such trade effluent is discharged into any drain or land in pursuance of a licence granted under section 15.

(2) A person using, working or operating any plant for the purpose of treating any trade effluent shall use, work or operate and maintain such plant in such manner as the Director may require.

(3) Any person who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction; and
- (b) on a second or subsequent conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction.

Penalties for discharging toxic substances into inland waters

17.—(1) Any person who discharges or causes or permits to be discharged any toxic substance or hazardous substance into any inland water so as to be likely to cause pollution of the environment shall be guilty of an offence and shall —

- (a) be liable on the first conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) be punished on a second or subsequent conviction with both imprisonment for a term of not less than one month and not more than 12 months and a fine not exceeding \$100,000.

(2) Where a person carrying on any trade or business has been convicted of a second or subsequent offence under subsection (1)(b) for the discharge of, or for causing or permitting the discharge of, any toxic substance or hazardous substance which is produced by any process or work in connection with that trade or business, the Minister may, by order in writing, direct that person to immediately cease carrying on that process or work either indefinitely or for such period as may be specified in the order.

(3) Any person who fails to comply with an order made under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction.

(4) If any person fails to comply with an order made under subsection (2), the Director may take such step or measure as is necessary to ensure that the order is

complied with and the reasonable costs and expenses incurred by the Director in taking such step or measure shall be recoverable from the person in default as a debt due to the Government.

(5) For the purposes of this section —

- (a) a person shall be deemed to have discharged a toxic substance or hazardous substance into any inland water if he places the substance or causes it to be placed in a position where it is liable to fall or descend or be washed or to percolate or be blown into the water;
- (b) the discharge of a toxic substance or hazardous substance shall be deemed to cause pollution of the environment if the substance has been discharged or placed in such a manner or in such quantity (whether by itself or with any other substance) as to subject persons or animals to a material risk of death, injury or impairment of health or as to threaten to pollute (whether on the surface or underground) any inland water;
- (c) the fact that the toxic substance or hazardous substance is placed in containers shall not of itself be taken to exclude any pollution of the environment which might be expected to be caused if the substance were not in containers; and
- (d) where the toxic substance or hazardous substance has been discharged from any premises into any inland water, it shall be presumed, until the contrary is proved, that the occupier of the premises, other than a principal contractor to which section 35 applies, had discharged or caused or permitted to be discharged the toxic substance or hazardous substance in contravention of subsection (1).

(6) No prosecution shall be instituted under this section without the written consent of the Public Prosecutor.

Power of Director to require the removal and cleaning up of toxic substance or trade effluent, oil, chemical, sewage, hazardous substance or other polluting matters

18.—(1) The Director may, by notice in writing, require any person who has discharged or caused or permitted to be discharged or spilled any toxic substance, trade effluent, oil, chemical, sewage, hazardous substance or polluting matters onto any land or into any drain or the sea, to remove and clean up such toxic substance, trade effluent, oil, chemical, sewage, hazardous substance or polluting matters within a specified time to be fixed by the Director as he considers fit.

(2) Any person who fails to comply with a notice issued under subsection (1) shall be

guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

Power of Director to require measures to be taken to prevent water pollution due to storage or transportation of toxic substances or any other polluting matters

19.—(1) The Director may, by notice in writing, require any person who effects, permits or carries out any activity related to the storage or transportation of toxic substance or any other polluting matters —

- (a) to use a method of storage, operation or process to prevent water pollution;
- (b) to construct or install spill containment facilities;
- (c) to use containers, tanks, tank containers or road tankers that are constructed to meet stipulated standards and with approved materials;
- (d) to install and operate equipment to prevent any leakage or discharge from containers, tanks, tank containers or road tankers;
- (e) to install and operate pollution monitoring equipment to prevent and detect any leakage or discharge;
- (f) to carry out specific tests on equipment, tanks or any other related facilities and to submit the results of these tests;
- (g) to prepare and submit contingency plan for events of accidental discharge or spillage of oil, chemicals, trade effluent or other polluting matters; and
- (h) to carry out any works as required by the Director that are necessary to prevent water pollution.

(2) Any person who fails to comply with any requirement in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.