ENVIRONMENTAL MANAGEMENT ACT, CHAPTER 35:05

THE WATER POLLUTION RULES, 2019

Arrangement of Rules

Rule

1. Citation
2. Interpretation
3. Register of Water Pollutants
4. End of Pipe Standards
5. Prohibition against release of water pollutants
6. Ambient Water Quality Standards
7. Requirement to apply for a permit
8. General prohibition against non-compliance with a Notice to apply for a permit
9. Application for a permit
10. Further information
11. Incomplete application
12. Determination of application
13. Duration of permits
14. Permit conditions
15. Changes after grant of permit
16. Variation
17. Transfer of permit
18. Renewal of permits
19. Watershed Improvement Plan
20. Revocation of permits
21. Suspension of permits
22. Procedure for the revocation, suspension and variation of permits and rejection of claims
23. Notification of decisions of the Authority
24. Appeals to the Commission
25. Water Polluters Register
26. Trade secrets and confidential business information
27. The Water Pollution Rules, 2001 are revoked

SCHEDULE I

SCHEDULE II

SCHEDULE III

LEGAL NOTICE NO. 312

REPUBLIC OF TRINIDAD AND TOBAGO

ENVIRONMENTAL MANAGEMENT ACT, CHAPTER 35:05

RULES

MADE BY THE MINISTER UNDER SECTIONS 26, 48, 52, 53 AND 54 OF THE ENVIRONMENTAL MANAGEMENT ACT

THE WATER POLLUTION RULES, 2019

1. These Rules may be cited as the Water Pollution Rules, 2019. Citation

2. In these Rules— Interpretation

"Act' means the Environmental Management Act; Chap. 35:05

"ambient water quality" refers to the quality of water in rivers, ponds, lakes, and the marine environment;

"ambient water quality standards" means the parameters or substances at the quantity, condition or concentration mentioned in Schedule III; Schedule III

"aquatic life" refers to organisms living in rivers, ponds, lakes, and the marine environment;

"aquifer" means a formation of permeable rock saturated with water and with a degree of permeability that allows water to be withdrawn;

"Authority" means the Environmental Management Authority established under section 6(1) of the Act;

"base flow" means the contribution of groundwater flow to stream flow;

"coastal nearshore" means the area of the marine environment which extends no more than three nautical miles from the high water mark;

"commercial" means of or pertaining to business or trade;

"Commission" means the Environmental Commission established under section 81 of the Act;

"criterion continuous concentration (CCC)" is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect;

"criterion maximum concentration (CMC)" is an estimate of the highest concentration of a chemical in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect;

"daily value" means an average of four (4) grab samples taken over an operational daily cycle;

"disinfection" means the use of a chemical or technique to destroy or inhibit the growth of microorganisms that causes diseases;

Schedule II

"end of pipe standard" means the level specified in Schedule II outside of which a person releasing a water pollutant from a discrete source will be permitted by the Authority;

"emergency" means any situation arising from events beyond the reasonable control of any person that requires corrective action to restore normal operation and causes a facility to breach a permit condition or the permissible levels for release of water pollutants;

"facility" means any place within the environment, and any premises, vehicles, buildings, process, equipment, development, or natural or man-made structure at such location, from which water pollutants may be released;

"freshwater" means water containing less than 500 parts per million of dissolved salts, such as that in groundwater, rivers, ponds, lakes;

"groundwater" means the water below the surface of the earth, usually in porous rock formations;

"industrial" means of or pertaining to the manufacture, processing, handling, transport, storage or disposal of materials, including raw materials, materials in the process of manufacture, manufactured materials, by-products and waste materials;

"inland surface waters" means the water from rivers, creeks, tidal waters, estuaries, swamps, streams, lakes and impounded reservoirs that flows over or rests upon the land surface of Trinidad and Tobago and in dry conditions includes the area over which such waters flowed or rested;

"institution" includes health care establishments, hospitals, prisons, schools and zoos;

"Local Authority" means a Council of a Municipal Corporation within the meaning of the Municipal Corporations Act;

Chap. 25:04

"marine environment" refers to waters with salinity levels not less than 30 parts per thousand, at least 95% of the time;

"marine offshore" means that area of the marine environment seaward of the coastal nearshore;

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on roads and includes a trolley vehicle, but does not include vehicles constructed exclusively for use on rails or other specially protected tracks;

"permissible level" means the level specified in Schedule II outside of which a person releasing a water pollutant may be required by the Authority to submit an application pursuant to rule 7 for a permit;

"permit" means a water pollution permit granted under section 53(1) of the Act;

"permittee" means a person to whom a permit has been granted;

"place" means—

(a) a geographically contiguous property where an activity is carried out;

(b) a noncontiguous property where an activity is carried out that is connected by a right of way to which the public does not have access; or

(c) two or more pieces of property, where an activity occurs, that are geographically contiguous and divided by a public or private right of way;

"prescribed fee" means the fee prescribed by the Minister under Section 96(2) of the Act;

"receiving environment" means any environment specified in Schedule II;

"recreational use" means any public or privately controlled natural water body whether coastal, riverine or estuarine for example rivers, waterfalls, sea, mineral bath and its source and the immediate environments used for recreational purposes including, but not limited to, bathing, swimming, snorkelling, scuba diving, boating, fishing, wind surfing, skiing, for medicinal/therapeutic purposes, for social activities for example picnicking, public partying for religious activities and relaxation;

Chap. 81:01

"Registrar" means the Registrar of Companies appointed under the Companies Act;

"Tobago House of Assembly" means the Tobago House of Assembly referred to in section 141A of the Constitution;

"Total Maximum Daily Load" is the calculation of the maximum amount of a pollutant allowed to enter water so that the waterbody will meet and continue to meet ambient water quality standards for that particular pollutant;

"vehicle" means any form of conveyance or transportation from which water pollutants may be released;

"water" means any surface water, sea, groundwater, wetlands or marine areas within the environment;

Schedule I

"water pollutant" means the parameters or substances at the quantity, condition or concentration mentioned in Schedule I;

"Water Polluters Register" means the register established under Rule 25;

"Water Supply" refers to water that is being abstracted from freshwater sources for potable use;

"Watershed Improvement Plan" means plan to reduce discharge quality to achieve Total Maximum Daily Load;

Chap.54:40

"WASA" means the Water and Sewerage Authority established under section 3 of the Water and Sewerage Act.

Register of Water Pollutants Schedule I

3. For the purpose of these Rules, the parameters or substances at the quantity, condition or concentration mentioned in Schedule I are water pollutants specific to Trinidad and Tobago.

End of pipe Standards Schedule II

4. For the purpose of these Rules, the parameters or substances at the quantity, condition or concentration mentioned in Schedule II are end of pipe Standards specific to Trinidad and Tobago.

Prohibition against release of water pollutants

5. (1) A person shall not release a water pollutant into any water approved by a competent governmental entity for human consumption without treatment or where treatment has been limited solely to disinfection.

(2) A person shall not release a water pollutant into groundwater where—

(a) the groundwater is vulnerable to contamination because of the hydrological characteristics of the area under which the groundwater occurs;

(b) no alternative source of drinking water is available to substantial current or future populations;

(c) the aquifer provides the base flow for a sensitive ecological system;

(d) the release of a water pollutant may destroy a unique habitat; or

(e) the groundwater is a current or potential source of drinking water or has some other beneficial use.

Ambient Water Quality Standards Schedule III

6. For the purpose of these Rules, the parameters or substances at the quantity, condition or concentration mentioned in Schedule III are Ambient Water Quality Standards specific to Trinidad and Tobago.

Requirement to apply for a permit Schedule I

7. (1) Where a person is releasing a parameter or substance listed in Schedule I into a receiving environment, he shall apply for a permit to the Authority.

(2) A person applying for a permit shall be required to pay the prescribed fee.

(3) Sub-rules (1) and (2) do not apply to—

(a) operational releases from motor vehicles;

(b) releases from households, except where such households contain industrial or commercial facilities; or

(c) releases authorised by a competent governmental entity into sewerage facilities owned or operated by such competent governmental entity.

General prohibition against non-compliance with requirement to apply for a permit

8. (1) The operation of the facility from which the water pollutant is released shall be allowed to continue until final determination of the application for the permit by the Authority.

(2) Where a person receives a final determination of the application for a permit, that person shall not release any water pollutants outside the permissible levels unless that person has been granted a permit by the Authority.

(3) Where a person is not granted a permit by the Authority, that person may be required to participate in a watershed improvement plan.

Application for a permit

9. (1) An application for a permit shall—

(a) be submitted no later than forty-five working days from the commencement of these rules or otherwise guided by the Authority;

(b) be completed and submitted to the Authority in accordance with the form as determined by the Authority, together with the prescribed fee;

(c) be in respect of one facility;

(d) include the following information:

(i) company name or corporate name, name of institution or individual, names of directors if, any, name and position of applicant, name of owner or occupier and mailing address of the facility;

(ii) a map showing the location of any existing or proposed water intake and release points;

(iii) an identification of the receiving water or waters by name;

(iv) references to any Environmental Impact Statement or Assessment Reports or environmental study which pertains to the facility;

(v) effluent quality monitoring data for your main discharge points, which should represent daily values and be no more than two years old from date of application for a permit unless otherwise specified by the Authority;

(vi) description of any water pollution control programme; and

(vii) any other information deemed necessary by the Authority; and

(e) be signed by the principal executive officer where the application is with respect to a company and in other instances by the person owning or operating the facility in respect of which the permit is being sought.

(2) Where the applicant is a company, the applicant shall supply the Authority with a Registrar's certificate furnished by the Registrar of Companies under section 486(1)*(b)* of the Companies Act stating that the name of the company is on the Register of Companies.

Chap. 81:01

(3) The Authority may, at the request of the applicant, grant a reasonable extension of the time prescribed in subrule (1)*(a)*.

Further information

10. (1) The Authority may, during the determination of an application under these Rules, request additional oral or written information from—

(a) an applicant;

(b) a person who is directly affected by the application;

(c) a Local Authority, any agency of the Tobago House of Assembly or any other government entity; or

(d) any source the Authority considers appropriate.

(2) Where the Authority requests additional information pursuant to subrule (1), the applicant shall provide the additional information within twenty working days.

(3) The Authority may, at the request of the applicant, grant a reasonable extension of the time prescribed in subrule (2).

(4) Where the Authority receives information under subrule 1*(b)*, 1*(c)* or 1*(d)* the Authority shall—

(a) forward to the applicant a summary of such information; and

(b) request the applicant to submit a response within a specified time.

(5) Where, during the determination of an application under these Rules, the applicant becomes aware that—

(a) in an application or in a report to the Authority, the applicant has failed to submit any relevant facts or has submitted incorrect information; or

(b) there is any change affecting the accuracy of any information provided to the Authority,

the applicant shall, within ten working days, notify and submit to the Authority the relevant facts and correct information.

Incomplete applications

11. (1) Where the Authority considers that the applicant has omitted to provide any of the information required under these Rules, the Authority shall notify the applicant in writing of the omission within twenty working days of receipt of the application and shall request within a specified time the omitted information.

(2) The Authority may, at the request of the applicant, allow an extension of the time limit specified by the Authority pursuant to subrule (1) or rule 10(2).

(3) Without prejudice to the generality of rule 12(1), where the applicant does not supply the information as requested under subrule (1) or rule 10(1)(a) or 10(2) within the time limit specified by the Authority under subrule (1) or (2) or rule 10(1)*(a)* or 10(2), the Authority may refuse to grant a permit.

Determination of applications

12. (1) Subject to subrule (2), the Authority shall within thirty working days of receipt of a completed application under rule 10, grant or refuse to grant with or without conditions, a permit to the applicant.

(2) Where the applicant under rule submits further information under rule 10(2), 10(3) or 11, the Authority shall grant or refuse to grant a permit within 30 working days of receipt of the information.

Duration of permits

13. Unless previously revoked, varied or suspended by the Authority, a permit is effective until a fixed date specified in the permit, which date shall not be more than five years from the date on which the permit was granted.

Permit conditions

14. (1) The Authority shall establish in each permit—

(a) the water pollutants authorised to be released;

(b) the quantity, conditions and concentrations the permittee may release;

(c) the exact location where the sampling of the release shall be performed and frequency of sampling; and

(d) reporting requirements.

(2) The Authority may establish in each permit, conditions, as required in the case of each facility, including the following requirements:

(a) that the permittee shall take all reasonable steps to—

(i) avoid all adverse environmental impacts which could result from the activity;

(ii) minimize the adverse environmental impact where the avoidance is impractical;

(iii) mitigate the impact where the impact cannot be avoided;

(b) that monitoring of the conditions of the permit be conducted in accordance with the methods specified in the permit;

(c) that measurements taken for the purpose of monitoring shall be representative of the release;

(d) that effluent quality monitoring data should represent daily values unless otherwise specified by the Authority;

(e) that the permittee shall install, utilise and maintain, in good working condition, flow rate monitoring device, approved by the Authority, at a location prescribed by the Authority;

(f) that the permittee shall retain records of all monitoring, including—

(i) all calibration and maintenance records;

(ii) all original strip chart or electronic recordings for continuous monitoring instrumentation;

(iii) copies of all reports required by the permit; and

(iv) records of all data used to complete the application for a permit,

for a period of at least four years from the date of the expiration of a permit, which period may be extended by the Authority;

(g) that records of monitoring information include—

(i) the date, exact place and time that samples or measurements were taken;

(ii) the name of the individual or individuals who took the samples or measurements;

(iii) the date or dates that analyses were performed;

(iv) the individual or individuals who performed the analyses;

(v) the analytical methods used;

(vi) the results of such analyses;

(vii) the methods supporting the information, such as observations, readings, calculations and bench data used and the results of such methodologies;

(viii) the state of the operation of the facility including, but not limited to, planned and unplanned shutdowns, production levels and achievement of design capacity; and

(ix) handling of samples;

(h) that the permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control which are installed and used by the permittee to achieve compliance with the permit;

(i) that the permittee shall, at all times, carry out and maintain—

(i) best management practices;

(ii) pollution and prevention measures;

(iii) adequate laboratory controls;

(iv) the appropriate quality assurance procedures; and

(v) back-up or auxiliary facilities to achieve compliance with the permit;

(j) that the permittee shall furnish the Authority with any information which the Authority may request to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with the permit;

(k) that the permittee shall furnish to the Authority, upon request, copies of records required to be kept by the permittee;

(l) that the permittee report all instances of anticipated non-compliance to the Authority and shall notify the Authority within ten working days of any planned changes in the permitted facility or activity which may result in non-compliance with the permit requirements;

(m) that, where there has been non-compliance with the permit requirements, the permittee shall—

(i) report to the Authority, within forty-eight hours of the time the permittee becomes aware of the circumstances of the non-compliance, the anticipated manner in which it may endanger health or the environment;

(ii) within twenty-eight working days, submit to the Authority a written report containing a description of the non-compliance, its cause and the period of non-compliance including exact dates and time, the response, clean-up and counter measures taken;

(iii) if the non-compliance has not been corrected, submit a report to the Authority indicating the anticipated time it is expected to continue; and

(iv) state whether the permittee considers that the non-compliance was due to an emergency and the reasons for such a belief;

(n) that the permitee shall allow an authorised representative of the Authority, upon the presentation of identification, to—

(i) enter into the facility where the water pollutant is released or where records are required to be kept under the condition of the permit;

(ii) have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;

(iii) inspect, at reasonable times, any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under the permit; and

(iv) sample or monitor, at reasonable times, for the purposes of ensuring permit compliance; and

(o) that the permittee achieve compliance with Schedule II by the specified timeframe.

(3) In deciding the terms and conditions of a permit, the Authority shall have regard to information submitted under rule 9, 10, 11 or 15.

(4) In determining the conditions of a permit, the factors to be considered by the Authority shall include, but not be limited to—

(a) the industrial profile of the activities conducted at the facility;

(b) the volumetric release rates of effluents;

(c) the quality of the effluent, including conditions and concentrations of constituents;

(d) the characteristics of receiving waters, for example whether marine or inland, flow rates, depth, water quality;

(e) the uses of receiving water;

(f) the age of the facility;

(g) pollution control equipment installed;

(h) the location of point source;

(i) the best available practicable technology; and

(j) other relevant information.

Changes after grant of permit

15. (1) A permittee shall, upon payment of the prescribed fee, within twenty-one working days of the following events, give the Authority notice in writing of:

(a) a change affecting the accuracy of any particulars provided in an application for a permit; or

(b) the cessation of the operation of the facility in respect of which the permit has been issued.

(2) A permittee shall, upon payment of the prescribed fee, give notice to the Authority at least one hundred and eighty working days prior to any facility—

(a) expansion or modification;

(b) production increase or modification; or

(c) process increase or modification,

which will result in a new or increased release of one or more water pollutants.

(3) The notice in subrule (2) shall—

(a) indicate the proposed characteristics of release including the method of release, quantity, conditions and concentrations;

(b) identify the receiving water or waters by name; and

(c) contain a map showing the proposed location of any proposed water intake and effluent release structures.

(4) Where a permittee—

(a) dies;

(b) becomes bankrupt;

(c) transfers ownership;

(d) goes into liquidation or receivership; or

(e) becomes a party to an amalgamation,

that permittee, shall within twenty-one working days of the event, upon payment of the prescribed fee, give the Authority notice in writing thereof.

Variation

16. (1) The Authority may—

(a) on its own initiative, vary the conditions of a permit or a variation granted pursuant to subrule (8); or

(b) on the application of the permittee, vary the conditions of a permit or the permissible levels for the facility.

(2) The Authority may vary a permit under subrule (1)*(a)*—

(a) where it appears to the Authority that a situation specified in rule 15 has occurred;

(b) where it appears to the Authority that an emergency has occurred;

(c) in order to ensure the attainment or maintenance of water quality;

(d) in order to protect and ensure the propagation of a balanced community of plant and animal life specific to an area or region;

(e) in order to allow recreational activities in water; or

(f) where it appears to the Authority that any other change, situation or activity relating to the use of the permit has occurred that is not consistent with these Rules.

(3) Where the Authority varies a permit under subrule (1)*(a)*, it shall issue to the permittee an amended permit or remove the requirement for a permit where the permittee by virtue of a variation is within all the prescribed limits.

(4) An application under subrule (1)*(b)* shall be submitted to the Authority, together with the prescribed fee.

(5) Subject to subrule (6) and (7), where the Authority receives an application under subrule (1)*(b)* for a variation, other than a variation of the permissible levels for a facility, the Authority shall, within thirty working days of receipt of the completed application, issue to the applicant an amended permit or refuse to grant a variation.

(6) Subject to subrule (7), where the Authority receives an application under subrule (1)*(b)* for a variation of the permissible levels for a facility, the Authority may—

(a) issue an amended permit;

(b) make a decision to remove the requirement for a permit; or

(c) refuse to grant the variation,

within a reasonable time of receipt of the application by the Authority so as to allow the Authority to carefully assess the implications of varying the permissible levels for the facility.

(7) Where the permittee under subrule (1)*(b)*, submits further information under rule 10(1), 10(2), 11 or 15, the Authority may issue to the applicant an amended permit within thirty working days of receipt of such information and in the case of an application for a variation of the permissible levels for the facility, issue an amended permit or make a decision to remove the requirement for a permit or refuse to grant the variation within a reasonable time.

(8) Subject to subrules (6) and (7), the decision to remove the requirement for a permit will require annual submission of effluent quality monitoring data to verify compliance with the permissible levels as prescribed in Schedule II.

(9) The Authority may approve the application under subrule (1)*(b)*, if the application is based on supported scientific rationale in the following areas:

(a) variation of prescribed methods of sampling preservation and analysis;

(b) variation of permissible levels of water pollutants from facilities into the environment;

(c) variation of the water pollutants to be monitored; and

(d) variation of the frequency of monitoring.

(10) The Authority shall not approve an application under subrule (1)*(b)* where a variation will impair—

(a) the attainment or maintenance of water quality;

(b) the protection and propagation of a balanced community of plant or animal life specific to an area or region;

(c) a source of drinking water; or

(d) recreational activities in the water.

Transfer of permit

17. (1) No permit is assignable or transferable to any person without the consent of the Authority and the payment of the prescribed fee.

(2) The Authority may, on the application of a permittee, transfer a permit to another person.

(3) The Authority shall not approve an application under subrule (2) unless the application is in respect of the release to which the permit applies.

(4) An application for a transfer shall be completed and submitted to the Authority in accordance with the form as determined by the Authority, together with the prescribed fee.

(5) An application for a transfer shall contain—

(a) the name and address of the proposed transferee; and

(b) the signatures of the proposed transferee and the applicant.

(6) An application for a transfer shall be accompanied by the permit which is to be transferred.

(7) Where the proposed transferee is a company, an application for a transfer shall be accompanied by a Registrar's certificate from the Registrar of Companies under section 486(1)*(b)* of the Companies Act stating that the name of the company is on the Register of Companies. Act No. 35 of 1995

(8) Where the Authority approves an application under subrule (2), the Authority shall—

(a) endorse the transfer on the permit submitted under subrule (6);

(b) substitute the name of the applicant on the permit for that of the transferee; and

(c) endorse the date on which the application was approved.

Renewal of permits

18. (1) Where a permittee desires to continue to release a water pollutant beyond the expiration of a permit, the permittee shall submit an application for the renewal of a permit to the Authority, in accordance with the form as determined by the Authority, together with the prescribed fee.

(2) An application for a renewal permit shall be made at least thirty working days before the expiration of the permit.

(3) Where, after the expiration of a permit, a permittee has submitted an application for the renewal permit in accordance with subrules (1) and (2), the expired permit shall continue in force until the effective date of the renewed permit.

(4) A person whose permit has been renewed shall be required to pay the prescribed fees.

Watershed Improvement Plan

19. (1) Once a person achieves compliance with Schedule II, the Authority may require the development and implementation of a Watershed Improvement Plan;

(2) The plan referred to in subrule (1) shall address a set of specific pollutant reduction targets and load reductions based on Total Maximum Daily Loads for that particular Watershed towards meeting the ambient water quality standards.

Revocation of permits

20. The Authority may revoke a permit if it appears to the Authority that—

(a) the continuation of the release authorised by the permit would prevent the water quality for use of the body from being attained, cause serious pollution of the environment or serious harm to human health that cannot be avoided by varying the conditions of the permit;

(b) the permittee has made a misrepresentation or wilful omission in obtaining the permit or in any report submitted to the Authority;

(c) the permittee has violated any fundamental condition of the permit; and

(d) there has been any other change in circumstances relating to the permit that requires a permanent reduction in the release.

Suspension of permits

21. (1) The Authority may suspend a permit if it appears to the Authority that—

(a) the continuation of the release authorised by the permit would prevent the water quality for use of the body from being attained, cause serious pollution of the environment or serious harm to human health;

(b) the permittee has violated any condition in the permit;

(c) there has been any other change in circumstances relating to the permit that requires a temporary reduction in the release.

(2) A permit suspended under this rule shall be of no effect to authorise the release allowed in the permit.

(3) Where a permit is suspended under subrule (1), the Authority may require the permittee to take such measures to deal with or avert the pollution or harm.

Procedure for the revocation, suspension and variation of permits and rejection of claims

22. The Authority shall not revoke, suspend or vary a permit or reject a claim under rule 26 unless it has—

(a) given written notice to the permittee or applicant that it intends to do so;

(b) specified in the notice the reasons for its intention to do so;

(c) given the permittee or applicant a reasonable opportunity to make submissions in relation to the revocation, suspension, variation or rejection; and

(d) taken into consideration any submissions made by the permittee or applicant within five working days of service of the notice prescribed in paragraph *(a)*.

Notification of decisions of the Authority

23. The Authority shall, by notice, inform the applicant or the permittee, as the case may be, of the following decisions in relation to a permit:

(a) refusal of a grant of a permit under rule 12;

(b) conditions attached to a grant under rule 15;

(c) a variation under rule 16(1)*(a)*;

(d) refusal of an application for a variation under rule 16(1)*(b)*;

(e) refusal of an application for a transfer under rule 17;

(f) refusal of an application for a renewal under rule 18;

(g) a revocation under rule 20;

(h) a suspension under rule 21; or

(i) a rejection of a claim under rule 26.

Appeals to Commission

24. A decision of the Authority mentioned in rule 23 is subject to appeal to the Commission.

Water Polluters Register

25. (1) The Authority shall establish and maintain a Water Polluters Register—

(a) consisting of any facilities that are a source of releases of a water pollutant and which shall be open to the public for inspection at the registered office address of the Authority during working hours; and

(b) which may be kept in any form.

(2) Subject to rule 26, the Water Polluters Register shall contain particulars of, or relating to—

(a) every application for a permit;

(b) every permit and Watershed Improvement Plan;

(c) every refusal to grant a permit under rule 12, together with the reasons for the refusal;

(d) every variation under rule 16(1)*(a)*;

(e) every refusal to vary the conditions of a permit under rule 16(1)*(b)* together with reasons for refusal;

(f) every refusal of a renewal of a permit under rule 18;

(g) every revocation under rule 20;

(h) every suspension under rule 21;

(i) ministerial directives under section 5 of the Act;

(j) inspection reports pursuant to sections 22 and 23 of the Act;

(k) notices of all types, including notices of violation under section 63 of the Act;

(l) administrative orders under sections 64 and 65 of the Act;

(m) administrative civil assessments under section 66 of the Act;

(n) applications for enforcement under section 67 of the Act;

(o) other actions by the Authority under section 68 of the Act; and

(p) complaints against permittees under section 69 of the Act.

(3) An extract from the Water Polluters Register shall be supplied at the request of any person on payment of the prescribed fee.

Trade secrets and confidential business information

26. (1) An applicant, upon payment of the prescribed fee, may assert a claim in accordance with the form as determined by the Authority, that any of the information supplied to the Authority under rules 9, 10, 11, 12 or 16 is a trade secret or confidential business information and that it be omitted from the Water Polluters Register.

(2) The Authority may reject the claim for the reason—

(a) that the applicant has not disclosed the basis for the claim; that the basis thereof is invalid; or

(b) that the public interest in disclosing the information clearly outweighs any prejudice to the applicant.

(3) The Authority shall omit the information from the Water Polluters Register where—

(a) the Authority does not contest the claim; or

(b) the Authority rejects the claim under subrule (2) but the claim is upheld on an appeal pursuant to rule 24.

27. The Water Pollution Rules, 2001 are revoked. L.N. No. 230 of 2001 revoked

SCHEDULE I

(Rule 3)

WATER POLLUTANTS

No.	Parameters or Substances	Quantity, Condition or Concentration at which substance or parameter is defined as a pollutant [a]
1.	Temperature	Maximum variation of 3^0C from ambient
2.	Hydrogen ion (pH)	Less than 6 or greater than 9
3.	Dissolved Oxygen Content (DO)	<4
4.	Five day Biological Oxygen Demand (BOD_5 at 20^0C)	>10
5.	Chemical Oxygen Demand (COD)	>60
6.	Total Suspended Solids (TSS)	>15
7.	Total Oil and Grease (TO&G) or n-Hexane Extractable Material (HEM)	>10
8.	Ammoniacal Nitrogen (as NH_3-N)	>0.01
9.	Total Phosphorus (as P)	>0.1
10.	Sulphide (as H_2S)	>0.2
11.	Chloride (as Cl^-)	>250
12.	Total Residual Chlorine (as Cl_2)	0.2
13.	Dissolved Hexavalent Chromium (Cr^{6+})	>0.01
14.	Total Chromium (Cr)	>0.1
15.	Dissolved Iron (Fe)	>1.0
16.	Total Petroleum Hydrocarbons (TPH)	NIAA
17.	Total Nickel (Ni)	>0.5
18.	Total Copper (Cu)	>0.01
19.	Total Zinc (Zn)	>0.1
20.	Total Arsenic (As)	>0.01
21.	Total Cadmium (Cd)	>0.01
22.	Total Mercury (Hg)	>0.005
23.	Total Lead (Pb)	>0.05
24.	Total Cyanide (as CN^-)	>0.01
25.	Phenolic Compounds (as phenol)	>0.1
26.	Radioactivity	NIAA
27.	Toxicity	NATE
28.	Faecal Coliforms	>100

SCHEDULE II

(Rule 4)

PERMISSIBLE LEVELS

No.	Water Pollutants Parameters or Substances	Receiving Environment Inland Surface Water	Coastal Nearshore	Marine Offshore	Environmentally Sensitive Areas and/or Groundwater
		Levels or Conditions			
1.	Temperature	35	40	45	NIAA
2.	Dissolved Oxygen	>4	>4	>4	>4
3.	Hydrogen ion (pH)	6-9	6-9	6-9	6-9
4.	Five day Biological Oxygen Demand (BOD_5 at 20^0C)	30	50	100	10
5.	Chemical Oxygen Demand (COD)	250	250	250	60
6.	Total Suspended Solids (TSS)	50	150	200	15
7.	Total Oil and Grease (TO&G) or n-Hexane Extractable\ Material (HEM)	10	15	100	No release
8.	Ammoniacal Nitrogen (as NH_3-N)	10	10	10	0.1
9.	Total Phosphorous (as P)	5	5	5	0.1
10.	Sulphide (as H_2S)	1	1	1	0.2
11.	Chloride (as Cl^-)	250	NIAA	NIAA	NIAA
12.	Total Residual Chloride (as Cl_2)	1	1	2	0.2
13.	Dissolved Hexavalent Chromium (Cr^{6+})	0.1	0.1	0.1	0.01
14.	Total Chromium (Cr)	0.5	0.5	0.5	0.1
15.	Dissolved Iron (Fe)	3.5	3.5	3.5	1.0
16.	Total Petroleum Hydrocarbons (TPH)	25	40	80	No release
17.	Total Nickel (Ni)	0.5	0.5	0.5	0.5
18.	Total Copper (Cu)	0.5	0.5	0.5	0.01
19.	Total Zinc (Zn)	2	2	2	0.1
20.	Total Arsenic (As)	0.1	0.1	0.1	0.01
21.	Total Cadmium (Cd)	0.1	0.1	0.1	0.01
22.	Total Mercury (Hg)	0.01	0.01	0.01	0.005
23.	Total Lead (Pb)	0.1	0.1	0.1	0.05
24.	Total Cyanide (as CN^-)	0.1	0.1	0.1	0.01
25.	Phenolic Compounds (as phenol)	0.5	0.5	0.5	0.1
26.	Radioactivity	NIAA	NIAA	NIAA	NIAA
		Levels or Conditions			
27.	Toxicity	NATE	NATE	NATE	NATE
28.	Faecal Coliforms	400	400	400	100

[a] all units are in milligrams per litre (mg/L) except for temperature (^0C), pH (pH units), faecal coliforms (counts per 100ml), radioactivity (Bq/L) and toxicity (toxic units)

NIAA-no increase above ambient

NATE-no acute toxic effects

NSD-No solid debris

<-less than

SCHEDULE III

(Rule 6)

AMBIENT WATER QUALITY STANDARDS FOR FRESHWATERS IN TRINIDAD AND TOBAGO

	PHYSICO-CHEMICAL PARAMETERS	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	WATER SUPPLY	RECREATIONAL USE
1	Temperature (°C)	≤ 30	≤ 30	≤ 30
2	Dissolved Oxygen (mg/L)	≥ 3.0	≥ 85% saturation	≥ 80% saturation
3	pH (pH Units)	6.5 to 8.5	6.5 to 8.5	6.5 to 8.5
4	Total Alkalinity (mg/L)	≤ 20	≤ 20	≤ 20
5	Nitrate (mg/L)	≤ 10	≤ 10	≤ 10
6	Total Phosphate (mg/L)	≤ 0.5	≤ 0.5	≤ 0.5
7	Sulphate (mg/L)	≤ 250	≤ 400	≤ 400
8	Conductivity (µS)	Not Applicable	≤ 2,500	Not Applicable
9	Total Hardness (mg/L)	Not Applicable	As Ca: 100 to 300; As $CaCO_3$: 200 to 300	Not Applicable
10	Chlorides (mg/L)	120 to 230 (long term); 640 to 860 (short term)	≤ 250	Not Applicable
11	Colour (TCU)	Not Applicable	≤ 15	Not intense to impede visibility for swimming
12	Hydrogen sulphide (mg/L)	Not Applicable	≤ 0.05	Not detectable
13	Odour	Not Applicable	Inoffensive	Inoffensive
14	Total Suspended Solids (mg/L)	During the dry season: ≤ 25 mg/L During periods of heavy rainfall: a maximum increase of 25 mg/L above background levels, where these levels range from 25 to 250 mg/L. Where background levels are ≥250 mg/L, increase should not be more than 10% of background levels.	Not Applicable	During the dry season ≤65 mg/L. During periods of heavy rainfall, a maximum increase of 100 mg/L above background levels, where these levels range from 65-500 mg/L. Where background levels are >500 mg/L, the increase should not be more than 10% of background levels

	PHYSICO-CHEMICAL PARAMETERS	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	WATER SUPPLY	RECREATIONAL USE
15	Total dissolved solids (mg/L)	Not Applicable	≤ 600	Not Applicable
16	Turbidity (NTU)	Not Applicable	≤ 5	≤ 50
17	Taste	Not Applicable	Inoffensive	Not Applicable
18	Total Oil and Grease (mg/L)	≤ 1	≤ 1	Not detected as a film, sheen or discolouration, or by odour on water's surface; not detected by sight or odour on shorelines, river banks and sediments
19	Silica (mg/L)	Not Applicable	≤ 80	Not Applicable
20	Sodium (mg/L)	Not Applicable	≤ 200	Not Applicable
21	Ammonia (µg/L)	≤ 320	≤ 500	Not Applicable
	METALS	**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**WATER SUPPLY**	**RECREATIONAL USE**
22	Aluminium (mg/L)	Not Applicable	≤ 0.2	Not Applicable
23	Arsenic (µg/L)	≤ 5	≤ 10	Not Applicable
24	Barium (µg/L)	Not Applicable	≤ 700	Not Applicable
25	Cadmium (µg/L)	≤ 2.0 (short term); ≤ 0.25 (long term)	≤ 2	Not Applicable
26	Chromium (total) (µg/L)	Not Applicable	≤ 50	Not Applicable
27	Chromium III (µg/L)	≤ 570 (short term); ≤ 74 (long term)	Not Applicable	Not Applicable
28	Chromium VI (µg/L)	16 (short term); ≤ 0.01 (long term)	Not Applicable	Not Applicable
29	Copper (µg/L)	≤ 1	≤1,000	Not Applicable
30	Iron (µg/L)	≤ 300	≤ 300	Not Applicable
31	Lead (µg/L)	≤ 65 (short term); ≤ 1 (long term)	≤ 10	Not Applicable
32	Manganese (mg/L)	Not Applicable	< 0.5	Not Applicable

	METALS	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	WATER SUPPLY	RECREATIONAL USE
33	Mercury (µg/L)	≤ 1.4 (short term); ≤ 0.026 (long term)	≤ 1	Not Applicable
34	Nickel (µg/L)	≤ 470 (short term); ≤ 25 (long term)	≤ 20	Not Applicable
35	Selenium (µg/L)	≤ 1	≤ 10	Not Applicable
36	Silver (µg/L)	≤ 3.2 (short term); ≤ 0.02 (long term)	≤ 100	Not Applicable
37	Zinc (µg/L)	≤ 120 (short term); ≤ 2.4 (long term)	≤ 5,000	Not Applicable
	PESTICIDES/ HERBICIDES	**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**WATER SUPPLY**	**RECREATIONAL USE**
38	Aldrin (µg/L)	Not Applicable	≤ 0.03	Not Applicable
39	Chlordane (µg/L)	≤ 2.4 (short term); ≤ 0.0043 (long term)	≤ 0.2	Not Applicable
40	Dieldrin (µg/L)	≤ 0.24 short term; ≤ 0.056 (long term)	≤ 0.03	Not Applicable
41	DDT (µg/L)	≤ 0.006	≤ 1	Not Applicable
42	Endrin (µg/L)	≤ 0.086 (short term); ≤ 0.01 (long term)	≤ 0.2	Not Applicable
43	Endosulfan (µg/L)	≤ 0.06 (short term); ≤ 0.003 (long term)	≤ 20	Not Applicable
44	α-Endosulfan (µg/L)	≤ 0.22 (short term); ≤ 0.056 (long term)	Not Applicable	Not Applicable
45	β-Endosulfan (µg/L)	≤ 0.22 (short term); ≤ 0.056 (long term)	Not Applicable	Not Applicable
46	Heptachlor (µg/L)	≤ 0.52 (short term); ≤ 0.0038 (long term)	≤ 0.03	Not Applicable
47	Hexachlorobenzene (µg/L)	≤ 0.01 (long term)	≤ 1	Not Applicable
48	Lindane (γ-BHC) (µg/L)	≤ 0.95 (short term); ≤ 0.07 (long term)	≤ 0.2	Not Applicable
49	Mirex (µg/L)	≤ 0.001	Not Applicable	Not Applicable
50	Pentachlorobenzene (µg/L)	≤ 6	Not Applicable	Not Applicable

	PESTICIDES/ HERBICIDES	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	WATER SUPPLY	RECREATIONAL USE
51	PCBs (µg/L)	≤ 0.014	≤ 0.5	Not Applicable
52	Toxaphene (µg/L)	≤ 0.73 (short term); ≤ 0.0002 (long term)	≤ 3	Not Applicable
53	2,4-Dichlorophenoxy acetic acid/2,4-D (mg/L)	Not Applicable	≤ 0.03	Not Applicable
54	Alachlor (µg/L)	Not Applicable	≤ 2	Not Applicable
55	Atrazine (mg/L)	Not Applicable	≤ 0.003	Not Applicable
56	Bromoxynil (mg/L)	Not Applicable	≤ 0.005	Not Applicable
57	Carbaryl (µg/L)	≤ 2.1	≤ 90	Not Applicable
58	Carbofuran (mg/L)	Not Applicable	≤ 0.007	Not Applicable
59	Dalapon (mg/L)	Not Applicable	≤ 0.2	Not Applicable
60	Diazinon (µg/L)	≤ 0.17	≤ 20	Not Applicable
61	Dicamba (mg/L)	Not Applicable	≤ 0.12	Not Applicable
62	Dimethoate (mg/L)	Not Applicable	≤ 0.006	Not Applicable
63	Glyphosate (µg/L)	≤ 27 (short term); ≤ 0.8 (long term)	≤ 280	Not Applicable
64	Malathion (µg/L)	≤ 0.1	≤ 190	Not Applicable
65	Metolachlor (mg/L)	Not Applicable	≤ 0.01	Not Applicable
66	Metribuzin (mg/L)	Not Applicable	≤ 0.08	Not Applicable
67	Paraquat (mg/L)	Not Applicable	≤ 0.007 (as Paraquat ion)	Not Applicable
68	Picloram (mg/L)	Not Applicable	≤ 0.19	Not Applicable
69	Simazine (mg/L)	Not Applicable	≤ 0.002	Not Applicable
	POLYCYCLIC AROMATIC HYDROCARBONS	**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**WATER SUPPLY**	**RECREATIONAL USE**
70	Acenaphthene (µg/L)	≤ 5.8	Not Applicable	Not Applicable
71	Anthracene (µg/L)	≤ 0.012	Not Applicable	Not Applicable
72	Benzo[a]anthracene (µg/L)	≤ 0.018	Not Applicable	Not Applicable
73	Benzo[a]pyrene (µg/L)	Not Applicable	≤ 0.01	Not Applicable
74	Fluoranthene (µg/L)	≤ 0.04	Not Applicable	Not Applicable

	POLYCYCLIC AROMATIC HYDROCARBONS	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	WATER SUPPLY	RECREATIONAL USE
75	Fluorene (µg/L)	≤ 3	Not Applicable	Not Applicable
76	Naphthalene (µg/L)	≤ 1.1	Not Applicable	Not Applicable
77	Phenanthrene (µg/L)	≤ 0.4	Not Applicable	Not Applicable
78	Pyrene (µg/L)	≤ 0.025	Not Applicable	Not Applicable
79	Total PAHs (µg/L)	Not Applicable	≤ 0.1	Not Applicable
OTHER ORGANIC CHEMICALS				
80	Benzene (µg/L)	≤ 370	≤ 1	Not Applicable
81	Ethylbenzene (µg/L)	≤ 90	≤ 300	Not Applicable
82	Toluene (µg/L)	≤ 2	≤ 700	Not Applicable
83	Xylene (mg/L)	Not Applicable	≤ 0.5	Not Applicable
84	Cyanide (µg/L)	≤ 22 (short term); ≤ 4 (long term)	≤ 50	Not Applicable
85	Heptachlor epoxide (µg/L)	Not Applicable	≤ 0.2	Not Applicable
86	Methyl tertiary-butyl ether (MTBE) (µg/L)	≤ 10,000	Not Applicable	Not Applicable
87	Tributyltins (TBTs) (µg/L)	≤ 0.46 (short term); ≤ 0.072 (long term)		Not Applicable
88	Di (2-ethylhexyl) phthalate (DEHP) (µg/L)		≤ 6	Not Applicable
	MICROBIOLOGICAL PARAMETERS	**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**WATER SUPPLY**	**RECREATIONAL USE**
89	*Cryptosporidium* (counts/100 ml)	Not Applicable	0	Not Applicable
90	*Escherichia coli* (counts/100 ml)	≤ 126	0	≤ 200 (geometric mean of at least 5 samples)
91	Faecal coliforms (counts/100 ml)	Not Applicable	0	≤ 200 (geometric mean of at least 5 samples)
92	*Enterococci* (counts/100 ml)	≤ 33	0	≤ 35 (geometric mean of at least 5 samples)
93	*Giardia* (counts/100 ml)	Not Applicable	0	Not Applicable
94	*Legionella* (counts/100 ml)	Not Applicable	0	Not Applicable

MICROBIOLOGICAL PARAMETERS		PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	WATER SUPPLY	RECREATIONAL USE
95	Heterotrophic plate count (colonies/ml)	Not Applicable	≤ 500	Not Applicable
96	Total coliforms (counts/100 ml)	Not Applicable	0	Not Applicable
97	Cyanobacteria (cells/100 ml)	Not Applicable	Not Applicable	≤ 100,000

AMBIENT WATER QUALITY STANDARDS FOR MARINE ENVIRONMENTS IN TRINIDAD AND TOBAGO

PHYSICO-CHEMICAL PARAMETERS		PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	RECREATION
1	Temperature (°C)	≤ 32	≤ 32
2	Dissolved Oxygen (mg/L)	≥ 5 mg/L	> 80% saturation
3	pH (pH Units)	6.5 to 8.5	6.5 to 8.5
4	Nitrate (mg/L)	≤ 10	≤ 10
5	Total Phosphate (mg/L)	≤ 0.1	≤ 0.5
6	Total Suspended Solids (mg/L)	Dry season maximum 25 Maximum of 250 during periods of heavy rainfall	during the dry season ≤ 80 mg/L. During periods of heavy rainfall, a maximum increase of 100 mg/L above background levels, where these levels range from 80-500 mg/L. Where background levels are >500 mg/L, the increase should not be more than 10% of background levels
7	Colour (TCU)	Increased colour (in combination with turbidity) should not reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonally established norm for aquatic life	should not be so intense or so dark as to impede users in estimating depth, seeing subsurface hazards easily and, for people concerned with their safety, in detecting users in difficulty
8	Total Oil and Grease (mg/L)	≤ 1.0	Not detected as a film, sheen or discolouration, or by odour on water's surface; not detected by sight or odour on shorelines, river banks and sediments
9	Salinity (ppt)	Human activities should not cause the salinity (expressed as parts per thousand [‰]) of marine and estuarine waters to fluctuate by more than 10% of the natural level expected at that time and depth	Not Applicable
10	Ammonia (mg/L)	≤ 0.5	≤ 0.5
11	Odour	Not Applicable	Not detectable
12	Litter	Not Applicable	≤3 items of litter per m2

	METALS	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	RECREATION
13	Arsenic (mg/L)	0.036 (CCC)	Not Applicable
14	Cadmium (mg/L)	0.0079 (CCC)	Not Applicable
15	Chromium VI (mg/L)	1.1 (CMC); 0.05 (CCC)	Not Applicable
16	Copper (mg/L)	0.0048 (CMC); 0.0031 (CCC)	Not Applicable
17	Lead (mg/L)	0.21 (CMC); 0.0081 (CCC)	Not Applicable
18	Mercury (mg/L)	0.0018 (CMC); 0.00094 (CCC)	Not Applicable
19	Nickel (mg/L)	0.074 (CMC); 0.071 (CCC)	Not Applicable
20	Selenium (mg/L)	0.290 (CMC) to 0.071 (CCC)	Not Applicable
21	Silver (mg/L)	0.0019 (CMC); 0.0008 (CCC)	Not Applicable
22	Zinc (mg/L)	0.09 (CMC); 0.081 (CCC)	Not Applicable

	PESTICIDES/ HERBICIDES	PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS	RECREATION
23	Aldrin (µg/L)	0.0013 (CMC)	Not Applicable
24	Chlordane (µg/L)	0.09 (CMC); 0.004 (CCC)	Not Applicable
25	Dieldrin (µg/L)	0.71 (CMC); 0.0019 (long term)	Not Applicable
26	Endrin (µg/L)	0.037 (CMC); 0.0023 to 0.004 (CCC)	Not Applicable
27	Endosulfan (µg/L)	0.09 (CMC); 0.002 to 0.005 (CCC)	Not Applicable
28	α-Endosulfan (µg/L)	0.034 (CMC); 0.0087 (CCC)	Not Applicable
29	β-Endosulfan (µg/L)	0.034 (CMC); 0.0087 (CCC)	Not Applicable
30	Heptachlor (µg/L)	0.053 (CMC); 0.0036 (CCC)	Not Applicable
31	Lindane (γ-BHC) (µg/L)	0.16	Not Applicable
32	Mirex (µg/L)	0.001	Not Applicable
33	PCBs (µg/L)	0.03	Not Applicable
34	Toxaphene (µg/L)	0.21 (CMC); 0.0002 (CCC)	Not Applicable
35	Carbaryl (µg/L)	1.6	Not Applicable
36	Diazinon (µg/L)	0.82	Not Applicable

POLYCYCLIC AROMATIC HYDROCARBONS		**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**RECREATION**
37	Naphthalene (µg/L)	1.4 to 50	Not Applicable
OTHER ORGANIC CHEMICALS		**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**RECREATION**
38	Benzene (µg/L)	110 to 500	Not Applicable
39	Ethylbenzene (µg/L)	25	Not Applicable
40	Toluene (µg/L)	215	Not Applicable
41	Cyanide (µg/L)	1 to 2 (CMC); 1 (CCC)	Not Applicable
42	Methyl tertiary-butyl ether (MTBE) (µg/L)	5,000	Not Applicable
43	Tributyltins (TBTs) (µg/L)	0.42 (CMC); 0.0074 (CCC)	Not Applicable
OTHER ORGANIC CHEMICALS		**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**RECREATION**
44	Di (2-ethylhexyl) phthalate (DEHP) (µg/L)	16	Not Applicable
MICROBIOLOGICAL PARAMETERS		**PROTECTION OF AQUATIC LIFE & AQUATIC ECOSYSTEMS**	**RECREATION**
45	*Escherichia coli* (counts/100 ml)	Not Applicable	≤ 250 (geometric mean of at least 5 samples)
46	Faecal choliforms (counts/100 ml)	Not Applicable	100 (geometric mean of at least 5 samples)
47	*Enterococci* (counts/100 ml)	Not Applicable	The geometric mean of at least 5 samples, taken during a period not to exceed 30 days, should not exceed 35 enteroccocci/100 mL. Resampling should be performed when any sample exceeds 70 enterococci/100ml. However, if it can be demonstrated that *E. coli* or faecal coliforms can adequately demonstrate the presence of faecal contamination in marine waters, then the *E. coli* or faecal coliform maximum limit for fresh waters may be used. If there is any doubt, samples should be examined for both sets of indicators for extended periods to determine if a positive relationship exists.

Dated the 9th day of October, 2019.

C. ROBINSON-REGIS
Minister of the Planning and Development

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