



## Trade Effluent Control Regulations 2022

EFFECTIVE DATE: 01/01/2022





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## *Foreword*

The Department of Energy (DoE) was established by Law No. (11) of 2018 on 20 February 2018. Under Law No. (11), the DoE is the successor Entity to the Regulation and Supervision Bureau (RSB) and the Abu Dhabi Water and Electricity Authority (ADWEA). Accordingly, any references to the Regulation and Supervision Bureau, the Bureau, RSB, the Authority or ADWEA in any document, template or correspondence shall now be interpreted as referring to the DoE.

The DoE is responsible for setting policy, standards, and regulations for the Energy Sector (as defined under Law No. (11), which includes all persons, companies and Entities operating in the electricity, water and Wastewater sectors in Abu Dhabi).

These revised Regulations supersede those issued in 2010 (First Edition) and are effective from 1 January 2022 and shall be cited as the Trade Effluent Control Regulations (Second Edition) referred hereafter as the Regulations.

The Regulations establish a legal framework to ensure Trade Effluent is managed safely and economically by the Wastewater sector in the Emirate of Abu Dhabi and have been developed following an extensive consultation with sector companies and other relevant stakeholders.

They are also available in Arabic, but the reader should note they were first written in English. They may also be downloaded from DoE's website at [www.doe.gov.ae](http://www.doe.gov.ae).

**AHMED MOHAMED AL RUMAITHI**

***Undersecretary-Department of Energy***



## Acknowledgements

The DoE gratefully acknowledges the contributions and comments provided by the following organisations:

Licensees;

- i. Abu Dhabi Sewerage Services Company (ADSSC)
- ii. Al Wathba Veolia BESIX Wastewater Company

Government organisations & stakeholders;

- i. Abu Dhabi Waste Management Centre (Tadweer)
- ii. Department of Municipalities and Transport (DMT)
- iii. Environment Agency - Abu Dhabi (EAD)



## History of Revisions

Revision	Date	Prepared by	Checked by	Issued to
1.0	June 2010	RMS	MG & CH	Publication
2.0	January 2022	AR	TD	Publication

This is the first revision to the Trade Effluent Control Regulations since their publication in June 2010. This revision incorporates the following:

- Incorporation of relevant items from the Guide to Trade Effluent Control Regulations into the Regulations;
- Clarification regarding sampling, testing requirements, and Accreditation in Part 6 (Inspection and Monitoring);
- Updates to reporting requirements and timelines for various procedures and Annual Reports;
- Updated guidance regarding Consenting and Compliance with Consents;
- New Part 9 (Audits and Assessments);
- Appeals (previously Part 9) has been removed, and replaced by Part 11 (Review of DoE Decision) reflecting the right to appeal to the Chairman to review a Decision;
- New Part 12 (Failure to Comply with Regulations) has been introduced, including the DoE's powers under Law 11;
- Trade Effluent Control Panel (previously Part 11) has been removed; and
- Other changes concerning the Regulations' structure.



## Document Numbering

These Regulations use the following numbering system:

- Parts** are referenced by integers (e.g., 1, 2, 3, etc.)
- Regulations** are referenced by one full stop between numbers (e.g., 1.1, 1.2, etc.)
- Clauses** are referenced by two full stops between numbers (e.g., 3.1.2, etc.)
- Notes** are indicated below the Clause in square brackets and italic text. For example, *[Note: this Clause does not apply to Installations that have been ...]*





# 1. Introduction

## 1.1 Citation

1.1.1 These Regulations shall be cited as the Trade Effluent Control Regulations 2022.

1.1.2 These Regulations are issued by the DoE pursuant to Article (62) of Law No (2), as amended.

## 1.2 Commencement

1.2.1 These Regulations come into force on 01 January 2022.

1.2.2 These Regulations are issued by the DoE in accordance with Article (4) of Law No. (11) and Article (62) of Law No. (2).

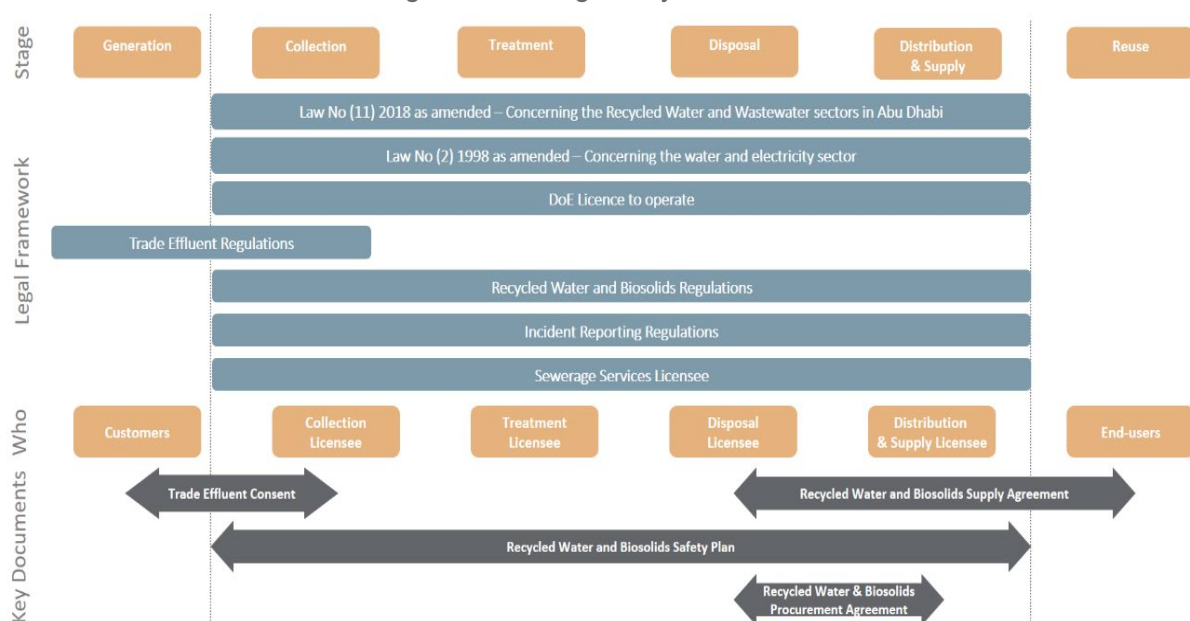
1.2.3 These Regulations supersede and replace the Trade Effluent Control Regulations 2010 (First Edition).

1.2.4 These Regulations may be amended or revoked by the DoE at any time.

## 1.3 Regulatory Framework

1.3.1 The purpose of these Regulations is to establish a legal framework to ensure Trade Effluent is managed safely and economically by the Wastewater sector in the Emirate of Abu Dhabi. Figure 1.1 illustrates the regulatory framework for the Wastewater Sector including Trade Effluent Control activities.

Figure 1.1 – Regulatory Framework





- 1.3.2 The control of Trade Effluent is a key element of the DoE's strategy to promote the Reuse of Recycled Water and Biosolids (as more particularly defined in the Recycled Water and Biosolids Regulations). Controlling what goes into the Wastewater system protects the quality of the Recycled Water and Biosolids produced by the system.
- 1.3.3 The Regulations empower Collection Licensees to control Trade Effluent discharges to their Sewerage Systems by implementing a legal framework which comprises:
- a) a consenting process;
  - b) a monitoring and inspection program;
  - c) Consent Holder enforcement regime; and
  - d) an education and awareness programme guidance strategy.
- 1.3.4 The Regulations define the DoE functions to:
- a) set standards for the quality of Trade Effluent;
  - b) ensure Licensees' compliance with the Regulations;
  - c) collate Trade Effluent Control related data; and
  - d) review any disputes between Licensees and Consent Holders.
- 1.3.5 Clause 8.1.2 empowers the DoE to define certain classes of Trade Effluent as low risk and Part 8 of the Regulations defines the requirements for the control of Low Risk Trade Effluent.
- 1.4 Scope**
- 1.4.1 These Regulations apply to all Collection Licensees and to all Entities that discharge or intend to discharge Trade Effluent to a Sewerage System directly or Treatment System via Tankers in the Emirate of Abu Dhabi.
- 1.4.2 The following activities are regulated by other organisations:
- a) Reuse of treated Wastewater within Trade Premises;
  - b) discharge of treated Wastewater direct to land or the marine environment from Trade Premises; and
  - c) Disposal of solid waste or sludge from onsite treatment processes.
- 1.4.3 Any organisation carrying out these activities should seek advice from:
- a) Environment Agency Abu Dhabi (EAD);
  - b) Centre of Waste Management Abu Dhabi (CWM); and
  - c) the appropriate Sector Regulatory Authority appointed under the Emirate's Environmental Health and Safety Management System (SRA).



1.4.4 Nothing in these Regulations is intended to conflict with or affect the operation of any relevant existing federal and Abu Dhabi Laws.

## 1.5 Relevant Regulations

1.5.1 These Regulations should be read in conjunction with the following regulations, codes, and guides:

- a) Recycled Water and Biosolids Regulations;
- b) Wastewater Flow Monitoring Code of Practice;
- c) Tankering Regulations;
- d) The Customer Metering Regulations;
- e) The Incident Reporting Regulations; and
- f) Streetworks and Access Regulations.

1.5.2 Where a conflict appears to exist between these Regulations and other regulations, codes, or any governmental legislation, the matter should be referred to the DoE for a binding Decision in accordance with Part 11 of these Regulations.

## 1.6 Fees and Charges

1.6.1 Any tariffs, fees, fines, charges, deposits, expenses, or financial amounts to be imposed on Entities in accordance with these Regulations and the way they are meant to be imposed or collected by a Licensee must be submitted in prior to the DoE for approval.

1.6.2 The Licensees are prohibited from imposing, amending, or cancelling any tariffs, fees, fines, charges, deposits, expenses or financial amounts in accordance with these Regulations without the DoE's prior approval.

1.6.3 When contracting with Entities, Licensees shall do so on a fair and transparent basis, and not unduly discriminate as between any Entities in connection with the terms or tariff offered.

## 1.7 Provision of Information

1.7.1 All Licensees, Consent Holders or any other relevant Entities are required to furnish the DoE with information to matters relating to these Regulations as the DoE may from time to time direct or request.

1.7.2 Failure to provide the requested information in the time and manner directed by the DoE shall be considered as a failure to comply with these Regulations.



## 1.8 Responsibility for Implementation

1.8.1 All parties mentioned in Clause 1.4.1 are responsible for implementing these Regulations.

## 1.9 References

1.9.1 References to a standard in these Regulations means the current edition of the standard cited or its replacement. Where relevant, UAE or Abu Dhabi mandatory standards which may be issued from time to time by the competent authorities shall be applied.

1.9.2 Relevant regulatory guidance may include, but is not limited to:

- a) National Pretreatment Program – United States Environmental Protection Agency;
- b) The Trade Effluent (Prescribed Processes and Substances) Regulations – Water Industry Act 1991, United Kingdom;
- c) Sewerage and Drainage (Trade Effluent) Regulations – Singapore National Water Agency; and
- d) Liquid Trade Waste Management Guidelines – New South Wales, Australia, Department of Planning, Industry and Environment.

1.9.3 Soft copies of the Regulations will be available on the DoE webpage.



## 2. Definitions

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### 2.1 Interpretation

- 2.1.1 Words which are defined under this Part begin with capital letters when used in the Regulations.
- 2.1.2 Words and expressions used in these Regulations, other than those defined herein, shall have the meanings ascribed to them in Law No. (2) or Law No. (11) (as applicable).
- 2.1.3 Words and expressions to which meanings are assigned by these Regulations shall (unless the contrary intention appears) have the same respective meanings in any document issued by the DoE under these Regulations.
- 2.1.4 Unless the context otherwise requires, any reference in these Regulations to a numbered Part, Clause or Schedule is a reference to the Part, Clause or Schedule of these Regulations bearing that number.
- 2.1.5 Any reference in these Regulations to a table is a reference to the relevant table in the Schedules of these Regulations.
- 2.1.6 Words using the singular or plural number also include the plural or the singular number respectively.
- 2.1.7 Unless otherwise specified, days shall mean calendar days.

### 2.2 Definitions

- 2.2.1 The following words and expressions shall have the following meanings in these Regulations unless the context otherwise requires:

**Accreditation** – third-party attestation related to a conformity assessment body (e.g., laboratories), conveying formal demonstration of its competence to carry out specific conformity assessment tasks.

**Accreditation Body** – means any federal or local authority mandated or authorised to manage Accreditation schemes.

**Biosolids** – sewage sludge produced by a Wastewater Treatment System that has been treated and stabilised to the extent that it can be safely supplied for Reuse activities.

**Collection Licensee** – the holder of a Licence issued by the DoE for the collection of Wastewater from premises.

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



**Decision** – means the DoE’s Decision on an enquiry, clarification, dispute, claim or disciplinary penalty as may be applied pursuant to the Table of Violations and Administrative Penalties issued by the Chairman of the DoE Decision No. (22) of 2020.

**Disposal** – the licensed activity permitted to be carried out by a Licensee pursuant to the terms of the Licence issued to it by the DoE, which comprises discharge, Reuse and/or sale of various products from a Wastewater Treatment System.

**Disposal System** – a system consisting, wholly or mainly, of pipes, pumping stations, tankers and other plant and equipment owned, or operated, by a Licensee and used for the Disposal of Recycled Water and Biosolids.

**DoE** – means the Department of Energy in the Emirate of Abu Dhabi, established pursuant to Law No. (11).

**Entity or Entities** – 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, ablution facilities and domestic laundries.

**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.

**Law** – means Law No. (11) and Law No. (2).

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

**Law No. (11)** – Law No. (11) of 2018 concerning the establishment of the Department of Energy (as amended from time to time).

**Licence** – means a Licence to carry out a licensed activity granted by the DoE.

**Licensee** – refers jointly to the holder of a collection Licence, treatment Licence, Disposal Licence or a Distribution and Supply Licence issued by the DoE.

**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.

**Parameter** – a property, element, organism, or substance listed in Schedule A 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 Hazardous Waste, Medical Waste, Radioactive Waste and/or material defined in Part 3 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.

**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.

**Recycled Water** – treated liquid effluent produced by a Wastewater Treatment System that is suitable for Reuse, discharge and/or sale to third parties.

**Restricted Parameter** – a Parameter defined in Schedule A of these Regulations.

**Reuse** – the beneficial use of Recycled Water and/or Biosolids for landscaping, industrial, commercial, or agricultural purposes or any other type of Reuse in the built environment.

**Sampling Point** – a point that is determined as such by a Licensee for the purpose of sampling as outlined in Part 6 of these Regulations.

**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 to a Wastewater Treatment System.

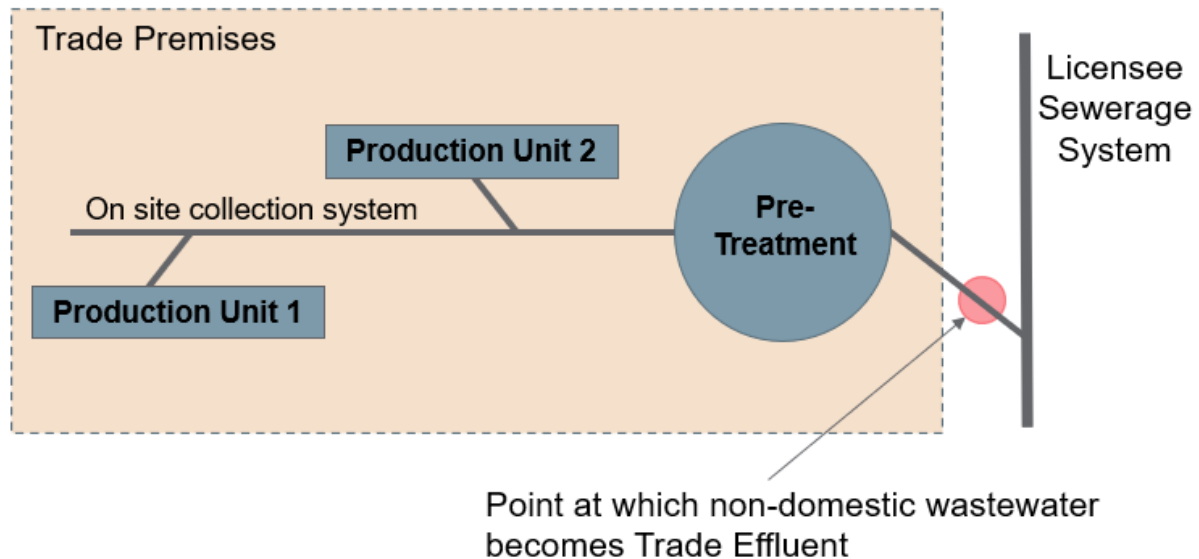
**Tanker(s)** – means a road vehicle legally registered and certified for the purposes of collecting and discharging Wastewater.

**Trade Effluent** – any Wastewater discharged to a Sewerage System which is produced during any industrial, commercial, agricultural, medical, scientific or trade activity as shown in Figure 2.1, but does not include domestic Wastewater or Prohibited Waste.





Figure 2.1 Trade Effluent definition



**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 System** – a system consisting, wholly or mainly, of pipes, pumping stations, Tankers and other plant and equipment that is owned, or operated, by a treatment Licensee and used for the treatment of Wastewater and its residuals.

**UAE** – United Arab Emirates.

**Wastewater** – the water-borne wastes generated by any domestic, commercial, or industrial activity including Grey Water and Trade Effluent.

**Year** – a calendar Year, according to the Gregorian calendar.





## 3. Prohibitions

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### 3.1 Prohibition

3.1.1 No Entity, even if it is in possession of a Consent, shall discharge or allow the discharge to a Sewerage System of:

- a) Hazardous Waste, Medical Waste and/or Radioactive Waste;
- b) 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;
  - iii. cause an atmosphere in a Sewerage or Treatment System that is hazardous to human life or causes a Public Nuisance;
  - iv. cause a safety hazard for any Entity operating or maintaining any collection, treatment, or Disposal System for Wastewater; and
  - v. interfere with the proper working of any system for the collection, treatment, and Disposal of Wastewater.
- c) Trade Effluent without a Trade Effluent Consent;
- d) Trade Effluent that does not comply with the terms of its Consent; and
- e) any Trade Effluent delivered by Tanker except where the Collection Licensee has permitted a designated discharge point.

### 3.2 Restricted Parameters

3.2.1 The Regulations also prohibit the discharge of substances whose Parameters are in excess of maximum allowable concentration defined in Schedule A of the Regulations.

3.2.2 A Collection Licensee may set more stringent limits for Restricted Parameters than the maximum allowable concentration defined in the Regulations based on an assessment of the Sewerage and Treatment Systems capacity and their legal obligations.

3.2.3 The DoE shall periodically review the maximum allowable concentration for Restricted Parameters defined in Schedule A of these Regulations and may make amendments or additions as required.



## 4. Duties of a Collection Licensee

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### 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 without a Consent, or 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 without a Consent, or in breach of a condition of a Consent, it must:

- a) implement its procedures for managing non-compliance developed under Regulation 7.1; and
- b) inform the treatment Licensees in cases where the discharged Trade Effluent's composition or quantity, is likely to impact the effectiveness of, or cause the failure of the receiving Treatment Systems.

### 4.3 Duty to Report

4.3.1 A Collection Licensee must report to the DoE any incident where a Trade Effluent has been, or is being, discharged to its Sewerage System without a Consent, or in breach of a condition of a Consent.

### 4.4 Breach of Duty by a Collection Licensee

4.4.1 A Collection Licensee will be considered to be in breach of its duties if it has knowledge 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, and:

- a) does not report the incident; or
- b) fails to take necessary action to stop the breach of Consent.

4.4.2 Any failure by a Collection Licensee to monitor consented Trade Effluent discharges pursuant to Part 6 of these Regulations, which subsequently results in being unaware of an incident of a Trade Effluent being discharged to its Sewerage System in breach of a condition of a Consent, is in breach of its primary duty pursuant to Regulation 4.1.

4.4.3 Failure by, or delay of, the Collection Licensee to comply with these Regulations will result in the application of punitive measures as more particularly contained in the Law, the Table of Violations and Administrative Penalties issued by the Chairman of the DoE Decision No. (22) of 2020, the Rules and Controls of Applying Administrative Violations and Penalties issued



by the Chairman of the DoE Decision No. (18) of 2021, and any other instruments in force from time to time.



## 5. Trade Effluent Consent

### 5.1 Consent to Discharge

5.1.1 An Entity must have a 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 Collection 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 DoE.

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 Parameters in excess of the concentrations defined in Schedule A;
- 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 a Consent whether its application has been successful within sixty (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.
- 5.3.5 A Collection Licensee may not issue a Consent for a duration of more than three (3) Years.

## 5.4 Consent Details

- 5.4.1 The format of Trade Effluent Consents developed by a Collection Licensee must be approved by the DoE.
- 5.4.2 A Consent must:
- a) describe the nature and composition of the Trade Effluent including, but not limited to:
    - i. the volume, frequency, and rate of discharge of the Trade Effluent;
    - ii. the allowable concentrations or mass of Restricted Parameters the Trade Effluent may contain; and
    - iii. where the Trade Effluent may be discharged into the Collection Licensee's Sewerage System.
  - b) state the terms and conditions for discharging and receiving the Trade Effluent, including prohibitions on the discharges of certain materials as defined in Part 3 of the Regulations;
  - c) give the start date and the end date of the Consent;
  - d) state the reasons why the Collection Licensee may cancel or vary the Consent;
  - e) include details of the inspection, sampling and monitoring programme for the Trade Effluent including, but not limited to:
    - i. requirements of access for sampling;
    - ii. inspection chamber requirements;
    - iii. the provision, maintenance and testing of meters needed to measure volume, frequency, and rate of discharge of Trade Effluent;



- iv. the provision, maintenance and testing of equipment required to analyse the nature and composition of Trade Effluent being discharged; and
- v. specifying how any sampling and monitoring should be carried out.
- 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 DoE in accordance with the Licence of the Collection Licensee.

## 5.5 Register of Trade Effluent Consents

5.5.1 The DoE shall keep a register of all Trade Effluent Consents.

5.5.2 A Collection Licensee shall give the DoE a copy of any Consent it issues to an Entity within thirty (30) days.

## 5.6 Consent Refused

5.6.1 Any Entity refused a Trade Effluent Consent by a Collection Licensee may appeal to the DoE under the terms set out in Part 11.

## 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 DoE under the terms set out in Part 11.

## 5.8 Reviewing the Terms of a Consent

5.8.1 A Collection Licensee may review the terms of a Consent:

- a) a minimum of once every three (3) Years; and
- b) following substantial changes to the Consent Holder's discharge to the Sewerage System.

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 prior written notice to a Consent Holder and the DoE 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 thirty (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 DoE under the terms set out in Part 11.



## 6. Inspection and monitoring

### 6.1 Inspection, Sampling and Monitoring Programme

- 6.1.1 A Collection Licensee must develop procedures for inspection, sampling and monitoring of Consent Holders.
- 6.1.2 The inspection, sampling and monitoring procedure should reflect the risks posed by the Trade Effluent discharge. In assessing the risk posed by the discharge the DoE expects the Collection Licensee to consider:
- a) the type of Trade Effluent discharge;
  - b) the volume of the Trade Effluent discharged in proportion to the total amount entering the receiving Sewerage and Wastewater Treatment System;
  - c) the substances used in the industrial process and those regularly discharged to the Sewerage System;
  - d) the capacity of the receiving Sewerage, Treatment and Disposal Systems; and
  - e) the Consent Holder's compliance history.
- 6.1.3 A Collection Licensee's procedures for inspection, sampling and monitoring must be approved by the DoE.
- 6.1.4 The DoE shall complete a review of the procedures within sixty (60) days from the date of receiving them, and at its discretion may propose any changes to the procedures it considers necessary to reflect regulatory best practice and insights gained during a Collection Licensee's performance of the procedures.
- 6.1.5 Regular reviews of the procedures must be undertaken by the Collection Licensee to ensure continuing compliance with these Regulations, and to accommodate any adjustments or improvements which are considered necessary as a result of insights gained during performance of the procedures.
- 6.1.6 A Collection Licensee must submit the procedures to the DoE for review a minimum of once every three (3) Years.
- 6.1.7 Any sampling or monitoring defined in the Consent may be completed by the Collection Licensee or the Consent Holder.
- 6.1.8 Any sampling or monitoring to be carried out by the Consent Holder as a condition of the Consent must be undertaken at the Consent Holder's expense and in accordance with any direction given by the Collection Licensee.





## 6.2 Sampling Points

6.2.1 A Collection Licensee may require a Consent Holder to install and maintain a discharge Sampling Point at a mutually agreed location.

6.2.2 The Sampling 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.

## 6.3 Monitoring Equipment

6.3.1 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.

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

6.3.3 A Collection Licensee may wish to mandate online monitoring equipment:

- a) when a discharge comprises substances which present an immediate and significant risk to the environment, the safety of workers, or the operations of the Sewerage, Treatment or Disposal Systems; or
- b) at Trade Premises with a poor compliance history.

## 6.4 Inspectors

6.4.1 A Collection Licensee must appoint qualified inspectors to monitor Trade Effluent discharges.

6.4.2 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.

6.4.3 If an inspector considers that the Consent Holder is breaching the terms of its Consent they can, subject to the requirement of Part 7 of the Regulations:

- a) issue a warning;
- b) issue an improvement notice in writing; or



c) issue a termination notice.

## 6.5 Sampling Requirements

6.5.1 The Collection Licensee shall carry out sampling collection and handling in accordance with ISO/PRF 5667-10: Guidance on sampling of Wastewater.

6.5.2 Collection Licensee must ensure that:

- a) the sample is representative of the quality of the Trade Effluent at the time of sampling;
- b) the sampling frequency from the Sampling Points are distributed at equal intervals throughout the Year;
- c) the sample is not contaminated when being taken or transported;
- d) the sample is kept at such temperature and in such conditions as will secure that there is no material and quality alteration of the concentration or value for the measurement or observation of which the sample is intended;
- e) the sample is analysed as soon as may be practicable after it has been taken:
  - i. by or under the supervision of personnel who are trained, competent and authorised to perform that task;
  - ii. with the use of such equipment as is suitable for the purpose, and has been validated for performance against standard methods and approved for use; and
  - iii. by applying such recognised analytical systems and methods capable of establishing, within acceptable limits of deviation and detection, whether the sample contains concentrations or values which contravene the maximum allowable concentrations (as more particularly identified in Schedule A); and
- f) sampling activities shall be conducted in an accredited laboratory according to ISO/IEC 17025 for the required Parameters.

6.5.3 In accordance with Clause 6.5.2 (a), the appropriate Parameters outlined in Schedule A, Table A1 of the Regulations should be determined on site so as to avoid any degradation after sampling.

6.5.4 If a Collection Licensee is unable to determine in this way, ensure that a representative sample is taken and that recommended filling, preservation and holding times are met.

6.5.5 The laboratory must be accredited by an Accreditation Body for all of the Parameters outlined in Schedule A of the Regulations.



6.5.6 Collection Licensee shall notify the DoE within three (3) working days about their laboratories' withdrawal or suspension of Accreditation, or if there is a change in the Accreditation scope.

## 6.6 Data Collection and Reporting

6.6.1 A Collection Licensee shall collate all Consent Holder related flow, monitoring and sampling data generated by its monitoring programme, including details of the:

- a) type of industry;
- b) name of treatment plants discharged to;
- c) risk based classification as referenced in Clause 6.1.2;
- d) influent and effluent flows;
- e) quality of the Trade Effluent discharged; and
- f) other relevant data as applicable.

6.6.2 The results of the sampling analyses shall be submitted to the DoE within thirty (30) days of the sample collection date via a web-based portal, electronic format and/or in hard copy as directed by the DoE.

6.6.3 A Collection Licensee must keep records of all inspection, sampling and monitoring of Trade Effluent discharges for at least ten (10) Years.

6.6.4 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 (10) 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.

## 6.7 Annual Trade Effluent Control Report

6.7.1 A Collection Licensee must submit a compliance report to the DoE once a Year. The compliance report must summarise the performance of the Licensee's Consent Holders, including:

- a) an overview of the monitoring programme for the relevant Year;
- b) a summary of consenting activities including a list of the new, renewed, and expired Consents;
- c) a summary of the Trade Effluent quality compliance with the limits detailed in Schedule A;



- d) Trade Effluent quality related issues that have affected the regulatory requirements with details on how and why the issues occurred;
  - e) non-compliance activities as defined in Part 7;
  - f) summary of the main challenges and key achievements;
  - g) low risk Trade Effluent inspections, issues, and challenges;
  - h) education and awareness activities; and
  - i) any other information it considers relevant.
- 6.7.2 The Collection Licensee shall submit a copy of the annual Trade Effluent Control report to the DoE by 1 March of each Year.



## 7. Compliance with Consents

### 7.1 Managing Non-compliance

- 7.1.1 A Collection Licensee must develop procedures for managing non-compliance with Consent conditions.
- 7.1.2 A Collection Licensee's procedures for managing non-compliance with Consent conditions must be approved by the DoE.
- 7.1.3 The DoE shall complete a review of the procedures within sixty (60) days from the date of receiving them, and at its discretion may propose any changes to the procedures it considers necessary to reflect regulatory best practice and insights gained during a Collection Licensee's performance of the procedures.
- 7.1.4 Regular reviews of the procedures must be undertaken by the Collection Licensee to ensure continuing compliance with these Regulations, and to accommodate any adjustments or improvements which are considered necessary as a result of insights gained during performance of the procedures.
- 7.1.5 A Collection Licensee must submit the procedures to the DoE for review a minimum of once every three (3) Years.
- 7.1.6 A Collection Licensee may take enforcement action including issuing improvement notices or terminating a Consent, provided that any action by the Collection Licensee complies with these Regulations. The enforcement action is intended to:
- ensure the Consent Holder takes action to deal with the breach;
  - promote compliance with the Regulations;
  - change future behaviour and deter further non-compliance; and
  - eliminate any financial gain or benefit associated with non-compliance.
- 7.1.7 A Collection Licensee must keep records of all Trade Effluent non-compliance related activities for at least ten (10) Years.

### 7.2 Improvement Notices

- 7.2.1 A Collection Licensee may issue an improvement notice to any Consent Holder if:
- the Consent Holder has breached a condition of its Consent; or
  - the Consent Holder has breached these Regulations; or
  - action is required to protect the health and safety of the general public or Collection 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.
- 7.2.2 Any improvement notice must be given in writing to the Consent Holder.
- 7.2.3 A copy of any improvement notice served by the Collection Licensee must be sent to the DoE within seven (7) days of its issue.
- 7.2.4 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.
- 7.2.5 Any Consent Holder issued with an improvement notice with conditions it considers unreasonable may appeal to the DoE under the terms set out in Part 11.
- 7.3 Terminating a Consent**
- 7.3.1 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 Collection Licensee employees; or
- ii. prevent significant or lasting damage to the environment or to the receiving Sewerage or Treatment System.

## 7.4 Notice to Terminate

7.4.1 A notice to terminate a Consent must be given in writing not less than thirty (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.

7.4.2 The Collection Licensee must issue the written notice to the Consent Holder and the DoE.

7.4.3 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 the specified 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.

7.4.4 A Consent Holder receiving a notice to terminate a Consent may appeal to the DoE under the terms set out in Part 11.

## 7.5 Urgent Action

7.5.1 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 Collection Licensee employees;
- b) prevent significant or lasting damage to the environment; or



c) safeguard the receiving Sewerage and Treatment Systems.

7.5.2 If a Collection Licensee issues a verbal termination notice they must give written notice to the Consent Holder within three (3) calendar days after the Consent has been verbally terminated.

## 7.6 Breach of a Notice to Terminate

7.6.1 Failure by a Consent Holder to comply with a termination notice is contrary to these Regulations, and will be subject to the application of punitive measures as more particularly contained in the Law, the Table of Violations and Administrative Penalties issued by the Chairman of the DoE Decision No. (22) of 2020, the Rules and Controls of Applying Administrative Violations and Penalties issued by the Chairman of the DoE Decision No. (18) of 2021, and any other instruments in force from time to time.

## 7.7 Recovery of Costs

7.7.1 If a Consent Holder wilfully or negligently breaches a condition of Consent, the Licensee affected by the breach may seek to recover any reasonable costs and expenses incurred as a result of the Consent Holder's actions.

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





## 8. Low Risk Trade Effluent

### 8.1 Low Risk Trade Effluent

8.1.1 Any type of Trade Effluent identified in Schedule B of these Regulations shall be classified as low risk.

8.1.2 The DoE 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 DoE approved code of practice for the management of that type of Trade Effluent.

referred to as “Low Risk Trade Effluent”

8.1.3 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.

### 8.2 Application for Low Risk Status

8.2.1 A Collection Licensee may apply to the DoE for a type of Trade Effluent to be defined as low risk.

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

8.2.3 The application should include information on:

- a) the nature and composition of the type of Trade Effluent;
- b) a review of international best practice for the management and control of such Trade Effluent including evidence of the performance of appropriate Pre-Treatment devices; and
- c) an assessment of the risks posed by the type of Trade Effluent on the Sewerage and Treatment Systems after any Pre-Treatment.

8.2.4 The DoE may ask a Collection Licensee to provide any additional information or material the DoE needs to make its Decision.



### 8.3 Application Approval

- 8.3.1 The DoE must make its Decision within ninety (90) days of receiving a completed application for low risk status.
- 8.3.2 If the DoE approves the application, it may:
- set conditions and a time-limit on any approval; and
  - 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.

### 8.4 Application Refused

- 8.4.1 A Collection Licensee refused its application for low risk status for a type of Trade Effluent shall have the right to refer the matter back to the DoE under the terms set out in Part 11 of these Regulations.

### 8.5 Code of Practice for Low Risk Trade Effluent

- 8.5.1 The Collection Licensee shall develop a code of practice for each type of Trade Effluent granted low risk status.
- 8.5.2 A code of practice will define:
- the criteria for specifying the size, operation and maintenance of any Pre-Treatment device required;
  - how often a Trade Premises must be inspected by a Collection Licensee; and
  - the records that must be kept by a Collection Licensee and the Entity discharging Low Risk Trade Effluent.
- 8.5.3 The Collection Licensee must consult with DoE and other affected stakeholders during the development of codes of practice for Low Risk Trade Effluent.

### 8.6 Annual Low Risk Trade Effluent Report

- 8.6.1 A Collection Licensee must complete a regular inspection of all Trade Premises making a Low Risk Trade Effluent discharge to its Sewerage System.
- 8.6.2 The frequency of the inspection must follow the requirements defined in the relevant code of practice.
- 8.6.3 A Collection Licensee shall prepare for the DoE a report for each Year which includes:



- a) a register of all Low Risk Trade Effluent discharges to its Sewerage System;
  - b) an overview of the Low Risk Trade Effluent inspection programme for the Year;
  - c) a demonstration that the inspection frequencies conformed to those in the relevant codes of practice;
  - d) a summary of Low Risk Trade Effluent issues and challenges;
  - e) a summary of the non-compliance activities; and
  - f) an overview of the key achievements, including any education and awareness activities.
- 8.6.4 A Collection Licensee must submit a report on its Low Risk Trade Effluent inspections to the DoE by 1 March every Year.



## 9. Audits and Assessments

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### 9.1 DoE Audit

9.1.1 To ensure compliance with these Regulations the DoE may conduct periodic audits to assess the implementation of the Collection Licensees' Trade Effluent Control program.

9.1.2 The audit may cover analytical arrangements, sampling processes, data quality and reporting. The audit may also:

- a) review and validate the results of the Trade Effluent Control submissions;
- b) review the accuracy and reliability of the data collected by Collection Licensees;
- c) assess the effectiveness and implementation of the Collection Licensees' DoE approved procedures;
- d) identify any shortcomings, failures, non-compliance, and areas of concern; and
- e) include other related matters in conjunction with these Regulations.

### 9.2 Third Party Audit

9.2.1 In order to establish whether Collection Licensees are complying with their obligations, the DoE may appoint or request Collection Licensees to appoint a technically competent third party auditor, the cost of which to be borne by the Collection Licensee, which may review and/or audit the items outlined in Regulation 9.1.



## 10. Education and Guidance

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### 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 DoE shall approve any strategy to educate Entities before it is implemented by a Collection Licensee.



## 11. Review of DoE Decision

### 11.1 Application for Review

11.1.1 Any application for an enquiry, clarification, dispute, or claim relevant to these Regulations can be made to the DoE by any Entity.

### 11.2 DoE Request for Information

11.2.1 The DoE may request from any Entity making an application for review under this Part any information or documentation it considers reasonable and necessary in the circumstances and the Entity must provide such information within the DoE's directed period of time.

### 11.3 Extension of Time for Application for Review

11.3.1 Any Entity making an application for review under this Part may apply to the DoE for an extension of the time to make the application for review, provided that the Entity:

- a) lodges its application for an extension of not less than five (5) business days before the expiry of the time limit to seek review; and
- b) provides full details of its reason for seeking an extension.

11.3.2 In its discretion, the DoE may extend the time limit for an Entity to seek review and may set any corresponding conditions it sees fit. If the time to seek review is extended by the DoE, the Entity must strictly comply with any condition attached to the extension.

### 11.4 DoE Decision

11.4.1 The DoE shall make its Decision within thirty (30) days of receiving an application for review;

11.4.2 The DoE shall make its Decision taking into consideration:

- a) health and safety requirements;
- b) any substances likely to damage sewers or cause special difficulty or expense in Treatment and Disposal Systems;
- c) whether the conditions imposed by the Collection Licensee relate to legal obligations imposed by the EAD, CWM or SRA;
- d) the long-term cost implications for the Consent Holder and Collection Licensee; and
- e) the proposed timetables for achieving any mandated changes.



- 11.4.3 The DoE shall notify the Entity which made the application for review of its Decision within five (5) business days of making its Decision.
- 11.4.4 The DoE may:
- make any Decision it sees fit in the circumstances; and/or
  - issue directions as it sees fit to the Entity which made the application for review and to any third party.
- 11.4.5 Any Decision(s) or directions issued by the DoE are binding on the Entity which made the application for review and any third party stated in the DoE Decision(s) or directions.
- 11.4.6 Failure to comply with any DoE Decision(s) or directions shall be considered as a failure to comply with these Regulations.

## 11.5 Challenging a DoE Decision

- 11.5.1 Any Entity affected by a Decision may submit a complaint challenging the making of a Decision by the DoE through the submission of a written request addressed to the DoE Chairman within sixty (60) days of its receipt of the Decision.
- 11.5.2 The Entity shall provide full details of the grounds upon which it is challenging the DoE Decision together with any supporting documentation, comply with the DoE's directions for the investigation into the complaint and shall abide by the DoE Chairman's Decision in connection with the challenge raised as fully binding.
- 11.5.3 In the case of an Entity challenging a Decision made in connection with the application of the Table of Violations and Administrative Penalties issued by the Chairman of the DoE Decision No. (22) of 2020, the Entity shall comply with the procedures set out in the Rules and Controls of Applying Administrative Violations and Penalties issued by the Chairman of the DoE Decision No. (18) of 2021.



## 12. Failure to Comply with Regulations

### 12.1 Reporting Failure

12.1.1 Any failure to comply with these Regulations or any act that may be considered as a failure to comply with these Regulations must be reported to the DoE.

### 12.2 Enforcement Procedures

12.2.1 In case of failure to comply with these Regulations, the DoE may issue a written warning notice to the non-complying Licensee.

12.2.2 The warning notice shall include:

- a) the name of the Entity;
- b) the Regulation which has been violated;
- c) a tolerance period to comply; and
- d) the enforcement procedures to be taken against the Entity in case it does not comply with the Regulations within the tolerance period.

12.2.3 Pursuant to Article 66 of Law No. (2), any Entity that fails to comply with these Regulations may be subject to a fine of not less than Two Hundred and Fifty Thousand Dirhams (AED 250,000).

12.2.4 If any Entity fails to comply with these Regulations for a second time, the fine may be doubled.

12.2.5 Without prejudice to Clauses 12.2.3 and 12.2.4 and pursuant to Article (10) of Law No. (11), an administrative fine of not more than Ten Million Dirhams (AED 10,000,000) may be imposed by DoE on anyone who contravenes the provisions of these Regulations and/or any rules, policies, decisions, resolutions, plans, circulars, codes issued thereunder.

12.2.6 The DoE may rectify the violations of these Regulations at the expense of the violator if the latter does not rectify them within the period specified by DoE.

12.2.7 Without prejudice to the DoE's powers under paragraph 12.2.5, pursuant to the Table of Violations and Administrative Penalties issued by the Chairman of the DoE Decision No. (22) of 2020, the DoE may apply further administrative sanctions against violators.

12.2.8 Any grievance, appeal, or request for reconciliation of fines and administrative sanctions issued by the DoE shall be made to the DoE in accordance with the procedures identified in the Rules and Controls of Applying Administrative Violations and Penalties issued by the Chairman of the DoE Decision No. (18) of 2021.





## 13. Governing Law

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### 13.1 Governing Law

- 13.1.1 These Regulations and the rights and duties of any parties hereunder shall be governed by the Laws of the Emirate of Abu Dhabi and the federal Laws of the UAE as applied by the courts of the Emirate of Abu Dhabi.



## 14. Schedules

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- 14.1 Schedule A. Restricted Parameters
- 14.2 Schedule B. Low Risk Trade Effluent



## Schedule A: Restricted Parameters

**Table A1 – General Characteristics**

Parameter	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	2000
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 A2 – Inorganic Compounds**

Parameter	Unit	Maximum allowable concentration or characteristic
Chloride (as Cl <sup>-</sup> ion)	mg/l	1000
Cyanide (as CN <sup>-</sup> )	mg/l	2
Fluoride (as F <sup>-</sup> ion)	mg/l	15
Sulphate (as SO <sub>4</sub> )	mg/l	1000
Sulphide (as S)	mg/l	1
Total Kjeldahal Nitrogen	mg/l	150
Total Phosphorus	mg/l	50

**Table A3 – Organic Compounds**

Parameter	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 A4 – Metals**

Parameter	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	1



## Schedule B: Low Risk Trade Effluent

Table B1 – Low Risk Trade Effluent Types

Trade Effluent Type	Publication Date
Laundry services	January 2012
Restaurants and cafes (including fast food and takeaways)	January 2012
Vehicle washes	November 2014



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