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This Bill would provide for the capture, collection, treatment and reuse of wastewater for various purposes.

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SCHEDULE
WATER REUSE COMMITTEE

BARBADOS

A Bill entitled

An Act to provide for the capture, collection, treatment and reuse of wastewater for various purposes.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Water Reuse Act, 2023*.

Interpretation

2. In this Act,

“agricultural wastewater” means

- (a) excess water that runs off the field or other areas during surface irrigation or watering, containing salts, nutrients, pesticides, herbicides and other agricultural chemicals from the field or other areas;
- (b) wastewater generated from the handling of crops and from food processing operations, usually with a high concentration of organic matter;
- (c) wastewater generated from caring for and slaughtering farm animals;

“approved form” means such form as the Minister may approve for the purposes of this Act;

“black water” means wastewater that includes urine or human excreta with paper or both;

“Committee” means the Water Reuse Committee established by section 5;

“domestic wastewater” means black water and grey water generated in a house or other dwelling place;

“edible crops” means crops for human consumption;

“grey water” means wastewater generated from a kitchen, sink, shower, bathtub or washbasin or from laundry in

- (a) a house or other dwelling place;
- (b) an office building; or
- (c) a hotel or similar building;

“industrial wastewater” means wastewater, containing toxic or non-toxic chemical compounds or biological matter, generated in

- (a) a manufacturing or industrial process as a means of cooling during the process;
- (b) a production process, and later separated; or
- (c) office buildings, stores, shops and commercial centres;

“inspector” means the Chief Medical Officer, the Director, Environmental Protection Department or such other public officer as the Chief Medical Officer or the Director may authorise to conduct an inspection under this Act;

“Minister” means the Minister with responsibility for Health;

“non-potable water” means water which is not of a standard to be used as potable water;

“Permanent Secretary” means the Permanent Secretary of the Ministry with responsibility for Health;

“permit holder” means a person who holds a wastewater treatment permit;

“potable water” means water of a standard of treatment or quality which makes it suitable for domestic use or human consumption;

“public officer” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“reclaimed water” means water collected from wastewater and treated or processed to meet specific water quality criteria for use by the public or in a manner which may affect or impact the public;

“surface runoff” means water, primarily from precipitation, running over the landscape;

“wastewater” means

- (a) water that has been used or is a by-product of an activity, and contains other matter, whether in a solid, liquid or gaseous state; and
- (b) surface runoff;

“wastewater treatment permit” means a permit described in section 8.

Act binds State

3. This Act binds the State.

Administration

4.(1) The Minister is responsible for the administration of this Act.

(2) The Minister may delegate to such public officer as he considers appropriate any function related to the administration of this Act except his functions under sections 27 and 28.

(3) Without prejudice to the generality of subsections (1) and (2), the Minister may delegate to the Permanent Secretary or the Chief Medical Officer, his functions in respect of wastewater treatment permits including the issue, registration, amendment, suspension and revocation of such permits.

(4) Notwithstanding subsection (1), for the avoidance of doubt, the Director, Environmental Protection Department shall be responsible for

- (a) the inspection of a wastewater treatment plant or premises on which such a plant is to be situated for the purpose of determining its suitability or continued suitability for producing reclaimed water for sale or other supply; and

- (b) monitoring the impact of the operation of the plant on the environment.

PART II

WATER REUSE COMMITTEE

Establishment of Committee

5.(1) There is established a committee to be known as the Water Reuse Committee.

(2) The *Schedule* has effect with respect to the constitution of the Committee and otherwise in relation to the Committee.

Functions of Committee

6.(1) The functions of the Water Reuse Committee are to

- (a) consider and make recommendations to the Minister on any application for a wastewater treatment permit;
- (b) determine the suitability of premises and structures on premises for a wastewater treatment plant for the production of reclaimed water for sale or other supply to persons;
- (c) monitor each permit holder to determine whether the permit holder is in compliance with this Act and the terms and conditions of his permit;
- (d) inquire into any complaint made against a permit holder; and
- (e) make recommendations, where appropriate, on the suspension or revocation of any wastewater treatment permit.

- (2) The Committee may, for the purposes of subsection (1)
- (a) require a person to appear before the Committee to answer questions or produce reports or other documents with respect to an application for a wastewater treatment permit;
 - (b) require a person to produce a report or other document where it is reasonably believed to contain information relevant to an application, and take and keep a copy of the report or other document;
 - (c) make inquiries of a person, whether orally or in writing, with respect to an application for a permit, premises subject to a permit or any other matter related to this Act; and
 - (d) require a person to appear before the Committee to answer questions or produce documents with respect to a complaint made against a permit holder.

Directions

7. The Minister may give directions of a general nature as to the policy to be followed in the administration of this Act, as appear to the Minister to be necessary in the public interest; and every person exercising a function in the administration of this Act shall comply with the directions.

PART III

WASTEWATER TREATMENT PERMIT

Permit required to produce reclaimed water for sale etc.

8. No person shall sell or otherwise supply reclaimed water to another without a permit issued to him by the Minister for the purpose.

Application for permit

9.(1) A person may, in the approved form and upon payment of the prescribed fee, apply to the Minister for a wastewater treatment permit.

(2) An applicant shall submit with his application such information as may be required by the Minister to determine whether a permit should be issued to the applicant.

Determination of application and issue of permit

10.(1) Where the Minister receives an application for a wastewater treatment permit, the Minister shall submit the application to the Committee for consideration.

(2) The Committee may, upon consideration of the application, any report submitted pursuant to section 19 on an inspection conducted in relation to the application, and such other information as may be relevant to the application, recommend to the Minister that

- (a) the wastewater treatment permit be issued;
- (b) consideration of the application be suspended until any matter identified by the Committee as requiring rectification is rectified to the satisfaction of the Committee; or
- (c) the application be refused.

(3) Where the Committee recommends that

- (a) a wastewater treatment permit be issued to an applicant, the Minister shall, in the approved form and upon payment of the prescribed fee, issue the permit to the applicant;
- (b) consideration of the application be suspended, the Minister shall notify the applicant in writing of the matter to be rectified for the applicant to qualify for the issue of a permit; or

- (c) the application be refused, the Minister shall notify the applicant in writing of the refusal and the reason for the refusal.
- (4) A wastewater treatment permit
 - (a) shall be subject to such terms and conditions as the Minister, on the recommendation of the Committee, shall specify in the permit;
 - (b) is not transferable;
 - (c) is valid for 2 years; and
 - (d) may be renewed on a further application under this section at least one month prior to the expiration of the permit.

Display of permit

11. A permit holder may display a copy of his wastewater treatment permit in a conspicuous place on the premises where he operates his business, and shall, where the permit is not displayed, ensure that the permit is available for inspection upon request.

Amendment of permit

- 12.(1)** The Minister may amend a wastewater treatment permit to
- (a) reflect a change in the name, address or other particulars of a permit holder; or
 - (b) alter the terms and conditions of the permit.
- (2) Notwithstanding subsection (1)(b), the Minister shall not amend the terms and conditions of a permit without giving the permit holder notice in writing of the intended action and the reason for it, and an opportunity to make representations in relation thereto.

PART IV

OPERATION OF WASTEWATER TREATMENT PLANT AND USE OF
RECLAIMED WATER**Types of wastewater for use in wastewater treatment plant**

13. A permit holder may use the following types of wastewater to produce reclaimed water for sale or other supply, and use, in accordance with this Part:

- (a) agricultural wastewater;
- (b) industrial wastewater;
- (c) domestic wastewater;
- (d) surface runoff.

Use of reclaimed, non-potable water

14. Reclaimed water that is non-potable may be used for

- (a) flushing water closets;
- (b) cleaning outdoor surfaces;
- (c) watering or irrigating
 - (i) edible crops;
 - (ii) household gardens;
 - (iii) ornamental plants and trees; and
 - (iv) green spaces;
- (d) cleaning animal pens, coops or holding areas;
- (e) flushing and cooling equipment;
- (f) filling surface ponds or lakes;

- (g) recharging the groundwater; and
- (h) other similar purposes.

Prohibition on obtaining reclaimed water from person without permit

15.(1) No person shall purchase or otherwise obtain reclaimed water from a wastewater treatment plant unless a wastewater treatment permit has been issued in respect of the plant.

(2) A permit holder who sells or otherwise supplies reclaimed water shall maintain a register containing the following particulars:

- (a) the name, address and contact information of each person to whom the reclaimed water is supplied;
- (b) the volume of reclaimed water supplied to the person and the purpose for which the person intends to use the reclaimed water;
- (c) the date of the supply; and
- (d) such other information as may be required for the purposes of this Act.

PART V

INSPECTION AND ENFORCEMENT

Inspection

16.(1) An inspector may inspect a wastewater treatment plant or premises on which such a plant is to be situated for the purpose of

- (a) determining an application for a wastewater treatment permit;
- (b) assessing whether a matter required to be rectified by an applicant for a permit, or by a permit holder, has been satisfactorily rectified;

- (c) assessing whether a permit holder is in compliance with this Act, the terms and conditions of his permit or any request made, or direction given, in writing under this Act; or
- (d) determining whether this Act or a term or condition of a permit has been contravened,

or for any other purpose related to the administration of this Act.

- (2) An inspector may, for the purpose of an inspection under subsection (1)
 - (a) enter any premises or any private road connected with such premises, and search the premises;
 - (b) stop and search any motor vehicle on the premises that is used to transport wastewater or reclaimed water;
 - (c) conduct such surveys, examinations, investigations or other studies, and take such samples, as may be necessary;
 - (d) make such copies of documents, take such photographs, make such videos or voice recordings or use such equipment, technology or facility as may be necessary to ensure that evidence to support the findings of the inspection is acquired;
 - (e) require the production of any report or other document which is reasonably believed to contain information relevant to the purpose of the inspection;
 - (f) make inquiries of any person, whether orally or in writing; and
 - (g) exercise such other powers as may be necessary for the purposes of the inspection.
- (3) An inspector shall, prior to an inspection, identify himself by the production of the official form of identification issued to him.
- (4) An inspector may be accompanied and assisted in an inspection by a member of the Barbados Police Service or an expert appointed under section 22 or both.

Inspection before permit issued

17. Without prejudice to the generality of section 16, where an application for a wastewater treatment permit is made, an inspector shall, before the application is determined, inspect the premises and any wastewater treatment plant related to the application.

Re-inspection

18. An inspector may, for the purposes of section 16, upon payment of the prescribed fee by an applicant for a wastewater treatment permit or by a permit holder, conduct a re-inspection of any premises or wastewater treatment plant.

Report on inspection

19.(1) An inspector shall, within 21 days of an inspection under section 16, 17 or 18, submit to the Minister a written report on the inspection.

(2) The report shall include

- (a) the date and time of the inspection;
- (b) where the inspection relates to an application for a wastewater treatment permit
 - (i) a recommendation with respect to the issue of the permit;
 - (ii) an assessment of whether the premises meet the requirements for the issue of the permit; and
 - (iii) where the premises are deficient,
 - (A) the measures to be taken to rectify the deficiencies; and
 - (B) the date of any proposed re-inspection to ascertain whether the measures have been taken;

- (c) where the inspection relates to a wastewater treatment plant in respect of which a permit has been issued,
 - (i) a statement on whether the permit holder is in compliance with this Act and the terms and conditions of the permit; and
 - (ii) where the permit holder is not so in compliance
 - (A) the provisions of this Act or the terms and conditions of the permit which have been contravened;
 - (B) the nature of the contravention;
 - (C) the measures to be taken to rectify the contravention and the date by which compliance is required;
 - (D) the proposed date for re-inspection to reassess compliance; and
 - (E) a recommendation, where appropriate, as to whether the permit should be suspended or revoked; and
 - (d) evidence in support of the findings of the inspection.
- (3) An applicant for a wastewater treatment permit or a permit holder, as the case may be, shall be provided with a written summary of a report of an inspection concerning him; and the summary shall include
- (a) the date and time of the inspection; and
 - (b) the information set out in subsection (2)(b)(ii) and (iii) or (c), as appropriate.

Warning

20.(1) Where an inspection reveals an area of concern which was the subject of a prior request for rectification, the Minister may, on the recommendation of the Committee, issue a written warning to the permit holder requiring that the area of concern be rectified within a specified period.

- (2) The warning shall
- (a) state the area of concern;
 - (b) give details of any prior written requests for rectification of the area of concern including the number of times such requests were issued;
 - (c) indicate the measures to be taken to rectify the area of concern and the date by which compliance is required; and
 - (e) advise that non-compliance may result in the suspension or revocation of the permit.
- (3) The Minister may, subject to section 21, suspend or revoke a wastewater treatment permit where the permit holder fails to comply as required in a warning.

Suspension or revocation of permit

21.(1) Subject to subsections (2) and (3), the Minister may, on the recommendation of the Committee suspend or revoke a wastewater treatment permit where

- (a) the permit holder
 - (i) fails or refuses to comply with this Act, the terms and conditions of his permit or any request made, or direction given, in writing under this Act;
 - (ii) is convicted of an offence under this Act; or
 - (iii) has altered the operation of the wastewater treatment plant in such a manner that he no longer qualifies for a wastewater treatment permit in respect of the plant;
- (b) the permit holder or his agent or employee refuses to facilitate an inspection in accordance with this Act; or
- (c) there is a direct or indirect danger to the health or safety of persons from use of reclaimed water from the wastewater treatment plant, and

the relevant authorities have given the necessary notifications under the *Health Services Act*, Cap. 44, the *Safety and Health at Work Act*, Cap. 356 or under any other relevant enactment.

- (2) The Minister shall not suspend or revoke a permit without giving the permit holder
 - (a) written notice of the intended suspension or revocation, and the reason for it;
 - (b) where appropriate, a further period during which the permit holder may rectify any area of concern requiring rectification; and
 - (c) 10 days, from the date of the notice, to make representations as to why the permit should not be suspended or revoked.
- (3) The Minister may suspend or revoke a permit where
 - (a) an area of concern is not rectified by the permit holder by the end of the period described in subsection (2)(b); or
 - (b) a suitable explanation as to why the permit should not be suspended or revoked is not received from the permit holder by the end of the period described in subsection (2)(c).
- (4) Where the Minister suspends or revokes a permit, the Minister shall
 - (a) give the permit holder written notice of the suspension or revocation; and
 - (b) cause notice of the suspension or revocation and, in the case of a suspension, of the period of the suspension, to be published in the *Official Gazette*.
- (5) Notwithstanding subsection (2)(c), where subsection(1)(c) applies, the Minister may suspend or revoke a permit with immediate effect.

PART VI

MISCELLANEOUS

Experts

22. A person with a particular expertise, other than a public officer, may, where appropriate, be appointed in writing to assist the Committee or an inspector in the exercise of their functions under this Act including in

- (a) the conduct of an inspection;
- (b) the assessment of an application for a wastewater treatment permit; and
- (c) the monitoring of a permit holder to determine whether he is in compliance with this Act and the terms and conditions of his permit.

Wastewater Register

23.(1) The Minister shall cause to be maintained, for the use of the Committee, a register to be known as the “Wastewater Register”, containing the following particulars in respect of wastewater treatment permits:

- (a) the name, address and contact information of each permit holder;
- (b) where a permit holder is a company, the registration number, registered business address and names of the directors of the company;
- (c) the number assigned to the permit;
- (d) the date of issue and of expiration of the permit;
- (e) any amendment of the permit;
- (f) any period of suspension of the permit; and
- (g) any revocation of the permit and the date of the revocation.

(2) The Minister shall cause to be published in the *Official Gazette*, by the 31st of January each year, a list of the names and registered business addresses of permit holders.

Offences

24.(1) A person who

- (a) without a wastewater treatment permit, sells or otherwise supplies reclaimed water to another;
- (b) makes available or misrepresents as fit for human consumption, reclaimed water that is non-potable;
- (c) uses non-potable water as potable water in a manner that may endanger public health or safety; or
- (d) uses black water to water, irrigate or treat edible crops which are to be or are sold or otherwise supplied for human consumption,

is guilty of an offence and is liable, on summary conviction, to a fine of \$500 000 or to imprisonment for 10 years or both.

(2) A person who

- (a) obstructs an inspector or an expert appointed under section 22 in the exercise of a function under this Act;
- (b) knowingly gives false information or misleading information in connection with an application for a wastewater treatment permit or an inspection under this Act; or
- (c) contravenes section 15(2),

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for 5 years or both.

(3) For the avoidance of doubt, a person whose wastewater treatment permit is suspended or revoked shall not be regarded as being in breach of subsection

(1) or section 8 where the person disposes of any reclaimed water in his possession in accordance with the written directions or approval of the Minister.

Offence continuing after conviction

25. Where a person is convicted of an offence under section 24 and the contravention of this Act leading to his conviction continues after conviction, the person shall, unless he has a reasonable excuse for the continued contravention, be guilty of a further offence under this Act and may, on conviction, be penalized in accordance with that section.

Administrative penalties

26.(1) Where the Minister is satisfied, on the advice of the Committee, that a permit holder has

- (a) contravened a term or condition of his wastewater treatment permit;
- (b) failed to maintain adequate and accurate records on the operations of the wastewater treatment plant;
- (c) failed to provide reports or other documents or information where required to do so under this Act; or
- (d) contravened any other provision of this Act or regulations made under this Act,

and the contravention does not constitute an offence, the Minister may, subject to subsection (4), impose on the permit holder, an administrative penalty of \$5000.

(2) Where a permit holder is required to take measures, by a specified date, to rectify

- (a) an area of concern identified pursuant to an inspection; or
- (b) a contravention or failure described in subsection (1),

and the Minister is satisfied, on the advice of the Committee, that the permit holder has failed to take the measures, the Minister may impose on the permit

holder, in addition to the penalty specified in that subsection, an administrative penalty of \$500 for every day or part of a day that the permit holder fails to take the measures.

- (3) The administrative penalty referred to in subsection (2)
 - (a) may be imposed from the day following the date by which the permit holder was required to have taken the measures; and
 - (b) shall not be imposed in respect of a period of more than 30 days.
- (4) The Minister shall not impose an administrative penalty on a permit holder under subsection (1) without first giving the permit holder written notice of imposition of the administrative penalty.
- (5) The notice referred to in subsection (4) shall
 - (a) specify the nature of the act constituting the contravention and the penalty to be paid;
 - (b) require the permit holder to pay the penalty to the Minister within 10 days of the date of the notice; and
 - (c) advise the permit holder that a further penalty of \$500 for every day or part of a day may be imposed for a period of 30 days where the permit holder is required to take measures, by a specified date, to rectify a matter described in subsection (2)(a) or (b) but fails to take the measures.
- (6) A person who is in receipt of an administrative penalty notice shall pay the amount of the penalty to the Minister and comply with any additional requirement contained in the notice on or before the date specified in the notice.
- (7) An administrative penalty may be recovered as a debt due to the State.

Amendment of Schedule

27. The Minister may by Order amend the *Schedule*.

Regulations

28.(1) The Minister may make regulations for

- (a) the standards of treatment to be applied in relation to reclaimed water for sale or other supply to persons;
- (b) standards for the treatment of wastewater to be used in the operation of a wastewater treatment plant otherwise than directly to obtain reclaimed water for sale or other supply;
- (c) the mechanisms and standards to be applied in relation to the management of reclaimed water;
- (d) the tests to be conducted by a permit holder, and the form and procedure for the submission of test results and related information;
- (e) safe operating procedures;
- (f) the forms and types of training and certification which a permit holder must ensure among employees;
- (g) the fees to be paid under this Act; and
- (h) generally giving effect to this Act.

(2) Where regulations made under this Act create an offence, the regulations may provide for a penalty of a fine of \$50 000 or imprisonment for 5 years or both, on summary conviction in respect of the offence.

SCHEDULE

(Sections 5 and 27)

WATER REUSE COMMITTEE

Composition

1. The Water Reuse Committee shall comprise the following persons, *ex officio*:

- (a) the Permanent Secretary or his nominee;
- (b) the Chief Medical Officer or his nominee;
- (c) the Director, Environmental Protection Department or his nominee;
- (d) the Solicitor General or his nominee;
- (e) the Director, Coastal Zone Management Unit or his nominee;
- (f) the Chief Agricultural Officer or his nominee;
- (g) the Director, Analytical Services or his nominee; and
- (h) the Director of Planning and Development or his nominee.

Chairman and Deputy Chairman

2.(1) The Permanent Secretary shall be Chairman of the Committee.

(2) The Chief Medical Officer shall be Deputy Chairman of the Committee and shall, in the absence of the Chairman, function as Chairman.

Secretary

3. The Permanent Secretary shall assign a public officer from the Ministry with responsibility for Health to be secretary to the Committee to assist the Committee with such clerical and secretarial duties as may be required.

Quorum

4. Five members of the Committee shall constitute a quorum.

Meetings

- 5.(1) The Committee shall meet at such times and places as may be necessary or expedient for the transaction of its business.
- (2) Notwithstanding subparagraph (1), the Chairman may at any time summon a meeting of the Committee.
- (3) The secretary to the Committee shall ensure that minutes are kept for each meeting and confirmed
- (a) by electronic means prior to the next meeting; or
 - (b) orally or in writing at the next meeting.
- (4) Decisions of the Committee shall be by a majority of votes and, where the voting is equal, the person presiding at a meeting shall have a casting vote.
- (5) The validity of the proceedings of the Committee shall not be affected by a vacancy amongst the members of the Committee.

Procedure

6. Subject to this Act, the Committee may regulate its own procedure and proceedings.