

**Implementation of the National Plan for
Approximation of Environmental Legislation**

A project for Albania funded by the European Union

Draft

DCM on Environmental Quality Norms for Surface Water Bodies¹

Draft 1

Version 2

20 June 2011

¹ This Decision transposes Directive 2008/105/EC on Environmental Quality Standards in the Field of Water Policy



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

DECISION

Draft 1

Version 2

20 June 2011

No. _____, date _____

**ON
ENVIRONMENTAL QUALITY NORMS FOR SURFACE WATER BODIES²**

Pursuant to Article 100 of the Constitution and to Article xxxx of the Law no __, dated ____ “On Environment Protection” and to Article xxxx of the Law no __, dated ____ “On Water Management”, the Council of Ministers;

DECIDED:

I. GENERAL

² This Decision transposes Directive 2008/105/EC on Environmental Quality Standards in the Field of Water Policy

1. The scope of this Decision is to establish environmental quality norms for bodies of surface waters for priority substances and certain other pollutants, with the aim of achieving good surface water chemical status and in accordance with the environmental objectives set out in Article xxx of the Law “On Water Management”.

II. Definitions

2. All terms used in this Decision shall have the meaning given to them by either the Law “On Water Management” or the Decision of the Council of Ministers “On River Basin District Management Plans”.

III. Environmental Quality Norms

3. The Environmental Quality Norms laid down in Part A of Annex I shall be applied to bodies of surface waters.
4. The Environmental Quality Norms for bodies of surface waters shall be applied in accordance with the requirements laid down in Part B of Annex I.
5. As an alternative to the Environmental Quality Norms laid down in Part A of Annex I, Environmental Quality Norms for sediment and/or for biota in certain categories of surface water may be applied. In such cases:
 - a. The following environmental quality norms for prey tissue (wet weight), choosing the most appropriate indicator from among fish, molluscs, crustaceans and other biota, shall apply;
 - i. For mercury and its compounds, an Environmental Quality Norm of 20 µg/kg, and/or
 - ii. For hexachlorobenzene, an Environmental Quality Norm of 10 µg/kg, and/or
 - iii. For hexachlorobutadiene, an Environmental Quality Norm of 55 µg/kg;
 - b. Environmental Quality Norms other than those referred to in point (a) may be established and applied for sediment and/or biota for other specified substances. Such Environmental Quality Norms shall offer at least the same level of protection as the Environmental Quality Norms for water set out in Part A of Annex I;
 - c. The frequency of monitoring in biota and/or sediment for the substances referred to in points (a) and (b) shall be determined by National Environmental Agency (NEA). Such frequency of monitoring shall be at least once every year, unless in the expert judgement of [authority] and based on technical knowledge, another frequency of monitoring is justified; and
 - d. The relevant River Basin District Management Plan shall specify the substances for which Environmental Quality Norms have been established in accordance with point (b), the reasons and

basis for using this approach, the alternative Environmental Quality Norms established, including the data and methodology by which these alternative Environmental Quality Norms were derived, the categories of surface water to which they apply, and the frequency of monitoring that is planned together with the justification for that frequency.

6. Where Paragraph 5 applies, the Council of Ministers shall amend this Decision to set out the relevant substances, the relevant Environmental Quality Norms, the frequency of monitoring and the categories of surface water to which they apply.

IV. Monitoring and analysis

7. The NEA, or the institute appointed by it, shall carry out long-term trend analysis of the priority substances listed in Part A of Annex I that tend to accumulate in sediment and/or in biota, on the basis of monitoring of water status carried out in accordance with [WFD Article 8].
8. In carrying out the analysis referred to in Paragraph 7, the NEA, or the institute appointed by it, shall give particular consideration to the substances numbered 2,5,6,7,12,15,16,17,18,20,21,26,28 and 30 in Part A of Annex I.
9. The NEA shall take such measures as are necessary to ensure, subject to the environmental objectives of [WFD Article 4], that the concentrations of the priority substances listed in Part A of Annex I do not significantly increase in sediment and/or in relevant biota.
10. The NEA, or the institute appointed by it, shall monitor sediment and/or biota so as to provide sufficient data for a reliable long-term trend analysis.
11. The monitoring referred to in Paragraph 10 shall be carried out at least every three years, unless in the expert judgement of NEA and based on technical knowledge, another frequency of monitoring is justified.

V. Inventory of emissions, discharges and losses

12. The NEA shall establish inventories, including maps, if available, of emissions, discharges and losses of all the priority substances and other pollutants listed in Part A of Annex I, including their concentrations in sediment and biota, as appropriate.
13. The inventories referred to in Paragraph 12 shall be established for each river basin district or part of a river basin district lying within the Republic of Albania.

14. The inventories referred to in Paragraph 12 shall be established based on the information collected in accordance with 31 and 69 of the Law on Integrated Water Management, the Decision Number ____, dated ____ on the Implementation of Pollutant Release and Transfer Register, and on any other available data.
15. The reference period for the estimation of pollutant values to be entered into the inventories referred to in Paragraph 12 shall be one year between 2008 and 2010.
16. The inventories referred to in Paragraph 12 shall be updated as part of the reviews of the analysis of the characteristics of the relevant river basin districts in accordance with Article 31.3 of the Law "On Integrated Water Management".
17. The reference period for the establishment of values in the updated inventories referred to in Paragraph 16 shall be the year before that analysis is to be carried out.
18. The updated inventories referred to in Paragraph 16 shall be published in the relevant updated River Basin District Management Plan in accordance with Article xxx of the Law "On Water Management". [Art 13(7) WFD]
19. The inventories and any updated inventories, including the respective reference periods shall be made publicly available free of charge in accordance with Article 43 of the Law no ____, dated ____ "On Environmental Protection".
20. The Minister, by way of Ministerial Order, which shall be published in the Official Gazette, may issue technical guidelines for the establishment of inventories.

VI. Transboundary pollution

21. Where appropriate, the relevant River Basin District Management Plan shall specify, for those water bodies affected by transboundary pollution:
 - a. Where an Environmental Quality Norm has been exceeded, that it was due to a source of pollution outside the jurisdiction of the Republic of Albania;
 - b. That effective measures to comply with the relevant Environmental Quality Norm could not be taken as a result of such transboundary pollution;
 - c. That the coordination mechanisms set out in Article XXX of the Law "On Water Management" had been applied;
 - d. If appropriate, that the provisions of [article 21, 22 and 23 of the Law "On Integrated Water Management" have been applied; and

- e. A summary of the measures that have been taken in relation to the transboundary pollution.

VII. Final Provisions

- 22. The Council of Ministers is responsible for endorsing the normative acts for the application of Paragraph 6.
- 23. The Minister is responsible for endorsing the normative acts for the applications of Paragraph 20.
- 24. The Ministry of Environment, Forestry and Water Administration, the National Environment Agency, the National Water Council and the Water Basin Councils are responsible for the implementation of this Decision.
- 25. This decision enters into force 15 days after publication in the Official Journal.

PRIME MINISTER

SALI BERISHA

Annex I. Environmental Quality Norms for certain substances

Part A. Environmental Quality Norms (EQN)

For the purposes of this Table:

- MAC means Maximum Allowable Concentration
- All values are in µg/L

| Number | Name | CAS number ⁽¹⁾ | Annual average EQN ⁽²⁾ Inland surface waters ⁽³⁾ | Annual average EQN ⁽²⁾ Other surface waters | MAC-EQN ⁽⁴⁾ Inland surface waters ⁽³⁾ | MAC-EQN ⁽⁴⁾ Other surface waters |
|--------|--|---------------------------|---|---|--|--|
| 1 | Alachlor | 15972-60-8 | 0,3 | 0,3 | 0,7 | 0,7 |
| 2 | Anthracene | 120-12-7 | 0,1 | 0,1 | 0,4 | 0,4 |
| 3 | Atrazine | 1912-24-9 | 0,6 | 0,6 | 2,0 | 2,0 |
| 4 | Benzene | 71-43-2 | 10 | 8 | 50 | 50 |
| 5 | Brominated diphenylether ⁽⁵⁾ | 32534-81-9 | 0,0005 | 0,0002 | not applicable | not applicable |
| 6 | Cadmium and its compounds (depending on water hardness classes) ⁽⁶⁾ | 7440-43-9 | ≤ 0,08 (Class 1) | 0,2 | ≤ 0,45 (Class 1) | ≤ 0,45 (Class 1) |
| | | | 0,08 (Class 2) | | 0,45 (Class 2) | 0,45 (Class 2) |
| | | | 0,09 (Class 3) | | 0,6 (Class 3) | 0,6 (Class 3) |
| | | | 0,15 (Class 4) | | 0,9 (Class 4) | 0,9 (Class 4) |
| | | | 0,25 (Class 5) | | 1,5 (Class 5) | 1,5 (Class 5) |
| 6a | Carbon-tetrachloride ⁽⁷⁾ | 56-23-5 | 12 | 12 | not applicable | not applicable |
| 7 | C10-13 Chloroalkanes | 85535-84-8 | 0,4 | 0,4 | 1,4 | 1,4 |
| 8 | Chlorfenvinphos | 470-90-6 | 0,1 | 0,1 | 0,3 | 0,3 |
| 9 | Chlorpyrifos (Chlorpyrifos-ethyl) | 2921-88-2 | 0,03 | 0,03 | 0,1 | 0,1 |
| 9a | Cyclodiene pesticides: | | Σ = 0,01 | Σ = 0,005 | not applicable | not applicable |
| | Aldrin ⁽⁷⁾ | 309-00-2 | | | | |
| | Dieldrin ⁽⁷⁾ | 60-57-1 | | | | |
| | Endrin ⁽⁷⁾ | 72-20-8 | | | | |
| | Isodrin ⁽⁷⁾ | 465-73-6 | | | | |
| 9b | DDT total ⁽⁷⁾⁽⁸⁾ | not applicable | 0,025 | 0,025 | not applicable | not applicable |
| | para-para-DDT ⁽⁷⁾ | 50-29-3 | 0,01 | 0,01 | not applicable | not applicable |
| 10 | 1,2-Dichloroethane | 107-06-2 | 10 | 10 | not applicable | not applicable |
| 11 | Dichloromethane | 75-09-2 | 20 | 20 | not applicable | not applicable |
| 12 | Di(2-ethylhexyl)-phthalate | 117-81-7 | 1,3 | 1,3 | not applicable | not applicable |

| Number | Name | CAS number ⁽¹⁾ | Annual average EQN ⁽²⁾ Inland surface waters ⁽³⁾ | Annual average EQN ⁽²⁾ Other surface waters | MAC-EQN ⁽⁴⁾ Inland surface waters ⁽³⁾ | MAC-EQN ⁽⁴⁾ Other surface waters |
|-------------------------|---|---------------------------|--|--|---|---|
| | (DEHP) | | | | | |
| 13 | Diuron | 330-54-1 | 0,2 | 0,2 | 1,8 | 1,8 |
| 14 | Endosulfan | 115-29-7 | 0,005 | 0,0005 | 0,01 | 0,004 |
| 15 | Fluoranthene | 206-44-0 | 0,1 | 0,1 | 1,0 | 1,0 |
| 16 | Hexachloro-benzene | 118-74-1 | 0,01 ⁽⁹⁾ | 0,01 ⁽⁹⁾ | 0,05 | 0,05 |
| 17 | Hexachloro-butadiene | 87-68-3 | 0,1 ⁽⁹⁾ | 0,1 ⁽⁹⁾ | 0,6 | 0,6 |
| 18 | Hexachloro-cyclohexane | 608-73-1 | 0,02 | 0,002 | 0,04 | 0,02 |
| 19 | Isoproturon | 34123-59-6 | 0,3 | 0,3 | 1,0 | 1,0 |
| 20 | Lead and its compounds | 7439-92-1 | 7,2 | 7,2 | not applicable | not applicable |
| 21 | Mercury and its compounds | 7439-97-6 | 0,05 ⁽⁹⁾ | 0,05 ⁽⁹⁾ | 0,07 | 0,07 |
| 22 | Naphthalene | 91-20-3 | 2,4 | 1,2 | not applicable | not applicable |
| 23 | Nickel and its compounds | 7440-02-0 | 20 | 20 | not applicable | not applicable |
| 24 | Nonylphenol (4-Nonylphenol) | 104-40-5 | 0,3 | 0,3 | 2,0 | 2,0 |
| 25 | Octylphenol ((4-(1,1',3,3'-tetramethylbutyl)-phenol)) | 140-66-9 | 0,1 | 0,01 | not applicable | not applicable |
| 26 | Pentachloro-benzene | 608-93-5 | 0,007 | 0,0007 | not applicable | not applicable |
| 27 | Pentachloro-phenol | 87-86-5 | 0,4 | 0,4 | 1,0 | 1,0 |
| 28 | Polyaromatic hydrocarbons (PAH) ⁽¹⁰⁾ | not applicable | not applicable | not applicable | not applicable | not applicable |
| | Benzo(a)pyrene | 50-32-8 | 0,05 | 0,05 | 0,1 | 0,1 |
| | Benzo(b)fluor-anthene | 205-99-2 | $\Sigma = 0,03$ | $\Sigma = 0,03$ | not applicable | not applicable |
| | Benzo(k)fluor-anthene | 207-08-9 | | | | |
| | Benzo(g,h,i)-perylene | 191-24-2 | $\Sigma = 0,002$ | $\Sigma = 0,002$ | not applicable | not applicable |
| Indeno(1,2,3-cd)-pyrene | 193-39-5 | | | | | |
| 29 | Simazine | 122-34-9 | 1,0 | 1,0 | 4,0 | 4,0 |
| 29a | Tetrachloro-ethylene ⁽⁷⁾ | 127-18-4 | 10 | 10 | not applicable | not applicable |
| 29b | Trichloro-ethylene ⁽⁷⁾ | 79-01-6 | 10 | 10 | not applicable | not applicable |
| 30 | Tributyltin compounds (Tributyltin-cation) | 36643-28-4 | 0,0002 | 0,0002 | 0,0015 | 0,0015 |

| Number | Name | CAS number ⁽¹⁾ | Annual average EQN ⁽²⁾ Inland surface waters ⁽³⁾ | Annual average EQN ⁽²⁾ Other surface waters | MAC-EQN ⁽⁴⁾ Inland surface waters ⁽³⁾ | MAC-EQN ⁽⁴⁾ Other surface waters |
|--------|-------------------|---------------------------|---|---|--|--|
| 31 | Trichlorobenzenes | 12002-48-1 | 0,4 | 0,4 | not applicable | not applicable |
| 32 | Trichloromethane | 67-66-3 | 2,5 | 2,5 | not applicable | not applicable |
| 33 | Trifluralin | 1582-09-8 | 0,03 | 0,03 | not applicable | not applicable |

Notes to the Table:

(1) CAS: Chemical Abstracts Service.

(2) This parameter is the EQN expressed as an annual average value (AA-EQN). Unless otherwise specified, it applies to the total concentration of all isomers.

(3) Inland surface waters encompass rivers and lakes and related artificial or heavily modified water bodies.

(4) This parameter is the EQN expressed as a maximum allowable concentration (MAC-EQN). Where the MAC-EQN are marked as 'not applicable', the AA-EQN values are considered protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity.

(5) For the group of priority substances covered by brominated diphenylethers (No 5) listed in Decision of the Council of Ministers No ____, dated ____ "On Priority Substances in the Field of Water Policy", an EQN is established only for congener numbers 28, 47, 99, 100, 153 and 154.

(6) For cadmium and its compounds (No 6) the EQN values vary depending on the hardness of the water as specified in five class categories (Class 1: < 40 mg CaCO₃/l, Class 2: 40 to < 50 mg CaCO₃/l, Class 3: 50 to < 100 mg CaCO₃/l, Class 4: 100 to < 200 mg CaCO₃/l and Class 5: ≥ 200 mg CaCO₃/l).

(7) This substance is not a priority substance.

(8) DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 50-29-3; EU number 200-024-3); 1,1,1-trichloro-2(o-chlorophenyl)-2-(p-chlorophenyl) ethane (CAS number 789-02-6; EU number 212-332-5); 1,1-dichloro-2,2 bis (p-chlorophenyl) ethylene (CAS number 72-55-9; EU number 200-784-6); and 1,1-dichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 72-54-8; EU number 200-783-0).

(9) If the Ministry does not apply EQN for biota they shall introduce stricter EQN for water in order to achieve the same level of protection as the EQN for biota set out in Paragraph 5 of this Decision. The relevant River Basin District Management Plan shall set out the reasons and basis for using this approach, the alternative EQN for water established, including the data and the methodology by which the alternative EQN were derived, and the categories of surface water to which they would apply. This Decision shall be amended accordingly to set out the alternative EQN and the categories of surface waters to which they apply.

(10) For the group of priority substances of polyaromatic hydrocarbons (PAH) (No 28), each individual EQN is applicable, i.e. the EQN for Benzo(a)pyrene, the EQN for the sum of Benzo(b)fluoranthene and Benzo(k)fluoranthene and the EQN for the sum of Benzo(g,h,i)perylene and Indeno(1,2,3-cd)pyrene must be met.

Part B. Application of the Environmental Quality Norms set out in Part A

1. Columns 4 and 5 of the table: For any given surface water body, applying the Annual Average-EQN means that, for each representative monitoring point within the water body, the arithmetic mean of the concentrations measured at different times during the year does not exceed the standard.

The calculation of the arithmetic mean, the analytical method used and, where there is no appropriate analytical method meeting the minimum performance criteria, the method of applying an EQN must be in accordance with the legislation adopting technical specifications for chemical monitoring and quality of analytical results, in accordance with the Law "On Water Management".

2. Columns 6 and 7 of the table: For any given surface water body, applying the MAC-EQN means that the measured concentration at any representative monitoring point within the water body does not exceed the standard.

However, in accordance with section 1.3.4 of Annex V to draft Decision on The Content, Development and Implementation of National Water Strategies, of River Basin District Management Plans and of Flood Risk Management Plans, the Ministry may introduce statistical methods, such as a percentile calculation, to ensure an acceptable level of confidence and precision for determining compliance with the MAC-EQN. If it does so, such statistical methods shall comply with any detailed rules laid down in a Ministerial Order adopted by the Minister and published in the Official Gazette.

3. With the exception of cadmium, lead, mercury and nickel (hereinafter 'metals') the EQN set up in this Annex are expressed as total concentrations in the whole water sample. In the case of metals the EQN refers to the dissolved concentration, i.e. the dissolved phase of a water sample obtained by filtration through a 0,45 µm filter or any equivalent pre-treatment.
4. The Ministry may, when assessing the monitoring results against the EQN, take into account:
 - a. natural background concentrations for metals and their compounds, if they prevent compliance with the EQN value; and
 - b. hardness, pH or other water quality parameters that affect the bioavailability of metals.

