MALTA RESOURCES AUTHORITY

Decision Notice 010/2011/WD

Decision of the 27th June 2011 issued in virtue of the Malta Resources Authority Act (Cap. 423 of the Laws of Malta) and the Groundwater Abstraction (Metering) Regulations, 2010 (LN 241 of 2010) to Mr. Trevor Sullivan, with regard to the closure of the groundwater source having Notification No. 3391/97

Section I

Whereas the Authority has received a request from Mr. Trevor Sullivan (I.D. No. 562157M), user of groundwater source with Notification Number 3391/97, to exempt the groundwater source located at his residential tenement at 14, St Angelo Str., St Julians, from being closed, following the order for such closure given by the Malta Resources Authority in view of Regulation 17 of the Groundwater Abstraction (Metering) Regulations, 2010 (LN 241 of 2010):

Whereas the user of the source in question is submitting his request on the basis of his architect's (Perit Andrew Ellul) calculations, that the tenement in question has a garden with a total area of circa 1500 square metres:

Whereas a "domestic garden" in terms of LN 241 of 2010, is defined as follows:

> *"domestic garden" means a garden that is not bigger than 1000 square metres and that is used solely in connection with a residential tenement whose produce is not sold;"*

Whereas regulation 17 (1) of the Groundwater Abstraction (Metering) Regulations, 2010 provides that:

> ***17.*** *(1) The Authority shall order the closure of any domestic groundwater source within six months from the entry into force of these regulations, except for any domestic groundwater source:*
>
> *(a) to which no pump or other mechanical device is installed or used to abstract water from such groundwater source; or*
>
> *(b) located within a residential tenement which cannot be supplied by a constant supply of water by the Corporation in accordance with the Water Supply Regulations, 1948, solely because the public water distribution network is located more than 50 metres from the nearest point of the residential tenement; or*
>
> *(c) that is proved by the user of such groundwater source as being a cultural property under the Cultural Heritage Act; or*

(d) which is declared by the user by means of an affidavit sworn before a Commissioner of Oaths as a source:

(i) which is used solely for domestic purposes by the user's household; and
(ii) where the abstraction yield from such groundwater source does not exceed one cubic metre per day; and
(iii) the water abstracted from the groundwater source is from the perched aquifer.

The Malta Resources Authority has taken note of the request and has investigated the matters raised in it.

Now, therefore, for the reasons stated in Section II of this Decision, the Malta Resources Authority hereby determines as follows:

1. Groundwater Source 3391/97 should be closed, sealed and decommissioned in accordance with the technical requirements given by the Malta Resources Authority and as attached with this decision, within 45 days from the date of the issue of this Decision.

Section II

Verifications and investigations were carried out by the Authority, including those made in Mr. Trevor Sullivan's request:

1. Information from on-site inspection performed on the 30th August 2010.

- The declared use of the abstracted water was for the filling of the swimming pool which qualifies the source as a domestic groundwater source, as per the definition of a domestic groundwater source found in the Groundwater Abstraction (Metering) Regulations, 2010:

  "domestic groundwater source" means any groundwater source which is located in a residential tenement and where the groundwater abstracted is used for household purposes, or for the filling of swimming pools, or for irrigation of a domestic garden, or for watering of animals kept as pets but does not include dairies, piggeries, poultry or rabbit farms or any other intensive or commercial uses;

- The electric conductivity of the water abstracted was of 20000µScm^{-1}, and therefore the water is brackish and cannot be used for irrigation, because it is detrimental to the soil and any leachate will increase the value of a number of parameters in the aquifer beneath.

  Furthermore this water could not be used to fill or top-up a swimming pool because all swimming pools further away than 100m from the coastline have to be filled with fresh water as per Reg. 6 of the Control of Swimming Pools Regulations (LN 146 of 1998)

6. (1) A swimming pool lying more than one hundred meters away from the sea may not contain, be filled, be replenished or be topped up with any water other than fresh water collected as surface run-off or obtained from the public supply.

2. Information from on-site inspection performed on the 31st May 2011:

- Apart from the irrigation of the surrounding garden (which exceeds 1000 square meters in area) the water abstracted from the groundwater source is used for the toping up of the swimming pool.
- A sample to check the electric conductivity could not be taken during this inspection as the pump had been hoisted from the groundwater source.

Moreover, in regard to the exceptions provided for by the law in Regulation 17 (1), it has been ascertained that none of the said exceptions are applicable to the source in question, once it has been ascertained that:

(a) a pump or other mechanical device is installed or used to abstract water from the groundwater source;

(b) the source in question is not located within a residential tenement which cannot be supplied by a constant supply of water by the Corporation in accordance with the Water Supply Regulations, 1948, solely because the public water distribution network is located more than 50 metres from the nearest point of the residential tenement;

(c) it has not been proved by the user of the groundwater source as being a cultural property under the Cultural Heritage Act;

(d) the aquifer underlying the residential tenement in question is not a perched aquifer which is defined by the Groundwater Abstraction (Metering) Regulations, 2010, as follows:

> "perched aquifer" means an unconfined groundwater body sustained in the upper coralline limestone by an underlying layer of clay".

Dr. Reuben Balzan
Chairman
Malta Resources Authority