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Ordinance on the Register relating to Pollutant Release and the Transfer of Waste and of Pollutants in Waste Water (PRTRO)

of 15 December 2006 (Status as of 1 March 2007)

The Swiss Federal Council,

based on Article 46 paragraph 2 of the Federal Act of 7 October 1983¹
on the Protection of the Environment (EPA),

ordains:

Section 1 General Provisions

Art. 1 Aim and scope of application

¹ This Ordinance is intended to guarantee public access to information on pollutant release and the transfer of waste and of pollutants in waste water by means of a register.

² It applies to facilities with installations in accordance with Annex 1.

Art. 2 Definitions

In this Ordinance:

- a. *PRTR* means Pollutant Release and Transfer Register (Register relating to pollutant release and the transfer of waste and of pollutants in waste water);
- b. *installation in accordance with Annex 1* also includes two or more installations of the same type in a single facility that together exceed the capacity threshold for that type of installation;
- c. *facility* means one or more installations in close proximity to each other that are operated by the same owner or operator as a single operational unit;
- d. *owner or operator* means the owner of a facility or person who actually operates a facility;
- e. *pollutant* means a substance or group of substances in accordance with Annex 2;

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1 SR 814.01

- f. *release* means the introduction of pollutants into the air, the water or the land either deliberately or accidentally, directly or through sewer systems without final waste-water treatment, in particular by spillage, emission, discharge, injection, disposal or dumping;
- g. *transfer* means the deliberate or inadvertent movement beyond the boundaries of the facility:
 1. of waste destined for recovery or disposal, or
 2. of pollutants in waste water destined for waste-water treatment;
- h. *waste water* means water altered by industrial, commercial, agricultural or other use;
- i. *hazardous waste* means waste in terms of Article 2 paragraph 2 letter a of the Ordinance of 22 June 2005² on the Movement of Waste.

Section 2 Duties of the Facility Owner or Operator

Art. 3 Duty of care

The owner or operator of a facility with installations in accordance with Annex 1 must ensure that its information made available to the general public in the Register is complete, based on standard definitions and comprehensible.

Art. 4 Reporting requirement

The owner or operator of a facility with installations in accordance with Annex 1 shall submit to the Federal Office for the Environment (the FOEN) every year by 1 July the information referred to in Article 5 paragraph 1 if that facility in the previous calendar year:

- a. released a larger quantity of a pollutant into the air, water or land than the quantity stipulated in the form of a threshold value in Annex 2;
- b. transferred more than two tonnes of hazardous waste;
- c. transferred more than 2000 tonnes of other waste; or
- d. transferred a larger quantity of a pollutant in waste water than the quantity stipulated in the form of a threshold value for water in Annex 2.

Art. 5 Content of the report

¹ The report must contain:

- a. the name, address and geographical coordinates of the facility and the installations in terms of Annex 1;
- b. the name and address of the owner or operator;

² SR 814.610

- c. the quantity of the pollutant that the facility released in the previous calendar year into the air, water, or land including its number (Annex 2 first column);
- d. the quantity of the hazardous waste that was transferred in the previous calendar year. An indication must be given, using the letter “R” or “D”, of whether the waste was destined for recovery or disposal respectively in terms of Annex 3; for the transborder transfer of hazardous waste, the name and address of the waste recovery or waste disposal facility as well as the address of the location of recovery or disposal must be provided;
- e. the quantity of other waste that was transferred in the previous calendar year. An indication must be given, using the letter “R” or “D”, of whether the waste was destined for recovery or disposal respectively in terms of Annex 3;
- f. the quantity of each pollutant that was transferred in waste water in the previous calendar year including its number (Annex 2 first column); and
- g. the method used for determining the information in letters c – f, with an indication of whether the information is based on measurements, calculations or estimates.

² The method used for determining the information on the release or the transfer must be selected in such a way that the best available information is obtained; if possible, an internationally recognised method should be selected.

³ The information must be entered directly into the confidential Register provided by the FOEN; by way of exception, the data may be submitted to the FOEN in another way. The FOEN decides on the format of the data.

⁴ Anyone who has already submitted information in accordance with Article 5 paragraph 1 to the Confederation in compliance with other regulations may authorise the Confederation to enter that information in the Register in accordance with paragraph 3. The FOEN may request information from other federal agencies that has been obtained in compliance with other regulations and that is suitable for transfer to the Register and it shall maintain a list of such information.

Art. 6 Retention obligation

¹ The owners or operators of facilities with installations in accordance with Annex 1 must retain the collections of data from which the information submitted is derived for a period of five years following the report of the information. These collections must also contain details of the methods of recording the data.

² The collections must be made available to the authorities on request.

Section 3 Duties of the Authorities

Art. 7 Maintaining the PRTR

¹ The FOEN shall maintain a PRTR.

² The PRTR shall contain:

- a. the non-confidential information in accordance with Article 5 paragraph 1;
- b. information on pollutant release from diffuse sources;
- c. electronic links to existing national environmental databases;
- d. electronic links to the PRTRs of the contracting parties to the Protocol and, where possible, of other countries.

³ The FOEN shall update the Register:

- a. annually with the non-confidential information for the previous calendar year in accordance with paragraph 2 letter a;
- b. periodically with information on releases of pollutants from diffuse sources in accordance with paragraph 2 letter b.

Art. 8 Information to the general public

¹ The FOEN shall make the PRTR available for inspection by the general public at the latest nine months after expiry of the reporting date in terms of Article 4.

² Access, in particular via the internet, to information contained in the PRTR shall be guaranteed for a minimum of ten years from the date of its electronic publication, in particular on the internet.

³ The FOEN shall ensure that the information contained in the PRTR for each calendar year can be searched electronically in accordance with following criteria:

- a. name of facility and its geographical coordinates;
- b. installations in accordance with Annex 1;
- c. owner or operator;
- d. pollutant or waste;
- e. environmental media into which the pollutant is released;
- f. recovery or disposal operation in accordance with Annex 3;
- g. name and address of the waste recovery or waste disposal facility as well as the address of the location of recovery or disposal in cases of transborder transfer of hazardous waste.

⁴ It shall ensure that a search can be made for the diffuse sources contained in the Register.

Art. 9 Confidentiality

¹ Information in accordance with Article 5 paragraph 1 is deemed to be public if its disclosure is not contrary to any overriding private or public interests that are worthy of protection.

² Private or public interests that are worthy of protection are the interests listed in Article 7 of the Freedom of Information Act of 17 December 2004³.

³ Anyone who submits documents to the FOEN must:

- a. indicate any information that should be treated as confidential; and
- b. provide reasons why the interest claimed takes precedence over the interest in publication.

⁴ The FOEN shall assess whether the interest claimed should take precedence. If its assessment is not consistent with the application made by the facility owner or operator, it must inform the facility owner or operator of this by means of a formal decision after giving the owner or operator the opportunity to state his position.

⁵ If information is treated as confidential, notice must be given in the Register of the type of information and the reason for its confidentiality.

Art. 10 Verification of data

¹ The Cantons have access to the information held in the confidential Register (Art. 5 para. 3) on facilities with installations in accordance with Annex 1 located on their territory.

² They must verify whether:

- a. the owner or operator has complied with the reporting requirement; and
- b. the reported information is complete, based on standard definitions and comprehensible.

³ If they ascertain that the requirements of this Ordinance have not been fulfilled, they shall notify the FOEN within 3 months of the expiry of the reporting date under Article 4 paragraph 1. The FOEN must order the required measures.

Art. 11 Advice to the general public and cooperation with the Cantons

¹ The FOEN shall inform the general public on a regular basis about the PRTR, and provide advice on its use and purpose.

² It shall ensure a regular exchange of information with the Cantons and shall cooperate with the Cantons in the further development of the PRTR.

³ SR 152.3

Section 4 Final Provisions**Art. 12** Amendment of current law

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Art. 13 Transitional provisions

¹ The report in terms of Article 5 paragraph 1 must be submitted for the first reporting year by 1 July 2008.

² If the owners or operators of facilities with installations in accordance with Annex 1 report data that relates to the period before the commencement of this Ordinance, this data will be processed in accordance with Article 9.

Art. 14 Commencement

This Ordinance comes into force on 1 March 2007.

⁴ Amendments may be consulted under AS 2007 141.

Installations

No. Installations

1. *Energy sector*

- a. Mineral oil and gas refineries
 - b. Installations for gasification and liquefaction
 - c. Thermal power stations and other combustion installations with a heat input of more than 50 megawatts (MW)
 - d. Coke ovens
 - e. Coal rolling mills with a capacity of more than 1 t per hour
 - f. Installations for the production of coal products and solid smokeless fuel
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2. *Production and processing of metals*

- a. Metal ore (including sulphide ore) roasting or sintering installations
 - b. Installations for the production of pig iron or steel (primary or secondary melting) including continuous casting with a capacity of more than 2.5 t per hour
 - c. Installations for the processing of ferrous metals:
 1. hot-rolling mills with a capacity of more than 20 t crude steel per hour
 2. smitheries with hammers with a energy of more than 50 kilojoules per hammer where the calorific power exceeds 20 MW
 3. application of protective fused metallic coats with an input of more than 2 t of crude steel per hour
 - d. Ferrous metal foundries with a production capacity of more than 20 t per day
 - e. Installations
 1. for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes
 2. for the smelting, including the alloying, of non-ferrous metals, including recovered products (refining, foundry casting, etc.) with a melting capacity of more than 4 t per day for lead and cadmium or more than 20 t per day for all other metals
 - f. Installations for the surface treatment of metals and plastic materials using an electrolytic or chemical process, where the volume of the treatment vats exceeds 30 m³
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3. *Mineral industry*

- a. Underground mining and related operations
- b. Opencast mining where the surface of the area being mined exceeds 25 ha
- c. Installations for the production of:
 1. cement clinker in rotary kilns with a production capacity of more than 500 t per day
 2. cement clinker in rotary kilns with a production capacity of more than 500 t per day
 3. cement clinker or lime in other furnaces with a production capacity exceeding 50 t per day
- d. Installations for the production of asbestos and the manufacture of asbestos-based products
- e. Installations for the manufacture of glass, including installations for the manufacture of glass fibres with a melting capacity of more than 20 t per day
- f. Installations for melting mineral substances including the production of mineral fibres with a melting capacity of more than 20 t per day

 No. Installations

- g. Installations for the manufacture of ceramic products by firing, and in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a production capacity of more than 75 t per day or of a kiln capacity of more than 4 m³ and of a setting density per kiln of over 300 kg/m³
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4. Chemicals industry

- a. Chemicals installations for the production on an industrial scale of basic organic chemicals such as:
1. simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic)
 2. oxygen-containing hydrocarbons, such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins
 3. sulphurous hydrocarbons
 4. nitrogenous hydrocarbons, such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates
 5. phosphorous-containing hydrocarbons
 6. halogenic hydrocarbons
 7. organometallic hydrocarbons
 8. basic plastic materials (polymers, synthetic fibres, cellulose-based fibres)
 9. synthetic rubbers
 10. dyes and pigments
 11. surface-active agents and surfactants
- b. Chemical installations for the production on an industrial scale of basic inorganic chemicals such as:
1. gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride
 2. acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids
 3. bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide
 4. salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate
 5. non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide
- c. Chemical installations for the production on an industrial scale of phosphorus-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers)
- d. Chemical installations for the production on an industrial scale of basic plant health products and of biocides
- e. Installations using a chemical or biological process for the production on an industrial scale of basic pharmaceutical products
- f. Installations for the production on an industrial scale of explosives and pyrotechnic products
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5. Waste and waste water management

- a. Installations for the incineration, pyrolysis, recovery, chemical treatment, or landfilling of hazardous waste receiving 10 tonnes or more per day
- b. Installations for the incineration of municipal waste with a capacity of more than 3 t per hour
- c. Installations for the disposal of non-hazardous waste with a capacity of more than 50 t per day
- d. Landfills, excluding landfills of inert waste receiving more than 10 tonnes per day or with a total capacity of more than 25 000 tonnes
- e. Installations for the disposal or recycling of animal carcasses and animal waste with a total capacity of more than 10 t per day

No.	Installations
f.	Municipal waste-water treatment plants with a capacity of more than 100 000 population equivalents
g.	Independently operated industrial waste-water treatment plants that serve one or more activities described in this Annex and have a capacity of more than 10 000 m ³ per day
6.	<i>Paper and wood production and processing</i>
a.	Industrial installations for the production of pulp from timber or similar fibrous materials
b.	Industrial installations for the production of paper and board and other primary wood products (such as chipboard, fibreboard and plywood) with a production capacity of more than 20 t per day
c.	Industrial installations for the preservation of wood and wood products with chemicals with a production capacity of more than 50 m ³ per day
7.	<i>Intensive livestock production and aquaculture</i>
a.	Installations for the intensive rearing of poultry or pigs: 1. with more than 40 000 places for poultry 2. with more than 2000 places for production pigs (over 30 kg) 3. with more than 750 places for sows
b.	Intensive aquaculture with more than 1000 t fish and shellfish per annum
8.	<i>Animal and vegetable products from the food and beverage sector</i>
a.	Slaughterhouses with a carcass production capacity of more than 50 t per day
b.	Treatment and processing installations for the production of food and beverage products from: 1. animal raw materials (other than milk) with a finished product production capacity of more than 75 t per day 2. vegetable raw materials with a finished product production capacity of more than 300 t per day (average value on a quarterly basis)
c.	Installations for the treatment and processing of milk with a capacity to receive more than 200 t per day (average value on an annual basis)
9.	<i>Other activities</i>
a.	Installations for the pre-treatment (such as washing, bleaching, or mercerisation) or dyeing of fibres or textiles with a treatment capacity of more than 10 t per day
b.	Installations for the tanning of hides or skins with a treatment capacity of more than 12 t of finished product per day
c.	Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating with a consumption capacity of more than 150 kg per hour or of more than 200 t per annum
d.	Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitisation
e.	Installations for the building of and painting or removal of paint from ships with a capacity for ships over 100 m long

Annex 2
(Art. 4 para. 1 let. a and d)

Pollutants

Note

A dash (–) indicates that there is no reporting obligation in respect of the parameter or medium in question.

No.	CAS Number	Pollutant	Threshold Value		
			to air	to water	to land
			kg/year	kg/year	kg/year
1	74-82-8	Methane (CH ₄)	100 000	–	–
2	630-08-0	Carbon monoxide (CO)	500 000	–	–
3	124-38-9	Carbon dioxide (CO ₂)	100 million.	–	–
4		Hydro-fluorocarbons (HFCs)	100	–	–
5	10024-97-2	Nitrous oxide (N ₂ O)	10 000	–	–
6	7664-41-7	Ammonia (NH ₃)	10 000	–	–
7		Non-methane volatile organic compounds (NMVOC)	100 000	–	–
8		Nitrogen oxides (NO _x /NO ₂)	100 000	–	–
9		Perfluorocarbons (PFCs)	100	–	–
10	2551-62-4	Sulphur hexafluoride (SF ₆)	50	–	–
11		Sulphur oxides (SO _x /SO ₂)	150 000	–	–
12		Total nitrogen	–	50 000	50 000
13		Total phosphorus	–	5 000	5 000
14		Hydrochlorofluorocarbons (HCFCs)	1	–	–
15		Chlorofluorocarbons (CFCs)	1	–	–
16		Halons	1	–	–
17	7440-38-2	Arsenic and compounds (as As)	20	5	5
18	7440-43-9	Cadmium and compounds (as Cd)	10	5	5
19	7440-47-3	Chromium and compounds (as Cr)	100	50	50

No.	CAS Number	Pollutant	Threshold Value		
			to air	to water	to land
			kg/year	kg/year	kg/year
20	7440-50-8	Copper and compounds (as Cu)	100	50	50
21	7439-97-6	Mercury and compounds (as Hg)	10	1	1
22	7440-02-0	Nickel and compounds (as Ni)	50	20	20
23	7439-92-1	Lead and compounds (as Pb)	200	20	20
24	7440-66-6	Zinc and compounds (as Zn)	200	100	100
25	15972-60-8	Alachlor	–	1	1
26	309-00-2	Aldrin	1	1	1
27	1912-24-9	Atrazine	–	1	1
28	57-74-9	Chlordane	1	1	1
29	143-50-0	Chlordecone	1	1	1
30	470-90-6	Chlorfenvinphos	–	1	1
31	85535-84-8	Chloro-alkanes, C ₁₀ -C ₁₃	–	1	1
32	2921-88-2	Chlorpyrifos	–	1	1
33	50-29-3	DDT	1	1	1
34	107-06-2	1,2-Dichloroethane (EDC)	1 000	10	10
35	75-09-2	Dichloromethane (DCM)	1 000	10	10
36	60-57-1	Dieldrin	1	1	1
37	330-54-1	Diuron	–	1	1
38	115-29-7	Endosulfan	–	1	1
39	72-20-8	Endrin	1	1	1
40		Halogenated organic compounds (as AOX)	–	1 000	1 000
41	76-44-8	Heptachlor	1	1	1
42	118-74-1	Hexachlorobenzene (HCB)	10	1	1
43	87-68-3	Hexachlorobutadiene (HCBd)	–	1	1
44	608-73-1	1,2,3,4,5,6-Hexachlorocyclohexane (HCH)	10	1	1
45	58-89-9	Lindane	1	1	1
46	2385-85-5	Mirex	1	1	1
47		PCDD +PCDF (dioxins +furans) (as Teq)	0.001	0.001	0.001
48	608-93-5	Pentachlorobenzene	1	1	1
49	87-86-5	Pentachlorophenol (PCP)	10	1	1
50	1336-36-3	Polychlorinated biphenyls (PCBs)	0.1	0.1	0.1

No.	CAS Number	Pollutant	Threshold Value		
			to air	to water	to land
			kg/year	kg/year	kg/year
51	122-34-9	Simazine	–	1	1
52	127-18-4	Tetrachloroethylene (PER)	2 000	–	–
53	56-23-5	Tetrachloromethane (TCM)	100	–	–
54	12002-48-1	Trichlorobenzenes (TCBs)	10	–	–
55	71-55-6	1,1,1-Trichloroethane	100	–	–
56	79-34-5	1,1,2,2-Tetrachloroethane	50	–	–
57	79-01-6	Trichloroethylene	2 000	–	–
58	67-66-3	Trichloromethane	500	–	–
59	8001-35-2	Toxaphene	1	1	1
60	75-01-4	Vinyl chloride	1 000	10	10
61	120-12-7	Anthracene	50	1	1
62	71-43-2	Benzene	1 000	200	200
				(as BTEX)*	(as BTEX)*
63		Brominated diphenylethers (PBDEs)	–	1	1
64		Nonylphenol ethoxylates (NP/NPEs) and related substances	–	1	1
65	100-41-4	Ethyl benzene	–	200	200
				(as BTEX)*	(as BTEX)*
66	75-21-8	Ethylene oxide	1 000	10	10
67	34123-59-6	Isoproturon	–	1	1
68	91-20-3	Naphthalene	100	10	10
69		Organotin compounds (as total Sn)	–	50	50
70	117-81-7	Di-(2-ethyl hexyl)phthalate (DEHP)	10	1	1
71	108-95-2	Phenols (as total C)	–	20	20
72		Polycyclic aromatic hydrocarbons (PAHs)**	50	5	5
73	108-88-3	Toluene	–	200	200
				(as BTEX)*	(as BTEX)*
74		Tributyltin and compounds	–	1	1
75		Triphenyltin and compounds	–	1	1
76		Total organic carbon (TOC) (as total C or COD/3)	–	50 000	–
77	1582-09-8	Trifluralin	–	1	1

No.	CAS Number	Pollutant	Threshold Value		
			to air	to water	to land
			kg/year	kg/year	kg/year
78	1330-20-7	Xylenes	–	200	200
79		Chlorides (as total Cl)	–	(as BTEX)*	(as BTEX)*
80		Chlorine and inorganic compounds (as HCl)	10 000	2 million.	2 million.
81	1332-21-4	Asbestos	1	1	1
82		Cyanides (as total CN)	–	50	50
83		Fluorides (as total F)	–	2 000	2 000
84		Fluorine and inorganic compounds (as HF)	5 000	–	–
85	74-90-8	Hydrogen cyanide (HCN)	200	–	–
86		Particulate matter (PM10)	50 000	–	–

* Single pollutants are to be reported if the threshold for BTEX (the sum parameter of benzene, toluene, ethyl benzene, xylene) is exceeded.

** Polycyclic aromatic hydrocarbons (PAHs) are to be measured as benzo(a)pyrene (50-32-8), benzo(b)fluoranthene (205-99-2), benzo(k)fluoranthene (207-08-9), indeno(1,2,3-cd)pyrene (193-39-5) (derived from the Protocol on Persistent Organic Pollutants to the Convention on Long-range Transboundary Air Pollution)

Annex 3
(Art. 5 para. 1 let. d and e)

Disposal and recovery operations

1. Disposal operations (“D”)

- Deposit into or onto land (e.g. landfill)
- Land treatment (e.g. biodegradation of liquid or sludgy discards in soils)
- Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment)
- Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures that are discarded by means of any of the operations specified in this part
- Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures that are discarded by means of any of the operations specified in this part (e.g. evaporation, drying, calcination, neutralisation, precipitation)
- Incineration on land
- Permanent storage (e. g. placement of containers in a mine)
- Blending or mixing prior to submission to any of the operations specified in this part
- Repackaging prior to submission to any of the operations specified in this part
- Storage pending any of the operations specified in this part

2. Recovery operations (“R”)

- Use as a fuel (other than in direct incineration) or other means to generate energy
- Solvent reclamation/regeneration
- Recycling/reclamation of organic substances that are not used as solvents
- Recycling/reclamation of metals and metal compounds
- Recycling/reclamation of other inorganic materials
- Regeneration of acids or bases
- Recovery of components used for pollution abatement
- Recovery of components from catalysts
- Used oil re-refining or other reuses of previously used oil
- Land treatment resulting in benefit to agriculture or ecological improvement

- Uses of residual materials obtained from any of the recovery operations specified above in this part
- Exchange of wastes for submission to any of the recovery operations specified above in this part
- Accumulation of material intended for any operation specified in this part..

