
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the system of classifying the quality of inland waters, coastal waters and relevant territorial waters (as defined in section 30A(1) of the Control of Pollution Act 1974) according to the presence in them of concentrations of the dangerous substances listed in the Schedules to the Regulations.

With two exceptions, the classifications DS1 (in relation to inland waters) and DS2 (in relation to coastal waters and relevant territorial waters) reflect the quality objectives specified in Annex II to Council Directive [82/176/EEC](#) (O.J. No. L81, 27.3.82, p.29) (mercury and its compounds), Annex II to Council Directive [83/513/EEC](#) (O.J. No. L291, 24.10.83, p.1) (cadmium and its compounds), Annex II to Council Directive [84/156/EEC](#) (O.J. No. L74,

17. 3.84, p.49) (mercury and its compounds), Annex II to Council Directive [84/491/EEC](#) (O.J. No. L274, 17.10.84, p.11) (hexachlorocyclohexane), Annex II to Council Directive [86/280/EEC](#) (O.J. No. L181, 4.7.86, p.16) (carbon tetrachloride, DDT and pentachlorophenol) and Council Directive [88/347/EEC](#) (O.J. No. L158, 25.6.88, p.35) which amends the 1986 Directive by adding quality objectives for aldrin, dieldrin, endrin and isodrin, hexachlorobenzene, hexachlorobutadiene and chloroform. The exceptions relate to the quality objectives for concentrations of cadmium and mercury in classification DS2. The Directive specifies an annual mean of not more than 5 and 0.5 microgrammes per litre for cadmium and mercury respectively in estuarial waters but the classification DS2 (which applies to estuarial waters) specifies a more stringent annual mean of not more than 2.5 and 0.3 microgrammes per litre.

The classifications are relevant for the purposes of setting water quality objectives for inland waters, coastal waters and relevant territorial waters under section 30C of the Control of Pollution Act 1974. Regulation 4 modifies that section for the purpose of complying with Community obligations arising by virtue of Council Directive [76/464/EEC](#) by relieving the Secretary of State of the requirements to give at least three months' notice before establishing initial water quality objectives giving effect to that and other Directives relating to discharges of dangerous substances, and to consider representations or objections to his proposals to establish those objectives.