

1990 No. 126 (S.15)

PUBLIC HEALTH, SCOTLAND

**The Surface Waters (Dangerous Substances)
(Classification) (Scotland) Regulations 1990**

Made - - - - - *29th January 1990*

Laid before Parliament *6th February 1990*

Coming into force *27th February 1990*

The Secretary of State, in exercise of the powers conferred on him by section 30B of the Control of Pollution Act 1974(a) and by section 2(2) of the European Communities Act 1972(b), being the Minister designated(c) for the purposes of that subsection in relation to the prevention, reduction and elimination of pollution of water, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Surface Waters (Dangerous Substances) (Classification) (Scotland) Regulations, shall come into force on 27th February 1990 and shall extend to Scotland only.

(2) In these Regulations “the Act” means the Control of Pollution Act 1974 and references to inland waters and relevant territorial waters include, respectively, references to waters which are, by virtue of an order made under section 30A(5) of the Act, to be treated as a relevant loch or pond and to waters which are, by virtue of such an order, to be treated as relevant territorial waters.

Classification of waters

2.—(1) A system employing the classification DS1 is prescribed as a system of classification applying to inland waters.

(2) A system employing the classification DS2 is prescribed as a system of classification applying to coastal waters and relevant territorial waters.

3.—(1) The criterion for classification DS1 is that the annual mean concentrations of the substances listed in column (1) of Schedule 1 hereto do not exceed the concentrations specified in column (2) of that Schedule.

(2) The criterion for classification DS2 is that the annual mean concentrations of the substances listed in column (1) of Schedule 2 hereto do not exceed the concentrations specified in column (2) of that Schedule.

(a) 1974 c.40; section 30B was inserted, as part of a substitution of a new Part II of the Act, by the Water Act 1989 (c.15), Schedule 23, paragraph 4.
(b) 1972 c.68.
(c) S.I. 1989/2393.

Modification of section 30C of the Control of Pollution Act 1974

4. Section 30C(4) and (5) of the Act shall not apply to the initial establishment of water quality objectives so far as they involve the specification of a classification prescribed by these Regulations.

St. Andrew's House, Edinburgh
29th January 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

SCHEDULE 1

Regulation 3(1)

CRITERIA FOR THE CLASSIFICATION OF INLAND WATERS (DS1)

(1) <i>Substance</i>	(2) <i>Concentration in microgrammes per litre (annual mean)</i>
Aldrin, Dieldrin, Endrin and Isodrin	(i) 0.03 for the four substances in total; (ii) 0.005 for endrin
Cadmium and its compounds	5 (total cadmium: both soluble and insoluble forms)
Carbon tetrachloride	12
Chloroform	12
DDT (all isomers)	0.025
para-para-DDT	0.01
Hexachlorobenzene	0.03
Hexachlorobutadiene	0.1
Hexachlorocyclohexane (all isomers)	0.1
Mercury and its compounds	1 (total mercury: both soluble and insoluble forms)
Pentachlorophenol and its compounds	2

SCHEDULE 2

Regulation 3(2)

CRITERIA FOR THE CLASSIFICATION OF COASTAL WATERS AND
RELEVANT TERRITORIAL WATERS (DS2)

(1) <i>Substance</i>	(2) <i>Concentration in microgrammes per litre (annual mean)</i>
Aldrin, Dieldrin, Endrin and Isodrin	(i) 0.03 for the four substances in total; (ii) 0.005 for endrin
Cadmium and its compounds	2.5 (dissolved cadmium)
Carbon tetrachloride	12
Chloroform	12
DDT (all isomers)	0.025
para-para-DDT	0.01
Hexachlorobenzene	0.03
Hexachlorobutadiene	0.1
Hexachlorocyclohexane (all isomers)	0.02
Mercury and its compounds	0.3 (dissolved mercury)
Pentachlorophenol and its compounds	2

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.

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