

1990 No. 38

EUROPEAN COMMUNITIES

PUBLIC HEALTH

**The Pollution of Waters by Dangerous Substances Regulations
(Northern Ireland) 1990**

Made 2nd February 1990

Coming into operation 5th March 1990

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the prevention, reduction and the elimination of pollution of water, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Pollution of Waters by Dangerous Substances Regulations (Northern Ireland) 1990 and shall come into operation on 5th March 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations—

“the Department” means the Department of the Environment;

“the Directive” means Council Directive 76/464/EEC(d).

Application

3. These regulations apply to—

(a) inland surface waters,

(b) territorial waters, and

(c) internal coastal waters.

Elimination of pollution of waters by dangerous substances

4. The Department shall in accordance with the Directive take the appropriate steps to eliminate pollution of the waters referred to in regulation 3 by the dangerous substances in the families and groups of substances in List I of the Annex to the Directive.

(a) S.I. 1989/2393

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) O.J. No. L129. 18.5.1976. p. 23

Consent to discharge

5.—(1) A person shall not without the written consent of the Department make a discharge of the substances or groups of substances referred to in regulation 4 into the waters to which these regulations apply.

(2) A consent under paragraph (1) shall specify emission standards, conditions and limits in accordance with Article 3 of the Directive.

Emission standards

6. Emission standards specified in a consent granted pursuant to regulation 5(2) shall comply with the provisions of the Directive.

Quality objectives

7. In relation to emission standards the Department shall comply with the provisions of Annex II to the following Directives—

- (a) Council Directive 82/176/EEC (mercury and its compounds)(a),
- (b) Council Directive 83/513/EEC (cadmium and its compounds)(b),
- (c) Council Directive 84/156/EEC (mercury and its compounds)(c),
- (d) Council Directive 84/491/EEC (hexachlorocyclohexane)(d),
- (e) Council Directive 86/280/EEC (carbon tetrachloride, DDT and pentachlorophenol)(e), and
- (f) Council Directive 88/347/EEC (aldrin, dieldrin, endrin and isodrin, hexachlorobenzene, hexachlorobutadiene and chloroform)(f).

Offences

8. A person who contravenes regulation 5(1) or any conditions or requirements imposed under that regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.

Sealed with the Official Seal of the Department of the Environment on 2nd February 1990.

(L.S.)

Ian B. McQuiston

Assistant Secretary

(a) O.J. No. L81, 27.3.82, p. 29
(b) O.J. No. L291, 24.10.83, p. 1
(c) O.J. No. L74, 17.3.84, p. 49
(d) O.J. No. L274, 17.10.84, p. 11
(e) O.J. No. L181, 4.7.86, p. 16
(f) O.J. No. L158, 25.6.88, p. 35

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations implement a series of European Community Directives on pollution caused by certain dangerous substances discharged into the aquatic environment.

Regulation 4 requires the Department of the Environment to take appropriate steps to eliminate pollution of inland surface waters, territorial waters and internal coastal waters by the dangerous substances in List 1 of the Annex to Council Directive 76/464/EEC.

A person shall not without the written consent of the Department make a discharge of such substances into these waters and a consent must specify emission standards in accordance with said Directive (regulations 5 and 6).

In relation to emission standards the Department must comply with the provisions of Annex II to Council Directive 82/176/EEC (O.J. No. L81), (mercury and its compounds), Annex II to Council Directive 83/513/EEC (O.J. No. L291) (cadmium and its compounds), Annex II to Council Directive 84/156/EEC (O.J. No. L74) (mercury and its compounds), Annex II to Council Directive 84/491/EEC (O.J. No. L274) (hexachlorocyclohexane), Annex II to Council Directive 86/280/EEC (O.J. No. L181) (carbon tetrachloride, DDT and pentachlorophenol) and Council Directive 88/347/EEC (O.J. No. L158) (regulation 7).

Regulation 8 provides that a person who contravenes regulation 5(1) or any conditions or requirements imposed under that regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.

Copies of Council Directives are available from the Commission of the European Communities, Windsor House, 9/15 Bedford Street, Belfast, BT2 7EG.