

SCHEDULE 3

Regulation 9(1)(a)(iv) and 15(1)(a)(vi)

Ozone-enriched air treatment

1. A person must not carry out an ozone-enriched air treatment on natural mineral water or water intended to be bottled and labelled as “spring water” “unless—
  - (a) it is for the purpose of separating compounds of iron, manganese, sulphur and arsenic from water in which they occur naturally at source;
  - (b) prior to treatment the requirements of paragraphs 3, 4 and 5 of Schedule 4 are satisfied; and
  - (c) the treatment does not have a disinfectant action.
2. An ozone-enriched air treatment must not—
  - (a) modify the physico-chemical composition of the water in terms of its characteristic constituents; or
  - (b) leave residues in the water which could pose a risk to public health, or, in the case of the substances listed below, above the levels specified.

<i>Treatment residue</i>	<i>Maximum limit µg/l</i>
Dissolved ozone	50
Bromate	3
Bromoform	1

3. A person seeking authorisation to carry out an ozone-enriched air treatment must—
  - (a) make an application in writing to the district council in whose area the water is extracted;
  - (b) permit representatives of that district council to examine the proposed method of treatment, and place of treatment and take samples for analysis; and
  - (c) provide such information in support of the application as is requested by the district council.
4. The district council must assess the application and any supporting information and must authorise the ozone-enriched air treatment if it is satisfied that—
  - (a) the treatment process is justified by the composition of the water at source in terms of compounds of iron, manganese, sulphur and arsenic;
  - (b) the person carrying out the treatment is taking all necessary measures to ensure that the treatment is effective and safe; and
  - (c) the treatment otherwise complies with paragraphs 1 and 2.
5. Where the district council decides to authorise an ozone-enriched air treatment pursuant to paragraph 4, it must inform the operator of the treatment in writing stating the date from which the authorisation for use of the treatment has effect.
6. Where the district council refuses to authorise an ozone-enriched air treatment pursuant to paragraph 4, it must inform the applicant in writing, stating its reasons.
7. Where an ozone-enriched air treatment has been authorised pursuant to paragraph 4, the person carrying out the treatment must, for the purpose of enabling the district council to assess whether the conditions in paragraph 4(a) and (b) continue to be satisfied—
  - (a) permit representatives of the district council to examine the method of treatment and place of treatment and take samples for analysis; and
  - (b) provide such information related to the treatment as is requested by the district council.

**Status:** This is the original version (as it was originally made).

8. The district council may withdraw authorisation of an ozone-enriched air treatment if it is satisfied that the conditions specified in paragraph 4 are no longer fulfilled, by giving the person operating the treatment a written notice stating the grounds for withdrawal.

9. Where the district council has informed an applicant under paragraph 5 of its decision to refuse to authorise a treatment under paragraph 3 or to withdraw authorisation of a treatment under paragraph 7, the person who wishes to carry out the treatment may within 6 months of being notified of that decision apply to the Agency for a review.

10. The Agency, upon receiving an application under paragraph 9, must within 3 months from the date of that application—

- (a) make such inquiries into the matter as the Agency considers appropriate;
- (b) consider the results of those inquiries and any other relevant facts; and
- (c) either—
  - (i) confirm the decision; or
  - (ii) direct the district council to grant or restore authorisation of the ozone-enriched air treatment as appropriate.

11. The district council must immediately comply with a direction of the Agency under paragraph 10(c)(ii).