
STATUTORY INSTRUMENTS

1992 No. 337

WATER, ENGLAND AND WALES

**The Surface Waters (Dangerous Substances)
(Classification) Regulations 1992**

<i>Made</i>	- - - -	<i>20th February 1992</i>
<i>Laid before Parliament</i>		<i>28th February 1992</i>
<i>Coming into force</i>	- -	<i>20th March 1992</i>

The Secretary of State for the Environment and the Secretary of State for Wales, acting jointly in exercise of the powers conferred on them by sections 82, 102 and 219(2) of the Water Resources Act 1991(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Surface Waters (Dangerous Substances) (Classification) Regulations 1992 and shall come into force on 20th March 1992.

Classification of waters

2.—(1) A system employing the classification DS3 is prescribed as a system of classification applying to relevant territorial waters, coastal waters and inland freshwaters.

(2) The criterion for the classification DS3 is that the annual mean concentration of each substance listed in column (1) of the Schedule in samples taken and tested in accordance with these Regulations must not exceed the relevant concentration specified in column (2) of the Schedule.

Sampling and analysis

3.—(1) The provisions of this regulation apply as respect the taking and testing of samples of any waters to which the classification DS3 is for the time being applied.

(2) Samples must be taken in relation to such waters at a frequency sufficient to show any changes in the aquatic environment, having regard in particular to natural variations in hydrological conditions.

(3) Where a discharge containing any substance listed in column (1) of the Schedule is made to such waters, samples must be taken at a point sufficiently close to the discharge point to be representative of the quality of the aquatic environment in the area affected by the discharge.

(1) 1992 c. 57.

(4) Samples taken in relation to such waters shall be analysed using the relevant reference methods of measurement specified in column (3) of the Schedule or other methods which have limits of detection, precision and accuracy at least as good.

Modification of section 83 of the Water Resources Act 1991

4. Section 83 of the Water Resources Act 1991 shall have effect as if—
- (a) it imposed a duty on the Secretary of State to exercise his powers under that section to apply the classification DS3 to all relevant territorial waters, coastal waters and inland freshwaters; and
 - (b) in relation to the establishment of water quality objectives in pursuance of that duty, subsections (4) and (5) of that section were omitted.

19th February 1992

Michael Heseltine
Secretary of State for the Environment

Signed by authority of the Secretary of State for Wales

20th February 1992

Wyn Roberts
Minister of State, Welsh Office

THE SCHEDULE

Regulations 2(2), 3(2) and (3)

CLASSIFICATION OF RELEVANT TERRITORIAL WATERS,
COASTAL WATERS AND INLAND FRESHWATERS (DS3)

(1) <i>Substance</i>	(2) <i>Concentration in microgrammes per litre (annual mean)</i>	(3) <i>Reference method of measurement</i>
1,2-Dichloroethane	10	Gas chromatography with electron capture detection after extraction by means of an appropriate solvent or gas chromatography following isolation by means of the "purge and trap" process and trapping by using a cryogenically cooled capillary trap. The limit of determination is 1µg/l. (see Note)
Trichloroethylene	10	Gas chromatography with electron capture detection after extraction by means of an appropriate solvent. The limit of determination is 0.1µg/l. (see Note)
Perchloroethylene	10	
Trichlorobenzene	0.4 (but there must be no significant increase over time in the concentration of trichlorobenzene in sediments and/or molluscs and/or shellfish and/or fish).	Gas chromatography with electron capture detection after extraction by means of an appropriate solvent or, when used to determine the concentration in sediments and organisms, after appropriate preparation of the sample. The limit of determination for each isomer separately is 10 ng/l for the water environment and 1µg/kg of dry matter for sediments and organisms. (see Note)

Note

The accuracy and precision of the method must be plus or minus 50% at a concentration which represents twice the value of the limit of determination.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a system of classifying the quality of relevant territorial waters, coastal waters and inland freshwaters.

The classification DS3 prescribed by the Regulations reflects the quality objectives specified in the Annex to Council Directive [90/415/EEC](#)(2) which amends Annex II to Council Directive [86/280/EEC](#)(3) on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Council Directive [76/464/EEC](#)(4).

The system of classification prescribed by the Regulations will be used for establishing quality objectives under section 83 of the Water Resources Act 1991. Sampling requirements are specified in regulation 3 and the Secretary of State will use his powers under section 5 of the Water Resources Act 1991 to direct the National Rivers Authority to sample and test waters to which classification DS3 applies in accordance with those requirements.

Regulation 4 modifies section 83 of the Water Resources Act 1991 for the purpose of complying with Community obligations arising under Council Directive [90/415/EEC](#). It imposes a duty on the Secretary of State to use his powers under section 83 to apply the classification DS3 to territorial waters up to three miles out, coastal waters and inland freshwaters. It also dispenses with the requirements of section 83(4) and (5) (representations and objections) in cases where the Secretary of State is performing that duty.

(2) OJNo. L 219, 14.8.90, p.49.
(3) OJ No. L 181, 4.7.86, p.16.
(4) OJ No. L 129, 18.5.76, p.23.