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WELSH STATUTORY INSTRUMENTS

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**2010 No. 1433**

**The Air Quality Standards (Wales) Regulations 2010**

**PART 1**

General

**Title, commencement and application**

1.—(1) The title of these Regulations is the Air Quality Standards (Wales) Regulations 2010 and they come into force on 11 June 2010.

(2) These Regulations apply in relation to Wales.

**Definitions**

2.—(1) In these Regulations—

“ambient air” (“*aer amgylchynol*”) means outdoor air in the troposphere, excluding workplaces as defined by Council Directive [89/654/EEC](#)(**1**) where provisions concerning health and safety at work apply and to which members of the public do not have regular access;

“AOT 40” (“*AOT 40*”) (expressed in  $(\mu\text{g}/\text{m}^3) \cdot \text{hours}$ ) means the sum of the difference between hourly concentrations greater than  $80 \mu\text{g}/\text{m}^3$  (= 40 parts per billion) and  $80 \mu\text{g}/\text{m}^3$  over a given period using only the one-hour values measured between 08:00 hours and 20:00 hours Central European Time (CET) each day;

“arsenic” (“*arsenig*”), “cadmium” (“*cadmiwm*”), “nickel” (“*nicel*”) and “benzo(a)pyrene” (“*benso(a)pyren*”) mean the total content of those elements and compounds within the PM<sub>10</sub> fraction;

“assessment” (“*asesu*”, “*asesiad*”) means assessment carried out by means of fixed measurements, indicative measurements, modelling or objective estimation techniques;

“Directive [2004/107/EC](#)” (“*Cyfarwyddeb 2004/107/EC*”) means Directive [2004/107/EC](#) of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air(**2**);

“Directive [2008/50/EC](#)” (“*Cyfarwyddeb 2008/50/EC*”) means Directive [2008/50/EC](#) of the European Parliament and of the Council on ambient air quality and cleaner air for Europe(**3**);

“fixed measurements” (“*mesuriadau sefydlog*”) means measurements taken at fixed locations, either continuously or by sampling from time to time, to determine levels of pollutants in accordance with the relevant data quality objectives;

“indicative measurements” (“*mesuriadau dangosol*”) means measurements which meet data quality objectives that are less strict than those required for fixed measurements;

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(1) OJ No L 393, 30.12.89, p. 1, amended by Directive [2007/30/EC](#) (OJ No L 165, 27.6.07, p. 21).

(2) OJ No L 23, 26.1.05, p 3, last amended by Regulation (EC) No [219/2009](#) (OJ No L 87, 31.3.09, p. 109).

(3) OJ No L 152, 11.6.08, p 1.

“margin of tolerance” (“*ffin goddefiant*”) means the percentage of the limit value by which that value may be exceeded in a given year;

“oxides of nitrogen” (“*ocsidau nitrogen*”) means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ( $\mu\text{g}/\text{m}^3$ );

“PM<sub>10</sub>” (“*PM<sub>10</sub>*”) means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM<sub>10</sub>, EN 12341, with a 50% efficiency cut-off at 10  $\mu\text{m}$  aerodynamic diameter;

“PM<sub>2.5</sub>” (“*PM<sub>2.5</sub>*”) means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM<sub>2.5</sub>, EN 14907, with a 50% efficiency cut-off at 2,5  $\mu\text{m}$  aerodynamic diameter;

“pollutant” (“*llygrydd*”) means any of the following—

- (a) arsenic,
- (b) benzene,
- (c) benzo(a)pyrene or other polycyclic aromatic hydrocarbons,
- (d) cadmium,
- (e) carbon monoxide,
- (f) lead,
- (g) mercury,
- (h) nickel,
- (i) nitrogen dioxide,
- (j) oxides of nitrogen,
- (k) ozone,
- (l) PM<sub>10</sub>,
- (m) PM<sub>2.5</sub>,
- (n) sulphur dioxide;

“polycyclic aromatic hydrocarbons” (“*hydrocarbonau aromatig polysyclig*”) means those organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen; and

“total deposition rate” (“*cyfradd llwyr ddyddodiad*”) means the total mass of pollutants which is transferred from the atmosphere to surfaces such as soil, vegetation, water and buildings in a given area within a given time.

(2) References in these Regulations to Annexes I to VI and VIII to X and Section B of Annex XV to Directive [2008/50/EC](#) and to Section II of Annex II and Annexes III to V to Directive [2004/107/EC](#) are references to those Annexes and those Sections as amended from time to time.

### **Designation of competent authority**

3. The Welsh Ministers are designated as the competent authority for the purposes of Directive [2008/50/EC](#) (other than for the purpose specified in Article 3(f) of that Directive) and for the purposes of Directive [2004/107/EC](#).

### **Zones and agglomerations**

4.—(1) The Welsh Ministers must, for the purposes of these Regulations, divide the territory of Wales into zones and agglomerations.

(2) A zone will be classified as an agglomeration if it is a conurbation with a population in excess of 250,000 inhabitants.

(3) In these Regulations references to a zone include a zone which has been classified as an agglomeration.