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WELSH STATUTORY INSTRUMENTS

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**2010 No. 1433**

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

**PART 3**

Duties of Welsh Ministers in relation to limit values etc.

**Duty in relation to limit values**

**13.**—(1) Subject to paragraph (2), the Welsh Ministers must ensure that levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead, PM<sub>10</sub> and PM<sub>2.5</sub> do not exceed the limit values set out in Schedule 1 in any zone.

(2) Where the date for achieving the limit values for nitrogen dioxide is postponed in any zone in accordance with regulation 15(2), the Welsh Ministers must ensure that the level of nitrogen dioxide in that zone does not exceed the limit value for that pollutant set out in Schedule 1 by more than 50%.

(3) In zones where the level of any pollutant mentioned in paragraph (1) is below the limit value set out in Schedule 1 for that pollutant, the Welsh Ministers must ensure that the level of that pollutant is maintained below that limit value and must endeavour to maintain the best ambient air quality compatible with sustainable development.

(4) Where the Commission has been informed, in accordance with Article 20 of Directive [2008/50/EC](#), that the exceedance of any limit value mentioned in paragraph (1) is attributable to natural sources, that exceedance is not to be regarded as an exceedance for the purposes of these Regulations.

**Duty in relation to target values**

**14.**—(1) The Welsh Ministers must ensure that all necessary measures not entailing disproportionate costs are taken to ensure that levels of PM<sub>2.5</sub>, ozone, arsenic, cadmium, nickel and benzo(a)pyrene do not exceed the target values in Schedule 2 in any zone.

(2) The Welsh Ministers must draw up a list of all zones where the levels of arsenic, cadmium, nickel or benzo(a)pyrene are below the target values set out in Schedule 2 for those pollutants.

(3) In relation to zones listed under paragraph (2), the Welsh Ministers must ensure that the level of any pollutant that is below its target value is maintained below that target value and must endeavour to maintain the best ambient air quality compatible with sustainable development.

(4) The Welsh Ministers must draw up a list of all zones where the target values for arsenic, cadmium, nickel or benzo(a)pyrene are exceeded.

(5) In relation to zones listed under paragraph (4), the Welsh Ministers must—

- (a) identify the areas where the target values are exceeded and the sources contributing to those exceedances; and
- (b) ensure that the measures taken in accordance with paragraph (1) are directed at the predominant sources of emission which have been identified and that those measures

apply, where relevant, the best available techniques in accordance with Directive 2008/1/EC(1).

(6) In zones where the level of ozone exceeds the target value set out in Schedule 2 for that pollutant, the Welsh Ministers must ensure that the programme prepared pursuant to Article 6 of Directive 2001/81/EC is implemented to attain the target value, unless this value cannot be achieved other than through measures that would entail disproportionate costs.

(7) In this regulation—

“Directive 2001/81/EC” (“*Cyfarwyddeb 2001/81/EC*”) means Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants(2); and

“Directive 2008/1/EC” (“*Cyfarwyddeb 2008/1/EC*”) means Directive 2008/1/EC of the European Parliament and of the Council on integrated pollution prevention and control.

### **Date of application for limit values and target values**

15.—(1) Subject to paragraph (2), limit values and target values apply—

- (a) from the date specified for each limit value or target value concerned in Schedules 1 or 2, or
- (b) when these Regulations come into force, if no date is specified in those Schedules.

(2) Where the European Commission has been notified, in accordance with Article 22 of Directive 2008/50/EC, that conformity with the limit values for nitrogen dioxide in Schedule 1 cannot be achieved by the date specified in paragraph (1) in a particular zone, the date for achieving those limit values in that zone may be postponed by a maximum of five years, provided that—

- (a) the Welsh Ministers have prepared an air quality plan for nitrogen dioxide in the zone to which the notification relates in accordance with regulation 20, together with the information listed in Section B of Annex XV to that Directive, and have demonstrated that conformity with the limit values for that pollutant will be achieved in that zone before the date to which the application of those limit values has been postponed, and
- (b) the Commission has raised no objections under Article 22 of that Directive to the postponement of the application of those limit values to that later date.

### **Duty in relation to long-term objectives for ozone**

16.—(1) The Welsh Ministers must ensure that all necessary measures not entailing disproportionate costs are taken to attain the long-term objectives for ozone set out in Schedule 3 in each zone.

(2) Measures taken pursuant to paragraph (1) must be consistent with the programme referred to in paragraph (6) of regulation 14 and the air quality plans prepared in accordance with regulation 20.

(3) In zones where the long-term objectives for ozone have been attained, the Welsh Ministers must, insofar as factors including meteorological conditions and the transboundary nature of ozone pollution permit—

- (a) ensure that they continue to be met,
- (b) maintain the best ambient air quality compatible with sustainable development, and
- (c) maintain a high level of protection for the environment and human health.

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(1) OJ No L 24, 24.1.08, p. 8, amended by Directive 2009/31/EC (OJ No L 140, 5.6.09, p. 114).

(2) OJ No L 309, 27.11.09, p. 22, last amended by Regulation (EC) No 219/2009 (OJ No L 87, 31.3.09, p. 109).

**Duty in relation to information and alert thresholds for the protection of human health**

17. Where any of the information or alert thresholds set out in Schedule 4 are exceeded in any zone, the Welsh Ministers must inform the public by means of radio, television, newspapers or the internet.

**Duty in relation to critical levels for the protection of vegetation**

18. The Welsh Ministers must ensure that the critical levels set out in Schedule 5 are not exceeded in any zone.