

SCHEDULE 2

Regulation 3

TESTING OF AGRICULTURAL SOIL

1. The sludge producer shall ensure that agricultural soil is tested or assessed in accordance with this Schedule.

Commencement Information

I1 Sch. 2 para. 1 in force at 1.9.1989, see **reg. 1(1)**

2.—(1) Where—

- (a) sludge has been used on an agricultural unit before the operative date; and
- (b) adequate scientific evidence is available as to the characteristics of the soil thereof, and the sludge used thereon, before that date;

an assessment shall be made as soon as possible after the operative date of the pH value of the soil as at that date, and the probable concentrations in the soil as at that date of—

- (i) chromium;
- (ii) the elements listed in column 1 of the soil table;

and the soil shall be tested not later than 31st December 1991.

(2) Subject to paragraph (1) above, the soil of agricultural land shall be tested—

- (a) where sludge is to be used on that land for the first time after the operative date;
- (b) as soon as may be after the twentieth anniversary of the date when the soil was last tested in accordance with this Schedule; or
- (c) where the sludge producer is so requested in writing by the occupier of the land or by [^{F1}the Environment Agency][^{F2}or, in Scotland, the Scottish Environment Protection Agency][^{F3}or, in Wales, the Natural Resources Body for Wales], and not less than five years have elapsed since the soil was last tested in accordance with this Schedule.

F1 Words in Sch. 2 para. 2(2)(c) substituted (1.4.1996) by The Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), reg. 1, **Sch. 2 para. 5(4)**

F2 Words in Sch. 2 para. 2(2)(c) inserted (1.4.1996) by The Environment Act 1995 (Consequential and Transitional Provisions) (Scotland) Regulations 1996 (S.I. 1996/973), reg. 1, **Sch. para. 9(4)**

F3 Words in Sch. 2 para. 2(2)(c) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 4 para. 25** (with Sch. 7)

Modifications etc. (not altering text)

C1 Sch. 2 para. 2(2)(c): transfer of functions (1.4.1996) by Environment Act 1995 (c. 25), s. 2(2)(e)

Commencement Information

I2 Sch. 2 para. 2 in force at 1.9.1989, see **reg. 1(1)**

3. For each agricultural unit on which sludge is to be used, a representative sample of soil shall be obtained by mixing together 25 separate core samples, each taken to the depth of the soil or 25 centimetres, whichever is the lesser depth.

Changes to legislation: There are currently no known outstanding effects for the The Sludge (Use in Agriculture) Regulations 1989, SCHEDULE 2. (See end of Document for details)

Commencement Information

I3 Sch. 2 para. 3 in force at 1.9.1989, see **reg. 1(1)**

4. Each representative sample shall be analysed so as to ascertain—
- (a) the pH value of the sample;
 - (b) the concentration in that sample of the following metals—
 - (i) chromium;
 - (ii) the elements set out in the soil table below.

Commencement Information

I4 Sch. 2 para. 4 in force at 1.9.1989, see **reg. 1(1)**

5. For the purposes of regulation 3(4), the specified limit of concentration of elements in any representative sample, expressed in milligrams per kilogram of dry matter, is set out in the soil table below.

SOIL TABLE

(1) Element	(2) Limit According to pH of soil			
	5.0<5.5	5.5<6.0	6.0–7.0	>7.0
Zinc	200	250	300	450
Copper	80	100	135	200
Nickel	50	60	75	110
	For pH 5.0 and above			
Lead	300			
Cadmium	3			
Mercury	1			

Commencement Information

I5 Sch. 2 para. 5 in force at 1.9.1989, see **reg. 1(1)**

6. The analysis requisite to ascertain the concentration of metals referred to in paragraph 4(b) above shall be carried out following strong acid digestion; the reference method of analysis shall be that of atomic absorption spectrometry, and the limit of detection for each metal shall not exceed 10% of the appropriate limit value specified in the soil table or, in the case of chromium, 25 milligrams per kilogram of dry matter.

Commencement Information

I6 Sch. 2 para. 6 in force at 1.9.1989, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Sludge (Use in Agriculture) Regulations 1989, SCHEDULE 2.