

1990 No. 1629

**WATER, ENGLAND AND WALES**

**The Trade Effluents (Prescribed Processes and Substances) (Amendment) Regulations 1990**

<i>Made - - - -</i>	<i>6th August 1990</i>
<i>Laid before Parliament</i>	<i>10th August 1990</i>
<i>Coming into force</i>	<i>31st August 1990</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 74 and 185(2) of the Water Act 1989(a) 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 Trade Effluents (Prescribed Processes and Substances) (Amendment) Regulations 1990 and shall come into force on 31st August 1990.

**Amendment of Regulations**

2.—(1) The Trade Effluents (Prescribed Processes and Substances) Regulations 1989(b) shall be amended as follows—

(2) In regulation 5(1), at the end insert “or to vary any agreement having effect as if entered into by the undertaker under section 7 of that Act (agreements for the reception and disposal of trade effluent)”.

(3) In regulation 5(2), after “the consent” in both places insert “or agreement” and at the end insert “or deriving from a process of a description mentioned in Schedule 2 to these Regulations where either asbestos or chloroform would be present in the effluent in a concentration greater than the background concentration”.

(4) In regulation 5(4)(b), for “unless” substitute “or agreement before” and for “paragraph 3(2)(c)” substitute “paragraph 3”.

(5) In Schedule 1, after “Pentachlorophenol” insert “and its compounds”.

(6) In Schedule 2—

(a) omit “Any industrial process in which cooling waters or effluents are chlorinated”; and

(b) at the end, add “Any industrial process involving the use in any 12 month period of more than 100 kilograms of the product resulting from the crushing of asbestos ore”.

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(a) 1989 c.15; see section 189(1) as to the meaning of “prescribed” and section 189(9) as to the joint exercise of functions exercisable concurrently.

(b) S.I. 1989/1156.

31st July 1990

*Chris Patten*  
Secretary of State for the Environment

6th August 1990

*David Hunt*  
Secretary of State for Wales

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Trade Effluents (Prescribed Processes and Substances) Regulations 1989 (the "1989 Regulations"). The main changes are as follows.

Regulation 5 of the 1989 Regulations is extended so that sewerage undertakers are required to notify the Secretary of State in certain cases involving the discharge of effluent deriving from a process of a type described in Schedule 2 to those Regulations and also in certain cases involving proposals to vary trade effluent agreements reached by their predecessors under section 7 of the Public Health (Drainage of Trade Premises) Act 1937 (c.40) (regulation 2(2) to (4)).

The list of prescribed substances in Schedule 1 to the 1989 Regulations is extended so that it covers compounds of pentachlorophenol as well as pentachlorophenol itself (regulation 2(5)).

Processes in which cooling waters or effluents are chlorinated are removed from the list of processes in Schedule 2 to the 1989 Regulations. Chlorinated effluents which require control are made directly to controlled waters and are therefore subject to control under Part III of the Water Act 1989.

Processes involving the use of more than 100 kilograms of raw asbestos in any twelve month period are added to that list (regulation 2(6)).

**65p**

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Acts of Parliament.

WO 651 3/97 1731 56219 ON 341616

ISBN 0-11-004629-3



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