
STATUTORY INSTRUMENTS

1992 No. 574 (S.63)

PUBLIC HEALTH, SCOTLAND

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

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 30B, 55A, 104(1) and 105(1) of the Control of Pollution Act 1974⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Surface Waters (Dangerous Substances) (Classification) (Scotland) Regulations 1992, shall come into force on 1st April 1992 and shall extend to Scotland only.

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 waters.

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

Sampling and analysis

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

(1) 1974 c. 40; sections 30B and 30C were inserted, as part of a substitution of a new Part II of the Control of Pollution Act 1974, by the Water Act 1989 (c. 15), Schedule 23, paragraph 4; section 55A was added by the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 10, paragraph 7(3); section 104(1) was amended by the Water Act 1989, Schedule 23, paragraph 7; section 105(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

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(2) Where a discharge containing any substance listed in column (1) of the Schedule is made to the 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.

(3) Samples taken in relation to the 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 30C of the Control of Pollution Act 1974

4. Section 30C of the Control of Pollution Act 1974 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 waters; 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.

St. Andrew's House,
Edinburgh
9th March 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE

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

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

(1) Substance	(2) Concentration in microgrammes per litre (annual mean)	(3) Reference method of measurement
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 1)
Trichloroethylene, Perchloroethylene	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 1)
Trichlorobenzene	0.4	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 10ng/l for the water environment and 1µg/kg of dry matter for sediments and organisms. (See Notes 1 and 2)

>Notes

1. 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.
2. There must be no significant increase over time in the concentration of trichlorobenzene in sediments and/or molluscs and/or shellfish and/or fish.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, prescribe a system of classifying the quality of relevant territorial waters, coastal waters and inland waters.

The classification DS3 prescribed by the Regulations reflects the quality objectives specified in the Annex to Council Directive [90/415/EEC](#) (OJNo. L219, 14.8.90, p.49) which amends Annex II to Council Directive [86/280/EEC](#) (OJ No. L181, 4.7.86, p.16) 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](#) (OJ No. L129, 18.5.76, p.23).

The system of classification prescribed by the Regulations will be used for establishing quality objectives under section 30C of the Control of Pollution Act 1974. Sampling requirements are specified in regulation 3 and the Secretary of State will use his powers under section 54 of the Control of Pollution Act 1974 to direct the river purification authorities to sample and test waters to which classification DS3 applies in accordance with those requirements.

Regulation 4 modifies section 30C of the Control of Pollution Act 1974 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 30C to apply the classification DS3 to relevant territorial waters, coastal waters and inland waters. It also dispenses with the requirements of section 30C(4) and (5) (representations and objections) in cases where the Secretary of State is performing that duty.