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STATUTORY INSTRUMENTS

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**1996 No. 3001**

**The Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996 and shall come into force on 6th January 1997.

(2) Expressions used in these Regulations which are also used in Directive 75/440/EEC(1) (quality required of surface waters used for abstraction of drinking water) or Directive 79/869/EEC(2) (methods of measurement and frequency of sampling and analysis of such waters) shall have the same meaning as in those Directives.

(3) Any reference in these Regulations to the supply of water as drinking water shall be taken to be a reference to the supply of that water as drinking water after it has undergone purification treatment.

**Classification of waters**

2. The classifications DW1, DW2 and DW3 and the criteria for those classifications set out in Schedule 1 shall apply for classifying inland freshwaters by reference to their suitability for abstraction for supply as drinking water.

**Compliance with relevant limits**

3.—(1) Subject to paragraphs (2) and (3) below, any waters classified under these Regulations shall be treated in any year as complying with the limit specified in Schedule 1 for the relevant class of waters in relation to a parameter if in that year—

- (a) 95 per cent of the samples taken in relation to those waters in accordance with regulation 5 comply with the limit;
- (b) none of the samples exceeds the limit by more than 50 per cent;
- (c) there is no associated danger to public health where any of the samples exceeds the limit; and
- (d) there have been no occasions on which consecutive samples so taken at statistically suitable intervals exceed the limit.

(2) Non-compliant samples shall be ignored for the purposes of paragraph (1) above if they are the result of a flood, natural disaster or abnormal weather conditions.

(3) Paragraph (1)(b) above shall not apply in the case of the limits specified in Schedule 1 in relation to temperature.

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(1) O.J. No. L 194, 25.7.75, p. 26; relevant amendments were made by Directive 79/869/EEC.  
(2) O.J. No. L 271, 29.10.79, p. 44.

## Waivers

4.—(1) Subject to the following provisions of this regulation, the Environment Agency may waive any requirement to comply with the relevant limit value for any parameter in relation to waters classified under these Regulations if the Agency considers it appropriate to do so—

- (a) as a result of any flood or other natural disaster;
- (b) in the case of a limit value marked (O) in Schedule 1, as a result of exception meteorological or geographical conditions;
- (c) where the waters undergo natural enrichment in certain substances as a result of which the waters would exceed the relevant limit value for that parameter; or
- (d) in the case of a shallow lake or virtually stagnant surface water, for parameters marked with an asterisk in Schedule 1.

(2) The Environment Agency shall not waive any such requirement if that would result in a danger to public health.

(3) Paragraph (1)(d) above shall only apply in the case of a shallow lake where—

- (a) the depth of the lake does not exceed 20 metres;
- (b) the exchange of water is slower than a year; and
- (c) waste water is not discharged into the lake.

(4) Where the Environment Agency exercises its power under paragraph (1) above, it shall immediately notify the Secretary of State in writing giving details thereof, stating its reasons and specifying the period of the waiver.

(5) In this regulation “natural enrichment” means a process whereby, without human intervention, a given body of water receives from the soil certain substances contained therein.

## Sampling and analysis

5.—(1) Subject to regulation 6, the Environment Agency shall ensure that waters classified under these Regulations are samples, and samples are analysed, in accordance with paragraphs (2) to (5) below.

(2) Samples shall always be taken at the same sampling point at times when water is being abstracted for supply as drinking water, and the sampling point chosen by the Environment Agency must be—

- (a) at the place where water is abstracted before being sent for purification treatment; and
- (b) so situated that samples taken at that point are representative of the quality of the water at that place.

(3) Samples shall be analysed for compliance with the parameters listed in Schedule 1 for the relevant class of waters using methods of measurement which are at least as reliable as those specified in Part I of Schedule 2 and respect the values shown in that Part for limits of detection, precision and accuracy.

(4) Sampling and analysis shall be carried out for each parameter listed in Schedule 1 for the relevant class of waters at the frequency fixed by the Environment Agency in relation to the sampling point and, in fixing the frequency, the Environment Agency shall ensure that—

- (a) sampling is carried out at regular intervals;
- (b) the annual frequency of sampling and analysis for each parameter is not less than that specified in Part Ii of Schedule 2 for the relevant class of waters; and
- (c) sampling is as far as possible spread over the year so as to give a representative picture of the quality of the water.

(5) The containers used for samples, the agents or methods used to preserve part of the sample for the analysis of one or more parameters, the conveyance and storage of samples and the preparation of samples for analysis must not be such as to bring about any significant change in the results of the analysis.

#### **Reduction of frequency of sampling etc.**

6.—(1) Where a survey by the Environment Agency of any waters classified under these Regulations shows that the values obtained for any parameter are considerably superior to the quality required by Schedule 1, the Agency may reduce the frequency of sampling of the waters in relation to that parameter.

(2) The Environment Agency may decide that regular sampling and analysis of any waters classified under these Regulations is not needed in relation to any parameter if—

- (a) the requirements of paragraph (1) above are satisfied in relation to the waters;
- (b) there is no pollution of the waters;
- (c) there is no risk of the quality of the waters deteriorating; and
- (d) the quality of the waters is superior in relation to that parameter to the minimum required for waters classified as DW1.

#### **Modification of the Water Resources Act 1991**

7.—(1) Section 83 of the Water Resources Act 1991 (water quality objectives) shall have effect—

- (a) as if it imposed a duty on the Secretary of State to exercise the powers conferred on him by that section to classify appropriately under these Regulations such waters as are necessary to give effect to Directive [75/440/EEC](#) in England and Wales; and
- (b) in relation to the performance of that duty, as if subsections (4) and (5) of that section were omitted.

(2) Section 104(1)(c) of the Water Resources Act 1991 (meaning of “controlled waters”) shall have effect as if “inland freshwaters” included all waters which need to be classified under these Regulations to give effect to Directive [75/440/EEC](#) in England and Wales.

(3) Section 202(2) of the Water Resources Act 1991<sup>(3)</sup> (information in connection with the control of pollution) shall have effect as if it conferred power on the Environment Agency to require the furnishing of information reasonably required by the Agency for the purposes of giving effect to Directives [75/440/EEC](#) and [79/869/EEC](#).

#### **Consequential amendments and revocations**

8.—(1) Regulation 23 of the Water Supply (Water Quality) Regulations 1989<sup>(4)</sup> shall be amended as follows—

- (a) in paragraph (2) for the words from “in accordance with” to the end of that paragraph there shall be substituted the words “in accordance with section 83(1) of the Water Resources Act 1991 is, as appropriate, DW1 or DW2 or DW3, as set out in the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996”; and
- (b) paragraph (3) shall be omitted.

(2) The Surface Waters (Classification) Regulations 1989<sup>(5)</sup> are hereby revoked.

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<sup>(3)</sup> Relevant amendments were made by paragraph 128 of Schedule 22 to the Environment Act [1995 \(c. 25\)](#).

<sup>(4)</sup> S.I. [1989/1147](#); relevant amendments were made by S.I. [1989/1384](#) and S.I. [1991/1837](#).

<sup>(5)</sup> S.I. [1989/1148](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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26th November 1996

*John Gummer*  
Secretary of State for the Environment  
Department of the Environment

28th November 1996

*William Hague*  
Secretary of State for Wales