
STATUTORY INSTRUMENTS

1998 No. 1344 (S.68)

WATER SUPPLY, SCOTLAND

**The Surface Waters (Dangerous Substances)
(Classification) (Scotland) (No.2) Regulations 1998**

<i>Made</i>	- - - -	<i>26th 1998</i>
<i>Laid before Parliament</i>		<i>2nd June 1998</i>
<i>Coming into force</i>	- -	<i>1st July 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 30B, 104(1) and 105(1) of the Control of Pollution Act 1974⁽¹⁾ and, being a Minister designated ⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽³⁾ in relation to measures relating to the prevention, reduction and elimination of pollution of water, in exercise of the powers conferred on him by that section, 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) (No.2) Regulations 1998, shall come into force on 1st July 1998 and shall extend to Scotland only.

Classification of inland waters

2. The classification DS6 and the criteria for that classification set out in Schedule 1 to these Regulations shall apply for classifying inland waters⁽⁴⁾ with a view to reducing the pollution of those waters by the dangerous substances listed in that Schedule.

(1) 1974 c. 40; section 30B was inserted, as part of a substitution of a new Part II of the Act, by the Water Act 1989 (c. 15), Schedule 23, paragraph 4; 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.
(2) S.I. 1989/2393.
(3) 1972 c. 68.
(4) For the definition of “inland waters”, see section 30A(1) of the Control of Pollution Act 1974.

Status: This is the original version (as it was originally made).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

Classification of coastal waters and relevant territorial waters

3. The classification DS7 and the criteria for that classification set out in Schedule 2 to these Regulations shall apply for classifying coastal waters⁽⁵⁾ and relevant territorial waters⁽⁶⁾ with a view to reducing the pollution of those waters by the dangerous substances listed in that Schedule.

Sampling

4. The Scottish Environment Protection Agency shall ensure that waters classified under these Regulations are sampled at such sampling points and at such times, and samples are analysed in such manner, as the Agency considers necessary for—

- (a) monitoring the effect on those waters of discharges containing the dangerous substances in question; and
- (b) determining the extent to which those waters are polluted by those substances and whether the requirements for the relevant classification are satisfied.

Modification of section 30C of the Control of Pollution Act 1974

5. Section 30C of the Control of Pollution Act 1974 (water quality objectives) 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 DS6 to all inland waters and the classification DS7 to all coastal waters and relevant territorial waters and to specify 1st July 1998 as the relevant date in each case; and
- (b) in relation to performance of that duty and the resulting water quality objectives, subsections (3) to (6) of that section (reviews and consultation requirements) were omitted.

Amendment of the Surface Water (Dangerous Substances) (Classification) (Scotland) Regulations 1990

6.—(1) The Surface Water (Dangerous Substances) (Classification) (Scotland) Regulations 1990⁽⁷⁾ shall be amended in accordance with the following paragraph of this regulation.

(2) In Schedules 1 and 2, for the entry—

“Aldrin, Dieldrin, Endrin and Isodrin	(i) 0.03 for the four substances, in total;
	(ii) 0.005 for Endrin”

there shall be substituted—

“Aldrin	0.01
Dieldrin	0.01
Endrin	0.005
Isodrin	0.005”.

⁽⁵⁾ For the definition of “coastal waters”, see section 30A(1) of the Control of Pollution Act 1974.

⁽⁶⁾ For the definition of “relevant territorial waters”, see section 30A(1) of the Control of Pollution Act 1974.

⁽⁷⁾ [S.I. 1990/126](#).

St Andrew's House,
Edinburgh
26th May 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

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SCHEDULE 1

Regulation 2

CRITERIA FOR CLASSIFICATION DS6

1. Subject to paragraph 2 below, the requirements for the classification DS6 are that—
 - (a) the annual mean concentration of each substance listed in column (1) of Table 1 in samples taken from the sampling point for the waters in question in accordance with regulation 4 above does not exceed the relevant limit shown in column (2); and
 - (b) the concentration of mevinphos in each sample so taken does not exceed 0.02 microgrammes per litre.
2. Where samples are taken in accordance with regulation 4 above from more than one sampling point in relation to the waters in question, the requirement in paragraph 1(a) above must be satisfied in relation to the samples from each sampling point.

TABLE 1

(1) <i>Dangerous Substance</i>	(2) <i>Limit (in microgrammes per litre) (annual mean)</i>
4-Chloro-3-methyl-phenol	40
2-Chlorophenol	50
2,4-Dichlorophenol	20
2,4-D (ester)	1
(non-ester)	40
1,1,1-Trichloroethane	100
1,1,2-Trichloroethane	400
Bentazone	500
Benzene	30
Biphenyl	25
Chloronitrotoluenes	10
Demeton	0.5
Dimethoate	1
Linuron	2
Mecoprop	20
Naphthalene	10
Omethoate	0.01
Toluene	50
Triazaphos	0.005
Xylene	30

SCHEDULE 2

Regulation 3

CRITERIA FOR CLASSIFICATION DS7

1. Subject to paragraph 2 below, the requirements for the classification DS7 are that the annual mean concentration of each substance listed in column (1) of Table 2 in samples taken from the sampling point for the waters in question in accordance with regulation 4 above does not exceed the relevant limit shown in column (2).

2. Where samples are taken in accordance with regulation 4 above from more than one sampling point in relation to the waters in question, the requirement in paragraph 1 above must be satisfied in relation to the samples from each sampling point.

TABLE 2

<i>(1)</i> <i>Dangerous Substance</i>	<i>(2)</i> <i>Limit (in microgrammes per litre) (annual mean)</i>
4-Chloro-3-methyl-phenol	40
2-Chlorophenol	50
2,4-Dichlorophenol	20
2,4-D (ester)	1
(non-ester)	40
1,1,1-Trichloroethane	100
1,1,2-Trichloroethane	300
Bentazone	500
Benzene	30
Biphenyl	25
Chloronitrotoluenes	10
Demeton	0.5
Dimethoate	1
Linuron	2
Mecoprop	20
Naphthalene	5
Toluene	40
Triazaphos	0.005
Xylene	30

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a system for classifying the quality of inland waters, coastal waters and relevant territorial waters with a view to reducing the pollution of those waters by the dangerous substances listed in the Schedules to the Regulations (regulations 2 and 3 and Schedules 1 and 2). Those substances are substances within List II of Council Directive [76/464/EEC](#)(**8**) (which deals with pollution caused by certain dangerous substances discharged into the aquatic environment), and the Regulations are made in order to establish water quality objectives for those substances for the purposes of Article 7 of the Directive (pollution reduction programmes).

The Scottish Environment Protection Agency is required by the Regulations to sample waters classified under the Regulations (and analyse samples) to monitor the effect on those waters of discharges containing the dangerous substances in question, to determine the extent of any pollution by those substances and compliance with the requirements for the relevant classification (regulation 4).

Section 30C of the Control of Pollution Act 1974 provides for the establishment of water quality objectives by means of the Secretary of State serving a notice on the Scottish Environment Protection Agency. That section is modified so that—

- (a) the Secretary of State is placed under a duty immediately to classify under the Regulations all inland waters, coastal waters and relevant territorial waters; and
- (b) subsections (3) to (6) (reviews and consultation requirements) are disapplied (regulation 5).

These Regulations also amend the Surface Water (Dangerous Substances) (Classification) (Scotland) Regulations 1990(**9**) (“the 1990 Regulations”) which prescribe the system of classifying the quality of inland waters, coastal waters and relevant territorial waters according to the presence in them of concentrations of certain dangerous substances. Schedule 1 (criteria for the classification of inland waters) and Schedule 2 (criteria for the classification of coastal waters and relevant territorial waters) to the 1990 Regulations are amended to reduce the concentrations specified in those Schedules for the substances aldrin, dieldrin, endrin and isodrin. These amendments reflect the quality objectives specified for those substances in Annex II to Council Directive [86/280/EEC](#)(**10**), as amended by Council Directive [88/347/EEC](#)(**11**).

(**8**) O.J. 1976 No. L129, p.32.

(**9**) [S.I. 1990/126](#).

(**10**) O.J. 1986 No.L181, p16.

(**11**) O.J. 1988 No.L158, p35.