STATUTORY RULES OF NORTHERN IRELAND

2007 No. 187

WATER AND SEWERAGE SERVICES

The Urban Waste Water Treatment Regulations (Northern Ireland) 2007

Made - - - - *20th March 2007*

Coming into operation *1st April 2007*

The Department for Regional Development and the Department of the Environment are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sectors.

The Department for Regional Development and the Department of the Environment, acting jointly, in exercise of the powers conferred on each Department by that section make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Urban Waste Water Treatment Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

Interpretation

2.—(1) In these Regulations—

"the 1999 Order" means the Water (Northern Ireland) Order 1999 (**3**);

"the 2006 Order" means the Water and Sewerage Services (Northern Ireland) Order 2006(**4**);

"the Authority" means the Northern Ireland Authority for Utility Regulation;

"agglomeration" means an area where the population and/or economic activities are sufficiently concentrated for urban waste water to be collected and conducted to an urban waste water treatment plant or to a final discharge point;

"coastal waters" means the waters outside the low-water line or the outer limit of an estuary;

(**1**) S.I. 1992/1711
(**2**) 1972 c. 68
(**3**) S.I. 1999 No. 662 (N.I. 6) as amended by S.I. 2006/3336 (N.I. 21)
(**4**) S.I. 2006/3336 (N.I. 21)

"collecting system" means a system of conduits which collects and conducts urban waste water;

"the Department" means the Department of the Environment;

"the Directive" means Council Directive 91/271/EEC as amended by Council Directive 98/15/EC concerning urban waste water treatment(**5**), and references to other Community Directives are references to Directives other than the Directive;

"domestic waste water" means waste water from residential settlements and services which originates predominantly from the human metabolism and from household activities;

"estuary" means the transitional area at the mouth of a river between fresh water and coastal waters, the outer (seaward) limits of which are shown on the maps kept in accordance with regulation 14;

"eutrophication" means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

"high natural dispersion area" has the meaning given by regulation 3;

"industrial waste water" means any waste water which is discharged from premises used for carrying on any trade or industry, other than domestic waste water and run-off rain water;

"population equivalent" is a measurement of organic biodegradable load, and a population equivalent of 1 (1 p.e.) is the organic biodegradable load having a five-day biochemical oxygen demand (BOD_5) of 60 g of oxygen per day (the load shall be calculated on the basis of the maximum average weekly load entering the treatment plant during the year, excluding unusual situations such as those due to heavy rain);

"relevant enforcement authority" means—

(a) the Department for Regional Development, or

(b) where the duty of a sewerage undertaker under article 149(1) of the 2006 Order is enforceable under Article 30 of that order by the Authority, the Authority;

"secondary treatment" means treatment of urban waste water by a process generally involving biological treatment with a secondary settlement or other process in which the requirements established in Table 1 in Schedule 3 are respected;

"sensitive area" has the meaning given by regulation 3;

"sludge" means residual sludge, whether treated or untreated, from urban waste water treatment plants; and

"urban waste water" means domestic waste water or the mixture of domestic waste water with industrial waste water and/or run-off rainwater.

(2) Other expressions used in these Regulations have the same meaning as in the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Sensitive areas and high natural dispersion areas

3.—(1) In these Regulations—

(**5**) O.J. No. L135, 30.5.91, p. 40
(**6**) 1954 c. 33 (N.I.)

(a) "sensitive area" means an area of water which the Department has identified in accordance with the criteria set out in Part I of Schedule 1, and which is shown as such on maps held by the Department for the purposes of this regulation;

(b) "high natural dispersion area" means an area of water which the Department has identified in accordance with the criteria set out in Part II of Schedule 1, and which is shown as such on maps kept by the Department for the purposes of this regulation.

(2) The Department shall review the identification of sensitive areas and high natural dispersion areas, in accordance with the relevant criteria in Schedule 1 no later than 31st December 2009 and thereafter at intervals of no more than 4 years.

Decisions taken on a review of sensitive areas or high natural dispersion areas

4.—(1) Where the Department decides on a review under regulation 3(2)—

(a) that any area of water identified as a sensitive area or as a high natural dispersion area should no longer be identified as such; or

(b) that any area of water not previously identified as a sensitive area or as a high natural dispersion area should be identified as such,

it shall act in accordance with the provisions set out in paragraph (2).

(2) The Department shall before its decision takes effect—

(a) publish a notice of its decision and the date on which it takes effect—

(i) in the Belfast Gazette; and

(ii) on its website;

(b) ensure that revised maps are deposited at its offices at 17 Antrim Road, Lisburn, Co. Antrim BT28 3AL—

(i) reflecting the Department's decision; and

(ii) indicating the date on which the decision takes effect; and

(c) take such other steps as it considers appropriate to publicise its decision.

(3) A decision on a review under regulation 3(2) takes effect from the date stated in the Department's notice under paragraph (2)(a) and shall continue in force until a subsequent decision changing it following such a review takes effect.

Duty to maintain up to date information about sensitive areas and high natural dispersion areas

5.—(1) The Department shall ensure that its website—

(a) shows maps of all areas of water currently identified as a sensitive area or as a high natural dispersion area; and

(b) gives the date on which any area of water was identified as a sensitive area or high natural dispersion area, or ceased to be so identified.

(2) The Department shall keep available at its offices at 17 Antrim Road, Lisburn, Co. Antrim BT28 3AL, at all reasonable times for inspection by the public, free of charge—

(a) the maps showing sensitive areas and high natural dispersion areas deposited with it for the purposes of regulation (3) and,

(b) the information mentioned in paragraph (1)(b).

Duty to provide and maintain collecting systems and treatment plants

6.—(1) This regulation supplements the duty imposed on every sewerage undertaker by Article 149(1) of the 2006 Order to provide sewerage systems and any contravention of the requirements of this regulation shall be treated for the purposes of that Order as a breach of that duty.

(2) Subject to paragraph (3), the duty imposed by sub-paragraph (1)(a) of Article 149 of the 2006 Order shall include a duty to ensure that collecting systems which satisfy the requirements of Schedule 2 are provided for every agglomeration with a population equivalent which is greater than 2,000.

(3) Paragraph (2) shall not apply where:

(a) the Department is satisfied that the establishment of a collecting system is not justified because it would produce no environmental benefit, or

(b) the relevant enforcement authority is satisfied that the establishment of a collecting system is not justified because it would involve excessive cost,

and individual systems or other appropriate systems are provided that the Department has certified achieve the same level of environmental protection.

(4) The duty imposed by sub-paragraph (1)(b) of Article 149 of the 2006 Order shall include a duty to ensure that urban waste water entering collecting systems is, before discharge, subject to treatment provided in accordance with regulation 7, and to ensure that—

(a) plants built in order to comply with that regulation are designed (account being taken of seasonal variations of the load), constructed, operated and maintained to ensure sufficient performance under all normal local climatic conditions;

(b) treated waste water and sludge arising from waste water treatment are reused whenever appropriate; and

(c) disposal routes for treated waste water and sludge minimise the adverse effects on the environment.

Requirements as to provision of treatment

7.—(1) Subject to paragraph (5), treatment plants which provide secondary treatment or an equivalent treatment shall be provided—

(a) in respect of all discharges from agglomerations with a population equivalent of more than 10,000; and

(b) in respect of all discharges to fresh waters and estuaries from agglomerations with a population equivalent of between 2,000 and 10,000.

(2) Subject to paragraph (3), treatment plants which provide more stringent treatment than that described in paragraph (1) shall be provided in respect of all discharges from agglomerations with a population equivalent of more than 10,000 into sensitive areas, or into the relevant catchment areas of sensitive areas where the discharges contribute to the pollution of these areas.

(3) Paragraph (2) shall not apply in relation to a sensitive area where the Department is satisfied as a result of monitoring, that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area, and all urban waste water treatment plants in the catchment of that area the discharges from which contribute to the pollution of that area, is at least 75% for total phosphorus and at least 75% for total nitrogen.

(4) Where, following a review of the identification of waters as sensitive areas or high natural dispersion areas under regulation 3, an area ceases to be identified as a high natural dispersion area or becomes identified as a sensitive area, then, as respects that area, paragraph (1) or, as the case may be, paragraph (2) shall have effect from the seventh anniversary of the change of identification.

(5) Discharges of urban waste water from agglomerations with a population equivalent of between 10,000 and 150,000 (or, in an exceptional case and with the agreement of the Commission pursuant to Article 8(5) of the Directive, of more than 150,000), to coastal waters which are in high natural dispersion areas, and discharges from agglomerations with a population equivalent of between 2,000 and 10,000 into estuaries which are in high natural dispersion areas, may be subjected to less stringent treatment than that described in paragraph (1) so long as—

(a) the discharges receive at least primary treatment in conformity with the control procedures set out in Part II of Schedule 3; and

(b) the Department is satisfied that comprehensive studies have indicated that such discharges will not adversely affect the environment.

(6) Appropriate treatment of urban waste water entering collecting systems shall be provided in respect of—

(a) discharges to fresh waters and estuaries from agglomerations with a population equivalent of less than 2,000; and

(b) discharges to coastal waters from agglomerations with a population equivalent of less than 10,000.

(7) In this regulation—

(a) "appropriate treatment" means treatment of urban waste water by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of the Directive and other Community Directives; and

(b) "primary treatment" means treatment of urban waste water by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD_5 of the incoming waste water is reduced by at least 20% before discharge and the total suspended solids of the incoming waste water are reduced by at least 50%.

Discharges of treated urban waste water

8.—(1) Discharges from urban waste water treatment plants described in paragraphs (1) or (2) of regulation 7 or from any such plant which provides treatment in accordance with paragraph (5) of that regulation, (including any such plants which are provided other than by a sewerage undertaker) shall satisfy the relevant requirements of Part I of Schedule 3.

(2) It shall be the duty of the Department, in exercise of its functions under Part II of the 1999 Order (prevention of pollution of water) to secure—

(a) with respect to any such discharge as is described in paragraph (1), that the requirements of that paragraph are satisfied;

(b) with respect to any discharge described in paragraph (5) or (6) of regulation 7, that the requirements of the said paragraph (5) or, as the case may be, the said paragraph (6) are satisfied;

(c) with respect to any discharge from a collecting system described in regulation 6 or an urban waste water treatment plant described in regulation 7, the limitation of pollution of receiving waters due to storm water overflows; and

(d) that no sludge is discharged to surface waters.

(3) The Department shall at regular intervals review and if necessary for the purposes of complying with this regulation, modify or revoke consents granted under Part II of the 1999 Order.

(4) Nothing in paragraph 6 of Schedule 1 to the 1999 Order shall restrict the power of the Department to modify or revoke a consent in pursuance of the duty imposed by this regulation.