STATUTORY RULES OF NORTHERN IRELAND

1995 No. 12

EUROPEAN COMMUNITIES WATER AND SEWERAGE

The Urban Waste Water Treatment Regulations (Northern Ireland) 1995

Made - - - - 16th January 1995

Coming into operation 1st March 1995

The Department of the Environment, being a department 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, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Urban Waste Water Treatment Regulations (Northern Ireland) 1995 and shall come into operation on 1st March 1995.

Interpretation

2.—(1) In these Regulations—

"the 1972 Act" means the Water Act (Northern Ireland) 1972(**3**);

"the 1973 Order" means the Water and Sewerage Services (Northern Ireland) Order 1973(**4**);

"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;

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

(**1**) S.I. 1992/1711
(**2**) 1972 c. 68
(**3**) 1972 c. 5 (N.I.)
(**4**) S.I. 1973/70 (N.I. 2)

"the Department" means the Department of the Environment;

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

"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 12;

"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);

"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—

(a) "sensitive area" means an area of water which the Department has identified in accordance with the criteria set out in Part 1 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 held 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 1997 and thereafter at intervals of no more than 4 years.

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

(3) Where, following a review under paragraph (2) an area of water becomes or ceases to be identified as a sensitive area or a high natural dispersion area the Department shall substitute such further maps as may be necessary to reflect the changes in identification.

Duty to provide and maintain sewers

4.—(1) This regulation supplements the duty imposed on the Department(**7**) by Article 3(1)(b) and (c) of the 1973 Order to provide sewerage services.

(2) Subject to paragraph (3), the duty imposed by sub-paragraph (1)(b) of Article 3 of the 1973 Order shall include a duty to ensure that collecting systems which satisfy the requirements of Schedule 2 are provided—

(a) where the urban waste water discharges into receiving waters which are a sensitive area, by 31st December 1998 for every agglomeration with a population equivalent of more than 10,000; and

(b) without prejudice to sub-paragraph (a)—

(i) by 31st December 2000 for every agglomeration with a population equivalent of more than 15,000; and

(ii) by 31st December 2005 for every agglomeration with a population equivalent of between 2,000 and 15,000.

(3) Paragraph (2) shall not apply where the Department is satisfied that the establishment of a collecting system is not justified because—

(a) it would produce no environmental benefit, or

(b) it would involve excessive cost,

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

(4) The duty imposed by sub-paragraph (1)(c) of Article 3 of the 1973 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 5, 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

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

(a) by 31st December 2000 or, in an exceptional case, such later date (not being later than 31st December 2005) as the Commission may agree pursuant to a request under Article 8(1) of the Directive, in respect of all discharges from agglomerations with a population equivalent of more than 15,000;

(**7**) *See*S.R. & O. (N.I.) 1973 No. 504 Art. 4 for transfer of the functions from the Ministry of Development to the Department of the Environment

(b) by 31st December 2005 in respect of all discharges from agglomerations with a population equivalent of between 10,000 and 15,000; and

(c) by 31st December 2005 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 by 31st December 1998 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 as if the relevant date specified in that paragraph were the seventh anniversary of the change of identification or, if later, the date so specified.

(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 by 31st December 2005 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

6.—(1) Discharges from urban waste water treatment plants described in paragraphs (1) or (2) of regulation 5 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 the Department) shall satisfy the relevant requirements of Part 1 of Schedule 3.

(2) In relation to urban waste water treatment plants which are provided other than by the Department it shall be the duty of the Department(**8**), in exercise of its functions under Part II of the 1972 Act (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 5, 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 4 or an urban waste water treatment plant described in regulation 5, the limitation of pollution of receiving waters due to storm water overflows; and

(d) with respect to the discharge of sludge—

(i) that the discharge of sludge to surface waters is phased out by 31stDecember 1998; and

(ii) that the total amount of toxic, persistent or bioaccumulable materials in the sludge which may be discharged to surface waters pursuant to consents under the said Part II is controlled by such consents and progressively reduced during the period ending on that date.

(3) In relation to urban waste water treatment plants provided by the Department it shall be the duty of the Department to secure that each of the requirements set out in paragraph (2) at sub-paragraphs (a) to (d) are satisfied or complied with.

(4) 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 1972 Act.

(5) Nothing in section 10(1) of the 1972 Act shall restrict the power of the Department to modify or revoke a consent in pursuance of the duty imposed by this regulation.

Discharges of industrial waste water to collecting systems or treatment plants

7.—(1) It shall be the duty of the Department in exercising its functions under Part V of the 1973 Order (trade effluents) with respect to any discharge of industrial waste water, to secure that the requirements of Schedule 4 are met in respect of that discharge.

(2) Nothing in Article 24(1) of the 1973 Order (conditions of consent) shall be construed as restricting the power of the Department to impose in any consent under that Part such conditions as are necessary to comply with paragraph (1).

(3) Nothing in any agreement entered into between the Department and the occupier of premises used for carrying on any trade or industry shall be treated as a consent, direction or condition for the purposes of Part V of the 1973 Order unless the terms of that agreement are such as will secure that the requirements of Schedule 4 are met in respect of any discharge to which the agreement relates.

(4) The Department shall review, and if necessary modify, the consents, directions or conditions granted under Part V of the 1973 Order at regular intervals.

(5) For the purposes of complying with paragraph (1) the Department may vary any agreement under Article 32 of the 1973 Order (agreements as respects trade premises) which provides for the discharge of industrial waste water to an urban waste water treatment plant without first entering a

(**8**) *See*S.R. & O. (N.I.) 1973 No. 504 Art. 4 for transfer of the functions from the Ministry of Development to the Department of the Environment