1990 No. 245

EUROPEAN COMMUNITIES

PUBLIC HEALTH

The Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990

Made	*26th June 1990*
Coming into operation . .	*30th July 1990*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and control of the use of sewage sludge in agriculture, 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 Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990 and shall come into operation on 30th July 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"agriculture" means the growing of all types of commercial food crops, including for stock-rearing purposes;

"agricultural unit" means an area of agricultural land used for a single agricultural purpose, not exceeding 5 hectares;

"the Department" means the Department of the Environment;

"the operative date" means 30th July 1990;

"sludge" means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters;

"septic tank sludge" means residual sludge from septic tanks and other similar installations for the treatment of sewage;

(**a**) S.I. 1988/785
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)

"sludge producer" means the Department and any person who manages a plant at which sludge is produced for disposal;

"the sludge table" means the table so described in Schedule 1;

"the soil table" means the table so described in Schedule 2;

"treated sludge" means sludge or septic tank sludge which has undergone biological, chemical or heat treatment, long-term storage or any other appropriate process so as significantly to reduce its fermentability and the health hazards resulting from its use, and "untreated sludge" shall be construed accordingly; and

"use" means spreading on the soil or any other application on or in the soil.

Prohibition on use of sludge

3.—(1) No person shall cause or knowingly permit sludge to be used on agricultural land unless the requirements of paragraphs (2) to (7) are fulfilled.

(2) The sludge shall be tested in accordance with Schedule 1.

(3) The soil on the land shall be tested or assessed in accordance with Schedule 2.

(4) (*a*) The average annual rate of addition to the land by means of the sludge of any of the elements listed in column (1) of the sludge table shall not exceed the limit (in kilograms per hectare per year) specified in column (2); and

(*b*) the concentration in the soil of any of the elements listed in column (1) of the soil table shall not exceed the limit value specified in column (2); and where that limit value is not exceeded at the time of the use, it shall not be exceeded by reason of the use.

(5) The pH of the soil shall not be less than 5.

(6) No fruit or vegetable crops, other than fruit trees, shall be growing or being harvested in the soil at the time of the use.

(7) The sludge shall be used in such a way that account is taken of the nutrient needs of the plants and that the quality of the soil and of the surface and ground water is not impaired.

Prohibition on supply of sludge

4. No person shall supply sludge for use on agricultural land if he knows or has reason to believe that the requirements of regulation 3(6) will not be fulfilled when the sludge is so used, or that the precautions set out in regulation 5 will not be observed after such use.

Precautions to be taken after sludge is used

5.—(1) Where any sludge or septic tank sludge has been used on agricultural land, no person shall cause or knowingly permit the activities specified in column (1) of the following Table to be carried out on that land before the expiry of the period specified in column (2).

TABLE

(1) *Activity*	(2) *Period*
Grazing animals or harvesting forage crops	3 weeks commencing on the date of the use
Harvesting fruit and vegetable crops which are grown in direct contact with the soil and normally eaten raw	10 months commencing on the date of the use

(2) Where any untreated sludge has been used on agricultural land without being injected into the soil, the occupier of the land affected shall, as soon as reasonably practicable thereafter, cause such sludge to be worked into the soil of the land affected.

Information to be supplied to sludge producer

6. Where sludge has been used on any agricultural land, other than by or on behalf of a sludge producer, the occupier of that land shall forthwith provide the following information to the sludge producer:—

(*a*) the address and area of the agricultural unit concerned;

(*b*) the date on which the sludge was used;

(*c*) the quantity of sludge so used; and

(*d*) where the sludge was not supplied by the sludge producer, the name and address of the person who supplied that sludge, and the quantity of sludge so used which was supplied by that person.

Register to be kept by sludge producer

7.—(1) Every sludge producer shall prepare and maintain a register containing the following particulars—

(*a*) the total quantity of sludge produced in any year;

(*b*) in relation to sludge supplied for the purpose of use in agriculture in any year—

(i) the total quantity of sludge supplied;

(ii) the composition and properties of that sludge as determined in accordance with Schedule 1;

(iii) the quantities of treated sludge supplied, and the type of treatment;

(iv) the names and addresses of the persons to whom the sludge was supplied; and

(v) the address and area of each agricultural unit on which sludge has been used, the quantity of sludge used thereon, and the amount of chromium and of each of the elements listed in the sludge table which has been added thereto;

(*c*) a copy of every analysis or assessment made under Schedule 2 relating to the soil of an agricultural unit on which sludge has been used.

(2) In this regulation "year" means the period from the operative date to 31st December 1990, and thereafter the period of 12 months from 31st December.

Supply of information about sludge

8.—(1) A sludge producer (other than the Department) shall make the register maintained under regulation 7 available for inspection by the Department at all reasonable times and shall furnish the Department with such information or facilities as it may reasonably require relating to (or to verifying the information contained in) the register or otherwise relating to sludge supplied by the sludge producer, including facilities for analysis of representative samples of sludge or soil.

(2) As soon as reasonably practicable after testing sludge in accordance with Schedule 1, every sludge producer shall provide details of the analysis made under that Schedule to all persons to whom he or it supplies sludge.

Penalties

9. Any person who contravenes any of these regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000(**a**).

Sealed with the Official Seal of the Department of the Environment on 26th June 1990.

(L.S.) *Harold Carson*
Assistant Secretary

(**a**) *See* para. 1(1)(*d*) of Sch. 2 to 1972 c. 68 read with Arts. 5 and 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) as amended by Sch. 4 to S.R. 1984 No. 253