



STATUTORY INSTRUMENTS.

**S.I. No. 327 of 2012**

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EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES  
(SURFACE WATERS) (AMENDMENT) REGULATIONS 2012

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(SURFACE WATERS) (AMENDMENT) REGULATIONS 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2006/11/EC<sup>1</sup> of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, Directive 2000/60/EC<sup>2</sup> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, and Directive 2008/105/EC<sup>3</sup> of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council hereby make the following Regulations:

1. These Regulations may be cited as the European Communities Environmental Objectives (Surface Waters) (Amendment) Regulations 2012.

2. In these Regulations—

“the 2009 Regulations” means the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009).

3. The 2009 Regulations are amended as follows—

(1) by replacing the opening paragraph of Regulation 4 with the following:

“A public authority shall, in so far as its functions allow, comply with the requirements of these Regulations and take all reasonable steps including, where necessary, the implementation of programmes of measures to:” and

(2) by the deletion of the phrase “in so far as its functions allow” in Regulation 4(a).

4. Regulation 56 of the 2009 Regulations is amended by the substitution of the words “22 December 2013” for the words “22 June 2011”.

<sup>1</sup>O.J. No. L64/52, 4 March 2006

<sup>2</sup>O.J. No. L327/1, 22 December 2000

<sup>3</sup>O.J. No. L348/84, 24 December 2008

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 4th September, 2012.*

5. Regulation 59 of the 2009 Regulations is amended by the substitution of the words “22 June 2014” for the words “22 June 2012”.

6. Regulation 70 of the 2009 Regulations is replaced by:

“The Local Government (Water Pollution) Act 1977 (Water Quality Standards for Phosphorus) Regulations 1998 (S.I. No. 258 of 1998), the Water Quality (Dangerous Substances) Regulations 2001 (S.I. No. 12 of 2001) and the European Communities (Quality of Water Intended for Human Consumption) Regulations 1989 (S.I. No. 294 of 1989) are hereby revoked.”

7. Table 11 and associated footnotes of Schedule 6 to the 2009 Regulations are deleted and replaced by the following:

**Table 11**

**The environmental quality standards for priority substances and certain other pollutants to apply for the purpose of assigning chemical status**

With the exception of cadmium, lead, mercury and nickel (hereinafter “metals”) the EQS values in tables 11 and 12 are expressed as total concentrations in the whole water sample. In the case of metals the EQS refers to the dissolved concentration, i.e. the dissolved fraction of a water sample obtained by filtration through a 0.45 µm filter or any equivalent pre-treatment.

**Priority Substances**

AA: annual average<sup>(1)</sup>

MAC: maximum allowable concentration

Unit: [µg/l]

(1)	(2)	(3)	(4)	(5)	(6)	(7)
No.	Name of substance	Chemical Abstracts Service number	AA-EQS <sup>(2)</sup> Inland surface waters <sup>(3)</sup>	AA-EQS <sup>(2)</sup> Other surface waters	MAC-EQS <sup>(4)</sup> Inland surface waters <sup>(3)</sup>	MAC-EQS <sup>(4)</sup> Other surface waters
(1)	Alachlor	15972-60-8	0.3	0.3	0.7	0.7
(2)	Atrazine	1912-24-9	0.6	0.6	2.0	2.0
(3)	Benzene	71-43-2	10	8	50	50
(4)	Carbon-tetrachloride <sup>(5)</sup>	56-23-5	12	12	<i>not applicable</i>	<i>not applicable</i>
(5)	Chlorfenvinphos	470-90-6	0.1	0.1	0.3	0.3
(6)	Chlorpyrifos (Chlorpyrifos-ethyl)	2921-88-2	0.03	0.03	0.1	0.1

(1)	(2)	(3)	(4)	(5)	(6)	(7)
No.	Name of substance	Chemical Abstracts Service number	AA-EQS <sup>(2)</sup> Inland surface waters <sup>(3)</sup>	AA-EQS <sup>(2)</sup> Other surface waters	MAC-EQS <sup>(4)</sup> Inland surface waters <sup>(3)</sup>	MAC-EQS <sup>(4)</sup> Other surface waters
(7a)	Cyclodiene pesticides: Aldrin <sup>(5)</sup> Dieldrin <sup>(5)</sup> Endrin <sup>(5)</sup> Isodrin <sup>(5)</sup>	 309-00-2 60-57-1 72-20-8 465-73-6	$\Sigma=0.01$	$\Sigma=0.005$	<i>not applicable</i>	<i>not applicable</i>
(7b)	DDT total <sup>(5),(6)</sup> para-para-DDT <sup>(5)</sup>	not applicable 50-29-3	0.025 0.01	0.025 0.01	<i>not applicable</i> <i>not applicable</i>	<i>not applicable</i> <i>not applicable</i>
(8)	1,2-Dichloroethane	107-06-2	10	10	<i>not applicable</i>	<i>not applicable</i>
(9)	Dichloromethane	75-09-2	20	20	<i>not applicable</i>	<i>not applicable</i>
(10)	Di(2-ethylhexyl)-phthalate (DÉHP)	117-81-7	1.3	1.3	<i>not applicable</i>	<i>not applicable</i>
(11)	Diuron	330-54-1	0.2	0.2	1.8	1.8
(12)	Fluoranthene	206-44-0	0.1	0.1	1	1
(13)	Isoproturon	34123-59-6	0.3	0.3	1.0	1.0
(14)	Lead and its compounds	7439-92-1	7.2	7.2	<i>not applicable</i>	<i>not applicable</i>
(15)	Naphthalene	91-20-3	2.4	1.2	<i>not applicable</i>	<i>not applicable</i>
(16)	Nickel and its compounds	7440-02-0	20	20	<i>not applicable</i>	<i>not applicable</i>
(17)	Octylphenol ((4-(1,1',3,3'-tetramethylbutyl)-phenol))	140-66-9	0.1	0.01	<i>not applicable</i>	<i>not applicable</i>
(18)	Pentachloro-phenol	87-86-5	0.4	0.4	1	1
(19)	Simazine	122-34-9	1	1	4	4
(20a)	Tetrachloro-ethylene <sup>(5)</sup>	127-18-4	10	10	<i>not applicable</i>	<i>not applicable</i>
(20b)	Trichloro-ethylene <sup>(5)</sup>	79-01-6	10	10	<i>not applicable</i>	<i>not applicable</i>
(21)	Trichloro-benzenes	12002-48-1	0.4	0.4	<i>not applicable</i>	<i>not applicable</i>
(22)	Trichloro-methane	67-66-3	2.5	2.5	<i>not applicable</i>	<i>not applicable</i>
(23)	Trifluralin	1582-09-8	0.03	0.03	<i>not applicable</i>	<i>not applicable</i>

<sup>(1)</sup> The calculation of the arithmetic mean and the analytical method used must be in accordance with the technical specifications to be adopted for chemical monitoring and quality of analytical results in accordance with Directive 2000/60/EC of the European Parliament and of the Council, including how to apply an EQS where there is no appropriate analytical method meeting the minimum performance criteria.

<sup>(2)</sup> This parameter is the Environmental Quality Standard expressed as an annual average value (AA-EQS). Unless otherwise specified, it applies to the total concentration of all isomers.

<sup>(3)</sup> Inland surface waters encompass rivers and lakes and related artificial or heavily modified water bodies.

<sup>(4)</sup> This parameter is the Environmental Quality Standard expressed as a maximum allowable concentration (MAC-EQS). Where the MAC-EQS are marked as “not applicable”, the AA-EQS values are considered protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity.

<sup>(5)</sup> This substance is not a priority substance but one of the other pollutants for which the EQS are identical to those laid down in community legislation that applied prior to Directive 2008/105/EC of the European Parliament and Council on environmental quality standards in the field of water policy.

<sup>(6)</sup> DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 50-29-3; EU number 200-024-3); 1,1,1-trichloro-2 (o-chlorophenyl)-2-(p-chlorophenyl) ethane (CAS number 789-02-6; EU number 212-332-5); 1,1-dichloro-2,2 bis (p-chlorophenyl) ethylene (CAS number 72- 55-9; EU number 200-784-6); and 1,1-dichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 72-54-8; EU number 200-783-0).

8. Table 12 and associated footnotes of Schedule 6 to the 2009 Regulations are deleted and replaced by the following:

**Table 12**

**The environmental quality standards for priority hazardous substances to apply for the purpose of assigning chemical status**

**Priority Hazardous Substances**

AA: annual average<sup>(1)</sup>

MAC: maximum allowable concentration

Unit: [µg/l]

[µg/kg wet weight] for column (8)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No.	Name of substance	Chemical Abstracts Service number	AA-EQS <sup>(2)</sup> Inland surface waters <sup>(3)</sup>	AA-EQS <sup>(2)</sup> Other surface waters	MAC-EQS <sup>(4)</sup> Inland surface waters <sup>(3)</sup>	MAC-EQS <sup>(4)</sup> Other surface waters	EQS Biota <sup>(8)</sup>
(1)	Anthracene	120-12-7	0.1	0.1	0.4	0.4	<i>not applicable</i>
(2)	Brominated diphenylether <sup>(5)</sup>	32534-81-9	0.0005	0.0002	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>
(3)	Cadmium and its compounds  <i>(depending on water hardness classes)<sup>(6)</sup></i>	7440-43-9	≤ 0.08 (Class 1) 0.08 (Class 2) 0.09 (Class 3) 0.15 (Class 4) 0.25 (Class 5)	0.2	≤ 0.45 (Class 1) 0.45 (Class 2) 0.6 (Class 3) 0.9 (Class 4) 1.5 (Class 5)	≤ 0.45 (Class 1) 0.45 (Class 2) 0.6 (Class 3) 0.9 (Class 4) 1.5 (Class 5)	<i>not applicable</i>

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No.	Name of substance	Chemical Abstracts Service number	AA-EQS <sup>(2)</sup> Inland surface waters <sup>(3)</sup>	AA-EQS <sup>(2)</sup> Other surface waters	MAC-EQS <sup>(4)</sup> Inland surface waters <sup>(3)</sup>	MAC-EQS <sup>(4)</sup> Other surface waters	EQS Biota <sup>(8)</sup>
(4)	C10-13 Chloroalkanes	85535-84-8	0.4	0.4	1.4	1.4	<i>not applicable</i>
(5)	Endosulfan	115-29-7	0.005	0.0005	0.01	0.004	<i>not applicable</i>
(6)	Hexachloro-benzene	118-74-1	0.01	0.01	0.05	0.05	10
(7)	Hexachloro-butadiene	87-68-3	0.1	0.1	0.6	0.6	55
(8)	Hexachloro-cyclohexane	608-73-1	0.02	0.002	0.04	0.02	<i>not applicable</i>
(9)	Mercury and its compounds	7439-97-6	0.05	0.05	0.07	0.07	20
(10)	Nonylphenol (4-Nonylphenol)	104-40-5	0.3	0.3	2.0	2.0	<i>not applicable</i>
(11)	Pentachloro-benzene	608-93-5	0.007	0.0007	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>
(12)	Polyaromatic hydrocarbons (PAH) <sup>(7)</sup>	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>
	Benzo(a)pyrene	50-32-8	0.05	0.05	0.1	0.1	<i>not applicable</i>
	Benzo(b)fluor-anthene	205-99-2	$\Sigma=0.03$	$\Sigma=0.03$	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>
	Benzo(k)fluor-anthene	207-08-9					
	Benzo(g,h,i)-perylene	191-24-2	$\Sigma=0.002$	$\Sigma=0.002$	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>
	Indeno(1,2,3-cd)-pyrene	193-39-5					
(13)	Tributyltin compounds (Tributyltin-cation)	36643-28-4	0.0002	0.0002	0.0015	0.0015	<i>not applicable</i>

<sup>(1)</sup>The calculation of the arithmetic mean and the analytical method used must be in accordance with the technical specifications for chemical monitoring and quality of analytical results to be adopted in accordance with Directive 2000/60/EC of the European Parliament and of the Council, including how to apply an EQS where there is no appropriate analytical method meeting the minimum performance criteria.

<sup>(2)</sup>This parameter is the Environmental Quality Standard expressed as an annual average value (AA-EQS). Unless otherwise specified, it applies to the total concentration of all isomers.

<sup>(3)</sup>Inland surface waters encompass rivers and lakes and related artificial or heavily modified water bodies.

<sup>(4)</sup>This parameter is the Environmental Quality Standard expressed as a maximum allowable concentration (MAC-EQS). Where the MAC-EQS are marked as “not applicable”, the AA-EQS values are considered protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity.

<sup>(5)</sup>For the group of priority substances covered by brominated diphenylethers listed in Decision 2455/2001/EC, an EQS is established only for congener numbers 28, 47, 99, 100, 153 and 154.

<sup>(6)</sup>For Cadmium and its compounds the EQS values vary dependent upon the hardness of the water as specified in five class categories (Class 1: <40 mg CaCO<sub>3</sub>/l, Class 2: 40 to <50 mg CaCO<sub>3</sub>/l, Class 3: 50 to <100 mg CaCO<sub>3</sub>/l, Class 4: 100 to <200 mg CaCO<sub>3</sub>/l and Class5: ≥200 mg CaCO<sub>3</sub>/l).

<sup>(7)</sup>For the group of substances polyaromatic hydrocarbons (PAH) each individual EQS is applicable, i.e. the EQS for Benzo(*a*)pyrene, the EQS for the sum of Benzo(*b*)fluoranthene and Benzo(*k*)fluoranthene and the EQS for the sum of Benzo(*g,h,i*)perylene and Indeno(1,2,3-*cd*)pyrene must be met.

<sup>(8)</sup>Each EQS shall be for prey tissue (wet weight). The EPA shall choose the most appropriate indicator from among fish, molluscs, crustaceans and other biota. The EPA shall determine, for substances (6), (7) and (9), the frequency of monitoring in biota. However, monitoring shall take place at least once every year, unless technical knowledge and expert judgment justify another interval.



GIVEN under my Official Seal,  
31 August 2012.

PHIL HOGAN,  
Minister for the Environment, Community and Local  
Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations amend the European Communities Environmental Objectives (Surface Waters) Regulations, 2009 (S.I. No. 272 of 2009).

The purpose of these Regulations is to:

Clarify the role of public authorities in the protection of surface waters;

Include standards for the priority hazardous substances mercury, hexachlorobutadiene and hexachlorobenzene in biota found in surface water bodies;

Set limits for the priority substance Trifluralin in surface water bodies;

Amend the date by which the first inventory of priority substances is established, to align with the review of pressures scheduled for December 2013 in accordance with Article 7 of the 2009 European Communities (Water Policy) Regulations (S.I. No. 722 of 2003);

Amend the date, in turn, by which pollution reduction programmes for surface water bodies must be prepared and

Revoke the European Communities (Quality of Water intended for Human Consumption) Regulations 1989 (S.I. No. 294 of 1989).



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