

QUALITY OF BATHING WATERS REGULATIONS, 1992.

In exercise of the powers conferred on the Minister for the Environment by section 30 of the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977) and by section 26 of that Act as amended by the Local Government (Water Pollution) (Amendment) Act, 1990 (No. 21 of 1990), which said powers are delegated to me by the Environment (Delegation of Ministerial Functions) Orders, 1992 (S.I. No. 136 of 1992), I, MARY HARNEY, Minister of State at the Department of the Environment, hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Quality of Bathing Waters Regulations, 1992.

Interpretation

2. In these Regulations:—

a reference to a Schedule or article which is not otherwise identified is a reference to a Schedule or article of these Regulations;

a reference to a sub-article or paragraph which is not otherwise identified is a reference to a subarticle or paragraph of the provision in which the reference occurs;

"local authority" means a local authority specified in Column 2 of the First Schedule;

"the Minister" means the Minister for the Environment;

"sampling" includes inspection, measurement, monitoring and analysis.

Bathing Water Quality Standards

3. (1) Waters in which bathing is practised at the bathing areas specified in the First Schedule shall meet the quality standards specified in the Second Schedule on the basis of and subject to the conditions so specified.

(2) In determining conformity with these Regulations deviations from the standards referred to in sub-article (1) shall not be taken into consideration where the deviations are the result of floods, other natural disasters or abnormal weather conditions.

Investigation and Sampling of Bathing Waters

4. (1) A local authority shall, for each bathing area for which they are declared in column 2 of the First Schedule to be the responsible local authority:

(a) conduct, and repeat periodically, investigations of conditions which may affect the quality of waters so as to obtain relevant data and to determine the volume and nature of all polluting and potentially polluting discharges and their effects on waters at the bathing area, and

(b) carry out, or cause to be carried out, sampling of bathing water in accordance with this article.

(2) Sampling locations shall be determined by the local authority so as to correspond to the places where the daily average density of bathers is highest.

(3) Samples shall be taken 30 cm below the surface of the water except for mineral oil samples, which shall be taken at surface level.

(4) Sampling operations shall begin in mid-May each year and shall continue until the end of August.

(5) (a) Subject to paragraphs (b) and (c), sampling in relation to the parameters specified in Part I of the Second Schedule shall be carried out at intervals of not more than two weeks.

(b) Where sampling undertaken during the preceding two years in relation to any of the parameters referred to in paragraph (a) has produced results which are appreciably better than the standard specified in Column 3 of the Second Schedule and when no new factor likely to lower the quality of water has appeared, sampling may be conducted at intervals of up to four weeks in relation to the parameter concerned.

(c) Additional sampling operations in respect of the parameters specified in Part I of the Second Schedule shall be undertaken where an investigation or sampling under this article shows, or where there are other grounds for believing, that there has been a deterioration in the quality of waters to which article 3 (1) applies or that there is, or appears to be, a discharge of substances likely to lower the quality of such waters.

(6) Sampling in relation to—

(a) a parameter specified in Part II of the Second Schedule,

(b) a substance specified in the Third Schedule,

shall be carried out where an investigation under this article shows, or where there are other grounds for believing, that there has been a deterioration in respect of the parameter or substance in the quality of waters to which article 3 (1) applies

or, in the case of nitrogen Kjeldahl and ammonia, that there is a tendency towards eutrophication.

(7) (a) As far as practicable, a local authority shall use the methods of analysis and inspection specified in the Fourth Schedule.

(b) Where other methods of analysis are used, a local authority shall ensure that the results obtained are equivalent to, or comparable with, results obtained by the methods specified in the Fourth Schedule.

(8) The Minister may from time to time issue recommendations to local authorities in relation to the performance of their functions under this article and local authorities shall have regard to any such recommendations.

(9) Results of sampling carried out each year under this article and reports on compliance with the standards specified in the Second Schedule shall be supplied by the local authority to the Minister not later than the 31st day of October in the year to which they relate.

Duty of Local Authority to Ensure Compliance with Standards

5. (1) Where waters at a bathing area described in the First Schedule do not comply with the standards referred to in article 3 (1), the local authority shall:

(a) give such public notice of that fact as it considers appropriate, and

(b) take the necessary measures to ensure that the standards are complied with, unless a departure has been granted under sub-article (2).

(2) A departure from the standards referred to in article 3 (1) may be granted to a local authority by the Minister—

(a) where deviations from the standards have arisen because the water concerned has undergone natural enrichment from the soil without human intervention, and

(b) in the case of the parameters pH, colour and transparency, where exceptional weather or geographical conditions have arisen.

provided that such a departure would not constitute a public health hazard in any case.

(3) An application for a departure under this article shall contain such information as may be specified by the Minister.

(4) The granting of a departure shall be subject to such conditions, if any, as the Minister may specify and shall have effect for such period as may be specified by the Minister.

Results of Sampling

6. (1) A local authority shall establish and maintain a register of the results of sampling carried out under article 4.

(2) The register shall be kept at the offices of the local authority and shall be made available for inspection by any person during office hours.

(3) A local authority shall arrange to display or otherwise to make available for public inspection at or near the bathing areas to which they relate—

(a) the results of sampling carried out under article 4 during the year concerned, and

(b) a map showing the location of the sampling point used.

(4) A local authority shall ensure that the results displayed or otherwise made available under sub-article (3) are updated regularly during the period when sampling is carried out under article 4 and, in any event, at intervals not exceeding four weeks.

FIRST SCHEDULE

BATHING AREAS

Column 1
Bathing Area

Column 2
Responsible Local Authority

The beach at Bishopsquarter

Cappagh Pier and beach at Kilrush

The beach at Fanore

The beach at Kilkee

The beach at Lahinch

The beach at Spanish Point

White Strand, Doonbeg

White Strand, Miltown Malbay

Clare County Council

The beach at Barley Cove

The beach at Fountainstown

White Strand at Garrylucas

The beach at Inchydoney

The beach at Owenahincha

The main beach at Youghal

Cork County Council

The beach at Bundoran

The beach at Downings

The beach at Drumnatinny

The beach at Fintra

The beach at Lisfannon

The beach at Marble Hill

The beach at Murvagh

The beach at Portnablagh

The beach at Portnoo/Naran

The beach at Portsalon

The beach at Rathmullan

The beach at Rossnowlagh

Donegal County Council

The beach at Donabate

The beach at Loughshinny

The beach at Malahide

The beach at Portmarnock

The beach at Portrane

The South beach at Rush

The beach at Skerries

Burrow Beach at Sutton

Dublin County Council

Tra an Doilin, Ceathru Rua

The beach at Clifden

The beach at Gortin, Cloch na Ron

The beach at Na Forbacha

The beach at Cill Muirbhthe, Inis Mor

The bathing place at Loughrea Lake

The bathing place at Portumna

The beach at An Cnoc, Spiddal

The beach at Spiddal Pier

The beach at An Spideal

The beach at Traught

Galway County Council

The beach at Ballinskelligs

White Strand at Ballybunion

The beach at Ballyheigue

Banna Strand

The beach at Derrynane

The beach at Inch

White Strand at Rossbeigh

The beach at Ventry.

Kerry County Council

The beach at Clogherhead

The beach at Port, Lurganboy

The beach at Seapoint

The beach at Sheiling Hill/Templetown

Louth County Council

The beacha at Bertra

The beach at Carrawmore

The beach at Doogort

Golden Strand, Achill

The beach at Keel, Achill

The beach at Keem, Achill

Ross Strand, Killala

The beach at Old Head, Louisburgh

Silver Strand, Louisburgh

The beach at Mulranny

Mayo County Council
Meath County Council

The beach at Laytown/Bettystown

The beach at Enniscrone

The beach at Mullaghmore

The beach at Rosses Point

Sligo County Council

The beach at Ardmore

The beach at Bonmahon

The beach at Clonea

Dunmore Strand, Dunmore East

Counsellors' Strand, Dunmore East

The beach at Tramore

Waterford County Council

The bathing place The Cut, Lough Lene

The bathing place at Lilliput, Lough Ennel

The bathing place at Portnashangan, Lough Owel

Westmeath County Council

The North beach at Ballymoney

The North beach at Courtown

The beach at Curracloe

The beach at Duncannon

The beach at Morriscastle

The beach at Rosslare Strand

Wexford County Council

The beach at Brittas Bay

The beach at Clogga

The beach at Silver Strand

Wicklow County Council
Dublin Corporation

Dollymount Strand

The beach at Salthill

Silver Strand, Galway

Galway Corporation

The beach at Killiney

The beach at Seapoint

Dun Loaghaire Corporation

SECOND SCHEDULE

BATHING WATER QUALITY STANDARDS

PART I

Column 1

Column 2

Column 3

Parameter Unit of

Measurement

Standard

Total coliforms No./100ml (a) ≤ 5,000; (b) ≤ 10,000

(To be conformed with, in the case of (a), by 80% or more of samples and, in the case of (b), by 95% or more of samples. Standard not to be exceeded by any two consecutive samples in any case.)

Faecal coliforms No./100ml (a) ≤ 1,000; ≤ (b)2,000

(To be conformed with, in the case of (a), by 80% or more of samples and, in the case of (b), by 95% or more of samples. Standard not to be exceeded in any case by any two consecutive samples.)

Colour No abnormal change in colour.

(To be conformed with in 95% or more of inspections of bathing water. No two consecutive inspections to fail standard.)

Mineral oils mg/litre No film visible on the surface of bathing water and no odour.

(To be conformed with in 95% or more of inspections of bathing water. No two consecutive inspections to fail standard.)

Surface active substances reacting with methylene blue. mg/litre

(lauryl-sulfate)

No lasting foam.

(To be conformed with in 95% or more of inspections of bathing water. No two consecutive inspections to fail standard.)

Phenols

(phenol indices)

mg/litre

C₄H₃OH

≤ 0.05 and no specific odour.

(To be conformed with by 95% or more of samples and not to be exceeded by any two consecutive samples. No sample to exceed 0.075.)

Transparency metres/depth ≥ 1

(To be conformed with in 95% or more inspections of bathing water. No two consecutive inspections to fail standard. Transparency never to be less than 0.5.)

Tarry residues.

Floating materials such a wood, plastic articles, bottles, containers of glass, plastic, rubber and other substances. Waste or splinters.

No offensive presence.

(To be conformed with in 95% or more of inspections of bathing water. No two consecutive inspections to fail standard.)

PART II

Column 1	Column 2	Column 3
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Parameter	Unit of
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Measurement

Standard

Faecal

streptococci

No./100ml	≤ 300
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(To be conformed with by 95% or more of samples and not to be exceeded by any two consecutive samples.)

Salmonella	No./litre	0
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(To be conformed with by 95% or more of samples and not to be exceeded by any two consecutive samples.)

Enteroviruses PFU/10 litres 0
(To be conformed with by 95% or more of samples and not to be exceeded by any two consecutive samples.)

pH ≥ 6 and ≤ 9
(To be conformed with by 95% or more of samples. No two consecutive samples to fall outside the range.)

Dissolved Oxygen %

saturation O₂

≤ 70 and ≤ 120

(To be conformed with by 95% or more of samples. No two consecutive samples to fall outside the range.)

THIRD SCHEDULE

Substances in respect of which sampling is required in certain circumstances.

Pesticides (parathion, HCH, dieldrin).

Heavy Metals such as arsenic, cadmium, chrome VI, lead, mercury.

Cyanides

Nitrates

Phosphates

Ammonia

Nitrogen Kjeldahl

FOURTH SCHEDULE

METHODS OF ANALYSIS AND INSPECTION

Parameter	Method of analysis and inspection
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Total coliforms	
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Faecal coliforms	
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Fermentation in multiple tubes. Subculturing of the positive tubes on a confirmation medium. Count according to MPN (most probable number) or membrane filtration and culture on an appropriate medium such as Tergitol lactose agar, endo agar, 0.4% Teepol broth, subculturing and identification of the suspect colonies.

The incubation temperature is variable according to whether total or faecal coliforms are being investigated.

Colour Co. scale.	Visual inspection or photometry with standards on the Pt.
Mineral oils	Visual and olfactory inspection or extraction using an adequate volume and weighing the dry residue.
Surface-active substances reacting with methylene blue.	Visual inspection or absorption spectro photometry with methylene blue.
Phenols (phenol indices)	Verification of the absence of specific odour due to phenol or absorption spectrophotometry 4- aminoantipyrine (4 AAP) method.
Transparency	Secchi's disc.
Tarry residues. Floating materials such as wood, plastic articles, bottles, containers of glass, plastic, rubber or any other substance. Waste or splinters.	Visual inspection.
Faecal Streptococci	Litsky method. Count according to MPN (most probable number) or filtration on membrane. Culture on an appropriate medium.
Salmonella	Concentration by membrane filtration. Inoculation on a standard medium. Enrichment — subculturing on isolating agar — identification.
Enteroviruses	Concentrating by filtration, flocculation or centrifuging and confirmation.
pH	Electrometry with calibration at pH 7 and 9.
Dissolved oxygen	Winkler's method or electrometric method (oxygen meter.)
Pesticides (parathion, HCH, dieldrin)	Extraction with appropriate solvents and chromatographic determination.
Heavy metals such as: Arsenic, Cadmium, Chrome VI, Lead, Mercury.	Atomic absorption possibly preceded by extraction.
Cyanides	Absorption spectrophotometry using a specific reagent.
Nitrates and phosphates	Absorption spectrophotometry using a specific reagent.
Ammonia	Absorption spectrophotometry, Nessler's method, or indophenol blue method.
Nitrogen Kjeldahl	Kjeldahl method.

Dated this 22nd day of June, 1992.

MARY HARNEY,

Minister of State at the Department

of the Environment.

EXPLANATORY NOTE.

These Regulations prescribe bathing water quality standards and the bathing areas to which they apply, together with the sampling programmes, arrangements for the display of results and the methods of analysis and inspection to be used by local authorities to determine compliance with the standards. The Regulations, which give effect to Council Directive No. 76/160/EEC of 8 December, 1975 (O.J. No. L31/1, 5 February, 1976) concerning the quality of bathing water, replace the European Communities (Quality of Bathing Water) Regulations, 1988 and the European Communities (Quality of Bathing Water) (Amendment) Regulations, 1989, which previously provided the basis for implementation of the Directive. The new Regulations extended the bathing water quality standards, sampling and other requirements to 94 bathing areas.

