
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 254

Groundwater Regulations (Northern Ireland) 2009

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Groundwater Regulations (Northern Ireland) 2009 and shall come into operation on 10 August 2009.

Interpretation

2.—(1) In these Regulations—

“the Appeals Commission” means the Water Appeals Commission for Northern Ireland;

“authorisation” means any of the following in so far as they relate to groundwater—

- (a) an authorisation under regulation 19;
- (b) a discharge consent under Article 7A of The Water (Northern Ireland) Order 1999⁽¹⁾ (as inserted by Article 280 of the Water & Sewerage Services (Northern Ireland) Order 2006)⁽²⁾;
- (c) an authorisation under Article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997⁽³⁾ in relation to a process designated for integrated central control under Article 3 of that Order;
- (d) a permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003⁽⁴⁾ in so far as it authorises the operation of a Part A installation or a Part A mobile plant within the meaning of those Regulations;
- (e) a waste management licence, existing disposal licence or existing resolution of a district council;
- (f) the registration of mobile radioactive apparatus under section 10 of the Radioactive Substances Act 1993⁽⁵⁾; or
- (g) an authorisation for disposal in accordance with section 13 of the Radioactive Substances Act 1993;

“the Department” means the Department of the Environment;

“direct input” in relation to groundwater means the introduction of a pollutant into groundwater without percolation through soil or subsoil;

(1) S.I. 1999/662 (N.I.6)
(2) S.I. 2006/3336 (N.I.21).
(3) S.I. 1997/2777 (N.I.18).
(4) S.R. 2003 No.46
(5) 1993 c.12.

“the Directive” means Council Directive [2006/118/EC](#) of 12 December 2006 on the protection of groundwater against pollution and deterioration⁽⁶⁾;

“existing disposal licence” and “existing resolution of a district council” shall have the meanings given by Article 47(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽⁷⁾;

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“indirect input” in relation to groundwater means the introduction of a pollutant into groundwater after percolation through soil or subsoil;

“pollutant” means any substance liable to cause pollution;

“pollution” means the direct or indirect introduction, as a result of human activity, of substances or heat into air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment;

“river basin district and international river basin districts” mean—

- (h) an area identified by regulation 4(1) of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003⁽⁸⁾, being the main unit for the management of river basins for the purposes of the Water Framework Directive and being made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water;
- (i) the North Eastern River Basin District; or
- (j) the Neagh Bann, North Western and Shannon International River Basin Districts;

“starting point” in relation to trend reversal means the point at which measures must be implemented to reverse a significant and sustained upward trend in pollutant concentrations or indicators of pollution identified under regulation 10(1)(a);

“waste management licence” means a waste management licence issued under the Waste and Contaminated Land (Northern Ireland) Order 1997; and

“the Water Framework Directive” means Directive [2000/60/EC](#) of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy⁽⁹⁾.

(2) Any expression used in both these Regulations, the Directive and the Water Framework Directive and not otherwise defined in these Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the Directive.

(3) References in the Directive to “threshold values”, “threshold values established in accordance with Article 3 and Annex II” and “threshold values established pursuant to Article 3” shall be taken to be references to threshold values approved by the Department of the Environment.

(4) The Interpretation Act (Northern Ireland) 1954⁽¹⁰⁾ shall apply to these Regulations as it applies to an Act of the Assembly.

(6) OJ No.L372, 27.12.2006, p.19

(7) S.I. 1997/2778 (N.I.19)

(8) S.R. 2003 No.544

(9) OJ No.L327, 22.12.2000,p.1as last amended by Directive [2008/32/EC](#) of the European Parliament and of the Council (OJ No.L81,20.3.2008, p.60)

(10) 1954 c. 33 (N.I.)

Meaning of “hazardous substance”

3.—(1) A hazardous substance is any substance or group of substances that are toxic, persistent and liable to bio-accumulate.

(2) This includes in particular the following when they are toxic, persistent and liable to bio-accumulate—

- (a) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- (b) organophosphorous compounds;
- (c) organotin compounds;
- (d) substances and preparations, or the breakdown products of such substances and preparations, which have been proved to possess carcinogenic or mutagenic properties or properties which may affect steroidogenic, thyroid, reproduction or other endocrine-related functions in or via the aquatic environment;
- (e) persistent hydrocarbons and persistent and bioaccumulable organic toxic substances;
- (f) cyanides;
- (g) metals (in particular cadmium and mercury) and their compounds;
- (h) arsenic and its compounds;
- (i) biocides and plant protection products.

Meaning of “non-hazardous pollutant”

4. A non-hazardous pollutant is any pollutant other than a hazardous substance.

Exceptions

5. These Regulations do not apply in relation to the consequences of accidents or exceptional circumstances of natural cause that could not reasonably have been foreseen, avoided or mitigated.

Exemptions granted by the Department

6. The Department may exempt from the requirement for an authorisation, in any specific case or class of case, a discharge or activity that would result in—

- (a) an input of a pollutant into groundwater of a quantity and concentration so small as to obviate any present or future danger of deterioration in the quality of the receiving groundwater;
- (b) an input of a pollutant into groundwater that, for technical reasons, is incapable of being prevented or limited without using—
 - (i) measures that would increase risks to human health or to the quality of the environment as a whole; or
 - (ii) disproportionately costly measures to remove quantities of pollutants from, or otherwise control their percolation in, contaminated ground or subsoil.

(2) The Department shall record all exemptions under this regulation.