
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 254

Groundwater Regulations (Northern Ireland) 2009

PART 2

Groundwater assessment

General duty in the Neagh Bann, North Western and Shannon International River Basin Districts

7. In discharging its functions in compliance with these Regulations the Department shall co-operate with the Government Department in Ireland having responsibility for corresponding functions, so as to secure that the assessment of groundwater chemical status, identification of significant and sustained upward trends and determination of the starting point for trend reversal is co-ordinated for the whole of the international river basin districts.

Threshold values

8.—(1) A list of threshold values must be derived in accordance with Parts A and B of Annex II to the Directive on the basis of methodologies approved by the Department.

(2) The Department shall amend the list of threshold values whenever new information indicates that a threshold value should be set for an additional substance, that an existing threshold value should be amended, or that a threshold value previously removed from the list should be reinserted, in order to protect human health and the environment.

(3) Where in the opinion of the Department a body of groundwater is no longer at risk from a pollutant, group of pollutants or indicator of pollution, the Department may revoke the threshold value for that pollutant, group of pollutants or indicator of pollution.

(4) The Department shall supply to the Government Department in Ireland having responsibility for corresponding functions, copies of proposals under this paragraph relating to threshold values for bodies of groundwater associated with the Neagh Bann, North Western and Shannon International River Basin Districts.

(5) The Department shall apply the threshold values for the purposes of assessing groundwater chemical status and determining the starting point for trend reversal.

Criteria for assessing groundwater chemical status

9.—(1) The Department shall apply the approach in the relevant provisions of the Directive when assessing groundwater chemical status.

(2) The relevant provisions of the Directive for the purposes of sub-paragraph (1) are—

- (a) Article 4(1) and (2); and
- (b) paragraphs 1 to 4 of Annex III.

Significant and sustained upward trends and the starting point for trend reversal

10.—(1) Subject to sub-paragraph (8), for the purposes of giving effect to paragraphs 2.4.4 and 2.4.5 of Annex V to the Water Framework Directive, the Department shall, in relation to each body or group of bodies of groundwater that it has characterised as being at risk of failing to meet the objectives under Article 4 of that Directive —

- (a) identify any significant and sustained upward trend in pollutant concentrations, groups of pollutants or indicators of pollution; and
- (b) determine the starting point for reversal of each trend so identified.

(2) A body of groundwater shall be treated as being subject to a significant and sustained upward trend where it is subject to a statistically significant increase of concentrations of a pollutant, group of pollutants or indicator of pollution, which represents a significant environmental risk.

(3) The Department shall base the assessment of whether a body of groundwater is subject to a significant and sustained upward trend on information from the sources specified in sub-paragraph (4), assessed in accordance with paragraph 2(c) and (d) of Part A of Annex IV to the Directive.

(4) The sources mentioned in sub-paragraph (3) are—

- (a) monitoring programmes for groundwater—
 - (i) established under the provisions specified in sub-paragraph (9); and
 - (ii) designed in accordance with the requirements of those provisions and paragraphs 1 and 2(a) and (b) of Part A of Annex IV to the Directive; and
- (b) for the purposes of identifying trends for the first river basin management plan, any data deemed relevant by the Department and gathered before the start of the monitoring programmes under sub-paragraph (4)(a).

(5) The Department shall carry out an additional trend assessment in the circumstances described in Article 5(5) of the Directive in order to verify that a plume of pollution from a contaminated site does not—

- (a) expand;
- (b) cause a deterioration in the chemical status of a body or group of bodies of groundwater; or
- (c) present a risk to human health or the environment.

(6) The starting point for trend reversal must be determined in accordance with Article 5(3) and paragraph 1 of Part B of Annex IV to the Directive.

(7) On 22 December 2015 and on each sixth anniversary thereafter, the Department shall review and where necessary revise its determination made under sub-paragraph (1).

(8) In relation to pollutants or indicators of pollution for which insufficient information is available to identify significant and sustained upward trends and determine starting points for trend reversal by a date to be determined by the Department, the Department shall comply with sub-paragraph (1) as soon as possible after that date.

(9) The provisions specified in this sub-paragraph are those contained in regulation 9 of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003.

Information to be included in a river basin management plan

11.—(1) The Department shall ensure each river basin management plan and each revised river basin management plan it prepares under the provision specified in sub-paragraph (2) includes, in relation to the river basin district—

- (a) details of approved threshold values together with the information specified in Part C of Annex II to the Directive;
 - (b) in the case of a revised river basin management plan, details of any applicable changes to the list of threshold values since the date of publication of the previous version of the plan;
 - (c) a summary of each assessment undertaken for the purposes of determining groundwater chemical status, including an explanation as to the manner in which exceedences of groundwater quality standards or threshold values at individual monitoring points have been taken into account;
 - (d) a summary of the information specified in Article 5(4)(a) of the Directive;
 - (e) details of each starting point for trend reversal determined under regulation 10(1)(b) or, as the case may be, regulation 10(7), together with a summary of the reasons for each determination; and
 - (f) a summary of the results of any additional trend assessments carried out under regulation 10(5).
- (2) The provision specified in this sub-paragraph is regulation 12(1) and (2) of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003.