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STATUTORY INSTRUMENTS

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**1994 No. 1056**

**The Waste Management Licensing Regulations 1994**

**Groundwater**

**15.—(1)** Where a waste regulation authority proposes to issue a waste management licence authorising—

- (a) any disposal or tipping for the purpose of disposal of a substance in list I which might lead to an indirect discharge into groundwater of such a substance;
- (b) any disposal or tipping for the purpose of disposal of a substance in list II which might lead to an indirect discharge into groundwater of such a substance;
- (c) a direct discharge into groundwater of a substance in list I; or
- (d) a direct discharge into groundwater of a substance in list II,

the authority shall ensure that the proposed activities are subjected to prior investigation.

(2) The prior investigation referred to in paragraph (1) above shall include examination of the hydrogeological conditions of the area concerned, the possible purifying powers of the soil and sub-soil and the risk of pollution and alteration of the quality of the groundwater from the discharge and shall establish whether the discharge of substances into groundwater is a satisfactory solution from the point of view of the environment.

(3) A waste management licence shall not be issued in any case within paragraph (1) above until the waste regulation authority has checked that the groundwater, and in particular its quality, will undergo the requisite surveillance.

(4) In a case within paragraph (1)(a) or (c) above—

- (a) where the waste regulation authority is satisfied, in the light of the investigation, that the groundwater which may be affected by a direct or indirect discharge of a substance in list I is permanently unsuitable for other uses, especially domestic and agricultural, the waste management licence may only be issued if the authority is also satisfied that—
  - (i) the presence of that substance once discharged into groundwater will not impede exploitation of ground resources; and
  - (ii) all technical precautions will be taken to ensure that no substance in list I can reach other aquatic systems or harm other ecosystems; and
- (b) where the waste regulation authority is not satisfied, in the light of the investigation, that the groundwater which may be affected by such a discharge is permanently unsuitable for other uses, especially domestic and agricultural, a waste management licence may only be issued if it is made subject to such conditions as the authority, in the light of the investigations, is satisfied will ensure the observance of all technical precautions necessary to prevent any discharges into groundwater of substances in list I.

(5) In a case within paragraph (1)(b) or (d) above, if a waste management licence is issued, it shall be issued subject to such conditions as the waste regulation authority, in the light of the investigation, is satisfied will ensure the observance of all technical precautions for preventing groundwater pollution by substances in list II.

(6) Where a waste management licence is granted in any case within paragraph (1)(a) or (b) above, the licence shall be granted on such terms and subject to such conditions as specify—

- (a) the place where any disposal or tipping which might lead to a discharge into groundwater of any substances in list I or II is to be done;
- (b) the methods of disposal or tipping which may be used;
- (c) the essential precautions which must be taken, paying particular attention to the nature and concentration of the substances present in the matter to be disposed of or tipped, the characteristics of the receiving environment and the proximity of the water catchment areas, in particular those for drinking, thermal and mineral water;
- (d) the maximum quantity permissible, during one or more specified periods of time, of matter containing substances in list I or II and, where possible, of those substances themselves, to be disposed of or tipped and the appropriate requirements as to the concentration of those substances;
- (e) the technical precautions required by paragraph (4)(b) or (5) above;
- (f) if necessary, the measures for monitoring the groundwater, and in particular its quality.

(7) Where a waste management licence is granted in any case within paragraph (1)(c) or (d) above, the licence shall be granted on such terms and subject to such conditions as specify—

- (a) the place where any substances in list I or II are to be discharged into groundwater;
- (b) the method of discharge which may be used;
- (c) the essential precautions which must be taken, paying particular attention to the nature and concentration of the substances present in the effluents, the characteristics of the receiving environment and the proximity of the water catchment areas, in particular those for drinking, thermal and mineral water;
- (d) the maximum quantity of a substance in list I or II permissible in an effluent during one or more specified periods of time and the appropriate requirements as to the concentration of those substances;
- (e) the arrangements enabling effluents discharged into groundwater to be monitored;
- (f) if necessary, the measures for monitoring the groundwater, and in particular its quality.

(8) Any authorisation granted by a waste management licence for an activity within paragraph (1) above shall be granted for a limited period only.

(9) Any authorisation granted by a waste management licence for an activity within paragraph (1) above shall be reviewed at least every 4 years.

(10) Waste regulation authorities shall review all waste management licences current on 1st May 1994 which authorise any activity within paragraph (1) above and shall, so far as may be necessary to give effect to Council Directive [80/68/EEC\(1\)](#), exercise their powers under sections 37 and 38 of the 1990 Act (variation and revocation etc. of waste management licences) in relation to any such authorisation.

(11) The foregoing provisions of this regulation apply, with any necessary modifications, to the granting or review by disposal authorities of disposal licences under Part I of the Control of Pollution Act 1974(2) as they apply to the granting or review by waste regulation authorities of waste management licences.

(12) Expressions used both in this regulation and in Council Directive [80/68/EEC](#) have for the purposes of this regulation the same meaning as in that Directive.

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(1) OJNo. L 020, 26.1.80, p. 43.

(2) 1974 c. 40.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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