
STATUTORY INSTRUMENTS

2009 No. 2902

The Groundwater (England and Wales) Regulations 2009

PART 2

Permits

Granting a permit

7. The Agency, the Secretary of State and Welsh Ministers must, for the purposes of implementing—

- (a) Directive [2000/60/EC](#) of the European Parliament and of the Council (establishing a framework for Community action in the field of water policy⁽¹⁾), or
- (b) Directive [2006/118/EC](#) of the European Parliament and of the Council (on the protection of groundwater against pollution and deterioration⁽²⁾),

comply with these Regulations in exercising their functions in relation to permits.

Preventing the input of hazardous substances into groundwater

8. The Agency must, in granting a permit, take all necessary measures to prevent the input of any hazardous substance into groundwater.

Permits relating to non-hazardous pollutants to avoid pollution

9. The Agency must, in granting a permit, take all necessary measures to limit the input of non-hazardous pollutants into groundwater so as to ensure that such inputs do not cause pollution in groundwater.

Discharges that may be permitted

10. Notwithstanding regulations 8 and 9, provided it does not compromise the achievement of any of the environmental objectives relating to groundwater in Article 4 of Directive [2000/60/EC](#) of the European Parliament and of the Council, the Agency may grant a permit for—

- (a) the injection of water containing substances resulting from the operations for exploration and extraction of hydrocarbons or mining activities, and injection of water for technical reasons, into geological formations from which hydrocarbons or other substances have been extracted or into geological formations which for natural reasons are permanently unsuitable for other purposes, provided that the injection does not contain substances other than those resulting from the above operations;
- (b) the reinjection of pumped groundwater from mines and quarries or associated with the construction or maintenance of civil engineering works;

(1) OJ No L327, 22.12.2000, p. 1 as last amended by Directive [2008/105/EC](#) of the European Parliament and of the Council (OJ No L 348, 24.12.2008, p. 84).

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

- (c) the injection of natural gas or liquefied petroleum gas for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes;
- (d) the injection of natural gas or liquefied petroleum gas for storage purposes into other geological formations where there is an overriding need for security of gas supply, and where the injection is such as to prevent any present or future danger of deterioration in the quality of any receiving groundwater;
- (e) construction, civil engineering and building works and similar activities on, or in the ground which come into contact with groundwater;
- (f) discharges of small quantities of substances for scientific purposes for characterisation, protection or remediation of water bodies limited to the amount strictly necessary for the purposes concerned;
- (g) reinjection into the same aquifer of water used for geothermal purposes;
- (h) inputs of pollutants that are the result of—
 - (i) interventions in surface waters for the purposes, amongst others, of mitigating the effects of floods and droughts, and for the management of waters and waterways;
 - (ii) artificial recharge or augmentation of groundwater bodies for the purposes of groundwater management.

Permits generally

11.—(1) When the Agency receives an application for a permit that might lead to the discharge of a pollutant, it must ensure that all necessary investigations have been carried out to ensure that it grants any permit in accordance with regulation 8 or 9.

(2) If it grants a permit, it must include conditions requiring all necessary technical precautions to be observed to ensure the objectives of regulations 8 and 9 are achieved.

(3) A permit may not be granted without examination of—

- (a) the hydrogeological conditions of the area concerned,
- (b) the possible purifying powers of the soil and subsoil, and
- (c) the risk of pollution and alteration of the quality of the groundwater from the discharge,

and without establishing whether the input of pollutants into groundwater is a satisfactory solution from the point of view of the environment.

(4) A permit may only be granted if the Agency has checked that the groundwater (and, in particular, its quality) will undergo the requisite surveillance.

Review of permits

12.—(1) A permit may be reviewed at any time.

(2) All permits granted before the coming into force of these Regulations must be reviewed before 22nd December 2012.

(3) The Agency must on review assess compliance with the conditions of the permit, and if the conditions are not complied with, the appropriate steps must be taken to ensure compliance including, if necessary, the revocation of the permit.