
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 254

Groundwater Regulations (Northern Ireland) 2009

PART 3

Authorisations

Granting an authorisation

[^{F1}12. The Department shall, for the purpose of the duty in regulation 3 of the 2017 Regulations, comply with these Regulations in exercising its functions in relation to authorisations.]

Textual Amendments

- F1** Reg. 12 substituted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), 7(7); 2020 c. 1, Sch. 5 para. 1(1)

Review of existing disposal licences and existing resolutions of a District Council

13. The Department shall review all existing disposal licences and all existing resolutions which authorise—

- (a) any disposal of a hazardous substance or non-hazardous pollutant which might lead to an indirect discharge into groundwater of such a substance or pollutant; or
- (b) a direct discharge into groundwater of a hazardous substance or non-hazardous pollutant;

and shall, so far as may be necessary to give effect to [^{F2}the Directive] in exercise of its powers under Articles 47(2) and (3) of the Waste and Contaminated Land (Northern Ireland) Order 1997 apply Articles 10 and 12 of that Order (variation and revocation, etc. of licences) in relation to any such authorisation.

Textual Amendments

- F2** Words in [reg. 13](#) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 2 para. 10**

Commencement Information

- I1** [Reg. 13](#) in operation at 10.8.2009, see [reg. 1](#)

[^{F3}Measures to prevent the input of hazardous substances into groundwater

14.—(1) The Department shall, in granting an authorisation, take all necessary measures to prevent the input of any hazardous substance into groundwater.

[^{F4}(2) Each programme of measures established under regulation 12 of the 2017 Regulations must include measures to prevent the input of hazardous substances into groundwater.]]

Textual Amendments

- F3** Reg. 14 substituted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, **9**
- F4** Reg. 14(2) substituted (with application in accordance with regs. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), reg. 1(a), **Sch. 4 para. 4(8)** (with reg. 37)

[^{F5}Measures to limit the input of non-hazardous pollutants into groundwater

15.—(1) The Department shall, in granting an authorisation, 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.

[^{F6}(2) Each programme of measures established under regulation 12 of the 2017 Regulations must include measures to limit the input of non-hazardous pollutants into groundwater.]]

Textual Amendments

- F5** Reg. 15 substituted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, **10**
- F6** Reg. 15(2) substituted (with application in accordance with regs. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), reg. 1(a), **Sch. 4 para. 4(9)** (with reg. 37)

Discharges that may be authorised

16. Notwithstanding regulations 14 and 15, provided it does not compromise the achievement of any of the environmental objectives relating to groundwater [^{F7}set out in the relevant river basin management plan and without prejudice to any more stringent requirement in retained EU law], the Department may grant an authorisation 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;
- (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.
- ^{F8}(i) the injection of carbon dioxide streams for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes, provided that such injection is made in accordance with ^{F9}Chapter 3 of Part 1 of the Energy Act 2008 and other retained EU law which transposed Directive [2009/31/EC](#) on the geological storage of carbon dioxide].]

Textual Amendments

- F7** Words in [reg. 16](#) substituted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **7(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** [Reg. 16\(i\)](#) inserted (25.6.2011) by [Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/211\)](#), regs. 1(1), **2(2)**
- F9** Words in [reg. 16\(i\)](#) substituted (31.12.2020) by virtue of [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **7(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** [Reg. 16](#) in operation at 10.8.2009, see [reg. 1](#)

Authorisations generally

17.—(1) When the Department receives an application for an authorisation 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 authorisation in accordance with regulation 14 or 15.

(2) If it grants an authorisation, it must include conditions requiring all necessary technical precautions to be observed to ensure the objectives of regulations 14 and 15 are achieved.

(3) An authorisation 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 option in the best interests of the environment.

(4) An authorisation may only be granted if the Department has checked that the groundwater (and, in particular, its quality) will undergo the requisite investigations under (1).

Commencement Information

- I3** [Reg. 17](#) in operation at 10.8.2009, see [reg. 1](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Groundwater Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

[^{F10}Review of authorisations

18.—(1) The Department shall periodically review an authorisation.

(2) The Department shall on review assess compliance with the conditions of an authorisation and the effects on groundwater.

(3) An authorisation may be reviewed at anytime by the Department and where necessary the Department may update the authorisation.

(4) If the conditions of an authorisation are not complied with, enforcement action shall be taken to ensure compliance and, if necessary, revocation of the authorisation.]

Textual Amendments

F10 Reg. 18 substituted (20.6.2016) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/119\)](#), regs. 1(1), 4

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Groundwater Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- [Regulations power to amend or modify conferred by 2021 c. 30 s. 89](#)
- [Regulations power to amend or modify conferred by 2021 c. 30 s. 91](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. inserted by [S.R. 2014/208 reg. 12](#)
- Sch. Table 1 substituted by [S.R. 2016/119 reg. 5](#)
- Sch. 1 Sch. renumbered as Sch. 1 by [S.I. 2019/112 reg. 7\(9\)](#)
- Sch. 2 inserted by [S.I. 2019/112 reg. 7\(10\)](#)
- reg. 2(5) inserted by [S.I. 2019/112 reg. 7\(3\)](#)
- reg. 8(6)(7) inserted by [S.R. 2014/208 reg. 6\(3\)](#)
- reg. 9(3) word substituted by [S.R. 2017/81 Sch. 4 para. 4\(3\)](#)
- reg. 10(6A) inserted by [S.R. 2014/208 reg. 8\(3\)](#)
- reg. 14(2) substituted by [S.R. 2017/81 Sch. 4 para. 4\(8\)](#)
- reg. 15(2) substituted by [S.R. 2017/81 Sch. 4 para. 4\(9\)](#)
- reg. 16(i) inserted by [S.R. 2011/211 reg. 2\(2\)](#)
- reg. 16(i) substituted by [S.I. 2019/112 reg. 7\(8\)\(b\)](#)