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## STATUTORY RULES OF NORTHERN IRELAND

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# 2009 No. 254

## Groundwater Regulations (Northern Ireland) 2009

### PART 2

#### Groundwater assessment

#### **[<sup>F1</sup>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 cooperate, in accordance with Article 3(4) of the Water Framework Directive, with the Government Department in Ireland having responsibility for corresponding functions, so as to secure that the assessment of groundwater chemical status, the establishment of threshold values, 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.]

#### **Textual Amendments**

**F1** Reg. 7 substituted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, 5

#### **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. [<sup>F2</sup>The Department may derive threshold values at the national level, level of the river basin district or at the level of a body or a group of bodies of groundwater]

(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 [<sup>F3</sup>listed in [<sup>F4</sup>Schedule 1]] for the purposes of assessing groundwater chemical status and determining the starting point for trend reversal.

[<sup>F5</sup>(6) Where any threshold value is breached and subsequent monitoring is performed—

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- (a) the body of groundwater should not be classed as good chemical status if both (a) the average of all the monitoring results from all the monitoring points representative of the risk to the quality of the groundwater exceeds the threshold value; and (b), additionally, the concentration of the pollutant to which the threshold value applies exceeds the maximum concentration allowed for it in drinking water in at least one sample from an appropriately representative monitoring point;
- (b) the body of groundwater should not be classed as good chemical status if (i) the threshold values is exceeded across any plume of pollutants extending for over 2 square kilometres or more; and (ii) the maximum concentration allowed in drinking water for any of the pollutants in the plume is exceeded in at least part of the plume.
- (7) The Schedule has effect.]

#### Textual Amendments

- F2** Words in [reg. 8\(1\)](#) inserted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, **6(1)**
- F3** Words in [reg. 8\(5\)](#) inserted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, **6(2)**
- F4** Words in [reg. 8\(5\)](#) substituted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **7(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** [Reg. 8\(6\)\(7\)](#) inserted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, **6(3)**

#### Commencement Information

- I1** [Reg. 8](#) in operation at 10.8.2009, see [reg. 1](#)

### [<sup>F6</sup>Criteria and Procedure for assessing groundwater chemical status

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

- (2) The relevant provisions of the Directive for the purposes of [<sup>F7</sup>paragraph] (1) are—
- Article 3(1)(a) and (b);
  - Article 3(6);
  - Article 4(1), 4(2) and 4(3);
  - Annex I;
  - Annex II; and
  - paragraphs 1 to 4 of Annex III.

(3) The relevant provisions of the Water Framework Directive for the purposes of [<sup>F8</sup>paragraph] (1) are in section 2.3 of Annex V.

(4) Diffuse sources of pollution having an impact on groundwater chemical status must be taken into account whenever technically possible.]

#### Textual Amendments

- F6** [Reg. 9](#) substituted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), regs. 1, **7**

- F7** Word in reg. 9(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(3)** (with reg. 37)
- F8** Word in reg. 9(3) 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(3)** (with reg. 37)

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

10.—(1) Subject to [F<sup>9</sup>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 [F<sup>10</sup>, in accordance with Annex IV to the Directive], 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 [F<sup>11</sup>paragraph] (4), assessed in accordance with paragraph 2(c) and (d) of Part A of Annex IV to the Directive.

[F<sup>12</sup>(4) The sources mentioned in paragraph (3) are—

- (a) the monitoring programmes for groundwater—
  - (i) established under the provisions specified in regulation 11 of the 2017 Regulations; 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) [F<sup>13</sup>Where necessary to assess the impact of existing plumes of pollution in bodies of groundwater that may threaten the achievement of the objectives in regulation 13(5) of the 2017 Regulations, the Department shall carry out an additional trend assessment 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 [F<sup>14</sup>... Part B of Annex IV to the Directive.

[F<sup>15</sup>(6A) For the identification of significant and sustained upward trends in the concentration of substances which cover both naturally and as a result of human activities the Department must consider the baseline levels and, where such data is available, the data collected before the start of the monitoring programme in order to report on trend identification within the first river basin management plan referred to in Article 13 of the Water Framework Directive.]

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(7) On 22 December 2015 and on each sixth anniversary thereafter, the Department shall review and where necessary revise its determination made under [F16 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 [F17 paragraph] (1) as soon as possible after that date.

F18(9) .....

#### Textual Amendments

- F9** Word in [reg. 10\(1\)](#) 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\(4\)](#) (with [reg. 37](#))
- F10** Words in [reg. 10\(1\)](#) inserted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), [regs. 1](#), [8\(1\)](#)
- F11** Word in [reg. 10\(3\)](#) 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\(4\)](#) (with [reg. 37](#))
- F12** [Reg. 10\(4\)](#) 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\(5\)](#) (with [reg. 37](#))
- F13** Words in [reg. 10\(5\)](#) substituted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), [regs. 1\(1\)](#), [7\(5\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F14** Words in [reg. 10\(6\)](#) removed (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), [regs. 1](#), [8\(2\)](#)
- F15** [Reg. 10\(6A\)](#) inserted (31.7.2014) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/208\)](#), [regs. 1](#), [8\(3\)](#)
- F16** Word in [reg. 10\(7\)](#) 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\(4\)](#) (with [reg. 37](#))
- F17** Word in [reg. 10\(8\)](#) 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\(4\)](#) (with [reg. 37](#))
- F18** [Reg. 10\(9\)](#) omitted (with application in accordance with regs. 1(b), 4(1) of the amending Rule) by virtue of [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 4\(6\)](#) (with [reg. 37](#))

#### Commencement Information

- I2** [Reg. 10](#) in operation at 10.8.2009, see [reg. 1](#)

#### 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 [F19 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;
  - [<sup>F20</sup>(d) a summary of the way in which the trend assessment from individual monitoring points within a body or a group of bodies of groundwater has contributed to identifying that those bodies are subject to a significant and sustained upward trend in concentration of any pollutant or a reversal of that trend;]
  - (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).
- [<sup>F21</sup>(2) The provision specified in this paragraph is regulation 26 of the 2017 Regulations.]

#### Textual Amendments

- F19** Word in [reg. 11\(1\)](#) 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\(4\)](#) (with [reg. 37](#))
- F20** [Reg. 11\(1\)\(d\)](#) substituted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), [regs. 1\(1\)](#), [7\(6\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F21** [Reg. 11\(2\)](#) 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\(7\)](#) (with [reg. 37](#))

#### Commencement Information

- I3** [Reg. 11](#) in operation at 10.8.2009, see [reg. 1](#)

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