

[<sup>F1</sup>][<sup>F2</sup>SCHEDULE 1] N.I.

Regulation 8

## Groundwater Threshold Values

**Textual Amendments**

- F1** Sch. inserted (31.7.2014) by The Groundwater (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/208), regs. 1, 12
- F2** Sch. renumbered as Sch. 1 (31.12.2020) by The Water (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/112), regs. 1(1), 7(9); 2020 c. 1, Sch. 5 para. 1(1)

[<sup>F3</sup>Table 1**Threshold values for assessing groundwater chemical status**

<i>Parameter</i>	<i>Unit</i>	<i>To examine if groundwater abstraction is causing saline or other intrusions</i>	<i>To examine if groundwater is providing a significant contribution to the failure of the environmental objectives of associated surface water bodies</i>	<i>To examine if the quality of groundwater that is abstracted for potable use is deteriorating, possibly resulting in a need for increased purification</i>	<i>To examine the spatial extent of a groundwater body or group of bodies that are exceeding an EU Standard or threshold value</i>
Ammonium	mg/l				0.29
Arsenic	µg/l				7.5
Atrazine	µg/l				0.075
Cadmium	µg/l				3.75
Chloride	mg/l	25			
Electrical Conductivity	µS/cm	800		1875	
Lead	µg/l				7.5
MCPA	µg/l				0.075
Mecoprop	µg/l				0.075
Mercury	µg/l				0.75
Nitrate (as NO <sub>3</sub> )	mg/l			37.5	37.5

- (1) The surface water environmental standards are set out in Schedule 1 to The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015(S.R. 2015 No. 351).
- (2) The “dilution factor” is taken to be the fraction of the average annual river flow derived from groundwater inflows. It can be estimated from established hydrological indices such as the baseflow index, or from the ratio of catchment groundwater recharge to effective precipitation.]

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<i>Parameter</i>	<i>Unit</i>	<i>To examine if groundwater abstraction is causing saline or other intrusions</i>	<i>To examine if groundwater is providing a significant contribution to the failure of the environmental objectives of associated surface water bodies</i>	<i>To examine if the quality of groundwater that is abstracted for potable use is deteriorating, possibly resulting in a need for increased purification</i>	<i>To examine the spatial extent of a groundwater body or group of bodies that are exceeding an EU Standard or threshold value</i>
Nitrite	µg/l			375	375
Simazine	µg/l				0.075
Sulphate	mg/l				187.5
Tetrachloroethylene	µg/l			7.5	7.5
Trichloroethylene	µg/l			7.5	7.5
Any pollutant in relation to which a surface water environmental standard has been set <sup>(1)</sup>			0.5 x (surface water standard divided by dilution factor) <sup>(2)</sup>		

(1) The surface water environmental standards are set out in Schedule 1 to The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015(S.R. 2015 No. 351).

(2) The “dilution factor” is taken to be the fraction of the average annual river flow derived from groundwater inflows. It can be estimated from established hydrological indices such as the baseflow index, or from the ratio of catchment groundwater recharge to effective precipitation.]

**Textual Amendments**

**F3** Sch. Table 1 substituted (20.6.2016) by [The Groundwater \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/119\)](#), regs. 1(1), 5

**Table 2**

**Threshold values for assessing the risk to wetlands**

<i>Column header</i>	Annual mean nitrate concentration (mg/l NO <sub>3</sub> )		
	Altitude Above Ordnance Datum		
<i>Wetland type</i>	<i>up to 175 metres</i>	<i>more than 175 metres</i>	<i>any</i>
Quaking bog	18	4	
Wet dune			13
Fen (mesotrophic) and Fen Meadow	22	9	

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Column header	Annual mean nitrate concentration (mg/l NO <sub>3</sub> )		
	Altitude Above Ordnance Datum		
Wetland type	up to 175 metres	more than 175 metres	any
Fen (oligotrophic and wetlands at tufa forming springs)	20	4	
Wet grassland	26	9	
Wet heath	13	9	
Peatbog and woodland on peatbog			9
Wetland directly irrigated by spring or seepage			9
Swamp (mesotrophic) and reedbed			22
Swamp (oligotrophic)			18
Wet woodland	22	9]	

[<sup>F4</sup>SCHEDULE 2 N.I.]

Regulation 2(5)

#### Modifications of Directives

##### Textual Amendments

**F4** Sch. 2 inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **7(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 1 N.I.

### Modifications of the Water Framework Directive

1. A reference to the Water Framework Directive or to any provision of it, is to be read in accordance with this Part.
2. When interpreting the Water Framework Directive for the purposes of these Regulations—
  - (a) a reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the Department;
  - (b) a reference to Article 13 of the Water Framework Directive is to be read as if it were a reference to Article 13 except in so far as it gives rise to any obligation under Article 15 of that Directive;
  - (c) any reference to “Community legislation” (other than a reference to existing Community legislation) is to be read as if it were a reference to retained EU law;
  - (d) any reference to “existing Community legislation” or “existing legislation” is to be read as if it were a reference to Community legislation which was in force immediately before 23rd October 2000;

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- (e) the Water Framework Directive is to be read as if the following modifications were made to it.
3. Article 2(24) is to be read as if, for the words from “in Annex IX” to the end, there were substituted “ by the table of priority substances, and under relevant retained EU law which sets environmental quality standards ”.
4. Article 3 is to be read as if—
- (a) in paragraph 3—
    - (i) “the territory of more than one Member State” were a reference to “Northern Ireland and the Republic of Ireland”;
    - (ii) the second sentence was omitted;
    - (iii) for “Each” substitute “ A ”;
  - (b) in paragraph 4—
    - (i) “the Member States concerned” were a reference to “Northern Ireland and the Republic of Ireland”;
    - (ii) the third sentence was omitted;
  - (c) omit paragraphs 5,8 and 9.
5. Article 4 is to be read as if—
- (a) in paragraph 1—
    - (i) in point (a)(iv), for “Article 16(1) and (8)” there were substituted “ Directive [2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy”;
    - (ii) in point (b)(iii), for “paragraphs 2, 4 and 5 of Article 17” there were substituted “ the Directive ”;
  - (b) in paragraph 8 the reference to “other Community environmental legislation” were a reference to retained EU law relating to the environment.
6. Article 7(2) is to be read as if—
- (a) for “at Community level under Article 16” there were substituted “ by retained EU law implementing Directive [2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy ”;
  - (b) for “Directive [80/778/EEC](#) as amended by Directive [98/83/EC](#)” there were substituted “ retained EU law implementing Directive [98/83/EC](#) ”.
7. Article 11(3) is to be read as if—
- (a) in subparagraph (a), for “required to implement” to the end, substitute “ under retained EU law for the protection of water ”;
  - (b) in subparagraph (j), in the fourth indent, for the words from “Directive” to the end there were substituted “ 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 ”;
  - (c) in subparagraph (k)—
    - (i) the words “in accordance with action taken pursuant to Article 16” were omitted;
    - (ii) for “agreed pursuant to Article 16(2)” there were substituted “ in Annex 10 ”.
8. In Article 13—
- (a) paragraph 2 is to be read as if for “the Community” and “their territory” there were substituted “ Northern Ireland ”;

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- (b) paragraph 3 is to be read as if for “the Community” and “the territory of the Member State concerned” there were substituted “ Northern Ireland ”.
9. Annex 2 is to be read as if—
- (a) in section 1.1, paragraph (vi) were omitted;
- (b) in section 1.4—
- (i) in the second paragraph—
- (aa) after “gathered under” there were inserted “ the retained EU law which implemented ”;
- (bb) in subparagraph (ii), the reference to Articles 9 and 15 of Directive [96/61/EC](#) were a reference to Articles 5(3), 14 and 24 of Directive [2010/75/EC](#) of the European Parliament and of the Council on industrial emissions;
- (ii) in the third paragraph—
- (aa) after “gathered under” there were inserted “ the retained EU law which implemented ”;
- (bb) in subparagraph (iii) the reference to Directive [98/8/EC](#) were a reference to Regulation [\(EC\) No 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products;
- (c) in section 2.3, the reference to “two or more Member States” were a reference to “Northern Ireland and the Republic of Ireland”.
10. Annex 5 is to be read as if—
- (a) references in tables 1.2.1 to 1.2.5 to Directive [91/414/EC](#), in each place they occur, were references to Regulation [\(EC\) 1107/2009](#) concerning the placing of plant protection products on the market;
- (b) references in tables 1.2.1 to 1.2.5 to Directive [98/8/EC](#), in each place they occur, were references to Regulation [\(EC\) 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products;
- (c) in section 1.3.1, in the unnumbered paragraph headed “Selection of monitoring points”, the fourth indent (referring to “the Information Exchange Decision [77/795/EEC](#)”) were omitted;
- (d) in section 1.3.5, the reference to “the Drinking Water Directive” were a reference to retained EU law which transposed Directive [98/83/EC](#) on the quality of water intended for human consumption;
- (e) in section 1.4.1—
- (i) in point (iii), for the words from “shall be established” to the end there were substituted “is as set out in Commission Decision 2018/229 establishing, pursuant to Directive [2000/60/EC](#) of the Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise;
- (ii) points (iv) to (ix) were omitted;
- (f) in section 1.4.3, for the words “Annex IX, Article 16 and under other relevant Community legislation” there were substituted “ Annex 1 to Directive [2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy and under other relevant retained EU law ”;
- (g) in the table in section 2.3.2, in the column for “good status”, for “other relevant Community legislation in accordance with Article 17” there were substituted “ the Groundwater Directive ”;

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- (h) in section 2.4.5, the words “Without prejudice to the Directives concerned” were omitted.
11. Annex 7 is to be read as if, in Part A—
- (a) in point 7.1, for “to implement Community legislation” there were substituted “ under retained EU law ”;
  - (b) point 10 were omitted.

## PART 2 **N.I.**

### Modifications of the Directive

1. A reference to the Directive, or to any provision of it, is to be read in accordance with this Part.
2. When interpreting the Directive for the purposes of these Regulations—
  - (a) a reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the Department;
  - (b) any reference to “Community legislation” is to be read as if it were a reference to retained EU law;
  - (c) the Directive is to be read as if the following modifications were made to it.
3. Article 3 is to be read as if—
  - (a) in paragraphs 1(b) and 2 for “the territory of a Member State” there were substituted “ Northern Ireland ”;
  - (b) in paragraph 3, the references to “two or more Member States” and “the Member States concerned” are to be read as a reference to “Northern Ireland and the Republic of Ireland”;
  - (c) paragraph 4 were omitted;
  - (d) in paragraph 5, for “submitted” there were substituted “ produced ”.
4. Article 5 is to be read as if in each of paragraphs 4 and 5, for “submitted” there were substituted “ produced ”.
5. Annex 1 is to be read as if—
  - (a) in point 1 the words “and established in accordance with Article 17 of that Directive” were omitted;
  - (b) in footnote 1 to the table in point 1, for “Article 2 of Directive [91/414/EEC](#) and Article 2 of Directive [98/8/EC](#)” there were substituted “ Article 2 of Regulation [\(EC\) No 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market and Article 3 of Regulation [\(EC\) No 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”;
  - (c) in point 2, for “Directive [91/414/EEC](#) or Directive [98/8/EC](#)” there were substituted “ Regulation [\(EC\) No 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market or Regulation [\(EC\) No 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”.
6. Annex 2 is to be read as if, in Part C—
  - (a) for “submitted” there were substituted “ produced ”;
  - (b) in point (b) for “the territory of the Member State” there were substituted “ Northern Ireland ”;

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- (c) in point (c)(iii) for “at national, Union or” there were substituted “ in retained EU law or other applicable legislation or at ”.]

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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
- reg. 2(1) words inserted by S.R. 2014/208 reg. 4(a)(i)
- reg. 2(1) words inserted by S.R. 2014/208 reg. 4(a)(ii)
- reg. 2(1) words inserted by S.R. 2014/208 reg. 4(a)(iii)
- reg. 2(1) words inserted by S.R. 2014/208 reg. 4(a)(iv)
- reg. 2(1) words inserted by S.R. 2016/119 reg. 3
- reg. 2(1) words inserted by S.R. 2017/81 Sch. 4 para. 4(2)(a)
- reg. 2(1) words inserted by S.I. 2019/112 reg. 7(2)
- reg. 2(1) words substituted by S.R. 2017/81 Sch. 4 para. 4(2)(b)
- reg. 2(1) words substituted by S.R. 2017/81 Sch. 4 para. 4(2)(c)
- reg. 2(1) words substituted by S.R. 2018/200 Sch. 2 para. 9
- reg. 2(3) deleted by S.R. 2014/208 reg. 4(b)
- reg. 7 substituted by S.R. 2014/208 reg. 5
- reg. 8(1) words inserted by S.R. 2014/208 reg. 6(1)
- reg. 8(5) words inserted by S.R. 2014/208 reg. 6(2)
- reg. 8(5) words substituted by S.I. 2019/112 reg. 7(4)
- reg. 9 substituted by S.R. 2014/208 reg. 7
- reg. 9(2) word substituted by S.R. 2017/81 Sch. 4 para. 4(3)
- reg. 10(1) word substituted by S.R. 2017/81 Sch. 4 para. 4(4)
- reg. 10(1) words inserted by S.R. 2014/208 reg. 8(1)
- reg. 10(3) word substituted by S.R. 2017/81 Sch. 4 para. 4(4)
- reg. 10(4) substituted by S.R. 2017/81 Sch. 4 para. 4(5)
- reg. 10(5) words substituted by S.I. 2019/112 reg. 7(5)
- reg. 10(6) words removed by S.R. 2014/208 reg. 8(2)
- reg. 10(7) word substituted by S.R. 2017/81 Sch. 4 para. 4(4)
- reg. 10(8) word substituted by S.R. 2017/81 Sch. 4 para. 4(4)
- reg. 10(9) omitted by S.R. 2017/81 Sch. 4 para. 4(6)
- reg. 11(1) word substituted by S.R. 2017/81 Sch. 4 para. 4(4)
- reg. 11(1)(d) substituted by S.I. 2019/112 reg. 7(6)
- reg. 11(2) substituted by S.R. 2017/81 Sch. 4 para. 4(7)
- reg. 12 substituted by S.I. 2019/112 reg. 7(7)
- reg. 13 words substituted by S.R. 2018/200 Sch. 2 para. 10
- reg. 14 substituted by S.R. 2014/208 reg. 9
- reg. 15 substituted by S.R. 2014/208 reg. 10
- reg. 16 words inserted by S.R. 2014/208 reg. 11(1)
- reg. 16 words substituted by S.I. 2019/112 reg. 7(8)(a)
- reg. 18 substituted by S.R. 2016/119 reg. 4
- reg. 19(2) word substituted by S.R. 2017/81 Sch. 4 para. 4(10)
- reg. 23(2) word substituted by S.R. 2017/81 Sch. 4 para. 4(4)
- reg. 29(a) words substituted by S.R. 2009/359 reg. 3(2)

**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)