
STATUTORY INSTRUMENTS

2019 No. 1350

The Environment (Legislative Functions
from Directives) (EU Exit) Regulations 2019

PART 6

Water quality

CHAPTER 3

Retention of functions from the Groundwater Directive

Power to make provision in relation to groundwater threshold values

- 29.—(1) The appropriate authority may, by regulations, make provision—
- (a) about the procedure for establishing threshold values, under retained EU law which implemented the Groundwater Directive, for pollutants and indicators of pollutants which indicate that a body of groundwater is at risk of failing to achieve good groundwater chemical status;
 - (b) specifying the information relating to threshold values which is to be included in river basin management plans, which may include—
 - (i) information about bodies of groundwater or groups of such bodies characterised as being at risk;
 - (ii) the threshold values that have been set and the area to which they apply;
 - (iii) the methodology for determining background levels;
 - (iv) information about the groundwater chemical status assessment.
- (2) The provision which may be made under paragraph (1) includes—
- (a) requiring a reference to Part A or Part C of Annex 2 to the Groundwater Directive (or a reference which encompasses that provision) to be read as a reference to that provision with modifications;
 - (b) amending provision corresponding to provision made by Part A or Part C of Annex 2 to the Groundwater Directive.
- (3) Regulations under paragraph (1) may amend the WEWS Act or subordinate legislation.
- (4) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.
- (5) In this regulation, “background levels” means the concentration of a substance or the value of an indicator in a body of groundwater corresponding to no, or only very minor, anthropogenic alterations to undisturbed conditions.

Power to make provision in relation to the procedure for assessing groundwater chemical status

30.—(1) The appropriate authority may, by regulations, make provision, for the purposes of retained EU law which implemented Article 4(2) of the Groundwater Directive, about the assessment procedure for determining the chemical status of a body of groundwater or a group of such bodies.

(2) The provision which may be made under paragraph (1) includes—

(a) requiring a reference to Annex 3 to the Groundwater Directive (or a reference which encompasses that Annex) to be read as a reference to that Annex with modifications;

(b) amending provision corresponding to that made by Annex 3 to the Groundwater Directive.

(3) Regulations under paragraph (1) may amend the WEWS Act or any subordinate legislation.

(4) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.

Power to make provision in relation to upward trends in groundwater pollutants

31.—(1) The appropriate authority may, by regulations, make provision, for the purposes of retained EU law which implemented Article 5 of the Groundwater Directive—

(a) about the procedure for identifying significant and sustained upward trends in pollutants (or indicators of pollutants) in bodies of groundwater (or groups of such bodies) that are characterised as being at risk;

(b) about the requirements for reversing such trends.

(2) The provision under paragraph (1)(a) may include, in particular, provision about the design of, and technical standards relating to, the monitoring programme for bodies of groundwater.

(3) The provision under paragraph (1)(b) may include, in particular, provision about how the starting point for trend reversal is to be determined, and the monitoring requirements for the purposes of demonstrating trend reversals.

(4) The provision which may be made under paragraph (1) includes—

(a) requiring a reference to Annex 4 to the Groundwater Directive (or a reference which encompasses that Annex) to be read as a reference to that Annex with modifications;

(b) amending provision corresponding to that made by Annex 4 to the Groundwater Directive.

(5) Regulations under paragraph (1) may amend the WEWS Act or any subordinate legislation.

(6) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.