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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 254**

**Groundwater Regulations (Northern Ireland) 2009**

**PART 3**

**Authorisations**

**Granting an authorisation**

12. The Department shall, for the purposes of implementing—

- (a) the Water Framework Directive; or
- (b) the Directive,

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

**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 Council Directive [80/68/EEC](#)(1) 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.

**Preventing the input of hazardous substances into groundwater**

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

**Limiting the input of non-hazardous pollutants into groundwater**

15. 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.

**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 in Article 4 of the Water Framework Directive, the Department may grant an authorisation for—

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(1) OJ No L20, 26.1.1980, p.43 as amended by Council Directive OJ No.L377, 31.12.1991, p.48

- (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.

### **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).

### **Review of authorisations**

18.—(1) All authorisations granted before the coming into operation of these Regulations shall be reviewed before 22nd December 2012 and may be reviewed at any time after that.

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

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