

SCHEDULE 3

Exempt facilities and waste operations to which section 33(1)
(a) of the 1990 Act does not apply: descriptions and conditions

PART 3

Exempt groundwater activities: descriptions and conditions

Interpretation of Part 3

1. In this Part—

“groundwater tracer test” means a study of—

- (a) the behaviour or movement of water, or
- (b) a contaminant below ground,

which involves the addition to groundwater of a distinguishable material which has nearly identical properties to the contaminant or water being studied;

“small quantity of substance” is to be construed in accordance with the final paragraph of Article 11(3)(j) of the Water Framework Directive;

“specified groundwater remediation scheme” means a remediation scheme which involves the addition of a substance or preparation to groundwater which enhances the rate of remediation of groundwater contaminants;

“water features” includes boreholes, wells, adits, springs, seepage and wetland areas, ponds, lakes and watercourses;

“water features survey” means a survey of all water features within 1 kilometre of the proposed activity that may be affected by it.

Discharge of small quantities of substances for scientific purposes

2.—(1) For the purpose of paragraphs 7(a)(i) and 8(a)(i) of Schedule 2, the description is the discharge of small quantities of substances for scientific purposes as part of—

- (a) a specified groundwater remediation scheme, or
- (b) a groundwater tracer test.

(2) For the purpose of paragraphs 7(a)(ii) and 8(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—

- (a) that a water features survey has demonstrated that the discharge will not cause pollution;
- (b) that the prior consent of every person having a right to abstract water in the vicinity of the discharge has been obtained;
- (c) that the exemption registration authority is notified before the commencement of the discharge;
- (d) that in the case of discharges as part of a specified groundwater remediation scheme, monitoring of the discharge, to determine whether pollution has been caused, is undertaken.

Small discharges of sewage effluent: Wales

3.—(1) For the purpose of paragraph 7(a)(i) of Schedule 2, the description is a discharge from a septic tank or sewage treatment plant of 2 cubic metres per day or less of sewage effluent that results in the input of pollutants to groundwater.

(2) For the purpose of paragraph 7(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—

- (a) in the case of a discharge which takes place for the first time on or after the date on which these Regulations come into force, that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in the document entitled “Guidance for the registration of small sewage effluent discharges”, issued by the NRBW and dated July 2011 and updated in September 2016, in relation to—
 - (i) design and manufacturing standards,
 - (ii) construction, installation and operation specifications,
 - (iii) siting and installation of infiltration systems, and
 - (iv) the capacity of the works and equipment;
- (b) that the discharge cannot reasonably, at the time it is first made, be made to the foul sewer;
- (c) that the discharge does not contain trade effluent;
- (d) that the discharge does not result in an input of pollutants to groundwater—
 - (i) within 50 metres of a point at which water is abstracted from underground strata, or
 - (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
- (e) that all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer’s specification;
- (f) that records of maintenance work are kept by the person who is the occupier of the land on which the discharge is made (“the occupier”) for at least 5 years after the work is carried out;
- (g) that the occupier must notify the exemption registration authority if an exempt groundwater activity ceases to be in operation;
- (h) that the occupier must ensure that all works and equipment for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering groundwater;
- (i) that before an occupier ceases to be in occupation of land on which an exempt groundwater activity is carried on, the occupier must give to the person who will next be in occupation of the land a written notice—
 - (i) stating that an exempt groundwater activity is being carried on on the land,
 - (ii) containing a description of the exempt facility,
 - (iii) stating the conditions that must be satisfied in relation to the exempt facility, and
 - (iv) accompanied by any records of maintenance mentioned in paragraph (f).

Small discharges of sewage effluent: England

4.—(1) For the purpose of paragraph 8(a)(i) of Schedule 2, the description is a discharge from a septic tank or sewage treatment plant of 2 cubic metres per day or less of sewage effluent that results in the input of pollutants to groundwater.

(2) For the purpose of paragraph 8(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are that an operator of the septic tank or sewage treatment plant ensures that—

- (a) all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in the document entitled “General binding rules for small sewage discharges (SSDs) with effect from January 2015” issued by the Agency and the Department for Environment, Food and Rural Affairs and published on 27th October 2014 and updated on 21st January 2015 in relation to—
 - (i) design and manufacturing standards,
 - (ii) construction, installation and operation specifications,
 - (iii) siting and installation of infiltration systems, and
 - (iv) the capacity of the works and equipment;
- (b) in the case of a discharge which takes place for the first time on or after 1st January 2015, the discharge could not reasonably be made to the foul sewer;
- (c) the discharge does not contain trade effluent;
- (d) the discharge does not result in an input of pollutants to groundwater—
 - (i) within 50 metres of a point at which water is abstracted for domestic or food production purposes from underground strata, or
 - (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
- (e) all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer’s specification;
- (f) all works and equipment for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering groundwater;
- (g) before the land or part of the land on which the septic tank or sewage treatment plant is situated or being used is sold, an owner of the land or part of the land gives to the purchaser a written notice—
 - (i) stating that an exempt groundwater activity is being carried on on the land, and
 - (ii) containing a description of the exempt facility.

(3) For the purposes of this paragraph, an operator is a person who has control over the operation of the septic tank or sewage treatment plant by reason of—

- (a) being an owner of the land on which the septic tank or sewage treatment plant is situated or being used, or
- (b) having entered into a written agreement with the owner of the land on which the septic tank or sewage treatment plant is situated or being used to be responsible for the maintenance of the septic tank or sewage treatment plant.

Open-loop ground source heating and cooling systems

5.—(1) For the purpose of paragraphs 7(a)(i) and 8(a)(i) of Schedule 2, the description is the discharge of water to groundwater from a heating or cooling system to which sub-paragraph (3) applies with altered temperature.

(2) For the purpose of paragraphs 7(a)(ii) and 8(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—

Status: This is the original version (as it was originally made).

- (a) that nothing must be added to water discharged from the system;
 - (b) that the temperature of water discharged from the system—
 - (i) subject to sub-paragraph (ii), must not exceed 25° C, and
 - (ii) must not vary by more than 10° C compared to that in the aquifer from which it was abstracted;
 - (c) that the system must not be on a known contaminated site or have had a previous contaminative use;
 - (d) that water from the system must not be discharged less than 50 metres from a watercourse or groundwater-fed wetland;
 - (e) that water from the system must not be discharged—
 - (i) less than 50 metres from a point at which water is abstracted from underground strata, or
 - (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
 - (f) that the discharge of water from the system must be to the same aquifer as that from which it was abstracted;
 - (g) that water within the system must not be used for any other purpose.
- (3) This sub-paragraph applies to a system—
- (a) that involves—
 - (i) the abstraction of groundwater to obtain heating or (as the case may be) cooling, and
 - (ii) the subsequent discharge of that water, and
 - (b) that is—
 - (i) a cooled aquifer system with a volume of less than 1500 cubic metres per day,
 - (ii) a balanced system with a volume of less than 430 cubic metres per day, or
 - (iii) a heated aquifer system with a volume of less than 215 cubic metres per day.
- (4) In this paragraph—
- “balanced system” means a system used for both heating and cooling and where in a 5-year period the ratio of the discharge water temperature to the abstracted water temperature is within the range 0.8 to 1.2;
- “cooled aquifer system” means a system used for both heating and cooling and where in a 5-year period the ratio of the discharge water temperature to the abstracted water temperature is less than 0.8;
- “groundwater-fed wetland” means a terrestrial ecosystem directly depending on a body of groundwater (within the meaning of the Water Framework Directive) and includes—
- (a) a European site (which has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2010(1));
 - (b) a site of special scientific interest (which has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981(2));

(1) S.I. 2010/490, amended by S.I. 2012/1927; there are other amending instruments but none is relevant.

(2) 1981 c. 69; the definition was inserted by paragraph 5(2) of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37).

“heated aquifer system” means a system used for both heating and cooling and where in a 5-year period the ratio of the discharge water temperature to the abstracted water temperature exceeds 1.2.