
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 254

Groundwater Regulations (Northern Ireland) 2009

PART 4

Discharge of a hazardous substance or non-hazardous pollutant

Discharge of a hazardous substance or non-hazardous pollutant

19.—(1) It is an offence to cause or knowingly permit the discharge of any hazardous substance or non-hazardous pollutant in circumstances that might lead to an indirect input of that hazardous substance or non-hazardous pollutant into groundwater unless it is carried out under and in accordance with an authorisation granted by the Department under this regulation.

(2) [^{F1}paragraph] (1) does not apply to—

- (a) a discharge that requires a discharge consent within the meaning of Article 7A of the Water (Northern Ireland) Order 1999;
- (b) a disposal licence under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978⁽¹⁾;
- (c) a licence granted under Part II of the Food and Environment Protection Act 1985⁽²⁾;
- (d) an authorisation granted under the Industrial Pollution Control (Northern Ireland) Order 1997;
- (e) a waste management licence granted under the Waste and Contaminated Land (Northern Ireland) Order 1997;
- (f) a permit granted under regulations under Article 4 of the Environment (Northern Ireland) Order 2002⁽³⁾;
- (g) Article 226 of the Water and Sewerage Services (Northern Ireland) Order 2006;
- (h) any statutory order which expressly confers power to discharge effluent into water;
- (i) any prescribed statutory provision;
- (j) a disposal that requires an authorisation under section 13 of the Radioactive Substances Act 1993; or
- (k) the keeping or use of mobile radioactive apparatus that requires a registration under section 10 of that Act.

(3) An operator of a road drain does not commit an offence under this regulation unless the Department has served a notice on that person under regulation 25 in relation to that discharge, and the person has failed to comply with that notice.

(1) [S.I. 1978/1049 \(N.I.19\)](#)
(2) [1985 c.48](#)
(3) [S.I. 2002/3153 \(N.I.7\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Groundwater Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(4) In this regulation a “road drain” means a drain which the Department is entitled to keep open by virtue of Article 45 of the Roads (Northern Ireland) Order 1993(4).

F1 Word in [reg. 19\(2\)](#) 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\(10\)](#) (with [reg. 37](#))

Commencement Information

I1 [Reg. 19](#) in operation at 10.8.2009, see [reg. 1](#)

Application of the Water (Northern Ireland) Order 1999

20.—(1) Article 10 of the Water (Northern Ireland) Order 1999 (relationship with other statutory provisions controlling pollution), (as inserted by Article 281 of The Water and Sewerage Services (Northern Ireland) Order 2006), applies in relation to an authorisation under regulation 19.

(2) Article 11 of the Water (Northern Ireland) Order 1999 (power to make scheme of charges), (as amended by Article 282 of The Water and Sewerage Services (Northern Ireland) Order 2006), applies in relation to an authorisation under regulation 19 as if any reference to a discharge consent included a reference to such an authorisation.

Commencement Information

I2 [Reg. 20](#) in operation at 10.8.2009, see [reg. 1](#)

Transfer of an authorisation under regulation 19

21. Paragraph 8 of Schedule 1 to the Water (Northern Ireland) Order 1999 (transfer of consents) applies in relation to an authorisation under regulation 19 as if—

- (a) any reference to a consent included a reference to such an authorisation;
- (b) references to paragraphs 2 and 4 of that Schedule were references to regulation 19; and
- (c) references to carrying on or making discharges were references to carrying on the activities regulated by the authorisation.

Commencement Information

I3 [Reg. 21](#) in operation at 10.8.2009, see [reg. 1](#)

Grant of an authorisation under regulation 19

22.—(1) An application for an authorisation under regulation 19 shall be made to the Department.

(2) If in any case the Department considers that there are special reasons why the application should be advertised, it may require the applicant to advertise the application in a specified manner.

(3) An authorisation may be granted subject to conditions.

(4) If the Department refuses an authorisation it must give its reasons.

(5) The Department may, by notice in writing, at any time vary or revoke an authorisation, but the notice must give the Department’s reasons.

(6) A revocation does not have effect until 3 months from the date of the notice.

Commencement Information

I4 [Reg. 22](#) in operation at 10.8.2009, see [reg. 1](#)

Appeals against refusal, variation or revocation of an authorisation

23.—(1) A person may within 28 days of the date of an authorisation, or within 28 days of the date of any notice to vary, revoke or refuse to grant an authorisation appeal by notice in writing against any condition of the authorisation, or against the variation, revocation or refusal to grant an authorisation to the Appeals Commission.

(2) Any decision taken by the Department under regulation 22 shall have effect pending the outcome of an appeal under [^{F2}paragraph] (1).

F2 Word in [reg. 23\(2\)](#) 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\(4\)](#) (with [reg. 37](#))

Commencement Information

I5 [Reg. 23](#) in operation at 10.8.2009, see [reg. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Groundwater Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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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](#)

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\(8\)\(b\)](#)