

## **GROUNDWATER HAZARDOUS SUBSTANCES STANDARDS - INTERIM REGULATORY POSITION**

**13 January 2017**

### **Purpose of this statement**

This Interim Regulatory Position Statement clarifies how the Northern Ireland Environment Agency (NIEA) regulates the input of hazardous substances into groundwater and the standards to be achieved through extant licences/ permits. This interim statement will remain in place until an update of this regulatory position is published in spring 2017. This update will follow a consultation exercise on the implementation of the UK Technical framework for monitoring, assessing and controlling risks to groundwater.

### **Background**

The Groundwater Directive (2006/118/EC) and Groundwater Regulations (Northern Ireland) 2009 state that all measures must be taken to prevent the input of hazardous substances into groundwater and limit the input of non-hazardous substances into groundwater. A listing of 50 hazardous substances in groundwater has been prepared on the basis of the methodology for the determination of hazardous substances in groundwater by the UK Joint Agencies Groundwater Directive Advisory Group (JAGDAG). NIEA is a member of this group. The JAGDAG methodology and the resultant determinations for 50 substances was the subject of an earlier consultation in 2016. Further information regarding this methodology and the consultation comments can be found at [reference 1](#).

The Groundwater Task Team of the UK Technical Advisory Group (UK TAG) on the Water Framework Directive (2000/60/EC) has published a 'Technical report on Groundwater Hazardous Substances' ([reference 2](#)). This report provides a technical framework to assist the environment agencies in each part of the UK in developing and refining their respective approaches to monitoring as well as assessing and controlling risks to groundwater. The implementation of this framework will be the subject of further consultation by the NIEA in spring 2017.

### **Interim position in relation to NIEA licensed /permitted sites**

Sites and operators currently licensed or permitted by the NIEA through the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, Water (Northern Ireland) Order 1999 and Waste Management and Contaminated Land (Northern Ireland) Order 1997 should continue to monitor, assess and control their discharges as per the current licence/ permit until further notice.

A consultation on implementation of the UK TAG technical report on groundwater hazardous substances will follow in spring 2017. The outcome of this consultation will further inform and update this interim regulatory position. In the meantime, operators may want to consider this new JAGDAG and UK TAG guidance and:

1. Update monitoring programmes to include the groundwater list of hazardous substances (JAGDAG list of hazardous substances and UK TAG Technical report on groundwater hazardous substances) in baseline or reconnaissance monitoring.
2. Review laboratory limits of quantification of their contracted laboratories with regards to identifying concentrations of relevant hazardous substances in groundwater.

For regulated sites the following interim position applies to:

- permits and licenses being reviewed to include the list of relevant hazardous substances in monitoring plans for groundwater and select appropriate limits of quantification
- for existing permits: no changes until the updated regulatory position paper is published in spring 2017 or the permit is reviewed
- compliance limits: no changes required
- an electronic copy of the monitoring data should be provided in addition to the hard copy
- all monitoring points should be georeferenced (easting, northing and elevation)

### **Assessments of land affected by contamination**

Contaminated sites going through the planning process or where voluntary actions are carried out, should provide suitable quantitative risk assessments that take full account of hazardous substances listed in the UK TAG technical report ([reference 2](#)).

### **New Licences / Permits**

It is advised that new licence/ permit applications and supporting baseline reports and monitoring programmes take account of the groundwater list of hazardous substances (JAGDAG list of hazardous substances and UK TAG Technical report on groundwater hazardous substances).

### **References/ useful information**

- 1) Water Framework Directive UK TAG (2016) *Methodology for the determination of hazardous substances* [Online] [Accessed on 12 January 2017] Available from: <http://wfduk.org/stakeholders/methodology-determination-hazardous-substances>
- 2) UK Technical Advisory Group on the Water Framework Directive (2016) *Technical report on Groundwater Hazardous Substances* [Online]. [Accessed on: 12 January 2017]. Available from: <http://wfduk.org/stakeholders/mrv-work-area>
- 3) UK Technical Advisory Group on the Water Framework Directive <http://wfduk.org/>