



STATUTORY INSTRUMENTS.

S.I. No. 149 of 2012

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(GROUNDWATER) (AMENDMENT) REGULATIONS 2012

(Prn. A12/0789)

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(GROUNDWATER) (AMENDMENT) REGULATIONS 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive 2000/60/EC¹ of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy and giving further effect to Directive 2006/118/EC² of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration hereby make the following Regulations:

1. These Regulations may be cited as the European Communities Environmental Objectives (Groundwater) (Amendment) Regulations 2012.

2. In these Regulations—

“the 2010 Regulations” means the European Communities Environmental Objectives (Groundwater) Regulations 2010 (S.I. No. 9 of 2010);

Amendment of Regulation 4 of the 2010 Regulations

3. The opening paragraph of Regulation 4 of the 2010 Regulations is hereby replaced by the following:

“A public authority shall, in so far as its functions allow, comply with the requirements of these regulations and take all reasonable steps including, where necessary, the implementation of programmes of measures, to:”

Amendment of Regulation 9 of the 2010 Regulations

4. (1) The first sentence of Regulation 9 of the 2010 Regulations is hereby replaced by the following:

“In order to achieve the objective of preventing and limiting inputs of pollutants into groundwater, established in accordance with Regulation 4 (a) of these Regulations and in relation to the programme of measures established in accordance with Article 12(1)(b) of the 2003 Regulations, the following shall apply: ”

(2) Paragraph (b) of Regulation 9 is hereby amended by the insertion of the following after the words “pollutants in groundwater.”:

¹OJ No. L.327, 22.12.2000, p.1.

²OJ No. L. 372,27.12.2006, p.19.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 18th May, 2012.*

“Measures established for this purpose under Article 12(1)(b) of the 2003 Regulations shall take account, at least, of established best practice, including the Best Environmental Practice and Best Available Techniques specified in the relevant Community legislation.”

Amendment of Regulation 10 of the 2010 Regulations

5. Regulation 10 of the 2010 Regulations is hereby amended by the substitution of the word “shall” for the word “may”.

Amendment of Regulation 32 of the 2010 Regulations

6. Regulation 32 of the 2010 Regulations is hereby amended as follows—

by the deletion of paragraph (e) and its replacement as follows—

“(e) provide, for inclusion in the river basin management plan, a map showing monitoring points where threshold values have been exceeded;”

and by the insertion of a new paragraph after paragraph (e) as follows:

“(f) prepare the information specified in paragraphs (a) to (e) in a form which is available for introduction into a geographical information system (GIS) and/or the geographical information system of the European Commission (GISCO).”

Amendment of Regulation 39 of the 2010 Regulations

7. Regulation 39 of the 2010 Regulations is hereby amended by the insertion of the following after the words “established for the purposes of Regulation 10 of the 2003 Regulations”:

“and any other relevant information including a comparison of the annual arithmetic mean concentration of the relevant pollutants at a monitoring point with the groundwater quality standards set out in Schedule 4 and threshold values set out in Schedule 5.”

Amendment of Regulation 41 of the 2010 Regulations

8. Regulation 41 of the 2010 Regulations is hereby amended by the insertion after the words “to achieve good groundwater chemical status” of the following:

“and where monitoring demonstrates that the conditions set out in Table 2.3.2 of Annex V to Directive 2000/60/EC are being met”.

Amendment of Regulation 43 of the 2010 Regulations

9. Regulation 43 of the 2010 Regulations is hereby deleted and replaced with the following:

“43. The Agency shall assign chemical status to bodies of groundwater characterised as being at risk based on the following procedures. The procedures shall apply in relation to each of the pollutants which contribute to a water body being characterised as being at risk:

- (a) Where the values for the groundwater quality standards listed in Schedule 4 and the relevant threshold values listed in Schedule 5 are not exceeded at any monitoring point in a body or group of bodies of groundwater, then the Agency shall classify that body or group of bodies of groundwater as being at good chemical status; or
- (b) Where the value of a groundwater quality standard listed in Schedule 4 or a relevant threshold value listed in Schedule 5 is exceeded at one or more monitoring points in a body or group of bodies of groundwater, then the Agency shall carry out an appropriate investigation, on the basis of a suitable conceptual model, in accordance with the relevant test procedures described in Schedule 7, to determine whether or not the criteria for poor chemical status are met. The appropriate tests to be applied shall be determined by the Agency depending on the risks posed to the groundwater body. On the basis of the appropriate investigation the Agency shall classify a body or group of bodies of groundwater as follows:
 - (i) Where the criteria for poor chemical status are not met by the appropriate test procedures in Schedule 7, then the Agency shall classify a body or a group of bodies of groundwater as being at good chemical status,
 - (ii) Where the criteria for poor chemical status are met by one or more of the test procedures in Schedule 7, then the Agency shall classify a body or a group of bodies of groundwater as being at poor chemical status.”

Amendment of Regulation 44 of the 2010 Regulations

10. Regulation 44 of the 2010 Regulations is hereby deleted and replaced with the following:

“44. If a body of groundwater is classified as being of good chemical status in accordance with Regulation 43 (b)(i), the Agency shall make recommendations or give directions, as it considers appropriate, to the relevant public authorities, in the context of their respective functions, regarding the measures it considers necessary, in accordance with Regulation 12(1)(b) of the 2003 Regulations, to protect aquatic ecosystems, terrestrial ecosystems and human uses of groundwater dependent on the part of the body of groundwater represented by the monitoring point or points at which the value for groundwater quality standard or threshold value has been exceeded. A public authority shall comply with any such recommendation or direction given by the Agency.”

Amendment of Regulation 48 of the 2010 Regulations

11. Regulation 48 of the 2010 Regulations is hereby amended by the substitution of the word “shall” for the words “may” and “can”.

Amendment of Regulation 54 of the 2010 Regulations

12. Regulation 54 of the 2010 Regulations is hereby amended by the substitution of the word “shall” for the word “may” and the insertion of the following after the words “Part B.”:

“A public authority shall comply with any such direction given by the Agency.”

Amendment of Regulation 59 of the 2010 Regulations

13. Regulation 59 of the 2010 Regulations is hereby amended by the substitution of the words “summary results” for the words “the results” in paragraph (d).

Amendment of Schedule 7 of the Regulations

14. The title of Table 5 in Schedule 7 to the Regulations is hereby deleted and replaced with the following:

“Assessment of the general quality of groundwater in the groundwater body as a whole (test 5)”



GIVEN under my Official Seal
14 May 2012.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

These Regulations amend the European Communities Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010).

The amendments to Regulations 4, 9, 10, 41, 43, 44, 48, 54 and Table 5 of Schedule 7 are technical amendments that clarify the transposition of Council Directive 2006/118/EC. The amendments to Regulations 9(b) 32, 39, 59 address minor errors in the principal Regulations.

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