

L.N. 223 of 2015**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)****Protection of Groundwater against Pollution and Deterioration
(Amendment) Regulations, 2015**

IN exercise of the powers conferred by article 28(1) of the Malta Resources Authority Act, the Minister for Energy and Health, after consultation with the Malta Resources Authority, has made the following regulations:-

1. (1) The title of these regulations is the Protection of Groundwater against Pollution and Deterioration (Amendment) Regulations, 2015 and these regulations shall be read and construed as one with the Protection of Groundwater against Pollution and Deterioration Regulations, hereinafter referred to as "the principal regulations".

Citation and scope.

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(2) These regulations transpose Commission Directive 2014/80/EU of 20 June 2014 amending Annex II to Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration.

2. The Second Schedule to the principal regulations shall be amended as follows:

Amends the Second Schedule to the principal regulations.

(a) item 3 of Part A thereof shall be substituted by the following new item:

"(3) wherever elevated background levels of substances or ions or their indicators occur due to natural hydro-geological reasons, those background levels in the relevant body of groundwater shall be taken into account when establishing threshold values. When determining background levels, the following principles should be taken into account:

(a) the determination of background levels should be based on the characterisation of groundwater bodies in accordance with Schedule II to the Water Policy Framework Regulations and on the results of groundwater monitoring in accordance with Schedule V to those regulations. The monitoring strategy and interpretation of the

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data should take account of the fact that flow conditions and groundwater chemistry vary laterally and vertically;

(b) where only limited groundwater monitoring data are available, more data should be gathered and in the meantime background levels should be determined based on those limited monitoring data, where appropriate by a simplified approach using a subset of samples for which indicators show no influence of human activity. Information on geochemical transfers and processes should also be taken account of, where available;

(c) where insufficient groundwater monitoring data are available and the information on geochemical transfers and processes is poor, more data and information should be gathered and in the meantime background levels should be estimated, where appropriate based on statistical reference results for the same type of aquifers in other areas having sufficient monitoring data;"

(b) in item 1 of Part B thereof, immediately after the entry "Sulphate" there shall be added the following new entries:

"Nitrites

Phosphorus (total)/Phosphates"; and

(c) Part C thereof shall be substituted by the following new Part:

"Part C

Information with regard to the pollutants and their indicators for which threshold values have been established

The Authority shall include in the water catchment management plan to be submitted in accordance with regulation 12 of the Water Policy Framework Regulations, information on the way the procedure set out in Part A of this Schedule has been followed.

In particular, the Authority shall provide:

(a) information on each of the bodies or groups of bodies of groundwater characterised as being at risk, including the following:

(i) the size of the bodies;

(ii) each pollutant or indicator of pollution which characterises bodies of groundwater as being at risk;

(iii) the environmental quality objectives to which the risk is related, including the actual or potential legitimate uses or functions of the groundwater body, and the relationship between the bodies of groundwater and the associated surface waters and directly dependent terrestrial ecosystems;

(iv) in the case of naturally-occurring substances, the natural background levels in the bodies of groundwater;

(v) information on the exceedances where threshold values are exceeded;

(b) the threshold values, whether they apply at the national level, at the level of the river basin district or the part of the international river basin district falling within the territory of Malta, or at the level of a body or a group of bodies of groundwater;

(c) the relationship between the threshold values and each of the following:

(i) in the case of naturally-occurring substances, the background levels;

(ii) associated surface waters and directly dependent terrestrial ecosystems;

(iii) the environmental quality objectives and other standards for water protection that exist at national, Union or international level;

(iv) any relevant information

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concerning the toxicology, eco-toxicology, persistence, bioaccumulation potential, and dispersion tendency of the pollutants;

(d) the methodology for determining background levels based on the principles set out in item 3 of Part A;

(e) the reasons for not having established threshold values for any of the pollutants and indicators identified in Part B;

(f) key elements of the groundwater chemical status assessment, including the level, method and period of aggregation of monitoring results, the definition of the acceptable extent of exceedance, and the method for calculating it, in accordance with regulation 5(1)(c)(i) and paragraph 3 of the Third Schedule. Where any of the data referred to in paragraphs (a) to (f) are not included in the water catchment management plan, the Authority shall provide the reasons for this in that plan."

