



STATUTORY INSTRUMENTS.

S.I. No. 287 of 2022

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(GROUNDWATER) (AMENDMENT) REGULATIONS 2022

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**EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(GROUNDWATER) (AMENDMENT) REGULATIONS 2022**

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, 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/EC of the European Parliament and of the Council of 23 October 2000¹ establishing a framework for Community action in the field of water policy, as amended, hereby make the following regulations:

PART 1
PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Communities Environmental Objectives (Groundwater) (Amendment) Regulations 2022.

Definition

2. In these Regulations, “Principal Regulations” means the European Communities Environmental Objectives (Groundwater) Regulations 2010 (S.I. No. 9 of 2010).

PART 2
AMENDMENTS TO PRINCIPAL REGULATIONS

Amendment of Regulation 18 of Principal Regulations

3. Regulation 18 of the Principal Regulations is amended by substituting the following paragraphs for paragraphs (a) and (b):

- “(a) all practicable steps are taken to prevent further deterioration in status and in order not to compromise the achievement of the objectives of these Regulations in other bodies of water not affected by those circumstances;
- (b) the conditions under which circumstances that are exceptional or that could not reasonably have been foreseen may be declared, including the adoption of the appropriate indicators, are stated in the river basin management plan;”.

¹ OJ No. L 327, 22.12.2000, p. 1.

Monitoring of ecological status and chemical status

4. The Principal Regulations are amended by inserting the following Part after Part V:

“PART VA GROUNDWATER MONITORING NETWORK”

Groundwater monitoring network

52A. (1) The Agency shall ensure that the groundwater monitoring network established under article 10 of the 2003 Regulations shall comply with the requirements of Articles 7 and 8 of the Water Framework Directive.

(2) The groundwater monitoring network, referred to in paragraph (1), shall be designed so as to provide a reliable assessment of the quantitative status of all groundwater bodies or groups of bodies including assessment of the available groundwater resource.

(3) The groundwater monitoring network, referred to in paragraph (1), shall provide a map or maps showing the groundwater monitoring network in the river basin management plan concerned.

Density of monitoring sites

52B. The Agency shall ensure that the groundwater monitoring network established under article 10 of the 2003 Regulations shall include sufficient representative monitoring points to estimate the groundwater level in each groundwater body or group of bodies taking into account short and long-term variations in recharge and, in particular, the following:

- (a) for groundwater bodies identified as being at risk of failing to achieve environmental objectives under article 12(1)(a) of the 2003 Regulations, ensure sufficient density of monitoring points to assess the impact of abstractions and discharges on the groundwater level;
- (b) for groundwater bodies within which groundwater flows across a boundary of the State, ensure sufficient monitoring points are provided to estimate the direction and rate of groundwater flow across the State boundary.

Monitoring frequency

52C. (1) The Agency shall conduct observations, for the purposes of the groundwater monitoring network established under article 10 of the 2003 Regulations, at sufficient frequency to allow assessment of the quantitative status of each groundwater body or group of bodies taking

into account short and long-term variations in recharge and shall comply, in particular, with the matters mentioned in paragraph (2).

(2) The matters referred to in paragraph (1) are the following:

- (a) for groundwater bodies identified as being at risk of failing to achieve environmental objectives under Article 4 of the Water Framework Directive, the Agency shall ensure sufficient frequency of measurement to assess the impact of abstractions and discharges on the groundwater level;
- (b) for groundwater bodies within which groundwater flows across a boundary of the State, the Agency shall ensure sufficient frequency of measurement to estimate the direction and rate of groundwater flow across that boundary.

Groundwater monitoring - network

52D. (1) The Agency shall ensure that the groundwater monitoring network established under article 10 of the 2003 Regulations is designed so as to provide a coherent and comprehensive overview of groundwater chemical status within each river basin and to detect the presence of long-term anthropogenically induced upward trends in pollutants.

(2) On the basis of the characterisation and impact assessment carried out in accordance with Article 5 of, and Annex II to, the Water Framework Directive, the Agency shall establish a surveillance monitoring programme for each period to which a river basin management plan applies.

(3) The results of the programme, referred to in paragraph (2), shall be used to establish an operational monitoring programme to be applied for the remaining period of the plan.

(4) The Agency shall ensure that estimates of the level of confidence and precision of the results provided by the monitoring programmes under this Regulation shall be given to the Minister for inclusion in the relevant river basin management plan.

Surveillance monitoring

52E. (1) Surveillance monitoring shall be carried out, by the Agency, in order to –

- (a) supplement and validate the impact assessment procedure, and
- (b) provide information for use in the assessment of long-term trends both as a result of changes in

natural conditions and through anthropogenic activity.

(2) When conducting surveillance monitoring under this Regulation, the Agency shall select sufficient monitoring sites for each of the following:

- (a) bodies identified as being at risk following the characterisation under article 7 of the 2003 Regulations and Section 2.2 of Annex II to the Water Framework Directive;
- (b) bodies which cross a boundary of the State.

Selection of parameters

52F. (1) The following set of core parameters shall be monitored in all the selected groundwater bodies under Regulation 52G(2):

- (a) oxygen content;
- (b) pH value;
- (c) conductivity;
- (d) nitrate;
- (e) ammonium.

(2) Bodies which are identified in accordance with Annex II to the Water Framework Directive as being at significant risk of failing to achieve good status shall also be monitored for those parameters which are indicative of the impact of these pressures.

(3) Transboundary water bodies shall also be monitored for those parameters which are relevant for the protection of all of the uses supported by the groundwater flow.

Operational monitoring

52G. (1) The Agency shall undertake operational monitoring in the periods between surveillance monitoring programmes in order to -

- (a) establish the chemical status of all groundwater bodies or groups of bodies determined as being at risk, and
- (b) establish the presence of any long term anthropogenically induced upward trend in the concentration of any pollutant.

(2) Operational monitoring shall be carried out by the Agency for all those groundwater bodies or groups of bodies which on the basis of both the impact assessment carried out in accordance with Annex II to the Water Framework Directive and surveillance monitoring under article 10 of the 2003 Regulations are identified as

being at risk of failing to meet objectives under Article 4 of the Water Framework Directive.

(3) The selection of monitoring sites by the Agency, under this Regulation, shall also reflect an assessment of how representative monitoring data from that site is of the quality of the relevant groundwater body or bodies.

(4) Operational monitoring shall be carried out by the Agency for the periods between surveillance monitoring programmes at a frequency sufficient to detect the impacts of relevant pressures but at a minimum of once per annum.

Identification of trends in pollutants

52H. (1) The Agency shall use data from both surveillance monitoring, under Regulation 52E, and operational monitoring, under Regulation 52G, in the identification of long term anthropogenically induced upward trends in pollutant concentrations and the reversal of such trends.

(2) The base year or period from which trend identification under paragraph (1) is to be calculated shall be identified.

(3) The calculation of trends shall be undertaken by the Agency for a body or, where appropriate, group of bodies of groundwater.

(4) Reversal of a trend shall be demonstrated statistically by the Agency and it shall state the level of confidence associated with the identification.”.

GIVEN under my Official Seal,
15 June, 2022.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.



L.S.

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