

REPORT

To: Environmental Services Committee	Subject: Proposed Ground Water Regulations : Consultation Paper	
From: Director of Environmental Services		
Date: 15 April 1998	Ref: 056mhlmr	

□ Introduction

I refer to our recent consultation paper issued jointly by the Department of the Environment, Transport and the Regions (D.E.T.R.) and the Scottish Office, in relation to proposed Ground Water Regulations. The proposal entails the introduction of additional measures to implement The E.C. Ground Water Directive 80/68/EEC.

□ Background

The extraction of good quality drinking water from underground sources is becoming of increasing importance, particularly in rural areas or where topographical and hydrogeological conditions necessitate the extraction of water for this purpose. The use and disposal of specified substances onto land is capable of causing pollution to groundwater, with the potential to present risk to human health. The proposed regulations, together with existing legislative powers, will complete the transposition of the Ground Water Directive in the UK. It is emphasised within the Consultation Paper that the proposed regulations will not apply to any operation regulated by a waste management licence, eg. landfilling operations, civic amenity sites, waste transfer stations. The responsibility for the implementation of the proposed regulations and the complementary legislation referred to above, will rest with the Scottish Environment Protection Agency (SEPA).

□ Proposal

The proposed regulations will provide additional powers to the regulatory agency:-

- ◆ To control the disposal of tipping onto land of specified substances, by establishing a formal system of authorisation. SEPA would be under a duty to ensure that adequate prior investigations had been carried out.
- ◆ SEPA would also be under a duty to issue notices to prohibit or control other activities on land which could result in groundwater pollution from these specified substances.

□ Sectors Affected

At this stage, it is envisaged that at least three sectors of industry could be affected by these proposals:-

- ◆ Industrial processes and activities which deliberately discharge specified substances to land or where there is a risk of accidental discharge from leaks, spillage, etc. Examples could be dry cleaning operations, fuel storage, etc.

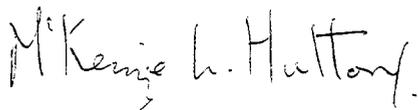
- ◆ Agricultural activities which entail the disposal of pesticides to land, sheep dip residues, herbicide spraying of crops for use as silage.
- ◆ Other users who are permitted to dispose of specified substances to land without a waste management licence and owners of underground tanks storing specified substances.

In line with current philosophy that 'the polluter pays', these proposals include arrangements to recover all costs associated with monitoring and enforcement duties. The Consultation Paper makes it clear that it is extremely difficult to identify accurate recharge costs at this time and intends to refine its methods of calculating overall costs during the consultation period.

Recommendation

It is recommended that the Committee:-

- ◆ Endorses the principle of additional powers for environmental control measures.
- ◆ Authorises a response to this Consultation Paper based on the above report.



M. L. Hutton
Director of Environmental Services