

Hazardous Substances Project –Update 1

Who is this for?

This is the first of a series of updates that the Hazardous Substances Project Board will be sharing with the stakeholders we think will be interested in this project. The aim is to raise awareness of what is happening, and how and when you can get involved and contribute. This project is relevant to anyone who discharges pollutants to groundwater, carries out or regulates any activity that could give rise to such a discharge.

Background

The Hazardous Substances Project Board has representatives from SEPA, the Republic of Ireland EPA and the Environment Agency. It has been set up to deliver the following in 2014:

- an efficient and effective way of determining which substances are hazardous, which we will do through the existing JAGDAG¹ process which includes scientists, business and industry as well as all of the Agencies; and
- a common approach for UK and Ireland on how we comply with the ‘prevent’ requirements of the Groundwater Daughter Directive (GWDD) and to take account of any environmental and business implications. This means a common approach on how we use environmental standards to identify the need for preventative and restorative work, and how we identify what action is proportionate. This includes how the numerical values are derived and applied for both local-scale and water body-scale impacts.

Determining which substances are hazardous

The Joint Agencies Groundwater Directive Advisory Group (JAGDAG) has been in place for several years, and last year it published the revised methodology for determining if a substance is hazardous¹ [Methodology for the determination of hazardous substances for the purposes of the Groundwater Daughter Directive \(2006/118/EC\)](#). Also on the JAGDAG webpage is the document that considers all of the consultation responses that were received on the proposal to change the methodology.

Current members of JAGDAG are Scottish Environment Protection Agency, the Republic of Ireland’s Environmental Protection Agency, the Environment Agency for England and Wales, and the Health Protection Agency. Defra and Welsh Government attend as observers. Industry is represented by a member of the Soils and Groundwater Technical Association and a representative of Water UK and we are discussing possible membership for additional industry sectors such as landfill, energy producers, chemical producers and farming. The industry representatives are actively involved in providing technical advice on substances to be considered, and the determination process.

The first consultation that uses the new methodology is available here

<http://www.wfduk.org/stakeholders/jagdag-work-area-0>. It is worth noting that we will be doing shorter and more targeted consultations² which will continue as a rolling programme.

¹ Joint Agencies Groundwater Directive Advisory Group – more information is available at <http://www.wfduk.org/stakeholders/welcome-joint-agencies-groundwater-directive-advisory-group-jagdag>

We had over 1000 stakeholders on the email list for the methodology consultation, and have focussed those down to concentrate on those actively involved. If you would like to be updated and be able to comment on proposed determinations etc then please contact JAGDAGEngland@environment-agency.gov.uk

Setting standards for hazardous substances

We use environmental standards in the design of new activities to prevent hazardous substances from entering groundwater, and to understand the degree of harm where they have already entered groundwater.. Examples of their use include allowing an operator to know how to design their landfill liner or monitoring system; what standard of clean up is required for land that is affected by contamination; or whether a waste can be released from control because it can be used in any location.

The current standards that are in place were recently reviewed and we will provide the link when they are published on the UK Technical Advisory Group's webpage, along with the consultation response document. The consultation process highlighted a lack of clarity about how the current standards have been set and are being used, and so we will use this project to engage on how future standards are set.

Phase 1 of the Hazardous Substances Project has involved developing a range of options for how standards will be derived. We are currently gathering information on how standards are set in other Member States and we will short list the possible options after discussions with Administrations in UK and Ireland. From spring/summer 2013, we plan to engage with internal agency and then external stakeholders to resolve the preferred option for how standards will be derived. We will start by asking for relevant data to be submitted to feed into the project's considerations.

Once the preferred option is identified, we will then move to Phase 2, initiating a contract to identify specific standards for specific hazardous substances. We will re-engage with stakeholders at a number of points throughout this phase up to spring/summer 2014.

From that point, Phase 3 will deliver standards in autumn 2014 after consultation, including an assessment of the implications of the new standards. Implementation will thereafter be a matter for each individual Agency, in agreement with their Administration.

If you would like to be updated, perhaps submit data and be able to comment on proposed determinations please contact MRVsEngland@environment-agency.gov.uk

² In autumn 2012 new guidelines were published that move away from the previous 12 week minimum consultation period. Details are available here <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>