



**ENVIRONMENT
AND HERITAGE
SERVICE**

THE GROUNDWATER REGULATIONS (NORTHERN IRELAND) 1998

DOE (NI) GUIDANCE NOTE 1

**Disposal of Waste Agricultural
Pesticides to Land: Guidance on
Compliance for Farmers and Growers**

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1. Background

Groundwater is of increasing importance as a source of good quality drinking water, as well as a vital component of the wider aquatic environment. Groundwater and surface water are interlinked and pollution of one can affect the quality of the other. Groundwater therefore needs to be protected. There is concern that the incorrect use and disposal of certain substances used in agriculture, for example, pesticides and veterinary medicines (including sheep dip) could lead to the pollution of groundwater.

“Groundwater” means all water, which is below the water table. Groundwater is present, at various depths, in all land throughout Northern Ireland.

To provide additional protection for groundwater, Government has introduced the Groundwater Regulations, which came into force on 1 January 1999. The Regulations require that the disposal of certain substances be controlled by a formal system of authorisation.

The Regulations will be implemented in Northern Ireland by Environment and Heritage Service, an agency within the Department of the Environment for Northern Ireland.

2. Activities likely to require Authorisation

The substances to be controlled under the Regulations are divided into two categories; List I and List II substances. Full details are given in Annex 2. All agricultural chemicals are likely to be included in List I or II.

List I substances includes, for example, sheep dip and pesticides and they pose the greatest threat to groundwater. From 1 April 1999 authorisation **must** be obtained before they can be spread on land.

Authorisation will be required if you intend disposing of:

- **waste sheep dip, including cosmetic dips, and/or**
- **waste pesticides, including tank washings,**

by spreading on agricultural land after 1 April 1999. Spreading such material without authorisation after this date will be a criminal offence.

The normal application of pesticides to crops, in accordance with the manufacturer's instructions and the Code of Good Agricultural Practice for the Protection of Water (COGAP), does **not** require authorisation.

Other normal farming activities, such as the spreading of slurry, manure or other wastes to land for the purpose of improving fertility will not **normally** require authorisation provided the Code of Good Agricultural Practice is observed.

Other activities which do not require authorisation are:

- **Discharges to the underground stratum** subject to **consent under the Water (Northern Ireland) Order 1999.**
- **Sewage sludge** applied to land in accordance with the **Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990.**

3. Do you require Authorisation?

Yes, if you intend to dispose of waste pesticide or sheep dip by spreading it onto agricultural land after 1 April 1999. Emptying sheep dip or waste pesticide into slurry tanks before spreading on land is considered as 'tipping for the purpose of disposal' and would still require authorisation for **all** the fields on which the slurry/sheep dip mixture would be spread.

Changing working practice can reduce the amount of sheep dip or pesticide produced and the area needed for disposal. Guidance is provided in the Code of Good Agricultural Practice.

Only one authorisation is required to cover a number of sites on your farm. All areas where you intend to dispose of sheep dip or waste pesticide should be clearly identified on your application form by stating the field number(s) on the form.

If you are still unsure if you require authorisation, contact the Environment and Heritage Service, ☎ 028 9025 4873 for further guidance.

4. Choosing a site

Before completing the application form, the area of land to be used for disposal must be assessed to ensure that the land is suitable for the disposal of the waste sheep dip or pesticides and that there is no risk of entry of the chemicals into groundwater.

Particular care must be taken in selecting disposal sites.

Suitable sites should be: –

- Under grass or stubble
- Flat or gently sloping (a slope of less than 1:5 or 20% or 11°)
- At least 10m from rivers, streams or open drains
- At least 50m from any spring, well or borehole
- At least 500m from a drinking water supply
- moderate or free draining soil at least 0.6m (2 ft) deep
- on loamy, clay or peaty soils with a pH of 5.0 – 7.5

Don't choose sites which are: -

- ❖ Under setaside, lying fallow or which are within 10 m of a public path.
- ❖ Steeply sloping
- ❖ Close to rivers, streams, open drains, springs or boreholes
- ❖ Well drained or have sandy, gravelly, free draining soil
- ❖ Within areas designated for nature conservation (e.g. ASSIs)
- ❖ On shallow soils overlaying limestone or gravel

5. How do you apply for authorisation?

Application forms are available from Environment and Heritage Service ☎ 028 9025 4873 or by contacting your local County Agricultural Office. The application form must be accompanied by either an IACS Farm Survey map or a 1:10,000 scale map of the farm/field boundaries showing the boundary of the area(s) marked in red, on which disposal is proposed. This area(s) can be part of a field or include a number of fields dependent on the availability of suitable land. In addition, the location of the dipper(s)/shower(s) should be marked and the location of drinking water supplies (if known).

On completion of your application form, return it to Environment and Heritage Service (EHS) with a copy of your map. It may be necessary for EHS to undertake site visits in response to some applications to verify the information supplied by you.

6. When do you apply?

Applications for authorisation can be made to EHS immediately. Applications made before 1 April 1999 will be treated as authorised on 1 April 1999 if they relate to a disposal activity which is substantially the same as before 1 April 1999, at the same place to which the application refers. In practice, this means that such activities can continue to be undertaken. When processed, an application may be authorised or refused.

For applications made after 1 April 1999, it will be illegal to dispose of waste sheep dip and pesticides to land until the authorisation has been granted. EHS has 4 months to process these later applications unless an extension period is agreed with the applicant in writing.

It is therefore in your best interest to apply for authorisation prior to 31 March 1999.

7. What happens after an Application has been made?

All applications made to EHS for authorisation will be acknowledged in writing. The acknowledgement of applications received before 31 March 1999 will state that the activity is deemed authorised until informed otherwise by EHS, and may therefore continue. The acknowledgement of applications received after 1 April 1999 will indicate that it is an offence to carry out the activity described in the application until an authorisation has been granted.

8. Conditions of Authorisation

Authorisation by EHS will not be granted without a completed application form and map.

In certain cases, particularly where the disposal area is sited on or near a groundwater vulnerable zone, drinking water supply or sensitive abstraction, there may be a requirement for additional investigation before authorisation is considered. This may involve a site visit by EHS staff, monitoring work and/or a requirement for further hydrogeological assessment of the disposal area(s). Furthermore, evidence of any technical precautions taken to prevent discharge may be requested.

EHS may also require that the applicant, at his/her own cost, should advertise the application **before** authorisation is considered.

On the basis of the assessment of the application form and on the vulnerability of groundwater, EHS will authorise or refuse the disposal of waste sheep dip and/or waste pesticide on the selected site(s). The authorisation will specify:

- i) the area(s) of land to be used for disposal
- ii) the method of disposal to be used
- iii) essential precautions to be taken and/or conditions under which disposal is to take place
- iv) the maximum quantity of waste to be disposed of during one or more specified periods of time
- v) precautions to be implemented to prevent any pollution of groundwater
- vi) if necessary, measures for monitoring the groundwater.

If authorisation is refused the applicant may appeal, within 3 months of the decision, to the Water Appeals Commission against the refusal of authorisation to dispose waste chemical to the selected area(s) of land.

Authorisation may be granted for a limited period only and will be reviewed by EHS when deemed necessary, but at least once in every four years. When an authorisation is reviewed, it may be renewed, amended or revoked.

Any change in circumstances, such as the sale or transfer of the farm or holding, or other alteration to the disposal activity specified in the application, must be notified in writing to EHS when these occur.

9. Further Information

For Copies of the Code of Good Agricultural Practice contact DARD's Countryside Management Division at one of the addresses listed at Annex 1.

Useful Addresses and Telephone Numbers

Environment and Heritage Service

Water Management Unit
Calvert House
23 Castle Place
BELFAST
BT1 1FY

Tel: 028 9025 4873

Fax: 028 9025 4865

DARD – Countryside Management Division

Headquarters:

Annexe D
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SB

Tel: 028 9052 0922

Fax: 028 9052 0924

Down:

Rathkeltair House
Market Street
DOWNPATRICK
BT30 6LZ

Tel: 028 4461 8076

Fax: 028 4461 8226

Antrim:

Kilpatrick House
High Street
BALLYMENA
BT43 6DP

Tel: 028 2566 2884

Fax: 028 2566 2838

Fermanagh:

Inishkeen House
Killyhevlin
ENNISKILLEN
BT74 4EJ

Tel: 028 6634 3125

Fax: 028 6634 3000

Armagh:

2 Newry Road
ARMAGH
BT60 1EN

Tel: 028 3751 5659

Fax: 028 3751 5611

Londonderry:

31 Station Road
MAGHERAFELT
BT45 5DN

Tel: 028 7930 2112

Fax: 028 7930 2067

1. List I Substances

1.(1) Subject to sub-paragraph (2) below, a substance is in List I if it belongs to one of the following families or groups of substances:

- (a) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- (b) organophosphorus compounds;
- (c) organotin compounds;
- (d) substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment; (*)
- (e) mercury and its compounds;
- (f) cadmium and its compounds;
- (g) mineral oils and hydrocarbons;
- (h) cyanides.

1.(2) A substance is not in List I if it has been determined by the Department to be inappropriate to List I on the basis of a low risk of toxicity, persistence and bioaccumulation.

(*) Where, any substance which would otherwise be in list II is carcinogenic, mutagenic or teratogenic, it is included in this category in list I

2. List II Substances

2.(1) A substance is in List II if it could have a harmful effect on groundwater and it belongs to one the following families or groups of substances:

(a) the following metalloids and metals and their compounds:

Zinc	Tin
Copper	Barium
Nickel	Beryllium
Chromium	Boron
Lead	Uranium
Selenium	Vanadium
Arsenic	Cobalt
Antimony	Thallium
Molybdenum	Tellurium
Titanium	Silver

(b) biocides and their derivatives not appearing in List I:

(c) substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in such water and to render it unfit for human consumption;

(d) toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances;

- (e) inorganic compounds of phosphorus and elemental phosphorus;
- (f) fluorides;
- (g) ammonia and nitrites.

2.(2) A substance is also in List II if:–

- (a) it belongs to the families and groups of substances set out in paragraph 1(1);
- (b) it has been determined by the Department to be inappropriate to List I under paragraph 1(2); and
- (c) it has been determined by the Department to be appropriate to be classed in List II having regard to toxicity, persistence and bioaccumulation.

3. Notes

The Department shall from time to time publish a summary of the effect of its determinations under this schedule in such a manner as it considers appropriate and shall make copies of any such summary available to the public free of charge.

Reproduced from the Schedule attached to the Groundwater Regulations (Northern Ireland) 1998.

