



For the future of our environment

Guidance on the Application of the New List of Groundwater Hazardous Substances

September 2023

Background

An updated list of groundwater hazardous substances has been published by SEPA.

This document sets out:

- how SEPA will apply the new list; and
- our expectations for applying the new list by local authorities and industry.

Policy Approach

Sites that are currently being assessed or are about to be assessed

We understand that risk assessments for activities impacting on groundwater may have just been completed or are in progress using the previous list of hazardous substances. To take account of this, risk assessments undertaken using old or new list will be accepted until 31st December 2023.

Sites that have previously been assessed using the previous list.

Many regulated sites or areas of land contamination will have been assessed, remediated and have conditions in place with regards to the old list of hazardous substances.

We will only require these sites to be assessed against the new list when a technical change is being made that requires a revised risk assessment to be submitted. For example, an authorised site is being extended or an area of land contamination is being re-developed.

Risk assessment and mitigation for these sites will take account of what is practical, reasonable and best for the environment as a whole.

In some cases, large-scale remediation plans have been agreed for many neighbouring sites over a number of years. Any prior agreements can be taken into account when deciding on whether additional or revised assessment is required.

For sites wishing to surrender their licence or permit under The Environmental Protection Act 1990 or The Pollution Prevention and Control (Scotland) Regulations we may take into account whether:

- Ongoing management of the site is no longer required;
- Reasonable action has been taken to address any inputs of pollutants into groundwater;
- Groundwater quality is improving over time; and
- The site is not causing the exceedance of an environment standard for a surface water, wetland or current abstraction, and does not pose a risk to groundwater body status.

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