

# regulatory position statement

## Civil engineering activities involving grouts or other media for the purpose of sealing or ground stabilisation

If you comply with the requirements below, we will allow you to carry out civil engineering activities involving grouts or other media for the purpose of sealing or ground stabilisation without the need for an environmental permit.

### Background

The Environmental Permitting Regulations (EPR) 2010 (Regulations 38 and 12) make it an offence “to cause or knowingly permit a groundwater activity” except under and in accordance with an environmental permit. A groundwater activity includes the making of any discharge that results in, or might lead to the input of pollutants to groundwater.

Civil engineering activities that involve the injection of grouts or other media for the purpose of sealing (such as around tunnel linings or in boreholes) or ground stabilisation (such as infilling adits or mineshafts) may constitute a groundwater activity if the materials being used contain leachable pollutants and they will be in contact with or otherwise discharge into groundwater. Materials such as PFA, for example, are commonly used to infill former mineshafts or adits below the water table. In many cases however the risk to groundwater may actually be very low.

This regulatory position is only relevant where the grouts or other media involved would not qualify for an exclusion from EPR 2010 and the need for a permit under paragraph 3(3) of Schedule 22; in particular where the quantity or concentration of pollutants would be considered de minimis. We have provided [guidance on interpreting groundwater activity exclusions](#). Typically, media such as inert infill or ordinary cements would most likely to be excluded on this basis. You may also need an environmental permit if you are using waste as a grout.

### Our approach

We will not require an environmental permit for the injection of grouts or other media for civil engineering purposes such as sealing or ground stabilisation provided that:

- The location does not fall within a groundwater Source Protection Zone 1 (see note 1).
- The injection is solely below the ground surface.
- The activity complies with the requirements of any necessary planning approvals.

- You have carried out an assessment of the ground conditions and potential receptors (see note 4) and are able to confirm that pollution (see note 2) will not occur from your operation.
- The operation does not involve the discharge of hazardous substances or non-hazardous pollutants (see note 3) other than those inherently part of the solid content of the grout or other media or essential additives.
- The materials forming the grout or other media comply with all relevant [waste protocols](#), such as the [quality protocol on use of PFA](#), and any other relevant code of practice.
- There will be no liquid discharges other than slurry formed by the grout or other media in admixture with water.
- The activity does not constitute or form part of another regulated facility such as an installation, waste or mining waste operation as listed in EPR 2010, Regulation 8.

If after having considered these factors you are uncertain as to whether the activity is of sufficiently low risk to comply, you should contact [National Customer Contact Centre](#) (tel. 08708 506 506) for advice, quoting this regulatory position statement.

### **Enforcement**

In not pursuing an application for a permit, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to human health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in our Enforcement and Sanctions Guidance. This can be found on the 'How we regulate you' page in the Business & Industry section of our web site.

This regulatory position will be reviewed by June 2012

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customer service line

08708 506 506

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

incident hotline

0800 80 70 60

floodline

0845 988 1188

## Notes

1) A Source Protection Zone 1 (SPZ) is the innermost of three zones that we allocate to groundwater abstractions used for human consumption. An SPZ1 represents the distance from which the water takes 50 days to travel to the abstraction source or 50m, whichever is less. We have mapped SPZs around approximately 2000 public water supplies and other major abstraction sources such as bottling plants and breweries. These are available in [‘what’s in your back yard’](#) on our website. A default SPZ1 distance of 50m should be applied to all other groundwater sources used for human consumption, such as private water supplies.

2) Pollution is defined in the EPR 2010 and elaborated upon in section 3 of [WFD CIS guidance document 17](#). Pollution for the purpose of this regulatory position will only be considered to have occurred where the entry of substances into the groundwater or deterioration of the quality of the groundwater is linked to a harmful effect at a receptor. In this respect, all receptors at the point of entry and ‘downstream’ along the groundwater flow have to be considered. The term ‘receptor’ must be taken in its widest context to include not only the existing uses of groundwater but all plausible future uses and functions to which the groundwater might be put, as well as groundwater itself. ‘Uses’ includes both the active abstraction of groundwater by pumping and passive recipients of groundwater such as springs, rivers or wetlands.

3) Hazardous substances are toxic, persistent and liable to bio-accumulate. Details of what constitutes a hazardous substance can be found at [www.wfduk.org/jagdag](http://www.wfduk.org/jagdag). A non-hazardous pollutant is any substance capable of causing pollution that is not a hazardous substance.

4) An assessment of the ground conditions means that you have obtained enough information to develop a clear conceptual understanding of the relationship between the activity and all relevant receptors. You have checked the surrounding area and know what the receptors are within a relevant distance - which may mean you need to carry out a survey of water features and contact adjacent land owners. You understand the nature and content of the materials you are using and have sufficient information about the geological and hydrogeological conditions (both natural and man-made) to understand how pollutants may be transmitted and what impact they may have. It should be self evident from your assessment that the risk of pollution is very low. If not, you should contact us for advice. Use the suggested format provided in [Appendix 1](#) to record the details of your assessment. More detailed information on carrying out risk assessments is available in our guidance: [H1 Annex J Groundwater](#) and associated technical annexes.

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## **Appendix 1 - Appropriate assessment record**

Use our suggested format for an appropriate assessment of ground conditions and receptors to show that pollution won't occur from your operation. We don't need you to submit your completed assessment to us. Keep it to show, if asked, that you understand and are complying with the terms of the RPS.

Heading: Record of assessment for low risk discharges into groundwater and compliance with the regulatory position statement <Specify which regulatory position statement you are working to>

Give your name and contact details, e.g. address, telephone, email.

State whether you are an individual, public body, company, partnership etc.

Give the address and National Grid Reference (NGR) of the proposed activity.

State the nature of your activity or discharge - e.g. disposal of concrete wash waters on to land, sealing of old mine adits, lining of tunnels with grout, etc

State that you have read and understood the full text of the position statement.

Specify the codes of practice, waste protocols or other standards relevant to the discharges from your activity into groundwater.

Do you comply with the requirements of those standards?

State how you have assessed the ground conditions and relevant receptors.

Summarise the outcome of this assessment and reasons why you consider the risk of causing an input of pollutants to groundwater is low.

Confirm that you are complying fully with the requirements of the position statement

Sign and date your document

This document is no longer in use. It was withdrawn 08/05/2017