
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 212

**The Water Supply (Water Quality)
Regulations (Northern Ireland) 2017**

PART 6

**DEVIATION FROM MONITORING REQUIREMENTS
OF GROUP A AND GROUP B MONITORING**

Deviation from standard parameters and frequencies

19.—(1) Subject to a risk assessment being performed in accordance with regulation 30 a water undertaker may (or, where required by the service of a notice under regulation 31 must) and subject to paragraphs (7) and (10), in accordance with this Part, deviate from the requirements of Group A and Group B monitoring required by regulation 7 and Schedule 3.

(2) Based on the results of a risk assessment and in accordance with paragraph (1), the list of parameters in Schedule 3 including any other micro-organism, parasite or substance included in the Group A or Group B parameters (except radon, tritium and indicative dose), must be extended and/or the minimum sampling frequencies in that Schedule increased by a water undertaker —

- (a) in accordance with regulation 12;
- (b) if the list of parameters, substances or microorganisms or frequencies required to be monitored is not sufficient to;
 - (i) be representative of the water consumed throughout the year;
 - (ii) verify that the obligations imposed by regulation 29(2) have been met;
 - (iii) ensure the obligations in paragraph 1(a) of Part A of Schedule 3 have been met;
 - (iv) verify that the requirements in regulation 5(3)(a) and (b) have been met.

(3) In accordance with paragraph (1) and subject to paragraphs (4) and (5) the sampling frequency for a parameter in Schedule 3 including any other micro-organism, parasite or substance included in the Group A or Group B parameters (except radon, tritium and indicative dose), may be reduced (except sampling frequencies for radon, tritium and indicative dose), or the parameter removed from the list of parameters to be monitored under Schedule 3 provided that the following conditions are met—

- (a) the monitoring for *Escherichia coli* (*E. Coli.*) is not removed from the monitoring programme and the frequency of monitoring is not reduced below the frequency required by Schedule 3; and
- (b) for other parameters in the list—
 - (i) the location and frequency of sampling is determined in relation to the parameter's origin, as well as the variability and long term trend of its concentration, taking into account the prescribed concentration and values in Schedule 1;

- (ii) to reduce the sampling frequency for a parameter under Schedule 3, the results obtained from samples collected at regular intervals over a period of at least 3 years from sampling points representative of the whole water supply zone must all be less than 60% of the prescribed concentration or value for the parameter;
 - (iii) to remove a parameter from the list of parameters to be monitored under Schedule 3 the results obtained from samples collected at regular intervals over a period of at least 3 years from points representative of the whole water supply zone must all be less than 30% of the prescribed concentration or value of the parameter; and
 - (iv) to remove a parameter from the list of parameters to be monitored under Schedule 3 must be based on the result of a risk assessment, informed by the results of monitoring of sources of water under these Regulations and subject to confirmation that human health is protected from the adverse effects of any contamination of water.
- (4) The sampling frequency for a parameter under Schedule 3 including any other micro-organism, parasite or substance included in the Group A or Group B parameters (except radon, tritium and indicative dose) may be reduced under paragraph (3)(b)(ii) only if—
- (a) the risk assessment confirms that no factor (that can be reasonably anticipated) is likely to cause deterioration of the quality of the water; and
 - (b) the Department, by notice to a water undertaker, consent to reduce the minimum sampling frequency for a parameter under Schedule 3 in relation to a supply of water (or in relation to more than one supply of water), and that consent has not been revoked under paragraph (6).
- (5) Any such parameter may be removed from the list of parameters to be monitored under paragraph (3)(b)(iii) only if—
- (a) the risk assessment confirms that no factor (that can be reasonably anticipated) is likely to cause deterioration of the quality of the water; and
 - (b) the Department, by notice to a water undertaker, consent to the removal of the parameter from the list of parameters to be monitored in relation to a supply of water (or in relation to more than one supply of water), and that consent has not been revoked under paragraph (6).
- (6) The Department may, by notice to a water undertaker, revoke with immediate effect any consent given by it under paragraphs (4)(b) and (5)(b).
- (7) If, in relation to any water supply zone, the water undertaker can submit evidence based on representative surveys, monitoring data, or other reliable information satisfying the Department that water supplied to that zone for regulation 5(1) purposes—
- (a) gives rise to a calculated indicative dose in respect of radioactivity that is well below the specification; or
 - (b) contains levels of tritium that are well below the specification; or
 - (c) contains levels of radon that are well below the specification.

the Department must, by notice in writing, inform the water undertaker that the indicative dose parameter (item 10 in Schedule 2) or as the case may be the radon parameter (item 8 in that Schedule) or the tritium parameter (item 12 in that Schedule), need not be monitored and notice of this decision and supporting evidence must be communicated to the European Commission.

- (8) A representative survey must be designed in such a way—
 - (a) as to be capable of determining the scale and nature of likely exposures to radon in water intended for human consumption originating from different types of groundwater sources and wells in different geological areas; and

- (b) that underlying parameters, especially the geology and hydrology of the area, radioactivity of rock and soil, and well type, can be identified and used to direct further action to areas of likely high exposure.
- (9) The Department must, by notice in writing—
 - (a) withdraw a notice under paragraph (7) given in relation to the indicative dose parameter if it believes that water supplied to the zone in question for regulation 5(1) purposes gives rise to a calculated indicative dose in respect of radioactivity that is not well below the specification;
 - (b) withdraw a notice under paragraph (7) given in relation to the tritium parameter if it believes that water supplied to the zone in question for regulation 5(1) purposes contains levels of tritium that are not well below the specification;
 - (c) withdraw a notice under paragraph (7) given in relation to the radon parameter if it believes that water supplied to the zone in question for regulation 5(1) purposes contains levels of radon that are not well below the specification;
- (10) Should a water undertaker receive a notice under paragraph (9) it must monitor the indicative dose parameter or, as the case may be, the radon parameter, or the tritium parameter in accordance with the notice having effect for the time being under regulation 8(5).