

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

**The Public Water Supplies (Scotland)
Amendment Regulations 2022**

Amendment of the 2014 Regulations

17.—(1) Schedule 1A (monitoring: minimum requirements) is amended in accordance with paragraphs (2) to (5).

(2) In Part A—

(a) after paragraph 2, insert—

“2A.—(1) Each monitoring programme must include an operational monitoring programme that—

- (a) takes into account any parameter, or micro-organism, parasite or substance, identified as relevant—
 - (i) by virtue of regulation 5(2), or
 - (ii) through a risk assessment under regulation 30,
- (b) where appropriate, includes monitoring of parameters in accordance with subparagraphs (2) and (3), and
- (c) confirms the effectiveness of all measures in place to control risks to human health throughout the water supply chain (from the catchment area through abstraction, treatment and storage to distribution).

(2) Except where turbidity is caused by iron and manganese in groundwater sources, the operational monitoring programme must include monitoring of the parameter turbidity at the treatment works in accordance with the reference values and frequencies in the following table—

| Operational parameter | Reference value | Minimum frequency of sampling and analysis | | |
|----------------------------------|--|--|----------|------------|
| Turbidity at the treatment works | 0.3 NTU in 95% of samples and none to exceed 1 NTU | <i>Volume (m³) of water distributed or produced each day within a supply zone</i> | | |
| | | > 0 | ≤ 1,000 | Weekly |
| | | > 1,000 | ≤ 10,000 | Daily |
| | | > 10,000 | | Continuous |

(3) The operational monitoring programme must include monitoring of somatic coliphages in raw water in accordance with the following table—

| Operational parameter | Reference value | Unit | Notes |
|-----------------------|--------------------|-----------|--|
| Somatic coliphages | 50 (for raw water) | PFU/100ml | <p>This parameter must be measured if the risk assessment under regulation 30 indicates that it is appropriate to do so.</p> <p>If it is found in raw water at concentrations > 50 PFU/100ml, it must be analysed after steps of the treatment train in order to determine log removal by the barriers in place and to assess whether the risk of a breakthrough of pathogenic viruses is sufficiently under control.</p> |

(4) In this paragraph—

“NTU” means Nephelometric Turbidity Unit, and

“PFU” means Plaque Forming Unit.”,

(b) in paragraph 3, for “5” substitute “6”.

(3) In Part B, in paragraph 2(a), after “*Escherischia coli*,”, insert “enterococci,”.

(4) In Part C—

(a) in paragraph 2—

(i) omit “or” following sub-paragraph (b),

(ii) after sub-paragraph (c), insert—

“(d) a risk assessment has established that raw water—

(i) in the catchment area used to abstract water for human consumption purposes, or

(ii) as a result of abstraction through the public water supply system, contains a parameter at a concentration or value which would (whether in conjunction with another parameter in the water or otherwise) constitute a potential danger to human health, or

(e) a risk assessment has identified extension of the list of parameters and/or increase of the minimum sampling frequencies as the most appropriate means of mitigating a risk to human health.”,

(b) in paragraph 3—

(i) in sub-paragraph (a), after “*Escherischia coli*”, insert “and enterococci”,

(ii) in sub-paragraph (b), for heads (i) to (iv) substitute—

“(i) a risk assessment has established that the parameter to be removed from the list of parameters to be monitored under Part B of this schedule, or for which the minimum sampling frequencies are to be reduced, is not present or, as the case may be, is not likely to be present in raw water—

(aa) in the catchment area used to abstract water for human consumption purposes, and

(bb) as a result of abstraction through the public water supply system,

at a concentration or value which would (whether in conjunction with another parameter in the water or otherwise) constitute a potential danger to human health,

(ii) where a parameter from the list of parameters to be monitored under Part B of this schedule can only occur as a result of the treatment technique or disinfection method, that technique or method is not used by Scottish Water, or

(iii) the specifications in paragraph 3A are complied with.”,

(c) after paragraph 3 insert—

“**3A.** The specifications are that—

(a) the location and frequency of sampling must be determined in relation to the parameter’s origin, as well as the variability and long-term trend of its concentration, taking into account the water quality standards,

(b) to reduce the minimum sampling frequency for a parameter under Part B of this schedule, 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,

(c) to remove a parameter from the list of parameters to be monitored under Part B of this schedule, 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,

(d) the removal of a parameter from the list of parameters to be monitored under Part B of this schedule must be based on the result of the risk assessment, informed by the results of monitoring of sources of water and confirming that human health is protected from the adverse effects of any contamination of water, and

(e) for a reduction in the minimum sampling frequency for a parameter under Part B of this schedule or removal of a parameter from the list of parameters to be monitored under that Part, the risk assessment confirms that no factor (that can be reasonably anticipated) is likely to cause deterioration of the quality of the water.

3B. Any parameter removed from the list of parameters to be monitored in Part B of this schedule under paragraph 3(b) must be monitored—

(a) at least once every six years, and

(b) in cases where—

(i) a new water source is integrated into the water supply chain (from the catchment area through abstraction, treatment and storage to distribution), or

(ii) changes made to the water supply chain are expected to have a potentially adverse effect on the quality of water.”,

(d) in paragraph 4—

(i) for sub-paragraph (1), substitute—

“(1) The minimum sampling frequency for a parameter under Part B of this schedule (including for a micro-organism, parasite or substance referred to in paragraph 2(1)(b) of that Part) may be reduced or any such parameter may be

removed from the list of parameters to be monitored under paragraph 3(b), only if the Drinking Water Quality Regulator for Scotland, by notice to Scottish Water, consents in accordance with sub-paragraph (2) to the reduction or removal, and that consent has not been revoked under sub-paragraph (4).”

(ii) for sub-paragraph (2) substitute—

“(2) The Drinking Water Quality Regulator for Scotland may consent, under sub-paragraph (1), if the Regulator is satisfied that to do so would not compromise the quality of the water.”

(iii) in sub-paragraphs (3) and (4), for “(2)(b)”, in each place it occurs, substitute “(1)”.

(5) In Part E, omit paragraph 1(4).