

2010 No. 991

WATER, ENGLAND AND WALES

The Water Supply Regulations 2010

Made - - - - *25th March 2010*

Laid before Parliament *30th March 2010*

Coming into force - - *20th April 2010*

The Secretary of State, having carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(a), makes these Regulations under sections 69, 74 and 213(2) of the Water Industry Act 1991(b) and (for Part 3) under section 2(2) of the European Communities Act 1972(c), having been designated(d) for the purposes of that Act in relation to the environment.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Water Supply Regulations 2010 and come into force on 20th April 2010.

PART 2

The Water Supply (Water Quality) Regulations 2000

Amendment of the Water Supply (Water Quality) Regulations 2000

2. The Water Supply (Water Quality) Regulations 2000(e) are amended in accordance with this Part.

Regulation 17

3. In regulation 17 omit paragraph (8).

(a) OJ No L 31, 1.2.2002, p 1.
(b) 1991 c. 56.
(c) 1972 c. 68.
(d) S.I. 2008/301.
(e) S.I. 2000/3184, as amended by S.I. 2007/2734.

Regulation 18

4.—(1) Regulation 18 is amended as follows.

(2) In paragraph (1) after the words “indicator parameters set out in Schedule 2, it shall”, insert “immediately”.

(3) Omit paragraph (4).

Regulation 19

5.—(1) Regulation 19 is amended as follows.

(2) In paragraphs (1)(a)(i) and (3)(a)(i) omit the words “in Part II of Table A or”.

(3) In paragraph (4)—

(a) for “risk to human health” substitute “potential danger to human health”; and

(b) for “may by notice in writing” substitute “must by notice in writing”.

Regulation 19A

6. After regulation 19 insert—

“Failure attributable to domestic distribution system where water is supplied to the public

19A.—(1) Paragraph (3) applies where the Secretary of State considers that the failure (or, in the case of regulation 17, apprehended failure) disclosed by a notification under regulation 17(5) or regulation 18(2)—

(a) is attributable to the domestic distribution system, or the maintenance of that system, in premises where water supplied for regulation 4(1) purposes is made available for use by members of the public, including schools within the meaning of the Education Act 1996(a), hospitals and restaurants;

(b) is not trivial and is likely to recur; and

(c) in the case of a notification given under regulation 18(2), poses a potential danger to human health.

(2) References in this regulation to “failure” are references to a failure or apprehended failure of the type referred to in paragraph (1).

(3) Subject to paragraph (7), the Secretary of State must serve a notice in writing on—

(a) the water undertaker that supplies water to the premises; or

(b) the water undertaker whose supply system is used for the purpose of a licensed water supplier making a supply of water to the premises,

requiring it to exercise the power conferred by section 75(2) of the Act in respect of the failure.

(4) The provisions of section 75(2) to (12) of the Act apply in relation to the exercise of the power in section 75(2) in pursuance of a notice served under paragraph (3), subject to the modifications in paragraph (5).

(5) Those modifications are—

(a) subsections (2)(b) and (4) are to be read as if any reference to “damage, contamination, waste, misuse or undue consumption” were a reference to the failure.

(b) subsection (9) is to be read as if for the words from “the water undertaker” to the end of paragraph (b) there were substituted—

(a) 1996 c. 56.

“the water undertaker—

- (a) must take those steps itself; and
- (b) subject to subsection (10) may recover any expenses reasonably incurred by the undertaker in taking those steps from the person on whom the notice was served;”.

(6) Where the water undertaker exercises the power in section 75(2) of the Act pursuant to a notice served by the Secretary of State under paragraph (3) it must inform by notice in writing any of its other consumers who are likely to be affected of the steps it has taken, and that notice must include a copy of any notice that it has served.

(7) Where the Secretary of State considers that the failure (or any aspect of it) is attributable to factors arising from the further distribution by a person other than a water undertaker or licensed water supplier of water supplied by a water undertaker or licensed water supplier, the Secretary of State—

- (a) must not serve a notice under paragraph (3) in respect of that failure or aspect of it; and
- (b) if the Secretary of State considers that the local authority needs information or assistance from the water undertaker or licensed water supplier in order to be able to carry out its duties under regulation 15 or 16 of the Private Water Supplies Regulations 2009(a), the Secretary of State must serve a notice on the water undertaker or licensed water supplier requiring it to provide such information or assistance to the local authority as is specified in the notice.

(8) It is the duty of the water undertaker or licensed water supplier on which a notice under this regulation has been served to take the steps specified in the notice.

(9) The duty of a water undertaker or licensed water supplier under this regulation is enforceable under section 18 of the Act.”.

Regulation 20

7. In regulation 20(1)(a) omit the words “in Part II of Table A or”.

Regulation 26

8. After regulation 26(1) insert—

“(1A) A water undertaker or combined licensee must—

- (a) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the effectiveness of the disinfection; and
- (b) verify the effectiveness of the disinfection process.”.

Schedule 3

9.—(1) For Table 2 in Schedule 3 substitute the Table in Schedule 1.

(2) For Table 3 in Schedule 3 substitute the Table in Schedule 2.

(a) S.I. 2009/3101.

PART 3

The Private Water Supplies Regulations 2009

Amendment of the Private Water Supplies Regulations 2009

10. In regulation 5 of the Private Water Supplies Regulations 2009^(a)—

(a) re-number the current regulation 5 as regulation 5(1), and

(b) after paragraph (1) insert—

“(2) Where disinfection forms part of the preparation or distribution of water, the relevant person (as defined in section 80 of the Water Industry Act 1991) must—

(a) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the effectiveness of the disinfection,

(b) ensure that the effectiveness of the disinfection process is maintained,

(c) verify the effectiveness of the disinfection process, and

(3) For the purposes of this regulation, “disinfection” means a process of water treatment—

(a) to remove, or

(b) to render harmless to human health,

every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water.”.

Huw Irranca-Davies

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

25th March 2010

SCHEDULE 1

Regulation 9

Table 2 in Schedule 3 of the Water Supply (Water Quality) Regulations 2000

“TABLE 2

Annual Sampling Frequencies: Water Supply Zones

Note: This table sets out the annual sampling frequencies for all the substances and parameters in column 1. These are determined for each water supply zone according to its estimated population (column 2). The number of samples is either the standard number in column 4 or the reduced number in column 3 (if one is given). Regulation 9 provides for the circumstances in which the reduced number of samples may be taken.

(a) S.I. 2009/3101.

(1) <i>Substances and parameters subject to monitoring</i>	(2) <i>Estimated population of water supply zone</i>	(3) <i>Reduced</i>	(4) <i>Standard</i>
<i>Subject to check monitoring</i>			
<i>E. coli</i>	< 100		4
Coliform bacteria	≥ 100		12 per 5,000 population ⁽ⁱ⁾
Residual disinfectant			
Aluminium	<100	1	2
Ammonium	100–4,999	2	4
<i>Clostridium perfringens</i> (including spores) ⁽ⁱⁱ⁾	5,000–9,999	6	12
	10,000–29,999	12	24
Colony counts	30,000–49,999	18	36
Colour	50,000–79,999	26	52
Conductivity ⁽ⁱⁱ⁾	80,000–100,000	38	76
Hydrogen ion			
Iron			
Manganese			
Nitrate ⁽ⁱⁱⁱ⁾			
Nitrite ⁽ⁱⁱⁱ⁾			
Odour			
Taste			
Turbidity			
<i>Subject to audit monitoring</i>			
Aluminium	<100		1
Antimony	100–4,999		4
Arsenic	5,000–100,000		8
Benzene ⁽ⁱⁱ⁾			
Benzo(a)pyrene			
Boron ⁽ⁱⁱ⁾			
Bromate ^(iv)			
Cadmium			
Chromium			
<i>Clostridium perfringens</i> (including spores)			
Copper			
Cyanide ⁽ⁱⁱ⁾			
1,2 dichloroethane ⁽ⁱⁱ⁾			
Enterococci			
Fluoride ⁽ⁱⁱ⁾			
Iron			
Lead			

<i>(1) Substances and parameters subject to monitoring</i>	<i>(2) Estimated population of water supply zone</i>	<i>(3) Reduced</i>	<i>(4) Standard</i>
Manganese Mercury ⁽ⁱⁱ⁾ Nickel Nitrate ⁽ⁱⁱⁱ⁾ Nitrite ⁽ⁱⁱⁱ⁾ Pesticides and related products ⁽ⁱⁱ⁾ Polycyclic aromatic hydrocarbons Selenium Sodium Trichloroethene/ Tetrachloroethene ⁽ⁱⁱ⁾ Tetrachloromethane ⁽ⁱⁱ⁾ Trihalomethanes Chloride ⁽ⁱⁱ⁾ Sulphate ⁽ⁱⁱ⁾ Total organic carbon ⁽ⁱⁱ⁾ Tritium ⁽ⁱⁱ⁾ Gross alpha ^{(ii) (v)} Gross beta ^{(ii) (v)}			

⁽ⁱ⁾ Where the population is not an exact multiple of 5,000, the population figure should be rounded up to the nearest multiple of 5,000.

⁽ⁱⁱ⁾ Sampling for these parameters may be within water supply zones or at supply points as specified in Table 3, subject to notes (iii) and (iv) below.

⁽ⁱⁱⁱ⁾ Check monitoring in water supply zones is required only where chloramination is practised. In other circumstances audit monitoring is required.

^(iv) Audit monitoring in water supply zones is required only where sodium hypochlorite is added after water has left the treatment works. In other circumstances, audit monitoring is required at supply points.

^(v) To monitor for total indicative dose (for radioactivity).”

SCHEDULE 2

Regulation 9

Table 3 in Schedule 3 of the Water Supply (Water Quality) Regulations 2000

“Table 3

Annual Sampling Frequencies: Treatment Works or Supply Points

Note 1: Sampling is at treatment works for the substances and parameters shown in column (1) of the Table as items (1) to (6) and at supply points for the other substances and parameters, except nitrite subject to footnotes (i) and (iv) to the Table below.

Note 2: This table sets out the annual sampling frequencies for all the substances and parameters in column 2 at treatment works or supply points. The frequencies are determined according to the volume of water supplied at each treatment works or supply point (column 3). The number of samples is either the standard number in column 5 or the reduced number in column 4 (if one is given). Regulation 9 provides for the circumstances in which the reduced number of samples may be taken.

(1) <i>Item</i>	(2) <i>Substances and parameters</i>	(3) <i>Volume of water supplied m3/d</i>	(4) <i>Reduced</i>	(5) <i>Standard</i>
1.	<i>E. coli</i>	<20	-	4
2.	Coliform bacteria	20–1,999	12	52
3.	Colony counts	2,000–5,999	52	104
4.	Nitrite ⁽ⁱ⁾	6,000–11,999	104	208
5.	Residual disinfectant	≥12,000	104	365
6.	Turbidity			
<i>Subject to check monitoring</i>				
7.	<i>Clostridium perfringens</i> ⁽ⁱⁱ⁾	<20	-	2
8.	Conductivity	20–999	2	4
		1,000–1,999	6	12
		2,000–5,999	12	24
		6,000–9,999	18	36
		10,000–15,999	26	52
		16,000–32,999	52	104
		33,000–49,999	78	156
		50,000–67,999	104	208
		68,000–84,999	130	260
		85,000–101,999	156	312
		102,000–119,999	183	365
		120,000–241,999	365	730
		242,000–484,999	730	1,460
		485,000–728,999	1,095	2,190
<i>Subject to audit monitoring</i>				
9.	Benzene	<20		1
10.	Boron	20–999		4
11.	Bromate ⁽ⁱⁱⁱ⁾	1,000–49,999		8
11A.	<i>Clostridium</i>	50,000–89,999		12
	<i>Perfringens</i> (including spores)	90,000–299,999		24
		300,000–649,999		36

(1) <i>Item</i>	(2) <i>Substances and parameters</i>	(3) <i>Volume of water supplied m³/d</i>	(4) <i>Reduced</i>	(5) <i>Standard</i>
12.	Cyanide	≥650,000		48
13.	1,2 dichloroethane			
14.	Fluoride			
15.	Mercury			
16.	Nitrite ^(iv)			
17.	Pesticides and related products			
18.	Trichloroethene/ Tetrachloroethene			
19.	Tetrachloromethane			
20.	Chloride			
21.	Sulphate			
22.	Total organic carbon			
23.	Tritium			
24.	Gross alpha ^(v)			
25.	Gross beta ^(v)			

⁽ⁱ⁾ Sampling at treatment works when chloramination is practised.

⁽ⁱⁱ⁾ Check monitoring is required only in respect of surface waters (see regulation 6(2) and Table 1 in Schedule 3).

⁽ⁱⁱⁱ⁾ Audit monitoring at supply points is required only where sodium hypochlorite is not added after water has left the treatment works. In other circumstances, audit monitoring is required in water supply zones.

^(iv) Sampling at treatment works when chloramination is not practised.

^(v) To monitor for total indicative dose (for radioactivity).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement aspects of Council Directive 98/83/EC (on the quality of water intended for human consumption, OJ No L 330, 5.12.1998, p 32) by amending the Water Supply (Water Quality) Regulations 2000 (SI 2000/3184) (“the 2000 Regulations”) and the Private Water Supplies Regulations 2009 (SI 2009/3101) (“the 2009 Regulations”). The remainder of that Directive has already been implemented by those two instruments.

The 2000 Regulations are amended as follows. The service of a notice on the relevant supplier where there is a failure to meet the specification applicable to an indicator parameter and that failure poses a potential danger to human health under regulation 19(4) has been made mandatory.

Regulation 19A (Failure attributable to domestic distribution system where water is supplied to the public) is inserted and requires the Secretary of State to require the water undertaker (1) to take remedial action and (2) to provide information or assistance to the local authority where necessary. Remedial action must be notified to consumers (regulation 19A(6)).

Regulation 20 (Authorisation of temporary supply of water that is not wholesome) is amended to remove the power to authorise a departure in respect of the parameters specified in Part II of Table A in Schedule 1 (Coliform bacteria and *E. coli*). Consequential amendments are made to regulation 19.

In both the 2000 Regulations and the 2009 Regulations provision is made for ensuring that disinfection by-products are kept as low as possible without compromising disinfection and that the effectiveness of the disinfection process is verified.

Table 2 (Annual Sampling Frequencies: Water Supply Zones) and Table 3 (Annual Sampling Frequencies: Treatment Works or Supply Points) in Schedule 3 to the 2000 Regulations have been replaced with Tables with an altered layout and an additional note.

A full impact assessment has not been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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