

Private Water Supplies (England) Regulations 2016

Note on the transposition of Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption

These regulations do what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Provision of Directive	Objectives	Implementation	
		Provision of Regulations	Comment
Article 1 Subject matter	Subject matter of the Directive is the protection of the public with regard to radioactive substances in drinking water. It lays down parametric values and frequencies and methods for monitoring radioactive substances.	Regulation 11 Schedule 1, Part 3 (Table D) Schedule 2, Part 2 Schedule 3, Part 3	<p>Regulation 11 sets out the monitoring requirements for radioactive substances (ID, radon and tritium).</p> <p>The parametric values for ID, radon and tritium are set out in Table D in Part 3 of Schedule 1.</p> <p>The frequencies applicable to monitoring of radioactive substances are set out in regulation 11(6) and (7) and in Table 3 of Part 2 of Schedule 2 (sample frequency for audit monitoring).</p> <p>The methods for monitoring for radioactive substances are set out in regulation 11 and in Part 3 of Schedule 3.</p>

<p>Article 2 Definitions</p>	<p>Definitions are provided for the purpose of this Directive.</p>	<p>Article 2(1) “water intended for human consumption” – regulation 3(1) Article 2(2) “radioactive substances” – not defined Article 2(3) “indicative dose” or “ID” – regulation 2 Article 2(4) “parametric value”– not defined</p>	<p>We have not defined “radioactive substances” as the obligations are framed in the regulations in terms of the individual substances (ID, radon, and tritium). “Parametric value” is not defined but is given effect through regulations 2 (which defines “parameter”), 11, 16 and 18 and Schedule 1, Part 3 (Table D).</p>
<p>Article 3 Scope and exemptions</p>	<p>The scope of the Directive is described. Member States may exempt certain water supply from its application.</p>	<p>Article 3(1) – regulation 3(1) Article 3(2) – regulation 3(2) Article 3(3) (a) – regulation 3(1) Article 3(3)(b) – regulation 6(2), 11(1) and (8) Article 3(4) – regulation 6, regulation 15, 16 and 18</p>	<p>The monitoring requirements for radioactive substances in relation to single dwellings not provided as part of a commercial or public activity are set out in regulation 11(8) as a derogation from the requirements in regulation 11(1).</p>
<p>Article 4 General obligations</p>	<p>Member States are required to establish a monitoring programme for water intended for human consumption.</p>	<p>Article 4 – regulation 6, 11, 16 and 18</p>	<p>Regulation 6 requires local authorities to carry risk assessments, which must establish whether there is a risk of supplying water that would constitute a potential danger to human health Regulation 11 sets out the monitoring requirements for radioactive substances. Regulation 16 requires local</p>

			<p>authorities to carry out an investigation if it suspects that a private water supply does not comply with a radioactive substances parameter. If, following an investigation, it establishes that the water is unwholesome, the local authority must take the steps specified in regulation 16(3) to (5) (as applicable, which include remedial action.</p> <p>Regulation 18 requires a local authority to serve a notice on the relevant person if any private water supply constitutes a potential danger to human health. That notice must specify the action necessary to protect human health and restore the quality of the water supply. It is an offence for a person to fail to comply with a notice served under regulation 18.</p>
<p>Article 5 Parametric values and points of compliance</p>	<p>Member States are required to set parametric values and points of compliance</p>	<p>Article 5(1) - Schedule 1, Part 3 (Table D) Article 5(2) – regulation 12(1) Article 5(3) – not applicable to private water supplies</p>	
<p>Article 6 Monitoring and analysis</p>	<p>Member States are required to ensure that monitoring of radioactive substances and the ID is undertaken.</p>	<p>Article 6(1), para 1 - regulation 11 Schedule 2, Part 2 Schedule 3, Part 3</p> <p>Article 6(1) para 2 (first sentence)-</p>	<p>Regulation 11 sets out the monitoring requirements for radioactive substances.</p> <p>The frequencies applicable to monitoring of radioactive substances are set out in Table 3</p>

			regulation 6, 12 and paragraph 2 of Table 3 in Part 2 of Schedule 2 Article 6(1) para 2, second sentence – not within scope of these regulations Article 6(2) – regulation 11(5)(b), Part 3 of Schedule 3 Article 6(3) – regulation 12 and Schedule 3, Part 1, paragraph 1	of Part 2 of Schedule 2, subject to the provisions in regulation 11. The methods for monitoring for radioactive substances are set out in regulation 11 and in Part 3 of Schedule 3.
Article 7 Remedial action and notification of the general public	Member States are required to ensure that failures to comply with parametric values are investigated. Where there is a risk to human health that requires action then remedial action should be taken and the public should be informed of the risk.		Article 7(1) – regulation 16 Article 7(2) and (3) – regulation 15, 16 and 18	
Article 8 Transposition into national law			Does not need to be transposed	
Article 9 Entry into force			Does not need to be transposed	
Article 10 Addressees			Does not need to be transposed	
Annex 1 Parametric values for radon, tritium and ID of water intended for human consumption	This Annex sets out the parametric values for radon, tritium and ID of water intended for human consumption		Schedule 1, Part 3, Table D, footnotes (ii) and (iii)	
Annex II	This Annex sets out the requirements			Monitoring for tritium and ID is

<p>Monitoring of radioactive substances</p>	<p>for monitoring radioactive substances</p>	<p>Paragraphs 1 to 4 - regulation 11 Paragraph 5 -Schedule 1, Part 3, Table D, footnote (i) Paragraph 6 – Table 3 in Part 2 of Schedule 2 Paragraph 7 – regulation 11(9) and 16</p>	<p>subject to the frequencies as set out for audit monitoring in Table 3 of Part 2 of Schedule 2 (in accordance with the discretion in Note 2 to the table in paragraph 6 of the Directive). Monitoring for radon and for naturally occurring radionuclides is to be at frequencies determined by the local authority, based on the risk assessment carried out under regulation 6. The requirement to investigate a failure of an indicator parameter.</p>
<p>Annex III Monitoring for indicative dose and analytical performance characteristics</p>	<p>This Annex sets out the requirements for monitoring for ID and analytical performance characteristics</p>	<p>Schedule 3, Part 3 11(4)(b) 11(2)(b)</p>	<p>11(2)(b)provides the option to use a screening strategy for ID.</p>