



Department  
for Environment  
Food & Rural Affairs

[www.gov.uk/defra](http://www.gov.uk/defra)

# **Consultation on the draft Water Supply (Water Quality) Regulations 2016**

**February 2016**



© Crown copyright 2016

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the open government licence v.3. To view this licence visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/) or email [PSI@nationalarchives.gsi.gov.uk](mailto:PSI@nationalarchives.gsi.gov.uk)

This publication is available at: <https://consult.defra.gov.uk/water/drinking-water-regulations>

Any enquiries regarding this publication should be sent to us at:

Drinking Water Quality  
Area 3D  
Nobel House  
17 Smith Square  
SW1P 3JR

Email: [drinkingwaterquality@defra.gsi.gov.uk](mailto:drinkingwaterquality@defra.gsi.gov.uk)

# Contents

Summary of consultation .....4

Introduction .....6

Transposition of the Euratom Directive .....6

    New requirements .....8

    Amendments to improve clarity .....9

Consultation questions.....10

Next steps.....10

# Summary of consultation

This consultation seeks views on draft regulations which revoke and replace the Water Supply (Water Quality) Regulations 2000 (as amended). We intend to lay the draft regulations in spring/summer 2016.

## Geographical extent

The draft regulations apply to water undertakers and licensed water suppliers whose areas are wholly or mainly in England. Part 10 of the draft regulations applies to water companies and water suppliers in England. Separate regulations will be made in Scotland, Wales and Northern Ireland covering supplies of water in those countries.

## Purpose

This consultation seeks views on proposals to consolidate and update existing legislation governing the public water supply. The following proposals are discussed:

- Application of new monitoring requirements for radioactive substances laid down in Directive 2013/51/EURATOM.
- Introduction of two changes, one to reduce the waiting time relating to the use of new sources of water and one to clarify requirements concerning data storage.
- Additional wording and numbering changes to improve clarity where the Drinking Water Directive (Council Directive 98/83/EC) has been transposed.
- Additional wording or numbering changes to improve clarity of the regulations for water companies and local authorities.

## Audience

We would like to hear from anyone with an interest in drinking water quality including but not limited to water companies, inset companies and associated industry bodies.

## Format

This consultation document is divided into sections covering the proposals above. Questions are included throughout the document and are then summarised again at the end of the document.

The responses to these questions will assist in the final drafting of the regulations in England, and will check the accuracy of assumptions that have been made during the preparation of associated impact assessment documents which will be published post consultation.

## Responding to this consultation

This consultation will run for 6 weeks from 1 February 2016 to 14 March 2016. Please complete the online survey at <https://consult.defra.gov.uk/water/drinking-water-regulations>

Alternatively you can send your comments and any enquiries, by email to: [drinkingwaterquality@defra.gsi.gov.uk](mailto:drinkingwaterquality@defra.gsi.gov.uk)

## **Confidentiality & Data Protection**

Information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

## Introduction

The Water Supply (Water Quality) Regulations were first introduced in 1989 to provide a legislative framework for the quality of water intended for human consumption supplied by water companies or licensed water suppliers. The 1989 regulations were revoked and replaced by the Water Supply (Water Quality) Regulations 2000 (SI No 2000/3184); which in turn have been amended several times. The Water Supply (Water Quality) Regulations 2000, the '2000 Regulations', transposed the requirements of Council Directive 98/83/EC on the quality of water intended for human consumption (known as the Drinking Water Directive or "DWD"). The Drinking Water Directive included standards for radioactive substances but did not set monitoring requirements for these substances, instead indicating they would be adopted at a later stage.

This consultation concerns proposed amendments to the 2000 Regulations as amended, primarily to transpose the requirements of Council Directive 2013/51/Euratom to lay down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (referred to in this document as "the Euratom Directive").

We are also taking the opportunity to clarify certain aspects of the 2000 Regulations. In doing so, we are aiming to remove unnecessary burdens on business which are not laid down in the overarching EU legislation, known as "gold-plating".

In keeping with the government's commitment to better regulation, the 2000 Regulations will be consolidated into new regulations, rather than amending regulations being issued.

The draft regulations are included as an Annex to be read alongside this document.

The draft regulations have a review clause that obliges the Secretary of State to carry out a review of the regulations as set out in the Small Business, Enterprise and Employment Act 2015.

## Transposition of the Euratom Directive

The draft regulations introduce new requirements for water companies and water suppliers to monitor for radioactive substances as required by Article 6 and Annex II of the Euratom Directive. These will mainly focus on monitoring for radon, but will also cover Indicative Dose (ID) and tritium.

The relevant requirements in the draft regulations are set out below:

## Regulation 6: Monitoring

The new provisions for monitoring for radioactive substances required by the Euratom Directive are transposed through regulation 6 (monitoring: general provisions) by the addition of the following provisions to the draft regulations.

### Radon

- **Regulation 6(8)(a)** sets out the requirement for a representative survey to determine the risk of radon occurring in a water supply at levels that may exceed the parametric value for radon set out in Schedule 2 to the draft regulations. Regulation 6(9) provides the details of what the representative survey for radon should cover. Regulation 6(8)(b) requires monitoring for radon where the results of the representative survey or other information indicate that the parametric value for radon might be exceeded.

### Tritium

- **Regulation 6(10)** sets out a requirement for a water supplier to monitor where there is a risk of an anthropogenic source of tritium or other artificial radionuclides being present at levels above the parametric value. If the parametric value is exceeded, an investigation of the presence of other artificial radionuclides must be carried out.

### Indicative Dose

- **Regulation 6(7)** sets out a requirement for a water supplier to monitor a water supply for the parameter Indicative Dose (ID) as set out in Schedule 2, and that a water supplier may use a screening method for gross alpha and beta activity; if the values in Schedule 2 are exceeded, further analysis should be carried out for specific radionuclides in accordance with Schedule 4.

Water companies can use the Drinking Water Inspectorate's (DWI) recently published research on [\*'Understanding the Implications of the EC's Proposals Relating to Radon in Drinking Water for the UK'\*](#) to help identify those drinking water supplies in high, moderate and low risk areas for radon, as part of their risk based approach.

## Regulations 6(11) to (14): Exemptions from monitoring for radioactive substances

Regulation 6(7) of the current Regulations prescribes the notice process for exemptions for monitoring for tritium and TID (Total Indicative Dose). The draft regulations update (and re-number) this provision to include radon – see regulation 6(11)(b) and 6(13)(b). This meets the provision set out in the Euratom Directive that allows an exemption from monitoring for radioactive substances if the Competent Authority (DWI) is satisfied that the levels of such parameters is not likely to exceed the respective parametric values.

**Q1. Are there any aspects of the new monitoring requirements for radioactive substances where you require further clarity?**

## **Regulation 19: Investigations: indicator parameters**

Regulation 18 of the 2000 Regulations has been re-numbered as regulation 19 in the draft regulations. Regulation 19(1)(d) of the draft regulations sets out a new requirement which specifies that if the parametric value for tritium is exceeded, it must be investigated to see if the cause is the presence of artificial radionuclides. Otherwise, the existing provisions in regulation 18 of the 2000 Regulations are carried forward into new regulation 19.

## **Schedule 2: Indicator parameters**

Schedule 2 has been amended to include radon parametric value [100Bq/l], and gross alpha and beta as screening method for ID with corresponding values [0.1Bq/l and 1Bq/l respectively]. Various footnotes [ii, iii and iv] have been added in respect of requirements of the Euratom Directive Annexes.

## **Schedule 3: Monitoring: Tables 2 and 3**

Radon has been added to the list of parameters in tables 2 and 3 in Schedule 3 that are subject to audit monitoring. Footnotes relevant to the Euratom Directive Annexes have also been added.

## **New Schedule 4: Monitoring for indicative dose and analytical performance characteristics**

A new Schedule 4 has been added to set out the requirements of Euratom Directive Annexes in respect of monitoring for indicative dose and for individual radionuclides when the screening method values are exceeded. This is currently set out in guidance, but will now be included in regulations. Schedule 4 to the 2000 Regulations has been re-numbered to Schedule 5

**Q2. Are there any aspects of the new technical requirements for radioactive substances where you require further clarity?**

## **New requirements**

In addition to the amendments set out above, we are also proposing to include two new requirements in the regulations.

## **Regulation 15(5): New Sources**

Under the 2000 Regulations, when a water supplier wants to bring a new source of water into use they must submit a risk assessment to the Secretary of State and then wait a period of three months before they can use the supply. This applies to new supplies in normal circumstances, not to new supplies needed for emergency reasons.

The amendment will reduce the waiting time from three months to one month. This will be an advantage to water suppliers as they will be able to bring in new sources quicker than currently allowed, while still providing the protection afforded by the risk assessment process. This change will be included in regulation 15(5).



**Q3. Do you have any comments in relation to the proposed reduction in waiting time for bringing in new supplies?**

### **Regulation 34(1): Records and Information**

Regulation 34(1)(g) and regulation 34(1)(h) have been amended to ensure that electronic records and customer contacts are kept for the same length of time as other records. This will ensure water companies retain all their online monitoring data and details of their advice to consumers that are collected over time. This will help water companies deliver a higher quality of standard to customers.

**Q4. Do you have any comments in relation to the amendments to the storage of records and information?**

## **Amendments to improve clarity**

A number of other amendments have been proposed that are designed to improve the clarity of the regulations. These should have a significant impact as the aim is to better align the wording with government's policy aims.

### **Regulation 4(6): Transfer of water from service reservoirs**

The wording of regulation 4(6) has been amended to clarify that water leaving a service reservoir will be regarded as unwholesome if more than 5% of samples in a calendar year exceed the relevant parametric value for the coliform bacteria parameter.

### **Regulations 27 and 28: Risk Assessment**

Regulations 27 and 28 have been amended to ensure that the risk assessments also cover the likelihood that water becomes unwholesome, as well as potential risk to human health. This provides better alignment with aims of the DWD, that water for human consumption should be wholesome and clean and not a potential danger to human health.

### **Regulations 29 and 30: Contamination of pipes and replacement of lead pipes**

Regulation 30 of the 2000 regulations has been split into regulation 29 and regulation 30 in the draft regulations. New regulation 29 will cover the existing requirements for treatment of water to minimise leaching from pipes, mainly for lead. The new regulation 30 incorporates the existing requirements on suppliers to replace lead pipes and also reflects the new lead standard that came into force on 25 December 2013.

### **Changes to numbering**

There have been changes to numbering of the current regulations that should be noted but are not significant in terms of major regulatory activities. These are:

- Regulation 16A (drinking water abstraction points: monitoring sites) now becomes regulation 17

- Regulation 18 becomes 19
- Regulation 19 becomes 20
- Regulation 19A becomes 21
- Authorisations are now covered by regulation 22 to 25.

**Q5. Do you have any comments in relation to the proposed amendments to improve the clarity of the draft Water Supply (Water Quality) Regulations 2016?**

**Q6. Do you have any general comments you wish to make on the proposals for the draft Water Supply (Water Quality) Regulations 2016?**

## Consultation questions

Question 1: Are there any aspects of the new monitoring requirements for radioactive substances where you require further clarity?

Question 2: Are there any aspects of the new technical requirements for radioactive substances where you require further clarity?

Question 3: Do you have any comments in relation to the proposed reduction in waiting time for bringing in new supplies?

Question 4: . Do you have any comments in relation to the amendments to the storage of records and information?

Question 5: Do you have any comments in relation to the proposed amendments to improve the clarity of the Water Supply (Water Quality) Regulations?

Question 6: We should be grateful for any general comments you wish to make on the proposals for the draft Water Supply (Water Quality) Regulations 2016?

## Next steps

The consultation will run for 6 weeks. Views and evidence provided during this consultation will help inform the final draft Water Supply (Water Quality) Regulations before they are laid in spring/summer 2016.

The government will provide an official response to the views provided, after the consultation ends.