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NI DWI Information Letter 05/10

To: Board Level Contact of Northern Ireland Water Ltd, Asset Management Directorate

The Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2010 and The Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010

Dear George

1. Purpose

This letter is to inform NI Water and stakeholders of the publication of two new statutory rules relating to the regulation of public water supplies in Northern Ireland. The first set of regulations makes amendments to The Water Supply (Water Quality) Regulations (Northern Ireland) 2007; and the second set relates to domestic distribution systems within public buildings. Both sets of regulations came into operation on 20 April 2010. The information below summarizes the key aspects of this new legislation and the forward process for the update of the Inspectorate's guidance documents.

2. Background

2.1 At the end of 2009 the United Kingdom was formally notified of the European Commission's Reasoned Opinion in relation to the transposition of Council Directive 98/83/EC on the quality of water intended for human consumption. The Reasoned Opinion identified a number of areas where the Commission concluded that the United Kingdom had not adequately transposed the requirements of the Directive into national legislation. Failure to satisfy the requirements of Reasoned Opinion can result in infraction proceedings being brought against the United Kingdom in the European Court. As a consequence, various aspects of the legislation relating to both public and private water supplies in Northern Ireland required amendment.

2.2 Two new statutory rules were made in Northern Ireland to meet the requirements of the Reasoned Opinion in relation to the public drinking water supply. These were:

- [The Water Supply \(Water Quality\) \(Amendment\) Regulations \(Northern Ireland\) 2010 SR 128](#)
- [The Water Supply \(Domestic Distribution Systems\) Regulations \(Northern Ireland\) 2010 SR 157](#)

The key aspects of these regulations are described below. Copies of the full regulations can be obtained from the weblinks given above.

3. Changes to The Water Supply (Water Quality) Regulations (Northern Ireland) 2007

3.1 The Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2010 make changes to the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended in 2009) in relation to the following.

Notification to Health Authorities

3.2 On the establishment of the **Regional Agency for Public Health and Social Well-being**, any references to the regional health and social services care trust, detailed in the 2009 Amendment Regulations, are to be omitted. If NI Water is required to notify under regulation 33(6), this notification should be to the Regional Agency for Public Health and Social Well-being. NI Water has in practice been notifying to this agency and the change is required to bring the regulations in line with organizational changes by the health authorities.

Domestic Distribution Systems

3.3 New Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010 have been made (paragraph 5 below refers). In order to take account of the specific requirements of these new regulations, it is necessary to remove regulations 17(8) and 18(4) from the 2007 Regulations, which had previously dealt with failures where they are deemed to be attributable to the **domestic distribution system** in a building where water is supplied to the public.

Disinfection

3.4 Regulation 26 has been amended to require NI Water to keep **disinfection by-products** as low as possible without compromising disinfection, and to verify the effectiveness of disinfection.

Authorised Departures

3.5 Minor amendments have been made to the wording of existing **Regulations 19 and 20** to ensure that a departure cannot be authorised for the *E. coli* or coliform bacteria standards.

Other Changes

3.6 **Tables 2 and 3 in Schedule 3** of the 2007 Regulations which specify the monitoring frequencies have been replaced with new tables. The content of these tables is the same and does not change the current regulatory frequencies, but the format of the tables has been updated to improve clarity on working out the required frequencies from the respective population or volume columns.

3.7 Minor amendments have also been made to the wording of several other regulations to bring these into line with the requirements of the Directive.

4. Changes to the Water and Sewerage Services (Northern Ireland) Order 2006

4.1 The Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2010 make **changes to Article 31(3)(b) of the 2006 Order**. The amendment will clarify existing publication arrangements to ensure that, where the enforcement authority (the Inspectorate) accepts an undertaking, then the publication notice includes summary details of the steps to be taken. This should not change existing practice.

5. The Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010

5.1 The above regulations are made jointly by the Department of the Environment and the Department for Regional Development and are to be administered by the Inspectorate, acting jointly for both Departments.

5.2 Where water is supplied to the public and the failure is attributable to the domestic distribution system within the premises, the regulations require the Inspectorate to, where appropriate, serve a notice on the owner/occupier of the premises. The serving of such a notice will ensure that remedial action is taken to rectify the failure. It would be an offence under these regulations not to comply with the terms of a notice.

5.3 NI Water should continue to notify the Inspectorate of failures identified under regulations 17(5) and 18(2) of The Water Supply (Water Quality) Regulations (Northern Ireland) 2007. The notification should include details of the failure and the outcome of the investigation undertaken into the failure. In cases where the outcome of the investigation has shown that the failure is attributable to the domestic distribution system and the water is supplied to members of the public, it should clearly state on the **notification** that it is being made under **regulation 2(1)** of the above regulations.

6. Guidance on Amended Legislation

6.1 The Inspectorate's existing guidance documents on the regulation of public water supplies are subject to regular review. Now that the final wording of the amending and additional regulations detailed in this information letter is known, the Inspectorate will be reviewing and issuing appropriate guidance.

6.2 The Inspectorate will engage with NI Water and appropriate stakeholders through established networks regarding the contents of its guidance in relation to these regulations.

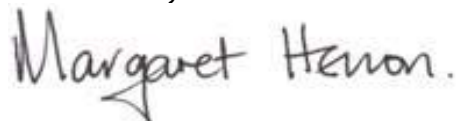
7. Enquiries

7.1 Any enquiries relating to this letter should be addressed to Margaret Herron (Tel: 028 9056 9294) or David O'Neill (Tel: 028 9056 9243).

7.2 Copies of this letter are being sent to the Director of Water Policy Division, DRD; the Director, Planning and Natural Resources Division, DoE; the Director of Environmental Protection (Northern Ireland Environment Agency); the Director of Public Health; Consultants in Health Protection; the Chief Environmental Health Officer (DHSSPS); Chief Environmental Health Officers of district councils; and the Director of Water Regulation, NIAUR.

7.3 Please acknowledge receipt of this letter, by e-mail to dwi@doeni.gov.uk

Yours sincerely



Margaret Herron
Chief Inspector of Drinking Water
Drinking Water Inspectorate