

**CONSULTATION ON DRAFT REGULATIONS  
IMPLEMENTING DIRECTIVE 98/83/EC OF 3  
NOVEMBER 1998 ON THE QUALITY OF WATER  
INTENDED FOR HUMAN CONSUMPTION IN  
RESPECT OF PRIVATE WATER SUPPLIES**

**SUMMARY OF RESPONSES**

**OCTOBER 2009**

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## **1. Introduction**

On 12 June 2009 the Department of the Environment published a consultation paper on proposals to transpose Directive 98/83/EC on the quality of water intended for human consumption in respect of Private Water Supplies. The full text of the consultation paper is available on the Department's website at: [www.doeni.gov.uk](http://www.doeni.gov.uk)

The Directive sets new standards for water intended for human consumption ("drinking water") that Member States are required to meet. It also sets indicator parameter values for monitoring purposes, but Member States are only required to take action when non-compliance of an indicator parameter value is judged to be a risk to human health.

The consultation paper set out the proposed approach to transposition of the Directive in Northern Ireland and posed questions designed to elicit views on this approach.

It is the Department's intention to transpose the Directive by way of Regulations.

## **2. Consultation**

The consultation period ran from 12 June 2009 to 9 September 2009. The consultation exercise closed on 9 September 2009.

Views were sought on 13 specific points:

1. Do you agree with the proposed exemptions from the Private Water Supplies Regulations?
2. Do you agree with the parameters included in the definition of wholesomeness, in particular with the inclusion of "national parameters"?
3. Do you agree that for new installations for the preparation and distribution of private supplies, only substances and

products which conform to the specification within regulation 30 of the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 for the purposes of public water supplies may be used?

4. Do you agree that the Department should put in place risk assessments of private supplies to assist it in carrying out its duties under the proposed Regulations?
5. Do you agree that the Department should put in place risk assessments of each supply within eighteen months of the coming into operation of the Regulations?
6. Do you agree with the minimum check and audit monitoring frequencies?
7. Do you agree that the Department should take into account the findings of risk assessments when deciding whether to exclude parameters from audit monitoring?
8. Are you content that rather than engaging in mandatory testing of small shared domestic supplies, the Department may carry out monitoring and testing where deemed appropriate?
9. Are you content with the approach proposed in respect of private supplies to single private dwellings?
10. Do the proposed requirements for sampling and analysis seem appropriate?
11. Are the requirements for the information that the Department should include in their record of private supplies satisfactory?
12. Do you agree with the proposals for investigation and remedial action when there is a failure to meet the drinking water standards? In particular:
  - Do you agree that the Department should negotiate with owners in an attempt to solve problems informally, and if that does not work that they should grant authorisations, or serve improvement notices or restriction notices, as appropriate?

- Do you agree that it is unnecessary for the Department to have specific powers to grant authorisations for less than 30 days for trivial failures of chemical parameter values?
- Do you agree that any person aggrieved by an improvement notice or a restriction notice should be able to appeal to the Water Appeals Commission against the notice?

13. Do the powers of enforcement detailed in draft regulations 24 to 26 seem appropriate?

### **3. Publication and Distribution**

The Department invited responses from a range of organisations and individuals including MPs, MLAs, local councils including environmental health officers, health trusts, academic and professional institutions, farming and business organisations. The consultation paper was also published on the Department's website and publicised through press notices. Approximately 300 organisations and individuals were consulted and 16 responses were received. A list of respondents is attached at Annex A.

#### 4. Synopsis of Responses

Of the 16 responses received four provided nil comment, two stated broad support of the proposals without further comment and ten provided substantive comment.

The following is a synopsis of the issues raised by respondents who provided specific comments on each individual consultation question (the substantive comments raised by Limavady Borough Council, the Department for Regional Development and the Consumer Council did not deal with each question individually and a synopsis of their responses is provided later in this paper).

<b>Question 1-</b> Do you agree with the proposed exemptions from the Private Water Supplies Regulations?	
<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes. Further recommended that the Department and the councils should be proactive in the dissemination of advice to householders in respect of private domestic supplies serving single private dwellings.
Ballymena Borough Council	Agreed with the proposed exemptions in the Regulations though emphasised the point that only the water being bottled at water bottling plants (as this is covered by other legislation) should be exempt .
Alderman George Robinson MLA	Didn't agree with the proposed exemptions. Felt every water source should meet a minimum quality and that the Regulations should apply to Natural mineral waters too.
Antrim Borough Council	Yes, although emphasised that it is important that in premises such as water bottling plants only the water which is bottled, and hence covered by alternative legislation should be exempt from the requirements of the proposed regulations.
Northern Ireland Water	Agreed with the proposed exemptions
Public Health Agency	Yes. However, in terms of small supplies, felt that the only exemptions should be single private dwellings
<b>Department's Position</b>	
The Department provides advice to owners and users of domestic supplies to single private dwellings, including information leaflets and advice on DWI Website. Further guidance will be issued to district councils in respect of disseminating such information. The proposed policy in respect of small shared private supplies has changed following the results of the public consultation. These supplies shall be monitored for a reduced suite of parameters once per year and the Department may reduce this frequency to once every five years taking into account the findings of a risk assessment. Bottled waters are regulated by the Natural Mineral Water, Spring Water and Bottled Drinking Water (NI) Regulations 2007. This exemption only covers the volume of water which is bottled. Water in a bottling plant which is used for cleaning or for potable drinking water will be monitored under the Private Water Supplies Regulations.	

<b>Question 2-</b> Do you agree with the parameters included in the definition of wholesomeness, in particular with the inclusion of "national parameters"?	
<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-	Yes

Group	
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes. Supported a consistent approach to health protection standards for consumers of both public and private supplies.
Ballymena Borough Council	Agreed with the parameters included in the definition of wholesomeness
Antrim Borough Council	Welcomed the refining of the parameters utilised and the inclusion of national parameters similar to those used to protect the health of the population served by public water supplies.
Alderman George Robinson MLA	Yes
Northern Ireland Water	Agreed with the parameters included in the definition of wholesomeness
Public Health Agency	Yes and also supported the inclusion of national parameters, as included in the draft Regulations
<b>Department's Position</b>	
No Response required	

**Question 3-** Do you agree that for new installations for the preparation and distribution of private supplies, only substances and products which conform to the specification within regulation 30 of the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 for the purposes of public water supplies may be used?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes
Ballymena Borough Council	Agreed that substances and products used for new installations should conform to standards set down in the Water Supply (Water Quality) Regulations (NI) 2007. Added that the guidance on approved products available on the DWI website should be made more user friendly.
Alderman George Robinson MLA	No, felt all water supplies should be of an equal quality and that every source must meet the criteria as per legislation. Stated that every home must have a water supply of minimum quality which should be set at a high standard
Antrim Borough Council	Yes, however stated that it is essential that there is adequate clear easily understood guidance and that the associated costs do not become prohibitive for those who wish to have an individual private water supply. Expressed that current guidance regarding approved products available on the Drinking Water Inspectorate web site appears highly technical and aimed towards provision of public supplies, and suggested that consideration should be given to more user friendly information for small scale supplies.
Northern Ireland Water	Yes - This will ensure that customers of private water supplies have the same degree of protection as consumers of public supplies.
Public Health Agency	Yes
<b>Department's Position</b>	
The Department in conjunction with DEFRA will further develop the procedures and information available in respect of substances and products to be used at private water supplies to reflect the proposed inclusion of these supplies within this scheme.	

**Question 4-** Do you agree that the Department should put in place risk assessments of private supplies to assist it in carrying out its duties under the proposed Regulations?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes.
Ballymena Borough Council	Agreed that the use of Risk Assessments is important and will improve the monitoring process
Alderman George Robinson MLA	Yes
Antrim Borough Council	Yes. Stated that risk assessment is a system already widely used and has sufficient flexibility to allow its effective targeted application to the different categories and classes of private water supplies. The introduction of risk assessment will also allow the specific nature, situation, treatment (if applicable), use, population supplied by individual supplies to be taken into account in the requirements in relation to monitoring etc.
Northern Ireland Water	Agreed that the department should adopt the "water safety plan" approach by putting in place risk assessments of private supplies. NI Water has adopted the Drinking Water Safety Plan (DWSP) approach to the management of the public drinking water supply. This is in line with WHO guidelines.
Public Health Agency	Yes
<b>Department's Position</b>	
No response required	

**Question 5-** Do you agree that the Department should put in place risk assessments of each supply within eighteen months of the coming into operation of the Regulations?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes. Recommended that suitable training and guidance should be provided to district council Environmental Health departments in respect of risk assessments.
Ballymena Borough Council	Agreed that all the risk assessments should be in place within 18 months
Alderman George Robinson MLA	Yes – urged the Department to have risk assessments in place within this timescale
Antrim Borough Council	Yes – ABC were of the opinion that 18 months would be a suitable lead in period to allow for the necessary risk assessments to be carried out.
Northern Ireland Water	Agreed that the Department should put in risk assessments of each supply within eighteen months of the coming into operation of the Regulations.
Public Health Agency	Yes
<b>Department's Position</b>	
NI Drinking Water Inspectorate within DOE NIEA will put into place training in terms of risk assessments and initial contact has taken place with the district councils in order to establish the process for this.	

<b>Question 6- Do you agree with the minimum check and audit monitoring frequencies?</b>	
<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes
Ballymena Borough Council	Yes
Alderman George Robinson MLA	Yes - there should be one high standard of monitoring covering all supplies, enabling ease of implementation and enforcement for the Department's officials. Water supply should be of the highest standard, which can only be achieved by frequent monitoring.
Antrim Borough Council	Yes
Northern Ireland Water	NI Water agreed with the minimum check and audit monitoring frequencies
Public Health Agency	Yes
<b>Department's Position</b>	
No response required	

<b>Question 7- Do you agree that the Department should take into account the findings of risk assessments when deciding whether to exclude parameters from audit monitoring?</b>	
<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes
Ballymena Borough Council	Yes
Alderman George Robinson MLA	Agreed that the findings of the risk assessment should be included in an overview of a water supply, but was reluctant to agree that parameters should be excluded, especially when dealing with an issue which has public health implications
Antrim Borough Council	Yes - agreed that risk assessment findings should be used to inform the parameters subject to testing and effectively target sampling resources
Northern Ireland Water	Yes - also considered it appropriate for the Department to set a higher frequency for any parameter taking into account the findings of any risk assessment. Asserted that this "water safety plan" approach of risk assessment and risk management, as recommended by the WHO, is the most effective means to proactively ensure the safety of a drinking water supply. The Water Supply (Water Quality) (Amendment) Regulations (NI) 2009 includes the requirement for risk assessment to be carried out and NI Water stated that this will ensure that consumers of private water supplies have the same degree of protection as consumers of public supplies.
Public Health Agency	Yes
<b>Department's Position</b>	
Any reduction in parameter lists will only take place after taking into account the public health implications of removing such parameters. The draft Regulations also state that the Department	

may set a higher frequency for any parameter if it considers it appropriate taking into account the findings of any risk assessment

**Question 8-** Are you content that rather than engaging in mandatory testing of small shared domestic supplies, the Department may carry out monitoring and testing where deemed appropriate?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes, providing that risk assessments are required in order to inform decisions on monitoring and testing.
Ballymena Borough Council	Agreed that the proposal for the Department to carry out monitoring and testing of small shared supplies where it deems it appropriate is acceptable provided that the results of a detailed risk assessment are taken into account.
Alderman George Robinson MLA	Felt that testing of small shared supplies should be mandatory, as the requirements of Article 3.2(b) are discretionary.
Antrim Borough Council	ABC felt that the proposals would be sufficient in this respect, when used in conjunction with the results of a detailed risk assessment
Northern Ireland Water	NI Water agreed with this approach and that the results of the risk assessment will be used to determine the sampling frequency. Furthermore, that the sampling frequency or monitoring can be increased as appropriate where the Department considers that the supply is a risk to human health.
Public Health Agency	Disagreed as felt that this does not provide sufficient safeguards. Felt that monitoring at present levels should continue.

**Department's Position**

The proposed policy in respect of small shared private supplies has changed following the results of the public consultation. These supplies shall be monitored for a reduced suite of parameters once per year and the Department may reduce this frequency to once every five years taking into account the findings of a risk assessment.

**Question 9-** Are you content with the approach proposed in respect of private supplies to single private dwellings?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes. Reiterated the belief that the Department and the councils should be proactive in the dissemination of advice to householders in respect of private domestic supplies serving single private dwellings
Ballymena Borough Council	Felt that a more co-ordinated approach to the identification and assessment of private supplies to single dwellings would be beneficial. Also felt that single dwelling supplies should be included in the register to allow for ease of dissemination of advice for owners/users of such supplies.
Alderman George Robinson MLA	Felt that single private dwellings should be monitored on a regular basis to ensure public health is not jeopardised.

Antrim Borough Council	ABC noted that sampling of these supplies falls to the Environmental Health Departments of local authorities at the request of the supply owner/user. They asserted that knowledge of the extent of existing individual supplies and their suitability is piecemeal. It is the opinion of ABC that a more co-ordinated approach to the identification and assessment of these supplies would be beneficial and perhaps the consideration of inclusion of single dwelling supplies in the register should be evaluated to allow for ease of dissemination of advice for owners and users of such supplies and to inform of contamination issues.
Northern Ireland Water	NI Water was content with the proposed approach in respect of private supplies to single dwellings.
Public Health Agency	Yes
<b>Department's Position</b>	
The Department notes the support of several respondents for a co-ordinated approach in terms of identification and assessment of private supplies to single private dwellings. The Department will further consider, along with the District Councils, the collection of information on private supplies to single private dwellings and the inclusion of this information within the record of private supplies	

<b>Question 10-</b> Do the proposed requirements for sampling and analysis seem appropriate?	
<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes
Ballymena Borough Council	Yes
Alderman George Robinson MLA	Yes
Antrim Borough Council	Yes
Northern Ireland Water	Yes
Public Health Agency	Yes
<b>Department's Position</b>	
No response required	

<b>Question 11-</b> Are the requirements for the information that the Department should include in their record of private supplies satisfactory?	
<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes
Ballymena Borough Council	Believed that a central register in relation to private supplies would be of benefit to all agencies involved in the protection of public health. Consideration should be given to including basic details of single dwelling supplies also.
Alderman George Robinson MLA	Yes
Antrim Borough Council	Agreed that a central register in relation to private supplies would be of benefit to all agencies involved in the protection of public health. Asserted that current knowledge of single dwelling supplies, however, is piecemeal and outdated and thus consideration should be given to including basic details of such supplies which could be

	used in any future epidemiological studies.
Northern Ireland Water	Agreed that the requirements for the information that the Department should include in their record of private supplies is satisfactory.
Public Health Agency	Yes
<b>Department's Position</b>	
As stated above, The Department will further consider, along with the District Councils, the collection of information on private supplies to single private dwellings and the inclusion of this information within the record of private supplies	

**Question 12-** Do you agree with the proposals for investigation and remedial action when there is a failure to meet the drinking water standards? In particular:

- Do you agree that the Department should negotiate with owners in an attempt to solve problems informally, and if that does not work that they should grant authorisations, or serve improvement notices or restriction notices, as appropriate?
- Do you agree that it is unnecessary for the Department to have specific powers to grant authorisations for less than 30 days for trivial failures of chemical parameter values?
- Do you agree that any person aggrieved by an improvement notice or a restriction notice should be able to appeal to the Water Appeals Commission against the notice?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Broadly Agreed with the proposals. Advised the Department that in relation to Regulation 15, notification should be to the Regional Agency for Public Health and Social Well-being ('the Public Health Agency'), rather than as stated, the Health and Social Care Board
Ballymena Borough Council	Agreed that the Regulations provide for a beneficial degree of flexibility in dealing with small private water supplies.
Alderman George Robinson MLA	Agreed that the Department should attempt to solve problems informally as long as sufficient staff resources are available. Felt the Department should have powers for granting authorisations for less than 30 days for trivial failures of chemical parameters. Agreed with the right to appeal.
Antrim Borough Council	Agreed that the element of discretion within the proposals allows a beneficial degree of flexibility. Agreed that it is unnecessary for the Department to grant shorter authorisations for trivial failures. Agreed that appeal procedures should be included in these regulations
Northern Ireland Water	Yes
Public Health Agency	Yes

**Department's Position**

In respect of trivial failures, the majority of respondents agree with the proposed approach that it is unnecessary for the Department to have specific powers to grant authorisations for less than 30 days. It is the Department's view that it would be impractical to issue such authorisations in the time frame of 30 days

**Question 13-** Do the powers of enforcement detailed in draft regulations 24 to 26 seem appropriate?

<b>Respondent</b>	<b>Comments</b>
Public Health and Regulatory Services Sub-Group	Yes
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)	Yes. Agreed that the power to authorise 'a person' is important in the context of non-Departmental staff that may be required to act as agents of the Department with regard to some elements of investigation and enforcement.
Ballymena Borough Council	Yes
Alderman George Robinson MLA	Agreed that the powers of enforcement seem appropriate and felt that the Department should, in future, introduce stronger legislation if required
Antrim Borough Council	Yes
Northern Ireland Water	No response given to this question
Public Health Agency	Yes
<b>Department's Position</b>	
No response required	

The following is a synopsis of the issues raised by other respondents who didn't provide specific comments on the individual consultation questions:

<b>Respondent</b>	<b>Comments</b>
Limavady Borough Council	Acknowledged that the legislation could help ensure that the quality of water intended for human consumption was of a satisfactory level, though felt that private water supplies should not be interfered with. Expressed concerns that the legislation could be a forerunner for a system introducing payment for access to private water supplies.
<b>Department's Position</b>	
The proposed Regulations will help ensure that the quality of water intended for human consumption in private supplies, both commercial and larger domestic supplies, will be of a satisfactory level. If the water being used for human consumption is not at a satisfactory level, remedial action may be required to be taken to restore the quality of the water. Under the current Regulations, there are no charges in place for owners/users, and it is not proposed to introduce charging for the monitoring of private water supplies. However, the Department does propose to introduce a fees and charges scheme for the Water Abstraction and Impoundment Licensing Regulations which are relevant to certain private water supplies.	
Water Policy Division, Department of Regional Development	Advised the Department of amendments that had been made to the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 and recommended that these amendments be considered during finalisation of the proposed Regulations.
<b>Department's Position</b>	
The Department will consider the amendments made to the above Regulations and will ensure that the text of the Regulations correctly reflects these amendments	
The Consumer Council	Expressed the view that small shared domestic supplies should be included within the Regulations. Queried as to whether the Department had considered the cost of including all private water supplies in Northern Ireland within the Regulations. Recognised the benefit of using risk assessments

	<p>to determine the frequency of monitoring, while enquiring as to how the Department will begin the process and if the findings of risk assessments will be published on the DOE Website and made available to the public.</p> <p>Agreed with the inclusion of national parameters for testing to ensure parity with the public water supplies approach.</p> <p>Likewise, agreed that only products and materials meeting EU and national standards for the purposes of public supplies are used in new installations with respect to private water supplies. Stressed the importance of ensuring that clear, concise information and advice should be available to all consumers using private water supplies, including those exempt from the Regulations.</p> <p>Agreed with the duty placed on the Department to distribute advice to users of exempt supplies, and requested more details about how this will be performed.</p> <p>Recommended that the Private Water Supplies Website is updated to include more consumer friendly and NI specific information.</p> <p>Considered that it would be beneficial to develop comprehensive and accurate records of all private supplies.</p> <p>Requested further information on how appropriate advice will be given to consumers if any danger to human health arising from the quality of private water becomes apparent.</p> <p>Made reference to NI Environment Agency's proposed consultation on its enforcement and prosecution policy, stating an expectation that the powers of enforcement in the Private Water Supplies Regulations would reflect this policy.</p> <p>Requested clarification on how the right to appeal within 28 days will interact with improvement or restriction notices issued by the Department if immediate action is needed to remedy the supply failure.</p>
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<p><b>Department's Position</b></p>	
<p>The proposed policy in respect of small shared private supplies has changed following the results of the public consultation. These supplies shall be monitored for a reduced suite of parameters once per year and the Department may reduce this frequency to once every five years taking into account the findings of a risk assessment.</p> <p>The Department has not estimated the cost of including all private water supplies in Northern Ireland within the Regulations, as this does not form part of the proposed Regulations and information is limited in respect of private supplies to single private dwellings. As has been stated, the Department will further consider, along with the District Councils, the collection of information on private supplies to single private dwellings which will form part of the records on private water supplies.</p> <p>NI Drinking Water Inspectorate within DOE NIEA will put into place training in terms of risk assessments and the process for bringing this forward has been initiated with the district councils. As part of this process, a working group to bring forward the new regulations will be established which will among other issues decide the progression for putting in place risk assessments. This could include possible criteria for prioritisation. The Department has not considered the publication of risk assessments online. It is regarded that public interest in these may be limited. Before</p>	

considering this option, the Department would look to assess any arguments put forward in favour of publication and would also be required to assess in respect of data protection and freedom of information.

Furthermore, in terms of the distribution of advice to users of exempt supplies, the Department will continue to publish appropriate advisory information online and to make available information leaflets or literature on request, to assist those without access to the Internet. Such information will also be held at District Council offices to assist in dealing with queries from owners or users of private supplies from single dwellings.

The website [www.privatewatersupplies.gov.uk](http://www.privatewatersupplies.gov.uk) will be updated to include specific details on Northern Ireland, when the appropriate legislation comes into force. The Private Water Supplies Technical Manual was produced as a comprehensive guide to private water supplies and it is not currently the intention to re-issue a NI version of the manual. However, the manual will be updated to include details on the new Regulations and how they will apply in NI. There will also be guidance available in respect of the new Regulations, which will also be available on NIEA Drinking Water Inspectorate Website and in addition as a hard copy. The Private Water Supplies Website also contains another portal "Do you own or are you using a private water supply?" This contains a series of leaflets to assist members of the public and these will also be modified where necessary to provide details on the outworking of the Regulations in Northern Ireland.

Under the proposed Regulations, the Drinking Water Inspectorate will immediately inform the relevant District Council of any failure which may be a risk to human health, and the Council will then contact the owners to advise them of the sample result and, in conjunction with Drinking Water Inspectorate, to provide them with appropriate advice. This process would also take place in respect of supplies which would be exempted under the Regulations, if the Inspectorate or relevant District Council becomes aware of circumstances where there would be potential of contamination resulting in a risk to human health. The potential extension of records of private water supplies to include single private dwellings would provide additional information to assist in such notifications.

The powers of enforcement in relation to the Private Water Supplies Regulations will be driven by the requirement to protect public health. It is not expected that there will be any conflict between these proposed powers of enforcement and NIEA's enforcement and prosecution policy.

Under the proposed Regulations, an improvement notice is suspended pending an appeal unless it states on the face of the notice that the failure is a potential risk to human health. A restriction notice is not suspended pending an appeal. However, in deciding whether to serve a restriction notice, the Department will, in consultation with the relevant District Council and health authorities, weigh the risk to human health arising from the failure against the risk to human health that would be caused if the water supply were interrupted or its use restricted. The Department has consulted with the Water Appeals Commission in order to ensure that the final regulations regarding appeal are clear in respect of the appeals procedure

## **List of Respondents**

Alderman George Robinson MLA  
Antrim Borough Council  
Armagh City and District Council  
Ballymena Borough Council  
Council for Nature Conservation and the Countryside  
Department of Enterprise, Trade and Investment  
Department of Health, Social Services and Public Safety (Chief Environmental Health Officer)  
General Consumer Council  
Geographical Survey of Northern Ireland  
Limavady Borough Council  
Northern Ireland Judicial Appointments Commission  
Northern Ireland Water Limited  
Public Health Agency  
Public Health and Regulatory Services Sub-Group (Chief Environmental Health Officers Group NI)  
Royal Town Planning Institute  
Water Policy Division, Department of Regional Development