STATUTORY RULES OF NORTHERN IRELAND

2017 No. 212

WATER AND SEWERAGE

The Water Supply (Water Quality) Regulations (Northern Ireland) 2017

Made - - - - *6th October 2017*

Coming into operation *27th October 2017*

The Department of Agriculture, Environment and Rural Affairs [F1], in exercise of the powers conferred upon it by Articles 107(1) and (3), 109 and 300(2)(f) of the Water and Sewerage Services (Northern Ireland) Order 2006 [F2] and now vested in it and being a Department designated [F3] for the purpose of section 2(2) of the European Communities Act 1972 [F4] in relation to the environment in exercise of the powers conferred on it by that section, makes the following Regulations:

F1 Formerly the Department of the Environment; see section 1(2) and (11) and Schedule 1 to, the Departments Act (Northern Ireland) 2010 (2016 c.5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved

F2 S.I. 2006/3336 (N.I. 21) as amended by 2016 c.13 (N.I.)

F3 S.I. 2008/301

F4 1972 c.68

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Water Supply (Water Quality) Regulations (Northern Ireland) 2017 and shall come into operation on the 27th October 2017.

Interpretation

2.—(1) In these Regulations—

"appropriate district council"—

(a) in relation to a departure authorised under regulation 24 or 25 or an application for any such authorisation, means the district council whose area contains any part of the water

supply zone to which the authorisation relates or, in the case of an application, would apply if a departure were authorised in the terms sought; or

(b) in relation to such an event as is mentioned in regulation 37(6) means the district council in whose area the event occurs;

"appropriate health and social care trust" in relation to a departure authorised under regulation 24 or 25 or an application for any such authorisation, means the social care trust, respectively, whose area contains any part of the water supply zone to which the authorisation relates or, in the case of an application, would apply if a departure were authorised in the terms sought;

"blending point" means a point at which water originating from two or more sources and treated for the purposes of their supply for regulation 5(1) purposes are combined under conditions that are designed to secure that, after such combination, the requirements of regulation 5(2) are met;

"Chapter III" means Chapter III (quality and sufficiency of supply) of part IV (Water Supply) of the 2006 Order;

"consumer" means a person to whom water is supplied for regulation 5(1) purposes by a water undertaker in the discharge of its duties under Part IV of the 2006 Order;

"departure" means a permitted value outside the prescribed concentration or value(s);

"disinfection" means a process of water treatment to remove; or render harmless to human health; every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water; and "disinfected" shall be construed accordingly;

"District Council" means a District Council as established under Part I of the Local Government Act (Northern Ireland) 1972 [F5];

"groundwater" means water contained in underground strata, or in—

(a) a well, borehole or other similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole, or work; or

(b) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata;

"Health and Social Care Trust" means a trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 [F6];

"indicative dose" or "ID" means the committed effective dose for one year of ingestion resulting from all the radionuclides whose presence has been detected in a supply of water intended for human consumption, of natural and artificial origin, but excluding tritium, potassium-40, radon and short-lived radon decay products;

"indicator parameter" means a parameter listed in Schedule 2;

"limit of detection" means the output signal or concentration value above which it can be reasonably determined, with a stated level of confidence that a sample is different from a blank sample containing no determinand of interest;

"limit of quantification" means a stated multiple of the limit of detection at a concentration of the determinand that can reasonably be determined with an acceptable level of accuracy and precision;

"parameter" means a property, element, organism or substance listed in the second column of Table A or Table B in Schedule 1, or in Schedule 2;

"pesticides and related products" means any of the following, and includes their relevant metabolites, degradation and reaction products—

(a) any organic insecticide;

(b) any organic herbicide;

(c) any organic fungicide;

(d) any organic nematocide;

(e) any organic acaricide;

(f) any organic algicide;

(g) any organic rodenticide;

(h) any organic slimacide; and

(i) any product related to any of (a) to (h) (including any growth regulator);

"prescribed concentration or value", in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in Table A or Table B in Schedule 1 as measured by reference to the unit of measurement so specified, and as read, where appropriate, with the notes to those Tables;

"regulation 5(1) purposes", in relation to the supply of water, means purposes defined in regulation 5(1) of these regulations;

"a risk assessment" is an assessment carried out under regulation 30;

"sampling point" –

(a) in relation to water supplied from a distribution network, means a point, being a consumer's tap, that is selected for the purposes of Part 4; or

(b) in relation to water supplied from a tanker, means the point at which the water emerges from the tanker;

"specification", in relation to an indicator parameter, means the concentration, value or state, shown as applicable to that parameter in Schedule 2 as measured by reference to the unit of measurement so shown;

"state", in relation to an indicator parameter, means the state specified in relation to that parameter in Schedule 2 as measured by reference to the unit of measurement so specified;

"supply point" means a blending point, service reservoir, treatment works or other point, not being a sampling point, which the Department authorises for the purposes of regulation 8;

"supply system" is to be construed in accordance with Part I Article 2 (9) of the 2006 Order;

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"the Directive" means Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [F7] as amended by Commission Directive (EU) 2015/1787 of 6 October 2015 [F8];

"the 2006 Order" means the Water and Sewerage Services (Northern Ireland) Order 2006 [F9];

"the 2007 Regulations" means The Water Supply (Water Quality) Regulations (Northern Ireland) 2007 [F10];

"uncertainty of measurement" is defined as a non-negative parameter characterising the dispersion of the quantity values being attributed to a measurand, based on the information used;

"underground strata" means strata subjacent to the surface of any land, and any reference to water contained in any underground strata is a reference to water so contained otherwise than in a public sewer, pipe, reservoir, tank or underground works contained in any such strata;

"water undertaker" is a relevant undertaker appointed under Article 13 of the 2006 Order;

"water supply zone" in relation to a water undertaker and a year, means an area designated for that year by that water undertaker in accordance with regulation 4; and

"year" means calendar year.

(2) Subject to paragraph (3), references in these Regulations to a service reservoir are references to any structure, other than a structure at a treatment works, in which a reserve of water that has been treated with a view to complying with the requirements of regulation 5 is contained and stored for the purpose of meeting a variable demand for the supply of water.

(3) Where references in these Regulations to a service reservoir would, but for this paragraph, include references to a structure comprising more than one compartment—

(a) each compartment which has its own water inlet and water outlet and is not connected hydraulically to any other compartment must be treated as a single service reservoir;

(b) the compartments that are connected hydraulically must be treated as a single service reservoir; and

(c) unless all of the compartments are connected hydraulically, the structure as a whole must not be treated as a service reservoir.

(4) The Interpretation Act (Northern Ireland) 1954 shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly [F11].

[[F12](5) In these Regulations, a reference to a Directive or an Euratom Directive is to be read as if any reference in that Directive to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States were a reference to the Department.**]**

F5 1972 c.9 (NI)
F6 1991 No. 194 (N.I. 1)
F7 OJ No. L 330, 5.12.1998, p.32
F8 OJ No. L 260, 7.10.2015, p.6
F9 S.I. 2006 No. 3336 (N.I. 21)
F10 S.R. 2007/147 as amended by S.R. 2009/246, S.R. 2010/128 and S.R. 2015/ 363
F11 1954 c.33 (N.I.)
F12 Reg. 2(5) inserted (31.12.2020) by The Water (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/112), regs. 1(1), **14(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Water Supplies to which these Regulations apply

3. These Regulations apply to all water supplies that supply water intended for human consumption provided by a water undertaker appointed under Article 13 of the 2006 Order.

PART 2

WATER SUPPLY ZONES

Water Supply Zones

4.—(1) Before the beginning of each year in which it intends to supply water for the purposes of regulation 5(1), a water undertaker must designate the names and areas within its area of supply that are to be its water supply zones for that year.

(2) A water supply zone may not comprise an area whose population immediately before the beginning of the year in question is estimated by the water undertaker to exceed 100,000.

(3) The water quality within a water supply zone must be approximately uniform.

(4) A water undertaker may not vary a designation under paragraph (1) after the beginning of the year in relation to which the designation has effect.

PART 3

WHOLESOMENESS

Wholesomeness

5.—(1) Water supplied by a water undertaker that is intended for human consumption including water supplied for —

(a) such domestic purposes as consist of or include, drinking, cooking, food preparation or washing; or

(b) food production purposes,

must be wholesome.

(2) Subject to paragraphs (5) and (6), water under paragraph (1) is to be regarded as wholesome if the requirements of paragraph (3) are satisfied.

(3) The requirements of this paragraph are—

(a) that the water does not contain—

(i) any micro-organism (other than a parameter listed in Schedule 1) or parasite; or

(ii) any substance (other than a parameter listed in Schedule 1),

which, in numbers or concentrations would constitute a potential risk to human health;

(b) that the water does not contain any substance (whether or not a parameter) at a concentration or value which, in conjunction with any other substance it contains (whether or not a parameter) would constitute a potential risk to human health;

(c) that the water does not contain concentrations or values of the parameters listed in Tables A and B in Schedule 1 in excess of the prescribed concentrations or values; and

(d) that the water satisfies the formula "[nitrate]/50 + [nitrite]/3 <= 1", where the square brackets signify the concentrations in mg/1 for nitrate (NO_3) and nitrite (NO_2).

(4) The point at which the requirements of paragraph (3), in so far as they relate to the parameters set out in Part 1 of Table A and in Table B in Schedule 1 are to be complied with is—

(a) in the case of water supplied from a tanker, the point at which the water emerges from the tanker;

(b) in the case of water supplied in bottles or containers, the point at which the water emerges from any bottle or container collected from a local distribution point;

(c) in the case of water used in a food-production undertaking, at the point where the water is used in the undertaking; or

(d) in any other case the point at which the water emerges from the consumer's tap that is normally used for human consumption.

(5) Water supplied for regulation 5(1) purposes must not be regarded as wholesome for the purposes of Chapter III if, on transfer from a treatment works for supply for those purposes—

(a) it contains a concentration of the coliform bacteria or *Escherichia coli* (*E. coli)* parameter (items 1 and 2 in Part II of Table A in Schedule 1) in excess of the prescribed concentrations; or

(b) it contains a concentration of nitrite in excess of 0.1 mg NO_2/1.