STATUTORY RULES OF NORTHERN IRELAND

2009 No. 246

WATER AND SEWERAGE

Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*24th June 2009*
Coming into operation	*15th July 2009*

The Department for Regional Development ("the Department") is designated (**1**) for the purposes of section 2(2) of the European Communities Act 1972 (**2**) ("the 1972 Act"), as read with paragraph 1A of Schedule 2 to that Act (**3**), in relation to measures relating to the environment.

These Regulations make provision for a purpose mentioned in that section and it appears to the Department that it is expedient for the references to Council Directive 89/106/EEC on approximation of laws, regulations and administrative provisions of the Member States relating to construction products(**4**) and to Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services (**5**) to be construed as references to those instruments as amended from time to time.

That Department makes these Regulations in exercise of the powers conferred by section 2(2) of the 1972 Act and by Articles 107(1) and (3) and 109 and 300(2) of the Water and Sewerage Services (Northern Ireland) Order 2006 (**6**):

PART 1

GENERAL

Citation, Commencement and Interpretation

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on the 15th July 2009.

(**1**) S.I. 2008 No. 301
(**2**) 1972 c.68
(**3**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)
(**4**) OJ No L40, 11.2.1989 p.12, as amended
(**5**) OJ No L204, 21.7.1998, p37, as amended
(**6**) S.I. No. 3336 (N.I.21)

(2) In these Regulations, "the Principal Regulations" means the Water Supply (Water Quality) Regulations (Northern Ireland) 2007(**7**).

Amendments to the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 2 (Interpretation), in paragraph (1)—

(a) for the definition of "disinfection" substitute—

> ""disinfection" means a process of water treatment—
>
> (a) to remove; or
>
> (b) to 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;"

(b) for the definition of "health and social services board" substitute—

> ""regional health and social services care trust" means a trust established under Chapter 1 of the Health and Social Care (Reform) Act (Northern Ireland) 2009."

(3) In regulation 3 (Water Supply Zones), after paragraph (2), insert—

"(2A) The water quality within a water supply zone shall be approximately uniform."

(4) In regulation 4 (Wholesomeness), after paragraph (3)(a), insert—

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

(5) In regulation 8 (Authorisation of supply points)—

(a) in paragraph (1)—

(i) for "items 7, 8, and 9 to 25" substitute "items 7, 8, 9 to 15, and 17 to 25";

(b) in paragraph (2), for "in relation to any parameter other than a parameter referred to in paragraph (1)" substitute "in relation to any parameter not covered by the authorisation in paragraph (1)".

(6) In regulation 15 (Sampling: new sources), at the end, add—

"(4) Unless the conditions in paragraph (5) are satisfied, a water undertaker shall not supply water from a source mentioned in paragraph (1)(a) for regulation 4(1) purposes until three months have passed following the day on which a water undertaker complied with regulation 28(1) with respect to the source.

(5) The conditions are that a water undertaker—

(a) must supply water from the source as a matter of urgency in order to prevent an unexpected interruption in piped supply to consumers; and

(b) before the supply is made, has carried out a risk assessment under regulation 27 specifically with respect to the source.

(6) For the purposes of paragraph (5)(b), regulation 27 shall apply for supplies made as a matter of urgency as if "treatment works" includes a source from which untreated water is supplied."

(7) After regulation 16 (Collection and analysis of samples), insert—

(**7**) S.R. 2007/147

"PART VA

DRINKING WATER PROTECTED AREAS

Drinking water abstraction points: monitoring sites

16A.—(1) A water undertaker shall identify every point from which it abstracts water for supply for regulation 4(1) purposes.

(2) At every abstraction point, a water undertaker shall take, or cause to be taken, such samples, and analyse, or cause to be analysed, those samples for such properties, organisms and substances as it considers necessary in order to satisfy the requirements of regulations 26 to 28.

(3) In relation to any abstraction point, the Department may, by notice served on a water undertaker, require it—

(a) to take, or cause to be taken, such numbers of samples of water per year as may be specified; and

(b) to analyse, or cause to be analysed, those samples for such concentrations or values of such properties, organisms and substances as may be specified and at such frequencies as may be specified; and

(c) to provide the information collected to the Department of the Environment.

(4) The Department may, by notice served on a water undertaker, revoke or amend a notice served under paragraph (3).

(5) Paragraphs (2) and (3) shall be in accordance with such relevant standards as may be specified by the Department by notice served on a water undertaker.

(6) For the purposes of—

(a) paragraphs (2) and (3) "abstraction point" means an abstraction point identified under paragraph (1);

(b) paragraph (3), "specified" means specified in the notice served under that paragraph.

Additional monitoring requirements for EC Directive 2000/60/EC Annex X purposes

16B.—(1) This regulation applies to every body of surface water which provides more than 100 cubic metres of water per day as an average.

(2) Any analysis carried out under regulations 26 to 28, in order to satisfy the requirements of EC Directive 2000/60/EC Annex X, shall be carried out at no less than the following frequencies—

(i) 4 per year, where the population served by the body of surface water is less than 10,000 people;

(ii) 8 per year, where the population so served is from 10,000 to 30,000 people;

(iii) 12 per year, where the population so served is greater than 30,000 people.

(3) In paragraph (1), "body of surface water" has the meaning given in Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy"."

(8) In regulation 19 (Action by the Department), for paragraph (1)(a) substitute—

"(a) a notification given in accordance with paragraph (5) of regulation 17 in the circumstances mentioned in paragraph (1) of that regulation (including that paragraph as read with paragraph (3)(a)) discloses—

(i) a failure in respect of a parameter specified in Part II of Table A or in Table B in Schedule 1; and

(ii) that the failure is not attributable to the domestic distribution system or the maintenance of that system; and"."

(9) Regulation 23 (Publicity for authorisations) is renumbered as paragraph (1) of that regulation and after that paragraph add—

"(2) As soon as reasonably practicable after a departure has been authorised, a water undertaker shall—

(a) publish, by making accessible, free of charge, on its websites via a hyperlink maintained on its respective homepage for at least 14 days—

(i) except in a case to which paragraph (4) of regulation 21 applies, publish a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii), (viii), and (ix) of that regulation; and

(ii) in a case to which paragraph (4) of regulation 21 applies, publish a notice containing a statement of the matter specified in paragraph (3)(a)(ii), (iii), and (ix) of that regulation; and

(b) give such other public notice of the authorisation and of its terms and conditions as the Department may, by notice served on a water undertaker, reasonably require.".

(10) In regulation 25 (Interpretation of Part VII)

(a) omit the definition for "the Guidance for C*ryptosporidium*"; and

(b) for the definition of "risk assessment", substitute—

""risk assessment", in relation to a treatment works, means an assessment for that treatment works, to establish whether there is, or continues to be, a significant risk from any pathogenic micro-organism and pathogenic parasite, or any other substance, that would otherwise be present in the water."

(11) For regulation 26 (Treatment of raw water) substitute—

"**Disinfection and other treatment arrangements**

26.—(1) Unless the conditions in paragraph (4) are satisfied, before supplying water for regulation 4(1) purposes, a water undertaker shall—

(a) disinfect the water; and

(b) where necessary, subject the water to sufficient preliminary treatment to prepare it for disinfection.

(2) Paragraph (3) applies when any property, organism, or substance is present in a water source at a level that may constitute a potential danger to human health.

(3) Unless the conditions in paragraph (4) are satisfied, before supplying water for regulation 4(1) purposes using water from any source, a water undertaker shall design and continuously operate an adequate treatment process for water from the source.

(4) The conditions are that a water undertaker—

(a) must supply water from the treatment works as a matter of urgency in order to prevent an unexpected interruption in piped supply to consumers; and

(b) before the supply is made, has taken all necessary steps to inform consumers that the water is not disinfected or adequately treated.

(5) For the purposes of this regulation—

(a) "adequate treatment process" means a process of blending of purification treatment which—

(i) removes, or

(ii) renders harmless the value or concentration of,

any property of, organism or substance in, water, so that supplies do not constitute a potential danger to human health;

(b) "sufficient preliminary treatment" means the treatment necessary—

(i) to remove, or to reduce the value or concentration of, any property or substance which would interfere with disinfection; and

(ii) to reduce turbidity to less than one Nephelometric Turbidity Unit; and

(c) water is supplied for regulation 4(1) purposes when it leaves a treatment works.

(6) Article 30 of the 2006 Order applies to the enforcement by the Department of the duties under regulation 26 in the same way as it applies to the enforcement by the enforcement authority of the duties to which that Article applies."

(12) For regulation 27 (Risk assessment for *Cryptosporidium*) substitute—

"**Risk assessment**

27.—(1) This regulation applies to every treatment works and its connected supply system from which water is supplied for regulation 4(1) purposes.

(2) A water undertaker shall carry out a risk assessment of each of its treatment works and connected supply system in order to establish whether there is a significant risk of supplying water from those treatment works and connected supply system that would constitute a potential danger to human health.

(3) Pursuant to paragraph (2), a water undertaker shall carry out a risk assessment in respect of—

(a) each of its treatment works and connected supply system which—

(i) was in use on 1st December 2008, and

(ii) it expects to use after 1st December 2010,

before 1st December 2010, and

(b) any other treatment works and connected supply system before supplying water from them.

(4) A water undertaker shall keep its risk assessments under review.

(5) The Department may by notice served on a water undertaker require a risk assessment or review to be carried out by a date specified in the notice.

(6) Where a water undertaker becomes aware of any factors which make it likely that a risk assessment under this regulation would establish that there is a significant risk of supplying water that would constitute a potential danger to human health it shall serve a notice on the Department specifying the relevant factors.

(7) In carrying out a risk assessment under regulation 27(2), a water undertaker shall also carry out a risk assessment of the associated catchment area,—

(a) on a priority basis, and;

(b) following completion of risk assessments for treatment works and connected supply system."

(13) For regulation 28 (Procedure following risk assessment) substitute—