STATUTORY RULES OF NORTHERN IRELAND

2007 No. 147

WATER AND SEWERAGE

The Water Supply (Water Quality) Regulations (Northern Ireland) 2007

Made - - - -	*8th March 2007*
Coming into operation	*1st April 2007*

The Department for Regional Development, in exercise of the powers conferred by upon it by Articles 107(1) and (3), 109 and 300(2)(f) of the Water and Sewerage Services (Northern Ireland) Order 2006(**1**) and being a designated(**2**) department for the purpose of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to the quality of water intended for domestic purposes or for use in food production undertaking, makes the following Regulations:

PART I

GENERAL

Citation and Commencement

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 and shall come into operation on the 1st April 2007.

Interpretation

2.—(1) In these Regulations —

"appropriate district council" and "appropriate health and social services board"—

(a) in relation to a departure authorised under regulation 20 or 21 or an application for any such authorisation, means the district council and the health and social services board, 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;

(**1**) S.I. No. 3336 (N.I. 21)
(**2**) S.I. 1998/2793
(**3**) 1972 c.68

(b) in relation to such an event as is mentioned in regulation 34(8), means the district council and the health and social services board, respectively, in whose area the event occurs;

"blending point" means a point at which water originating from two or more sources and treated for the purposes of their supply for regulation 4(1) purposes are combined under conditions that are designed to secure that, after such combination, the requirements of paragraph (2) of regulation 4 are met;

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

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

"disinfection" means a process which removes or renders inactive pathogenic micro-organisms so as to satisfy the requirements of Part III in respect of micro-organisms (other than parameters), parasites and the parameters listed in Table A in Schedule 1;

"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 services board" means a board established under Part III of the Health and Personal Social Services (Northern Ireland) Order 1972(**4**);

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

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

"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, as read, where appropriate, with the notes to Schedule 2 and those Tables;

"pesticides and related products" means—

(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), and includes their relevant metabolites, degradation and reaction products;

"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 4(1) purposes", in relation to the supply of water, means a supply—

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

(**4**) S.I 1972/1265 (N.I. 14)

(b) [for any of those domestic purposes], to premises in which food is produced;

"sampling point" –

(c) 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 IV;

(d) 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 6;

"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 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 3; and

"year" means calendar year.

(2) Other expressions used both in these Regulations and in Council Directive 98/83/EC (on the quality of water intended for human consumption)(**5**) have the same meaning in these Regulations as they have in that Directive.

(3) Subject to paragraph (4), 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 4 is contained and stored for the purpose of meeting a variable demand for the supply of water.

(4) 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 shall be treated as a single service reservoir;

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

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

PART II

WATER SUPPLY ZONES

Water Supply Zones

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

(**5**) O.J. L330, 5.12.98, p. 32

(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) 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 III

WHOLESOMENESS

Wholesomeness

4.—(1) Water supplied by a water undertaker—

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

(b) to premises in which food is produced,

shall, subject to paragraphs (4) and (5), be regarded as wholesome for the purposes of Chapter III, as it applies to the supply of water for those domestic purposes, if the requirements of paragraph (2) are satisfied.

(2) 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),

at a concentration or value which would constitute a potential danger 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 danger 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 or, as the case may be, less than, the prescribed concentrations or values;

(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).

(3) The point at which the requirements of paragraph (2), in so far as they relate to the parameters set out in Part I 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 any other case, the consumer's tap.

(4) Water supplied for regulation 4(1) purposes shall 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 *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 contain a concentration of nitrite in excess of 0.1mgNO_2/1.

(5) Subject to paragraph (6), water supplied for regulation 4(1) purposes shall not be regarded as wholesome for the purposes of Chapter III if, on transfer from a service reservoir for supply for those purposes, it contains a concentration of the coliform bacteria or *E. coli* parameter in excess of the prescribed concentrations.

(6) Water transferred from a service reservoir for supply for regulation 4(1) purposes shall not be regarded as unwholesome for the purposes of Chapter III because the maximum concentration for the coliform bacteria parameter is exceeded if, as regards the samples taken in any year in which the reservoir in question is in use, the results of analysis for that parameter establish that in at least 95 per cent of those samples coliforms were absent.

PART IV

MONITORING OF WATER SUPPLIES

Interpretation and application of Part IV

5.—(1) In this Part, "audit monitoring" means monitoring for the purpose of obtaining information from which it may be established—

(a) as regards the parameters listed in Tables A and B in Schedule 1, whether water supplied for regulation 4(1) purposes satisfies the provisions of Part III or, if a departure has been authorised under Part VI in relation to that supply, those provisions as read with the terms of that departure; and

(b) as regards indicator parameters, whether water supplied for regulation 4(1) purposes meets the specifications for those parameters.

(2) In this Part, "check monitoring" means monitoring for the purpose of obtaining information at regular intervals—

(a) as to the organoleptic and microbiological quality of water; and

(b) where relevant, as to the effectiveness of drinking-water treatment (particularly of disinfection),

for the purpose of determining—

(i) as regards the parameters listed in Tables A and B in Schedule 1, whether water supplied for regulation 4(1) purposes satisfies the provisions of Part III or, if a departure has been authorised under Part VI in relation to that supply, those provisions as read with the terms of that departure; and

(ii) as regards indicator parameters, whether water supplied for regulation 4(1) purposes meets the specifications for those parameters.

Monitoring: general provisions

6.—(1) For the purpose of determining whether water to which this Part applies satisfies the provisions of Part III or, if a departure has been authorised under Part VI in relation to that supply, those provisions as read with the terms of that authorisation, a water undertaker shall take, or cause to be taken, and analyse, or cause to be analysed, not less than the number of samples of the water within each of its water supply zones specified in, or in accordance with provisions of, this Part.

(2) Except in a case to which paragraph (3) applies, the parameters listed in Tables A and B in Schedule 1 and the indicator parameters shall be subject—

(a) as regards a parameter listed in column (2) of Table 1 in Schedule 3, in relation to which there is no entry in column (3) of that Table, to check monitoring;

(b) as regards a parameter so listed in relation to which there is an entry in column (3), check monitoring in the circumstances specified in that column;

(c) in any other case, audit monitoring.

(3) Where—