STATUTORY RULES OF NORTHERN IRELAND

# 2002 No. 331

# WATER AND SEWERAGE

## The Water Supply (Water Quality) Regulations (Northern Ireland) 2002

*Made - - - - 31st October 2002*
*Coming into operation in accordance with Regulation 1(2) to (5)*

The Department of the Environment, in exercise of the powers conferred on it by Articles 3B and 3C of the Water and Sewerage Services (Northern Ireland) Order 1973(**1**) and, being a department designated(**2**) for the purposes 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 in exercise of the powers conferred on it by that section and of every other power enabling it on that behalf, hereby 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) 2002.

(2) Regulation 1, 2, 25, 27, 28 and 36 shall come into operation on 28th November 2002.

(3) Regulations 3 and 37 shall come into operation on 1st June 2003.

(4) Regulations 4 and 17 to 24, paragraphs (4) and (5) of regulation 29, and paragraph (1) of regulation 38, shall come into operation on 25th December 2003.

(5) All other provisions of these Regulations shall come into operation on 1st January 2004.

### Interpretation

**2.**—(1) In these Regulations –

(**1**) S.I. 1973/70 (N.I. 2) as amended by the Water and Sewerage Services (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/3165 (N.I. 16)Art. 4. Art. 2 contains a definition of "prescribed"
(**2**) S.I 1998/2793
(**3**) 1972 c. 68

"the 1994 Regulations" means the Water Quality Regulations (Northern Ireland) 1994(**4**);

"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;

(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;

"consumer" means a person to whom water is supplied for regulation 4(1) purposes by the Department for Regional Development in the discharge of its duties under Part II of the Order(**5**);

"the Department" means the Department of the Environment;

"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(**6**);

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

"the Order" means the Water and Sewerage Services (Northern Ireland) Order 1973;

"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;

(**4**) S.I 1994 No. 221

(**5**) The functions contained in Articles 3 and 3A of the Water and Sewerage Services (Northern Ireland) Order were transferred from the Department of the Environment to the Department for Regional Development by Part IV of Schedule 4 to the Department's (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 S.R. 1999 No. 481

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

(g) any organic rodenticide;

(h) any organic slimicide, 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

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

"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 IV;

(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 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 the Department for Regional Development and a year, means an area designated for that year by that Department 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)(**7**) 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

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

(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, the Department for Regional Development shall 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 Department for Regional Development to exceed 100,000.

(3) The Department for Regional Development 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 –

(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 Part II of the Order, 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 $[\text{nitrate}]/50 + [\text{nitrite}]/3 \leq 1$, 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 Part II of the Order 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 contains a concentration of nitrite in excess of $0.1 mgNO_2/1$.

(5) Subject to paragraph (6), water supplied for regulation 4(1) purposes shall not be regarded as wholesome for the purposes of Part II of the Order 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 Part II of the Order 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.