

Drinking Water Inspectorate Non-qualifying Regulatory Provisions and Non-regulatory Provisions Summary Report

Business Impact Target Reporting Period Covered: 09/06/2017 to 20/06/2018

| List of Main Abbreviations used | | | | | |
|---------------------------------|--|--------|--------------------------|-----|-----------------------------|
| IL | Information Letter | RP | Regulatory Provision | SI | Statutory Instrument |
| DWI | Drinking Water Inspectorate (the Inspectorate) | Non-RP | Non-Regulatory Provision | RPC | Regulatory Policy Committee |
| NQRP | Non-Qualifying Regulatory Provision | BIT | Business Impact Target | BRU | Better Regulation Unit |

1. De Minimus

All of the Inspectorates' measures are under the *de minimus* exclusion (measures with an EANDCB below +/- £5 million) but the Inspectorate has also reviewed its measures using the BIT exemptions categories (set on 20 June 2018) in Section 2 below for added transparency of our measures. For full, legal definitions of these exclusion categories, please see [here](#)¹.

¹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-06-20/HCWS776/>

2. Non-qualifying Regulatory Provisions Summary Table

| Excluded Category | Summary of measure(s), including any impact data where available | | |
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| | Measure title | Measure Description | Justification |
| EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement | 1. Limit of detection consultation. | The launch of a consultation on a change to the blue book (SCA) requirements for limit of quantification, replacing the current requirements (bias, uncertainty of measurement, precision and limit of detection) as required by the 90/83/EC | This is an EU requirement, originating from Annex III of the Drinking Water Directive 98/83/EC with no gold-plating but could also have been excluded under 'Policy development by Regulators' as this is a consultation. |
| <i>De minimus</i> exclusion | 2. Long Term Planning Guidance Note | A Guidance Note issued to the industry to inform long term business planning going into the next investment period. | This concludes as a NQRP under the <i>de minimus</i> exclusion (measures with an EANDCB below +/- £5 million). |
| | 3. Changes to the guidance on the Water Supply (Water Quality) Regulations 2016 | Various amendments to the regulators interpretation of the regulations. | This concludes as a NQRP under the <i>de minimus</i> exclusion (measures with an EANDCB below +/- £5 million). |
| Civil Emergencies | Nothing to Report | | |
| Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy | Nothing to Report | | |
| Measures certified as concerning EU Withdrawal Bill operability measures | Nothing to Report | | |

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| Fines and Penalties | Nothing to Report | | |
| Pro-competition | Nothing to Report | | |
| Misuse of Drugs | Nothing to Report | | |
| Systemic Financial Risk | Nothing to Report | | |
| Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy | Nothing to Report | | |
| Casework | 4. Metaldehyde correspondence | A letter to relevant water companies to provide an update on the requirements for Legal Instrument Progress Reports related to Metaldehyde. | Directly relates to the specific companies that have S19 Undertakings, under the Water Industry Act 1991, in place for Metaldehyde. |
| | 5. Publication of event report for Franklaw | Publication of the event report for the United Utilities Franklaw <i>Cryptosporidium</i> incident. | The report was the result of and the conclusions of the DWI's investigation into the United Utilities Franklaw <i>Cryptosporidium</i> event. |
| | 6. Copeland EAL publication | Publication of an event report following the United Utilities Copeland taste and odour event. | Related to specific casework for a single water quality event. |
| | 7. Tap disinfection advice to non-compliant companies | Letter to non-compliant companies (following a review of all the industry) reminding them of the correct procedure for monitoring | This concludes as a NQRP as relating regulatory casework. |

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| | | chlorine following disinfection of taps with a chlorine based solution (during sampling). | |
| | 8. Consolidated review of the widespread loss of supplies arising from the freeze/thaw events affecting England and Wales in March 2018. | Publication of consolidation review of the widespread loss of supplies arising from the freeze/thaw events affecting England and Wales in March 2018. | This concludes as a NQRP as related to assessment of specific events in March 2018. |
| | 9. Periodic Review Decision letters | Decision letters on the industries Periodic Review (PR19) submissions were sent-out on 30 May 2018. | This concludes as a NQRP as related to individual assessment of company submissions. |
| | 10. Legal Instruments | The Inspectorate issued Legal Instruments throughout this BIT period to achieve compliance with the Regulations. | This concludes as a NQRP as related to compliance of individual cases. |
| Education, communications and promotion | 11. Information Letter 03/2017 | Informing water companies of the publication of the Long Term Planning Guidance Note (see measure 3 above) and updates to guidance of the public water Regulations (see measure 8 above). | This letter was a communication measure to draw attention to the publication of guidance. |
| | 12. Chief Inspector's Report 2017 Quarter 1 & Quarter 2 | Publication of the 2017 quarter 1 and quarter 2 Chief Inspectors reports. These reports intend to review the outcomes of the requirements and standards in securing compliance with the Water Supply (Water Quality) Regulations through the objectives they set. | This concludes as a NQRP due to being a communication (under 'Educational, communications activities, etc. by regulators') but would also have been excluded under Regulatory casework. |
| | 13. Chief Inspectors Report 2016 | Summary report of the four quarterly reports on the performance of water companies for water quality indices (public water supplies). These reports intend to review the outcomes | This concludes as a NQRP due to being a communication (under 'Educational, communications activities, etc. by |

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| | | of the requirements and standards in securing compliance with the Water Supply (Water Quality) Regulations through the objectives they set. | regulators') but would also have been excluded under Regulatory casework. |
| Activity related to policy development | 14. Consultation on changes to the Water Supply (Water Quality) Regulations 2016 | A consultation on proposed changes to the Water Supplies (Water Quality) Regulations 2016. | This was a consultation for the development of policy. |
| | 15. Consultation on new guidance for the Water Supply (Water Quality) (Amendment) Regulations 2018 | A consultation on the revision of the Inspectorate's guidance, on the implementation of the 2018 Amendment of the Water Supply (Water Quality) Regulations 2016. | Consultation with those being regulated, on the interpretation of the Amendment Regulations 2018 for development of policy. |
| | 16. New Risk Assessment Report submission specification consultation | A new specification for the format in which monthly risk assessment report submissions are to be submitted to the Inspectorate. | This was a consultation for the development of policy. |
| | 17. Consultation on the Monitoring Variations process. | When The Water Supply (Water Quality) (Amendment) Regulations 2018 come into force (11 July 2018), the industry will be able to apply for 'Monitoring Variations' to adjust the frequency of regulatory monitoring. This consultation sought views on how companies will apply for Monitoring Variations. | This was a consultation for the development of policy. |
| Changes to management of regulator | Nothing to Report | | |

3. Non-Regulatory Provisions Summary Table (provided for transparency)

a) In relation to Statutory Instruments

| Measure | Description | Reason non-RP |
|---|--|---|
| Consultation on amendments to Private Water Supply Regulations 2016 | The consultation on Amendments to the Private Water Supplies Regulations 2016. | RPC & BRU confirmed in 2017 that Regulatory activities relating to Private Water Supplies are not Regulatory Provisions as these measures affect businesses that are controlled by a public authority as excluded under the SBEE Act 2015 (also confirmed in the 2018 Better Regulation Framework (Interim Guidance) from BEIS (pg 4, point 5)). |
| IL04/2017 | Information letter on regulatory sampling programmes. | Measure takes affect for <12 months. Only applied to the 2018 sampling year, following which the new regulations will replace it. This is just a transitional measure. |
| PWS Welsh information note | New Welsh Information Notes to align with the Private Water Supply (Welsh) Regulations 2017 | Applies to businesses that are controlled by a public authority, who are excluded under the BIT and applies to Welsh Government. |
| Network and Information Systems (NIS) Regulation Day 1 Guidance | Guidance published for day 1 of the implementation of the NIS regulations 2018. | Measure takes affect for <12 months. It will be replaced by the full technical guidance on the NIS Regulations, which is due to be published by November 2018. This is an interim measure. In addition, DWI are not the owner of the NIS regulations, they are being implemented nationally (by the Department of Culture, Media and Sport) and Defra are the body that 'owns' them for the water industry. |
| Amendments to the Private Water Supplies Regulations 2016 | Amendments to the Private Water Supplies Regulations 2016 (Statutory Instrument). This measure is expected to come into force before the end of this BIT period. | RPC & BRU confirmed in 2017 that Regulatory activities relating to Private Water Supplies are not Regulatory Provisions as these measures affect businesses that are controlled by a public authority as excluded under the SBEE Act 2015 (also confirmed in the 2018 Better Regulation Framework (Interim Guidance) from BEIS (pg 4, point 5)). |

b) In relation to DWI regulatory activity

| Measure | Description | Reason non-RP |
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| Business performance report 2016 | An annual report of the regulators business performance in respect to its regulatory duties. | This is an annual "for information only" report and requires no action from those being regulated. |
| Private Water Supplies Chief Inspectors Report 2016 | An annual report on the water quality performance of private water supplies in England and Wales. | RPC & BRU confirmed in 2017 that Regulatory activities relating to Private Water Supplies are not Regulatory Provisions as these measures affect businesses that are controlled by a public authority as excluded under the SBEE Act 2015 (also confirmed in the 2018 Better Regulation Framework (Interim Guidance) from BEIS (pg 4, point 5)). |
| Publication of industry summary 2016 data for sampling of public water supplies. | A set of reports summarising water quality data for public supplies in England and Wales. | Just a publication of information, imposes no requirements. |
| Press release on Franklaw Event case outcome. | The Inspectorate prosecuted United Utilities under section 70 of the Water Industry Act 1991 for supplying water unfit for human consumption. This is the press release that followed. | Merely a publication of the outcome of a court case, does not make or amend requirements. |
| Research news Issue 11 | Publication of a summary of research carried by/on behalf of the DWI. | This is published for information only. It makes no new provisions, recommendations or guidance. |
| New office location publication | The DWI moved offices and told the water companies of this fact in a formal publication. | It sets no requirements whatsoever, merely informs the industry of the Inspectorate's new postal address. The measure to move office locations belongs to Defra. |
| Southampton Event - press release | Press release on the outcome of the prosecution of Southern Water following the Southampton discolouration event (in which the company pleaded guilty to supplying water unfit for human consumption under section 70 of the Water Industry Act 1991). | Makes no new requirements or guidance for water companies, simply publishes the facts of the case. |
| Press release - Southampton Event sentencing | Press release following the sentencing of Southern Water for the Southampton discolouration event. | Does not make or amend any requirements, just publishes the facts of the sentencing. |
| Research paper published for Franklaw Event | The Chief Inspector and the Principal Inspector for water quality events published a paper in an academic journal on the Franklaw event (The Lancashire Cryptosporidium Event of August 2015, authors J. Atkinson and M. Rink), to share lessons with industry. | This was a publication for information only and sharing of best practice, which makes no requirements on the industry. |
| CRI & ERI definitions publication | Publication of the definitions of the two new metrics (Event Risk Index and Compliance Risk index) on DWI website and provision of data to companies. | This is the publication of information using data already provided by the water companies and an explanation of how it is done. It imposes no requirements. |

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| Castle Donnington Event - press release | Water quality event press release following the Castle Donnington chlorine dosing event and subsequent caution for supplying water unfit for human consumption under section 70 of the Water Industry Act 1991 | Not a regulatory provision, just a publication of information. |
| Private Water Supplies Regulatory Activities | Measures includes individual guidance given to Local Authorities as Regulatory case work, updates to guidance, new Risk Assessment tool and accompanying guidance video etc (please follow link for further examples). | RPC & BRU confirmed in 2017 that Regulatory activities relating to Private Water Supplies are not Regulatory Provisions as these measures affect businesses that are controlled by a public authority as excluded under the SBEE Act 2015 (also confirmed in the 2018 Better Regulation Framework (Interim Guidance) from BEIS (pg 4, point 5)). |
| Potential for Formation of Disinfection By-Products from Advanced Oxidation Processes (DWI 70/2/317 WT 2207) publication on DWI website | Publication of research on the DWI website | Not a regulatory provision, just a publication of research. |
| Sweetloves Event - press release | Press release following the sentencing of United Utilities for the Sweetloves event. | Does not make or amend any requirements, just publishes the facts of the sentencing. |

4. Other Items for Information

[The Network and Information Systems Regulations 2018](#)

The Network and Information Systems Regulations 2018 came into force on 10th May 2018, implementing the European Network and Information Systems Directive within the United Kingdom. The Regulations have been implemented nationally by the Department of Culture, Media and Sport. The Secretary of State for England (Defra) and the Welsh Government for Wales are the designated competent authorities for the water sector in England and Wales, however operational responsibilities of the competent authority function have been conferred to the Drinking Water Inspectorate on their behalf. As such, the Inspectorate is not the relevant body to log the NIS Regulations measure but it is included here for information purposes only.