

Information note on future risk assessment requirements for private water supplies



Regulation 6 requires local authorities to risk assess all private supplies at least once every five years. Therefore a first risk assessment of each private supply should have been recorded on the local authorities' private supply record by 31st December 2014 (England) 4th February 2015 (Wales). This note provides information about how the activity of regulatory risk assessment should be taken forward after the initial five year implementation period.

From 1 January 2015 it is expected that all local authorities are using the same methodology in the form of the tool developed and provided for this purpose by the Inspectorate. This risk assessment tool contains comprehensive information on private supply hazards and risk mitigation therefore its use will ensure that private supply owners across both England and Wales benefit from consistent evidence based advice. The Inspectorate provides a programme of training for local authorities in the use of the tool on request. The tool is updated in light of learning derived from feedback on its use. The most up to date version of the tool is provided on the Inspectorate's website and local authorities will be notified of any future updated version. In most cases, any supply risk assessed using the previous risk assessment methodology in the first five year period, is likely to require a full risk assessment using the risk assessment tool when it is due for review.

<http://www.dwi.gov.uk/private-water-supply/local-auth/risk-assessment.html>

In England, when a local authority becomes aware of a new private supply in its area, it must add the new supply to its record of private supplies and risk assess the supply as soon as reasonably practicable. The scope of any routine monitoring of that supply should be determined in accordance with the completed risk assessment.

Whenever a local authority becomes aware of changes (by any means and at any time) in relation to the nature, quality or operation of a private supply in their area already on the record the risk assessment for that supply should be updated to reflect the new information. All other risk assessments should be updated no less often than every five years.

If the original risk assessment is not sufficiently comprehensive (e.g. some aspects of the supply were not documented or the owner was asked to provide further information which has not been forthcoming subsequently) and/or the local authority suspects that the level of risk to consumers has increased, then it should carry out a site risk assessment in full.

Other than those situations discussed above, when the five year period since a supply was last risk assessed has elapsed, the Inspectorate suggests that, in the first instance, local authorities seek to determine any changes to those supplies by writing to the relevant person(s) requesting any changes or additional or outstanding information required. This review letter should advise the relevant person that if the information is not forthcoming, by a certain date, then a site visit will follow with the additional associated costs. Before sending the review letter the local authority should check, as part of the risk assessment process, the monitoring history of the supply and make themselves aware of any new relevant local hazard information in its catchment from the Environment Agency, local water company or planning department, that needs to be taken into account e.g. land use changes, pesticide use changes, aquifer monitoring data, pollution events, forestry, aquaculture, quarrying etc. If any monitoring failures have occurred then the risk assessment tool should be updated to reflect the conclusion of the investigation carried out at the time (Regulation 16 in England,

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15 and 16 in Wales), together with any action taken as a consequence of the investigation e.g. advice or notices. The letter sent to the relevant person(s) should seek to close any gaps in information about what action, if any has been taken to safeguard the supply in response to advice given or notices served.

The costs associated with the review of the risk assessment, including any desk top review costs are recoverable under the provisions of regulation 21 of the Private Water Supplies (England) Regulations 2016 (2010 in Wales) up to the maximum risk assessment charge set out in Schedule 5 of The Regulations.

Any additional information received from the relevant person(s) should be input into the Inspectorate's tool together with information from the existing risk assessment to verify whether there any new or additional unmitigated hazards flag up that indicate the need for a follow up site visit to enable the degree of risk to be assessed. As a general principle, the reasons for any site visit to update a risk assessment should be documented to demonstrate that it cannot be reliably fulfilled during any routine sampling visit or over the phone.

On completion of the review, the extent and scope of future routine compliance monitoring should be reviewed and the opportunity taken to make changes (e.g. where monitoring was enhanced previously consider if this can be reduced; is there now sufficient evidence to stop testing for certain parameters, are there gaps in the testing information which mean a parameter needs to be added to verify compliance?).

The outcome of the risk assessment review should be communicated to the relevant person(s) with any specific or general advice (unless a decision is taken that a notice is required, in which case, the notice must refer to the updated risk assessment as giving rise to the need for the notice).