

SECURITY AND EMERGENCY MEASURES DIRECTION – NOTIFICATION AND GUIDANCE

NOTIFICATION

Paragraph 1(2)(b)

The Secretary of State hereby notifies water undertakers generally that the supply required by paragraph 1(2)(b) of the Direction is not less than 10 litres of drinking water per person per day. In the event of a prolonged incident this is increased to not less than 20 litres of drinking water per person per day.

GUIDANCE

This Guidance is issued in accordance with paragraph 1(1) of the Direction.

Paragraph 1(1)

The plans should be such that they mitigate the likely or actual disruption to water supply and sewerage services arising from any civil emergency as described in section 208(7) of the Water Industry Act 1991 or national security event. They should be based on the guidance requirements set out in the Advice Notes produced by the Security Service, in particular Advice Note 9. These planning assumptions should be drawn and prioritised on the basis of risk analysis taking into account the latest advice available and the probability of the disruptions and their consequences on the area and its inhabitants.

Paragraph 1(2)(a)

In the first instance, water undertakers should endeavour to maintain a piped water supply to the requirements laid down in the Water Industry Act 1991. The plans should be drawn to reflect this but may also include provision to maintain piped water supply as long as possible, by any means considered to be reasonable and practicable, for example by installing temporary links with neighbouring systems or at a pressure lower than normal with due regard to ensure that the water supply remains wholesome and fit for human consumption.

Paragraph 1(2)(b)

The piped supply will be considered to have failed unavoidably if:

- a) there has been a breakdown of the physical water systems (installation) to the extent that it is not possible to keep the water mains in use, or
- b) that the quality of water is such that it is considered unfit for human consumption even if it was boiled.

The legally enforceable quantity of drinking water prescribed in the notification paragraph above refers to supplies by any one or more suitable alternative means such as bowsers,

tanks and bottled water ensuring always that the quality of water is wholesome at the point of supply, issuing boil notices if necessary.

Provisions for vulnerable sector customers are referred to in paragraph 1(2)(c).

The plans should aim at commencing the distribution of water by alternative means as soon as possible after the failure has occurred. The amount to be provided should be at least 10 litres of water per person per day to all those affected within the first 24 hours of an undertaker becoming aware of an incident and maintain this supply until the piped supply is restored. This planning assumption is in addition to the duties placed on undertakers under section 60(4) of the Water Industry Act 1991 (duties of undertakers to carry out works following disconnections with reasonable dispatch and to make an emergency supply available if piped domestic supplies are interrupted for more than 24 hours).

Whilst undertakers must plan for not less than 10 litres per head per day in accordance with the notification, there may be emergencies where logistical problems prevent this being achieved in the first 24 hours. It is also recognised that for a Major Incident (Advice Note 9 (paragraph 1.4 – Part 2)), the 10 litre requirement may not be achievable until the numbers affected are reduced to a level within the Local Response Plan. Where such emergencies arise, and an undertaker finds that it is unable to meet the requirement in the first 24 hours, then it should inform the Department. In doing so, it should explain why it was unable to supply the minimum requirement of 10 litres and say how much it can provide. The amount will be a matter for the undertaker to decide as the Department may take action against the undertaker after the incident if it failed to meet the planning requirement. It is important that the undertaker keeps in close contact with the Department by telephone and/or e-mail about the situation and the Department will also ask for regular reports on the amount being provided.

In the event of a prolonged incident, undertakers must plan for alternative water supplies of not less than 20 litres per person per day in order to provide customers with some scope to address broader hygiene and other needs, when there is total failure of the piped supply. A prolonged incident is defined as 5 days after a Major Incident is declared. Escalation to a Major Incident invokes a multi-agency response, as provided for in Advice Note 9, paragraph 1.4 – Part 2. In such incidents, companies can engage multi-agency responders to provide assistance. In the event of multi-agency responders being unable to deliver an appropriate level of assistance 20 litres per person per day of drinking water will be expected on a best endeavours basis.

In preparing a report on the emergency, the undertaker will need to justify to the Department, and any subsequent formal inquiry, why an amount lower than 10 litres or an amount lower than the 20 litres was provided.

Paragraph 1(2)(c)

In addition to the provisions of paragraph 1(2)(b), the undertaker's plans should take into account the possible higher than average quantities of water needed for those referred to in this paragraph, such as those with kidney dialysis machines at home. Some water undertakers may have difficulties in identifying details about people in the vulnerable sectors. However, they should make plans and arrangements with other bodies, such as local authorities and health authorities, to secure, as far as possible, information available to these bodies about vulnerable people.

Paragraph 1(2)(d)

When considering the non-domestic users referred to in this sub paragraph, each water undertaker needs to look at its own area to identify the nature of non-domestic users, in particular livestock and essential food industries, and give due regard to their requirements.

Paragraph 1(3)(b)

The reference to discharges from sewers onto land includes any overflow, surcharging, leakage etc which causes sewage to come onto that land.

Paragraph 1(4)(a)

The list contained in this paragraph should not be considered exhaustive. Water and sewerage undertakers may include any additional provisions deemed necessary to complete their plans.

Paragraph 1(4)(b)(i)

The first notification to the Secretary of State of an actual or likely emergency should initially be by telephone in the first instance using the contact list in the Emergency Telephone Directory (issued by the Department). This should be followed, if necessary, by further reports in such form as may be requested. Such notifications should be made irrespective of whether a notification has also been made under any Direction issued under section 202 of the Water Industry Act 1991.

Paragraph 1(5)

When water undertakers submit their first plans to the Secretary of State, they should be of a generic nature and provide an overview of the contents of the full plans, together with the certified statement referred to in paragraph 5. The Secretary of State may ask for further details such as the full certified plans or details of certain aspects of them for example, those points qualified by the certifier. Each subsequent year, on or before 1 April, the Secretary of State should be sent a certified statement together with notification of any revision to the plans and if major changes have been made, a revised copy of the generic plans. If no changes have been made, reference to this fact should be made in the certified statement.

Paragraph 2

Whilst water undertakers may have regard to, and take into account, facilities which they can secure from outside sources, such as mutual aid arrangements to complement their own resources, the onus is nevertheless upon them to ensure they have sufficient equipment in place taking into account the fact that these additional facilities may not always be available, or available in sufficient numbers, in the event of a regional/widescale emergency.

If difficulties are encountered in getting additional help from other agencies or the armed forces, the Department may be able to facilitate.

Paragraph 4(1)

As part of the consultation and implementation of their plans, undertakers may wish to enter into bi-lateral or multi-lateral Memoranda of Understanding as a means of ensuring that their plans and actions are properly co-ordinated with others.

Paragraph 4(1)(f)

The Fire and Rescue Service, Ambulance Service and the Consumer Council for Water should be among the other bodies who may need to be consulted on the requirements of paragraphs 1 to 3 of the Direction.

Paragraph 4(b)i

Where an incident is declared as a Major Incident, the Secretary of State is to be informed without delay.

Paragraph 5(1)

The date inserted under this paragraph takes account of the lead time required to develop revised plans. Until the new plans are fully formulated, undertakers should retain their existing plans and capability of dealing with any emergency or national security event which may arise.

Paragraph 5(2)

This guidance sets out the matters which the undertaker and certifier should take into account when preparing and certifying the statement required in paragraph 5(1) of the Direction. In essence, the undertaker's statement and the certifier's endorsement should confirm that all the requirements of the Direction are being met. This should be achieved in two stages. Firstly, the undertaker should produce a statement confirming that in its opinion, the plans and any revision to them accord with paragraph 1 of the Direction and that all necessary facilities required under paragraph 2 have been provided. Secondly, the certifier should endorse the statement to the effect that the undertaker's reasonable

interpretation of the requirements of the Direction have been met. He should do this after he has:

- a) checked that the undertaker's planning is based on reasonable assumptions.
- b) looked at the strategies included in the plans to see if they are practicable and accord with the planning assumptions.
- c) assessed that the facilities and provisions provided such as those listed in paragraph 1(4)(a) of the Direction are sufficient.
- d) carried out a physical check of the facilities and provisions including the security of installations on a random basis.

The certifier's endorsement should confirm that he has carried out the actions in (a) to (d) above and indicate what physical checks have been made. He may also add any other comments, for example any reservations he may have on the plans to which he considers the undertaker's and/or Secretary of State's particular attention should be drawn.

Paragraph 5(2)(b)

In many cases, undertakers will probably be content to appoint the person referred to in paragraph 5(2)(a) to act as a certifier. However, an undertaker wishing to use another person should submit details of that person (i.e. qualifications, experience and reasons why the undertaker wishes to appoint that person) to the Secretary of State for approval. The person should be totally independent of the undertaker and not involved in any way with the preparation of the plans. The Department will not be maintaining a register of people who can act as certifiers. The undertaker should check the credentials of any person who it wishes to engage as a certifier to ensure their reliability as regards access to sensitive information and sites. If necessary, the undertaker should seek security clearance of the person via the Department.

Paragraph 5(3)

In addition to any reports submitted to the Secretary of State under paragraph 1(4)(b)(i), undertakers shall, if requested, report by letter and/or by other means as directed, on the actions taken on the specific matter.

This Guidance replaces the Guidance SEMG (4) which was issued in December 2007.