



**DRINKING WATER INSPECTORATE**  
Floor 2/E3, Ashdown House  
123 Victoria Street, London SW1E 6DE

Direct Line: 020 7082 8048  
Enquiries: 020 7082 8024  
Facsimile: 020 7082 8028

Internet E-mail: [Jeni.Colbourne@defra.gsi.gov.uk](mailto:Jeni.Colbourne@defra.gsi.gov.uk)  
DWI Web-site: <http://www.dwi.gov.uk>

*guardians of drinking water quality*

Information Letter 17/2003

19<sup>th</sup> December 2003

**To: Board Level and Day to Day Contacts of Water and Sewerage Companies in England and Wales**

Dear Sir or Madam,

**SECTION 19 UNDERTAKINGS CONTINUING BEYOND 31 DECEMBER 2003 AND THE FREQUENCY OF MONITORING REQUIREMENTS**

**Purpose**

1. The purpose of this letter is to clarify:
  - the situation with those Section 19 undertakings that remain current after 31 December 2003; and
  - the new level of monitoring required for these undertakings and the level of monitoring that will be required under new Section 19 undertakings accepted after 1 January 2004 and for Authorised Departures.

**Background**

2. Most Section 19 undertakings will be converted into Authorised Departures under the Water Supply (Water Quality) Regulations 2000<sup>1</sup> (the 2000 Regulations) and subsequent amendments, which come into force fully on 1 January 2004.
3. However a number of companies have Section 19 undertakings that relate to parameters with national standards under the 2000 Regulations and have completion dates after 31 December 2003. These undertakings will remain valid after 1 January 2004 but amendments will be necessary to both the Preamble and the Schedule, as they contain references to the Water Supply (Water Quality) Regulations 1989.

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<sup>1</sup> Water Supply (Water Quality) Regulation 2001 in Wales

## **General Approach for current undertakings**

4. Companies with Section 19 undertakings relating to national standard parameters, and having completion dates after 31 December 2003, should submit revised undertakings before the end of January 2004.
5. Paragraph (C) of the Preamble should be amended to 'The Water Supply (Water Quality) Regulations 2000 ("the Regulations") prescribe, for the purpose of determining the wholesomeness of water, requirements as to the concentrations or values of properties, elements, organisms and substances to be present in or absent from it.' The amendment should refer to 'The Water Supply (Water Quality) Regulations 2001' in the case of companies operating wholly or mainly in Wales.
6. The Schedule to the undertaking requires a monitoring step for the duration of the undertaking. Currently this is at the frequency required by the Water Supply (Water Quality) Regulations 1989, except for the undertakings relating to *Cryptosporidium*. This generally means that monitoring has been at the increased sampling frequency but there is no equivalent monitoring frequency in the 2000 Regulations. Companies should therefore adopt the standard check monitoring frequency specified in the 2000 Regulations for undertakings relating to distribution system parameters. The standard monitoring frequency should be applied for undertakings relating to treatment works or service reservoirs. The wording in the Schedule needs to be amended to reflect these changes.
7. The Inspectorate is aware that some companies may wish to make other revisions to the Schedule and Annex of their distribution system undertakings, to reflect changes in their programmes of work. Any such amendments should be discussed with Milo Purcell as a matter of some urgency and draft undertakings that reflect all the required changes should be submitted before the end of January 2004.
8. Companies should note that the standard for benz(a)pyrene is now a Directive requirement. It is therefore not considered appropriate to include this parameter in a distribution system undertaking.

## **General Approach for undertakings accepted after 1 January 2004 and for Authorised Departures**

9. Enforcement action will still be considered, and Section 19 undertakings accepted, for national standards after 1 January 2004.
10. The Preamble to any new undertaking accepted after 1 January 2004 will need to reflect the above amendments.
11. The monitoring requirements for new undertakings and for Authorised Departures will need to be agreed with the Inspectorate on a case by case basis. In general, the standard check monitoring frequency or the standard monitoring frequency will apply, but there may be situations

where more enhanced monitoring could provide a better indication of the extent of the problem.

### **Enquiries**

12. Any enquiries about the letter should be addressed to Claire Jackson (telephone 020 7082 8010, [claire.jackson@defra.gsi.gov.uk](mailto:claire.jackson@defra.gsi.gov.uk))

### **Circulation**

13. Copies of this letter are being sent to Pamela Taylor, Chief Executive, Water UK; Rodney Anderson and Richard Bird, Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs; June Milligan, Environment Division, The National Assembly for Wales; Tim Hooton, Drinking Water Quality Regulator for Scotland; Randal Scott, Drinking Water Inspectorate for Northern Ireland; and Rowena Tye, Office of Water Services.

14. This letter is being sent electronically to Board Level contacts. Please acknowledge receipt by email to [dwi.informationletters@defra.gsi.gov.uk](mailto:dwi.informationletters@defra.gsi.gov.uk). Hard copies are not being sent but the letter may be freely copied.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeni Colbourne', with a horizontal line extending to the left and right of the name.

Professor Jeni Colbourne  
Chief Inspector