



guardians of drinking water quality

DRINKING WATER INSPECTORATE

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Information Letter 07/08

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

Dear Sir/Madam

Guidance on the requirement to submit a risk assessment under regulations 27 and 28 of the Water Supply (Water Quality) Regulations 2000 (2001 in Wales) (Amendment) Regulations 2007

Purpose

The purpose of this letter is to advise water companies¹ on arrangements for compliance with the requirements of regulations 27 and 28 of the Water Supply (Water Quality) Regulations 2000 (2001 in Wales) (Amendment) Regulations 2007 (hereinafter referred to as the Amendment Regulations).

Background

The Amendment Regulations came into force on 22 December 2007. Regulation 27 requires water companies to carry out a risk assessment for each of its treatment works (including the water source and catchment) and the connected supply system. Regulation 28 requires water companies to provide to the Secretary of State (in practice the Drinking Water Inspectorate) a report of each Regulation 27 risk assessment and any subsequent review of the risk assessment.

The Inspectorate has specified that risk assessment methodology used by water suppliers must be based on the water safety plan approach published by the World Health Organisation (WHO) in the Guidelines for Drinking Water Quality 2004 taking account of subsequent updates and associated guidance manuals published by WHO.

¹ This term refers to water undertakers, water supply licensees and inset appointees.

Action by water companies

A report relating to each risk assessment, for the purposes of regulation 28, should be submitted electronically to the Inspectorate no later than 1 October 2008 to DWI_Risk_Assessments@defra.gsi.gov.uk. Any subsequent report following review of any particular risk assessment should be submitted to the same address as soon as practicable after the review has been completed. Ideally review reports should be sent within 20 working days.

The information required from water companies by the Inspectorate to constitute a risk assessment report defined in regulation 28(2) and 28 (3) is set out in the Annex to this letter. The format of the Annex may be varied to suit the risk assessment methodology of each company however companies are advised that their reports must adequately address each of the information requirements contained in the Annex.

Annex A incorporates guidance notes on the level of detail required for each listed information requirement. It is not the intention of Regulation 28 that water companies provide the Inspectorate with all the detailed underpinning information gathered during the course of preparation and maintenance of each risk assessment. Likewise the Inspectorate does not require full details of the water safety plan methodology used by a water company. However, water companies should provide an overview document outlining the principles of the water safety plan approach as they have been applied by the company when carrying out the risk assessments. This overview document should be kept up to date and the companies should ensure that the version of this document held by the Inspectorate is up to date at all times.

Each risk assessment report should be accompanied by a covering declaration signed by the relevant water supply operations manager and a Director of the water company which reflects the content of Section A of the Annex. This declaration and its contents will be treated by the Inspectorate as the summary report of the risk assessment report for the purposes of dealing with any requests under the Freedom of Information Act. The Inspectorate recognises that the remainder of the technical information provided by companies is for use only by inspectors in the course of their duties and release of such information would be the subject of a detailed security assessment.

Additional considerations for the provision of the risk assessments

The water safety plan approach requires an assessment of all actual and potential hazards and hazardous events that could arise in the catchment area of the source, during treatment, within the distribution system and within buildings. The water safety plan methodology requires the risk of each hazard to be characterised using a scoring system based on a likelihood and consequence matrix. Examples of criteria have been published by the Inspectorate as Annex B of Information Letter 2/2008 (Guidance on the Requirements for the Drinking Water Quality Programme for PR09).

Risk should be characterised before and after taking account of the existing permanent control measures in place. The scoring method should be capable of identifying “residual risks” which require further steps of mitigation (control measures) to be put in place. The Inspectorate considers that “residual risks” as identified through water safety plan methodology should be interpreted as having the same meaning as the term “significant risk....of a potential risk to human health” in Regulation 27(2).

Procedure following submission of the risk assessment reports

DWI will confirm receipt of each risk assessment report but water companies need to be aware that this will not constitute approval or acceptance of the risk assessment, nor will it constitute a formal notice. The Inspectorate will check that: (i) a risk assessment report for each treatment works and its connected systems has been provided; (ii) all the information required as set out in Annex A has been addressed; and (iii) whether the requirements of regulations 27 (2) and (3) have been met.

If a water company fails to provide a risk assessment for a particular works as required by regulation 27(2), the Secretary of State (the Inspectorate) may issue a notice under regulation 27(5) to require the water company to carry out a risk assessment by a date specified in the notice. The Secretary of State (the Inspectorate) may also by notice require a further risk assessment or review of an existing risk assessment to be carried out under Regulation 27(5).

Where a water company in its risk assessment report has identified a significant risk of supplying water that could constitute a potential danger to human health, the Inspectorate on behalf of the Secretary of State may, under regulation 28(4) issue a notice to require the water company to take certain steps to mitigate the risk or may take whatever other steps are considered necessary to verify directly whether such steps have been taken. Exceptionally the Inspectorate may issue a notice requiring a water company to stop using the water supply until specified actions have been taken. In order to determine the need for any notice the Inspectorate may request additional information from a water company or may carry out an audit of some or all parts of the relevant treatment works or water supply system or the water companies water safety plan methodology. Accordingly it is not practicable for the Inspectorate to give general guidance at this stage on how companies will receive feedback on their risk assessment reports. However the Inspectorate does intend to issue further guidance to companies on any common themes and points of learning that emerge from preliminary assessment of Regulation 28 submissions.

Future reviews of risk assessments

Whilst the reporting format as set out in Annex A can be varied by companies, attention is drawn to the fact that it has been designed so that once complete, it can be used to report simply on subsequent updates and reviews. The Inspectorate does not require water companies to provide updates of each risk assessment on a routine basis (e.g. annually) Instead it is the duty of each water company to keep each risk assessment under continual review and provide an updated report

whenever there is any material change to risk categorisation or completion of any specified action relating to risk mitigation (implementation of a specified control measure).

Enquiries

Any enquiries regarding this letter should be made to Claire Pollard on telephone 020 7270 3395 or by email to claire.pollard@defra.gso.gov.uk.

Copies of this letter are being sent to Pamela Taylor, Chief Executive, Water UK; Richard Wood, Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs; Natalie Howes, Climate Change and Water Division, Welsh Assembly Government; Colin McLaren, Drinking Water Quality Regulator for Scotland; Randal Scott, Drinking Water Inspectorate for Northern Ireland; Tony Smith and Chairs of the Regional Consumer Council for Water; Ambrat Virwani for Office of Water Services; Tony Warn, Environment Agency; Nigel Harrison, Food Standards Agency; and Gary Coleman at the Health Protection Agency.

This letter is being sent electronically to Board Level and day to day contacts. Please acknowledge receipt by email to dwi.enquiries@defra.gsi.gov.uk. Hard copies are not being sent but the letter may be freely copied. Any enquiries about the letter should be addressed directly to Jeni Colbourne.

Yours faithfully



Prof. Jeni Colbourne MBE
Chief Inspector of Drinking Water

Attachments:

Annex - Risk Assessment Report format