



## DRINKING WATER INSPECTORATE

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Information Letter 04/10

**To: Board Level and Day to Day contacts of Water and Sewerage Companies, Water Companies and licensed water suppliers in England and Wales**

**Local Authority Private Water Supply contacts**

Dear Sir/Madam

### **NEW DRINKING WATER QUALITY LEGISLATION (2010)**

#### **Purpose**

1. This letter is to inform stakeholders of the publication of three new statutory instruments relating to the regulation of public and private water supplies in England and Wales that come into force on 20 April 2010. The information below summarises the key aspects of this new legislation and the forward process for the update of the Inspectorate's guidance documents.

#### **Background**

2. At the end of 2009 the United Kingdom was formally notified of the European Commission's Reasoned Opinion in relation to the transposition of Council Directive 98/83/EC on the quality of water intended for human consumption. The Reasoned Opinion identified a number of areas where the Commission concluded that the United Kingdom had not adequately transposed the requirements of the Directive into national legislation. Failure to satisfy the requirements of Reasoned Opinion can result in infraction proceedings being brought against the United Kingdom in the European Court. As a consequence various aspects of the legislation relating to both public and private water supplies in England and Wales required amendment.

3. In order to assist government in delivering these amendments, the Inspectorate led a limited consultation lasting one month on their behalf which involved key stakeholders such as water undertakers, licensed water suppliers, LACORS (Local Authorities Coordinators Of Regulatory Services) and local authorities.
4. Three new Statutory Instruments have been made, all of which come into force on 20 April 2010. These are:
  - The Water Supply Regulations 2010
  - The Water Supply (Miscellaneous Amendments) (England and Wales) Regulations 2010
  - The Water Supply (Water Quality) Regulations 2010 (Wales)The key aspects of these regulations are described below. Copies of the full Statutory Instruments are available on the Inspectorate's website at <http://www.dwi.gov.uk/stakeholders/legislation/index.htm>.

### **Changes to the Water Supply (Water Quality) Regulations 2000**

5. The Water Supply Regulations 2010 make changes to the Water Supply (Water Quality) Regulations 2000 (as amended in 2007). The changes, which apply to water undertakers and licensed suppliers who are wholly or mainly in England, are as follows.

#### ***Public buildings***

6. A new Regulation 19A is introduced into the Water Supply (Water Quality) Regulations 2000 which specifies the actions that the Secretary of State (in effect DWI) must take where a failure is attributable to the domestic distribution system in a building where water is supplied to the public. This new regulation places a requirement on the Inspectorate to ensure (by serving a notice) that remedial action is taken. This is achieved by requiring water undertakers to exercise their existing enforcement powers under section 75 of the Water Industry Act 1991. Consequential changes are also made to section 75 of the Act.
7. Similar provisions already exist for public buildings supplied by private water supplies as the Private Water Supplies Regulations 2009 already require local authorities to ensure appropriate remedial action is taken in such circumstances.

#### ***Disinfection***

8. Regulation 26 has been amended to require water undertakers and licensed suppliers to keep disinfection by-products as low as possible without compromising disinfection, and to verify the effectiveness of disinfection.

### **Authorised departures**

9. Minor amendments have been made to the wording of existing Regulations 19 and 20 to ensure that a departure cannot be authorised for the *E.coli* or Coliform bacteria standards.

### **Other changes**

10. Tables 2 and 3 in Schedule 3 of the regulations specifying monitoring frequencies have been replaced with new tables. The content of these tables is the same and does not change the requirements but the format of the tables has been updated to improve clarity on the face of the regulations.
11. Minor amendments have also been made to the wording of several other regulations to bring these in line with the requirements of the Directive.

### **Changes to the Private Water Supplies Regulations 2009**

12. The Water Supply Regulations 2010 also make changes to the Private Water Supplies Regulations 2009. The regulations are amended such that where water from a private supply is disinfected there is a requirement that this process must be designed, operated and maintained to ensure that disinfection is effective, that effectiveness is verified and that disinfection by-products are kept as low as possible (without compromising the effectiveness of disinfection).

### **Changes to the Water Industry Act 1991 and the Drinking Water (Undertakings) (England and Wales) Regulations 2000**

13. The Water Supply (Miscellaneous Amendments) (England and Wales) Regulations 2010 amend section 19 of the Water Industry Act 1991. These amendments apply to both England and Wales and clarify existing publication arrangements to ensure that where the Secretary of State or Welsh Ministers (in effect DWI) accept an undertaking then the publication notice includes summary details of the steps to be taken. This does not change existing practice but updates the legislation in line with Directive requirements and to reflect current practice.
14. The Drinking Water (Undertakings) (England and Wales) Regulations 2000 are also updated to include the correct reference to the European Drinking Water Directive (98/83/EC).

## **The Water Supply (Water Quality) Regulations 2010 (Wales)**

15. The Water Supply (Water Quality) Regulations 2010 come into force on 20 April 2010 and apply to water undertakers and licensed suppliers who operate wholly or mainly in Wales. These regulations consolidate and replace the existing Water Supply (Water Quality) Regulations 2001 (Wales) and the Water Supply (Water Quality) Regulations 2001 (Amendment) Regulations 2007 (Wales). They also incorporate amendments as described above in light of the Commission's reasoned opinion.
16. Amendments to the Private Water Supplies (Wales) Regulations 2010 will follow later this month.

### **Guidance on amended legislation**

17. The Inspectorate's existing guidance documents on the regulation of public and private water supplies are subject to regular review. Now that the final wording of the amending legislation is known the Inspectorate will be reviewing and amending these guidance documents.
18. The Inspectorate is committed to working with those it regulates in updating these documents. Draft updates of the guidance documents will be published on the Inspectorate's website ([www.dwi.gov.uk](http://www.dwi.gov.uk)) with details of how comments can be fed into the review process. The anticipated timetable for the update of guidance is outlined below.

<b>Updated Guidance on the Water Supply (Water Quality) Regulations 2000 (as amended) and Water Supply (Water Quality) Regulations 2010 (Wales)</b>	
Draft updated guidance available on <a href="http://www.dwi.gov.uk">www.dwi.gov.uk</a>	10 May 2010
Comments to be returned by	4 June 2010
Revised guidance document available on <a href="http://www.dwi.gov.uk">www.dwi.gov.uk</a>	End of June 2010

19. Guidance on the Private Water Supplies Regulations 2009 is currently being reviewed. Further changes to the document resulting from the Amendments described above will be incorporated into this review.
20. In parallel, the Inspectorate will continue to engage with representatives of water suppliers and local authorities through established networks and stakeholder forums regarding the content of the guidance documents.

21. Copies of this letter are being sent to Pamela Taylor, Chief Executive, Water UK; Mike Walker, Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs; Olwen Minney, Water Management Team, Welsh Assembly Government; Colin McLaren, Drinking Water Quality Regulator for Scotland; Margaret Herron, Drinking Water Inspectorate for Northern Ireland; Tony Smith and Chairs of the Regional Consumer Council for Water; Noel Wheatley, Ofwat; Tony Warn, Environment Agency; Nigel Harrison, Food Standards Agency; and Frances Pollitt at the Health Protection Agency.

22. 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](mailto: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 me using the contact details above.

Yours faithfully



**Dr Jim Foster**  
**Deputy Chief Inspector (Science & Strategy)**