

4 July 2018

Information Letter 01/2018

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

Dear Sir/Madam

DRINKING WATER QUALITY LEGISLATION (2017 and 2018)

1. Purpose

This letter is to inform stakeholders of the publication of four new statutory instruments relating to the regulation of public and private water supplies in England and Wales that are in force or will be coming into force shortly. The information below summarises the key aspects of this new legislation and the forward process for the update of the Inspectorate's guidance documents.

2. Background

Four new Statutory Instruments have been made. These are:

- The Water Supply (Water Quality)(Amendment) Regulations 2018 – SI No. 706 - coming into force on 11 July 2018
- The Private Water Supplies (England) (Amendment) Regulations 2018 – SI No. 707 – coming into force on 11 July 2018
- The Water Supply (Water Quality) Regulations (Wales) 2018 – SI No. 647 – came into force 15 June 2018
- The Private Water Supplies (Wales) Regulations 2017 – SI No. 1041 – came into force 20 November 2017

The key aspects of these Regulations are described below. Copies of the full Statutory Instruments are available on the Inspectorate's website www.dwi.gov.uk or from www.legislation.gov.uk and using the following links.

- [The Water Supply \(Water Quality\)\(Amendment\) Regulations 2018 \(England\)](#)
- [The Water Supply\(Water Quality\) Regulations 2018 \(Wales\)](#)
- [The Private Water Supplies \(England\)\(Amendment\)Regulations 2018](#)
- [The Private Water Supplies \(Wales\) Regulations 2017](#)

3. Changes introduced to the Water Supply (Water Quality) Regulations in England and Wales through the 2018 Regulations

The 2018 Regulations amend the 2016 Regulations in England and replace the Water Supply (Water Quality) Regulations 2010 (Wales) as amended through consolidating the changes introduced by the 2016 amendments to the Welsh Regulations.

3.1 Transposition of the Council Directive 2015/1787 amending annexes II and III

The 2018 Regulations introduce the opportunity to apply a risk-based approach to monitoring provided water companies and water supply licencees meet certain specified criteria (see section 5.1).

3.2 New requirements

Audit and check monitoring

The categories of parameters for monitoring which were previously grouped as “check” and “audit” parameters have been replaced with “Group A” and “Group B” parameters.

Monitoring variations

Regulation 9 has been amended (replaced with regulation 9A in England) to set out the minimum requirements for risk assessments to enable water companies and water supply licencees to vary their monitoring frequencies (apart from for *E.coli*) provided that a risk assessment has been carried out following an approved methodology, and on the basis of three years of sampling results meeting specific criteria, and provided that the risk assessment confirms that nothing can be reasonably anticipated that would cause deterioration of the water.

Monitoring for plumbing metals

Regulation 6 has been amended from the current situation where the manner of monitoring for copper, lead and nickel is to be determined by the Secretary of State or Welsh Ministers and confirmed in writing from time to time (in effect through guidance). It is now explicit in the Regulations themselves that compliance samples for certain chemical parameters particularly copper, lead and nickel (i.e. “plumbing metals”) must take the form of a random daytime sample of one litre volume taken at a consumer’s tap without prior flushing.

Collection and analysis of samples

Regulation 16 in England and regulation 15 in Wales, relate to the collection and analysis of samples. Here, an international standard for collecting and analysing samples (EN ISO/IEC 17025) has been introduced.

Analytical methods

Schedule 5 in both Regulations has been updated to reflect revised analytical methods published in Council Directive 2015/1787.

Trueness and precision to uncertainty of measurement

Schedule 5 also introduces a change to the prescribed performance characteristics of analytical methods (expected for each parameter) to an “uncertainty of measurement” methodology. A method for implementing the “uncertainty of measurement” has been developed and published (http://standingcommitteeofanalysts.co.uk/library/SCA%20Bluebook%20Uncertainty%20of%20Measurement_Jan2018.pdf) (part of the Standard Committee of Analysts (SCA) blue books).

To provide laboratories with sufficient time to adapt to the changes, the “uncertainty of measurement” approach does not need to be used until 1 January 2020. The current performance characteristics (at Table 2) can continue to be used until 31 December 2019.

Other amendments

Regulation 6 introduces a change to sampling requirements for drinking water provided in static tanks and bowsers.

4. Changes introduced to The Private Water Supplies (England) Regulations 2016 (through the 2018 Amendment Regulations) and The Private Water Supplies (Wales) Regulations 2017

The 2017 and 2018 Private Water Supplies Regulations and Amendments set out how a risk based approach to monitoring can be applied by Local Authorities provided they meet certain specified criteria.

4.1 Transposition of the Council Directive 2015/1787 amending annexes II and III

Audit and check monitoring

The categories of parameters for monitoring which were previously grouped as “check” and “audit” parameters have been replaced with “Group A” and “Group B” parameters.

Risk Assessments

Regulation 6 requires Local Authorities to carry out a risk assessment that complies with European standard EN 15975-2 and then forward a summary of these risk assessments to the Secretary of State within one year. By using the Drinking Water Inspectorate's risk assessment tool they will comply with this standard.

Private Water Supply categories

There have been changes made in Wales relating to regulation 10 supplies, which are now single dwellings that are not rented or used for commercial activity, and a new category added in Wales only, for regulation 11 supplies, which are supplies intended for human consumption that are not regulation 8, 9 or 10 supplies. This includes anything other than a single dwelling supplying < 10m³/day and premises rented to tenants as a long term dwelling where the water supply is intended for human consumption.

Monitoring for plumbing metals

Regulation 12 in England and regulation 14 in Wales have been amended to state that compliance samples for certain chemical parameters particularly copper, lead and nickel (i.e. "plumbing metals") must take the form of a random daytime sample of one litre volume taken at a consumer's tap without prior flushing.

Notices

Regulation 18 Notices in England and regulation 20 Notices in Wales have been amended to allow Local Authorities to carry out corrective actions in default if they have not been completed by the "relevant persons" within the timescale agreed and then reclaim those costs.

Fees

Regulation 21 in England and regulation 23 in Wales relate to changes in fees permissible for Local Authority recharge in relation to private water supplies work. In England the upper limit has been removed while in Wales the upper limit has been raised.

Monitoring variations

Schedule 2 Part 2a has been amended to set out the minimum requirements for risk assessments to enable Local Authorities to vary their monitoring frequencies (apart from for *E.coli*) provided that a risk assessment has been carried out following an approved methodology, and on the basis of three years of sampling results meeting specific criteria, and provided that the risk assessment confirms that nothing can be reasonably anticipated that would cause deterioration of the water.

Sampling and Analysis

Schedule 3 relates to the collection and analysis of samples. Here, international standards for collecting (EN ISO/IEC 17024 or EN ISO/IEC 17025) and analysing samples (EN ISO/IEC 17025) have been introduced. This has also been updated to reflect revised analytical methods published in Council Directive 2015/1787.

Trueness and precision to uncertainty of measurement

Schedule 5 also introduces a change to the prescribed performance characteristics of analytical methods (expected for each parameter) to an “uncertainty of measurement” methodology. A method for implementing the “uncertainty of measurement” has been developed and published (http://standingcommitteeofanalysts.co.uk/library/SCA%20Bluebook%20Uncertainty%20of%20Measurement_Jan2018.pdf) (part of the Standard Committee of Analysts (SCA) blue books).

To provide laboratories with sufficient time to adapt to the changes, the “uncertainty of measurement” approach does not need to be used until 1 January 2020. The current performance characteristics (at Table 2) can continue to be used until 31 December 2019.

5. Guidance on the amended legislation

Information Letter 04/2017 refers to the impact of these changes on companies’ sampling programmes, and sets out the requirements that companies should follow until they can apply for monitoring variations.

5.1 Consultation on the revised Guidance to the public water supply regulations in England and Wales

The Inspectorate wrote to companies on 22 May 2018 seeking views on draft guidance for the aforementioned statutory instruments. The consultation is now closed and the comments are being considered, after which, the Guidance will be published on our website.

5.2 The 2018 and 2017 Private Water Supplies Regulations (England and Wales)

Guidance has been published on the Inspectorate’s website in the form of information notes on each of the regulations. These notes will be kept under continuous review and as new, relevant information becomes available, they will be updated and stakeholders notified.

Copies of this letter are being sent to Michael Roberts, Chief Executive, Water UK; Jan Dixon and Kirstin Green, Water Resources Management, Efficiency, Innovation, Drainage & Sewers, Department for Environment, Food and Rural Affairs; Eifiona Williams, Water Management Team, Welsh Government; Sue

Petch, Drinking Water Quality Regulator for Scotland; Catriona Davis and David O'Neill, Drinking Water Inspectorate for Northern Ireland; Tony Smith and Chairs of the Regional Consumer Council for Water; Wei Xiao, Ofwat; Helen Wakeham, Environment Agency; Benedict Duncan, Food Standards Agency; and Stephen Robjohns and Ovnair Sepai at Public Health England.

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 dwi.enquiries@defra.gsi.gov.uk.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Marcus Rink', written in a cursive style.

Marcus Rink
Chief Inspector of Drinking Water