



guardians of drinking water quality

## DRINKING WATER INSPECTORATE

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21 August 2018

Information Letter 02/2018

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

Dear Sir/Madam

#### **Monitoring Variations under Regulation 9 and Reporting Requirements under Regulation 28 of the Water Supply (Water Quality) Regulations 2016 (as Amended) and the Water Supply (Water Quality) Regulations 2018 (Wales) (the Regulations)**

##### **1. Purpose**

1.1. The purpose of this letter is to provide companies<sup>1</sup> with instructions for applying for monitoring variations under regulation 9(6)(b) and updated reporting requirements for regulation 28(4) of the Regulations.

##### **2. Monitoring Variations**

2.1. Information Letter 01/2018 details the background and changes brought about by amendments to the Water Supply (Water Quality) Regulations 2016 and the revised Water Supply (Water Quality) Regulations 2018 (Wales).

2.2. Regulation 9(6)(b) allows companies to apply to vary the parameters monitored, or vary the frequency of monitoring. Conditions are prescribed in regulations 9(8) and 9(11).

##### **3. Reporting under Regulation 28(4)**

3.1. The Inspectorate initially provided guidance, and a data specification in February 2014 (IL 02/2014). The specification was updated after review in February 2015 (IL 01/2015).

3.2. A further review was undertaken during 2017, as part of the process of transposing Council Directive 2015/1787 which amends annexes II and III of Council Directive 98/83/EC, the Drinking Water Directive, which resulted in

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<sup>1</sup> This term refers to water undertakers and water supply licensees.

the facility for varying parameters monitored and monitoring frequencies set out in the Regulations.

#### 4. Monitoring Variations Application Process

- 4.1. Companies meeting the requirements of regulations 9(8) and 9(11), may apply for a monitoring variation. Companies are required to populate a spreadsheet application. Instructions for populating the spreadsheet are detailed in Annex A to this letter (Guidance and Data Specification – Monitoring Variation Applications).
- 4.2. The spreadsheet application will be loaded into the DWI database. An automatic email will be sent to day-to-day contacts listing errors which caused any line within the spreadsheet not to be loaded, or the application to be rejected. Companies may be contacted by Inspectors to discuss individual applications or the outcome of application assessments.
- 4.3. The following situations require a site specific report, in addition to the spreadsheet application. The report should detail compelling evidence that there is little or no risk of the conditions in regulation 9(8) being breached. Sites and parameters may be sensibly grouped for the purposes of producing reports.
  - a. Aesthetic and physico-chemical parameters – colour, turbidity, pH, conductivity, taste and odour – these are important general indicators of the quality of water supplied to consumers, and indicators of risks associated with private domestic systems.
  - b. Aluminium – common constituent of treatment chemicals which may contribute to formation of sediment in distribution.
  - c. Ammonium, nitrate and nitrite when chloramination or dosing is practised at the supplying works, and because nitrate and nitrite must be monitored at the same frequency to demonstrate compliance with the formulaic PCV.
  - d. Bromate where any of ozonation, sodium hypochlorite dosing or UV treatment is practised at a supplying works or in the network.
  - e. Chloride and sulphate – these are important indicators of corrosivity.
  - f. Coliform bacteria, colony counts at 22°C, Enterococci, *C. perfringens* and residual disinfectant – these are important indicators of microbiological quality, and the PCV-based criteria for monitoring variations do not apply.
  - g. Fluoride – due to public interest in this parameter.
  - h. Iron and manganese – because of their common association with cast iron mains and discolouration.
  - i. PAH and benzo(a)pyrene – because of association with coal tar lined mains, and some bitumen linings.
  - j. Pesticides (individual parameters) – risk-based monitoring for pesticides is already in place, therefore the Inspectorate is not expecting to receive any applications for monitoring variations.
  - k. Plumbing metals – chromium, copper, lead and nickel - because of companies' duties in respect of private domestic systems.

- l. Sodium – associated with some types of plumbed-in filters in private domestic systems
  - m. Trihalomethanes – required to demonstrate compliance with regulation 26.
- 4.4. Monitoring variations will not be granted for site and parameter combinations that are subject to an undertaking or regulation 28 notice.
- 4.5. Notices to exempt monitoring of radioactive parameters are covered separately in the Regulations (regulation 6(12) and 6(14) in Wales).
- 4.6. It is a requirement that water companies' risk assessment and risk management processes, are confirmed as conforming to the Risk Management Assessment Scheme (RMAS) administered by Lloyd's Register. The scheme is currently in the pilot phase with United Utilities, Anglian Water and Wessex Water, within the following timetable:

Pilot Scheme Activity	Schedule
Scheme Governance Memorandum of Understanding signed	Mid July 2018
Proposals to Pilot Water Suppliers	End July 2018
Water Suppliers in Pilot Scheme sign contracts with Lloyd's Register	Early August 2018
Perform pilot assessments	August/September 2018
Receive feedback and revise/refine scheme	End September 2018
Launch and roll out of scheme	October 2018

4.7. The pilot will determine the main guidance document for the scheme, which will detail how conformity with the Water Industry Specification 4-01-04 and other DWI requirements will be determined, as well as the regular re-inspection process.

4.8. The RMAS scheme will be launched with the publication of the guidance and other supporting material on Lloyd's Register's website <https://www.lr.org/en/>.

## 5. Variation Notices

5.1. Monitoring variation applications that meet all the conditions in regulation 9(8) and 9(11) will be granted by the issue of a notice under regulation 9(4)(b). The Notice will detail further conditions that will apply for the duration that the Notice is in force. These conditions will include, but are not limited to;

- a) Exceedances of the conditions in regulation 9(8)(b) and (c) must be reported to the DWI immediately by email to [dwimonthlydata@defra.gsi.gov.uk](mailto:dwimonthlydata@defra.gsi.gov.uk).
- b) Where a cessation Notice is in place, monitoring shall revert to reduced frequency if any sample result (Compliance data or operational data collected under normal operating conditions i.e. not commissioning or optimisation) is 30% of the PCV or more.
- c) Where a reduced frequency Notice is in place, monitoring shall revert to standard frequency if any sample result (as defined above) is 60% of the PCV or more.

5.2. Reduced frequency will be set to 50% of standard frequency, rounded up to the nearest whole number.

5.3. Variation Notices may be revoked by the DWI in response to an event, an identified risk to human health or any other information that leads the DWI to conclude that the conditions in regulation 9(8) and 9(11) may be breached.

5.4. When there is no active Variation Notice in place for a site and parameter combination, it is expected that sampling will be at the appropriate standard frequency set out in the Regulations. A shortfall in sampling will be treated as a breach of the Regulations, and the DWI may consider enforcement action.

## **6. Reapplications**

6.1. Reapplications should be made three months prior to the Variation Notice expiring.

6.2. If the Variation Notice was revoked, reapplications will be accepted. Reapplications must include a report of the investigation into the elevated sample result, as if it were a compliance breach. If corrective action was taken, a period of monitoring at standard frequency appropriate to demonstrate recurrence is unlikely, will be required.

## **7. Risk Assessment Report Specification**

7.1. Annex B (Guidance and Specification – Regulation 28 Reports) to this letter contains the consolidated guidance and data specification for reporting against regulation 28 of the Regulations.

7.2. The following key changes have been made to the guidance and specification:

- a. A HazardID must be used as a unique identifier at the latest for the October 2019 annual submission, or when company makes applications for monitoring variations under regulation 9(4) of the Regulations.
- b. Categories I (Future risk not requiring mitigation at present) and X (Line is no longer relevant) have been added to the list of DWI categories.

- c. Parameter suite code PSC999 has been introduced for use when a parameter/hazard is not monitored at that stage.
- d. Due to the change in regulation 27 of the Regulations (now includes risk to wholesomeness), and the requirement for a risk assessment to support monitoring variation applications under regulation 9(4), groupings of hazards may not be used when hazards are parameters determining wholesomeness, or where hazards are sampled for compliance purposes.
- e. Hazards must have a risk assessment report submitted for the stage at which they are sampled for compliance and all upstream and downstream stages.
- f. Hazards must have a risk assessment report submitted for the consumer stage at which they are sampled for wholesomeness and all upstream stages.
- g. Companies shall provide risk assessment reports for pesticides when they are monitored for compliance purposes. These pesticides should feature at each stage (catchment to consumer) and shall not be part of 'total pesticides'.
- h. Risk assessment reports for other pesticides that are risk assessed in catchments or at abstraction points but are not sampled for compliance shall only have a risk assessment report submitted at the catchment or abstraction point stage.

7.3. The Inspectorate's database will continue to automatically generate emails which summarise load errors of both monitoring variation applications and risk assessment reports. These emails will be sent to the email addresses previously supplied by companies.

## **8. Required action by companies**

8.1. To submit to the Inspectorate on 21 October 2018, a full resubmission of all regulation 28 reports for risk assessments using the updated reporting arrangements appended to this letter and available on the Inspectorate's website.

8.2. If the Company's risk assessment methodology has been revised, this should also be submitted with the October resubmission, along with the risk review procedure.

## **9. Enquiries**

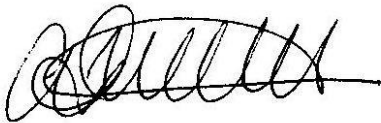
Any enquiries regarding this letter should be made to Annabelle May on 020 8026 4322 or by email to [annabelle.may@defra.gsi.gov.uk](mailto:annabelle.may@defra.gsi.gov.uk)

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; Kevin Ridout, Ofwat; Helen Wakeham, Environment Agency;

Benedict Duncan, Food Standards Agency; 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](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 [dwi.enquiries@defra.gsi.gov.uk](mailto:dwi.enquiries@defra.gsi.gov.uk).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Annabelle May', with a long horizontal stroke extending to the right.

Annabelle May  
Principal Inspector