
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 212

**The Water Supply (Water Quality)
Regulations (Northern Ireland) 2017**

PART 9

WATER TREATMENT

Disinfection and other treatment arrangements

29.—(1) Unless the conditions in paragraph (4) are satisfied, before supplying water for regulation 5(1) purposes, a water undertaker must—

- (a) disinfect the water; and
- (b) where necessary, subject the water to sufficient preliminary treatment to prepare it for disinfection.

(2) A water undertaker must—

- (a) design, operate and maintain the disinfection process so as to keep the presence of disinfection by-products as low as possible without compromising the effectiveness of the disinfection; and
- (b) verify the performance of the disinfection process.

(3) Paragraph (4) applies when any property, organism, or substance is present in a water source at a level that may constitute a potential risk to human health.

(4) Unless the conditions in paragraph (5) are satisfied, before supplying water for regulation 5(1) purposes using water from any source, a water undertaker must design and continuously operate an adequate treatment process for water from the source.

(5) The conditions are that a water undertaker—

- (a) must supply water from the treatment works as a matter of urgency in order to prevent an unexpected interruption in piped supply to consumers; and
- (b) before a supply is made, has taken all necessary steps to inform consumers that the water is not disinfected or adequately treated.

(6) For the purposes of this regulation—

- (a) “adequate treatment process” means a process of blending or purification treatment which—
 - (i) removes, or
 - (ii) renders harmless the value or concentration of,

any property of water, organism or substance in water, so that supplies do not constitute a potential risk to human health;

- (b) “sufficient preliminary treatment” means the treatment necessary—

- (i) to remove, or to reduce the value or concentration of, any property or substance which would interfere with disinfection; and
- (ii) to reduce turbidity to less than one Nephelometric Turbidity Unit (NTU); and
- (c) water is supplied for regulation 5(1) purposes when it leaves a treatment works.

(7) Article 30 of the 2006 Order applies to the enforcement by the Department of the duties under this regulation in the same way as it applies to the enforcement by the enforcement authority of the duties to which that Article applies.

Risk assessment

30.—(1) This regulation applies to every treatment works and its connected supply system from which water is supplied for regulation 5(1) purposes.

(2) A water undertaker must carry out a risk assessment of each of its treatment works and its connected supply system in order to establish whether there is a significant risk of supplying water from those works that would constitute a potential risk to human health or is likely to be unwholesome.

(3) A risk assessment must-

- (a) be carried out in accordance with a method which is approved by the Department;
- (b) be based on the general principles of a risk assessment set out in international standards such as EN 15975-2 concerning “security of drinking water supply, guidelines for risk and crisis management”(1);
- (c) take into account the results from the monitoring programmes-
 - (i) under these regulations; and
 - (ii) under Regulation 11 (monitoring) of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017(2) in respect of bodies of water identified under Regulation 8 of those Regulations (bodies of water used for the abstraction of drinking water).

(4) A water undertaker must keep under review and, where necessary, update the risk assessment.

(5) A water undertaker must review and, where necessary, update the risk assessment when monitoring programmes are reviewed under regulation 6.

(6) The Department may by notice served on a water undertaker require a risk assessment or review to be carried out by a date specified in the notice.

(7) Where a water undertaker becomes aware of any factors which make it likely that a risk assessment under this regulation would establish that there is a significant risk of supplying water that would constitute a potential risk to human health or that is likely to be unwholesome it must serve a notice on the Department specifying the relevant factors.

(8) On the coming into force of these Regulations, a risk assessment carried out under regulation 27 of the 2007 Regulations which had effect immediately before the coming into force of these Regulations continues to have effect subject to paragraph (9) and shall be construed as having been carried out under this regulation, and it must comply with paragraph (4), (5) and (7).

(9) Risk assessments referred to in paragraph (8) must be updated to comply with paragraph (2) and (3) of this regulation by 31 March 2019.

(1) This standard was approved by the European Committee for Standardization (CEN) on 5th July 2013. Under reference BS EN 15975-2:2013, it is published as a UK standard by the British Standards Institution (ISBN 978 0 580 84737 0).

(2) [S.R. 2017 No.81](#)

(10) Any new risk assessment carried out under paragraph 2 after the coming into force of these Regulations must after the 31 March 2019 comply with all conditions of this regulation and prior to that date shall comply with paragraphs (4), (5) and (7).

Procedure following risk assessment

31.—(1) As soon as reasonably practicable after a water undertaker has carried out a risk assessment or review of such assessment under regulation 30, it must submit to the Department a report of the assessment.

(2) The report must contain—

- (a) a description of the methods used to carry out the assessment or review;
- (b) a summary of the risk assessment results;
- (c) where the assessment or review establishes that there is no significant risk of supplying water that could constitute a potential risk to human health or be unwholesome, a statement confirming this; and
- (d) where the assessment or review establishes that measures have been taken to remove a significant risk of supplying water that could constitute a potential risk to human health or be unwholesome—
 - (i) monitoring data which verifies this; and
 - (ii) details of those measures.

(3) Where the assessment or review establishes that there is a significant risk of supplying water that could constitute a potential risk to human health or be unwholesome, the report must—

- (a) contain a full explanation including details of every property, organism, or substance that has been identified as contributing to the risk; and
- (b) specify the measures that a water undertaker—
 - (i) has made operational as at the date of the report, and
 - (ii) intends to make operational,

to mitigate the risk.

(4) Where the Department has received a report which states that there is or has been a significant risk of supplying water that could constitute a risk to human health or be unwholesome, it may, by notice served on a water undertaker, require it—

- (a) to maintain such specified measures for such period of time as it considers appropriate to mitigate the risk;
- (b) to review, revise, or make operational such specified measures by such date as it considers appropriate to mitigate the risk;
- (c) to audit whether the measures have been effective by such means as may be specified;
- (d) not to supply water for regulation 5(1) purposes from specified treatment works, or not to so supply unless specified conditions are satisfied; and
- (e) to give it such information as it may require to monitor progress towards mitigation of that risk.

(5) In paragraph (4), “specified” means specified in the notice served under that paragraph.

(6) The Department may, by notice served on a water undertaker, revoke or amend a notice served under paragraph (4).

(7) Article 30 of the 2006 Order applies to the enforcement by the Department of the duties under this regulation in the same way as it applies to the enforcement by the enforcement authority of the duties to which that Article applies.

Contamination from pipes

32.—(1) Where there is a risk (“the prescribed risk”) that water supplied by the water undertaker would, for the reason mentioned in paragraph (2), after leaving that undertaker’s pipes—

- (a) contain a concentration of copper in excess of 2mg/litre; or
- (b) contain a concentration of lead in excess of 10µg/litre,

the water undertaker must, subject to paragraph (3), treat the water in such a way as will, in its opinion, eliminate the prescribed risk or reduce it to a minimum.

(2) The reason referred to in paragraph (1) is the presence in the water of a concentration of copper or lead which is attributable to the fact that copper or lead is the major component of such a pipe as is mentioned in Article 108(3)(a) of the 2006 Order, or its associated fittings.

(3) Paragraph (1) shall not require the water undertaker to treat water—

- (a) if the treatment is unlikely to achieve a significant reduction in the concentration of copper or lead; or
- (b) if treatment is not reasonably practicable.

(4) Where the water undertaker—

- (a) has reason to believe that water supplied by it for regulation 5(1) purposes from a pipe to which paragraph (5) applies contains, at the consumer’s tap, a concentration of lead which exceeds 10µg/l; and
- (b) has received from the owner of premises to which water is so supplied notice in writing —
 - (i) of the owner’s intention to replace so much of the pipe as belongs to them; and
 - (ii) of the owner’s desire that the water undertaker replaces the remainder of the pipe,

the water undertaker must modify or replace its part of the pipe.

(5) This regulation applies to a pipe—

- (a) of which the major component is lead;
- (b) which is subject to water pressure from a water main or would be so subject but for the closing of some valve; and
- (c) which belongs, as to part, to the water undertaker and, as to the remainder, to the owner of any premises to which the water undertaker supplies water for regulation 5(1) purposes.

Application and introduction of substances and products

33.—(1) Subject to paragraph (2), a water undertaker must not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for regulation 5(1) purposes, unless one of the requirements of paragraph (4) is satisfied.

(2) A substance or product which, at the time of its application or introduction—

- (a) bears an appropriate CE marking in accordance with the Construction Products Regulation; or
- (b) conforms to an appropriate British Standard or some other appropriate standard of an EEA state or Turkey which provides an equivalent level of protection and performance,

may be applied or introduced, notwithstanding that none of the requirements of paragraph (4) is satisfied.

- (3) Paragraph (2) applies only if such an application or introduction complies with—
- (a) such conditions of use restricting the dosing concentration as are for the time being in force in relation to such substances and products pursuant to a determination of the Department by an notice in writing; and
 - (b) such other requirements, within the meaning of the Technical Standards Directive, in relation to such substances and products, as have been communicated to the European Commission in the form of a draft technical regulation in accordance with Article 8 of that Directive, and whose adoption by a Member State has also been communicated to the European Commission.
- (4) The requirements of this paragraph are that—
- (a) the Department has for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval;
 - (b) the Department is satisfied that the application or introduction of the substance or product either alone or in combination with any other substance or product in the water is unlikely to adversely affect the quality of the water supplied; or
 - (c) the substance or product is to be applied or introduced solely for the purposes of testing or research, and the water undertaker has given to the Department not less than 3 months' notice in writing of its intention so to apply or introduce the substance or product.
- (5) An application for an approval mentioned in paragraph (4)(a) may be made by any person.
- (6) If the Department decides to issue an approval under paragraph (4)(a), the Department may include in the approval such conditions as the Department considers appropriate and, in accordance with paragraph (10), may at any time revoke or vary any approval that the Department has previously given.
- (7) Where substances or products are applied or introduced in any case in which the requirement mentioned in paragraph (4)(c) is satisfied, their application or introduction must be discontinued within 12 months of the date on which they were first applied or introduced or, if the Department by notice given in writing to the water undertaker so directs, within such other period (whether longer or shorter) as may be specified in the notice.
- (8) The Department may, by notice given in writing to any water undertaker, prohibit it from applying to, or introducing into, water intended to be supplied for regulation 5(1) purposes any substance or product which the water undertaker would otherwise be authorised to apply or introduce by virtue of—
- (a) paragraphs (1) and (4)(b) or (c), or
 - (b) paragraph (2).
- (9) A prohibition under paragraph (8) may be without limitation as to time or for such period as is specified in the notice.
- (10) Subject to paragraph (11), the Department may—
- (a) revoke by notice in writing any approval given under paragraph (4)(a);
 - (b) vary any such approval by notice in writing by including conditions or varying existing conditions;
 - (c) give any such notice as is mentioned in paragraph (8).
- (11) Unless the Department is satisfied that it is necessary to do so in the interests of public health without notice, the Department must not act under paragraph (10) without giving all such persons as are, in the Department's opinion, likely to be affected by the revocation or variation of the approval or by the giving of the notice, at least 6 months' notice in writing.

(12) Notwithstanding paragraph (11), the Department must give immediate notice to all persons likely to be affected by the revocation or variation of an instrument mentioned in paragraph (10) (a) or (b).

(13) At least once in each year the Department must issue a list of all the substances and products, with particulars of the action taken, in relation to which—

- (a) an approval under paragraph 4(a) has been granted or refused;
- (b) such an approval has been revoked or varied; and
- (c) a notice has been given under paragraph (8).

(14) The Department may—

- (a) by notice served on the person who makes an application for approval under paragraph (4) (a), require the person to pay the Department a charge which reflects the administrative expenses incurred or likely to be incurred by the Department in connection with the application; and
- (b) in determining the amount of any such charge, adopt such methods and principles for its calculation as appear to the Department to be appropriate.

In this regulation—

“the Construction Products Regulation” means Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products⁽³⁾;

“the Technical Standards Directive” means Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services⁽⁴⁾.

Use of processes

34.—(1) The Department may at any time by notice in writing given to the water undertaker require it to make an application to the Department for approval of the use of any process; and may prohibit it for such period as may be specified in the notice from using any such process in connection with the supply by it of water for regulation 5(1) purposes.

(2) The Department may refuse the application or impose on any approval given for the purposes of this regulation such conditions as it thinks fit and, subject to paragraph (3), may at any time by notice in writing to the water undertaker revoke an approval so given or modify or revoke any condition imposed by virtue of this paragraph.

(3) Subject to paragraph (4), the Department must not—

- (a) revoke any approval given for the purposes of this regulation;
- (b) modify any condition imposed by virtue of paragraph (2); or
- (c) prohibit the water undertaker from using any process, unless it has given to the undertaker at least six months’ notice in writing of its intention to revoke, modify or prohibit, as the case may be.

(4) Paragraph (3) shall not apply in any case in which the Department is of the opinion that the immediate revocation, modification or prohibition is necessary in the interests of public health.

(3) OJ No L 88, 4.4.2011, p 5, as last amended by Commission Delegated Regulation (EU) No 574/2014 (OJ No L 159, 28.5.2014, p 41).

(4) OJ No L 241, 17.9.2015, p 1.

Offences

35.—(1) A water undertaker which applies or introduces, any substance or product in contravention of regulation 33(1) or a notice given under regulation 33(8), or uses any process in contravention of a prohibition imposed under regulation 34(1) or without complying with a condition imposed by virtue of regulation 34(2) shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(2) In any proceedings against a water undertaker for an offence under paragraph (1), it shall be a defence for that water undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.