

2010 No. 128

WATER AND SEWERAGE

**The Water Supply (Water Quality) (Amendment) Regulations
(Northern Ireland) 2010**

Made - - - - - *29th March 2010*

Coming into operation - - - - - *20th April 2010*

The Department for Regional Development is designated (a) for the purposes of section 2(2) of the European Communities Act 1972 (b), in relation to the environment.

The Department for Regional Development has carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c).

The Department for Regional Development makes these Regulations under Articles 109 and 300(2) of the Water and Sewerage Services (Northern Ireland) Order 2006(d) and section 2(2) of the European Communities Act 1972(e).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on the 20th April 2010.

(2) In these Regulations, “the principal Regulations” means the Water Supply (Water Quality) Regulations (Northern Ireland) 2007(f).

(3) The Interpretation Act (Northern Ireland) 1954 shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly(g).

Amendments to the principal Regulations

2.—(1) The principal Regulations are amended as follows:

(2) In regulation 2 (Interpretation), in paragraph (1) omit the definition for regional health and social services care trust.

(3) In regulation 8, for paragraph (1) substitute—

(a) S.I. 2008 No. 301
(b) 1972 c.68
(c) OJ No L31, 1.2.2002, p 1.
(d) S.I. 2006/3336 (N.I. 21)
(e) 1972 c. 68.
(f) S.R. 2007/147 as amended by S.R. 2009/246
(g) 1954 c.33 (N.I.)

“(1) The Department, being satisfied that analysis of samples taken from—

- (a) any blending point;
- (b) the water leaving any service reservoir which receives water from a treatment works before its supply to any consumer; and
- (c) the water leaving any treatment works,

shall produce data in respect of the parameters specified as items 7, 8, 9 to 15, and 17 to 25 in column (1) of Table 3 in Schedule 3 which are unlikely to differ in material respect from the data that would be produced in respect of those parameters from analysis of samples obtained from sampling points, and hereby authorises the use for the purposes of regulation 6 of samples in relation to those parameters taken from a water supply zone from a blending point, a service reservoir of that description or a treatment works.”

- (4) In regulation 17 (investigations: Schedule 1 parameters) omit paragraph (8).
- (5) In regulation 18 (investigations: indicator parameters)—
 - (a) in paragraph (1) after the words “indicator parameters set out in Schedule 2, it shall”, insert “immediately”; and
 - (b) omit paragraph (4).
- (6) In regulation 19 (action by the Department)—
 - (a) In paragraph (1)(a)(i) omit the words “Part II of Table A or”
 - (b) In paragraph (2)(a)(i) omit the words “Part II of Table A or”
 - (c) In paragraph (3)(b) for “risk to human health” substitute “potential danger to human health” and substitute “may” with “shall”.
- (7) In regulation 20 (authorisation of temporary supply that is not wholesome), in paragraph (1)(a) omit the words “Part II of Table A or”.
- (8) After regulation 26(1) insert—
 - “(1A) 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.”.
- (9) In regulation 33(6)(a)(ii) for regional health and social services trust substitute—
 - “the Regional Agency for Public Health and Social Well-being (established by section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009).”
- (10) For Table 2 in Schedule 3 substitute the table in Schedule 1.
- (11) For Table 3 in Schedule 3 substitute the table in Schedule 2.

Amendments to the Water and Sewerage Services (Northern Ireland) Order 2006

3. For Article 31(3)(b) of the 2006 Order substitute—

- “(b) publish in such manner as the enforcement authority considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them—
 - (i) a copy of the notice, and
 - (ii) where the enforcement authority is satisfied as mentioned in sub-paragraph (b) of paragraph (1) above, a summary of the undertaking describing the steps to be taken in it; and”

Sealed with the Official Seal of the Department for Regional Development on 29th March 2010



John Mills
A Senior Officer of the
Department for Regional Development

SCHEDULE 1

Regulation 9

Table 2 in Schedule 3 of the Water Supply (Water Quality) Regulations (Northern Ireland) 2007

“TABLE 2

Annual Sampling Frequencies: Water Supply Zones

Note: This table sets out the annual sampling frequencies for all the substances and parameters in column 1. These are determined for each water supply zone according to its estimated population (column 2). The number of samples is either the standard number in column 4 or the reduced number in column 3 (if one is given). Regulation 9 provides for the circumstances in which the reduced number of samples may be taken.

<i>(1)</i> Substances and parameters subject to monitoring	<i>(2)</i> Estimated population of water supply zone	<i>(3)</i> Reduced	<i>(4)</i> Standard
<i>Subject to check monitoring</i>			
<i>E. coli</i>	< 100		4
Coliform bacteria	≥ 100		12 per 5,000 population ⁽ⁱ⁾
Residual disinfectant			
Aluminium	<100	1	2
Ammonium	100–4,999	2	4
<i>Clostridium perfringens</i> (including spores) ^(*)	5,000–9,999	6	12
	10,000–29,999	12	24
Colony counts	30,000–49,999	18	36
Colour	50,000–79,999	26	52
Conductivity ^(*)	80,000–100,000	38	76
Hydrogen ion			
Iron			
Manganese			
Nitrate ⁽ⁱⁱ⁾			
Nitrite ⁽ⁱⁱ⁾			
Odour			
Taste			

<i>(1)</i> <i>Substances and parameters subject to monitoring</i>	<i>(2)</i> <i>Estimated population of water supply zone</i>	<i>(3)</i> <i>Reduced</i>	<i>(4)</i> <i>Standard</i>
Turbidity			
<i>Subject to audit monitoring</i>			
Aluminium Antimony Arsenic Benzene ^(*) Benzo(a)pyrene Boron ^(*) Bromate ⁽ⁱⁱⁱ⁾ Cadmium Chromium <i>Clostridium perfringens</i> (including spores) Copper Cyanide ^(*) 1,2 dichloroethane ^(*) Enterococci Fluoride ^(*) Iron Lead Manganese Mercury ^(*) Nickel Nitrate ⁽ⁱⁱ⁾ Nitrite ⁽ⁱⁱ⁾ Pesticides and related products ^(*) Polycyclic aromatic hydrocarbons Selenium Sodium Trichloroethene/ Tetrachloroethene ^(*) Tetrachloromethane ^(*) Trihalomethanes Chloride ^(*) Sulphate ^(*) Total organic carbon ^(*) Tritium ^(*)	<100 100–4,999 5,000–100,000		1 4 8

(1) <i>Substances and parameters subject to monitoring</i>	(2) <i>Estimated population of water supply zone</i>	(3) <i>Reduced</i>	(4) <i>Standard</i>
Gross alpha ^{(*) (iv)}			
Gross beta ^{(*) (iv)}			

(*) Sampling for these parameters may be within water supply zones or at supply points as specified in Table 3, subject to notes (ii) and (iii) below.

(i) Where the population is not an exact multiple of 5,000, the population figure should be rounded up to the nearest multiple of 5,000.

(ii) Check monitoring in water supply zones is required only where chloramination is practised. In other circumstances audit monitoring is required.

(iii) Audit monitoring in water supply zones is required only where sodium hypochlorite is added after water has left the treatment works. In other circumstances, audit monitoring is required at supply points.

(iv) To monitor for total indicative dose (for radioactivity).”

SCHEDULE 2

Regulation 8

Table 3 in Schedule 3 of the Water Supply (Water Quality) Regulations (Northern Ireland) 2007

“Table 3

Annual Sampling Frequencies: Treatment Works or Supply Points

Note 1: Sampling is at treatment works for the substances and parameters shown in column (1) of the Table as items (1) to (6) and at supply points for the other substances and parameters, except nitrite subject to footnotes (ii) and (ii)(a) to the Table below.

Note 2: This table sets out the annual sampling frequencies for all the substances and parameters in column 2 at treatment works or supply points. The frequencies are determined according to the volume of water supplied at each treatment works or supply point (column 3). The number of samples is either the standard number in column 5 or the reduced number in column 4 (if one is given). Regulation 9 provides for the circumstances in which the reduced number of samples may be taken.

(1) <i>Item</i>	(2) <i>Substances and parameters</i>	(3) <i>Volume of water supplied m3/d</i>	(4) <i>Reduced</i>	(5) <i>Standard</i>
1.	<i>E. coli</i>	<20	-	4
2.	Coliform bacteria	20–1,999	12	52
3.	Colony counts	2,000–5,999	52	104
4.	Nitrite ⁽ⁱⁱ⁾	6,000–11,999	104	208
5.	Residual disinfectant	≥12,000	104	365
6.	Turbidity			
<i>Subject to check monitoring</i>				
7.	<i>Clostridium perfringens</i> ⁽ⁱ⁾	<20	-	2
8.	Conductivity	20–999	2	4

(1) <i>Item</i>	(2) <i>Substances and parameters</i>	(3) <i>Volume of water supplied m³/d</i>	(4) <i>Reduced</i>	(5) <i>Standard</i>
		1,000–1,999	6	12
		2,000–5,999	12	24
		6,000–9,999	18	36
		10,000–15,999	26	52
		16,000–32,999	52	104
		33,000–49,999	78	156
		50,000–67,999	104	208
		68,000–84,999	130	260
		85,000–101,999	156	312
		102,000–119,999	183	365
		120,000–241,999	365	730
		242,000–484,999	730	1,460
		485,000–728,999	1,095	2,190
<i>Subject to audit monitoring</i>				
9.	Benzene	<20		1
10.	Boron	20–999		4
11.	Bromate ⁽ⁱⁱⁱ⁾	1,000–49,999		8
11A.	<i>Clostridium</i>	50,000–89,999		12
	<i>Perfringens</i> (including spores)	90,000–299,999		24
12.	Cyanide	300,000–649,999		36
13.	1,2 dichloroethane	≥650,000		48
14.	Fluoride			
15.	Mercury			
16.	Nitrite ^(iia)			
17.	Pesticides and related products			
18.	Trichloroethene/ Tetrachloroethene			
19.	Tetrachloromethane			
20.	Chloride			
21.	Sulphate			
22.	Total organic carbon			
23.	Tritium			
24.	Gross alpha ^(iv)			
25.	Gross beta ^(iv)			

⁽ⁱ⁾ Check monitoring is required only in respect of surface waters (see regulation 6(2) and Table 1 in Schedule 3).

⁽ⁱⁱ⁾ Sampling at treatment works when chloramination is practised.

^(iia) Sampling at treatment works when chloramination is not practised.

⁽ⁱⁱⁱ⁾ Audit monitoring at supply points is required only where sodium hypochlorite is not added after water has left the treatment works. In other circumstances, audit monitoring is required in water supply zones.

^(iv) To monitor for total indicative dose (for radioactivity).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Northern Ireland, implement aspects of Council Directive 98/83/EC (on the quality of water intended for human consumption, OJ No L 330, 5.12.1998, p 32) which have not already been implemented for Northern Ireland.

They amend the Water Supply (Water Quality) Regulations 2007 (SR 2007/147) (“the 2007 Regulations”) as follows.

Regulation 19(4) (Action by the Department) is amended to make the service of a notice on the relevant undertaker by the Department mandatory where there is a failure to meet the specification applicable to an indicator parameter and that failure poses a potential danger to human health.

Regulation 20 of the 2007 Regulations (authorisation of temporary supply of water that is not wholesome) is amended to remove the power to authorise a departure in respect of the parameters specified in Part II of Table A in Schedule 1 (Coliform bacteria and *E. coli*). Consequential amendments are made to regulation 19.

Amendments are also made to the 2007 Regulations in relation to disinfection. Provision is made for ensuring that disinfection by-products are kept as low as possible without compromising disinfection and that the effectiveness of the disinfection process is verified.

Article 31(3)(b) of the Water and Sewerage Services (Northern Ireland) Order 2006 is amended to require the enforcement authority to publish a summary of the undertaking where it accepts an undertaking as an alternative to making an enforcement order.

Table 2 (Annual Sampling Frequencies: Water Supply Zones) and Table 3 (Annual Sampling Frequencies: Treatment Works or Supply Points) in Schedule 3 to the 2000 Regulations have been replaced with Tables with an altered layout and an additional note.

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