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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1041**

**The Private Water Supplies (Wales) Regulations 2017**

**PART 2**

**Monitoring**

**Monitoring of radioactive substances: general**

**12.**—(1) A local authority must monitor each private water supply in its area (other than a supply to which regulation 13 applies) for the parameters contained in the radioactive substances parameters table in accordance with this regulation and Schedule 3.

(2) In this regulation and Schedule 3, “the radioactive substances parameters table” means Table D in Part 3 of Schedule 1.

(3) Where a local authority is satisfied that a parameter in the radioactive substances parameters table is not likely to be present in a private water supply in its area in concentrations which could exceed the prescribed concentration or value for the relevant parameter in that table, the local authority may, for such a time as it sees appropriate, decide to exclude the parameter in question from the monitoring duty in paragraph (1).

(4) A decision under paragraph (3) must be made—

- (a) on the basis of representative surveys, monitoring data or other reliable information (including any risk assessment carried out in accordance with regulation 6); and
- (b) taking into account any guidance issued by the Welsh Ministers.

(5) The local authority must provide the Welsh Ministers with the grounds for its decision under paragraph (3) and the necessary documentation supporting the decision (including the findings of any surveys, monitoring or assessments carried out in accordance with paragraph (4)(a)).

(6) The Welsh Ministers must communicate the grounds for a decision under paragraph (3) to the European Commission with the documentation provided under paragraph (5) supporting the decision.

(7) Where—

- (a) a decision has previously been made under paragraph (3), and
- (b) the local authority is no longer satisfied that the basis for the decision exists,

the exclusion from monitoring under paragraph (3) will no longer apply and the local authority must inform the Welsh Ministers in writing accordingly.

(8) In case of naturally occurring radionuclides, where previous results (including representative surveys, monitoring data or other reliable information) show that the concentration of radionuclides in a supply within a local authority’s area is stable, the minimum sampling and analysis frequencies are to be decided by the local authority, and confirmed by notice in writing to the Welsh Ministers, taking into consideration the risk to human health.