



guardians of drinking water quality

## DRINKING WATER INSPECTORATE

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10 October 2012

Information Letter 06/2012

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

Dear Sir/Madam,

## **REGULATION 15 COMPLIANCE ARRANGEMENTS**

### **Purpose**

1. The purpose of this letter is to provide further guidance for water companies<sup>1</sup> on the requirements of regulation 15 of the Water Supply (Water Quality) Regulations<sup>2</sup> (the Regulations) in respect of the introduction of new or existing sources.

### **Background**

2. The Inspectorate's guidance document on the Regulations<sup>3</sup> provides guidance on the requirements of regulation 15. However, the Inspectorate has identified instances when the arrangements for the protection of consumers and the safe introduction to supply of new or existing sources have not been met – in particular, in circumstances that are part of routine company planning processes. Additionally, the Inspectorate has recognised that there have been occasions of exceptional supply circumstances associated with drought related matters. This letter gives further guidance on the requirements relating to the introduction of sources as part of routine water supply planning arrangements, when executing drought plans, where needed as a matter of urgency and in other exceptional circumstances.

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<sup>1</sup> This term refers to water undertakers, water supply licensees and inset appointees

<sup>2</sup> The Water Supply (Water Quality) Regulations 2000 (England) (as amended) and The Water Supply (Water Quality) Regulations 2010 (Wales).

<sup>3</sup> Guidance on the Implementation of the Water Supply (Water Quality) Regulations 2000 (as amended) in England (IL 09/2010)

## Routine water supply planning arrangements

3. The introduction of new and out of use sources for all planned and contingency supply arrangements must satisfy regulation 15 requirements before being introduced to supply. Such water supply planning includes water resource management plans; bulk supplies between companies, including to new entrants such as inset appointees and combined licensees; water abstraction trading arrangements; and drought and emergency planning arrangements.

4. New and out of use sources fall into the following two categories:

15(1)(a) A new source which has not been used for drinking water supplies (regulation 4(1) purposes) at any time since 1<sup>st</sup> January 2004.

This includes sources not used previously by any company, and sources used but abandoned prior to 1<sup>st</sup> January 2004.

15(1)(b) A source which has been used since 1<sup>st</sup> January 2004, but has not been used during the six months prior to the date proposed for supply to commence.

This also includes sources used by a company less frequently than once in any 6 month period, and sources that have been abandoned at any time since 1<sup>st</sup> January 2004 for a continuous period of six months or longer.

5. To ensure compliance with the Regulations, the following arrangements must be met when introducing a new source under regulation 15(1)(a):

a) The company should disclose to the Inspectorate at the earliest opportunity the intention to use or re-introduce any new source to supply.

b) Disclosure should be accompanied by the information listed in **Table 1**.

c) The new source cannot be put into supply until three months have passed since the sampling, risk assessment and reporting requirements of regulation 15 and the requirements set out in this letter have been met and submitted to the Inspectorate for consideration.

d) Any new abstraction point identified by a company, licensed for abstraction, represented by a sample point and intended for drinking water supply (defined by regulation 16A of the Regulations and Part VA of the Guidance to the Regulations) is considered a new source, and therefore subject to the sampling, risk assessment and reporting requirements of regulation 15 and this guidance.

**Table 1 – Information Requirements for 15(1)(a) new sources**

	<b>Routine information requirements</b>	<b>Additional information requirements for drought sources</b>
5.1	The name and location of the new source (abstraction sampling point - see paragraph 5d)	As for routine information requirements
5.2	If the new source is part of a specific planning process, the context in that process (e.g. the company's draft water resource management plan).	Specific reference to the source within the company's Drought Plan. If the source is not mentioned in the drought plan, evidence must be provided to demonstrate that the introduction of the source has received sign-off at an executive level.
5.3	A risk assessment using drinking water safety planning methodology based on all available information and data on the source and catchment, similar sources, including potential impact on existing water quality in the supply system.	An assessment of the risk of an interruption to supply in the associated zones, informed by all available data, model outputs and forecasts.  Details of the potential impact on the safety and sufficiency of supplies as a result of an interruption.
5.4	For sources previously used by the company, a summary of available past water quality data, plus an explanation as to why the source was stood down or abandoned.	As for routine information requirements
5.5	For sources falling under regulation 15(1)(a), sample data satisfying regulations 15(2)&(3).	As for routine information requirements
5.6	Details of all control measures, existing or planned, that mitigate risks associated with the new source.	As for routine information requirements
5.7	Details of the commissioning plan for the source, including triggers for further risk mitigation should any be required to protect public health.	As for routine information requirements

## Introducing sources as a matter of urgency in exceptional circumstances

6. When the introduction of a new source is required in unforeseen circumstances, i.e. outside of routine water supply planning, and to prevent a potential loss of supply, companies must carry out a risk assessment (5.3 of **Table 1**) for the exemption to the three month waiting period provided in regulation 15(5) to be considered by the Inspectorate.
7. Should this assessment identify a more immediate risk of interruption to supplies (within three months) or should there be a subsequent worsening of an existing situation, the additional information in **Table 2** must be submitted to the Inspectorate.

**Table 2 – Information Requirements for supply as a matter of urgency (escalation of drought source introduction, or other unforeseen circumstances)**

	<b>Information requirements</b>
7.1	Notification of the circumstances under: <ul style="list-style-type: none"><li>• Section 9(1) of the Water Industry (Suppliers' Information) Direction 2009 (and any subsequent updates to the Direction) following the Inspectorate's cascade specified in IL 1/2012;</li></ul> and where appropriate: <ul style="list-style-type: none"><li>• Regulation 35(6) of the Regulations to stakeholders;</li><li>• Regulation 26(4) of the Regulations to consumers.</li></ul>
7.2	Evidence that there is a high risk to the safety and sufficiency of supplies through potential interruption within a defined time period or that the situation has worsened making loss of supplies inevitable.
7.3	A date for the new source to be brought into supply based upon submitted evidence.
7.4	The earliest date by which monitoring data will be available, if full regulation 15 sampling suite results have not already been submitted.

8. Notification in 7.1 of **Table 2** confirms the status of the circumstances as 'a matter of urgency'. The Inspectorate will use its discretion according to the specific circumstances of the situation.

## Post disclosure/notification process

9. Where notification of the intention to introduce a new source is received, the Inspectorate may request further information, if necessary, to complete its assessment. The Inspectorate will formally acknowledge a disclosure or escalation notification of the intention to introduce a new source and advise on any further information that might be necessary to support the process.
10. Supply may commence only after confirmation from the Inspectorate that the above steps have been satisfactorily met by the company and when

Regulation 15(5) does not apply, that three months have passed since a complete submission was made.

11. As a result of introducing a new source which has satisfied the requirements of regulation 15, the Inspectorate expects the regulation 27<sup>4</sup> risk assessments for all supply systems receiving water from that source to be reviewed, and a report reflecting the changes submitted in accordance with regulation 28<sup>5</sup> of the Regulations.

## General

12. Where any new source is introduced to an existing treated water bulk supply arrangement, it is the responsibility of the incumbent company to meet the requirements of regulation 15. The receiving company must ensure the introduction of the new source is reflected within their water safety planning methodology and regulation 27<sup>4</sup> risk assessment for the associated supply system.
13. Where any new source is introduced to an existing raw water bulk supply arrangement, the company intending to use the water for drinking water supplies (regulation 4(1) purposes) must ensure that the requirements of regulation 15 are met.
14. Any new bulk supply arrangement (routine, emergency or otherwise) between existing companies or to New Appointees should be regarded by the receiving company as a new source that is subject to regulation 15 requirements. This will be in addition to requiring a risk assessment under regulation 27<sup>4</sup> and the submission of a report to meet the requirements of regulation 28<sup>5</sup> (Guidance for New Appointees issued by the Inspectorate with IL 02/2010).

## Enquiries

Copies of this letter are being sent to Pamela Taylor, Chief Executive, Water UK; Chris Preston, Water Supply and Infrastructure Division, Department for Environment, Food and Rural Affairs; Peter Jiggins, Drinking Water Quality and WAAQ project management, Department for Environment, Food and Rural Affairs; Olwen Minney, Water Management Team, Welsh Government; Sue Petch, Drinking Water Quality Regulator for Scotland; Margaret Herron, Drinking Water Inspectorate for Northern Ireland; Tony Smith and Chairs of the Regional Consumer Council for Water; Noel Wheatley, Ofwat; Ian Barker, Environment Agency; Liz Stretton, Food Standards Agency; and Frances Pollitt at the Health Protection Agency.

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.

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<sup>4</sup> Regulation 28 in The Water Supply (Water Quality) Regulations 2010 (Wales)

<sup>5</sup> Regulation 29 in The Water Supply (Water Quality) Regulations 2010 (Wales)

Any enquiries about this letter should be addressed directly to Milo Purcell, Annabelle May or Elinor Cordiner.

Yours faithfully

A handwritten signature in black ink that reads "Milo Purcell". The signature is written in a cursive style with a period at the end.

Milo Purcell  
Deputy Chief Inspector (Regulations)