STATUTORY INSTRUMENTS

1999 No. 1524

WATER INDUSTRY, ENGLAND AND WALES

The Water Supply (Water Quality) (Amendment) Regulations 1999

Made - - - -	*2nd June 1999*
Laid before Parliament	*9th June 1999*
Coming into force	*30th June 1999*

The Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 69 and 213(2) of the Water Industry Act 1991**(a)** and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) (Amendment) Regulations 1999 and shall come into force on 30th June 1999.

(2) In these Regulations, "the principal Regulations" means the Water Supply (Water Quality) Regulations 1989**(b)**.

Amendments to the principal Regulations

2.—(1) After regulation 23 of the principal Regulations the following regulations shall be inserted:

"**Risk assessment for cryptosporidium**

23A.—(1) A water undertaker shall, by 1st October 1999 or such later date as the Secretary of State may specify in a notice served on the undertaker, carry out a risk assessment for each of its treatment works to establish whether there is a significant risk from cryptosporidium oocysts in water supplied from the works and submit to the Secretary of State a report of the assessment.

(2) A notice under paragraph (1) may specify a later date in relation to all of an undertaker's treatment works or in relation to one or some of its treatment works.

(3) Where a report of an assessment is submitted to the Secretary of State pursuant to paragraph (1) he shall, if he considers that the risk assessment has not been satisfactorily carried out, serve a notice on the water undertaker which–

(a) sets out his reasons for considering that the assessment has not been satisfactorily carried out; and

(b) requires the water undertaker, by a date specified in the notice, to carry out a further assessment and submit a report to him of that assessment,

and the water undertaker shall comply with the requirement by the date specified.

(a) 1991 c. 56.
(b) S.I. 1989/1147, to which there are amendments not relevant to these Regulations.

(4) A report of an assessment submitted pursuant to any provision of this regulation shall set out the results of the assessment, including–

(a) a statement that the assessment has established that there is a significant risk from cryptosporidium oocysts in water supplied from the works or that there is no such risk, as the case may be; and

(b) a description of the methods used to carry out the assessment.

(5) Where a report is submitted to the Secretary of State pursuant to paragraph (1) or (3)(b) he shall, unless he gives notice under paragraph (3) requiring a further assessment–

(a) notify the water undertaker that he is satisfied on the basis of the report that the risk assessment has been satisfactorily carried out; and

(b) in the case of a report which includes a statement that the assessment has established that there is a significant risk from cryptosporidium oocysts in the water supplied from the treatment works concerned, by notice require the undertaker to provide him with an estimate of the earliest practicable date by which the undertaker can comply with the requirements of regulation 23B.

(6) A water undertaker which has received a notice under paragraph (5)(b) shall comply with the requirement specified in it within 3 months of its receipt.

(7) Where the Secretary of State receives a statement pursuant to a notice under paragraph (5)(b) he shall give the water undertaker notice of the date which he considers to be the earliest practicable date by which the water undertaker can comply with the requirements of regulation 23B and, subject to paragraph (9), the water undertaker shall comply with those requirements from that date.

(8) Where a water undertaker is required to comply with the requirements of regulation 23B at a treatment works, it may carry out a further risk assessment at any time for that treatment works to establish whether there continues to be a significant risk from cryptosporidium oocysts in water supplied from the works and submit to the Secretary of State a report of the assessment.

(9) Where a report submitted to the Secretary of State pursuant to paragraph (8) includes a statement that the assessment has established that there is no significant risk from cryptosporidium oocysts in the water supplied from the treatment works concerned and the Secretary of State is satisfied, on the basis of the report, that the risk assessment has been satisfactorily carried out, he shall notify the water undertaker that he is so satisfied and, subject to paragraph (11), the water undertaker shall cease to be required to comply with the requirements of regulation 23B from the date on which it receives the notification.

(10) Where a report is submitted to the Secretary of State pursuant to paragraph (8) and paragraph (9) does not apply–

(a) the water undertaker shall continue to be required to comply with the requirements of regulation 23B; and

(b) if the Secretary of State is not satisfied that the risk assessment has been satisfactorily carried out he shall serve a notice on the water undertaker which sets out his reasons for considering that the assessment has not been so carried out.

(11) Where a water undertaker is not required to comply with regulation 23B at a treatment works, the Secretary of State may by notice require the water undertaker to carry out a risk assessment by a date specified in the notice to establish whether there continues to be no significant risk from cryptosporidium oocysts in water supplied from the works.

(12) Where a water undertaker is required to carry out a further risk assessment under paragraph (11) it shall submit a report of the assessment to the Secretary of State by the date specified in the notice and paragraphs (3) and (5) to (7) shall apply following the submission of the report as they apply following the submission of a report pursuant to paragraph (1).

(13) Where a water undertaker which is not required to comply with regulation 23B at a treatment works becomes aware of any factors which make it likely that a further

assessment will establish that there is a significant risk from cryptosporidium oocysts in water supplied from the works it shall notify the Secretary of State in writing, specifying the relevant factors.

(14) There is a significant risk from cryptosporidium oocysts in water supplied from a treatment works, for the purpose of this regulation, if there is a significant risk that the average number of cryptosporidium oocysts per 10 litres of water supplied from the works for the purposes mentioned in regulation 23B(1), if sampled and analysed in accordance with regulation 23B, would at any time be one or more.

Treatment for cryptosporidium

23B.—(1) A water undertaker which is required under regulation 23A to comply with the requirements of this regulation shall, in carrying out such of its functions under Part III of the Water Industry Act 1991 as relate to the supply of water for drinking, washing, cooking or food production purposes, use a process for treating the water intended to be supplied which secures that the average number of cryptosporidium oocysts per 10 litres of water is less than one.

(2) For the purpose of paragraph (1) a process secures that the average number of cryptosporidium oocysts per 10 litres of water is less than one only if–

(a) the water is sampled, and collection devices are analysed, in accordance with the following provisions of this regulation; and

(b) each collection device, when analysed under paragraph (11) or (12) and paragraph (13), indicates that the water sampled has been treated so as to secure that the average number of such oocysts per 10 litres of water is less than one.

(3) A water undertaker which is required under regulation 23A to comply with the requirements of this regulation shall, in using the process referred to in paragraph (1), monitor its effectiveness by securing compliance with the requirements of paragraphs (4) to (14).

(4) Subject to paragraph (5), a continuous sample of water, consisting of at least 40 litres per hour on average during each sampling period, shall be taken from each point at which water leaves the treatment works and steps shall be taken to ensure that the sample is not contaminated when being taken.

(5) Where water which is subjected to the same treatment at the same treatment facilities before it leaves a treatment works leaves the works from more than one point, paragraph (4) shall require a continuous sample of water to be taken at only one of those points.

(6) For the purpose of the requirement in paragraph (4) to take a continuous sample of water, no account shall be taken of–

(a) an interruption in the taking of a sample of less than one hour due to the changing of a collection device in accordance with paragraph (8); or

(b) an interruption in the taking of a sample during a period when water is not being supplied from the monitoring point.

(7) A sample of water taken pursuant to paragraph (4) shall, as it is taken and without any further treatment, be passed through an approved collection device contained in approved sampling equipment which records the volume of water sampled.

(8) Subject to paragraph (9), a water undertaker shall change the collection device through which water is being passed in accordance with paragraph (7) at least once a day by removing it in an approved manner from the relevant sampling equipment and replacing it in an approved manner with a clean collection device, and a record shall be made of the volume of water passed through the collection device which has been removed and that record shall be retained for a period of one year.

(9) Where, due to interruptions in the taking of a sample during periods when water is not being supplied from a monitoring point, the volume of water passed through a collection

device is less than 200 litres per day, a water undertaker shall not be required to change the collection device in accordance with paragraph (8) until the day on which the volume of water passed through the device equals or exceeds 200 litres.

(10) A collection device removed from sampling equipment shall, prior to being analysed, be maintained in an approved manner so as to secure that there is no material alteration of the state of the device which could affect the results of the analysis.

(11) A collection device shall, subject to paragraph (12), within three days of the date on which it is removed from the sampling equipment be analysed for the purpose of establishing whether it contains cryptosporidium oocysts at a level which indicates that the water sampled has not been treated so as to secure that the average number of cryptosporidium oocysts per 10 litres of water is less than one.

(12) Where there is a significant increase in the turbidity of water being sampled for the purpose of this regulation or some other indication that the number of cryptosporidium oocysts in the water may have increased, a water undertaker shall immediately change the collection device through which the water is being passed and the removed collection device shall be analysed as soon as practicable and in any case no later than the end of the day after that on which the collection device is removed.

(13) The analysis of collection devices for the purposes of this regulation shall be carried out at an approved laboratory using approved equipment and approved analytical systems and methods.

(14) Following the analysis of a collection device for the purpose of this regulation, the person by whom or under whose supervision the analysis has been carried out shall, within the applicable time limit for the analysis set out in paragraph (11) or (12), certify the results of the analysis, setting out the average number of cryptosporidium oocysts per 10 litres of water contained in the water sampled, as indicated by the level of cryptosporidium oocysts contained in the collection device.

(15) In this regulation–

(a) "approved" means approved by the Secretary of State for the purpose of this regulation;

(b) "day" means the period of 24 hours commencing immediately after midnight.".

(2) In regulation 28 of the principal Regulations:

(a) after paragraph (1) the following paragraphs shall be inserted:

"(1A) A water undertaker which contravenes regulation 23B(1) or regulation 23B(3) 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.

(1B) A copy of a certificate given pursuant to regulation 23B(14) shall be admissible in evidence as to the number of cryptosporidium oocysts per 10 litres of water in any proceedings under paragraph (1A) for contravention of regulation 23B(1).";

(b) in paragraph (2), for "paragraph (1)" there shall be substituted "paragraph (1) or (1A)";

(c) in paragraph (3), after "any person," there shall be inserted "in certifying the results of an analysis pursuant to regulation 23B(14) or".

(3) At the end of regulation 29(1)(f) of the principal Regulations there shall be added "or 23B".

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Michael Meacher
Minister of State, Department of
27th May 1999 Environment, Transport and the Regions

Alun Michael
2nd June 1999 Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Supply (Water Quality) Regulations 1989, which, in part, implement Council Directive 80/778/EEC (OJ No. L229, 30.8.80, p. 11) on the quality of water intended for human consumption. The amendments make specific provision intended to ensure that water supplied for human consumption is not contaminated with cryptosporidium, a parasite which can be detrimental to human health.

The Regulations amend the 1989 Regulations to require water undertakers to carry out risk assessments to establish whether there is a significant risk from cryptosporidium oocysts in water supplied from their treatment works for human consumption (*regulation 2(1)*). Where it is established that there is such a risk the relevant water undertakers must use a process for treating the water to ensure that the average number of cryptosporidium oocysts per 10 litres of water is less than one. To verify compliance with this requirement water undertakers must ensure that the water leaving their treatment works is continuously sampled for cryptosporidium oocysts.

Regulation 2(2) concerns criminal offences and regulation 2(3) requires the results of the monitoring to be placed on a publicly accessible record.

[A regulatory impact assessment in respect of the Regulations may be obtained from the Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1P 3PY or the Environment Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ.]

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£2.00

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WO 4863 6/99 ON (MFK)