

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2007 No. (W.)

WATER, ENGLAND AND WALES

The Water Supply (Water Quality) Regulations 2001 (Amendment) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Supply (Water Quality) Regulations 2001 (S.I. 2001/3911) (W. 323) (“the Principal Regulations”). The Principal Regulations implement Council Directive 98/83/EC on the quality of water intended for human consumption (OJ No L330, 5.12.1998, p.32) in parts of Wales and England in relation to water supplies by water undertakers and licensed water suppliers, and make further provision about the supply of drinking water.

Regulation 2 amends the Principal Regulations and the main changes are as follows.

Paragraph (4) inserts a requirement that water must be of consistent quality within a water supply zone designated by water undertaker.

Paragraphs (5) and (6) insert new compliance and monitoring requirements for water supplied in bottles during a breakdown in the piped supply system.

Paragraph (7) inserts restrictions on the authorisation of supply point monitoring where there is more than one introduction into a water supply zone.

Paragraph (10) inserts new monitoring and audit requirements in relation to water supplied from new sources.

Paragraph (11) inserts new requirements in relation to monitoring of drinking water abstraction points. Monitoring at such points is necessary to comply with the new provisions on disinfection of raw water, other treatment arrangements and risk assessments inserted by paragraphs (17) to (19). Together with a monitoring programme established by the Environment Agency, this also implements in parts of Wales and England Article 8(1) and (2) of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ No L327, 22.12.2000, p.1) (“the Water Framework Directive”). This monitoring programme is established in Wales by the Environment Agency under regulation 9 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (S.I. 2003/3242).

Paragraph (13) amends the publicity requirements in relation to the authorisation of temporary supplies of unwholesome water, usually referred to as “authorised departures”.

Paragraph (16) inserts a new requirement for raw water to be disinfected and for other adequate treatment arrangements to be in place. Breach of these requirements is a criminal offence under provisions inserted by paragraph (21).

Paragraphs (15) and (17) to (19) replace existing provisions in relation to Cryptosporidium with a general duty to conduct risk assessments of water treatment works and to take appropriate action to deal with any potential danger to human health identified. Supplying water from water treatment works in breach of conditions specified in a notice served under these provisions is a criminal offence under provisions inserted by paragraph (21).

Paragraph (20) inserts a charging provision for approvals of substances and products used in connection with water supply.

Paragraphs (22) and (23) streamline the provision and publication of information requirements under the Principal Regulations.

Regulation 3 makes some adjustments to certain schedules to the Principal Regulations in relation to certain parameters and monitoring requirements. It also inserts new Schedule 5 into the Principal Regulations in relation to monitoring at drinking water abstraction points.

Regulation 4 revokes regulation 26 of the Principal Regulations when Council Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (OJ No L194, 25.7.1975, p.26), as amended, is repealed by Article 22(1) of the Water Framework Directive.

[A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Welsh Assembly Government, Department for Environment, Planning and Countryside, Environment Protection and Quality Division, Cathays Park, Cardiff CF10 3NQ or from the Welsh Assembly Government's website at www.wales.gov.uk.]

2007 No.

WATER, ENGLAND AND WALES

**The Water Supply (Water Quality) Regulations 2001
(Amendment) Regulations 2007**

Made - - - - - [] 2007

Laid before Parliament [] 2007

Coming into force in accordance with regulation 1

The National Assembly for Wales is designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the quality of water intended for domestic purposes or for use in a food production undertaking for the making of regulations concerning—

- (a) the quality of water supplied using the supply system of a water undertaker, in relation to the supply system of any water undertaker whose area is wholly or mainly in Wales; and
- (b) water supplied other than by the supply system of a water undertaker, in relation to Wales.

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred by—

- (a) that section,
- (b) section 67 of the Water Industry Act 1991⁽³⁾ for the making of regulations concerning water supplied—
 - (i) using the supply system⁽⁴⁾ of a water undertaker, in relation to the supply system of any water undertaker whose area is wholly or mainly in Wales, and
 - (ii) other than using the supply system of a water undertaker, in relation to Wales,
- (c) section 69 of that Act in relation to any water undertaker whose area is wholly or mainly in Wales and any licensed water supplier⁽⁵⁾ so far as relating to licensed activities using the supply system of any such water undertaker,

⁽¹⁾ S.I. 2004/3328, amended by S.I. 2005/850.

⁽²⁾ 1972 c. 68.

⁽³⁾ 1991 c. 56; certain functions of the Secretary of State under sections 67, 69, 77 and 213(2) of the Water Industry Act 1991 are transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Water Industry Act 1991 as substituted by paragraph (e) of Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) and amended by section 100(2) of the Water Act 2003 (c. 37); there are other amending instruments but none is relevant. These functions are exercised by the National Assembly for Wales in these Regulations. Sections 69 and 213 of that Act were amended by sections 58 and 101(1) of, and paragraphs 39 of Schedule 7 and 2, 19 and 49 of Schedule 8 to, the Water Act 2003. References in Schedule 1 to the Order to specific sections of the Water Industry Act 1991 are to be treated, by virtue of section 100(6) of the Water Act 2003, as referring to those sections as amended by the Water Act 2003.

⁽⁴⁾ See section 219(4A) of the Water Industry Act 1991 as inserted by section 101(1) of, and paragraphs 2 and 50 of Schedule 8 to, the Water Act 2003.

⁽⁵⁾ See section 219(1) of the Water Industry Act 1991 as amended by section 101(1) of, and paragraphs 2 and 50 of Schedule 8 to, the Water Act 2003.

- (d) section 77(3) and (4) of that Act in relation to Wales, and
- (e) section 213(2) of that Act to the same extent as the powers to which that section applies are exercisable by the National Assembly for Wales:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) Regulations 2001 (Amendment) Regulations 2007.

- (2) Regulations 1 to 3 come into force on [] 2007.
- (3) Regulation 4 comes into force on 22nd December 2007.
- (4) These Regulations extend to England and Wales.

Amendments to the Water Supply (Water Quality) Regulations 2001 coming into force on [] 2007

2.—(1) The Water Supply (Water Quality) Regulations 2001(1) are amended as follows.

(2) In regulation 1 (citation, commencement and application), for paragraphs (6) and (7), substitute—

“(6) Parts I to VIII, X and XI of these regulations apply in relation to the supply of water by every—

- (a) water undertaker whose area is wholly or mainly in Wales; and
- (b) licensed water supplier so far as relating to licensed activities using the supply system of any water undertaker whose area is wholly or mainly in Wales.

(7) Part IX of these regulations applies to local authorities in Wales, as regards the discharge of functions under that Part, in relation to every—

- (a) water undertaker whose area is wholly in Wales;
- (b) water undertaker whose area is partly in England and partly in Wales, but only in respect of the part in Wales; and
- (c) licensed water supplier so far as relating to licensed activities using the supply system situated in Wales of any water undertaker.”.

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “appropriate local authority” and “appropriate health authority” substitute—

““appropriate local authority”, in relation to—

- (a) a departure authorised under regulation 20,
- (b) an application for any such authorisation, or
- (c) an event specified in regulation 35(6),

means a local authority whose area contains any part of the water supply zone to which the authorisation relates or, in the case of an application, would relate if a departure were authorised in the terms sought, or in whose area the event occurs;”;

(ii) for the definition of “disinfection” substitute—

““disinfection” means a process of water treatment to remove or render harmless to human health any pathogenic micro-organism and any other organism which is a pathogenic parasite that would otherwise be present in the water; and “disinfected” shall be construed accordingly;”;

(iii) omit the definition of “groundwater”;

(1) S.I. 2001/3911 (W. 323) as amended by S.I. 2005/2035.

(iv) in their appropriate places, insert new definitions as follows—

““civil emergency” means any natural disaster or other emergency which is or may be likely, in relation to any area—

(a) to cause such disruption to water supplies, or

(b) to involve such destruction of or damage to life or property in the area,

as seriously and adversely to affect all the inhabitants of that area, or a substantial number of them, whether by depriving them of any of the essentials of life or otherwise;”,

““Health Protection Agency” means the body known in Welsh as Yr Asiantaeth Diogelu Iechyd established under section 1 of the Health Protection Agency Act 2004(1);”,

““National Public Health Service for Wales” means a National Health Service trust established under section 5 of the National Health and Community Care Act 1990(2) if, and in so far as, it has the function of providing services in relation to public health in Wales;”,

““relevant water body” means a body of water which has been identified under regulation 7 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003(3) (bodies of water used for the abstraction of drinking water) and which provides more than 100 cubic metres of water per day as an average;”; and

(v) in the definition of “sampling point”, at the end, add—

“(c) in relation to water supplied in bottles or containers, means the point at which the water first emerges from a freshly opened bottle or container;”; and

(b) after paragraph (2), insert—

“(2A) In these Regulations, “body of groundwater”, “body of surface water”, “groundwater”, “groundwater status”, “surface water” and “surface water status” have the same meanings as in Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(4).”.

(4) In regulation 3 (water supply zones), after paragraph (2) insert—

“(2A) A water supply zone shall contain water of a substantially similar quality.”.

(5) In regulation 4 (wholesomeness)—

(a) in paragraph (2)(a)(i), for “parasite” substitute “other organism which is a pathogenic parasite”; and

(b) after paragraph (3)(a), insert—

“(aa) in the case of water supplied in bottles or containers, the point at which the water first emerges from a bottle or container, freshly opened at a local distribution point;”.

(6) In regulation 6 (monitoring: general provisions)—

(a) in paragraph (2), for “paragraph (3)” substitute “paragraphs (3) or 3(A)”;

(b) after paragraph (3), insert—

“(3A) Where the distribution of water to a significant number of consumers in a water supply zone—

(a) is in bottles or containers; and

(b) is or is likely to be an intermittent short-term supply,

(1) 2004 c. 17.

(2) 1990 c. 19.

(3) S.I. 2003/3242, to which there is an amendment not relevant to these Regulations.

(4) OJ No L327, 22.12.2000, p. 1; amended by Decision 2455/2001/EC of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (OJ No L331, 15.12.2001, p. 1).

samples of water from a batch of such bottles or containers shall be taken 48 hours after the commencement of the distribution from that batch and every 48 hours thereafter until the distribution is discontinued.”; and

(c) for paragraph (4), substitute—

“(4) Of the samples taken in accordance with paragraphs (3) and (3A), in relation to each distribution, the first shall be analysed for compliance with the parameters enterococci, *E Coli*, odour, taste, conductivity and hydrogen ion (items 1 and 2 in Table A in Schedule 1, items 6 and 8 in Part II of Table B in that Schedule and items 6 and 7 in Schedule 2, respectively), and the second and any subsequent samples shall be analysed for wholesomeness in accordance with regulation 4.”.

(7) In regulation 8 (authorisation of supply points)—

(a) at the beginning of paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1), insert—

“(1A) In respect of any water supply zone, the taking of samples from a supply point is not authorised by paragraph (1) where there is more than one introduction of water into the water supply zone, unless—

(a) a water undertaker was taking samples under this Part from the supply point throughout the twelve months ending on [] 2007; and

(b) since that date—

(i) no additional introduction has been made into that water supply zone;

(ii) there has been no other material change of circumstances which could affect the wholesomeness of water supplied for regulation 4(1) purposes; and

(iii) the National Assembly for Wales has not served a notice on the water undertaker revoking the authorisation in respect of the supply point.”; and

(c) in paragraph (2), for “in relation to any parameter other than a parameter referred to in paragraph (1)” substitute “in relation to any parameter not covered by the authorisation in paragraph (1)”.

(8) In regulation 9 (number of samples), omit paragraph (3).

(9) In regulation 13 (sampling at treatment works), omit paragraph (3).

(10) In regulation 15 (sampling: new sources), at the end, add—

“(4) Unless the conditions in paragraph (5) are satisfied, a water undertaker or combined licensee shall not supply water from a source mentioned in paragraph (1)(a) for regulation 4(1) purposes until—

(a) the National Assembly for Wales has served notice on the water undertaker or combined licensee stating that it has conducted a satisfactory audit in relation to the samples taken under this regulation; and

(b) three months have passed following the day on which the water undertaker or combined licensee complied with regulation 28(1) with respect to that source.

(5) The conditions are—

(a) water must be supplied from the source as a matter of urgency in order to prevent an unexpected interruption in piped supply to a customer, a licensed water supplier or a customer of a licensed water supplier; and

(b) a risk assessment under regulation 27 has been carried out with respect to the source before the supply is made.

(6) For the purposes of paragraph (5)(b), regulation 27 shall apply for supplies made during a civil emergency as if “treatment works” includes a source from which untreated water is supplied.”.

(11) After regulation 16 (collection and analysis of samples), insert—

“PART 5A
DRINKING WATER PROTECTED AREAS

Drinking water abstraction points: monitoring sites

16A.—(1) Every water undertaker or combined licensee shall identify every abstraction point in every relevant water body from which it abstracts water.

(2) At every abstraction point in—

- (a) a relevant water body, and
- (b) any other water body,

the relevant water undertaker or combined licensee shall take, or cause to be taken, and analyse, or cause to be analysed, such samples of properties, elements, organisms and substances as it considers necessary in order to comply with regulations 26A to 28.

(3) Subject to paragraph (5), from and including 1st January 2008, at every abstraction point in a body of surface water, the relevant water undertaker or combined licensee shall—

- (a) take, or cause to be taken not less than 12 samples of water per year; and
- (b) analyse, or cause to be analysed, those samples for the concentration of the substances and organisms specified in Table A in Schedule 5 at the frequency specified in Table B of that Schedule.

(4) Subject to paragraph (5), from and including 1st January 2008, at every abstraction point in a body of groundwater, the relevant water undertaker or combined licensee shall—

- (a) take, or cause to be taken not less than four samples of water per year; and
- (b) analyse, or cause to be analysed, those samples for the concentration or value of the properties, elements, organisms and substances specified in the first column of Table C in Schedule 5 at the frequency specified in the second column of that Table.

(5) Where a substance is not discharged in the catchment area of the relevant water body in sufficiently significant quantities to affect adversely the surface water status or groundwater status of the relevant water body, the National Assembly for Wales may, by notice served on the water undertaker or combined licensee—

- (a) vary the number of samples to be taken or analysed under paragraphs (3) or (4); or
- (b) disapply paragraphs (3) or (4) in respect of the substance.

(6) The analysis required under paragraphs (3) or (4) shall be in accordance with such relevant standards as the National Assembly for Wales may decide by notice served on the water undertaker or combined licensee.

(7) In relation to the starred compounds in Table A in Schedule 5, the National Assembly for Wales may, by notice served on a water undertaker or combined licensee, specify such other representative compounds as it considers appropriate having regard to the risk assessments carried out under regulation 27.

(8) For the purposes of paragraphs (2) to (4)—

- (a) “abstraction point” means an abstraction point identified under paragraph (1); and
- (b) “relevant water undertaker or combined licensee” means the water undertaker or combined licensee which identified the abstraction point.”.

(12) In regulation 20 (authorisation of temporary supply of water that is not wholesome), in paragraph (4)—

- (a) in sub-paragraph (b), for “every appropriate health authority; and” substitute “the Health Protection Agency;”; and
- (b) after sub-paragraph (b), insert—
 - “(ba) the National Public Health Service for Wales; and”.

(13) In regulation 23 (publicity for authorisations), for paragraph (1) substitute—

“(1) As soon as reasonably practicable after a departure has been authorised, the specified relevant suppliers shall—

- (a) separately publish, by making accessible, free of charge, on their websites via a hyperlink maintained on their respective homepages for at least 14 days—
 - (i) except in a case to which paragraph (4) of regulation 21 applies, a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii), (viii) and (ix) of that regulation; and
 - (ii) in a case to which paragraph (4) of regulation 21 applies, a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii) and (ix) of that regulation; and
- (b) jointly give such other public notice of the authorisation and of its terms and conditions as the National Assembly for Wales may, by notice served on the specified relevant suppliers, reasonably require.”

(14) In regulation 24 (revocation and modification of authorisations), in paragraph (2)—

- (a) in sub-paragraph (b), for “the appropriate local authority” substitute “every appropriate local authority”;
- (b) in sub-paragraph (c), for “the appropriate health authority; and” substitute “the Health Protection Agency;”;
- (c) after sub-paragraph (c), insert—
 - “(ca) the National Public Health Service for Wales; and”.

(15) In regulation 25 (interpretation), omit the definitions of “regulation 29 requirements”, “risk assessment” and “significant risk from cryptosporidium”.

(16) After regulation 26 (treatment of raw water) insert—

“Disinfection and other treatment arrangements

26A.—(1) Other than to the extent necessary during a civil emergency, when supplying water for regulation 4(1) purposes, a water undertaker or combined licensee shall not supply water unless it has been—

- (a) disinfected; and
- (b) in the case of water abstracted from surface water or groundwater under the influence of surface water, subjected to sufficient preliminary treatment to prepare the water for disinfection.

(2) Paragraph (3)—

- (a) applies when any property, element or substance is present in a water source at a level that may constitute a potential danger to human health; and
- (b) does not apply to the extent necessary during a civil emergency.

(3) A water undertaker or combined licensee shall not abstract water for supply for regulation 4(1) purposes from a source unless the water undertaker or combined licensee has designed and is operating adequate blending or purification treatment arrangements for the water.

(4) For the purposes of this regulation—

- (a) “adequate blending or purification treatment arrangements” means blending or purification treatment arrangements which remove or render harmless the value or concentration of any property of, or element, organism or substance in, water, so that supplies do not constitute a potential danger to human health”; and
- (b) “sufficient preliminary treatment” means the treatment necessary—
 - (i) to remove any property, element or substance which would interfere with disinfection; and

(ii) to clarify to less than one Nephelometric Turbidity Unit.”

(17) For regulation 27 (risk assessment for cryptosporidium) substitute—

“Risk assessment

27.—(1) This regulation applies to every treatment works from which water is supplied for regulation 4(1) purposes.

(2) Every water undertaker or combined licensee shall carry out a risk assessment of each of its treatment works in order to establish whether there is a significant risk of supplying water from those works that would constitute a potential danger to human health.

(3) Pursuant to paragraph (2), every water undertaker or combined licensee shall carry out a risk assessment at—

(a) each of its treatment works which—

(i) is in use on [] 2007, and

(ii) it expects to use after [] 2008,
before [] 2008; and

(b) any other treatment works, before supplying water from it.

(5) Every water undertaker or combined licensee shall keep its risk assessments under review.

(6) The National Assembly for Wales may by notice served on a water undertaker or combined licensee require a risk assessment or review to be carried out by a date specified in the notice.

(7) Where a water undertaker or combined licensee 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 danger to human health, it shall serve a notice on the National Assembly for Wales specifying the relevant factors.”

(18) For regulation 28 (procedure following risk assessment and prohibition of supply) substitute—

“Procedure following risk assessment and prohibition of supply

28.—(1) As soon as reasonably practicable after a water undertaker or combined licensee has carried out a risk assessment or review of such assessment under regulation 27, it shall submit to the National Assembly for Wales a report of the assessment or review.

(2) The report shall contain—

(a) a description of the methods used to carry out the assessment or review;

(b) where the assessment or review establishes that there is no significant risk of supplying water that would constitute a potential danger to human health, a statement confirming this; and

(c) where the assessment or review establishes that measures have been taken to remove a significant risk of supplying water that would constitute a potential danger to human health, monitoring data which verifies this.

(3) Where the assessment or review establishes that there is a significant risk of supplying water that would constitute a potential danger to human health, the report shall—

(a) contain a full explanation including details of every property, element, organism or substance that has been identified as contributing to the risk; and

(b) specify the measures that the water undertaker or combined licensee—

(i) has made operational as at the date of the report, and

(ii) intends to make operational,
to mitigate the risk.

(4) Where the National Assembly for Wales has received a report which states that there is or has been a significant risk of supplying water that would constitute a potential danger to human health, it may, by notice served on the water undertaker or combined licensee, require the water undertaker or combined licensee—

- (a) to maintain such specified measures for such period of time as the National Assembly for Wales considers appropriate to mitigate the risk;
- (b) to review, revise or make operational such specified measures by such date as the National Assembly for Wales 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 4(1) purposes from specified treatment works, or not to so supply unless specified conditions are satisfied; and
- (e) to give the National Assembly for Wales 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.”.

(19) Omit regulation 29 (treatment for cryptosporidium).

(20) For regulation 31 (application and introduction of substances and products) substitute—

“Application and introduction of substances and products

31.—(1) In this regulation—

“the Directive” means Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by an EEA State to issue European technical approvals for those purposes and notified by that body to the European Commission; and

“harmonized standard” means a standard established as mentioned in the Directive by the European standards organisation on the basis of a mandate given by the European Commission and published by the Commission in the Official Journal of the European Communities.

(2) Subject to paragraph (3), a water undertaker shall not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for regulation 4(1) purposes unless one of the requirements of paragraph (4) is satisfied.

(3) A substance or product which, at the time of its application or introduction, bears an appropriate CE marking in accordance with the Directive, or conforms to—

- (a) an appropriate harmonised standard or European technical approval; or
- (b) an appropriate British Standard or some other national standard of an EEA State 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; but any such application or introduction shall be subject to—

- (i) such national 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 National Assembly for Wales by an instrument in writing; and

⁽¹⁾ OJ No L40, 11.2.1989, p. 12.

- (ii) such other requirements, within the meaning of Council Directive 98/34/EC, as amended⁽¹⁾ (which lays down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services), in relation to such substances and products, as have been communicated to the 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 Commission.

(4) The requirements of this paragraph are—

- (a) that the National Assembly for Wales 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) that the National Assembly for Wales is satisfied that the substance or product either alone or in combination with any other substance or product in the water is unlikely to affect adversely the quality of the water supplied;
- (c) that 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 National Assembly for Wales not less than 3 months' notice in writing of its intention so to apply or introduce the substance or product.

(5) An application for such an approval as is mentioned in paragraph (4)(a) may be made by any person.

(6) If the National Assembly for Wales decides to issue an approval under paragraph (4)(a), it may include in the approval such conditions as it considers appropriate and, subject to paragraph (10), may at any time revoke or vary any approval it 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 shall be discontinued within 12 months of the date on which they were first applied or introduced or, if the National Assembly for Wales 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 National Assembly for Wales may, by notice given in writing to any water undertaker, prohibit the water undertaker from applying to, or introducing into, water intended to be supplied for regulation 4(1) purposes any substance or product which the water undertaker would otherwise be authorised to apply or introduce by virtue of—

- (a) paragraph (2) and sub-paragraph (b) or (c) of paragraph (4); or
- (b) paragraph (3).

(9) A prohibition under paragraph (8) may be without limitation as to time or for such period as is specified in the notice.

(10) The National Assembly for Wales may—

- (a) revoke by an instrument in writing any approval given by it under paragraph (4)(a);
- (b) modify any such approval by an instrument in writing by including conditions or varying existing conditions;
- (c) give any such notice as is mentioned in paragraph (8),

but, unless the National Assembly for Wales is satisfied that it is necessary to do so in the interests of public health without notice, shall not do any of those things without giving all such persons as are, in the opinion of the National Assembly for Wales, likely to be

⁽¹⁾ OJ No L204, 21.7.1998, p. 37 as amended by Directive 98/48/EC of the European Parliament and of the Council amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations OJ No L217, 5.8.1998, p. 18.

affected by the revocation or modification of the approval or by the giving of the notice at least 6 months' notice in writing of its intention.

(11) Notice shall be given forthwith by the National Assembly for Wales to all persons likely to be affected by the making of such an instrument as is mentioned in paragraph (10)(a) or (b).

(12) At least once in each year, the National Assembly for Wales shall issue a list of all the substances and products in relation to which—

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

with particulars of the action taken.

(13) The National Assembly for Wales may—

- (a) by notice served on the person who makes an application for approval under paragraph (4)(a), require the person to pay it a charge which reflects the administrative expenses incurred or likely to be incurred by the National Assembly for Wales 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 it to be appropriate.”.

(21) In regulation 33 (offences)—

(a) for paragraph (1) substitute—

“(1) A water undertaker or combined licensee which contravenes regulation 26A(1) or (3) or the terms of a notice served under regulation 28(4)(d) 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.”;

(b) omit paragraph (2); and

(c) in paragraph (5), omit “certifying the results of an analysis pursuant to regulation 29(15) or”.

(22) For regulation 35 (provision of information) substitute—

“Provision of information

35.—(1) Subject to paragraphs (2), (3) and (4), any person may request a relevant supplier to send him a copy of any record maintained by the relevant supplier under regulation 34, and the relevant supplier shall, within seven days of the receipt of the request, send a copy of the record requested to the person.

(2) A relevant supplier shall comply with a request under paragraph (1)—

- (a) in the case of a request relating to a water supply zone, free of charge if the person receives a supply of water in the zone; or
- (b) in any other case, on payment of such reasonable charge as the relevant supplier may determine.

(3) Paragraph (1) does not oblige a relevant supplier to comply with a request which is vexatious.

(4) Where a relevant supplier has previously complied with a request which was made by any person, paragraph (1) does not oblige it to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the subsequent request.

(5) A water undertaker shall include in, or append to, at least one of the accounts sent to each customer in any year a statement informing him of his rights under paragraph (1).

(6) As soon as possible after an event which, by reason of its effect or likely effect on the water supplied by a relevant supplier, gives rise or is likely to give rise to a significant risk to human health, the relevant supplier shall notify—

- (a) every appropriate local authority;
- (b) the Health Protection Agency;
- (c) the National Public Health Service for Wales;
- (d) the Council;
- (e) the Secretary of State; and
- (f) the National Assembly for Wales.

(7) Where a person has received a notification under paragraph (6), he may require the relevant supplier to provide him with such further information relating to the event and its consequences as he may reasonably require.”.

(23) Omit regulation 36 (publication of information).

Further amendments to the Water Supply (Water Quality) Regulations 2001 coming into force on [] 2007

3. The Schedule has effect.

Amendment to the Water Supply (Water Quality) Regulations 2001 coming into force on 22nd December 2007

4. Omit regulation 26 (treatment of raw water).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1).

Date

The Presiding Officer of the National Assembly

(1) 1998 c.38.

SCHEDULE

Regulation 3

FURTHER AMENDMENTS TO THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2001 COMING INTO FORCE ON [] 2007

1. The Water Supply (Water Quality) Regulations 2001 are amended as follows.
2. In Schedule 1 (prescribed concentrations and values), in Table B (chemical parameters), in Part II (national requirements)—
 - (a) omit the line containing item 3 (hydrogen ion);
 - (b) omit the following line beginning “6.5 (minimum)”;
 - (c) in the lines containing items 6 (odour) and 8 (taste)—
 - (i) for “3 at 25°C” substitute “Acceptable to consumers and no abnormal change”; and
 - (ii) omit “Dilution number”.
3. In Schedule 2 (indicator parameters), under the line containing item 7 (hydrogen ion), in a new line, insert—
 - (a) in the third column “6.5 (minimum)”; and
 - (b) in the corresponding fourth column “pH value”.
4. In Schedule 3 (monitoring)—
 - (a) in Table 2 (annual sampling frequencies: water supply zones), under the heading “parameters subject to audit monitoring”, in its appropriate place in the first column, insert “*Clostridium perfringens* (including spores)”; and
 - (b) in Table 3 (annual sampling frequencies: treatment works or supply points) under the heading “subject to audit monitoring”, insert—
 - (i) in the first column, in its appropriate place “11A”; and
 - (ii) in the corresponding second column “*Clostridium perfringens* (including spores)”.
5. After Schedule 4 (analytical methodology), add—

DRINKING WATER ABSTRACTION POINTS: MONITORING

Table A

Organisms and substances for bodies of surface water

<i>Organisms, substances or groups of substances</i>	<i>Substances within a group</i>
Organisms	
Enterococci	
<i>Escherichia coli</i> (<i>E coli</i>)	
Coliform bacteria	
Substances or groups of substances	
Acrylamide	
Antimony	
Arsenic	
Benzene	
Boron	
Brominated diphenylethers	
Bromate	
C ₁₀₋₁₃ -chloroalkanes	
Cadmium and its compounds	
Chromium	
Copper	
Cyanide	
1,2-dichloroethane	
Di(2-ethylhexyl)phthalate (DEHP)	
Epichlorohydrin	
Fluoride	
Hexachlorobutadiene	
Lead and its compounds	
Mercury and its compounds	
Nickel and its compounds	
Nitrate	
Nitrite	
<i>Nonylphenols</i>	4-(para)-nonylphenol ^(*)
<i>Octylphenols</i>	Para-tert-octylphenol ^(*)
<i>Pesticides and related products</i>	Aldrin
	Dieldrin
	Heptachlor
	Heptachlor epoxide
	Other pesticides and related products ^(*)
<i>Polycyclic aromatic hydrocarbons</i>	Benzo(a)pyrene
	Benzo(b)fluoranthene
	Benzo(g,h,i)perylene

	Benzo(k)fluoranthene
	Indeno(1,2,3-cd)pyrene
	Other polycyclic aromatic hydrocarbons ^(*)
Selenium	
Tetrachloroethene	
<i>Tributyltin compounds</i>	
	Tributyltin-cation ^(*)
<i>Trichlorobenzenes</i>	
	1,2,4-trichlorobenzene ^(*)
Trichloroethene	
<i>Trihalomethanes</i>	
	Chloroform
	Bromoform
	Dibromochloromethane
	Bromodichloromethane
	Other trihalomethanes ^(*)
Vinyl Chloride	

^(*) See regulation 16A(7).

Table B

Frequency of analysis for bodies of surface water

<i>Organism or substance</i>	<i>Population served by the relevant water body</i>	<i>Frequency of monitoring at every abstraction point</i>
Every organism in Table A	Any number	12 per year
Every substance in Table A	Less than 10,000	4 per year
Every substance in Table A	10,000 to 30,000	8 per year
Every substance in Table A	More than 30,000	12 per year

Table C

Bodies of groundwater

<i>Properties, elements, organisms and substances</i>	<i>Frequency of analysis</i>
Ammonium	1 per year
<i>Clostridium perfringens</i>	4 per year
Coliform bacteria	4 per year
Conductivity	1 per year
Enterococci	4 per year
<i>Escherichia coli</i>	4 per year
Oxygen content	1 per year
pH value	1 per year
Nitrate	4 per year
Other substances from Table A	4 per year ²

