

*WATER UK RESPONSE FOR SUBMISSION ON-LINE*  
*14/3/2016*

**Consultation on the draft Water Supply (Water Quality) Regulations 2016**

<https://consult.defra.gov.uk/water/drinking-water-regulations>

**Consultation questions**

**Question 1: Are there any aspects of the new monitoring requirements for radioactive substances where you require further clarity?**

We welcome the approach set out in the draft regulations. The proposed methodology is consistent with the risk based approach required by water safety plans. It also recognises that other relevant surveillance programmes can be used in that risk assessment.

We would seek clarity on the process for waivers, in particular in relation to the low risk areas identified by the recently published AEA report. Draft regulation 6(11) indicates that exemptions will be proactively issued to water companies by the Secretary of State.

**Question 2: Are there any aspects of the new technical requirements for radioactive substances where you require further clarity?**

No.

**Question 3: Do you have any comments in relation to the proposed reduction in waiting time for bringing in new supplies?**

Water UK welcomes the reduction in waiting time for bringing in new sources as a positive step. However we would appreciate clarity in the associated Guidance over whether the Regulation applies to new sources and/or new supplies.

For example: draft regulation 15(1) – refers to the “source” of supply as being in the scope of the regulation. However, the later parts of draft regulation 15 refers to “supplies”. Water companies understand the need to apply the Regulation when bringing in new sources of water but are uncomfortable with the potential for this regulation being applied to new supplies. “New supplies” could include changes to the typical supply arrangement using a source that has been “in supply” locally for a considerable time, as well as to a feed into a new development. We would welcome improved clarity either in the Regulations or in the associated guidance (when issued).

**Question 4: Do you have any comments in relation to the amendments to the storage of records and information?**

In principle there are no concerns with the draft regulation however there is a need for clearer definition of the requirements for example around “electronic monitoring”, “particulars” and “customer contacts” and clarity on the extent to which data would be available to customers on request through regulation 35.

**Question 5: Do you have any comments in relation to the proposed amendments to improve the clarity of the Water Supply (Water Quality) Regulations?**

**Comments on draft regulations 27 and 28**

We consider that the amendment to Regulation 27 and 28 and interpretation of ‘no deterioration’ and ‘unwholesomeness’ widens the scope of the regulations to include other water quality parameters that are not regarded as a risk to health and therefore is outside of the scope of Article 4(2) of the DWD.

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Article 4(2) refers to no deterioration of quality used for the production of drinking water in so far as it is relevant for protection of human health. Therefore, it would be acceptable for a deterioration of quality of a water source if it is due only to a non-health related parameter.

We consider that there could be other regulatory mechanisms to achieve the required outcome. For example, Regulation 28 Notices are effective mechanisms for ensuring that remedial measures are put in place to minimise risk to human health - widening the scope to include where water is unwholesome (but not necessarily a risk to human health) could lead to the use of Notices becoming a less effective way of dealing with the real issues that create the highest public health risk.

The interpretation in draft regulations 27 and 28 would have implications in potentially preventing water transfers that may see deterioration but in non-health related parameters. This is potentially counter to the desire to have a more competitive market for water resources and be counter to Defra's wider water sector reform policies.

**Comments on draft regulation 30**

Draft regulation 30(1)(b) deals in part with the requirements for initiating lead pipe replacement. We do not support the introduction of the proposed text "or is likely to contain", as an assessment of lead concentrations without a sample will be significantly hampered due to the complex interaction between water and lead pipework. We propose that the draft text is removed for scientific and practical reasons.

In addition we consider that the text in draft regulation 30 (1)(a)(ii) refers to the "owner's intention to replace so much of the pipe as belongs to him" could lead to complications. Whilst the draft regulation clearly is appropriate for those consumers who do actually plan to replace lead pipes for health concerns some consumers use this requirement to ask for replacement when there is actually little likelihood of them replacing the pipe. This could result in lead levels actually increasing as a result of disturbance to the supply pipe's protective coating whilst replacing communication pipes. We therefore propose that the draft text is reworded to ensure that both parts of the lead pipe are replaced at the same time. .

**Question 6: We should be grateful for any general comments you wish to make on the proposals for the draft Water Supply (Water Quality) Regulations 2016?**

There are some inconsistencies in the that would benefit from being redressed. For example the text uses the terms "relevant supplier" and "water undertaker" interchangeably. It would ease confusion if a standard term was used throughout. Also draft regulation 15(1)(a) refers to "a water undertaker" and then 15(1)(b) refers to "the water undertaker".

There is inconsistency in the text on the use of *E. coli* that should be corrected.

The values in Table A2 appear to have altered accidentally affecting the prescribed characteristics of the last three parameters. For example THM's now have a trueness, precision and LOD of 10% which should read 25%