
STATUTORY RULES OF NORTHERN IRELAND

2017 No.

WATER AND SEWERAGE

The Private Water Supplies Regulations (Northern Ireland) 2017

Made - - - - *XXth October 2017*

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The Department of Agriculture, Environment and Rural Affairs^(a), in exercise of the powers conferred by Articles 107(1) and (3) and 118(3) and (4) of the Water and Sewerage Services (Northern Ireland) Order 2006^(b) and being a Department designated^(c) for the purposes of section 2(2) of the European Communities Act 1972^(d) in relation to the environment in exercise of the powers conferred upon it by that section, hereby makes the following Regulations:

PART 1 GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Private Water Supplies Regulations (Northern Ireland) 2017 and shall come into operation on 27th October 2017.

(2) The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations as it applies to an Act of Assembly.

Interpretation

2.—(1) In these Regulations—

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- (a) Formerly the Department of the Environment; see section 1(2) and (11) and Schedule 1 to, the Departments Act (Northern Ireland) 2010 (2016 c.5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved
 - (b) S.I. 2006/3336 (N.I. 21) as amended by 2016 c.13 (N.I.)
 - (c) S.I. 2008/301
 - (d) 1972 c.68
 - (e) 1954 c.33 (NI)

“the 2006 Order” means the Water and Sewerage Services (Northern Ireland) Order 2006;

“the Appeals Commission” means the Water Appeals Commission for Northern Ireland as established under Part XII of the 2006 Order;

“consumers” means a person to whom a private water supply is provided for human consumption purposes;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“the Directive” means the means Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption^(a) as amended by Commission Directive (EU) 2015/1787^(b)

“disinfection” means a process of water treatment to remove, or to render harmless to human health, every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water;

“District Council” means a District Council as established under Part I of the Local Government Act (Northern Ireland) 2014^(c);

“indicative dose” or “ID” means the committed effective dose for one year of ingestion resulting from all the radionuclides whose presence has been detected in a supply of water intended for human consumption, of natural and artificial origin, but excluding tritium, potassium-40, radon and short-lived radon decay products;

“limit of quantification” means a stated multiple of the limit of detection at a concentration of the determinand that can reasonably be determined with an acceptable level of accuracy and precision;

“radioactive substance” means any substance that contains one or more radionuclides the activity or concentration of which cannot be disregarded as far as radiation protection is concerned;

“relevant person” means—

- (a) the owner or occupier (who may be the same or different persons) of premises which are supplied with water for domestic or food production purposes by means of a private supply;
- (b) the owner or occupier (who may be the same or different persons) of land on which any part of the supply is situated;
- (c) any other person who exercises powers of management or control in relation to that supply.

“a risk assessment” is an assessment carried out under regulation 7.

“the Public Health Agency” means the Regional Agency for Public Health and Social Well-being as established under Section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009^(d);

“uncertainty of measurement” is defined as a non-negative parameter characterising the dispersion of the quantity values being attributed to a measure and, based on the information used;

“water intended for human consumption” means all water:

- (a) either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, a tanker, or in bottles or containers;
- (b) all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the Department is notified by way of written confirmation from Food Standard

(a) OJ No. L 330, 5.12.1998, p. 32

(b) OJ No. L 260, 7.10.2015, p.6

(c) 2014 c.8 (NI)

(d) 2009 c.1 (NI)

Agency that it is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form. .

Water Supplies to which these Regulations apply

3.—(1) These Regulations apply to all water supplies that supply water intended for human consumption not provided by a water undertaker appointed under Article 13 of the 2006 Order.

(2) The supplies in paragraph (1) are referred to in these Regulations as private supplies.

Exemptions

4. These Regulations do not apply in relation to—

- (a) water controlled by the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(a);or
- (b) water that is a medicinal product within the meaning of the Human Medicines Regulations 2012(b)

PART 2

Water Standards, Risk Assessments and Surveys

Wholesomeness

5. Water is wholesome if all the following conditions are met—

- (a) is free from any micro-organisms and parasites and from any substances which, in numbers or concentrations, constitute a potential risk to human health;
- (b) it meets the concentrations and values specified in Part 1 of Schedule 1; and
- (c) in the water: $\frac{\text{nitrate (mg/l)}}{50} + \frac{\text{nitrite (mg/l)}}{3} \leq 1$.

Use of products or substances in private supplies

6.—(1) Any product or substance used in the preparation or distribution of a private supply of water, or impurities associated with such products or substances, must not be present in water at the point of use at levels that would make it unwholesome or constitute a potential risk to human health.

(2) Where disinfection forms part of the preparation or distribution of a private supply, the relevant person must—

- (a) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the effectiveness of the disinfection;
- (b) ensure that the effectiveness of the disinfection process is maintained; and
- (c) verify the effectiveness of the disinfection process.

Requirement to carry out a risk assessment

7.—(1) The Department shall carry out an assessment (“a risk assessment”) of the potential risks associated with each private supply to which these Regulations apply other than a supply to a single private dwelling.

(a) S.R. 2015 No. 365 to which there are amendments not relevant to these Regulations
(b) S.R. 2012 No. 1916 to which there are amendments not relevant to these Regulations

(2) The Department shall carry out a risk assessment, within six months of a private supply being identified as a private water supply under regulation 3.

(3) The Department may enter into an arrangement for any competent person to carry out a risk assessment on its behalf for the purposes of this regulation.

(4) The Department may provide for any such person to be reimbursed.

(5) A risk assessment must satisfy the requirements of the Security of Drinking Water Supply Guidelines for Risk and Crisis Management (a).

(6) A risk assessment must take into account the results from the monitoring programmes-

(a) under these regulations; and

(b) under Regulation 11 (monitoring) of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 in respect of bodies of water identified under Regulation 8 of that Regulation (bodies of water used for the abstraction of drinking water).

(7) The Department must review and, where necessary, update the risk assessment

(a) as soon as possible in the event that it becomes aware of the likelihood of a—

(i) deterioration of the quality of the water supply; or

(ii) modification to, or extension of, the supply system from which the water is supplied, which is relevant for the protection of human health and was not previously taken into account; or

(b) when monitoring programmes are reviewed under regulation 9.

(8) A risk assessment under this regulation must be approved by the Department.

Radon Representative Surveys

8.—(1) The Department shall carry out a representative survey in accordance with the following to determine the likelihood of a supply failing the radon maximum concentration or value specified in Schedule 1 Part 3;

(2) The representative study in paragraph 1 of this regulation must be designed in such a way—

(a) as to be capable of determining the scale and nature of likely exposures to radon in water intended for human consumption originating from different types of groundwater sources and wells in different geological areas; and

(b) that underlying parameters, especially the geology and hydrology of the area, radioactivity of rock or soil, and well type, can be identified and used to direct further action to areas of likely high exposure.

PART 3

Monitoring

Monitoring

9.—(1) The Department shall monitor all private supplies in accordance with this Part and shall discharge that obligation through the establishment of monitoring programmes in accordance with Schedule 2.

(2) The obligation described in paragraph 1 of this regulation shall not apply to a supply to a single private dwelling but the Department shall offer the appropriate advice to consumers of the supply in accordance to regulation 12.

(a) EN15975-2.

(3) The Department must ensure that a monitoring programme established under paragraph 1 is kept under review and updated or reconfirmed at least every 5 years.

Large supplies and supplies as part of a commercial or public premises

10.—(1) Paragraph (2) applies in the case of a private water supply that—

- (a) supplies an average daily volume of water of 10m³ or more or serves 50 or more persons, or
- (b) supplies water as part of a commercial activity or to public land.

(2) Where this paragraph applies, the Department must monitor for any parameter in Schedule 1 in accordance with Schedule 2 and 3 and carry out any additional monitoring that a risk assessment shows to be necessary.

Other private supplies

11.—(1) In the case of a private supply to more than one private dwelling that is not monitored in accordance with regulation 10, the Department shall, monitor that supply in accordance with a risk assessment and, in addition, at least once a year, it shall monitor for—

- (a) conductivity;
- (b) enterococci;
- (c) *Escherichia coli* (*E. Coli*);
- (d) hydrogen ion concentration;
- (e) turbidity; and
- (f) any parameter in Schedule 1 identified in the risk assessment as being a potential risk to human health.

(2) The frequency of monitoring may be reduced to once every 5 years in accordance with the results of a risk assessment.

Supplies to single Private Dwellings

12. In the case of a private supply to a single private dwelling where the water is not used as part of a commercial or public activity the Department shall offer appropriate advice to the relevant person or persons to protect human health.

Sampling and analysis

13.—(1) When the Department monitors a private supply it shall take a sample—

- (a) from a tap normally used to provide water for human consumption and which, if there is more than one tap, is representative of the water supplied to the land;
- (b) if the water is supplied for food production purposes, at the point at which it is used for food production;
- (c) in the case of water put into a bottle or container (which is not intended for sale for drinking by humans), the point at which the water is put into the bottle or container; or
- (d) if the water is supplied from a tanker, at the point at which it emerges from the tanker

(2) The Department shall then ensure that any sample taken is analysed.

(3) The Department may enter into an arrangement for any person—

- (a) to take and/or analyse samples on its behalf; and
- (b) to report the findings to the Department as soon as they are available and to report any breach of these Regulations to it immediately.

(4) The Department may provide for any such person to be reimbursed.

(5) The Department shall not enter into an arrangement under paragraph (3) unless it is satisfied that the task will be carried out promptly by a person who is competent to perform it.

(6) Samples taken in accordance with this regulation shall be taken at regular intervals so as to be representative of the quality of the water consumed throughout the year.

(7) The further provisions for sampling and analysis in Schedule 4 apply.

Maintenance of records

14. The Department shall keep records in respect of every monitored private supply in accordance with Schedule 5 (Records).

Publication of information

15.—(1) The Department shall publish annually a report about private supplies monitored under these regulations.

(2) The report shall contain —

- (a) the number of private supplies in the preceding year; and
- (b) any other information about private supplies, including information about the quality of private supplies, in such form as the Department may determine.

PART 4

Action in The Event of Failure

Provision of information

16.—(1) If the Department considers that a private supply is a potential risk to human health it shall promptly take appropriate steps to ensure that people likely to consume water from it—

- (a) are informed that the supply constitutes a potential risk to human health;
- (b) where possible, are informed of the degree of the potential risk; and
- (c) are given advice on appropriate measures to allow them to minimise any such risk.

(2) The Department shall notify the Public Health Agency and the District Council for the district in which the private supply is situated regarding the steps taken under paragraph 1 of this regulation.

Investigation

17. The Department shall carry out an investigation to establish the cause if it suspects that a private water supply monitored under these regulations, is unwholesome or if an indicator parameter in a sample exceeds the concentrations or values prescribed in Schedule 1.

Procedure following investigation

18.—(1) Once the Department has established the cause of the water being unwholesome in a private water supply monitored under these regulations, it shall act in accordance with this regulation.

(2) If the cause of the water not being wholesome is attributable to the domestic distribution system within a private dwelling, the Department shall promptly offer advice to the consumers on measures necessary for the protection of health.

(3) If paragraph (2) does not apply and if it cannot solve the problem informally the Department—

- (a) may, on application by any relevant person, grant an authorisation to that person if the conditions in regulation 19 are fulfilled; and
- (b) if it does not grant an authorisation shall serve a notice either in accordance with article 119 of the 2006 Order or under regulation 20 if the conditions in that regulation are fulfilled.

(4) Before serving a notice the Department shall have regard to any agreement, contract, licence or other document produced to the Department relating to the terms on which water is supplied.

Authorisations of different standards

19.—(1) Any relevant person may apply to the Department for the granting of an authorisation under this regulation.

(2) The Department may grant an authorisation of different standards under this regulation if—

- (a) the only cause of the water not being wholesome is that a parameter in Table B of Part 1 of Schedule 1 (“Table B”) is not complied with;
- (b) the Department has consulted the relevant District Council and the Public Health Agency and has taken their views into account;
- (c) granting the authorisation does not result in a risk to human health;
- (d) the supply of water cannot be maintained by any other reasonable means.

(3) An authorisation shall require the relevant person or persons to take action over a period of time to ensure that the parameters in Table B are complied with and shall specify—

- (a) the relevant person or persons;
- (b) the supply concerned;
- (c) the grounds for granting the authorisation;
- (d) the parameters concerned, previous relevant monitoring results, and the maximum permissible values under the authorisation;
- (e) the geographical area, the estimated quantity of water supplied each day, the number of persons supplied and whether or not any food-production undertaking is affected;
- (f) an appropriate monitoring scheme to be undertaken by either the Department or the relevant person or persons, with an increased monitoring frequency where necessary;
- (g) a summary of the plan for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing progress; and
- (h) the duration of the authorisation.

(4) If the Department grants an authorisation, and action is taken in accordance with the timetable of works specified in the authorisation, the Department shall not serve a notice under article 119 of the 2006 Order concerning the matters specified in the authorisation without first amending or revoking the authorisation.

(5) The duration of the authorisation shall be as short as possible and in any event shall not exceed three years.

(6) The Department shall ensure that people affected are promptly informed of the authorisation and its conditions and, where necessary, ensure that advice is given to particular groups for which the authorisation could present a special risk.

(7) The Department shall inform the European Commission within two months of any authorisation concerning an individual private supply exceeding 1000m³ a day as an average or serving more than 5000 persons unless it considers the reason for the authorisation to be trivial and action is carried out which remedies the problem within 30 days.

(8) Towards the end of the duration of the authorisation the Department shall review it to determine whether sufficient progress has been made. If the Department considers that sufficient progress has not been made, it may grant a second authorisation. If the Department intends to

grant a second authorisation, this shall be communicated to the European Commission along with the results of the review.

(9) Subject to paragraph (8), the Department may grant a second authorisation for up to three years.

(10) If towards the end of the duration of the second period of authorisation the Department considers that sufficient progress has not been made the Department may grant a third period of authorisation but only if—

- (a) the Department considers that there are exceptional circumstances to justify doing so; and
- (b) the European Commission confirms its approval.

(11) The Department may revoke or amend any authorisation at any time, and in particular may revoke or amend it if the timetable for remedial action has not been adhered to.

Notice on potential risk to human health

20.—(1) The Department shall serve a notice under this regulation on one or more relevant person(s) instead of a notice under article 119 of the 2006 Order for a private water supply monitored under these regulations if—

- (a) the supply is a potential risk to human health; and
- (b) serving the notice will not create a greater risk to human health than not serving it.

(2) The notice shall prohibit the supply of water, or restrict what the water may be used for and shall also specify—

- (a) the relevant person or persons;
- (b) the supply concerned;
- (c) the grounds for the notice;
- (d) the parameters concerned;
- (e) previous relevant monitoring results;
- (f) the geographical area, the estimated quantity of water supplied each day and whether or not any food production undertaking is affected; and
- (g) any other remedial action that the Department considers necessary to protect human health.

(3) The Department shall ensure that consumers are promptly informed of the service of the notice and shall provide any necessary advice.

(4) The Department shall notify the Public Health Agency, and District Council for the district in which the private supply is situated, regarding a notice issued under this regulation.

(5) The notice may be subject to conditions and may be amended by a further notice at any time.

(6) The Department shall revoke the notice as soon as there is no longer a potential risk to human health.

Appeals

21.—(1) Any person served with a notice under regulation 20 who is aggrieved by that notice may appeal in writing to the Appeals Commission within 28 days of the date of the notice and shall specify the grounds for appeal.

(2) A notice under regulation 20 shall have effect pending determination of the appeal.

Powers of the Appeals Commission

22. On an appeal against a notice served under regulation 20, the Appeals Commission may either cancel the notice or confirm it, with or without modification.

PART 5

Offences and Penalties

Offences and penalties

23.—(1) It is an offence to fail to comply with a notice served under regulation 20.

(2) A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding three months; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

(3) For the purposes of these Regulations section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with their functions of management as if they were a director of the body corporate

PART 6

Miscellaneous

Revocations

24. The Private Water Supplies Regulations (Northern Ireland) 2009(a), the Private Water Supplies (Amendment) Regulations (Northern Ireland) 2010(b), and the Private Water Supplies (Amendment) Regulations (Northern Ireland) 2015(c) are revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs xx
September 2017



Dave Foster
A senior officer of the
Department

(a) S.R. 2009 No. 413
(b) S.R. 2010 No. 131
(c) S.R. 2015 No. 366

SCHEDULE 1

Regulation 5

Prescribed Concentrations and Values

PART 1

Wholesomeness

TABLE A

MICROBIOLOGICAL PARAMETERS

Prescribed concentrations and values

<i>Parameter</i>	<i>Parametric value (number/volume)</i>
Enterococci	0/100 ml
<i>Escherichia coli</i>	0/100 ml
In the case of water in bottles or containers (not intended for sale)	
Colony count 22 °C	100/ 1 ml
Colony count 37 °C	20/ 1 ml
<i>Escherichia coli (E. coli)</i>	0/250 ml
Enterococci	0/250 ml
<i>Pseudomonas aeruginosa</i>	0/250 ml

TABLE B

CHEMICAL PARAMETERS

Prescribed concentrations and values

Part I: Directive requirements -Prescribed concentrations and values			
<i>Parameter</i>	<i>Parametric value</i>	<i>Unit</i>	<i>Notes</i>
Acrylamide	0.10	µg/l	Note 1
Antimony	5.0	µg/l	
Arsenic	10	µg/l	
Benzene	1.0	µg/l	
Benzo(a)pyrene	0.010	µg/l	
Boron	1.0	mg/l	
Bromate	10	µg/l	Note 2
Cadmium	5.0	µg/l	
Chromium	50	µg/l	
Copper	2.0	mg/l	
Cyanide	50	µg/l	
1,2-dichloroethane	3.0	µg/l	
Epichlorohydrin	0.10	µg/l	Note 1
Fluoride	1.5	mg/l	
Lead	10	µg/l	
Mercury	1.0	µg/l	
Nickel	20	µg/l	
Nitrate	50	mg/l	Note 3
Nitrite	0.50	mg/l	Note 3
	0.10	mg/l	Note 3 and 4
Pesticides— Aldrin	0.030	µg/l	Note 5

Dieldrin	0.030	µg/l	
Heptachlor	0.030	µg/l	
Heptachlor epoxide	0.030	µg/l	
Other pesticide	0.10	µg/l	Note 6
Pesticides: total	0.50	µg/l	Notes 5 and 7
Polycyclic aromatic hydrocarbons	0.10	µg/l	Note 8
Selenium	10	µg/l	
Tetrachloroethene and trichloroethene	10	µg/l	Note 9
Trihalomethanes: total	100	µg/l	Notes 2 and 10
Vinyl chloride	0.50	µg/l	Note 1
Part II: National requirements -Prescribed concentrations and values			
Aluminium	200	µg/l	
Colour	20	mg/l Pt/Co	
Iron	200	µg/l	
Manganese	50	µg/l	
Odour	Acceptable to consumers and no abnormal change		
Sodium	200	mg/l	
Taste	Acceptable to consumers and no abnormal change		
Tetrachloromethane	3	µg/l	
Turbidity	4	NTU	

Note 1: The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water. This is controlled by product specification.

Note 2: Where possible, without compromising disinfection, a relevant person (in relation a supply of water) must strive for a lower value.

Note 3: See also the nitrate-nitrite formula in regulation 5(c).

Note 4: The additional parametric value of 0.10 mg/l applies only if the water is subject to treatment to improve its quality. The point of compliance for this additional parametric value is the point at which the water flows out from the treatment works.

Note 5: “Pesticide” means an organic insecticide, organic herbicide, organic fungicide, organic nematocide, organic acaricide, organic algicide, organic rodenticide, organic slimicide, a related product (including inter alia, growth regulator) and any relevant metabolite, degradation or reaction product. Only those pesticides which are likely to be present in a supply of water need to be monitored.

Note 6: “Other pesticide” means a pesticide other than aldrin, dieldrin, heptachlor and heptachlor epoxide. The parametric value applies to each “other pesticide” individually.

Note 7: The parametric value for this parameter is the sum of all individual pesticides detected and quantified in the monitoring procedure.

Note 8: The parametric value for this parameter is the sum of the concentrations of benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene and indeno(1,2,3-cd)pyrene.

Note 9: The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

Note 10: The specified compounds are: chloroform, bromoform, dibromochloromethane, bromodichloromethane. The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

PART 2

Indicator parameters (excluding radioactive substances)

TABLE C

Prescribed concentrations and values

<i>Parameter</i>	<i>Parametric value</i>	<i>Unit</i>	<i>Notes</i>
Ammonium	0.50	mg/l	
Chloride	250	mg/l	Note 1
<i>Clostridium perfringens</i> (including spores)	0	number/100 ml	
Coliform bacteria	0	Number/100ml Number/250 ml in the case of water put into bottles of containers (not intended for sale)	
Colony count 22 °C	No abnormal change	number/1 ml	
Conductivity	2500	µS/cm at 20 °C	Note 1
Hydrogen ion concentration	≥ 6.5 and ≤ 9.5. In the case of still water put into bottles or containers (not intended for sale) the ≥ 4.5 and ≤ 9.5	pH units	Notes 1 and 2
Sulphate	250	mg/l	Note 1
Total organic carbon	No abnormal change	mg/l	
Turbidity	1	NTU	Note 3

Note 1: The water must not be aggressive.

Note 2: For still water put into bottles or containers (not intended for sale), the minimum value may be reduced to 4.5 pH units. For water put into bottles or containers which is naturally rich in or artificially enriched with carbon dioxide, the minimum value may be lower.

Note 3: Only in the case of surface water treatment where the parametric value should be strived for the water ex-treatment works.

PART 3

Indicator parameters (radioactive substances)

TABLE D

Parametric values for Indicative Dose, Radon and Tritium

<i>Parameter</i>	<i>Parametric value</i>	<i>Unit</i>	<i>Notes</i>
Indicative Dose	0.10	mSv	Note 1, 2 and 3

Radon	100	Bq/l	Note 2 and 4
Tritium	100	Bq/l	Note 2 and 5

Note 1: Excluding tritium, potassium-40, radon and radon decay products.

Note 2: Where treatment to reduce the level of radionuclides in water intended for human consumption has been taken, monitoring must be carried out under Schedule 3 Part 2 to ensure efficacy of treatment.

Note 3: If the gross alpha activity exceeds 0.1Bq/l or the gross beta activity exceeds 1.0Bq/l analysis for specific radionuclides is required.

Note 4: Remedial action is deemed to be justified on radiological ground without further consideration, where radon exceeds 1,000Bq/l.

Note 5: If tritium concentration exceeds its parametric value an investigation (which may include analysis) of the presence of other artificial radionuclides must be carried out.

SCHEDULE 2 Regulation 9,10,11

Monitoring Programmes

Monitoring programmes

1.—(1) A monitoring programme for a private water supply established under regulation 9 must—

- (a) verify that—
 - (i) the measures in place to control risks to human health throughout the water supply chain (from the catchment area through abstraction, treatment and storage to distribution) are working effectively; and
 - (ii) water at the point of compliance is wholesome.;
- (b) with regard to the requirements of Regulation 10 and Regulation 11, provide information on the quality of water supplied to demonstrate—
 - (i) whether or not the water complies with prescribed concentrations and values for parameters in Schedule 1;
 - (ii) the organoleptic and microbiological quality of the water; and
 - (iii) establish the effectiveness of the treatment of the water, including disinfection.
- (c) identify the most appropriate means of mitigating any risk to human health.
- (d) have regard to Regulation 13 and Schedule 3.

(2) A monitoring programme shall consist of either—

- (a) the collection and analysis of discrete water samples; or
- (b) measurement recorded by a continuous monitoring process,

or a combination of both of the methods described in sub-paragraphs (a) and (b).

(3) In addition, monitoring programmes may consist of—

- (a) inspections of records of the functionality and maintenance status of equipment; and
- (b) inspections of the catchment area, water abstraction, treatment, storage and distribution infrastructure.

(4) The monitoring programme may be based on the findings of a risk assessment as set out in Regulation 7.

(5) When choosing appropriate parameters and other micro-organisms, parasites or substances for monitoring programmes for the purpose of Regulation 10 and 11 requirements, local conditions for each private water supply system must be taken into consideration

SCHEDULE 3

Regulation 9

Monitoring for Group A and Group B Parameters

Part 1

Monitoring for a Group A parameters

Sampling

1.—(1) The Department must monitor for a Group A parameter in accordance with this Part.

(2) “Monitoring for a Group A parameter” means sampling for each parameter listed in column 1 of Table 1 of this Schedule in the circumstances listed in the entry which corresponds with that parameter in column 2 of Table 1 of this Schedule.

TABLE 1

Group A parameters

<i>Parameter</i>	<i>Circumstances</i>
Aluminium	If used as water treatment chemicals
Ammonium	Where chloramination is practised
Coliform bacteria	In all supplies
Colony counts 22 °C	In all supplies
Colour	In all supplies
Conductivity	In all supplies
<i>Escherichia coli</i> (E. coli)	In all supplies
Hydrogen Ion	In all supplies
Iron	If used as water treatment chemicals
Nitrate	When chloramination is practised
Nitrite	When chloramination is practised
Odour	In all supplies
Taste	In all supplies
Turbidity	In all supplies
Disinfection residual	When disinfection treatment is practised

Frequency of sampling for Group A parameters

2. Sampling for Group A parameters must be undertaken at the frequencies specified in Table 2 of this Schedule.

TABLE 2

Minimum frequency of sampling for Group A parameters

<i>Volume m³/day (calculated as averages taken over a calendar year)</i>	<i>Sampling frequency per year</i>
> 0 ≤ 100	1
> 100 ≤ 1,000	4
> 1,000 ≤ 10,000	4 for the first 1,000 m ³ /day of the total volume,

	plus 3 for each additional 1,000 m ³ /day and part thereof
> 10,000 ≤ 100,000	4 for the first 1,000 m ³ /day of the total volume, plus 3 for each additional 1,000 m ³ /day and part thereof
> 100,000	4 for the first 1,000 m ³ /day of the total volume, plus 3 for each additional 1,000 m ³ /day and part thereof

PART 2

Monitoring for Group B Parameters

Sampling

3.—(1) The Department must monitor for a Group B parameter in accordance with this Part.

(2) “Monitoring for a Group B parameter” means sampling for each parameter listed in Schedule 1 (other than parameters already being sampled for monitoring for group A parameter monitoring).

Frequency of sampling

4.—(1) Sampling for a Group B parameter which is not a radioactive substance must be undertaken at the frequencies specified in Table 3 for those parameters.

(2) Sampling for a Group B parameter which is a radioactive substance must be undertaken at the frequencies specified in Table 4 for those parameters.

TABLE 3

Minimum frequency of sampling for Group B parameters non radioactive substances)

<i>Volume m³/day (calculated as averages taken over a calendar year)</i>	<i>Sampling frequency per year</i>
> 0 ≤ 100	1
> 100 ≤ 1,000	1
> 1,000 ≤ 10,000	1 for the first 1,000 m ³ /day of the total volume, plus 1 for each additional 4,500 m ³ /day and part thereof
> 10,000 ≤ 100,000	3 for the first 10,000 m ³ /day of the total volume, plus 1 for each additional 10,000 m ³ /day and part thereof
> 100,000	12 for the first 100,000 m ³ /day of the total volume, plus 1 for each additional 25,000 m ³ /day and part thereof
> 100,000	1

TABLE 4

Minimum frequency of sampling for Group B monitoring radioactive substances

<i>Volume m³ /day (calculated as averages taken over a calendar year)</i>	<i>Sampling frequency per year</i>
≤ 1000	1
> 1000 ≤ 10,000	1 + 1 for each 3,300 m ³ /day of the total volume (rounding up to the nearest multiple of 3,300 m ³ /day)

> 10,000 ≤ 100,000	3 + 1 for each 10,000 m ³ /day of the total volume (rounding up to the nearest multiple of 10,000 m ³ /day)
> 100,000	10 + 1 for each 25,000 m ³ /day of the total volume (rounding up to the nearest multiple of 25,000 m ³ /day)

PART 3

Variation of monitoring for Group A and Group B Parameters

Variation of monitoring requirements

5.—(1) The Department may reduce the sampling frequency in respect of any parameter in Group A or Group B other than *E.Coli* and subject to part 5 of this paragraph provided that—

- (a) the Department determines the location and frequency of sampling in relation to the parameters origin, as well as the variability and long-term trend of its concentration;
- (b) the results from samples taken in respect of that parameter collected at regular intervals over the preceding three years must all be less than 60% of the parametric value;
- (c) the results of a risk assessment described in regulation 7 are considered, and that the risk assessment indicates that no factor can be reasonably anticipated to be likely to cause deterioration of the quality of the water from the reduction in frequency of monitoring of the parameter or parameters;
- (d) the results of a risk assessment described in regulation 7 and the monitoring programme confirms that human health is protected from the adverse effects of any contamination of water intended for human consumption;
- (e) data collected in the course of discharging its monitoring obligations under this Part are taken into account; and
- (f) at least one sample is taken per year.

(2) The Department may cease to monitor a parameter other than *E.coli* and subject to part 6 of this paragraph provided that—

- (a) the Department determines the location and frequency of sampling in relation to the parameters origin, as well as the variability and long-term trend of its concentration;
- (b) the results from samples taken in respect of that parameter collected at regular intervals over the preceding three years must all be less than 30% of the parametric value;
- (c) the results of a risk assessment described in regulation 7 are considered, and that the risk assessment indicates that no factor can be reasonably anticipated to be likely to cause deterioration of the quality of the water from the removal of the parameter or parameters from monitoring requirements; and
- (d) data collected in the course of discharging its monitoring obligations under this Part are taken into account.

(3) The Department may set a higher frequency for any parameter if it considers it appropriate, taking into account the findings of any risk assessment and if it;

- (a) considers that the parameter or parameters in question is likely to be present in the supply or system at a concentration or value which poses a risk of the private supply failing to meet the concentration, value or state specified in Schedule 1 in respect of that parameter; considers that the parameter or parameters in question is likely to be present in the supply or system at a concentration or value which constitute a potential risk to human health;
- (b) considers that it is required in order to verify measures in place to control risks to human health are working effectively and that water is wholesome and clean

(4) The Department may based on the results of the risk assessment monitor for any parameter in addition to those which are a Group A and Group B parameter if it

- (a) considers that the parameter or parameters in question is likely to be present in the supply or system at a concentration or value which constitute a potential risk to human health;
- (b) it considers that it is required in order to verify measures in place to control risks to human health are working effectively; and
- (c) taking into account the local conditions of each water supply.

(5) In case of naturally occurring radionuclides, where previous results have shown that the concentration of radionuclides is stable, the frequency, in derogation from the minimum sampling requirements set out in Table, may be reduced, taking into consideration the risk to human health.

(6) The Department is not required to monitor private supplies for radon or tritium or to establish the ID for a period of time to be determined by the Department, where it is satisfied on the basis of representative surveys carried out under regulation 8, monitoring data or other reliable information that the levels of radon, tritium or of the calculated ID will remain well below the respective parametric values or specifications.

(7) A notice of a decision not to monitor under paragraph 5 of this regulation along with supporting evidence for the decision including any representative surveys carried out under regulation 8, monitoring data or other reliable information shall be communicated to the European Commission.

SCHEDULE 4

Regulation 13

Sampling and Analysis

PART 1

General

Samples: general

1. The Department shall ensure that each sample taken in accordance with a monitoring programme is—

- (a) representative of the water at the sampling point at the time of sampling;
- (b) not contaminated in the course of being taken;
- (c) for chemical parameters copper, lead and nickel sampling taken without prior flushing and is a random daytime sample of one litre volume.
- (d) for microbiological parameters taken and handled according to EN ISO 19458, sampling purpose B;
- (e) kept at such temperature and in such conditions as will secure that there is no material alteration of a concentration, value or state of any parameter/measurement/observation for which the sample is to be analysed; and
- (f) analysed as soon as may be after it has been taken—
 - (i) by a person who is competent to perform that task; and
 - (ii) with the use of such equipment as is suitable for the purpose.

Analysing samples

2.—(1) The Department shall ensure each sample is analysed in accordance with this paragraph and that analysis methods used are validated and documented accordance with EN ISO/IEC 17025 or other equivalent standards accepted by the Department

(2) In the absence of an analytical method meeting the minimum performance criteria set out in this Part the Department shall ensure that monitoring is carried out using best available techniques not entailing excessive costs.

(3) For each parameter specified in the first column of Table A in Part 2 of this Schedule “Table A” the method of analysis is specified in the second column of that table.

(4) For each parameter specified in the first column of Table B in Part 2 of this Schedule “Table B” the method of analysis is one that is capable of measuring concentrations equal to the parametric value with a limit of quantification of 30 % or less of the relevant parametric value set in Schedule 1 and an uncertainty of measurement as specified in Table B.

(5) The Department shall not use the uncertainty of measurement in Table B as an additional tolerance to the parametric values set in Schedule 1.

(6) For hydrogen ion, a method of analysis which is capable at the time of use of measuring a value with a trueness of 0.2 pH unit and a precision of 0.2 pH unit.

(7) The result of analysis of parameters under this regulation shall be expressed using at least the same number of significant figures as for the associated parametric values in Part A of Schedule 1.

(8) For these purposes—

“limit of quantification” is to be calculated using an appropriate standard or sample, and may be obtained from the lowest calibration point on the calibration curve, excluding the blank; and

“measurement uncertainty” shall be estimated at the level of the parametric value, unless otherwise specified.

Authorisation of alternative methods of analysis

3.—(1) Until 31 December 2019 the Department may use “trueness”, “precision” and “limit of detection” as specified in Table C in Part 2 of this Schedule (“Table C”) as alternative sets of performance characteristics to “limit of quantification” and “uncertainty of measurement” specified in paragraph 6 and Table B of this Schedule.

(2) For the purposes of this regulation each parameter specified in the first column of Table C the method of analysis is one that is capable of—

(a) measuring concentrations and values with the trueness and precision specified in the second and third columns of that table; and

(b) detecting the parameter at the limit of detection specified in the fourth column of that table.

(3) For hydrogen ion, a method of analysis which is capable at the time of use of measuring a value with a trueness of 0.2 pH unit and a precision of 0.2 pH unit.

(4) For these purposes—

“limit of detection” is to be calculated as—

(a) three times the relative within-batch standard deviation of a natural sample containing a low concentration of the parameter; or

(b) five times the relative within-batch standard deviation of a blank sample;

“precision” (the random error) is to be calculated as twice the standard deviation (within a batch and between batches) of the spread of results about the mean; and

“trueness” (the systematic error) is to be calculated as the difference between the mean value of the large number of repeated measurements and the true value.

Laboratories

4. The Department shall ensure that the laboratory at which samples are analysed has a system of analytical quality control in accordance with EN ISO/IEC 17025 or other equivalent standards accepted by the Department and is subjected from time to time to checking by a person who is—

- (a) not under the control of either the laboratory or the Department; and
- (b) approved by the Department for that purpose.

Interpretation

5. In this schedule—

“laboratory” includes any land at which samples are analysed for the purposes of these Regulations (including on-site analysis); and

“taking and analysing samples” includes taking, handling, transporting, storing and analysing samples.

PART 2

Analytical Methods and Performance Characteristics

TABLE A

Prescribed methods of analysis

(1) <i>Parameter</i>	(2) <i>Method</i>
<i>Clostridium perfringens</i> (including spores)	EN ISO 14189
Coliform bacteria	BS-EN ISO 9308-1
Colony count 22°C-enumeration of culturable microorganisms	BS-EN ISO 6222
Colony count 37°C-enumeration of culturable microorganisms	BS-EN ISO 6222
Enterococci	BS-EN ISO 7899-2
<i>Escherichia coli</i> (<i>E. coli</i>)	BS-EN ISO 9308-1 or ENS ISO 9308-2
<i>Pseudomonas aeruginosa</i>	EN ISO 16266

TABLE B**Minimum performance characteristic: “uncertainty of measurement”**

<i>Parameter</i> <i>(Note 1)</i>	<i>Uncertainty of measurement</i> <i>(% of parametric value, except pH)</i> <i>(Note 2)</i>	<i>Notes</i>
Aluminium	25	
Ammonium	40	
Antimony	40	
Arsenic	30	
Benzo(a)pyrene	50	Note 3
Benzene	40	
Boron	25	
Bromate	40	
Cadmium	25	
Chloride	15	
Chromium	30	
Conductivity	20	
Copper	25	
Cyanide	30	Note 4
1,2-dichloroethane	40	
Fluoride	20	
Hydrogen ion concentration pH (expressed in pH units)	0.2	Note 5
Iron	30	
Lead	25	
Manganese	30	
Mercury	30	
Nickel	25	
Nitrate	15	
Nitrite	20	
Oxidisability	50	Note 6
Pesticides	30	Note 7
Polycyclic aromatic hydrocarbons	30	Note 8
Selenium	40	
Sodium	15	
Sulphate	15	
Tetrachloroethene	30	Note 9
Tetrachloromethane	*To be determined*	
Trichloroethene	40	Note 9
Trihalomethanes: total	40	Note 8
Total organic carbon	30	Note 10
Turbidity	30	Note 11
Turbidity	*To be determined*	

Note 1: Acrylamide, epichlorohydrin and vinyl chloride to be controlled by product specification.

Note 2: Uncertainty of measurement is a non-negative parameter characterising the dispersion of the quantity values being attributed to a measurand, based on the information used. The performance criterion for measurement uncertainty ($k = 2$) is the percentage of the parametric

value stated in the table or better. Measurement uncertainty must be estimated at the level of the parametric value, unless otherwise specified.

Note 3: If the value of uncertainty of measurement cannot be met, the best available technique should be selected (up to 60 %).

Note 4: The method determines total cyanide in all forms.

Note 5: Values for trueness, precision and uncertainty of measurement are expressed in pH units.

Note 6: Reference method EN ISO 8467.

Note 7: The performance characteristics for individual pesticides are given as an indication. Values for the uncertainty of measurement as low as 30 % can be achieved for several pesticides, higher values up to 80 % may be allowed for a number of pesticides.

Note 8: The performance characteristics apply to individual substances, specified at 25 % of the parametric value in Table B.

Note 9: The performance characteristics apply to individual substances, specified at 50 % of the parametric value in Table B.

Note 10: The uncertainty of measurement should be estimated at the level of 3 mg/l of the total organic carbon. CEN 1484 Guidelines for the determination of total organic carbon and dissolved organic carbon must be used.

Note 11: The uncertainty of measurement must be estimated at the level of 1.0 NTU (nephelometric turbidity units) in accordance with EN ISO 7027.

.TABLE C

Minimum performance characteristics: trueness, precision and limit of detection- may be used until 31 December 2019

<i>Parameter (Note 1)</i>	<i>Trueness (% of parametric value, except for pH) (Note 2)</i>	<i>Precision (% of parametric value, except for pH) (Note 3)</i>	<i>Limit of detection (% of parametric value, except for pH) (Note 4)</i>	<i>Notes</i>
Aluminium	10	10	10	
Ammonium	10	10	10	
Antimony	25	25	25	
Arsenic	10	10	10	
Benzene	25	25	25	
Benzo(a)pyrene	25	25	25	
Boron	10	10	10	
Bromate	25	25	25	
Cadmium	10	10	10	
Chloride	10	10	10	
Chromium	10	10	10	
Colour	10	10	10	
Conductivity	10	10	10	
Copper	10	10	10	
Cyanide	10	10	10	Note 5
1,2-dichloroethane	25	25	10	
Fluoride	10	10	10	
Hydrogen ion concentration pH (expressed in pH units)	0.2			Note 6
Iron	10	10	10	
Lead	10	10	10	
Manganese	10	10	10	
Mercury	20	10	20	
Nickel	10	10	10	
Nitrate	10	10	10	
Nitrite	10	10	10	
Oxidisability	50			Note 7
Pesticides	25	25	25	Note 8
Polycyclic aromatic hydrocarbons	25	25	25	Note 9
Selenium	10	10	10	
Sodium	10	10	10	
Sulphate	10	10	10	
Tetrachloroethene	25	25	10	Note 10
Tetrachloromethane	20	20	20	
Trichloroethene	25	25	10	Note 10
Trihalomethanes: total	25	25	10	Note 90
Turbidity	10	10	10	Note 11
Turbidity	25	25	25	Note 12

Note 1: Acrylamide, epichlorohydrin and vinyl chloride to be controlled by product specification.

Note 2: Trueness is a measure of systematic error, i.e. the difference between the mean value of the large number of repeated measurements and the true value. Further specifications are those set out in ISO 5725.

Note 3: Precision is a measure of random error and is usually expressed as the standard deviation (within and between batches) of the spread of results from the mean. Acceptable precision is twice the relative standard deviation. This term is further specified in ISO 5725.

Note 4: Limit of detection is either—

- (a) three times the standard deviation within a batch of a natural sample containing a low concentration of the parameter; or
- (b) five times the standard deviation of a blank sample (within a batch).

Note 5: The method determines total cyanide in all forms.

Note 6: Values for trueness, precision and uncertainty of measurement are expressed in pH units.

Note 7: Reference method EN ISO 8467.

Note 8: The performance characteristics for individual pesticides are given as an indication. Values for the uncertainty of measurement as low as 30 % can be achieved for several pesticides, higher values up to 80 % may be allowed for a number of pesticides.

Note 9: The performance characteristics apply to individual substances, specified at 25 % of the parametric value in Table B.

Note 10: The performance characteristics apply to individual substances, specified at 50 % of the parametric value in Table B.

Note 11

: The performance characteristics apply to prescribed value 4 NTU.

Note 12: The performance characteristics apply to prescribed value 1 NTU for water leaving surface water treatment works.

PART 3

Monitoring for Indicative Dose and Analytical Performance Characteristics

Monitoring for Compliance with the ID

6. Screening strategy for gross alpha activity and gross beta activity (a) may be used to monitor for the parametric indicator value for indicative dose.

If the gross alpha activity is less than 0.1 Bq/l and the gross beta activity is less than 1.0 Bq/l, it may be assumed that the total indicative dose is less than 0.1 mSv and radiological investigation is not needed unless it is known from other sources of information that specific radionuclides are present in water that are liable to cause an excess of 0.1 mSv.

If the gross alpha activity exceeds 0.1Bq/l or the gross beta activity exceeds 1.0Bq/l analysis for specific radionuclides is required.

The radionuclides to be measured must be based on all relevant information about likely sources of radioactivity.

(a) Where appropriate gross beta activity may be replaced by residual beta activity after subtraction of the K-40 activity concentration.

Calculation of the ID

7. The ID must be calculated from the measured radionuclide concentrations and the dose coefficients laid down in Annex III, Table A of Directive 96/29/Euratom(a) or more recent information recognised by the Department, on the basis of the annual intake of water (730 l for adults).

Where the following formula is satisfied, it can be assumed that the ID is less than the parametric value of 0.1mSv and no further investigation is required.

$$\sum_{i=1}^n \frac{C_i(\text{obs})}{C_i(\text{der})} \leq 1$$

where

$C_i(\text{obs})$ = observed concentration of radionuclide i

$C_i(\text{der})$ = derived concentration of radionuclide i

n = number of radionuclides detected.

TABLE D

Derived concentrations for radioactivity in water intended for human consumption

<i>Origin</i>	<i>Radionuclide (Note 1)</i>	<i>Derived concentration (Bq/l)</i>	<i>Notes</i>
Natural	U-238	3.0	Note 2
	U-234	2.8	Note 2
	Ra-226	0.5	
	Ra-228	0.2	
	Pb-210	0.2	
	Po-210	0.1	
Artificial	C-14	240	
	Sr-90	4.9	
	Pu-239 / Pu-240	0.6	
	Am-241	0.7	
	Co-60	40	
	Cs-134	7.2	
	Cs-137	11	
	I-131	6.2	

Notes to Table D

Note 1: This table includes values for the most common natural and artificial radionuclides; these are precise values, calculated for a dose of 0.1mSV, an annual intake of 730 litre and using the dose coefficients laid down in Annex III Table A of Directive 96/29/Euratom; derived concentration for other radionuclides can be calculated on the same basis, and values can be updated on the basis of more recent information recognised by the Department.

Note 2: This allows only for the radiological properties of uranium, not for its chemical toxicity.

(a) O.J. No. L159, 29.6.96, P. 27

Performance characteristics and method of analysis.

8. For the following parameters and radionuclides, the method of analysis used must, as a minimum be capable of measuring activity concentrations with a limit of detection specified below in Table E:

TABLE E

<i>Parameters and radiouclides</i>	<i>Limit of detection (Notes 1 and 2)</i>	<i>Notes</i>
Tritium	10 Bg/l	Note 3
Radon	10 Bg/l	Note 3
gross alpha activity	0.04 Bg/l	Note 4
gross beta activity	0.4 Bg/l	Note 4
U-238	0.02 Bg/l	
U-234	0.02 Bg/l	
Ra-226	0.04 Bg/l	
Ra-228	0.02 Bg/l	Note 5
Pb-210	0.02 Bg/l	
Po-210	0.01 Bg/l	
C-14	20 Bg/l	
Sr-90	0.4 Bg/l	
Pu-239/Pu-240	0.04 Bg/l	
Am-241	0.06 Bg/l	
Co-60	0.5 Bg/l	
Cs-134	0.5 Bg/l	
Cs-137	0.5 Bg/l	
I-131	0.5 Bg/l	

Notes to Table E

Note 1: The limit of detection must be calculated according to the ISO standard 11929:2010 entitled “Determination of the characteristic limits (decision threshold, detection limit and limits of the confidence interval) for measurements of ionising radiation - Fundamentals and application”, with probabilities of errors of 1st and 2nd kind of 0.05 each.

Note 2: Measurement uncertainties must be calculated and reported as complete standard uncertainties, or as expanded standard uncertainties with an expansion factor of 1.96, according to the ISO IEC Guide 98-3:2008 entitled “*Guide to the expression of uncertainty in measurement*”.

Note 3: The limit of detection for tritium and for radon is 10% of the corresponding parametric value of 100 Bg/l.

Note 4: The limit of detection for gross alpha activity and gross beta activities is 40% of the screening values of 0.1 Bq/l and 1.0 Bq/l respectively.

Note 5: This limit of detection applies only to initial screening for indicative dose for a new water source. If initial checking indicates that it is unlikely that Ra-228 exceeds 20% of the derived concentration, the limit of detection may be increased to 0.08 Bq/l for routine Ra-228 nuclide specific measurements, until a subsequent re-check is required.

SCHEDULE 5

Regulation 14

Records

9.—(1) The Department shall compile records to include—

- (a) the name and address of every relevant person for the land or private supply;
 - (b) the location and description of the private supply;
 - (c) an eight figure Ordnance Survey grid reference of the location of the source of supply;
 - (d) a description of the source;
 - (e) the addresses of the land supplied by the private supply;
 - (f) a plan of the private supply showing the sources and land supplied;
 - (g) the purposes for which the water is supplied;
 - (h) the estimated average daily volume of water supplied;
 - (i) an estimate of the numbers of people served by the supply;
 - (j) any drinking-water treatment to which the supply is subject;
 - (k) the monitoring programme for the supply;
 - (l) the risk assessment of the supply which has been carried out including the date and results of any inspection of the supply and the results of analysis of samples taken for the purposes of the assessment together with a summary of its results.
- (2) The Department shall review and update the record at least once a year.
- (3) It shall keep the record for at least thirty years.

10.—(1) For each private supply the Department shall record each of the following within 28 days of the event—

- (a) date and results of any sampling and analysis relating to that supply;
- (b) sufficient records to show that the requirements of regulations 7 and 8 and Schedules 3 and 4 have been satisfied;
- (c) the results of any investigation undertaken in accordance with these Regulations;
- (d) any authorisation;
- (e) any action taken or required to be taken by any person under these Regulations;
- (f) any action taken or required to be taken following a notice given under Article 119 of the Water and Sewerage Services (Northern Ireland) Order 2006(a);
- (g) in respect of any risk assessment, the date and results of any inspection of the supply and the results of analysis of samples taken for the purposes of the assessment;
- (h) any notices served under these Regulations;
- (i) any request for the Department to carry out sampling and analysis, undertake a risk assessment or give advice;
- (j) a summary of any advice given in relation to the supply; and
- (k) such other particulars as the Department may determine.

(2) The Department shall keep the records of sampling and analysis for at least 30 years, and all other records under this paragraph for at least 10 years.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive 98/83/EC on the quality of water intended for human consumption (O.J. No. L330, 5.12.1998 p.32) and Council Directive 2013/51/EURATOM laying down requirements for the protection of the health of the general public with regard to

(a) SI 2006/3336 (N.I. 21)

radioactive substances in water intended for human consumption (O.J. No. L296, 7.11.2013 P.12) in relation to private water supplies specified in regulation 3. They revoke and replace the Private Water Supplies Regulations 2009 (S.R. 2009 No.413) (as amended) (the 2009 Regulations).

Part 2 of the Regulations deals with water standards, risk assessments and surveys. Regulation 5 and Schedule 1 define wholesomeness. Regulation 7 places a duty on the Department of Agriculture, Environment and Rural Affairs (“the Department”) to carry out a risk assessment of a private water supply and Regulation 8 requires the Department to carry out Radon Representative Surveys.

Part 3 Schedule 2 and Schedule 3 deal with monitoring of private water supplies. Regulation 9 requires the Department to monitor private water supplies and establish monitoring programmes in accordance with that Part, and regulation 13 and Schedule 4 specify how samples must be taken and analysed. Regulation 14 and Schedule 5 require the Department to keep records. Under regulation 15 the Department shall publish information annually.

Part 4 deals with what happens if the water supply is not wholesome or exceeds specified parameters. If the problem cannot be solved informally or through the granting of an authorisation, the Department shall serve a notice on potential risk to health. Failure to comply with a notice served under regulation 20 is an offence, punishable on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

A regulatory impact assessment of the costs and benefits and the effect that this instrument will have on the business and voluntary sector has shown there will be no additional impact to these sectors in comparison to the impact imposed by the 2009 Regulations.