

## **Summary of the Private Water Supplies Regulations 2009**

### **Introduction**

The Private Water Supplies Regulations 2009 (the Regulations) will come into force on the 1<sup>st</sup> January 2010 and will apply to all private water supplies intended for human consumption. (e.g. drinking, cooking, food preparation and washing) and water used for food-production purposes. These supplies include; Water from a well or borehole or spring, which is supplied from someone other than a Water Undertaker or Licensed water supplier, or; Water supplied by Water Undertaker or Licensed water supplier, which is then further distributed by another person (a “private distribution network”).

### **Risk assessments**

The Regulations require Local Authorities to complete a risk assessment of all Private Water Supplies (PWS) in the first five years after the Regulations come into force, except for supplies to a single non-commercial dwelling (unless a risk assessment is requested). Example risk assessments can be seen on the Government’s official Private Supplies website: [Private Water Supply - Home](#). This site will also be updated with new examples and guidance.

This requirement will place considerable additional responsibility on the Council, most notably in relation to the practical monitoring of the system from ‘source to supply’. The physical checking of the location of the spring, its route to dwellings via any holding tanks could take significant periods of time for some of the more rural supplies. As such it is not envisaged that more than 1 - 2 risk assessments could be completed per day. Officers will be visiting one of the larger PWS with a view to completing the risk assessment process and using this as a ‘case study’ to more accurately determine resource implications etc.

Part of the risk assessment process involves determining which chemicals/elements detailed in Schedule 1 of the Regulations are likely, or unlikely, to be present in private water supplies. This list runs to 50 odd chemicals. Obviously sampling for all these parameters to determine whether they are present, would be very costly.

Guidance from the DWI has indicated a number of ‘sources’ to assist with the initial determination of what parameters need to be tested for. These include:

- Obtaining ‘raw water’ data.

Raw water data, held by public water utilities and the Environment Agency details the results of samples taken for a large number of parameters, either in relation to the testing of mains water, or groundwater from licensed abstraction points. Through contact with these agencies, those chemicals/elements that have never been detected in the vicinity can be removed from the risk assessment process. Such agencies will be approached at the early stages of the risk assessment process and an agreed list of determinants will be drawn up.

## Monitoring Requirements.

For Small Supplies (of less than 10m<sup>3</sup> /day) the monitoring is based on the conclusions of the risk assessment. Larger PWS (greater than 10m<sup>3</sup> / day), will require check and audit monitoring ( see below) from the first year. Local Authorities must keep records of all PWS including Private Distribution Systems.

Information including the type of supply, number of people served, any treatment systems and whether the supply serves commercial businesses must be sent to the Secretary of State (in practice the Drinking Water Inspectorate) for each supply by the 30<sup>th</sup> June 2010.

For the first information return to the Inspectorate (due 30<sup>th</sup> June 2010), Local Authorities should provide information on all Private Supplies and those Private Distribution Systems that they know to exist or that will be subject to monitoring during 2010.

Further guidance on the format and method of information submission will be provided early in 2010. Details of additional information that Local Authorities will be required to supply under the regulations (e.g. sample data) from January 2011 will be provided in the guidance document to be published in January 2010.

## Charges

Regulation 21 of the Private water Supplies Regulations 2009 permits Local Authorities to recover their costs associated with providing particular services to private supply owners/operators in fulfilment of their duties under the regulations.

Local Authorities can make reasonable charges, payable on invoice to cover their costs for carrying out their duties under the Regulations, up to maximum limits set out in the regulations. The main charges are as follows:

Service	Maximum Fee (£)
Risk assessment ( each assessment)	500
Sampling (each visit)	100
Investigation ( each investigation)	100
Granting an authorisation	100
Analysis of samples *	500

\* No charges will be made for undertaking 're-visit' samples, where the initial sample taken has indicated a failure to meet the relevant standards.

Any costs associated with the above statutory requirements, must be those reasonably associated with providing the service. It is therefore proposed that an hourly rate being the on-costs of an Environmental Protection Officer undertaking the majority of tasks associated with private water supplies, will be charged. In the unlikely event that the time taken to provide a particular service exceeds the maximum fee, once the maximum limit prescribed is reached, no further charge will be

made. Any additional cost once the limit is reached will be met by the Council. In some instances, there may be a need for the Environmental Protection Manager to have an input; again an hourly rate will be chargeable as necessary, again up to the maximum limit imposed by Regulation. By following this approach, only costs actually associated with the particular task will be recouped.

**Types of monitoring:**

**Check monitoring:** for each of the parameters listed in Table 1, (frequency as determined by volumes of water used per day. (M<sup>3</sup>)

**Audit monitoring:** For all parameters listed in Schedule 1, other than those already being sampled for as part of routine 'check' monitoring. The frequency of this check monitoring is stated in the regulations. At present the Council utilises the services of Wessex Water and their laboratories in Wiltshire, to analyse the entire suite of bacteriological and chemical parameters required under the new Regulations.

**Action in the event of a failure:**

The following general procedures apply: Investigation, inform users of the supply, issue authorisation, service of a notice.

**Requirements to complete returns.**

Regulation 13 illustrates the details that must be recorded and submitted to the Secretary of State by June 2010. Separate discussions will take place with IT to ensure this information can be retrieved from the UNIFORM system.

For further information regarding private water supplies, please contact Miss Lesley Swain, Environmental Protection Officer, on 01453 754485.