

The Water Industry (Suppliers' Information) Direction 2017

The Secretary of State for Environment, Food and Rural Affairs and the Welsh Ministers give this direction under section 202 of the Water Industry Act 1991¹ to companies appointed as water undertakers under Chapter I of Part II, or holding a water supply licence granted under Chapter 1A of that part, of that Act.

Citation

1. This Direction may be cited as the Water Industry (Suppliers' Information) Direction 2017.

Commencement

2. This Direction comes into force on 1 April 2017.

Interpretation

3.

(1) In this Direction—

“compliance sample” means a water sample taken to show compliance with a requirement of the Regulations; including samples of untreated water taken from abstraction points under regulation 17(2)

“the drinking water quality regulator” means—

(a) the Secretary of State; or

(b) in relation to a water undertaker whose area is wholly or mainly in Wales, or a licensed water supplier so far as its licensed operations use the supply system of such a water undertaker, the Welsh Ministers;

“local health board” means a local health board established under the Public Health Wales NHS Trust (Establishment) Order 2009²;

“the Regulations” means—

(a) the Water Supply (Water Quality) Regulations 2016³ or

(b) in relation to a water undertaker whose area is wholly or mainly in Wales, or a licensed water supplier so far as its licensed operations use the supply system of such a water undertaker, the Water Supply (Water Quality) Regulations 2010⁴ as amended in 2016;

¹ 1991 c.56.

² 2009 No.2058

³ SI 2016 No. 614

⁴ SI 2010 No. 994 amended by SI 2016 No. 410 (W. 128)

“the Act” means the Water Industry Act 1991; and

“working day” means any day that is not a Saturday, a Sunday, Christmas Day, Good Friday nor a bank holiday under the Banking and Financial Dealings Act 1971⁵.

A ‘contact about drinking water quality’ is defined in Information Letter 01/2006⁶

- (2) A reference in this Direction to a water supplier is a reference to—
 - (a) a water undertaker;
 - (b) the holder of a water supply licence, within the meaning given by section 17A of the Act; or
 - (c) the holder of an appointment referred to in section 6(1) of the Act.
- (3) Expressions used in this Direction have the same meaning as in the Regulations.

How to provide information

4.

- (1) Information provided under this Direction must be provided electronically in the format specified by the drinking water quality regulator.
- (2) An obligation of a water supplier to provide information or a document to, or notify, the drinking water quality regulator is satisfied if the water supplier provides the information or document to, or notifies—
 - (a) the Chief Inspector of Drinking Water; or
 - (b) the Chief Inspector of Drinking Water for Wales, in the circumstances referred to in paragraph (3).
- (3) The circumstances are that—
 - (a) the water supplier is a water undertaker whose area is wholly or mainly in Wales, or a licensed water supplier so far as its licensed operations use supply systems wholly or partially in Wales; and
 - (b) the person appointed as Chief Inspector of Drinking Water for Wales by the Welsh Ministers under section 86(1B)(a) of the Act is not the person appointed as Chief Inspector of Drinking Water by the Secretary of State under section 86(1A) of the Act.

⁵ 1971 c. 80.

⁶ http://www.dwi.gov.uk/stakeholders/information-letters/2006/01_2006.pdf

Annual provision of information

5.

(1) Subject to paragraph 5(2), on or before 31 January in each calendar year, a water supplier must provide the drinking water quality regulator with the following information—

(a) for each abstraction point—

- (i) its designation, its type of source water such as surface, ground or mixed, the national grid reference of its location and an estimate of the average total daily volume (in cubic metres) of water that it supplies;
- (ii) the designation of each water treatment works that it serves; and
- (iii) an estimate of the average daily volume (in cubic metres) of water that it supplies to each treatment works;

(b) for each water treatment works—

- (i) its designation and the national grid reference of its location;
- (ii) whether the water treated by it is groundwater, surface water or a mixture of the two;
- (iii) an estimate of the average daily volume (in cubic metres) of water supplied from it;
- (iv) the designation of each supply point (if applicable), service reservoir and water supply zone that it serves; and
- (v) an estimate of the average daily volume (in cubic metres) of water that it supplies to each reservoir and zone;

(c) for each service reservoir—

- (i) its designation, the national grid reference of its location and its capacity (in cubic metres);
- (ii) the designation of each water supply zone that it serves; and
- (iii) its type of source water such as surface, ground or mixed water;

(d) for each supply point—

- (i) its designation, the national grid reference of its location and an estimate of the average daily volume (in cubic metres) of water that it supplies;
- (ii) the designation of each service reservoir and water supply zone that it serves; and

- (iii) its type of source water such as surface, ground or mixed water;
- (e) for each water supply zone—
- (i) its designation;
 - (ii) its type of source water such as surface, ground or mixed water;
 - (iii) an estimate of the number of people living within it; and
 - (iv) the name of each local authority, and each local or regional health board (or equivalent), whose area is wholly or partly within it; and
 - (v) the designation of the previous year's water supply zone(s) if replaced in area (all or part)
- (f) where a water supply zone receives a supply of water from another water supplier, for each such supply –
- (i) details of the upstream water treatment works from where the water originates; and
 - (ii) details of all other upstream assets associated with the original supply.
- (g) the relationship between assets and supply systems as required for reporting risks identified under Regulation 28(1) (or 29(1) in Wales).

Provision of information for mapping

6.

- (1) On or before 31 December in each calendar year, a water supplier must provide the drinking water quality regulator in electronic format, details to allow maps to be produced to an appropriate scale (ideally 1:50,000). The following information for the forthcoming calendar year must be provided.
- (a) the location of each abstraction point, water treatment works, supply point and service reservoir;
 - (b) the boundaries of each water supply zone;
 - (c) any areas that it does not supply.
 - (d) the boundary of the water undertaker's area of appointment
- (2) Each abstraction point, treatment works, supply points, service reservoir and water supply zone must be allocated a unique name and number.

Monthly provision of information

7.

- (1) On or before the 7th day of each month, a water supplier must, report to the drinking water quality regulator the results of analysis of all compliance samples taken during the penultimate month (for example, a report in March must be about the samples taken during the previous January).
- (2) A report must set out—
 - (a) for each abstraction point from which the supplier abstracts water for supply for regulation 4(1) purposes—
 - (i) the number of samples taken under regulation 17 (2) of the Regulations,
 - (ii) for each sample taken at an abstraction point—
 - (aa) the properties, organisms or substances for which the sample was analysed; and
 - (bb) the results of that analysis, and
 - (iii) if the Secretary of State has, by notice under regulation 17(3) of the Regulations, required the supplier to take and analyse samples in relation to the abstraction point, the results of each such analysis;
 - (b) for each water treatment works—
 - (i) the number of samples required, and the number of samples taken, under Part V of the Regulations, and
 - (ii) for each sample taken at a water treatment works—
 - (aa) the designation of the water treatment works;
 - (bb) the date and time the sample was taken;
 - (cc) the result of analysis for each parameter listed in Schedules 1 and 2 to the Regulations; and
 - (dd) whether an authorisation under Part VII of the Regulations applied to the water treatment works;
 - (c) for each service reservoir—
 - (i) the number of samples required and the number of samples taken under Part V of the Regulations, and
 - (ii) for each sample taken at a service reservoir—
 - (aa) the designation of the service reservoir;
 - (bb) the date and time the sample was taken;
 - (cc) the result of analysis for each parameter listed in Schedules 1 and 2 to

the Regulations; and

(dd) whether an authorisation under Part VII of the Regulations applied to the service reservoir;

(d) for each supply point—

(i) the number of samples required, and the number of samples taken, under Part IV of the Regulations,

(ii) for each sample taken at a supply point—

(aa) the designation of the supply point;

(bb) the date and time the sample was taken;

(cc) the result of analysis for each parameter listed in Schedules 1 and 2 to the Regulations; and

(dd) whether an authorisation under Part VII of the Regulations applied to the supply point; and

(e) for each water supply zone—

(i) the number of samples required, and the number of samples taken, under Part IV of the Regulations,

(ii) for each sample taken in a water supply zone—

(aa) the designation of the water supply zone;

(bb) the date and time the sample was taken;

(cc) the national grid reference of the location from which it was taken;

(dd) the result of analysis for each parameter listed in Schedules 1 and 2 to the Regulations; and

(ee) whether an authorisation under Part VII of the Regulations applied to the water supply zone.

(3) On or before the 7th of day of each month, a water supplier must, report to the drinking water quality regulator details of the Out of service records for any of the above assets for the penultimate month (for example, a report in March must be about the out of service records during the previous January).

(4) On or before the 21 October each year, under Regulation 28 (or 29 in Wales) a water supplier must report to the drinking water quality regulator a full submission of risks identified under Regulation 27(1) (or 28(1) in Wales).

Provision of monthly information relating to compliance with the Regulations

8.

- (1) On or before the 7th day of each calendar month, a water supplier must report to the drinking water quality regulator the results of analysis of any compliance sample taken during the penultimate month (for example, a report in March must be about the samples taken during the previous January) where the analysis showed that the sample exceeded—
 - (a) the prescribed concentration or value for a parameter listed in Schedule 1; or
 - (b) the specification of an indicator parameter listed in Schedule 2.
- (2) The report must set out as a minimum—
 - (a) the parameter concerned;
 - (b) the result and the extent to which the prescribed concentration or value or specification was exceeded;
 - (c) details of all the action taken as part of the investigations carried out under Part VI of the Regulations; and
 - (d) whether the results exceeded an authorisation under Part VI of the Regulations, including, where applicable, details of any retailers for non-household properties contacted during the follow-up of the compliance failure
and
 - (e) whether a legal instrument such as an undertaking under Section 19 of the Act 1991 or a Notice under Part VII of the Regulations is in place.
- (3) Where the sample was taken from a public building, and the failure was attributed to the domestic system of the property the report referred to in (2) above must include a copy of the notice served under Section 75(2)(b) of the Act, and evidence (covering letter) that the notice has been sent to the owner and/or representatives of the building and, where applicable, the retailer for non-household properties.
- (4) On or before the 21st day of each month, a water supplier must report to the drinking water quality regulator, risk assessments where the residual risk score has changed (either gone up or down).

Provision of information—events, incidents, emergencies etc.

9.

- (1) A water supplier must notify the drinking water quality regulator of—
 - (a) the occurrence of any event which, because of its effect or likely effect on the quality or sufficiency of water supplied by the supplier, gives rise, or is likely to give rise, to a significant risk to the health of persons to whom the water is supplied
 - (b) any other event associated with a water supply that is notified by the supplier to a local authority, or local or regional health board (or equivalent) under regulation

35 of the Regulations

- (c) the occurrence of an event that may have been notified to the supplier by a local authority that is related to a private water supply or private distribution system (as set out in the Private Water Supplies Regulations⁷) that could impact on the quality or sufficiency of water supplied by the supplier
 - (d) any other matter relating to the supply of water that—
 - (i) in the opinion of the supplier, is of significance;
 - (ii) has attracted or, in the opinion of the supplier, is likely to attract local or national publicity;
 - (iii) has caused or, in the opinion of the supplier, is likely to cause concern to persons to whom water is supplied; and
 - (e) any reports of disease that might be associated with water supplied by the supplier; and
 - (f) any significant occurrence, apprehended or otherwise, where the collection or analysis of samples causes the test results for those samples to be unrepresentative of the quality of water at the time of sampling or that results in the failure to provide data from sampling.
 - (g) any significant occurrence, apprehended or otherwise of where the company has identified interference with electronic systems caused by external interference ('cyber attack') that has or could impact quality or sufficiency of water.
- (2) The notification must be—
- (a) given as soon as possible after the event or matter has come to the supplier's attention, by telephone; and
 - (b) confirmed in writing (by electronic mail) no later than 3 working days after compliance with sub-paragraph (a).
- (3) The notification must include—
- (a) particulars of the event or matter;
 - (b) a description of the geographical area affected by the event and the site reference of any assets impacted by the event.
 - (c) an assessment of its effect or likely effect on the quality or sufficiency of water supplied by the supplier;
 - (d) an estimate of the population affected and whether particularly sensitive water users such as hospitals, schools, or food manufacturers are affected;
 - (e) any information available about the cause or likely cause of the event or matter;

⁷ SI 2016 No. 618 in England, SI 2010 No. 994 (W.99) as amended by SI 2016 No.411 (W.129)

- (f) particulars of the action taken or proposed to be taken to inform and protect customers and to rectify the situation, and an estimate of when supplies are likely to be back to normal;
 - (g) a list of any persons (other than customers of the supplier) notified of the event or matter, and a copy of any notice issued to customers and to the press about the event or matter
 - (h) A list of all non-household retailers engaged with about the event; and
 - (i) the number of customers of the supplier who complained about the quality of their water supply and—
 - (i) if there are 50 or fewer such complainants, a list of their names, addresses and telephone numbers; or
 - (ii) if there are more than 50 complainants, a list of the names, addresses and telephone numbers of at least the first 50 of them to report the problem to the supplier;
- (4) Depending on the category of the event, within 20 working days of the date of the notification, or such longer period as the drinking water quality regulator allows, the supplier must submit all relevant information about the event or matter including—
- (a) any information necessary to supplement the information given in accordance with paragraph 9(1);
 - (b) if samples were taken in connection with the event or matter—
 - (i) particulars of the time at which the samples were taken,
 - (ii) the places from which the samples were taken, and
 - (iii) the results of the analysis of the samples;
 - (c) a copy of any report or advice or information provided to the supplier by its medical, scientific or technical advisers, a local authority or the health protection agency;
 - (d) an assessment of the effectiveness of the action taken in respect of the event or matter, and of the adequacy of arrangements for liaison with the local authority, Public Health England or Public Health Wales, the Environment Agency in England or Natural Resources Wales in Wales, the emergency services and the public, as the case required;
 - (e) a statement of any lessons learned and of any proposals, if any, for further action that the water supplier considers necessary or desirable in the light of the event or matter;
 - (f) a map or plot showing the location of all complaints received and all samples taken in connection with the event; and
 - (g) any other information about the event or matter that the supplier considers relevant.

Provision of annual information on consumer contacts about drinking water quality

10.

- (1) On or before 31 January in each calendar year, a water supplier must report to the drinking water quality regulator about each contact about drinking water quality that the water supplier received from any of its consumers during the previous calendar year.
- (2) The report must set out, for each water supply zone—
 - (a) the number of consumer contacts, according to their nature and type;
 - (b) the total population of the water supply zone; and
 - (c) the overall rate of contact per thousand population.
- (3) For the purposes of this paragraph, water supplier includes the holder of a retail licence.
- (4) The holder of a retail licence complies with its obligations under paragraph (1) if it secures that the details about each consumer contact required by that paragraph are reported by the water supplier from which the holder takes its wholesale supply of water.

Revocation of the Water Industry (Suppliers' Information) Direction 2012

11. The Water Industry (Suppliers' Information) Direction 2012 is revoked.

Signed by authority of the Secretary of State and the Welsh Ministers:



Marcus Rink
Chief Inspector of Drinking Water

9 February 2017