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**Date: 12 September
2017**

Dear Consultee

Seeking views on updates to the public and private drinking water regulations

I am writing to invite views on proposed amendments to the Water Supply (Water Quality) Regulations 2016 ('public regulations') and the Private Water Supplies (England) Regulations 2016 ('private regulations'); known jointly as the drinking water regulations. The changes will only apply to England.

The current regulations ('the 2016 Regulations') transpose the requirements of Council Directive 1998/83/EC on the quality of water intended for human consumption (known as the 'Drinking Water Directive') and the requirements of Council Directive 2013/51/Euratom for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.

This consultation concerns Commission Directive (EU) 2015/1787 which amended Annexes II and III of the Drinking Water Directive. The changes will bring the regulations in line with the Drinking Water Directive which was updated to reflect World Health Organisation principles for the risk based sampling and analysis of drinking water supply. Whilst updating the regulations we are taking the opportunity to make other changes to add clarity and improve certain aspects of the regulations.

The main points to note are:

- Application of new risk based sampling and analysis of drinking water laid down in Commission Directive (EU) 2015/1787;
- New table for analytical performance characteristics and clarification on the standards to be met;
- Changes to the methods of analysis to be used for certain parameters;
- Requirement for the collection, transportation and analysis of samples to be carried out in accordance with EN ISO/IEC 17024 or EN ISO/IEC 17025 or another internationally recognised standard;
- Clarification on the methodology required where samples are taken for lead, copper or nickel analysis;

- Changes in respect of the timing of samples from tankers distributing a short term supply and adding to the records that retail licensees need to prepare and maintain;
- Changes to the level of fees local authorities can charge for all activities relating to carrying out their duties with respect to private water supplies;
- Changes to clarify the criteria for satisfying a notice served; and
- Changes to provide local authorities with the powers to perform corrective work.

This is a joint consultation consisting of separate documents for each of the regulations that share a common policy approach and legal base.

Responses

This consultation will run for 6 weeks from 12 September to 24 October 2017. In preparation for the consultation, the Drinking Water Inspectorate has engaged with water companies and local authorities making them aware of Commission Directive (EU) 2015/1787 and the changes it will introduce. Defra has asked local authorities to alert owners/users of private water supplies to the forthcoming consultation.

We welcome your views and comments on the proposals. The following documents may be found on Citizen Space (Citizen Space is an on-line consultation tool) at:

<https://consult.defra.gov.uk/water-quality/drinking-water-regulations-2017>

- Consultation document for public regulations
- Draft public regulations
- Impact Assessment for public regulations
- Consultation document for private regulations
- Draft private regulations
- Impact Assessment for private regulations

The consultation questions are listed in the online consultation survey and in the consultation documents. To submit your consultation response please complete the consultation questionnaire provided through Citizen Space (link above).

Alternatively, you can return your responses by:

Email: drinkingwaterquality@defra.gsi.gov.uk; or

Post: Defra
Drinking Water Quality,
Area 3D,
Nobel House,
17 Smith Square,
SW1P 3JR.

If you wish to obtain a copy of this consultation please email drinkingwaterquality@defra.gsi.gov.uk.

This consultation will be of interest to those concerned with public and/or private supplies of drinking water. We encourage you to share this consultation widely with other individuals and organisations who may be interested in the proposed amendments to the 2016 Regulations.

The responses to these questions will assist in the final drafting of the regulations in respect of England, and will assist in determining the accuracy of assumptions that have been made during the preparation of an impact assessment document.

Confidentiality and data protection

- 1.0 A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. The summary will include a list of organisations that responded **but not** personal names, addresses or other contact details.
- 1.1 Information provided in response to this consultation, including personal information, may be made available to the public on request, in accordance with the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs). Defra may also publish the responses to the FOIA/EIR requests on www.gov.uk/defra.
- 1.2 If you want information, including personal information such as your name, that you provide to be treated as confidential, please explain clearly in writing when you provide your response to the consultation why you need to keep these details confidential. If we receive a request for the information under the FOIA or the EIRs we will take full account of your explanation, but we cannot guarantee that confidentiality can be maintained in all circumstances. However, Defra will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998 (DPA). An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.
- 1.3 Defra will share the information you provide in response to the consultation, including any personal data, with a third party of contracted external analysts for the purposes of response analysis and provision of a report.
- 1.4 Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, which gives details of your rights in respect of the handling of your personal data, can be found at:
<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>.
- 1.5 This consultation is being conducted in line with the "Consultation Principles" as set out in the Better Regulation Executive guidance which can be found at:
<https://www.gov.uk/government/publications/consultation-principles-guidance>.

1.6 If you have any comments or complaints about the consultation process, please address them to: Consultation Co-ordinator, 8A , 8th Floor, Nobel House, 17 Smith Square, London, SW1P 3JR; or email: consultation.coordinator@defra.gsi.gov.uk.

Thank you for your help in this matter. If you have any queries, please contact us as above.

Yours Faithfully

Drinking Water Policy Team

Department for Environment, Food and Rural Affairs