



EPA DRINKING WATER ADVICE NOTE
Advice Note No. 12:
Exempted Drinking Water Supplies

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1 INTRODUCTION

The European Communities (Drinking Water) (No. 2) Regulations 2007 which came into force on the 12 June 2007 have significantly changed the role of the Environmental Protection Agency (EPA) in relation to the enforcement of drinking water quality standards. The EPA has been assigned specific powers in relation to the supervision of local authorities and their role in the provision of public drinking water supplies. The Regulations authorise the EPA to prepare binding guidance for local authorities in several specific areas.

This EPA Drinking Water Advice Note on Exempted Drinking Water Supplies provides binding guidance for Water Services Authorities (WSAs) on exempted supplies in accordance with Regulation 14 of the Regulations.

2 DEFINITION OF AN EXEMPTED SUPPLY (REGULATION 3)

Regulation 3 defines an exempted supply as a supply of water which:

- ▼ (i) constitutes an individual supply of less than 10 cubic metres a day on average or serves fewer than 50 persons, and (ii) is not supplied as part of a public or commercial activity, or
- ▼ Is used exclusively for the purposes in respect of which the relevant supervisory authority is satisfied that the quality of water has no influence, either directly or indirectly, on the health of the consumers concerned.

The two main types of supply that fall into this category of exempted supplies are private wells serving domestic dwellings and small group water schemes (generally serving less than approximately 15 houses) with no commercial activity.

While the generality of the Regulations do not apply to Exempted Supplies, Regulation 14 (Information in case of exempted supplies) places a direct responsibility on sanitary authorities (Water Services Authorities) to provide certain information in these cases. Regulation 14 also enables the EPA to issue binding guidance in this area. This Advice Note is issued in accordance with Regulation 14(3) and is intended as binding guidance on Water Services Authorities (WSA) in respect of Regulations 14(1) and 14(2).

3 REGULATION 14 – INFORMATION IN THE CASE OF EXEMPTED SUPPLIES

Regulation 14 sets out the following provisions:

- ▼ Each relevant sanitary authority shall take measures, in accordance with guidelines issued by the Agency, to notify the population served by an exempted supply of –
 - ▼ the fact that these Regulations do not apply to such supply, and
 - ▼ action that can be taken to protect human health from the adverse effects resulting from any contamination of water intended for human consumption, and
- ▼ Where it is apparent to a sanitary authority that a potential danger to human health arises from the quality of an exempted supply, it shall, in accordance with guidelines issued by the Agency, ensure that the consumers of that supply are given appropriate advice promptly.
- ▼ The Agency may issue guidelines for the purpose of paragraphs 1 or 2, which shall be binding.
- ▼ A sanitary authority commits an offence if it fails to comply with paragraphs 1 or 2.

4 REGULATION 14 – OBLIGATIONS OF WATER SERVICES AUTHORITY IN RESPECT OF EXEMPTED SUPPLIES

4.1 REGULATION 14(1)

Regulation 14 concerns the information that must be provided to the populations served by exempted supplies. It requires WSAs to ensure that the populations served by these supplies are (a) made aware of the fact that the requirements of the Regulations do not apply to them and (b) advised of the actions that can be taken to protect human health from the adverse effects resulting from any contamination of water intended for human consumption. Furthermore, where it is apparent to the WSA that a potential danger to human health arises from the quality of an exempted supply, it shall ensure that the consumers of that supply are given prompt advice. The following actions must be taken:

4.1.1 IDENTIFICATION OF EXEMPTED SUPPLIES

In the first instance each WSA must determine as accurately as is practicable the population in its functional area that is not served by either a public water supply, group water scheme (serving greater than 50 persons or supplying greater than 10 cubic metres per day) or a private supply (that has a public or commercial activity attached) and therefore likely to be served by an exempted supply. Having identified the likely exempted supplies the WSA must ensure that the populations served by the exempted supplies are made aware of the fact that the requirements of the Regulations do not apply to them.

4.1.2 PLACEMENT OF AN ADVERTISEMENT IN A LOCAL PAPER IN CIRCULATION WHERE THE EXEMPTED SUPPLIES ARE LOCATED

The WSA should place an advertisement in a local newspaper in circulation in the area where the exempted supplies are located so as to ensure that the population is made aware of exempted supplies. The advertisement should explain the types of water supplies that are exempted. It should also outline what actions may be taken, by the consumers/operators of such supplies, to protect human health from the adverse effects resulting from any contamination of water intended for human consumption. It should also state where such advice can be obtained (e.g. leaflets, the Council website, Council offices, local libraries etc).

4.1.3 PRODUCTION AND DISTRIBUTION OF ADVICE LEAFLETS

The WSA should produce, and make available, leaflets giving advice on the actions that can be taken to protect human health from the adverse effects resulting from contamination of exempted supplies. There are already leaflets issued containing such information (e.g. the pro-forma leaflet originally produced by the Department of the Environment, Heritage and Local Government under the Drinking Water National Monitoring Programme). These leaflets should be delivered to householders where a potential danger to human health has been identified and should be placed in Council offices and libraries and other such locations as highlighted in the advertisement placed in local newspapers. Furthermore, this leaflet should be placed on the website of each WSA in a location that is easily accessible by a person viewing the website. The EPA also recommends that local authorities inform those that apply for planning permission for wells about the requirements covering exempted supplies.

4.1.4

LIAISON WITH LOCAL COMMUNITY GROUPS

To ensure that the information reaches the population most likely to be served by exempted supplies the Water Services Authority should engage with local community groups where exempted supplies are likely to be located.

The Water Services Authority should implement the actions numbered 1 to 4 above no later than six months from the date of issue of this Advice Note.

4.2

REGULATION 14(2)

Regulation 14(2) places an obligation on each WSA to ensure that the populations served by exempted supplies are given prompt advice where, it is apparent to a WSA, that a potential danger to human health arises from the quality of such supplies,

A WSA may become aware of a potential danger to human health from some or any of the following non-exhaustive list of items:

- ▼ Monitoring of the private well carried out by well owner, the WSA or others.
- ▼ Monitoring of public water supplies or group water schemes that originate from the same aquifer or river/lake as exempted supplies;
- ▼ Investigations carried out for other reasons (e.g. groundwater surveys, site investigations etc);
- ▼ Geological conditions that could potentially cause a breach of a parametric value (e.g. arsenic in the bedrock);
- ▼ Flooding of boreholes and wells that are used for private water supplies:
- ▼ Agricultural/industrial activities in the catchment that could potentially lead to elevated levels of contaminants (e.g. nitrates):
- ▼ Spillages, accidents or incidents in the vicinity of private water supplies.

Where, the WSA becomes aware of actual or potential contamination the WSA must inform the population served of the potential danger. The WSA must as far as practicable also provide advice on where they can have their water tested and advice on the appropriate parameters for which they should have analysed.

The onus is on the exempted supply owner to resolve the water problem if it relates to an issue that requires water treatment and is outside the pollution control remit of the local authority or the EPA (if it relates to an EPA licenced facility). The owner may need to obtain independent advice on how to remedy the problem.

The WSA should, in addition, provide details of potential health implications of consuming such water and remedial action that should be taken to reduce the potential danger. Such advice should be given following consultation with the Health Service Executive. Advice may be required for all consumers or for vulnerable people such as the elderly, the very young, pregnant woman, people who are immunocompromised and visitors to the area.

5 OFFENCES

Each WSA should note that failure to comply with the requirements of this Advice Note, which is issued in accordance with Regulation 14(3) is an offence under Regulation 14(4) and may result in further enforcement action up to and including prosecution by the EPA.

6 SUMMARY

The European Communities (Drinking Water) (No.2) Regulations 2007 came into force on the 12th June 2007. Regulation 14 places an onus on local authorities to ensure persons supplied by exempted supplies are given certain notifications and, under certain circumstances (potential danger to human health arising from the quality of an exempted supply), appropriate advice. These notifications and advices should be made, in accordance with this Advice Note issued by the Agency, in accordance with Regulation 14(3) which is binding under the Regulations.