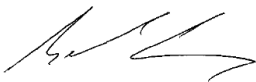




United Kingdom Drinking Water Regulators  
and the  
Environmental Protection Agency

The objective of this Memorandum of Understanding (MoU) is to set our areas of shared interest between the EPA and United Kingdom Drinking Water Regulators in relation to the implementation of the Drinking Water Directive.

Signed	Title & Organisation	Date
	Gerard O'Leary, Deputy Director General, Environmental Protection Agency	17/1/2018
	Marcus Rink, Chief Inspector of Drinking Water for England and Wales	17/1/2018
	Sue Petch, Drinking Water Quality Regulator for Scotland	17/1/2018
	Catriona Davis, Chief Inspector of Drinking Water for Northern Ireland	17/1/2018
	Glen Banda Chief Environmental Health Officer Environmental Agency, Gibraltar	17/1/2018

## **Introduction**

1. This Memorandum of Understanding is between the Environmental Protection Agency and the United Kingdom Drinking Water Regulators. The United Kingdom Drinking Water Regulators are the Drinking Water Inspectorate for England and Wales (DWI), the Drinking Water Quality Regulator for Scotland (DWQR) and the Drinking Water Inspectorate for Northern Ireland (DWINI).
2. The Memorandum sets out an agreed framework for co-operation between these national regulators in the area of drinking water management and regulation. It is not legally binding nor is it intended to cover every detailed aspect of their relationships. Rather, it is a statement of principles, which will guide relations between the parties and provide a set of workable ground rules for sharing of information and experiences related to their respective roles in their individual countries on drinking water regulation.
3. The Memorandum cannot override the statutory duties and powers of the individual parties.

#### **4. Environmental Protection Agency**

The Environmental Protection Agency (EPA) is an independent public body established under the Environmental Protection Agency Act 1992, as amended. The EPA has responsibilities for a wide range of licensing, enforcement, monitoring and assessment activities associated with environmental protection. Primary responsibilities of the EPA include:

- Environmental licensing
- Enforcement of environmental law
- Environmental planning, education and guidance
- Monitoring, analysing and reporting on the environment
- Regulating Ireland's greenhouse gas emissions
- Environmental research development
- Strategic environmental assessment
- Waste management
- Radiological Protection

Specific functions of the EPA relating to the Memorandum are:

- Co-operation and knowledge sharing as part of the European Network of Drinking Water Regulators (ENDWARE)
- Training and the professional development of staff in drinking water management.

- Enforcement of Drinking Water Regulations
- Reporting on Drinking Water Quality.
- Provision of advice on drinking water issues

**5. Drinking Water Inspectorate for England and Wales**

The Drinking Water Inspectorate for England and Wales acts for and on behalf of the Secretary of State for Environment, Food and Rural Affairs and Welsh Ministers in fulfilling their statutory duties in terms of drinking water quality. The Inspectorate was established under Section 60 of the Water Act 1989, subsequently Section 86 of the Water Industry Act 1991 (WIA91). Its principal role is to apply and enforce the Water supply (Water Quality) Regulations 2016 in England and the Water Supply (Water Quality) Regulations 2010 (as amended) in Wales. To this end DWI:

- rigorously checks the quality of water supplied by water undertakers and prospective combined licensees in England and Wales, using information supplied by them;
- carries out audit inspections of each water undertaker in respect of any of their quality-related water supply duties.
- initiates enforcement action, where necessary, to ensure that drinking water standards are maintained and that that water undertakers are meeting their other regulatory duties; and
- investigates all events that affect or threaten to affect drinking water quality and determines whether the water undertaker, or where appropriate, the water supply licensee and / or their respective contractors took appropriate action to protect consumers, returned supplies to normal as quickly as possible, and had taken suitable action to prevent a recurrence. Where necessary, proceedings may be instituted if there is sufficient evidence to show that water unfit for human consumption was supplied during the event or an offence was committed under Regulation 33.

**6. The Drinking Water Quality Regulator for Scotland**

The Drinking Water Quality Regulator for Scotland is appointed by Scottish Ministers to ensure that the drinking water quality duties imposed on the public water supplier are complied with. The Regulator's powers are set out in Part 2 of the Water Industry (Scotland) Act 2002 and include the power to obtain information and the power to serve enforcement notices. To assist with establishing whether or not the drinking water quality duties imposed on the public water supplier are being complied with, the Regulator also has powers of entry and inspection. Thus the DWQR:

- rigorously checks the quality of water supplied by Scottish Water, using information supplied by the Company;

- carries out audit inspections of Scottish Water in respect of any of its quality-related water supply duties.
- initiates enforcement action, where necessary, to ensure that drinking water standards are maintained and that Scottish Water is meeting its other regulatory duties; and
- investigates all incidents that affect or threaten to affect drinking water quality and determines whether Scottish Water took appropriate action to protect consumers, returned supplies to normal as quickly as possible, and had taken suitable action to prevent a recurrence. A case may be prepared for consideration by the Procurator Fiscal if there is sufficient evidence to show that water unfit for human consumption was supplied during the incident.

**7. The Drinking Water Inspectorate for Northern Ireland**

The Drinking Water Inspectorate for Northern Ireland acts on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA) in the regulation of public and private water supplies. Public water supplies are regulated under The Water Supply (Water Quality) Regulations (Northern Ireland) 2017, and private water supplies are regulated under The Private Water Supplies Regulations (Northern Ireland) 2017. Northern Ireland Water Limited (NI Water) is a government owned company where the shareholder is the Department for Infrastructure. NI Water is the sole provider of public water supplies in Northern Ireland.

The Inspectorate also has responsibility for the enforcement of The Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010.

Thus the DWI (NI):

- rigorously checks water quality by a process of compliance assessment;
- carries out audit inspections of NI Water;
- initiates enforcement action, where necessary, to ensure that drinking water standards are maintained and that NI Water is meeting its other regulatory duties;
- investigates all incidents that affect or threaten to affect drinking water quality and determines whether NI Water took appropriate action to protect consumers, returned supplies to normal as quickly as possible and had taken suitable action to prevent recurrence. Where necessary, proceedings may be instituted if there is sufficient evidence to show that water unfit for human consumption was supplied during the incident;
- monitors water quality at private water supplies through a sampling programme and investigates all contraventions in

- conjunction with the appropriate Environmental Health Department; and
- publishes an annual report on drinking water quality.

## **8. Environmental Agency, Gibraltar**

The Environmental Agency is the Competent Authority for a wide range of responsibilities in Gibraltar. They include:

- Monitoring of Bathing waters
- Enforcement of all Food legislation including food imports
- Waste licencing/ registrations and exports of waste under TFS arrangements
- Enforcement of Environmental Law
- Air monitoring
- COMAH
- Pest Control
- Environmental planning
- Greenhouse gas emissions
- Ship Sanitation Certificates

Specific functions of the Agency relating to this Memorandum are:

- Licencing of water producer and suppliers
- Monitoring of water quality through a sampling programme
- Carrying out audit inspections of water producer and suppliers
- Investigation of any incidents that can affect drinking water quality
- Enforcement of the provisions of the Public Health Act and Public Health (potable Water) Rules
- Preparation of annual report for submission to the DWI

## **General Principles of Cooperation**

9. This Memorandum of Understanding sets out to:
  - Build on the good working relationships that already exist between the Environmental Protection Agency and the United Kingdom Drinking Water Regulators (DWI, DWQR and DWI(NI)) by setting out the principles of an effective relationship between all parties;
  - Enhance co-operation between the Environmental Protection Agency and the UK Drinking Water Regulators;
  - Continue to develop opportunities for sharing knowledge experiences and enhancing the professional development of staff in the specialist area of drinking water management and regulation.

10. The respective area of co-operation of EPA, DWI, DWQR, DWI(NI) and EA (Gib) under this Memorandum of Understanding are as follows:
- Wherever possible, to share information on Regulations, Guidance, Directions, Information Letters and on drinking water regulation;
  - Work together to promote the principles of the World Health Organisation Fourth Edition of its Guidelines on Drinking Water Quality especially in respect of Water Safety Plans;
  - Where possible and subject to resources, develop benchmarking exercises to help the professional development of staff and to ensure consistency of technical audit;
  - Where possible, share protocols, inspection checklists and other documents;
  - Share information and lessons learned from incident investigations;
  - Share information and expertise on private water supplies
  - Share information on respective research planning processes and projects;
  - Co-operate on projects of mutual benefit to the regulators on bodies such as the European Network of Drinking Water Regulators (ENDWARE).

#### **Specific Arrangements**

10. The EPA, DWI, DWQR, DWI(NI) and EA (Gib) Chief Inspectors or their nominees already meet regularly, and will continue to meet at least twice a year, as appropriate or at the request of any party. These meetings will be used to review matters of common interest. Annually the effectiveness and functioning of this Memorandum shall be reviewed.
11. The EPA, DWI, DWQR, DWI(NI) and EA (Gib) will each nominate a member of staff to be responsible for handling day to day communications in respect of this Memorandum.
12. The EPA, DWI, DWQR, DWI(NI) and EA (Gib) will undertake regular benchmarking exercises whereby an Inspector with one Regulator will take part in a technical audit or inspection carried out by another Regulator. All parties will share the results of each exercise and any lessons learned. Opportunities for involvement of other European

Drinking Water Regulators in this benchmarking will where agreed between the parties also be considered as part of this Memorandum.

13. Amendments to this Memorandum may be made at any time by agreement between the parties. In addition, this agreement will be reviewed at intervals agreed between the parties and be updated, as necessary, in the light of experience of its operation in practice.

END