

Consultation on the draft Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015

Consultation Report

September 2015

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Annex A – Responders

1. Acknowledgements

Thanks to the individuals and organisations who responded to the consultation and to those who provided input in the development of the proposals prior to consultation.

2. Introduction

This report contains a summary and analysis of comments received in response to the Scottish Government's Consultation on the draft Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015.

3. The consultation process

The consultation on the draft regulations began on 3 July 2015 and formally concluded on 28 August 2015. Two responses were received after the deadline and in view of the fact that advance notice had been given of these have been formally recorded and published as a consultation response.

The closed consultation paper, which includes the draft Regulations, is available at:

<http://www.gov.scot/Publications/2015/07/5753>

4. Responses to the consultation process

The consultation generated 7 responses. The published responses, where respondents gave permission and their response was received before the closing date, can be viewed at the link above.

Of the 7 responses received, 4 were from local authorities, one was from a consumer advice body, one from a UK Government Executive Agency, and one from Scottish Water.

A list of the respondents is given at Annex A.

5. Analysis and Reporting

Comments given at each open question were examined and key themes, similar issues raised or comments made in a number of responses, were identified. In addition, we looked for sub-themes such as reasons for opinions, specific examples or explanations, alternative suggestions or other related comments.

The key themes were looked at in relation to individuals and organisation groupings to ascertain whether any particular theme was specific to one particular group, or whether it appeared in responses across groups.

When looking at sub-group differences, where a specific opinion was identified in relation to a particular group or groups, this does not indicate that other groups agreed or disagreed with this opinion, but rather that they had not commented on that particular point.

This exercise was a consultation and not a survey. While the consultation gave all those who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise and the small number of responses received, any figures quoted here cannot be extrapolated to a wider population.

6. Proposals, Findings and Conclusions

The table below provides a quick summary of the responses to the consultation questions. The following section documents the analysis and presents any main issues and views in the consultation responses. This section follows the ordering of the questions in the consultation document.

	Yes	No	Don't know	Total
Q1	3	4	0	7
Q2	3	1	3	7
Q3	6	1	0	7

Question 1. Do you have any comments on the way in which we propose to further transpose this Directive?

Proposal:

It is proposed that the Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations") and the Public Water Supplies (Scotland) Regulations 2014 ("the 2014 Regulations") be amended to insert provisions to transpose Council Directive 2013/51/Euratom, which sets out requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption, so as to supplement the existing provisions which implement the Drinking Water Directive.

Response:

Question 1. Do you have any comments on the way in which we propose to further transpose this Directive?		
Responses	Responsees	
	no.	%
Yes	3	43%
No	4	57%
Don't know	0	0%
Not answered	0	0%
Base	7	100%

The comments received were to the effect firstly that local authorities would appreciate guidance with regard to what is expected of them by way of representative surveys to be undertaken to determine the scale and nature of likely exposure to radon in private water supplies within the scope of these provisions. Secondly, the public health protection provided by transposition of the Euratom Directive was welcomed, but public information should be provided on the causes, sources and health implications of radioactivity in water, the remedial action to be taken, the responsibilities of and financial implications for owners of private water supplies, and the areas of Scotland which are likely to require monitoring. Scottish Water noted that they now had the laboratory capability to undertake the required radon sampling.

Conclusion:

The draft Regulations do not require to be amended in the light of these comments, but full consideration will be given to providing the appropriate guidance and information requested.

Question 2. Do you agree with the proposed threshold value of 100 Bq/l for radon?

Proposal:

The new Directive requires a threshold value to be set for radon which, if exceeded, would then require an assessment of whether there is any risk to human health. More specifically, "Member States may set a level for radon which is judged inappropriate to be exceeded and below which optimisation of protection should be continued, without compromising water supply on a national or regional scale. The level set by a Member State may be higher than 100 Bq/l but lower than 1,000 Bq/l. In order to simplify national legislation, Member States may choose to adjust the parametric value to this level." It is proposed that this threshold value be set at 100 Bq/l.

Response:

Question 2. Do you agree with the proposed threshold value of 100Bq/l for radon?		
Responses	Responsees	
	no.	%
Yes	3	43%
No	1	14%
Don't know	3	43%
Not answered	0	0%
Base	7	100%

The principal reason given for the 3 “Don’t know” responses was that those consultees did not have enough knowledge to make an informed judgment. One consultee noted that it might have been useful to have provided an assessment of the comparative health risks of a range of thresholds. Of the three who answered “Yes”, one agreed with the limit set without comment, while one noted that the proposed figure was in line with the US Environment Protection Agency standard for radon and the third commented that the proposed threshold was the same value as that recommended in a recent report provided for the Drinking Water Inspectorate in England and Wales for use in investigating and optimising the occurrence of radon in drinking water supplies.

Scottish Water on the other hand disagreed with setting a threshold of 100 Bq/l straight away, commenting that a phased radon standard would allow sufficient time to gather a good baseline of monitoring data at supply points including important information on seasonal variations in water supply levels. A phased approach would also provide an opportunity for further research to understand better the links between radon in water supplies and the impact on atmospheric levels and in turn the full impact on public health. A phased standard would also ensure that there was sufficient time to design and build robust solutions, where necessary, to meet a lower standard when this is later introduced. Scottish Water suggested that the standard be set at 500 Bq/l for public water supplies initially, reducing to 250 Bq/l in 2027, and that, based on the current data set available and the uncertainties around seasonal variation, a higher initial standard for private water supplies be set between 1000 and 500 Bq/l.

Conclusion:

The proposed threshold is an acceptable and recognised standard and provides the maximum public health protection within the range set out in the Directive. England, Wales and Northern Ireland also propose to set the threshold at 100 Bq/l without phasing. Based on current data, the proposed standard is only likely to be exceeded at consumers’ taps at one or two small Scottish Water supplies. It is not felt that this, together with the fact that any likely treatment would consist of a relatively simple aeration process, justifies the adoption of a different standard from the rest of the UK. Officials should

however consider providing information about the rationale for the selection of this threshold, and note the need to provide sufficient background information to enable consultees to make informed decisions on technical issues. It should also be made clear in guidance that failures of >100 Bq/l but < 1,000 Bq/l in either the public supply or a private supply would not immediately require treatment, but would trigger further investigation, and only if the supply is considered to be a potential risk to human health will remedial action be required.

Question 3. With reference to the draft BRIA do you think that the proposal may impact on businesses, the third sector (voluntary) or any other relevant areas?

Proposal:

The most significant change brought by these Regulations is the need to monitor for radon in drinking water supplies. The Scottish Government has carried out a research project during 2014/15 to determine those supplies that will most likely require monitoring due to the characteristics of the source water and the geology of the area. It is likely that only ground waters in very specific parts of Scotland will require monitoring. A draft Business and Regulatory Impact Assessment (BRIA) was included with the consultation document.

Response:

Question 3. With reference to the draft BRIA do you think that the proposal may impact on businesses, the third sector (voluntary) or any other relevant areas?		
	Responsees	
Responses	no.	%
Yes	6	86%
No	1	14%
Don't know	0	0%
Not answered	0	0%
Base	7	100%

Local authority respondents noted that the new requirements for radon would result in additional costs for local authorities and businesses which used a private water supply, relating to accreditation for laboratories, equipment, staff training, sampling and analysis, and the impact would be greater in remote and rural communities where there was a greater proportion of private supplies. One respondent also commented that there was a need for consistency in monitoring for radon, and information and awareness-raising about this issue in respect of private supplies particularly in remote and rural areas. Scottish Water commented that in respect of the public supply, there

would as noted in the draft BRIA be a financial impact on them in terms of gaining analytical accreditation for radon monitoring and analysis but the majority of those costs had now been met. The additional costs resulting from the requirement to undertake radon sampling could be absorbed into Scottish Water's operational costs, partly due to the reduction in 2014 in tritium sampling and its associated costs. There was however the potential that future funding would be required to ensure that Scottish Water was able to meet its regulatory obligations with regards to meeting a radon standard. Until further monitoring data was available the extent to which mitigation solutions will be required and what the associated costs may be could not be quantified.

Conclusion:

The additional costs were acknowledged in the BRIA, and expected to be in the range of a total of £58,000 to £94,000 per annum to cover private water supplies across Scotland. As the new regulations transpose a European Directive, the cost of implementing these new measures must be balanced against the potential infraction costs to a Member State of not doing so, which can be up to a £10 million lump sum and additional daily fines. Full consideration will however be given to providing the additional information and guidance requested by respondents.

7. Summary Conclusion

Only one objection was received to the proposals. For the reasons given above, no amendments to the draft regulations are proposed. The need for additional guidance, information and awareness-raising for Scottish Water, for local authorities as responsible for implementing the regulations in respect of private water supplies, and for the owners and users of private supplies, has been noted and officials will look to provide this on the DWQR web pages and elsewhere as appropriate.

8. Next Steps

All responses received were considered by the Scottish Government and have assisted in informing the decisions made with regard to each specific proposal. The draft regulations will now be finalised and, subject to the successful conclusion of Parliamentary procedure, come into force on 28 November 2015.

Annex A – List of Responders

Argyll & Bute Council
Highland Council
Perth and Kinross Council
Public Health England
Stirling Council
Citizens Advice Scotland
Scottish Water



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