



Environment Group

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Your ref:
Our ref: 2DWD 2/4

4 Nov 2004

Dear Sir

**THE WATER SUPPLY (WATER QUALITY) (SCOTLAND) REGULATIONS 2001 -
REGULATION 20
APPLICATION FOR AUTHORISED DEPARTURE
LOCH ECK WATER SUPPLY ZONE**

I refer to the application dated 28 October 2004 submitted by Scottish Water for an authorised departure in terms of regulation 20 of the Water Supply (Water Quality)(Scotland) Regulations 2001 (“the 2001 Regulations”), in respect of the Loch Eck water supply zone (Drinking Water Quality Regulator(“DWQR”) Ref No 4048).

Having considered the application, and the supporting documentation submitted in accordance with the provisions of regulation 20(3), the Scottish Ministers are satisfied for the purposes of regulation 20(2) of the 2001 Regulations that:

- (a) the authorisation is necessary to maintain in the said Loch Eck supply zone, a supply of water for regulation 4(1) purposes;
- (b) a supply of water for those purposes cannot be maintained in that zone by any other reasonable means; and
- (c) the supply of water in accordance with this authorisation does not constitute a potential danger to human health.

On being so satisfied, the Scottish Ministers hereby authorise under regulation 20, and in accordance with regulation 21, a departure from the provisions of Part III of the 2001 Regulations, in so far as those provisions prescribe level in relation to the Total Trihalomethanes (“THMs”), Colour and Iron parameters (item 25 in Part I of, and items 2, and 4 in Part II of Table B of schedule 1 to the 2001 Regulations respectively), as follows:

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FIRST - In terms of regulation 21(3)(a)(i), the authorisation is granted upon the ground that the existing water treatment facilities are unable to meet the requirements of Part III of the 2001 Regulations in respect of the THMs, Colour, and Iron parameters.

SECOND - In terms of regulation 21(3)(a)(ii), the authorisation is granted in respect of the water supply zone designated, under regulation 3 of the 2001 Regulations, as the Loch Eck supply zone (DWQR Ref No 4048).

THIRD - In terms of regulation 21(3) (a) (iii), the departure is granted to the extent that, with effect from the date of this authorisation and for the period specified at paragraph NINTH below, the maximum permissible concentration of the THMs, Colour and Iron parameters is: -

THMs	200µg/l as an upper limit for the mean total THM concentration, calculated using a running average of the last ten sample concentrations, taken in the relevant zone.
Colour	25mg/l Pt/Co and
Iron	500 µgFe/l

FOURTH - In terms of regulation 21(3) (a) (iv), in respect of the parameters referred to at paragraph THIRD above, the results of the analysis of the samples taken in the said water supply zone during the twelve months immediately preceding the first day on which the prescribed concentration or value could not be met are as specified at Table A in paragraph SEVENTEENTH hereof.

FIFTH - In terms of regulation 21(3) (a) (v), in respect of the parameters referred to at paragraph THIRD above, the results of the analysis of the samples taken in the said water supply zone between the first day on which the prescribed concentration or value could not be met and the date of the application, 28 October 2004, are as specified at Table A in paragraph SEVENTEENTH hereof.

SIXTH - In terms of regulation 21(3)(a)(vi), the average daily quantity of water supplied from the treatment works which supplies water to the said water supply zone is specified to be 8.0917Ml/day.

SEVENTH - In terms of regulation 21(3)(a)(vii), the estimated population of the said zone is 13309.

EIGHTH - In terms of regulation 21(3)(a)(viii), there exist relevant food production undertakings which would be affected by this authorised departure.

NINTH - In terms of regulation 21(3) (a) (ix), the period of the authorised departure is from the date hereof until 30 September 2006, inclusive (“the departure period”).

TENTH - In terms of regulation 21(3)(b), the Scottish Ministers require Scottish Water to monitor the quality of the water supplied to the said zone in accordance with the provisions of regulation 16 of the 2001 Regulations for the departure period referred to at paragraph NINTH above as follows:

- (a) in respect of the THMs parameter, monitoring requires to be undertaken on a monthly basis;



- (b) in respect of the Iron parameter, monitoring requires to be undertaken at regular intervals to ensure a total of 24 samples per annum are taken; and
- (c) in respect of the Colour parameter, monitoring requires to be undertaken at regular intervals to ensure a total of 24 samples per annum are taken.

ELEVENTH - In terms of regulation 21(3)(c), the Scottish Ministers require Scottish Water to carry out the following steps to secure that the water supply to the said zone satisfies the requirements of Part III of the 2001 Regulations:

- (a) Complete option selection of necessary measures by 10/01/05;
- (b) Complete detailed design of necessary measures by 09/06/05;
- (c) Complete construction, installation and commissioning of necessary measures identified as required to provide a supply to the supply zone which meets the requirements of Part III of the 2001 Regulations by 30/09/06; and
- (d) Monitor the parameter referred to in Paragraph THIRD hereof in accordance with the requirements of Paragraph TENTH hereof, and where the concentration in any sample exceeds the concentration in respect of any one or more parameter referred to in Paragraph THIRD hereof, then that exceedance requires to be notified in writing to the Scottish Ministers in accordance with the provisions of regulation 17 of the 2001 Regulations within two working days of the result becoming available.

TWELFTH - In terms of regulation 21(3) (d) (i), and in respect of the matters referred to at paragraph ELEVENTH above, the Scottish Ministers require that all works considered necessary to secure a supply of water that fully satisfies the requirements of Part III of the 2001 Regulations to the said zone require to be completed by 30 September 2006, the end of the departure period.

THIRTEENTH - In terms of regulation 21(3)(d)(ii), the estimated costs of the works referred to at paragraphs ELEVENTH and TWELFTH above is £4,000,000 .

FOURTEENTH - In terms of regulation 21(3)(d)(iii), the Scottish Ministers require Scottish Water to present to the three-monthly liaison meetings between the Scottish Executive's Drinking Water Quality Division and Scottish Water, an update report which provides a detailed review of the progress of the works specified at paragraphs ELEVENTH and TWELFTH above. Such reports must include at least the following information:-

- (i) Details of programmes of work, including commencement and completion dates for investigations, design, tendering, construction, commissioning and beneficial use;
- (ii) Current state of progress with programmes of work in relation to (i) above;
- (iii) A statement of the implications of any slippage in relation to the programmes referred to at (i) above;
- (iv) Details on the prospect of any recovery of any slippage referred to at (iii) above, including details on the degree to which slippage is expected to be recovered and how it will be recovered; and
- (v) Whether Scottish Water has any reason to believe that it will not be able to meet any of the dates referred to in this authorisation.

FIFTEENTH - In terms of regulation 21(3)(e) and regulation 23(b), the Scottish Ministers require Scottish Water to publish in a newspaper circulating in the area of the population affected by the authorisation, a notice of the making of the authorisation and the conditions governing it, and which specifies where a copy of the authorisation may be obtained or inspected.

Any exceedance of the parameters referred to at paragraph THIRD hereof shall be reported to the Scottish Executive's Drinking Water Quality Division in accordance with the provisions of regulation 17(5) of the 2001 Regulations, and Scottish Water is required to take such steps as may be required in accordance with section 17(6) of the 2001 Regulations.

SIXTEENTH - In terms of regulation 23(a), as soon as reasonably practicable after receipt of this authorisation, Scottish Water shall inform, in writing, the population referred to at paragraph SEVENTH above of this authorised departure and the conditions governing it by sending to that population a notice containing a statement of the matters specified in regulation 23(a)(i).

SEVENTEENTH - This paragraph comprises Table A for the purposes of paragraphs FOURTH and FIFTH hereof -


TABLE A -

Date	THM - Total (ug/l)	Iron (ug/l)	Colour (mg/l Pt/Co)
28-Sep-04		234.0	17.0
14-Sep-04		180.0	16.0
02-Sep-04		199.0	18.0
03-Aug-04		132.0	12.0
27-Jul-04	144.8	167.0	15.0
30-Jun-04		142.0	12.0
15-Jun-04		112.0	10.0
01-Jun-04		133.0	10.0
25-May-04	121.7	127.0	11.0
05-May-04		152.0	10.0
27-Apr-04	109.1	151.0	10.0
06-Apr-04		155.0	10.0
16-Mar-04		128.0	11.0
02-Mar-04		127.0	11.0
24-Feb-04	110.5	135.0	12.0
03-Feb-04		153.0	13.0
27-Jan-04	120.3	190.0	14.0
13-Nov-03	125.5	144.0	11.0
14-Oct-03		137.0	12.0
09-Oct-03	156.3	139.0	12.0
16-Sep-03		139.0	10.0
09-Sep-03	163.0	135.0	10.0
27-Aug-03		183.0	12.0
05-Aug-03	171.0	179.0	9.0
25-Jul-03		150.0	
18-Jul-03	155.0	124.0	11.0
15-Jul-03	119.0	121.0	11.0

17-Jun-03		171.0	9.0
01-Apr-03		200.0	10.0
25-Mar-03	122.0	177.0	10.0
04-Mar-03	149.0	254.0	13.0
18-Feb-03		294.0	14.0
11-Feb-03			16.0
04-Feb-03	154.0	386.0	16.0
04-Feb-03	187.0	475.0	13.0
07-Jan-03		341.0	17.0
07-Jan-03	199.0	390.0	
29-Nov-02			20.0
05-Nov-02			19.0
08-Oct-02	249.0	276.0	13.0
08-Oct-02	220.0	293.0	21.0
11-Jun-02		98.0	6.0
06-Jun-02		71.0	8.0
12-Feb-02	41.0	65.0	5.0
29-Jan-02	161.0	218.0	
03-Jan-02		248.0	20.0

[This and the preceding four pages are] signed on behalf of the Scottish Ministers by

Yours faithfully,



Mike Foulis
Head of Group
Environment and Rural Affairs Department
Scottish Executive

Date: 4/11/04

