



**DRINKING WATER INSPECTORATE**

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DWI Information Letter 05a/2022 v2

**To: Board Level and Day to Day Contacts of Water Companies in England**

**Guidance for water companies in England with respect to drought orders**

1. The purpose of this letter is to remind companies that under drought conditions the safety of drinking water remains of paramount importance. The letter also gives advice on additional steps that companies should consider while a drought order is in force.
2. A water company may apply to the Secretary of State for a drought order under the Water Resources Act 1991. Where a serious deficiency of supplies of water in an area exists or is threatened, the Secretary of State may issue an ordinary drought order. Where the deficiency is severe and likely to impact on the economic or social well-being of people in the area, the Secretary of State may issue an emergency drought order, permitting a company to supply water by means of rotas, standpipes, or water tanks.
3. Companies will need to exercise extra vigilance to ensure that drinking water quality is not compromised when applying for a drought order. A drought order does not allow or confer any option of a derogation from existing obligations, and the requirement to provide wholesome water in all circumstances remains in place. The associated powers to enforce this sit with the Drinking Water Inspectorate (the Inspectorate). Companies are therefore advised to engage with the Inspectorate during the pre-application stage, to ensure that all risks to drinking water quality are identified up front, mitigations are agreed and put in place to address these risks, with sufficient monitoring in place to demonstrate the water quality is wholesome, and to safeguard supplies.
4. The Inspectorate will advise the Secretary of State on the technical content of the order in relation to drinking water quality. The order will set out or refer to the agreed requirements to safeguard, monitor and report on drinking water quality. The Inspectorate will seek to agree a schedule of conditions to be that will be

appropriately referred to or embodied in the order, but, if necessary, any appropriate conditions will be imposed.

5. If the proposed order potentially affects the source, quality or volume of water entering a water treatment works, water companies should consider implications and risks for the quality of drinking water supplies from the works and include these in the regulation 27 risk assessments. Significant changes to the risk assessment should be submitted to the Inspectorate in accordance with regulation 28(1), together with the appropriate risk category. The company should demonstrate that it has identified any mitigations necessary to ensure that its legal obligations in respect of drinking water quality will continue to be met.
6. Companies should also consult with relevant health authorities and local authorities regarding the public health implications of the order being considered.
7. Enquiries on this letter should be directed to Mr Nicholas Adjei, Deputy Chief Inspector. Copies of this letter are being sent for information to:

Christine McGourty, Chief Executive, Water UK; Davide Minotti, Deputy Director Water Services, Department for Environment, Food and Rural Affairs; Eifiona Williams, Water Management Team, Welsh Government; Sue Petch, Drinking Water Quality Regulator for Scotland; Catriona Davis, Drinking Water Inspectorate for Northern Ireland; Alice Laycock and Emma Clancy, CCW; Alison Cullen and Paul Martin, Ofwat; Anne Dacey, Environment Agency; Benedict Duncan, Food Standards Agency; Stephen Robjohns and Anna Ireland, UK Health Security Agency.

**Annex A.** Duties in respect of drinking water quality when applying for drought orders.

**Annex B.** Water quality considerations for emergency drought orders

**Annex C.** Monitoring of drinking water supplies during drought orders

Yours sincerely



Marcus Rink  
Chief Inspector

## **Annex A. Duties in respect of drinking water quality when applying for drought orders.**

Regulation 27 relating to risk assessment. During dry weather some raw water reservoirs may deteriorate in quality as they reach low storage levels, with potential impact on the treatability of the water. Reaching such low levels poses an increased risk on operations and security of supply. Companies are advised to update their risk assessments when appropriate to reflect these changes. The Environment Agency advises companies work collaboratively to share information and to submit early applications for drought permits and orders to minimise these risks.

Regulation 26 relating to effective treatment and disinfection.

Regulation 4 relating to wholesomeness, and whether the water supplied from the treatment works is likely to be unwholesome by virtue of it not complying with the Prescribed Concentration or Value (PCV) for any parameter;

When proposing to commission a new source or to recommission a source previously abandoned, a company must be satisfied that water can be supplied from the source without contravening s68 of the Water Industry Act with respect to water quality.

In particular it must be mindful of the requirements of:

(a) in the case of a source to which regulation 15 [14](1)(a) applies (i.e. being one not used for the supply of drinking water previously)

(i) the need to establish before it is used whether water can be supplied without contravening the requirement to supply only wholesome water (s 68 (1) of the Act); and

(ii) the treatment necessary to comply with that requirement.

(b) in the case of a source to which regulation 15 [14](1)(b) applies (i.e. being one which has been used, but not in the previous 6 months)

(i) the need to establish as soon as it is reasonably practicable after beginning to use the source, that water can be supplied without contravening the requirement to supply only wholesome water (s 68 (1) Water Industry Act 1991); and

(ii) the treatment necessary to comply with that requirement.

If proposing to recommission a source previously abandoned due to a change in risk associated with that source, a company must be able to show good reason why it has no reasonable alternative course of action, and what steps it will take to ensure that only wholesome water will be supplied when the source is in use.

## Annex B. Water quality considerations for emergency drought orders

The schedule to an emergency drought order will provide for the existing water quality standards, monitoring and reporting requirements of the Regulations to apply to water supplied through stand-pipes or in water tanks, together with any additional requirements from the Inspectorate. Companies should familiarise themselves with the specific guidance Inspectorate publication [Guidance on Alternative Supply Operations](#), March 2022.

In the event of the granting of an emergency drought order permitting the use of stand-pipes or other temporary supplies, including tankers and bowsers, the Inspectorate expects companies to make the following provisions:

- (a) Consumers being supplied by stand-pipes or water tanks should be advised to collect water only in clean containers and boil all water before drinking, cooking, food preparation or washing, or for food production purposes. This is in accordance with Section 8 of the [Drinking Water Safety Guidance to Health and Water Professionals](#) and is to protect against any risks from the containers.
- (b) Each standpipe or water tank should be sampled in accordance with regulation 6(16) [England] and 6(4) [Wales]. It is recommended that a satisfactory sample is obtained before consumers start to use the temporary supply, where possible.
- (c) Standpipes, Arlington tanks, static bowsers, and other temporary supplies should be treated as sampling points for compliance monitoring purposes. In view of the risks of bacteriological contamination associated with the disturbance of the normal distribution regime, companies should carry out enhanced monitoring. The frequency and scope of bacteriological sampling must be adequate to protect consumers. Additional guidance on sampling from standpipes is provided in the [Microbiology of Drinking Water \(2010\) - Part 2](#) - Practices and procedures for sampling - Methods for the Examination of Waters and Associated Materials.
- (d) Companies should consult with their liaison inspector and agree arrangements for the regular reporting of sampling results. Companies should provide details of the arrangements for enhanced monitoring and must immediately notify the Inspectorate of any samples contravening the regulatory requirements. Weekly summary reports of all sampling may be requested;

When using stand-pipes companies should be aware of the need to ensure that there is no possibility of backflow contaminating water in the mains. This can be achieved either by a suitable backflow prevention device or a suitable arrangement to prevent any attachment being made to the stand-pipe tap; Companies must maintain suitable liaison and consultation arrangements with local health authorities and local authorities prior to the application for, and throughout the currency of, any drought order.

## **Annex C. Monitoring of drinking water supplies during drought orders**

If the granting of a drought order may potentially affect the quality of water supplied to consumers as a result of changes in the water abstraction and treatment regime or changes in pressures or flows within water mains, companies should carry out additional monitoring to supplement that required by regulation 12 from sampling points within zones.

Such additional monitoring should take account of changes in the quality of raw water and loadings on the works, and possible carry over of treatment chemicals.

Where mains pressure and flow patterns are liable to be changed, consideration should be given to enhancing the frequency of monitoring for bacteriological and other relevant parameters such as residual chlorine to check for possible backflow or ingress, and for parameters such as iron, manganese, aluminium and turbidity which are liable to increase due to disturbance of mains deposits. Companies are expected to consider and document the risks for all relevant parameters before the supply arrangements are changed.