

**SCOTTISH WATER
UNDERTAKING IN TERMS OF SECTION 76E(4)(b) OF
THE WATER (SCOTLAND) ACT 1980, AS AMENDED.**

THIS UNDERTAKING is given by Scottish Water, established by section 20(1) of the Water Industry (Scotland) Act 2002, and having its Head Office at Castle House, 6 Castle Drive, Dunfermline, KY11 8GG.

Whereas:-

- (a) section 6 of the Water (Scotland) Act 1980 ("the 1980 Act") confers duties on Scottish Water to, inter alia, provide a supply of wholesome water to every part of its limits of supply where a supply of water is required for domestic purposes and can be provided at reasonable cost;
- (b) section 8 of the 1980 Act requires Scottish Water to supply a wholesome supply of water sufficient for the domestic purposes of all owners and occupiers of premises within its limits of supply entitled to a supply for those purposes;
- (c) regulation 4 of the Water Supply (Water Quality) (Scotland) Regulations 2001, ("the 2001 Regulations"), and The Cryptosporidium (Scottish Water) Directions (2003), inter alia, prescribes requirements which require to be met in order that water supplied by Scottish Water in pursuance of its duties under the 1980 Act shall be regarded as wholesome for the purposes of Part VIA of that Act;
- (d) The Cryptosporidium (Scottish Water) Directions 2003 outlines Scottish Water's obligations with regards to *Cryptosporidium*;
- (e) the Drinking Water Regulator for Scotland has advised Scottish Ministers that she believes that Scottish Water may be at risk of failing to comply with the requirements of regulation 4(1) of the 2001 Regulations, Part VIA of the 1980 Act in respect of the water it supplies to the **Tullich regulatory water supply zone** in so far as those requirements concern the ***Cryptosporidium*** parameter; and
- (f) Scottish Water desires to give an undertaking to the Scottish Ministers in terms of Section 76E(4)(b) of the 1980 Act, to take all such steps as it appears to the Scottish Ministers to be appropriate for the time being for Scottish Water to take for the purpose of securing or facilitating compliance with its duties under sections 6(1) and(2) and 8 of the 1980 Act, regulation 4(1) of the 2001 Regulations, and of The Cryptosporidium (Scottish Water) Directions 2003 as regards the *Cryptosporidium* parameter specified in paragraph (d) above.

NOW THEREFORE, SCOTTISH WATER HEREBY UNDERTAKES as follows

1. Subject to the following provisions of this undertaking, Scottish Water shall carry out, or secure the carrying out of, the steps referred to in section 4 of the schedule annexed and signed as relative hereto.
 - a. Scottish Water undertakes to secure that the steps referred to in the said section 4 of the said schedule are complete on or before dates given.
2. If, in relation to the regulatory water supply zone specified in section 1 of the said Schedule, Scottish Water considers that it is able to demonstrate compliance with the requirements of regulation 4(1) of the 2001 Regulations in so far as that applies to the *Cryptosporidium* parameter, it shall notify the Scottish Ministers in writing; and, if satisfied that Scottish Water is in a position to comply with its obligations under the 2001 Regulations, 1980 Act and The *Cryptosporidium* (Scottish Water) Directions 2003 in so far as the *Cryptosporidium* parameter applies, and is likely to be in a position to continue to so comply, the Scottish Ministers shall treat this undertaking as ceasing to apply insofar as the regulatory water supply zone is concerned, and shall notify Scottish Water accordingly.

SIGNED on behalf of Scottish Water by Geoff Aitkenhead, Asset Management Director

Signature Geoff Aitkenhead
Date 18 NOVEMBER 2014

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Schedule of Information

1. Undertaking given in respect of: Tullich regulatory water supply zone

Associated water treatment works	Tullich
Scottish Water region	North
Total population supplied	12,348
Average daily quantity of water supplied from water treatment works	7.6 Ml/day
Food production facilities in the affected water supply zone	Yes
Areas within zone	Tullich Oban, Seil and Luing Islands, Port Appin

2. Grounds for seeking Undertaking

The water supplied to the Tullich regulatory water supply zone is at risk of failing to comply with regulation 4(1) of the 2001 Regulations as regards the *Cryptosporidium* parameter.

Nature of Contravention

The water supply within the Tullich regulatory water supply zone is at risk of failing to meet the requirement of regulation 4(2)(a)(i), that the water does not contain any micro-organism (other than a parameter) or parasite, at a concentration or value which would constitute a potential danger to human health, as regards:

Item	Parameter	Concentration or Value (maximum)	Units
-	<i>Cryptosporidium</i>	oocysts detected	oocysts per 10l

Data for the 12 months prior to the Undertaking is included in appendix 1.

Reason why supply cannot be maintained by other means

Tullich water treatment works is the main water supply to the Tullich regulatory water supply zone with no viable alternative supply.

3. Scheme of monitoring:

It is proposed to monitor *Cryptosporidium* levels in the raw and final water at the water treatment works at the enhanced frequency of 104 samples per annum.

4. Summary of remedial plan steps

Steps to minimise risk of failure

Step	Step Description	Completion Date
a	Optimise Tullich water treatment works.	On-going

Steps to protect human health

Step	Step Description	Completion Date
b	All <i>Cryptosporidium</i> events will be reported to Argyll & Bute Council Environmental Health and the NHS Highland Health Protection Team, in accordance with agreed event reporting processes. Additional discussions will be via local liaison with all relevant stakeholders.	On-going
c	Scottish Water will continue to respond to public health events and escalate as described in the Scottish Waterborne Hazard Plan. This includes but is not limited to: <ul style="list-style-type: none">• Determining contingency supply arrangements;• Contributing to NHS Argyll & Bute Health Protection Team led Incident Management Team (IMT) determinations of a) health based interventions and b) the stand down criteria for incidents (the criteria should take into consideration the balance of risk associated with continuing any restrictions against the health risk associated with the waterborne hazard); and• Contributing to IMT determinations of a strategy for dealing with issues for returning to normal supply.	On-going

Steps to permanently restore water quality

Step	Step Description	Completion Date
d	Complete planning and outline design works for the optimum strategic solution to minimise the risk from <i>Cryptosporidium</i> in the Tullich regulatory water supply zone.	31 st December 2015
e	Construct and commission the optimum solution to minimise the risk from <i>Cryptosporidium</i> in the Tullich regulatory water supply zone.	30 th September 2017

5. Completion timetable:

The steps identified in the summary of steps shall be completed on or before 30th September 2017.

6. Estimate of costs: £6.1m - £13.6m

7. Progress updates:

Scottish Water will provide six monthly updates of progress to the DWQR, with the first to be provided by 28th February 2015. Such reports will include a brief tabulated summary of progress against each remedial plan step.

SIGNED on Behalf of Scottish Water by Geoff Aitkenhead, Asset Management Director



Geoff Aitkenhead, Asset Management Director

Date: 18 NOVEMBER 2014

