

# **Advisory Council on Drinking-Water Quality and Testing Standards**

Meeting Minutes

June 10, 2004

## **Opening:**

The inaugural meeting of the Advisory Council on Drinking-Water Quality and Testing Standards was called to order on June 10<sup>th</sup>, 2004 in Toronto by the Director of Standards Development Branch, Dale Henry.

## **Members Present:**

Jim Merritt, Ron Brecher, Michele Giddings, Rod Holme, Peter Huck, Alex Hukowich, Marilyn Lee, Ken Roberts, John Rudnickas, Robert Walton

## **Members Absent:**

Bob Andrews, Harry Richardson, Mark Servos, Lesbia Smith

## **Ministry Staff Present for all or part of the meeting:**

Dale Henry, Pat Lachmaniuk, Sharon Bailey, Steve Carty, Jim Smith, John Vidan

1. Dale Henry welcomed everyone to the meeting and thanked them for their commitment to the Advisory Council. After presenting an overview of Justice O'Connor's vision for the Council, Dale introduced the Chair of the Council, Jim Merritt.
2. Jim thanked the Council members and stated how honoured he was to serve as the Chair. He introduced the agenda with the intent to bring the Council members up to speed with the ministry initiatives on drinking water.
3. Jim Smith, Assistant Deputy Minister, Drinking Water Management Division presented an overview of the Division and his role as Chief Drinking Water Inspector. He introduced the division's vision for the 'Seven Pillars of Safe Drinking Water Delivery'. In addition Jim discussed the role of the Clean Water Legacy Trust and Clean Water Centre for Excellence.

Discussion on the presentation included: accreditation and whether this was included in the Seven Pillars that Jim discussed; availability of training programs for provincial officers; the number of regulated systems, what percent of the estimated 3000 regulated systems had registered with the ministry, would there be an audit to verify the numbers and does the public have access to the information; the role of the Council in the review of Reg. 170; can information on Boil Water Advisories be accessed and is the protocol between the Ministry of the Environment and the Ministry of Health and Long-Term Care (MOHLTC) available?

4. John Vidan, Acting Director, Strategic Policy Branch, Integrated Environmental Planning Division (IEPD) presented the ministry's Source Protection Planning initiative. He discussed the key initiatives, watershed-based source protection planning – the Technical Experts Committee and Implementation Committee announced in December and a White Paper released in February 2004 for consultation, proposed approach and timelines.

Council members discussed sustainable funding and the intent to ensure resources for infrastructure renewal. The Clean Water Legacy Trust and the Clean Water Centre for Excellence were discussed in context of the liaison between them and the Council and the mechanism for funding research. On the issue of source protection it was identified that it is but one barrier how does it link to treatment. With regard to funding source protection plans is there a mechanism to fund and is the government funding to Ministry of Natural Resources tied to Source Protection Planning? New requirements for source protection plans may be conflict with existing programs and efforts underway in municipalities, there needs to be a mechanism to recognize these and promote linkages between Conservation Authorities and municipal operators of treatment facilities. Boundaries need to be defined and all of the affected players engaged.

#### **Action**

**John Vidan will be invited to a future meeting to provide more information on the Sustainable Water and Sewage Systems Act.**

5. Steve Carty, Assistant Director, Water Policy Branch (IEPD) presented the Safe Drinking Water Act and associated regulations. The key components of the legislation were outlined along with status updates for implementation. Linkages with the Health Protection and Promotion Act, Ministry of Health and Long Term Care and Sustainable Water and Sewage Systems Act were also discussed.

Council members discussed the implementation date of the SDWA requirement for the ministry to provide an annual report to the legislature. On Reg. 128 members queried the number of grandfathered operators. Council identified the potential need to have a copy of the inspection protocol. The responsibility of the Medical Officers of Health to respond to adverse water quality other than issuing boil water advisories was raised in addition to the MOE's ability to identify emerging contaminants. It was stated that the system the ministry has put into place is specifically directed at water suppliers as opposed to the individual home owner. Did the Sustainable Water and Sewage Systems Act follow from Justice O' Connor's recommendations?

6. Sharon Bailey, Director, Business and Fiscal Planning Branch, Corporate Management Division, discussed the roles, responsibilities and accountability of agencies and the ministry as outlined in Management Board of Cabinet Directives.

Council members identified a need to clarify conflict of interest for members benefit.

**Action items**

**Terms of Reference needs to be finalized – members to review and provide comments prior to next meeting.**

7. The Honourable Leona Dombrowsky, Minister joined the meeting to welcome all of the Advisory Council members and to thank Jim Merritt for agreeing to chair the Council. The Minister noted her pleasure with the caliber of the members and acknowledged that their specific expertise would augment that currently within the ministry. Environment and clean water are priorities for this government, not just as a reaction to Walkerton but to ensure that it carries on into the future. As strategic advisors on drinking water standards, the Minister looks to the members for forward thinking and advice on new and emerging threats. The minister identified two key areas for the Council to focus as a priority.
  - a. Review of Regulation 170/03
    - i. The impact of the regulation on small systems in rural and northern communities has been problematic.
    - ii. Council to provide advice on a risk-based approach to assist small systems.
  - b. Review of Regulation 903
    - i. Council to provide advice on the chlorination standards.
8. Patricia Lachmaniuk, Manager Special Issues, Standards Development Branch, Environmental Sciences and Standards Division presented Ontario's process for setting standards, objectives and guidelines and discussed the priorities for the Council as recommended by Justice O'Connor in his Part Two Report on the Walkerton Inquiry.

**Action items**

**Turbidity and Protozoa will be discussed at the next meeting since development of these standards is well advanced.**

***E. Coli* versus Total Coliform and disinfection by-products will be brought forward at a future meeting.**

9. General Discussion

Members recognize that Ministry activities are in the forefront of what other jurisdictions are facing and the Council needs to be cognizant of the activities in other jurisdictions. This is an opportunity for Ontario to take in international leadership role. The impact of Reg 170 on systems – many small systems face withdrawal of insurance if UV not installed – what other consequences are stakeholders facing?

The Council faces the challenge of fulfilling the role of increased public consultation and transparency and how to put their mandate into operation.

#### 10. Discussion on Role of Council

- a. Council members identified three key responsibilities:
  - i. Standards review in cooperation with Ministry staff.
  - ii. Serve Minister on topical issues as an advisory board to the ministry's drinking water agenda.
  - iii. Serve as window back into the ministry to provide comments from the drinking water community.
- b. The following questions / action items were raised:
  - i. Definition of standard
  - ii. Transparency – what does it mean?
  - iii. What is confidential? What can council members talk about outside of the meetings? JM to get direction from Minister.**
  - iv. Who represents the public – the chair? Clarification – represent the public but not responsible for swaying or reporting on public opinion.
  - v. What process for establishing council position will be used – consensus? **Members agreed to a consensus approach**
  - vi. Need for communication policies.
  - vii. Protocol for request for information – suggest one-window approach through the Chair.
  - viii. Supporting documentation on agenda items to be forwarded to Council members ahead of each meeting.
  - ix. Inventory of member expertise / establish sub-groups.
- c. Action item
  - i. PL to prepare draft minutes – subject / description / action**

#### 11. Next Meeting

- a. Suggested dates July 15, 27 29 and August 17, 18, 19. **PL to canvas members on availability - July 29<sup>th</sup> and August 17<sup>th</sup> confirmed.**
- b. Suggestion for third Tuesday or Thursday on each month thereafter – still to be finalized.
- c. Suggested agenda items:
  - i. Reg 170 and Reg 903 – scope out an action plan for the Council to address the Minister's request
  - ii. R. Walton presentation on impact of Reg 170 on small systems.
  - iii. Conflict of interest