

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

**July 29, 2004**

**Members Present:**

Bob Andrews	Michele Giddings
Rod Holme	Peter Huck
Alex Hukowich	Jim Merritt
Harry Richardson	Ken Roberts
John Rudnickas	Mark Servos
Lesbia Smith	Rob Walton

**Regrets:**

Marilyn Lee	Ron Brecher
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**Ministry of Environment:**

Pat Lachmaniuk	Matt Uza
John Mayes	

**1.0 Call to Order**

The Chair welcomed members and opened the meeting at 9:40 A.M.

**2.0 Adoption of Agenda**

Members noted no changes to the agenda. Agenda adopted by consensus.

**Decision/Action:**

- Nil

**3.0 Approval of Minutes**

Discussion on minutes

Format of the minutes was raised. There was concern regarding member's names being attached to items / questions raised for discussion. In later discussions regarding public access to minutes it was suggested that detailed notes be circulated to the members and the minutes condensed from these notes. Pat is to look at the process used by the Committee on Drinking Water.

**(Note: reviewed the CDW notes / minutes, only the notes identify the person commenting - do we want this in the notes for the Advisory Council meetings? Suggest we use names only when there is direct responsibility for an action item or for a presentation or formal activity)** It was also suggested that a separate list of action items be prepared.

As follow-up to the query on inspections protocol - the summary document is posted on the Ministry's web site but not the complete document. Members feel that availability of the full document is more beneficial and will raise as an issue if and when the need arises at which time Jim will discuss with the Minister.

**Members noted no additional changes to the minutes of the last meeting. Minutes approved by consensus.**

**Decision/Action:**

- **Justice O'Connor priority on *E. Coli* vs. Total Coliforms to be forwarded as an agenda item for the September 21<sup>st</sup> meeting.**
- **Pat to review notes and minutes prepared for the Committee on Drinking Water meetings and use as an example for future record of Advisory Council meetings.**
- **Actions items will be extracted from the minutes and listed in a Council Action Table.**

**4.0 Reg 170**

Jim began the discussion by referring members to the letter sent to the Chair by the Minister requesting that the Council provide advice on the appropriate requirements for small water systems particularly private systems. The letter also refers to certain aspects of Reg 903, asking for advice on the disinfection requirements.

**Discussion:**

Several members questioned why the letter was copied to Gord Miller, Environmental Commissioner and Paul Muldoon, Executive Director Canadian Environmental Law Association (CELA). It was understood that CELA requested that the ministry review Reg 903 particularly the disinfection requirements and in their request copied the Environmental Commissioner.

Members reviewed the proposed approach outlined in Tab 20. Objective is to get back to the minister by mid-September with an approach given that some dates have been extended to Dec 31 from July 31 for certain regulated systems. Ministry staff are working on a parallel track to amend Reg. 170.

Matt Uza of Water Policy Branch attended the discussion on Reg 170 as an observer and was available to answer questions. Discussion on Reg 170 - how to scope down the tasks. Classifications were reviewed and focussed on three classes of small private systems- small municipal non-residential, small non- municipal non-residential and small non-municipal residential.

Items discussed for consideration focussed on risk - is exposure direct or indirect, short-term vs. long-term exposure. Emphasis on the need for correction and thorough risk management. Have there been documented cases of waterborne outbreaks at transient sites or where use is intermittent? Agreement that risk factor from exposure more critical for microbiological contaminants than for chemicals.

Identified the five regulatory categories: testing, treatment, approval, relief and posting. Need to review the risk reduction contribution from each activity. Confirmation of each will ensue after the task has been scoped out. Need to form a small working group to scope the issues, identify information needs and facilitate the work of the council. All Council members are to seek advice from their peer groups and report back at the August meeting. Working group will then proceed with preparing a set of recommendations or comments for the September Council meeting. Additionally ministry to present information the ministry has received from stakeholders. Feedback from the regulated community as reported by the ministry has resulted in 40-50 clarifying amendments to date and a more fundamental review for small systems is underway.

Role of the Council is to frame questions for the ministry to address in its amendment process. Discussion raised the following questions / issues:

1. Does the ministry have plans to inspect the small private systems?
2. Availability of engineers an issue, difficult to get in certain areas and range of expertise variable.
3. Criteria too stringent.
4. Testing requirements: not rationalized i.e. pesticide testing in northern Ontario and testing for chemicals in transient systems, labs charging too much, time of travel for microbiological samples - need on-site test kits approved, testing too frequent for microbiological tests, concern re: validity of heterotrophic plate count vs. total coliform results.
5. Sign postings- small non-municipal non-residential systems providing water solely for washroom facilities, cottages can post for three years until treatment installed. Food premises and camps cannot post. Small municipal supplies want same opportunity to post signs.
6. Certified operators and trained persons - what class of systems requires what? Concern re: expense to trailer parks and small residential systems want to use trained persons. Availability of trained operators especially in northern Ontario.
7. Is there data on disease burden from small systems? Studies done seem to support small systems at risk but data not available that specifically supports the claim. Newly published book by Steve Hrudey "Safe Drinking Water - Lessons from Recent Outbreaks in Affluent Nations" provides some information.
8. Need to recognize potential for another outbreak outside of existing occurrences. Outbreaks resulting from chemical contaminants not preventable by testing. Are potential outbreaks preventable by intervention?

Council requires information on the following:

1. Parameters around information on disease burden from small systems.
2. Summary of concerns ministry has heard to date from stakeholders.
3. Was a risk management process used in developing the O. Reg. 170?
4. Need to establish flow chart of regulatory requirements for each class of system.
5. Basis of allowing systems to reduce frequency of microbiological testing after two years.
6. Rationale for sampling frequency for quarterly sampling for nitrite / nitrate and trihalomethanes and yearly for lead. Was risk factored in?

Rob Walton made a presentation on the issues small systems are facing as a result of Reg 170.

#### **Decision / action**

- **Working group volunteers include Rob Walton, Michele Giddings, Peter Huck, Rod Holme, Alex Hukowich, Jim Merritt - Pat to set up meeting for August 4**
- **Pat to order a copy of Steve Hrudey's book for all Council members**
- **Pat to arrange for presentation by Ministry on Reg. 170 at August 17<sup>th</sup> meeting**
- **Circulate a copy of Rob Walton's presentation to all Council members.**

#### **5.0 Reg 903**

Standards Development Branch will make a presentation to Council on the chlorination issues of Reg. 903 at the September 21<sup>st</sup> meeting. Material will be forwarded to Council members prior to the meeting. The Canadian Environmental Law Association (CELA) forwarded a package to the Chair outlining their concerns with the regulation, specifically the disinfection requirements. The package will be forwarded to all Council members. John Mayes also attended for this item. He has undertaken a detailed assessment of the concerns and will present his review at the Sept. meeting.

#### **Decisions / action**

- **Distribute CELA package to Council members**
- **Distribute SDB's package prior to September 21<sup>st</sup> meeting**

#### **6.0 Turbidity / Viruses / Protozoa**

Pat made a presentation to Council members on how Ontario manages turbidity / viruses / protozoa as an introduction to discussion on the proposed new Canadian Drinking Water Guidelines (CDWG) for these parameters. An updated schedule for CDWG development was also provided.

Council discussed its role in the standard setting process. Suggested that the Council should have input into Ontario's position on adopting / approving CDWGs. Material on new / revised

guidelines should be distributed to Council members as soon as they are available. Council members would like to see a summary of discussions on guideline values at the Committee on Drinking Water in order to put the proposed limits into perspective. Further discussion ensued on the Council's ability to assess implementation issues especially when impact information is not complete i.e. small non-municipal systems. Suggested that the review of Reg 170 for small systems will be a test case to provide this information.

Discussion on the turbidity / virus / protozoa guidelines raised several questions and comments.

- Does the new guideline consider filter to waste and spikes during start up?
- Significant incremental benefit to public health in lowering from 0.5 NTU to 0.3 NTU. Should relate pathogen loadings.
- Since Walkerton when the ministry imposed 3-log removal for giardia many plants designed to just achieve the 3-log, how will the ministry address new requirements to increase removal if source water quality requires additional removal credits?
- Question regarding significant figures - are 0.349 and 0.3 both in compliance?

#### **Decisions / action items**

- **Documentation on turbidity, viruses and protozoa to be distributed to Council members prior to next meeting.**
- **All supporting documentation to be distributed to Council members as soon as available.**
- **Need to identify science versus compromise in the guideline / standard development process.**

#### **7.0 Terms of Reference**

Mandate of Council to be reworded to "is to provide advice to the Minister of the Environment on matters related to the provision of safe drinking water". Items previously listed under mandate were considered to be activities. Question arose as to whether monitoring requirements were covered under testing standards as stated in (a). Additionally does the interpretation of drinking water quality and testing standards include the broader issue of drinking water quality?

Under 6(b) - what does "Arms Length" mean? Independent from the public service?

#### **Decisions / action items**

- **Update Terms of Reference and circulate to Council Members for final approval at the August meeting.**

#### **8.0 Administrative Items**

It was reported that Legal Services are drafting a protocol on conflict of interest for the Council. Pat and Jim will review the protocol and discuss with Legal Services. The protocol will be presented to Council members at the August meeting.

Members noted that in their routine job-related activities they will be interacting with the government on specific issues and their membership on the Council should not impact on the value of their participation. Members should declare fiduciary interest to the Chair to rule on conflict of interest.

Need for a consultation policy / framework was identified. How do members communicate information to their peers and nominating agencies? Discussion on whether agenda and minutes of Council meetings be made public and if so how this would be done. Suggestion that meeting notes be just for Council members and minutes be made public. Jim will follow with the Ministers staff on these issues. On the issue of unsolicited communications it was decided that they be forwarded to the Chair for a response.

Report on the two support positions to the Council - recruitment has started, positions have been posted. It is the intent to recruit as soon as possible. Jim and Pat will conduct the interviews and keep members posted on the progress.

Discussion on research funding - As per the Terms of Reference, the Council is to identify research needs to the Ministry. The ministry through the Legacy Trust will administer funding. Council has limited funds available for small projects. Need to establish how ministry staff will support research needs of the Council. Still in very early stage, needs to evolve.

#### **Decisions / action items**

- **Pat and Jim will review the Conflict of Interest protocol and discuss with Legal Services**
- **Jim will follow with the Ministers staff on issues confidentiality and release of minutes and agendas.**
- **Develop a communications strategy with Council support staff when on board.**
- **Jim and Pat will conduct interviews for the two support positions and keep members posted on the progress.**

#### **9.0 Location and Dates of Meetings**

The next meeting will be August 17<sup>th</sup> at 40 St. Clair Ave W. room 1040. Subsequent meetings are September 21<sup>st</sup> and October 15<sup>th</sup>, location to be confirmed