

Advisory Council on Drinking-Water Quality and Testing Standards

August 17, 2004

Members Present:

Ron Brecher	Michele Giddings
Rod Holme	Peter Huck
Alex Hukowich	Marilyn Lee
Jim Merritt	Harry Richardson
Ken Roberts	John Rudnickas
Mark Servos	Rob Walton

Regrets:

Bob Andrews	Lesbia Smith
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Ministry of Environment:

Pat Lachmaniuk

Ministry of Health and Long-term Care

Fred Ruf

1. Call to Order

The Chair welcomed members and opened the meeting at 9:34 A.M. The Ministry of Health and Long-term Care liaison to the Council was introduced.

2. Adoption of Agenda

Agenda modified to include the following additional items: "How to Categorize Strength of Evidence"; and, Reg. 248/03 Drinking Water Testing Service. Agenda adopted by consensus.

Decision/Action:

- Nil

3. Approval of July 29 Minutes

Discussion on minutes

Decision made to continue with the present format for all minutes with a list of action items. Minutes to reflect, under discussion on Justice O'Connor priorities, the decision that the four supporting documents on the bacteriological quality of drinking water be forwarded to Council members on arrival and that a presentation will be made by ministry staff at the September meeting on *E. coli* vs. total coliforms.

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

4. Correspondence

All solicitation of members and correspondence requests are to be sent to the office for action. Council members will be updated on all pertinent correspondence at each meeting.

Conference announcements will be circulated to all members. Requests to attend conferences will be reviewed at each meeting.

5. Reg 170

Chair provided an update on the working group's activities, their August 4th meeting and the August 13th meeting with the ministry. On August 4th, the working group formulated questions and information needs and identified a need to meet with ministry staff to discuss the information gaps including what is available with respect to other jurisdictions and how are they dealing with these issues. On August 13th, the group met with ministry staff for an open and candid discussion on the ministry approach vs the Council's, timeline restrictions etc.

The Chair reported that following the meeting, he met with minister's staff and discussed the group's need for additional time. Minister's staff was to report back by August 23rd on this request however the group will identify what "more time" means and what will be done in that time noting that a strong position from the Council would be favourably viewed. Additional time required to get answers to key questions through consultation. The Council's role is to provide advice to the Minister; timelines will dictate the detail of the advice and the scope of representation from stakeholders.

Ministry wants to work with the Council with regard to impact on newly regulated systems and the risks they present.

Ministry staff made a presentation to Council members outlining the history of the regulations and legislation since Walkerton. Comments and questions raised include:

- What was the intent of recommendation # 85 in part two report of the Walkerton Inquiry?;
- Does data exist to support claim of stakeholders that if water has historically been safe it will continue to be so?
- What funding is available to help the newly regulated systems gather the material needed to apply for a variance?
- When will systems be made aware of amendments to treatment requirements, given that they may already be proceeding to meet existing requirements?
- How can we assess the "what and when" risk is compromised? How far can one back off on risk?
- How many complaints have been registered and how have they been categorized?

- How many systems in the small private category have registered to date?
- Frequency of sampling should be based on number of adverse events and basis of having a stable system.
- Need to balance regulatory requirements versus Best Practices.
- Need for assistance in preparing Engineer's reviews – lack of sufficient number of engineers available to provide assistance therefore proposed partnership with Public Health or certified professionals.

Members discussed a preliminary draft prepared by Peter Huck for the working group identifying the issues small system are facing and suggesting a path forward for the working group.

Decision / action:

- **Chair to contact Harry Swain to discuss a potential meeting with Council members regarding the intent of the Walkerton inquiry report and subsequent recommendations.**
- **Ministry requested that the Council review the sampling frequency for small private systems.**
- **Agreed to send request for more time to the Minister depending on feed back from Ministers office.**
- **Council endorsed working group to carry on with review of Reg. 170 requirements for small private systems. Working group to continue and meet by conference call week of August 23rd (set for August 25th).**
 - a. **Need to define end product**
 - b. **Develop consultation plan**
 - c. **Draft letter to Minister**
 - d. **Develop plan for review**

6. Justice O'Connor Priorities

Chair asked for discussion and consensus on how the Council will proceed in reviewing, commenting and approving drinking water standards proposed through the Federal- Provincial process. With regard to finalization of a Canadian Drinking Water Guideline (CDWG) for turbidity the Council agreed to support the recommended CDWG since it supports Justice O'Connor's recommendation and given that the process is so far along.

Council will write to letter indicating that they subscribe to the approach used to develop the CDWG for turbidity but will revisit the issue when considered for and Ontario Drinking Water Standard. Additionally the letter will include the Council's support of the CDWG for enteric viruses and include an explanation of the approach the Council will take in reviewing and commenting on all CDWGs.

Decisions /action:

- **Draft letter to the minister agreeing with the proposed approach with conditions for future assessment for application to Ontario. Letter to outline Council's pilot approach on standards review.**
- **Additional parameters to be presented at the Sept. meeting, set agenda time for substance to be considered along with proposed approach or direction.**

7. Terms of Reference

Note was made that the Terms of Reference must be finalized by November 12, as per Management Board directive. Consensus reached to approve the Terms of Reference for referral back to the ministry.

Decision / action:

8. Administrative Items

Discussion on the conflict of interest policy continued. Identified the need to consider the uniqueness of the members as the very reason they have been selected to be on the Council. It will to meet with ministry legal staff to finalize.

Council reached consensus that meetings will be open by invitation or appointment. Minutes of meetings will be made available for public access without note of meeting dates, agenda will not be accessible.

Development of a consultation process will be deferred until the Executive Assistant has started.

Research funding needs will be developed for recommendation to the Legacy Trust / Clean Water Fund as required. Need to clarify the process for funding.

Decisions /action:

- **Chair, with ministry lawyers, to review and revise current Conflict of Interest document with language that reflects the fact that members represent various fields in the water industry.**
- **Chair to contact the Chair of the Legacy Trust, Murray Elston, regarding a meeting to discuss roles, responsibilities and commonalities.**

9. Agenda Items

- Reg. 170
- Reg. 903
- Reg. 248
- Presentation on *E. coli* vs total coliforms

- Justice O'Connor priorities

Decisions / action:

- **Reg. 248/03 Drinking Water Testing Services to be brought forward as an agenda item for future meetings. John Rudnickas to make presentation on impact of regulation.**
- **Ministry to be asked to make a presentation at the September 21st meeting on Reg. 903 and chlorination requirements.**
- **Guide to reaching recommendations, agreed to the proposed guide on a interim basis.**

Next meeting dates:

- September 21, 2004
- October 15, 2004
- November 19, 2004