

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

Members Present:	Robert Andrews Rod Holme Alex Hukowich Jim Merritt Ken Roberts Lesbia Smith	Michele Giddings Peter Huck (via phone until 12:00 pm) Marilyn Lee Harry Richardson John Rudnickas Robert Walton
Ministry Liaison Staff Present:	Pat Lachmaniuk, MOE	Fred Ruf, MOHLTC
Council Staff Present:	Scott Barrett	
Regrets:	Ron Brecher	Iris Biggar
Guests:		

1. Call to Order:

The Chair opened the meeting at 10:00 a.m.

Adoption of December 16, 2005 Agenda

December 16, 2005 agenda was adopted by consensus

Adoption of November 18, 2005 Meeting Minutes

November 18, 2005 Meeting Minutes were adopted by consensus, with minor changes

Review of Outstanding Action Items

None

2. Reg 170 Review:

The MOHLTC Liaison staff member updated the Council on the progress of the Joint (MOHLTC / MOE) Project Management Committee regarding the Small Drinking Water Systems Transformation Project, whose goal is to move the Regulation 252 systems from MOE over to MOHLTC. The Council has asked to remain engaged in this project as it progresses.

The issue of the application of the risk-based assessment approach was discussed and it was agreed that Public Health Inspectors would need to be re-trained subsequent to the initial training, in order to be consistent across the province.

It was noted that the Council would be involved in the review of the upcoming Risk Assessment Tools via informal discussion or formal review and documentation.

Action:

- **Council to remain engaged in the Small Drinking Water Systems Transformation Project, in order to provide on-going advice**

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

The issue of the application of total coliform standards was next discussed.

The Ministry of Health and Long-Term Care liaison staff member clarified that a sense of direction and a vetting of the reasonability was needed for the action level of 5 total coliforms, currently applied by Public Health Units.

It was also determined that the Council's original advice to the Minister on microbiological indicators should be considered, and the USEPA's documentation on the Total Coliform Rule reviewed.

In our original advice to the Minister on Total Coliforms, it should be noted that the Council recommended retaining adverse result notification and actions for all positive results in all regulated systems.

It was decided that the Council Chair and Executive Assistant re-focus the discussion document to include information on the origins of the 5 and 10 total coliform action levels applied by the Public Health Units and Health Canada, respectively. This information will be brought forward to the January 20, 2006 Council meeting.

Action:

- **Chair and Executive Assistant to re-focus discussion information to reflect the Council's deliberations of December 16, 2005, for discussion at the January 20, 2006 meeting**

3. Drinking Water Source Protection

It was noted that the proposed *Clean Water Act* was introduced for first reading in the legislature on December 5, 2005; the highlights were briefly discussed, including: the re-focus on drinking water; Great Lakes; risk assessment; and the shift of more responsibility to municipalities.

It was decided that the Act's contents should be reconciled with the Council's advice provided to the Minister on November 15, 2005, in order to see if the Ministry captured the Council's comments. As well, it was decided that a presentation from MOE staff on the details of the Act would be beneficial to the Council.

Actions:

- **Executive Assistant and Council member Peter Huck to reconcile the Council's advice to the Minister against the proposed new *Clean Water Act*, in order to determine next steps, for the January 20, 2006 Council meeting**
- **Executive Assistant to arrange for an MOE presentation on the proposed new *Clean Water Act*, for the January 20, 2006 Council meeting**

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

4. Justice O'Connor Priorities

It was learned that the Ministry of the Environment will be posting the Council's advice on the *Procedure for Disinfection of Drinking Water In Ontario*, as part of an upcoming amendment to Reg. 170.

The Ministry of the Environment is also still in the process of revising the *Procedure for Disinfection of Drinking Water In Ontario*.

As well, the USEPA's December 15, 2005 announcement on their Stage 2 Disinfectants and Disinfection Byproducts Rule and their Long-Term 2 Enhanced Surface Water Treatment Rule was discussed, and it was determined that the Council's advice need not change as a result.

Action:

- **Council to monitor the Ministry of the Environment's progress on Reg. 170 and Disinfection Procedure revisions, in order to provide on-going advice, if necessary**

The Council was also asked by the MOE to provide advice on a definition for free chlorine residual (free available chlorine) in order to provide clarity and consistency to Reg. 170, the *Procedure for Disinfection of Drinking Water In Ontario*, and Reg. 903.

Some observations of the discussion included:

- CT Tables used in the Disinfection Procedure already take into account hypochlorous acid and hypochlorite ion, in any proportion, based on temperature and pH
- Wording used in Reg. 170 is appropriate, but free chlorine residual should be clearly defined in the Disinfection Procedure
- Cross-checking with USEPA rules is important, since the Council's advice on the Disinfection Procedure referenced them
- The AWWA definitions are most appropriate and widely recognized and used
- Ontario's use of the 80% proportion between free and total chlorine residual should be removed from the Disinfection Procedure to eliminate confusion
- NSF certified additives for use by the general public

It was decided that an advice letter to the Minister could be drafted, as an addendum to the Council's advice on the Disinfection Procedure, suggesting that the AWWA definitions be adopted.

Actions:

- **Executive Assistant and Council Chair to draft letter to the Minister outlining the suggestion to adopt the AWWA definitions for free chlorine residual, with the assistance of Council member Bob Andrews, for presentation at the January 20, 2006 Council meeting**

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

- **MOE Liaison Staff member to determine if the EPA Rules contain any references to the “80% proportion”**
- **Council member Michele Giddings to investigate whether the general public has access to NSF certified additives, for use in private water supplies**

5. Standards Review

THMs:

The Council’s advice letter on THMs was delivered to the Minister on November 30, 2005. It was noted that the MOE is in the process of re-costing a new THM standard in Ontario.

Action:

- **Council to monitor the Ministry of the Environment’s progress on a revised THM standard, in order to provide on-going advice, if necessary**

Arsenic:

The *Arsenic in Drinking Water Document for Public Comment* was re-visited, and additional information supplied by Health Canada was discussed.

Since the document is in the process of being revised and information on costs and comments from the consultation process were not available, it was decided that this standard would be discussed at the January 20, 2006 Council meeting.

Action:

- **MOE Liaison Staff member to provide information on costs for a revised arsenic standard as well as comments received from the consultation process to the Council Executive Assistant, for discussion at the January 20, 2006 Council meeting**

MTBE:

It was noted that a revised MTBE Aesthetic Objective (AO) of 0.015 mg/L was posted for consultation on December 16, 2005, for a 30 day public comment period, ending January 15, 2006.

Action:

- **Executive Assistant and Chair to draft a letter to the Minister, outlining the Council’s advice on the endorsement of the revised MTBE AO, for presentation to the Council on January 20, 2006**

Priority List:

The May, 2005 Health Canada Priority List was reviewed by the Council. It was decided that each standard that the Council reviews will require prioritization and an outline of what actions may be necessary in order to provide timely advice to the Minister.

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

Action:

- **Executive Assistant to revise the Council's 2005-2006 Action Plan to reflect standards review priorities and tasks necessary to complete the review**

6. Other Drinking Water Issues

Use of Untreated Surface Water as a Source of Drinking Water:

The use of untreated surface water as a drinking water supply for private systems was discussed again.

Some conclusions were made, as a result of the discussion:

- Surface water requires treatment when used as a source of drinking water
- New surface water supply installations should be "regulated" in some way
- Consultation on how surface water supplies should be "regulated" should be undertaken

It was decided that the Council's advice should contain the rationale for regulating surface water supply installation and mandatory treatment, as well as the recommended regulatory approach, and the need for further study and consultation.

It should also be noted that the Council decided at the November 18, 2005 meeting that the advice "*should be limited to the installation of new surface water and GUDI systems.*"

Action:

- **Executive Assistant and Chair to develop a draft advice letter for the Minister for further discussion at the January 20, 2006 meeting**

Drinking Water Testing Services (Reg. 248):

The Council reviewed the latest draft advice letter to the Minister regarding its two recommendations for improving Reg. 248.

Action:

- **Executive Assistant and Chair to finalize and transmit advice letter to the Minister, prior to December 31, 2005**

First Nations Drinking Water Systems

The Council discussed Ontario's possible actions, roles and responsibilities for First Nation water supplies.

It was noted that Ontario could offer, as an option, the services currently available to all municipalities in Ontario, including inspections, testing, advice, engineering, training, certification, etc.

Action:

- **Chair to contact Ontario's Chief Drinking Water Inspector to discuss Ontario's possible actions, roles and responsibilities**

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

Drinking Water Quality Management Standard

The proposed *Drinking Water Quality Management Standard* was posted on the Environmental Registry on November 28, 2005, for a 60-day public comment period, ending January 27, 2006.

The proposed Standard was discussed and the following observations were made:

- There is a perceived (or real) confusion over the certification of the operating authority as a capable management entity, and the certification of a site-specific system (Justice O'Connor wanted to distinguish between the owners and the operators of systems)
- The Standard, in its current form has been peer-reviewed and piloted
- There seems to be a lack of structure as to what the elements of the Standard should be
- There should be a link to the PIR Water Strategy Expert Panel's report on the sustainability of water and sewage systems

Action:

- **Council member Rod Holme to review the EBR posting and proposed Standard, to suggest next steps, if any, for the Council's consideration**

7. Administrative Items:

The Action Plan for the Council's 2005-2006 fiscal year was discussed in more detail, and it was determined that priorities will need to be identified for the review of standards, as well as the ongoing, and proactive items that the Council is engaged in.

Action:

- **Executive Assistant to revise the 2005-2006 Action Plan to reflect priorities for Council engagement**

Succession planning was re-discussed, and the Council learned that the 1st year's appointments do not count as the first term. It was also noted that skill sets can be used in the position postings, and that potential nominations could be put forward to the Minister's Office. As well, the Council hoped that the Chair would be consulted on potential candidates.

The Council felt that there is a sense of urgency to fill the existing vacant positions and the positions of Council member(s) whose terms end in May, 2006.

Actions:

- **Chair to advise Minister's Office encouraging them to move forward in filling present and future vacancies, and to maintain connection with the Council for potential nominations and candidates**

*Advisory Council on Drinking Water Quality and Testing Standards
Minutes from December 16, 2005 Meeting*

The process for public release of the Council's advice was briefly discussed. The Council Chair met with Minister's Office staff and learned that they are reviewing the advice given to the Minister by the Council with a view towards making the advice public through the MOE's website, the Council's website, or both. The end result being that the actual advice letter to the Minister should be posted on the Council's website.

Action:

- **Chair to maintain contact with Minister's Office staff to assist in further developing the process for public release of the Council's advice**

Next Meeting(s):

January 20, 2006
February 17, 2006
March 17, 2006
April 21, 2006

9. Adjourn

Meeting was adjourned by the Chair at 4:30 p.m.