

August 9, 2001

Yousry Hamdy, Senior Industrial Specialist  
Water Policy Branch  
135 St. Clair Avenue West, 11th floor  
Toronto, Ontario, M4V 1P5  
PHONE: (416) 314-4188 FAX: (416) 314-3924

**Re. Submission of Comments on the proposed regulation of Drinking Water for Designated Facilities - EBR Registry Number: RA01E0013**

On behalf of member Medical Officers of Health, Boards of Health and Affiliate organizations of the Association of Local Public Health Agencies (alPHa), I am writing to submit comments on and recommendations on the proposed regulation and for the provision of safe drinking water by waterworks not yet covered by specific legislation.

Working groups, consisting of medical officers of health and environmental health supervisors, have been struck by alPHa to study the regulatory options and protective measures available to ensure the safety and high quality of drinking water drawn from all types of waterworks. Attached are comments made by our members on the proposed regulation for Designated Facilities specifically, as well as our original recommendations for the regulation of small waterworks in general.

Our membership believes strongly in the importance of your Ministry's continued efforts under Operation Clean Water, and welcomes the opportunity to offer input to maximize the reach and effectiveness of this initiative. As protectors of community health, our members will be willing and essential partners in implementing strategies that will ensure that Ontario's drinking water is safe for all of its residents. We look forward to a reply at your earliest convenience.

Regards,  
Andrew Papadopoulos, BAsC, MBA  
Executive Director<P.  
Copy Dr. Colin D'Cunha, Chief Medical Officer of Health and Director, Public Health Branch  
Jim Reffle, President, Association of Supervisors of Public Health Inspectors of Ontario  
Dr. Lynn Noseworthy, President, Board of Directors, alPHa.

**alPHa / ASPHIO response to proposed Drinking Water Protection Regulation for Designated Facilities**

On August 9, 2000, the Minister of Environment published a discussion paper, *Protecting Drinking Water for Small Waterworks in Ontario*. The Paper highlighted the Ontario government's efforts to improve drinking water quality and protect public safety. It followed the introduction of the Drinking Water Protection Regulation for large waterworks. The Paper posed a series of questions about the need for and potential content of a counterpart regulation for small waterworks in Ontario.

Small waterworks were defined as those that use less than 50,000 litres of water on any given day and serve five or fewer residences. Many of these supply water for boarding houses, small to medium size restaurants, tourist lodgings, assembly halls, churches, camps and other outdoor recreation facilities, gas stations and shopping centres. Small schools, small hospitals, long-term care facilities and day nurseries that have their own waterworks were also identified as facilities that might fall under the purview of a proposed regulation for small systems. It was acknowledged in the Ministry's Operation Clean Water that there is a need to address the appropriate level of regulation for these systems.

The Ministry launched a consultation with the owners and users of small waterworks and a discussion paper was released to guide the consultation process, for which alPHa and the Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO) submitted a response in November, 2000 (Appendix 1). In it, the examples given above (and others) were cited as of crucial importance for inclusion in order to ensure that the comprehensive and effective drinking water protection promised by Operation Clean Water is achieved.

With the posting of the proposed Drinking Water Protection Regulation for Designated Facilities, it was widely expected that regulatory coverage would be provided for waterworks that do not meet the criteria of O. Reg 459/00, yet provide potable water to the public (excluding private systems serving only their owners). This assumption was based on the content of the MOE Discussion Paper. Only a small proportion of this has been addressed by the current regulatory response.

The current proposed regulation seems to address primarily facilities that house what might be considered vulnerable populations – by virtue of physical or mental infirmity or by virtue of close-quartered and large numbers of people. Our members do acknowledge the importance of specific protection of these populations from health hazards, but are also expressing concern about the significant number of waterworks that remain unregulated, from which significant numbers of Ontarians draw their water. These concerns are magnified given the expectation that the proposed regulation would reflect the needs identified in the discussion paper.

In the alPHa / ASPHIO submission, difficulties in applying a single regulatory standard to the diversity of what might be considered small waterworks were acknowledged, and suggestions were given on what to consider when classifying them. The common link among them however is the provision of water on a routine basis to residents of and visitors to Ontario. In order to account for the diversity of size and purpose among them, a risk-assessment approach to classification was recommended, based on the models of the USEPA and the New Zealand Register of Community Drinking Water Supplies.

In limiting this proposed regulation to the types of facilities described, it could be considered a small but integral part of a comprehensive water system management framework for all public water supplies. This framework could be based on the above approach, and would provide a sound basis for regulatory coverage of the waterworks not addressed by the existing and proposed Drinking Water Protection regulations.

## **RECOMMENDATIONS AND COMMENTS**

Our first broad recommendation is that the MOE reconsider recommendations made during the discussion paper process in order to address the pressing need to regulate the operation and monitoring of small waterworks in general. While the proposed regulation of Designated Facilities does address perceived high-risk areas, large gaps still exist in the overall regulatory protection of drinking water. What follows is a reiteration of the recommendations alPHa and ASPHIO made with these gaps in mind.

### **Summary of Recommendations made in the alPHa / ASPHIO submission in response to the discussion paper:**

1. That the Small Public Waterworks Regulation (SPWR) establish a definition for a small public waterworks as: 25 or more people served or 15 or more service connections, operating at least 30 days per year or serving at least 750 people on one or more days; a waterworks serving populations at increased risk of waterborne illness; or a waterworks which uses water for food production and processing.

2. That the Ministry of Environment establish an internet accessible Register of Ontario Waterworks to contain data by community of all waterworks including the name, location, source, plant, and population served. This Register would categorize each waterworks as to whether it falls under the DWPR or proposed SPWR.
3. That all small public waterworks be classified by the Ministry of Environment accounting for the source of water (surface, surface under the direct influence of ground water, ground water).
4. That all small public waterworks drawing from a surface water source be required to ensure the provision of a minimum level of treatment consisting of chemically assisted filtration and disinfection.
5. That all small public waterworks drawing from a ground water source under the direct influence of surface water be required to ensure the provision of a minimum level of treatment consisting of filtration and disinfection.
6. That all small public waterworks obtaining water from a ground water source not under the direct influence of surface water be required to ensure the provision of a minimum level of treatment consisting of disinfection.
7. That the Ministry of Environment undertake a hydrogeologic sensitivity assessment of all non-disinfecting ground water systems to determine the vulnerability to microbial contamination, need for disinfection and other corrective action.
8. The SPWR should define requirements for bacteriologic and chemical testing of small public waterworks. Minimum frequencies for bacteriologic testing should be specified. A schedule for chemical testing should be specified which might be based on category specific results. Radionuclide testing should be included if locally relevant.
9. That the template for notification and corrective action included in the DWPR be utilized in the SPWR, with appropriate modification to deal with the requirements of small waterworks.
10. That the regional offices of the Ministry of Environment be provided with sufficient staff and resources to monitor and enforce the regulation.
11. That local boards of health be provided with sufficient staff and resources to support implementation of the regulation, including the monitoring and enforcement role where relevant.

The complete report containing these recommendations and their rationale is appended to and should be considered a part of this submission of comments on the proposed regulation.

### **Recommendations and comments in response to the proposed regulation**

1. There are no definitions of what constitute a treatment and distribution system. These should be included, and more details on procedure should be considered, keeping in mind that regulatory requirements will be carried out by people whose primary function may not be operating a waterworks.
2. Clearer criteria for becoming a “trained person” as identified in the regulation are recommended. The inclusion of a mandatory water borne disease component and the identification of those permitted to provide the training are examples of what we would like to see. Properly-resourced health units might be logical providers of this training.

3. Some health units include communities whose technological infrastructure will not allow them to meet the requirements of the new regulation. Schools in Amish or Mennonite communities are examples of facilities that might require special consideration.

4. Page 6, 1(1) Concern has been expressed by our members about the exemption of social care facilities (e.g. day nurseries) located in private residences.

5. Page 7 2 (3) If this regulation does not apply to a water treatment system that obtains all of its water from a treatment or distribution system covered by this regulation or regulation 459/00, what covers potential degradation or loss of chlorine residual within the system not covered? Where is the regulatory protection of drinking water once it enters the exempt system?

6. There is an inconsistency with accepted practice in the Schedule, which requires five minutes of boiling time as a corrective action inadequate disinfection. The literature recommends one minute, a practice that is reflected in the Ministry of Health and Long Term Care's draft Boil Water Advisory Protocol.

### **Other General Comments and Recommendations**

1. As with Ontario Regulation 459/00, further clarification is required of the specific roles and responsibilities within the MOE, the MOHLTC and the "interested authorities" as identified in the proposed regulation. More specific to health units, what is the expectation beyond reacting to adverse water quality results?

2. It is strongly recommended that the MOE ensure that enough abatement / enforcement / inspection staff are available to ensure compliance on a routine basis for all regulated waterworks.

3. While the focus of the proposed regulation seems to be high-risk populations, it is worth noting that summer camps are not covered. These are generally populated by the same demographic as schools, with the added component of temporary residency, which means that the water used at the camp is a much more significant issue.

4. In one health unit last year, it was estimated that 50 out of 60 Boil Water Advisories issued locally last year were for systems which would not be regulated under either the existing or the proposed Drinking Water Protection Regulations. In another, it was determined that the vast majority of small waterworks were either food premises or communal systems serving five or fewer residences. This serves only to reinforce the importance of a comprehensive regulatory strategy for the protection of drinking water.