

TO: CITY MANAGER **DATE:** 2002 03 05
FROM: DIRECTOR ENGINEERING **FILE:** 42-01-07
SUBJECT: DRINKING WATER REVIEW PANEL - FINAL REPORT
PURPOSE: To provide comments on the final report prepared by the Drinking Water Review Panel

RECOMMENDATION:

1. **THAT** Council convey support for the overall direction of the Drinking Water Review Panel's Final Report to the Ministers of Water, Land and Air Protection and Health Services.

2. **THAT** the Ministers of Water, Land and Air Protection and Health Services consider:
 - a) appointing the Ministry of Water, Land and Air Protection as the Ministry responsible for the Drinking Water Protection Act and the proposed Drinking Water Protection Agency; and

 - b) undertaking further consultations with local governments during the development of water treatment, distribution system and tap water standards.

3. **THAT** this Report be referred to the Environment and Waste Management Committee for information.

R E P O R T

1.0 INTRODUCTION

Council, at its regular meeting on March 04, 2002, received a correspondence from UBCM which provided information on the final report released by the Drinking Water Review Panel on February 13, 2002. Arising from the consideration of the correspondence, staff were requested to prepare a report on the subject matter. The following report comments on the Drinking Water Panel's Final Report.

2.0 DRINKING WATER REVIEW PANEL'S FINAL REPORT

The independent nine member Drinking Water Review Panel was established by the provincial government on September 25, 2001 to review the new Drinking Water Protection Act (DWPA, Sections 1-49 of Bill 20) and provide recommendations. Staff participated in the review process by forwarding comments to the Panel. The Panel subsequently prepared an Interim Report in December 2001, sought any additional comments and issued a Final Report on February 13, 2002. Attached is a copy of the background to the Final Report and the highlights of the Panel's 26 recommendations.

Staff support the overall direction of the Panel's Final Report which will provide an effective one window risk based management approach for provision of safe drinking water to the consumer.

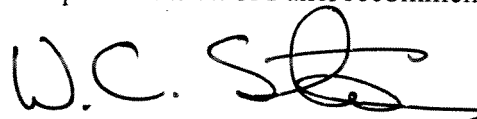
In reviewing the recommendations in the Final Report, it is noted that the Panel recommended the Minister of Health Planning as the Minister responsible for the Drinking Water Protection Act and the proposed Drinking Water Protection Agency (see Attachment #1, Recommendation # 3a). From staff's perspective it may be advantageous to have the Ministry of Water, Land and Air Protection the Minister responsible for the Drinking Water Protection Act as it will:

- a) provide better consistency between the Drinking Water Protection Act and related Acts such as the Water Act particularly as these Acts begin to regulate ground water; and
- b) be more effective and efficient in protection of drinking water source watersheds and aquifers as one Ministry would be responsible for both land management and water quality.

In addition, staff would recommend that the Province undertake further consultations with local governments during the development of water treatment, distribution system and tap water standards (see Attachment #1, Recommendations #10 and #12).

3.0 CONCLUSION

The overall direction of the Drinking Water Review Panel's final report will ensure continued protection of potable water to consumers. Staff will continue to appropriately inform Council on issues which may arise during the implementation of Panel recommendations by the province.



W.C. Sinclair, P. Eng.
DIRECTOR ENGINEERING

DD:
Attachment

Feb. 13, 2002

BACKGROUND

Drinking Water Review Panel Releases Final Report with 26 Recommendations

The independent nine member *Drinking Water Review Panel* was established by the provincial government on September 25, 2001 to review the new Drinking Water Protection Act (DWPA, Sections 1-49 of Bill 20) and provide recommendations on its completeness, effectiveness and efficiency. The Drinking Water Review Panel has completed its mandate by preparing an Interim Report in December 2001 and a Final Report.

The Final Report contains and builds on the material covered in the Dec. 14, 2001 Interim Report. The Final Report includes recommendations on issues such as the protection of drinking water services, community involvement in the management of their drinking water, coordination of ministries for the delivery of drinking water, quality of well water, and the protection of water systems. The recommendations will be used to confirm, amend or repeal the legislation and guide its implementation. In conducting its review, the Panel reviewed 153 written submissions and the results of 117 surveys providing opinions and comments on the legislation.

The Ministers of Water, Land and Air Protection and Health Services appointed the Chair and invited a wide range of interests representing public health, environment, industry and local government interests to designate panel members. The Panel concludes that Bill 20, the *Drinking Water Protection Act*, has a number of strong elements and provides a useful framework for bringing together a range of legislative measures related to drinking water. The Final Report includes recommendations stemming from the Panel's review of the Drinking Water Protection Act principles and a process for developing and revising regulations, and implementation issues. The highest priority recommendations in the final report call for:

1. Introduction of the amended DWPA in the Spring 2002 legislative session,
2. Creation of a single Drinking Water Protection Agency reporting directly to the Minister of Health Planning,
3. Strengthening of drinking water source protection measures,
4. Province-wide screening process for risk assessments of water systems to identify and prioritize critical drinking water supply areas,
5. Creation of a dedicated drinking water protection surcharge applying to a range of user fees, and
6. Development of a comprehensive infrastructure-funding program.

The following twenty-six recommendations are contained in the Final Report. Highlights of the recommendations are listed below. Complete details of each recommendation are found in the Final Report at:

<http://wlapwww.gov.bc.ca/wat/wq/dw/index.html>

Recommendation 1: Introduction of an amended DWPA in the Spring 2002 legislative session

The DWPA be retained as a stand-alone Act, and that the provincial government amend the Act by incorporating the recommendations of the Drinking Water Review Panel, and introduce the amended Act in the 2002 spring session of the BC legislature.

Recommendation 2: Appoint the Minister of Health Planning as the Minister Responsible for the Drinking Water Protection Act

Recommendation 3: Create a Drinking Water Protection Agency

- a) Create a single lead Drinking Water Protection Agency reporting to the Minister of Health Planning, to integrate the skills, resources and authority of all provincial ministries with responsibility for drinking water protection. The mission of the Agency will be to ensure that drinking water in BC is safe.
- b) Appoint a Chief Executive Officer (CEO) to lead the Drinking Water Protection Agency who obtains strategic direction from a Board of Directors comprising non-government independent appointments

representing various drinking water interests and Deputy Ministers responsible for health protection, resource management, environmental protection, and community development.

Recommendation 4: Give the Agency a Strong Mandate to Protect Drinking Water

Develop and oversee an overall strategy for water protection from source to tap.

Recommendation 5: Strengthen Source Protection Measures

Create a "Purposes" section in the Act and include as purposes:

- to protect water from source to tap,
- to protect humans against water-borne disease and long term adverse health effects, and
- to give drinking water priority over other resource uses in critical or high risk watersheds (these sensitive areas would be defined through the source assessment process).

Recommendation 6: Provincial Responsibility for Assessments

- a) Assign Drinking Water Officers responsibility for coordination, review and approval of the assessments.
- b) Require province screening-level risk assessments to identify drinking water supply areas that are at high risk of contamination or are already in critical condition. Full source assessments should be conducted in these areas on a priority basis.

Recommendation 7: Strengthen Role of the Drinking Water Officer

- a) Appoint the existing senior MHOs as Drinking Water Officers in the new Drinking Water Protection Agency, one for each of the Health Regions.
- b) Stipulate that the Drinking Water Officers will coordinate Multi-Disciplinary Implementation Teams in each of the regions to assist with drinking water matters.

Recommendation 8: Recognize Compliance Limitations of Small Systems

- a) Retain the current definition of a water supply system (i.e., two or more connections) in the Act.
- b) Allow Drinking Water Officers to exempt small systems from certain parts of this Act through their operating permits.
- c) Enable and develop province-wide regulations outlining the process for issuing exemptions.

Recommendation 9: Provide Support to Small Systems

- a) Develop an education and training program for single-family water system operators. Include information about how to protect the source and how to access a Drinking Water Officer regarding source protection concerns.
- b) Create and maintain a database of small systems, including unlicensed systems. This would include the identification of the responsible purveyor.
- c) Develop a program to support small systems with two or more connections. This would include support for the administrative, financial and operational aspects of managing water supply systems.

Recommendation 10: Enable Tap Water Standards

- a) Enable the creation of province-wide tap-water standards, including appropriate physical, chemical and biological parameters, and require appropriate monitoring.
- b) Appoint an expert working group to consider the Canadian guidelines and standards used in other jurisdictions, and develop an appropriate set of science-based minimum standards for British Columbia and a schedule outlining the appropriate frequency of monitoring.

Recommendation 11: Redefine "Potable Water"

Define potable water in the Act as, "water that does not contain micro-organisms or any other substances at concentrations that present a potential danger to human health". Standards set through regulation must be consistent with this definition.

Recommendation 12: Enable Water Treatment and Distribution Standards

- a) Enable the creation of drinking water treatment standards to protect the public from health hazards associated with drinking water.

- b) Appoint an expert working group to develop appropriate treatment standards for microbiological, chemical and physical characteristics.

Recommendation 13: Clarify When a Drinking Water Protection Plan is Required

- a) Demonstrate in the Act, the relationship between the assessment process, the assessment response plans and the Drinking Water Protection Plans.
- b) Allow for a phased approach that begins with an assessment (or an equivalent understanding of the threats to drinking water) and an assessment response plan. Then, only if there are outstanding threats to drinking water and specific criteria are met, should a Drinking Water Protection Plan process be carried out.

Recommendation 14: Change the Authority to Develop a Drinking Water Protection Plan

- a) Give the Drinking Water Officer the authority to coordinate and develop the plan and then report to the Chief Executive Officer of the Drinking Water Protection Agency.
- b) Refer issues related to province-wide policy to Cabinet or a Provincial Advisory Committee, not matters related to the management of individual systems.

Recommendation 15: Clarify Relationship to Other Planning Processes

Clarify in the Act that other planning processes (e.g., Land and Resource Management Plans, Water Use Plans, Five-Year Forest Plans, Official Community Plans) must comply with the Drinking Water Protection Plans.

Recommendation 16: Encourage Water Use Conservation

- a) Develop a “Water-Smart” conservation program that sets provincial water conservation objectives and specific targets to encourage more efficient use of water, thereby lowering drinking water and wastewater treatment costs. A water conservation objective should be added to the Purposes section of the Act.

Recommendation 17: Improve Groundwater Measures

- a) Add the ability to create standards that prohibit or limit specific activities that are known to have negative affects on surface and groundwater drinking water sources.
- b) Modify the requirements for minimum distances of septic systems from groundwater wells by considering an outcome-based approach (a fixed distance is inappropriate because it is highly dependent on the geology and soil formation).

Recommendation 18: Streamline the Act and Consolidate Regulations

- a) Streamline the Drinking Water Protection Act, moving some specific sections into regulation. The wording of the DWPA should be retained, as in some cases the language is stronger.
- b) Move the Safe Drinking Water Regulations from the Health Act to the DWPA and consolidate with the other regulations pursuant to the DWPA.

Recommendation 19: Allow for Use of The Environmental Appeal Board

Allow for an individual adversely affected by a decision of the Drinking Water Officer or the Drinking Water Protection Agency to appeal that decision to the Environmental Appeal Board.

Recommendation 20: Ensure Drinking Water Quality Protection for First Nations

Work with First Nations and the federal government to ensure that the provisions of the DWPA are enacted on First Nations land, through whichever legal and fiscal mechanisms are most appropriate.

Recommendation 21: Incorporate Community Right To Know Principles

Include community right to know provisions in the *Drinking Water Protection Act*.

Ensure that information about the quality of drinking water is accessible from each water system purveyor and also from a central database with province-wide data.

Recommendation 22 Develop a Cost-Sharing Formula

Develop a cost-sharing formula that fairly distributes the costs of providing safe drinking water. Sources will include:

- Provincial government (general revenue)
- Resource users (e.g. forestry, mining, agriculture)

- Water licence holders
- Residential water users (through purveyors)

Recommendation 23. Enable Creation and Collection of a Drinking Water Protection Surcharge

Consistent with the principle of full cost accounting and cost recovery enabled through legislation, the ability to create a drinking water protection surcharge that is dedicated exclusively for use in drinking water protection (including funding to support Drinking Water Officers and the Multi-Disciplinary Implementation Teams in each health region). The surcharge would fund all new costs (above current resources dedicated in various ministries to drinking water) attributable to implementation of the Drinking Water Protection Act.

Recommendation 24: Develop a Comprehensive Infrastructure Funding Program

Implement a risk management program to set priorities and focus expenditure of resources.

Encourage and provide incentives for purveyors to charge rates that reflect the true cost of the water supply system and also build up 10-year capital reserve funds for ongoing maintenance and future upgrades (e.g. through dedicated surcharges).

Recommendation 25: Follow a Set of Principles in Developing and Revising Regulations

- Provide meaningful opportunities for the public and those directly affected by regulations to participate in the process (e.g. by seeking their advice on key elements and then providing an opportunity to comment on draft regulations).
- Set priorities on the basis of risk to human health and focus efforts on the regulations that will have the greatest impact on reducing human health risks (some priorities identified to the Panel were tap water standards, treatment standards, operator qualification standards).

Recommendation 26: Appoint Expert Working Groups to Assist With Regulations

Appoint a series of expert working groups as and when required to assist with the development, amendment and implementation of regulations. The expert working groups would report to the technical advisory committee and be chaired by a technical advisory committee member.

Contact: David Marshall, Chair, *Drinking Water Review Panel*
 c/o Fraser Basin Council
 1st Floor, 470 Granville Street
 Vancouver, B.C. V6C 1V5
 Ph: 604-488-5352
 Fx: 604-488-5351 Toll Free: 1-877-882-1284

Website: <http://wlapwww.gov.bc.ca/wat/wq/dw/index.html>

Drinking Water Review Panel Members

Chair; David Marshall, Executive Director of Fraser Basin Council; Jim Fyfe, President, BC Ground Water Association; Linda Nowlan, Executive Director, West Coast Environmental Law Association; Robert Hobson, Union of BC Municipalities (UBCM); Bruce Wilson, BC Water Supply Association; Dr. Hans Schreier, Watershed Management expert (UBC); Dr. Andrew Larder, Senior Medical Health Officer/Medical Health Officers Council; Serge Zibin, Chief Environmental Health Officers/Public Health Engineers Council; Dr. William Meekison, BC Medical Association.