

## 2. NEW FRAMEWORK FOR DRINKING WATER STANDARDS

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The purpose of this report is to acquaint Councillors with a Ministry of Health discussion paper: “Safe Drinking Water: A Paper to Local Government” and to recommend the nature of submissions the Council could offer in response. The paper is tabled for Councillor perusal.

### 1. BACKGROUND

The Ministry of Health has for some years been reviewing the Water Supplies Protection Regulations 1961, planning to replace them with new legislation that would remove the current unsatisfactory mix of regulatory and non-regulatory mechanisms aimed at reducing the risk of unsafe drinking water supplies. The Ministry paper describes the proposed new framework and seeks local authority response.

Some commentators point to legislative inadequacy across the whole water/wastewater service delivery spectrum and argue for a water services Act to tidy it all up. They would view this exercise, concentrating as it does on safe drinking water and a review of the Water Supplies Protection Regulations, as tackling only a part of the problem. However, as the paper points out, real progress can be made on this important area quite quickly while we may wait several years for a new Act to become law.

### 2. PROBLEMS WITH THE CURRENT APPROACH

The current arrangements aimed at ensuring safe drinking water across the whole country are seen to have the following shortcomings:

- legislation is fragmented, dated, prescriptive and inflexible
- water supplies in private ownership to which the public have access may not be subject to any regulatory control
- current public health powers of remedy are in some cases limited and inappropriate
- initiatives like the promulgation of New Zealand Drinking Water Standards, the grading of public water supplies and the publishing of community water safety reports all lack the statutory backing that would require change towards compliance
- while working quite well for the larger suppliers these non-regulatory approaches have not ensured smaller suppliers meet the standards. Reasons include:

- often not adequately monitored
- change is too expensive
- some private owners decline to provide data
- some resist participating in the Ministry of Health’s programme to identify the presence of substances of public health significance in their water supply

### 3. FEATURES OF THE PROPOSED NEW FRAMEWORK

#### 3.1 Compliance

It is proposed that the new framework, to quote from the document:

- *must be complied with. Experience suggests that voluntary regimes will take us only so far*
- *is not excessively prescriptive, so that*
  - *it is sufficiently flexible to allow effective response to emergent situations*
  - *it recognises the individual circumstances of each supply*
  - *it gives information to water managers, the Ministry and the public to demonstrate that the drinking water is safe*

An interesting proposal in the new framework is that suppliers will be required to take **all practical steps** to comply with the Drinking Water Standards and to take **all practical steps** to remedy situations when the supplies do not comply. It will not be an offence if supplies do not comply so long as **all practical steps** have been taken. This provision, clearly designed to ease the mandatory nature of the regulations is causing a lot of difficulty for water supply authorities because **all practical steps** is not defined. This Council should seek elaboration of this proposal so that clarity exists for water suppliers

#### 3.2 Compliance Costs

Compliance costs will impact more heavily on the smaller suppliers where there are deficiencies in both water quality, testing and monitoring. Larger supplies, like Christchurch, already meet the current Drinking Water Standards and should only suffer minor increased costs in meeting the proposed new standards.

Note that the framework will not apply to water intended for human consumption from an individual supply which supplies, on average, less than 5m<sup>3</sup> per day or which serves fewer than 25 people unless the water is supplied as part of a commercial or public activity.

### 3.3 **Benefits**

Health and welfare benefits are expected to accrue by lowering the risk of:

- *personal health care costs*
- *decreased quality of life due to disease*
- *in rare cases, death from disease*
- *cost of averting behaviour (buying bottled drinking water and home treatment units)*
- *unpleasant aesthetic qualities (off-taste, foul odour and murky appearance)*
- *loss of public confidence in a essential commodity (p7)*

Financial benefits are anticipated as a result of lowering the following additional risks:

- *loss of productivity and earnings due to illness, absence from work and long-term diminution in intelligence due to exposure of children to lead due to corrosion of fittings*
- *market protection costs where water is an input in activities (for example, food processing)*
- *potential damage to the value of New Zealand products internationally (ie trade sanctions on food) and tourism from the association of a 'clean green' image (p8)*

### 3.4 **Risk Management Plans**

It will be mandatory for all drinking water suppliers to prepare risk management plans that report the results of a specified range of investigations into the nature and security of the supply in question and set out actions to manage the identified risks.

### 3.5 **Monitoring**

A sliding scale of monitoring requirements will be applied depending on community size. For those like Christchurch already following the requirements of the Drinking Water Standards little change in current practice will be necessary.

### 3.6 **Timetable**

A timetable extending over four years has been proposed to ease the burden of compliance as follows. Requirements on Christchurch city are shown in bold italics.

## Implementation of regulatory requirements

Date of commencement (D)	
Ministry of Health timetable	
6 months to produce model documents	D + 0.5 year
1 year to train and accredit HPOs	D + 1.5 year
Commencement of assessment of major, large and medium supplies	D + 1.5 year
Drinking-water suppliers' timetable	
<i>Water suppliers' milestones</i>	
M1 = compliance with current standards	
M2 = continuous monitoring + compliance with tighter turbidity standards	
M3 = adoption of RMP	
Compliance with monitoring and reporting requirements of the Standards	
<b><i>Major, large and medium water suppliers would be expected to comply with the monitoring and reporting requirements of the standards from D</i></b>	[M1]
Minor water suppliers would be expected to comply with the monitoring and reporting requirements of the Standards from D+2 years (255 suppliers, 120 are currently Grade C or below)	[M1]
Small water suppliers would be expected to comply with the monitoring and reporting requirements of the Standards from D+5 years (539 suppliers, 452 are currently Grade C or below)	[M1]
<b><i>Major and large suppliers to comply with tighter standards (Schedule 3 Part 1) D+4 years</i></b>	[M2]
<i>Adoption of risk management plans</i>	
<b><i>1 year for major drinking-water suppliers to adopt risk management plans (19 suppliers)</i></b>	D + 1.5 years [M3]
2 years for major drinking-water suppliers to adopt risk management plans (35 suppliers)	D + 2.5 years [M3]
3.5 years for major drinking-water suppliers to adopt risk management plans (16 suppliers)	D + 4 years [M3]

Note: Small water supplies serve 101–500 people. Minor = 501-5000. Medium = 5001–10,000. Large = 10,001–50,000. **Major** = >50,001.

#### 4. FUNDING OPTIONS

While no assurance is given in the paper that government funding would be available to assist communities faced with major expenditure in order to meet the new regulations a response is sought on the type of assistance that would be favoured and how this should be targeted, eg should low income or small rural communities receive priority etc. Noting that a significant proportion of the benefits of safe drinking water accrue nationally rather than locally the Council should support the proposal that subsidy for capital works needed to achieve compliance should be available.

## 5. SUBMISSIONS

It is recommended that the City Council response should be to:

- (a) welcome the move to create a stronger regulatory framework governing drinking water supplies in New Zealand that addresses the current shortcomings
- (b) agree that this should be progressed, whether or not the water/wastewater services Act idea becomes a reality
- (c) note that the city would only be affected in minor ways by the changed regulatory environment
- (d) suggest that if a capital works subsidy is proposed the method of allocation be based on a group of criteria (nature of the risk, size of population at risk, ability to pay etc)
- (e) the Council should seek elaboration of the **all practical steps** proposition so that there is clarity for suppliers

**Recommendation:** That a response to the paper “Safe drinking water: A paper to local government” be prepared along the lines proposed in this report.