

13. HEALTH (DRINKING WATER) AMENDMENT BILL SUBMISSION

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PURPOSE OF REPORT

1. The purpose of this report is to seek Council endorsement of a submission on the Health (Drinking Water) Amendment Bill.

EXECUTIVE SUMMARY

2. The Bill was introduced to Parliament in late June 2006 and had its first reading in late July. The Bill was referred to the Health Select Committee for consideration and the hearing of public submissions. Submissions are due by 15 September 2006.
3. The Bill would bring in a regulatory scheme in which the current voluntary standards for drinking water would become compulsory. The current voluntary standards are the Ministry of Health Drinking-Water Standards for New Zealand (2000).
4. Overall the City's drinking water supplies conform to current drinking water standards. However, drinking water supplies on Banks Peninsula are anticipated to pose some challenges, particularly if the timetable for compliance in the current Bill is retained when enacted.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The impact of the Bill as proposed is not significant for the City, as the bulk of the proposed requirements are already in place. However, the Bill as proposed is expected to generate a significant workload to ensure compliance for drinking water supplies to the communities in Banks Peninsula. While some of the work necessary to upgrade systems are programmed into the Long-Term Council Community Plan 2006-16 (LTCCP) other work will need to be added either through a variation to the current LTCCP or incorporated into the next LTCCP.
6. Currently, small rural water schemes operated by city councils are excluded from the Drinking Water Assistance Programme.

STAFF RECOMMENDATION

It is recommended that the Council endorse the submission on the Health (Drinking Water) Amendment Bill.

BACKGROUND HEALTH (DRINKING WATER) AMENDMENT BILL SUBMISSION

7. Although the current national drinking water standards have been in place for over two decades, adherence is voluntary. The current voluntary standards are the Ministry of Health Drinking-Water Standards for New Zealand (2000).
8. The Health (Drinking Water) Amendment Bill was introduced in Parliament in late June 2006 with the aim of establishing a risk-based legislative framework for drinking water. The Bill had its first reading on 25 July 2006 and was subsequently referred to the Health Select Committee for consideration and the hearing of public submissions. The closing date for submissions is 15 September 2006.
9. As proposed the Bill would require that drinking water suppliers take all practicable steps to comply with the drinking water standards
10. As proposed the Bill would require that drinking water suppliers:
 - take all practicable steps to comply with the drinking water standards;
 - develop and implement public health risk management plans for their drinking water supplies; and
 - keep records to demonstrate compliance.
11. The Bill would also:
 - require that major ports and airports adhere to the majority of requirements applicable to drinking water suppliers, including compliance with drinking water standards, water quality monitoring, and the implementation of a public health risk management plan;
 - require accredited Ministry of Health assessors to monitor compliance;
 - provide a mechanism for drinking water suppliers to recover costs from installation, monitoring and maintenance of backflow prevention devices; and
 - set up an enforcement system with escalating penalties.
 - Require water tanker operators to also adhere to the principles of the standards and implement public health risk management plans
 - Require territorial authorities to maintain water supply information in the property LIMS database

IMPACT OF PROPOSED BILL

12. For that portion of the Council's drinking water supply within the former City boundaries, the impacts of the Bill are anticipated to be relatively minor, as:
 - that portion of the drinking water supply is compliant with drinking water standards; and
 - a Public Health Risk Management Plan is already in place (the plan is currently being reviewed / updated and is due for completion by the end of 2006).
13. A more significant impact is expected in regards to Banks Peninsula drinking water supplies, as the requirements of the Bill are anticipated to create a substantial workload in order to ensure that rural drinking water supplies on the Peninsula come into and maintain compliance. While there are some funds in the 2007/08 budget for some work on drinking water supplies in Lyttelton, additional funds may be required. Drinking water supplies for Akaroa may provide more challenges given the three-year compliance timetable in the current Bill. Some funding for the improvement of water supplies to meet the drinking water standards was included in the final two years of the LTCCP programme. A Public Health Risk Management Plan for the communities within the Banks Peninsula is currently being prepared and should be complete by the end of 2006.

SUMMARY OF SUBMISSION

14. Staff have prepared a submission on the Bill for the Council's endorsement (see attachment).
15. In general, the Bill is an appropriate means to ensure that drinking water supplies are, and remain, potable.

16. The time frame in which drinking water suppliers must comply with the requirements of the Bill is inadequate, at least for the minor, small and very small drinking water suppliers. Those suppliers that are territorial authorities have generally only recently completed their first complete Long-Term Council Community Plans (LTCCPs). It is likely that most of those authorities with minor, small and/or very small drinking water supplies may not have included these activities in their current LTCCPs.
17. The need for “approval” from the Medical Officer of Health if drinking water is restricted or interrupted for more than eight hours is questioned. It is suggested that the Medical Officer of Health simply be notified under such circumstances.
18. The requirement in the Bill for drinking water suppliers to take all “reasonable steps” to protect drinking water sources needs further clarification. The Council submission suggests that it is not reasonable to expect drinking water suppliers to take actions which are beyond their scope or authority to influence or control.
19. The section on backflow prevention is strongly supported as this is a key element in ensuring protection of drinking water supplies.
20. The requirement to place all information regarding a drinking water supply into a property’s LIM may lead to inaccurate conclusions about the drinking water supplied to a property. The Council submission recommends providing only information of health significance as can be obtained from the drinking water register, should be put into a LIM.