

Notifications required under the *Safe Drinking Water Act 2003*

Drinking Water Regulation Guidance Note No. 7
July 2006

Introduction

Under the *Safe Drinking Water Act 2003* (the Act), the Department of Human Services must be notified of circumstances where drinking water supplied to the public does not comply or is not likely to comply with any relevant water quality standard, or where drinking water is supplied such that it may pose a risk to human health or cause widespread public complaint.

These obligations are set out in sections 18 and 22 of the Act.

This guidance note sets out what officers of a water supplier, water storage manager or council need to do to comply with these sections of the Act.

Section 18 and Section 22 of the *Safe Drinking Water Act 2003*

Section 18

The objective of section 18 of the Act is to alert the Department of Human Services to potential issues in relation to the supply of drinking water that may not comply with specific standards, which may require further investigation or actions.

Under section 18 of the Act a water supplier must notify the Secretary to the Department of Human Services if it becomes aware that the drinking water it is supplying to another person does not comply, or is not likely to comply, with any relevant water quality standard. The water supplier must do so within **ten days** after it becomes aware of the fact.

For the purposes of section 18, 'relevant water quality standard' means the drinking water quality standards specified in regulation 10 (a) and set out in Schedule 2 of the *Safe Drinking Water Regulations 2005* (the Regulations).

A penalty applies to a breach of section 18.

Section 22

The objective of section 22 of the Act is to protect public health.

Under Section 22 (2) of the Act an officer of a water supplier, water storage manager or council must **immediately** report to the Secretary to the

Department of Human Services if the officer believes that water supplied, or to be supplied for drinking purposes:

- (a) may be the cause of an illness; or
- (b) may be the means by which an illness is being, has been or will be, transmitted; or
- (c) may contain any pathogen, substance, chemical or blue-green algae toxin, whether alone or in combination, at levels that may pose a risk to human health; or
- (d) may cause widespread public complaint.

A penalty applies to a breach of section 22 (2).

Provisions of the *Whistleblowers Protection Act 2001* may also apply to a report made under section 22.

Guidance on when Section 18 or Section 22 may apply

Section 18

Section 18 notifications relate to the drinking water quality standards specified in regulation 10 (a) and set out in Schedule 2 of the Regulations. Compliance with the standards is usually determined through samples taken at relevant water sampling points (i.e. customer taps) in accordance with the Regulations.

A water supplier must notify the Department of Human Services under section 18 of the Act when the following happens for any drinking water supplied by it to another person:

- When the rolling annual percentage of samples of drinking water collected in a water sampling locality in any 12 month period that contains no *Escherichia coli* is less than, or is likely to be less than, 98%; or
- When the 95% upper confidence limit of the mean of samples of drinking water collected in any 12 month period in a water sampling locality for turbidity is greater than, or is likely to be greater than, 5.0 NTU; or
- When any chemical listed in Schedule 2 of the Regulations is detected in drinking water at levels that are greater than, or are likely to be greater than, the standard for that chemical specified in Schedule 2.

In the above cases, “likely to be” can be regarded as meaning either that the drinking water supplied in future to another person may not comply with the relevant standard or that the drinking water supplied at the present time is not likely to comply but there is an absence of analytical data.

As compliance with the Schedule 2 standards for *Escherichia coli* and turbidity is based on a rolling 12 month result, a non-compliance for *Escherichia coli* or turbidity can persist in the annual data for many months without a new event.

In these cases, water suppliers must report the non-compliance at the time of the event that leads to the non-compliance but are not required to separately report ongoing non-compliance recorded in the annual data if there is no new event.

In making a section 18 notification, a water supplier may specify the expected duration of non-compliance.

For ease of reference, these requirements are also set out in Attachments 1 and 3 of this guidance note.

Section 22

Section 22 notifications relate to the belief of an officer of a water supplier, water storage manager or a council that the water supplied for drinking purposes may possess the characteristics or cause the events outlined in section 22 (1) of the Act.

Although section 22 notifications may be triggered by the results of drinking water samples (either at customer taps or those taken of any drinking water, such as at the outlet of a treated storage or anywhere within the reticulation system), they may also be triggered by other situations.

These may include breakdowns or failures in the barriers that protect drinking water from contamination, or widespread public complaint, or illnesses within the community that are suspected by the officer to have resulted from the drinking water supplied.

Examples of situations where the Department expects to be notified under section 22 include:

- Failure of one or several of the barriers to contamination or critical control points for that supply system, in such a way that may make the drinking water supplied to consumers the cause of an illness or a risk to health.
- Undisinfected water, that is normally disinfected, being supplied, or which may be supplied, to consumers for drinking.

- Any *Escherichia coli* detection in drinking water that may be supplied to consumers.
- An illness or illnesses that are suspected to have resulted from the drinking water supplied.
- Overdose of a chemical applied in water treatment or disinfection processes, or dosing with contaminated water treatment chemicals, such that the water may pose a risk to health if supplied to consumers.
- Suspected sabotage, vandalism, threat, or extortion bid at any drinking water facility that may affect the quality of drinking water supplied to consumers.
- Widespread public complaint about drinking water quality
- Contamination or potential contamination of drinking water by an accident, spill, algal bloom, wildlife die-off, turbid runoff or contamination from a rainfall event, flood or fire, in such a way that may make drinking water supplied to consumers the cause of an illness or a risk to health if not rectified.
- Any detected chemical, toxin, substance or pathogen in drinking water at a level above a health related guideline value within the Australian Drinking Water Guidelines 2004, or at levels which may pose a risk to human health, either in the short term or the long term.

For ease of reference, summaries of situations where section 22 notifications would apply are provided in Attachments 2 and 3 of this guidance note.

How to notify the Department of Human Services under section 18

The Department has established a protocol whereby a water supplier is deemed to satisfy any obligation to notify the Secretary under section 18 by following the procedures set out below.

Section 18 notifications must be submitted in writing within ten days of the water supplier becoming aware of the fact that it is supplying, or is likely to supply non-complying drinking water.

Section 18 notifications should be submitted using the *“Reporting known or suspected contamination of drinking water or the supply of non-complying water”*.

This form can be obtained from the Department’s drinking water website: www.health.vic.gov.au/environment/water/drinking

or from the Department of Human Services’ Drinking Water Regulatory Section.

Completed forms must be emailed within ten days to:

Assistant Director
Environmental Health
Department of Human Services
Email: water@dhs.vic.gov.au

How the Department will respond to section 18 notifications

When the Department receives a notification under section 18, an officer from the Department will contact the water supplier in the first instance to discuss resolution of the matters raised.

This normally includes aspects such as:

- Examination of monthly drinking water quality reports to highlight any trends
- Discussion of risk management processes

- Establishment of an undertaking between the water supplier and the Department of Human Services

Undertakings are likely to be the most common response initiated as a result of non-compliance with Schedule 2 drinking water quality standards, particularly in cases of on-going non-compliance.

Guidance on undertakings is provided in the *“Applying for an undertaking—Drinking Water Regulation Guidance Note No. 3”*, which is available from the Department’s drinking water website: www.health.vic.gov.au/environment/water/drinking

How to notify the Department of Human Services under section 22

The Department has established a protocol whereby officers of water suppliers, water storage managers or councils are deemed to satisfy any obligation to notify the Secretary under section 22 by following the procedures set out below.

On forming the belief or suspicion regarding the water, the officer of a water supplier, water storage manager or council is required to **immediately** contact an officer within the Department of Human Services via one or more of the following means:

During business hours:
Phone 1300 761 874

If there is no response on the above phone number, or if the notification is to be made outside business hours, ring the Department of Human Services public health emergency pager number on 1300 790 733 (24 hour service). When contacting the pager, the caller should specify that the call relates to a drinking water event under the *Safe Drinking Water Act*, and should provide their name, the name of their organisation, and a contact phone number. The caller

will subsequently be contacted promptly by an on-call Department of Human Services officer.

Within 24 hours of the initial verbal notification, officers of water suppliers, water storage managers and councils are required to provide written notice to the Department through the submission of the *“Reporting known or suspected contamination of drinking water or the supply of non-complying water”* form.

Forms are to be emailed to:
Assistant Director
Environmental Health
Department of Human Services
Email: water@dhs.vic.gov.au

This form can be obtained from the Department’s drinking water website: www.health.vic.gov.au/environment/water/drinking

How the Department will respond to section 22 notifications

When the Department receives a notification under section 22, an officer will discuss the matter with the person who made the notification, in the first instance to, seek further information about the incident.

Reporting the incident or suspicion immediately to the Department will allow informed decisions to be made on any necessary public health response. This may include the implementation of a temporary boil water notice, the provision of an alternative supply, the provision of health based assessments by the Department or the co-ordination of any wider incident response.

Further information

Further information is available from the Department’s Environmental Health Unit, on:
Phone: 1300 761 874
Email: water@dhs.vic.gov.au

Attachment 1

Quick reference guide for section 18 notifications under the *Safe Drinking Water Act 2003*

Situations where section 18 notifications would apply:

A water supplier must notify the Department of Human Services under **section 18** of the Act within ten days of when the following happens for any drinking water supplied by it to another person:

- When the rolling annual percentage of samples of drinking water collected in a water sampling locality in any 12 month period that contains no *Escherichia coli* is less than, or is likely to be less than, 98%, or
- When the 95% upper confidence limit of the mean of samples of drinking water collected in a water sampling locality in any 12 month period for turbidity is greater than, or is likely to be greater than, 5.0 NTU, or
- When any chemical listed in Schedule 2 of the Regulations is detected in drinking water at levels that are greater than, or are likely to be greater than, the standard for that chemical specified in Schedule 2.

Procedures for notifying the Department of Human Services under section 18:

Water suppliers must complete a “*Reporting known or suspected contamination of drinking water or the supply of non-complying water*” form and submit it to the Department within **10 days** of becoming aware of the fact that they are supplying, or are likely to supply non-complying drinking water.

Forms are to be emailed to:

Assistant Director
Environmental Health
Department of Human Services
Email: water@dhs.vic.gov.au

Forms are available from:

Website: www.health.vic.gov.au/environment/water/drinking

Attachment 2

Quick reference guide for section 22 notifications under the *Safe Drinking Water Act 2003*

Situations where section 22 notifications would apply:

Examples of situations where the Department expects to be notified under section 22 include:

- Failure of one or several of the barriers to contamination or critical control points for that supply system, in such a way that may make the drinking water supplied to consumers the cause of an illness or a risk to health.
- Undisinfected water that is normally disinfected being supplied, or which may be supplied, to consumers for drinking.
- Any *Escherichia coli* detection in drinking water that may be supplied to consumers.
- An illness or illnesses that are suspected to have resulted from the drinking water supplied.
- Overdose of a chemical applied in water treatment or disinfection processes, or dosing with contaminated water treatment chemicals, such that the water may pose a risk to health if supplied to consumers.
- Suspected sabotage, vandalism, threat, or extortion bid at any drinking water facility that may affect the quality of drinking water supplied to consumers.
- Widespread public complaint about drinking water quality
- Contamination or potential contamination of drinking water by an accident, spill, algal bloom, wildlife die-off, turbid runoff or contamination from a major rainfall event, flood or fire, in such a way that may make drinking water supplied to consumers the cause of an illness or a risk to health if not rectified.
- Any detected chemical, toxin, substance or pathogen in drinking water at a level above a health related guideline value within the Australian Drinking Water Guidelines 2004, or at levels which may pose a risk to human health, either in the short term or the long term

Procedures for notifying the Department of Human Services under section 22:

Verbal notification:

On forming the belief or suspicion regarding the water, an officer of a water supplier, water storage manager or council is required to **immediately** notify an officer within the Department of Human Services via one or more of the following means:

During business hours: Phone 1300 761 874

If there is no response on the above phone number, or if the notification is to be made outside business hours, ring:
Department of Human Services public health **emergency pager number: Phone 1300 790 733** (24 hour service)

When contacting the pager, the caller should specify that the call relates to drinking water under the *Safe Drinking Water Act*, and should provide their name, the name of their organisation, and a contact phone number. The caller will subsequently be contacted promptly by an on-call Department of Human Services officer.

Written notification:

Within 24 hours of the initial verbal notification, officers are required to provide written notice to the Department through the submission of the "*Reporting known or suspected contamination of drinking water or the supply of non-complying water*" form.

Forms are to be emailed to:

Assistant Director
Environmental Health
Email: water@dhs.vic.gov.au

Forms are available from:

Website: www.health.vic.gov.au/environment/water/drinking

Attachment 3

Section 18 and section 22 notifications for Schedule 2 parameters

In some circumstances, notifications may be necessary under both section 18 and section 22 of the *Safe Drinking Water Act 2003* for the parameters specified in Schedule 2 of the *Safe Drinking Water Regulations 2005*, as outlined in the table below.

Schedule 2 parameter	Section 22 notification required?	Section 18 notification required?
<i>Escherichia coli</i>	YES Immediately if <i>Escherichia coli</i> is detected in drinking water supplied to consumers	YES When the rolling annual percentage of samples of drinking water collected in any 12 month period that contains no <i>Escherichia coli</i> drops below or is likely to drop below 98%.*
Turbidity	YES Immediately if turbidity levels in the drinking water, even if less than 5.0 NTU, lead the water supplier or water storage manager to believe that the water supplied may pose a risk to human health, may cause widespread public complaint, or may be the means by which an illness is being, has been or will be transmitted.	YES When the 95% upper confidence limit of the mean of samples of drinking water collected in any 12 month period for turbidity is greater than, or is likely to be greater than 5.0 NTU.*
Aluminium	YES Immediately if aluminium concentrations in the drinking water lead the water supplier or water storage manager to believe that the water supplied may pose a risk to human health, may cause widespread public complaint, or may be the means by which an illness is being, has been or will be transmitted.	YES When detected in drinking water supplied to consumers at concentrations that are greater than, or are likely to be greater than, 0.2 mg/L.
Chloroacetic acid Dichloroacetic acid Trichloroacetic acid Trihalomethanes Bromate Formaldehyde	YES Immediately if concentrations of these parameters in the drinking water exceed the corresponding Schedule 2 standards set out in the <i>Safe Drinking Water Regulations 2005</i> .	

* As compliance with the Schedule 2 standards for *Escherichia coli* and turbidity is based on a rolling 12 month result, a non-compliance for *Escherichia coli* or turbidity can persist in the annual data for many months without a new event. In these cases, water suppliers must report the non-compliance at the time of the event that leads to the non-compliance but are not required to separately report ongoing non-compliance recorded in the annual data if there is no new event.

Note: In the above cases, “likely to be” can be regarded as meaning either that the drinking water supplied in future to another person may not comply with the relevant standard or that the drinking water supplied at the present time is not likely to comply but there is an absence of analytical data.