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**Enquiries To:** Dr Robert Considine



**Barwon  
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October 25, 2004

Brian Labza  
Public Health Group  
Department of Human Services  
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Dear Brian,

**Re: Safe Drinking Water Regulations 2004 - Submission**

Thank you for the opportunity to provide a submission on the Safe Drinking Water Regulations 2004 and the accompanying Regulatory Impact Statement. Our submission reflects Barwon Water's operations as a statutory authority responsible for the security and quality of water supplied to more than 250,000 permanent residents throughout the City of Greater Geelong, Surf Coast and Colac Otway Shires, Borough of Queenscliffe and parts of Golden Plains Shire.

Barwon Water supports the principles of risk management, uniform standards, reporting transparency and auditing of the Safe Drinking Water Act 2003, and the regulations are viewed as an important tool for enabling water businesses to comply with the Act. Barwon Water's support for these principles is evidenced by the preparation of a drinking water quality risk management plan, annual drinking water quality reports, and attainment of external HACCP accreditation for the harvesting, treatment and distribution of drinking water.

Barwon Water is also regulated by the Essential Services Commission (ESC) and has submitted a three year Water Plan covering the regulatory period from 1 July 2005 to 30 June 2008. While the proposed regulations are not anticipated to impact significantly on the Water Plan, it is important to note that if significant costs are incurred during the implementation of the proposed regulations (eg: determination of water sampling localities and water sampling points) then these costs will need to be resolved with the ESC.

Barwon Water submits the following comments on the draft Regulations with recommendations underlined.



### **Regulation 4 & 5 – Water sampling localities and points**

These regulations will require Barwon Water to develop a monitoring program for the standards in schedule 2 of the regulations for each water sampling locality.

Water sampling localities and points have been in place at Barwon Water for many years, predominantly based on the Australian Drinking Water Guidelines (sections 9.6.2-3 of the 2002 draft), and coincidentally regulation 4 (2) and 4 (4). Barwon Water recommends regulations 4 & 5 both be amended to require the Secretary to consult with the water supplier in determining the boundaries and locations of water sampling localities and points respectively.

### **Regulation 6 – Risk management plan**

The regulation specifies the content of risk management plans.

In order to maximise staff familiarity with risk management plans and comply with Barwon Water's externally certified quality, occupational health & safety and environmental management systems, Barwon Water's existing drinking water quality risk management plan is integrated with these other corporate systems and documentation. For example, emergency management is documented in corporate manuals, corporate risk registers are used to document hazards and control measures, and corrective actions are recorded in a corporate improvements database. Barwon Water recommends the regulation be amended such that a risk management plan must *reference* the matters in regulations 6 (1) & (2) not necessarily *contain* all the matters.

### **Regulation 10 – Drinking water quality standards**

The regulation specifies the quality standards that drinking water must meet.

The regulation 10 (c) refers to "such amounts that **may** pose a risk to human health." Barwon Water believes that use of the word *may* is inappropriate in that it opens the door to speculative argument, rather than objective consideration of whether there is actually a proven risk. Barwon Water also has concerns about the definition of *human health* in so far as the term could be applied to 100 percent of the population, regardless of an individual person's medical susceptibility to water-borne pathogens. A definition that encompasses a general community standard rather than one which could include extreme cases is to be preferred. Barwon Water recommends that a definition of human health be provided in the regulations, scoped towards the health of the general public, and that the word 'may' be deleted from the wording of regulation 10 (c).

### **Regulation 11 – Frequency of sampling in drinking water**

The regulation will require Barwon Water to monitor in accordance with Schedule 2 of the regulations.

For *Escherichia coli* and turbidity the frequencies listed in Schedule 2 correlate with the frequencies that are deemed to be necessary to manage drinking water quality risks, and Barwon Water supports these frequencies.

For the chemical-based standards (chlorine, ozone, and aluminium) prescriptive sampling frequencies are not consistent with a risk management approach where sampling frequency is normally commensurate with the risk. If a particular treatment technology is not used (eg ozonation) then it is very unlikely that associated treatment by-products (such as bromate and formaldehyde) will be present in the water. Barwon Water recommends an alternative approach where prescriptive sampling frequencies only apply for those water sampling localities where the chemicals to be sampled are likely to be used in water treatment applicable to that locality.

### **Regulation 13 – Accreditation of water analysts**

The regulation specifies the criteria for analysts to be accredited.

Regulation (4) b does not require the analyst be employed by a person or body that operates a laboratory that is accredited by NATA specifically in the water quality standards. The wording of the regulation may result in analysts working in laboratories not accredited in the testing methodology for the standards, which in turn may reduce the reliability of the results. Barwon Water recommends the regulation be amended to read “the person is employed by a person or laboratory that is accredited by NATA to conduct analysis of, and report on, samples of water tested for the water quality standards listed in schedule 2.”

### **Regulation 15 – Additional details to be included in annual reports**

The regulation specifies the content of annual reports, including (d) information about action taken in respect of each emergency, incident or event.

It is unclear as to what circumstances are required to be reported by regulation 15 (d), and it may result in a lack of consistency in reporting across the water industry. Barwon Water recommends the regulation be amended such that only emergencies that required regulatory intervention need be reported.

### **Schedule 2 – Drinking water quality standards**

The schedule specifies the drinking water quality standards for *Escherichia coli* and chemical based standards.

The *Escherichia coli* standard is not consistent with the Australian Drinking Water Guideline and the current laboratory reporting methodology. Barwon Water recommends that the *Escherichia coli* standard be expressed per 100 mL.

The timeframe over which standards are assessed is unclear for chemical based standards, and for ease of assessment and reporting, should be assessed at the end of each calendar month (rather than at any time). Barwon Water recommends that the following phrase be inserted “assessed over a rolling 12 month period, calendar month by calendar month” to every standard in column 3.

Yours sincerely,



Carl Bicknell  
Executive Manager Water Systems