

22 October 2004

Safe Drinking Water Regulations 2004 - Submission
Mr Brian Labza
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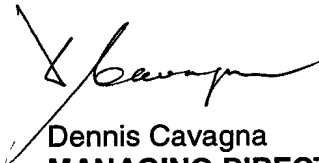
Dear Brian

Safe Drinking Water Regulations 2004 - Submission

Thank you for your letter of 24 November 2003 attaching a draft copy of the drafting instructions for the proposed Safe Drinking Water Regulations for comment. Please find attached a copy of South East Water's submission in relation to the proposed Regulations.

If you would like to discuss any of the matters raised in the attachment please contact Greg Ryan on 9552 3548.

Yours sincerely



Dennis Cavagna
MANAGING DIRECTOR

COMMENT ON THE DRAFT SAFE DRINKING WATER REGULATIONS 2004

South East Water would like to place on record our appreciation of the consultative approach that has been taken by the Department of Human Services in the development of these regulations. We support the risk management approach being adopted by the Department as expressed in the Regulatory Impact Statement (RIS) for the Regulations.

During their development the regulations have consistently followed the principles of the Australian Drinking Water Guidelines (ADWG), which have been produced by the National Health and Medical Research Council, and represent the thinking of the peak bodies responsible for drinking water quality in Australia. However, we would like to express our concern that the current Exposure Draft for Safe Drinking Water Regulations has a number of significant deviations from the ADWG document, which are inconsistent with sensible risk management of drinking water.

Specifically, we do not support the following three components of the Exposure Draft for Safe Drinking Water Regulations:

- Sample numbers for performance assessment (frequency) - the table in Schedule 2 indicates the frequency of sampling for *E. coli* and turbidity to be 1 sample per week for each water sampling locality (or water quality zone). This would lead to 52 samples per year in each locality. It could be argued that such monitoring does not provide adequate verification of the risk management plan and therefore little confirmation that public health is being protected. The ADWG uses population serviced in a zone as the basis for determining sample numbers, particularly for microbiological organisms. At least this is a risk management approach whereas the draft Schedule 2 table only has a numerical target as its basis.
- Standard performance period – a time period for assessing performance of each parameter is only given for *E.coli*. It is suggested that the same apply for the other 8 parameters.
- Standards - the requirement to monitor for all nine parameters in Schedule 2 regardless of treatment type is considered excessive and is not based on risk. The monitoring of particular parameters, such as the ozone-based chemicals should be related to water treatment type. The ADWG, which is based on a widespread review of the literature, indicates that these chemicals arise from the process used in the treatment of drinking water and that if the process concerned e.g. ozone-based disinfection, is not used then there is no risk from these chemicals.

The requirement to undertake monitoring for all chemicals will impose a significant additional cost on monitoring, which was not included in the original cost assessments conducted by DHS, but are detailed below.

The RIS is quite clear on this issue, under Section 8.1, discussion is given on the reason for reducing the number of proposed water quality standards from 38 to the current 9. The reasoning was '... many of the substances in question were unlikely to be found in Victorian water supplies at levels that approached a health related guideline value.... Thus the benefits of conducting testing on such a scale were regarded as clearly quite small in relation to these costs'.

Further to this, under 9.2, on page 42, the parameters that were selected for inclusion was '...those which water businesses have very direct control, since they would in cases have introduced the substances in question or products that generated the substances to the drinking water'. This philosophy has not been consistently applied in the drafting of the current version of the regulations.

In addition we have the following specific comments about the Exposure Draft for Safe Drinking Water Regulations:

Regulation section	Comment
Regulation 3. Definitions	Hazard – should be defined as a <i>‘biological, chemical, physical or radiological agent with potential to cause harm’</i>
Regulation 5 Water Sampling Points Clause 2(a)	Could be better phrased as: <i>‘should not be greater than a number reasonably necessary to ensure that the samples of drinking water collected ...</i>
Clause 2(b)	The number 100 is arbitrary, it would be better if the number was linked to population, as per the ADWG. This could be done through referencing a table in an appendix to the regulation. Alternatively this clause could be removed.
Regulation 6(1)	Regarding the wording <i>‘a risk management plan must contain the following matters’</i> , South East Water would prefer the expression <i>‘a risk management plan must provide reference to the following matters’</i> . The current wording implies that the RMP must contain all of the following matters, whereas our current plan provides reference to other relevant documents in order to minimise administration when changes in dates, and documentation occur.
Regulation 6 (2) (a)	<i>“the risk to human health that arises from the presence in water of-“</i> It is recommended that this be changed to <i>“the risk to human health that arises from the presence in drinking water”</i> .
Regulation 13. Accreditation of water analysts	This section should state that the registered analyst must undertake their analysis in a NATA registered laboratory.
Regulation 13. New sub regulation proposed	The metropolitan water businesses have experienced that inconsistencies in test methods and sampling techniques have lead to significant variations in test results. A new sub regulation should be included after sub regulation 13 to ensure that test methods are accredited Therefore it is suggested a new sub regulation following sub regulation 13: <i>“A laboratory must apply to the Secretary for test methods and equipment to be accredited to conduct an analysis of samples of drinking water collected to determine compliance with the Standards outlined in Table 2 of these Regulations.”</i>

Regulation 13 (8)	Add the word 'to' - ' <i>A person is not <u>to</u> be prohibited....</i> '
Regulation 15. Additional details to be included in annual reports of water suppliers or water storage managers Clause (d)	Clarification should be given such that only emergencies, incidents or events that require regulatory intervention need to be published.
Schedule of Standards (page 27) - general	<p>The testing requirements for certain water quality parameters has changed, with South East Water being required to monitor for additional parameters that are considered inappropriate from a risk management viewpoint (testing for ozone based chemicals when we do not treat with ozone).</p> <p>The estimated increase in costs for testing 30 water quality zones on 12 occasions per year will be: Bromate360 No x \$ 150 = ...\$54,000..... Formaldehydecombined with bromate cost..... Total additional cost of monitoring for these two parameters.....\$54,000..... NB: this cost was not included in previous regulatory impact assessments concerning these regulations.</p>
Schedule of Standards (page 27) - general	The wording relating to tests for chemical parameters should indicate that whether they are tested should be determined by the type of water treatment, and a table be provided indicating what chemicals should be tested for given water treatment types.
Schedule of Standards (page 27) – <i>E.coli</i>	<ul style="list-style-type: none"> • There is a need to include a table indicating monitoring frequency. • The wording in Column 3 should be '<i>contain no E. coli per 100ml</i>' i.e. define the volume analysed.
Schedule of Standards (page 27) – all chemicals and turbidity	Column 3 – need to specify the period over which parameters are required to be reported i.e. ' <i>all samples of drinking water collected in any 12 month period</i> '
Regulatory impact statement	Page 40. Table 6 needs to reconcile with the text on page39 paragraph 1 – \$67.8M vs 68.2M