

In June 2008, the Ombudsman issued Special Report No. 32, *Fit to Drink: Challenges in Providing Safe Drinking Water in British Columbia*. The investigation focused on the following:

- questions, concerns, and complaints about drinking water, including section 29 investigations and section 39.1 requests for reconsideration and review under the *Drinking Water Protection Act*
- public advisories and notices, including boil water advisories and turbidity advisories
- monitoring and enforcement, including standards, sampling frequency, inspections, remedial action, and enforcement
- issues affecting small water systems, including private water utilities, amalgamation, small system operator training, and certification

The investigation dealt with eight government authorities: the five regional health authorities, the Provincial Health Officer, the Ministry of Health and the Ministry of the Environment. The Ombudsman issued 32 recommendations to the authorities involved, with various timelines for implementation.

Since the issuing of the report, the Ministry of Health has been succeeded by the Ministry of Health Services and the Ministry of Healthy Living and Sport. Responsibility for water safety falls into the Ministry of Healthy Living and Sport's portfolio and so follow-up on the recommendations to the Ministry of Health will be directed to that ministry.

Recommendation 1.1

The regional health authorities, the Ministry of Health and the provincial health officer develop accessible, understandable and consistent written policies on receiving and responding to drinking water complaints and make these publicly accessible, by December 1, 2008.

Each of the seven authorities this recommendation was addressed to have provided us with a links to their current complaints policies.

Ministry of Health	http://www.hls.gov.bc.ca/protect/dwcomplaints.html
Provincial Health Officer	http://www.health.gov.bc.ca/pho/
Fraser Health Authority	http://www.healthspace.ca/clients/fha/fha_website.nsf/ennv-frameset
Interior	http://www.interiorhealth.ca/health-and-

Health Authority	safety.aspx?id=538
Northern Health Authority	The Northern Health Authority has posted some information on how to make a complaint on their website: http://www.northernhealth.ca/your_health/Programs/Public_Health_Protection/DrinkingWaterSafety.asp A complete policy is available from the Northern Health Authority on request.
Vancouver Coastal Health Authority	http://www.vch.ca/environmental/drinking/index.htm
Vancouver Island Health Authority	http://www.viha.ca/mho/environment/water_quality/

New as of December 4, 2009

Recommendation 1.2

The IHA, NHA, VCHA, VIHA, Ministry of Health and the provincial health officer develop systems to electronically record and track drinking water complaints and generate reports, by June 1, 2009.

The Health Protection Branch of the Ministry of Healthy Living and Sport developed and implemented an electronic system currently in use by the drinking water program and by the Office of the Provincial Health Officer. The system tracks types of calls, nature of concerns, locations, agencies involved, and outcomes. It is searchable, and can summarize data to produce reports.

Based on the information we have received about the electronic system from the ministry, we are satisfied this recommendation has been adequately implemented.

We are currently waiting for updates from IHA, NHA, VCHA and VIHA on their implementation of this recommendation.

Recommendation 2

The Ministry of Health provide clarification to the regional health authorities about the application of section 29 of the DWPA, including setting out the type of information the regional health authorities might reasonably require in order to make a decision, by September 1, 2008.

The Ministry of Healthy Living and Sport completed this recommendation and has posted its response on the Health Protection website:

<http://www.hls.gov.bc.ca/protect/dwpublications.html>

Recommendation 3

The regional health authorities develop written material informing people of the right to request an investigation under section 29 of the DWPA and the type of information to include with a request and make this information available to the public on their websites and in printed brochures, by December 1, 2008.

Each of the five regional health authorities provided a link to the section of their website containing this information.

Fraser Health Authority	http://www.healthspace.ca/clients/fha/fha_website.nsf/env-frameset
Interior Health Authority	http://www.interiorhealth.ca/health-and-safety.aspx?id=6256
Northern Health Authority	The Northern Health Authority website does not include information on s. 29 investigations. A complete policy is available from the Northern Health Authority on request.
Vancouver Coastal Health Authority	http://www.vch.ca/environmental/drinking/index.htm
Vancouver Island Health Authority	http://www.viha.ca/mho/environment/water_quality/

Recommendation 4

The regional health authorities have a system in place to electronically track requests for section 29 investigations by December 1, 2008. The regional health authorities also identify and track requests that cannot be actioned.

Each of the five regional health authorities has indicated that they are now able to electronically track requests for section 29 investigations. However, none have indicates that they are able to track requests they receive that cannot be auctioned.

New info as of December 4, 2009

Recommendation 10

The Ministry of Health and the regional health authorities establish a standard for issuing turbidity advisories that is consistent across the province by December 1, 2008.

The initial timeline for the implementation of Recommendation 10 of December 1, 2008 was not met. We are pleased to report that since our last update, significant progress has been made on this issue. We received notice from the Health Protection Branch of the Ministry in April 2009 that a consensus was reached between the regional health authorities and the ministry, regarding a consistent approach to issuing turbidity advisories.

Based on the documentation we have received and on our correspondences with the authorities, we are satisfied with the authorities' compliance on this issue. The authorities must make this written policy publicly accessible as per the subsequent recommendation.

New info as of Dec. 4, 2009

Recommendation 11

FHA, NHA, VCHA and VIHA develop a written policy on turbidity that is publicly accessible, by December 1, 2008.

At the time of our last update (March 2009), two of the four regional health authorities to whom this recommendation was addressed provided us with links to the policies on their respective websites. As of April 2009, a consensus was reached on developing a standardized approach to turbidity advisories among the ministry and the health authorities.

Currently, of the regional health authorities, only the Vancouver Coastal Health Authority appears to have posted this newly established written policy on their website. This information can be accessed at the following public link:

http://www.vch.ca/environmental/docs/water/increased_turbidity.pdf

We are following-up with the authorities to confirm a written policy on turbidity is publicly accessible, and that the previously posted policies are in accordance with the new standardised policy.

Recommendation 13.1

The Ministry of Health, FHA and NHA establish adequate procedures to ensure that people with compromised or weakened immune systems are notified about the potential health risks associated with drinking water, by December 1, 2008.

Ministry of Health	The Ministry of Healthy Living and Sport has established procedures to inform the public through 3 sources: physicians, publicly available health information, and the health authorities. Physicians will be educated on the risks to those with compromised or weakened immune systems through the BC College of Physicians and Surgeons' publication, through the BC Medical Journal and through the Ministry's Chronic Care Guidelines. Public sources of health information to be updated include the BC Nurse Line, the BC Health Guide on Line and the Ministry's Health Files.
Fraser Health Authority	http://www.healthspace.ca/clients/fha/fha_website.nsf/env-frameset
Northern Health Authority	Although they have completed a draft policy, Northern Health is waiting to finalise the document until the new Drinking Water Officers' Guide is released.

The Office of the Ombudsman will continue to report on responses to the recommendations in this report.

By June 1, 2009 the following recommendations were to be implemented:

New as of Dec. 4, 2009
Recommendation 17

The Ministry of Health and the provincial health officer work together to develop initiatives to support an increase in the number of approved laboratories in areas where water suppliers currently face unreasonable barriers to the cost-effective and timely transportation of water samples for bacteriological analysis, by June 1, 2009.

We received notice from the Ministry of Healthy Living and Sport that progress has been made in this area, although our initial timeline was not met. The ministry collaborated with BC Centre for Disease Control Laboratory Services (BCCDC) and Provincial Health Services Authority Laboratories to determine appropriate solutions to the regional challenges faced by many small systems in B.C. The ministry is investigating the feasibility of the following options:

- Providing subsidization or incentives for non-approved laboratories to seek approval of the Provincial Health Officer

- BC Centre for Disease Control Laboratory Services implementing additional satellite labs in areas that are currently under-serviced
- Amending legislation to enable water suppliers to conduct on-site testing

The ministry and the BCCSC continue to assess the viability of these options, in an effort to determine the most viable option for the specific challenges faced by BC systems.

We are currently waiting for the results of the ongoing investigation.

New as of Dec. 4, 2009

Recommendation 18

The regional health authorities develop systems to track and publicly report water sampling data including the list of substances tested for, how frequently the sampling is carried out, and test results. Test results should be promptly posted on the health authorities' websites, by June 1, 2009.

The Fraser Health Authority implemented this recommendation, as of June 2009. The FHA has established a system for testing water samples. Every water utility in a municipality or region is listed. Respective water reports include information regarding substances tested for (e.g., e-coli, etc.), the substance levels found, where the water was tested (e.g., a business or public facility), and precisely when the test occurred. The link to this information is:

http://www.healthspace.ca/Clients/FHA/FHA_Website.nsf/Env-Frameset.

We are currently waiting for updates from IHA, NHA, VCHA and VIHA on implementation of this recommendation.

New as of Dec. 4, 2009

Recommendation 19

The Ministry of Health reassess whether to adopt additional mandatory drinking water standards, by June 1, 2009.

We received an update from the Ministry of Healthy Living and Sport on their progress in this area in June 2009. The Health Protection Branch has reassessed whether to adopt certain tenets of the *Guidelines for Canadian Drinking Water Quality* as mandatory requirements for B.C.'s water systems. The Health Protection Branch has decided it is not necessary at this time to require all water providers to test for all parameters. The Ministry of Healthy Living and Sport has, however, decided to develop a testing decision process in

the form of a risk decision tree, to select the relevant parameters for a specific water source. The risk decision tree has not yet been finalized by the ministry.

New as of Dec. 4, 2009
Recommendation 22

FHA, IHA, VCHA, and VIHA post the results of water sampling on their websites.

We received notice from Fraser Health Authority in June 2009 that they are posting the results of water sampling in all facilities on their website.

The information is available at <http://www.healthspace.ca/fha>

The information can be found on the this website under Environment Health Services → Drinking Water → Facilities and Inspections.

FHA appears to be the only health authority that has posted this information thus far. We are currently waiting for updates from IHA, NHA, VCHA and VIHA on implementation of this recommendation.

New as of Dec. 4, 2009
Recommendation 28

The comptroller of water rights take practical steps to ensure that it receives timely notifications of the dissolution of water utilities such as using QP LegalEze to search for water utilities that have been dissolved or that have been issued notices of intent to dissolve, by June 1, 2009.

We received noticed from the Water Stewardship Division of the Ministry of Environment that a corporate registry for all regulated water utilities was completed in January 2009, using BC Online. The system monitors the dissolution of water utilities so that the Comptroller of Water Rights will be automatically notified if the dissolution of any water utility occurs. The ministry has informed us that from this point on, utilities will be monitored on an annual basis, to identify those that are not in good standing or have been issued a notice of intent to dissolve, so that follow-up action can be taken prior to dissolution.

We are satisfied this recommendation has been implemented.

New as of Dec. 4, 2009
Recommendation 29.1

The Comptroller of Water Rights have a system in place that enables it to monitor whether reporting requirements are being met by water utilities and take enforcement action when necessary, by June 1, 2009.

In June 2009, the Ministry of Environment informed us that an auditing system has been established, and that a new financial advisor was appointed in November 2008, to undertake a financial review of the regulated water utilities. The auditing system is able to monitor reporting requirements and other actions of water utilities, and follow up on issues that arise in reports, delinquencies, and shortfalls in financial requirements.

We are satisfied this recommendation has been implemented.

New as of Dec. 4, 2009

Recommendation 29.2

The Ministry of Environment review the Water Utilities Act and the Utilities Commission Act to ensure that they provide sufficient authority for the ministry to enforce compliance with reporting requirements.

Subsequent to a review of the relevant legislation, the Comptroller of Water Rights found that no changes are necessary to the *Water Utility Act (WUA)* or the *Utilities Commission Act (UCA)*, since, in the opinion of the Comptroller, the legislation provides sufficient authority for the Comptroller of Water Rights to enforce compliance with reporting requirements. The ministry noted that in addition to appealing to certain sections of the *Utilities Commission Act* in order to enforce compliance, it can also utilize last-resort avenues such as withholding fund reserves, or implementing a rate increase until reporting compliance is achieved, and that these are avenues that have been effective in past cases of non-compliance.

New as of Dec. 4, 2009

Recommendation 30

The Ministry of Health take the necessary action to ensure that concerns (regarding Environmental Operators Certification Program- EOCP) are addressed and that the training and certification processes interface effectively.

We received an update from the Ministry of Healthy Living and Sport regarding their progress in this area in June 2009. The ministry provided funding through the Health Protection Branch for the following purposes: to evaluate and ensure standardization of all operator training in the province; to provide direction to agencies providing operator training; to establish standards that are consistent with other jurisdictions; to promote new training opportunities; and to make advancements to EOCP's data-handling system.

As well, the EOCP provided the Health Protection Branch with a work plan highlighting their commitments in order to achieve this objective. This included ensuring courses meet established standards, through the creation and

promotion of a training registry program, and participation in a Canadian certifiers initiative. These initiatives have the aim of recognizing the qualifications of regulated professionals across Canadian jurisdictions and improving the quality of, and their access to, their information system.

The ministry has indicated it is continuing to track the progress of EOCP on these initiatives. We are satisfied with the work of the ministry in this area.

Our office's report also included recommendations that did not have specific deadlines for implementation. We continue to track and monitor the progress of the implementation of these recommendations.