



May 29, 2005

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Water Policy Branch - Quality Improvement Section
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EBR Registry Number: RA05E0004

Dear Mr. Uza;

Although we understand the need to amend certain portions of Regulation 170 in advance of the upcoming deadline to begin testing, we have serious concerns over the shortened comment period and the unclear presentation of the information in the EBR posting. As a result, the following comments may not completely address all concerns arising out of the proposed changes.

The posting did not clearly indicate that draft regulations were available for review: the draft regulation was included as a hyperlink under *Additional Material in Support of This Notice*. Many of our past concerns have related, at least in part, to confusing regulatory language and problems surrounding definitions. We only became aware that the draft regulations were available for review when alerted by another organization, and there are undoubtedly many who are still unaware that these drafts were posted. Our ability to fully review and comment on the proposed regulations has been seriously limited by both the shortened comment period and the late realization that the draft regulations could be reviewed.

The proposed amendments have failed to address several immediate and pressing concerns of the tourism industry. These concerns were previously communicated to both ministry staff and the advisory panel. The use of “more than 5 service connections” to exclude systems from the definition of non-municipal non-residential system seems to be arbitrary and unnecessary. We have seen no evidence that a small campground represents a greater risk than a cottage resort, yet these systems are subject to a doubled testing frequency.

More significantly, these systems are not permitted to post as untested. Many small campgrounds have provided untreated water for showers etc. for many years. It is common practice for guests to bring drinking water from elsewhere, and we have a large number of letters on file from guests of these establishments. These clients have urged that treated and tested water not be made mandatory, since they are not willing to pay higher fees for a service they do not want.

If this regulation is left unchanged, a large number of campgrounds will likely be forced to either disconnect their water systems or close entirely.

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We therefore urge that the provisions surrounding testing frequency and ability to post as untested that are in place for non-municipal non-residential systems be extended to operators of non-municipal seasonal residential systems. Alternatively, the reference to “more than 5 service connections” could be removed from the definition, allowing these systems to be classified as non-municipal non-residential.

We also continue to have serious concern over the ability of private testing labs to provide the necessary services in a cost effective manner. In the past week, we have received reports of testing cost estimates ranging from \$18 to more than \$800! In addition, serious problems with the availability and cost of transportation of samples exist over much of northern Ontario. It appears that the shortened comment period and general lack of information about these proposals among a number of testing laboratories has lead to incorrect information being communicated to water system operators.

Clearly, the necessary infrastructure is not yet in place in many parts of the province for small water system operators to begin testing. We urge that local health units be immediately given responsibility for microbiological testing, and that appropriate fees be established. Local sample drop-off points and appropriate shipping arrangements are also needed.

We very much look forward to the development of a new regulatory structure that transfers authority to health units, as recommended by the advisory panel. Although we appreciate that the current proposals are only interim changes, we believe that the changes suggested above are essential to prevent serious disruption to business operations.

We therefore urge that:

- Non-Municipal Season Residential and Small Non-Municipal Non-Residential systems be treated identically with respect to monthly testing frequency and the ability to post as non-tested.
- Testing responsibility be immediately delegated to local health units and appropriate fee structures and sample drop off points be established.

Sincerely,

Doug Reynolds
Executive Director

cc. NOTO Board of Directors