

July 2nd, 2021

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Public Works

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Re: ERO 019-3513 Proposed amendments to drinking water operator certification regulation to address impacts of emergencies

Dear Mr. Chisholm:

Thank you for providing us the opportunity to comment on ERO 019-3513 - Proposed amendments to drinking water operator and water quality analyst certification regulation (O.Reg. 128/04) to address impacts of emergencies. The following represent comments from the Region of Peel staff.

Proposed Emergency-related Amendments

Regional staff is overall supportive of the proposed changes. It is great to see that the Ministry is introducing an acceptable level or low risk deviation from regulatory requirements in an emergency.

Operator Certification and Training

Section 3: Provide the ministry director with the authority to: a) extend the expiry date of a water operator's and water quality analyst's certificate for up to 12 months if needed to help facilities focus on emergency response. b) Postpone completion of mandatory training.

Extension to certificate expiry date is welcomed, and Regional staff recommends for the associated training plan to be made more flexible or phased in to further alleviate administrative or logistical burdens on the system owner and operator in situation where training vendors may be affected by the emergency or business demands related to emergency recovery remain high.

Regional staff also recommends that the Ministry considers the type and duration of the emergency when automatic extensions are applied. This may include an ability to include extensions in blocks of time. Also, depending on the nature of the emergency, extension should be applied to emergency response phase **and** emergency recovery.

The provision to postpone the mandatory Ministry course required with certificate renewal is appreciated. With various learning methods existing (in-person, via correspondence or online course), availability of this mandatory, 7-hour (0.7CEU) training; however, has not been deemed an issue during the COVID-19 emergency.

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With bulk of required training hours to qualify for certificate renewal, Regional staff recommends adjustment to reduce the required hours of all training, should an emergency be hindering either the availability of courses or ability for operators to attend training sessions resulting from business needs in response to the emergency.

Drawing from experience on response to COVID-19 pandemic, the prescribed format of the on-the-job (OTJ) training has essentially been non-existent in 2020, when in-person learning method was put on hold and on-line or virtual method unavailable. This created demand for staff having to register for Ministry Director-approved CEU courses to satisfy training requirements, which adds to financial and time related burden.

An extension of operator certificate expiry, although helpful in the first year of the emergency, should have also been considered for the second year, as significant training impacts were anticipated and realized (larger deficit of training hours) in the second year of the pandemic.

Further, the Region recognized that transition to virtual learning method was not effective for all types of in-classroom courses and complete move to the on-line learning structure does potentially affect the skill and knowledge building objective for water operators.

Learning is a key part of work. At the Region of Peel, informal learning experiences are invaluable and become integrated into new knowledge, and together with formal or prescribed training form a comprehensive water operator training program framework. It is recommended that the Ministry considers a continuous informal learning environment into the criteria of water certificate renewal training requirement, especially during an emergency.

Temporary Employment of Substitute Personnel

Section 4: Allow owners to temporarily employ certain knowledgeable, experienced but non-certified personnel to operate a drinking water subsystem to help ensure its continuity of operations in emergency situations.

In general, the ability to tap into resources outside of the certified operators employed at the water subsystems is helpful in ensuring business continuity, when shortage of staff is experienced.

The Region is in support of availability of options for temporary substitute personnel with the following feedback:

Licensed Engineering Practitioners (e.g. P.Eng.)

- This suggests that the entire professional engineering community may be able to temporarily step in to operate a water subsystem. It is therefore suggested to specify disciplines of engineering that may be most suitable to cover certified operator duties and responsibilities.

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Persons who held an operator's certificate within the last 5 years (e.g. retired operators)

- Option of drawing from a pool of previously certified personnel is a valuable option with long term experience and knowledge bringing support where it is most required. It may be appropriate to confirm and specify that temporarily recruited personnel does not need to be a prior employee if type and class of certification align with that of the system to be operated.
- A question comes up around the rationale on the Ministry selecting a 5-year mark for those previously holding operator certificate. Although the number of suitable persons would be greater with 5-year period, based on the certificate renewal cycle, which encompasses a mandatory water operator training requirement, a 3-year cycle would seem more appropriate.

Certified Engineering Technologists (CET)/Technicians with at least 3 years of experience working in the type of water system to be operated and Maintenance or technical support staff who have at least 5 years of experience relating to the operation of the water subsystem

- Conditions for temporary employment presented for maintenance or technical support staff do not align with those listed for CET or Technicians, where minimum 3 years of experience working in water/wastewater system is expected. It is unclear as to why CET or Technicians could not rely on related experience in water subsystems.

It is important for the Ministry to clarify that temporary substitute personnel will have the ability to operate the water subsystem under direction from the certified operator, OIC and ORO, which does not explicitly require over the shoulder supervision.

Additionally, Regional staff advocates that the owners/operating authorities of water subsystem use their discretion to allocate temporary substitute personnel (regardless of their role in the organization) with capabilities and competencies necessary to achieve maximum impact in positions and areas where those capabilities are most needed.

If substitute staff are required to operate water subsystems, owners are required to notify the Ministry within one day after the first-time temporary staff are scheduled to operate and submit to the Ministry a report including information about the temporarily employed staff, their qualifications, responsibilities assigned, and duties performed.

Regional staff recommends that more detail on notification to the Ministry would be required to know whether notification is expected one day after the first time temporary staff are scheduled to operate for each person or would a temporary coverage plan satisfy this condition, where a number of staff are temporarily employed.

Proposed Administrative/Housekeeping Amendments

The Region is in support of updating the legislation to revoke reference that is outdated and not in force.

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Proposed Strikeout and lock-out Related Amendments

The Region deems the plan for strike and lock-out request process to be formalized and clarified to allow a temporary exemption from water operator certification requirements a positive change. This supports and encourages collaboration between the Ministry and the system owner/operating authority to ensure operational continuity when strike or lock-out is inevitable. Confirmation of 14 days referring to 14 calendar days would be recommended.

Regional staff recommends that criteria for strike and lock-out plan approval be included to clearly justify why the Ministry would reject a plan.

Other Comments

Regional staff sees the opening of the regulation (O.Reg. 128/04) to incorporate the proposed amendments as an opportunity for the Ministry to include other changes from feedback received over the years on water operator duties as they relate to particularity of operating water treatment and distribution subsystems.

The Region recommends consideration be given to better define and include in the regulations:

- the roles, responsibilities, and expectations of OIC and ORO designations
 - direct and related experience to upgrade class certificate to ensure consistency in how experience is gained and documented
 - tracking of operator experience
 - on-the-job-courses criteria and CEU Director approval process
 - Ontario Drinking Water Operator Code Ethics component
- and all other requirements that are currently supporting operator certification program in an instructive manner, in form of Ministry guidelines, with little legislative consequence and varied interpretation.

Alternatively, reference to the guidelines can be made in the regulation if the Ministry's expectation is for all water operators and subsystems they are employed in, carry out the requirements as prescribed.

Thank you for the opportunity to comment on the proposed amendments to water operator certification regulation. If you have any questions, please contact Justyna Burkiewicz, Manager, Water and Wastewater Regulatory Compliance at 905-791-7800 ext. 4494 or justyna.burkiewicz@peelregion.ca.

Sincerely,



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