

July 2nd, 2021

Neil Chisholm
Client Services and Permissions Branch
135 St. Clair Ave. West, 8th Floor
Toronto, ON
M4V 1P5

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

Re: ERO 019-3515 Proposed amendments to wastewater operator licensing regulation to address impacts of emergencies

Dear Mr. Chisholm:

Thank you for providing us the opportunity to comment on ERO 019-3515 - Proposed amendments to wastewater operator licensing regulation (O.Reg.129/04) 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 Licensing and Training

Section 3: Provide the ministry director with the authority to: a) extend the expiry date of a wastewater operator's licence for up to 12 months if needed to help facilities focus on emergency response.

Extension to licence expiry date is welcomed, and Regional staff recommends for the associated training plan 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.

Drawing from experience on response to COVID-19 pandemic, formal on-the-job (OTJ) training was significantly scaled back 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 look for other methods of learning, sometimes less effective than through an established training program.

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.

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

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 wastewater operator training program framework. It is recommended that the Ministry keeps a continuous informal learning environment as part of the criteria of wastewater licence renewal training requirement.

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

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.

Section 5: Provide flexibility in terms of when wastewater operators need to complete training to meet their annual training requirements.

Allowing wastewater operators **to complete 120 hours of training at any time over a period of three (3) calendar years** if unable to complete the required 40 hours of training each calendar year due to emergency is a positive change. It relaxes the stringency of training requirement cap of each calendar year and allows to spread the total numbers of hours per renewal cycle of 3 years, which indeed aligns with water operator training schedule.

It is unclear; however, why would this provision be only in effect when staff are unable to complete required hours of training due to an emergency. If adopted, having to manage two training requirement models (during normal and emergency situations), not only will be confusing but create compounded administrative burden for operators and municipalities to track time and training for licence renewal needs.

To align wastewater training framework with that in water, Regional staff recommends for the Ministry to apply this training structure at any time, during normal and emergency operating conditions.

Clarification is also required around wastewater operator licence renewal, as it is unclear if 40-hours of training in a calendar year for regular 3-year renewal cycle (120 hours in total) would be averaged to include time applied for extension under emergency.

Temporary Employment of Substitute Personnel

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

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

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 wastewater facility. It is therefore suggested to specify branches of engineering that may be most suitable to cover licensed operator duties and responsibilities.

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

- Option of drawing from a pool of previously licensed 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 licence align with that of the facility to be operated.
- A question comes up around the rationale on the Ministry selecting a 5-year mark for those previously holding operator licence. Although the number of accepted persons would be greater with 5-year period, based on the licence renewal cycle, 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 wastewater facility to be operated and Maintenance or technical support staff who have at least 5 years of experience relating to the operation of the wastewater facility

- 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 wastewater facility is expected. It is unclear as to why CET or Technicians could not rely on related experience in wastewater facilities.

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 wastewater systems, 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.

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

Proposed Administrative Amendments

Section 1: Harmonize the circumstances in which the ministry director may revoke or suspend a drinking water operator's certificate or wastewater operator's licence.

This change is positive as alignment of revocation or suspension of wastewater licence conditions with those in water certification offers consistency and places wastewater at par with drinking water. It elevates the significance of wastewater operator competency and highlights adherence to standard practices, and where risks to public health and the natural environment result from the operator's conduct, the consequence is clearly defined.

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 wastewater operator licensing requirements. This supports and encourages collaboration between the Ministry and the system owner/operating agency to ensure operational continuity when strike or lock-out is inevitable. Confirmation of 14 days referring to 14 calendar days is 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. 129/04) to incorporate the proposed amendments as an opportunity for the Ministry to incorporate other changes from feedback received over the years on wastewater operator duties as they relate to particularity of operating wastewater treatment and collection facilities.

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 licence to ensure consistency in how experience is gained and documented
- tracking of operator experience
- on-the-job-courses criteria

and all other requirements that are currently supporting operator certification/licensing 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 wastewater operators and facilities they are employed in, carry out the requirements as prescribed.

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

Thank you for the opportunity to comment on the proposed amendments to wastewater operator licensing 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,



Anthony Parente, P.Eng.
General Manager, Water and Wastewater Divisions
Public Works
Region of Peel