



June 28, 2021

Neil Chisholm
Certification Officer
Certification and Licensing Programs Office
Program Management Branch
Environmental Policy Division
Ministry of Environment, Conservation and Parks
40 St. Clair Avenue West, 3rd Floor
Toronto ON M4V 1M2

Dear Mr. Chisholm:

RE: York Region Response – ERO 019-3513 – Proposed Amendments to Drinking Water Operator and Water Quality Analyst Certification Regulation to Address Impacts of Emergencies

York Region thanks the Province for consulting municipalities on *proposed amendments to drinking water operator and water quality analyst certification regulation to address impacts of emergencies* (proposed amendments). Region staff welcome proposed amendments that provide greater flexibility for operating authorities in emergency situations. This letter outlines key comments and recommendations from York Region staff.

Remove limits on extension of operator certificates during an emergency

Extending operator licenses to 12 months is appreciated but more needs to be done to address the overall challenge. Operator licenses should be extended as many times as required during an emergency. As COVID-19 has demonstrated, emergencies can extend far beyond 12 months and depending on the severity of the emergency, training may not be able to be completed during that time. There is limited risk associated with allowing operators to continue to delay training and renew their licenses during an emergency as limited changes to a system are anticipated during an emergency. The priority should be certified operators performing these duties rather than alternate staff. In addition, this will help ensure licenses are renewed in a staggered manner to avoid overwhelming operators, ministry staff, and administrators.

Provide drinking water system owners flexibility to optimize available staff based on transferrable skills during an emergency

Emergencies are exceptional situations and owners of drinking water systems need to have flexibility to optimize available staff. It is recommended that the regulation maximize the available options by:

- Reducing experience requirements under the proposed regulation for Certified Engineering Technologists and Technicians to one year as they have a code of ethics similar to a Professional Engineer
- Reduce experience requirements for manager, maintenance, or technical support personnel to one year working within the subsystem
- Permit the owner of drinking water system to redeploy staff based on transferrable skills to perform duties not directly related to system operations, for example, assembling fly squads for managing chemicals within the system

In many cases, staff identified above have similar training and knowledge of Ministry of Labour requirements as many operators, for example, confined space, fall arrest, etc. that is required for effective system operations. System owners are in the best position to determine which staff can effectively fulfill these roles so the proposed years of experience limitations under the regulation should be minimized. The municipality's appointed ORO or OIC will ensure that testing and sample collection is performed by staff with appropriate training. System owners are required to meet their standard of care requirements and are incentivized to ensure competent staff are operating the system.

Clarify liability for drinking water system operations during an emergency under the regulation

In emergency situations, there will likely be questions related to liability in managing the system. For example, Professional Engineers or Certified Engineering Technologists will need to know what their liability is so they can conduct themselves as required under their professional code of ethics. Region staff have received differing interpretations from MECP staff regarding who has liability and for what within the system. It is recommended that either the regulation or a Ministry guideline clearly identify liability for non-certified operators that are operating a drinking water system and where overall liability resides within the drinking water system structure. Establishing predictable and consistent interpretation of requirements will provide clarity for system owners and operators, along with reducing burden on ministry staff.

Permit exams for Class 1-4 operators to be administered remotely to reduce the need for alternate staff

York Region has experienced continued challenges with class 1-4 operator certification exams during the COVID-19 pandemic. With operator exams still being required to be administered in person it has created challenges for certification of staff and for municipalities to increase their pool of certified operators and replace retiring operators. Colleges and universities have successfully moved their examination to an online format, yet this has not been addressed for water operators after more than 15 months. It is strongly recommended that the Province work with its examination partners to accelerate moving exams to an online format, in line with modernization initiatives from the Treasury Board Secretariat.

If you have questions regarding this response or would like to further discuss recommendations, please contact Julie O'Donnell, Program Manager, Business Improvement at Julie.ODonnell@york.ca .

Sincerely,

Original signed by Virgjil Turtulli, for

Elizabeth Weir
Director, Operations, Maintenance and Monitoring (A), Environmental Services, York Region

Copy to: Valerie Capalbo, Manager, Certification and Licensing Office, Ministry of Environment, Conservation and Parks
Leo Luong, Director, Program Management Branch, Ministry of Environment, Conservation and Parks

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