

June 30, 2021

Neil Chisholm
Certification and Licensing Programs Office
Ministry of Environment, Conservation and Parks
40 St. Clair Avenue West, 3rd floor
Toronto, ON
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Canada

Dear Mr. Chisholm,

Thank you for the opportunity to comment on the proposed amendments to water and wastewater operator licensing regulation to address impacts of emergencies (ERO No.019-3515 and ERO No. 019-3513). These comments are submitted on behalf of the Regional Public Works Commissioners of Ontario.

1. *Are there any other types of issues or challenges faced by owners or operators of water/wastewater facilities related to emergencies, or the aftermath of emergencies, that you would also want to be addressed through the proposed amendments? If so, please explain the issues and ideas for addressing them, if the proposed amendments would not do so.*
 - a) Hours of work are normally embedded in collective agreements and are very difficult to change, some wording that was utilized during the pandemic to give owners the ability to change shifts/working hours would be extremely helpful.
 - b) Cancelling vacations etc. From O. Reg. 75/20:
 - (iii) changing the scheduling of work or shift assignments;
 - (iv) deferring or cancelling vacations, absences and other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise

2. Are there any other types of exceptional situations that should trigger the use of the proposed emergency related provisions by the ministry director, or by the owner of a facility?

- a) Unexpected loss of qualified operators that would impede the operation of the system
- b) Further clarification would be helpful in the case where a local emergency is declared by the Mayor of the municipality. In this case, clarifying the proposed process defined by the MECP to enact the emergency declaration process would be beneficial for a locally declared emergency.

3. Questions on Proposed Emergency Related Amendment 4, i.e. Allowing substitute personnel to temporarily operate a facility:

a. Are you supportive of the proposal to allow knowledgeable, non-licensed personnel to temporarily operate a water or wastewater facility if needed to maintain the safe continuity of operations in an emergency? For example, if a disease outbreak were to cause a critical shortage of licensed operators at a water or wastewater facility due to illness and quarantine requirements.

A) Yes.

b. Do you agree with the proposed list of types of substitute personnel that could be employed to operate a water or wastewater facility in an emergency?

A) Yes

c. Do you agree that the condition requiring a Certified Engineering Technician or Certified Engineering Technologist have at least 3 years' experience working in a facility is appropriate given the qualifications for these designations?

A) No. While some experience is necessary, it should be left up to the owner to determine the appropriate level of experience. The regulation could make it a requirement that owners stipulate the necessary experience through their DWQMS operating manual to ensure that due consideration has been given.

d. Do you agree that the condition requiring a manager, or maintenance or technical support personnel, to have at least 5 years' experience working in a facility is appropriate?

A) No – as above, regulation could make it a requirement that owners stipulate the necessary experience through their DWQMS operating manual to ensure that due consideration has been given.

e. If operators of a wastewater facility work in a unionized setting, is there a possibility that the proposed amendments to permit the use of temporary personnel in an emergency would conflict with any aspect of a collective agreement? If so, would these conflicts prevent owners from readily being able to employ non-licensed substitute personnel temporarily to operate a wastewater facility in an emergency if needed? Please explain.

A) Collective agreements vary from municipality to municipality. Some RPWCO members have indicated that they have already negotiated similar conditions into their collective agreements. Others have indicated that there will absolutely be a conflict, that without authority by regulation to override the proposed provisions, most unionized work areas would not be able to employ the proposed tactics.

4. Do you agree that the 14-day deadline for the initial submission of the strike-plan is reasonable? If not, should the proposed number of days be increased or decreased?

A) It is not that the proposed number of days should be increased or decreased. It is the timing of the requirement. Municipalities typically do not have time during the 17 day period between a no-board notice and a strike deadline to prepare contingency plans. This time is dominated by preparations for the strike, including training non-union workers to undertake specific responsibilities. It is preferable that the regulation require that a strike contingency plan be in place before a no-board notice, which would cover at a minimum a 2 week strike. The regulation could stipulate that adjustments to the plan would have to be made in writing after the first two weeks of strike.

4. *Questions on temporary substitute personnel in relation to drinking water testing. Please refer to Proposed Emergency Related Amendment 4 above and Schedules 7 and 8 of O. Reg. 170/03 for context:*

a. To ensure that drinking water testing is conducted properly during emergency situations, would it be reasonable to stipulate that the only types of substitute personnel who could act in the place of a certified operator for the purposes of conducting or supervising drinking water testing would be licensed engineering practitioners (e.g. Professional Engineers) or people who previously held an operator's certificate within the last 5 years (e.g. retired operators)? Or do you think that, in emergencies, substitute personnel other than Professional Engineers and retired operators should be able to act temporarily in the place of certified operators when it comes to drinking water testing? Please explain.

A) In emergencies, substitute personnel other than Professional Engineers and retired operators should be able to act temporarily in the place of certified operators when it comes to drinking water testing. Owners should use their best judgement with regard to the staff who are qualified and trained to undertake such testing.

If you have any questions regarding the above comments, please contact Nicola Crawhall at nicola.crawhall@rogers.com.

Thank you once again for the opportunity to provide comments.

Sincerely,

Original signed by

Kealy Dedman

Chair, Regional Public Works Commissioners of Ontario and
Commissioner, Public Works, Regional Municipality of Peel