

**Professional Engineers
Ontario**

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Fax: 416/314-3918
(Original via mail)

Yousry Hamdy, Senior Industrial Specialist
Water Policy Branch
Ministry of the Environment
135 St. Clair Avenue West, 6th Floor
Toronto, ON M4V 1P5

Re: EBR Registry Number RA03E0001

Dear Mr. Hamdy:

Professional Engineers Ontario (PEO), the licensing and regulating body for professional engineers and engineering in Ontario, appreciates the opportunity to comment on the proposed *Drinking Water Protection Regulation* under the *Safe Drinking Water Act, 2002*, which has been reviewed by members of our Environment Committee.

Comments

1. Sections 4, 5 and 6 of the draft Regulation, referring to design approvals, exemption from the regulations, and appraisal of minimum applicable treatment standards, all require engineering evaluation and reporting. The identified tasks in these sections are definitely within the practice of professional engineering. PEO appreciates that the Ministry has noted this from our previous submissions and stipulated that a professional engineer must provide these reports.

However, PEO has identified some items of concern within these sections, and makes the following recommendations:

Schedule 6-1

Subsection (1)(iv) should be revised to read: "a report prepared by either a Professional Engineer or Professional Geoscientist with experience in hydrogeology, assessing the aquifer, the well, the well head protection and the impact of existing and anticipated land uses,".

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As written, the regulation refers simply to “hydrogeologist”, which is not a defined term in any licensing statute. Anyone, including well drillers, can and do refer to themselves as hydrogeologists. The Regulation should refer to a licensed professional, in order to ensure the requisite level of accountability for those making the judgments required by this subsection.

Schedule 6-2

Subsection (2)(a) should be revised to read: “the Engineer has requested and to the best of his or her knowledge has received all information in the possession of the applicable local health unit and the municipality that relates to the drinking-water system or its raw water supply; and,”.

This revision is necessary because the Engineer cannot confirm that others have done what is expected of them, specifically provided all relevant documents. The Engineer can only be asked to do whatever is reasonable to check that all available documents have been provided.

Subsection (2)(b) should be revised to read: “the Engineer has consulted with the Medical Officer of Health and the Medical Officer of Health has advised the Engineer in writing that he or she is unaware at present of any related health issues or potentially water-borne illnesses that might be associated with the system or its raw water supply.”.

PEO believes that a diligent engineer would as a matter of course ask to be provided this advice in writing, so the Regulation should be written in such a way that the MOH is compelled to provide it in this format.

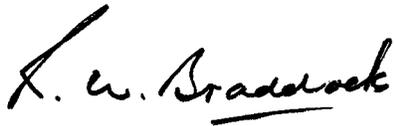
2. Sections 7, 8 and 9 of the draft Regulation refer to operational issues. These sections describe who should be responsible for operating particular plants and what tasks they are required to undertake. Although none of the required tasks appears to be within the practice of professional engineering, the creation of these operational plans requires technical expertise and engineering judgment. For this reason, PEO recommends that they be signed-off by professional engineers.
3. Section 11 of the draft Regulation describes prescribed measures for corrective action. Since these measures are prescribed, there is no engineering judgment involved. They therefore do not represent activities within the practice of professional engineering.

4. PEO has no comment on the remaining sections of the draft Regulation.

PEO hopes these comments are useful to the further development of the draft Regulation, and we welcome the opportunity to remain involved in advising the Ministry in areas relating to the licensing of professional engineers and regulation of engineering.

Should you have any questions about this submission, please contact Johnny Zuccon, P.Eng., Director, Professional Affairs, at (416) 224-9528, ext. 401.

Yours sincerely,

A handwritten signature in black ink that reads "R. W. Braddock". The signature is written in a cursive style with a horizontal line underlining the name.

Richard W. Braddock, P.Eng.
President

RWB/be

Copies: PEO Environment Committee
Ontario Society of Professional Engineers
Consulting Engineers of Ontario
Association of Professional Geoscientists of Ontario