

10 May 2024

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Kia ora

**DCC SUBMISSION ON RULES SETTING LOCAL GOVERNMENT PERFORMANCE MEASURES –
PROPOSED AMENDMENTS TO SAFETY OF DRINKING WATER MEASURE**

- 1 The Dunedin City Council (DCC) thanks the Department of Internal Affairs (DIA) for the opportunity to provide feedback on the proposed technical amendment to the non-financial performance measure for safety of drinking water.
- 2 The DCC supports the updating of the drinking water safety measure to align it with the New Zealand's new drinking water regulatory system set out in:
 - a) the Water Services Act 2021 (WSA 2021);
 - b) the Water Services (Drinking Water Standards for New Zealand) Regulations 2022 (DWS 2022); and
 - c) the Drinking Water Quality Assurance Rules 2022 (DWQAR 2022).
- 3 However, the DCC is concerned that the proposed amendments reduce the scope of the measure to an extent that councils' reporting on the measure may not provide meaningful performance information. This may mean the measure does not achieve its purpose of enabling the public to compare the level of service provided by different local authorities.
- 4 The DCC recommends that the DIA:
 - a) reviews the scope of the amended measure and consults with council drinking water suppliers and the wider water industry on a range of scope options; and
 - b) amends the name of the measure to 'safety of drinking water (microbiological)' or similar.

Scope of the current drinking water safety measure

- 5 As set out in the DIA consultation document, the current drinking water safety measure requires councils to report *“the extent to which the local authority’s drinking water supplies comply with:*
 - (a) part 4 of the drinking-water standards (bacteria compliance criteria), and*
 - (b) part 5 of the drinking-water standards (protozoal compliance criteria).”*
- 6 The drinking-water standards referred to in the current measure are the Drinking-water Standards for New Zealand 2005 (old DWSNZ). The old DWSNZ were repealed and replaced in 2022.
- 7 Part 4 (bacterial compliance criteria) and part 5 (protozoal compliance criteria) of the old DWSNZ included both:
 - a) compliance rules (eg requirements to undertake water quality monitoring and requirements to monitor the performance of water treatment processes); and
 - b) standards (eg limits – in the form of Maximum Acceptable Values (MAV) – for specified determinands in drinking water).
- 8 Therefore, councils’ reporting on compliance with part 4 and part 5 of the old DWSNZ reflects both:
 - a) The extent to which drinking water supplied by the council met the required standards (ie. specified determinands did not exceed the MAV); and
 - b) The extent to which the council complied with the requirements of the relevant compliance rules to monitor both drinking water quality and the performance of the water treatment processes the council relied upon to produce safe and compliant drinking water.

Scope of the proposed (amended) drinking water safety measure

- 9 As set out in the consultation document, the proposed amendment will replace the references to the old DWSNZ with references to the equivalent standards in the DWS 2022.
- 10 As a result, the amended measure would require councils to report *“the extent to which the local authority’s drinking water supplies complies with Table 1 of the Water Services (Drinking Water Standards for New Zealand) Regulations 2022:*
 - (a) Determinand – Escherichia coli*
 - (b) Determinand – Total pathogenic protozoa*
- 11 Under New Zealand’s new drinking water regulatory system, drinking water compliance rules and standards are set out in two separate documents:
 - a) Standards are set out in the DWS 2022
 - b) Compliance rules are set out in the DWQAR 2022.

- 12 As explained above, councils' reporting on the current measure reflects both the extent to which the drinking water supplied by the council met the required standards for drinking water quality, *and* the extent to which the council complied with the requirements of the relevant compliance rules to monitor both drinking water quality and the performance of water treatment processes.
- 13 Therefore, the proposed amendments to the measure would substantially narrow the scope of the information reported by councils. This is because the measure refers only to standards (DWS 2022) and does not include any reference to the requirements of the relevant compliance rules (DWQAR 2022).
- 14 Furthermore, in relation to part (b) of the proposed measure, the DCC notes that the DWQAR 2022 do not require drinking water suppliers to monitor total pathogenic protozoa in drinking water. Rather, drinking water suppliers must demonstrate compliance with protozoal compliance rules and standards by monitoring the performance of particular water treatment processes (such as filtration or UV disinfection). As a result, the DCC expects few, if any, councils will hold drinking water quality monitoring data that could evidence whether or not their drinking water complies with the MAV for total pathogenic protozoa.

Analysis and DCC recommendations

- 15 The DCC is concerned that the narrow scope of the proposed measure means it may not achieve its purpose, which is to enable the public to compare the level of service provided by different local authorities. In particular, the DCC considers it is very unlikely there will be any variation between different councils' reporting on part (b) of the measure.
- 16 The narrowed scope of the measure does have advantages in that it would simplify reporting against the measure for councils, and it is possible this has been considered as part of preparing the proposed amendments. However, we do not know what considerations were made in formulating the proposed amendments as the DIA consultation document does not present the options considered and the rationale for selecting the preferred option.
- 17 To achieve the purpose of providing useful information for the public, the DCC recommends that DIA reviews the scope of the proposed amended measure. The scope of the proposed measure could be broadened by incorporating reference to relevant parts of the DWQAR 2022. The DCC recommends the DIA consults with council drinking water suppliers and the wider water industry on a range of scope options for this measure.

DCC recommendation 1

Review the scope of the amended drinking water safety measure and consult with council drinking water suppliers and the wider water industry on a range of scope options.

- 18 The objective of this DCC recommendation is to ensure that the amended performance measure for drinking water safety enables the public to compare the level of service provided by different local authorities.

- 19 The DCC is aware that the DWQAR 2022 contains different rule modules for different sizes of drinking water supplies, and a mixture of monitoring rules and assurance rules. Similarly, within the rule modules for large supplies, there are different treatment rules that apply depending on the treatment process used by the supplier.
- 20 This means the measure would need to allow for councils to report against only those rules within the DWQAR 2022 that are relevant to their drinking water supplies. The DCC suggests that for large drinking water supplies, this could potentially be formulated along the following lines: *"the extent to which the local authority's drinking water supplies complies with:*
- (a) Determinand – Escherichia coli (per Table 1 of the Water Services (Drinking Water Standards for New Zealand) Regulations 2022)*
 - (b) Determinand – Total pathogenic protozoa (per Table 1 of the Water Services (Drinking Water Standards for New Zealand) Regulations 2022)*
 - (c) the T3 monitoring rules relevant to the supply (per DWQAR 2022 section 4.10.1 - T3 bacterial rules)*
 - (d) the T3 monitoring rules relevant to the supply (per DWQAR 2022 section 4.10.2 - T3 protozoal rules)*
 - (e) rule D3.19 and either D3.20 or D3.25 (per DWQAR 2022 section 4.11.4 – D3 Residual Disinfection Rules)*
 - (f) rule D3.29 (per DWQAR 2022 section 4.11.5 – D3 Microbiological Monitoring Rules)*
- 21 The DCC also notes that the current measure and the proposed amended measure only refer to microbiological determinands as indicators of drinking water safety. However, there are other organic and inorganic determinands covered in the DWS 2022 and DWQAR 2022 that may, if found in drinking water, indicate drinking water is unsafe. These include plumbosolvent metals, disinfection by-products and cyanotoxins. The DCC recommends that the DIA amends the name of the measure to 'safety of drinking water (microbiological)' or similar, to promote accurate understanding among the public of the scope of information provided by reporting on the measure.

DCC recommendation 2

Amend the name of the measure to 'safety of drinking water (microbiological)' or similar.

Nāku noa, nā



Councillor Jim O'Malley

CHAIR, INFRASTRUCTURE SERVICES COMMITTEE