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4 October 2011

Murray Gibb
Chief Executive
Water New Zealand
Po Box 1316
WELLINGTON

Ref. No _____

PH26-04-2

Dear Murray

Rural Agricultural Drinking-water Standards

Thank you for your letter of 5 September 2011 enquiring about preparation of the Rural Agricultural Drinking-water Standards (RADWS) which is provided for in the Health Act 1956 (as amended in 2007).

As stated in your letter, with the three year extension of time for water suppliers to take all practicable steps to comply with the *Drinking-water Standards for New Zealand* (the Standards) which was announced by the Government in 2009, compliance with the RADWS was deferred till 1 July 2016 or the date on which the Standards are amended to include them, whichever is the later.

As you know, the three year extension of time for compliance was to allow (among other things) for a review of the drinking-water legislation, including an evaluation of the costs and benefits of complying with the Standards.

As you have noted the assessment of costs and benefits has been completed and we are pleased to be able to advise that the Minister of Health has now agreed that the Ministry may resume work on the preparation of a draft RADWS for public consultation. The consultation process is currently set out in section 69P of the Health Act 1956 and must be carried out over a period of three years. The Ministry therefore considers that the possible timeframe for getting the RADWS in place might be:

- draft RADWS prepared and approved for public consultation – June 2012
- three year consultation required by the Act – ends June 2015
- amendments to draft RADWS following consultation – December 2015
- final RADWS incorporated into the Standards – March 2016

The three year consultation time frame required by the Act will cause a very drawn out process. Should the Act be amended to reduce the consultation period required, then the above time frames could be reduced accordingly.

In regard to the specific questions you have asked, the Minister and the Ministry had received previous correspondence from water supply managers with the same questions. Attached to this letter is a copy of the relevant parts of the replies from

the Minister to those questions that were raised. I can not add further to what the Minister has already advised drinking water managers.

The Ministry will also be developing guidance for water suppliers on what it means to take all practicable steps, including assessing whether compliance is affordable.

Thank you for your interest and support, and we look forward to working with Water New Zealand on these projects.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sally', with a stylized flourish underneath.

Sally Gilbert
Manager
Environmental and Border Health

Response to similar questions from Councils relating to the RADWS

The current *Drinking Water Standards for New Zealand 2005 (revised 2008)* only apply to reticulated drinking water supplies. Water from a supply that is treated at or within a building falls, instead, under the Building Act 2004. The local council is responsible for ensuring potable water continues to be available in the house.

The Health Act 1956 was amended in 2007 by the insertion (among other things) of a provision for a new class of drinking-water supply called a rural agricultural drinking-water supply. This is a supply from which 75 percent or more of the water supplied is used for agriculture, and which does not include any towns with more than 50 people on the supply. The Act provides for the development of a rural agricultural drinking-water standard by 1 July 2016 at the earliest. It is intended that preparation of this standard will include consideration of point of entry (POE) treatment systems. This work needs to await the result of the review of drinking-water legislation currently being carried out.

POE systems are not comparable in safety to centrally treated systems. This is due to the difficulty in ensuring that all POE devices are working and providing safe drinking water at any time. For this reason the Ministry does not recommend their use if a centrally treated system can be provided.

The answers to the Council's questions about the nature and level of compliance monitoring that will be required for POE systems will depend on the rural agricultural drinking-water supply standard's final form. If included in the Standards, it is likely that suppliers will need to demonstrate that the POE system selected is capable of treating the water suitably, and that householders are aware that water being supplied to the building is not potable. Management of POE systems would probably be the responsibility of councils under the Building Act. Councils would probably be expected to ensure monitoring, operation, and maintenance of the systems is in accord with the manufacturers' recommendations. Guidelines could be prepared to cover recommended monitoring and checks, but these would most likely be outside the Standards, and may need to vary depending on the systems installed.

As the Council notes, capital assistance funding offered through the Ministry was put on hold to new applications last year pending a review of the Drinking Water Capital Assistance Programme. As part of the review, the Government has asked for a cost benefit analysis of compliance with the Standards. This requires engineering costings to be undertaken, and these have been significantly delayed by a slow response from some councils in providing information.

Ministry of Health officials agree with Council staff that operating costs of POE systems are likely to be significantly higher than centralised treatment options.

After the full cost benefit analysis is finished, policy work can be completed on the review of the drinking-water subsidy criteria. Although it is not possible to give an exact date, I am advised that the review and subsequent advice will take several months to complete.