



Mr Adam Wilson
Chief Executive Officer
Essential Services Commission of South Australia
GPO Box 2605
ADELAIDE SA 5001

Office of the Chief Executive

Citi Centre Building
11 Hindmarsh Square
Adelaide SA 5000

PO Box 287, Rundle Mall
Adelaide SA 5000
DX 243

Tel (08) 8226 0795
Fax (08) 8226 0720

ABN 97 643 356 590
www.sahealth.sa.gov.au

Dear Mr Wilson

RE: SA WATER REGULATORY DETERMINATION 2016: ADVICE ON SA WATER'S REGULATORY BUSINESS PROPOSAL MEETING SA HEALTH REQUIREMENTS

Thank you for your letter of 6 October 2015 about SA Water's Regulatory Business Proposal 2016 (RBP2016) and whether it demonstrates that SA Water proposes to meet regulatory obligations to SA Health.

Your letter seeks formal advice on a number of matters and this is provided below.

"Has SA Water engaged with your organization in preparing its RBP 2016 to understand the regulatory obligations set by your agency? Have you been satisfied with this level of engagement?"

There was no specific engagement on RPB 2016. However, SA Water and SA Health have a strong history of close cooperation and collaboration on meeting the shared aims of protecting public health by delivering safe drinking water, sewerage and recycled water services. This is supported by a joint Memorandum of Administrative Agreement and regular interagency meetings at both officer and managerial levels. SA Health is satisfied with the commitment and practices of SA Water in meeting regulatory obligations to SA Health. This has been maintained over a long period of time and has served South Australia well in delivering safe drinking water and sanitation services.

"Does RBP 2016 adequately and appropriately capture and describe the nature, scope and incidence of the regulatory obligation set by your organization? Has SA Water proposed to exceed any minimum requirements you have set?"

SA Health is satisfied that SA Water understands the relevant regulatory obligations which are primarily defined in the *Safe Drinking Water Act 2011*, *Safe Drinking Water Regulations 2012* and the *South Australian Public Health (Wastewater) Regulations 2013*. The need to comply with the drinking water legislation is identified in RBP 2016 but compliance with the Wastewater Regulations is not well described. The regulations are not specifically cited in RPB 2016. Tables B and 9.5 on sewage performance both refer to "100% compliance with Department for Health and Ageing Licence"; however, the Department for Health and Ageing (DHA) does not issue a licence. Pursuant to the Wastewater Regulations, DHA issues approvals for individual recycled water schemes operated or supplied by SA Water. It is assumed that the references to a license in Tables B and 9.5 should refer to the recycled water approvals.

There are references in RBP 2016, including in Tables B and Table 9.5 to reportable priority type 1, type 1 and type 2 incidents. Criteria for these incidents are defined in the interagency Water/Wastewater Incident Notification and Communication Protocol which was endorsed by Cabinet in 1999 and has been maintained successfully since that time. The drinking water components of the protocol fulfil a subsequent requirement prescribed in the *Safe Drinking Water Act 2011* while components dealing with recycled water are also included in formal approvals issued to SA Water for the supply and use of recycled water pursuant to the South Australian Public Health (Wastewater) Regulations 2013. The protocol also includes requirements for related issues such as sewage overflows. RBP 2016 does not include any direct reference to the protocol.

“Does RBP 2016 demonstrate that SA Water proposes to meet the regulatory obligations in a prudent and efficient manner?”

SA Health is confident that SA Water proposes to meet the regulatory obligations in a manner that will protect public health. However, the prudence and efficiency applied in meeting these obligations cannot be assessed on the level of information provided in RBP 2016.

“Have any regulatory obligations changed since RBP 2016 has been prepared?”

There have been no changes

“Are there any other comments on the regulatory obligations which you would draw to our attention? Are there any other matters you would like to raise with us about RBP 2016?”

There are no further comments.

If you need further advice about RBP2016 or for future matters please contact Dr David Cunliffe, Principal Water Quality Advisor, Public Health Services on telephone 8226 7153 or via email david.cunliffe@sa.gov.au

SA Health looks forward to working with ESCOSA through the review process.

Yours sincerely



DAVID SWAN
Chief Executive

07110 115