

HUNTER WATER CORPORATION



MEMORANDUM OF UNDERSTANDING

BETWEEN

NSW DEPARTMENT OF HEALTH

AND

HUNTER WATER CORPORATION

Dated: 31 December 2007

Memorandum of Understanding Between NSW Health and Hunter Water Corporation

Introduction

This Memorandum of Understanding (MOU) has been prepared by the NSW Health Department and the Hunter Water Corporation.

The Memorandum is designed to outline the roles and responsibilities and to facilitate effective interaction between the two (2) organisations.

Copies of the Memorandum of Understanding between NSW Health Department and Hunter Water Corporation can be obtained from:-

- Hunter New England Area Health Service on www.hnehealth.nsw.gov.au/hneph; or
- NSW Health Department's Environmental Health Branch on Website www.health.nsw.gov.au/public-health/ehb/water; or
- Hunter Water Corporation on www.hunterwater.com.au.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM is entered into on the 31st day of December 2007.

BETWEEN THE HUNTER WATER CORPORATION (the Corporation)

OF THE ONE PART

AND THE NSW HEALTH DEPARTMENT (the Department)

OF THE OTHER PART

Context

- A. The Corporation is a statutory state owned corporation (SOC) under the *State Owned Corporations Act 1989*. The Corporation has a responsibility to supply safe drinking water to its customers in accordance with its Operating Licence granted under the *Hunter Water Act 1991*.
- B. The Department has a role in providing advice to the Government on standards in relation to drinking water quality, waste water and recycled water and to commit the Corporation to supplying water which is safe to drink and use having regard to public health.
- C. The Minister of Health and the Director-General of the Department have responsibilities in relation to the protection of public health under the *Public Health Act 1991* and other relevant legislation. The Department's roles and responsibilities as outlined in this Memorandum are in addition to any functions conferred upon the Department, the Director-General of the Department or the Minister of Health under the *Public Health Act 1991*.
- D. The objective of this Memorandum is to formally set out the terms of a co-operative relationship between the parties, establish their respective roles and facilitate fulfilment of each party's function in relation to the protection of public health.
- E. It is recognised that the Independent Pricing and Regulatory Tribunal (IPART) has a role in both setting the Corporation's prices and standards for services which takes into account community preferences including their willingness to pay or accept risk.

- 1 Interpretation**
- 1.1 Unless otherwise specified, terms in this Memorandum shall have the same meaning as provided by the Act or the Operating Licence.
- 1.2 **PH Act** means the *Public Health Act 1991*
- 1.3 **HW Act** means the *Hunter Water Act 1991*.
- 1.4 **Department** refers to the NSW Health Department, but for practical purposes functions of the Department as specified in this MOU will be delegated to Hunter New England Area Health Service.
- 1.5 **Water Supply System** includes all those systems, from the catchment to the consumer's tap, utilised by the Corporation to supply drinking water in the Licence area.
- 1.6 **Aesthetic Guideline Values** means the concentration or measure of a physical or chemical characteristic of water that is associated with water quality. Some examples include turbidity, pH and colour.
- 1.7 **Drinking Water Guidelines** means the National Health and Medical Research Council (NH&MRC) *Australian Drinking Water Guidelines (ADWG) 2004*.
- 1.8 **Updated Guidelines** means the ADWG (2004) amended, updated or supplemented from time to time as endorsed or specified by NSW Health.
- 1.9 **Health Guideline Values** means the concentration or measure of a physical, chemical, biological or radionuclide characteristic of water that, based on present knowledge, does not result in any significant immediate risk to the health of a person or the health of a person over a lifetime of consumption.
- 1.10 **Physical characteristics of Drinking Water** means those physical characteristics of Drinking Water specified in the Drinking Water Guidelines including dissolved oxygen, hardness, pH, taste and odour, total dissolved solids, true colour and turbidity.
- 1.11 **Potable Water Backflow Prevention Devices** are plumbing devices to prevent the reverse flow of water from a potentially polluted source into a potable water supply system.
- 1.12 **Wastewater** means wastewater generated from a toilet, bidette or bidet which is heavily and directly contaminated with human faeces and/or urine and may contain contaminated solid material, such as toilet paper. Wastewater also includes water from a hand basin, shower, laundry and kitchen.
- 1.13 **Recycled Water** means water derived from wastewater that is treated to a standard which is satisfactory for its intended reuse application.
- 1.14 **Integrated Water Cycle Management** means the integration of water supply, sewerage and stormwater, so that water is used optimally within a catchment resource.

Headings and numbering are for convenience only and do not affect the interpretation of this Memorandum.

2 Term

- 2.1 The term of this Memorandum shall be for the period commencing on the date of execution hereof and remaining in force for the term of the Corporation's Operating Licence which commences on 1 July 2007.

3 Liaison between the Corporation and the Department

3.1 A Joint Operational Group shall be established consisting of the Director Health Protection Hunter New England Population Health, Environmental Health Officer Hunter New England Population Health, Manager Water Unit NSW Health Environmental Health Branch and General Manager Assets and Operations, Manager System Operations and Manager Corporate Planning & Government Regulation of the Corporation *(or any other officers as agreed to by both agencies)* to discuss the broad principals, directions and policies underlying the roles and responsibilities of the parties under this Memorandum and to:-

- Review the Memorandum on a bi-yearly basis to ensure that it is still relevant to the operating environment;

and specifically to

- co-ordinate implementation of this Memorandum;
- explore programs of investigations, feasibility studies and economic analyses that may be undertaken by the Corporation or NSW Health Department to meet changing public health objectives in relation to drinking water, waste water and recycled water.
- make recommendations to the Director-General of NSW Health and the Managing Director of Hunter Water Corporation regarding the updating of this Memorandum; and
- facilitate the co-ordination of the collection and sharing of data on water quality, waste water and recycled water for use by all relevant agencies.

The Joint Operational Group may establish joint working parties to investigate and formulate recommendations on specific and technical issues as required.

4 Dispute Resolution

- 4.1 Where a dispute between the parties cannot be resolved by the Joint Operational Group, then it should be referred to the Director General NSW Health for resolution. In the event that the dispute cannot be resolved by the Director General NSW Health, in the interests of public health protection the view of the Department shall prevail.

5 Amendment

- 5.1 This Memorandum can be amended at any time upon agreement between the parties. Where agreement is not reached the view of the Department is to prevail in the interests of public health protection.

6 The Corporation's Roles and Responsibilities

6.1 The Corporation shall ensure that all drinking water it supplies is safe to drink having regard to the health of the public, and that it is supplied in accordance with its Operating Licence.

6.2 *Drinking Water Quality - Monitoring*

6.2.1 The Corporation or its authorised agent shall fluoridate all drinking water supplies as required by the *Fluoridation of Public Water Supplies Act 1957*. Fluoride shall be sampled and reported in accordance with the requirements of the *Fluoridation of Public Water Supplies Act 1957*.

6.3 *Other Responsibilities*

6.3.1 The Corporation shall provide the Department with all information on the planning, design, maintenance, operation and administration of the Corporation's activities that the Department reasonably requires to make informed judgements regarding matters relating to the protection of public health.

6.3.2 As per the *Public Health Act 1991*, the Corporation shall allow officers of the Department to enter any premises under its care and control, including facilities performing water supply, wastewater reuse, or wastewater treatment and disposal, for the purposes of carrying out any inspections and risk assessments which the Department reasonably requires to make informed judgements regarding matters relating to the protection of public health.

6.3.3 The Corporation, as a service provider, has a role in ensuring public health and environment protection. This role must be recognised in any conflict or matters of mutual concern to both public health and environmental protection approaches, and will require consultation between the Corporation, DECC and the Department.

7 The Department's Role and Responsibilities

- 7.1 The Department shall provide general advice to the Corporation on matters regarding the supply of water which is safe to drink and on other public health issues in regard to water which relate to the Corporation's activities such as waste water and recycled water.
- 7.2 The Department shall maintain a Public Water Supply Regulatory Program for the purpose of making independent judgements on public health matters related to the Corporation's activities and exercising its powers and functions under the *Public Health Act, 1991*.
- 7.3 Where any drinking water supplied by the Corporation is failing to meet the Drinking Water Guidelines which the Corporation is required by its Operating Licence and Clause 6.2 to meet, or where the provision of drinking water, or the reuse, disposal, or treatment of wastewater takes place in such a manner that a hazard to public health may arise, the Corporation shall be responsible for assessing the problem and proposing rectification action.
- 7.4 If the Department is of the opinion that it is appropriate to do so, it may provide advice on rectification action that may be taken by the Corporation. Where the Department gives any advice to the Corporation under this Clause, it shall be entirely the responsibility of the Corporation to take appropriate rectification action to ensure that: the drinking water it supplies is safe to drink and meets the requirements of the Corporation's Operating Licence and Clause 6.2; and that other activities such as wastewater or recycled water are conducted in a manner that do not pose a potential hazard to public health.
- 7.5 The Department shall give such information to the Licence Regulator as the Licence Regulator requires, or the Department considers it appropriate to provide, for the purpose of the Licence Regulator exercising its functions.
- 7.6 The Department shall provide feedback on all plans and reports received

8. Emerging Public Health Issues

- 8.1 The parties shall co-operatively exchange information and the Corporation if required participate in appropriate research and development on emerging public health issues related to drinking, waste water and recycled water so as to enable them to make well informed judgements regarding action to be taken in relation to the Corporation's Water Supply System to maintain the protection of public health.
- 8.2 The parties shall independently provide input to public discussion and debate on future revisions of the other guidelines in relation to waste water and recycled water.

9. Events of Public Health Significance

9.1 The Corporation shall within 4 hours report to the Department (Hunter New England AHS in the first instance) by phone (according to Emergency Plans) any information or event within its drinking water supply system, or within its wastewater treatment and wastewater reuse and disposal operations which may have significant implications for public health.

1. Events that have significant implications for public health include:

Water Quality – Criteria for Potential Public Health Issues requiring notification to the Department of Health.

RAW

Blue Green Algae - >2,000 cells/ml Toxigenic
Genera
TOXIN RECORDED

TREATMENT PLANTS

CAOGLULATION FAILURE
DISINFECTION FAILURE
TURBIDITY (TREATED) - > 1 NTU
DISTRIBUTION SYSTEM (CLEAR WATER TO CUSTOMER TAP)
E. Coli +VE RESULT
PROTOZOA
(*Cryptosporidium* or *Giardia*) +VE RESULT

TASTE & ODOUR

Multiply Customer Complaints

OTHER COMPOUNDS

Exceedance of ADWG "Health" Guidelines

MAJOR INCIDENTS

CHEMICAL SPILLS IN CATCHMENTS
THREAT OF CONTAMINATION
BACKFLOW FROM INDUSTRY
ADVICE FROM DOCTORS / MEDICAL CENTRES CAUSING HEALTH
PROBLEMS

2. Waste water/sewerage overflow with human exposure (contact) or discharge to the environment in public places such as bathing beaches or sporting grounds.
3. No water supply after 5 hours (as per operating licence) to high risk premises such as hospitals, childcare facilities, aged care facilities, institutions, boarding schools, schools where alternative supplies cannot be provided.
4. Exceeding National Recycled Water Guidelines for recycled water (pertaining to the use required)

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Following the initial event report, the Corporation should ensure a follow up report outlining the action taken to prevent public health risk. This reporting allows the Department to instigate public health action to prevent further public health risk, to manage public enquiries, manage the media and ensure notification within the Department.

- 9.2 The report of information by the Corporation shall include maps depicting geographical locations and systems in addition to tables or text as required by the Department. Maps should be provided in all plans to indicate location of water storage systems, recycled water systems, sewerage plants and overflow points, water sampling points etc.
- 9.3 The parties shall maintain a comprehensive Incident Management Plan covering the Corporation's drinking water supply systems, wastewater and recycled water. The Incident Management Plan should include, where appropriate, reference to any Incident Management Plan developed between the Corporation and other agencies regarding wastewater treatment and disposal operations. The parties shall nominate a 24 hour Incident Management Control Point for the co-ordination of responses to any event of public health significance. The contact point will be an officer of each organisation who has been trained in the Plan and the Incident Management Procedures and Protocols thereunder. The Incident Management Plan shall contain procedures and protocols for the co-ordinated management of incidents including the notification of public health advice to customers, and media communication of public health information.
- 9.4 The parties shall ensure that all relevant personnel in their respective organisations are trained to respond to and execute the Incident Management Plan, including participation in joint exercises.

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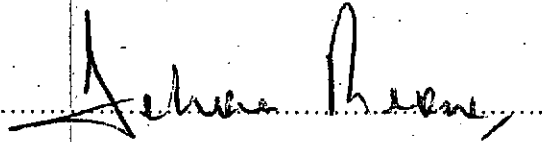
10 Information Exchange

- 10.1 The Department will provide the Corporation with reports and studies it undertakes which are relevant to those activities of the Corporation which impact on public health.
- 10.2 The Corporation will provide reports and studies undertaken by the Corporation as part of its business, which are relevant to public health.

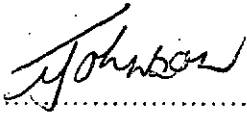
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IN WITNESS WHEREOF the parties have executed this document at the date first mentioned.

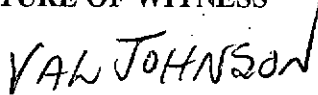
SIGNED for and on behalf of the
NSW DEPARTMENT OF HEALTH
in the presence of



**Director-General
Department of Health**

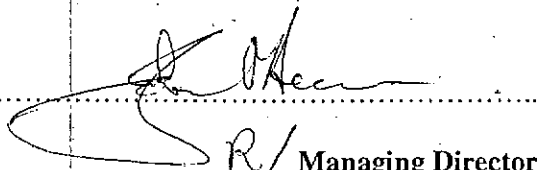


SIGNATURE OF WITNESS



(PRINT) NAME OF WITNESS

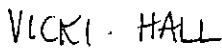
SIGNED for and on behalf of the
HUNTER WATER CORPORATION



**Managing Director
Hunter Water Corporation**



SIGNATURE OF WITNESS



(PRINT) NAME OF WITNESS