

March 22, 2019

DOC/2019/00795-04



Dear 

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/046/2019]

On February 22, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Records from August 1, 2018 to the present concerning water, sewer and roads in the greater Avalon area. Including but not limited to briefing notes and public opinion polls. Please do not process any records that appear to be cabinet confidences."

In an email received on February 27, 2019, you clarified your request by stating the following:

"To be more specific, for area, instead of the Avalon, just St. John's, Goulds and Mount Pearl. Documentation public opinion polls and briefing notes. Excluding emails is okay."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, certain text contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act, 2015 (the Act)*:

"Section 29(1)(a): The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister."

As required by 8(2) of the *Act*, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed. In the spirit of duty to assist, please note that the Department of Municipal Affairs and Environment has no responsive records on "...*public opinion polls*" as per your request above.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act (the Act)*. A request to the Commissioner must be made in writing

within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at ryancollins@gov.nl.ca.

Sincerely,



RYAN COLLINS
ATIPP Coordinator
Department of Municipal Affairs and Environment

Enclosures

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.
- (2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
- (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
 - (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).
- (3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.
- (4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.
- (5) The commissioner may allow a longer time period for the filing of a complaint under this section.
- (6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.
- (7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.
- (8) A complaint shall not be filed under this section with respect to
- (a) a request that is disregarded under section 21;
 - (b) a decision respecting an extension of time under section 23;
 - (c) a variation of a procedure under section 24; or
 - (d) an estimate of costs or a decision not to waive a cost under section 26.
- (9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

- 52.** (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.
- (2) An appeal shall be commenced under subsection (1) not later than 15 business days
- (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
- (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).
- (3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.
- (4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

Information Note
Department of Municipal Affairs and Environment

Title: New Guideline for Canadian Drinking Water Quality for Manganese

Issue: A new Guideline for Canadian Drinking Water Quality (GCDWQ) for manganese was approved by Health Canada in January 2017 which is expected to be published by September 30, 2018. The guideline has changed from an aesthetic guideline to a lower aesthetic guideline and a maximum acceptable concentration guideline.

Background and Current Status:

- The original GCDWQ for manganese was an aesthetic guideline of 0.05mg/L. This guideline was based on taste and staining of laundry and plumbing fixtures.
- The new guideline has both a maximum acceptable concentration (MAC) of 0.12mg/L and an aesthetic objective of 0.02mg/L. The MAC is based on health effects in infants but is intended to protect all Canadians. The aesthetic objective is intended to minimize the occurrence of discolored water complaints and to improve consumer confidence in drinking water quality.
- Manganese occurs naturally in the environment and is widely distributed in air, water and soil. Manganese may be present in water in the environment from natural sources (rock and soil weathering) or as a result of human activities (such as mining, industrial discharges and landfill leachate).
- The City of St. John's has been experiencing manganese exceedances in the Petty Harbour Long Pond water supply (above the MAC of 0.12 mg/l). As a precautionary measure St. John's issued a non-consumption advisory especially for infants and pregnant women and set up water filling stations to provide potable water to the residents of the area. MAE requested Health Canada to prepare Q and A to respond to public inquiries on this.

Analysis:

- Newfoundland and Labrador does have drinking water supplies that exceed the MAC of 0.12mg/L for manganese. These exceedances are all attributed to natural sources due to rock and soil weathering.
- An assessment of all public water supplies in NL was conducted to determine the extent of MAC exceedances and to provide a priority list for manganese corrective measures. The assessment was broken down into three categories:
 - Tier 1 – regular exceedances with averages above the MAC
 - There are 14 water supplies in this category. The majority of water supplies in Tier 1 are groundwater which service very small populations. The exceptions to this are Bunyan's Cove (235 people) and St. Bride's (385 people).
 - Tier 2 – semi-regular exceedances with averages close to the MAC
 - There are 11 water supplies in this category. The water supplies in Tier 2 consist of both surface water and groundwater and service a range of populations.
 - Tier 3 – a minimum of one exceedance of the MAC with averages below the MAC
 - There are 94 water supplies in this category.

- An assessment of all public water supplies in NL was conducted to determine the extent of aesthetic exceedances. There were 68 exceedances in manganese in the 2016 annual report using the 0.05 mg/L guideline. For the same period using the new aesthetic guideline of 0.02 mg/L there were 148 manganese exceedances. Aesthetic exceedances in manganese will more than double.
- There are currently five operational manganese removal systems in NL installed in Bunyan's Cove, Harbour Grace, Holyrood, Port Hope Simpson and West St. Modeste. Marysvale was issued a Permit to Construct for an iron and manganese removal system on June 29, 2018.

Action Being Taken:

s.29(1)

Prepared/Approved by:
Ministerial Approval:

A. Tobin/ P. Dawe/ H. Khan/
Received from Hon. Andrew Parsons

September 24, 2018