

Small Drinking Water Systems Regulations: Get to Know the Law

A fact sheet for owners and operators of small drinking water systems.

Small drinking water systems (SDWS) regulatory requirements

Did you know that as of December 1, 2008, the Ministry of Health and Long-Term Care (MOHLTC) has oversight of small drinking water systems (SDWS) in Ontario? The MOHLTC has prepared a brochure – *An Introduction to Operating a Small Drinking Water System* to help you to become familiar with the changes to Ontario's drinking water legislation. Reading this brochure is a good beginning.

The transfer was done through the implementation of two separate regulations under the *Health Protection and Promotion Act*:

- Ontario Regulation 318/08 (*Transitional – Small Drinking Water Systems*); and
- Ontario Regulation 319/08 (*Small Drinking Water Systems*).

This fact sheet provides a brief overview of the scope and application of these regulations, but is not intended to be and is not a substitute for legal advice. If you have any questions about whether and how these regulations apply to you, you should consult with your legal counsel. Your local public health unit may also be able to provide further information on how these regulations may apply to you.

How will the two SDWS regulations work?

- As of December 1, 2008, Ontario Regulation 252/05 under the Safe Drinking Water Act, 2002 has been revoked. If you own or operate a drinking water system that was subject to Ontario Regulation 252/05, your system will now be subject to Ontario Regulation 318/08 under the Health Protection and Promotion Act as of December 1, 2008. The requirements under Ontario Regulation 318/08 are similar to those in Ontario Regulation 252/05.
- Ontario Regulation 318/08 will continue to apply to your SDWS until an inspector from your local public health unit has conducted a site-specific risk assessment on your system and issued a directive to you, as described below.

Once a directive relating to your system has been issued, your system will become subject to Ontario Regulation 319/08 under the Health Protection and Promotion Act.

Are you operating a SDWS?

If your business or premises makes drinking water available to the public and you do not get your drinking water from a municipal drinking water system, you may be an owner or operator of a small drinking water system. The following types of non-municipal drinking water systems are regulated under Ontario Regulation 319/08:

Your drinking water system is a SDWS if it:

- serves a major residential development, or a trailer park or campground with six or more connections and does not operate year round with at least one closure period of 60 consecutive days in every calendar year or every period beginning on April 1 and ending on March 31 of the following year, or
- does not serve a major residential development, or a trailer park or campground with six or more connections, and does not serve a “designated facility” as defined in Ontario Regulation 170/03 (Drinking Water Systems) under the Safe Drinking Water Act, 2002.

Unless:

- your system is not capable of supplying drinking water at a rate greater than 2.9 litres per second, and does not serve a public facility, such as a food service establishment, hotel, motel, trailer park, camp ground, marina, place of worship, recreational facility or athletic facility, locations where service clubs or fraternal organization meet, other than a private residence, or any place where the general public has access to a washroom, drinking water fountain or shower.

Under Ontario Regulation 319/08 (Small Drinking Water Systems), what are my responsibilities as a SDWS owner or operator?

Ontario Regulation 319/08 sets out specific requirements and obligations that SDWS owners and operators must comply with. A link to the full text of Ontario Regulation 319/08 can be found at the end of this brochure; however, some of the specific requirements in Ontario Regulation 319/08 include:

- Notification of intention to supply water: SDWS owners are required to notify the local medical officer of health in writing before supplying water to users of the system following the construction, installation, alteration or extension of a SDWS.
- Designating an operator: SDWS owners are required to designate an operator who will have primary responsibility for the system. The operator may be the owner. Operators must be appropriately trained to operate the specific small drinking water system. This training should include an understanding of relevant safety and emergency procedures.
- Sampling and testing: SDWS owners and operators will be required to have water from their systems tested at a laboratory licensed by the Ministry of the Environment and to provide written notice of the identity of the laboratory to the local medical officer of health. The minimum sampling requirement is quarterly sampling for E. coli and total coliforms bacteria. The directive issued by the local public health inspector may specify the particulars of other tests that must be performed.

- **Treatment:** If a SDWS treats water that it provides, the owner and operator of the SDWS must ensure that water treatment equipment meets specific requirements that are detailed in Ontario Regulation 319/08. For systems that obtain water from a surface water source, the owner and operator must ensure that appropriate treatment equipment (as specified in Ontario Regulation 319/08) is provided.
- **Response to adverse results:** Whenever there is an adverse test result or observation, which indicates that the drinking water may not be safe you must notify the local medical officer of health immediately, by phone or in person and take corrective actions, as prescribed in the regulation or as instructed by the medical officer of health. Follow-up written reporting to the medical officer of health is also required.
- **Records retention:** SDWS owners and operators are required to retain copies of some operational records. For example, results of all tests required by Ontario Regulation 319/08 must be kept for five years and must be made available, if requested by a member of the public, for a period of two years.
- **Directives:** Once a public health inspector has done a site-specific risk assessment of a SDWS, the public health inspector will issue a directive to the owner or operator of the SDWS. The directive will be specific to that drinking water system. A directive could include specific sampling, testing, treatment, training, signage posting, or other requirements.

- **Request for review:** If an owner of a SDWS does not agree with the requirements in a directive that was issued by a public health inspector, he or she may ask for a review by the local medical officer of health within seven days of the date that the directive is issued.

For additional information on how to comply with the SDWS regulations, the following ministry fact sheets can be obtained from your local public health unit:

- *Source Water: Protecting your drinking water source.*
- *Treatment Options: Working together to safeguard our health.*
- *Operator Training: Working together to maintain your water quality.*
- *Sampling and Testing: Working to ensure your water is safe.*
- *Response to Adverse Events: Protecting us from unsafe water.*

Where can I find additional information?

Please remember...

This fact sheet is only a summary of your responsibilities as the owner or operator of a SDWS and is not a substitute for legal advice. For a more complete understanding of your legal responsibilities as an owner or operator, refer to Ontario Regulation 318/08 and Ontario Regulation 319/08 or any directives issued on your system.

In addition, you should become familiar with the procedure documents produced to help you efficiently operate a SDWS:

- *Procedure for Disinfection of Drinking Water in Ontario.*
- *Procedure for Corrective Action for Small Drinking Water Systems that are Not Currently Using Chlorine.*

For general information about well water safety, ask your health unit staff for a copy of:

- *Keeping Your Well Water Safe to Drink: An information kit to help you care for your well.*

You may also find additional information on the following Ontario ministry websites:

Acts and Regulations:

www.e-laws.gov.on.ca/index.html

Ministry of Health and Long-Term Care (MOHLTC):

www.health.gov.on.ca

- Current list of local public health units:

www.health.gov.on.ca/english/public/contact/phu/phuloc_mn.html

Ministry of the Environment (MOE):

www.ene.gov.on.ca/en/index.php

- Current list of licensed private laboratories:

www.ene.gov.on.ca/en/water/sdwa/licensedlabs.php

Ministry of Agriculture, Food and Rural Affairs (OMAFRA):

www.omafra.gov.on.ca/english/

