



Backgrounder

May 2003

NEW DRINKING WATER SYSTEMS REGULATION

The Ontario government has enacted a new drinking water regulation under the *Safe Drinking Water Act, 2002* to replace the Drinking Water Protection Regulation for Larger Waterworks (O. Reg. 459/00) and the Drinking Water Protection Regulation for Smaller Waterworks Serving Designated Facilities (O. Reg. 505/01).

Tough standards for the protection of drinking water continue to apply, with regular sampling and testing of water, bacteria and chemical testing to be done by accredited laboratories, minimum standards for treatment, the same clear requirements for the immediate notification of any adverse water quality, public reporting and tough penalties for non-compliance.

The Drinking Water Systems Regulation (O. Reg. 170/03) has been developed by adhering to Commissioner Dennis O'Connor's recommendations contained in *Part Two: Report of the Walkerton Inquiry*, after more than a year of government consultations, and after two years of monitoring, testing and analyses under the former water regulations.

Regulated Drinking Water Systems

The new regulation defines eight categories of drinking water systems that include the following (see page 3 for complete list):

- Municipal systems, including a new category of smaller municipal systems serving less than 100 residences;
- Private residential systems not on municipal systems serving six or more residences for 10 or more months of the year (e.g., rural subdivisions, condos, apartment complexes and mobile home parks);
- Seasonal waterworks capable of supplying drinking water to the public at a rate of 2.9 litres per second (campgrounds, hotels, resorts);
- Private non-residential systems (resorts, restaurants) that serve drinking water to the public.

Designated facilities serving vulnerable populations (schools, daycare centres, retirement and nursing homes), previously regulated by O. Reg. 505/01, are now part of the new regulation. New to this group are children's camps.

Another new group of water works has been added as recommended by Commissioner O'Connor: small commercial businesses and institutions that were not included in the previous drinking water regulation because they were not capable of supplying 250,000 litres of drinking water per day (or 2.9 litres per second). These systems include small motels, bed and breakfast operations, service garages, churches and small campgrounds. They may be exempt from regulatory requirements if warning notices are posted, providing they are not designated facilities or regulated food premises. The exemptions are phased out following three years after the treatment deadline.

Requirements of the Drinking Water Systems Regulation include:

Approval and Licensing/Training Requirements

Under the SDWA, all municipal drinking water systems are required to obtain an approval unless a regulation states otherwise. This new regulation continues to require that all municipal residential systems obtain a drinking water works permit from the Ministry of the Environment.

All other regulated drinking water systems (including municipal non-residential systems serving community centres and sports complexes) are required to have a professional engineer certify that the system is in compliance with regulatory requirements. This certification has to be renewed every five years for surface water systems and every 10 years for groundwater systems.

All drinking water systems in the province must have certified operators or trained persons, depending on the category to which they belong.

Minimum Level of Treatment

Minimum treatment requirements established in the previous regulatory framework continue in the regulation. This means that minimum treatment for groundwater sources is disinfection, and for surface water sources, filtration and disinfection. However, the regulation clarifies that owners of drinking water systems have the flexibility to select any treatment technology, as long as it meets the level of performance established in the regulation and the ministry's *Procedure for Disinfection of Drinking Water in Ontario*.

Schedules for meeting minimum treatment requirements are as follows:

Categories of Drinking Water System	Deadline for Treatment
Municipal — Residential — Large and Small	July 1, 2003

(Municipal systems serving 6 or more residences)	
Municipal – Residential – Large (Municipal systems serving a major residential development and serving more than 100 private residences)	July 1, 2003
Large Municipal – Non-Residential (Large municipal systems serving community centres and town halls, for example, and able to supply drinking water at a rate of 2.9 litres per second)	Surface water systems: July 1, 2004 Ground water systems: December 31, 2005
Small Municipal – Non-Residential (Small municipal systems serving community centres/town halls, for example, but not able to supply 2.9 litres per second)	Surface water systems: July 1, 2005 Ground water systems: December 31, 2006
Non-Municipal – Year-Round Residential (Private year-round systems serving six or more residences such as mobile home parks, private subdivisions, condos/apartments, or trailer park campground with more than 5 service connections)	Surface water systems: July 1, 2004 Ground water systems: December 31, 2005
Non-Municipal - Seasonal Residential (Private seasonal systems serving communal cottages or campgrounds with six or more service connections)	Surface water systems: July 1, 2005 Ground water systems: December 31, 2006
Large Non-Municipal – Non-Residential (Private seasonal, commercial, industrial and institutional systems capable of supplying drinking water at a rate of 2.9 litres per second – some industries, resorts, service centres)	Surface water systems: July 1, 2004 Ground water systems: December 31, 2005
Small Non-Municipal – Non- Residential (Newly-affected group of private seasonal, commercial and institutional systems that supply drinking water to the public but are not capable of supplying it at a rate of 2.9 litres per second – motels, resorts, restaurants, gas stations, churches)	Surface water systems: July 1, 2005 Ground water systems: December 31, 2006 OR Post signs at every tap (starting in 2005 and 2006). This option sunsets on July 1, 2008, and December 31, 2009 (with some exceptions).
Any system other than a municipal residential system serving: Designated facilities	July 1, 2003

(schools, private schools, health and social care facilities)	
Children's camps, non-commercially operated residences for seniors	July 1, 2004

Note: Owners of systems must notify the ministry by July 1, 2004 or December 31, 2004 (depending upon which category they fall into) of their intent to: 1) install treatment equipment; or 2) seek relief from minimum treatment (if eligible); or 3) post signs (if eligible).

Application for Relief from Treatment Requirements

As recommended by Commissioner O'Connor, the regulation allows certain owners to apply for an approval from the ministry relieving them of the requirement to provide minimum treatment. This relief is only allowed, however, if the owner is able to demonstrate that the safety of the drinking water provided by the owner's system meets acceptable risk-based standards. This process is **not available to owners of drinking water systems that obtain their water from a surface water source**, including groundwater systems under the influence of surface water.

Those who wish to go through this process have to make an application that provides a comprehensive range of information based on a risk analysis and management plan (municipalities must undergo a hydrogeological assessment).

Operational Checks, Sampling and Testing

Previous drinking water regulations provided for tough monitoring standards and these are continued in the new regulation. A feature of this new regulation is sampling and testing requirements - for bacteria including *E. coli*, and chemicals such as PCBs and pesticides - have been designed to reflect the size and population served and the needs of each of the eight categories of drinking water systems

The regulation continues to require mandatory reporting of adverse test results to both the medical officer of health and the ministry. The laboratory and the owner must immediately inform - speaking in person or over the telephone - the medical officer of health and the Ministry of the Environment. This must be followed up with a written notice within 24 hours.

There are two corrective action schedules detailed in the regulation that cover all of the regulated drinking water systems that are currently providing minimum treatment. These schedules provide details of the appropriate corrective action to be taken when there is an adverse water result. The ministry's *Procedure Related to Corrective Action for Systems Not Currently Providing Minimum Treatment*

provides detailed and appropriate corrective action for microbiological indicators for systems that are not yet providing minimum treatment requirements.

Warning Notices

Owners are required to post a warning notice if they are not currently complying with the microbiological testing regime required by this regulation or if they did not carry out the necessary corrective actions for some reason. These warning notices have to be posted in prominent locations to alert users of the system.

It is very important to understand that posting a warning notice **does not** provide an exemption from the requirements of the regulation. All it means is that the regulation requires this step to be taken to protect public health, the fundamental objective of this regulation.

Where owners fail to take this step, the regulation provides authority for other persons, such as a public health inspector, to post the warning notice instead.

Other Requirements

Other requirements of the regulation include:

- In order that the public has access to information on the status of drinking water, annual reports will have to be prepared, made available to the public and submitted to the ministry.
- School, private schools and day nurseries are required to flush the plumbing on the first day that they are open each week. The flushing procedure is contained in the Schools, Private Schools and Day Nurseries Regulation (O. Reg. 173/03).
- Owners of regulated drinking water systems must continue to use accredited laboratories to test their water samples, unless the regulation allows for continuous monitoring equipment to be in place or if the testing is for fluoride, turbidity or residual chlorine.

Supporting Regulations

In addition to the new Drinking Water Systems Regulation (O. Reg. 170/03), the following supporting regulations have been enacted:

- Regulation 169/03 - Ontario Drinking Water Quality Standards lists the standards that are to be used for water testing.
- Regulation 171/03 - Definitions of Words and Expressions Used in the Act includes the definitions that apply to all regulations under the Safe Drinking Water Act and the application of sections under the Act.
- Regulation 173/03 - School, Private Schools and Day Nurseries sets requirements for weekly flushing.

- Regulation 172/03 – Definition of Deficiency and Municipal Drinking Water System defines what a deficiency is with respect to drinking water systems and to define a municipal drinking water system.
- Regulation 175/03 – Revokes Ontario Regulation 459/00, the former Ontario Drinking Water Protection Regulation for Larger Waterworks
- Regulation 176/03 – Revokes Ontario Regulation 505/01, the former Ontario Drinking Water Protection Regulation for Smaller Waterworks Serving Designated Facilities.
- Regulation 174/03 – Amends Ontario Regulation 525/98 to allow an exemption to any waterworks that is a drinking water system under the Ontario Water Resources Act (OWRA) from the requirement to obtain an approval under the OWRA.
- Regulation 177/03 – Amends Ontario Regulation 435/93 to make training requirements consistent with the Drinking Water Systems Regulation.

Information Materials

The Ministry of the Environment is producing *A Kit for Non-Municipal Water Works Owners*, a comprehensive guide to the regulation and its requirements, along with a series of technical updates for municipal systems. Materials will be available by mid May on the ministry's Web site at www.ene.gov.on.ca or by calling the ministry's [Public Information Centre \(PIC\)](#) at (416) 325-4000 or 1-800-565-4923.

Copies of the new regulations are also available on the e-Laws Web site.

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