

Briefing Note:**Take Action to Protect Drinking Water in Non-Municipal Systems**

ISSUE: Twenty-five years after the deadly drinking water tragedy in Walkerton, [Ontario's Auditor General has concluded](#) that the provincial government needs more oversight and support to adequately monitor the safety of drinking water for the nearly 20% of Ontarians who rely on non-municipal drinking water systems.

Recommendation: We are calling on the Ontario government to publicly develop and commit to an action plan by the end of 2025 that outlines specific timelines and processes for how it will fully implement the Auditor General's 17 recommendations.

BACKGROUND:

- In May 2000, the water supply in Walkerton, Ont., became contaminated with E. coli, resulting in seven deaths and over 2300 people becoming ill.
- The Walkerton disaster caused subsequent governments to rebuild Ontario's drinking water regulatory system in response to the findings of Justice Dennis O'Connor's inquiry into the Walkerton tragedy.
- The overarching message of Justice O'Connor's recommendations was that in regards to drinking water protection, "The key note in the future will be vigilance."
- In April 2025 the Office of the Auditor General released a performance audit of the regulatory regime that oversees non-municipal drinking water systems, which found that the province does not have effective processes and systems in place to identify and manage health risks.
- Oversight of non-municipal systems is split between the Ministry of Environment, Conservation and Parks (MECP), the Ministry of Health (MoH) and local public health units (PHUs). MECP is responsible for systems that operate year-round and those that service vulnerable populations. All other systems are under the purview of the MOH and PHUs.
 - Owners are generally responsible for maintaining their private wells or water intakes to ensure drinking water safety, but the province plays a key role in protecting water sources, providing education and testing resources, and setting provincial standards for wells.
- Over 3 Million Ontarians (nearly 20% of the population) rely on water from non-municipal systems.
- MECP and MoH agreed with all 17 recommendations included in the report, but notably did not commit to any timelines for implementation.

REPORT SUMMARY:

The Auditor General's conclusion that Ontario lacks the necessary support and oversight to adequately monitor the safety of water from non-municipal systems is based on gaps found in the PHU, MoH and MECP's current approach to monitoring, enforcement, transparency and regulatory modernization:

Monitoring and Enforcement

The auditor found concerning evidence, which suggests that non-municipal systems under MoH and MECP are not adequately monitoring for safety and regulatory compliance:

- Less than half of PHUs met inspection frequency requirements (pg. 26)
 - Almost all PHUs said that the required training certification for drinking water inspectors did not prepare them to assess risks and enforce requirements (pg. 27)
- One-third of MECP-regulated non-municipal systems were not inspected at all over a five year period (pg. 35)
 - MECP does not set targets for drinking water inspections, and the frequency and number of inspections has decreased significantly since 2012 (pg. 35)
- Over half of PHU-regulated system owners did not comply with testing requirements, based on analysis of a sample from five PHUs (pg. 28)
 - IT infrastructure is insufficient to assist PHUs in effectively flagging non-compliance (pg. 29)
- The most stringent enforcement mechanisms available to PHUs for non-compliance are not utilized frequently due to the high cost and time commitment associated with them (pg. 30)
- PHUs lack effective processes for identifying unregistered drinking water systems (pg. 22)
- The MECPs wells database is incomplete, but showed that over one-third of private water samples were found to contain bacteria (pg. 41)
 - Sixty-seven per cent of these positive test results involved E.coli or fecal contamination - the same contaminant that caused the deadly drinking water crisis in Walkerton (pg. 42)

Transparency and Modernization

The Auditor General concluded that more transparency is needed to ensure that non-municipal drinking water system regulations are being adequately evaluated and kept up-to-date with modern science:

- MECP lacks transparency in how they make decisions about changes to drinking water policies (pg. 18)
 - The public is often not privy to how MECP responds to recommendations from the Advisory Council on Drinking Water Quality and Testing Standards (pg. 18)
- MoH does not track outcomes for their drinking water programs, resulting in a lack of evidence about if the program is being delivered properly and having the desired effect (pg. 31)

- The auditor cited two MECP policy modernization processes that should be revisited due to lack of rigor, transparency and timely conclusions:
 - MECPs recent feasibility assessment of strengthening integration of NMDWSs into Ontario's source water protection plans was not complete and should be revisited (pg. 51)
 - Further assessment is needed to address concerns about a regulatory exemption that allows non-municipal system operators to distribute untreated water. New science suggesting the criteria for the exemption may not accurately indicate water safety prompted an internal inquiry in 2020, but no findings or conclusions have been made public (pg. 39-40)
- There is a lack of guidance on drinking water supplies for short-term rental properties, resulting in inconsistent and inadequate regulatory compliance and enforcement across PHUs (pg. 24)
- Better resources are needed to ensure that non-municipal system and private intake/well operators are aware of their responsibilities and resources (pg. 41)
 - Current guidance for private water intake/well owners from PHUs, MoH and MECP were found to be duplicative and inconsistent (pg. 45)
- The auditor found that PHUs, MoH and MECP are in need of updated IT infrastructure to improve their ability to flag non-compliance and conduct analysis on trends in water quality (Pg. 30, 49)

Recommendations

- Recommendations relevant to MECP and MoU:
 - Improve IT infrastructure for more efficient tracking and analysis
 - Collaborate on improving information resources for non-municipal and private drinking water system owners regarding the dangers of water contamination, their responsibilities and available resources.
- MoH and PHUs:
 - Examine mechanisms for improving inspection process and identifying unregistered systems
 - Improve accessibility of drinking water-specific inspector training
 - Clear inspection backlogs
 - Develop clear guidance on regulatory requirements for short-term rental properties
 - Examine opportunities to improve enforcement mechanisms
 - Review and update the approach to tracking and reporting performance indicators for this program
- MECP
 - Complete an updated feasibility assessment of potential measures to increase source protection for non-municipal drinking water supplies
 - Increase inspection frequency and set formal targets for frequency of inspection
 - Improve transparency regarding MECP responses to expert recommendations

- Assess the need for regulatory changes regarding the exemption system allowing system operators to deliver untreated water
- Review and updated the definition of “unsafe to drink” in relation to drinking water from private wells and water intakes
- Clear the well records backlog

ANALYSIS:

- Ensuring clean drinking water is in the public interest, but the lack of adequate staffing, data management, resource allocation, and transparency around non-municipal systems represents a provincial failure to prioritize this important issue.
- Weaknesses in identifying new systems, conducting inspections, enforcing compliance, and updating regulations is putting the safety of nearly 20% of Ontario residents at risk.
- In order to prevent future drinking water crises, clean drinking water cannot be taken for granted and MECP and MoH must commit to improving and enforcing regulations for non-municipal systems, including the setting, tracking, and reporting of outcome indicators.
- Provincial attention should be directed toward the effectiveness of other drinking water regulations to ensure that any similar problems are identified and addressed
 - Efforts should be taken to ensure that upgrades to transparency, progress tracking and IT infrastructure are compatible with and add value to other water quality regulations
- While the province has generally accepted the auditor’s 17 recommendations, this is not sufficient. In order to address the overarching concerns about lack of transparency and accountability, timelines and performance indicators must be identified and reported on by the province.

RECOMMENDED ACTION:

- In honour of the 25th anniversary of the Walkerton tragedy, help ensure that Ontario is reaffirming its commitment to clean drinking water by asking the provincial government to immediately specify **how** and **when** it will implement the 17 Auditor General recommendations.
- The government should reaffirm our commitment to the post-Walkerton multi-barrier approach to clean drinking water by calling for an timely and effective MECP response to the recommendations concerning source water protections for non-municipal drinking water systems.

More Information:

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About CELA:

Canadian Environmental Law Association (“CELA”) is a public interest law clinic dedicated to environmental equity, justice, and health. Founded in 1970, CELA is one of the oldest advocates for environmental protection in the country. With funding from Legal Aid Ontario (LAO), CELA provides free legal services relating to environmental justice in Ontario, including representing qualifying low-income and vulnerable or disadvantaged communities in litigation. CELA also works on environmental legal education and reform initiatives.