



## **Carleton Place Drinking Water System Legislative Overview**

### **INTRODUCTION**

#### **What is the purpose of this document?**

This document has been developed to assist the Carleton Place Public Works Department in communicating the legislative and regulatory requirements for the Carleton Place Drinking Water System. This document is for all stakeholders which includes:

- Mayor & Council – Town of Carleton Place
- Town of Carleton Place Public Works staff
- Developers / owners constructing watermain/servicing which will be connected to the Carleton Place Drinking Water System
- Consultants responsible for the design and/or contract administration of watermain projects;
- Contractors working on a watermain that is part of, or will become part of the Carleton Place Drinking Water System.

The Town of Carleton Place has contracted the treatment of water to the Ontario Clean Water Agency.

### **LEGISLATIVE OVERVIEW**

#### **Why such legislation?**

In May 2000, Walkerton's drinking water system became contaminated with deadly bacteria, primarily *Escherichia coli* O157:H7.1. Seven people died, and more than 2,300 became ill. The community was devastated. The losses were enormous. An inquiry was conducted by Chief Justice - The Honorable Dennis R. O'Connor, his findings changed how water is treated, tested, and distributed within the Province of Ontario.

#### **What are the rules & regulations that govern the Carleton Place Drinking Water System?**

Within the province of Ontario the Safe Drinking Water Act (SDWA) regulates the treatment and distribution of drinking water. The intent of the SWDA is provide safe drinking water to consumers, components include:

- Defining standards for drinking water quality

- Accreditation & licensing of drinking water testing laboratories
- Accreditation & licensing of water system operating authorities
- Training & certification of water system operators
- Defining the requirements for operating authorities to sample, test, and monitoring the quality of drinking water within the water systems
- Defining the protocol for reporting & implementing corrective actions in response to incidents of adverse drinking water quality
- Imposing a statutory standard of care for Owners and Managers of water systems
- Defining inspection & enforcement requirements for the Ministry of Environment and defining penalties for offences.

### **What is a Municipal Drinking Water Licence?**

In accordance with the SDWA, all municipalities that own/operate a drinking water system shall obtain a Municipal Drinking Water Licences (MDWL) in order to operate their system. The MDWL contains five components:

*I. Drinking Water Works Permit (DWWP)*

In the past the MOE would issue Certificates of Approval, the DWWP replaces that process. The DWWP grants municipalities the authorization to complete and/or approve selected alterations to the Drinking Water System without obtaining approval from the Ministry.

*II. Permit to take Water (PTW)*

A Permit to Take Water is essentially approval from the MOE to obtain water from natural sources such as lakes, rivers, etc.

*III. Operational Plan*

Municipalities are required to implement a Quality Management System (QMS) that conforms to the 21 elements of the Ministry of Environment's Drinking Water Quality Management System (DWQMS). The Operational Plan is the documented QMS.

*IV. Accredited Operating Authority*

Municipalities must receive formal accreditation for their QMS. The accreditation process is an ongoing process of comprehensive audits and periodic review of the Operational Plan by an independent certified accreditation body. The Town of Carleton Place Distribution System was fully accredited on January 29 2013.

*V. Financial Plan*

The Financial Plan is a long term strategic plan that is developed to ensure the sustainability of the municipal drinking water system. The financial plan must be updated periodically as a requirement of the MDWL and submitted to the Ministry of Municipal Affairs and Housing.

## **What is exactly the DWQMS?**

The Drinking Water Quality Management Standard is a set of policies and procedures based on 21 elements pertaining to the water distribution system. The QMS provides a framework to plan, evaluate, and improve the performance and management of the drinking water system.

The Operational Plan is available for viewing at the Town Hall upon request.

## **APPLICATION OF THE LEGISLATION**

### **How does this legislation apply to Council & Top Management?**

The Safe Drinking Water Act (SDWA) and associated regulations define the roles and responsibilities of the “Owner” (the Town of Carleton Place) and the Operating Authority (Public Works Department) as they relate to the drinking water system. Section 11 and section 19 of the SDWA define these responsibilities.

In accordance with Section 11, Owners and Operating Authorities are required to:

- Provide water that meets provincial drinking water quality standards.
- Operate their drinking water system in accordance with the SDWA and associated regulations.
- Ensure the drinking water system is kept in good repair.
- Ensure the drinking water system is appropriately staffed and supervised by qualified professionals.
- Comply with the sampling, testing, monitoring, and notification requirements for the system.
- Meet reporting requirements for the drinking water system.

Section 19 of the SDWA expressly extends legal responsibility to people with decision-making authority over municipal drinking water systems and those that oversee the accredited operating authority for the system. It requires that they exercise the level of care, diligence and skill with regard to a municipal drinking water system that a reasonably prudent person would be expected to exercise in a similar situation and that they exercise this due diligence honestly, competently and with integrity.

Meeting the statutory standard of care is the responsibility of:

- the owner of the municipal drinking water system
- if the system is owned by a municipality, every person who oversees the accredited operating authority or exercises decision-making authority over the system – potentially including but not limited to members of municipal councils

- if the municipal drinking water system is owned by a corporation other than a municipality, every officer and director of the corporation.

It is important that members of municipal council and municipal officials with decision-making authority over the drinking water system and oversight responsibilities over the accredited operating authority understand that they are personally liable, even if the drinking water system is operated by a corporate entity other than the municipality.

As a municipal Councilor, you need to be aware that not meeting your statutory standard of care responsibilities comes with serious consequences. Section 19 provides the province with an enforcement option when needed.

A provincial officer has the authority to lay a provincial offence charge against a person to whom the standard applies. The range of penalties includes maximum fines of up to \$4 million for a first offence and provision for imprisonment for up to five years. No minimum penalties are established. Actual penalties would be decided by the courts depending on the severity and consequences of the offence.

### **What does all this mean for owners / developers?**

The Drinking Water System operation and alteration is governed by the MDWL and DWWP conditions, applicable acts, regulations, and standards. The legal owner of any part of the drinking water system or any person authorized to carry out work on the drinking water system shall comply with these regulations and standards. It is vital owners are aware of the following:

- Only individuals holding a valid MOECC approved Operator Certification can operate the municipal drinking water system.
- No work associated with or operation of the drinking water system shall permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect. Some discharges of water from the drinking water system associated with the maintenance and repair of the system are approved with prior notification to MOECC. The Town of Carleton Place must be informed of all planned and emergency discharges to ensure compliance and to protect the environment.
- The appropriate approvals shall be in place prior to the commencement of work to construct or alter the drinking water system. The Town has the authority to approve most of the system alteration projects through the DWWP by completing the MOECC mandate forms (Form 1, Form 2, and Form 3). Where the work cannot be approved by the Town, the owner will submit a formal application to the MOECC.

Certain activities are exempt from the requirement to complete a Form 1, 2, or 3 and from application to the MOECC. These activities are exempt if they constitute maintenance or repair of the water system or the activities relate to:

- Establishing or replacing a water service
- Establishing, altering, or changing a watermain appurtenance (provided it does not disrupt the operation of the drinking water system)
- Relining an existing watermain (provided it does not disrupt the operation of the drinking water system)
- Replacing an existing watermain with a new watermain that is similar dimensions and performance criteria and that is in the same or approximately the same location

### **How does this apply to design / engineering consultants?**

Municipal watermains and equivalent systems on private property must be designed in accordance with Town requirements. Generally this means:

- Designed & stamped by a professional Engineer
- Designed to only transmit water and not treat water
- Designed in accordance with the most current version of the Ministry of Environment document "Watermain Design Criteria for Future Alterations Authorized Under a Drinking Water Works Permit"
- Designed that is consistent with or addresses the design objectives contained with the MOECC's "Design Guidelines for Drinking Water Systems"
- Designed in accordance with the Town of Carleton Place requirements and appropriate industry standards including the Ontario Provincial Standards, AWWA, ANSI, and NSF.
- On private property, requirements from the Ontario Building Code may apply.

### **How does the Safe Drinking Water Act apply to Contractors?**

As per Section 12 (1) of the SDWA, only Operator's with a valid licence can operate the municipal drinking water system. Provided below is a sample of the functions that only Certified Operators can perform:

- Open & close valves and gates
- Isolate a watermain and reconnect a watermain
- Flush hydrants
- Conduct water tests for the 24 operational parameters listed under O. Reg. 248/03 (e.g. testing for chlorine residual, turbidity, pH, etc.)
- Perform wet-taps

Within the Town of Carleton Place only municipal staff or operators from OCWA are permitted to perform operational activities/functions within the Town's Distribution System.

### **What are the requirements for contractors in commissioning a watermain?**

The Town of Carleton Place Public Works Department requires contractors to complete works in compliance with the Town of Carleton Place Watermain Commissioning Protocol. This document provides guidance in commissioning watermains.

### Disclaimer

While efforts have been made to ensure the accuracy and completeness, this document provides an overview of the requirements and is intended for general guidance on approvals provisions and does not replace or supersede provincial legislation, applicable regulations, licences, or permits. More information on the precise duties and responsibilities governing drinking water system owners and operating authorities can be found on the MOECC website. Copies of the MDWL and DWWP can be obtained from the Town of Carleton Place upon request. This document also reinforces our commitment to providing safe drinking water and we ask for your support and commitment as well.

If you have any questions regarding this document, please contact the Public Works Office at (613) 257-2253.