
2. POLICIES and PROCEDURES

2.8. *Safe Drinking Water Act, 2002*

22-25. Checklist Reference

Safe Drinking Water Act, 2002
O. Reg. 170/03*

Drinking water systems that supply water to a day nursery where the source of the water is not from a municipal water service connection are required to comply with O. Reg. 170/03 under the *Safe Drinking Water Act, 2002*.

The Ministry of Children and Youth Services (MCYS) is the **interested authority** under O. Reg. 170/03 of the *Safe Drinking Water Act, 2002*; as it applies to the day nurseries.

**LEGISLATIVE
REFERENCES****10.1(1), (2), (3), (4)****DRINKING WATER
SYSTEM
REGISTRATION,
O. Reg. 170/03*****System Information**

- 10.1(1) The owner of a drinking-water system that commences operation after this section comes into force shall give the Director a written notice containing information about the system within 30 days after the system commences operation. O. Reg. 247/06, s.9.
- (2) The owner of a drinking-water system that commenced operation before this section came into force shall give the Director a written notice containing information about the system within 60 days after this section comes into force. O. Reg. 247/06, s.9.
- (3) If there is any change to the information given to the Director under subsection (1) or (2), the owner of the drinking-water system shall give the Director written notice of the change within 10 days of the change. O. Reg. 247/06, s.9.
- (4) The owner of a drinking-water system shall be deemed to have given the Director written notice in accordance with subsection (2) if, before this section came into force, a written notice or report that relates to the system was submitted to the Director in a form that complied with section 14. O. Reg. 247/06, s.9.

**LEGISLATIVE
REFERENCES
(cont'd)****Schedule 21-1(1),
21-3(1), 21-5, 21-7****NEW and
ALTERED
SYSTEMS -
ENGINEER'S
REPORT**

21-1(1) This Schedule applies to the following drinking-water systems:

1. Large municipal non-residential systems.
2. Small municipal non-residential systems.
3. Non-municipal year-round residential systems.
4. Non-municipal seasonal residential systems.
5. Large non-municipal non-residential systems.
6. Small non-municipal non-residential systems.

21-3(1) If, after this Regulation comes into force, a drinking-water system commences operation or an alteration is made to a drinking-water system, the owner of the system shall ensure that, not later than 30 days after the system commences operation or the alteration is completed, a professional engineer who has experience in sanitary engineering related to drinking-water systems prepares a report that complies with section 21-5.

Contents of Engineer's Report

21-5 For the purposes of this Schedule, a report complies with this section if,

- (a) the report specifies which type of drinking-water system listed in subsection 21-1(1) the report deals with;
- (b) the professional engineer who prepares the report states in the report that the professional engineer or a person under his or her supervision has visited the drinking-water system and that, in the professional engineer's opinion,
 - (i) all equipment required in order to ensure compliance with Schedule 2 is being provided, and
 - (ii) all equipment required in order to ensure

**LEGISLATIVE
REFERENCES
(cont'd)****Schedule 21-1(1),
21-3(1), 21-5, 21-7****NEW and
ALTERED
SYSTEMS -
ENGINEER'S
REPORT
(cont'd)**

compliance with Schedules 6, 8 and 9 is being provided;

- (c) the report sets out the professional engineer's reasons for the opinion referred to in clause (b), along with the technical and other information he or she relied on in reaching that opinion; and
- (d) the report includes a maintenance schedule that sets out requirements relating to the frequency with which the following equipment must be inspected, tested and replaced;
 - (i) the water treatment equipment that is provided by the drinking-water system, and
 - (ii) the equipment that is provided by the drinking-water system in order to ensure compliance with Schedules 6, 8 and 9.

Notice to Director

21-7(1) The owner of the drinking-water system shall, within seven days after a report is required to be prepared under this Schedule, give a notice to the Director and to the interested authority for each designated facility served by the system that specifies which type of drinking-water system listed in subsection 21-1(1) the report deals with and includes a copy of the opinion referred to in clause 21-5(b).

- (2) The owner of a drinking-water system shall promptly give a notice to the Director that describes any changes that occur with respect to information that was given in an earlier notice under subsection (1) or this subsection.

**O. Reg 170/03
SECTION 11
ANNUAL REPORT**

11(1) The owner of a drinking-water system shall ensure that an annual report is prepared in accordance with this section. O. Reg. 170/03, s.11(1); O. Reg. 247/06, s.10(1).

- (2) The owner of a drinking-water system, other than a large municipal residential system or a small municipal residential system, shall ensure that, when the annual report is prepared, a copy of the report is given to,

**LEGISLATIVE
REFERENCES
(cont'd)****O. Reg 170/03
SECTION 11
ANNUAL REPORT
(cont'd)*****Safe Drinking Water
Act, 2002, Chapter 32,
Adverse Water Test
Reporting*****Section 18(1), (2), (3)**

- (a) each designated facility served by the system; and
- (b) the interested authority for each designated facility served by the system. O. Reg. 170/03, s.11(2); O. Reg. 247/06, s.10

18(1) Each of the following persons shall report every prescribed adverse result of a drinking-water test conducted on any waters from a municipal drinking-water system or a regulated non-municipal drinking-water system to the Ministry and the medical officer of health immediately after the adverse result is obtained:

1. The accredited operating authority responsible for the system or, if there is no accredited operating authority responsible for the system, the owner of the system.
2. The person operating the laboratory at which the adverse result was obtained. 2002, c.32, s.18(1).

Same

- (2) A report under subsection (1) shall be made in accordance with the regulations. 2002, c.32, s.18(2).

Duty to Report to The Owner

- (3) If an accredited operating authority is required to report an adverse test result under subsection (1), the accredited operating authority shall also immediately report the adverse test result to the owner of the system for which the accredited operating authority is responsible. 2002, c.32, s.18(3).

**LEGISLATIVE
REFERENCES
(cont'd)****Schedule 16-1, 16-4,
16-5, 16-6, 16-7, 16-8,
16-9, and 16-10,
O. Reg. 170/03.****Adverse Water
Quality Test
Reporting****Adverse Water Quality Test Reporting**

16-1 This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.
3. Large municipal non-residential systems.
4. Small municipal non-residential systems.
5. Non-municipal year-round residential systems.
6. Non-municipal seasonal residential systems.
7. Large non-municipal non-residential systems.
8. Small non-municipal non-residential systems.

16-4 If an observation other than an adverse test result prescribed by section 16-3 indicates that a drinking-water system that provides or is required to provide disinfection is directing water to users of water from the system that has not been disinfected in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*,

- (a) the owner of the system shall report to the Ministry and the medical officer of health immediately after the observation is made; or
- (b) if an operating authority is responsible for the operation of the system, the operating authority shall report to the Ministry, the medical officer of health and the owner of the system immediately after the observation is made.

Report to Designated Facilities

16-5(1) An owner of a drinking-water system who is required to report under subsection 18(1) of the Act or clause 16-4(a) or who receives a report under clause 16-4(b) shall report to the operator of each designated facility served by the system immediately after making the report under subsection 18(1) of the Act or clause 16-4(a) or receiving the report under clause 16-4(b).

**LEGISLATIVE
REFERENCES
(cont'd)**

Schedule 16-1, 16-4,
16-5, 16-6, 16-7, 16-8,
16-9, and 16-10,
O. Reg. 170/03.

**Adverse Water
Quality Test
Reporting
(cont'd)**

- (2) Subsection (1) does not apply to the owner of a large municipal residential system.
- (3) Subsection (1) does not apply if the owner of the drinking-water system is also the operator of the designated facility.

Manner of Making Immediate Report

- 16-6(1) A person who is required to report immediately under section 16-4 or 16-5 or under section 18 of the Act shall do so in accordance with this section and section 16-8.
- (2) An immediate report required under section 16-4 or 16-5 or under subsection 18(1) of the Act must be given by speaking in person or by telephone with a person referred to in subsection (3).
 - (3) For the purpose of subsection (2), the immediate report must be given,
 - (a) to a medical officer of health, by speaking with a person at the office of the medical officer of health or, if the office is closed, by speaking with a person at the on-call system of the health unit;
 - (b) to the Ministry, by speaking with a person at the Ministry's Spills Action Centre; and
 - (c) if the report is required under section 16-5, by speaking with a responsible individual at the designated facility.
 - (4) An immediate report required under subsection 18(3) of the Act must be given by speaking in person or by telephone with a person designated for that purpose by the owner of the drinking-water system.
 - (5) An immediate notice required under subsection 18(4) of the Act must be given by speaking in person or by telephone with a person designated for that purpose by,
 - (a) the owner of the system and the operating authority for the system, if an operating authority is responsible for the system; or

**LEGISLATIVE
REFERENCES
(cont'd)**

Schedule 16-1, 16-4,
16-5, 16-6, 16-7, 16-8,
16-9, and 16-10,
O. Reg. 170/03.

**Adverse Water
Quality Test
Reporting
(cont'd)**

(b) the owner of the system, if no operating authority is responsible for the system.

- (6) If an immediate report is required to be given under section 16-5 to the operator of a designated facility that is not open, the report must be given not later than the time the designated facility re-opens.

Written Notice

16-7(1) A person who is required to report immediately to another person under section 16-4 or 16-5 or under subsection 18(1) of the Act shall also give the other person a written notice in accordance with this section and section 16-8.

- (2) A written notice required by subsection (1) must be given within 24 hours after the immediate report is given under section 16-4 or 16-5 or under subsection 18(1) of the Act.

- (3) A written notice required by subsection (1) must be given to,

(a) the medical officer of health, by delivering the written notice to the office of the medical officer of health;

(b) the Ministry, by delivering the written notice to the Ministry's Spills Action Centre; and

(c) the operator of a designated facility, by delivering the written notice to the facility.

- (4) A person who is required to give a written notice to a designated facility under subsection (1) shall also give a copy of the notice to,

(a) the minister responsible for the ministry or a person designated by the minister, if the interested authority is a ministry; or

(b) the head of the interested authority, if the interested authority is not a ministry.

**LEGISLATIVE
REFERENCES
(cont'd)****Schedule 16-1, 16-4,
16-5, 16-6, 16-7, 16-8,
16-9, and 16-10,
O. Reg. 170/03.****Adverse Water
Quality Test
Reporting
(cont'd)****Content of Report and Notice**

16-8(1) An immediate report given under section 16-4 or 16-5 or under section 18 of the Act must specify the adverse test result or observation that requires the report.

(1.1) Subsection (1) does not apply to an immediate report given by the owner of a drinking-water system if the report relates to an adverse test result from a test that that was not conducted at the system.

(1.2) If the person operating a laboratory gives an immediate report under section 18 of the Act in respect of a result that exceeds any of the standards prescribed by Schedule 1 to the Ontario Drinking-Water Quality Standards for a water sample that was required, by this Regulation or an approval or order, including an OWRA* approval or OWRA order, to be tested for a microbiological parameter, and the laboratory received notice of the test result for the other sample that, under section 6-3 of Schedule 6, was required to be taken and tested for free chlorine residual or combined chlorine residual, the immediate report must also specify that test result.

* *Ontario Water Resources Act (OWRA)*

(2) An immediate report given under section 16-4 or 16-5 or under subsection 18 (1) of the Act must indicate,

(a) what actions are being taken in response to the adverse test result or observation that requires the report; and

(b) if Schedule 17 or 18 requires that a corrective action be taken in respect of the adverse test result or observation, whether the corrective action is being taken.

(3) Subsection (2) does not apply to a report given under paragraph 2.

(4) Subject to subsection (3), subsections (1) to (2) also apply, with necessary modifications, to the written notice given under section 16-7.

**LEGISLATIVE
REFERENCES**

(cont'd)

**Schedule 16-1, 16-4,
16-5, 16-6, 16-7, 16-8,
16-9, and 16-10,
O. Reg. 170/03.****Adverse Water
Quality Test
Reporting
(cont'd)****Notice of Issue Resolution**

16-9(1) If an immediate report or a written notice is given under this Schedule and the issue that gave rise to the notice is resolved, the owner of the drinking-water system shall, within seven days after the issue is resolved, give a written notice summarizing the action taken and the results achieved to,

- (a) the medical officer of health, by delivering the written notice to the office of the medical officer of health; and
- (b) the Ministry, by delivering the written notice to the Ministry's Spills Action Centre.

(2) If an immediate report or a written notice is given under this Schedule to the interested authority for a designated facility and the issue that gave rise to the notice is resolved, the owner of the drinking-water system shall, within 30 days after the issue is resolved, give a written notice summarizing the action taken and the results achieved to the interested authority.

Operating Authorities

16-10 An operating authority that has agreed with the owner of a drinking-water system to give reports or notices on behalf of the owner under section 18 of the Act or this Schedule shall comply with the agreement.

INTENT

The *Safe Drinking Water Act, 2002* is intended to protect human health and prevent drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.

INDICATORS**Indicator Type:** Documentation

1. Documentation is on file confirming the drinking water system is registered with the Ministry of Environment (MOE) and has a registration number.
2. A copy of the Notice of Completion of an Engineering Evaluation Report for New or Altered System* form and the Declaration of Professional Engineer was submitted to MCYS within 37 days of a new drinking water system commencing operation or of an existing drinking water system completing the alteration. The notice is signed and sealed by the professional engineer with confirmation of the professional engineer's declaration, signature and seal validating treatment compliance.

Note: In the case of a new day nursery operator, confirmation of drinking water system compliance must be obtained prior to issuing the license.

This requirement is not applicable if all the water is trucked or hauled from another regulated system providing disinfection.

*This is required only when the drinking water system is altered (excluding normal repairs, maintenance and adjustments).

3. A copy of the drinking water system annual report was submitted to MCYS within the previous 12 months
4. Where there is any adverse water quality test result and other problem(s) related to improper disinfection, the following documentation is confirmed:
 - (a) It was verbally reported immediately to the Spills Action Centre of MOE, the local Medical Officer of Health, and the operator of the day nursery if that operator is different than the system operator.

INDICATORS
(cont'd)

- (b) Within 24 hours of giving verbal notice to MOE Spill Action Centre and local Medical Officer of Health and the operator of the day nursery if that operator is different than the system operator, the day care operator submitted written notice to MCYS, using the Notice of Adverse Test Results and Other Problems form.
- (c) A Notice of Issue Resolution form that summarizes the corrective action and results achieved was submitted to MCYS within 30 days of the issue that gave rise to the notice of adverse water quality test result is resolved.

Indicator Type: Operator Interview

1. The operator confirms that any adverse water quality tests or problems were reported in accordance with the *Safe Drinking Water Act, 2002* requirements.
2. If the drinking water system was altered (excluding normal repairs, maintenance and adjustments), the operator confirms a copy of the Notice of Completion of an Engineering Evaluation Report for New or Altered System form that includes the Declaration of Professional Engineer was submitted to MCYS with 37 days of the alteration that confirms the engineer's declaration, signature and seal validating treatment compliance. (Not applicable to system if all the water is trucked or hauled from another regulated system providing disinfection).

**SPECIAL
INSTRUCTIONS****Corrective Action when there is an adverse test result or other problem:**

The operator of the day nursery (or it could be the operator of the system where the day nursery is a tenant) must immediately take corrective action when there is an adverse test result or other problem(s). See Schedule 18 of O. Reg. 170/03, made under the *Safe Drinking Water Act, 2002* for more information. In all cases, any additional directions of the local Medical Officer of Health must be followed. These may include directions on use of the water.

**SPECIAL
INSTRUCTIONS
(cont'd)****Special Instructions for Adverse Water Quality Reporting:**

The Ministry of Children and Youth Services (MCYS) is the interested authority under O. Reg. 170/03 of the *Safe Drinking Water Act, 2002*; as it applies to the day nurseries. The interested authority is usually the Ontario government ministry to which the designated facility is responsible. Day care operators should be referred to the MOE if they have any questions about the requirements of this regulation.

***GLOSSARY OF
TERMS****Annual Report**

All drinking water systems subject to the drinking water systems requirements set out in O.Reg. 170/03 must prepare an annual report each year which is to be submitted to MCYS, as the interested authority. A copy of the report is also to be kept on site.

Adverse Test Result

An adverse test result is a test result that exceeds a prescribed adverse test result listed in s.16-3 of Schedule 16 of O.Reg. 170/03, including the Ontario Drinking Water Quality Standards of O. Reg. 169/03. More information on the standards is available in the *Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines* (a guidance document for O.Reg. 169/03) found at:

www.ene.gov.on.ca/envision/gp/4449e01.pdf.

Designated Facilities

Designated facilities are buildings and places for people who may be more susceptible to illness from drinking water of poor quality. Designated facilities include day nurseries that serve 6 or more children.

Drinking Water System Registration

All drinking water systems serving designated facilities must be registered with MOE. Once the system is registered, a drinking water system number is provided by MOE. The registration ensures the facility is entered into the MOE computer system.

***GLOSSARY OF
TERMS
(cont'd)****Interested Authority**

The interested authority is usually the Ontario government ministry to which the designated facility is responsible (e.g., Ministry of Children and Youth Services for day nurseries).

Notice of Completion of an Engineering Evaluation Report for New or Altered System form

When installing drinking water treatment equipment or when an alteration is made to the system (excluding normal repairs, maintenance and adjustments) under the *Safe Drinking Water Act, 2002*, a professional engineer with experience in sanitary engineering or a person under his or her supervision must assess the drinking water system in order to determine the proper treatment solution that is needed for compliance with the regulation. A Declaration of Professional Engineer must be completed and submitted in conjunction with the Notice of Completion of an Engineering Evaluation Report for New or Altered System form confirming the engineer's declaration, signature and seal validating treatment compliance.

An on-line version of the MOE, *Providing Safe Drinking Water to the Public* (a guide for owners and operators of non-residential and seasonal residential drinking water systems that serve designated facilities) can be obtained at www.ene.gov.on.ca/envision/water/sdwa/dwsr.htm.

For Additional information about the *Safe Drinking Water Act, 2002* or fact sheets related to drinking water, contact the MOE Public Information Centre at 1-800-565-4923 or the MOE website at: www.ene.gov.on.ca.