

## Small Drinking Water Systems under the *Health Protection and Promotion Act* **Get to Know the Law: Directives**

Working Together to Safeguard our Health

This fact sheet provides basic information only. It must not take the place of medical advice, diagnosis or treatment. Always talk to a health care professional about any health concerns you have, and before you make any changes to your diet, lifestyle or treatment.

### Small drinking water systems in Ontario

The Ministry of Health and Long-Term Care (MOHLTC) has oversight of small drinking water systems in Ontario. The MOHLTC has prepared this information kit to help you become familiar with Ontario's small drinking water system legislation – primarily Ontario Regulation 319/08 (Small Drinking Water Systems) made under the *Health Protection and Promotion Act* (HPPA). Under this law, you are required to provide users with safe drinking water at all times.

### What is a small drinking water system directive?

A directive is a document that outlines the operational requirements that must be carried out by the owner or operator of a small drinking water system. This document is issued in accordance with section 7 of Ontario Regulation 319/08 (Small Drinking Water Systems).

A directive is issued to an owner or operator on completion of a site-specific risk assessment or other inspection process conducted by a public health inspector from the local health unit.

### How will the public health inspector know what operational requirements are necessary for my small drinking water system?

Since there are many types of small drinking water systems, a public health inspector will conduct a site-specific risk assessment of your system to determine potential risks to users associated with the operation of your small drinking water system. This is done by:

- Using a risk categorization (RCat) tool to identify and assess potential risks to users.
- Applying a multi-barrier approach to determine any potential risk that may affect the safety of the drinking water if left uncorrected.

Following the site-specific risk assessment, operating requirements are established to help you to adequately maintain and supervise the provision of drinking water to your users. These operating requirements will be provided to you as a written directive that specifically applies to your small drinking water system.

## What is the risk categorization (RCat) tool and how does it work?

The RCat tool was developed by the Ministry of Health and Long-Term Care (MOHLTC) specifically for site-specific risk assessments of small drinking water systems. This tool assesses all parts of the small drinking water system from source water to tap by applying the steps of a multi-barrier approach to protect drinking water.

At the end of the risk assessment, your small drinking water system will be assigned one of the following risk categories for the system as a whole:

**High** = Significant level of risk

**Moderate** = Medium level of risk

**Low** = Negligible level of risk

## What are some of the actions or requirements that are included in a directive?

Under section 7 of Ontario Regulation 319/08 (Small Drinking Water Systems), a public health inspector will issue a directive which may relate to any of the following or other subjects:

### Frequency, location and method of sampling and testing

Ontario Regulation 319/08 requires that as the operator of a small drinking water system you must sample and test your water at a minimum frequency through a

laboratory licensed by the Ministry of the Environment and Climate Change.

Furthermore, to determine any additional sampling and testing requirements for your small drinking water system under Ontario Regulation 319/08, the public health inspector will consider factors such as:

- The risks identified by the RCat tool during the site-specific risk assessment of your small drinking water system;
- The provision of treatment to your small drinking water system; and
- The protection of the source or distribution system.

Depending on the inspection findings, the public health inspector's directive may establish:

- Your sampling frequency, which may vary depending on the risks and complexity of your small drinking water system;
- The location(s) in the drinking water system from which samples must be collected (e.g., at the tap if you use a simple system or from the distribution system); and
- The sampling techniques to use (e.g., a grab sample or continuous monitoring for testing of chlorine residual).

### Types of samples to be taken

All owners or operators of small drinking water systems will be required to collect samples for the following microbiological agents: *Escherichia coli* (*E. coli*) and total coliforms. Based on the site-specific risk assessments, some owners or operators may also be required to collect samples and test the water for other parameters such as:

- Chemical (fluoride, lead or nitrate) or radiological contaminants (uranium);

- Any other parameters (e.g., viruses or parasites or specific chemicals).

### Provision of treatment

Ontario Regulation 319/08 requires that water be treated if the small drinking water system obtains water from surface water source.

The public health inspector's directive may require you to install treatment equipment on the small drinking water system that may include any combination of the following:

- Primary disinfection and/or secondary disinfection; and
- Filtration.

You may also be required to operate treatment equipment within parameters specified by the public health inspector.

### Performance of operational checks

The public health inspector's directive may also require you to perform specific operational tests. For example, you may be required to:

- Conduct turbidity tests; or
- Measure disinfectant levels.

### Maintenance of records

The public health inspector may require that you maintain records of operational and maintenance tests and related issues for your small drinking water system. For example, you may be required to maintain records of:

- The test results for any of the following standards: microbiological (e.g., E. coli and total coliform), chemical (e.g., nitrate) or radiological (uranium) parameters;
- Free available chlorine residual reading for primary or secondary disinfection;
- Turbidity levels;

- Equipment failures; and
- Corrective actions taken to respond to any adverse test results or adverse observations.

### Posting of Warning Signage

The public health inspector may require you to post and maintain warning signs to notify users not to consume water from the small drinking water system if it is unsafe. The public health inspector may specify where the signs must be posted.

### Training

As the operator of a small drinking water system, you should be trained in the operation of the system for which you are responsible. The public health inspector will determine whether the type of training you have is appropriate and may recommend that you obtain additional training. Specifically, the directive issued by the public health inspector may require you to:

- Have a personal consultation with a public health inspector or local board of health staff;
- Review educational material provided by your local board of health staff;
- Receive training provided by equipment or treatment system providers;
- Receive other training approved by the Ministry of the Environment and Climate Change; or
- Meet other training requirements specified by the public health inspector.

### What can I do if I do not agree with the requirements issued in a directive?

Under section 38 of Ontario Regulation 319/08, after you have been issued a directive or an amendment to a directive, you have seven days to request a review by the local medical officer of health (MOH). If you and the public health inspector have a disagreement about the requirements

issued in a directive, you should first discuss the matter with the public health inspector.

If you are not satisfied with the outcome of this consultation, then the small drinking water system owner may file for a review in writing to the MOH of the health unit where you operate your small drinking water system.

Your written request for a review must include the following:

- The portions of the directive or the amendment to a directive that you want to be reviewed;
- Any submission that you would like the MOH to consider in the review; and
- A current mailing address so that the MOH can provide you with his or her decision in respect of the review.

If you are considering seeking a review, you should refer to Ontario Regulation 319/08 for the complete details of the review process.

## 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 small drinking water system 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 319/08 (Small Drinking Water Systems) or any directives issued on your system. In addition, you should become familiar with the procedure documents produced to help you efficiently operate a small drinking water system:

- *Procedure for Disinfection of Drinking Water in Ontario; and*
- *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](http://www.e-laws.gov.on.ca/index.html)

- Ontario Regulation 319/08: <http://www.ontario.ca/laws/regulation/080319>

Ministry of Health and Long-Term Care (MOHLTC): [www.health.gov.on.ca](http://www.health.gov.on.ca)

- Current list of local public health units: <http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>

Ministry of the Environment and Climate Change (MOECC):

<http://www.ontario.ca/ministry-environment-and-climate-change>

- Current list of licensed laboratories: <http://www.ontario.ca/document/list-licensed-laboratories>

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

[www.omafra.gov.on.ca/english/](http://www.omafra.gov.on.ca/english/)