



Water Services: Statutory Standard of Care

UNDERSTANDING YOUR ROLE IN PROVIDING SAFE DRINKING WATER

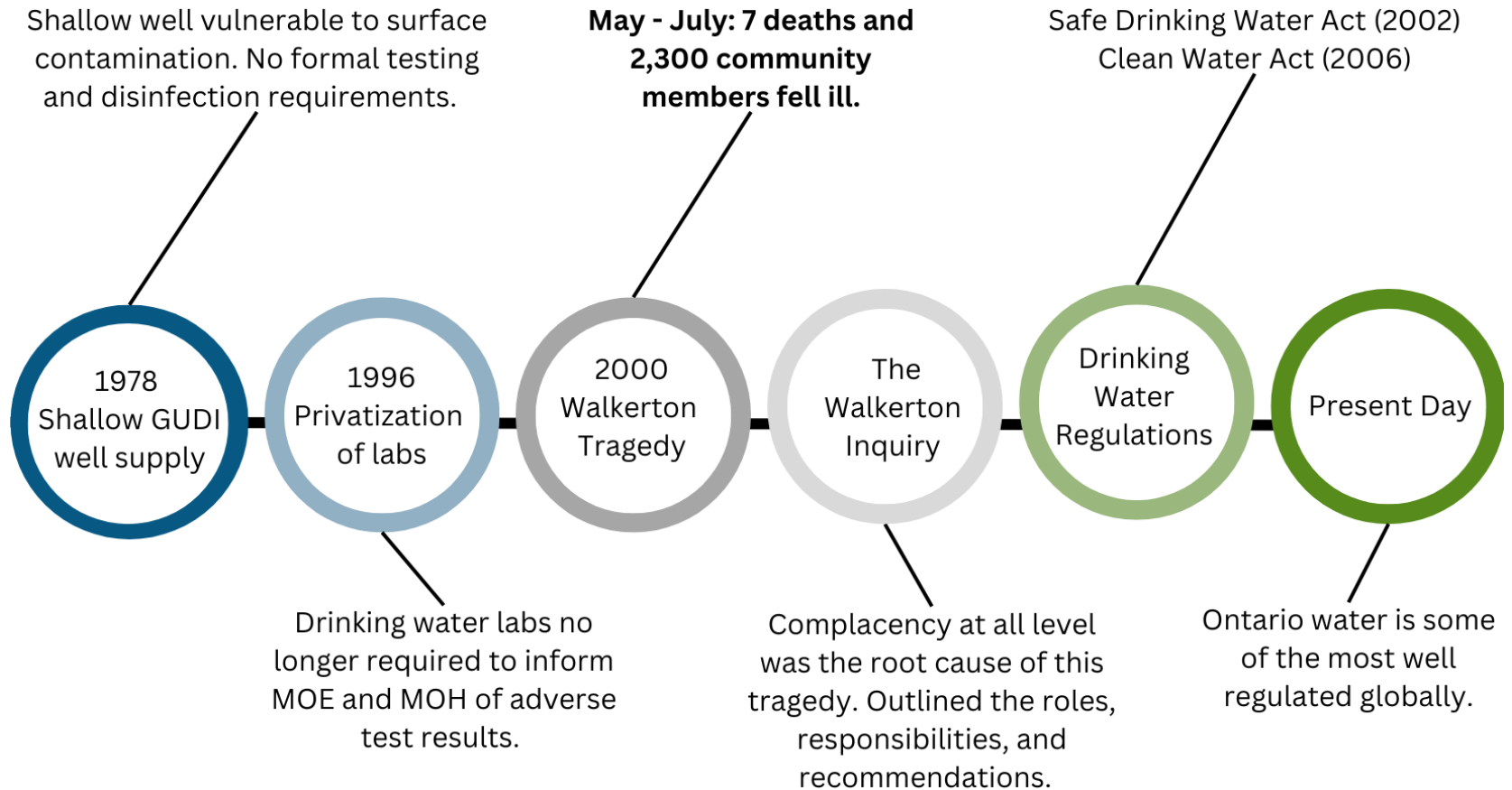
FEBRUARY 22, 2023

AGENDA

- 1. Drinking Water Legislation**
- 2. Protecting Our Municipal Drinking Water**
- 3. Drinking Water Statutory Standard of Care**
- 4. Demonstrating Due Diligence**

CHANGES TO DRINKING WATER LEGISLATION

The Walkerton Tragedy



CHANGES TO DRINKING WATER LEGISLATION

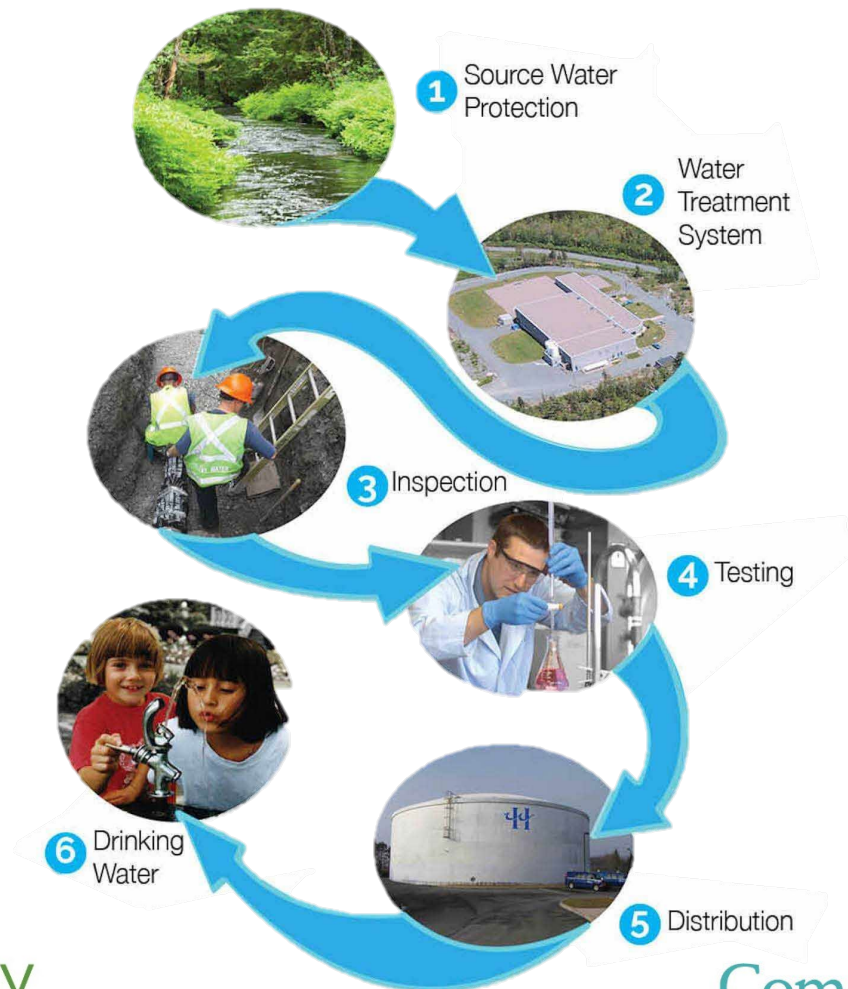
Regulations

- Safe Drinking Water Act, 2002
 - ✓ Water Treatment & Distribution Operations
 - ✓ Municipal Drinking Water Licensing
 - ✓ Drinking Water Quality Management System
- Clean Water Act, 2006
 - ✓ Source Water Protection
- Ontario Water Resources Act, 1990
 - ✓ Pollution of water bodies
 - ✓ Water taking (wells)

These regulations form a multi barrier approach to protecting drinking water!

PROTECTING OUR DRINKING WATER

Multi-barrier Approach



PROTECTING OUR DRINKING WATER



O. Reg. 205/18

Municipal drinking water and source protection plans

O. Reg. 170/03

Drinking water systems, annual reports, parameters and reporting

O. Reg. 169/03

Ontario Drinking Water Quality Standards

O. Reg. 248/03

Drinking water testing services, lab inspections, sample handling

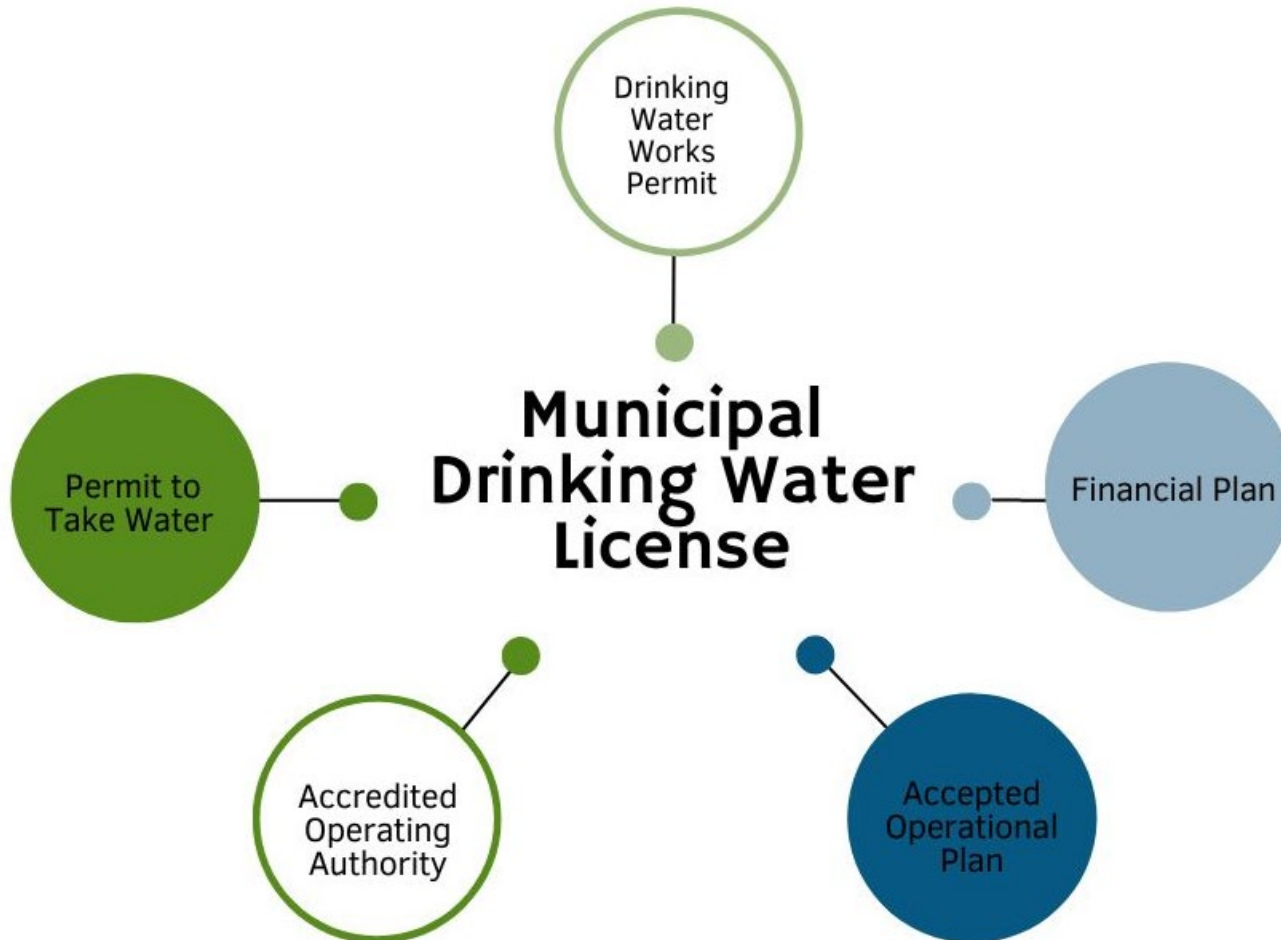
O. Reg. 128/04

Certification of drinking water system operators and water quality analyst

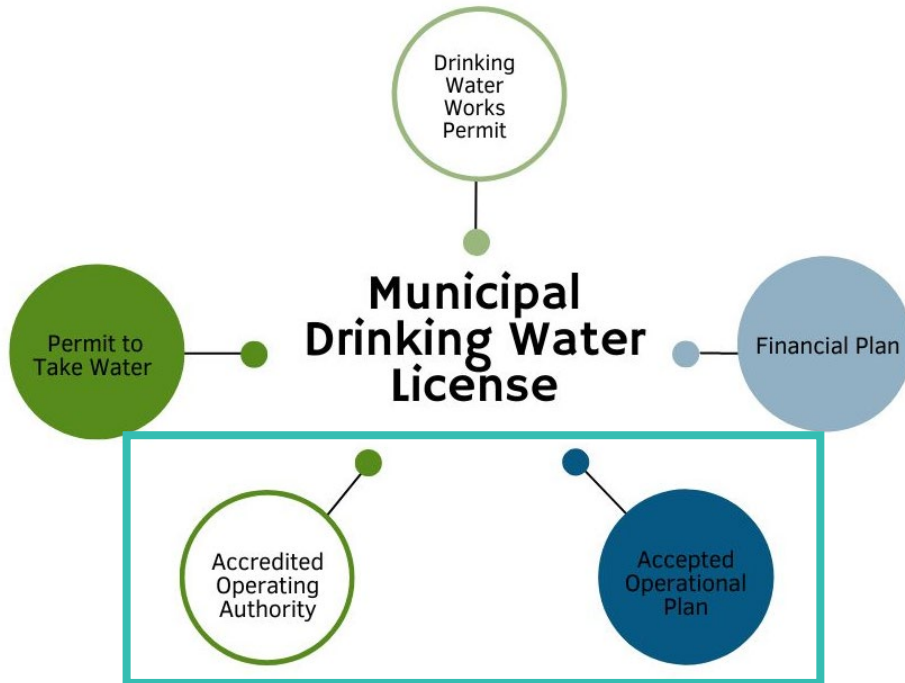
OPERATOR CERTIFICATION

- O. Reg. 128/04 - Only licensed Water Operators can operate Municipal drinking water systems.
 - > Minimum education requirements
 - > Mandatory training (continuous education units)
 - > Verification of knowledge through standardized examinations;
 - > Experience requirements to progress
 - (Operator in training – class 4)
- Operators must meet *and maintain* separate licenses for water distribution and water treatment.

WATER LICENSING SYSTEM



WATER LICENSING SYSTEM

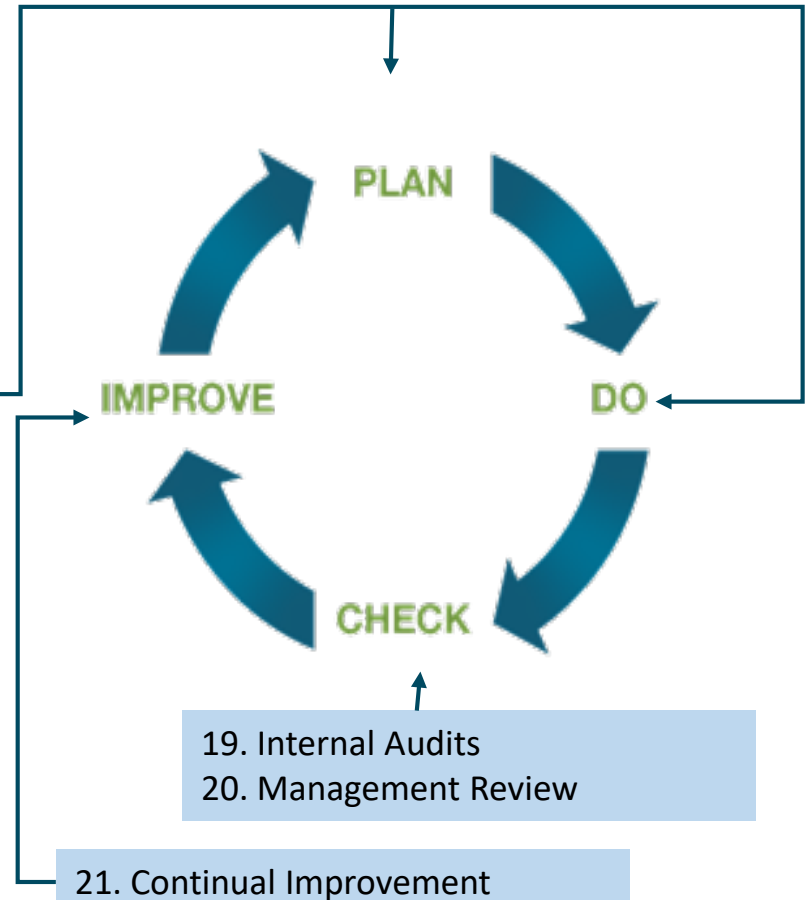


Drinking Water Quality Management Standard (DWQMS)

- Provide a proactive and preventative approach to management strategies that identify and manage risks to public health
- Establish and document management procedures
- Clearly identify roles and responsibilities
- Ensure the County is striving for continual improvement of our management system

DRINKING WATER QUALITY MANAGEMENT SYSTEM

1. Quality Management System
2. Quality Management System Policy
3. Commitment and Endorsement
4. Quality Management System Representative
5. Document and Records Control
6. Drinking Water System
7. Risk Assessment
8. Risk Assessment Outcomes
9. Organizational Structure, Roles, Responsibilities and Authorities
10. Competencies
11. Personnel Coverage
12. Communications
13. Essential Supplies and Services
14. Review and Provision of Infrastructure
15. Infrastructure Maintenance, Rehabilitation and Renewal
16. Sampling, Testing and Monitoring
17. Measurement and Recording Equipment Calibration and Maintenance
18. Emergency Management



OXFORD COUNTY DWQMS OVERVIEW

Oxford County's DWQMS ensures the safe, reliable, 24/7 operation and management of our drinking water systems' and infrastructure. Including:

- 17 municipal water systems
- +60 municipal wells
- 34 water treatment facilities
- 39 reservoirs/storage towers
- 7 booster pumping stations
- 5 bulk water stations
- +735 kilometres of distribution watermains

This is achieved through:

- Continuous review and improvement of effective drinking water system work practices
 - > standard operating procedures, administrative and quality policies
- Formal annual management reviews of all water systems
 - > Findings are reported to Council.
- The success of the DWQMS itself is audited
 - > Annual internal and external audits (reaccreditation audit is every 3 years)



OXFORD COUNTY: THEN VS NOW

Old Lakeside Standpipe and WTF



Tavistock Open Reservoir for Water Storage (Treatment by Chlorination Only)



Old Hickson WTF and Well



Innerkip Homesites Wells and Pumphouse



OXFORD COUNTY : THEN VS NOW

Inside the New Thornton WTF



Lakeside Standpipe



Monitoring Wells



Standard Operating Procedures

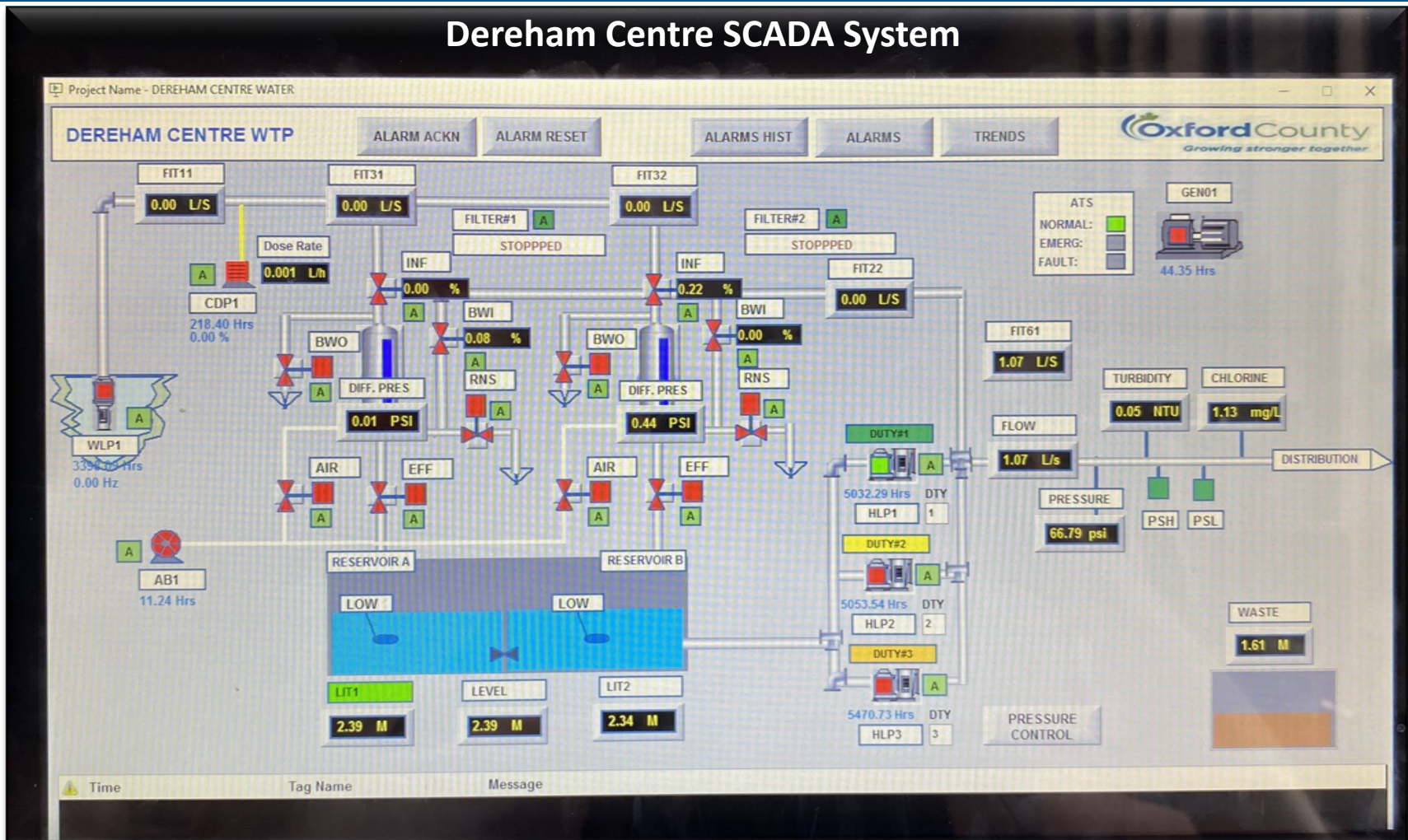


Brownsville Well and Pumphouse



OXFORD COUNTY: THEN VS NOW

Dereham Centre SCADA System



WHAT IS THE STATUTORY STANDARD OF CARE

- The Walkerton Inquiry

“Given that the safety of drinking water is essential for public health, those who discharge the oversight responsibilities of the municipality should be held to a statutory standard of care.”

- Justice Dennis O'Connor

SAFE DRINKING WATER IS A SHARED RESPONSIBILITY

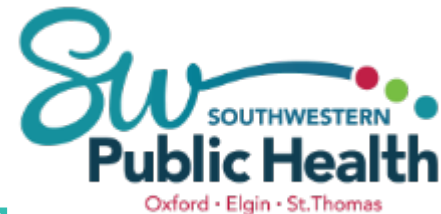
- **The Province**

- Ministry of Environment, Conservation & Parks
- Ministry of Health & Long Term Care



- **Public Health**

- Southwestern Public Health



- **Drinking Water Systems Owner**

- Oxford County, represented by Oxford County Council and CAO



- **Accredited Operating Authorities**

- Water Authority - Oxford County Public Works
- Service Contract - Woodstock (Partial Distribution only)
- Service Contract - Tillsonburg (Partial Distribution only)



STATUTORY STANDARD OF CARE

Safe Drinking Water Act, 2002 - Section 19

Duty and Liability:

- 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.
- You must 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.
- You must act honestly, competently and with integrity.

STATUTORY STANDARD OF CARE

Safe Drinking Water Act, 2002 – Section 11

Duties of Owners & Operating Authorities:

- Provide water that meets all prescribed drinking water quality standards.
- Operate in accordance with the Act and its regulations.
- Ensure that drinking water systems are appropriately resourced.
- Comply with all sampling, testing and monitoring requirements.
- Meet all reporting requirements, including annual reporting to the public.

DEMONSTRATING DUE DILIGENCE

As the Owner you must exercise the Standard of Care when:

- Reporting to the public on any matter required by regulations – as Council, you are responsible for what you report to the public.
- Reviewing annual drinking water system reports, source water protection plan policies, Council reports, and proposed By-laws related to the drinking water system.
- Ensuring that the drinking water systems are appropriately staffed and supervised by qualified persons.

DEMONSTRATING DUE DILIGENCE

As the Owner you must exercise the Standard of Care when:

- Ensuring the financial sustainability of the drinking water system.
 - Rate Study & Financial Plan (required for MDWL)
 - Budgets & Business Plans
- Ensuring there is sustainable drinking water infrastructure.
 - Asset Management Plan
- Ensuring the drinking water system is operated by an accredited Operating Authority (OA).
 - DWQMS / Operational Plan(s)
 - With new Council, the Operational Plans will be coming in 6 months for your review and signatures

DEMONSTRATING DUE DILIGENCE

- As a municipal official you must practice due diligence when making decisions that could affect the drinking water to protect public health.
- You have a role in ensuring safe drinking water for our communities.
- A provincial offences officer has the authority to lay charges against any person to which the Standard of Care applies.
 - > Up to \$4 million for a 1st offence and imprisonment for up to 5 years

STATUTORY STANDARD OF CARE

- Council can continue to rely on Oxford County's highly trained professional staff that operate and manage all of our municipal water systems in compliance with all MECP regulatory requirements.
- If you are unsure about the County's drinking water system matters, seek expert advice. You can always contact staff in the Public Works department.
- As our 24/7 priority, staff ensure that Oxford's drinking water is high quality, reliable, and safe.



DISCUSSION



ADDITIONAL RESOURCES

- [Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils](#)
- [Drinking Water Source Protection Primer: For Municipal Councillors](#)
- [Walkerton Clean Water Centre Courses](#)
 - Responsibilities Under the Statutory Standard of Care
 - Safe Drinking Water Act