

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

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.

### Are you operating a small drinking water system?

If your business or premises makes drinking water available to the public and you do not get your drinking water from a municipal drinking water system, you may be an owner or operator of a small drinking water system.

Your drinking water system is a small drinking water system if it:

- Serves a major residential development, or a trailer park or campground with six or more connections and does not operate year round with at least one closure period of 60 consecutive days in every calendar year or every period beginning on April 1 and ending on March 31 of the following year, or
- Is a municipal drinking water system that does not serve a major residential development, or a trailer park or campground with six or more connections, and does not serve a “designated facility” as defined in Ontario Regulation 170/03 (Drinking Water Systems) under the *Safe Drinking Water Act, 2002*.

#### Unless:

- Your system is not capable of supplying drinking water at a rate greater than 2.9 litres per second, and does not serve a public facility, such as a food service establishment, hotel, motel, trailer park, campground, marina, place of worship, recreational facility or athletic facility, locations where service clubs or fraternal organization meet, other than a private residence, or any place where the general public has access to a washroom, drinking fountain or shower.

## **What are my responsibilities as an owner or operator under Ontario Regulation 319/08 (Small Drinking Water Systems)?**

Ontario Regulation 319/08 (Small Drinking Water Systems) sets out specific requirements and obligations that small drinking water systems owners and operators must comply with. A link to the full text of Ontario Regulation 319/08 can be found at the end of this brochure; however, some of the specific requirements in Ontario Regulation 319/08 include:

### **Notification of intention to supply water**

Owners of small drinking water systems are required to notify the local medical officer of health in writing before supplying water to users of the system following the construction, installation, alteration or extension of the system.

### **Designating an operator**

Owners of small drinking water systems are required to designate an operator who will have primary responsibility for the system. The operator may be the owner. Operators must be appropriately trained to operate the specific small drinking water system. This training should include an understanding of relevant safety and emergency procedures.

### **Sampling and testing**

Owners and operators of small drinking water systems will be required to have water from their systems tested at a laboratory licensed by the Ministry of the Environment and Climate Change and to provide written notice of the identity of the laboratory to the local medical officer of health. The minimum sampling requirement is sampling every three months for *Escherichia coli* (*E. coli*) and total coliforms bacteria. The directive issued by the local public health inspector may specify a

different frequency or the particulars of other tests that must be performed.

### **Treatment**

If a small drinking water system treats water that it provides to users, the owner and operator of the small drinking water system must ensure that water treatment equipment meets specific requirements that are detailed in Ontario Regulation 319/08. The owner and operator must ensure that appropriate treatment equipment is provided.

### **Response to adverse test results**

Whenever there is an adverse test result or observation which indicates that the drinking water may not be safe, you must notify the local medical officer of health immediately by phone or in person. You must also take corrective actions, as prescribed in the regulation or as instructed by the medical officer of health. Follow-up written reporting to the medical officer of health is also required.

### **Records retention**

Owners and operators of small drinking water systems are required to retain copies of some operational records. For example, results of all tests required by Ontario Regulation 319/08 must be kept for five years and must be made available, if requested by a member of the public, for a period of two years.

### **Directives**

Once a public health inspector has done a site-specific risk assessment of a small drinking water system, he or she will issue a directive to the owner or operator of the system. The directive will be specific to that drinking water system. A directive could include specific sampling, testing, treatment, training, signage posting, or other requirements.

## Request for review

If an owner of a small drinking water system does not agree with the requirements in a directive that was issued by a public health inspector, he or she may ask for a review by the local medical officer of health within seven days of the date that the directive is issued.

## 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) and 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*
- *Procedure for Corrective Action for Small Drinking Water Systems that are Not Currently Using Chlorine*

For general information about well water safety, ask your local public 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/)