

**Health Protection and Promotion Act
Loi sur la protection et la promotion de la santé**

ONTARIO REGULATION 318/08

TRANSITIONAL — SMALL DRINKING WATER SYSTEMS

Consolidation Period: From September 16, 2008 to November 30, 2008.

This is the most current consolidation of this law available on e-Laws.

Notice of additional information:

On December 1, 2008, this Regulation came into force. Grey shading and editorial notes will be removed in a subsequent consolidation to show effect of coming into force.

There may be more recent events that are not included in this notice.

Note: This Regulation comes into force on December 1, 2008. See: O. Reg. 318/08, s. 17.

No amendments.

This Regulation is made in English only.

[SKIP TABLE OF CONTENTS](#)

CONTENTS

| | |
|-----------------------------------|---|
| <u>1.</u> | Interpretation: specifying small drinking water systems |
| <u>2.</u> | Interpretation: general |
| <u>3.</u> | Interpretation: open public facilities |
| <u>4.</u> | Application |
| <u>5.</u> | Exemptions: systems serving designated facilities |
| <u>6.</u> | Exemptions: systems connected to other systems |
| <u>7.</u> | Exemptions: warning notices for systems and users |
| <u>8.</u> | Responsibilities of owners and operators |
| <u>9.</u> | Drinking water testing services |
| <u>10.</u> | Duty to report adverse test result |
| <u>11.</u> | Water treatment equipment |
| <u>12.</u> | Wells used as raw water supply |
| <u>13.</u> | Notifications |
| <u>14.</u> | Information to be available |
| <u>15.</u> | Retention of records |
| <u>16.</u> | Forms |
| <u>Schedule 1</u> | Sampling and testing — general |
| <u>Schedule 2</u> | Microbiological sampling and testing |
| <u>Schedule 3</u> | Microbiological sampling and testing |
| <u>Schedule 4</u> | Reporting adverse test results |
| <u>Schedule 5</u> | Corrective action |
| <u>Schedule 6</u> | Warning notice of potential problems |

Interpretation: specifying small drinking water systems

1. (1) For the purpose of this Regulation, the following drinking water systems are specified as small drinking water systems:

1. Large municipal non-residential systems.
2. Small municipal non-residential systems.
3. Non-municipal seasonal residential systems.

4. Large non-municipal non-residential systems.

5. Small non-municipal non-residential systems. O. Reg. 318/08, s. 1 (1).

(2) In this Regulation,

“large municipal non-residential system” means a municipal drinking water system that does not serve a major residential development and is capable of supplying drinking water at a rate of more than 2.9 litres per second;

“large non-municipal non-residential system” means a non-municipal drinking water system that is capable of supplying drinking water at a rate of more than 2.9 litres per second and does not serve,

(a) a major residential development, or

(b) a trailer park or campground that has more than five service connections;

“non-municipal seasonal residential system” means a non-municipal drinking water system that,

(a) serves,

(i) a major residential development, or

(ii) a trailer park or campground that has more than five service connections,
and

(b) does not operate to supply water to a development, trailer park or campground referred to in clause (a) for at least 60 consecutive days in,

(i) every calendar year, or

(ii) every period that begins on April 1 in one year and ends on March 31 in the following year;

“small municipal non-residential system” means a municipal drinking water system that does not serve a major residential development, is not capable of supplying drinking water at a rate of more than 2.9 litres per second and serves a public facility;

“small non-municipal non-residential system” means a non-municipal drinking water system that is not capable of supplying drinking water at a rate of more than 2.9 litres per second, serves a public facility and does not serve,

(a) a major residential development, or

(b) a trailer park or campground that has more than five service connections. O. Reg. 318/08, s. 1 (2).

(3) Despite the definition of “large municipal non-residential system” in subsection (2), a drinking water system described in that definition that has one or more distribution lines that supply water exclusively for operations described in subsection (4), shall be deemed to be a small municipal non-residential system for the purposes of this Regulation if the result of the following calculation is 2.9 litres per second or less:

$$A - B$$

where,

A = the maximum rate, expressed in litres per second, at which the drinking water system can supply drinking water,

B = the sum of the average rates, expressed in litres per second, at which the drinking water system supplied drinking water in the preceding calendar year to the distribution lines that supply water exclusively for operations described in subsection (4).

O. Reg. 318/08, s. 1 (3).

(4) The operations referred to in subsections (3) and (7) are the following:

1. Agricultural operations.

2. Landscaping operations.

3. Industrial or manufacturing operations, including food manufacturing or processing operations.

4. Swimming pool or skating rink maintenance operations. O. Reg. 318/08, s. 1 (4).

(5) Despite subsection (3) and the definition of “large municipal non-residential system” in subsection (2), a drinking water system described in subsection (3) shall be deemed, during the calendar year in which the system begins operation, to be a small municipal non-residential system for the purposes of this Regulation if the owner of the system, on reasonable grounds, estimates that the result of the calculation referred to in subsection (3) would be 2.9 litres per second or less if the system had operated during all of the preceding calendar year. O. Reg. 318/08, s. 1 (5).

(6) If a drinking water system is deemed to be a small municipal non-residential system under subsection (3) or (5) and the system does not serve any public facilities, this Regulation does not apply to the system. O. Reg. 318/08, s. 1 (6).

(7) Despite the definition of “large non-municipal non-residential system” in subsection (2), a drinking water system described in that definition that has one or more distribution lines that supply water exclusively for operations described in subsection (4) shall be deemed to be a small non-municipal non-residential system for the purposes of this Regulation if the result of the following calculation is 2.9 litres per second or less:

$$A - B$$

where,

A = the maximum rate, expressed in litres per second, at which the drinking water system can supply drinking water,

B = the sum of the average rates, expressed in litres per second, at which the drinking water system supplied drinking water in the preceding calendar year to the distribution lines that supply water exclusively for operations described in subsection (4).

O. Reg. 318/08, s. 1 (7).

(8) Despite subsection (7) and the definition of “large non-municipal non-residential system” in subsection (2), a drinking water system described in subsection (7) shall be deemed, during the calendar year in which the system begins operation, to be a small non-municipal non-residential system for the purposes of this Regulation if the owner of the system, on reasonable grounds, estimates that the result of the calculation referred to in subsection (7) would be 2.9 litres per second or less if the system had operated during all of the preceding calendar year. O. Reg.

318/08, s. 1 (8).

(9) If a drinking water system is deemed to be a small non-municipal non-residential system under subsection (7) or (8) and the system does not serve any public facilities, this Regulation does not apply to the system. O. Reg. 318/08, s. 1 (9).

(10) For the purposes of the definition of “non-municipal seasonal residential system” in subsection (2), a drinking water system that, during the 365-day period that begins on the day the system begins operation, will not supply water for at least 60 consecutive days to a major residential development, trailer park or campground referred to in clause (a) of that definition shall be deemed, during that 365-day period, to be a drinking water system that does not operate to supply water to a development, trailer park or campground referred to in clause (a) of that definition for at least 60 consecutive days in every calendar year. O. Reg. 318/08, s. 1 (10).

Interpretation: general

2. In this Regulation,

“designated facility” has the same meaning as in Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*;

“director” means the director appointed by the Minister of the Environment pursuant to section 6 of the *Safe Drinking Water Act, 2002*, in respect of section 73 of that Act;

“distribution sample” means, with respect to a small drinking water system, a water sample that is taken, in the drinking water system’s distribution system or in plumbing that is connected to the drinking water system, from a point significantly beyond the point at which drinking water enters the distribution system or plumbing;

“distribution system” means the part of a small drinking water system that is used in the distribution, storage or supply of water and that is not part of a treatment system;

“drinking water” means,

(a) water intended for human consumption, or

(b) water that is required by an Act, regulation, order, municipal by-law or other document issued under the authority of an Act,

(i) to be potable, or

(ii) to meet or exceed the requirements of the Ontario Drinking Water Quality Standards set out in Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards) made under the *Safe Drinking Water Act, 2002*;

“drinking water system” means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water and that includes,

(a) any thing used for the collection, production, treatment, storage, supply or distribution of water,

(b) any thing related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system, and

(c) a well or intake that serves as the source or entry point of raw water supply for the system;

“drinking water test” means a test for the purposes of this Regulation to assist in the determination of the quality of any waters in respect of a small drinking water system;

“drinking water testing service” means a service that involves the conduct of one or more drinking water tests;

“food service establishment” means food service premises, as defined in Regulation 562 of the Revised Regulations of Ontario, 1990 (Food Premises) made under the Act to which the general public is admitted, other than temporary food service premises that are operated solely in conjunction with an exhibition, fair, carnival, sports meeting or other special or temporary event;

“major residential development” means a development of six or more private residences on one or more properties;

“month” means a calendar month;

“municipal drinking water system” has the same meaning as in the *Safe Drinking Water Act, 2002*;

“non-municipal drinking water system” has the same meaning as in the *Safe Drinking Water Act, 2002*;

“Ontario Drinking Water Quality Standards” means Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards) made under the *Safe Drinking Water Act, 2002*;

“owner” includes, in respect of a small drinking water system, every person who is a legal or beneficial owner of all or part of the system, but does not include the Ontario Clean Water Agency established under the *Capital Investment Plan Act, 1993* or any of its predecessors where those entities are registered on title as the owner of the system;

“plumbing” means a system of works,

(a) that comprise a “water system” for the purposes of the definition of “plumbing” in subsection 1 (1) of the *Building Code Act, 1992*, other than equipment installed in plumbing to treat water but that is not a plumbing appliance within the meaning of Ontario Regulation 403/97 (Building Code) made under the *Building Code Act, 1992*, and

(b) that are connected to a small drinking water system;

“private residence” means a dwelling place occupied for an extended period of time by the same persons, if,

(a) the residents have a reasonable expectation of privacy,

(b) food preparation, personal hygiene, and sleeping accommodations are not communal in nature, and

(c) any use of the dwelling place by a resident for a home occupation, trade, business, profession or craft is secondary to the use of the dwelling place as a residence and does not use more than 25 per cent of the indoor floor area;

“professional engineer” means a professional engineer as defined in the *Professional Engineers Act*;

“public facility” means,

- (a) a food service establishment,
- (b) a place that operates primarily for the purpose of providing overnight accommodation to the travelling public,
- (c) a trailer park or campground,
- (d) a marina,
- (e) a church, mosque, synagogue, temple or other place of worship,
- (f) a recreational camp,
- (g) a recreational or athletic facility,
- (h) a place, other than a private residence, where a service club or fraternal organization meets on a regular basis, or
- (i) any place where the general public has access to a washroom, drinking water fountain or shower;

“raw water” means water that is in a small drinking water system or in plumbing, and that has not been treated in accordance with this Regulation;

“raw water supply” means water outside a small drinking water system that is a source of water for the system;

“resample and test” means,

- (a) with respect to corrective action that arises from the test of a water sample for a microbiological parameter,
 - (i) take a set of water samples, at approximately the same time, with,
 - (A) at least one sample from the same location as the sample that gave rise to the corrective action,
 - (B) at least one sample from a location that is a significant distance upstream from the location described in sub-subclause (A), if that is reasonably possible, and
 - (C) at least one sample from a location that is a significant distance downstream from the location described in sub-subclause (A), if that is reasonably possible, and
 - (ii) conduct, on the samples taken under subclause (i), the same test that gave rise to the corrective action, or
- (b) with respect to corrective action that arises from the test of a water sample for a parameter that is not a microbiological parameter,
 - (i) take a water sample from the same location as the sample that gave rise to the corrective action, and
 - (ii) conduct, on the sample taken under subclause (i), the same test that gave rise to the corrective action;

“service connection” means,

- (a) a point where a small drinking water system connects to plumbing, other than

plumbing in a trailer park or campground, or

(b) in a trailer park or campground, a fixture that allows a trailer or other vehicle to connect to the trailer park's or campground's drinking water system;

“test” includes analyze when used as a verb, and “test”, when used as a noun, and “testing” have corresponding meanings;

“treatment system” means any part of a small drinking water system that is used in relation to the treatment of water and includes,

(a) any thing that conveys or stores water and is part of a treatment process, including any treatment equipment installed in plumbing other than a plumbing appliance within the meaning of Ontario Regulation 403/97 (Building Code) made under the *Building Code Act, 1992*,

(b) any thing related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the system, and

(c) a well or intake that serves as the source or entry point of raw water supply for the system;

“waters” includes drinking water, raw water, raw water supply and water contained in plumbing;

“week” means a period of seven days that begins on Sunday and ends on the following Saturday. O. Reg. 318/08, s. 2.

Interpretation: open public facilities

3. For the purposes of this Regulation, a public facility is open on a day unless persons served by the facility are denied access to the facility during the entire day. O. Reg. 318/08, s. 3.

Application

4. Unless otherwise provided, this Regulation applies to the small drinking water systems referred to in the following Table, with each row of the Table setting out the Schedules to this Regulation that apply to the drinking water systems referred to in that row:

TABLE

| Item | Drinking Water Systems | Applicable Schedules | |
|------|---|----------------------|---|
| | | Sampling and Testing | Adverse Test Results and Other Problems |
| 1. | Large municipal non-residential systems | 1, 2 | 4, 5, 6 |
| 2. | Small municipal non-residential systems | 1, 3 | 4, 5, 6 |
| 3. | Non-municipal seasonal residential systems | 1, 3 | 4, 5, 6 |
| 4. | Large non-municipal non-residential systems | 1, 2 | 4, 5, 6 |
| 5. | Small non-municipal non-residential systems | 1, 3 | 4, 5, 6 |

O. Reg. 318/08, s. 4.

Exemptions: systems serving designated facilities

5. This Regulation does not apply to a small drinking water system that serves a designated facility. O. Reg. 318/08, s. 5.

Exemptions: systems connected to other systems

6. This Regulation does not apply to a small drinking water system if,

- (a) the small drinking water system is connected to and receives all of its drinking water from another drinking water system;
- (b) Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*, applies to the drinking water system from which the water is obtained;
- (c) the drinking water system from which the water is obtained provides treatment in accordance with sections 1-2 to 1-5 of Schedule 1 or sections 2-2 to 2-5 of Schedule 2 to Ontario Regulation 170/03; and
- (d) the owner of the drinking water system from which the water is obtained has agreed in writing to sample and test the water in the distribution system of the system that obtains the water as if it were part of the distribution system of the system from which the water is obtained. O. Reg. 318/08, s. 6.

Exemptions: warning notices for systems and users

7. (1) Subject to subsections (2) and (3), this Regulation does not apply to a drinking water system if,

- (a) the owner of the system posts warning notices in accordance with subsection (4);
- (b) the owner of the system complies with subsections (5), (6) and (7);
- (c) all drinking water fountains that are connected to the drinking water system have been rendered inoperative; and
- (d) the owner of the system has notified the medical officer of health of the health unit in which the system is located in writing that the steps described in clauses (a) and (c) have been taken. O. Reg. 318/08, s. 7 (1).

(2) Subsection (1) applies to a small drinking water system only if the system does not use electricity and does not serve any building or other structure that uses electricity. O. Reg. 318/08, s. 7 (2).

(3) Despite subsection (2), subsection (1) applies to a small municipal non-residential system or a small non-municipal non-residential system that uses electricity and serves any building or other structure that uses electricity but only if the system does not serve any food service establishments that rely on the system for the supply of potable water that is required by clause 20 (1) (a) of Regulation 562 of the Revised Regulations of Ontario, 1990 (Food Premises) made under the Act. O. Reg. 318/08, s. 7 (3).

(4) A warning notice that states that the water has not been tested in accordance with this Regulation must be posted at every tap that supplies water from the drinking water system in a location where it is likely to come to the attention of all users and potential users of the tap. O. Reg. 318/08, s. 7 (4).

(5) The owner of the small drinking water system shall ensure that the warning notices are checked at least once a week to ensure that they are legible and comply with this section. O. Reg. 318/08, s. 7 (5).

(6) The owner of the small drinking water system shall ensure that a check that is done during a week for the purpose of subsection (5) is done at least five days, and not more than 10 days, after a check that was done for that purpose in the previous week. O. Reg. 318/08, s. 7 (6).

(7) The owner of the small drinking water system shall ensure that,

(a) every time the warning notices are checked under subsection (5), a record is made of the date and time and of the name of the person who performed the check; and

(b) the records referred to in clause (a) are kept for at least five years at a location where they can conveniently be viewed by any person listed in subsection 41 (1) of the Act who is inspecting the warning notices. O. Reg. 318/08, s. 7 (7).

(8) Nothing in this section relieves any person of any obligation to provide potable water or water that meets the standards prescribed by the Ontario Drinking Water Quality Standards. O. Reg. 318/08, s. 7 (8).

Responsibilities of owners and operators

8. (1) Every owner and operator of a small drinking water system shall ensure the following:

1. That all water provided by the system to the point where the system is connected to a user's plumbing system meets the requirements of the Ontario Drinking Water Quality Standards.

2. That, at all times in which it is in service, the small drinking water system, is

- i. operated in accordance with the requirements under this Regulation, and
- ii. maintained in a fit state of repair.

3. That all sampling, testing and monitoring requirements under this Regulation that relate to the small drinking water system are complied with. O. Reg. 318/08, s. 8 (1).

(2) Every owner of a small drinking water system shall ensure that at all times in which the system is operating one specific operator is designated for purposes of taking and submitting any water samples or submitting any reports or notifications that are required to be submitted under this Regulation or receiving any reports that are required to be submitted to an operator under the *Safe Drinking Water Act, 2002*. O. Reg. 318/08, s. 8 (2).

(3) The owner of a large municipal non-residential system or large non-municipal non-residential system that is subject to section 11 shall ensure that individuals who are working in the system and who are operating the system hold,

(a) a limited subsystems operators' certificate, appropriate to the system's raw water supply, issued, renewed or reissued under Ontario Regulation 128/04 (Certification of Drinking Water System Operators and Water Quality Analysts) made under the *Safe Drinking Water Act, 2002*; or

(b) a conditional operators' certificate for a limited subsystem issued, renewed or reissued under Ontario Regulation 128/04,

and is available to the owner or any other operator if the operator is absent from the system. O. Reg. 318/08, s. 8 (3).

(4) For the purpose of subsection (3),

“operating” means adjusting, testing or evaluating the process that controls the

effectiveness or efficiency of the small drinking water system. O. Reg. 318/08, s. 8 (4).

(5) Where the medical officer of health is satisfied that the subsystem will be operated without a significant risk to human health, subsection (3) does not apply in the event of a strike or lock-out involving operators employed in a small drinking water system for the duration of the strike or lock-out. O. Reg. 318/08, s. 8 (5).

(6) The owner and operator of a drinking water system that provides water that does not meet a standard set out in the Ontario Drinking Water Quality Standards shall be deemed not to have contravened paragraph 1 of subsection (1), if the owner and operator ensures that the appropriate corrective action is taken under Schedule 5. O. Reg. 318/08, s. 8 (6).

Drinking water testing services

9. (1) Subject to subsections (2) and (6), operators of small drinking water systems shall obtain drinking water testing services from persons who are licensed under Part VII of the *Safe Drinking Water Act, 2002* to offer or provide the services. O. Reg. 318/08, s. 9 (1).

(2) No operator of a small drinking water system shall obtain a drinking water testing service from a person who is not licensed under the *Safe Drinking Water Act, 2002* to offer or provide the service unless the laboratory at which the testing is to be conducted is located outside Ontario and is an eligible laboratory under subsection 11 (4) of the *Safe Drinking Water Act, 2002* in respect of the particular tests to be conducted. O. Reg. 318/08, s. 9 (2).

(3) The medical officer of health of the health unit in which the drinking water system is located may issue a direction to one or more owners or operators prohibiting them from obtaining drinking water testing services from a laboratory located outside Ontario, if the medical officer of health has reason to believe that,

(a) the laboratory has ceased to be an eligible laboratory in respect to the particular test to be conducted; or

(b) has failed to comply with section 18.1 of the *Safe Drinking Water Act, 2002* or a prescribed requirement under that Act. O. Reg. 318/08, s. 9 (3).

(4) Every person who receives a direction under subsection (3) shall comply with the direction and advise the medical officer of health in writing of the alternative laboratory from which the person will obtain drinking water testing services. O. Reg. 318/08, s. 9 (4).

(5) The medical officer of health may revoke a direction issued under subsection (3) if he or she is of the opinion that the reasons for issuing the direction no longer exist. O. Reg. 318/08, s. 9 (5).

(6) Subsections (1) and (2) do not apply with respect to tests for the following parameters where the tests are conducted at a drinking water system to which this Regulation applies:

1. Free chlorine residual.

2. Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual.

3. Turbidity. O. Reg. 318/08, s. 9 (6).

Duty to report adverse test result

10. (1) The operator of a small drinking water system shall report every prescribed adverse

result of a drinking water test conducted on any waters from a small drinking water system to the medical officer of health of the health unit in which the system is located immediately after the adverse result is obtained. O. Reg. 318/08, s. 10 (1).

(2) If an operator is required to report an adverse test result under subsection (1), the operator shall also immediately report the adverse test result to the owner of the system for which the operator is responsible. O. Reg. 318/08, s. 10 (2).

Water treatment equipment

11. Where a large municipal non-residential system or large non-municipal non-residential system,

(a) at any time after May 31, 2003, provided and operated water treatment equipment; and

(b) the equipment referred to in clause (a) would comply with sections 2-3 to 2-5 of Schedule 2 to Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*, if that regulation applied to the system,

the operator of the system shall ensure that water treatment equipment is provided that would comply with sections 2-3 to 2-5 of Schedule 2 to Ontario Regulation 170/03, if that regulation applied to the system and that equipment is operated in a manner that provides proper disinfection. O. Reg. 318/08, s. 11.

Wells used as raw water supply

12. The owner and operator of a small drinking water system that includes a well used as a raw water supply shall ensure that the well is constructed and maintained to prevent surface water and other foreign materials from entering the well. O. Reg. 318/08, s. 12.

Notifications

13. (1) Before supplying water to users of the system following construction or alteration of a small drinking water system or following a shut-down lasting longer than seven days, the owner shall notify, in writing, the medical officer of health in the health unit where the small drinking water system is located,

(a) of the building permit number issued in relation to the construction or alteration of the small drinking water system;

(b) whether or not all the preparations necessary to operate the small drinking water system in accordance with this Regulation have been completed;

(c) of the proposed date on which the small drinking water system will begin to supply water to the users of the system;

(d) of the name and address of the owner and any operator; and

(e) the address at which the small drinking water system is located and the name of the system. O. Reg. 318/08, s. 13 (1).

(2) In this section,

“alteration” includes the following, in respect of a small drinking water system, but excludes repairs to the system:

1. An extension of the system.

2. A replacement of part of the system.
3. Taking all or part of the system permanently out of service. O. Reg. 318/08, s. 13 (2).

Information to be available

14. (1) The owner and operator of a small drinking water system shall ensure that the following information is available for inspection in accordance with subsection (4):

1. A copy of every test result obtained in respect of a test required under Ontario Regulation 252/05 (Non-Residential and Non-Municipal Seasonal Residential Systems that Do Not Serve Designated Facilities) made under the *Safe Drinking Water Act, 2002* or previously required under an approval or order issued under the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*.
2. A copy of every test result obtained in respect of a test required under this Regulation.
3. A copy of every approval and every order, including orders under the *Safe Drinking Water Act, 2002* and the *Ontario Water Resources Act* that applies to the system and is still in effect, if the approval or order was issued after January 1, 2001.
4. A copy of every order issued under section 13 of the Act where that order is issued to the owner or operator of the system and contains requirements relating to the manner in which the system is operated.
5. A copy of this Regulation. O. Reg. 318/08, s. 14 (1).

(2) Paragraphs 1 and 2 of subsection (1) do not apply to a record, report or test result until the day after it comes into the operator's possession. O. Reg. 318/08, s. 14 (2).

(3) Paragraphs 1 and 2 of subsection (1) do not apply to a record, report or test result that is more than two years old. O. Reg. 318/08, s. 14 (3).

(4) The information must be available for inspection by any member of the public during normal business hours without charge at the office of the owner or, if the office of the owner is not reasonably convenient to users of water from the system, at a location that is reasonably convenient to those users. O. Reg. 318/08, s. 14 (4).

(5) For the purpose of this section, a reference in paragraph 1 of subsection (1) to tests required under Ontario Regulation 252/05 shall be deemed to include a reference to tests required under Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*, if that regulation applied to the drinking water system. O. Reg. 318/08, s. 14 (5).

Retention of records

15. (1) The operator of a small drinking water system shall ensure that the following documents and other records are kept for at least five years:

1. Every record or report related to a test required under,
 - i. Schedule 1, 2 or 3, or
 - ii. sections 5-2, 5-3, 5-4, 5-5 and 5-7 of Schedule 5.
2. Every record or report related to a test that was required to be retained under subsections 12 (1) and (2) of Ontario Regulation 252/05 (Residential Systems that Do Not Serve Designated Facilities) made under the *Safe Drinking Water Act, 2002* if

that regulation applied to the system prior to this Regulation coming into force.
O. Reg. 318/08, s. 15 (1).

(2) If a person listed in subsection 41 (1) of the Act makes a request for a document or other record referred to in subsection (1) or any other information that, in the opinion of the requesting party, is considered necessary for purposes of assessing the safe operation of the drinking water system, the operator of a small drinking water system shall ensure that the document, other record or other information is given to that person within such period as the person may specify.
O. Reg. 318/08, s. 15 (2).

Forms

16. (1) Where this Regulation requires or permits the submission of a written notice or report or the posting of a warning notice, the notice or report must be in a form provided by or approved by the Ministry. O. Reg. 318/08, s. 16 (1).

(2) The Ministry may require that a document or other record that is given to the medical officer of health under this Regulation be given in an electronic format specified by the Ministry.
O. Reg. 318/08, s. 16 (2).

17. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 318/08, s. 17.

SCHEDULE 1 SAMPLING AND TESTING — GENERAL

Application

1-1. This Schedule applies to all small drinking water systems.

Frequency of sampling

1-2. (1) If this Regulation requires at least one water sample to be taken every week and tested for a parameter, the operator and owner of the drinking water system shall ensure that at least one sample that is taken during a week for the purpose of being tested for that parameter is taken at least five days, and not more than 10 days, after a sample was taken for that purpose in the previous week.

(2) If this Regulation requires at least one water sample to be taken every two weeks and tested for a parameter, the operator and owner of the drinking water system shall ensure that at least one sample that is taken during a two-week period for the purpose of being tested for that parameter is taken at least 10 days, and not more than 20 days, after a sample was taken for that purpose in the previous two-week period.

(3) If this Regulation requires at least one water sample to be taken every month and tested for a parameter, the operator and owner of the drinking water system shall ensure that at least one sample that is taken during a month for the purpose of being tested for that parameter is taken at least 20 days, and not more than 40 days, after a sample was taken for that purpose in the previous month.

Microbiological samples and chlorine residual

1-3. (1) If this Regulation requires a water sample to be taken and tested for a microbiological parameter and the drinking water system uses chlorine, the operator and owner of the system shall ensure that another sample is taken at the same time from the same location and is tested

immediately for chlorine residual.

(2) Subsection (1) does not apply to sampling and testing for a microbiological parameter that is conducted by microbiological in-line testing equipment.

Form of sampling

1-4. (1) A person who is required to ensure that samples are taken under this Regulation shall ensure that they are taken in the form of grab samples, unless microbiological in-line testing equipment is authorized.

(2) Microbiological in-line testing equipment may be used for sampling and testing for a microbiological parameter that is required under this Regulation, if the director is of the opinion that the testing method used by the equipment and the person operating the equipment is equivalent to a testing method for the parameter that is accredited by an accreditation body for drinking water testing that is designated or established under the Act.

Chlorine residual testing

1-5. If a water sample is required to be taken and tested for chlorine residual, the operator and owner of the drinking water system shall ensure that the testing is conducted using,

- (a) an electronic direct readout colourimetric or amperometric chlorine analyzer; or
- (b) another device, if, based on an inspection of the device and on a review of relevant records and documentation, a professional engineer states in writing that it is equivalent to or better than an electronic direct readout colourimetric or amperometric chlorine analyzer, having regard to accuracy, reliability and ease of use.

Sample handling

1-6. If this Regulation requires a water sample to be tested for a parameter by a laboratory, the operator and owner of the drinking water system shall ensure that, subject to the other provisions of this Regulation, the sample is taken and handled in accordance with the directions of the laboratory to which the sample will be delivered for testing, including directions with respect to,

- (a) collection procedures;
- (b) the use of specified kinds of containers or of containers that are provided by the laboratory;
- (c) the labelling of samples;
- (d) the completion and submission of forms that are provided by the laboratory;
- (e) methods of transporting samples, including temperature conditions that must be maintained during transportation; and
- (f) time periods for delivery of samples.

Testing by laboratories

1-7. If a test of a water sample for a parameter is required by this Regulation the operator and owner of the drinking water system shall ensure that written notice is given to the medical officer of health in the health unit where the small drinking water system is located before the sample is tested, unless,

- (a) the medical officer of health has previously been notified under this subsection

that a water sample from the drinking water system was to be tested for that parameter by that laboratory;

(b) before this Regulation came into force, the appropriate notification was given in accordance with subsection 1-7 (1) of Schedule 1 to Ontario Regulation 252/05 (Non-Residential and Non-Municipal Seasonal Residential Systems that Do Not Serve Designated Facilities) made under the *Safe Drinking Water Act, 2002*; or

(c) before this Regulation came into force, the appropriate notification was given in accordance with subsection 7 (5) of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) made under the *Ontario Water Resources Act*, subsection 10 (3) of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities) made under the *Ontario Water Resources Act* or subsection 6-9 (4) of Schedule 6 to Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*, that a water sample from the drinking water system was to be tested for that parameter by that laboratory.

Records

1-8. (1) The operator and owner of a drinking water system shall ensure that for every sample required by this Regulation a record is made of the date and time the sample was taken, the location where the sample was taken and the name of the person who took the sample.

(2) Subsection (1) does not apply to a sample tested by microbiological in-line testing equipment.

O. Reg. 318/08, Sched. 1.

SCHEDULE 2 MICROBIOLOGICAL SAMPLING AND TESTING

Large Municipal Non-Residential
Large Non-Municipal Non-Residential

Application

2-1. This Schedule applies to the following drinking water systems to which this Regulation applies:

1. Large municipal non-residential systems.
2. Large non-municipal non-residential systems.

Distribution samples

2-2. (1) The operator and owner of a drinking water system shall ensure that at least one distribution sample is taken every week.

(2) The operator and owner shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli*; and
- (b) total coliforms.

Seven-day shutdowns, etc.

2-3. (1) Sampling and testing is not required under section 2-2 during a period of seven or more consecutive days when,

(a) the drinking water system is not in operation; or

(b) the drinking water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

(2) If, pursuant to subsection (1), sampling and testing is not required during a period of seven or more consecutive days, the operator and owner shall ensure that no drinking water is supplied to a user of water after that period until samples have been taken and tested under section 2-2 and the results of the tests have been received by the operator and owner.

O. Reg. 318/08, Sched. 2.

SCHEDULE 3 MICROBIOLOGICAL SAMPLING AND TESTING

Small Municipal Non-Residential
Non-Municipal Seasonal Residential
Small Non-Municipal Non-Residential

Application

3-1. This Schedule applies to the following drinking water systems to which this Regulation applies:

1. Small municipal non-residential systems.
2. Non-municipal seasonal residential systems.
3. Small non-municipal non-residential systems.

Distribution samples

3-2. (1) The operator and owner of a small municipal non-residential system or non-municipal seasonal residential system shall ensure that at least one distribution sample is taken every two weeks.

(2) If a non-municipal seasonal residential system supplies water to more than 100 service connections, the operator and owner shall ensure that, for every 100 service connections, at least one distribution sample is taken every month, in addition to the samples required by subsection (1).

(3) The operator and owner of a small non-municipal non-residential system shall ensure that at least one distribution sample is taken every month or, if the system serves a food service establishment, at such more frequent intervals as may be directed by the medical officer of health.

(4) The operator and owner for the system shall ensure that each of the samples taken under subsection (1), (2) or (3) is tested for,

- (a) *Escherichia coli*; and
- (b) total coliforms.

Seven-day shutdowns, etc.

3-3. (1) In the case of a small municipal non-residential system or a small non-municipal non-residential system, sampling and testing is not required under section 3-2 during a period of seven or more consecutive days when,

- (a) the drinking water system is not in operation; or
- (b) the drinking water system is not supplying water to any public facilities that are open.

(2) In the case of a non-municipal seasonal residential system, sampling and testing is not required under section 3-2 during a period of seven or more consecutive days when,

- (a) the drinking water system is not in operation; or
- (b) the drinking water system is not supplying water to any public facilities that are open, and is not supplying water to,
 - (i) a major residential development, or
 - (ii) a trailer park or campground that has more than five service connections.

(3) If, pursuant to subsection (1) or (2), sampling and testing is not required during a period of seven or more consecutive days, the operator and owner shall ensure that no drinking water is supplied to a user of water after that period until samples have been taken and tested under section 3-2 and the results of the tests have been received by the operator and owner.

O. Reg. 318/08, Sched. 3.

**SCHEDULE 4
REPORTING ADVERSE TEST RESULTS**

Application

4-1. This Schedule applies to all small drinking water systems.

Exemption

4-2. Subsection 10 (1) does not apply to a drinking water test unless,

- (a) the test is required by this Regulation;
- (b) the test,
 - (i) is conducted by or pursuant to the direction of the operator or owner of a drinking water system or a person employed by the owner or operator, and
 - (ii) does not relate to water that is supplied exclusively for,
 - (A) agricultural operations,
 - (B) landscaping operations,
 - (C) industrial or manufacturing operations, including food manufacturing or processing operations, or
 - (D) swimming pool or skating rink maintenance operations;
- (c) the test is conducted pursuant to the direction of the medical officer of health or a

member of the staff of the medical officer of health;

(d) the test is conducted pursuant to the direction of a person employed in the Ministry of Health and Long-Term Care, the Ministry of Labour or the Ministry of the Environment; or

(e) the test is conducted by microbiological in-line testing equipment.

Duty to report under s. 10

4-3. The following are prescribed as adverse results of a drinking water test for the purpose of subsection 10 (1):

1. A result that exceeds any of the standards prescribed by Schedule 1, 2 or 3 to the Ontario Drinking Water Quality Standards, other than the standard for fluoride, if the result is from a sample of drinking water.
2. A result indicating the presence of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) in a sample of drinking water.
3. A result indicating the presence of a pesticide not listed in Schedule 2 to the Ontario Drinking Water Quality Standards in a sample of drinking water, at any concentration.
4. A result indicating that the concentration of sodium exceeds 20 milligrams per litre in a sample of drinking water, if a report under subsection 10 (1) has not been made in respect of sodium in the preceding 60 months.
5. A result indicating that the concentration of fluoride exceeds 1.5 milligrams per litre in a sample of drinking water, if a report under subsection 10 (1) has not been made in respect of fluoride in the preceding 60 months.

Manner of making immediate report

4-4. (1) A person who is required to report immediately under section 10 (1) shall do so in accordance with this section and section 4-6.

(2) An immediate report required under subsection 10 (1) 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 to a medical officer of health, by speaking with a person at the office of the medical officer of health of the health unit in which the drinking water system is located or, if the office is closed, by speaking with a person at the on-call system of the health unit.

(4) An immediate report required under subsection 10 (2) 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.

Written notice

4-5. (1) A person who is required to report immediately to another person under subsection 10 (1) shall also give the other person a written notice in accordance with this section and section 4-6.

(2) A written notice required by subsection (1) must be given within 24 hours after the

immediate report is given under subsection 10 (1).

(3) A written notice required by subsection (1) must be given to the medical officer of health of the health unit in which the drinking water system is located, by delivering the written notice to the office of the medical officer of health.

Content of report and notice

4-6. (1) An immediate report given under subsection 10 (1) must specify the adverse test result that requires the report.

(2) Subsection (1) does not apply to an immediate report given by the operator 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.

(3) An immediate report given by the operator of a drinking water system under subsection 10 (1) must indicate,

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

(b) if Schedule 5 requires that a corrective action be taken in respect of the adverse test result, whether the corrective action is being taken.

(4) Subsections (1) and (3) also apply, with necessary modifications, to the written notice given by the person under section 4-5.

Notice of issue resolution

4-7. 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 operator 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 the medical officer of health of the health unit in which the drinking water system is located, by delivering the written notice to the office of the medical officer of health.

Duty to report other observations

4-8. If an observation other than an adverse test result prescribed by section 4-3 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 of Health and Long-Term Care's *Procedure for Disinfection of Drinking Water in Ontario*, dated December 1, 2008, the operator of the system shall report to the medical officer of health of the health unit in which the drinking water system is located immediately after the observation is made.

O. Reg. 318/08, Sched. 4.

SCHEDULE 5 CORRECTIVE ACTION

Application

5-1. This Schedule applies to all small drinking water systems.

***Escherichia coli* (E. coli)**

5-2. If a report is required to be made under subsection 10 (1) in respect of *Escherichia coli* (E.

coli), the operator and owner of the drinking water system shall ensure that the following corrective action is taken:

1. Immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or, if no alternate source is available, to bring water to a rapid rolling boil for at least one minute before use.
2. Immediately resample and test.
3. If the drinking water system uses chlorine,
 - i. immediately flush the distribution system and any plumbing owned by the owner of the drinking water system that is connected to the small drinking water system to ensure that a chlorine residual is achieved at all points in the affected parts of the distribution system and plumbing, and
 - ii. maintain the chlorine residual in the affected parts of the distribution system and plumbing, and continue to resample and test, until *Escherichia coli* (*E. coli*) are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health of the health unit in which the drinking water system is located.
4. If the drinking water system does not use chlorine, immediately take the relevant corrective action steps described in the Ministry of the Health and Long-Term Care's *Procedure for Corrective Action for Small Drinking Water Systems that are Not Currently Using Chlorine*, dated December 1, 2008.
5. Despite paragraphs 1 through 4, where the medical officer of health of the health unit in which the drinking water system is located directs the operator or owner to take other corrective action, the operator or owner shall be in compliance with this section if the operator or owner ensures that the corrective action is taken as contained in the direction of the medical officer of health.

Total coliforms

5-3. If a report is required to be made under subsection 10 (1) in respect of total coliforms, the operator and owner of the drinking water system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If total coliforms are detected under paragraph 1 and the drinking water system uses chlorine,
 - i. immediately flush the distribution system and any plumbing owned by the owner of the drinking water system that is connected to the small drinking water system to ensure that a chlorine residual is achieved at all points in the affected parts of the distribution system and plumbing, and
 - ii. maintain the chlorine residual in the affected parts of the distribution system and plumbing, and continue to resample and test, until total coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health of the health unit in which the drinking water system is located.

3. If total coliforms are detected under paragraph 1 and the drinking water system does not use chlorine, immediately take the relevant corrective action steps described in the Ministry of Health and Long-Term Care's *Procedure for Corrective Action for Small Drinking Water Systems that are Not Currently Using Chlorine*, dated December 1, 2008.

4. Despite paragraphs 1 through 3, where the medical officer of health of the health unit in which the drinking water system is located directs the operator or owner to take other corrective action, the operator or owner shall be in compliance with this section if the operator or owner ensures that the corrective action is taken as contained in the direction of the medical officer of health.

Aeromonas spp., etc.

5-4. If a report is required to be made under subsection 10 (1) in respect of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*), the operator and owner of the drinking water system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are detected under paragraph 1 and the drinking water system uses chlorine,
 - i. immediately flush the distribution system and any plumbing owned by the owner of the drinking water system that is connected to the small drinking water system to ensure that a chlorine residual is achieved at all points in the affected parts of the distribution system and plumbing, and
 - ii. maintain the chlorine residual in the affected parts of the distribution system and plumbing, and continue to resample and test, until *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health of the health unit in which the drinking water system is located.
3. If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are detected under paragraph 1 and the drinking water system does not use chlorine, immediately take the relevant corrective action steps described in the Ministry of Health and Long-Term Care's *Procedure for Corrective Action for Small Drinking Water Systems that are Not Currently Using Chlorine*, dated December 1, 2008.
4. Despite paragraphs 1 through 4, where the medical officer of health of the health unit in which the drinking water system is located directs the operator or owner to take other steps, the operator or owner shall be in compliance with this section if the operator or owner ensures that the corrective action is taken as contained in the direction of the medical officer of health.

Chemical and radiological parameters, Ontario Drinking Water Quality Standards

5-5. If a report is required to be made under subsection 10 (1) in respect of a chemical or radiological parameter set out in Schedule 2 or 3 to the Ontario Drinking Water Quality Standards, the operator and owner of the drinking water system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If a concentration that exceeds the standard prescribed for the parameter by Schedule 2 or 3 to the Ontario Drinking Water Quality Standards is detected under paragraph 1, take such other steps as are directed by the medical officer of health of the health unit in which the drinking water system is located.

Pesticide not listed in Schedule 2 to Ontario Drinking Water Quality Standards

5-6. If a report is required to be made under subsection 10 (1) in respect of a pesticide not listed in Schedule 2 to the Ontario Drinking Water Quality Standards, the operator and owner of the drinking water system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If the pesticide is detected under paragraph 1, take such other steps as are directed by the medical officer of health of the health unit in which the drinking water system is located.

Sodium

5-7. If a report is required to be made under subsection 10 (1) in respect of sodium, the operator and owner of the drinking water system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If a concentration of sodium that exceeds 20 milligrams per litre is detected under paragraph 1, take such other steps as are directed by the medical officer of health of the health unit in which the drinking water system is located.

Corrective action that requires report under s. 10

5-8. If a report is required to be made under subsection 10 (1) as a result of a drinking water test that is a component of corrective action taken with respect to a parameter in accordance with this Schedule, it is not necessary to start the corrective action with respect to that parameter over again, but the operator and owner of the drinking water system shall ensure that any remaining components of the corrective action are completed.

O. Reg. 318/08, Sched. 5.

SCHEDULE 6 WARNING NOTICE OF POTENTIAL PROBLEMS

Application

6-1. This Schedule applies to all small drinking water systems.

Warning notice to be posted

6-2. (1) The operator and owner of a drinking water system shall ensure that warning notices are posted in accordance with this section if,

(a) the operator or owner is required under Schedule 5 to take all reasonable steps to ensure that all users of water from the system are notified to use an alternate source of drinking water or, if no alternate source is available, to bring water to a rapid rolling boil for at least one minute before use; or

(b) the operator or owner is not complying with Schedule 2, 3 or 5.

(2) The warning notices required by subsection (1) must be posted in prominent locations where they are likely to come to the attention of users of water from the system and must state that the water should not be drunk.

Posting by others

6-3. If warning notices are not posted in accordance with section 6-2, the warning notices may be posted by a person mentioned in subsection 41 (1) of the Act or a person acting under the supervision of a person mentioned in that subsection.

O. Reg. 318/08, Sched. 6.

[Back to top](#)