

New Requirements for Municipal Drinking Water System Owners – August 2018

A new regulation under the *Safe Drinking Water Act*, took effect July 1, 2018. This regulation applies in source protection areas identified under the *Clean Water Act* and ensures that municipal residential drinking water sources are protected *before* drinking water can be provided to the public.

The regulation applies where:

- a new municipal residential drinking water system is being located within a source protection area, or
- changes are being made to an existing municipal residential drinking water system located in a source protection area that results in:
 - the establishment of a new groundwater well
 - deepening an existing well
 - increasing the capacity at an existing well
 - the establishment of a new surface water intake
 - moving an existing intake

What are my responsibilities?

As a municipal drinking water system owner it is your responsibility under the new regulation to ensure that vulnerable areas are identified so that your drinking water systems continue to be protected under the *Clean Water Act*. You may be required to provide new vulnerable areas or amend existing vulnerable areas, as well as provide vulnerability scores within these areas.

Aim to do this early, for instance, during the Class Environmental Assessment project, so that consultation with businesses and landowners can include information about source protection plan implications. Meeting the requirements of the new regulation during these early planning stages will help you avoid delays in receiving your drinking water works permit or permit amendment.

You may want to include this work in the scope of work for an organization you've contracted to assist with the Class Environmental Assessment. You can explore other options for undertaking this work with your local source protection authority who can also help you understand your obligations if needed.

What you need to do:

- Discuss your project with your local source protection authority as soon as possible to determine whether the regulation applies and to determine what will need to be submitted to the authority before you can apply for a drinking water works permit.
- Undertake the work necessary to identify vulnerable areas and identify where activities can pose a risk to drinking water in accordance with the *Clean Water Act*.
- Notify the local source protection authority in writing of your intention to apply for a permit, and provide them with the necessary work. The source protection authority will provide a written confirmation notice back to you that you will need to include when you are submitting an application for a new or amended drinking water works permit.

The confirmation notice will:

- include a statement that the source protection authority is satisfied that the necessary work is complete
- identify any amendments that are necessary to the source protection plan
- indicate when the source protection authority will be able to propose amendments to the source protection plan, and
- identify if any of the amendments have already been made.

The *Clean Water Act*, General Regulation, establishes the content of the notice. For more information, visit www.ontario.ca/laws/regulation/070287.

What happens after I get my confirmation notice?

Once the source protection authority receives your information and issues their notice, they will move forward with an update to your local source protection plan. This is an important step as the new regulation also requires that the drinking water works permit or license include a condition that prevents the supply of drinking water to users of the new or expanding system until any necessary amendments to the source protection plan have been approved. This means that if you don't leave enough time for the source protection plan to be updated, you won't be able to provide water to the public through this new or amended system until that update is complete.

Therefore, it's important you connect with your local source protection authority early and coordinate your work so that the source protection plan can be updated before you are ready to provide water to the public.

Exemptions

The new regulation does not apply in the following emergency situations:

- where an application for a drinking water works permit is being made to address an immediate drinking water health hazard; or,
- a Declaration Order has been issued under the *Environmental Assessment Act*.

Accordingly, there may be situations in which source protection plans would be required to be amended after a new system or system changes are made and brought into service. In this case, plan amendments should be made as soon as reasonably possible.

Resources

The new regulation can be accessed: www.ontario.ca/laws/regulation/r18205

Further information on Ontario's Drinking Water Source Protection program can be found: www.ontario.ca/page/source-protection

For additional information about the new regulation or the drinking water works permit application process, please contact the Approvals & Licensing section in the Environmental Assessment and Permissions Branch of the Ministry of the Environment, Conservation and Parks at:

Local: 416-314-4300

Toll Free: 1-888-999-1305

E-Mail: MDWLP@Ontario.ca