

Standard of Care under the Safe Drinking Water Act

Technical Briefing of Council
December 14, 2012

Key Messages

- **It's your duty**
- **Be informed**
- **Be vigilant**



Walkerton Inquiry

The Part II Report of the Walkerton Inquiry was released on May 23, 2002. The Report made 93 recommendations on a multi-barrier approach to managing drinking water and identified what was needed to reduce risk to public health at every stage of the system.

Walkerton Inquiry

Key Part II Report recommendations:

Provincial oversight responsibilities;

- Safe Drinking Water Act, including;
 - Standard of Care; and
 - Municipal licensing approach.

Walkerton Inquiry

Key Part II Report recommendations:

Municipal government responsibilities;

- Obtain and maintain a municipal drinking water licence for each municipally owned drinking water system;
 - Drinking Water Works Permit;
 - A permit to take water;
 - Approved operational plan;
 - An approved financial plan; and
 - An accredited operating authority.

Safe Drinking Water Act Legal Implications

- Standard of Care.
- Roles and Responsibilities of Owner (Council).
- Offences and Penalties.

Standard of Care

Section 19 of Safe Drinking Water Act (SDWA)

- Will come into force on December 31, 2012.



Standard of Care

Where the Municipal Drinking Water System (MDWS) is owned by a municipality, Section 19 applies to:

- every person who oversees the accredited operating authority for the system; and
- every person who exercises decision-making authority over the system.

Standard of Care

Within the City of Ottawa, those individuals who oversee the accredited operating authority and who exercise decision-making authority over the system are the elected Councillors of the City.

Standard of Care

Anyone to whom the standard of care applies is expected to:

- Exercise the level of care, diligence and skill in respect of a municipal drinking water system that a reasonably prudent person would be expected to exercise in a similar situation; and
- Act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the municipal drinking water system.

Standard of Care

Section 19 does not require that everyone involved in the oversight of drinking water systems be an expert. However, it is expected that everyone:

- Inform themselves appropriately of their responsibilities; and
- Be diligent about their oversight responsibilities.

You may rely on a professional report such as that of an engineer, lawyer or accountant.

Standard of Care

How?

- Be familiar with the water system/facilities.
- Ask questions and stay informed.
- Be acquainted with relevant legislation.
- Review performance of the system.

Standard of Care

How can a municipality ensure that the Standard of Care is met?

Maintain a valid Municipal Drinking Water Licence for each of its drinking water systems.



Roles and Responsibilities of Owner (Council)

Ensure compliance with SDWA, including:

- Water provided by the system meets requirements of the Ministry's prescribed drinking water quality standards.
- The drinking water system is operated in accordance with the SDWA.
- The drinking water system is maintained in a fit state of repair.
- DWS operated by qualified staff.
- Compliance with sampling, testing and monitoring requirements under SDWA.



Roles and Responsibilities of Owner (Council)

- Receive and review regular reports from Senior Management.
- Create formal Council resolutions as required.

Offences and Penalties

Three types of offences distinguished by severity and magnitude of penalties:

- Those of a general nature relating to non-compliance with certain provisions of the Act;
- Those relating to obstruction, furnishing false information, refusing to furnish information, non-compliance with orders, licences, approvals, etc.; and
- Those that result in drinking-water health hazards.

Offences and Penalties

Maximum Fines Range per Day

Individuals

\$20,000 - \$7 Million
and/or imprisonment for
subsequent convictions

Corporations

\$100,000 - \$10 Million

Courts may also impose restitution orders, monetary penalties, orders to prevent damage, etc.



Be Informed

Council is informed annually via the following reports;

- Annual Reports – Water Quality.
- Summary Reports.
- Drinking Water Quality Management System (DWQMS) Annual Report.

Be Vigilant

- Drinking Water Quality Management System.
- Accredited Operating Authority.



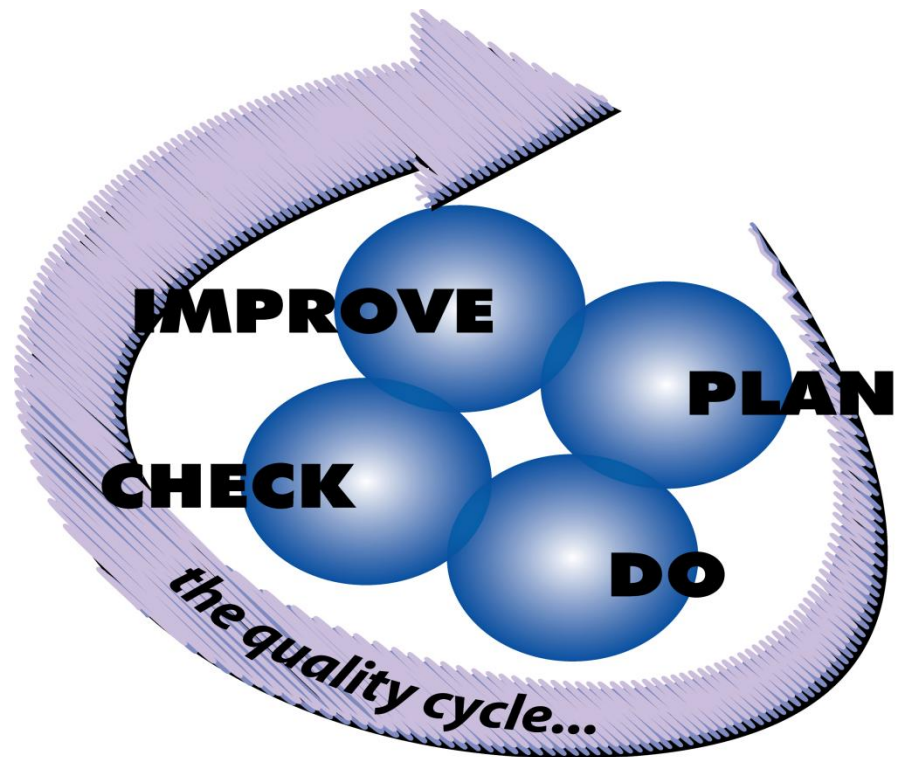
Drinking Water Quality Management Standard and Operational Plan

Drinking Water Quality Management Standard

The Basic Building Block...

1. PLAN
2. DO
3. CHECK
4. IMPROVE (Repeat...)

= continuous improvement



DWQMS Policy

The City of Ottawa is committed to consistently delivering drinking water of high quality to the people of Ottawa. In particular, the City makes the following commitments:

1. To provide a reliable supply of safe drinking water to the consumer;
2. To meet or exceed applicable legislation and regulations;
3. To implement, maintain and continually improve the Quality Management System, infrastructure and technology; and
4. To deliver excellent customer service through responsiveness, accountability and innovation.

Operational Plan – 21 Elements

Quality Management System	Quality Management System Policy	Commitment and Endorsement (of Senior Management)	Identification of a Quality Management System Representative
Document and Records Control	Drinking Water System Description(s)	Risk Assessment	Risk Assessment Outcomes
Communications	Competencies	Personnel Coverage	Organizational Structure, Roles, Responsibilities and Authorities
Essential Supplies and Services	Review and Provision of Infrastructure	Infrastructure Maintenance, Rehabilitation and Renewal	Measurement and Recording Equipment Calibration and Maintenance
Sampling, Testing and Monitoring	Emergency Management	Internal Audits	Management Review
Continual Improvement			

City of Ottawa

Drinking Water Systems

- Central Drinking Water System (Britannia and Lemieux WPP and distribution systems);
- Carp Communal Well System;
- Richmond - Kings Park Communal Well System;
- Munster Hamlet Communal Well System;
- Vars Communal Well System; and
- Greely - Shadow Ridge Communal Well System.

DWQMS Annual Report

Mandatory list of 16 topics:

- Regulatory Non-compliance
- Risk Assessment Outcomes
- Audit Results
- Operational Trends
- Resource Requirements
- Infrastructure Review

How is Ottawa Doing?

- MOE Inspection ratings 100% for the last 3 years.
- 3rd Party Accreditation of our Operational Plan

Key Messages

- It's your duty
- Be informed
- Be vigilant
- Ottawa is doing very well !



Thank You

