

Ontario Municipal Drinking Water Compliance Program Overview

The purpose of this overview is to provide Council, as System Owner, with background information related to programs that support municipal drinking water compliance (Safe Drinking Water Act, 2002) and the provision of safe drinking water.

Additional information on System Owner responsibilities, and other roles, that provide oversight and/or contribute to maintaining compliance and safe drinking water, are explained within this overview.

1. Standard of Care

Standard of Care provisions under the Safe Drinking Water Act, 2002, came into force on January 1, 2013.

These provisions require the System Owner, senior leadership, and every person who, on behalf of the municipality, oversees the accredited Operating Authority or exercises decision-making authority, to “exercise the level of care, diligence and skill 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.”

Failure to do so could result in an offense under the Safe Drinking Water Act, 2002. A System Owner may rely on a report of an engineer, lawyer, accountant, or other person whose professional qualifications lend credibility to the report.

The Ministry of Environment, Conservation and Parks has prepared a guide for municipal councils with additional information related to standard of care: *Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils* (<https://www.ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils>).

1.1. Ongoing Communication with Council

In support of the Safe Drinking Water Act, 2002, and to assist Council with meeting the due diligence requirements of the Standard of Care provisions, regular correspondence can be expected throughout the 2022-2026 Council term regarding the Municipal Drinking Water Licencing Program, quality management system status, and operational performance.

Minimum correspondence frequencies have been summarized below.

Topic	Frequency
Financial Plan	Every 5 years
Water QMS Update	Annual
Operational Performance – Summary Report	Annual
Request for Operational Plan Re-Endorsement	As required

2. Municipal Drinking Water Licencing Program

The Municipal Drinking Water Licencing Program (MDWLP) was developed in response to several recommendations of the Part II Report of the Walkerton Inquiry. The MDWLP requires every Operating Authority (City of Welland staff) of a municipal residential drinking water system to hold a system level licence to operate the subject system.

Without a valid licence, the City of Welland is unable to operate its drinking water distribution system. A licence includes conditions of operation for the subject system; these may include details of additional sampling and maintenance requirements, relief from regulatory requirements, and administrative procedures related to the MDWLP.

The City of Welland will be renewing the municipal drinking water licence in 2026. Under the MDWLP, there are five (5) requirements to obtain a drinking water licence:

- Financial plan;
- Drinking Water Works Permit;
- Permit to Take Water (not applicable to distribution only systems);
- Documented quality management system (QMS) operational plan; and
- Accreditation of the Operating Authority’s QMS.

These requirements are discussed in more detail below.

2.1. Financial Plan

Ontario Regulation 453/07 prescribes requirements for the development of a financial plan. Under this regulation, municipalities must prepare a financial plan that demonstrates financial sustainability of the drinking water distribution systems for the duration of the term of the municipal drinking water licence.

The next financial plan submission to Council is anticipated in 2025.

2.2. Drinking Water Works Permit

The City of Welland holds a Drinking Water Works Permit for the drinking water distribution system. A permit contains an overview of the major infrastructure that is installed and in use within the subject system. Permits also specify the types of infrastructure additions, modifications, replacements, or extensions that a

municipality is pre-authorized to complete, versus those that require approval from the Ministry of Environment, Conservation and Parks.

2.3. Water Quality Management System

The MDWLP requires municipalities or organizations who operate municipal residential drinking water systems to develop, implement, and maintain a Quality Management System (QMS) that is accredited to the requirements of Ontario's Drinking Water Quality Management Standard (the Standard).

The QMS must be documented in an Operational Plan and accredited through an audit process by a third-party accreditation body that is approved by the Ministry of Environment, Conservation and Parks. The City of Welland has maintained accreditation to the Standard since 2012. In addition to this requirement, the City of Welland has proactively implemented and previously held accreditation with ISO 9001:2015. Though ISO accreditation will not be sought in the future, City staff will endeavor to maintain requirements alongside the Standard.

The City of Welland's Water QMS Operational Plan describes various operational, maintenance, testing, monitoring, administration, and oversight processes that have been implemented in support of the Water QMS. Elements of the Standard that may be of particular interest or importance to Council include risk assessment; roles, responsibilities, and authorities; infrastructure review, maintenance, rehabilitation, and renewal; internal auditing; and management review.

The Water Compliance Supervisor provides Council with an annual QMS Update that summarizes the status of the Water QMS, including updates relating to the above-noted elements of interest, key QMS activities, and relevant milestones.

2.3.1. QMS Roles and Responsibilities

Several key roles and responsibilities have been defined in the Water QMS Operational Plan. These roles include but are not limited to the following:

System Owner

Council represents the City of Welland as the Drinking Water System Owner. Owner responsibilities include:

- Owning and endorsing the Operational Plan;
- Ensuring the drinking water system is operated by an accredited operating authority;
- Monitoring the QMS and providing resources in support of the QMS; and
- Ensuring compliance with the Municipal Drinking Water Licence and its components.

Operating Authority

City of Welland staff (specifically, selected staff of the Infrastructure Services Division) act as the drinking water system Operating Authority. The responsibilities of the Operating Authority include:

- Maintaining the QMS;
- Maintaining accreditation of the QMS;
- Communicating with the Owner about the QMS and resource requirements; and
- Ensuring compliance with the Municipal Drinking Water Licence and its components.

Top Management

Top Management of the Water QMS includes the Chief Administrative Officer, Director Infrastructure Services/City Engineer, and the Manager of Public Works.

Top Management's responsibilities include:

- Ensuring that a QMS is in place that meets the requirements of the Standard;
- Participating in annual QMS Management Reviews;
- Ensuring that the Operating Authority is aware of legislative and regulatory requirements;
- Communicating the QMS according to documented procedures; and
- Providing resources needed to maintain and improve the QMS.

QMS Representative

The Water Compliance Supervisor has been appointed as the QMS Representative as detailed in the Operational Plan.

Responsibilities of the QMS Representative include:

- Establish and maintain procedures and documents required by the QMS;
- Report to Top Management and the Owner on the performance of the QMS and areas of required improvement;
- Ensure that current QMS documentation is being used by Operating Authority staff at all times;
- Ensure that Operating Authority staff are aware of all applicable legislative and regulatory requirements that pertain to their duties for the operation of the drinking water distribution system; and
- Promote QMS awareness throughout the Operating Authority.

2.3.2. Endorsement of Water Quality Management System Operational Plan

Endorsement of the Water QMS by the System Owner and Top Management is a mandated requirement of the Standard. The previous endorsement of the Operational Plan is still valid.

The Water Compliance Supervisor will report to Council to recommend re-endorsement of an Operational Plan if substantial changes are made to its content. Endorsement of the Operational Plan has been recommended via Council report in December 2023.

3. Operational Performance

Annual reporting requirements under the Safe Drinking Water Act, 2002, and the Municipal Drinking Water Licence, include reports outlining annual water quality, lead service replacement program evaluation, and a summary of water volume and non-compliances.

The annual water quality report provides a description of the quality of drinking water; including adverse water quality incidents and sample results.

The lead evaluation report outlines the status and effectiveness of lead reduction within the distribution system through City and private lead service replacements, regular lead sampling, and other education and outreach efforts.

The summary report must be provided to Council on an annual basis and contains:

- A description of regulatory non-compliances with pertinent legal instruments (licence, permit, etc.); and
- Water flow information that can be used to assess the capability of the system to meet both existing and planned uses.

The City of Welland compiles these reporting requirements into one report: Welland Water Distribution System Annual Water Quality, Lead Evaluation, and Summary Report. The latest report was provided to Council as ENG-2023-09.

Due to the two-tier water treatment and distribution structure in Niagara region, water quality and summary report information for water purchased from Niagara Region can be accessed from Niagara Region's website (<https://www.niagararegion.ca/living/water/Water-Quality-Reports/default.aspx>).