To: Mayor and Members
   Board of Health

From: Elizabeth Richardson, MD, MHSc,
      FRCPC
      Medical Officer of Health
      Public Health Services

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Date: November 4, 2008

Re: Oversight of Small Drinking Water Systems BOH08014 (a) (City Wide)

Council Direction:
N/A

Information:

The transfer of regulatory oversight of Small Drinking Water Systems (SDWS) from the Ministry of the Environment (MOE) to local health units will occur on December 1, 2008. The Ministry of Health and Long-Term Care (MOHLTC) announced this on September 18, 2008 and reiterated it on October 7, 2008. The transfer of regulatory oversight of SDWS from the (MOE) to local health units was a recommendation of the Advisory Council on Drinking Water Quality and Testing Standards, and was first announced in 2005.

Several past Reports regarding this topic have been brought to the Board of Health and the Social and Public Health Services Committee;

- SPH05054 – October 2005
- BOH07067 – December 2007
- BOH08014 – August 2008

On December 1, 2008 the responsibility to regulate SDWS’s within the City of Hamilton will rest with the City of Hamilton Board of Health. Presently, Public Health Services (PHS) staff are preparing for this new obligation by attending training sessions that have been offered by the MOHLTC and it is expected that PHS will be prepared to fulfil this obligation on December 1, 2008.
The MOHLTC has updated local health units regarding the date of the regulatory transfer and the communication strategy and resources that will be available and distributed. See Appendix A.

PHS intends to implement the transfer according to the following Implementation Process;

- **Training:**
  - PHS staff will complete training regarding the SDWS Inspection Program, the new SDWS Regulations under Health Protection and Promotion Act, and the new Safe Drinking Water Protocols. This training has been offered by the MOHLTC and will be completed shortly prior to December 1, 2008.
  - The MOHLTC training will cover technical aspects of water well construction, water distribution, water treatment; the legal and administrative aspects of the new regulations, protocols, and information collection and management systems (the Risk Category Assessment Tool – RCAT and the Laboratory Results Management Application – LRMA).

- **Public Outreach and Education:**
  - PHS will make contact with SDWS owners/operators to inform them that there has been a change in regulatory oversight of SDWS’s and that there are new Regulations regarding SDWS. This contact is expected to be in the form of a letter and information package similar to that indicated in Appendix A. Site visits will follow in early 2009.

- **Verify SDWS Inventory (how many, where are they, who owns and operates them, what class of SDWS):**
  - The initial task of PHS staff is to verify the number and location of all the SDWS’s in Hamilton according to the definitions in new Regulations. At the request of the provincial government, PHS had developed and submitted an Inventory of SDWS’s to the MOHLTC in the summer of 2006 and 2008 that was based upon the MOE definitions at that time. Presently, the draft SDWS Inventory contains approximately 400 SDWS’s.

- **Risk Assessments:**
  - PHS staff will begin visiting SDWS’s when outside winter weather conditions are suitable for opening/inspecting/assessing the SDWS’s.
  - PHS staff will start doing risk assessment at the SDWS’s that were anticipated to be higher risk, such as restaurants that that are not connected to the municipal water system.
  - Approximately 400 SDWS could exist in Hamilton. A risk assessment is to be done at each SDWS within the first two years of the program.

- **Complaint/Adverse Lab Test Response:**
  - On December 1, 2008 PHS will be the lead agency to respond to complaints or adverse laboratory tests pertaining to SDWS’s that are received by PHS.
Funding from the MOHLTC has not changed and remains to be 100% for the initial two year start-up phase (to the end of 2010) after which it will become 75% funded by the MOHLTC and 25% funded by the City of Hamilton. The MOHLTC has indicated during recent teleconferences that there is some flexibility for increasing funding to health units where the number of SDWS is confirmed to be higher than the number of SDWS’s used to calculate the initial 100% MOHLTC funding in March 2008. Any need for additional funding will be determined in 2009 when PHS staff begin performing site visits and risk assessments.

Elizabeth Richardson, MD, MHSc, FRCPC
Medical Officer of Health
Public Health Services
October 7, 2008

To: Directors of Environmental Health
    Medical Officers of Health

I am writing to provide you with an update on the transfer of Small Drinking Water Systems (SDWS) from the Ministry of Environment (MOE) to the Ministry of Health and Long-Term Care (MOHLTC), and details of the communications strategy and resources that will be made available over the next few months.

As indicated in Allison Stuart’s September 18th email, December 1, 2008 has been confirmed as the date on which the SDWS program transfer will take effect. This date can be found in the non-appointment Order in Council to proclaim Schedule D of the Health System Improvements Act (HSIA) into force, which was published in the Ontario Gazette on September 20, 2008.

In addition, there are now two new SDWS regulations under the Health Protection and Promotion Act (HPPA): O. Reg. 318/08 (Transitional – Small Drinking Water Systems) and O. Reg. 319/08 (Small Drinking Water Systems) which will support the SDWS program under MOHLTC. These final, filed regulations can be found on e-Laws (http://www.e-laws.gov.on.ca/index.html) and were published in the Ontario Gazette on October 4, 2008. The Decision Notice with the final SDWS regulations under the HPPA, as well as a link to the Ministry of Environment’s consequential regulatory amendments, can be found at the following URL address (Registry # 010-3353): http://www.ebr.gov.on.ca/ERS-WEB-External/

To assist in the preparations leading up to the December 1st transfer date, updates are provided below with respect to communications, training, and transfer of files.

Communications
Communications have gone out to external stakeholder associations today (see attached list) with a status update on the December 1st transfer date and links to the “Decision Notice” on the Environmental Registry with the filed regulations. We are asking stakeholder associations for assistance in getting the message out to their memberships regarding the upcoming program transfer, and will be providing various materials (e.g., fact sheets, matz stories, booklet) by the end of this month to support them in this request.

To assist you in communicating the transfer within your local area and responding to any requests for meetings or questions you may receive, the ministry will be providing you with the following resource material by the end of the month:
- "Matz" stories (Word Document)
- "A Guide for Small Drinking Water Owners and Operators" Booklet (PDF)
• SDWS Backgrounder (PDF)
• Summary of SDWS Program from both PHI and Owner / Operator Perspectives (PowerPoint slides)
• SDWS Fact Sheets
  o SDWS Regulations
  o SDWS Directives
  o Source Water
  o Treatment Options
  o Operator Training
  o Sampling and Testing
  o Response to Adverse Events
• SDWS component of Ministry website

Training
*Technical Training:* Four sessions of the 3-day WCWC Basic (Technical) Training were provided to health units across the province this spring. Four additional sessions of the 3-day Basic Training are being provided between September and October 2008. Six sessions of the 2-day WCWC Level II (Technical) Training are being provided between September and November 2008.

*Program Training:* Three sessions of the 2-day SDWS Program Training are also being provided to health units across the province in November 2008. Participants will receive a copy of the comprehensive SDWS Program Reference Manual one week prior to their SDWS Program Training session.

Transfer of Files
The MOE district office will be contacting your health unit shortly to review the registered O. Reg. 252/05 systems and provide you with any applicable transfer-related data and files. They will also outline the process related to any outstanding orders that may exist prior to December 1st.

If you have a SDWS operator that wishes to register with MOE, they can still do so up until the end of November, under the former O. Reg. 252/05 system. A script is being developed by MOE to assist you in responding to questions regarding the registry.

If you have any questions about the SDWS transfer process or communications strategy, please contact Simone Tomlinson, Safe Water Coordinator at 416-327-7623.

I would like to take this opportunity to thank you for your ongoing support in making the transfer of the SDWS program a reality and our continued work together to safeguard the health of all Ontarians.

Sincerely,

Original signed by:

Brenda Mitchell
Director, Environmental Health Branch
Small Drinking Water Systems Stakeholder List

- ASSOCIATION OF FRANCOPHONE MUNICIPALITIES
- ASSOCIATION OF MUNICIPALITIES OF ONTARIO (AMO) and CAO - CITY OF TORONTO
- FEDERATION OF NORTHERN ONTARIO MUNICIPALITIES (FONOM)
- NORTHWESTERN ONTARIO MUNICIPAL ASSOCIATION (NOMA)
- ONTARIO MUNICIPAL WATER ASSOCIATION (OMWA)
- ONTARIO SMALL URBAN MUNICIPALITIES (OSUM)
- RURAL ONTARIO MUNICIPAL ASSOCIATION (ROMA)
- ASSOCIATION OF LOCAL PUBLIC HEALTH AGENCIES (aPHa)
- ASSOCIATION OF NURSING DIRECTORS AND SUPERVISORS OF OFFICIAL ONTARIO HEALTH AGENCIES (ANDSOHA)
- ASSOCIATION OF SUPERVISORS OF PUBLIC HEALTH INSPECTORS OF ONTARIO (ASPHTIO)
- CANADIAN INSTITUTE OF PUBLIC HEALTH INSPECTORS (CIPHI) – ONTARIO BRANCH
- ONTARIO PUBLIC HEALTH ASSOCIATION (OPHA)
- COUNCIL OF MEDICAL OFFICERS OF HEALTH (COMOH)
- CANADIAN RESTAURANT & FOODSERVICE ASSOCIATION
- FEDERATION OF ONTARIO BED AND BREAKFASTS (FOBBA)
- NORTHERN ONTARIO NATIVE TOURISM ASSOCIATION (NONTA)
- NORTHERN ONTARIO TOURIST OUTFITTERS ASSOCIATION (NOTO)
- ONTARIO CHAMBER OF COMMERCE
- ONTARIO FARM AND COUNTRY ACCOMMODATIONS (OFCA)
- ONTARIO PRIVATE CAMPGROUND ASSOCIATION
- ONTARIO RECREATIONAL FACILITIES ASSOCIATION (ORFA)
- ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION (ORHMA)
- TORONTO UNITED CHURCH COUNCIL
- TOURISM INDUSTRY ASSOCIATION OF ONTARIO (TIAO)
- CANADIAN COUNCIL OF INDEPENDENT LABORATORIES (CCIL)
- CANADIAN WATER AND WASTEWATER ASSOCIATION (CWWA)
- ONTARIO DRINKING WATER ADVISORY COMMITTEE (ODWAC)
- ONTARIO WATER WORKS ASSOCIATION (OWWA)
- PROFESSIONAL ENGINEERS OF ONTARIO (PEO)
- WALKERTON CLEAN WATER CENTRE (WCWC)
- OLD ORDER Mennonite COMMUNITIES
- ENVIRONMENTAL DEFENCE CANADA
- ONTARIO MEDICAL ASSOCIATION (OMA)
- ENVIRONMENTAL COMMISSIONER OF ONTARIO (ECO)
- NATIONAL COLLABORATING CENTRE FOR ENVIRONMENTAL HEALTH