

Municipal Drinking Water License (MDWL) Program Overview and Standard of Care

Presentation to General Committee

May 30, 2011

Agenda

Introduction

Part I – MDWL Program Overview

Eddy Wu, Waterworks Operations & Maintenance Manager

Part II – Statutory Standard of Care

Catherine Conrad, Town Solicitor

Part III – Next Steps

Peter Loukes, Director of Operations

Q&A

Introduction

- **Walkerton Inquiry Report**
 - 93 recommendations made leading to numerous legislated Acts and Regulations
- **Safe Drinking Water Act (SDWA) 2002**
 - Major regulatory requirements for drinking water providers in the Province of Ontario
 - Regulations covering the drinking water quality standard, drinking water systems, licensing of system operators, licensing of Municipal Drinking Water Systems, etc. are now in place
 - Section 19 of SDWA – Statutory Standard of Care (Part II of the presentation)

Introduction

- To address the recommendation for a new approvals framework for municipal drinking water systems and the framework incorporate the concepts of quality management system to enhance the protection of drinking water, MOE has developed:
 1. The Municipal Drinking Water Licensing (MDWL) Program; and
 2. The Drinking Water Quality Management Standard (DWQMS)

Part I - The MDWL Program Overview

- In order to be issued a license, the Ministry of Environment requires an owner of a drinking water system to have:
 1. **A Drinking Water Works Permit (DWWP)**
 - Town received the DWWP in August 2009
 2. **A Permit to Take Water (PTTW)**
 - This is not applicable to Town, as the Town does not draw raw water
 3. **An Accepted Operational Plan**
 - Town's Operational Plan has been accepted in June 2009

Part I - The MDWL Program Overview

4. An Accredited Operating Authority

- Town is required to implement a Quality Management System (QMS) that is in compliance to the Drinking Water Quality Management Standard (DWQMS)
- Town has been accredited as the Operating Authority in August 2009

5. A Financial Plan

- Town has submitted the Financial Plan in June 2010

Part I - The MDWL Program Overview

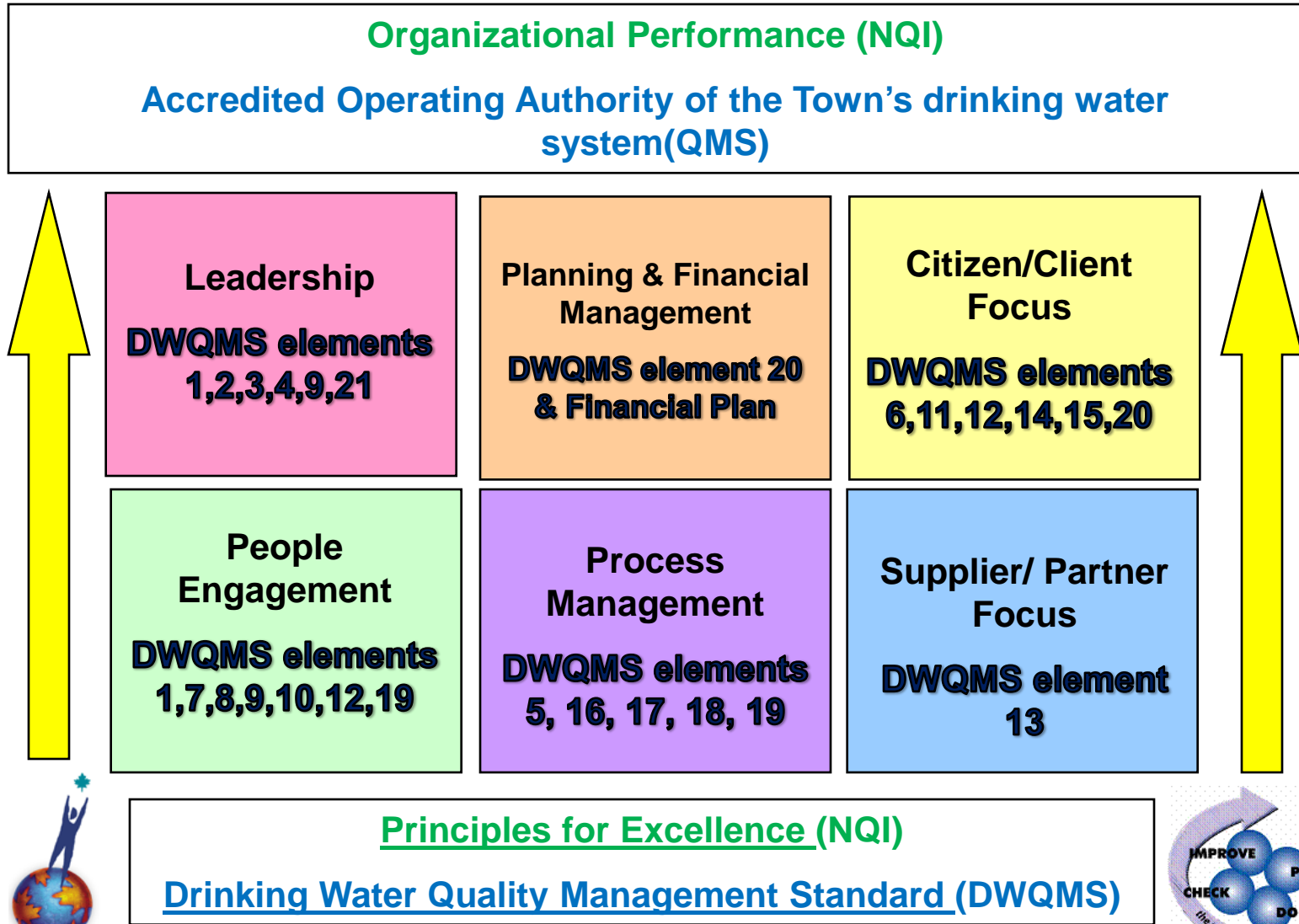
- **Town has received the MDWL in August 2009, and Markham is one of the first five municipalities in Ontario to receive the full scope QMS accreditation and the MDWL**
- **The MDWL is valid for five years, and it must be renewed (current license expires Aug 2014)**
- **Part of the requirement to renew is to demonstrate the ongoing maintenance of the QMS**
- **The QMS will be externally audited every three years, and the next external audit will be in 2012**

Part I - The MDWL Program Overview

The DWQMS – 21 Elements

- | | |
|--|---|
| 1. Quality Management System | 12. Communications |
| 2. Quality Management System Policy | 13. Essential Supplies and Services |
| 3. Commitment and Endorsement | 14. Review and Provision of Infrastructure |
| 4. Quality Management System Representative | 15. Infrastructure Maintenance, Rehabilitation and Renewal |
| 5. Document and Records Control | 16. Sampling, Testing and Monitoring |
| 6. Drinking Water Systems | 17. Measurement and Recording Equipment Calibration and Maintenance |
| 7. Risk Assessment | 18. Emergency Management |
| 8. Risk Assessment Outcomes | 19. Internal Audits |
| 9. Organizational Structure, Roles, Responsibilities and Authorities | 20. Management Review |
| 10. Competences | 21. Continual Improvement |
| 11. Personnel Coverage | |

Aligning NQI-PEP and DWQMS



Part I - The MDWL Program Overview

- **Element 20 Management Review - This meeting is to be taken place at least once every twelve months, to evaluate the continuing suitability, adequacy and effectiveness of the QMS**
- **The outcomes from the Management Review must be communicated to the Owner**
- **This is to inform the Owner the performance of the QMS, together with the resources need in order to maintain the Town's drinking water system and the overall drinking water system performance**

Part II – The Standard of Care

- * Level of care, diligence and skill of a reasonable prudent person expected in similar situation*
 - * Act honestly, competently and with integrity with a view to protection and safety of users*
- Subsection 19(1) of the SDWA
 - Comes into force January 1, 2013

Part II – The Standard of Care

THE STANDARD APPLIES TO:

1. Owner of the municipal drinking water system
2. If municipally owned, every person who:
oversees the operating authority
(CAOs, Directors, Managers) OR
exercises decision-making authority
(Town or Regional Councillors)
 - Subsection 19(2) of the SDWA

Part II – The Standard of Care

- **If courts determine one fails Section 19 duty, penalties apply**
- **Subsection 19(3) of the SDWA**
- **Decision-makers can be convicted whether or not the owner is prosecuted**
- **Subsection 19(4) of the SDWA**
- **Good faith reliance on reports from credible professionals is a defence to failure to meet the established standard**
- **Subsection 19(5) of the SDWA**

Part II – The Standard of Care

OFFENCES & PENALTIES:

- **Offences range from no “operator certificate” to the highest “permitting a drinking water hazard”**
- **Penalty Maximums:**
 - * **Individuals \$20,000 to \$100,000/day, imprisonment, or both; \$7,000,000, imprisonment up to five years, or both.**
 - * **Corporations \$100,000 to \$500,000 per day, up to \$10,000,000**
- **Sections 140 to 143 of the SDWA**

Part III – Next Steps

- **Taking Care of Your Drinking Water - A Guide for Members of Municipal Councils from Ministry of the Environment**
- **Standard of Care – Safe Drinking Water Act training by Walkerton Clean Water Centre (3 hours)**

Q & A