



**GUIDE**  
FOR APPLYING FOR  
**Fragmentation  
&  
Relief from Regulatory Requirements**

**Municipal Drinking Water Systems  
&  
Non-Municipal Drinking Water Systems**

**SAFE DRINKING WATER BRANCH**

**March 2009**

**PIBS 7015e**

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## FOREWORD

Acronyms and Terms	
C of A	Certificate of Approval or "Approval" under the SDWA
Director	A Director appointed for purposes of specified sections of the SDWA
EA	Environmental Assessment
ESR	Environmental Study Report
DWWP	Drinking Water Works Permit
GUDI	Groundwater Under the Direct Influence of Surface Water
Licence	Municipal Drinking Water Licence
Ministry	Ministry of the Environment
MOH	Medical Officer of Health
OWRA	Ontario Water Resources Act
PTTW	Permit to Take Water
SDWA	Safe Drinking Water Act, 2002, c.32
SDWB	Safe Drinking Water Branch

This Guide is intended to provide guidance to applicants requesting authority under the *Safe Drinking Water Act, 2002* (SDWA) to permit fragmentation or obtain relief from regulatory requirements respecting certain municipal or non-municipal drinking water systems, where such approval or consent is required and enabled under the SDWA and associated regulations.

Throughout this Guide, in order to provide rationale for and help clarify the Ministry's requirements associated with fragmentation and relief from regulatory requirements references are made to specific requirements contained in the acts, regulations and Ministry's guidelines and procedures, and in some cases, those specific requirements are either paraphrased or summarised. However, these references and summaries should not be construed as a legal interpretation or advice. It is the proponent's responsibility to be aware of and understand all legal requirements of the applicable acts and regulations, and proponents should refer to the relevant acts and regulations for a comprehensive review of those requirements.

Copies of the *Safe Drinking Water Act, 2002*, the Regulations, and other Ontario legislation may be obtained by mail from Publications Ontario, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8, in person at Service Ontario Centre, College Park Building, 777 Bay Street, Market Level, M5G 2C8 or ordered by phone at (416) 326-5300 or toll-free at 1-800-668-9938. They are also available on the Publications Ontario website at [www.publications.serviceontario.ca](http://www.publications.serviceontario.ca) or [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Proponents should also be aware that, in addition to the approvals and permits required by this Ministry, other Ontario ministries and other levels of government (e.g., federal or municipal), may have their own approval or permit requirements. It must be emphasized that approval under one act does not remove the requirement to obtain approval under other acts or other sections of the same act.

### The Municipal Drinking Water Licensing Program

With the proclamation of section 33 of the *Safe Drinking Water Act, 2002* (SDWA) in May of 2007, the Ministry of the Environment began a transition from an approvals process referred to as the Certificate of Approval (C of A) Program for municipal residential drinking water systems to the new Municipal Drinking Water Licensing Program.

Cs of A currently provided the authority to establish or alter a municipal residential drinking water system as well as use or operate the system. Through the implementation of the licensing program, the authority to establish or alter a system will be provided through a Drinking Water Works Permit (DWWP) and the authority to use or operate will be provided through a municipal drinking water licence (licence). The DWWP will also provide a description of the drinking water system.

The Ministry has produced a document entitled '**Overview Guide – Municipal Licensing Program – September 2008**' (PIBS 2601e01) which is available on the Ministry's Drinking Water Ontario portal ([www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)) and should be referenced for additional information on the Licensing Program. This Overview Guide also forms Schedule A to the Ministry's **Guide for Applying for the First Drinking Water Works Permit and Municipal Drinking Water Licence and Submission of Operational Plans – October 2008** also available on the portal.

**Application of this Guide**

### **A Note on Relief from Lead Sampling Requirements**

For completeness, this guide discusses relief from the regulatory requirements for lead sampling requirements in Schedule 15.1 of O. Reg. 170/03, however, reference should be made to the **Guide for Requesting Regulatory Relief from Lead Sampling Requirements in Schedule 15.1 of Regulation 170/03, Safe Drinking Water Act, 2002** for complete instructions and application forms.

This supplementary guide has been prepared specifically for applying for relief from lead sampling requirements contained in Schedule 15.1 and includes detailed instructions including application procedures and forms. It can be obtained at from the Ministry's Drinking Water Ontario Portal at [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater). Once into the portal, click on 'Guidance' and locate publication number 6610.

### **Questions Regarding Submissions**

For any assistance or advice regarding the filing of applications for approval related to municipal drinking water systems the Safe Drinking Water Branch of the Ministry may be contacted at the following address and telephone numbers:

Safe Drinking Water Branch  
Ministry of the Environment  
2 St. Clair Avenue West, 19<sup>th</sup> Floor  
Toronto, Ontario  
M4V 1L5

Tel. (416) 314-1651 or (Toll Free) 1-877-955-5455  
Fax. (416) 314-324-1037  
e-mail: [mdwl@ontario.ca](mailto:mdwl@ontario.ca)

## **1.0 GENERAL**

### **1.1 Pre-Application Consultation**

Pre-application consultation is a dialogue between the proponent, the Ministry, and possibly the public, prior to the submission of an application and is encouraged in cases of fragmentation or relief from regulatory requirements.

Where pre-application consultation is undertaken, it should be initiated by contacting the local District or Area Office of the Safe Drinking Water Branch. The District Office may call upon or direct the proponent to other offices, branches or sections of the Ministry which may have a role in the approval process.

**Appendix A** to this guide provides contact information for Ministry District and Area Offices

Based on pre-application consultation, the proponent would be better prepared to develop objectives for the undertaking with a clear understanding of the Ministry's requirements, complete any required public consultation process.

### **1.2 Where to File Applications**

Applications for Fragmentation and Relief from Regulatory Requirements should be made to the Director, Safe Drinking Water Act, c/o the Safe Drinking Water Branch (SDWB) of the Ministry of the Environment by submitting a completed application form, together with the required supporting information.

### **1.3 Screening of Applications**

Upon their receipt by the Safe Drinking Water Branch of the Ministry, the submissions will be pre-screened for completeness and if the application is complete, the Application Processor will generate a letter of acknowledgement and mail it to the Owner. If the application is not complete, the applicant will be contacted and the deficiencies will be outlined.

### **1.4 Public Notification and Access to Application Information**

The release of information contained in application forms and documentation submitted in support of applications for approval is subject to the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)*. This Act defines what may and what may not be disclosed to the public and is used to assess all requests for information contained in the documents on file with applications for approval.

The applicant should therefore, as part of their application process, identify all documents, or portions of documents that the applicant considers confidential. The applicant should refer to the exemptions from disclosure set out in sections 12 to 23 of FIPPA, and in particular, section 17, third-party information. The applicant's identification of the documents is be one of the factors the Ministry would consider when making a decision regarding disclosure of specific documents on file.

### **1.5 False Information**

It is an offence under section 140 of the *SDWA* to knowingly give false or misleading information to, among others, the Ministry in respect to matters under the Act or regulations.

Under section 142, the penalties for this violation could result in fines of up to \$50,000 for the first conviction and fines up to \$100,000 and/or imprisonment up to one year for each subsequent conviction where the offence is committed by an individual, and \$250,000 and \$500,000 respectively where the offence is committed by a corporation.

## 2.0 FRAGMENTATION

### 2.1 Applicability

Fragmentation is not permitted for selected drinking water systems unless it has been authorized by a Director through the provisions of the SDWA. These types of systems are:

- Large municipal residential
- Small municipal residential
- Non-municipal year-round residential
- Non-municipal seasonal residential that serves a designated facility

If the category of your drinking water system is unknown, **Appendix B** provides a process to allow you to make this determination.

### 2.2 What is Fragmentation

Fragmentation has two meanings depending on the type of drinking water system, specifically:

Type of System	Fragmentation Means ...
Large and Small Municipal Residential	The replacement of all or part of the system with all or part of a non-municipal drinking water system.
Non-Municipal Year-Round Residential Non-municipal seasonal residential that serves a designated facility	The replacement of all or part of the system with a non-municipal system that is not a non-municipal year-round residential drinking water system or a non-municipal seasonal residential system that serves a designated facility.

Examples:

- In the case of a municipal residential system, this might include the sale of all or part of the system to a private corporation resulting in the original system becoming a non-municipal system.
- In the case of a non-municipal year-round residential system this would include such things as the severing of service connections within the system which results in the number of private residences being served by a system to be 5 or fewer.

### 2.3 How is Fragmentation Authorized

The following instruments must be issued to the owner of the system by an MOE Director to permit fragmentation to occur in systems for which fragmentation is otherwise prohibited.

Type of System	How Fragmentation is Authorized
Large & Small Municipal Residential (under Authority of a C of A)	Certificate of Approval Amendment

<b>Large &amp; Small Municipal Residential (under Authority of a DWWP and Licence)</b>	DWWP or Amendment
<b>Non-Municipal Year-Round Residential or Non- municipal seasonal residential that serves a designated facility</b>	Written Consent from a Director

## 2.4 Who Must Apply

The owner of the drinking water system must apply to the Director to obtain authority to permit fragmentation to occur.

## 2.5 Director Decision Making

The Director will consider an application for fragmentation and will make a decision that, in the Director's opinion, is consistent with purposes of the SDWA and within the authorities, prohibitions and other requirements provided in the SDWA and its regulations.

The purposes of the SDWA are:

- (a) To recognize that the people of Ontario are entitled to expect their drinking water to be safe, and
- (b) To provide for the protection of human health and the prevention of drinking water hazards through the control and regulation of drinking water systems and drinking water testing.

In all cases of considering an application for fragmentation, the SDWA provides that the Director shall not grant an approval, amend an approval or permit, or grant consent respecting fragmentation unless:

- (a) The Director has consulted the Medical Officer of Health concerning the proposed fragmentation;
- (b) The owner of the system proves to the satisfaction of the Director that the owner gave written notice in a form and manner approved by the Director to each user of the system who would cease to be served by a municipal drinking water system (fragmentation of a municipal system) or a regulated non-municipal system (fragmentation of a non-municipal system) if the fragmentation proceeds; and
- (c) The owner of the system demonstrates to the Director's satisfaction that the fragmentation will not expose users of the fragmented system to a drinking water health hazard and will not endanger the natural environment.

In the case of a municipal system, a Director is prohibited from approving an activity<sup>1</sup> subject to the *Environmental Assessment Act*, unless the proponent of the activity has completed the applicable EA process.

## 2.6 Information to be Submitted

<sup>1</sup> Retirement of a municipal drinking water system is a Schedule B project under the approved Municipal Class EA process.

The information to be submitted in support of an application for fragmentation will need to provide sufficient information to address the items noted in the above decision making considerations.

The Director requires the following documentation must be submitted so that the assessment required by the SDWA can be done:

### **2.6.1 User Notification Report**

A written report on user notification prepared by the owner, containing the following:

- a list of names and addresses of all current users of the system that would no longer be served by the existing system if the proposed fragmentation proceeded,
- a statement that a notice in a form and manner approved<sup>2</sup> by the Director was given to each current user of the existing system that would no longer be served by the system.
- details of all public meetings held to discuss the proposed fragmentation of the existing drinking water system, if any such meetings were held, including a summary of the issues discussed at any such meetings, and
- a summary of all comments received by the applicant from the affected users of the system, and the applicant's responses to all these comments, including any planned measures to accommodate any users of the system who oppose the proposed fragmentation.

### **2.6.2 Professional Engineer's Report**

A written report prepared by a professional engineer, containing the following:

- a detailed description of the manner in which drinking water would be obtained by those of the current users of the system that would no longer be served by the system if the proposed fragmentation proceeded.
- an assessment of the potential risks associated with the proposed fragmentation including:
  - the availability of safe and sustainable sources of treated water for the consumers of water from the current system, including where relevant;
    - raw water information, including;
      - raw water quality (raw water characterization and treatment requirements to meet Ontario Drinking Water Quality Standards, and vulnerability of the sources to contamination, and for contemplated well supplies specifically, determination if the sources would be deemed under the regulation to be under direct influence of surface water), and
      - raw water quantity (adequate amount of water available to consumers on a sustained basis, and sustainability of the aquifer),and
    - the potential for contamination of the source aquifer, or any aquifer connected to the

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<sup>2</sup> An approval of the proposed form and manner of notification must be obtained from the Director through pre-application consultation.

source aquifer, associated with the operation of the proposed replacement system or systems.

- In the case of a municipal residential system, the owner will need to submit a copy of all documents required to complete the Municipal Class EA process for the undertaking effecting the fragmentation, and a confirmation that the process has been completed (this confirmation should be made by completing the EA section of the Application form).
- While the SDWA requires that the Director consult with the local Medical Officer of Health (MOH) respecting an application for fragmentation, the applicant should submit a summary of any discussions which may have occurred between the owner and the MOH. If this has been undertaken in advance of the submission, it will facilitate the Director's consideration of the application.

## **2.7 Application Fees**

Application Fee is the processing fee required in order to recover cost incurred by the Ministry in processing the application. The fee applicable to a particular application is established in accordance with the **Minister's Order for Drinking Water Works Permit Fees** and the **Minister's Order for Drinking Water Approval Fees**, as applicable, issued under section 157 of the SDWA.

### **2.7.1 Fees - Municipal Systems**

For applications related to municipal drinking water systems, the Application Fee table of the application form is to be completed and the fee submitted with the application.

### **2.7.2 Fees – Non-Municipal Systems**

The application fee requirements do not apply to applications related to non-municipal drinking water systems. The Minister's Order only applies to applications for approval under Part V of the SDWA (municipal drinking water systems), and the Fees Regulation under the OWRA does not apply to applications for approval under the SDWA.

## **2.8 Appeals**

Section 127 sets out the types of Director's decisions that are reviewable decisions. This include decisions where the Director decides to impose any terms or conditions on a DWWP, licence, Certificate or Approval, vary or revoke any terms or conditions of an existing DWWP, licence, certificate or approval, refuse to grant a consent for the fragmentation of a non-municipal drinking water system, refuse to issue a DWWP, licence or a DWWP or licence amendment, or revoke a DWWP, revoke or suspend a licence, in accordance with the requirements of section 128 of the SDWA he/she will serve the owner of the drinking water system with a written notice of this imposition, variation, refusal, suspension or revocation, including details of the owners right to appeal the decision to the Environmental Review Tribunal.

Within 15 days after being served with such a notice of a reviewable decision, the person notified may require a hearing by the Tribunal by a written notice served on the Director and the Tribunal. Further information respecting the appeal process can be obtained at [www.ert.gov.on.ca](http://www.ert.gov.on.ca)

## **3.0 RELIEF FROM REGULATORY REQUIREMENTS**

### **3.1 Applicability**

In general, the requirements of regulations created under the SDWA must be followed by owners of municipal and non-municipal drinking water systems.

The SDWA, does, however, allow the Director to grant relief from certain regulatory requirements of regulations under specific circumstances for some types of systems. These systems are:

- Large municipal residential
- Small municipal residential
- Non-municipal year-round residential
- All Systems of other categories serving designated facilities.

If the category of drinking water system is unknown, **Appendix B** provides a process to make this determination.

## **3.2 What is Relief**

### **3.2.1 Relief Provisions - General**

Relief may be provided by a Director for certain specified regulatory requirements such that a particular requirement need not be undertaken by the owner or operating authority of the system. In this context, a regulatory requirement is defined in the SDWA as:

“Regulatory requirement” means a prescribed<sup>3</sup> requirement relating to,

- (a) the sampling, testing or monitoring of water quality in a municipal or non-municipal drinking water-system or the reporting of results, or
- (b) the treatment of water in a municipal or non-municipal drinking water system.

It is important to note that relief, if granted, can only relate to the subject matter specifically defined as a ‘regulatory requirement’ within the meaning of the SDWA as noted above. The Director is prohibited from granting relief for prescribed requirements beyond those described.

Within the meaning of a ‘regulatory requirement’, the Director may impose a condition in an approval, drinking water works permit or municipal drinking water licence that;

- (a) provides relief from the duty of strict compliance with a regulatory requirement;
- (b) imposes a condition in the approval or licence (as applicable) in place of a regulatory requirement, that is less onerous than the regulatory requirement; or
- (c) in the drinking water works permit a condition that authorizes or requires the installation of a water treatment process for a municipal drinking water system that does not comply with the prescribed treatment standards or requirements for the system .

### **3.2.2 Relief Provisions - O. Reg. 170/03 - Schedules 4 & 5**

Schedules 4 and 5 of O. Reg 170/03 relate to the provision of relief that would eliminate requirements for essentially all prescribed treatment equipment in municipal residential systems (schedule 4) and non-municipal year-round drinking water systems and all other systems that serve a designated facility (schedule 5).

The schedules prohibit the granting of such relief in the case of a system where the raw water supply is surface water or a ground water under the direct influence of surface water (GUDI) as a raw water supply, but provide rules for the granting of relief that would eliminate essentially all prescribed treatment

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<sup>3</sup> “Prescribed requirement” means a requirement imposed by a regulation.

equipment within a system that does not have surface water or GUDI as a raw water supply. Schedules 4 and 5 are contained in **Appendix C** to this guide.

Note: Schedules 4 and 5 and the requirements and prohibitions imposed by them do not apply to any regulatory relief that is not a relief that would eliminate requirements for essentially all prescribed treatment equipment in municipal residential systems (schedule 4) and non-municipal year-round drinking water systems and all other systems that serve a designated facility (schedule 5)

### 3.2.3 Relief provisions – O. Reg 170/03 – Schedule 15.1 - Lead

Schedule 15.1 of O. Reg. 170/03 provides for mandatory community-wide testing for lead, notification of results from the community testing program, and the development and implementation of corrosion control measures for lead reduction.

The requirements for community lead testing include sampling in private residences, non-residential buildings and distribution systems served by large and small municipal residential and non-municipal year round residential drinking water systems. The number of samples is based on the size of population served by the system, and is outlined in the Table in Schedule 15.1 (Lead) of the Regulation.

Under Part V (municipal systems) and Part VI (regulated non-municipal systems) of the *Safe Drinking Water Act, 2002*, the Director, through conditions of an approval, may provide relief for a drinking water system from a regulatory requirement related to the treatment of water, the sampling, testing or monitoring of water quality, or the reporting of the results.

### 3.3 How is Relief Granted

One of following instruments would be issued to the owner of the system by an MOE Director to grant relief from regulatory requirements.

Type of Drinking Water System	How is Relief Granted
Large & Small Municipal Residential (under Authority of a C of A)	Certificate of Approval Condition
Large & Small Municipal Residential (under Authority of a DWWP and Licence)	DWWP and/or Licence Condition
Non-Municipal Year-Round Residential	Certificate of Approval Issuance/Amendment
All systems of other Categories serving Designated Facilities (Municipal and Non-Municipal)	

### 3.4 Who Must Apply

The owner of the drinking water system must apply to the Director to obtain relief from a regulatory requirement.

### 3.5 Director Decision Making

The Director will consider an application for relief from a regulatory requirement and will make a decision that, in the Director's opinion, is consistent with purposes of the SDWA and within the authorities, prohibitions and other requirements provided in the SDWA and its regulations.

The purposes of the SDWA are:

- (c) To recognize that the people of Ontario are entitled to expect their drinking water to be safe, and
- (d) To provide for the protection of human health and the prevention of drinking water hazards through the control and regulation of drinking water systems and drinking water testing.

The Director is prohibited, through the provisions of the SDWA, from granting relief from a regulatory requirement unless;

- (a) The owner of the system has applied in writing to the Director for relief from the regulatory requirement.
- (b) The regulations do not prohibit the Director from including the condition in the approval, DWWP or licence under the circumstances relating to the particular system.
- (c) The application includes, if required by the regulation, an assessment prepared in accordance with the regulations that demonstrates that providing the relief sought will not result in a drinking water health hazard and the Director agrees with the conclusions of the assessment.
- (d) The owner has conducted public consultations on the application, if any are required by the regulations, and after public consultations, if required, have been conducted in accordance with the prescribed requirements; and
- (e) The owner has obtained all consents from individuals that are required by the regulations before relief may be given.

### **3.6 What Information Must be Submitted**

#### **3.6.1 Information - Relief - General**

The information to be submitted in support of an application for relief will need to provide sufficient information for the Director to ensure the purposes of the SDWA are still being met in granting the relief, and are based on the restrictions and requirements set out in the Act and regulations.

Due to the wide variety of system-specific circumstances and the types of relief being sought it is not feasible to delineate precisely what information must be submitted in support of an application. It is recommended that a potential applicant for relief contact the Safe Drinking Water Branch for a pre-submission consultation regarding the type of information and level of detail that would be required.

#### **3.6.2 Information - Relief - O. Reg. 170/03 - Schedules 4 & 5**

Schedule 4 and Schedule 5 of O. Reg. 170/03 contain prohibitions and requirements respecting relief from essentially all prescribed treatment requirements for municipal and non-municipal systems not using surface or a GUDI supply as a source water. The requirements include rules respecting the assessment which must be undertaken and submitted to the Director, and consultation requirements for municipal and non-municipal systems.

The information submitted in support of an application for relief under these schedules must include sufficient detail for the Director to determine that the requirements have been met.

The schedules are contained in **Appendix C** to this guide.

#### **3.6.3 Information - Relief - O. Reg. 170/03 – Schedule 15.1**

The Ministry has developed a special relief process including separate application forms for the provision of relief from the provisions of Schedule 15.1. Reference should be made to the:

***Guide for Requesting Regulatory Relief from Lead Sampling Requirements in Schedule 15.1 of Regulation 170/03, Safe Drinking Water Act, 2002***

This supplementary guide has been prepared specifically for applying for relief from lead sampling requirements contained in Schedule 15.1 and includes detailed instructions including application procedures and forms. It can be obtained at from the Ministry's Drinking Water Ontario Portal at [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater). Once into the portal, click on 'Guidance' and locate publication number 6610.

### **3.7 Application Fees**

Application Fee is the processing fee required in order to recover cost incurred by the Ministry in processing the application.

The fee applicable to a particular application is established in accordance with **Minister's Order for Drinking Water Works Permit Fees** and the **Minister's Order for Drinking Water Approval Fees**, as applicable, issued under section 157 of the SDWA. The Minister's Order sets out in detail the fee components applicable to various types of applications for approval under Part V of the SDWA.

#### **3.7.1 Fees - Municipal Systems**

For applications related to municipal drinking water systems, the Application Fee table of the application form is to be completed and the fee submitted with the application

#### **3.7.2 Fees – Non-Municipal Systems**

The application fee requirements do not apply to applications related to non-municipal drinking water systems. The Minister's Order only applies to applications for approval under Part V of the SDWA (municipal drinking water systems), and the Fees Regulation under the OWRA does not apply to applications for approval under the SDWA.

### **3.8 Appeals**

Section 127 sets out the types of Director's decisions that are reviewable decisions. This include decisions where the Director decides to impose any terms or conditions on a DWWP, licence, certificate or approval, vary or revoke any terms or conditions of an existing DWWP, licence, certificate or approval, refuse to grant a consent for the fragmentation of a non-municipal drinking water system, refuse to issue a DWWP, licence or a DWWP or licence amendment, or revoke a DWWP, revoke or suspend a licence, in accordance with the requirements of section 128 of the SDWA he/she will serve the owner of the drinking water system with a written notice of this imposition, variation, refusal, suspension or revocation, including details of the owners right to appeal the decision to the Environmental Review Tribunal.

Within 15 days after being served with such a notice of a reviewable decision, the person notified may require a hearing by the Tribunal by a written notice served on the Director and the Tribunal. Further information respecting the appeal process can be obtained at [www.ert.gov.on.ca](http://www.ert.gov.on.ca)

## **4.0 COMPLETING THE APPLICATION FORMS**

### **1. Owner of the Drinking Water System**

## **A. Owner Name**

This is the name of the owner of the drinking water system as it would appear on legal documents associated with the owner. This should be the same name as that appearing on any current licence and DWWP or Certificate of Approval.

## **2. Owner Mailing Address**

### **A. B. C. D. E. F. G. H. I. J. K. Address Information**

This entry will be the address that the owner of the system wishes to use for the purpose of receiving correspondence associated with the applications. It will need to include the street number, unit identifier, municipality, province and postal code as applicable. If the formal mailing address includes a post office box, rural route or general delivery it should be identified accordingly.

### **H. Attention, I. Position/Title, J. E-mail address, K. Telephone**

Enter information into boxes H. and I. to identify a specific person, along with their position or title, within the owner's organization that will receive the approval or amended DWWP/licence. In the case of a municipal corporation, this should be the mayor, warden, reeve, clerk or deputy clerk.

The telephone number and e-mail address is also being requested to facilitate communications and the forwarding of the DWWP/Licence or amendments.

## **3. Technical Information Contact**

### **A. Name B. Position/Title, C. Employer/Company**

This would be the person Ministry staff would contact in the event further dialogue was required on information submitted in support of the applications, particularly information of a detailed technical or design nature. This may be the owner of the system, staff within the municipal organization or a consulting engineer working on behalf of the owner or proponent. The position/title of the person as well as the employer/company should be identified.

### **D. E. F. G. H. I. J. K. L. Contact Address**

These entries provide further contact information including e-mail address and telephone number.

## **4. Drinking Water System**

### **A. System Identifier Name**

The owner should enter a name which identifies the drinking water system in respect of which fragmentation or relief from regulatory requirements is being sought. If a DWWP/licence exists for the system the name of the system as described in these instruments should be used.

If a DWWP/licence does not currently exist for the system, a name should be selected to identify the system. In most cases this may be a simple and logical descriptor such as the 'Broken Antler Treatment and Distribution System'.

### **B. Drinking Water System Category**

The applicant will need to identify the category of the drinking water system for which fragmentation or relief from regulatory requirement is being sought. **Appendix B** to this guide provides terms and concepts including a framework for identifying the type of drinking water system.

### **C. System Type**

The applicant should enter whether the drinking water system consists of treatment and distribution or distribution only. Treatment would also include the addition any chlorine compound or chemicals to the distribution system. A distribution only system would receive all of its treated water from another drinking water system.

### **D. Existing Approval, DWWP, Licence Information**

The applicant should check the boxes as applicable and enter in any existing Certificate or Approval (C of A), DWWP or licence numbers that exist for the system. In the case of a C of A, enter in the number of the last C of A issued for the system.

If a C of A or a DWWP or Licence has never been issued for the system, the last box should be checked.

## **5. Type of Application**

The applicant should check the boxes identifying fragmentation or the type of relief being sought as applicable. The boxes of the application forms must be completed, depending on the type of authorization being sought, are also identified.

## **6. Fragmentation – Information Requirements**

The form should be completed and information provided as set out in Section 2 of this Guide.

## **7. Relief to Eliminate All Treatment Equipment: Municipal Residential Systems**

It is important to note that the requirements for this type of relief relate to all treatment requirements and only apply to drinking water systems not using surface water as a source of raw water.

The form should be completed and information provided as set out in Section 3 of this Guide and sections relating to relief from regulatory requirements for municipal residential drinking water systems.

## **8. Relief to Eliminate All Treatment Equipment: Non-Municipal Year-Round Residential Systems & Systems of All Other categories Serving Designated Facilities**

It is important to note that the requirements for this type of relief relate to all treatment requirements and only apply to drinking water systems not using surface water as a source of raw water.

The form should be completed and information provided as set out in Section 3 of this Guide and sections relating to relief from regulatory requirements for Non-Municipal Year-Round Residential Systems & Systems of All Other categories Serving Designated Facilities.

## **9. Other Regulatory Relief**

The form should be completed and information provided in accordance with Section 3 of this Guide and sections relating to all other types of relief..

## 10 Application Fee

An administrative fee of \$200.00 will apply to all applications using the application form associated with this guide.

The applicant should check all other boxes which apply to the application for fragmentation or relief from regulatory requirements and enter in the corresponding dollar amount in the far right column. The total fee required to be paid will be the sum of all the fees identified in the right column.

## 11. Statement of Owner

The applicant will need to sign the application and in doing so will be affirming that they are authorized to represent the owner of the drinking water system and declare that to the best of their knowledge, the information contained herein and the information submitted in support of this application is complete and accurate and that the Technical Information Contact identified in the application is authorized to act on the owners behalf for the purpose of processing this application.

## 5.0 Statutory Framework

### ***The Safe Drinking Water Act, 2002, c.32***

There are different requirements set out in the *Safe Drinking Water Act* for municipal and non-municipal drinking water systems, The requirements are set separately in Part V (Municipal Drinking Water Systems) and Part VI (Regulated Non-Municipal Drinking Water Systems) of the SDWA..

These two parts of the SDWA set out general requirements and prohibitions regarding the establishment, replacement, operation, alteration and fragmentation of drinking water systems, including the Directors power to grant relief from regulatory requirements regarding water treatment, sampling, testing, monitoring of the systems and the reporting of results.

For the purposes of the SDWA and the regulations, the SDWA defines a “municipal drinking water system” as a system that is owned by a municipality or a municipal service board or a corporation established under the *Municipal Act* by a municipality or a group of municipalities, or from which a municipality obtains or will obtain water under a contract, or which is defined as a municipal drinking water system by a regulation. [Note: A drinking water system owned by a Local Services Board in an unorganized territory and serving a community located within an unorganized territory is not a municipal system.]

The ***Ontario Drinking Water Quality Standards Regulation (O. Reg. 169/03)***, made under the SDWA, sets the minimum drinking water quality requirements applicable to all water that is required to be “potable” under any Ontario act, regulation, municipal by-law, or an order or other document issued under the authority of an Ontario act.

The ***Drinking Water Systems Regulation (O. Reg. 170/03)***, made under the SDWA, categorizes drinking water systems and sets category-specific requirements related to the provision and operation of treatment equipment, conducting operational checks, sampling and testing, reporting adverse test results and other problems, taking corrective action, preparation of Annual Reports, and where applicable,

preparation of Engineers' Reports, Engineering Evaluation Reports and Summary Reports for Municipalities.

The ***Definitions of Words and Expressions Used in the Act Regulation (O. Reg. 171/03)***, made under the SDWA, among others, defines the term "private residence". This definition is crucial in determining whether a drinking water serves a "major residential development" which makes the system subject to the requirements applicable to residential drinking water systems (e.g., approval requirements).

This definition provides that a "private residence" is a dwelling place occupied for an extended period of time by the same persons, if,

- the residents have a reasonable expectation of privacy;
- food preparation, personal hygiene, and sleeping accommodations are not communal in nature; and
- any use of the dwelling place by a resident for a home occupation, trade, business, profession or craft is secondary to the use of the dwelling place as a residence and does not use more than 25 per cent of the indoor floor area.

Another provision of O. Reg. 171/03 relevant to the approvals program prescribes a non-municipal year-round residential system and a non-municipal seasonal residential system that serve a designated facility as a "regulated non-municipal system" for the purpose of subsection 52(2) of the SDWA (prohibition, fragmentation of regulated non-municipal systems). As a result, a Director's consent is not required for fragmentation of a non-municipal non-residential drinking water system.

The ***Definitions of "Deficiency" and "Municipal Drinking Water System" Regulation (O. Reg. 172/03)***, made under the SDWA, defines the two terms noted in its name. The latter is especially significant from the point of view of the approval requirements. Through this regulation, the SDWA's definition of a "municipal drinking water system" includes, a residential drinking water system being established by a non-municipal owner under a Part VI *Planning Act* agreement with a municipality if the agreement provides that the ownership of the system may be transferred to the municipality.

# Appendix A

Ministry of the Environment  
Safe Drinking Water Branch

Regional, District and Area Offices

**REGIONAL, DISTRICT AND AREA OFFICES**  
**Safe Drinking Water Branch**

<b>SOUTHWESTERN REGION (1)</b>	<b>WEST-CENTRAL REGION (2)</b>	<b>CENTRAL REGION (3)</b>	<b>EASTERN REGION (4)</b>	<b>NORTHERN REGION (5)</b>
<b>Barrie</b>	<b>Guelph</b>	<b>Halton Peel</b>	<b>Belleville</b>	<b>Kenora</b>
54 Cedar Pointe Dr., Unit 1201, Barrie, ON L4N 5R7 Phone 705-739-6441 Fax: 705-739-6350 Toll Free: 800-890-8511	1 Stone Rd. W., 4th Fl., Guelph, ON N1G 4Y2 Phone 519-826-4255 Fax: 519-826-4286 Toll Free: 800-265-8658	4145 North Service Rd., Ste. 300, Burlington, ON L7L 6A3 Phone: 905-319-3847 Fax: 905-3199-9902	345 College Street East, Belleville, ON K8N 5S7 Phone 613-962-9208 Fax: 613-962-6809 Toll Free: 800-860-2763 (Within Area Code 613)	808 Robertson Street, 2 <sup>nd</sup> Fl., Kenora, ON P9N 3X9 Phone 807-468-2718 Fax: 807-468-2735
<b>London</b>	<b>Hamilton</b>	<b>York Durham</b>	<b>Cornwall</b>	<b>North Bay</b>
3232 White Oak Rd 3rd Flr London ON N6E1L8 Phone (519) 873-5094 Fax: 519-873-5096	119 King St. W.t, 12 <sup>th</sup> Fl., Hamilton, ON L8P 4Y7 Phone 905-521-7650 Fax: 905-521-7806 Toll Free: 800-668-4557	230 Westney Rd S., 5 <sup>th</sup> Fl., Ajax, ON L1S 7J5 Phone 905-427-5600 Fax: 905-427-5602	113 Amelia Street, 1 <sup>st</sup> Fl., Cornwall, ON K6H 3P1 Phone 613-933-7402 Fax: 613-933-6402	191 Booth Road, Unit 16 & 17, North Bay, ON P1A 4K3 Phone: 705-497-6865 Fax: 705-497-6866
<b>Owen Sound</b>	<b>St. Catherines</b>		<b>Kingston</b>	<b>Sault Ste. Marie</b>
1580 20th St. E., Box 267 Owen Sound, ON N4K 6H6 Phone: 519-371-2901 Fax: 519-371-7829 Toll Free: 800-265-3783	301 St. Paul Street, 9 <sup>th</sup> Floor, Suite 15, St. Catharines, ON L2R 3M8 Phone 905-704-3900 Fax: 905-704-4015 Toll Free: 800-263-1035		1259 Gardiners Rd, Unit 3, P.O. Box 22032, Kingston, ON K7M 8S5 Phone 613-549-4000 Fax: 613-540-6876	289 Bay Street, 3 <sup>rd</sup> Fl., Sault Ste. Marie, ON P6A 1W7 Phone: 705-942-6354 Fax: 705-942-6327
<b>Sarnia</b>			<b>Ottawa</b>	<b>Sudbury</b>
1094 London Rd Sarnia ON N7S 1P1 Phone 519-336-4030 Fax: 519-336-4280			2430 Don Reid Drive, Ottawa, ON K1H 1E1 Phone: 613-521-3450 Fax: 613-521-5437	199 Larch St., Ste. 1201, Sudbury, ON P3E 5P9 Phone: 705-564-3237 Fax: 705-564-4180
<b>Windsor</b>			<b>Peterborough</b>	<b>Thunder Bay</b>
4510 Rhodes Dr Unit 620, Windsor ON N8W5K5 Phone 519-948-1464 Fax: 519-948-2396			300 Water Street, 2 <sup>nd</sup> Fl., Peterborough, ON K9J 8M5 Phone 705-755-4300 Fax: 705-755-4343	435 James Street South, 3 <sup>rd</sup> Floor, Suite 331, Thunder Bay, ON P7E 6S7 Phone 807-475-1205 Fax: 807-475-1161
				<b>Timmins</b>
				Hwy 101 E., Box 3080, South Porcupine, ON P0N 1H0 Phone: 705-235-1500 Fax: 705-235-1520

# Appendix B

## Determination of Category of a Drinking Water System

# Drinking Water System Categorization Questionnaire

## Terms and Concepts

The following **Terms and Concepts** are provided to assist you when completing your registration information.

- 1. Private Residence** is a dwelling place occupied for an extended period of time by the same person if:
  - a) The residents have a reasonable expectation of privacy;
  - b) Food preparation, personal hygiene and sleeping accommodations are not communal in nature, and;
  - c) Any use of the dwelling place by a resident for a home occupation, trade, business, profession or craft is secondary to the use of the dwelling place as a residence and does not use more than 25 per cent of the indoor floor area.
  
- 2. Non-Municipal Seasonal Residential System** means a Drinking Water System (DWS) that is not a municipal drinking water system and :
  - a) Serves;
    - i. a development of more than 5 private residences, or
    - ii. a trailer park or campground that has more than 5 water service connections, and;
  - b) Does not operate to supply water to a development, trailer park or campground referred to in clause (a) for at least 60 consecutive days in;
    - i. every calendar year, or
    - ii. every period that begins on April 1<sup>st</sup> in one year and ends on March 31<sup>st</sup> in the following year.
  
- 3. Designated Facility** means:
  - a) A children and youth care facility;
  - b) A children's camp – a camp that is intended primarily for campers under 18 years of age and that is a class A camp or a class B camp within the meaning of Reg. 568 of the Revised Regulations of Ontario, 1990 (Recreational Camps) under the *Health Protection and Promotion Act*;
  - c) A delivery agent care facility;
  - d) A health care facility;
  - e) A school or private school;
  - f) A social care facility;
  - g) A university, a college of applied arts and technology or an institution with authority to grant degrees.
  
- 4. Ground Water Under Direct Influence of Surface Water (GUDI)**

The following are deemed GUDI:

  - A DWS that obtains water from a well that is not a drilled well or obtains water from a well that does not have a watertight casing that extends to a depth of at least 6 metres below ground level;
  - A DWS that obtains water from an infiltration gallery;
  - A DWS that is not capable of supplying water at a rate greater than 0.58 L/s and that obtains water from a well, any part of which is within 15 metres of surface water;
  - A DWS that is capable of supplying water at a rate greater than 0.58 L/s and that obtains water from a overburden well, any part of which is within 100 metres of surface water;
  - A DWS that is capable of supplying water at a rate greater than 0.58 L/s and that obtains water from a bedrock well, any part of which is within 500 metres of surface water;
  - A DWS that exhibits evidence of contamination by surface water; or
  - A DWS for which a report has been prepared by a professional engineer or professional hydrogeologist that concludes that the system's raw water supply is ground water under the direct influence of surface water.
  
- 5. Seven-day shutdown**

Sampling and testing is not required during a period of seven or more consecutive days when:

  - the drinking water system is not in operation,
  - the drinking water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

The owner shall ensure that no drinking water is supplied to a user of water until samples have been taken and tested and the results of the tests have been received by the owner and the operating authority.

## Form B

# Drinking Water System Categorization Questionnaire

Answer the following questions **by placing an X in the appropriate box** and **follow the instruction beside it**. Once you are finished, you will know the category of your drinking water system.

<b>Name of Drinking Water System (DWS):</b>			
<b>DWS Number (If applicable):</b>			
<b>System Owner:</b>			
Item	Question	Check <input checked="" type="checkbox"/>	Instruction
<b>A</b>	Does this DWS meet one of the following conditions:  a) Owned by a municipality or by a municipality service board <sup>4</sup> ; or b) Supplies or will supply water to a municipality under the terms of a contract between the municipality and the owner of the system.	Yes <input type="checkbox"/>	If 'Yes', Go to <b>B</b>
		No <input type="checkbox"/>	If 'No', Go to <b>D</b>
<b>B</b>	Does this DWS serve more than 100 private residences? (see Terms and Concepts 1)	Yes <input type="checkbox"/>	If 'Yes', this System is <b>Large Municipal Residential</b>
		No <input type="checkbox"/>	If 'No', Go to <b>C</b>
<b>C</b>	Does this DWS serve more than 5 but less than 101 private residences?	Yes <input type="checkbox"/>	If 'Yes', this system is <b>Small Municipal Residential</b>
		No <input type="checkbox"/>	If 'No', Go to <b>H</b>
<b>D</b>	Does this DWS serve more than 5 private residences or a trailer park or campground with more than 5 water service connections?	Yes <input type="checkbox"/>	If 'Yes', Go to <b>E</b>
		No <input type="checkbox"/>	If 'No', Go to <b>F</b>
<b>E</b>	Does this DWS operate seasonally? (see Terms and Concepts 2)	Yes <input type="checkbox"/>	If 'Yes, Go to <b>L</b>
		No <input type="checkbox"/>	If 'No', this system is <b>Non-Municipal Year-Round Residential</b>
<b>F</b>	Does this DWS have a capacity of more than 2.9 litres/sec?	Yes <input type="checkbox"/>	If 'Yes', Go to the Calculation for Non-Municipal Drinking Water Systems
		No <input type="checkbox"/>	If 'No', Go to <b>G</b>
<b>G</b>	Does this DWS serve a Designated Facility? (see Terms and Concepts 3)	Yes <input type="checkbox"/>	If 'Yes', Go to <b>M</b>

<sup>4</sup> A Municipal Service Board or Corporation that is established under the *Municipal Act, 2001*

		No <input type="checkbox"/>	If 'No', Go to <b>X</b>
<b>H</b>	Does this DWS have a capacity of more than 2.9 litres/sec?	Yes <input type="checkbox"/>	If 'Yes', Go to the Calculation for Municipal Drinking Water Systems
		No <input type="checkbox"/>	If 'No', Go to <b>I</b>
<b>I</b>	Does this DWS serve a Designated Facility? (see Terms and Concepts 3)	Yes <input type="checkbox"/>	If 'Yes', this system is <b>Small Municipal Non-Residential</b>
		No <input type="checkbox"/>	If 'No', Go to <b>X</b>
<b>J</b>	Does this DWS serve a Designated Facility? (see Terms and Concepts 3)	Yes <input type="checkbox"/>	If 'Yes', this System is <b>Large Non-Municipal Non-Residential</b>
		No <input type="checkbox"/>	If 'No', Go to <b>X</b>
<b>K</b>	Does this DWS serve a Designated Facility? (see Terms and Concepts 3)	Yes <input type="checkbox"/>	If 'Yes', this system is <b>Large Municipal Non-Residential</b>
		No <input type="checkbox"/>	If 'No', Go to <b>X</b>
<b>L</b>	Does this DWS serve a Designated Facility? (see Terms and Concepts 3)	Yes <input type="checkbox"/>	If 'Yes', this system is <b>Non-Municipal Seasonal Residential</b>
		No <input type="checkbox"/>	If 'No', Go to <b>X</b>
<b>M</b>	Does this DWS use electricity or serve any building or other structure that uses electricity?	Yes <input type="checkbox"/>	If 'Yes', this system is <b>Small Non-Municipal Non-Residential</b>
		No <input type="checkbox"/>	If 'No', this system is exempt from requirements of O. Reg. 170/03 <b>IF</b> all the requirements of Section 8 of the Regulation are met, including the submission of this <i>Drinking Water System Categorization Questionnaire</i> along with Section A of the <i>Drinking Water System Profile Information</i> .
<b>X</b>	This system is exempt from the requirements of O. Reg. 170/03 but still may have legal requirements. Please contact the Public Information Centre (1-800-565-4923) for more information about any other Regulations or requirements that may apply to your DWS.		

## Form B

### Calculation for Municipal Systems

If this Drinking Water System has one or more distribution lines that supply water exclusively for the listed operations, then this calculation should be undertaken to determine if the impact of these operations would alter the category of the Drinking Water System.

<b>Drinking Water System Name:</b>		
<b>Drinking Water System Number (if known):</b>		
<b>Drinking Water System Owner:</b>		
Question	Check <input checked="" type="checkbox"/>	Instruction
Does your Drinking Water System have one or more distribution lines that supply water exclusively for one or more of the following operations:  <input type="checkbox"/> Agricultural <input type="checkbox"/> Landscaping <input type="checkbox"/> Industrial or Manufacturing (including food manufacturing and processing) <input type="checkbox"/> Swimming pool <input type="checkbox"/> Skating rink construction/maintenance	Yes <input type="checkbox"/>	If 'Yes', Complete the <b>Calculation (A-B)</b>
	No <input type="checkbox"/>	If 'No', Go to <b>K</b>

Calculation		
<b>A</b> = Maximum Rate the system can supply water in litres/sec		
<b>B</b> = The Sum of Average rates in litres/sec at which the Drinking Water System supplied water in the preceding calendar year to the distribution lines  Or  An estimated sum of the average rates (for the period January - December) in litres/sec		
Calculate A-B	Check <input checked="" type="checkbox"/>	Instruction
	<input type="checkbox"/>	If <b>A-B</b> is equal to or less than 2.9 litres/sec, Go to <b>I</b>
	<input type="checkbox"/>	If <b>A-B</b> is more than 2.9 litres/sec, Go to <b>K</b>

## Form B

### Calculation for Non-Municipal Systems

If this Drinking Water System has one or more distribution lines that supply water exclusively for the listed operations, then this calculation should be undertaken to determine if the impact of these operations would alter the category of the Drinking Water System.

<b>Drinking Water System Name:</b>		
<b>Drinking Water System Number (if known):</b>		
<b>Drinking Water System Owner:</b>		
Question	Check <input checked="" type="checkbox"/>	Instruction
Does your Drinking Water System have one or more distribution lines that supply water exclusively for one or more of the following operations:  <input type="checkbox"/> Agricultural <input type="checkbox"/> Landscaping <input type="checkbox"/> Industrial or Manufacturing (including food manufacturing and processing) <input type="checkbox"/> Swimming pool <input type="checkbox"/> Skating rink construction/ maintenance	Yes <input type="checkbox"/>	If 'Yes', Complete the <b>Calculation (A-B)</b>
	No <input type="checkbox"/>	If 'No', Go to <b>J</b>

Calculation		
<b>A</b> = Maximum Rate the system can supply water in litres/sec		
<b>B</b> = The Sum of Average rates in litres/sec at which the Drinking Water System supplied water in the preceding calendar year to the distribution lines  Or  An estimated sum of the average rates (for the period January - December) in litres/sec		
Calculate A-B	Check <input checked="" type="checkbox"/>	Instruction
	<input type="checkbox"/>	If <b>A-B</b> is equal to or less than 2.9 litres/sec, Go to <b>G</b>
	<input type="checkbox"/>	If <b>A-B</b> is more than 2.9 litres/sec, Go to <b>J</b>

# Appendix C

Schedule 4  
(Relief from Schedule 1)  
&  
Schedule 5  
(Relief from Schedule 2)

O.Reg. 170/03

[SCHEDULE 4](#)  
RELIEF FROM SCHEDULE 1

Municipal: Large Residential  
Small Residential

**Application: systems**

**4-1.** This Schedule applies to the following drinking water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

**Application: conditions**

**4-2.** This Schedule applies to a condition imposed by the Director under clause 38 (2) (a) of the Act only if the condition provides relief from compliance with all of the requirements of the following provisions:

1. Paragraph 2 of subsection 1-2 (1) of Schedule 1.
2. Paragraphs 1 to 4 of subsection 1-2 (2) of Schedule 1.
3. Sections 1-3 to 1-6 of Schedule 1.

**Prohibitions**

**4-3.** (1) The Director is prohibited from imposing a condition under clause 38 (2) (a) of the Act if the drinking water system obtains water from a raw water supply that is surface water.

(2) The Director is prohibited from imposing a condition under clause 38 (2) (a) of the Act if the condition would apply after the fifth anniversary of the date the condition is imposed, but this subsection does not prohibit the Director from subsequently imposing that condition again pursuant to a new application under clause 38 (3) (a) of the Act.

(3) The Director is prohibited from imposing a condition under clause 38 (2) (a) of the Act unless the municipality to which the drinking water system relates has passed a resolution requesting the condition.

**Assessment**

**4-4.** A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) of the Act shall ensure that a written assessment is prepared in accordance with the following rules before an application is made under clause 38 (3) (a) of the Act:

1. The assessment must be prepared by a professional hydrogeologist.
2. The assessment must assess the aquifer and the wells that the drinking water system obtains water from, the well head protection and the impact of existing and anticipated land uses.
3. The assessment must include,
  - i. the results of all drinking water tests required under the Act during the 24 months before the assessment is prepared, and
  - ii. the results of all analyses required under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) during the 24 months before the assessment is prepared, if the assessment is prepared less than 24 months after the revocation of that Regulation.
4. The assessment must include,
  - i. a written statement from the professional hydrogeologist confirming that he or she has requested and, to the best of his or her knowledge, received all information in the possession of the medical officer of health that relates to the drinking water system,
  - ii. a written statement from the professional hydrogeologist confirming that he or she has consulted with the medical officer of health about potential health-related issues or concerns that relate to the drinking water system, and

- iii. a summary of all the potential health-related issues and concerns that relate to the drinking water system that were identified by the medical officer of health.

**Consultation**

**4-5.** A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) of the Act shall ensure that public consultation is conducted in accordance with the following rules before an application is made under clause 38 (3) (a) of the Act:

1. A public meeting must be conducted to obtain comments on the proposed condition.
2. Reasonable notice of the public meeting must be given to users and prospective users of water from the drinking water system.
3. The person proposing the condition must prepare a written summary of the comments made at the public meeting, along with the person's responses to the comments.

O. Reg. 170/03, Sched. 4; O. Reg. 249/03, s. 11.

SCHEDULE 5  
RELIEF FROM SCHEDULE 2

Municipal: Large Non-Residential  
Small Non-Residential

Non-Municipal: Year-Round Residential  
Seasonal Residential  
Large Non-Residential  
Small Non-Residential

**Application**

**5-1.** This Schedule applies to the following drinking water systems:

1. Large municipal non-residential systems.
2. Small municipal non-residential systems.
3. Non-municipal year-round residential systems.
4. Non-municipal seasonal residential systems.
5. Large non-municipal non-residential systems.
6. Small non-municipal non-residential systems.

**Application: conditions**

**5-2.** This Schedule applies to a condition imposed by the Director under clause 38 (2) (a) or 60 (2) (a) of the Act only if the condition provides relief from compliance with all of the requirements of the following provisions:

1. Paragraph 2 of subsection 2-2 (1) of Schedule 2.
2. Subsection 2-2 (2) of Schedule 2.
3. Sections 2-3 to 2-6 of Schedule 2.

**Prohibitions**

**5-3.** (1) The Director is prohibited from imposing a condition under clause 38 (2) (a) or 60 (2) (a) of the Act if the drinking water system obtains water from a raw water supply that is surface water.

(2) The Director is prohibited from imposing a condition under clause 38 (2) (a) or 60 (2) (a) of the Act if the condition would apply after the fifth anniversary of the date the condition is imposed, but this subsection does not prohibit the Director from subsequently imposing that condition again pursuant to a new application under clause 38 (3) (a) or 60 (3) (a) of the Act.

**Assessment**

**5-4.** (1) A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) or 60 (2) (a) of the Act shall ensure that a written assessment is prepared in accordance with the following rules before an application is made under clause 38 (3) (a) or 60 (3) (a) of the Act:

1. The assessment must be prepared by a professional engineer.
2. The assessment must include,
  - i. a written statement from the professional engineer confirming that he or she has requested and, to the best of his or her knowledge, received all information in the possession of the medical officer of health that relates to the drinking water system,
  - ii. a written statement from the professional engineer confirming that he or she has consulted with the medical officer of health about potential health-related issues or concerns that relate to the drinking water system, and

- iii. a summary of all the potential health-related issues and concerns that relate to the drinking water system that were identified by the medical officer of health.
3. The assessment must include a characterization of the drinking water system's raw water supply prepared by or under the supervision of the professional engineer that includes,
- i. the results of all microbiological tests conducted on waters from the system during the 24 months before the assessment is prepared,
  - ii. the results of a testing program conducted on the system's raw water supply that includes, in each of the 24 months before the assessment is prepared, at least one test for *Escherichia coli* (*E. coli*) and at least one test for total coliforms,
  - iii. a written statement from the professional engineer confirming that, in his or her opinion, there are no significant and rapid shifts in raw water supply characteristics in relation to any of the following parameters:
    - A. pH,
    - B. turbidity,
    - C. temperature,
    - D. nitrate and nitrite,
    - E. conductivity, and
  - iv. copies of all results of any tests the professional engineer has obtained, from any person, that show past evidence of any of the following organisms or chemicals in the system's raw water supply:
    - A. viruses,
    - B. chlorophyll a,
    - C. protozoan cysts,
    - D. macro-organisms.
4. The assessment must include surveys and analyses prepared by or under the supervision of the professional engineer that deal with the potential risks of microbiological contamination with respect to each of the following:
- i. well construction and well head protection,
  - ii. the well head vicinity and recharge zone,
  - iii. the drinking water system's distribution system and plumbing that is connected to the drinking water system that is owned by the owner of the drinking water system,
  - iv. connections between the drinking water system and plumbing that is not owned by the owner of the drinking water system.
5. The assessment must include a proposed management plan prepared by or under the supervision of the professional engineer that provides guidance for operations related to preventing, reducing and managing microbiological risks, including,
- i. procedures describing seasonal start-up and scheduled routine maintenance activities related to flushing and disinfecting the system,
  - ii. procedures for increased monitoring activities following heavy rainfall, floods or other adverse weather events,
  - iii. logs for recording samples taken for tests, including records of locations, times, signatures and test results,

- iv. a protocol for notifying users of water from the system, the Ministry and the medical officer of health, including contact lists,
- v. procedures for corrective action to be taken on receipt of adverse sampling results that are consistent with the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*, and
- vi. procedures for recording summaries of any corrective actions taken, the results that were achieved, and the resolution of the issues that gave rise to the corrective actions.

(2) Subparagraph 3 i of subsection (1) does not apply to a drinking water system that has not begun operation.

**Consultation**

**5-5.** A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) or 60 (2) (a) of the Act shall ensure that public consultation is conducted in accordance with the following rules before an application is made under clause 38 (3) (a) or 60 (3) (a) of the Act:

1. The following persons must be notified of the proposed condition and given a reasonable opportunity to comment on it:
  - i. The occupants of the private residences served by the system.
  - ii. The operators and occupants of the designated facilities served by the system.
  - iii. The operators of the public facilities served by the system.
  - iv. The operators of all other premises served by the system.
2. The person proposing the condition must prepare a written summary of the comments made under paragraph 1, along with the person's responses to the comments.

O. Reg. 170/03, Sched. 5; O. Reg. 247/06, s. 16.

# Appendix D

## Application Form

### Fragmentation &

## Relief from Regulatory Requirements

(Excluding relief from Lead Sampling requirements in Schedule 15.1 of O. Reg. 170/03)