

**Summary of Amendments to O. Reg. 170/03 (Drinking Water Systems), made under the Safe Drinking Water Act, 2002
Community Lead Testing Program (Schedule 15.1)**

NOTE: Amendments came into force on December 14, 2009

Please see the e-Laws website for these and other non-lead amendments to O. Reg. 170/03 at www.e-laws.gov.on.ca

Area of change	Old requirement	New requirement	Rationale
Exemption from plumbing sampling for residential systems serving less than 50,000 people	None	<p>If the drinking water system serves less than 50,000 people, the system may be eligible for an exemption from lead sampling in plumbing. A system qualifies for this exemption if:</p> <ul style="list-style-type: none"> • The system is already doing reduced sampling (see section 15.1-5 of .O.Reg.170/03 on www.e-laws.gov.on.ca for more information about reduced sampling) or has been doing plumbing sampling according to a condition providing relief in an approval granted by the ministry, and • Not more than 10 per cent of plumbing results exceeded the lead standard from a complete year of reduced sampling (both winter and summer rounds). 	<p>This change addresses concerns expressed by smaller systems regarding their costs and ability to comply with the regulation in situations where there were low or negligible levels of lead in the drinking water.</p> <p>It maintains protection for consumers since it is based on actual test results, while addressing the challenges being faced by smaller systems.</p>

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		<p>No ministry approval is required for this exemption. It is automatic once the test results have been submitted to the ministry. Once exempt, if future changes impact water chemistry, lead testing in plumbing could be reinstated by the ministry.</p> <p>Distribution system sampling is still required.</p>	
<p>Sampling from plumbing in private residences where there are a small number of buildings</p>	<p>The number of plumbing samples to be taken was specified, but samples could not be from more than one point in the same building.</p>	<p>If the system serves fewer than 100 people, and the number of buildings served by the system is less than five, take one sample per building, even if this number is lower than the number of locations on the sampling table. For example, if the system serves only three buildings with private residences, take one sample per building for a total of three samples.</p> <p>If the system serves 100 or more people and the number of buildings served by the system is less than the number of samples required under the standard sampling table in the regulation, more than one sample can be taken per building in order to meet the requirement. For example, if the system serves 200 people, the table requires sampling from 10 locations. If the system only serves three buildings with private residences, samples can be taken from more than one location per building in order to meet the requirement of 10 samples.</p>	<p>This change provides sampling flexibility within small systems where there are only a few buildings served by that system.</p>

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Water temperature for plumbing samples	None	Take samples from cold water.	This change adds clarity to the sampling protocol.
System does not have a sampling location on the distribution system	If there was no sampling location on the distribution system, samples could not be taken.	Distribution samples can be taken from plumbing where necessary to do so.	This change adds clarity and flexibility within the regulation for situations where distribution samples are difficult to obtain.
Taking distribution samples from fixtures that are likely to have elevated lead levels due to lead-based materials in that fixture, e.g., hydrants	None	Distribution samples cannot be taken from points in the distribution system where lead levels are likely to be elevated due to materials used in fixtures located at or near the sampling point.	This ensures that samples reflect the quality of water provided to buildings served by the system.
Recording and submitting the number of sampling points and exceedances	None	<p>After each round of testing, system owners are required to record and submit to the ministry the number of points sampled and the number of points where samples exceeded the standard.</p> <p>The ministry will be providing a form <i>O. Reg. 170/03 Community Lead Testing – End of Period Report</i> to submit to the ministry. It will be posted on Drinking Water Ontario www.ontario.ca/drinkingwater and owners and operators will be notified once it is available.</p>	This ensures that additional samples taken from points already sampled during the same season do not count towards the 10 per cent threshold for moving to reduced sampling or for corrosion control.
Lead test reporting requirements where samples are taken outside of prescribed sampling periods	None	Lead test reporting requirements also apply to samples taken outside the prescribed “summer” and “winter” sampling periods, if samples are otherwise taken in accordance with the regulation.	This ensures that the ministry and local health units receive reports of results that exceed the lead standard even if the samples are taken outside of the regulatory testing dates.

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Reporting exceedances to owners of multi-residential buildings	Owners or operating authorities were not required to report exceedances to owners of multi-residential buildings	Owners or operating authorities must report exceedances to multi-residential building owners or owner representatives (e.g. superintendent) within seven days of receiving the results.	This ensures that building owners are aware of any problems and can then take proper corrective action.
Sentinel monitoring when part of a required corrosion control plan (large municipal systems only)	None	Systems that are carrying out sentinel monitoring (i.e., targeted monitoring) as part of a required corrosion control plan are exempt from routine community lead sampling in plumbing.	This change will eliminate sampling duplication.

Remember, this chart is only a summary. To be clear about your specific requirements, you must refer to the text of [O. Reg. 170/03](#) made under the Safe Drinking Water Act, 2002 on www.e-laws.gov.on.ca or request a copy by calling our Public Information Centre at 1-800-565-4923 or picemail.moe@ontario.ca. If you have any legal questions about the application or interpretation of the regulation or legislation, you should consult a lawyer.