

For Information Only

W/WW Standard of Care Information Update

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Resolution

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Finance Implications

There are no financial implications

Background

Safe, high quality drinking water is essential to the public health of everyone in Greater Sudbury and effective oversight has been identified as a key foundation for the supply and delivery of consistently safe municipal water supply. Providing safe drinking water is a vital responsibility that is shared by many partners.

Municipal Councilors play a key role in the supply of drinking water to the municipality in their various roles representing residents, providing stewardship, and policy-making. Most Council decisions will not only affect the short term but often also have long-term implications that may extend beyond the current mandate and impact the long-term health and welfare of our community.

Similarly, several senior level CGS officials (ie Executive Leadership Team, ELT) also may have oversight and decision making roles that can also impact municipal water supply systems. While legislation does not require or expect that either Councilors or municipal officials become experts in water treatment and distribution, they are responsible for having policies, management tools, and processes in place so that the municipality meets all of its legislative and regulatory requirements under the SDWA.

This report intends to help councilors and senior staff to understand their standard of care responsibilities and reinforce the need for ongoing vigilant oversight by providing information and access to resources for anyone wishing to demonstrate compliance with the standard of care requirements or wanting to learn more about Greater Sudbury's municipal water systems.

The Safe Drinking Water Act, 2002 (SDWA) recognizes that diligent and conscientious oversight is a key pillar for safe municipal water supply. For that reason, the SDWA includes a statutory standard of care requirement that applies to individuals who have decision making authority over municipal drinking water systems or who oversee the operating authority of a municipal drinking water system. This requirement can

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also extend to members of Council and senior administrative staff.

Water / Wastewater Division Activities Related to Standard of Care

Staff has implemented programs and other provincially mandated program requirements to demonstrate an appropriate level of care, diligence, and skills are in place to meet the standard of care of care obligations and produce consistently safe drinking water including:

- Using Certified Operators as required and Overall Responsible Operator (ORO) designated in compliance with O. Reg. 170/03;
- Drinking Water Quality System (DWQMS) includes operating, financial, emergency response, and reporting plans;
- Programs in place to proactively manage risks through ongoing regular audits and inspections;
- Robust training programs in place for operational staff;
- Comprehensive operations, maintenance, and monitoring programs are in place;
- Annual Water Quality Reports submitted to the province and made available to public.
- Commitment and ongoing programs in place to promote continual improvement

Training

Council is now over half way through their current mandate and with recent organizational changes to the senior administrative team this report attempts to build on previous training and ongoing communication initiatives to continuously promote diligent oversight of water systems in Greater Sudbury by reinforcing existing tools and information.

Given the serious penalties and personal liability repercussions of breaching the standard of care requirements, both groups may want information about CGS system performance, ongoing training opportunities, and guidance materials related to meeting the standard of care.

A training session was delivered early on in the mandate of the current Council to help prepare Council and senior staff to meet these obligations. The session entitled 'Standard of Care – Safe Drinking Water Act Training' incorporated an electronic presentation was delivered by Mr. Larry Moore from the Walkerton Clean Water Centre on April 20, 2015.

The 2015 training session provided content specifically developed for the needs of Councilors and senior officials attempting to understand and meet their standard of care obligations. A guidebook was provided as part of the sessions entitled: **'Taking Care of Your Drinking Water: A Guide for Municipal Councils'**. This publication was developed and commissioned by the province specifically to provide information and guidance for municipal councils and officials and is available at the following link:

<https://www.ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils>;

Anyone requiring a copy can forward a request to Water / Wastewater staff.

Helpful Information Resources Related to Standard of Care:

There are multiple sources of information available for Councilors and municipal officials wishing to learn more about CGS systems to guide their actions and decisions as they oversee their municipal drinking water systems. Several convenient sources have been identified below and facility tours and information sessions with staff are also available on request.

1. Provincial Drinking Water Framework

The province has implemented a comprehensive framework designed to safeguard drinking water from Source to Tap called the drinking water protection safety net. The framework has eight components:

- A source to tap focus;
- A strong legislative and regulatory framework;
- Regulated health-based standards for drinking water;
- Strong timely action on adverse water quality incidents;
- Mandatory licensing, operator certification and training requirements;
- A multi-faceted compliance improvement tool kit;
- Partnership, transparency, and public engagement

2. Key Sections of the Safe Drinking Water Act for Councilors & Officials

Section 11: Duties of Owners and Operating Authorities

This Section describes the legal responsibilities of owners and operating authorities of regulated drinking water systems including:

- providing water that meets all prescribed drinking water quality standards;
- operating in accordance with the act and its regulations and are kept in a fit state of repair;
- are appropriately staffed and supervised by qualified persons;
- comply with all sampling, testing, and monitoring requirements
- meet all reporting requirements

Section 14: Duties of Owner

This section specifically clarifies that an owner is not relieved of their duty to comply with Section 19 even if the operation is delegated to someone else through an agreement. The owner is still obligated to ensure that the operating authority is carrying out its responsibilities according to the act and if not to take reasonable steps to ensure they do.

Section 19: Duty of Standard of Care

This Section extends legal responsibility to people with decision making authority over municipal drinking water systems and those that oversee the accredited operating authority for the system. It requires that they exercise a level of care, diligence, and skill with regard to a municipal drinking water system that a reasonably prudent person would be expected to exercise in a similar situation and that they exercise this diligence honestly, competently, and with integrity.

3. Municipal Licensing Documents

All Ontario municipal drinking water systems must have a license from the Ministry of the Environment and Climate Change. For a drinking water system to receive or renew its license, the owner and operator must have the following documents in place:

- A drinking water works permit;
- An accepted operational plan;
- An accredited operating authority;
- A financial plan;
- A permit to take water

Of these documents, both the operational plan and the financial plan contain information pertinent to Councilors and Officials:

Operational Plan:

This document includes important basic information about every water system owned by the City, including a process for risk assessment; a description of the organizational structures (with descriptions of roles and responsibilities).

The Operational Plan is available at the following link:

<http://citylinks.greatersudbury.ca/departments/infrastructure-services/waterwastewater/quality-management-sy>

Financial Plan:

This document was developed as ten-year plan that includes water supply and wastewater treatment systems in Greater Sudbury and was approved by Greater Sudbury Finance Committee in 2011.

The financial plan does not constitute a budget but is intended to provide a strategy to guide decisions towards achieving financial sustainability, and to establish benchmarks to measure progress toward sustainability.

The financial plan is available at the following link:

<http://www.greatersudbury.ca/living/sewer-and-water/waterwastewater-financial-plan/>

4. Annual Water Quality Reports:

Greater Sudbury provides the best water quality possible for its customers. The annual reports outline the current status of water delivered in the distribution systems and our ongoing efforts to improve these already high standards.

Reports can be found at the following link:

<http://www.greatersudbury.ca/living/sewer-and-water/water-source/water-quality-reports/>