

**THE SAFE DRINKING WATER ACT AT A GLANCE**  
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The *Safe Drinking Water Act* (“SDWA”) was enacted by the Ontario Government in December 2002. Once fully proclaimed into force, the SDWA will impose important legal duties upon municipal (and prescribed non-municipal) drinking water systems. The SDWA will be administered and enforced by the Ministry of the Environment (“MOE”). Among other things, the SDWA:

- authorizes the MOE to set drinking water quality standards, quality management standards, and other regulatory standards;
- imposes various operational duties upon drinking water suppliers in relation to testing, reporting, treatment, and distribution of drinking water;
- requires training and certification of drinking water system operators;
- establishes a system of permits, licences and approvals for drinking water systems and laboratories performing drinking water testing; and
- creates a broad range of inspection and enforcement tools, and includes stringent penalties for non-compliance.

Numerous sections of the SDWA are scheduled to come into force on June 1, 2003. These sections include: Ministerial powers and duties (subsection 3(1) to (3)); duties of owners and operating authorities (subsection 11(1) and (2)); duty to report adverse test results (section 18); prohibition against contaminating drinking water systems (section 20); approvals for municipal drinking water systems (sections 31, 32, 34 to 39, 41, 45, 51); regulation of non-municipal drinking water systems (sections 52, 53, 54(1), (3) to (6), 55 to 61); inspections, compliance and enforcement (sections 81 to 120, 122 to 125); appeals (sections 126 to 136); offences (sections 137 to 155); miscellaneous provisions and regulation-making (sections 156 to 170).

Five related regulations are also scheduled to come into force on June 1, 2003. These regulations are: Ontario Drinking Water Standards (O.Reg. 169/03); Drinking Water Systems (O.Reg. 170/03); Definitions of Words and Expressions Used in the Act (O.Reg. 171/03); Definitions of “Deficiency” and “Municipal Drinking Water System” (O.Reg. 172/03); Schools, Private Schools and Day Nurseries (O.Reg. 173/03).

Significantly, several key sections of the SDWA will not be coming into force on June 1, 2003. These sections include: requirement for MOE to prepare annual reports on drinking water (subsection 3(4)); establishment of the Advisory Council on Drinking Water Quality and Testing Standards (subsection 4(1)); imposition of a statutory standard of care upon owners of municipal drinking water systems (subsection 19(1)); drinking water testing (sections 62 to 80); and administrative penalties (section 121). At this time, it is unclear when these sections will be proclaimed in force.

Similarly, new regulations have not yet been promulgated under the SDWA in relation to operator training/certification, inspection/compliance matters, quality management standards, or laboratory licencing. Some of these regulations are imminent, while others may be released by the MOE before the end of 2003.