



STAFF REPORT ACTION REQUIRED

Signing Authority for Municipal Drinking Water Licensing Program

Date:	October 19, 2009
To:	Public Works and Infrastructure Committee
From:	General Manager, Toronto Water; Executive Director, Technical Services
Wards:	All
Reference Number:	P:\2009\Cluster B\TW\pw09022

SUMMARY

The purpose of this report is to seek a delegation of authority from City Council to the appropriate City staff to authorize them to sign various verification forms and applications required by the Ontario Ministry of the Environment (the "MOE") under its new Municipal Drinking Water Licensing Program.

This report also provides an update on the licensing of the City's drinking water system.

RECOMMENDATIONS

The General Manager of Toronto Water and the Executive Director of Technical Services recommend that City Council:

1. Delegate the authority to sign verification forms and applications required by the Ontario Ministry of the Environment under the Municipal Drinking Water Licensing Program to managers and directors designated in writing by the General Manager, Toronto Water or the Executive Director of Technical Services.

Financial Impact

The recommendation will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

City Council, at its meeting on July 16, 17, 18, and 19, 2007, adopted Public Works and Infrastructure Committee Report No. 7, Clause No. 9 authorizing the designation of the General Manager of Toronto Water as the Owner Representative for the Toronto Water Quality Management System.

<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-5146.pdf>

ISSUE BACKGROUND

The proclamation of section 33 of Ontario's *Safe Drinking Water Act* in May 2007 began the transition from the Ministry of the Environment's Certificate of Approval Program to the new Municipal Drinking Water Licensing Program (the "Licensing Program"). The changes to the approvals process address recommendations from Justice O'Connor's *Report of the Walkerton Inquiry*.

Under the Licensing Program, instead of a Certificate of Approval or amendment to that approval, the MOE authority to establish or alter the City's drinking water system will be provided through a drinking water works permit (the "Permit") and the MOE authority to use or operate the system will be provided through a municipal drinking water licence (the "Licence").

In order to obtain any amendments or renewals to the Permit or Licence under the Licensing Program, various applications and forms (the "Forms") will need to be completed, retained and, in some cases, submitted by the City, as owner of its drinking water system, to the MOE. While the content and purpose of the Forms varies, generally speaking the Forms contain either a "Verification by Owner" or a "Statement by Owner" section whereby the City, as owner of its drinking water system, is required to verify certain related information or provide its consent to the proposed work. Specifically, the Forms require a signature by an authorized representative of the system owner.

Therefore, this report seeks delegation to the appropriate City staff to sign the necessary Forms as may be required by the MOE under the new Licensing Program.

COMMENTS

Approvals for Future Alterations

The MOE will stop issuing Certificates of Approval under Part V of the *Safe Drinking Water Act* once a Permit and Licence are issued for the City's drinking water system. The Licence and Permit are expected to be issued on January 1, 2010.

Future alterations to the City's drinking water system will then require the completion by the City of verification records or applications which must be retained and available to MOE inspectors. Under the Licensing Program, some future alterations and minor modifications will be pre-authorized subject to meeting conditions detailed in the Permit. However, these alterations will require written verification by an authorized Owner

Representative. The “Verification by the Owner” part of the form is required to be signed by a person authorized by the Owner to complete the verification.

The completion of *Form 1 – Record of Watermains Authorized as a Future Alteration* will be required to comply with conditions set out under Section 3.0 of Schedule B of the Permit. The completion of *Form 2 – Record of Minor Modifications or Replacements to the Drinking Water System* is required to comply with the conditions set out in section 4.0 of Schedule B of the Permit. The completion of *Form 3 – Record of Addition, Modification or Replacement of Equipment Discharging a Contaminant of Concern to the Atmosphere* is required to comply with the conditions set out in section 5.0 of Schedule B of the Permit.

Alterations that do not meet the Permit’s pre-approval conditions will require the owner to apply to the MOE for approval by completing the *Applications Respecting: Drinking Water Works Permits/ Municipal Drinking Water Licences*. The application includes a signed “Statement of Owner” which must be signed by an authorized representative.

Once the Permit and Licence are issued, the City must be ready to operate under this new approvals program. The City’s drinking water system is complex and continually changing. To administer future changes, alterations, and modifications to the system and meet MOE legislative requirements, it is necessary to implement practical, efficient mechanisms for processing any future amendments to the Permit and/or Licence. In order to accomplish this objective, it is recommended that Council delegate authority to the appropriate City management staff for signing the Forms under the new Licensing Program which is necessary for the day-to-day operation of the City’s drinking water system. Staff at the Manager and Director level in Toronto Water and Technical Services are in the best position to verify the information required for pre-approved alterations and to declare the completeness and accuracy of information in applications for approval. Management verification and sign-off is necessary to ensure proper documentation of the proposed changes and avoid delays in administering both the Toronto Water Capital Works Program and approving infrastructure for private sector developments.

Update on Other Licensing Program Requirements

Maintaining up-to-date approvals is just one element of the Licensing Program. The Licence also requires an accredited Operating Authority to be in charge of the drinking water system. As part of the accreditation process, Toronto Water developed an Operational Plan to document a Quality Management System for the City’s drinking water system that complies with the MOE’s *Drinking Water Quality Management Standard*. In July 2007 City Council designated the General Manager of Toronto Water as the Owner Representative for the Toronto Water Quality Management System. In his role as Owner Representative, the General Manager of Toronto Water endorsed the Operational Plan for the City’s drinking water system on November 3, 2008 (the “Operational Plan”). The Operational Plan was also endorsed by the Toronto Water Director Team on November 3, 2008.

Ontario Regulation 188/07 (Licensing of Municipal Drinking Water Systems) under the *Safe Drinking Water Act* required the City to apply for a Permit and a Licence and to provide a copy of the Operational Plan to the MOE by January 1, 2009. The Operational Plan and Licence and Permit application were submitted to the MOE on December 24, 2008 to comply with this requirement. Additionally, the City received accreditation as an Operating Authority for the drinking water system on September 4, 2009.

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SIGNATURE

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