



STAFF REPORT ACTION REQUIRED

Drinking Water Licensing Program Update and Standard of Care Training Course for Members of City Council

Date:	August 20, 2015
To:	Public Works and Infrastructure Committee
From:	General Manager, Toronto Water
Wards:	All
Reference Number:	P:\2015\Cluster B\TW\PWI15016

SUMMARY

The purpose of this report is two-fold. Firstly, the report updates City Council on specific aspects of the Drinking Water Licensing Program of the Province of Ontario, including:

- the successful renewal of the City of Toronto's Municipal Drinking Water Licence and Permit; and
- the successful re-accreditation of the City's drinking water system required by Ontario's *Safe Drinking Water Act* through an external auditor.

Secondly, this report provides information concerning the responsibilities of members of City Council under the *Safe Drinking Water Act*, in particular the statutory Standard of Care provision, which came into force on December 31, 2012.

To support members of City Council to meet their responsibilities under the *Safe Drinking Water Act*, this report recommends that the Walkerton Clean Water Centre (an agency of the Government of Ontario) be hired by the General Manager of Toronto Water to conduct the Standard of Care training course and that all members of City Council take that course that would be held at Toronto City Hall in the fall of 2015 with funding and facilitation provided by Toronto Water.

RECOMMENDATIONS

The General Manager of Toronto Water recommends that:

1. City Council authorize the General Manager of Toronto Water to hire the Walkerton Clean Water Centre to provide the Standard of Care training course for all members of Toronto City Council at a cost of approximately \$3,500.00; and
2. All members of Toronto City Council take the Standard of Care Training course provided by the Walkerton Clean Water Centre in order to become better informed of their responsibilities under the *Safe Drinking Water Act*.

FINANCIAL IMPACT

The cost of the Standard of Care training sessions, provided by the Walkerton Clean Water Agency, is approximately \$3,500.00 and will be paid for through funds available within Toronto Water's 2015 Operating Budget (Account TWS025) previously approved by City Council.

There are no additional financial impacts associated with the adoption of the recommendation in this report to hold a Standard of Care Training course for members of City Council.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

In accordance with requirements of Ontario's *Safe Drinking Water Act*, and fulfilling the requirements of the City of Toronto's Drinking Water License, Council has previously provided authorizations, through reports submitted to the Public Works and Infrastructure Committee, summarized in the following:

- The report entitled "Designating the General Manager of Toronto Water as the Owner Representative for Implementation of the Drinking Water Quality Management Standard" was approved by Council at its meeting of July 16 to 17, 2007. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf>
- The report entitled "Signing Authority for Municipal Drinking Water Licensing Program" was approved by Council at its meeting of November 30 to December 7, 2009. A copy of the Council Decision Document can be found at: <http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-11-30-cc42-dd.htm>

- The report entitled “Drinking Water Licensing Program Update” was approved by Council at its meeting on September 21 and 22, 2011. A copy of the Council Decision Document can be found at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PW7.4>

ISSUE BACKGROUND

Drinking Water Licensing Program and Renewal

The Province of Ontario's Municipal Drinking Water Licence program is administered by the Ministry of the Environment and Climate Change ("MOECC"). A municipal drinking water licence is an approval issued by the MOECC to a municipal owner (i. e. the General Manager of Toronto Water on behalf of the City of Toronto) under the *Safe Drinking Water Act* for the operation of a municipal residential drinking water system.

The requirements for the issuance of a licence include:

- Drinking Water Works Permit;
- Permit to Take Water (in our case to take water from Lake Ontario);
- an approved operational plan based on the Drinking Water Quality Management Standard;
- accreditation of the City of Toronto (the Operating Authority) by a third-party audit of the Quality Management System provision; and
- an approved financial plan as required by the Financial Plans Regulation.

Having fulfilled these five requirements the original Licence was issued to Toronto Water in 2010. The *Safe Drinking Water Act* requires that every licence be renewed within a five-year period.

Accreditation Process

The accreditation process is a three-year cycle for all Ontario drinking water systems and is based on the MOECC's Drinking Water Quality Management Standard. The audit is conducted by a third party and looks at the functioning of the Quality Management System through the documented operational plan and record reviews, interviews of staff and on-site tours. The Quality Management System helps to ensure compliance with all standards and regulations.

The audit of our drinking water system for re-accreditation was conducted by SAI Global (an audit and accreditation body authorized by the MOECC). An initial audit was

undertaken in 2011. A second audit was completed in 2014. (Please Appendix A: Certificate of Accreditation from SAI Global). Successfully passing the audits is required in order to be accredited (or re-accredited) and to receive and maintain a licence to operate a municipal drinking water system.

Statutory Standard of Care

Section 19 of the *Safe Drinking Water Act*, which came into force on December 31, 2012, imposes a statutory standard of care on those who have decision-making authority and oversight of municipal drinking water systems. It applies to every person who oversees an accredited operating authority for a municipally-owned system and every person who exercises decision-making authority over that system. Depending on specific circumstances and individual responsibilities, this duty of care extends to individual elected officials.

Under Section 19 of the *Safe Drinking Water Act*, anyone to whom the duty of care applies is required to exercise the level of care, diligence and skill that a reasonably prudent person would be expected to exercise in a similar situation. They must also act honestly, competently and with integrity, with a view to ensuring the protection and safety of users of the municipal drinking water system.

In 2011, the Walkerton Clean Water Centre delivered Standard of Care training session to members of City Council's Public Works and Infrastructure Committee.

In February 2011, the MOECC circulated to all Members of City Council, through the City Clerk's office, a copy of "Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils". The Guide provides basic information for members of a municipal council regarding their legal duties and responsibilities related to the *Safe Drinking Water Act* and, specifically, the statutory standard of care under Section 19 of the Act.

COMMENTS

Update on Drinking Water Licensing and Renewal

In anticipation of an expiry on February 16, 2015, of the City's Municipal Drinking Water Licence, an application for renewal was submitted by Toronto Water to the MOECC in August 2014.

The renewal process was successfully completed by Toronto Water and an updated Licence was issued to the City of Toronto on February 11, 2015 by the MOECC. The updated Licence and Permit can found at:

<http://insideto.toronto.ca/torontowater/licence/index.htm>

The majority of the updates in the newly issued Licence and the Permit were administrative in nature. The impacts of changes to Toronto Water operations are minor and reflect the maturation of this provincial licensing program.

Re-Accreditation Audit

As noted in the "Issue Background" section of this report, a municipal body must successfully pass an accreditation audit in order to attain a license to operate a municipal drinking water system. If an accreditation audit has previously been conducted the municipality undergoes a re-accreditation audit process.

Toronto's final re-accreditation audit within the current review cycle was conducted by SAI Global, which took place on December 17 – 19, 2014 and included site visits to Metro Hall, R.C. Harris Water Treatment Plant and High Level Pumping Station.

Overall, the SAI Global auditor was impressed by the City of Toronto's Drinking Water Quality Management System ("DWQMS"), staff dedication and professionalism. Toronto Water achieved the best possible outcome of the audit with all areas examined meeting conformance to system requirements.

The auditor's findings confirmed that Toronto has effectively established and maintained a Quality Management System in accordance with the requirements of the DWQMS and the policies and procedures documented in the Operational Plan.

Additionally, Toronto was able to demonstrate continuous improvement of its Quality Management System through the use of preventive and corrective actions. The auditor recommended that the City of Toronto maintain standing of the existing accreditation and a notice of acceptance was issued by the MOECC on February 11, 2015.

Update on Statutory Standard of Care

The MOECC guide "Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils" was updated in 2014 and can be accessed through the Toronto Water website at the following location:

<http://insideto.toronto.ca/torontowater/pdf/drinking-water-guide.pdf>

Key Messages for Members of Council

The three key messages for Municipal Councillors in the Guide are as follows:

- **It's Your Duty.** The statutory standard of care for individuals who have oversight responsibilities for municipal drinking water systems can extend to Municipal Councillors. There are legal consequences for negligence, including possible fines or imprisonment.

- **Be Informed.** Ask questions. Get answers. Councillors don't have to be an expert in drinking water operations, but they do need to be informed about them. Council decisions can have an impact on public health. Councillors should seek advice from those with expertise and act prudently on that advice.
- **Be Vigilant.** Complacency can pose one of the greatest risks to drinking water systems. It is critical that Councillors never take drinking water safety for granted or assume all is well with the drinking water systems under their care and direction. The health of the community depends on diligent and prudent oversight of its drinking water system.

It should be noted that under the *Safe Drinking Water Act*, a Councillor will not be considered to have failed to carry out a duty if he/she relies in good faith on a report of an engineer, lawyer, accountant or other person whose professional qualifications lend credibility to the report.

Training Course for Councillors

A training course has been developed by the MOECC and the Walkerton Clean Water Centre with significant guidance and input from an Advisory Group of Municipal Councillors and Mayors. This three-hour training course is designed to inform elected municipal officials of their oversight responsibilities under Section 19 of the *Safe Drinking Water Act*. Several examples of waterborne disease outbreaks are examined which highlight the importance of competent oversight.

The course also describes some general information about drinking water systems, the multi-barrier approach to drinking water treatment and some of the risks associated with drinking water production and distribution. (Please see Appendix B: Walkerton Clean Water Centre, Standard of Care – Safe Drinking Water Act, Course Description).

With the adoption of the recommendations in this report, Toronto Water staff will proceed to hold a Standard of Care training course provided by the Walkerton Clean Water Centre for all members of City Council in the late fall of this year utilizing training funds drawn from Toronto Water's 2015 Operating Budget approved by City Council.

The cost of the training course will be approximately \$3,500.00. Two sessions will be held at City Hall, one in the morning and one in the afternoon so that there is an option if a member of Council cannot attend the morning session. An invitation will be sent shortly from the General Manager of Toronto Water with the meeting date, times and room location at City Hall.

CONTACTS

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SIGNATURE

Lou Di Gironimo
General Manager, Toronto Water

ATTACHMENTS

Appendix A- Certificate of Accreditation from SAI Global

Appendix B- Walkerton Clean Water Centre, Standard of Care – Safe Drinking Water Act,
Course Description

Appendix A



CERTIFICATE OF ACCREDITATION

This is to certify that the following operating authority:

City of Toronto
55 John St 21st Floor Metro Hall, Toronto, Ontario M5V 3C6 Canada

Additional Drinking Water System
City of Toronto Drinking Water System

operates a

Quality Management System
which conforms with the requirements of
Drinking Water Quality Management Standard (DWQMS):2006
for the following scope of registration
Full Scope - Entire DWQMS

Certificate No.:	CERT-0085753	Original Certification Date:	August 29, 2013
File No.:	016940	Current Certification Date:	August 28, 2015
Issue Date:	January 21, 2015	Certificate Expiry Date:	August 27, 2018



Chris Jouppi
President,
QMI-SAI Canada Limited



Samer Chaouk
Head of Policy, Risk and Certification



DWQMS



Accredited by:
SAI Global Certification Services Pty Ltd, 880 George St, Level 37-38, Sydney, NSW, 2000, Australia with QMI-SAI Canada Limited, 20 Carlton
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Appendix B



Course Title: Standard of Care – Safe Drinking Water Act

Contact Hours: 3.0

CEU Value: 0.3

Course Description:

This course was developed by the Ontario Ministry of the Environment and the Walkerton Clean Water Centre with significant guidance and input from an Advisory Group of municipal councillors and mayors. This course is designed to inform municipal councillors and officials of their oversight responsibilities under Section 19 of the Safe Drinking Water Act, which came into effect on January 1, 2013. Severe penalties are possible for municipal officials who fail to act in good faith and do not exercise honesty, competence and integrity to ensure the protection and safety of the users of municipal drinking water systems. Several examples of waterborne disease outbreaks are examined which highlight the importance of competent oversight. The course describes some general information about drinking water systems, the multi-barrier approach to drinking water treatment and some of the risks associated with drinking water production and distribution. The participant will also learn about additional specialized training that is available.

Areas of study include:

- Understanding your oversight responsibilities as a councillor
- Section 19 of the Safe Drinking Water Act – legal responsibilities and due diligence
- The multi-barrier approach to drinking water safety
- Risk management & risk assessment
- Challenges to providing safe water
- Pathogenic organisms: the greatest tangible risk
- Case studies of waterborne disease outbreaks
- Achieving a culture of prevention & eliminating complacency
- Additional resources & specialized training will also be discussed

Target Audience:

This course is designed for mayors, councillors and municipal officials with oversight responsibility for drinking water treatment and/or distribution systems.