

A Letter dated August 6, 2008 from Keith Willson, Manager Source Protection Approvals, Imminent Drinking Water Health Hazard Notification

**Ministry of
the Environment**

Source Protection Programs
Branch

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**Ministère de
l'Environnement**

Direction des programmes de protection
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MEMORANDUM

TO: MEDICAL OFFICER OF HEALTH LIAISONS TO THE SOURCE PROTECTION COMMITTEES

FROM: KEITH WILLSON
S.89 DIRECTOR, SOURCE PROTECTION PROGRAMS BRANCH,
DRINKING WATER MANAGEMENT DIVISION

DATE: AUGUST 6, 2008

SUBJECT: IMMINENT DRINKING WATER HEALTH HAZARD NOTIFICATION

As you know, the *Clean Water Act, 2006* received Royal Assent in October 2006 and was proclaimed into force with the first set of regulations on July 3, 2007. The purpose of this legislation is to protect existing and future sources of drinking water in the province. This memorandum outlines the procedures associated with an imminent drinking water health hazard notification as per section 89 (s.89) of the *Clean Water Act, 2006* (Notice of Health Hazards).

Designated persons entering property under section 62 (risk management inspectors) or section 88 (employees, agents or persons designated by the source protection authority) of the *Clean Water Act, 2006* must notify the Ministry when:

1. They become aware that a substance is being discharged or is going to be discharged into:
 - The raw water supply for a municipal residential drinking water system; or
 - Another drinking water system that is part of an assessment report or a source protection plan;and
2. The person is of the opinion that if the substance is being discharged, it will create an imminent drinking water health hazard.

There are a variety of potential situations that could result in a designated person becoming aware of an imminent drinking water health hazard as per s.89 of the *Clean Water Act, 2006*. The following are examples of situations that could impact the raw water supply of a drinking water system:

- Spills;
- Leaking underground storage tanks;
- Landfill leachate;
- Storm sewer discharges;
- Highly corroded storage tanks;
- Container about to overflow;
- Furnace tank on toppling crib; and
- Non-point source activities.

It is important to note that the designated person will rely upon their professional judgement in determining if an imminent drinking water health hazard exists. When the s.89 Director receives an imminent drinking water health hazard notification, he/she must assess whether the incident meets the criteria. The s.89 Director will work in collaboration with the local Medical Officer of Health and the MOE District Office to evaluate the seriousness of the situation and to determine an appropriate action plan. The input of the local Medical Officer of Health will be essential to the process as he/she has the training and legal authority to make human health decisions.

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The s. 89 Director is obliged under subsection 89(2) of the *Clean Water Act, 2006* to give written notice, within 30 days, to the affected source protection authority/ municipality, of any action taken by the ministry. A letter will be sent outlining the following:

- MOE/other response thus far and anticipated future response; and
- The District Office contact if the designated person would like further updates in the future.

Please see the attached flow diagram that illustrates the procedure.

Timelines

Training of the designated persons has begun with a pilot course in July 2008 and additional courses are scheduled for Fall 2008. There is a potential for imminent drinking water health hazards to be reported immediately.

As a Medical Officer of Health Liaison to the Source Protection Committee, it is requested that you relay the above information to the medical officers of health that you represent. If you have any questions or concerns, please contact Sara Moore-German in my office (416-314-0394, sara.moore-german@ontario.ca) or I would be pleased to schedule a teleconference at your request.

Sincerely,

Keith Willson,
Manager – Source Protection Approvals/ Section 89 Director, Source Protection Programs Branch
Drinking Water Management Division, Ontario Ministry of the Environment

C: Source Protection Committee Chairs;
Source Protection Program Managers.

DIAGRAM: Imminent Drinking Water Health Hazard Notification Procedure

