

2010:SB1

**MEMORANDUM TO:** Senior Business Officials and  
Secretary Treasurers of School Authorities

**FROM:** Nancy Whynot  
Director, Capital Programs Branch

**DATE:** January 7, 2010

**SUBJECT:** Safe Drinking Water Act: Amendments to O. Reg.  
243/07, and Reporting Expenses for the Provision of  
Alternative Drinking Water in Schools

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I am writing to highlight recent changes to the Safe Drinking Water Act that affect school boards as they continue to ensure the safety of their drinking water. The Ministry of the Environment has made changes to the Safe Drinking Water Act, 2002, Ontario Regulation 243/07, related to the flushing and testing requirements for day nurseries, schools and private schools. These amendments came into force on December 14, 2009.

#### O. Reg. 243 and School Boards – Key Changes

The following is a description of three key areas that have changed for school boards as a result of the amendments to O. Reg. 243/07. This is not a comprehensive list of the changes.

##### *Flushing Frequency*

The amended regulation indicates that schools may reduce flushing of their plumbing from daily to weekly if all sampling results from the two most recent years have not exceeded the Ontario Drinking Water Quality Standard of 10 micrograms per litre.

Boards are not required to submit supporting data to the Ministry of the Environment, although boards are required to keep all lead test results on file. If any future annual drinking water test results indicate an exceedance of the

Ontario Drinking Water Quality Standard for lead, then the school must return to daily flushing until the requirements are met once again.

In addition, the Ministry of the Environment may at any time request a school to return to daily flushing if the ministry has knowledge of water chemistry changes in the drinking water supplied to the school which may result in a lead exceedance(s). The Ministry of the Environment may also direct a school to take other steps to lower the risk of lead exposure to children. When the water chemistry in the drinking water provided to the school is no longer likely to result in a lead exceedance or steps have been taken to adequately lower the risk of lead exposure to children, the school can revert to weekly flushing.

#### *Flushing with Automatic Devices*

For schools that use automatic flushing devices, records of checks that the devices are operating properly must be completed based on the frequency set out in the manufacturer's instructions or at least once a month if no instructions are available. These records must be kept on file by the board as required by O. Reg. 243/07.

#### *Sampling and Testing for Lead Frequency Reductions*

The annual drinking water testing and sampling period has been extended from May 1 to October 31 of each year.

With the amendment of O. Reg. 243/07, any school may reduce its lead sampling frequency from annually to once every three years, if two criteria are met. A school board would need to complete an application form called the *Notice of Reduced Lead Sampling – O. Reg. 243/07* for each school and send the form to the Ministry of the Environment. This application requires lead test results from all taps used to prepare food or drink for consumption by children in the school, and results from at least one tap from any washroom or change room where children are allowed to fill bottles or containers. The drinking water results must show that no result exceeds the Ontario Drinking Water Quality Standard for lead of 10 micrograms per litre. Additionally, the two most recent years of annual drinking water testing results will need to be submitted, confirming that no result exceeds the Ontario Drinking Water Quality Standard for lead of 10 micrograms per litre.

With the acceptance of the application by the Ministry of the Environment, sampling and testing reductions could then apply (from annually to once every three years).

A school would be required to return to annual drinking water testing if any result exceeds the standard for lead or if directed to do so by the Ministry of the Environment. School boards should consider whether the additional testing and laboratory costs associated with this application are feasible and cost effective as an alternative to the annual water testing process.

**Note: The required application forms will be available from the Ministry of the Environment on the Drinking Water Ontario website in winter 2010.**

#### For Further Details on the Amendments

The summary chart of the changes to the regulation was provided by the Ministry of the Environment titled *Summary of Amendments to O. Reg. 243/07* (attached).

The regulation can be viewed at the following website:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_070243\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070243_e.htm)

Should you need to contact the Ministry of the Environment for clarification, please go to their website at [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater).

#### Alternative Drinking Water

As noted in the memorandum of June 3, **2008:SB14**, school boards are expected to make alternative drinking water available in schools where drinking water test results exceed the standard of 10 micrograms of lead per litre after flushing. Boards are currently collecting information regarding their costs of providing alternative drinking water for the period from July 1, 2009 to January 31, 2010, inclusive. The submission deadline is February 13, 2010 so that payments can be made in March 2010. Please use the attached form titled *Reporting Template and Compliance Statement* if submitting a water reimbursement request.

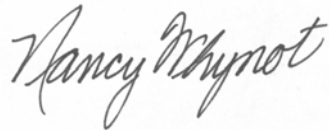
After these payments are made, the Ministry will no longer re-imburse boards for the cost of providing alternative drinking water. Upon review of the data, the costs to boards are relatively small, and boards should see their overall expenses related to drinking water decline due to the changes in the regulations related to flushing. As a result, the Ministry believes that boards can manage these costs internally while maintaining the same high standards of drinking water safety.

#### Further Information

The Ministry reminds boards that annual water sampling and testing is a critical component of maintaining water quality. The purpose of this testing is to determine the quality of water in plumbing, and if necessary, to ensure that

corrective actions, such as supplying alternative water or making plumbing alterations, are taken. Both standing and flushed samples must be taken and analyzed and sample bottles must be clearly labelled to indicate whether they are standing or flushed. Also include the school's unique Drinking Water Information System number with the samples. Please refer to **2009:SB21** released on June 19, 2009 for resources regarding flushing, sampling and testing.

For further information or further assistance on this matter, please contact Steven Mitchell, Capital Programs Branch, at 416-325-2015 or at [steven.mitchell@ontario.ca](mailto:steven.mitchell@ontario.ca).



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Attachments