



What's New and What's the Same Comparing *The Water Regulations* and *The Water Pollution Control and Waterworks Regulations* EPB 220

Definitions - Section 2

- ✓ Most definitions moved to the beginning of the document.
- ✓ New definitions for:
 - “Accredited” to establish a standard for certification of laboratories;
 - “Design flow” to ease the past difficulties with determining application of the regulations to locations without metering systems;
 - “Human consumptive” and “hygienic water uses” to describe and link the regulatory intent to the definition of waterworks in the Act;
 - “Upset condition” to help readers understand when certain occurrences in a waterworks or a wastewater works have to be reported; and
 - “Water pipeline” to help in defining what is meant by a water pipeline and aid in making it clearer that these types of waterworks are now regulated.

Shoreline Alterations - Section 3

- ✓ Outlines those situations that are not intended to require a shoreline alteration permit, since the manner in which The Environmental Management and Protection Act (EMPA) was revised would otherwise require a permit for any of these activities. Everyday operations like culvert replacement, placement of utility lines, removal of beaver dams by specified methods, haying, certain types of livestock grazing, burning of vegetation, harvesting lumber and utility line vegetation management under many circumstances will not require a shoreline alteration permit.

Permittees - Section 4

- ✓ Meaning of permittee expanded to include not only those that operate systems but also their agents or others in the event of failure of a private corporation that operates one of the systems. Also retains those that may have lost a permit so that emergency waterworks/sewage works orders in EMPA can still be used.

Guidelines Adopted - Section 5

- ✓ Formally adopts revised guidelines that Saskatchewan Environment (SE) has used for many years, including design guides for water and sewage works and drinking water monitoring guidelines.

Exempted works - Section 6

- ✓ Similar to the old regulations a number of “works” or discharges from works are exempted in the regulations. The list of exempted works or discharges does not effectively change much from that in the past regulation. Exempted discharges, which have been removed from the new regulations, include effluent discharges from waterworks. This is needed to prevent backwash water from being sent to a clearwell as was identified as being problematic in past incidences. Stormwater discharges, which will be governed by best management practices or pollution prevention plans in the future, have also been removed as an exemption from these regulations.

- ✓ Provisions of Section 6 also deal with a problem that arose because of the structure of EMPA. Clauses have been added to avoid having to issue permits for effluent discharges from waterworks, sewage works and industrial effluent works under both Section 21 and 35 of EMPA.

Industrial Effluent and Shoreline Alteration Permits - Section 7

- ✓ Lays out that guidelines are adopted, which include but are not limited to the requirements for aquatic nuisance control and industrial effluent works permit applications. An extensive listing of information requirements for sewage or industrial effluent works found in Section 7 of the old regulations has been removed and is now in guidelines.

Shoreline Alteration Permit Applications -Section 8

- ✓ Includes information required for SE to assess shoreline alteration permits. This was not present in the previous regulations, but was addressed by policy.

Permits for Shoreline Alterations and Industrial Effluent Works - Sections 9 to 11

- ✓ Lays out a standard set of conditions regarding permit decisions, follow-up, amendments, suspension and cancellation. This is necessary because of an oversight in EMPA, which inadvertently removed the application of the standard set of conditions regarding permits from application to shoreline alterations and industrial effluent works/discharges. Without these amendments, SE cannot issue permits for these activities/works.

Permittees -Section 12

- ✓ The meaning of “permittee” is expanded to include not only those persons that operate sewage works or industrial effluent works, but also their agents or others serving in a similar capacity. This expanded definition of a permittee is needed to deal with the event of a failure of a private corporation that operates one of these systems. Section 12 also serves to ensure that those former permittees that may have lost a permit can be issued an emergency waterworks/sewage works order under EMPA if necessary.

Sewage Works Application requirements - Section 13

- ✓ Formally adopts revised guidelines that SE has used for many years for sewage works design and application conditions.
- ✓ Section 13 requires that applicants provide information found in guidelines adopted by this regulation when seeking a permit. Section 13 replaces equivalent parts of the former Section 7 and parts of Section 11 from the old regulations.

Connections and Pumping Stations - Sections 14 and 15

- ✓ Retains the important components of Sections 11 and 12 from the former regulations regarding these operational related design aspects. Other elements in Sections 11 and 12 of the old regulation are moved to guidelines, which have been adopted elsewhere in the regulations.

Wastewater Treatment Facilities - Section 16

- ✓ Replaces Section 13 of the former regulations. Content is largely unchanged, in terms of what was in the former regulations and how it applies to wastewater treatment facilities. Some elements from the old regulations (effluent discharge time frames and specifications

for chlorination rooms) have been removed to guidelines or will appear in permits (as they always have).

Upset Reporting - Sewage and Industrial Effluent Works - Section 17

- ✓ This is a new concept and requires reporting to the Minister in the event of a problem or upset arising from sewage or industrial effluent works discharges that may affect the environment or quality of surface or source waters. This was contemplated by the Long Term Safe Drinking Water Strategy (LTSDWS).

Disinfection of Effluent - Section 18

- ✓ Similar to Section 14 of the old regulations, disinfection of sewage or industrial effluent works may be required by permit conditions. This Section adds a requirement for reporting if there is a failure or anticipated failure of disinfection equipment.

Testing of Sewage and Industrial Effluent Discharges - Section 19

- ✓ In a manner very similar and in some cases identical to Section 15 of the old regulations, this Section requires permittees to sample effluents, keep logs, track discharge dates and provide results to SE in relation to the operation of sewage works or industrial effluent works.

Waterworks Governed - Section 20

- ✓ Clarifies that regulations are intended to apply to pipelines and specifies which systems it applies to.
- ✓ Pipeline systems governed by these regulations include all pipelines that are connected (directly) to a municipal water works, regardless of size (20(1)(c)) and other pipelines, not otherwise (directly) connected to a municipal waterworks serving 15 or more service connections.
- ✓ Provides exemptions for piping beyond the service connection. Plumbing in a building is still governed by Saskatchewan Health as in the past.

Designation of Waterworks - Section 21

- ✓ The definition of waterworks in the Act requires that the regulations contain this.

Hygienic Systems - Sections 22 and 23

- ✓ Introduces a new category of “Hygienic use” waterworks recommended by the LTSDWS which may be available in certain situations where resources or the likely remaining term of use of a waterworks may not support a complete rebuild. Hygienic use systems are not to be used for human consumption but may be used for bathing, personal hygiene and showering. Certain conditions will apply, such as provision of an alternate source of safe drinking water (for municipal supplies), approval by SE and disinfection or testing to ensure supplies are safe from acute health hazards including bacteriological contamination.

Waterworks Guidelines - Section 24

- ✓ Formally adopts revised waterworks design guidelines that SE has used for many years.
- ✓ Specifies that content of applications for permits must follow information provided in guidelines.

Wells/Pipes/Reservoirs/Water Treatment Facilities/Pumphouses - Sections 25 to 28

- ✓ Updates existing Sections in the former regulation which are very similar or identical to old Sections 18 and 20 to 22. A couple of details governing chlorine use in the former regulations are moved to guidelines.

Drinking Water Quality Guidelines - Section 29

- ✓ Adopts the Guidelines for Canadian Drinking Water Quality, 6th Edition and makes provision for adopting all or part of these guidelines by means of notice in the Gazette.
- ✓ Now specifies that compliance with these guidelines is mandatory and that the most stringent guideline, standard or permit value would take precedence.

Chemical Treatments and Disinfection - Section 30

- ✓ Adopts National Sanitation Foundation (NSF) as a reference to water treatment chemicals and requires that chemicals used to treat water are listed by these standards or are approved by the Minister.
- ✓ Maintains fundamental requirement that water for human consumptive use be disinfected and specifies the levels that must be achieved for water entering the distribution system and in the distribution system. Required chlorine disinfection levels are the same as in the past regulations.

Water Quality Requirements for New Waterworks - Section 31

- ✓ Requires that new waterworks constructed after the passage of the regulations meet the requirements specified in Sections 32 to 34 for bacteriological quality, turbidity and chemical constituents. Allows situations where waterworks were in the process of being upgraded to qualify as existing waterworks and the requirements and time frames for compliance, which follow in Sections 32 to 34.

Bacteriological Water Quality - Section 32

- ✓ Formally prescribes drinking water quality requirements for bacteriological quality at existing waterworks. The standards prescribed are the same as the “objectives” formerly used by SE and take effect on passage of the regulation. Requirement is based on the LTSDWS.
- ✓ Introduces a new option for bacteriological water quality testing (presence - absence test), which will be useful for monitoring water quality in remote areas.

Turbidity Standards - Section 33

- ✓ Formally prescribes drinking water quality requirements for turbidity since this parameter is a good indicator of water treatment efficacy. Values are based on guidelines developed by the Federal-Provincial Sub-Committee On Drinking Water Quality. Provides source water and treatment type based values that must be achieved. Provides a 4 to 6 year phase in for existing waterworks. Also provides a mechanism by which the effectiveness of new water treatment technologies can be determined. Requirement is based on the LTSDWS.

Chemical Water Quality Standards - Section 34

- ✓ Formally prescribes drinking water quality requirements at existing waterworks for chemical constituents, radiological constituents and pesticides (in Table 2), replacing the former approach of “objectives”. Requires monitoring to verify compliance and provides a 6 to 8 year phase in period. Requirement is based on the LTSDWS.

Waterworks Assessments - Section 35

- ✓ New requirement for assessment of waterworks (human consumptive use) once every 5 years, with the first assessment being performed by December 31, 2005, paid for by permittee and reported to the Minister. Requirement is based on the LTSDWS.

Hygienic Water Use Notices - Section 36

- ✓ New requirement for providing notification of users of hygienic water use systems of the restrictions on water use and specifies how this is to be done. Permittees also to advise the Minister as to how this was done on an annual basis.

Upset Reporting - Waterworks - Section 37

- ✓ This is a new concept and requires reporting to the Minister in the event of a problem or upset arising at waterworks that may affect the quality of water supplied to consumers. This was contemplated by the LTSDWS.

Laboratory Accreditation - Section 38

- ✓ A new requirement that all laboratories be accredited in accordance with nationally recognized standards for analysis for parameters required by a waterworks permit. Provides a phase-in period of up to March 31, 2004 and allows the Minister to specify protocols if parameter specific accreditation is not available. Requires Minister to make approved analytical protocols available to public.

Water Testing, Test Results and Follow-up - Section 39

- ✓ Maintains existing requirement for testing in accordance with permit requirements. Adds formal reference to the follow-up protocol used by SE (in cooperation with Saskatchewan Health) to manage drinking water quality related problems, which are identified by means of testing. Provides a more comprehensive listing of actions, reporting and follow-up than in the previous set of regulations. Formally adopts the Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment.

Testing after Repair or Construction - Section 40

- ✓ Expanded requirement for testing following construction and repair of all or a portion of a waterworks.

Fluoride - Section 41

- ✓ Similar to the former regulations, testing of fluoridated water supplies is required.

Operational Records - Section 42

- ✓ A much expanded set of requirements for record keeping with respect to waterworks operations. Addresses recommendations of the North Battleford Inquiry by specifying the nature of records that need to be reviewed on a monthly basis.

Water Quality Assurance, Quality Control (QA/QC) and record review - Section 43

- ✓ A new requirement based on recommendations of the North Battleford Inquiry for QA/QC at human consumptive use waterworks (effective December 21, 2003) and monthly review of records by permittees (owners) of waterworks providing water for human consumptive or hygienic use.

Annual Notice to Consumers - Section 44

- ✓ A new requirement for notification of consumers by the permittee of the waterworks on the quality of water provided and their compliance with sample submission requirements.

Operator Certification and the Operator Certification Board - Sections 46 to 69

- ✓ Significant changes include:
 - New requirement for re-certification based on ongoing education (a North Battleford inquiry recommendation).
 - Certified operators not required for hygienic use waterworks.
 - Adopts a new “standard” which outlines certification details.
 - Additions regarding bylaws for board and its functioning in the event of resignation or death of a member
 - Board may now publish name, level of certification, place of employment, certificate number, date of certificate issue and expiry for certified operators. However, board cannot publish or disclose any information that is personal in nature or that could disclose the operator’s education or work history.
 - Establishes a certification fee limit of up to \$125 per year
 - Deleted references to voluntary certification program since phase in period has passed

Administrative Penalties - Section 70 and 71

- ✓ Administrative penalties are a new element of these regulations, which are intended as an additional tool to gain compliance with these regulations. The approach to administrative penalties in *The Water Regulations* was based on the system and levels of fines used in Alberta. Table 1 lists contraventions to which administrative penalties may apply. Provides factors which may be considered when assessing penalties for a contravention.

Information is Public Information - Section 72

- ✓ A new Section which outlines that information from testing, data or records that is submitted to the Minister is considered public information. Needed to ensure that SE can provide information to the public such as water quality information provided via the Internet.

Application Fees - Section 73

- ✓ New component that specifies that fees for applications are \$49 for each notice or certificate that must be registered with the Land Titles office when permits are issued for construction or operation of a waterworks or sewage works as required by EMPA.

Content for Easements - Section 74

- ✓ This is a new regulatory provision, which outlines what information must be included when an easement is registered in accordance with Section 27 of EMPA.

Repeal and Coming into Force - Sections 75 and 76

- ✓ Repeals former regulations and notes new regulations come into force on the day that they were filed with the Registrar of Regulations.