

Subject: 2024 Drinking Water Annual and Summary Reports for the Ballantrae/Musselman’s Lake and Stouffville Drinking Water Systems and 2024 Top Management Review Minutes

Staff Report No. EPW-005-25

Department/Commission: Engineering and Public Works Commission

Date: March 19, 2025

Recommendation:

- 1) That Council endorse Version 11 of the Town’s Operational Plan that serves to document the Town’s Quality Management System and demonstrate conformance with the Provincial Drinking Water Quality Management Standard; and
- 2) That Council receive the 2024 Top Management Review Minutes for information.

Report Highlights

- Both the Ballantrae/Musselman’s Lake and Stouffville drinking water systems are operating well with no immediate or urgent concerns. The review of sampling results and flow assessment by the Town and York Region show that there are no identified concerns with drinking water quality or quantity.
- The annual inspection from the Ministry of the Environment, Conservation and Parks (MECP) of the Town’s drinking water systems was performed from December 2, 2024 to December 19, 2024. Ballantrae/Musselman’s Lake and Stouffville systems received an Inspection Rating of 100% and a Risk Rating of 0%.

1. Purpose:

This report will provide Council with information regarding the drinking water systems operated by the Town. Included as attachments are the 2024 Drinking Water Summary and Annual Reports for the Ballantrae/Musselman’s Lake Drinking Water System and the Stouffville Drinking Water System as required in accordance with the Safe Drinking Water

Act, 2002. The report also seeks Council endorsement of Version 10 of the Operational Plan as a requirement of the Provincial Drinking Water Quality Management Standard.

2. Background:

The delivery of potable water in Ontario is regulated by the MECP under the Safe Drinking Water Act which came into effect on June 1st, 2003, as Ontario Regulation 170/03. In accordance with the information outlined in Section 11 and Schedule 22 of O.Reg.170/03, Annual and Summary Reports are required for each of the Town's large municipal drinking water systems, those being the Ballantrae/Musselman's Lake drinking water system and the Stouffville drinking water system. It is required that the Annual Reports be prepared by the end of February and the Summary Report by the end of March of the following year.

The Reports are prepared each year by staff on behalf of the Owner of the systems, Municipal Council, to provide a general review of the operation of the systems and the quality of water. The reports are included as attachments 1, 2 and 3.

In 2011, the Town of Whitchurch-Stouffville obtained Municipal Drinking Water Licences (MDWL) for each of the two large municipal residential drinking water systems (Ballantrae-Musselman Lake, and Stouffville) as required under the Safe Drinking Water Act. The Licensing Program encompasses the entire approvals framework for municipal residential drinking water systems. In order to be issued a license, the Ministry of Environment, Conservation and Parks (MECP) require the Owner of the drinking water system to have the following:

Drinking Water Works Permit (DWWP)

- A permit to establish or alter a drinking water system (together with a license, this replaces the Certificates of Approval).

Permit to Take Water (PTTW)

- A valid PTTW is required to be in place if applicable, however this requirement does not apply to the Town of Whitchurch-Stouffville systems.

Accepted Operational Plan

- The Operational Plan documents the Operating Authority's Quality Management System (QMS).
- The Operational Plan must conform to the requirements of the Drinking Water Quality Management Standard (DWQMS).

Accredited Operating Authority

- A successful third-party audit of the Operating Authority's quality management system is basis for accreditation.
- Third Party Audits follow a regular cycle and accreditation must be maintained.

Financial Plan

- Required under the Financial Plans Regulation (O. Reg. 453/07).
- Must cover a period of at least six years.
- Must be endorsed by a resolution of Council (Owner).

The Town's Accreditation for the Operating Authority was recertified on January 30, 2024, and is valid until January 20, 2027. The current Financial Plan was endorsed by Council on March 23, 2021 and covers the period of 2020-2030.

The Drinking Water Quality Management Standard (DWQMS) specifies minimum requirements for the QMS of an operating authority for a subject system:

- To facilitate the operating authority's ability to consistently produce and/or deliver drinking water that meets applicable legislative, regulatory and owner requirements; and
- To enhance consumer protection through the effective application and continual improvement of the QMS.

Additional information related to the DWQMS can be obtained from the MECP website:

<https://www.ontario.ca/page/ontarios-drinking-water-quality-management-standard-pocket-guide>

3. Analysis:

3.1 Report Requirements

The requirements of the Annual Reports include the following:

- The reporting period is from January 1st to December 31st, 2024 and is to be posted to the Town's website by February 28th of the following year (*completed February 21, 2024*); and
- To be provided without charge to every person who requests a copy; and
- Provide a copy to the owner of any other drinking water system that is connected to and receiving all its drinking water from the system that is subject of the annual report. This condition does not apply to the Town.

The requirements of the Summary Report include the following:

- The requirements of the Act, the regulations, the system approvals, drinking water works permits, municipal drinking water licenses and any Provincial orders applicable to the systems that were not met during the period covered by the report; and
- For each requirement referred to above that was not met, specify the duration of the failure and the measures that were taken to correct the failure; and

- A summary of quantities and flow rates of the water supplied during the reporting period, including monthly average and maximum daily flows to enable the owners of the systems to assess the capability of the systems to meet existing and planned uses of the systems; and
- A comparison of the summary of quantities and flow rates to the rated capacity and flow rates approved for the systems.

3.2 MECP Annual Inspection

The annual inspection from the MECP of the Town's drinking water systems was conducted from December 2, 2024 to December 19, 2024. The Ballantrae/Musselman's Lake system received an Inspection Rating of 100% and a Risk Rating of 0%. There was no change from the 2023 inspection where the Ballantrae/Musselman's Lake system also received an Inspection Rating of 100% and a Risk Rating of 0%. No further action was required by the MECP.

The Stouffville system received an Inspection Rating of 100% and a Risk Rating of 0%. This demonstrated an improvement from the 2023 inspection where the Stouffville system received an Inspection Rating of 94.12% and a Risk Rating of 5.88%. No further action was required by the MECP.

3.3 Water Supply

The water supply from York Region meets the current demands of the Town's drinking water systems, including having sufficient quantities that the rated capacity of the systems is not exceeded.

3.4 Operational Plan

The Town of Whitchurch-Stouffville is required to develop, maintain and continually improve the QMS for its drinking water operations and administration. The Operational Plan documents the QMS and demonstrates conformance to the DWQMS.

Three key concepts and definitions within the current regulatory framework and the DWQMS are essential to fully understand and implement the Operational Plan:

- **The "Owner" is defined as the Town of Whitchurch-Stouffville**

The *Safe Drinking Water Act* defines the "owner" as follows:

"owner" includes, in respect of a drinking water system, every person who is a legal or beneficial owner of all or part of the system.

In the case of the Ballantrae/Musselman's Lake and Stouffville Drinking Water Systems, the "owner" is the Corporation of the Town of Whitchurch-Stouffville. Council acts on behalf of the Corporation to make decisions respecting the drinking water systems.

- **The “Operating Authority” is defined as the Engineering and Public Works Commission**

The *Safe Drinking Water Act* defines the “operating authority” as follows:

in respect of a drinking water system, the person or entity that is given responsibility by the owner for the operation, management, maintenance, or alteration of the system.

The Town has defined the Operating Authority, for the purposes of the *Safe Drinking Water Act* and the Operational Plan, as being the Engineering and Public Works Commission. Staff in the Engineering and Public Works Commission undertake the day-to-day operational activities such as water quality testing, infrastructure repairs, and routine maintenance.

- **The “Top Management” is defined as the CAO and Commissioner of Engineering and of Public Works**

The third definition and role to be understood is the “Top Management” of the Operating Authority:

a person, persons, or a group of people at the highest management level within an operating authority that makes decisions respecting the QMS and recommendations to the owner respecting the subject system or subject systems.

The Commissioner of Engineering and Public Works alone does not make recommendations to the Owner or exercise decision making powers with respect to the resources necessary to maintain the QMS. Those powers are jointly held with the Chief Administrative Officer reporting on various matters to Council.

3.5 Endorsement of the Operational Plan

There are 21 Elements in the DWQMS and each element is represented in the Town’s Operational Plan. Requirements of the DWQMS are to communicate the QMS as outlined in the Operational Plan and obtain endorsement from the Owner. It is recommended that Council endorse Version 11 of the Operational Plan to satisfy the requirements of the DWQMS. Version 11 of the Operational Plan is included as Attachment 4.

3.6 Top Management Review

Element 20 of the Ministry of the DWQMS requires a Top Management Review to be conducted at least once every calendar year to evaluate the continuing suitability, adequacy and effectiveness of the Town’s QMS. For 2024, the Top Management Review

period covers from June 1st, 2023 to May 31st, 2024, unless otherwise specified in the meeting minutes.

The Top Management Review meeting identified that the Municipal Drinking Water Licences for the Ballantrae/ Musselman's Lake Water Distribution System and the Stouffville Water Distribution System are in good standing with the MECP. The Minutes from the 2024 Top Management Review are attached for information.

3.7 Statutory Standard of Care

All decision makers in the Town including Mayor and Council with respect to the drinking water systems have legal obligations under the Safe Drinking Water Act, 2002 to ensure the public receive safe, high quality drinking water. The Statutory Standard of Care stated in Section 19 of the Safe Drinking Water Act, 2002 holds Mayor and Council and all applicable staff accountable for decisions made in relation to water quality.

The Owner has three main things to remember under Section 19 of the Safe Drinking Water Act, 2002:

1. **It's Your Duty.** Section 19 of the Safe Drinking Water Act, 2002 extends legal responsibility to people with decision-making authority over municipal drinking water systems. This statutory standard of care is the responsibility of the Owner (Mayor and Council) and those who have decision making authority for the Operating Authority (Top Management, Manager of Environmental Services, Water/Wastewater Supervisor). There are legal consequences for non-compliance with the statutory standard of care including fines or imprisonment.
2. **Be Informed.** Decisions made by the Mayor and Council can have an impact on public health. Ask questions to staff to make informed decisions.
3. **Be Vigilant.** Never take drinking water safety for granted. Staff report annually in March on the performance of the drinking water systems.

Additional information on the Statutory Standard of Care and the responsibilities of the Mayor and Council can be obtained from the MECP website:

<https://www.ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils>.

4. Options:

4.1 Option A (Recommended)

It is recommended that Council endorse Version 11 of the Operational Plan to satisfy the requirements of the DWQMS.

5. Financial Implications:

There are no financial implications associated with this report.

6. Broader Intergovernmental Impacts and/or Considerations:

The preparation and sharing of the Annual Drinking Water Reports and Annual Summary Report with the MECP, the Owner, and the Public is required by the MECP. The endorsement of the Operational Plan is required to satisfy the requirements of the DWQMS.

7. Communication:

The Annual Drinking Water Reports and Annual Summary Report are shared with the Public through the Water Quality page on the Town's website:

<https://www.townofws.ca/live/water-and-utilities/water-quality/>

8. Alignment with Strategic Plan:

1. A Safe Town
Make our community safer
2. Good Governance
Provide Good Governance

9. Attachments:

Attachment No. 1 – 2024 Annual Summary Report for the Ballantrae/Musselman's Lake and the Stouffville Water Distribution System
Attachment No. 2 – 2024 Ballantrae/Musselman's Lake DWS Annual Report
Attachment No. 3 – 2024 Stouffville DWS Annual Report
Attachment No. 4 – Version 11 of the Operational Plan
Attachment No. 5 – 2024 Management Review Minutes

10. Related Reports:

FTS-004-21 Proposed 2021 Water & Wastewater Fees and Charges and Water Wastewater Financial Plan

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For further information on this report, please contact the Department Head: Jack Graziosi, Commissioner of Engineering and Public Works at 905-640-1900 or 1-855-642-8697 ext. 2464 or via email at jack.graziosi@townofws.ca