

DRINKING WATER OFFICERS' GUIDE

Prepared by the BC Ministry of Health

Last Updated: November 2014



INTRODUCTION

Purpose of this document

This document has been developed to promote effective, consistent and transparent administration of the *Drinking Water Protection Act* (the “Act”) and Drinking Water Protection Regulation (the “Regulation”) across British Columbia.¹ It is intended to provide policy and procedural guidance to public health officials who are responsible for the implementation of this Act, recognizing the broad scope of regulatory authority conferred, and the demands placed on the human and financial resources of the regional health authorities in respect of this Act and other public health statutes.

In many respects, this document reflects policies and practices that have been applied by public health officials for years, based on prior legislation and professional expertise. This document seeks to assemble that knowledge and experience for the benefit of all public health officials and members of the general public, and to refine policy and practice to reflect the legislative regime established under the Act. This regime is based upon a multi-barrier approach, which seeks to address threats to drinking water at various stages, including its source, treatment systems, distribution, and at the tap.² It is part of an overall strategy set out in the province’s Action Plan for Safe Drinking Water in British Columbia (See http://www.healthservices.gov.bc.ca/cpa/publications/safe_drinking_printcopy.pdf.) and reflects a comprehensive approach to drinking water protection based on sound risk assessment.

Application to health authorities

This Guide, including amendments made from time to time, was established by the Minister of Health on the 28th of March 2007, as a “guideline” under section 4 of the Act. Section 4 states:

¹ A copy of the Act and Regulation are set out in appendix 1 and appendix 2, respectively.

² For a discussion of the multi-barrier approach to drinking water protection, see “From Source to Tap: The multi-barrier approach to safe drinking water”, May 16, 2002, Prepared by the Federal-Provincial-Territorial Committee on Drinking Water of the Federal-Provincial-Territorial Committee on Environmental and Occupational Health and the Water Quality Task Group of the Canadian Council of Ministers of the Environment (<http://www.hc-sc.gc.ca/hecs-sesc/water/pdf/source-to-tap.pdf>)

- (1) The minister may establish
 - (a) guidelines that must be considered, and
 - (b) directives that must be followedby drinking water officers and other officials in exercising powers and performing duties or functions under this Act and the *Public Health Act* in relation to drinking water.
- (2) The Provincial health officer must monitor compliance of drinking water officers with guidelines and directives established under this section.

Drinking water officials must consider this Guide in the exercise of their duties and discretion. They are, however, able to depart from the Guide in any case where sound reason exists to do so (as discussed further below).

The appendices referred to in this document contain a number of sample forms, letters and similar documents that are not “guidelines” approved by the minister. These are included for convenience and reference only. Drinking water officials may use such sample materials contained in the appendices if and as they see fit, or they may use other materials, provided those are developed having due regard to the portions of the Guide to which the appendices relate.

Relationship to the Act and Regulation

While approved as a guideline under section 4 of the Act, this Guide does not have the force of law. If there is ever a conflict between this Guide and the Act, the Regulation or the principles of administrative fairness, this Guide is superseded by the latter authorities to the extent of any such conflict.

This document is only intended as a policy guide to inform the exercise of statutory discretion. Decision-makers are expected to consider this document and to apply it as a general rule, but if application of this Guide is not considered appropriate to particular facts or circumstances, the provisions of this Guide should not be applied. The only exception relates to “directives” which

may be issued by the minister, as “directives” must be followed. At present, there are no directives.

Overview of Guide

The Drinking Water Officer’s Guide is organized in three sections:

- Part A – Legislative Requirements
- Part B – Best Practices and Technical Assistance
- Part C – Appendices

Part A – Legislative Requirements

Part A of the guide is devoted to providing guidance around the legislative requirements in the Act and the Regulation. It will break down each section of the Act and Regulation and provide an interpretation of those sections that will assist drinking water officers throughout the province to remain consistent in their application of the legislation. In addition, Part A will provide an interpretation of the drinking water legislation as it relates to other legislation in British Columbia.

Part B – Best Practices and Technical Assistance

Part B contains a series of documents designed to provide further assistance with the technical aspects of applying the drinking water legislation. For example, the legislation does not provide a detailed break-down of treatment expectations; therefore, this document outlines treatment objectives based on the *Guidelines for Canadian Drinking Water Quality* (Health Canada).

Part B also contains a number of best practice documents. These documents were developed to provide drinking water officers with procedural guidance in the application of various administrative tasks such as finding small water systems or dealing with a request to investigate a drinking water threat.

Part C – Appendices

Various forms and documents are referenced throughout the guidebook, with examples provided in the appendices. For example, there is a sample:

- Emergency Response and Contingency Plan
- Construction Permit Application
- Hazard Abatement and Prevention Notice

These are sample documents intended to provide the reader with an example of information that might be contained within each document. Health Authorities may wish to use these forms, or to replace them with standard forms for use within their authority.

Process for Guide Revision

Any questions or suggestions concerning this Guide, or proposed revisions, should be provided to:

Attention:

Health Protection Branch,
Ministry of Health
4th Floor, 1515 Blanshard Street
Victoria, BC, V8W 3C8
PH: (250) 952-1469
FAX: (250) 952-1713
EMAIL: HP-PHW@gov.bc.ca

Proposed revisions will be considered by the Drinking Water Leadership Council (discussed in Part A) on a regular basis, and this Guide may be amended from time to time, subject to approval by the minister.

The latest version of this document will be kept by the Secretariat of the Drinking Water Leadership Council and posted on the Ministry of Health web site.