

**Interim Best Practices on Requests for Investigation of a Drinking Water Threat  
under the *Drinking Water Protection Act*.**

Purpose:

Under section 29 of the *Drinking Water Protection Act*, if a person considers that there is a threat to their drinking water, the person may request the drinking water officer to investigate the matter. This document is a ***draft*** addendum proposed for the Drinking Water Officer Guide (DWO Guide), outlining ***best practices*** in such investigations.

These best practices provide interim guidance for the public and Drinking Water Officers regarding the process. They will be fine-tuned to ensure that they meet the needs of the public, health authorities and the Ministry, before formally becoming incorporated into the Drinking Water Officer Guide, at which time they must be considered by Drinking Water Officers in the course of their work.

**1.2.1 Requests for investigations**

Section 29 of the *Drinking Water Protection Act* (DWPA) sets out a process for dealing with requests for investigations of threats to drinking water. It states:

- (1) If a person considers that there is a threat to their drinking water, the person may request the drinking water officer to investigate the matter.
- (2) A request under subsection (1) must be in writing and must include specifics of the facts that the person considers constitute the threat.
- (3) On receiving a request under subsection (1), the drinking water officer must review the request and consider whether an investigation is warranted.
- (4) As applicable,
  - (a) if the drinking water officer decides against undertaking an investigation, the officer must advise the requesting person of this, and
  - (b) if the drinking water officer undertakes an investigation, the drinking water office must advise the requesting person of the results of the investigation.

Under section 29 of the DWPA, any person has a right to request an investigation by a drinking water officer (DWO) if they consider there is a threat to their drinking water. The DWO is obligated to consider this request and should be able to make a decision whether to initiate an investigation based on the submission of information outlined in Appendix A.

DWO's should also proactively inform persons that are concerned with their drinking water, that they have a right to request an investigation under section 29 if they feel that the water is threatened.

Section 29 requires requests to be in writing. If a request is made verbally to a DWO, the DWO should request the person to put the request in writing.

Information provided by an applicant in relation to the questionnaire referred to in Appendix A should provide sufficient evidence for a DWO to make a determination as to whether to initiate an investigation into the matter. It is important to reiterate that the purpose of an investigation is to gather information to determine whether and to what extent non-compliance exists, and therefore it is not incumbent on the applicant to definitively prove to the DWO that non-compliance, a health hazard or a threat exists.

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Response to Ombudsman Recommendation #2

If it can be reasonably demonstrated, based on the preponderance of responses in the questionnaire, that non-compliance **MAY** exist, this is a sufficient basis on which to initiate an investigation. For example, if a hydrological assessment was not completed by the applicant, but other responses in the questionnaire suggest that non-compliance **MAY** exist, an investigation should be initiated.

Furthermore, in deciding whether or not to conduct an investigation, DWO's may also want to consider the following factors:

- Whether the request for investigation includes credible information to suggest a threat may exist
- Any information that the DWO has on file in respect of the water supply systems and prior dealings with the water supply system or owner
- The degree of potential harm that could occur if a threat complained of does exist or comes into existence
- The history of the DWO's dealings with the person requesting the investigation <sup>51</sup>
- The extent the matter has already been reviewed (e.g. through other complaints or at the initiative of the DWO)
- The extent to which the matter is being or will be investigated by another agency with related authority (e.g. Ministry of Environment staff responsible for administering the *Ground Water Protection Regulation* under the *Water Act*) <sup>52</sup>

If the DWO decides not to conduct an investigation, he or she must provide a basic explanation as to why the decision was made. DWO's should provide this to the applicant in writing.

If an investigation is conducted, the DWO must advise the person who requested the investigation of the results of the investigation. When doing so, the DWO should specify his or her findings regarding whether any threat was found, and what if any follow-up action will be taken. The amount of information and detail provided will vary depending upon the facts of the case, and factors such as the seriousness of the threat investigated, the complexity of the investigation, and the potential impact on the person making the complaint. The DWO's response should provide enough information to allow the recipient to understand the DWO's conclusions and the basis upon which they were drawn.

DWO's should also provide this information in writing.

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In some cases, the person requesting the investigation may in fact be the water supplier

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It is important to note that the mere fact that there may be overlapping authority or activity being undertaken by another agency does not mean that the drinking water officer lacks authority or may disregard responsibility in relation to a matter. Such situations should be carefully assessed in accordance with the principles for cooperation with other agencies, discussed below in Part 5, section 4

***INFORMATION FOR THOSE REQUESTING AN INVESTIGATION UNDER SECTION 29***

Requests for investigation can be made by any person that believes that there is a threat to their own drinking water supply. Section 29 requires requests to be in writing.

A request for investigation should contain the following information highlighted in appendix A. The questionnaire will assist you in documenting the specific facts related to the drinking water threat and provide health authority staff with relevant information that can be reviewed in an expeditious manner in order to determine if an investigation is warranted.

This appendix should provide your local DWO with enough information as to determine whether a investigation should be initiated under section 29, however the DWO may ask for further information depending on the specifics of your case. This document can be printed from this document and submitted to your local DWO for consideration the s.29 request.

If your DWO decides not to conduct an investigation, he or she should provide a written explanation to you as to why the decision was made.

If an investigation is conducted, the DWO must advise you of the results of the investigation. When doing so, the DWO should specify his or her findings regarding whether any threat was found, and what if any follow-up action will be taken. DWO's should also provide this information in writing.

*Appendix A: Request For A Section 29 Investigation Under the  
Drinking Water Protection Act*

<b>Name:</b>	<b>Date:</b>
<b>Mailing address:</b>	<b>Phone Numbers:</b>
<b>Address of well property:</b>	

1. Is your water supply or residence located on federal or native land  Yes  No  Unsure

**2. Source of Water**

Private Well

Private Surface Water (Provide Name of Stream or Lake) \_\_\_\_\_

Permitted Community Water System (Provide Name) \_\_\_\_\_ (if municipal option applicable please proceed to question 24)

3. Describe the location of your drinking water supply (i.e. well) on your property. (ex. 20 m from north boundary and 60 m from east boundary of property)

**Well Information (If Applicable)**

4. Is your well:  Drilled  Excavated (dug)  Driven (sand point)  Unsure

5. What year was your well drilled? \_\_\_\_\_  Unsure

6. Name of well driller \_\_\_\_\_  Unsure

7. Do you have a copy of the well Drillers log (Please attach copy if available)

Yes  No  Unsure

8. How deep is the well? \_\_\_\_\_ (meters)  Unsure

9. How deep is the water table below the ground? \_\_\_\_\_ (meters)  Unsure

10. Does the well draw water from:  Sand and/or gravel aquifer  Fractured bedrock  Unsure

11. During well construction were there any layers of clay, silt, till or hardpan encountered above the well screen or well intake?  Yes  No  Unsure

12. Does the well have a secure well cap?  Yes  No  Unsure

13. Does the well have a surface seal? Yes No Unsure

14. Is the well located in an area where there is known flooding or where water can pond?

Yes  No  Unsure

15. Are there any structures, buildings, material storage, or animals near your well-head? (Please describe)

16. Is your well-head protected by a covered structure?

17. Has your well been disinfected in the past? (please describe)

18. Any other relevant information about your well? (Please describe)

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19. Have there been any ground water assessments of your well water supply conducted by a professional hydrogeologist? *(Please provide a copy of the report)*

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20. Is water stored at your home stored prior to use in a:

- Pressure tank
- Holding tank
- Other \_\_\_\_\_
- No water storage

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21. What type of material is used for the water distribution pipes?

In your home \_\_\_\_\_

From your well to your home \_\_\_\_\_

From street to your home \_\_\_\_\_

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22. Do you currently treat your drinking water supply?  No  Yes,

If yes, please specify method used:  Chlorine  UV  Osmosis  Boiling

Filtration (specify type) \_\_\_\_\_  Other \_\_\_\_\_

**23. Are any of the following located close to your water well or surface water intake? If so, please describe and include approximate distance:**

a. Chemical storage (household or agricultural, including pesticides) Distance: \_\_\_\_\_ meters

b. Fuel storage (above ground or underground) Distance: \_\_\_\_\_ meters

c. Manure storage or application Distance: \_\_\_\_\_ meters

d. Livestock Distance: \_\_\_\_\_ meters

e. Wildlife Distance: \_\_\_\_\_ meters

f. Other wells including abandoned well(s) Distance: \_\_\_\_\_ meters

g. Septic systems, (including your own or those on nearby properties) Distance: \_\_\_\_\_ meters

h. Major roads, highways, railways, pipelines, drainage ditches Distance: \_\_\_\_\_ meters

i. Lake, stream, river, pond or ocean Distance: \_\_\_\_\_ meters

j. Landfill, refuse storage, contaminated sites Distance: \_\_\_\_\_ meters

k. Other (Specify)

**24. Have you noticed any taste, odour and/or appearance changes (colour, cloudiness) to your drinking water? If so, when did you first notice the change? (Please provide details)**

25. Has anyone become ill as a result of drinking the tap water from your home? *(Please provide supporting documentation if possible, including water test reports, medical testing results and/ or doctor's report.*

26. Have there been any water quality tests performed on your drinking water supply (Chemical, Bacteriological, other)? *(Please attach copies of lab reports)*

27. Are you aware if your municipal water supplier has issued a water advisory? If so, what is nature of advisory?

28. Have you contacted your municipal water supplier about your concerns? If so, what was their response?

29. If applicable, please provide municipal contact person you have interacted with on this issue

30. Other evidence which supports your concern about the safety of your drinking water? *(Please provide specific details and attach any relevant supporting documents.)*

31. What initiated your complaint?

32. How do you expect your complaint to be resolved?

\_\_\_\_\_  
Name of person requesting an Investigation  
(Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date