

MUNICIPAL WATER SYSTEMS

STANDARD

of care

Did you know?

ONTARIO'S SAFE DRINKING WATER ACT (2002) defines a statutory standard of care that *must* be maintained by everyone with oversight responsibilities for municipal drinking water systems. Members of municipal council and *any* municipal officials with decision-making authority over the drinking water system may be *personally* liable, even if the drinking water system is operated by a corporate entity other than the municipality. There are legal consequences for negligence, including possible fines or imprisonment. See the reverse side for the exact wording.

OMWA

Ontario Municipal Water Association

Ed Houghton, Executive Director

2593 Tenth Concession, Collingwood, ON L9Y 3Y9

T: (705) 443-8472 E: ehoughton@omwa.org

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Safe Drinking Water Act, 2002

- Section 19.** (1) Each of the persons listed in subsection (2) shall,
- (a) exercise the level of care, diligence and skill in respect of a municipal drinking-water system that a reasonably prudent person would be expected to exercise in a similar situation; and
 - (b) act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the municipal drinking water system.
- (2) The following are the persons listed for the purposes of subsection (1):
- 1. The owner of the municipal drinking water system.
 - 2. If the municipal drinking-water system is owned by a corporation other than a municipality, every officer and director of the corporation.
 - 3. If the system is owned by a municipality, every person who, on behalf of the municipality, oversees the accredited operating authority of the system or exercises decision-making authority over the system.

Offence

- (3) Every person under a duty described in subsection (1) who fails to carry out that duty is guilty of an offence.
- (4) A person may be convicted of an offence under this section in respect of a municipal drinking-water system whether or not the owner of the system is prosecuted or convicted.

Reliance on experts

- (5) A person shall not be considered to have failed to carry out a duty described in subsection (1) in any circumstance in which the person relies in good faith on a report of an engineer, lawyer, accountant or other person whose professional qualifications lend credibility to the report. .

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