

Water and Wastewater Facilities and Public Drinking Water Supplies Regulations

made under Sections 66 and 110 of the

Environment Act

S.N.S. 1994-95, c. 1

O.I.C. 2005-426 (September 30, 2005), N.S. Reg. 186/2005

as amended to O.I.C. 2017-159 (April 28, 2017), N.S. Reg. 89/2017

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Interpretation

Citation

1 These regulations may be cited as the Water and Wastewater Facilities and Public Drinking Water Supplies Regulations.

Definitions

2 In these regulations,

(a) “Act” means the Environment Act;

(b) “Department” means the Department of Environment;

(c) “facility” means a water treatment facility, a wastewater treatment facility, a water distribution facility or a wastewater collection facility that must be classified under these regulations;

(d) “Minister” means the Minister of Environment.

Part 1 - Facility Classification and Operator Certification

Definitions for Part 1

3 In this Part,

(a) “administrator” means, as defined in the Act, a person appointed by the Minister for the purpose of the Act, and includes an acting administrator;

(b) “ABC” means the Association of Boards of Certification, an organization that facilitates communication and co-operation between environmental certifying authorities in the United States and Canada and that is recognized by the Province for recommending standards and guidelines for the classification of water systems and wastewater systems and for the certification of operators;

(c) “Atlantic Canada Water and Wastewater Voluntary Certification Board” means the board established by the constitution of the Atlantic Canada Water and Wastewater Voluntary Certification Program;

(d) “CEU” means a continuing education unit granted for 10 hours of participation in a continuing education program that is relevant to the operation of a facility;

(e) “direct responsible charge” means direct responsibility for a process that controls the effectiveness or efficiency of a facility;

(f) “extension” means an increase in

(i) the size of a facility, or

(ii) the volume of water or wastewater treated or received by a facility;

(g) “facility classification certificate” means a certificate issued in accordance with these regulations that states the classification type and class of each facility listed on the certificate;

(h) “Facility Classification Standards” means the most recent version of the standards for classifying water and wastewater facilities published by the Department;

(i) “modification” means an alteration to a facility that does one of the following, but does not change the purpose or function of the facility:

(i) adds a new structure, equipment or process,

(ii) eliminates an existing structure, equipment or process;

(j) “operator” means a person who directs, adjusts, inspects, tests or evaluates an operation or a process that controls the effectiveness or efficiency of a facility;

(k) “operator certification certificate” means a certificate of qualification issued or held under these regulations to an operator for a type of facility that states the class of the operator;

(l) “operating experience” means experience as an operator that is acceptable to an administrator and includes experience being in direct responsible charge or overall direct responsible charge;

(m) “overall direct responsible charge” means direct responsibility designated by an owner for the overall operation, repair and maintenance of a facility;

(n) “Transition Plan Guide” means the most recent version of the guide published by the Department for preparing a plan under Section 30 for a facility without a designated operator;

(o) “wastewater” means sewage derived principally from a residential or non-industrial operation, but does not include industrial process wastewater from an activity designated under the Activities Designation Regulations made under the Act.

Administrator

4 The Minister may appoint an administrator to administer these regulations.

Amendment of Facility Classification Standards and Transition Plan Guide

5 The Department must consult with stakeholders before amending the Facility Classification Standards or the Transition Plan Guide.

Facility Classifications

Types and classes of facilities

6 (1) The 4 facility types are as follows:

- (a) water treatment facility;
- (b) water distribution facility;
- (c) wastewater treatment facility;
- (d) wastewater collection facility.

(2) The 4 classes of water treatment facilities and wastewater treatment facilities are Class I, Class II, Class III and Class IV.

(3) The 3 classes of water distribution facilities and wastewater collection facilities are Class I, Class II and Class III.

Facility must have facility classification certificate

7 (1) An owner of a new or non-operational facility must obtain a facility classification certificate for the facility under these regulations before the facility begins operating.

(2) A facility is deemed to have a facility classification certificate issued under these regulations at an equivalent class level if, on the date these regulations come into force, it has an unexpired classification certificate issued

(a) by the Atlantic Canada Water and Wastewater Voluntary Certification Board; or

(b) under the Water and Wastewater Facility Classification Regulations, N.S. Reg. 60/95, made by the Governor in Council by Order in Council 95-299 dated April 11, 1995.

(3) Except for an owner of a facility that is deemed to have a facility classification certificate under subsection (2), an owner of a facility that is operational on the date these regulations come into force must obtain a facility classification certificate under these regulations for the facility no later than 1 year after the date these regulations come into force.

Application and issuance of facility classification certificate

8 (1) An owner of a facility must apply for a facility classification certificate by submitting all of the following to an administrator:

(a) a properly completed application on a form approved by the Minister or an administrator;

(b) the fee established by the Minister.

(2) If a facility must be classified and meets the requirements of these regulations, an administrator must classify the applicant's facility as to both type and class in accordance with these regulations and issue the facility an appropriate facility classification certificate.

(3) If an owner has more than one facility, an administrator may issue one facility classification certificate for all the facilities.

Classification of water treatment facility

9 (1) A publicly or privately owned system for treating potable water must be classified under these regulations as a water treatment facility.

(2) Despite subsection (1), the following systems are not required to be classified under these regulations:

(a) a bottled water treatment facility;

(b) a publicly or privately owned system for treating potable water that is a transient public drinking water supply, as defined in Part 2;

(c) water treatment equipment used in private residences.

(3) Despite subsection (1), a groundwater supply that only disinfects must be classified as required by Section 10.

(4) Once an administrator has classified a facility as a water treatment facility under subsection (1), an administrator must assign points in accordance with Table 1 of the Facility Classification Standards to the facility and must classify the facility as a Class I, II, III or IV facility in accordance with the points assigned and as shown in the following table:

Points Received

Class of Facility

30 points or less

Class I

31-55 points

Class II

56-75 points

Class III

76 points or more

Class IV

Classification of water distribution facility

10 (1) A publicly or privately owned system for producing, collecting, storing or transmitting potable water must be classified under these regulations as a water distribution facility.

(2) A groundwater supply that only disinfects must be classified under these regulations as a water distribution facility.

(3) Despite subsections (1) and (2), the following systems are not required to be classified under these regulations:

(a) a publicly or privately owned system for producing, collecting, storing or transmitting potable water that serves less than 500 persons;

(b) a publicly or privately owned system for producing, collecting, storing or transmitting potable water that is a transient public drinking water supply, as defined in Part 2.

(4) Once an administrator has classified a facility as a water distribution facility under subsection (1) or (2), an administrator must classify the facility as a Class I, II or III facility in accordance with the population it serves and as shown in the following table:

Population Served

Class of Facility

500 - 1500

Class I

1501 - 15 000

Class II

15 001 or more

Class III

Classification of wastewater treatment facility

11 (1) A publicly or privately owned system for treating and disposing of wastewater must be classified under these regulations as a wastewater treatment facility.

(2) Despite subsection (1), an on-site sewage disposal system as defined in the On-site Sewage Disposal Systems Regulations made under the Act is not required to be classified under these regulations.

(3) Despite subsection (1), a wastewater system with only collection pipes, lift stations or disinfection must be classified as required by Section 12.

(4) Once an administrator has classified a facility as a wastewater treatment facility under subsection (1), an administrator must assign points in accordance with Table 2 of the Facility Classification Standards to the facility and must classify the facility as a Class I, II, III or IV facility in accordance with the points assigned and as shown in the following table:

Points Received

Class of Facility

30 points or less

Class I

31-55 points

Class II

56-75 points

Class III

76 points or more

Class IV

Classification of wastewater collection facility

12 (1) A publicly or privately owned system for collecting or transmitting wastewater must be classified under these regulations as a wastewater collection facility.

(2) A wastewater system with only collection pipes, lift stations or disinfection must be classified under these regulations as a wastewater collection facility.

(3) Despite subsections (1) and (2), the following systems are not required to be classified under these regulations:

(a) a publicly or privately owned system for collecting or transmitting wastewater that serves less than 500 persons;

(b) an on-site sewage disposal system, as defined in the On-site Sewage Disposal Systems Regulations made under the Act.

(4) Once an administrator has classified a facility as a wastewater collection facility under subsection (1) or (2), an administrator must classify the facility as a Class I, II or III facility in accordance with the population it serves and as shown in the following table:

Population Served

Class of Facility

500 - 1500

Class I

1501 - 15 000

Class II

15 001 or more

Class III

Re-classification of facility after modification or extension

13 (1) If a facility is or will be modified or extended after a facility classification certificate is issued for the facility, the owner of the facility must notify an administrator and provide complete details of the modifications or extensions.

(2) No later than the 30th day after receiving a notice of a modification or extension, an administrator must advise the owner of the facility in writing whether the facility's current classification must be changed.

(3) If a facility's classification must be changed because of a modification or extension,

(a) no later than the 90th day after being advised by an administrator, the owner of the facility must pay a fee established by the Minister for a new facility classification certificate; and

(b) no later than the 30th day after receiving the required fee, an administrator must classify the facility in accordance with these regulations and issue the facility an appropriate new facility classification certificate.

Operator Certification

Types and classes of operator certification certificates

14 (1) An administrator may issue the following types of operator certification certificates:

(a) water treatment operator certification certificate;

(b) water distribution operator certification certificate;

(c) wastewater treatment operator certification certificate;

(d) wastewater collection operator certification certificate.

(2) Each type of operator certification certificate must be issued in one of the following classes:

- (a) Operator-in-training;
- (b) Class I;
- (c) Class II;
- (d) Class III;
- (e) Class IV.

Deemed certification of operator

15 An operator who holds a certificate qualifying them to be an operator issued by one of the following is deemed to hold an operator certification certificate, for the equivalent type of facility and at an equivalent class level, for 2 years after the date these regulations come into force, unless the certificate is sooner replaced, suspended or cancelled by the Minister:

- (a) the Atlantic Canada Water and Wastewater Voluntary Certification Board;
- (b) an administrator.

Reciprocal certification of operator

16 An operator who is certified by the ABC or by a certification agency recognized by the Department as equivalent to the ABC may be issued an operator certification certificate by an administrator for an equivalent type of facility at a class level at the discretion of an administrator, if the person applies and provides the information requested by an administrator.

Deemed certification of operator with water or wastewater treatment certificate

17 (1) Unless the water treatment operator certification certificate states otherwise, an operator who holds a valid Class I, Class II, Class III or Class IV water treatment operator certification certificate is deemed to also hold a Class I water distribution operator certification certificate for the purposes of operating components in a water distribution facility that affect a water treatment facility.

(2) Unless the wastewater treatment operator certification certificate states otherwise, a person who holds a Class I, Class II, Class III or Class IV wastewater treatment operator certification certificate is deemed to also hold a Class I wastewater collection operator certification certificate for the purposes of operating components in a wastewater collection facility that affect a wastewater treatment facility.

Operator certification certificate application

18 To apply for an operator certification certificate, an applicant must submit all of the following to the Minister:

- (a) a properly completed application, on a form approved by the Minister or an administrator;
- (b) proof that they have met the education requirements of Section 19;

- (c) proof that they have met the operating experience requirements of Section 19;
- (d) before their certificate is issued, proof that they have passed the exam as required by Section 20;
- (e) before their certificate is issued, the fee established by the Minister.

Education and operating experience requirements for operator certification certificate

19 (1) An applicant for an operator certification certificate must meet the education and operating experience requirements for the class of certificate applied for as set out in the following table:

Education and Operating Experience Requirements
for Classes of Operator Certification Certificates

Operator-in-training certificate

Education

Operating experience

grade 12 high school diploma, or
general equivalency diploma (GED), or
equivalent education
none

Class I operator certification certificate

Education

Operating experience

grade 12 high school diploma, or
general equivalency diploma (GED), or
equivalent education

1 year of operating experience at a Class I or higher facility

Class II operator certification certificate

Education

Operating experience

grade 12 high school diploma, or
general equivalency diploma (GED), or
equivalent education

3 years of operating experience at a Class I or higher facility

Class III operator certification certificate

Education

Operating experience

grade 12 high school diploma, or
general equivalency diploma (GED), or
equivalent education

and

2 years of post-secondary education, or
90 CEUs of acceptable training

4 years of operating experience at a Class II or higher facility, including 2 years of direct responsible charge experience

Class IV operator certification certificate

Education

Operating experience

grade 12 high school diploma, or
general equivalency diploma (GED), or

equivalent education

and

4 years of post-secondary education, or

180 CEUs of acceptable training

4 years of operating experience at a Class III or higher facility, including 2 years of direct responsible charge experience

(2) Post-secondary education or CEUs required for an operator certification certificate must be

(a) in engineering, the water or wastewater field or in a related science; or

(b) acceptable to an administrator.

(3) Operating experience required for an operator certification certificate must be

(a) acquired through actual operating experience at the same type of facility as the type of certificate that is applied for; and

(b) acceptable to an administrator.

(4) Direct responsible charge experience required for an operator certification certificate must be experience acquired while in direct responsible charge or overall direct responsible charge.

Exam requirements for operator certification certificate

20 (1) An applicant for a operator certification certificate must write and pass an exam for the type and class of certificate applied for.

(2) An exam for an operator certification certificate must be approved by the Minister or an administrator and the pass mark for the exam must be set by the Minister or an administrator.

(3) An applicant for a Class I, II, III or IV operator certification certificate may write an exam only if all of the following apply:

(a) they already hold the same type of operator certification certificate in the next lower class;

(b) their operator certification certificate is valid;

(c) they have the operating experience and education required by Section 19.

(4) An applicant for an Operator-in-training operator certification certificate may write an exam only for an Operator-in-training certification certificate.

(5) Despite clause (3)(a), an applicant who is deemed to hold a Class I water distribution or Class I wastewater collection operator certification certificate under Section 17 must write and pass an exam for a Class I operator certification certificate before they are permitted to write an exam for a Class II operator certification certificate.

(6) Despite clause (3)(c), an administrator may, in accordance with guidelines and policies established by the Department, allow an applicant to write an exam before the applicant has the

operating experience required for the type and class of operator certification certificate applied for if the applicant already holds an operator certification certificate that is valid, of the same type and in the next lower class.

Substituting surplus education for operating experience

21 (1) An applicant for a Class II, III or IV operator certification certificate who does not have the operating experience for the class of certificate applied for as set out in Section 19 may substitute surplus education for the required operating experience in accordance with, and up to the maximums set out in the following table:

Surplus Education that may be Substituted for Required Operating Experience

Class of Certificate

Surplus Education

May be Substituted for

Maximum Substitution

Class I

—

—

no substitution permitted

Class II

1 year of post-secondary education

or

45 CEUs of acceptable training

1 year of operating experience

Up to 50% of operating experience

Class III or Class IV

1 year of post-secondary education

or

45 CEUs of acceptable training

1 year of operating experience

or

1 year of direct responsible charge experience

Up to 50% of operating experience

or

Up to 50% of direct responsible charge experience

(2) Surplus education that is substituted in accordance with subsection (1) for required operating experience

(a) must meet the requirements of subsection 19(2); and

(b) cannot be used as education required for an operator certification certificate.

Substituting surplus operating experience for education

22 (1) An applicant for an operator certification certificate who does not have the education for the class of certificate applied for as set out in Section 19 may substitute surplus operating experience for the required education in accordance with, and up to the limits set out in the following table:

Surplus Operating Experience that may be Substituted

for Required Education

Class of Certificate

Surplus Operating Experience

May be Substituted for

Maximum Substitution

All Classes

1 year of operating
experience

2 years of grade school (grades 1 to 8)
no limit

All Classes

1 year of operating
experience

1 year of high school (grades 9 to 12)
no limit

Class III

1 year of direct responsible charge experience in a Class II or higher facility

1 year of post-secondary education

1 year of post-secondary education

Class IV

1 year of direct responsible charge experience in a Class III or higher facility

1 year of post-secondary education

2 years of post-secondary education

(2) Surplus operating experience that is substituted in accordance with subsection (1) for required education

(a) must meet the requirements of subsections 19(3) and (4); and

(b) cannot be used as operating experience required for an operator certification certificate.

Operator certification certificate

23 (1) An applicant who satisfies the requirements of these regulations for the type and class of operator certification certificate applied for may be issued a certificate under subsection 64(1) of the Act.

(2) An operator certification certificate must be in a form approved by the Minister or an administrator.

(3) An operator certification certificate expires 4 years after the date it is issued.

(4) An operator certification certificate is not transferable.

(5) An operator must produce their operator certification certificate to an administrator or inspector on request.

Renewal of operator certification certificate

24 (1) A certified operator may renew their operator certification certificate by submitting all of the following to the Minister at least 60 days before the date their certificate expires:

(a) a properly completed renewal application, on a form approved by the Minister or an administrator;

(b) the renewal fee established by the Minister;

(c) for a Class I or II operator,

(i) if the operator has not been designated in overall direct responsible charge, proof satisfactory to an administrator that the operator completed at least 2.4 CEUs of acceptable training during the term of their current certificate, or

(ii) if the operator has been designated in overall direct responsible charge, proof satisfactory to an administrator that the operator completed at least 4.8 CEUs of acceptable training during the term of their current certificate;

(d) for a Class III or Class IV operator, proof satisfactory to an administrator that the operator completed at least 4.8 CEUs of acceptable training during the term of their current certificate.

(2) An Operator-in-training operator certification certificate is not renewable.

Expired operator certification certificates

25 (1) An operator certification certificate that has expired and has not been renewed under Section 24 may be re-issued for the same type and class of operator certification certificate if the holder submits all of the following to the Minister:

(a) a properly completed renewal application, on a form approved by the Minister or an administrator;

(b) the fee established by the Minister;

(c) proof satisfactory to an administrator that the operator has obtained the CEUs of acceptable training required by clause 24(1)(c) or (d).

(2) An operator who applies to renew an operator certification certificate that has been expired for 3 years or longer must re-write and pass the exam for the type and class of certificate applied for.

Owner must provide resources to get required CEUs

26 An owner of a facility must provide the resources necessary for an operator to get the CEUs of acceptable training required to renew their operator certification certificate.

Facility Operation

Facility must have qualified operator in overall direct responsible charge

27 (1) An owner of a new or non-operational facility must designate an operator who meets the requirements of Section 28 to be in overall direct responsible charge before the facility begins operating.

(2) An owner of a facility that is operational on the date these regulations come into force and that has a facility classification certificate must designate an operator who meets the requirements

of Section 28 to be in overall direct responsible charge no later than the 30th day after the date these regulations come into force.

(3) Despite subsections (1) and (2), an owner of

(a) a non-transient public drinking water supply, as defined in Part 2, that must be classified under Section 9 or 10 as a water treatment facility or a water distribution facility; or

(b) a facility that under subsection 7(3) must obtain a facility classification certificate no later than 1 year after the date these regulations come into force,

must designate an operator who meets the requirements of Section 28 to be in overall direct responsible charge before the applicable date as set out in the following table and in accordance with the facility's required class:

Class of Facility

Deadline for Designating Operator who Meets Section 28 Requirements

Class I

October 1, 2008

Class II

October 1, 2009

Class III

October 1, 2010

Class IV

October 1, 2011

(4) Once a facility is required to have an operator designated to be in overall direct responsible charge, the owner of the facility must ensure that there is always an operator who meets the requirements of Section 28 designated and in overall direct responsible charge.

Qualifications of operator in overall direct responsible charge

28 (1) An operator who is in overall direct responsible charge must hold a valid operator certification certificate that is

(a) applicable to the type of facility; and

(b) at a class level that is equal to or greater than the class of the facility.

(2) An owner must not designate an operator-in-training to be in overall direct responsible charge.

Absence of operator in overall direct responsible charge

29 (1) If the operator in overall direct responsible charge is absent or unable to act, an owner must

(a) designate another operator who meets the requirements of Section 28 to be in overall direct responsible charge; or

(b) despite subsection 27(4), assign temporary overall direct responsible charge to an operator who holds a valid operator certification certificate that is

(i) applicable to the type of facility, and

(ii) at a class level that is no more than one class lower than the class of the facility.

(2) Temporary overall direct responsible charge for a facility must not be assigned under clause (1)(b) for more than 150 days in any consecutive 12 months.

(3) An owner must not assign temporary overall direct responsible charge under clause (1)(b) to an operator who holds an Operator-in-training operator certification certificate.

Transition plan for facility without designated operator

30 (1) An owner must submit a transition plan to an administrator if

(a) despite subsection 27(4), they cannot designate an operator who meets the requirements of Section 28 to be in overall direct responsible charge; and

(b) they cannot assign temporary overall direct responsible charge to an operator who meets the requirements of clause 29(1)(b).

(2) A transition plan must be

(a) acceptable to an administrator and in accordance with the Transition Plan Guide; and

(b) submitted to an administrator no later than 90 days after the first day that the facility is without an operator who meets the requirements of Section 28 designated and in overall direct responsible charge as required by Section 27.

Part 2 - Monitoring of Public Drinking Water Supplies

Definitions for Part 2

31 In this Part,

(a) “Guidelines” means the most recent version of the Guidelines for Monitoring Public Drinking Water Supplies published by the Department of Environment;

(b) “Guidelines for Canadian Drinking Water Quality” means the most recent version of the drinking water quality guidelines published by the federal Department of Health;

(c) “non-transient public drinking water supply” means a public drinking water supply that provides water to at least 25 of the same persons at least 6 months of the year;

(d) “owner” means a person who owns, operates or maintains a public drinking water supply;

(e) “public drinking water supply” means a water supply system, including any source, intake, treatment, storage, transmission or distribution, that provides water used for human consumption and that

- (i) has at least 15 service connections,
- (ii) regularly serves 25 or more persons per day for at least 60 days of the year, or
- (iii) serves any of the following for at least 60 days of the year:

(A) a day care facility licensed in accordance with the Day Care Act,

(B) a food establishment that requires an eating establishment permit or seasonal eating establishment permit under the Food Safety Regulations made under the Health Protection Act;

Paragraph 31(e)(iii)(B) replaced: O.I.C. 2017-159, N.S. Reg. 89/2017.

(C) a commercial property for the accommodation of the travelling or vacationing public comprising land used for camping or for overnight parking of recreational vehicles or containing a separate building or buildings containing at least 1 room to be used as an alternate form of accommodation in a campground,

(D) a commercial property for the accommodation of the travelling or vacationing public containing more than 4 rental units, including cottages or cabins;

Subclause 31(e)(iii) added: O.I.C. 2009-161, N.S. Reg. 181/2009.

Clause 31(e) amended: O.I.C. 2017-159, N.S. Reg. 89/2017.

(f) “transient public drinking water supply” means a public drinking water supply that regularly provides water in a place where persons do not remain for long periods of time;

(g) “water used for human consumption” includes water used for drinking, bathing, showering, oral hygiene, cooking, food preparation or dishwashing.

Clause 31(g) added: O.I.C. 2017-159, N.S. Reg. 89/2017.

Registration of public drinking water supply

32 (1) A person must not own, operate or maintain a public drinking water supply unless they register the public drinking water supply with the Department on a form approved by the Minister or an administrator.

(2) A public drinking water supply that has a municipal water works approval issued under the Activities Designation Regulations made under the Act is deemed to be registered with the Department.

Regular testing and monitoring

33 (1) An owner must regularly sample, test and monitor their public drinking water supply for all of the following:

- (a) microbiological quality;
- (b) general chemical and physical quality;
- (c) disinfection residual, if the owner is using a disinfection system;

(d) source and treated water turbidity, if the owner is using chemically assisted filtration;

- (e) fluoride concentrations, if the owner is using fluoridation;
- (f) any substances required by the Minister or an administrator.

(2) An owner must ensure that samples collected under subsection (1) are tested in the manner and with the frequency set out in the Guidelines or as otherwise required by the Minister or an administrator.

(3) An owner must record the results of tests performed under subsection (2) and forward them to an administrator in accordance with the Guidelines or as otherwise required by the Minister or an administrator.

Immediate notification and corrective action

34 (1) An owner must immediately notify the Minister or an administrator as soon as they are aware of any of the following:

- (a) the public drinking water supply does not meet the microbiological, chemical or physical criteria set out in the Guidelines for Canadian Drinking Water Quality;
- (b) an incident of raw water contamination;
- (c) evidence of an outbreak of waterborne illness;
- (d) suspected cross-connection or negative pressure;
- (e) ineffective disinfection due to high turbidity, equipment malfunctions or high chlorine demand.

(2) If an owner knows of an event listed in subsection (1), the owner must take corrective action as set out in the Guidelines or as otherwise required by the Minister or an administrator.

Duty to provide safe drinking water

35 An owner must ensure that the microbiological, chemical and physical characteristics of their public drinking water supply do not exceed the maximum acceptable concentration or interim maximum acceptable concentration for substances as set out in the Guidelines for Canadian Drinking Water Quality.

Classification of public drinking water supplies

36 (1) A non-transient public drinking water supply must be classified under Part 1 and must comply with Part 1.

(2) A transient public drinking water supply is not required to be classified under Part 1 or to comply with Part 1.