



Français

**Safe Drinking Water Act, 2002**

**ONTARIO REGULATION 128/04**

**CERTIFICATION OF DRINKING WATER SYSTEM OPERATORS AND WATER QUALITY ANALYSTS**

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## DEFINITIONS

### Definitions

#### 1. (1) In this Regulation,

“authorizing certificate” has the same meaning as in subsection 2 (1) of the *Ontario Labour Mobility Act, 2009*; (“certificat d'autorisation”)

“distribution and supply subsystem” means a type of municipal residential system that is a groundwater system that distributes and treats water, where the treatment is limited to disinfection only, but does not include a drinking water system where the system is deemed to be a drinking water system that obtains water from a raw water supply that is surface water under section 2 of Ontario Regulation 170/03 (Drinking Water Systems); (“sous-réseau de distribution et d'adduction”)

“distribution subsystem” means a type of municipal residential system that is used to supply or distribute water, but does not include that part of the system that collects, produces or treats water; (“sous-réseau de distribution”)

“licensed engineering practitioner” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*; (“praticien de l'ingénierie titulaire d'un permis”)

“limited groundwater subsystem” means a type of limited system where the raw water is groundwater, but does not include,

- (a) a limited system to which Ontario Regulation 170/03 (Drinking Water Systems) applies, if the system is deemed, under section 2 of that regulation, to be a drinking water system that obtains water from a raw water supply that is surface water; (“sous-réseau limité d’eau souterraine”)

“limited subsystem” means a limited groundwater subsystem or a limited surface water subsystem; (“sous-réseau limité”)

“limited surface water subsystem” means a type of limited system where,

- (a) the raw water supply is surface water, or
- (b) Ontario Regulation 170/03 (Drinking Water Systems) applies to the limited system and the limited system is deemed, under section 2 of that regulation, to be a drinking water system that obtains water from a raw water supply that is surface water; (“sous-réseau limité d’eau de surface”)

“limited system” means a drinking water system that is,

- (a) a small municipal residential system, as defined in Ontario Regulation 170/03 (Drinking Water Systems), if the raw water supply is groundwater, unless the groundwater is deemed to be surface water under section 2 of that regulation,
- (b) a non-municipal year-round residential system as defined in Ontario Regulation 170/03 (Drinking Water Systems), or
- (c) a large municipal non-residential system or large non-municipal non-residential system, as defined in Ontario Regulation 170/03 (Drinking Water Systems), if,
- (i) Ontario Regulation 170/03 applies to the system; (“réseau limité”)

“municipal residential subsystem” means a distribution subsystem, distribution and supply subsystem or water treatment subsystem; (“sous-réseau résidentiel municipal”)

“municipal residential system” means a drinking water system that is,

- (a) a large municipal residential system, within the meaning of section 1 of Ontario Regulation 170/03 (Drinking Water Systems), or
- (b) a small municipal residential system, within the meaning of section 1 of Ontario Regulation 170/03 (Drinking Water Systems) where the raw water supply is surface water or where the raw water supply is deemed to be surface water under section 2 of that regulation; (“réseau résidentiel municipal”)

“occupation” has the same meaning as in subsection 2 (1) of the *Ontario Labour Mobility Act, 2009*; (“métier ou profession”)

“operator” means a person who conducts operational checks of or who adjusts, tests or evaluates a process that controls the effectiveness or efficiency of a subsystem and includes a person who adjusts or directs the flow, pressure or quality of the water within the subsystem, if the person works in a distribution subsystem or a distribution and supply subsystem; (“exploitant”)

“operator-in-charge” means an operator or licensed engineering practitioner who is designated as an operator-in-charge of a subsystem under section 25; (“exploitant responsable”)

“out-of-province regulatory authority” has the same meaning as in subsection 2 (1) of the *Ontario Labour Mobility Act, 2009*; (“autorité de réglementation extraprovinciale”)

“overall responsible operator” means an operator designated as overall responsible operator of a subsystem under section 23; (“exploitant responsable en chef”)

“regulated occupation” has the same meaning as in subsection 2 (1) of the *Ontario Labour Mobility Act, 2009*; (“métier ou profession réglementé”)

“restricted certificate”, in relation to an occupation, means a certificate, licence, registration, or other form of official recognition that is granted by a regulatory authority to an individual who is not qualified to practise the occupation but is permitted with conditions to practise the occupation; (“certificat restreint”)

“subsystem” means a distribution subsystem, distribution and supply subsystem, water treatment subsystem, limited groundwater subsystem or limited surface water subsystem; (“sous-réseau”)

“water quality analyst” means a person who holds a water quality analyst’s certificate issued under section 16 or 16.1 or who holds a conditional water quality analyst’s certificate issued under section 17; (“analyste de la qualité de l’eau”)

“water treatment subsystem” means a type of a municipal residential system that collects, produces or treats water but does not include that part of the system that is a distribution subsystem or distribution and supply subsystem. (“sous-réseau de traitement de l’eau”) O. Reg. 128/04, s. 1 (1); O. Reg. 256/05, s. 1; O. Reg. 323/08, s. 1; O. Reg. 415/09, s. 1; O. Reg. 466/10, s. 1.

(2) For the purpose of subsections 12 (2) and (3) of the Act,

“a valid operator’s licence” means a valid drinking water system operator’s licence. O. Reg. 128/04, s. 1 (2).

## CLASSIFICATION OF MUNICIPAL RESIDENTIAL SYSTEMS

### Subsystems and classes of municipal residential systems

2. (1) For the purposes of this Regulation, municipal residential systems are divided into the following types of subsystems:

1. Distribution.
2. Distribution and supply.
3. Water Treatment. O. Reg. 128/04, s. 2 (1).

(2) Each type of subsystem is divided into Class I, Class II, Class III and Class IV subsystems. O. Reg. 128/04, s. 2 (2).

### Certificate of classification

3. (1) The owner of a municipal residential subsystem shall file an application with the Director for the determination of the type and class of the subsystem. O. Reg. 128/04, s. 3 (1).

(2) The Director shall determine the type and class of the subsystem in accordance with the Tables set out in Schedules 1 to 1.3 and shall issue to the owner a certificate of classification for the subsystem, if the required fee is paid. O. Reg. 128/04, s. 3 (2); O. Reg. 461/16, s. 1 (1).

(3) If a subsystem is to be replaced or altered, the owner of the subsystem shall apply for a redetermination of the type and class of the subsystem when approval of the alteration is applied for under subsection 32 (1) or (2) of the Act. O. Reg. 128/04, s. 3 (3).

(4) The Director may require the owner of a subsystem that has been typed and classified under this section to apply for redetermination of its type and class if,

- (a) section 2 or Schedule 1, Schedule 1.1, Schedule 1.2 or Schedule 1.3 is amended; or
- (b) the Director is of the opinion that the subsystem or any type of subsystem no longer meets the criteria under which it has been typed and classified. O. Reg. 128/04, s. 3 (4); O. Reg. 461/16, s. 1 (2).

(5) The owner or operating authority of a subsystem shall ensure that the certificate of classification of the subsystem is conspicuously displayed at the operator’s workplace or at the premises from which the subsystem is managed. O. Reg. 128/04, s. 3 (5).

4. REVOKED: O. Reg. 461/16, s. 2.

## TYPES OF LIMITED SYSTEMS

### Subsystems of limited systems

5. For the purposes of this Regulation, limited systems are divided into the following types of drinking water subsystems:

1. Limited groundwater subsystems.
2. Limited surface water subsystems. O. Reg. 128/04, s. 5.

## CERTIFICATION OF OPERATORS

### Classes of operators’ certificates

6. (1) For each type of municipal residential subsystem, there are four classes of operators’ certificates, designated as Class I, Class II, Class III and Class IV. O. Reg. 128/04, s. 6 (1).

(2) There is also a class of operators' certificates for limited groundwater subsystems and for limited surface-water subsystems.

O. Reg. 128/04, s. 6 (2).

(3) There is also a class of operators' certificates for operators-in-training for each type of municipal residential subsystem. O. Reg. 128/04, s. 6 (3).

**Municipal residential operators' certificates — Classes I, II, III and IV**

7. (1) An individual may apply to the Director for the issuance of an operator's certificate described in subsection 6 (1). O. Reg. 128/04, s. 7 (1).

(2) Subject to the requirements in this section, the Director shall issue the certificate if the applicant meets the qualifications set out in Schedule 2 for that type and class of certificate and the required fee is paid. O. Reg. 128/04, s. 7 (2).

(3) The Director may refuse to issue a certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any water operator's licence or certificate that has been revoked or suspended or is the holder of any other certificate that is suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend; or
- (c) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that is suspended or the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 7 (3).

(4) An operator's certificate expires three years after it is issued or, as provided in subsection (7), on an earlier date specified on the certificate but an individual may apply to the Director before it expires to have the certificate renewed. O. Reg. 128/04, s. 7 (4).

(5) Subject to the requirements in this section, the Director shall renew a certificate if the applicant meets the qualifications set out in section 2 of Schedule 4 for that type and class of certificate and the required fee is paid. O. Reg. 128/04, s. 7 (5).

(6) Despite subsection (5), the Director may renew a certificate even if the applicant failed to complete the training requirements set out in section 29, if the Director is satisfied that the applicant will do so before the expiry of the renewed certificate. O. Reg. 128/04, s. 7 (6).

(7) A certificate renewed under subsection (6) expires on the date set out on the certificate, which may be any date that is less than six months after it is renewed. O. Reg. 128/04, s. 7 (7).

(8) The Director may refuse to renew a certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any other certificate that has been revoked or suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend;
- (c) the certificate to be renewed was revoked or suspended under subsection 13 (1); or
- (d) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that was revoked or is suspended or that the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 7 (8).

(9)-(13) REVOKED: O. Reg. 461/16, s. 3.

**Municipal residential operator's certificate, out-of-province applicant**

7.1 (1) A person who holds an authorizing certificate issued by an out-of-province regulatory authority in respect of an occupation may apply to the Director for the issuance of an operator's certificate described in subsection 6 (1) in respect of the same occupation. O. Reg. 466/10, s. 2.

(2) Subject to subsections (3) and (4), the Director shall issue an operator's certificate described in subsection 6 (1) to the applicant if,

- (a) the applicant pays the required fee;
- (b) the applicant provides the Director with a copy of the applicant's authorizing certificate;
- (c) the operator's certificate is, in the opinion of the Director, in respect of the same occupation as the applicant's authorizing certificate;
- (d) the applicant provides the Director with confirmation in writing from the out-of-province regulatory authority that the applicant's authorizing certificate is in good standing; and
- (e) the applicant provides the Director with evidence satisfactory to the Director that the applicant has practised the regulated occupation within the three-year period preceding the day on which the applicant submits his or her application under subsection (1). O. Reg. 466/10, s. 2.

(3) An applicant who applies for a Class I operator's certificate shall be issued the certificate under subsection (2) only if the applicant meets the requirements of paragraph 3 of section 4 of Schedule 2. O. Reg. 466/10, s. 2; O. Reg. 461/16, s. 4 (1).

(4) The Director may refuse to issue a certificate if the out-of-province regulatory authority has revoked or suspended or circumstances exist that authorize the authority to revoke or suspend an authorizing certificate or a restricted certificate that was issued to the applicant in respect of one or more of the following occupations:

- 1. Wastewater operator.
- 2. Water operator.
- 3. Water quality analyst. O. Reg. 466/10, s. 2.

(5) Subsections 7 (4) to (8) apply to an operator's certificate issued by the Director under this section. O. Reg. 466/10, s. 2; O. Reg. 461/16, s. 4 (2).

#### **Limited subsystem operators' certificates**

8. (1) An individual may apply to the Director for the issuance of an operator's certificate described in subsection 6 (2). O. Reg. 128/04, s. 8 (1).

(2) Subject to the requirements in this section, the Director shall issue the certificate if the applicant meets the qualifications set out in Schedule 2 for that type and class of certificate and the required fee is paid. O. Reg. 128/04, s. 8 (2).

(3) REVOKED: O. Reg. 461/16, s. 5.

(4) The Director may refuse to issue a certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any water operator's licence or certificate that has been revoked or suspended or is the holder of any other certificate that is suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend; or
- (c) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that is suspended or the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 8 (4).

(5) A limited subsystem operator's certificate expires three years after it is issued or, as provided in subsection (7), on an earlier date specified on the certificate, but may be renewed before it expires if the requirements in section 2 of Schedule 4 are met and the applicant pays the required fee. O. Reg. 128/04, s. 8 (5).

(6) Despite subsection (5), the Director may renew a certificate even if the applicant failed to complete the training requirements set out in section 29, if the Director is satisfied that the applicant will do so before the expiry of the renewed certificate. O. Reg. 128/04, s. 8 (6).

(7) A certificate renewed under subsection (6) expires on the date set out on the certificate, which may be any date that is less than six months after it is renewed. O. Reg. 128/04, s. 8 (7).

(8) The Director may refuse to renew a certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any other certificate that has been revoked or suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend;
- (c) the certificate to be renewed was revoked or suspended under subsection 13 (1); or
- (d) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that was revoked or is suspended or that the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 8 (8).

**Limited subsystem operator's certificate, out-of-province applicant**

**8.1** (1) A person who holds an authorizing certificate issued by an out-of-province regulatory authority in respect of an occupation may apply to the Director for the issuance of an operator's certificate described in subsection 6 (2) in respect of the same occupation. O. Reg. 466/10, s. 2.

(2) Subject to subsection (3), the Director shall issue an operator's certificate described in subsection 6 (2) to the applicant if,

- (a) the applicant pays the required fee;
- (b) the applicant provides the Director with a copy of the applicant's authorizing certificate;
- (c) the operator's certificate is, in the opinion of the Director, in respect of the same occupation as the applicant's authorizing certificate;
- (d) the applicant provides the Director with confirmation in writing from the out-of-province regulatory authority that the applicant's authorizing certificate is in good standing; and
- (e) the applicant provides the Director with evidence satisfactory to the Director that he or she has practised the regulated occupation within the five-year period preceding the day on which the applicant submits his or her application under subsection (1). O. Reg. 466/10, s. 2.

(3) The Director may refuse to issue a certificate if the out-of-province regulatory authority has revoked or suspended or circumstances exist that authorize the authority to revoke or suspend an authorizing certificate or a restricted certificate that was issued to the applicant in respect of one or more of the following occupations:

1. Wastewater operator.
2. Water operator.
3. Water quality analyst. O. Reg. 466/10, s. 2.

(4) Subsections 8 (5) to (8) apply with necessary modifications to an operator's certificate issued under this section. O. Reg. 466/10, s. 2.

**Operator-in-training's certificates**

**9.** (1) An individual may apply to the Director for the issuance of an operator-in-training's certificate. O. Reg. 128/04, s. 9 (1).

(2) Subject to the requirements in this section, the Director shall issue the certificate if the applicant meets the qualifications set out in subsection 1 (1) of Schedule 2 for that type of certificate and the required fee has been paid. O. Reg. 128/04, s. 9 (2).

(3) REVOKED: O. Reg. 461/16, s. 6 (1).

(4) The Director may refuse to issue a certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any other certificate that has been revoked or suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend; or

- (c) the applicant has previously held an operator-in-training's certificate but the applicant has not met the requirements in paragraph 3 of section 4 of Schedule 2. O. Reg. 128/04, s. 9 (4); O. Reg. 461/16, s. 6 (2).
- (5) An operator-in-training's certificate expires 36 months after it is issued. O. Reg. 461/16, s. 6 (3).
- (6)-(10) REVOKED: O. Reg. 461/16, s. 6 (4).
- (11) If an operator-in-training has met the requirements of subsection 1 (1) of Schedule 2 and paragraph 3 of section 4 of that Schedule but has been unable to obtain at least one year of experience as an operator-in-training in a municipal residential subsystem before the certificate expires, the Director may renew the certificate of the operator-in-training for one three-year period. O. Reg. 128/04, s. 9 (11); O. Reg. 461/16, s. 6 (5).
- (12)-(15) REVOKED: O. Reg. 461/16, s. 6 (6).
- (16) Except as provided in subsection (11), an operator-in-training's certificate issued under this Regulation shall not be renewed. O. Reg. 128/04, s. 9 (16); O. Reg. 461/16, s. 6 (7).

**Conditional operators' certificates**

**10.** (1) An individual may apply to the Director for the issuance of a conditional operator's certificate for each type and class of operator's certificate that may be issued under section 7 or 8. O. Reg. 128/04, s. 10 (1).

(2) REVOKED: O. Reg. 461/16, s. 7.

(3) The Director may issue the conditional certificate if,

- (a) the Director is satisfied that,
  - (i) the owner or operating authority of a subsystem employs or has offered to employ the applicant, or
  - (ii) the owner or operator of a small drinking water system within the meaning of the *Health Protection and Promotion Act* employs or has offered to employ the applicant;
- (b) the Director is satisfied that the owner, operating authority or operator referred to in clause (a) cannot readily obtain the services of an operator who holds the type and class of certificate otherwise required under this Regulation or under Ontario Regulation 319/08 (Small Drinking Water Systems) made under the *Health Protection and Promotion Act*;
- (b.1) the owner, operating authority or operator referred to in clause (a) gives the applicant and the Director an undertaking in writing to co-operate in facilitating the applicant's compliance with any conditions imposed under subsection (4); and
- (c) the required fee is paid. O. Reg. 128/04, s. 10 (3); O. Reg. 323/08, s. 3 (1); O. Reg. 507/17, s. 1.

(4) The Director may issue a conditional certificate subject to conditions. O. Reg. 128/04, s. 10 (4).

(5) A conditional certificate is valid only in respect of,

- (a) the subsystem referred to in subclause (3) (a) (i); or
- (b) the small drinking water system referred to in subclause (3) (a) (ii). O. Reg. 323/08, s. 3 (2).

(6) The Director may refuse to issue a conditional certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any water operator's licence or certificate that has been revoked or suspended or is the holder of any other certificate that is suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend; or
- (c) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that is suspended or the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 10 (6).



(7) A conditional certificate expires three years after it is issued or on such earlier date as may be specified on the certificate, but may be renewed before it expires in accordance with the requirements set out in section 3 of Schedule 4 if the applicant pays the required fee. O. Reg. 128/04, s. 10 (7).

(8) The Director may refuse to renew the certificate if,

- (a) any of the circumstances described in subsection 13 (1) apply;
- (b) the applicant is the holder of any other certificate that has been revoked or suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend;
- (c) the certificate to be renewed was revoked or suspended under subsection 13 (1); or
- (d) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that was revoked or is suspended or that the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 10 (8).

#### **Reissuance of certificate after expiry**

**11.** (1) Despite subsections 7 (4) and 8 (5), if a person fails to apply for renewal of an operator's certificate described in subsection 6 (1) or (2) before the certificate has expired, the person may apply for the reissuance of the certificate and the Director shall reissue the certificate if the person meets the following requirements:

1. If the person's certificate expired more than one year before the application for reissuance, the person must,
  - i. meet the qualifications set out in Schedule 2 for that type and class of certificate, except the Director may waive the requirement that the applicant have a class and type of operator's certificate that is one below the class and type for which the applicant is applying if the Director is satisfied that the applicant previously held a valid certificate of the required type and class,
  - ii. complete the approved mandatory training course referred to in subsection 29 (6), and
  - iii. pay the required fees.
2. If the person's certificate expired one year or less before the application for reissuance, the person must,
  - i. have completed the training requirements set out in section 29 since the certificate was last issued or renewed,
  - ii. have at least three months experience in the previous 36 months working as an operator in a subsystem or having duties which the Director considers related to the duties of an operator in a subsystem, and
  - iii. pay the required fees. O. Reg. 128/04, s. 11 (1).

(2) Subparagraph 1 ii of subsection (1) applies despite paragraph 2 of subsection 29 (3). O. Reg. 128/04, s. 11 (2).

#### **Transferability of certificates**

**12.** (1) A person who holds a Class I, Class II, Class III or Class IV water treatment subsystem operator's certificate is deemed to also hold a Class I distribution subsystem operator's certificate and a Class I distribution and supply subsystem operator's certificate. O. Reg. 128/04, s. 12 (1).

(2) A person who holds a Class I, Class II, Class III or Class IV distribution and supply subsystem operator's certificate is deemed to also hold a distribution subsystem operator's certificate of the same class. O. Reg. 128/04, s. 12 (2).

(3) A person who holds a Class I, Class II, Class III or Class IV water treatment subsystem operator's certificate is deemed to also hold a limited groundwater subsystem operator's certificate and a limited surface water subsystem operator's certificate. O. Reg. 128/04, s. 12 (3).

(4) A person who holds a limited surface water subsystem operator's certificate is deemed to also hold a limited groundwater subsystem operator's certificate. O. Reg. 128/04, s. 12 (4).

(5) A person who holds a Class I, Class II, Class III or Class IV distribution and supply subsystem operator's certificate is deemed to also hold a limited groundwater subsystem operator's certificate. O. Reg. 128/04, s. 12 (5).

#### **Operator-in-training, specified operations**

**12.1** (1) Despite section 22, a person who holds a water treatment subsystem operator-in-training's certificate may operate a limited surface water subsystem or a limited groundwater subsystem but only if the subsystem has an overall responsible operator who holds or is deemed to hold a limited surface water subsystem operator's certificate or a limited groundwater subsystem operator's certificate, as applicable. O. Reg. 461/16, s. 8.

(2) Despite section 22, a person who holds a water distribution and supply subsystem operator-in-training's certificate may operate a limited groundwater subsystem but only if the limited groundwater subsystem has an overall responsible operator who holds or is deemed to hold a limited groundwater subsystem operator's certificate. O. Reg. 461/16, s. 8.

#### **Revocation or suspension of certificate**

**13.** (1) The Director may revoke or suspend an operator's certificate, an operator-in-training's certificate or a conditional operator's certificate, if one or more of the following circumstances exist:

1. The application was fraudulent or contained inaccurate information.
2. The person has been discharged from employment in a drinking water system for gross negligence or for incompetence in the performance of his or her duties, unless the person has not yet exhausted the rights of appeal available under a collective agreement.
3. The person has worked as an operator for any length of time without being certified for the type or class of operator he or she worked as, or has held himself or herself out to an owner, operating authority, the Director or any Ministry employee as holding a type or class of operator's certificate that he or she does not hold.
4. The person has previously had an operator's certificate or a water quality analyst's certificate or an operator's licence or a wastewater operator's licence issued under Ontario Regulation 435/93 under the *Ontario Water Resources Act* or a wastewater operator's licence issued under Ontario Regulation 129/04 revoked or suspended for any reason and the Director has reasonable grounds to believe that the person is not competent to be an operator.
5. The person has contravened section 26 or 27 and the contravention,
  - i. resulted in the discharge of a pollutant into the natural environment,
  - ii. had an adverse effect on the health or safety of an individual, or
  - iii. had an adverse effect on a process in the subsystem or the system of which the subsystem is a part.
6. The person has failed,
  - i. to exercise the level of care, diligence and skill in respect of a drinking water system that a reasonably prudent operator would be expected to exercise in a similar situation, or
  - ii. to act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of a drinking water system.
7. The person has failed to meet or has contravened any condition that is set out in his or her certificate. O. Reg. 128/04, s. 13 (1); O. Reg. 323/08, s. 4.

(2) When a person's certificate is revoked or suspended, the Director may issue a certificate of another type and class to the person if the person meets the qualifications set out in Schedule 2 for that type and class of certificate. O. Reg. 128/04, s. 13 (2).

#### **Replacement certificates**

**14.** (1) The Director shall issue a replacement operator's certificate, operator-in-training's certificate or a conditional operator's certificate, if the required fee is paid and,

- (a) the operator indicates that his or her certificate has been lost or destroyed; or
  - (b) the operator indicates that his or her name has changed and returns the original certificate to the Director. O. Reg. 128/04, s. 14 (1).
- (2) The Director may refuse to issue a replacement certificate if the operator is the holder of a certificate that is revoked or suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend. O. Reg. 128/04, s. 14 (2).

**Certificate to be displayed**

**15.** The owner or operating authority of a subsystem shall ensure that a copy of the certificate of every certified operator who is employed in the subsystem is conspicuously displayed at the operator's workplace or at the premises from which the subsystem is managed. O. Reg. 128/04, s. 15.

## CERTIFICATION OF WATER QUALITY ANALYSTS

**Water quality analyst's certificates**

**16.** (1) An individual may apply to the Director for the issuance of a water quality analyst's certificate. O. Reg. 128/04, s. 16 (1).

(2) Subject to the requirements in this section, the Director shall issue the certificate if the applicant meets the qualifications set out in Schedule 3 and the required fee has been paid. O. Reg. 128/04, s. 16 (2).

(3) The Director may refuse to issue a certificate if,

- (a) any of the circumstances described in section 19 apply;
- (b) the applicant is the holder of any other certificate that has been revoked or suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend; or
- (c) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that is suspended or the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 16 (3).

(4) A water quality analyst's certificate expires three years after it is issued or, as provided in subsection (7), on an earlier date specified on the certificate but an individual may apply to the Director before it expires to have the certificate renewed. O. Reg. 128/04, s. 16 (4).

(5) Subject to the requirements in this section, the Director shall renew a certificate if the applicant meets the qualifications set out in section 4 of Schedule 4 and the required fee is paid. O. Reg. 128/04, s. 16 (5).

(6) Despite subsection (4), the Director may renew a certificate even if the applicant failed to complete the training requirements set out in section 31, if the Director is satisfied that the applicant will do so before the expiry of the renewed certificate. O. Reg. 128/04, s. 16 (6).

(7) A certificate renewed under subsection (6) expires on the date set out on the certificate, which may be any date that is less than six months after it is renewed. O. Reg. 128/04, s. 16 (7); O. Reg. 461/16, s. 9 (1).

(8) The Director may refuse to renew a certificate if,

- (a) any of the circumstances described in section 19 apply;
- (b) the applicant is the holder of a certificate that is revoked or suspended or that the Director is authorized under subsection 13 (1) to revoke or suspend;
- (c) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that is suspended or the Director is authorized to revoke or suspend; or
- (d) the certificate to be renewed is revoked or suspended under section 19. O. Reg. 128/04, s. 16 (8).

(9) REVOKED: O. Reg. 461/16, s. 9 (2).

**Water quality analyst's certificate, out-of-province applicant**

**16.1** (1) A person who holds an authorizing certificate issued by an out-of-province regulatory authority in respect of an occupation may apply to the Director for the issuance of a water quality analyst's certificate. O. Reg. 466/10, s. 2.

(2) Subject to subsection (3), the Director shall issue the water quality analyst's certificate to the applicant if,

- (a) the applicant pays the required fee;
- (b) the applicant provides the Director with a copy of the applicant's authorizing certificate;
- (c) the water quality analyst's certificate is, in the opinion of the Director, in respect of the same occupation as the applicant's authorizing certificate;
- (d) the applicant provides the Director with confirmation in writing from the out-of-province regulatory authority that the applicant's authorizing certificate is in good standing; and
- (e) the applicant provides the Director with evidence satisfactory to the Director that he or she has practised the regulated occupation within the five-year period preceding the day on which the applicant submits his or her application under subsection (1). O. Reg. 466/10, s. 2.

(3) The Director may refuse to issue a certificate if the out-of-province regulatory authority has revoked or suspended or circumstances exist that authorize the authority to revoke or suspend an authorizing certificate or a restricted certificate that was issued to the applicant for one or more of the following occupations:

- 1. Wastewater operator.
- 2. Water operator.
- 3. Water quality analyst. O. Reg. 466/10, s. 2.

(4) Subsections 16 (4) to (8) apply to a water quality analyst's certificate issued under this section. O. Reg. 466/10, s. 2; O. Reg. 461/16, s. 10.

**Conditional water quality analyst's certificates**

**17.** (1) An individual may apply to the Director for the issuance of a conditional water quality analyst's certificate. O. Reg. 128/04, s. 17 (1).

(2) The Director may issue the conditional certificate if,

- (a) the owner or operating authority of the subsystem that employs or has offered to employ the individual who has applied under subsection (1) satisfies the Director that the owner or operating authority cannot readily obtain the services of a certified water quality analyst;
- (b) the owner or operating authority referred to in clause (a) gives the applicant and the Director an undertaking in writing to co-operate in facilitating the applicant's compliance with any conditions imposed under subsection (3); and
- (c) the required fee is paid. O. Reg. 128/04, s. 17 (2).

(3) The Director may issue a conditional certificate subject to conditions. O. Reg. 128/04, s. 17 (3).

(4) A conditional certificate is valid in respect of the subsystem referred to in clause (2) (a) and in respect of no other subsystem. O. Reg. 128/04, s. 17 (4).

(5) The Director may refuse to issue a conditional certificate if,

- (a) any of the circumstances described in section 19 apply;
- (b) the applicant is the holder of any water operator's licence or certificate that has been revoked or suspended or is the holder of any other certificate that is suspended or that the Director is authorized under subsection 13 (1) or section 19 to revoke or suspend; or

- (c) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that is suspended or the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 17 (5).
- (6) A conditional certificate expires three years after it is issued or on such earlier date as may be specified on the certificate, but may be renewed before it expires in accordance with section 5 of Schedule 4 if the applicant pays the required fee. O. Reg. 128/04, s. 17 (6).
- (7) The Director may refuse to renew a conditional certificate if,
- (a) any of the circumstances described in section 19 apply;
  - (b) the applicant is the holder of any other certificate that has been revoked or suspended or that the Director is authorized under subsection 13 (1) to revoke or suspend;
  - (c) the certificate to be renewed is revoked or suspended under section 19; or
  - (d) the applicant is the holder of a wastewater operator's licence issued under Ontario Regulation 129/04 that was revoked or is suspended or that the Director is authorized to revoke or suspend. O. Reg. 128/04, s. 17 (7).

**Reissuance of certificate after expiry**

**18.** Despite subsection 16 (4), if a person fails to apply for renewal of a water quality analyst's certificate before the certificate has expired, the person may apply for the reissuance of the certificate and the Director shall reissue the certificate if the person meets the following requirements:

1. If the person's certificate expired more than one year before the application for reissuance, the person must,
  - i. meet the qualifications set out in Schedule 3,
  - ii. complete the approved mandatory training course referred to in subsection 31 (6), and
  - iii. pay the required fees.
2. If the person's certificate expired one year or less before the application for reissuance, the person must,
  - i. have completed the training requirements set out in section 31 since the certificate was last issued or renewed,
  - ii. have at least three months experience in the previous 36 months working as an operator in a subsystem or having duties which the Director considers related to the duties of an operator in a subsystem, and
  - iii. pay the required fees. O. Reg. 128/04, s. 18.

**Revocation or suspension of certificate**

**19.** The Director may revoke or suspend a water quality analyst's certificate if one or more of the following circumstances exist:

1. The application was fraudulent or contained inaccurate information.
2. The person has been discharged from employment in a subsystem for gross negligence or for incompetence in the performance of his or her duties, unless the person has not yet exhausted the rights of appeal available under a collective agreement.
3. The person has worked as a water quality analyst for any length of time without being certified as such, or has held himself or herself out to an owner, operating authority, the Director or any Ministry employee as holding a water quality analyst's certificate that he or she does not hold.
4. The person has previously had a water quality analyst's certificate revoked or suspended for any reason and the Director has reasonable grounds to believe that the person is not competent to carry out tests at a drinking water system for the parameters listed in subsection 2 (1) of Ontario Regulation 248/03 under the Act.
5. The person has failed,

- i. to exercise the level of care, diligence and skill in respect of a municipal residential system or limited system that a reasonably prudent water quality analyst would be expected to exercise in a similar situation, or
- ii. to act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the municipal residential system or limited system.

6. The person has failed to meet or has contravened any condition that is set out in his or her certificate. O. Reg. 128/04, s. 19.

#### **Replacement certificates**

**20.** (1) The Director shall issue a replacement water quality analyst's certificate to a water quality analyst if the required fee is paid and,

- (a) the water quality analyst indicates that his or her certificate has been lost or destroyed; or
- (b) the water quality analyst indicates that his or her name has changed and returns the original certificate to the Director.

O. Reg. 128/04, s. 20 (1).

(2) The Director may refuse to issue a replacement certificate if the water quality analyst is the holder of a certificate that is revoked or suspended or that the Director is authorized under section 19 to revoke or suspend. O. Reg. 128/04, s. 20 (2).

#### **Certificate to be displayed**

**21.** The owner or operating authority of a subsystem shall ensure that a copy of the certificate of every certified water quality analyst who is employed in the subsystem is conspicuously displayed at the analyst's workplace or at the premises from which the subsystem is managed. O. Reg. 128/04, s. 21.

### **OPERATING STANDARDS FOR MUNICIPAL RESIDENTIAL SUBSYSTEMS AND LIMITED SUBSYSTEMS**

#### **Owner or operating authority responsibility**

**22.** The owner or operating authority of a subsystem shall ensure that every operator employed in the subsystem holds,

- (a) a certificate applicable to that type of subsystem; or
- (b) a certificate applicable to that subsystem, in the case of an operator who holds a conditional certificate issued or renewed under section 10. O. Reg. 128/04, s. 22.

#### **Overall responsible operator**

**23.** (1) The owner or operating authority of a municipal residential subsystem shall designate as overall responsible operator of the subsystem an operator who holds a certificate for that type of subsystem and that is of the same class as or higher than the class of that subsystem. (For example, the overall responsible operator of a Class III water treatment subsystem must be an operator who holds a Class III or Class IV water treatment subsystem operator's certificate.) O. Reg. 128/04, s. 23 (1).

(2) The owner or operating authority of a limited subsystem shall designate as overall responsible operator of the subsystem an operator who holds a limited subsystem operator's certificate for that type of subsystem. O. Reg. 128/04, s. 23 (2).

(3) REVOKED: O. Reg. 819/21, s. 1 (1).

(4) If the overall responsible operator designated under subsection (1) or (2) is absent or unable to act, the owner or operating authority or, if the owner or operating authority authorizes it, the overall responsible operator may designate an operator who holds a certificate that is applicable to that type of subsystem and, if applicable, that is not more than one class lower than the class of the subsystem to act in the place of the overall responsible operator. (For example, if the overall responsible operator is absent or unable to act, responsibility for the overall operation of a Class IV distribution subsystem may be delegated to an operator who holds a Class III distribution subsystem operator's certificate.) O. Reg. 128/04, s. 23 (4).

(5) Subsection (4) does not permit delegating an overall responsible operator's duties,

- (a) to an operator who holds an operator-in-training's certificate; or
- (b) REVOKED: O. Reg. 819/21, s. 1 (2).

O. Reg. 128/04, s. 23 (5); O. Reg. 819/21, s. 1 (2).

(6) Subsection (4) shall not be relied on by the owner or operating authority of a municipal residential subsystem for more than 150 days in any 12-month period. O. Reg. 128/04, s. 23 (6).

(7) The Director may direct that subsection (6) not apply to a municipal residential subsystem for a time period specified by the Director, if the Director is satisfied that the owner or operating authority of the subsystem cannot reasonably comply with subsection (1) and the direction will not result in a drinking water hazard or a significant risk to the natural environment. O. Reg. 128/04, s. 23 (7).

#### **Strikes and lock-outs**

**24.** (1) In the event of a strike or lock-out involving operators employed in a subsystem, the Director may direct that sections 22 and 23 not apply to the subsystem for the duration of the strike or lock-out, if the Director is satisfied that the subsystem will be operated without a significant risk to human health or the natural environment. O. Reg. 128/04, s. 24 (1).

(2) In the event of a strike or lock-out involving operators employed in a subsystem, the Director may exempt the owner or operating authority of the subsystem from complying with subsection 12 (1) of the Act for the duration of the strike or lock-out, if the Director is satisfied that the subsystem will be operated without a significant risk to human health or the natural environment. O. Reg. 128/04, s. 24 (2).

(3) At least 14 days prior to the legal strike or lock-out date, the owner or operating authority of the subsystem referred to in subsections (1) and (2) shall prepare and submit to the Director, in a format approved by the Director, a strike and lock-out plan for the continued safe and efficient operation of the subsystem that includes, at a minimum,

- (a) a list of all persons proposed to be employed temporarily to operate the subsystem during the strike or lock-out, which shall include, for each person listed, the person's,
  - (i) name,
  - (ii) current position,
  - (iii) qualification, and
  - (iv) proposed responsibilities during the strike or lock-out; and
- (b) a plan for how the subsystem will be operated during the strike or lock-out, including,
  - (i) a description of the subsystem, including its operating systems and processes,
  - (ii) a description of subsystem staffing requirements for the normal operation of the subsystem,
  - (iii) details of the training to be provided by the owner or operating authority to all persons described in clause (a),
  - (iv) information about,
    - (A) any planned departures from the normal operation of the subsystem, and
    - (B) any application in respect of such planned departures from the normal operation of the subsystem, or confirmation that the requisite approval, relief or other authorization has been obtained under Parts V and VI of the Act, as applicable,
  - (v) confirmation that all persons described in clause (a) will be trained on the subsystem operating procedures and that a copy of the operating procedures is readily available at the subsystem or at the premises from which the subsystem is managed, and
  - (vi) confirmation that all persons described in clause (a) will review the emergency procedures for the subsystem before becoming responsible for the operation of the subsystem. O. Reg. 819/21, s. 2.

(4) The Director shall review the strike and lock-out plan for the subsystem and shall issue a written notice,

- (a) accepting the plan and directing that sections 22 and 23 of this Regulation not apply to the subsystem and exempting the owner or operating authority from complying with subsection 12 (1) of the Act for the duration of the strike or lock-out, if the Director is satisfied that the subsystem will be operated without a significant risk to human health or the natural environment; or
  - (b) rejecting the plan for the reasons set out in the notice, and informing the owner or operating authority that the direction described in subsection (1) has not been provided in respect of the subsystem, and that the exemption described in subsection (2) has not been provided to the owner or operating authority, if the Director is not satisfied that the subsystem will be operated without a significant risk to human health or the natural environment. O. Reg. 819/21, s. 2.
- (5) The Director may issue a written notice described in clause (4) (a) subject to conditions and may stipulate other steps or information that are required of the owner or operating authority before issuing a final notice. O. Reg. 819/21, s. 2.
- (6) As part of the review described in subsection (4), the Director may request that the owner or operating authority,
- (a) submit additional information; or
  - (b) amend the submitted strike and lock-out plan before issuing a written notice. O. Reg. 819/21, s. 2.
- (7) If, after issuing a notice accepting a strike and lock-out plan, the Director is of the opinion that a significant risk to human health or the natural environment exists or is imminent in respect of the operation of the subsystem, the Director may,
- (a) require the owner or operating authority to amend the strike and lock-out plan accepted under clause (4) (a); or
  - (b) revoke a notice issued under clause (4) (a). O. Reg. 819/21, s. 2.
- (8) The Director may waive the 14-day deadline provided for in subsection (3) if the Director is of the opinion that the owner or operating authority cannot reasonably prepare and submit the strike and lock-out plan within that time, and that the review of the strike and lock-out plan and the issuance of the written notice can be completed between the submission date and the legal strike or lock-out date. O. Reg. 819/21, s. 2.

**Operator-in-charge**

**25.** (1) The owner or operating authority of a subsystem or a person authorized by the owner or operating authority shall designate one or more operators as operators-in-charge of the subsystem. O. Reg. 128/04, s. 25 (1).

(2) The owner or operating authority or a person authorized by the owner or operating authority shall ensure that records are maintained of the amount of time each operator works as an operator-in-charge. O. Reg. 128/04, s. 25 (2).

(3) The owner or operating authority may designate a licensed engineering practitioner who does not have an operator's certificate as an operator-in-charge. O. Reg. 128/04, s. 25 (3); O. Reg. 415/09, s. 2 (1).

(4) An owner or operating authority shall not use the power to designate a licensed engineering practitioner or a series of licensed engineering practitioners as an operator-in-charge under subsection (3) for more than 180 days in total in any 24-month period. O. Reg. 128/04, s. 25 (4); O. Reg. 415/09, s. 2 (2).

(5) A person who holds an operator-in-training's certificate shall not be designated as an operator-in-charge. O. Reg. 128/04, s. 25 (5).

**Duties of operator-in-charge**

**26.** (1) An operator-in-charge is authorized to,

- (a) set operational parameters for the subsystem or for a process that controls the effectiveness or efficiency of the subsystem; and
  - (b) direct or instruct other operators in the subsystem to set such operational parameters. O. Reg. 128/04, s. 26 (1).
- (2) An operator-in-charge shall,



- (a) take all steps reasonably necessary to operate the processes within his or her responsibility in a safe and efficient manner in accordance with the relevant operations manuals;
- (b) ensure that the processes within his or her responsibility are measured, monitored, sampled and tested in a manner that permits them to be adjusted when necessary;
- (c) ensure that records are maintained of all adjustments made to the processes within his or her responsibility; and
- (d) ensure that all equipment used in the processes within his or her responsibility is properly monitored, inspected, tested and evaluated and that records of equipment operating status are prepared and available at the end of every operating shift.

O. Reg. 128/04, s. 26 (2).

#### **Record-keeping re operation of subsystem**

**27.** (1) The owner or operating authority of a subsystem shall ensure that logs or other record-keeping mechanisms are provided to record information concerning the operation of the subsystem. O. Reg. 128/04, s. 27 (1).

(2) Entries in the logs or other record-keeping mechanisms shall be made chronologically. O. Reg. 128/04, s. 27 (2).

(3) No person shall make an entry in a log or other record-keeping mechanism unless the person is an overall responsible operator, an operator-in-charge or is authorized to make an entry by the owner, the operating authority, the overall responsible operator or an operator-in-charge. O. Reg. 128/04, s. 27 (3).

(4) A person who makes an entry in a log or other record-keeping mechanism shall do so in a manner that permits the person to be unambiguously identified as the maker of the entry. O. Reg. 128/04, s. 27 (4).

(5) An operator-in-charge or a person authorized by an operator-in-charge shall record the following information in the logs or other record-keeping mechanisms in respect of each operating shift:

- 1. The date, the time of day the shift began and ended and the number or designation of the shift.
- 2. The names of all operators on duty during the shift.
- 3. Any departures from normal operating procedures that occurred during the shift and the time they occurred.
- 4. Any special instructions that were given during the shift to depart from normal operating procedures and the person who gave the instructions.
- 5. Any unusual or abnormal conditions that were observed in the subsystem during the shift, any action that was taken and any conclusions drawn from the observations.
- 6. Any equipment that was taken out of service or ceased to operate during the shift and any action taken to maintain or repair equipment during the shift. O. Reg. 128/04, s. 27 (5).

(6) The owner or operating authority shall ensure that logs and other record-keeping mechanisms are accessible at the subsystem,

- (a) for at least five years after the last entry in it was made, in the case of a log or record-keeping mechanism that is kept in a book or document form or kept on a similarly fixed basis; or
- (b) for at least five years after each entry in it was made, in the case of a log or record-keeping mechanism that is kept on a loose-leaf or electronic basis or kept on a similarly continuous basis. O. Reg. 128/04, s. 27 (6).

(7) The owner or operating authority shall submit to the Director copies or summaries of the records kept under this section when requested to do so by the Director. O. Reg. 128/04, s. 27 (7).

#### **Operations and maintenance manuals**

**28.** The owner or operating authority of a subsystem shall ensure that operators and maintenance personnel in the subsystem have ready access to the comprehensive operations and maintenance manuals that contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the subsystem. O. Reg. 128/04, s. 28.

## OPERATOR AND WATER QUALITY ANALYST TRAINING

### Operator training requirements

**29.** (1) Subject to subsection (2), the owner or operating authority of a subsystem shall take reasonable steps to ensure that every operator employed in the subsystem completes the annual number of hours of training set out in the Table to this section in each of the three years for which the operator's certificate is valid. O. Reg. 128/04, s. 29 (1).

(2) The annual number of hours of training set out in the Table to this section may be averaged over the three years during which an operator's certificate is valid but shall not be reduced or prorated for an operator who is employed on a part-time basis. O. Reg. 128/04, s. 29 (2).

(3) Operators shall comply with the following rules in respect of the training:

1. If an operator works in more than one type and class of subsystem, the operator must complete the number of hours of training required for the highest type and class of subsystem where the operator works.
2. If an operator is not employed in a subsystem on the day that he or she renews his or her certificate, the operator must complete the number of hours of training for the highest type and class of subsystem for which the operator was certified.  
O. Reg. 128/04, s. 29 (3).

(4) The continuing education that is used to meet the training requirements must be approved by the Director using criteria which includes the following:

1. The training course must have documented learning objectives.
2. The training course must be planned and be provided by a qualified training provider.
3. The training course must include a means to verify that the participants have learned the material covered in the course.
4. The training course must cover subject matter that is directly related to the duties typically performed by an operator.  
O. Reg. 128/04, s. 29 (4).

(5) The on-the-job practical training that is used to meet the training requirements must meet criteria that includes the following:

1. The training must have documented learning objectives.
2. The training must be provided by a trainer with expertise in the subject matter that is being covered.
3. The training must be in respect of subject matter that is directly related to the duties typically performed by an operator.  
O. Reg. 128/04, s. 29 (5).

(6) The annual number of hours for training requirements set out in the Table to this section is the minimum number of hours for training and is comprised of a minimum number of hours of continuing education, including a mandatory training course approved by the Director, and on-the-job practical training. O. Reg. 128/04, s. 29 (6).

(7) The owner or operating authority shall ensure that records are maintained for at least five years of all on-the-job practical training completed by the operators employed in the subsystem, including the names of the operators who attend training, the dates of the training, the method used for training, the instructor, the duration of each training session and the subjects covered.  
O. Reg. 128/04, s. 29 (7).

(8) REVOKED: O. Reg. 461/16, s. 11.

TABLE  
ANNUAL TRAINING FOR OPERATORS

Type and Class of Subsystem Where the Operator is Employed	Training Requirements	Minimum Total Hours

Limited Groundwater or Limited Surface Water	7 hours or more of continuing education, with the remaining hours to at least the minimum total as on-the-job practical training	20
Class I Water Treatment or Class I Distribution or Class I Distribution and Supply	7 hours or more of continuing education, with the remaining hours to at least the minimum total as on-the-job practical training	30
Class II Water Treatment or Class II Distribution or Class II Distribution and Supply	12 hours or more of continuing education, with the remaining hours to at least the minimum total as on-the-job practical training	35
Class III Water Treatment or Class III Distribution or Class III Distribution and Supply	14 hours or more of continuing education, with the remaining hours to at least the minimum total as on-the-job practical training	40
Class IV Water Treatment or Class IV Distribution or Class IV Distribution and Supply	14 hours or more of continuing education, with the remaining hours to at least the minimum total as on-the-job practical training	50

O. Reg. 128/04, s. 29, Table.

**30. REVOKED:** O. Reg. 461/16, s. 12.

#### **Water quality analyst training requirements**

**31. (1)** Subject to subsection (2), the owner or operating authority of a subsystem shall take reasonable steps to ensure that every water quality analyst employed in the subsystem completes the annual number of hours of training set out in the Table to this section in each of the three years for which the water quality analyst's certificate is valid. O. Reg. 128/04, s. 31 (1).

(2) The annual number of hours of training set out in the Table to this section may be averaged over the three years during which a water quality analyst's certificate is valid but shall not be reduced or prorated for a water quality analyst who is employed on a part-time basis. O. Reg. 128/04, s. 31 (2).

(3) Despite subsection (1), if a water quality analyst also holds an operator's certificate, the owner or operating authority of the subsystem shall take reasonable steps to ensure that the water quality analyst completes the number of hours of training required for the highest type and class of subsystem where the person works as an operator rather than the annual number of hours set out in the Table to this section. O. Reg. 128/04, s. 31 (3).

(4) The continuing education that is used to meet the training requirements must be approved by the Director using criteria which includes the following:

1. The training course must have documented learning objectives.
2. The training course must be planned and be provided by a qualified training provider.
3. The training course must include a means to verify that the participants have learned the material covered in the course.
4. The training course must cover subject matter that is directly related to the duties typically performed by a water quality analyst. O. Reg. 128/04, s. 31 (4).

(5) The on-the-job practical training that is used to meet the training requirements must meet criteria which includes the following:

1. The training must have documented learning objectives.
2. The training must be provided by a trainer with expertise in the subject matter that is being covered.
3. The training must be in respect of subject matter that is directly related to the duties typically performed by a water quality analyst. O. Reg. 128/04, s. 31 (5).

(6) The annual number of hours for training requirements set out in the Table to this section is the minimum number of hours for training and is comprised of a minimum number of hours of continuing education, including a mandatory training course approved by the Director, and on-the-job practical training. O. Reg. 128/04, s. 31 (6).

(7) The owner or operating authority shall ensure that records are maintained for at least five years of the on-the-job practical training completed by the water quality analysts employed in the subsystem, including the names of the water quality analysts who attend training, the dates of the training, the method used for training, the instructor, the duration of each training session and the subjects covered. O. Reg. 128/04, s. 31 (7).

TABLE  
ANNUAL TRAINING FOR WATER QUALITY ANALYSTS

Training Requirements	Minimum Total Hours
7 hours or more of continuing education, with the remaining hours to at least the minimum total as on-the-job practical training	20

O. Reg. 128/04, s. 31, Table.

## EMERGENCY SITUATIONS

### Emergency situations

**32.** (1) The Director may take an action described in subsection (2) if,

- (a) an emergency is declared under the *Emergency Management and Civil Protection Act* and the nature of the emergency is such that it could adversely affect the operation of a subsystem resulting in a drinking water health hazard or a significant risk to human health or the natural environment;
- (b) one or more orders made under the *Emergency Management and Civil Protection Act* in a situation described in clause (a) are continued in successor legislation and remain in place; or
- (c) an emergency has not been declared under the *Emergency Management and Civil Protection Act*, but the Director is of the opinion that a situation exists or is impending which could result in a drinking water health hazard or a significant risk to human health or the natural environment, and one or more of the following circumstances exist:
  - (i) a provincial officer has issued or is considering issuing an order under section 105 or 106 of the Act in respect of an existing or imminent drinking water health hazard,
  - (ii) the Minister has issued or is considering issuing an order under section 108 of the Act in respect of an imminent drinking water health hazard,
  - (iii) a Director has issued or is considering issuing an order under section 109 of the Act in respect of an imminent drinking water health hazard,
  - (iv) a Director has issued or is considering issuing a notice of emergency response under section 110 of the Act, or
  - (v) a provincial officer or Director has issued or is considering issuing an order under the *Ontario Water Resources Act* or *Environmental Protection Act* in respect of an existing or imminent emergency related to a sewage works. O. Reg. 819/21, s. 3.

(2) The following are the actions that the Director may take for the purposes of subsection (1):

1. Extending the expiry date of an operator's certificate or water quality analyst's certificate issued, reissued or renewed under sections 7 to 20.

2. Determining the expiry date of a certificate extended under paragraph 1, which may be any date that is 12 months or less from the expiry date set out on the certificate when most recently issued.
3. Despite subsections 7 (7) and 16 (7), renewing an operator's certificate or water quality analyst's certificate under subsection 7 (6) or 16 (6) until an expiry date set out in the certificate, which may be any date that is less than 12 months after it is renewed.
4. Despite subsections 29 (6) and 31 (6), renewing an operator's certificate or water quality analyst's certificate without the operator or water quality analyst having met the requirement to complete the mandatory training course approved by the Director, subject to the condition that the operator or water quality analyst complete the mandatory training course within 12 months of the day the certificate is renewed.
5. Despite subparagraphs 1 ii and 2 i of subsection 11 (1) and subparagraphs 1 ii and 2 i of section 18, reissuing an operator's certificate or water quality analyst's certificate without the operator or water quality analyst having met the requirement to complete the mandatory training course approved by the Director, subject to the condition that the operator or water quality analyst complete the mandatory training course within 12 months of the day the certificate is re-issued.
6. Despite subsections 9 (11) and (16), but subject to subsection (3), renewing an operator-in-training's certificate if the operator-in-training has met the requirements of subsection 1 (1) of Schedule 2 but has been unable to obtain at least one year of experience as an operator-in-training in a municipal residential subsystem before the certificate expires, and
  - i. the operator has not met the requirement of paragraph 3 of section 4 of Schedule 2, and
  - ii. the operator-in-training's certificate has not been previously renewed. O. Reg. 819/21, s. 3.

(3) Where the Director has renewed a certificate under paragraph 6 of subsection (2),

- (a) the requirement of paragraph 3 of section 4 of Schedule 2 must be completed by the operator-in-training within 12 months of the day the certificate is renewed; and
- (b) the Director may not renew that certificate again under subsection 9 (11). O. Reg. 819/21, s. 3.

(4) The owner or operating authority of a subsystem, or an operator, may request that the Director take an action or actions described in subsection (2) in respect of a subsystem. O. Reg. 819/21, s. 3.

(5) A request made under this section must be made in a manner and form approved by the Director and contain the information required by the Director. O. Reg. 819/21, s. 3.

(6) The Director may require the requester to notify any affected owner, operating authority, or operator of the request described in subsection (5), and to provide written confirmation of the notification having occurred. O. Reg. 819/21, s. 3.

(7) The actions taken by the Director in accordance with this section may apply for part or all of the duration of the situation described in subsection (1) and its aftermath. O. Reg. 819/21, s. 3.

#### **Emergency situations, operators etc.**

**33.** (1) Subject to subsections (2), (3) and (4), if the circumstances described in clauses 32 (1) (a) or (b) exist, despite paragraphs 3 and 5 of subsection 11 (1) of the Act and subsection 12 (1) of the Act, the owner or operating authority of a subsystem may employ the following persons, even if they do not hold an operator's certificate applicable to that type of subsystem, to temporarily operate the subsystem or be designated as overall responsible operator or as an operator-in-charge:

1. A licensed engineering practitioner.
2. A person who, at any time in the previous 60 months, held an operator's certificate for the applicable type of subsystem, if the certificate has not been revoked or suspended at any time.
3. A certified engineering technician or certified engineering technologist under the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1998* who,
  - i. has at least three years of experience working in the same type of subsystem, and

- ii. has been trained by a certified operator or a person described in paragraph 2 on the operating duties to be performed.

4. A person who is employed as a manager of one or more subsystems, as long as the person,

- i. has at least five years of experience working in the type of subsystem to be operated,
- ii. directly manages or supervises certified operators,
- iii. only operates a subsystem or subsystems at which the person is employed, and
- iv. has been trained by a certified operator or a person described in paragraph 2 on the operating duties to be performed.

5. Any person currently employed in a subsystem, as long as the person,

- i. has at least five years of experience working in the same type of subsystem,
- ii. is responsible for performing maintenance on subsystem equipment used to treat water or to adjust or direct the flow, pressure or quality of water within the subsystem, or is responsible for providing technical support relating to the operation of the subsystem as a millwright, electrician, instrumentation technician, laboratory technician, maintenance mechanic, process control technician or water quality analyst, or an equivalent position,
- iii. only operates the type of subsystem at which the person is employed, and
- iv. has been trained by a certified operator or a person described in paragraph 2 on the operating duties to be performed. O. Reg. 819/21, s. 4.

(2) Only the following persons may perform operator-in-charge or overall responsible operator responsibilities and duties as set out in sections 23, 25 and 26:

1. A person described in paragraph 1 of subsection (1).
2. A person described in paragraph 2 of subsection (1), where the certificate that the person previously held was of the appropriate type and class for operator-in-charge or overall responsible operator designation as set out in sections 23 and 25. O. Reg. 819/21, s. 4.

(3) An owner or operating authority of a subsystem may employ persons listed in subsection (1) only if it has reasonable grounds for believing that,

- (a) there is an existing or impending critical shortage of certified operators in the subsystem; and
- (b) the use of non-certified persons is necessary to ensure the safe and efficient operation of the subsystem and the continued provision of safe drinking water. O. Reg. 819/21, s. 4.

(4) No person described in subsection (1) shall operate a subsystem if the person is the holder of any certificate that has been revoked or is suspended, or of any wastewater operator's licence issued under Ontario Regulation 129/04 (Licensing of Sewage Works Operators) made under the *Ontario Water Resources Act* that has been cancelled or suspended. O. Reg. 819/21, s. 4.

(5) Within seven days of employing the first of one or more persons described in subsection (1), the owner or operating authority of the subsystem shall submit in writing to the Director, in the manner and form approved by the Director, information about the circumstances leading to the person's or persons' employment in the subsystem. O. Reg. 819/21, s. 4.

(6) An owner or operating authority that employs a person under subsection (1) shall provide a written report to the Director within 90 days of the end of the circumstances described in clause 32 (1) (a) or (b) that includes the following information in respect of each person:

1. Name.
2. Details showing how the person satisfied the criteria set out in the paragraph of subsection (1) under which the person was temporarily employed to operate the subsystem.
3. Position held while employed to operate the subsystem.
4. Summary of operating duties performed.
5. Time spent operating the subsystem, including dates and shift number or designation.
6. Whether the person performed operator-in-charge or overall responsible operator responsibilities and duties.
7. Where applicable, time spent performing the responsibilities and duties of an operator-in-charge or overall responsible operator, including dates and shift number or designation.
8. Reasons why employing the person to operate the subsystem was necessary to ensure the safe and efficient operation of the subsystem and the continued provision of safe drinking water. O. Reg. 819/21, s. 4.

(7) The owner or operating authority shall ensure that records included in the report described in subsection (6) are maintained for at least five years in accordance with section 27. O. Reg. 819/21, s. 4.

#### **Emergency situations, testing**

**34.** (1) A person described in paragraph 1 or 2 of subsection 33 (1) may conduct or supervise a test required by Schedule 7 or 8 to Ontario Regulation 170/03 (Drinking Water Systems) made under the Act, including a test required by section 7-2 or 7-3 of Schedule 7 to that Regulation. O. Reg. 819/21, s. 4.

(2) A person described in paragraph 3, 4 or 5 of subsection 33 (1) may conduct a test required by Schedule 7 or 8 to Ontario Regulation 170/03 (Drinking Water Systems) made under the Act, including a test required by section 7-2 or 7-3 of Schedule 7 to that Regulation, if the person,

- (a) has been trained by a certified operator to conduct the test;
- (b) works under the supervision of a certified operator or a person described in paragraph 1 or 2 of subsection 33 (1); and
- (c) immediately advises a certified operator or a person described in paragraph 1 or 2 of subsection 33 (1) of all test results. O. Reg. 819/21, s. 4.

(3) Despite paragraph 5 of subsection 33 (1), a laboratory technician with one year of drinking water testing experience may conduct tests described in subsection (2). O. Reg. 819/21, s. 4.

#### **Labour laws still apply**

**35.** For greater certainty, nothing in section 32, 33, 34 or any other provision of this Regulation relieves any person from any obligation to comply with any applicable labour laws or collective agreements, and no action may be taken under those sections solely as the result of the exercise of a right under such a law or agreement. O. Reg. 819/21, s. 4.

### **SCHEDULE 1**

#### **MUNICIPAL RESIDENTIAL SUBSYSTEM CLASSIFICATION**

1. A distribution and supply subsystem is classified in accordance with Table 1 of this Schedule, based on the number of points applicable to the subsystem under the point structure described in Schedule 1.1.

2. A distribution subsystem is classified in accordance with Table 1 of this Schedule, based on the number of points applicable to the subsystem under the point structure described in Schedule 1.2.

3. A water treatment subsystem, including a package treatment subsystem, is classified in accordance with Table 1 of this Schedule, based on the number of points applicable to the subsystem under the point structure described in Schedule 1.3.

4. (1) For the purpose of section 3 of this Schedule, the number of points applicable to a package treatment subsystem under the point structure described in Schedule 1.3 may be reduced by the Director if he or she is satisfied that the operational needs of the package treatment subsystem are less than the operational needs of other water treatment subsystems.

(2) In subsection (1),

“package water treatment subsystem” means a water treatment subsystem where the treatment processes of the subsystem meet the following criteria:

1. The subsystem has been manufactured as a complete unit.
2. The subsystem has been preassembled and delivered in not more than four modules to the site where it is used.
3. The subsystem has a design flow of 1,300 cubic metres per day or less.

TABLE 1  
CLASSES OF MUNICIPAL RESIDENTIAL SUBSYSTEMS

Class	Number of Points
Class I	30 or less
Class II	31 to 55
Class III	56 to 75
Class IV	76 or more

TABLES 2-4 REVOKED: O. REG. 461/16, S. 13 (5).

O. Reg. 128/04, Sched. 1; O. Reg. 461/16, s. 13.

SCHEDULE 1.1  
DISTRIBUTION AND SUPPLY SUBSYSTEMS (POINTS SYSTEM)

1. The number of points applicable to a distribution and supply subsystem is determined by applying the following rules and the Tables set out in this Schedule:

1. The number of points applicable to a distribution and supply subsystem based on its size is the greatest of the following, to a maximum of 10 points:
  - i. 1 point for every 4,500 cubic metres of average daily design flow.
  - ii. 1 point for every 4,500 cubic metres of average daily flow in peak month.
  - iii. 1 point for every 100 kilometres of water main.
2. The number of points applicable to a distribution and supply subsystem based on the size of its piping is the following:
  - i. 1 point applies for every 10 per cent of the subsystem's piping that is less than 600 millimetres in diameter, to a maximum of 5 points.
  - ii. 1 point applies for every 10 per cent of the subsystem's piping that is 600 millimetres or more in diameter.
3. The number of points applicable to a distribution and supply subsystem with respect to bacteriological and biological laboratory control by subsystem personnel, as determined by applying Table 4 set out in this Schedule, is the greatest of the numbers set out in Column 2 of that Table that applies to the subsystem.
4. The number of points applicable to a distribution and supply subsystem with respect to chemical and physical laboratory control by subsystem personnel, as determined by applying Table 5 set out in this Schedule, is the greatest of the numbers set out in Column 2 of that Table that applies to the subsystem.



TABLE 1  
POINTS BASED ON WATER TREATMENT

Item	Column 1 Water treatment	Column 2 Number of points
1.	Subsystem treats water	5
2.	Subsystem treats water through chlorination or a comparable process	5
3.	Subsystem treats water through pH adjustment	4
4.	Subsystem treats water through stability or corrosion control by chemical addition	4

TABLE 2  
POINTS BASED ON OPERATING SYSTEMS

Item	Column 1 Operating systems	Column 2 Number of points
1.	Pressures in subsystem are less than 150 psi	2
2.	Pressures in subsystem are 150 psi or more	3
3.	Subsystem has single pressure zone	2
4.	Subsystem has multiple pressure zones with no pressure control	5
5.	Subsystem has multiple pressure zones with pressure control	10
6.	Subsystem has single speed, manually operated pumps	10
7.	Subsystem has single speed, automatically operated pumps	3
8.	Subsystem has variable speed pumps	4
9.	Subsystem has more than one variable speed pump to one pressure zone	2
10.	Subsystem has surge tanks	2
11.	Subsystem has above ground water storage	5
12.	Subsystem has in ground water storage	6
13.	Subsystem has pressure reducing valves	3
14.	Subsystem has pressure relief valves	3
15.	Subsystem has pneumatic control valves	3
16.	Subsystem has motorized valves	3
17.	Subsystem has elevation valves	3

TABLE 3  
POINTS BASED ON SUBSYSTEM SPECIFICATIONS

Item	Column 1 Subsystem specifications	Column 2 Number of points
1.	Water main materials include cement and iron, ductile iron, polyvinyl chloride, asbestos cement or polyethylene	2
2.	Water main materials include concrete pressure pipe	3
3.	Water main materials include steel	3
4.	Water main materials include other materials	3
5.	Non-residential meters on subsystem include flow meters with register only	2

6.	Non-residential meters on subsystem include flow and pressure meters with register and chart	2
7.	Non-residential meters on subsystem include flow and pressure meters in a supervisory control and data acquisition (SCADA) system	3
8.	Subsystem instrumentation has manual controls	3
9.	Subsystem instrumentation has semi-automatic controls	2
10.	Subsystem instrumentation has fully automatic controls	2
11.	Subsystem instrumentation has supervisory control and data acquisition (SCADA) system	3

TABLE 4

## POINTS BASED ON BACTERIOLOGICAL AND BIOLOGICAL LABORATORY CONTROL BY SUBSYSTEM PERSONNEL

Item	Column 1 Bacteriological and biological laboratory control by subsystem personnel	Column 2 Number of points
1.	Subsystem personnel perform bacteriological tests for non-regulatory purposes	4
2.	Subsystem personnel do biological identification	7
3.	Lab work is performed by an accredited laboratory	0

TABLE 5

## POINTS BASED ON CHEMICAL AND PHYSICAL LABORATORY CONTROL BY SUBSYSTEM PERSONNEL

Item	Column 1 Chemical and physical laboratory control by subsystem personnel	Column 2 Number of points
1.	Subsystem personnel use colorimetric methods to do simple determinations such as pH or chlorine residual	3
2.	Subsystem personnel do alkalinity or hardness determinations, titrations, jar tests, or similar tests	5
3.	Subsystem personnel do determinations for operational parameters (e.g. aluminium) or perform advanced chemical testing beyond regulatory requirements	7
4.	Subsystem personnel perform procedures using very sophisticated instrumentation, such as atomic absorption or gas chromatography	10

O. Reg. 461/16, s. 14.

## SCHEDULE 1.2

## DISTRIBUTION SUBSYSTEMS (POINTS SYSTEM)

1. The number of points applicable to a distribution subsystem is determined by applying the following rules and the Tables set out in this Schedule:

1. The number of points applicable to a distribution subsystem based on its size is the greatest of the following, to a maximum of 10 points:
  - i. 1 point for every 4,500 cubic metres of average daily design flow.
  - ii. 1 point for every 4,500 cubic metres of average daily flow in peak month.

iii. 1 point for every 100 kilometres of water main.

2. The number of points applicable to a distribution subsystem based on the size of its piping is the following:

i. 1 point applies for every 10 per cent of the subsystem's piping that is less than 600 millimetres in diameter, to a maximum of 5 points.

ii. 1 point applies for every 10 per cent of the subsystem's piping that is 600 millimetres or more in diameter.

3. The number of points applicable to a distribution subsystem with respect to bacteriological and biological laboratory control by subsystem personnel, as determined by applying Table 4 set out in this Schedule, is the greatest of the numbers set out in Column 2 of that Table that applies to the subsystem.

4. The number of points applicable to a distribution subsystem with respect to chemical and physical laboratory control by subsystem personnel, as determined by applying Table 5 set out in this Schedule, is the greatest of the numbers set out in Column 2 of that Table that applies to the subsystem.

TABLE 1  
POINTS BASED ON CHEMICAL ADDITION

Item	Column 1 Chemical addition	Column 2 Number of points
1.	Re-chlorination within distribution system	5
2.	pH adjustment by chemical addition	4
3.	Stability or corrosion control by chemical addition	4

TABLE 2  
POINTS BASED ON OPERATING SYSTEMS

Item	Column 1 Operating systems	Column 2 Number of points
1.	Pressures in subsystem are less than 150 psi	2
2.	Pressures in subsystem are 150 psi or more	3
3.	Subsystem has single pressure zone	2
4.	Subsystem has multiple pressure zones with no pressure control	5
5.	Subsystem has multiple pressure zones with pressure control	10
6.	Subsystem has single speed, manually operated pumps	10
7.	Subsystem has single speed, automatically operated pumps	3
8.	Subsystem has variable speed pumps	4
9.	Subsystem has more than one variable speed pump to one pressure zone	2
10.	Subsystem has surge tanks	2
11.	Subsystem has above ground water storage	5
12.	Subsystem has in ground water storage	6
13.	Subsystem has pressure reducing valves	3
14.	Subsystem has pressure relief valves	3
15.	Subsystem has pneumatic control valves	3
16.	Subsystem has motorized valves	3

17.	Subsystem has elevation valves	3
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TABLE 3  
POINTS BASED ON SUBSYSTEM SPECIFICATIONS

Item	Column 1 Subsystem specifications	Column 2 Number of points
1.	Water main materials include cement and iron, ductile iron, polyvinyl chloride, asbestos cement or polyethylene	2
2.	Water main materials include concrete pressure pipe	3
3.	Water main materials include steel	3
4.	Water main materials include other materials	3
5.	Non-residential meters on subsystem include flow meters with register only	2
6.	Non-residential meters on subsystem include flow and pressure meters with register and chart	2
7.	Non-residential meters on subsystem include flow and pressure meters in a supervisory control and data acquisition (SCADA) system	3
8.	Subsystem instrumentation has manual controls	3
9.	Subsystem instrumentation has semi-automatic controls	2
10.	Subsystem instrumentation has fully automatic controls	2
11.	Subsystem instrumentation has supervisory control and data acquisition (SCADA) system	3

TABLE 4  
POINTS BASED ON BACTERIOLOGICAL AND BIOLOGICAL LABORATORY CONTROL BY SUBSYSTEM PERSONNEL

Item	Column 1 Bacteriological and biological laboratory control by subsystem personnel	Column 2 Number of points
1.	Subsystem personnel perform bacteriological tests for non-regulatory purposes	4
2.	Subsystem personnel do biological identification	7
3.	Lab work is performed by an accredited laboratory	0

TABLE 5  
POINTS BASED ON CHEMICAL AND PHYSICAL LABORATORY CONTROL BY SUBSYSTEM PERSONNEL

Item	Column 1 Chemical and physical laboratory control by subsystem personnel	Column 2 Number of points
1.	Subsystem personnel use colorimetric methods to do simple determinations such as pH or chlorine residual	3
2.	Subsystem personnel do alkalinity or hardness determinations, titrations, jar tests, or similar tests	5
3.	Subsystem personnel do determinations for operational parameters (e.g. aluminium) or perform advanced chemical testing beyond regulatory requirements	7

4.	Subsystem personnel perform procedures using very sophisticated instrumentation, such as atomic absorption or gas chromatography	10
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O. Reg. 461/16, s. 14.

SCHEDULE 1.3  
WATER TREATMENT SUBSYSTEMS (POINTS SYSTEM)

1. The number of points applicable to a water treatment subsystem is determined by applying the following rules and the Tables set out in this Schedule:

1. The number of points applicable to a water treatment subsystem based on the population it serves is 1 point for every 10,000 people, to a maximum of 10 points.
2. For every 4,500 cubic metres of flow at a water treatment subsystem, the number of points applicable to the subsystem is 1 point, up to a maximum of 10 points. The flow at the subsystem is the greater of the following:
  - i. The average daily design flow.
  - ii. The average daily flow in peak month.
3. The number of points applicable to a water treatment subsystem based on its water supply source is the following:
  - i. 3 points apply if the source is groundwater.
  - ii. 5 points apply if the source is surface water.
4. The number of points applicable to a water treatment subsystem with respect to bacteriological and biological laboratory control by subsystem personnel, as determined by applying Table 4 set out in this Schedule, is the greatest of the numbers set out in Column 2 of that Table that applies to the subsystem.
5. The number of points applicable to a water treatment subsystem with respect to chemical and physical laboratory control by subsystem personnel, as determined by applying Table 5 set out in this Schedule, is the greatest of the numbers set out in Column 2 of that Table that applies to the subsystem.

TABLE 1  
POINTS BASED ON RAW WATER QUALITY

Item	Column 1 Raw water quality	Column 2 Number of points
1.	Low variation in raw water quality and raw water quality is not subject to serious industrial waste pollution	0
2.	Moderate variation in raw water quality and raw water quality is not subject to serious industrial waste pollution	2
3.	High variation in raw water quality and raw water quality is not subject to serious industrial waste pollution	5
4.	Raw water quality is subject to serious industrial waste pollution	10

TABLE 2  
POINTS BASED ON PROCESSES

Item	Column 1 Process used	Column 2 Number of points
1.	Subsystem uses aeration, other than packed tower aeration	2

2.	Subsystem uses packed tower aeration	6
3.	Subsystem uses pH adjustment	4
4.	Subsystem uses stability or corrosion control	4
5.	Subsystem uses taste and odour control	8
6.	Subsystem uses colour control	4
7.	Subsystem uses iron or manganese removal	10
8.	Subsystem uses ion exchange softening	10
9.	Subsystem uses chemical precipitation softening	20
10.	Subsystem uses coagulant addition	4
11.	Subsystem uses flocculation	6
12.	Subsystem uses sedimentation	5
13.	Subsystem uses up flow clarification	14
14.	Subsystem uses filtration	10
15.	Subsystem uses fluoridation	5
16.	Subsystem uses disinfection	5
17.	Subsystem uses chlorine dioxide, chloramines or ozonation for disinfection	5
18.	Subsystem uses other special processes	15
19.	Subsystem has internal treatment of plant sludge	6

TABLE 3  
POINTS BASED ON SLUDGE/BACKWASH WATER DISPOSAL

Item	Column 1 Sludge/backwash water disposal	Column 2 Number of points
1.	No disposal to raw water sources	0
2.	Any disposal to raw water source	2
3.	Any disposal to subsystem raw water	5

TABLE 4  
POINTS BASED ON BACTERIOLOGICAL AND BIOLOGICAL LABORATORY CONTROL BY SUBSYSTEM PERSONNEL

Item	Column 1 Bacteriological and biological laboratory control by subsystem personnel	Column 2 Number of points
1.	Subsystem personnel perform bacteriological tests for non-regulatory purposes	4
2.	Subsystem personnel do biological identification	7
3.	Lab work is performed by an accredited laboratory	0

TABLE 5  
POINTS BASED ON CHEMICAL AND PHYSICAL LABORATORY CONTROL BY SUBSYSTEM PERSONNEL

Item	Column 1 Chemical and physical laboratory control by subsystem personnel	Column 2 Number of points
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1.	Subsystem personnel use colorimetric methods to do simple determinations such as pH or chlorine residual	3
2.	Subsystem personnel do alkalinity or hardness determinations, titrations, jar tests, or similar tests	5
3.	Subsystem personnel do determinations for operational parameters (e.g. aluminium) or perform advanced chemical testing beyond regulatory requirements	7
4.	Subsystem personnel perform procedures using very sophisticated instrumentation, such as atomic absorption or gas chromatography	10

O. Reg. 461/16, s. 14.

## SCHEDULE 2 QUALIFICATIONS FOR OPERATORS' CERTIFICATES

### OPERATORS-IN-TRAINING

1. (1) The qualifications for an operator-in-training's certificate for a type of municipal residential subsystem are:

1. The person must have successfully completed Grade 12 in Ontario or have education qualifications that the Director considers equivalent.
2. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators-in-training.
3. REVOKED: O. Reg. 461/16, s. 15 (1).

(2) REVOKED: O. Reg. 461/16, s. 15 (2).

### LIMITED GROUNDWATER SUBSYSTEM OPERATORS

2. The qualifications for a limited groundwater subsystem operator's certificate are:

1. The person must have successfully completed Grade 12 in Ontario or have education qualifications or training that the Director considers equivalent.
2. The person must have completed a course of study approved by the Director and must have obtained a mark that the Director considers satisfactory in the course.
3. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators in a limited groundwater subsystem.

### LIMITED SURFACE WATER SUBSYSTEM OPERATORS

3. The qualifications for a limited surface water subsystem operator's certificate are:

1. The person must have successfully completed Grade 12 in Ontario or have education qualifications or training that the Director considers equivalent.
2. The person must have completed a course of study approved by the Director and must have obtained a mark that the Director considers satisfactory in the course.
3. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators in a limited surface water subsystem.

### CLASS I OPERATORS

4. The qualifications for a Class I operator's certificate for a type of municipal residential subsystem are:

1. The person must have successfully completed Grade 12 in Ontario or have education qualifications that the Director considers equivalent.

2. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators with Class I certificates for a municipal residential subsystem.
3. The person must have completed the course of study approved by the Director and must have obtained a mark that the Director considers satisfactory in the course.
4. The person must have at least one year of experience as an operator-in-training in that type of municipal residential subsystem after being certified as an operator-in-training.
5. The person must have experience that the Director considers equivalent to the experience set out in paragraph 4 instead of those qualifications.

### CLASS II OPERATORS

5. The qualifications for a Class II operator's certificate for a type of municipal residential subsystem are:

1. The person must have successfully completed Grade 12 in Ontario or have education qualifications that the Director considers equivalent.
2. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators with Class II certificates for that type of subsystem.
3. The person must have a Class I operator's certificate for that type of municipal residential subsystem.
4. The person must have at least three years of experience as an operator in that type of subsystem.
5. The person must have experience that the Director considers equivalent to the qualifications set out in paragraph 4 instead of those qualifications.

### CLASS III OPERATORS

6. (1) The qualifications for a Class III operator's certificate for a type of municipal residential subsystem are:

1. The person must,
  - i. have successfully completed Grade 12 in Ontario or have education qualifications that the Director considers equivalent, and
  - ii. have successfully completed at least two years of additional education or training that, in the opinion of the Director, is relevant to the functions performed by operators of municipal residential subsystems.
2. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators with Class III certificates for that type of subsystem.
3. The person must have a Class II operator's certificate for that type of municipal residential subsystem.
4. The person must have at least four years of experience as an operator in that type of subsystem, including at least two years as an operator-in-charge in that type of Class II, Class III or Class IV subsystem.
5. The person must have experience that the Director considers equivalent to the qualifications set out in paragraph 4 instead of those qualifications.

(2) For the purpose of meeting the education or training qualifications in subparagraph 1 ii of subsection (1), an applicant for a certificate may substitute up to one year of experience as an operator-in-charge in a Class II, Class III or Class IV subsystem for the equivalent length of education, but experience as an operator-in-charge used for this purpose shall not be used to meet the experience qualification in paragraph 4 of subsection (1).

### CLASS IV OPERATORS

7. (1) The qualifications for a Class IV operator's certificate for a type of municipal residential subsystem are:

1. The person must,
  - i. have successfully completed Grade 12 in Ontario or have education qualifications that the Director considers equivalent, and



ii. have successfully completed at least four years of additional education or training that, in the opinion of the Director, is relevant to the functions performed by operators of that type of subsystem.

2. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to the functions performed by operators with Class IV certificates for that type of subsystem.
3. The person must have a Class III operator's certificate for that type of municipal residential subsystem.
4. The person must have at least four years of experience as an operator in that type of subsystem, including at least two years as an operator-in-charge in that type of Class III or Class IV subsystem.
5. The person must have experience that the Director considers equivalent to the qualifications set out in paragraph 4 instead of those qualifications.

(2) For the purpose of meeting the education or training qualifications in subparagraph 1 ii of subsection (1), an applicant for a certificate may substitute up to two years of experience as an operator-in-charge in that type of Class III or Class IV subsystem for the equivalent length of education, but experience as an operator-in-charge used for this purpose shall not be used to meet the experience qualification in paragraph 4 of subsection (1).

### SUPPLEMENTAL RULES — EDUCATION AND TRAINING

8. For the purpose of determining whether a person meets the education and training qualifications established by this Schedule, the length of education or training obtained through continuing education shall be determined on the basis that 450 hours of participation in continuing education is equivalent to one year of education or training.

### SUPPLEMENTAL RULES — EXPERIENCE

9. (1) The following rules apply for the purpose of determining whether a person meets the experience qualifications established by this Schedule for a Class II, Class III or Class IV certificate:

1. An applicant for a certificate may substitute education or training that meets the requirements of the education and training qualifications established by this Schedule, other than elementary or secondary education, for up to half of the experience as an operator required by this Schedule, but education or training used for this purpose shall not be used to meet the education and training qualifications established by this Schedule.
2. The Director may permit an applicant for a certificate to substitute experience as an operator in a different type of system or experience in a system other than as an operator or other relevant qualifications for the experience required by this Schedule, if the Director is of the opinion that the experience or qualifications are relevant to the certificate being applied for.

(2) Experience as an operator-in-training shall not be considered for the purpose of determining whether a person meets the qualification of at least two years of experience as an operator-in-charge established by this Schedule for a Class III or Class IV certificate.

(3) Experience obtained while a person is not certified for the work he or she is doing shall not be considered in determining whether the person meets any experience qualifications established by this Schedule for any class of certificate.

### SUPPLEMENTAL RULES — EXAMINATIONS

10. Where this Schedule provides that obtaining a mark that the Director considers satisfactory in an examination approved by the Director is a qualification for a class of certificate, the Director may approve different examinations for different categories of applicants for that class of certificate.

O. Reg. 128/04, Sched. 2; O. Reg. 461/16, s. 15.

## SCHEDULE 3 QUALIFICATIONS FOR WATER QUALITY ANALYSTS' CERTIFICATES

1. The qualifications for a water quality analyst's certificate are:

1. The person must have successfully completed Grade 12 in Ontario or have education qualifications that the Director considers equivalent.
2. The person must have obtained a mark that the Director considers satisfactory in an examination approved by the Director relating to water analysis in drinking water systems.
3. The person must have at least one year of experience working in a drinking water system performing tests on water or working in a facility that in the Director's opinion is related to the experience of working in a drinking water system, or
4. The person must have completed the training approved by the Director related to the testing of water.
5. The person must have experience that the Director considers equivalent to the qualifications set out in paragraph 3 instead of those qualifications.

O. Reg. 128/04, Sched. 3.

#### SCHEDULE 4 QUALIFICATIONS FOR RENEWAL OF CERTIFICATES

1. REVOKED: O. Reg. 461/16, s. 16.

##### RENEWAL OF OPERATOR'S CERTIFICATES, GENERAL

2. For an operator's certificate to be renewed, since the issue of the certificate or since it was last renewed, whichever is applicable, the applicant for the renewal of the operator's certificate,

- (a) must have completed the training requirements set out in section 29 of the regulation; and
- (b) must have at least three months experience in the previous 36 months of working as an operator in a subsystem or of having duties that the Director considers related to those of an operator of a subsystem.

##### RENEWAL OF A CONDITIONAL OPERATOR'S CERTIFICATE

3. For a conditional operator's certificate to be renewed, since the issue of the conditional certificate or since it was last renewed, whichever is applicable, the applicant for the renewal of the certificate,

- (a) must have completed the training requirements set out in section 29 of the regulation;
- (b) must have at least three months experience in the previous 36 months of working as an operator in a subsystem or of having duties that the Director considers related to those of an operator of a subsystem; and
- (c) must have met the conditions set out in the conditional certificate.

##### RENEWAL OF A WATER QUALITY ANALYST'S CERTIFICATE

4. For a water quality analyst's certificate to be renewed, since the issuance of the certificate or since it was last renewed, whichever is applicable, the applicant for the renewal of the certificate,

- (a) must have completed the training requirements set out in section 31 of the regulation; and
- (b) must have at least three months experience in the previous 36 months of working as a water quality analyst in a subsystem or of having duties that the Director considers related to those of a water quality analyst in a subsystem.

##### RENEWAL OF A CONDITIONAL WATER QUALITY ANALYST'S CERTIFICATE

5. For a conditional water quality analyst's certificate to be renewed, since the issue of the conditional certificate or since it was last renewed, whichever is applicable, the applicant for the renewal of the certificate,

- (a) must have completed the training requirements set out in section 31 of the regulation;
- (b) must have at least three months experience in the previous 36 months of working as a water quality analyst in a subsystem or of having duties that the Director considers related to those of a water quality analyst in a subsystem; and
- (c) must have met the conditions set out in the conditional certificate.

O. Reg. 128/04, Sched. 4; O. Reg. 461/16, s. 16.

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