

The Water Regulations, 2002

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Chapter E-10.21 Reg 1 (effective December 5, 2002).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

PART I	
Title, Interpretation and Application	
1	Title
2	Interpretation
3	Interpretation of “watercourse” and other terms used principally in Division 3 of Part IV of the Act
4	Interpretation of “person responsible for a waterworks or sewage works”
5	Guidelines adopted
PART II	
Exemptions from Requirement to obtain a Permit under Part IV of the Act	
6	Exempt discharges and works
PART III	
Permits under Division 3 of Part IV of the Act	
7	Requirements for applications for permits
8	Application for permit to alter shoreline, etc.
9	Decision respecting permits
10	Notification to minister of completion by permittee of construction, etc., authorized by permit
11	Amendment, suspension, cancellation of permits
PART IV	
Water Pollution Control	
DIVISION 1	
Interpretation, Compliance and Permits	
12	Interpretation and compliance
13	Applications for sewage works permit
DIVISION 2	
Operational Matters	
14	No interconnection between sanitary sewers and storm sewers
15	Pumping stations
16	Wastewater treatment facilities
17	Report required re any upset conditions
18	Disinfection of effluent
19	Required testing of sewage works and industrial effluent works
PART V	
Waterworks	
DIVISION 1	
Application of Part and Exemptions	
20	Application of Part
21	Certain works designated as waterworks
DIVISION 2	
Requirements for Suppliers of Water for Hygienic Use	
22	Requirements for municipal waterworks and wells
23	Requirements for other waterworks
DIVISION 3	
Information and Materials for Waterworks Permits	
24	Information and materials for waterworks permits
DIVISION 4	
Operation of Facilities Associated with Waterworks	
25	Water wells
26	Water pipes
27	Water storage reservoirs
28	Water treatment facilities and pump houses
DIVISION 5	
Operation of Waterworks	
29	Adoption of drinking water guidelines
30	Chemical treatment standards for water
31	Standards for constituents in water – new or altered waterworks
32	Standards for microbial and bacteriological constituents in water – existing waterworks
33	Water turbidity standards – water for human consumptive use
34	Chemical standards – water for human consumptive use supplied by existing waterworks
35	Assessment and audit of water – water for human consumptive use
36	Required notices – water for hygienic use
37	What is required if unusual operational anomalies, etc.
DIVISION 6	
Water Samples and Tests	
38	Accredited laboratory
39	Testing, test results and notice of test results
40	Required testing after completion, alteration, extension or repair
41	Fluoride in potable water
42	Operational records to be kept
43	Water assurance and quality control policy and record keeping – water for human consumptive use
44	Annual notice to consumers

**PART VI
Certification**

**DIVISION 1
Interpretation and Application of Part**

- 45 Interpretation of Part
- 46 Application of Part

**DIVISION 2
Operator Certification Board**

- 47 Board continued
- 48 Membership of board
- 49 Board of directors and chairperson
- 50 Board not an agent of the Crown
- 51 Head office
- 52 Meetings
- 53 Responsibilities of board
- 54 Powers of board
- 55 Borrowing powers
- 56 No Crown guarantee for loans by board
- 57 Investments of board
- 58 Fiscal year of board
- 59 Audit
- 60 Annual report

**DIVISION 3
Standards to be met by Operators to obtain Certificates**

- 61 Standards adopted
- 62 Classification of facilities

**DIVISION 4
Certificates**

- 63 Minimum certificates that operators must hold
- 64 Application for certificate or renewal
- 65 Board may investigate applicant
- 66 Issuance or refusal of certificate
- 67 Term of certificate and application to upgrade
- 68 Additional information re renewal of certificate
- 69 Amendment, cancellation, suspension of certificate

**PART VII
Administrative Penalties**

- 70 Provisions for which an administrative penalty may be imposed
- 71 Amount of administrative penalty

**PART VIII
General**

- 72 Information submitted to the minister deemed to be public information
- 73 Application fees for Division 2 – Part IV permits
- 74 Required contents of easements

**PART IX
Repeal and Coming into Force**

- 75 R.R.S. c.E-10.2 Reg 2 repealed
- 76 Coming into force

Appendix

- Table 1 Provisions respecting which Administrative Penalty May Be Imposed
- Table 2 Chemical Health Category

CHAPTER E-10.21 REG 1

The Environmental Management and Protection Act, 2002

PART I

Title, Interpretation and Application

Title

- 1 These regulations may be cited as *The Water Regulations, 2002*.

Interpretation

- 2(1) In these regulations:

- (a) **“accredited”** means attainment of the Standards Council of Canada, National Standards System, General Requirements for the Competence of Testing and Calibration Laboratories, (ISO/IEC17025-1999) CAN-P-4D, March 2002, including but not limited to attaining the parameters necessary to undertake the reports required by Part V or by a permit to operate a waterworks issued for the purposes of subsection 21(1) of the Act;
- (b) **“Act”** means *The Environmental Management and Protection Act, 2002*;
- (c) **“approved”** means approved by the minister in writing;
- (d) **“basin”** means a natural or artificially created space or structure that has a shape and character that permits sewage or industrial waste to be treated or retained;
- (e) **“BOD₅”** means a five-day biochemical oxygen demand at 20 degrees centigrade;
- (f) **“CBOD₅”** means a five-day carbonaceous biochemical oxygen demand at 20 degrees centigrade;
- (g) **“chemical feeder”** means a device for dispensing a chemical at a predetermined rate for the treatment of water in a waterworks, sewage works or industrial effluent works;
- (h) **“collection system”** means a system of pipes, conduits, drains, mains, manholes and appurtenances used for collecting and conveying sewage;
- (i) **“design flow”** means the amount of water that is designed to be treated by a water treatment facility or wastewater treatment facility based on standard engineering design parameters and capacities;
- (j) **“distribution system”** means that portion of a waterworks, including water pipes, storage reservoirs, valves, hydrants and associated components, that is designed or used to convey water for human consumptive use or hygienic use to a service connection, but does not include tank fill drop tubes, surface piping or hoses attached to a well;

- (k) **“drinking water”** means potable water;
- (l) **“effluent”** means any waste that is discharged from a sewage works or an industrial effluent works;
- (m) **“existing”** means in existence on the date that these regulations come into force and, with respect to waterworks, includes waterworks mentioned in subsection 31(4);
- (n) **“facultative lagoon”** means a lagoon or treatment pond with an aerobic upper section and an anaerobic bottom section that allows both aerobic and anaerobic processes to occur simultaneously;
- (o) **“free chlorine residual”** means that portion of the total residual chlorine remaining in water that will react chemically and biologically as hypochlorous acid or hypochlorite ion;
- (p) **“ground water treatment plant”** means a water treatment facility that draws all of its water supply from ground water that is beyond the direct influence of surface water;
- (q) **“human consumptive use”** means a use of water for human consumption, including the following uses and applications:
 - (i) drinking;
 - (ii) cooking and food preparation;
 - (iii) oral hygiene;
- (r) **“hygienic use”** means a use of water for hygienic purposes by humans, including the following uses and applications:
 - (i) bathing and personal hygiene, but not including swimming;
 - (ii) showering;but does not include a human consumptive use;
- (s) **“lagoon”** means one or more open basins or reservoirs designed to treat or store sewage or industrial waste;
- (t) **“mechanical treatment facility”** means a wastewater treatment facility the processes of which are controlled primarily by mechanical means;
- (u) **“municipal sewage works”** means a sewage works that is owned or operated by a municipality or by another person on behalf of a municipality;
- (v) **“municipal waterworks”** means a waterworks that is owned or operated by a municipality or by another person on behalf of a municipality;
- (w) **“municipal well”** means a well that is owned or operated by a municipality or by another person on behalf of a municipality;

- (x) “**permittee**” means the person to whom a permit for a works, or a permit with respect to an activity mentioned in section 35 or 36 of the Act, is issued or continued pursuant to the Act or these regulations;
- (y) “**pipes**” means closed conduits and all appurtenances attached to those conduits;
- (z) “**potable water**” means water that is intended for human consumption or a human consumptive use;
- (aa) “**primary basins**” means the basins designed for treatment in a facultative lagoon;
- (bb) “**pump house**” means a facility in a waterworks containing one or more pumps and their appurtenances that are designed to pump water in or into the waterworks;
- (cc) “**pumping station**” means a facility in a sewage works or industrial effluent works containing one or more pumps and their appurtenances that are designed to pump sewage in or into the sewage works or industrial waste in or into the industrial effluent works;
- (dd) “**sanitary sewer**” means a system of conduits, drains, mains and pipes in a sewage works that is intended to convey sewage exclusively or principally;
- (ee) “**secondary treatment process**” means a treatment process for sewage or industrial waste that consists of primary treatment and biological treatment and that may also consist of physical treatment or chemical treatment;
- (ff) “**service connection**” means a pipe that connects a main with premises;
- (gg) “**storm sewer**” means a system of conduits, drains, mains, manholes, basins and pipes intended to convey storm water exclusively or principally;
- (hh) “**surface water treatment plant**” means a water treatment facility that draws all or part of its water supply from a surface water body source;
- (ii) “**total chlorine residual**” means the chlorine concentration remaining in water as free chlorine residual plus combined chlorine;
- (jj) “**upset condition**” means any abnormal conditions, anomalies or interruptions in the treatment process or the distribution system within a waterworks that may have any adverse effect on the quality of water supplied to consumers;
- (kk) “**wastewater treatment facility**” means those components of a sewage works or industrial effluent works that modify or hold sewage or industrial waste;

- (ll) **“water pipeline”** means all or a portion of a waterworks, distribution system or extended network of pipes that:
- (i) is owned by a person or association other than a municipality;
 - (ii) is intended or used to provide water for human consumptive use or hygienic use; and
 - (iii) serves one or more of, or any combination of, permanent residences, seasonal residences, acreages, farmsteads, trailer courts, commercial buildings, industrial buildings or other, similar facilities;
- (mm) **“water treatment facility”** means those components of a waterworks that are used to filter or condition water for the purpose of rendering the water acceptable for human consumptive use or hygienic use;
- (nn) **“works”** means industrial effluent works, sewage works or waterworks.
- (2) For the purposes of the Act and in these regulations, **“person”** includes an authority, organization or agency.
- (3) For the purposes of these regulations, water beneath the surface of the ground is considered under the direct influence of surface water if that water, in the opinion of the minister, exhibits:
- (a) a significant occurrence of insects or other macro-organisms, algae or large diameter pathogens, including *Giardia lamblia* and *Cryptosporidium*; or
 - (b) significant and relatively rapid shifts in water characteristics, including turbidity, temperature, conductivity or pH factors, that closely correlate to climatological or surface water conditions.

13 Dec 2002 cE-10.21 Reg 1 s2.

**Interpretation of “watercourse” and other terms used principally in
Division 3 of Part IV of the Act**

- 3(1) For the purposes of clause 2(cc) and section 36 of the Act and in these regulations, **“watercourse”** includes a stream, creek, river, gully, valley floor, drainage ditch or any other channel, including any artificial channel, in which water flows either permanently or intermittently.
- (2) For the purposes of section 36(1)(a) of the Act and in these regulations, **“alter or cause to be altered”** does not include:
- (a) excavation and replacement of existing culverts but only if the excavation or replacement:
 - (i) is commenced and completed under dry conditions;
 - (ii) results in the culvert pipe being installed parallel to the natural channel;

- (iii) results in the culvert pipe being installed below the natural channel bed by a depth equivalent to at least 20% of the culvert diameter; and
 - (iv) incorporates, in the opinion of the minister, adequate erosion control measures at the inlet and outlet end of the culvert to prevent washout and damage to the bed or boundary;
- (b) directional boring or direct ploughing for the placement of utility lines, but only if all of the boring or ploughing work is commenced and completed under dry or frozen conditions; or
 - (c) cultivation of intermittent watercourses that have been continuously cultivated without interruption commencing on or before the date these regulations come into force.
- (3) For the purposes of section 36(1)(b) of the Act and in these regulations:
- (a) **“add”** includes the addition of sand, gravel or rock if that material is added for the purposes of excavating or replacing a culvert in the circumstances mentioned in clause (2)(a);
 - (b) **“remove”** does not include:
 - (i) removal of beaver dams or beaver houses by use of hand tools or dynamite;
 - (ii) removal of beaver dams by mechanical means, but only if:
 - (A) the removal does not result in the alteration of the bed, bank or boundary, including noticeable impact to the soil caused by equipment; and
 - (B) the material removed is placed in a way that it cannot be washed back into the watercourse.
- (4) For the purposes of section 36(1)(c) of the Act and in these regulations, **“remove vegetation”** does not include:
- (a) cutting, mowing, haying or swathing, but only if all that work is commenced and completed under dry or frozen conditions;
 - (b) grazing or watering of livestock, but only if the activity does not result in exposed soil, stream bank slumping or erosion;
 - (c) burning of vegetation or plant material, but only if the burning does not occur between May 1st and August 1st of each year;
 - (d) harvesting Crown timber in accordance with an approved plan prepared with respect to a licence issued pursuant to *The Forest Resources Management Act*;

- (e) cutting or removal of vegetation by hand tools or hydro-axing for the maintenance of existing utility lines, road allowances, ditches designed for the purpose of moving urban storm water or drainage ditches that are licenced or exempted under *The Drainage Control Regulations*, but only if all that work is commenced and completed under dry or frozen conditions; or
 - (f) removal of vegetation or plant material if that removal is for the purposes of excavating or replacing a culvert in the circumstances mentioned in clause (2)(a).
- (5) In subsections (2) to (4):
- (a) **“dry conditions”** means, with respect to soil, that the soil in the affected area is dry enough that vehicles or equipment used would not make a noticeable impact on the soil;
 - (b) **“frozen conditions”** means, with respect to soil, that the soil in the affected area is frozen solid enough that vehicles or equipment used would not make a noticeable impact on the soil;
 - (c) **“intermittent watercourse”** means a watercourse that normally does not experience year-round flow, and includes ephemeral streams that are usually inundated during spring snow melt or following a heavy rain event;
 - (d) **“mowing”** means cutting of vegetation, usually for hay or maintenance purposes, but does not include hydro-axing or use of other machines primarily designed to cut brush or trees.

13 Dec 2002 cE-10.21 Reg 1 s3.

Interpretation of “person responsible for a waterworks or sewage works”

4(1) For the purposes of section 18 of the Act and in these regulations, **“person responsible for a waterworks or sewage works”** means the permittee of the waterworks or sewage works and includes:

- (a) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of the permittee; and
 - (b) any principal or agent of a permittee or of a person mentioned in clause (a).
- (2) For the purposes of subsections 32(2) of the Act, **“person responsible for a waterworks”** includes, in addition to the persons mentioned in subsection (1), a permittee whose permit has been suspended or cancelled or whose permit has expired.
- (3) For the purposes of subsections 32(3) of the Act, **“person responsible for a sewage works”** includes, in addition to the persons mentioned in subsection (1), a permittee whose permit has been suspended or cancelled or whose permit has expired.

13 Dec 2002 cE-10.21 Reg 1 s4.

Guidelines adopted

5(1) For the purposes of these regulations, the following guidelines, as amended from time to time, are adopted:

- (a) the *Guidelines for Sewage Works Design*, EPB 203 as issued by the department and dated November, 2002;
- (b) the *Municipal Drinking Water Quality Monitoring Guidelines*, EPB 202, as issued by the department and dated November, 2002;
- (c) a *Guide to Waterworks Design*, EPB 201, as issued by the department and dated November, 2002.

(2) The minister shall cause the guidelines adopted pursuant to this section to be made available to the public in any manner that the minister considers likely to bring them to the public's attention, including causing them to be posted on the department's Internet website.

13 Dec 2002 cE-10.21 Reg 1 s5.

PART II**Exemptions from Requirement to obtain
a Permit under Part IV of the Act****Exempt discharges and works**

6(1) For the purposes of subsection 21(2) of the Act, all sewage works that are not municipal sewage works and that have a design flow of effluent that is 18 cubic metres or less per 24-hour period are exempt from the requirement to have a permit pursuant to section 21 of the Act.

(2) The following discharges are exempt from the requirements of clause 35(1)(a) of the Act:

- (a) a discharge from a sewage works that is not a municipal sewage works and that has a design flow of effluent that is 18 cubic metres or less per 24-hour period;
- (b) a discharge from pipes in a collection system owned or operated by a municipality if the pipes are located under the surface of the property on which the premises served by the collection system are located;
- (c) a discharge from piping fixtures comprising the plumbing within a building or structure;
- (d) a discharge from one of the following industrial effluent works:
 - (i) a facility that is operated for the disposal of salt water, sediment or other wastes from oil or gas well operation or development;
 - (ii) a facility that collects, stores or contains industrial waste in a building or the underground works of a mine if the industrial waste is not subsequently disposed of into the environment;

- (iii) a facility that handles or treats waste from abattoirs unless the design flow of effluent from the facility exceeds 18 cubic metres per 24-hour period;
 - (iv) a drainage works as defined in *The Saskatchewan Watershed Authority Act*;
 - (e) a discharge from an intensive livestock operation;
 - (f) a discharge from a waterworks or sewage works for which a permit pursuant to Division 2 of Part IV of the Act has been issued.
- (3) The construction, extension, alteration, installation or operation of the following industrial effluent works is exempt from the requirements of clause 35(1)(c) of the Act:
- (a) a facility that is operated for the disposal of salt water, sediment or other wastes from oil or gas well operation or development;
 - (b) a facility that collects, stores or contains industrial waste in a building or the underground works of a mine if the industrial waste is not subsequently disposed of into the environment;
 - (c) a facility that handles or treats waste from abattoirs unless the design flow of effluent from the facility exceeds 18 cubic metres per 24-hour period;
 - (d) a facility that handles or treats livestock waste from intensive livestock operations;
 - (e) a facility that is a drainage works as defined in *The Saskatchewan Watershed Authority Act*;
 - (f) a facility for the disposal of industrial waste into deep well formations if the disposal is approved pursuant to *The Oil and Gas Conservation Act* and the regulations pursuant to that Act;
 - (g) a pollutant control facility, as defined in *The Mineral Industry Environmental Protection Regulations, 1996*, that is regulated by those regulations.

13 Dec 2002 cE-10.21 Reg 1 s6.

PART III Permits under Division 3 of Part IV of the Act

Requirements for applications for permits

7(1) In this section:

- (a) **“aquatic guidelines”** means a *Guide to Aquatic Nuisances and their Control*, EPB 47, as issued by the department and dated November, 2002;
- (b) **“standards”** means the *Industrial Works Construction Application Standards*, as issued by the department and dated November, 2002.

(2) For the purposes of this Division, the following, as amended from time to time, are adopted:

(a) a *Guide to Aquatic Nuisances and their Control*, EPB 47, as issued by the department and dated November, 2002;

(b) the *Industrial Works Construction Application Standards*, as issued by the department and dated November, 2002.

(3) The minister shall cause the aquatic guidelines and standards adopted pursuant to this section to be made available to the public in any manner that the minister considers likely to bring them to the public's attention, including causing them to be posted on the department's Internet website.

(4) A person who applies for a permit pursuant to Division 3 of Part IV of the Act shall:

(a) file a written application with the minister in a form satisfactory to the minister;

(b) provide the information and materials required by:

(i) in the case of a permit required by clause 35(1)(b) of the Act, the aquatic guidelines;

(ii) in the case of a permit required by clause 35(1) (a) or (c) of the Act, the standards;

(iii) in the case of a permit required by section 36 of the Act, section 8 of these regulations; and

(c) provide any other information or materials that the minister may reasonably request.

13 Dec 2002 cE-10.21 Reg 1 s7.

Application for permit to alter shoreline, etc.

8 If a person applies for a permit required by section 36 of the Act, the person shall provide the following information and materials:

(a) information respecting the fish and wildlife species, vegetative cover, landforms, soil types and water bodies that the minister considers as likely to be affected by the activity that the applicant proposes to undertake;

(b) a location plan or site map for the land where the proposed activity is to take place showing:

(i) who is the registered owner of the land; and

(ii) any proposed development, including any proposed access roads, rights of way, stream crossings and borrow pits and the location and description of all stockpiles of materials and work camps, drawn to scale;

(c) if the permit applied for is to authorize construction, the details regarding construction materials to be used and a construction schedule, including the proposed date for commencing construction, the duration of construction and the completion of construction in or near water;

- (d) proposed measures to mitigate or prevent any potential impact of the proposed activity on aquatic and riparian habitats, including erosion and sediment control plans;
- (e) plans for restoring the environment after the proposed activity has been completed, including replacing or restoring vegetation;
- (f) any additional information and materials that the minister may reasonably request.

13 Dec 2002 cE-10.21 Reg 1 s8.

Decision respecting permits

9(1) If the minister receives an application and the information and material required by this Part, the minister shall:

- (a) either:
 - (i) if the minister is satisfied that the Act and these regulations have been complied with and that it is not contrary to the public interest to do so, issue a permit; or
 - (ii) refuse to issue a permit; and
 - (b) notify the applicant of the decision.
- (2) On issuing a permit, the minister may impose any terms and conditions on the permit that the minister considers appropriate.
- (3) Every permittee shall inform every employee, helper or agent of the permittee of the contents, terms and conditions of the permittee's permit before that employee, helper or agent performs any work pursuant to the permit.
- (4) No permittee shall fail to:
- (a) comply with any term or condition contained in the permit; or
 - (b) ensure that any employee, helper or agent complies with any term or condition contained in the permit.

13 Dec 2002 cE-10.21 Reg 1 s9.

Notification to minister of completion by permittee of construction, etc., authorized by permit

10 On completion of the construction, extension or alteration of the industrial effluent works for which a permit is issued, the permittee shall:

- (a) notify the minister in writing of the completion; and
- (b) if requested to do so by the minister, supply the minister with plans showing the works as actually constructed, extended or altered.

13 Dec 2002 cE-10.21 Reg 1 s10.

Amendment, suspension, cancellation of permits

11(1) In this section, “**permittee**” means a permittee who is governed by a permit issued pursuant to section 9.

- (2) A permittee may apply to the minister to cancel, amend or alter the permit.
- (3) On receipt of an application pursuant to subsection (2) and if the minister considers it appropriate to do so, the minister may cancel, amend or alter the permit.
- (4) The minister may cancel, amend, alter or suspend any permit issued pursuant to section 9, in whole or in part, if:
 - (a) the permittee fails to comply with any term or condition of the permit or has contravened the Act, these regulations or any order made pursuant to the Act or these regulations;
 - (b) the permittee makes any false or misleading statement in any application, information, materials or plans supplied pursuant to the Act or these regulations in support of an application for a permit;
 - (c) the permit was issued as a result of a clerical or administrative error or mistake;
 - (d) unauthorized changes or alterations are made to the activity or works governed by the permit; or
 - (e) the minister is satisfied that it is in the public interest to do so.
- (5) Subject to subsection (8), before the minister does any of the things mentioned in subsection (4), the minister shall give the permittee:
 - (a) written notice of the minister’s intention to cancel, amend, alter, or suspend the permit, and the reasons for doing so; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the permit should not be cancelled, amended, altered, or suspended.
- (6) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (5).
- (7) After receiving the representations mentioned in subsection (5), the minister shall issue a written decision and shall serve the decision on the person who made the representations.
- (8) If the minister considers that it is necessary to protect human health or public safety, the minister may immediately cancel, amend, alter or suspend any permit issued pursuant to section 9 without complying with subsection (5) but, if the minister does so, the minister shall give the permittee:
 - (a) written notice of the minister’s action as soon as is practicable; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, requesting the minister to reconsider the decision to cancel, amend, alter or suspend.

(9) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (8).

(10) After receiving the representations mentioned in subsection (8), the minister shall issue a written decision and shall serve the decision on the person who made the representations.

(11) If the minister cancels, amends, alters or suspends a permit issued pursuant to section 9, the minister:

(a) may issue any additional order that the minister considers appropriate requiring any repair, restoration or remediation of the environment; and

(b) in an order mentioned in clause (a), shall specify the period within which the order must be complied with.

(12) No person to whom an order pursuant to subsection (11) is directed shall fail to comply with that order.

13 Dec 2002 cE-10.21 Reg 1 s11.

PART IV Water Pollution Control

DIVISION 1 Interpretation, Compliance and Permits

Interpretation and compliance

12(1) In this Part, “**permittee**” means a person to whom a permit has been issued pursuant to this Part for a sewage works or industrial effluent works and includes:

(a) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of the permittee; and

(b) any principal or agent of a permittee or of a person mentioned in clause (a).

(2) Every permittee:

(a) shall comply with this Part; and

(b) shall cause the sewage works or industrial effluent works, as the case may be, to conform with this Part.

13 Dec 2002 cE-10.21 Reg 1 s12.

Applications for sewage works permit

13(1) In this section, “**guidelines**” means a *Guide for Sewage Works Design*, EPB 203, adopted pursuant to section 5.

(2) A person who applies for a permit for a sewage works pursuant to Division 2 of Part IV of the Act shall:

(a) file a written application with the minister in a form satisfactory to the minister; and

(b) provide the information and materials required by the guidelines.

13 Dec 2002 cE-10.21 Reg 1 s13.

DIVISION 2
Operational Matters

No interconnection between sanitary sewers and storm sewers

14 No permittee shall cause any sanitary sewers and storm sewers to be interconnected in a manner that permits sewage in the sanitary sewer to be discharged through the storm sewer.

13 Dec 2002 cE-10.21 Reg 1 s14.

Pumping stations

15(1) A pumping station that is a part of a sewage works or industrial effluent works must have mechanically forced air ventilation.

(2) A water outlet or any of its component parts that may come in contact with sewage or industrial waste in a sewage works or industrial effluent works must be equipped with a backflow prevention device that, in the opinion of the minister, is effective.

13 Dec 2002 cE-10.21 Reg 1 s15.

Wastewater treatment facilities

16(1) This section applies to wastewater treatment facilities.

(2) Wastewater treatment facilities must be operated so as to produce effluent that meets the requirements set out in the permittee's permit, these regulations and any other relevant regulations made pursuant to the Act.

(3) Unless otherwise set out in the permittee's permit, all wastewater treatment facilities in a sewage works must include:

- (a) a secondary treatment process that produces effluent with no more than:
 - (i) 30 milligrams per litre of BOD₅ or CBOD₅; and
 - (ii) 30 milligrams per litre of total suspended solids; or
- (b) facultative lagoons designed in accordance with subsection (4).

(4) Unless otherwise set out in the permittee's permit, all facultative lagoons must be designed to have:

- (a) a minimum of two basins operating in series;
- (b) primary basins with a surface area sufficient to ensure that a BOD₅ loading of not greater than 30 kilograms per hectare per day will be applied; and
- (c) a combined storage capacity in all basins, other than the primary basins, of at least 180 days of sewage flow into the basins for the service connections and population to be served by the sewage works.

13 Dec 2002 cE-10.21 Reg 1 s16.

Report required re any upset conditions

17(1) In this section, “**upset condition**” means any abnormal conditions, anomalies or interruptions in the treatment process or the collection system within the sewage works or industrial effluent works that could adversely affect the quality of effluent discharged into the environment.

(2) Every permittee and every employee, agent or contractor engaged by a permittee shall immediately report to the minister any known or anticipated upset condition, bypass condition or event at or affecting a sewage works or industrial effluent works that could adversely affect the quality of effluent discharged to the environment.

13 Dec 2002 cE-10.21 Reg 1 s17.

Disinfection of effluent

18(1) In the permittee’s permit, the minister may require the permittee to disinfect any effluent from the sewage works or industrial effluent works.

(2) Every permittee and every employee, agent or contractor engaged by a permittee shall immediately report to the minister any instance where:

- (a) disinfection equipment required by the permittee’s permit fails; or
- (b) the level of disinfection required by the permittee’s permit is not achieved or not anticipated to be achieved.

13 Dec 2002 cE-10.21 Reg 1 s18.

Required testing of sewage works and industrial effluent works

19 Every permittee shall:

- (a) cause tests to be conducted and information to be collected as required in the permittee’s permit;
- (b) cause operational records or logs to be maintained, including information respecting:
 - (i) maintenance work and any failure of treatment components;
 - (ii) types, dosages and total amounts of chemicals or other substances added to the sewage or industrial waste;
 - (iii) dates of discharge of sewage or industrial waste and the volumes of discharge;
 - (iv) locations from which samples for any tests are taken; and
 - (v) the results of any tests conducted on the samples taken pursuant to subclause (iv);
- (c) promptly make available the operational records or logs mentioned in clause (b) and the results of the tests conducted and the information collected pursuant to clause (a) to the minister or to the public as required by the permit or requested by the minister; and
- (d) promptly provide the minister with any additional information that the minister may reasonably request respecting the operation of the permittee’s sewage works or industrial effluent works.

13 Dec 2002 cE-10.21 Reg 1 s19.

PART V
Waterworks
DIVISION 1
Application of Part and Exemptions

Application of Part

20(1) This Part applies to the following waterworks that supply water for a human consumptive use or hygienic use:

- (a) all municipal waterworks;
 - (b) all municipal wells that are connected to a distribution system;
 - (c) all water pipelines connected to a municipal waterworks, regardless of volume of water supplied or number of service connections;
 - (d) all water pipelines, not otherwise connected to a municipal waterworks, serving 15 or more service connections;
 - (e) all waterworks, other than those mentioned in clauses (a) to (d), with a design flow exceeding 18 cubic metres in any 24-hour period.
- (2) This Part does not apply to the following:
- (a) pipes in a distribution system owned or operated by a permittee if the pipes are located under the surface of the property on which the premises served by the distribution system are located;
 - (b) piping fixtures comprising the plumbing within a building.

13 Dec 2002 cE-10.21 Reg 1 s20.

Certain works designated as waterworks

21 The waterworks mentioned in subsection 20(1) are designated as waterworks for the purposes of clause 2(gg) of the Act and these regulations.

13 Dec 2002 cE-10.21 Reg 1 s21.

DIVISION 2
Requirements for Suppliers of Water for Hygienic Use

Requirements for municipal waterworks and wells

22(1) This section applies to the following waterworks that are governed by this Part:

- (a) municipal waterworks;
 - (b) municipal wells that are connected to a distribution system.
- (2) If authorized by the permittee's permit to supply water for hygienic use, the permittee must comply with the following requirements:
- (a) the water must be produced, stored, managed, conveyed and monitored in accordance with the requirements set out in this Part for water intended or used for hygienic use;

- (b) a source of water that is suitable and safe for human consumption must be provided by alternative means to the consumers of water from the waterworks;
- (c) in the case of source water drawn from a surface water source or a ground water source under the direct influence of surface water, the water must be disinfected to meet the standards set out in subsection 30(6);
- (d) if the waterworks draws source water from a ground water source that is beyond the direct influence of surface water:
 - (i) the water must be disinfected to meet the standards set out in subsection 30(6); or
 - (ii) the permittee must satisfy the minister that 90% of routine bacteriological samples of water from the waterworks have met the requirements of subclause 32(1)(a)(i) over any period of one year.

13 Dec 2002 cE-10.21 Reg 1 s22.

Requirements for other waterworks

23(1) This section applies to the following waterworks that are governed by this Part:

- (a) water pipelines connected to a municipal waterworks regardless of volume of water supplied or number of service connections;
 - (b) water pipelines, not otherwise connected to a municipal waterworks or distribution system, serving 15 or more service connections;
 - (c) waterworks, other than those mentioned in section 22 or in clauses (a) and (b), with a design flow exceeding 18 cubic metres in any 24-hour period.
- (2) If authorized by the permittee's permit to supply water for hygienic use, the permittee must comply with the following requirements:
- (a) the water must be produced, stored, managed, conveyed and monitored in accordance with the requirements set out in this Part for water intended or used for hygienic use;
 - (b) in the case of source water drawn from a surface water source or a ground water source under the direct influence of surface water, the water must be disinfected to meet the standards set out in subsection 30(6); and
 - (c) in the case of a waterworks drawing source water from a ground water source that is beyond the direct influence of surface water:
 - (i) the water must be disinfected to meet the standards set out in subsection 30(6); or
 - (ii) the permittee must satisfy the minister that 90% of routine bacteriological samples of water from the waterworks have met the requirements of subclause 32(1)(a)(i) over any period of one year.

- (3) No person shall supply water to consumers for hygienic use unless:
- (a) the person is a permittee who is in compliance with section 22 or this section; and
 - (b) the water is from a waterworks, well or pipeline that meets the requirements of this section.

13 Dec 2002 cE-10.21 Reg 1 s23.

DIVISION 3

Information and Materials for Waterworks Permits

Information and materials for waterworks permits

24(1) In this section, “**guidelines**” means a *Guide to Waterworks Design*, EPB 201, adopted pursuant to section 5.

- (2) A person who applies for a permit for a waterworks pursuant to Division 2 of Part IV of the Act shall:
- (a) file a written application with the minister in a form satisfactory to the minister; and
 - (b) provide the information and materials required by the guidelines.

13 Dec 2002 cE-10.21 Reg 1 s24.

DIVISION 4

Operation of Facilities Associated with Waterworks

Water wells

25(1) In this section, “**approved person**” means a person who holds an approval pursuant to *The Saskatchewan Watershed Authority Act* to construct, extend, alter or operate a well that is used as a source of water in a waterworks.

- (2) Every approved person shall ensure that the well:
- (a) has a durable well casing;
 - (b) is constructed of new materials; and
 - (c) is constructed and maintained to prevent the entry of surface water, dirt or other material into the well casing.
- (3) If the water is used or is intended to be used as a source of water for a human consumptive use or a hygienic use, the approved person shall ensure that the well is cleaned and disinfected:
- (a) during drilling operations;

- (b) after the well has been completely constructed but before use; and
- (c) each time after:
 - (i) a new pump has been installed; or
 - (ii) maintenance or repairs have been carried out on a well or pump that is connected to the well.

13 Dec 2002 cE-10.21 Reg 1 s25.

Water pipes

26(1) Subject to subsections (2) and (3), no permittee shall install:

- (a) a water pipe in a trench with a sewer pipe; or
 - (b) a sewer pipe in a trench with a water pipe.
- (2) If the minister is satisfied that it is in the public interest to do so, the minister may authorize a permittee in the permit to install a water pipe in a trench with a sewer pipe if:
- (a) the lowest portion of the water pipe is placed at least 600 millimetres above the highest portion of the sewer pipe in a vertical plane;
 - (b) the water pipe is horizontally separated from the sewer pipe by at least 300 millimetres; and
 - (c) the sewer pipe is not under internal pressure.
- (3) Subsection (1) does not apply to a service connection if the sewer pipe is not under internal pressure and is not located above the water pipe.
- (4) The permittee of a water pipe used to supply water intended for a human consumptive use or hygienic use shall cause the water pipe to be cleaned, disinfected and pressure tested before the commencement of its use.

13 Dec 2002 cE-10.21 Reg 1 s26.

Water storage reservoirs

27(1) This section applies to reservoirs used to store water intended or used for human consumptive use or hygienic use.

- (2) Every permittee shall ensure that every reservoir that is part of the permittee's waterworks:
- (a) has a watertight cover;
 - (b) is maintained in a state that is, in the opinion of the minister, of good repair; and
 - (c) otherwise complies with this section.
- (3) All manholes providing access to an underground or ground level reservoir must be at least 150 millimetres above the grade of the surrounding area and the grade must be sloped away from the reservoir to prevent flooding by surface run-off.

- (4) All manholes providing access to a reservoir must:
 - (a) be equipped with a tight-fitting cover designed to prevent entry of water; and
 - (b) if the reservoir is located outdoors, be kept locked at all times except when being used by persons authorized by the permittee to enter the reservoir.
- (5) All pipes that pass through a reservoir must be constructed and maintained to prevent contaminants from entering the water storage reservoir.
- (6) An opening or pipe used to ventilate a reservoir must:
 - (a) be designed to prevent the entry of birds, rodents, rain water or foreign matter; and
 - (b) be screened.

13 Dec 2002 cE-10.21 Reg 1 s27.

Water treatment facilities and pump houses

28 Every permittee whose waterworks supplies water intended or used for human consumptive use or hygienic use shall ensure that:

- (a) the floor of every water treatment facility or pump house is designed so that drainage occurs only into the floor drains or sumps in the water treatment facility or the pump house;
- (b) every drain line that connects a treatment component in a water treatment facility to a sanitary sewer has a trap that contains water at all times;
- (c) all pipes that connect the discharge pipe from a treatment component in a water treatment facility or pump house to a sanitary sewer are equipped with a backflow prevention device that is, in the opinion of the minister, effective;
- (d) every water treatment facility or pump house is equipped with a meter that records the volume of water passing through the water treatment facility or pump house;
- (e) every chemical feeder in a water treatment facility or pump house is equipped with a device that is capable of adjusting the rate of chemical applied; and
- (f) every water treatment facility and pump house is maintained in a clean and orderly condition satisfactory to the minister.

13 Dec 2002 cE-10.21 Reg 1 s28.

DIVISION 5
Operation of Waterworks

Adoption of drinking water guidelines

29(1) In this Division and in Division 6, “**drinking water guidelines**” means all or that part of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, that the minister adopts pursuant to subsection (2).

(2) The minister may adopt all or any part of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, for the purposes of this Division.

(3) If the minister adopts all or any part of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, the minister shall cause a notice of the adoption to be published in the Gazette.

(4) No permittee shall fail to comply with the drinking water guidelines.

(5) If there is a conflict between a standard set out in the drinking water guidelines, a standard set out in Table 2 in the Appendix and a standard set out in the permittee’s permit, the permittee shall comply with the more stringent standard.

13 Dec 2002 cE-10.21 Reg 1 s29.

Chemical treatment standards for water

30(1) In this section, “**standards**” means “Drinking Water Treatment Chemicals – Health Effects”, NSF/ANSI 60-2002 and dated June 28, 2002.

(2) For the purposes of this section, “Drinking Water Treatment Chemicals – Health Effects”, NSF/ANSI 60-2002 and dated June 28, 2002, as amended from time to time, is adopted.

(3) No person shall use a chemical to treat water intended or used for human consumptive use or hygienic use unless:

- (a) the chemical is listed in accordance with the standards;
- (b) that person provides evidence to the minister that the chemical is equivalent to a chemical listed in the standards; or
- (c) the chemical is an approved chemical.

(4) No permittee shall cause the operation of a distribution system, or portion of a distribution system, that is new, altered, extended or repaired to commence operation until it has been disinfected.

(5) Every permittee of a waterworks supplying water for human consumptive use shall cause continuous disinfection by chlorination, or other approved means, of the water entering a distribution system and of the water throughout the distribution system.

(6) Unless otherwise set out in the permit, every permittee shall cause to be maintained:

- (a) a free chlorine residual of not less than 0.1 milligrams per litre in the water entering a distribution system; and
- (b) a total chlorine residual of not less than 0.5 milligrams per litre or a free chlorine residual of not less than 0.1 milligrams per litre in the water throughout the distribution system.

(7) If a permittee applies fluoride to water, the permittee shall ensure that equipment used to apply the fluoride to water in the waterworks is operated in a manner that will maintain control of chemical dosages that is, in the opinion of the minister, proper.

13 Dec 2002 cE-10.21 Reg 1 s30.

Standards for constituents in water – new or altered waterworks

31(1) In this section, “**alter**” means, with respect to a waterworks, a change in the water source or water treatment process used by the waterworks.

(2) Subject to subsection (3), every permittee of a waterworks that is constructed, commissioned or altered after the coming into force of these regulations shall ensure that water from the waterworks meets the following standards before the permittee supplies water to its consumers:

- (a) the standards set out in Table 2 in the Appendix and the standards set out in the permittee’s permit;
- (b) the standards for microbiological characteristics specified in section 32, and that section applies with any necessary modification for the purposes of this section;
- (c) the turbidity, protozoan and viral standards specified in section 33.

(3) Subsection (2) does not apply to a waterworks for which all or any part of the construction design plans have been submitted to the minister on or before the day that these regulations come into force.

(4) Waterworks mentioned in subsection (3) are deemed to be existing waterworks for the purposes of these regulations.

13 Dec 2002 cE-10.21 Reg 1 s31.

Standards for microbial and bacteriological constituents in water – existing waterworks

32(1) On the coming into force of these regulations, every permittee of an existing waterworks supplying water intended or used for human consumptive use or hygienic use shall cause to be maintained throughout the distribution system water that has:

- (a) the following levels, unless otherwise set out in the permittee’s permit:
 - (i) total coliform levels of zero organisms detectable per 100 millilitres;

- (ii) fecal coliform levels of zero organisms detectable per 100 millilitres; and
 - (iii) background bacteria levels on a total coliform or a fecal coliform membrane filtration plate of less than 200 organisms per 100 millilitres or no overgrowth; or
- (b) if permitted by the permittee's permit, no presence of total coliform or *Escherichia coli* as determined:
- (i) if required by the permit authorizing the operation of the waterworks, in the case of microbiological constituents by initial field presence/absence tests that meet specification 9223 in *Standard Methods for the Examination of Water and Wastewater*, 20th edition, 1998, as issued by the American Public Health Association, as amended from time to time; or
 - (ii) by any other approved method.
- (2) For the purposes of this section, specification 9223 in *Standard Methods for the Examination of Water and Wastewater*, 20th edition, 1998 as issued by the American Public Health Association, as amended from time to time, is adopted.

13 Dec 2002 cE-10.21 Reg 1 s32.

Water turbidity standards – water for human consumptive use

33(1) In this section, “NTU” means Nephelometric Turbidity Units.

(2) Subject to subsections (3) and (4), unless otherwise set out in the permittee's permit, every permittee of a waterworks supplying water intended or used for human consumptive use shall cause the following applicable water turbidity, protozoan and viral standards to be maintained:

- (a) in the case of a surface water treatment plant employing chemically assisted filtration:
 - (i) if the monthly average of daily source water turbidity is greater than or equal to 1.5 NTU, the water turbidity levels from each filter must:
 - (A) not exceed 0.3 NTU:
 - (I) in at least 95% of the discrete measurements made for each calendar month; or
 - (II) if continuous turbidity monitoring is employed, at least 95% of the time for each calendar month;
 - (B) if continuous turbidity monitoring is employed, not exceed 0.3 NTU for more than 12 consecutive hours; and
 - (C) not exceed 1.0 NTU at any time;

- (ii) if the monthly average of daily source water turbidity is less than 1.5 NTU, the water turbidity levels from each filter must:
 - (A) not exceed 0.2 NTU:
 - (I) in at least 95% of the discrete measurements made for each calendar month; or
 - (II) if continuous turbidity monitoring is employed at least 95% of the time each calendar month;
 - (B) if continuous turbidity monitoring is employed, not exceed 0.2 NTU for more than 12 consecutive hours; and
 - (C) not exceed 1.0 NTU at any time;
- (b) in the case of a surface water treatment plant employing membrane filtration, water turbidity levels from each filter must:
 - (i) be less than or equal to 0.1 NTU:
 - (A) in at least 95% of the discrete measurements made for each calendar month; or
 - (B) if continuous turbidity monitoring is employed, at least 95% of the time each calendar month; and
 - (ii) not exceed 0.3 NTU at any time;
- (c) in the case of slow sand filtration or diatomaceous earth filtration, the water turbidity levels from each filter must:
 - (i) not exceed 1.0 NTU:
 - (A) in at least 95% of the discrete measurements made for each calendar month; or
 - (B) if continuous turbidity monitoring is employed, at least 95% of the time each calendar month;
 - (ii) if continuous turbidity monitoring is employed, not exceed 1.0 NTU for more than 12 consecutive hours; and
 - (iii) not exceed 3.0 NTU at any time;
- (d) in the case of any surface water filtration technology, other than those mentioned in clause (a), (b) or (c), that is used in combination with disinfection, protozoan and viral levels for the water must reliably achieve, to the satisfaction of the minister, at least:
 - (i) a 3-log reduction of *Giardia lamblia* and *Cryptosporidium parvum*; and
 - (ii) a 4-log reduction of viruses;

- (e) in the case of a ground water treatment plant, for water entering the distribution system or water pipelines, turbidity levels must not exceed 1.0 NTU:
- (i) in at least 95% of the discrete measurements made for each calendar month; or
 - (ii) at least 95% of the time each calendar month if continuous turbidity monitoring is employed.
- (3) For the purposes of clause (2)(d), the permittee must demonstrate to the satisfaction of the minister that the levels mentioned in that clause are being achieved through pilot studies or other approved means.
- (4) In the case of existing waterworks supplying water intended or used for human consumptive use serving:
- (a) a population of less than 5 000 persons, the turbidity, protozoan and viral standards prescribed in subsection (2) must be complied with within six years after the date that these regulations come into force; or
 - (b) a population of 5 000 or more persons, the turbidity, protozoa and viral standards prescribed in subsection (2) must be complied with within four years after the date that these regulations come into force.

13 Dec 2002 cE-10.21 Reg 1 s33.

Chemical standards – water for human consumptive use supplied by existing waterworks

- 34(1) Subject to subsections (2) and 29(5), the permittee of an existing waterworks supplying water intended or used for human consumptive use shall cause drinking water to be maintained to a standard that meets:
- (a) the standards set out in Table 2 in the Appendix; and
 - (b) the standards set out in the permittee's permit.
- (2) For the purposes of subsection (1), the requirements prescribed by that subsection must be shown to have been met through monitoring requirements that are set out in the permittee's permit authorizing the operation of the waterworks.
- (3) In the case of existing waterworks supplying water intended or used for human consumptive use serving:
- (a) a population of less than 5 000 persons, the drinking water quality requirements prescribed in subsection (1) must be complied with within eight years after the date that these regulations come into force; or
 - (b) a population of 5 000 or more persons, the drinking water quality requirements prescribed in subsection (1) must be complied with within six years after the date that these regulations come into force.

13 Dec 2002 cE-10.21 Reg 1 s34.

Assessment and audit of water – water for human consumptive use

35(1) Subject to subsections (2) to (5), the permittee of a waterworks supplying water intended or used for human consumptive use shall ensure that an independent engineering assessment of the following respecting the waterworks is conducted at least once every five years:

- (a) the waterwork's performance;
- (b) the waterwork's condition;
- (c) the waterwork's capacity;
- (d) the waterwork's functionality;
- (e) the waterwork's processes;
- (f) the waterwork's optimization;
- (g) the waterwork's sustainability;
- (h) the waterwork's maintenance.

(2) An assessment conducted pursuant to this section must be conducted in accordance with the standards developed by the minister.

(3) The first assessment required pursuant to subsection (1) must be completed by December 31, 2005.

(4) An assessment is to be done at the sole expense of the permittee of the waterworks.

(5) The permittee of a waterworks supplying water intended or used for human consumptive use shall report the findings of an independent assessment required by this section to the minister within 90 days after the completion of the assessment.

13 Dec 2002 cE-10.21 Reg 1 s35.

Required notices – water for hygienic use

36 If a waterworks is intended to supply water for hygienic use, the permittee of the waterworks shall ensure that:

- (a) at least twice every year, the owner of every service connection is notified in writing respecting the restrictions on water use;
- (b) at least once every year, the owner of every service connection is supplied with self-adhesive advisory labels that:
 - (i) are acceptable to the minister; and
 - (ii) are to be attached adjacent to taps within the structure so as to advise users that the water is not safe for human consumption;
- (c) the waterworks, standpipes, fill pipes and other publicly accessible water sources found on the distribution system are continuously posted with a notice that the water is not safe for human consumption; and
- (d) the minister is advised at least once each year as to all measures taken to advise users that the water is not safe for human consumption.

13 Dec 2002 cE-10.21 Reg 1 s36.

What is required if unusual operational anomalies, etc.

37(1) Every permittee of a waterworks and every employee, agent or contractor engaged by a permittee shall immediately report to the minister any known or anticipated upset condition, bypass condition or events at or affecting a waterworks that could adversely affect the quality of water produced by the waterworks.

(2) The persons mentioned in subsection (1) shall immediately report to the minister any instance where:

- (a) disinfection equipment fails; or
- (b) the level of disinfection required by section 30 is not achieved or is not anticipated to be achieved.

13 Dec 2002 cE-10.21 Reg 1 s37.

DIVISION 6 Water Samples and Tests

Accredited laboratory

38(1) Subject to subsections (2) and (3), on and after March 31, 2004, an accredited laboratory must perform any analysis pursuant to this Division in accordance with the parameters for which it has been accredited.

(2) For the purposes of this Division, if an accredited laboratory is not specifically accredited to perform an analysis required by this Division:

- (a) the minister may approve any analytical protocols and procedures that the minister considers necessary to ensure that water is properly tested; and
- (b) the accredited laboratory performing analysis pursuant to this Division shall perform the analysis in accordance with the analytical protocols and procedures authorized pursuant to clause (a).

(3) If the minister approves any analytical protocols and procedures pursuant to subsection (2), the minister shall cause those protocols and procedures to be made available to the public in any manner that the minister considers likely to bring them to the public's attention, including causing them to be posted on the department's Internet website.

13 Dec 2002 cE-10.21 Reg 1 s38.

Testing, test results and notice of test results

39(1) Every permittee of a waterworks shall:

- (a) cause water samples to be taken regularly during the operation of the waterworks to test for bacteria and chlorine, and for any other constituents that the permittee's permit requires to be monitored, at those locations and times and at a frequency:
 - (i) specified in the permittee's permit; or
 - (ii) as directed by an order made pursuant to the Act; and
- (b) subject to subsections (2) and (3), submit the water samples taken pursuant to clause (a) for analysis to an accredited laboratory.

- (2) A water sample taken for the purposes of analysis pursuant to subclause 32(1)(b)(i) may be submitted to an accredited laboratory or to any approved laboratory.
- (3) A permittee may perform tests on water samples taken for the purposes of analysis for on-site total chlorine residuals, free chlorine residuals or turbidity monitoring and need not submit those water samples for testing to an accredited laboratory.
- (4) If the results of any sample test taken pursuant to subsection (1) show that the level of any bacteria or any other constituent in the treated water exceeds the level or range set out in these regulations, the permittee shall:
- (a) in the case a test result showing the presence of total coliforms, fecal coliforms, *Escherichia coli* or 200 or more organisms per 100 millilitres as an overgrowth of background bacteria, conduct any additional testing in accordance with the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment*, EPB 205, dated November 2002 as issued by the department;
 - (b) in the case of any other constituent that exceeds a level set out in these regulations, conduct any additional testing at the times and frequencies and in the manner directed by the minister.
- (5) For the purposes of this section, the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment*, EPB 205, dated November 2002 as issued by the department, as amended from time to time, is adopted.
- (6) If the minister considers it to be necessary, the minister may direct a permittee to conduct any further sampling and testing, in addition to that conducted pursuant to subsection (1), to monitor:
- (a) the quality of the water in the waterworks; or
 - (b) the efficacy of the treatment process.
- (7) Subject to subsection (8), any laboratory that conducts any analysis of water samples from a waterworks shall, within seven days after the date of completion of the analysis, report the results of the analysis to:
- (a) the permittee of the waterworks; and
 - (b) the minister.
- (8) If a sample submitted in accordance with subsection (1) or (6) shows the presence of total coliforms, fecal coliforms, *Escherichia coli* or 200 or more organisms per 100 millilitres as an overgrowth of background bacteria, the laboratory that conducted the analysis shall:
- (a) notify the minister in accordance with the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment* mentioned in subsection (5); and
 - (b) within 72 hours after obtaining the result, send a written copy of the result to the permittee who submitted the samples and to the minister.

(9) On being notified pursuant to subsection (8), the permittee of the waterworks shall:

- (a) immediately notify the minister of the measures the permittee has taken and intends to take to remedy the situation in relation to the testing results;
- (b) notify consumers served by the waterworks of the measures mentioned in clause (a) in the manner and within the time that is directed by the minister in accordance with the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment* mentioned in subsection (5); and
- (c) take any other action in relation to the results of testing and quality of water that the minister may direct to protect human health or public safety.

13 Dec 2002 cE-10.21 Reg 1 s39.

Required testing after completion, alteration, extension or repair

40 Every permittee of a waterworks supplying water for human consumptive use or hygienic use shall cause samples of water from any part of the waterworks, including the distribution system or portion of the distribution system, that is new, altered, extended or repaired to be analysed for bacteria in a laboratory as soon as possible after the completion of the new waterworks or the alteration, extension or repair.

13 Dec 2002 cE-10.21 Reg 1 s40.

Fluoride in potable water

41(1) If fluoride is applied to potable water, the permittee of a waterworks shall submit samples of water from the waterworks to an accredited laboratory for fluoride analysis.

(2) The samples mentioned in subsection (1) must be taken at the locations and times and in the frequency and manner set out in the permit.

13 Dec 2002 cE-10.21 Reg 1 s41.

Operational records to be kept

42(1) Every permittee of a waterworks shall cause operational records or logs to be maintained, including records of the following:

- (a) the total water pumped into the distribution system on a daily basis or the total raw water used;
- (b) the types, dosages and total amounts of chemicals applied to the water for treatment;
- (c) the locations from which samples for any tests conducted by the permittee of the waterworks were taken in accordance with the permittee's permit and the name of the person who conducted the sampling or testing and the results of those tests;
- (d) any departures from normal operating procedures that may have occurred and the time and date that they occurred;

- (e) any instructions that were given during operation of the waterworks to depart from normal operating practices and the name of the person who gave the instructions;
 - (f) any upset condition or bypass condition, the time and date of the upset condition or bypass condition and measures taken to notify others and resolve the upset condition or bypass condition;
 - (g) any condition of low disinfectant levels, the time, date and location of occurrence and measures taken to restore disinfectant levels to required values;
 - (h) the dates and results of calibrating any metering equipment and testing instruments; and
 - (i) the dates and types of maintenance performed on equipment and any actions taken to ensure the normal operations of the waterworks.
- (2) Every permittee of a waterworks shall cause the operational records or logs mentioned in subsection (1) to be recorded and maintained in the following manner:
- (a) operational records or logs must be made in chronological order, with the dates, times and testing locations clearly indicated;
 - (b) entries in an operational record or log must only be made by the permittee;
 - (c) any person making an entry in an operational record or log must do so in a manner that allows the person to be unambiguously identified as the maker of the entry;
 - (d) operational records or logs must be maintained for at least five years;
 - (e) any anomalies or instances of missing entries in an operational record or log must be accompanied by explanatory notes;
 - (f) operational records or logs must only contain data or information that is actually observed or produced;
 - (g) operational records or logs must not contain default values generated manually or by automated means;
 - (h) operational records or logs maintained pursuant to clause (d) must be made available promptly on request of the minister.

13 Dec 2002 cE-10.21 Reg 1 s42.

Water assurance and quality control policy and record keeping – water for human consumptive use

- 43(1)** On and after December 31, 2003, every permittee of a waterworks supplying water intended or used for human consumptive use shall have in place a written quality assurance and quality control policy that is satisfactory to the minister.
- (2) On and after December 31, 2003, every permittee of a waterworks shall review the records and logs kept pursuant to section 42 on a monthly basis to ensure that operating parameters and water quality parameters applicable to the operation of the waterworks are being achieved.

(3) If a review of the records and logs mentioned in subsection (2) indicates that the quality of water from the waterworks has been adversely affected, the permittee shall report the findings to the minister as soon as is reasonably practicable after the review has been done.

13 Dec 2002 cE-10.21 Reg 1 s43.

Annual notice to consumers

44(1) At least once each year, every permittee of a waterworks supplying water intended or used for human consumptive use or hygienic use shall provide consumers supplied by the waterworks with a notification of:

- (a) the quality of water produced or supplied by the waterworks in comparison with the levels set out in these regulations; and
 - (b) the permittee's compliance with sample submission requirements described in the permittee's permit.
- (2) As soon as possible after complying with subsection (1), the permittee shall provide the minister with written notice of the permittee's compliance.

13 Dec 2002 cE-10.21 Reg 1 s44.

PART VI
Certification

DIVISION 1
Interpretation and Application of Part

Interpretation of Part

45 In this Part:

- (a) **“board”** means the Operator Certification Board continued pursuant to section 47;
- (b) **“certificate”** means a certificate issued to an operator by the board pursuant to section 66 and includes a certificate issued to an operator in training;
- (c) **“operator”** means a person who adjusts, inspects or evaluates a process that controls the effectiveness or efficiency of sewage works or waterworks and includes:
 - (i) a person who adjusts or directs the flow, pressure or quality of the water within sewage works or waterworks; and
 - (ii) an operator in training.

13 Dec 2002 cE-10.21 Reg 1 s45.

Application of Part

46(1) This Part applies to:

- (a) municipal waterworks that produce or supply water intended or used for human consumptive use;
 - (b) municipal sewage works;
 - (c) municipal wells that are connected to a distribution system and that produce or supply water intended or used for human consumptive use;
 - (d) waterworks that produce or supply water intended or used for human consumptive use, in addition to municipal waterworks, having a design flow exceeding 18 cubic metres over any 24-hour period;
 - (e) sewage works, in addition to municipal sewage works, having a design flow of sewage exceeding 18 cubic metres over any 24-hour period;
 - (f) all water pipelines connected to a municipal waterworks, regardless of volume of water supplied or number of service connections; and
 - (g) all water pipelines, not otherwise connected to a municipal waterworks, serving 15 or more service connections.
- (2) This Part does not apply to a waterworks producing or supplying water intended or used for hygienic use.

13 Dec 2002 cE-10.21 Reg 1 s46.

DIVISION 2
Operator Certification Board

Board continued

47 The Operator Certification Board is continued as a corporation.

13 Dec 2002 cE-10.21 Reg 1 s47.

Membership of board

48(1) The board consists of at least three but not more than seven persons appointed by the minister who, in the minister's opinion, have experience with waterworks or sewage works.

- (2) Each member of the board:
- (a) holds office at pleasure for a term not exceeding three years that is specified in the appointment;
 - (b) is eligible for reappointment; and
 - (c) continues in office until a successor is appointed.
- (3) Members of the board are entitled to:
- (a) remuneration at a rate determined by the board; and
 - (b) reimbursement for expenses in accordance with the rates paid to members of the public service in Saskatchewan.

- (4) If a member of the board dies or resigns, the person ceases to be a member of the board on the date of death or on the date that a written resignation is received by the board, as the case may be.
- (5) If the office of a member of the board becomes vacant, the minister may:
- (a) appoint another person for the remainder of the term of the person who vacated the office; or
 - (b) appoint another person for the term mentioned in subsection (2).
- (6) A vacancy in the office of a member of the board does not impair the power of the remaining members of the board to act.

13 Dec 2002 cE-10.21 Reg 1 s48.

Board of directors and chairperson

- 49(1)** A board of directors consisting of the members of the board shall manage the business and affairs of the board.
- (2) The members of the board shall designate from amongst their number a chairperson and a vice-chairperson.
- (3) The vice-chairperson shall exercise the powers and perform the duties of the chairperson whenever the chairperson is absent or otherwise unable to act.

13 Dec 2002 cE-10.21 Reg 1 s49.

Board not an agent of the Crown

- 50** The board is not an agent of the Crown in right of Saskatchewan.

13 Dec 2002 cE-10.21 Reg 1 s50.

Head office

- 51** The head office of the board is to be situated at any place within Saskatchewan that the board may designate.

13 Dec 2002 cE-10.21 Reg 1 s51.

Meetings

- 52** The board may meet at any time and place and in a manner that it considers necessary or desirable for the proper conduct of its business.

13 Dec 2002 cE-10.21 Reg 1 s52.

Responsibilities of board

- 53** The board is responsible for the following:
- (a) receiving and reviewing applications for certificates pursuant to this Part;
 - (b) issuing certificates to applicants whom the board considers qualified.

13 Dec 2002 cE-10.21 Reg 1 s53.

Powers of board

54 The board may:

- (a) accept any funds;
- (b) enter into contracts or agreements that it considers expedient or desirable in the exercise of its powers or the performance of its responsibilities pursuant to this Part;
- (c) charge fees within the range set out in section 64 for the certification of operators, for renewal of certificates and for matters respecting certification and certificates and collect and expend those fees;
- (d) employ any staff necessary to carry out its responsibilities or the intent of this Part;
- (e) attach any terms and conditions to a certificate that the board considers appropriate;
- (f) issue or renew or refuse to issue or renew a certificate;
- (g) cancel or amend a certificate to correct a clerical or other similar error;
- (h) amend, suspend or cancel a certificate in accordance with section 69;
- (i) appoint any advisory committees that it considers necessary for the efficient conduct of the affairs and business of the board, including appointing persons to an advisory committee who are not members of the board;
- (j) enter into reciprocity agreements with other jurisdictions respecting operator certification standards;
- (k) make bylaws governing its business and operations that it considers appropriate;
- (l) generally do and authorize the doing of any things that it considers incidental or conducive to the exercise of its powers or the performance of its responsibilities pursuant to this Part.

13 Dec 2002 cE-10.21 Reg 1 s54.

Borrowing powers

55(1) The board may borrow any amount of money that it considers will be required to fund the operations of the board or to fulfil the responsibilities of the board.

(2) The board may provide any guarantee or security that it considers appropriate respecting a loan.

13 Dec 2002 cE-10.21 Reg 1 s55.

No Crown guarantee for loans by board

56 No loan made pursuant to section 55 is to be guaranteed by the Minister of Finance, and the Government of Saskatchewan is not liable for the repayment of that loan or any interest, principal or premium respecting that loan.

13 Dec 2002 cE-10.21 Reg 1 s56.

Investments of board

57 The board may:

- (a) invest any part of the capital or operating money of the board in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and conditions and in any amount that the board considers appropriate.

13 Dec 2002 cE-10.21 Reg 1 s57.

Fiscal year of board

58 The fiscal year of the board is the period commencing on April 1 in one year and ending on March 31 in the following year.

13 Dec 2002 cE-10.21 Reg 1 s58.

Audit

59 The board shall appoint an auditor, at the board's expense, who shall audit the board's records, accounts and financial statements:

- (a) annually; and
- (b) at any other times the board or the minister may direct.

13 Dec 2002 cE-10.21 Reg 1 s59.

Annual report

60(1) In each year, not later than June 30, the board shall provide an annual report to the minister for the previous year that includes:

- (a) the number of applications for certification and for certification renewals, certifications and renewals granted, certifications and renewals denied and hearings by the board;
- (b) the total number of operators with valid certificates, their names, their level of certification and their places of employment;
- (c) an annual audited financial statement; and
- (d) any other information that the minister may request.

(2) An annual report mentioned in subsection (1) is a public document.

(3) Subject to subsection (5), the board may publish or distribute a copy of its records and information, including the following information with respect to each certified operator:

- (a) his or her name;
- (b) his or her level of certification;
- (c) his or her place of employment;

- (d) his or her certificate number;
 - (e) the date of issue or upgrading of his or her certificate;
 - (f) the date of expiry of his or her certificate.
- (4) The board may publish or distribute the information mentioned in subsection (3) in any manner and any time that the board considers necessary or appropriate.
- (5) The board may not publish or disclose any record or information, other than the information specifically mentioned in clauses (3)(a) to (f), that is personal in nature or that could disclose an individual's education, test marks or work history.

13 Dec 2002 cE-10.21 Reg 1 s60.

DIVISION 3

Standards to be met by Operators to obtain Certificates

Standards adopted

61(1) In this section and in section 62:

- (a) **“standards”** means the *Saskatchewan Water and Wastewater Works Operator Certification Standards, 2002*, EPB 139/02/2M, as amended from time to time, and as issued by the department, respecting the training and qualifications of operators and the classification of facilities as adopted pursuant to this section;
 - (b) **“wastewater collection facilities”** means that part of a sewage works that includes the collection system and pumping stations;
 - (c) **“wastewater treatment facilities”** means those components of a sewage works that modify or hold sewage;
 - (d) **“water distribution facilities”** means that part of a waterworks that:
 - (i) includes the distribution system and pump houses; and
 - (ii) only treats water by means of chemical addition;
 - (e) **“water treatment facilities”** means those components of a waterworks that are used to filter or condition water for the purpose of rendering the water acceptable for human consumptive use.
- (2) For the purposes of this Part:
- (a) the *Saskatchewan Water and Wastewater Works Operator Certification Standards, 2002*, EPB 139/02/2M, as amended from time to time, and as issued by the department, respecting the training and qualifications of operators and the classification of facilities is adopted; and
 - (b) the board shall base its decision whether to issue or renew or refuse to issue or renew a certificate, or to amend, suspend or cancel a certificate, on the standards mentioned in clause (a).
- (3) The minister shall cause the standards adopted pursuant to this section to be made available to the public in any manner that the minister considers likely to bring them to the public's attention, including causing them to be posted on the department's Internet website.

13 Dec 2002 cE-10.21 Reg 1 s61.

Classification of facilities

62(1) For the purposes of this Part, waterworks and sewage works are to be divided into the following types of facilities in accordance with the standards:

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

(2) The minister may classify a waterworks or sewage works mentioned in subsection (1) in accordance with the standards.

(3) A waterworks or sewage works classified by the minister before the coming into force of this Part retains the classification it had on the date that these regulations come into force until it is reclassified pursuant to the standards.

(4) If the minister considers it appropriate, the minister may reclassify a waterworks or sewage works in accordance with the standards.

13 Dec 2002 cE-10.21 Reg 1 s62.

**DIVISION 4
Certificates****Minimum certificates that operators must hold**

63 On and after July 15, 2005, every municipality and permittee of a waterworks or sewage works governed by this Part shall ensure that the operation, repair and maintenance of those works is under the direction of an operator who holds at least the corresponding certificate for the classification of those works that is set out in the standards.

13 Dec 2002 cE-10.21 Reg 1 s63.

Application for certificate or renewal

64(1) A person who wishes to obtain a certificate shall:

- (a) apply to the board in a form acceptable to the board;
- (b) provide evidence satisfactory to the board that the applicant has the necessary training, education and experience for certification as set out in the standards;
- (c) pay the fee that the board may charge pursuant to subsection (3);
- (d) provide any information and materials that the board may reasonably require to assess the application; and
- (e) comply with any other requirements that may be set by the board.

- (2) A person who wishes to renew a certificate shall:
- (a) pay the fee that the board may charge pursuant to subsection (3);
 - (b) provide any information and materials that the board may reasonably require to assess the application; and
 - (c) comply with any other requirements that may be set by the board.
- (3) The board may charge a fee in an amount that it considers necessary to recover its costs in reviewing an application and issuing a certificate to a maximum of \$125 for each year that the certificate applied for may be issued.
- (4) Any fee charged pursuant to this section is non-refundable.
- (5) Notwithstanding subsection (2), a certificate issued to an operator in training is not renewable.

13 Dec 2002 cE-10.21 Reg 1 s64.

Board may investigate applicant

65 The board may investigate an applicant or request any information that it considers necessary respecting an application for a certificate or the renewal of a certificate.

13 Dec 2002 cE-10.21 Reg 1 s65.

Issuance or refusal of certificate

66(1) Within 90 days after receiving an application for a certificate, the board shall:

- (a) if it is satisfied that the applicant has met the requirements of the standards and has complied with these regulations, issue or renew a certificate to the applicant;
 - (b) if it is not satisfied of the matters set out in clause (a), notify the applicant that a certificate will not be issued and provide the applicant with written reasons for not issuing a certificate; or
 - (c) if the board considers it necessary, notify the applicant that further information is required to assess the application.
- (2) An applicant who is not issued a certificate, or whose certificate is not renewed, may, within 30 days after being notified pursuant clause (1)(b), make written representations to the board to have the board reconsider its decision, and the board shall consider those representations in determining whether or not a certificate should be issued or renewed.

13 Dec 2002 cE-10.21 Reg 1 s66.

Term of certificate and application to upgrade

67(1) A certificate issued or renewed by the board expires on the date set out in the certificate which is not to be later than two years from the date of issue or renewal.

(2) The holders of a certificate may apply to have the holder's certificate upgraded to a higher level of certification before the holder's certificate expires.

(3) Sections 64 to 66 apply, with any necessary modification, to an application to upgrade a holder's certificate.

13 Dec 2002 cE-10.21 Reg 1 s67.

Additional information re renewal of certificate

68 On and after July 15, 2005, in addition to the requirements set out in clause 66(1)(a), an applicant who wishes to have his or her certificate renewed must satisfy the board that the applicant has obtained 5.0 contact hours, 0.5 Continuing Education Unit or 0.67 credit hours per year of training in an area that the board considers to be an appropriate field since the date that the applicant's certificate was issued or last renewed.

13 Dec 2002 cE-10.21 Reg 1 s68.

Amendment, cancellation, suspension of certificate

69(1) Subject to subsection (2), the board may amend or cancel a certificate, or suspend a certificate for a stated period, if the board is satisfied that:

(a) the certificate was obtained by fraud, deceit or the submission of an application containing inaccurate information;

(b) the person holding the certificate has been discharged from employment in a facility for gross negligence or for incompetence in the performance of his or her duties; or

(c) the person holding the certificate has placed the environment or human health or public safety at risk.

(2) Before taking any action pursuant to subsection (1), the board shall provide the person holding the certificate with:

(a) reasonable notice of its intended action, including written reasons; and

(b) an opportunity to make written representations to the board.

(3) The board is not required to give an oral hearing to any person to whom notice has been sent pursuant to subsection (2).

13 Dec 2002 cE-10.21 Reg 1 s69.

**PART VII
Administrative Penalties**

Provisions for which an administrative penalty may be imposed

70 For the purposes of section 77 of the Act, the provisions of the Act and these regulations listed in Table 1 of the Appendix are prescribed as provisions for which the minister may impose an administrative penalty if they are contravened.

13 Dec 2002 cE-10.21 Reg 1 s70.

Amount of administrative penalty

71(1) Subject to subsections (2) and (3), the amount of an administrative penalty that may be assessed for each contravention is to be determined in accordance with the range set out in the following Base Penalty Table:

Base Penalty Table

Type of Contravention	Potential for Adverse Effect		
	Major	Moderate	Minor
Major	\$5,000	\$3,500	\$2,500
Moderate	\$3,500	\$2,500	\$1,500
Minor	\$2,500	\$1,500	\$1,000

(2) In establishing an administrative penalty, the minister may consider the significance of the contravention by assessing the following factors:

- (a) the potential impact on the environment and on human health and public safety;
- (b) whether or not there was any mitigation relating to the contravention;
- (c) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (d) whether or not the person who receives the notice of administrative penalty has been assessed a prior administrative penalty or has a prior conviction for an offence respecting a contravention of the Act and these regulations;
- (e) whether or not the person who receives the notice of administrative penalty has derived any economic benefit from the contravention;
- (f) any other factors that, in the opinion of the minister, are relevant.

(3) The maximum administrative penalty that may be assessed for each contravention is \$5,000.

13 Dec 2002 cE-10.21 Reg 1 s71.

PART VIII
General

Information submitted to the minister deemed to be public information

72(1) All information, data, test results and records submitted to the minister pursuant to a permit, the Act or these regulations is deemed to be public information.

(2) The minister may disclose to the public any of the information, data, test results and records mentioned in subsection (1) at any times and in any manner that the minister considers appropriate.

13 Dec 2002 cE-10.21 Reg 1 s72.

Application fees for Division 2 – Part IV permits

73 For the purposes of clause 22(d) of the Act, the prescribed fee is \$49 for each notice or certificate respecting the permit that, in the opinion of minister, must be registered pursuant to sections 25 and 27 of the Act.

13 Dec 2002 cE-10.21 Reg 1 s73.

Required contents of easements

74 For the purposes of clause 27(2)(b) of the Act, every easement must contain the following information and provisions:

- (a) the name of the person proposing to construct, extend, alter or operate the waterworks or sewage works that is the subject of the easement;
- (b) the nature and extent of the construction, extension, alteration or operation of the waterworks or sewage works that is the subject of the easement;
- (c) the name of the registered owner of the land on which the waterworks or sewage works that is the subject of the easement is to be constructed, extended, altered or operated and, if different, the name of the registered owner of the land affected by the waterworks or sewage works that is the subject of the easement;
- (d) the legal description of the lands mentioned in clause (c);
- (e) a provision that:
 - (i) grants an easement by the registered owners of the lands affected by the waterworks or sewage works that is the subject of the easement;
 - (ii) conveys a right to use the land for the purposes and to the extent required to construct, alter, extend or operate the waterworks or sewage works that is the subject of the easement; and
 - (iii) states that the easement runs with the land and is binding on the present and subsequent registered owners of the lands affected by waterworks or sewage works that is the subject of the easement and their heirs, executors, administrators and assigns.

13 Dec 2002 cE-10.21 Reg 1 s74.

**PART IX
Repeal and Coming into Force**

R.R.S. c.E-10.2 Reg 2 repealed

75 *The Water Pollution Control and Waterworks Regulations* are repealed.

13 Dec 2002 cE-10.21 Reg 1 s75.

Coming into force

76 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

13 Dec 2002 cE-10.21 Reg 1 s76.

APPENDIX

**Table 1
Provisions respecting which Administrative
Penalty May Be Imposed
[Section 71]**

Provisions of the Act

subsection 23(5)

Provisions of these Regulations

clause 18(2)(a)
 clause 19(a)
 clauses 26(1)(a)(b)
 clause 27(2)(a)
 subsection 27(3)
 clauses 27(4)(a)(b)
 clauses 28(a)(b)(d)(e)
 subsections 30(5) and (6)
 subclauses 32(1)(a)(i)(ii)(iii)
 paragraph 33(2)(a)(i)(C)
 paragraph 33(2)(a)(ii)(C)
 subclause 33(2)(b)(ii)
 subclause 33(2)(c)(iii)
 clause 36(c)
 clauses 39(1)(a)(b)
 clauses 42(1)(a)(b)(c)(d)(e)(f)(g)(h)(i)
 clauses 42(2)(a)(b)(c)(d)(e)(f)(g)
 subsection 44(1)
 section 63

13 Dec 2002 cE-10.21 Reg 1.

Table 2
[Section 31 and subsection 34(1)]

Chemical – Health Category Parameter	Maximum Acceptable Concentration (mg/L)	Interim Maximum Acceptable Concentration (mg/L)
Arsenic		0.025
Barium	1	
Benzene	0.005	
Benzo(a)pyrene	0.00001	
Boron		5.0
Cadmium	0.005	
Carbon tetrachloride	0.005	
Chromium	0.05	
Cyanide	0.2	
Dichlorobenzene, 1,2	0.2	
Dichlorobenzene, 1,4	0.005	
Dichloroethane, 1,2		0.005
Dichloroethylene, 1,1	0.014	
Dichloromethane	0.05	
Dichlorophenol, 2,4	0.9	
Fluoride ¹	1.5	
Lead ²	0.01	
Mercury	0.001	
Monochlorobenzene	0.08	
Nitrate ³ as NO ₃	45	
Selenium	0.01	
Tetrachlorophenol, 2,3,4,6	0.1	
Trichloroethylene	0.05	
Trichlorophenol, 2,4,6	0.005	
Trihalomethanes (THM) ⁴		0.1
Uranium	0.02	
Vinyl Chloride	0.002	

¹ Maximum allowable concentration of naturally occurring fluoride in treated drinking water intended or used for human consumptive use.

² Faucets should be thoroughly flushed before sample is collected.

³ Nitrate levels in excess of 45 mg/L (10 mg/L as nitrate-nitrogen) may cause adverse health effects in infants less than six months old.

⁴ Based on an annual average of 4 seasonal samples.

Radiological*

Screening Parameter	Concentration Becquerels per litre
Gross alpha	0.1
Gross beta	0.11

* Radiological – Water samples may be initially screened for radioactivity using gross alpha and gross beta activity determinations. Compliance with the standards may be inferred if the measurements for gross alpha and gross beta activity are less than 0.1 Bq/L (becquerels per litre) and 1 Bq/L, respectively, as these are lower than the strictest Maximum Acceptable Concentrations. If these values are exceeded then Part 5 of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, apply.

Chemical – Pesticides*

Parameter	Maximum Acceptable Concentration (mg/L)	Interim Maximum Acceptable Concentration (mg/L)
Atrazine		0.005
Bromoxynil		0.005
Carbofuran	0.09	
Chlorpyrifos	0.09	
Dicamba	0.12	
2,4-D**		0.1
Diclofop-methyl	0.009	
Dimethoate		0.02
Malathion	0.19	
Pentachlorophenol	0.06	
Picloram		0.19
Trifluralin		0.045

* Pesticides commonly used in Saskatchewan

** 2,4 Dichlorophenoxyacetic acid

