

DRAFT – FOR PUBLIC CONSULTATION ONLY

This draft regulation is provided solely to facilitate public consultation under section 16 of the Environmental Bill of Rights, 1993. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure and form of the draft regulation are subject to change as a result of the consultation process.

ONTARIO REGULATION

made under the

CLEAN WATER ACT, 2006

SOURCE PROTECTION AREAS AND REGIONS

PART I

SOURCE PROTECTION AREAS

Source protection areas established under section 4 of the Act

1. (1) The name of a source protection area established under section 4 of the Act for a conservation authority listed in Table 1 is set out in that Table next to the name of the conservation authority.

(2) The boundaries of each source protection area established under section 4 of the Act are altered to the boundaries described for the area on a CD-ROM disk labelled “[X]” and dated [X] that is kept in the office of the Director of the Ministry’s Drinking Water Program Management Branch.

(3) The Minister shall ensure that the following are available to the public on the Internet and in such other manner as the Minister considers appropriate:

1. The information contained on the CD-ROM disk referred to in subsection (2).
2. Maps that show the approximate boundaries that are described on the CD-ROM disk referred to in subsection (2).

(4) The municipalities set out in Table 1 next to the name of a source protection area are designated, for the purposes of the Act, as participating municipalities for the conservation authority that is set out in that Table next to the name of the source protection area.

TABLE 1
SOURCE PROTECTION AREAS ESTABLISHED UNDER SECTION 4 OF THE ACT

Item	Name of conservation authority	Name of source protection area	Participating municipalities
1.	Ausable Bayfield Conservation Authority	Ausable Bayfield Source Protection Area	Municipality of Bluewater, Municipality of Central Huron, Municipality of Huron East, Municipality of South Huron, Municipality of Lambton Shores, Township of Warwick, Municipality of North Middlesex, Township of Adelaide-Metcalf, Township of Lucan Biddulph, Township of Middlesex Centre, Municipality of West Perth, Township of Perth South
2.	Cataraqui Region Conservation Authority	Cataraqui Region Source Protection Area	City of Kingston, Township of Frontenac Islands, Township of South Frontenac, Town of Greater Napanee, Township of Loyalist, Township of Stone Mills, City of Brockville, Town of Gananoque, Township of Athens, Township of Augusta, Township of Elizabethtown-Kitley, Township of Front of Yonge, Township of Leeds & the Thousand Islands, Township of Rideau Lakes
3.	Catfish Creek Conservation Authority	Catfish Creek Source Protection Area	City of St. Thomas, Municipality of Bayham, Municipality of Central Elgin, Town of Aylmer, Township of Malahide, Township of South-West Oxford
4.	Central Lake Ontario Conservation Authority	Central Lake Ontario Source Protection Area	Regional Municipality of Durham
5.	Credit Valley Conservation	Credit Valley Source Protection Area	Town of Mono, Town of Orangeville, Township of Amaranth, Township of East Garafraxa, Town of Erin, Regional Municipality of Halton, Regional Municipality of Peel
6.	Crowe Valley Conservation Authority	Crowe Valley Source Protection Area	Municipality of Highlands East, Municipality of Hastings Highlands, Municipality of Marmora & Lake, Municipality of Tweed, Township of Faraday, Township of Limerick, Township of Stirling-Rawdon, Township of Tudor & Cashel, Township of Wollaston, Municipality of Trent Hills, Township of Asphodel-Norwood, Township of Douro-Dummer, Township of Havelock-Belmont-Methuen, Township of North Kawartha
7.	Essex Region Conservation Authority	Essex Region Source Protection Area	City of Windsor, Municipality of Leamington, Town of Amherstburg, Town of Essex, Town of Kingsville, Town of Lakeshore, Town of LaSalle, Town of Tecumseh, Township of Pelee
8.	Ganaraska Region Conservation Authority	Ganaraska Region Source Protection Area	City of Kawartha Lakes, Town of Cobourg, Town of Port Hope, Township of Alnwick-Haldimand,

			Township of Hamilton, Township of Cavan-Millbrook-North Monaghan, Township of Otonabee-South Monaghan, Regional Municipality of Durham
9.	Grand River Conservation Authority	Grand River Source Protection Area	City of Hamilton, County of Brant, City of Brantford, Township of Amaranth, Township of East Garafraxa, Township of East Luther Grand Valley, Township of Melancthon, Township of Southgate, Haldimand County, Norfolk County, Township of Blandford-Blenheim, Township of East Zorra-Tavistock, Township of Norwich, Town of North Perth, Township of Perth East, City of Guelph, Town of Erin, Township of Centre Wellington, Township of Guelph-Eramosa, Township of Mapleton, Township of Puslinch, Township of Wellington North, Regional Municipality of Halton, Regional Municipality of Waterloo
10.	Grey Sauble Conservation Authority	Grey Sauble Source Protection Area	Municipality of Arran-Elderslie, Municipality of Northern Bruce Peninsula, Town of the South Bruce Peninsula, City of Owen Sound, Municipality of Grey Highlands, Municipality of Meaford, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Town of Collingwood, Township of Clearview
11.	Halton Region Conservation Authority	Halton Region Source Protection Area	City of Hamilton, Township of Puslinch, Regional Municipality of Halton, Regional Municipality of Peel
12.	Hamilton Region Conservation Authority	Hamilton Region Source Protection Area	City of Hamilton, Township of Puslinch, Regional Municipality of Niagara
13.	Kawartha Region Conservation Authority	Kawartha Region Source Protection Area	City of Kawartha Lakes, Township of Cavan-Millbrook-North Monaghan, Township of Galway-Cavendish & Harvey, Township of Smith-Ennismore-Lakefield, Township of North Kawartha, Regional Municipality of Durham, Municipality of Highlands East, Township of Algonquin Highlands, Township of Dysart Et Al, Township of Minden Hills, District Municipality of Muskoka
14.	Kettle Creek Conservation Authority	Kettle Creek Source Protection Area	City of St. Thomas, Municipality of Central Elgin, Township of Malahide, Township of Southwold, City of London, Municipality of Thames Centre, Township of Middlesex Centre
15.	Lake Simcoe Region Conservation Authority	Lake Simcoe Region Source Protection Area	City of Kawartha Lakes, Township of Algonquin Highlands, Township of Dysart Et Al, Township of Minden Hills, City of Barrie, City of Orillia, Town of Bradford-West Gwillimbury, Town of Innisfil, Town of New Tecumseth, Township of Oro-Medonte, Township of Ramara, Township of Severn, Township of Springwater, District Municipality of Muskoka, Regional Municipality of Durham, Regional Municipality of Peel, Regional Municipality of York

16.	Lakehead Region Conservation Authority	Lakehead Region Source Protection Area	City of Thunder Bay, Municipality of Neebing, Municipality of Oliver Paipoonge, Township of Conmee, Township of Dorion, Township of Gillies, Township of O'Connor, Township of Shuniah
17.	Long Point Region Conservation Authority	Long Point Region Source Protection Area	County of Brant, Municipality of Bayham, Township of Malahide, Haldimand County, Norfolk County, Town of Tillsonburg, Township of Norwich, Township of South-West Oxford
18.	Lower Thames Valley Conservation Authority	Lower Thames Valley Source Protection Area	Municipality of Chatham-Kent, City of St. Thomas, Municipality of Dutton-Dunwich, Municipality of West Elgin, Township of Southwold, Municipality of Leamington, Town of Lakeshore, City of London, Municipality of Southwest Middlesex, Township of Middlesex Centre, Township of Strathroy-Caradoc, Village of Newbury
19.	Lower Trent Region Conservation Authority	Lower Trent Region Source Protection Area	City of Belleville, City of Quinte West, Municipality of Centre Hastings, Municipality of Marmora & Lake, Municipality of Tweed, Township of Stirling-Rawdon, Municipality of Brighton, Municipality of Trent Hills, Township of Alnwick-Haldimand, Township of Cramahe, Township of Hamilton, Township of Asphodel-Norwood, Township of Havelock-Belmont-Methuen, Township of Otonabee-South Monaghan, City of Prince Edward County
20.	Maitland Valley Conservation Authority	Maitland Valley Source Protection Area	Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Central Huron, Municipality of Huron East, Municipality of Morris-Turnberry, Town of Goderich, Township of Ashfield-Colborne-Wawanosh, Township of Howick, Township of North Huron, Municipality of West Perth, Town of North Perth, Township of Perth East, Town of Minto, Township of Mapleton, Township of Wellington North
21.	Mattagami Region Conservation Authority	Mattagami Region Source Protection Area	City of Timmins, Town of Iroquois Falls, Township of Black River-Matheson, Township of Matachewan
22.	Mississippi Valley Conservation Authority	Mississippi Valley Source Protection Area	Town of Carleton Place, Town of Mississippi Mills, Township of Beckwith, Township of Drummond-North Elmsley, Township of Lanark Highlands, Township of Tay Valley, Township of Central Frontenac, Township of North Frontenac, Township of Addington Highlands, City of Ottawa, Township of Greater Madawaska
23.	Moira River Conservation Authority	Moira River Source Protection Area	Township of North Frontenac, Township of Addington Highlands, Township of Tudor and Cashel, Township of Limerick, Township of Central Frontenac, Municipality of Tweed, Municipality of Marmora and Lake, Township of Madoc, Township of Stone Mills, Municipality of Centre

			Hastings, Township of Stirling-Rawdon, Town of Greater Napanee, Township of Tyendinaga, City of Belleville, City of Quinte West, Town of Deseronto, County of Frontenac
24.	Napanee Region Conservation Authority	Napanee Region Source Protection Area	Township of North Frontenac, Township of Addington Highlands, Township of Central Frontenac, Municipality of Tweed, Township of South Frontenac, Township of Stone Mills, Town of Greater Napanee, Township of Tyendinaga, Township of Loyalist, City of Belleville, Town of Deseronto
25.	Niagara Peninsula Conservation Authority	Niagara Peninsula Source Protection Area	City of Hamilton, Haldimand County, Regional Municipality of Niagara
26.	Nickel District Conservation Authority	Sudbury Source Protection Area	Municipality of Killarney, Municipality of Markstay-Warren, Town of Espanola, Township of Nairn & Hyman, Township of Sables-Spanish River, City of Greater Sudbury
27.	North Bay-Mattawa Conservation Authority	North Bay-Mattawa Source Protection Area	City of North Bay, Town of Mattawa, Township of Bonfield, Township of Calvin, Township of Chisholm, Township of East Ferris, Township of Mattawan, Township of Papineau-Cameron, Municipality of Callander, Municipality of Powassan, Township of Joly, Township of Machar, Township of Nipissing, Township of Strong, Village of South River
28.	Nottawasaga Valley Conservation Authority	Nottawasaga Valley Source Protection Area	Town of Mono, Town of Shelburne, Township of Amaranth, Township of Melancthon, Township of Mulmur, Municipality of Grey Highlands, Town of the Blue Mountains, City of Barrie, Town of Bradford-West Gwillimbury, Town of Collingwood, Town of Innisfil, Town of New Tecumseth, Town of Wasaga Beach, Township of Adjala-Tosorontio, Township of Clearview, Township of Essa, Township of Oro-Medonte, Township of Springwater, Township of Tiny, Regional Municipality of Peel, Regional Municipality of York
29.	Otonabee Conservation Authority	Otonabee Region Source Protection Area	City of Kawartha Lakes, Municipality of Trent Hills, Town of Port Hope, Township of Alnwick-Haldimand, Township of Hamilton, City of Peterborough, Township of Asphodel-Norwood, Township of Cavan-Millbrook-North Monaghan, Township of Douro-Dummer, Township of Galway-Cavendish & Harvey, Township of Havelock-Belmont-Methuen, Township of North Kawartha, Township of Otonabee-South Monaghan, Township of Smith-Ennismore-Lakefield, Regional Municipality of Durham, Municipality of Highlands East
30.	Prince Edward Region Conservation Authority	Prince Edward Region Source Protection Area	City of Prince Edward County
31.	Raisin Region Conservation Authority	Raisin Region Source Protection Area	Municipality of The Nation, Township of Champlain, Township of East Hawkesbury, City of Cornwall,

			Township of North Glengarry, Township of North Stormont, Township of South Dundas, Township of South Glengarry, Township of South Stormont
32.	Rideau Valley Conservation Authority	Rideau Valley Source Protection Area	Township of Central Frontenac, Township of South Frontenac, Separated Town of Smiths Falls, Town of Perth, Township of Beckwith, Township of Drummond-North Elmsley, Township of Montague, Township of Tay Valley, City of Ottawa, Township of Athens, Township of Augusta, Township of Edwardsburgh-Cardinal, Township of Elizabethtown-Kitley, Township of North Grenville, Township of Rideau Lakes, Village of Merrickville-Wolford, Village of Westport, City of Clarence-Rockland, Township of North Dundas
33.	Saugeen Valley Conservation Authority	Saugeen Valley Source Protection Area	Municipality of Arran-Elderslie, Municipality of Brockton, Municipality of Kincardine, Municipality of South Bruce, Town of Saugeen Shores, Town of the South Bruce Peninsula, Township of Huron-Kinloss, Township of Melancthon, Municipality of Grey Highlands, Town of Hanover, Township of Chatsworth, Township of Southgate, Township of West Grey, Municipality of Morris-Turnberry, Township of Howick, Town of Minto, Township of Wellington North
34.	Sault Ste. Marie Region Conservation Authority	Sault Ste. Marie Region Source Protection Area	City of Sault Ste. Marie, Township of Prince
35.	South Nation Conservation Authority	South Nation Source Protection Area	City of Ottawa, Town of Prescott, Township of Augusta, Township of Edwardsburgh-Cardinal, Township of Elizabethtown-Kitley, Township of North Grenville, City of Clarence-Rockland, Municipality of The Nation, Town of Hawkesbury, Township of Alfred & Plantagenet, Township of Champlain, Township of East Hawkesbury, Township of Russell, Village of Casselman, Township of North Dundas, Township of North Glengarry, Township of North Stormont, Township of South Dundas, Township of South Stormont
36.	St. Clair Region Conservation Authority	St. Clair Region Source Protection Area	Municipality of Chatham-Kent, City of Sarnia, Municipality of Brooke-Alvinston, Municipality of Lambton Shores, Town of Petrolia, Town of Plympton-Wyoming, Township of Dawn-Euphemia, Township of Enniskillen, Township of St. Clair, Township of Warwick, Village of Oil Springs, Village of Point Edward, Municipality of Southwest Middlesex, Township of Adelaide-Metcalf, Township of Middlesex Centre, Township of Strathroy-Caradoc, Village of Newbury
37.	Toronto And Region Conservation Authority	Toronto And Region Source Protection Area	City of Toronto, Town of Mono, Town of New Tecumseth, Township of

			Adjala-Tosorontio, Regional Municipality of Durham, Regional Municipality of Peel, Regional Municipality of York
38.	Upper Thames River Conservation Authority	Upper Thames River Source Protection Area	Township of Malahide, Municipality of Huron East, Municipality of South Huron, City of London, Municipality of Thames Centre, Township of Lucan Biddulph, Township of Middlesex Centre, Township of Strathroy-Caradoc, City of Woodstock, Town of Ingersoll, Township of Blandford-Blenheim, Township of East Zorra-Tavistock, Township of Norwich, Township of South-West Oxford, Township of Zorra, City of Stratford, Municipality of West Perth, Town of St. Marys, Town of North Perth, Township of Perth East, Township of Perth South

Additional source protection areas

2. (1) Drinking water source protection areas with the names listed in Table 2 are hereby established.

(2) The boundaries of each source protection area established under subsection (1) are described on a CD-ROM disk labelled “[X]” and dated [X] that is kept in the office of the Director of the Ministry’s Drinking Water Program Management Branch.

(3) The Minister shall ensure that the following are available to the public on the Internet and in such other manner as the Minister considers appropriate:

1. The information contained on the CD-ROM disk referred to in subsection (2).
2. Maps that show the approximate boundaries that are described on the CD-ROM disk referred to in subsection (2).

(4) The person or body set out in Table 2 next to the name of a source protection area is designated for that area for the purpose of section 5 of the Act.

TABLE 2
ADDITIONAL SOURCE PROTECTION AREAS

Item	Name of source protection area	Person or body (source protection authority)
1.	North Bruce Peninsula Source Protection Area	Municipality of North Bruce Peninsula
2.	Severn Sound Source Protection Area	Severn Sound Environmental Association

PART II

SOURCE PROTECTION REGIONS

Source protection regions

3. (1) The source protection areas set out in Table 3 next to the name of a source protection region are consolidated into a drinking water source protection region with that name.

(2) The lead source protection authority for a source protection region is set out in Table 3 next to the source protection areas that are consolidated into the source protection region.

TABLE 3
SOURCE PROTECTION REGIONS

Item	Name of source protection region	Source protection areas	Lead source protection authority
1.	Ausable Bayfield Maitland Valley Source Protection Region	Ausable Bayfield Source Protection Area, Maitland Valley Source Protection Area.	Ausable-Bayfield Conservation Authority
2.	CTC Source Protection Region	Central Lake Ontario Source Protection Area, Credit Valley Source Protection Area, Toronto And Region Source Protection Area	Toronto and Region Conservation Authority
3.	Halton-Hamilton Source Protection Region	Halton Region Source Protection Area, Hamilton Region Source Protection Area	Halton Region Conservation Authority
4.	Lake Erie Source Protection Region	Catfish Creek Source Protection Area, Grand River Source Protection Area, Kettle Creek Source Protection Area, Long Point Region Source Protection Area	Grand River Conservation Authority
5.	Mississippi-Rideau Source Protection Region	Mississippi Valley Source Protection Area, Rideau Valley Source Protection Area	Rideau Valley Conservation Authority
6.	Quinte Source Protection Region	Moira River Source Protection Area, Napanee Region Source Protection Area, Prince Edward Region Source Protection Area	Moira River Conservation Authority
7.	Raisin-South Nation Source Protection Region	Raisin Region Source Protection Area, South Nation Source Protection Area	Raisin Region Conservation Authority
8.	Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region	Grey Sauble Source Protection Area, North Bruce Peninsula Source Protection Area, Saugeen Valley Source Protection Area	Saugeen Valley Conservation Authority
9.	South Georgian Bay-Lake Simcoe Source Protection Region	Lake Simcoe Region Source Protection Area, Nottawasaga Valley Source Protection Area, Severn Sound Source Protection Area	Lake Simcoe Region Conservation Authority
10.	Thames-Sydenham and Region Source Protection Region	Lower Thames Valley Source Protection Area, St. Clair Region Source Protection Area, Upper Thames River Source Protection Area	Upper Thames River Conservation Authority
11.	Trent Conservation Coalition Source Protection Region	Crowe Valley Source Protection Area, Ganaraska Region Source Protection Area, Kawartha Region Source Protection Area, Lower Trent Region Source Protection Area, Otonabee Region Source Protection Area.	Lower Trent Region Conservation Authority

Made by:

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Minister of the Environment

Date made:

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SOURCE PROTECTION COMMITTEES

NUMBER AND APPOINTMENT OF MEMBERS

Number of members

1. (1) Subject to subsection (3), the source protection committee for a source protection area or source protection region listed in Table 1 shall be composed of the number of members set out in that Table next to the area or region.

(2) The number of members referred to in subsection (1) includes the chair of the committee.

(3) The number of members referred to in subsection (1) is increased by one member in the circumstances described in section 6.

**TABLE 1
NUMBER OF MEMBERS**

Item	Source protection area or source protection region	Number of members
1.	Ausable Bayfield Maitland Valley Source Protection Region	13
2.	Cataraqui Region Source Protection Area	10
3.	CTC Source Protection Region	16
4.	Essex Region Source Protection Area	10
5.	Halton-Hamilton Source Protection Region	13
6.	Lake Erie Source Protection Region	16
7.	Lakehead Region Source Protection Area	10
8.	Mattagami Region Source Protection Area	10
9.	Mississippi-Rideau Source Protection Region	13
10.	Niagara Peninsula Source Protection Area	10

11.	Sudbury Source Protection Area	10
12.	North Bay-Mattawa Source Protection Area	10
13.	Quinte Source Protection Region	13
14.	Raisin-South Nation Source Protection Region	16
15.	Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region	16
16.	Sault Ste. Marie Region Source Protection Area	10
17.	South Georgian Bay-Lake Simcoe Source Protection Region	16
18.	Thames-Sydenham and Region Source Protection Region	16
19.	Trent Conservation Coalition Source Protection Region	16

Appointment of members

2. (1) Subject to subsection 7 (4) of the Act, the members of a source protection committee shall be appointed by the source protection authority that establishes the committee in accordance with the following rules:

1. One third of the members to be appointed by the source protection authority, not counting any member appointed pursuant to section 6, must be persons appointed to reflect the interests of the municipalities that are located, in whole or in part, in the source protection area or source protection region, and must be selected jointly by the councils of those municipalities.
2. One third of the members to be appointed by the source protection authority, not counting any member appointed pursuant to section 6, must be persons appointed to reflect the interests of the agricultural, commercial and industrial sectors of the source protection area's or source protection region's economy.
3. One third of the members to be appointed by the source protection authority, not counting any member appointed pursuant to section 6, must be persons appointed to reflect interests other than the interests referred to in paragraphs 1 and 2, including, in particular, interests of the general public.

(2) If a vacancy occurs among the members of the source protection committee who are appointed by a source protection authority pursuant to one of the paragraphs of subsection (1), the authority shall, pursuant to that paragraph, appoint a new member to fill the vacancy as soon as reasonably possible.

Appointment process, para. 1 of subsection 2 (1)

3. (1) Each source protection authority that is required by section 7 of the Act to establish a source protection committee shall, within 30 days after section 1 comes into force and before it establishes the committee, give a notice described in subsection (2) to the clerk of each municipality that is located, in whole or in part, in the source protection area or source protection region.

(2) The notice that is given under subsection (1) must contain the following information:

1. A summary of the functions of the source protection committee that is to be established by the source protection authority.

2. A summary of the obligations of a member of the source protection committee.
3. The number of persons to be appointed to the source protection committee pursuant to paragraph 1 of subsection 2 (1).
4. The date by which the councils of the municipalities must jointly provide the source protection authority with a list of the persons to be appointed pursuant to paragraph 1 of subsection 2 (1).

(3) The date set out in a notice under paragraph 4 of subsection (2) shall not be earlier than 45 days after the notice is given to the clerks of the municipalities.

(4) Despite paragraph 1 of subsection 2 (1), the source protection authority may select the persons to be appointed to the source protection committee pursuant to that paragraph if,

- (a) the councils of the municipalities do not jointly provide the source protection authority with a list of the persons to be appointed pursuant to paragraph 1 of subsection 2 (1) by the date specified under paragraph 4 of subsection (2); or
- (b) the councils of the municipalities jointly provide the source protection authority with a list of persons to be appointed pursuant to paragraph 1 of subsection 2 (1) that contains the names of more or fewer persons than the number of persons to be appointed by the authority pursuant to that paragraph.

(5) If, under subsection (4), the source protection authority selects persons to be appointed to the source protection committee, the authority shall attempt to appoint persons who, as a group, are representative of the interests of all of the municipalities that are located, in whole or in part, in the source protection area or source protection region.

Appointment process, paras. 2 and 3 of subsection 2 (1)

4. (1) Each source protection authority that is required by section 7 of the Act to establish a source protection committee shall, within 30 days after section 1 comes into force and before it establishes the committee,

- (a) publish a notice described in subsection (2) on the Internet; and
- (b) publish a notice described in subsection (3) in one or more newspapers that, in the opinion of the source protection authority, are of sufficiently general circulation to bring the notice to the attention of the public in the source protection area or source protection region.

(2) The notice that is published on the Internet under clause (1) (a) must contain the following information:

1. A summary of the functions of the source protection committee that is to be established by the source protection authority.
2. A description of the composition of the source protection committee proposed by the source protection authority, including,
 - i. a summary of the requirements of paragraphs 1, 2 and 3 of subsection 2 (1),
 - ii. an indication of how the source protection authority proposes to divide up the appointments to be made under each of paragraphs 2 and 3 of subsection 2 (1), and
 - iii. the source protection authority's reasons for the proposed composition of the source protection committee.
3. An invitation to make written submissions to the source protection authority on the proposed composition of the source protection committee within 21 days after the notice is published in a newspaper.
4. A description of the information that must be submitted to the source protection authority by applicants for appointments pursuant to paragraphs 2 and 3 of subsection 2 (1).
5. The date by which applications for appointments pursuant to paragraphs 2 and 3 of subsection 2 (1) must be submitted to the source protection authority.
6. The name, address and telephone number of a person who may be contacted for further information and to whom applications must be submitted.

(3) The notice that is published in one or more newspapers under clause (1) (b) must contain the following information:

1. A summary of the functions of the source protection committee that is to be established by the source protection authority.
2. An indication of how the source protection authority proposes to divide up the appointments to be made under each of paragraphs 2 and 3 of subsection 2 (1).
3. A description of the information that must be submitted to the source protection authority by applicants for appointments pursuant to paragraphs 2 and 3 of subsection 2 (1).

4. The date by which applications for appointments pursuant to paragraphs 2 and 3 of subsection 2 (1) must be submitted to the source protection authority.
5. The address of the Internet website where the notice under clause (1) (a) is published.
6. The name, address and telephone number of a person who may be contacted for further information and to whom applications must be submitted.

(4) The date set out in a notice under paragraph 5 of subsection (2) or paragraph 4 of subsection (3) shall not be earlier than 21 days after the notice is first published in a newspaper under clause (1) (b).

(5) In addition to publishing the notices required by subsection (1), the source protection authority may solicit applications for appointments pursuant to paragraphs 2 and 3 of subsection 2 (1) in any other manner that the authority considers appropriate.

(6) In considering applications for appointments pursuant to paragraph 2 of subsection 2 (1), the source protection authority shall attempt to appoint persons who,

- (a) are engaged in agricultural, commercial or industrial activities that have or will have an impact on existing or future sources of drinking water or that are significantly dependant on existing or future sources of drinking water; and
- (b) as a group, are representative of the agricultural, commercial and industrial sectors of the source protection area's or source protection region's economy.

(7) In considering applications for appointments pursuant to paragraph 3 of subsection 2 (1), the source protection authority shall attempt to appoint persons who,

- (a) have demonstrated an interest in the protection of drinking water sources; and
- (b) as a group, are representative of interests other than the interests referred to in paragraphs 1 and 2 of subsection 2 (1), including, in particular, interests of the general public.

Deadline for appointments

5. A source protection authority shall appoint the members of a source protection committee pursuant to paragraphs 1, 2 and 3 of subsection 2 (1) not later than 50 days after the later of the following dates:

1. The date notice is given to the clerks of the municipalities under subsection 3 (1).
2. The date notice is first published in a newspaper under clause 4 (1) (b).

Appointment of member selected by band councils

6. (1) In this section,

“band”, “council of the band” and “reserve” have the same meanings as in the *Indian Act* (Canada).

(2) If a source protection area or source protection region includes any part of one or more reserves, the source protection authority that is required by section 7 of the Act to establish a source protection committee for the area or region shall, within 30 days after section 1 comes into force and before it establishes the committee, give the chief of each band a notice that,

- (a) contains a summary of the functions of the source protection committee that is to be established by the source protection authority;
- (b) contains a summary of the obligations of a member of the source protection committee;
- (c) contains a list of the chiefs to whom the notice is being given; and
- (d) advises the chiefs to whom the notice is being given of the opportunity for the councils of the bands to jointly select one person to be appointed as a member of the source protection committee.

(3) If the councils of the bands jointly provide the source protection authority with the name of a person to be appointed as a member of the source protection committee, the authority shall appoint the person as a member, in addition to the number of members referred to in subsection 1 (1).

Vacancies

7. (1) If a vacancy occurs among the members of the source protection committee who are appointed by a source protection authority, sections 3 to 6 apply, with necessary modifications, to the appointment of a person to fill the vacancy.

(2) Despite subsection (1), paragraph 3 of subsection 4 (2) does not apply to an appointment to fill a vacancy.

Conditions of appointment

8. (1) A source protection authority shall not appoint a person as a member of the source protection committee unless the person resides in, owns or rents land in, is employed in or operates a business in the source protection area or source protection region, and every appointment made to the committee by the source protection authority is subject to the condition that the appointee must reside in, own or rent land in, be employed in or operate a business in the source protection area or source protection region.

(2) A source protection authority shall not appoint a person as a member of the source protection committee if the person is a member or employee of a conservation authority, and every appointment made to the committee by the source protection authority is subject to the condition that the appointee must not be a member or employee of a conservation authority.

(3) Every appointment made to a source protection committee is subject to the following conditions:

1. The appointee must regularly attend meetings of the source protection committee.
2. The appointee must comply with the source protection committee's code of conduct and conflict of interest policy.

Term of appointment

9. (1) The term of the appointment of a member of a source protection committee who is appointed by a source protection authority is three years.

(2) Despite subsection (1), if a source protection authority appoints a person as a member of a source protection committee to fill a vacancy that occurs before the date the former member's term would have expired, the term of the appointment of the new member expires on that date.

(3) Despite subsection (1), every source protection authority that makes appointments to a source protection committee that is required by section 8 of the Act to prepare terms of reference for the preparation of the first assessment report and source protection plan for a source protection area shall ensure that the appointments comply with the following rules:

1. If, without regard to subsection 1 (3), subsection 1 (1) provides that the source protection committee has 10 members,
 - i. the terms of the appointments of one member appointed pursuant to paragraph 1 of subsection 2 (1), one member appointed pursuant to paragraph 2 of that subsection and one member appointed pursuant to paragraph 3 of that subsection must expire,
 - A. when notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. when notices have been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region,

- ii. the terms of the appointments of one member appointed pursuant to paragraph 1 of subsection 2 (1), one member appointed pursuant to paragraph 2 of that subsection and one member appointed pursuant to paragraph 3 of that subsection must expire,
 - A. on the first anniversary of the date notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. on the first anniversary of the date when notices had been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region, and
 - iii. the terms of the appointments of one member appointed pursuant to paragraph 1 of subsection 2 (1), one member appointed pursuant to paragraph 2 of that subsection and one member appointed pursuant to paragraph 3 of that subsection must expire,
 - A. on the second anniversary of the date notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. on the second anniversary of the date when notices had been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region.
- 2. If, without regard to subsection 1 (3), subsection 1 (1) provides that the source protection committee has 13 members,
 - i. the terms of the appointments of two members appointed pursuant to paragraph 1 of subsection 2 (1), two members appointed pursuant to paragraph 2 of that subsection and two members appointed pursuant to paragraph 3 of that subsection must expire,
 - A. when notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or

- B. when notices have been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region,
 - ii. the terms of the appointments of one member appointed pursuant to paragraph 1 of subsection 2 (1), one member appointed pursuant to paragraph 2 of that subsection and one member appointed pursuant to paragraph 3 of that subsection must expire,
 - A. on the first anniversary of the date notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. on the first anniversary of the date when notices had been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region, and
 - iii. the terms of the appointments of one member appointed pursuant to paragraph 1 of subsection 2 (1), one member appointed pursuant to paragraph 2 of that subsection and one member appointed pursuant to paragraph 3 of that subsection must expire,
 - A. on the second anniversary of the date notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. on the second anniversary of the date when notices had been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region.
- 3. If, without regard to subsection 1 (3), subsection 1 (1) provides that the source protection committee has 16 members,
 - i. the terms of the appointments of two members appointed pursuant to paragraph 1 of subsection 2 (1), two members appointed pursuant to

paragraph 2 of that subsection and two members appointed pursuant to paragraph 3 of that subsection must expire,

- A. when notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. when notices have been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region,
- ii. the terms of the appointments of two members appointed pursuant to paragraph 1 of subsection 2 (1), two members appointed pursuant to paragraph 2 of that subsection and two members appointed pursuant to paragraph 3 of that subsection must expire,
 - A. on the first anniversary of the date notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. on the first anniversary of the date when notices had been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region, and
- iii. the terms of the appointments of one member appointed pursuant to paragraph 1 of subsection 2 (1), one member appointed pursuant to paragraph 2 of that subsection and one member appointed pursuant to paragraph 3 of that subsection must expire,
 - A. on the second anniversary of the date notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - B. on the second anniversary of the date when notices had been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region.

4. The term of the appointment of any member appointed pursuant to section 6 must expire,
 - i. when notice is published under section 30 of the Act of the approval of the first source protection plan for the area, in the case of a source protection committee established for a source protection area, or
 - ii. when notices have been published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region, in the case of a source protection committee established for a source protection region.

List of appointments

10. Every source protection authority that establishes a source protection committee shall publish notice of every appointment to the committee on the Internet and shall maintain an up to date list of the members of the committee on the Internet, including a brief biography of each member.

Exemptions

11. On application, the Minister may grant exemptions from any provision in sections 3 to 9, subject to such conditions and restrictions as the Minister may impose.

OPERATION

Chair

12. (1) The chair of a source protection committee shall preside at all meetings of the committee.

(2) If the chair is absent or unable to act or the office of the chair is vacant, the remaining members shall appoint an acting chair from among themselves, and the acting chair has all the powers and shall perform all the duties of the chair.

Quorum

13. (1) The quorum of a source protection committee is the chair or acting chair, plus at least two thirds of the number of members of the committee that the source protection authority is authorized to appoint.

(2) One or more vacancies in the membership of a source protection committee does not prevent the committee from conducting business as long as the number of members remaining in office is sufficient to maintain a quorum.

Rules of procedure for committee business

14. (1) Within 90 days after a sufficient number of members to constitute a quorum are appointed to a source protection committee, the committee shall prepare written rules of procedure for conducting the business of the committee.

(2) The committee shall ensure that the rules of procedure contain the following rules:

1. The business of the committee shall be carried out at meetings of the committee at which a quorum is present.
2. The committee shall attempt to make decisions by consensus.
3. If the chair determines that reasonable efforts have been made to achieve consensus but the committee has been unable to make a decision by consensus, the decision may be made by a majority vote of the members present.
4. The chair shall not cast a vote except in the case of an equality of votes.

(3) The committee shall publish its rules of procedure on the Internet.

(4) The committee shall conduct its business in accordance with its rules of procedure.

Code of conduct and conflict of interest policy

15. (1) Within 90 days after a sufficient number of members to constitute a quorum are appointed to a source protection committee, a source protection committee shall prepare a written code of conduct and conflict of interest policy for members of the committee.

(2) The committee shall publish its code of conduct and conflict of interest policy on the Internet.

(3) The members of the committee shall comply with the code of conduct and conflict of interest policy.

Meetings

16. (1) The chair of a source protection committee shall determine the time and location of the first meeting of the committee.

(2) The committee shall at its first meeting and every six months thereafter establish a meeting schedule for the following six months which shall include at least one meeting each month until proposed terms of reference are submitted to the source protection authority under section 9 of the Act.

(3) The committee shall give notice of committee meetings to the public by publishing the current meeting schedule on the Internet and in such other manner as may be determined by the committee.

Minutes of meetings

17. A source protection committee shall keep minutes of its meetings and shall publish the minutes on the Internet.

Meetings open to the public

18. (1) All meetings of a source protection committee shall be open to the public.

(2) Despite subsection (1), the committee may close a meeting or part of a meeting to the public if the subject matter to be discussed is,

- (a) a personal or financial matter about an identifiable individual; or
- (b) a request under the *Municipal Freedom of Information and Protection of Privacy Act* for access to a record.

(3) The committee shall not close a meeting or part of a meeting to the public under subsection (2) unless it has passed a resolution that,

- (a) states that the meeting or part of the meeting is closed to the public; and
- (b) states the general nature of the subject matter to be discussed in the absence of the public.

Quarterly reports

19. If terms of reference for the preparation of an assessment report and source protection plan for a source protection area have been approved under section 10 of the Act, the chair of the source protection committee shall, at least once every three months until a proposed source protection plan is submitted to the source protection authority under subsection 22 (16) of the Act,

- (a) prepare a report on the work of the committee that includes an update on the status of each major task that is identified in the work plan that is included in the terms of reference; and
- (b) submit the report to,
 - (i) the source protection authority for the source protection area, and
 - (ii) if the source protection area is part of a source protection region, the lead source protection authority.

Removal from office

20. (1) A source protection authority that has established a source protection committee may, on its own initiative or on the request of the chair of the committee, remove from office a member of the committee who was appointed by the authority if the authority is of the opinion that the member has failed to comply with a condition of the appointment referred to in section 8.

(2) If the source protection authority proposes, on its own initiative, to remove a member of a source protection committee from office, it shall give the member a written statement of the reasons for the proposed removal.

(3) If the chair of the source protection committee requests the removal from office of a member of the committee,

- (a) the request shall be made in writing and shall include a written statement of the reasons for the request; and
- (b) if the source protection authority proposes, on the request of the chair, to remove the member from office, it shall give the member a copy of the chair's request.

(4) The source protection authority shall provide the member and the chair of the source protection committee with an opportunity to make submissions to the authority before it makes a decision on whether or not to remove the member from office.

(5) The source protection authority shall give written notice of its decision to the member and to the chair of the source protection committee, together with the authority's reasons.

Made by:

.....

Minister of the Environment

Date made:

DRAFT – FOR PUBLIC CONSULTATION ONLY

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ONTARIO REGULATION

made under the

CLEAN WATER ACT, 2006

TERMS OF REFERENCE

Definitions

1. In this Regulation,

“band” has the same meaning as in the *Indian Act* (Canada);

“operating authority” has, with respect to a drinking-water system, the same meaning as in the *Safe Drinking Water Act, 2002*;

“owner” has, with respect to a drinking-water system, the same meaning as in the *Safe Drinking Water Act, 2002*;

“reserve” has the same meaning as in the *Indian Act* (Canada).

Notice to band

2. If any part of the reserve of a band is included in a source protection area, the source protection committee shall give the chief of the band notice when the committee begins preparation of the terms of reference for the source protection area.

Contents of terms of reference

3. (1) The terms of reference for a source protection area shall be in a form approved by the Director and shall contain the following:

1. A map showing the boundaries of the source protection area and the boundaries of every municipality in which any part of the source protection area is located.
2. If the source protection area is part of a source protection region, a map showing the boundaries of the source protection region, the boundaries of every source protection area located in the region and the boundaries of every municipality in which any part of the source protection region is located.
3. A list of all of the municipalities in which any part of the source protection area is located.
4. A copy of any resolutions passed by councils of municipalities under,
 - i. subsection 8 (3) or (6) of the Act, or
 - ii. subsection 5 (1) or (2) of Ontario Regulation **XXX/07** made under the Act (provision in Miscellaneous regulation exempting drinking-water systems, wells or intakes from Assessment Report)
5. A table setting out the following information for each existing and planned drinking-water system to which clause 15 (2) (e) of the Act applies for the purpose of preparing the assessment report:
 - i. The drinking water system number of the drinking-water system, if one has been assigned.
 - ii. The name of the drinking-water system.
 - iii. The owner of the drinking-water system.
 - iv. The operating authority for the drinking-water system.
 - v. Whether the drinking-water system obtains water from a raw water supply that is groundwater or surface water.
6. A table setting out the following information for each existing municipal drinking-water system to which, pursuant to subsection 5 (1) of Ontario Regulation **XXX/07**, (provision in Miscellaneous regulation exempting certain drinking-water systems, wells or intakes from Assessment Report) clause 15 (2) (e) of the Act does not apply for the purpose of preparing the assessment report:

- i. The drinking water system number of the drinking-water system, if one has been assigned.
 - ii. The name of the drinking-water system.
 - iii. The owner of the drinking-water system.
 - iv. The operating authority for the drinking-water system.
 - v. Whether the drinking-water system obtains water from a raw water supply that is groundwater or surface water.
- 7. A list of matters that require consultation with a source protection committee for another source protection area during the preparation of the assessment report and source protection plan, and, for each matter, the name of the other source protection area and a description of the matter.
- 8. A work plan that identifies all of the major tasks to be completed in the preparation of the assessment report and source protection plan and that includes the following information for each task:
 - i. The person or body responsible for performing the task.
 - ii. An estimate of the date by which the task is expected to be completed.
 - iii. An estimate of the costs that are expected to be incurred in performing the task.
- 9. The date by which, pursuant to section 2 of Ontario Regulation **XXX/07** (provision in Time Limits regulation), made under the Act, the source protection authority is required to submit the proposed assessment report to the Director and take the other steps that are required for it to comply with subsection 17 (1) of the Act.
- 10. The date by which, pursuant to section 3 of Ontario Regulation **XXX/07** (provision in Time Limits regulation), the source protection authority is required to submit the proposed source protection plan to the Minister and take the other steps that are required for it to comply with section 25 of the Act.

(2) For the purpose of subparagraphs 5 v and 6 v of subsection (1), section 2 of Ontario Regulation 170/03 (Drinking-Water Systems) made under the *Safe Drinking Water Act, 2002* applies, with necessary modifications, to the determination of whether a drinking-water system obtains water from a raw water supply that is groundwater or surface water.

Performance of tasks by municipality

4. (1) If the council of a municipality in which any part of a source protection area is located has passed a resolution consenting to perform a task identified by the source protection committee in connection with the preparation of the assessment report or source protection plan for the source protection area, the terms of reference shall require the municipality to perform the task.

(2) Despite subsection (1), if the councils of two or more municipalities pass resolutions described in that subsection consenting to perform the same task, the terms of reference may,

- (a) require one of the municipalities to perform the task;
- (b) require two or more of the municipalities to jointly perform the task; or
- (c) divide responsibility for performing the task between the municipalities in such other manner as is set out in the terms of reference.

(3) The terms of reference shall not require a municipality to perform a task unless the council of the municipality has passed a resolution described in subsection (1).

(4) If the terms of reference require a municipality to perform a task, the source protection committee shall consult with the municipality on,

- (a) the estimated date by which the task is expected to be completed; and
- (b) the estimated costs that are expected to be incurred in performing the task.

(5) This section does not apply to a requirement that a municipality perform a task if the requirement is included in the terms of reference pursuant to a decision of the Minister under section 10 or 13 of the Act.

Great Lakes-St. Lawrence River agreements

5. (1) If section 14 of the Act deems terms of reference to require consideration of documents referred to in that section, the terms of reference shall include a provision that requires consideration of those documents.

(2) If a source protection area contains water that flows into the St. Lawrence River but does not flow into the Great Lakes, the terms of reference for the preparation of an assessment report and source protection plan for the source protection area shall include a provision that requires consideration of the documents referred to in section 14 of the Act.

Consultation on draft terms of reference

6. (1) A source protection committee that is preparing terms of reference for a source protection area shall, before submitting proposed terms of reference to the source protection authority under section 9 of the Act, prepare a draft of the proposed terms of reference and,

- (a) publish the draft on the Internet and make it available for inspection by the public at a location in the source protection area; and
- (b) give a copy of the draft to,
 - (i) the clerk of each municipality in which any part of the source protection area is located,
 - (ii) if any part of the reserve of a band is included in the source protection area, the chief of the band;
 - (iii) the chair of every other source protection committee for which the draft lists a matter that requires consultation during the preparation of the assessment report or source protection plan, and
 - (iv) every person or body that,
 - (A) is established pursuant to the Great Lakes Water Quality Agreement of 1978 that is referred to in paragraph 1 of subsection 14 (1) of the Act, and
 - (B) is involved in the development or implementation of a remedial action plan or lakewide management plan in accordance with Annex 2 of the Agreement.

(2) As soon as reasonably possible after publishing the draft on the Internet, the source protection committee shall publish a notice advising the public of the opportunity to,

- (a) view the draft on the Internet;
- (b) inspect the draft, during times specified in the notice, at a location specified in the notice;
- (c) attend a public meeting on the draft on a date, at a time and at a location specified in the notice; and
- (d) submit written comments on the draft to the source protection committee within 35 days after the notice is published.

(3) The source protection committee shall publish the notice referred to in subsection (2) in one or more newspapers that, in the opinion of the source protection committee, are of sufficiently general circulation to bring the notice to the attention of the public in the source protection area.

(4) The source protection committee shall hold at least one public meeting, at a location in the source protection area, at least 21 days after the notice is published under subsection (2), for the purpose of giving the public an opportunity to review the draft, ask questions and make comments.

(5) In finalizing the proposed terms of reference, the source protection committee shall consider,

- (a) written comments on the draft that are submitted to the source protection committee within 35 days after the notice was published under subsection (2);
- (b) comments made at the public meeting; and
- (c) written comments on the draft that are submitted to the source protection committee in response to the giving of copies of the draft under clause (1) (b).

(6) This section also applies, with necessary modifications, to the preparation of an amendment to the terms of reference.

Submission of proposed terms of reference to source protection authority

7. (1) When the source protection committee submits the proposed terms of reference to the source protection authority under clause 9 (a) of the Act, it shall,

- (a) give the source protection authority a summary of any concerns that were raised by bands during the preparation of the terms of reference and that were not resolved to the satisfaction of the bands; and
- (b) give a copy of the proposed terms of reference and the summary referred to in clause (a) to each chief of a band to whom a notice was required to be given under section 2.

(2) For the purpose of clause 9 (c) of the Act, the invitation to submit written comments to the source protection authority shall invite comments to be submitted within 30 days after the publication of the proposed terms of reference on the Internet under that clause.

Submission of proposed terms of reference to Minister

8. When the source protection authority submits the proposed terms of reference to the Minister under subsection 10 (1) of the Act, it shall,

- (a) give the Minister the summary of concerns referred to in clause 7 (1) (a) of this Regulation; and
- (b) give the source protection committee copies of the written comments referred to in clause 10 (1) (c) of the Act.

Amendments proposed by source protection committee

9. For the purpose of subsection 13 (1) of the Act, the source protection committee may propose amendments to the terms of reference in the following circumstances:

1. The boundaries of the source protection area for which the terms of reference were prepared have been altered.
2. The council of a municipality in which any part of the source protection area is located has passed a resolution under subsection 8 (3) or (6) of the Act since the terms of reference were approved under section 10 of the Act.
3. The council of a municipality in which any part of the source protection area is located has passed a resolution under subsection 5 (1) or (2) ~~XXX/07~~ of Ontario Regulation (provision in Miscellaneous regulation exempting certain drinking-water systems, wells or intakes from Assessment Report) made under the Act since the terms of reference were approved under section 10 of the Act.
4. The source protection committee is of the opinion that a significant change is required to the work plan that is included in the terms of reference, including a change to the portion of the work plan that identifies the body responsible for performing a task.
5. The terms of reference contain an error that, if left uncorrected, will affect the preparation of the assessment report or source protection plan.

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ONTARIO REGULATION

made under the

CLEAN WATER ACT, 2006

TIME LIMITS

Terms of reference

1. (1) The source protection committee shall submit the proposed terms of reference to the source protection authority and take the other steps that are required to comply with section 9 of the Act not later than,

- (a) nine months after the appointment of the first chair of the source protection committee, if clause (b) does not apply; or
- (b) seven months after the date specified by the Minister under subsection 36 (1) of the Act, if the terms of reference are being prepared as part of the review of a source protection plan that is required under section 36 of the Act.

(2) The source protection authority shall submit the proposed terms of reference to the Minister and take the other steps that are required to comply with subsection 10 (1) of the Act not later than,

- (a) eleven months after the appointment of the first chair of the source protection committee, if clause (b) does not apply; or

- (b) nine months after the date specified by the Minister under subsection 36 (1) of the Act, if the terms of reference are being prepared as part of the review of a source protection plan that is required under section 36 of the Act.

Assessment report

2. The source protection authority shall submit the proposed assessment report to the Director and take the other steps that are required to comply with subsection 17 (1) of the Act by a date specified in the terms of reference that is not later than,

- (a) the second anniversary of the appointment of the first chair of the source protection committee, if clause (b) does not apply; or
- (b) the second anniversary of the date specified by the Minister under subsection 36 (1) of the Act, if the assessment report is being prepared as part of the review of a source protection plan that is required under section 36 of the Act.

Source protection plan

3. The source protection authority shall submit the proposed source protection plan to the Minister and take the other steps that are required to comply with section 25 of the Act by a date specified in the terms of reference that is not later than,

- (a) the fifth anniversary of the appointment of the first chair of the source protection committee, if clause (b) does not apply; or
- (b) the fifth anniversary of the date specified by the Minister under subsection 36 (1) of the Act, if a review of a source protection plan is being conducted under section 36 of the Act.

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ONTARIO REGULATION

made under the

CLEAN WATER ACT, 2006

MISCELLANEOUS

Definition of “planned”

1. In the Act and regulations,

“planned” means, with respect to a drinking-water system, a drinking-water system that is to be established, or a part of a drinking-water system that is to be established, if,

- (a) approval to proceed with the establishment of the system or part has been given under Part II of the *Environmental Assessment Act*, or
- (b) the establishment of the system or part has been identified as the preferred solution within a completed planning process conducted in accordance with an approved class environmental assessment under Part II.1 of the *Environmental Assessment Act* and no order has been issued under section 16 of that Act.

Amendments to agreements relating to source protection regions

2. (1) The time period within which the Minister may make amendments to an agreement under subsection 6 (4) of the Act is 120 days after a copy of the agreement is submitted to the Minister under that subsection.

(2) The time period within which the Minister may make amendments to an amended agreement under subsection 6 (8) of the Act is 120 days after the amended agreement is submitted to the Minister under clause 6 (7) (b) of the Act.

Drinking-water systems that cannot be included in terms of reference

3. (1) An existing non-municipal drinking-water system that serves one private residence and no other facility is prescribed for the purposes of subsections 8 (3) and 10 (7) of the Act unless,

- (a) the well or intake that serves as the source or entry point of raw water supply for the drinking-water system is located within a cluster of six or more wells or intakes; or
- (b) the system is located within an area of settlement as defined in the *Planning Act*.

(2) In subsection (1),

“non-municipal drinking-water system”, “private residence” and “raw water supply” have the same meanings as in the *Safe Drinking Water Act, 2002*.

Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement

4. The Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement dated December 13, 2005 and signed by the Premiers of Ontario and Quebec and the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin is prescribed for the purposes of paragraph 4 of subsection 14 (1) of the Act.

Exemptions from subclause 15 (2) (e) (i) of the Act

5. (1) Subclause 15 (2) (e) (i) of the Act does not apply to an existing municipal drinking-water system if the council of the municipality that owns the system has,

- (a) passed a resolution stating that the municipality intends, within five years after the date the resolution is passed,
 - (i) to discontinue the use of the drinking-water system, and
 - (ii) to make an application under the *Safe Drinking Water Act, 2002* for the revocation of any approval, drinking-water licence or permit that is applicable to the drinking-water system;
- (b) published notice of the resolution referred to in clause (a) in one or more newspapers that, in the opinion of the council of the municipality, are of sufficiently general circulation to bring the notice to the attention of the public in the municipality; and
- (c) sent a copy of the resolution referred to in clause (a) to the source protection committee for the source protection area.

(2) Subclause 15 (2) (e) (i) of the Act does not apply to a wellhead protection area or surface water intake protection zone that is related to a municipal drinking-water system if the council of the municipality that owns the system has,

- (a) passed a resolution stating that the municipality intends, within five years after the date the resolution is passed,
 - (i) to discontinue the use of the well or surface water intake to which the wellhead protection area or surface water intake protection zone relates, and
 - (ii) to make an application under the *Ontario Water Resources Act* for the cancellation of any permit that is applicable to the well or surface water intake referred to in subclause (i);
- (b) published notice of the resolution referred to in clause (a) in one or more newspapers that, in the opinion of the council of the municipality, are of sufficiently general circulation to bring the notice to the attention of the public in the municipality; and
- (c) sent a copy of the resolution referred to in clause (a) to the source protection committee for the source protection area.

(3) An exemption under subsection (1) or (2) ceases to apply on the fifth anniversary of the day the resolution was passed by the council of the municipality if, by that anniversary, the municipality has not done the things the resolution stated that the municipality intended to do.

Notice of drinking-water health hazard

6. (1) Subsection 89 (1) of the Act does not apply to a person who becomes aware of a discharge described in that subsection unless he or she becomes aware of the discharge while he or she is exercising the authority to enter property under section 62 or 88 of the Act.

(2) Despite subsection (1), subsection 89 (1) of the Act does not apply to a person if he or she has already notified the Ministry of the discharge or has reasonable grounds to believe that another person has notified the Ministry of the discharge.

(3) A person who is required to notify the Ministry under subsection 89 (1) of the Act shall do so by telephoning the Ministry's Spills Action Centre (1-800-268-6060) and providing the following information:

1. The person's name and telephone number.
2. A description of the location where the substance is being discharged or is about to be discharged, including the municipal address, if the municipal address is known.

3. The drinking-water system into whose raw water supply the substance is being discharged or is about to be discharged.
4. The date and time that the person became aware of the discharge.
5. The substance that is being discharged or is about to be discharged, if the substance is known.
6. The amount of the substance that is being discharged or is about to be discharged, if the amount is known.
7. The reasons for the person's opinion that, as a result of the discharge, an imminent drinking-water health hazard exists.

(4) If a person who provided information to the Ministry under subsection (1) becomes aware that any of the information is not correct, the person shall immediately telephone the Ministry's Spills Action Centre (1-800-268-6060) and provide the correct information.