

A Quick Reference Guide to the Clean Water Act, 2006

This document should be read in conjunction with the *Clean Water Act, 2006*. A complete version of the *Clean Water Act, 2006* can be found online at e-laws.gov.on.ca or the Ministry of the Environment's website at ontario.ca/cleanwater. A print version can be obtained by calling the Ontario Publications centre toll-free at 1-800-668-9938.

<p>PART I – GENERAL (S.1-6)</p>	<p>Section 1 sets out the purpose of the <i>Clean Water Act, 2006</i> which is to protect existing and future sources of drinking water.</p> <p>Section 2 outlines a number of definitions including definitions of source protection area, source protection region, source protection committee, source protection authority, source protection plan, drinking water threat, significant drinking water threat, drinking water system, highly vulnerable areas and wellhead protection areas.</p> <p>Sections 3-6 provides for appointment of Directors and establishes sources protection areas and source protection authorities. Where a Conservation Authority exists in the Province, its area of jurisdiction will become a source protection area. Some source protection areas may be grouped together to form larger source protection regions.</p>
<p>PART II – PREPARATION, AMENDMENT AND REVIEW OF SOURCE PROTECTION PLANS (S.7-36)</p>	<p>Section 7 requires the establishment of a source protection committee (SPC) for each source protection area or source protection region. The SPC is responsible for developing a terms of reference, an assessment report and a source protection plan for the source protection area or region.</p> <p>Sections 8-14 requires the SPC to prepare a terms of reference document that outlines all the steps to be taken to develop an assessment report and a source protection plan for the source protection area. Municipal drinking-water systems serving major residential developments must be considered in the planning process. A council of a municipality may pass a resolution requiring that the terms of reference include other existing or</p>

	<p>planned drinking water systems in the source protection planning process. The SPC must consult with municipalities/public and make the final Minister-approved document available to the public. In addition, if a source protection area contains water that flows into the Great Lakes, the terms of reference must include consideration of Great Lakes agreements in the development of the assessment report and source protection plan.</p> <p>Sections 15-21 requires the SPC to prepare an assessment report which is a science-based report developed locally for each source protection area. It will identify the watersheds in the source protection area, the vulnerable areas within the source protection area, and assess drinking water threats in each vulnerable area in order to determine which threats constitute significant drinking water threats. The SPC must consult with municipalities/public and make the final Director-approved document available to the public. Public documents will not contain any personal information. The Minister shall include a summary of reports submitted by SPAs in the annual report prepared by the Minister under the SDWA.</p> <p>Sections 22-36 requires that the SPC prepare a source protection plan for the source protection area. The source protection plan must set out policies intended to ensure that all significant drinking water threats cease to be significant and that potential threats are managed in such a way that they will never become significant drinking water threats. The SPC must consult with municipalities/public and make the source protection plan available to the public.</p> <p>For source protection areas established outside of conservation authority areas, the Act provides the Minister of the Environment with the authority to enter into an agreement with one or more municipalities regarding the preparation of a focused source protection plan. All source protection plans shall be submitted by the source protection authority to the Minister, and may be subject to hearings and requirements for revisions and resubmissions. All approved documents including the terms of reference, assessment report, and source protection plans will be made available to the public.</p>
<p>PART III – EFFECT OF SOURCE PROTECTION PLANS (S.37-46)</p>	<p>Sections 37-38 provides that Part II of the Act applies in a source protection area where a source protection plan has taken effect and requires municipalities, local boards and source protection authorities to comply with any obligation imposed upon them by significant threat policies or designated Great Lakes policies set out in the source protection plan.</p> <p>Section 39 addresses conflicts regarding official plans, by-laws, and provisions in plans or policies under other legislation. In the event of a conflict, the provision which provides the greatest protection to the quality or quantity of drinking water prevails. Decisions under the Planning Act or the Condominium Act, 1998 must conform with the significant threat policies and designated Great Lakes policies set out in the source protection plan and have regard to the other polices set out in the plan. As well, decisions to issue or amend a prescribed instrument must conform with the significant threat policies and designated Great Lakes policies set out in the plan and have regard to the other polices set out in the plan.</p>

	<p>Sections 40-44 sets out conformity provisions including the requirement that Official Plans, zoning by-laws, and prescribed instruments relating to significant drinking water threats, must conform to the significant threat policies and designated Great Lakes policies set out in the plan. Finally, if in the Minister’s opinion an instrument relating to a significant drinking water threat does not conform to the plan, the Minister may request that the person or body with the authority to amend the instrument does so in order to have it conform to the plan.</p> <p>Sections 45-46 sets out monitoring requirements and annual progress reporting requirements. Annual reports will be prepared by the source protection authority for submission to the Director and source protection committee, and will describe measures taken in implementing the source protection plan, the results of any monitoring program, and the extent to which objectives have been achieved. These reports will not contain any personal information and will be made available to the public.</p>
<p>PART IV – REGULATION OF DRINKING WATER THREATS (S.47-81)</p>	<p>Sections 47-51 sets out enforcement responsibilities. Except where otherwise provided in the Act, enforcement of Part IV of the Act is given to single tier municipalities and municipalities that have authority to make by-laws under the <i>Municipal Act, 2001</i> for the production, treatment and storage of water. This enforcement authority may be delegated by the municipality to other specific public bodies by agreement, such as boards of health and source protection authorities. The body responsible for enforcing Part IV must appoint a risk management official to administer the provisions of this Part. Ontario is responsible for the enforcement of Part IV in unorganized territories and with respect to activities prescribed by regulations.</p> <p>Sections 52-69 sets out authorities for issuing, amending, renewing and revoking risk management plans, the issuance of enforcement orders by risk management officials, powers of entry, and where a person has failed to carry out work required by an order, the authority for a risk management official to cause the work to be done at the person’s expense. If a risk management plan cannot be agreed to with a risk management official (RMO) within a specified period of time, the RMO may impose a plan. Risk management plans may be appealed to the Environmental Review Tribunal.</p> <p>After a source protection plan has come into effect two important prohibitions may come into force under Part IV. If an activity that is a prescribed activity and identified as a significant drinking water threat within an area within a wellhead protection area or surface water intake protection zone in the assessment report, is designated in the source protection plan as an activity to which section 57 should apply, a person is prohibited from engaging in that activity in that area. This prohibition does not apply to an activity if the activity was engaged in immediately before the plan took effect until 180 days after the plan has taken effect or the date set out in the plan. As well, for existing and future activities that are prescribed activities and identified as significant drinking water threats within an area within a wellhead protection area or surface water intake protection zone in the assessment report and are designated by the plan as activities to which section 58 should apply, no person may engage in such activities in that area unless the person engages in the activity in accordance with a risk management plan.</p>

	<p>Sections 70-81 deals with the appeals provisions including hearings, powers of the Tribunal, stays on appeals, time extensions and annual reporting requirements.</p>
<p>PART V – OTHER MATTERS (S.85-118)</p>	<p>Part V of the legislation deals with other matters, including, but not limited to the following:</p> <ul style="list-style-type: none"> • Matters related to the Great Lakes as a source of drinking water • Aboriginal and treaty rights • Obligations on various public bodies to share information that is required for the source protection planning process • Director’s authority to establish technical rules in relation to assessment reports, risk assessments and risk management plans • Regulation-making authority for the Minister and for the Lieutenant Governor in Council (LGIC) • Offence provisions, largely for the purpose of enforcing Part IV • Amendments to the Building Code Act to authorize the establishment by regulation of maintenance inspection programs for septic systems. • Complimentary amendments to the Planning Act, the Conservation Authorities Act and the Consolidated Hearings Act. • Establishment of the Ontario Drinking Water Stewardship Program which will provide financial assistance to persons whose activities or properties are affected by this Act or who administer incentive programs and education and outreach programs related to source protection plans.

Background information on the Clean Water Act is available on the Ministry of the Environment website at: ontario.ca/cleanwater

Further local information on drinking water source protection can be found at: conservation-ontario.on.ca/source_protection/otherswpreionsindex.htm



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