

Clean Water Act, 2006

ONTARIO REGULATION 287/07 GENERAL

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DEFINITIONS OF WORDS AND EXPRESSIONS

Definitions

1. (1) In the Act,

“highly vulnerable aquifer” means an aquifer on which external sources have or are likely to have a significant adverse effect, and includes the land above the aquifer; (“aquifère hautement vulnérable”)

“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*,

(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 subsection 16 (1) of that Act, or

(c) the system or part would serve a reserve as defined in the *Indian Act* (Canada); (“envisagé”)

“significant groundwater recharge area” means an area within which it is desirable to regulate or monitor drinking water threats that may affect the recharge of an aquifer; (“zone importante d’alimentation d’une nappe souterraine”)

“surface water intake protection zone” means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats; (“zone de protection des prises d’eau de surface”)

“wellhead protection area” means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats. (“zone de protection des têtes de puits”) O. Reg. 385/08, s. 2.

(2) In this Regulation,

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

“reserve” has the same meaning as in the *Indian Act* (Canada). (“réserve”) O. Reg. 385/08, s. 2.

Prescribed drinking water threats

1.1 (1) The following activities are prescribed as drinking water threats for the purpose of the definition of “drinking water threat” in subsection 2 (1) of the Act:

1. The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the *Environmental Protection Act*.
2. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
3. The application of agricultural source material to land.
4. The storage of agricultural source material.
5. The management of agricultural source material.
6. The application of non-agricultural source material to land.
7. The handling and storage of non-agricultural source material.
8. The application of commercial fertilizer to land.
9. The handling and storage of commercial fertilizer.
10. The application of pesticide to land.
11. The handling and storage of pesticide.
12. The application of road salt.
13. The handling and storage of road salt.
14. The storage of snow.
15. The handling and storage of fuel.
16. The handling and storage of a dense non-aqueous phase liquid.
17. The handling and storage of an organic solvent.
18. The management of runoff that contains chemicals used in the de-icing of aircraft.
19. An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
20. An activity that reduces the recharge of an aquifer.
21. The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard. O. Reg. 385/08, s. 3.

(2) In subsection (1),

“agricultural source material”, “application”, “commercial fertilizer”, “livestock”, “non-agricultural source material” and “outdoor confinement area” have the same meanings as in Ontario Regulation 267/03 (General) made under the *Nutrient Management Act, 2002*; (“bétail”, “engrais commercial”, “épandage”, “matière de source agricole”, “matière de source non agricole” et “zone de confinement extérieure”)

“management” means, with respect to agricultural source material, the collection, handling, treatment, transportation or disposal of agricultural source material; (“gestion”)

“pesticide” has the same meaning as in the *Pesticides Act*; (“pesticide”)

“sewage” has the same meaning as in the *Ontario Water Resources Act*. (“eaux d’égout”) O. Reg. 385/08, s. 3.

TERMS OF REFERENCE

Notice when preparation begins

2. (1) If any part of a municipality is included in a source protection area, the source protection committee shall give the clerk of the municipality notice when the committee begins preparation of the terms of reference for the source protection area. O. Reg. 287/07, s. 2 (1).

(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. O. Reg. 287/07, s. 2 (2).

(3) A notice under subsection (1) or (2) shall include an invitation to discuss with the source protection committee the development of the work plan that must be included in the terms of reference under paragraph 9 of subsection 3 (1). O. Reg. 287/07, s. 2 (3).

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 14 (1), (2) or (4).
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 information referred to in subparagraphs 5 i to v for each existing municipal drinking water system to which, pursuant to subsection 14 (1), subclause 15 (2) (e) (i) of the Act does not apply for the purpose of preparing the assessment report.
7. If the Minister has notified the source protection committee that, when he or she receives the proposed terms of reference under section 10 of the Act, he or she may consider requiring an amendment to the terms of reference to provide, for the purposes of subclause 15 (2) (e) (iii) of the Act, that the assessment report consider one or more existing or planned drinking water systems that are located in the source protection area and are specified by the Minister, a table setting out the information referred to in subparagraphs 5 i to v for each of the specified systems.
8. 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.
9. 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. REVOKED: O. Reg. 385/08, s. 5 (3).

10. REVOKED: O. Reg. 385/08, s. 5 (4).

O. Reg. 287/07, s. 3 (1); O. Reg. 385/08, s. 5 (1-4).

(1.1) For the purpose of subparagraphs 5 iii and iv of subsection (1), “owner” and “operating authority” have, with respect to a drinking water system, the same meanings as in the *Safe Drinking Water Act, 2002*. O. Reg. 385/08, s. 5 (5).

(2) For the purpose of subparagraph 5 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. O. Reg. 287/07, s. 3 (2).

(3) If information is required to be included in terms of reference under paragraph 7 of subsection (1) for one or more drinking water systems, the source protection committee shall take those systems into account in preparing the terms of reference, including the list required by paragraph 8 of subsection (1) and the work plan required by paragraph 9 of subsection (1). O. Reg. 287/07, s. 3 (3).

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. O. Reg. 287/07, s. 4 (1).

(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. O. Reg. 287/07, s. 4 (2).

(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). O. Reg. 287/07, s. 4 (3).

(4) If the terms of reference require a municipality to perform a task, the source protection committee shall consult with the municipality on the estimated date by which the task is expected to be completed. O. Reg. 385/08, s. 6.

(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. O. Reg. 287/07, s. 4 (5).

Drinking water systems that cannot be included in terms of reference

4.1 (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;
- (b) the system is located within an area of settlement as defined in the *Planning Act*; or
- (c) the private residence is a designated facility or public facility as defined in Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*. O. Reg. 385/08, s. 7.

(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*. O. Reg. 385/08, s. 7.

Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005

4.2 The Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005 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. O. Reg. 385/08, s. 7.

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. O. Reg. 287/07, s. 5 (1).

(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. O. Reg. 287/07, s. 5 (2).

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 one or more locations that, in the opinion of the source protection committee, are sufficiently accessible to give the public in the source protection area a reasonable opportunity to inspect the draft; 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. O. Reg. 287/07, s. 6 (1).

(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. O. Reg. 287/07, s. 6 (2).

(3) The source protection committee shall,

- (a) 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; and
- (b) make the notice referred to in subsection (2) available for inspection by the public at one or more locations that, in the opinion of the source protection committee, are sufficiently accessible to give the public in the source protection area a reasonable opportunity to inspect the notice. O. Reg. 287/07, s. 6 (3).

(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. O. Reg. 287/07, s. 6 (4).

(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). O. Reg. 287/07, s. 6 (5).

(6) REVOKED: O. Reg. 385/08, s. 8.

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. O. Reg. 287/07, s. 7 (1).

(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. O. Reg. 287/07, s. 7 (2).

(3) 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) 12 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. O. Reg. 385/08, s. 9.

(4) Despite clause (3) (a), if clause (3) (b) does not apply and, under section 94 of the Act and before the revocation of Ontario Regulation 285/07 (Time Limits) made under the Act, the Minister granted an extension of the time set out in clause 1 (1) (a) of that regulation, 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 the date specified by the Minister in the extension. O. Reg. 385/08, s. 9.

Submission of proposed terms of reference to Minister

8. (1) 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 comments referred to in clauses 10 (1) (a) and (c) of the Act. O. Reg. 287/07, s. 8.

(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) 14 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. O. Reg. 385/08, s. 10.

(3) Despite clause (2) (a), if clause (2) (b) does not apply and, under section 94 of the Act and before the revocation of Ontario Regulation 285/07 (Time Limits) made under the Act, the Minister granted an extension of the time set out in clause 1 (2) (a) of that regulation, 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 the date specified by the Minister in the extension. O. Reg. 385/08, s. 10.

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 14 (1), (2) or (4) 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. O. Reg. 287/07, s. 9; O. Reg. 385/08, s. 11.

Consultation on amendments proposed by source protection committee

10. (1) A source protection committee that is preparing an amendment to a terms of reference for a source protection area shall, before submitting the proposed amendments to the source protection authority under section 9 of the Act, prepare a draft of the proposed amendments, publish the draft on the Internet and make it available for inspection by the public at one

or more locations that, in the opinion of the source protection committee, are sufficiently accessible to give the public in the part of the source protection area that is affected by the proposed amendments a reasonable opportunity to inspect the draft. O. Reg. 385/08, s. 12.

- (2) As soon as reasonably possible after publishing the draft on the Internet, the source protection committee shall,
 - (a) give a notice described in subsection (3) in such manner as, in the opinion of the source protection committee, is sufficient to bring the notice to the attention of the public in the part of the source protection area that is affected by the proposed amendments; and
 - (b) give a copy of the notice referred to in clause (a) to,
 - (i) the clerk of each municipality in which any part of the source protection area that is affected by the proposed amendments is located, and
 - (ii) if any part of the reserve of a band is included in the part of the source protection area that is affected by the proposed amendments, the chief of the band. O. Reg. 385/08, s. 12.
- (3) The notice referred to in clause (2) (a) shall advise the public in the part of the source protection area that is affected by the proposed amendments and the persons referred to in clause (2) (b) of the opportunity to,
 - (a) view the draft of the proposed amendments on the Internet;
 - (b) inspect the draft of the proposed amendments, during times specified in the notice, at a location specified in the notice; and
 - (c) submit written comments on the draft of the proposed amendments to the source protection committee by a date specified in the notice that is not earlier than 30 days after the notice is first given under clause (2) (a). O. Reg. 385/08, s. 12.
- (4) In finalizing the amendments to the terms of reference, the source protection committee shall consider written comments that are submitted to the source protection committee by the date specified under clause (3) (c). O. Reg. 385/08, s. 12.
- (5) When the source protection authority submits the proposed amendments to the Minister under subsection 10 (1) of the Act, it shall give the source protection committee copies of the comments referred to in clauses (10) (1) (a) and (c) of the Act. O. Reg. 385/08, s. 12.

ASSESSMENT REPORTS

Records

11. (1) A source protection committee shall retain every record that it creates or acquires for the purpose of preparing or updating an assessment report for a period of 15 years after the later of the following dates:

1. The date the record is created or acquired.
2. The date the assessment report is approved by the Director under section 17 or 19 of the Act. O. Reg. 385/08, s. 12.

(2) In this section,

“record” means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, minutes, correspondence, memoranda, plans, maps, drawings, photographs and films. O. Reg. 385/08, s. 12.

Form

12. An assessment report shall be in a form approved by the Director and, if the Director provides the source protection committee with computer software for the purpose of preparing the report, shall be prepared using the software. O. Reg. 385/08, s. 12.

Other information to be contained in assessment report

13. (1) The following information shall, in accordance with the regulations, the rules and the terms of reference, be included in an assessment report under clause 15 (2) (i) of the Act:

1. For each watershed identified under clause 15 (2) (a) of the Act, a characterization of the physical geography and human geography of the watershed and a characterization of the interactions between the physical geography and human geography.
2. For each vulnerable area identified under clause 15 (2) (d) or (e) of the Act, an identification of the following areas within the vulnerable area:
 - i. Areas where an activity listed under subclause 15 (2) (g) (i) of the Act is or would be a moderate drinking water threat.

- ii. Areas where an activity listed under subclause 15 (2) (g) (i) of the Act is or would be a low drinking water threat.
 - iii. Areas where a condition listed under subclause 15 (2) (g) (ii) of the Act is a moderate drinking water threat.
 - iv. Areas where a condition listed under subclause 15 (2) (g) (ii) of the Act is a low drinking water threat.
3. For each area identified under subclause 15 (2) (h) (i) of the Act, the circumstances in which the activity listed under clause 15 (2) (g) of the Act is or would be a significant drinking water threat.
 4. For each area identified under subparagraph 2 i, the circumstances in which the activity listed under subclause 15 (2) (g) (i) of the Act is or would be a moderate drinking water threat.
 5. For each area identified under subparagraph 2 ii, the circumstances in which the activity listed under subclause 15 (2) (g) (i) of the Act is or would be a low drinking water threat.
 6. For each vulnerable area identified under clause 15 (2) (d) or (e) of the Act,
 - i. the number of locations at which a person is engaging in an activity listed under subclause 15 (2) (g) (i) of the Act that is or would be a significant drinking water threat, and
 - ii. the number of locations at which a condition listed under subclause 15 (2) (g) (ii) of the Act is a significant drinking water threat.
 7. A summary, based on readily accessible information, of how conclusions in the assessment report are likely to be affected by changes to the climate of the source protection area in the 25 years following preparation of the report. O. Reg. 385/08, s. 12.

(2) In this section,

“low drinking water threat” means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a low risk;

“moderate drinking water threat” means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a moderate risk. O. Reg. 385/08, s. 12.

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

14. (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 day 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, municipal drinking water licence or drinking water works 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. O. Reg. 385/08, s. 12.

(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 day 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. O. Reg. 385/08, s. 12.

(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. O. Reg. 385/08, s. 12.

(4) Subclause 15 (2) (e) (i) of the Act does not apply to a planned municipal drinking water system if the council of the municipality that would own the system has,

- (a) passed a resolution stating that the municipality does not intend to establish 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. O. Reg. 385/08, s. 12.

Consultation on draft assessment report

15. (1) A source protection committee that is preparing an assessment report for a source protection area shall, before submitting the proposed assessment report to the source protection authority under section 16 of the Act, prepare a draft of the proposed assessment report, publish the draft on the Internet and make it available for inspection by the public at one or more locations that, in the opinion of the source protection committee, are sufficiently accessible to give the public in the source protection area a reasonable opportunity to inspect the draft. O. Reg. 385/08, s. 12.

(2) As soon as reasonably possible after publishing the draft on the Internet, the source protection committee shall,

- (a) publish a notice described in subsection (3) 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;
- (b) make the notice referred to in clause (a) available for inspection by the public at one or more locations that, in the opinion of the source protection committee, are sufficiently accessible to give the public in the source protection area a reasonable opportunity to inspect the notice; and
- (c) give a copy of the notice referred to in clause (a) 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) every person known to the source protection committee who is engaging in an activity listed under subclause 15 (2) (g) (i) of the Act that is or would be a significant drinking water threat,
 - (iv) if the terms of reference list a matter that requires consultation with another source protection committee during the preparation of the assessment report, the chair of the other source protection committee, and
 - (v) 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. O. Reg. 385/08, s. 12.

(3) The notice referred to in clause (2) (a) shall advise the public in the source protection area and the persons referred to in clause (2) (c) of the opportunity to,

- (a) view the draft of the proposed assessment report on the Internet;
- (b) inspect the draft of the proposed assessment report, during times specified in the notice, at a location specified in the notice;
- (c) attend a public meeting on the draft of the proposed assessment report on a date, at a time and at a location specified in the notice; and
- (d) submit written comments on the draft of the proposed assessment report to the source protection committee by a date specified in the notice that is not earlier than 35 days after the notice is first published under clause (2) (a). O. Reg. 385/08, s. 12.

(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. O. Reg. 385/08, s. 12.

(5) In finalizing the proposed assessment report, the source protection committee shall consider,

- (a) written comments that are submitted to the source protection committee by the date specified under clause (3) (d); and
- (b) comments made at the public meeting. O. Reg. 385/08, s. 12.

Submission of proposed assessment report to source protection authority

16. (1) When the source protection committee submits the proposed assessment report to the source protection authority under clause 16 (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 proposed assessment report and that were not resolved to the satisfaction of the bands; and
- (b) give a copy of the proposed assessment report and the summary referred to in clause (a) to each chief of a band to whom notice was required to be given under subclause 15 (2) (c) (ii). O. Reg. 385/08, s. 12.

(2) For the purpose of clause 16 (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 assessment report on the Internet under that clause. O. Reg. 385/08, s. 12.

Submission of proposed assessment report to Director

17. (1) When the source protection authority submits the proposed assessment report to the Director under subsection 17 (1) of the Act, it shall,

- (a) give the Director the summary of concerns referred to in clause 16 (1) (a); and
- (b) give the source protection committee copies of the comments referred to in clauses 17 (1) (a) and (c) of the Act. O. Reg. 385/08, s. 12.

(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 that is not later than,

- (a) the first anniversary of the date that notice of the approval of the terms of reference is published under section 11 of the Act, 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. O. Reg. 385/08, s. 12.

Updating of assessment report

18. (1) A source protection committee that is preparing an updated assessment report for a source protection area shall, before submitting the updated assessment report to the source protection authority under section 19 of the Act, prepare a draft of the proposed changes to be included in the updated assessment report, publish the draft on the Internet and make it available for inspection by the public at one or more locations that, in the opinion of the source protection committee, are sufficiently accessible to give the public in the part of the source protection area that is affected by the proposed changes a reasonable opportunity to inspect the draft. O. Reg. 385/08, s. 12.

(2) As soon as reasonably possible after publishing the draft on the Internet, the source protection committee shall,

- (a) give a notice described in subsection (3) in such manner as, in the opinion of the source protection committee, is sufficient to bring the notice to the attention of the public in the part of the source protection area that is affected by the proposed changes; and
- (b) give a copy of the notice referred to in clause (a) to,
 - (i) the clerk of each municipality in which any part of the source protection area that is affected by the proposed changes is located, and
 - (ii) if any part of the reserve of a band is included in the part of the source protection area that is affected by the proposed changes, the chief of the band. O. Reg. 385/08, s. 12.

(3) The notice referred to in clause (2) (a) shall advise the public in the part of the source protection area that is affected by the proposed changes and the persons referred to in clause (2) (b) of the opportunity to,

- (a) view the draft of the proposed changes on the Internet;
- (b) inspect the draft of the proposed changes, during times specified in the notice, at a location specified in the notice; and
- (c) submit written comments on the draft of the proposed changes to the source protection committee by a date specified in the notice that is not earlier than 30 days after the notice is first given under clause (2) (a). O. Reg. 385/08, s. 12.

(4) In finalizing the updated assessment report, the source protection committee shall consider written comments that are submitted to the source protection committee by the date specified under clause (3) (c). O. Reg. 385/08, s. 12.

(5) When the source protection authority submits the updated assessment report to the Director under subsection 19 (2) of the Act, it shall give the source protection committee copies of,

- (a) the comments referred to in clause (3) (c); and
- (b) the comments referred to in subsection 19 (2) of the Act. O. Reg. 385/08, s. 12.

SOURCE PROTECTION PLANS

Time limit

19. 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 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. O. Reg. 385/08, s. 12.

MISCELLANEOUS

Amendments to agreements relating to source protection regions

20. (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. O. Reg. 385/08, s. 12.

(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. O. Reg. 385/08, s. 12.

Training — powers of entry — source protection authority

21. (1) For the purpose of subsection 88 (4) of the Act, a person shall not enter property unless the person has, in the preceding five years, successfully completed a course that meets the following criteria:

1. The course includes,
 - i. an overview of the process for establishing a source protection plan under the Act,
 - ii. an explanation of the powers to enter property under the Act, and
 - iii. a discussion of protocols for exercising powers of entry under the Act.
2. In the opinion of the Director, the course provides adequate training for persons entering property for the purposes described in subsection 88 (1) of the Act. O. Reg. 385/08, s. 12.

(2) Subsection 88 (4) of the Act does not apply to a person who, pursuant to subsections 88 (6) and 62 (4) of the Act, accompanies a person who enters property under subsection 88 (1) of the Act. O. Reg. 385/08, s. 12.

Notice of drinking water health hazard

22. (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. O. Reg. 385/08, s. 12.

(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. O. Reg. 385/08, s. 12.

(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 to the person who answers:

1. The person's name and telephone number.
2. The fact that the purpose of the telephone call is to comply with section 89 of the Act.
3. 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.
4. The drinking water system into whose raw water supply the substance is being discharged or is about to be discharged.
5. The date and time that the person became aware of the discharge.
6. The substance that is being discharged or is about to be discharged, if the substance is known.
7. The amount of the substance that is being discharged or is about to be discharged, if the amount is known.
8. The reasons for the person's opinion that, as a result of the discharge, an imminent drinking water health hazard exists. O. Reg. 385/08, s. 12.

(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. O. Reg. 385/08, s. 12.

Ontario Drinking Water Stewardship Program

23. (1) An application for financial assistance under the Ontario Drinking Water Stewardship Program shall be made to the Director in a form approved by the Director. O. Reg. 385/08, s. 12.

(2) The Director shall determine whether to provide financial assistance and, if so, the amount of the financial assistance. O. Reg. 385/08, s. 12.

(3) Every grant of financial assistance under the Ontario Drinking Water Stewardship Program is subject to the condition that the recipient of the financial assistance enter into a contract with the Minister that governs the use of the financial assistance and includes a requirement that the recipient report to the Ministry on the use of the financial assistance. O. Reg. 385/08, s. 12.

(4) If clauses 97 (2) (a) and (b) of the Act do not apply, the Ontario Drinking Water Stewardship Program may provide financial assistance to a person or body under clause 97 (2) (c) of the Act in any of the following circumstances:

1. The person or body uses the financial assistance to administer an incentive program to encourage persons to take action to protect an existing or future source of drinking water for,
 - i. an existing or planned drinking water system described in clause 15 (2) (e) of the Act that is located in a source protection area, or
 - ii. an existing or planned municipal drinking water system that is not located in a source protection area.
2. The person or body uses the financial assistance to administer an education and outreach program that is related to the protection of existing or future sources of drinking water.
3. The person or body uses the financial assistance to take action to protect an existing or future source of drinking water for an existing or planned drinking water system. O. Reg. 385/08, s. 12.

Français

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