



Thames-Sydenham and Region  
Source Protection Committee

Terms of Reference  
for

**Lower Thames Valley Source Protection Area,  
St Clair Region Source Protection Area and  
Upper Thames River Source Protection Area**

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# 1 **Introduction**

The Clean Water Act was established in October of 2006. This Act requires that Source Protection Committees be formed to develop Source Protection Plans in Source Protection Areas within Ontario. Under the Clean Water Act, regulations lay out the requirements of the Source Protection Planning process. The Clean Water Act and Regulations can be reviewed online at <http://www.e-laws.gov.on.ca/index.html>. A link to the Act and regulations is available from the Thames-Sydenham and Region web site at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca)

Ontario Regulation 284/07 (Source Protection Areas and Regions) establishes the areas in which Source Protection Plans are required. This regulation establishes the Thames-Sydenham and Region and the three Source Protection Areas within the region. Each of the Lower Thames Valley, St Clair Region and Upper Thames River Source Protection Areas are established based on the watershed areas of the Conservation Authorities that each is named after. The Regulation also establishes Source Protection Authorities in each of the three Source Protection Areas. These Source Protection Authorities are essentially the Conservation Authority board of directors who will meet as a Source Protection Authority for the purposes of business related to the Source Protection Authorities responsibilities under the Clean Water Act.

Ontario Regulation 288/07 (Source Protection Committees) establishes the appointment, and conditions and terms of the appointment of the Source Protection Committee (SPC) in each Region. The Source Protection Authorities in the Thames-Sydenham and Region were required to establish a Source Protection Committee for the Region. The SPC is responsible for producing three major documents: the Terms of Reference, Assessment Report and the Source Protection Plan. The SPC is required to develop a Terms of Reference and Source Protection Plan for each Source Protection Area.

Ontario Regulation 285/07 (Time Limits) sets up the dates of submission of the Terms of Reference, Assessment Report and the Source Protection Plan. Ontario Regulation 286/07 (Miscellaneous) includes definitions of a planned drinking water system, and criteria for exempting systems from the Terms of Reference document. Ontario Regulation 231/07 (Service of Documents) establishes methods to give and service documents.

Ontario Regulation 287/07 (Terms of Reference) includes a list of the content and a description of consultation for the Terms of Reference document. The contents of the Terms of reference are described in the following section. This document, together with the output from the Terms of Reference Wizard which are appended to this document satisfy the requirements of this regulation.

## 1.1

### *Background*

The Terms of Reference describes the work that the SPC will undertake to complete the Assessment Report and the Source Protection Plan. It includes technical work to complete the Assessment Report, consult on the report, and engage stakeholders in the development of the Source Protection Plan. The requirements of the Terms of Reference, established in Ontario Regulation 287/07, are listed below:

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. 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 all the municipal council resolutions that have been passed:
  - a. to include drinking water systems other than municipal residential drinking water systems; and
  - b. to exclude municipal residential drinking water systems because they meet the conditions set out in subsection 5(1), (2) or (4) in O. Reg. 286/07 (Miscellaneous).
5. A table setting out the following information for each existing and planned drinking water system: drinking water system number, name of the drinking water system, owner of the drinking water system, operating authority for the drinking water system, 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 paragraph 5 for each existing municipal drinking water system which is exempted from the source protection planning process.
7. A table identifying drinking water systems which the Minister has indicated may need to be included in the source protection planning process. The Minister may identify the systems in a letter to the source protection committee before the terms of reference have been submitted for approval. The table must include the same information listed in paragraph 5.
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:
  - a. The person or body responsible for performing the task.
  - b. An estimate of the date by which the task is expected to be completed.

c. An estimate of the costs that are expected to be incurred in performing the task.

10. The date by which, according to section 3 of Ontario Regulation 285/07 (Time Limits) made under the Act, the source protection authority is required to submit the proposed source protection plan to the Minister along with requirements of Section 25 of the Act (any written comments that the source protection authority wishes to make on the plan, those received by the source protection authority after publication of the proposed Terms of Reference, and resolutions of municipal councils submitted to the source protection authority which express comments on the proposed source protection plan).

The Regulation also requires that the terms of reference be submitted to the Minister of the Environment in a form acceptable to the Minister. The Ministry of the Environment (MOE) has developed a database referred to as the Terms of Reference Wizard (Wizard). The terms of reference must be submitted to the Minister in electronic form with the Wizard. The Wizard also includes a report generating feature which produces a word document to facilitate public review and comment on the Terms of Reference. The output from the Wizard must be submitted with the electronic database. The output of the wizard is the product that the public is expected to be consulted on. As a result the output of the wizard is posted with the various products which the SPC has developed and posted as appendices to this document. It is that output from the terms of reference which forms the official record together with the database from which it was generated. The tables included in this document are generated from the database and are intended to assist the SPC and stakeholders in the review of the Terms of Reference. The text included with the tables and reports are intended to provide context to the contents of the terms of reference, but are not considered as part of the terms of reference.

## 1.2 *Consultation*

Ontario Regulation 287/07 (Terms of Reference Regulation) requires consultation of stakeholders by the SPC in developing the Terms of Reference. The consultation undertaken to satisfy those requirements and assist the SPC in developing the Terms of Reference are documented in the appendix of this document.

Municipal Working Groups were established by the SPC to assist the committee and the municipalities in developing the terms of reference. Much of the work required to develop the Source Protection Plan is technical work which will form the Assessment Report. The municipalities are able to undertake this work if they wish. In many cases this work has been initiated in the region by partnerships between the Conservation Authorities and municipalities. The work has been funded by and approved by MOE based on draft guidance produced by the MOE. The assessment report will be defined by regulation and technical rules. Drafts of these rules and regulation have been recently been posted on the Environmental Bill of Right (EBR) electronic registry for comment. The Source Protection Plan will be defined by further regulations and rules which have not yet been made available. It is therefore import to realize that assumptions as to the final requirements of these rules and regulations have been made in developing the terms of

reference. It is likely that refinements to the terms of reference may be necessary to meet these requirements once in place. Consultation on significant changes in the Terms of Reference will be required.

The Terms of Reference Reg requires that the stakeholders be consulted in a number of ways. It requires that

- the draft terms of reference be circulated to municipal clerks, First Nation Chiefs, other SPCs with whom matters are shared, Great Lakes bodies
- the draft terms of reference be posted on the internet
- that a notice be posted in papers and on the internet that the terms of reference is available for comment for a 35 from the publishing of the notice
- that a public meeting be held to allow for public comment on the terms of reference
- that a minimum of 21 days notice be given to the public meeting from the date of notice of publishing the draft
- that the proposed terms of reference be submitted to the SPA with a list of comments and how they have been addressed
- that the proposed terms of reference be posted for comments for 30 days and that comments on the proposed terms of reference be submitted to the SPA
- that the SPA submit the proposed terms of reference together with any comments received to the Minister of Environment for approval

In order to meet the requirement of the Terms of Reference Regulation and to allow for adequate stakeholder involvement in the terms of reference the SPC has or will:

- hold municipal forums to inform the municipalities of the process and opportunities for their involvement
- form municipal working groups to allow for the active involvement of those municipalities who wish to be actively engaged in the development of the terms of reference
- host 4 municipal and first nations forums to present the draft term of reference
- host a series of 5 public open houses across the region to allow the public an opportunity to discuss the terms of reference
- hold the required public meeting in a central location
- receive and consider written and electronic comments in establishing the proposed terms of reference
- post the draft and proposed terms of reference on the Region's web site at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca)
- make a printed terms of reference available for review at the offices of the 3 Conservation Authorities, as well as at the forums, open houses and meetings.
- Notify clerks, Chiefs and administrators of First Nations, municipal and First Nations water system operators, and municipal planners when the draft and proposed Terms of Reference are available on the web site