

Ontario Water Resources Act
Loi sur les ressources en eau de l'Ontario

ONTARIO REGULATION 450/07

CHARGES FOR INDUSTRIAL AND COMMERCIAL WATER USERS

Consolidation Period: From September 1, 2007 to the e-Laws currency date.

No amendments.

This Regulation is made in English only.

Purpose

1. The purpose of this Regulation is to recover a portion of the costs the Government of Ontario incurs in the administration of the Act and any other Act for the purpose of promoting the conservation, protection and management of Ontario's waters and their efficient and sustainable use. O. Reg. 450/07, s. 1.

Definitions and interpretation

2. (1) In this Regulation,

“phase one industrial or commercial water user” means a facility that is an industrial or commercial user of water that satisfies the requirements set out in section 3. O. Reg. 450/07, s. 2 (1).

(2) For the purposes of this Regulation, a reference to an owner of a facility or water works includes the operator of the facility or water works. O. Reg. 450/07, s. 2 (2).

Application

Application

3. (1) A facility is a phase one industrial or commercial water user for the purposes of this Regulation if the facility satisfies one of the requirements in subsection (2) and it falls into one of the following classes of industrial and commercial facilities:

1. Facilities that manufacture or produce bottled water or water in other containers, whether or not for use as a beverage.
2. Beverage manufacturing facilities, where water is incorporated into a product.
3. Fruit and vegetable canning or pickling facilities, where water is incorporated into a product.
4. Ready-mix concrete manufacturing facilities.
5. Non-metallic mineral product manufacturing facilities, other than those facilities described in paragraph 4, where water is incorporated into a product.
6. Pesticide, fertilizer and other agricultural chemical manufacturing facilities, where water is incorporated into a product.
7. Inorganic chemical manufacturing facilities, other than those described in paragraph 6, where water is incorporated into a product. O. Reg. 450/07, s. 3 (1).

(2) Subject to subsection 7 (5), a facility that falls into one of the classes of facilities listed in subsection (1) is a phase one industrial or commercial water user of water if,

(a) the facility takes its water by any of the means that are listed in subsection 1 (7) of the Act and is required to have a permit under section 34 of the Act; or

(b) the facility is directly or indirectly supplied water through a water works that is not owned by the owner of the facility and the facility on any single day in a year uses more than 50,000 litres of water. O. Reg. 450/07, s. 3 (2).

Reporting Information

Report on water taking or use

4. (1) The owner of a facility that is a phase one industrial or commercial water user shall report the following information to the Director, in a manner and form approved by the Director:

1. The address of the facility.
2. Contact information for the facility, including the name and title of the person who should be contacted in respect of matters under this Regulation.
3. The class of facility to which the facility belongs under subsection 3 (1) and a description of how the water is used.
4. The names of the owner of the facility.
5. The number of the facility's water taking permit, if the facility is a water taker and has a water taking permit.
6. If a water works not owned by the owner of the facility supplies water directly or indirectly to the facility,
 - i. the name of the owner of the water works, and
 - ii. the account number that the owner of the water works uses to charge the facility for its water use.
7. The method the facility uses to measure the amount of water it uses. O. Reg. 450/07, s. 4 (1).

(2) The report required under subsection (1) shall be made,

(a) on or before June 30, 2008;

(b) in the case of a facility that commences operations after June 30, 2008 as a facility that falls into one of the classes listed in subsection 3 (1), 30 days after the facility commences such operations; or

(c) if, on the date this Regulation came into force, this Regulation did not apply to a facility because the facility did not satisfy the requirements in subsection 3 (2) but after that date the facility does satisfy the requirements of subsection 3 (2), 30 days after the date the owner of the facility becomes aware that the subsection applies to the facility. O. Reg. 450/07, s. 4 (2).

(3) If the owner of a facility becomes aware that the information provided to the Director under subsection (1) is inaccurate or out of date, the owner shall, in a manner and form approved by the Director, promptly revise the information that had been provided to the Director so that it is accurate and up to date. O. Reg. 450/07, s. 4 (3).

(4) In addition to the information required under subsection (1), the Director may by written notice require that the owner of a facility, in a manner and form specified by the Director in the notice, supply such additional information as the Director may require to assist the Director in determining,

(a) whether the facility is a phase one industrial or commercial water user; and

(b) the total amount of water the facility used in a calendar year or other 12-month period as specified by the Director. O. Reg. 450/07, s. 4 (4).

Report from owners of water works

5. (1) An owner of a water works that provides water to any industrial or commercial users of water shall report the following information to the Director, in a manner and form approved by the Director:

1. Subject to subsection (2), the name of every facility that is connected to the water works that uses water for commercial or industrial purposes.

2. The account number the owner uses to charge the facility for its water use for each facility identified in paragraph 1.

3. The address of each facility identified under paragraph 1.

4. Any information that the owner of the water works has that describes the industrial or commercial purpose for which the facility uses water, including whether the purpose is one listed in subsection 3 (1).

5. The amount of water the facility used in the previous calendar year or other 12-month period as specified by the Director. O. Reg. 450/07, s. 5 (1).

(2) If an owner of a water works has information that accurately identifies which commercial or industrial users of water connected to its water works use more than 50,000 litres of water in a single day in a calendar year or other 12-month period as specified by the Director, the owner is only required to identify those users in a report under subsection (1). O. Reg. 450/07, s. 5 (2).

(3) The report required under subsection (1) shall be made on or before March 31, 2008 and the owner of the water works shall update the information on or before March 31 in each subsequent year, in a form and manner specified by the Director, to ensure that the information is accurate and up to date. O. Reg. 450/07, s. 5 (3).

(4) In addition to the information required under subsection (1), the Director may by written notice require, in a form and manner specified by the Director in the notice, that the owner of a water works supply such additional information as the Director may require to assist the Director in determining,

(a) whether a facility is a phase one industrial or commercial water user; and

(b) the amount of water a facility used in a previous calendar year or other 12-month period as specified by the Director. O. Reg. 450/07, s. 5 (4).

List of Facilities

List of facilities

6. On or before December 31, 2008, the Director shall prepare a list of facilities to which this Regulation applies and shall maintain an updated list. O. Reg. 450/07, s. 6.

Amount and Payment of Charge

Charge

7. (1) As of January 1, 2009, the owner of a facility that is a phase one industrial or commercial water user shall be charged \$3.71 per million litres of water used for the total amount of water the facility uses annually or in any other 12-month period as specified by the Director. O. Reg. 450/07, s. 7 (1).

(2) In the case of a facility that is required to have a permit under section 34 of the Act, if the owner of the facility fails to submit the data required under section 9 of Ontario Regulation 387/04 (Water Taking), made under the Act, the Director may determine the charge that applies in respect of the facility based on the amount of water that the permit authorizes the facility to take. O. Reg. 450/07, s. 7 (2).

(3) In the case of a facility that is required to have a permit under section 34 of the Act, if the owner of the facility submits data required under section 9 of Ontario Regulation 387/04 (Water Taking), made under the Act, and the Director determines after a review of the data that the data is not an accurate reflection of the volume of water the facility took daily during a calendar year or 12-month period for which the charge shall be applied under this Regulation, the Director may by written notice explain the basis of his or her determination and request that the owner of the facility resubmit the data required under section 9 of Ontario Regulation 387/04 in a form and manner specified in the notice. O. Reg. 450/07, s. 7 (3).

(4) If an owner of a facility fails to resubmit data to the Director in accordance with the notice given under subsection (3), the Director may determine the charge that applies in respect of the facility based on the amount of water that the facility's permit authorizes the facility to take. O. Reg. 450/07, s. 7 (4).

(5) An owner of a facility shall not be charged for water use under this Regulation in a calendar year or other 12-month period as specified by the Director for the purposes of subsection (1) if the owner can demonstrate to the satisfaction of the Director that the facility did not use more than 50,000 litres of water on any single day in the calendar year or 12-month period. O. Reg. 450/07, s. 7 (5).

Notice of charge and payment

8. (1) The notice of charge for water used in a calendar year or other 12-month period specified by the Director referenced in subsection 7 (1) shall be issued,

(a) within 12 months after January 1 in the year after the year in which the water was used, in the case of charge for water that is based on use of water in a calendar year; or

(b) within 12 months after the last day of the last month in the 12-month period in which the water was used, in the case of a charge for water that is based on a 12-month period specified by the Director. O. Reg. 450/07, s. 8 (1).

(2) The owner of the facility to which the charge relates shall pay the charge within 30 days after the notice is given. O. Reg. 450/07, s. 8 (2).

(3) The charges payable under this Regulation are payable to the Minister of Finance. O. Reg. 450/07, s. 8 (3).

Failure to pay

9. If a person who is required to pay charges under section 8 fails to comply with the requirement,

(a) the Director may by order suspend any licence, permit or approval that has been issued to the person under the Act until the charges and any interest owing under section 10 of the Financial Administration Act are paid; and

(b) the Director may refuse to issue the owner any license, permit or approval under the Act until the charges and any interest owing under section 10 of the Financial Administration Act are paid. O. Reg. 450/07, s. 9.

Report by Minister

Report by Minister

10. The Minister shall ensure that, on or before December 31, 2012 and every five years after that date, a report is prepared and published in the registry established under the Environmental Bill of Rights, 1993 that reviews the amount of the charge established by this Regulation to determine if the charge is set at an appropriate amount given,

(a) the amount of the costs the Government of Ontario incurs in the administration of the Act and any other Act for the purpose set out in section 1 and the amount by which the costs have varied, if at all, in the five-year period that is the subject of the review; and

(b) the portion of the costs mentioned in clause (a) that may be attributed to facilities that are phase one industrial or commercial water users. O. Reg. 450/07, s. 10.

11. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 450/07, s. 11.