

Clean Water Act, 2006

ONTARIO REGULATION 287/07

GENERAL

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CONTENTS

Definitions of Words and Expressions

1. Definitions

1.0.1 Prescribed instruments

1.1 Prescribed drinking water threats

Preparation, Approval and Amendment of Terms of Reference

2. Notice when preparation begins

3. Contents of terms of reference

4. Performance of tasks by municipality

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

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

5. Great Lakes-St. Lawrence River agreements

6. Consultation on draft terms of reference

7. Submission of proposed terms of reference to source protection authority

8. Submission of proposed terms of reference to Minister

9.

Amendments proposed by source protection committee

10.

Consultation on amendments proposed by source protection committee

Preparation, Approval and Updating of Assessment Reports

11.

Records

12.

Form

12.1

Drinking water systems, subclause 15 (2) (e) (iv) of the Act

13.

Other information to be contained in assessment report

14.

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

15.

Consultation on draft assessment report

16.

Submission of proposed assessment report to source protection authority

17.

Submission of proposed assessment report to Director

18.

Updating of assessment report

Preparation, Approval and Amendment of Source Protection Plans

19.

Notice when preparation begins

20.

Records

21.

Form

22.

Objectives

23.

Designated activities, ss. 56 to 58 of the Act

24.

Prohibiting existing activities

25.

Designated land uses, s. 59 of the Act

26.
Contents of source protection plan, policies
27.
Contents of source protection plan, transport pathways policies
28.
Contents of source protection plan, summary of consultations
29.
Contents of source protection plan, other
30.
Designating person or body
31.
Significant threat policies
32.
Moderate or low drinking water threat policies
33.
Strategic action policies
34.
Application of sections 38 to 45 of the Act
35.
Notice of designation
36.
Notice of policies affecting prescribed instruments
37.
Notice of policies affecting decisions under other Acts
38.
Notice of significant threat policies
39.
Notice of designated activities, land uses and areas
40.
Explanatory document
41.
Consultation on draft source protection plan
42.
Submission of proposed source protection plan to source protection authority
43.
Submission of explanatory document to source protection authority
- 44.

Submission of proposed source protection plan to Minister

45.

Submission of explanatory document to Minister

46.

Time limit for submitting proposed source protection plan to Minister

47.

Notice of hearing

48.

Amendments, source protection plan

49.

Updating, explanatory document

50.

Publication and notice of amendments

51.

Typographical errors, etc.

52.

Annual progress reports

Application of Part IV of the Act

53.

Prescribed records and time periods

54.

Prescribed qualifications, risk management officials or inspectors

55.

Prescribed circumstances, s. 55 (5) of the Act

56.

Prescribed qualifications, ss. 56 (9) (b), 58 (15) (b) and 60 (2) (b) of the Act

57.

Powers of entry — risk management — training

58.

Prescribed circumstances, s. 56 of the Act

59.

Risk management plan contents

60.

Transfer of risk management plan

61.

Exemption from s. 58 of the Act

62.

Prescribed provisions, s. 59 of the Act

63.

Powers of entry — training — exemption

64.

Notice of abandonment by receiver or trustee in bankruptcy

65.

Annual reports

Miscellaneous

66.

Amendments to agreements relating to source protection regions

67.

Training — powers of entry — source protection authority

68.

Notice of drinking water health hazard

69.

Ontario Drinking Water Stewardship Program

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”)

“Great Lakes target” means a target established under section 85 of the Act; (“objectif concernant les Grands Lacs”)

“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; (“faible menace pour l’eau potable”)

“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; (“menace moyenne pour l’eau potable”)

“Niagara Escarpment Plan” means the Plan approved under the Niagara Escarpment Planning and Development Act, as amended and revised in accordance with that Act; (“Plan d’aménagement de l’escarpement du Niagara”)

“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; (“dossier”)

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

“transport pathway” means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system set out in clause 15 (2) (e) of the Act. (“voie de passage”) O. Reg. 385/08, s. 2; O. Reg. 246/10, s. 1.

Prescribed instruments

1.0.1 (1) The following provisions are prescribed for the purposes of the definition of “prescribed instrument” in subsection 2 (1) of the Act:

1. Section 8 of the Aggregate Resources Act, with respect to site plans included in applications for licenses.
2. Sections 11 and 13 of the Aggregate Resources Act, with respect to licenses to remove aggregate from pits or quarries.
3. Section 25 of the Aggregate Resources Act, with respect to site plans accompanying applications for wayside permits.
4. Section 30 of the Aggregate Resources Act, with respect to wayside permits to operate pits or quarries.
5. Section 36 of the Aggregate Resources Act, with respect to site plans included in applications for aggregate permits.
6. Section 37 of the Aggregate Resources Act, with respect to aggregate permits to excavate aggregate or topsoil.
7. Section 39 of the Environmental Protection Act, as it read on the day before subsection 2 (29) of Schedule 7 to the Open for Business Act, 2010 came into force, with respect to certificates of approval or provisional certificates of approval issued for the use, operation, establishment, alteration, enlargement or extension of waste disposal sites or waste management systems.

7.1 Sections 20.3 and 20.5 of the Environmental Protection Act, with respect to environmental compliance approvals issued for,

i. the use, operation, establishment, alteration, enlargement or extension of waste disposal sites or waste management systems, or

ii. the establishment, alteration, extension or replacement of new or existing sewage works.

8. Section 47.5 of the Environmental Protection Act, with respect to renewable energy approvals issued or renewed by the Director.

9. Section 10 of Ontario Regulation 267/03 (General) made under the Nutrient Management Act, 2002, with respect to nutrient management strategies.

10. Section 14 of Ontario Regulation 267/03, with respect to nutrient management plans.

11. Section 28 of Ontario Regulation 267/03, with respect to approvals of nutrient management strategies or nutrient management plans.

12. Section 34 of the Ontario Water Resources Act, with respect to permits to take water.

Note: On the day subsection 1 (8) of the Safeguarding and Sustaining Ontario's Water Act, 2007 comes into force, paragraph 12 is amended by striking out "Section 34" and substituting "Section 34.1". See: O. Reg. 246/10, ss. 2 (3), 13 (3).

13. Section 53 of the Ontario Water Resources Act, as it read on the day before subsection 3 (9) of Schedule 7 to the Open for Business Act, 2010 came into force, with respect to approvals to establish, alter, extend or replace new or existing sewage works.

13.1 Section 15.2 of Ontario Regulation 267/03, with respect to NASM plans.

14. Sections 7 and 11 of the Pesticides Act, with respect to permits for land exterminations, structural exterminations and water exterminations issued by the Director.

15. Section 40 of the Safe Drinking Water Act, 2002, with respect to drinking water works permits issued by the Director.

16. Section 44 of the Safe Drinking Water Act, 2002, with respect to municipal drinking water licences issued by the Director. O. Reg. 246/10, s. 2 (1, 2); O. Reg. 267/11, s. 1.

(2) Despite subsection (1), for the purposes of subsection 44 (2) of the Act, every provision of every Act or regulation that authorizes the issuance or creation of an instrument is prescribed for the purposes of the definition of "prescribed instrument" in subsection 2 (1) of the Act. O. Reg. 246/10, s. 2 (1).

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.

Preparation, Approval and Amendment of 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 12 months after the appointment of the first chair of the source protection committee. O. Reg. 246/10, s. 4.

(4) Revoked: O. Reg. 246/10, s. 4.

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 14 months after the appointment of the first chair of the source protection committee. O. Reg. 246/10, s. 5.

(3) Revoked: O. Reg. 246/10, s. 5.

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.

Preparation, Approval and Updating of 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; O. Reg. 246/10, s. 7 (1).

(2) Revoked: O. Reg. 246/10, s. 7 (2).

Form

12. (1) If the Director approves a form to be used for assessment reports, an assessment report shall be in that form. O. Reg. 246/10, s. 8.

(2) If the Director provides the source protection committee with computer software or directs the committee to use a specified computer software for the purpose of preparing an assessment report, the report shall be prepared using the software. O. Reg. 246/10, s. 8.

Drinking water systems, subclause 15 (2) (e) (iv) of the Act

12.1 The following drinking water systems are prescribed for the purpose of subclause 15 (2) (e) (iv) of the Act:

1. The drinking water system that obtains its water from a surface water intake located at Kettle Point on Lake Huron and that serves a major residential development on the reserve of the Chippewas of Kettle and Stony Point First Nation.

2. The Six Nations Grand River Supply System at Ohsweken (Grand River intake) that serves a major residential development on the reserve of the Six Nations of the Grand River. O. Reg. 59/10, s. 1.

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) Revoked: O. Reg. 246/10, s. 9.

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 who the source protection committee believes could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the draft of the proposed assessment report under clauses 15 (2) (g) and (h) of the Act,

(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; O. Reg. 246/10, s. 10 (1).

(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.

(3.1) When a copy of a notice is given to a person under subclause (2) (c) (iii), the source protection committee shall, at the same time, specify in writing that the committee is giving the person the notice because the committee believes the person could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the draft of the proposed assessment report under clauses 15 (2) (g) and (h) of the Act and,

(a) specify those activities in writing; or

(b) provide a complete or partial list of activities listed in the draft of the proposed assessment report under clause 15 (2) (g) of the Act. O. Reg. 246/10, s. 10 (2).

(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 the first anniversary of the date that notice of the approval of the terms of reference is published under section 11 of the Act. O. Reg. 246/10, s. 11.

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.

Preparation, Approval and Amendment of Source Protection Plans

Notice when preparation begins

19. (1) When the source protection committee begins preparation of a source protection plan for a source protection area, the committee shall give notice to,

(a) the clerk of each municipality in which any part of the source protection area is located;

(b) if any part of the reserve of a band is included in the source protection area, the chief of the band;

(c) if any part of the area of the Niagara Escarpment Plan is located in the source protection area, the chair of the Niagara Escarpment Commission;

(d) if a planning board has jurisdiction in any part of the source protection area, the secretary-treasurer of the planning board; and

(e) every person who the source protection committee believes could be engaging in one or more activities that are or would be significant drinking water threats in the source protection area, according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act. O. Reg. 246/10, s. 12.

(2) The source protection committee shall, at the same time a notice is given to a person under clause (1) (e),

(a) specify in writing that the source protection committee is giving the person the notice because the committee believes the person could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act and,

(i) specify those activities in writing, or

(ii) provide a complete or partial list of activities listed in the assessment report under clause 15 (2) (g) of the Act;

(b) specify in writing that the source protection plan will contain policies that may affect the manner in which an activity referred to in clause (a) is engaged in; and

(c) specify in writing that if the person is engaging in an activity that is regulated by a prescribed instrument, the person is requested to advise the source protection committee of the number, if any, of the prescribed instrument and a description of the provisions of the prescribed instrument that regulate the activity. O. Reg. 246/10, s. 12.

Records

20. A source protection committee shall retain every record that it creates or acquires for the purpose of preparing or amending a source protection plan 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 source protection plan is approved by the Minister under section 29 of the Act. O. Reg. 246/10, s. 12.

Form

21. (1) If the Director approves a form to be used for source protection plans, a source protection plan shall be in that form. O. Reg. 246/10, s. 12.

(2) If the Director provides the source protection committee with computer software or directs the committee to use a specified computer software for the purpose of preparing a source protection plan, the plan shall be prepared using the software. O. Reg. 246/10, s. 12.

Objectives

22. (1) Every source protection plan shall set out the following as objectives of the plan:

1. To protect existing and future drinking water sources in the source protection area.

2. To ensure that, for every area identified in an assessment report as an area where an activity is or would be a significant drinking water threat,

i. the activity never becomes a significant drinking water threat, or

ii. if the activity is occurring when the source protection plan takes effect, the activity ceases to be a significant drinking water threat. O. Reg. 246/10, s. 12.

(2) If a source protection plan sets out policies relating to conditions resulting from past activities, the plan shall set out that an objective of the plan is to ensure that for every area identified in the assessment report as an area where a condition that results from a past activity is a significant drinking water threat, the condition ceases to be a significant drinking water threat. O. Reg. 246/10, s. 12.

(3) If, under subsection 85 (6) of the Act, the Minister has directed that a report be prepared and submitted that recommends policies that should be set out in the source protection plan for the source protection area to assist in achieving a Great Lakes target, the plan shall set out that an objective of the plan is to achieve the target for the source protection area. O. Reg. 246/10, s. 12.

(4) No objectives other than the objectives set out in subsections (1) to (3) shall be contained in a source protection plan. O. Reg. 246/10, s. 12.

Designated activities, ss. 56 to 58 of the Act

23. (1) The activities set out in paragraphs 1 to 21 of subsection 1.1 (1) of this Regulation are prescribed for the purposes of subsection 22 (9) and clause 56 (1) (a) of the Act. O. Reg. 246/10, s. 12.

(2) Despite subsection (1), the establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act is not an activity prescribed for the purposes of subsection 22 (9) and clause 56 (1) (a) of the Clean Water Act, 2006 if an environmental compliance approval is required under Part V of the Environmental Protection Act for the establishment, operation or maintenance of the waste disposal site. O. Reg. 246/10, s. 12; O. Reg. 267/11, s. 2.

(3) Despite subsection (1), the establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage is not an activity prescribed for the purposes of subsection 22 (9) and clause 56 (1) (a) of the Act if,

(a) an approval for the system is required under section 53 of the Ontario Water Resources Act; or

(b) the Building Code Act, 1992 applies to the system. O. Reg. 246/10, s. 12.

(4) An activity identified as a drinking water threat in an assessment report in accordance with Rule 119 of the rules made by the Director under section 107 of the Act, as amended from time to time, is prescribed for the purposes of subsection 22 (9) and clause 56 (1) (a) of the Act. O. Reg. 246/10, s. 12.

Prohibiting existing activities

24. An activity that is occurring when a source protection plan takes effect shall not be designated under paragraph 1 of subsection 22 (3) of the Act unless the source protection committee is of the opinion that the activity must be prohibited in order to ensure that it ceases to be a significant drinking water threat. O. Reg. 246/10, s. 12.

Designated land uses, s. 59 of the Act

25. (1) If a source protection plan designates an area under paragraph 3 of subsection 22 (3) of the Act, the following land uses are prescribed for the purposes of clause 22 (12) (a) of the Act:

1. Land uses described in a zoning by-law that applies to the municipality in which the designated area is located.
2. Land uses described in an official plan that is in effect in the municipality in which the designated area is located.
3. Land uses described in a zoning by-law that applies to a planning area or a part of a planning area that consists solely of territory without municipal organization if the designated area is located in any portion of that planning area or that part of the planning area.
4. Land uses described in an official plan that is in effect in a planning area or a part of a planning area that consists solely of territory without municipal organization if the designated area is located in any portion of that planning area or that part of the planning area. O. Reg. 246/10, s. 12.

(2) For the purposes of this section,

“planning area” means a planning area defined under section 9 or 10 of the Planning Act. O. Reg. 246/10, s. 12.

Contents of source protection plan, policies

26. For the purposes of paragraph 3 of subsection 22 (6) of the Act, a source protection plan may set out the following:

1. Policies that, with respect to drinking water threats identified in the assessment report or Great Lakes targets,
 - i. establish stewardship programs,
 - ii. specify and promote best management practices,
 - iii. establish pilot programs,
 - iv. govern research, or
 - v. specify the actions to be taken to implement the source protection plan or to achieve the plan’s objectives.

2. Policies with respect to drinking water threats identified in the assessment report or Great Lakes targets that are for the purposes of clause 39 (1) (b) of the Act.
3. Policies with respect to drinking water threats identified in the assessment report or Great Lakes targets that are for the purposes of clause 39 (7) (b) of the Act.
4. Policies governing incentive programs and education and outreach programs, pursuant to subsection 22 (7) of the Act, with respect to drinking water systems in the source protection area that are not set out in clause 15 (2) (e) of the Act.
5. Policies specifying the actions to be taken by persons or bodies in the source protection area to ensure that data on the climate conditions in the area is gathered on an ongoing basis, including data related to precipitation, streamflow, temperature, evapotranspiration and solar radiation.
6. Policies specifying the actions to be taken by persons or bodies to update spill prevention and spill contingency plans or emergency response plans for the purpose of protecting existing drinking water sources with respect to spills that occur within a wellhead protection area or surface water intake protection zone along highways, as defined in subsection 1 (1) of the Highway Traffic Act, railway lines or shipping lanes. O. Reg. 246/10, s. 12.

Contents of source protection plan, transport pathways policies

27. (1) A source protection plan may set out policies described in subsection (2) or subsection 22 (7) of the Act that are intended to ensure,

(a) that any drinking water threat in the vicinity of a transport pathway ceases to be or will not become a significant drinking water threat; or

(b) that the transport pathway ceases to endanger the raw water supply of a drinking water system set out in clause 15 (2) (e) of the Act. O. Reg. 246/10, s. 12.

(2) For the purposes of subsection (1), the policies may,

(a) establish stewardship programs;

(b) specify and promote best management practices;

(c) establish pilot programs;

(d) govern research; or

(e) specify the actions to be taken to implement the source protection plan or to achieve the plan's objectives. O. Reg. 246/10, s. 12.

(3) If a person applies to a municipality for approval of a proposal to engage in an activity in a wellhead protection area or a surface water intake protection zone that may result in the creation of a new transport pathway or the modification of an existing transport pathway, the municipality shall give the source protection authority and the source protection committee notice of the proposal and shall include a description of the proposal, the identity of the person responsible for the proposal and a description of the approvals the person requires to engage in the proposed activity. O. Reg. 246/10, s. 12.

(4) If a municipality gives a notice described in subsection (3), the municipality shall give a copy of the notice to the person responsible for the proposal. O. Reg. 246/10, s. 12.

Contents of source protection plan, summary of consultations

28. For the purposes of paragraph 8 of subsection 22 (2) of the Act, a source protection plan shall set out the following:

1. A summary of all consultation activities undertaken by the source protection committee during the preparation of the terms of reference.
2. A summary of all consultation activities undertaken by the source protection committee during the preparation of the assessment report.
3. A summary of all consultation activities undertaken by the source protection committee during the preparation of the source protection plan. O. Reg. 246/10, s. 12.

Contents of source protection plan, other

29. A source protection committee may include in a source protection plan anything that, in the opinion of the committee, will assist in understanding the plan. O. Reg. 246/10, s. 12.

Designating person or body

30. In a policy set out in a source protection plan under subsection 22 (7) of the Act, paragraph 1, 4, 5 or 6 of section 26 of this Regulation or subsection 27 (1) of this Regulation, a source protection committee shall designate the person or body responsible for implementing the policy. O. Reg. 246/10, s. 12.

Significant threat policies

31. A source protection plan shall identify the area to which a significant threat policy applies. O. Reg. 246/10, s. 12.

Moderate or low drinking water threat policies

32. (1) Any policy set out in a source protection plan that addresses moderate drinking water threats shall be identified in the plan as a moderate drinking water threat policy and shall identify the area to which the policy applies. O. Reg. 246/10, s. 12.

(2) Any policy set out in a source protection plan that addresses low drinking water threats shall be identified in the plan as a low drinking water threat policy and shall identify the area to which the policy applies. O. Reg. 246/10, s. 12.

(3) If a policy set out in a source protection plan addresses an activity that is a moderate or low drinking water threat, the policy shall not prohibit or have the effect of preventing a person from engaging in the activity. O. Reg. 246/10, s. 12.

Strategic action policies

33. Any policy set out in a source protection plan that is not one of the following policies shall be identified in the plan as a strategic action policy:

1. A significant threat policy.
2. A designated Great Lakes policy.
3. A policy to which section 45 of the Act applies.
4. A policy to which clause 39 (1) (b) of the Act applies.
5. A policy to which clause 39 (7) (b) of the Act applies. O. Reg. 246/10, s. 12.

Application of sections 38 to 45 of the Act

34. (1) Clause 39 (1) (a), subsections 39 (2) and (4) and sections 40 to 42 of the Act do not apply to a policy set out in a source protection plan unless the plan states that those provisions apply. O. Reg. 246/10, s. 12.

(2) Clause 39 (7) (a), section 43 and subsection 44 (1) of the Act do not apply to a policy set out in a source protection plan unless the plan states that those provisions apply. O. Reg. 246/10, s. 12.

(3) None of the following provisions applies to a policy set out in a source protection plan unless the plan states that the provision applies:

1. Section 38 of the Act.

2. Clause 39 (1) (b) of the Act.

3. Subsection 39 (6) of the Act.

4. Clause 39 (7) (b) of the Act.

5. Section 45 of the Act. O. Reg. 246/10, s. 12.

(4) If a source protection plan states that the provisions identified in subsection (2) or paragraph 4 of subsection (3) apply to a policy set out in the plan, the plan shall identify the types of prescribed instruments to which the policy applies. O. Reg. 246/10, s. 12.

(5) If the Director gives a source protection committee written directions specifying how to comply with subsections (1) to (4), the committee shall comply with the directions. O. Reg. 246/10, s. 12.

(6) Clause 39 (7) (a) and section 43 of the Act do not apply to a person or body that issues, otherwise creates or amends a prescribed instrument if the activity to which a significant threat policy relates is regulated by a risk management plan under section 58 of the Act. O. Reg. 246/10, s. 12.

Notice of designation

35. A draft of a proposed source protection plan that is published under section 41 shall not designate any person or body responsible for implementing a policy referred to in section 30 or a policy respecting monitoring unless, before publication, the source protection committee,

(a) provides notice of the proposed policy to the person or body who would be responsible for implementing the policy;

(b) provides the draft wording of the proposed policy to the person or body referred to in clause (a);

(c) provides a summary of the reasons for the proposed policy to the person or body referred to in clause (a);

(d) requests written comments on the proposed policy and the designation from the person or body referred to in clause (a); and

(e) considers the comments received, if any, from the person or body referred to in clause (a). O. Reg. 246/10, s. 12.

Notice of policies affecting prescribed instruments

36. A draft of a proposed source protection plan that is published under section 41 shall not set out a policy that affects a prescribed instrument unless, before publication, the source protection committee,

- (a) provides notice of the proposed policy to the person or body responsible for issuing or otherwise creating the prescribed instrument;
- (b) provides the draft wording of the proposed policy to the person or body referred to in clause (a);
- (c) provides a summary of the reasons for the proposed policy to the person or body referred to in clause (a);
- (d) requests written comments on the proposed policy from the person or body referred to in clause (a); and
- (e) considers the comments received, if any, from the person or body referred to in clause (a). O. Reg. 246/10, s. 12.

Notice of policies affecting decisions under other Acts

37. A draft of a proposed source protection plan that is published under section 41 shall not set out a policy that affects decisions made under the Planning Act or the Condominium Act, 1998 unless, before publication, the source protection committee,

- (a) provides notice of the proposed policy to,
 - (i) the municipal council, municipal planning authority, planning board or other local board whose decision will be affected, and
 - (ii) the regional director of the Ministry of Municipal Affairs and Housing Municipal Services Office who is responsible for a region that includes any part of the source protection area for which the draft of the proposed source protection plan is being prepared;
- (b) provides the draft wording of the proposed policy to the person and body to whom notice is provided under clause (a);
- (c) provides a summary of the reasons for the proposed policy to the person and body to whom notice is provided under clause (a);
- (d) requests written comments on the proposed policy from the person and body to whom notice is provided under clause (a); and
- (e) considers the comments received, if any, from the person and body to whom notice is provided under clause (a). O. Reg. 246/10, s. 12.

Notice of significant threat policies

38. (1) A draft of a proposed source protection plan that is published under section 41 shall not set out a significant threat policy or designated Great Lakes policy that imposes an obligation that a municipality, local board or source protection authority is required to comply with under section 38 of the Act unless, before publication, the source protection committee,

- (a) provides notice of the proposed policy to the municipality, local board or source protection authority who will be affected;
- (b) provides the draft wording of the proposed policy to the municipality or body referred to in clause (a);
- (c) provides a summary of the reasons for the proposed policy to the municipality or body referred to in clause (a);

(d) requests written comments on the proposed policy from the municipality or body referred to in clause (a); and

(e) considers the comments received, if any, from the municipality or body referred to in clause (a). O. Reg. 246/10, s. 12.

(2) The source protection committee is not required to comply with the notice requirements set out in subsection (1) in respect of a policy if a notice has been given under section 35 in respect of the same policy. O. Reg. 246/10, s. 12.

Notice of designated activities, land uses and areas

39. A draft of a proposed source protection plan that is published under section 41 shall not designate any activity, land use or area under paragraph 1, 2 or 3 of subsection 22 (3) of the Act if the designation would make a council of a municipality responsible for the enforcement of Part IV of the Act with respect to the activity or land use in a wellhead protection area or a surface water intake protection zone unless, before publication, the source protection committee,

(a) provides notice of the proposed designation to the municipality;

(b) provides the draft wording of the proposed designation to the municipality;

(c) provides a summary of the reasons for the proposed designation to the municipality;

(d) requests written comments on the proposed designation from the municipality; and

(e) considers the comments received, if any, from the municipality. O. Reg. 246/10, s. 12.

Explanatory document

40. (1) Before publishing a draft of a proposed source protection plan under section 41, the source protection committee shall prepare an explanatory document. O. Reg. 246/10, s. 12.

(2) The explanatory document shall contain the following:

1. An explanation of the source protection committee's reasons for each policy set out in the source protection plan.

2. An explanation of the source protection committee's reasons for designating an activity under paragraph 1 of subsection 22 (3) of the Act, including the reasons relied on by the committee to form the opinion that the activity must be prohibited in order to ensure that it ceases to be a significant drinking water threat.

3. A summary of the comments received under sections 35 to 39 and an explanation of how the comments affected the development of the policies set out in the source protection plan.

4. An explanation of how the summary referred to in paragraph 7 of subsection 13 (1) affected the development of the policies set out in the source protection plan.

5. A summary of how the consideration of the potential financial implications for persons and bodies who would be implementing or affected by the source protection plan influenced the development of the policies set out in the plan.

6. If a policy described in subsection 22 (7) of the Act or paragraph 1 of section 26 of this Regulation is the only policy set out in a source protection plan to deal with an activity that has been identified as a significant drinking water threat, a statement that the source protection committee is of the opinion that,

- i. the policy, if implemented, will promote the achievement of the objectives of the plan in accordance with paragraph 2 of subsection 22 (2) of the Act, and
 - ii. a policy to regulate or prohibit the activity is not necessary to achieve those objectives. O. Reg. 246/10, s. 12.
- (3) The source protection committee shall publish the explanatory document on the Internet and make it available for inspection by the public at one or more locations that, in the opinion of the committee, are sufficiently accessible to give the public in the source protection area a reasonable opportunity to inspect the document. O. Reg. 246/10, s. 12.
- (4) If the Director approves a form to be used for explanatory documents, an explanatory document shall be in that form. O. Reg. 246/10, s. 12.
- (5) If the Director provides the source protection committee with computer software or directs the committee to use a specified computer software for the purpose of preparing an explanatory document, the document shall be prepared using the software. O. Reg. 246/10, s. 12.

Consultation on draft source protection plan

41. (1) A source protection committee that is preparing a source protection plan for a source protection area shall, before submitting the proposed plan to the source protection authority under subsection 22 (16) of the Act, prepare a draft of the proposed source protection plan, 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 committee, are sufficiently accessible to give the public in the area a reasonable opportunity to inspect the draft. O. Reg. 246/10, s. 12.
- (2) As soon as reasonably possible after publishing the draft of the proposed source protection plan 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 who the source protection committee believes could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act,
 - (iv) if the terms of reference list a matter that requires consultation with another source protection committee during the preparation of the source protection plan, the chair of the other source protection committee,
 - (v) if any part of the area of the Niagara Escarpment Plan is located in the source protection area, the chair of the Niagara Escarpment Commission,
 - (vi) if a planning board has jurisdiction in any part of the source protection area, the secretary-treasurer of the planning board,

(vii) every person or body who the source protection committee consulted in accordance with sections 35 to 39 during the development of the draft source protection plan,

(viii) if the draft source protection plan includes a policy described in paragraph 1 of subsection 22 (6) of the Act, every person who owns property in the area identified in the assessment report as an area where a condition that results from a past activity is a significant drinking water threat, and

(ix) 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. 246/10, 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 source protection plan on the Internet;

(b) inspect the draft of the proposed source protection plan, during times specified in the notice, at a location specified in the notice;

(c) attend a public meeting on the draft of the proposed source protection plan 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 source protection plan 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. 246/10, s. 12.

(4) When a copy of a notice is given to the chief of a band under subclause (2) (c) (ii), the notice shall include an invitation to discuss the draft of the proposed source protection plan. O. Reg. 246/10, s. 12.

(5) If an invitation referred to in subsection (4) is accepted, the source protection committee shall notify the Director. O. Reg. 246/10, s. 12.

(6) The source protection committee shall, at the same time a copy of a notice is given to a person under subclause (2) (c) (iii),

(a) specify in writing that the source protection committee is giving the person the notice because the committee believes the person could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act and,

(i) specify those activities in writing, or

(ii) provide a complete or partial list of activities listed in the assessment report under clause 15 (2) (g) of the Act; and

(b) specify in writing that the source protection plan contains policies that may affect the manner in which an activity referred to in clause (a) is engaged in. O. Reg. 246/10, s. 12.

(7) 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 clause (2) (a), for the purpose of giving

the public an opportunity to review the draft of the proposed source protection plan, ask questions and make comments. O. Reg. 246/10, s. 12.

(8) In finalizing the proposed source protection plan, the source protection committee shall consider,

(a) written comments that are submitted to the source protection committee by the date referred to in clause (3) (d); and

(b) comments made at any public meeting held under subsection (7). O. Reg. 246/10, s. 12.

Submission of proposed source protection plan to source protection authority

42. (1) When the source protection committee submits the proposed source protection plan to the source protection authority under subsection 22 (16) of the Act, it shall give the authority,

(a) a summary of any concerns that were raised by bands during the preparation of the proposed source protection plan and that were not resolved to the satisfaction of the bands; and

(b) a summary of any concerns that were raised by municipalities during the preparation of the proposed source protection plan and that were not resolved to the satisfaction of the municipalities. O. Reg. 246/10, s. 12.

(2) The source protection authority shall, at the same time,

(a) publish the proposed source protection plan on the Internet; and

(b) publish notice of the plan on the Internet inviting the public to submit written comments on the plan within 30 days after publishing the notice. O. Reg. 246/10, s. 12.

(3) The source protection authority shall give notice of the proposed source protection plan by mail, e-mail, fax or personal service to,

(a) every clerk of a municipality referred to in clause 23 (a) of the Act;

(b) every chief of a band to whom notice was required to be given under subclause 41 (2) (c) (ii); and

(c) every person who submitted written comments on the draft of the proposed source protection plan in accordance with a notice given under clause 41 (2) (c). O. Reg. 246/10, s. 12.

(4) The source protection authority shall give the chief of a band referred to in clause (3) (b) a copy of the proposed source protection plan and the summary referred to in clause (1) (a). O. Reg. 246/10, s. 12.

(5) The notice referred to in clauses (3) (a) and (b) shall invite written comments on the proposed source protection plan to be submitted within 30 days after the plan is published on the Internet or, if the source protection authority determines that a longer period is necessary for the purposes of providing the comments, within the time period specified in the notice by the authority. O. Reg. 246/10, s. 12.

Submission of explanatory document to source protection authority

43. (1) The source protection committee shall submit the explanatory document prepared under section 40 of this Regulation to the source protection authority when the proposed source protection plan is submitted to the authority under subsection 22 (16) of the Act. O. Reg. 246/10, s. 12.

(2) Before submitting the explanatory document to the source protection authority under subsection (1), the source protection committee shall,

(a) update the explanatory document to reflect any changes made to the draft of the proposed source protection plan; and

(b) include in the explanatory document a brief explanation of the effect, if any, of comments received during consultation on the proposed source protection plan under section 41 on the development of the plan. O. Reg. 246/10, s. 12.

Submission of proposed source protection plan to Minister

44. When the source protection authority submits the proposed source protection plan to the Minister under section 25 of the Act, it shall,

(a) give the Minister the summaries of concerns referred to in subsection 42 (1) of this Regulation; and

(b) give the source protection committee copies of any comments referred to in clause 25 (a) or (b) of the Act and a copy of any resolutions referred to in clause 25 (c) of the Act. O. Reg. 246/10, s. 12.

Submission of explanatory document to Minister

45. (1) The source protection authority shall submit the explanatory document received under section 43 of this Regulation to the Minister when the proposed source protection plan is submitted under section 25 of the Act or when the plan is resubmitted under subclause 29 (1) (b) (ii) of the Act. O. Reg. 246/10, s. 12.

(2) If the Minister requires any amendments to a source protection plan under subclause 29 (1) (b) (i) of the Act or considers any amendments appropriate under clause 29 (2) (b) of the Act, the explanatory document shall be updated to reflect those amendments. O. Reg. 246/10, s. 12.

Time limit for submitting proposed source protection plan to Minister

46. 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 the fifth anniversary of the appointment of the first chair of the source protection committee. O. Reg. 246/10, s. 12.

Notice of hearing

47. (1) A notice given under clause 28 (2) (b) of the Act shall be given by mail, e-mail, fax or personal service. O. Reg. 246/10, s. 12.

(2) For the purposes of giving notice under clause 28 (2) (b) of the Act, the following persons and public bodies are prescribed:

1. The chair of the source protection committee.

2. If the source protection authority is a conservation authority, the source protection authority's general manager or chief administrative officer.

3. If the source protection authority is not a conservation authority, the person who oversees the operation of the source protection authority.

4. If a municipality is located in the source protection area and, in the opinion of the hearing officer is affected by the matter that is referred to a hearing, the clerk of that municipality.

5. If any part of the reserve of a band is included in the source protection area, the chief of the band.

6. If any part of the area of the Niagara Escarpment Plan is located in the source protection area and, in the opinion of the hearing officer, is affected by the matter that is referred to a hearing, the chair of the Niagara Escarpment Commission.

7. If a planning board has jurisdiction in any part of the source protection area and, in the opinion of the hearing officer, is affected by the matter that is referred to a hearing, the secretary-treasurer of the planning board.

8. Having regard to the matter for which the hearing officer has been appointed by the Minister under subsection 28 (1) of the Act, any person or body that the hearing officer reasonably believes has an interest in the matter. O. Reg. 246/10, s. 12.

Amendments, source protection plan

48. (1) A source protection authority may propose an amendment to a source protection plan under section 34 of the Act if,

(a) the source protection authority consults with the source protection committee about the proposed amendment; and

(b) the source protection authority and the source protection committee are both of the opinion that the amendment is advisable. O. Reg. 246/10, s. 12.

(2) If a source protection authority intends to propose an amendment that relates to the implementation of a proposal to engage in an activity described in subsection 27 (3), the authority shall give notice of the authority's intention to propose the amendment to,

(a) the municipality that receives the proposal;

(b) the person who is responsible for the proposal; and

(c) if the proposed amendment relates to a significant threat policy, every person who the source protection authority believes could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act. O. Reg. 246/10, s. 12.

(3) Sections 21, 24, 29, 30 and subsection 34 (5) of this Regulation apply with necessary modifications to an amendment to a source protection plan under section 34 of the Act. O. Reg. 246/10, s. 12.

(4) For the purposes of subsection (3), a reference in sections 21, 24, 29, 30 and subsection 34 (5) to the source protection committee is deemed to be a reference to the source protection authority. O. Reg. 246/10, s. 12.

(5) Sections 35 to 39 of this Regulation apply with necessary modifications to an amendment to a source protection plan under section 34 or 35 of the Act. O. Reg. 246/10, s. 12.

(6) For the purposes of subsection (5), a reference in sections 35 to 39 to the source protection committee is deemed to be a reference to the source protection authority and a reference in sections 35 to 39 to section 41 is deemed to be a reference to section 50. O. Reg. 246/10, s. 12.

(7) A proposed amendment shall include a summary of all consultation activities undertaken by the source protection authority during the preparation of the amendment. O. Reg. 246/10, s. 12.

Updating, explanatory document

49. If a source protection plan is amended under section 34 or 35 of the Act or subsection 51 (1) of this Regulation, the explanatory document shall be updated to reflect the amendment and the updated portion of the document shall be submitted to the Minister under subsection 34 (4) or 35 (7) of the Act, as the case may be, with the amendment. O. Reg. 246/10, s. 12.

Publication and notice of amendments

50. (1) The source protection authority shall publish a proposed amendment to a source protection plan and the related updated portion of the explanatory document on the Internet and make it available for inspection by the public at one or more locations that, in the opinion of the authority, are sufficiently accessible to give the public in the source protection area a reasonable opportunity to inspect the proposed amendment and the updated portion of the explanatory document. O. Reg. 246/10, s. 12.

(2) The following persons are prescribed for the purpose of clauses 34 (3) (b) and 35 (5) (c) of the Act:

1. The clerk of each municipality in which any part of the source protection area that is affected by the proposed amendment is located.
2. 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 amendment, the chief of the band.
3. If the proposed amendment relates to a significant threat policy, every person in any part of the source protection area that is affected by the proposed amendment who the source protection authority believes could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act.
4. If any part of the area of the Niagara Escarpment Plan is located in the source protection area and, in the opinion of the source protection authority, is affected by the proposed amendment, the chair of the Niagara Escarpment Commission.
5. If a planning board has jurisdiction in any part of the source protection area and, in the opinion of the source protection authority, is affected by the proposed amendment, the secretary-treasurer of the planning board.
6. Every person or body given notice under sections 35 to 39 that would be affected by the proposed amendment.
7. If the proposed amendment includes a policy described in paragraph 1 of subsection 22 (6) of the Act, every person in any part of the source protection area that is affected by the proposed amendment who owns property in the area identified in the assessment report as an area where a condition that results from a past activity is a significant drinking water threat.
8. Every person or body referred to in subclause 41 (2) (c) (ix) that would be affected by the proposed amendment. O. Reg. 246/10, s. 12.

(3) Notice under clause 34 (3) (b) or 35 (5) (c) of the Act shall be given, as soon as reasonably possible after publishing the proposed amendment on the Internet, to the persons described in paragraphs 1 to 6 of subsection (2) and shall advise those persons of the opportunity to,

(a) view the proposed amendment on the Internet;

(b) inspect the proposed amendment, during times specified in the notice, at a location specified in the notice; and

(c) submit written comments on the proposed amendment to the source protection authority by a date specified in the notice that is not earlier than 35 days after the proposed amendment is published. O. Reg. 246/10, s. 12.

(4) Notice under clause 34 (3) (c) or 35 (5) (d) of the Act shall be published, as soon as reasonably possible after publishing the proposed amendment on the Internet, 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 that is affected by the proposed amendment and shall advise the public of the opportunity to,

(a) view the proposed amendment on the Internet;

(b) inspect the proposed amendment, during times specified in the notice, at a location specified in the notice; and

(c) submit written comments on the proposed amendment to the source protection authority by a date specified in the notice that is not earlier than 35 days after the notice is first published in the newspaper. O. Reg. 246/10, s. 12.

(5) When a notice referred to in clause 34 (3) (b) or 35 (5) (c) of the Act is given to the chief of a band under paragraph 2 of subsection (2), the notice shall include an invitation to discuss the proposed amendment. O. Reg. 246/10, s. 12.

(6) If an invitation referred to in subsection (5) is accepted, the source protection authority shall notify the Director. O. Reg. 246/10, s. 12.

(7) The source protection authority shall, at the same time a notice is given under clause 34 (3) (b) or 35 (5) (c) of the Act to a person described in paragraph 3 of subsection (2),

(a) specify in writing that the source protection authority is giving the person the notice because the authority believes the person could be engaging in one or more activities that are or would be significant drinking water threats according to the information contained in the assessment report under clauses 15 (2) (g) and (h) of the Act and,

(i) specify those activities in writing, or

(ii) provide a complete or partial list of activities listed in the assessment report under clause 15 (2) (g) of the Act; and

(b) specify in writing that the proposed amendment contains policies that may affect the manner in which an activity referred to in clause (a) is engaged in. O. Reg. 246/10, s. 12.

Typographical errors, etc.

51. (1) Subsections 34 (2) to (5) and 35 (4) to (8) of the Act and section 50 of this Regulation do not apply to the following amendments to a source protection plan:

1. An amendment that is made to correct a clerical, grammatical or typographical error.

2. An amendment that is made to alter the style or presentation of text or graphics in order to improve electronic or print presentation.

3. If the source protection plan contains a provision that is contingent on the occurrence of a future event and the event occurs, an amendment that is made to remove the text referring to the contingency and to make any related changes.

4. An amendment that is made to change references to a name, title, location or address if the name, title, location or address of a body, office, person, place or thing has changed.

5. An amendment that is made to correct errors in the numbering of provisions of the source protection plan and any related changes in cross-references.

6. An amendment that is made to correct errors, if it is patent that an error has been made and what the correction should be.

7. An amendment to update the assessment report portion of the source protection plan to reflect the results of a risk assessment accepted under subsection 60 (2) of the Act. O. Reg. 246/10, s. 12.

(2) If an amendment described in paragraphs 1 to 7 of subsection (1) is made, the source protection authority shall publish the amended source protection plan and a notice describing the amendment on the Internet as soon as reasonably possible after the amendment is made. O. Reg. 246/10, s. 12.

Annual progress reports

52. (1) The following information is prescribed for the purposes of clause 46 (1) (d) of the Act:

1. If the source protection plan sets out a policy that specifies a date by which a particular action shall be taken by a person or body, and the person or body fails to take that action by that date, a description of the failure and the reasons for the failure.

2. A description of any steps taken during the reporting period to address any deficiencies in the information that was used in developing the assessment report set out in the source protection plan.

3. A summary of the report prepared and submitted by the risk management official under section 81 of the Act for the same calendar year to which the report under section 46 of the Act applies.

4. Any other information that the source protection authority considers advisable. O. Reg. 246/10, s. 12.

(2) Each report required by section 46 of the Act applies to a calendar year. O. Reg. 246/10, s. 12.

(3) Despite subsection (2), the first report applies to the period beginning on the day the plan takes effect and ending on December 31 of the second calendar year following the year in which the plan takes effect. O. Reg. 246/10, s. 12.

(4) Each report shall be submitted to the Director by May 1 in the year following the year to which the report applies. O. Reg. 246/10, s. 12.

(5) If the Director approves a form to be used for reports prepared under section 46 of the Act, a report shall be in that form. O. Reg. 246/10, s. 12.

(6) If the Director provides the source protection authority with computer software or directs the authority to use a specified computer software for the purpose of preparing a report under section 46 of the Act, the report shall be prepared using the software. O. Reg. 246/10, s. 12.

Application of Part IV of the Act

Prescribed records and time periods

53. (1) The following records are prescribed for the purposes of subsection 54 (1) of the Act:

1. Every risk management plan agreed to or established for any part of the source protection area for which the risk management official has jurisdiction under Part IV of the Act and amendments to those plans.

2. Every notice and every order issued by a person or body referred to in sections 47 to 50 of the Act who is responsible for enforcing Part IV of the Act.
3. Every risk assessment submitted to the risk management official under subsection 60 (1) of the Act.
4. Every acceptance of a risk assessment by the risk management official under subsection 60 (2) of the Act.
5. Any other record that is acquired or created by a person or body referred to in sections 47 to 50 of the Act who is responsible for enforcing Part IV of the Act for the purposes of administering that Part. O. Reg. 246/10, s. 12.

(2) For the purposes of subsection 54 (1) of the Act, the period of time for which a record shall be retained is determined by the following rules:

1. A risk management plan described in paragraph 1 of subsection (1) shall be retained for 15 years from the date the plan ceases to be in effect.
2. A notice or order described in paragraph 2 of subsection (1) shall be retained for 15 years from the date the notice or order is issued.
3. A risk assessment described in paragraph 3 of subsection (1) shall be retained for 15 years from the date of acceptance.
4. An acceptance of a risk assessment described in paragraph 4 of subsection (1) shall be retained for 15 years from the date of acceptance.
5. A record described in paragraph 5 of subsection (1) shall be retained for 15 years from the date the record is acquired or created. O. Reg. 246/10, s. 12.

(3) For the purposes of subsection 54 (3) of the Act, the records described in paragraphs 1, 2 and 4 of subsection (1) are prescribed as records that shall be made available to the public. O. Reg. 246/10, s. 12.

Prescribed qualifications, risk management officials or inspectors

54. For the purposes of section 53 of the Act, a risk management official or risk management inspector has the prescribed qualifications if he or she has, in the preceding five years, successfully completed a course that meets the following criteria:

1. The course includes,
 - i. a description of the rules governing the preparation of assessment reports, source protection plans, risk management plans and risk assessments,
 - ii. a description of Part IV of the Act,
 - iii. an overview of procedures before the Environmental Review Tribunal, and
 - iv. a description of the prescribed instruments to which subsection 39 (7) of the Act applies and the way in which they regulate activities that could be identified in a source protection plan as significant drinking water threats.
2. In the opinion of the Director, the course provides adequate training for a person appointed as a risk management official or risk management inspector under the Act. O. Reg. 246/10, s. 12.

Prescribed circumstances, s. 55 (5) of the Act

55. Any circumstances that the council of a municipality, board of health, planning board, source protection authority or Minister, as the case may be, considers appropriate are prescribed for the purposes of subsection 55 (5) of the Act. O. Reg. 246/10, s. 12.

Prescribed qualifications, ss. 56 (9) (b), 58 (15) (b) and 60 (2) (b) of the Act

56. For the purposes of clauses 56 (9) (b), 58 (15) (b) and 60 (2) (b) of the Act, a person has the prescribed qualifications if the person has, in the preceding five years, successfully completed a course that,

(a) meets the criteria set out in paragraph 1 of section 54 of this Regulation; and

(b) in the opinion of the Director, provides adequate training for a person to provide a statement under those provisions of the Act. O. Reg. 246/10, s. 12.

Powers of entry — risk management — training

57. For the purposes of subsections 62 (2) and 66 (2) 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 explanation of the powers to enter property under the Act, and

ii. 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 62 (1) and sections 64 and 65 of the Act. O. Reg. 246/10, s. 12.

Prescribed circumstances, s. 56 of the Act

58. A risk management official may give a notice under subsection 56 (3) of the Act with respect to an activity if,

(a) in the opinion of the risk management official, the activity, if engaged in without a risk management plan, will result in or is likely to result in a drinking water health hazard; and

(b) the activity is not regulated by a prescribed instrument. O. Reg. 246/10, s. 12.

Risk management plan contents

59. Without limiting the generality of sections 56 and 58 of the Act, a risk management plan may contain,

(a) requirements dealing with the remediation of adverse effects caused by the activity to which the plan relates; and

(b) a requirement to provide financial assurance in a form specified in the plan. O. Reg. 246/10, s. 12.

Transfer of risk management plan

60. Every risk management plan shall contain a provision stating that it cannot be transferred to another person without the written consent of the risk management official. O. Reg. 246/10, s. 12.

Exemption from s. 58 of the Act

61. (1) Subject to subsection (10), section 58 of the Act does not apply to an activity at a particular location if the person engaged in or proposing to engage in the activity at that location,

(a) gives the risk management official a notice described in subsection (2) and complies with any applicable requirements in subsections (3), (4) and (5); or

(b) gives the risk management official a notice described in subsection (7). O. Reg. 246/10, s. 12.

(2) If the person has a prescribed instrument that regulates the activity the person is engaged in or is proposing to engage in at the particular location, the person may give the risk management official a notice identifying the instrument. O. Reg. 246/10, s. 12.

(3) A person giving a notice under subsection (2) shall, at the same time, give the risk management official a copy of the instrument identified in the notice. O. Reg. 246/10, s. 12.

(4) If the instrument identified in a notice under subsection (2) contains a statement that conditions have been included in the instrument to ensure that, for the purposes of the activity the person is engaged in or is proposing to engage in at the particular location, it conforms to the significant threat policies set out in the source protection plan, the notice shall also identify where the statement appears in the instrument. O. Reg. 246/10, s. 12.

(5) If the instrument identified in a notice under subsection (2) does not contain a statement described in subsection (4), but the person giving the notice has a statement in writing from the person or body who issued or created the instrument indicating that, for the purposes of the activity the person is engaged in or is proposing to engage in at the particular location, the instrument conforms to the significant threat policies set out in the source protection plan, the person shall give the risk management official a copy of the statement at the same time the notice is given. O. Reg. 246/10, s. 12.

(6) If a person gives a notice under subsection (2) that does not identify where a statement described in subsection (4) appears and no statement is given to the risk management official under subsection (5), the risk management official shall give the person a notice in writing specifying the date by which the person shall give the risk management official,

(a) a copy of a prescribed instrument that regulates the activity the person is engaged in or is proposing to engage in at the particular location and that contains a statement that, for the purposes of engaging in the activity at that location, conditions have been included in the instrument to ensure that it conforms to the significant threat policies set out in the source protection plan; or

(b) a copy of a prescribed instrument that regulates the activity the person is engaged in or is proposing to engage in at the particular location and a statement in writing from the person or body who issued or created the instrument indicating that, for the purposes of engaging in the activity at that location, the instrument conforms to the significant threat policies set out in the source protection plan. O. Reg. 246/10, s. 12.

(7) If the person does not have a prescribed instrument that regulates the activity the person is engaged in or is proposing to engage in at the particular location, the person may give the risk management official a notice that describes the actions the person will take to obtain a prescribed instrument that will regulate the activity at that location and that will conform to the significant threat policies set out in the source protection plan. O. Reg. 246/10, s. 12.

(8) The risk management official shall give a person who gives a notice under subsection (7) a notice in writing specifying the date by which the person shall give the risk management official,

(a) a copy of a prescribed instrument that regulates the activity the person is engaged in or is proposing to engage in at the particular location and that contains a statement that, for the purposes of engaging in the activity at that location, conditions have been included in the instrument to ensure that it conforms to the significant threat policies set out in the source protection plan; or

(b) a copy of a prescribed instrument that regulates the activity the person is engaged in or is proposing to engage in at the particular location and a statement in writing from the person or body who issued or created the instrument indicating that, for the purposes of engaging in the activity at that location, the instrument conforms to the significant threat policies set out in the source protection plan. O. Reg. 246/10, s. 12.

(9) The risk management official may in writing extend the date specified in a notice given under subsection (6) or (8) before the date specified in the notice has passed. O. Reg. 246/10, s. 12.

(10) If a person fails to give the risk management official anything required by a notice under subsection (6) or (8) by the required date, the risk management official may give the person a notice terminating the exemption provided by subsection (1), effective on a date specified in the notice. O. Reg. 246/10, s. 12.

(11) If the Director approves a form to be used for notices given under subsection (2) or (7), a notice shall be in that form. O. Reg. 246/10, s. 12.

(12) The risk management official shall give a copy of a notice received under subsection (2) or (7) to the Director. O. Reg. 246/10, s. 12.

(13) If the risk management official is required to give a person a notice under subsection (6), subsection 59 (2) of the Act does not apply until the person complies with the notice. O. Reg. 246/10, s. 12.

(14) Subsection 59 (2) of the Act does not apply to a person who gives a notice under subsection (7) until the person complies with the notice given under subsection (8). O. Reg. 246/10, s. 12.

(15) Subsections (13) and (14) apply whether or not a notice given to a person under subsection (6) or (8) was given before or after the person made an application under subsection 59 (2) of the Act with respect to the activity at the particular location. O. Reg. 246/10, s. 12.

Prescribed provisions, s. 59 of the Act

62. The following provisions of the Planning Act are prescribed for the purposes of clause 59 (1) (a) of the Clean Water Act, 2006:

1. Section 22, with respect to requests to amend official plans.
2. Section 34, with respect to applications to amend zoning by-laws.
3. Section 39, with respect to applications to amend zoning by-laws to authorize a temporary use.
4. Section 41, with respect to applications for approval to undertake development in a site plan control area.
5. Section 45, with respect to applications for minor variances.
6. Section 51, with respect to applications for approval of plans of subdivision.
7. Section 53, with respect to applications for consents. O. Reg. 246/10, s. 12.

Powers of entry — training — exemption

63. Subsection 66 (2) of the Act does not apply to a person who enters property with the consent of an occupier of the property or under the authority of a warrant issued under subsection 66 (4) of the Act. O. Reg. 246/10, s. 12.

Notice of abandonment by receiver or trustee in bankruptcy

64. A notice given under clause 79 (5) (a) or (b) of the Act by a receiver or trustee in bankruptcy that they have abandoned, disposed of or otherwise released their interest in property shall be given in accordance with section 100 of the Act and shall contain the following information:

1. The name and contact information of the receiver or trustee in bankruptcy.
2. The date the receiver or trustee in bankruptcy abandoned, disposed of or otherwise released their interest in the property.
3. The municipal address of the property to which the notice relates or, if there is no such address, a legally sufficient description of the property. O. Reg. 246/10, s. 12.

Annual reports

65. (1) An annual report prepared by a risk management official under section 81 of the Act shall contain the following information with respect to the reporting period for which the report is prepared:

1. The number of risk management plans agreed to by the risk management official under subsection 56 (1) or 58 (5) of the Act and the number of plans established by the official under subsection 56 (6), 58 (10) or (12) of the Act, including, for each plan:

- i. The location of the property to which the plan relates.
- ii. The wellhead protection area or surface water intake protection zone where the property is located.
- iii. The activity to which the plan relates.

2. The number of plans the risk management official refuses to agree to or to establish under subsection 56 (9), 58 (15) or (16) of the Act, including, for each plan refused:

- i. The location of the property to which the plan relates.
- ii. The wellhead protection area or surface water intake protection zone where the property is located.
- iii. The activity to which the plan relates.
- iv. The reasons for the refusal.

3. The number of orders issued under Part IV of the Act, including, for each order:

- i. A brief description of the circumstances related to the order.
- ii. The location of the property to which the order relates.
- iii. The wellhead protection area or surface water intake protection zone where the property is located.
- iv. The activity to which the order relates.

4. The number of notices given to and the number of notices given by the risk management official under subsections 61 (2), (7) and (10), including, for each notice:

- i. The location of the property to which the notice relates.
- ii. The wellhead protection area or surface water intake protection zone where the property is located.
- iii. The activity to which the notice relates.

iv. The type of prescribed instrument, if any, referred to in the notice and any information needed to identify the prescribed instrument.

5. The number of inspections carried out under section 62 of the Act, including:

i. For each inspection, the activity to which the inspection related.

ii. The number of inspections carried out in respect of an activity to which section 56 of the Act applies and the number of those cases in which the person was not complying with a risk management plan agreed to or imposed under section 56 of the Act.

iii. The number of inspections carried out in respect of an activity to which section 58 of the Act applies, the number of those cases in which the person was not complying with a risk management plan agreed to or imposed under section 58 of the Act and the number of those cases in which the person was carrying out an activity in contravention of subsection 58 (1) of the Act.

iv. The number of inspections carried out in respect of an activity to which section 57 of the Act applies and the number of those cases in which the person was carrying out an activity in contravention of subsection 57 (1) of the Act.

6. The number of risk assessments submitted under section 60 of the Act, the number of risk assessments accepted and the number of risk assessments not accepted, including, for each application:

i. The location of the property to which the risk assessment relates.

ii. The wellhead protection area or surface water intake protection zone where the property is located.

iii. The activity to which the risk assessment relates.

7. The number of times the risk management official caused a thing to be done under section 64 of the Act, including, for each instance:

i. The location of the property to which the notice under section 64 of the Act relates.

ii. The wellhead protection area or the surface water intake protection zone where the property is located.

iii. The activity to which the notice under section 64 of the Act relates.

8. The total number of prosecutions and the number of prosecutions that resulted in a conviction under section 106 of the Act, including a brief description of each offence. O. Reg. 246/10, s. 12.

(2) If a risk management official has jurisdiction in more than one source protection area, the risk management official shall ensure that the information required to be contained in an annual report under subsection (1) is reported for each area. O. Reg. 246/10, s. 12.

(3) If the Director approves a form to be used for annual reports prepared under section 81 of the Act, a report shall be in that form. O. Reg. 246/10, s. 12.

(4) If the Director provides the risk management official with computer software or directs the official to use a specified computer software for the purpose of preparing an annual report under section 81 of the Act, the report shall be prepared using the software. O. Reg. 246/10, s. 12.

(5) The risk management official shall submit a copy of the report prepared under section 81 of the Act to the Director upon request by the Director. O. Reg. 246/10, s. 12.

(6) Each report required by section 81 of the Act applies to a calendar year. O. Reg. 246/10, s. 12.

(7) Despite subsection (6), the first report applies to the period beginning on the day the first risk management official is appointed under subsection 47 (6) or 48 (2) of the Act and ending on December 31 of that year. O. Reg. 246/10, s. 12.

(8) Each report shall be submitted to the source protection authority by February 1 in the year following the year to which the report applies. O. Reg. 246/10, s. 12.

Miscellaneous

Amendments to agreements relating to source protection regions

66. (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. 246/10, 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. 246/10, s. 12.

Training — powers of entry — source protection authority

67. (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. 246/10, s. 12.

(2) Subsection 88 (4) of the Act does not apply to a person who, pursuant to subsections 62 (4) and 88 (6) of the Act, accompanies a person who enters property under subsection 88 (1) of the Act. O. Reg. 246/10, s. 12.

Notice of drinking water health hazard

68. (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. 246/10, 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. 246/10, 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. 246/10, 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. 246/10, s. 12.

Ontario Drinking Water Stewardship Program

69. (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. 246/10, s. 12.
- (2) The Director shall determine whether to provide financial assistance and, if so, the amount of the financial assistance. O. Reg. 246/10, 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. 246/10, 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. 246/10, s. 12.