



Français

Ontario Water Resources Act

ONTARIO REGULATION 176/17

CHARGES FOR TAKING GROUND WATER TO PRODUCE BOTTLED WATER

Consolidation Period: From June 7, 2017 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Purpose

1. The purpose of this Regulation is to recover the costs the Government of Ontario incurs to,

- (a) regulate water bottling facilities under the Act;
- (b) study the impact water bottling facilities have on the ground water resources in watersheds from which a water bottling facility takes water; and
- (c) review the regulatory framework that governs ground water takings related to water bottling facilities.

Definitions

2. In this Regulation,

“bottled water” means potable water that is intended for human consumption and that is packaged in bottles or other portable containers; (“eau embouteillée”)

“water bottling facility” means any facility that requires a permit for taking ground water for the purpose of producing bottled water. (“installation d’embouteillage d’eau”)

Charge

3. (1) The holder of the permit in respect of a water bottling facility shall be charged \$500 per million litres of water taken for the total amount of water the facility takes annually, based on the data on the volume of water taken daily that the holder of the permit is required to submit to the Director under section 9 of Ontario Regulation 387/04 (Water Taking and Transfer), made under the Act.

(2) If the holder of the permit fails to submit the data on the volume of water taken daily, the Director may determine the charge that applies to the water bottling facility based on the amount of water that the permit authorizes the facility to take.

(3) If the Director determines after a review of the data that the data is not an accurate reflection of the volume of water the water bottling facility took daily during a calendar year, the Director may by written notice explain the basis of his or her determination and request that the holder of the permit resubmit the data in a form and manner specified in the notice.

(4) If the holder of the permit fails to resubmit data to the Director in accordance with the notice given under subsection (3), the Director may determine the charge that applies in respect of the water bottling facility based on the amount of water that the facility’s permit authorizes the facility to take.

(5) For 2017, the charge applies to the amount of water the water bottling facility takes from August 1 to the end of the year.

Notice of charge and payment

4. (1) The Director shall issue the notice of charge for water taken in a calendar year within 12 months after January 1 in the year after the year in which the water was taken.
- (2) The holder of the permit in respect of the water bottling facility to which the charge relates shall pay the charge within 30 days after the notice is given.
- (3) The charges payable under this Regulation are payable to the Minister of Finance.

Failure to pay

5. If a person fails to pay charges required to be paid under section 4,
- (a) the Director may by order suspend any licence, permit or approval that has been issued to the person under the Act until the charges and any interest owing under section 10 of the *Financial Administration Act* are paid; and
- (b) the Director may refuse to issue the person any license, permit or approval under the Act until the charges and any interest owing under section 10 of the *Financial Administration Act* are paid.

Report by Minister

6. The Minister shall ensure that, on or before December 31, 2022 and every five years after that date, a report is prepared and published in the registry established under the *Environmental Bill of Rights, 1993* that reviews the amount of the charge established by this Regulation to determine if the charge is set at an appropriate amount given,
- (a) the amount of the costs the Government of Ontario incurs for the purpose set out in section 1; and
- (b) the amount by which the costs have varied, if at all, in the period that is the subject of the review.
7. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

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