



[Français](#)

Clean Water Act, 2006

S.O. 2006, CHAPTER 22

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CONTENTS [+]

PART I GENERAL

Purpose

1 The purpose of this Act is to protect existing and future sources of drinking water. 2006, c. 22, s. 1.

Definitions

2 (1) In this Act,

“activity” includes a land use; (“activité”)

“designated Great Lakes policy” means a policy designated in a source protection plan as a designated Great Lakes policy;
 (“politique des Grands Lacs désignée”)

“drinking water health hazard” has the same meaning as in the *Safe Drinking Water Act, 2002*; (“danger de l’eau potable pour la santé”)

“drinking water system” has the same meaning as in the *Safe Drinking Water Act, 2002*; (“réseau d’eau potable”)

“drinking water threat” means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat; (“menace pour l’eau potable”)

“highly vulnerable aquifer” has the meaning prescribed by the regulations; (“aquifère hautement vulnérable”)

“instrument” means any document of legal effect, including a permit, licence, approval, authorization, direction or order, that is issued or otherwise created under an Act, but does not include a regulation within the meaning of Part III of the *Legislation Act, 2006*; (“acte”)

“local board” has the same meaning as in the *Municipal Affairs Act*; (“conseil local”)

“justice” means a provincial judge or a justice of the peace; (“juge”)

“major residential development” has the same meaning as in the *Safe Drinking Water Act, 2002*; (“grand aménagement résidentiel”)

“Minister” means the Minister of the Environment or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“municipal drinking water system” has the same meaning as in the *Safe Drinking Water Act, 2002*; (“réseau municipal d’eau potable”)

“municipal planning authority” means a municipal planning authority established under section 14.1 of the *Planning Act*; (“office d’aménagement municipal”)

“offence notice or summons” means,

- (a) an offence notice or summons under Part I of the *Provincial Offences Act*, or
- (b) a summons under Part III of the *Provincial Offences Act*; (“avis d’infraction ou assignation”)

“planning board” means a planning board established under section 9 or 10 of the *Planning Act*; (“conseil d’aménagement”)

“prescribed instrument” means an instrument that is issued or otherwise created under a provision prescribed by the regulations of,

- (a) the *Aggregate Resources Act*,
- (b) the *Conservation Authorities Act*,
- (c) the *Crown Forest Sustainability Act, 1994*,
- (d) the *Environmental Protection Act*,
- (e) the *Mining Act*,
- (f) the *Nutrient Management Act, 2002*,
- (g) the *Oil, Gas and Salt Resources Act*,
- (h) the *Ontario Water Resources Act*,
- (i) the *Pesticides Act*, or
- (j) any other Act or regulation prescribed by the regulations; (“acte prescrit”)

“public body” means,

- (a) a municipality, local board or conservation authority,
- (b) a ministry, board, commission, agency or official of the Government of Ontario, or
- (c) a body prescribed by the regulations or an official of a body prescribed by the regulations; (“organisme public”)

“raw water supply” has the same meaning as in the *Safe Drinking Water Act, 2002*; (“approvisionnement en eau brute”)

“receiver” means a person who has been appointed to take or who has taken possession or control of property pursuant to a mortgage, hypothec, pledge, charge, lien, security interest, encumbrance or privilege or pursuant to an order of a court, and includes a receiver-manager and an interim receiver; (“séquestre”)

“receiver representative” means, with respect to a receiver, an officer, director, employee or agent of the receiver, or a lawyer, consultant or other advisor of the receiver who is acting on behalf of the receiver; (“représentant d’un séquestre”)

“regulations” means the regulations made under sections 108 and 109; (“règlements”)

“risk assessment” means an assessment of risks prepared in accordance with the regulations and the rules; (“évaluation des risques”)

“risk management inspector” means a risk management inspector appointed under Part IV; (“inspecteur en gestion des risques”)

“risk management official” means the risk management official appointed under Part IV; (“responsable de la gestion des risques”)

“risk management plan” means a plan for reducing a risk prepared in accordance with the regulations and the rules; (“plan de gestion des risques”)

“rules” mean the rules made by the Director under section 107; (“règles”)

“significant drinking water threat” means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk; (“menace importante pour l’eau potable”)

“significant groundwater recharge area” has the meaning prescribed by the regulations; (“zone importante d’alimentation d’une nappe souterraine”)

“significant threat policy” means,

- (a) a policy set out in a source protection plan that, for an area identified in the assessment report as an area where an activity is or would be a significant drinking water threat, is intended to achieve an objective referred to in paragraph 2 of subsection 22 (2), or
- (b) a policy set out in a source protection plan that, for an area identified in the assessment report as an area where a condition that results from a past activity is a significant drinking water threat, is intended to achieve the objective of ensuring that the condition ceases to be a significant drinking water threat; (“politique sur les menaces importantes”)

“source protection area” means a drinking water source protection area established by subsection 4 (1) or by the regulations; (“zone de protection des sources”)

“source protection authority” means a conservation authority or other person or body that, under subsection 4 (2) or section 5, is required to exercise and perform the powers and duties of a drinking water source protection authority under this Act; (“office de protection des sources”)

“source protection committee” means a drinking water source protection committee established under section 7; (“comité de protection des sources”)

“source protection plan” means a drinking water source protection plan prepared under this Act; (“plan de protection des sources”)

“source protection region” means a drinking water source protection region established by the regulations; (“région de protection des sources”)

“surface water intake protection zone” has the meaning prescribed by the regulations; (“zone de protection des prises d’eau de surface”)

“Tribunal” means the Ontario Land Tribunal; (“Tribunal”)

“trustee in bankruptcy representative” means, with respect to a trustee in bankruptcy, an officer, director, employee or agent of the trustee in bankruptcy, or a lawyer, consultant or other advisor of the trustee in bankruptcy who is acting on behalf of the trustee in bankruptcy; (“représentant d’un syndic de faillite”)

“vulnerable area” means,

- (a) a significant groundwater recharge area,
- (b) a highly vulnerable aquifer,
- (c) a surface water intake protection zone, or
- (d) a wellhead protection area; (“zone vulnérable”)

“wellhead protection area” has the meaning prescribed by the regulations. (“zone de protection des têtes de puits”) 2006, c. 22, ss. 2 (1), 116 (3); 2021, c. 4, Sched. 6, s. 38 (1).

References to Director

(2) In a provision of this Act or the regulations, a reference to “the Director” is a reference to the director appointed under this Act for the purposes of the provision. 2006, c. 22, s. 2 (2).

Great Lakes

(3) In this Act and in the regulations, a reference to the Great Lakes includes the St. Lawrence River and the connecting channels of the Great Lakes. 2009, c. 33, Sched. 15, s. 2 (1).

Section Amendments with date in force (d/m/y) [+]

Directors

3 (1) The Minister shall in writing appoint such directors as the Minister considers necessary, in respect of one or more provisions of this Act or the regulations, as specified in the appointment. 2006, c. 22, s. 3 (1).

Same

(2) In making an appointment under this section, the Minister shall appoint only,

- (a) a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry or a member of a class of such public servant; or
- (b) any other person or member of any other class of person, if the appointment is approved by the Lieutenant Governor in Council. 2006, c. 35, Sched. C, s. 16 (1).

Limitation on authority

(3) The Minister may, in an appointment of a director, limit the authority of the director in such manner as the Minister considers necessary. 2006, c. 22, s. 3 (3).

Section Amendments with date in force (d/m/y) [+]**Source protection areas – conservation authority**

4 (1) The area over which a conservation authority has jurisdiction under the *Conservation Authorities Act* is established as a drinking water source protection area for the purposes of this Act. 2006, c. 22, s. 4 (1).

Source protection authority

(2) The conservation authority shall exercise and perform the powers and duties of a drinking water source protection authority under this Act for the source protection area established by subsection (1). 2006, c. 22, s. 4 (2).

Dissolution of conservation authorities

(3) Subsection (1) ceases to apply to the area of jurisdiction of a conservation authority that is dissolved under section 13.1 of the *Conservation Authorities Act*. 2006, c. 22, s. 4 (3).

Other source protection areas

5 If the Minister makes a regulation that establishes a source protection area in the parts of Ontario that are not covered by the source protection areas established by subsection 4 (1) and, for the purpose of this section, the regulation designates a person or body for the source protection area, the person or body shall exercise and perform the powers and duties of a drinking water source protection authority under this Act. 2006, c. 22, s. 5.

Source protection regions

6 (1) If the Minister makes a regulation consolidating two or more source protection areas into a drinking water source protection region and designating a lead source protection authority, each source protection authority in the source protection region shall exercise and perform the powers and duties of a source protection authority under this Act for its source protection area, subject to any agreement referred to in subsection (3) or order made under subsection (5). 2006, c. 22, s. 6 (1).

Responsibilities of lead source protection authority

(2) The lead source protection authority shall, in accordance with the agreement referred to in subsection (3) or an order under subsection (5),

- (a) assist the other source protection authorities in the source protection region in exercising and performing their powers and duties under this Act;
- (b) provide scientific, technical and administrative support and resources to the other source protection authorities in the source protection region for the purposes of this Act;
- (c) serve as a liaison between the Ministry and the other source protection authorities in the source protection region for the purposes of this Act; and
- (d) carry out any other functions prescribed by the regulations. 2006, c. 22, s. 6 (2).

Agreement

(3) The lead source protection authority and the other source protection authorities in the source protection region shall, within 90 days after the establishment of the region, enter into an agreement that deals with,

- (a) the exercise and performance of the lead source protection authority's powers and duties; and
- (b) other matters related to the relationship between the lead source protection authority and the other source protection authorities in the source protection region. 2006, c. 22, s. 6 (3).

Submission of agreement to Minister

(4) If an agreement is entered into under subsection (3), the lead source protection authority shall promptly submit a copy of the agreement to the Minister and the Minister may, within the time period prescribed by the regulations, make such amendments to the agreement as he or she considers appropriate. 2006, c. 22, s. 6 (4).

Minister's order

(5) If no agreement is entered into within the 90-day period referred to in subsection (3), the Minister may make an order directed to the source protection authorities in the source protection region governing any matter referred to in subsection (3). 2006, c. 22, s. 6 (5).

Amendments initiated by source protection authorities

(6) The lead source protection authority and the other source protection authorities in the source protection region may, with the written approval of the Minister, amend an agreement entered into under subsection (3). 2006, c. 22, s. 6 (6).

Amendments initiated by Minister

(7) The Minister may require the lead source protection authority and the other source protection authorities in the source protection region, within such time period as is specified by the Minister,

- (a) to amend an agreement entered into under subsection (3) in accordance with the directions of the Minister; and
- (b) to submit the amended agreement to the Minister. 2006, c. 22, s. 6 (7).

Same

(8) If an amended agreement is submitted to the Minister under clause (7) (b), the Minister may, within the time period prescribed by the regulations, make such further amendments as he or she considers appropriate. 2006, c. 22, s. 6 (8).

Same

(9) If an amended agreement is not submitted to the Minister under clause (7) (b) within the time period specified by the Minister, the Minister may make such amendments to the agreement as he or she considers appropriate. 2006, c. 22, s. 6 (9).

**PART II
PREPARATION, AMENDMENT AND REVIEW OF SOURCE PROTECTION PLANS**

Source protection committees

7 (1) Each source protection authority shall establish a drinking water source protection committee for the authority's source protection area. 2006, c. 22, s. 7 (1).

Composition

(2) A source protection committee shall be composed of the number of members prescribed by the regulations, including the chair of the committee. 2006, c. 22, s. 7 (2).

Appointment of members

(3) Subject to subsection (4), the members of a source protection committee shall be appointed in accordance with the regulations. 2006, c. 22, s. 7 (3).

Appointment of chair

(4) The Minister shall appoint the chair of each source protection committee, after considering any recommendations from the source protection authority. 2006, c. 22, s. 7 (4).

Assistance from source protection authority

(5) A source protection authority shall,

- (a) assist the source protection committee that it establishes in exercising and performing the committee's powers and duties under this Act; and
- (b) provide scientific, technical and administrative support and resources to the source protection committee that it establishes. 2006, c. 22, s. 7 (5).

Source protection region

(6) If the Minister makes a regulation consolidating two or more source protection areas into a drinking water source protection region and designating a lead source protection authority,

- (a) subsection (1) does not apply to the source protection areas in the source protection region;
- (b) the lead source protection authority shall establish a drinking water source protection committee for the source protection region;
- (c) the source protection committee established under clause (b) shall exercise and perform the powers and duties of a source protection committee under this Act for each of the source protection areas in the source protection region;
- (d) subsections (2) to (4) apply, with necessary modifications, to a source protection committee established under clause (b);
- (e) subsection (5) applies, with necessary modifications, to a source protection committee established under clause (b), subject to any agreement referred to in subsection 6 (3) or order made under subsection 6 (5); and
- (f) the lead source protection authority shall co-ordinate the preparation of terms of reference, assessment reports and source protection plans for the source protection areas in the source protection region so that they do not conflict with each other. 2006, c. 22, s. 7 (6).

Terms of reference

8 (1) The source protection committee for a source protection area shall, in accordance with the regulations, prepare terms of reference for the preparation under this Act of an assessment report and source protection plan for the source protection area. 2006, c. 22, s. 8 (1).

Consultation

(2) In preparing the terms of reference, the source protection committee shall consult with all of the municipalities in which any part of the source protection area is located. 2006, c. 22, s. 8 (2).

Resolution of municipal council

(3) The council of a municipality in which any part of the source protection area is located may pass a resolution requiring the terms of reference to provide, for the purpose of subclause 15 (2) (e) (ii), that the assessment report consider any existing or planned drinking water system specified in the resolution, other than a drinking water system prescribed by the regulations for the purpose of this subsection, if,

- (a) in the case of a drinking water system that obtains its water from groundwater, the system has a well in the municipality that serves as the source or entry point of raw water supply for the system; or
- (b) in the case of a drinking water system that obtains its water from surface water, the system serves a building or other structure located in the municipality. 2006, c. 22, s. 8 (3).

Location of wells and intakes

(4) A resolution passed under subsection (3) is not effective unless it identifies the location of every well and intake that serves as the source or entry point of raw water supply for the drinking water system. 2006, c. 22, s. 8 (4).

Resolution of upper-tier municipality

(5) Subsection (3) does not apply to the council of an upper-tier municipality unless the upper-tier municipality has authority to pass by-laws respecting water production, treatment and storage under the *Municipal Act, 2001*. 2006, c. 22, s. 8 (5).

Resolution of lower-tier municipality

(6) A resolution passed under subsection (3) by the council of a lower-tier municipality that does not have authority to pass by-laws respecting water production, treatment and storage under the *Municipal Act, 2001* is not effective unless it is approved by a resolution passed by the council of the upper-tier municipality. 2006, c. 22, s. 8 (6).

Resolution after approval of terms of reference

(7) A resolution may be passed even after the terms of reference are approved under section 10, but, in that case, the resolution is not effective unless the terms of reference are amended under section 13. 2006, c. 22, s. 8 (7).

Section Amendments with date in force (d/m/y) [+]**Submission to source protection authority**

9 The source protection committee shall,

- (a) submit proposed terms of reference to the source protection authority for the source protection area, together with a summary of any concerns that were raised by municipalities during consultations and that were not resolved to the satisfaction of the municipalities;
- (b) give a copy of the proposed terms of reference to the clerk of each municipality in which any part of the source protection area is located; and
- (c) publish the proposed terms of reference on the Internet and in such other manner as the source protection committee considers appropriate, together with an invitation to submit written comments to the source protection authority within the time period prescribed by the regulations. 2006, c. 22, s. 9.

Submission to Minister

10 (1) The source protection authority shall submit the proposed terms of reference to the Minister, together with,

- (a) any comments that the source protection authority wishes to make on the proposed terms of reference;
- (b) the summary of concerns referred to in clause 9 (a); and
- (c) any written comments received by the source protection authority, within the time period prescribed by the regulations, after publication of the proposed terms of reference under clause 9 (c). 2006, c. 22, s. 10 (1).

Minister's options

(2) The Minister shall,

- (a) approve the terms of reference; or
- (b) require the source protection authority, within such time period as is specified by the Minister, to,
 - (i) amend the terms of reference in accordance with the directions of the Minister, and
 - (ii) resubmit the terms of reference to the Minister. 2006, c. 22, s. 10 (2).

Resubmission

(3) If terms of reference are resubmitted to the Minister under clause (2) (b), the Minister may,

- (a) approve the amended terms of reference; or
- (b) approve the amended terms of reference with such additional amendments as the Minister considers appropriate. 2006, c. 22, s. 10 (3).

Failure to resubmit

(4) If terms of reference are not resubmitted to the Minister under clause (2) (b) within the time period specified by the Minister, the Minister may approve the terms of reference with such amendments as the Minister considers appropriate. 2006, c. 22, s. 10 (4).

Exception

(5) The Minister may not require or make any amendment to the terms of reference under subsection (2), (3) or (4) that prevents an assessment report from considering any drinking water system specified in a resolution passed under subsection 8 (3). 2006, c. 22, s. 10 (5).

Additional drinking water systems

(6) Without limiting the generality of subsections (2), (3) and (4), the Minister may require or make an amendment to the terms of reference to provide, for the purposes of subclause 15 (2) (e) (iii), that the assessment report consider any existing or planned drinking water system specified by the Minister that is located in the source protection area. 2006, c. 22, s. 10 (6).

Same

(7) Despite subsections (2), (3), (4) and (6), the Minister shall not require or make an amendment to the terms of reference to provide, for the purposes of subclause 15 (2) (e) (iii), that the assessment report consider an existing or planned drinking water system prescribed by the regulations for the purpose of this subsection. 2006, c. 22, s. 10 (7).

Section Amendments with date in force (d/m/y) [+]**Publication of approval**

11 As soon as reasonably possible after terms of reference are approved by the Minister, the Minister shall publish notice of the approval on the environmental registry established under the *Environmental Bill of Rights, 1993*, together with,

- (a) a brief explanation of the effect, if any, of the comments and other material submitted under subsection 10 (1) on the Minister's decision; and
- (b) any other information that the Minister considers appropriate. 2006, c. 22, s. 11.

Terms of reference available to public

12 If the Minister has approved terms of reference, the source protection authority shall ensure that the terms of reference are available to the public as soon as reasonably possible on the Internet and in such other manner as the source protection authority considers appropriate. 2006, c. 22, s. 12.

Amendment of terms of reference

13 (1) The source protection committee may propose amendments to the terms of reference in the circumstances prescribed by the regulations. 2006, c. 22, s. 13 (1).

Same, Minister

(2) The Minister may order a source protection committee to prepare amendments to the terms of reference in accordance with directions set out in the order. 2006, c. 22, s. 13 (2).

Consultation

(3) In preparing an amendment under subsection (1) or (2), the source protection committee shall consult with the municipalities that are affected by the amendment. 2006, c. 22, s. 13 (3).

Application of ss. 9 to 12

(4) Sections 9 to 12 apply, with necessary modifications, to an amendment under subsection (1) or (2). 2006, c. 22, s. 13 (4).

Great Lakes agreements

14 (1) If a source protection area contains water that flows 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 be deemed to require consideration of the following documents:

1. The Great Lakes Water Quality Agreement of 1978 between Canada and the United States of America, signed at Ottawa on November 22, 1978, including any amendments made before or after this section comes into force.
2. The Great Lakes Charter signed by the premiers of Ontario and Quebec and the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin on February 11, 1985, including any amendments made before or after this section comes into force.
3. The Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem 2002 entered into between Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of Ontario, effective March 22, 2002, including any amendments made before or after this section comes into force.
4. Any other agreement to which the Government of Ontario or the Government of Canada is a party that relates to the Great Lakes Basin and that is prescribed by the regulations. 2006, c. 22, s. 14 (1).

Replaced documents

(2) Subsection (1) does not apply to a document referred to in paragraph 1, 2 or 3 of subsection (1) if the document is replaced by a document referred to in paragraph 4 of subsection (1). 2006, c. 22, s. 14 (2).

Assessment reports

15 (1) The source protection committee for a source protection area shall prepare an assessment report for the source protection area in accordance with the regulations, the rules and the terms of reference. 2006, c. 22, s. 15 (1).

Contents

(2) An assessment report shall, in accordance with the regulations, the rules and the terms of reference,

- (a) identify all the watersheds in the source protection area;
- (b) characterize the quality and quantity of water in each watershed identified under clause (a);
- (c) set out a water budget for each watershed identified under clause (a) that,
 - (i) identifies the different ways that water enters and leaves the watershed and quantifies the amount of water that enters or leaves in each way,
 - (ii) describes the groundwater and surface water flows in the watershed,
 - (iii) quantifies the existing and anticipated amounts of water taken from the watershed that require a permit under section 34 of the *Ontario Water Resources Act* or a renewable energy approval under section 47.3 of the *Environmental Protection Act*,
 - (iv) quantifies the existing and anticipated amounts of water taken from the watershed that do not require a permit under section 34 of the *Ontario Water Resources Act* or a renewable energy approval under section 47.3 of the *Environmental Protection Act*, and
 - (v) having regard to the information referred to in subclauses (i) to (iv), describes any existing or anticipated water shortages in the watershed;
- (d) identify all the significant groundwater recharge areas and highly vulnerable aquifers that are in the source protection area;
- (e) identify all the surface water intake protection zones and wellhead protection areas that are in the source protection area and that are related to,

- (i) existing and planned municipal drinking water systems that serve or are planned to serve major residential developments,
 - (ii) existing and planned drinking water systems that, pursuant to resolutions passed under subsection 8 (3), the terms of reference provide for the assessment report to consider,
 - (iii) existing and planned drinking water systems that, pursuant to an amendment to the terms of reference that was required or made by the Minister under subsection 10 (6), the terms of reference provide for the assessment report to consider,
 - (iv) existing and planned drinking water systems prescribed by the regulations that serve or are planned to serve reserves as defined in the *Indian Act* (Canada);
- (f) describe the drinking water issues relating to the quality and quantity of water in each of the vulnerable areas identified under clauses (d) and (e);
- (g) list, for each vulnerable area identified under clauses (d) and (e),
- (i) activities that are or would be drinking water threats, and
 - (ii) conditions that result from past activities and that are drinking water threats;
- (h) identify, within each vulnerable area identified under clauses (d) and (e),
- (i) the areas where an activity listed under clause (g) is or would be a significant drinking water threat, and
 - (ii) the areas where a condition listed under clause (g) is a significant drinking water threat; and
- (i) contain such other information as is prescribed by the regulations. 2006, c. 22, s. 15 (2); 2009, c. 12, Sched. E, s. 1.

Identification of drinking water threats

(3) Clauses (2) (g) and (h) do not apply to a vulnerable area in the circumstances prescribed by the regulations. 2006, c. 22, s. 15 (3).

Consultation

(4) In preparing the assessment report, the source protection committee shall consult with all of the municipalities in which any part of the source protection area is located. 2006, c. 22, s. 15 (4).

Section Amendments with date in force (d/m/y) [+]

Submission to source protection authority

16 The source protection committee shall,

- (a) submit the proposed assessment report to the source protection authority for the source protection area, together with a summary of any concerns that were raised by municipalities during consultations and that were not resolved to the satisfaction of the municipalities;
- (b) give a copy of the proposed assessment report to the clerk of each municipality in which any part of the source protection area is located; and
- (c) publish the proposed assessment report on the Internet and in such other manner as the source protection committee considers appropriate, together with an invitation to submit written comments to the source protection authority within the time period prescribed by the regulations. 2006, c. 22, s. 16.

Submission to Director

17 (1) The source protection authority shall submit the proposed assessment report to the Director, together with,

- (a) any comments that the source protection authority wishes to make on the proposed assessment report;
- (b) the summary of concerns referred to in clause 16 (a); and
- (c) any written comments received by the source protection authority, within the time period prescribed by the regulations, after publication of the proposed assessment report under clause 16 (c). 2006, c. 22, s. 17 (1).

Director's options

(2) The Director shall,

- (a) approve the assessment report without amendment; or
- (b) require the source protection authority, within such time period as is specified by the Director, to amend the assessment report in accordance with the directions of the Director and resubmit it to the Director. 2006, c. 22, s. 17 (2).

Resubmission

(3) If an assessment report is resubmitted to the Director under clause (2) (b), the Director may,

- (a) approve the assessment report without further amendment; or
- (b) approve the assessment report with such further amendments as the Director considers appropriate. 2006, c. 22, s. 17 (3).

Failure to resubmit

(4) If an assessment report is not resubmitted to the Director under clause (2) (b) within the time period specified by the Director, the Director may approve the assessment report with such amendments as the Director considers appropriate. 2006, c. 22, s. 17 (4).

Publication of approval

18 As soon as reasonably possible after an assessment report is approved by the Director, the Director shall publish notice of the approval on the environmental registry established under the *Environmental Bill of Rights, 1993*, together with,

- (a) a brief explanation of the effect, if any, of the comments and other material submitted under subsection 17 (1) on the Director's decision; and
- (b) any other information that the Director considers appropriate. 2006, c. 22, s. 18.

Updated assessment reports

19 (1) If, after the Director approves an assessment report and before a proposed source protection plan is submitted to the source protection authority under subsection 22 (16), the source protection committee becomes aware that the assessment report is no longer accurate or complete, the source protection committee shall submit an updated assessment report to the source protection authority. 2006, c. 22, s. 19 (1).

Submission to Director

(2) The source protection authority shall submit the updated assessment report to the Director, together with any comments that the source protection authority wishes to make on the updated assessment report. 2006, c. 22, s. 19 (2).

Director's options

(3) The Director shall,

- (a) approve the updated assessment report without amendment;
- (b) approve the updated assessment report with such amendments as the Director considers appropriate; or
- (c) refuse to approve the updated assessment report, if the Director is of the opinion that the assessment report previously approved by the Director is accurate and complete. 2006, c. 22, s. 19 (3).

Assessment report available to public

20 If the Director has approved an assessment report, the source protection authority shall ensure that the report is available to the public as soon as reasonably possible on the Internet and in such other manner as the source protection authority considers appropriate. 2006, c. 22, s. 20.

Interim progress reports

21 (1) If the Director has approved an assessment report, the source protection authority shall prepare and submit reports to the Director in accordance with this section, at intervals specified under clause (2) (a), that,

- (a) with respect to each activity specified under clause (2) (b), describe the measures that have been taken to reduce the potential for the activity to adversely affect the raw water supplies of drinking water systems specified in clause 15 (2) (e);
- (b) with respect to each condition specified under clause (2) (c), describe the measures that have been taken to reduce the potential for the condition to adversely affect the raw water supplies of drinking water systems specified in clause 15 (2) (e); and
- (c) contain such other information as is specified under clause (2) (d). 2006, c. 22, s. 21 (1).

Same

(2) When the Director approves the assessment report, the Director may, in writing,

- (a) direct that reports be submitted under this section at intervals specified in the direction;
- (b) specify, for the purpose of clause (1) (a), one or more activities that are listed in the assessment report and for which the assessment report identifies one or more areas where the specified activity is or would be a significant drinking water threat;
- (c) specify, for the purpose of clause (1) (b), one or more conditions that are listed in the assessment report and for which the assessment report identifies one or more areas where the specified condition is a significant drinking water threat; and
- (d) specify other information for the purpose of clause (1) (c). 2006, c. 22, s. 21 (2).

Available to public

(3) Subject to subsection (4), the source protection authority shall ensure that the reports are available to the public as soon as reasonably possible after they are submitted to the Director. 2006, c. 22, s. 21 (3).

No personal information

(4) When a report is made available to the public under subsection (3), the source protection authority shall ensure that it does not contain any personal information that is maintained for the purpose of creating a record that is not available to the public. 2006, c. 22, s. 21 (4).

Summary of progress reports

(5) The Minister shall include a summary of the reports submitted by source protection authorities under this section in the annual report prepared by the Minister under subsection 3 (4) of the *Safe Drinking Water Act, 2002*. 2006, c. 22, s. 21 (5).

Application

(6) This section ceases to apply to a source protection authority when a source protection plan takes effect for the source protection area. 2006, c. 22, s. 21 (6).

Section Amendments with date in force (d/m/y) [+]

Source protection plan – preparation

22 (1) The source protection committee for a source protection area shall, in accordance with the regulations and the terms of reference, prepare a source protection plan for the source protection area. 2006, c. 22, s. 22 (1).

Contents

(2) A source protection plan shall, in accordance with the regulations, set out the following:

1. The most recently approved assessment report.

2. Policies intended to achieve the following objectives for every area identified in the assessment report as an area where an activity is or would be a significant drinking water threat:
 - i. Ensuring that the activity never becomes a significant drinking water threat.
 - ii. Ensuring that, if the activity is being engaged in, the activity ceases to be a significant drinking water threat.
3. Policies intended to assist in achieving every target established under section 85 for the source protection area, if the Minister has directed under subsection 85 (6) that a report be prepared that recommends policies that should be set out in the source protection plan to assist in achieving the target.
4. Policies governing,
 - i. the monitoring, in every area that is identified in the assessment report as an area where an activity is or would be a significant drinking water threat, of the activity, and
 - ii. the monitoring, in every area that is identified in the assessment report as an area where a condition is a significant drinking water threat, of the condition.
5. Policies governing,
 - i. the monitoring of an activity in an area, if the area is identified in the assessment report as a vulnerable area, the activity is listed in the assessment report as an activity that is or would be a drinking water threat, subparagraph 4 i does not apply and the monitoring of the activity is advisable to assist in preventing the activity from becoming a significant drinking water threat, and
 - ii. the monitoring of a condition in an area, if the area is identified in the assessment report as a vulnerable area, the condition is listed in the assessment report as a condition that is a drinking water threat, subparagraph 4 ii does not apply and the monitoring of the condition is advisable to assist in preventing the condition from becoming a significant drinking water threat.
6. Policies governing monitoring to assist in implementing and in determining the effectiveness of every policy set out in the source protection plan under paragraph 3.
7. Policies governing the monitoring of a drinking water issue identified in the assessment report, if the monitoring of the drinking water issue is advisable.
8. Any other matter required by the regulations. 2006, c. 22, s. 22 (2).

Contents relating to ss. 57 to 59

(3) Without limiting the generality of paragraph 2 of subsection (2), the source protection plan may, in accordance with the regulations, set out the following:

1. A list of activities that are designated by the source protection plan as activities to which section 57 should apply and, for each designated activity, the areas that are designated by the plan as areas within which section 57 should apply to the activity.
2. A list of activities that are designated by the source protection plan as activities to which section 58 should apply and, for each designated activity, the areas that are designated by the plan as areas within which section 58 should apply to the activity.
3. A list of land uses that are designated by the source protection plan as land uses to which section 59 should apply and, for each designated land use, the areas that are designated by the plan as areas within which section 59 should apply to the land use.
4. Policies governing the content of risk management plans that are agreed to or established under section 58. 2006, c. 22, s. 22 (3).

Designated Great Lakes policies

(4) A source protection plan may designate a policy set out under paragraph 3 of subsection (2) as a designated Great Lakes policy. 2006, c. 22, s. 22 (4).

Designating public body

(5) A policy set out in a source protection plan under paragraph 4, 5, 6 or 7 of subsection (2) shall designate the public body responsible for implementing the policy. 2006, c. 22, s. 22 (5).

Other contents

(6) A source protection plan may, in accordance with the regulations, set out the following:

1. Policies that, for an area identified in the assessment report as an area where a condition that results from a past activity is a significant drinking water threat, are intended to achieve the objective of ensuring that the condition ceases to be a significant drinking water threat.
2. Policies intended to address activities and conditions that are listed in the assessment report as drinking water threats but that are not addressed by policies set out under paragraph 1 or under paragraph 2 of subsection (2).
3. Any other matter prescribed by the regulations. 2006, c. 22, s. 22 (6).

Incentive programs; education and outreach programs

(7) Without limiting the generality of paragraphs 2 and 3 of subsection (2) and paragraphs 1 and 2 of subsection (6), a source protection plan may, in accordance with the regulations, set out policies governing incentive programs and education and outreach programs. 2006, c. 22, s. 22 (7).

Prohibition and regulation of activity

(8) Subject to the regulations, policies set out in a source protection plan under paragraph 2 or 3 of subsection (2) or paragraph 1 or 2 of subsection (6) may prohibit or regulate a land use or other activity even if the land use or other activity is not prohibited or regulated under section 57, 58 or 59. 2006, c. 22, s. 22 (8).

Designation of activities for s. 57 or 58

(9) An activity shall not be designated under paragraph 1 or 2 of subsection (3) unless the activity is an activity prescribed by the regulations. 2006, c. 22, s. 22 (9).

Designation of areas for s. 57 or 58

(10) An area shall not be designated for an activity under paragraph 1 or 2 of subsection (3) unless,

- (a) all of the designated area is in an area that is identified in the assessment report as an area where the activity is or would be a significant drinking water threat; and
- (b) all of the designated area is in a surface water intake protection zone or wellhead protection area identified in the assessment report. 2006, c. 22, s. 22 (10).

Same

(11) An area that is designated for an activity under paragraph 2 of subsection (3) shall not include any part of an area that is designated for the activity under paragraph 1 of subsection (3). 2006, c. 22, s. 22 (11).

Designation of land uses for s. 59

(12) A land use shall not be designated under paragraph 3 of subsection (3) unless,

- (a) the land use is a land use prescribed by the regulations; and
- (b) the land use relates to an activity that has been designated under paragraph 1 or 2 of subsection (3) as an activity to which section 57 or 58 should apply. 2006, c. 22, s. 22 (12).

Designation of areas for s. 59

(13) An area shall not be designated for a land use under paragraph 3 of subsection (3) unless,

- (a) all of the designated area is in an area that is identified in the assessment report as an area where an activity is or would be a significant drinking water threat, the land use relates to the activity, and the activity has been designated under paragraph 1 or 2 of subsection (3) as an activity to which section 57 or 58 should apply; and
- (b) all of the designated area is in a surface water intake protection zone or wellhead protection area identified in the assessment report. 2006, c. 22, s. 22 (13).

General or particular

(14) A provision of a source protection plan may be general or particular in its application. 2006, c. 22, s. 22 (14).

Consultation

(15) In preparing the source protection plan, the source protection committee shall consult with all of the municipalities in which any part of the source protection area is located. 2006, c. 22, s. 22 (15).

Submission to source protection authority

(16) The source protection committee shall submit the proposed source protection plan to the source protection authority for the source protection area. 2006, c. 22, s. 22 (16).

Notice of proposed source protection plan

23 The source protection authority shall,

- (a) give a copy of the proposed source protection plan to the clerk of each municipality in which any part of the source protection area is located;
- (b) publish the proposed source protection plan in accordance with the regulations;
- (c) give notice of the proposed source protection plan in accordance with the regulations to the persons prescribed by the regulations, together with information on how copies of the plan may be obtained and an invitation to submit written comments on the plan to the source protection authority within the time period prescribed by the regulations; and
- (d) publish notice of the proposed source protection plan in accordance with the regulations, together with information on how members of the public may obtain copies of the plan and an invitation to the public to submit written comments on the plan to the source protection authority within the time period prescribed by the regulations. 2006, c. 22, s. 23.

Resolutions of municipal councils

24 The council of a municipality may pass a resolution expressing its comments on the proposed source protection plan and may submit the resolution to the source protection authority. 2006, c. 22, s. 24.

Submission of source protection plan to Minister

25 The source protection authority shall submit the proposed source protection plan to the Minister, together with,

- (a) any written comments that the source protection authority wishes to make on the plan;
- (b) any written comments received by the source protection authority after publication of the plan under section 23; and
- (c) any resolutions of municipal councils submitted to the source protection authority under section 24. 2006, c. 22, s. 25.

Source protection plans prepared by municipalities

26 (1) The Minister and one or more municipalities may enter into an agreement governing the preparation by the municipality or municipalities of a source protection plan for a source protection area established by the regulations in the parts of Ontario that are not covered by the source protection areas established by subsection 4 (1). 2006, c. 22, s. 26 (1).

Non-application of ss. 7 to 25

(2) Sections 7 to 25 do not apply to a source protection area to which subsection (1) applies. 2006, c. 22, s. 26 (2).

Conflict with regulations under s. 109 (1) (a) and rules

(3) In the event of a conflict, an agreement entered into under subsection (1) prevails over,

- (a) a regulation made under clause 109 (1) (a); and
- (b) the rules. 2006, c. 22, s. 26 (3).

Contents of agreement

(4) Without limiting the generality of subsection (1), an agreement under that subsection may,

- (a) provide terms of reference under which the source protection plan will be prepared, including the issues to be addressed and the drinking water systems to be considered in preparing the plan;
- (b) govern any matter that may be the subject of a regulation made under clause 109 (1) (a), including providing for the rules to apply, with any modifications set out in the agreement, to any risk assessment prepared during the preparation of the source protection plan or to any assessment report that is included in the source protection plan;
- (c) authorize or require the source protection plan to contain an assessment report prepared in accordance with the agreement, including anything specified in the agreement that an assessment report prepared under section 15 is authorized or required to contain;
- (d) require and govern the approval by the Director of any assessment report that is part of the source protection plan;
- (e) if an assessment report is prepared under the agreement and is approved by the Director, authorize or require amendments to the assessment report after the Director approves the report and before a proposed source protection plan is submitted to the Minister under subsection (8);
- (f) authorize or require the source protection plan to contain anything specified in the agreement that a source protection plan prepared under section 22 is authorized or required to contain;
- (g) require reports to be submitted to the Minister or the Director during the preparation of the source protection plan;
- (h) authorize the Minister to prepare the source protection plan if it is not submitted to the Minister by a date specified in the agreement or the Minister is of the opinion that it will not be submitted to the Minister by that date, and govern the responsibilities of the parties to the agreement in those circumstances;
- (i) authorize the Minister to prepare an updated source protection plan if it is not submitted to the Minister by a date specified in an order under subsection 36 (1) or the Minister is of the opinion that it will not be submitted to the Minister by that date, and govern the responsibilities of the parties to the agreement in those circumstances. 2006, c. 22, s. 26 (4); 2009, c. 33, Sched. 15, s. 2 (2).

Power to deem

(5) For the purposes of this Act, an agreement under this section may,

- (a) deem an area specified by the agreement to be a vulnerable area;
- (b) deem an activity to be an activity that is or would be a drinking water threat, and deem an area to be an area where an activity is or would be a significant drinking water threat; and
- (c) deem a condition that results from a past activity to be a condition that is a drinking water threat, and deem an area to be an area where a condition is a significant drinking water threat. 2006, c. 22, s. 26 (5).

Amendments

(6) The Minister may amend an agreement under this section after consultation with the other parties to the agreement. 2006, c. 22, s. 26 (6).

Great Lakes agreements

(7) In preparing a source protection plan under an agreement under this section, the municipality or municipalities shall, if the source protection area contains water that flows into the Great Lakes, consider the documents referred to in section 14. 2006, c. 22, s. 26 (7).

Submission of source protection plan to Minister

(8) When a proposed source protection plan has been prepared under an agreement under this section, the municipality or municipalities that prepared the proposed source protection plan shall submit it to the Minister, together with any comments or other material required by the agreement. 2006, c. 22, s. 26 (8).

Section Amendments with date in force (d/m/y) [+]**Minister may confer**

27 If a proposed source protection plan is submitted to the Minister under section 25 or subsection 26 (8), the Minister may confer with any person or body that the Minister considers may have an interest in the proposed source protection plan. 2006, c. 22, s. 27.

Hearing officer

28 (1) The Minister may appoint one or more hearing officers for the purpose of conducting one or more hearings within the source protection area or in the general proximity of that area for the purpose of receiving representations respecting the proposed source protection plan, or any matter relating to the proposed source protection plan. 2006, c. 22, s. 28 (1).

Duty of hearing officer

(2) On being appointed under subsection (1), the hearing officer shall,

- (a) fix the time and place for the hearing; and
- (b) require that notice, as specified by the hearing officer, be given to the persons and bodies prescribed by the regulations in the manner prescribed by the regulations. 2006, c. 22, s. 28 (2).

Rules of procedure

(3) The hearing officer may make rules of procedure for the hearing. 2006, c. 22, s. 28 (3).

Protection from personal liability

(4) The hearing officer is not personally liable for anything done by him or her in good faith in the execution of his or her duty under this Act or for any neglect or default in the execution in good faith of his or her duty. 2006, c. 22, s. 28 (4).

Recommendations

(5) Upon the conclusion of the hearing, the hearing officer shall prepare written recommendations, with reasons, recommending what action the Minister should take with respect to the proposed source protection plan or the matter that was the subject of the hearing and shall give the written recommendations with the reasons to the Minister and to the parties to the hearing within 60 days after the conclusion of the hearing. 2006, c. 22, s. 28 (5).

Minister's options

29 (1) The Minister shall, after considering any comments and resolutions submitted under section 25, any comments and other material submitted under subsection 26 (8) and any recommendations made by a hearing officer,

- (a) approve the source protection plan; or
- (b) require the source protection authority, if the source protection plan was submitted under section 25, or the municipality or municipalities that prepared the source protection plan, if the source protection plan was submitted under subsection 26 (8), within such time period as is specified by the Minister, to,
 - (i) amend the source protection plan in accordance with the directions of the Minister, and
 - (ii) resubmit the plan to the Minister. 2006, c. 22, s. 29 (1).

Resubmission

(2) If a source protection plan is resubmitted to the Minister under clause (1) (b), the Minister may,

- (a) approve the amended source protection plan; or
- (b) approve the amended source protection plan with such additional amendments as the Minister considers appropriate. 2006, c. 22, s. 29 (2).

Failure to resubmit

(3) If a source protection plan is not resubmitted to the Minister under clause (1) (b) within the time period specified by the Minister, the Minister may approve the source protection plan with such amendments as the Minister considers appropriate. 2006, c. 22, s. 29 (3).

Publication of approval

30 As soon as reasonably possible after a source protection plan is approved by the Minister, the Minister shall publish notice of the approval on the environmental registry established under the *Environmental Bill of Rights, 1993*, together with,

- (a) a brief explanation of the effect, if any, of any comments and resolutions submitted under section 25, any comments and other material submitted under subsection 26 (8) and any recommendations made by a hearing officer on the Minister's decision; and
- (b) any other information that the Minister considers appropriate. 2006, c. 22, s. 30.

Effective date of plan

31 A source protection plan takes effect on the date notice is published under section 30 or on such later date as is specified in the plan. 2006, c. 22, s. 31.

Source protection plan available to public

32 If the Minister has approved a source protection plan, the source protection authority shall ensure that the plan is available to the public on the Internet and in such other manner as the source protection authority considers appropriate. 2006, c. 22, s. 32.

Failure to submit

33 (1) If a source protection authority fails to submit terms of reference, an assessment report or a source protection plan to the Minister or the Director, as the case may be, by the date prescribed by the regulations, or the Minister is of the opinion that the source protection authority will not submit terms of reference, an assessment report or a source protection plan to the Minister or the Director, as the case may be, by the date prescribed by the regulations, the Minister may give the source protection authority written notice of his or her intention to issue an order under subsection (3). 2006, c. 22, s. 33 (1); 2009, c. 33, Sched. 15, s. 2 (3).

Response

(2) The source protection authority may, within 15 days of receiving the notice, give the Minister a written response indicating why the Minister should not make an order under subsection (3). 2006, c. 22, s. 33 (2).

Order

(3) After considering any written response given by the source protection authority within the 15-day period referred to in subsection (2), the Minister may make an order,

- (a) requiring the source protection authority and the source protection committee to deliver to the Minister, in such manner and within such time period as may be specified in the order, documents and other information that are within their control and that are relevant to the preparation of any terms of reference, assessment report or source protection plan specified in the order; and
- (b) requiring the source protection authority, within such time period as may be specified in the order, to repay any amounts paid to the authority by the Crown in right of Ontario or a lead source protection authority specified in the order in connection with the preparation of the terms of reference, assessment report or source protection plan specified under clause (a). 2006, c. 22, s. 33 (3).

Ministry shall prepare

(4) If the Minister makes an order under subsection (3), the Ministry or another ministry of the Government of Ontario shall prepare, in accordance with the regulations, the terms of reference, assessment report and source protection plan specified under clause (3) (a) in place of the source protection committee and source protection authority. 2006, c. 22, s. 33 (4).

Same

(5) Sections 7 to 29 do not apply to the preparation under subsection (4) of terms of reference, an assessment report or a source protection plan. 2006, c. 22, s. 33 (5).

Same

(6) Section 30 applies, with necessary modifications, to a source protection plan prepared under subsection (4) and approved by the Minister. 2006, c. 22, s. 33 (6).

Rescission of order

(7) The Minister may, by order, rescind an order made under subsection (3), in whole or in part, and require the source protection committee and source protection authority to prepare terms of reference, an assessment report or a source protection plan in accordance with this Act, subject to such conditions as the Minister may specify. 2006, c. 22, s. 33 (7).

Section Amendments with date in force (d/m/y) [+]**Amendments initiated by source protection authority**

34 (1) A source protection authority may propose amendments to a source protection plan in the circumstances prescribed by the regulations. 2006, c. 22, s. 34 (1).

Copies of proposed amendments for municipalities

(2) The source protection authority shall give a copy of the proposed amendments to the clerk of each municipality in which any part of the source protection area is located, if the municipality is affected by the amendments. 2006, c. 22, s. 34 (2).

Resolutions of municipal councils

(3) If the council of every municipality whose clerk was given a copy of the proposed amendments passes a resolution endorsing the amendments, or if the amendments only affect unorganized territory, the source protection authority shall,

- (a) publish the proposed amendments in accordance with the regulations;
- (b) give notice of the proposed amendments in accordance with the regulations to the persons prescribed by the regulations, together with information on how copies of the amendments may be obtained and an invitation to submit written comments on the amendments to the source protection authority within the time period prescribed by the regulations; and
- (c) publish notice of the proposed amendments in accordance with the regulations, together with information on how members of the public may obtain copies of the amendments and an invitation to the public to submit written comments on the amendments to the source protection authority within the time period prescribed by the regulations. 2006, c. 22, s. 34 (3).

Submission of amendments to Minister

(4) The source protection authority shall submit the proposed amendments to the Minister, together with the resolutions passed by the municipal councils and any written comments received by the source protection authority after publication of the amendments under subsection (3). 2006, c. 22, s. 34 (4).

Application of ss. 27-32

(5) Sections 27 to 32 apply, with necessary modifications, to proposed amendments submitted to the Minister under subsection (4). 2006, c. 22, s. 34 (5).

Amendments initiated by Minister

35 (1) The Minister may order a source protection authority to prepare amendments to a source protection plan in accordance with directions set out in the order. 2006, c. 22, s. 35 (1).

Amendment to consider drinking water system

(2) Without limiting the generality of subsection (1), the Minister may direct the source protection authority to prepare amendments to a source protection plan to consider any existing or planned drinking water system specified by the Minister that is located in the source protection area. 2006, c. 22, s. 35 (2).

Same

(3) Despite subsections (1) and (2), the Minister shall not direct the source protection authority to prepare amendments to a source protection plan to consider an existing or planned drinking water system prescribed by the regulations for the purpose of this subsection. 2006, c. 22, s. 35 (3).

Consultation

(4) In preparing the amendments, the source protection authority shall consult with all of the municipalities in which any part of the source protection area is located that are affected by the amendments. 2006, c. 22, s. 35 (4).

Notice of proposed amendments

(5) The source protection authority shall,

- (a) give a copy of the proposed amendments to the clerk of each municipality in which any part of the source protection area is located, if the municipality is affected by the amendments;
- (b) publish the proposed amendments in accordance with the regulations;
- (c) give notice of the proposed amendments in accordance with the regulations to the persons prescribed by the regulations, together with information on how copies of the amendments may be obtained and an invitation to submit written comments on the amendments to the source protection authority within the time period prescribed by the regulations; and
- (d) publish notice of the proposed amendments in accordance with the regulations, together with information on how members of the public may obtain copies of the amendments and an invitation to the public to submit written comments on the amendments to the source protection authority within the time period prescribed by the regulations. 2006, c. 22, s. 35 (5).

Resolution of municipal council

(6) The council of a municipality may pass a resolution expressing its comments on the proposed amendments and may submit the resolution to the source protection authority. 2006, c. 22, s. 35 (6).

Submission of amendments to Minister

(7) The source protection authority shall submit the proposed amendments to the Minister, together with,

- (a) any written comments that the source protection authority wishes to make on the amendments;
- (b) any written comments received by the source protection authority after publication of the amendments under subsection (5); and
- (c) any resolutions of municipal councils submitted to the source protection authority under subsection (6). 2006, c. 22, s. 35 (7).

Application of ss. 27-33

(8) Sections 27 to 33 apply, with necessary modifications, to proposed amendments submitted to the Minister under subsection (7). 2006, c. 22, s. 35 (8).

Section Amendments with date in force (d/m/y) [+]**Reviews**

36 (1) When the Minister approves a source protection plan, he or she shall, by order,

- (a) specify each part of the assessment report and each other part of the source protection plan for which a review is required;
- (b) specify the dates by which,
 - (i) the review of each part of the assessment report and each other part of the source protection plan must begin, and

(ii) the steps involved in complying with subsections (3) to (10) must be completed for each part of the review;

(c) specify any requirements governing the review of the plan that are in addition to the requirements set out in this section; and

(d) specify any requirements set out in this section that do not apply in respect of the review. 2009, c. 33, Sched. 15, s. 2 (4).

Parts of reports and plans

(2) In subsections (3) to (10), a reference to a part of an assessment report or a part of a source protection plan is a reference to a part that has been specified in an order under clause (1) (a). 2009, c. 33, Sched. 15, s. 2 (4).

Terms of reference for review

(3) The source protection committee for a source protection area shall prepare terms of reference for the review of each part of the assessment report and each other part of the source protection plan for the source protection area and, unless an order under subsection (1) provides otherwise, clause 7 (6) (f), subsections 8 (2) to (7) and sections 9 to 14 apply, with necessary modifications, to the terms of reference prepared under this subsection. 2009, c. 33, Sched. 15, s. 2 (4).

Review of assessment report

(4) The source protection committee for a source protection area shall review each part of the assessment report for the source protection area in accordance with the terms of reference prepared under subsection (3) for the purpose of ensuring that each part of the assessment report meets the applicable requirements set out in subsection 15 (2) and, unless an order under subsection (1) provides otherwise, clause 7 (6) (f) and subsections 15 (3) and (4) apply, with necessary modifications, to the review of each part of the assessment report. 2009, c. 33, Sched. 15, s. 2 (4).

Same

(5) The source protection committee for a source protection area shall update the assessment report for the source protection area after completing a review of each part of the report under subsection (4) and, unless an order under subsection (1) provides otherwise, sections 16, 17, 18 and 20 apply, with necessary modifications, to the updated assessment report. 2009, c. 33, Sched. 15, s. 2 (4).

Review of source protection plan by committee

(6) The source protection committee for a source protection area shall review each part of the source protection plan for the source protection area, other than the assessment report, in accordance with the terms of reference prepared under subsection (3) for the purpose of ensuring that each part of the plan meets the applicable requirements set out in subsection 22 (2), and, unless an order under subsection (1) provides otherwise, clause 7 (6) (f) and subsections 22 (3) to (16) apply, with necessary modifications, to the review of each part of the plan. 2009, c. 33, Sched. 15, s. 2 (4).

Same

(7) The source protection committee for a source protection area shall update the source protection plan for the source protection area after completing a review of each part of the plan under subsection (6) and, unless an order under subsection (1) provides otherwise, sections 23 to 25 apply, with necessary modifications, to the updated plan. 2009, c. 33, Sched. 15, s. 2 (4).

Review of source protection plan by municipality

(8) If a source protection plan for a source protection area is prepared under an agreement referred to in section 26, the municipality or municipalities that prepared the plan shall review each part of the plan for the purpose of ensuring that each part of the plan meets the applicable requirements set out in the agreement, update the plan after completing each part of the review, and, unless an order under subsection (1) provides otherwise, section 26 applies, with necessary modifications, to the review of each part of the plan and the updated plan. 2009, c. 33, Sched. 15, s. 2 (4).

Updated source protection plans

(9) Unless an order under subsection (1) provides otherwise, sections 27 to 32 apply, with necessary modifications, to an updated source protection plan referred to in subsection (7) or (8). 2009, c. 33, Sched. 15, s. 2 (4).

Failure to submit documents related to review

(10) If a source protection authority fails to submit terms of reference, an updated assessment report or an updated source protection plan prepared for the purposes of this section to the Minister or the Director, as the case may be, by the date set out in an order issued under subsection (1), or if the Minister is of the opinion that the source protection authority will not submit any of those documents to the Minister or the Director, as the case may be, by the date set out in an order issued under subsection (1), the Minister may give the source protection authority written notice of his or her intention to issue an order under subsection 33 (3), and subsections 33 (2) to (7) apply, with necessary modifications. 2009, c. 33, Sched. 15, s. 2 (4).

Section Amendments with date in force (d/m/y) [+]

PART III EFFECT OF SOURCE PROTECTION PLANS

Application

37 This Part applies in a source protection area where a source protection plan has taken effect. 2006, c. 22, s. 37.

Obligation to implement policies

38 A municipality, local board or source protection authority shall comply with any obligation that is imposed on it by a significant threat policy or designated Great Lakes policy that is set out in the source protection plan. 2006, c. 22, s. 38.

Effect of plan

39 (1) A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, municipal planning authority, planning board, other local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Land Tribunal, that relates to the source protection area shall,

- (a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and
- (b) have regard to other policies set out in the source protection plan. 2006, c. 22, s. 39 (1); 2021, c. 4, Sched. 6, s. 38 (2).

Conflicts re official plans, by-laws

(2) Despite any other Act, the source protection plan prevails in the case of conflict between a significant threat policy or designated Great Lakes policy set out in the source protection plan and,

- (a) an official plan;
- (b) a zoning by-law; or
- (c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*. 2006, c. 22, s. 39 (2).

Limitation

(3) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under section 47 of the *Planning Act*. 2006, c. 22, s. 39 (3).

Conflicts re provisions in plans, policies

(4) Despite any Act, but subject to a regulation made under clause 109 (1) (h), (i) or (j), if there is a conflict between a provision of a significant threat policy or designated Great Lakes policy set out in the source protection plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the quality and quantity of any water that is or may be used as a source of drinking water prevails. 2006, c. 22, s. 39 (4).

Plans or policies

(5) The plans and policies to which subsection (4) refers are,

- (a) a policy statement issued under section 3 of the *Planning Act*;
- (b) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005* and any amendment to the Plan;

- (c) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act* and any amendment to the Plan;
- (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan;
- (e) a growth plan approved under section 7 of the *Places to Grow Act, 2005* and any amendment to the plan;
- (f) a plan or policy made under a provision of an Act that is prescribed by the regulations; and
- (g) a plan or policy prescribed by the regulations, or provisions prescribed by the regulations of a plan or policy, that is made by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario. 2006, c. 22, s. 39 (5); 2009, c. 12, Sched. L, s. 1.

Actions to conform to plan

(6) Despite any other Act, no municipality or municipal planning authority shall,

- (a) undertake within the source protection area any public work, improvement of a structural nature or other undertaking that conflicts with a significant threat policy or designated Great Lakes policy set out in the source protection plan; or
- (b) pass a by-law for any purpose that conflicts with a significant threat policy or designated Great Lakes policy set out in the source protection plan. 2006, c. 22, s. 39 (6).

Prescribed instruments

(7) Subject to a regulation made under clause 109 (1) (k), (l) or (m), a decision to issue, otherwise create or amend a prescribed instrument shall,

- (a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and
- (b) have regard to other policies set out in the source protection plan. 2006, c. 22, s. 39 (7).

No authority

(8) Subsection (7) does not permit or require a person or body,

- (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or
- (b) to make amendments that it does not otherwise have authority to make. 2006, c. 22, s. 39 (8).

Section Amendments with date in force (d/m/y) [+]

Official plan and conformity

40 (1) The council of a municipality or a municipal planning authority that has jurisdiction in an area to which the source protection plan applies shall amend its official plan to conform with the significant threat policies and designated Great Lakes policies set out in the source protection plan. 2006, c. 22, s. 40 (1).

Deadline for amendments

(2) The council or municipal planning authority shall make any amendments required by subsection (1) before the date specified in the source protection plan for the purpose of this section. 2006, c. 22, s. 40 (2).

Minister's proposals to resolve official plan non-conformity

41 (1) If, in the Minister's opinion, the official plan of a municipality or a municipal planning authority does not conform with a significant threat policy or designated Great Lakes policy set out in the source protection plan, the Minister may,

- (a) advise the municipality or municipal planning authority of the particulars of the non-conformity; and
- (b) invite the municipality or municipal planning authority to submit, within a specified time, proposals for the resolution of the non-conformity. 2006, c. 22, s. 41 (1).

Joint order

(2) The Minister jointly with the Minister of Municipal Affairs and Housing may, by order, amend the official plan to resolve the non-conformity,

- (a) if the council or municipal planning authority fails to submit proposals to resolve the non-conformity within the specified time; or
- (b) if proposals are submitted but, after consultation with the Minister, the non-conformity cannot be resolved, and the Minister so notifies the council or municipal planning authority in writing. 2006, c. 22, s. 41 (2).

Effect of order

(3) An order under subsection (2),

- (a) has the same effect as an amendment to the official plan that is adopted by the council of the municipality or the municipal planning authority and, if the amendment is not exempt from approval, approved by the appropriate approval authority; and
- (b) is final and not subject to appeal. 2006, c. 22, s. 41 (3).

Unorganized territory

(4) Section 40 and subsections (1), (2) and (3) apply with necessary modifications to a planning board in respect of the unorganized territory within the planning area for which the planning board is established. 2006, c. 22, s. 41 (4).

Municipality within a planning area

(5) Section 40 and subsections (1), (2) and (3) apply with necessary modifications to a municipality situated within a planning area and to the provisions of the official plans of the planning area that apply to the municipality as if those provisions were the official plan of the municipality. 2006, c. 22, s. 41 (5).

Zoning by-law conformity

42 Sections 40 and 41 also apply, with necessary modifications, to zoning by-laws. 2006, c. 22, s. 42.

Prescribed instruments and conformity

43 (1) Subject to a regulation made under clause 109 (1) (k), (l) or (m), a person or body that issued or otherwise created a prescribed instrument before the source protection plan took effect shall amend the instrument to conform with the significant threat policies and designated Great Lakes policies set out in a source protection plan. 2006, c. 22, s. 43 (1).

Deadline for amendments

(2) The person or body that issued or otherwise created the instrument shall make any amendments required by subsection (1) before the date specified in the source protection plan for the purpose of this section. 2006, c. 22, s. 43 (2).

No authority

(3) Subsection (1) does not permit or require a person or body to make amendments that it does not otherwise have authority to make. 2006, c. 22, s. 43 (3).

Requests for amendment or issuance of instruments

44 (1) Subject to a regulation made under clause 109 (1) (k), (l) or (m), if, in the Minister's opinion, a prescribed instrument does not conform with a significant threat policy or designated Great Lakes policy set out in the source protection plan, the Minister may,

- (a) advise any person or body that has authority to amend or require an amendment to the instrument of the particulars of the non-conformity;
- (b) request the person or body to take such steps as are authorized by law to amend the instrument to address the non-conformity; and
- (c) require the person or body to report to the Minister on any steps taken under clause (b) and on any amendment that is made to the instrument. 2006, c. 22, s. 44 (1).

Issuance of instrument; conditions resulting from past activities

(2) If a source protection plan identifies an area where a condition that results from a past activity is a significant drinking water threat and, in the Minister's opinion, the issuance or other creation of a prescribed instrument under an Act would assist in ensuring that the condition ceases to be a significant drinking water threat, the Minister may,

- (a) request any person or body that has authority to issue or otherwise create the instrument, or to require the issuance or other creation of the instrument, to take such steps as are authorized by law to issue or otherwise create the instrument; and
- (b) require the person or body to report to the Minister on any steps taken under clause (a) and on any instrument that is issued or otherwise created. 2006, c. 22, s. 44 (2).

Monitoring program

45 If a public body is designated in a source protection plan as being responsible for the implementation of a policy governing monitoring, the public body shall conduct a monitoring program in accordance with the policy. 2006, c. 22, s. 45.

Annual progress reports

46 (1) The source protection authority shall annually prepare and submit to the Director and the source protection committee in accordance with the regulations a report that,

- (a) describes the measures that have been taken to implement the source protection plan, including measures taken to ensure that activities cease to be significant drinking water threats and measures taken to ensure that activities do not become significant drinking water threats;
- (b) describes the results of any monitoring program conducted pursuant to section 45;
- (c) describes the extent to which the objectives set out in the source protection plan are being achieved; and
- (d) contains such other information as is prescribed by the regulations. 2006, c. 22, s. 46 (1).

Submitting report to source protection committee

(2) At least 30 days before submitting the report to the Director under subsection (1), a source protection authority shall submit the report to the source protection committee. 2006, c. 22, s. 46 (2).

Review by source protection committee

(3) After receiving the report from the source protection authority, the source protection committee shall review the report and provide written comments to the source protection authority about the extent to which, in the opinion of the committee, the objectives set out in the source protection plan are being achieved by the measures described in the report. 2006, c. 22, s. 46 (3).

Including comments of source protection committee

(4) If the source protection committee provides comments to the source protection authority under subsection (3) before the report is submitted to the Director under subsection (1), the source protection authority shall include a copy of the comments in the report. 2006, c. 22, s. 46 (4).

Available to public

(5) Subject to subsection (6), the source protection authority shall ensure that the report is available to the public as soon as reasonably possible after it is submitted to the Director. 2006, c. 22, s. 46 (5).

No personal information

(6) When a report is made available to the public under subsection (5), the source protection authority shall ensure that it does not contain any personal information that is maintained for the purpose of creating a record that is not available to the public. 2006, c. 22, s. 46 (6).

Summary of progress reports

(7) The Minister shall include a summary of the reports submitted by source protection authorities under this section in the annual report prepared by the Minister under subsection 3 (4) of the *Safe Drinking Water Act, 2002*. 2006, c. 22, s. 46 (7).

PART IV
REGULATION OF DRINKING WATER THREATS

Enforcement by municipalities

47 (1) Except where otherwise provided,

- (a) the council of a single-tier municipality is responsible for the enforcement of this Part in the municipality; and
- (b) the council of an upper-tier municipality or lower-tier municipality that has authority to pass by-laws respecting water production, treatment and storage under the *Municipal Act, 2001* is responsible for the enforcement of this Part in the municipality. 2006, c. 22, s. 47 (1).

Joint enforcement

(2) The councils of two or more municipalities referred to in subsection (1) may enter into an agreement,

- (a) providing for the joint enforcement of this Part within their respective municipalities;
- (b) providing for the sharing of costs incurred in the enforcement of this Part within their respective municipalities; and
- (c) providing for the appointment of a risk management official and risk management inspectors. 2006, c. 22, s. 47 (2).

Joint jurisdiction

(3) If an agreement under subsection (2) is in effect, the municipalities have joint jurisdiction in the area comprising the municipalities. 2006, c. 22, s. 47 (3).

Transfer of enforcement responsibility

(4) The councils of two municipalities referred to in subsection (1) may enter into an agreement providing for the council of one of the municipalities to be responsible for the enforcement of this Part in the other municipality with respect to activities identified in the agreement, and for charging the other municipality the whole or part of the cost. 2006, c. 22, s. 47 (4).

Same

(5) If an agreement under subsection (4) is in effect, the municipality that is made responsible for the enforcement of this Part in the other municipality has jurisdiction for the enforcement of this Part in that municipality with respect to the activities identified in the agreement. 2006, c. 22, s. 47 (5).

Risk management official, risk management inspectors

(6) The council of a municipality that is responsible for the enforcement of this Part shall appoint a risk management official and such risk management inspectors as are necessary for that purpose. 2006, c. 22, s. 47 (6).

Certificate

(7) The clerk of the municipality shall issue a certificate of appointment bearing the clerk's signature or a facsimile of it to the risk management official and each risk management inspector appointed by the municipality. 2006, c. 22, s. 47 (7).

Enforcement by board of health, planning board or source protection authority

48 (1) The council of a municipality referred to in subsection 47 (1) and a board of health, planning board or source protection authority may enter into an agreement for the enforcement of this Part by the board of health, planning board or source protection authority in the municipality with respect to activities identified in the agreement, and for charging the municipality the whole or part of the cost. 2006, c. 22, s. 48 (1).

Power

(2) If an agreement under subsection (1) is in effect, the board of health, planning board or source protection authority, as the case may be, has jurisdiction for the enforcement of this Part in the municipality with respect to the activities identified in the agreement and shall appoint a risk management official and such risk management inspectors as are necessary for that purpose. 2006, c. 22, s. 48 (2).

Certificate

(3) The board of health, planning board or source protection authority, as the case may be, shall issue a certificate of appointment to the risk management official and each risk management inspector appointed under subsection (2). 2006, c. 22, s. 48 (3).

Provincial enforcement

49 (1) Subject to section 50, Ontario is responsible for the enforcement of this Part in unorganized territory. 2006, c. 22, s. 49 (1).

Agreements

(2) The council of a municipality referred to in subsection 47 (1) and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Part by Ontario in the municipality with respect to the activities identified in the agreement, subject to such payment in respect of costs as is set out in the agreement. 2006, c. 22, s. 49 (2).

Same

(3) If an agreement under subsection (2) is in effect, Ontario has jurisdiction for the enforcement of this Part in the municipality with respect to the activities identified in the agreement. 2006, c. 22, s. 49 (3).

Agreements re unorganized territory

50 (1) The council of a municipality referred to in subsection 47 (1) adjacent to unorganized territory and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Part by the municipality with respect to activities identified in the agreement in such part of the unorganized territory and subject to such payment in respect of costs as is set out in the agreement. 2006, c. 22, s. 50 (1).

Area of jurisdiction

(2) The municipality has jurisdiction for the enforcement of this Part with respect to the activities identified in the agreement in the area designated in the agreement under subsection (1). 2006, c. 22, s. 50 (2).

Board of health, planning board, source protection authority

(3) A board of health, planning board or source protection authority and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Part by the board of health, planning board or source protection authority with respect to activities identified in the agreement in such part of the unorganized territory and subject to such payment in respect of costs as is set out in the agreement, and subsections 48 (2) and (3) apply, with necessary modifications. 2006, c. 22, s. 50 (3).

Prescribed activities

51 (1) Despite sections 47 to 50, Ontario is responsible for the enforcement of this Part with respect to activities prescribed by the regulations. 2006, c. 22, s. 51 (1).

Same

(2) If a regulation mentioned in subsection (1) is in effect, Ontario has jurisdiction for the enforcement of this Part with respect to the activities prescribed by the regulation. 2006, c. 22, s. 51 (2).

Ontario risk management official and inspectors

Risk management official

52 (1) The Director is the risk management official for the enforcement of this Part in the areas in which and with respect to the activities for which Ontario has jurisdiction. 2006, c. 22, s. 52 (1).

Same

(2) Despite clause 3 (2) (b), a person other than a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry or a member of a class of such public servant may be appointed as a director under subsection 3 (1) without the approval of the Lieutenant Governor in Council if,

- (a) the person appointed is a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in another ministry of the Government of Ontario or a member of a class of such public servant; and

(b) the appointment specifies that it is in respect of this Part. 2006, c. 35, Sched. C, s. 16 (2).

Risk management inspectors

(3) Risk management inspectors necessary for the enforcement of this Part in the areas in which and with respect to the activities for which Ontario has jurisdiction shall be appointed by the Minister. 2006, c. 22, s. 52 (3).

Certificate

(4) The Minister shall issue a certificate of appointment bearing his or her signature or a facsimile of it to the Director and each risk management inspector appointed under subsection (3). 2006, c. 22, s. 52 (4).

Section Amendments with date in force (d/m/y) [+]

Qualifications

53 (1) A person is not eligible to be appointed as a risk management official under section 47, 48 or 50 unless he or she has the qualifications prescribed by the regulations. 2006, c. 22, s. 53 (1).

Same

(2) A person is not eligible to be appointed as a risk management inspector under this Part unless he or she has the qualifications prescribed by the regulations. 2006, c. 22, s. 53 (2).

Records

54 (1) Every person or body that has jurisdiction for the enforcement of this Part shall retain such records as may be prescribed by the regulations for the period of time prescribed by the regulations. 2006, c. 22, s. 54 (1).

Transfer of records

(2) If an agreement is entered into under subsection 47 (4), 48 (1), 49 (2) or 50 (1) or (3), any records retained by a party to the agreement under subsection (1) shall be transferred to the person or body that, under the agreement, will enforce this Part. 2006, c. 22, s. 54 (2).

Available to the public

(3) A person or body that holds records under this section shall make such records as are prescribed by the regulations available to the public. 2006, c. 22, s. 54 (3).

By-laws, resolutions, regulations

55 (1) The council of a municipality or a board of health that is responsible for the enforcement of this Part may pass by-laws, a planning board that is responsible for the enforcement of this Part may pass resolutions, a source protection authority that is responsible for the enforcement of this Part and is not a conservation authority may pass resolutions, a source protection authority that is responsible for the enforcement of this Part and is a conservation authority may make regulations and the Minister may make regulations, applicable in the area in which the municipality, board of health, planning board, source protection authority or the Province of Ontario, respectively, has jurisdiction for the enforcement of this Part,

- (a) prescribing classes of risk management plans and classes of risk assessments;
- (b) establishing and governing an inspection program for the purpose of enforcing this Part;
- (c) providing for applications under sections 58, 59 and 60 and requiring the applications to be accompanied by such plans, specifications, documents and other information as is set out in the by-law, resolution or regulation;
- (d) requiring the payment of fees for receiving an application under section 58, 59 or 60, for agreeing to or establishing a risk management plan under section 56 or 58, for issuing a notice under section 59, for accepting a risk assessment under section 60, or for entering property or exercising any other power under section 62, and prescribing the amounts of the fees;
- (e) requiring the payment of interest and other penalties, including payment of collection costs, when fees referred to in clause (d) are unpaid or are paid after the due date;

- (f) providing for refunds of fees referred to in clause (d) under such circumstances as are set out in the by-law, resolution or regulation;
- (g) prescribing forms respecting risk management plans, acceptances of risk assessments, notices under section 59 and applications under sections 58, 59 and 60, and providing for their use;
- (h) prescribing circumstances in which a person with qualifications prescribed by the regulations may act under clause 56 (9) (b), 58 (15) (b) or 60 (2) (b). 2006, c. 22, s. 55 (1).

Fees

(2) The total amount of the fees authorized under clause (1) (d) must not exceed the anticipated reasonable costs of the municipality, board of health, planning board, source protection authority or Province of Ontario to enforce this Part in its area of jurisdiction. 2006, c. 22, s. 55 (2).

Change in fees

(3) If a municipality, board of health, planning board or source protection authority or the Minister proposes to change any fee imposed under clause (1) (d), it shall give notice of the proposed changes in fees, in the manner prescribed by the regulations made under section 109, to such persons as may be prescribed by those regulations. 2006, c. 22, s. 55 (3).

Fees may be added to tax roll

(4) Section 398 of the *Municipal Act, 2001* and section 264 of the *City of Toronto Act, 2006* apply, with necessary modifications, to fees established by a municipality or local board under clause (1) (d) and, with the approval of the treasurer of a local municipality, to fees established under clause (1) (d) by a source protection authority whose area of jurisdiction includes any part of the local municipality. 2006, c. 22, s. 55 (4).

Prescribing circumstances under cl. (1) (h)

(5) The only circumstances that may be prescribed under clause (1) (h) are circumstances prescribed by the regulations. 2006, c. 22, s. 55 (5).

Interim risk management plans

56 (1) Subject to subsection (9), a person engaged in an activity or proposing to engage in an activity and a risk management official may agree to a risk management plan for the activity at a particular location if,

- (a) the activity is prescribed by the regulations for the purpose of this section; and
- (b) the Director has approved an assessment report and,
 - (i) the activity is or will be engaged in in an area identified in the assessment report as an area where the activity is or would be a significant drinking water threat, and
 - (ii) the area identified in the assessment report as an area where the activity is or would be a significant drinking water threat is within a surface water intake protection zone or wellhead protection area. 2006, c. 22, s. 56 (1).

Notice of plan

(2) If a risk management official and a person agree to a risk management plan under subsection (1), the risk management official shall provide written notice to the person and shall attach a copy of the plan to the notice. 2006, c. 22, s. 56 (2).

Deadline for agreement

(3) In the circumstances prescribed by the regulations, the risk management official may give a person a notice indicating that, if no risk management plan is agreed to under subsection (1) by a date specified in the notice, the risk management official intends to establish a risk management plan for the activity at the location. 2006, c. 22, s. 56 (3).

Specified date

(4) A date specified in a notice under subsection (3) shall be at least 60 days after the notice is given. 2006, c. 22, s. 56 (4).

Waiving notice period

(5) A person to whom a notice has been given under subsection (3) may consent in writing to the establishment of the risk management plan before the date specified in the notice. 2006, c. 22, s. 56 (5).

Order establishing risk management plan

(6) Subject to subsections (5) and (9), if a notice is given under subsection (3) and no risk management plan is agreed to under subsection (1) by the date specified in the notice, the risk management official shall, by order, establish a risk management plan for the activity at the location. 2006, c. 22, s. 56 (6).

Amendment of risk management plan

(7) Subject to subsections (8) and (10), subsections (1) to (6) apply, with necessary modifications, to the amendment of a risk management plan. 2006, c. 22, s. 56 (7).

Amendment; deadline

(8) For the purpose of subsection (7), the 60-day period referred to in subsection (4) may be shortened by the risk management official if,

- (a) the risk management official is of the opinion that the amendment of the risk management plan is required to prevent a drinking water health hazard; and
- (b) the notice given under subsection (3) sets out the reasons for the opinion referred to in clause (a). 2006, c. 22, s. 56 (8).

Criteria for agreeing to or establishing a risk management plan

(9) A risk management official shall agree to or establish a risk management plan for an activity at a location under this section if, and only if,

- (a) the risk management official,
 - (i) is satisfied that the risk management plan complies with the requirements, if any, of the regulations and rules, and
 - (ii) is satisfied that, if the activity is engaged in at that location in accordance with the plan, the plan will reduce by a reasonable amount the potential for the activity to adversely affect the raw water supplies of the drinking water systems that obtain water from the area identified in the assessment report as an area where the activity is or would be a significant drinking water threat; or
- (b) in circumstances prescribed under clause 55 (1) (h), a person with qualifications prescribed by the regulations has stated, in a form obtained from or approved by the Director, that the person,
 - (i) is satisfied that the risk management plan complies with the requirements, if any, of the regulations and rules, and
 - (ii) is satisfied that, if the activity is engaged in at that location in accordance with the plan, the plan will reduce by a reasonable amount the potential for the activity to adversely affect the raw water supplies of the drinking water systems that obtain water from the area identified in the assessment report as an area where the activity is or would be a significant drinking water threat. 2006, c. 22, s. 56 (9).

Criteria for amendment

(10) Subsection (9) applies, with necessary modifications, to the amendment of a risk management plan and, for that purpose, a reference in subsection (9) to a risk management plan shall be deemed to be a reference to the amended plan. 2006, c. 22, s. 56 (10).

Compliance with risk management plan

(11) If a risk management plan is agreed to or established under this section for an activity at a location, a person shall not engage in that activity at that location except in accordance with the plan. 2006, c. 22, s. 56 (11).

Source protection plan in effect

(12) No risk management plan may be agreed to, established or amended under this section if a source protection plan in respect of the source protection area where the activity is engaged in is in effect. 2006, c. 22, s. 56 (12).

Risk management plan ceases to apply

(13) A risk management plan agreed to or established under this section ceases to apply to an activity at a location if,

- (a) a source protection plan has taken effect and subsection 57 (1) applies to that activity at that location; or
- (b) a source protection plan has taken effect and,
 - (i) the activity is not an activity designated in the source protection plan as an activity to which section 58 should apply, or
 - (ii) the location of the activity is not within an area designated in the source protection plan as an area within which section 58 should apply. 2006, c. 22, s. 56 (13).

Section Amendments with date in force (d/m/y) [+]**Prohibited activities**

57 (1) If a source protection plan that is in effect designates an activity as an activity to which this section should apply and an area within which this section should apply to the activity, a person shall not engage in that activity at any location within that area. 2006, c. 22, s. 57 (1).

Transition

(2) If an activity was engaged in at a particular location immediately before the source protection plan took effect, subsection (1) does not apply to a person who engages in the activity at that location until 180 days after the plan takes effect or such later date as is set out in the source protection plan. 2006, c. 22, s. 57 (2).

Regulated activities

58 (1) If a source protection plan that is in effect designates an activity as an activity to which this section should apply and an area within which this section should apply to the activity, a person shall not engage in that activity at any location within that area unless a risk management plan has been agreed to or established under this section or section 56 for that activity at that location. 2006, c. 22, s. 58 (1).

Transition

(2) Subject to subsections (3) and (4), if an activity was engaged in at a particular location immediately before the source protection plan took effect, subsection (1) does not apply to a person who engages in the activity at that location. 2006, c. 22, s. 58 (2).

Same

(3) If an activity was engaged in at a particular location immediately before the source protection plan took effect and the source protection plan specifies a date for the purpose of this subsection, subsection (1) applies, on and after that date, to a person who engages in the activity at that location. 2006, c. 22, s. 58 (3).

Same

(4) If an activity was engaged in at a particular location immediately before the source protection plan took effect and the risk management official gives notice to a person who is engaged in the activity at that location that, in the opinion of the risk management official, subsection (1) should apply to the person, subsection (1) applies to a person who engages in the activity at that location on and after a date specified in the notice that is at least 120 days after the date the notice is given. 2006, c. 22, s. 58 (4).

Agreement on risk management plan

(5) Subject to subsections (15) and (16), a person engaged in an activity or proposing to engage in an activity and a risk management official may agree to a risk management plan for the activity at a particular location if,

- (a) a source protection plan designates the activity as an activity to which this section should apply and an area within which this section should apply to the activity; and
- (b) the location is in the area referred to in clause (a). 2006, c. 22, s. 58 (5).

Notice of plan

(6) If a risk management official and a person agree to a risk management plan under subsection (5), the risk management official shall provide written notice to the person and shall attach a copy of the plan to the notice. 2006, c. 22, s. 58 (6).

Deadline for agreement

(7) The risk management official may give a person a notice indicating that, if no risk management plan is agreed to under subsection (5) by a date specified in the notice, the risk management official intends to establish a risk management plan for the activity at the location. 2006, c. 22, s. 58 (7).

Specified date

(8) A date specified in a notice under subsection (7) shall be at least 120 days after the date the notice is given. 2006, c. 22, s. 58 (8).

Waiving notice period

(9) A person to whom a notice has been given under subsection (7) may consent in writing to the establishment of the risk management plan before the date specified in the notice. 2006, c. 22, s. 58 (9).

Order establishing risk management plan

(10) Subject to subsections (9), (15) and (16), if a notice is given under subsection (7) and no risk management plan is agreed to under subsection (5) by the date specified in the notice, the risk management official shall, by order, establish a risk management plan for the activity at the location. 2006, c. 22, s. 58 (10).

Application for risk management plan

(11) A person engaged in an activity or proposing to engage in an activity to which this section applies at a location within an area to which this section applies may apply to the risk management official for the establishment of a risk management plan for the activity at the location. 2006, c. 22, s. 58 (11).

Order establishing plan

(12) Subject to subsections (15) and (16), if an application is made under subsection (11), the risk management official shall, by order, establish a risk management plan for the activity at the location. 2006, c. 22, s. 58 (12).

Amendment of risk management plan

(13) Subject to subsections (14) and (17), subsections (5) to (12) apply, with necessary modifications,

- (a) to the amendment of a risk management plan agreed to or established under this section; and
- (b) to the amendment of a risk management plan agreed to or established under section 56, if, pursuant to subsection 56 (12), the plan cannot be amended under that section. 2006, c. 22, s. 58 (13).

Amendment; deadline

(14) For the purpose of subsection (13), the 120-day period referred to in subsection (8) may be shortened by the risk management official if,

- (a) the risk management official is of the opinion that the amendment of the risk management plan is required to prevent a drinking water health hazard; and
- (b) the notice given under subsection (7) sets out the reasons for the opinion referred to in clause (a). 2006, c. 22, s. 58 (14).

Criteria for agreeing to or establishing risk management plan

(15) Subject to subsection (16), a risk management official shall agree to or establish a risk management plan for an activity at a location under this section if, and only if, all applicable fees have been paid and,

- (a) the risk management official,
 - (i) is satisfied that the risk management plan complies with the requirements, if any, of the regulations, rules and source protection plan, and
 - (ii) is satisfied that the activity will not be a significant drinking water threat if it is engaged in at that location in accordance with the risk management plan; or
- (b) in circumstances prescribed under clause 55 (1) (h), a person with qualifications prescribed by the regulations has stated, in a form obtained from or approved by the Director, that the person,
 - (i) is satisfied that the risk management plan complies with the requirements, if any, of the regulations, rules and source protection plan, and
 - (ii) is satisfied that the activity will not be a significant drinking water threat if it is engaged in at that location in accordance with the risk management plan. 2006, c. 22, s. 58 (15).

Refusal to establish plan

(16) The risk management official may refuse to agree to or establish a risk management plan if the past conduct of the applicant or, if the applicant is a corporation, of its officers or directors, affords reasonable grounds to believe that the applicant will not engage in the activity in accordance with the risk management plan. 2006, c. 22, s. 58 (16).

Application of subss. (15) and (16) to amendments

(17) Subsections (15) and (16) apply, with necessary modifications, to the amendment of a risk management plan and, for that purpose, a reference in subsection (15) or (16) to a risk management plan shall be deemed to be a reference to the amended plan. 2006, c. 22, s. 58 (17).

Compliance with risk management plan

(18) If a risk management plan is agreed to or established under this section for an activity at a location, a person shall not engage in that activity at that location except in accordance with the plan. 2006, c. 22, s. 58 (18).

Section Amendments with date in force (d/m/y) [+]**Restricted land uses**

59 (1) If a source protection plan that is in effect designates a land use as a land use to which this section should apply and an area within which this section should apply,

- (a) a person shall not make an application under a provision of the *Planning Act* prescribed by the regulations for the purpose of using land for that land use at any location within that area; and
- (b) despite section 58, a person shall not construct or change the use of a building at any location within that area, if the building will be used in connection with that land use,

unless the risk management official issues a notice to the person under subsection (2). 2006, c. 22, s. 59 (1).

Issuance of notice

(2) The risk management official shall, on application, issue a notice to a person for the purpose of subsection (1) if, and only if, the applicant has paid all applicable fees and,

- (a) neither section 57 nor section 58 applies to the activity for which the land is to be used at the location where the land is to be used; or

- (b) section 58 applies to the activity for which the land is to be used at the location where the land is to be used and a risk management plan that applies to that activity at that location has been agreed to or established under section 56 or 58. 2006, c. 22, s. 59 (2).

Time for application

(3) If section 58 applies to the activity for which the land is to be used at the location where the land is to be used, an application for the issuance of a notice under subsection (2) may be made at the same time that an application is made in respect of the activity under section 58 or 60. 2006, c. 22, s. 59 (3).

Copies

(4) If a risk management official issues a notice under subsection (2), he or she shall give a copy of the notice to the persons prescribed by the regulations. 2006, c. 22, s. 59 (4).

Definitions

(5) In this section,

“building” has the same meaning as in the *Building Code Act, 1992*; (“bâtiment”)

“construct” has the same meaning as in the *Building Code Act, 1992*. (“construire”) 2006, c. 22, s. 59 (5).

Risk assessment can exclude application of ss. 56, 57 and 58

60 (1) Sections 56, 57 and 58 do not apply to an activity that is engaged in at a particular location if,

- (a) a risk assessment relating to the activity at that location has been submitted to the risk management official;
- (b) the risk assessment concludes that the activity, if engaged in at that location, is not a significant drinking water threat at that location; and
- (c) the risk management official has accepted the risk assessment under this section. 2006, c. 22, s. 60 (1).

Acceptance of risk assessment

(2) On application, the risk management official shall accept a risk assessment that concludes that an activity is not a significant drinking water threat if, and only if, all applicable fees have been paid and,

- (a) the risk management official is satisfied that the activity has been assessed in accordance with the regulations and the rules; or
- (b) in circumstances prescribed under clause 55 (1) (h), a person with qualifications prescribed by the regulations has stated, in a form obtained from or approved by the Director, that the person is satisfied that the activity has been assessed in accordance with the regulations and the rules. 2006, c. 22, s. 60 (2).

Report on activity

61 (1) A risk management official may, by order, require a person who engages in or proposes to engage in an activity to which section 56 or 58 applies to provide the risk management official with a report that describes the manner in which the activity is being or is proposed to be engaged in, including any risk management measures that are being or are proposed to be taken with respect to the protection of drinking water sources. 2006, c. 22, s. 61 (1).

Same

(2) A person who is required to provide a report under subsection (1) shall ensure that it is prepared and submitted to the risk management official in accordance with the order. 2006, c. 22, s. 61 (2).

Inspections

62 (1) Subject to subsections (2) and (3), a risk management inspector may, for the purpose of enforcing this Part, enter property, without the consent of the owner or occupier and without a warrant, if,

- (a) the risk management inspector has reasonable grounds to believe that an activity to which section 56, 57 or 58 applies is being engaged in on the property; or
- (b) the risk management inspector has reasonable grounds to believe that there are documents or data on the property that relate to an activity to which section 56, 57 or 58 applies. 2006, c. 22, s. 62 (1).

Training

(2) A risk management inspector shall not enter property unless the risk management inspector has received training prescribed by the regulations. 2006, c. 22, s. 62 (2).

Dwellings

(3) A risk management inspector shall not enter a room actually used as a dwelling without the consent of the occupier except under the authority of a warrant under subsection (11). 2006, c. 22, s. 62 (3).

Other persons

(4) A risk management inspector who is authorized to enter property under subsection (1) may be accompanied by any person possessing expert or special knowledge that is related to the purpose of the entry. 2006, c. 22, s. 62 (4).

Time

(5) Subject to subsection (6), the power to enter property under subsection (1) may be exercised at any reasonable time. 2006, c. 22, s. 62 (5).

Notice

(6) The power to enter property under subsection (1) shall not be exercised unless reasonable notice of the entry has been given to the occupier of the property. 2006, c. 22, s. 62 (6).

No use of force

(7) Subsection (1) does not authorize the use of force. 2006, c. 22, s. 62 (7).

Powers

(8) A person who enters property under subsection (1) or (4) may, for the purpose for which the entry is made under subsection (1),

- (a) make necessary excavations;
- (b) require that any thing be operated, used or set in motion under conditions specified by the person;
- (c) take samples for analysis;
- (d) conduct tests or take measurements;
- (e) examine, record or copy any document or data, in any form, by any method;
- (f) require the production of any document or data, in any form, related to the purpose of the entry;
- (g) remove from a place documents or data, in any form, produced under clause (f) for the purpose of making copies;
- (h) retain samples and copies obtained under this subsection for any period and for any purpose related to the enforcement of this Part; and
- (i) require any person to provide reasonable assistance and to answer reasonable inquiries, orally or in writing. 2006, c. 22, s. 62 (8).

Limitation re removal of documents, data

(9) A person who enters property under subsection (1) or (4) shall not remove documents or data under clause (8) (g) without giving a receipt for them and shall promptly return the documents or data to the person who produced them. 2006, c. 22, s. 62 (9).

Identification

(10) On request, a person who enters property under subsection (1) or (4) shall identify himself or herself and shall explain the purpose of the entry. 2006, c. 22, s. 62 (10).

Warrant for entry

(11) A justice may issue a warrant authorizing a risk management inspector to do anything set out in subsection (1) or (8) if the justice is satisfied, on evidence under oath or affirmation by a risk management inspector, that there are reasonable grounds to believe that it is appropriate for the enforcement of this Part for a risk management inspector to do anything set out in subsection (1) or (8) and that a risk management inspector may not be able to effectively carry out his or her duties without a warrant under this subsection because,

- (a) no occupier is present to grant access to a place that is locked or otherwise inaccessible;
- (b) a person has prevented a risk management inspector from doing anything set out in subsection (1) or (8);
- (c) there are reasonable grounds to believe that a person may prevent a risk management inspector from doing anything set out in subsection (1) or (8);
- (d) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a risk management inspector to obtain a warrant under this subsection without delay if access is denied; or
- (e) there are reasonable grounds to believe that an attempt by a risk management inspector to do anything set out in subsection (1) or (8) without the warrant might not achieve its purpose. 2006, c. 22, s. 62 (11).

Application without notice

(12) A warrant under subsection (11) may be issued or renewed on application without notice. 2006, c. 22, s. 62 (12).

Application for dwelling

(13) An application for a warrant under subsection (11) to enter a dwelling shall specifically indicate that the application relates to a dwelling. 2006, c. 22, s. 62 (13); 2009, c. 33, Sched. 15, s. 2 (5).

Application of subss. (4), (9) and (10)

(14) Subsections (4), (9) and (10) apply to an entry under a warrant under subsection (11). 2006, c. 22, s. 62 (14).

Expiry

(15) Unless renewed, a warrant under subsection (11) expires on the earlier of the day specified for the purpose in the warrant and the day that is 30 days after the date on which the warrant is issued. 2006, c. 22, s. 62 (15); 2009, c. 33, Sched. 15, s. 2 (6).

Renewal

(16) A warrant under subsection (11) may be renewed in the circumstances in which a warrant may be issued under that subsection, before or after expiry, for one or more periods each of which is not more than 30 days. 2006, c. 22, s. 62 (16).

When to be executed

(17) A warrant under subsection (11) shall be carried out between 6 a.m. and 9 p.m., unless the warrant otherwise authorizes. 2006, c. 22, s. 62 (17).

Use of force

(18) A person authorized by a warrant under subsection (11) to do anything set out in subsection (1) or (8) may call on police officers as necessary and may use force as necessary to do the thing. 2006, c. 22, s. 62 (18).

Restoration

(19) If property is entered under this section, the risk management inspector shall, in so far as is practicable, restore the property to the condition it was in before the entry. 2006, c. 22, s. 62 (19).

Section Amendments with date in force (d/m/y) [+]**Power to require response to inquiries**

62.1 (1) For the purposes of determining compliance of a person with this Part, a risk management inspector may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries. 2017, c. 2, Sched. 11, s. 1.

Same

(2) For the purposes of subsection (1), a risk management inspector may make inquiries by telephone or by any other means of communication. 2017, c. 2, Sched. 11, s. 1.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a risk management inspector may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry. 2017, c. 2, Sched. 11, s. 1.

Records in electronic form

(4) If a record is retained in electronic form, a risk management inspector may require that a copy of it be provided to him or her on paper or electronically, or both. 2017, c. 2, Sched. 11, s. 1.

Section Amendments with date in force (d/m/y) [+]

Enforcement orders

63 (1) If a risk management inspector has reasonable grounds to believe that a person is contravening subsection 57 (1) or 58 (1), the inspector may make an order requiring the person to do any one or more of the following things:

1. Comply, by a date specified in the order, with directions set out in the order relating to achieving compliance with subsection 57 (1) or 58 (1).
2. Cease engaging in the activity that constitutes the contravention.
3. Report to the risk management inspector on compliance with the order, in such manner and at such times as are set out in the order. 2006, c. 22, s. 63 (1).

Information to be included

(2) An order under subsection (1) shall briefly describe the nature and location of the contravention. 2006, c. 22, s. 63 (2).

Order to comply with directions

(3) If an order under paragraph 1 of subsection (1) requires a person to comply with directions by a date specified in the order, the order may, during the period from the date the order is issued until the date specified in the order, relieve the person from strict compliance with subsection 57 (1) or 58 (1), subject to such conditions as are set out in the order. 2006, c. 22, s. 63 (3).

Enforcement of risk management plan

(4) If a risk management inspector has reasonable grounds to believe that a person is failing to implement a provision of a risk management plan agreed to or established under section 56 or 58, the inspector may make an order requiring the person to do any one or more of the following things:

1. Comply, by a date specified in the order, with directions set out in the order relating to implementing the provision of the risk management plan.
2. Seek an amendment to the risk management plan.
3. Report to the risk management inspector on compliance with the order, in such manner and at such times as are set out in the order. 2006, c. 22, s. 63 (4).

Information to be included

(5) An order under subsection (4) shall briefly describe the nature of the failure to implement the provision of the risk management plan. 2006, c. 22, s. 63 (5).

Order to comply with directions

(6) If an order under paragraph 1 of subsection (4) requires a person to comply with directions by a date specified in the order, the order may, during the period from the date the order is issued until the date specified in the order, relieve the person from strict compliance with subsection 56 (11) or 58 (18), subject to such conditions as are set out in the order. 2006, c. 22, s. 63 (6).

Risk management official may cause things to be done

64 (1) Where an order made under section 63 is not stayed, the risk management official may cause to be done any thing required by it if,

- (a) a person required by the order to do the thing,
 - (i) has refused to comply with or is not complying with the order,
 - (ii) is not likely, in the risk management official's opinion, to comply with the order promptly,
 - (iii) is not likely, in the risk management official's opinion, to carry out the order competently, or
 - (iv) requests the assistance of the risk management official in complying with the order;
- (b) a receiver or trustee in bankruptcy is not required to do the thing because of subsection 79 (5); or
- (c) in the risk management official's opinion, it would be in the public interest to do so. 2006, c. 22, s. 64 (1).

Notice of intent to cause things to be done

(2) The risk management official shall give notice of an intention to cause a thing to be done under subsection (1),

- (a) to each person required by an order made under section 63 to do the thing;
- (b) to each person required by an order under section 80 to permit access for the purpose of doing the thing; and
- (c) if a receiver or trustee in bankruptcy is not required to do the thing because of subsection 79 (5), to the receiver or trustee in bankruptcy. 2006, c. 22, s. 64 (2).

Same

(3) A person who receives a notice under subsection (2) shall not do the thing referred to in the notice without the permission of the risk management official. 2006, c. 22, s. 64 (3).

Person liable unknown

65 Where a risk management inspector is authorized by section 63 to issue an order requiring a person to do a thing and the identity of the person cannot be ascertained, the risk management inspector may cause the thing to be done. 2006, c. 22, s. 65; 2009, c. 33, Sched. 15, s. 2 (7).

Section Amendments with date in force (d/m/y) [+]**Powers of entry for s. 64 or 65**

66 (1) Subject to subsections (2) and (3), a person who is responsible for doing a thing under section 64 or 65 may, for the purpose, enter property on which the thing is to be done and any adjacent property without a warrant if,

- (a) the entry is made with the consent of an occupier of the property; or
- (b) there are reasonable grounds to believe that the delay necessary to obtain a warrant under subsection (4) would result in an imminent drinking water health hazard. 2006, c. 22, s. 66 (1).

Training

(2) A person shall not enter property for the purpose of doing a thing unless the person has received training prescribed by the regulations. 2006, c. 22, s. 66 (2).

Dwellings

(3) A person shall not enter a room actually used as a dwelling without the consent of the occupier except under the authority of a warrant under subsection (4). 2006, c. 22, s. 66 (3).

Warrant authorizing entry

(4) A justice who is satisfied on evidence under oath or affirmation that there are reasonable grounds to believe that entry to property is necessary for the purpose of doing a thing under section 64 or 65 may issue a warrant authorizing the person named in the warrant to make the entry and do the thing. 2006, c. 22, s. 66 (4).

Execution and expiry of warrant

(5) A warrant issued under subsection (4) shall,

- (a) specify the times, which may be 24 hours each day, during which the warrant may be carried out; and
- (b) state when the warrant expires. 2006, c. 22, s. 66 (5).

Renewal

(6) Before or after the warrant expires, a justice may renew the warrant, for such additional periods as the justice considers necessary. 2006, c. 22, s. 66 (6).

Use of force

(7) A person authorized under clause (1) (b) or subsection (4) to enter property for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing. 2006, c. 22, s. 66 (7).

Assistance

(8) A person named in a warrant issued under subsection (4) may call on any other persons he or she considers advisable to execute the warrant. 2006, c. 22, s. 66 (8).

Application without notice

(9) A warrant under subsection (4) may be issued or renewed on application without notice. 2006, c. 22, s. 66 (9).

Application for dwelling

(10) An application for a warrant under subsection (4) to enter a dwelling shall specifically indicate that the application relates to a dwelling. 2006, c. 22, s. 66 (10).

Identification

(11) On request, a person who enters property under subsection (1) or (4) shall identify himself or herself and shall explain the purpose of the entry. 2006, c. 22, s. 66 (11).

Section Amendments with date in force (d/m/y) [+]**Order to pay**

67 (1) The risk management official may issue an order to pay the costs of doing any thing caused to be done by the risk management official under section 64 to any person required by an order made under section 63 to do the thing. 2006, c. 22, s. 67 (1).

Same

(2) If, after the risk management official causes any thing to be done under section 65, the risk management official ascertains the identity of a person to whom an order requiring the thing to be done could have been issued under section 63, the risk management official may issue an order to pay the costs of doing the thing to that person. 2006, c. 22, s. 67 (2).

Same

(3) If the risk management official has caused any thing to be done under section 64 in circumstances where, pursuant to subsection 79 (5) or a stay granted under Part I of the *Bankruptcy and Insolvency Act* (Canada), a receiver or trustee in bankruptcy was not required to do the thing, the risk management official may issue an order to the receiver or trustee in bankruptcy to pay the costs of doing the thing. 2006, c. 22, s. 67 (3).

Same

(4) If an order to pay the costs of doing a thing is issued under subsection (1), (2) or (3) to a receiver or trustee in bankruptcy, the receiver or trustee in bankruptcy is not personally liable for those costs unless the order under section 63 that required the thing to be done arose from the gross negligence or wilful misconduct of the receiver or trustee in bankruptcy or of a receiver representative or trustee in bankruptcy representative. 2006, c. 22, s. 67 (4).

Contents

(5) An order under subsection (1), (2) or (3) to pay costs shall include,

- (a) a description of things that the risk management official caused to be done under section 64 or 65;
- (b) a detailed account of the costs incurred in doing the things; and
- (c) a direction that the person to whom the order is issued pay the costs to,
 - (i) the municipality, if the risk management official was appointed by a council of a municipality,
 - (ii) the board of health, planning board or source protection authority, if the risk management official was appointed by a board of health, planning board or source protection authority, or
 - (iii) the Minister of Finance, if the risk management official is the Director. 2006, c. 22, s. 67 (5).

Same

(6) An order under subsection (2) to pay costs shall also include a brief statement of the circumstances giving rise to the decision to cause the things to be done. 2006, c. 22, s. 67 (6).

Joint and several liability

(7) Where two or more persons are liable to pay costs to the Minister of Finance pursuant to an order under subsection (1), (2) or (3), they are jointly and severally liable to Her Majesty in right of Ontario. 2006, c. 22, s. 67 (7).

Same

(8) Where two or more persons are liable to pay costs to a municipality, board of health, planning board or source protection authority pursuant to an order under subsection (1), (2) or (3), they are jointly and severally liable to the municipality, board of health, planning board or source protection authority, as the case may be. 2006, c. 22, s. 67 (8).

Contribution and indemnity

(9) Where the risk management official is entitled to issue an order to two or more persons under subsection (1), (2) or (3) in respect of costs, as between themselves, in the absence of an express or implied contract, each of those persons is liable to make contribution to and indemnify the other in accordance with the following principles:

1. Where the risk management official is entitled to issue an order to two or more persons under subsection (1), (2) or (3) in respect of costs and one or more of them caused or contributed to the costs by fault or negligence, such one or more of them shall make contribution to and indemnify,
 - i. where one person is found at fault or negligent, any other person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3), and

- ii. where two or more persons are found at fault or negligent, each other and any other person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) in the degree in which each of such two or more persons caused or contributed to the costs by fault or negligence.
2. For the purpose of subparagraph 1 ii, if it is not practicable to determine the respective degrees in which the fault or negligence of two or more persons to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) caused or contributed to the costs, such two or more persons shall be deemed to be equally at fault or negligent.
 3. Where no person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) caused or contributed to the costs by fault or negligence, each of the persons to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) is liable to make contribution to and indemnify each other in such degree as is determined to be just and equitable in the circumstances. 2006, c. 22, s. 67 (9).

Enforcement of contribution

(10) The right to contribution or indemnification under subsection (9) may be enforced by action in a court of competent jurisdiction. 2006, c. 22, s. 67 (10).

Adding parties

(11) Wherever it appears that a person not already a party to an action under subsection (10) may be a person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) in respect of the costs, the person may be added as a party defendant to the action on such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of court for adding third parties. 2006, c. 22, s. 67 (11).

Enforcement of order to pay

68 (1) An order to pay costs under section 67 may be filed with a local registrar of the Superior Court of Justice and enforced as if it were an order of the court. 2006, c. 22, s. 68 (1).

Interest

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order. 2006, c. 22, s. 68 (2).

Collection of costs

69 (1) For the purposes of subsections (2) and (3), a thing done as a result of activities on real property is a thing done in connection with that property, whether or not the work is done on that property. 2006, c. 22, s. 69 (1).

Addition to tax roll

(2) If an order to pay costs under section 67 is directed to a person who owns real property in a local municipality, and the risk management official instructs the municipality to recover amounts specified in the order that relate to things done in connection with that property, the treasurer of the municipality shall add the costs to the tax roll and collect them in the same manner as taxes. 2006, c. 22, s. 69 (2).

Same, unorganized territory

(3) If an order to pay costs under section 67 is directed to a person who owns real property in unorganized territory, and the risk management official requests the Minister of Finance to recover amounts specified in the order that relate to things done in connection with that property, those amounts shall be deemed to be taxes in respect of the property imposed under section 2 of the *Provincial Land Tax Act, 2006* and may be collected in the same way and with the same priorities as taxes under that Act. 2006, c. 22, s. 69 (3); 2006, c. 33, Sched. Z.3, s. 33 (3).

Same

(4) An instruction under subsection (2) or (3) shall state which of the amounts specified in the order to pay relate to things done in connection with the property. 2006, c. 22, s. 69 (4).

Same

(5) Money collected in accordance with subsection (2) or (3), less the costs reasonably attributable to the collection, shall be paid by the municipality or the Land Tax Collector, as the case may be, to the person to whom the costs are payable under clause 67 (5) (c). 2006, c. 22, s. 69 (5).

Section Amendments with date in force (d/m/y) [+]**Hearing by Tribunal****Orders**

70 (1) When the risk management official or a risk management inspector makes an order listed in subsection (2), he or she shall serve written notice, together with written reasons for making the order, on the person against whom the order is made. 2006, c. 22, s. 70 (1).

Application of subs. (1)

(2) Subsection (1) applies to:

1. An order under section 56 or 58 establishing or amending a risk management plan.
2. An order under section 61, 63, 67 or 80. 2006, c. 22, s. 70 (2).

Refusals

(3) When the risk management official refuses to make an order under section 58 establishing or amending a risk management plan or refuses to issue a notice under section 59, he or she shall serve written notice, together with written reasons for the refusal, on the person who made the application for the establishment or amendment of the plan or the issuance of the notice. 2006, c. 22, s. 70 (3).

Notice requiring hearing

(4) A person who receives a notice under subsection (1) or (3) may require a hearing by the Tribunal by serving written notice, within 60 days after the service of the notice under subsection (1) or (3), on the Tribunal and on the risk management official or risk management inspector who served the notice under subsection (1) or (3). 2006, c. 22, s. 70 (4).

Extension of time for requiring hearing

71 The Tribunal shall extend the time in which a person may give a notice under subsection 70 (4) requiring a hearing on an order or refusal where, in the Tribunal's opinion, it is just to do so because service of the notice under subsection 70 (1) or (3) did not give the person notice of the order or refusal. 2006, c. 22, s. 71.

Contents of notice requiring hearing

72 (1) A person who requires a hearing by the Tribunal shall state in the notice requiring the hearing,

- (a) the portions of the order on which the hearing is required, if the hearing is required on an order; and
- (b) the grounds on which the person intends to rely at the hearing. 2006, c. 22, s. 72 (1).

Effect of contents of notice

(2) Except with leave of the Tribunal, at a hearing by the Tribunal, the person who required the hearing is not entitled to appeal a portion of an order, or to rely on a ground, that is not stated in the notice requiring the hearing. 2006, c. 22, s. 72 (2).

Leave by Tribunal

(3) The Tribunal may grant the leave referred to in subsection (2) where the Tribunal is of the opinion that to do so is proper in the circumstances, and the Tribunal may give such directions as the Tribunal considers proper consequent on the granting of the leave. 2006, c. 22, s. 72 (3).

Stays on appeal

73 (1) The commencement of a proceeding before the Tribunal under section 70 does not stay the operation of an order on which the hearing is required, unless the order was made under section 67. 2006, c. 22, s. 73 (1).

Tribunal may grant stay

(2) The Tribunal may, on the application of a party to a proceeding commenced under section 70, stay the operation of the order on which the hearing is required. 2006, c. 22, s. 73 (2).

When stay may not be granted

(3) The Tribunal shall not stay the operation of an order under subsection (2) if doing so would result in a drinking water health hazard. 2006, c. 22, s. 73 (3).

Removal of stay by Tribunal

(4) The Tribunal, on the application of a party to a proceeding, shall remove a stay if failure to do so would result in a drinking water health hazard. 2006, c. 22, s. 73 (4).

Section Amendments with date in force (d/m/y) [+]**Parties**

74 The parties to the hearing are:

1. The person requiring the hearing.
2. The risk management official or risk management inspector who was served under subsection 70 (4).
3. Any other person specified by the Tribunal. 2006, c. 22, s. 74.

Costs specified in order to pay may be increased by Tribunal

75 At a hearing by the Tribunal on an order to pay costs under section 67, the risk management official may, on reasonable notice to all parties, ask the Tribunal to amend the order by adding new costs or expenses or by increasing the amounts set out in the order. 2006, c. 22, s. 75.

Powers of Tribunal

76 Subject to section 77, a hearing by the Tribunal required by section 70 shall be a new hearing and the Tribunal may confirm, alter or revoke the action of the risk management official or risk management inspector that is the subject-matter of the hearing and may by order direct the risk management official or risk management inspector to take such action as the Tribunal considers the risk management official or risk management inspector should take in accordance with this Act and the regulations, and, for such purposes, the Tribunal may substitute its opinion for that of the risk management official or risk management inspector. 2006, c. 22, s. 76.

What Tribunal may consider at hearing to pay costs

77 (1) At a hearing by the Tribunal on an order under subsection 67 (1) or (3) to a person to pay the costs of doing things, the Tribunal shall consider only whether any of the costs specified in the order,

- (a) do not relate to a thing that the person was required to do by an order made under section 63, as amended by any Tribunal decision; or
- (b) are unreasonable having regard to what was done. 2006, c. 22, s. 77 (1).

Same, receiver or trustee in bankruptcy

(2) For the purpose of subsection (1), if the order under subsection 67 (1) or (3) was issued to a receiver or trustee in bankruptcy,

- (a) the receiver or trustee in bankruptcy shall be deemed to have been required to do any thing that was required to be done by the person whose property the receiver or trustee in bankruptcy holds or administers; and
- (b) the receiver or trustee in bankruptcy shall be deemed to have been required to do a thing that, pursuant to subsection 79 (5), the receiver or trustee in bankruptcy was not required to do. 2006, c. 22, s. 77 (2).

Records

78 (1) Every person required to retain a record pursuant to an order issued under this Part or pursuant to a risk management plan that is agreed to or established under section 56 or 58 shall make the record available to a risk management inspector for inspection on his or her request. 2006, c. 22, s. 78 (1); 2009, c. 33, Sched. 15, s. 2 (8).

Copies or extracts

(2) The risk management inspector may, on giving a receipt, remove any record referred to in subsection (1) for the purpose of making copies or extracts and shall promptly return the record. 2006, c. 22, s. 78 (2).

Records in electronic form

(3) If a record is retained in electronic form, the risk management inspector may require that a copy of it be provided to him or her on paper or in a machine-readable medium or both. 2006, c. 22, s. 78 (3).

Section Amendments with date in force (d/m/y) [+]

Successors and assigns

79 (1) An order under section 61, 63, 67 or 80 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed. 2006, c. 22, s. 79 (1).

Limitation

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets. 2006, c. 22, s. 79 (2).

Receivers and trustees

(3) An order under section 63, 67 or 80 that relates to property is binding on a receiver or trustee that holds or administers the property. 2006, c. 22, s. 79 (3).

Limitation

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets. 2006, c. 22, s. 79 (4).

Exception

- (5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,
- (a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the risk management official that they have abandoned, disposed of or otherwise released their interest in the property; or
 - (b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property. 2006, c. 22, s. 79 (5).

Extension of period

(6) The risk management official may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as he or she considers appropriate. 2006, c. 22, s. 79 (6).

Notice under subs. (5)

(7) Notice under clause (5) (a) or (b) must be given in the manner prescribed by the regulations. 2006, c. 22, s. 79 (7).

Authority to order access

80 (1) If a person is required by a risk management plan agreed to or established under section 56 or 58 to do a thing on or in any place, the risk management official may order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing. 2006, c. 22, s. 80 (1).

Same

(2) A risk management inspector who has authority under this Part to require that a thing be done on or in any place also has authority to order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing. 2006, c. 22, s. 80 (2).

Annual reports

81 Each risk management official shall annually prepare and submit to the appropriate source protection authority in accordance with the regulations a report that summarizes the actions taken by the risk management official and risk management inspectors under this Part. 2006, c. 22, s. 81.

**PART V
OTHER MATTERS**

Existing aboriginal or treaty rights

82 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*. 2006, c. 22, s. 82.

Great Lakes advisory committees

83 The Minister may establish one or more advisory committees to provide advice to the Minister on any matter relating to the use of the Great Lakes as a source of drinking water. 2006, c. 22, s. 83.

Great Lakes reports from source protection authorities

84 (1) The Minister may direct a source protection authority,

- (a) to prepare and submit to the Minister, in accordance with the direction, a report on any matter relating to the use of the Great Lakes as a source of drinking water; or
- (b) to assist another source protection authority in preparing a report under clause (a). 2006, c. 22, s. 84 (1).

Consultation

(2) In preparing a report under this section, the source protection authority shall consult with all of the municipalities in which any part of the authority's source protection area is located and with such other persons or bodies as are specified by the Minister. 2006, c. 22, s. 84 (2).

Great Lakes targets

85 (1) The Minister may establish targets relating to the use of the Great Lakes as a source of drinking water for one or more source protection areas that contribute water to the Great Lakes. 2006, c. 22, s. 85 (1).

Same

(2) Targets may be established under subsection (1) respecting the quality or quantity of water. 2006, c. 22, s. 85 (2).

Division of target among source protection areas

(3) If the Minister establishes a target under subsection (1) for a group of source protection areas, the Minister may direct the source protection authorities for those source protection areas to jointly establish, in accordance with the direction, a target for each of the source protection areas. 2006, c. 22, s. 85 (3).

Same

(4) If the source protection authorities fail to jointly establish a target for each of the source protection areas under subsection (3), the Minister may establish a target for each source protection area. 2006, c. 22, s. 85 (4).

Same

(5) If the Minister is of the opinion that a target established for a source protection area under subsection (3) is not appropriate, the Minister may establish the target for that area. 2006, c. 22, s. 85 (5).

Reports

(6) If a target is established for a source protection area under this section, the Minister may direct the source protection authority for the source protection area to prepare and submit to the Minister, in accordance with the direction,

- (a) a report that recommends policies that should be set out in the source protection plan for the source protection area to assist in achieving the target;
- (b) a report that recommends other steps that should be taken to assist in achieving the target; or
- (c) a report that recommends,
 - (i) policies that should be set out in the source protection plan for the source protection area to assist in achieving the target, and
 - (ii) other steps that should be taken to assist in achieving the target. 2006, c. 22, s. 85 (6).

Consultation

(7) In preparing a report under subsection (6), the source protection authority shall consult with all of the municipalities in which any part of the authority's source protection area is located and with such other persons or bodies as are specified by the Minister. 2006, c. 22, s. 85 (7).

Environmental Bill of Rights, 1993

(8) A target established under this section is a policy for the purpose of the *Environmental Bill of Rights, 1993*. 2006, c. 22, s. 85 (8).

Obligations of municipalities

86 (1) A municipality in which any part of a source protection area is located shall co-operate with the source protection authority and source protection committee for the source protection area, with other municipalities in which any part of the source protection area is located, and with ministries of the Government of Ontario in addressing issues that affect the quality or quantity of any water that is or may be used as a source of drinking water. 2006, c. 22, s. 86 (1).

Same

(2) Without limiting the generality of subsection (1), a municipality shall, on request, for a purpose listed in subsection (3),

- (a) provide a source protection authority, source protection committee, municipality or ministry with copies of any document or other record in the possession or control of the municipality that relates to the quality or quantity of any water that is or may be used as a source of drinking water, including,
 - (i) any technical or scientific studies undertaken by or on behalf of the municipality, and
 - (ii) any document or other record relating to a drinking water threat; and
- (b) assist a source protection authority, source protection committee, municipality or ministry in obtaining information. 2006, c. 22, s. 86 (2).

Purposes

(3) The purposes referred to in subsection (2) are:

1. The preparation, amendment, updating or reviewing of terms of reference, an assessment report or a source protection plan under this Act.
2. The preparation of a report under this Act. 2006, c. 22, s. 86 (3).

Obligations of others

87 (1) On request, a person or body listed in subsection (2) shall, for a purpose listed in subsection (3), provide a source protection authority, source protection committee, municipality or ministry with copies of any document or other record in the possession or control of the person or body that relates to the quality or quantity of any water that is or may be used as a source of drinking water, including,

- (a) any technical or scientific studies undertaken by or on behalf of the person or body; and
- (b) any document or other record relating to a drinking water threat. 2006, c. 22, s. 87 (1).

Persons and bodies

(2) The persons and bodies referred to in subsection (1) are:

1. A local board.
2. A ministry, board, commission or agency of the Government of Ontario.
3. A designated administrative authority within the meaning of the *Safety and Consumer Statutes Administration Act, 1996* that is prescribed by the regulations. 2006, c. 22, s. 87 (2).

Purposes

(3) The purposes referred to in subsection (1) are:

1. The preparation, amendment, updating or reviewing of terms of reference, an assessment report or a source protection plan under this Act.
2. The preparation of a report under this Act. 2006, c. 22, s. 87 (3).

Section Amendments with date in force (d/m/y) [+]**Powers of entry**

88 (1) Subject to subsections (4) and (5), an employee or agent of a source protection authority or a person designated by a source protection authority under subsection (2) may enter property, without the consent of the owner or occupier and without a warrant, if,

- (a) the entry is for the purpose of collecting information relevant to the preparation of an assessment report or source protection plan under this Act;
- (b) the entry is for the purpose of collecting information relevant to the preparation of a report under section 21 or 46; or
- (c) the entry is for the purpose of conducting a monitoring program under section 45. 2006, c. 22, s. 88 (1).

Designation by source protection authority

(2) A source protection authority may in writing designate, for the purposes of subsection (1),

- (a) an employee or agent of a municipality; or
- (b) all persons who are members of a class of employees or agents of a municipality. 2006, c. 22, s. 88 (2).

Municipality

(3) Subject to subsections (4) and (5), an employee or agent of a municipality may enter property, without the consent of the owner or occupier and without a warrant, if the entry is for the purpose of collecting information relevant to the preparation of a source protection plan or report under an agreement under section 26. 2006, c. 22, s. 88 (3).

Designation by Minister

(3.1) If the Minister issues an order under subsection 33 (3), the Minister may in writing designate, for the purposes of subsection (1),

- (a) a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry;
- (b) members of a class of public servants employed under Part III of the *Public Service of Ontario Act, 2006*; or
- (c) any other person or members of any other class of persons. 2009, c. 33, Sched. 15, s. 2 (9).

Minister's designate

(3.2) Subject to subsections (4) and (5), a person designated under subsection (3.1) may enter property, without the consent of the owner or occupier and without a warrant, if the entry is for the purpose of collecting information relevant to the preparation or review of an assessment report or source protection plan that is the subject of an order made under subsection 33 (3). 2009, c. 33, Sched. 15, s. 2 (9).

Designation by Minister, monitoring

(3.3) If a public body described in clause (b) of the definition of "public body" in subsection 2 (1) is designated in a source protection plan as being responsible for the implementation of a policy governing monitoring, the Minister may designate in writing, for the purposes of subsection (1),

- (a) a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry;
- (b) members of a class of public servants employed under Part III of the *Public Service of Ontario Act, 2006*; or
- (c) any other person or members of any other class of persons. 2009, c. 33, Sched. 15, s. 2 (9).

Same

(3.4) Subject to subsections (4) and (5), a person designated under subsection (3.3) may enter property without the consent of the owner or occupier and without a warrant, if the entry is for the purpose of conducting a monitoring program under section 45. 2009, c. 33, Sched. 15, s. 2 (9).

Training

(4) A person shall not enter property unless the person has received training prescribed by the regulations. 2006, c. 22, s. 88 (4).

Dwellings

(5) A person shall not enter a room actually used as a dwelling without the consent of the occupier except under the authority of a warrant under subsection 62 (11). 2006, c. 22, s. 88 (5).

Application of s. 62 (4-19)

(6) Subsections 62 (4) to (19) apply, with necessary modifications, to entries to property under this section. 2006, c. 22, s. 88 (6).

Section Amendments with date in force (d/m/y) [+]**Notice of health hazard**

89 (1) A person who has authority to enter property under section 62 or 88 shall immediately notify the Ministry in accordance with the regulations if,

- (a) the person becomes aware that a substance is being discharged or is about to be discharged into the raw water supply of,
 - (i) an existing municipal drinking water system that serves a major residential development, or
 - (ii) any other existing drinking water system that was considered or is required to be considered in an assessment report or source protection plan; and
- (b) the person is of the opinion that, as a result of the discharge, an imminent drinking water health hazard exists. 2006, c. 22, s. 89 (1).

Notice of Director's response

(2) The Director shall, within 30 days after receiving a notice under subsection (1), give written notice of any action taken by the Ministry to,

(a) the source protection authority, if the notice under subsection (1) was given by an employee or agent of a source protection authority; or

(b) the municipality, if the notice under subsection (1) was given by an employee or agent of a municipality. 2006, c. 22, s. 89 (2).

Section Amendments with date in force (d/m/y) [+]

Obstruction prohibited

90 No person shall hinder or obstruct any of the following persons in the exercise or performance of his or her powers or duties under this Act:

1. A person who has authority to enter property or do any other thing under section 62, 66 or 88.

2. Any other person prescribed by the regulations. 2006, c. 22, s. 90.

False information

91 (1) No person shall orally, in writing or electronically give or submit false or misleading information in any statement or document to the Minister, the Director, an employee or agent of a source protection authority or municipality, a risk management official or a risk management inspector, in respect of any matter related to this Act or the regulations. 2006, c. 22, s. 91 (1).

Same

(2) No person shall include false or misleading information in any document required to be created, stored or submitted under this Act. 2006, c. 22, s. 91 (2).

Expropriation

92 A municipality or source protection authority may, for the purpose of implementing a source protection plan, acquire by purchase, lease or otherwise, or, subject to the *Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest in land. 2006, c. 22, s. 92.

Delegation

93 (1) The Minister may in writing delegate any of his or her powers or duties under this Act to an employee in the Ministry specified in the delegation, other than the power to make a regulation under this Act. 2006, c. 22, s. 93 (1); 2006, c. 35, Sched. C, s. 16 (3).

Same

(2) A reference in this Act or the regulations to the Minister shall, for the purpose of a delegation under subsection (1), be deemed to be a reference to the delegate. 2006, c. 22, s. 93 (2).

Section Amendments with date in force (d/m/y) [+]

Extensions of time

94 The Minister may in writing extend the time for doing anything required under this Act, before or after the time for doing the thing has expired. 2006, c. 22, s. 94.

Non-application of certain Acts

95 (1) The *Statutory Powers Procedure Act* does not apply to anything done under this Act other than a proceeding before the Tribunal. 2006, c. 22, s. 95 (1).

Not an undertaking

(2) For greater certainty, a source protection plan is not an undertaking as defined in subsection 1 (1) of the *Environmental Assessment Act*, but that Act continues to apply within the source protection area. 2006, c. 22, s. 95 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 95 (2) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 48)

Not a regulation

(3) A source protection plan and an order made under subsection 41 (2) are not regulations within the meaning of Part III of the *Legislation Act, 2006*. 2006, c. 22, ss. 95 (3), 116 (4).

Section Amendments with date in force (d/m/y) [+]**Consequential authority**

96 (1) The authority to make an order under this Act includes the authority to require the person or entity to whom the order is issued to take any intermediate actions or procedural steps, specified in the order, that are related to the action required or prohibited by the order. 2006, c. 22, s. 96 (1).

Directions

(2) For greater certainty, where a section in this Act gives a person the power to give directions and the section does not expressly provide the authority to amend or revoke a direction, the section shall be interpreted as including the authority to do so. 2006, c. 22, s. 96 (2).

Ontario Drinking Water Stewardship Program

97 (1) A program to be known in English as the Ontario Drinking Water Stewardship Program and in French as Programme ontarien d'intendance de l'eau potable is hereby established. 2006, c. 22, s. 97 (1).

Purpose

(2) The purpose of the program is to provide financial assistance in accordance with the regulations to,

- (a) persons whose activities or properties are affected by this Act;
- (b) persons and bodies who administer incentive programs and education and outreach programs that are related to source protection plans; and
- (c) other persons and bodies, in circumstances specified in the regulations that are related to the protection of existing or future sources of drinking water. 2006, c. 22, s. 97 (2).

Limitations on remedies

98 (1) No cause of action arises as a direct or indirect result of,

- (a) the enactment or repeal of any provision of this Act;
- (b) the making or revocation of any provision of the regulations made under this Act;
- (c) anything done or not done by a source protection committee, source protection authority, municipality or local board, by a minister, ministry, board, commission or agency of the Government of Ontario, or by the Director, in accordance with Part I, II or III; or
- (d) anything done or not done by a risk management official under section 56. 2006, c. 22, s. 98 (1).

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1) (a), (b), (c) or (d). 2006, c. 22, s. 98 (2).

Proceedings barred

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in clause (1) (a), (b), (c) or (d) may be brought or maintained against any person. 2006, c. 22, s. 98 (3).

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after that subsection comes into force. 2006, c. 22, s. 98 (4).

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force shall be deemed to have been dismissed, without costs, on the day that subsection comes into force. 2006, c. 22, s. 98 (5).

No expropriation or injurious affection

(6) Nothing done or not done in accordance with this Act or the regulations, other than an expropriation under section 92, constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2006, c. 22, s. 98 (6).

Person defined

(7) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, members of the Executive Council, and source protection authorities, source protection committees, municipalities, municipal planning authorities and planning boards and their employees and agents. 2006, c. 22, s. 98 (7).

Immunity from action

99 (1) This section applies to powers granted and duties imposed by this Part or by Part IV, other than section 56, on the following persons:

1. Risk management officials.
2. Risk management inspectors.
3. Employees or agents of municipalities, local boards or source protection authorities.
4. Employees or agents of a ministry, board, commission or agency of the Government of Ontario. 2006, c. 22, s. 99 (1).

Same

(2) No action or other proceeding shall be instituted against a person referred to in subsection (1) for any act done in good faith in the execution or intended execution of any power or duty to which this section applies or for any alleged neglect or default in the execution in good faith of that power or duty. 2006, c. 22, s. 99 (2).

Same

(3) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (2) does not relieve the employer or principal of the person referred to in subsection (1) of liability in respect of a tort committed by the person referred to in subsection (1) to which the employer or principal would otherwise be subject and the employer or principal is liable for any such tort as if subsection (2) were not enacted. 2006, c. 22, s. 99 (3); 2019, c. 7, Sched. 17, s. 50.

Section Amendments with date in force (d/m/y) [+]**Service**

100 (1) A document, other than an offence notice or summons, that is to be given or served under this Act is sufficiently given or served if it is,

- (a) delivered personally;
- (b) sent by mail addressed to the person to whom delivery or service is required to be made at the latest address for the person that appears on the records of the person or body giving or serving the document;
- (c) sent by fax to the latest fax number for the person to whom delivery or service is required to be made that appears on the records of the person or body giving or serving the document; or

(d) given or served in accordance with the regulations respecting service. 2006, c. 22, s. 100 (1).

Service deemed made

(2) If service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing, unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the document until a later date. 2006, c. 22, s. 100 (2).

Same

(3) If service is made by fax, the service shall be deemed to be made on the day after the day the fax is sent, unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the faxed document until a later date. 2006, c. 22, s. 100 (3).

Service of offence notice, etc., municipalities, corporations, etc.

101 (1) Service of an offence notice or summons on a municipality may be effected by delivering the offence notice or summons personally to the mayor, warden, reeve or other chief officer of the municipality or to the clerk of the municipality. 2006, c. 22, s. 101 (1).

Service on other corporations

(2) Service of an offence notice or summons on a corporation other than a municipality may be effected by delivering the offence notice or summons personally to the manager, secretary or other officer of the corporation or to a person apparently in charge of a branch office of the corporation. 2006, c. 22, s. 101 (2).

Service on partnership

(3) Service of an offence notice or summons on a partnership may be effected by delivering the offence notice or summons personally to a partner or to a person apparently in charge of an office of the partnership. 2006, c. 22, s. 101 (3).

Service on a sole proprietorship

(4) Service of an offence notice or summons on a sole proprietorship may be effected by delivering it personally to the sole proprietor or to a person apparently in charge of an office of the sole proprietorship. 2006, c. 22, s. 101 (4).

Substituted service

(5) On application without notice, a justice, on being satisfied that service cannot be made effectively in accordance with subsections (1) to (4), may by order authorize another method of service that has a reasonable likelihood of coming to the attention of the municipality, other corporation, partnership or sole proprietorship. 2006, c. 22, s. 101 (5).

Proof of certain documents

102 A copy of a document that purports to be certified by the Minister, the Director or a risk management official as a copy of any of the following documents shall be received in evidence as proof, in the absence of evidence to the contrary, of the document and of the facts certified, without proof of the signature or office of the person who signed the certification:

1. A source protection plan in respect of which notice has been published under section 30.
2. An assessment report that has been approved by the Director.
3. An order issued under Part IV.
4. A risk management plan that has been agreed to or established under section 56 or 58. 2006, c. 22, s. 102.

Proof of facts stated in certain documents

103 (1) A document described in subsection (2) that purports to be signed by the Minister, the Director, a risk management official or a risk management inspector shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or position of the person appearing to have signed the document. 2006, c. 22, s. 103 (1).

Application

(2) This section applies to the following documents:

1. A certificate as to service of a notice given under Part IV.
2. A certificate as to whether or not any document or notice was received or issued by the Minister, the Director, a risk management official or a risk management inspector.
3. A certificate as to the custody of any book, record or report or as to the custody of any other document. 2006, c. 22, s. 103 (2).

Binds the Crown

104 This Act binds the Crown. 2006, c. 22, s. 104.

Conflict

105 (1) If there is a conflict between a provision of this Act and a provision of another Act or a regulation or instrument made, issued or otherwise created under another Act with respect to a matter that affects or has the potential to affect the quality or quantity of any water that is or may be used as a source of drinking water, the provision that provides the greatest protection to the quality and quantity of the water prevails. 2006, c. 22, s. 105 (1).

Nutrient Management Act, 2002

(2) Despite subsection (1), if there is a conflict between a provision of this Act and a provision of the *Nutrient Management Act, 2002* or a regulation or instrument made, issued or otherwise created under that Act, the provision of this Act prevails. 2006, c. 22, s. 105 (2).

Offences

106 (1) Every person who contravenes subsection 57 (1) or 58 (1) is guilty of an offence. 2006, c. 22, s. 106 (1).

Same

(2) Every person who fails to comply with an order made under section 61 or 63 is guilty of an offence. 2006, c. 22, s. 106 (2).

Same

(3) Every person who fails to comply with an order made under subsection (9) is guilty of an offence. 2006, c. 22, s. 106 (3).

Same

(4) Every person who contravenes section 90 or 91 is guilty of an offence. 2006, c. 22, s. 106 (4).

Penalty, individual

(5) An individual who is guilty of an offence under this section is liable, on conviction,

- (a) in the case of a first conviction, to a fine of not more than \$25,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a subsequent conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues. 2006, c. 22, s. 106 (5).

Same, corporation

(6) A corporation that is guilty of an offence under this section is liable, on conviction,

- (a) in the case of a first conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues. 2006, c. 22, s. 106 (6).

Directors, officers, employees and agents

(7) If a corporation commits an offence under this section, a director, officer, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or failed to take all reasonable care to prevent the commission of the offence, or who participated in the commission of the offence, is also guilty of the offence, whether the corporation has been prosecuted for the offence or not. 2006, c. 22, s. 106 (7).

Penalty re monetary benefit

(8) The court that convicts a person of an offence under this section, in addition to any other penalty imposed by the court, may increase a fine imposed on the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite the maximum fine provided in subsection (5) or (6). 2006, c. 22, s. 106 (8); 2009, c. 33, Sched. 15, s. 2 (10).

Additional orders

(9) The court that convicts a person under this section may, on its own initiative or on the motion of counsel for the prosecutor, make one or more of the following orders:

1. An order requiring the person, within the period or periods specified in the order, to take specified action to prevent, decrease or eliminate any adverse effect or potential adverse effect on the quality or quantity of any water that is or may be used as a source of drinking water.
2. An order requiring the person, within the period or periods specified in the order, to comply with an order under Part IV or a risk management plan agreed to or established under Part IV.
3. An order imposing requirements that the court considers appropriate to prevent similar unlawful conduct or to contribute to the person's rehabilitation.
4. An order prohibiting the continuation or repetition of the offence by the person. 2006, c. 22, s. 106 (9).

Other remedies and penalties preserved

(10) Subsection (9) is in addition to any other remedy or penalty provided by law. 2006, c. 22, s. 106 (10).

Limitation

(11) A proceeding under this section shall not be commenced more than two years after the later of the following days:

1. The day on which the offence was committed.
2. The day on which evidence of the offence first came to the attention of a risk management official, a risk management inspector or a person who enters property under section 88. 2006, c. 22, s. 106 (11).

Section Amendments with date in force (d/m/y) [+]

Technical rules

107 (1) The Director may make rules establishing requirements relating to risk assessments, risk management plans and any matter that is authorized or required to be included in an assessment report. 2006, c. 22, s. 107 (1).

Examples

(2) Without limiting the generality of subsection (1), a rule may,

- (a) require vulnerable areas to be identified and their boundaries determined or mapped in accordance with the rules;
- (b) require drinking water threats to be identified in accordance with the rules;
- (c) require risk assessments to be prepared in accordance with the rules;
- (d) require significant drinking water threats to be identified in accordance with the rules; or
- (e) require risk management plans to be prepared in accordance with the rules, including requiring a risk management plan to be prepared to achieve standards set out in the rules. 2006, c. 22, s. 107 (2).

Coming into force

(3) A rule comes into force when a notice of the making of the rule is published on the environmental registry established under the *Environmental Bill of Rights, 1993* or on such later date as may be specified in the rule. 2006, c. 22, s. 107 (3).

Not a regulation

(4) A rule is not a regulation within the meaning of Part III of the *Legislation Act, 2006*. 2006, c. 22, ss. 107 (4), 116 (5).

Conflict with regulations

(5) If a rule conflicts with the regulations, the regulations prevail. 2006, c. 22, s. 107 (5).

Section Amendments with date in force (d/m/y) [+]**Regulations – Minister**

108 (1) The Minister may make regulations,

- (a) altering, for the purposes of this Act, the boundaries of a source protection area established by subsection 4 (1);
- (b) designating, for the purposes of this Act, the participating municipalities for a conservation authority, if the boundaries of a source protection area are altered by a regulation under clause (a);
- (c) establishing and defining the boundaries of drinking water source protection areas in the parts of Ontario that are not covered by the source protection areas established by subsection 4 (1);
- (d) naming a source protection area;
- (e) providing for transitional matters that, in the opinion of the Minister, are necessary or desirable for the purposes of this Act when the area of jurisdiction of a conservation authority is enlarged under section 10 of the *Conservation Authorities Act*, a new conservation authority is established under section 11 of that Act, or a conservation authority is dissolved under section 13.1 of that Act;
- (f) designating a person or body for a source protection area for the purpose of section 5;
- (g) governing voting at and the quorum for meetings of a person or body designated under clause (f);
- (h) consolidating two or more source protection areas into a drinking water source protection region;
- (i) naming a source protection region established under clause (h);
- (j) designating a source protection authority as the lead source protection authority for a source protection region;
- (k) governing the number of members of source protection committees;
- (l) governing the appointment of source protection committees;
 - (m) authorizing the Minister, on application, to grant exemptions from the regulations made under clause (l), subject to such conditions and restrictions as the Minister may impose, and governing those applications and exemptions;
- (n) governing the operation of source protection committees. 2006, c. 22, s. 108.

Regulations under cl. (1) (b)

(2) If a regulation is made under clause (1) (b) designating participating municipalities for a conservation authority for the purposes of this Act, section 14 of the *Conservation Authorities Act* applies to the conservation authority with necessary modifications, for the purposes of this Act. 2009, c. 33, Sched. 15, s. 2 (11).

Section Amendments with date in force (d/m/y) [+]**Regulations – L.G. in C.**

109 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing the preparation and approval of terms of reference, assessment reports and source protection plans, including regulations,

- (i) governing the contents of terms of reference, assessment reports and source protection plans, including regulations,
 - (A) requiring terms of reference, assessment reports or source protection plans to contain provisions specified by the regulations,
 - (B) restricting the circumstances in which terms of reference, assessment reports or source protection plans may contain provisions specified by the regulations, or
 - (C) prohibiting terms of reference, assessment reports or source protection plans from containing provisions specified by the regulations,
- (ii) governing consultation during the preparation of terms of reference, assessment reports and source protection plans,
- (iii) governing the mediation of disputes that arise in the preparation of terms of reference, assessment reports and source protection plans,
- (iv) governing the preparation of terms of reference, assessment reports and source protection plans under section 33, and
- (v) requiring anything authorized or required under this Act in connection with the preparation and approval of terms of reference, assessment reports or source protection plans to be done within a time period prescribed by the regulations;
- (b) governing the amendment of terms of reference under section 13, including, for the purpose of subsection 13 (1), prescribing the circumstances in which a source protection committee may propose amendments under that subsection;
- (c) governing the amendment of source protection plans under section 34 or 35, including, for the purpose of section 34, prescribing the circumstances in which a source protection authority may propose amendments under that section;
- (d) REPEALED: 2009, c. 33, Sched. 15, s. 2 (12).
- (e) authorizing the Minister, on application, to grant exemptions from regulations made under clause (a) or (c), subject to such conditions and restrictions as the Minister may impose, and governing those applications and exemptions;
- (f) governing the preparation of risk assessments;
- (g) governing the preparation and content of risk management plans;
- (h) governing and clarifying the application of subsection 39 (4), including determining when a conflict exists for the purpose of that subsection and determining the nature of the conflict;
- (i) dealing with any problems or issues arising as a result of the application of subsection 39 (4);
- (j) resolving conflicts between the provisions of significant threat policies and designated Great Lakes policies set out in source protection plans and the provisions of plans and policies mentioned in subsection 39 (5), including determining which provisions prevail or how the plans or policies must be modified to resolve the conflict;
- (k) governing and clarifying the application of subsections 39 (7), 43 (1) and 44 (1), including determining when a prescribed instrument does not conform with a significant threat policy or designated Great Lakes policy set out in a source protection plan for the purpose of those subsections, and determining the nature of the non-conformity;
- (l) dealing with any problems or issues arising as a result of the application of subsections 39 (7), 43 (1) and 44 (1);
- (m) resolving any non-conformity between provisions of prescribed instruments and provisions of significant threat policies and designated Great Lakes policies set out in source protection plans, including determining how prescribed instruments must be amended to resolve the non-conformity;
- (n) governing annual reports required by section 46 or 81;
- (o) governing the provision of financial assistance under subsection 97 (2);

- (p) requiring municipalities within a source protection area for which a source protection plan has taken effect to pass by-laws referred to in section 142 of the *Municipal Act, 2001* or section 105 of the *City of Toronto Act, 2006* and specify the municipalities and the by-law provisions;
- (q) prescribing powers that must be exercised by municipalities in making a by-law referred to in clause (p) that are additional to those powers referred to in section 142 of the *Municipal Act, 2001* or section 105 of the *City of Toronto Act, 2006*;
- (r) requiring documents or data to be created, stored or submitted by a source protection committee, source protection authority, municipality, risk management official or risk management inspector, and prescribing the methods of creating, storing or submitting the documents and data;
- (s) prescribing the location at which documents or data must be created or stored;
- (t) requiring any document authorized or required under this Act to be in a form approved by the Director or the Minister;
- (u) defining “significant groundwater recharge area”, “highly vulnerable aquifer”, “surface water intake protection zone”, “wellhead protection area”, and defining any other word or expression used in this Act that is not already defined in this Act;
- (v) exempting any person or thing from this Act or any provision of this Act, subject to such conditions as may be prescribed by the regulations;
- (w) prescribing or respecting any matter that this Act refers to as a matter prescribed by the regulations or as otherwise dealt with by the regulations, other than a matter for which the Minister has authority to make regulations under section 108;
- (x) providing for transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of this Act, a provision of this Act or a source protection plan, other than transitional matters that the regulations made under clause 108 (e) may provide. 2006, c. 22, s. 109 (1); 2009, c. 33, Sched. 15, s. 2 (12, 13).

Terms of reference requiring action by municipalities

(2) A regulation under clause (1) (a) governing the contents of terms of reference may authorize or require the terms of reference to require a municipality, within a time period set out in the terms of reference or established by the source protection committee, to perform tasks set out in the terms of reference for the purpose of preparing an assessment report or source protection plan. 2006, c. 22, s. 109 (2).

Assistance from source protection authority

(3) If, pursuant to subsection (2), a municipality is required by terms of reference to perform tasks set out in the terms of reference, the source protection authority for the source protection area shall designate such persons or classes of persons under subsection 88 (2) as are required for the purpose of performing the task and shall provide scientific, technical and administrative support and resources to assist the municipality in performing the task. 2006, c. 22, s. 109 (3).

Use of anything produced by municipality

(4) A regulation under clause (1) (a) governing the contents of assessment reports or source protection plans may govern the use by the source protection committee of anything that is produced by a municipality pursuant to a provision in the terms of reference that requires the municipality to perform tasks set out in the terms of reference. 2006, c. 22, s. 109 (4).

Remediation plans

(5) A regulation under clause (1) (g) may require a risk management plan to contain provisions dealing with the remediation of adverse effects caused by the activity to which the plan relates. 2006, c. 22, s. 109 (5).

Drinking water systems that serve reserves

(6) A regulation may not be made under clause (1) (w) that prescribes, for the purpose of subclause 15 (2) (e) (iv), a drinking water system that serves or is planned to serve a reserve as defined in the *Indian Act* (Canada), unless the Minister has received a resolution of the council of the band, as defined in that Act, requesting that the Minister recommend to the Lieutenant Governor in Council the making of the regulation. 2006, c. 22, s. 109 (6).

Regulations made under cl. (1) (x)

(7) Without limiting clause (1) (x), a regulation under that clause may,

- (a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after a source protection plan comes into effect;
- (b) determine which matters, applications and proceedings shall be continued and disposed of in accordance with the source protection plan and which matters, applications and proceedings may be continued and disposed of as if the source protection plan had not come into effect;
- (c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulation. 2006, c. 22, s. 109 (7).

Section Amendments with date in force (d/m/y) [+]

General or particular

110 A rule or regulation made under this Act may be general or particular in its application. 2006, c. 22, s. 110.

Adoption of documents

111 (1) A rule or regulation made under this Act may adopt by reference, in whole or in part, with such changes as the Director, Minister or Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted. 2006, c. 22, s. 111 (1).

Amendments to documents

(2) The power to adopt by reference and require compliance with a document in subsection (1) includes the power to adopt such a document as it may be amended from time to time. 2006, c. 22, s. 111 (2).

When effective

(3) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette* or in the environmental registry established under the *Environmental Bill of Rights, 1993*. 2006, c. 22, s. 111 (3).

112-115 OMITTED (AMENDS OR REPEALS OTHER ACTS). 2006, c. 22, ss. 112-115.

116 OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT). 2006, c. 22, s. 116.

117 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2006, c. 22, s. 117.

118 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2006, c. 22, s. 118.

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