

Clean Water Act Support Info

Source Protection Committees, Source Protection Authorities, and Areas and Regions

The Ontario government has created the Clean Water Act and passed the first set of regulations under the Act. These include the Source Protection Areas and Regions, Source Protection Committees, Terms of Reference, Time Limits, and Miscellaneous Regulations.

For the first time, communities are required to look at their drinking water sources, identify potential sources of contamination or depletion, and create and carry out a plan to protect both the quality and quantity of municipal drinking water sources. The legislation sets out a science-based transparent approach for communities to use to protect their water supplies, one that works for them.

Source protection areas and regions

Source protection area boundaries define the watershed area within which the terms of reference, assessment reports and source protection plans must be developed. Under the Clean Water Act, the source protection area boundaries are initially set as the boundaries of the 38 existing conservation authorities. The Minister has, however, established new source protection areas that are not based on conservation authority boundaries and amended many boundaries for the purposes of the CWA. For those source protection areas that border on a Great Lake and connecting channel, the boundaries have been extended to the international boundaries. Under the Clean Water Act, the regulation now consolidates 32 source protection areas into 11 source protection regions. The remaining 8 source protection areas are stand alone producing 19 areas

or regions that will each have a source protection committee. Source protection authorities and source protection committees will work within the boundaries of the source protection area or region to ultimately produce source protection plans.

Source protection authorities

Generally, the source protection authority follows the same structure as the conservation authority boards, which are made up of members appointed by municipal councils. Where SPAs have been consolidated into a region, the source protection authority acts as the lead and coordinates the efforts of the authorities across each region. This lead authority will establish the source protection committee for the region, and provide administrative and technical support to the committee during the development of the terms of reference, assessment report and the source protection plan.

The source protection authority submits the terms of reference, stakeholder comments and any unresolved concerns of First Nations to the Minister, and posts the terms of reference on the internet after Minister approval. They undertake work set out in the assessment report and will submit the proposed assessment report to the Minister with any stakeholder comments. At the source protection plan stage, the authority undertakes work in the plan, consults with the municipalities on any proposed amendments to the plan, and submits the plan to Minister for approval.

Source Protection Committees

The source protection committee is responsible for developing the source protection plan for the source protection area or region. The committee must consult very broadly across the watershed at three key stages — during the preparation of the terms of reference, the assessment report and the source protection plan.

Membership

The number of members appointed to a source protection committee is based on the complexity and size of the watershed and was determined in consultation with the conservation authorities in the source protection area. The number of members including the chair can be 10, 16 or 22 in total.

The members of the source protection committee are appointed by the source protection authority. Membership is based on a breakdown in which one-third of members must reflect the interests of municipalities; one-third must reflect the interests of the agricultural, commercial or industrial sectors of the source protection area's or region's economy, including small business; and one-third must reflect other interest groups including environmental, health and the public.

With respect to aboriginal membership, if a source protection area or region includes any part of a band's reserve, the source protection authority must provide the chief of the band with a notice containing/highlighting:

- A summary of functions of the committee
- A summary of the obligations of each committee member
- A list of the chiefs that have received the notice; and
- An opportunity for the band councils to jointly select members to sit on the committee – one person for a committee with 10 members; two persons for a

committee with 16 members; and three persons for a committee with 22 members.

Should they wish to participate as a member of the committee, a band council resolution must be passed to formally identify the person(s) that are to be committee members.

The source protection authority is responsible for filling vacancies for the source protection committee, and may appoint a member on an interim basis if an unexpected vacancy occurs. All the committee members must live, rent or own property, own a business or be employed by a municipality in the source protection area or region. A member cannot be a consultant working in the source protection area or region if they do not reside in the area or region, or their home office is not based in the area or region.

Terms of Appointment

Initially the term of appointment of source protection committee will not expire before the first source protection plan is approved. When the source protection plan is approved one-third of the existing committee membership across all the three sectors will be renewed. As well, the terms of members selected by the bands will be renewed as well. One year later, one-third of the committee membership involved in preparing the first source protection plan will be renewed, and finally the last one-third of the committee membership involved in preparing the first source protection plan will need renewal. After that, the terms of a member will be three years. There is no termination for a source protection committee.

A source protection committee may allow the use of proxies when a member is unable to attend a meeting. A proxy is another person authorized to act on behalf of a committee

member, and proxies are included as part of the quorum.

The source protection committee must operate following specific rules of procedure and codes of conduct, and develop a conflict of interest policy, which must be approved by the source protection authority. The source protection authority may remove a committee member including a municipal member at the direction of the particular municipality.

Meetings

Source protection committees must meet at least once a month until the terms of reference are developed. Thereafter, the frequency of meetings would be decided by the committee as outlined in the terms of reference. The committee must publish their calendar of meeting dates as well as their minutes on the internet. Committee meetings are generally to be open to the public.

Chair

Each source protection committee must have a chair appointed by the Minister of the Environment. Once appointed, the chair must follow and administer the rules of procedure, code of conduct and conflict of interest policy developed by the committee. The chair must provide quarterly reports to the source protection authority on the status of the committee work, and be prepared to participate in meetings of the committee chairs as requested by the Minister. A chair must attend all committee meetings. Committee members are allowed, however, to appoint an acting chair to perform all the duties of the chair.

For more information on roles and responsibilities under the Clean Water Act, please refer to the following:

- Source Protection Committee Chair Fact Sheet
- The Clean Water Act: Preparing and Implementing Source Protection Plans Fact sheet
- Roles and Responsibilities for the Clean Water Act, 2006 brochure
- Guidance on Source Protection Committees under the Clean Water Act, 2006
- Guidance on Areas and Regions Regulations under the Clean Water Act, 2006

Further information on the Clean Water Act and the regulations can be found on the Ministry of the Environment website at:

www.ontario.ca/cleanwater

More local information on drinking water source protection can be found at:

http://www.conservation-ontario.on.ca/source_protection/otherswpreionsindex.htm

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