

Clean Water Act Support Info

Terms of Reference Regulation

Everyone in the province has the right to safe, clean drinking water. Unfortunately, many communities have faced threats to their water that could have been prevented. The first step in ensuring safe drinking water is keeping contaminants from seeping into the sources of our drinking water — lakes, rivers and aquifers. That is why 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. The Terms of Reference Regulation has the following provisions:

Terms of Reference for Source Protection Committees

The source protection committee is responsible for preparing the terms of reference for the source protection plan. The terms of reference must include the following components:

- Maps of the areas and regions
- List of municipalities in the source protection areas
- List of existing and planned drinking water systems that will undergo source protection planning
- List of municipal drinking water systems the will not undergo source protection planning
- Work plan that includes major tasks, who's responsible, estimated completion dates and estimated costs

- List of situations that may require consultations with other source protection areas when preparing the assessment report and source protection plan – for example, cross-jurisdictional matters; and
- Dates by which the source protection authority will submit the source protection plans to the Minister for approval.

The source protection committee is required to provide notice to the Chief of Bands (as described in the Indian Act) and the clerks of municipalities located in their source protection area that the preparation of the terms of reference has begun in the watershed, and invite discussions on the work plan. The committee negotiates and consults with the municipalities and source protection authority on the assignment of tasks. Given the major priority of the planning is to protect municipal residential drinking water sources, municipalities are encouraged to lead technical or consultation aspects of their work plan, particularly as it relates to wellheads and intakes. However, before the municipalities are assigned any task, they must pass council resolutions agreeing to undertake that task, so that council acknowledges and accepts this leadership role.

Terms of Reference Consultation

The source protection committee is required to consult on the draft terms of reference. There are two phases of consultation requirements. The first phase of consultation includes one public meeting 21 days after a notice is posted on the Internet and in a newspaper for a 35-day comment period, and



the second phase of consultation is for a 30-day comment period. The committee then considers the comments and may amend the terms of reference. It then forwards the comments and the proposed terms of reference to the source protection authority and posts the terms of reference on the internet.

The source protection authority submits the proposed terms of reference along with any comments received to the Minister for approval. The Minister may approve and/or amend the terms of reference. Once the Minister approves the terms of reference, the authority must post it on the internet. During the development of the terms of reference, the source protection authority must provide administrative and technical support to the source protection committee.

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

- 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/drinkingwater

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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