

Clean Water Act Support Info

Miscellaneous 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's 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 Miscellaneous Regulation contains six separate provisions:

Planned Systems

A “planned” drinking water system is defined in the regulation as a future system or parts of a system that have been planned in accordance with the requirements of the Environmental Assessment Act, including the Municipal Class Environmental Assessment. It also includes any system or part of a system that would serve a reserve, as defined in the Indian Act (Canada).

Amendments to agreements relating to source protection regions

The Clean Water Act requires that source protection authorities for source protection areas that are grouped together into a region establish an agreement between each other regarding the duties

of the lead source protection authority and the relationship between the source protection authorities within the region. The Miscellaneous Regulation gives the Minister a 120 day time frame in which to make amendments to this agreement once it has been submitted to the Minister, or resubmitted to the Minister.

Source Protection Authority: organization whose responsibilities include providing administrative and technical support to the source protection committee and the source protection planning process. In most cases this is the Conservation Authority Board.

Drinking-water systems that cannot be included in the terms of reference

The regulation limits the type of drinking water systems that can be included in the terms of reference by the Minister of the Environment or by municipal council resolution. The regulation prohibits existing non-municipal systems that serve one private residence and no other facility from being included in the terms of reference unless:

- the well/intake for the system is located within a cluster of 6 or more wells/intakes;
- the system is located within an area of settlement as defined in the Planning Act; or
- the private residence contains a facility regulated under the Safe Drinking Water Act.



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

The Miscellaneous Regulation makes the Clean Water Act applicable to the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement which was signed in 2005 under the Great Lakes Charter Annex. This agreement had not yet been signed when the CWA was originally formulated.

Exemptions from the CWA

The regulation allows for current or planned municipal drinking water systems to be exempted from source protection planning by way of a municipal council resolution stating:

- that the systems would be discontinued within 5 years; and
- that an application would be sent to the MOE to revoke any permit or license for the use of that system.

The notice of the resolution would have to be published and appended to the terms of reference. The exemption ceases to apply after 5 years if the municipality has not carried out these actions.

Notice of drinking-water health hazard

The Miscellaneous Regulation requires designated persons with the power to enter property under the Clean Water Act to call the Ministry of the Environment's Spills Action Centre and to report a drinking water health hazard if one is observed to be imminent. The definition of health hazard is left to the pending guidance document.

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/otherswpreionsin dex.htm

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