

Frequently Asked Questions (FAQs): Part IV of the *Clean Water Act, 2006*

This document presents answers to commonly asked questions regarding source protection in general, and the Cataraqui Source Protection Plan. For additional resources, please refer to the cleanwatercataraqui.ca website.

What is the Clean Water Act, 2006?

The *Clean Water Act, 2006* is in place to protect existing and future sources of drinking water. The *Clean Water Act* is a commitment from the Ontario government to ensure the sustainability of clean, safe drinking water for everyone in Ontario, and to implement the recommendations made following the Walkerton Inquiry.

What is Part IV of the *Clean Water Act*?

Part IV of the *Clean Water Act, 2006* provides municipalities with new tools to regulate existing and future activities that are or would be significant drinking water threats and where other available tools cannot be applied: prohibition, risk management plans, and restricted land uses.

What is prohibition?

Under Section 57 of the *Clean Water Act, 2006*, prohibition is intended to ensure that certain activities never become established in areas where there would be significant drinking water threats. Prohibition is used for activities that cannot be addressed through land use planning or any other management option. In the Cataraqui Source Protection Area, prohibition only applies to future activities.

What is a risk management plan?

Under Section 58 of the *Clean Water Act, 2006*, risk management plans are intended to manage existing and future significant drinking water threats through best management practices. A risk management plan is an agreement about how to conduct an activity on a specific property in order to minimize the risk to a drinking water source.

How will I know if I require a risk management plan on my property?

If an activity on your property requires a risk management plan, the Risk Management Official (RMO) will be in contact with you to arrange a site visit and negotiate the risk management plan.

You may also refer to resources like the interactive maps on the cleanwatercataraqui.ca website.

How is a risk management plan negotiated?

A risk management plan is negotiated between the Risk Management Official (RMO) and the person responsible for the activity. The risk management plan will recognize good practices already in place and, if necessary, includes other practices to fill gaps in management and minimize the risks posed to the drinking water supply.

Once the RMO and the person responsible for the activity have agreed to the risk management plan, the RMO will provide a written notice to the person and attach a copy of the plan to the notice.

What is a restricted land use?

Under Section 59 of the *Clean Water Act, 2006*, this tool is used to flag specific proposed land uses in a given area that are or may be associated with the activities that are prohibited under section 57 or that require a risk management plan under section 58 of the *Clean Water Act, 2006*.

How is a restricted land use flagged?

When a proponent submits an application for a planning approval or building permit, municipal staff will review the proposal to determine if the activity will take place in a vulnerable area, and whether Part IV applies to the activity. Screening materials include [the interactive maps](#) and restricted land use information sheets, which are available on the cleanwatercataraqui.ca website.

What happens after a restricted land use is flagged?

If Part IV clearly does not apply to the proposal, the proponent will sign a form acknowledging that they will not undertake any of the activities identified as a significant threat in the applicable vulnerable area.

If Part IV policies could apply to the proposal, the planner and the proponent will fill out the Restricted Land Use Submission Form and send it to the Regional Risk Management Office. The risk management official will review the proposal and provide a notice or a letter within ten (10) business days identifying whether Part IV policies apply.

What is a risk assessment?

When a person falls under section 57 (prohibition) or section 58 (risk management plans) of the *Clean Water Act*, they have the option of preparing a risk assessment under section 60 of the *Clean Water Act*. A risk assessment is meant to determine whether or not the assumptions that were made in the assessment report for vulnerable areas were accurate for a specific site where an activity is occurring. A risk assessment does not determine if an *activity* is a significant drinking water threat in a vulnerable area, it is verifying if a vulnerability score for an entire vulnerable area is applicable to a specific area.

Where does Part IV apply?

Part IV of the *Clean Water Act, 2006* applies to portions of these six vulnerable areas:

- Brockville Intake Protection Zone – City of Brockville
- James W. King Intake Protection Zone – Town of Gananoque
- Sydenham Intake Protection Zone – Township of South Frontenac
- Cana Wellhead Protection Area (Kingston Mills) – City of Kingston
- Lansdowne Wellhead Protection Area – Township of Leeds and the Thousand Islands
- Miller Manor Apartments Wellhead Protection Area (Mallorytown) – Township of Front of Yonge

What Part IV policies apply in my municipality?

Each municipality and resident in the Cataraqui Source Protection Area has access to information sheets specific to each IPZ and WHPA. These information sheets can be found on the [Interactive Maps](#) page on the www.cleanwatercataraqui.ca website. The maps link to the information sheets, which include a list of the required prohibitions, risk management plans, and restricted land uses for each area.

Who is responsible for implementing Part IV of the *Clean Water Act*?

Part IV policies are the responsibility of the municipality where the policies apply. Under the *Clean Water Act*, municipalities can retain their responsibility or transfer it to another body such as the source protection authority. Within the Cataraqui Source Protection Area, six of the seven municipalities where Part IV policies apply have entered into agreements to transfer enforcement responsibility to the Cataraqui Source Protection Authority.

It is necessary for the body that has Part IV enforcement responsibility to establish a risk management office. Implementation and enforcement of Part IV of the *Clean Water Act* is the responsibility of risk management officials and risk management inspectors, who have completed the required provincial training. Risk management officials are responsible for administering Part IV, while risk management inspectors ensure compliance with Part IV policies.

What are the responsibilities of the Risk Management Official?

A risk management official is the administrator of Part IV policies. Risk management officials are responsible for ensuring that risk management plans are in place as per the source protection plan. They must also issue notices and letters to support restricted land use policies. If a risk assessment is submitted to the risk management official, they must consider acceptance of this assessment. The risk management official must prepare an annual report for the source protection authority about Part IV implementation.

To support their responsibilities, the risk management official can issue orders to require a disclosure report to understand a complex operation, or cause work to be done to support an enforcement order issued by the risk management inspector.

What are the responsibilities of the Risk Management Inspector?

A risk management inspector ensures compliance with Part IV policies. This is accomplished by performing inspections and, when necessary, by issuing orders to achieve compliance.

Who are the Risk Management Officials/Inspectors for your area?

The Cataraqui Region Conservation Authority provides the risk management services for municipalities with drinking water systems in the Cataraqui Region (except Leeds and the Thousand Islands). The Risk Management Officials/Inspectors from the CRCA are fully certified and carry provincial identification.

Please call (613) 546-4228 or toll-free 1-877-956-2722 to speak to:

Risk Management Official/Inspector Lead: **Holly Evans** ext. 233

Risk Management Official/Inspector Support: **Andrew Schmidt** ext. 244

How are Part IV policies enforced?

Once a risk management official has established a risk management plan or issued a notice stating that a proposed activity is prohibited, the risk management inspector carries out inspections to ensure that activities in vulnerable areas are in compliance with Part IV policies.

If a person is not in compliance with Part IV policies, the risk management official can issue orders to cease and desist engaging in an activity to comply with a prohibition, or to set out directions to achieve compliance with a risk management plan.

What is an offense under Part IV of the *Clean Water Act*?

Under the *Clean Water Act*, Part IV offenses include:

- Failure to comply with section 57 prohibitions;
- Failure to comply with section 58(1) risk management plan requirements;
- Failure to comply with a section 63 enforcement order;
- Failure to comply with a risk management official order to provide a report under section 61; and
- Obstruction or submission of false information under sections 90 and 91.

If a person commits an offense under Part IV of the *Clean Water Act*, the risk management inspector is responsible for prosecuting the offence under the *Provincial Offenses Act* (POA).

Is there an appeal process available to a person affected by Part IV policies?

Yes, a person may request a hearing before the Environmental Review Tribunal to appeal orders from the Risk Management Official (RMO) within 60 days of receiving them. A person requesting a hearing before the Environmental Review Tribunal must state in their notice the grounds on which the person intends to rely at the hearing. The Environmental Review Tribunal may confirm/alter/revoke the RMOs decision. Once the tribunal has made a decision, it cannot be appealed.

Where can I find out more about Part IV of the *Clean Water Act*?

There are many resources available to you for more information about Part IV of the *Clean Water Act*. The Part IV Primer, Interactive Maps, and Restricted Land Use Information Sheets are some of the tools that could be useful during Part IV policy implementation. These resources are all available through the [cleanwatercataraqui](http://cleanwatercataraqui.ca) website.

The [Part IV Primer](#) provides a brief overview and introduction to Part IV of the *Clean Water Act* and its implications for the Cataraqui Source Protection Area.

The [Interactive Maps](#) identify specific Part IV policies in the Cataraqui Source Protection Plan that apply to each intake protection zone or wellhead protection area. Using tailored fact sheets for the type of user, the interactive maps are designed to meet the needs of both residents and municipalities.

The Restricted Land Use Information Sheets are designed to be a guide for proponents and municipal planners to determine if Part IV policies apply to a proposed activity.

Who can I contact if I have more questions about Part IV policies?

If you have questions about Part IV policies in the Cataraqui Source Protection Plan, please do not hesitate to contact source protection staff at the Cataraqui Region Conservation Authority:

Cataraqui Region Conservation Authority

1641 Perth Road, Glenburnie, Ontario

613-546-4228 or Toll Free 877-956-2722

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