

# ONTARIO REGULATION 286/07

made under the

## CLEAN WATER ACT, 2006

Made: June 27, 2007

Filed: June 28, 2007

Published on e-Laws: June 29, 2007

Printed in *The Ontario Gazette*: July 14, 2007

### MISCELLANEOUS

#### Definition of “planned”

1. In the Act and regulations,

“planned” means, with respect to a drinking-water system, a drinking-water system that is to be established, or a part of a drinking-water system that is to be established, if,

- (a) approval to proceed with the establishment of the system or part has been given under Part II of the *Environmental Assessment Act*,
- (b) the establishment of the system or part has been identified as the preferred solution within a completed planning process conducted in accordance with an approved class environmental assessment under Part II.1 of the *Environmental Assessment Act* and no order has been issued under subsection 16 (1) of that Act, or
- (c) the system or part would serve a reserve as defined in the *Indian Act* (Canada).

#### Amendments to agreements relating to source protection regions

2. (1) The time period within which the Minister may make amendments to an agreement under subsection 6 (4) of the Act is 120 days after a copy of the agreement is submitted to the Minister under that subsection.

(2) The time period within which the Minister may make amendments to an amended agreement under subsection 6 (8) of the Act is 120 days after the amended agreement is submitted to the Minister under clause 6 (7) (b) of the Act.

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

3. (1) An existing non-municipal drinking-water system that serves one private residence and no other facility is prescribed for the purposes of subsections 8 (3) and 10 (7) of the Act unless,

- (a) the well or intake that serves as the source or entry point of raw water supply for the drinking-water system is located within a cluster of six or more wells or intakes;
- (b) the system is located within an area of settlement as defined in the *Planning Act*; or
- (c) the private residence is a designated facility or public facility as defined in Ontario Regulation 170/03 (Drinking-Water Systems) made under the *Safe Drinking Water Act, 2002*.

(2) In subsection (1),

“non-municipal drinking-water system”, “private residence” and “raw water supply” have the same meanings as in the *Safe Drinking Water Act, 2002*.

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

4. The Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement dated December 13, 2005 and signed by the Premiers of Ontario and Quebec and the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin is prescribed for the purposes of paragraph 4 of subsection 14 (1) of the Act.

#### Exemptions from subclause 15 (2) (e) (i) of the Act

5. (1) Subclause 15 (2) (e) (i) of the Act does not apply to an existing municipal drinking-water system if the council of the municipality that owns the system has,

- (a) passed a resolution stating that the municipality intends, within five years after the date the resolution is passed,
  - (i) to discontinue the use of the drinking-water system, and
  - (ii) to make an application under the *Safe Drinking Water Act, 2002* for the revocation of any approval, drinking-water licence or permit that is applicable to the drinking-water system;

- (b) published notice of the resolution referred to in clause (a) in one or more newspapers that, in the opinion of the council of the municipality, are of sufficiently general circulation to bring the notice to the attention of the public in the municipality; and
  - (c) sent a copy of the resolution referred to in clause (a) to the source protection committee for the source protection area.
- (2) Subclause 15 (2) (e) (i) of the Act does not apply to a wellhead protection area or surface water intake protection zone that is related to a municipal drinking-water system if the council of the municipality that owns the system has,
- (a) passed a resolution stating that the municipality intends, within five years after the date the resolution is passed,
    - (i) to discontinue the use of the well or surface water intake to which the wellhead protection area or surface water intake protection zone relates, and
    - (ii) to make an application under the *Ontario Water Resources Act* for the cancellation of any permit that is applicable to the well or surface water intake referred to in subclause (i);
  - (b) published notice of the resolution referred to in clause (a) in one or more newspapers that, in the opinion of the council of the municipality, are of sufficiently general circulation to bring the notice to the attention of the public in the municipality; and
  - (c) sent a copy of the resolution referred to in clause (a) to the source protection committee for the source protection area.
- (3) An exemption under subsection (1) or (2) ceases to apply on the fifth anniversary of the day the resolution was passed by the council of the municipality if, by that anniversary, the municipality has not done the things the resolution stated that the municipality intended to do.
- (4) Subclause 15 (2) (e) (i) of the Act does not apply to a planned municipal drinking-water system if the council of the municipality that would own the system has,
- (a) passed a resolution stating that the municipality does not intend to establish the drinking-water system;
  - (b) published notice of the resolution referred to in clause (a) in one or more newspapers that, in the opinion of the council of the municipality, are of sufficiently general circulation to bring the notice to the attention of the public in the municipality; and
  - (c) sent a copy of the resolution referred to in clause (a) to the source protection committee for the source protection area.

#### **Notice of drinking-water health hazard**

**6.** (1) Subsection 89 (1) of the Act does not apply to a person who becomes aware of a discharge described in that subsection unless he or she becomes aware of the discharge while he or she is exercising the authority to enter property under section 62 or 88 of the Act.

(2) Despite subsection (1), subsection 89 (1) of the Act does not apply to a person if he or she has already notified the Ministry of the discharge or has reasonable grounds to believe that another person has notified the Ministry of the discharge.

(3) A person who is required to notify the Ministry under subsection 89 (1) of the Act shall do so by telephoning the Ministry's Spills Action Centre (1-800-268-6060) and providing the following information to the person who answers:

1. The person's name and telephone number.
2. The fact that the purpose of the telephone call is to comply with section 89 of the Act.
3. A description of the location where the substance is being discharged or is about to be discharged, including the municipal address, if the municipal address is known.
4. The drinking-water system into whose raw water supply the substance is being discharged or is about to be discharged.
5. The date and time that the person became aware of the discharge.
6. The substance that is being discharged or is about to be discharged, if the substance is known.
7. The amount of the substance that is being discharged or is about to be discharged, if the amount is known.
8. The reasons for the person's opinion that, as a result of the discharge, an imminent drinking-water health hazard exists.

(4) If a person who provided information to the Ministry under subsection (1) becomes aware that any of the information is not correct, the person shall immediately telephone the Ministry's Spills Action Centre (1-800-268-6060) and provide the correct information.

#### **Commencement**

**7. This Regulation comes into force on July 3, 2007.**