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### Regulation Proposal Notice:

#### Title:

Proposed Assessment Reports regulation made under the Clean Water Act, 2006

**EBR Registry Number:** 010-3873

#### Ministry:

Ministry of the Environment

**Date Proposal loaded to the**

#### Registry:

June 20, 2008

**Keyword(s):** [Drinking Water](#) | [Ground Water](#) | [Water](#) | [Protected Areas](#)

Comment Period: 45 days: submissions may be made between June 20, 2008 and August 04, 2008.

### Description of Regulation:

The Ministry of the Environment is seeking public comment on a proposal to make technical rules under section 107 of the Clean Water Act, 2006 to establish requirements relating to the preparation of an assessment report.

### Purpose of Regulation:

The purpose of the Clean Water Act, 2006 is to protect existing and future sources of drinking water, as part of an overall commitment to human health and the environment. The Act requires the preparation of assessment reports that assess the vulnerability of drinking water sources and threats to those sources, as well as the preparation of source protection plans that set out protection policies. Assessment reports and source protection plans will be prepared by the source protection committees.

The supporting regulations and technical rules for the Clean Water Act, 2006 are being developed in phases. The first phase of regulations, that came into effect in June 2007, addressed matters related to source protection areas and regions, source protection committees, preparation of the terms of reference and source protection planning time limits [EBR Registry Number 010-0122]. A second phase of regulations was initiated in 2008. Proposals for a regulation related to property entry and the establishment of the Ontario Drinking Water Stewardship Program were posted for public comment on April 16, 2008. This comment period has now closed.

The Ministry has now prepared the final component of the second phase through this posting and two (2) associated postings for proposed regulations related to the development of an assessment report [EBR Registry Number 010-3873] and the definition of words and expressions used in the Act [EBR Registry Number 010-3893].

The proposed technical rules establish the approach to be used to develop the contents required to be included in an assessment report by section 15 of the Act and the proposed Assessment Reports regulation.

### Other Information:

A more detailed summary of the components of the proposed regulation, drinking water threats list, mapping symbology for the products of the assessment report and

### Contact:

**All comments on this proposal must be directed to:**

Keith Willson  
Manager, Source Protection Approvals  
Ministry of the Environment  
Drinking Water Management Division  
Source Protection Programs Branch  
2 St. Clair Avenue West  
Toronto Ontario  
M4V 1L5  
Phone: (416) 314-0560  
Fax: (416) 327-6926

**To submit a comment online, click the submit button below:**

[Submit Comment](#)

### Additional Information:

**The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents**

proposed technical rules are listed below:

- Draft Assessment Reports Regulation
- Draft Definitions of Words and Expressions Used in the Act Regulation
- Tables of Drinking Water Threats
- Mapping Symbology for the Clean Water Act, Version 3.0
- *Clean Water Act, 2006* Technical Rules: Assessment Report
- Summary of *Clean Water Act, 2006* Technical Rules: Assessment Report

#### Questions for Public Consideration and Comment:

At which specific points during the development of the assessment report would you like to see consultation take place? How would you prefer the consultation be conducted, e.g. through open houses, etc.?

#### Public Consultation:

This proposal has been posted for a 45 day public review and comment period starting June 20, 2008. If you have any questions, or would like to submit your comments, please do so by August 04, 2008 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to August 04, 2008 will be considered as part of the decision-making process by the Ministry of the Environment if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 010-3873.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, your comment will be reflected in the Decision Notice associated with this proposal.

#### Other Public Consultation Opportunities:

The development of the Clean Water Act, 2006 was based on four (4) years of extensive stakeholder consultations with over three hundred (300) associations and individuals and close to six hundred (600) written submissions:

- Government established the Implementation Committee (IC) and Technical Experts Committee (TEC) – December 2003;
- Ministry developed a White Paper on Watershed-based Source Protection Planning and held eight (8) regional consultations – February to March 2004;
- Ministry developed draft legislation for source protection planning and posted on the EBR for public comment – June 2004;
- IC and TEC delivered their reports to the Minister and the ministry held seven (7) sectoral roundtables on the reports – November 2004 to February 2005;
- Ministry held consultations on the proposed source water protection framework with key stakeholders – September to November 2005;
- Ministry introduced Bill 43, the proposed Clean Water Act – December 2005;
- Ministry held eight (8) sectoral roundtables with respect to Bill 43 – February to March 2006;
- Bill 43 passed the Second Reading – May 2006;
- Ministry continued to meet with stakeholders to identify potential concerns with Bill 43 in anticipation of the Standing Committee – May to August 2006;
- Bill 43 proceeded to the Standing Committee on Social Policy public hearings – August 2006; and
- An advisory panel was established to advise on developing a program that best supports water protection in rural Ontario, reporting in September 2006.

On December 22, 2006 a Proposal Notice was posted on the Environmental Registry for public comment discussing the implementation of the following regulations under the proposed Clean Water Act: 1) the establishment of Source

**please call the Ministry  
Contact or the Office listed  
below.**

Source Protection Programs  
Branch  
2 St. Clair Avenue West  
Toronto Ontario  
M4V 1L5  
Phone: (416) 212-5296

**The documents linked below  
are provided for the purposes  
of enhancing public  
consultation.**

All links will open in a new  
window

1. [Link to all associated  
documentation](#)

Protection Areas/Regions and lead Source Protection Authorities, 2) Source Protection Committees (SPCs) and 3) terms of reference [EBR Registry Number RA05E0022]. As a result of this Proposal Notice, the Ministry received thirty-seven (37) comments.

The first phase of draft regulations was posted on the Environmental Registry on April 12, 2007 for a thirty(30)-day comment period, which ended on May 12, 2007. The Ministry received ninety-three (93) submissions from municipalities, agriculture, industry, conservation authorities, environmental groups, associations and the public.

Additional feedback was obtained through a series of regional multi-sectoral consultations on the draft regulations in Orillia, Sudbury, Toronto, Ottawa and London held in April and early May. These sessions were attended by over two hundred (200) representatives from a broad range of sectors and included representatives from a number of provincial ministries. The ministry also held three (3) separate information sessions with First Nations located in the proposed source protection areas to discuss the draft regulations. These sessions were facilitated by the Mohawks of the Bay of Quinte, the Six Nations of the Grand River and Whitefish Lake First Nation.

As noted above, on April 17, 2008 a Notice discussing training for persons entering property (section 88) and the Drinking Water Stewardship Program was posted on the Environmental Registry for public comment [EBR Registry Number 010-3297].

Key stakeholder groups that were consulted throughout this comprehensive process included: the municipal and agricultural sectors, small and large businesses/industries, non-governmental organizations, the development sector, northern stakeholders, academics, legal experts and Conservation Authorities. There were also high-level discussions with First Nations and the Federal government during this process.

Additional Notices with respect to the source protection plan are expected to follow and will be posted as they are developed and where required by the Environmental Bill of Rights. The feedback gained from these postings will assist in the development of the regulatory framework implementing the legislation.

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