MEMBER COMMUNICATION

To the attention of the Clerk and Council
July 5, 2007

Province Proclaims the Clean Water Act – Municipal Government Action is Required

Issue: On July 3, 2007, the Clean Water Act was proclaimed and the regulations regarding the preparation of Source Protection Plans came into force.

Background:
The Clean Water Act, which received Royal Assent on October 19, 2006, requires the creation Source Protection Plans to address threats to drinking water sources. The Act requires Source Protection Committees composed of municipalities, land owners, industry and the public to study drinking water source threats and to develop Source Protection Plans for their communities.

On July 3, 2007 the Act and the regulations identifying Source Protection Areas and constituent municipalities came into effect. The first phase of the planning process will now begin with the grouping of municipalities and nomination of members to the Source Protection Committees. Municipalities have the ability to appoint 1/3 of the members to each committee for their Source Protection Area.

Appointment Process:
The government has amended the Source Protection Committees Regulation to allow the Source Protection Authorities (SPA) to divide the municipalities that are located in whole or in part within the source protection area/region into groups in an effort to streamline the appointment process and make municipal representation more effective.

The SPAs are required to consult with municipalities on how to develop the groups to ensure that representation is fair and effective across the watershed. Municipalities and source protection authorities have approximately 60 days after the Act and its regulations have come into effect to develop groups within the source protection area/region.

After 60 days, by September 3, 2007, the SPA must provide notification to the Clerks of municipal councils within the source protection area/region. The notice will include:
- A description of the functions of the source protection committee;
- A summary of the obligations of committee members;
- The municipal groups that have been determined through a negotiated process with municipalities to select members;
- The number of municipal representatives each group must select;
- The date by which a joint list must be sent by the group(s) to the source protection authority.
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From the date the notice is sent to the Clerks, each group of municipalities will then have an approximately 60 days to work together and pass council resolutions that provide a list of potential municipal representatives to the source protection authority. The SPA would then appoint these people as the municipal representatives on the committee.

Once the committees are appointed, work will begin on the creation of terms of reference to guide the work of each committee and the source protection planning process.

Action:

It is recommended that each municipality contact their source protection area to begin discussing appropriate municipal groupings and the nomination process. Further information may be found at the Ministry of the Environment website at: www.ontario.ca/cleanwater. A copy of the regulations can also be found on the Environmental Bill of Rights Registry, www.ebr.gov.on.ca, EBR reference number 010-0122.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.