

Fact Sheet

Risk Management Officials and Inspectors: Regulation of Drinking Water Threats under Clean Water Act Part IV

What is the Clean Water Act?

Water is critical to all aspects of our lives and it is important that we ensure there is a safe and reliable source of water for all our uses - now and in the future. The *Clean Water Act, 2006* is part of the Ontario government's commitment to ensure the sustainability of clean, safe drinking water for all Ontarians. The purpose of the Ontario *Clean Water Act* is to protect sources of municipal drinking water including lakes, rivers and well water.

Under the *Clean Water Act*, local Source Protection Plans (SPPs) have been developed by 19 multi-stakeholder Source Protection Committees. These local Plans contain policies to protect municipal sources of drinking water. While SPPs are being approved for implementation across the province, owners of residential, farm, business, or institutional properties will become aware that certain properties located within vulnerable areas, are subject to local SPP policies that regulate or prohibit activities identified as significant drinking water threats.

What is Part IV of the Clean Water Act?

Some of the local SPP policies may follow Part IV of the *Clean Water Act* (Sections 47-81) thereby prohibiting some activities, or requiring Risk Management Plans (RMPs) to manage some activities in vulnerable areas delineated around drinking water sources. Part IV also establishes a process that will help notify a municipality of new or expanding activities. Where *Clean Water Act* Part IV policies apply, the property owner will be interacting with the local Risk Management Official (RMO) and sometimes also with the Risk Management Inspector (RMI).

Who are Risk Management Officials and Inspectors?

RMOs and RMIs are appointed by the municipality that is responsible for implementing local SPP Part IV policies. The municipality may choose to delegate this authority to another body, such as a Conservation Authority. An individual can only become an RMO or RMI upon successful completion of a mandatory training course approved by the Ministry of Environment and Climate Change.

What are the roles and responsibilities of Risk Management Officials and Inspectors?

RMOs and RMIs have authority to implement SPP Part IV policies for the municipality they work in. The main roles and responsibilities of RMOs and RMIs are described below.

The RMO is primarily responsible for the negotiation and establishment of legally-binding Risk Management Plans (RMPs) with persons engaged in (or who propose to engage in) activities identified as significant threat activities. Also, new development applications, planning or building permits may be flagged at a municipality per 'Section 59' Part IV policies of the local SPP. The flagged application or permit must then be reviewed by the local RMO before it can be submitted to the municipality. This allows for the RMO to determine if proposed activities are subject to prohibition or require RMP per the policies in the local SPP. The RMO issues related Notices under Part IV of the *Clean Water Act*. The RMO also has the authority to issue Orders and may 'cause things to be done' if the person who is ordered to do a thing (towards addressing a significant threat activity) has refused to comply.

The RMI conducts inspections through site visits to ensure compliance with Part IV policies (i.e. prohibitions and risk management plans). During a site visit, the RMI can take samples, excavate, take measurements, run tests, record and copy documents, etc. The RMI issues Enforcement Orders where compliance with the policies is not met. If a person commits an offense under Part IV of the *Clean Water Act*, the RMI can prosecute that person. The RMI reports to and prepares an annual report to the RMO.

Every year, RMOs must submit to the local Source Protection Authority, an annual report documenting the actions taken to address significant threat activities.

What are Landowner/Renter Rights and Responsibilities?

A person “engaged in (or proposing to engage in) activities identified as significant drinking water threats” could be a landowner or a renter. This person may be required to implement a site-specific Risk Management Plan (RMP). The RMP states the actions that must be taken to manage risks associated with an activity, so that the activity is no longer, or does not become, a significant drinking water threat. In most cases the RMP will be negotiated between the local RMO and the person, forming a legally-binding public document that constitutes an agreement on the risk management actions that will be taken.

Where an RMP has been established by order by an RMO, the person subject to the order has the right to request a hearing with the Environmental Review Tribunal (ERT) to appeal the order. If a hearing is requested, the ERT will decide if the order should be upheld. There is also a process for a person to request a hearing to the ERT should there be disagreement over a particular action required in a RMP.

The Clean Water Act provides opportunities for persons to be potentially relieved of the obligations of one or more Part IV policies, i.e. prohibition or RMP, if certain circumstances or requirements are met. These could include consideration of an existing legal instrument (for example a Nutrient Management Plan under the Nutrient Management Act), moving the threat activity outside vulnerable areas, or changing chemicals used, such that the activity does not become a significant threat. The local RMO can be contacted to discuss and review circumstances that are specific to the property.

Resources:

- **Ontario Ministry of the Environment and Climate Change**
<http://www.ontario.ca/environment-and-energy/source-protection>
- **Ontario Ministry of Agriculture, Food and Rural affairs**
http://www.omafra.gov.on.ca/english/environment/water_swp.htm
- **Your local Conservation Authority**
To find your local Conservation Authority go to:
<http://www.conservationontario.ca/uncategorised/143-otherswpreionsindex>
- **Conservation Ontario**
www.conservationontario.ca
- **Environmental Review Tribunal**
http://www.ert.gov.on.ca/files/Guides/Guide_CWA_Nov_15_07.pdf
- **City of Barrie - Source Water Protection**
<http://www.barrie.ca/Living/Environment/Pages/SourceWaterProtection.aspx>
- **Quinte Region Source Protection Region**
<http://quintesourcewater.ca/web/>
- **Mississippi Rideau Source Protection Region**
<http://www.mrsourcewater.ca/en/>