

**Discussion Paper on Source Protection Committees under
the *Clean Water Act, 2006***

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Purpose

The purpose of this document is to stimulate discussion with the public, stakeholders, communities and First Nations and raise awareness of the proposed approach in developing local source protection committees, their operation, and how they will contribute to a collaborative approach to source protection planning. The *Clean Water Act, 2006* gives the Minister the authority to make regulations governing the size of a source protection committee, the appointment of members to the source protection committee and the committee operations. While this paper mainly focuses on the elements that will be included in the proposed regulation on source protection committees, the last three sections of the paper address the committee role in preparing the terms of reference, the assessment report, and the source protection plan. In these sections, the paper provides a discussion of the Ministry's vision on how the source protection committee will engage the local communities within a source protection area when carrying out their duties to prepare the terms of reference, assessment report and source protection plan in accordance with the Act. These three sections (8 – 10) are not intended to serve as a proposal for the contents of the terms of reference, assessment report, or source protection plan regulations. The proposed contents of those regulations will be the subject of a future posting on the Environmental Registry. Rather, the intent here is simply to stimulate discussion on what role the source protection committee should take in leading the preparation of these three important documents, which together form the source protection planning framework. It is important that a public discussion of this broader source protection committee role in the planning process take place at this time, so that the results of the public consultation can be used by the Ministry to inform the development of proposals for draft regulations governing the contents of terms of reference, assessment reports and source protection plans.

The Ministry will use the feedback it obtains during the public consultation on the main part of this discussion paper to develop the regulation and guidance documents on the size, appointment and operations of source protection committees, which the Ministry anticipates posting for public comment in the Winter 2006/2007. Questions are posed throughout this document to facilitate the Ministry in obtaining feedback. The Ministry anticipates that the regulations and guidance documents on source protection committees will be finalized following the posting in the Spring of 2007.

Background

The *Clean Water Act, 2006*, was introduced for First Reading on December 5, 2005. The Act was introduced to protect existing and future sources of drinking water, as part of an overall government commitment to human health and the environment. A key focus of the legislation is the production of locally developed, science based assessment reports and source protection plans. The Act includes provisions for the establishment of source protection committees, which are responsible for delivering these reports and plans. A source protection committee is envisioned to be made up of representatives from watershed stakeholders (such as municipal, agriculture, landowners, industry, environmental non-government organizations) and members of the public at large in a source protection region (or in cases where a region has not been established, a source protection area) and would work together with municipalities, conservation authorities, and provincial agencies.

1.0 The Source Protection Committee

Under the *Clean Water Act, 2006* (CWA), the source protection committee will develop three pieces of documentation that will complete the source protection planning process: (1) a terms of reference, (2) an assessment report, and (3) a source protection plan. The committee will do this by following the Act, its regulations, Director's rules (in respect of assessment reports), and guidance material created by the Ministry, while working collaboratively with municipalities and source protection authorities. This section will describe the relationship between the source protection committee and other members of the watershed community.

1.1 The Source Protection Authority, Areas and Regions

Under the CWA, where a conservation authority exists, the source protection authority for the area is the conservation authority.

Where a conservation authority area exists, the geographic boundary of a source protection area is initially the boundary of the conservation authority area as set under the *Conservation Authorities Act*. The CWA gives the Minister the authority to alter this boundary for the purposes of the CWA. For instance, in cases where parts of a watershed outside of a conservation authority area, it is anticipated that the Minister may make a regulation altering the boundary of the source protection area so that the full watershed is included in that area. Where the Minister makes a regulation to adjust the boundary of a conservation authority area for the purpose of the CWA, the Minister may also, in a regulation, name the participating municipalities for that source protection area. By doing so, this will give the newly included municipality the ability to appoint representatives to the conservation authority board in accordance with the provisions of the *Conservation Authorities Act*. However such representatives would only participate in decisions made by the Conservation Authority Board, when the Board is exercising a function or power under the *Clean Water Act* as the source protection authority. The Ministry will soon be posting another document on the Environmental Registry that sets out the proposed contents for a Minister's regulation governing the alteration of boundaries and the naming of participating municipalities.

For administrative efficiency, some source protection areas are proposed to be grouped together to form source protection regions. The CWA requires that source protection regions be created through regulation. A lead source protection authority would be designated to coordinate the efforts of the authorities for each region. The Act provides that there be one source protection committee per region – and that the lead source protection authority establish the source protection committee for the region. The committee is responsible for preparing source protection plans for each source protection area in a region. The regulation consolidating source protection areas into source protection regions will identify the lead authority for each region based on consultation with the conservation authorities within the region. The Act requires that there be an agreement between the source protection authorities in a region to govern the relationship between the lead and the other source protection authorities. One of the matters the agreement may deal with is how the other source protection authorities will be involved when the lead source protection authority establishes the source protection committee, and the ongoing relationship between the other source protection authorities and the committee during the

planning and implementation phases. In this document, the reference to a source protection authority refers to the “lead source protection authority” where a source protection region has been created, unless otherwise indicated. The Ministry will be posting another document on the Environmental Registry that sets out the proposed contents for the regulation governing the consolidation of areas into regions and the designation of lead source protection authorities for each region.

The Act gives the source protection authority the responsibility to establish the source protection committee. The Act also provides that committee members must be appointed in accordance with the regulations. The Minister is given the authority to appoint the chair of a source protection committee after considering any recommendations from the source protection authority. Functionally, this means that source protection authorities will be responsible for appointing members of the committee in accordance with the regulations, except for the chair. For some committee members, the regulation may leave the decision about whom to appoint as member of the committee to the source protection authority, and set out both the process and criteria that the source protection authority must use in the selection process. For other members of the committee, the regulation may require the source protection authority to appoint a member that a specified stakeholder group has selected. Clarification around the membership selection process is provided in Section 2.0 of this paper.

In areas of the province outside of conservation authority areas, the Minister may establish new source protection areas and designate a person or body to serve as the source protection authority. When this is done, the source protection authority would be subject to the same rules as other source protection authorities (ie. conservation authorities) unless the regulations provide otherwise. Alternatively, the Minister may establish a source protection area in a part of the Province that is not covered by a conservation authority area and then enter into an agreement under section 26 of the Act with one or more municipalities in the area to prepare a focused source protection plan. Since the requirements under the Act governing planning do not apply where the Minister has entered into such a section 26 agreement, it is the agreement that sets the rules for the focused planning process, including the contents of the terms of reference, assessment report, and the source protection plan. The agreement may also require the establishment of a source protection committee and specify the process for selecting members and how the committee should operate. Once a focused source protection plan is submitted to the Minister in accordance with the agreement and approved, the Minister would then make a regulation designating the municipality or municipalities party to the Agreement as the source protection authority for that area, in order to make operational the implementation provisions of the Act for that area.

1.2 The Relationship Between the Source Protection Authority and the Source Protection Committee

The Act provides that the source protection authority will:

- Establish the source protection committee;
- Provide recommendations to the Minister with respect to potential chairs for the source protection committee for the Minister’s consideration, approval and appointment.

Proposed guidance on the nomination and identification process is described below in section 2.0 of the paper;

- Assist the committee by providing scientific, technical, and administrative support and resources;
- Ensure that the source protection committee provides the committee-approved terms of reference, assessment report, and source protection plan to the source protection authority prior to submission of these documents to the Ministry;
- After reviewing and providing comments on them, submit each of the terms of reference, assessment report and source protection plan to the Ministry of the Environment for approval. It should be noted that the source protection authority will not have any approval powers over any of the three documents prepared by the committee; and
- Prepare and submit to the Ministry an interim progress report which will provide updates on the actions taken subsequent to the approval of the assessment report and prior to the approval of the source protection plan. This will require input from the source protection committee.

As well, the Ministry proposes that;

- The source protection authority has financial responsibility and accountability for managing the budget provided by the Province for the source protection committee;
- The source protection authority will ensure that the *Municipal Freedom of Information and Protection of Privacy Act* and the *Freedom of Information and Protection of Privacy Act* are complied with; and
- In the terms of reference regulation, the source protection authority will assign a mediator to resolve disputes that arise during the preparation of the assessment report and source protection plan where the source protection committee has identified but has not been able to resolve them on its own.

1.3 Working with Municipal Governments

Part IV of the *Clean Water Act, 2006* provides new municipal authorities for regulating prescribed activities that are identified in the assessment report as significant drinking water threats in wellhead protection areas or intake protection zones. Municipalities are key partners who may be best placed to undertake or lead source protection planning for specific tasks, and they also hold key pieces of information that are required to complete the assessment report and the source protection plan. As a result, the source protection committee must work collaboratively with municipalities during the entire planning process.

The Ministry proposes that the committee will be required to include a certain level of municipal representation. A special municipal working group could also be established to provide a broader watershed representation. Working groups such as this (which will be discussed in greater detail in section 4.0) would provide technical input to the source protection planning process. A working group that consists of municipal members could contribute throughout the process, including reviewing the terms of reference and developing specific components of the assessment report and the source protection plan.

2.0 Members of the Source Protection Committee

The Act provides that the number of members on a source protection committee will be established by a regulation made by the Minister. The source protection authority must establish the source protection committee in accordance with the regulations.

2.1 Size of the Committee

The Ministry proposes that the size of a source protection committee be based on the size and complexity of the source protection area or source protection region. The proposed regulation would divide the source protection regions (or areas where no region exists) into three categories based on their size and/or complexity. It is proposed that the committee in large complex source protection regions be made up of 16 members to reflect the likelihood that the tasks in a large and complex region will require additional resources. Moderately-sized regions would have 13 member committees and smaller regions or source protection areas that are not consolidated into a region may have 10 member committees. In addition to this membership, an additional full-, half-, or quarter-time administration support person (herein referred to as a support person), based on the size and complexity of the source protection region, can be retained to support each source protection committee. Thus, the proposed regulation would classify the source protection regions (or areas where no region exists) into the following three categories which would then dictate the size of the source protection committees.

Large (16 members)	Moderate (13 members)	Small (10 members)
<ul style="list-style-type: none"> • Trent Conservation Coalition • Credit Valley-Toronto and Region-CLOCA • South Georgian Bay Lake Simcoe • Saugeen, Grey-Sauble, Northern Bruce Peninsula • Lake Erie • Thames-Sydenham & Region • Raisin Region-South Nation 	<ul style="list-style-type: none"> • Mississippi-Rideau • Halton-Hamilton • Ausable Bayfield-Maitland Valley • Quinte 	<ul style="list-style-type: none"> • Lakehead* • Mattagami* • Sault Ste Marie* • Sudbury* • North Bay Mattawa* • Niagara Peninsula* • Essex* • Cataraqui*

**These are source protection areas that have not been grouped together to form a source protection region.*

2.2 Source Protection Committee Chairs

The Minister of the Environment is responsible for appointing the chair of the source protection committee based on any recommendations received from the source protection authority and will appoint the chair through a Minister's Letter of Appointment.

While the Act states that where a source protection region has been created, the lead source protection authority may make recommendations in respect of the chair, the Ministry encourages the lead source protection authority to collaborate with the other source protection authorities in the region during this process. In fact, should the source protection authorities want to formalize the collaborative process that will be used to make recommendations regarding a committee

chair, it should be specified in the agreement between the lead authority and the other authorities.

2.2.1 Chair Qualifications

The Ministry is proposing to include, in guidance material, the following qualifications that the source protection authorities should consider when selecting candidates to recommend to the Minister as chair for the source protection committee:

- Expressed willingness to remain neutral;
- Demonstrated ability to understand source protection science, concepts, and technical reports;
- Demonstrated involvement in and/or knowledge of past water quality/quantity management initiatives;
- Advanced negotiating, mediation, and facilitation skills;
- Proven leadership skills, team facilitation skills, and motivation skills;
- Familiarity with the rules of operation for committee processes;
- Understanding of municipal and conservation authority functions and processes;
- Solid problem-solving, analytical, oral and written communication, and organizational skills;
- Knowledge of the local watershed(s), communities, and issues;
- Political acuity;
- Resident and /or employed in the source protection region (or area if the area is not in a region); and
- Willingness to travel around the source protection region.

Questions: Do you agree with the proposed qualifications of the chair? Should there be other qualifications for consideration?

2.2.2 Identification of Potential Chairs and the Nomination Process

There are a number of mechanisms that the Ministry guidance material could advise source protection authorities to use to seek out potential committee chair candidates. Most commonly, the authority could advertise and/or invite interested parties through advertisements in local newspapers that have wide circulation across the communities in the source protection region or source protection area. The authority could also use other forms of communication such as placing advertisements/flyers in libraries, municipal offices, community centres, universities, etc, specifying minimum qualifications as well as the application process. Coupled with the other methods for solicitation, the authority could also approach key watershed stakeholders directly and ask them to submit a potential candidate.

After submissions have been received, the source protection authority would be advised to review the candidates against the qualifications set out in section 2.2.1 and generate a short list of names of persons with whom they would hold interviews. The Ministry's guidance documents would strongly recommend that the source protection authority make provisions to ensure that

the other source protection authorities within the source protection region participate in the review and the interview process. (As stated above, this could be addressed through the agreement between authorities.)

Finally, it is proposed that the source protection authority will forward the names of the top three candidates for the committee chair, along with the applicants' submission packages, to the Minister. The source protection authority will also forward a recommendation package and rationale for the recommendation.

2.2.3 Appointment of the Chairs by the Minister

After receiving the information described above from the source protection authority, the Minister may consider the three nominations, taking into consideration why each nominee is interested in the position of chair as well as their qualifications. The Minister would then appoint the chair of the source protection committee. The Minister will notify all the nominees as well as the source protection authority of the decision by letter.

Should the Minister be unsatisfied with the nominees put forward by the source protection authority, the Minister may collaborate with the authority for new nominees or appoint a candidate.

2.2.4 Chair Roles and Responsibilities

The chair would be responsible for guiding the effective operation of the committee. The chair would accomplish this task by undertaking the following roles and responsibilities:

- Chair meetings of the committee;
- In conjunction with the source protection authorities in the region, determine the composition of the source protection committee and select members;
- Prepare and submit quarterly status reports on progress of committee work to the source protection authority;
- Act as a neutral member (voting only when breaking a tie, if the committee decides to use voting as a mechanism to make decisions – see section 3.8);
- Function as the spokesperson for the source protection committee;
- Oversee and provide guidance to the source protection committee through the source protection planning process;
- Work collaboratively with stakeholder groups and other organizations;
- Attend public information sessions and participate in public consultations;
- Liaise with source protection authorities and municipalities on the progress of the planning process; and
- Address removal of a committee member - see section 3.9.

The time commitment of the chair is anticipated to be a function of the size and complexity of the source protection region and areas. For example, large source protection regions may need a chair that commits 2-3 days a week on committee business, reflecting the likelihood that this task will require significant time investment for municipal council meetings and stakeholder consultations. Moderately-sized source protection regions and areas may require the chair to

spend 2-3 days every two weeks and small source protection regions and areas may need a chair to spend 2-3 days per month on committee business.

The Ministry would also direct that the chairs of the source protection committees meet regularly with the Minister or Ministry staff to provide status updates and receive new information. The chair would be expected to disseminate appropriate information to the committee members and stakeholders.

As in most committees, it may be prudent for the source protection committee to have an alternate chair to carry out the appointed chair's duties when s/he cannot. This may occur if a conflict of interest arises involving the appointed chair or if the chair is absent during meetings.

Question: What additional roles and responsibilities do you think are appropriate for the chair of the source protection committee?

Question: Should the alternate chair be selected by the appointed chair, the entire source protection committee, or the source protection authority?

2.3 Composition of the Source Protection Committee

One of the important elements of the source protection process is to attain a representative committee that reflects the make-up of the watershed as much as possible. Membership could reflect various community populations, the diversity of land uses and activities, as well as other associations and interest groups in the source protection region or area. The Ministry is recommending that a combination of representative members from the following three areas be selected to form the committee:

- At least 1/3 municipal members
- 1 First Nation member
- Approximately 1/3 sectoral members (i.e. agricultural, industrial or commercial interests)
- Approximately 1/3 other members, who may be academics, professionals, non-government organizations, and member(s) from the general public

The Ministry envisions the meaning of 'representative members' as those who can bring forth experiences and knowledge about a sector and its activities. By having this knowledge, the representative member can share and articulate concerns or support for various components of source protection planning. Many of these members will likely belong to a sectoral organization. While it is hoped by the Ministry that the position taken by the committee member is endorsed by their organization, there will be no expectation that the committee member would only make decisions that would be supported by his or her sector organization.

2.3.1 Municipal

In selecting the municipal members of the committee, a cross-section of members representing both the large and small communities within the source protection region would be appropriate. Efforts should be made to ensure that there is an appropriate balance of municipal members

reflecting the different drinking water sources (e.g. groundwater, surface water, etc.) utilized by various communities in the source protection area or region. It is proposed that the regulation would require the source protection authority to appoint municipal members selected by the municipalities to the committee.

One possibility is to request those municipalities that have the power to pass by-laws respecting water production, treatment and storage under the *Municipal Act, 2001* to appoint the members. Municipalities not on the committee could participate through working groups. This approach may not be seen as an appropriate model for municipal membership on the committee in all cases as it does not account for the land use planning authority that all municipalities have, which in turn has implications for the source protection plan and its implementation.

The Ministry strongly recommends that municipalities should consider the proposed qualifications of the members described in section 2.4 when selecting their representatives to the committee.

Question: Should the Province provide in regulation or in guidance a process for selecting municipal members? Please suggest a process for consideration.

2.3.2 First Nations

The Ministry envisions that the source protection authority will reserve a seat for the First Nations and that the source protection authority will formally invite the First Nations communities in or adjacent to the source protection region (e.g. a reserve) to participate on the source protection committee. Should the First Nations communities accept the invitation, they would nominate a member to the committee from their own community or from other Aboriginal organizations.

If the First Nations communities formally decline a seat on the source protection committee, First Nations may suggest other options for their involvement with the committee.

Whereas the focus of this paper is on the composition and operation of the source protection committee, there are other elements to the *Clean Water Act, 2006* that may be of interest to First Nations. During the development of the regulations under the Act, the Ministry will engage in discussions with First Nations to develop a process for how First Nations may participate in the source protection planning process - for example, how a First Nations community can bring a First Nations drinking water system into the source protection planning process through a band council resolution.

2.3.3 Sectoral

The committee may include representative members that participate in commercial, agricultural, and industrial activities that may be affected by source protection planning and implementation. In rural areas there may be more than one member from the agricultural sector.

Section 2.5 of this paper describes how the source protection authority may select and solicit sectoral members to participate on the committee.

2.3.4 Other Members

For the remaining members, consideration should be given to including other stakeholders and interests groups that exist within in the source protection area or region such as academic representatives, professionals (e.g. professional engineer, planner, hydrogeologist, etc), non-governmental organizations, associations, and the general public.

Section 2.5 of this paper describes how the source protection authority may select and solicit other members to participate on the committee.

For those stakeholders that are not ultimately selected to be a member on a source protection committee it is important to note that additional involvement and interaction with the source protection committee may be established through the formation of various working groups. Further detail on the working groups is given below in section 4.0.

2.3.5 Provincial Liaison

The Ministry proposes that there be a provincial liaison from the Ministry of the Environment (or another designated Ministry – e.g. Ministry of Natural Resources) who will attend meetings and be available to the committee to provide clarification about the government’s expectations regarding the overall source protection planning process. They will also serve as liaison to the government to facilitate movement of information and knowledge between the committee and the government, and can bring science-based questions to the attention of the staff in the source protection section of the Ministry. In addition, the provincial liaison will provide or arrange for training of members of the source protection committee.

The provincial liaison will not:

- Approve any work developed by municipalities, source protection authority, the committee, and working groups;
- Participate in reviews of work developed for the purposes of approval;
- Chair meetings if the appointed chair is not available; or
- Participate in the removal of committee members.

2.3.6 Public Health Members

Depending on the local land uses and historical context within the source protection region or area, it may be appropriate to include a local Medical Officer of Health (MOH) or health unit representative(s) on the committee. Alternatively, the local MOH may be better suited as an advisor to the committee, similar to the provincial liaison. A local MOH is anticipated to provide a valuable role in local information exchange and dissemination during the preparation of the assessment report or source protection plan. The Ministry is consulting with the Ministry of Health and Long Term Care and the MOHs on their potential role in supporting the committee

and its tasks and to ensure that their participation does not conflict with their statutory duties under the *Health Protection and Promotion Act*.

2.4 Qualifications of Members of Source Protection Committee

Qualifications for participation on a source protection committee may vary depending on what interest or stakeholder the person is representing. At a minimum, the member should be familiar with the issues and considerations of the interests they represent. The Ministry is also proposing a prerequisite that members reside, own property, own a business, or work within the source protection region or area. Some familiarity with the terms and concepts associated with environmental management (e.g. watersheds, hydrologic cycle, wellhead protection areas) would be appropriate. The source protection committee, with the exception of the chair, should not be conservation authority board members as this may have conflict of interest implications.

Question: The Ministry is proposing that one of the qualifications for membership on the source protection committee is to be a resident and/or employed in the source protection region or area. Do you agree with this concept?

Question: The Ministry is proposing that source protection committee members, with the exception of the chair, shall not be conservation authority board members. Do you agree with this approach?

The following specific qualifications would be proposed in Ministry guidance for consideration in the selection of members of the source protection committee:

- Demonstrated ability to understand source protection science, concepts, and technical reports;
- Proven ability to act as liaison for the sector(s) being represented;
- Problem-solving, analytical, communication, and organizational skills;
- An openness to working together and with representatives from other sectors;
- Knowledge of local watershed(s), communities, and issues;
- Demonstrated ability to work with group dynamics and team environments; conciliatory decision-making skills;
- Resides, owns property or a business and/or is employed in the source protection region or area;
- Willingness and ability to travel around the source protection region or area; and
- Has, or is capable of having direct contact with residents and landowners.

Question: Are there additional qualifications desired of members or qualifications listed that are not appropriate?

2.5 Solicitation and Selection of Sectoral and Other Members

The source protection authority is responsible for soliciting and selecting the sectoral and other members of the source protection committee in accordance with regulations. Similar to the solicitation for the position of chair, the call for sectoral and other member applications should

be as general and accessible as possible. For example, the Ministry proposes that placing ads in newspapers and on a website would be a requirement for this process. However, the authority may also consider posting advertisements at locations with public access (for example, libraries, communities centres, municipal offices, etc.) to enlarge the distribution potential.

For sectoral members, the Ministry is proposing that the source protection authority approach associations that represent the sector and request them to select individuals who meet the qualifications. While formal representation of the association is not a requirement, the endorsement will provide additional credentials to the member on the committee. Sectoral associations may submit written applications describing the individual's qualifications and experience to the source protection authority.

For the other members, if a representative association exists, Ministry is proposing that the source protection authority follow the same procedure as above.

The source protection authority, in conjunction with the chair, may evaluate the submissions and develop a recommendation or a short list of suitable members for more in depth interview and consideration. The final decisions and supporting rationale for membership should be documented and retained. All considerations for protecting personal information and privacy must be applied when the rationale document is prepared. The selected membership would be posted in a similar fashion as the original solicitation.

2.6 Individual Member Responsibilities

Members would be expected to:

- Attend meetings of the committee;
- Act as liaisons by bringing forward common concerns from their knowledge and experience in their sector to the committee and assist in communicating the committee's work;
- Make decisions at the committee table;
- Attend public information sessions and participate in public consultation forums; and
- Respect confidential information and abide by the process in place to safeguard confidential information.

The Ministry expects that members will work collaboratively and respectfully with each other and other stakeholder groups involved in source protection planning.

Question: Should there be other member responsibilities that are not currently listed? If so, please suggest them. Are the current responsibilities listed appropriate?

The Ministry would provide training to committee members to assist them in carrying out their roles and responsibilities. It is proposed that all members be required to attend the training sessions. The training topics will include the legislative responsibilities of the committee, the procedures developed by the province for source protection planning, technical training

pertaining to the assessment report, freedom of information and privacy protection of personal information, dispute resolution, negotiations, and effective facilitation for stakeholder engagement.

2.7 Examples of Decision Matrices for Membership Selection

The Ministry will be developing guidance material, such as the example decision matrices shown below, to assist the source protection authority in making committee membership selections that fully represent the watershed community. Below, the Ministry is providing two examples.

The source protection authority may wish to deviate and choose its own methodology while ensuring that the membership of the committee meets the requirements of the regulation.

Example Decision Matrix for a 15 member committee (excluding the chair): One approach to selecting and prioritizing members is by ranking stakeholder groups against one another through a pair-wise technique. In a public forum, stakeholders would rank groups by asking themselves which group should be prioritized over another. The total number of incidences where the group was ranked above another would be recorded and used to select a representative. The matrix below illustrates an example on how this may be undertaken.

	Stakeholder Groups													# of times selected as priority over other members	overall rank
	A	B	C	D	E	F	G	H	I	J	K	L	M		
A	-	A	A	A	A	A	A	A	A	A	A	A	A	12	1 st
B		-	B	B	B	B	B	B	B	B	B	B	B	11	2 nd
C			-	C	C	C	C	H	C	C	K	C	C	8	5 th
D				-	E	F	G	H	D	J	K	D	M	2	8 th
E					-	E	G	H	E	J	K	L	E	4	7 th
F						-	F	H	F	F	K	F	M	5	6 th
G							-	H	G	J	K	G	M	4	7 th
H								-	H	H	K	H	H	9	4 th
I									-	J	K	I	M	1	9 th
J										-	K	J	M	5	6 th
K											-	K	K	10	3 rd
L												-	L	2	8 th
M													-	5	6 th

Please note that the above is a depiction of how the tool may be used only; not based on actual information or evaluation or reflect any prioritization made by the province.

Example member representatives:

A= Crop Sector

B= Livestock Sector

C= Aggregate Sector

D=Landfill Sector

E=Business Service Sector #1

F= Business Service Sector #1

G= Logging

H=NGO #1 in community

I=NGO #2 in community

J=Association #1 in community

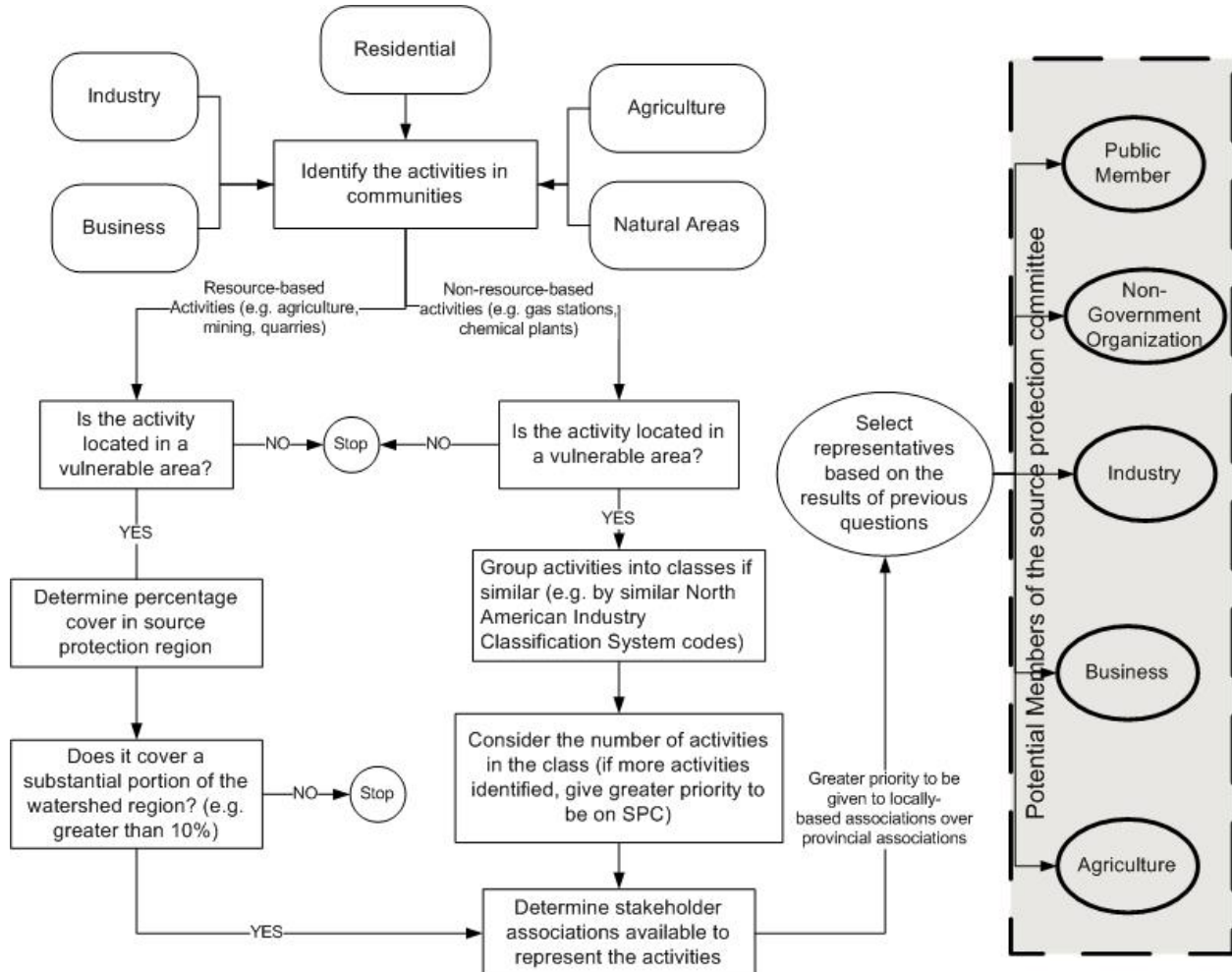
K= Association #2 in community

L=Professional in community (e.g.

professional engineer, hydrologist, etc)

M=General Public

Example Decision Tree for a 15 member Committee excluding the chair: This decision tree determines the representatives based on location of activities and impact on watershed. In the example below, the source protection authorities, the chair and municipalities would select the members.



2.8 Replacing Vacancies

Vacancies are defined for the purposes of discussion as a chair or member who leaves the source protection committee permanently or who has been removed from the committee in accordance with the Rules of Operation (see section 3.9 of this paper). The solicitation and selection process set out for chairs and members could apply to replace the vacancy.

2.9 Ensuring Confidentiality of Private Information

One of the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) is to protect the privacy of an individual’s personal information contained in

government records. MFIPPA applies to municipalities, local boards, agencies and commissions and includes information in the custody of a conservation authority.

As noted earlier, where there is a conservation authority area, the conservation authority is the source protection authority. As well, the Minister may enter into an agreement with one more municipalities with respect to a source protection area outside a conservation area and may designate a municipality as a source protection authority. If the Minister designated a body to act as a source protection authority that is not a conservation authority, municipality or other body to which MFIPPA applies, consideration would be given to including that particular source protection authority under MFIPPA in order to ensure that the privacy of personal information in the custody of that authority would be protected.

In order for the source protection committee to complete the terms of reference, assessment report and source protection plan, they will be required to access information from municipal agencies and local boards (including the conservation authority) and as a result will need to comply with the provisions of the Act. It is proposed, therefore, that the source protection committees be prescribed as institutions under MFIPPA, placing them on Schedule A of MFIPPA. It is also proposed that the source protection authority administer MFIPPA on behalf of the committee. As a result, the province recommends that committee members receive training on MFIPPA to ensure that they do not violate it while undertaking their work.

3.0 Rules of Operation

The Act gives the Minister the authority to make regulations governing the operations of the source protection committee. The Ministry is proposing that the Minister make a regulation requiring the source protection committee to develop Rules of Operation addressing matters set out in the regulation. The purpose of this section is to set out the proposed contents of those regulations as well as Ministry guidance.

3.1 Code of Conduct

The proposed regulations would require the committee to develop and implement a Code of Conduct which would be required to address, at a minimum, appropriate behaviour of committee members during meetings and public consultation sessions, and conflict of interest rules.

3.1.1 Ethical Behaviour

It is regular practice for committees to develop a manner of behaviour for members during and after their term of office. The Ministry proposes that the following expectations be incorporated into a Code of Conduct for committee members:

During their term of office, source protection committee members:

- Shall carry out their functions with integrity and good faith;
- Shall act responsibly and fairly towards other members of the committee and the chair;

- Shall carry out their duties in such a way as to maintain public confidence in the administration of the committee;
- Shall not act in such a way that may be deemed as a conflict of interest (see section 3.1.2 of this paper); and
- Shall not use, directly or indirectly, any facilities or services of the committee, source protection authority, conservation authority, or municipality, nor allow them to be used, for purposes other than expressly approved by the committee, source protection authority, conservation authority or municipality.

After leaving office, the members:

- Shall respect the confidentiality of information received in the performance of their duties, as well as the confidentiality of the deliberations of the committee;
- For a period of two years, shall not make use of any information obtained in their capacity as a member that is not generally available to the public, in order to derive a benefit or advantage for themselves or that of any family member.

3.1.2 Conflict of Interest

To ensure public confidence in the source protection committee, members would be required to avoid situations in which a conflict of interest could occur. Conflict of interest is any situation where an individual's private interests may be incompatible or in conflict with their responsibilities as a member of the source protection committee.

The following activities or situations are identified as conflicts of interest:

- Soliciting or accepting favours or economic benefits from any individuals, organizations or entities known to be seeking business or contracts associated with the source protection planning process;
- Disclosing any confidential information that the member acquired by virtue of his or her capacity as a member to further his or her own private interests;
- Using confidential information in any private undertaking in which they are involved;
- Helping any outside entities or organizations in any transactions or dealings with the committee; and
- Accepting a fee, benefit or gift in connection with the performance of his or her role as a member.

Should a member have reasonable grounds to believe that he or she has a conflict of interest, it may be proposed in regulation that they report it to the chair and to the rest of the committee or report it privately to the chair. Depending upon the nature of the conflict, the member may be invited to excuse him or herself from participation in discussions or decisions on a particular issue, be temporarily replaced, or permanently replaced.

If the chair has reasonable grounds to believe that he or she has a conflict of interest, the chair will need to report it to the source protection authority and/or the Minister. Depending upon the nature of the conflict, the chair may: ask the alternate chair to step in; be replaced by the alternate chair for the entire meeting or for a period of time; or be replaced altogether. The Minister may, in consultation with the authority, evaluate potential conflicts that may require replacement of a chair. In this situation the Minister may appoint the alternate chair as the new

chair, appoint another individual as chair from the short list previously submitted by the source protection authority, or require the entire solicitation process to be repeated.

3.2 Quorum

It is proposed that the regulation provide that a quorum must be present to hold a meeting of the committee. It is proposed that a quorum would be fifty percent of the membership plus one.

Question: Should attendance at meetings via teleconference be allowed in extenuating circumstances?

3.3 Minutes

It is proposed that the regulation provide that the committee be required to take minutes for of all meetings and maintain the minutes in a public record that is easily accessible. In guidance material, the province will recommend that translation of minutes into French conform to the Province of Ontario's policies for northeastern and southeastern Ontario.

3.4 Transparency

It is proposed that the regulation provide that the committee be required to hold meetings in locations that are wheelchair accessible and with adequate seating to accommodate observers that may be reasonably expected to attend.

3.5 Frequency

It is proposed that the regulation provide that the committee meet a minimum of once per month until the terms of reference are developed, and thereafter the frequency of meetings of the committee would be set out in the workplan developed in the terms of reference.

In guidance, it is proposed that the committee should set out the frequency for meetings and publish the schedule of meetings in a publicly available calendar. In determining the meeting dates, consideration should be given to the seasonal aspects of the occupations of committee members.

3.6 In-camera/Privacy Considerations

The committee would be required to hold meetings in public except when discussion occurs on private, personal or proprietary information. These discussions should be held in-camera. Where a person wants to raise a matter with the source protection committee that would not be subject to disclosure under MFIPPA, the person may request the committee, or the source protection committee may on its own initiative, move to hold the meeting in-camera. Holding a meeting in-camera should only be done after the committee has agreed to do so. Where possible, the source

protection committee should seek to deal with all matters to be discussed and considered in-camera in one segment of the meeting – either before or after the meeting – so as not to disrupt public attendance at the meeting. Otherwise, in appropriate circumstances, the source protection committee may wish to schedule these matters in a special session. In all cases, the committee should ensure that minutes of the meeting reflect when matters have been discussed and considered in camera – and the reasons why such steps were taken.

3.7 Public Notice and Public Input

The source protection committee would be required to publicly post a calendar of its meetings on the source protection committee web site. The committee may make the calendar available at other locations to provide for increased public accessibility (e.g. local library notice board, municipal offices, etc).

The Ministry is proposing that meetings of the source protection committee include a public input session (i.e. delegations) and records of these representations may be included with the minutes at the discretion of the chair. The amount of time allotted for public input may vary depending on the number of presentations and should be up to the discretion of the chair. Where there are many presenters, it should also be open to the chair to set time limits on such sessions.

3.8 Decision Making Process

In the proposed regulations, the chair would be required to make reasonable efforts to use a consensus approach for decision making. If the chair finds that consensus is not possible then the chair would have the discretion to put the matter to a vote of the membership.

The Ministry will be preparing guidance on various procedures that may be used for decision-making to help formalize the process should the committee require it. One example is to use existing rules, such as Robert's Rules of Order or Bourinot's Rules of Order.

3.9 Removal of Members

In some circumstances, the removal of a member from the source protection committee may be required. Reasons for removal may include:

- Failure to attend meetings;
- Engaging in activities that are in conflict of interest;
- Compromising the activities of the committee;
- Violating the *Municipal Freedom of Information and Protection of Privacy Act*
- Behaving in a manner which is disruptive and/or disrespectful to the operation of the committee; and
- Otherwise breaching the committee code of conduct.

It is proposed that Rules of Operation be developed by each source protection committee in accordance with the regulation governing whether and/or how to remove a member from a committee. Removal of a member would be considered as a last resort, to be used only if other

attempts to resolve the matter had failed. Where appropriate, the chair may seek the assistance of the source protection authority to resolve a matter with a member before recommending that formal action be taken against the member to exclude them from the source protection committee.

Where the matter cannot be resolved informally the Ministry is considering the following two options to formally remove a member from the committee:

1) Removal By Source Protection Authority: A letter of notice of the intention for removal must be provided by the chair to the member in question and include reasons for the proposed action. The chair's letter may be the result of complaints the chair has received about the member either from other members of the committee or from the public. Both the chair and the member would attend a meeting of the source protection authority where they would make submissions on the matter. The decision on what action to take to resolve the matter would be left to the source protection authority. If the decision is made to remove the member, then the source protection authority would seek to appoint a new member in his or her place.

2) Removal By Source Protection Committee: The chair would allow a committee member to bring a complaint against another member to the attention of the source protection committee. The complaint would be given to the member who is the subject of the complaint. He or she would then have the ability to respond to the complaint before the other committee members. The member would then be excused so that the other committee members could vote on whether the member should be excluded from future committee meetings. Should this decision be made, the chair would then advise the source protection authority of the decision and ask the source protection authority to appoint a new member in that member's place.

Question: Of the two options provided, which is the preferred one? Do you think that the source protection committee should decide whether to remove one of its members or should that decision be left to the source protection authority? If neither is preferred, please provide an alternative procedure.

4.0 Working Groups

To assist the source protection committee in completing the work required for the terms of reference, the assessment report and/or the source protection plan, the committee may establish working groups.

4.1 Organization and Functional Responsibility

Working groups may be created to add further representation from interested stakeholders (see section 2.2) and/or to obtain expertise in specific areas needed to undertake specific technical work in the assessment report. It is recommended that if the source protection committee foresees the establishment and use of working groups, then the terms of reference should include a section on "Working Group Rules of Operation". It is also suggested that such working groups be assigned tasks that move the process ahead and not solely engage in "review and critique" activities.

4.2 Membership on Working Groups

The source protection committee would have flexibility in determining which types of working groups it requires to assist in its responsibilities for completing the assessment report and source protection plan. This decision would be influenced by the local knowledge and the expertise of the source protection committee members themselves (and any obvious gaps in that knowledge/expertise), as well as by the unique character of each source protection region.

Membership on a working group may be based on an expert-driven approach in support of the various tasks and activities required to complete the assessment report or source protection plan (e.g. municipal water works experts, including a hydrologist/hydrogeologist, engineer, etc) or may be established to support a particular member on the source protection committee (e.g. agricultural sector working group). Alternatively, a working group may be established to include people with expert knowledge about a particular geographic area of the source protection region. A working group may also be established to provide a specialized viewpoint on issues to the source protection committee. For example, a working group comprised of local MOH's or health unit representatives could be established to provide the source protection committee with the human health perspective that will be required when developing a comprehensive assessment report.

The number of members on a working group should be limited to assist the group in maintaining an efficient working and decision-making process. The committee will determine the size of a particular working group. Some working groups may need to be quite large due to the sheer size and diversity of the interest being represented, for example a municipal sector. Working groups can meet as needed and informally throughout the development of the tasks assigned to them by the source protection committee.

4.3 Chair/Lead of Working Groups

Each working group could establish their own chair. The Ministry proposes that the chair of each working group would coordinate the communications between the working group and the source protection committee. Working group chairs do not need to be members of the source protection committee but this may be desirable to streamline liaison and communications.

Question: The Ministry is proposing that the source protection committee be left with the discretion to determine how many working groups to establish, their mandate, their composition and the rules governing their operations. The Ministry believes that this is a matter best determined at a local level rather than something that should be dictated by the Province. The Ministry would simply provide guidance for the source protection committee to consider when determining whether it is appropriate to establish a working group and how such working groups should function. Do you think this is a reasonable approach, or do you think the regulations should require the source protection committee to establish working groups as part of the source protection planning

requirements? If you believe the source protection committee should be required by the CWA regulations to establish working groups, then how many working groups should be required as a minimum, and what should each of their mandates be?

5.0 Term of Office

The duties of the source protection committee may decrease after the approval of the source protection plan but there is no termination of the committee. Individual members may wish to be replaced on the committee following the approval of the source protection plan. To minimize disruption of the process the Ministry recommends that no more than one third of the committee should be replaced in any one year. Replacements should also bring in the knowledge and experience of the sector that the outgoing member possessed.

In the proposed regulation, the members would be appointed by the source protection authority for a period of three years or until the approval of the source protection plan (whichever occurs first).

6.0 Exemptions

The *Clean Water Act, 2006*, provides a provision for the Minister to grant exemptions from the regulation that governs the appointment of source protection committee members, which includes the composition, solicitation and selection process. For exemptions to be granted, an application process must be completed and the Minister must grant such exemption through a notice of exemption from the regulation.

In the proposed regulation addressing exemptions, the source protection authority would be required to make an application for the exemption. The application must describe the rationale for the exemption and state an alternate process if appropriate. It is strongly recommended that the municipalities within the source protection area and region be consulted when developing the application.

The Minister will review the application and either grant the exemptions with such conditions or restrictions that the Minister considers appropriate, or refuse to grant the exemption.

7.0 Financial Compensation

The source protection committee will receive provincial financial support to support their work in the development of the terms of reference, assessment report, and source protection plan. Compensation of the source protection committee chair, members, and support person will vary depending on the size and complexity of the source protection region.

7.1 Chair Financial Compensation

It is proposed that the financial compensation for the chair of each source protection committee should follow the same three-tiered approach used in determining the maximum size of each committee. For example, where a source protection region is large and complex, the chair's compensation would reflect the likelihood that this task will require significant attendance at municipal council meetings.

7.2 Member Financial Compensation

It is proposed that members that are not municipal members or who do not receive payment from their employer to participate will be provided financial compensation. Based upon an anticipated meeting frequency of one per month, plus a likely requirement to attend consultations, technical briefings, and other events, the per annum may be \$2,500 per member.

7.3 Support Person Stipend

It is suggested that a support person should be provided for each committee and should also receive financial compensation that follows the three-tiered model approach that is based on the size and complexity of the source protection region and area. It is proposed that large source protection regions will have a full time support person that reflects the requirements for a significant and ongoing relations management initiative with municipalities. It is further proposed that medium source protection regions would have a half-time support person and small source protection regions would have a quarter-time support person.

7.4 Travel Expenditures

All members of a source protection committee, including municipal representatives, would be provided with reimbursement for travel expenditures. The amounts and compensation procedures should be set by the source protection authority to align with the existing standards of practice for committees. In the absence of an existing procedure, the Ontario Public Service standards as noted below would apply.

Reimbursements for meals, including taxes and gratuities, as follows:

Breakfast: \$8.75

Lunch: \$11.25

Dinner: \$20.00

Mileage for use of Personal Vehicles:

Kilometres Driven	Southern Ontario (cents per km)	Northern Ontario (cents per km)
0 – 4,000 km	40	41
4,001 – 10,700 km	35	36

10,701 – 24,000 km	29	30
More than 24,000 km	24	25

Members requesting reimbursement should submit their request and receipts to the source protection committee support person who should maintain a record of the reimbursement. The reporting of such expenses should be made on an annual basis to the source protection authority. These expenditures should be reimbursed from the budget of the source protection authority.

7.5 Out of Pocket Expenses

The lead source protection authority should reimburse out-of-pocket expenditures such as photocopying, taxi use, phone-calls, etc. with the provision of a receipt, subject to the discretion of the chair of the source protection committee. As with travel expenditures, these expenses should be tallied, summarized, and reported annually by the support person to the source protection authority.

8.0 Committee Role in Preparing the Terms of Reference

This section will describe how the source protection committee will ensure participation from the affected parties and provide consultation opportunities to the larger watershed community. This section will also describe the workplanning requirements in the terms of reference. While the discussion describes some elements that may be included in the terms of reference regulation, it is not intended to provide all components. The Ministry will provide more detailed guidance on the development of the terms of reference through a future posting on the Environmental Registry.

The first source protection planning document that the source protection committee would prepare in collaboration with source protection authorities and municipalities is the terms of reference. The terms of reference will outline how the assessment report and the source protection plan will be developed and completed.

8.1 Consultation / Communications

The source protection committee would be responsible for communications related to the source protection process within the source protection region and area. The source protection committee may work with and through communications staff at the municipality or source protection authority to manage and facilitate this responsibility.

The source protection committee would also be responsible for ensuring that the terms of reference, assessment report, and source protection plan are developed in a consultative process and in accordance with the regulations. As set out in the terms of reference, others may carry out specific technical aspects in the development of the assessment report or source protection plan and may therefore host or lead the various consultation forums associated with the completion of

those tasks. However, the source protection committee remains responsible for ensuring that appropriate consultation does occur at each required stage of the process.

The source protection committee would establish a schedule for a series of public consultation opportunities as one of the mechanisms by which the watershed community can provide input into the source protection process. Other mechanisms for public input include: attendance at source protection committee meetings, municipal council meetings where committee members or the chair present their progress to municipalities, and other ways specified by the source protection committee in the terms of reference.

This section provides some guidance to the source protection committee as to when public consultations should be carried out during the source protection planning process. The following assumptions have been made by the Ministry in providing this guidance:

- The source protection committee would have consulted with municipal members (as required by *Clean Water Act, 2006*) and source protection authority staff prior to the public consultations events;
- Appropriate notifications are provided to the watershed community;
- The consultations are undertaken in various communities, and at a minimum, in each source protection area;
- Members of the source protection committee would attend the consultation sessions;
- Comments would be recorded and addressed; and
- The final source protection plan will be provided to the clerk of each municipality within (or partially within) the source protection area.

Consultation should occur during the development of the terms of reference, assessment report, and source protection plan. Overall, seven to eight consultation topics covering various aspects of the planning process (including the terms of reference, assessment report, and source protection plan) are recommended. The topics are listed in the tables below. It may be necessary to repeat the topics around the source protection area, depending on the size of the area. It will be up to the source protection committee to determine where repetition is appropriate. The source protection committee will have to plan accordingly and assign who will lead the consultation sessions and determine costs in the terms of reference.

The consultation sessions and the roles and responsibilities of the various parties (e.g. municipalities, source protection authorities, etc.) will need to be identified in the terms of reference. The consultation expenses would be a component of the planning process budget administered by the source protection authority.

8.1.1 Terms of Reference Consultation

A minimum of one public consultation session would be required prior to the source protection committee finalizing the terms of reference. Depending on the complexity and size of the source protection area, separate local meetings in various communities may be appropriate to complete this consultation. The Act also requires that the source protection committee consult with all the municipalities within the source protection area. The regulation governing the terms of reference may include requirements governing consultations that should occur during the preparation of

the terms of reference. The source protection committee may discuss results from existing technical studies that provide an overview of the watershed in combination with the terms of reference public consultation session. The following table provides additional information on the public consultation session for the terms of reference.

Terms of Reference		
Topic	Description – Focus of the Consultation Session	Target Audience
Public Consultation #1 - for terms of reference	<p>Launching the source protection planning process for the preparation of the terms of reference. The terms of reference consultation session may be combined with a presentation of results from technical studies that characterize the watershed and provide a rationale for the importance of source protection planning. Although available in the watershed characterization report, it is recommended that preliminary identification of vulnerable areas is not consulted upon yet.</p> <p>In addition, should the community feel that they would like to designate other systems (other than municipal supply systems) for source protection planning, it may be covered by this session as well.</p> <p>In the workplanning chapter of the terms of reference, a draft outline of the partners' roles and responsibilities may be presented.</p>	Open House – open to the general public in the source protection area.
Posting of draft terms of reference	Proposed terms of reference posted on source protection authority website and available at conservation authority and municipal offices.	Available to everyone for comment.
Posting of Minister approved terms of reference	Minister approved-terms of reference posted on source protection authority website and available at conservation authority and municipal offices.	Available to everyone.

8.1.2 Assessment Report Consultation

The Ministry has identified, as a minimum, four public consultation topics throughout the development of the assessment report:

- Watershed Characterization and Water Budget;
- Vulnerability Analysis;
- Threats Inventory and Issues Evaluation; and
- Risk Assessment.

Depending on the size and complexity of the source protection area, as well as the complexity of the information to be discussed, completing any one of these consultation topics may require separate local meetings at various locations throughout the source protection area (e.g. a travelling consultation series of meetings). For example, where there is a source protection area with multiple municipal groundwater supply systems, separate consultation meetings in various communities of the source protection area would be appropriate to consult on the results of the groundwater vulnerability analysis, including vulnerability scores, for the specific supply systems in that community. On the other hand, when consulting on other components of the assessment report, such as the watershed characterization module, fewer meetings may be

needed to satisfy this consultation component. The following table provides additional information on each of the public consultation topics for the assessment report.

Assessment report		
(Note: It is proposed that the assessment report be composed of seven (7) modules - Watershed Characterization, Municipal Long-Term Water Supply Strategy, Groundwater Vulnerability Analysis, Surface Water Vulnerability Analysis, Threat Inventory and Issues Evaluation, Water Quality Risk Assessment, Water Budget and Water Quantity Risk Assessment)		
Consultation Topics	Description – Focus of the Consultation Session	Target Audience
Public Consultation #1 - Watershed Characterization / Water Budget	Launching the source protection planning process – using the Watershed Characterization and conceptual Water Budget. This consultation topic may be combined with the public consultation recommended for the terms of reference. Although available in the watershed characterization, it is recommended that preliminary identification of vulnerable areas not be consulted upon yet.	Open to the general public in the source protection area.
Public Consultation #2 - Vulnerable Areas	Using the results from the Municipal Long-Term Water Supply Strategy, Water Budget, Groundwater and Surface Water Vulnerability Analysis Modules – the discussion should focus on the delineation of the vulnerable areas (Highly Vulnerable Aquifers, Significant Recharge Areas, Wellhead Protection Areas, and Intake Protection Zones) and Future Municipal Supply Areas.	Open to the general public in the source protection area. Send letter to notify those living within the vulnerable areas of the meeting. This letter will be the initial notification to those who live or have property within the vulnerable areas. Meetings should be held in proximity to these areas.
Public Consultation #3 - Issues Evaluation, Threats Inventory, and Areas of Water Quantity Stress in Watersheds	Using the results of the Threats Inventory and Issues Evaluation module, the discussion should focus on the results of the threats inventory and any identified issues in the watershed. During the same consultation, results from the Water Budget and Water Quantity Risk Assessment module, indicating where areas of water quantity stress occur in the watershed, should be discussed.	Open to the general public in the source protection area. Send letter to notify those living within the vulnerable areas of the meeting. This letter will be the second notification to those who live or have property within the vulnerable areas, that greater attention will be focused on their activities.
Public Consultation #4 - Risk Assessments	Using the results from the Water Quality and Quantity Risk Assessment Modules, the consultation should present a summary of classes of activities that have been identified significant and moderate risks for discussion.	Open to the general public in the source protection area. Special effort should be made to contact those who may participate in a class of activities that has been identified as a significant drinking water threat. If individuals want to discuss how this may affect their particular activity, that person may be invited to speak in camera to the committee.
Posting of draft assessment report	Proposed assessment report posted on source protection authority website and available at conservation authority and municipal offices.	Available to everyone for comment
Posting of final assessment report	Ministry-approved assessment report posted on the Internet	Available to everyone

8.1.3 Source Protection Plan Consultation

The source protection committee is responsible for ensuring appropriate consultation occurs during the development of the source protection plan. In determining the appropriate policies for the source protection area, the policies must ensure that the activities identified as significant drinking water threats (identified in the assessment report) are no longer significant. The policies must also ensure that existing and future activities never become significant drinking water threats. It is anticipated that the number of meetings needed in various locations will depend on the size and complexity of the source protection area. As a minimum, five public consultation topics are recommended. The following table provides additional information for each of the source protection plan consultation topics.

Source Protection Plan		
Consultation Topic	Description – Focus of the Consultation Session	Target Audience
Public Consultation #1 – Setting Policies for Significant Drinking Water Threats and risk management options	Using the approved assessment report, this session is to identify policies for classes of activities that have been assessed as significant drinking water threats. The consultation session would also include discussion of the risk management options available.	Open to the general public in the source protection area. Special effort should be made to contact those who may participate in a class of activity that has been identified as a significant drinking water threat.
Public Consultation #2 – Setting Policies for Vulnerable Areas and Land Uses	Municipal planning ideas on policies for vulnerable areas identified in the assessment report.	Open to the general public in the source protection area. Special effort should be made to notify those individuals who live within the vulnerable areas.
Public Consultation #3 – Great Lakes Policies	If the Minister has set a Great Lakes target and requested a report from the source protection authority on policies to help meet the target, this public consultation topic will address what Great Lakes policies should be in the source protection plan.	Open to the general public in the source protection area.
Public Consultation #4 – Policies on Monitoring	A series of policies for monitoring programs: <ul style="list-style-type: none"> • Policies for monitoring (programs) for significant drinking water threats • Policies for monitoring (programs) for non-significant drinking water threats • Policies for monitoring (programs) for effectiveness of Great Lakes policies • Policies for monitoring (programs) for drinking water issues* 	Open to the general public in the source protection area.
Public Consultation #5 – Provisions for measuring success	Focus of session should be on measuring success and the process for annual reporting by source protection authority.	Open to the general public in the source protection area.
Posting of draft source protection plan	Proposed source protection plan on the source protection authority website	Available to everyone for comment
Posting of final source protection plan	Minister-approved source protection plan available on the source protection authority website	Available to everyone

* A drinking water issue is a substantiated (through scientific means) condition relating to the quality of water that interferes or is anticipated to soon interfere with the use of a drinking water source by a municipal residential system or designated system.

8.1.4 Other Opportunities for Information Sessions

To complement these minimum consultation recommendations, the source protection committee should consider if additional information sessions on various topics associated with the source protection planning process would be useful in the source protection area. These additional topics are described in the table below.

Information Session Topics	Description – Focus of the Consultation Session	Target Audience
Public Information Session – Risk Management Plans and Roles and Responsibilities of the Risk Management Inspectors and Officials	<p>This is less of a consultation and more of an awareness session to provide information on how the risk management plan regime will work in the source protection area.</p> <p>Anticipated to be organized by the municipality and source protection authority, not the source protection committee.</p>	Open to the general public in the source protection area
Public Information Session – Best Management Practices	Opportunity for watershed community to showcase best management practices in their source protection area.	Open to the general public in the source protection area

8.2 Workplanning

The terms of reference would include a workplan for the assessment report and source protection plan. In collaboration with source protection authorities and municipalities, the source protection committee would identify and assign tasks and deliverables to complete various portions of the assessment report and the source protection plan. The source protection committee would ensure that the participating groups are aware of their roles and responsibilities and have agreed upon them for the entire source protection planning process.

8.2.1 Workplanning for Vulnerable Areas and Future Municipal Supply Areas

The workplans may be broken down by the vulnerable areas defined by the *Clean Water Act, 2006* reflecting the fact that the work may be led by municipalities or source protection authorities in different vulnerable areas.

The workplans will help the source protection committee chair meet the proposed duty to develop and submit quarterly status reports to the source protection authority, and the legislative requirement for the source protection authority to submit interim progress reports to the Ministry of the Environment.

The following sections will discuss workplanning in vulnerable areas and future municipal supply areas and who will be involved.

Workplanning for Intake Protection Zones and Wellhead Protection Areas

Regulations may authorize or require the terms of reference to require a municipality to lead tasks for the purpose of preparing an assessment report and source protection plan.

It is the vision of the Ministry that regulations would require source protection committees to engage with municipalities in workplanning for Intake Protection Zones (IPZs) and Wellhead Protection Areas (WHPAs) as municipalities have the responsibility for those systems under the *Safe Drinking Water Act, 2002*. The workplan should also include roles and responsibilities in the development of policies in the source protection plan for these vulnerable areas to address significant drinking water threats (i.e. the work plan to be included in the terms of reference should identify who will take the lead in developing proposed policies).

Workplanning for Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas

While the Ministry proposes that municipalities would be responsible for developing the workplan relating to the IPZs and WHPAs, it proposes source protection authorities will develop workplans for Highly Vulnerable Areas (HVAs) and Significant Groundwater Recharge Areas (SRA). Both of these areas would be delineated through the source protection assessment report process.

Part of the work carried out by source protection authorities would require bridging the work done by municipalities to ensure that mapping products are aligned across municipal jurisdictions.

Workplanning for Future Municipal Supply Areas

The source protection committee would coordinate roles and responsibilities for the identification of future municipal supply areas, which will be completed in the assessment report. If a process is already underway to locate future locations of wells or intake cribs (e.g. an environmental assessment process to expand water supply capacity or to build a new plant), the committee may already have early indications of where these areas might be located. These are referred to as specific future municipal supply areas. The Ministry recommends that municipalities would take the lead in preparation of those portions of the assessment report and source protection plan that relate to specific future municipal supply areas.

8.3 Finalization for Submission to the Minister

The terms of reference may be revised by the source protection committee after it has been reviewed to address the comments made by the municipalities and the public during consultation. The source protection committee then submits the terms of reference, along with a summary of concerns raised by the municipalities, to the source protection authority. The committee must also publish the proposed terms of reference on the Internet and in such other manner that the committee feels to be appropriate.

In the final package to the Minister, the source protection authority must submit the terms of reference, summary of comments made by the municipalities, and summary of comments received from the public during the posting period. In addition, the authority may submit their

comments in the package. The Minister will take into consideration all these comments during the approval process.

9.0 The Committee Role in Preparing the Assessment Report

The purpose of the following section is to describe the role of the source protection committee in preparation of the assessment report. It is not intended to provide content for the regulation governing the preparation of the assessment report. There will be an EBR posting setting out the proposed contents for the assessment report at a later date.

The source protection committee is tasked with the preparation of an assessment report for each source protection area. The work is expected to be completed in accordance with the regulation and the terms of reference. It is anticipated that the committee will work closely with the municipalities, source protection authorities, and working groups in the development of the assessment report. As set out in the terms of reference developed by the committee, the municipalities and source protection authorities within the source protection region are anticipated to be responsible for pulling together the information and carrying out the analysis for various components of the assessment report.

Tasks related to the preparation of the assessment report that are anticipated to be directly led by the source protection committee include:

- Consideration and prioritization of drinking water issues identified through open consultation sessions;
- Coordinating municipal work to ensure consistency between municipalities across a source protection area;
- Coordinating and finalizing the list of significant drinking water threats identified in the assessment report;
- Leading and/or coordinating the consultation sessions associated with the various components of the assessment report;
- Reviewing the various components making up the assessment report;
- Signing-off on the contents of the assessment report, including the identification of significant drinking water threats;
- Submitting the assessment report to the source protection authority along with a summary of concerns that were raised during consultations by municipalities and that were not resolved to the satisfaction of the municipalities;
- Publishing the proposed assessment report on the Internet and inviting the public to comment; and
- Submitting to the source protection authority (along with the assessment report), a summary that demonstrates how the terms of reference, regulations, and Director's rules have been complied with.

10.0 The Committee Role in Preparing the Source Protection Plan

The purpose of the following section is to describe the role of the source protection committee in preparation of the source protection plan. It is not intended to provide content for the regulation governing the preparation of the source protection plan. There will be an EBR posting setting out the proposed contents for the source protection plan at a later date.

The final document to be prepared by the source protection committee is the source protection plan for each source protection area. It is anticipated that the committee will work closely with the municipalities and the source protection authorities in the development of the source protection plan. As set out in the terms of reference developed by the committee, the municipalities within the source protection area, or region where the areas have been consolidated, are anticipated to be responsible for implementing the policies laid out in the plan. Some municipal implementation may take place through the source protection authorities, such as outreach or incentive programs.

It is anticipated that the following activities will need to be carried out by the source protection committee in order to complete the plan (note: this is not an exhaustive list):

- Coordinating the development of policies intended to ensure that current and future significant drinking water threat ceases to be or become a significant drinking water threat;
- Coordinating the policies developed by municipalities intended to ensure no future drinking water threats become significant drinking water threats;
- In consultation with municipalities, developing effectiveness measures that will be used to assess whether these policies have been achieved;
- In consultation with municipalities, developing a list of activities and land uses that are prohibited and a list of the areas inside surface water intake protection zones or wellhead protection areas where these activities and land uses are prohibited;
- Coordinating the development of the list of activities and land uses that will require a risk management plan under the Act, and a list of the areas inside a surface water intake zone and wellhead protection area where these risk management plans will be required;
- Ensuring that the most recently Director approved assessment report is re-submitted with the source protection plan; and
- Ensuring that public consultation is being carried out throughout the development of the plan, as specified in the terms of reference.