

The Clean Water Act

Myths and Facts

The Ontario government has created the Clean Water Act and passed the first set of regulations under the Act. These include the Source Protection Areas and Regions, Source Protection Committees, Terms of Reference, Time Limits, and Miscellaneous Regulations.

This legislation sets prevention as its fundamental principle. Keeping the sources of our drinking water free of contamination is smarter, safer and more effective than cleaning up problems after the fact.

Local communities are best positioned to decide what protective measures are needed and how best to carry them out. A key focus of the legislation is the production of locally developed, science-based drinking water source protection assessment reports and source protection plans.

Some people have concerns about how the act will impact them and their property.

Myth: The act impacts property rights of Ontario landowners.

Fact: As with any other legislation, there are provisions that allow for powers of entry and expropriation for very specific purposes and in limited circumstances.

The act provides designated persons with the power to enter property for the purpose of designated officials may enter property for inspection purposes or may enter property for the

purpose of causing ordered work to be done. However, the legislation provides important restrictions on the exercise of an entry power. For instance:

- A property cannot be entered unless prior notice is given to the owner or occupant of the property;
- A person who has authority to enter property under the legislation cannot enter a dwelling without either the permission of the occupant or an inspection warrant issued by a court;
- Entries must be conducted at reasonable times; and
- Finally, the legislation requires that where property has been adversely affected as a result of an inspection, the person who conducted the inspection must ensure that the property is restored to the condition it was in before the inspection.

Myth: The act gives the Ontario government the authority to seize or confiscate property without consent and without payment or compensation.

Fact: People's property is protected under the Expropriations Act, which ensures full compensation for the land owner. Expropriation is expected to occur very rarely and only under extenuating circumstances.

Myth: The Province of Ontario will require meters on private wells.

Fact: The Clean Water Act does not require meters on private wells and the Ontario government has publicly stated many times that it does not have any intention of metering private wells. On May 10, 2007, Environment Minister Laurel Broten stated in the Ontario Legislature that the government has no plans to meter private residential wells. The Ontario Water Resources Act requires anyone taking more than a total of 50,000 litres of water in a day to obtain a permit. Takings by an individual for ordinary household purposes are specifically exempted.

Myth: Land use activities will be prohibited under the act.

Fact: Land use activities will not be prohibited unless:

- the activity constitutes a significant drinking water threat under the legislation; and
- a policy in a source protection plan stipulates that a land use will be prohibited within a defined vulnerable area.

Myth: The Clean Water Act applies to all water in Ontario.

Fact: The act applies primarily to municipal drinking water systems. The act does allow for clusters of wells and non-municipal drinking water systems to be included in the source protection planning process, however, it is up to the local community to decide on the best approach to protecting the local water source.

More information on the Clean Water Act is available on the Ministry of the Environment web site at www.ontario.ca/cleanwater.

Further local information on drinking water source water protection can be found at: http://www.conservation-ontario.on.ca/source_protection/otherswpreions/index.htm.

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