

Clean Water Act Source Protection Committee Chair Questions and Answers

1) What is the source protection authority (SPA) role?

The source protection authority (SPA), which in most cases is the conservation authority board, is responsible for establishing the source protection committee (SPC) and ensuring that the source protection process gets up and running in each source protection area. It will provide administrative, scientific and technical support and resources to the SPC during the development of the terms of reference, assessment report and source protection plan documents. It will also review and comment upon these documents before it submits them to the ministry for approval. Following the approval of the source protection plan, the SPA is responsible for implementing those policies in the source protection plan assigned to them in the terms of reference and preparing annual reports. As well, the SPA may be required by the Minister (or the Director in the case of the assessment report) to amend the terms of reference, assessment report or source protection plan as directed. Finally, the SPA may also propose amendments to the plan in prescribed circumstances.

2) Will source protection authorities accept letters of application for the position of source protection committee chair?

There are a number of mechanisms that the source protection authority could use to seek out potential committee chair candidates, including: advertising and/or inviting interested parties through advertisements in local newspapers, placing advertisements/flyers in libraries, municipal offices, community centres, universities, etc, specifying minimum qualifications as well as the application process. In addition, the authority could also approach key watershed stakeholders directly and ask them to submit a potential candidate.

The source protection authority will forward the names of the top three candidates for the committee chair, along with the candidates' submission packages, to the Ministry for consideration by the Minister. The source protection authority is encouraged to also forward a recommendation package and rationale for the recommendation.

3) Must authorities follow a public process for nominating source protection committee chairs?

The Minister of the Environment is responsible for appointing the chair of the source protection committee through a Minister's Letter of Appointment. Although the final decision is up to the discretion of the Minister, the Clean Water Act does contain a provision which allows for the

source protection authority to put forward recommendations for chair to the Minister for consideration. The source protection authorities have been asked to consider a public call for expressions of interest when selecting a list of potential committee chairs that will be forwarded to the Minister for consideration. This process, however, has been left to the discretion of the SPA in order to allow for local flexibility.

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 could be specified in the agreement between the lead authority and the other authorities. It is recognized that agreements currently exist between conservation authorities carrying out studies in support of the Clean Water Act and that these existing agreements may suffice to allow the collaborative process to proceed. Where new participating municipalities are brought into a source protection area due to boundary changes, the new authority board, including members selected by the new participating municipalities would be required to oversee this process either as lead or partner.

The source protection authority may initially look for a qualified candidate within the source protection region or area but should it not find one, can also look at suitable candidates from other watersheds.

Finally, 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 is encouraged to also forward a recommended candidate and rationale for the recommendation.

4) Is there an appeal mechanism on chair appointment to the Minister of the Environment?

There is no appeal mechanism on chair appointment by the Minister.

5) How will the Ministry ensure that the source protection committee chair does not have any conflicts of interest in performing the requirements of the position?

The nominees for the position of source protection committee chair must complete a Personal and Conflict of Interest Disclosure Statement. Additionally, the nominees will be required to sign a release allowing for the completion of a police records and criminal records check. This will comprise part of the applicants' submission package that will be forwarded by the source protection authority to the Minister of Environment.

Background information on the Clean Water Act is available on the Ministry of the Environment website at: ontario.ca/cleanwater

Further local information on drinking water source protection can be found at: conservation.ontario.on.ca/source_protection/otherswpregsindex.htm



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