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## AGENDA

**SOURCE PROTECTION AUTHORITY November 28, 2019 6:30 pm 2/19 Page**

- 1.0 Declaration of Interest**
- 2.0 Agenda Review**
- 3.0 Adoption of Agenda**
- 4.0 Declaration of Interest**
- 5.0 Approval of Minutes from April 25, 2019**  
Attached as a separate document
- 6.0 Section 34 Amendment**  
Staff Report attached ..... 1-4
- 7.0 Rules and Procedures Document Update**  
Staff Report attached ..... 5-28
- 8.0 Part IV Fee Schedule Update**  
Staff Report attached ..... 29-33
- 9.0 Member Inquiries**
- 10.0 New Business**
- 11.0 Upcoming Meetings**  
To be determined
- 12.0 Adjournment**

**Proudly working in partnership  
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,  
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,  
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

## 6.0 Section 34 Amendment

**Date:** November 28, 2019  
**To:** Rideau Valley Source Protection Authority  
**From:** Brian Stratton  
Mississippi-Rideau Source Protection Region

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### **Recommendation:**

That the Rideau Valley Source Protection Authority receive this update and direct Source Protection staff to submit the Section 34 amendment to the Ministry of Environment, Conservation and Parks.

In April 2019, a Section 34 Amendment was initiated to address two proposed items.

### **North Grenville Well**

In 2015, a new municipal well was constructed in Kemptville in the Municipality of North Grenville. The amendment will include revised Wellhead Protection Area (WHPA) mapping for North Grenville and the Village of Merrickville-Wolford (groundwater flow to the Merrickville-Wolford system is affected by pumping at the new well in Kemptville.)

The updated WHPA is estimated to potentially affect 4 business owners that are presumed to engage in activities that pose potentially significant drinking water threats, specifically the handling and storage of Dense Non-Aqueous Phase Liquids (DNAPLs). In these cases, risk management staff will work with the owners to manage the threats through custom risk management plans. These individuals have been contacted, as per public consultation requirements.

### **Dense Non-Aqueous Phase Liquids Policy Revision**

DNAPLs are chemicals that are denser than water. DNAPLs have been identified by the Province of Ontario as a potential significant drinking water threat.

Future<sup>1</sup> businesses storing and handling DNAPLs (in any quantity) are currently prohibited in areas where they are considered a significant drinking water threat, specifically in Intake Protection Zone-1 and Wellhead Protection Areas A, B & C. For some municipalities, the affected area is quite large.

When developing policies to manage this threat, the Mississippi-Rideau Source Protection Committee expected to find these chemicals only in large quantities (i.e. industrial drums) at dry cleaning or manufacturing facilities. However, after completing

<sup>1</sup> A future activity is one that is established or commenced after January 1, 2015 and does not meet the criteria of the Transition Policy or the Interruptions/Expansions Policy of the Source Protection Plan.

detailed background research and site visits, it was determined that DNAPL chemicals can be found in small quantities, specifically products commonly used in the automotive service industry (i.e. chlorinated brake cleaner in aerosol cans).

Source Protection staff are encountering difficulties with the implementation of this prohibition policy. Prohibition goes beyond the initial intent of the Source Protection Plan DNAPL policies.

Source Protection staff have been consulting with the Source Protection Committee and municipal partners to draft a proposed amendment to these policies.

### Summary of DNAPL Policy Revision

Policy	Where policy is applicable	Existing/ Future Threat	Current Policy	Proposed Policy
DNAPL-1-LB-S58	WHPA A, B, & C	Existing	Risk Management Plan	Risk Management Plan <b>and</b> exemption for Retail (un-opened) DNAPL storage.
DNAPL-2-LB-S57	Anywhere in the Wellhead Protection Area with a vulnerability score of 10	Future	Prohibition	Prohibition
DNAPL-3-LB-S57	Wellhead Protection Areas B & C with a vulnerability score less than 10	Future	*New Policy	Prohibition for the handling and storage of containers of DNAPLs greater than 25 L  Exemption for Retail (un-opened) DNAPL storage.
DNAPL-4-LB-S58	Wellhead Protection Areas B & C with a vulnerability score of 4 to 8	Future	*New Policy	Risk Management Plan for small container DNAPL handling and storage less than 25 L  Exemption for Retail (un-opened) DNAPL storage.

## **Purpose of Amendment**

Any proposed change to the Mississippi-Rideau Source Protection Plan or Assessment Report(s) is required to undergo a Section 34 Amendment under the *Clean Water Act*.

## **Pre-consultation**

We are required to provide a pre-consultation comment opportunity for municipalities and implementing bodies, prior to broader public consultation. In July, a Notice of pre-consultation was circulated to all municipalities and implementing bodies affected by this proposed Amendment. Comments were due by mid-August. Comments were only provided by the Ministry of Environment, Conservation and Parks (MECP). Their comments were addressed, and changes were incorporated into the documents and technical studies prior to starting public consultation.

Municipalities affected by the proposed Amendment are also required to provide a Council resolution endorsing the amendment. We received all Council endorsements by September 13, 2019.

## **Public Consultation**

Following pre-consultation, we were required to complete a minimum 35-day public consultation. Our public consultation period started on September 27, 2019. Local newspapers published the Notice by October 4, 2019. The Notice and accompanying information were posted on our website [www.mrsourcewater.ca](http://www.mrsourcewater.ca). Municipalities and implementing bodies were also informed of the commencement of public consultation. Comments were requested by November 7, 2019.

## **Comments Received**

Comments received were very minor. A summary of comments is included below. Copies of written comments will be included in the submission of the amendment to MECP as per Section 34 (3) of the *Clean Water Act*.

## **Next Steps**

Source Protection staff have considered the received comments and have updated the final document. Once approval is received from the Source Protection Authorities, staff will submit the final amendment to the Ministry of Environment, Conservation and Parks.

# Summary of Comments Received During Public Consultation

September 27, 2019—November 7, 2019 (40 days)

Stakeholder	Date	Method of Communication	Comment	Outstanding Comments/Questions
Member of the Public	October 4, 2019	Phone call	-Will the new municipal well impact his private well? -Why doesn't the municipality take drinking water from the Rideau River or the Kemptville Creek? -Does the Province track private well locations?	None
Former SPA Member	October 7, 2019	Email	-recommended the inclusion of specific dates in the revised Explanatory Document	None
Ontario Ministry of Transportation	October 8, 2019	Email	-None	None
Person Engaged in Activity	October 8, 2019	Phone call	-Risk Management staff are invited to consult with him and negotiate an RMP whenever the amendment is finalized in the Spring	None
Person Engaged in Activity	October 10, 2019	Phone call	- Risk Management staff are invited to consult with him and negotiate an RMP whenever the amendment is finalized in the Spring	None
MECP SPPB	October 24, 2019	Email	-Please include a summary of consultation activities in Appendix E of the Plan and the appendices of the Explanatory Document -Please remove mention of organic solvents in the policy brief in the Explanatory Document -Please review implementation timelines for the new/revised policies -Include new date on amended maps -Update Schedules with revised date -Minor typos	None  All comments to be addressed prior to final submission

## 7.0 Rules and Procedures Document Update

**Date:** November 28, 2019  
**To:** Rideau Valley Source Protection Authority  
**From:** Brian Stratton  
Mississippi-Rideau Source Protection Region

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**Recommendation:**

That the Rideau Valley Source Protection Authority approve the revised Governing Policies.

### Background

Under the *Clean Water Act* every Source Protection Committee in Ontario must prepare Rules of Procedure, Code of Conduct and Conflict of Interest Policies.

On January 30, 2008 the Mississippi-Rideau Source Protection Committee adopted Governing Policies and the Source Protection Authorities approved them shortly after.

It has been over a decade since this document has been reviewed and updated. Staff are recommending a review of the existing Governing Policies to be consistent with changes to our Source Protection Committee size and operation.

A revised copy of the Governing Policies is attached for your review and consideration.

### Next Steps

A copy of the revised Policies will be presented to the Mississippi Valley Source Protection Authority for their review and approval on December 18, 2019. Once approval is finalized, copies of the amended Governing Policies will be circulated to Source Protection Committee members.

**MISSISSIPPI-RIDEAU SOURCE PROTECTION REGION  
SOURCE PROTECTION COMMITTEE**

**GOVERNING RULES OF PROCEDURE,  
CODE OF CONDUCT AND CONFLICT OF INTEREST**

**November 7, 2019**

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Chair

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Project Manager

Approval by Mississippi-Rideau Source Protection Committee: **MONTH, DATE, YEAR**

Approval by Mississippi Valley Source Protection Authority: **MONTH, DATE, YEAR**

Approval by Rideau Valley Source Protection Authority: **MONTH, DATE, YEAR**

Effective Date: **MONTH, DATE, YEAR**

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**GOVERNING POLICIES  
OF THE  
MISSISSIPPI-RIDEAU SOURCE PROTECTION REGION  
SOURCE PROTECTION COMMITTEE**

## **1 INTRODUCTION**

Drinking water source protection committees established by source protection authorities under the *Clean Water Act, 2006* are responsible for the preparation of terms of reference, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and Director's rules.

Members of the Source Protection Committee (SPC) bring to the committee a wide range of relevant knowledge and expertise relating to the committee's role, acquired as a result of experience in both the private and public sector. Committee Members join the committee to contribute to the source protection planning process under the *Clean Water Act, 2006*.

This governance document is passed under powers conferred on the Committee by the *Clean Water Act, 2006, S.O. 2006*.

The purpose of this document is to set out the rules of procedure and standard of conduct expected of Members of the Mississippi-Rideau Source Protection Committee (MRSPC). It also sets out the procedure to be followed by members in disclosing conflicts and perceived conflicts, as well as the consequences of failing to comply with that procedure.

In this document, "Committee" refers to the Mississippi-Rideau Source Protection Committee as defined by Ontario Regulation 288/07.

Definitions of terms used throughout the document correspond to those definitions given in Section (1) of the *Clean Water Act, 2006, S.O. 2006* and Ontario Regulation 288/07.

Upon appointment to the Committee, each Member shall acknowledge in writing that they have received and read this governance document and in particular, to uphold the Code of Conduct and Conflict of Interest Policy. The lead Source Protection Authority (SPA) will retain a copy of each members signed acknowledgment.

## **2 RULES OF PROCEDURE**

### **2.1 APPOINTMENTS**

1. The Ontario Minister of the Environment appoints the Chair of the Source Protection Committee. The ~~fifteen~~ **twelve** voting members are appointed by the Mississippi-Rideau Source Protection Authorities (i.e., the Boards of the Mississippi Valley Conservation and Rideau Valley Conservation Authority). The membership of the Committee shall be in accordance with Ontario Regulation 288/07 under the *Clean Water Act, R.S.O. 2006*.
2. The term of appointment and filling of vacancies shall be done in accordance with Ontario Regulation 288/07.

### **2.2 CALLING OF MEETINGS**

1. The Committee shall at its first meeting and every six months thereafter establish a meeting schedule for the following six months and publish this schedule on the Mississippi-Rideau Source Protection Region website at [www.mrsourcewater.ca](http://www.mrsourcewater.ca).
2. The Committee shall meet at least once a month until the proposed Terms of Reference is submitted to the Source Protection Authorities.
3. Notice of all Committee meetings shall be conveyed to Members **and** Liaison Members, ~~municipalities, and to the local media~~ 7 calendar days prior to the date of the meetings **by email and posted on the** Mississippi-Rideau Source Protection Region website at [www.mrsourcewater.ca](http://www.mrsourcewater.ca). The notice shall include the time and place of the meeting and the agenda items to be discussed.
4. Delivery of the agenda package to the Committee Members will be to the contact mailing and/or email address provided to the Project Manager. Draft minutes of the previous meeting will be emailed or posted to the Committee within the agenda package for the next meeting. Approved minutes will be posted on the website.
5. Only under exceptional circumstances may the Committee receive material for an item on the agenda in less than 7 calendar days. Committee may suspend the Rules of Procedure to consider an item either by consensus or the approval of 2/3 - majority vote of the members present.
6. Any member of the public wishing notice of meetings shall leave their name and address or email address with the Project Manager. The Project Manager or his/her designate shall inform that person, by email or in writing or by telephone, in advance of other meetings.

7. On occasion the Chair may call meetings in addition to the regularly scheduled meetings.

## **2.3 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

1. In keeping with the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), all meetings are open to the public; all matters arising out of Committee meetings, and supporting technical reports shall form part of the public record and shall be available for public review immediately upon request. Exceptions to the foregoing include the following matters:
  - a. personal matters about an identifiable individual, including employees;
  - b. a proposed or pending acquisition or disposition of land for Committee purposes;
  - c. litigation or potential litigation, affecting the Committee, including matters before administrative tribunals;
  - d. the receiving of advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
  - e. a matter in respect of which Committee is authorized by statute to hold a closed meeting; or
  - f. the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
2. Members shall not use confidential information for any improper use which includes, but is not limited to, using confidential information to the benefit of the member's private interest or disclosing confidential information to third parties without the consent of the party to whom the information relates. Any such activity will result in disciplinary action for the member.

## **2.4 FISCAL YEAR**

The fiscal year of the Committee shall be the calendar year.

## **2.5 PROCEDURE FOR CONDUCTING MEETINGS**

### **2.5.1 General**

1. These procedures, other than those procedures required by Provincial Statute or Regulation, are established to provide guidance to the Committee, and any non compliance shall not necessarily invalidate the proceedings of the Committee.
2. The regulations governing the procedure of the Committee shall be observed in all meetings, as far as they are applicable.

3. Any Administrative Policy or Procedure of the Committee may be temporarily suspended when two-thirds (2/3) majority of the members present determine to do so by vote, and if it is in the best interests of transacting certain business.

#### **2.5.2 Commencement of Meeting**

1. The Chair of the Committee shall preside over all Committee meetings. He/She shall call the meeting to order promptly at the time designated, or as soon thereafter as a quorum is present. He/She shall preserve order and decorum and decide upon all questions of order.
2. The Project Manager or his/her designate will record the names of members present and members absent.

#### **2.5.3 Quorum**

1. The Committee shall conduct business only when a quorum is present. One or more vacancies in the membership of the Committee does not prevent the Committee from conducting business as long as the number of members in office is sufficient to maintain quorum.
2. A quorum for any meeting of the Committee shall consist of the Chair or Chair pro-tempore, plus two-thirds of the ~~fifteen~~ **twelve** members of the Committee (8 members). Participation by teleconference, when necessary in extenuating circumstances, will count toward quorum. If no quorum is present one-half hour after the time appointed for a meeting of the Committee, the Project Manager records the names of those present and the meeting shall stand adjourned until the next meeting.

#### **2.5.4 Chair Absent**

1. In the event of the absence of the Chair from any meeting, the members present shall, upon receiving notice of the absence, or after a waiting period of fifteen (15) minutes from the time of the duly called meeting, elect a Chair pro-tempore from the Committee members present, who, for the purposes of that meeting, has all the powers and shall perform all duties of the Chair. The Chair pro-tempore shall preside over the meeting for so long as the Chair remains absent from the meeting and until the immediate business at hand is completed. The Project Manager or his/her designate shall preside over the election of the Chair pro-tempore. The Chair pro-tempore shall not vote on any matter.
2. The Committee may elect a Chair pro-tempore from among the voting members. The order of procedure for the elections shall be:
  - a. an open verbal nomination, no seconder required;
  - b. the calls for nomination;

- c. each nominee has the opportunity to speak to his/ her nomination, stating a willingness to stand;
- d. motion to close nominations; and,
- e. elections shall be held by secret ballot on those accepting the nomination. Ballots will be distributed to qualified members only and no member may vote by proxy. In the event of a tie the names shall be put into a container and the winner drawn.

### **2.5.5 Order of Proceedings - Agendas and Minutes**

1. The Agenda of the meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Committee.
2. The minutes of all meetings of the Committee shall be recorded by the Project Manager or his/her designate.
3. The minutes of the previous meeting shall not be read unless the reading thereof is requested by resolution.
4. The Committee will deal only with matters that appear on the agenda unless the matter is of an emergency nature and with the approval of two-thirds (2/3) majority vote of the members present, and all pertinent information is made available.

### **2.5.6 Public Delegations**

1. A delegation speaking to matters on an agenda will be encouraged to notify the Project Manager or his/her designate of their interest to make a submission as early as possible prior to the Committee meeting.
2. A delegation to any Committee meeting will be considered for matters not on the agenda, if requested in writing at least fourteen (14) days prior to a meeting, or if otherwise approved by the Chair. Such written request must state the purpose of the delegation. The Chair may limit the number of delegations per meeting.
3. A delegation to any meeting of the Committee will be allotted a maximum of five (5) minutes for their related presentation. Organizations will be encouraged to identify one key spokesperson. Delegations will be encouraged to provide written material for consideration of the Committee.

### **2.5.7 Decision Making - Consensus, Proxies and Voting**

1. The Committee shall attempt to make decisions through consensus. If the Chair determines that reasonable efforts have been made to achieve consensus but the Committee has been unable to make a decision by consensus, the decision may be made by a vote of two-thirds (2/3) majority of the members present, not counting the Chair.

2. At any meeting, each Voting Member is entitled to one vote; the Chair cannot vote as per Ontario Regulation 288/07.
3. A voting member may participate by proxy, with the exception of election votes for Chair pro-tempore. At least 24 hours prior to the meeting, the member who is absent must inform the Chair in writing (e.g., by email) of the person who will be acting as the proxy; provide a detailed outline of what the opinion and vote is for particular issues by the absentee member; and, a description of conditions that applies to the proxies. Proxies must be another voting member of the Committee.
4. A minimum of ~~ten~~ eight (40 8) members present including proxies is required upon all matters coming before the meeting, with two thirds (2/3) majority vote to pass a motion.

PRESENT	MINIMUM AFFIRMATIVE
8	6
9	6
10	7
11	8
12	8

### 2.5.8 Rules of Conduct and Debate

1. No person, other than a member of the Committee, shall be allowed to address the Chair without permission of the Chair, except the liaison representatives appointed by the Source Protection Authorities or Ministry of the Environment.
2. Written notice of motion may be given by any Voting Member of the Committee and shall be forthwith placed on the Agenda of the next meeting.
3. When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn or to extend the hour of closing the procedures.
4. When a motion is proposed, then an amendment and subsequently an amendment to the amendment (sub-amendment), the vote of the members shall first be taken on the sub-amendment, then on the amendment, and finally on the main motion. Only two (2) amendments (an amendment and a sub-amendment) may be proposed at the same time to a question. When one or both amendments have been disposed of, a further amendment or sub-amendment may be entertained by the Chair. When either an amendment or a sub-amendment has been carried, the question is put on the motion (or amendment) as amended.

5. The Chair, when the meeting is ready for the decision on any question, shall read the question (motion) before calling for the vote. He/she shall first call for those who favour the question, and next for those who oppose it.
6. Voting shall be by show of hands. Any member may request a recording of the vote by calling of the vote. A member has a right to abstain from voting. Abstention from voting upon any matter will be deemed as a blank vote which is neither for nor against the motion.
7. Every member may speak once for no more than five (5) minutes on each motion amendment or sub-amendment. Additional time or additional opportunities to speak on the same motion, amendment or sub-amendment may be granted by the Chair after all members have had an opportunity to speak.
8. When a member desires to speak, he/she shall address the Chair and confine himself/herself to the question under debate. No member shall interrupt another while speaking.
9. When a member transgresses the rules, the Chair shall call him/her to order; in that case the member so called to order shall come to order, unless permitted to explain by the Chair.
10. Every motion must be put in writing by the recording secretary and seconded. It shall then be in the possession of the Committee, and can be disposed of only by a vote, unless the Committee unanimously allows the mover to withdraw it. A single voice can prevent such withdrawal.
11. Any member may require the motion under discussion to be read at any period of the debate, but not so as to interrupt the speaker.
12. When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn or to extend the hour of closing the procedures.
13. After the motion has been put by the Chair, no debate shall be allowed, nor shall any other motion be made until the question under discussion has been decided, and the decision of the Chair as to whether the question has been put shall be conclusive.
14. At a subsequent meeting, any member may move to have reconsidered any motion which has already been decided. A motion to reconsider is not debatable, but shall be voted upon immediately. If a motion to reconsider a resolution is carried by 2/3 majority, then the meeting must reconsider said resolution immediately.

15. Every substantive motion shall require five (5) days notice before it will be considered. This requirement may be waived with the consent of 2/3 of all members of the Board. A substantive motion is one which sets or alters Committee policy.
16. If any member challenges the Chair on a ruling, other than that based on the rules of order, the member shall explain his/her basis for the objection, and the question shall be put in the form of a motion, duly moved and seconded, and debated if required, and voted on. A simple majority vote in favour of the motion carries the motion and the ruling is defeated or overturned.

#### **2.5.9 Length of Meetings**

1. Every effort should be made to adjourn Committee meetings after four (4) hours of deliberation. The Chair shall not permit the meeting to continue beyond four (4) hours without the consent of the two thirds (2/3) majority of the members present.

#### **2.5.10 Confidential Matters**

1. Where a confidential matter arises, in keeping with Section 2.3 of this regulation (Freedom of Information and Protection of Privacy), a resolution closing the meeting to the public shall be passed and it shall state the general nature of the subject matter to be discussed, specifically:
  - a. personal matters about an identifiable individual, including employees;
  - b. a proposed or pending acquisition or disposition of land for Committee purposes;
  - c. litigation or potential litigation, affecting the Committee, including matters before administrative tribunals;
  - d. the receiving of advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
  - e. a matter in respect of which Committee is authorized by statute to hold a closed meeting; or
  - f. the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

#### **2.5.11 Inquiries**

1. Any inquiry made at a meeting of the Committee shall be submitted in writing and referred to the Project Manager for response. The Project Manager or his/her designate shall respond in writing to the inquiry and the response shall be distributed to all members of the Committee.

## **2.6 SERVICES TO COMMITTEE BY LEAD AUTHORITY**

1. Rideau Valley Conservation Authority, the lead Source Protection Authority, will provide the following services to the Committee:
  - a. an auditor qualified under Section (38) of the *Conservation Authorities Act* ;
  - b. a solicitor(s);
  - c. a bank(s) with which the Committee will conduct its financial business during the current fiscal year; and,
  - d. signing authorities for legal and financial instruments.

## **2.7 PER DIEM AND EXPENSES**

1. The Chair shall receive remuneration and expenses from the province in keeping with his/her letter of appointment as outlined in Schedule A.
2. Committee members will receive a per diem for their participation at Committee meetings, and any other such meetings to which they are appointed to or directed in advance by the Committee to attend as outlined in Schedule B. Liaison representatives may be compensated in keeping with Ministry guidance.
3. If no quorum is present, one-half of the per diem rate will be paid for those members in attendance.
4. It is the intent of the Province that members not be paid twice for their involvement with the Committee. Should the member wish to collect the per diem, their employer may need to be made aware so that the intent of the Province can be followed.
5. All per diem expenses, mileage and other allowable expenses are to be in accordance with the procedural direction and policies of the Mississippi Valley and Rideau Valley Source Protection Authorities as outlined in Schedule B.

## **2.8 FUNCTIONS AND RESPONSIBILITIES**

### **2.8.1 Members**

As per Section 2 of Ontario Regulation 288/07, the Committee members consist of 12 members, as follows:

- 1/3 of the members must reflect the interests of the local municipalities;
- 1/3 of the members must reflect the interests of agriculture, commerce, industry, and small business;
- 1/3 of the members must reflect other interests including environmental and other public interests.

The members' primary responsibilities are to the Committee. It is understood that members bring the viewpoints of various sectors to the Committee; however their primary responsibility is to meet the legislated requirements of the Committee. Ultimately the Committee must develop Source Protection Plans to protect sources of drinking water from significant risks. These plans must be based on best available science.

Subject to the *Clean Water Act* and attending Regulations, the Committee is responsible to:

- a. oversee the preparation of rules of procedure including a code of conduct and conflict of interest policy within the required timeframe;
- b. oversee the preparation and submission of a Terms of Reference in the prescribed manner and in keeping with Ontario Regulation 287/07 within the required timeframe;
- c. provide notice of a drinking water hazard in keeping with Ontario Regulation 286/07;
- d. oversee the preparation and submission of the Assessment Report in keeping with the Regulations, and technical guidance modules within the prescribed timeframe;
- e. oversee the preparation and submission of Source Protection Plans in keeping with the Regulations within the prescribed timeframe; and,
- f. undertake public consultation as required by Regulation.

## **2.8.2 Chair**

The Chair of the Committee shall provide direction for all phases of the Committee's activities and shall see that all business of the Committee is conducted in a fair and just manner and shall in particular:

- a. represent the Committee at such functions as warrant the interest of the Committee, except where this responsibility is specifically assigned to some other person;
- b. direct the Project Manager in the day-to-day operation and administration of the Committee;
- c. ensure that all financial activities of the Committee are carried out correctly and with strict observance of all legal requirements and regulations;
- d. be "ex-officio", a member of all Working Groups, sub-committees and ad hoc Working Groups;
- e. preside over the Source Protection Committee meetings; and,
- f. ~~provide a quarterly report of progress to the Source Protection Authorities, after completion of the Terms of Reference.~~

### **2.8.3 Project Manager**

The Project Manager of the Committee shall represent the Committee in such capacity as and when required, subject to the direction of the Chair of the Committee:

- a. to administer and coordinate the total program of the Committee and to give or cause to be given all notices required by this document;
- b. to keep or cause to be kept accurate records of meetings and accounts of the Committee;
- c. ~~on an annual basis, publish an attendance record of Members on the website;~~
- d. to provide direction and instructions for the consultants, contractors and other individuals engaged to assist in the program of the Committee;
- e. direct the preparation of material or projects to be undertaken by the Committee and to provide such reports as might be from time to time requested by the Committee;
- f. to be responsible for all documentary requirements necessary to obtain approval under the *Clean Water Act*;
- g. to direct the preparation of budget estimates in accordance with the requirements of the Committee;
- h. to carry out or cause to be carried out required financial transactions on behalf of the Committee;
- i. to communicate all instructions from the Committee and its various committees and to supervise the carrying out of all such communications; and,
- j. to be responsible for the preparation of reports and correspondence to other agencies, governments and individuals dealing with the policy of the Committee on particular items.

### **2.8.4 Working Groups**

1. The Committee may establish Working Groups or Sub-committees from time to time to consider and recommend policy direction and actions on specific issues, programs, projects, etc. to advance drinking water source protection. Summaries of these meetings will be circulated to the Committee.
2. These working groups will be expected to follow the same Rules of Procedure, Code of Conduct, and Conflict of Interest Policies as the Committee. The Chair is an ex-officio member of Working Groups or Sub-committees established by the Committee.

### **2.8.5 Signing Officers**

The signing officers of the Committee shall be the signing officers of Rideau Valley Conservation Authority, the lead Source Protection Authority.

## **2.9 INDEMNITY**

In keeping with Section 98 of the *Clean Water Act, 2006*, every member of the Committee and the member's heirs, executors, administrators and estate and effects respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the Committee from and against all costs charges, and expenses whatsoever which Member of the Committee sustains or incurs in any or about any action, suit or proceeding which is brought, commenced, or prosecuted against the member for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by the member in or about the execution of the duties of the member's office; all other costs, charges and expenses the member sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the member's own wilful neglect or default.

### **3 CODE OF CONDUCT AND CONFLICT OF INTEREST**

#### **3.1 General**

As duly appointed members of the Committee, members are responsible to:

- a. regularly attend Committee meetings;
- b. become aware and knowledgeable of programs, projects, and activities of the Committee;
- c. work collaboratively with their fellow members in developing Source Protection Plans;
- d. keep the sectors and organizations which they represent informed of Committee programs, projects and activities; and,
- e. be prepared to discuss issues and make decisions at all Committee meetings.

Source Protection Committee members will conduct themselves in a manner that:

- a. supports the objectives of the Committee;
- b. brings credibility and goodwill to the Committee;
- c. respects fair play and due process;
- d. demonstrates respect for individuals in all manifestations of their cultural diversity and life circumstances;
- e. respects and gives fair consideration to diverse and opposing viewpoints
- f. demonstrates good faith, prudent judgment, honesty, transparency and openness in their activities on behalf of the Committee;
- g. avoids real or perceived conflicts of interest; and,
- h. publicly demonstrates acceptance, respect and support for decisions legitimately taken in transaction of Committee business.

Members shall abide by and be governed by the Rules of Procedure, Code of Conduct, and Conflict of Interest Policies as set by the Committee to the satisfaction of the Source Protection Authorities.

#### **3.2 Attendance**

Members are expected to attend all meetings. The Chair may approach the Source Protection Authorities to have a member removed if the Chair believes that the absence of a member is having an impact on the Committee.

#### **3.3 Confidential Information**

1. The Committee is bound by the Freedom of Information and Protection of Privacy Act (FIPPA). Members have access to confidential information by reason of their participation on the Source Protection Committee and shall conduct themselves in keeping with FIPPA. Where a Member is unsure of

the status of information, before making any release he/she shall discuss it with the Project Manager who may see fit to consult with the Chair.

For example, particular care should be exercised in releasing information relating to the following matters:

- personal information about any individual;
- items under litigation;
- personnel matters;
- information about suppliers provided for evaluation which might be useful to competitors;
- sources of complaints about a variety of matters where the identity of the complainant is given in confidence;
- items under negotiation;
- information supplied in support of license applications, etc., where such information is not part of the public documentation;
- schedule of prices in contract tenders; and,
- personal opinions regarding the Committee's policies, regulations and programs should not be given to the public.

The preceding is not an exclusive list.

2. Although the business of the Committee is to be open and transparent, it will be important that personal privacy is maintained throughout the development of the Plans. For this reason, among others, portions of the business of the Committee will be considered private and will be conducted 'In Camera'. Discussions of the Committee, Working Groups, or Sub-committees undertaken in camera, and information related to such discussions, are to be treated with the strictest of confidence. Committee members will continue be bound by FIPPA requirements after they are no longer on the Committee.

### **3.4 Media Relations**

Only the Chair or the Project Manager or his/her designate should comment to the media on behalf of the Committee on policy matters. This policy is not intended to restrict the ability of Members to express an opinion where the Member is not commenting on behalf of the Committee.

### **3.5 Conflicts of Interest**

1. A Member will be considered to have a conflict of interest where he or she or a member of his or her family (spouse, partner, children, parents, or siblings) has a direct or indirect financial interest in a matter, a contract or proposed contract with the Source Protection Committee (SPC) or its agent, the lead Source Protection Authority, and where the Member could influence the decision made by the SPC with respect to the matter or contract.

2. If a potential conflict exists because of a Member's personal or family interest in a property matter, a business dealing with the SPC, or similar circumstance, the Member must advise the SPC of the situation, either verbally or in writing, and this shall be reflected in the minutes. If it is not clear that a conflict exists, then the member should seek independent legal advice.
3. Where a Member declares a conflict, they must refrain from comment and withdraw from the room during the deliberations and voting on the matter.
4. Members should not engage in private employment or render services for any person or corporation where such employment or services are considered a conflict of interest as defined by the Province of Ontario Conflict of Interest legislation. Where a Member is or becomes involved in such private employment and fails to declare a conflict of interest, the Member must resign from the Committee.
5. The conflict of interest policies do not limit members from voting on issues which apply to all areas of the Source Protection Region or voting on matters which result in the issuing of a request for proposals.

### **3.6 Prohibited Activities**

Members shall not:

1. Use the property of Committee, Conservation Authorities, or their agents for personal use.
2. Misrepresent their role as a Member to a third party to further the Member's private interest.
3. Hold oneself out as an official of the Government of Ontario or infer to a third party that the Member has the capacity to deliver a favourable decision from the government.
4. Make representations to a third party that the Government of Ontario has endorsed the business activity that the Member is engaged in.
5. Members shall not use their position or confidential information for private gain or in anyway that benefits the private interest of the Member or a third party.

Partaking in a prohibited activity will result in disciplinary action.

### **3.7 Gifts and Benefits**

1. In order to preserve the image and integrity of the SPC, members shall not accept any gifts, payments, services, privileges or favours from any person or business or organization that has dealings with the Committee except in

cases where the value of such item is nominal, received very infrequently, and acceptance of such items does not impair the ability (in fact or appearance), to perform one's duties in an objective and impartial manner. Such gifts, if any, must always be of a form and substance that an impartial observer could not construe them as an improper incentive. All gifts should be reported to the Chair or Project Manager.

2. The "gifts" policy does not apply to gifts received in connection with services to professional organizations or non-profit community groups.

### **3.8 Anti-Harassment Policy**

Every Member of the Committee, the staff or consultants are entitled to work in an environment that is free from discrimination and/or harassment. The Chair will take prompt and appropriate action to prevent, discourage or respond to incidents of discrimination or harassment. Every Member, staff or consultant of the Committee will deal with their fellows in a fair and equitable manner free from discrimination and/or harassment.

1. Harassment may include, but is not limited to the following:

#### **a. Sexual Harassment**

- unwelcome remarks, jokes and innuendos or taunting about a person's body, attire, sexual orientation or gender;
- practical jokes of a sexual nature which causes awkwardness or embarrassment;
- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching;
- physical assault; and,
- demands for sexual favours or repeated unwanted social invitations.

#### **b. Racial or Ethnic Harassment**

- unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry;
- the displaying of derogatory or offensive racist pictures or material;
- refusing to converse or work with a Member or volunteer because of his or her racial or ethnic background; and,
- insulting gestures or practical jokes based on racial or ethnic grounds, which cause embarrassment or awkwardness.

#### **c. Other Harassment**

- unwelcome remarks jokes, innuendo or taunting about a person's age, record of offenses, marital status, family status, handicap or creed.

2. **A Member or volunteer who feels they are being harassed at work should:**

- i. make it clearly known to the offender that their conduct is unacceptable and should not be repeated; and/or
- ii. discuss the situation, in confidence, with the Chair or Project Manager;
- iii. keep a short written record of dates, incidents and names of witnesses, if any;
- iv. if necessary, prepare a written complaint.

3. **Investigation**

Upon receipt of a verbal or written complaint, the Chair or Project Manager will conduct an investigation in confidence. The Chair or Project Manager may make use of advice from Human Resources or legal experts as may be deemed necessary. If the investigation concludes that harassment has occurred, appropriate disciplinary action will be taken (this may include suspension or termination). If the investigation concludes that the complaint is unfounded the complaint and investigation file will be destroyed. The Member or staff who issued the complaint will be informed of the results of the investigation and of any action taken.

**3.9 Personal Conduct (which interferes with performance of duties)**

1. Members are expected to conduct themselves in an appropriate manner and any conduct that deliberately frustrates the work of the committee may result in termination of the members' appointment.
2. A member may be removed by the Source Protection Authorities (SPAs), on its own initiative or at the request of the Chair.
3. Pursuant to Ontario Reg. 288/07, s. 7(4) appointments are subject to the condition that members attend meetings and abide by the Code of Conduct and Conflict of Interest Policy. Failure to abide by these conditions is grounds for the removal of the member from the Committee. The SPAs may also remove a member if the Authority is of the opinion that the member does not meet the conditions of appointment described Section 7 of the Regulation which pertains to residing, owning or renting land, or being employed within the Mississippi-Rideau Source Protection Region.
4. The source protection authorities shall provide the member and the chair with an opportunity to make in-person submissions to the authority before it considers the request, either publicly or in-camera, to remove the member from office, and further, the member and chair will be entitled to be present to receive the Authorities' decision, including the reasons for the final decision.
5. A Member who has concerns about the conduct of another Member regarding compliance with the Code of Conduct or Conflict of Interest Policy should

raise concerns with the Chair. The Chair will conduct an investigation following Section 3.8.3 of this document.

6. A Member who has concerns about the conduct of the Chair regarding compliance with the Code of Conduct or Conflict of Interest Policy should raise those concerns with the Minister. The Minister will conduct an appropriate process to determine compliance.
7. Procedures to be followed in dealing with the removal of a member from office are as described in section 22 of Ontario Regulation 288/07.

## 4 ACKNOWLEDGEMENT

I, \_\_\_\_\_, a Member of the Source Protection Committee for the Mississippi-Rideau Source Protection Region, hereby acknowledge that I have reviewed the Governing Rules of Procedure, Code of Conduct and Conflict of Interest Policy for Members of the Source Protection Committee dated \_\_\_\_\_ and further acknowledge that I understand that it is a condition of my appointment to the Source Protection Committee that I will comply with the Governance Document and, in particular, the Code of Conduct and Conflict of Interest policy.

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Member

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Print Name of Project Manager

\_\_\_\_\_  
Signature of Project Manager

## 5 SCHEDULE A - Compensation and Expenses for Chair

Remuneration and expenses of the chair of the source protection committee for Mississippi-Rideau Source Protection Region shall be in keeping with his/her letter of appointment from the Ontario Minister of the Environment dated August 20, 2007 as follows:

- A. For each day of attendance, for a period in excess of three hours, at a meeting of the source protection committee, or upon other official business of the committee,  
  
\$350
- B. For each occasion that the chair is engaged upon business of the source protection committee for a period in excess of one hour but not in excess of three hours for which remuneration would be paid under paragraph 1 except for the short duration of the business proceedings, one-half of the daily rate set out in paragraph A.
- C. Paragraph A applies in like manner for each day that the chair is engaged for a period in excess of three hours, in preparation for a meeting or other official business of the source protection committee.
- D. Paragraph B applies in like manner for each occasion that the chair is engaged for a period in excess of one hour but not in excess of three hours, in preparation for a meeting or other official business of the source protection committee.
- E. Necessary travel and other allowable expenses incurred by the chair in the performance of his or her duties as a member of the source protection committee.
- F. For each hour in a day in excess of nine and a half hours, at a meeting of the source protection committee, upon other official business of the source protection committee, or traveling necessary to the official business of the source protection committee, 0.08 of the daily rate set out in paragraph A.
- G. No chair receiving payment under paragraph C and D shall receive more than one day's payment with respect to any one day of meetings of the Committee, or upon other official business of the Committee.
- H. Paragraph G does not apply if the Minister authorizes more than one day's preparation because of the quantity or complexity of the material to be reviewed.

## **6 SCHEDULE B - Compensation and Expenses for Members**

All per diem expenses, mileage and other allowable expenses of the Members of the Source Protection Committee are to be in accordance with the procedural direction and policies of the Mississippi-Rideau Source Protection Authorities as follows:

**Per Diem Rate for MRSPC Members:** \$200

- “per diem” is the amount payable for work periods in excess of three hours; when less than three hours of work is involved; one-half of the per diem rate will be paid.
- Only one per diem payment can be paid to an individual for each calendar day. The per diem base is deemed to be seven and a half hours.
- Committee members will receive a per diem for their participation at Source Protection Committee and working group meetings, public consultation sessions, and training workshops, and they will receive mileage expenses to and from those events

**Mileage Rate for MRSPC Members:** \$0.44 per kilometre

## 8.0 Part IV Fee Schedule Update

**Date:** November 28, 2019  
**To:** Rideau Valley Source Protection Authority  
**From:** Brian Stratton  
Mississippi-Rideau Source Protection Region

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### **Recommendation:**

That, pursuant to subsection 55(1)(d) of the *Clean Water Act, 2006*, the Rideau Valley Source Protection Authority approve an update to the Fee Schedule previously approved on November 27, 2014 to recover costs for Part IV regulatory services.

### **Background**

The Mississippi-Rideau Source Protection Plan contains policies that regulate significant drinking water threats using Part IV of the *Clean Water Act*. The municipalities are the enforcement authority for Part IV policies; however, they have the option to transfer their enforcement authority to another body. In the Mississippi-Rideau Source Protection Region, most municipalities have entered into an agreement to transfer the Part IV enforcement authority to the Conservation Authorities (Source Protection Authorities).

In 2014, to prepare for this new regulatory role, the Source Protection Authorities established a user fee schedule pursuant to subsection 55(1)(d) of the *Clean Water Act, 2006* for the purpose of recovering the cost of administering and enforcing Part IV policies.

According to Section 55 of the *Clean Water Act*, fees may be charged for specific activities related to the administration and enforcement of Part IV policies. The total amount of fees cannot exceed reasonable costs of the enforcement body.

In 2014, our fees were determined to be consistent with other types of regulatory charges, similar to those being charged by neighboring Conservation Authorities and acceptable to the municipal working group.

### **Proposed Update**

With the fee schedule having been in place for almost five (5) years, a review was needed to ensure our fees do not exceed reasonable costs of the enforcement body and to determine if changes are required.

This review resulted in a significant reduction of fees for a number of service items, with the addition of a handful of new services for items that were not anticipated in 2014.

A copy of the 2014 approved Fee Schedule and a copy of the updated 2020 Fee Schedule are included below.

A 2% increase of fees has been built into the proposed fee schedule to account for a cost of living increase. Note, this change is not amplified by the five (5) years since our last review of the fee schedule. This small increase is consistent with other Fee Schedules administered and managed by Rideau Valley Conservation Authority. Moving forward, we will review the fees annually to determine if an update is required.

No change is proposed to the Municipal Costs section of the Fee Schedule, with the exception of a 2% cost of living increase. Very few sites exist that would qualify for these fees. The sites that would qualify for these fees require significant effort to obtain compliance.

Changes are proposed to the User Fees section of the Fee Schedule. A single fee of \$650 is proposed for new Risk Management Plans (unless the property is a complex agricultural operation). The revised Risk Management Plan fees have been significantly reduced. Since 2014, we have simplified our Risk Management Plan forms/templates and have developed a good rapport in the community, resulting in less staff time required to complete this work.

New fees such as Risk Management Plan Update, Additional Inspection and Additional Hourly Rate have been built into the update to account for services that are anticipated to be provided and needed in the future.

### **Next Steps**

If the Board approves the updated Part IV Fee Schedule, information will be posted on our websites and this information will be shared with municipalities that have entered into an agreement to transfer Part IV authority to the Conservation Authorities.

### **Attachments:**

- 2014 Fee Schedule
- 2020 Fee Schedule

## 2014 Fee Schedule

### Municipal Costs

Service	Cost
<b>Risk Management Plan for existing activity</b>	Fuel storage: \$635* per plan  Agricultural (single activity): \$920* per plan  Agricultural (multiple activities): \$2,070* per plan
<b>Extraordinary Costs</b> (including but not limited to enforcement orders, warrants, Environmental Review Tribunal hearings)	The Authorities will provide a fair accounting of professional time and expenses to be reimbursed by the Municipality. <i>The Authorities will consult with the Municipality prior to any expenditure for an extraordinary cost as per Section 4.04 of the Part IV Enforcement Transfer Agreement.</i>

\*The Authorities reserve the right to charge additional fees in the event that Risk Management Plan development requires a substantially greater level of effort than the norm, additional site visits etc.

### User Fees<sup>+</sup>

Requirement / Service	Fee
<b>Risk Management Plan for new activity</b>	Fuel storage: \$635 per plan  Agricultural (single activity): \$920 per plan  Agricultural (multiple activities): \$2,070 per plan
<b>Section 59 Notice</b> that activity is not prohibited under Section 57 and does not need a Risk Management Plan under Section 58 (i.e. clearance to proceed)	\$220
<b>Section 59 Notice</b> that activity requires a Risk Management Plan under Section 58 and is in place (i.e. clearance to proceed)	Included in Risk Management Plan fee
<b>File Search</b> (a formal written response about all applicable Source Protection Plan policies)	\$220
<b>Property Inquiry</b> (staff responding to phone call, email or in-person inquiries about a property or policy)	No charge
<b>Risk Assessment Review</b>	Under consideration (will mirror Technical Report Review Fees)

<sup>+</sup>The Clean Water Act requires that all applicable fees be paid prior to the issuing of a notice under Section 59 or acceptance of a Risk Assessment under Section 60 of the Clean Water Act. A reactivation fee of \_\_\_\_\_ applies for files which have been left dormant by the applicant for one year or more.

## Proposed 2020 Fee Schedule

### Municipal Costs

Service	Cost
<b>Risk Management Plan for existing activity</b>	Fuel storage: \$650* per plan Agricultural (simple) <sup>1</sup> : \$940* per plan Agricultural (complex) <sup>1</sup> : \$2110* per plan Chemical: \$1120* per plan
<b>Extraordinary Costs</b> (including but not limited to enforcement orders, warrants, Environmental Review Tribunal hearings)	The Authorities will provide a fair accounting of professional time and expenses to be reimbursed by the Municipality. <i>The Authorities will consult with the Municipality prior to any expenditure for an extraordinary cost as per Section 4.04 of the Part IV Enforcement Transfer Agreement.</i>

\*The Authorities reserve the right to charge additional fees in the event that Risk Management Plan development requires a substantially greater level of effort than the norm, additional site visits etc.

<sup>1</sup> The Risk Management Official/Inspection will use his/her discretion to determine whether an operation is 'simple' or 'complex' based on size/complexity of operation and time required to complete RMP.

User Fees<sup>+</sup>

Requirement / Service	Fee
<b>Risk Management Plan for new activity</b>	Fuel storage: \$650 per plan* Agricultural (simple) <sup>1</sup> : \$650 per plan* Agricultural (complex) <sup>1</sup> : \$940 per plan* Chemical: \$650 per plan*
<b>Risk Management Plan Update (simple)<sup>2</sup></b>	\$185
<b>Risk Management Plan Update (complex)<sup>3</sup></b>	Same as RMP costs above
<b>Additional Inspection</b>	\$185
<b>Additional Hourly Rate</b>	\$87
<b>Section 59 Notice</b> that activity is not prohibited under Section 57 and does not need a Risk Management Plan under Section 58 (i.e. clearance to proceed)	\$225
<b>Section 59 Notice</b> that activity requires a Risk Management Plan under Section 58 and is in place (i.e. clearance to proceed)	Included in Risk Management Plan fee
<b>File Search</b> (a formal written response about all applicable Source Protection Plan policies)	\$225
<b>Property Inquiry</b> (staff responding to phone call, email or in-person inquiries about a property or policy)	No charge
<b>Risk Assessment Review</b>	Under consideration (will mirror Technical Report Review Fees)

\*The Authorities reserve the right to charge additional fees in the event that Risk Management Plan development requires a substantially greater level of effort than the norm, additional site visits etc.

\*The Clean Water Act requires that all applicable fees be paid prior to the issuing of a notice under Section 59 or acceptance of a Risk Assessment under Section 60 of the Clean Water Act. A reactivation fee applies for files which have been left dormant by the applicant for one year or more.

<sup>1</sup>The Risk Management Official/Inspection will use his/her discretion to determine whether an operation is 'simple' or 'complex' based on size/complexity of operation and time required to complete RMP.

<sup>2</sup> Risk Management Plan Update (simple) refers to a Risk Management Plan update whereby the property has changed ownership, and there is no change in activity and existing Risk Management measures apply.

<sup>3</sup> Risk Management Plan Update (complex) refers to a Risk Management Plan update whereby the property has changed ownership, and there is a change in activity and/or existing Risk Management measures do not apply.