

# **TRAGEDY ON TAP: THE NEED FOR AN ONTARIO SAFE DRINKING WATER ACT**

## **Volume II**

Walkerton Inquiry Part II Issue Paper

### **TABLE OF CONTENTS**

<b>ACKNOWLEDGEMENTS.....</b>	<b>ii</b>
<b>FOREWORD .....</b>	<b>iii</b>
<b>TABLE OF CONTENTS.....</b>	<b>iv</b>
<b>PART I – OVERVIEW OF CURRENT LEGAL REGIME IN ONTARIO .....</b>	<b>5</b>
1.1    Introduction.....	5
1.2    Constitutional Framework .....	6
1.3    Analysis of Current Legal Regime.....	8
(a)    Federal Regime .....	8
(b)    Provincial Regime.....	14
(c)    Municipal Regime .....	28
1.4    History of <i>Safe Drinking Water Act</i> Proposals in Ontario .....	35
<b>PART II – SAFE DRINKING WATER LEGISLATION IN OTHER JURISDICTIONS: DESCRIPTION AND IMPLEMENTATION .....</b>	<b>38</b>
2.1    Introduction.....	38
2.2    Other Canadian Provinces (British Columbia, Alberta, Québec, New Brunswick) .....	39
(a)    British Columbia .....	39
(b)    Alberta.....	44
(c)    Québec.....	48
(d)    New Brunswick.....	50
2.3    United States Jurisdictions:.....	55
(a)    The U.S. Safe Drinking Water Act.....	55
(b)    State laws – selective elements from New York and New Jersey .....	62
2.4    Europe: .....	68

(a) European Union .....	68
(b) England: .....	72
<b>2.5 Australia.....</b>	<b>84</b>
<b>PART III – THE NEED FOR LEGISLATIVE REFORM IN ONTARIO .....</b>	<b>93</b>
<b>3.1 Introduction.....</b>	<b>93</b>
<b>3.2 Analysis of Current Legal Regime in Ontario .....</b>	<b>95</b>
(a) General .....	95
(b) Accountability.....	100
(c) Application of Legal Regime .....	108
(d) Purpose of Legal Regime: The Right to Clean and Safe Drinking Water.....	113
(e) Setting and Amending Standards .....	117
(f) Approvals, Licencing and Accreditation .....	123
(g) Operational Duties: Testing, Treatment, Notification and Corrective Action .....	126
(h) Source Assessment and Protection .....	128
(i) Community Right to Know.....	135
(j) Provincial Monitoring and Reporting .....	139
(k) Investigation and Enforcement .....	141
(l) Prohibitions and Penalties.....	146
(m) Funding, Research and Technical Assistance .....	150
(n) Advisory Mechanisms.....	154
<b>3.3 Conclusions and Summary of Recommendations .....</b>	<b>155</b>

**APPENDIX I: COMPARATIVE PARAMETER CHART .....****APPENDIX**

