[Français](http://www.ontario.ca/fr/lois/reglement/090128)

Ontario Water Resources Act

[ONTARIO REGULATION 128/09](https://www.ontario.ca/laws/regulation/R09128)

exemption — CITY OF DETROIT

**Consolidation Period:** From January 1, 2015 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [217/09](https://www.ontario.ca/laws/regulation/R09217).

Legislative History: [217/09](https://www.ontario.ca/laws/regulation/R09217).

This is the English version of a bilingual regulation.

Definitions

**1.**In this Regulation,

“Southwest Water Treatment Plant” means the water treatment plant located at 14700 Moran Road, Allen Park, Michigan, 48101, United States of America and includes the Southwest Water Treatment Plant Intake; (“station de traitement d’eau du Sud-Ouest”)

“Southwest Water Treatment Plant Intake” means the intake from the Detroit River located west of Fighting Island in the Province of Ontario and connected to the Southwest Water Treatment Plant. (“prise d’eau de la station de traitement d’eau du Sud-Ouest”) O. Reg. 128/09, s. 1.

Exemption

**2.**(1)  Subject to subsections (2), (3) and (4), subsection 34 (1) of the Act and Ontario Regulation 450/07 (Charges for Industrial and Commercial Water Users) made under the Act do not apply to the City of Detroit with respect to the taking of water by means of the Southwest Water Treatment Plant Intake for the purpose of supplying water to the Southwest Water Treatment Plant. O. Reg. 128/09, ss. 2 (1), 3; O. Reg. 217/09, s. 2.

(2)  The taking of water by means of the Southwest Water Treatment Plant Intake for the purpose described in subsection (1) shall not exceed 120.9 million cubic metres per calendaryear, which is the highest amount of water transferred out of the Great Lakes-St. Lawrence River Basin by means of the intake for that purposein any calendar year after December 31, 1960 and before January 1, 1998. O. Reg. 128/09, s. 2 (2).

(3)  In accordance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005,

(a) the water taken by means of the Southwest Water Treatment Plant Intake for the purpose described in subsection (1) shall not be transferred out of the part of Michigan that drains into the Great Lakes unless the transfer is a transfer described in paragraph 1, 2, 3 or 4 of subsection 34.3 (3) of the Act; and

(b) the water taken by means of the Southwest Water Treatment Plant Intake for the purpose described in subsection (1) shall be returned, less the amount lost through consumptive use, to the source watershed as defined in the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005. O. Reg. 128/09, s. 2 (3).

(4)  The City of Detroit shall provide an annual report to the Director appointed in respect of section 34 of the Act by March 31 in each year, beginning on March 31, 2010, containing the following information with respect to the previous calendar year:

1. The amount of water taken by means of the Southwest Water Treatment Plant Intake for the purpose described in subsection (1).

2. Confirmation that the water described in paragraph 1 was returned to the source watershed in accordance with clause (3) (b). O. Reg. 128/09, s. 2 (4).

3.  Omitted (provides for amendments to this Regulation). O. Reg. 128/09, s. 3.

4.  Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 128/09, s. 4.

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