

Summary of Revisions

Trent & Ganaraska Source Protection Plans

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Trent Conservation Coalition

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Table of Contents

Plan-wide Revisions.....	3
Expansion Policies	3
Policy G-1(2)	4
Policy G-1(3)	4
Monitoring Policies.....	7
Policy Applicability Maps	8
Policy-specific Revisions.....	9
Policy G-3	9
Policy G-7(2)	10
Policy G-8(1)	12
Policy S-3.....	13
Policy S-4 & S-5	15
Policy S-7(2).....	17
Policy A-2	18
Policy A-5	20
Policy F-2.....	21
Policy R-2	22
Policy R-6	23
Policy N-1	24
Policy N-2	24
Policy N-3	25
Policy P-1 & Policies L-2(2), (3) and (7) in the Ganaraska plan.....	27
Policy OT-1(4).....	30
Policy OT-2.....	32

Plan-wide Revisions

<p>MOE Comment</p>	<p>Expansion Policies - Policy G-2(1) allows for expansion of future threat activities through a prescribed instrument and leads the reader to interpret that expansions are subject to the future threat policies in the plan. However, Policy G-8(3) allows for expansion of both existing and future threat activities using a risk management plan. With the policies drafted as they are, in some cases it appears both the existing and future policies apply to an expansion activity. Revisions are needed to clarify the intent and potential contradictions among policies.</p> <p>Policy G-1 (2)</p> <p>The definition in G-1(2) for 'existing' does not include expansion of an activity when policies G-2(1) & (2) and G-8(3) in the plan allow for expansion of existing activities. These policies allow for expansion of activities that are managed by a prescribed instrument or risk management plan but do not cover other instances where an expansion, such as a septic system, may be needed. Given this, changes are recommended to reduce implementation challenges by adding a new clause (e) to policy G-1 (2) to allow for expansion of an existing activity:</p> <p><i>e) Where not otherwise specified in this plan, an expansion, alteration or replacement of a use, activity, building or structure that reduces the risk of contaminating drinking water shall be permitted.</i></p>
<p>Revision</p>	<p><u>Include a definition for “expansion” in Policy G-1:</u> The expansion of a significant drinking water threat is defined as the following: An increase in scale of an activity already taking place on the land parcel. The increase in scale may include, but is not limited to:</p> <ul style="list-style-type: none"> a) Increasing the area of land where an activity is taking place, b) Increasing the amount of effluent or discharge from an activity, c) Increasing the quantity of chemical or pathogen containing material handled or stored, d) Increasing the quantity of chemical or pathogen containing material applied. <p><u>Include a clause which captures expansion of activities not covered by other policies (i.e. septic systems):</u> Where not otherwise specified in this plan, an expansion, alteration or replacement of an activity that does not increase the risk of contaminating drinking water shall be permitted.</p> <p><u>Explanatory Document</u> Addition of a paragraph explaining that expansion can apply to both existing and future threats, provided that future threat activities are not otherwise prohibited by the policies. The expansion of an activity is managed by whichever tool is specified in the corresponding policy.</p>
<p>Rationale</p>	<p>Yes, “expansion” can apply to both existing and future threats, as long as the future activity is not prohibited by the policies. Expansion was not defined in the SPP; therefore, adding a definition under Policy G-1 will clarify the meaning and when it applies. Expansion of activities managed by a prescribed instrument or risk management plan was addressed in the proposed policies, but expansion of septic systems (under the Building Code Act) was not address. Therefore, a clause was needed to capture all activities.</p>

<p>MOE Comment</p>	<p>Policy G-1(2) defines an existing significant drinking water threat as:</p> <p>"a) An activity that, in the opinion of the Risk Management Official or other applicable regulatory authority, has been engaged in at some time within the 10- year period prior to the date that the Trent Source Protection Plan takes effect."</p> <p>Part a) includes a subjective element "in the opinion of ... " when this should instead be based on fact. It is recommended that policy G-1(2) (a) be revised to reduce implementation challenges.</p> <p>Policy G-1 (2) defines an existing significant drinking water threat as:</p> <p>"b) An activity that is the subject of a matter given in (3), where that matter is deemed to have commenced in the 2-year period prior to the day that the Trent Source Protection Plan takes effect."</p> <p>Part b) only allows for applications that have been in the planning process for 2 years, prior to the SPP coming into effect, to be eligible for transitioning. The rationale for not making applications older than 2 years eligible for transitioning is not explained in the ED. Given that Durham Region indicated a desire for consistent transition provisions to be applied across the Region, and the 2-year time frame is not in the transition provisions in the CTC or SGBLS plans, we recommend a change to generalize the policy by removing clause b). This will better align with the transition provisions in the adjacent SPRs and therefore ease implementation for municipalities.</p>
<p>Revision</p>	<p>Revise Policy G-1(2) by removing the “in the opinion of” statement and by removing the 2 year timeline statement on development applications. In addition, the 10-year resuming clause will be revised to specify that it applies only to agricultural activities, as this was the original intention of the clause.</p>
<p>Rationale</p>	<p>The Risk Management Official will be responsible for determining whether or not an activity has taken place within the last 10 years. This determination will be based on the best available information gathered by that individual. Therefore, the wording of this policy does not need to specify how that determination is done.</p> <p>The intention of the 2 year timeline was to prevent a “rush” of applications right before plan took effect; the proposed transition definition did not accomplish this due to an error in the wording. Since a rush has not occurred, the SPC agreed that removing this timeline would not alter the application of the definition.</p>

<p>MOE Comment</p>	<p>Policy G-1(3) explains Transition as by listing various types of Planning Act applications. The transition provisions in clauses a) to i) deal only with specific land use planning applications and do not include applications for building permits or for prescribed instruments. We assume this was an oversight; the absence of these types of applications in the transition provisions would likely create implementation challenges. Therefore, it is recommended that the policy be amended to include all types of development applications. This can be achieved by generalizing the policy to address all types of in-process development applications by removing the detailed subsections a) to i) from the policy [given that detailed transition matters affecting these applications are already covered under the Planning Act and a repeat is not needed in the SPP].</p>
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	<p>Given this change, the implementing bodies named in the policy should include not only those with approval authority under the Planning Act, but also those bodies with approval authorities under the Building Code Act and other provincial legislation under which an approval/permit/ instrument is issued.</p> <p>Lastly, transition provisions (TP) is not considered a policy tool. Since policies G-1(1) & (2) deal with definitions, TP could be changed to DEF which would reflect the policy content.</p>
Revision	<u>The list of types of applications will remain in Policy G-1(3); however, a statement of “including but not limited to” will be added to ensure that the reader understand that this list is not comprehensive.</u>
Rationale	For municipal planners, the list provided will be helpful in applying the definition of existing/future. Other development applications also need to be considered; therefore, the revised definition will be more comprehensive.

Revised Proposed Policy:

Applicable Activities: This policy applies to all policies in this source protection plan.

Policy No.	Tool	Legal Effect	Implementer	Policy Text
G-1(1)	DEF	MC	Various	<p>A future significant drinking water threat is defined as the following:</p> <p>An activity that is proposed to commence after the date the Trent Source Protection Plan takes effect and is not an existing significant drinking water threat.</p>
G-1(2)	DEF	MC	Various	<p>An existing significant drinking water threat is defined as the following:</p> <ul style="list-style-type: none"> a) An activity that is engaged in prior to the date that the Trent Source Protection Plan takes effect and continues to occur; b) An agricultural activity¹ that has been engaged in at some time within the 10-year period prior to the date that the Trent Source Protection Plan takes effect; c) An activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act on a day before the source protection plan takes effect, including but not limited to a matter listed in G-1(3); or d) An activity that is related to an application made for the issuance or amendment of a prescribed instrument on a day before the source protection plan takes effect.
G-1(3)	DEF	MC	Approval authority under the	For the purposes of G-1(2)b, a matter is deemed to have commenced prior to the date that the Trent Source Protection Plan takes effect:

			Planning Act	<ul style="list-style-type: none"> a) In the case of a request for an official plan amendment, on the day the request is received; b) In the case of an official plan, an amendment to it or a repeal of it, on the day the by-law adopting the plan, amendment or repeal is passed; c) In the case of a zoning by-law or an amendment to it, on the day the by-law is passed; d) In the case of an application for an amendment to a zoning by-law, on the day the application is made; e) In the case of an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act, on the day the application is made; f) In the case of an application for a minor variance under section 45 of the Planning Act, on the day the application is made; g) In the case of an application to amend or revoke an order under section 47 of the Planning Act, on the day the application is made; h) In the case of an application for the approval of a plan of subdivision under section 51 of the Planning Act or an application for the approval of, or an exemption from an approval of, a condominium under section 9 of the Condominium Act, 1998, on the day the application is made; or i) In the case of an application for a consent under section 53 of the Planning Act, on the day the application is made.
G-1(4)	DEF	MC	Various	<p>The expansion of a significant drinking water threat is defined as the following: An increase in the scale of an activity already taking place on a property. The increase in scale may include, but is not limited to:</p> <ul style="list-style-type: none"> a) Increasing the area of land where an activity is taking place; b) Increasing the amount of effluent or discharge from an activity; c) Increasing the quantity of chemical or pathogen containing material handled or stored; or d) Increasing the quantity of chemical or pathogen containing material applied. <p>The expansion of existing and future activities will be managed using the tool specified by the relevant policy(ies) in this plan to ensure that the expansion of the activity does not increase the risk to drinking water.</p> <p>Where not otherwise specified in this plan, an expansion, alteration or replacement of an activity that does not increase the risk of adversely affecting the quality of the municipal drinking water source shall be permitted.</p>

¹Agricultural activities include:

- 1) The application of agricultural source material to land;
- 2) The storage of agricultural source material;
- 3) The application of commercial fertilizer to land;
- 4) The handling and storage of commercial fertilizer;
- 5) The application of pesticide to land;
- 6) The handling and storage of pesticide; and
- 7) The use of land as livestock grazing or pasturing land, an outdoor confinement area, or a farm-animal yard.

MOE Comment	<p>Monitoring Policies - Source protection committees have identified a wide range of reporting requirements. To enable consistent reporting, we are asking committees to make their monitoring policies more outcomes based. For example, “<i>The ministry shall prepare an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the SPA</i>”. Where the committee has specific, detailed reporting requirements, we request that the Committee revise the language to make these “recommendations”. G- 2(2), S-2S-7(3), S-8(2/3), A-2(6), A-3(2), W-1(2/3), N-1(3), and OT-1(7).</p> <p>Many of the municipal monitoring policies in the plans use a similar approach to policy. It is important for the SPC to consider the feasibility of and possible revisions for these policies.</p>
Revision	<p><u>Change all monitoring policies to be outcome based, Example Policy A-3(2):</u></p> <p>The ministry shall prepare, by February 1 each year, an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the applicable SPA. Recommended contents of the report include, but are not limited to:</p> <p>a) Orders issued as a result of an inspection during the preceding calendar year.</p>
Rationale	<p>The province is developing performance metrics which will help formalise the provincial reporting framework. They will continue to build additional reporting elements over time to address reporting needs and make this information available publicly. The revised monitoring policy is consistent with the original text, but will provide flexibility to the ministry and municipalities to develop standardized reporting.</p>

Revised Proposed Policy (Example):

Applicable Activities: The application of pesticide to land is an existing significant drinking water threat (see Table 4.6) and the activity requires a Pesticide Permit under the *Pesticides Act*.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
A-3(1)	PI	MC	MOE	E	Review all existing Pesticide Permits related to the activity to determine if they are adequate to ensure that the associated activities are not significant drinking water threats. If they are deemed to be inadequate for this purpose, they will be amended to include additional conditions that will ensure that the activities cease to be significant drinking water threats. All amendments required by this policy must be carried out within three years from the date that the plan takes effect or such other date as the applicable Director determines based on a prioritized review of Prescribed Instruments that govern the activity.	A-3(2)
A-3(2)	MON	MC	MOE	E	The ministry shall prepare, by February 1 each year, an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the applicable SPA. Recommended contents of the report include, but are not limited to: a) Orders issued as a result of an inspection during the preceding calendar year.	N/A

MOE Comment	Policy Applicability Maps - The applicable area colour coded descriptors and corresponding applicability maps for policies that address application of road salt, commercial fertilizer and NASM currently convey to the reader that these policies apply much more broadly than they actually do within TCC wellhead protection areas (WHPAs) and intake protection zones (IPZs). Specifically, this applies to road salt policies R-1 to R-4; commercial fertilizer policies A-1, A-2 and A-4, and NASM policies N-1 to N-3.
Revision	Policy applicability maps are being revised to more specifically state the determinants of significant drinking water threats, and to reflect systems where Road Salt, Commercial Fertilizer, and NASM policies apply. Policy Applicability Maps can be viewed on-line at www.trentsourceprotection.on.ca
Rationale	Revisions to the maps will help clarify the areas where these significant threats can occur, based on landscape features (managed lands, livestock density, and impervious surface). Significant drinking water threats for these threat sub-categories are dependent on impervious surface for Salt Application; percent managed lands and livestock density for Commercial Fertilizer Application; and percent managed lands and livestock density for Non-Agricultural Source Material Application (chemical threats).

Policy-specific Revisions

MOE Comment	Policy G-3 intends to “encourage” municipal land acquisition but the policy has a “must conform” legal effect. With the removal of ‘availability of funds and financial feasibility’ criteria from the policy text, the current policy wording does not provide the necessary level of flexibility to municipalities, as originally provided in the draft plan. The policy wording should be reconsidered and revised to be in alignment with the SPCs intent of “encouraging” by adding the affordability criterion in the policy text.
Revision	<u>Add the affordability criterion to Policy G-3 (addition underlined):</u> To prevent the activity causing the threat, consider the purchase of properties located in the most vulnerable areas on an ongoing basis. Criteria for evaluating the feasibility of purchasing land can include, but are not limited to: a) The nature of any existing and potential future significant drinking water threats. b) The availability of the lands for purchase. c) <u>The availability of funds and financial feasibility.</u>
Rationale	The policy requires that the municipality “consider the purchase of properties”; it does not require them to purchase them but rather to show that they considered it as an option. The financial feasibility piece was in the draft policy, but was removed during pre-consultation when specific criteria were added to the policy. The SPC felt that financial feasibility was implied already, and agreed that stating it explicitly would not change the intent of the policy.

Revised Proposed Policy:

Applicable Activities: All activities listed in section 1.1 of the *General Regulation* under the *Clean Water Act, 2006* that are existing significant drinking water threats or that would be future significant drinking water threats. (These activities are listed in Section 2.3.2.1).

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
G-3(1)	SA	MC	Municipality	E/F	To prevent the activity causing the threat, consider the purchase of properties located in the most vulnerable areas on an ongoing basis. Criteria for evaluating the feasibility of purchasing land can include, but are not limited to: a) The nature of any existing and potential future significant drinking water threats. b) The availability of the lands for purchase. c) The availability of funds and financial feasibility.	G-3(2)

<p>MOE Comment</p>	<p>Policy G-7(2), as written, could have the effect of prohibiting very broad land uses, when the intent is to prohibit only the listed activities. Broad prohibition can have significant impacts on a community and the economy. To address this, the words “land uses” in line one should be replaced with “land use activities” and in item k) the words “Land uses that would facilitate” should be deleted and replaced with the word ‘specifically’ so that it reads: “Specifically, the following activities:” To assist with implementation of this policy, it would be helpful to add to the Explanatory Document (ED) the following to describe how the intended prohibition could be achieved: “The list of prohibited activities could be inserted in the updated municipal official plan as part of the screening criteria for review of new proposed development applications.”</p>
<p>Revision</p>	<p>Change wording to state “land use activities” and consolidate the activities into one list for Policy G-7(2) (change underlined): The following <u>land use activities</u> are not permitted where they would be a future significant drinking water threat, unless stated otherwise:</p> <ul style="list-style-type: none"> a) The application or storage of agricultural source material; b) The management of agricultural source material (i.e., aquaculture); c) The application, handling, or storage of non-agricultural source material; d) The application, handling, or storage of commercial fertilizer; e) The application, handling, or storage of pesticide; f) The handling or storage of road salt; g) The storage of snow; h) The handling or storage of fuel; i) The handling or storage of a dense non aqueous phase liquid; j) The handling or storage of an organic solvent; or k) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.
<p>Rationale</p>	<p>The policy intent is to require land use planning documents (i.e. Official Plans) to identify the activities that are prohibited under SPP policies; and to identify the intent of the municipality to prohibit these activities using land use planning (LUP), where feasible, understanding that there are limitations to what LUP can regulate. As originally written (in the Proposed SPP), the listing of activities was designed to distinguish between prescribed threat activities and threats which would be considered land uses by planning staff, for example: storage of some materials is a threat activity under the CWA, but is considered a land use under the Planning Act. The SPC agreed to replace “land uses” with “land use activities” as suggested; however, they felt that a definition/explanation of the differences between land use activities (under the CWA) and land uses (under the Planning Act) was necessary.</p> <p>Definitions will be added to the Glossary and additional details on policy intent will be added to the Explanatory Document.</p>

Revised Proposed Policy:

Applicable Policy Tool: This policy applies wherever a policy in this source protection plan designates an activity for the purpose of section 57 (Prohibition) of the Clean Water Act, 2006.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text
G-7(2)	LUP	MC	Approval authority under the Planning Act	F	<p>The following land use activities are not permitted where they would be a future significant drinking water threat, unless stated otherwise:</p> <ul style="list-style-type: none"> a) The application or storage of agricultural source material; b) The management of agricultural source material (i.e., aquaculture); c) The application, handling, or storage of non-agricultural source material; d) The application, handling, or storage of commercial fertilizer; e) The application, handling, or storage of pesticide; f) The handling or storage of road salt; g) The storage of snow; h) The handling or storage of fuel; i) The handling or storage of a dense non aqueous phase liquid; j) The handling or storage of an organic solvent; or k) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.

MOE Comment	<p>Policy G-8(1) b): Timelines for RMP policies</p> <p>SGBLS, CTC and TCC allow 5 years for a RMP to be established. The TCC plan requires initiation of the provisions of a RMP within 2 years of approval by the RMO. The CWA contemplates leaving the initiation timeline up to the discretion of the RMO if no date has been specified in the policy. Durham has expressed concern that the current policy wording may allow a person engaged in an activity to say that they do not need to initiate implementation of a RMP for 2 years after approval by the RMO, even though the RMO would like the threat activity dealt with sooner. Given the need to support implementation of policies across the three plans, it is recommended that part b) be removed from the plan.</p>
Revision	Revise Policy G-8(1) to include RMO discretion on the date for initiating RMP provisions.
Rationale	The SPC wanted to allow flexibility to the RMO in setting a date for initiating the provisions of the RMP, while ensuring that actions were taken within a reasonable time-frame (2 years).

Revised Proposed Policy:

Applicable Policy Tool: This policy applies wherever a policy in this source protection plan designates an activity for the purpose of section 58 (Risk Management Plan) of the *Clean Water Act, 2006*.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
G-8(1)	RMP	MC	RMO	E/F	<p><i>Timelines for Risk Management Plans</i></p> <p>a) Risk management plans must be established within five years;</p> <p>b) The provisions of the risk management plan must be initiated within two years following agreement with the Risk Management Official, unless otherwise specified in the risk management plan.</p>	G-8(4)

MOE Comment	<p>Policy S-3 permits future sewage facilities only when:</p> <p>a) “The proposed activity is intended to replace an existing activity or activities and would result in a lower risk to the drinking water source; and</p> <p>b) The instrument for the proposed activity contains conditions that ensure that it does not become a significant drinking water threat.”</p> <p>The use of the term “lower the risk” can be interpreted in a number of ways, and given how risk is categorised in the Act, it could mean that policy S-3(1) would never apply. We understand the intent is to allow a new sewage facility, which based on the table of drinking water threats would be a significant drinking water threat, if that new facility will have risk management measures in place that are more protective of drinking water. To avoid confusion over the term “lower the risk”, it would be more appropriate to say “would be more protective of drinking water”.</p>
Revision	<p><u>Revise Policy S-3(1) with language consistent with the CWA (change underlined):</u></p> <p>Future occurrences of the activity shall only be permitted when:</p> <p>a) The proposed activity is intended to replace an existing activity or activities;</p> <p>b) <u>The proposed activity would be more protective of drinking water; and</u></p> <p>c) The instrument for the proposed activity contains conditions that ensure that it does not become a significant drinking water threat.</p>
Rationale	<p>The wording change proposed is consistent with wording of the CWA, Section 39-4; therefore, the SPC agreed to accept the proposed wording change. In addition, three bullets instead of two will be used to clarify the policy text.</p>

MOE Comment	<p>Policy S-3(3) - Further to our comments on monitoring policies, we have a related comment on Policy S-3(3). As written, this policy specifies actions for the Ministry of the Environment to report on various prescribed instrument details to the source protection and municipality. These reporting actions in themselves do not reduce the risks from the sewage threat but instead, requires reporting on the implementation of the related threat policies S-3(1) and S-3(2). Therefore, our comments on monitoring policies also apply to this 'reporting'. Once revised, the policy could be combined with the other monitoring policy S-3(4) and presented as a single monitoring policy.</p>
Revision	<p><u>Change Policy S-3(3) to a Monitoring policy:</u></p> <p>The ministry shall prepare, by February 1 each year, an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the applicable SPA.</p> <p>Recommended contents of the report include, but are not limited to:</p> <ul style="list-style-type: none"> - A description of how the activity which meets the conditions of S-3(1) and S-3(2) will result in a lower level of risk than the existing activity or activities; - A description of the conditions of the Prescribed Instrument that will ensure that the activity does not become a significant drinking water threat; and - A description of any orders issued as a result of an inspection.
Rationale	<p>The policy was originally a Specify Actions policy with no legally binding effect; however, it requested information that was similar to reporting recommendations under monitoring policies. The policy was changed to create a legally binding policy that can be reported within the monitoring framework.</p>

Revised Proposed Policy:

Applicable Activities: The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage that would be a future significant drinking water threat and would require a Prescribed Instrument, except a wastewater collection facility that collects or transmits sewage containing human waste.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
S-3(1)	PI	MC	MOE	F	<p>Future occurrences of the activity shall only be permitted when:</p> <ul style="list-style-type: none"> a) The proposed activity is intended to replace an existing activity or activities; b) The proposed activity would be more protective of drinking water; and c) The instrument for the proposed activity contains conditions that ensure that it does not become a significant drinking water threat. 	S-3(3)
S-3(2)	LUP	MC	Approval Authority under the <i>Planning Act</i>	F	Future occurrences of the activity are prohibited.	G-10(2)
S-3(3)	MON	MC	MOE	F	<p>The ministry shall prepare, by February 1 each year, an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the applicable SPA.</p> <p>Recommended contents of the report include, but are not limited to:</p> <ul style="list-style-type: none"> a) A description of how an activity which meets the conditions of S-3(1) and S-3(2) will result in a lower level of risk than the existing activity or activities; b) A description of the conditions of the Prescribed Instrument that will ensure that the activity does not become a significant drinking water threat; and c) A description of any orders issued as a result of an inspection. 	N/A

<p>MOE Comment</p>	<p>Policy S-4 & S-5 - Policies addressing septic systems</p> <p>We understand that policy S-5(1) was discussed with staff from our office in August 2013 based on concerns from the Source Protection Region regarding implementation of the policy. The recently discussed revisions would remove the requirement for municipalities to establish by-laws that set out construction standards for septic systems. The revised policy would require official plans to set out the servicing hierarchy for new development (connection to municipal sewage first, septic systems second) and reinforce the requirement for all development to meet the standards of the Building Code to ensure that the activity is not a significant drinking water threat. This is implemented through land use planning under the authority of the Planning Act. We support these revisions and agree that simplifying the policy would provide more flexibility for implementation at the municipal level. If this policy is modified as discussed, policies S-5(3) and S-5(4) would no longer be necessary and should be deleted.</p> <p>The complementary "specify action" policy requiring existing septic systems connect to a municipal sewage collection system (policy S-4(1)) would be implemented through local municipal by-laws under the authority of the Municipal Act. Since the policy addresses existing systems, it is appropriate that these are not addressed through land use planning. Given that future septic systems are addressed by the land use planning policy S-5(1), policy S-4(3) which requires a municipal policy to support S-4(1) is not necessary and should be deleted.</p>
<p>Revision</p>	<p>No change to Policy S-4(1)</p> <p>Revise Policy S-5 by removing the requirement for a municipal by-law and the requirement for specific construction standards; instead use land use planning to specify the hierarchy for new developments. Revise monitoring policy as necessary to reflex this change.</p>
<p>Rationale</p>	<p>Policy S-4 addresses existing sewage systems through a by-law, and a land use planning policy is required to support the creation of this by-law. The purpose of the LUP policy is to direct future municipal infrastructure expansion to consider vulnerable areas. If the municipal collection services do reach vulnerable areas in the future, then the practicality of connecting these residences to the municipal services becomes feasible.</p> <p>Policy S-5 addresses future sewage systems and it is appropriate to use land use planning to achieve the desired hierarchy for new developments.</p>

Proposed Policy (No Change):

Applicable Activities: Sewage systems as defined in section 1 of O. Reg. 350/06 (Building Code) made under the *Building Code Act, 1992* that are existing significant drinking water threats.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
S-4(1)	SA	MC	Municipality	E	Require by means of a bylaw that the system is connected to a municipal sewage collection system where connection is feasible given financial and technical constraints. This bylaw must be established within one year.	S-4(2)
S-4(2)	MON	MC	Municipality	E	Report by February 1 to the applicable source protection authority on how (1) was satisfied within one year of the establishment of the bylaw.	N/A
S-4(3)	LUP	MC	Approval Authority under the <i>Planning Act</i>	E	Require a policy to support the objectives given in (1).	G-10(2)

Revised Proposed Policy:

Applicable Activities: Sewage systems as defined in section 1 of O. Reg. 350/06 (Building Code) made under the *Building Code Act, 1992* that would be future significant drinking water threats.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
S-5(1)	LUP	MC	Approval Authority under the <i>Planning Act</i>	F	Require a policy to support the following: a) Where connection to a municipal sewage collection system is feasible given financial and technical constraints, new development will be serviced by a municipal sewage collection system; or b) Where connection to a municipal sewage collection system is not feasible, new development will be serviced by a sewage system constructed to the standards of the Ontario Building Code to ensure that the activity is not a significant drinking water threat.	G-10(2) S-5(2)
S-5(2)	MON	MC	Approval authority under the <i>Planning Act</i>	F	Report by February 1 each year to the applicable source protection authority regarding any approvals of septic systems in areas where they would be significant threats. Where the approval authority is not the municipality, the report will be copied to the applicable municipality.	N/A

MOE Comment	Policy S-7(2) addresses the future significant threat from wastewater collection facilities using a prescribed instrument. Policy S-7(1) requires municipal compliance with construction standards using land use planning to ensure the activity is not a significant threat. However, land use planning cannot be used as a means to stipulate or require construction standards of wastewater collection facilities. Also, construction standards are already considered and incorporated through prescribed instruments, which is the tool used in Policy S-7(2) . Therefore Policy S-7(1) should be removed.
Revision	<u>No Change to Proposed Policy S-7(1)</u> <u>Explanatory Document</u> Addition of details regarding “flagging” purpose of the policy, as well as a clarification on land use planning related to construction standards.
Rationale	<p>While The Planning Act does not generally provide the means to dictate construction standards (see Planning Act text below), details of sewer systems and other services are often included in subdivision/development agreements. By including this policy, the application will get “flagged” as requiring conditions under DWSP; if only a PI is used, the applicant may not learn of any additional requirements from DWSP until very late in the development process (ECA are often requested near the end of the process). Therefore, the SPC agreed that no change should be made to policy S-7(1).</p> <p><i>The Planning Act, 1990</i></p> <p>41. (4.1) <i>The following matters relating to buildings described in paragraph 2 of subsection (4) are not subject to site plan control:</i></p> <ol style="list-style-type: none"> 1. <i>Interior design.</i> 2. <i>The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).</i> 3. <i>The manner of construction and standards for construction.</i> 2006, c. 23, s. 16 (5). <p>51. (25) <i>The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,</i></p> <p>(d) <i>that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services.</i> 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5).</p>

Proposed Policy (No Change):

Applicable Activities: Wastewater collection facilities that collects or transmits sewage containing human waste that would be future significant drinking water threats and would require a Prescribed Instrument.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
S-7(1)	LUP	MC	Approval Authority under the <i>Planning Act</i>	F	Require that the activity complies with construction standards that will ensure that the activity is not a significant drinking water threat.	G-10(2)
S-7(2)	PI	MC	MOE	F	Ensure that the instrument contains conditions that ensure that the activity does not become a significant drinking water threat.	S-7(3)

MOE Comment	Policy A-2 Policy A-2(1) is to review and amend existing Nutrient Management Plans (NMP) within three years while Policy A-2(3) requires MOE to prioritize the inspection of properties having NMP within one year . Since the prioritization of inspections would be coordinated with the review of NMPs, the ministry recommends that the policy text in (3) be amended to harmonize with the timing in A-2(1).
Revision	<u>Modify timelines for Policy A-2 and request collaboration between MOE and OMAFRA for the prioritization of review and inspection of NMPs (changes underlined in Revised Proposed Policy below).</u>
Rationale	<p>There are several timing considerations with regard to these policies:</p> <ul style="list-style-type: none"> - Time for a prioritization exercise to be completed - Time for a review of NMP/S to be completed - Time for the landowner to implement any changes necessary to the NMP/S - Time for inspections to occur <p>By requiring both MOE and OMAFRA to prioritize the properties being reviewed and inspected, the SPC hopes that the process will be better harmonized and efficient. Inspections of properties should not occur until after OMAFRA has reviewed the NMP/S for that property. Policies A-2(1), (3) and (5) were re-ordered to address these timing requirements.</p>

Revised Proposed Policy:

Applicable Activities: Any of the following activities is an existing significant drinking water threat (see Table 4.6) and requires a Nutrient Management Plan or Strategy under the *Nutrient Management Act, 2002*:

- a) The application of commercial fertilizer to land;
- b) The application of agricultural source material to land;
- c) The storage of agricultural source material; and
- d) The use of land as an outdoor confinement area or a farm animal yard.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
A-2(1)	SA	S	OMAFRA MOE	E	Prioritize <u>the review and inspection</u> of properties located in the Trent source protection areas with Nutrient Management Plans or Strategies within one year.	A-2(2)
A-2(2)	MON	MC	OMAFRA MOE	E	Report by February 1 of the calendar year following the one year anniversary of the approval of the Trent Source Protection Plan to the applicable source protection authority and municipality on the exercise completed for (1).	N/A
A-2(3)	PI	MC	OMAFRA	E	<u>Following the prioritization developed under A-2(1)</u> , review all existing Nutrient Management Plans or Strategies related to these activities to determine if they are adequate to ensure that the associated activities are not significant drinking water threats. If they are deemed to be inadequate for this purpose, they will be amended to include additional conditions that will ensure that the activities cease to be significant drinking water threats. All amendments required by this policy must be <u>completed</u> within three years from the date that the Plan takes effect or such other date as the applicable Director determines based on a prioritized review of Prescribed Instruments that govern the activity.	A-2(4)
A-2(4)	MON	MC	OMAFRA	E	Provide an annual summary of the actions taken to implement (3) to the applicable source protection authority and municipality by February 1 each year for the preceding calendar year.	N/A
A-2(5)	SA	S	MOE	E	<u>Following the prioritization developed under A-2(1), and allowing for any implementation schedules set out within the amendments completed under A-2(3)</u> , inspect properties with Nutrient Management Plans or Strategies for compliance with these documents within three years.	A-2(6)
A-2(6)	MON	MC	MOE	E	Report by February 1 each year to the applicable source protection authority and municipality on any orders issued as a result of an inspection during the reporting year.	N/A

MOE Comment	Policy A-5 , as written, would be problematic to implement since municipal powers do not extend to enforcing private sector certification. Presenting the policy as a part of the general Education/Outreach Policy G-5 to ‘promote the environmental benefits of the safe storage of pesticides and encourage businesses to obtain certification’ would be more feasible to implement while aligning with the policy intent to have businesses embrace certification. While it may be the SPCs intent to promote AWSA’s program, this could be presented as an option within the policy or the Explanatory Document as opposed to a mandatory program.
Revision	<u>Change policy tool and associated policy text in Policy A-5 to specify the requirement for a Risk Management Plan, requiring AWSA certification.</u>
Rationale	<p>The SPC did not feel that an Education & Outreach policy would adequately manage this threat. Instead, the SPC proposes to manage the threat using Section 58 of the <i>Clean Water Act, 2006</i>, Risk Management Plan. The risk management plan (RMP) would specify a requirement for the AWSA’s certification, similar to the fuel storage RMP requirement for TSSA’s inspection.</p> <p>The storage of pesticides is a significant drinking water threat only in circumstances where the quantity stored is greater than 250 kg (other circumstances must also apply). Based on information provided by the agricultural representatives on the SPC, insurance companies often require this certification already. As such, the SPC felt that requiring a RMP, and specifying the AWSA’s certification be required whenever it is within that organizations mandate, would not be overly restrictive for existing persons engaged in this activity.</p>

Revised Proposed Policy:

Applicable Activities: Where the handling and storage of pesticide is an existing significant drinking water threat (see Table 4.6).

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
A-5(1)	RMP	MC	RMO	E	The activity is designated for the purpose of section 58 of the <i>Clean Water Act, 2006</i> . The risk management plan will be prepared in accordance with the general provisions given in policy G-8.	G-8(4)
A-5(2)	RMP	MC	RMO	E	The risk management plan required by (1) must ensure that any pesticide storage within the mandate of the Agrichemical Warehousing Standards Association obtains certification from that organization and that documentation of the certification is provided to the Risk Management Official.	G-8(4)

MOE Comment	<p>Policy F-2 - Fuel policies for existing residential home heating tanks requiring a RMP:</p> <ul style="list-style-type: none"> • TCC requires RMPs for fuel storage in residential home heating tanks; • CTC exempts single-unit residential properties and small businesses from RMP; requires E&O • SGBLS exempts low density residential properties if documentation is provided to the RMO proving that the fuel tank is certified and up to contemporary standard, and use education and outreach to address the threat from low density residential properties. <p>Province wide, there are a variety of tools used to address home heating oil tanks. Durham Region has expressed concerns with implementation of three different policies using different policy tools for fuel as required in the three plans (SGBLS, CTC and TCC). It is recommend that you have discussions with Durham Region to determine if implementation of this policy is feasible in terms of workload and cost, and work towards a mutually beneficial resolution and any changes to the policy and explanatory document as a result of these discussions. When the plans are resubmitted, please include the outcome of these discussions.</p>
Revision	<u>No change to Policy</u>
Rationale	Despite the differences in policies, they could all be implemented using a consistent protocol: Site Visits with E&O materials and standardized, one-page RMP. The TCC staff will work with Durham Region to develop a RMP template and delivery work plan to satisfy the requirements of all the policies using a consistent protocol.

Proposed Policy (No Change):

Applicable Activities: Storage of fuel that is an existing significant drinking water threat.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
F-2(1)	RMP	MC	RMO	E	The activity is designated for the purpose of section 58 of the <i>Clean Water Act, 2006</i> . The risk management plan will be prepared in accordance with the general provisions given in policy G-8.	G-8(4)
F-2(2)	RMP	MC	RMO	E	The risk management plan required by (1) must, at a minimum, specify the requirement to have the fuel tank inspected by a TSSA-certified technician at a frequency of no less than every 5 years or at discretion of the Risk Management Official.	G-8(4)

MOE Comment	Policy R-2 deals with MTO application of road salt where it is/could be a significant threat, and asks for an update of MTO’s salt management plan and annual reporting to the SPA. For its road salt monitoring policies, MTO requested that the SPA contact MTO rather than MTO reporting to the SPA. This request was also communicated to the SPA/SPC during public consultation. It is MOE understanding that the SPA/SPC will be accommodating this change when it makes revisions to its plan. This revision is also applicable to policies R-3 and R-4 .
Revision	<u>No Change to Proposed Policy R-2, R-3, R-4</u>
Rationale	This comment was received from MTO during the final consultation; the comment was “noted” but no intent to change the policy wording was indicated in the submission to MOE. The SPC felt that having the SPAs contact the MTO would be an inefficient method of reporting, leading to numerous requests from across the province being directed to MTO. Rather, the SPC felt that, like other implementing bodies, MTO should develop internal operating procedures which would address the monitoring requirements of the Clean Water Act.

Proposed Policy (No Change):

Applicable Activities: The application of road salt is an existing significant drinking water threat or would be a future significant drinking water threat; and the application is being undertaken by the Ministry of Transportation.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
R-2(1)	SA	S	MTO	E/F	<p>Ensure that efforts continue to identify and implement improved ways to pragmatically and logistically address the issue of salt contamination. These efforts will include the implementation of a salt management plan that contains provisions for mitigating the effects of road salt on wellhead protection areas and intake protection zones.</p> <p>The salt management plan must include provisions for the following:</p> <ul style="list-style-type: none"> a) Where multiple road authorities operate within a vulnerable area, cross-boundary considerations will be addressed on an ongoing basis by all road authorities responsible for the application of road salt; b) Where salt is applied by a contractor: <ul style="list-style-type: none"> i) Ensure that contractors are made aware of the requirements of the salt management plan; and ii) Require the contractor to advise the municipality with responsibility for the drinking water system if an alternate product is used for road maintenance. c) Updating of the salt management plan within one year of the approval of an updated assessment report; and d) Annual reporting on activities undertaken as part of the salt management plan to the source protection authority. 	R-2(2)
R-2(2)	MON	MC	MTO	E/F	Report by February 1 each year to the applicable source protection authority on any changes to the salt management plan identified in (1) made in the preceding calendar year.	N/A

MOE Comment	Policy R-6 uses s. 57 and land use planning tools to prohibit handling and storage of road salt that could be a future significant threat. The policy rationale in the ED states the purpose is to address the threat posed from open storage of road salt, which aligns with the Table of Circumstances showing the threat activity is storage, and not the structure. Since land use planning (Site Plan Control) can only regulate the placement and not design of (open/covered) storage structures as part of the approval process, land use planning is not the appropriate tool to achieve the policy intent. As currently written, policy R-6(2) would result in the prohibition of <u>all</u> salt storage structures, including well-constructed, covered salt domes that are not a significant threat activity. Given the foregoing, policy R-6 (2) should be deleted.
Revision	<u>No change to Proposed Policy R-6(1).</u> <u>Policy R-6(2) is redundant and will be removed.</u>
Rationale	<p>Policy R-6 specifies the applicable activities to be the handling and storage of road salt that would be a <u>significant drinking water threat</u>. Since only open storage structures can be a SDWT according to the Table of Circumstances, the policy does not prohibit all storage structures and the comment from MOE is inaccurate. In order to clarify the policy text, the SPC proposes to reiterate under Policy R-6(2) that only SDWT structures are prohibited.</p> <p>The Planning Act, under section 41(7)(a)9, specifies that the municipality may require the site plan to include “Grading or alteration in elevation or contour of the land and <u>provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon</u>”. Therefore, LUP is an appropriate tool to use to prohibit this threat activity. Policy G-7(2) consolidates all LUP policies in the SPP; therefore, Policy R-6(2) is redundant and will be removed.</p>

Revised Proposed Policy:

Applicable Activities: The handling and storage of road salt that would be a future significant drinking water threat.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
R-6	PRO	MC	RMO	F	The activity is designated for the purpose of section 57 of the <i>Clean Water Act, 2006</i> .	G-7(1)

MOE Comment	Policy N-1 addresses <u>existing</u> NASM activities (application, handling and storage) that require a prescribed instrument (PI). Since only categories 2 & 3 NASM activities require a PI, the policy does not address existing category 1 NASM activities and therefore a policy is needed for these activities. An existing threat policy is required unless the committee is reasonably certain that Category 1 NASM is not an existing threat that is engaged in within the TCC region. If this is the case, a relevant statement as such should be included in the plan and/or Explanatory Document to explain this omission. Given the nature of Category 1 NASM, consideration of policy tools such as E&O may be reasonable to address this threat activity.
Proposed Revision	Clarify SPP text to indicate that Category 1 NASM is managed by <u>Education & Outreach</u> : Source Protection Plan Text: Section 4.4.7 (changes underlined) APPLICATION Applicable Policies: N-1, N-2, N-3, <u>and G-5</u> STORAGE Applicable Policies: N-1, N-2, <u>and G-5</u>
Rationale	All NASM threat activities, including Category 1, are managed through E&O (see Policy G-5). Category 2 and 3 NASM are also managed through PI. The SPP text will be modified to state the requirement for E&O within the Threat Summary for NASM activities.

MOE Comment	Policy N-2 prohibits all future NASM in vulnerable areas where it would be significant, both inside and <u>outside</u> of WHPA-A and IPZ-1 (with the exception of category-1). It is recommended that Policy N-2 be amended to permit future NASM category 2 & 3 outside of WHPA-A and IPZ-1 unless the SPA/SPC could provide a more robust rationale for prohibiting future NASM activities when ASM activities are allowed given that the chemicals of concern (nitrogen, phosphorous and pathogen) are the same for <u>both</u> ASM and NASM, and thus have the same impact on drinking water sources. This could be done by changing the policy approach so that future NASM category 2 & 3 application, handling and storage is managed outside WHPA-A and IPZ-1 using a prescribed instrument.
Revision	No change to Proposed Policy N-2.
Rationale	NASM threats are of particular concern within the Trent Conservation Coalition Region due to past experiences by municipalities and stakeholders regarding their use. The Source Protection Committee had considerable debate on this issue and decided to leave the policy as proposed: prohibition on future significant NASM threats from Category 2 & 3 materials. A summary of the committee's rational is provided below, and a comprehensive documentation of their rational will be provided with the submission of the revisions to the MOE in March 2014. <ul style="list-style-type: none"> - NASM materials come from a variety of source and contain more than just the nutrients required to promote agricultural production - Some NASM materials were previously regulated as waste products, and are now regulated as nutrients for on-farm uses; this creates concern with their appropriate regulation - NASM and ASM policies were developed with consideration for the hardships posed by the policies on the farmer; prohibiting future NASM application does not pose hardship for the farmer because the areas where its application is prohibited is small relative to the whole region and therefore there are other areas of land where the NASM could be spread - Municipalities within the region currently have by-laws prohibiting paper biosolids (considered a NASM) so the policy is consistent with other regulations - There are concerns with adequate regulatory enforcement of NASM content, spreading rates and timing - In order to have a significant chemical threat for NASM application, the technical rules require that the landscape within the vulnerable area meet certain thresholds for percent of managed lands and livestock density; because values for these two factors are

	<p>generally low across the region, significant threats are only possible in a limited number of systems (3 systems total); therefore, this policy applies to a small area of land</p> <ul style="list-style-type: none"> - Protecting municipal drinking water sources by prohibiting these future activities where they would be significant drinking water threats was felt to be the best approach by the majority of the Source Protection Committee
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MOE Comment	Policy N-3 allows for <u>future</u> application of category 1 NASM subject to a RMP but is silent on handling and storage. Given that a policy is needed for every significant threat, especially threats that may occur in the future, a policy is needed to fully address the <u>future</u> handling and storage of category 1 NASM.
Revision	<u>Add handling and storage of NASM to the Applicable Activities statement for Policy N-3 (change underlined):</u> Applicable Activities: The application, <u>handling, or storage</u> of non-agricultural source material would be a future significant drinking water threat.
Rationale	The SPC felt that allowing future occurrences of all three Category 1 NASM activities (application, handling, and storage) to be managed under a RMP was appropriate given that application activities would most likely include some type of handling and storage as well. By managing all three under a RMP, the SPC felt this would allow the activity to proceed efficiently while being adequately managed.

Proposed Policy (No Change):

Applicable Activities: The application, handling, or storage of non-agricultural source material is an existing significant drinking water threat and the activity requires a Prescribed Instrument.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
N-1(1)	PI	MC	OMAFRA	E	Review all existing Prescribed Instruments related to these activities to determine if they are adequate to ensure that the associated activities are not significant drinking water threats. If they are deemed to be inadequate for this purpose, they will be amended to include additional conditions that will ensure that the activities cease to be significant drinking water threats. All amendments to Prescribed Instruments required by this policy must be carried out within three years from the date that the Trent Source Protection Plan takes effect or such other date as the applicable Director determines based on a prioritized review of Prescribed Instruments that govern the activity.	N-1(2) N-1(3)
N-1(2)	MON	MC	OMAFRA	E	Report by February 1 of the calendar year following the one year anniversary of the approval of the Trent Source Protection Plan to the applicable source protection authority and municipality on the exercise completed for (1).	N/A
N-1(3)	MON	MC	MOE	E	Report by February 1 each year to the applicable source protection authority and municipality on any orders issued as a result of an inspection during the reporting year.	N/A

Proposed Policy (No Change):

Applicable Activities: The application, handling, or storage of non-agricultural source material would be a future significant drinking water threat.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
N-2	PRO	MC	RMO	F	The activity is prohibited and designated for the purpose of section 57 of the <i>Clean Water Act, 2006</i> . This policy does not apply for non-agricultural source material listed as Category 1 non-agricultural source material per the <i>General Regulation (O. Reg. 267/03)</i> made under the <i>Nutrient Management Act, 2002</i> .	G-7(1)

Revised Proposed Policy:

Applicable Activities: The application, handling, or storage of non-agricultural source material would be a future significant drinking water threat.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
N-3	RMP	MC	RMO	F	Where the non-agricultural source material is listed as Category 1 non-agricultural source material per the <i>General Regulation (O. Reg. 267/03)</i> made under the <i>Nutrient Management Act, 2002</i> , the activity is designated for the purpose of section 58 of the <i>Clean Water Act, 2006</i> . The risk management plan will be prepared in accordance with the general provisions given in policy G-8.	G-8(4)

MOE Comment	Policy P-1 & Policies L-2(2), (3) and (7) in the Ganaraska plan Policy P-1 is a threat policy to address de-icing, and is directed at Transport Canada, the RMO, and municipality. The CWA requires monitoring policies related to significant threats to identify a public body as defined in section 2 of the CWA (this <u>excludes</u> federal bodies and private entities). Other committees have addressed this issue by rewording the monitoring policy to direct the responsibility to the SPA or CA, such as: “The SPA will communicate routinely with Transport Canada to get an update on implementation of the policy.” Accordingly, applicable changes to P-1(3) are needed. Similar consideration should be given to any monitoring policy associated with threat policies or drinking water issues that is directed at a federal body or private entity (applicable to monitoring Policies L-2(2), (3) and (7) in the Ganaraska plan).
Revision	<u>Change Implementing Body on Policy P-1 and Policy L-2 (Ganaraska SPP) (change underlined):</u> Policy P-1(3) Implementing Body: <u>Source Protection Authority</u> <u>Request, and report on, information from Transport Canada</u> by February 1 each year where a future airport facility has been designed in the previous calendar year, to identify how the recommendations outlined in (2) were considered. Policy L-2(2), (3), and (7) Implementing Body: <u>Source Protection Authority</u> <u>Request, and report on, information from the Owner of the Pipeline</u> by February 1 each year...
Rationale	The CWA does not allow for designation of federal or private bodies as implementing bodies for monitoring policies; therefore, the implementing body was changed to the Source Protection Authority (SPA). Since the SPA will be responsible for creating the annual report, requesting this information and incorporating it into the annual report should not add additional work load. The SPC felt this was the most efficient choice for implementing body.

MOE Comment	Policy P-1 Another issue with this policy relates to naming the municipality as the implementing body in P-1(4); since the RMO is responsible for negotiating the RMP in P-1(1), it is logical that P-1(4) which refers to contents in the RMP, also name the RMO instead of the municipality.
Revision	<u>Change Implementing Body on Policy P-1(4) (change underlined):</u> Implementing Body: <u>Risk Management Official</u>
Rationale	As this policy relates to risk management plans, the SPC agreed that it is appropriate to designate the RMO as the implementing body.

MOE Comment	Policy P-1(2) is a non-legally binding policy which requires Transport Canada to include appropriate design standards and management practices to prevent run-off from airport deicing facilities. Recently the ministry has received comments from Transport Canada clarifying that they do not have a role in the approval or construction of new airport facilities. For this reason, we recommend modifying P-1(2) such that the implementing body is "relevant airport authorities or operators," who would have control over standards and management practices relating to de-icing of aircrafts. Previous comments provided on June 6, 2013 related to P-1 (3) still apply; however, instead of the SPA communicating routinely with Transport Canada, a modification to "relevant airport authorities or operators" is recommended.
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Revision	<p><u>Change implementing body on Policy P-1(2) to “relevant airport authorities or operators”.</u></p> <p><u>Include both Transport Canada and relevant airport authorities or operators for the monitoring Policy P-1(3).</u></p>
Rationale	The SPC felt that relevant airport authorities or operators would be the most direct way to manage this threat; however, Transport Canada still has an oversight role in airport operations and should therefore be involved in the monitoring of this policy.

Revised Proposed Policy:

Applicable Activities: The management of runoff that contains chemicals used in the de-icing of aircraft that that is an existing significant drinking water threat or would be a future significant drinking water threat.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
P-1(1)	RMP	MC	RMO	E/F	The activity is designated for the purpose of section 58 of the <i>Clean Water Act, 2006</i> . The risk management plan will be prepared in accordance with the general provisions given in policy G-8.	G-8(4)
P-1(2)	SA	S	Relevant airport authority or operator	F	Include appropriate design standards and management practices in the development of any future airport facilities.	P-1(3)
P-1(3)	MON	MC	Source Protection Authority	F	Request and report on information from relevant airport authorities, operators, and Transport Canada by February 1 of each year where a future airport facility has been designed in the previous calendar year, to identify how the recommendations outlined in (2) were considered.	N/A
P-1(4)	SA	MC	RMO	E/F	Where an airport is being considered, work with the municipality, airport operator, the deicing service provider, the air carriers using the airport, and the companies or individuals responsible for disposal of the used deicing fluid to ensure that the risk management plan recognizes and addresses concerns related to the drinking water supply. The risk management plan should be consistent with the <i>Guidelines for Aircraft Ground Icing Operations</i> (Transport Canada, 2005) ¹ .	G-8(4)

¹ Transport Canada (2005) *Guidelines for Aircraft Ground Icing Operations* - TP 14052

Revised Proposed Policy:

Applicable Activities: Where the conveyance of oil by way of a pipeline is an existing significant drinking water threat.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
L-2(2)	MON	MC	Source Protection Authority	E	Request and report on information from the Owner of the pipeline by February 1 of each year regarding updates to existing emergency response plans made to address a pipeline rupture, and provide this summary to applicable municipalities.	N/A
L-2(3)	MON	MC	Source Protection Authority	E	Request and report on information from the Owner of the pipeline by February 1 of each year regarding any activation of the emergency response plan for activities undertaken as a result of a pipeline rupture, and provide this summary to applicable municipalities.	N/A
L-2(7)	MON	MC	Source Protection Authority	E	Request and report on information from the Owner of the pipeline by February 1 of each year regarding all emergency response practice exercises and maintenance activities completed in the preceding calendar year, and provide this summary to applicable municipalities.	N/A

<p>MOE Comment</p>	<p>Policy OT-1(4) addresses spills along transportation corridors. Part (4) b) of this policy seeks an update of MOE's emergency response plans and/or spill contingency plans for highways, shipping lanes and railways by reviewing the reporting thresholds for significant threat activities, in consultation with the municipalities and adjusting the reporting thresholds as required.</p> <p>The MOE does not have thresholds for reporting spills under the Ontario Water Resources Act or the Environmental Protection Act – rather there is a general prohibition from impacting water quality. Ontario Regulation 675/98 "Classification and Exemption of Spills and Reporting of Discharges" under the Environmental Protection Act does allow for some exemptions; however, under each "Classification" of material discharged or spilled (i.e. petroleum, planned discharged, household fires, etc.) there's a general provision which states that the "spill does not enter and is not likely to enter any waters, as defined in the <i>Ontario Water Resources Act</i>, directly or through drainage structures". The concept of a reporting threshold, for example allowing for a specific volume of a material be discharged in order to trigger an emergency response, would contravene the Ontario Water Resources Act and the Environmental Protection Act and would make it legal to not report a small volume spill that impacted the environment. Therefore this is less protective of the environment. According to TCC's explanatory document the intent of this policy is to "ensure that emergency response and/or spills contingency plans for both the municipality and MOE are updated and tested to ensure the safety of our drinking water sources." Given the above information and the original intent of the policy, we request that subsection b (reporting thresholds) be removed from the policy.</p>
<p>Revision</p>	<p><u>Remove clause b) regarding reporting thresholds from Policy OT-1(4).</u></p>
<p>Rationale</p>	<p>Reporting thresholds are less protective of the environment than current legislation. The SPC felt that removing this clause and focusing the policy on communication and coordination of Spills Reporting and Emergency Response Plans would better address the risk to drinking water.</p>

Revised Proposed Policy:

Applicable Activities: Spills along transportation corridors

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
OT-1(4)	SA	S	MOE	E/F	<p>Update their emergency response plans and/or spill contingency plans for highways as defined in the <i>Highway Traffic Act</i>, shipping lanes, and railways by:</p> <ul style="list-style-type: none"> a) Revising their notification protocol to directly notify all potentially affected water treatment plant operators; b) Using available data and models to predict the extent and duration of contamination caused by the spill, and to help determine the parties to be notified; and c) Ensure that information about the predicted extent and duration of contamination caused by the spill is communicated to all responsible parties who are responding to the spill (<i>e.g.</i>, the originators of the spill, emergency response/clean-up personnel, municipal health departments, and water treatment plant operators). 	OT-1(7)

<p>MOE Comment</p>	<p>Policy OT-2 relates to transport pathways. Municipalities have limited authority to regulate transport pathways. Areas where municipal authority may extend include geothermal systems, as well as some control over grading (e.g., ditches, trenches).</p> <p>The province has authority for Regulation 903 and oversight of wells is an important part to the Government of Ontario policy to protect Ontario's aquifers and groundwater supplies for Ontario's present and future drinking water users.</p> <p>In light of the municipal and ministry roles in transport pathways, it is recommended that changes be made to OT-2(1), (2) and (3) as shown below:</p> <p style="padding-left: 40px;">OT-2(1) a) - revise to be an education and outreach (E\O) policy, such as Conservation Authority or municipal outreach to residents and businesses in WHPA-A and IPZ-1; this will help residents to understand the potential problems that could be created by transport pathways and their legal obligations under Ontario Regulation 903 with regards to proper well construction, maintenance and abandonment.</p> <p style="padding-left: 40px;">OT-2(1) b) - leave as is</p> <p style="padding-left: 40px;">OT-2(2) - combine with OT-2(1) a) to read as one policy</p> <p style="padding-left: 40px;">Adjust the monitoring policies accordingly</p>
<p>Revision</p>	<p><u>Combine Policy OT-2(1)a) and OT-2(2) into a single E&O policy.</u></p> <p><u>No change to Policy OT-2(1)b); add a land use planning policy to support the creation of the by-law.</u></p> <p><u>Add a specify action policy requesting that MOE review O.Reg. 903 and business processes to effectively address Source Protection. *MOE provided suggested wording for this policy on December 30, 2013.</u></p> <p><u>Re-order policies and revise monitoring policy.</u></p>
<p>Rationale</p>	<p>As originally written, the Municipality would have difficulty implementing this policy due to their limited knowledge of when and where new transport pathways might be created. Also, the original policy could cause challenges by requiring the upgrading of existing transport pathways (financial resources, expertise, staffing/equipment resources). The policy was revised to be more reflective of the roles that municipalities and MOE play in transport pathways, especially wells. Since MOE is responsible for enforcement of Regulation 903, the SPC felt that this enforcement program should ensure that wells within vulnerable areas are prioritized for inspections.</p>

Revised Proposed Policy:

Applicability: Transport pathways¹ within Wellhead Protection Areas A, B C, and D, and Intake Protection Zones 1 and 2.

Policy No.	Tool	Legal Effect	Implementer	E/F	Policy Text	Monitoring Policy
OT-2(1)	E & O	S	Municipality	E/F	<p>Develop and initiate an education and outreach program within two years that is designed to inform the owners and operators of transport pathways about the following:</p> <ul style="list-style-type: none"> a) The potential for the transport pathway to endanger the municipal water supply; b) Best management practices for upgrading transport pathways to minimize the potential for impacts to the water supply; and c) For wells subject to Ontario Regulation 903 of the <i>Ontario Water Resources Act</i>, their legal obligations with respect to well construction, maintenance, and abandonment. <p>The education and outreach program can be harmonized with existing education and outreach programs, such as the Ontario Drinking Water Stewardship Program (ODWSP) or the policy G-5 program, where this would result in an increase in efficiency or cost-effectiveness.</p> <p>The municipality may enter into an agreement with a third party that identifies the third party as the implementing body for this policy and any related reporting requirements.</p>	OT-2(3)
OT-2(2)	SA	S	Municipality	F	In a WHPA-A or IPZ-1, establish a by-law prohibiting new transport pathways (including geothermal heating systems).	OT-2(3)
OT-2(3)	MON	S	Municipality	E/F	Report by February 1 each year to the applicable source protection authority on the activities undertaken as part of the education and outreach program, and on any by-laws created to satisfy (2).	N/A
OT-2(4)	LUP	S	Approval Authority under the <i>Planning Act</i>	E	Require a policy to support the objectives given in (2).	G-10(2)
OT-2(5)	SA	S	MOE	E/F	The Ministry of the Environment (MOE) is strongly encouraged to undertake an updated risk-based program analysis of the compliance program associated with the Wells Regulation 903 as amended, made under the <i>Ontario Water Resources Act</i> .	OT-2(6)

					<p>The program analysis should consider:</p> <ul style="list-style-type: none"> a) Increased MOE field presence with well contractors; b) Complaint response prioritization where the presence of a transport pathway would endanger sources of municipal drinking water; and c) Focusing resources in areas where improperly constructed, maintained, or abandoned wells may increase the potential threat to municipal drinking water sources. <p>Action to implement this analysis should be initiated within two years from the date a Source Protection Plan takes effect.</p>	
OT-2(6)	MON	S	MOE	E/F	Report by February 1 each year to the applicable source protection authority on the program analysis completed under (5).	N/A

¹ Transport pathway means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system contained in this Source Protection Plan. Transport pathways include, but are not limited to, the following:

For groundwater systems:

- a) Wells or boreholes;
- b) Unused or abandoned wells;
- c) Pits and quarries;
- d) Mines;
- e) Construction activities involving deep excavations (such as building foundations, basements, parking garages);
- f) Underground storm sewer, sanitary sewer & water distribution system infrastructure

For surface water systems:

- a) Storm drainage infrastructure (e.g. storm sewer lines, culverts, ditches); and
- b) Tile drains.