

Implementation Resource Guide

Background and Introduction

4/29/2013

Note to Reader: This document is one of a series now under development by staff at Conservation Authorities and Conservation Ontario in support of Source Protection Plan implementation. The final set of documents will cover a variety of tools related to Source Protection Plan implementation, but not all will apply in your municipality. To determine what policies apply in your municipality please consult with your local Source Protection Plan and Source Protection Authority. Note that this document has not been reviewed by legal counsel and is not presented as legal advice.

GLOSSARY OF ACRONYMS

The following list includes acronyms commonly used in association with the source protection planning process. For ease of readability, it was decided that these acronyms would not be used in the modules; however, this list is included in the Backgrounder as a resource to the reader.

Assessment Report – AR

Chief Building Official – CBO

Clean Water Act – CWA

Conservation Authority – CA

Dense non-aqueous phase liquid – DNAPL

Geographic Information Systems – GIS

Ministry of the Environment – MOE

Official Plan – OP

Ontario Municipal Board – OMB

Person with Qualifications – PQ

Risk Management Inspector – RMI

Risk Management Official – RMO

Risk Management Plan – RMP

Source Protection Authority – SPA (do not use SPA to refer to Source Protection Area)

Source Protection Committee – SPC

Source Protection Plan – SPP

Source Protection Program Branch – SPPB

Source Protection Region – SPR

Terms of Reference – TOR

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Municipal Implementation Guide – General Information

The Clean Water Act and Source Protection

The *Clean Water Act, 2006* came into effect on July 3, 2007. While the Ontario Ministry of the Environment works in collaboration with key stakeholders, the Province is the lead in the development of rules, regulations and guidance under this legislation. The intent of the *Clean Water Act* is to protect sources of water to municipal residential drinking water systems and ultimately protect human health and the environment.

In May 2000, the municipal drinking water system in Walkerton became contaminated resulting in the death of seven residents and thousands falling ill. In response to this tragedy, the Government of Ontario commissioned Justice Dennis O'Connor to evaluate the reasons for the events and to make recommendations for measures to ensure that similar events are avoided in the future. The *Clean Water Act* was an outcome of the "Report of the Walkerton Inquiry" by Justice O'Connor, which was released in 2002. Justice O'Connor recommended the implementation of source protection to protect existing and future sources of drinking water by reducing the risk of contamination; that is, the protection of water resources even before they arrive for treatment at the municipal drinking water system. The *Clean Water Act* is one measure in the Government of Ontario's commitment to implement all of the recommendations put forward by Justice O'Connor.

The Source Protection Committee, as stated in the *Clean Water Act*, is responsible for preparing the Terms of Reference, the Assessment Report and the Source Protection Plan, while being supported by Source Protection Authorities. A number of regulations have been released under the *Clean Water Act*, governing the preparation of the Assessment Reports and Source Protection Plans. The Source Protection Committee obtains direction from these regulations on how the Source Protection Committee, Source Protection Authorities and municipalities should work together to prepare these documents.

All 19 Source Protection Committees were appointed in fall 2007. Each Committee has a Chair appointed by the Minister of the Environment, and a number of representatives, as specified by Ontario Regulation 288/07. The Committee generally has one-third representation from each of the following sectors: municipal; agriculture, industrial and commercial; and other interests. First Nations representatives also participate as Committee members. A number of non-voting representatives participate in Committee discussions. These seats are occupied by representatives from the Source Protection Authority(ies), health units, and the Ministry of the Environment.

Source Protection Authority boards follow the same structure as Conservation Authority boards, which are made up of members appointed by municipal councils; however, Source Protection Authorities have additional responsibilities outlined in the *Clean Water Act*. Generally, where a Conservation Authority exists it becomes the Source Protection Authority

and the watershed is the Source Protection Area of the Authority. There are exceptions to this rule. The jurisdictions of some Conservation Authorities have been expanded for the purposes of the *Clean Water Act*. In such situations, the Source Protection Authority would then consist of the Conservation Authority board plus membership from the jurisdiction outside of the Conservation Authority's boundaries.

Under Ontario Regulation 284/07, there are 38 Source Protection Areas and 10 Source Protection Regions. Groupings of Source Protection Areas create Source Protection Regions. A map of these areas and regions can be found in Figure 1. In situations where a Source Protection Region has been created, one Source Protection Authority is designated as the lead for that region. The lead Source Protection Authority co-ordinates the efforts of all Source Protection Authorities within that region. An agreement exists between all Source Protection Authorities within a region to govern the relationship between the lead and the other Authorities.

The **Terms of Reference** was the first document prepared by the Source Protection Committee. It explains the process and tasks that need to be completed to develop the other two documents. The Terms of Reference outlines roles, responsibilities and timelines. The Terms of Reference for each of the Source Protection Areas and Source Protection Regions were approved by the Ministry of the Environment in 2008 through 2009.

The **Assessment Report** is the technical background upon which the Source Protection Plan is prepared. The Assessment Report contains past and present water quality and quantity information and identifies the areas that supply water to municipal residential drinking water systems. In addition to assessing the vulnerability of these areas to contamination, the Assessment Report identifies activities that are or would be significant threats to the quality and quantity of the drinking water systems within these areas. The Assessment Report describes research findings in detail. The Assessment Reports for each of the Source Protection Areas and Source Protections Regions were approved by the Ministry of the Environment in 2010 through 2012.

The **Source Protection Plan** describes the actions that must be taken by various agencies to protect surface water and groundwater sources that supply municipal drinking water. At a minimum, the Source Protection Plan contains policies to address significant drinking water threats identified in the Assessment Report. The policies in the Source Protection Plan ensure that threats are no longer significant and potential threats never become significant. The Source Protection Plan may also contain policies for drinking water threats that are moderate and low in nature. Most Source Protection Areas and Regions submitted their Source Protection Plan to the Minister of the Environment by the legislated deadline of August 20, 2012. Some Source Protection Regions were granted an extension to complete their Source Protection Plans. Source Protection Plans will come into effect once they are approved by the Minister. Approval is expected to occur in 2013 through 2014.

About This Guide

This guide has been created to assist municipalities with their responsibilities under the *Clean Water Act*. Specifically, this guide aims to assist municipalities and other agencies with meeting their implementation responsibilities as outlined in Source Protection Plans and will contain nine modules. Module topics will include:

- Establishing a Risk Management Office
- Understanding Where Policies Apply
- Land Use Planning
- Annual Reporting & Information Management (interim module)
- Risk Management Plans
- Part IV Prohibition
- Other Obligations (Transport Pathways, Septic Systems, etc.)
- Non-Regulatory Policies (Education and Outreach, Incentives, etc.)

Modules may be made available locally through Source Protection Area's and Source Protection Region's websites. While the purpose of the guide is to provide options available to municipalities to implement Source Protection Plan policies, there may be options available beyond what is presented in these modules. The guide provides templates, examples and checklists that may assist in implementation and can be amended, where appropriate, as needed to suit local needs.

The information presented in this guide is not legal advice. You are encouraged to retain and consult with a lawyer should you require legal advice regarding the *Clean Water Act* and appropriate compliance with relevant Source Protection Plan policies.

Contact Information

Ministry of the Environment (MOE) – Source Water Protection
www.ene.gov.on.ca/environment/en/subject/protection/index.htm

Conservation Ontario
<http://www.conservation-ontario.on.ca/>

Source Protection Region/Areas	Source Protection Authorities	Phone	Website
Ausable Bayfield Maitland Valley SPR	Ausable Bayfield SPA (LEAD)	519-235-2610 1-888-286-2610	www.sourcewaterinfo.on.ca
	Maitland Valley SPA	519-335-3557	
CTC SPR	Central Lake Ontario SPA	905-579-0411	http://www.ctcswp.ca/
	Credit Valley SPA	905-670-1615 1-800-668-5557	
	Toronto and Region SPA (LEAD)	416-661-6600	
Cataraqui SPA		613-546-4228 1-877-956-CRCA (2722)	www.cleanwatercataraqui.ca
Essex Region SPA		519-776-5209	www.essexregionsourcewater.org
Halton-Hamilton SPR	Halton Region SPA (LEAD)	Source Protection: 905-854-9229	www.protectingwater.ca
	Hamilton Region SPA		
Lake Erie SPR	Catfish Creek SPA	519-773-9037	www.sourcewater.ca
	Grand River SPA (LEAD)	519-621-2763 Source Protection: 519-621-2761	
	Kettle Creek SPA	519-631-1270	
	Long Point Region SPA	519-842-4242	
Lakehead SPA		807-344-5857	www.sourceprotection.net
Mattagami Region SPA		705-360-2660	www.dwsp.ca
Mississippi-Rideau SPR	Mississippi Valley SPA	613-259-2421	www.mrsourcewater.ca
	Rideau Valley SPA (LEAD)	613-692-3571 1-800-267-3504	
Niagara Peninsula SPA		905-788-3135	www.sourceprotection-niagara.ca

Source Protection Region/Areas	Source Protection Authorities	Phone	Website
North Bay-Mattawa SPA		705-474-5420	www.actforcleanwater.ca
Quinte Conservation SPA		613-968-3434	quintewater.ca/site
Raisin-South Nation SPR	Raisin Region SPA (LEAD)	613-938-3611 1-866-938-3611	www.yourdrinkingwater.ca
	South Nation SPA	613-984-2948 1-877-984-2948	
Saugeen, Grey Sauble, Northern Bruce Peninsula SPR	Grey Sauble SPA	519-376-3076	www.waterprotection.ca
	Northern Bruce Peninsula SPA	519-793-3522	
	Saugeen Valley SPA (LEAD)	519-367-3040 Source Protection: 519-470-3000 1-877-470-3001	
Sault Ste. Marie Region SPA		705-946-8530	www.ssmrca.ca/drinking-water-source-protection
South Georgian Bay Lake Simcoe SPR	Black-Severn Watershed		www.ourwatershed.ca
	Lakes Simcoe and Couchiching SPA (LEAD)	905-895-1281 1-800-465-0437	
	Nottawasaga Valley SPA	705-424-1479	
	Severn Sound SPA	705-527-5166	
Sudbury SPA		705-674-5249	www.nickeldistrict.ca/dwsp
Thames-Sydenham and Region SPR	Lower Thames Valley SPA	519-354-7310	www.sourcewaterprotection.on.ca
	St. Clair Region SPA	519-245-3710	
	Upper Thames River SPA (LEAD)	519-451-2800	
Trent Conservation Coalition SPR	Crowe Valley SPA	613-472-3137	www.trentsourceprotection.on.ca
	Ganaraska Region SPA	905-885-8173	
	Kawartha-Haliburton SPA	705-328-2271	
	Lower Trent SPA (LEAD)	613-394-4829 Source Protection: 613-394-3915	
	Otonabee-Peterborough SPA	705-745-5791	