

REVISED POLICIES

GENERAL

Policy G-1: Land Acquisition

Intent: Include a policy statement that encourages municipalities to purchase land where there are or would be significant drinking water threats.

Rationale: This policy was expanded from a similar policy concept discussed for the handling and storage of non-agricultural source material. It was suggested that this policy should apply to all areas where there are significant drinking water threats.

Policy Text: (1) Where an activity is or would be a significant drinking water threat:

- (a) Subject to availability of funding, the municipality with jurisdiction will consider the purchase of the affected properties on an ongoing basis.
- (b) The municipality with jurisdiction will report to the Source Protection Authority with jurisdiction on any land purchases within a vulnerable area, and the number and type of significant drinking water threats eliminated as a result of the purchase.

Policy G-2: Support of Incentive Programs

Intent: Include a policy statement which directs Source Protection Authorities to promote existing incentive programs and to seek out other incentive programs applicable to activities that are significant drinking water threats.

Rationale: This policy was expanded from a similar policy concept discussed for various agricultural threats. It was suggested that the ongoing support of incentive programs be applied as a general policy for all areas where there are significant drinking water threats.

Policy Text: Where an activity is or would be a significant drinking water threat, the Source Protection Authority with jurisdiction shall:

- (a) Support and facilitate the implementation existing incentive programs, such as the Ontario Drinking Water Stewardship Program (ODWSP), that promote the use of best management practices for activities that are significant drinking water threats;
- (b) On an ongoing basis, seek out incentive programs that promote the implementation of best management practices for activities that are significant drinking water threats; and
- (c) Report to the Source Protection Authority with jurisdiction on the number and nature of significant drinking water threats that have been addressed using funding from an incentive program.

Policy G-3: Risk Management Plans – General Provisions

Intent: Define general provisions for Risk Management Plans in a single policy.

Rationale: Clause (1) was included to minimize duplication of text for policies that refer to the development of Risk Management Plans. It includes the statements that apply to all policies that rely on this policy tool.

Clause (2) allows for a Risk Management Plan to address multiple threats significant threats on a property. This was included to simplify the development of Risk Management Plans where multiple threats were identified on a property.

Policy Text: Mandatory Provisions

(1) Where a policy in this Source Protection Plan requires the development of a Risk Management Plan, the Risk Management Plan must:

- (a) Address the portion of the property where the activity is a significant drinking water threat;
- (b) Consider existing risk management measures being undertaken on the subject property; and
- (c) Be initiated within one year and completed within three years, unless stated otherwise.

Optional Provisions

(2) Where policies in this Source Protection Plan require the development of Risk Management Plans for more than one type of significant drinking water threat, a single Risk Management Plan may be developed to address all of the threats.

Policy G-4: Education and Outreach Programs – General Provisions

Intent: Require the development of an education and outreach program that targets persons engaging in significant drinking water threats.

Rationale: Education and outreach programs have been proposed for a number of significant drinking water threats. For simplicity and consistency, all of the draft policies for education and outreach programs have been consolidated into this single policy wording.

Policy Text: Requirement for Education and Outreach Programs

(1) Where any of the following activities is a significant drinking water threat:

- the establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage
- the application of agricultural source material to land
- the storage of agricultural source material
- the application of commercial fertilizer to land
- the handling and storage of commercial fertilizer
- the application of pesticide to land
- the handling and storage of pesticide
- the application of road salt
- the handling and storage of road salt

- the handling and storage of fuel
- the handling and storage of a dense non-aqueous phase liquid
- the handling and storage of an organic solvent; and
- the use of land as livestock grazing or pasturing land, an outdoor confinement area, or a farm-animal yard,

The municipality with jurisdiction will:

- (a) Develop and implement an education and outreach program within one year. The program will target anyone engaging in an activity that is a significant drinking water threat and may include, but is not limited to:
 - (i) The location of vulnerable areas;
 - (ii) Best management practices that can minimize or eliminate the impacts of the subject activities on the drinking water source; and
 - (iii) Information regarding the applicability of the property for funding under the Ontario Drinking Water Stewardship Program (ODWSP) or other applicable incentive program.
 - (b) Report annually on the activities undertaken as part of the education and outreach program to the Source Protection Authority with jurisdiction.
- (2) Notwithstanding (1), the municipality may enter into an agreement with a Conservation Authority or other third party that identifies the third party as the implementing body for the program and/or any required reporting.
 - (3) The education and outreach program required by (1) can be harmonized with existing education and outreach programs, such as the Ontario Drinking Water Stewardship Program (ODWSP), where this would result in an increase in efficiency or cost-effectiveness.

Specific Requirements for Fuel Storage Education & Outreach

- (4) Where an education and outreach program required by (1) is developed to address the storage of liquid fuel in a tank at a facility as defined in section 1 of O. Reg. 213/01 (Fuel Oil) made under the *Technical Standards and Safety Act, 2000*, the program will include, at a minimum:
 - i. The mandatory requirements for fuel tank usage and maintenance;
 - ii. Best management practices for fuel tank usage and maintenance;
 - iii. Distribution of a sticker to be placed on oil tanks and fill pipes that indicates that the tank is located in a vulnerable area and provides a procedure to follow in the event of a fuel spill or leak, including a spill response contact number

Specific Requirements for Fuel Handling Education & Outreach

- (5) Where an education and outreach program required by (1) is developed to address the handling of liquid fuel in relation to its storage at a facility as defined in section 1 of O. Reg. 213/01 (Fuel Oil) made under the *Technical Standards and Safety Act, 2000* or a facility as defined in section 1 of O. Reg. 217/01 (Liquid Fuels) made under the *Technical Standards and Safety Act, 2000*, the program will focus on source water protection and emergency response.

Policy G-5: Review of Planning Act and Building Permit Applications within Vulnerable Areas

Intent: Require the Risk Management Official to review any applications under the Planning Act or Building Code Act to determine if they will result in significant drinking water threats. The Risk Management Official would then advise the applicant if a Section 57 prohibition or Section 58 risk management plan applies.

Rationale: It was felt that the designation of restricted land uses under Section 59 of the Clean Water Act is not an adequate trigger for some threats because it is limited to applications under the Planning Act (i.e. many of the prescribed drinking water threats are activities that could proceed without an application). Further, Section 59 designation requires the policy to identify specific land uses that are applicable; the threats for which Section 59 designation has been proposed would result in a large number of land uses being identified. This policy is a simplification of the Section 59 designation: rather than identifying specific land uses, all applications under the Planning Act or Building Code Act in an area *where an activity would be a significant threat* would be subject to review by the Risk Management Official, who would advise the applicant if a Section 57 prohibition or Section 58 risk management plan applies.

Policy Text: Where an application under the *Planning Act* or *Building Code Act* is received by a municipality with respect to a property located where an activity would be a significant drinking water threat, the Risk Management Official with jurisdiction will review the application and advise the applicant if a Section 57 prohibition or a Section 58 risk management plan applies.

WASTE DISPOSAL SITES

W-1: Certificates of Approval for Waste Disposal Sites

Intent: Ensure that Certificates of Approval for existing waste disposal sites are reviewed by the MOE.

Rationale: Waste disposal sites are managed by an existing approvals process. Requiring a review of existing approvals will require that waste disposal sites are operated such that they do not result in significant drinking water threats. Further, the Part IV tools of the Clean Water Act cannot be used to address this threat.

Policy Text: **Existing Certificates of Approval**

(1) Where the operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act is a significant drinking water threat:

(a) The Ministry of the Environment will:

- (i) Review the Certificate of Approval for the waste disposal site within one year to determine if it is adequate to ensure that the activity is not a significant drinking water threat. If the Certificate of Approval is deemed to be inadequate for this purpose, it will be amended to include additional conditions that will ensure that the activity ceases to be a significant drinking water threat; and
- (ii) Report annually to the Source Protection Authority with jurisdiction on the status of the Certificate of Approval for the waste disposal site. The report must include the following minimum information:
 - The status of the review of the Certificate of Approval; and
 - Any orders issued by the inspector during the reporting year.

Future Certificates of Approval

(2) Where the operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act would be a significant drinking water threat if it were undertaken in the future, the Ministry of the Environment will not issue any Certificate of Approval for the activity.

Recent Revisions

- Clause (2) replaces a previous policy to prohibit the establishment of future waste disposal sites through land use planning (the clause now directs the Ministry of the Environment to not issue future Certificates of Approval for these activities where they would be significant drinking water threats).

NON-AGRICUTURAL SOURCE MATERIAL

NASM-1: Review of Existing Prescribed Instruments or Risk Management Plan

- Intent:** Where the application, handling, or storage of NASM is a significant drinking water threat or would be a significant threat if undertaken in the future:
- Require that any existing Certificate of Approval or NASM plan is reviewed by the issuer (1a/b).
 - Prevent the issuing of any future prescribed instruments for NASM activities (1c).
 - Require a Section 58 Risk Management Plan for any NASM activities that do not require a prescribed instrument (2).

Rationale: The existing occurrence of this activity was identified based on information in the Updated Assessment Report. It is unknown whether the affected parcel operates under a Certificate of Approval (valid until 2016 at the latest) or under a NASM Plan. This policy requires that in either case the instrument is reviewed by the issuer to ensure that the activity is not a significant drinking water threat.

Policy Text: **Existing NASM Activities Subject to Prescribed Instruments**

- (1) Where the application, handling, or storage of non-agricultural source material is a significant drinking water threat, and the activity requires a Certificate of Approval under the *Environmental Protection Act* or a NASM Plan under the *Nutrient Management Act, 2002*:

The Ontario Ministry of Food, Agriculture, and Rural Affairs and/or the Ministry of the Environment will:

- (a) Review any existing Certificate of Approval or NASM Plan within one year to determine if it is adequate to ensure that the activity is not a significant drinking water threat. If the instrument is deemed to be inadequate for this purpose, it will be amended to include additional conditions that will ensure that the activity ceases to be a significant drinking water threat; and
- (b) Report annually to the Source Protection Authority with jurisdiction on the status of the review of any existing the prescribed instruments and any orders issued by an inspector during the reporting year.
- (c) Not issue any Certificate of Approval or NASM Plan for future occurrences of the activity.

NASM Activities Not Subject to Prescribed Instruments

- (2) Where the application, handling, or storage of non-agricultural source material is or would be a significant drinking water threat, and the activity is not subject to a Certificate Approval under the *Environmental Protection Act* or a NASM Plan under the *Nutrient Management Act, 2002*:

The Risk Management Official with jurisdiction will:

- (a) Negotiate and establish a Risk Management Plan as defined in Section 58 of the *Clean Water Act, 2006* with the person engaging in the activity.
- (b) Report annually to the Source Protection Committee on the status of Risk Management Plans. The report will include the following minimum information:
 - (i) The number of Risk Management Plans completed during the reporting year; and
 - (ii) Any orders issued by the Risk Management Official during the reporting year.

NASM-2: Prohibition of Future NASM Threats

Intent: Prohibit all future occurrences of application, handling, and storage of non-agricultural source material threats under Section 57 of the *Clean Water Act, 2006*.

Rationale: Given the nature of the threat and the fact that there is only a single existing occurrence (of NASM application – there are no existing NASM storage threats), it was considered appropriate to prohibit future occurrences of these threats.

Policy Text: Where the application of non-agricultural source material to land or the handling and storage of non-agricultural source material would be a significant drinking water threat, future occurrences of these activities will be prohibited under Section 57 of the *Clean Water Act, 2006*.

Outstanding Comments:

- **RESOLUTION:** Should application, handling, and storage of Category 1 and/or Category 2 NASM be included in the prohibition?

NASM Categories are set out in *General* regulation (O. Reg. 267/03) made under the made under the *Nutrient Management Act*. The classes include the following (paraphrased from the regulation):

- **Category 1:**
 - Culled fruit and vegetables (other than cole crops and onions; processed with no chemicals or food-grade chemicals)
 - Peels and pomace from fruits and vegetables (other than cole crops and onions; processed with no chemicals or food-grade chemicals)
 - Non-composted leaf and yard waste
 - Organic matter derived from the drying, cleaning, and processing of field and nut crops
 - Waste products from certain animals feeds, excluding any materials that contain an animal product
 - Aquatic plants
 - Organic waste matter derived from the production of ethanol
 - Any mixture of the above, or any of the above that is mixed with ASM, commercial fertilizer, or compost that meets the Compost Guidelines
- **Category 2:**
 - Composted leaf and yard waste that does not meet the Compost Guidelines
 - Organic waste matter that contains no meat or fish and is derived from food processing at a bakery, brewery, or processing facility for confections, cereal and grains, or snacks
 - Washwater from cleaning processing equipment from the above facilities that contains food-grade cleaners
 - Culled cole crops and onions (processed without chemicals or with food-grade chemicals)
 - Fruits and vegetables and their pomace and peels (processed with non-food-grade chemicals)
 - Fruit and vegetable wash water (with no chemicals or with food-grade chemicals)
 - Any mixture of the above, or any of the above that is mixed with ASM, Category 1 NASM, or commercial fertilizer that meets the Compost Guidelines

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SEWAGE

Policy S-1: Reporting on Mandatory Septic Maintenance Inspections

Intent: Support the mandatory sewage maintenance inspection program required by the recent Building Code amendment by requiring the Principal Authority for that program to report annually to the Source Protection Committee on its progress.

Rationale: Inspection of on-site sewage systems with a daily flow of 10,000 L/day or less that are located in vulnerable areas is now a legislated requirement of the Principal Authority (municipality, Health Unit, Conservation Authority, planning board, or Crown, as applicable). Inspections must be carried out within five years of the approval of the Source Protection Plan and every five years thereafter. The inspector has authority under the Building Code Act to issue orders for the maintenance, replacement, or upgrading of a system that is not functioning as designed. This policy provides the Source Protection Committee with documentation to track the ongoing implementation of this program.

Policy Text: **Reporting Requirements**

- (1) Where a sewage system as defined in section 1 of O. Reg. 350/06 (Building Code) made under the *Building Code Act, 1992* is a significant drinking water threat:
 - (a) The Principal Authority as defined in Section 1(1) of the *Building Code Act, 1992* will report annually to the Source Protection Authority with jurisdiction on the implementation of the mandatory maintenance inspection program. The report must include the following minimum information:
 - i) The number of inspections carried out under the maintenance inspection program during the reporting year;
 - ii) The number of inspections that were not compliant with the septic inspection guideline; and
 - iii) For the properties identified in (ii), a description of the deficiencies in the system, the orders issued by the inspector, and any follow-up with the system owner.

Outstanding Comments:

- **RESOLUTION** – should the policy specifically refer to the MMAH On-site Sewage Maintenance Inspections guideline?

Policy S-2: Review of Existing Certificates of Approval for Sewage Systems

Intent: Require the MOE to review existing Certificates of Approval for sewage systems that are regulated by the Ontario Water Resources Act (i.e. flow of 10,000L/day or greater). Further, the policy requires the MOE to circulate monitoring data on an ongoing basis and to report annually to the Source Protection Committee.

Rationale: Sewage systems with a flow of greater than 10,000L/day are managed by the existing approvals process. Requiring the issuer to review existing Certificates of Approval and to consider the issuance of future Certificates of Approval in light of the requirements of the Clean Water Act will serve to ensure that these activities do not result in significant drinking water threats. Further, the Part IV tools of the Clean Water Act cannot be used to address this threat.

Policy Text: **Existing Certificates of Approval**

- (1) Where a sewage works as defined in section 1 of the Ontario Water Resources Act that requires a Certificate of Approval is a significant drinking water threat:
 - (a) The Ministry of the Environment will:
 - i) Review any existing Certificate of Approval within one year to determine if it is adequate to ensure that the activity is not a significant drinking water threat. If the Certificate of Approval is deemed to be inadequate for this purpose, it will be amended to include additional conditions that will ensure that the activity ceases to be a significant drinking water threat.
 - ii) Report annually to the Source Protection Authority with jurisdiction on compliance with the conditions of any Certificates of Approval.

Future Certificates of Approval

- (2) Where a sewage works as defined in section 1 of the *Ontario Water Resources Act* that requires a Certificate of Approval would be a significant drinking water threat if it were established in the future:
 - (a) The Ministry of the Environment will:
 - i) Ensure that any future Certificate of Approval contains conditions to ensure that the activity is not a significant drinking water threat and does not become a significant drinking water threat through expansion;
 - ii) Inform the affected municipality of any application for a Certificate of Approval for a sewage works; and
 - iii) Implement the requirements of subsections (a)(ii) and (iii).

Recent Changes:

- Removed clause that required the MOE to provide reporting data required by the Certificate of Approval to the relevant municipality and CA as they become available.

Outstanding Comments:

- **RESOLUTION:** Should the re-inspection of large systems (i.e. those that require a Certificate of Approval) be an explicit requirement for the review and future issuing of Certificates of Approval? (Alternately, this could be left at the discretion of the issuer)
- **RESOLUTION:** Should the issuance of future Certificates of Approval be allowed at all? (i.e. clause (2) as written would allow future Certificates of Approval provided that they contain conditions to prevent significant drinking water threats – alternately, the policy could direct the MOE to not issue any new Certificates of Approval)

Policy S-4: Connection to Municipal Collection Systems / Future Construction on Lots of Record

Intent: Require properties with existing on-site systems to connect to a municipal sewage collection system where feasible. Require that new lots and new construction on existing lots of record located in vulnerable areas connect to a municipal sewage collection system where feasible. Where this is not feasible, they will be required to install a tertiary on-site sewage treatment system.

Rationale: The outright prohibition of future septic systems may restrict development in some communities. This policy allows future development provided that new lots (or new construction on existing lots of record) are serviced by municipal sewage collection systems (where available) or by a more advanced sewage treatment system. Existing lots of record that currently have septic systems are addressed by the mandatory inspection program (Policy S-1) and the public education program (Policy G-4).

Policy Text: **Connection of Existing On-site Sewage Systems to Municipal Collection System**

- (1) Where a sewage system as defined in section 1 of O. Reg. 350/06 (Building Code) made under the *Building Code Act, 1992* is a significant drinking water threat:
 - (a) The municipality served by the drinking water system will amend their Official Plan and/or create a bylaw within one year to require that the affected properties connect to a municipal sewage collection system where feasible.

Requirements for Future On-site Sewage Systems

- (2) Where a sewage system as defined in section 1 of O. Reg. 350/06 (Building Code) made under the *Building Code Act, 1992* would be a significant drinking water threat if it were established in the future:
 - (a) The municipality served by the drinking water system will amend their Official Plan and/or land use bylaw within one year to require that:
 - i) Where connection to a municipal sewage collection system is feasible, new lots and construction on existing lots of record will be serviced by a municipal sewage collection system; or
 - ii) Where connection to a municipal sewage collection system is not feasible, new lots and construction on existing lots of record will be serviced by a tertiary on-site sewage disposal system.

Outstanding Comments:

- **RESOLUTION:** Should tertiary treatment be a requirement for future on-site sewage systems? (if not, is there another appropriate treatment standard or technology that should be made mandatory?)
- **RESOLUTION:** Given the subjectivity of the wording “where feasible”, should the policy list specific conditions under which a landowner would be required to connect to a municipal system?

Policy S-5: Wastewater Collection Facilities Excluding Storage (i.e. sewer pipes)

Intent: Ensure that sewage pipes in vulnerable areas are prioritized for maintenance and there are sufficient emergency response measures in place to respond to a system failure that could result in a contamination event. Further, any sewage pipes installed in the future must be constructed to a set of enhanced standards.

Rationale: It would not be feasible to remove existing infrastructure. It was also felt that sewage infrastructure is already well regulated through the existing approvals process. Existing occurrences of this threat could be adequately managed by ensuring that sewage collection infrastructure in vulnerable areas is given priority in asset management activities and that sufficient emergency response measures are in place to respond to a system failure. As Part IV tools cannot be used for this threat, it was felt that the best way to manage future instances of this threat are by ensuring that any future of sewage infrastructure that could be a drinking water threat is constructed to enhanced standards.

Policy Text: **Existing Sewage Systems**

- (1) Where a wastewater collection facility that collects or transmits sewage containing human waste, excluding any part of the facility that is a sewage storage tank or works used to carry out a designed bypass is a significant drinking water threat:
 - (a) Within two years, the municipality that owns the system will ensure that there is an emergency response plan in place that is suitable to respond to a system failure that could result in the introduction of pathogens into surface water.
 - (b) The municipality that owns the system will report annually to the lead Source Protection Authority on activities related to the emergency response plan. Reporting can include, but is not limited to:
 - i) Updates or amendments to the plan
 - ii) Summary of training undertaken in support of the plan
 - iii) Summary of incidents that required the use of the of the emergency response plan
 - (c) The municipality that owns the system will prioritize any maintenance and asset management activities to ensure that facilities located in vulnerable areas are given adequate priority.

Future Sewage Systems

- (2) Where a wastewater collection facility that collects or transmits sewage containing human waste, excluding any part of the facility that is a sewage storage tank or works used to carry out a designed bypass would be a significant drinking water if it were undertaken in the future:
 - (a) The municipality that owns the system will amend their Official Plan and/or create a bylaw to require that any sewage infrastructure complies with construction standards that will ensure that the activity is not a significant drinking water threat.

Outstanding Comment:

- **RESOLUTION:** Should a specific construction standard be identified for the construction of future wastewater collection systems? *(Note that the current wording {i.e. a standard that will ensure that the activity is not a significant threat} indirectly identifies requirements consistent with the threat circumstances (i.e. <10,000m3/day; will not result in the presence of chemicals in groundwater or surface water)*

Policy S-6: Discharge of Untreated Stormwater from a Stormwater Management Facility

Intent: Require the issuer of Certificates of Approval for stormwater management facilities to provide any related monitoring data to the Conservation Authority and municipality on an ongoing basis, and to report annually to the Source Protection Committee on compliance with the conditions of Certificates of Approval. Further, the policy also requires that any Certificates of Approval issued in the future contain similar conditions and reporting requirements.

Rationale: Stormwater management facilities regulated under the Ontario Water Resources Act are managed by the existing approvals process. Requiring the issuer to review the existing Certificate of Approval (there is only one, in this case) and to consider the issuance of future Certificates of Approval in light of the requirements of the Clean Water Act will serve to ensure that these activities do not result in significant drinking water threats. Further, the Part IV tools of the Clean Water Act cannot be used to address this threat.

Policy Text: **Existing Stormwater Management Facilities**

- (1) Where the discharge of untreated stormwater from a stormwater management facility as defined in section 1 of O. Reg. 525/98 (Approval Exemptions) made under the *Ontario Water Resources Act* is a significant drinking water threat:
 - a) The Ministry of the Environment will:
 - i) Review the Certificate of Approval for the stormwater management facility within one year to determine if it is adequate to ensure that the activity is not a significant drinking water threat. If the Certificate of Approval is deemed to be inadequate for this purpose, it will be amended to include additional conditions that will ensure that the activity ceases to be a significant drinking water threat.
 - ii) Report annually to the Source Protection Committee on compliance with the conditions of the Certificate of Approval for the stormwater management facility.
 - b) The municipality in which the system is located will:
 - i) Develop and implement a stormwater management facility maintenance program within two years. The program will require regular inspection of stormwater management facilities to ensure that they are being sufficiently maintained such that the facility is not a significant drinking water threat.

Recent Changes:

- Removed clause that required the MOE to provide reporting data required by the Certificate of Approval to the relevant municipality and CA as they become available.
- A previous clause prohibiting the establishment of future SWM facilities using land use planning was changed to direct the MOE to not issue new Certificates of Approval where the activity would be a significant threat, and was moved to the future prohibitions policy (S-7)

Policy S-7: Prohibition of Other Future Sewage Infrastructure

Intent: Prevent the issuing of Certificates of Approval for sewage activities that would be significant drinking water threats in the future.

Rationale: It was felt that sewage infrastructure should not be constructed in the future where it would be a significant drinking water threat. Section 57 prohibition cannot be used for these activities. Preventing the issuing of Certificates of Approval for new sewage infrastructure will achieve the same outcome (i.e. no new sewage infrastructure will be permitted that is a significant threat).

Policy Text: **Future Sewage Infrastructure**

- (1) Where any of the following activities would be a significant drinking water threat if undertaken in the future:
- The system is a combined sewer that may discharge sanitary sewage containing human waste to surface water.
 - A sewage system that discharges to surface water and has as its primary function the collection, transmission or treatment of industrial sewage;
 - A treatment tank or storage tank that is part of a sewage works within the meaning of the *Ontario Water Resources Act*, the tank treats or stores sanitary sewage containing human waste;
 - A wastewater treatment facility that may discharge sanitary sewage containing human waste to surface water by way of a designed bypass; or
 - A wastewater treatment facility that discharges to surface water through a means other than a designed bypass.
 - The discharge of untreated stormwater from a stormwater management facilities as defined in section 1 of O. Reg. 525/98 (Approval Exemptions) made under the *Ontario Water Resources Act*
- The Ministry of the Environment will not issue any new Certificate of Approval for the activity.

Recent Changes:

- Rewritten to direct the Ministry of the Environment to not issue any future Certificates of Approval for sewage infrastructure that would be significant drinking water threats (except for sewer pipes, which have specific provisions per policy S-5). The previous wording for this policy directed the municipality to prohibit the activities using land use planning.
- The discharge of untreated stormwater (last bullet) was moved from policy S-6 to keep all of the future prohibitions for sewage infrastructure in the same policy.

AGRICULTURAL SOURCE MATERIAL, FERTILIZER, PESTICIDES, AND GRAZING

Policy AG-1: Risk Management Plans

Intent: Require the development of a Risk Management Plan for existing and future agricultural activities that are significant drinking water threats where a Prescribed Instrument (Nutrient Management Plan or Nutrient Management Strategy, or Pesticide Permit) is not required.

Rationale: Agricultural activities that do not require a Prescribed Instrument may require additional management. The development of a Risk Management Plan for these properties provides a means to manage the activity while acknowledging any existing best management practices that are in place.

Policy Text: Requirement for Risk Management Plans

(1) Where any of the following activities is or would be a significant drinking water threat:

- The handling and storage of commercial fertilizer;
- The application of commercial fertilizer to land;
- The application of agricultural source material to land;
- The storage of agricultural source material; and
- The use of land as livestock grazing or pasturing land, an outdoor confinement area, or a farm animal yard;

where the activity does not require a Nutrient Management Plan or Strategy under the *Nutrient Management Act, 2002*; and

- the application of pesticide to land, where the activity does not require a permit under the *Pesticides Act*;

The Risk Management Official with jurisdiction will:

(a) Negotiate and establish a Risk Management Plan as defined in Section 58 of the *Clean Water Act, 2006* with the person engaging in the activity; and

(b) Report annually to the lead Source Protection Authority on the status of Risk Management Plans.

The report will include the following minimum information:

- (i) The number of Risk Management Plans completed during the reporting year; and
- (ii) Any orders issued by the Risk Management Official during the reporting year.

Contents of Risk Management Plans

(2) Where a Risk Management Plan required by (1)(a) is prepared for the application or storage of commercial fertilizer, the Risk Management Plan will include emergency response measures to address a spill that may result in the presence of nitrogen or phosphorus in groundwater or surface water.

Outstanding Comments:

- **RESOLUTION:** If the proposed Farm Water Protection Plan is adopted by the Ministry of the Environment for use throughout the Province, should the contents of the Risk Management Plan defer to the requirements of the FWPP?

Policy AG-2: Prescribed Instruments

Intent: Require the review of existing Nutrient Management Plans and Strategies and Pesticide Permits in vulnerable areas to ensure that they are adequate for managing activities that are significant drinking water threats. Additional conditions must be added to an instrument if it is deemed inadequate for managing the activity. The review of the instruments is to be carried out by the issuer (OMAFRA or MOE).

Rationale: Some agricultural operations are currently managed by existing Prescribed Instruments. This policy avoids regulatory duplication by ensuring that existing instruments are reviewed in light of the requirements of the *Clean Water Act*, and that future instruments are issued with conditions that will prevent the creation of significant drinking water threats.

Policy Text: Existing Nutrient Management Act Instruments

(1) Where any of the following activities is a significant drinking water threat:

- the handling and storage of commercial fertilizer;
- the application of commercial fertilizer to land;
- the application of agricultural source material to land;
- the storage of agricultural source material; and
- the use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm animal yard;
where the activity requires a Nutrient Management Plan or Strategy under the *Nutrient Management Act, 2002*; and
- The application of pesticide to land, where the application requires a pesticide permit under the *Pesticides Act*:

The issuer of the Prescribed Instrument will:

- (a) Review the Prescribed Instrument for the property within one year to determine if it is adequate to ensure that the activity is not a significant drinking water threat. If the Prescribed Instrument is deemed to be inadequate for this purpose, it will be amended to include additional conditions that will ensure that the activity ceases to be a significant drinking water threat.
- (b) Report annually to the lead Source Protection Authority on the status of the Prescribed Instruments. The report must include the following minimum information:
 - (i) The status of the review of the Prescribed Instruments; and
 - (ii) Any issues ordered by an inspector during the reporting year.

Policy AG-5: Prohibition of Future Agricultural Activities

Intent: Prohibit future occurrences of agricultural activities that would be significant drinking water threats using Section 57 of the Clean Water Act.

Rationale: It was felt that agricultural activities should not be established in the future where they would be significant drinking water threats. Section 57 Prohibition was considered the most efficient means to achieve this outcome.

Policy Text: **Prohibition of Future Activities**

(1) Where any of the following activities is identified as an activity that would be a significant drinking water threat if undertaken in the future:

- the application of agricultural source material to land;
- the storage of agricultural source material; and
- the handling and storage of commercial fertilizer;
- the application of commercial fertilizer to land;
- the application of pesticide to land
- the handling and storage of pesticide
- the use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm animal yard;

The activity will be prohibited under Section 57 of the Clean Water Act, 2006.

Recent Changes:

- All future agricultural threats are now prohibited using Section 57 prohibition. (Previously, a subset of the agricultural threats was prohibited using land use planning).

Policy AG-7: Requirement for Certification for Bulk Pesticide Warehousing

Intent: Require existing facilities that have significant threats related to the handling and storage of commercial fertilizer to obtain certification from the Agrichemical Warehousing Association.

Rationale: The Agrichemical Warehousing Standards Association is an existing set of standards for the storage of agricultural chemicals. It was felt that these existing standards should be made mandatory where the handling and storage of pesticides is a significant drinking water threat. It was noted that in most cases distributors of agricultural chemicals will not ship to a facility that is not certified.

Policy Text: Where the handling and storage of pesticide is a significant drinking water threat, and the pesticide is stored where it is manufactured or processed, or from which it is wholesaled, or stored for retail sale:

- (a) Any facility undertaking the activity must obtain certification from the Agrichemical Warehousing Standards Association and provide documentation of the certification to the Conservation Authority in which the activity the activity is located;
- (b) The Conservation Authority in which the activity is located will report annually to the Source Protection Committee on the number of facilities certified in accordance with (a);

Outstanding Comments:

- **RESOLUTION** – should AWSA certification be made a requirement of the Risk Management Plan? (*i.e. replace this policy with a new clause in the Risk Management Plan requiring AWSA certification as part of the RMP?*)

DNAPLS & ORGANIC SOLVENTS

Policy C-1: Risk Management Plans

Intent: Require the development of a Risk Management Plan for all properties with existing significant threats related to the handling and storage of DNAPLs and/or organic solvents. The content of the Risk Management Plan will be at the discretion of the Risk Management Official, except where specific requirements are included in the policy text – e.g. clause 1) a).

Rationale: Prohibiting existing activities may be a significant hardship to the affected landowners. Ensuring the development of a Risk Management Plan is considered to be sufficient to address existing DNAPL and organic solvent threats.

Policy Text: **Risk Management Plans for DNAPLs and Organic Solvents**

Where the handling and storage of a dense non-aqueous phase liquid or the handling and storage of an organic solvent are a significant drinking water threat:

The Risk Management Official with jurisdiction will:

- (a) Negotiate and establish a Risk Management Plan as defined in Section 58 of the *Clean Water Act, 2006* with the person engaging in the activity.
- (b) Report annually to the Source Protection Authority on the status of Risk Management Plans. The report will include the following minimum information:
 - (iii) The number of Risk Management Plans completed during the reporting year and a summary of their content; and
 - (iv) Any orders issued by the Risk Management Official during the reporting year.

Policy C-2: Prohibition of Future DNAPLs and Organic Solvents

Intent: Prohibit future occurrences of the handling and storage of DNAPLs and organic solvents under Section 57 of the *Clean Water Act, 2006*.

Rationale: Prohibition of future instances of these activities is considered the most appropriate option due to the severity of the impacts that they may have on the drinking water systems. Prohibition future instances of these activities will prevent future significant drinking water threats. (Existing activities will be managed using a Risk Management Plan).

Policy Text: **Prohibition of Future DNAPL and Organic Solvent Activities**

Where the handling and storage of a dense non-aqueous phase liquid or the handling and storage of an organic solvent would be a significant drinking water threat, future occurrences of these activities will be prohibited under Section 57 of the *Clean Water Act, 2006*.

FUEL HANDLING & STORAGE

Policy C-3: Support of Existing TSSA Requirements

Intent: Supplement the existing inspection process implemented by the Technical Standards and Safety Authority by requiring regular reporting to the SPC regarding the inspections carried out within vulnerable areas.

Rationale: This policy provides the SPC with documentation to confirm that inspections of fuel tanks within vulnerable areas are taking place at an appropriate frequency. Further, increasing the frequency of inspections is included in the policy because it was felt that a 10-year interval is too great.

Policy Text: Where the storage of liquid fuel in a tank at a facility as defined in section 1 of O. Reg. 213/01 (Fuel Oil) made under the *Technical Standards and Safety Act, 2000*; or a facility as defined in section 1 of O. Reg. 217/01 (Liquid Fuels) made under the *Technical Standards and Safety Act, 2000*, but not including a bulk plant, is or would be a significant drinking water threat:

The Technical Standards and Safety Authority will:

- a) Increase the frequency of comprehensive inspections for fuel tanks that are located below grade or partially below grade;
- b) Forward all information related to fuel tank inspections in vulnerable areas to the municipality in which the tank is located, including the number of inspections and any deficiencies identified; and

The Municipality with jurisdiction will

- c) Report annually to the Source Protection Authority on the information provided by the Technical Standards and Safety Authority.

Policy C-4: Creation of New Lots / Future Construction on Lots of Record

Intent: Use planning tools to ensure that no fuel facilities regulated under O. Reg. 213/01 (Fuel Oil) are installed on new lots and existing lots of record. This regulation includes above ground and underground tanks, furnaces, boilers, water & vehicle heaters, power supplies for buildings, and both portable and stationary oil-burning equipment and piping, but excludes facilities regulated under O. Reg. 217/01 (Liquid Fuels).

Rationale: It was felt that supporting the existing inspection framework and educating landowners is sufficient to manage the existing threat, but that new construction that requires fuel storage should not be permitted where the threat would be significant.

Policy Text: Where the storage of liquid fuel at a facility as defined in section 1 of O. Reg. 213/01 (Fuel Oil) made under the *Technical Standards and Safety Act, 2000* is a significant drinking water threat:

- a) The municipality in which the lot is located or being proposed will:
 - i) Amend its Official Plan and/or land use bylaw within one year to require that any new lots created in the area require a covenant on title that ensures that the landowner will not install an oil-heating apparatus on the property.
 - ii) Not approve an application for a building permit on Lots of Record that propose to install an oil-heating apparatus.

C-5: Risk Management Plans for Fuel Storage

Intent: Require the development of Risk Management Plans for existing fuel storage facilities regulated under O. Reg. 217/01 (Liquid Fuels). This regulation includes retail outlets, bulk plants, marinas, cardlocks/keylocks, private outlets, or farms where fuel is handled other than in portable containers. This definition does not include oil used as fuel storage (i.e. residential oil tanks), which is regulated under O. Reg. 213/01 (Fuel Oil)).

Rationale: It was felt that the existing fuel storage activities regulated under the Liquid Fuels regulation (particularly gas stations) require additional management than just inspection (i.e. Policy C-3). This policy ensures that these activities are adequately managed. Note that future occurrences of these activities are prohibited under Policy C-6.

Policy Text: **Risk Management Plans for Existing Fuel Storage**

- (1) Where any of the following activities is a significant drinking water threat:
 - the storage of liquid fuel in a tank at a facility as defined in section 1 of O. Reg. 217/01 (Liquid Fuels) made under the *Technical Standards and Safety Act, 2000*;
 - a facility that manufactures or refines fuel
- (a) The Risk Management Official with jurisdiction will:
 - (i) Negotiate and establish a Risk Management Plan as defined in Section 58 of the *Clean Water Act, 2006* for each property on which the activity is being undertaken;
 - (ii) Report annually to the Source Protection Authority with jurisdiction on the status of Risk Management Plans. The report will include the following minimum information:
 - The number of Risk Management Plans completed during the reporting year and a summary of their content; and
 - Any issues ordered by the Risk Management Official during the reporting year.

Policy C-6: Prohibition of Future Refineries, Gas Stations, Bulk Plants

Intent: Prohibit future occurrences of fuel refineries and fuel storage and handling that is regulated under O. Reg. 217/01 (Liquid Fuels). This regulation includes retail outlets, bulk plants, marinas, cardlocks/keylocks, private outlets, or farms where fuel is handled other than in portable containers. This definition does not include oil used as fuel (i.e. residential oil tanks), which is regulated under O. Reg. 213/01 (Fuel Oil)).

Rationale: The risks presented by these types of facilities warrant prohibition of future occurrences. Existing facilities will be managed through a Risk Management Plan (see Policy 15-10).

Policy Text: Where the storage of liquid fuel in a tank at a facility as defined in section 1 of O. Reg. 217/01 (Liquid Fuels) made under the *Technical Standards and Safety Act, 2000*, or a facility that manufactures or refines fuel, is a significant drinking water threat, future occurrences of the activity will be Prohibited under Section 57 of the *Clean Water Act, 2006*.

ROAD SALT

Policy S-1: Salt Management Plans

Intent: Require the development of a salt management plan to manage existing and future road salt application that is a significant drinking water threat. The contents of the plan will be at the discretion of the road authority in consultation with other road authorities.

Rationale: Many municipalities already have salt management plans. Where a plan exists, this policy requires them to review their existing plans to ensure that they are sufficient to manage the application of salt with respect to the requirement of the *Clean Water Act, 2006*. Where no plan exists, municipalities are required to create a salt management plan to address salt application where the activity is a significant threat.

Policy Text: Requirement for Salt Management Plan

- (1) Where the application of road salt is or would be a significant drinking water threat:
 - (a) Any Road Authority operating in the area will:
 - (i) Develop and implement a salt management plan that addresses road salt application on the roads within its jurisdiction within two years. The plan will contain conditions that ensure that the activity is not a significant drinking water threat. The plan can be a stand-alone document, or incorporated into an existing salt management plan; and
 - (ii) Update the salt management plan within one year of the approval of an updated Assessment Report.
 - (iii) Report annually to the Source Protection Authority with jurisdiction on the activities undertaken as part of the salt management plan.
 - (b) 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. Where salt is applied by a contractor, the road authority responsible for the contract will ensure that contractors are made aware of the requirements of the salt management plan.
 - (c) The Operating Authority of the affected drinking water system will:
 - (i) Sample raw water to monitor and trend changes in chloride and sodium concentrations on a frequency adequate to monitor concentrations; and
 - (ii) Report on the sampling results to the Source Protection Authority every 5 years.
- (2) The Province (MOE/MTO/Ministry of Research and Innovation) is encouraged to identify opportunities to eliminate salt-based compounds for managing roads using instead safe environmental alternatives. These alternatives could be included in the guidelines for managing road salt.

Policy S-2: Future Construction of Roads and Impervious Surfaces

Intent: The following policy is intended to have road authorities consider vulnerable areas during the planning stage of impervious surfaces (highways, and other impervious land surfaces used for vehicular traffic and parking, and all pedestrian paths).

Rationale: The threat circumstances for road salt application refer to the percent impervious surface area. Construction of new impervious surfaces in a vulnerable area would increase the impervious surface area that requires de-icing, which could increase the number of significant threats. This policy is a “reminder” to the responsible authorities to consider vulnerable areas in the construction of provincial highways.

Policy Text: Where the application of road salt is or would be a significant drinking water threat, all responsible authorities will consider the location of vulnerable areas during the planning and Environmental Assessment processes for the construction of roads, other impervious land surfaces used for vehicular traffic and parking, and all pedestrian paths.

Recent Changes:

- Expanded to include consideration for *all* impervious surfaces (per the CWA definition). Previously the policy referred only to provincial highways.

Policy S-3: Prohibition of Salt Storage

Intent: The following policy is intended to prohibit the handling and storage of road salt in vulnerable areas where the activity would be a significant drinking water threat. This includes all facilities regardless of ownership. There are currently no salt storage threats identified.

Rationale: There are currently no handling and storage threats associated with road salt identified in the Source Protection Region. It was felt that since there are no existing threats that it would be appropriate to prohibit the activity.

Policy Text: Where the handling and storage of road salt would be a significant drinking water threat, future occurrences of the activity will be prohibited under Section 57 of the *Clean Water Act, 2006*.