

Fact Sheet

Drinking Water Source Protection in Ontario: What Every Real Estate Agent Should Know

Water is critical to all aspects of our lives and it is important that we ensure there is a safe and reliable source of water for all our uses - now and in the future. The *Clean Water Act, 2006* is part of the Ontario government's commitment to ensure the sustainability of clean, safe drinking water for all Ontarians. The intent of the Ontario *Clean Water Act* is to protect municipal drinking water sources through assessments based on sound science, and develop locally driven Source Protection Plans. As a result of the *Clean Water Act*, 19 multi-stakeholder Source Protection Committees were established across Ontario to develop local Source Protection Plans.

What does the *Clean Water Act* say about threats to drinking water safety?

The *Clean Water Act* regulations list 21 prescribed threat activities which can, if not properly managed or removed, pose risks to drinking water sources. The list is available here: <http://www.ontario.ca/environment-and-energy/source-protection>. Other types of threat activities may also be identified, as needed. The local Source Protection Plans include (a) existing and future threat activities in the local watersheds, and (b) policies that manage or eliminate the risks posed by these threats. Municipalities, Conservation Authorities, property owners, farmers, industrial and commercial businesses, community groups, institutions, and the public are working together to ensure local sources of municipal drinking water are protected from these threats, now and in the future.

Why should real estate agents be aware about drinking water source protection?

As Source Protection Plans continue to come into effect across the province, many potential buyers and sellers of residential, agricultural, industrial, commercial or institutional properties will become aware that certain properties, located within protection zones that are closest to municipal groundwater wells and surface water intakes, may be subject to policies that will manage or prohibit certain activities. You may notice an increase in questions about whether or not a property is located in one of these protection zones and how this might impact the activities that can be undertaken there. It is equally important that every real estate agent be aware of these protection zones, local Source Protection Plans and properties that could be impacted, whether you are acting on behalf of the buyer or seller.

What does it mean if a 'threat' has been identified on a property I'm selling?

It means that the threat activity could pose a risk to the source of municipal drinking water. The property owner would have been notified of this during the development of the local Source Protection Plan. The local Source Protection Plan policies may require the activity to be managed on that property, or in few situations, prohibited. It is also important to let a potential buyer know that certain activities which are not currently occurring on the property, could still be subject to local Source Protection Plan policies, if the activities occur in the future on that property.

The policies could be implemented by various organizations and agencies such as municipalities, conservation authorities and public health units. Some activities may require Risk Management Plan (RMPs), where a Risk Management Official will be involved in establishing an RMP to address the threat activity. The implementor of the policies will consider existing risk reduction measures on the property. It is prudent to provide the necessary information to potential buyers in order for them to understand the implications of buying a property (a) with an identified threat activity, or (b) to which policies could apply if certain activities are planned to be carried out in the future.

What are some activities that could be a threat to the source of local drinking water if undertaken on a property?

There are a variety of activities that pose a potential threat to the quality or quantity of drinking water if undertaken by property owners/renters, especially when a property is located close to a well or intake. Below are some examples of activities that could be considered potential threats on residential, agricultural, industrial, commercial or institutional properties.

Residential:

- Operation of a septic system
- Handling and storage of home heating oil
- Application of large amounts of road salt to paved surfaces (such as driveways and walkways)

Agricultural:

- Use or storage of fertilizers (chemical, biosolids, manure)
- Use or storage of pesticides
- Fields where livestock graze and barnyards where livestock are housed
- Operation of a fish farm

Commercial/Industrial/Institutional:

- Storage or use of dry cleaning chemicals
- Operation of a landfill
- Operation of a gas or service station
- Storage of paints, varnishes, or glues at warehouses, factories, and retail outlets
- Use of degreasing or cleaning agents at mechanic shops etc.
- Storage of PCBs (polychlorinated biphenyl) and other hazardous waste

I sell properties in more than one watershed. Will the Source Protection Plans for all source protection areas or regions be the same?

No, but they will likely be similar. Since the needs in one source protection area or region may differ from the next, the source protection program was designed to ensure that the identification of risks to drinking water is based on sound science, but established a locally driven process to determine how to best address these risks. When developing policies, source protection committees took into account the need for local flexibility in order to capture existing characteristics and approaches in each watershed. Conservation Ontario has facilitated and encouraged collaboration on policy development among the 19 source protection areas or regions. Source Protection Committees took advantage of opportunities for consistency (where appropriate) by sharing ideas on policy development through exchange of information, regular teleconferences, and in-person meetings.

What can I do to help inform potential buyers about the Drinking Water Source Protection program and how it applies to them?

Your local Conservation Authority has many resources such as fact sheets, brochures, and other information on their website that you could use to better inform potential property buyers about the Drinking Water Source Protection program, whether or not a property is located in a protection zone, and how specific activities may be regulated on a certain property. They could also schedule an appointment to speak with a staff person at the Conservation Authority regarding the property and any concerns they may have about regulated activities.

Where can I find more information?

Ontario Ministry of the Environment and Climate Change

<http://www.ontario.ca/environment-and-energy/source-protection>

Conservation Ontario

www.conservationontario.ca

Your local Conservation Authority or Source Protection Region/Area

<http://www.conservationontario.ca/uncategorised/143-otherswpreionsindex>