DRINKING WATER
SOURCE PROTECTION
Our Actions Matter

LAKE ERIE
SOURCE PROTECTION
REGION

Grand River Source Protection Area

DRAFT UPDATED SOURCE PROTECTION PLAN

VOLUME II

Prepared on behalf of:
Lake Erie Region Source Protection Committee

Under the Clean Water Act, 2006
(Ontario Regulation 287/07)

June 17, 2021

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SECTION 34 DOCUMENT AMENDMENTS

This Section 34 amendment includes Source Protection Plan sections with content that is considered draft, pending approval by the Minister of the Environment, Conservation and Parks. These draft sections were reviewed as part of previous public consultation process and Section 34 amendment. Previous amendment details are available upon request.

Draft Source Protection Plan Sections Pending Approval

- Volume 1
- Volume 2, 1-2 – Introduction and How to Read the Source Protection Plan Policies
- 7 – Wellington County
- 10 – Region of Waterloo

The following two tables provide a high-level summary of amendments made to the Grand River Source Protection Plan, under Ontario Regulation 287/07, Section 34.

Amendments were made using the 2017 Director's Technical Rules and Tables of Drinking Water Threats. Sections of the Source Protection Plan that were not updated as part of this Section 34 amendment refer to the 2009 versions of the Director's Technical Rules and Tables of Drinking Water Threats.

SECTION NUMBER	DESCRIPTION OF AMENDMENT
Section 5 Town of Grand Valley	- New policies: DC-GV-CW-1.1.3 - Policy Revisions: DC-GV-CW-1.1.2

SCHEDULE ID	NEW OR AMENDED SCHEDULE TITLE
5.6 Schedule A	Dufferin County, Town of Grand Valley, Grand Valley Well Supply

SECTION 51 DOCUMENT AMENDMENTS

Amendments to this document, made under Ontario Regulation 287/07, Section 51 following approval on November 26, 2015, are summarized below:

DATE AMENDMENT POSTED	DESCRIPTION OF AMENDMENT
February 21, 2017	Text updated to reflect implementation of new provincial threats tool (www.swpip.ca)

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Note: In June 2018, the Ministry of the Environment and Climate Change changed its name to the Ministry of the Environment, Conservation and Parks. In June 2014, the Ministry of Natural Resources changed its name to the Ministry of Natural Resources and Forestry, and the Ministry of the Environment changed its name to the Ministry of the Environment and Climate Change. The new and former names of both Ministries are used within this document.

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1.0 INTRODUCTION

The Grand River Source Protection Plan is a document that contains policies to protect sources of municipal drinking water against existing and future drinking water threats prescribed in the *Clean Water Act, 2006* within the Grand River watershed.

The Source Protection Plan is comprised of two volumes and accompanied by an Explanatory Document. This second volume of the Grand River Source Protection Plan contains the Source Protection Plan policies. The policies are assigned a legal effect and direct implementing bodies to comply with, conform with, or have regard to these policies. Some policies are non-legally binding.

Below is a brief description of what is included in Volume I and the Explanatory Document.

Volume I
Volume I of the Source Protection Plan provides the context for the Plan, which includes a brief history of source protection planning and the *Clean Water Act*, *2006,* Source Protection Plan objectives and a description of the watershed/source protection area.

The Grand River Source Protection Area Assessment Report, approved by the Ministry of Environment on August 16, 2012*,* is a key component of the Source Protection Plan. The Assessment Report forms the basis of the Source Protection Plan and provides information, including mapping, for understanding its objectives and policies. Several rounds of consultation and revisions followed until it was approved by the Ministry of the Environment in 2012. Since that time, the Assessment Report has been revised, updated and approved a number of times to incorporate new information made available over the years. ~~Further updates were made to the Assessment Report between its approval and March 2015. These updates were incorporated into an Updated Assessment Report, which was posted for a 40-day public consultation period beginning in March 2015. The Updated Grand River Assessment Report was re-submitted to the Ministry of the Environment and Climate Change for their review and approval in June 26, 2015. Following the June 2015 submission, additional comments were addressed and the Updated Assessment Report was re-submitted for approval November 13, 2015. The Ministry of the Environment and Climate Change approved the Updated Grand River Assessment Report November 26, 2015. Further updates were made to the Assessment Report following the November 2015 approval and included in the draft Updated Grand River Assessment Report which was posted for a 35-day public consultation period from February 12 to March 18, 2019. Further changes were then made to additional sections of the Assessment Report not previously included in the draft update posted for public consultation from February to March 2019. These changes are included in the second draft Updated Assessment Report which was posted for a 105-day public consultation period from April 8 to July 21, 2019. The second draft Updated Assessment Report was submitted to the Ministry for their review and approval in November 2019 and approved on June 2, 2020. During this time, additional revisions were made to sections of the Assessment Report not previously included in the second draft Updated Assessment Report. These revisions are included in the third draft Updated Assessment Report which was posted for a 45-day public consultation period from January 13 to February 26, 2020, and submitted to the Ministry for their review and approval in June 2020.~~ Further revisions and new additions have since been made since ~~to~~ the Assessment Report was last approved. These revisions are included in the fifth~~ourth~~ draft Updated Assessment Report which will be posted for a ~~4~~30-day public consultation period from June 21~~anuary 25~~ to July 20~~March 8~~, 2021~~0~~. The full report is available online at www.sourcewater.ca.

Explanatory Document

Section 40 of O. Reg. 287/07 under the *Clean Water Act, 2006* requires an Explanatory Document be prepared and submitted with the Source Protection Plan. The Explanatory Document is not part of the Source Protection Plan; however, it provides interested parties with the rationale used by the policy makers when developing the Source Protection Plan policies. Further, the Explanatory Document summarizes the key factors considered when selecting policy approaches.

1.1 Source Protection Plan Legal Effect

As required by the *Clean Water Act*, *2006,* the Source Protection Plan policies must identify who or what agency will be responsible for implementation. The legal effect describes whether there is an obligation for the responsible party to implement the policy. Three factors determine the legal effect of a policy: 1) the policy tool, 2) the threat ranking (significant / moderate / low), and 3) the implementing body. For example, a specify action policy could direct a municipality to comply with a significant threat policy whereas a Provincial Ministry would not be legally bound to comply with the policy. This information is presented in the Legal Effect Matrix, included in Appendix C of Volume I.

Part III (Effect of Source Protection Plans) of the *Clean Water Act, 2006* gives the Source Protection Plan and its policies their various legal effects. Within Part III, certain provisions require specific statutory decisions to conform to or comply with the significant threat policies; therefore the implementing bodies have an obligation to implement the Source Protection Plan policies. The Ministry of the Environment, Conservation and Parks provided direction under section 34 of O. Reg. 287/07 to ensure a consistent method of identifying the policies' legal effect under one or more provisions of Part III of the *Clean Water Act, 2006*. The following is included in Appendix A of each municipal section within Volume II.

List A Significant threat policies that affect decisions under the *Planning Act* and *Condominium Act, 1998*

List B Moderate and low threat policies that affect decisions under the *Planning Act* and *Condominium Act, 1998*

List C Significant threat polices that affect prescribed instrument decisions

List D Moderate and low threat policies that affect prescribed instrument decisions

List E Significant threat policies that impose obligations on municipalities, source protection authorities and local boards

List F Monitoring policies referred to in subsection 22(2) of the *Clean Water Act, 2006*

List G Policies related to section 57 of the *Clean Water Act, 2006*

List H Policies related to section 58 of the *Clean Water Act, 2006*

List I Policies related to section 59 of the *Clean Water Act, 2006*

List J Strategic Action policies

List K Significant threat policies targeted to bodies other than municipalities, local board or source protection authorities for implementation

In addition to the lists above, two tables are included which identify the type of prescribed instrument that the policy affects, in relation to Lists C and D, and a summary of all the policies with respect to the above lists. These tables are presented in Appendix B of the municipal sections within Volume II.

The *Clean Water Act, 2006* identifies policy tools to address the prescribed drinking water threats identified in O. Reg. 287/07. Volume II contains the policies developed to address existing and future drinking water threats within the Grand River Source Protection Area.

2.0 HOW TO READ THE SOURCE PROTECTION PLAN POLICIES

There are thirty-eight (38) municipalities with a drinking water system located within the Grand River Source Protection Area. This Source Protection Plan has been divided into municipal sections containing the applicable Source Protection Plan policies for each of the respective municipalities. Further information and rationale is included in Volume I of the Source Protection Plan and in the Explanatory Document.

2.1 Policy Format

Each policy addresses significant drinking water threats as per the Source Water Protection Tables of Drinking Water Threats and circumstances. In most cases, the Ministry of the Environment, Conservation and Parks' Prescribed Drinking Water Threat is stated within the policy and it is understood that this will include all sub-threats as listed in the Provincial Source Water Protection Threats Tool (swpip.ca). These prescribed drinking water threats are also described in the Source Protection Plan- Volume I.

The policies in the Grand River Source Protection Plan are organized by municipality similar to that presented in the Assessment Report. Each municipal section contains the following information:

- Municipal Specific Definitions
- Municipal Specific Source Protection Plan Policies
    - Policies addressing Prescribed Drinking Water Threats
- Appendix A:
    - List of Policies as per Section 34 of O. Reg. 287/07
- Appendix B:
    - Table 1: Prescribed Instruments which apply to Source Protection Plan policies in Lists C and D
    - Table 2: Policy Summary Matrix
- List of Schedules: Policy Applicability Mapping

To aid the policy reader, policies are presented in a standard format (Figure 1).

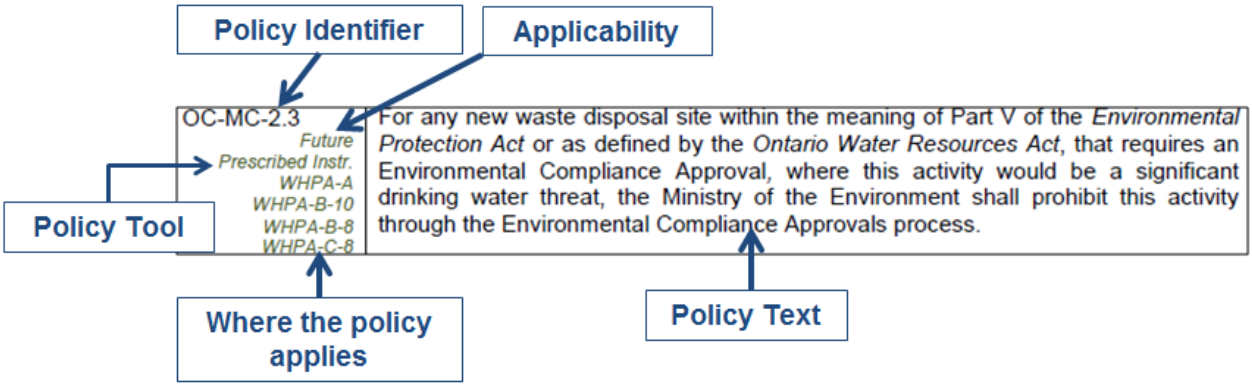

Figure 1: Example of a Source Protection Plan Policy

2.2 Policy Identifier

To assist the reader, an identifier has been used for each policy. The identifier specifies the system/policy location, legal effect and the associated policy number (e.g., OC-CW-1.0 or GC-S-MC-3.1).

The system/ policy location is identified first:

Upper/Single Tier Municipality		Lower Tier Municipality	
Grey County	GC	Township of Southgate	S
Dufferin County	DC	Township of Amaranth	A
Dufferin County	DC	Town of Grand Valley	GV
Dufferin County	DC	Township of East Garafraxa	EG
Dufferin County	DC	Township of Melancthon	M
Wellington County	WC	-	-
City of Guelph	CG	-	-
Regional Municipality of Waterloo	RW	-	-
County of Perth	PC	-	-
County of Oxford	OC	-	-
City of Hamilton	CH	-	-
County of Brant	BC	-	-
Ohsweken (off-reserve)	BC	-	-
City of Brantford	CB	-	-
Regional Municipality of Halton	HR	-	-
Haldimand County	HC	-	-

The legal effect follows the policy location identifier and is designated as follows:

- CW – Comply With
- MC – Must Conform
- NB – Non- Binding

Each policy is numbered sequentially.

Significant threat policies address existing drinking water threats, potential future threats, or both. The policy text also includes the agency responsible for implementation.

2.2.1 *Legal Effects*

A description of the legal effects is presented below. The associated legal effect policy matrix is presented in Volume I for reference.

The policies in the Source Protection Plan have one of three types of legal effect – "must conform/comply with" policies, "have regard to" policies, and "non-binding" policies. The following is an explanation of which policies fall under each legal effect provision. The appendices of the Source Protection Plan also contain lists of policies ensuring Source Protection Plan policies are designated the appropriate legal effect provision as outlined in the *Clean Water Act, 2006*. Specific reference to these lists is included in the definitions below, where applicable.

Must Conform (MC) / Comply With (CW)

- The *Clean Water Act, 2006* requires municipalities, local boards or source protection authorities to comply with any obligations imposed on it to address a significant drinking water threat (activity/condition), regardless of the particular tool or approach used in the policy (see List E).
- The *Clean Water Act, 2006* requires decisions under the *Planning Act* and *Condominium Act* to conform with significant drinking water threat (activity/condition) policies (see List A).
- The *Clean Water Act, 2006* requires decisions related to prescribed instruments to conform with significant drinking water threat (activity/condition) policies (see List C).
- Persons carrying out significant threat activities must comply with policies that use Part IV powers under the *Clean Water Act, 2006*.
- The Source Protection Plan must designate a public body[1] to carry out monitoring required by the *Clean Water Act, 2006* and these public bodies must conform with the obligations set out in the monitoring policies (see List F).

Non-Binding (NB)

The Source Protection Plan includes other types of policies that, while the Source Protection Committee may determine are important to achieving the Plan's objectives, are not given legal effect by the *Clean Water Act, 2006*. These may include:

- Significant, moderate and low drinking water threats (activities and/or condition) policies to be implemented by bodies other than municipalities, local boards or source protection authorities, and which do not rely on Part IV or the *Clean Water Act, 2006*, prescribed instruments or *Planning Act* and *Condominium Act* tools.

[1] Public body is defined in section 2 of the CWA and means "a municipality, local board or conservation authority, a ministry, board, commission, agency or official of the Government of Ontario, or a body prescribed by the regulations". Based on this definition, a commission like the Niagara Escarpment Commission is a public body, whereas any federal government ministry and the Technical Standards and Safety Authority (TSSA) are not.

- Other permitted policies governing:
    - Incentive programs and education & outreach programs, not aimed towards a specific threat activity or Condition, including those for systems not in the terms of reference
    - The update of spills prevention, contingency or response plans along highways, railways or shipping lanes
    - Climate conditions data collection
    - Transport pathways in WHPA or IPZ.

- Optional monitoring policies (i.e. moderate/low drinking water threats in areas where the threat could never become significant and monitoring of other permissible plan policies) to be implemented by bodies other than municipality, local boards or source protection authorities.

Not all policy options mentioned above have been included in the municipal sections of the Grand River Source Protection Plan. Volume I of the Source Protection Plan provides additional detail on optional content policies and what has and has not been included in the Source Protection Plan.

2.3 Sidebar

Information is provided in a sidebar below the Policy Identifier to provide a quick reference for the reader when reviewing the Source Protection Plan Policies. The sidebar does not form part of the Source Protection Plan Policies and specifies the following:

- Whether the policy will apply to existing activities, future activities or both.
- The policy tool which is being applied to manage or prohibit the activity (a summary of the policy tools is presented in Volume I of this Source Protection Plan.)
- The vulnerable area where the policy will apply including the vulnerability score, if applicable.

The following acronyms were used to present this information:

- IPZ: Intake Protection Zone
- WHPA: Wellhead Protection Area
- WHPA-Q: Wellhead Protection Area Quantity for activities related to consumptive water takings and for activities related to recharge reduction
- WHPA-Q: Wellhead Protection Area Quantity
- Part IV- RMP: Part IV of the *Clean Water Act, 2006*, Risk Management Plan
- Part IV- RLU: Part IV of the *Clean Water Act, 2006*, Restricted Land Use
- Prescribed Instr.: Prescribed Instrument (e.g.., Environmental Compliance Approval)
- v.#: Applicable vulnerability score where the policy will apply (e.g. v.10)
- ICA- Issue Contributing Area
- (NIT)- Nitrate
- (CHL)- Chloride
- (TCE)- Trichloroethylene
- (SOD)- Sodium

2.4 Policy Applicability Mapping

Policy applicability mapping has been provided in the Schedules to aid the reader in determining where Source Protection Plan policies apply. This mapping is based on the Assessment Report mapping, modified, to indicate where, the Source Protection Plan policies may apply based on the Source Water Protection Tables of Drinking Water Threats (swpip.ca) and circumstances under the *Clean Water Act, 2006*.

The purpose of this mapping is to provide a summary of the circumstances presented in the Source Water Protection Tables of Drinking Water Threats and circumstances. As indicated on the Policy Applicability Map, each vulnerability score is associated with a colour. This colour is then reflected in the summary table provided on the map to indicate which potential drinking water threats would apply to a specific location.

To determine if a policy applies, the policy text, the Assessment Report mapping and the Source Water Protection Tables of Drinking Water Threats and circumstances should be consulted. A summary on how to read the Source Protection Plan is provided in Volume I.

The Assessment Report is available online at www.sourcewater.ca .

2.5 Monitoring of Significant Drinking Water Threat Policies

Activities that are or would be significant drinking water threats must be monitored and the effectiveness of the policy at addressing a significant drinking water threat must be evaluated. This evaluation will help the Source Protection Committee determine if the threat policy is effective and/ or if revisions to the policy(ies) would be required in future updates of the Source Protection Plans. The same monitoring policy may be used to monitor one or more drinking water threat policies.

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