

## Grand River Source Protection Area

# APPROVED SOURCE PROTECTION PLAN

## VOLUME I

*Prepared on behalf of:  
Lake Erie Region Source Protection Committee*

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

**February 9, 2022**

This project has received funding support from the Government of Ontario.



## SECTION 34 DOCUMENT AMENDMENTS

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
<b>Section 5</b> 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:

<b>DATE AMENDMENT POSTED</b>	<b>DESCRIPTION OF AMENDMENT</b>
February 21, 2017	Text updated to reflect implementation of new provincial threats tool ( <a href="http://www.swpip.ca">www.swpip.ca</a> )

## EXECUTIVE SUMMARY

### **A Plan to Protect Drinking Water in the Grand River Watershed**

The *Clean Water Act* (2006) provides a framework for the development and implementation of local, watershed-based source protection plans, and is intended to implement the drinking water source protection recommendations made by Justice Dennis O'Connor in Part II of the Walkerton Inquiry Report.

The key objectives of the source protection planning process are to complete science-based Assessment Reports that identify the risks to municipal drinking water sources, and to develop local Source Protection Plans that put policies in place to reduce the risks to protect current and future sources of municipal drinking water. The Grand River Source Protection Plan sets out policies to protect sources of municipal drinking water.

The first volume (Volume I) of the Grand River Source Protection Plan provides the context for the overall Plan, including 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. This volume also includes a description of plan components, key steps in the planning process, public consultation, interaction with other Source Protection Regions, source water threats, guidance on how to read the plan, and details on plan implementation and enforcement.

The second volume (Volume II) of the Grand River Source Protection Plan contains the Source Protection Plan policies listed by municipality. These policies address existing and future drinking water threats.

### **Source Protection Planning Process**

The Source Protection Planning process is being led by a multi-stakeholder steering committee called the Lake Erie Region Source Protection Committee. The Committee was formed in November 2007, and is responsible for directing the development and update of the Assessment Reports and Source Protection Plans for each of the four Source Protection Areas in the Lake Erie Region.

Consultation with the public and stakeholders is key to developing and updating a locally derived Source Protection Plan and is required under the *Clean Water Act, 2006* at each key point in the planning process. Broad public consultation was conducted throughout the development and update of the Source Protection Plan, involving municipalities, conservation authorities, property owners, farmers, industry, businesses, community groups, public health officials, and First Nations. Key consultation mechanisms have included stakeholder workshops, public meetings and open houses, and opportunities to comment on discussion papers and via the source protection program website at [www.sourcewater.ca](http://www.sourcewater.ca)

### **Public Consultation on the Grand River Source Protection Plan**

Updates to the Source Protection Plan require one formal round of consultation with the public and stakeholders.

The updated Grand River Source Protection Plan was posted for a 30-day public consultation period between June 21 and July 20, 2021. The public is invited to review the Plan on [www.sourcewater.ca](http://www.sourcewater.ca).

The public could submit comments on the Plan by email to ([comments@sourcewater.ca](mailto:comments@sourcewater.ca)).

All comments received during this comment period were forwarded to the Ontario Ministry of the Environment, Conservation and Parks with the submission of the Grand River Source Protection Plan.

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## LIST OF MAPS

These maps are for information purposes only. Therefore, the Grand River Conservation Authority takes no responsibility for, nor guarantee, the accuracy of all the information contained within these maps.

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***Note: In June 2014, the Ministry of the Environment changed its name to the Ministry of the Environment and Climate Change, and in June 2018, 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 in June 2021, was re-organized into the Ministry of Northern Development, Mines, Natural Resources and Forestry. The new and former names of these Ministries are used within this document.***

## 1.0 INTRODUCTION

### 1.1 Protecting Our Drinking Water

Following the public inquiry into the Walkerton drinking water crisis in May 2000, Justice Dennis O'Connor released a report in 2002 containing 121 recommendations for the protection of drinking water in Ontario. Since the release of the recommendations, the Government of Ontario has introduced legislation to safeguard drinking water from the source to the tap, including the *Clean Water Act* in 2006. The *Clean Water Act*, 2006 provides a framework for the development and implementation of local, watershed-based source protection plans, and is intended to implement the drinking water source protection recommendations made by Justice Dennis O'Connor in Part II of the Walkerton Inquiry Report. The *Clean Water Act*, 2006 came into effect in July 2007, along with the first five associated regulations.

The intent of the *Clean Water Act*, 2006 is to ensure that communities are able to protect their municipal drinking water supplies now and in the future from overuse and contamination. It sets out a risk-based process on a watershed basis to identify vulnerable areas and associated drinking water threats and issues. It requires the development of policies and programs to reduce or eliminate the risk posed by significant threats to sources of municipal drinking water through science-based source protection plans.

The *Clean Water Act*, 2006 and Drinking Water Source Protection are one component of a multi-barrier approach to protecting drinking water supplies in Ontario. The five steps in the multi-barrier approach include:

- **Source water protection**
- Adequate treatment
- Secure distribution system
- Monitoring and warning systems
- Well thought-out responses to adverse conditions



After the Walkerton Inquiry, the Government of Ontario enacted the *Safe Drinking Water Act*, 2002 which provides new requirements and rules for the treatment, distribution and testing of municipal drinking water supplies. Together, the *Clean Water Act*, 2006 and *Safe Drinking Water Act*, 2002 along with their associated regulations, provide the legislative and regulatory framework to implement the multi-barrier approach to municipal drinking water protection in Ontario.



The protection of municipal drinking water supplies through the *Clean Water Act, 2006* is one piece of a much broader environmental protection framework in Ontario. Water resources in Ontario are protected directly and indirectly through the federal and provincial governments, municipalities, conservation authorities and public health units.

### **Source Protection Planning Process**

The key objectives of the source protection planning process are to complete science-based Assessment Reports that identify the risks to municipal drinking water sources, and to develop local Source Protection Plans that put policies in place to reduce the risks to current and future sources of municipal drinking water.

Since 2005, municipalities and conservation authorities have been undertaking studies to delineate areas around municipal drinking water sources that are most vulnerable to contamination and overuse. Within these vulnerable areas, technical studies have identified historical, existing, and possible future land use activities that are or could pose a threat to municipal water sources. The draft Grand River Assessment Report was the first version of the report made available for public consultation in 2010. 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 revisions and new additions have since been made since the Assessment Report was last approved. These revisions are included in the fifth draft Updated Assessment Report which was posted for a 30-day public consultation period from June 21 to July 20, 2021. The Grand River Assessment Report is available on-line at [www.sourcewater.ca](http://www.sourcewater.ca).

The Source Protection Plan is a document that sets out policies to protect sources of drinking water against a list of prescribed drinking water threats identified by the Ministry of the Environment, Conservation and Parks.

Public input and consultation has played a significant role throughout the process of developing and updating the Source Protection Plan. The task of plan development and update involved municipalities, conservation authorities, property and business owners, farmers, industry, health officials, community groups and others working together to develop a fair, practical, and implementable Source Protection Plan.

Following Source Protection Plan approval, annual progress reports on implementation are required. Implementation of the Source Protection Plan is led by municipalities in most cases. The provincial government, as well as conservation authorities, public health units and other organizations also have roles in implementing policies in the Source Protection Plans. The agencies identified in the Source Protection Plan use a range of voluntary and regulatory programs and tools, including outreach and education, incentive programs, land use planning (zoning by-laws, and Official Plans), new or amended provincial instruments, risk management plans and prohibition.

### **Public Consultation on the Grand River Source Protection Plan**

Consultation with the public and stakeholders was the key to developing a locally-derived Source Protection Plan. Consultation is required under the *Clean Water Act, 2006* at each key point in the source protection planning process.

Public consultation was conducted using the following methods for various versions of the Grand River Source Protection Plan:

- Distribution of factsheets, brochures, and pamphlets: samples available online at [www.sourcewater.ca](http://www.sourcewater.ca);
- Property specific mailings to landowners affected by the Source Protection Process;
- Stakeholder workshops on policy options;
- Public open houses on the technical work, policy development and the three major documents under the Source Protection Program: the Terms of Reference, Assessment Report and Source Protection Plan;
- Early engagement of the public on draft Assessment Report technical work and Source Protection Plan policy options;
- Formal public consultation on the Terms of Reference, Assessment Report and Source Protection Plan;
- Pre-consultation and formal consultation with Municipal Councils and First Nations; and
- Availability of hard copies of Source Protection Plan materials and the Assessment Report at Conservation Authority and municipal administrative offices.

In preparing the Grand River Terms of Reference, the Assessment Report and the Source Protection Plan, the Source Protection Committee considered all feedback received from the public and stakeholders. For a complete summary of the consultation activities carried out for the preparation of the Terms of Reference, the Assessment Report and the Source Protection Plan please refer to [Section 5.2.3](#).

## 2.0 SOURCE PROTECTION PLAN OBJECTIVES

The Grand River Source Protection Plan is a document that sets out the policies to protect sources of municipal drinking water against potential existing and future drinking water threats. The objectives of the Source Protection Plan are detailed in the *Clean Water Act, 2006* (O. Reg. 287/07, s.22) and are described below.

22. (1) Every source protection plan shall set out the following as objectives of the plan:

1. To protect existing and future drinking water sources in the source protection area.
  2. To ensure that, for every area identified in an assessment report as an area where an activity is or would be a significant drinking water threat,
    - i. the activity never becomes a significant drinking water threat, or
    - ii. if the activity is occurring when the source protection plan takes effect, the activity ceases to be a significant drinking water threat. O. Reg. 246/10, s. 12.
- (2) If a source protection plan sets out policies relating to conditions resulting from past activities, the plan shall set out that an objective of the plan is to ensure that for every area identified in the assessment report as an area where a condition that results from a past activity is a significant drinking water threat, the condition ceases to be a significant drinking water threat. O. Reg. 246/10, s. 12.
- (3) If, under subsection 85 (6) of the Act, the Minister has directed that a report be prepared and submitted that recommends policies that should be set out in the source protection plan for the source protection area to assist in achieving a Great Lakes target, the plan shall set out that an objective of the plan is to achieve the target for the source protection area. O. Reg. 246/10, s. 12.
- (4) No objectives other than the objectives set out in subsections (1) to (3) shall be contained in a source protection plan. O. Reg. 246/10, s. 12.

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### 3.0 COMPONENTS AND SUPPORTING DOCUMENTS

The Source Protection Plan is divided into two volumes, including appendices and supporting documents.

#### 3.1 Volume I

The first volume (Volume I) of the Grand River Source Protection Plan provides the context for the overall Plan, including a brief history of source protection planning and Source Protection Plan objectives under the *Clean Water Act, 2006*, and a description of the watershed/source protection area. This volume also includes a description of plan components, key steps in the planning process, public consultation, interaction with other Source Protection Regions, drinking water threats, guidance on how to read the Plan, and details on Plan implementation and enforcement.

The Grand River Source Protection Area Assessment Report is another key component of the Source Protection Plan. Since 2005, numerous technical studies have been completed and are summarized in the Grand River Source Protection Area Assessment Report. This Assessment Report examined and identified:

- The vulnerable areas around municipal-residential drinking water sources;
- Intrinsic susceptibility to contamination;
- Where potential threats to water quality and quantity may exist in each vulnerable area;
- The activities that pose drinking water threats to human health; and
- How significant the risks of these drinking water threats are to contaminating or depleting the water supply.

Based on this analysis, significant drinking water threats were identified. The information contained in the Assessment Report was used to prepare the Source Protection Plan. For this reason, and based on the requirements under section 22 (2) of the *Clean Water Act, 2006*, the Assessment Report is included as part of the submission of this Source Protection Plan to the Ministry of the Environment, Conservation and Parks. The Assessment Report is available online at [www.sourcewater.ca](http://www.sourcewater.ca).

**Maps:** Volume I of the Source Protection Plan contains 3 maps:

- Map A: Lake Erie Source Protection Region
- Map B: Grand River Source Protection Area
- Map C: Adjacent Source Protection Regions and Municipalities

**Appendices:** The appendices associated with this volume include:

- Appendix A: Definitions
- Appendix B: Drinking Water Threats And Optional Content For The Lake Erie Source Protection Region
- Appendix C: Legal Effect Matrix
- Appendix D: References

### **3.2 Volume II**

The second volume (Volume II) of the Grand River Source Protection Plan contains the Source Protection Plan policies. These policies address both existing (where applicable) and future drinking water threats. Volume II only includes policies for significant drinking water threats and optional content. Future updates to the Source Protection Plan may include policies for moderate and low threats.

As in the Assessment Report, each municipality has been designated its own section in Volume II. Each municipal section includes the following:

- A description of where the Source Protection Plan policies apply;
- Definitions specific to the identified municipality (i.e., existing and future);
- Source Protection Plan policies;
- Required Appendices as per section 34 of O. Reg. 287/07; and
- Maps showing where the Source Protection Plan policies apply.

Section 1 and 2 of Volume II contain information about the legal effect of the Source Protection Plan policies, as well as guidance on how to read the Source Protection Plan. The Source Protection Plan policies for the Grand River Source Protection Area are included in the following sections:

- Section 3: County of Grey – Township of Southgate
- Section 4: Dufferin County – Townships of Amaranth and East Garafraxa
- Section 5: Dufferin County – Town of Grand Valley
- Section 6: Dufferin County – Township of Melancthon
- Section 7: County of Wellington
- Section 8: City of Guelph
- Section 9: Regional Municipality of Halton
- Section 10: Regional Municipality of Waterloo
- Section 11: County of Perth – Township of Perth East
- Section 12: County of Oxford
- Section 13: City of Hamilton – Lynden Rural Settlement Area
- Section 14: County of Brant
- Section 15: City of Brantford
- Section 16: Haldimand County

**Appendices:** The appendices associated with this Volume II include information as required by section 34 of O. Reg. 287/07:

- Appendix A – A list of policies as per section 34 of O. Reg. 287/07
- Appendix B – Prescribed Instrument and Policy Summary Tables

### 3.3 Explanatory Document

Before publishing the Source Protection Plan under section 41 of O. Reg. 287/07, the Source Protection Committee prepared an Explanatory Document. This document contains the following, as described in the regulation, to aid in the review of the Source Protection Policies:

1. An explanation of the Source Protection Committee's reasons for each policy set out in the source protection plan.
2. An explanation of the Source Protection Committee's reasons for designating an activity under paragraph 1 of subsection 22 (3) of the Act, including the reasons relied on by the committee to form the opinion that the activity must be prohibited in order to ensure that it ceases to be a significant drinking water threat.
3. A summary of the comments received under sections 35 to 39 and an explanation of how the comments affected the development of the policies set out in the Source Protection Plan.
4. An explanation of how the summary referred to in paragraph 7 of subsection 13 (1) affected the development of the policies set out in the Source Protection Plan.
5. A summary of how the consideration of the potential financial implications for persons and bodies who would be implementing or affected by the Source Protection Plan influenced the development of the policies set out in the plan.
6. If a policy described in subsection 22 (7) of the Act or paragraph 1 of section 26 of this Regulation is the only policy set out in a source protection plan to deal with an activity that has been identified as a significant drinking water threat, a statement that the Source Protection Committee is of the opinion that,
  - i. the policy, if implemented, will promote the achievement of the objectives of the plan in accordance with paragraph 2 of subsection 22 (2) of the Act, and
  - ii. a policy to regulate or prohibit the activity is not necessary to achieve those objectives. O. Reg. 246/10, s. 12.

The Source Protection Committee resolved that the Source Protection Plan does not consider any direct drinking water threats not identified as such under the *Clean Water Act, 2006*. However, a number of activities that currently are not considered drinking water threats were also discussed. Section 2.2 of the Explanatory Document seeks to provide clarification on issues and concerns raised throughout the Source Protection Plan process by either the Lake Erie Region Source Protection Committee, other interested bodies and the general public.

The Source Protection Committee felt that it was important to provide clarification as to why certain activities that the public or other agencies may expect to be included in the Source Protection Plan were not included.

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## 4.0 THE LAKE ERIE SOURCE PROTECTION REGION

In an effort to share knowledge and resources for the purposes of developing source protection plans, a partnership was formed in 2004 between the Kettle Creek, Long Point Region, Catfish Creek and Grand River Conservation Authorities to create the Lake Erie Source Protection Region. The partnership was formalized in 2007 by Ontario Regulation 284/07 (Source Protection Areas and Regions) under the *Clean Water Act, 2006*. The Grand River Conservation Authority, exercising the legislated responsibilities of the Grand River Source Protection Authority, acts as the lead source protection authority for the region. **Map A** presents the territory covered by the Lake Erie Source Protection Region, including municipal boundaries and main rivers and tributaries.

The four Source Protection Authorities agreed to jointly undertake research, public education, and watershed planning and management for the advancement of drinking water source protection for the respective watersheds. The watersheds have a long history of partnership and cooperation, and also have a natural association by containing the majority of inland rivers and streams flowing from Ontario directly into Lake Erie.

Combined, the Lake Erie Source Protection Region represents a diverse area, ranging from intense agricultural production to large and rapidly expanding urban areas. The region spans an area from the City of St. Thomas in the west, to Dunnville / Port Maitland on the east, and as far north as Dundalk. The area includes 52 upper, lower and single tier municipalities, as well as two First Nations reserves.

### The Lake Erie Region Source Protection Committee

The Source Protection Planning process is being led by a multi-stakeholder steering committee called the Lake Erie Region Source Protection Committee. The Committee was formed in November 2007, and is responsible for directing the development and update of the Assessment Reports and Source Protection Plans and annual reporting for each of the four Source Protection Areas in the Lake Erie Region. The list of current and past members, as of the date this Source Protection Plan was published is summarized in **Table 4-1**.

Table 4-1: Current and Past Members of the Lake Erie Region Source Protection Committee				
Name	Seat Held	Appointment/ Nomination	Appointed	Resigned
Wendy Wright-Cascaden	Acting Chair	Lake Erie Region Source Protection Committee	Sep, 2015	Nov, 2016
Craig Ashbaugh	Chair	Minister of the Environment	Nov, 2007	Jul, 2015
Cassandra Banting	Municipal	Perth, Oxford	May, 2019	May 2021
Weylin Bomberly	First Nations	Six Nations of the Grand River	Oct, 2019	Oct, 2020
Peter Busatto	Municipal	City of Guelph	Nov, 2012	Sep, 2013
Brad Carberry	Agriculture	Agricultural Community	Aug, 2017	June 2021

**Table 4-1: Current and Past Members of the Lake Erie Region Source Protection Committee**

Name	Seat Held	Appointment/ Nomination	Appointed	Resigned
Marguerite Ceschi-Smith	Public Interest	Grand River Source Protection Authority	Nov, 2007	Sep, 2014
Howard Cornwell	Municipal	Perth, Oxford	Nov, 2007	Apr, 2019
Alan Dale	Public Interest	Grand River Source Protection Authority	Jan, 2012	-
Linda Dickson	Public Interest	Grand River Source Protection Authority	Aug, 2019	-
Amy Domaratzki	Public Interest	Grand River Source Protection Authority	Aug, 2021	-
Paul Emerson	Municipal	Brant, Brantford, Hamilton	Sep, 2018	-
Paul General	First Nations	Six Nations of the Grand River	Nov, 2007	Apr, 2019
Mark Goldberg	Public Interest	Grand River Source Protection Authority	Nov, 2007	Nov, 2011
Roy Haggart	Municipal	Brant, Brantford, Hamilton	Nov, 2007	Aug 2018
John Harrison	Public Interest	Grand River Source Protection Authority	Nov, 2007	Jun, 2012
Andrew Henry	Public Interest	Elgin Area Primary Water Board	Nov, 2007	-
Carl Hill	First Nations	Six Nations of the Grand River	Feb, 2012	Mar, 2012
Darryl Hill	First Nations	Six Nations of the Grand River	Apr, 2012	Nov, 2015
Carl Hill	First Nations	Six Nations of the Grand River	May, 2016	Oct, 2019
Eric Hodgins	Municipal	Grand River Source Protection Authority	May, 2016	-
Ken Hunsberger	Agriculture	Agricultural Community	Nov, 2007	-
Cathie Jamieson	First Nations	Mississaugas of the Credit	Sep, 2018	-
Matthew Jauernig	Municipal	Perth, Oxford	Aug, 2021	-
Robert E. Johnson	First Nations	Six Nations of the Grand River	Mar, 2011	Apr, 2011

**Table 4-1: Current and Past Members of the Lake Erie Region Source Protection Committee**

Name	Seat Held	Appointment/ Nomination	Appointed	Resigned
Casey Jonathan	First Nations	Mississaugas of the New Credit	Feb, 2016	Dec, 2017
Jim Kirchin	Public Interest	Grand River Source Protection Authority	Feb, 2015	-
Ralph Krueger	Business and Industry	Grand River Source Protection Authority	Nov, 2007	-
Clynt King	First Nations	Mississaugas of the New Credit	Mar, 2011	Dec, 2015
Bryan LaForme	First Nations	Mississaugas of the New Credit	Nov, 2007	Mar, 2011
Janet Laird	Municipal	City of Guelph	Nov, 2007	Nov, 2012
Ian MacDonald	Business and Industry	Grand River Source Protection Authority	Nov, 2007	-
Chris Martin	First Nations	Six Nations of the Grand River	Nov, 2007	Nov, 2010
George Montour	First Nations	Six Nations of the Grand River	Apr, 2011	Jan, 2012
Dale Murray	Municipal	Grey, Dufferin, Halton, Wellington	Nov, 2007	Jul, 2016
Thomas Nevills	Public Interest	Grand River Source Protection Authority	May, 2017	June 2021
Jim Oliver	Municipal	Haldimand, Norfolk	Nov, 2007	Jun, 2018
David Parker	Agriculture	Agricultural Community	Nov, 2007	Mar, 2016
Lloyd Perrin	Municipal	Elgin, Middlesex, London	Nov, 2007	-
Geoff Rae	Public Interest	Nanticoke Grand Valley Water Supply	Nov, 2007	Jul, 2010
Peter Rider	Municipal	Guelph	Oct, 2013	-
Phil Wilson	Public Interest	Nanticoke Grand Valley Water Supply	Nov, 2007	-
Thomas Schmidt	Municipal	Waterloo Region	Nov, 2007	Mar, 2016
George Schneider	Aggregate Industry	Ontario Stone, Sand & Gravel Assoc.	Oct, 2011	-
Richard Seibel	Aggregate Industry	Ontario Stone, Sand & Gravel Assoc.	Nov, 2007	Aug, 2011

<b>Table 4-1: Current and Past Members of the Lake Erie Region Source Protection Committee</b>				
<b>Name</b>	<b>Seat Held</b>	<b>Appointment/ Nomination</b>	<b>Appointed</b>	<b>Resigned</b>
John Sepulis	Municipal	Grey, Dufferin, Halton, Wellington	Nov, 2017	-
Bill Strauss	Public Interest	Grand River Source Protection Authority	Jul, 2012	-
Ryan Taylor	Municipal	Haldimand, Norfolk	Mar, 2019	-
Bill Ungar	Business and Industry	Grand River Source Protection Authority	Nov, 2007	-
Mark Wales	Agriculture	Agricultural Community	Nov, 2007	Jan, 2020
Brian Whitwell	Agriculture	Agricultural Community	May, 2020	-
Don Woolcott	Public Interest	Grand River Source Protection Authority	Nov, 2007	Apr, 2019
Wendy Wright-Cascaden	Public Interest	Grand River Source Protection Authority	Nov, 2007	Sep, 2015
Wendy Wright-Cascaden	Acting Chair	Lake Erie Region Source Protection Committee	Sep, 2015	Nov, 2016

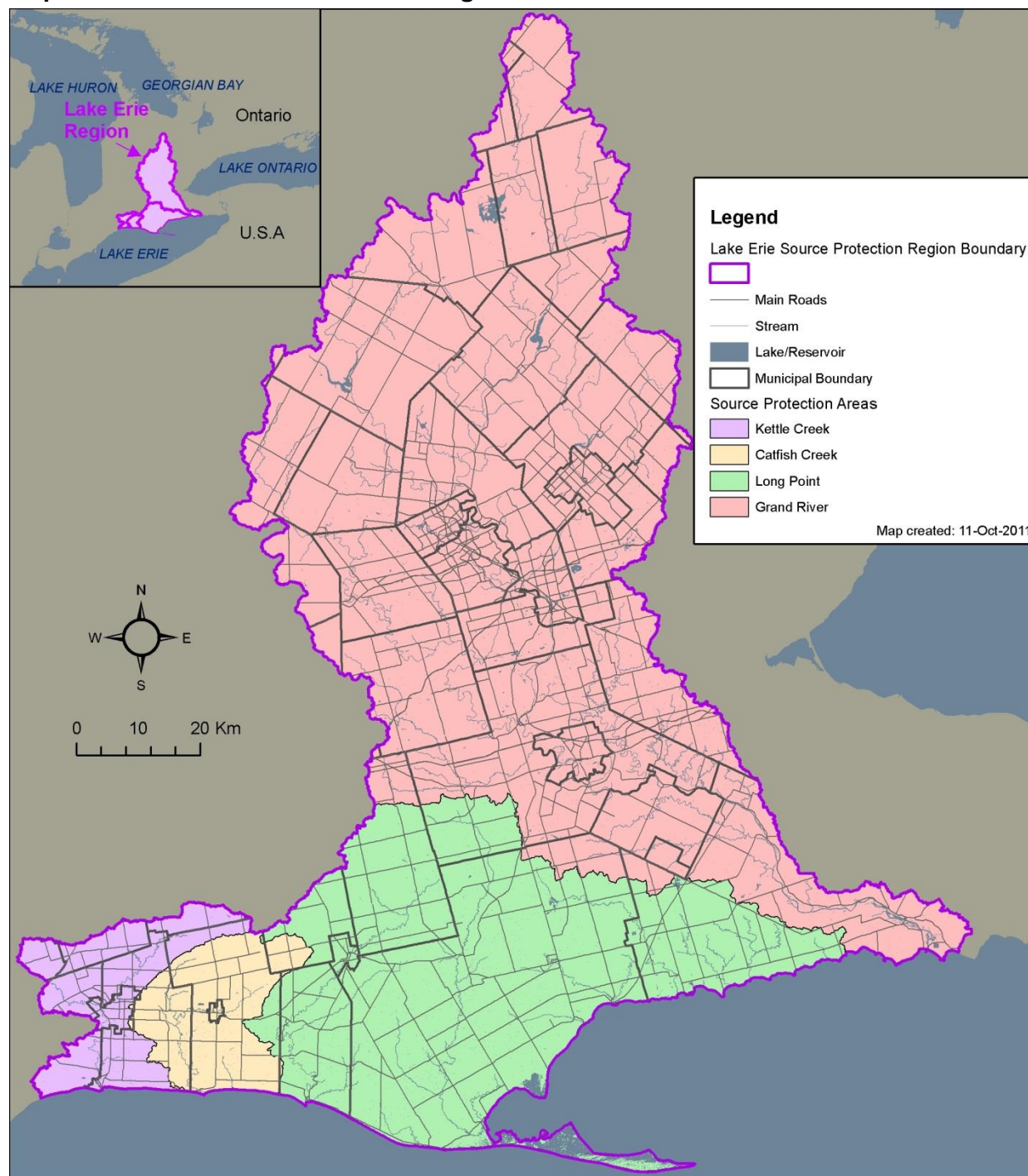
**Message from the Committee**

*The overall objective of the Lake Erie Region Source Protection Committee, in partnership with local communities and the Ontario government, is to direct the development of source protection plans that protect the quality and quantity of present and future sources of municipal drinking water in the Lake Erie Source Protection Region. We will work with others to gather technical and traditional (local and aboriginal) knowledge on which well-informed, consensus-based decisions can be made in an open and consultative manner. In developing the Source Protection Plan, the Lake Erie Region Source Protection Committee intends to propose policies that are environmentally protective, effective, economical, and fair to local communities.*

*The Committee will strive to develop policies that are practical and implementable, and that focus limited resources on areas that net the greatest benefit, while recognizing that the plan must address significant threats so that they reduce the risk to drinking water sources. Where possible, the Committee will strive to develop policies and programs that also provide a benefit to broader protection of water quality and quantity. The process to assess drinking water threats and Issues will be based on the best available science, and where there is uncertainty, we will strive to follow the precautionary approach.*

In December 2008, the Source Protection Committee submitted to the Minister of the Environment their Terms of Reference for the Grand River Source Protection Area Assessment Report and Source Protection Plan. The Terms of Reference that set out the work plan for completing both the Assessment Report and Source Protection Plan received Ministerial approval on July 6, 2009. A copy of the Grand River Source Protection Area Terms of Reference is available online at: [www.sourcewater.ca](http://www.sourcewater.ca).

Map A: Lake Erie Source Protection Region





## **4.1 Grand River Source Protection Area**

The Grand River watershed, as shown on **Map B** covers an area of approximately 6,800 km<sup>2</sup> in south central Ontario, and contains thirty-eight upper-, lower- and single-tier municipalities, and two First Nations communities. The watershed contributes about 10 percent of the drainage to Lake Erie. The length of the Grand River itself is 300 kilometres, while the average width of the watershed is 36 kilometres.

The population of the Grand River Source Protection Area is approximately 1,000,000 people. The municipal population projection estimates the population to reach 1,185,204 in 2026 and 1,618,930 in 2056. The central portion of the watershed is the most densely populated area with the Cities of Waterloo, Kitchener, Cambridge, Guelph and Brantford being the largest urban centres. The remaining areas in watershed are mainly rural agricultural and, as such, have lower population density.

The major tributaries of the Grand River include: the Conestogo and Nith River, draining the western half of the watershed; and the Speed River, which drains the north-east. Several smaller tributaries drain the southern half of the watershed. The largest of these include the Fairchild, Whitemans and McKenzie Creeks. Forested areas in the Grand River watershed make up approximately 19 percent of the total land cover, which is below the minimum of 30 percent advocated by Environment Canada. There are many significant wetland complexes found throughout the watershed. Wetland coverage in the Grand River watershed meets the minimum 10 percent wetland coverage suggested by Environment Canada within a watershed. However, in over half of the sub-watersheds in the Grand watershed, the percentage of existing wetlands is significantly lower, indicating considerable regional variation in wetland loss from one sub-watershed to another.

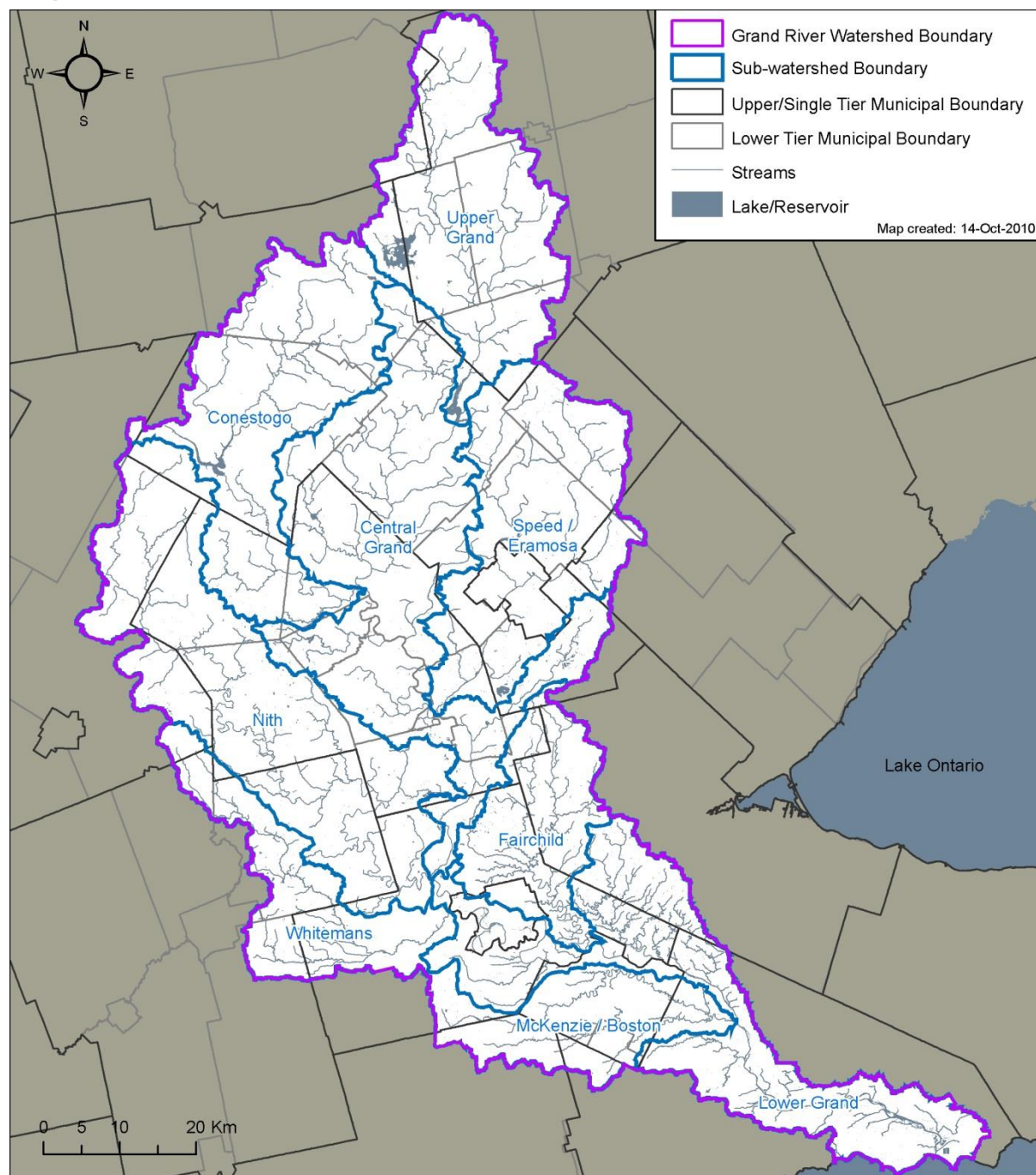
In total, there are 11 physiographic regions within the Grand River, including, from north to south: Dundalk Till Plain, Stratford Till Plain, Hillsburg Sandhills, Guelph Drumlin Field, Horseshoe Moraines, Waterloo Hills, Flamborough Plain, Norfolk Sand Plain, Oxford Till Plain, Mount Elgin Ridges, and Haldimand Clay Plain. Significant topographic features within the watershed include the moraine features (Waterloo, Orangeville among others), clay/till plains (Haldimand Clay Plain, Stratford Till Plain), drumlin fields, and incised river valleys.

Approximately 82 percent of the population of the Grand River watershed relies on groundwater for their drinking water supply. Agriculture, industry, and commercial production of bottled water for export also rely on groundwater sources in the Grand River region. Groundwater resources are found within both bedrock and overburden aquifers. Both the quality and quantity of groundwater are strongly influenced by the bedrock and overburden geology within the watershed.

### **Municipal Systems and Private Wells**

The population of the watershed that receives municipal water supplies is over 900,000. Groundwater forms the largest portion of municipal supply in the watershed with approximately 68% of all municipal demand coming from groundwater sources. The remaining 32% of municipal supply is from riverine sources and the Great Lakes. The estimated total rural municipally-unserved population for the Grand River watershed is approximately 129,000 residents.

Map B: Grand River Source Protection Area





## 5.0 DEVELOPMENT OF THE SOURCE PROTECTION PLAN

### 5.1 Establishing a Framework

The Source Protection Committee established a Terms of Reference prepared in accordance with the *Clean Water Act, 2006*. This Terms of Reference was approved by the Minister of the Environment on July 6, 2009, and included a description of the source protection planning process; maps of the source protection area and region; a description of the source protection area; a list of members of the Source Protection Committee; a list of municipalities wholly or partially within the Source Protection Area; a list of existing and planned municipal drinking water systems in the Source Protection Area; a list of matters that affect other source protection regions; and high level cost estimates, schedules, and assignment of responsibility for tasks.

The municipal role as defined with the source protection planning process was critical to the success of this program. Each task within the process was given an assigned lead – either municipalities or the Conservation Authority acting as the Source Protection Authority on behalf of the Source Protection Committee. Regardless of which party takes the lead for undertaking a particular task, the Lake Erie Region Source Protection Committee has the decision-making authority regarding the acceptability of the work or findings to be included in the Assessment Report and Source Protection Plan to be submitted, through the Source Protection Authority, to the Ministry of the Environment, Conservation and Parks for final approval.

Where municipalities intended to take the lead on a task, a municipal council resolution was required to assume the responsibility to undertake the task.

### 5.2 Preparing and Updating the Source Protection Plan

The Source Protection Plan builds on the information contained in the earlier reports. It sets out the actions required to address the drinking water threats identified in the science based Assessment Report and to meet the objectives outlined in the *Clean Water Act, 2006*. The Source Protection Plan sets out how drinking water threats will be reduced, eliminated or monitored, who is responsible for taking action, timelines, and how progress will be measured.

#### 5.2.1 Discussion Papers

As part of the early Source Protection Plan development process, a series of Discussion Papers were developed in 2011 by the Lake Erie Source Protection Committee for the prescribed drinking water quality threats and sub-threats, local threats, and optional content as outlined in **APPENDIX B**. These Discussion Papers provide background information on the drinking water threats and available policy tools that could be used to address each threat.

Consultation with agency and industry stakeholders was conducted between February and April 2011 through a series of 9 workshops. Participants offered input on the potential policy options and policy tools provided by the *Clean Water Act, 2006*. The results of the workshops were recorded and compiled in threat specific outcome reports. These outcome reports were subsequently reflected in the Discussion Papers, which served to elicit further feedback from stakeholders and the Source Protection Committee on policy options. After completion of the Discussion Papers, policy choices were selected by the Lake Erie Region Source Protection Committee and municipal councils with input from various stakeholders and policy developers. The policies were then consolidated into the Source Protection Plan.

A water quantity discussion paper for drinking water quantity threats 19 and 20 was developed between March and June 2018 as part of the Guelph-Guelph/Eramosa Water Quantity Policy Development Study. The development of water quantity policy approaches and draft water quantity policies was initiated with input from various stakeholders following the completion of the discussion paper and is ongoing. Final water quantity policies will be incorporated into a future update of the Grand River Source Protection Plan.

### **5.2.2 Pre-consultation with Implementing Bodies**

Before this Source Protection Plan was released to the public for review and comment, the Source Protection Committee pre-consult on draft policy amendments with individuals and agencies that are responsible for implementing them. Notices of pre-consultation for the Grand River Source Protection Plan were distributed to implementing bodies and government ministries that have obligations under the *Clean Water Act, 2006*. All comments made on the draft policies are considered. The following is a summary of what is required during pre-consultation in O. Reg. 287/07 under the *Clean Water Act, 2006*:

Section 34: Notice of plan revisions, draft policy text, summary of rationale for amendments and request for submission of written comments.

Notices have been sent to implementing bodies that have obligations under the *Clean Water Act, 2006*, of the opportunity for pre-consultation on Plan amendments prior to release of this Source Protection for public review and comment. The pre-consultation comment period was set from April 6 to May 11, 2021 for the following municipalities:

- Dufferin County
- Town of Grand Valley

Following pre-consultation and prior to public consultation, O. Reg. 287/07 under the *Clean Water Act, 2006* requires that source protection authorities obtain a municipal council resolution from each municipality affected by the amendments.

### **5.2.3 Public Consultation**

#### **Grand River Source Protection Plan Terms of Reference:**

The *Clean Water Act, 2006* under Section 8 requires the development of a Terms of Reference for the preparation of the Assessment Report and Source Protection Plan for each Source Protection Area.

The public was invited to review and comment on the draft Terms of Reference on September 5, 2008. The 35-day public comment period ended on October 10, 2008, and included three (3) public meetings in Brantford on October 1, 2008; in Cambridge on October 2, 2008 and in Fergus on October 6, 2008.

At the October 16 and November 6, 2008 Source Protection Committee meetings, the committee reviewed and considered all of the comments received during the public consultation period. The committee's responses to the comments are reflected in the Terms of Reference.

The Committee submitted the Terms of Reference to the Grand River Source Protection Authority on November 6, 2008, and released the Terms of Reference for an additional 30-day public comment period starting on November 7, 2008 closing on December 6, 2008.

Formal comments received were submitted to the Minister of the Environment with the Proposed Terms of Reference by the Grand River Source Protection Authority on December 19, 2008. The Minister approved the Terms of Reference on June 24, 2009 and it was officially posted to the Environmental Registry on July 6, 2009.

**Grand River Source Protection Plan**

Additional work has been completed since the first approval of the Grand River Source Protection Plan (including the assessment report) in November 2015. The public consultation period for the Grand River Source Protection Plan was set from June 21 to July 20, 2021. This consultation period provides an opportunity for stakeholders and the public to view and provide comment on the Grand River Source Protection Plan. The following steps are undertaken to satisfy the requirements of the *Clean Water Act, 2006*.

- The draft source protection plan is posted publically online at [www.sourcewater.ca](http://www.sourcewater.ca)
- Notification of public consultation is to affected implementing bodies
- Notification of the opportunity for public consultation is published in local newspapers
- Notification is sent to all persons believed to be engaged in significant drinking water threat activities, and affected municipalities
- Public meetings are held virtually

**5.2.4 First Nations Involvement**

The involvement of First Nations was very important to the planning and implementation of source protection plans to achieve source protection both on and off First Nations' land. The *Clean Water Act, 2006* included provisions that allow a First Nation's drinking water system, on a voluntary basis, to be considered as part of the source protection planning process.

The *Clean Water Act, 2006* and its Regulation required Source Protection Authorities to give the Chief of a Band for each reserve within the Source Protection Area/Region notice as per section 6 of O. Reg. 288/07 that advises of the opportunity for the Band Council to jointly select Source Protection Committee members. Lake Erie Region has two First Nations Reserves: Mississaugas of the New Credit First Nation and Six Nations of the Grand River.

The Mississaugas of the New Credit are connected to the Nanticoke water supply pipeline from Lake Erie, operated by Haldimand County. Their interest is likely to be in the protection of their own water supply.

The Six Nations of the Grand River supply water to the Ohsweken village and area from an intake and water treatment plant on the Grand River. The Six Nations intake is located in the lower part of the Grand River immediately downstream of the County of Brant and the City of Brantford. The majority of the intake protection zone located off reserve is within the County of Brant. A small portion to the north is located within the City of Brantford.

The *Clean Water Act, 2006* allows for drinking water sources for First Nations in reserves in source protection areas to be protected under the Act. Band Councils may submit a resolution to the Minister requesting that the Lieutenant Governor in Council make a regulation (under subsection 109(1)(w) of the Act) that prescribes an existing or planned drinking water system serving or planned to serve a reserve, for purposes of including the drinking water system in an assessment report (sub clause 15(2)(e)(iv) of the Act). Six Nations of the Grand River made a Band Council Resolution requesting inclusion of the Ohsweken (Grand River) drinking water system on October 21, 2008. This system is included in the source protection planning process.

The development of source protection policies for significant drinking water threats identified off-reserve is undertaken by the Grand River Conservation Authority acting as the Grand River Source Protection Authority on behalf of the Lake Erie Region Source Protection Committee, in consultation with Brant County and the City of Brantford following the same process used to develop policies for threats to the municipal drinking water systems, as identified in the Terms of Reference. Six Nations of the Grand River Band Council is investigating on-reserve threats and risks in a separate but parallel initiative.

### **5.3 Liaison with Other Source Protection Partners**

The Grand River Source Protection Area neighbours other Source Protection Areas and conservation authorities (see **Map C**) as follows:

#### Within the Lake Erie Source Protection Region

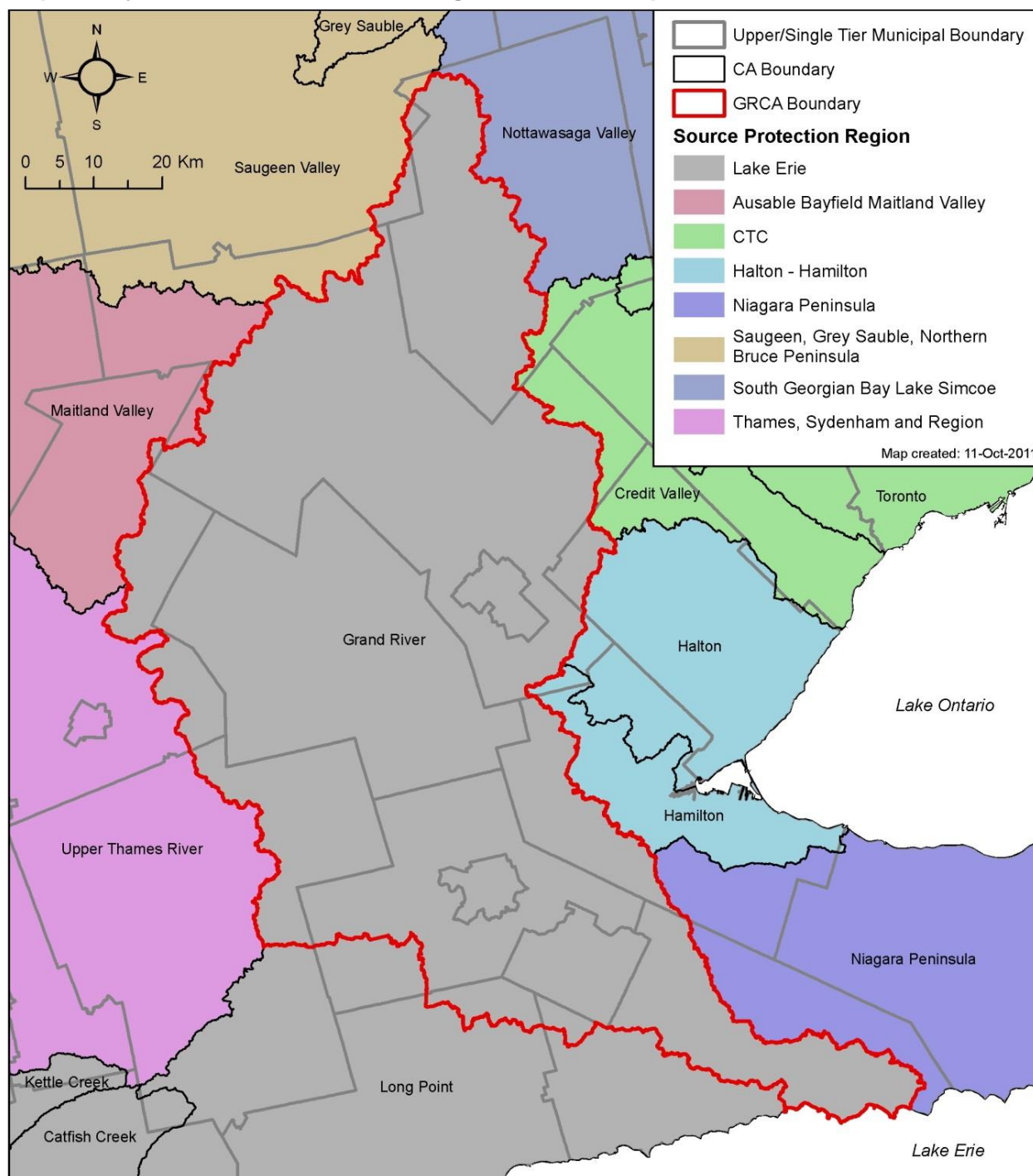
- Long Point Region Conservation Authority

#### Outside of the Lake Erie Source Protection Region

- Thames, Sydenham and Region Source Protection Region
  - Upper Thames River Conservation Authority
- Halton-Hamilton Source Protection Region
  - Hamilton Region Conservation Authority
  - Halton Region Conservation Authority
- CTC (Credit Valley, Toronto & Region and Central Lake Ontario) Source Protection Region
  - Credit Valley Conservation Authority
- Niagara Peninsula Source Protection Region
  - Niagara Peninsula Conservation Authority
- Ausable Bayfield Maitland Valley Source Protection Region
  - Ausable Bayfield Conservation Authority
  - Maitland Valley Conservation Authority
- Saugeen Valley, Grey Sauble, Northern Bruce Peninsula Source Protection Region
  - Saugeen Valley Conservation Authority
- South Georgian Bay Lake Simcoe Source Protection Region
  - Nottawasaga Valley Conservation Authority

In cases where two or more Source Protection Committees have jurisdiction in one municipality, the municipality has been engaged and has provided guidance to ensure consistent policy direction where possible. The same is true for bordering source protection authorities.

Communication with neighbouring regions throughout the source protection planning process has included sharing information available online at [www.sourcewater.ca](http://www.sourcewater.ca), teleconferences, workshops and meetings. Although not a requirement, consistency in policy direction was strived for through this sharing of information and early engagement activity.

**Map C: Adjacent Source Protection Regions and Municipalities**



## 6.0 DRINKING WATER THREATS

### 6.1 Identifying Drinking Water Threats

The Ontario *Clean Water Act, 2006* defines a drinking water threat as “an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulation as a drinking water threat.”

The Technical Rules (MOECC, 2017) list five ways to identify a drinking water threat:

- a) Through an activity prescribed by the *Clean Water Act, 2006* as a Prescribed Drinking Water Threat;
- b) Through an activity identified by the Source Water Protection Committee as an activity that may be a threat and (in the opinion of the Director) a hazard assessment confirms that the activity is a local threat;
- c) Through a condition that has resulted from past activities that could affect the quality of drinking water;
- d) Through an activity associated with a drinking water issue; and
- e) Through an activity identified through the events based approach.

The methods used to identify drinking water threats are described in detail in the Assessment Report available online at [www.sourcewater.ca](http://www.sourcewater.ca) and summarized below. To identify drinking water threats, studies were completed in the areas around municipal wells and surface water intakes to identify activities that could threaten municipal water supplies. A summary of the technical studies and enumeration of significant drinking water threats undertaken to characterize the Grand River watershed are found in the Assessment Report. Brief descriptions of the key components of this report are provided below.

#### **Water Quality Risk Assessment**

The Water Quality Risk Assessment identified ground and surface water vulnerable areas within the Grand River Source Protection Area, and evaluated the risk of contamination from specific drinking water threats (existing or future activities, or existing conditions that results from a past activity) entering drinking water supplies.

#### **Water Quantity Risk Assessment**

The Water Quantity Risk Assessment provides a framework to evaluate the reliability of surface water intakes or wellheads in the context of the local watershed. The objective of the framework is to help managers identify: 1) drinking water sources which may not be able to meet current or future demands and 2) the drinking water threats contributing to the water quantity problem. The risk assessment is carried out using three tiers that have been designed to minimize the amount of water budgeting work needed for wells and surface water intakes that are not under hydrologic stress.

#### **Groundwater Vulnerability**

The Groundwater Vulnerability module identified water quality Wellhead Protection Areas (WHPA) A, B, C, D and E around municipal drinking water supply wells, highly vulnerable aquifers (HVA), and significant groundwater recharge areas (SGRA). The relative vulnerability within each of these areas was characterized with a numeric score. The categorization reflected the susceptibility of the aquifer(s) in the vulnerable areas to surface (or near surface) sources of contamination. Vulnerable areas were delineated and assigned vulnerability scores along with the level of uncertainty associated with each score.

Water quantity Wellhead Protection Areas (WHPA-Q) were also identified around Grand River municipal drinking water wells. The relative vulnerability or “risk level” of the area corresponding to each of the WHPA-Qs was characterized as significant, moderate or low. The characterization reflected susceptibility of the aquifer(s) in the WHPA-Q to water use and a reduction in recharge. Vulnerable areas were delineated and assigned a risk level along with a level of uncertainty (high or low).

### **Surface Water Vulnerability**

The Surface Water Vulnerability module identified water quality Intake Protection Zones (IPZ) IPZ-1, IPZ-2, IPZ-3 for Lake Erie and riverine water supplies, assigned a vulnerability score for each of the zones referring to the comparative likelihood of a contaminant of concern reaching an intake. Potential human-made pathways that may allow contaminants of concern to enter the water directly, such as storm sewers, sanitary sewers, combined sewers, cooling water discharge sewers, and open drainage ditches were analyzed.

Contaminants of concern reaching an intake in significant quantities would likely be associated with storm events, spills or upset conditions such as extended power outages or pipes rupturing where they cross water courses.

The Intake Protection Zones (IPZs) were delineated and assigned vulnerability scores, obtained by multiplying the source vulnerability factor with the area vulnerability factor. A level of uncertainty was associated with each score. Vulnerability scoring was used to rank threats to drinking water in the surface water quality risk assessment.

Water quantity Intake Protection Zones (IPZ-Q) were identified for Grand River surface water intakes. IPZ-Qs correspond to the drainage area that contributes water to an intake, and the area that provides groundwater recharge to aquifers that contribute groundwater discharge to the drainage area. The area corresponding to the IPZ-Q is assigned a Risk Level of significant, moderate or low, depending on the intake’s current and long term sustainability. The Tier Three Assessment also identifies the level of uncertainty (high or low) associated with the Risk Level.

### **Issue Contributing Area (ICA)**

Through the Source Water Protection program, historical raw water groundwater chemistry was also analyzed for each municipal drinking water system. The analysis determined if concentrations of contaminants are present at the well which would lead to the deterioration of the quality of the water used for drinking water. For each identified Issue an Issue Contributing Area (ICA) was developed, which in most cases is the 25 year time of travel capture zone. The ICA is the area within which activities have or are likely to contribute to the elevated contaminant at the well.

### **Threats Inventory and Issues Evaluation**

The water quality Threats Inventory and Issues Evaluation included the areas around each drinking water intake and well. A hazard rating associated with the inventoried drinking water threats was used to rate the likelihood of a chemical or pathogenic contamination of a drinking water source, as well as the potential severity of its impact. An inventory of contaminant pathways was mapped and each threat was categorized as significant, based on the qualitative assessments in the vulnerable areas. In most cases, moderate and low drinking water threats were not enumerated.

A water quantity threats inventory included areas around municipal wells and intakes assigned a moderate or significant risk level. The definition of a drinking water quantity threat is the following:

- An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body (i.e., a consumptive demand) and;
- An activity that reduces the recharge to an aquifer.

Consumptive demand includes all permitted and non-permitted water uses.

## 6.2 Prescribed Drinking Water Threats

Section 1.1 of O. Reg. 287/07, made under the *Clean Water Act, 2006* identifies 22 activities as 'prescribed drinking water threats'. This includes twenty (20) drinking water quality threats and two (2) drinking water quantity threats.

The twenty-two (22) drinking water threats identified in the regulations established under the *Clean Water Act, 2006* are as follows:

1. The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the *Environmental Protection Act*.
2. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
3. The application of agricultural source material to land.
4. The storage of agricultural source material.
5. The management of agricultural source material.\*
6. The application of non-agricultural source material to land.\*\*
7. The handling and storage of non-agricultural source material.
8. The application of commercial fertilizer to land.\*\*\*
9. The handling and storage of commercial fertilizer.
10. The application of pesticide to land.
11. The handling and storage of pesticide.
12. The application of road salt.†
13. The handling and storage of road salt.
14. The storage of snow.
15. The handling and storage of fuel.
16. The handling and storage of a dense non-aqueous phase liquid.
17. The handling and storage of an organic solvent.
18. The management of runoff that contains chemicals used in the de-icing of aircraft.
19. An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
20. An activity that reduces the recharge of an aquifer
21. The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.
22. The establishment and operation of a liquid hydrocarbon pipeline



\* No policies were included for the management of agricultural source material, i.e., aquaculture (prescribed drinking water threat #5) as the circumstances for this threat are such that the vulnerability scoring would never present a significant threat in the vulnerable areas in the Grand River Source Protection Area.

\*\* The application of most types of non-agricultural source material (NASM) (#6) can only be a significant drinking water threat if the percent managed land and livestock density meet specific criteria.

\*\*\* The application of commercial fertilizer (#8) can only be a significant drinking water threat if the percent managed land and livestock density meet specific criteria.

† The application of road salt (#12) is only a significant drinking water threat if the impervious area is equal to or greater than 80%.

For a more complete description of the drinking water quality and quantity threats, see **APPENDIX B**.

### Drinking Water Quality Threat Tables

The Ministry of the Environment, Conservation and Parks Source Water Protection Tables of Drinking Water Threats and Circumstances includes – tables of drinking water threats sorted according to the various activities that could constitute a significant, moderate or low threat to municipal drinking water sources. The tables can be accessed using the Source Water Protection Threats Tool ([www.swpip.ca/threats](http://www.swpip.ca/threats)).

In the Tables of Drinking Water Threats, each of the twenty-two (22) prescribed drinking water threats has been broken out into a number of circumstances that are significant, moderate, or low threats depending on the vulnerability score and the vulnerable area. The Grand River Source Protection Plan addresses primarily significant drinking water threats. Additional drinking water threat policies and optional content, as approved by the Source Protection Committee, are also included and described below.

## 6.3 Optional Content

O. Reg 287/07 under the *Clean Water Act, 2006* provides for optional content to be included in the Source Protection Plan. The Source Protection Committee decided that the first Source Protection Plans should not include policies for moderate and low drinking water threats; incentive programs or education/outreach programs for systems not included in the Terms of Reference; or policies for data collection for climate change. On January 13, 2011, the Source Protection Committee passed a resolution (Res. No. 05-11) that determined the Source Protection Plans shall include the policies listed below:

1. Policies on Conditions from past activities that have been identified as significant drinking water threats in the Assessment Reports;
2. Policies to update spill prevention, spill contingency or emergency response plans along highways, railways or shipping lanes in Intake Protection Zones (IPZ) or Wellhead Protection Area (WHPA);
3. Policies that govern transport pathways;
4. Policies for the monitoring of moderate and low threats in specific situations;
5. Anything that will assist in understanding the plan; and
6. Dates for when the policies take effect.

Further detail on the rationale behind what topics were not included in this Source Protection Plans is provided in the Explanatory Document.

A more complete description of each of the optional content sections is presented in **APPENDIX B**.

#### **6.4 Grand River Watershed and Great Lakes Agreements**

Under the *Clean Water Act*, 2006, the following Great Lakes agreements must be considered in the work undertaken in Assessment Reports:

- Canada – United States Great Lakes Water Quality Agreement (GLWQA)
- Canada – Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA)
- Great Lakes Charter
- Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement

The Great Lakes Water Quality Agreement and the Canada – Ontario Agreement generally deal with water quality concerns, while the Great Lakes Charter, the Great Lakes Charter Annex, and the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement provide principles for joint water resources management and water quantity and quality concerns in the Great Lakes Basin.

The Grand River watershed drains directly into Lake Erie and has the potential to contribute pollutants to the lake. The work described in the approved Assessment Report considered the impact of the Great Lakes Agreement on the Dunnville drinking water intake. The Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement sets out conditions under which transfers of water from one Great Lake watershed into another (intra-basin transfer) can occur. The surface water intakes in Grand River watershed are not intra-basin transfers since wastewater is discharged back into the Lake Erie watershed, therefore no Great Lake Policies will be included in the Grand River Source Protection Plan at this time.

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## 7.0 HOW TO READ THE SOURCE PROTECTION PLAN

### 7.1 Legal Effect of the Source Protection Plan

As required by the *Clean Water Act, 2006* the Source Protection Plan policies must identify who will be responsible for implementation. The legal effect describes whether there is a legal obligation for the responsible party to implement the policy. Three factors determine the legal effect of a policy: 1) the policy tool, 2) the ranking of the threat (significant/moderate/low), and 3) the implementing body. This information is presented in the Legal Effect Matrix, included in **APPENDIX C**. Further information about the legal effects of the Plan is presented in Volume II.

### 7.2 Source Water Protection Policy Tools

The *Clean Water Act, 2006* (O. Reg. 287/07) enables a range of approaches or “policy tools” to achieve the objectives of the Source Protection Plan.

#### 7.2.1 Part IV Tools

Part IV of the *Clean Water Act, 2006* created additional tools that can be used to implement a significant threat policy to address significant drinking water threat activities. Specifically, Part IV provides Source Protection Committees with the following tools to address significant drinking water activities:

- Prohibiting the activity (section 57)
- Requiring a Risk Management Plan for the activity (section 58)
- Restricted Land Use (section 59)

#### Section 57: Prohibition

Section 57 Prohibition can be used to prohibit both existing and/or future occurrences of an activity.

#### Section 58: Risk Management Plans

Section 58 Risk Management Plans are site-specific documents, established after the approval of the Source Protection Plan. A Risk Management Plan outlines the actions required to address identified significant drinking water threat(s), accounting for risk management measures already in place. The Risk Management Plans are negotiated between the Risk Management Official and the person engaging in the activity that is or would be causing a significant drinking water threat. A Risk Management Plan can be thought of as a means of applying regulatory controls to an activity; it is a plan that regulates how a significant drinking water threat activity is undertaken – one which offers the opportunity for practical considerations and local agreement. A Risk Management Plan must be established for the significant drinking water threat activity to be undertaken or continue to be undertaken at a site thus ensuring reasonable mitigated measures are in place to protect the water supply.

While the intent is for Risk Management Plans to be voluntarily negotiated wherever possible, the authority does exist within the *Clean Water Act, 2006* for a Risk Management Plan to be imposed by a Risk Management Official on a person engaged (or proposing to engage) in an activity. Under section 58 of the *Clean Water Act, 2006* the Risk Management Official can give the property owner a notice establishing a deadline for negotiating the Risk Management Plan. If this deadline is not met, the Risk Management Official may establish a Risk Management Plan by order. It is intended that this authority would be used only as a last resort.

**Section 59: Restricted Land-use**

Where the Source Protection Plan includes policies using section 57 prohibition or section 58 Risk Management Plans, a complementary policy that uses section 59 may exist. The purpose of section 59 is to ensure that, if a development that may include a significant drinking water threat activity is proposed in an area that is subject to section 57 or 58 policy, then approvals for the proposal (i.e. municipal approvals, planning approvals or building permits) cannot be issued until the Risk Management Official has an opportunity to review the proposal and ensure its compliance with those provisions (MOE Administering & Enforcement of Part IV, 2011).

**7.2.2 Land-use Planning**

The *Clean Water Act, 2006* recognizes the authority of the *Planning Act* and *Condominium Act* to regulate land uses and provides for the implementation of certain source protection plan policies through Ontario's existing land use planning framework. The *Planning Act* and *Condominium Act* in Ontario provide tools with which municipalities can regulate development as they plan their communities, such as allocating land for agricultural, residential, commercial or mixed uses.

**7.2.3 Prescribed Instruments**

Under the *Clean Water Act, 2006* an "instrument" is defined as any document of legal effect, including a permit, licence, approval, authorization, direction or order issued or otherwise created under an Act. These instruments listed in section 1.0.1(1) of O. Reg. 287/07 are prescribed for the purposes of the *Clean Water Act, 2006* policy development.

Prescribed Instruments listed in section 1.0.1(1) of O. Reg. 287/07 under the *Clean Water Act, 2006* are as follows:

- Section 39 of the *Environmental Protection Act* with respect to environmental compliance approvals for the use, operation, establishment, alteration, enlargement or extension of waste disposal sites or waste management systems;
- Sections 7 and 11 of the *Pesticides Act* with respect to permits for land exterminations, structural exterminations and water exterminations;
- Sections 10, 14, 15.2, and 28 of O. Reg. 267/03 made under the *Nutrient Management Act* with respect to nutrient management plans, nutrient management strategies and non-agricultural source material plans;
- Sections 8, 11, 13, 20, 30, 36, and 37 of the *Aggregate Resources Act* with respect to licenses, wayside permits, aggregate permits or site plans accompanying applications for wayside permits or aggregate permits;
- Sections 34 and 53 *Ontario Water Resources Act* with respect to permits to take water and approvals to establish, alter, extend or replace new or existing sewage works; and
- Sections 40 and 44 of the *Safe Drinking Water Act* with respect to drinking water works permits and municipal drinking water licenses

**7.2.4 Non-Regulatory Tools**

In addition to the tools listed above a Source Protection Plan can use a number of non-regulatory tools to manage existing and future drinking water threats. The legal effect of these policy tools is dependent on the party responsible for implementation and the risk level of the threat being addressed. The following are the non-regulatory tools provided by the *Clean Water Act, 2006*:

- education and outreach programs;
- incentive programs;

- establishment of stewardship programs;
- specify and promote best management practices;
- establishment of pilot programs;
- govern research; or
- specify actions to be taken to implement the plan or to achieve the plan's objectives.

These policy approaches may be applied alone or in combination with other policy approaches to deal with a particular drinking water threat.

**Education and Outreach and Incentive Programs**

Education and outreach programs can be used to inform the identified property owners of the drinking water threats associated with their property. Further, these programs can encourage the use of best management practices to manage the drinking water threat. Incentives are used to encourage an action by means of support, usually financial.

**Stewardship Programs**

In Ontario, stewardship programs are typically collaborative partnerships between organizations (who provide financial or technical assistance, information, or data) and individuals who take action at a local scale. This assistance may be provided for the development of educational materials, incentives for infrastructure upgrades, or to maintain a monitoring and information network. Local conservation authorities may already administer stewardship programs for drinking water source protection or for environmental conservation that also benefits source protection.

**Best Management Practices**

Often, with activities like agriculture or construction, there are also sector established best management practices that promote the safest or most efficient way of doing something. Information on typical best management practices may be available from professional organizations and industry associations as well as from people who operate in that sector. Best management practices can apply to a range of measures from operational procedures to administrative processes. While best management practices are generally voluntary in nature, source protection plan policies can support the continuation of these practices and encourage their use at other sites where similar threat activities occur.

**Pilot Programs**

Emerging technologies or new methods to address certain threats to drinking water may need to be assessed for their applicability in different situations, or for their suitability to address a wider range of threats. Pilot programs could test these methods or technologies and look at the feasibility of the approach in addressing particular threats or to examine potential improvements to these methods or technologies.

**Research**

There may be situations where the Source Protection Committee feels that further research is necessary to develop new methods or new technologies for addressing certain threats. This may be the case where; existing methods to address the threat have not been as effective as desired under local conditions and the committee feels that research may find a better solution or modification.

## Specify Actions

The Source Protection Plan can include specific actions to achieve the Plan's objectives. Specify Action refers to a set of policy tools described within portions of section 26 and 27 of O. Reg. 287/07 under the *Clean Water Act, 2006*. This type of policy specifies that an implementing body undertake a particular action to address either a specific threat identified in the Assessment Report or a transport pathway. A specify action policy can be a significant threat policy if it addresses an activity that is identified as a significant threat. Some specify action policies can have a 'comply with' (CW) legal effect if they address significant drinking water threats and are directed at a municipality, local board or source protection authority (these appear on List E within the appendices of the Plan). Others are 'non binding' (NB), for example if they rely on specify action tools and are directed at an implementing body other than a municipality, local board or source protection authority, such as a provincial ministry (these appear on List K within the appendices). Specify action policies can also be grouped as strategic action policies (List J) if they meet the criteria set out in section 33 of O. Reg. 287/07 under the *Clean Water Act, 2006*.

Specify Action policies are policies identified in the following sections of the O. Reg. 287/07:

- Section 26– policies that specify the actions to implement the SPP or achieve the plans objectives with respect to drinking water threats identified in the Assessment Report
- Section 26 – policies that specify the actions with regards to climate data gathering
- Section 26 – policies that specify the actions with regards to updating spill prevention and spill contingency plans or emergency response plans along highways, railway lines, or shipping lanes
- Section 27 – policies that specify the actions with regard to transport pathways

### 7.2.5 Strategic Action

Strategic Action refers to a group of policies as per section 33 of O. Reg. 287/07 under the *Clean Water Act, 2006*. These are policies that do not address significant threats, are not Great Lakes policies, are not monitoring policies, and are not "have regard to" policies under the *Planning Act* or the *Condominium Act, 1998* or "have regard to" policies that affect Prescribed Instruments. For the most part, these policies address items such as Transport Pathways, Spills Prevention & Response Plans, and moderate or low threat policies that use tools other than *Planning Act* or Prescribed Instruments. Strategic action policies appear on List J within the appendices of Volume II of the Source Protection Plan and are non binding.

## 7.3 How to Read Volume II of the Source Protection Plan

Sections 1 and 2 of Volume II present information required to understand the policies contained in the Source Protection Plan. Sections 3 to 16 of Volume II contain the Source Protection Plan policies, by municipality, that have been developed to meet the objectives of the *Clean Water Act, 2006*. The following is a guide to how to read Volume II to determine if a property is or would be subject to the presented Source Protection Plan policies.

For each drinking water system Policy Applicability Mapping are included within the schedules. This mapping has been adapted from the Assessment Report mapping, available online at [www.sourcewater.ca](http://www.sourcewater.ca). The Policy Applicability Mapping presents a summary of the prescribed drinking water threats and the location where policies will apply

Policy applicability mapping for water quality threats is based on the Tables of Drinking Water Threats, published under the *Clean Water Act, 2006*. As the Policy Applicability Map is a summary, not all of the details about the circumstances under which the water quality policies



would apply are captured and the reader should refer to the Tables of Drinking Water Threats and Circumstances using the Source Water Protection Threats Tool ([www.swpip.ca/threats](http://www.swpip.ca/threats)). A summary of which activities are significant drinking water quality threats and where they exist is also presented in the Assessment Report in a tabular format. The table, for each of the drinking water systems, is found under the Drinking Water Quality Threats Assessment Section of the Assessment Report. The Assessment Report table, along with the Source Water Protection Threats Tool, will assist the reader in determining which drinking water threats are significant under various circumstances.

Water quantity policy applicability mapping follows the Province's 2017 Technical Rules in which all water quantity threats, i.e., reductions of groundwater recharge and consumptive water use of groundwater, including non-municipal and municipal water takings, are classified as significant water quantity threats within the significant vulnerable area Wellhead Protection Area Quantity (WHPA-Q).

The first step to determine if the property is subject to a Source Protection Plan policy is to determine if the property is located within an area where a policy applies as shown on the Policy Applicability Map. The Lake Erie Source Protection Region has developed an on-line web tool that will help readers determine if a property is affected by source protection policies: <http://maps.grandriver.ca/swp-policymapping/>. Once located, the user should have the following information:

#### Water Quality Policies

- The wellhead protection area and/or intake protection zone where the property is located.
- The vulnerability score (how vulnerable the area is to contaminants). 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.
- Prescribed Drinking Water Threats that would be significant drinking water threats if present on the property.

The reader should next consult the Source Water Protection Threats Tool ([www.swpip.ca](http://www.swpip.ca)) to find the exact detailed information about the circumstances that would make the activity a significant drinking water threat.

With these three pieces of information, the reader should then consult the applicable policies listed under the Prescribed Drinking Water Threats section of Volume II of the Source Protection Plan. A review of the policies aided by the sidebar should indicate which policy would apply to that property based on the activities being conducted.

#### Water Quantity Policies

Identifying if a water quantity policy applies to a particular property requires less information. The user simply locates the significant WHPA-Q where the property is located and any Prescribed Drinking Water Quantity Threat occurring on that property would be considered a significant threat and policies may apply. A review of the policies aided by the sidebar notes should indicate which policy would apply to that property based on the activities being conducted.



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## **8.0 SOURCE PROTECTION PLAN IMPLEMENTATION**

### **8.1 Status and Effect**

Following the Minister of the Environment, Conservation and Parks approval of the Source Protection Plan, the decision notice will be posted on the Environmental Bill of Rights Registry. The Source Protection Plan takes effect on the date set by the Minister.

### **8.2 Roles and Responsibilities**

The implementation of the source protection policies included in Volume II of this Plan requires the cooperation of the various source protection partners. The following section outlines the key roles and responsibilities of the players in the implementation of the Source Protection Plan.

#### **Source Protection Committee**

The Source Protection Planning process is being led by a multi-stakeholder steering committee called the Lake Erie Region Source Protection Committee. The Committee was formed in November 2007, and is responsible for directing the development and updates of the Assessment Reports and Source Protection Plans and annual reporting for each of the four Source Protection Areas in the Lake Erie Region. The committee is comprised of twenty-four (24) local stakeholders and a Chair as defined in the Regulation.

The Lake Erie Region Source Protection Committee has the decision-making authority regarding the acceptability of the work or findings to be included in the Assessment Report and Source Protection Plans.

#### **Source Protection Authority**

The conservation authority exercises the responsibilities of a Source Protection Authority under the *Clean Water Act, 2006* and is responsible for providing technical and administrative support to the Source Protection Committee. The Source Protection Authority, along with municipalities and other partners, has an important role in monitoring and reporting on the progress of the Source Protection Plan's implementation. They will continue their role as liaison with the Ministry of Environment, Conservation and Parks and local conservation authorities and municipalities. The Source Protection Authority submits any Updated Source Protection Plans, Terms of Reference, and Assessment Reports to the Ministry of the Environment, Conservation and Parks for approval.

#### **Province**

The Province is required to carry out the significant threat policies associated with provincial instruments as prescribed in O. Reg. 287/07 section 1.0.1 and implement monitoring policies developed under section 45 of the *Clean Water Act, 2006*. Also, other non binding policies will request the Province to take specific actions as an implementing body.

#### **Municipalities**

Municipalities have a strong role in implementing Source Protection Plans. Currently, municipalities are responsible for the delivery of municipal drinking water and land use planning. Many of the Source Protection Plan policies included in this plan build on these roles, meaning implementation of the Source Protection Plan policies is for the most part incorporated into existing municipal planning processes.

Municipalities are responsible for bringing their Official Plans, by-laws into conformity with the significant threat policies contained in the Source Protection Plan. They are required to ensure that any future undertaking does not conflict with the Source Protection Plan.

For the implementation of policies that use Part IV Tools, two roles are required of municipalities as outlined in the *Clean Water Act, 2006* – a Risk Management Official and a Risk Management Inspector (section 52). The Risk Management Official is responsible for negotiating or establishing Risk Management Plans (section 58). In addition, the Risk Management Official has the authority to establish interim Risk Management Plans by order (section 56), establish enforcement orders (section 63), and cause things to be done (section 64), enter property if appropriately trained (section 66), issue orders to pay costs (section 67), and submit annual reports (section 81). The Risk Management Inspector has authority to conduct inspections (section 62), issue enforcement orders (section 63), issue an order causing a thing to be done (section 65 where person liable is unknown), and enter property (section 66). The Risk Management Inspector is also responsible for prosecution related to activities stipulated by section 106 of the *Clean Water Act, 2006*.

The Risk Management Official and Risk Management Inspector are needed to meet specific regulatory requirements to manage certain drinking water threat activities; they must hold specific qualifications and receive proper training, as outlined in the O. Reg. 287/07. It is permitted that Risk Management Officials and Risk Management Inspectors may be cross-appointed; i.e. an individual who is appointed as a Risk Management Official can also be appointed as a Risk Management Inspector. The *Clean Water Act, 2006* contains provisions whereby a municipality can enter into an agreement with other entities, including a board of health, planning board, other municipalities or the Source Protection Authority, in which case that entity would be responsible for Part IV enforcement. Two or more municipalities can also share the responsibility for enforcing Part IV, under the *Clean Water Act, 2006*.

### **Landowners and Business Owners**

Individual property owners and local businesses may be asked to take action on significant drinking water threats occurring on their properties, where they are located within wellhead and intake protection areas. The action taken will be dependent on the Source Protection Plan policy outlined in Volume II of this Source Protection Plan.

### **Other Agencies / Parties**

Source Protection Plan policies can also provide direction to other agencies and parties such as the Federal Government and the Technical Safety and Standards Authority (TSSA). The action taken and legal effect is dependent on the Source Protection Plan policy outlined in Volume II of this Source Protection Plan.

## **8.3 Annual Review Process**

The *Clean Water Act, 2006* requires that the Source Protection Authority prepare and submit an annual progress report and supplemental form describing the measures taken to address existing and future significant drinking water threats, the results of monitoring and the progress that has been achieved in meeting the Source Protection Plan's objectives. Annual reports are submitted to the Director by May 1 in the year following the year to which the reports apply. The annual progress reports and supplemental forms rely on several sources for information. Further details on what information must be included in these annual reports can be found in section 46 of the *Clean Water Act, 2006* and section 52 of O. Reg. 287/07.

Prior to the submission to the Director of the Ministry of the Environment, Conservation and Parks, the annual report will be submitted to the Source Protection Committee with the opportunity to provide comments. The report, along with the comments from the Source Protection Committee, will then be submitted to the Director of the Ministry of the Environment, Conservation and Parks allowing them to monitor progress of the Source Protection Plan policies against the objectives outlined in the *Clean Water Act, 2006*.

The annual progress report and supplemental form provide the basis for future Source Protection Plan amendments and will serve as important information in the ongoing assessment of progress towards source water protection.

## **8.4 Financing and Costs**

As of the date this Source Protection Plan was completed there has been no long-term financial commitment from the Ministry of the Environment, Conservation and Parks for implementation of Source Protection Plans. Starting in 2013 through to the end of 2017, the Ministry provided funding for small and rural municipalities through the Source Protection Municipal Implementation Fund (SPMIF). The fund was designed to support municipal activities in the early stages of implementation. Moving forward, the Ministry is expecting municipalities to fund implementation efforts without provincial support.

The Province of Ontario continues to support the source protection planning process, including capacity building, at each conservation authority, the writing of various reports and completion of the technical documents, and the process to update Assessment Reports and Source Protection Plans. The Grand River Conservation Authority has the responsibility for fiscal management with parties undertaking tasks in the Lake Erie Source Protection Region. Where a municipality has taken the lead for specific tasks, a Memorandum of Agreement between the Grand River Conservation Authority and the municipality was required, setting out the legal and financial obligations, technical deliverables, and schedules. The Province also provided one-time assistance to small and rural municipalities under the Source Protection Municipal Implementation Fund for preparing and implementing the Source Protection Plans.

Section 97 of the *Clean Water Act, 2006* establishes the Ontario Drinking Water Stewardship Program. The program provided financial assistance to those whose activities and properties may be affected by the implementation of the Source Protection Plan between 2008 and 2014. The program also provided for outreach and education programs to raise awareness of the importance and opportunities for individuals to take actions to protect sources of drinking water. O. Reg. 287/07 (General) further clarifies the details of the Ontario Drinking Water Stewardship Program.

Under the stewardship program, funding from the Ministry of the Environment provided grants to undertake early actions that protect municipal sources of drinking water. The grants are directed at landowners within close proximity to municipal wells or surface water intakes to undertake projects that reduce or eliminate existing potential contamination sources. In addition, funding has been available for communications and outreach efforts to persons and businesses in these areas. The program received funding from 2008 until 2014 to provide grants to undertake Early Response Programs to address significant drinking water threats in advance of approved source protection plans.

By way of committee resolutions and letters to the Ministry, the Lake Erie Source Protection Committee requested that the Province of Ontario continue to support funding of the Ontario Drinking Water Stewardship Program beyond 2014. The Joint Advisory Committee (JAC)

continues to encourage the Province to re-establish and rejuvenate the stewardship program to support local source protection plan implementation to bring to the Province for consideration. The committee believes that ongoing funding is needed to provide financial assistance to property owners affected by new policies and risk reduction strategies as a result of the approved Source Protection Plans.

Source water protection is a responsibility that crosses watershed and municipal boundaries; therefore, arriving at a fair and equitable manner to share the financial responsibilities of implementation of the Source Protection Plan is complicated. Within the *Clean Water Act*, 2006 some provisions are set out for financing various aspects of source protection including stewardship programs and application of fees for Part IV policies.

As stated in the *Clean Water Act*, 2006 fees can be applied for applications received under section 58, 59 or 60, for agreeing to or establishing a Risk Management Plan under section 56 or 58, for issuing a notice under section 59, for accepting a risk assessment under section 60, or for entering property or exercising any other powers under section 62.

The Lake Erie Source Protection Committee has, from the onset of the planning process, empowered the municipalities to direct the source protection plans to meet their needs. The Lake Erie Region has been unique in this approach in allowing municipalities to take the lead on the technical assessment and policy development. This has resulted in local plans that are financially practical and implementable.

The *Clean Water Act*, 2006 and the source protection planning process was a program introduced by the Province in response to a province-wide concern about the safety of municipal drinking water. The Lake Erie Region Source Protection Committee strongly believes that the Province should continue to fund the implementation of the Grand River Source Protection Plan and is committed to requesting that this be done.

## APPENDIX A: DEFINITIONS

**“Activity”** includes land use as defined in the *Clean Water Act, 2006*. Activities are prescribed in the Table of Drinking Water Threats: *Clean Water Act, 2006* and in the Technical Rules: Assessment Report.

**“Chemical”** means a substance of distinct molecular composition which has been deemed to be of concern to drinking water due to its toxicity, environmental fate, quantity, method of release into the environment and type of vulnerable area into which it might be released; (see the Ministry of the Environment publication Table of Drinking Water Threats: *Clean Water Act, 2006*).

**Conditions:** Are referred to in section 15(2)(g) of the *Clean Water Act, 2006* and are identified in the Grand River Source Protection Area Assessment Report.

**“Director”** means the director appointed under the *Clean Water Act, 2006*.

**“Drinking Water”** has the same meaning as in the *Safe Drinking Water Act, 2002*.

**“Drinking Water Threat”** means an activity or condition that adversely affects or has the potential to adversely affect the quality (chemical or pathogen) or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat. O. Reg. 287/07 sets out in Section 1.1(1) a prescribed list of drinking water threats.

**“Existing”** see definition stated in the municipal sections of Volume II of the Grand River Source Protection Plan.

**“Future or New”** see definition stated in the municipal sections of Volume II of the Grand River Source Protection Plan.

**“Groundwater”** is water that has percolated into the ground and occupies spaces between soil particles or cracks and fissures in otherwise solid rock. (Source: Ministry of the Environment. 2004. White Paper on Watershed-based Source Protection Planning).

**“Implementing Body”** can be a provincial ministry, municipality, local board, source protection authority, or other body.

**“Intake Protection Zone”** (IPZ) means a zone established around a surface water intake of drinking water as prescribed in the Technical Rules: Assessment Report.

**“Issue Contributing Area”** (ICA) means an area established around a well or intake where an Issue has been identified as per the Technical Rules: Assessment Report

**“Legal Effect”** 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 (Source: Conservation Ontario. 2011. Legal Effect of Source Protection Policies).

**“Low Drinking Water Threat”** means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a low risk (Source: *Clean Water Act, 2006*. O Reg. 287/07)

**“Moderate Drinking Water Threat”** means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a moderate risk (*Source: Clean Water Act, 2006. O Reg. 287/07*).

**“Pathogen”** means a microscopic organism capable of producing infection or infectious disease in humans (*Source: Tables of Drinking Water Threat, Clean Water Act, 2006*).

**“Planned”** means, with respect to a drinking water system, a drinking water system that is to be established, or a part of a drinking water system that is to be established, if, (a) approval to proceed with the establishment of the system or part has been given under Part II of the *Environmental Assessment Act*, (b) the establishment of the system or part has been identified as the preferred solution within a completed planning process conducted in accordance with an approved class environmental assessment under Part II.1 of the *Environmental Assessment Act* and no order has been issued under subsection 16 (1) of that Act, or (c) the system or part would serve a reserve as defined in the *Indian Act* (Canada) (*Source: O. Reg. 287/07*).

**“Policy Lead/ Task Lead/ Developer”**: The lead authority as outlined in the appropriate Approved Terms of Reference for the Preparation of the Source Protection Plan.

**“Prescribed Instrument”** is any document of legal effect, including a permit, licence, approval, authorization, direction or order, that is issued or otherwise created under an Act and listed in Section 1.0.1 of O. Reg. 287/07.

**“Risk Management Inspector”** means a Risk Management Inspector appointed under Part IV of the *Clean Water Act, 2006* (*Source: Clean Water Act, 2006*).

**“Risk Management Official”** means the Risk Management Official appointed under Part IV of the *Clean Water Act, 2006* (*Source: Clean Water Act, 2006*).

**“Risk Management Plan”** means a plan for reducing a risk prepared in accordance with the regulations and the rules of the *Clean Water Act, 2006* (*Source: Clean Water Act, 2006*).

**“Significant Drinking Water Threat”** means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk. The Provincial Table of Drinking Water Threats: *Clean Water Act, 2006* along with the vulnerability score in the Assessment Report provides the basis for the risk assessment.

**“Significant Groundwater Recharge Area”** means an area within which it is desirable to regulate or monitor drinking water threats that may affect the recharge of an aquifer. (*Source: O. Reg. 287/07*)

**“Source Protection Authority”** means a conservation authority or other person or body that, under subsection 4 (2) or section 5, is required to exercise and perform the powers and duties of a drinking water source protection authority under the *Clean Water Act, 2006*. In this Source Protection Plan, it refers specifically to the Grand River Source Protection Authority.

**“Source Protection Committee”** means a drinking water source protection committee established under section 7 of the *Clean Water Act, 2006*. In this Source Protection Plan, it refers specifically to the Lake Erie Region Source Protection Committee.



**“Source Protection Plan”** means a drinking water source protection plan prepared under the *Clean Water Act, 2006*. In this Source Protection Plan, it refers specifically to the Grand River Source Protection Plan.

**“Source Protection Region”** means a drinking water source protection region established by the regulations (*Source: Clean Water Act, 2006*). In this Source Protection Plan, it refers specifically to the Lake Erie Source Protection Region.

**“Surface Water”** means water collecting in a stream, river, lake, and wetland. It is the source for drinking water for Intakes in the Great lakes and other water bodies (*Source: Ministry of the Environment. 2004. White Paper on Watershed-based Source Protection Planning*).

**“Surface Water Intake Protection Zone”** means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats (*Source: O. Reg. 287/07*).

**“Tier 3 Model”** means a computer model that incorporates the best available information about local geology, groundwater and surface water resources, precipitation, infiltration and water withdrawals to help evaluate the sustainability of the municipal water supplies (*Source: Tier 3 Water Budget and Local Area Risk Assessment – Glossary*).

**“Tier 3 Water Budget and Local Area Risk Assessment”** means a detailed scientific technical study aimed at assessing the water quantity risk to current and future municipal drinking water sources under a variety of scenarios, such as future increased municipal water needs due to growth and a prolonged drought. (*Source: Tier 3 Water Budget and Local Area Risk Assessment – Glossary*).

**“Transport Pathway”** means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system set out in clause 15 (2) (e) of the *Clean Water Act, 2006* (*Source: Clean Water Act, 2006. O. Reg. 287/07*).

**“Water Supply System”** means one or more surface water intakes and/or groundwater wells that pump water to supply a municipal water distribution system (*Source: Tier 3 Water Budget and Local Area Risk Assessment – Glossary*).

**“Wellhead Protection Area”** means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats (*Source: Clean Water Act, 2006*).

**“Vulnerable Area”** means, (a) a significant groundwater recharge area, (b) a highly vulnerable aquifer, (c) a surface water intake protection zone, or (d) a wellhead protection area (*Source: Clean Water Act, 2006*).

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## APPENDIX B: DRINKING WATER THREATS AND OPTIONAL CONTENT FOR THE LAKE ERIE SOURCE PROTECTION REGION

The following is a description of the twenty-two (22) drinking water threats prescribed by the *Clean Water Act, 2006* and four (4) optional content policies.

### **Threat 1: The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act**

As defined in the *Environmental Protection Act*, a waste disposal site is any land, building, and/or structure in connection with the depositing, disposal, handling, storage, transfer, treatment or processing of waste. Operational activities associated with these sites are also included in the definition.

“Waste” is defined to include: ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other materials as are designated in the regulations under the *Environmental Protection Act*. Waste disposal sites may be active, inactive, or closed. There are 35 chemicals listed in the Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) that have the potential to be introduced into surface and groundwater as a result of the storage and land disposal of waste, including arsenic, barium, vinyl chloride, lead, and mercury. In most circumstances, a waste disposal site (particularly a medium to large operation) has the potential to be identified as a significant or moderate threat.

This drinking water threat contains ten (10) sub-threats:

1. Storage, Treatment and Discharge of Tailings from Mines
2. Waste Disposal Site- Landfarming of petroleum refining waste
3. Waste Disposal Site- Landfilling (Hazardous Waste)
4. Waste Disposal Site- Landfilling (Municipal Waste)
5. Waste Disposal Site- Landfilling (Solid Non Hazardous Industrial or Commercial)
6. Waste Disposal Site- Liquid Waste Injection into a Well
7. Waste Disposal Site- PCB Waste Storage
8. Waste Disposal Site- Storage of Hazardous Waste at Disposal Sites
9. Waste Disposal Site- Storage of wastes as described in clauses (p), (q), (r), (s), (t) or (u) of the definition of hazardous waste
10. Application of Hauled Sewage to Land

### **Threat 2: The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.**

This drinking water quality threat contains nine (9) sub-threats:

1. Sewage System or Sewage Works- Onsite Sewage System
2. Sewage System or Sewage Works- Onsite Sewage Systems Holding Tank
3. Sewage System or Sewage Works- Sewage treatment plant effluent discharges (including lagoons);
4. Sewage System or Sewage Works- Sewage treatment plant bypass discharges to surface water;
5. Sewage System or Sewage Works- Sewage Storage – Treatment or Holding Tanks;
6. Sewage System or Sewage Works- Sanitary sewers and related pipes;
7. Sewage System or Sewage Works- Industrial effluent discharges;

8. Sewage System or Sewage Works- Combined sewer from a Stormwater outlet to surface water;
9. Sewage System or Sewage Works- Discharge from a Stormwater Management Facility.

**Onsite Sewage Systems holding tank** include systems that store and/or treat human waste on-site, but do not include sewage treatment plants. These systems come in a variety of forms including earth pit privies, privy vaults, greywater systems, cesspools, leaching bed systems and associated treatment units, and holding tanks. Leaching bed systems with septic tanks or holding tanks are the systems most commonly used. Onsite sewage systems are considered a drinking water threat due to the potential discharge of chemicals and pathogens and their potential impact on the sources of drinking water. The Source Water Protection Tables of Drinking Water Threats and Circumstances ([www.swpip.ca](http://www.swpip.ca)) lists the following chemicals and pathogens of concern: total coliform; *E. coli*; acetone; chlorine; nitrogen; total phosphorus; dichlorobenzene-1,4 (para), and sodium.

**Sewage treatment plant effluent discharges (including lagoons):** All sewage treatment plants release treated wastewater that is called effluent. The effluent can be directly released to a watercourse or water body or its release from a lagoon can be scheduled.

**Sewage treatment plant bypass discharges to surface water:** Sometimes the capacity at a sewage treatment plant is overwhelmed and partially treated or untreated sanitary waste is released into the receiving water body. This is typically a result of an extreme wet weather event (i.e. significant rainfall or snow melt) where the sanitary sewer network is not completely isolated from stormwater. Combined sewers or sewer networks with inflow/infiltration issues are the root cause of such bypasses.

**Sewage storage – treatment or holding tanks:** Many sewage treatment plants have sewage storage tanks as part of the treatment process.

The main groups of contaminants listed in the Source Water Protection Tables of Drinking Water Threats and Circumstances ([swpip.ca](http://swpip.ca)) that could affect surface and groundwater as a result of a discharge are pesticides, metals, synthetic chemicals and pathogens

**Sanitary sewers and related pipes** refer to a wastewater collection system that collects or transmits sewage. This sub-threat does not include the sewage storage tanks, designed bypass or plumbing associated with a wastewater collection facility. The sanitary sewer system is an underground pipe network that collects wastewater produced by houses, businesses, and institutions and directs the wastewater to a treatment plant where it is treated before being discharged into surface waters. Leaking underground sewer lines are of concern to groundwater and surface water quality in Ontario. Leaks in sewer lines can happen for numerous reasons, including blockage from tree roots, soil slippage, washout resulting in loss of foundation, sewage backup, faulty materials, improperly constructed pipelines, lack of corrosion protection, age of the system, and ground subsidence.

The main groups of contaminants for sanitary sewers and related pipes listed in the Source Water Protection Tables of Drinking Water Threats and Circumstances ([swpip.ca](http://swpip.ca)) are pesticides, metals, synthetic chemicals and pathogens. The classification of a sanitary sewer and pipes as a drinking water threat is dependent on the location, type of facility and designed conveyance rate.

**Industrial effluent discharges** refer to a system that discharges to surface water and has as its primary function, the collection, transmission or treatment of industrial sewage. These systems are collectively referred to as sewage works. Industrial effluent discharges could result in the presence of chemicals in both surface water and groundwater, and the presence of pathogens in surface water. The Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify a number of chemicals that are associated with significant drinking water threats, including carbon tetrachloride, tetrachloroethylene, and chloroform. These substances could be by-products, impurities, reactants or manufacturing aids resulting from manufacturing or processing methods. It should be noted that only meat plants pose significant drinking water threats for pathogens.

**Combined sewers** are those which function simultaneously as a storm sewer and a sanitary sewer and may discharge sanitary sewage containing human waste to surface water other than by way of a designed bypass. Traditional combined sewer discharges are not common practice in the Lake Erie Source Protection Region and they are unlikely to be built in the future. Situations where sanitary sewers and stormwater channels are separated by a dividing wall are more common. The assessment of a combined sewer discharge as a drinking water threat is dependent on the chemical or pathogen released and the size of the wastewater treatment plant to which it is connected.

**Stormwater** refers to rainwater runoff, water runoff from roofs, snowmelt and surface runoff. Where stormwater is managed, it is often under a stormwater management (SWM) plan which addresses runoff through conveyances and end of pipe collection systems. Stormwater can also be managed at source. A hierarchical approach to managing stormwater is preferred: at-source, then conveyance, and finally end-of-pipe controls. Stormwater management facilities/ ponds are designed to collect runoff from the local storm-sewer system following either a rainfall or snowmelt event, or from activities such as washing cars. They are built to temporarily hold water, provide some treatment to remove some pollutants, and then slowly release it back to natural waterways or allow it to infiltrate into the ground. Not all SWM ponds are designed for quality control; many older ones only provide quantity control. The assessment of a SWM pond as a drinking water threat is dependent on the chemical or pathogen released, the size of the drainage area the facility serves, and the predominant surrounding land uses flowing into the facility.

### **Threats 3, 4 and 5: The application, storage, and management of agricultural source material (ASM)**

Agricultural source material (ASM) is a type of nutrient that can be applied to land for the purpose of improving growth of agricultural crops and for soil conditioning. The *Nutrient Management Act* defines the materials that are considered to be ASM, to include manure, run-off from farm animal yards, wash water, anaerobic digestion output, organic materials, and regulated compost. ASM is produced on farms with livestock, and can be stored in a permanent nutrient storage facility (usually a steel or concrete manure storage facility or earthen lagoon), or on a temporary field nutrient storage site (only for solid ASM). The classification of the threat differs depending on whether it is being applied to land or stored.

The application of ASM is dependent on the vulnerability score of the specific area and the volume applied, as well as the combination of the managed land percentage and livestock density for the vulnerable area. The storage of ASM is dependent on the location of the storage facility (storage at, above, or below grade) and the type of storage (permanent or temporary). Both the application and storage of ASM are considered significant threats in any quantity and regardless of how and where it is stored.

The management of ASM refers to aquaculture facilities. The primary sources of pathogens in ASM from aquaculture are the water in which fish manure and by-products are in suspension or settled, the incoming water to an aquaculture facility contaminated with pathogens from other sources, and dead fish not removed from the water. These sources can negatively impact fish health, cause a food safety issue, and can increase the pathogens in the water.

**Threats 6 and 7: The application, handling and storage of non-agricultural source material (NASM)**

Non-agricultural source material (NASM) is a type of nutrient that can be applied to land for the purpose of improving growth of agricultural crops and for soil conditioning. NASM means any of the following materials, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if the materials are intended to be applied to land as nutrients:

1. Pulp and paper biosolids;
2. Sewage biosolids;
3. Anaerobic digestion output (if less than 50 per cent, by volume, of the total amount of anaerobic digestion materials that were treated in the mixed anaerobic digestion facility were on-farm anaerobic digestion materials), and;
4. Any other material that is not from an agricultural source and that is capable of being applied to land as a nutrient.

Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify nitrogen, total phosphorus and pathogens as concerns due to the potential for runoff containing these nutrients to enter local drinking water sources.

**Threat 8 and 9: The application, handling and storage of commercial fertilizer**

Fertilizer, as defined by the *Fertilizer Act*, is any substance or mixture of substances, containing nitrogen, phosphorus, potassium or other plant food, manufactured, sold or represented for use as a plant nutrient. Commercial fertilizer is not an agricultural source material (ASM) or non-agricultural source material (NASM) but is considered a nutrient as defined by the *Nutrient Management Act* and associated regulations. Commercial Fertilizer is used extensively by the agriculture industry, as well as for heavily landscaped commercial, institutional, recreational, industrial and residential areas. Commercial fertilizer products are also known as “chemical fertilizers”. The impacts from commercial fertilizer application generally stem from improper use, such as application without consideration for nutrients available in the soil and plant requirements; or inappropriate timing of application for plant growth cycles and weather conditions causing an excess of nutrients to enter the groundwater and surface water. Potential impacts from storage of commercial fertilizers relate to leaks and spills as a result of aging infrastructure or improper handling or storage.

Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify nitrogen and total phosphorus as substances that could make their way into surface and groundwater as a result of the application of commercial fertilizer to land, and through spills resulting from the handling and storage of commercial fertilizer (. Nitrogen is a concern for both surface and groundwater. Total phosphorus is only considered a concern for surface water because excessive inputs of total phosphorus in surface water results in eutrophication and can cause toxic algae blooms: both of which impair water quality. For both retail sale and manufacturing, the storage of commercial fertilizer can be a significant threat in IPZs and WHPAs.



**Threat 10 and 11: The application, handling and storage of pesticides**

In Ontario, the *Pesticides Act* defines “pesticide” as any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Federal Pest Control Products Act*. Historically, pesticide has been applied as part of many land uses including agricultural, active recreation, institutional, industrial, commercial and residential. Since 2009, there has been a ban on the cosmetic use of pesticide in Ontario that prohibits the application of pesticide on lawns, vegetable and ornamental gardens, patios, driveways, cemeteries, and in parks and school yards. However, the ban does make exceptions for various land uses, such as agricultural, golf courses, and public works operations. The Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify chemicals that could make their way into surface and groundwater from the application or storage and handling of pesticide under certain conditions.

**Threat 12 and 13: The application, handling and storage of road salt**

Road salt as a drinking water threat refers to any product containing sodium and/or chloride that is used to maintain roads and pedestrian areas. Most road salt is used as a de-icer or an ice prevention agent, but is sometimes also used for dust suppression. The most commonly used products for de-icing roads and preventing ice formation on roads are sodium chloride and calcium chloride because they are effective and inexpensive. The most common technique involves the use of liquid salts, either as an additive to conventional rock salt (pre-wetting) or applied on its own in advance of snow accumulation (direct liquid application). Given the extended winter season in Ontario, there is widespread use and storage of road salt. The majority of the material is handled by road authorities such as municipalities and the Ontario Ministry of Transportation; however, private businesses and residential property managers also store and use salt. At typical concentrations in drinking water, sodium and chloride are not risks to human health; however, at concentrations greater than 20 milligrams per litre (mg/L), sodium intake can present a health issue for some people. Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify sodium and chloride as contaminants that could make their way into surface and groundwater from road salt application, storage and handling.

The application, handling and storage of road salt can only be a significant drinking water threat if the impervious area is equal to or greater than 80%.

**Threat 14: The storage of snow**

For health and safety reasons (i.e., slipping hazard), snow removed from roads and parking lots must be melted on-site or transported to a location where it is either melted or stockpiled and allowed to melt. Since snow can be contaminated with salt, oil, grease and heavy metals from vehicles, litter, and airborne pollutants, it must be handled and stored in ways that protect water sources. The activities related to snow storage that are considered to be drinking water threats include:

- Snow that is pushed into large piles on a property (e.g. stored in parking lots);
- Snow that is transported to a central site from other locations (e.g. snow disposal sites); and,
- Large snow banks along roads that are close to municipal wellheads or surface water intakes.



The Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) substances such as chloride, copper, sodium and nitrogen, which could make their way into surface and groundwater as a result of runoff from snow storage areas and threaten the safety of drinking water sources.

#### **Threat 15: The handling and storage of fuel**

This category of drinking water threat includes the handling of liquid fuel as well as its storage. The types of storage facilities to be considered are defined in O. Reg. 213/01 (Fuel Oil) or O. Reg. 217/01 (Liquid Fuels). Both of these regulations are made under the *Technical Standards and Safety Act, 2000*. Facilities where fuel is manufactured or refined are also to be considered. The types of fuel storage facilities include those outlined in O. Reg. 217/01.

A facility is defined as:

- permanent or mobile retail outlets;
- bulk plant;
- marinas;
- cardlocks/ keylocks;
- private outlets; or
- farms.

Residential properties that store greater than 250 Litres of fuel oil below grade or partially below grade (including within a basement) are also categorized as a significant drinking water threat.

The primary circumstance that determines whether an activity is a significant drinking water threat is related to quantity and type of fuel, and whether or not it is stored above, below or partially below grade.

The Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify BTEX compounds (benzene, toluene, ethylbenzene and xylene) and petroleum hydrocarbons as contaminants that could make their way into surface water or groundwater from spills associated with the handling and storage of liquid fuel.

#### **Threat 16: The handling and storage of Dense Non-Aqueous Phase Liquid (DNAPL)**

A Dense Non-Aqueous Phase Liquid (DNAPL) is a liquid chemical that is denser than water and tends to be sparingly soluble in water. The majority of DNAPLs are used in industrial and commercial applications. They can also be found in small quantities in common household products such as paints and adhesives. Historically, these compounds were also found in smaller quantities in personal care products (e.g., shampoo, cosmetics), but in many cases are being phased out of such products. If spilled, DNAPLs tend to sink into the ground and can contaminate even the deepest groundwater resources. The DNAPLs identified in the Source Water Protection Threats Tool are toxic to humans and/or the environment at even the lowest levels, meaning that even if only a small amount dissolves into the water, it would be harmful to humans. Therefore, these DNAPLs pose a significant threat to drinking water sources.

#### **Threat 17: The handling and storage of organic solvents**

Organic solvents are liquid organic compounds with the ability to dissolve solids, gases, or liquids. They have been used in vast quantities for decades in industrial and commercial applications and can also be found in small quantities in common household products such as adhesives and cleaners. Four organic solvents have been identified as potential concerns related to drinking water: carbon tetrachloride, chloroform, dichloromethane and pentachlorophenol. These

substances have various properties, uses and negative environmental effects. The assessment of the risk to drinking water sources from these organic solvents is dependent on whether they are stored underground, at ground surface or above ground and the amount of material stored. Underground storage is of greater concern due to the potential for undetected leaks.

**Threat 18: The management of runoff that contains chemicals used in the de-icing of aircraft**

With respect to aircraft de-icing, the Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify dioxane-1,4 and ethylene glycol as contaminants that could make their way into surface and groundwater as a result of runoff containing aircraft de-icing materials being discharged to land or water. Ethylene glycol is the active ingredient in de-icing fluids, and dioxane-1, 4 may be used as an additive for its wetting or dispersing properties. These chemicals could threaten the safety of drinking water sources in certain situations. The classification of this activity as a significant, moderate or low drinking water threat is dependent on the classification of the airport as remote, small, regional or national airport. The activity is classified as a significant threat only for airports that: i) have passenger traffic as part of definition of “regional “or “national “airport and; ii) that lie within an intake protection zone or wellhead protection area.

**Threat 19: An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body**

This threat occurs when water is taken and not returned and is no longer available for other users of the same water source. This is called consumptive use. The taking of water from a municipal aquifer or surface water body (without returning it to the same source) could result in a depletion of available supply that could impair the long-term viability of a water system. Unlike water quality threats, where the threat level is a product of the vulnerability score and the hazard score (of the activity), water quantity threats are a function of exposure and tolerance.

Consumptive water taking is or would be a significant drinking water threat in areas assigned a significant risk level; water quantity vulnerable areas are delineated as part of a Tier 3 water budget and risk assessment study. There is currently no volume threshold for a consumptive taking to be identified as a significant threat, meaning that even small takings are considered a threat to drinking water under the *Clean Water Act, 2006*.

**Threat 20: An activity that reduces the recharge of an aquifer**

Threat 20 occurs when an activity reduces recharge of the water table. Examples of activities that could reduce the infiltration of water into the ground include paving of parking lots, construction of buildings and the pumping of water out of the ground rather than allowing water in, e.g., at a pit or quarry. A reduction in recharge could result in a depletion of available supply that may impair the long-term viability of a water system. Unlike water quality threats, where the threat level is a product of the vulnerability score and the hazard score (of the activity), water quantity threats are a function of exposure and tolerance.

Recharge reduction is or would be a significant drinking water threat in local areas assigned a significant risk level; water quantity vulnerable areas are delineated as part of a Tier 3 water budget and local area risk assessment study.

**Threat 21: The use of land as livestock grazing or pasturing land, an outdoor confinement area (OCA) or a farm-animal yard**

This threat can be divided into two sub-threats: 1) Outdoor Confinement Areas and farm animal yards; and 2) livestock grazing and pasturing. An Outdoor Confinement Area (OCA) is a yard, facility, or enclosure (for livestock, deer, elk or game animals) with a very high animal concentration, typically 15 or more animals per acre, often for extended periods of time. Grazing is crop production where the animals do the harvesting. Ontario grazing systems involve a concentration of up to 2 to 3 animals per acre during the grazing season, often on a rotational basis.

The Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify nitrogen, total phosphorus and pathogens (such as *E. coli*) as contaminants that could make their way into surface and groundwater drinking water sources from livestock areas. Generally speaking, keeping greater numbers of livestock in an area intensifies the accumulation of nutrients and pathogens, thereby increasing the risk of contamination to drinking water sources and the requirement for more active management.

**Threat 22: The establishment and operation of a liquid hydrocarbon pipeline**

The establishment and operation of a liquid hydrocarbon pipeline was added prescribed threat in July 2018. Liquid hydrocarbon pipelines consist of the pipeline and associated equipment including compressors and pumps. Pipe diameters can range in size, but typical sizes found within the Lake Erie Region are approximately 12 inches. The main consideration for reducing or eliminating drinking water threats related to this threat is to prevent spills as a result of pipeline ruptures and to have an appropriate spill response. The Source Water Protection Tables of Drinking Water Threats and Circumstances (swpip.ca) identify BTEX (benzene, toluene, ethylene and xylene) and petroleum hydrocarbons F1 through F4 as contaminants that could make their way into groundwater; there is no volume associated with the circumstances. Significant threats occur in wellhead protection areas (WHPAs) A-D with a vulnerability score of 10, and Intake Protection Zones (IPZs) and WHPA-Es with a score of 9 or 10.

**Optional Content**

On January 13, 2011, the Source Protection Committee passed a resolution (Res. No. 05-11) which determined that policies for optional content shall be included within the Source Protection Plans as outlined in O. Reg. 287/07 and the report to the committee.

**Conditions**

Significant conditions are contaminated sites for which there is evidence of off-site contamination from a past activity that may have an immediate impact on drinking water quality, as outlined in Part XI.3, Rule 126 of the *Clean Water Act, 2006* Technical Rules.

**Spill Prevention, Spill Contingency or Emergency Response Plans**

Spill prevention plans outline the appropriate handling and storage (action plan) of potentially harmful substances and may include preventative maintenance standards and reporting. Spill prevention and contingency plans are outlined in the *Environmental Protection Act*, O. Reg. 224/07 and are developed by industries as described in O. Reg. 222/07, Environmental Penalties.

This includes, but is not limited to, industrial facilities (Table 1 of O. Reg. 222/07) and those that discharge sewage other than storm water to a watercourse. These plans must include the following: a written description of the facility; plans required by the Act to prevent or reduce the risk of spills of pollutants and prevent, eliminate or ameliorate any

adverse effects that may result in a spill; and the date the plan must be developed and implemented.

Policies included for spill prevention, spill contingency or emergency response plans can only be included in the Source Protection Plan if they relate to a highway (as defined by the *Highway Traffic Act, 1990*), railway line or a shipping lane (i.e., along a transportation corridor). This does not include properties that are along highways and also within the vulnerable area (O. Reg. 287/07 section 26(6)).

Every municipality is responsible for creating an emergency plan governing the provision of necessary services during an emergency, and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency. The council of the municipality shall by by-law adopt the emergency plan. An emergency plan authorizes employees of the municipalities and public servants to take action prior to the declaration of the emergency; specifies the procedures to be taken for the safety and evacuation of persons in the emergency area; designates one or more members of the council who may perform the duties of the head of council, if the head of council is unable to act; provide for obtaining and distributing materials, equipment and supplies during an emergency; and provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency. Outdated plans may pose a risk to drinking water sources as they may not contain the most recent data and most appropriate response (e.g., personnel) to an emergency or spill.

Spill requirements found in Part X of the *Environmental Protection Act* (Spills) and applicable regulations (e.g. O. Reg. 675/98) set out obligations for various parties to take action (including, but not limited to duty to report spills, duty to mitigate and restore the environment etc.) in the event of a spill. Among others, various duties apply to the owner of spilled material, controller of spilled material, person who spills or causes or permits a spill, and the municipality where a spill occurs.

### **Transport Pathways**

Transport pathways are defined in the *Clean Water Act, 2006* O. Reg. 287/07. Transport pathways are a land condition, resulting from human activity, which increases the vulnerability of a municipal drinking water system's raw water supply. This can include constructed pathways such as subsurface utility corridors, abandoned boreholes, deteriorating water wells, which do not meet applicable legal requirements, pits and quarries, geothermal systems, underground parking lots and excavations.

They are a concern to drinking water supplies because they may facilitate the movement of contaminants vertically or laterally below grade, and result in a more widespread distribution of contaminants.

In the Assessment Report, transport pathways are considered as part of the vulnerability assessment for the wellhead protection areas and intake protection zones. If a transport pathway(s) was identified, the vulnerability scoring may have been increased, therefore potentially causing activities (i.e., one of the prescribed drinking water threats) to become significant threats due to the vulnerability scoring change.

For example, in the case of groundwater wells which do not meet applicable legal requirements, transport pathways provide a conduit to an aquifer that bypasses the natural protection of the overburden layer resulting in a greater potential risk for contamination. In

the case of surface water intakes, transport pathways include anthropogenic (storm sewersheds) conduits which can extend the delineation of intake protection zones two and three.

Under the *Clean Water Act, 2006*, transport pathways, albeit in many cases human-made pathways that increase the vulnerability, are not considered activities; therefore, they cannot be addressed the same way as the 21 Prescribed Drinking Water Threats. Inclusion of policies to address these transport pathways, as allowed by the *Clean Water Act, 2006*, under section 27 of O. Reg. 287/07 facilitates the need to ensure protection of drinking water sources.

**Monitoring of Moderate and Low Threats** Listed under mandatory content, the monitoring of moderate and low threats must be included in the source protection plans where the source protection committee thinks this is advisable to prevent them from becoming significant drinking water threats. However, moderate and low threats need to be inventoried, before they can be monitored and policies can be developed and applied.

**Dates for When Policies Take Effect**

Implementation dates must be included in the Source Protection Plan to help identify to municipalities and other bodies when the policies take effect and when compliance must be met.

**Section 29: Additional Source Protection Plan Information**

Under the *Clean Water Act, 2006* O. Reg. 287/07 section 29, the Source Protection Committee has the ability to include content in the Source Protection Plan that allows for the inclusion, in their opinion, of anything that will assist in understanding the plan. The information is included to provide clarification on issues and concerns raised throughout the source protection planning process by either the Lake Erie Source Protection Committee, other interested bodies or the general public. Further information is presented in the Explanatory Document.

**Sources:**

- *Discussion Papers prepared by the Grand River Source Protection Area, Region of Waterloo, County of Oxford, City of Guelph and Lura Consulting*
- *Grand River Source Protection Area – Approved Assessment Report (August 16, 2012)*
- *Clean Water Act, 2006*

**APPENDIX C: LEGAL EFFECT MATRIX**

Implementing Body:	Provincial	Municipality, Local Board or Source Protection Authority	Other Bodies <sup>(1)</sup>
SIGNIFICANT THREAT POLICIES- ACTIVITIES			
Part IV Tools <sup>(1)</sup>	Comply	Comply	Comply
Prescribed Instruments	Must Conform	N/A	N/A
Land Use Planning Approaches		Must Conform	Must Conform
Education and Outreach/ Incentive Programs	Non-Binding	Comply	Non-Binding
Other <sup>(2)</sup>			
SIGNIFICANT THREAT POLICIES-CONDITIONS			
Part IV Tools <sup>(1)</sup>	N/A	N/A	N/A
Prescribed Instruments	Must Conform		
Land Use Planning Approaches		Must Conform	Must Conform
Education and Outreach/ Incentive Programs	Non-Binding	Comply	Non-Binding
Other <sup>(2)</sup>			
MONITORING POLICIES <sup>(3)</sup>			
All Policy Tools	Comply	Comply	Comply
MODERATE AND LOW THREAT POLICIES-ACTIVITIES AND CONDITIONS			
Part IV Tools <sup>(1)</sup>	N/A	N/A	N/A
Prescribed Instruments	Have Regard		
Land Use Planning Approaches		Have Regard	Have Regard
Education and Outreach/ Incentive Programs	Non-Binding	Non-Binding	Non-Binding
Other <sup>(2)</sup>			
OTHER – STRATEGIC ACTIONS			
Transport Pathways	Non-Binding	Non-Binding	Non-Binding
Climate change data collection			
Spill prevention, contingency or response plans along highways, railways or shipping lanes			

**Notes:**

<sup>(1)</sup> Other Bodies would include any body which is not a provincial body, municipality, local board and/or Source Protection Authority (e.g., the TSSA)

<sup>(2)</sup> Part IV Tools include Section 57 Prohibition, Risk Management Plans and Restricted Land Uses

<sup>(3)</sup> Other approaches authorized by the regulation include: specify the action to be taken to implement the source protection plan or to achieve the plan's objectives; establish stewardship programs; specify and promote best management practices; establish pilot programs; and govern research.

<sup>(4)</sup> The "comply with" legal effect only applies to policies where section 45 of the Clean Water Act, 2006 applies. Monitoring policies written for Strategic Action policies have a Non- legally binding legal effect.

N/A not applicable

Source: Adapted from: Conservation Ontario, 2011. Legal Effect of Source Protection Plan Policies.

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## **APPENDIX D: REFERENCES**

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