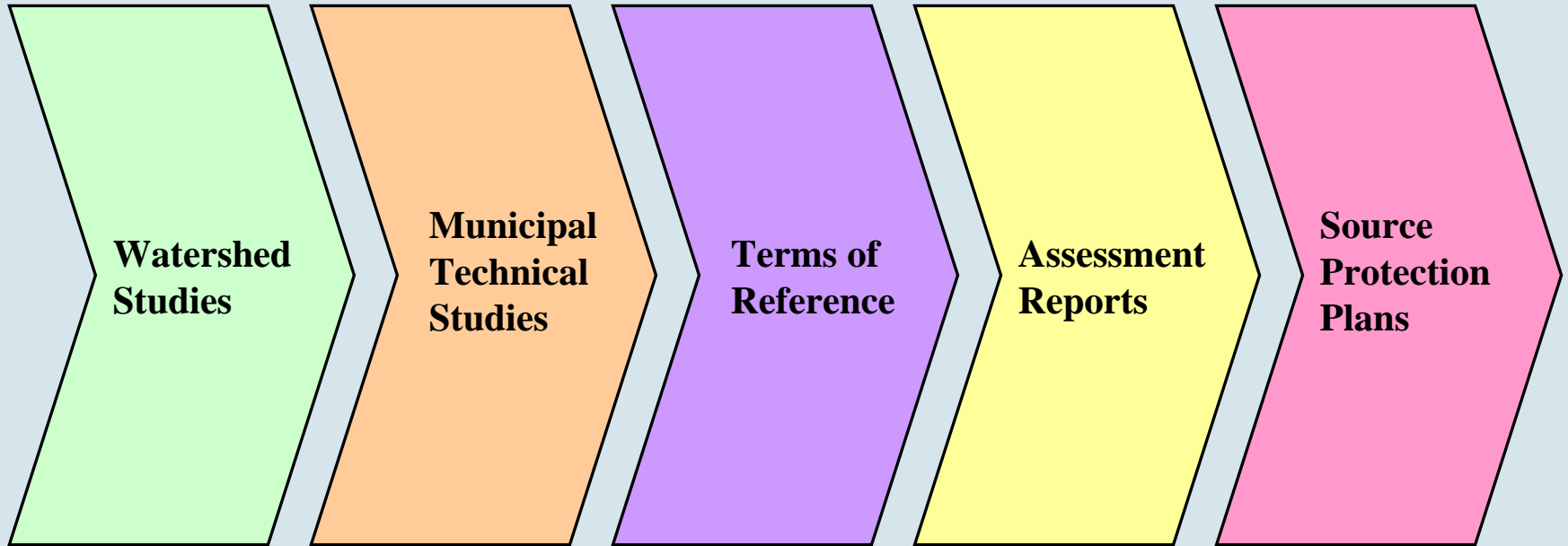


Requirements for Source Protection Plans

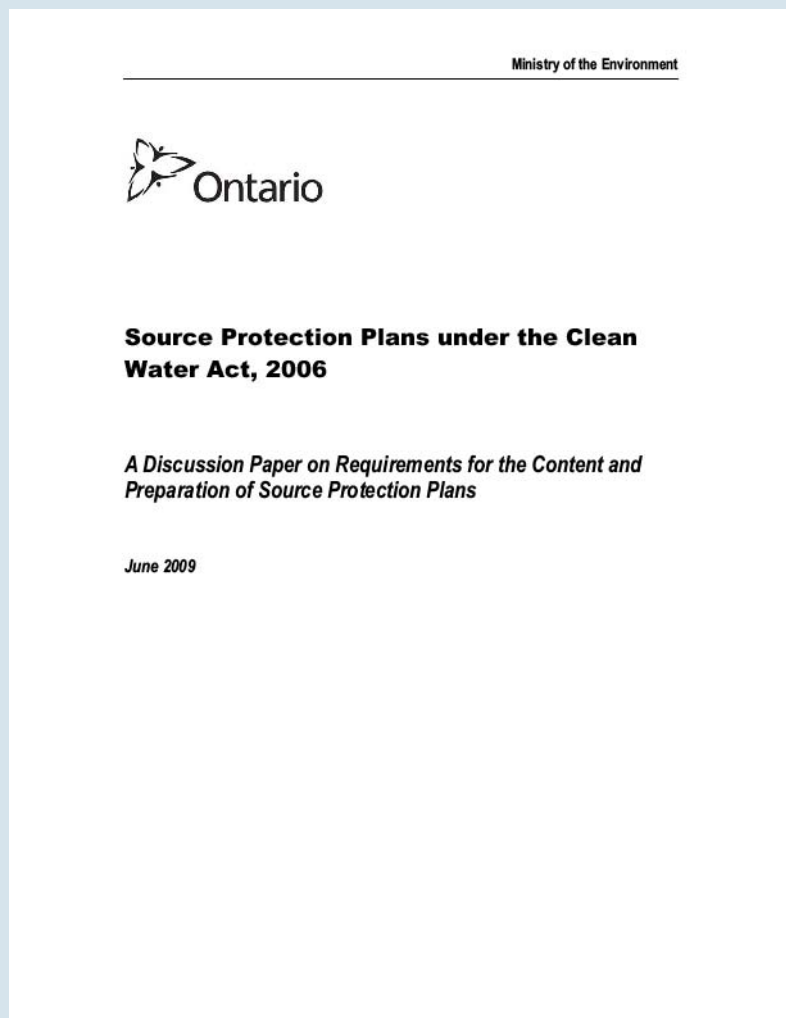
Stephen C. Hollingshead
for the **Ontario Stone Sand & Gravel Association**

Source Water Protection Workshop
October 27, 2009
Mississauga, Ontario

The Source Protection Process



Discussion Paper



- Policy Paper released to the Environmental Bill of Rights (EBR) for review June 25 to September 23, 2009.
- Precursor to new regulations on the content requirements for Source Protection Plans.
- Submissions and decision are still under review by MOE.

Discussion Paper Contents

- Minimum requirements for a source protection plan.
- Different approaches to risk reduction.
- Additional drinking water threat policies.
- Additional monitoring and Great Lakes policies.
- Consultation requirements.
- Annual progress reports.
- Plan amendments.

Policy Approaches

Table 2: Range of Policy Approaches Provided in CWA for Consideration in Policy Development

Policy Approach (approach the policy relies upon to reduce the risk posed by drinking water threats):	May be Applied To			
	Activities that are or would be significant threats	Conditions that result from a past activity and are a significant threat	Moderate and Low Threats	Achieving Great Lakes Targets (if established under Section 85 of CWA)
Education & Outreach Programs	√	√	√	√
Incentive Programs	√	√	√	√
Monitoring Activities	√	√	√	√
Land Use Planning Approaches (e.g., official plans, zoning by-laws, site plan controls)	√	√	√	√
New or Amended Provincial Instruments (only applicable for those instruments prescribed in regulations under the CWA)	√	√	√	√
Risk Management Plans (s. 58 of CWA)	√*			
Prohibitions (s. 57 of CWA)	√*			
Restricted Land Uses (s. 59 of CWA)	√*			

notes: √* eligible only for activities and land uses in wellhead protection areas and intake protection zones prescribed in future regulations under the CWA.

Prescribed Drinking Water Threats

1. The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the *EPA*.
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.



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Fuel?
Quarry dewatering?
Pesticides & fertilizer?
Road salt?

Underground fuel storage (>2500 L), pesticide & fertilizer application, quarry dewatering in WPA or IPZ.

Fuel, pesticide & fertilizer storage, road salting, water discharges in WPA or IPZ.

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Land Use Planning Approaches

- Future decisions under the *Planning Act* must:
 - “Conform with” the significant **threat** policies in a source protection plan.
 - “Have regard to” moderate to low **threat** policies in a source protection plan.

..... **HOWEVER**

- Municipalities can also use Section 2.2.1d) of the PPS and Section 34.(1) of the *Planning Act* to restrict new development and site alteration to protect municipal drinking water supplies and designated **vulnerable areas**.

Risk = Threat + Vulnerability

Land Use Planning Approaches

- The *Clean Water Act* defines vulnerable areas to include:
 - Significant groundwater recharge areas.
 - Highly vulnerable aquifers.
 - A surface water intake protection zone (IPZ).
 - A wellhead protection area (WPA).
- Municipalities can to be more restrictive in vulnerable areas, without regard for the extent of the threat (i.e., arbitrary; not a science-based risk assessment).

Policy Approaches

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New or Amended Provincial Instruments

- Aggregate extraction and processing is already highly regulated through existing provincial legislation....

- ☑ ***Aggregate Resources Act:***

- Provincial Standards for groundwater and surface water studies.

- ☑ ***Ontario Water Resources Act:***

- ***Permits to Take Water*** for quarry dewatering or aggregate washing.
- ***Certificates of Approval*** discharging water from a pit or quarry.
- Protects against water supply or quality interference.

- ☑ ***Liquid Fuels Handling Code:***

- Strict controls on the storage and use of fuels and lubricants.
- Also administered by MNR inspectors through Site Plans.

- ☑ ***Environmental Protection Act:***

- Very strict standards for inert fill.

New or Amended Provincial Instruments

- These can be named as “prescribed instruments” for source water protection under the *Clean Water Act*.
- Source protection policies can be written in such a way that existing or new licences, permits and certificates must be made to comply.

Policy Approaches

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Risk Management, Prohibition & Restriction

- Can only be applied to:
 - Specific activities prescribed in regulations, that are...
 - Significant drinking water threats, that are in...
 - Wellhead protection areas or intake protection zones.

	Existing Activities	Future Activities
Risk Management Plans	✓	✓
Prohibition	✓	✓
Restricted Land Uses		✓

- Local Risk Management Officials and Inspectors are responsible for implementation and can:
 - Determine whether existing legislation is sufficient to regulate and reduce the risk.
 - Determine the implementation date for a risk management plan.

Policy Implementation

- MOE is considering requiring a written rationale for any policy recommendations.
- Any person can petition the Minister for a hearing on a Source Protection Plan.
- A person can conduct their own risk assessment and submit it to the Local Risk Management Official, who can exempt from a prohibition or risk management plan.
- Amendments to Source Protection Plans can be proposed by the Source Protection Authority between formal reviews.

OSSGA EBR Comments



ONTARIO STONE, SAND
& GRAVEL ASSOCIATION

Essential materials for building a strong Ontario

September 21, 2009

Debbie Scanlon
Senior Drinking Water Program Advisor
Ministry of the Environment
Drinking Water Management Division
Source Protection Programs Branch
2 St. Clair Ave. W.
Toronto, ON M4V 1L5

(Sent via email to: debbie.scanlon@ontario.ca)

Dear Ms. Scanlon,

Re: Source Protection Plans under the Clean Water Act, 2006: A Discussion Paper on the Requirements for the Content and Preparation of Source Protection Plans (Discussion Paper), Registry Number: 010-6726

The Ontario Stone, Sand & Gravel Association (OSSGA) is pleased to provide comments with respect to the Ministry of the Environment's (MOE) Policy Proposal re: *Source Protection Plans under the Clean Water Act, 2006: A Discussion Paper on the Requirements for the Content and Preparation of Source Protection Plans (Discussion Paper)*, Registry Number: 010-6726, posted on the EBR on June 25, 2009.

Who we are

OSSGA is a non-profit industry association representing over 250 sand, gravel, and crushed stone producers along with suppliers of valuable industry products and services. Collectively, our members supply the majority of the approximately 167 million tonnes of aggregate produced and consumed in the province in 2008 to build and maintain Ontario's infrastructure. OSSGA works in partnership with government and the public to promote a safe and competitive aggregate industry contributing to the creation of strong communities in the province.

365 Brunel Rd., Unit 2, Mississauga, ON L4Z 1Z5
Phone: (905) 507-0711 Fax: (905) 507-0717 Web: www.ontariossga.com

- Seven-page EBR submission September 21.
- OSSGA continues to support ...
 - Clean drinking water.
 - Science-based approach.
 - Provincial responsibility for water and aggregate resources.

OSSGA EBR Comments

- Specific comments:
 - Support education, outreach, incentive & recognition.
 - Municipal policies should align with MOE science.
 - Compatible uses (e.g., aggregates) should be encouraged through municipal planning policy.
 - Existing legislation should be used for risk management (e.g., OWRA, EPA, TSSA); minimize duplication.
 - ARA should not be a prescribed instrument under the *Clean Water Act*.
 - Local Risk Management Officials will have considerable powers; MOE needs to ensure training and oversight.
 - SPP policies should focus on *activities* with significant threat, rather than broad restrictions on land uses.
 - SPP policies should be scientifically justified.

Contact:

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