

Explanatory Document A.2 Implementer Updated Proposed Source Protection Plan Consultation Comments:

| From | Policy | Comment | Response |
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| Town of Minto, Township of Wellington North and County of Wellington (TM,WN,CW) | General | General comment regarding timing – We note that many policies have three year implementation timelines for municipalities. We would respectfully request the SPC to reconsider the implementation timeline of three years and instead consider five years to enact. There are many requirements that will be required in the first few years after the source protection plans become effective. Being municipalities with multiple source plans needing implementation, the timelines are often different and consistency would aid our efforts. We are requesting five years as this matches up with many of our timelines from our source protection plans for various activities (RMPs, Official Plan updates etc.). We note that policy G-02 - Official Plan update is already set for five years, we are appreciative of this timeline. By setting a consistent five year timeline, it allows our municipalities to decide on the timing of our implementation and set our own priorities related to work load. We have made this comment under certain policies below but please consider this comment to apply to all timing in policies where the implementation timing is less than five years. Please note that only the Maitland plan has a three year timeline for RMP implementation, our remaining plans have either five years (CTC and Halton-Hamilton) or discretion of the RMO (Grand River). CTC does have a requirement to confirm RMP locations within one year. | SPC considered timelines and worked to line policy up with ABCA/MVCA. The committee should decide on whether they want to retain the timeline or allow for flexibility for Wellington County or other municipalities. Recommendation: Change timeline for RMPs to 5 years and 3 years to confirm locations of RMPs on the ground. New policy under General for confirmation of RMPS. |
| (TM,WN,CW) | General | General comment regarding level of detail in Threat policies – We note the level of detail that the Source Protection Committee has chosen to place in the threat policy text as it relates to the Ministry of the Environment and Climate Change’s (MOECC) Table of Drinking Water Threats. We note that if the MOECC choses to change the Table of Drinking Water Threats in the future that it will then necessitate changes to the Source Protection Plan. Given that the Table of Drinking Water Threats requires a lower level of approval (ie senior MOECC staff) then the Source Protection Plan (Minister approval), a change to the Table of Drinking Water Threats could occur more quickly than changes to the Source Protection Plans. We respectfully suggest that this could be resolved by using wording such as “where the activity is significant”. This then refers the reader to the Table of Drinking Water Threats and allows for changes to that document without needing changes to the Source Protection Plan. | Submit as is, with revamp for next time. |
| (TM,WN,CW) | General – RMP policies | General Comments Relating to Risk Management Plan Policies – It is noted that often the SPC has chosen to use the wording “a RMP shall include”. Our municipalities are supportive of providing guidance to the content of RMPs, however, respectfully request that the SPC consider using wording such as “a RMP should include” or the use of “and / or” in the requirement listing. This allows site by site flexibility that will likely be needed as our municipalities begin to implement the RMP policies. A rigid list of mandatory requirements, especially where it is detailed such as policy 15-02, will lead to implementation challenges. As we have previously raised in our May 11, 2012 correspondence and at Planning Officials Working Groups, the RMP policies continue to focus too much on “how to” rather than simply stating objectives and leaving flexibility to plan implementers. | Leave as shall but change to or and change after the first clause of the policy, just for 15-02. |
| (TM,WN,CW) | General – Prohibition and RMP | General Comment regarding Prohibition and RMP Approaches – We note that there are differences between policy approaches for some threat activities. For example, commercial fertilizer storage and hazardous waste (not requiring provincial approval) uses an RMP approach for both existing and future activities while organic solvents, pesticide storage, fuel and DNAPLs use a RMP approach for existing uses and a prohibition approach for future and expansion of existing. Our municipalities would respectfully request that the SPC consider using RMP approaches consistently for, at a minimum, expansion of existing activities and existing activities. Our municipalities would also support the use of RMP approaches for the above future activities instead of a prohibition approach. | The SPC very carefully considered the prohibition policies and they were debated extensively throughout policy development to achieve consensus. A rewrite of this magnitude would delay submission significantly. Submit as is. |
| (TM,WN,CW) | G-01 | Policy G-01 - s. 59 Restricted Land Uses – Our interpretation of G-01 is that all land uses including solely residential land uses are included in the RMO screening requirements. Given the urban nature of our wellhead protection areas, our municipalities are concerned that screening of residential properties is unnecessary given that many of our residential areas are serviced by natural gas and municipal sewers so the bulk of residential permits will not engage in significant threat activities. We continue to see very little reason why residential land owners should be subjected to anything more than education and outreach. Please note that, except for the Maitland plan, our other three Source Protection Plans include a residential exemption to the screening under s. 59. Consistency between our source protection plans will assist our implementation efforts. Additionally, the work load associated with the review of residential applications that, in most cases pose little threat to the municipal drinking water supply, will be significant. Given limited staff resources, our preference would be to focus staff resources on the land uses (i.e. industrial, commercial, mixed use) that have the greatest potential to impact municipal drinking water. We would note that provincial and County policy directs growth to urban centres and we anticipate that residential intensification in our communities will continue. | Staff are concerned about a total residential exemption because we are aware of the use of heating oil and DNAPLs on residential properties in these municipalities. We feel that for fuel these are relatively small areas to restrict land uses and for DNAPLs we are aware of home businesses |

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| | | We have previously raised this concern in our May 11, 2012 comments to Mr. Don Smith. We respectfully request that the SPC consider including a residential exemption to the screening requirements under Section 59. | where greater than 25 L may be stored. Retain G-01 as non-residential and add G-02 as residential that would include threats fuel and DNAPLs. |
| (TM,WN,CW) | 01-01, 01-02 | Policy 01-01 and 01-02 – Risk Management Plan (RMP) approach for hazardous and liquid industrial waste and p,q,r,s,t,u wastes. This policy has been rewritten from a prohibition approach to an RMP approach. We are supportive of this change. Regarding RMP timelines, we would respectfully request the SPC to reconsider the implementation timeline of three years and instead consider five years to enact. Please note that only the Maitland plan has a three year timeline for RMP implementation, our remaining plans have either five years (CTC and Halton-Hamilton) or discretion of the RMO (Grand River). CTC does have a requirement to confirm RMP locations within one year. | SPC considered timelines and worked to line policy up with ABCA/MVCA. T: Change timeline for RMPs to 5 years and 3 years to confirm locations of RMPs on the ground. New policy under MP-25 for confirmation of RMPS. |
| (TM,WN,CW) | 02-01 | Policy 02-01 - Sewer Connection Bylaw and General Comment Regarding Bylaw policies. Our municipalities have sewer lines within vulnerable areas as defined by the policy. However, our analysis of existing septic systems indicate that the existing septic serviced properties would be exempted from connection through the exemptions listed in 1 a through d of the policy. Given this, we would respectfully request an interpretation from the SPC on whether the policy would still apply to our municipalities. We would be happy to provide the results of our analysis if needed. If the policy does apply to our municipalities, we would respectfully request the SPC to reconsider the implementation timeline of one year to initiate the bylaw process and two years to enact the bylaw and instead implement three years to initiate and five years to enact. Our municipalities are opposed to bylaw policies being a mandatory requirement of a Source Protection Plan. Our preference would be that the decision regarding bylaws be at the discretion of our respective Councils and the bylaw policies in the Updated Proposed Plan be discretionary. We would also note that in the Township of Wellington North, bylaw policies are not a required policy in the Grand River Plan. This results in bylaws being required for Mount Forest but not Arthur. This raises implementation challenges. | Extend timeline to 3 years to initiate and 5 years to enact. |
| (TM,WN,CW) | 02-03 | Policy 02-03 – Septic Maintenance Inspection Program. Please note that the Building Code reference appears incorrect and should be updated to reflect the current Building Code legislation. | Change building code reference. Building Code Act O. Reg. 332/12 |
| (TM,WN,CW) | 02-03 | Policy 02-03 – We had previously raised that an existing holding tank should be allowed to be repaired or replaced if it is the only option available to the landowner in our May 11, 2012 comments. | Get rid of first paragraph under the clauses and remove the words “other than a holding tank” from the second paragraph. |
| (TM,WN,CW) | 02-04 | Policy 02-04 – Sewer Requirement for New Lots – Based on our analysis, this policy seems to have limited applicability for our municipalities. However, please consider that sanitary servicing is not always technically feasible (for multiple reasons) and this policy would therefore prohibit new lots in certain locations. | See MMAH comment. |
| (TM,WN,CW) | 02-08 | Policy 02-08 – Sewer Maintenance – As the policy is currently worded, it does not differentiate between sanitary sewer mains and connection laterals. Our interpretation is that this policy applies to sewer mains. Due to their smaller diameter, connection laterals can be difficult to inspect and are often on private properties (and therefore not captured by this policy based on the wording “municipal sewage lines”). Short and long term funding of the inspections is also a concern as the current source water related funding (ie SPMIF) expires shortly and this work type are ineligible activities under that funding. It is noted that the SPC has written policy G-11 for the province to consider implementation assistance for municipalities. We are supportive of policy G-11 and are appreciative of its inclusion. | Adding wording to the explanatory document. Should reflect inspecting connections of laterals. And saying that inspection doesn’t necessarily mean camera inspection. |
| (TM,WN,CW) | 02-12 | Policy 02-12 – Infiltration Prevention – Our only comment would be similar to our comment under Policy 02-08 regarding funding and our general comment above regarding timing (three years versus five years). | Timing changed |

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| (TM,WN,CW) | 02-13 | <p>Policy 02-13 – Design Principles for New Development – Our municipalities would respectfully note that Zoning By-laws are likely not the appropriate place to establish design principles for stormwater management facilities. We would suggest municipal design standard documents are a more appropriate place to have regard to certain design principles.</p> <p>In regards to updating the Official Plan, please note that this policy is in conflict with certain policies within the CTC Source Protection plan for water quantity risk areas where the CTC Source Protection Committee is promoting low impact development guidelines that encourage infiltration to groundwater. This conflict between the Saugeen and CTC Plans will cause our municipalities’ difficulties in implementing Official Plan updates that reflect both Source Protection Plans.</p> <p>As previously raised in our May 11, 2012 comments, we are not convinced that an official plan and zoning bylaw can prevent infiltration based storm water management and we are also not convinced such a prohibition would be wise.</p> | See MMAH comment |
| (TM,WN,CW) | 15-01 | <p>Policy 15-01 – Prohibition of Certain Fuel Facilities – We recognize the SPC’s desire to prohibit the establishment of new fuel facilities where significant. Our municipalities are concerned regarding the prohibition of expansion of an existing facility. Although there is an exemption for facilities’ capacity documented in an approved Risk Management Plan, the municipalities still feel that prohibition of expansion of an existing facility is an unnecessary restriction.</p> | <p>Recommendation: For expansion of existing. Go with RMP rather than prohibition. Maintain prohibition of future.</p> |
| (TM,WN,CW) | 15-02 | <p>Policy 15-02 – RMP for Small Fuel Facilities – This policy is aimed at home heating oil threats. Given that the owners will be residential land owners, the level of detail that is required (shall) in the RMP appears very detailed and restrictive to land owners. We note that the RMP requirements do not contain an “and” or “or” in the list of requirements 1 to 6. Therefore, our interpretation is that all requirements will apply to all homes. Based on this, we respectfully request that the SPC consider providing more flexibility through either adding “and / or” in the list of requirements 1 through 6 or changing shall to should at the beginning of the policy. Additionally, policy 15-02 provides a more detailed list of requirements than policy 15-03 despite policy 15-03 applying to larger quantities of fuel.</p> | <p>The reason why there are more prescriptions for residential properties is because of the lack of oversight for residential fuel storage.</p> |
| (TM,WN,CW) | 15-02 | <p>Additionally, clarification should be provided regarding sub section b) “the tank and any supply lines to not be in direct contact with the ground”. We understand that the intent of this sub section is the body of the tank and supply lines are not to be in contact with the ground, however, as worded it appears to include the tank support structure (ie legs of the tank).</p> | <p>Add “the body of the tank” to the wording</p> |
| (TM,WN,CW) | 16-01 | <p>Policy 16-01 – Prohibition of future DNAPL use in WHPA A, B, C (vulnerability score = 2 or greater). Specific chemicals are defined as DNAPLs including chlorinated solvents (i.e. tetrachloroethylene, trichloroethylene, vinyl chloride) and poly aromatic hydrocarbons. Poly aromatic hydrocarbons are a broad range of chemicals that are components of many common commercial and industrial products including asphalt cold mix and driveway sealers. Chlorinated solvents are also contained in a large range of commercial and industrial products including metal degreasers, brake cleaners, dry cleaning fluids, craft products etc. DNAPLs may be present in small to large quantities at a variety of commercial or industrial businesses. Additionally, the potential to impact groundwater varies dramatically between the different DNAPL chemicals. The chlorinated solvents tend to be present in liquid products (ie degreasing solvents, dry cleaning fluids). The poly aromatic hydrocarbons tend to be present in semi-liquid products (i.e. asphalt cold mix, driveway sealers). The policy wording prohibits all future DNAPL use in WHPA A, B and C and does not distinguish between the DNAPL chemicals or the quantities stored or handled. The effect of the policy as currently written, would be to prohibit all future DNAPL storage or handling within relatively large geographic areas (WHPA A, B,C) without regard for the type of DNAPL or the quantity. For instance, this would have the effect to prohibit the establishment of a new hardware or Canadian Tire store within the WHPA A, B or C or to, at a minimum, prohibit a new hardware or Canadian Tire store from handling driveway sealers or asphalt cold mix in total quantities greater than 25 litres. Additionally, by prohibiting the use of DNAPLs in such large areas, this could lead to the activity moving underground and possibly leading to illegal waste disposal or storage. A comprehensive risk management plan policy for both existing and future uses would help mitigate this possibility by establishing a mechanism to work with property owners / tenants to ensure proper storage, handling and storage of DNAPL.</p> <p>Some policy alternatives to the current wording of the policy could be utilizing the prohibition approach in 17-01 (Organic Solvents) that only prohibits in WHPA A, and WHPA – B (vulnerability score = 10) and requires risk management plans elsewhere. This would reduce the geographic area affected by prohibition and bring the policy in line with other chemical handling policies and the DNAPL existing policy in the Updated Proposed Plan. Another policy alternative could be to prohibit future, below grade storage of DNAPL in WHPA A, B, C (vulnerability score = 2 or greater) and require risk management plans for at or above grade storage and handling of DNAPL. This approach splits the activity based on circumstances provided in the Table of Drinking Water Threats (circumstance reference numbers 1098 to 1112).</p> <p>A third option would be to build on the 25 litre exemption that the SPC has written into the policy. We are supportive and appreciative of the 25 litre exemption. The policy could be reworded to prohibit single containers of 25 litres or greater of liquid DNAPL products. This change would address future, liquid bulk storage of DNAPL while still allowing retail volumes to be stored and sold. As noted above, the liquid DNAPLs (primarily chlorinated solvents) are of greatest risk to the groundwater.</p> | <p>Presentation by Kyle Davis regarding these policies. Either we can split the DNAPL policy based on the chemical parameter or not Prohibition all landuses for future in A and B and RMP in C for all land uses.</p> |

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| In (TM,WN,CW) | 16-03, 17-03 | Policy 16-03 and 17-03 – Sewer Use Bylaw – Similar to our comments under Policy 02-01 and our general comment above, we would respectfully request the SPC to reconsider the implementation timeline of one year to initiate the bylaw process and two years to enact the bylaw and instead implement three years to initiate and five years to enact. Our municipalities have some existing sewer use bylaws that do require updating and this policy provides additional rationale to update these bylaws. Short and long term funding of the inspections is also a concern as the SPMIF funding is set to expire at the end of 2015. It is noted that the SPC has written policy G-11 for the province to consider implementation assistance for municipalities. We are supportive of policy G-11 and are appreciative of its inclusion. | Change timelines. |
| (TM,WN,CW) | G-03 | Policy G-03 – Incentive program – We are supportive of this policy and appreciate its inclusion in the Source Protection Plan. | No response required. |
| (TM,WN,CW) | G-04, TP-12 | Policy G-04 and TP-12 – Education Programs – Further to our discussions with SPA staff, we note that education activities within the County of Wellington will be implemented by our municipalities. We have already developed a County wide education and communications plan for source protection and will begin delivering education programs in 2015. All four of our other Source Protection Plans require municipalities to lead education and outreach. We recognize that the Conservation Authority wishes to provide an education program for the Saugeen Source Protection Plan and we are supportive of this. However, given our County wide education plan, we would like to work collaboratively with the Conservation Authorities in implementing the education program within the Saugeen Source Protection Area within Wellington County. We have already had discussions with SPA staff regarding this and note that they were very open to discussing this collaboration. We are appreciative of their support and look forward to working together. | No response required. |
| (TM,WN,CW) | G-05 | G-05 – Road Signs – Our analysis indicates that eight signs will be required within Wellington County for the Saugeen Source Protection Area. Six of those signs appear to be on roads that are provincial jurisdiction and therefore will be the province’s responsibility to install and maintain. There are two signs that appear to be County jurisdiction. Similar to our general comment regarding timing, we would respectfully request the SPC consider an extension to the implementation timeline | Submit as is |
| (TM,WN,CW) | G-06,G-07 | Policy G-06 and G-07 – Hazardous Waste Disposal Opportunity and Collection Program – Our interpretation of these policies are that our municipalities already comply with this policy. The County is responsible for waste and hosts seven household hazardous waste events during the year and operates five, year round household hazardous waste depots throughout the County. Our interpretation is that taken together the County events and depots comply with these policies. If our interpretation is incorrect, we would appreciate clarification from the SPC as that may change our comment. In any event, we feel these policies are too prescriptive and have raised these concerns in previous comments. | Staff feels as though Wellington is meeting the intent of the policy. |
| (TM,WN,CW) | G-08 | Policy G-08 – Transition Provisions – Our five source protection plans have a range of existing definitions and transition provisions. Although we would prefer consistency, at this point, we recognize that each SPC has chosen different definitions and transition provisions based on specific rationale. We have no further comment on this policy beyond noting our preference for consistency, wherever possible, between our five source protection plans. | MOECC comment |
| (TM,WN,CW) | G-10, G-11 | Policy G-10 and G-11 – Financial Support Fund and Municipal Implementation Assistance - It is noted that the SPC has written policies G-10 and G-11 for the province to consider implementation assistance for land owners and municipalities. We are supportive of these policies and are appreciative of their inclusion. | No response required. |
| (TM,WN,CW) | G-12 | Policy G-12 – Update of Municipal Emergency Response Plans – Our municipalities support this policy, however, would ask the SPC to consider a two year implementation timeline to ensure all our source protection plans are approved and policy wording is final prior to our updating of the Emergency Response Plans. We note that most of our Source Protection Plans have similar policies and we would only wish to update once based on final policy wording. | There might be some wiggle room in this one. This policy uses “strongly encourage”. |
| (TM,WN,CW) | TP-01 | TP-01 – Municipal Bylaw for Geothermal Systems - Similar to our comments under Policy 02-01, 16-03 and 17-03 and our general comment above, we would respectfully request the SPC to reconsider the implementation timeline of one year to consider the bylaw process and instead implement three years to consider the bylaw. Additionally, we are unsure if municipalities have legal authority to prohibit geothermal systems as it is a type of heating source. Additionally, geothermals are often encouraged due to energy efficiency programs. We recognize that this policy is only requesting due consideration. | Does not include all geothermals and none of the clauses in the policy are mandatory. |
| (TM,WN,CW) | TP-02 | TP-02 – Water Connection Bylaw - Similar to our comments under Policy 02-01, 16-03, 17-03 and TP-01 and our general comment above, we would respectfully request the SPC to reconsider the implementation timeline of one year to consider the bylaw process and instead implement three years to consider the bylaw. We note that some of our municipalities are already considering such a bylaw and we recognize that this policy is only requesting due consideration. | Change timelines – see policy |
| (TM,WN,CW) | TP-03 | TP-03 – Transport Pathway Proposals – We note that this policy repeats the relevant section under O. Reg 287/07. If there are changes to the regulation then this policy will need to be updated. There will likely be a lag between regulation changes and policy changes. | No response required. No action required |
| (TM,WN,CW) | TP-04 | TP-04 – Water Services for New Lots - Similar to our comment under Policy 02-13, our municipalities would respectfully note that Zoning By-laws are likely not the appropriate place to govern lot creation, the Official Plan is. We are supportive of this policy as it applies to Official Plan updates but not for Zoning By-law updates. | . See MOECC comments |
| (TM,WN,CW) | TP-06, TP-10, TP-11 | TP-06, TP-10 and TP-11 – Provincial Permitting for New Wells, Locate Unidentified Wells, Incentive Program for Wells – We are supportive of these policies. | No response required. |

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| (TM,WN,CW) | TP-09 | TP-09 – Constraining Well Location – Although we support the general intent of the SPC for this policy, further consideration should be given to expanding the list of exemptions. We note that other wells within a WHPA A may be necessary including monitoring wells associated with industrial / commercial facilities following a spill or discovery of soil / groundwater contamination. | Properly drilled wells are not a transport pathway. Drop the qualifier for clause b and allow monitoring wells |
| Ministry of the Environment and Climate Change (MOECC) | 01-05 | <p>1. Policy 01-05 is a specify action policy that addresses the storage of PCB waste where it would be a significant drinking water threat. There are several modifications that we recommend to the policy in order to correctly distinguish it from a prescribed instrument policy, since it does not relate to an instrument prescribed under the Clean Water Act. These include the following: We request that the word “shall” be modified to another term that correctly represents the non-binding legal effect of this specify action policy. Instead of “shall”, consider using “should” or “is requested to consider”.</p> <p>It would also be beneficial for the policy to clarify that it relates to “Director’s Instructions” (rather than Environmental Compliance Approvals, which the term “approvals” could imply), under O. Reg. 362 in the second line of the policy. Also, references to the review of Environmental Compliance Approvals should be removed.</p> <p>Regarding the timelines in the policy for reviewing existing Director’s Instructions, the ministry does not regularly review the Director’s Instructions since they do not have an expiry date. However, the ministry is aware of one existing PCB waste storage site that would be a significant drinking water threat in your source protection region, and will consider its review if any non-compliances are found at the site.</p> <p>The monitoring policy MP-01 is not an appropriate monitoring policy to attach to this threat policy, since it also relates to Environmental Compliance Approvals. A separate monitoring policy asking the ministry to report on the actions taken to implement the policy would be an appropriate addition.</p> <p>Finally, policy 01-05 should not appear on list C in appendix A, but rather should be placed on list K, since it does not use the prescribed instrument tool.</p> <p>We support the current policy approach to allow the ministry to consider alternatives in cases where moving PCB waste from the site may increase risks to drinking water, including from spills.</p> | <p>The policy approach should be listed as “specify action” and the word “should” used to reflect that the legal effect is “have regard for”. A new monitoring policy should be added.</p> <p>Policy wording change needed to reflect the appropriate tool that governs PCB waste.</p> <p><u>Suggested new Monitoring Policy</u></p> <p><i>The Ministry of the Environment and Climate Change should, within five years after the effective date of the Source Protection Plan or such other date as the Director determines, provide to the local Source Protection Authority a summary report of the Director’s instructions that were reviewed and any amendments that were made.</i></p> |
| MOECC | 10-1 | <p>2. Policy 10-1 is a prescribed instrument policy addressing pesticide application. The policy states that it “applies to the following provincial instrument: permits for land exterminations, structural exterminations and water exterminations under the Pesticides Act,” and that “Pesticides shall only be applied by a person in possession of a valid permit issued pursuant to the Pesticides Act and shall only be applied in compliance with the Pesticides Act.” Because structural exterminations and water exterminations are not captured by the circumstances for drinking water threats, it would clarify the policy if references to these were removed. Second, the wording of the policy could be interpreted to imply that licences and/or permits are required for all pesticide applications where they would be significant threats. However, licenses and/or permits are only required under the Pesticide Act for certain applications of certain classes of pesticides - there are many situations where pesticide application that would be a classified as a significant drinking water threat would not require a permit. For these reasons, we suggest rewording the policy, similar to the following: “The application of pesticides to land within vulnerable areas where the application of pesticide to land is or would be a significant drinking water threat shall be applied in accordance with any permit requirements as set out in the Pesticides Act and O. Regulation 63/09.”</p> | <p>10-01 keep with revised wording</p> <p>10-01 Environmental Compliance Approvals</p> <p><i>The application of pesticides to land shall only occur in accordance with any permit requirements as set out in the Pesticides Act and O. Regulation 63/09.</i></p> <p>Add RMP policy as 10-02 to address any gaps</p> |
| MOECC | 15-01,15-02,15-03 | <p>3. A previous comment from MOECC requested modifications to fuel storage policies to clarify which types of facilities were being addressed. We note that you have removed the former policy 15-01 to address the comment, and have also slightly changed the terminology in the remaining policies. Currently, policy 15-02 is the only policy that specifically addresses smaller volumes of fuel stored in locations that are not bulk plants or facilities that manufacture or refine fuel. Part D of 15-02 specifies that the policy only applies where the fuel is stored inside a building. Because the tables of circumstances do not specify whether fuel is stored inside or outside a building, it is possible that there may be instances of fuel storage that would not be covered by policy 15-02 (and</p> | <p>Some changes to Policy 15-02 are needed to address this set of circumstances for fuel storage.</p> |

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| | | <p>also not by 15-01 or 15-03). It would be useful for the committee to clarify their intention for any potential fuel storage that falls outside of these three policies (e.g., fuel stored outside a building, not at a bulk plant or facility that manufactures or refines fuel, in quantities between 250 and 2500L). This potential gap could be addressed by removing part D from 15-02 (i.e., having the policy apply to indoor and outdoor storage), or by adding more detailed rationale in the explanatory document (e.g., why no such facilities could occur, or that any such facilities are intended to be addressed only by education and outreach policy G-4, including the statement that the committee deems this tool sufficient to address the risk).</p> <p>Also, we note the title of the current policy 15-01 was modified such that the policy applies to “certain fuel facilities” (previously it was for “other fuel facilities”). In the interest of consistency, policy 15-03, which addresses the same type of fuel facilities, should use the same terminology in the title (it still applies to “other fuel facilities”).</p> | <p>15-02 Risk Management Plan for Small Fuel Facilities <i>Furthermore, the policy applies under the following circumstances: the quantity of fuel is more than 250 L but not more than 2,500 L; and where the facility is not a bulk plant or a facility that manufactures or refines fuel; and the fuel is stored below grade or partly below grade.</i></p> |
| MOECC | 15-04,15-05 | <p>4. The new policies to address fuel storage in the newly delineated event-based areas generally prohibit the establishment of future fuel storage in areas closest to intakes (policy 15-4) and manage future fuel storage in areas further from intakes using risk management plans (15-5). For policy 15-4, the explanatory document describes that “the establishment of new facilities should not be permitted so as to prevent additional significant drinking water threats within the affected vulnerable areas.” However, the explanatory document gives no reasoning for why the Thornbury Water Treatment Plant event-based area A is exempt from this prohibition, and why all future fuel storage will be permitted (with risk management plans) in this area. It would be beneficial to explain why the committee has decided to manage rather than prohibit this instance of fuel storage, especially since it includes the largest volume of stored fuel, which one would expect would pose the greatest environmental hazard.</p> <p>Also in relation to policy 15-05, item 6-b is missing the quantity (it should likely read 8000L for the EBA-C). For item 7-a, the quantity should likely read 5000L instead of 25000L for the EBA-B.</p> | <p>EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics.</p> |
| ****MOECC | Transport Pathways | <p>5. As the ministry has commented before, a transport pathway is a land condition which allows for a contaminant to circumvent the normal infiltration of water from the surface to an aquifer at depth in the ground. The presence of a well or a borehole (i.e., for a geothermal system) is not considered a transport pathway unless its construction provides a conduit from the surface down to an aquifer or allows for increased flow between aquifers. A properly constructed, maintained or subsequently abandoned well or a newly constructed well are not considered transport pathways. Additionally, a transport pathway is not a drinking water threat. There are still a number of the transport pathway policies that would capture anyone with a well or a geothermal system, and would therefore not fall within the scope of s.27 of O. Reg. 287/27. We recommend including wording in policies TP-06, TP-08, TP-09, TP-10, and TP-11 that more clearly reflects that they are directed at transport pathways. We recommend adding the following text to those policies, in the same way that you have modified TP-02 and TP-04:</p> <p><i>“To ensure that any drinking water threat in the vicinity of a transport pathway ceases to be or will not become a significant drinking water threat; or that a transport pathway ceases to endanger the raw water supply of a drinking water system...”</i></p> | <p>The recommend additional text will be added to TP-06, TP-08, TP-09, TP-10, and TP-11. TP-08 O. Reg. 903 Changes Constraining Well Location <i>To ensure that any drinking water threat in the vicinity of a transport pathway ceases to be or will not become a significant drinking water threat; or that a transport pathway ceases to endanger the raw water supply of a drinking water system, the Ministry of the Environment and Climate Change shall give due consideration to making changes to O. Reg. 903 under the Ontario Water Resources Act (future activity).</i></p> |
| MOECC | TP-07 | <p>6. Policy TP-07 is a specify action policy addressing transport pathways (specifically, wells). As noted above, properly constructed wells are not considered transport pathways and do not increase the vulnerability of municipal residential wells considered under the source protection program. As written, the policy contains a wide variety of actions for the ministry to consider – some of these are already integrated into existing legislation, and others are somewhat unclear in terms of their relevance or desired outcome.</p> <p>Part 1 of the policy requests that the ministry “require that a well associated with a permit be maintained to current standards.” Current regulations require well owners to construct the well to the standards of the day, and do not permit wells to be constructed that introduce a connection between surface water and groundwater (which would make the well a transport pathway). Once a well is drilled, it is a very difficult and costly endeavour to modify it.</p> | Remove policy |

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| | | <p>Parts 2 and 3 of the policy are already integrated into existing legislation; O. Reg. 903 requires unused wells to be properly decommissioned.</p> <p>Part 4 of the policy requests that the ministry “require a study, if the location of the permit coincides with a wellhead protection area, that would consider the impact of the water taking and the associated well upon the municipal water supply, including an evaluation of any potential change the vulnerability score within the WHPA and increase the potential number of significant drinking water threats.” This part of the policy appears to introduce concepts relating to water quantity (“impact of the water taking...upon the municipal water supply”), which are unrelated to the topic of transport pathways, and thus are not eligible for inclusion in a transport pathway policy. Furthermore, any changes in the vulnerability score within a WHPA (as per the technical rules) would be strictly mathematical and would not require a “study.”</p> <p>For the reasons noted above, we do not feel that this policy introduces actions that address transport pathways. The simplest solution would be to remove this policy from the source protection plan (especially given the number of other policies that address transport pathways in this plan). However, if the committee is deeply committed to maintaining some of the concepts behind this policy, we recommend a follow-up discussion with our branch to discuss the intended outcome of the policy and options for alternate wording.</p> | |
| MOECC | Monitoring Policies | <p>7. We note that monitoring policies have not been modified in accordance with previous recommendations from the ministry. As we have mentioned before, source protection committees have identified a wide range of reporting requirements. To enable consistent reporting, we continue to ask committees to make their monitoring policies more outcome-based. For example, “The ministry shall prepare an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the SPA”. Where the committee has specific, detailed reporting requirements, we request that the committee revise the language to make these “recommendations” (i.e., monitoring policies in policies MP-01, MP-03). We also noticed many of the monitoring policies directed at Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) (MP-06, MP-07, MP-08) and municipalities in the plans use a similar approach to the above noted policies. The SPC is encouraged to consider the feasibility of and possible revisions for these policies as well.</p> | <p>SPC at the January 2015 meeting affirmed that these monitoring policies should continue to have certain detailed requirements.</p> <p>SPC direction required whether to accept MOECC’s recommended wording. Explanatory document will be updated. Changing shalls to should for MP01, MP03. Ministry shall report semi-annually on progress on Annual reporting framework.</p> |
| MOECC | MP-25 G-01 | <p>8. Policy MP-25 is a monitoring policy for tracking the implementation of the s.59 restricted land use policy, G-1. The policy requires the risk management official (RMO) to report on the number of occasions where enforcement action was taken and the result of the action. It is unclear exactly what this monitoring policy is intended to capture, since there really aren’t any “enforcement actions” associated with restricted land uses. Previous guidance on monitoring policies from our branch has maintained that a monitoring policy to track the implementation of s.59 restricted land uses is not necessary, since the outcome of the policy (e.g, notices, orders, RMPs established) are tracked thoroughly by the information RMOs are required to collect and report on as per s.65 of O. Reg. 287/07. However, if the committee would like to have a monitoring policy associated with policy G-1, a better measure of the implementation of s.59 is whether the RMO and municipality have established a screening/ communications process to ensure Planning Act and Building Permit applications within the areas where the s.59 policy applies are not moving forward/being processed without the necessary notice from the RMO (as per s. 59(2) of the Clean Water Act).</p> | <p>Policy MP-25 can be deleted, since reporting for s.57 prohibition and s. 58 risk management plan policies will already provide this information.</p> |
| MOECC | G-05 | <p>9. We appreciate the modification of one phrase in policy G-5 to have the standard wording suggested by MTO and MOECC. With respect to the legal effect of this policy, in areas where the transportation of hazardous substances is not a local threat, the signage policies may be included in plans as a general education and outreach policies under section 22(7) of the Clean Water Act (which permits education and outreach policies that do not address significant threats). They were categorized in this way since the action of putting up road signs is not seen as directly addressing one of the 21 prescribed drinking water threats. Most committees have categorized the signage policies accordingly, and have treated them as non-legally binding for all implementing bodies (on list J of the legal effect lists in the appendix of the plan). Given the previous wording your committee had suggested for the municipal portion of the signage policy (“shall give due consideration to” rather than “shall be responsible for”), it would likely fit more with the intent of the committee to categorize this policy only as a list J policy (as described above), rather than also including it on list E for municipalities. In line with this change, the policy would be called “general education and outreach” in table 6.2.1 to indicate that it is not being used as a significant threat policy. Finally, if G-5 is regarded as a non-binding, list J policy, then the corresponding monitoring policies should also be on list J rather than F (MP-10 and MP-18).</p> | <p>Change to an education and outreach tool, adjust associated lists</p> |
| MOECC | G-08 | <p>10. Policy G-8 contains definitions of existing and future threats, including transitioning matters for the source protection plan. To allow activities related to applications in process to be treated fairly, transition provisions could ensure that activities related to the application would be considered as existing, and thus managed instead of prohibited. The transition provision in policy G-8 is embedded in the definition of existing and future, and could pose challenges during implementation and be considered unfair. For example, clauses 3 and 4 differentiate between activities related to an application where an approval</p> | <p>Clause 4 creates implementation issues for municipalities and also leaves a gap for applications where</p> |

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| | | is pending (clause 3) and activities for which an approval has been granted (clause 4). If an application is received before the plan takes effect (and is approved after the effective date), the activity has no time restrictions for construction to commence (clause 3). However, where an application has been previously been approved (clause 4), the activity must commence within 180 days – this could be overly restrictive, as it is not unusual for planning permissions to precede construction by longer timeframes, and provincially planning permissions do not expire if construction hasn't been commenced by a certain time. For these reasons, activities that have received prior approvals are treated somewhat unfairly in the policy. Another complication is the monitoring and enforcement related to tracking that construction actually commenced within the 6 month specified time period (i.e., who would have the capacity / resources to monitor and track this construction start date?). To avoid confusion and treat all activities equally, we suggest simplifying the policy by removing clause 4 and modifying clause 3 to apply to all complete applications, including those for which approval has already been granted by the time the plan takes effect, rather than just those for which decisions are pending (clause 3) and activities for which an approval has been granted (clause 4). If an application is received before the plan takes effect (and is approved after the effective date), the activity has no time restrictions for construction to commence (clause 3). However, where an application has been previously been approved (clause 4), the activity must commence within 180 days – this could be overly restrictive, as it is not unusual for planning permissions to precede construction by longer timeframes, and provincially planning permissions do not expire if construction hasn't been commenced by a certain time. For these reasons, activities that have received prior approvals are treated somewhat unfairly in the policy. Another complication is the monitoring and enforcement related to tracking that construction actually commenced within the 6 month specified time period (i.e., who would have the capacity / resources to monitor and track this construction start date?). To avoid confusion and treat all activities equally, we suggest simplifying the policy by removing clause 4 and modifying clause 3 to apply to all complete applications, including those for which approval has already been granted by the time the plan takes effect, rather than just those for which decisions are pending. | construction hasn't begun. Alter clause 3 to include all applications |
| MOECC | G-09 | 11. Policy G-09 is a new policy for monitoring nitrates in the Walkerton municipal supply wells. This policy is not a significant threat policy (does not contain actions to reduce the risk of a threat activity), nor does it fit as a strategic action policy under section 33 of O. Reg. 287/07. The only permissible option for such a policy is to be a monitoring policy under section 22(2)(7) of the Act (monitoring of an issue). As such, the policy should appear on list F. As a monitoring policy, it does not need to be tracked by a separate monitoring policy (MP-29). | The policy will be added to the proper List in Appendix A. The monitoring policy in this case is redundant and can be deleted |
| MOECC | G-12 | 12. It is unclear whether policy G-12, which recommends that municipalities update their emergency response plans, is intended as a specify action policy to address multiple significant threats (as implied by table 6.2.1), or is being included under section 26(6) of O. Reg. 287/07 (as implied by being placed on the list J legal effect list, which is for policies that aren't for significant threats). If policy G-12 is intended to address significant threats, it should be revised to specify that it relates to areas of WHPAs and IPZs where threats can be significant, and it should be on the legal effect list E. In this case, its monitoring policy (MP-26) should only be on list F (it is currently on both F and J). Alternatively, if the policy is being included under section 26(6) of O. Reg. 287/07, it would need to be revised to be applicable to areas of wellhead protection areas or surface water intake protection zones along highways, as defined in subsection 1 (1) of the Highway Traffic Act, railway lines or shipping lanes (and would remain on list J). In this case, its monitoring policy (MP-26) should only be on list J. | The policy should be revised to reflect its connection to significant threats and placed in the correct List in Appendix A. G-12 Update of Municipal Emergency Response Plans <i>For all municipalities where a Wellhead Protection Area or an Intake Protection Zone occurs in their jurisdiction and where activities are or would be significant drinking water threats, it is recommended that the Municipality: update their Emergency Response Plans to include:</i> |
| MOECC | LISTS | 13. A number of policies appear on multiple legal effect lists. For some of these, their inclusion on more than one list could be confusing to implementing bodies and is unnecessary, and in some cases inaccurate. o It is unnecessary for policies using part IV tools to appear on list E (01-01, 01-02, 03-01, 03-02, 04-01, 04-02, 04-03, 06-01, 07-01, 08-01, 08-02, 09-01, 11-01, 11-02, 12-01, 13-01, 14-01, 14-02, 15-01, 15-02, 15-03, 15-04, 15-05, 15-06, 16-01, 16-02, 17-01, 17-02, 18-01, 21-01, 21-02, 21-03, and G-01). o Policies for risk management plans or s. 57 prohibition should not appear on list C (or appendix B, which lists prescribed instrument policies), even if there is a reference in the policies to the exemption process under section 61 of O. Reg. 287/07 for people holding a relevant provincial instrument (03-02, 04-02, 04-03, 08-02, 15-01). Ministries are required to follow the process set out in s. 61 of the regulation without the policies being on list C. - Several policies that relate to decisions under the Planning Act are currently on lists A and E, when it appears that they only need to be on list A (01-06, 02-13, G-2). Also, policy 02-04 seems like it would be better placed on list A rather than list E. | The lists in the appendix will be examined to ensure policies are noted in the correct list(s). |
| MOECC | LISTS, MONITORING POLICIES | 14. Because several monitoring policies appear on list F and list J (due to the different types of policies they apply to), it would be advisable to add an explanatory note to the legal effect appendix to clarify that when a monitoring policy applies to policies that are on list J, then the monitoring policy is also a list J policy (i.e., has a non-binding legal effect, e.g., MP-12). Monitoring policy MP-02 does not need to be on list J as well as list F – since it only monitors a significant threat policy, it should only be captured by list F. | The lists in the appendix will be examined to ensure policies are noted in the correct list(s). |

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| | | The following monitoring policies should not be captured by list F, since they only monitor policies that aren't for significant threats (i.e., list J policies): MP-04, MP-05, MP-13, MP-20, MP-22, MP-28. These monitoring policies should only be captured by list J. | |
| MOECC | LISTS | <p>15. Several policies have been included on list J (which is for strategic action policies) that are actually significant threat policies. Any policy that addresses a significant threat cannot be listed as a strategic action policy, regardless of the implementing body, as per s. 33 of regulation 287/07. Specific action policies that address significant threats and that are to be implemented by bodies other than municipalities, local boards or conservation authorities should be put on list K. These would include significant threat policies directed at bodies such as the federal or provincial government, and other significant threat policies which have a non-legally binding commitment. The following policies should be removed from list J and added to list K: 02-05 (formerly 2-16), G-3, G-10, and G-11. The transition policy G-8 could also be included on list K.</p> <p>Section 4.6 of the plan, which describes the legal effect of various policies, should be revised to reflect the difference between strategic action policies (list J), which are non-legally binding and do not address significant threats, and significant threat policies with a non-binding legal effect (list K).</p> | The lists in the appendix will be examined to ensure policies are noted in the correct list(s). Section 4.6 will be revised to more accurately describe the legal effects of policy approaches. |
| MOECC | G-04 (02-01,02-02, NASMs) | <p>16. O. Reg. 287/07 ss. 40(2)(6)) requires that where education/outreach or another "soft" policy approach is the only policy set out in the plan to deal with significant drinking water threat, a statement is required in the explanatory document that the committee is of the opinion that:</p> <p>i) the policy, if implemented, will promote the achievement of the objectives of the plan that the threat ceases to be / never becomes significant;</p> <p>ii) a policy to regulate or prohibit the activity is not necessary to achieve those objectives.</p> <p>It appears that policy G-4 (general education and outreach for all significant threats) or G-4 and G-3 (incentive policy) will be the only policies that addresses the following significant threat activities: application, handling and storage of category 1 NASM in areas outside WHPA A (since category 1 NASM is not captured by NASM plans), and application of pesticides not covered by provincial instruments.</p> <p>If it was the intent of the committee only to address these threats with education, outreach and incentives, then the statement required above should be added to the explanatory document (either in the section for G-3 / G-4 or in the section describing which policies apply to the threats in question. It is also conceivable that there could be existing septic systems regulated under the <i>Ontario Water Resources Act</i> that are only covered by policies G-3 and G-4 (policy 02-02 only addresses future systems, and not all existing systems would necessarily be captured and decommissioned under 02-01). As such, the explanatory document should be updated to include the statement noted above regarding this threat. Alternatively, if the committee is confident that none of these systems currently exist and that they won't be established by the time the plan takes effect, a statement to this effect can be added to the explanatory document. Another option would be to extend policy 02-02 to existing systems.</p> | <p>For category 1 NASMs, the SPC may elect to use only education and outreach. In that case, a rationale needs to be provided in the Explanatory Document.</p> <p>Policy 02-02 addresses larger on-site sewage systems regulated under a provincial instrument through the Ontario Water Resources Act. There is a gap whereby the policy 02-02 does not consider existing large on-site sewage systems. Add a policy directing the MOECC to review existing permits be added to the UPSPP. This would be similar to the approach taken for waste disposal site approvals (01-03</p> |
| MOECC | Explanatory Document | <p>17. We note that you have included some additional rationale to the explanatory document regarding the impact of a number of policies. In several places, perhaps due to copy and paste errors, the additional statements do not fully coincide with the policy approach for specific threats. Please make appropriate corrections for the following:</p> <ul style="list-style-type: none"> o There are no policies prohibiting the storage of commercial fertilizer in WHPA A or B (policy 09-01 requires a risk management plan for all storage of fertilizer). However, in the explanatory document it states that the committee decided not to apply prohibition in WHPA B, thus implying that there is a prohibition in the WHPA A (p. 28). o The newly added rationale about the impact of salt application policies refers to landowners making alternate arrangements for salt storage, which isn't relevant to the policy being described in this section (p. 31). o In the fuel storage section, the first sentence says "storage of snow" when it should likely say fuel (p. 33). o There are no policies prohibiting grazing and pasturing in WHPA A or B (policy 21-02 requires a risk management plan for all grazing and pasturing), yet in the explanatory document it states that the committee decided not to apply prohibition in WHPA B, implying that there is a prohibition in WHPA A (p. 39). The comment from our branch about including additional rationale also asked for additional information on the number of sites being affected by prohibitions of existing activities (including some storage of ASM, application and handling/storage of NASM, and storage of salt and snow). While the explanatory document now contains references to existing activities for one of these threats (i.e., 2 possible, temporary municipal salt storage sites that will be prohibited), we continue to request any information you have (either in the explanatory document or a supplemental email or phone call) to help us understand and explain the impacts of prohibiting these other existing threats on the ground. | The text of the Explanatory Document will be corrected as per the MOECC recommendations. |
| MOECC | Road Salt, Commercial Fertilizer, | 18. The application of road salt, commercial fertilizer and some NASMs (not from a meat plant or sewage works) are different from other significant threat activities since the actual landscape has to meet certain criteria for the threat to be significant (% impervious surface; % managed land, livestock density, as specified in the Table of Drinking Water Threats established under the Technical Rules for Assessment Reports). In contrast, other threats (e.g., fuel storage, | Footnotes will be added to the appropriate locations for the tables in Chapter 5 |

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| | NASMs | NASM storage, sewage systems) become significant as soon as the actual activity is established. The added layer of contingency on landscape characteristics and associated mapping sets road salt, commercial fertilizer and some NASMs apart from the other threats. If the % impervious surface or managed land/livestock density thresholds are not met in an area, these threats are not and can never become significant in the area until such time as the landscape changes and the assessment report mapping is updated (i.e., no existing or future threats are possible until there is an update in the % impervious surface or managed land/livestock density above the minimum thresholds). The circumstances under which these threats would be significant are well described in section 3 of the plan. However, section 5 implies that the policies for these threats would be applicable anywhere that vulnerable areas have certain scores. To more accurately reflect how policies for these threats are only applicable to vulnerable areas that meet the mapped thresholds, we recommend adding a footnote or explanation to the relevant policy lines in the tables in section 5. The note could point readers toward mapping of % impervious surface area, % managed lands, and livestock density in the assessment reports (in combination with the vulnerability scoring) to determine where these policies would apply. | |
| MOECC | 02-06 | 19. The first paragraph of policy 02-06 states that this policy addresses existing sewage works. After listing which types of sewage works the policy applies to, the next paragraph states that the policy “applies to provincial instruments related to approvals to establish, alter, extend or replace new or existing sewage works...” If the policy is indeed only intended to apply to existing sewage works, it would be useful to remove or clarify the reference to new sewage works noted above. | The phrase “new or” will be removed from the second paragraph of policy 02-06 |
| MOECC | G-03 | 20. Policy G-03 lists the significant threats to which it applies, and includes organic solvents in the list. However, the preamble to section 6.1.17 does not indicate that this policy applies to organic solvents. Please clarify whether this policy is intended to apply to organic solvents. | “Organic solvents” to be added to list of activities. Policies with other similarly long lists of activities will be checked for completeness. |
| MOECC | | 21. Page 5-22 of the plan states that the Thornbury intake cannot have significant drinking water threats, however new events-based mapping indicates that it can. Please update this text. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| MOECC | 02-16 CHANGED TO 02-05 | 22. In table 7.1.1, policy 02-16 is listed as a policy for MMAH. This policy has been changed to be 02-05, and the table should be updated accordingly. In the policies listed for municipalities, the numbering of the sewage policies also has not been updated according to the new policy numbering. | Table 7.1.1 will be updated to reflect any changes to policy numbers or descriptors |
| MOECC | 02-02 | 23. We appreciate the modifications to policy 02-02 such that specific terms and conditions are now included as recommendations for the ministry. Please update the explanatory document to match the revisions to the policy – it currently still indicates that references to the BNQ standards for nitrogen and phosphorous are mentioned in policy 02-02. | The Explanatory Document Section 3.2.2 under the heading 02-02 will be revised to reflect current policy wording. |
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| Ministry of Municipal Affairs and Housing (MMAH) | 02-04 | Policy 02-04 (Sewer Requirement for New Lots) and Policy TP-04 (Water Services for New Lots) As stated in our May 15, 2012 and January 31, 2013 comments, there appear to be portions of the vulnerable areas that extend into the agricultural and rural areas. Policy 02-04 proposes to prohibit the creation of new lots unless the lots are serviced by a municipal sewage system. Similarly, policy TP-04 proposes to prohibit the creation of new lots unless the lots are serviced by a municipal water system. Sections 1.1.4 and 2.3 of the Provincial Policy Statement (PPS) permit limited lot creation in the agricultural and rural areas. The PPS allows municipalities to be more restrictive than the Provincial Policy Statement provided it does not conflict with any other policy in the PPS. The above-noted policies do not appear to conflict with other policies in the PPS however, they may prevent development in the relevant agricultural and rural areas where a properly installed and properly maintained septic system and well exist and which pose little risk. | Revise policies |
| MMAH | 02-13 | Policy 02-13 (Design Principles for New Development) As stated in our January 31, 2013 letter, design standards for stormwater management facilities are not generally incorporated into Official Plans unless they are included as very ‘high level’ policies. Design standards tend to be very detailed and any changes to the standards, regardless of extent, could trigger an official plan amendment if they are written into an official plan in such a manner. For municipalities such as the Town of the Blue Mountains and the City of Owen Sound, design standards are separate documents adopted by Council as guidance documents. It is also possible design standards in an Official Plan may create conflicts with the Ministry of the Environment’s legislation and/or property owners who may satisfy a municipality’s design standards but do not satisfy the Ministry of the Environment’s design standards. | Changing the language will allow flexibility for municipalities to choose the most appropriate tool for them. They can use other means such as a design standard documents, such as those adopted by some municipal councils. This does not alter the spirit of the policy. |

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| Ministry of Transportation (MTO) | G-05 Vulnerable Area Road Signs | MTO is supportive of this policy and appreciates that the policy text has been revised as requested. The consistent application of the initiative on both municipal and Provincial roads will contribute to greater program success. | No response required. |
| MTO | MP-10 | MTO is supportive of providing an annual summary report to the local Source Protection Authority of the number of signs installed, the location of the signs, and the associated vulnerable area as related to policy G-05 Vulnerable Area Road Signs. | No response required. |
| Niagara Escarpment Commission | | <p>The Niagara Escarpment Commission (NEC) has received and reviewed your letter dated February 2, 2015, as well as the above-referenced Source Protection Plan (SPP), and we offer comments below.</p> <p>1) The purpose of the <i>Clean Water Act</i> is “to protect existing and future sources of drinking water” by ensuring activities cease to be or do not become significant drinking water threats. This is in line with the purpose and objectives of the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>, as the <i>NEPDA</i> is clear in its requirement that water should be protected through implementation of the Niagara Escarpment Plan (NEP).</p> <p>Section 8 of the <i>NEPDA</i> sets out the objectives of the NEP, including “to maintain and enhance the quality and character of natural streams and water supplies” and “to support municipalities within the NEP Area in their exercise of the planning functions conferred upon them by the <i>Planning Act</i>”. Section 9 of the <i>NEPDA</i> specifies what the NEP can contain, including policies for the management of land and water and for the control of all forms of pollution of the natural environment within the NEP Area.</p> | No response required. |
| Niagara Escarpment Commission | | <p>2) Lands within the NEP Area have been assigned one of seven land use designations, based on designation criteria and the features and characteristics of the lands. The NEP outlines policies for each land use designation and a list of permitted uses. There is a limited range of uses permitted in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area land use designations and it is unlikely that uses that could pose a threat to drinking water sources would be considered a permitted use in these designations. It is also unlikely that expansions to existing uses that predate the NEP and that are identified as threats could be approved, since the policies of the NEP limit or do not permit changes to these types of non-conforming existing uses.</p> <p>The NEP also contains development criteria related to water quality and quantity, which may address some of the actions identified for the NEC to implement. Existing NEP policies may, in some circumstances, be more restrictive than those proposed in the SPP. In that case, the more restrictive policy will prevail. However, an opportunity exists to update NEP policies to more explicitly address threats to source water, as NEP water policies were created before source water protection became a provincial focus through the <i>Clean Water Act</i>.</p> | No response required. |
| Niagara Escarpment Commission | | <p>3) Notwithstanding the above comment, it is our understanding that the NEC is not legally bound to implement SPP policies, as Development Permits under the <i>NEPDA</i> have not been identified as prescribed instruments under the <i>Clean Water Act</i> and the NEC is not considered a “planning approval authority” under Section 39 (1) of the <i>Clean Water Act</i>. However, we recognize that there is a gap in SPP policy implementation in the NEP Area, where the NEC is the planning authority for areas under Niagara Escarpment Development Control and where municipal zoning does not apply. In light of this, NEC staff has had preliminary discussions with staff from a few NEP Area municipalities, as well as staff from source protection authorities, to better understand how source protection plan policies will be implemented in areas under Development Control.</p> | No response required. |
| Niagara Escarpment Commission | | <p>4) We note that the NEP/NEC does not appear to be contemplated in the Proposed SPP and Revised Assessment Report for the Saugeen Valley, Grey Sauble, and Northern Bruce Peninsula Source Protection Areas. Although the NEC is not considered a planning authority, we foresee that staff will play a role in source protection in areas under Niagara Escarpment Development Control in the aforementioned source protection areas. At this time, staff anticipates that the NEC’s role and responsibility in source protection will be threefold:</p> <ul style="list-style-type: none"> i. to ensure that an appropriate SPP policy is in place in the NEP; ii. to screen development proposals to determine if it is within an identified vulnerable area and direct the applicant to the appropriate municipal and/or conservation authority contact or consult with other land use authorities when Development Permits are being considered; and iii. to report annually on the actions taken to fulfill its obligations, including the processing of Development Permits where such Permits are required. <p>It would be helpful if your Source Protection Committee could confirm that this is in line with your expectations for the NEC. We also recommend that the SPP be updated to identify that the NEC is the planning authority for areas under Niagara Escarpment Development Control, as well as the role that the NEC will play in source protection the NEP Area through its administration of the NEP.</p> | The NEC is the planning authority in NEPDA areas. Staff recommends having further discussions with the NEC and other SPRs on the escarpment so that policies are consistent across NEPDA. The MOECC sees no gaps in policy at this time and any changes in policy or implementing body could be accomplished in the upcoming update. Add a footnote to Table 7.1.1 to note that while policies are directed at the NEC, they are the planning official in NEDPA areas. |

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| Niagara Escarpment Commission | | 5) Further to comment 4 i) above, staff anticipates that source protection-related matters may be addressed as part of the co-ordinated provincial plan land-use review (i.e., coordinated review of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan, and Growth Plan for the Greater Golden Horseshoe), and that the plans will be updated accordingly. In anticipation of this, NEC staff has prepared a discussion paper on source protection, which was presented at the November 20, 2014 meeting of the NEC. Given that the Niagara Escarpment falls within five (5) Source Protection Regions, there are a number of policies or approaches presented in each of the SPPs for how the NEC should implement the source protection policies. Staff believes that a “catchall policy” wherein a policy on drinking water source protection could be added to Part 2.6 of the NEP, to recognize and support the SPP policies of all of the Source Protection Regions in the NEP Area. In the discussion paper, staff presented proposed wording for source-protection-related policies and definitions for the NEP. A copy of this report can be found on our website at: http://www.escarpment.org/planreview/index.php . | No response required. |
| Municipality of Meaford | EBA – fuel policies | <p>Staff and Council of the Municipality of Meaford have significant concern regarding the prohibition of fuel storage facilities exceeding 2000L in the Events Based Area - A , specifically as it relates to the ongoing availability of a fuel storage and dispensing facility to service the Municipal Marina at Meaford Harbour. The marina represents a substantial municipal investment and community asset and is a key driver in future Economic Development for the Municipality. The importance of fuel services for this use was acknowledged via the Municipality of Meaford Waterfront Strategy (2014) and contingency planning, for ongoing fuel service, was identified as a key recommendation of that Strategy.</p> <p>Fuel services are presently available via Richardson's Boats on the west wall of the 'old harbour'. It is Staff's understanding that the 'storage' is located on Mr. Richardson's lands, with the 'pumps' being located on abutting federal waterfront lands sub-leased to Mr. Richardson by the Municipality of Meaford. Richardson's have indicated that they will continue to provide this service as long as they have a Provincial license to do so, however, because the provision of fuel is integral to the operation of the Harbour; and, there is a risk that the license may not be extended, the Municipality has proposed a contingency plan to establish a new above ground gas storage/dispensing facility in the 'new' harbor/marina area. The Source Protection Plan, as proposed, would prohibit such a facility.</p> <p>To address these concerns, the Municipality respectfully requests an exception from the prohibition to allow for a replacement facility, to be located on the Federal and/or Municipally-owned lands abutting the marina/ 'new' harbour, at the time the storage and dispensing facility at Richardson's Boats is to be discontinued.</p> <p>Staff would be happy to work with the Source Protection Committee to develop a policy-based approach to facilitate future permissions for a replacement fuel facility and suggest that perhaps a Special Policy Area could be established for the waterfront lands inclusive of Richardson's Boats and east along the shoreline to those lands abutting the Municipal marina. This Area could be mapped as an overlay on Map 5.2.M.M.1 with corresponding text to be included in Threat Policy 15-04 to the effect of "Within Special Policy Area 'A', a new facility, not to exceed 562SL (4500L existing plus 25%) may be established by the Municipality of Meaford, provided the total storage within the SPA does not exceed 5625L. Such facility shall be risk managed and subject to enhanced monitoring provisions.</p> <p>Staff will continue to explore options to address the provision of fuel services to the marina and advise the Committee that additional comments may be submitted in the coming months, as this work progresses.</p> | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| Town of Saugeen Shores | Length of review and comment opportunity | Source Protection Committee has been active in preparing a Drinking Water Source Protection Plan for many years and has been considering modelling contaminants near intake protection zones. However, the Town, as affected landowner and as implementing authority, has only been provided 1 month to review and assess potential implications of the proposed Plan changes for our community. Analysis and review of threats to well-head protection areas was conducted over many months/years. Up until this point in this long process municipalities like Saugeen Shores were advised they had no impact arising as a result of the lake based intake system and were effectively 'exempt' from the DWSPP. We should be given as much time as municipalities with well-head protection areas to efficiently and fairly conduct a review of the proposals, review impacts on the community and assess the ongoing implications of now being essentially retroactively involved in the overall process. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| Town of Saugeen Shores | Approach to Threats Analysis | <p>While it appears there was a probability analysis completed for wind storm and tributary flow, it appears no probability analysis was completed to determine the likelihood of other factors that could contribute to the overall effect of an event. The following is a partial list of other factors which should be assigned probability:</p> <ul style="list-style-type: none"> • likelihood of fuel tank rupture, • likelihood of underground tank pumping fuel to surface, • likelihood of operations staff monitoring intake during storm events, • likelihood of Southampton backup intake being used during storm events, | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |

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| | | We acknowledge these are extreme events. However, we already understand many things about extreme events (such as fuel spills). We should be applying this knowledge to inform this process. Once a more comprehensive list of contributing factors is prepared and approved it seems appropriate to conduct a model of the contaminant. In this way, a better, more robust risk analysis may be presented to inform MOE and municipalities. | |
| Town of Saugeen Shores | Need for direct consultation with affected landowners | Staff appreciated receiving direct correspondence as a landowner of a facility which would be affected by the new policies. However, as with being given more time to review the proposals, we are of the opinion that the Committee should provide additional direct consultation with affected municipalities once this first round of discussion is completed. Source Protection Committee will then have a better understanding of our concerns and can endeavor to meet with each affected municipality to create policies which are specifically tailored to meet our common goals. It is also important to note that all landowners with existing fuel facilities that were circulated the proposed plan should be given a fair opportunity to review and seek advice on the potential impacts this may have in their operations. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| Town of Saugeen Shores | Economic Development | It appears the impact of including our community with the threat modelling done to date will result in constraining certain fuel related land uses in a very urban part of our settlement areas. We feel the basis for determining constraints is speculative at best and does not reflect realistic threat assessments. Fuel storage facilities are already highly regulated and the series of incidents that appear to be necessary to occur to have our intake area impacted is, simply, in our opinion, not based in reality. As we understand it, the only reason we are now proposed to be caught by the DWSP and the threat assessment is the proximity of our back up water intake facility to the shoreline. We point out that use of this facility simply wouldn't occur if there was any threat to the quality of the water arising as a result of one of the fuel threats identified unfolding. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| Town of Saugeen Shores | Transitioning | By the time this is approved by MOE, and assuming there are no further changes, Saugeen Shores budget for 2015 will have been set. However, in order to properly establish our RMO we will need more direct advice on how to budget or, as we are recommending herein, we will require transition funding to assist in the initial stages of implementation until we prepare 2016 and future budgets or fees and charges by-laws. Saugeen Shores encourages you to continue developing effective and fair Source Protection Plan policies to ensure our quality of drinking water remains some of the best in Ontario. Doing so can occur without speculative unrealistic threats being created that would draw an otherwise well-managed community into an arduous process unnecessarily. We would like to meet with your organization to review and elaborate on the concerns outlined herein at your earliest opportunity. We further advise we will be retroactively seeking the endorsement of our Council for the concerns expressed in this letter. The extremely short comment period precludes a conventional approach to engaging our elected officials in a dialog on this important matter. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| City of Owen Sound | | Since their inception, the term of reference for Source Water Protection Committees (SWPC) was established to focus the committee's attention on "significant" threats to drinking water sources. Until approximately three weeks ago we understood that water systems using Great Lakes intakes could not be ranked as vulnerable as per the scoring rules set out by the MOE in the Source Water Protection Terms of Reference. If the system could not be rated as vulnerable, then a threat could not be considered "significant" under the terms of reference. In the case of the Owen Sound intake, there were no identified significant threats (including the WWTP outfall) and therefore there would be no requirement to impose land use prohibitions or restrictions as outlined in the draft Policies to protect our source water, since only a "significant" threat triggers the imposition of such measures. For this reason the City has not taken an active role in the establishment of the source water protection plan and policies as none applied to our circumstances. It is was therefore a considerable surprise to learn at the recent presentation that the SWPC Has been conducting modelling of the Great Lakes intakes such as the one for Owen Sound. We understand that the original scope of the analyses was to address the transportation of fuels as a local threat. It appears that the scope has now somehow morphed into an examination of the impacts of spills leaking from onsite storage of fuels. We understand that the results of the modelling now suggest that the intake could be at risk as a result of on-shore fuel spills. On the basis of these modelling results the SWPC is proposing restrictions on the volumes of petroleum products that may be stored in areas surrounding the Sound varying between 15,000l and 50,000 l. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |
| City of Owen Sound | | The City of Owen Sound has a number of concerns with the proposal including the following: 1. The SWPC and the affected municipalities have had over five years to evaluate the threats to their drinking water sources. They have participated in the analyses through every stage of development and participated in the development of the protection plans. Municipalities like Owen Sound have not been afforded the same opportunity. We have had no input to the formulation of the basic assumptions, no opportunity to review the modelling scenarios and no opportunity to participate in the review of the results of the modelling. We request that the City of Owen Sound be afforded the same opportunities as other to municipalities participate in the development of the source water protection plan and policies as it affects our intake. | EBA technical and policy work have been deferred at the request of the SPC. TAC will be established to allow for discussion on these topics. |

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| | | <p>2. We understand that the City's comments are required not later than March 6, 2015 and the SWPC will be submitting its final recommendations to the MOE by the end of March. It is further understood that it is the intention of the Ministry to implement the source water protection plans no later than the end of 2015.</p> <p>With respect it appears that the components of the plan relating to Great Lakes intakes are being rushed through to implementation without the value of proper and thoughtful evaluation. We therefore request that the implementation of the source water protection plan be postponed until municipalities like the City of Owen Sound have had an opportunity to fully evaluate the proposed plan. If it is not possible to suspend the implementation of the source water protection plan, we request that the portion relating to the Great Lakes water intakes be held in abeyance until such time as a proper review can be completed.</p> <p>3. Municipalities who have been active participants in the development of the source water protection plans have had many years to prepare to assume their responsibilities for implementation as defined under the Clean Water Act.</p> <p>The City of Owen Sound and other municipalities of a comparable nature have had no such opportunity. We request that the effective date of implementation be delayed for at least six months to give us the opportunity to put in place the regulatory and administrative measures needed and prepare staff to enforce the act and the source water protection plans.</p> <p>4. Municipalities who have been active participants in the development of the programs have been provided with financial and technical assistance to prepare for the transfer of responsibilities.</p> <p>The City of Owen Sound has not been provided with these resources and can ill afford to absorb the additional costs associated with administering to Act. We request immediate financial assistance to enable the City to prepare the assumption of responsibilities. We will provide a detailed breakdown of anticipated costs as soon as possible.</p> <p>In closing we must express our extreme disappointment in the way that this matter has been handled and the way that the proposed changes are being imposed upon us on such short notice. We hope that this approach will not be repeated in the future. We look forward to early and favorable response to our concerns.</p> | |
| Ministry of Agriculture, Food and Rural Affairs (OMAFRA) | G-03,G-10,TP-11 | <p>Policies Naming OMAFRA as an Implementing Body</p> <p>Proposed policies G-03, G-10 and TP-11 request the Province to provide financial support or financial assistance to landowners, municipalities and conservation authorities under the source water protection programs. These proposed policies are outside the scope of the source protection plan and we recommend that the policies be deleted.</p> | <p>SPC has discuss these policies thoroughly.</p> <p>Add the language from the terms of reference in the explanatory document to reiterate our stance, which is firm</p> |
| OMAFRA | Education and Outreach Policies | <p>The ministry supports the proposed policies concerning the development and implementation of education and outreach (E&O) programs. Many of these proposed policies indicate that the E&O programs would build on existing programs. OMAFRA has numerous existing materials that are designed to promote increased awareness and implementation of appropriate agri-environmental management practices.</p> | <p>No response required.</p> |