

Thames – Sydenham and Region Source Protection Region Meeting Agenda

Source Protection Authority Lower Thames Valley
Meeting Date: October 18th, 2018
Meeting Time: Directly after the Board of Directors Meeting
Meeting Location: LTVCA Administration Building Board Room

Agenda

1. Adoption of the Agenda
2. Minutes from the Previous Meeting – April 19th, 2018
3. Business Arising from the Previous Minutes
4. Business for Approval
 - a. Striking Committee Composition
5. Business for Information
 - a. Source Protection Committee – Member Appointments
 - b. Ministry of Environment, Conservation and Parks, Memorandum Re: New Regulation under the Safe Drinking Water Act – August 2018
 - c. Source Protection Bulletin: Requirements for Municipal Drinking Water Systems – August 2018
 - d. Source Protection Bulletin: New Administrative Amendments and Prescribed Threats under the Clean Water Act – August 2018
 - e. New Requirements for Municipal Drinking Water System Owners – August 2018
6. Other Business
7. Adjourn

2. Minutes from the Previous Meeting – April 19th, 2018

Thames – Sydenham and Region Source Protection Region Minutes

Source Protection Authority: Lower Thames Valley
Meeting Date: April 19th, 2018
Meeting Time: Directly after the Board of Directors Meeting
Meeting Location: LTVCA Administration Building Board Room

A meeting of the LTV Source Protection Authority was held at the LTVCA Administration Building in Chatham, Ontario at 4:00 PM on Thursday, April 19, 2018 with the following directors present: L. McKinlay, H. MacDonald, S. Caveney, R. Doane, D. McKillop, M. Smibert, G. Bogart, M. Bodnar, T. Thompson & L. Leclair.

1. Adoption of the Agenda

1. T. Thompson – D. McKillop

Moved that the agenda be adopted.

CARRIED

2. Minutes of the Previous Meeting

2. T. Thompson – M. Smibert

Moved that the February 19th, 2015 minutes be approved.

CARRIED

3. Business Arising from the Previous Minutes

None declared.

4. Business for Approval

a. Drinking Water Source Protection Annual Progress Report

b. Appendix A

c. Appendix B, as appended to this report

3. G. Bogart – M. Smibert

Moved that the Lower Thames Valley Source Protection Authority direct staff to submit the Thames-Sydenham and Region Source Protection Annual Progress Report and Supplemental form to the Director of the Source Protection Programs Branch of the Ministry of the Environment and Climate Change.

CARRIED

5. Business for Information

a. Correspondence to the MOECC Re: Wind Turbines & Water Quality in Chatham-Kent

4. T. Thompson – H. MacDonald

Moved that the correspondence regarding the letter to MOECC from the Thames – Sydenham and Region Source Protection Authority be received for information.

CARRIED

6. Other Business

None noted.


7. Adjourn

5. L. Leclair – D. McKillop

Moved that the meeting be adjourned.

CARRIED

Linda McKinlay
Chair



Mark Peacock
General Manager/Secretary-Treasurer

4. a. Striking Committee Composition

Report to Lower Thames Valley Source Protection Authority

Cc SP Management Committee

Date October 18, 2018

From Jenna Allain, Source Protection Coordinator

Re: Striking Committee Composition

Purpose

To review proposed changes to the composition of the Drinking Water Source Protection Striking Committee.

Background

The *Clean Water Act, 2006* requires that the Source Protection Authority for each Source Protection Region, form, and maintain, a Source Protection Committee. In the Thames-Sydenham and Region, the Upper Thames River, Lower Thames Valley and St. Clair Region Source Protection Authorities share this role. A Striking Committee was established with two Board representatives from each Source Protection Authority to carry out the responsibilities related to the formation and maintenance of the Source Protection Committee. The Source Protection Authorities' General Managers and the Program Coordinator provide support to the Striking Committee.

Discussion

In June 2018, the membership terms for seven Source Protection Committee members expired. This prompted the Striking Committee to initiate a selection and appointment process in the spring of 2018 to fill these positions. It had been two years since the last Source Protection Committee members had been appointed, and the Striking Committee had met. Through the selection process, some challenges were realized. These challenges are outlined below:

- Coordinating Striking Committee meetings with 6 board members on 3 different boards, and 3 General Managers, all with busy schedules, is challenging.
- Striking Committee members are distributed over a large geographic region, making in-person meetings impractical.
- The infrequency of Striking Committee meetings means members are not regularly engaged in Source Protection Committee business, and are not familiar with Source Protection Committee members.

Given the challenges outlined above, consideration has been given to reducing the size of the Striking Committee to ease the process of selecting, appointing, and maintaining the membership of the Source Protection Committee. Staff recommend that the Striking Committee be comprised of one Board representative from each Source Protection Authority. The Source Protection Authorities' General Managers and Program Coordinator would continue to provide support. A reduced membership of the Striking Committee will make coordinating meetings easier while maintaining representation from each Source Protection Authority. Despite the geographic



challenges, a smaller membership may also make in-person meetings more practical, and may allow for Striking Committee members to be more engaged.

Recommendation

That the Lower Thames Valley Source Protection Authority approve the proposed changes to the composition of the Drinking Water Source Protection Striking Committee.

5. a. Source Protection Committee – Member Appointments

Report to Lower Thames Valley Source Protection Authority

Cc SP Management Committee

Date October 18, 2018

From Jenna Allain, Source Protection Coordinator

Re: Source Protection Committee – Member Appointments

Purpose

To provide information on the recent appointments to the Thames-Sydenham and Region Source Protection Committee

Background

In June 2017 the Thames-Sydenham and Region Source Protection Committee (SPC) was reduced from 21 to 15 members. At that time 7 members were offered appointment extensions to June 2018 and 8 members were offered appointment extensions to June 2019. These membership appointment terms were based on the *Clean Water Act, 2006* regulation requiring that the terms of all current members must expire before January 1, 2020.

In the spring of 2018, the Striking Committee for the Thames-Sydenham and Region initiated a selection and appointment process for the SPC member positions that were expiring in June.

Discussion

After a successful selection process, the Striking Committee appointed the following Source Protection Committee members for a 3-year term that extends until June 2021:

| SPC Member | Representing Sector | New Appointment or Reappointment |
|-------------------|---|----------------------------------|
| Brian Lima | Municipal – London and Middlesex | New Appointment |
| Brent Clutterbuck | Municipal – Elgin, Essex and Chatham-Kent | Reappointment |
| John Van Dorp | Agriculture | Reappointment |
| Earl Morwood | Industry | Reappointment |
| Hugh Moran | Oil and Gas | Reappointment |
| Gary Martin | Public | New Appointment |
| Nicholas Seebach | Public | New Appointment |

The following Source Protection Committee members, who left the Committee, are recognized for the dedication to the protection of municipal drinking water sources, and their years of service:

| Former SPC Member | Representing Sector | Years of Service |
|-------------------|----------------------------------|------------------|
| Pat Donnelley | Municipal – London and Middlesex | 11 |
| Valerie M’Garry | Public | 11 |
| Joe Kerr | Public | 11 |



All future SPC membership terms are as follows:

- Members appointed in June 2018 will have a term that extends to June 2021 (3 years)
- Members appointed in June 2019 will have a term that extends to June 2023 (4 years)
- Beyond these appointments, all future appointments will be for 4 year terms with half of the member's terms expiring every other year.

5. b. MOECP, Memorandum Re: New Regulation under the Safe Drinking Water Act – August 2018

Ministry of the Environment,
Conservation and Parks

Source Protection Programs
Branch

14th Floor
40 St. Clair Ave. West
Toronto ON M4V 1M2

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Direction des programmes de protection
des sources

14^e étage
40, avenue St. Clair Ouest
Toronto (Ontario) M4V 1M2



August 2018

Dear General Managers,

On July 1, 2018 a new regulation under the *Safe Drinking Water Act* (O.Reg. 205/18) and amendments to the General Regulation under the *Clean Water Act* (O.Reg. 287/07) came into effect. These regulations are intended to ensure new or changing municipal residential drinking water systems are protected before providing water to the public.

Overall we have heard that conservation authorities generally support these regulations. I understand there are concerns with the reference in the *Safe Drinking Water Act* regulation to the notice issued by the authorities under the *Clean Water Act* regulation. Specifically, that this reference implies that source protection authorities now play a role in the implementation of the *Safe Drinking Water Act*.

First and foremost, I want to clarify that the new regulation under the *Safe Drinking Water Act* does not place any obligations on source protection authorities. All obligations for source protection authorities continue to be defined under the *Clean Water Act* and its regulations.

The notice, which is prescribed by Section 48 (1.1) of the General Regulation under the *Clean Water Act*, is to ensure that source protection authorities:

- are aware that municipalities are moving forward with a new or changing municipal residential drinking water system within their source protection area;
- are able to weigh in on whether they have received the information required to initiate an amendment to their source protection plans; and
- have made the drinking water system owner aware of the steps and timelines to amend the source protection plan as this affects their ability to operate that system.

This notice is not intended to imply the approval of any documents submitted to the source protection authority. The validity of the technical work under the *Clean Water Act* will be assessed by the Ministry when the amended source protection plan is submitted for review.

The reference to the notice in the *Safe Drinking Water Act* regulation relates to obligations of the owner of the drinking water system to obtain this notice and submit it as part of their drinking water works permit or license application. This allows the permit or license application to proceed; it does not influence the review and issuance of that permit or license and it is not considered part of the drinking water system permit or license.

We have attached additional guidance intended to help project managers understand their role in issuing this notice. Should you have remaining questions or concerns regarding the nature of the responsibilities of the source protection authority please don't hesitate to contact me.

We value the contribution that local source protection authorities have made to protect sources of drinking water and will continue to rely on their expertise and support into the future. We sincerely look forward to having a continued relationship with the source protection authorities in our ongoing efforts to ensure safe, clean drinking water for Ontarians.

Sincerely,



Heather Malcolmson
Director

Cc: Source Protection Committee Chairs
Source Protection Committee Project Managers
Conservation Ontario
SPPB Managers
SPPB Liaison Officers

5. c. Source Protection Bulletin: Requirements for Municipal Drinking Water Systems – August 2018

Ministry of the Environment, Conservation, and Parks
Source Protection Programs Branch

Source Protection Bulletin: Requirements for Municipal Drinking Water Systems – August 2018

Introduction

On July 1, 2018 a new regulation under the *Safe Drinking Water Act* (O.Reg. 205/18) and amendments to the General Regulation under the *Clean Water Act* (O.Reg. 287/07) came into effect. The new regulation under the *Safe Drinking Water Act* requires that municipalities work with source protection authorities to ensure new and changing municipal residential drinking water systems are included in source protection plans.

As a source protection authority, you have obligations under the amended *Clean Water Act* regulation that impact a municipality's ability to move forward with projects for new or changing municipal residential drinking water systems. This bulletin provides information on the municipal obligations under the new *Safe Drinking Water Act* regulation, and outlines how this new regulation, as well as amendments made to the General Regulation under the *Clean Water Act*, affect you. Further guidance on other amendments to the General Regulation are provided in a separate guidance document.

Regulation 205/18: Municipal Residential Drinking Water Systems in Source Protection Areas

The new regulation applies to municipal residential drinking water system owners within source protection areas and works with a regulation under the *Clean Water Act* to identify when and how system owners must ensure that new or changing drinking water systems are protected by their local source protection plan.

The regulation applies where:

- a new municipal residential drinking water system is being located within a source protection area, or
- changes are being made to an existing municipal residential drinking water system located in a source protection area that results in new or revised vulnerable areas, including (but not limited to):
 - the establishment of a new well
 - deepening an existing well
 - increasing the capacity at an existing well
 - the establishment of a new surface water intake
 - moving an existing intake

What are the responsibilities of Source Protection Authorities?

Source protection authorities play an important role in ensuring that municipalities understand their obligations under this new regulation and minimizing delays in plan updates. Without established relationships with municipalities, there is an increased likelihood that municipalities will not inform source protection authorities of the work they are undertaking, and source protection authorities will not be prepared to update source protection plans as required in the related *Clean Water Act* regulation. When municipalities understand their obligations they will know to contact you as they begin planning for new or changing drinking water systems to discuss what work will be required under the *Clean Water Act* and how they are going to undertake the work necessary for you to update the source protection plan.

The work necessary for new or changing drinking water systems will depend on the information in the existing source protection plan, so you will need to help the municipality determine what work is needed.

- At a minimum, new vulnerable area delineation information will be required.
- Vulnerability scores are also required for new areas. Where the assessment report has transferable vulnerability information (i.e. areas of high, medium and low groundwater vulnerability), it can be used to generate the scoring for the new or changing system in accordance with technical rule⁴ 83.
- Similarly, once the type of surface water system is known and vulnerable area delineated, this can be used to generate scores for the new or changing intake protection zone in accordance with rule 95.
- There may also be a need to update mapping for percent managed lands, livestock density or impervious surface areas if the assessment report doesn't contain this information for the area of the new or changing system, to determine where specific threats could be significant.
- The province is not expecting updated assessment reports to include a field enumeration of existing drinking water threats. However, you may need to undertake some level of desktop analysis of the impact of policies and to determine who has to be notified when consulting on the proposed plan amendments. If the project was subject to the Municipal Class EA, the municipality should have already done some of this analysis during that process to assess the impact of the *Clean Water Act* on landowners when identifying the preferred location for their system.

In many cases, this work will need to be completed by a qualified professional. Depending on how the source protection authority intends to review this work you may want to recommend

⁴ Director's Technical Rules established under the *Clean Water Act*, 2017 <https://www.ontario.ca/page/2017-technical-rules-under-clean-water-act>

that the system owner have a peer review undertaken. Where this is the case, you should inform the municipality early in the process.

Once the technical work is complete the municipality or system owner will provide a written notice to the source protection authority of their intention to apply for a drinking water works permit. The source protection authority will need to confirm that the vulnerable area information is complete. Similar to how this was done during the first round of source protection planning, you should use your judgment to determine whether the work aligns with the technical rules established under the *Clean Water Act*. For example, you may want to compare the content of new technical work with what is already in your approved assessment report for consistency. Where a peer review has been undertaken, this may influence the level of review necessary by the source protection authority. Ultimately, you need to determine if this information will allow you to move forward with a plan amendment. For remaining questions or concerns, Source Protection Programs Branch staff are available to assist.

In some cases, additional technical work may not be required to ensure a new or changing drinking water system is protected by a source protection plan. A system owner may provide technical rationale to the source protection authority to demonstrate that no new vulnerable mapping or scores are needed, and that the well or intake is fully protected by the current vulnerable areas and plan policies. This may include situations in which a new wellhead protection area is fully enclosed within an existing wellhead protection area, or new areas of high vulnerability fall within existing areas with a vulnerability score of 10. In these situations, the source protection authority can specify in the notice to the system owner that no changes are needed in the source protection plan to protect the new or changing drinking water system. Care should be taken when making a decision that plan updates are not needed, as there are some source protection plans that apply different policies to different vulnerable area zones. Given this, you should confirm that the current policies would not need to change with the addition of the new or changing system before responding that no changes are needed to the plan. Where changes to a plan are not going to be made under section 34 of the *Clean Water Act*, you can include any necessary minor updates to include new wells or intakes and vulnerable area information through a future update under section 36 of the *Clean Water Act*.

When you are satisfied that the technical work is complete and can be used to proceed with source protection plan amendments you will provide a notice back to the system owner that must:

- include a statement that the source protection authority is satisfied the technical work is complete;

- identify any necessary amendments to the source protection plan, such as sections within the assessment report and source protection plan that will need to be revised, including whether or not it is anticipated that new policies will need to be developed;
- indicate when the source protection authority will be able to propose amendments to the source protection plan, you could consider including details such as when the changes will be provided to affected municipalities for endorsement, subsequent public consultation, and submission of the proposed amendment to the Minister if known; and
- identify whether any of the amendments have already been made.

Source protection authorities should have business processes in place so that you can receive the technical information provided by the system owners, provide the notice to the system owners, and amend source protection documents in a reasonable amount of time. The source protection authority must ensure that the person issuing the notice has the authority to issue this notice. Lead and local source protection authorities should examine any existing partnership agreements to ensure it's clear who has the authority to issue these notices in each of the source protection areas. It would be helpful to communicate your process to municipalities and system owners to ensure they are aware of your requirements.

Following issuance of the notice, the source protection authority and committee together will:

- amend the source protection plan and assessment report to include the new or changing system and associated vulnerable areas as well as any new or amended policies,
- consult on the proposed changes, and
- submit the proposed amendments to the Ministry for approval in accordance with the *Clean Water Act and regulations*.

Approval of the source protection plan amendment will ultimately rest with the Ministry, including confirmation that the technical work has been conducted in accordance with the Technical Rules as set out under *Clean Water Act*. Similar to the process used during the development of the initial assessment reports and source protection plans this will require examination of background documents developed in support of the vulnerable area delineation and scoring. Given this, please ensure you request this information from the drinking water system owner and submit it to the Ministry with your proposed source protection plan amendment.

Condition of approval

Drinking water works permits or licenses issued after July 1, 2018 will include a condition to prevent water from being supplied to the public until any necessary updates to the source protection plan are approved by the Minister. In order to ensure that new and changing

systems can provide treated water in a timely manner, ensure you consider their timelines when determining your timeline for the assessment report and source protection plan amendments.

Early engagement with municipalities

The province advises drinking water system owners to undertake source protection work early in the planning phases for new or changing drinking water systems to ensure that they are not delayed in providing water to the public. Where appropriate, they may initiate this work during the Class Environmental Assessment project. In other cases, they may initiate this work once they have finalized the location of wells or intakes and the planned pumping rates.

Some drinking water system owners may not understand the importance of initiating work early. Therefore, you should be working with your municipalities to encourage early engagement with you during the planning stages for new or changing systems. If you are aware of drinking water system projects that are underway that may not have completed the required vulnerable area information, you should contact the municipality to ensure that they will be able to meet the new regulatory requirements.

Regulation exemptions

You should also be aware that the new regulation does not apply in the following emergency situations:

- where an application for a drinking water works permit is being made to address an immediate drinking water health hazard; or
- a Declaration Order has been issued under the *Environmental Assessment Act*

Accordingly, there may be situations in which source protection plans would be required to be amended after a new system or system changes are made and brought into service. In this case, plan amendments should be made as soon as reasonably possible.

When the regulation does not apply

There may also be situations where the regulation does not require a notice be included with an application for a drinking water works permit. For example, if a drinking water system has already been included in a source protection plan as a planned system, then the regulation under the *Safe Drinking Water Act* does not apply. If this is the case, the source protection authority may want to provide a letter (which could be in the same format as your notice) that confirms the system is already included in the source protection plan. Alternatively, the municipality may choose to indicate in their application how it is already included in the existing source protection plan.

Resources Available

The new regulation can be accessed: www.ontario.ca/laws/regulation/r18205

For additional information about the new regulation please contact the Source Protection Programs Branch through your Liaison Officer or by email source.protection@ontario.ca

For more information on the drinking water works permit application process, please contact the Approvals & Licensing section in the Environmental Assessment and Permissions Branch of the Ministry of the Environment, Conservation, and Parks at:

Local: 416-314-4300

Toll Free: 1-888-999-1305

E-Mail: MDWLP@Ontario.ca

5. d. Source Protection Bulletin: New Administrative Amendments and Prescribed Threats under the Clean Water Act – August 2018

Ministry of the Environment, Conservation and Parks
Source Protection Programs Branch

Source Protection Bulletin: New Administrative Amendments and Prescribed Threats under the Clean Water Act – August 2018

Introduction

On July 1, 2018, amendments to the General regulation (O. Reg. 287/07) under the *Clean Water Act* came into effect. These amendments help to ensure source protection plans are kept up to date, improve transparency when minor changes are made to plans and assessment reports, and update the list of drinking water threats for the continuous improvement of the source protection program. This bulletin provides information on the obligations of source protection authorities when making minor amendments to source protection plans, and the requirements for ensuring local plans address liquid hydrocarbon pipelines.

An amendment was also made to the General regulation under the *Clean Water Act* to support the implementation of the new regulation under the *Safe Drinking Water Act* (O. Reg. 205/18), by ensuring new and changing drinking water systems are incorporated into source protection plans in a timely manner. For more information on that change, please see the separate Source Protection Bulletin: Requirements for Municipal Drinking Water Systems – July 2018.

Plan Amendments

Changes to the General Regulation under the *Clean Water Act* affect amendments which qualify as typographical, administrative or other minor amendments listed in section 51, and do not require consultation or approval by the Minister of the Environment, Conservation and Parks. Two additional types of amendments now qualify under section 51, specifically:

- an amendment to a source protection plan to account for the discontinuation of wells or surface water intakes, and
- an amendment to a source protection plan to account for changes in terminology used in the Tables of Drinking Water Threats.

These types of amendments are administrative in nature and allow source protection authorities and committees to update plans quickly so they remain relevant.

Source protection authorities should maintain regular communication with municipalities and other drinking water system owners that may be planning on decommissioning a well or intake

to ensure the authority can keep the plan up to date and meet the notification requirements under the *Clean Water Act*. Once a well or intake has been properly decommissioned, you can make an administrative amendment to your local source protection plan and assessment report, ensuring that you notify the Ministry and affected implementing bodies. However, where there are wells or intakes that are being decommissioned near other wells or intakes, this may impact the vulnerability scoring of the remaining vulnerable areas. Where this is the case, additional amendments may need to be made beyond the administrative removal of the well or intake from the plan, and would be completed under section 34 or section 36 of the *Clean Water Act*. Source Protection Programs Branch staff are available if you need assistance or have any questions about these requirements.

Providing notice to implementing bodies

To increase transparency about minor amendments under section 51 of the amended regulation, you must provide notice directly to implementing bodies that would be affected. Source protection authorities are still required to publish the amended plan and notice of the amendments on the Internet, but must also:

- notify the Director and all persons or bodies responsible for implementing policies affected by any section 51 amendments; and
- provide updated geospatial mapping data to the Ministry so that the provincial Source Protection Information Atlas can be kept up to date.

Providing a notice describing the amendment is critical to ensure implementing bodies and Source Protection Programs Branch are aware that plans have changed, especially when vulnerable area mapping has been updated and policies no longer apply around decommissioned wells or intakes. This ensures that when policy burden is removed, municipalities, businesses, and land owners are not undertaking source protection work unnecessarily.

Liquid hydrocarbon pipelines as a prescribed threat

During the first round of source protection planning, pipelines were not included as a prescribed drinking water threat; however, five source protection committees included pipelines in their plans as local threats. The amended regulation expanded the list of prescribed drinking water threat activities to include 'the establishment and operation of a liquid hydrocarbon pipeline' to consistently require the assessment of risk that pipelines pose to sources of drinking water across all source protection areas.

This new prescribed threat captures pipelines designated for transmitting or distributing liquid hydrocarbons to terminals and distribution centers; it does not capture pipelines that move liquefied natural gas or liquid petroleum gas. It also does not capture pipelines operated by the Ministry of Natural Resources and Forestry (MNRF) as defined in the *Oil, Gas and Salt Resources Act*, or those that operate within a property such as a refinery. Pipelines that convey liquid fuel within a single property would fall under the prescribed threat 'handling and storage of fuel.'

How will pipelines be addressed in source protection plans?

When you are undertaking your comprehensive source protection plan review under section 36 of the *Clean Water Act*, you will need to amend your assessment report and source protection plan to identify the areas where pipelines would be a significant, moderate or low threat, and include policies where they pose a significant risk. You may also initiate this work as an amendment under section 34 if there is rationale to proceed sooner. When you update your source protection plan to address pipelines, you will need to evaluate whether there are vulnerable areas where pipelines pose a significant risk in accordance with the circumstances included in the Tables of Drinking Water Threats, and whether policies need to be added. If you already included pipelines as a local threat, you may need to revise your assessment report and adjust source protection plan policy text to capture pipelines under their prescribed circumstances. Language around the local threat should be removed as it would be duplicative of the new prescribed threat.

Most existing local threat policies to address the risk of pipelines use approaches such as spills contingency planning, reporting through the province's Spills Action Centre, and education and outreach. Through consultation, the Ministry heard that these tools have been effective, and expect that most new policies will be similar. Additionally, new engagement between source protection authorities and pipeline companies will help familiarize the companies with the locations of vulnerable areas and can improve communication around ideal siting for future pipelines.

As with the first round of source protection planning, source protection authorities and committees should consider cross-boundary issues when writing their policies. Consultation with neighbouring committees is important when developing policies for pipelines that cross into other source protection areas. Applying consistent policy tools will be more practical for pipeline companies to implement.

Policy exemptions

Currently, the *Clean Water Act* requires that each source protection plan have policies in place to ensure that every activity that could pose a significant threat to sources of drinking water is

managed or prohibited, regardless of the possibility for the activity to occur. The amended regulation provides an exemption from including policies if the prescribed threat activity does not exist and there is no likelihood it could be located there in the future. When updating your plan and assessment report, you may want to evaluate the land around your wells and intakes to see if policies for new prescribed threats are required. The exemption may be used for pipelines, for example, if a wellfield is located within a highly developed residential area where no pipeline currently exists and there is no likelihood of one being established in the future. An exemption is only authorized if you provide reasonable rationale in the explanatory document.

Resources Available

The amended regulation can be accessed: <https://www.ontario.ca/laws/regulation/070287>

You should speak with municipalities to determine if they have data for local pipelines. Source Protection Programs Branch has a dataset of federal pipelines that can be provided to you and other sources of information are available online⁴.

For additional information about the amended regulation, please contact the Source Protection Programs Branch through the General Inquiries Line 416-212-5296 or source.protection@ontario.ca.

⁴ Some online tools are available, including:
Canadian Energy Pipeline Association interactive map - <http://aboutpipelinesmap.com/>
National Energy Board interactive map - <http://www.neb-one.gc.ca/sftnvmmt/sft/dshbrd/mp/index-eng.html>

5. e. New Requirements for Municipal Drinking Water System Owners – August 2018

Ministry of the Environment, Conservation, and Parks
Source Protection Programs Branch

New Requirements for Municipal Drinking Water System Owners – August 2018

A new regulation under the *Safe Drinking Water Act*, took effect July 1, 2018. This regulation applies in source protection areas identified under the *Clean Water Act* and ensures that municipal residential drinking water sources are protected *before* drinking water can be provided to the public.

The regulation applies where:

- a new municipal residential drinking water system is being located within a source protection area, or
- changes are being made to an existing municipal residential drinking water system located in a source protection area that results in:
 - the establishment of a new groundwater well
 - deepening an existing well
 - increasing the capacity at an existing well
 - the establishment of a new surface water intake
 - moving an existing intake

What are my responsibilities?

As a municipal drinking water system owner it is your responsibility under the new regulation to ensure that vulnerable areas are identified so that your drinking water systems continue to be protected under the *Clean Water Act*. You may be required to provide new vulnerable areas or amend existing vulnerable areas, as well as provide vulnerability scores within these areas.

Aim to do this early, for instance, during the Class Environmental Assessment project, so that consultation with businesses and landowners can include information about source protection plan implications. Meeting the requirements of the new regulation during these early planning stages will help you avoid delays in receiving your drinking water works permit or permit amendment.

You may want to include this work in the scope of work for an organization you've contracted to assist with the Class Environmental Assessment. You can explore other options for undertaking this work with your local source protection authority who can also help you understand your obligations if needed.

What you need to do:

- Discuss your project with your local source protection authority as soon as possible to determine whether the regulation applies and to determine what will need to be submitted to the authority before you can apply for a drinking water works permit.
- Undertake the work necessary to identify vulnerable areas and identify where activities can pose a risk to drinking water in accordance with the *Clean Water Act*.
- Notify the local source protection authority in writing of your intention to apply for a permit, and provide them with the necessary work. The source protection authority will provide a written confirmation notice back to you that you will need to include when you are submitting an application for a new or amended drinking water works permit.

The confirmation notice will:

- include a statement that the source protection authority is satisfied that the necessary work is complete
- identify any amendments that are necessary to the source protection plan
- indicate when the source protection authority will be able to propose amendments to the source protection plan, and
- identify if any of the amendments have already been made.

The *Clean Water Act*, General Regulation, establishes the content of the notice. For more information, visit www.ontario.ca/laws/regulation/070287.

What happens after I get my confirmation notice?

Once the source protection authority receives your information and issues their notice, they will move forward with an update to your local source protection plan. This is an important step as the new regulation also requires that the drinking water works permit or license include a condition that prevents the supply of drinking water to users of the new or expanding system until any necessary amendments to the source protection plan have been approved. This means that if you don't leave enough time for the source protection plan to be updated, you won't be able to provide water to the public through this new or amended system until that update is complete.

Therefore, it's important you connect with your local source protection authority early and coordinate your work so that the source protection plan can be updated before you are ready to provide water to the public.

Exemptions

The new regulation does not apply in the following emergency situations:

- where an application for a drinking water works permit is being made to address an immediate drinking water health hazard; or,
- a Declaration Order has been issued under the *Environmental Assessment Act*.

Accordingly, there may be situations in which source protection plans would be required to be amended after a new system or system changes are made and brought into service. In this case, plan amendments should be made as soon as reasonably possible.

Resources

The new regulation can be accessed: www.ontario.ca/laws/regulation/r18205

Further information on Ontario's Drinking Water Source Protection program can be found: www.ontario.ca/page/source-protection

For additional information about the new regulation or the drinking water works permit application process, please contact the Approvals & Licensing section in the Environmental Assessment and Permissions Branch of the Ministry of the Environment, Conservation and Parks at:

Local: 416-314-4300

Toll Free: 1-888-999-1305

E-Mail: MDWLP@Ontario.ca