



RMO

Written Direction

What is it?

Why is it helpful?

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Official

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Presentation to HH SPC

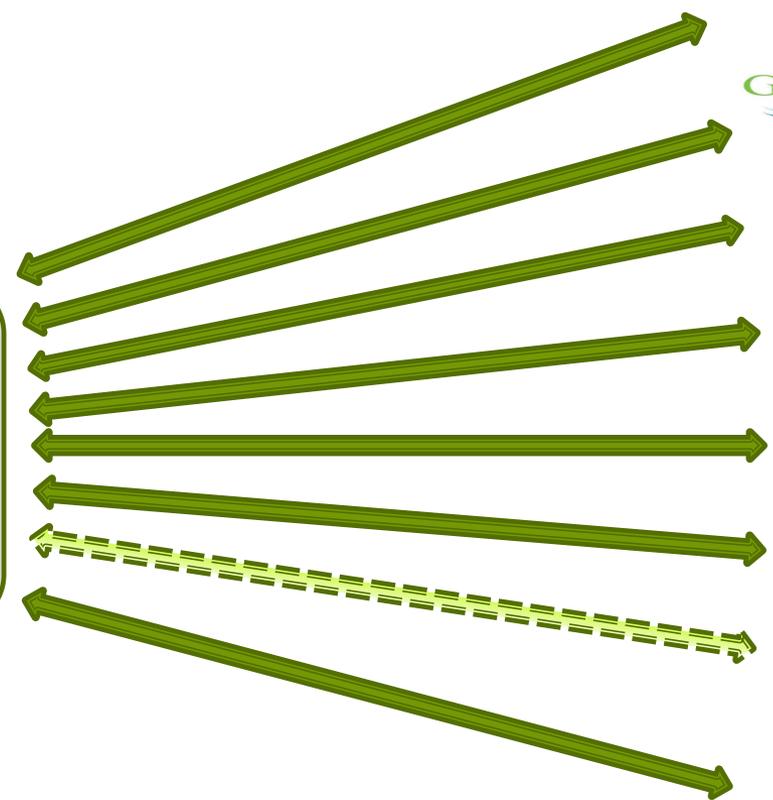
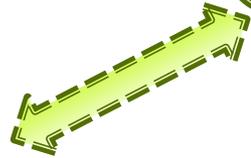
Wellington Municipal Partnership Approach



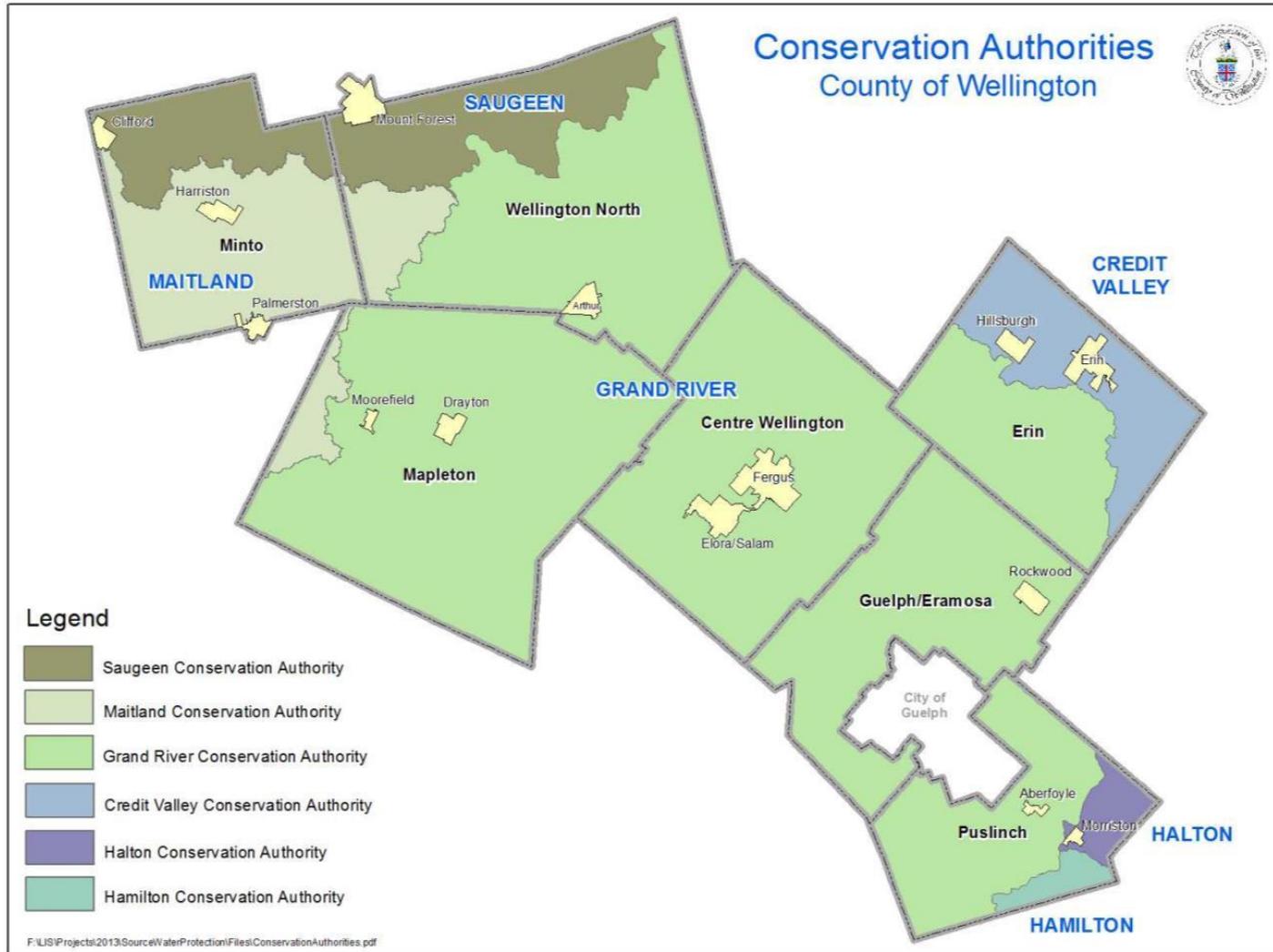
a partnership of Wellington County municipalities

Source
Protection
Staff
(RMO / RMI)

Wellington
Working
Group



Source Protection Plans in the County of Wellington



**Planning and Building
Development Review
– Section 59 of the *Clean Water Act***

Section 59, *Clean Water Act*

Restricted land uses

59. (1) If a source protection plan that is in effect designates a land use as a land use to which this section should apply and an area within which this section should apply,

(a) a person shall not make an application under a provision of the *Planning Act* prescribed by the regulations for the purpose of using land for that land use at any location within that area; and

(b) despite section 58, a person shall not construct or change the use of a building at any location within that area, if the building will be used in connection with that land use,

unless the risk management official issues a notice to the person under subsection (2).
2006, c. 22, s. 59 (1).

So, What Does This Mean?



- *Clean Water Act* requires review of development applications (building permits and planning applications) once the Source Protection Plan is effective (Section 59 of the *Clean Water Act*)
- HH SPP effective since December 2015
- This screening only needs to happen in the vulnerable areas and for the land uses and types of permits / applications specified in Source Protection Plan policies

So, What Does this Mean?



In the absence of the Source Protection Plan policies specifying land uses or other criteria, and prior to a building application proceeding or a planning application being deemed complete, a **Section 59 notice must be issued** by the Risk Management Official.

Halton-Hamilton Policy G-2

This policy designates land uses in accordance with section 59(1) of the *Clean Water Act* and works in conjunction with section 58(1).

G-2 In accordance with section 59(1) of the *Clean Water Act, 2006*, unless identified specifically within a policy, all land uses except solely residential uses, set out within the official plans for the municipalities where this Source Protection Plan is in full force and effect are designated as land uses to which the restricted land uses provisions of the *Clean Water Act* apply in areas where significant threats may occur.

- Based on this policy, only residential uses are exempt from Section 59. **Legally, all other land uses require Section 59 notices for all planning and / or building applications**
- This was common in Source Protection Plans when first approved, however, other SPPs have since made modifications.
- Specifically for Wellington County, Grand, CTC and Maitland have implemented RMO written direction policies in 2016 and 2019.

Grand River Source Protection Plan

Policy WC-CW-1.3



s.59 Restricted Land Uses

In accordance with Section 59 of the *Clean Water Act*, 2006, all land uses, except solely residential uses, where significant drinking water threat activities have been designated for the purposes of Sections 57 and 58 of the *Clean Water Act*, 2006 are hereby designated as Restricted Land Uses and a written notice from the Risk Management Official shall be required prior to approval of any Building Permit, *Planning Act* or *Condominium Act* application.

Grand River Source Protection Plan

Policy WC-CW-1.3

Despite the above policy, a Risk Management Official may issue written direction specifying the situations under which a planning authority or building official may be permitted to make the determination that a site specific land use is not designated for the purposes of section 59. Where such direction has been issued, a site specific land use that is the subject of an application for approval under the Planning Act or for a permit under the Building Code Act is not designated for the purposes of Section 59, provided that the planning authority or building official, as applicable, is satisfied that:

- a. The application complies with the written direction issued by the Risk Management Official; and*
- b. The applicant has demonstrated that a significant drinking water threat activity designated for the purposes of section 57 or 58 will not be engaged in, or will not be affected by the application.*



To help understand how Written Direction works, an example of Wellington's Planning and Development Review Process

Source Water Protection **REVIEW PROCESS** for Planning and Building Applications



STEP 1

Application is received and reviewed by municipality

Does the property fall within a Vulnerable Area?



NO. Application proceeds through regular municipal process.

YES. The property is within a vulnerable area. Proceed to Step 2.

An example of a new restaurant being constructed.

Do you know if you live in a
vulnerable drinking water area?



The new restaurant is in a WHPA-C, score 6 (yellow area on the map). So only DNAPL policies apply.

Source Water Protection **REVIEW PROCESS** for Planning and Building Applications

STEP 1

Application is received and reviewed by municipality

Does the property fall within a Vulnerable Area?



NO. Application proceeds through regular municipal process.

YES. The property is within a vulnerable area. Proceed to Step 2.



STEP 2

Applicant fills out Source Protection Screening form

Does the application require further review? *

NO. Application proceeds through regular municipal process.

YES. Municipality submits a Screening Form to the Risk Management Official (RMO) for review. Proceed to Step 3.

* Application is not deemed complete until Screening Form is received and notice issued, if applicable.

The new restaurant must fill out the screening form.



Drinking Water Source Protection Screening Form

Office Use Only

Roll Number: _____

File Number: _____

Submission Date: _____

WHPA, IPZ, ICA: _____

Vulnerability Score: _____

Find out if you live in a vulnerable drinking water area at www.wellingtonwater.ca

For assistance in completing this form, please refer to the "Explanatory Guide" beginning on page 6.

Please note that you may still need to contact the applicable Conservation Authority, as this is not considered correspondence on their behalf.

1. Property Information

Municipal Address of Subject Property: _____

Assessment Roll Number of Subject Property: _____

Property Owner: _____

2. Proposal (Please check all that apply to this application):

Building	Planning
<input type="checkbox"/> New Structure	<input type="checkbox"/> Minor Variance
<input type="checkbox"/> Expansion or Conversion of an Existing Structure	<input type="checkbox"/> Official Plan Amendment
<input type="checkbox"/> New Septic System	<input type="checkbox"/> Consent Application
<input type="checkbox"/> Replacement Septic System	<input type="checkbox"/> Zoning By-law Amendment Application
<input type="checkbox"/> Geothermal System (Transport Pathway)	<input type="checkbox"/> Subdivision/Condominium Application
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Site Plan Application

Brief Description of the Proposed Use of Land, Proposed Buildings or Structures. If constructing a geothermal, please provide construction details including depth, vertical or horizontal, closed loop or open loop.

3. Potential Threat Activities Associated with the Application

Please check all applicable activities that may be associated with the development proposal:

3.1 Fuel Handling and Storage greater than 250 litres

	Existing	Proposed	Greater than 2,500L	Underground Storage Tank	Aboveground Storage Tank	Inside Home	Outside Home
Liquid Fuel (i.e. gasoline or diesel)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
Fuel oil (home heating)	<input type="radio"/>	<input type="radio"/>				<input type="radio"/>	<input type="radio"/>
Waste oil (heating)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		

3.2 Chemical Handling and Storage

	If Yes, please indicate the type(s) of chemicals if known:			If Yes, please estimate the total amount
	Yes	3.2.1 Dense Non-Aqueous Phase Liquids (DNAPLs), including chlorinated solvents	3.2.2 Organic Solvents	
Paints and other coatings (including stains, enamels, lacquers, rust paint)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Dry cleaning chemicals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Automotive repair/maintenance and/or industrial manufacturing and processing (e.g. degreasers, automotive fluids, oils, furniture stripping products, chemical solvents, adhesives)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Solvent based degreasers or liquids for washing metal parts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

3.3 Road Salt Application and/or Outdoor Storage

	Covered	Uncovered	Estimated Volume Stored on Property (m ³)	Estimated Application Area (m ²) including private roads, parking lots, and sidewalks
Road Salt Storage	<input type="radio"/>	<input type="radio"/>		
Road salt application (private roads, parking lots, sidewalks, etc.)				

Source Water Protection **REVIEW PROCESS** for Planning and Building Applications

STEP 1

Application is received and reviewed by municipality

Does the property fall within a Vulnerable Area?



NO. Application proceeds through regular municipal process.

YES. The property is within a vulnerable area. Proceed to Step 2.



Staff complete this review using the RMO written direction and the screening form

STEP 2

Applicant fills out Source Protection Screening form

Does the application require further review? *

NO. Application proceeds through regular municipal process.

YES. Municipality submits a Screening Form to the Risk Management Official (RMO) for review. Proceed to Step 3.

* Application is not deemed complete until Screening Form is received and notice issued, if applicable.

The new restaurant has indicated no threat activities

Halton-Hamilton Policy G-2

This policy designates land uses in accordance with section 59(1) of the *Clean Water Act* and works in conjunction with section 58(1).

G-2 In accordance with section 59(1) of the *Clean Water Act, 2006*, unless identified specifically within a policy, all land uses except solely residential uses, set out within the official plans for the municipalities where this Source Protection Plan is in full force and effect are designated as land uses to which the restricted land uses provisions of the *Clean Water Act* apply in areas where significant threats may occur.

- Based on this policy, only residential uses are exempt from Section 59. **Legally, all other land uses require Section 59 notices for all planning and / or building applications**

Currently in Halton-Hamilton Source Protection Area, the restaurant will need a Section 59 notice issued because it is commercial land use.

Source Water Protection **REVIEW PROCESS** for Planning and Building Applications



STEP 3

Application forwarded to Risk Management Official for review

RMO determines whether a notice or Risk Management Plan is required.



Notice not required.
Application proceeds through regular municipal process.

Notice to proceed issued.
Application proceeds.



RMP Required.
Proceed to Step 4.

Notice of prohibition.
Application does not proceed. Consult RMO.



RMO issues Section 59 notice to proceed.

So what is Written Direction?

- Set of written instructions or checklist to planning and building staff from the RMO
- **It helps staff screen applications.** Purpose is to provide clarity to staff on what requires a Section 59 notice and what doesn't. It focuses staff resources.
- Also will highlight common types of applications that create uncertainty and therefore should be sent to the RMO for review.
- In Wellington, we use a Screening form to gather information within WHPAs and staff use the information from the form and the written direction to determine what is sent to RMO and what is not (or screened out)

Drinking Water Source Protection Screening Criteria Checklist – RMO Written Direction

Instructions to Staff

Please note that the applicant shall fill out and submit the Drinking Water Source Protection Screening Form. This ensures the screening process is accurate.

Note: if present in Minto, Wellington North or Erin, refer to Saugeen and CTC Screening Graphics for planning prohibitions regarding septic systems, or refer to County Official Plan.

Once applicant has filled out source protection screening form, review the form and use the information to carry out the following screening process.

1. If the application is on Lists 1 through 3 then application meets screening criteria and application is sent to RMO for review. Application does not proceed until response received from RMO.
2. If the application is not on Lists 1 through 3 then application does not meet screening criteria and can proceed without RMO Review. If application is on Example List, please mark appropriate box
3. If only the transport pathway activity (i.e. existing well, aggregate pit, geothermal system, parking garages etc.) is checked then mark appropriate box on List 4 and form is sent to RMO for information. Application can proceed. Please note that if application is only in WHPA-D, application will always proceed without RMO review and the only action required is to send the form to RMO for information if transport pathway is marked.
4. Note that fully serviced, (municipal water / sewer and natural gas / propane) residential applications will not require RMO review or Section 59 Notice unless in an issues contributing area. The application form shall still be filled out to assist staff screening.
5. The same screening form can be used for subsequent applications (i.e. screening form filled out for site plan and then used again for building permit) if nothing has changed in the application. In this case, the addendum form should be used to have the applicant confirm no change. If activities on the property or the proposal have changed, then an updated form shall be filled out by the applicant. If submitting for more than one type of application at once (ie site plan and building permit), one screening form can be submitted. For new residential subdivisions, the applicant can fill out one form for all building permits.
6. For severances, one screening form per application if the uses are the same in the retained and severed parcels. If uses are different, then one screening form for the retained parcel and one screening form for the severed parcel. Note this may need to be filled out by different parties to the application.

This document is issued pursuant to RMO written direction policies in the applicable Source Protection Plans and is authorized by:



Digitally signed by Kyle Davis
DN: cn=Kyle Davis, o, ou,
email=kdavis@centrewellington.c
a, c=CA
Date: 2019.05.09 11:32:14 -04'00'

Kyle Davis, Risk Management Official

List 1: Within Red Areas on the Mapping

Requires RMO review if one of the following applies – may require a Section 59 Notice:

<input type="checkbox"/>	Residential use – any garages, sheds or home-based business
<input type="checkbox"/>	Any use – property serviced by new septic (including replacement systems)
<input type="checkbox"/>	Commercial / Industrial / Institutional use in Centre Wellington, Guelph/Eramosa, Erin, Minto (Harriston and Palmerston only) and Mapleton – if tenants are unknown

Requires Section 59 Notice if one of the following applies:

<input type="checkbox"/>	Agricultural use in Centre Wellington, Puslinch, Guelph/Eramosa, Erin and Mapleton – application is known to or may involve waste, chemical, fuel, pesticide, nutrient (manure or fertilizer) storage, or livestock or any part of the production land is located in the red area
<input type="checkbox"/>	Agricultural use in Minto and Wellington North – any application
<input type="checkbox"/>	Any use – heating source is fuel oil
<input type="checkbox"/>	Commercial / Industrial / Institutional use in Centre Wellington, Puslinch, Guelph/Eramosa, Erin, Minto (Harriston and Palmerston only) and Mapleton – application is known to or may involve waste, chemical, fuel, pesticide, road salt, snow storage, storm water management / industrial sewage or fertilizer storage
<input type="checkbox"/>	Commercial / Industrial / Institutional in Minto (Clifford / Minto Pines only) and Wellington North – all applications require review

List 2: Within Yellow/Orange Areas or Trichloroethylene Issues Contributing Areas on the Mapping

Requires RMO review if one of the following applies – may require a Section 59 Notice:

<input type="checkbox"/>	Residential use – garages, sheds or home-based business – application may involve handling and/or storage of chemicals. For example, garages used for: workshops, automotive repair, RV & boat storage, woodworking, furniture repair, or small engine repair
<input type="checkbox"/>	Any use – application may involve handling and/or storage of chemicals
<input type="checkbox"/>	Commercial / Industrial / Institutional / Agricultural use in Puslinch – all applications

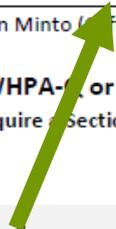
Requires Section 59 Notice if one of the following applies:

<input type="checkbox"/>	Commercial / Industrial / Institutional / Agricultural use in Centre Wellington, Guelph/Eramosa, Erin, Minto (Harriston and Palmerston only) and Mapleton – application involves handling and/or storage of chemicals
<input type="checkbox"/>	Commercial / Industrial / Institutional / Agricultural use in Minto (Clifford / Minto Pines only) and Wellington North – all applications

List 3: Within Nitrate, Chloride and Sodium ICA or WHPA-C or WHPA-E (score 8.1 or greater)

Requires RMO review if one of the following applies – may require a Section 59 Notice:

<input type="checkbox"/>	Any use – all applications
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If written direction was in force for Halton-Hamilton Source Protection Area, the restaurant would be screened out as it was not handling chemicals (the only applicable significant threat policy for WHPA C (6))

List 4: Transport Pathway

Requires RMO notification if one of the following applies:

<input type="checkbox"/>	Geothermal system (vertical only)
<input type="checkbox"/>	Existing Private Wells not in use
<input type="checkbox"/>	Aggregate projects
<input type="checkbox"/>	Installation of non-residential caissons or building piers or large residential caissons
<input type="checkbox"/>	Installation of utilities or excavation within fractured bedrock
<input type="checkbox"/>	Parking garages



Examples: Applications that don't require RMO review or Section 59 Notice

<input type="checkbox"/>	Plumbing permits not related to septic system ¹
<input type="checkbox"/>	Structural beams not associated with waste, chemical, fuel, nutrient (fertilizer and manure), pesticides storage or livestock ¹
<input type="checkbox"/>	Decks, porches, balcony railings ¹
<input type="checkbox"/>	Swimming pools (including fences)
<input type="checkbox"/>	Life safety permits (i.e. fire alarms) or accessibility upgrades ¹
<input type="checkbox"/>	Roof repairs and covers not associated with waste, chemical, fuel, nutrients (fertilizer and manure), pesticides storage or livestock ¹
<input type="checkbox"/>	Sign permits ¹
<input type="checkbox"/>	Residential home construction that is not on septic, fuel oil or with home-based business
<input type="checkbox"/>	Residential attached garages, sheds, or detached garages with no handling or storage of chemicals /fuel (if uncertain, send application) ¹
<input type="checkbox"/>	Residential renovations / additions for homes not on septic, fuel oil or with home-based business
<input type="checkbox"/>	Properties on septic and not in a red or Nitrate ICA ¹
<input type="checkbox"/>	Zoning, Official Plan or Site Plan Control for solely residential that is not on septic, fuel oil or with home-based business
<input type="checkbox"/>	Tent permits ¹
<input type="checkbox"/>	Any Official Plan updates that are initiated by the municipality
<input type="checkbox"/>	Demolition Permits ¹
<input type="checkbox"/>	Other (please specify): _____

Roll Number

Signature of Staff Completing the Screening

Date

¹ Applications of this type for Commercial / Industrial / Institutional / Agricultural properties will need to be reviewed by the RMO in Wellington North, Puslinch, Minto (Clifford / Minto Pines)

Transport Pathways

- Transport Pathways are a defined term in Ontario Regulation 287 / 07
- They are not a drinking water threat



Definition:

Transport pathway means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system set out in clause 15 (2) (e) of the Act. O. Reg. 287 / 07

- Applies to groundwater and surface water systems, typically for quality areas
- If confirmed, increases vulnerability score (for WHPAs) or shape (for IPZs)

Transport Pathways



- Section 27 of O. Reg. 287/07 deals with transport pathways
- Section 27 (1) and (2) allow policies to be written in the Source Protection Plans to ensure any drinking water threat in the vicinity of a transport pathway ceases to be or will not become a significant drinking water threat and to ensure a transport pathway ceases to endanger the raw water supply of a drinking water system
- The policies may include stewardship programs; best management practices; pilot programs; govern research; or specify action policies
- Policy O-1-S provides the transport pathway policies in the HH Source Protection Plan.

Transport Pathways



- As per Section 27 (3) and (4) municipalities must track and report on transport pathways in all wellhead protection areas or surface water intake protection zones
- This applies only for applications to the municipality for approval of a proposal to engage in an activity
- There are legal notice requirements that the municipality must follow including notices provided to the applicant, the Source Protection Authority and the Source Protection Committee

Transport Pathways

- Definition of what a transport pathway is and details on exactly how transport pathways are identified and reviewed are left to the municipalities and Source Protection Authorities to determine
- HH Definition: any structure or land alteration or condition resulting from a naturally occurring process or human activity that would increase the probability of a contaminant reaching a drinking water source, such as utility corridors, poorly constructed wells or earth energy systems, and abandoned pits and quarries

Example from Wellington's Process

- Focused on groundwater wellhead protection areas.
- Transport pathway information is collected as part of the Drinking Water Source Protection Screening Form

Transport Pathways – Screening Form

3.8 Water Taking

	Proposed	Existing	If Existing, please provide the following:			
			Drilled	Dug	Well Not In Use*	Approx. Construction Date
3.8.1 Private Well (<i>*Please note that if there is an existing well that is not in use, Section 3.9 must also be checked</i>)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
3.8.2 Greater than 50,000 litres per day of water being used (note a Permit to Take Water may be required)	<input type="radio"/>	<input type="radio"/>				

June 2018 version 5

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3.9 Transport Pathway (see guide)

	Yes
Creation of aggregate pits, geothermal systems, non-residential or large residential caissons/building piers, or utilities/excavation within fractured bedrock and underground parking garages	<input type="radio"/>
Existing private well not in use	<input type="radio"/>

3.9 Transport Pathway

Transport pathways are human constructed pathways through soil and bedrock that may increase the vulnerability of groundwater to certain contaminants.

Please check the first circle if your application will be installing a vertical geothermal system, installation of caissons or building piers for a non-residential application or for a large residential application, aggregate project, or installation of utilities or excavation within fractured bedrock. A road occupancy permit application could indicate when fracture bedrock excavation occurs. If geothermal, please provide construction details including depth, vertical or horizontal, closed loop or open loop in the space provided in Part 2 (on the first page of this document). A large residential application includes multi-story, multi-unit residential developments.

Please check the second circle if there is an existing private well that is not in use. Private wells include environmental and / or geotechnical monitoring wells and domestic wells. If you filled out Section 3.8.1 as private well not in use, Section 3.9 should also be completed.



Questions?

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