

**REPORT TO:** Halton-Hamilton Source Protection Committee  
**REPORT NO.:** SPC-20-12-07  
**FROM:** Chitra Gowda, Senior Manager, Watershed Planning and Source Protection  
cgowda@hrca.on.ca  
**DATE:** November 27, 2020  
**SUBJECT:** Comments on the Proposed Changes to the Clean Water Act Technical Rules

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## Recommendation

THAT the Halton-Hamilton Source Protection Committee **receives for information the Staff report Comments on the Proposed Changes to the Clean Water Act Technical Rules**

## Executive Summary

In August 2020, the provincial government proposed amendments to the *Clean Water Act, 2006* Technical Rules with the goals of reducing administrative burden, providing clarity on climate change risk assessments, and enhancing the understanding of risks posed to municipal drinking water sources in Ontario. Staff reviewed the proposal, conducted an analysis and provided comments through the Environmental Registry posting.

## Report

The Director's Technical Rules made under the *Clean Water Act, 2006* ("technical rules") are overarching technical methodologies developed by the province. They are applied to local watershed science, to create drinking water vulnerable areas and to identify risks in these areas. This information forms the basis of the policies of drinking water source protection plans.

On August 11, 2020, the province of Ontario proposed changes to the technical rules through the Environmental Registry of Ontario posting #019-2219: "Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006", available online at <https://ero.ontario.ca/notice/019-2219>. This posting was open to public consultation for a period of 90 days ending on November 9, 2020. The goals of the proposed changes include reducing administrative burden, providing clarity on climate change risk assessments, and enhancing the understanding of risks posed to municipal drinking water sources in Ontario.

Staff reviewed the proposal and conducted an analysis of implications for the Halton-Hamilton Source Protection Region and source protection plan. The Halton-Hamilton Source Protection Committee (HHSPC) were circulated the detailed, comprehensive analysis through emails. Staff sought feedback and incorporated them into comments on the proposal. Staff also sought an information session from the Ministry of the Environment,

Conservation and Parks (MECP), who held regional sessions at the end of October that were attended by HHSPC Chair Bob Edmondson and Senior Manager Chitra Gowda.

The comments were submitted by Conservation Halton through the Environmental Registry posting, per **Attachment 1**. As well, the comments were provided to Conservation Ontario to contribute to a joint submission to the MECP. The analysis conducted by staff is provided in **Attachment 2**.

In general, the proposed updates are supported with a few specific concerns. Key comments include the following:

- The province should clarify mandatory and optional amendments, and indicate which amendments are to be undertaken by source protection authorities.
- Guidance is needed to address potential situations where a drinking water vulnerable area, spanning multiple source protection plan areas, has different thresholds for the same risk.
- Additional technical information is needed to support consistent application of climate change risk assessments across watersheds.
- A guidance document containing other provincial and federal statutes that support source water protection should be provided to source protection authorities to assist committees with identifying local threats that are not prescribed by the regulation.
- Detailed technical methods and data to prove that contamination from past activities is migrating towards a municipal drinking water well or intake, should be provided.
- The implementation of source protection plan policies for the activity of road salt application is a challenge largely due to excess liability concerns. It is recommended that the province address these concerns, in order to support the mitigation of road salt impacts on water resources in Ontario.
- Clarity is needed around specific circumstances of occurrence of activities on the landscape, to support accurate identification of risks posed to drinking water sources, and risk levels.

Staff will keep the Source Protection Committee apprised of final amendments to the *Clean Water Act* Technical Rules.

Signed & respectfully submitted:



Chitra Gowda, Senior Manager  
Watershed Planning and Source Protection  
[cgowda@hrca.on.ca](mailto:cgowda@hrca.on.ca)

**Attachments**

- 1. Attachment 1: Comments submitted on the proposed changes to the Director's Technical Rules made under the Clean Water Act, 2006**
- 2. Attachment 2: Analysis of implications for the Hamilton Source Protection Region**

November 9, 2020

Dr. George Jacoub, P.Eng.  
Water Research Scientist - Hydrologist  
Ontario Ministry of the Environment, Conservation and Parks  
Source Protection Programs Branch  
Land and Water Division  
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Toronto, ON M4V 1M2  
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**BY EMAIL**

Dear Dr. Jacoub,

**RE: Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006  
ERO No. 019-2219  
CH File No.: PPO 061**

Thank you for the opportunity to provide comments on the Province's proposed amendments to the Director's Technical Rules made under the *Clean Water Act, 2006* ("technical rules"), including the tables of drinking water threats.

Conservation Halton (CH) is the lead source protection authority of the Halton-Hamilton Source Protection Region working in strong partnership with the Hamilton Conservation Authority. CH comments are provided below, organized into three main parts: general, technical rules and tables of drinking water threats.

**Part 1: General comments**

CH supports efforts to update the provincial technical rules, including the tables of drinking water threats, to ensure that Ontario's sources of drinking water continue to be protected through source protection planning that is supported by current science.

CH recommends that the province clarify proposed amendments that are mandatory to apply, those that are enabling, and those which will be funded under the provincial Drinking Water Source Protection program.

CH recommends that a comparison document be provided showing current and proposed threat risk circumstances and listing the policy tool options available for each of the changed sub-threat categories.

The province should provide guidance on how to address potential situations where a drinking water vulnerable area, spanning multiple source protection plan applicability areas, has different thresholds for the same threat activity.

It is recommended that the province clarify whether new threats circumstances would only apply to vulnerable areas associated with new or changed drinking water systems, or if they would apply to existing threat activities as well.

## **Part 2: Comments on the proposed changes to the technical rules**

### **Significant Groundwater Recharge Areas (SGRAs)**

Stakeholder concerns of water quality in SGRAs should be considered in the technical rules, alongside recharge considerations. With the proposed changes to the technical rules, conditions (contamination from past activities) can no longer be identified in SGRAs, even if updated information becomes available to source protection committees. CH recommends that the technical rule 126 allow for conditions to be identified in SGRAs. This in turn allows for a consideration of policies in source protection plans to support clean water recharge to groundwater aquifers that supply municipal drinking water wells.

### **Use of alternate methods or approaches**

While CH supports the intent of reducing administrative burden, it is recommended that additional information be provided in proposed technical rules 15.1 and 15.2 to clearly specify the stage in the assessment report update process that (a) the municipalities will be consulted with on the alternate method, and (b) the Director will review the alternate method and issue a notice to the source protection authority.

### **Climate change risk assessment (water quality)**

CH commends the Province for their intent to strengthen the consideration of climate change impacts on source water quality under the source protection planning process, to complement the current and detailed technical rules for water quantity. It is recommended that technical rule 15.3 provide additional information for clarity and to support consistent application of technical methods for climate change risk assessments across watersheds:

- Include definitions for terms used in climate change risk assessments. For example, define the proposed term “resiliency” (to climate change impacts). The assessment of climate change impacts on source water quality is not a well-researched matter, therefore having definitions helps support consistency.
- Consider the recently developed climate change vulnerability assessment tool for source water quality, to add further details to the proposed technical rules, such as data periods for historical and future analyses, typical steps of a climate change risk assessment, etc. Alternately, develop a bulletin that includes these details.
- Provide a detailed guidance on what to do with the outcomes of the climate change assessment, including policy options for mitigation and adaptation measures.
- Explain how to achieve harmonization with other climate change initiatives such as the provincial climate impacts assessment.
- Clarify which organization undertakes the climate change risk assessment. The proposed change indicates that source protection committees will undertake this work.

### **Issue Contributing Areas (ICAs)**

CH is supportive of introducing ICAs as standalone vulnerable areas. It is recommended that the Province provide guidance to source protection authorities to help meet the requirement of proposed technical rules 48(7) and 78.1 of evidence that certain activities and conditions contribute to an identified drinking water issue. The guidance can include examples of past technical studies that have proven cumulative impacts and were approved by the Province, along with study parameters. This will help clarify whether studies such as loading estimations are acceptable.

Further, it is recommended that technical rule 114 include timelines associated with increasing trend concentrations that may result in deterioration of the quality of the water, for example an exceedance of established standards within a specified number of years. This would support a consistent approach for municipalities that may currently be subject to inconsistent methods applied to their various drinking water systems.

### **Total impervious surface area (ISA) map**

CH appreciates the intent of providing local flexibility in developing the maps under technical rule 16 (11). It is recommended that examples of the proposed sub-areas be provided for clarity.

### **Surface water vulnerability and transport pathways**

CH is supportive of the intent of the proposed changes to technical rule 62.1 (to extend Intake Protection Zones -1 or IPZ-1s to capture transport pathways); and to technical rules 86, 87, 89 (to allow for multiple scores within each IPZ-2 to capture variations in land and hydrological conditions). However CH recommends that further detailed criteria be included in the technical rules to support consistency in application across various watersheds and drinking water

intakes, and to define “each area of the IPZ-2”. It is also recommended technical 73 include factors of age and condition of the potential anthropogenic transport pathway.

### **Local activities**

The proposed change to technical rule 119 appears to support an assumption that all provincial and federal legislation address drinking water source protection adequately for activities regulated under those statutes. CH recommends that the proposed technical rule 119 subsection (2) “an approval is not required to engage in the activity pursuant to any Act (Provincial or Federal);” not be included in the technical rules. Alternately, the Province is recommended to provide a guidance document that lists provincial and federal statutes that can be relied on for source water protection and specify the types of activities. This will help reduce the redundancy across the province in conducting research and consulting with various government agencies and legal staff to arrive at that determination.

### **Conditions**

The proposed wording change in technical rule 141 from “offsite” to “migrating” appears to require detailed technical data and analysis by qualified persons to verify that a contaminant is migrating to the well or intake. CH recommends that the Province specify the technical methods and data sets needed to undertake such an analysis to prove that contamination is migrating towards a municipal drinking water well or intake.

## **Part 3: Comments on the proposed changes to the tables of drinking water threats**

### **Road salt application**

The intent of the province to mitigate the impacts of road salt on drinking water is commended. However, the implementation of source protection plan policies for the activity of road salt application is a challenge - largely due to excess liability concerns. There is a priority need to review the current liability framework and also to address insurance coverage issues. Further, road salt application and storage standards should be set for contractors.

These policy implementation challenges are outside of the purview of the *Clean Water Act*. CH recommends that the province address these large concerns, in order to support the mitigation of road salt impacts on water resources in Ontario.

### **Road salt storage and handling**

Clarity is needed as to whether the proposed lowered threshold would apply to bags of road salt stored in residential areas. The province is requested to develop a municipal toolkit for education and outreach and for risk management plans.

### **Storage of snow**

The intent of the proposed lowered snow storage area thresholds should be clarified, as it appears that any size of an area of snow storage is a significant threat in a WHPA of score 10

and would require mandatory policies. The province should also clarify the circumstances that constitutes snow storage. For example, if a residential property has a windrow of snow along a laneway (e.g. on a farm or estate property) would that constitute a significant threat?

### **Handling and storage of dense non-aqueous phase liquids (DNAPLs)**

In the proposed 'List 1', it is recommended to include chemical companies (manufacturing and distribution). Clarification is needed on whether the activities in the proposed list must be used for the purposes of Restricted Land Use policy (S. 59) screening by risk management officials, even if the owner does not indicate the future use of DNAPLs.

### **Handling and storage and application of non-agricultural source materials (NASM)**

CH support the proposed change to separate out the higher risk materials in category 1 NASM.

### **Handling and storage of fuel**

The proposed lowered quantity thresholds may impact the assessed threat risk level of fuel oil systems used as standby power at municipal drinking water systems and may result in additional conditions in drinking water licences. Should the proposed change to the tables of drinking water threats become finalized, the province should communicate the impact to drinking water system owners.

The circumstance includes reference to the O. Reg. 217/01 (Liquid Fuels), where "facility" means a permanent or mobile retail outlet, bulk plant, marina, cardlock/keylock, private outlet or farm where gasoline or an associated product is handled other than in portable containers. CH recommends that the types of storage containers to be considered during the source water protection threats assessment be defined for clarity, for example permanent, mobile or portable containers. Many large trucks, farm equipment, smaller mobile refueling units, and construction equipment hold more than 250L of fuel. The information about containers would also be useful to the source protection committee if it considers potential moderate threats, for example 25L portable containers.

### **Handling and storage of commercial fertilizer**

Clarification is needed on the following matters:

- handling and storage can be considered separately, for example in situations where the storage occurs outside a significant threat policy area, but mixing occurs inside the area
- the current circumstance that fertilizer be stored for retail/wholesale sale, manufacture etc. is proposed to be removed
- the quantities specified are for liquid fertilizer, powder, or both
- a mobile unit can be considered as a potential threat activity.

### **Waste generating facilities**

The waste oil from auto repair shops is currently a threat activity; however with the proposed changes, this will cease to be. CH recommends that the province confirm the intent of the

proposed change and ensures that auto repair – waste oil tanks are not exempted from consideration as a significant drinking water threat.

CH appreciates the opportunity to support and provide comments on the proposed amendments to the technical rules. If you have any questions, please contact Chitra Gowda, Senior Manager, Watershed Planning and Source Protection, email: [cgowda@hrca.on.ca](mailto:cgowda@hrca.on.ca) phone: 905-336-1136 x2237.

Regards,

A handwritten signature in black ink that reads "Barbara Veale". The signature is written in a cursive style with a large initial 'B'.

Barbara J. Veale, PhD, RPP, MCIP  
Director, Planning and Watershed Management

# HALTON-HAMILTON SOURCE PROTECTION REGION

## Analysis of the Proposed Amendments to the Director’s Technical Rules and Threat Circumstances under the Clean Water Act

November 3, 2020

IPZ= Intake Protection Zone; **WHPA**= Wellhead Protection Area; **HVA**= Highly Vulnerable Aquifer;

TDWT: Tables of Drinking Water Threats; **SDWT** = Significant risk of Drinking Water Threat

**Table 1: Proposed Changes to the Technical Rules (TR)**

| Information from MECP                        |   |  |  | Halton-Hamilton Source Protection Region (HH SPR)   | Municipalities                  | Source Protection Committee     |
|--|---|--|--|---|---------------------------------|---------------------------------|
| Technical Rules Topic (page #)               | Goal of Change  | Current Approach   | Proposed Amendment   | Implication Analysis, feedback and questions for MECP   | Feedback and questions for MECP | Feedback and questions for MECP |
| <b>Definitions: Managed Lands</b> (page 3-4) | Remove category 1 non-agricultural source material (NASM) such as: leaf and yard waste that is not composted. Focus on activities that pose the highest risk. | “managed land” means land to which agricultural source material, commercial fertilizer or non-agricultural source material is applied. | “managed land” means land to which agricultural source material, commercial fertilizer, or non-agricultural source material, <u>or processed organic waste is applied, excluding compost that meets the requirements for Categories “AA”, “A”, and “B” compost in Part II of the Compost Standards</u> | <ul style="list-style-type: none"> <li>See Table 2 below, under NASM threat circumstances.</li> </ul> |                                 |                                 |

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| Technical Rules Topic (page #)   | Goal of Change | Current Approach | Proposed Amendment  | Implication Analysis, feedback and questions for MECP   | Feedback and questions for MECP | Feedback and questions for MECP |
| <p><b>Significant Groundwater Recharge Areas (SGRAs)</b></p> <p>Removal of vulnerability score, <b>Rule 8 (1)</b> (page 11)</p> <p>Removal of uncertainty analysis, <b>Rule 13 (5)</b> (page 15)</p> <p>Removal of map of percent managed lands in SGRA, <b>Rule 16 (9)</b> (page 19)</p> <p>No longer consider conditions in SGRAs, <b>Rule 126</b> (page 75)</p> |                |                  | <p>Oct. 27: focusing on water quantity only, not water quality. No change beyond what was done in 2017.</p> | <ul style="list-style-type: none"> <li>The delineation of SGRAs is retained as a water quantity vulnerable area.</li> <li>Minor edits would be made to maps and text of the assessment reports and HHSPP to remove vulnerability scores, uncertainty analysis, percent managed lands.</li> <li>As documented in the Halton Region assessment Report, a potential condition was analyzed in the SGRA based on copper levels in the groundwater on-site. However the risk score does not result in a low, moderate or significant level threat. With the proposed changes to the technical rules, conditions can no longer be identified in SGRAs even if updated information becomes available.</li> </ul> |                                 |                                 |

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|--|--|---|---|---|--|--|
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| <b>Use of alternate methods or approaches</b><br>(page 16)<br><br><b>Rules 15.1 and 15.2</b> | Reduce administrative burden. Remove requirement to receive Director approval. | Director's approval is required in situations where the local authority wishes to depart from the prescribed approaches in the rules. | <p>SPC to provide notice of alternate method with rationale and other details to MECP. Involve Ministry staff early in the development / selection stage of the work to provide advice. All approaches will be reviewed by the Director when the assessment report is submitted to the ministry.</p> <p>Oct. 27: The Director will still review the alternate method during the update process of the AR. Director will issue a notice to SPAs for the alternate approach <u>before</u> the final submission.</p> | <ul style="list-style-type: none"> <li>No impact to HHSP.</li> <li>As a best practice, HHSPR will seek input from municipalities, SPC, and MECP, prior to inclusion of alternate methods into the AR.</li> <li>It is suggested that MECP mention this best practice into the TR or a bulletin.</li> </ul>   | Is this an automatic pre-approval provided that (1) through (4) is satisfied? What consultation is required with municipalities when using an alternative approach, given that no Director approval is required? When is the notice to the Director expected to be given; what stage in the process? | Agree that there should be some identification for the need for consultation; wherever that would be.  |
| <b>Climate Change Risk Assessment (water quality)</b><br>(page 16)<br><br><b>Rule 15.3</b>   | New rule; Consistent approach  | Currently, the Rules do not stipulate the information needed to conduct a climate change risk assessment for water quality.           | <p>Specify the information required (data source, approach, findings, impacts) for climate change risk assessment to be incorporated into the assessment report.</p> <p>MECP has confirmed that this assessment is optional; and that the SPA may use</p>   | <ul style="list-style-type: none"> <li>Is the cost to be borne by a municipality to do an assessment?</li> <li>The proposed changes indicate that the SPC would carry out the climate change impact assessment. Is the SPC or municipality to undertake the assessment?</li> <li>MECP to define what is meant by "whether the evaluation</li> </ul> | How does this proposed change relate to: <ul style="list-style-type: none"> <li>Municipal CC initiative (transportation, assets etc.)</li> <li>FCM-funded municipal climate coordinators – emission focused (municipal and businesses).</li> <li>Asset management Reg. 588/?</li> </ul>              | <ul style="list-style-type: none"> <li>Agree with points raised. What was feedback from municipalities? It would appear that everyone is left to their own devices and yes, who pays? Also what about consistency in approaches if province backs out of providing data or direction? Or have the previous pilot programs</li> </ul> |

| Information from MECP          |                |                  |  | Halton-Hamilton Source Protection Region (HH SPR)  | Municipalities   | Source Protection Committee  |
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|                                |                |                  | <p>provincially funded staff time to have discussions with municipalities to identify if an assessment is needed.</p> <p>Oct. 27: There is no requirement that every municipality/SPA has to do it. It is a cooperative work between SPAs and municipalities and sometimes climate change experts need to be looped in. "Drinking water system (DWS)" term is used because the source could be used by multiple systems and municipalities. DWS refers to WHPA and IPZs of the DWS rather than infrastructure.</p> <p>Oct. 28: MECP is aware that there are lots of data sets out there. The province will not recommend which data sets to use. Once the province completes its provincial climate change risk assessment, then maybe</p> | <p>concluded that the drinking water system is resilient to climate change impacts identified in the climate change assessment". The benchmark for resiliency can be interpreted and applied in several different ways. Further, the assessment of climate change impacts on source water quality is not a well-researched matter. Therefore a definition of "resiliency" (to climate change impacts) is requested.</p> <ul style="list-style-type: none"> <li>MECP is requested to provide guidance on what to do with the outcomes of the climate change assessment, including policy options.</li> <li>Should this work be carried out, the assessment reports would be updated for the technical work. The HHSPP would be updated for policies. The required consultation would be carried out.</li> </ul> | <ul style="list-style-type: none"> <li>Provincial CC risk assessment?</li> </ul> <p>Will the results/outputs/ intermediate steps of any including the source water quality CC assessment be harmonized/usable with each other?</p> | <p>been agreed to by province and the rules, data etc. used there expected to be followed by everyone?</p> <ul style="list-style-type: none"> <li>Under the previous rules it would appear that the province would take more of a lead and determining the impacts of climate change would not necessarily be an option. If the goal of the change is to have a consistent approach, then not sure this proposed change accomplishes that particularly if everyone is on their own.</li> </ul> |

| Information from MECP   |  |  |  | Halton-Hamilton Source Protection Region (HH SPR)  | Municipalities  | Source Protection Committee   |
|---|--|--|--|--|---|---|
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|   |  |  | <p>information on the data sets used by the Province can be provided. As well, the data sets in the CO-led climate change vulnerability assessment tool were recommended by several experts at universities, etc.</p> <p>Resiliency threshold is difficult to come up with. Local authority can determine that. Will discuss internally at MECP as well.</p>               |  |   |   |
| <p>Cumulative impact of activities: <b>Issue Contributing Areas (ICAs)</b></p> <p>page 19-21: <b>Rule 16 (9) (b)</b></p> <p>page 37-38: <b>Rule 47 (7) &amp; 48 (7) WHPA-ICA</b></p> <p>page 42: <b>Rule 58 (5) IPZ-ICA</b></p> | <p>Improve scientific approach</p> <p><b>Sep. 2020 SPC Chairs meeting slide deck:</b><br/>Benefit:<br/>Defensible science behind delineating the cumulative areas to ensure activities within these areas that</p> | <p>ICAs are not vulnerable areas. They are mapped within vulnerable areas - IPZs, WHPAs, HVAs.</p> <p>As well, the rules do not describe how to map areas within protection zones where activities are cumulatively impacting the quality of drinking water.</p> | <p>Introduces ICAs as stand alone vulnerable areas, named IPZ-ICA or WHPA-ICA. Removes WHPA-F.</p> <p>Removes the requirement for a plan and work schedule if information for an ICA cannot be readily ascertained (Rule 116).</p> <p>Focus on geographical areas where activities are cumulatively impacting drinking water <b>and this is supported by technical</b></p> | <ul style="list-style-type: none"> <li>• Part of the Cedarvale WHPA and ICA extend from CTC SPR into the Halton Region SPA of the HHSPR. Based on verbal clarification from MECP, an existing ICA does not need to be re-assessed.</li> <li>• There are no WHPA-Fs in HHSPR.</li> <li>• This proposed change impacts HHSPP only if identifying a new water quality Issue - then need to apply new rules.</li> <li>• Further clarification is needed on “defensible science behind</li> </ul> | <ul style="list-style-type: none"> <li>• Is re-evaluation of Issue needed, to meet new Rules?</li> <li>• With reference to Rule 114, timelines should be associated with increasing trend concentrations that may result in deterioration of the quality of the water. i.e. Exceed established standards within "X" number of years.</li> </ul> | <ul style="list-style-type: none"> <li>• If further technical studies required; will MECP provide the necessary funds?</li> </ul> |

| Information from MECP   |  |                  |   | Halton-Hamilton Source Protection Region (HH SPR)  | Municipalities                  | Source Protection Committee     |
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| <p>page 49: <b>Rule 78.1 IPZ-ICA</b></p> <p>page 71: <b>Rule 115 (3)</b></p> <p>page 72: <b>Rule 116 – removed.</b></p> | <p>may impact drinking water quality are appropriately captured.</p> |                  | <p><b>rationale and science</b></p> <p>MECP has verbally clarified that there is <b>no need to re-assess</b> current ICAs - unless you want to.</p> <p>Oct. 27: Do not need to re-assess current ICAs, unless there is new information. ICA sizes are usually massive, so there needs to be a technical rationale to support the delineation. And you need to demonstrate why specific activities are actually contributing to the Issue. Some activities may trigger the chemical in the TDWTs, but are not contributing to the Issue, so do not need to be SDWTs.</p> <p>Current rationale varies in ARs, e.g. mass balance; dilution; DNA for pathogens; modeling. So just continue with providing a strong rationale.</p> | <p>delineating the cumulative areas” – what kinds of technical studies are required to prove cumulative impacts? Cause and effect? Loadings?</p> <ul style="list-style-type: none"> <li>The footnote on page 20 says that managed lands, livestock density and percent impervious surface areas are to be calculated in a WHPA-ICA or IPZ-ICA in certain situations. Activities are SDWTs in an ICA - why are these maps needed for an ICA?</li> </ul> |                                 |                                 |

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|  |                |   | <p>Managed lands, livestock density and percent impervious surface areas (ML, LD, ISA) are mapped in IPZs and WHPAs – if mapped, then use in ICAs. Not all ML and LD activities are SDWTs in ICA. If circumstances in TDWT are blank, these activities cannot be elevated to SDWT even if they are in the ICA.</p> <p>No need to amend the Provincial Policy Statement (PPS) to consider ICAs because ICAs have a status in the PPS.</p> |  |   |  |
| <p>Total <b>impervious surface area</b> map (page 21)</p> <p><b>Rule 16 (11)</b></p> |                | 1X1 km grid centered on the centroid of each source protection area | <p>The proposed amendment allows the calculation of percentages of imperviousness in a vulnerable area as a whole, or in a sub-area within the vulnerable area, where the road salt is applied.</p> <p>Oct. 27: sub-area could be WHPA/IPZ zone, or an area with distinct hydrological/</p>  | <ul style="list-style-type: none"> <li>SPP maps need to be updated.</li> <li>Staff resources are needed; same for managed lands and livestock density maps.</li> <li>HHSPR staff explored moving the centroid of the map from the source protection area to the centroid of each WHPA. It does not make much of a difference; however the lowered thresholds make a difference. See Table 2 for</li> </ul> | <ul style="list-style-type: none"> <li>Define sub-area. A single map illustrating impervious surface within WHPA, IPZ, and HVA classified using percentage thresholds identifying significant, moderate, and low threats i.e. 1%, 6%, 8%, and 30%?</li> <li>Is this an optional change? Staff resources are a challenge to implement a</li> </ul> | <ul style="list-style-type: none"> <li>Could we do this work with our existing staff?</li> </ul> |

| Information from MECP   |                |  |  | Halton-Hamilton Source Protection Region (HH SPR)   | Municipalities                                     | Source Protection Committee                        |
|---|----------------|--|--|---|--|--|
| Technical Rules Topic (page #)  | Goal of Change | Current Approach   | Proposed Amendment   | Implication Analysis, feedback and questions for MECP   | Feedback and questions for MECP                    | Feedback and questions for MECP                    |
|   |                |  | hydrogeological area.  | proposed road salt application circumstances.   | detailed method option like Region of Waterloo's   |  |
| <b>Tier three water budget steps</b> , if information required to delineate a local area or to complete a Tier three water budget is not readily ascertained<br><br>(page 24)<br><br><b>Rule 30.1</b> |                | Include a plan that includes a work schedule to ascertain the information necessary; and An estimated date of assessment report update if the information is no longer accurate or complete. | Include a description of the steps that will be taken to ascertain the info and conduct the Tier three budget. | <ul style="list-style-type: none"> <li>Per the HHSPP S. 36 workplan, the water budget components used for the Tier 1 water budget assessment and updated in local areas by the Tier 3 assessment will be reviewed and a determination made if land use/cover changes have altered the water balance to warrant an update to better predict impacts on drinking water sources. An update will be completed in discussion with the MECP.</li> <li>The proposed change to the technical rule allows for more flexibility in the timing of the work.</li> </ul> | <ul style="list-style-type: none"> <li></li> </ul> | <ul style="list-style-type: none"> <li></li> </ul> |
| <b>WHPA-E steps</b> , if information required to delineate it is not readily ascertained  |                | Include a plan that includes a work schedule to ascertain the information necessary; and An estimated date of assessment report  | Include a description of the steps that will be taken to ascertain the info and delineate a WHPA-E.            | <ul style="list-style-type: none"> <li>No impacts to HHSPP. No new WHPA-Es are anticipated.</li> </ul>  | <ul style="list-style-type: none"> <li></li> </ul> | <ul style="list-style-type: none"> <li></li> </ul> |

| Information from MECP  |  |  |   | Halton-Hamilton Source Protection Region (HH SPR)  | Municipalities  | Source Protection Committee   |
|--|--|--|---|--|---|---|
| Technical Rules Topic (page #)   | Goal of Change   | Current Approach   | Proposed Amendment  | Implication Analysis, feedback and questions for MECP  | Feedback and questions for MECP   | Feedback and questions for MECP   |
| (page 39)<br><b>Rule 50.1</b>  |  | update if the information is no longer accurate or complete. |   |  |   |   |
| <b>Intake re-classification</b><br>(page 41)<br><b>Rule 55.1</b>           |  |  | The SPC can change the classification of the intake and must provide rationale and evidence to support the re-classification.   | <ul style="list-style-type: none"> <li>No impacts to HHSPP. The HHSPP intakes are all clearly Great Lakes - type A.</li> </ul>   | <ul style="list-style-type: none"> <li>How is the classification going to be consistent with other Acts such as the Safe Drinking Water Act, 2002? Will SPCs be required to consult with municipalities?</li> </ul>                                       | <ul style="list-style-type: none"> <li></li> </ul>  |
| Surface Water Vulnerability: <b>IPZ-1</b><br>(page 43)<br><b>Rule 62.1</b> | Local flexibility<br>Provide better protection by: refinement of IPZ-1 to capture surface water features, e.g. ditches | Setbacks are mapped only around lakes, streams, and rivers.  | Enable setbacks, within the prescribed radius, to capture transport pathways.<br><br>Oct. 27: not a requirement. TPs are difficult to determine using time of travel. TPs are included for IPZ-2s and 3s, but currently not IPZ-1, even though IPZ-1 is most risk. That's why added IPZ-1s. Intent is not to redo all IPZ-1s. Need rationale. | <ul style="list-style-type: none"> <li>In the HHSPP, some of the areas within the IPZ-2 (i.e. transport pathways adjacent to IPZ-1) could be included in the IPZ-1 delineation instead. These areas would take on the slightly higher IPZ-1 score. However the current V scores still do not result in SDWTs. Therefore even with such a change being made, there are no impacts to HHSPP – only low and moderate threat policies would apply.</li> <li>As a separate matter, HHSPP is exploring the update of decision criteria used for source and area V factors. If V scores increase, could have</li> </ul> | <ul style="list-style-type: none"> <li>This rule implies that we may choose to extend IPZ-1 into previous IPZ-2s. Is it at our discretion to do so? Will further criteria be set, and what happens if different SPA/Rs apply this differently?</li> </ul> | <ul style="list-style-type: none"> <li>Cost of engaging subject matter experts; would this be covered by MECP and would the original Great Lakes collaborative be resurrected to look at a consistent approach?</li> <li>Need to consider cross connections as well.</li> </ul> |

| Information from MECP  |  |  |   | Halton-Hamilton Source Protection Region (HH SPR)   | Municipalities   | Source Protection Committee  |
|--|--|--|---|---|--|--|
| Technical Rules Topic (page #)   | Goal of Change   | Current Approach                                       | Proposed Amendment  | Implication Analysis, feedback and questions for MECP   | Feedback and questions for MECP  | Feedback and questions for MECP  |
|  |  |  |   | SDWT in IPZ-1. This exploration may not be completed within the S. 36 timeframe as several subject matter experts in coastal engineering, drinking water system design, nearshore mixing, etc. would need to be engaged through several discussions.  |  |  |
| Surface Water Vulnerability: <b>IPZ-2</b><br><br>(page 52)<br><br><b>Rule 86, 87, 89</b> | Local flexibility. Provide better protection by: changes to zone vulnerability scores of IPZ-2 to reflect existing ground conditions | Single vulnerability score is allowed for every IPZ-2. | Enable multiple scores to represent variations in land and hydrological conditions. | <ul style="list-style-type: none"> <li>• HHSPR explored the application of the proposed change. Sub-scores that are science-based are possible with the IPZ-2. This does not result in SDWTs. However the managed lands, livestock density and impervious surface area mapping would need to be redone to result in mapping for each sub-area.</li> <li>• As mentioned in the comment on Rule 62.1 above, HHSPR is exploring the update of decision criteria. This will not be completed within the S. 36 timeframe.</li> </ul> | <ul style="list-style-type: none"> <li>• What is "each-area of an IPZ-2"?</li> </ul>                 | <ul style="list-style-type: none"> <li>•</li> </ul>  |
| Local activities to be designated as   | Avoid duplication of   | Activities beyond those prescribed under the           | Limit the addition of local drinking water threats to                               | <ul style="list-style-type: none"> <li>• The proposed change assumes that provincial and federal</li> </ul>   | <ul style="list-style-type: none"> <li>• Do currently identified local threats need to be</li> </ul> | <ul style="list-style-type: none"> <li>• Why would we not identify it as a local threat</li> </ul> |

| Information from MECP   |                    |   |  | Halton-Hamilton Source Protection Region (HH SPR)   | Municipalities                          | Source Protection Committee   |
|---|--------------------|---|--|---|---|---|
| Technical Rules Topic (page #)                                      | Goal of Change     | Current Approach  | Proposed Amendment   | Implication Analysis, feedback and questions for MECP   | Feedback and questions for MECP         | Feedback and questions for MECP   |
| <p><b>local threats</b><br/>(page 72-73)</p> <p><b>Rule 119</b></p> | provincial efforts | regulations can be added to a local plan as a risk, with the Director's approval. Current rules are not specific about the type of activities that can be added as local threats. | <p>only those activities that are <b>not</b> currently regulated by the provincial or federal government.</p> <p>Oct. 27: this will apply for any future local threat, it does not apply to current approved local threat.</p> <p>However if the SPA thinks the current local threat does not need to be managed under the CWA, then write the MECP and tell them it is no longer a local threat.</p> <p>Proposed changes help avoid situations of efforts of prov or fed regulatory framework, if the CWA cannot add a new benefit to what is happening on the ground. MECP wants to know why the SPA/SPC thinks that there is a gap? Local level activity could be elevated to a prescribed threat eg: pipeline.</p> <p>Oct. 28: SPC/SPA to identify</p> | <p>instruments address source water protection.</p> <ul style="list-style-type: none"> <li>MECP should clarify which enabling statues can be relied on for source water protection.</li> <li>Impacts a HHSPR S. 36 task. In the workplan, the SPC identified local threats including the transportation of hazardous goods as warranting further consideration. The Ontario Dangerous Good Transportation Act and federal Transportation of Dangerous Goods Act, 1992 would apply to the transport of hazardous goods; therefore the SPC's plan to consider the activity as a local threat would not be possible.</li> <li>E&amp;O policy for transportation companies: difficult to implement by municipality. Different approach by others spans municipal boundaries (service stations); rely on provincial regs (follow up with Carmen-CoH).</li> </ul> | removed, if regulated by province/feds? | and indicate what other act or regulation deals with it as we do with the prescribed threats? |

| Information from MECP                                |                |                  |   | Halton-Hamilton Source Protection Region (HH SPR)   | Municipalities  | Source Protection Committee     |
|--|----------------|------------------|---|---|---|---------------------------------|
| Technical Rules Topic (page #)                       | Goal of Change | Current Approach | Proposed Amendment  | Implication Analysis, feedback and questions for MECP   | Feedback and questions for MECP   | Feedback and questions for MECP |
|  |                |                  | the concern, and do some research on whether other legislation covers or not, and provide information to MECP to consider as local threat.  |   |   |                                 |
| <b>Conditions</b><br>(page 80-81)<br><b>Rule 141</b> |                |                  | <p>This is an editorial change to clarify the meaning of ‘off-site contamination’ to reflect how it is technically applied. The risk assessment, approach, identification of conditions is not actually impacted/changed by this proposed amendment.</p> <p>“if there is evidence that the condition is causing <del>off-site</del> <u>contamination the contamination is migrating towards the well or intake and the contamination has the potential to deteriorate the quality of water of the aquifer drinking water source or the surface water drinking water source, the hazard rating is 10”.</u></p> | <ul style="list-style-type: none"> <li>• The HH S. 36 workplan includes a task to identify conditions with municipalities.</li> <li>• The wording change from “offsite” to “migrating” appears to require analysis to verify that the contaminant is migrating to the well or intake.</li> <li>• MECP is requested to clarify the method to undertake the analysis and share monitoring info (wells, surface water, soils, etc.) to help evaluate “migration”.</li> </ul> | This is not an editorial change. Further detail is required from the MECP to understand how this will be interpreted as this could be used to reduce the number of SDWT condition sites. For instance, what is the level of study and data required to satisfy the MECP that contamination is migrating towards a well? Will shallow aquifer data or will municipal aquifer data be required? |                                 |

| Information from MECP          |                |                  |  | Halton-Hamilton Source Protection Region (HH SPR)     | Municipalities                  | Source Protection Committee     |
|--------------------------------|----------------|------------------|--|---|---------------------------------|---------------------------------|
| Technical Rules Topic (page #) | Goal of Change | Current Approach | Proposed Amendment   | Implication Analysis, feedback and questions for MECP | Feedback and questions for MECP | Feedback and questions for MECP |
|                                |                |                  | <p>Oct. 27: the risk assessment does not change. Just changing the terms used to clarify what we mean by offsite contamination. The proposed change clarifies that we are not dealing with site contamination, but rather dealing with contamination in surface water or GW sources.</p> <p>The term “offsite” was confusing and the FAQ was: does “offsite” mean the site with the source of contamination or a different and impacted site? The proposed changes addresses this FAQ.</p> <p>Therefore we’re not looking at the site, but looking at the contamination moving to the source water. No need to reassess currently identified conditions. For any future potential conditions, must follow the TR at the time.</p> <p>Also, if there is new info or</p> |   |                                 |                                 |

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|--------------------------------|----------------|------------------|---|---|---------------------------------|---------------------------------|
| Technical Rules Topic (page #) | Goal of Change | Current Approach | Proposed Amendment  | Implication Analysis, feedback and questions for MECP | Feedback and questions for MECP | Feedback and questions for MECP |
|                                |                |                  | data for current conditions, MECP encourages the municipality/SPA to consider to see if perhaps “delist” the condition, or even move mod to low/high to mod, etc. |   |                                 |                                 |

**Table 2: Proposed Changes to the Tables of Drinking Water Threats (TDWT) Threat Circumstances**

Page 83-137 of the MECP '2020 Proposed Amendments to Technical Rules: Assessment Report'

| Information from MECP                           |   |  |   | CA – HHSRP   | Municipalities  | Source Protection Committee |
|---|---|--|---|--|---|-----------------------------|
| Technical Rules Topic (page #)                  | Goal of Change  | Current Approach   | Proposed Amendment  | Implication Analysis, feedback and questions   | Feedback and Questions  | Feedback and Questions      |
| Road salt application, storage and snow storage |   |  |   | <p><b>General comment:</b></p> <p>While the intent to manage road salt is commended, we also need to discuss and seek solutions for the broader matters of liability framework, insurance, training and salt application and storage by third party contractors. Most of these matters are outside of the purview of Clean Water Act SPPs, and yet impact how policies are implemented.</p> <p>However education and outreach can be updated to include engagement of the province and others on the broader issues.</p> |   |                             |
| 1. Road Salt Application (page 84)              | Technical; Improve scientific approach to better identify areas where salt application and storage of | Percentages of impervious surface areas in 1x1km grid to make this activity a significant risk are <b>80% in WHPAs scored 10 and in WHPA-E scored 9;</b> and 8% in IPZs scored | More stringent thresholds: Percentage impervious surface area thresholds for significant risks will decrease to <b>30% for WHPAs scored 10, 8% for WHPA-E scored 9;</b> 6% or greater for IPZ scored 10, and 8% for IPZ scored 9 or 10; | <ul style="list-style-type: none"> <li>See <b>General Comment</b> on page 15 of this document.</li> <li>Preliminary analysis shows that this change would impact the Carlisle WHPA-E of score 9 only, which is comprised of residential areas. There are no policy implications because the current policy approach exempts</li> </ul>   | Wellington is in support of this change although we will need to evaluate how many areas in County will now return SDWTs. A simpler approach would be to declare salt application a significant threat in score 10 regardless of impervious surface coverage. |                             |

| Information from MECP                                 |                                   |  |   | CA – HHSPR   | Municipalities   | Source Protection Committee                        |
|---|-----------------------------------|--|---|--|--|--|
| Technical Rules Topic (page #)                        | Goal of Change                    | Current Approach   | Proposed Amendment  | Implication Analysis, feedback and questions   | Feedback and Questions   | Feedback and Questions                             |
|   | road salt may impair source water | 10<br><br>(no significant threats in ABMV at these thresholds)   | Can also calculate % impervious in a vulnerable area as a whole, or in a sub-area within the vulnerable area, where the road salt is applied.<br><br>Oct. 27: MECP did a provincial scale analysis to look at percentages to determine SDWT for DWS where chlorides are high (not necessarily Issues), and then landed on 30% threshold proposed.   | residential from Part IV policies.<br><ul style="list-style-type: none"> <li>It does not impact other WHPAs (due to percent impervious surface area threshold not being reached). It does not impact IPZs (due to V scores which are not high enough for a SDWT).</li> <li>The impervious surface area mapping will need to be updated for new development.</li> </ul>   | As shown in ICAs, single family residential, farms and smaller application areas can be dealt with through education policy approaches, leaving RMPs to multi-residential, ICI uses.   |  |
| 2. Road Salt Storage and Handling<br><br>(page 85-86) | Same as above                     | Depending upon the exposure of stored road salt to precipitation, the quantity of storage of road salt that can be significant is 500 tonnes and greater in IPZ scored 10, and <b>greater than 5,000 tonnes in WHPA scored 10 and WHPA-E scored 9.</b> | The SDWT thresholds are lowered:<br>1. The road salt is exposed to precipitation or runoff and the quantity stored is <b>more than 20 kg (uncovered) in WHPAs scored 10 and WHPA-E scored 9-10.</b><br>2. Road salt stored in bin, box, shed; <b>more than 100 kg in WHPA scored 10.</b><br><br>Oct. 27: MECP hosted a working group included MTO and others to arrive at these. Lower threshold is found in contractor | <ul style="list-style-type: none"> <li>See <b>General Comment</b> on page 15 of this document.</li> <li>Impacts HHSP. More SDWTs are anticipated in small areas of WHPAs for some non-residential uses.</li> <li>Current HHSP policy approach: residential uses are exempted from Part IV policies. We currently use RMPs for 5,000 tonnes or less. Land use planning prohibits storage facilities of &gt;5,000 tonnes in WHPA and ICA. We've requested NEC to prohibit as well.</li> <li>HHSP policies would need to be revised for changed circumstances. Policy approaches would need to</li> </ul> | <ul style="list-style-type: none"> <li>Does this apply to bags of road salt? Does this apply to residential properties?</li> <li>Will the province develop a municipal toolkit for E&amp;O and RMPs?</li> <li>Wellington – in support of these changes.</li> </ul> | <ul style="list-style-type: none"> <li></li> </ul> |

| Information from MECP                         |   |  |   | CA – HHSPP  | Municipalities         | Source Protection Committee |
|---|---|--|---|---|------------------------|-----------------------------|
| Technical Rules Topic (page #)                | Goal of Change                                      | Current Approach   | Proposed Amendment  | Implication Analysis, feedback and questions  | Feedback and Questions | Feedback and Questions      |
|   |   |  | yards, municipal yards, etc.<br><br>A third category is the engineered storage – low risk.  | be discussed.   |                        |                             |
| 3. Wastewater Collection Facilities (page 87) | Align with provincial regulations; Increase clarity | Rules do not clearly identify the different types of storm water and wastewater works that may contribute contaminants to drinking water sources, e.g.: sanitary sewer overflows, wet wells in pumping stations, wastewater effluents, stormwater ponds and infiltration facilities. | Recognize distinct risks of: sanitary sewers; pumping Stations; Holding tanks; Overflow and discharge<br><br>Oct. 27: aligning wording with ECAs in sewage works  | <ul style="list-style-type: none"> <li>Impacts HHSPP. Revise policies for new terminology &amp; circumstances.</li> <li>Need more information from MECP to assess impacts. Are these changes covered under prescribed instruments? Will other tools need to be used?</li> </ul> |                        | Consider cross connections. |
| 4. Storm Water Management Facilities          |   |  | Differentiate between the impact of SWMFs on surface water & groundwater sources; ie<br>- outfall discharges into surface water ;<br>- Infiltration facilities to groundwater   |   |                        |                             |
| 5. Wastewater Treatment Facilities            | Align with provincial regulations; Increase clarity | Components of WWTFs are not explicitly referenced  | Recognize risks of components:<br>- Overflows and discharges<br>- Lagoons<br>- Process tanks / holding tanks<br><br>Oct. 27: three distinct categories. Lagoons that may discharge to GW through infiltration etc. were missing before. | <ul style="list-style-type: none"> <li>Impacts HHSPP. Revise policies for new terminology &amp; circumstances.</li> <li>Need more information from MECP to assess impacts. Are these changes covered under prescribed instruments?</li> </ul>                                   |                        |                             |

| Information from MECP                        |  |   |   | CA – HHSPP   | Municipalities   | Source Protection Committee                        |
|--|--|---|---|--|--|--|
| Technical Rules Topic (page #)               | Goal of Change   | Current Approach  | Proposed Amendment  | Implication Analysis, feedback and questions   | Feedback and Questions   | Feedback and Questions                             |
| 6. Industrial Effluent Discharges (page 103) |  | Only identifies risk of IEDs to surface water.  | The discharge to land will be added to recognize risks to groundwater sources as well. SDWTs in IPZs/WHPA-E scored 8 to 10 due chemical/ pathogen parameters.   | <ul style="list-style-type: none"> <li>Impacts HHSPP. Revise policies for new terminology &amp; circumstances.</li> <li>Need more information from MECP to assess impacts. Are these changes covered under prescribed instruments?</li> <li></li> </ul>  |  |  |
| 7. Storage of Snow (page 105)                | Align with provincial regulations and address implementation gap | <p>(1) The snow is stored at or above (below) grade.</p> <p>(2) The area upon which snow is stored is at least 0.01, but not more than 0.5 (more than 0.5, but not more than 1; more than 1, but not more than 5; more than 5) hectares</p> | <p>- Include Snow covered under Ontario Water Resources Act (OWRA). Significant risk in IPZs/WHPA-E scored 8 to 10 and WHPAs scored 10.</p> <p>Volumes for DWSP decreased:</p> <p>-The area upon which snow is stored is <b>not more than 200 m2.</b> (WHPA-10)</p> <p>Oct. 27: the intent is not to capture any snow stored anywhere. There are criteria. For e.g.: parking lots are included, as they are designed to store snow.</p> <p>Oct. 28: the criteria are not volume-based because it is tough to determine the volume. Volume may change, but area stays the same. Area</p> | <ul style="list-style-type: none"> <li>See <b>General Comment</b> on page 15 of this document.</li> <li>Impacts HHSPP. Revise policies for changed circumstances.</li> <li>More SDWTs are anticipated in small areas of WHPAs for some non-residential uses.</li> <li>Current policy approach: residential uses are exempted from Part IV policies.</li> <li>May need new policies using prescribed instrument (OWRA). Need more information from MECP to assess impacts.</li> </ul> | <ul style="list-style-type: none"> <li>What is the threshold for snow storage to be a significant threat in a WHPA 10?</li> <li>What constitutes snow storage? i.e. if a residential property found itself creating a 200 m2 windrow of snow along their laneway (e.g. a long laneway associated with a farm or estate property in a snow belt area) would that also constitute a SDWT?</li> <li>Would (OWRA) PI policies be the tool for the 3 circumstances that refer to “A storm water drainage system outfall that serves a Snow Disposal Facility or Snow</li> </ul> | <ul style="list-style-type: none"> <li></li> </ul> |

| Information from MECP                        |   |   |  | CA – HHSPR  | Municipalities   | Source Protection Committee   |
|--|---|---|--|---|--|---|
| Technical Rules Topic (page #)               | Goal of Change  | Current Approach  | Proposed Amendment   | Implication Analysis, feedback and questions  | Feedback and Questions   | Feedback and Questions  |
|  |   |   | consideration is also consistent with the approach to consider areas in prescribed instruments.  |   | Disposal Area” (if we're looking at a SDWT)?<br><ul style="list-style-type: none"> <li>Wellington – snow storage should be volume based not area based.</li> </ul>   |   |
| 8. Handling and Storage of DNAPLs (page 107) | Address implementation challenges and align with provincial regulations | Circumstances define chemicals that are DNAPLs; no volume defined     | Use list of industry type instead of list of chemicals; same WHPA A to C:<br>Circumstance 1 is the list of activities adopted from O. Reg. 153 (brownfields) where DNAPL is likely stored/handled.<br>Circumstance 2 defines the type of storage (above, below grade).<br><br>Clarification from MECP: use of the list is optional.<br><br>Oct. 27: use of the list is optional. No requirement to use it. | <ul style="list-style-type: none"> <li>Impacts HHSP. Revise policies for changed circumstances.</li> <li>More RMPs are possible for the auto sector; although impacts to properties in HHSPR WHPAs are not anticipated (tbc).</li> <li>Note that the proposed ‘List 1’ excludes retail and adds auto repair.</li> </ul> | <ul style="list-style-type: none"> <li>Are the activities in the list to be used for the purposes of S59 screening even if the owner does not point out the future use of DNAPL?</li> <li>List 1 will need to be added to SWPIP.</li> <li>Wellington – in support of these changes although this is not an ideal solution, the optional list will help. Chemical companies (manufacturing and distribution) seem to be missing from the list.</li> </ul> | <ul style="list-style-type: none"> <li></li> </ul>                        |
| 9. Storage and Handling of NASM              | Align with provincial regulations                                       | Circumstances associated with Non-Agricultural Source Material (NASM) | Explicitly list the three NASM categories* that pose risk; better aligns with the NMA.   | <ul style="list-style-type: none"> <li>There were no storage and handling or application of NASM significant threats identified in the assessment reports.</li> </ul>   |  | Good change to separate out the higher risk materials in category 1 NASM. |

| Information from MECP                     |                |   |  | CA – HHSPR   | Municipalities   | Source Protection Committee  |
|---|----------------|---|--|--|--|--|
| Technical Rules Topic (page #)            | Goal of Change | Current Approach  | Proposed Amendment   | Implication Analysis, feedback and questions   | Feedback and Questions   | Feedback and Questions   |
| (page 108-111)                            |                | categories that represent risks to water quality were not explicitly mentioned. (i.e. too broad)  | <p>*1. Limited to: material from non-farm herbivorous animals;</p> <p>2 Organic waste matter that contains no meat or fish;</p> <p>3. pulp and paper biosolids, paunch manure and sewage biosolids</p> <p>SDWT in IPZs/WHPA-E scored 8 to 10 and WHPA scored 10. Storage and application thresholds don't change.</p> <p>Oct. 27: Categories 2 and 3 are subject to NASM plan. Category 1 is not subject to NASM plan – local SPA to determine the policy approach for it.</p> | <ul style="list-style-type: none"> <li>Impacts HHSPR. Current prescribed instrument policy for (future handling, storage and application of) NASM applies to categories 2 and 3. Revise policy wording to account for the three NASM categories as specified, and review potential properties with municipalities.</li> </ul>                    |  |  |
| 10. Application of NASM (page 112)        |                |   |  |  |  |  |
| 11. Handling & Storage of Fuel (page 116) |                | <p>Risks of handling and storage are separate</p> <p>Significant threat in WHPA 10 for quantities greater than 2,500 litre above ground and 250 L below grade (eg</p> | <p>Risks of fuel handling and storage are combined.</p> <p>Threshold drops: SDWT in WHPA 10 for storage of fuel both below and <b>above ground</b> for quantities greater than <b>250 litre</b> (formerly 2,500 L</p>  | <ul style="list-style-type: none"> <li>Impacts HHSPR. Revise policies for changed circumstances.</li> <li>Current policy approach: RMPs with an exemption for home fuel oil tanks (which are subject to education and outreach only).</li> <li>HHSPR staff did a preliminary review of WHPA properties with Halton Region and City of</li> </ul> | <ul style="list-style-type: none"> <li>This may impact the assessed threat level of the fuel oil system(s) at municipal wells (drinking water licence) - threshold lowered to 250L for above ground tanks (standby power) at drinking water systems - now a significant</li> </ul> | <ul style="list-style-type: none"> <li>With the smaller threshold, we would like to know what specific fuel storage containers qualify as threats. Many large trucks, farm equipment, smaller mobile refueling units, and construction equipment hold more than 250l of fuel.</li> </ul> |

| Information from MECP          |                |                    |   | CA – HHSPR  | Municipalities   | Source Protection Committee   |
|--------------------------------|----------------|--------------------|---|---|--|---|
| Technical Rules Topic (page #) | Goal of Change | Current Approach   | Proposed Amendment  | Implication Analysis, feedback and questions  | Feedback and Questions   | Feedback and Questions  |
|                                |                | basement oil tank) | <p>aboveground)</p> <p>(WHPA-E scored 9: more than 2,500L below and above ground)</p> <p>Oct. 27: MECP’s source protection branch works with the MECP drinking water branch to make the latter aware of changes and where SDWTs could occur. They review licenses and permits for handling and storage of fuel at the water treatment plants.</p> <p>SPAs will capture new SDWTS (due to proposed amendments if they become final technical rules), when updating ARs. So municipal DWS will be informed by both MECP and by SPC.</p> <p>Oct. 28: if fuel is stored in various locations on the property such that a spill won’t be from all of them at the same time, then consider each storage volume separately. If the containers are all lined up in a row side by side and could all</p> | <p>Hamilton staff. Minimal impacts are anticipated due to HHSPR policy approach and the properties being mainly residential, with many confirmed to be on natural gas/propane. 1-2 properties to be field verified.</p> | <p>threat. Will the ministry communicate this to drinking water system owners? Source Protection Condition notification requirements.</p> <ul style="list-style-type: none"> <li>• Will be up to SPC if they maintain the same policies given the fact that the circumstances are different?</li> <li>• For threats verification purposes are we to consider only permanent containers? O.Reg. 217 (liquid fuel) defines a “facility” means a permanent or mobile retail outlet, bulk plant, marina, cardlock/keylock, private outlet or farm where gasoline or an associated product is handled other than in portable containers;</li> <li>• The quantities are to be considered as the total per property or per property area within the high vulnerability or per container? – cumulative on</li> </ul> | <p>This would also be useful info if the SPC considers moderate threats, (i.e. is a 25L portable container a potential moderate threat?).</p> |

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|  |                              |  | spill at once, then consider their cumulative volume to determine the threat.   |  | property? Or not?<br><ul style="list-style-type: none"> <li>Wellington – in support of these changes.</li> </ul>   |  |
| 12. Handling & Storage of Commercial Fertilizer (page 119) | Improved scientific approach | Risk is based on type of land use (e.g. retail; excludes manufacturing, processing) and mass stored. | <p>Risk based on mass of fertilizer stored; not land use.</p> <p>Circumstances that define storage of fertilizer to be assessed based on that storage on the same property.</p> <p>Significant risk same as current approach: in IPZs and WHPAs scored 10, for storage more than 2,500 kg.</p> <p>Oct. 27: MECP considered feedback from their working group: need to consider solids and liquids. It is recognized that it is a challenge to determine the amounts of liquids stored. So go with an estimated conversion of liquids to kilograms. Or if that is too difficult, use the full volume of the container for the liquids.</p> <p>Oct. 28: Cannot consider</p> | <ul style="list-style-type: none"> <li>Impacts HHSPR. Revise policies for changed circumstances.</li> <li>Currently using RMPs, prescribed instruments and land use planning tools, as well as education and outreach.</li> <li>Threats need to be re-assessed on some of the properties previously excluded.</li> </ul> | <ul style="list-style-type: none"> <li>Can you have handling without storage and still consider a SDWT? Context: the farmers store the fertilizer in solid/power form outside the WHPA-10 but they have to handle it/ mix it with water and apply it. Another situation is when the farmer brings fertilizer on site for limited time (1-2 days) in order to apply it.</li> <li>The quantities are for liquid fertilizer, powder or both?</li> <li>Does the proposed change to the circumstances for storage of commercial fertilizer do away with the circumstance that requires the fertilizer be</li> </ul> | <ul style="list-style-type: none"> <li>Does a mobile unit qualify as a threat? Most fertilizer is handled and spread with units that hold more than 2500kg.</li> </ul> |

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|  |  |  | handling and storage separately as threats. In the example provided, storage is outside a SDWT area but mixing occurs within. The mixing is not considered a threat. Mobile fuel services are not considered a threat.  |  | stored for retail / wholesale sale, manufacture etc.? In other words, are the proposed new circumstances instead of the original ones, or in addition to?                       |                             |
| 13. Waste (page 121)<br><br>Several categories | Align with provincial regulations and address implementation challenge | <i>Currently the rules do not align with the definitions of Wastes under the Environmental Protection Act (EPA).</i> | Revise the Waste sub-threat categories to align with the EPA, e.g.:<br><ul style="list-style-type: none"> <li>- Storage of proceeded organic waste (POW)</li> <li>- Storage of hauled sewage</li> <li>- Hazardous waste and liquid industrial waste sites</li> <li>- Municipal waste sites</li> <li>- Storage of subject waste at waste generation facilities.</li> </ul> | Need more information from MECP:<br><br>Clarify which waste activities are covered under EPA vs Nutrient Management Act (NMA).<br><br>We need to know how each of the proposed sub-threats corresponds to each of the current sub-threats.<br><br>With these new sub-threats, will we be missing any of the sub-threats we currently have and are managing/prohibiting? Any new? |   |                             |
| 14. Waste Generating Facilities (page 123)     | Align with provincial regulations and address implementation           | Captured small amounts of waste exempt from waste registration:<br>Waste Disposal Site - Storage of wastes           | Replace with 2 new sub-categories:<br><br>(1) sites that require generator registration but exclude those with ECA;   | As above. Also, sites with environmental compliance approval (ECA) will not be SDWT. Will the ECA be checked for SWP? This will exempt auto repair- waste oil within WHPA of score 10, if they have waste collection   | Wellington – concerned with the exemption of auto repair – waste oil. It is currently a SDWT and based on field visits, waste oil tanks are often not in good repair. Hope this |                             |

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|                                | challenge      | described in clauses (p), (q), (r), (s), (t) or (u) of the definition of hazardous waste. | <p>(2) sites that are excluded from generator Registration (SDWT below grade, WHPA-10)</p> <p>Oct. 27: “Fresh” DNAPLs (not yet used) will be dealt with as DNAPLs. Once used at auto garages and get mixed with other products, then must be treated as waste oil not DNAPLs.</p> <p>Reorganizing to make it easy to find out which sub-threats are subject to RMPs.</p> <p>Storage of hauled sewage: subject to PIs. Maybe expand your application of hauled sewage to include storage.</p> <p>Processed organic waste (POW): covered by PI under EPA.</p> <p>NASM on agriculture land is addressed by NMA.</p> <p>Waste disposal sites: most covered by PIs. But clarifying</p> | agreement. But collection does not address risk of storage. Was the exemption intentional or not? | was an unintended exemption by the MECP. If it was not, then it is concerning because of the loosening of rules. Auto repair – waste oil tanks should not be exempted from SDWT designation. |                             |

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|                                |                |                  | <p>the confusion for waste gen facilities.</p> <p>Some stored waste require registration under HWIN, and these are not subject to ECAs. In these facilities, as long as they have registrations, then RMPs are not needed. However if SPC feels like RMPs are needed, then note that these facilities are subject to MECP inspection.</p> <p>Those facilities not subject to registration should require RMPs.</p> <p>Waste transfer sites are subject to PI.</p> <p>There are some circumstances where criteria for V scores have dropped from 9 to 8 and this may create new SDWTs. RMOs to determine whether RMPs might need to be revoked.</p> |  |                        |                             |

**General Comments / Questions:**

- Will there be a cheat sheet that shows previous circumstances vs new circumstances, and what policy tools will apply to the new sub-threat categories (e.g.: Prescribed Instruments, Risk Management Plans)? This will help immensely. Oct. 28: MECP said yes.
- Which amendments are mandatory, and which are enabling? Which amendments will be funded under the provincial DWSP program – Oct. 27: MECP is determining this.
- Assuming that the change to TDWT circumstances are mandatory, will these new circumstances only apply to new vulnerable areas associated with new or changed drinking water systems, or would they be applied to existing threats as well? If the latter, if these new circumstances identify a new SDWT on a property which already has a RMP in place, does the RMP need to be re-negotiated?

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