

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-23-09-01
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: September 26, 2023
Subject: Source Protection Program Updates

Recommendation

THAT the Halton-Hamilton Source Protection Committee receives for information report SPC-23-09-01 Source Protection Program Updates.

Executive Summary

This program update report includes updates on staffing changes at Conservation Ontario, the posting and application process for the General Public Representative position on the Halton Hamilton Source Protection Committee currently held by Dana Couture, progress on addressing the 2021 Director's Technical Rules changes with respect to drinking water threat activities including commercial fertilizer and pesticides, draft policy development for salt, snow, fuel and dense non-aqueous phase liquids (DNAPLs), the Agrichemical Warehousing Standards Association Source Protection information sheet, funding proposal for undertaking the Climate Change Vulnerability Assessment Tool, and progress on promoting Provincial Best Practices for protecting drinking water systems not covered under the Clean Water Act.

Report

Conservation Ontario, Source Water Protection

Debbie Balika, Source Water Protection Manager at Conservation Ontario, has accepted a one-year position at an Indigenous owned consulting firm, 4 Directions of Conservation Consulting Services, where she will be leading the environmental department and working on supporting a number of First Nation communities on Duty to Consult files and engagement work. Staff would like to thank Debbie for all her support and wish her well in her new role. During her leave Leslie Rich, Policy and Planning Specialist, at Conservation Ontario will be taking over the Drinking Water Source Protection Manager role. Staff would like to welcome Leslie and look forward to working with her over the next year.

Source Protection Committee member appointments

On September 27, 2023, Dana Couture's term as the General Public Representative on the Halton Hamilton Source Protection Committee expires. On August 22, 2023 staff posted an advertisement for the General Public Representative position on protectingwater.ca,

various local online news media and social media including LinkedIn, Facebook, Instagram and Twitter. The ad campaign ran for one month and closed on September 22, 2023. Interviews are scheduled for the coming weeks and the member appointment is planned to be made prior to the December 5, 2023 Source Protection Committee meeting.

2021 Technical Rules

Staff have met with the Halton Hamilton Municipal Working group on July 26 and September 13, 2023 to review proposed draft policies for application, handling and storage of road salt, storage of snow and handling and storage of fuel. The proposed policy updates reflect the changes in the 2021 Technical Rules. Draft revised policies for road salt and snow are presented in report SPC-23-09-02, and for fuel in report SPC-09-03. Staff welcome feedback and comments from the Source Protection Committee.

The Halton Hamilton Municipal Working group was presented with proposed policy changes for dense non-aqueous phase liquid (DNAPL) at the September 13, 2023 meeting. Draft revised policies for DNAPL are presented in report SPC-23-09-04. Staff welcome feedback and comments from the Source Protection Committee.

Staff have compiled an overview of the existing policy approaches, changes to the circumstances given the 2021 Technical Rules, and options for proposed policy changes for the application, storage and handling of commercial fertilizer and pesticides, for presentation and discussion at the September 13, 2023 Halton Hamilton Municipal Working Group meeting. An outline of the proposed policy concepts, including policy intent and policy tool options, are presented in report SPC 23-09-05. Following discussions and feedback from the Source Protection Committee, draft policies will be developed and discussed at the next Halton Hamilton Municipal Working Group meeting in October 2023. Proposed revised policies for commercial fertilizer and pesticides are expected to be presented to the SPC at the December committee meeting.

Technical work to revise the delineation of the Intake Protection Zone (IPZ-2) for the Woodward drinking water intake is currently on pause, awaiting further technical data and information from Hamilton Conservation Authority (HCA). Staff have received hydraulic modeling data including 2-year storm flow velocities for the Stoney and Battlefield Creeks and are awaiting the same for the smaller numbered creeks. Once all data are available staff will establish the instream extents of IPZ-2 based on technical rule requirements (2-hour time of travel) and update the IPZ-2 delineation and vulnerability assessment. Results of the technical work will be presented to the SPC at a future SPC meeting.

Agrichemical Warehousing Standards Association (AWSA)

In collaboration with Debbie Balika at Conservation Ontario, staff have produced a draft two-page Source Protection Primer, intended for distribution to Agrichemical Warehouse owner/operators and AWSA auditors. This followed from earlier discussions and a meeting with AWSA staff, which concluded with a three-pronged approach to enhancing the consideration of source water protection by AWSA members. 1) development of outreach and engagement material (see **Appendix A**), 2) consideration of holding a webinar for Agrichemical Warehouse owner/operator and AWSA auditors, and 3) updating the AWSA's Warehousing audit protocols and user guide to include source protection specific information. The national AWSA audit protocol is currently planned to be updated in 2024. The two-page Source Protection Primer is intended to bring awareness to the Source Protection Program and provides key actions the AWSA can take to continue protecting drinking water sources. Following feedback and comments from the Source Protection Committee, staff will work with municipal and AWSA staff to finalize the Source Protection Primer.

Climate Change Vulnerability Assessment Tool

In response to a request for funding proposals by the Conservation and Source Protection Branch in early April, 2023, staff submitted a proposal to undertake Climate Change Vulnerability Assessments (CCVA) for the drinking water systems in the Halton-Hamilton Source Protection Region (HHSPR), using the Conservation Ontario tool, developed in 2020. Currently, staff are still waiting to hear back from Ministry staff.

Provincial Best Practices Guide for protecting drinking water systems outside the Clean Water Act

Staff followed up with Richard MacDonald, Manager Food and Water Safety, Hamilton Public Health and confirmed a general timeline for the Private Well Owner mail out campaign. This campaign is conducted every five years and is targeted to private well owners that have submitted well samples to the City of Hamilton between 2020 and 2022. The Hamilton Public Health mailouts will now be sent in the spring of 2024. Staff have begun compiling Best Practice information to produce a two-page information sheet that will be included in the mail out. A draft of the Best Practices information sheet will be presented at the December 5, 2023 Source Protection Committee meeting. Staff have created a link to the Conservation Ontario Best Practices webpage and story map and posted it under the resources tab on protectingwater.ca.

Annual Reporting and EAR Interface Changes

Staff from MECP, along with John Campbell from UTRCA, are working to make changes to the Annual Reporting requirements and the Electronic Annual Reporting Interface (EAR). A high-level update has been provided to Program Managers, prior to the official release

of the revised 2023 Annual Reporting Supplemental form. The update indicates that several questions will be removed from the supplement form and one question added. Question formatting and numbering will also be updated to simplify the rollup of information being requested. Staff have also been informed that the Annual Progress Report (APR) and Supplemental Form (SF) reports are to be combined into a single report and made available to the public. Currently the APR is made available to the public and the SF is for internal Ministry use. The MECP's intent in including all the information into one report aims to ensure compliance with the Clean Water Act section 46(5) and showcase the work being done to protect Ontario's drinking water source.

The MECP will also introduce a new policy interface. This new interface will replace the policy implementation status section (section 2) in EAR. According to the MECP, this change will provide SPAs with the implementation status of each municipality or implementing body and meet the intent of section 46 of the Clean Water Act, by also making the information available to the public.

With the new policy interface, Source Protection Authorities will have the ability to edit policies in the policy database. This change allows SPAs the ability to update their policies and prepare them for Minister approval. This change aims to ensure the public and implementing bodies have access to the most current policy to support implementation.

ERO Posting – stormwater management under the Environmental Activity and Sector Registry (EASR)

On August 31, 2023, the MECP posted a notice on the Environmental Registry of Ontario (ERO) to streamline environmental permissions for stormwater management under the Environmental Activity and Sector Registry (EASR). The proposal ([ERO posting 019-6928](#)) includes:

- 1) A new regulation under the Environmental Protection Act, to allow owners of certain stormwater management works to self-register on the EASR. The new regulation would streamline approvals and allow self-registration for eligible stormwater management works servicing the following types of activities:
 - commercial
 - institutional
 - light industrial
 - multi-unit residential
- 2) Amending Ontario Regulation 525/98 under the Ontario Water Resources Act to exempt some stormwater management works in residential areas from approval requirements.
- 3) Amending Ontario Regulation 287/07, made under the Clean Water Act, 2006, by removing the need for, limiting, or restricting the types of policies to be included

in source protection plans where a significant drinking water threat is being managed through registration on the EASR, and to allow for amendments to existing source protection plans without following the usual process.

The MECP is proposing that risks to sources of drinking water can be addressed by the rules proposed in the new EASR regulation. Proponents would need to identify whether the activity is a significant drinking water threat. For significant threats, the proponent would be required to consider additional design measures and may need to consider other requirements, such as a monitoring plan. Prohibition policies in source protection plans for the establishment of stormwater management works that are significant threats would be maintained. Prescribed instrument policies for eligible EASR activities would no longer be necessary as these activities would be managed through the new EASR regulation. The proposal would also include amending Ontario Regulation 287/07 under the Clean Water Act to remove the need for, limiting, or restricting the types of policies that can be included in a source protection plan for activities that would be managed through the EASR regulation or prohibition.

More information is expected to be provided by the MECP at the next Program Managers meeting on September 27, 2023, as well as at two Ministry engagement sessions (September 26 and October 10, 2023). Staff will hold discussions with municipalities at the next Halton Hamilton Municipal Working Group meeting on October 18, 2023. The commenting period closes on October 30, 2023.

Signed & respectfully submitted:



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Senior Manager, Watershed Planning and Source Protection



Mardi Bergen
Source Water Information Coordinator, Watershed Planning and Source Protection



What is Source Water Protection?

Source Water Protection is a provincially legislated program to protect Ontario's municipal drinking water sources from overuse and contamination. Source Water Protection is the first step in a multi-barrier approach (Figure 1), developed in response to the Walkerton Water Tragedy. Source water is untreated water from streams, lakes, rivers, or underground aquifers that people use for potable water. Designated vulnerable drinking water areas have been established to protect source water. (Figure 2).

What are threats to drinking water sources?

Pollutants can soak into the ground or flow into streams and lakes which can threaten our drinking water sources. In Ontario the *Clean Water Act* identifies 22 activities that could pose a threat to drinking water sources under certain circumstances. These threat activities may be significant, moderate or low level risks.

Identified activities that may pertain to Agrichemical Warehouse owners include

- Application, handling & storage of commercial fertilizer & pesticides
- Handling and storage of fuel, dense non-aqueous phase liquids (DNAPLs), and organic solvents.
- Application, handling and storage of road salt.

Local source protection plans

Under the Clean Water Act, 2006 local source protection plans contain policies to protect municipal sources of drinking water. Municipalities are responsible for implementing more than half of the policies in the plans, many of which are legally binding.

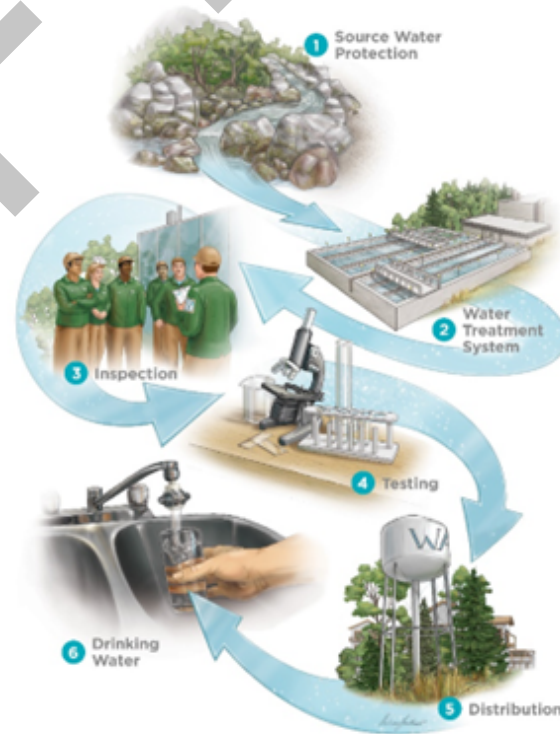


Figure 1. The source to tap multi-barrier approach.

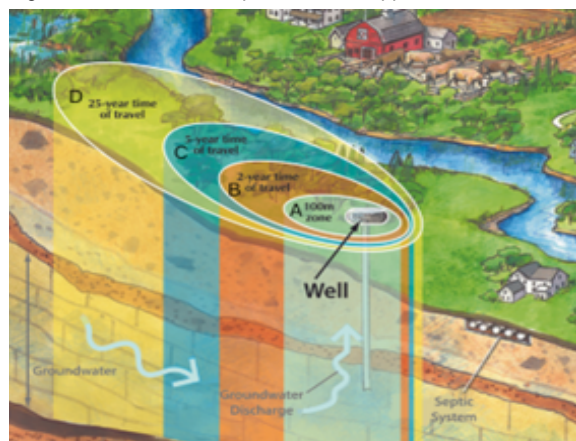


Figure 2. A Wellhead Protection Area (WHPA) is an example of a designated vulnerable drinking water area.

Agrichemical Warehouses and Source Water Protection

Agrichemical Warehouses may have potential significant drinking water threats on site where local Source Protection Plan policies may apply. Visit the [Source Protection Information Atlas](#) to see if your warehouse is in a source protection area.

Implement best practices that you can follow to protect both municipal and non-municipal drinking water sources.

Many protocols of the Agrichemical Warehousing Standards Association already actively protect drinking water sources.

Example: **Protocol B14** (*The floor has been designed or treated and maintained to render it impervious to agrichemical spill absorption*) aligns with measures included in Risk Management Plans

What additional actions can Agrichemical Warehouse Owners take to protect local drinking water sources?

- Contact your local source protection authority and review the **source protection plan** for your area to find out what policies may affect you. Incorporate source water protection into your warehouse **operational plans**.
- Undertake a threat activities **inventory**. What activities are being carried out that can impact drinking water sources?
- **Learn more** about source water protection and visit ConservationOntario.ca

Together we can protect Ontario's drinking water sources now and into the future.



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About risk management

Some source protection plan policies require a risk management official (RMO) to work with landowners/tenants to develop a risk management plan that contains measures to protect drinking water sources. Legally binding, a plan is only required when a property is in a vulnerable area and the activity being undertaken poses a significant level risk to municipal drinking water sources.

A risk management inspector (RMI) conducts inspections through site visits to ensure compliance with the *Clean Water Act — Part IV* policies (i.e. prohibitions and risk management plans). They can take samples, excavate, take measurements, run tests, record and copy documents, etc., and can issue enforcement orders when compliance is not met.

