

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-23-12-03
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: December 5, 2023
Subject: Draft Policy Package – Fuel

Recommendation

THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC-23-12-03 Draft Policy Package – Fuel

Executive Summary

Following the September 26, 2023 Halton-Hamilton Source Protection Committee meeting, staff presented and discussed SPC comments on the proposed draft policies for the handling and storage of fuel with the Municipal Working Group on October 18, 2023. Staff recommend maintaining prohibition of future fuel storage, removing the exemption for un-serviced residential properties and farming operations, and adding an exemption for municipal emergency backup generators fuel storage. Risk Management Plans are recommended for any existing significant drinking water threat (SDWT) and future SDWT exempt from prohibition.

Report

Staff have been drafting revised policies for the handling and storage of fuel in response to changes to the Technical Rules released in December 2021. Reports addressing policy revisions for fuel were presented to the Halton-Hamilton Source Protection Committee (SPC) in September 2023 (SPC report 23-09-03).

Following the September 26, 2023 SPC meeting, staff discussed SPC member comments on the proposed draft policy text for handling and storage of fuel with the Municipal Working Group on October 18, 2023. Municipal Working Group members determined additional work needed to be done to establish what would be considered an existing threat in the context of fuel storage. Members also requested an exemption for emergency municipal backup generator fuel storage.

Following the October 18, 2023 Municipal Working Group meeting, staff reviewed the definition of an existing threat included in the approved Halton-Hamilton Source Protection Plan (Appendix D Glossary of Terms). The definition and several scenarios applicable to existing versus new fuel storage threats are included in Appendix A. The definition of an existing threat is broad and covers scenarios that would allow for the

expansion or replacement of existing fuel storage on the same lot. Also, based on ortho imagery analysis staff determined that only a small number of properties would be impacted by future fuel storage prohibition policies.

Revised policy proposals were discussed with and supported by the Municipal Working Group on November 15, 2023. Staff recommend maintaining prohibition of the future handling and storage of fuel where it would be a significant drinking water threat, (greater than 250 Litres in a WHPA-A, and greater than 2500L in a WHPA-B with a vulnerability of 10), exempting fuel storage for municipal emergency backup generators, and removing the exemptions for un-serviced residential and agricultural operations. Staff also recommend the establishment of a RMP for all significant drinking water threats, exempt/not subject to prohibition including fuel storage required for emergency municipal backup generators.

Appendix A summarizes the comments made by members of the SPC and the Municipal Working Group. The table also includes staff comments and rationale for the proposed policies, and additional supportive information including definitions and ortho imagery analysis.

Appendix B contains all proposed policies for the handling and storage of fuel. Changes have been made to the policies where necessary based on the review of comments from the SPC members and the discussions at the October 18 and November 15 Municipal Working Group Meetings. These include:

- Removal of exemption from prohibition for un-serviced residential property and farming operation
- Addition of exemption from prohibition for emergency municipal backup generator fuel storage
- Separation of RMP policy into two policies, one for existing and one for future fuel storage
- Re-wording of policy T-42-S directed at the Niagara Escarpment Commission to align with the proposed draft policy intent

Signed & respectfully submitted:



Martin Keller
Senior Manager, Watershed Planning and Source Protection



M. Bergen

Mardi Bergen

Source Water Information Coordinator, Watershed Planning and Source Protection

Appendix A

Handling and Storage of Fuel

Comments: Prohibition of Fuel Storage

Tool	Proposed Policy	Comments from SPC (Sept 26, 2023)	Comments from Municipal Working Group (Oct. 18, 2023)	Staff Comments & Rationale for Proposed Policy
Handling and Storage of Fuel Prohibition (S.57)	T-40.1-C - future handling and storage of fuel over 250 liters except un-serviced residential properties or farming operation with storage less than 2500 liters.	<ul style="list-style-type: none">- Why would fuel storage over 2500 liters for farming operations be prohibited? If a farm added a new fuel tank for a piece of old equipment they acquired, it could push them over the limit, if the operation already had a tank for diesel and a home heating fuel tank.- Do not see sufficient rationale for prohibition	<ul style="list-style-type: none">- Prohibition is supported if the definition of an existing threat is solidified.- Must ensure that an exemption for the storage of fuel used for emergency backup generators is included.- Removing the residential and agricultural prohibition exemptions for future storage of fuel in WHPA-A is supported because the likelihood of a new threat occurring is low and there are other available options (alternative heat sources, alternative location on property for tank placement, etc.).	<ul style="list-style-type: none">- Prohibition policy applies to future storage of fuel.- Current Proposal: Prohibition limited to WHPA-A (250L) and WHPA-B v10 (2500L)- Freelton (Well FDF03) is only area with agricultural land use in WHPA-A- The likelihood of future fuel storage for home heating is low.- Alternative options for home heating are available.- The approved definition of an existing threat allows flexibility for farmers and property owners to continue storing fuel without creating a new threat, e.g., expanding volume of fuel stored, adding new tank on same lot.- In WHPA-B v10 new storage of fuel (e.g., for home heating, agricultural purposes, backup generators) up to 2500L would be subject to RMP, new fuel storage above 2500L would be prohibited (this would capture gas stations). Existing fuel storage is subject to RMP and includes any volume greater than 250L.

Supporting Information

Existing Threat (as defined in the current approved Halton-Hamilton Source Protection Plan): *“an activity that commenced or has been engaged with a demonstrated intent to continue, in a location in a vulnerable area prior to the Source Protection Plan taking effect where there would be a drinking water threat. It includes any expansion of the activity or conversion to a similar use only on the same parcel of land.”*

Future Threat: an activity not considered to be an existing threat.

Application Scenarios for Proposed Prohibition of Future Fuel Storage Policy

Existing activity and not subject to prohibition

- 1) Farmer wants to replace or increase the size of their current fuel tank or add a new tank on same lot.
- 2) Accessory dwelling heated by fuel, constructed on the same lot as a residential dwelling heated by fuel.

New / future activity and subject to prohibition

- 3) Existing industrial or commercial property wanting a **new** fuel storage tank on a lot where a fuel storage tank **does not already exist**. RMPs may already exist for other threats and therefore the property owner could be notified of the prohibition policy for future fuel threats.
- 4) Residential building permit application for a house with home fuel heating. Tank would need to be placed where it would not be a significant threat (outside of WHPA-A boundary).
- 5) Proposal to build a new gas station with-in a WHPA-B with a vulnerability of 10 would be prohibited due to fuel storage exceeding 2500 Litres.

Ortho Imagery Analysis

Staff examined the ortho imagery for each of the Halton-Hamilton Source Protection Region's well head protection areas to identify areas where future threat prohibition policies could apply. Given the land use in the 100m circle around the wells, the probability of a new/future fuel storage and handling threat in a WHPA-A is low. The potential for a new fuel storage and handling threat in a WHPA-B with a vulnerability of 10 is more likely to occur.

Exemption for un-serviced residential properties and agricultural operations

Original policy proposal included an exemption from prohibition for un-serviced residential properties and agricultural operations. Given the broad definition of an existing threat, several scenarios originally of concern are no longer activities where a prohibition policy would apply (see scenarios outlined above) and it is unlikely that un-serviced residential properties and agricultural operations would be affected by the proposed prohibition policies.

Prohibition of Gas Stations

Policy T-41-C Land Use Planning – prohibits the construction of a gas station where it would be a significant drinking water threat. This policy was originally proposed to be repealed. After further discussions we proposed keeping the existing policy as it provides early notification to developers, during the planning process.

Appendix B

Proposed Draft Policies: Handling & Storage of Fuel

Policy ID	T-40.1-C
Threat	Handling and Storage of Fuel
Policy Tool	Prohibition
Policy Implementer	Risk Management Official
Policy	<p>a) The future handling and storage of fuel in WHPA-A shall be designated for the purpose of Section 57 of the CWA and shall be prohibited if all of the following apply:</p> <ol style="list-style-type: none"> 1. The activity would be a significant drinking water threat. 2. The storage of fuel would be greater than 250 litres. 3. The storage of fuel is not required for municipal emergency backup generators. <p>b) The future handling and storage of fuel in WHPA-B shall be designated for the purpose of Section 57 of the CWA and shall be prohibited if all of the following apply:</p> <ol style="list-style-type: none"> 1. The activity would be a significant drinking water threat. 2. The storage of fuel would be greater than 2500 Litres. <p>c) The Risk Management Official shall document in their annual report, in accordance with Section 65 of Ontario Regulation 287/07, actions taken to prohibit storage of fuel and submit this report to the Source Protection Authority by February 1 of each year.</p>
Legal Effect (Appendix C)	<p>a) Must conform with – legally binding. List G (S.57 prohibition policy)</p> <p>b) Must conform with – legally binding. List F (monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A & B – V. score 10; WHPA-E – V. score 9</p>
When Policy Applies	Future

Policy ID	T-41-C
Threat	Handling and storage of fuel
Policy Tool	Land use planning
Policy Implementer	City of Hamilton, Regional Municipality of Halton, Town of Milton
Policy	<p>Where the future handling and storage of fuel would be a significant drinking water threat,</p> <ul style="list-style-type: none"> a. the Region of Halton, Town of Milton, and the City of Hamilton shall prohibit gas stations through <i>Planning Act</i> tools. b. the municipal planning authority shall provide copies of their planning documents to the Source Protection Authority when they have been amended to conform with the policy to prohibit gas stations.
Legal Effect	<p>Part a - Must conform with - legally binding. List A (Appendix C - Compliance Lists)</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A & B – V. score 10; WHPA-E – V. score 9</p>
When Policy Applies	Future

Policy ID	T-41.1-C
Threat	Handling and Storage of Fuel
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>a) The existing handling and storage of Fuel is designated for the purpose of Section 58 of the CWA and a Risk Management Plan shall be required where the following apply:</p> <ol style="list-style-type: none"> 1. The activity is a significant drinking water threat; and 2. Fuel storage is greater than 250 litres. <p>b) The Risk Management Plan shall include, at a minimum, the requirements for all storage tanks to comply with the requirements of the Technical Standards and Safety Act and its regulations, for all owners/operators to have an emergency response plan with emergency contact information of the municipality responsible for water services and the Spills Action Centre.</p> <p>c) The Risk Management Official shall document in their annual report, in accordance with Section 65 of Ontario Regulation 287/07, action taken to manage the handling and storage of fuel and submit this report to the Source Protection Authority by February 1 of each year.</p>
Legal Effect (Appendix C)	<p>a) & b) Must conform with – legally binding. List H (S.58 RMP policy)</p> <p>c) Must conform with – legally binding. List F (monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A & B – V. score 10; WHPA-E – V. score 9</p>
When Policy Applies	Existing

Policy ID	T-41.2-C
Threat	Handling and Storage of Fuel
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>a) The future handling and storage of Fuel in WHPA-A is designated for the purpose of Section 58 of the CWA and a Risk Management Plan shall be required where the following apply:</p> <ol style="list-style-type: none"> 1. The activity would be a significant drinking water threat; and 2. The storage of fuel would be greater than 250 Litres and would be less than 2500 Litres; and 3. Fuel storage is required for municipal emergency backup generators. <p>b) The future handling and storage of Fuel in WHPA-B is designated for the purpose of Section 58 of the CWA and a Risk Management Plan shall be required where the following apply:</p> <ol style="list-style-type: none"> 1. The activity would be a significant drinking water threat; and 2. The storage of fuel would be greater than 250 Litres and would be less than 2500 Litres. <p>c) The Risk Management Plan shall include, at a minimum, the requirements for all storage tanks to comply with the requirements of the Technical Standards and Safety Act and its regulations, for all owners/operators to have an emergency response plan with emergency contact information of the municipality responsible for water services and the Spills Action Centre.</p> <p>d) The Risk Management Official shall document in their annual report, in accordance with Section 65 of Ontario Regulation 287/07, action taken to manage the handling and storage of fuel and submit this report to the Source Protection Authority by February 1 of each year.</p>
Legal Effect (Appendix C)	<p>a) & b) Must conform with - legally binding. List H (S.58 RMP policy)</p> <p>c) Must conform with – legally binding. List F (monitoring policy)</p>

Where Policy Applies	See Figures 2 to 11. WHPA-A & B – V. score 10; WHPA-E – V. score 9
When Policy Applies	Future

Policy ID	T-42-S
Threat	Handling and Storage of Fuel
Policy Tool	Niagara Escarpment Plan
Policy Implementer	Niagara Escarpment Commission
Policy	Where the future handling and storage of fuel would be a significant drinking water threat, a) The Niagara Escarpment Commission is requested to prohibit storage of fuel that would be greater than 250 litres in the Niagara Escarpment Plan. b) the Niagara Escarpment Commission is requested to prohibit gas stations in the Niagara Escarpment Plan Area c) The Niagara Escarpment Commission is requested to provide the Source Protection Authority by February 1 of each year a report of the actions taken to prohibit storage of fuel in the Niagara Escarpment Plan.
Legal Effect (Appendix C)	a)b) Strategic – non-legally binding. List K (other bodies) c) Must conform with – legally binding. List F (monitoring policy)
Where Policy Applies	See Figures 2 to 11. WHPA-A & B – V. score 10; WHPA-E – V. score 9
When Policy Applies	Future

Policy ID	T-43-C
Threat	Handling and storage of fuel
Policy Tool	Education and outreach
Policy Implementer	City of Hamilton, Regional Municipality of Halton
Policy	<p>Where the existing and future handling and storage of fuel is or would be a significant drinking water threat,</p> <p>a) the City of Hamilton and Regional Municipality of Halton shall continue their established, related education and outreach programs. In addition, within two years of the date that the Source Protection Plan comes into effect, the City of Hamilton and the Regional Municipality of Halton, in collaboration with the Halton Region and Hamilton Region Conservation Authorities, shall develop and implement an education and outreach program for homeowners with home fuel oil tanks newly identified as significant threats, regarding spill response and the method and timing for contacting the Spills Action Centre. As part of this program, stickers with emergency phone numbers shall be provided to be placed on or near the fuel tanks and fill pipes to ensure immediacy of response if there is a spill or leak detected.</p> <p>b) the City of Hamilton and the Regional Municipality of Halton shall document the nature of any new education and outreach program established regarding home fuel oil tanks, the number of persons contacted, and the location of the participants and report this information to the Source Protection Authority by February 1 of each year.</p>
Legal Effect (Appendix C)	<p>a) Must comply with – legally binding. List E (municipalities)</p> <p>b) Must conform with – legally binding. List F (monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A & B – V. score 10; WHPA-E – V. score 9</p>
When Policy Applies	Existing and future
Notes	An education and outreach program can help reiterate that the proper installation, inspection, and maintenance of fuel tanks and a rapid clean up of spills could save a fuel tank owner a lot of money and protect the environment.