

S. 59 Restricted Land Use Draft Policies (Nov. 30, 2011)

Rationale

Under Part IV of the Clean Water Act, S.59 restricted land uses, provides a process for implementing policies associated with S.57 prohibition and S.58 risk management plans and as such cannot be used by itself. This tool provides an additional safety barrier by flagging new Planning Act applications and building permits where significant drinking water threat activities are associated with specifically named land uses as well as ensuring that applicants are following the applicable Source Protection Plan policies.

This tool will be integrated into the existing municipal development review process that will involve chief building officials, planners and Risk Management Officials. The review process involves the chief building official or planner determining if an application is subject to S.59 policies based on the Source Protection Plan. These individuals alert the Risk Management Official (RMO) when an individual or business has submitted an application in an area where the land use in the Official Plan or Zoning By-Law is subject to S.59 policies within the Source Protection Plan, so that, the application is reviewed by the Risk Management Official (RMO) prior to approval. The RMO informs the applicant if there are prohibited activities or if a risk management plan is required. Once a risk management plan is established, the RMO would provide a notice to the applicant allowing them to proceed.

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Interpretation

RL.1.0. The policies associated with S.59 of the CWA (restricted land uses) are directed at those significant threats that are subject to S.57 prohibition and S.58 risk management under the CWA. These specific threats, and the areas in which they are significant, are identified within the table below.

Vulnerable Area	Vulnerability Score	Applicable Prescribed Drinking Water Threat		S.57 Prohibition	S. 58 Risk Management Plan
WHPA-A,B	10	3	The application of agricultural source material to land.		X
		4	The storage of agricultural source material	X (temp)	X
		6	The application of non-agricultural source material	X	X
		7	The handling and storage of non-agricultural source material	X (temp, new)	
		8	The application of commercial fertilizer to land		X
		9	The handling and storage of commercial fertilizer	X (temp)	X
		10	The application of pesticide to land		X
		11	The handling and storage of pesticide	X (temp.)	
		13	The handling and storage of road salt	X	
		14	Storage of snow	X (transported)	X (all except transported)
		15	The handling and storage of fuel	X (new, expanding gas stations, bulk plants, refineries, manufacturers,	X (retail outlets, cardlocks/keylocks, private outlets)

Vulnerable Area	Vulnerability Score	Applicable Prescribed Drinking Water Threat		S.57 Prohibition	S. 58 Risk Management Plan
				fuel distributors))	
		17	The handling and storage of an organic solvents	X (new)	X (existing)
		18	The management of runoff that contains chemicals used in the de-icing of aircraft		X
		21	The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm animal yard	X (new outdoor confinement area)	X (outdoor confinement areas, livestock grazing)
WHPA-A,B and C	Not applicable	16	The handling and storage of a dense non-aqueous phase liquid	X (new)	X (existing)
IPZ	10	15	The handling and storage of fuel	X (new, expanding gas stations, bulk plants, refineries, manufacturers, fuel distributors))	X (retail outlets, cardlocks/keylocks, private outlets)
		18	The management of runoff that contains chemicals used in the de-icing of aircraft		X
IPZ, WHPA-E	9	13	The handling and storage of road salt	X	

RL.1.1 S.59 restricted land use policies shall be implemented immediately upon the effective date of the first Source Protection Plan.

General Policies

RL.2.0 All land uses identified within Municipal Official Plans and zoning by-laws in the Thames-Sydenham and Region Source Protection Region, with the exception of residential use in areas which are serviced by natural gas and sanitary sewers, are designated for the purpose of S.59 restricted land use under the CWA in all areas where the policies of the Source Protection Plan indicate that one or more prescribed drinking water threats are subject to s.57 prohibition or s.58 risk management under the CWA [\(as illustrated in the mapping required under policy LP2.X\)](#). Within these designated land use categories and areas, a written notice of approval from the Risk Management Official shall be required prior to the approval of any building permit or Planning Act application.

Notwithstanding the above, where the Risk Management Official has developed more detailed direction as to specific land uses/activities, geographic areas and/or types of building permit and Planning Act applications that require a notice of approval from the Risk Management Official under S.59 of the CWA and such direction has been provided, in writing, to the municipality, ~~this~~ direction shall take precedence for the purposes of complying with this policy.

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RL2.1 To assist in their review of applications subject to S.59 of the CWA, Risk Management Officials shall consider establishing requirements for the provision of additional documentation to detail the specific nature of the ~~activities being proposed from a Source Water Protection~~ perspective. Where written notice of these requirements has been provided to a municipality: ~~a) the municipality shall require this additional documentation to form part of a complete application, and~~

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bmunicipalities shall circulate a copy of or the necessary components of the complete application to the Risk Management Official for their review.

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Monitoring

RL.3.0 Restricted land use policies are subject to monitoring and reporting requirements as outlined in policy **X**.