

Support Document for Developing Monitoring Policies

June 13, 2011

Introduction

The objective of this document is to provide guidance on the development of monitoring policies as part of the source protection planning process.

Legislative Requirements¹

The Clean Water Act (CWA) requires source protection plans (SPP) to include monitoring policies (as per ss. 22(2) p. 4, 5 and 7). The CWA also includes specific requirements² for monitoring policies related to implementing bodies and legal effect (as per ss. 22(5) and 45). The results of monitoring will inform the annual progress report prepared by the source protection authority (SPA) and it may also inform the annual report prepared by the risk management official. O.Reg 287/07 provides details on what information must be included in these annual reports.

Types of Monitoring Policies

The CWA requires monitoring policies to be written for every area identified in the assessment report where there could be a significant threat. Source Protection Committees (SPCs) must also include monitoring policies to monitor activities or conditions that are moderate or low threats, where advisable, to prevent them from becoming significant, and to monitor drinking water issues. Table 1a and 1b provide an overview of the different types of SPP monitoring policies.

Table 1a. Mandatory monitoring policies for source protection plans

Monitoring Type	Purpose/Objective of Monitoring Policy	Considerations in policy development
<p>*Significant threat activities – in areas where activity is or would be significant (portions of WHPA and IPZ, depending on threat and vulnerability score)</p> <p><i>*Majority of monitoring policies</i></p>	<ul style="list-style-type: none"> • Determine if the implementing body has implemented the threat policy (including compliance with any specific implementation dates in the SPP). • Determine if the persons engaged in the significant threat activity are complying with the policy, if the policy is regulatory in nature (eg. RMP). • Determine uptake of a program (i.e. by sector/stakeholders), if the policy is non-regulatory in nature (e.g. Education and outreach program). • Where feasible, tracking to ensure that the measures/actions that have been adopted to manage the significant drinking water threat activity have not failed (i.e. achieving desired outcome). 	<ul style="list-style-type: none"> • When drafting a policy for a significant drinking water threat, it is recommended to consider the associated monitoring policy so that the discussion about how to address the threat and how to monitor the policy's implementation occurs at the same time.

¹ See appendix for excerpts from the Clean Water Act and O. Reg. 287/07 related to monitoring and reporting.

² The source protection plan must designate a public body to carry out the monitoring required by the CWA. Section 45 requires the public body to comply with the obligations set out in the monitoring policy.

Monitoring Type	Purpose/Objective of Monitoring Policy	Considerations in policy development
<p>Moderate / low threats – in areas <i>where it is advisable</i> to prevent the threat from becoming significant (activity or condition)</p>	<ul style="list-style-type: none"> Assessing changes in circumstances of moderate / low threats to ensure they do not become significant (For example, the storage of fuel is a significant drinking water threat in specific areas where more than a specified amount is stored – as described in the Drinking Water Threats Table. If a fuel storage site changes its storage capacity so that it exceeds this threshold – it would then become a significant drinking water threat). 	<ul style="list-style-type: none"> CWA requires focus to be in areas where moderate or low threats could become significant (i.e. portions, not all, of a WHPA or IPZ, depending on threat subcategory and vulnerability score that made it moderate or low). Consider circumstances that make a particular drinking water threat low, moderate, or significant, as defined in the Table of Drinking Water Threats (i.e. quantity of substance or how a substance is stored).
<p>Drinking water issues – <i>where advisable</i>, monitoring of a drinking water issue identified in the assessment report</p>	<ul style="list-style-type: none"> Evaluate the status of various environmental parameters to assess and identify any changes or trends in the quality or quantity of source water. Assess the effectiveness of a policy in ensuring that significant threats related to issues identified in the AR are being addressed and the issue is improving over time. 	<ul style="list-style-type: none"> Environmental data collection is limited to tracking changes in drinking water issues. Environmental data reporting may only be required if changes in drinking water quality or quantity can be confidently correlated to implementation of the related significant threat policy.
<p>Conditions, where the condition is in an area identified in the assessment report as an area where it is a significant drinking water threat</p>	<ul style="list-style-type: none"> Evaluate actions taken to address conditions or the status of various environmental parameters to assess and identify any changes or trends in the quality or quantity of source water. When a threat policy to address a condition is included in the plan, to assess the effectiveness of a policy in ensuring that significant threats related to conditions identified in the AR are being addressed and the condition is improving over time. 	<ul style="list-style-type: none"> Environmental data collection is limited to tracking changes in conditions resulting from a past activity. Environmental data reporting may only be required if changes in drinking water quality/quantity can be confidently correlated to the implementation of the related significant threat policy.

Note: Implementing body for monitoring policies in Table 1a. must be a “public body³.”

³ Under the Clean Water Act a “public body” is defined as a municipality, local board or conservation authority; ministry, board, commission, agency or official of the Government of Ontario; a body prescribed by the regulation or an official of a body prescribed by the regulation. For clarity TSSA is not a public body under the CWA.

Table 1b. Optional monitoring policies for source protection plans

Monitoring Type	Purpose/Objective of Monitoring Policy	Considerations in Policy Development
<p>Moderate/low threats – <i>elsewhere</i> (i.e. areas where threat could never become significant)</p>	<ul style="list-style-type: none"> • Tracking to ensure the implementation of policies • Determine uptake of a program (i.e. by sector/stakeholders). 	<ul style="list-style-type: none"> • SPCs have the option of developing monitoring policies for moderate and low threats <i>elsewhere</i> (i.e. not necessarily where “advisable to prevent a threat from becoming significant,” such as in HVA, SGRA, or areas in WHPA / IPZ where a significant threat is not possible). These policies would be labeled strategic action policies (i.e. s. 45 of the CWA would not apply) and policies would not be legally binding. • This policy must be supported by information to justify why these moderate and low threats must be monitored.
<p>Monitoring of Other Permissible Plan Policies</p>	<ul style="list-style-type: none"> • Regulation 287/07 provides SPCs the option of including certain other policies in the SPP (s. 26, Paragraphs 4, 5 and 6 and s. 27). These are policies that relate to education and outreach programs aimed at private wells, climate change data collection, spills along highways, railways and shipping lanes, and transport pathways. 	<ul style="list-style-type: none"> • The SPC has the option of including corresponding monitoring policies that track the implementation of these other permissible policies if the SPC feels it is warranted. These policies would be labeled strategic action policies (i.e. s. 45 of the CWA would not apply) and policies would not be legally binding.

Note: Implementing body for monitoring policies in Table 1b. is not restricted to a “public body”.

Considerations in Monitoring Policy Development

Implementing Body

Section 22(5) of the CWA requires that any monitoring policy identified in Table 1a must designate a “public body” as responsible for implementing the policy. Section 45 of Act also indicates that the public body must comply with these policies. In the case of monitoring policies identified Table 1b, these policies can be implemented by any implementing body and would be considered a “strategic action” policy.

When developing monitoring policies, the SPC may want to consider whether the designated body has the power to enter property. In many cases, if the designated

body is a public body, that body may have powers of entry under their enabling statute. For example, the monitoring of compliance with a significant threat policy regulated by a prescribed instrument may be achieved by the public body conducting inspections under its enabling statute. However there may be situations where a power of entry is required to carry out a monitoring policy, but the public body in question does not have the authority to do so. In such cases, the SPC may want to consider the powers of entry under section 88 of the CWA, which gives a SPA or municipal employees designated by the SPA the ability to carry out inspections for the purpose of a monitoring program designated under section 45 of the CWA. When consulting on draft monitoring policies with the designated public body, it may be a good idea for the SPC and the designated body to consider powers of entry.

As with all policies, SPCs must pre-consult⁴ with the implementing body on the monitoring policies prior to publishing the draft SPP for public consultation. This requires, as a minimum, providing the implementing body a notice with the wording of the proposed policy, a summary of the reasons for the policy, and a request for written comments on the policy. The SPC must consider the comments received.

Where Advisable

SPCs are responsible for determining where it is locally advisable to include monitoring policies for moderate / low threats to prevent the threat from becoming significant, as well as monitoring policies governing drinking water issues. Key considerations in determining whether it is advisable would include:

- The potential for a moderate or low threat to become significant is only in specific areas of a WPA or a IPZ.
- How activities are monitored may depend on the circumstances that make a particular drinking water threat low, moderate, or significant, as defined in the Table of Drinking Water Threats. For example, if an activity is significant in an area because it is below a certain quantity threshold, then the focus of monitoring could be to track that the activity remains below that threshold. Should monitoring reveal that the threshold is exceeded, then the person engaged in the threat could be subject to certain significant threat policies.

SPCs are also able to include monitoring policies for drinking water issues, where advisable. The most direct way to monitor a drinking water issue is likely through environmental monitoring of ground water and surface water quality to determine if the parameter that led to the drinking water issues is trending down as a result of the significant threat policies in the SPP. In considering whether to include a monitoring policy for drinking water issues, the SPCs may want to consider that it will take some time for water quality to improve as a result of measures set out in the SPP; therefore it may make sense to gather monitoring data over a meaningful timeframe.

Evaluating Policy Options

As with any SPP policy, SPCs should evaluate monitoring policies against the policy development criteria that has been established locally (e.g. implementable, cost

⁴ See the MOE [Source Protection Planning Bulletin – Overview of Requirements for Pre-consultation with Stakeholders](#) for more information.

effective, recognize existing programs, etc.). SPCs, through discussions with the identified implementation body, should determine whether implementation of the policy is within the jurisdiction of that body, and discuss the policy's feasibility, including any financial implications. Any consideration of financial implications must be summarized in the explanatory document

The legislation provides flexibility for monitoring policies to be general or to include specific details to help track the implementation of SPP threat policies including the degree to which the policy is being followed. Providing some details will help the implementing body understand what is expected from the monitoring policy; however too many details may get in the way of being able to effectively report on progress and success.

Approaches to Monitoring Policy Development - Linkages to SPP Policy Tools

The CWA and regulation provides a range of policy tools to manage or prohibit drinking water threats. For more information on each of these tools, please consult the series of Source Protection Planning Bulletins prepared by the Ministry of the Environment.

One approach to develop monitoring policies could be to consider the policy tool being used. Table 2 sets out some monitoring policy considerations for each policy tool, as well as sample monitoring policies and examples of the information that may result from the sample policies.

SPCs may also want to consider establishing a single monitoring policy for each type of policy tool. For instance, a monitoring policy could be developed for all the significant threat policies that affect Planning Act decisions. Another monitoring policy could be developed for all significant threat policies that govern a particular prescribed instrument, such as a waste disposal site approval under Part V of the EPA.

When can monitoring include environmental monitoring?

Environmental monitoring includes evaluating the status of various environmental parameters to understand their current state and/or identifying changes or trends in the quality or quantity of source water.

With regard to the SPP monitoring policies, as identified in Table 2, the majority of these policies will focus on the status or progress of implementation and the effectiveness of a threat policy (e.g. is it being complied with in relation to regulatory policies; has it been adopted, in relation to non-regulatory policies). Environmental monitoring may only provide beneficial information about the effectiveness of a policy in a small number of situations.

As an example, environmental monitoring may be appropriate for drinking water issues or conditions resulting from a past activity that constitute a significant drinking water threat. For these situations, monitoring can establish a baseline, if unknown, and measure improvements in the water quality or quantity as a result of the implementation of the related significant threat policies. This type of monitoring should be linked to a

property(ies) or to a defined issue contributing area; otherwise it could be very difficult to show a connection between specific activities and concentrations of contaminants in the watershed. Table 3 contains samples of monitoring policies related to drinking water issues. Table 4 contains samples related to conditions.

When there are no drinking water issues or conditions, the risk associated with the threat activity is based on the inherent risk of the threat, not a realized problem. In this situation, the hazard level of a threat is not based on actual environmental degradation or the presence of a parameter of concern from existing activities. In this situation, a more appropriate monitoring approach would be to track policy implementation and compliance/adoption to ensure that any activity that may contribute to the issue or condition is addressed.

When SPCs are drafting monitoring policies, a distinction should be made between the need to fill data gaps identified in the Assessment Report through environmental monitoring and development of monitoring policies that correspond to SPP policies. SPP policies are generally not the mechanism to fill Assessment Report data gaps. Data gaps identified in the Assessment Report may be filled through subsequent rounds of the source protection planning process. SPCs may include narrative text in their SPP about their strategy, if any, to address data gaps in their assessment report, to help the reader understand the context of the plan policies.

Monitoring Policies and Annual Progress Report Requirements

SPAs are required to report annually on the progress of SPP implementation (CWA s. 46 and O. Reg 287/07 s. 52). Monitoring policies may provide valuable information to support the annual progress reporting requirements. The examples of monitoring policies provided in Tables 2, 3 and 4 also include reference to information that may result from monitoring policies which may be useful to SPA progress reporting. Monitoring policies should include specific dates by which the implementing body should be reporting to the SPA, in order to facilitate the annual reporting process.

It should be noted that the information generated from monitoring policies is not the only information SPAs can use to prepare the annual progress report. Information that is generated and collected outside of source protection may also be considered by SPAs (e.g. raw water intake data collected by municipalities under the Safe Drinking Water Act). In addition, section 87 of the Act includes provisions that allow SPAs to request information related to a drinking water threat from certain public bodies (i.e. local board, ministry, board, commission or agency of the Government of Ontario). This includes copies of any documents or records related to source water, including technical studies and records related to a drinking water threat.

Section 88 of the CWA also provides the SPA the power to enter property for the purpose of gathering information to prepare an annual progress report. Therefore, even in the absence of a monitoring policy, the SPA can rely on this provision to gather information for the purposes of preparing an annual progress report.

Annual reports and the results of all monitoring policies will help inform future SPP amendments and the comprehensive review of assessment reports and plans.

Summary

The Clean Water Act requires monitoring policies to be written for every area identified in the assessment report where there could be a significant threat. SPCs must also include monitoring policies, where advisable, to monitor activities or conditions that are moderate/low threats to prevent them from becoming significant and to monitor drinking water issues. This document provides guidance to SPCs on the types of monitoring policies for a SPP, content of monitoring policies and approaches to monitoring policy development including specific examples. As with threat policies, SPCs should assess monitoring policy options against their local policy development criteria and must pre-consult with the body responsible for implementing the policy.

Table 2: Sample monitoring policies for the various source protection plan policy tools used to address threat activities

Threat Policy Tool	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
Part IV tools	A single monitoring policy could address policies that use the Part IV tools since very detailed annual reporting requirements for RMOs are specified in the regulation (s. 65 ⁵). The reporting requirements include providing details on the establishment and enforcement of risk management plans, inspections and abatement measures (i.e., orders) taken to ensure compliance with the threat policies.	<p>By February 1 of each year:</p> <p><i>For the significant threat policies that designate an activity for the purpose of s. 58 risk management plans or s. 57 prohibition, risk management officials shall report annually to the SPA with the information required in section 65 of Regulation 287/07 related to the previous calendar year.</i></p>	<p>- Descriptions of the administrative, enforcement and compliance results related to the Part IV policies in the source protection plan.</p>
Land Use Planning	A single monitoring policy that addresses a group of land use planning threat policies may be appropriate to track the actions taken by local planning authorities responsible for ensuring their Planning Act and Condominium Act decisions conform with the applicable significant threat policies. Another monitoring policy could track the effectiveness* of the land use planning policies included in the source protection plan.	<p>By February 1st of each year, the local planning authority shall report to the source protection authority on the steps it has taken in the previous calendar year to implement the policies that are set out in the source protection plan and apply to its decisions under the Planning Act and the Condominium Act:</p> <p><i>The source protection authority, in cooperation with municipality X, shall evaluate the effectiveness of the significant threat policies in the source protection plan that affect Planning Act and Condominium Act decisions.</i></p>	<p>- A list of the actions that the planning authority took to comply with its obligations under the applicable significant threat policies, including any staff training, the adoption of guidelines for staff, steps undertaken during official plan and zoning by-law reviews to ensure official plans and zoning by-laws conform to the applicable significant threat policies. A description of the extent development proposals are in compliance with the applicable significant threat policies.</p>

*Note: Zoning by-law enforcement is generally carried out by the building inspectors and enforcement is done as part of a building permit process. Zoning "compliance checks" on their own (i.e. in absence of a building permit in process) are not routinely done (sometimes on a complaint basis). Zoning issues that are not caught as part of a building permit process are generally caught because of financing or licensing requirements (most banks and licensors require zoning clearance letter from municipality).

⁵ See appendix for excerpts from the CWA and Regulation related to monitoring and reporting requirements.

Threat Policy Tool	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
Prescribed Instruments	<p>In geographic areas where significant threats are being addressed by a prescribed instrument (PI) policy in the plan, a single monitoring policy may be appropriate for each group of policies implemented by the same type of PI. The policy would track the actions taken by the public body responsible (i.e. ministry) for ensuring their PI decisions conforms with all of the applicable policies in the SPP.</p> <p>Another monitoring policy could track whether persons engaged in the significant threat activity are complying with the applicable PI policies. To determine which public body carries out monitoring such as inspecting for compliance with the PI, consider if the body responsible for administering the PI already carries out an inspection and/or a reporting program (see *note below). If yes, then the monitoring policy would track the results of the inspections and/or the reporting program and provide information about the effectiveness of (i.e. compliance with) threat policies that are implemented through PIs. If not, then options include (i) discussing whether the public body that administers the PI has the legal authority to carry out inspections (i.e. powers of entry) of the activities addressed in the SPP by the PI policies or (ii) assigning this responsibility to the SPA or its designate, who would use its authority under s. 88 of the CWA to enter property for the purpose of conducting a monitoring program.</p>	<p><i>By February 1st of each year, the public body administering decisions on prescribed instruments [x] shall report to the source protection authority on the steps it has taken in the previous calendar year to implement the significant threat policies in the source protection plan that apply to its decisions.</i></p> <p><i>The [x] public body shall consider significant threat activities that are regulated by a [abc] prescribed instrument when prioritizing inspection activities.</i></p> <p><i>The [x] public body (tbd – based on considerations) shall ensure that each time an inspection is conducted at the location of a significant threat activity, that the inspector will check that the activity is in compliance with the provisions of the prescribed instrument that manage the significant threat activity.</i></p>	<ul style="list-style-type: none"> - A description of the actions taken by various ministries to implement the policies (e.g. staff training, policies, administrative processes, summary of prescribed instrument reviews/amendments). - A description of the extent persons engaged in threats activities adopted / complied with the terms and conditions in the prescribed instrument related to source water protection.

*Note: PI inspections and enforcement are generally carried out by the public body that administers each PI. Monitoring policies should have regard for existing inspection and/or reporting programs related to PIs. Monitoring policies may include reporting requirements for the public body, based on existing programs. This could include identifying priority areas, but could not include inspection frequency or timing. Reporting programs may also provide information about compliance with PI policies. The PI holder (i.e. landowner or business engaged in the activity) may be required to prepare and submit reports to the public body under the authority of that PI.

Threat Policy Tool	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
Education / Outreach, Incentives	<p>A monitoring policy would:</p> <ul style="list-style-type: none"> - track the extent to which the education/outreach or incentive program was developed and delivered over time - track uptake by the target audience (persons engaged in the significant threat) <p>A single monitoring policy for education/outreach and incentives policies may be appropriate, depending on the details of these kinds of threat policies.</p>	<p>By February 1st of each year, the [body responsible for implementing the E/O or incentive threat policies] shall report to the SPA with a description of the actions/measures they have taken to implement the education/ outreach or incentive policies in the source protection plan in the previous calendar year. The report shall also include a description of what steps are being taken to determine the extent to which the program has achieved its objectives and any information on the results of those steps**.</p>	<ul style="list-style-type: none"> - A description of the education program. - A description of educational materials, and a distribution plan. - A plan to reach out to those carrying out a threat activity or those in the area where the policy applies. - The number of people who have participated in workshops or events. - A description of how extensively people who participated in the E/O and/or incentive programs adopted the desired outcomes from the program.
<p>O.Reg.287/07 Section 26 p.1 Tools:</p> <ul style="list-style-type: none"> ▪ Stewardship programs ▪ BMPs ▪ Pilot programs ▪ Research ▪ Specify Actions 	<p>Monitoring policies that accompany the policy tools available under section 26 p. 1 of the regulation would track the implementation, progress and uptake/results of any stewardship programs, promoted BMPs, pilot projects, research or specified actions.</p> <ul style="list-style-type: none"> ▪ BMPs ▪ Pilot programs ▪ Research ▪ Specify Actions <p>The monitoring policies related to these s. 26 p. 1 tools may be more specific than the monitoring policies for the other tools above, depending on the details included within the threat policies.</p>	<p>By February 1st of each year, the [implementing body] shall report to the SPA with a description of the actions/measures they have taken to implement policy(ies) XX during the previous calendar year. The report shall also include a description of what steps are being taken to determine the extent to which the program/project/ research/ specified action has achieved its objectives and any information on the results of those steps**.</p>	<ul style="list-style-type: none"> - A description of the actions taken / program established (e.g. writing a municipal by-law; establishing a program). - The status of completion of this action / program (e.g. by-law has been adopted by council). - A description of the results, participants, outcomes, successes, etc.

*** This last sentence assumes the designated body will be responsible for gauging the program's success. There may be situations where this is another body, in which case that body could report independently to the source protection authority or it could report to the designated body that implemented the program and that body could include the information in its annual report.*

Table 3: Sample monitoring policies related to drinking water issues.

Type of Monitoring Policy	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
<p>Monitoring Drinking Water Issues</p> <p>- The SPP must contain a threat policy(ies) that addresses activities contributing to drinking water issues identified in the AR</p>	<p>The threat policies which address the activities contributing to the drinking issues may use the full spectrum of policy tools authorized by the CWA and regulation. The considerations and sample monitoring policies linked to each policy tool in Table 2 would apply to the monitoring of those threat policies.</p> <p>In addition, the CWA requires policies governing the monitoring of drinking water issues where advisable. An issues monitoring policy would track changes in the drinking water quality over an extended period of time (e.g., environmental monitoring) – with a specific focus on the parameter in the water that led to the issue. Monitoring policies might also provide information on the effectiveness of the related threat policies in improving the drinking water issue (ie, is the water quality parameter improving); however this may be more difficult to directly measure over a short time frame and careful consideration and justification for this kind of monitoring is warranted. In other words, the design of any monitoring program for drinking water issues should take into consideration that it may be difficult to link the effectiveness of source protection plan policies that are intended to deal with the issue and whether they are indeed leading to an improvement of the water quality parameter.</p>	<p><i>Scenario 1 – Under the Technical Rules, an issue can be identified at the municipal well or intake : In such a scenario, it may make most sense to have the owner/operator of the municipal drinking water system carry out monitoring at the well or intake to determine if the water quality parameter is improving over time. When considering such a monitoring policy, the SPC should consult with the owner/operator of the municipal drinking water system to determine what water quality monitoring they currently undertake of their raw water supply A policy could be written as follows: "The owner or operator of "x" municipal drinking water system shall design and carry out a monitoring program of the raw water supply for the purpose of tracking changes over time in the water quality parameter that resulted in the drinking water issue."</i></p>	<ul style="list-style-type: none"> • Description of how the drinking water issue is changing over time. • May inform the effectiveness of the threat policies related to the drinking water issue.

Type of Monitoring Policy	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
----------------------------------	-----------------------	---------------------------------	---

Monitoring Drinking Water Issues
 - The SPP must contain a threat policy(ies) that addresses activities contributing to drinking water issues identified in the AR (continued)

Scenario 2 – Under the Technical Rules, an issue can be identified at another location, provided modeling indicates the issue has the potential to impact the source water of the municipal well or intake: In such a scenario, it may make most sense to have a public body carry out monitoring at the same well or other location the parameter was identified, and if advisable at any other locations (e.g. another location between the initial monitoring location and the municipal intake or well) to determine if the water quality parameter is improving over time. A policy could be written as follows: “The {appropriate public body who could monitor at the location where the issue was identified} shall design and carry out a monitoring program of the source water for the purpose of tracking changes over time in the water quality parameter that resulted in the drinking water issue.”

[For both examples above]: In addition, by February 1 of each year the [above public body] shall report to the SPA with a summary of the results of its monitoring of the source water as it relates to drinking water issue [X].

Table 4. Sample monitoring policies related to drinking water conditions

Type of Monitoring Policy	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
<p>Monitoring Conditions Resulting from a Past Activity</p> <p>- The SPP may or may not contain threat policy(ies) which address the conditions</p>	<p>SPP does not include a significant threat policy which addresses a condition resulting from a past activity (e.g. contaminated site). The monitoring policy could require reporting on actions that are being taken on the site outside of the CWA in relation to the condition. Monitoring policy considerations are below.</p>	<p><i>Example 1: By Feb. 1st of each year, the MOE shall provide the SPA with a report of actions taken over the previous calendar year, if any, in relation to the contaminated site that has been identified as a significant drinking water threat by MOE, the site owner and/or persons responsible for the contamination.</i></p> <p><i>Example 2: The municipality shall track the receipt of development applications in relation to any contaminated sites that have been identified as a significant drinking water threat and shall give notice of such applications to the source protection authority.</i></p>	<ul style="list-style-type: none"> • Description of how and where the significant conditions are being addressed over time. • Awareness of proposed land use changes in the area where there are significant conditions. • Information about the quality of source water upgradient from municipal drinking water system.
<p><i>Example 2:</i> If there is a contaminated site that has been identified as a significant condition resulting from a past activity, and a municipality receives an application under the Planning Act to redevelop that site, the municipality can be directed to give notice of the application to the SPA. (Note that Policy 3.2.2 of the PPS directs that contaminated sites be remediated as necessary prior to any activities related to the redevelopment proposal proceeding. This redevelopment proposal may ultimately resolve the condition and therefore no more monitoring of this condition is necessary.)</p>			
<p><i>Example 3:</i> Monitoring policy could require the municipality to install sentry wells at a safe distance from its well location (e.g. 2 year ToT) to detect if contaminants resulting from a condition (e.g. a contaminated site) have moved to a point where there is a potential concern they may reach the well. Where the municipality does not own the property where they determine it is ideal to install the sentry wells, siting the wells on municipal road right of ways may be a feasible alternative. This is an example of monitoring upgradient or upstream of the drinking water system, to provide early warning of risks to source water.</p>		<p><i>Example 3: The municipality shall establish and maintain sentry wells at a safe distance from its municipal drinking water system wells and monitor for parameters associated with the significant threat conditions identified in the assessment report. By February 1st of each year, the municipality shall report to the SPA on the status of implementing this policy, along with a description of its findings over the previous calendar year.</i></p>	

Type of Monitoring Policy	Considerations	Sample Monitoring Policy	Information that may result from Monitoring Policies and be useful in SPA Annual Reporting
---------------------------	----------------	--------------------------	--

Monitoring Conditions Resulting from a Past Activity
 - The SPP may or may not contain threat policy(ies) which address the conditions (continued)

SPP includes a significant threat policy which addresses a condition resulting from a past activity. The monitoring policy could require reporting on the implementation and/or compliance with the threat policy. Monitoring policies for significant threat conditions are expected to be unique to the policy that addresses the condition. Examples below.

Example 1: Threat policy directed at the MOE to advise the SPA of any changes known to the MOE in relation to the contaminated site, including levels of contamination and contamination migration and whether such changes may result in a drinking water issue as defined in Part XI.1 of the Technical Rules. The monitoring policy might direct MOE to report to the SPA each year on the actions taken, if any, in the previous calendar year to manage the contamination at the contaminated sites.

Example 1: By February 1 of each year, the MOE to report to the SPA on the actions taken in the previous calendar year, if any, to manage the contamination at the contaminated sites identified in the assessment report as a SDWT.

- Description of how and where the significant conditions are being addressed over time.
- Description of the success of the CIP incentive program.

Example 2. Threat policy directed the local planning authority to require that where development is being proposed on a contaminated site identified as SDWT in the AR, the site shall be remediated as necessary before any activities are carried out in relation to the proposed use such that there will be no adverse effects. The monitoring policy might require the local planning authority to track how many development proposals were subject this policy and report on those findings.

Example 2: The local planning authority shall track development applications in relation to contaminated sites that have been identified as significant drinking water threats in the assessment report. By February 1st of each year the local planning authority shall report to the SPA, in respect of the previous calendar year, on the development applications it received in relation to contaminated sites that have been identified in the assessment report, and, if known, the number that have been remediated.

Example 3: Threat policy directed the local planning authority to use community improvement plans under the Planning Act to provide an incentive for redevelopment and cleanup. The monitoring policy might require the local planning authority to report on the status of its actions to establish the CIP area and promote the incentive opportunity, as well as describe the uptake (results) of the CIP incentive program.

Example 3: By February 1st of each year, the local planning authority shall report to the SPA, on the status of its actions in establishing the CIP area in relation to the area where there are significant conditions, and include a description of the uptake of the CIP incentive program.

APPENDIX A - - Excerpts from the Clean Water Act

Source protection plan - Contents – Excerpts from [22. \(2\)](#)

[\(2\)](#) A source protection plan shall, in accordance with the regulations, set out the following:

4. Policies governing,

- i. the monitoring, in every area that is identified in the assessment report as an area where an activity is or would be a significant drinking water threat, of the activity, and
- ii. the monitoring, in every area that is identified in the assessment report as an area where a condition is a significant drinking water threat, of the condition.

5. Policies governing,

- i. the monitoring of an activity in an area, if the area is identified in the assessment report as a vulnerable area, the activity is listed in the assessment report as an activity that is or would be a drinking water threat, subparagraph 4 i does not apply and the monitoring of the activity is advisable to assist in preventing the activity from becoming a significant drinking water threat, and
- ii. the monitoring of a condition in an area, if the area is identified in the assessment report as a vulnerable area, the condition is listed in the assessment report as a condition that is a drinking water threat, subparagraph 4 ii does not apply and the monitoring of the condition is advisable to assist in preventing the condition from becoming a significant drinking water threat.

7. Policies governing the monitoring of a drinking water issue identified in the assessment report, if the monitoring of the drinking water issue is advisable.

2006, c. 22, s. 22 (2).

Monitoring program

[45.](#) If a public body is designated in a source protection plan as being responsible for the implementation of a policy governing monitoring, the public body shall conduct a monitoring program in accordance with the policy. 2006, c. 22, s. 45.

Annual progress reports

[46. \(1\)](#) The source protection authority shall annually prepare and submit to the Director and the source protection committee in accordance with the regulations a report that,

- (a) describes the measures that have been taken to implement the source protection plan, including measures taken to ensure that activities cease to be significant drinking water threats and measures taken to ensure that activities do not become significant drinking water threats;
- (b) describes the results of any monitoring program conducted pursuant to section 45;
- (c) describes the extent to which the objectives set out in the source protection plan are being achieved; and
- (d) contains such other information as is prescribed by the regulations. 2006, c. 22, s. 46 (1).

Submitting report to source protection committee

[\(2\)](#) At least 30 days before submitting the report to the Director under subsection (1), a source protection authority shall submit the report to the source protection committee. 2006, c. 22, s. 46 (2).

Review by source protection committee

[\(3\)](#) After receiving the report from the source protection authority, the source protection committee shall review the report and provide written comments to the source protection authority about the extent to which, in the opinion of the committee, the objectives set out in the source protection plan are being achieved by the measures described in the report. 2006, c. 22, s. 46 (3).

Including comments of source protection committee

(4) If the source protection committee provides comments to the source protection authority under subsection (3) before the report is submitted to the Director under subsection (1), the source protection authority shall include a copy of the comments in the report. 2006, c. 22, s. 46 (4).

Available to public

(5) Subject to subsection (6), the source protection authority shall ensure that the report is available to the public as soon as reasonably possible after it is submitted to the Director. 2006, c. 22, s. 46 (5).

No personal information

(6) When a report is made available to the public under subsection (5), the source protection authority shall ensure that it does not contain any personal information that is maintained for the purpose of creating a record that is not available to the public. 2006, c. 22, s. 46 (6).

Summary of progress reports

(7) The Minister shall include a summary of the reports submitted by source protection authorities under this section in the annual report prepared by the Minister under subsection 3 (4) of the *Safe Drinking Water Act, 2002*. 2006, c. 22, s. 46 (7).

Annual reports

81. Each risk management official shall annually prepare and submit to the appropriate source protection authority in accordance with the regulations a report that summarizes the actions taken by the risk management official and risk management inspectors under this Part. 2006, c. 22, s. 81.

Obligations of others

87. (1) On request, a person or body listed in subsection (2) shall, for a purpose listed in subsection (3), provide a source protection authority, source protection committee, municipality or ministry with copies of any document or other record in the possession or control of the person or body that relates to the quality or quantity of any water that is or may be used as a source of drinking water, including,

- (a) any technical or scientific studies undertaken by or on behalf of the person or body; and
- (b) any document or other record relating to a drinking water threat. 2006, c. 22, s. 87 (1).

Persons and bodies

(2) The persons and bodies referred to in subsection (1) are:

1. A local board.
2. A ministry, board, commission or agency of the Government of Ontario.
3. A designated administrative authority within the meaning of the *Safety and Consumer Statutes Administration Act, 1996* that is prescribed by the regulations. 2006, c. 22, s. 87 (2).

Purposes

(3) The purposes referred to in subsection (1) are:

1. The preparation, amendment, updating or reviewing of terms of reference, an assessment report or a source protection plan under this Act.
2. The preparation of a report under this Act. 2006, c. 22, s. 87 (3).

APPENDIX B - Excerpts from the General Regulation (O. Reg. 287/07)

Annual progress reports

52. (1) The following information is prescribed for the purposes of clause 46 (1) (d) of the Act:

1. If the source protection plan sets out a policy that specifies a date by which a particular action shall be taken by a person or body, and the person or body fails to take that action by that date, a description of the failure and the reasons for the failure.
2. A description of any steps taken during the reporting period to address any deficiencies in the information that was used in developing the assessment report set out in the source protection plan.
3. A summary of the report prepared and submitted by the risk management official under section 81 of the Act for the same calendar year to which the report under section 46 of the Act applies.
4. Any other information that the source protection authority considers advisable. O. Reg. 246/10, s. 12.

(2) Each report required by section 46 of the Act applies to a calendar year. O. Reg. 246/10, s. 12.

(3) Despite subsection (2), the first report applies to the period beginning on the day the plan takes effect and ending on December 31 of the second calendar year following the year in which the plan takes effect. O. Reg. 246/10, s. 12.

(4) Each report shall be submitted to the Director by May 1 in the year following the year to which the report applies. O. Reg. 246/10, s. 12.

(5) If the Director approves a form to be used for reports prepared under section 46 of the Act, a report shall be in that form. O. Reg. 246/10, s. 12.

(6) If the Director provides the source protection authority with computer software or directs the authority to use a specified computer software for the purpose of preparing a report under section 46 of the Act, the report shall be prepared using the software. O. Reg. 246/10, s. 12.

Annual reports

65. (1) An annual report prepared by a risk management official under section 81 of the Act shall contain the following information with respect to the reporting period for which the report is prepared:

1. The number of risk management plans agreed to by the risk management official under subsection 56 (1) or 58 (5) of the Act and the number of plans established by the official under subsection 56 (6), 58 (10) or (12) of the Act, including, for each plan:
 - i. The location of the property to which the plan relates.
 - ii. The wellhead protection area or surface water intake protection zone where the property is located.
 - iii. The activity to which the plan relates.
2. The number of plans the risk management official refuses to agree to or to establish under subsection 56 (9), 58 (15) or (16) of the Act, including, for each plan refused:
 - i. The location of the property to which the plan relates.
 - ii. The wellhead protection area or surface water intake protection zone where the property is located.
 - iii. The activity to which the plan relates.
 - iv. The reasons for the refusal.
3. The number of orders issued under Part IV of the Act, including, for each order:
 - i. A brief description of the circumstances related to the order.
 - ii. The location of the property to which the order relates.
 - iii. The wellhead protection area or surface water intake protection zone where the property is located.
 - iv. The activity to which the order relates.
4. The number of notices given to and the number of notices given by the risk management official under subsections 61 (2), (7) and (10), including, for each notice:

- i. The location of the property to which the notice relates.
 - ii. The wellhead protection area or surface water intake protection zone where the property is located.
 - iii. The activity to which the notice relates.
 - iv. The type of prescribed instrument, if any, referred to in the notice and any information needed to identify the prescribed instrument.
5. The number of inspections carried out under section 62 of the Act, including:
- i. For each inspection, the activity to which the inspection related.
 - ii. The number of inspections carried out in respect of an activity to which section 56 of the Act applies and the number of those cases in which the person was not complying with a risk management plan agreed to or imposed under section 56 of the Act.
 - iii. The number of inspections carried out in respect of an activity to which section 58 of the Act applies, the number of those cases in which the person was not complying with a risk management plan agreed to or imposed under section 58 of the Act and the number of those cases in which the person was carrying out an activity in contravention of subsection 58 (1) of the Act.
 - iv. The number of inspections carried out in respect of an activity to which section 57 of the Act applies and the number of those cases in which the person was carrying out an activity in contravention of subsection 57 (1) of the Act.
6. The number of risk assessments submitted under section 60 of the Act, the number of risk assessments accepted and the number of risk assessments not accepted, including, for each application:
- i. The location of the property to which the risk assessment relates.
 - ii. The wellhead protection area or surface water intake protection zone where the property is located.
 - iii. The activity to which the risk assessment relates.
7. The number of times the risk management official caused a thing to be done under section 64 of the Act, including, for each instance:
- i. The location of the property to which the notice under section 64 of the Act relates.
 - ii. The wellhead protection area or the surface water intake protection zone where the property is located.
 - iii. The activity to which the notice under section 64 of the Act relates.
8. The total number of prosecutions and the number of prosecutions that resulted in a conviction under section 106 of the Act, including a brief description of each offence. O. Reg. 246/10, s. 12.
- (2) If a risk management official has jurisdiction in more than one source protection area, the risk management official shall ensure that the information required to be contained in an annual report under subsection (1) is reported for each area. O. Reg. 246/10, s. 12.
- (3) If the Director approves a form to be used for annual reports prepared under section 81 of the Act, a report shall be in that form. O. Reg. 246/10, s. 12.
- (4) If the Director provides the risk management official with computer software or directs the official to use a specified computer software for the purpose of preparing an annual report under section 81 of the Act, the report shall be prepared using the software. O. Reg. 246/10, s. 12.
- (5) The risk management official shall submit a copy of the report prepared under section 81 of the Act to the Director upon request by the Director. O. Reg. 246/10, s. 12.
- (6) Each report required by section 81 of the Act applies to a calendar year. O. Reg. 246/10, s. 12.
- (7) Despite subsection (6), the first report applies to the period beginning on the day the first risk management official is appointed under subsection 47 (6) or 48 (2) of the Act and ending on December 31 of that year. O. Reg. 246/10, s. 12.
- (8) Each report shall be submitted to the source protection authority by February 1 in the year following the year to which the report applies. O. Reg. 246/10, s. 12.