

Rationale

The Planning Act was not designed to regulate ongoing activities on a specific parcel of land. Under Part IV of the CWA, tools have been introduced to address this gap. One of these tools is S.58 Risk Management Plans. Where Risk Management Plans are used as a policy tool a Risk Management Plan is required to engage in the activities identified in the Source Protection Plan policies. Risk Management Plans (RMP) are site specific plans that address significant threat activities by formally setting out, through mitigation measures, an action to reduce the level of risk. RMPs are intended to allow for local flexibility and are negotiated on a site by site basis. The RMP may be used to address existing or future threats as well as identifying and recognizing formally risk reduction activities that are already occurring on site.

Risk Management Plans may be flexible or very prescriptive in nature. These plans may include specific guidelines such as salt best management practices in the case of snow storage or other general information related to operating procedures, waste disposal areas, employee training, inspection schedules, monitoring groundwater, testing of storage systems and spill contingency plans. The RMP policies developed by the Thames-Sydenham and Region Source Protection Region are not prescriptive in the contents of the RMP themselves. This allows the policies to be flexible enough to recognize improvements in technology and changes in operating environments as well as the individual circumstances of the site and the activity. This flexibility will allow the Risk Management Officials to negotiate a risk management plan which will work for the site and will reduce the risk to the appropriate level. More prescriptive policies may require Risk Management Plans which are overly restrictive in a situation or may not allow the Risk Management Official with the latitude to satisfy the regulatory requirement that the risk be managed to the point of no longer being significant. All Risk Management Plans, as set out in S.60 of O. Reg. 287/07, cannot be transferred to another person without the written consent of the Risk Management Official.

Municipal councils, whether single tier, upper tier or lower tier, depending on which has the authority to pass bylaws with respect to water production and treatment and storage under the Municipal Act 2001, are responsible for enforcing Part IV of the CWA. This includes S. 58 Risk Management Plans. In areas where S. 58 Risk Management or S. 57 Prohibition policies are included in the Source Protection Plan, the municipal councils appoint Risk Management Officials (RMO) and Risk Management Inspectors (RMI) to administer policies associated with RMP (s. 47 (6) of the CWA). Although these are two different positions with different duties, responsibilities and powers it is possible that they can be held by the same individual. The number of Significant Threat Activities which would require Risk Management Plans would be a principle driver for the workload and therefore the staffing resources which would need to be allocated to these positions. Further considerations include the development pressures on these areas and the existing capacity of municipal staff to be able to assist with or fulfill these new functions. It is also possible for the municipality to secure these services from another municipality (S.47(2) of CWA), Conservation Authority or Health Unit (S.48 (1) of the CWA).

Deleted: Under S. 47(6) of the CWA, municipal councils are responsible for the enforcement of Part IV of the CWA.

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A RMP is intended to be negotiated voluntarily with the person or company engaged in or proposing to engage in the activity. However, the RMO has the authority to impose a RMP should a negotiated plan not be possible.

Part IV of the CWA also provides an additional tool, S.59 Restricted Land Use, which provides a “flagging” system alerting the RMO when an individual or business is planning to engage in an activity or change in land use related to activities for which significant policies exist. Restricted Land Use would identify land uses which must secure a certificate from a Risk Management Official prior to being able to proceed with approvals under the Building Code or Land Use Planning. Although RMP can be used as a standalone tool, the Thames-Sydenham and Region Source Protection Plan policies have used it in combination with S.59 restricted land uses and softer tools such as education and outreach.

Interpretation

RM.1.0. The policies associated with S.58 Risk Management Plans are directed to the prescribed drinking water threats outlined within O. Reg. 287/07. The circumstances that make these threats significant are found within the Provincial Drinking Water Threats Tables. Municipalities, through the Risk Management Official, shall require Risk Management Plans for the following activities identified as significant threat and not adequately regulated, in the opinion of the Risk Management Official, under a Prescribed Instrument.

Deleted: S. 58 Risk Management policies will address significant threats within specific vulnerable areas identified within the table below.

Vulnerable Area	Vulnerability Score	Applicable Prescribed Drinking Water Threat	
WHPA-A,B	10	3	The application of agricultural source material
		4	The storage of agricultural source material
		7	The handling and storage of non-agricultural source material
		8	The application of commercial fertilizer to land
		9	The handling and storage of commercial fertilizer
		10	The application of pesticide to the land
		11	The handling and storage of pesticide
		14	The storage of snow
		15	The handling and storage of fuel <u>at permanent and mobile facilities including retail outlets and cardlocks/keylocks</u>
		17	The handling and storage of an organic solvents <u>in substantial quantities and concentrations, in the opinion of the Risk Management Official, not typical of household use of these materials.</u>
	18	The management of runoff that contains chemicals used in the de-icing of aircraft.	
	21	<u>The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.</u>	
WHPA-A,B and C	Not applicable	16	The handling and storage of a dense non-aqueous phase liquid <u>in substantial quantities and concentrations, in the opinion of the Risk Management Official, not typical of household use of these materials.</u>
IPZ	10	15	The handling and storage of fuel <u>at permanent and mobile facilities including retail outlets and cardlocks/keylocks</u>
		18	The management of runoff that contains chemicals used in the de-icing of aircraft.
IPZ, WHPA-E	9	13	The handling and storage of road salt
		18	The management of runoff that contains chemicals used in the de-icing of aircraft.

RM.1.1 Within 6 months of the effective date of the Source Protection Plan, Municipalities, through the Risk Management Official, shall submit a business plan that outlines the process for undertaking Risk Management Plans for existing threats. For new threats, S.58 Risk Management Plan policies shall be implemented immediately upon the effective date of the first Source Protection Plan.

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RM.1.1.1 Risk Management Plans shall be reviewed at a minimum of every 5 years by the Risk Management Official.. The review period shall be set by the Risk Management Official in discussion with the person engaged in the activity and shall consider the suitability of the risk management measures for the long term management of the risks and local priorities.

General Policies

RM.2.0 Nutrient Management Act principles form the basis of the Risk Management Plan as they pertain to the following where the prescribed instrument is not required:

- The application of agricultural source material;
- The storage of agricultural source material;
- The handling and storage of non-agricultural source material; or
- The application of commercial fertilizer to land.

The Risk Management Plan must meet the standards set out in the Nutrient Management Act provided those requirements, in the opinion of the Risk Management Official, adequately manage the significant threat.

RM.2.1 The Risk Management Plan shall be negotiated on a site by site basis. Industry best management practices as well as those mitigation measures included in the Risk Management Catalogue shall be relied upon to develop a Risk Management Plan. The Risk Management Plan content is not limited.

Specific Threat Policies

Fuels

RM.3.0 Significant threat activities not regulated under the Technical Standards and Safety Authority such as private outlets, as defined in O. Reg.217/01, and fuel storage associated with back up generators, shall be required to have a Risk Management Plan. The Risk Management Plan, at a minimum, would meet the Technical Standards and Safety Authority requirements.

Aircraft Deicing

RM.4.0 Where Policy RM.1.0 indicates a risk management plan is required for the management of runoff which contains chemicals used in de-icing of aircraft, municipalities, through the Risk Management Official, shall work collaboratively with airport authorities to encourage the development of a Risk Management Plan that ensures that current Best Management Practices such as the preparation of glycol management plans, are up to date, implemented and effective in managing and mitigating the risk in vulnerable areas.

Inspection Policies

RM.5.0 The Risk Management Inspector shall conduct formal site inspections to ensure that the threats identified in RM.1.0 are being undertaken according to an approved Risk Management Plan. The Risk Management Official shall establish a schedule for these inspections which balances the need to establish compliance with the priorities of developing Risk Management Plans. These inspections may be combined with other inspection programs, such as Fire Department visits when appropriate.

Monitoring

RM.6.0 S. 58 Risk Management Plan policies are subject to monitoring and reporting requirements as outline in policy X.

Deleted: RM.1.2 Under S.47(1) of the CWA, municipal councils of single tier, upper tier and lower tier, which has the authority to pass bylaws with respect to water production and treatment and storage under the Municipal Act 2001, are responsible for enforcing Part IV of the CWA. This includes S.58 Risk Management Plans.¶

¶ RM.1.2.1 Under S.47 (6) of the CWA, municipal councils that are responsible for the enforcement of Part IV of the CWA shall appoint Risk Management Officials and Risk Management Inspectors.¶

¶ RM.1.2.2 Under S.47 (2) of the CWA, two or more municipalities may enter into an agreement that would provide for joint enforcement, the sharing of costs and the appointment of Risk Management Officials and Risk Management Inspectors.¶

¶ RM.1.2.3 Under S.48 (1) of the CWA, municipalities may enter into an agreement for the enforcement of Part IV of the CWA with the board of health, planning board or source protection board. [1]

Deleted: In most cases it is believed that the Nutrient Management Act adequately manages risk, associated with:

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Deleted: RM.2.1 Municipalities, through the Risk Management Official, shall prohibit the activity resulting in the significant threat where an adequate [2]

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¶ operating practices including cont [3]

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RM.2.2.1 Municipalities, through the Risk Management Official, shall require that all Risk Management Plans in [4]

Deleted: RM.3.0 Municipalities, through the Risk Management Official, shall require an approved Risk Management Plan for the following [5]

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Snow Storage¶
RM.4.0 Where Policy RM.3.0 indicates a risk management plan is required [6]

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RM.1.2.3 Under S.48 (1) of the CWA, municipalities may enter into an agreement for the enforcement of Part IV of the CWA with the board of health, planning board or source protection authority.

RM.1.3 Under S.60 of O. Reg. 287/07 of the CWA, all risk management plans cannot be transferred to another person without written consent of the Risk Management Official.

RM.2.1 Municipalities, through the Risk Management Official, shall prohibit the activity resulting in the significant threat where an adequate Risk Management Plan cannot be negotiated.

; however it shall consider addressing the following:

- operating practices including containment and management
- waste disposal
- employee training
- inspection schedule
- monitoring groundwater
- testing of storage systems

RM.2.2.1 Municipalities, through the Risk Management Official, shall require that all Risk Management Plans include a spill contingency plan.

RM.3.0 Municipalities, through the Risk Management Official, shall require an approved Risk Management Plan for the following activities identified as significant threats and not regulated under a Prescribed Instrument: .

- application and storage of agricultural source material (ASM)
- application and storage of non-agricultural source material (NASM)
- application and storage of commercial fertilizer
- application and storage of pesticides
- storage of dense non-aqueous phase liquids and organic solvents in substantial quantities and concentrations not typical of household use of these materials.

storage of fuels at permanent and mobile facilities including retail fuel outlets and
cardlocks/keylocks
storage of snow
outdoor confinement areas, farm animal yards, livestock pasturing and grazing

This policy shall be implemented within 1 year of the effective date of the Source Protection Plan.

Snow Storage

RM.4.0 Where Policy RM.3.0 indicates a risk management plan is required for snow storage areas, Risk Management Plans, shall include salt Best Management Practices..