



MOE Liaison Officer Program Update

Date: March 24, 2010

Note: Please see Appendix 1 for acronym list

Table of Contents

1	Terms of Reference	1
2	Assessment Reports.....	1
3	Information management.....	2
4	Recent letters / memos.....	3
5	Environmental Bill of Rights Registry postings related to source protection	4
5.1	Draft Source Protection Plan Regulation	4
6	Ontario Drinking Water Stewardship Program	4
7	First Nations Drinking Water Systems – Update.....	5
7.1	First Nations and Capacity Issues	6
7.2	Other.....	6
8	Recent Questions and Answers.....	6
8.1	Terms of Reference	6
8.1.1	Question: amendments to a ToRs.....	6
8.1.2	Question: consultation requirements for amended ToR	7
8.1.3	Question: timing of amended ToR to the Minister	8
8.1.4	Question: adding a new drinking water system to a ToR.....	8
8.2	Assessment Report – General.....	9
8.2.1	Question: UAR	9
8.2.2	Question: addressing concerns outside the scope of the CWA.....	11
8.2.3	Question: map disclaimer	12
8.2.4	Question: flexibility with delineation of vulnerable areas.....	12
8.2.5	Question: limited well data.....	13
8.3	Threats and Issues	13
8.3.1	Question: notifying FN that may be a potential significant threat.....	13
8.3.2	Question: naturally occurring issues.....	15
8.3.3	Question: notifying landowners of SDWT	15
8.3.4	Question: notification to property owners - SDWT.....	16
8.3.5	Question: non-anthropogenic threats to drinking water sources.....	17
8.3.6	Question: adding waterfowl congregation as a local threat	17
8.3.7	Question: geese not included in source protection program.....	18
8.3.8	Question: aquatic pesticides.....	18
8.3.9	Question: number of pesticide permits issued in watersheds.....	19
8.3.10	Question: proximity of pesticide permits to water sources.....	20
8.3.11	Question: municipal bylaws and aquatic pesticide application	20

DRINKING WATER SOURCE PROTECTION

ACT FOR CLEAN WATER

8.3.12	Question: allowable aquatic pesticides and MAC	20
8.3.13	Question: potential effects of aquatic pesticide application	21
8.3.14	Question: aquatic pesticides and Regulatory sampling at WTP	22
8.3.15	Question: persistence of aquatic pesticides in the environment	22
8.3.16	Question: MOE permit conditions in aquatic pesticide permits	23
8.3.17	Question: MOE compliance monitoring of aquatic pesticides	23
8.3.18	Question: MOE consultation and aquatic pesticide permits	24
8.3.19	Question: viable alternatives to aquatic pesticides	25
8.3.20	Question: WHPA delineation for issues	26
8.3.21	Question: municipal planning based on highly uncertain models	26
8.3.22	Question: WHPA delineation for issues	27
8.4	Source Protection Plan	27
8.4.1	Question: funding and SPP	27
8.4.2	Question: transportation corridors and SPP	27
8.4.3	Question: support for municipalities in the adoption of vulnerable areas	28
8.5	Water Budget	28
8.5.1	Question: PTTW granted that may affect water budgets	28
8.5.2	Question: water budget process and the PTTW programs alignment	29
8.6	Other	30
8.6.1	Question: municipal representative not re-elected	30
8.6.2	Question: funding municipalities through agreements	31
8.6.3	Question: surveying private properties	31



MOE Liaison Officer Program Update

Date: March 22, 2010

1 Terms of Reference

All 19 SPCs have submitted their proposed ToR to the ministry for approval. As of Monday, August 17, 2009 all thirty eight ToR were approved by the Minister and the decision notices posted to the Environmental Registry.

2 Assessment Reports

The Mattagami SPA submitted the proposed AR for the Mattagami Source Protection Area to the Director of SPPB for review and approval.

Several draft proposed ARs have been posted or are currently posted for public comment and consultation. Draft proposed AR postings can be accessed from the Conservation Ontario Website at:

http://www.conservationontario.ca/source_protection/otherswpreionsindex.htm

The ministry has established a review process for ARs. Ministry staff will review the submitted ARs and provide a recommendation to the Director for the decision. The final decision on a submitted AR is that of the Director.

When the draft proposed AR is available for public comment on the SPA website the ministry may take this opportunity to read the AR. In situations where the ministry observes major errors or omissions with the document the ministry may provide comments to the SPC/SPA. This provides the SPC/SPA an opportunity to make corrections in developing the proposed AR before it is submitted to the Director for formal decision.

On January 26, 2010 the SPC PMs were provided with proposed provincial threats lists for reference in AR preparation. These lists specifically list the circumstances in the Tables of drinking water threats by vulnerable area, vulnerability score, chemical/pathogen/DNAPL, and source water. These lists can be used for identifying areas where activities are significant, moderate, or low drinking water threats, a requirement in the AR.

The lists will not help with the circumstances for local threats and conditions as these will need to be developed locally. They also do not provide the required lists of circumstances for issues. The UTRCA web site and queries in V 7.1.2 of the look



up tables can be used to create lists for the issues – by exporting based on chemical or pathogen.

New or revised Technical Bulletins:

- Provincial Tables of Circumstances: understanding the provincial tables (February 2010)
These have not been officially posted yet.
- Threats Assessment and Issues Evaluation (February 2010)

Technical bulletins completed and sent to PMs in previous Program Updates:

- Deadstock Disposal (December 2009)
- Methodology for Calculating Percentage of Managed Lands and Livestock Density for Land Application of ASM, NASM and Commercial Fertilizers (December 2009)
- Earth (Geothermal) Energy Systems (November 2009)
- Delineation of SGRAs
- Addressing Transportation Threats
- Climate Change Requirements
- GW Road Map
- SW Road Map
- Delineation of IPZ-3, Using the Event Based Approach (EBA)
- Constructing Earth Energy Systems in Ontario (Geothermal)
- Water Budget and Water Quantity Risk Assessment Tier 2 Subwatershed Stress Assessment GW Drought Scenarios

All approved technical bulletins are posted on the Ministry of the Environment web site at <http://www.ene.gov.on.ca/en/water/cleanwater/cwa-technical-rules.php>

3 Information management

- Ontario Water Taking and Reporting System (WTRS) data were made available through the Conservation Ontario FTP site on February 4, 2010. The actual water takings submitted to the WTRS by the PTTW clients is posted along with additional information and metadata. The WTRS value files take about 10 minutes to download. The data provided on the WTRS are the best available data to date; however, it should not be misinterpreted as a complete and accurate representation of annual water takings from water taking permits.
- As part of the branch information management (IM) data collection strategy; AR (AR) Executive Summaries were requested to be completed by all SPAs; these

DRINKING WATER SOURCE PROTECTION

ACT FOR CLEAN WATER

have started to return to the branch for compilation. The first submissions were based on the best available data and may not be complete as many ARs are still being developed and are in draft stages. As of March 10, 2010 there have been 28 AR Executive Summary Tables submitted to SPPB, leaving 10 remaining to be submitted. A provincial summary of the best available data contained within the first round of AR Executive Summary Tables will be presented to the Chairs on May 4, 2010.

The data collected will be used to help inform future policy and programs decisions regarding source water protection, promote basic literacy on source protection program in Ontario, and set the stage for more detailed data collection from the SPAs.

4 Recent letters / memos

- Letter from Heather Malcolmson, dated February 23, 2010, addressed to PMs; release of “water quantity threats ranking scenarios – guidance document”.
- Letter from Ian Smith, dated February 23, 2010, addressed to PMs and Source Protection Authorities concerning drinking water threats and Federal jurisdiction.
- Letter from Keith Willson, dated February 9, 2010, addressed to source protection PMs regarding the request to complete the “AR Executive Summary Table” (as discussed above under Information Management”. PMs were requested to return the completed tables to the ministry by February 26, 2010.
- Email from Ian Smith, dated February 2, 2010, to advise of the supporting information with SPPs Regulatory Proposal EBR #010-8766 – Supporting Information slide deck to assist in providing a detailed review of the key highlights of the draft regulation for presentation to SPC committees.
- Materials distributed at the January 25-26, 2010 Chair’s Meeting
 1. A fact sheet (in both French & English), entitled “French Language Services: Guidance on Best Practices for SPCs”, and
 2. An updated French/English Drinking Water Source Protection Lexicon



5 Environmental Bill of Rights Registry postings related to source protection

5.1 Draft Source Protection Plan Regulation

Ministry of the Environment posted a draft regulation to support the development and implementation of SPPs under the CWA, 2006 on the ERB website www.ebr.gov.on.ca, # **010-8766** on January 25, 2010, for a 60-day public comment period. Under the Act, regulations must be developed to enable SPCs to complete the SPPs required by the Act. The purpose of the draft regulation proposal is to stimulate discussion on the development, content, and implementation of SPPs so that the ministry can use the results of the discussion in finalizing the SPP regulation. All input received during the comment period will be considered during the development of the final regulations on SPPs, anticipated to be available in mid-2010. The EBR comment period closes March 26, 2010.

Draft SPP Regulation Consultations

The Ministry of the Environment organized multi-stakeholder discussion sessions on the draft SPP regulation. SPC Chairs, PMs, and representatives of SPCs (3-5 per committee), industry, municipal, agricultural, and environmental non-governmental organizations were invited to participate. The session dates and locations were: Kingston (Feb 19th), Milton (Mar 1st), Sudbury (Mar 5th), Toronto (March 10th) and London (Mar 12th).

6 Ontario Drinking Water Stewardship Program

The ODWSP, established by the Clean Water Act, 2006 (the "Act"), provides financial assistance to eligible persons and groups interested in taking immediate actions to protect their sources of municipal drinking water supplies.

- \$7 million in financial assistance was available in 2009/10 for the following key areas:
 - Education and Outreach
 - Special Projects, and
 - Early Actions
- There were two application periods available for the 2009/10 ODWSP:
 - The first application period ended September 15, 2009 → 65 applications were submitted with a total ask of approximately \$12M

DRINKING WATER SOURCE PROTECTION

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- The second and final application period ended on December 15, 2009 → 34 applications were submitted with a total ask of approximately \$4.3M
- 36 applications were approved for grants from the first round, including 10 early actions applications by CAs and the OFA, which totalled a little more than \$3 million in grants. These agreements have been signed now by both parties.
- 16 grants were approved from the second round applications. Four CAs are receiving top-ups to Early Actions grants previously awarded, due to local demand. Transfer Payment agreements have all been drafted and for the most part are signed off.
- Changes will be made to the ODWSP in 2010-11 to focus on addressing SDWTs that are identified in ARs and to those individuals and businesses that agree to take early measures to respond to the identified significant threats and to reduce the risk to our drinking water sources. It is anticipated that a new ODWSP component, called Early Response, will be introduced in spring 2010. As a result, the December 15th closing date for the second application period was the last opportunity to apply for Early Actions and Education and Outreach funds. These 2 components will be phased out after December 15, 2009.
- For funding information contact SourceProtectionFunding@ontario.ca

7 First Nations Drinking Water Systems – Update

- The ministry received two Band Council resolutions, from Kettle and Stony Point First Nation (KSPFN) and Six Nations of the Grand River to include their drinking water systems in the SPP process.
- Regulation 287/07 was amended on Feb. 22, 2010 to include the drinking water systems for Six Nations of the Grand River, and Kettle and Stony Point First Nation.
- For Six Nations, the specific details regarding technical work, roles and responsibilities, etc. are addressed in a transfer payment agreement. We anticipate a similar agreement for the Kettle system but we are still in early stages of negotiations.

7.1 First Nations and Capacity Issues

- FN have indicated that they require capacity funding in order to effectively participate in the overall SP planning process.
- SPPB has capacity funding available, via an application process, in the amount of \$10K annually to FN with reserves in a source protection area to enable participation in the overall SP planning process.
- The application forms, a guidance document about how to complete the application form, and a Grant Funding Agreement template are posted on our website. In October 2009, the ministry wrote to all FN reserves in source protection areas informing them of the availability of capacity funding and directing them to the website for the application form.
- We have not received any applications to date, although we have received a great deal of interest to date.

7.2 Other

- SPPB staff attended the FN Water Symposium in Niagara Falls from March 8-10. A presentation was delivered about opportunities for FN to participate in the SP planning process and about the availability of capacity funding. There was a great deal of interest and questions received at the SPPB info booth.

8 Recent Questions and Answers

The following questions were raised and answered from October 1, 2009 to March 12, 2010.

8.1 Terms of Reference

8.1.1 Question: amendments to a ToRs

What triggers amendments to a ToR?

Response:

The General Regulation (O.Reg. 287/07) does not differentiate between major versus minor amendments. The regulation sets out circumstances under which a SPC may propose amendments to its ToR:

The boundaries of the source protection area for which the ToR prepared have been altered.



The council of a municipality in which any part of the source protection area is located has passed a resolution under subsection 8 (3) or (6) of the Act since ToR were approved under section 10 of the Act.

The council of a municipality in which any part of the source protection area is located has passed a resolution under subsection 14 (1), (2) or (4) since the ToR were approved under section 10 of the Act.

The SPC is of the opinion that a significant change is required to the work plan that is included in the ToR, including a change to the portion of the work plan that identifies the body responsible for performing a task.

The ToR contain an error that, if left uncorrected, will affect the preparation of the AR or SPP. O. Reg. 287/07, s. 9; O. Reg. 385/08, s. 11.

SPCs are required to follow the work plan under their approved ToR. If the SPC decides to make changes to the detailed workplan they keep at the CA office, this is permissible without amendment to the ToR as long as these changes do not disagree or conflict with the approved ToR. If amendments are required to the ToR (as per the circumstances above), the SPC is required to follow the amendment provisions in the regulation and to seek Minister approval.

An important consideration is section 4 of the General Regulation (287/07) which states, in part, that if a municipality passes a resolution to undertake work for the AR (AR) or SPP then the work task must also be reflected in the ToR - i.e., the council resolution and the ToR must be consistent. For a municipality to perform a task identified in the ToR, the municipality must pass a resolution (see subsection 4 (3) of the General Regulation). Thus, if an SPC amends a ToR, they need the municipal council to pass a resolution to reflect the change of the relevant tasks in the ToR. Further, if a municipality passes a resolution which pertains to a task in the ToR, the ToR has to be amended in order for the resolution to have legal effect. An amendment to the ToR is not required if the SPC can arrange a subdelegation of ToR tasks through an agreement (provided the municipality accepts not passing a resolution).

If the municipalities will not undertake the work or the SPC is uneasy that a municipality will undertake the work necessary to do the SPP then amendment of the ToR will be necessary. With that being said, the CA is encouraged to explore the option of establishing a process of subdelegation of the work outside the ToR.

8.1.2 Question: consultation requirements for amended ToR

What are the consultation requirements if an SPC amends its approved ToR?



Response:

If an SPC makes changes to the detailed workplan and subdelegation of tasks within the scope of the approved ToR (i.e., high level workplan) there are no consultation requirements.

For amendments to the ToR, when the ToR regulation became the general regulation, the requirements for consultation on an amended ToR changed, streamlining of the consultation requirements such that only those parties affected by the amendment need be consulted. Refer to section 10 of O.Reg. 287/07 for the consultation requirements. In terms of workload implications, it is worthwhile to note the regulation requires the draft amendments to be posted on the Internet and to make the draft available at a public location for 30 days.

8.1.3 Question: timing of amended ToR to the Minister

When is an SPC required to submit an amended ToR to the Minister for approval?

Response:

If amendment to the ToR is required and all the work associated with the amendment will be completed in time to be included in the proposed AR, the critical date for submission of the amended ToR to the Minister is 4 months prior to the submission of the proposed AR.

If the amendment to the ToR is required and will not be completed in time to be included in the proposed AR but will be submitted in an updated AR before the SPP is due in 2012, the critical date for submission of the ToR to the Minister is 6 months prior to submission of the updated AR.

The critical date for submission of an updated AR to the Director for review and decision is no later than June 2011.

8.1.4 Question: adding a new drinking water system to a ToR

What steps must an SPC follow if it wants to add a new drinking water system or well to its ToR?

Response:

There is a distinction between the requirements for adding a new drinking water system versus a new well associated with an existing system already included in the ToR.



A SPC is required to amend its ToR to include a new drinking water system when a municipal council resolution is passed to add that new drinking water system. (Refer to subsection 8 (3) of the CWA). Adding a new well to a system that has already been included in the ToR does not require an amendment to the ToR. There is no requirement in the CWA to include the number of wells or intakes associated with a drinking water system.

If there are plans for a new system as defined under “planned” as per O. Reg. 287/07 (s.1), then work can be included in the ToR for this planned system.

If an SPC adds a well to an existing system and the information is not yet available to do the delineation of vulnerable areas for the AR then the SPC should make a note in its AR to reflect this data gap.

8.2 Assessment Report – General

8.2.1 Question: UAR

What are the situations that trigger the writing of an UAR? We were of the understanding IPZ-3s were optional for this AR. Could you please confirm? What other reports can go into an UAR?

Response:

The AR must contain the requirements set out in the CWA, Regulation 287/07 and Director’s technical rules. There are two situations where the content of the AR may deviate from what is required.

1. The Director’s rules identify where certain reports can be withheld from the AR and placed instead in an UAR as follows:

IPZ-3 Work

Firstly for a type A or B intake or certain type C or D intakes (i.e. those located in Lake Nipissing, Lake Simcoe, lake St. Clair or the Ottawa River as per technical rule 68) delineation of the events-based IPZ-3 is only required if modelling has been carried out and that modelling demonstrates that contaminants released during an extreme event may be transported to the intake. So in the case of these intakes if the modelling work has been done, and this modelling includes activities outside the IPZ-1 and 2, then the delineation IPZ-3 must also be done. If the modelling has not been done, or modeling has only been done within the IPZ-1 or IPZ-2, then you don’t have to delineate IPZ-3. Keep in mind it is not mandatory to ever do the modelling, so you are not required to do an UAR to add in this type of IPZ-3.



Secondly for the other type C and D intakes (i.e. the ones other than those located in lake Nipissing, Lake Simcoe, lake St. Clair or the Ottawa River as per TR 70) the delineation of IPZ-3 is a requirement, it should be included in the AR for the AR deadline and it cannot be submitted in an updated AR.

The Tier 3 Water Budget Work

Issue Contributing Area (ICA) Work

If more information is needed to delineate the ICA then the AR can include a work plan to get the required information. If the work plan includes completion of the work in time for inclusion in an UAR before the first SPP, then it should be included in the UAR. Otherwise, it must be included in a future round of planning.

Work on GUDI systems

If WHPA E and F delineation can not be completed for the AR, then the AR must include a work plan to complete the work and update the AR. If the work plan includes completion of the work in time for inclusion in an UAR before the first SPP, then it should be included in the UAR. Otherwise, it must be included in a future round of planning.

2. The second situation that may necessitate the development of an updated AR would be if there are errors in an existing AR that has been approved by the Director – section 19 of the CWA states that if the SPC becomes aware that the AR is no longer accurate or complete, the SPC shall submit an updated AR to the SPA and the SPA in turn would submit it to the Director. The regulation details in section 18 the consultation requirements before the updated AR is submitted to the Director.

The timing of ascertaining this missing information to fulfill the requirements of the AR or when information contained in the approved AR is considered inaccurate by the SPC, would dictate the need for and when the updated AR is created.

For the SPP submission in August 2012, SPCs may submit an updated AR before the SPP is submitted – the province has provided guidance that should updated ARs be needed, they should be submitted to the Director no later than June 2011. This is to ensure that there is enough time for the Director to review and provide a decision on the updated AR before the SPP is due to be submitted to the minister.



Once the updated AR is submitted to the Director then it will change the content of the SPP. Reminder that the SPP must contain the most recently Director approved AR to be complete.

There may be items that while they necessitate further work, as per the workplan allowed under the Director's rules, may not be completed in time to be included in an updated AR prior to submission of the SPP in August 2012. These items would be subject to the second round of SP planning.

8.2.2 Question: addressing concerns outside the scope of the CWA

How do SPC communicate concerns outside of CWA in the AR?

Response:

Although we had passed on to the PMs that additional information could be included in an AR we did stress that the information had to be relevant to the purposes of the CWA. We recommend that the SPC consider the nature of these additional comments as the Director may not be able to provincially approve the document if statements are not relevant to drinking water protection in any way.

There is a specific purpose to the AR, and SPCs need to ensure they are not straying too far from this purpose. At the chairs meeting we advised that the technical rule have a significant amount of flexibility in the contents of the watershed characterization. Therefore, they can build a fair amount into this section. If an SPC chooses to add additional information into the report, it would be appropriate to make it clear for the public why this information is being included in the draft report and why it may not be moving forward into the conclusions of the report (i.e. be identified as a threat or issue).

Care should be taken in the development of the report, and specifically in the uncertainty discussion. The purpose of the uncertainty discussion it to provide information the SPC may need to consider where determining the types of policies for an area. This requirement in the report is not a mechanism for an SPC or CA to question the methodology in the rules, or the requirement to complete a task. This type of statement will likely cause issued getting the SPC and public by in for the report and might not be approved by the Director. The regulations and rules went through a consultation process and are legally binding. It is inappropriate to include comments on this in the AR as the contents of the AR are governed by law, and it the SPC obligation, and the SPAs role, to complete the document as per the Act, regulations, and rules.

The AR is also not a mechanism for the inclusion of a work plan for area other than those allowed through the rules (WHPA E/F, Tier 3 water budgets, GUDI wells).

Work plans for additional work are submitted to the province through the work planning process. The rules do not provide the authority to include work plans for other tasks, not are they a vehicle to get approval for programs not relevant under the AR and SPP process. Work needed to improve on information used in the report can be identified in one area only – the uncertainty analysis, where you can identify where there were gaps in information, the relevance of the gaps, and can provide some recommendations on work needed to address these gaps. If there work plans are put in other parts of the report, they are out of context and should be submitted to the work plan process.

8.2.3 Question: map disclaimer

Clarify what, if any, type of disclaimer can be used on the maps in ARs?

Response:

The MOE has not directed a prescribed format for a disclaimer-like statement on maps in ARs. SPCs can use the text below on their maps if they wish, but there is no requirement to do so:

This report (map) has been prepared for the purpose of meeting the provincial requirements under the CWA. If it is proposed to use it for another purpose, it would be advisable to first consult with the responsible CA.

SPCs may also obtain advice from their legal counsel on appropriate language to use on AR maps.

SPCs must still comply with the map standards spelled out in the Director's technical rules.

In addition, several CAs currently include a licence statement for maps created using data supplied by the Ontario Geospatial Data Exchange. Current license statement for data supplied by the Ontario Geospatial Data Exchange:

Produced by (insert SPA name) with Data supplied under Licence by Members of the Ontario Geospatial Data Exchange

8.2.4 Question: flexibility with delineation of vulnerable areas

What means does the Ministry have to keep the delineating of the zones as flexible as possible?



Response:

The Director's Technical Rules allows technical staff to use multiple methods so that local flexibility can be used. With respect to lines approved by the Director and used in the plan, the CWA allows a land owner to challenge the vulnerability on their property, and at that time, the vulnerability score can be changed and a RMP would identify that a property has undertaken work to address SDWTs. The CWA states that if a SPC receives more information to improve accuracy of the proposed AR, the AR can be updated to reflect these changes. It can be general or specific.

8.2.5 Question: limited well data

In areas where there is currently limited well data the recommendation from the consultants is often to do more borehole investigation. If the borehole investigation reveals a different geology than what was assumed in the initial technical studies, upon which planning decisions have been made, will changes to the delineations need to occur due to the improved data?

Response:

Yes - the AR is intended to be a living document that will change and be updated as new technical information and data is made available. We can only make decisions on the information that is available to us. Municipalities need to realize that uncertainty is part of modelling, but modelling is necessary to prepare for "potential" situations on the landscape and only until we experience a discharge or an event will we be able to review the model and make adjustments. The CWA states that if the SPC is aware of information that significantly changes the conclusions of the AR; they can update their report and submit it for approval. At that time the SPP must to be updated.

8.3 Threats and Issues

8.3.1 Question: notifying FN that may be a potential significant threat

When a source protection area has an IPZ that extends on to reserve lands what and how to we meet our obligations under Ontario Regulation 287/07 (section 15 (2) (c) (iii)) to notify every person known to the SPC who is engaging in an activity that is or would be a SDWT. Does this section of the regulation apply to First Nation Reserves? People living on the territory do not own their land in the traditional sense but have a "certificate of possession".

Response:

Sub-clause 15 (1) (c) (iii) of Regulation 287/07 requires that notice be given to every person engaged in the activity...that is or would be a SDWT. That person could be



an occupant or it could be an owner, and that person may be a member of a First Nation or it may be some other person who happens to occupy such land. Whether a SPP policy will apply to that activity is another question – one we do not have to answer right now – and one that would be dependent on the facts on a case-by-case basis.

In such cases where significant threats may be located on reserve, the Ministry suggests that the SPC discuss with the FN representative and the Band Council Chief to determine the best means to notify individuals on the reserve (i.e. through the Band Council Chief, the SPC FN rep. or directly to the individual engaging in the activity).

There is definitely a chance that some may just ignore the notice on Reserve land on the belief that the SPP would never legally apply to them in any case – but the point of course is to try to engage all persons who are responsible for a SDWT – so that during the development of the plan – appropriate policies (including education and outreach policies for instance) can be developed to manage such threats.

The notice/letter could include the following information:

- Describe the SP planning process
- That a plan is going to be developed that will contain policies with the intent of ensuring their activities cease to be SDWTs
- Outline opportunities for FN to participate in SP planning process (e.g. SPC seats for FN, review ARs and Plans, etc. – if seats are available
- The nature of the drinking water threat
- Available funding (i.e. Capacity funding and potential Early Response for identified SDWTs)
- Outline the process for FN to request inclusion of their DWS in the SP planning process and describe
- Inform them that they will receive further notices about when the planning process begins
- Contact information if they want more information
- The letter should also identify the SPPB contact person (Donna Bigelow) and SPR PM should the Chief, FN SPC representative have questions.

The notification should also be sent to the Indian and Northern Affairs Canada (INAC) Cheyenne Loon, Senior Environmental Advisor 25 St-Clair Avenue East, 8th Floor Toronto, Ontario M4T 1M2

The notice is required by regulation 287/07 section 15(3) to include the following (please read section 15(3) for more detail)

- The opportunity to view the draft proposed AR on the internet
- Inspect the draft proposed AR, during times and at a location specified in the notice
- Attend a public meeting on the draft proposed AR, and
- Submit written comments on the draft proposed AR to the SPC by the date specified in the notice.

8.3.2 Question: naturally occurring issues

How does a SPC deal with issues that are naturally occurring or partially anthropogenic and non-anthropogenic?

Response:

This question and response had been revised (February 12, 2010)

NEW RESPONSE:

Naturally occurring parameters can be identified as an issue within the draft AR. The technical rules will not allow the committee to identify an ICA for naturally occurring issues as it does not meet the tests in Rule 114 and therefore, the issue will not move forward in the AR. It is important to note that if an issue does not meet the tests in rule 114, the AR must document the issue as per rule 115.1 (list the parameters of concern and an explanation of the nature of the issue and the possible cause of the issue). But this does allow the committee to identify issues that the public is concerned about and ensure they are documented. If a parameter is determined to be linked to both anthropogenic and non-anthropogenic sources a SPC could identify the parameter as an issue and an ICA must be delineated and threats identified as per rule 115. SPP policies must be developed to address the human activities on the landscape that contribute to that issue.

8.3.3 Question: notifying landowners of SDWT

Some of the communications folks were unclear about whether or not, when they notify landowners that they may pose a significant threat to municipal sources of drinking water, whether they need to be informed about which of the 21 prescribed threats they fall under?

Also, they were concerned about due diligence in notifying landowners. What happens if for some reason a landowner who poses a significant threat doesn't receive the notification letter sent by the SPR/SPA? For some SPR/SPAs notifications can involve hundreds, even thousands, of letters and in some cases already letters have been returned.

Finally, can you provide some guidance about whether notification letters should be addressed to landowners or business owners on properties that present a significant threat to drinking water?

Response:

Section 15 2(c)(iii) of O. Reg. 287/07 states that “As soon as reasonably possible after publishing the draft on the Internet, the SPC shall, give a copy of the notice referred to in clause (a) to, (iii) every person known to the SPC who is engaging in an activity listed under subclause 15 (2) (g) (i) of the Act that is or would be a SDWT.

The intent of this notification is to inform the person engaged in the SDWT of the actual threat(s) the SPC believes they are engaged in; therefore, the notice is expected to describe the threat(s) in some way (plain language or otherwise, as determined by local SPC).

Section 15 2(c)(iii) of O. Reg. 287/07 requires that a notice is given to every person known to the SPC that is engaging in an activity that is or would be a SDWT. The key is the person “engaging” in the threat. That person could be an occupant or it could be an owner - it all depends on the property information available to the SPC (i.e. MPAC data, local knowledge, or windshield survey). In order to meet the notification requirement of Section 15, the SPC should keep accurate records which should include the mailing list, mailing date, if returned, the date it was returned, etc. To further clarify - Section 15 2(c)(iii) says “give a copy to” not “serve”. Therefore, providing a notice to individuals via the Canada Post general mail delivery service is sufficient. The use of registered mail or courier would be considered “serving” and is above and beyond the requirements of this section of the legislation.

SPCs and communication staff are encouraged to examine all the information available to them (eg., MPAC data, local knowledge, etc) in determining who to notify and to track their due diligence efforts formally in some way, for reference purposes. If after the initial notifications are sent additional persons become known to them that were inadvertently left off the list, then some form of notice can still be provided by the SPC/CA at that time.

8.3.4 Question: notification to property owners - SDWT

According to Section 15 2(c) (iii) of O. Reg. 287/07 “As soon as reasonably possible after publishing the draft on the Internet, the SPC shall, give a copy of the notice referred to in clause (a) to, (iii) every person known to the SPC who is engaging in an activity listed under subclause 15 (2) (g) (i) of the Act that is or would be a SDWT”. Will the SPCs need to give proof of delivery and if so, would the notices need to be sent by registered mail or courier?

Response:

Section 15 2(c) (iii) says "give a copy to" not "serve". Therefore, providing a notice to individuals via the Canada Post general mail delivery service would be deemed acceptable and meet the intent of this section of the Ontario Regulation 287/07. The use of registered mail or courier would be considered "serving" and is not a requirement of this section of the legislation. The SPC should keep an accurate record of how they meet Regulatory requirements, including those related to notification.

8.3.5 Question: non-anthropogenic threats to drinking water sources

Can non-anthropogenic challenges to source water quality (e.g. pathogens in waste from colonial waterfowl such as cormorants) be considered in the review of non-prescribed drinking water threats?

Response:

(Note: Revised on February 10, 2010 to reflect new Ministry direction)

The CWA was written to address human impacts on drinking water and provide tools to address land uses and conditions that impact their drinking water. The CWA clearly states that a drinking water threat is an activity or condition. An activity includes a land use, and land use is the human modification of natural environment or wilderness built into the environment such as fields, pastures, park area and settlements. A condition is defined in the rules and is anthropogenic in nature. Based on this, non-anthropogenic challenges to source water quality can not be considered in the review of non-prescribed drinking water threats. For example, if a parks area where there are human activities such as picnic areas, manicured grass, etc... which has promoted the congregation of wildlife (i.e. geese) as a result of this activity than the SPC would need to make a request to the Director to have the specific park areas added as a local threat.

8.3.6 Question: adding waterfowl congregation as a local threat

Can SPCs add waterfowl congregation (discharge of avian feces to water) as a local threat?

Response:

The CWA was written to provide the tools necessary to protect sources of drinking water from human activities. Under the CWA, a drinking water threat is an activity or condition. An activity includes a land use, and land use is the human modification of natural environment or wilderness built into the environment such as fields, pastures, and settlements. A condition is defined in the technical rules and is anthropogenic in



nature. Based on this, non-anthropogenic challenges to source water quality; such as the discharge of avian feces to SW can not be managed using the tools provided under the Act and therefore, is not considered a threat. If waterfowl were added as a threat, SPCs would not be able to write effective policies to regulate wildlife.

The Ministry will consider requests to have the operation of parkland which encourages bird feeding near source waters added as a local threat on a case by case basis. If approved the SPC could develop policies to change how that parkland is “operated”, such as relocating the public bird feeding area to downstream of the intake, or creating a buffer between the feeding area and the waterbody to discourage the congregation of the waterfowl.

8.3.7 Question: geese not included in source protection program

Why are geese not included in the source protection program, but farm animals are?

Response:

Farm animals, including domestic waterfowl, are included in the source protection program as they are located in a defined area that is controlled by the landowner. Wild geese are not included in the source protection program because water fowl can congregate anywhere and are free to relocate at any time. Water treatment facilities are designed and capable of treating pathogens present in the natural environment. It is important to recognize that the CWA is a Regulatory tool designed to address human impacts on drinking water quality. Regulations are not the tool to address all problems that exist in nature. The CWA is not necessary for a municipality to take action to address wildlife.

8.3.8 Question: aquatic pesticides

Why are aquatic pesticides not included as a threat?

Response:

Aquatic pesticide use is very limited and localized, strictly controlled under use permits and in most cases applied by licensed exterminators. These pesticides have never been associated with a drinking water problem in Ontario. Pesticide labels (adherence to which is a legal requirement) explicitly state that pesticides should not be applied near drinking water intakes. The few pesticides that are allowed for control of biting fly larvae, aquatic weed or lamprey control in open SWs that discharge directly or indirectly into a well, lake, river, pond, spring, stream, reservoir or other water body or water course in Ontario are under strict permit conditions and are used by licensed exterminators. Any impact on municipal DWS is highly unlikely.

For the Source Protection Program, MOE carried out an analysis of aquatic pesticides using the threats assessment process and calculated that the hazard scores were 4 or less for aquatic pesticide use and therefore, they were removed from the threats list. Primarily, the reasons that aquatic pesticide use scored so low was due to the small volume of pesticide used (i.e. a Low Quantity Score), and the fairly rapid breakdown/deactivation of these pesticides (i.e. a low Fate Score).

8.3.9 Question: number of pesticide permits issued in watersheds

What is the number of pesticide permits issued in the watersheds?

Response:

The federal government - through Health Canada's Pest Management Regulatory Agency (PMRA), is responsible for approving the registration of pesticides across Canada and thereby prevent what it considers unacceptable risks to human health and the environment from the use of pesticides.

In Ontario, pesticide applications that pose a higher risk to human and environmental health may require a permit from the MOE. Ontario Regulation 63/09 outlines the types of pesticide applications in which a permit is required. This includes the application of pesticides to bodies of water that have a direct or indirect discharge. In 2009, the following permits were issued for pesticide application to water:

Type	Total permits issued across Province in 2009
Permits for aquatic vegetation control	150
Permits for mosquito control (part of WNV control programs)*	276
Permits for mosquito/blackfly control (part of nuisance control programs)	8
Permits for Sea Lamprey Control**	19
TOTAL	444

*The majority of these were for use in catch basins or man-made storm water ponds.



** Permits are only issued to licensed and specially trained staff working with the federal Department of Fisheries and Oceans, Sea Lamprey Control Centre

The use of pesticides for the purpose of discouraging or eliminating the attachment of molluscs to works under the OWRA or SDWA does not require a permit.

Permits are valid for one year and require annual renewal.

8.3.10 Question: proximity of pesticide permits to water sources

What is the proximity of pesticide permit locations to municipal drinking water intakes?

Response:

Permit applications and supporting documentation are submitted to the ministry's regional offices for review by Regional Pesticides Specialists. As part of the review process, the ministry will assess and identify any sensitive receptors and ensure that the proposed pesticide use will not have any unintentional impact to human health and/or the environment. In addition, all pesticide use must adhere to any buffer zone requirements and/or use precautions stated on the product label.

8.3.11 Question: municipal bylaws and aquatic pesticide application

Do the pesticide bylaws of municipalities include aquatic pesticide application?

Response:

Municipal by-laws typically addressed the land application of pesticides used for cosmetic purposes. Under the province's *Pesticides Act*, which was amended by the *Cosmetic Pesticides Ban Act*, 2008, municipal by-laws which address the sale or use of pesticides that may be used for cosmetic purposes are made inoperative.

8.3.12 Question: allowable aquatic pesticides and MAC

What are the allowable aquatic pesticides and is there anything in them that is harmful or toxic to humans? If so, what is the MAC for these chemicals?

Response:

It is generally recognized that pesticides may pose a hazard to human health. For this reason, an extensive battery of toxicity studies is required to determine the nature and extent of the hazard posed by a pest control product proposed for use in Canada. Before a pesticide is considered for registration in Canada, it must undergo extensive testing to determine the potential risks posed to human health and the environment and the pesticide's value. Determining value includes assessing the

efficacy of a product by determining whether it does what it claims to do and at what rate it should be applied. Health Canada's Pest Management Regulatory Agency (PMRA) carefully reviews all the data submitted (including the raw data) to determine if the product is acceptable for use in Canada. The text on the label reflects the results of the scientific evaluation that the product has undergone, and shows the way to minimize any potential risks to human health or the environment. The rate of application indicated on the label is essentially the lowest effective amount of the product that should be used.

Permits have been issued for use of products containing:

- diquat dibromide (control of aquatic weeds) – MAC is 70 ug/L
- methoprene (control of mosquito larvae)
- various strains of bacteria in the *Bacillus* genus (control of mosquito larvae)
- TFM (4-nitro-3-(trifluoromethyl) phenol sodium salt) (control of lampreys)
- Niclosamide (2',5-Dichloro-4'-Nitrosalicylanilide) (control of lampreys)

8.3.13 Question: potential effects of aquatic pesticide application

What are the potential effects of aquatic pesticide application?

Response:

Diquat - Diquat is moderately toxic, however it rapidly is inactivated after application. After application to water diquat is adsorbed tightly to suspended sediments and to plants. Photodegradation also contributes to the loss of diquat from water. An MOE study looking at diquat loss after application for aquatic weed control found that diquat was non-detectable a few days after application.

Methoprene – Methoprene is slightly to practically non-toxic. Permits issued for the use of methoprene, as part of a West Nile Virus control program, are issued only for use in catch basins, ditches, temporary and permanent water bodies, storm water management ponds, sewage and sludge lagoons (Methoprene is not permitted in waters considered as sensitive areas such as wetlands) and with the support of the local Medical Officer of Health and municipal officials. Methoprene rapidly breaks down in the environment. At the initiation of the WNV control program both Environment Canada and the Ministry undertook methoprene monitoring programs at storm water outfalls, downstream sites and at the intakes of select drinking water treatment plants. Methoprene was rarely detected, and only at locations closest to stormwater outfalls.



Bacillus-based products for WNV control programs (e.g. Bti). Bti are biopesticides that have very select toxicity to target pests. They are very low risk and have negligible toxicity to humans. These products are used only where mosquitoes are likely to breed such as stagnate or slow moving water, and degrade very quickly after application.

TFM/Niclosamide – These pesticides have very low toxicity. Permits for the use of the lampricides TFM and Niclosamide are only issued to licensed and specially trained staff working with the federal Department of Fisheries and Oceans (DFO) Sea Lamprey Control Centre. DFO staff are required to follow strict notification protocols whenever lampricides are being used, including any municipal water supplies. Control of sea lamprey is part of an international agreement for the control of Lamprey populations in the Great Lakes and connecting streams

8.3.14 Question: aquatic pesticides and Regulatory sampling at WTP

Are aquatic pesticide chemicals on the list of Regulatory sampling for water treatment plants?

Response:

As per Ontario Regulation 170/03 the Maximum Allowable Concentration (MAC) for Diquat is 0.07 mg/L for treated drinking water. The sample frequency for Diquat which is one of several Schedule 24 Organic parameter listed in Ontario Regulation 170/03 under the SDWA is once a year for a large municipal residential drinking water system and once every five (5) years for a small municipal drinking water system. Raw water is not sampled and analysed for Diquat.

8.3.15 Question: persistence of aquatic pesticides in the environment

How persistent are aquatic pesticide chemicals in the environment?

Response:

The most common permit is for use of the aquatic pesticide diquat. Generally, diquat has a high affinity to organic matter and silt in water, and once bound, it is no longer bioavailable. Additionally, diquat is highly water soluble and has a dissipation half life of 1-2 days (according to MSDS). More information is available on the product label and the PMRA's website (links below).

Product label for Reward™ (diquat)

http://pr-rp.pmra-arla.gc.ca/PR_SOL/pr_web.ve1?p_ukid=10370

Proposed Re-evaluation Decision: Diquat Dibromide

http://www.hc-sc.gc.ca/cps-spc/pest/part/consultations/_prvd2008-12/index-eng.php

Diquat – Technical Document (PMRA)

<http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/diquat/index-eng.php>

MSDS – Reward™ (concentrated product)

<http://www.syngenta.ca/PDF/msds/Reward%5F26271%5Fen%5Fmsds%2Epdf>

8.3.16 Question: MOE permit conditions in aquatic pesticide permits

What conditions, if any, does the Ministry include within aquatic pesticide permits?

Response:

Any person who uses a pesticide is required under provincial and federal legislation to comply with all label statements. Any terms and conditions included in a permit issued by the ministry are above and beyond what is required in regulation or on the pesticide label and are intended to prevent excessive and indiscriminate use and further protect human health and the environment. The terms and conditions of a permit are part of a legally binding document and use of a permit in contradiction with the terms and conditions outlined in a permit is considered a violation of the Pesticides Act and regulations.

The terms and conditions outlined in a permit may be site specific and may set out the following:

- Maximum quantities of use
- Treatment area location and dimensions
- Timing restrictions
- Notification requirements of adjacent property owners and/or potentially impacted parties
- Requirements to provide public notification of water use restrictions
- Reporting requirements to the ministry
- Proper storage, transportation and disposal

In addition, it should be noted that pesticide labels will also include water use restrictions for treated area(s). For instance, the label for Reward (a.i. diquat) includes the statement, “Do not use treated water for at least 24 hours after treatment for swimming and animal consumption. For human consumption and irrigation do not use for at least 5 days after treatment”.

8.3.17 Question: MOE compliance monitoring of aquatic pesticides

How does the Ministry monitor the application of the aquatic pesticides to ensure compliance with the permit?

Response:

The permitting system prevents the excessive and indiscriminate use of pesticides by ensuring proper pesticide selection; by authorizing the amount of pesticide that may be used; by setting forth terms and conditions under which the pesticide may be used; and by delineating the treatment location and dimensions. All permits issued by the ministry require the permit holder to complete and submit a written report to the Ministry following the treatment. As part of the permit program, Ministry staff often visit and inspect permit holders to ensure compliance with the terms and conditions of their permit. As pesticide permits are required on an annual basis, ministry staff are continually monitoring and reviewing permit application and addressing any compliance issues that may arise and affect subsequent treatments.

8.3.18 Question: MOE consultation and aquatic pesticide permits

Who does the Ministry have to consult with prior to issuance of the permit?

Response:

The MOE is the provincial agency responsible for the management of pesticides and for reviewing and approving water extermination permit for the use of aquatic pesticides. As part of the ministry's permit application review process, ministry staff will circulate a permit application to MNR, DFO and/or the federally regulated waterways in accordance with signed agreements.

Under the MOE/DFO/MNR Protocol, new permit applications that comply with the DFO/MNR Guidelines, and requests to renew previously approved permits, will be reviewed by MOE without circulation to DFO or MNR. Any permit application that does not comply with the DFO/MNR Guidelines, or that proposes treatment in areas of special concern identified by DFO, will be forwarded to DFO for review, prior to review by MOE. Any permit application that proposes treatment in areas of special concern identified by MNR will be forwarded to MNR for review, prior to review by MOE. MNR will also provide the MOE with the Fish Timing Window for Work-In-Water Guidelines to determine the acceptable dates for the application of aquatic herbicides.

The ministry's pesticides permits are not required to be posted on the Environmental Registry in accordance with the Environmental Bill of Rights.

As part of the application process, the permit applicant is required to notify all adjacent landowner, lessees or affected parties of the proposed treatment, and inform them that any objections can be made to the Director under the act at the

nearest MOE Regional office. Any comments/objections received will be considered by the Director in making his/her decision in processing the permit request.

In addition, the Regional Pesticides Specialist may identify a potential nearby sensitive receptor as part of their permit review process and notify accordingly.

8.3.19 Question: viable alternatives to aquatic pesticides

What are viable alternatives to aquatic pesticides for management of aquatic weeds? Should these methods be promoted instead of chemical controls in the water?

Response:

The ministry encourages the promotion of integrated pest management approaches to reduce the reliance on the use of pesticides. The following is a brief description of alternative aquatic plant control methods which may be used. Keep in mind that no single method is best for all situations and each site should be assessed to determine which control method is most appropriate. Additional information on the various control methods to control aquatic plants is available at www.ecy.wa.gov/programs/wq/plants/management/manual/appendixd.html (note that some methods of control and some pesticides mentioned in this article are not allowed in Ontario and/or may require approvals from other agencies).

1. Mechanical harvesting can be a viable option under certain situations. It is not always a viable option especially with fast growing weeds. Mechanical harvesting must be done so to not destroy fish habitat on the lake and river bottom so it does not remove the entire weeds. Some people do mechanical harvesting in spring and then apply for permit to "spot" treat in the summer to reduce chemical use.
2. Aquatic pesticides do not work on all plants; in these situations, mechanical harvesting or hand harvesting (by pulling or using a water rake) is the only viable option. Hand harvesting is more cost effective than hiring an exterminator for the removal of small quantities of weeds. These methods can also have impacts by releasing other plant seedlings and organics or creating a habitat for invasive species.
3. Another alternative to pesticides is a weed mat which may require a permit from the MNR. Typically a weed mat is placed on the lake or river floor and weighted down with rocks. Depending on the amount of sediment in the water, a weed mat can be effective for several years or may require frequent

removal for cleaning which could disturb fish habitat and impair water quality for short periods of time.

4. Research is currently being conducted on the use of Milfoil weevils as a mean of biologically controlling invasive Eurasian Milfoil. This native aquatic insect is added to water bodies on an annual basis until the population is established and milfoil is under control. While in the early stages, the research appears to be promising.

8.3.20 Question: WHPA delineation for issues

If an issue is identified for a GUDI well and there are land activities in WHPA A- E that could be contributing to the threat, but similar land activities also occur upstream in the area that would be deemed WHPA-F, do we identify WHPA-F or stop at WHPA-E?

Response:

You would stop at the WHPA-E if professional judgment indicates that the activities in WHPA A to E are sufficient to cause the issue. If not, then you add WHPA F. If you have an issue and there is evidence that it's coming from outside the WHPA-E, you can add the WHPA-F or wait and see if the measures for WHPA A to E address this. WHPA-F is issue driven if the activity for that issue is NOT identified in the WHPA-E.

8.3.21 Question: municipal planning based on highly uncertain models

The intent of the technical studies was to improve existing modeling and reduce the uncertainty rating. The rules state that the uncertainty can only be either high or low; there is no option for moderate. Many aspects of the Vulnerability Studies have significantly improved over previous studies however many systems are still classed with a high uncertainty. How can Municipalities be expected to generate planning decisions based on high uncertainty models?

Response:

The source protection process is using the best available science and modelling approaches. Ontario is currently the world leader in source protection and Countries such as the Netherlands and China are asked the Provincial government for technical support and assistance with source protection initiatives in their Countries. The intent of this program is continually improved on our science as new methodologies and information is made available. Until then, municipalities need to be informed of the above and make decisions based on the information provided in



the AR and feel confident that the best available science has been used to generate this detailed technical report.

8.3.22 Question: WHPA delineation for issues

Many of the WHPA Vulnerability mappings are very irregular in shape, to the point of being convoluted at times. This layered with the vulnerability scoring and overlaid with the parcel fabric produces a complex result.

Response:

This is the reality of the methodology used and may reflect gaps in information or it may reflect true conditions and geology and hydrogeology can be very complex. The uncertainty associated with some mapping was a consideration when developing the CWA, and clauses were included to allow the vulnerability for an area to be updated at a local level, including property specific changes. A RMO (RMO) can accept a report or information that complies with the technical rules, and make a decisions that the vulnerability is lower and, through a RMP, deem that the risk is managed as the vulnerability is lower than identified in the AR. Certain tests will need to be met for this to take place. The RMO has to seek advice from qualified persons, if stepping outside of their area of expertise.

8.4 Source Protection Plan

8.4.1 Question: funding and SPP

What funding has been committed for SP planning costs to date? How is source protection implementation going to be funded? Will the costs be downloaded to municipalities?

Response:

To date the crown has funded the planning phase of the source protection program. This funding, which totals approximately \$150 million from 2004/05 until 2009/10, has included all work related to the preparation of the ToRs and ARs as well as funding to establish and maintain SPCs and technical and project staff for Source Protection Authorities. Additional Funding provided during the planning phase will also include policy work related to the preparation of SPPs.

8.4.2 Question: transportation corridors and SPP

How can transportation corridors be addressed in SPP?

Response:

The draft SP Regulation allows for SPPs to include other kinds of policies, some of which relate directly to threats identified in an approved AR, and other do not (see sections 19.7 and 19.8 of the draft regulation). In relation to transportation corridors, as the draft regulation is presented, SPCs may not include policies to address “spills/movement of substances along transportation corridors” unless the approved AR identifies this activity as a drinking water threat and identifies the areas this activity is a threat or would become a threat if it occurs in the future (i.e. have it added as a local threat). If the SPC would like to have the ability to include policies in the SPP without adding it as a threat than the SPC is encouraged to make that comment on the draft regulation.

8.4.3 Question: support for municipalities in the adoption of vulnerable areas

What is the Ministry doing to assist municipalities in adopting the zones?

Response:

Municipalities can draw on the expertise at the CA or consultants hired by the municipality to support taking the vulnerable areas to their council. Generally, municipalities will have to adopt vulnerable areas if necessary to comply with the SPP policies. Therefore, the AR and SPP will provide the tools necessary to support changes to OPs.

8.5 Water Budget

8.5.1 Question: PTTW granted that may affect water budgets

If unanticipated major PTTW are granted that may affect the findings of the water budget when/how is the water budget process re-initiated?

Response:

The water budget process is designed to address water takings within a watershed. It is a snapshot in time that evaluates the stresses in a watershed that are known. The impact of blasting on the water table is considered at the municipal level. In areas where watershed stresses are high or moderate, future applications for water takings will have to consider the impact the taking will have on the stress level in the watershed. The Ministry’s PTTW program requires the consideration of existing and potential future water takings to minimize impacts of water taking. Monitoring requirements under the PTTW program are put in place to see if conditions changes and permits need to be reconsidered.



In addition, approved water budget work completed to-date will need to be updated if there is a significant change in information that would change the conclusions of the report. If a SPA has new updated PTTW data which shows an increase in water taking, but a quick review shows that the stress level would still be low the water budget would not need to be updated. The conceptual and Tier 1 water budget process is completed on a watershed and sub watershed basis which takes into account all the water coming in and going out of that watershed. It is a very conservative process to ensure that any stress to a watershed is acknowledged and elevated to the next Tier if needed.

8.5.2 Question: water budget process and the PTTW programs alignment

The PTTW program is regulated using maps to depict average annual flow conditions and summer low flow conditions in high use watersheds. How is the source protection water budget process and the PTTW programs aligned – specifically the mapping used for the current program and the maps generated from the source protection program?

Response:

The PTTW program and the high use watersheds designations can be informed by the work being undertaken under the CWA in parts of the province. One of the rationales for seeking funding for advanced waters budgets was that the advanced work could be used to update the mapping used for the high use watershed designations and support the review of applications for PTTW using a tool that will allow the consideration of cumulative impacts, growth, and drought. The limitation is that CWA work is only completed in 38 source protection areas in the province so it provides no information for the remaining watersheds. It is also based on a tiered process where advanced water budget work is only completed in areas where there are municipal DWS and where the higher level water budgets indicate that the subwatersheds are stressed.

We compared the requirement for water budgets under the technical rules to the 2004 Aqua Resource's report, which was used to inform the PTTW program. There are a few subtle differences/similarities as described below:

1. The primary differences are with the scale of evaluation (Tertiary Watershed for the high use watershed maps vs. Subwatershed for the CWA water budgets) and the method of determining consumptive water use (SW consumption in Tertiary Watershed vs. water takings in specific aquifers and water bodies). The PTTW assessment also relied heavily on the OFAT tool to evaluate the Water Supply and



Water Reserve terms in the evaluation and we have since developed more refined tools/techniques to evaluate these components of the water budget.

2. Water Supply – The high use watershed work under the PTTW were based on the SW flows at the outlet(s) of a Tertiary Watershed the PTTW and assumes that these flows are representative of both the SW and GW domains under steady state conditions. The assumption was that almost all GW flow eventually discharges to SW at the outlet(s) of a Tertiary Watershed. Therefore, the assessment was performed at a scale that incorporated both SW (supply and demand) and GW (supply and demand) into the estimate of “Percent Water Use” simultaneously. Under the Clean Water Act, water budgets are done for both GW and SW components of the subwatersheds and consider both GW and SW inputs.

3. The PTTW “Percent Water Use” evaluation did not perform separate evaluations of the SW and GW domains for the reason stated in Comment 2 above. The “Percent Water Use” thresholds were evaluated for Average Annual and Summer Low Flow conditions. These thresholds are identical to the thresholds we have used for the GW domain. Because we are evaluating the GW and SW domains separately our program has added the monthly maximum SW thresholds which are similar to, but slightly different from, the GW thresholds.

SPPB has been working with OPs to update staff and management on the science being used for the development of the water quantity risk assessment, so that they are aware that there is newer information available when making decisions in regard to PTTW. We are looking at options for OPs to have access to final approved water budgets and will be including OPs in the review and approval of water budgets.

Ultimately we anticipate that PTTW assessments will consider the more comprehensive water budget work under the CWA (delete: as Tier 1, and any Tier 2 and Tier 3 water budgets may) to inform where watersheds are potentially under hydrologic stress, either with respect to drinking water supplies or other uses. Thus, these water budgets can be used to build in newer information and update what would have been used to create the PTTW maps for the same areas.

8.6 Other

8.6.1 Question: municipal representative not re-elected

What is the term of appointment for SPC members and what happens in 2010 if SPC municipal representative is not re-elected?

Response:

As per Section 8 (3) the current SPC members remain, as long as they continue to meet the requirements of S 7(1) of Ontario Regulation 288/07, which states that they must reside in, own or rent land in, is employed in, operates a business in, or is employed by a municipality that is located, in whole or in part, in the source protection area or SPR until the SPP is approved and the notice of approval of the Minister's decision on the SPP is posted to the EBR under section 30 of the CWA. At this time, the appointment of 1/3 of the committee members will expire; one year later another 1/3; and one year later the final third.

Existing SPC members can be reappointed as long as the conditions of appointment under section 7 of Ontario Regulation 288/07 continue to be met. At each of the three expiration dates noted above, the SPA will appoint new members for three year terms in accordance with O. Reg 288/07. In this way, moving beyond 2012, each year 1/3 of the committee will be renewed.

If a municipal representative, who happens to be an elected official, fails to be re-elected in 2010, the representative would have to continue to meet the requirements stated in Section 7(1) of Ontario Regulation 288/07. Then it is up to the municipalities to determine if that individual would adequately represent the municipality's interests on the committee or whether they wish to replace the representative with a new person.

8.6.2 Question: funding municipalities through agreements

Can a CA provide funding to a municipality to undertake work tasks identified in the ToR where the municipality is not the identified lead for the task? Can a funding agreement outside the ToR (such as a subdelegation from the SPC to the CA) be used?

Response:

Yes, a CA can provide its funding to a municipality through an agreement.

8.6.3 Question: surveying private properties

Does the Ministry expect people's property will have to be surveyed?

Response:

We have not anticipated having to survey properties. If there are problems where this is required (i.e. a court challenge to an RMO order), then a survey or more complex mapping may be required. Aerial photography should be able to address

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any questions regarding the location of buildings with respect to vulnerability scoring lines.