



Thames - Sydenham and Region
c/o Upper Thames River Conservation Authority
1424 Clarke Road, London, ON, N5V 5B9

March 25, 2010

Ministry of the Environment
Drinking Water Management Division
Source Protection Programs Branch
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Toronto, Ontario M4V 1L5
Fax: (416) 327-6926

Attention: Debbie Scanlon
Senior Drinking Water Program Advisor

Re: Comments on EBR 010-8766 - Regulatory components to support the development and implementation of source protection plans

Dear Debbie

Thank you for the opportunity to provide input into the regulatory components to support the development and implementation of Source Protection Plans. I commend the MOE for moving this important initiative forward and providing the Source Protection Committees with the tools necessary to develop Source Protection Plans. I remain encouraged by the flexibility that the committees have in the development of source protection plans.

I would like to take this opportunity to provide comments on the proposed regulations. The Thames-Sydenham and Region Source Protection Committee has had the opportunity to consider the proposed regulations through the MOE Liaison presentation. Further, I and some of the committee members were able to participate in the consultation session that the MOE hosted in London. Based on our observations, these committee members have contributed the following comments for your consideration:

- 1) While the ability to develop policies focused on transport pathways is welcomed, the committees need more latitude on the type of policies they may develop. Additional authority is required to allow committees to include policies which would prevent establishment of new transport pathways or deterioration of existing pathways in order to preclude an increase in vulnerability.
- 2) The requirements included in S. 19.8(2) should be adjusted to allow policies to be included in the SPPs which would include reporting requirements related to transport pathways. By

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removing the strict requirements from the regulation it will allow committees, municipalities and other agencies to determine what information is needed to be submitted in support of the source protection plan. Adding this additional flexibility will allow the committees to develop policies related to reporting which affect those transport pathways that municipalities have some jurisdiction over, or if more appropriate make the requirements of other approval agencies (such as Provincial agencies) to provide similar information. This will allow the committees to discuss with the implementers such things as the type information which would be valuable, the areas where it would be beneficial to collect and how that information may be used to further the objectives of the source protection plan. This would be a significant improvement over the proposed requirements which arbitrarily require the submission of information.

- 3) Advance consultation of stakeholders through the development of the Source Protection Plans is a requirement which needs to be included in the regulation; however flexibility needs to be allowed for the consultation to commence at an appropriate time. The current proposal is vague in that there are no criteria as to when the committee has begun work on developing the source protection plan. This vague description allows for flexibility of interpretation, but also could allow considerable criticism for not engaging parties at the correct point. Further, it is important that the notification of the significant threats should follow the tier 2 risk assessment which will be included in the amended Assessment Report. This is especially important given the considerable detail which the proposed regulations would require in the notice. While committees have already engaged these stakeholders through the development of the Assessment Reports, continued communication remains important, however the formal notices with detailed information proposed in the regulatory components is premature while the committees continue to refine the information which would be included in those notices. It will be important that the committees have flexibility in the timing of providing the notices and/or in the level of detail included in the notices.
- 4) An area not currently addressed by the proposed regulations is how to deal with the administration of risk management responsibilities in situations of inter-municipal jurisdiction (such as where a significant threat is located in one municipality but pertains to a system located in another). It is important that the jurisdiction of the system be responsible for administering the risk management plans for the threats related to that system. This is further complicated by systems operated by joint boards.
- 5) Section 19.37 describes the circumstances under which an exemption from the requirement for a Risk Management Plan can be made. This notice needs to include sufficient detail that the Risk Management Official (RMO) can determine whether the provincial instrument adequately addresses all of the significant threats pertaining to that parcel. Further, it is important that the RMO have the discretion to accept or refuse the notice based on whether the prescribed instrument satisfies all of the requirements of the source protection plan.
- 6) It is recommended that the Province commit to a guaranteed continuous funding program for measures such as those currently offered through the ODWSP as well as others identified through the source protection planning process. It will be important that as policies are



discussed with municipalities, as part of the plan development, that the province is seen as a continuing funding partner in these programs.

I hope that you will find these comments and the others collected through the consultation sessions useful in finalizing these regulatory components. The Thames-Sydenham and Region Source Protection Committee is anxious to begin the development of policies which will reduce the risks to drinking water sources in the region. If you have any questions on these comments please do not hesitate to contact me or Chris Tasker, Source Protection Project Manager for the Thames-Sydenham and Region.

Yours sincerely,
THAMES-SYDENHAM AND REGION

A handwritten signature in black ink, appearing to read "Mr. Bedggood".

Robert Bedggood, Chair
Source Protection Committee

cc Source Protection Committee
Chris Tasker