

## Thames – Sydenham and Region Drinking Water Source Protection Source Protection Committee Discussion Paper

**Report to** Chair and members  
Thames – Sydenham and Region  
Source Protection Committee

**Agenda #** 2010.10.7c.ii

**Cc** SP Management Committee

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**Re:** Source Protection Plan preparation principles

### **Background**

The Clean Water Act and the Regulation establish the requirements governing the contents of a SPP. (Please refer to the MOE summary table of mandatory and optional SPP content in the *Source Protection Planning Bulletin – Overview of Source Protection Plan Requirements* provided in the SPC package) The Thames-Sydenham SPP is required to contain the following objectives:

- Protect existing and future drinking water sources;
- Ensure that activities identified as *significant drinking water threats* either never become a threat or, if the activity is already taking place, the activity ceases to be a *significant threat*.
- If the SPC chooses to include a risk reduction policy to deal with a condition (contamination from past activities) that is a *significant drinking water threat*, then the plan must include an objective to ensure that the identified condition ceases to be a *significant threat*.

As we draft a Source Protection Plan to meet these objectives, there is a need to establish principles which will guide the Source Protection Committee in the policy development. The previous guiding principles established by the SPC may be adequate and general enough to apply to the job ahead. However, the members may wish to consider whether more specific principals might be appropriate for the SPP process.

The Thames-Sydenham SPC guiding principles were developed as follows:

- Fair and reasonable solutions
- Consensus within our diverse area group
- Clarity of information
- Open communication
- Respecting diversity of opinion

The guiding principles established will, along with concepts developed through similar discussion papers be used to develop the Source Protection Plan Preparation Work Plan. Further detail on the work plan will be presented at the SPC meeting. Another discussion paper will follow at a later date, examining the establishment of decision making criteria with which to assess and choose specific policy options. Some of the guiding principles may support the evaluative criteria.

The following section has been formulated as a series of questions intended to generate discussion by the Source Protection Committee. The results of these discussions will assist staff in developing a work plan for the preparation of Source Protection Plans for the Thames-Sydenham and Region. In response to each of the questions are a series of statements which can form the starting point for the discussions. The committee may wish to indicate their general agreement or disagreement with the statements. It is hoped that these statements will spawn other statements which the committee would like to make in considering the question posed. Areas where consensus can be established will be documented. Areas where more discussion is needed can be the subject of future focused and facilitated sessions. It is understood that specific consideration of these principles will be expected in the development of specific policies.

## ***Discussion***

- 1 Can education and outreach programs fit into the policies for protecting drinking water sources?
  - May be used to effectively reduce significant drinking water threats.
  - Required in all cases to compliment incentives and regulatory approaches.
  - Regulation without education would be ineffective.
  - Incentives without promotion of the programs and supporting education would be ineffective.
  
- 2 How important is consistency and collaboration?
  - Policies need to be specific to the local situations
  - The Source Protection Committee should strive for policies which are consistent across the SPR.
  - General policies allow for flexibility for the various municipal tiers in applying the specifics.
  - Specific policies would reduce the local flexibility in the implementation of the policies.
  - In the development of policies it is very important to collaborate with MOE, other SPRs, municipalities, First Nations and stakeholders to maximize effectiveness and efficiency, and minimize duplication.
  
- 3 How will existing efforts to manage the risks be considered in the development of policies?
  - Preference for existing measures over new;
  - Use of prescribed instruments preferred;
  - Develop new approaches where existing seen as ineffective;
  - Fine tune existing programs/measures rather than develop new initiatives
  - When developing new policies, take from approaches proven to be effective elsewhere.

- 4 How can Risk Management Plans be specified in the SPP?
  - General reference which leaves RMP details to a Risk Management Official based on the Risk Management Catalogue.
  - Very specific RMP policies to include allowable Risk Management tools or specifications.
  - The SPC can re-evaluate RMP policies after seeing how implementation unfolds through monitoring and reporting.
  - RMP should only be considered if less regulatory measures will not work to mitigate the risks of existing and future uses.
  - RMP should only be considered for existing threats; more restrictive controls should be used for future threats.
  
- 5 How would the Source Protection Committee prefer to consider the prohibition of an activity?
  - Rely on voluntary approaches as much as possible.
  - Prohibit for future activities only.
  - Prohibit for existing activities only when all other measures fail to address risk of significant threat.
  - Prohibiting activities which are unlikely to occur is the preferred tool for dealing with these future threats.
  - Apply prohibition through land use planning as preferred tool.
  
- 6 Will a more or less regulatory approach protect drinking water sources?
  - Non-regulatory approaches can be as effective in reducing the risk as regulatory approaches.
  - Incentive approaches are ineffective in reducing risks.
  - Education programs are effective in reducing the risk to drinking water (refer to separate question on education programs).
  - Without adequate enforcement, regulatory policies will be ineffective.
  - There will always be a level of non-compliance in voluntary approaches that needs to be addressed through regulatory means.
  
- 7 Should water quantity policies be deferred until next SPP?
  - Policies for threats to water quantity cannot be developed until technical work is developed and included in an Assessment Report.

- 8 How does the SPC want to address impacts of the policies in our SPP on others?
- Minimize fiscal, social, and economic impact to extent feasible on landowners, municipalities and other stakeholders.
  - Implementation costs should be a multi-partner responsibility.
  - Those engaged in activities which pose a risk to drinking water should solely be responsible for the cost of the risk reduction.
  - Those relying on the drinking water source should share in the costs of reducing the risks.
  - Fair and reasonable solutions are always preferred. (already one of our guiding principles).
  - Engage those responsible for policy implementation in policy development process.
  - Engage those whose activities will be affected by the policies where possible.
- 9 How does the SPC want to address the various threats in the range of vulnerable areas?
- Consider only mandatory policies to be included in the SPP such as significant threat and monitoring policies.
  - Consider policies related to moderate and low threats.
  - Address moderate and low threats only where they may become significant.
  - Consider optional policies related to spills, transportation corridors, and transport pathways.
  - Consider policies in HVAs and SGRAs including for drinking water systems not in the terms of reference.
- 10 How will the committee address meeting the objective, *to protect future and existing drinking water*, and effectively develop policies within the timelines as governed under the CWA?
- Keep focused on priorities as decided upon in framework and work plan (refer to framework discussion paper on setting priorities on policy development).
  - Develop a parking lot for items which are not mandatory and which cannot be addressed within the timeframe available to develop the first proposed SPP.
  - Support collaboration as much as possible.
- 11 Do the Source Protection Committee guiding principles need to be fine tuned to assist with the development of the SPP?

**Table 1: Source Protection Plan Content (from Source Protection Planning Bulletin – Overview of Source Protection Plan Requirements, Sept 15, 2010)**

Mandatory Content	Optional Content
<ul style="list-style-type: none"> <li>• Approved Assessment Report</li> <li>• Objectives</li> <li>• Significant threat policies – activities: For areas where an activity is or would be a significant drinking water threat, policies intended to ensure the activity ceases to be or never becomes significant</li> <li>• Monitoring policies:               <ul style="list-style-type: none"> <li>• monitoring activities/conditions in areas where they are / would be significant</li> <li>• monitoring of moderate / low drinking water threats where advisable to prevent the threat (activity or condition) from becoming significant</li> <li>• monitoring of a drinking water issue where advisable</li> </ul> </li> <li>• Summary of consultation activities</li> <li>• Applicable legal provisions<sup>1</sup>, person/body responsible and applicable area for each policy must be clearly identified</li> <li>• Dates by which official plans, zoning by-laws and prescribed instruments<sup>2</sup> must conform with significant threat policies</li> </ul>	<ul style="list-style-type: none"> <li>• Significant threat policies – conditions (contamination from previous activities): For areas where condition resulting from a past activity is a significant threat, policies intended to ensure condition ceases to be significant</li> <li>• Moderate and low threats policies – Policies to address activities and conditions identified as moderate and low threats</li> <li>• Policies governing:               <ul style="list-style-type: none"> <li>• Incentive programs and education &amp; outreach programs, including for drinking water systems not in the terms of reference<sup>3</sup></li> <li>• Spills prevention, contingency or response plans along highways, railways or shipping lanes in intake protection zones or wellhead protection areas</li> <li>• Climate change data collection</li> <li>• Transport pathways<sup>4</sup></li> </ul> </li> <li>• Anything that will assist in understanding the source protection plan</li> <li>• Dates for policies to take effect<sup>5</sup></li> </ul>

*Note: Requirements related to Great Lake targets are not listed, as no Great Lakes targets have been established for the first round of source protection planning.*

<sup>1</sup> For any drinking water threat policy or monitoring policy to take effect (i.e. to obligate a party or body to implement the policy as per the legislation) the Regulation (section 34) requires each plan identify the legal provision(s) in the legislation that applies to the policy in question, see description of this under the “Legal Effect” section below.

<sup>2</sup> Prescribed instruments are generally specific types of Government of Ontario approvals, permits and other authorizing documents identified by the Regulation – see description of this under the “Tools” section below.

<sup>3</sup> These other drinking water systems may include privately owned systems and non-residential municipal drinking water systems (e.g. a well supplying a municipally owned/operated hockey arena).

<sup>4</sup> While a transport pathway, in and of itself, is not considered to be a drinking water threat, the presence of a transport pathway can increase the vulnerability of a designated area which could potentially increase the risk associated with existing or future drinking water threats.

<sup>5</sup> A plan takes effect once the Minister has approved the plan and published a notice of approval on the Environmental Bill of Rights Registry. Policies may specify a later date to take effect.