

Drinking Water Source Protection in the Cataraqui Source Protection Area: What Every Real Estate Agent Should Know

Water is critical to all aspects of our lives and it is important that we ensure that there is a safe and reliable source of water for all our uses – now and in the future. The contamination of the Walkerton drinking water supply in 2000 caused seven deaths and thousands to become ill. It was the catalyst for a public inquiry that led to 121 recommendations to better protect sources of drinking water using a multi-barrier approach, which includes source water protection. Source water is the untreated water in lakes and rivers, and in underground aquifers, that people use for drinking water. Source water protection means protecting our sources of drinking water from contamination and overuse.

In the Cataraqui Source Protection Area (CSPA), about 80 per cent of the population lives in an area that is served by a municipal water system, which draws water from either surface or groundwater. Protection zones are mapped around these drinking water sources. For surface water they are called “intake protection zones” and for groundwater they are called “wellhead protection areas”. The balance of the population relies on drinking water from private intakes or wells.

Although more than 90 per cent of the CSPA has been identified as sensitive groundwater areas, legally binding policies apply to very small geographic areas in the intake protection zones and wellhead protection areas where the drinking water source is most vulnerable to contamination. Threats to sources of municipal drinking water are regulated under the *Clean Water Act, 2006*.

What is the *Clean Water Act*?

The *Clean Water Act, 2006* is part of the Ontario government’s commitment to ensure the sustainability of clean, safe drinking water for all Ontarians. The intent of the *Clean Water Act* is to protect municipal drinking water sources through assessments based on sound science, and develop locally driven Source Protection Plans. As a result of the *Clean Water Act*, 19 multi-stakeholder Source Protection Committees were established across Ontario to develop local Source Protection Plans.

In the Cataraqui Source Protection Area (CSPA), committee members include representatives from municipalities, agriculture, industry, tourism and recreation, as well as environmental groups, lake associations, and the public. For more information on the development of the Plan, please visit <http://cleanwatercataraqui.ca/cataraqui-source-protection-plan-explanatory-document/>.

The Cataraqui Source Protection Plan was approved by the Ontario Ministry of the Environment and Climate Change (MOECC) on November 26, 2014. It became effective on April 1, 2015. The Plan includes responsibilities and recommendations for provincial ministries, municipalities, the Cataraqui Source Protection Authority and others.

Who is responsible for implementing the Cataraqui Source Protection Plan?

Local municipalities, the Cataraqui Region Conservation Authority, property owners, farmers, industrial and commercial businesses, community groups, institutions, and the public are working together to implement the Plan to ensure local sources of municipal drinking water are protected from these drinking water threat activities, now and in the future:

- The Cataraqui Source Protection Plan aims to protect sources of water for municipal residential drinking water supplies and sensitive groundwater areas across the Cataraqui Source Protection Area through policies that manage or eliminate the risks posed by both existing and future drinking water threat activities. They identify actions that can be taken to protect drinking water sources.
- Policies clearly identify who is responsible for implementation, when it must be completed, and how to report on progress.
- Policies can be voluntary or mandatory depending on the level of risk to the drinking water source.
- Drinking water threats are classified as significant, moderate, or low depending on how close to the drinking water supply the activity is taking place, and the potential of the activity to contaminate the drinking water source.

Why should real estate agents be aware about drinking water source protection?

Following the effective date of the Plan (April 1, 2015), many potential buyers and sellers of residential, agricultural, industrial, commercial or institutional properties have or will become aware that certain properties, located within the protection zones that are closest to municipal groundwater wells and surface water intake pipes, may be subject to policies that will manage or prohibit certain activities:

- You may notice an increase in questions about whether or not a property is located in one of these protection zones (known as a wellhead protection area for a municipal well, or an intake protection zone for a surface water intake pipe) and how this might impact the activities that can be undertaken on that property.
- Whether you are acting on behalf of the buyer or seller, it is equally important that every real estate agent be aware of these protection zones, the Cataraqui Source Protection Plan, and the properties that could be impacted by drinking water source protection.

What does it mean if a “drinking water threat” has been identified on the property I’m selling?

It means that the drinking water threat activity has the potential to pose a risk to the source of municipal drinking water. The property owner would have been notified of this during the development of the Cataraqui Source Protection Plan.

- Policies in the Plan may require an existing activity to be managed on a property in a protection zone.

- It is also important to let a potential buyer know that certain activities which are not currently occurring on the property could still be subject to policies in the Plan, if the activities might occur in the future. Future activities might require management, or might be prohibited from becoming established.
- Potential buyers can be directed to CRCA’s interactive maps webpage, which identifies where source protection plan policies apply and how the Plan will affect specific activities on residential properties (see <http://www.cleanwatercataraqui.ca/interactive-maps-for-the-cataraqi-source-protection-plan>).

Some activities which pose a significant risk to a drinking water source (i.e. a significant drinking water threat) may require a Risk Management Plan (RMP), where a Risk Management Official (RMO) will be involved in establishing an RMP to address the activity of concern.

- A risk management plan outlines what actions are required to manage how the activity will be carried out in order to minimize or remove the risk to the local source of drinking water.
- The benefit of an RMP is that it allows certain activities that are a significant threat to continue to occur, provided that the measures agreed upon in the risk management plan are followed.
- Under the *Clean Water Act*, risk management plans are not transferrable between individuals. Therefore, new property owners may need to negotiate a new risk management plan with the RMO, if they will also be undertaking the drinking water threat activity once they’ve purchased the property.
- It is prudent to provide the necessary information to potential buyers in order for them to understand the implications of buying a property where an identified drinking water threat activity is already taking place, or could take place in the future.
- To find out more about risk management plans and other related policies, please refer to the CSPA Part IV Primer (see <http://www.cleanwatercataraqui.ca/part-iv-of-the-clean-water-act> under the section “Part IV of the *Clean Water Act*”).

What are some activities that could be a threat to the source of local drinking water if undertaken on a property?

There are a variety of activities that pose a potential threat to the quality or quantity of drinking water if undertaken by property owners/renters, especially when a property is located close to a municipal well or surface water intake pipe. Below are some examples of activities that could be considered potential drinking water threats on residential, agricultural, industrial, commercial, or institutional properties:

Residential:

- Operation of a septic system
- Handling and storage of home heating oil
- Application of large amounts of salt to paved surfaces (such as driveways and walkways)

Agricultural:

- Use or storage of fertilizers (chemicals, biosolids, manure)
- Use or storage of pesticides

- Fields where livestock graze and barnyards where livestock are housed
- Operation of a fish farm

Commercial/Industrial/Institutional:

- Storage or use of dry cleaning materials
- Operation of a landfill
- Operation of a gas or service station
- Storage of paints, varnishes, or glues at warehouses, factories, and retail outlets

- Use of degreasing or cleaning agents at mechanic shops etc.
- Storage of PCBs (polychlorinated biphenyl) and other hazardous waste

I sell properties in more than one watershed. Will the Source Protection Plans for all source protection areas or regions be the same?

No, but they will likely be similar:

- Although the source protection program was designed to ensure that the identification of risks to drinking water sources was based on sound science and standard methods, it was also recognized that the implementation needs might vary between source protection areas or regions.
- Therefore, source protection plans used a locally driven process to determine the best approach to address drinking water threat activities. When developing policies, source protection committees took into account local conditions to capture existing characteristics and determine the most suitable approaches in their watersheds.
- Conservation Ontario has facilitated and encouraged collaboration on policy development among the 19 source protection areas or regions. Source protection committees took advantage of opportunities for consistency (where appropriate) by sharing ideas on policy development through exchange of information, regular teleconferences, and in-person meetings.

What can I do to help inform potential buyers about drinking water source protection and how it applies to them?

The Cataraqui Region Conservation Authority has developed many educational resources such as fact sheets, interactive maps, and materials from local presentations and workshops which are available on the www.cleanwatercataraqui.ca under “Resources”:

- You could use these resources to inform potential property buyers about the Drinking Water Source Protection program and the Cataraqui Source Protection Plan, whether or not a property is located in a vulnerable area where source protection policies may apply, and how specific drinking water threat activities may be regulated on a property.
- You could also direct clients to contact staff at the Cataraqui Region Conservation Authority regarding the property of concern, and to discuss how they could potentially be affected by drinking water source protection policies.

Where can I find more information?

Local resources:

- Cataraqui Source Protection Plan Interactive Maps:
 - <http://www.cleanwatercataraqui.ca/interactive-maps-for-the-cataraqi-source-protection-plan>
- Best Practices for Homeowners:
 - <http://www.cleanwatercataraqui.ca/best-practices-for-homeowners>
- CRCA Workshops and Presentations
 - <http://www.cleanwatercataraqui.ca/crca-workshop-and-presentations-for-municipalities>

- CRCA Source Water Protection Guidance Documents
 - <http://www.cleanwatercataraqui.ca/crca-source-water-protection-guidance-documents>
- Fact Sheets (including the Cataraqui Source Protection Plan Primer, FAQs, Quick Facts for Municipalities/Agriculture, Cataraqui Source Protection Plan Part IV Primer, and the Restricted Land Use Interactive Maps):
 - <http://www.cleanwatercataraqui.ca/cataraqui-source-protection-plan-explanatory-document>

Provincial resources:

- Ontario Ministry of the Environment and Climate Change:
 - <http://www.ontario.ca/environment-and-energy/source-protection>
- Ontario Ministry of Agriculture, Food and Rural Affairs:
 - http://www.omafra.gov.on.ca/english/environment/water_swp.htm
- Conservation Ontario:
 - <http://www.conservationontario.ca/>

Who should I contact if I have more questions about source water protection?

If you would like to find out more about the Cataraqui Source Protection Plan and obligations for homeowners in the Cataraqui Source Protection Area, please contact the Cataraqui Region Conservation Authority:

Staff: Holly Evans, Environmental Technician

Phone: 613-546-4228 ext. 233 or 877-956-2722

Email: hevans@crca.ca



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