



Official Plan Model Wording

To conform with the Cataraqui Source Protection Plan (2014)

5/30/2016

Land Use Planning Working Group



Table of Contents

1.0 DRINKING WATER PROTECTION2

1.0.1 Source Water Protection Considerations3

1.1 Vulnerable Areas3

1.2 Regionally Vulnerable Groundwater Areas5

1.3 Application and Development Process.....5

1.3.1 Applicable Study Requirements5

1.3.2 Transport Pathway Notification6

1.4 New Drinking Water Systems6

NOTE: OP wording may require modification as required by different municipal authorities in the Cataraqui Source Protection Area

1.0 DRINKING WATER PROTECTION

Uncontaminated and plentiful surface and groundwater resources are essential to the safe and adequate provision of drinking water. In order to meet the present and future needs of residents, businesses and the natural environment, it is the policy of this Plan to ensure sustainable surface and groundwater resources through the protection, conservation and careful management of the quality and quantity of drinking water sources.

As water contamination is extremely difficult, costly and sometimes impossible to rectify, prevention of contamination is the most appropriate strategy. Surface and groundwater sources shall be protected from a full range of drinking water threats.

Source water protection policies in this Official Plan are consistent with the intent of policies included in the Cataraqui Source Protection Plan (2014) made under the *Clean Water Act, 2006*. For clarification and policy detail, the Cataraqui Source Protection Plan must be referenced. The terms used in this section carry the same meaning as those in the Cataraqui Source Protection Plan and the *Clean Water Act, 2006*.

In the event of conflict between long-term protection of drinking water sources and other considerations; drinking water shall take priority. The Cataraqui Source Protection Plan applies to the Cataraqui Source Protection Area. It is intended to protect vulnerable areas including wellhead protection areas and intake protection zones around municipal residential drinking water supplies, as well as significant groundwater recharge areas and highly vulnerable aquifers from activities identified as drinking water threats, per the *Clean Water Act, 2006*.

As an implementation body identified in the Cataraqui Source Protection Plan, the municipality will comply with significant drinking water threat land use planning policies, have regard for all other land use planning policies and provide due consideration for other non-binding recommendations in the Cataraqui Source Protection Plan to realize source water protection.

Monitoring and reporting consistent with requirements and / or recommendations in the Cataraqui Source Protection Plan and in a format specified by the Cataraqui Source Protection Authority and the Province of Ontario will be completed by the municipality.

1.0.1 Source Water Protection Considerations

The Provincial Policy statement (2014) accounts for municipal drinking water supplies and designated vulnerable areas.

- i) The municipality will adapt municipal operations, consider program development, and work in partnership with the Cataraqui Source Protection Authority and others to comply with or support source water protection within vulnerable areas, as per the details and timeframes included in the Cataraqui Source Protection Plan.

1.1 Vulnerable Areas

Under the *Clean Water Act*, 2006, a vulnerable area is defined as a wellhead protection area, an intake protection zone, a significant groundwater recharge area or a highly vulnerable aquifer.

Schedule 'X' Drinking Water System Vulnerable Areas identifies wellhead protection areas (WHPAs) and intake protection zones (IPZs).

Schedule 'Y' Regionally Vulnerable Groundwater Areas identifies significant groundwater recharge areas (SGRAs) and highly vulnerable aquifers (HVAs).

1.1.1 Drinking Water System Vulnerable Areas

Particular activities that have the potential to contaminate sources of drinking water are called "drinking water threats". The policies of this Plan take into account drinking water threats that must or should be considered if they were to become established. Depending on their scale, the type of activity and their proximity to the source of drinking water, drinking water threats are ranked significant, moderate and low.

Schedule 'X' Drinking Water System Vulnerable Areas identifies wellhead protection areas and intake protection zones. Schedule 'X' is to be used as an overlay to Schedule 'A': Primary Land Use Designations, where the following policies shall apply:

1.1.1.2 Wellhead Protection Areas

- i. New development and / or expansions to existing development that involve waste disposal sites and waste water treatment facilities (excluding the replacement, expansion or upgrade of existing facilities), including related infrastructure within wellhead protection areas A, B and C, are prohibited where they would constitute a significant drinking water threat.
- ii. New development and / or expansions to existing development within wellhead protection areas C and D, portions of B, and E where it does not overlap with A, that involve the storage or manufacture of potential contaminants (that could include organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, PCBs and DNAPLs) where they would constitute a moderate or low drinking water threat may be subject to the implementation of risk management measures to protect the drinking water supply.

- iii. New development and / or expansions to existing development within wellhead protection areas where the discharge of stormwater from a stormwater retention pond would constitute a drinking water threat should incorporate low impact development techniques into stormwater management considerations to improve the quality of discharge from a stormwater retention pond.
- iv. New development and / or expansions, alterations or redevelopment of existing development for land uses within wellhead protection areas A, B and C where significant drinking water threats can occur, may be permitted, if the Risk Management Official (RMO) is satisfied that the proposal will be carried out in accordance with policies in the Cataraqui Source Protection Plan (i.e. the significant drinking water ceases to exist). Submission of correspondence from the RMO under section 59 of the *Clean Water Act*, 2006, is required, as per the Restricted Land Use Referral Process.
- v. The Zoning By-Law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in wellhead protection areas.

Comment [H1]: This clause is intended to address the “comply with” prohibitions and the “have regard for” risk management measures included in the Cataraqui Source Protection Plan policies.

1.1.1.3 Intake Protection Zones

- i. New development and / or expansions to existing development that involve waste disposal sites within intake protection zone 1 and waste water treatment facilities, including related infrastructures, within intake protection zones 1 and 2, are prohibited where they would constitute a significant drinking water threat.
- ii. New development and/ or expansions to existing development within intake protection zones 1, 2 and 3a that involve the storage or manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizers, liquid fuel, pesticides, sewage and road salt) where they would constitute a moderate or low drinking water threat may be subject to the implementation of risk management measures to protect the drinking water supply.
- iii. New development and / or expansions to existing development within Sydenham that involve the discharge of stormwater from a stormwater retention pond where it would constitute a drinking water threat should incorporate stormwater management features into building and site plans to reduce the volume of contaminants entering storm sewer systems and roadside ditches draining into Sydenham Intake Protection Zone 1 and / or 2, or to Sydenham Lake.
- iv. New development and / or expansions to existing development within Loyalist Township that involve the discharge of stormwater from a stormwater retention pond where it would constitute a drinking water threat should incorporate stormwater management features into building and site plans to reduce the volume of sediments and contaminants entering storm sewer systems and roadside ditches draining into Bath Intake Protection Zone 1 and / or 2.
- v. New development and / or expansions, alterations or redevelopment of existing development for all non-residential uses within intake protection zones 1 and 2 where significant drinking

Comment [H2]: Applies only to the Township of South Frontenac.

Comment [H3]: Applies only to Loyalist Township.

water threats can occur, may be permitted, if the Risk Management Official (RMO) is satisfied that the proposal will be carried out in accordance with policies in the Cataraqui Source Protection Plan (i.e. the significant threat to the drinking water ceases to exist). Submission of correspondence from the RMO under section 59 of the *Clean Water Act*, 2006, is required for all non-residential planning applications or land use changes, as per the Restricted Land Use Referral Process.

- vi. The Zoning By-Law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in intake protection zones.

Comment [H4]: This clause is intended to address the “comply with” prohibitions and the “have regard for” risk management measures included in the Cataraqui Source Protection Plan policies.

1.2 Regionally Vulnerable Groundwater Areas

As with many areas in eastern Ontario, thin soils and fractured bedrock dominate the majority of the landscape within the Township of X. These conditions result in widespread recharge and high groundwater vulnerability.

Schedule ‘Y’ Regionally Vulnerable Groundwater Areas identifies significant groundwater recharge areas (SGRAs) and highly vulnerable aquifers (HVAs). Schedule ‘Y’ is to be used as an overlay to Schedule ‘A’: Primary Land Use Designations, where the following policies shall apply:

1.2.1 Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas

- i. New development and / or expansions to existing development within significant groundwater recharge areas and/or highly vulnerable aquifers that involve the storage or manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where they would constitute a drinking water threat may be subject to risk management measures to protect the groundwater.
- ii. The Zoning By-Law should / shall restrict land uses, as applicable in highly vulnerable aquifers and significant groundwater recharge areas.

Comment [H5]: Pertains to a “have regard for” Cataraqui Source Protection Plan policy. Each local municipality will need to decide whether to use “should” or “shall”.

1.3 Application and Development Process

1.3.1 Applicable Study Requirements

- i. New development and / or expansions to existing development associated with non-residential planning applications located within vulnerable areas identified on Schedule ‘X’ and/or Schedule ‘Y’ may be subject to Site Plan Control. Requirements may include a ‘Risk Reduction Plan’ to identify measures to be incorporated into the development for land uses that involve the storage or manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, sewage, liquid fuel, road salt, snow storage, mine tailings and PCBs) where it would constitute a drinking water threat. The Risk Reduction Plan must be completed to the satisfaction of the municipality.

Comment [JF6]: This needs to be referenced as a Site Plan Policy in applicable documents. The policy should ensure that the SPP concerns (including WHPAs, IPZs, HVAs & SGRAs) and the screening area are identified / referenced.

- ii. The 'Risk Reduction Plan' requirement in i. may be waived for a Schedule 'Y' property if a 'Hydrogeological Sensitivity Study' prepared by a qualified professional geoscientist or engineer and provided to the satisfaction of the municipality demonstrates that the subject lands do not exhibit the characteristics of a highly vulnerable aquifer or a significant groundwater recharge area.

1.3.2 Transport Pathway Notification

Section 27(3) of Ontario Regulation 287/07 (General) also accounts for municipal drinking water supplies and designated vulnerable areas:

- i) Municipalities must provide notice to the Source Protection Authority and the Source Protection Committee upon receiving an application for approval of a proposal that may result in the creation or modification of a transport pathway in a wellhead protection area or intake protection zone.

1.4 New Drinking Water Systems

- i. New municipal drinking water systems could result in existing land uses becoming significant drinking water threats. Care shall be taken to avoid this outcome wherever feasible.
- ii. The establishment of new municipal drinking water systems, as defined under the *Safe Drinking Water Act*, 2002, as amended, will require an amendment to the Cataraqui Source Protection Plan and this Official Plan.