

DRINKING WATER  
**SOURCE PROTECTION**

ACT FOR CLEAN WATER

**CATARAQUI**  
Source Protection Area

# Zoning By-Laws and the Cataraqui Source Protection Plan (2014)

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With support provided by



**Table of Contents**

Purpose ..... 2

Key Points from MOECC Guidance..... 2

Sample Wording..... 3

    Prohibited Land Uses ..... 3

    Section 59 Screening ..... 3

Reference Tables..... 3

    Table 1. Zoning By-Law Conformity Components for Intake Protection Zones..... 4

    Table 2. Zoning By-Law Conformity Components for Wellhead Protection Areas. .... 6

## Purpose

This document is to assist municipalities in the amendment of zoning by-laws to conform to the [Catawaqui Source Protection Plan](#) (2014) (the Plan).

It provides:

1. Key points from a guidance document produced by the Ontario Ministry of the Environment and Climate Change (MOECC): Integrating Source Protection into Municipal Planning Documents
2. Sample wording to meet the requirements for prohibited land uses and Section 59 screening in vulnerable areas.
3. Reference tables to identify all the components necessary to amend zoning by-laws (i.e. type of vulnerable area, vulnerability score, applicable municipality, policy number, and drinking water threat activities) to conform with the two applicable policy types in the Plan:
  - a. Policies which prohibit the establishment of certain land uses in intake protection zones.
  - b. Policies which require new land uses to be screened for applicability under Section 59 of the *Clean Water Act* (i.e. source protection policies made under Part IV of the *Clean Water Act*).

**NOTE:** Future communications and possible meetings with the Land Use Planning Working Group will determine how to use site plan control to address the “have-regard-for” policies in the Plan which recommend the establishment of risk management measures for certain land uses.

## Key Points from MOECC Guidance

The following list is to help municipal land use planning staff successfully integrate source protection plan policies into municipal Zoning By-Laws.

- The Zoning By-Law should have a section that contains all the zoning regulations that apply to the designated vulnerable areas (e.g. WHPA / IPZ). CRCA staff note: This information could be provided in the general provisions section, or as a separate section in the bylaw.
- Vulnerable areas should be mapped either on the zoning maps or a separate zoning schedule. Only map the portions of vulnerable areas that will be regulated by the Zoning By-Law.
- The map base for the vulnerable areas should show roads and property lines (where possible).
- Identify the threat activities as uses: Ex: “handling/storage of waste” = “waste disposal site”
- There are no conditions under subsection 34 (16) of the Planning Act to allow for conditional zoning.
- Application of a holding symbol (H) to the zoning of a WHPA or IPZ is not recommended
- The Zoning By-Law should flag land uses subject to section 59 of the *Clean Water Act*.

- Ensure zoning regulations clearly specify the applicable portions of vulnerable areas (e.g. WHPA-A with a vulnerability score of 10).

## Sample Wording

Presented below is wording that could be used to incorporate the two types of policies that must be included in municipal Zoning By-Laws in order to conform to requirements of the *Clean Water Act* / the *Cataraqui Source Protection Plan*.

### Prohibited Land Uses

In [*vulnerable area*] with a vulnerability score of [*vulnerability score*], as shown on [*Schedule Name, identify vulnerable areas with the use of an overlay designation*] the following land uses are prohibited:

- i. [*land use 1*]
- ii. [*land use 2*]
- iii. [*etc.*]

### Section 59 Screening

In [*vulnerable area*] with a vulnerability score of [*vulnerability score*], as shown on [*Schedule Name, identify vulnerable areas with the use of an overlay designation*], [*applicable land use designation(s)*] are designated by the source protection plan for the purpose of section 59 of the *Clean Water Act*. All applications for development or building permits must be reviewed.

**NOTE:** Consider including a text box to explain what it means for a land use to be designated under Section 59 of the *Clean Water Act*. Example: When a land use is designated under Section 59 of the *Clean Water Act* it is necessary for an appointed risk management official to review and provide documentation regarding the applicability of Part IV requirements. Note that Part IV requirements are applicable law. In the *Cataraqui Source Protection Area*, a restricted land use referral process has been established via a regulation made pursuant to Section 55(1)(c) of the *Clean Water Act*. Through this process municipal staff screen applications to determine if circulation to the risk management official is necessary.

## Reference Tables

The tables found below identify all the components necessary to amend zoning by-laws. Municipalities could use these tables in combination with the sample wording, provided above, to conform to the *Clean Water Act* / *Cataraqui Source Protection Plan*.

**NOTE:** The reference tables list activities; however, the Zoning By-Laws must convert these activities to land uses. Example: “handling/storage of waste” = “waste disposal site”.

**Table 1. Zoning By-Law Conformity Components for Intake Protection Zones.**

Area	Score	Name	Policy	Prohibited Land Use Activities	Section 59
IPZ-1	9	Sydenham, Brockville, James W. King	7.2.2-CW	Waste disposal sites involving one or more of the following activities: a. Storage of mine tailings b. Landfarming of petroleum refining waste c. Landfilling of hazardous waste d. Landfilling of municipal waste e. Landfilling of solid non-hazardous waste	
				Wastewater treatment facilities and related infrastructure: - Industrial effluent discharges - Sewage treatment plant bypass discharge to surface water - Sewage treatment plant effluent discharges - Storage of sewage	
		Sydenham	7.3.4-CW		All land uses except residential are designated for the: i. Application of pesticide to land
		Sydenham, Brockville, James W. King	7.3.4-CW, 7.4.5-CW, 7.5.4-CW		All land uses except residential are designated for the: i. Application of ASM to land ii. Management of runoff that contains chemicals used in the de-icing of aircraft iii. Use of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard iv. Handling and storage of pesticides v. Storage of ASM vi. Handling and storage of road salt vii. Storage of snow viii. Storage of hazardous wastes at waste disposal sites
IPZ-2	8.1	Sydenham, Brockville, James W. King	7.2.3-CW	Wastewater treatment facilities and related infrastructure: - Sewage treatment plant bypass discharge to surface water - Industrial effluent discharges - Sewage treatment plant effluent discharges	
		Sydenham,	7.3.4-CW,		All land uses except residential are designated for the:

	Brockville, James W. King	7.4.5-CW, 7.5.4-CW		<ul style="list-style-type: none"> <li>i. Application of ASM to land</li> <li>ii. Use of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard</li> <li>iii. Storage of ASM</li> </ul>
	Brockville	7.4.5-CW		<p>All land uses except residential are designated for the:</p> <ul style="list-style-type: none"> <li>i. Application of pesticides to land</li> </ul>

Table 2. Zoning By-Law Conformity Components for Wellhead Protection Areas.

Area	Score	Name	Policy	LUP Prohibition: Activities from the SPP	Notes	Section 59
WHPA-A	10	Cana, Lansdowne, Miller Manor	6.2.5-CW	Waste disposal sites involving: <ul style="list-style-type: none"> <li>- Application of ASM to land</li> <li>- Application of NASM to land</li> <li>- Application of untreated septage to land</li> <li>- Storage of mine tailings</li> <li>- Landfarming of petroleum refining waste</li> <li>- Landfilling of hazardous, municipal and solid non-hazardous industrial or commercial waste</li> <li>- Liquid industrial waste injection into a well</li> <li>- PCB waste injection</li> </ul>		
				Wastewater treatment facilities and related infrastructure (i.e. sewage treatment plant effluent discharges, including lagoons and storage of sewage).	Excludes the replacement, expansion or upgrade of existing facilities.	
		Cana, Lansdowne		Wastewater treatment facilities and related infrastructure (i.e. sanitary sewers and related pipes).	Excludes the replacement, expansion or upgrade of existing facilities.	
		Cana, Lansdowne, Miller Manor	6.3.8-CW, 6.4.9-CW, 6.5.8-CW			All land uses are designated for the handling and storage of fuel.
		Cana, Lansdowne, Miller Manor	6.3.8-CW, 6.4.9-CW, 6.5.8-CW			All land uses except residential are designated for the: <ol style="list-style-type: none"> <li>i. Application of ASM to land</li> <li>ii. Application of pesticides to land</li> <li>iii. Management of runoff that contains chemicals used in the de-icing of aircraft</li> <li>iv. Use of land as livestock</li> </ol>

						<p>grazing or pasturing, an outdoor confinement area or a farm animal yard</p> <ul style="list-style-type: none"> <li>v. Handling and storage of a DNAPL</li> <li>vi. Handling and storage of pesticide</li> <li>vii. Storage of ASM</li> <li>viii. Handling and storage of organic solvents</li> <li>ix. Handling and storage of commercial fertilizer</li> <li>x. Handling and storage of road salt</li> <li>xi. Storage of snow</li> <li>xii. Storage of hazardous waste at waste disposal sites</li> <li>xiii. Storage of wastes at waste disposal sites as described in clauses (p), (q), (r), (s), (t) or (u) of the definition of hazardous waste in O.Reg. 347.</li> </ul>
		Lansdowne	6.4.9-CW			<p>All land uses except residential are designated for the:</p> <ul style="list-style-type: none"> <li>i. Application of commercial fertilizer to land (this applies to WHPA-A of Supply Well 2 only)</li> </ul>
		Miller Manor	6.5.8-CW			<p>All land uses except residential area designated for the:</p> <ul style="list-style-type: none"> <li>i. Application of commercial fertilizer to land</li> </ul>
WHPA-B	10	Cana, Lansdowne, Miller Manor	6.2.5-CW	<p>Waste disposal sites involving:</p> <ul style="list-style-type: none"> <li>- Application of ASM to land</li> <li>- Application of NASM to land</li> <li>- Application of untreated septage to land</li> </ul>		

				<ul style="list-style-type: none"> <li>- Storage of mine tailings</li> <li>- Landfarming of petroleum refining waste</li> <li>- Landfilling of hazardous, municipal and solid non-hazardous industrial or commercial waste</li> <li>- Liquid industrial waste injection into a well</li> <li>- PCB waste injection</li> </ul>		
				Wastewater treatment facilities and related infrastructure (i.e. sewage treatment plant effluent discharges, including lagoons and storage of sewage).	Excludes the replacement, expansion or upgrade of existing facilities.	
		Cana, Lansdowne		Wastewater treatment facilities and related infrastructure (i.e. sanitary sewers and related pipes).	Excludes the replacement, expansion or upgrade of existing facilities.	
		Cana, Lansdowne	6.3.8-CW, 6.4.9-CW			All land uses are designated for the handling and storage of fuel.
		Cana, Lansdowne	6.3.8-CW, 6.4.9-CW			<p>All land uses except residential are designated for the:</p> <ul style="list-style-type: none"> <li>i. Application of ASM to land</li> <li>ii. Management of runoff that contains chemicals used in the de-icing of aircraft</li> <li>iii. Use of land as livestock grazing or pasturing, outdoor confinement areas and farm animal yards</li> <li>iv. Handling and storage of a DNAPL</li> <li>v. Handling and storage of pesticide</li> <li>vi. Storage of ASM</li> <li>vii. Handling and storage of organic solvents</li> <li>viii. Handling and storage of commercial fertilizer</li> </ul>

						<ul style="list-style-type: none"> <li>ix. Handling and storage of road salt</li> <li>x. Storage of snow</li> <li>xi. Storage of hazardous wastes at waste disposal sites</li> <li>xii. Storage of wastes at waste disposal sites as described in clauses (p), (q), (r), (s), (t) or (u) of the definition of hazardous waste in O.Reg. 347.</li> </ul>
		Lansdowne, Miller Manor	6.4.9-CW, 6.5.8-CW			All land uses except residential are designated for the: <ul style="list-style-type: none"> <li>i. Application of commercial fertilizer to land</li> </ul>
		Lansdowne	6.4.9-CW			All land uses except residential are designated for the: <ul style="list-style-type: none"> <li>i. Application of pesticide to land</li> </ul>
	8	Cana	6.2.6-CW	Waste disposal sites involving landfilling of municipal, solid non-hazardous industrial or commercial waste.		
Waste disposal sites involving liquid industrial waste injection into a well.						
Wastewater treatment facilities involving the storage of sewage (e.g. treatment plant tanks).				Excludes the replacement, expansion or upgrade of existing facilities.		
6.3.8-CW					All land uses except residential are designated for the handling and storage of a DNAPL.	
WHPA-C	8	Cana, Lansdowne, Miller Manor	6.2.6-CW	Waste disposal sites involving landfilling of municipal, solid non-hazardous industrial or commercial waste.		
				Waste disposal sites involving liquid industrial waste injection into a well.		
				Wastewater treatment facilities involving the storage of sewage (e.g. treatment plant tanks).	Excludes the replacement, expansion or upgrade of existing	

					facilities.	
		Cana, Lansdowne, Miller Manor	6.3.8-CW, 6.4.9-CW, 6.5.8-CW			All land uses except residential are designated for the handling and storage of a DNAPL.
	6	Cana	6.3.8-CW			All land uses except residential are designated for the handling and storage of a DNAPL.