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## **Transport Pathways Notification Requirement Under the Clean Water Act: A Guide for Municipalities**

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### **What is a Transport Pathway?**

A transport pathway is a human-made channel that bypasses the natural protection provided by the soil and rock layer resulting in a greater risk of contamination of an aquifer. Alterations to natural surface drainage can also result in faster or more widespread distribution of contaminants in surface water.

### **What is the Transport Pathways Notification Requirement?**

The *Clean Water Act* Regulation 287/07 contains specific notification requirements directed at municipalities related to transport pathways:

**Subsection 27(3)** If a person applies to a municipality for approval of a proposal to engage in an activity in a wellhead protection area or a surface water intake protection zone that may result in the creation of a new transport pathway or the modification of an existing transport pathway, the municipality shall:

- Give the Cataraqui Source Protection Authority and the Cataraqui Source Protection Committee notice of the proposal;
- Include a description of the proposal, the identity of the person responsible for the proposal and a description of the approvals the person requires to engage in the proposed activity.

**Subsection 27(4)** If a municipality gives a notice described in subsection (3), the municipality shall give a copy of the notice to the person responsible for the proposal.

These subsections took effect on October 6, 2010.

Although the requirements under section 27(3) and (4) of Ontario Regulation 287/07 do not apply directly to municipal projects, it is advisable for municipalities to also follow notification procedures to ensure that the proposed work will not have any unanticipated impacts from policies in the source protection plan.

### **What is the Purpose of These Notifications?**

The notification is required so that the implications of the proposal are understood and, if needed, mitigated to avoid unwanted additional requirements under the source protection plan. There are two possible impacts associated with the creation and / or modification of a transport pathway.

1. It could affect the groundwater vulnerability of a wellhead protection area. If a higher vulnerability results from the proposed project, then it is possible that a larger area could become subject to policies in the source protection plan. This could prevent the intended use of the proposed development and / or cause additional properties to become subject to requirements. These potential additional requirements would come into effect after the wellhead protection area technical work and the source protection plan was updated.

2. It could cause water to flow faster toward a drinking water intake which could expand an intake protection zone. This could prevent the intended use of the proposed development and / or cause additional properties to become subject to requirements. These potential additional requirements would occur after the wellhead protection area technical work and the source protection plan was updated.

By having the proposal evaluated at the application stage, an applicant can be made aware of future Cataraqui Source Protection Plan policies that may apply to them or to other properties around them.

If the applicant chooses to go forward with the activity that creates or modifies the pathway, then they would be doing this knowing they may face future costs associated with complying with the Cataraqui Source Protection Plan. The preferred outcome is that an applicant would make changes to relocate or prevent the transport pathway or put in any protective measures needed during the design phase to reduce or eliminate future costs and prevent the unwanted impacts.

## What Should the Municipality do to Comply with the Requirements?

**Step #1** Watch for proposed activities that may require a notice.

If a person applies to the municipality for approval of a proposal that includes the creation or modification of a transport pathway, notification is required. The types of activities include but are not limited to those listed below. There may be other activities where the notification requirement could apply. If in doubt, contact the Cataraqui Source Protection Authority.

If there is a municipal proposal to create or modify a transport pathway, no notification is required under the Ontario Regulation 287/07; however, it is recommended to ensure that potential impacts are known and considered prior to completing the work.

Please note that notification requirements do not apply to the replacement of an existing transport pathway where there is no change in the design (i.e. “same for same”) since there would be no new impact on the vulnerable areas.

Intake Protection Zone	Wellhead Protection Area
Drainage Project (ditch, swale)	Drainage project (ditch, swale, pond)
Storm sewers	Sewer
	Utility trench

**Step #2** If needed, consult with the Cataraqui Source Protection Authority (CSPA) contact to confirm that notification under subsection 27(3) is required:

Holly Evans, Environmental Technician, Cataraqui Source Protection Authority  
 P.O. Box 160, 1641 Perth Road, Glenburnie, ON K0H 1S0  
 Phone: (613) 546-4228 x233 Toll-free (877) 956-2722  
[hevans@crca.ca](mailto:hevans@crca.ca)

**Step #3** If the notification is required, complete the notification form and send it to the CSPA contact (email is acceptable).

**Step #4** Send a copy of the notification form with a Transport Pathways Fact Sheet to the person responsible for the proposal.

**Step #5** The SPA contact will send a copy of the results of the review (and any recommendations) to the municipality and to the person responsible for the proposal within 10 business days of receiving the notification.