

# The Clean Water Act

## Preparing and Implementing Source Protection Plans

The Ontario government has created the Clean Water Act and passed the first set of regulations under the Act. These include the Source Protection Areas and Regions, Source Protection Committees, Terms of Reference, Time Limits, and Miscellaneous Regulations.

The legislation sets out a basic framework. The intent is for communities to use a science-based approach to protecting their water supplies, one that works for them.

As the local source protection committee develops its source protection plan, it will consult very broadly across the watershed at three key stages — during the preparation of the terms of reference, the assessment report and the source protection plan.

### **Establish who does what**

The source protection committee will prepare a terms of reference outlining all the steps to be taken to develop and implement a plan to protect drinking water sources. The terms of reference will set out who is responsible for carrying out different activities. The terms of reference will include strategies to consult with potentially affected property owners, to involve the public and to resolve disputes.

An initial watershed scan to identify vulnerable areas, including municipal wellhead and intake protection areas, will determine the portions of the

source protection plan that could be led by municipalities.

### **Assess risks to drinking water**

Source protection committees including municipalities, conservation authorities and other key stakeholders will identify and assess threats to the quality and quantity of drinking water sources and decide how to address them. They will decide which risks:

- are significant and need immediate action,
- need monitoring to ensure they do not become significant, or
- pose a low or negligible risk.

This work involves identifying present and future groundwater and surface water municipal supplies, areas where large regional aquifers are being recharged, and where these are vulnerable to contamination. It also involves measuring how much water exists both at surface and below ground, how it moves, and how much water is withdrawn to identify potential water shortages.

### **Encourage early action on significant threats**

As a source protection committee develops its assessment report, it will identify threats and address them with a series of tools. If significant threats are identified early on, a municipality will have the knowledge to talk to property owners about addressing the threat before the source protection plan is fully in place. Municipalities may want to act on significant threats to their water supply wells and intakes as soon the assessment

report is approved by the ministry. Municipalities could negotiate with those involved in an activity that is or would be a significant threat in an area identified in the assessment report to develop risk management plans. The risk management plan will outline site-specific measures that the property owner can take to ensure an activity is carried out in such a way that it is not a significant drinking water threat.

### **Develop a source protection plan**

Once the risks to drinking water sources are identified, the source protection committee will work with various groups to come up with a source protection plan to address these risks. Broad consultation will involve municipalities, conservation authorities, property owners, farmers, industry, businesses, community groups, public health officials, First Nations and the public in coming up with workable, effective solutions.

A community has many tools at its disposal to address threats. Many threats may already be addressed through existing regulatory requirements or voluntary initiatives such as Environmental Farm Plans. Municipal by-laws and land-use planning controls could also be used to mitigate risks. Many risks could be reduced voluntarily.

Significant risks to municipal water supply wells or intakes will require action. The source protection plan will set out policies on how significant drinking water threats will be reduced or eliminated, who is responsible for taking action, timelines and how progress will be measured.

Municipalities and any person affected by the plan will be notified and given adequate time to provide comments on the proposed plan. In addition, the proposed source protection plan will have to be made available for public comment before it is submitted to the Minister of the Environment for approval.

### **Carry out the plan**

Generally, source protection plans will be implemented through existing regulatory requirements or approvals, zoning by-laws, official plan amendments, education or voluntary initiatives.

Source protection committees may decide that existing programs and activities, voluntary or otherwise, may not be enough to address some significant threats to municipal drinking water supplies.

If a scientific assessment shows that an activity poses a significant risk to a drinking water source, an approved source protection plan may restrict or limit certain activities on properties located in designated wellhead protection areas and intake protection zones. Activities that pose a significant risk to drinking water sources may be prohibited or may require a risk management plan before they can be carried out.

The risk management measures could be negotiated between the property owner and a risk management official. The plan will detail the measures that a property owner will take to ensure the activity will not pose a significant threat to a drinking water source. The person will be required to carry out the activity in accordance with their risk management plan.

### **Stay vigilant**

Plans will include monitoring and reporting to measure the effectiveness of the actions taken to protect drinking water sources and ensure they are protected in the future. Annual reports submitted to the Ministry of the Environment will track implementation and compliance. Once source protection plans are approved by the Minister, the planning process will be subject to ongoing updating and review at a frequency set by the Minister.

### **Source protection in areas not covered by a conservation authority**

The Clean Water Act allows for the protection of sources for municipal drinking water systems in northern Ontario through a locally-driven, scoped planning process.

The legislation permits a municipality (or cluster of municipalities) to enter into an agreement with the Minister of the Environment to develop a source protection plan that focuses on specific drinking water threats in specific areas.

The Ministry of the Environment and partner ministries will work with municipalities to develop focused plans to determine risks to municipal drinking water sources and identify priority areas for preparing scoped protection plans. In this way, areas not covered by conservation authorities would have the same science-based protection as areas that are covered. The case by case approach will allow each community to develop protection plans that suit their needs.

Further information on the Clean Water Act and the regulations can be found on the Ministry of the Environment website at:

[www.ontario.ca/cleanwater](http://www.ontario.ca/cleanwater)

More local information on drinking water source protection can be found at:

[http://www.conservation-ontario.on.ca/source\\_protection/otherswpreionsindex.htm](http://www.conservation-ontario.on.ca/source_protection/otherswpreionsindex.htm)

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