

10 THE POLICIES

10.1 ORGANIZATION OF POLICIES

The policies are organized by threat activity. Each threat activity begins with a brief description of the threat, and a summary of where the threat is significant based on the vulnerable area and vulnerability score. Included in the description of the threat are specific circumstance numbers which will help when determining the threat classification of a specific threat activity. In order to determine whether a specific threat activity is subject to a policy, you must refer to the Ministry of the Environment and Climate Change's *Tables of Drinking Water Threats* available on the CTC website at www.ctcswp.ca to determine if the activity meets the specific circumstances to be a significant drinking water threat. If the activity is taking place in an Issue Contributing Area, and is releasing one of the chemicals identified as an issue in the *Tables of Drinking Water Threats*, the activity is a significant drinking water threat, regardless of vulnerability score. Following the description is a table listing the threat policies applicable to the threat. All policies are for significant threats, unless noted directly in the policy.

10.1.1 How to Read the Policies

Each threat activity is organized into a table (see **Figure 10-1** for example). Policies that have multiple parts must be read in their entirety. For questions on how to read the policies, contact CTC SPR staff for information (www.ctcswp.ca).

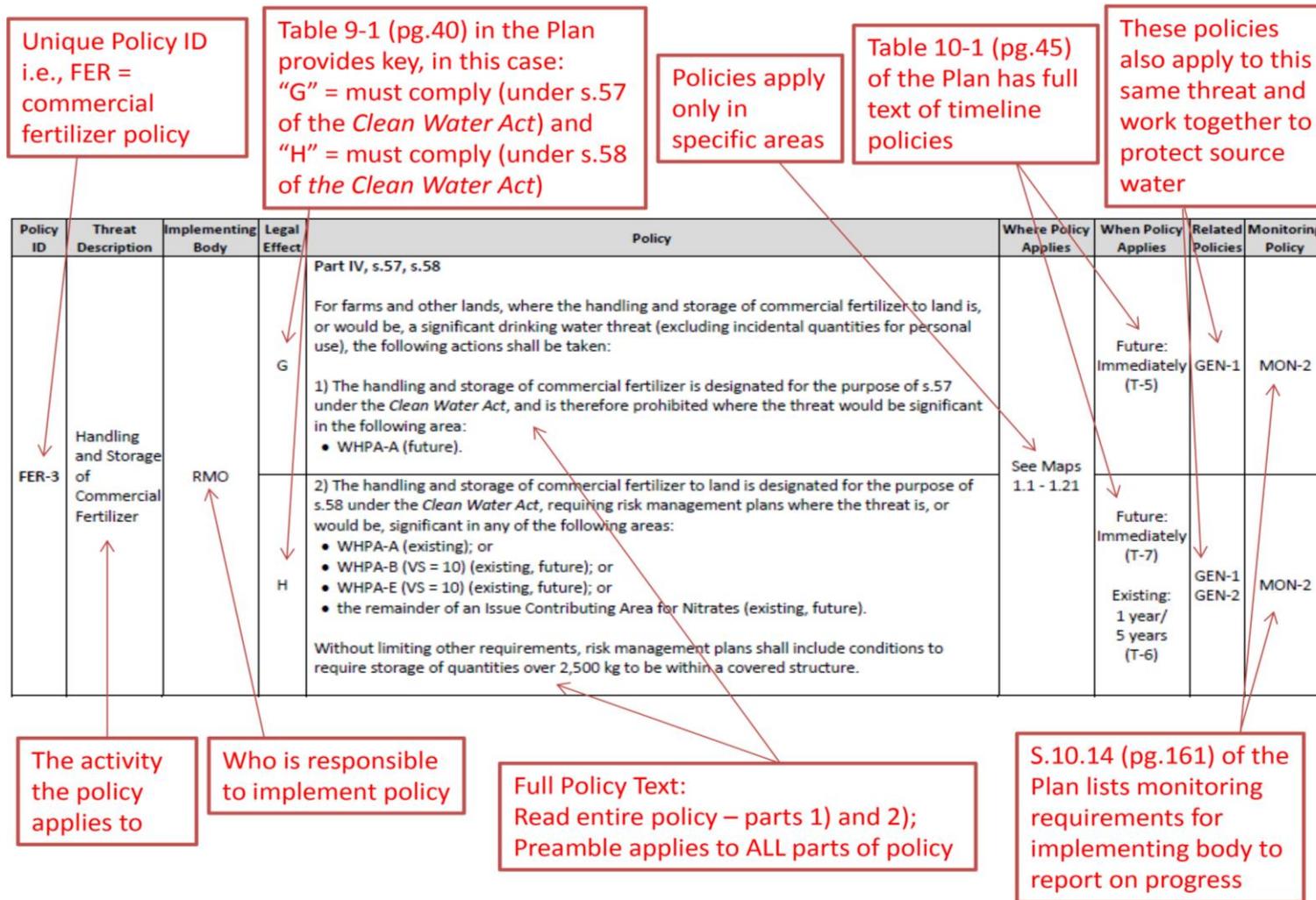


Figure 10-1: How to Read the Plan

10.1.2 Definitions

Existing Threat Activity

An existing threat activity shall mean the following, unless expressly stated in a policy:

- a) an existing use, activity, building or structure at a location in a vulnerable area that is in compliance with all applicable requirements, and that was being used or had been established for the purposes of undertaking the threat activity, at any time within ten years prior to the date of approval of the Source Protection Plan, or
- b) an expansion of an existing use or activity that reduces the risk of contaminating drinking water nor depletes drinking water sources, or
- c) an expansion, alteration or replacement of an existing building or structure that does not increase the risk of contaminating drinking water nor depletes drinking water sources.

For clarity, the definition of an existing threat activity includes a change in land ownership and the rotation of agricultural lands among crops or fallow conditions, and allows for alternating between sources of nitrates (agricultural source material, commercial fertilizer, and Category 1 non-agricultural source material).

Future threat activities are anything not covered under existing.

Transition

Under the *Clean Water Act, 2006*, there is consideration for source protection plans (SPPs) to have a Transition Provision that outlines the circumstances under which a “future” drinking water threat activity, that would otherwise be prohibited, may be considered as “existing”, even if the activity has not yet commenced. The intent is to allow applications in transition to proceed while drinking water threats are managed under the “existing threat” policies.

The CTC Source Protection Committee included a Transition Provision to recognize situations where an approval-in-principle to proceed with a development application had already been obtained, or where a complete application was made prior to the date the SPP came into effect, but requires further planning approvals to implement the application in progress.

The CTC SPP was approved by the Minister of Environment and Climate Change on July 28, 2015 and became effective on December 31, 2015. Applications submitted after the effective date of the CTC SPP may only be transitioned if they are helping to implement an application in process prior to the date the CTC SPP took effect.

“Existing Threat” policies apply to prescribed drinking water threat activities under the following circumstances:

- 1) A drinking water threat activity that is part of a development proposal where a Complete Application (as determined by the municipality or Niagara Escarpment Commission) was made under the *Planning Act*, *Condominium Act* or *Niagara Escarpment Planning and Development Act* (NEPDA) prior to the day the Source Protection Plan comes into effect. The policy for “existing” drinking water threats also applies to any further applications required under the *Planning Act*, *Condominium Act*, Prescribed Instruments, or a development permit under the NEPDA, to implement the development proposal.
- 2) A drinking water threat activity that is part of an application accepted for a Building Permit, which has been submitted in compliance with Division C 1.3.1.1 of the *Ontario Building Code* under the *Building Code Act, 1992* as amended prior to the day the Source Protection Plan comes into effect.
- 3) A drinking water threat activity that is part of an application accepted for the issuance or amendment of a Prescribed Instrument prior to the day the Source Protection Plan comes into effect.

10.1.3 Timelines for Implementation

The following table (**Table 10-1**) outlines the implementation timelines for the policies in the Source Protection Plan. In the policy tables organized by threat, the third column from the right called “When Policy Applies” contains a brief description of the timeline associated with the existing or future policy and the timeline code (i.e., T-1, T-2), that corresponds to the timelines outlined in the following table. These timeline policies (**Table 10-1**) provide greater detail on when the policy applies than the short reference contained within the threat specific policy.

Policy ID	Timelines for Policy Implementation
Prescribed Instruments	
T-1	Prescribed Instruments (existing) shall be reviewed (and amended, as necessary) within 3 years of the date the Source Protection Plan takes effect, or such other date as the Director determines.
T-2	Prescribed Instruments (existing), where prohibited, shall not be renewed when the current Prescribed Instrument expires, and the significant threat activity to which the Prescribed Instrument pertains, shall cease no later than 5 years from the date the Source Protection Plan takes effect.
T-3	The relevant Ministry shall comply with the Prescribed Instrument policy (future) immediately upon the date the Source Protection Plan takes effect.
Part IV Tools	
T-4	Activities (existing) designated for the purpose of s.57 under the Clean Water Act as prohibited, shall be prohibited by the Risk Management Official within 180 days from the date the Source Protection Plan takes effect as per s.57(2) under the Clean Water Act, unless otherwise specified within the policy.
T-5	Activities (future) designated for the purpose of s.57 under the Clean Water Act are prohibited immediately upon the date the Source Protection Plan takes effect.
T-6	Activities (existing) designated for the purpose of s.58 under the Clean Water Act, requiring risk management plans, shall be identified and confirmed within 1 year by the Risk Management Official. Risk management plans shall be established within 5 years from the date the Source Protection Plan takes effect.
T-7	Activities (future) designated for the purpose of s.58 under the Clean Water Act, requiring risk management plans, are prohibited until such time as a risk management plan is approved by the Risk Management Official, immediately upon the date the Source Protection Plan takes effect.
Land Use Planning	
T-8	Official plans shall be amended for conformity with the Source Protection Plan at the time of the next review in accordance with s.26 of the Planning Act. Zoning by-laws shall be amended within 3 years after the approval of the official plan.
T-9	Decisions on planning matters shall conform with the policy immediately upon the date the Source Protection Plan takes effect.
Education and Outreach, Incentives, Research	
T-10	Education and outreach (materials, programs, etc.) shall be developed and implemented within 2 years from the date the Source Protection Plan takes effect.
T-11	Incentives shall be considered within 2 years from the date the Source Protection Plan takes effect.
T-12	Research shall be initiated within 2 years from the date the Source Protection Plan takes effect, contingent on funding.
Specify Action	
T-13	A prioritized maintenance inspection program shall be in effect no later than January 2017.
T-14	The policy shall be complied with within 180 days from the date the Source Protection Plan takes effect.
T-15	The policy shall be considered within 2 years from the date the Source Protection Plan takes effect.
T-16	The policy shall be initiated within 2 years from the date the Source Protection Plan takes effect.
T-17	The policy shall be implemented within 2 years from the date the Source Protection Plan takes effect.
T-18	The policy shall be implemented immediately upon the date the Source Protection Plan takes effect.

Table 10-1: Timelines for Policy Implementation

10.1.4 General and Other Policies

“General” policies apply to more than one group of threat activities, while “Other” policies only apply to specific threats or locations.

Policy ID	Implementing Body	Legal Effect	Policy	When Policy Applies	Related Policies	Monitoring Policy
GEN-1	Municipality RMO	A I	<p>s.59 Restricted Land Uses</p> <p>In accordance with Section 59 of the <i>Clean Water Act, 2006</i>, all land uses, except solely residential uses, where significant drinking water threat activities have been designated for the purposes of Sections 57 and 58 of the <i>Clean Water Act, 2006</i>, are hereby designated as Restricted Land Uses and a written notice from the Risk Management Official shall be required prior to approval of any Building Permit, <i>Planning Act</i> or <i>Condominium Act</i> application.</p> <p>Despite the above policy, a Risk Management Official may issue written direction specifying the situations under which a planning authority or Chief Building Official may be permitted to make the determination that a site specific land use designation is, or is not, designated for the purposes of Section 59. Where such direction has been issued, a site specific land use that is the subject of an application for approval under the <i>Planning Act</i> or for a permit under the <i>Building Code Act</i> is not designated for the purposes of Section 59, provided that the planning authority or Chief Building Official, as applicable, is satisfied that:</p> <ul style="list-style-type: none"> a. The application complies with the written direction issued by the Risk Management Official; and, b. The applicant has demonstrated that a significant drinking water threat activity designated for the purposes of Section 57 or 58 will not be engaged in, or will not be affected by the application. <p>Where the Risk Management Official has provided written direction designating a land use for the purpose of section 59, a written Notice from the Risk Management Official shall be required prior to approval of any Building Permit under the <i>Building Code Act, 1992</i> as amended, in addition to <i>Planning Act and Condominium Act</i> applications in accordance with Section 59 of the <i>Clean Water Act, 2006</i>.</p>	<p>Immediately (T-9)</p> <p>Amend OPs for conformity within 5 years and ZBLs within 3 years of OP approval (T-8)</p>	<p>WST-1 WST-6 ASM-2 ASM-4 NASM-1 NASM-2 LIV-1 LIV-3 FER-2 FER-3 PES-1 PES-2 SAL-1 SAL-2 SAL-7 SNO-1 FUEL-3 DNAP-1 OS-1 DI-1 REC-2</p>	<p>MON-1</p> <p>MON-2</p>

Policy ID	Implementing Body	Legal Effect	Policy	When Policy Applies	Related Policies	Monitoring Policy
GEN-2	Municipality	E	<p>Specify Action</p> <p>Where an activity requires a Risk Management Plan, the municipality shall ensure through their authority that the RMO and RMI responsible for enforcement will establish a priority for how inspections will be conducted to ensure that the activity ceases to be, or does not become, a significant drinking water threat. Ongoing inspections should be conducted at least once every five 5 years or on a basis deemed appropriate by the RMO and RMI.</p>	See Policy	WST-1 PES-2 WST-6 SAL-1 ASM-2 SAL-2 ASM-4 SAL-7 NASM-1 SNO-1 NASM-2 FUEL-3 LIV-1 DNAP-1 LIV-3 OS-1 FER-2 DI-1 FER-3 REC-2 PES-1	MON-1
GEN-3	Provincial Ministry	K	<p>Specify Action</p> <p>Where an activity requires approval using a Prescribed Instrument, the regulatory authority shall undertake compliance/verification inspections to confirm that any new or amended conditions of approval are, or have been, implemented by the facility owner within 3 years of the date of the new or amended approval to ensure that the activity ceases to be, or does not become, a significant drinking water threat. Ongoing inspections should be conducted at least once every 5 years or on a basis deemed appropriate by the Issuing Director.</p>	See Policy	WST-4 ASM-3 WST-7 LIV-2 SWG-8 FER-1 SWG-11 FUEL-1 SWG-13 FUEL-2 SWG-15 LO-SEW-1 SWG-17 LO-SEW-2 ASM-1 DEM-1	MON-4

Policy ID	Implementing Body	Legal Effect	Policy	When Policy Applies	Related Policies	Monitoring Policy
GEN-4	MOECC	K	<p>Incentive</p> <p>The Ministry of the Environment and Climate Change should maintain and expand the Ontario Drinking Water Stewardship Program and/or fund other relevant programs to enable local delivery to implement risk management measures for the following activities where they are a significant drinking water threats:</p> <ul style="list-style-type: none"> a) Septic systems governed under the <i>Building Code Act</i>; b) Application and storage of ASM; c) Application, handling and storage of NASM; d) Use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard; e) Application, handling and storage of fertilizer; and f) Application, handling and storage of pesticide. 	Existing: Consider within 2 years (T-15)	SWG ASM NASM LIV FER PES	MON-4
GEN-5	Municipality	E	<p>Incentive</p> <p>Where an activity is a significant drinking water threat, the municipality shall consider providing incentive programs to encourage actions to reduce the risks to source water.</p>	Existing: Consider within 2 years (T-15)	All Threats	MON-1
GEN-6	MOECC	K	<p>Specify Action</p> <p>The Ministry of the Environment and Climate Change is requested to continue its funding to municipalities and Source Protection Authorities under source protection programs to continue local research into Issues (nitrogen, pathogen, sodium, chloride) to determine where the following activities are a contributing source of the contaminant in Issue Contributing Areas:</p> <ul style="list-style-type: none"> a) Application of untreated septage to land; b) The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage; c) Application and storage of ASM; d) Application, handling and storage of NASM; e) Use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard; f) Application, handling and storage of fertilizer; g) Application, handling and storage of road salt; and h) Storage of snow. 	Existing: Consider within 2 years (T-15)	WST SWG ASM NASM LIV FER SAL SNO	MON-4

Policy ID	Implementing Body	Legal Effect	Policy	When Policy Applies	Related Policies	Monitoring Policy
GEN-7	Municipality	E	<p>Specify Action</p> <p>Where municipal groundwater monitoring shows increasing or decreasing trends and/or exceeds Ontario Drinking Water Standards, the municipality shall investigate and share the information with the RMO, the Ministry of the Environment and Climate Change, the Ministry of Agriculture, Food and Rural Affairs (for nitrates or pathogens) and the Source Protection Authority.</p>	Existing & Future: Initiate within 2 years (T-12)	All ICA Threats (Nitrogen, Pathogen, Sodium or Chloride) WST SWG ASM NASM LIV FER SAL SNO	MON-1
GEN-8	Municipality	J	<p>Specify Action</p> <p>Where education and outreach materials are prepared and delivered to significant drinking water threat areas, the municipality is encouraged to deliver those materials to affected properties and businesses in moderate and low threat areas.</p>	Existing & Future: Consider within 2 years (T-15)	WST-2 SAL-8 SWG-2 FUEL-4 SWG-7 DNAP-2 SWG-10 OS-2 NASM-5 DEM-5 FER-4 REC-3 PES-3	MON-1
OTHER-1	Niagara Escarpment Commission	K	<p>Specify Action</p> <p>The Niagara Escarpment Commission is requested to initiate amendments to the Niagara Escarpment Plan (NEP), no later than in their next scheduled plan review cycle, to incorporate from the Source Protection Plans the relevant policies, restrictions and conditions into appropriate sections of the NEP, in order to protect existing and future drinking water sources in Source Protection Areas by ensuring activities cease to be or do not become significant drinking water threats.</p>	Existing & Future: Initiate within 2 years (T-16)	N/A	MON-4