DRINKING WATER SOURCE PROTECTION
Our Actions Matter

LAKE ERIE SOURCE PROTECTION REGION

Grand River Source Protection Area

SOURCE PROTECTION PLAN VOLUME II

Prepared on behalf of:
Lake Erie Region Source Protection Committee

Under the Clean Water Act, 2006
(Ontario Regulation 287/07)

Version 10.1

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Note: Please refer to Volume I of the Grand River Source Protection Plan for a complete list of version numbering and a high-level description of amendments that have been made since original approval.

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1.0 INTRODUCTION

The Grand River Source Protection Plan is a document that contains policies to protect sources of municipal drinking water against existing and future drinking water threats prescribed in the *Clean Water Act, 2006* within the Grand River watershed.

The Source Protection Plan is comprised of two volumes and accompanied by an Explanatory Document. Volume II of the Grand River Source Protection Plan contains the Source Protection Plan policies.

The policies are assigned a legal effect and direct implementing bodies to comply with, conform with, or have regard to these policies. Some policies are non-legally binding.

2.0 HOW TO READ THE SOURCE PROTECTION PLAN POLICIES

There are thirty-eight (38) municipalities with a drinking water system located within the Grand River Source Protection Area. This Source Protection Plan has been divided into municipal sections containing the applicable Source Protection Plan policies for each of the respective municipalities. Further information and rationale is included in Volume I of the Source Protection Plan and in the Explanatory Document.

2.1 Policy Format

The policies in the Grand River Source Protection Plan are organized by municipality similar to that presented in the Assessment Report. Each municipal section contains the following information:

- Municipal specific definitions
- Municipal specific general policies; including administrative, monitoring and non-drinking water threat policies
- Municipal policies addressing prescribed drinking water threats
- List of policies as per Section 34 of O. Reg. 287/07
- Policy summary tables
    - Table 1: Prescribed Instruments which apply to Source Protection Plan policies in Lists C and D
    - Table 2: Policy Summary Matrix

Prescribed drinking water threat policies address existing drinking water threats, potential future threats, or both. The policy text also includes the agency responsible for implementation.

In some cases, policies have been included in this Source Protection Plan, even though it is in the opinion of the municipalities and the Source Protection Committee that certain activities are unlikely to occur in the future. Policies addressing potential future drinking water threats are required to be included in the Source Protection Plan, as per the objectives outlined in the *Clean Water Act, 2006.*

Prescribed drinking water threat policies must also identify the area to which the policies apply. In some cases, a specific vulnerable area is identified in the policy text. However, in most cases, the applicable area is described more broadly as where the activity is, or would be, a significant drinking wat threat. Readers should consult the Tables of Drinking Water Threats under the current Technical Rules to determine where threat activities are significant.

2.2 Policy Identifier

To assist the reader, an identifier has been used for each policy. The identifier specifies the location, legal effect and the associated policy number (e.g., OC-CW-1.0 or GC-S-MC-3.1).

The system and/or policy location is identified first:

- Grey County (GC)
    - Township of Southgate (S)
- Dufferin County
    - Township of Amaranth (A)
    - Town of Grand Valley (GV)
    - Township of East Garafraxa (EG)
    - Township of Melancthon (M)
- Wellington County (WC)
- City of Guelph (CG)
- Regional Municipality of Waterloo (RW)
- Perth County (PC)
- Oxford County (OC)
- City of Hamilton (CH)
- County of Brant (BC)
- Ohsweken (off-reserve)
- City of Brantford (CB)
- Regional Municipality of Halton (HR)
- Haldimand County (HC)

The legal effect follows the policy location identifier and is designated as follows:

- CW – Comply With
- MC – Must Conform
- NB – Non - Binding

2.2.1 Legal Effects

As required by the *Clean Water Act, 2006*, the Source Protection Plan policies must identify who or what agency will be responsible for implementation. The legal effect describes whether there is an obligation for the responsible party to implement the policy.

Three factors determine the legal effect of a policy:

1) the policy tool,
2) the threat ranking (significant, moderate or low), and
3) the implementing body.

For example, a specify action policy could direct a municipality to comply with a significant drinking water threat policy whereas a Provincial Ministry would not be legally bound to comply with the policy.

The *Clean Water Act, 2006* gives the Source Protection Plan and its policies their various legal effects. Within Part III, certain provisions require specific statutory decisions to conform to or comply with the significant threat policies; therefore, the implementing bodies have an obligation to implement the Source Protection Plan policies.

The Ministry of the Environment provided direction under Section 34 of O. Reg. 287/07 to ensure a consistent method of identifying the policies' legal effect under one or more provisions of Part III of the *Clean Water Act, 2006,* as follows:

List A Significant threat policies that affect decisions under the *Planning Act* and *Condominium Act, 1998*

List B Moderate and low threat policies that affect decisions under the *Planning Act* and *Condominium Act, 1998*

List C Significant threat policies that affect prescribed instrument decisions

List D Moderate and low threat policies that affect prescribed instrument decisions

List E Significant threat policies that impose obligations on municipalities, source protection authorities and local boards

List F Monitoring policies referred to in subsection 22(2) of the *Clean Water Act, 2006*

List G Policies related to section 57 of the *Clean Water Act, 2006*

List H Policies related to section 58 of the *Clean Water Act, 2006*

List I Policies related to section 59 of the *Clean Water Act, 2006*

List J Strategic Action policies

List K Significant threat policies targeted to bodies other than municipalities, local board or source protection authorities for implementation

In addition to the lists above, two tables are included which identify the type of prescribed instrument that the policy affects, in relation to Lists C and D, and a

summary of all the policies with respect to the above lists. These tables are presented after each set of municipal policies.

The policies in the Grand River Source Protection Plan have one of three types of legal effect: “must conform” policies, “comply with” policies and “non binding” policies. The following is an explanation of which policies fall under each legal effect provision.

Must Conform (MC)

- The *Clean Water Act, 2006* requires decisions under the *Planning Act, 1990* and *Condominium Act, 1998* to conform with significant drinking water threat (activity and/or condition) policies (see List A).

- The *Clean Water Act, 2006* requires decisions related to prescribed instruments to conform with significant drinking water threat (activity and/or condition) policies (see List C).

- The Source Protection Plan must designate a public body[1] to carry out monitoring required by the *Clean Water Act, 2006* and these public bodies must conform with the obligations set out in the monitoring policies (see List F).

Comply With (CW)

- The *Clean Water Act, 2006* requires municipalities, local boards or source protection authorities to comply with any obligations imposed on it to address a significant drinking water threat (activity and/or condition), regardless of the particular tool or approach used in the policy (see List E).

- Persons carrying out significant threat activities must comply with policies that use Part IV powers under the *Clean Water Act, 2006*.

Non-Binding (NB)

The Source Protection Plan includes other types of policies that, while the Source Protection Committee may determine are important to achieving the Plan’s objectives, are not given legal effect by the *Clean Water Act, 2006*. These may include:

- Significant, moderate and low drinking water threats (activities and/or condition) policies to be implemented by bodies other than municipalities, local boards or source protection authorities, and which do not rely on Part IV or the *Clean Water*

[1] Public body is defined in section 2 of the CWA and means “a municipality, local board or conservation authority, a ministry, board, commission, agency or official of the Government of Ontario, or a body prescribed by the regulations”. Based on this definition, a commission like the Niagara Escarpment Commission is a public body, whereas any federal government ministry and the Technical Standards and Safety Authority (TSSA) are not.

Act, 2006, prescribed instruments or *Planning Act, 1990* and *Condominium Act, 1998* tools.

- Other permitted policies governing:
    - Incentive programs and education and outreach programs, not aimed towards a specific threat activity or Condition, including those for systems not in the terms of reference.
    - The update of spills prevention, contingency or response plans along highways, railways or shipping lanes.
    - Climate conditions data collection.
    - Transport pathways in Wellhead Protection Areas (WHPA) or Intake Protection Zones (IPZ).
- Optional monitoring policies (i.e. moderate or low drinking water threats in areas where the threat could never become significant and monitoring of other permissible plan policies) to be implemented by bodies other than municipality, local boards or source protection authorities.

Not all policy options mentioned above have been included in the municipal sections of the Grand River Source Protection Plan. Volume I of the Source Protection Plan provides additional detail on optional content policies and what has and has not been included in the Source Protection Plan.

2.3 Sidebar

Information is provided in a sidebar below the Policy Identifier to provide a quick reference for the reader when reviewing the Source Protection Plan Policies. The sidebar does not form part of the Source Protection Plan Policies and specifies the following:

- Whether the policy will apply to existing activities, future activities or both.
- The policy tool which is being applied to manage or prohibit the activity (a summary of the policy tools is presented in Volume I of this Source Protection Plan.)
- The vulnerable area where the policy will apply including the vulnerability score, if applicable.

The following acronyms were used to present this information:

- IPZ: Intake Protection Zone
- WHPA: Wellhead Protection Area

- WHPA-Q: Wellhead Protection Area Quantity for activities related to consumptive water takings and for activities related to recharge reduction
- WHPA-Q: Wellhead Protection Area Quantity
- Part IV- RMP: Part IV of the *Clean Water Act, 2006*, Risk Management Plan
- Part IV- RLU: Part IV of the *Clean Water Act, 2006*, Restricted Land Use
- Prescribed Instr.: Prescribed Instrument (e.g.., Environmental Compliance Approval)
- v.#: Applicable vulnerability score where the policy will apply (e.g. v.10)
- WHPA-ICA – Wellhead Protection Area Issue Contributing Area
- (NIT) - Nitrate
- (CHL) - Chloride
- (TCE) - Trichloroethylene
- (SOD) – Sodium

To aid the policy reader, policies are presented in a standard format (**Figure 1**).

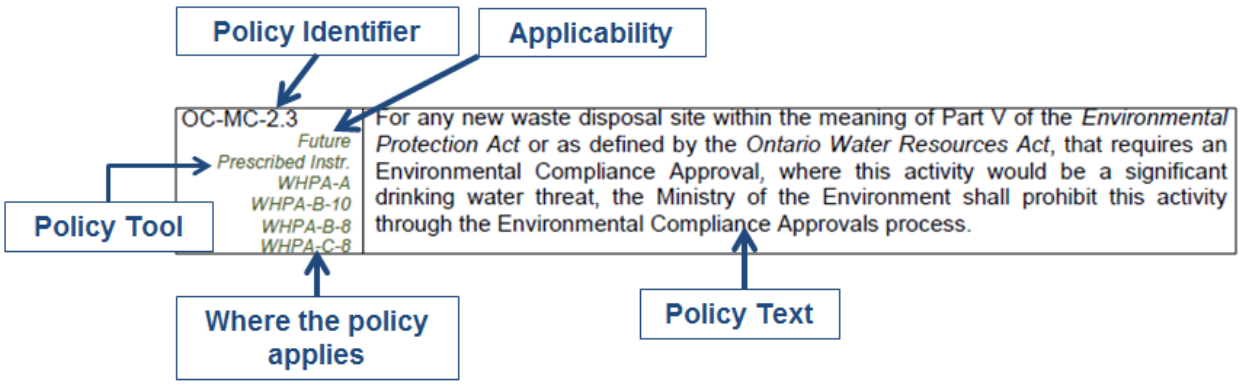


Figure 1: Example of a Source Protection Plan Policy

2.4 Policy Applicability

To determine if a policy applies, the policy text, the Assessment Report mapping, and the Source Water Protection Threats Tool should be consulted. A summary on how to read the Source Protection Plan is provided in Volume I.