

# Water Talk



## DRINKING WATER SOURCE PROTECTION

ACT FOR CLEAN WATER

CTC Source Protection Region Newsletter  
Fall 2011 - Vol. I, Ed. III

### Updated Assessment Reports Submitted

Updates to the Assessment Reports for the three Source Protection Areas that make up the Credit Valley, Toronto and Region, and Central Lake Ontario (CTC) Source Protection Region have been submitted for approval to the Ministry of the Environment at the end of July. This was following a consultation which saw landowners affected by the changes notified by mail.

The Assessment Reports can be found at our website at [www.ctcswp.ca](http://www.ctcswp.ca) or by requesting an electronic copy by email to [sourcewater@trca.on.ca](mailto:sourcewater@trca.on.ca).

### Upcoming Technical Work

There will be one more update to the Assessment Report for the Credit Valley Source Protection Area in 2011.

The update to the Credit Valley report will include interim findings from the Tier 3 water budget (water quantity stress analysis) in Halton Hills, resulting in revisions to the Wellhead Protection Area for the Georgetown wells. Work will then continue on this Tier 3 water budget.

Work is continuing on the Tier 3 water budget analysis in the Toronto and Region Source Protection Area around Whitchurch-Stouffville.



Whitchurch-Stouffville's  
Tier 3 Water Budget  
Study Area

### Source Protection Plan

The Source Protection Committee has been working through the summer to develop draft policy options for the Source Protection Plan. Policies will apply in vulnerable areas identified in the Assessment Reports where significant threats can exist.

Under the *Clean Water Act*, all activities that are a significant threat will be addressed to ensure they cease to be significant. Source Protection Plan policies will also ensure that any future activities will not create significant threats in specific vulnerable areas.

There are three broad categories of policies that the Source Protection Committee will develop. These include policies that:

1. Protect groundwater from pollution
2. Protect Lake Ontario drinking water from pollution
3. Protect groundwater from over use or reduction in quantity

In order for the Source Protection Committee to draft these policies, the *Clean Water Act* gives them a number of means by which they can protect water.

### Consultation with Implementers

Over the course of the fall, the Source Protection Committee is required to inform any body that it has designated to implement part of a source protection plan what policies the Committee expects it to carry out. This will be primarily upper and lower tier municipalities, counties, and the Province. This is a chance for these bodies to look over the draft policies and provide comments to the Committee before the proposed draft is released for public consultation. The CTC Source Protection Region, in collaboration with adjacent Regions, will be hosting workshops for implementing bodies to provide their comments.

## The Policy “Toolbox”

The Source Protection Committee has the authority to use a number of different pieces of legislation, and planning tools to protect water. They can use them alone, or in combination to reduce potential risk:

1. Prescribed Instruments
2. Land Use Planning
3. Risk Management Plans
4. Restricted Land Use
5. Prohibition of Activities
6. Education and Outreach

### 1. Prescribed Instruments

These are approvals under existing provincial legislation that may be used in drafting the Source Protection Plan. This means that, rather than creating a new regulation, the Source Protection Plan may require an already existing regulation to include conditions that protect water. This approach recognizes that there are already many policies on the landscape that protect drinking water and thus seeks to avoid regulatory duplication. Prescribed instruments are the preferred policy for this reason, and to reduce implementation costs to municipalities

### 2. Land Use Planning

These are policies that affect land use planning decisions. These could fall under the Planning Act and Condominium Act. These policies can be used to manage or prohibit future threat activities, but cannot affect existing activities. Tools to implement Land Use Planning policies include Official Plans, Zoning By-laws and Site Plan Controls.

### 3. Risk Management Plans

Risk Management Plans are intended to be negotiated between a municipal risk management official and a business owner. Where agreement cannot be achieved, a risk management plan may be imposed. The risk management official must be satisfied that a risk management plan will reduce the potential for adverse affects to a drinking water source, where that activity is or would be considered significant.

### 4. Restricted Land Use

A restricted land use policy under the Clean Water Act is a policy used in conjunction with a Risk Management Plan or a Prohibition policy. A restricted land use policy does not eliminate a land use, but ensures that activities in the designated area are assessed for their potential risk. This can be seen as a screening tool for municipalities when reviewing applications, to prevent the unintentional approval of applications that would lead to the creation of significant drinking water threats.

### 5. Prohibition of Activities

Under the Clean Water Act, the Source Protection Committee may choose to prohibit activities that pose significant threats. Prohibition is meant to be a “tool of last resort” for existing activities, meaning that the Committee may

only do so if they are convinced no other method will reduce the risk, or the risk that the activity poses is so unacceptable that it may not be permitted to continue.

### 6. Education and Outreach

Considered a non-regulatory, or “soft” tool, the Source Protection Committee will usually use these policies in conjunction with other types of policies. If the Committee decides to use education and outreach as a

stand-alone tool, it must explain how it is sufficient to meet the standards of the *Clean Water Act*.

#### Meet a Committee member - Juli Abouchar, Chair, Source Protection Plan Working Group

Juli Abouchar is a partner at Willms & Shier and an Environmental Law Specialist, certified by the Law Society of Upper Canada. Much of her practice is focused on Aboriginal Law – advising on the duty to consult, negotiating IBAs and participation protocols, and facilitating the resolution of disputes. She also maintains a special expertise in Canadian water law, clean technology and renewable energy regulation. Juli was legal advisor to the Expert Panel on Regulating Safe Drinking Water on First Nations, and currently serves as a director of the Ontario Clean Water Agency and a member of the CTC Source Protection Committee for the greater Toronto watershed.



To meet the rest of the Committee,  
please go to [www.ctcswp.ca](http://www.ctcswp.ca)

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