

# Source Protection Legislation - What can we expect?

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**Canadian Environmental  
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# Evolution of the idea of source protection planning in Ontario

- ✓ Terms of reference of Walkerton Inquiry - what will prevent tragedy in the future
- ✓ Walkerton Inquiry report - 22 recommendations re Source Protection
- ✓ Multi-barrier approach - widely accepted in water industry
- ✓ Source protection is first barrier
- ✓ But not yet implemented in Ontario



Populations ~4,800

# Source Protection developments

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- ✓ Conservation NGO's pushed for the source protection implementation
- ✓ Source protection advisory committee established - established a framework 2003
- ✓ Still needed further work for technical and implementation details - two committee reports just finishing fall 2004
- ✓ Government proposals to date include white paper and draft legislation on source

protection

# Source Protection Developments

## cont'd

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- ✓ Expect legislation in the new year (maybe spring)
- ✓ A huge amount of interest and concern
- ✓ Government has many decisions yet to make
- ✓ What I expect we will see:

# Scope of Source Protection

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- ✓ Require watershed-based source protection planning in all watersheds in Ontario
- ✓ Protect individual well users as well as municipally operated systems
- ✓ Protect watersheds in the north as well as south of the Canadian Shield - approach still to be determined
- ✓ Protect both groundwater and surface water sources

# Scope of Source Protection

## cont'd

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- ✓ Protect water sources with respect to both water quality and water quantity
- ✓ Protect from both non-point, cumulative and point source threats
- ✓ Must be based on the precautionary principle

# Source Protection Process

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- ✓ Source protection Boards (CA boards) / Source protection Committees
- ✓ Prepare assessment report of watershed
- ✓ Assess vulnerable areas
- ✓ Assess water risks
- ✓ Classify level of risk
- ✓ Propose measures to respond to those risks
- ✓ Minister approves plan



# Thorough Public Participation

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- ✓ Thorough public participation crucial to successful protection of source waters
- ✓ Process to be open and transparent

# Water Budgets

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- ✓ Source protection plans to include development of water budgets and water conservation standards
- ✓ Water budgets to include assessment of cumulative impact of all water takings in the watersheds
- ✓ To be reflected in permits to take water and associated conservation plans

# Integration with Existing Legislation

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- ✓ Source water protection must be integrated with existing legislation including Environmental Protection Act, Environmental Assessment Act, Ontario Water Resources Act, Municipal Act, Planning Act, Provincial Policy Statement, Nutrient Management Act and many others

## Integration cont'd

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- ✓ Relevant instruments to be consistent with approved source water protection plans
- ✓ Examples include Certificates of Approval for discharges to air and water, Permits to Take Water, other provincial instruments
- ✓ Municipal decisions such as municipal land use and by-law decisions also to be consistent where relevant

# Other Programs

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- ✓ Source protection plans to be integrated with other federal and provincial water protection programs
- ✓ Including Great Lakes programs, flood and drought management, fisheries protection, species at risk, habitat protection

# First Nations

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- ✓ Federal, Provincial and First Nations agreements to be made as to how to implement source protection planning on First Nations' territories and waters

# Conservation Authorities

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- ✓ Responsibility and accountability of Conservation Authorities to be specifically delineated in source protection legislation with roles supported by governance structures and sufficient resources

# New Municipal Powers, Roles

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- ✓ Municipal authority and accountability to be specifically delineated
- ✓ New municipal powers to be made available for source water protection such as a source protection sphere analogous to the Municipal Act
- ✓ Updates of official plans to be consistent with source protection plans



# Implementation Tools

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- ✓ Provincial instruments consistent
- ✓ Municipal decisions consistent
- ✓ Strengthened land securement tools including tax incentive programs
- ✓ Sector-specific best management practices
- ✓ Enhanced technology
- ✓ Education and outreach

# Issue-Specific Tools

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- ✓ Abandoned drinking water wells
- ✓ Oil and gas wells
- ✓ Other wells
- ✓ Aggregate Extraction
- ✓ Mines and mine tailings
- ✓ Storage tanks above and below ground
- ✓ Chemical use, handling, storage

## Issue specific tools cont'd

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- ✓ Small and medium enterprises
- ✓ Pesticides
- ✓ Contaminated Sites
- ✓ Waste Disposal Facilities
- ✓ Hazardous and Liquid Industrial Waste
- ✓ Land application of biosolids and septage
- ✓ Manure/Fertilizer Application and storage

## Issue Specific Tools cont'd

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- ✓ Farm water protection plans
- ✓ Septic Systems
- ✓ Road salt / De-icing compounds/ Softeners
- ✓ Cemeteries
- ✓ Storm water and floodwater
- ✓ Waste water
- ✓ Permits to take water

## Issue specific tools cont'd

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- ✓ Water conservation
- ✓ Low water response
- ✓ Private water wells
- ✓ Non-point sources / cumulative loading
- ✓ Land drainage

# Financing source protection

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- ✓ Sustainable funding model for Ontario
- ✓ Water Taking Charges
- ✓ Pollution Charges
- ✓ Water Rates
- ✓ General provincial tax revenues
- ✓ General municipal revenues
- ✓ Incentive programs

# Strong Interim Measures

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- ✓ Provincial, municipal, Conservation Authority, public health powers encouraged to be used for immediate action regarding high-risk activities while plans approved

# Review of Source Protection Plans

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- ✓ Source protection plans to be reviewed and up-dated regularly
- ✓ Reflect emerging data and science
- ✓ Reflect changes in the watershed
- ✓ Reflect outcome monitoring
- ✓ Must be compared to baseline of information



# Canadian Environmental Law Association

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# www.cela.ca

## Our Work

- News & Events
- Core Programs
- Topical Collections
- CELA in the Courts
- FAQ
- Newsletter

## About CELA

- Who We Are
- Objectives

### Assessment Process

Collection of materials regarding Sutcliffe v. Ontario (Minister of the Environment)

### Water Source Protection

Collection of materials about protecting drinking water sources

### Energy Costs and Low Income Ontario Residents

Collection of materials related to energy conservation and affordable electricity pricing in Ontario

### Nuclear Phase-Out

## News & Events

**Sep 29 2004**  
Women contaminated by toxic flame retardants

**Sep 28 2004**  
Report Undermines Protection of Public Health, Safety and Environment, Groups Say

**Sep 9 2004**  
Mohawks and Residents' Group take Napanee Dump Battle to the Supreme Court of Canada

**VIEW ALL NEWS AND EVENTS**

# Source Protection Materials on CELA's web site

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- ✓ ENGO's assembled May 04 to discuss several of the outstanding questions and problems - see our Statement of Expectations on CELA's web site [cela.ca](http://cela.ca)