

Cataraqui Source Protection Area Part IV Primer

The Cataraqui Source Protection Plan is prepared under the Ontario *Clean Water Act* to direct local efforts to keep our source water clean and plentiful.

The Plan contains specific policies that require the prohibition of some activities, as well as measures to manage the risk to drinking water posed by activities in the areas surrounding a municipal water intake or well. These policies were created under Part IV of the *Clean Water Act*.

What is Part IV of the *Clean Water Act*?

Part IV of the *Clean Water Act, 2006* provides municipalities with new tools to regulate existing and future activities that are significant drinking water threats due to their potential to pollute drinking water sources.

As per the [Assessment Report](#), significant drinking water threats are only possible in portions of these six areas (representing less than one per cent of the total Cataraqui Source Protection Area) because these drinking water supplies are identified as more vulnerable:

- Brockville Intake Protection Zone – City of Brockville
- James W. King Intake Protection Zone - Town of Gananoque
- Sydenham Intake Protection Zone - Township of South Frontenac
- Cana Wellhead Protection Area (Kingston Mills) – City of Kingston
- Lansdowne Wellhead Protection Area – Township of Leeds and the Thousand Islands
- Miller Manor Apartments Wellhead Protection Area (Mallorytown) – Township of Front of Yonge.

The tools include prohibition, risk management plans, and restricted land uses.

Section 57: Prohibition

- Prohibition is intended to ensure that certain activities never become established in areas where there would be significant drinking water threats. Prohibition is used for activities that cannot be addressed through land use planning.

Section 58: Risk Management Plans

- Risk management plans are intended to manage existing and future significant drinking water threats through best management practices.

Section 59: Restricted Land Use

- This tool is used to flag specific land uses in a given area that are or may be associated with the activities that are prohibited under section 57 of the *Clean Water Act* or that require a risk management plan under section 58 of the *Clean Water Act*.

What is a significant drinking water threat?

A drinking water threat is an activity that has the potential to harm the quality or quantity of water that is used as a source of drinking water. A drinking water threat can be an existing activity, or an activity that could exist in the future.

Under the *Clean Water Act*, 21 drinking water threats were identified and the Cataraqui Source Protection Committee identified two others. The Assessment Report identifies the types and number of existing drinking water threats in the areas surrounding municipal drinking water sources in the Cataraqui Source Protection Area.

What is the Assessment Report?

The *Assessment Report: Cataraqui Source Protection Area, June 2011* is a technical, science-based document that identified areas in the Cataraqui Source Protection Area where drinking water sources are vulnerable to contamination or over-use.

What are the affected areas in your municipality?

Unless you are in one of the six areas where significant drinking water threats were identified (see page 1), you are not affected by Part IV of the *Clean Water Act*.

Maps of the intake protection zones and wellhead protection areas are available at www.cleanwatercataraqui.ca under the Source Protection Plan and Resources links. There are also [Interactive Maps](#) that present source protection plan information for each area.

What are the Part IV policies in your municipality?

Each municipality and resident has access to information sheets specific to each IPZ and WHPA which includes a list of the required prohibitions, risk management plans, and restricted land uses for each area. These can be found on the [Interactive Maps](#) page on the www.cleanwatercataraqui.ca website. The maps link to fact sheets with information about the policies that apply to each wellhead protection area and intake protection zone.

For the six areas where the Part IV policies apply, the Cataraqui Source Protection Plan requires prohibition, risk management plans, or restricted land use for activities that are or could be significant drinking water threats.

Prohibition:

Municipalities receiving proposals for a new development or expansion/alteration to an existing development should ensure that the proposed development is not a prohibited use under the Source Protection Plan.

If a proposed activity is prohibited by the Source Protection Plan, the proponent must not engage in that activity at any location within the wellhead protection area or intake protection zone.

Risk management plan:

Risk management plans are agreements to regulate how an activity that is a significant drinking water threat is managed on a specific property. The plan outlines the actions required to control how the activity will be carried out in order to reduce or remove the risk to the source of drinking water.

The benefit of a risk management plan is that it allows certain activities that are a significant drinking water threat to continue to occur on a specific area of land, provided that the relevant measures agreed upon in the risk management plan are followed.

Restricted land use:

Where this applies, a notice from the Risk Management Official (RMO) is required before the municipality processes an application for a development proposed under the *Planning Act*, *Condominium Act* or the Ontario Building Code, in the vulnerable areas of the drinking water system. The notice from the RMO will identify if the activities related to the proposed development are: prohibited under Section 57, require a risk management plan under Section 58 (and the plan has been agreed to or established), or do not require a risk management plan.

In order to ensure that applications are not inadvertently approved without complying with Source Protection Plan policies, the municipality must establish a process so that staff can screen planning applications to determine if the proposed activities are subject to these provisions of the *Clean Water Act*.

Please note that the Cataraqui Source Protection Authority is in the process of developing materials to assist the municipality with the screening process.

Examples of the types of activities affected by Part IV policies

Here is a list of some of the activities that may be affected by Part IV policies in the Source Protection Plan, if they are carried out in the identified source protection areas in your municipality:

- storage and handling of liquid fuel in amounts over 250 litres
- septic systems or holding tanks
- agriculture-related activities such as the storage/handling/application of fertilizers, pesticides, and agricultural source material
- handling and storage of chemicals such as organic solvents and dense non-aqueous phase liquids
- handling and storage of liquid waste from a business, including used oil from an auto repair shop
- waste storage and disposal
- handling and storage of road salt and snow.

If you are unsure whether a proposed activity may be a threat, please call the Risk Management Official at Cataraqui Region Conservation Authority.

How does the risk management plan process work?

If the Risk Management Official (RMO) and the person engaged in the activity agree to a risk management plan, the RMO will provide a written notice to the person and attach a copy of the plan to the notice.

Who is included in the risk management plan?

The risk management plan will be negotiated between the Risk Management Official, and the individual responsible for the activity. The plan is to recognize good practices already in place to reduce the risk to source water and, if necessary, to include other practices to fill gaps in management and minimize the risks posed to the drinking water supply. The risk management plan includes and accounts for any pre-existing risk management measures such as a nutrient management plan. Risk management plans can be simple or complex depending on the activity and its threat to the drinking water source.

What if no plan is agreed to?

The RMO may give a person notice that if no risk management plan is agreed to by a date specified in the notice (with a maximum deadline of two years after the Source Protection Plan has taken effect) then the RMO may establish a risk management plan for the activity. A person receiving the notice may waive the notice period and consent in writing to the establishment of the risk management plan before the deadline specified in the notice.

If notice is given and no risk management plan is agreed to by the date specified, then the RMO will, by order, establish a risk management plan for the activity.

Enforcement of a risk management plan

If an RMO or Risk Management Inspector (RMI) has reasonable grounds to believe that a person is failing to implement their risk management plan, then the RMO or RMI may make an order requiring the person to do any one or more of the following: comply to the risk management plan by a specific date; seek an amendment to the risk management plan; or submit a report on compliance. If the provisions in the risk management plan are not carried out then the RMO or RMI may cause the required work to be done and order the person to pay the costs of the work. Costs may also be recovered by adding them to the property taxes.

Is there an appeal process available to the person?

Yes, a hearing before the Environmental Review Tribunal may be requested by serving written notice within 60 days after the Notice of Risk Management Plan is served by the RMO. A person requesting a hearing must state in their notice the grounds on which the person intends to rely at the hearing. For more details see Sections 70 to 77 of the *Clean Water Act*. There is a link to the *Clean Water Act* on the [Legislation and Regulations](#) page of www.cleanwatercataraqui.ca.

What is a risk assessment and how does it work?

Under Section 60 of the *Clean Water Act*, a person may undertake risk assessment of the activity. The risk assessment must be undertaken by a person of qualifications and satisfy certain requirements. In this process the science is examined to see if the vulnerability score in that particular location within the source protection zone is actually less than the score reported in the Assessment Report. If so, the activity may no longer be considered a significant threat on that parcel of land.

When should municipal staff contact the risk management official?

Municipal staff is encouraged to contact the RMO at Cataraqui Region Conservation Authority whenever there are questions about a proposed development/alteration to a development, or if a development proponent is having difficulties using the self-screening process to be available on the website in advance of the source protection plan effective date.

Who are the Risk Management Officials for your area?

The Risk Management Official for the Township of Leeds and Thousand Islands is Albert Paschkowiak.

Please call (613) 217-7710

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