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Subject: Regulatory decisions – Clean Water Act & Safe Drinking Water Act
Attachments: QA_CWA_SDWA_RegDecisions_20180405.docx

Dear Ontario Municipalities,

I am pleased to advise you that we have posted two regulatory Decision Notices on the Environmental Registry. These decisions are intended to ensure sources of drinking water continue to be protected by the *Clean Water Act* and have an effective date of July 1, 2018. The regulations were consulted on through the Environmental Registry and various stakeholder sessions and we appreciate all feedback received.

The first decision notice ([EBR #013-1840](#)) refers to the regulation developed under the *Safe Drinking Water Act, 2002*. This regulation requires:

- municipal residential drinking water system owners ensure work to assess the vulnerability of new or expanding drinking water systems is completed, and accepted by the local source protection authority, before they can apply for a drinking water works permit; and
- that water not be provided to the public until the source protection plan that protects the system is approved.

The second decision notice ([EBR #013-1839](#)) identifies the amendments that were made to Ontario Regulation 287/07 – “General” under the *Clean Water Act, 2006*.

- The amendments to the General regulation improve the regulatory framework by:
 - requiring liquid hydrocarbon pipelines be assessed in all source protection areas and, where necessary, that policies be included in updated source protection plans,
 - expanding the list of administrative amendments that are permitted without requiring full public consultation – such as removing decommissioned systems, and
 - increasing transparency through additional notification requirements so that municipalities and other implementing bodies are aware of changes that could reduce the need for policy implementation.
- To support the implementation of the new regulation under the *Safe Drinking Water Act*, the regulation requires that source protection authorities issue a notice to a drinking water system owner when they have received, and are satisfied with, vulnerable area information for any new or expanding drinking water system where it differs from that affects existing vulnerable areas. The notice must also, and identify what changes to the source protection plan are required.

The summaries provided above reflect changes made as a result of comments received on the regulation proposals. Changes affect how municipalities or drinking water system owners ensure the vulnerable areas for new or expanding municipal residential drinking water systems are included in source protection plans. Initially it was proposed that a municipal council resolution endorsing these vulnerable areas be submitted with a drinking water works permit application. The regulation now requires the application for a new or amended drinking water works permit include a notice from the source protection authority that they have, and are satisfied with, the vulnerable area information. The notice must also indicate when the source protection authority can proceed with any necessary amendments to the source protection plan. The regulation under the *Safe Drinking Water Act* also requires the Director to include a condition on drinking water works permits or licenses to ensure the system does not provide drinking water to the public until the source protection plan amendments are approved.

To ensure that these regulations do not cause unnecessary delays for municipalities, it’s important that you engage your local source protection authority project manager in the early stages of planning for municipal residential drinking water systems, whether you are planning for a new system or expanding an existing system. By engaging them early, they can provide advice on the work that needs to be done, or even help with this work. This will also allow them to begin to prepare the notice you will need for a drinking water works

permit application, and begin discussions on necessary source protection plan updates. We are working with source protection authorities to ensure they understand their role in implementing these new requirements.

Comments received on the regulation proposals also identified the need for guidance and raised concerns about the ability to fund this work. We are developing guidance to ensure municipalities, system owners and source protection authorities are aware of the regulatory requirements and begin work to identify vulnerable areas early, in order to avoid delays at the permitting stage. If, as we roll out this guidance, you feel there is a gap, please let us know. In terms of funding, municipalities have various options available to them to recover the costs for building in source protection planning in new or expanding drinking water systems, including the use of development charges or through water rates. Additionally, the province continues to fund source protection authorities to implement the program and support municipalities with technical work and policy development. In some circumstances there may be additional opportunity for funding where eligible under the Ontario Community Infrastructure Fund, or other funding for small rural municipalities.

If you have any questions about these regulations please feel welcome to contact me, Debbie Scanlon, Manager, Source Protection Approvals or Jennifer Moulton directly at (519) 860-7851 or by email Jennifer.I.moulton@ontario.ca.

Sent on behalf of Heather Malcolmson

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