



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-241

TO: Mayor and Members of Council

FROM: Cynthia Beach, Commissioner, Sustainability & Growth

RESOURCE STAFF: George Wallace, Senior Special Projects Manager

DATE OF MEETING: July 17, 2012

SUBJECT: Source Water Protection – Comments on Cataraqui Source Protection Plan (SPP) & Explanatory Document

EXECUTIVE SUMMARY:

The source water protection initiative originates from the Clean Water Act, 2006 to protect public health by ensuring that clean and plentiful sources of drinking water are available now and in the future. The main objectives of the Cataraqui Source Protection Plan (SPP) are:

- To protect existing and future drinking water sources in the SP Area;
- To ensure that existing significant drinking water threats cease to be a significant risk; and,
- To ensure that no other drinking water threats ever become significant risks.

Significant drinking water threats exist or have the potential to exist in the City of Kingston only for the Cana Wellhead Protection Area. The Cataraqui SPP addresses the identified significant drinking water threats.

The Cataraqui Source Protection Plan (dated June 2012) and accompanying Explanatory Document for the Source Protection Plan (dated June 2012) have been endorsed by the Cataraqui Source Protection Committee and published by the Source Protection Authority. Copies of the documents are available at the following link:

<http://www.cleanwatercataraqui.ca/sourceProtectionPlan.html>. An Executive Summary of the Cataraqui SPP is attached to this Report as Exhibit E.

Notice of the Cataraqui SPP and an invitation to provide written submissions have been published in accordance with the provisions of the Clean Water Act and Ontario Regulation 287/07 (See Exhibits A & B). The Cataraqui SPP covers all of the drinking water systems in the Cataraqui Source Protection Area, including the three municipal drinking water systems in the City of Kingston (Cana Wellhead and the Point Pleasant and Kingston Central Intakes), as well

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as important and sensitive regional groundwater areas. Comments on the Cataraqui SPP and Explanatory Document must be submitted to the SP Authority by **July 31, 2012**.

The City of Kingston has previously submitted comments to the SP Committee respecting earlier versions of the source protection plan policies. Council Reports 11-274 and 11-293 provided Council with staff's comments respecting the policies circulated at the pre-consultation stages (1st, 2nd and 3rd pre-consultations). Council adopted the recommendations contained in Reports 11-274 and 11-293 at its meetings held on November 1st and November 15th, 2011. Council Report 12-119 provided Council with staff's comments regarding the Draft Source Protection Plan: Cataraqui Source Protection Area and the companion Explanatory Document for the Draft Source Protection Plan that outlined the rationale for each draft policy. The recommendations were adopted by Council on April 3, 2012. Attached hereto as Exhibit C is a copy of a document, prepared at the request of the SP Committee, that indicates how the comments on the Draft SPP had been addressed in the preparation of the Proposed SPP. Many of the issues identified in staff's comments on the Draft SPP have been satisfactorily addressed in the Cataraqui SPP (June 2012) and Explanatory Document (June 2012).

The following staff comments were received respecting the June 2012 Cataraqui SPP and Explanatory Document:

The **Environment Division** identified the need for provincial funding for implementation of the enforcement authorities under Part IV of the Clean Water Act in order to avoid a new cost to the municipal tax base.

The **Engineering and Public Works** Departments indicated that they have not had the opportunity to review the entire SPP. It was indicated that the two points previously raised have been adequately addressed and no new concerns are expected, therefore, it is appropriate to advise Council that Engineering and Public Works have no further comments on the Cataraqui SPP. Three points were noted regarding the Explanatory Document related to the marina spill response policy, the fact that the Ontario Good Roads Association has reviewed and updated its salt management plan, and that the City will monitor the future impacts on municipal projects from MOE's inclusion of source water protection information into its guidelines.

Utilities Kingston acknowledged that through consultation and discussion with SP Authority staff, many of its significant concerns with the Draft SPP policies have been satisfactorily addressed. However, Utilities Kingston continues to express concerns regarding the policies related to transport pathways and recommends that Implementation Statement 3.5.1 be opposed as currently written and that it be modified to clearly ensure that it does not apply to infrastructure renewal, replacement or rehabilitation activities of Utilities Kingston/City of Kingston, and that Policy 7.2.14-HR a. and b. be opposed as written and that Policy 7.2.14-HR b. ii. iv. be amended from "*combined sewers*" to "*new combined sewers*". Utilities Kingston is also concerned with how the Implementation Statement in 3.5.1 interprets Section 27(3) of Regulation 287/07 and applies it to municipalities and that this could lead to procedural uncertainties in the future. Similar comments were provided by UK in response to the Draft

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SPP. It is also noted that the Explanatory Document does not make any reference to the previous concerns raised by Utilities Kingston respecting these transport pathways policies and how those concerns were addressed in preparing the Cataraqui SPP. A copy of the Utilities Kingston comments is attached as Exhibit D.

The **Planning & Development Department** reiterated its previous concerns that the Ministry of Northern Development and Mines (MNDM), and not the City, should be responsible for risk management associated with mineral extraction and potential impacts on sources of drinking water. MNDM is the approval authority for mineral extraction.

Transportation Services indicated no further comments on the Cataraqui SPP.

Next Steps & SPP Implementation

Cataraqui Source Protection Plan Approval

The following outlines the next steps in the overall process and the anticipated timelines for approval of the Cataraqui SPP:

- June 21, 2012 – SP Authority publishes the Cataraqui SPP and the Explanatory Document for the Source Protection Plan together with the required Notice advising how copies of the documents may be obtained and inviting written submissions on or before July 31, 2012 (as noted in previous reports, once published no further changes can be made to the Cataraqui SPP except minor changes such as typographical errors);
- June 21, 2012 – Source Protection Forum Regarding Risk Management Office(s) for the Cataraqui Area hosted by Cataraqui SP Authority with municipalities in the Cataraqui SP Area to begin discussions on implementation of the SPP and enforcement options for the Part IV authorities of the Clean Water Act (a further report will be forthcoming to Council respecting implementation of the Source Protection Plan);
- Thursday, July 12th – Meeting of SP Committee – anticipate presentation of a resolution to submit the Cataraqui SPP and Explanatory Document to MOE;
- July 31, 2012 – Response deadline for written submissions to the SP Authority on the Cataraqui SPP and Explanatory Document;
- August, 20, 2012 – Deadline for submission of Cataraqui SPP and Explanatory Document by the SP Authority to the Minister of the Environment for approval. The submission must include all comments received during the minimum 30 day consultation period respecting the Cataraqui SPP as well as a summary of any concerns that were raised by the City during the first formal consultation on the Draft SPP that have not been resolved to the City's satisfaction;
- 2013 – anticipated approval of the Cataraqui Source Protection Plan by MOE.

Following Plan approval, the source protection initiative is intended to continue over the long-term and be reviewed and improved on a regular basis, as needed.

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Source Protection Plan Implementation

The City of Kingston is the main municipal implementation body for policies for the Cana WHPAs and the Point Pleasant and Kingston Central IPZs. The City of Kingston also has a role in the implementation of the policies for the Fairfield IPZ in Loyalist Township. Part IV of the Clean Water Act provides Source Protection Committees and municipalities with new “tools” to regulate existing and future activities that are or could become significant drinking water threats by designating **Prohibited Activities**, requiring submission of **Risk Management Plans**, and designating **Restricted Land Uses**. In addition to the Part IV “tools”, the SPP includes a number of other policies intended to manage significant drinking water threats in the Cana WHPAs. These include: utilizing powers under the Planning Act and Condominium Act to regulate development, require the submission of disclosure reports and amendments to the City’s Official Plan to ensure conformity with the intent of the significant threat policies; establishing a mandatory on-site sewage system maintenance inspection program by October 6, 2016; and, developing and implementing an education and outreach program for landowners connected to the sanitary sewer system.

Since the Cataraqui SPP uses the Part IV provisions of the Clean Water Act to address significant drinking water threats in the Cana WHPAs, the City will be responsible for administration and enforcement of the Part IV provisions. The City will be required to appoint a Risk Management Official (RMO) and/or Risk Management Inspector (RMI), as necessary, to administer and enforce the Part IV provisions of the Act. The Part IV provisions of the Act cannot be implemented until these appointments are made. The Act does provide a number of options for administration and enforcement of the Part IV authorities (in-house, shared or joint enforcement, or transfer enforcement authority to another body such as a municipality, the SP Authority or Board of Health). The enforcement responsibilities also include passing By-Laws to establish rules or policies respecting the administration of Part IV of the Act. This may include such matters as prescribing fees for reviewing Risk Management Plans (RMPs) and Risk Assessments (RAs) and issuing Notices, establishing and governing inspection programs, and prescribing applications and forms for RMPs, acceptance of RAs and Notices.

Given the foregoing, it will be important for Council to consider how it intends to implement and administer the Part IV provisions of the Clean Water Act and the associated significant threat policies in the Cataraqui SPP prior to approval of the SPP by the MOE. Implementation of the SPP represents further regulation from the Province that brings additional costs to the municipality that will be borne by municipal taxpayers. Costs related to Plan implementation are difficult to assess at this point and will depend on the policies contained in the approved Cataraqui Source Protection Plan related to significant drinking water threats. As noted above, the municipality must comply with all significant threat policies and will need to determine the approach to administration and enforcement of the Part IV provisions of the Clean Water Act. Costs will also be impacted by the degree to which the City decides to implement the “non-binding” strategic actions related to moderate and low drinking water threats. The Act does provide a number of options for administration and enforcement of the Part IV authorities (in-house, joint or shared enforcement and transfer of enforcement authority to another body). Costs to the municipality may be offset through the establishment of fees related to the Part IV

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authorities under the Clean Water Act and any funding commitments from the province to assist with Plan implementation.

RECOMMENDATION:

THAT Council advise the Cataraqui Source Protection Authority that it strongly supports the creation of the Cataraqui Source Protection Plan and that it both acknowledges and appreciates the considerable work undertaken to date and the intent of the SP Committee and SP Authority in developing a Plan that is appropriate, effective and affordable in managing the identified threats to the City of Kingston's drinking water sources; and

THAT Council advise the Cataraqui Source Protection Authority that it appreciates both the opportunities that have been afforded to Council and staff to provide meaningful input into the process and the responses to date by the SP Committee and SP Authority to address the City's formal and informal comments respecting the SPP policies; and

THAT Council advise the Cataraqui SP Authority that it continues to have concerns respecting the anticipated financial and resourcing requirements related to implementation of the Cataraqui SPP and the enforcement authorities under Part IV of the Clean Water Act and requests that the SP Committee and SP Authority continue to lobby the Province on behalf of the municipalities in the Cataraqui Source Protection Area for sustainable funding to assist with implementation of the Cataraqui SPP and thereby ensure the success of the source water protection initiative; and

THAT Council advise the Cataraqui SP Authority that City of Kingston staff has had the opportunity to review the Cataraqui Source Protection Plan and the companion Explanatory Document for the Source Protection Plan, both dated June 2012, and concerns / comments / recommendations have been identified respecting a number of the policies as outlined within Council Report 12-241 and Exhibit D attached thereto; and

THAT Council endorse Report 12-241 and the attached staff concerns / comments / recommendations as contained within the report and Exhibit D attached thereto as the City's formal response to the Cataraqui Source Protection Plan (June 2012) policies related to the Cana Wellhead Protection Area, the Point Pleasant and Kingston Central Intake Protection Zones, the Fairfield Intake Protection Zone, and the Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas and to the companion Explanatory Document for the Source Protection Plan (June 2012), and that Report 12-241 and Council comments be forwarded to the Cataraqui SP Authority for submission to the Minister of the Environment as representing the City's formal response to the Cataraqui SPP and Explanatory Document.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	√
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	√
Jim Keech, <i>President and CEO, Utilities Kingston</i>	√

(N/R indicates consultation not required)

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OPTIONS/DISCUSSION:**Purpose**

In a letter to Municipal Councils in the Cataraqui Source Protection Area dated June 18, 2012 (See Exhibit A), the Cataraqui Source Protection Authority (SP Authority) has formally requested the City of Kingston to comment on the Cataraqui Source Protection Plan (June, 2012) and the companion Explanatory Document for the Source Protection Plan (June, 2012). The purpose of this Report is to:

- Provide a summary of and information respecting the source water protection initiative, the Cataraqui Source Protection Plan (SPP) and the companion Explanatory Document;
- Present staff's comments on the Cataraqui SPP and Explanatory Document for endorsement by Council as the City's formal response to the SP Authority respecting the Cataraqui SPP and Explanatory Document, both dated June, 2012; and
- To outline the next steps in the overall process leading to the approval of the Cataraqui SPP by the Minister of the Environment and implementation of the SPP.

Copies of the June, 2012 Cataraqui SPP and Explanatory Document are available at the following link: <http://www.cleanwatercataraqui.ca/sourceProtectionPlan.html>. An Executive Summary of the Cataraqui SPP is attached hereto as Exhibit E. Comments on the documents have been requested by the SP Authority before **July 31, 2012**.

Background

The source water protection initiative originates from the Clean Water Act, 2006 to protect public health by ensuring that clean and plentiful sources of drinking water are available now and in the future. As outlined in Council Report 11-274, the Act requires preparation of three major documents in the preparation of a Source Protection Plan. The Terms of Reference was endorsed by Council on August 8, 2008 and was approved by the Minister of the Environment. The Assessment Report, which comprises Volume 2 of the Cataraqui SPP, was updated to 2011 and was approved by the Minister of the Environment on October 7, 2011. The Cataraqui Source Protection Plan (SPP) and Explanatory Document have been endorsed by the Cataraqui SP Committee, published by the Cataraqui SP Authority on June 21, and are to be submitted to the Minister of the Environment for approval by August 20, 2012.

The Cataraqui SPP covers all of the drinking water systems in the Cataraqui Source Protection Area, including the three municipal drinking water systems in the City of Kingston (Cana Wellhead and the Kingston Central and Point Pleasant Intakes), as well as important and sensitive regional groundwater areas. The main objectives of the Cataraqui SPP are:

- To protect existing and future drinking water sources in the Cataraqui SP Area;
- To ensure that every existing activity that is a significant drinking water threat ceases to be a significant risk; and,
- To ensure that no other drinking water threats ever become significant risks.

For the City of Kingston, significant drinking water threats exist or have the potential to exist only for the Cana Wellhead Protection Areas.

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During the pre-consultation stage, the City of Kingston provided comments on the draft source protection plan policies respecting the City's municipal drinking water systems and sensitive groundwater areas. Council Report 11-274 provided Council with background information on the source water protection initiative, a summary of the draft source protection plan policies (1st and 2nd pre-consultations), staff's comments on the draft SPP policies, and the next steps in the process of preparing the Draft Source Protection Plan. Council adopted the report recommendations at its meeting on November 1, 2011.

Council Report 11-293 provided Council with information and staff's comments regarding a third pre-consultation on draft policies respecting a land acquisition program in the Cana Wellhead Protection Area and an amendment to Ontario Regulation 903 (decommissioning of wells). The report recommendations were adopted by Council on November 15, 2011.

During the first formal consultation stage, Council Report 12-119 provided Council with information and staff's comments respecting the *Draft Source Protection Plan: Cataraqui Source Protection Area* and the companion *Explanatory Document for the Draft Source Protection Plan* that outlined the rationale for each draft policy. The report recommendations were adopted by Council on April 3, 2012.

At its meeting held on May 31, 2012, the SP Committee passed a motion approving the submission of the Cataraqui SPP and companion Explanatory Document to the SP Authority. As required by the *Clean Water Act* and Ontario Regulation 287/07, the SP Authority has provided a copy of the Cataraqui SPP and Explanatory Document to the Clerk of each municipality in the SP Area and has published the SPP in accordance with the Regulation. The Act and Regulation also require that Notice of the Cataraqui SPP be given in accordance with the Regulation to all prescribed persons and that the Notice be published (June 21, 2012) together with information on how copies of the Cataraqui SPP and Explanatory Document may be obtained and an invitation to submit written comments on the Cataraqui SPP to the Source Protection Authority within the time period prescribed by the Regulation or as determined by the SP Authority (by July 31, 2012).

Discussion

The City of Kingston has been formally requested (See Exhibit A) to provide comments on the Cataraqui Source Protection Plan and the companion Explanatory Document. The submitted Cataraqui SPP is comprised of 2 volumes, as follow:

- **Volume 1 – Cataraqui Source Protection Plan, June 2012**
The Cataraqui SPP sets out policies to address drinking water threats, as appropriate, that were identified in the Assessment Report for vulnerable areas in the Cataraqui Source Protection Area. With respect to the City of Kingston, the Plan addresses significant drinking water threats in the Cana Wellhead Protection Area and addresses moderate and low threats in the Kingston Central and Point Pleasant Intake Protection Zones, in the Cana Wellhead Protection Areas and in the Highly Vulnerable Aquifers and

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Significant Groundwater Recharge Areas. The Cataraqui SPP is available at the following link: <http://www.cleanwatercataraqui.ca/sourceProtectionPlan.html>.

A Summary of the Cataraqui SPP is attached hereto as Exhibit F and is available at the following link: <http://www.cleanwatercataraqui.ca/policySummary.html>.

- Volume 2 – **Assessment Report: Cataraqui Source Protection Area** (June 2011)
The Assessment Report comprises the findings of 15 technical studies regarding the local sources of drinking water and the risks that affect them. The Assessment Report was approved by the MOE on October 7, 2011. The Assessment Report is available at www.cleanwatercataraqui.ca/assessmentReport.html.

The Cataraqui SPP is accompanied by an **Explanatory Document for the Source Protection Plan** (dated June 2012) that provides stakeholders with information that may have influenced the policy decisions made by the SP Committee in developing the Proposed SPP. The content of the Explanatory Document is prescribed by Ontario Regulation 287/07 and includes the following information:

- A summary of the pre-consultation comments received and an explanation of how they were addressed;
- Consideration of financial implications;
- Consideration of climate change;
- An explanation of the SP Committee's reasons for each policy or group of policies;
- An explanation for the reasons for prohibiting certain activities; and,
- An explanation of why non-regulatory measures are considered sufficient to address significant threats, when used as a stand-alone policy tool.

The Explanatory Document can be found at the following link

<http://www.cleanwatercataraqui.ca/publications/SourceProtectionPlan/ExplanatoryDocumentJune4.pdf>.

Further information with respect to the submitted comments on the Draft SPP and how they were addressed in the preparation of the Proposed SPP is found in the following document, "Response to Written Comments Received During Consultation on the Draft Plan" (updated May 31, 2012), a copy of which is attached hereto as Exhibit C and is available at the following link (<http://www.cleanwatercataraqui.ca/publications/SourceProtectionPlan/CataraquiProposedSPPComResponseMay3112FINAL.pdf>).

Legal Effect of the Cataraqui Source Protection Plan (SPP)

As detailed in Council Report 11-274, there are two levels of obligation set out in the Cataraqui SPP.

1. Policies regarding significant drinking water threats will be **binding** (i.e. "must do") on the Province (generally), municipalities, and the Source Protection Authority. Implementation bodies must "**Comply With**" any obligations that address significant drinking water threats. Decisions under the *Planning Act* and *Condominium Act* and decisions related to prescribed instruments must "**Conform With**" policies on significant threats. Persons carrying out

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significant threat activities must “**Conform With**” policies that use the Part IV powers of the Clean Water Act and public bodies must “**Conform With**” obligations set out in the monitoring policies. These policies are denoted in the Plan with the suffix **CW**.

2. Where the drinking water threat is not significant, a different standard applies. The Province and municipalities would need to “**Have Regard**” for policies respecting moderate and low drinking water threats when making decisions on proposed prescribed instruments (e.g. certificates of approval) and land use planning applications (Planning Act and Condominium Act). These policies are denoted in the Plan with the suffix **HR**.

Other policies respecting moderate and low drinking water threats (e.g. incentive and outreach and education programs and updating spills prevention and emergency response plans) are recommended as best practices and are considered as strategic actions that are “**Not Legally Binding**”. Municipalities are encouraged to implement these policies based on community needs and existing policies and programs. These policies are denoted in the Plan with the suffix **NB**.

In the Cataraqui SPP policies, the words “shall” and “must” are mandatory, and the words “should” and “would” are discretionary.

Cataraqui SPP Policies

The Cataraqui SPP should be read in its entirety to ensure that all applicable policies are considered in a given situation. As noted above, the Plan is accompanied by an Explanatory Document (June 2012) that provides stakeholders with information that influenced the policy decisions made by the SP Committee.

Chapter 2 provides background information on the drinking water source protection initiative and the local planning process. **Chapter 3** describes implementation of the SPP, including responsibilities, timelines and reporting. The City of Kingston is the main municipal implementation body for policies for the Cana WHPA and the Point Pleasant and Kingston Central IPZs. Further discussion respecting implementation of the Cataraqui SPP is included in this report under the heading Next Steps & SPP Implementation. A further report will also be forthcoming providing a more detailed discussion respecting implementation of the Cataraqui SPP.

The introductory paragraphs in each section provide a context for the policies in that section. Each policy specifies the area to which it applies and whether the activity is a significant, moderate or low drinking water threat. Within each chapter, the policies for specific vulnerable areas are organized by topic and then by policy tool or drinking water threat. The policies in the Cataraqui SPP are arranged in the following order:

Policies for All Vulnerable Areas (Chapter 4)

The policies in Chapter 4 relate to: raw water quality sampling; provincial and municipal emergency and spill response; education and outreach programs; incentive programs;

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research initiatives; and, provincial and municipal programs, policies and procedures. These policies apply to all vulnerable areas, including wellhead protection areas, intake protection zones and the highly vulnerable aquifers and significant groundwater recharge areas throughout the Cataraqui Source Protection Area. These policies, which are in addition to those applicable to each of the specific vulnerable areas, are to be implemented by municipalities, provincial ministries and the SP Authority.

Policies for Regional Areas of Sensitive Groundwater (Chapter 5)

The policies in **Chapter 5** (Regional Areas of Sensitive Groundwater) relate to education and outreach programs, research and monitoring, on-site sewage system maintenance inspection programs, and decision making related to land use planning and development under the *Planning Act* and *Condominium Act* and provincial prescribed instruments. These policies apply to all areas identified as a highly vulnerable aquifer (HVA) or significant groundwater recharge area (SGRA) as shown on Schedule A to the Cataraqui SPP. The only exception is where these sensitive regional groundwater areas overlap a wellhead protection area (WHPA) or intake protection zone (IPZ), in which cases the more restrictive policies would apply. As noted above, the policies for all vulnerable areas (Chapter 4) also apply to the highly vulnerable aquifers and significant groundwater recharge areas.

Approximately 93% of the City of Kingston is identified as either a HVA or SGRA and includes areas that are serviced by municipal water and sewer systems. The Plan notes that many of the policies for the HVAs and SGRAs relate to research or best practices for wells and on-site sewage systems and by their nature would not apply to the fully serviced areas within the City of Kingston.

Policies for Wellhead Protection Areas (Chapter 6)

Chapter 6 includes policies that generally relate to all wellhead protection areas (on-site sewage system maintenance, land use planning and development [municipal approvals, provincial approvals and other approvals] and review of Regulation 903) as well as policies that apply to the specific wellhead protection areas. The policies for the Cana Wellhead Protection Areas are found in Section 6.3 of the Plan and relate to a land purchasing strategy, Part IV of the *Clean Water Act* [risk management plans, prohibited uses and restricted land uses] and municipal operations [wastewater treatment facility and local drainage]. As noted above, the policies for all vulnerable areas (Chapter 4) also apply to the wellhead protection areas.

Significant drinking water threats exist or have the potential to occur within the Cana WHPAs based on the assigned vulnerability scores. The significant threats relate to existing septic tanks, the handling and storage of fuel (home heating), the existing sewage treatment plant, and the handling, storage and transportation of pesticides, chemicals and organic solvents. Moderate and low threats relate to existing septic tanks, the existing sewage treatment plant, application of road salt, and the handling, storage and transportation of fuel, chemicals, pesticides and organic solvents. The SPP does not prohibit any existing activities.

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The Cataraqui SPP indicates that the City of Kingston is responsible for ensuring that specific land uses and activities that are significant threats to drinking water are either prohibited or managed in the Cana WHPAs. The City also has a role in managing moderate and low drinking water threats, and in encouraging sound practices through education, outreach and other measures.

Policies for Surface Water Intake Protection Zones (Chapter 7)

Chapter 7 includes policies that generally relate to all intake protection zones (on-site sewage system maintenance, land use planning and development [municipal approvals, stormwater management retrofits, provincial approvals and other approvals]) as well as policies that apply to the individual intakes. The policies for Point Pleasant and Kingston Central are found in Section 7.6 and relate to sewage infrastructure and Wolfe Island Ferry emergency response). As noted above, the policies for all vulnerable areas (Chapter 4) also apply to the intake protection zones.

The Point Pleasant and Kingston Central IPZs are two of the areas where there are not and cannot be any significant drinking water threats. The SP Committee decided to prepare one set of policies for both of these areas due to their close proximity, similar character and vulnerability, and location in the City of Kingston. The City of Kingston is identified as the main municipal implementation body for the Point Pleasant and Kingston Central IPZs. Loyalist Township and the Township of Frontenac Islands also have proposed roles in protecting these sources of drinking water. The Province and municipalities will need to have regard for the policies about moderate and low threats within these zones when making decisions on prescribed instruments (e.g. certificates of approval) and land use planning. Other policies respecting moderate and low threats are recommended as best practices and are not legally binding.

The Fairfield IPZ is also an area where there are not and cannot be any significant drinking water threats. Loyalist Township is the main municipal implementation body for the Fairfield IPZ. The City of Kingston is identified as having a proposed role in protecting this source of drinking water since the two IPZs extend into the City. The Province and municipalities (Loyalist Township, City of Kingston and County of Lennox and Addington) will need to have regard for the policies about moderate and low threats within these zones when making decisions on prescribed instruments (e.g. certificates of approval) and land use planning. Other policies are recommended as best practices and are not legally binding.

The **Schedules** attached to the Cataraqui SPP delineate the boundaries of the Cataraqui Source Protection Area, the Regional Areas of Sensitive Groundwater (Schedule A), and the individual Wellhead Protection Areas (Cana is Schedule B) and Intake Protection Zones (Point Pleasant & Kingston Central is Schedule H and Fairfield is Schedule I).

The following types of policies are included in the Cataraqui SPP:

Policies Under Part IV of the Clean Water Act

Part IV of the *Clean Water Act* provides municipalities with new tools to regulate existing and future activities that are significant drinking water threats, except for waste disposal and

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sewage-related activities that are subject to an environmental compliance approval or certificate of approval. In the Cataraqui SPP, existing and future activities that cannot be addressed through land use planning (e.g. pesticide application) and where there is no applicable prescribed instrument (e.g. PCB waste storage) are designated as **prohibited uses** under Section 57 of the Act. The Plan also requires submission of **risk management plans** under Section 58 of the Act to manage the risk associated with certain activities where there is no applicable prescribed instrument and the risk can be effectively managed (e.g. home heating oil storage, storage of fuel for private use and agriculture-related threats). Risk management plans will also be required for some activities that could be established in the future. The Plan also designates **restricted land uses** under Section 59 of the Act to flag specific uses in a given area that are or may be associated with the prohibited activities or that require a risk management plan to be submitted, in the event that a planning application or building permit application is submitted.

The Cataraqui SPP also prohibits the following activities:

- Activities that are, or would be, significant drinking water threats and for which risk management would not be sufficient to address the risk to source water; and,
- Future activities that would be significant drinking water threats and that are not feasible in a given wellhead protection area or intake protection zone based on permitted land uses, local development patterns and the physical characteristics of the area.

Municipal Land Use Planning and Development

The Plan requires municipal councils to amend their Official Plans and Zoning By-Laws to conform to the SPP policies that address significant drinking water threats. Decisions under the Planning Act and Condominium Act must conform to the SPP policies that address significant drinking water threats and must have regard for other policies set out in the SPP respecting moderate and low threats. **Such decisions must conform to or have regard for the approved SPP as of the date the Plan takes effect whether or not the City's Official Plan and Zoning By-Laws have been amended.**

Policies in the Cataraqui SPP also utilize Planning Act tools (official plans, zoning by-laws and site plan control) to restrict land uses or specify requirements in order to manage proposed activities that are drinking water threats as well as provincial approvals (prescribed instruments) to restrict an existing or proposed activity or to specify requirements to protect sources of drinking water from contamination.

Municipal Operations and Infrastructure

The policies are asking municipalities to demonstrate leadership by reviewing their operations and programs to address a variety of drinking water threats. These types of policies are generally not legally binding, except where they address a significant drinking water threat. Some of these policies include creating or updating road salt management plans, updating emergency response plans and evaluating waste management programs.

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Provincial Programs and Procedures

The SPP will influence a number of policies, programs and actions of the provincial government. The policies recommend that programs be updated where improvements can realize greater source water protection (e.g. update provincial spill response plans) and that research be conducted to fill technology or knowledge gaps (e.g. most effective method for disposing of water softener backwash in rural Eastern Ontario).

Education and Incentives

The proposed education and incentive policies are intended to raise awareness in local communities about wellhead protection areas, intake protection zones and highly vulnerable aquifers and significant groundwater recharge areas and demonstrate how all stakeholders can work together to protect the sources of drinking water.

Data, Research and Reporting

These policies encourage research that is intended to improve technical understanding of sensitive regional groundwater sources and the impact of climate change on sources of drinking water in the Cataraqui Source Protection Area. An example includes a cooperative effort to assemble data about groundwater in the region to form a more comprehensive understanding about the state of these resources.

There are monitoring requirements associated with most of the policies in order to understand how well the Plan is being implemented to protect sources of drinking water. The monitoring results must be shared by the SP Authority each year in a progress report to the Ministry of the Environment. The monitoring policies generally request that the implementing body report to the SP Authority on a one-time or recurring basis regarding the status of policy implementation. An example would be providing the SP Authority with a copy of all approvals granted under the Planning Act for specific types of applications in the vulnerable areas.

Staff Comments on the Cataraqui Source Protection Plan and Explanatory Document

The following **staff comments** were received respecting the Cataraqui SPP (June 2012) and accompanying Explanatory Document (June 2012).

Transportation Services indicated no further comments on the Cataraqui SPP and Explanatory Document.

Environment Division:

“Provincial funding for implementation of the enforcement authorities under Part IV of the Clean Water Act through the training and appointment of a Risk Management Official / Risk Management Inspector (either in-house, shared with another municipality, or transferred to another body) should be provided to avoid a new draw on the municipal tax base for a service that has in the past been conducted either by the Province through the Ministry of the

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Environment (MOE) or the Technical Standards and Safety Association (TSSA), by the Health Unit through its inspection / re-inspection programs for septic systems, or not at all.”

Engineering and Public Works Departments:

Based on the following comments, Engineering and Public Works have indicated no further comments on the Cataraqui SPP. With respect to the comment about marina spill response, this was included in the Draft SPP as a stand-alone policy before being incorporated into the overall education and outreach policy.

“Engineering has had an opportunity to review the table from the CRCA as well as checked on the sections pertinent to Engineering and Public Works in the Explanatory Document and provide the following.

Explanatory Document:

1. We note that there is documentation on the spills plans etc for the marina (page 19). I can't recall seeing anything of this nature in past reviews though I may have missed it. Has this been vetted through the Marina Group given it is directing work on their spills plan?
2. We note that the document (page 29) states that the Ontario Good Roads Association “reviewed and updated their salt management plan to require the identification of vulnerable areas and to outline steps to be taken to minimize impact on vulnerable areas.” Given this has been added by OGRA it will likely assist in meeting the recommendations of the Source Protection Plan.
3. The City is taking note of the statement on page 31 that the MOE will include source protection information into guidelines as they are updated. We will continue to monitor this to determine if there are future impacts on municipal projects.

Table:

The two points previously provided by Engineering have been adequately addressed.

At this time there has not been a review of the entire document posted on the CRCA website though given the above comments it is not expected that there will be any new concerns. If there is information that is going to be provided in the Council report it would likely be appropriate to note that Engineering and Public Works have no further comments on the Plan.”

The comments from **Utilities Kingston** (Exhibit D) indicate that through discussion and consultation with SP Authority staff many of the previous significant concerns with the SPP have been satisfactorily addressed. However, there remain a couple of items that have not been satisfactorily resolved related to transport pathways. Utilities Kingston (UK) recommends that Council oppose the policies as written and has suggested modifications. Section 3.5.1 is in the Implementation section of the Plan. According to SP Authority staff, this text is not intended to be a policy and was meant to flag regulatory requirements of which municipalities might not otherwise be aware. The main concerns relate to: how the Implementation Statement in 3.5.1 interprets Section 27(3) of Regulation 287/07 and applies it to municipalities and that this could

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lead to procedural uncertainties in the future; and, the requirement to provide notification to the SP Authority regarding any works that may result in a new or modified transport pathway (e.g. drainage works, sewers, etc.) within or adjacent to wellhead protection areas and intake protection zones. Utilities Kingston is of the opinion that the wording of Section 27(3), "*If a person applies to a municipality for approval of a proposal. . .*", does not apply to Utilities Kingston/City of Kingston works and that replacement of existing infrastructure will likely reduce the threat to sources of drinking water and therefore should be exempt from the notification requirements. UK recommends that Council oppose Section 3.5.1 as currently written and that it be modified to clearly ensure that it does not apply to the infrastructure renewal, replacement or rehabilitation activities of Utilities Kingston/City of Kingston.

Policies 6.2.16-HR a. and b. and 7.2.14-HR a. and b. relate to transport pathways in wellhead protection areas and intake protection zones. Based on the previous comments from UK, Policy 6.2.16 was amended to recognize that annual infrastructure renewal of sanitary sewers in the wellhead protection areas by the City is not subject to the proposed increase in review, technical data and approvals contemplated by the policy as it affects MOE review and approvals. Only new sanitary sewers are subject to the policy. However, a similar change was not made to Policy 7.2.14-HR. The Explanatory Document notes that Policy 7.2.14-HR a. and b. does not apply to sanitary sewers. However, the policy still makes specific mention of combined sewers and this remains a concern. UK recommends that Council oppose the policy as written and that Policy 7.2.14-HR b. ii. iv. be amended to read "*new combined sewers*".

It is also noted that the Explanatory Document does not make any reference to the previous concerns raised by Utilities Kingston respecting these transport pathways policies and how those concerns were addressed in preparing the Cataraqui SPP. SP Authority staff has acknowledged this oversight and are inquiring as to whether or not the Explanatory Document can be amended to reference the previous comments/concerns of Utilities Kingston respecting these sections of the Plan.

Planning & Development

"The Source Protection Document entitled "Response to Written Comments received during consultation on the Draft Plan (Feb 2012)" summarizes the City Comments and the response on Page 3 of the chart. In item No. 9 the City had expressed concerns that the requirements related to the consideration of measures to reduce the risk of contamination from a spill or leak which dealt with the extraction of materials was limited to the pits and quarries and the licencing agency Ministry of Natural Resources. We stated that the policy did not consider mineral deposits (such as the wollastonite deposits in Kingston) which will be overseen by the Ministry of Northern Development and Mines (MNDM). We further stated that the policies be considered to include licences for minerals and MNDM. The response from the Source Protection Group was "This policy impacts the Aggregate Resources Act (a prescribed instrument). The MNDM does not approve site plans and therefore this type of policy cannot be directed to them".

The City objects to taking the responsibility for risk management on a mineral deposit that is legislated under the Mining Act. That Act is administered through the Ministry of Northern

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Development and Mines who have approval power over extraction of minerals. The Ministry of Northern Development and Mines should be required to take the responsibility for risk management through their approval process. It should not become a municipal responsibility or ignored.

Therefore, the Source Protection Plan dated June 2012 must be amended to require the Ministry of Northern Development and Mines to take responsibility for requiring risk management measures for risks to the groundwater contamination from mining activities. The City is unclear exactly how that needs to be accomplished. The City objects that there are not similar policies to those for aggregates. The responsibility for risk management needs to be assigned to the Ministry of Northern Development and Mines as they are responsible for the mining process.”

Next Steps & SPP Implementation

Next Steps Leading to Submission and Approval of the Cataraqi SPP

The following outlines the next steps in the overall process and the anticipated timelines for submission of the Cataraqi Source Protection Plan to the Minister of the Environment and approval of the SPP:

- June 21, 2012 – Source Protection Authority publishes the Cataraqi SPP and Explanatory Document, both dated June 2012, together with the required Notice advising how copies of the documents may be obtained and inviting written submissions on or before July 31, 2012 (as noted in earlier reports, once the Cataraqi SPP is published, no further changes can be made except for minor revisions such as correcting typographical errors);
- June 21, 2012 – Source Protection Forum Regarding Risk Management Office(s) for the Cataraqi Area hosted by Cataraqi SP Authority with municipalities in the Cataraqi SP Area to begin discussions on implementation of the SPP and enforcement options for the Part IV authorities of the Clean Water Act (a further report to Council will be forthcoming providing further information about implementation of the SPP and a summary of the June 21st Forum);
- July 12, 2012 – Meeting of Source Protection Committee – anticipate presentation of a resolution to submit the Cataraqi SPP and Explanatory Document to MOE;
- July 31, 2012 – Response deadline for written submissions on the Cataraqi SPP and Explanatory Document;
- August, 20, 2012 – Deadline for submission of Cataraqi SPP and Explanatory Document by the SP Authority to the Minister of the Environment for approval together with all comments received during the minimum 30 day consultation period as well as a

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summary of any concerns that were raised by the City during the first formal consultation on the Draft SPP that have not been resolved to the City's satisfaction;

- 2013 – anticipated approval of the Cataraqui Source Protection Plan by MOE.

Following Plan approval, the source protection initiative is intended to continue over the long-term and be reviewed and improved on a regular basis, as needed.

Implementation of Proposed Source Protection Plan (SPP)

The City of Kingston is the main municipal implementation body for policies for the Cana WHPA and the Point Pleasant and Kingston Central IPZs. The City of Kingston also has a role in the implementation of the policies for the Fairfield IPZ in Loyalist Township. All municipalities within the Cataraqui Source Protection Area are proposed to collectively implement the area-wide policies and the policies for the Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. The Provincial ministries identified as having a role in implementing the Cataraqui SPP policies include: the Ministry of the Environment (MOE); Ministry of Natural Resources (MNR); Ministry of Transportation (MTO); Ministry of Consumer Services (MCS); Ministry of Municipal Affairs and Housing (MMAH); and, the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Also, the Cataraqui Source Protection Authority and Cataraqui Region Conservation Authority have been identified as playing an integral part in coordinating the implementation of the SPP as well as specific education and incentive programs so that there is consistent messaging across the region.

Part IV of the Clean Water Act provides Source Protection Committees and municipalities with new “tools” to regulate existing and future activities that are or could become significant drinking water threats. The Part IV provisions are solely enabled through the Clean Water Act and **do not** require that the municipality pass a By-Law or amend its Official Plan or Zoning By-Laws to be in effect. The Part IV “tools” provide SP Committees and municipalities with the authority to:

- designate **Prohibited Activities** that cannot be addressed through land use planning (Section 57);
- require submission of **Risk Management Plans** to manage the risk associated with certain activities where there is no applicable prescribed instrument and the risk can be effectively managed (Sections 56 and 58); and,
- designate **Restricted Land Uses** in order to flag specific uses in a given area that are or may be associated with the prohibited activities or that require a risk management plan to be submitted, to ensure that drinking water threats are addressed at the front-end of the approval process before a formal planning application or building permit application is submitted (Section 59).

In addition to the Part IV “tools”, the SPP includes a number of other policies intended to manage significant drinking water threats in the Cana WHPAs. These include utilizing powers under the Planning Act and Condominium Act to regulate development, require the submission of disclosure reports and amendments to the City's Official Plan to ensure conformity with the intent of the significant threat policies. The City is required by the Ontario Building Code (OBC)

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to establish a mandatory on-site sewage system maintenance inspection program by October 6, 2016 and is encouraged to establish a discretionary inspection program for the balance of the Cana WHPAs. Other policies require the City to develop and implement an education and outreach program for landowners connected to the sanitary sewer system and that the Annual Cleaning and Inspection Standard Operating Procedure in relation to the sewage tank located in WHPA-A) be implemented.

Since the Proposed SPP uses the Part IV provisions of the Clean Water Act to address significant drinking water threats in the Cana WHPAs, the City is required to appoint a Risk Management Official (RMO) and/or Risk Management Inspector (RMI), as necessary, to administer and enforce the Part IV provisions of the Act. Prior to appointment as a RMO/RMI, a person must complete Ministry-approved training courses. The Part IV provisions of the Clean Water Act cannot be implemented until these appointments are made. The Act does provide a number of options for administration and enforcement of the Part IV authorities (in-house, shared or joint enforcement, or transfer enforcement authority to another body such as a municipality, the SP Authority or Board of Health).

The enforcement responsibilities also include passing By-Laws to establish rules or policies respecting the administration of Part IV of the Act. This may include such matters as prescribing fees for reviewing Risk Management Plans (RMPs) and Risk Assessments (RAs) and issuing Notices, establishing and governing inspection programs, and prescribing applications and forms for RMPs, acceptance of RAs and Notices.

As the main municipal implementation body for the significant threat policies related to the Cana Wellhead Protection Areas, the City of Kingston will be responsible for administration and enforcement of the Part IV provisions of the Clean Water Act. It is therefore important for Council to consider how it intends to implement and administer the Part IV provisions and the associated significant threat policies in the Source Protection Plan prior to approval of the SPP by the MOE. A further staff report will be forthcoming to Council to provide further information respecting implementation of the Cataraqui SPP and providing a summary of the results of the June 21st Forum in Lansdowne.

EXISTING POLICY/BY LAW:

See Council Report 11-274

NOTICE PROVISIONS:

Section 23 of the Clean Water Act requires that the SP Authority provide a copy of the Proposed Source Protection Plan to the Clerk of each municipality in the SP Area and that the Proposed SPP be published in accordance with the Regulations. The Act also requires that Notice of the Proposed SPP be given in accordance with the Regulations to all persons prescribed by the Regulations and that the Notice be published together with information on how copies of the

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Proposed SPP may be obtained and an invitation to submit written comments on the Proposed SPP to the Source Protection Authority within the time period prescribed by the regulations.

Section 42 of Ontario Regulation 287/07 requires the SP Authority to publish the Proposed SPP on the Internet and publish Notice of the Plan on the Internet inviting the public to submit written comments on the Proposed SPP. Notice is to be given to the Clerk of each municipality and to all persons who submitted written comments on the Draft SPP. The required Notice shall invite written comments on the Proposed SPP to be submitted within 30 days after the Plan is published on the Internet or, if the SP Authority determines that a longer period is necessary for the purposes of providing the comments, within the time period specified in the Notice. Comments on the Proposed Source Protection Plan (SPP) and Revised Explanatory Document have been requested by the SP Authority by **July 31, 2012**. As noted in previous reports, once published the Proposed Source Protection Plan can no longer be revised prior to its submission to the Minister of the Environment.

Section 43 of Ontario Regulation 287/07 requires the SP Committee to submit the required Explanatory Document to the SP Authority with the Proposed SPP. The Explanatory Document must be updated to reflect any changes made to the Draft Source Protection Plan and must include a brief explanation of the effect, if any, of comments received during consultation on the development of the Proposed SPP.

The Proposed SPP must be submitted to the Minister of the Environment for approval on or before August 20, 2012.

ACCESSIBILITY CONSIDERATIONS:

This report is available in accessible formats upon request.

FINANCIAL CONSIDERATIONS:

There are no specific financial considerations as part of this report. However, it must be recognized that there will be costs to the City once the Source Protection Plan is approved by the Minister of the Environment and comes into effect. This represents further regulation from the Province that brings additional costs to the municipality that will be borne by municipal taxpayers. The Source Protection Plan identifies the City of Kingston as the main municipal implementation body for policies respecting significant drinking water threats in the Cana WHPAs and for policies respecting moderate and low drinking water threats related to the Cana WHPAs, the Point Pleasant and Kingston Central IPZs and the Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Policies that relate to significant drinking water threats are binding on the municipality, whereas policies regarding moderate and low threats either have regard for policies or strategic actions that are not binding. Many of the previous staff comments and comments from other municipalities have identified concerns about the potential costs to implement the Source Protection Plan.

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Costs to the municipality are difficult to assess at this point and will depend on the policies contained in the approved Source Protection Plan related to significant drinking water threats that the municipality must comply with, together with the City's approach to administration and enforcement of the Part IV provisions of the Clean Water Act and the degree to which the City decides to implement the strategic actions related to moderate and low threats.

Since the Proposed SPP uses the Part IV provisions of the Clean Water Act to address significant drinking water threats in the Cana WHPAs, the City is required to appoint a Risk Management Official (RMO) and/or Risk Management Inspector (RMI), as necessary, to administer and enforce the Part IV provisions of the Act. Although the roles of the RMO and RMI differ, municipalities may elect to have one person fulfill both roles. Prior to appointment as a RMO/RMI, a person must complete Ministry-approved training courses. The Part IV provisions of the Clean Water Act cannot be implemented until these appointments are made.

The Act does provide a number of options for administration and enforcement of the Part IV authorities. Council will need to consider how it intends to implement and administer the Part IV provisions of the Act and the related significant threat policies in the SPP prior to approval of the SPP by the Minister of the Environment. Costs to the municipality may be offset through the establishment of fees related to the Part IV authorities under the Clean Water Act and any funding commitments from the province to assist with Plan implementation.

CONTACTS:

Cynthia Beach, Commissioner, Sustainability & Growth Group (613-546-4291, ext. 1150);
George Wallace, Senior Special Projects Manager, Sustainability and Growth Group (613-546-4291, ext. 1864).

OTHER CITY OF KINGSTON STAFF CONSULTED:

The following staff was circulated copies of the Proposed Source Protection Plan and Revised Explanatory Document for review and comment. Those staff that submitted written comments on the Draft SPP and Explanatory Document were also circulated the Staff Report for review/comment:

Kim Brown, Manager, Infrastructure & Development
Damon Wells, Director, Public Works Services
James Miller, Director Utilities Engineering, Utilities Kingston
Paul MacLatchy, Director, Environment & Sustainable Initiatives
Alan McLeod, Senior Legal Counsel, Legal Services
Terry Willing, Director, Building & Licensing
Desiree Kennedy, Director, Financial Services & City Treasurer
Harold Tulk, Fire Chief
John Cross, Manager, Emergency Planning
John Giles, Manager, Solid Waste Division
Grant Bain, Director, Planning & Development
Cherie Mills, Manager, Policy Planning, Planning & Development

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Wendy Carman, Senior Policy Planner, Planning & Development
Ian Semple, Project Manager Transportation
Sheila Kidd, Director, Transportation Services

EXHIBITS ATTACHED:

- Exhibit A - Letter to Municipal Councils Dated June 18, 2012 from the Chair of the Cataraqui Source Protection Authority - Request for Comments on Proposed Source Protection Plan: Cataraqui Source Protection Area
- Exhibit B - Proposed Source Protection Plan – Quick Facts for Municipalities (June 2012)
- Exhibit C - Response to Written Comments received during Consultation on the Draft Plan (February 2012), Updated to May 31, 2012
- Exhibit D - Comments from Utilities Kingston on Cataraqui Source Protection Plan, dated June 28, 2012
- Exhibit E - Proposed Source Protection Plan – Executive Summary



June 18, 2012

Files: SPP 5-1; 8

To: Municipal Councils
Cataraqui Source Protection Area

From: Allan McPhail, Chair
Cataraqui Source Protection Authority

Dear Mayor and Council,

**RE: REQUEST FOR COMMENTS ON PROPOSED SOURCE PROTECTION PLAN,
CATARAQUI SOURCE PROTECTION AREA**

The Cataraqui Source Protection Authority invites your municipality to comment on a *proposed source protection plan* for the Cataraqui area. The plan has been prepared by the multi-stakeholder Cataraqui Source Protection Committee in accordance with Provincial requirements and with input from local communities. Your written comments and/or resolutions are requested **on or before July 31st**, as outlined on the attached notice.

We enclose one printed copy of the proposed plan and the companion explanatory document. The documents are also posted at: <http://www.cleanwatercataraqui.ca/sourceProtectionPlan.html>. Additional DVD copies are available upon request. The attached two-page fact sheet provides some background information.

The proposed source protection plan is due to be submitted to the Ontario Minister of the Environment mid-August 2012. Under the *Clean Water Act* no changes can be made to the plan at this stage of the process. However, all comments received by the Cataraqui Source Protection Authority will be included in the submission package to the Minister for his consideration. Final approval is anticipated in 2013.

We appreciate your time, and look forward to your comments. For more information, please contact Rob McRae, Project Manager, at (613) 546-4228 ext. 224 or robmcrae@cataraquiregion.on.ca.

Yours truly,

(original signed by)

Allan McPhail
Chair, Cataraqui Source Protection Authority

w/ attachments and enclosures

c.c: (e-mail only) Municipal CAOs, clerks, staff contacts, Cataraqui Source Protection Area
Adjacent source protection regions
Cataraqui Source Protection Committee
Cataraqui Source Protection Authority
Wendy Lavender, Ontario Ministry of the Environment
Michael Elms, Ontario Ministry of Municipal Affairs and Housing



Proposed Source Protection Plan Posted for Review and Comment

The Cataraqui Source Protection Authority invites comments on a *proposed source protection plan* for our area (map on reverse). The proposed plan has been prepared by the Cataraqui Source Protection Committee to address existing and future threats to the quality of local drinking water sources, with a focus on those sources that supply our communities. Its purpose is to help ensure that clean and plentiful drinking water sources will continue to be available in the future.

The plan is now posted at <http://www.cleanwatercataraqui.ca/sourceProtectionPlan.html>, along with an accompanying explanatory document. Printed copies of these items are available for review at the Cataraqui Region Conservation Authority office in Glenburnie (near Highway 401 and Division Street, Kingston) between 8:30 AM and 4:30 PM, Monday to Friday.

This work is being completed with Provincial support and direction under the *Clean Water Act, 2006*. The multi-stakeholder Source Protection Committee has worked with local communities over the past two years to prepare a plan that is appropriate, effective and affordable. It has also prepared the explanatory document to outline its rationale for each policy.

The proposed plan reflects comments received by the Committee from municipalities, Provincial ministry staff, organizations and individuals on a draft version that was published in February 2012. A table listing the Committee's response to each written comment is available on the above-noted website.

The proposed source protection plan is due to be submitted to the Ontario Minister of the Environment in August 2012. Under the *Act*, no changes can be made to the plan at this stage of the process. However, all comments received by the Cataraqui Source Protection Authority will be included in the submission package to the Minister for his consideration. Final approval is anticipated in 2013.

How to Comment

Written comments on the proposed plan are requested by **Tuesday July 31, 2012** to the attention of:

Cataraqui Source Protection Authority
c/o
Rob McRae MCIP, RPP
Project Manager, Source Water Protection
Cataraqui Region Conservation Authority
1641 Perth Road, P.O. Box 160
Glenburnie ON K0H 1S0
robmcr@cataraquiregion.on.ca

This notice was published in June 2012 in accordance with Ontario Regulation 287/07 under the *Clean Water Act, 2006*.



Proposed Source Protection Plan - Quick Facts for Municipalities

June 2012

Proposed Source Protection Plan - Last Chance for Comments

This is your municipality's final opportunity to provide written comments on the proposed source protection plan. The plan must be submitted to the Ontario Minister of Environment for approval in **August 2012**.

It is now posted on our website at:

www.cleanwatercataraqui.ca/sourceProtectionPlan.html.

Written comments that are received by **July 31, 2012** will be forwarded to the Minister with the plan. Please send your comments to:

Cataraqui Source Protection Authority
 c/o Rob McRae, MCIP, RPP - Project Manager
 PO Box 160, 1641 Perth Road, Glenburnie ON K0H 1S0
 robmrae@cataraquiregion.on.ca

Where does the plan apply?

1. Highly vulnerable aquifers and significant groundwater recharge areas that make up 93 per cent of the Cataraqui Source Protection Area
2. Three wellhead protection areas around municipal wells:
 - Cana Subdivision - Kingston
 - Lansdowne
 - Miller Manor - Mallorytown
3. Nine intake protection zones around municipal intakes:
 - A.L. Dafoe (Napanee)
 - Sandhurst Shores
 - Bath
 - Fairfield (Amherstview)
 - Kingston - West and Central
 - James W. King (Gananoque)
 - Brockville
 - Sydenham.



What will the plan mean for municipalities?

It depends on the drinking water threats that were identified within your municipality. These were identified in the Assessment Report (2011).

Where significant drinking water threats have been identified, municipalities will need to comply with the policies in the source protection plan. This applies to portions of:

- Cana Wellhead Protection Area (WHPA) - Kingston
 - Lansdowne WHPA
 - Miller Manor WHPA
 - Brockville Intake Protection Zone (IPZ)
 - James W. King IPZ - Gananoque
 - Sydenham IPZ.
4. Make decisions under the *Planning Act* and *Condominium Act* that conform with policies on significant threats and have regard for policies on moderate and low threats.
 5. Consider implementing all other policies in light of community needs, existing policies and programs.

What does the Source Protection Plan include?

The proposed plan contains policies that address drinking water threats associated with existing and future activities that were identified in the technical Assessment Report (June 2011).



The policies try to fill in gaps in legislation or between existing efforts where there was deemed to be an incomplete safety net.

The plan policies focus on:

- enhancing education and outreach initiatives
- promoting responsible decisions about land use and development
- recommending changes to municipal operations
- conducting research to increase knowledge
- improving access to information.

Facts about drinking water threats

The threats that were identified during the source protection plan process were prescribed by the Ministry of Environment.

The most common prescribed threats in the Cataraqui Source Protection Area are **septic systems and holding tanks**, and the handling, storage and transportation of **liquid fuel**.

There are limited occurrences of significant threats — about 158 threats on 114 properties.

There are many moderate and low threats.



Some background on the drinking water source protection initiative

- A provincial initiative to protect existing and future sources of drinking water across Ontario under the *Clean Water Act, 2006*
- The work is being led locally by the Cataraqui Source Protection Committee, a multi-stakeholder group formed in 2007.
- Local delivery of the project is being supported by the Cataraqui Region Conservation Authority
- The planning process has been open and transparent with many opportunities for consultation. Since January 2011 our consultations have included:
 - 12 community roundtables
 - meetings with municipal and provincial stakeholders
 - presentations to municipal councils
 - collaboration with neighbouring source protection regions
 - There were 41 submissions with over 150 individual comments made on the Draft Source Protection Plan (February 2012). These comments resulted in a number of improvements to the plan.



Comment Letter #	Author	Comment (Paraphrased)	Applicable Policy Reference Number (Draft Plan)	Anticipated Policy Reference Number (Proposed Plan)	Response in the proposed Catawaqui Source Protection Plan (June 2012)
1	Ontario Good Roads Association	The policies related to the application, handling and storage of road salt and the storage of snow are fair and reasonable.			No changes required.
2	Well Aware	In agreement that education is required for individuals considering development of private services. Suggested that all new and existing developments that acquire a permit should receive an education package about wells. Well Aware has developed a suitable package.	4.4.1-NB	4.4.2-NB	The reference to development was clarified by adding "new, expansion or renovation" to bullet 6.
		Recommend that municipal Building Inspectors further their knowledge of the Ontario Wells Regulation (903), regarding separation distances to be able to provide applicants with direction during the permitting process.	n/a	n/a	No changes proposed. Follow up with a Chief Building Official indicated that it is a good idea, but that well separation distances are outside the authority of the building inspectors under the Ontario Building Code.
3	Township of Athens	Concern raised regarding implementation funding.	n/a	n/a	The development of the plan considered the potential cumulative impact that the requirements of various policies could have on the financial capacity and available resources (e.g., staffing) of municipalities. Wherever possible, existing policies and programs were used in the source protection plan to address drinking water threats. Also, implementation timelines were aligned with established review and reporting cycles (e.g., circulation of notices of decision under the Planning Act).
4	Township of Rideau Lakes	1. Policy 5.2.1-HR suggests using the Planning Act to regulate activities rather than land uses. This policy would not catch changes in use that do not require planning review. It may be possible to use conditional zoning (section 34(16) of the Planning Act).	5.2.1-HR	5.5.1-HR	The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. There are various ways by which municipalities can meet the intent of this policy. For example, by requiring upfront disclosure of activities, site plan control, development agreements, and/or conditional zoning (once enabled by the Province).
		2. Policy 5.2.1-HR: the Planning Act specifies the information that a municipality can request as part of a complete application, and allows requests for "other information" if they are stipulated in the Official Plan. The policy should reflect/note this.	5.2.1-HR	5.5.1-HR	The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. It is not the place of the Source Protection Plan to specify what procedural changes municipalities need to make to their Official Plans to implement the policy.
		3. It is not clear if this refers to by-laws passed under 34(6) of the Planning Act or under the Building Code Act (Section 7) or both. Same concern as to authority to request additional information outlined in 5.2.1 HR (b), (d), (c).	5.2.2-NB	n/a	This policy was removed from the plan based on an opinion received from a Chief Building Official that the change of use by-laws made under the Ontario Building Code are not automatically triggered if a land use in a building changes. The by-laws address specific Code-related issues only, and are unlikely to achieve the desired source protection outcome.
		4. The Catawaqui Plan and the Mississippi-Rideau Plan should streamline policies, wording and implementation to facilitate a consistent approach and operations in cross-watershed municipalities, as per section 2.6 of the Plan.			The two Plans are coordinated to the extent possible given the different approaches taken by the two Source Protection Committees.
		5. Section 3.5.1 - the actions which constitute a new 'transport pathway' or 'modification of existing transport pathway' should be comprehensively listed. The O. Reg. provides no greater clarity through definition. Many of these actions may be outside of Municipal authority/approval.			Section 3.5.1 provides examples of transport pathways. The municipality is responsible for notification of those activities that it has authority or approval over. For example, while a municipality does not approve new private wells, it might approve developments that are serviced by wells in a wellhead protection area. This is a situation where notification would be required.
		6. Requested an extended comment deadline to coincide with Mississippi-Rideau to allow a full and co-ordinated review.			The deadline was extended two weeks to April 26, 2012.

Comment Letter #	Author	Comment (Paraphrased)	Applicable Policy Reference Number (Draft Plan)	Anticipated Policy Reference Number (Proposed Plan)	Response in the proposed Cataraqui Source Protection Plan (June 2012)
5	City of Kingston	Policy 6.2.1-CW should include reference to developing a set of criteria for securing land.	6.2.1-CW	6.3.1-CW	The policy was revised.
		Comments from Engineering: 1. There are references to development policies to prohibit the construction of salt domes and snow storage facilities in areas of threat. This seems reasonable in that the City, should it need to create new facilities, would be required to locate in an appropriate location. It is the understanding of this Department that the existing facilities are not impacted by the new policies. It may however be appropriate to seek clarification if changes to existing facilities would impose these conditions. In future the language incorporated into planning documents may have to give some consideration to this.	4.2.1-NB	4.7.2-NB	The only locations where salt domes and snow storage facilities are prohibited are in Cana WHPA-A and WHPA-B where the vulnerability score is 10. The City's existing facilities are not located in the WHPA, therefore the facilities would not be impacted by the prohibition policy. The City's existing facilities are probably located in the highly vulnerable aquifer / significant groundwater recharge area. Changes to these facilities would be subject to policy 5.2.1-HR or 5.2.2-NB (now 5.5.1-HR), which would require the implementation of risk management measures. These measures would presumably be covered by the City's Salt Management Plan, which should be updated per policy 4.2.1-NB (now 4.7.2-NB).
		2. Page 147 of the Plan speaks to Emergency Spill Response. In the comment section of the document there is a reference to the Public Works Department Supplemental Plan being updated. The Environmental Officer is the point person for spills management and the supplemental plan of that position would likely speak to the required actions. Given that the roles in any one Department supplemental plan for emergency management could change it is recommended that SPP document be amended to not specifically note any one supplemental plan but state the appropriate departmental supplemental plan be amended as required.	7.5.1-NB	4.3.3-NB	The plans listed in the context section of policies 6.2.6-CW and 7.5.1-NB are provided as examples of municipal departments that could be impacted by these policies. The list was based on discussions with the City's Emergency Management Coordinator and Environmental Officer. Note that not every municipality has the same emergency management structure as the City. The policies themselves refer to generic "department supplementary plans". The wording was changed slightly to reflect "the appropriate departmental supplemental plan be amended", as suggested without changing the intent of the policy.
		Comments from Utilities Kingston: 1. References to the Kingston Central Water Treatment Plant should be deleted and replaced with the King Street Water Treatment Plant. There were a number of other errors identified in their review.			The revisions were made.
		2. Section 3.5.1 - UK does not agree with the creation of additional administration burden/effort imposed during our reconstruction activity but acknowledges that there is little choice given the authority under O. Reg. 287/07. It was opposed to the section as written.			Further discussions led to revising some of the wording in this section, including the need to develop a notification protocol.
		3. Policy 4.2.3-NB (management of hauled sewage) - UK has concerns about the impact of this policy on the City's wastewater treatment facilities.	4.2.3-NB	4.7.3-NB	Further discussions led to revising some of the wording in this policy, including removing the reference to municipalities working cooperatively (i.e. they may wish to work independently).
		4. Policy 4.2.4-NB (connection to sewers) - wording revisions were suggested. UK also does not feel that the City should require connection in all cases; sometimes the choice should be left to the owner.	4.2.4-NB	n/a	The policy about connections to sanitary sewers was removed from the Plan because the Committee determined that septic systems is a manageable threat, and municipalities with sanitary sewers have requirements for making connections.
		5. Policy 4.3.1-NB (raw water quality sampling) - UK does not support this policy - over the last ten years sampling and testing requirement have increased significantly as has their costs. This will simply add to that burden, but not in determining the quality of water produced for our residences, but to provide additional research data to the Source Protection Committee.	4.3.1-NB	n/a	This policy was removed from the Plan because it was not permissible under the Clean Water Act because it did not address a drinking water threat. Raw water quality sampling continues to be encouraged through policy 4.2.1-NB.
		6. Policy 6.5.3-CW - recommended wording to be consistent with policy 6.2.11-CW.	6.5.3-CW	6.2.13-CW	The policy was revised.
		7. Policies 6.5.5-HR and 7.9.4-HR - Concerned with the potential additional levels of design, effort and cost (imposed by MOE) associated with applying this policy to the replacement of existing sanitary sewers that are moderate or low threats, with limited benefit to source water protection. The replacement of older sewers is an automatic improvement/benefit to the environment.	6.5.5-HR, 7.9.4-HR	6.2.16-HR, 7.2.14-HR	The policy (6.2.16-HR) was revised to apply to new sanitary sewers, and the establishment of or improvement to wastewater treatment facilities or on-site sewage systems. Policy 7.2.14-HR did not apply to sanitary sewers.

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City of Kingston (Cont'd)		Comments from Planning and Development: 1. Section 1.2 - We agree with the use of "shall" and "must" as mandatory. However, we note that "is" in this context is presented as being mandatory, but due to its frequency of use throughout the document does not always appear to be used in a mandatory context.			The term "is" was removed from this section (now section 1.5).
		2. We request that the wording related to official plan amendments related to the City of Kingston be amended to read "requirements of Official Plan amendments that implement the intent of policies" as it appears throughout many of the policy sets.			The reference to "amending Official Plans to reflect the intent of the applicable source protection policies" was removed from the Plan at the request of MOE. In the Ministry's opinion, "the language that says "amended to conform with the applicable SPP policies" allows for flexibility. Official plan and zoning by-law conformity should never be a cut and paste exercise." MOE are working with MMAH to develop guidance for municipalities on how to adapt SPP policies for OPs.
		3. Section 2.5.4 (Explanatory Document) lists different matters that were considered in the document, however, it is different from what is listed in the Explanatory Document. They are concerned that only some of the comments were discussed in the Explanatory Document, and provided suggestions for improvement.			The two documents were made consistent on this topic. The correspondence received from commentators will be listed in the Explanatory Document, however, every comment will not be specifically identified and addressed, since this is not the intent of the document.
		4. There are inconsistencies between the timelines listed in Appendix C particularly the requirements for an immediate implementation timeline.			The policies in question had two timelines that did not translate well into Appendix C. The reporting policy was revised so that it only references notices of decisions for applications. The official plan amendment is required by section 40 of the Clean Water Act, and the Source Protection Authority will find out about it through Planning Act notification requirements to the CRCA.
		5. Policy 4.2.4-NB was expanded to limit the requirement to lands within the urban boundary. Please add the word "only".	4.2.4-NB	n/a	The policy about connections to sanitary sewers was removed from the Plan because the Committee determined that septic systems are a manageable threat, and municipalities with sanitary sewers have requirements for making connections.
		6. They continue to be concerned about the identification of the highly vulnerable aquifers and associated policies for lands within the City's urban boundary which are on municipal services. They also raised concerns about the use of disclosure reports and the expertise to review such reports. There are more uses than just residential development (exempt) that may not be associated with the listed activities.	5.2.1-HR, 7.5.2-HR	5.5.1-HR, 7.2.6-HR	Groundwater exists everywhere in the CSPA and is highly vulnerable to contamination, including in urban areas that are on full municipal services. There are still private wells in and adjacent to the Urban Area that could be impacted by development in the fully serviced areas. The policy (5.2.1-HR, now 5.5.1-HR) was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. There are various ways by which municipalities can meet the intent of this policy. For example, by requiring upfront disclosure of activities, site plan control, development agreements, and/or conditional zoning (once enabled by the Province). The revised wording of this policy does not exempt residential uses. The policy is one that the municipality must have regard for, so it must use its discretion in how it will be implemented. There may be situations where it is not warranted (e.g., such as a solely residential use).
		7. They raise a number of questions and concerns about the karst policy, including that the referenced mapping places extensive areas of inferred karst and potential karst across the entire City, and that the policy says to "restrict" development related to certain activities.	5.2.3-HR	5.5.1-HR	The need to consider karst was incorporated into policy 5.5.1-HR, such that it would be considered on a site by site basis. There is currently no policy recommending a regional karst study.
		8. Policy 7.5.4-HR - the Official Plan already contains policies related to stormwater management.	7.5.4-HR	n/a	This policy was removed because it could not (legally) apply to Point Pleasant IPZ 2, and stormwater management would be required by the City/CRCA in Point Pleasant IPZ 1 due to its proximity to Lake Ontario. The policy that encourages the development of stormwater retrofit strategies is more appropriate for the Kingston IPZs. Also, policy 7.2.6-HR would address stormwater runoff for the activities listed in the policy.
		9. Policy 5.3.4-HR only applies to pits and quarries and the Ministry of Natural Resources who licenses these uses. It does not consider mineral deposits, which are overseen by the Ministry of Northern Development and Mines.	5.3.4-HR	5.5.6-HR	This policy impacts the Aggregate Resources Act (a prescribed instrument). The MNDM does not approve site plans, and therefore this type of policy cannot be directed to them.

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6	Mallorytown Res. 1	Requested that the Miller Manor be removed from the plan because it was wrongly classified by the United Counties of Leeds and Grenville. The Plan contains onerous restrictions. The land purchase strategy would destroy Mallorytown. It is a flawed plan that excludes schools and railroads. Community input was ignored.			Whether or not the Miller Manor should be included in the scope of work for the SP Committee is a question for the Ministry of the Environment. It has clarified that: (1) the facility is appropriately classified under the Safe Drinking Water Act, 2002, (2) the requirements of the Clean Water Act, 2006 would continue to apply to the facility irrespective of its future ownership, and (3) no exemption is contemplated at this time. In May 2012 representatives of the SP Committee met with the agents from the Rideau-St. Lawrence Real Estate Board to discuss this aspect. Many of the agents in attendance indicated that the proposed policies for septic systems, home heating oil, etc. were consistent with emerging best practices across Ontario. It was noted by the agents that misperceptions about the impact of the proposed policies could, at least in the short term, raise concerns amongst potential buyers. It was felt that ongoing clarification by the SP Committee would help to alleviate such concerns. It is not the intent of the SP Committee to harm the community of Mallorytown through the introduction of source protection plan policies for the Miller Manor. The proposed policies do not require that any existing activities cease to continue, and the restrictions on some future activities only apply to a small portion of the community.
7	Mallorytown Res. 2	Concerns raised about property values. Suggested cancelling the project as Health Unit is currently monitoring the water quality in Mallorytown.			See response to comment letter # 6.
8	Ministry of the Environment - Source Protection Branch (1)	1. The Ministry provided suggestions for improvements throughout the Plan and Explanatory Document.			The majority of the suggestions were incorporated into the Plan and Explanatory Document.
		2. Recommended revisions to the wording of policy 4.3.9-NB (Nutrient Management Regulations).	4.3.9-NB	4.7.6-NB	The wording suggested by MOE would change the intent of the policy. OMAFRA later indicated support for the revised wording in policy 4.7.6-NB.
		3. There is a need for consistent wording of road signs identifying vulnerable areas.	4.3.11-NB	4.4.1-NB	The policy was revised to generally reflect the standardized wording. The policy also includes: "The Ministry should also install and maintain the signs along Highway 33 within the A.L. Dafoe, Bath, Fairfield and Sandhurst Shores Intake Protection Zones." A formal request to consider exemptions was forwarded to the road sign working group on April 13, 2012.
		4. The plan contains policies such as 5.2.1 HR to address "future" significant drinking water threat activities versus "existing" significant threat activities. For the purpose of the Clean Water Act, "existing" significant threats are those activities which exist before the plan takes effect and "future" significant threats are those activities which could occur after the plan takes effect.			The definitions of "existing activities" and "future activities" were revised.
		5. Policy 4.3.1-NB (raw water quality sampling) is not a permitted policy under the Clean Water Act because it does not address a drinking water threat. Suggested revised wording for policy 4.3.2-NB.	4.3.1-NB	n/a	The policy was deleted.
9	Mallorytown Res. 3	Concerns raised about property values. Suggested exempted the Miller Manor from Clean Water Act, move the well, change ownership of Miller Manor.			See response to comment letter # 6.
10	Mallorytown Res. 4	Concerns raised about property values. Suggested moving the well. The Plan will destroy the community and cause grocery store, fire hall, legion and school closure.			See response to comment letter # 6.
11	Mallorytown Res. 5	There are too many tenants in Miller Manor. Move some of them, or close the Manor or re-locate.			This topic is outside the scope of the Clean Water Act.
12	Mallorytown Res. 6	Discussed the ratio of Miller Manor residents vs. Front of Yonge residents, the misclassification of MM as a 'Municipal Water Source'. Concerns raised about property values. He requested that the Manor be exempted from Clean Water Act, change ownership of the Manor.			See response to comment letter # 6.
13	Mallorytown Res. 7	There are too many tenants in Miller Manor. Surrounding houses need protection from the Manor not the other way around.			See response to comment letter # 6.

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14	Mallorytown Res. 8	Requested that the Miller Manor well be moved. Discussed the cost of upgrading their residence so it's not a threat to the Manor. Concerned about the community and possible loss of grocery store, restaurant and legion. He suggested moving the Manor. Noted that the biggest threat to the well is road salt from County Road 2.			See response to comment letter # 6. Policy 4.7.2-NB encourages the United Counties of Leeds and Grenville to review and update its salt management plan to consider the level of risk associated with the application of road salt to the community's shared source of drinking water. Policy 6.5.10-NB encourages the Counties to make sure that there is a roadside ditch on the north side of County Road 2 and that it conveys water (which can contain road salt) away from the Miller Manor well.
15	Township Elizabethtown-Kitley	Concerns raised about the financial and other resources that would result from septic system pump outs, the cost of these pump outs (every 3-5 years), the amount of raw sewage to be disposed of due to these tanks being emptied more regularly (as a result of maintenance inspections) that would increase the required treatment at wastewater treatment facilities or lagoons. Further concern regarding the wastewater treatment plants limitations and restrictions on the (new) lagoon type treatment facilities. Concerns raised about funding.	4.2.3-NB, 5.2.5-NB	4.7.3-NB, 5.4.1-NB	Policy 4.7.2-NB supports section 1.6.4.1 of the Provincial Policy Statement about municipal planning for sewage and water services. The intent of policy 5.4.1-NB is that the focus of a maintenance inspection program, if the Township decided to have one, could be scoped to "hot spots" in the community where there are, or is the potential for water quality problems. The development of the plan considered the potential cumulative impact that the requirements of various policies could have on the financial capacity and available resources (e.g., staffing) of municipalities. Wherever possible, existing policies and programs were used in the source protection plan to address drinking water threats. Also, implementation timelines were aligned with established review and reporting cycles (e.g., circulation of notices of decision under the Planning Act).
		Suggested that although the "non-binding" policies have merit including them in the Plan as specific polices appears to elevate their status to policies which should be undertaken by municipalities. Perhaps these non-binding policies would be best included in appendices to the plan, to be enacted upon/encouraged by municipalities to act upon as financial resources permit. This would help to narrow the focus to the main policies to be addressed.			The non-binding policies remain in the Plan. The non-binding legal effect does not always mean that a given policy is deemed by the Source Protection Committee to be less important; rather this effect has been assigned so that the plan complies with the Clean Water Act.
16	Mallorytown Res. 9	Concerns raised about property values, non disclosure of the 5 year study in area when they purchased home 4 years ago. Suggested changing the zoning of the Miller Manor so that it is no longer under Municipal. Concerned community will shut down.			See response to comment letter # 6.
17	Mallorytown Res. 10	Concerns raised about property values.			See response to comment letter # 6.
18	Unity Road Rate Payers Association	Perhaps the Committee could include a member of the renewable energy sector, education or Sustainability Kingston, Kingston Technology Council, the Home Builders Association, local Rate Payers etc. The CRCA ask/apply for revisions from the MOE so that the Plan can reflect Solar and Wind developments; geothermal is mentioned slightly.			The membership of the Source Protection Committee is set by the Clean Water Act. Members of the identified groups can apply to sit on the Committee when positions are vacated. No change proposed. Requests for additional topics to be covered needed to happen during the preparation of the Assessment Report, which was approved in 2011. The reference to geothermal heating was removed from the Plan due to a reorganization of policy 4.4.2-NB, such that it was not permissible content under the Clean Water Act.
		Should be some form of language to address issues related to the withdrawal of municipal planning powers such as in those described Green Energy Act.			No change suggested. The intent of Table 1-1 is to describe the legal effect of policies, as specified in the Clean Water Act.

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	Unity Road Rate Payers Association (cont'd)	In section 2.3.1 Soil Characteristics, there is no mention of the Agricultural Land classifications.			No change suggested. Chapter 2 provides a brief overview of the Cataraqui Source Protection Area. Readers are referred to the Watershed Characterization Report and the Assessment Report for details.
		Table 2.2 could be updated to include industrial energy production. The ensuing list on page 18 could also be amended to include emerging threats. Perhaps an amendment to Clean Water Act reg. 287/07 is in order. The mission statement mentions working with others, describe who they might be, does that include local stakeholders or residents, native leaders. Quote below does not seem to fit with the rest of the document, in fairness to the date in which it was stated, it might want to be re-stated to reflect what is known or not yet proven in 2012. This is a problematic statement that could come back on the CRCA. "only a small number of the prescribed threats to drinking water are prevalent throughout the CSPA."			Table 2-2 summarizes the prescribed drinking water threats as specified in Ontario Regulation 287/07. Industrial energy production is not prescribed in the Regulation. The statement about a small number of threats was revised to say: "The Source Protection Committee discovered early in the planning process that only a few types of the prescribed threats to drinking water are common throughout the CSPA. There are limited overall occurrences of significant threats, but there are many moderate and low threats."
		Section 2.5.1 describes the mandate of the Cataraqui Region Conservation Authority. The group asks: Does this include putting a setback requirement from a development to an adjacent private well? If so will this be up for interpretation? Will setbacks apply to energy developers? Will vulnerable aquifers and recharge areas be part of the determining criteria in establishing setbacks, or berms, drainage swales the use of vegetation regeneration? Does the policy include the temporary construction of roadways and temporary water shed interruption, or bridging specifications? If so where is it located in the Plan? Does the Policy Context align with Table 2.2?			The purpose of section 2.5.1 (now 2.4) is to give the reader a sense of some of the existing legislation and programs in place that complement or support the drinking water source protection initiative, to show that the Plan was not developed in isolation. A sentence was added about the focus of the CRCA's development review program.
		The group provided a series of comments related to the Assessment Report (fractured bedrock, hydrogeology, etc).			No changes proposed.
		2.5.5 Future Planning Cycles: Please state the issues not addressed in detail. Will the results of these issues being shared with the MOE be brought back to stakeholders? Will stakeholders or the public at large be able to address their localized concerns through this process?			The section about future planning cycles was removed from the Plan. The issues will be raised in a letter from the Source Protection Committee to the Ministry of the Environment. The details were not permitted content for the Plan.
		3.1 General Responsibilities: it states "The reader should refer to the Act and Ontario Regulation 287/87 (General) for specific information." The Clean Water Act only has 69 regulations, do you mean 287/07 4.1?			The sentence was revised to reference O. Reg. 287/07.
		Does section 3.2 align with Table 1.1?			Yes, it is the same content.
		3.5 Review and Amendment: Is a mechanism in place to allow for stakeholders or municipalities to make suggestions for an amendment, is there a criteria available and a scoring rubric to determine the initiatives that move forward in this regard. Please include in the plan.			Ontario Regulation 287/07 specifies the process to be followed to amend the Plan. The following phrase was added to the first sentence in section 3.5: "related to the prescribed drinking water threats that were identified in the Assessment Report."
		The group provided suggestions for section 4.1 Overview related to section 39(1)(b) of the Clean Water Act.			The suggested revisions are not applicable to the policy content of Chapter 4.
		Policy 4.3.4-NB: Could an additional bullet be added to include a Management and Planning Design Manual for industrial energy production?	4.3.4-NB	4.7.4-NB	The Stormwater Management Planning and Design Manual addresses stormwater management for all types of development. Policy 4.7.4-NB was revised to suggest that the Manual be reviewed with a focus on how it could be improved to protect aquifers, not just surface water, from contamination (rather than specify what changes should be made).
		Policy 4.3.6-NB: Recognition should be extended to acknowledge proactive industries, businesses and community based organizations.	4.3.6-NB	4.5.2-NB	No changes proposed. The policy relates to industries and businesses.
		Section 4.4: Education and Outreach, item 7 could be modified to include "Developers". Provide industrial developers of wind and solar informational and municipal requirements about the requirements and potential impacts on drinking water, the aquifer and the recharge areas.	4.4.1-NB	4.4.2-NB	The reference to geothermal heating was removed from the Plan due to a reorganization of policy 4.4.2-NB, such that it was not permissible content under the Clean Water Act.

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	Unity Road Rate Payers Association (cont'd)	Figure 5-1: Great graphic needs to include a generic industrial plant somewhere in the landscape. Please include a map highlighting the boundaries of the significant hamlets that make up the counties listed.			The graphic includes an industrial plant. Chapter 5 now references Figure A6.1 in the Watershed Characterization Report, which shows areas with higher well densities.
		Section 5.2, Land Use Planning and Development: There should be some mention here of the instance where Provincial policy can suspend the planning process as in the implementation of factory farms, landfills and energy development. State the role of Municipalities, Rural Affairs, Environmental Forums, Rate Payers and the CRCA in moving concerns forward.	5.2.1-HR	5.5.1-HR	No change proposed as a result of this comment. The intent of the policy is to strengthen existing municipal groundwater protection policies by protecting sensitive regional groundwater sources from contamination that could result from the establishment of the specified activities associated with land uses if appropriate risk management measures are not put in place.
		The group suggested adding proposals related to renewable energy (e.g., solar, wind, geothermal) to policy 5.2.1-HR, and changing it from "should" to "will".	5.2.1-HR	5.5.1-HR	No change proposed as a result of this comment. The suggested activities are not prescribed drinking water threats, and therefore not permitted content in the Plan. This policy cannot be a "will" policy because it addresses moderate and low threats.
		Section 5.4: Please explain in detail the plans the CRCA has to engage the public and implement policy 5.4.1-NB, and add "iii. the delineation of vulnerable areas and the threats not yet recognized by the MOE and the CRCA."	5.4.1-NB	5.2.1-NB	It will be up to the CRCA to determine how this policy is implemented. The suggested bullet iii is not permitted content under the Clean Water Act.
		Policy 5.4.3-NB: Please identify what the gaps are, what the intended plan of action is and how the CRCA intends to engage both the proponents and the municipality. Describe the process for identifying an Intake protection zone in areas outside of the currently identified areas with regards to areas potentially in harm's way within the CSPA.	5.4.3-NB	5.3.1-NB	The gaps were identified in Appendix K-2 of the Assessment Report, and relate to the need for more and better groundwater information in the Cataraqi Source Protection Area for source protection assessment and planning purposes.
		Section 7.9 Provincial Implementation: add text related to the review and/or prohibition of new and existing industrial energy development sites.			No change proposed. Renewable energy projects are not prescribed drinking water threats, and therefore cannot be included in these policies.
19	Ministry of Transportation	Suggested revised text for policy 4.3.10-NB (salt management plan). In its opinion, all that is technically and economically feasible is being done to minimize salt usage while maintaining roadway safety therefore significantly challenged to comply with the proposed policy. MTO's Salt Management Plan is currently up-to-date, it is consistent with the Environment Canada and Transportation Association of Canada documents. It will be revised accordingly, and as frequently as necessary, to ensure that changes to the above-noted Environment Canada and Transportation Association of Canada documents are both accurately and completely reflected.	4.3.10-NB	4.7.1-NB	The policy was revised, with the addition of a request to report to the Source Protection Authority on actions taken.
		Requested that the wording of policy 4.3.11-NB (road signs) be revised to reflect the standardized text that MTO developed with MOE. Indicated that the Ministry is supportive of installing signs at locations in accordance with the criteria agreed to by the MOE, MTO, and SPC road sign working group.	4.3.11-NB	4.4.1-NB	The policy was revised to generally reflect the standardized wording. The policy also includes: "The Ministry should also install and maintain the signs along Highway 33 within the A.L. Dafoe, Bath, Fairfield and Sandhurst Shores Intake Protection Zones." A formal request to consider exemptions was forwarded to the road sign working group on April 13, 2012.
20	Mallorytown Res. 11	Concerns raised about the effect on the community, property values, cost of replacing or upgrading septic tank, septic systems have never been a concern to drinking water before (they have been around for a long time and time tested).			See response to comment letter # 6.
21	Township of Frontenac Islands Res. 1	Residents that live in the IPZ's should have been informed of the Source Protection Plan and how it will impact them.			Consultation on the Terms of Reference, Assessment Report and Source Protection Plan were all completed in accordance with the Clean Water Act. The Clean Water Act requires direct notification be given to landowners who were identified as having a significant drinking water threat(s) on their properties. The property in question is not associated with a significant threat. Other methods were used to provide information to all residents (more than 50,000 people).
		Concerns raised about the scientific method used to determine the IPZs, such as limited data (short period of time, few locations), extensive interpretation. Suggested that there is no scientific basis to establish the 1 KM limit of IPZ 1, having a scientific method for IPZ would offer similar traits to IPZ 2. Concerned that the 10yr storm events exceeds the 100yr storm events. There is a lack of understanding of the overall geology and hydrogeology of the Frontenac Islands.			No changes proposed. These comments relate to the approved Assessment Report.
		Concerns raised of undue burden on future activities on the Island, including agriculture, building setback requirement, industrial activity, increase of regulatory requirements already in place and new regulations that will be developed.			The intent of the policies in the Plan that relate to future development on this property are to ensure that its potential impact on surface water (IPZ) and groundwater (HVA) are considered and addressed as part of the planning approvals process.

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22	Township of Rideau Lakes - Additional	Clear language required, i.e. term 'have regard for' does not provide clear direction to implementing authorities			A definition of the term "shall have regard to" was added to the glossary.
		The plan and policies should be drafted with the concept of the 'one tax payer'. The costs of this program should not be downloaded to the municipalities.			The development of the plan considered the potential cumulative impact that the requirements of various policies could have on the financial capacity and available resources (e.g., staffing) of municipalities. Wherever possible, existing policies and programs were used in the source protection plan to address drinking water threats. Also, implementation timelines were aligned with established review and reporting cycles (e.g., circulation of notices of decision under the Planning Act).
23	Loyalist Township	Policy 5.2.3-H.R. The Township suggests that if the Source Protection Committee (SPC) wishes to have information about the location and extent of Karst formations in the Township's Official Plan, the SPC should provide technical and financial assistance in locating these features. If this policy is to be implemented, there is a need to map the location and extent of Karst formations. The Township maintains that if the SPC wishes to implement this policy, Karst mapping should be undertaken by the SPC on a regional scale and not by individual local governments.	5.2.3-HR	5.5.1-HR	The need to consider karst was incorporated into policy 5.5.1-HR, such that it would be considered on a site by site basis. There is currently no policy recommending a regional karst study.
		The staff report indicates that many of the policies are best management practices and that may have already been implemented by the Township, or that staff recommend action be taken.			No changes required.
		Loyalist Township is somewhat disappointed by the impact that is possible within the Township under the Drinking Water Source Protection initiative. Since the Township's municipal drinking water intakes are on Lake Ontario, the rules defined by the Ministry of the Environment limit the potential impact of Source Water Protection policies, which is unfortunate.			No changes required.
		The Township is disappointed in the fact that an actual critical threat to one of the Township's municipal drinking water systems cannot be considered a "significant threat" under Drinking Water Source Protection. If the Ministry is proposing amendments to Drinking Water Source Protection at any point, the manner in which a significant threat on a municipal drinking water intake is determined should be evaluated and this point should be addressed.			No changes required.
		There is a need for further advancement in the ability to improve rural groundwater protection, a need to branch out beyond the Municipally owned systems.			No changes required.
		A regional source protection team should continue to be funded by the Province to be available for overseeing and enforcing the Plan as well as reviewing the implementation of the Plan. When policies are required to be interpreted and enforced by a Risk Management inspector or a Risk Management Official, Loyalist Township recommends that this be done on a regional basis and that funding be provided by the Province for this work. This person should be part of a regional source protection team.			No changes required.
24	Township of Leeds and the Thousand Islands (Public Works)	All items in appendix 3 should be moved from immediate to 1 year and 1 to 5 years. It is unfair that the plan has been 5 years plus in the making and immediate implementation is expected as in Appendix 3. There are costs of people to, for example design the risk management plans followed by their implementation and the cost to the residents.			The majority of the policies referred to in the Appendix relate to decisions made under the Planning Act, and therefore must be implemented immediately. The timing for some of the policies was revised based on the comments received from the Township.
		The commentator noted a number of wording inconsistencies throughout the Plan.			The inconsistencies were addressed in the Plan.
		Policy 4.2.2-NB (municipal waste management programs) is outside the scope of the SWPA, creates duplication and inefficiencies and will not be adhered to.	4.2.2-NB	4.4.3-NB	No changes proposed. The policy is permitted under the Clean Water Act. The Township may not need to make changes to its program, while the programs of other municipalities may benefit from a review.
		Policy 4.2.3-NB (a) add a iv) consideration: "CSPA will seek funding to accommodate these changes."	4.2.3-NB	4.7.3-NB	No changes proposed. The Source Protection Authority is not named as an implementing body for this policy.

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	Township of Leeds and the Thousand Islands (Public Works) (cont'd)	Policy 4.3.1-NB: The sampling carried out at the present is adequate for assessing the quality of the municipal water supply. Although raw water from the wells is tested for microbiological parameters only, the treated water at the well house is tested every year for schedule 23 (metals) & schedule 24 (organics i.e. pesticides) parameters and quarterly for nitrate/nitrite. If the treated water sampling indicated the source water had been contaminated, further sampling to investigate the source of contamination could be carried out. Increasing sampling of the raw water at this time would be redundant, based on the quality of the raw water to date.	4.3.1-NB	n/a	This policy was removed from the Plan because it was not permissible under the Clean Water Act as it did not address a drinking water threat. Raw water quality sampling continues to be encouraged through policy 4.2.1-NB.
		Policy 6.3.1-CW: Implementation period should be changed from 6 months to 1 to 3 years.	6.3.1-CW	6.4.1-CW	The timeline was revised to one year.
		6.3.2-CW (b) Implementation period should be changed from 1 year to 3 years.		4.3.2-CW	The timeline was revised to two years.
		Policy 6.3.6-CW (c) change last bit of wording from "repair of deficiencies, replacement of equipment, and staff training." to " <u>followed by inspection each 4 years to repair deficiencies, replace equipment, and train staff.</u> "	6.3.6-CW	6.4.2-CW	No change is proposed.
		Policy 6.3.18-CW (a) add in the following red text after WHPA-A and WHPA-B <u>by the CRCA.</u> Policy 6.3.19-NB add in the following red text after specified in 6.3.18-CW, <u>provided by CRCA, supplied</u>	6.3.18-CW, 6.3.19-NB	6.2.1-CW, 6.2.2-NB	No change proposed. The education and outreach program would be administered by the Health Unit, at the request of the Township. The Health Unit has suitable material.
		Policy 6.3.22-CW (a) Suggest to camera every 10 years rather than 5 years as: 1. Cost 5,000 to 7,500 to do the WHAP-System (there is 2 km in B and it is 6 dollars per meter) 2. System is not old cast iron but much more modern materials. 6.3.22-CW (b) This is not realistic as a complete or partial camera work could have been completed just prior to the implementation. 6.3.22-CW (c) comment : We have no SOP for evaluations Entire system has been videoed without issues in sewer mains. There have been no issues for 35 years. There have been no sewage losses. There is considerable concern about the policy wording here as to who will be responsible for the additional costs.	6.3.22-CW	6.4.11-CW	The policy was revised to reflect a 10 year inspection cycle.
		Policy 6.3.24-NB (b): change the implementation period from 1 to 3 years.	6.3.24-NB	6.4.13-NB	The timeline was revised to three years.
24a	Township of Leeds and the Thousand Islands (Public Works) - Additional	Water and sewer comments are based around the highly professional job that is now done in measurement, protection and distribution and the expected duplication and increase in reporting to a SWPA. There is considerable irony in this situation in that OCWA ends up reporting to both MOE and SWPA and if I am not mistaken SWPA then to MOE. Also, the system in Lansdowne is relatively new but the inspection schedules are as if it is an ancient cast iron system void of cathodic protection. It is a small community with a good water and sewer system that is about to be burdened with increasing costs.			No changes required.
		From a Planning point of view the timing, at least for Leeds and the Thousand Islands, is good and the document is worded appropriately with "future development". There are concerns that have been flagged about fuel storage and snow dumps and if there is clear enforceable legislation covering those areas. Those concerns aside, a OP is usually 12 to 18 months in the making followed by a Planning By- Law that takes us well into 2013.			No changes required.

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25	Township of Leeds and the Thousand Islands (Planning)	Although regulated land uses is permitted under Section 34 of the Planning Act, the items identified in Section 5.2 (threats) are not generally uses. These are more operational elements of uses. Two uses which are the same have different operational characteristics - one might have a threat while the other may not.	5.2.1-HR	5.5.1-HR	The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. There are various ways by which municipalities can meet the intent of this policy. For example, by requiring upfront disclosure of activities, site plan control, development agreements, and/or conditional zoning (once enabled by the Province).
		Policy 5.2.1-HR indicates municipalities should require a 'disclosure report'. The information the township is allowed to ask for in relation to an application to amend a Zoning By-Law is outlined on Schedule 1 of O. Reg. 545/06 in accordance with Section 34 10(2) of the Planning Act does allow for 'other information' requests, but these must be stipulated in the Official Plan. The policy should reflect or make a note of this.	5.2.1-HR	5.5.1-HR	The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. It is not the place of the Source Protection Plan to specify what procedural changes municipalities need to make to their Official Plans to implement the policy.
		The requirement for a 'disclosure report' is not without its faults. Once a use has been established, no planning review is undertaken if the operational characteristics change over time. E.g. a business may change ownership and whilst the use remains the same, the operational characteristics may change and may introduce a threat that was not previously indentified in the disclosure report required when submitted a zoning amendment. A possible solution may be using conditions under Section 34(16) of the Planning Act. whereby the township can request an agreement and register in title. This however would need to be permitted in the Official Plan.	5.2.1-HR	5.5.1-HR	See above 2 comments.
		The exemption of only residential uses for the requirement to submit a 'disclosure report' is questioned. There are a number of other land uses that do not store or handle offending chemicals.	5.2.1-HR, 6.3.12-HR	5.5.1-HR, 6.2.7-HR	The revised wording of this policy does not exempt residential uses. The policy is one that the municipality must have regard for, so it must use its discretion in how it will be implemented. There may be situations where it is not warranted (e.g., such as a solely residential use).
		There are inconsistencies in the implementation timelines in certain policies and the timelines set out in Appendix C relating to Official Plan Amendments. We Acknowledge the 5-year OP Review currently undertaken by the Township will need to conform to the policies set out in the SPP, although further clarity on how this is presented is requested.	6.3.16-CW	6.2.9-CW	The policy in question (e.g., 6.3.16-CW) had two timelines that did not translate well into Appendix C. The reporting policy was revised so that it only references notices of decisions for applications. The official plan amendment is required by section 40 of the Clean Water Act, and the Source Protection Authority will find out about it through Planning Act notification requirements to the CRCA.
26	Mallorytown Res. 12	Concerns raised about the effect of the Plan on the community, clerical error (not to be zoned as Municipal), CRCA staff agreed it was misclassified but hid behind the 'mandate', concern for property values.			See response to comment letter # 6.
27	Ministry of the Environment - Safe Drinking Water Branch	Education related to raw water quality sampling is done on a continual basis as well as best management activities within the annual system inspection reports.	4.3.2-NB	4.2.1-NB	Raw water quality sampling continues to be encouraged through policy 4.2.1-NB.
28	Township of Front of Yonge	Request action from the Minister to change the designation (municipal residential drinking water system) of the Miller Manor Well. Reason for this are: it was designated a municipal residential drinking water system in error, the SPP will cause serious financial threat to the residents and business of Mallorytown, MM is already protected by a state-of-the-art water processing and treatment system that is monitored by elaborate and costly water sampling and testing systems, concern about residential property values, the threat to the community.			The municipal residential classification of Miller Manor is a topic for the Ministry of the Environment to address. The Source Protection Plan must include policies unless the Ministry directs otherwise. The intent of drinking water source protection is to complement investments in water treatment and testing by helping to ensure the long-term viability of the source.

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29	Township of Front of Yonge	They feel the language and tone of the letters sent to the property owners was draconian and intimidating. Told their septic systems and furnace oil tanks were a threat to the MM wellhead. The policies demand the implementation of "risk management officials and risk management plans" and prohibit certain activities within the WHPA. Scared residents, worried about property values and danger of businesses closing. Affect on the whole community.			It is not the intent of the SP Committee to harm the community of Mallorytown through the introduction of source protection plan policies for the Miller Manor. The proposed policies do not require that any existing activities cease to continue, and the restrictions on some future activities only apply to a small portion of the community.
		Believe that MM should never been classified as a small municipal drinking water system and have backing from the UCLG and LGL PHU			The municipal residential classification of Miller Manor is a topic for the Ministry of the Environment to address.
		Council members also take issue with the heavy-handed regulatory approach which has been taken by the Cataraqui SPC. It has come to FOY's attention that other SPC's have taken an "education first" approach, rather than imposing strict regulations on property owners.			The Cataraqui's approach is similar to those of all of the surrounding source protection regions, which is to use prohibition and/or risk management to address significant drinking water threats in wellhead protection areas, coupled with education and outreach.
		FOY strongly urges the Minster to remove MM from the regulation, thereby restoring the confidence of the residents of Mallorytown that their properties have not lost value, and they will not be subject to onerous and unnecessary regulations due to the improper classification of one building.			Whether or not the Miller Manor should be included in the scope of work for the SP Committee is a question for the Ministry of the Environment. It has clarified that: (1) the facility is appropriately classified under the Safe Drinking Water Act, 2002, (2) the requirements of the Clean Water Act, 2006 would continue to apply to the facility irrespective of its future ownership, and (3) no exemption is contemplated at this time.
30	Ministry of the Environment - Safe Drinking Water Branch (2)	The Ministry indicated that it supports the intent of policy NP.14-HR, however it is not something that the Ministry can enforce. It provides background on this program.			Policy NP.14-HR was not carried over to the draft Plan based on this comment that was received during pre-consultation. The intent of the policy is covered by policies 4.3.2-CW and 4.3.3-NB.
31	Prince Edward County	Requested that the CSPC identify, within the Source Water Protection Plan, the Province of Ontario as a body responsible for funding the implementation of the plan.			No changes proposed. The focus of the Plan is to specify what needs to be/should be done to protect sources of drinking water, and does not go into detail about how it should be funded.
		Request the CSPC clarify, within the Plan, the responsibilities under the Plan for the municipality such as Prince Edward County is not part of the Cataraqui Region, does not own a drinking water system within your Plan area, but is within an Intake Protection Zone.			The reference to Prince Edward County was removed from policy 7.8.1-NB (spill response) and added to section 3.1.3 (agencies not identified in Plan, but encouraged to take action).
32	Ontario Ministry of Agriculture, Food and Rural Affairs	1. Acknowledged support for the changes to policy 4.3.9-NB that were circulated on Mar 21 2012 (from MOE) with the following change: replace the phrase "Farms that are less than 300 nutrient units" with "Farms that are not phased in under the Nutrient Management Act".	4.3.9-NB	4.7.6-NB	The wording suggested by MOE would change the intent of the policy. OMAFRA later indicated support for the revised wording in policy 4.7.6-NB.
		2a. The ministry does not support the decision to continue prohibiting future activities on farms outside WHPA A and IPZ-1. Farming operations regularly adjust activities to respond to weather conditions, market demands, and other variables that influence the successful management of a viable business. Prohibiting such changes could seriously impact the ability of a farmer to manage an operation effectively.	6.2.4-CW, 6.3.4-CW, 6.4.4-CW	6.3.5-CW, 6.4.6-CW, 6.5.5-CW	The Plan continues to prohibit these activities in the future, and to manage existing operations. Most of the vulnerable areas are not suitable for agriculture (e.g., no farmland, residential area).
		2b. Activities on farms with less than 5 nutrient units and pasturing present a low risk to source water due to the low nutrient unit level, and such activities can be effectively managed through risk management plans.	6.2.4-CW, 6.3.4-CW, 6.4.4-CW	6.3.5-CW, 6.4.6-CW, 6.5.5-CW	The Plan continues to prohibit these activities in the future, and to manage existing operations. Most of the vulnerable areas are not suitable for agriculture (e.g., no farmland, residential area).
		2c. The Ministry does not support the prohibition of agricultural activities in Brockville IPZ 2.	7.3.7-CW	7.2.4-CW	OMAFRA later concurred that there may be situations where prohibited would be warranted, such as Brockville IPZ 2, where there is no farmland.
		3a. NASM application and storage is not prohibited outside of the WHPA A zone under the NMA, and the regulations set out in the NMA were designed to address risks associated with nutrient application and storage. Therefore, we do not support prohibition outside of WHPA A and IPZ 1 (as stated in their Previous letter), and recommend that risks be mitigated through the use of NASM Plans (policy 6.5.10-CW and 7.9.9-CW).	6.5.10-CW, 7.9.9-CW	6.2.22-CW, 7.2.19-CW	These activities continue to be prohibited since they are unlikely to occur (e.g., there is no farmland in WHPA-B or IPZ-2; or the land does not meet the criteria set by MOE for these activities). OMAFRA later concurred that there may be situations where prohibited would be warranted. The exception is Lansdowne WHPA-B, where the application of NASM would be managed using a NASM Plan.

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	Ontario Ministry of Agriculture, Food and Rural Affairs (cont'd)	3b. The Ministry recommended the use of wording that specifies that OMAFRA shall not approve NASM Plans for given areas.	6.5.10-CW, 7.9.9-CW	6.2.22-CW, 7.2.19-CW	The policy wording was revised.
		4a. The Ministry supports the prohibition of grazing and pasturing in WHPA-A and IPZ 1 if the soil depth is less than 30 cm. It can be effectively managed if there is more than 30 cm of soil and where the livestock density is <1NU/acre.	6.2.3-CW, 6.3.3-CW, 6.4.3-CW, 7.3.6-CW, 7.4.7-CW	6.3.4-CW, 6.4.5-CW, 6.5.4-CW, 7.2.3-CW, 7.2.3-CW	No change proposed. The Plan continues to prohibit these activities in the future, and to manage existing operations. Most of the vulnerable areas are not suitable for agriculture (e.g., no farmland, residential area).
		5a. It was noted that the use of Risk management Plans has been proposed in IPZ 1 zones, for farms not phased in under the NMA. The ministry recommends that prohibition be considered on IPZ 1 for the existing and future application of ASM, the future storage of ASM, and the future use of land for outdoor confinement areas. As Stated in our previous letter, this is consistent with requirements under NMA. These comments are provided for information proposes and for the committee's consideration, as management of agricultural activities may be more practical approach for site specific situations.	7.2.4-CW	7.3.1-CW	No change proposed. This policy relates to the potential activities of an existing farm that is partially located in Sydenham IPZ 1. It is the Committee's opinion that existing operations should be managed not prohibited.
		6a. Some monitoring policies require that OMAFRA provide the Source Protection Authority with a copy of the Notice of Decision. The ministry requests that the SPA maintains and provides an up-to-date listing and map accessible from the Ontario Land Inventory Warehouse (OLIW) of the assessment roll numbers for properties subject to the policies. The ministry will then provide copies of the decisions in accordance with the listing and map. OMAFRA is not assuming any responsibility for loading any Source Water Protection data that is not under their custodianship, into the OLIW.	6.5.14-CW, 6.5.15-NB, 7.9.13-CW and 7.9.14-NB	6.2.25-CW, 6.2.26-NB, 7.2.23-CW, 7.2.24-NB	It is our understanding that all of the Assessment Report data and mapping, and the Plan policies (which staff have loaded into databases) will be made accessible to all Ministries by the Ontario Ministry of the Environment.
33	Township of Frontenac Islands	We endorse the work of the CSPC and concur the need to work together to address the threats to our source waters that have and may be identified in vulnerable areas. It appears however no significant nor moderate/low drinking water threat(s) are evident within our municipal boundaries hence no Wellhead protection areas (WHPA). Garden Island however does appear within the range of the Kingston Central Intake Protection Zone though and we note the Plan states "there are no substances considered to be a drinking water issue in the untreated water for [that system]". That statement confuses us our REAL water related concern is when Kingston's sewage over flows it ends up on the shores of Howe and Wolfe Islands. We could argue that's a clear and present danger to the community!			This appears to be a reference to the Assessment Report.
		Policy 4.2.1-NB (salt management plans) - this topic will be addressed at Council in the near future but before next winter.	4.2.1-NB	4.7.2-NB	No change required.
		If the Committee's intent is to "submit a plan that is appropriate, effective and affordable" our Council needs to assess the quantum of it's" financial implications for all Cataraqui area municipalities." Hard to endorse The Plan without fully understanding it's financial implications and/or funding.			No change required.
		Believes further testing/analyses is required for to ensure an appropriate level of mitigation to address the existing and future threats have been identified around the drinking water sources in the municipality. Doesn't believe that the policies will "influence positive change on the ground" rather hands on the ground. Public consultation and Council/CSPC leadership will be required for implementation. Funding is too nebulous for considered response at this point. When asked should some of the proposed programs be delivered in a regional basis? Answered "need more definition of 'delivered'".			No change required.

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34	Ministry of Consumer Services and Technical Standards and Safety Authority	Source Water protection falls beyond the respective expertise and authority of MCS and TSSA. In addition to intrinsic risks of fuel it is important to also consider the probability that a spill or leak will occur. Ontario's current regulatory framework for fuel storage, handling and transportation reduces the probability of that occurrence. To this end, in the development of their policies, MOE has previously encouraged Source Protection Committees to consider the existing regulatory framework for fuels works to manage the risk to source water.			No change proposed.
		MCS and TSSA also encourage the committees to consider that Ontario's current regulatory framework supports source water protection by effectively reducing the probability and incidents of spills and leaks. There is currently no evidence that the provincial regulatory framework is not effectively managing the risk to source water and therefore no plans to review the regulatory framework. If, beyond the provincial regulatory framework, your committee's research and analysis indicates that additional local measures are necessary to protect source water in your region, MCS and TSSA encourage the committee to establish these measures at local levels and assign responsibility to the appropriate municipality. Under the clean water Act, municipalities are authorized to address significant threats through Risk Management Plans under Part IV Tools.			No change proposed. The Plan makes use of risk management plans for fuel storage that is a significant drinking water threat.
35	Ministry of Municipal Affairs and Housing	Policy 4.4.3-NB(a) refers to research on on-site sewage systems in bedrock environments on collaboration with this Ministry. Building Code Branch is supportive of research in the area of on-site sewage systems. MMAH is currently undertaking "Phase 1" of an on-site sewage performance study. We welcome further research in this field. Building Code Branch suggested wording related to the Ontario Building Code and the on-site sewage system maintenance inspection programs.	4.4.3-NB	4.6.1-NB	Minor wording changes were made based on subsequent discussion with MMAH.
					The relevant text was revised.
36	Bay of Quinte Remedial Action Plan Office	Suggestions for consideration in Chapter 4 to manage nutrient inputs and 'harmful algae blooms' and associated production of toxins such as Microcystin-LR in the Bay of Quinte:			This suggestion appears to be outside the scope of the Clean Water Act. Blue-green algae was identified as a local drinking water threat for other portions of the Bay of Quinte, but not for the Cataraqui Source Protection Area.
		1. Education & Outreach: Shore-well users along the Bay of Quinte shoreline should be encouraged to find alternative sources of drinking water			
		2. Older storm-water systems serving the shoreline communities should undergo a retrofit program, including possible installation of storm-water management ponds.			This topic is addressed in policy 7.2.9-NB.
		3. Existing and proposed waterfront developments should be connected to municipal sewer infrastructure, if available.			The policy about connections to sanitary sewers was removed from the Plan because the Committee determined that septic systems is a manageable threat, and municipalities with sanitary sewers have requirements for making connections.
		4. In the absence of available municipal sewers, septic systems serving waterfront developments should undergo regular inspections & maintenance or upgrade if found necessary			The Plan includes policies encouraging inspection programs in three of the intake protection zones, and in the overall area (HVAs). The programs would be implemented at the discretion of the municipality in consultation with health units.
5. Collaborative research through Federal Agencies (Environment Canada, Fisheries & Oceans Canada), Provincial Agencies (MOE, MNR), Municipalities, and Academia on identified drinking water threats related to environmental conditions (e.g. low N:P ration, impact of invasive conditions that make "harmful" cyanobacteria species (e.g. microcystis, anabaena etc.) secrete toxins such as Microcystin-LR, identify measures to mitigate these harmful impacts on source water in the bay.			This suggestion appears to be outside the scope of the Clean Water Act.		

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37	City of Brockville	Outstanding question from pre-consultation: Confirm septic system, Holding and other treatment @ 166, and handling and storage of fuel @ 11.			These numbers are from the Assessment Report, some are based on confirmed presence, others were assumed. It is agreed that 11 fuel storages is likely too low for the area.
		Policy 7.3.3-CW: clarify who the Risk Management Official is to be. Is this the responsibility of the MOE or the CRCA. Given the limited available land areas within the City to which this policy would apply and the training involved in such a position, the City of Brockville is not supportive of such responsibilities being assumed by the City.	7.3.3-CW	7.4.1-CW	The Clean Water Act assigns this task to the municipality, however, the municipality can enter into agreements to transfer the responsibility to other municipalities, the source protection authority or health unit. It is a discussion that needs to happen outside the Plan.
		Policies 7.3.4-CW & 7.3.5-CW: The process followed for "restricted land uses" is not consistent with current planning practices. The preferred route for this review would be to have the Risk Management Official (RMO) identified clearly and either the applicant would be referred to the RMO during a pre-development consultation stage with staff and/or the RMO would be placed on the circulation list for review and comment for all development applications under the Planning Act.	7.3.4-CW, 7.3.5-CW	7.4.4-CW, 7.4.5-CW	The use of Part IV tools under the Clean Water Act will require a change in planning practices.
		Policies 7.3.8-HR & 7.3.9-NB: (a) this policy would fall within the typical application for Official Plan Amendment and Zoning By-law Amendment. In addition, as the entire City is identified as a Site Plan Control Area, proposed uses may be incorporated into development application such as Site Plan Control. (b) Is there authority (applicable Law) under the CWA to enable this type of action after a development has passed through an approval or development process?	7.3.8-HR, 7.3.9-NB	7.2.5-HR	(a) The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. There are various ways by which municipalities can meet the intent of this policy. For example, by requiring upfront disclosure of activities, site plan control, development agreements, and/or conditional zoning (once enabled by the Province). (b) this policy applies to new applications.
		Policies 7.3.13-NB & 5.2.5-NB: The establishment of an on-site sewage system maintenance inspection program education and awareness program and inspection program is not appropriate for the City. The Ontario Building Code is currently administered by the local health unit, with fully trained staff. In addition, the local health unit also administers and maintains on-site sewage programs, education and undertakes inspections on behalf of the City of Brockville.	7.3.13-NB, 5.2.5-NB	7.2.1-NB, 5.4.1-NB	The Health Unit is under contract with the City, therefore the City would need to tell it to establish and run the program.
		Policy 4.4.2-NB: The City of Brockville would endorse the extension and expansion of the Ontario Drinking Water Stewardship Program within the limits of the CRCA to include Brockville Intake Protection Zone identified as IPZ 1 and IPZ 2. Financial incentives funded by the City of Brockville are not viable at this time.	4.4.2-NB	4.5.1-NB	No change proposed.
		Policy 5.2.1-HR: the recommendation for a "disclosure report" for non-residential development within the IPZ-1 and IPZ-2 areas can be included under those studies noted under Section "6.4.13-Supporting Studies, Information And Materials For Development Applications", in the Official Pal which came into effect on 09 February 2012. Sample of a generic disclosure report should be made available to ensure consistency throughout the CRCA administrative area.	5.2.1-HR	5.5.1-HR	The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. There are various ways by which municipalities can meet the intent of this policy. For example, by requiring upfront disclosure of activities, site plan control, development agreements, and/or conditional zoning (once enabled by the Province).
		Policy 5.4.3-NB: The City provides recommendations for the types of information that should be included in a database.	5.4.3-NB	5.3.1-NB	These suggestions may be addressed in part by policy 5.3.1-NB, and can be discussed when the policy is implemented.

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38	KFL&A Public Health	The draft plan does provide the appropriate level of mitigation to address existing threats around municipal drinking water sources under their jurisdiction.			No change required.
		It is unclear at this time to determine if the draft policies will have an effective change on the ground as there are currently no benchmarks to evaluate the changes that may occur as a result of specific interventions.			No change required.
		Funding for specific policy implementation would be beneficial to ensure the policies are implemented. In reference to the mandatory sewage system maintenance inspections, identified as threats, the cost may be funded through direct fees where as the funding for education and outreach could be funded by the province as the plans have been generated at the provincial level. KFLA currently has limited funds for programs enhancements. It may be advantageous to pursue a regional funding model with start up funds from provincial level.			No change required.
		The majority of comments KFLA has made during the assessment stage and thorough the development of the raft policies have been addressed in the final provincial policies.			No change required.
		The Draft Plan and Explanatory Document is easy to navigate and easy to understand in its present format. They have reviewed it a few times and are now familiar with where to find specific area and policies			No change required.
39	MOE, Source Protection Branch (2)	The Ministry proposed wording changes to the proposed policy about existing waste disposal sites in IPZs, and to the proposed policy about on-site sewage system maintenance inspections under the Ontario Water Resources Act.			The policies were revised.
40	Township of South Frontenac	Cumulatively, the proposed measures will require a great amount of staff time and municipal expense.			The development of the plan considered the potential cumulative impact that the requirements of various policies could have on the financial capacity and available resources (e.g., staffing) of municipalities. Wherever possible, existing policies and programs were used in the source protection plan to address drinking water threats. Also, implementation timelines were aligned with established review and reporting cycles (e.g., circulation of notices of decision under the Planning Act).
		Policy 7.2.17-NB (establishing fertilizer free buffer zones between the sports fields and Sydenham Lake) should also include herbicide-free and pesticide-free provisions as Section 4.3 (raw water quality sampling) - the Township would incur considerable expense in acquiring the technical staff and time to undertake such a sampling regimen.	7.2.17-NB	7.3.6-NB	The application of pesticides is prohibited under the Pesticides Act (Cosmetic Pesticides Ban).
		Policy 4.3 (raw water quality sampling) - the Township would incur considerable expense in acquiring the technical staff and time to undertake such a sampling regimen.	4.3.2-NB	4.2.1-NB	The wording of the policy was revised but if implemented it would still result in the need for action by the municipality (or its designate, such as Utilities Kingston).
		Policy 5.2.1-HR - these measures would have great negative implications for the Township by requiring more staff time to review and process applications and to implement and monitor any required mitigative measures. Also, special expertise or training would be required that staff may not now possess.	5.2.1-HR	5.5.1-HR	The policy was revised to specify the intent, which is that municipalities consider the impact of development on groundwater quality, rather than specifying how to do it. There are various ways by which municipalities can meet the intent of this policy. For example, by requiring upfront disclosure of activities, site plan control, development agreements, and/or conditional zoning (once enabled by the Province). The policy is one that the municipality must have regard for, so it must use its discretion in how it will be implemented. There may be situations where it is not warranted (e.g., such as a solely residential use).
		Policy 5.2.3-HR - During pre-consultation, the Township supported the inclusion of this policy. However, at this time the extent of karst in the Township has not been mapped and its inclusion in our planning documents imposes another level of development restrictions and another level of work for municipal staff.	5.2.3-HR	5.5.1-HR	The need to consider karst was incorporated into policy 5.5.1-HR, such that it would be considered on a site by site basis.
		In addition to endorsing the comments in the Planning Report (items listed above), Council wishes to convey its strong opposition to the language of the Draft Source Water Protection document that places the onus on the municipality to enforce had regulate the measures proposed on the Plan. While it recognized that the methods proposes in the Plan are logical and appropriate to preserve this valuable resource into the future, Council takes exception to proposals that require the municipality to assume the financial burdens associated with its implementation.			The Clean Water Act puts most of the onus for implementation on the municipalities.
41	MOE, Operations Division	1. Refer to the concept of managing the threat with the prescribed instrument (instead of detailed terms and conditions).			The applicable policies were revised.
		2. Provide Province with greater flexibility during implementation on non-binding policies (program evaluation and timing).			The policies were revised as deemed appropriate by the SP Committee.
		3. Include policies referencing amendments to legislation in companion letter not Plan.	6.5.9-NB	6.2.29-NB	The policy will remain in the Plan.

Comment Letter #	Author	Comment (Paraphrased)	Applicable Policy Reference Number (Draft Plan)	Anticipated Policy Reference Number (Proposed Plan)	Response in the proposed Cataraqi Source Protection Plan (June 2012)
42	Cataraqi Source Protection Authority	It agreed in-principle to consider undertaking the roles for oversight and/or completion outlined in the Draft Source Protection Plan: Cataraqi Source Protection Area (February 2012) subject to the identification and clarification of adequate funding and jurisdiction.			No change required.



Memorandum

To: George Wallace, Senior Special Projects Manager
From: Jim Miller, Director Utilities Engineering
Date: June 28, 2012
Subject: Cataraqui Source Protection Plan
Dated: June 2012

We have reviewed the latest version of the Cataraqui Source Protection Plan dated June 2012. Through consultation and discussion with Source protection staff at the CRCA we would like acknowledge that many significant concerns that Utilities Kingston has had over the last year with the proposed policies have been satisfactorily addressed and will not be reiterated. The following comments remain outstanding items to which Utilities Kingston continues raise objection to and would recommend that Council oppose the policies as currently written. The following provides further elaboration:

Implementation Statement 3.5.1

This implementation statement speaks to transport path ways which are defined as being natural routes but are typically man made passages where water can flow on its way to a drinking water intake or well and include examples such as sewer discharge pipes, drainage ditches or swales, utility trenches etc. and for the purposes of the plan are defined as being human-made passages.

The critical policy component states the following:

"Subsection 27(3) of Ontario Regulation 287/07 (General) requires municipalities to notify the Cataraqui Source Protection Authority (CSPA) and the Cataraqui Source Protection Committee of any proposals to engage in an activity within a wellhead protection area or intake protection zone that may result in the creation of a new transport pathway or

the modification of an existing transport pathway”(... pp. 29)”

A review of Schedules B and H of Plan reveal the following impacts:

- All of Cana is affected
- Pt Pleasant IPZ affects the area west of Sunny Acres Road to Bayridge Dr and from Lake Ontario northerly to Henderson/Chelsea Roads, approximately.
- King St IPZ affects the area west of West, Barrie and Princess Streets to Portsmouth Ave and from the Lake northerly to Bath Road, approximately.

Based on the definition above all drainage work, sanitary sewer work new or otherwise will trigger the “notification” requirement and will therefore create a potential impact the majority of annual reconstruction activity of Utilities Kingston/City of Kingston.

The Source protection Plan further recommends that municipalities also provide notification for these types of activities where they are *adjacent* to a Wellhead Protection Are or Intake Protection Zone and which have a reasonable likelihood of contributing water to a vulnerable area. This statement effectively increases the area of potential notification to some unknown boundary, thereby creating ambiguity in how Utilities Kingston/City of Kingston should react in its infrastructure work.

The notice requirements are:

- description of the proposal,
- the identity of the person responsible for the proposal,
- a description of the approvals the person requires to engage in the proposed activity.

Utilities Kingston notes that the Authority would then use the information to “*...conduct an assessment to determine the potential impact of the proposal on the delineation and vulnerability score of the vulnerable area and may make recommendations to the municipality or propose an amendment to the SPP... .” (...pp.35)*

The Plan also states the requirement does not imply another layer of approvals for construction activity but is rather a required notification.

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Utilities Kingston remains very concerned about the implications of this clause. If there is no real or implied additional layer of approval created by this clause we question the statement "... *conduct an assessment to determine the potential impact of the proposal and may make recommendations to the municipality.*" If this is truly just a sharing of information then there should be no suggestion of making further recommendations that could delay, amend or add additional unknown costs to Utilities Kingston/City of Kingston capital projects.

The current statement leaves ambiguity and uncertainty as to whether the City of Kingston /Utilities Kingston should proceed with construction or await confirmation from the CSPC that it ***may make recommendations*** or not. We believe the statement(s) and intent as written are contradictory.

Furthermore a review of the actual wording in Ontario Regulation 287/07, subsection 27(3) suggests this clause is not intended to apply to municipalities. It states:

If a person applies to a municipality for approval of a proposal to engage in an activity in a wellhead protection area or a surface water intake protection zone that may result in the creation of a new transport pathway or the modification of an existing transport pathway, the municipality shall give the source protection authority and the source protection committee notice of the proposal and shall include a description of the proposal, the identity of the person responsible for the proposal and a description of the approvals the person requires to engage in the proposed activity. O. Reg. 246/10, s. 12.

This wording suggests that when the municipality receives an application for something that may create a transport pathway then the policy would apply. It does not appear to suggest that when the municipality undertakes work such as a sewer main replacement that the requirement of the regulation would apply.

Upon further questioning of Source Protection staff we were advised via the MOE that regardless of the wording the intent was for the requirement to be met by municipalities in undertaking their own work. Utilities Kingston takes exception to that as the language of the Regulation cannot be disregarded. Regulations such as 287/07 are a

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matter of law and despite what the “administrative intent” might be the language of 27(3) of 287/07 is very clear in that a municipality does not apply to its self for its infrastructure work and therefore the intent of the Source Protection Implementation Statement 3.5.1 to apply to infrastructure activity is not justified in law.

Our previous comments on this issue recognized that the installation of **new** pipes and consequent trenches (where none existed previously) could create **new** transport pathways. Under those circumstances the requirement to notify may be reasonable. However to have this requirement apply to the replacement of existing underground infrastructure is another matter. We do not understand the logic in situations where infrastructure already exists within the public road allowance and is planned for replacement, what new or modified significant threat to the IPZ or well head is created by virtue of that replacement activity and as such the need to report it to the CSPC. Replacement of one pipe for another should not change anything and in fact given the age of the infrastructure being replaced reduces the potential threat.

In addition have not seen or been made aware of any evidence or factual research to suggest that such the replacement of existing infrastructure in any way represents a risk to the source water and therefore should be subject to notice and the potential for additional recommendations from the CSPC.

Although the Plan suggest that a “notification” protocol needs to be established it would be after the fact as the Plan will have by then been approved under the current wording which we find unacceptable.

Utilities Kingston recommends the Policy 3.5.1 be opposed as currently written and that it be modified to clearly ensure that it does not apply to the infrastructure renewal, replacement or rehabilitation activities of Utilities Kingston/City of Kingston.

Policy 6.2.16 HR and Policy 7.2.14-HR(a) & (b) (as it affects the IPZ areas)

These two policy areas are essentially the same in intent with minor wording changes to reflect the differences between the Well Head Protection Area (WPA) and the Intake Protection Zone (IPZ) areas.

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Base on our earlier comments we acknowledge the change to Policy 6.2.16 by the Source Water Protection Committee which recognizes that the annual infrastructure renewal of sanitary sewers by the City of Kingston is not subject to the proposed increase in review, technical data and approvals contemplated by the policy as it affects the MOE review and approvals. It clearly distinguishes that only “new” sanitary sewer is subject to this provision.

However in our comments to the February draft policies we noted our opposition to Policy 7.2.14-HR(a) & (b) which has not received a similar change. We note that in the Explanatory Document it notes that Policy 7.2.14-HR(a) & (b) does not apply to sanitary sewers. The policy does however specifically refer to “combined sewers” in 7.1.14HR(b)(ii)(iv). This may be an oversight but it’s continual inclusion in the policy framework is a concern.

The critical factor is in the language of the policy and the role the MOE has in the approval of Utilities Kingston’s underground construction activity (Certificates of Approval) associated with sanitary sewer works. In short all renewal and replacement of existing sanitary or combined sewers infrastructure in large areas of the City will be subject to additional levels of design, effort and costs in order to *incorporate appropriate levels of risk management measures to protect sources of drinking water*. It should be noted, that while in undertaking sewer separation, an approved City policy, there are occasions from a technical, engineering perspective where by new sewers remain “combined sewers” because not all areas of the sewer drainage areas have been fully separated. In these transition situations full removal of combined sewers has to wait for full separation to occur.

This is a “Have Regard” to policy that has legal effect in the Plan and the MOE will have to address this matter in their approval processes of our reconstruction projects. Utilities Kingston is particularly concerned that this policy is unreasonable and not appropriate in circumstances involving the replacement of infrastructure. It should receive similar treatment to that found in 6.2.16-HR. The replacement of any old sewer infrastructure with new is an improvement that reduces the risk to source water.

We would support the intent if it applied to situations where no combined sewer exists and a new combined sewer is proposed. We note that given current City policy regarding sewer separation we cannot think of a situation where that would occur within the City.

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Utilities Kingston therefore recommends that Policy 7.2.14-HR(a) & (b) be opposed as currently written and that Clause 7.2.14-HR(b)(ii)(iv) be amended with to read: "*(iv) new combined sewers.*"

We have no further comments to offer on the document. Should you have any questions, please do not hesitate to contact me.



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Source Protection Plan - Executive Summary

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Proposed Source Protection Plan - Executive Summary

This page contains the Executive Summary of our Proposed Source Protection Plan (June 2012).

If you would like to view the entire Source Protection Plan please [click here](#) to go to our page where the full plan is posted in pieces (small files suitable for dial-up Internet users).

The Source Protection Plan Executive Summary is also available in French. Please [click here](#) to go to our [French summary page](#).

Written comments on the plan can be submitted by July 31, 2012. [Click here](#) for more details.



Background

Source water is the untreated water in lakes and rivers, and in underground aquifers, that people use to supply drinking water systems. It is in a community's interest to protect the amount and quality of the source water before it is treated, tested and distributed throughout a community, and before it is drawn from private wells. Source protection complements the valuable work of water treatment plant operators to deliver safe and potable drinking water.

Some important reasons for source water protection:

Water treatment is not always enough. Water treatment systems do not remove all contaminants from water, like chemicals such as liquid fuels and solvents.

Prevention saves money. It is much cheaper to protect source water in the first place, rather than having to clean up contamination later. A 2010 spill from a home heating oil tank in eastern Ontario cost about \$1 million to clean up. Fuel spills can be prevented through a few preventative changes to the tank and lines that can cost as little as \$1,500.

Contamination can ruin a water source forever. Sometimes contamination cannot be cleaned up which means that some water supplies have to be shut down. The community of Manotick, Ontario (near Ottawa) lost access to its groundwater supply in the 1990s when it was contaminated by a chemical spill from a dry cleaning business. After the chemicals were discovered, safe and potable water had to be piped to Manotick from the City of Ottawa at significant cost to the municipality.

Lake
Ontario/St. Lawrence
River

Cana Subdivision

Miller Manor

Water Budget

Watershed
Characterization Report

Assessment Report

Assessment Report
Executive Summary



only search Clean Water
Cataraqui

Source protection has other benefits. Clean and plentiful sources of drinking water also support tourism and recreation, which is very important to our region, as well as providing good fish and wildlife habitat.

The Commission under Justice Dennis O'Connor, responsible for investigating the tragedy that occurred in Walkerton, Ontario in May 2000 recommended that sources of drinking water should be protected from contamination and overuse as part of a multi-barrier approach.

This approach includes:

- source water protection
- water treatment
- a secure distribution system
- monitoring programs
- emergency preparedness.

The Ontario government responded by making improvements to all aspects of drinking water including funding an intensive drinking water source protection initiative and by passing the *Clean Water Act*. The Act lays out the steps required to develop locally driven, science-based assessment reports and source protection plans. The primary focus of the work to-date has been the source water for cities and towns where municipalities provide drinking water to residential users. Further provincial initiatives are directed to the other four barriers in the multi-barrier approach to providing safe drinking water.

There are two local groups responsible for source water protection work: the Cataraqui Source Protection Authority and the Cataraqui Source Protection Committee.

The **Cataraqui Source Protection Authority** ensures that the planning process remains on time and on budget, and that documents are made available at appropriate times to municipalities, the public and the Ministry of the Environment. The Authority is also responsible for collaborating with others to implement specific policies in this Plan, and for submitting annual progress reports to the Ministry of the Environment. The Authority includes the 17 members of the Cataraqui Region Conservation Authority board and a representative from the Township of Frontenac Islands.

The **Cataraqui Source Protection Committee** coordinated the development of the Assessment Report and Source Protection Plan. The Committee includes:

- a provincially appointed Chair
- 15 members who represent municipalities, economic sectors (e.g., agriculture, industry and tourism), and other interests (e.g., environmental organizations and the general public)
- three non-voting liaison members who represent the Ministry of the Environment, the local health units and the Source Protection Authority.

The Cataraqui Source Protection Committee prepared this Source Protection Plan under the *Clean Water Act*. The purpose of the Plan is to address drinking water threats as defined under the Act, to ensure that significant ones cease to be significant through prohibition or adequate management measures, and that low and moderate threats do not become significant, along with monitoring of drinking water threats.

As described in its mission statement the Committee aimed to “*propose policies in the Cataraqui Source Protection Plan that are appropriate, effective, and economical for local communities.*” It also aimed to follow a consultative, open and transparent planning process.

The Plan applies to the vulnerable areas in the Cataraqui Source Protection Area. The Cataraqui Source Protection Area (CSPA) is defined to include the jurisdiction of the Cataraqui Region Conservation Authority plus the Township of Frontenac Islands and other lands and waters in Lake Ontario and the St. Lawrence River (see figure 1-1 in the source protection plan). A description of the CSPA can be found in the Assessment Report (June 2011).

The Cataraqui Source Protection Area is located at the eastern end of Lake Ontario and the upper part of the St. Lawrence River. It includes land and water within the jurisdiction of all or

part of four counties and 12 municipalities. The counties are Prince Edward, Lennox and Addington, Frontenac, and Leeds and Grenville. The municipalities, from west to east, are:

- Town of Greater Napanee
- Loyalist Township
- Township of South Frontenac
- City of Kingston
- Township of Frontenac Islands
- Township of Rideau Lakes
- Township of Leeds and the Thousand Islands
- Town of Gananoque
- Township of Athens
- Township of Front of Yonge
- Township of Elizabethtown-Kitley
- City of Brockville.

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How the Plan was Prepared

The Source Protection Committee and Cataraqui Region Conservation Authority (CRCA) staff actively consulted on the Source Protection Plan with municipalities, provincial ministries, affected landowners, local technical experts, the general public, and adjacent source protection regions since January 2011. Consultations on the Plan included:

- 12 community [roundtables](#)
- meetings with municipal and provincial stakeholders
- delegations to municipal councils
- collaboration with neighbouring source protection regions
- public open houses.

The Source Protection Plan sets out policies to address drinking water threats, as appropriate, that were identified in the Assessment Report: Cataraqui Source Protection Area (2011). [Click here](#) to view the plan.

The Assessment Report is included on the DVD that is attached to paper copies of the Plan. [Click here](#) to view the Assessment Report.

Chapters 1 and 2 of the Plan provide an overview and introduction to the Plan. Chapter 3 deals with implementation of the Plan. Chapters 4 through 7 deal with polices for the highly vulnerable aquifers, significant groundwater recharge areas, wellhead protection areas, and intake protection zones.

The Plan is accompanied by an Explanatory Document (February 2012) that provides stakeholders with information that may have influenced the policy decisions made by the Source Protection Committee. [Click here](#) to view the Explanatory Document. It is also included on the DVD that is attached to paper copies of the plan.

Where the Plan Applies

The Source Protection Plan applies to the wellhead protection areas and intake protection zones that surround sources of municipal water supplies, as well as the highly vulnerable aquifers and significant groundwater recharge areas, that are identified in the Assessment Report for the Cataraqui Source Protection Area (June 2011). Maps of these vulnerable areas are included at the back of the plan.

There are vulnerable areas surrounding 12 drinking water systems:

Wellhead Protection Areas (Chapters 4 and 6)

- Cana (Kingston Mills)
- Lansdowne
- Miller Manor Apartments (Mallorytown)

Intake Protection Zones

- A.L. Dafoe (Napanee)
- Bath
- Brockville
- Fairfield (Amherstview)
- James W. King (Gananoque)
- Kingston Central
- Point Pleasant (Kingston West)
- Sandhurst Shores
- Sydenham.

Highly vulnerable aquifers (HVA) cover 93 per cent of the Cataraqui Source Protection Area. Much of the area covered by highly vulnerable aquifers is also a significant groundwater recharge area (Chapters 4 and 5). The HVAs underlie the wellhead protection areas and intake protection zones.

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What Activities are Addressed

The Source Protection Plan includes policies to address existing significant threats to drinking water, and the most common existing moderate and low threats to drinking water. It also addresses activities that would be significant, moderate or low drinking water threats if they were to become established. These threats were inventoried in the Assessment Report (June 2011).

In the Wellhead Protection Areas, the two most common existing threats to drinking water that pose a significant, moderate or low risk to these sources of drinking water are:

- the handling and storage of liquid fuel
- on-site sewage systems (e.g. septic and holding tanks).

Other notable activities that were included in the inventory are:

- the application and storage of agricultural source material
- the application of commercial fertilizer
- the application and storage of pesticide
- the application of road salt.

The activities that pose a risk to the wellhead protection areas can also impact the highly vulnerable aquifers and the significant groundwater recharge areas since both types are groundwater sources. However, these activities cannot be labelled as significant drinking water threats in the highly vulnerable aquifers and significant groundwater recharge areas for the purpose of the *Clean Water Act*.

There were relatively few significant drinking water threats identified in the Sydenham, Brockville and James W. King Intake Protection Zones. They relate to the application of pesticides and agricultural activities such as the storage and application of agricultural source material (e.g., manure). The most common existing moderate and low drinking water threats relate to:

- on-site sewage systems (e.g., septic systems and holding tanks)
- the transportation, handling and storage of liquid fuel (mainly for heating purposes)
- road salt application.

In the other six intake protection zones along Lake Ontario, the most common existing moderate and low drinking water threats relate to:

- activities involving agricultural source material and non-agricultural source material

- on-site sewage systems (e.g., septic systems and holding tanks)
- handling, storage and transportation of liquid fuel
- road salt application
- handling, storage and transportation of dense non-aqueous phase liquids (DNAPL) and organic solvents.

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Actions to be Taken

The Source Protection Committee discovered early in the planning process that only a few types of the prescribed threats to drinking water are common throughout the Cataraqui Source Protection Area. There are limited occurrences of significant threats, but there are many moderate and low threats.

A total of 158 significant threats were identified as occurring on 114 properties, compared to thousands of occurrences identified in other communities in Ontario.

Although there are several types of policy tools available through the *Clean Water Act*, their applicability varies by threat. These findings are based on the results of the Assessment Report (June 2011), a detailed analysis of the land uses in each of the wellhead protection areas and intake protection zones, and a series of staff-generated background reports on the prescribed and local drinking water threats.

In preparing this Plan there was a desire to build on existing actions by government, organizations and individuals, and to use more than one type of policy tool to address a drinking water threat, wherever possible and suitable. Education and outreach programs will have an important role in helping implementation bodies and property owners to understand why it is important to protect sources of drinking water through the actions specified in each of the policies.

The policies were prepared in accordance with the *Clean Water Act*. They serve to fill gaps in legislation or to address risks to drinking water where there is no current mechanism to adequately manage the risk that is recognized by the Act. They also fill gaps between existing efforts where they have been identified; build on existing protective measures; and improve coordination and information sharing where needed.

They are specifically focused on:

- promoting responsible decisions about land use and development
- improving information availability
- recommending changes to municipal operations
- enhancing education and outreach initiatives
- conducting research.

The diagram below illustrates the variety of policy tools established under the *Clean Water Act* that can be used to meet the objectives of the Source Protection Plan, depending on the type of threat being addressed. Each of the policy tools are described in Chapter 2 of the [Source Protection Plan](#).

In the Cataraqui Source Protection Area, activities that would be significant drinking water threats if they were to become established in the future are generally prohibited in one of three ways:

- through section 57 of the *Clean Water Act*
- decision made under the



Planning Act (e.g., land use planning) and/or

- decisions made related to prescribed instruments.

Existing activities that are significant drinking water threats will generally be managed through risk management plans under section 58 of the Act, or revisions to their prescribed instruments

(e.g., certificate of approval, nutrient management strategy). There are also municipal operations and procedures to update, and research to be conducted on the best method for managing particular significant drinking water threats.

Currently, existing activities that are moderate or low drinking water threats, and those that would be threats if they were to become established in the future, are managed mostly through decisions made under the *Planning Act* and those related to prescribed instruments, and recommended strategic actions directed to a variety of implementation bodies. Area-wide education and outreach programs are also an important management tool for many of these threats.

The following is a summary of the types of policies included in the Source Protection Plan. It is not a comprehensive listing. The reader should refer to the plan for specific policy details.

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Part IV of the Clean Water Act

Part IV of the *Clean Water Act* provides municipalities with new tools to regulate existing and future activities that are significant drinking water threats, except for waste disposal and sewage-related activities that are subject to an environmental compliance approval or certificate of approval.

In the plan, prohibition is used for activities which cannot be addressed through land use planning (e.g. pesticide application) and where there is no applicable prescribed instrument (e.g. PCB waste storage).

Risk management plans will be used to manage existing activities where there is no applicable prescribed instrument and where the risk can be effectively managed (e.g., home heating oil storage). Risk management plans will be required for some activities that can be established in the future.

Restricted land uses are a tool that will be used by municipalities to flag specific land uses that are associated with activities that may be either prohibited or that require a risk management plan, in the event that an application is made under the *Planning Act* or the Ontario Building Code.

Those activities that are or would be significant drinking water threats, and for which the

Committee believes that risk management would not be sufficient to address the risk to source water, are prohibited by the plan.

The plan also prohibits those future activities that would be significant drinking water threats, and those that are not feasible in a given wellhead protection area or intake protection zone based on the land uses permitted, local development patterns, and the physical characteristics of the areas.

Most of the work related to implementing the policies made under Part IV of the *Clean Water Act* is expected to relate to the establishment and enforcement of risk management plans. The most common activity that requires a risk management plan is the handling and storage of liquid fuel associated with home heating oil.

The balance of the risk management plans will address the handling and storage of liquid fuel for private use in vehicles and equipment (e.g. at a farm or public works yard) as well as agriculture and recreation related drinking water threats. The agriculture-related threats will need risk management plans if the relevant activities are not already regulated under the *Nutrient Management Act* or through a municipal by-law.

Land Use Planning and Development

Planning Act tools (e.g., official plans and zoning by-laws, site plan control) are used to restrict a land use or to specify requirements in order to manage proposed activities that are drinking water threats (e.g., prohibit certain types of industry from locating in a wellhead protection area in order to direct activities such as the storage of solvents to less vulnerable areas).

Provincial approvals specified in Ontario Regulation 287/07 (General) (called “prescribed instruments”) are also used to restrict an existing or proposed activity or to specify requirements in order to protect sources of drinking water from contamination (e.g., modifying an environmental compliance approval for a sewage treatment plant in an intake protection zone to require more stringent effluent quality limits).

Municipal Operations and Infrastructure

Municipalities are asked to demonstrate leadership by reviewing a number of their operations and programs to address a variety of activities that are a threat to drinking water.

These types of policies are not legally binding on the municipalities, unless they address a specific significant threat. An example is the requirement to create or update salt management plans to account for the sensitivity of the vulnerable areas identified in the Assessment Report (June 2011).

Provincial Programs and Procedures

The Source Protection Plan will influence a number of policies, programs and actions of the Government of Ontario.

There are policies that recommend programs be updated where improvements can realize greater source water protection (e.g., update provincial spill response plans), and that research be conducted to fill technology or knowledge gaps (e.g., most effective method for disposing of water softener backwash in rural eastern Ontario).

Education and Incentives

The plan contains a number of policies that are intended to raise awareness in our local communities about intake protection zones, wellhead protection areas, highly vulnerable aquifers and significant groundwater recharge areas; and demonstrate how we can work together to protect our sources of drinking water.

This will involve co-ordinating the efforts of local partners that deliver programs to include drinking water source protection information that is relevant to their individual programs.

Data, Research and Reporting

The policies that encourage research are intended to improve our collective technical

understanding of sensitive regional groundwater sources and the impact of climate change on sources of drinking water in the Cataraqui Source Protection Area. An example includes a cooperative effort to assemble data about groundwater in the region to form a more comprehensive understanding about the state of these resources.

There are monitoring policies associated with most of the policies in order to understand how well the plan is being implemented on-the-ground to protect sources of drinking water. The monitoring results must be shared by the Cataraqui Source Protection Authority each year in a progress report to the Ministry of the Environment. The monitoring policies generally request that the implementing body report to the Source Protection Authority on a one-time or recurring basis regarding the status of policy implementation.

One example requests that municipalities provide the Cataraqui Source Protection Authority with a copy of all approvals under the *Planning Act* for specific types of applications in the vulnerable areas.

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Legal Obligations

The *Clean Water Act* requires municipalities, local boards (e.g. health units) or source protection authorities to comply with any obligations imposed on it to address a significant drinking water threat, regardless of the particular tool or approach used in the policy.

The Act requires decisions under the *Planning Act and Condominium Act, 1998* to conform with policies on significant threats, and to have regard to policies on moderate and low threats. It also requires decisions related to prescribed instruments (e.g., environmental compliance approvals) to conform with policies on significant threats, and to have regard to policies on moderate and low threats.

Persons carrying out activities that are significant drinking water threats must conform with policies that use Part IV powers under the *Clean Water Act*.

Public bodies designated in the source protection plan to carry out monitoring required by the *Clean Water Act* must conform with the obligations set out in the monitoring policies.

Other types of policies that, while the Committee has determined are important to achieving the plan's objectives, are not given legal effect by the Act. These include:

- policies on significant, moderate and low threats to be implemented by bodies other than municipalities, local boards or source protection authorities and which do not rely on Part IV, prescribed instrument or *Planning Act* tools.
- other permitted policies governing:
 - incentive programs and education and outreach programs that are not specifically for a wellhead protection area or intake protection zone (e.g., private wells)
 - the update of spills prevention, contingency and response plans for highways, railways or shipping lanes in wellhead protection areas and intake protection zones
 - transport pathways in wellhead protection areas and intake protection zones.

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Implementation

The Source Protection Plan specifies who will implement each of the policies (e.g., municipality, provincial ministry), and by which date the policy must be implemented.

The cost to the body responsible for implementing the policy will depend on the level of effort and resources required to implement the policy, and future levels of provincial funding for plan implementation.

The Cataraqui Source Protection Authority is required to report annually to the Ministry of the Environment on the implementation of the Source Protection Plan and its effectiveness in

protecting source water.

The Source Protection Plan and You

As mentioned above, it is in a community's interest to protect the amount and quality of the source water before it is treated, tested and distributed throughout a community, and before it is drawn from private wells. This is true whether or not activities that are significant threats to drinking water can arise based on the vulnerability score assigned to a given area.

The Source Protection Committee hopes that thinking about how our activities might impact the sources of drinking water for communities and individuals will become second nature for everyone, just like wearing seatbelts in cars and recycling cans.

Municipalities and provincial ministries are not the only bodies that can take action to protect drinking water. Here are some things that you as a home or business owner can do to help protect your source of drinking water.

- Maintain your well and septic system on a regular basis.
- Have a professional plug wells that you are not using.
- Have your heating oil tank inspected every year, and fix any problems that are identified.
- Properly dispose of hazardous waste like used oil, paint and batteries.
- If you own or operate a business that stores, handles or transports chemicals record how you would respond to a spill or other emergency.

You are encouraged to take part in education and outreach programs, and take advantage of incentive programs, that might be offered in your area to help you accomplish these actions and many more.

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