

# 5

## **Policies That Monitor Implementation**

*Evaluating Source Protection*



This Source Protection Plan contains policies that encourage, and in some cases require, people to manage or prevent activities that could contaminate drinking water sources. These policies will be implemented by a number of different bodies including municipalities, provincial ministries and Conservation Authorities. To determine if the policies are having their desired effect, it is essential to monitor how the policies are being implemented. It is also important to track changing circumstances that could affect where certain policies apply. This information will be used to generate annual progress reports for the MOECC, but more importantly, it will be used to improve future versions of this Plan.

### **5 Policies that Monitor Implementation**

#### **What You Will Find In This Section**

To ensure that the necessary feedback is received from implementing bodies and that policies are being implemented in required areas, this section contains monitoring policies that:

- Monitor policy implementation and progress
- Monitor changes in circumstances that affect where policies apply

## 5.1 Monitoring Policy Implementation

### Background

Under the Clean Water Act:

- Monitoring policies must be written to track the implementation of all policies that address
- significant drinking water threats. Public bodies must comply with these monitoring policies (they are legally binding).
- If the Source Protection Committee feels it is warranted, monitoring policies may also be written to track the implementation of moderate or low threat policies and other permissible policies. These monitoring policies cannot be legally binding.

Have an idea to improve the policies?

In addition to the information being sought through the monitoring policies, implementers are encouraged to notify the Source Protection Authority at any time with ideas or recommendations to improve the policies. Implementers are in a unique position to be able to evaluate the reasonableness, practicality, level of acceptance and effectiveness of each policy as it is being implemented. Any insights implementing bodies can provide will help improve future versions of this Plan.

In addition to monitoring policies, Section 87 of the *Clean Water Act* also permits Source Protection Authorities to request additional information related to a drinking water threat from certain public bodies. This allows Source Protection Authorities to seek additional information if and when needed rather than weighing down annual reporting requirements for implementers with potentially unnecessary site-specific details (e.g., copies of planning or development applications).



## KEY CONCEPT

### Annual Reporting

The Source Protection Authority must submit annual reports on the progress of Source Protection Plan implementation to the Ministry of the Environment and Climate Change. To meet the annual deadline specified in the *Clean Water Act*, policy implementers must provide their information relating to the previous calendar year to the Source Protection Authority by February 1 of each year. The Source Protection Authority will compile all this information into an annual progress report. The first report will cover the period beginning on the day when this Plan takes effect and ending on December 31 of the second calendar year following the year in which the plan takes effect.

### Policy Intent

The Mississippi-Rideau Source Protection Committee developed monitoring policies for significant threat policies, as well as moderate and low threat policies and all other permissible policies. The objective is to obtain feedback about the implementation of all policies. This will provide a complete picture for reviewing and improving this Plan in the future.

The monitoring policies are intended to provide the Source Protection Authority with information to:

- Determine if the implementing body has implemented the source protection policy (including compliance with any specific implementation dates);
- Determine if the persons engaged in the significant threat activity are complying with the policy if the policy is regulatory in nature, such as a Risk Management Plan;
- Track the uptake of a program if the policy is non-regulatory in nature, such as an education and outreach program; and
- Determine, where feasible, if the policy has achieved the desired outcome.

To this end, implementers are strongly encouraged to comply with all monitoring policies, including those that are not legally binding. Reporting on the progress of all policies is the only way to evaluate the effectiveness of source protection efforts across the Mississippi-Rideau region. The Source Protection Authorities will work with implementers to develop reporting templates where possible to make fulfilling the monitoring policy requirements as efficient as possible.

Monitoring policies are grouped by implementer in order to make it easier for each implementing body to see what monitoring requirements and requests they are subject to. Legally binding monitoring policies are listed first, followed by non-legally binding policies. Compliance dates for the monitoring policies are either in the policy or in the wording of the policy it corresponds to. For a listing of all policies by implementing body and compliance date see Appendix C2.

### 5.1.1 Monitoring Policies for Municipalities

#### Policy

Policy: MON-1-LB

#### Annual Report from the Risk Management Official

By February 1 of each year, the Risk Management Official shall provide a report to the Source Protection Authority with the information required in Section 65 of Ontario Regulation 287/07 related to the previous calendar year. This will provide administrative, enforcement and compliance results for the Section 58 Risk Management Plan and Section 57 Prohibition policies.

This monitoring policy corresponds to significant threat policies:

- WASTE-2-LB-S58
- WASTE-4-LB-S57
- SEW-11-LB-S58
- SEW-12-LB-S57
- SEW-14-LB-S58
- SEW-16-LB-S57
- SALT-1-LB-S58
- SALT-2-LB-S57
- DNAPL-1-LB-S58
- DNAPL-2-LB-S57
- FUEL-1-LB-S58
- FUEL-5-LB-S57
- FUEL-6-LB-S58
- FERT-2-LB-S58
- FERT-3-LB-S57
- PEST-4-LB-S58
- PEST-5-LB-S57
- LIVE-2-LB-S58
- ASM-2-LB-S58
- NASM-3-LB-S58
- DEICE-1-LB-S57

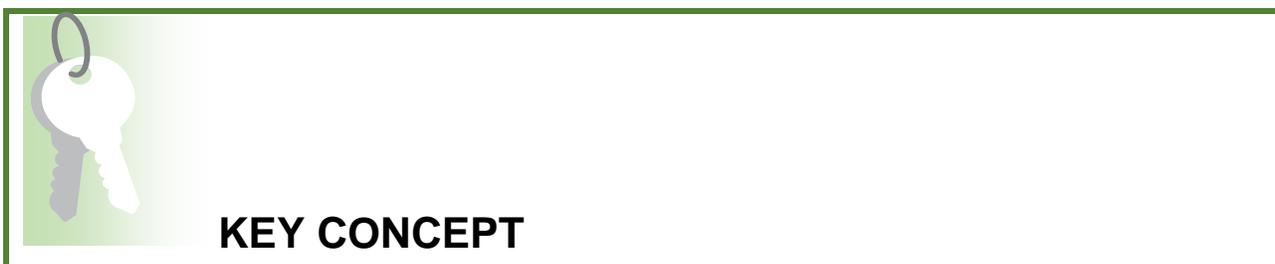
•Policy: MON-2-LB

#### Annual Report from the Municipality — Legally Binding Policies

By February 1 of each year, the municipality shall provide the Source Protection Authority with a summary of implementation activities for the previous calendar year related to legally binding policies where the municipality is the implementer.

This monitoring policy corresponds to significant threat policies:

- SEW-3-LB
- SEW-4-LB
- SEW-6-LB
- SALT-4-LB
- EDU-1-LB
- ADMIN-3-LB
- SEW-9-LB-PI/PA-MC
- SEW-15-LB-PI/PA-MC
- SALT-3-LB



#### Suggested Content for Municipal Annual Report — Legally Binding Policies

- One-time confirmation that new requirements have been implemented regarding lot grade and drainage plans and mandatory connection to municipal sewer services
- One time confirmation that required Official Plan and zoning by-law amendments have been completed and notice of any future changes
- Documentation related to the Sanitary Sewer Maintenance Program such as method, schedule, remedial work planned and work carried out
- Documentation related to the Road Salt Management Plan such as a copy of the completed plan and subsequent revisions and a summary of action taken to reduce road salt use (or a copy of the yearly review report if one is prepared under Environment Canada’s Code of Practice for the Environmental Management of Road Salts)
- Feedback related to the promotion of smart salt practices such as a description of the initiatives that were undertaken and an indication of the level of participation (e.g., numbers of contractors certified and sites certified)
- A copy of the results of the annual raw water testing for chloride (municipalities with groundwater systems only)
- Feedback related to the implementation, participation and suggestions to improve the effectiveness of the “Living and Working in the Drinking Water Zone” education program

#### **Policy**

Policy: MON-3-NLB

#### **Annual Report from the Municipality — Non-legally Binding Policies**

By February 1 of each year, the municipality is requested to provide the Source Protection Authority with a summary of implementation activities for the previous calendar year related to non-legally binding policies where the municipality is the implementer.

This monitoring policy corresponds to moderate/low threat or other permissible policies:

- SALT-5-NLB
- SALT-6-NLB
- CORR-1-NLB
- PATH-1-NLB
- EDU-3-NLB
- EDU-4-NLB
- EDU-5-NLB



## KEY CONCEPT

### **Suggested Content for Municipal Annual Report — Non-legally Binding Policies**

- Documentation related to the Road Salt Management Plan such as a copy of the completed plan and subsequent revisions and a summary of action taken to reduce road salt use (or a copy of the yearly review report if one is prepared under Environment Canada’s Code of Practice for the Environmental Management of Road Salts)
- Feedback related to the promotion of smart salt practices such as a description of the initiatives that
- were undertaken and an indication of the level of participation (e.g., numbers of contractors certified and sites certified)
- A summary of decisions or action taken related to updating Emergency Response Plans and implementing new requirements for earth (geothermal) energy systems
- One-time confirmation that signs to identify the Wellhead Protection Areas and Intake Protection Zones have been installed and annual confirmation that the signs are being maintained
- Feedback related to the implementation, participation and suggestions to improve the effectiveness of the “Transporting Contaminants through the Drinking Water Zone” education program

## **5.1.2 Monitoring Policies for Principal Authorities Responsible for On-site Sewage System Approvals**

### **Policy**

Policy: MON-4-LB

### **Mandatory On-Site Sewage System Maintenance Inspection Program**

By February 1 of each year, the Principal Authorities shall provide the Source Protection Authority with an annual report related to the previous calendar year on the results of the mandatory on-site sewage system maintenance inspection program. The report shall include number of inspections conducted, number of failures and remediation notices issued and any other pertinent details about the progress of the program.

This monitoring policy corresponds to significant threat policy SEW-1-LB.

Policy: MON-5-LB

### **Redevelopment / Renovation Proposals**

- Within six months of the Source Protection Plan taking effect, the Principal Authorities shall provide the Source Protection Authority with a report outlining the procedures that will be followed to ensure existing on-site sewage systems (located where they are a significant threat as described in Appendix B) are adequate to service a proposed redevelopment or renovation project. New approval procedures shall include adding the Source Protection Authority to the distribution list when approvals or decisions are issued to keep the Source Protection Authority informed on an ongoing basis regarding redevelopment or renovation proposals using existing systems.
- This monitoring policy corresponds to significant threat policy SEW-2-LB.

## **5.1.3 Monitoring Policies for the Ministry of Agriculture, Food and Rural Affairs**

### **Policies**

Policy: MON-6-LB

### **Nutrient Management Act Legislation and Program Updates**

The Ontario Ministry of Agriculture, Food and Rural Affairs shall keep the Source Protection Authority informed of changes to Nutrient Management Act legislation or programs.

This monitoring policy corresponds to significant threat policies:

- FERT-1-LB-PI-MC

- LIVE-1-LB-PI-MC
- ASM-1-LB-PI-MC
- NASM-1-LB-PI-MC

#### 5.1.4 Monitoring Policies for the Ontario Ministry of the Environment and Climate Change

##### Policies

Policy: MON-7-LB

##### Annual Report from the MOECC — Legally Binding Policies

By February 1 of each year, the MOECC shall provide the Source Protection Authority with a summary of implementation activities for the previous calendar year related to significant/moderate/low threat policies where the MOECC is the implementer.

This monitoring policy corresponds to significant/moderate/low threat policies:

- |                    |                      |                   |
|--------------------|----------------------|-------------------|
| • WASTE-1-LB-PI-MC | • SEW-8-LB-PI-MC     | • FUEL-2-LB-PI-MC |
| • WASTE-3-LB-PI-MC | • SEW-9-LB-PI/PA-MC  | • PEST-3-LB-PI-MC |
| • WASTE-5-LB-PI-HR | • SEW-10-LB-PI-MC    | • NASM-2-LB-PI-MC |
| • SEW-5-LB-PI-MC   | • SEW-13-LB-PI-MC    | • AQUA-1-LB-PI-HR |
| • SEW-7-LB-PI-MC   | • SEW-15-LB-PI/PA-MC | •                 |

Policy: MON-8-NLB

##### Annual Report from the MOECC — Non-Legally Binding Policies

By February 1 of each year, the MOECC is requested to provide the Source Protection Authority with a summary of implementation activities for the previous calendar year related to non-legally binding policies where the MOECC is the implementer.

This monitoring policy corresponds to other permissible policies:

- |               |              |              |
|---------------|--------------|--------------|
| • WASTE-6-NLB | • PEST-2-NLB | • PATH-2-NLB |
|---------------|--------------|--------------|

- PEST-1-NLB

- CORR-2-NLB

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### **5.1.5 Monitoring Policies for the Ontario Ministry of Natural Resources and Forestry**

#### **Policies**

Policy: MON-9-NLB

#### **Use of Land or Water for Aquaculture — Fish and Wildlife Conservation Act Approvals**

The Ontario Ministry of Natural Resources is requested to notify the Source Protection Authority on an ongoing basis of any applications received and the decisions rendered related to the future use of land or water for aquaculture where it would be a moderate drinking water threat as described in Appendix B. This can be accomplished by adding the Source Protection Authority to the distribution list of future notices or approvals issued regarding proposals that are located in Intake Protection Zones with a vulnerability score of 9 or 10.

This monitoring policy corresponds to moderate threat policy AQUA-2-NLB.

Policy: MON-10-NLB

#### **Pits and Quarries in Wellhead Protection Areas**

The Ontario Ministry of Natural Resources is requested to provide a response to the Source Protection Authority recommendation to implement measures to ensure that new pits and quarries located within Wellhead Protection Areas do not endanger the raw water supply of a municipal drinking water system.

This monitoring policy corresponds to other permissible policy PATH-3-NLB.

### **5.1.6 Monitoring Policies for the Ontario Ministry of Natural Resources and Forestry**

#### **Policies**

Policy: MON-11-NLB

#### **Signs Along Provincial Roads**

The Ontario Ministry of Transportation is requested to notify the Source Protection Authority when and where signs to identify the Wellhead Protection Areas and Intake Protection Zones have been installed along provincial roads.

This monitoring policy corresponds to other permissible policy EDU-2-NLB.

## 5.1.7 Monitoring Policies for the Source Protection Authority

### **Policies**

Policy: MON-12-LB

### **Recommendations to the TSSA and the Ministry of Consumer Services**

The Source Protection Authority will communicate annually with the MOECC and/or TSSA and/or the Ministry of Consumer Services to:

- Obtain an update on progress related to the recommendations outlined in policy FUEL-3-NLB
- Obtain information about changes to legislation or programs that would impact policy FUEL-4-NLB
- Identify opportunities to partner on consistent messaging to the fuel sector

This monitoring policy corresponds to significant threat policies FUEL-3-NLB and FUEL-4-NLB.

Policy: MON-13-LB

### **Recommendations to Environment Canada**

The Source Protection Authority will communicate annually with Environment Canada to obtain an update on progress related to the recommendations outlined in policy WASTE-6-NLB as well as information about the status of the Code of Practice for the Environmental Management of Road Salts and related initiatives.

This monitoring policy corresponds to significant threat policy SALT-3-LB and low threat policies WASTE-6-NLB and SALT-5-NLB.

Policy: MON-14-LB

### **“Protecting Regional Groundwater” Education Program**

The Source Protection Authority will provide information on the implementation of the “Protecting Regional Groundwater” education and outreach program in the annual progress report to the Director at the MOECC.

This monitoring policy corresponds to other permissible policy EDU-6-NLB.

## **5.2 Monitoring Changing Circumstances**

### **Background**

In addition to monitoring implementation progress, the Clean Water Act states that policies to monitor moderate and low threats be included in the Plan where advisable to assist in preventing activities from becoming significant drinking water threats.

There are three ways an activity currently considered a low or moderate threat could become a significant drinking water threat:

- The nature of the activity could change
- The vulnerability score of the area could change
- The threat circumstance for that activity could change

### **Activity Changes**

A key step with any new regulatory program is informing people about new requirements and where they apply. This enables people to know which policies they have to adhere to. The education and outreach policies in Section 4, in addition to the consultation process that was undertaken during policy development (see Section 2), will raise awareness about the policy requirements in this Plan. It is then up to policy implementers to ensure that those who are subject to policies are in compliance. Since activities can change (draining stormwater from a larger area, applying a different type of pesticide, storing a larger volume of fuel) there needs to be ongoing monitoring and enforcement by implementers because activities once considered moderate or low could reach significant threat circumstances. This situation does not warrant a policy, rather it is an implementation issue that will be addressed by implementing bodies.

### **Vulnerability Score Changes**

As new technical information becomes available and new municipal drinking water systems are established, vulnerability scores will change. This will affect the size, shape and number of areas where activities are considered a significant threat and ultimately where policies will apply. Source Protection Authorities, working with their partner municipalities, are responsible for identifying new technical information that warrants amending an Assessment Report. This could include bringing in a new Wellhead Protection Area or Intake Protection Zone or updating the delineations and vulnerability scores of an existing one. This situation does not warrant a policy, rather the Source Protection Authorities will work with the MOECC on an ongoing basis to identify information that warrants an Assessment Report revision.

### **Circumstance Changes**

The MOECC created the Provincial Tables of Circumstances which describe under what circumstances and in what areas an activity is considered a low, moderate and

significant threat. This table could be revised in future and if so, the process will entail public consultation just as it did when the tables were being developed.

In the tables there are three unique threat circumstances that are based on local characteristics in a Wellhead Protection Area or Intake Protection Zone, they are livestock density, percentage of managed lands and percentage of impervious surface. As these circumstances are subject to change and would not trigger an Assessment Report amendment, the Source Protection Committee decided a policy was warranted.

### **Policy Intent**

The Source Protection Committee developed a policy to monitor land use factors that influenced three threat circumstance calculations which are responsible for determining the threat level of certain activities. The policy addresses:

- Monitoring changes to livestock density and managed lands which would impact where the application of commercial fertilizer and the application of NASM that does not contain material from a meat plant or sewage works would be considered a significant threat.
- Monitoring changes in the amount of impervious surfaces which would impact where the application of road salt would be considered a significant threat.

Land use changes such as a large increase in paved areas or more intensive farming operations would mean that these calculations should be regenerated. This may result in the identification of additional activities that have the potential to be significant drinking water threats. The appropriate significant threat policies could then be applied to prevent the activities from becoming significant drinking water threats.

### **Policies**

Policy: MON-15-NLB

### **Review of Managed Lands, Livestock Density and Impervious Surface Calculations**

On an annual basis, the Source Protection Authority shall consider the need to recalculate:

- The managed land and livestock density within the Wellhead Protection Areas with a vulnerability score of 10 and the Intake Protection Zones with vulnerability scores of 8 to 10.
- The impervious surface area within Wellhead Protection Areas with a vulnerability score of 10 and Intake Protection Zones with vulnerability scores of 9 or 10.