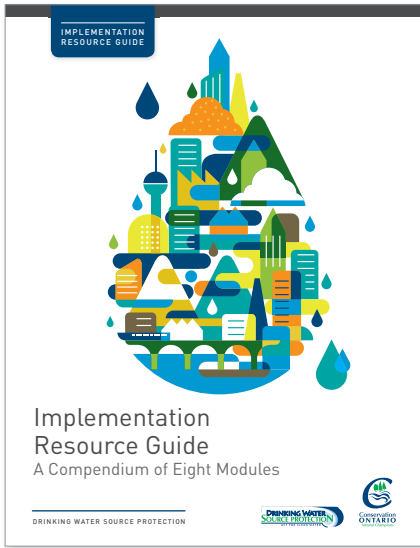




MODULE 5

# Risk Management Plans



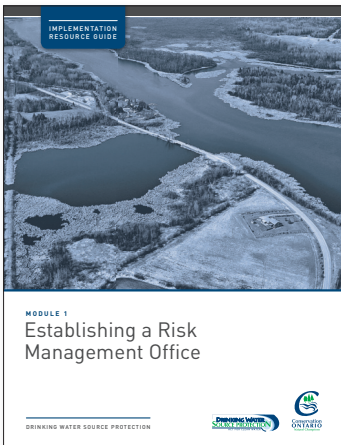


# Implementation Resource Guides

A Compendium of Eight Modules

Look for all eight modules in our Drinking Water Source Protection series. You can find them at [www.conservation-ontario.on.ca](http://www.conservation-ontario.on.ca)

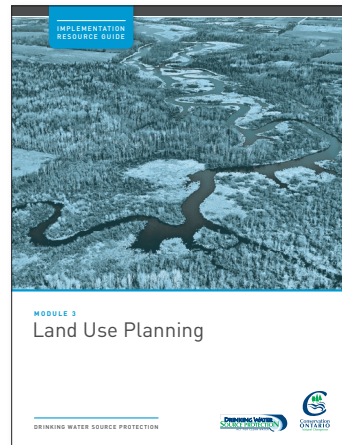
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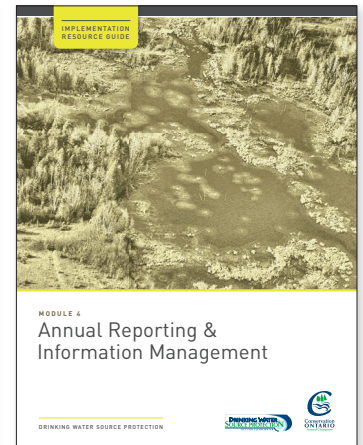
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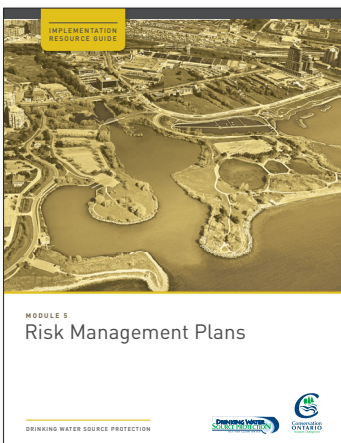
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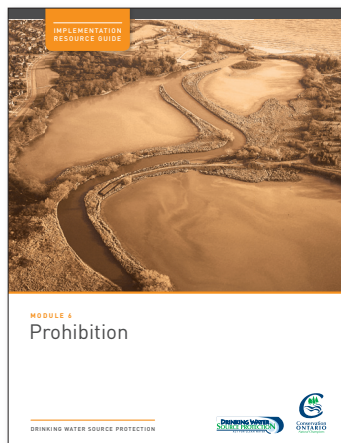
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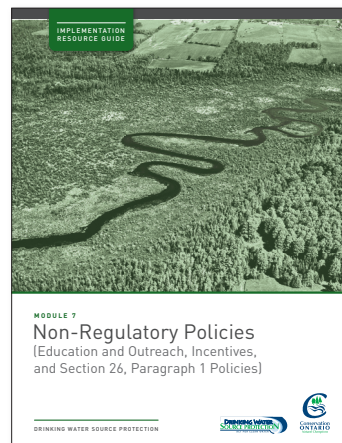
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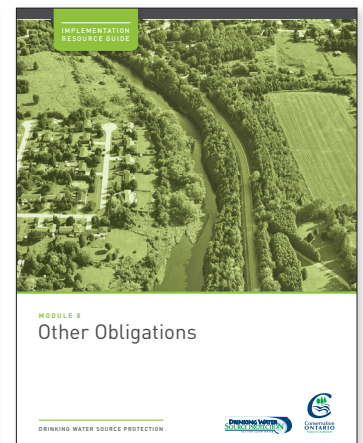
## MODULE 6



## MODULE 7



## MODULE 8



# Module 5: Risk Management Plans

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## Implementation Resource Guide

06/05/2014

Note to Reader: This document is one of a series developed by staff at conservation authorities and Conservation Ontario in support of source protection plan implementation. These documents cover a variety of tools related to plan implementation, but not all will apply in your municipality. Consult your local source protection plan to determine which policies are applicable in your municipality. This document has not been reviewed by legal counsel and is not presented as legal advice.

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## A. Introduction

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Module 5 provides information on risk management plan creation, negotiation and enforcement. Most source protection plans will use a new tool called a risk management plan to manage activities that threaten municipal drinking water sources. The sections of Module 5 are intended to assist municipalities, other enforcement agencies, Risk Management Officials, Risk Management Inspectors, and other risk management support staff in preparing for their various roles.

This module covers these topics:

- preparing for risk management plan development
- identifying the need for a risk management plan
- risk management plan roles and responsibilities
- risk management plan contents and processes
- negotiation and approval of the risk management plan
- enforcement of the risk management plan
- annual reporting
- excerpts of applicable legislation from the *Clean Water Act, 2006*

The information contained within this module is current as of the time of writing and describes legal requirements under the *Clean Water Act, 2006* as well as practical advice on how to fulfill these obligations. Reference should be made back to the *Clean Water Act* and its regulations as well as other Ministry of the Environment guidance materials.

## B. Structure of This Module

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This module consists of eight main sections intended to provide an overview of the risk management planning process. There is also an extensive set of appendices.

Section D.	Preparing for Risk Management	<ul style="list-style-type: none"><li>• steps necessary to determine if a risk management policy applies</li><li>• helpful tools and documents</li><li>• prioritizing the risk management process workload</li></ul>
Section E.	Format and Contents of a Risk Management Plan	<ul style="list-style-type: none"><li>• suggested options for the contents and structure of risk management plans</li></ul>

Section F.	Processes: Establishing a Risk Management Plan	<ul style="list-style-type: none"> <li>• notification of persons engaged in an activity</li> <li>• scenarios for establishing a risk management plan</li> <li>• exemptions</li> </ul>
Section G.	Negotiating a Risk Management Plan	<ul style="list-style-type: none"> <li>• how to approach the risk management negotiation process</li> </ul>
Section H.	Enforcing the Risk Management Plan	<ul style="list-style-type: none"> <li>• how to set up a risk management enforcement program</li> </ul>
Section I.	Reporting Requirements	<ul style="list-style-type: none"> <li>• reporting risk management work to local source protection authority</li> </ul>
Section J.	Work Planning: Advice for Managing the Workload	<ul style="list-style-type: none"> <li>• prioritizing the risk management workload process</li> </ul>
Section K.	Glossary	<ul style="list-style-type: none"> <li>• some terms to know</li> </ul>
Sections L to T.	Appendices 1 to 9	<ul style="list-style-type: none"> <li>• example formats of risk management plans</li> <li>• samples of notices, orders, screening tools, letters and other templates</li> </ul>

By the end of this module, you will have a better understanding of:

- what a risk management plan is
- the by-laws, notices and orders that are associated with the administration of Part IV of the *Clean Water Act*
- processes that could be followed to establish a risk management plan
- how to work through the negotiation process
- how to set up an inspection program
- how risk management plans link to annual reporting

In addition, the module will provide you with the sample templates, guidance and links to additional resources that will aid in conducting risk management duties pertaining to meeting the requirement of s. 58 of the *Clean Water Act*.

## C. Key Concepts

---

A risk management plan is a tool under Part IV of the *Clean Water Act*, specifically s. 58, used to address an identified significant drinking water threat. Risk management plans give municipalities new abilities to manage drinking water threats. They allow for activities to

continue yielding economic and societal benefits, while at the same time protecting sources of municipal drinking water by reducing the risk of contamination.

An activity is a significant drinking water threat only when it occurs in a particular location within a vulnerable area and under specific combinations of circumstances. In some cases only a portion of a property lies in the vulnerable area, so any requirement for a risk management plan would only apply to that portion and the remainder of the property would be exempt. A summary on how to determine if an activity is a significant threat can be found in Section J (i) of this module, while a detailed version can be found in Module 2.

The risk management plan specifies protective measures that are in place or will be implemented to reduce the threat posed by the activity and includes a timeframe for when specific actions are required. The process is designed to provide an opportunity for negotiation and collaboration between the Risk Management Official and the person engaged in the activity to determine how the activity is managed. Negotiation of the risk management plan will consider a number of elements including, but not limited to, the:

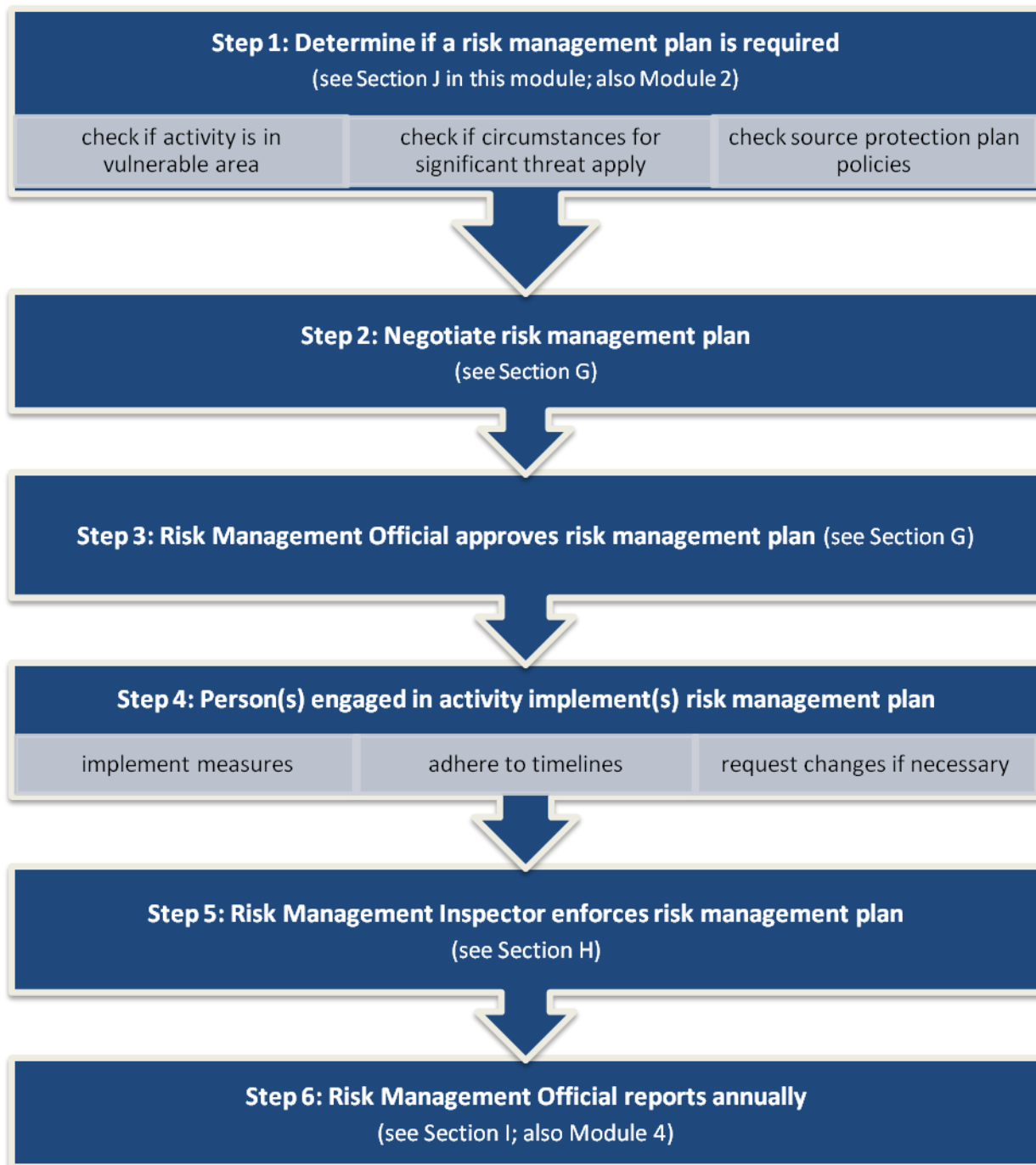
- nature of the activity (e.g. intensity, frequency, potential impact);
- current conditions in which the activity is engaged;
- best management practices and/or measures currently in place;
- additional measures that may be necessary (e.g. Risk Management Measures Catalogue developed by the Ministry of the Environment);
- spill contingency planning, as well as education; and
- consideration of ability to implement (e.g. costs, etc.)

The source protection plan policies that use risk management plans may require specific conditions or measures that must be followed when the risk management plan is developed. The local source protection plan should be consulted in order to understand the nature of the policies that use risk management plans.

Risk management plan policies come into force on the effective date specified in the local source protection plan. In general, policies may allow a period of three years or more before existing activities are required to have a risk management plan. Once a source protection plan is in effect for an area, new activities subject to risk management plan policies cannot commence until a risk management plan is established.

Several decisions need to be made if an efficient and effective risk management program is to be implemented. Advanced preparation and establishing good business processes are important. Establishing a risk management plan requires a consistent process. The various sections of this module provide detailed information about that process and Figure 1 includes the required steps. Roles and responsibilities of various stakeholders and staff are also

described. The Appendices contain examples of forms, letters and templates, which can be adapted locally to aid in preparations for implementation.



**Figure 1:** Typical Process of Risk Management Plan Development

The Risk Management Official may need to determine how best to notify or contact persons engaged in significant threat activities to confirm the threat exists and to let them know they

may need a risk management plan. The person(s) engaged in the activity(ies) may also be informed of any associated fees and made aware that they have the option of writing and submitting their own risk management plan. An inventory of properties where threats may exist was identified in the local assessment report. During the preparation of the Assessment Report and at the start of the preparation of the source protection plan, the source protection committee was required to provide a notice about the process to each person believed to be engaged in an activity that may be considered a significant drinking water threat. The Risk Management Official should check with the source protection authority to receive a copy of the inventory.

Ideally, risk management plan development will be a negotiated process with the person engaged in the activity. However, additional powers can be utilized by the Risk Management Official if necessary. The person engaged in the activity has the opportunity for an appeal to the Environmental Review Tribunal for certain actions by either the Risk Management Official or Risk Management Inspector. There are also situations where an exemption to the risk management policy can be claimed by the person engaged in the activity. These procedural steps are described in more detail in Section G.

Once a risk management plan is approved, it can be implemented, and the Risk Management Inspector will begin a routine of inspections and monitoring to ensure compliance with the risk management plan as written (see Section H).

Risk Management Officials are required to report annually to the local source protection authority, who will compile a report for submission to the Ministry of the Environment. The contents of these reports will be outlined briefly in Section I. For full details on reporting, see Module 4.

## **D. Preparing for Risk Management**

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A number of important steps need to be completed before risk management plans can be negotiated and implemented. Firstly, a Risk Management Office needs to be established with the trained and appointed Risk Management Official and Risk Management Inspector.

Various forms and templates can be developed that will facilitate the submission and review of risk management plans. Procedural processes can be set for both internal work and working with other municipal departments and outside agencies.



## i. Establishing a Risk Management Office

The term Risk Management Office refers to the staff, structures and processes necessary to administer Part IV of the *Clean Water Act*. Prior to commencing the implementation of the s.58 policies, the risk management office should be established. The Risk Management Office is responsible for completing a number of administrative tasks prior to implementing Part IV policies. The tasks include, but are not limited to setting procedural processes; drafting templates, notices, orders, and by-laws; and setting fee schedules for cost recovery.

Module 1 outlines several options for how the Risk Management Office could be organized within a municipality. The options include retaining Part IV responsibilities within the municipality, establishing a joint Risk Management Office with one or more municipalities, or transferring the authority to the source protection authority, board of health or local planning board. For detailed information on how to establish a risk management office, refer to Module 1.

### Key Roles

A Risk Management Official and a Risk Management Inspector will be required and additional staff members may also be needed to assist with risk management plan development. The number of staff required will depend on the anticipated workload for the administration of the risk management tasks. In some cases, existing staff may have the role of Risk Management Official or Risk Management Inspector added to their current duties. For details on the roles and responsibilities of the Risk Management Official /Risk Management Inspector during risk management plan development, see Section F.

***Key individuals and groups in establishing a risk management office:***

*Risk Management Official*

*Risk Management Inspector*

*Municipal council*

*Municipal staff*

*Source protection committee*

*Source protection authority (generally the Conservation Authority)*

*Person with Qualifications (if enabled by municipality or delegate)*

This section will describe the various roles and responsibilities of the individuals and groups involved in establishing the risk management planning processes. At this stage, the general public and persons engaged in activities that may require a risk management plan are not yet involved. Decisions made by the municipality will determine whether some the groups and individuals discussed here will have a role in the process. Each description highlights the specific responsibilities associated with the particular role.

## Risk Management Official

The Risk Management Official is the primary authority responsible for the negotiation of risk management plans under s.58 of the *Clean Water Act*. To be eligible for appointment, an individual must complete the training course offered by the Ministry of the Environment (see O.Reg. 287/07, s.54). Individuals with this training can be appointed by the municipality, or by the source protection authority or health unit in cases where Part IV powers have been delegated to one of these agencies by the municipality.

### *Training*

*Risk Management Officials and Risk Management Inspectors must complete training offered through the Ministry of the Environment. This module provides only a brief summary of some of the material covered in the training.*

*For information about training, send an e-mail to:  
source.protection@ontario.ca*

Risk Management Officials should be fully versed in the *Clean Water Act* and the source protection plan policies they are responsible for enforcing. The Risk Management Official can use the time prior to source protection plan policies taking effect to familiarize themselves with relevant information, including:

- maps of vulnerable areas and other related data from the local Assessment Report
- applicable measures from the Risk Management Measures Catalogue
- pertinent legislation, such as the *Clean Water Act* and its regulations
- prescribed provincial instruments that may apply to aspects of an activity
- applicable policies in the local source protection plan
- any existing municipal licenses, permits, by-laws, etc. that may relate to the same activities

Risk Management Officials have the additional responsibility of issuing notices under s.59 of the *Clean Water Act*. Procedures will need to be set up with other departments to ensure that proposals and applications needing an s.59 notice are forwarded to the Risk Management Official. Find additional discussion in Section F (ii) of this module, and Section E (iii) in Module 6.

Other Risk Management Official duties include ensuring that any rules passed by the enforcement authority regarding applicable fees and other administrative matters are satisfied.

## Risk Management Inspector

Risk Management Inspectors are responsible for ensuring that persons subject to Part IV policies are in compliance with applicable policy requirements. Under the *Clean Water Act*, the Risk Management Inspector's compliance and enforcement duties enable the Risk Management Inspector to conduct inspections and regular monitoring to ensure compliance with risk management plans, prohibition policies and other Part IV requirements. The training requirements are similar to those of a Risk Management Official.

The Risk Management Inspector should review pertinent source protection plan policies and become familiar with the vulnerable areas and the types of activities considered significant drinking water threats. The Risk Management Inspector may also want to determine inspection protocols and the inspection schedule.

### **Person with Qualifications**

The use of a Person with Qualifications is an option that the municipality can choose to allow under certain criteria. Municipalities may choose to enable the Person with Qualifications provision for various reasons, such as:

- to reduce the workload of the Risk Management Official to a manageable level,
- to require the use of experts in a particular field instead of allowing the person engaged in the activity to prepare the risk management plan themselves,
- to minimize expenses for the Risk Management Official and having proponents cover most of these technical expenses, or
- to perform the review function where the Risk Management Official does not have the necessary expertise to conduct a detailed review of the subject matter of a risk management plan or risk assessment.

The role of the Person with Qualifications is to assist the person engaged in an activity in the completion of a risk management plan. Provided a Person with Qualifications meets the requirements prescribed by s. 60 (2)(b) of the *Clean Water Act* and s.56 of O.Reg. 287/07, the risk management plan completed by a Person with Qualifications must be accepted by the Risk Management Official. A Person with Qualifications may also prepare risk assessments. For more information, see Section F (iv).

The Ministry of the Environment is currently developing training and guidance for Persons with Qualifications. Persons with Qualifications must successfully complete a Ministry-approved training course approved that will detail the criteria for establishing a risk management plan and accepting a risk assessment.

### **Timelines for Establishing a Risk Management Office**

To ensure all necessary tasks are complete in advance of the source protection plan effective date, municipalities may require a minimum of four to five months to establish the risk management office; however, this process may take upwards of 12 to 15 months. Table 1 provides a sample timeline.

Failure to establish an office prior to the effective date of the source protection plan may result in delays of approvals for planning and development applications in the municipality. As well, the municipality would not meet its legal obligation to implement the policies of the source protection plan. For further information, refer to Section D (iii) in Module 1.

**Table 1: Potential Schedule of Tasks for Establishing a Risk Management Office (Relative to Source Protection Plan Effective Date)**

<b>TASK</b>	<b>TIMELINE (Guideline)</b>
Determine staffing requirements	Eight months before effective date
Hiring process for Risk Management Officials and Risk Management Inspectors, including creation of new staff descriptions, posting, interviews, and selection	Three to seven months before effective date
Develop an application review process/system for screening	Commence five months before effective and have in place at least one month before effective date
Develop fee schedules and new by-laws (if required), including drafting, review and Council resolutions	Commence five months before effective date and have in place at least one month before effective date
Risk Management Official and Risk Management Inspector training by Ministry of the Environment (if not already completed)	Three to six months before effective date
Set up an information/data management system	Commence four months before effective date and complete within two months after the effective date at the latest

## ii. Tools for Administering Risk Management

Section 55 of the *Clean Water Act* enables implementing bodies to pass by-laws, resolutions and regulations to aid in the administration of Part IV policies. The selected Risk Management Office model will dictate whether by-laws, resolutions or regulations are required to be passed. For example:

- If a municipality is retaining Part IV enforcement responsibilities within the organization, it will pass by-laws.
- If the authority is being transferred to a planning board or source protection authority that is not a conservation authority (e.g. Severn Sound Environmental Association), resolutions will be passed governing Part IV enforcement.

- If the authority is being transferred to a source protection authority that is also a conservation authority, the conservation authority will pass certain types of conservation authority specific 'regulations.'
- In addition, the Minister may make provincial regulations, applicable in the area in which the municipality, board of health, planning board or source protection authority has jurisdiction for the enforcement of Part IV.

The by-laws, resolutions and regulations that can be passed under s.55 of the Act include:

- a) prescribing classes of risk management plans and risk assessments
- b) establishing and governing an inspection program for the purpose of enforcing Part IV
- c) providing for applications under section 58, 59 or 60 and requiring the application to be accompanied by such plans, specifications, documents and other information as is set out in the by-law, resolution or regulation
- d) requiring the payment of fees for receiving an application under section 58, 59 or 60, for agreeing to or establishing a risk management plan under section 56 or 58, for issuing a notice under section 59, for accepting a risk assessment under section 60, or for entering property or exercising any other power under section 62, and for prescribing the amounts of fees
- e) requiring the payment of interest and other penalties, including payment of collection costs, when fees referred to in clause (d) are unpaid or are paid after the due date
- f) providing for refunds of fees referred to in clause (d) under such circumstances as are set out in the by-law, resolution or regulation
- g) prescribing forms respecting risk management plans, acceptances of risk assessments, notices under section 59 and applications under section 58, 59 and 60, and providing for their use
- h) prescribing circumstances in which a Person with Qualifications prescribed by the regulations may act under clause 56 (9) (b), 58 (15) (b) or 60 (2) (b)

Depending on the selected enforcement option, implementing bodies may not need to pass by-laws, regulations and resolutions pertaining to all of the s.55 sub-sections. For example, some municipalities may choose not to utilize Persons with Qualifications or prescribe classes of risk management plans and risk assessments. Section 55 merely enables these powers should the implementing body deem it necessary.

Since the by-laws, regulations and resolutions aid in the enforcement and administration of Part IV, it is recommended that any relevant s.55 by-laws, regulations and resolutions be put in place prior to commencing the implementation of Part IV.

Implementing bodies will also need to develop forms, templates, notices, and orders to allow for efficient enforcement of the s.58 policies. The forms, templates, notices, and orders to be



developed pertain to the negotiation and acceptance of risk management plans, the enforcement of risk management plan requirements and dealing with exceptions to s.58 of the Act. Section E (ii) and Section F (i) provide greater detail. Find samples in Section L, Section M, Section N, and Section O.

### **iii. Useful Supporting Documents**

This section provides an overview of some of the helpful supporting documents for risk management tasks.

- **Assessment Reports**

Assessment Reports are technical documents which describe the local watershed, assess the available water supply, map vulnerable areas, and identify threats in these vulnerable areas that pose risks to drinking water. A multi-stakeholder source protection committee, with representation from the municipal sector, economic sector (agriculture, commercial, industrial, etc.), other public interests (environment, health, etc.), and, in some regions, First Nations, completed an assessment report for the local source protection area. The Assessment Report identifies vulnerable areas and where activities could be a drinking water threat. It also enumerates existing significant drinking water threats. The information contained in the local Assessment Report contributed to the development of policies in the source protection plan. A copy of your local approved Assessment Report is available through the source protection authority's website.

- **Source Protection Plans**

Source protection plans contain policies developed by source protection committees in consultation with local communities to protect municipal drinking water sources from existing and future drinking water threats. The *Clean Water Act, 2006* and Ontario Regulation 287/07 establish the requirements governing the contents of a source protection plan. In particular, O.Reg. 287/07 requires that the source protection plan contain

- policies to protect existing and planned drinking water sources, and
- policies for every area where threats could be significant to ensure that the activities identified as significant drinking water threats either never become a significant threat or, if the activity is already taking place, the activity ceases to be a significant threat.

The local source protection plan may contain s.57 (prohibition) and s.58 (risk management plan) policies that Risk Management Officials and Risk Management Inspectors will be responsible for administering. A copy of your local source protection plan may be available through the source protection authority's website.

- **Risk Management Official/Risk Management Inspector Training Course Manual; Property Entry Training Course Manual**

Individuals who have taken the Risk Management Official, Risk Management Inspector or property entry training from the Ministry of the Environment can refer to the training manual they received during the course. These manuals contain information about several topics, including how to deal with persons engaged in activities, how to negotiate a risk management plan, and the responsibilities and powers under Part IV of the *Clean Water Act*.

- **Risk Management Measures Catalogue**

This database contains Risk Management Measures that can be used to assist with managing a significant drinking water threat. Figure 2 is a sample page from the website. Find the database at <http://www.trcgauging.ca/RmmCatalogue/>

The screenshot shows the website interface for the Risk Management Measures Catalogue. At the top, there is a navigation bar with 'RMM Catalogue', 'Home', 'Quality Catalogue', and 'Quantity Catalogue'. Below this is the main header with 'Source Water Protection' and 'Risk Management Measures Catalogue'. Logos for 'Toronto and Region Conservation for The Living City' and 'Ontario' are visible. A breadcrumb trail reads 'Home / Quality Home / Search By Threat / Measure Details'. The main content area is titled 'Risk Management Measures' and 'Measure Information Sheet'. It includes a table with the following data:

ReferenceID	QL208
Measure Name	Upgrading existing storage tank systems
Measure Description	Storage tank systems which are found to not be in compliance with applicable guidelines/codes/standards/regulations will need to be upgraded to meet regulatory requirements, or taken out of service. Timelines for upgrading or removal from service for non-compliant storage tank systems are stipulated by applicable regulatory guidelines. It is the responsibility of facility owners/operators to ensure that non-compliant storage tank systems are either brought in to compliance or taken out of service in accordance with the timelines stipulated by regulatory standards. In addition, upgrades or decommissioning of storage tank systems must be conducted by individuals licensed/qualified to conduct upgrade/decommissioning activities in accordance with applicable regulations.
Climate Change Adaptation	No

Below the table, there are sections for 'Management Targets' (Effective system design/layout for abatement of concentration/volumes of contaminants) and 'Applicable Sectors:' (Agriculture, Commercial, Government / Institutional, Industry, Municipal, Residential). Links for 'Print Version' and 'PDF Version' are also present.

**Figure 2:** Excerpt from the Risk Management Measures Catalogue

- **Ontario Farm Environmental Coalition (OFEC) Farm Assessment Workbook**

The OFEC designed this workbook to assist farmers in preparing for risk management plans and implementation of the *Clean Water Act*. There are two steps in the process: a Farm Sketch and Threats Inventory; and Farm Assessment Worksheets. This workbook allows farmers to identify and improve their practices to minimize risks to municipal water supplies and allows them to prepare for a meaningful negotiation with the local Risk Management Official. Find more details on this tool in Appendix R of this module.

- **York Region Guidance for Proposed Developments in Wellhead Protection Areas**

This document was developed to assist persons engaged in activities with the preparation of risk management plans and risk assessments. It outlines the technical requirements for the preparation of the plans and assessments. You can request a hard copy from York Region or find this document online at [http://www.york.ca/wps/wcm/connect/yorkpublic/6bfeff60-f583-40ee-95b0-b5943334d365/Guidance\\_for\\_proposed\\_developments\\_in\\_WHPAs.pdf?MOD=AJPERES](http://www.york.ca/wps/wcm/connect/yorkpublic/6bfeff60-f583-40ee-95b0-b5943334d365/Guidance_for_proposed_developments_in_WHPAs.pdf?MOD=AJPERES)

## **E. Format and Content of a Risk Management Plan**

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The *Clean Water Act* and associated regulations only briefly mention the specific requirements for the contents of a risk management plan. However, the regulations do empower the enforcement authority for risk management to set forms and standard templates. Having some type of established form for a risk management plan can have benefits for both the plan reviewer (i.e. the Risk Management Official) and the person seeking approval (i.e. person engaged in the activity or proponent). The person engaged in the activity will have a better idea of what is required and what will constitute an acceptable submission. It may answer some of the questions that otherwise would be asked of the Risk Management Official and can help to focus the discussion. The Risk Management Official does have to invest some time and effort to create the form or template. However, the review process will be somewhat simplified, since the desired information will be compiled on the completed form.

This section offers some suggestions for the standard content of a risk management plan. A discussion on options for a format for risk managements plans is also provided.

### **i. Content Considerations**

In most situations, discussions between the Risk Management Official and the person engaged in the activity will determine the exact measures that go into the risk management plan. However, other relevant and necessary information could be captured through a standardized template.

It is a requirement that each risk management plan contain a provision stating that the risk management plan cannot be transferred to another person without the written consent of the Risk Management Official (O.Reg. 287/07, s.60). Two other optional items are specifically mentioned in O.Reg. 287/07, s.59: requirements dealing with the remediation of adverse effects caused by the activity to which the plan relates; and a requirement to provide financial assurance in a form specified in the plan.

Additional suggestions for content could include:

- current contact information for the person engaged in the activity (ies)
- current contact information for the property owner, if the person engaging in the activity is not the owner (e.g., a tenant)
- a list of specific activities designated as significant drinking water threats in the area to which the risk management plan will apply
- a reference to the policy or policies in the approved source protection plan
- map(s) of the property identifying the location of the activities
- location information for the activity, such as GPS coordinates
- the risk management measures, operational practices, etc, to be undertaken to address the threat
- rationale in support of the risk management measures identified
- an implementation schedule for risk management measures
- details of the monitoring and reporting requirements to ensure that the implementation schedule is being followed
- relevant signatures and date

A common front section could be used for gathering property and contact information. A sample page, which displays a set of fields for recording information within the risk management plan form, is shown in Figure 3. Additional pages in the front section could collect the signature agreeing to the terms of the application and provide space for a site sketch (as shown on the sample in Section L: Appendix 1 in this module), type of activities and measures to be used. Not all of the components of the risk management plan may lend themselves to being marked on a form. There may be cases where reports, drawings, printouts, or photocopies need to be submitted as attachments.

It should be possible for a single risk management plan to address more than one significant drinking water threat activity on the same property. Each activity that requires a risk management plan would have its own section that follows the common front section. Within each section of the risk management plan would be the measures to address the particular activity and any required attachments, such as information from farm management programs or nutrient calculations. The multiple activities may be reviewed and then approved under a

single risk management plan. Find an example of this type of multi-activity risk management plan in Section N: Appendix 3.

### **Risk Management Plan: Information Page**

#### **Applicant Information**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone (alternate): \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

#### **Property Information**

Roll Number: \_\_\_\_\_

GPS coordinates (if known): (Lat.) \_\_\_\_\_ (Long.) \_\_\_\_\_

GPS: (E) \_\_\_\_\_ (N) \_\_\_\_\_

Address: Lot: \_\_\_\_\_ Conc: \_\_\_\_\_

Fire # or Street Address: \_\_\_\_\_

Land Use:  Residential  Agricultural  Commercial  Institutional  Industrial

Other (please specify) \_\_\_\_\_

Name of Vulnerable Area:  \_\_\_\_\_

Vulnerable Area Zone:  WHPA-A  WHPA-B  WHPA-C

WHPA-E Vulnerability Score: \_\_\_\_\_

IPZ – 1  IPZ-2 Vulnerability Score: \_\_\_\_\_

***Figure 3: Sample Page for Collecting Information in a Risk Management Plan.***



## Key Roles

The Risk Management Official will play a key role in determining the type of information that should be collected and the best method for achieving that task. The Risk Management Inspector and other municipal staff with knowledge about source protection, planning, privacy protection, software, and other topics may provide some assistance.

The municipal council may pass a by-law to establish the format for risk management plans if the municipality has retained the Part IV implementation responsibilities. If the risk management duties have been delegated to the conservation authority or health unit, the delegated agency would perform a similar role in prescribing the forms for the risk management process.

***Key individuals and groups in developing a risk management plan:***

*Risk Management Official*

*Risk Management Inspector*

*Municipal council*

*Municipal staff*

*Source protection committee*

*Person with Qualifications (if enabled by municipality or delegate)*

*Source protection authority (if duties delegated by municipality)*

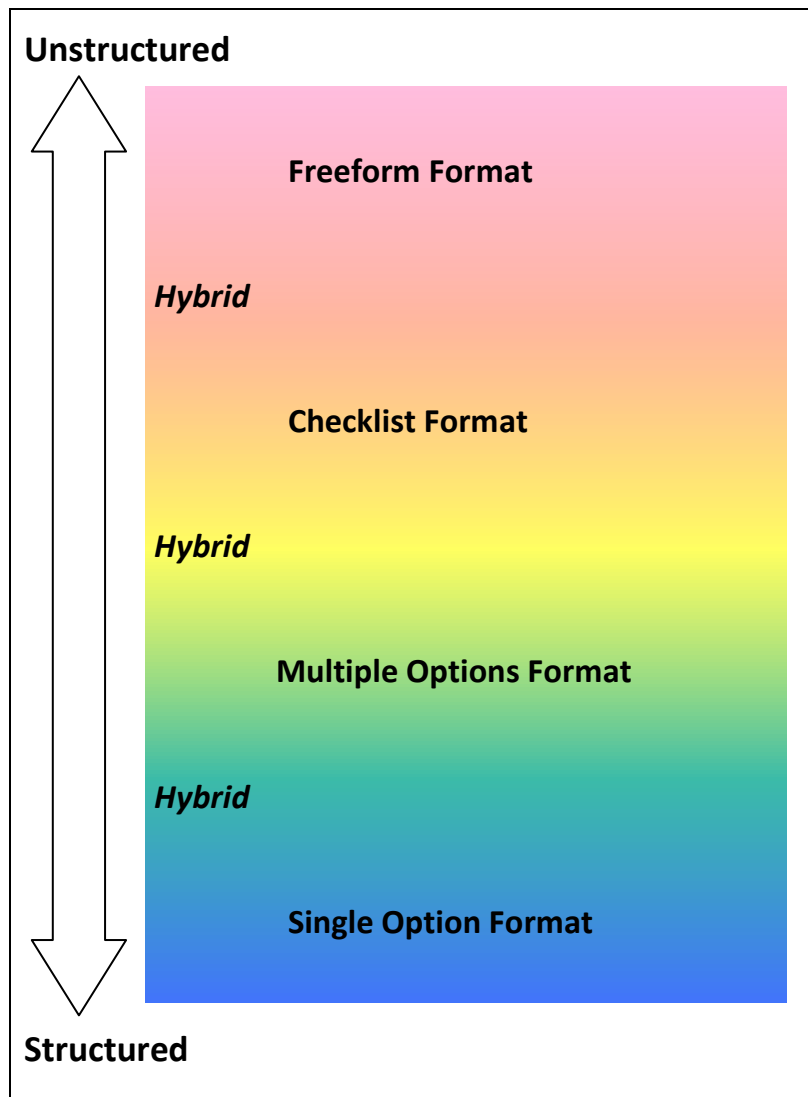
## ii. Format Options for Risk Management Plans

This section offers some options for risk management plan formats. Municipalities and enforcement agencies should use a risk management plan format that will suit the threat activity in question. Having a thorough understanding of the nature of the activity will help Risk Management Officials decide on the most appropriate type of risk management plan.

For less complex activities, the municipality may choose to develop a standard risk management plan template, allowing it to be negotiated fairly quickly, since much of the required content will have been predetermined. For example, the enforcement authority may develop a simple risk management plan template to address commonly occurring residential home heating fuel threats. Home heating fuel threats are often similar in nature and could potentially be addressed through standardized risk management plan templates (see example in Section M: Appendix 2).

For more complex activities, a standard template may not be appropriate. The Risk Management Official may have to partake in dialogue and several site visits to gain a comprehensive understanding of the operation and ensure the risk management plan will adequately address associated threat activities. These activities may require more detailed, site-specific risk management plans (see example in Section N: Appendix 3).

The options range from an unstructured style with very little detail or direction given, to a structured style where many of the details may be predetermined and the applicant is mostly checking off boxes that apply to the situation. Figure 4 illustrates this spectrum of risk management plan styles.



*Figure 4: Spectrum of Risk Management Plan Formats*

Risk management plan format options may be classified into three major categories:

- structured
- unstructured
- hybrid

## Unstructured Risk Management Plan Format

### Freeform Plan

A freeform risk management plan has no set template and one plan can look very different from another. The person engaged in the activity will determine the manner in which the information is presented and will produce a report for the Risk Management Official's review. This report is expected to address source protection plan policies and use best management practices and measures.

### Checklist Plan

This risk management plan is a simple checklist of required materials or content. This type of plan allows the person engaged in the activity to use information or reports that may already exist for the operation. This type of risk management plan would be suitable for complex activities or when there are few occurrences of an activity within the municipality. Find an example of this type of plan in Section L: Appendix 1 and in Figure 5.

<b><u>Risk Management Plan: Checklist of Documents</u></b>	
<b>Required Documentation - Attach the following reports to your application</b>	
<input type="checkbox"/> <b>A. Product handling procedures</b>	Describe how material will be handled on-site, including unloading and transfer, if applicable.
<input type="checkbox"/> <b>B. Product storage</b>	Include a diagram and/or photographs and a description of storage areas and methods.
<input type="checkbox"/> <b>C. Containment measures</b>	Describe what measures will be used to prevent damage to stored materials and to contain spills.
<input type="checkbox"/> <b>D. Spills Response Plan</b>	All spills are to be reported to the Spills Action Centre (toll-free 1-800-268-6060). Include emergency contact information.

*Figure 5: Excerpt from a Checklist Form of Risk Management Plan.*

## Structured Risk Management Plan Format

### Multiple Options Plan

This format presents a limited suite of measures that could be used to address an activity. The person engaged in the activity selects one or more measures from the list of acceptable measures and this forms the basis for the risk management plan. The advantage for the Risk Management Official is that the measures can be narrowed down to ones that are understood or that best meet the objectives of the source protection plan policies. At the same time, the person engaged in the activity still has some flexibility to choose measures that they feel are suited to their situation and can be implemented.

### Single Option Plan

This plan allows municipalities or enforcement agencies to specify the acceptable measure(s) that can be used. The person engaged in the activity simply provides property and contact information and signs the form. An example of this type of plan can be found in Section M: Appendix 2.

There is limited opportunity for negotiation with this type of risk management plan. Single option plans work best when there are very few methods for managing the activity or where a consistent approach is deemed desirable.

## Hybrid Risk Management Plan Format

Hybrid risk management plans are a combination of two or more formats. They may be considered structured or unstructured depending on the formats.

Risk Management Officials should have an understanding of the style of risk management plan they wish to establish prior to commencing negotiations.

## F. Processes: Establishing a Risk Management Plan

Risk management plans are site-specific documents that outline the actions required to address significant drinking water threats. The primary objective of every risk management plan should be to reduce the risk to drinking water sources introduced by significant drinking water threat activities.

The regulatory requirements for risk management plans are outlined in s.58 of the *Clean Water Act*. Source protection plans will designate where, and for which activities, risk management plans should be established. Many source protection committees have included policies in local source protection plans requiring risk management plans to be established for existing and future significant threat activities not currently addressed through regulatory instruments.

## Key Roles

The Risk Management Official and the person engaged in the activity will jointly review various available risk management measures and negotiate those that will be most suitable to reduce the risks associated with the significant drinking water threats that will be addressed through the risk management plan. The agreed upon measures will be written into the plan.

The person creating the risk management plan may vary. It may be the Risk Management Official, the person engaged in the activity, a third party consultant, or a person with qualifications in certain circumstances. It is anticipated that the risk management plan will reflect the negotiation efforts of all parties involved. If a plan meets the requirements set out in the Act, the Risk Management Official is responsible for accepting the plan. The Risk Management Official is ultimately responsible for signing off on all risk management plan, even those that have been created by a Person with Qualifications or reviewed by an outside consultant.

### ***Key individuals and groups in format and content of a risk management plan:***

*Risk Management Official*

*Person engaged in the activity*

*Risk Management Inspector*

*Municipal council*

*Municipal staff*

*Source protection committee*

*Person with Qualifications (if enabled by municipality or delegate)*

*Source protection authority (if duties delegated by municipality)*

### **Person Engaged in the Activity**

The person engaged in the significant drinking water threat activity takes an active role during risk management plan negotiations. Prior to negotiations, the person engaged in the activity will want to review all relevant source protection policies, applicable Assessment Report information and any best management practices or risk management measures already in place to address the threat activity. This will help that person make informed decisions when participating in negotiations with the Risk Management Official. At the commencement of negotiations, the person engaged in the activity may elect to provide the Risk Management Official with a background on current operations to ensure that once a risk management plan is established, it adequately addresses the risk(s) in question. When negotiating the terms of the plan, the person engaged in the activity should collaborate with the Risk Management Official to review the various risk management measures available, and negotiate those that will be most suitable to reduce the risks associated with the identified significant drinking water threat(s).

### **Person with Qualifications**

In some circumstances the municipality may advise persons subject to the risk management plan policy to retain a Person with Qualifications to prepare the necessary risk management



plan. The ability for the municipality to use this option is enabled by s.55 (1)(h) of the *Clean Water Act*. When preparing the risk management plan, the Person with Qualifications should comply with all applicable Lieutenant Governor in Council regulations, Director Rules, and the local source protection plan. Ultimately the risk management plan prepared by the Person with Qualifications must ensure that the activity ceases to be a significant drinking water threat. The Risk Management Official must approve the risk management plan submitted by a Person with Qualifications (*Clean Water Act*, s.58(15)(b)).

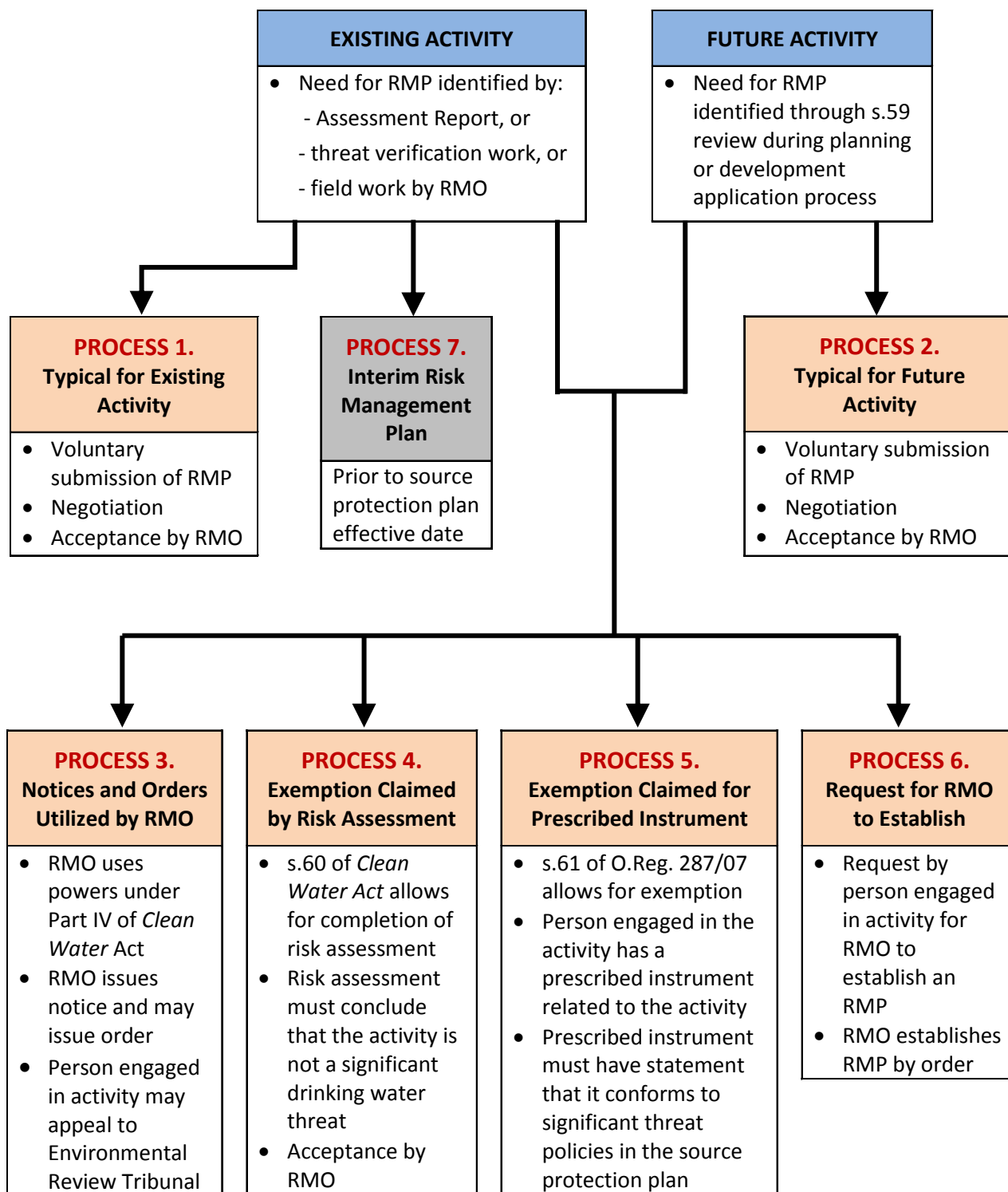
### **Timelines for Establishing a Risk Management Plan**

The time it may take to establish a risk management plan for an activity will vary depending on the complexity of the activity, whether standard processes and forms are used, and the amount of dialogue needed to settle on an agreeable plan. Should the Risk Management Official need to use additional powers to establish a risk management plan, the timeline could lengthen significantly.

The applicable source protection plan policy may contain a policy about timelines for implementation. Prior to the deadline, the person engaged in the activity must be notified and provided opportunity to voluntarily comply. If a notice is given, there is a minimum amount of time for voluntarily agreeing to the establishment of a risk management plan. When necessary, time should also be set aside for a site visit. Find a discussion on managing the workload and timing of risk management plan development in Section J.

### **Overview of Risk Management Plan Processes**

The requirement for a risk management plan can be triggered in more than one way. Similarly, a risk management plan can also be developed in different ways. Figure 6 illustrates the principal ways that risk management plan development can occur. Each of these processes is explained in more detail in this section of the module.



**Figure 6:** Overview of Several Risk Management Plan Processes

## **i. Process 1: Typical Process for Existing Activity; Voluntary Submission**

The typical process differs for existing and future activities. Existing activities are generally allowed to continue for a period of time after the effective date of the source protection plan before a risk management plan must be in place; however, future activities are prohibited from starting until a risk management plan is in place. Figure 7 provides an outline of the process.

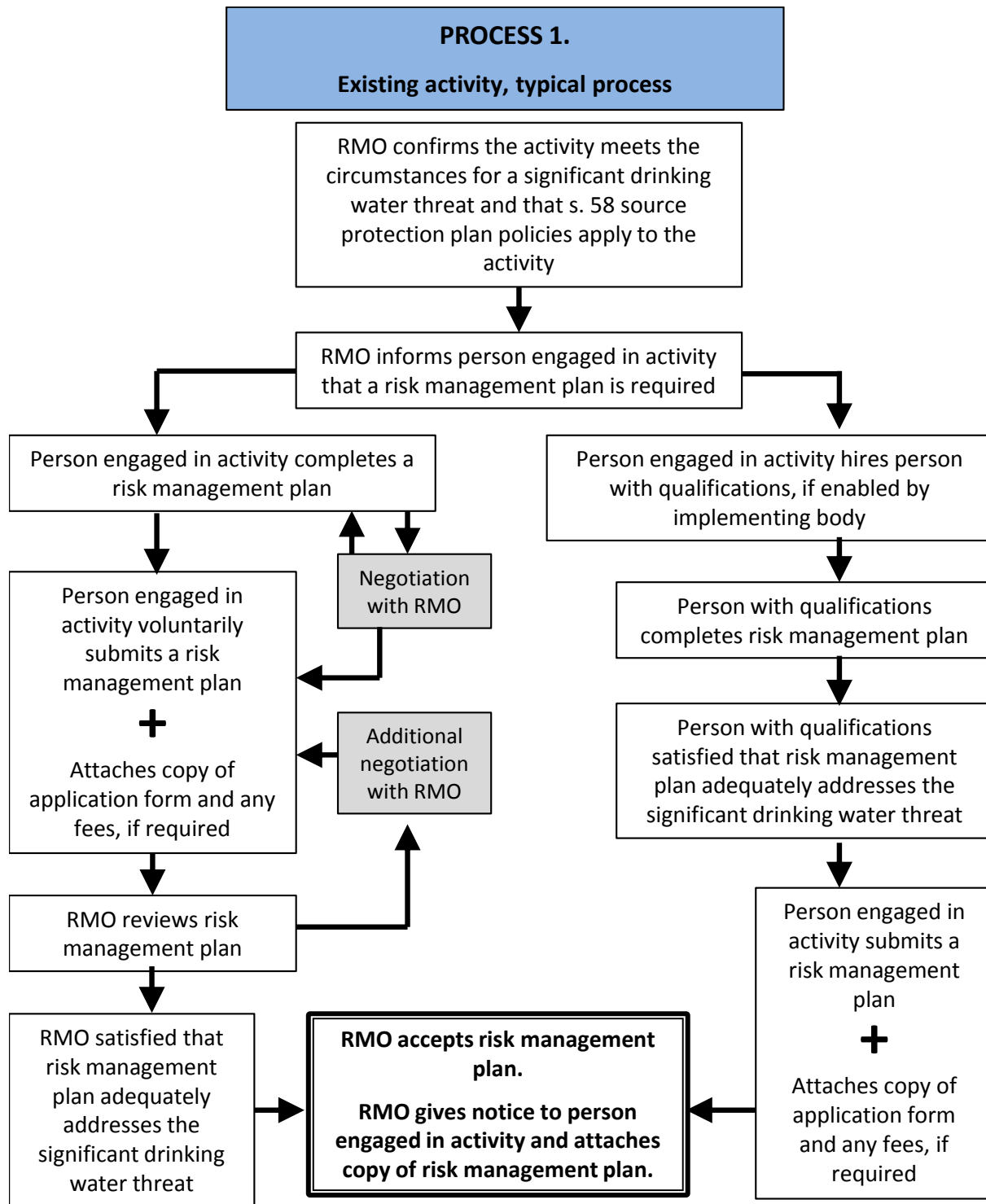
Section 58 policies found in the source protection plan may specify the date by which risk management plans for existing activities will have to be in place. If a risk management plan is not in place by the specified date, the existing threat activity will no longer be permitted to continue under the circumstances that generated the significant threat (refer to *Clean Water Act*, s.58(1)). The activity may have to be changed; for example, a smaller amount of product may be stored or the location may be moved, which would allow the activity to continue in some form. This could mean that a certain aspect of an operation at a business would cease, but the business would carry on with its other normal functions.

In some instances, the source protection plan may not specify a date for when a s.58 policy should apply to existing threat activities. If no date is specified, the Risk Management Official would set a date for the risk management plan policy to take effect for any existing activities by giving a notice under s.58(4) of the Act.

During negotiations the Risk Management Official and person engaged in the activity will need to confirm that all necessary measures are implemented to ensure that the activity will not be a significant drinking water threat at the specified location in accordance with the risk management plan. This will be achieved through the consideration of best management practices, spill contingency plans, and risk management measures. Once the Risk Management Official and person engaged in the activity reach an agreement about the measures that will be used to address the threat, those measures will then become formal in the risk management plan.

If a Risk Management Official and a person engaging in an activity agree to a risk management plan, the Risk Management Official must give the person a written Notice of Agreement, and attach the agreed upon risk management plan to the notice (*Clean Water Act*, s.58(6)). When plan is agreed to, a person should only engage in the specified activity in accordance with the plan (*CWA*, s.58(18)). In cases where multiple drinking water threats exist on a property, a single risk management plan may address multiple threat activities.

The terms of a risk management plan should outline reasonable and practical actions to manage the risks presented by drinking water threat activities. Each plan will establish a timeline, outlining when specific actions will be required. The agreed upon plan must comply with all of the rules and regulations set out in the *Clean Water Act*, as well as the local source protection plan (*Clean Water Act*, s.58(15)).



*Figure 7: Process 1. Typical Process for an Existing Activity; Voluntary Submission*

## ii. Process 2: Future Activity; Voluntary Submission for Approval

Section 58 policies found in the source protection plan will specify the date by which risk management plans for newly proposed (i.e. future) activities will automatically be subject to section 59 Restricted Land Uses requirements outlined in the *Clean Water Act*. Section 59 is intended to serve as a screening tool under Part IV of the Act, so that future development applications can be reviewed in areas where s.57 (prohibition) and s.58 (risk management plan) policies are in effect.

Section 59 of the Act requires that an applicant submitting a new development application (or building permit, site plan approval, zoning amendment, etc.) first obtain a notice from a Risk Management Official before the application can proceed through the standard application screening process. The specific provisions of the *Planning Act* to which s.59 applies are stated in O.Reg. 287/07, s.62 as:

- requests to amend official plans (*Planning Act*, s.22)
- applications to amend zoning by-laws (*Planning Act*, s.34)
- applications to amend zoning by-laws to authorize a temporary use (*Planning Act*, s.39)
- applications for approval to undertake development in a site plan control area (*Planning Act*, s.41)
- applications for minor variances (*Planning Act*, s.45)
- applications for approval of plans of subdivision (*Planning Act*, s.51)
- applications for consents (*Planning Act*, s.53)

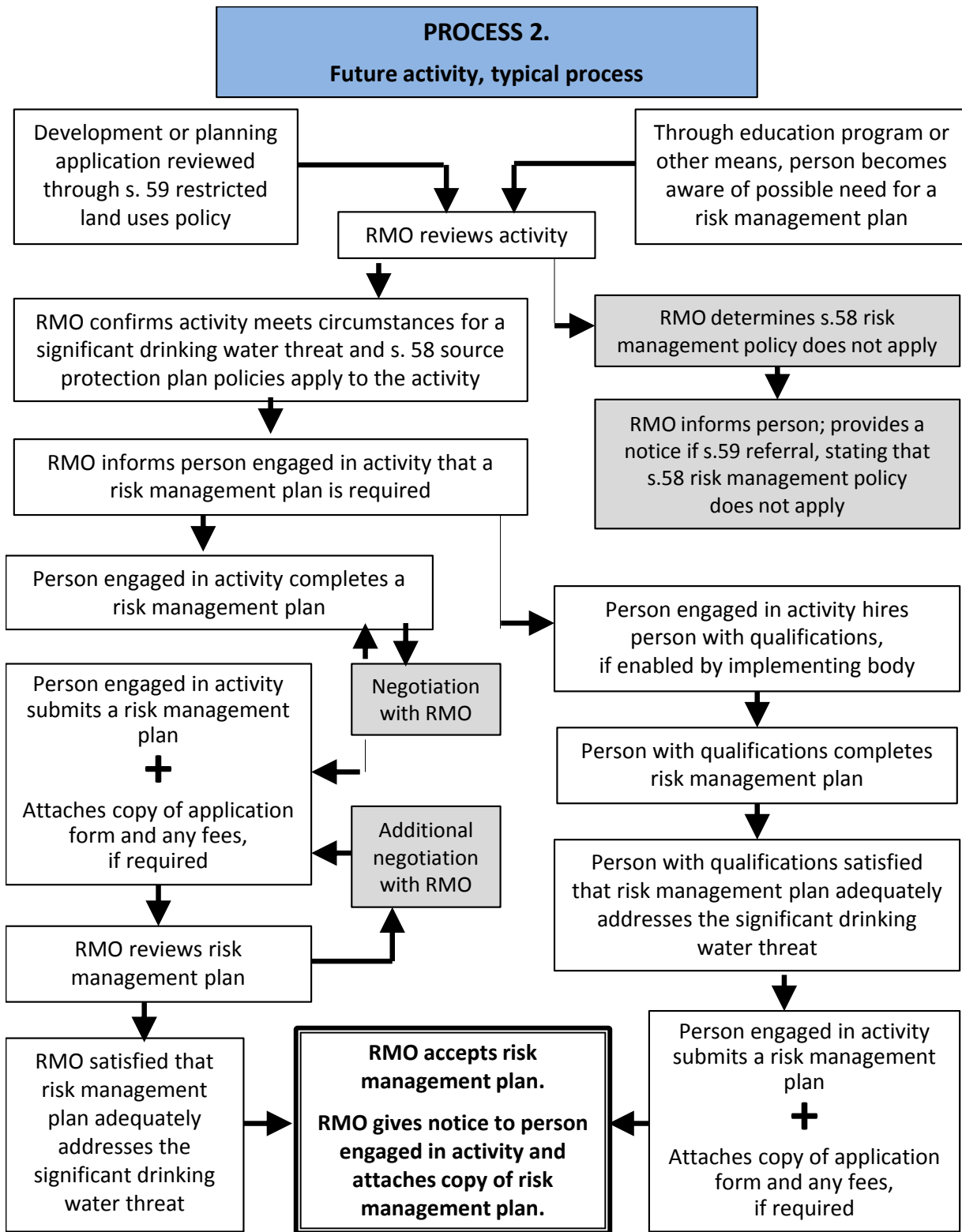
The s.59 notice should state that the application is either:

- subject to s.58, and an RMP has been agreed to /established, or
- not subject to either s.57 or s.58 requirements.

If an s.57 prohibition policy applies to an activity that is part of an application, the application cannot proceed so long as that activity is proposed to occur under circumstances that would generate a significant threat. However, prohibiting a specific activity under Section 57 does not necessarily prohibit a type of business or land use. The application may proceed if modifications were made to the proposed activity. For example, certain aspects of an activity proposed in the application could be carried out in a way that they are not a significant drinking water threat, such as smaller volume of storage, or the activity could be moved to a location within the property but outside of the vulnerable area. For full details on the application of s.59 for proposed activities, refer to Section E of Module 3.

If an s.58 risk management plan policy applies, a risk management plan will need to be negotiated in order for the application to proceed through the screening process. Once a risk management plan is agreed to, the Risk Management Official will issue a section 59 notice

stating that an s.58 policy applies to the proposed activity and a risk management plan has been established, and the application can then proceed through the municipal planning processes normally. Figure 8 provides an overview of the process



**Figure 8:** Process 2. Typical Process for a Future Activity.



### **iii. Process 3: Existing or Future Activity; Notices and Orders Issued by Risk Management Official**

Voluntary negotiation should be the first mechanism employed by Risk Management Officials when attempting to establish a risk management plan. In circumstances where the Risk Management Official and the person engaged in the activity cannot jointly negotiate a risk management plan, additional tools may need to be used by the Risk Management Official. Figure 9 is a flowchart of these additional tools.

#### **Notice of Intent to Establish by Deadline**

The RMO may issue a notice under s.58(7) of the *Clean Water Act*. This is the second step in the process to establish a risk management plan with the person engaged in the activity. This step follows the request for a risk management plan that has not resulted in compliance. To avoid an adversarial relationship, realistic deadlines and correspondence should precede this step.

The notice specifies the Risk Management Official's intent to establish a risk management plan by Order, if a risk management plan is not agreed to by the date specified in the notice. The date by which a risk management plan must be negotiated and agreed to must be at least 120 days after the notice is issued. A sample Notice of Intent form is provided in Section O: Appendix 4. The affected person has the option to waive the remainder of the notice period and consent in writing to the establishment of an risk management plan at an earlier date (CWA, s.58(9)). A sample consent form can also be found in Section O: Appendix 4.

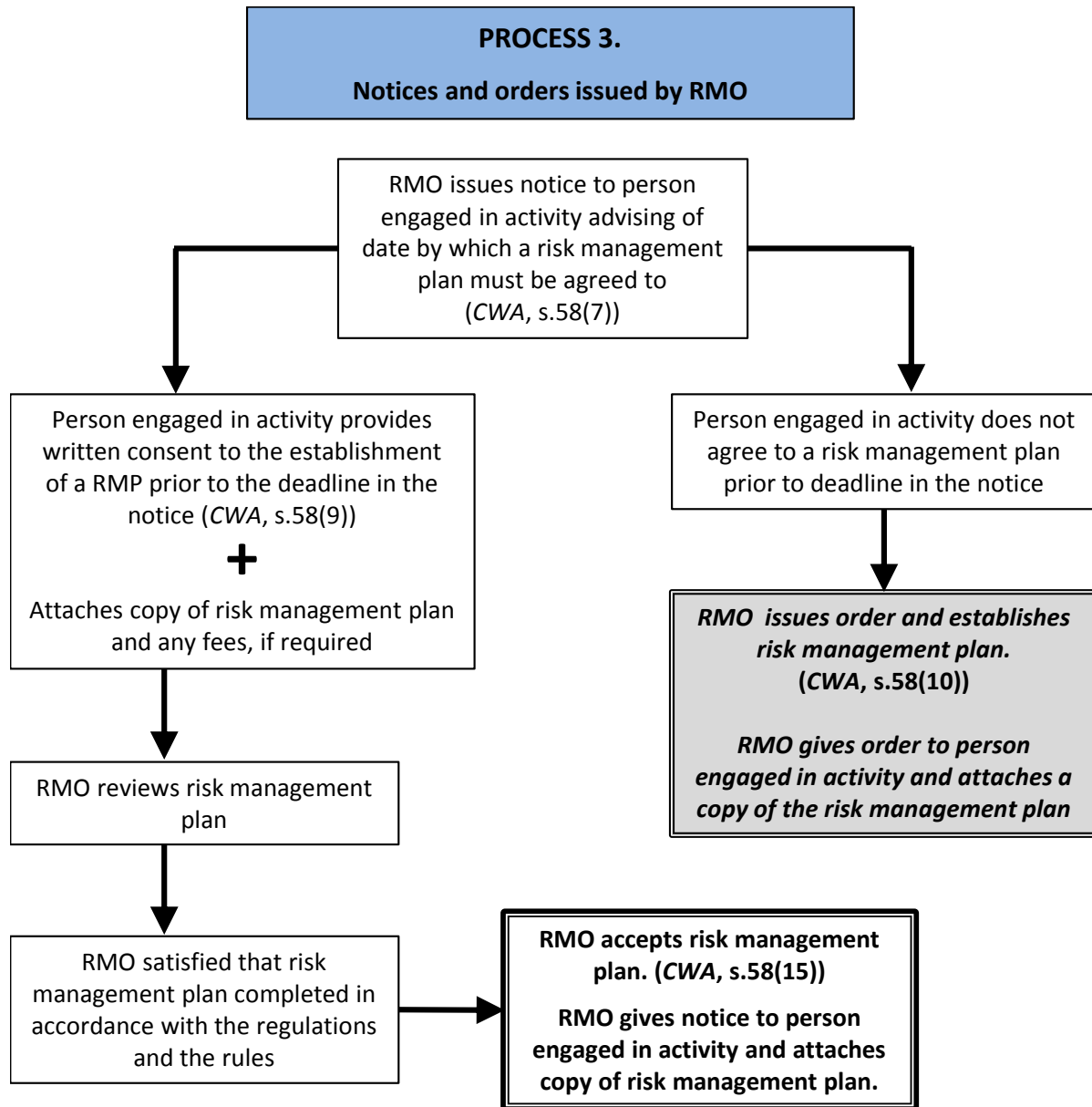
The notice of intent should be written in clear and decisive language including appropriate dates and contact information for the Risk Management Official.

#### **Order to Establish**

In a situation where the deadline in a notice of intent for the risk management plan to be submitted and approved has passed, the next step is the issuing of an order. Under s.58(10) of the *Clean Water Act*, Risk Management Officials are required to establish a risk management plan for a designated activity by Order once the date indicated in a notice of intent has passed and there was no agreement on a risk management plan. A sample s.58(10) Order to Establish is provided in Section O: Appendix 4.

The Risk Management Official attaches the risk management plan to the Order and provides it to the person engaged in the activity. The risk management plan will govern the significant drinking water threat activity on the property and the person engaged in the activity must comply with the risk management plan as written. If the person wishes to appeal this process, the matter goes to the Environmental Review Tribunal by serving written notice to the Tribunal and the Risk Management Official/Risk Management Inspector. The Tribunal process is included in the *Clean Water Act* under s.70.

On rare occasions, the Risk Management Official may refuse to establish a risk management plan if the Risk Management Official believes that, based on past conduct, the applicant will not engage in the activity in accordance with the plan (CWA, s.58(16)). If this occurs, Risk Management Officials will need to write a notice explaining the rationale behind the refusal. Affected parties will have the right to appeal the refusal to the Environmental Review Tribunal.



**Figure 9:** Process 3. Process with Notices or Orders Issued by Risk Management Official.

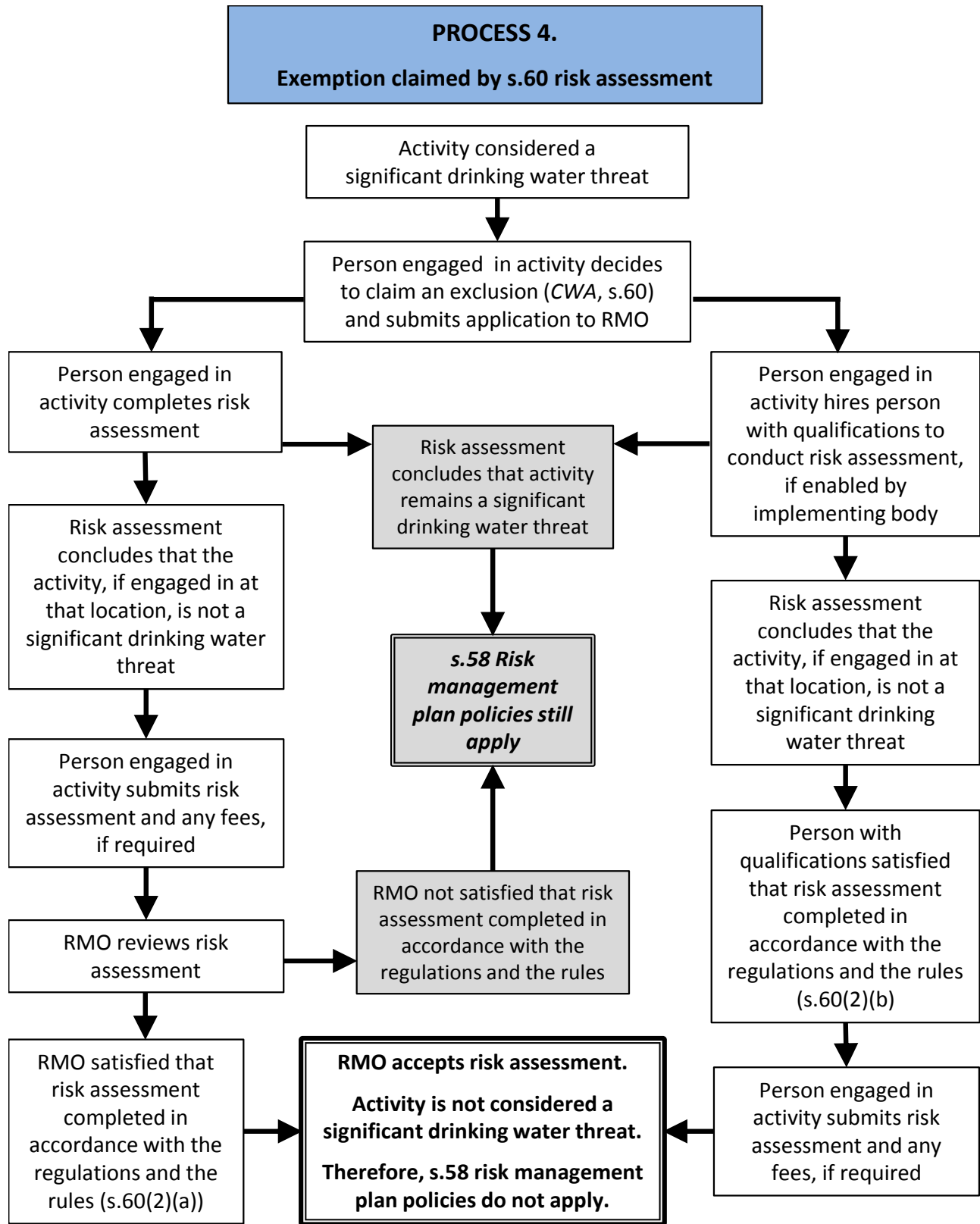
#### **iv. Process 4: Exemption Claimed by Risk Assessment**

A person engaged in an activity that requires the establishment of a risk management plan under s.58 may decide to apply for an exemption under s.60 of the *Clean Water Act*. Section 60 allows affected persons to challenge the designation of a significant drinking water threat.

The contents of the application may be set out by the enforcement authority. The risk assessment will be prepared by the person engaged in the activity or, if enabled by the enforcement authority, a Person with Qualifications.

In addition to negotiating and establishing risk management plans, Risk Management Officials are responsible for reviewing risk assessments under section 60 of the *Clean Water Act*. Following the submission of a risk assessment, the Risk Management Official must determine whether the risk assessment complies with the rules and regulations set out in the legislation. Based on these conclusions, Risk Management Officials must decide whether to accept the risk assessment or to refuse the application (*CWA*, s.60(2)(a)). If a Person with Qualifications prepares a risk assessment that concludes the activity is not a significant threat, the Risk Management Official will accept the risk assessment (*CWA*, s.60(2)(b)).

It is recommended that a letter be sent to the applicant from the Risk Management Official acknowledging receipt of the risk assessment. The letter should also specify the timeframe within which the Risk Management Official will make a decision whether to accept or reject the risk assessment. The steps involved in a risk assessment are outlined in Figure 10.



**Figure 10:** Process 4. Exemption Claimed by s.60 Risk Assessment

## **v. Process 5: Exemption Claimed for Prescribed Instrument**

To minimize the potential for regulatory duplication during plan implementation, O.Reg. 287/07 provides a way for a person to claim an exemption from the requirement for an s.58 risk management plan where the person holds a prescribed instrument related to the threat activity. An individual affected by a risk management plan policy may be relieved of these obligations under Part IV of the *Clean Water Act*, provided the person has obtained a prescribed instrument which conforms to the desired goal or outcome of the policy that the activity ceases to be, or never becomes, a significant drinking water threat (O.Reg. 287/07, s.61).

An exemption under s. 61 can be applied if:

- a prescribed instrument is already held that adequately regulates a threat activity, or
- a prescribed instrument is amended or obtained to address the threat activity.

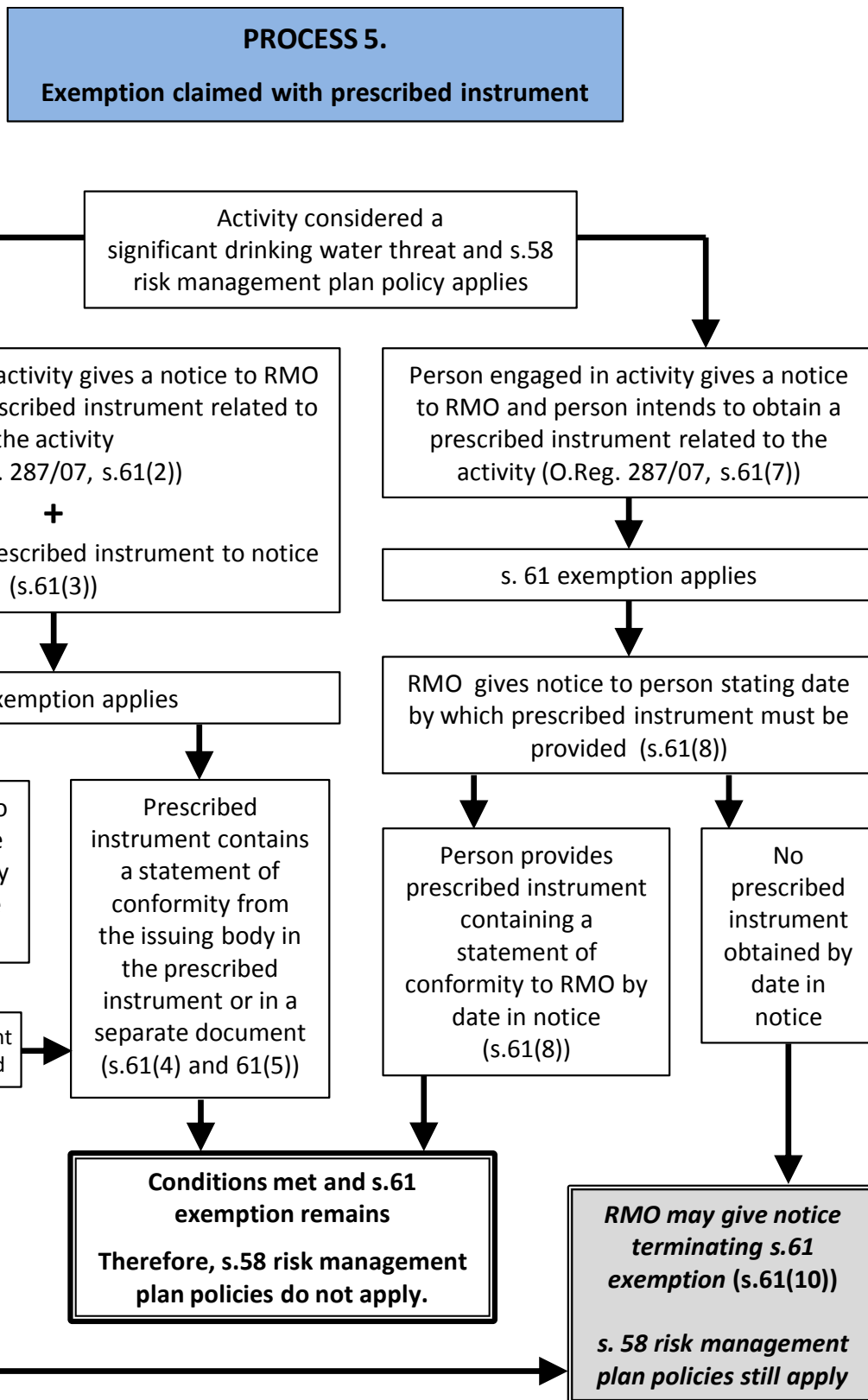
The process is initiated by the person engaged in the activity giving a notice (O.Reg. 287/07, s.61(2)) to the Risk Management Official. The notice must state that the person has a prescribed instrument that regulates the activity, or is intending to obtain one (s.61(7)). Where a person already has such an instrument, in addition to giving a notice, that person must also provide a copy of the regulating instrument. In the case where a person does not have a prescribed instrument but intends to obtain one, that person must provide a notice under s.61(7) to the Risk Management Official indicating the actions they will take to amend or obtain a prescribed instrument. The Risk Management Official will reply with a notice (under s.61(8)) indicating the deadline to provide a copy of the instrument.

In addition, the person must also provide a statement of conformity that indicates the instrument conforms to the significant drinking water threat policies in the source protection plan. This is provided either as a statement within the instrument itself or as a separate document from the person/body that issued or created the instrument. If a statement of conformity is not identified, the Risk Management Official will give a notice to the applicant (under s.61(6)) in writing specifying the date by which the requirements need to be met and copies need to be provided.

The determination of whether or not the instrument conforms with the significant drinking water threat policy is the sole responsibility of the person or body that issues, amends or otherwise creates the instrument (in many cases, the Crown).

In any situation where the Risk Management Official specifies a date in a notice under s.61(6), (8) or (9), the time it will take for the body responsible to create or amend the instrument (as necessary), or to issue a statement of conformity will need to be considered. If a person fails to give the Risk Management Official anything by the date specified by a notice under s.61(6) or s.61(8), the Risk Management Official may give notice (s.61(10)) terminating the exemption (by a specific date). The Risk Management Official may extend the date to provide documents in

either situation at their discretion. Figure 11 provides an overview of the s.61 process.



**Figure 11:** Process 5. Exemption Claimed with Prescribed Instrument.

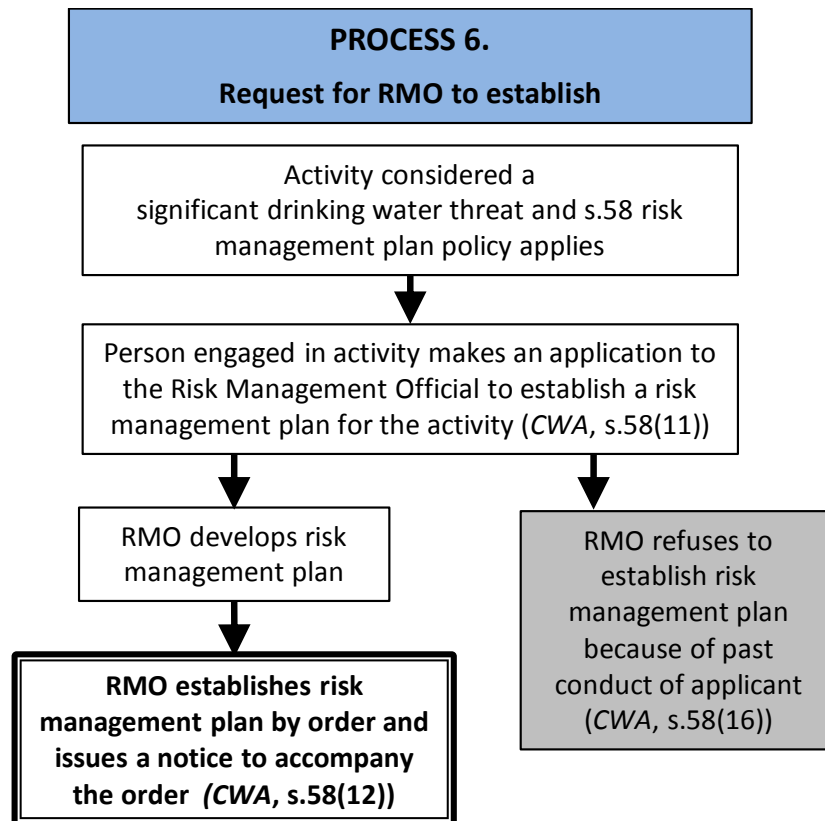


The role of a Risk Management Official includes understanding this exclusion process, communicating the steps involved for exclusion, and answering questions from the landowner. It is not the role of a Risk Management Official to act on behalf of the landowner and determine if an exclusion applies or contact the Crown for an exclusion.

**vi. Process 6: Request for Risk Management Official to Establish**

A person engaging or proposing to engage in an activity subject to s.58 policies may apply to have a risk management plan established for them, under s.58 (11) of the *Clean Water Act*. Under these circumstances, the affected person will request that the Risk Management Official create a risk management plan on their behalf, rather than negotiate one with the Risk Management Official. This request can only be made if a section 58 risk management plan policy applies to the activity in question.

If such a request is made, the Risk Management Official must establish a risk management plan by Order under s.58(12) and issue a notice to accompany the order. However, the Risk Management Official has the ability to refuse to establish a risk management plan if the past conduct of the applicant affords reasonable grounds to believe that the applicant will not engage in the activity in accordance with the risk management plan (s.58(16)).



**Figure 12:** Process 6. Request for RMO to Establish a Risk Management Plan.

## vii. Process 7: Interim Risk Management Plan (s.56)

When an existing drinking water threat has been identified as posing too great of a risk to wait for source protection plan approval for action, a Risk Management Official can use an interim risk management plan to manage the activity until the source protection plan comes into effect. Once the interim risk management plan has been established, the activity can only be engaged in at that location, in accordance with the requirements outlined in the interim risk management plan.

Through additional notice and order power, Risk Management Officials are able to set the deadlines by which risk management plans must be negotiated for a specific activity. If plans cannot be negotiated by deadlines set out in the notice, Risk Management Officials have the authority to establish plans by Order. Find samples of s.58 notifications and letters regarding risk management plans in Section O: Appendix 4. They can be modified to apply to s.56 interim risk management plan situations.

The interim risk management plan no longer applies once the source protection plan comes into effect and either: a) the activity is prohibited by a s.57 prohibition policy in the source protection plan; or b) the source protection plan does not designate the activity or the location of the activity under a s.58 policy.

## G. Negotiating a Risk Management Plan

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It is advisable to promote voluntary negotiation between all parties wherever possible on the content of a risk management plan. This will ensure that persons who are affected by a risk management plan are properly informed and involved. It is also the most cost-effective approach for all parties involved. The negotiation process should consider any risk management measures currently in place, implementation timing and costs. If it is necessary to establish an risk management plan by Order, the process will become more adversarial.

### Key Roles

The Risk Management Official and the person engaged in the activity will jointly review various risk management measures available and negotiate those that will be most suitable to reduce the risks associated with the significant drinking water threats. The agreed upon measures will be written into the risk management plan.

The person creating the risk management plan may vary. It may be the Risk Management Official, the person engaged in the activity (and/or property owner), a third party consultant,

***Key individuals and groups in negotiating a risk management plan:***

*Risk Management Official*

*Person engaged in the activity*

*Person with Qualifications (if enabled by municipality or delegate)*

or a Person with Qualifications in certain circumstances. It is anticipated that the plan will reflect the negotiation efforts of the parties involved.

## **i. Negotiation Process/Options**

The typical risk management plan negotiation process can be broken down into four key steps:

- notification
- pre-negotiation preparation
- negotiation of risk management plan with person engaged in the threat activity
- agreement

The following section will provide details about each step of the process, and highlight some of the negotiation options available to Risk Management Officials.

### **Step 1: Notification**

Prior to commencing the negotiation process, the Risk Management Official will need to provide affected parties with notification of the need for an RMP. Notification can be accomplished by issuing a Notice of Requirement (*CWA*, s.58(4) and 58(7)). Notices should inform affected persons of their obligations under the Act and source protection plan policies, as well as set deadlines for the agreement of risk management plans. Further information on notification strategies are provided in Section G (ii).

### **Step 2: Pre-negotiation Preparation**

Risk Management Officials may want to refresh their understanding of the applicable source protection plan policies. Risk Management Officials may also want to take special note of any timelines set in the policies, and plan the negotiation process accordingly to ensure that plans will be established prior to deadlines.

To ensure a good understanding of the activity, and gauge the complexity of the risk management plan that will be required, the Risk Management Official should review a number of resources including, but not limited to:

- property features in relation to the threat activity and the vulnerable area
- existing management measures
- applicable measures from the Risk Management Measure Catalogue
- industry standards, procedures and best management practices applicable to the activity
- other applicable documents that may indicate the manner in which the activity is being engaged (i.e. existing municipal licenses, permits, site conditions, applicable by-laws)
- source protection plan and Assessment Report

- information about the threat activity obtained through the Risk Management Official’s order for a s.61 Report on Activity (if the Risk Management Official has exercised this option)

### **Step 3: Negotiation with Person Engaged in Activity**

The risk management plan development process may occur through voluntary negotiation, prescribed procedures, or a combination of these. The voluntary negotiation process will in most cases be a co-operative process where all parties involved engage in risk management plan development. The regulations enable various provisions that Risk Management Officials can elect to use during the process to establish a risk management plan. These procedures, such as an s.58 notice or order, are described in Figure 9 and Section F (iii).

#### ***Negotiation Styles***

The negotiation style used by the Risk Management Official may vary depending on municipal circumstances, the complexity of the threat activity, whether standard processes and forms can be used, and the amount of dialogue needed to settle on an appropriate plan. Two of the many possible approaches that the Risk Management Official may consider using are the “kitchen-table” approach and the review process approach. Other negotiation styles can also be considered.

The “**kitchen table**” approach is the less formal, more personalized approach to risk management plan negotiation. All parties involved come together to negotiate back and forth, until they can come to an agreement on the terms of the plan. For the kitchen table approach to be effective, all parties involved must have a good understanding of the issues to be addressed, clearly understand their roles and responsibilities in the process, and be willing to communicate, collaborate, and deal fairly. This approach may not be the best choice when there is a large number of risk management plans to be developed, due to the amount of time that may be necessary for each negotiation. However, the kitchen table approach may be the most effective and efficient way to undertake negotiations for complex activities, as it allows for detailed discussion and input from the person engaged in the activity.

The **review process approach** is a more structured, formal and prescriptive style that can be used in establishing a risk management plan. This approach may involve the implementation of a formalized, multi-step process during which proponents submit formal applications that are screened by staff for accuracy and completeness. Revisions may be requested before the risk management plan is established. Standardized templates could be used and timelines could be set for each step of the process. Risk management plans developed through this approach will often be more structured in nature.

### **Step 4: Agreement**

If a risk management plan is agreed to through voluntary negotiation, the Risk Management Official will issue a Notice of Agreement under s.58 (6) of the *Clean Water Act*, confirming the

agreement on risk management plan, and attach a copy of the plan. Once a plan is agreed to, the activity must be carried out in accordance with the terms. Find a sample of a Notice of Agreement in Section O: Appendix 4.

## ii. Notification

Provisions in the *Clean Water Act* and O.Reg. 287/07 require that persons believed to be engaging in a significant drinking water threat activity receive notifications from the source protection committee at specific times. These impacted persons should have received notification in the past from the local source protection committee regarding Assessment Report preparation, source protection plan commencement, and source protection plan consultation.

In addition to these required notifications, Risk Management Officials will also want to notify persons subject to s.58 policies of the commencement of RMP negotiations. Initial risk management plan negotiation notifications should be used as a means of education and engagement about obligations under the source protection plan. If carried out tactfully, initial communication can set the stage for a cooperative and productive negotiation process. A well-communicated notification process will help build honest working relationships and encourage collaboration between the parties involved. The following section will outline some of the key objectives Risk Management Officials should aim to meet through their initial notification efforts.

### ***Two-Way Communication***

In order to implement an effective negotiation process, the municipality will have to first establish two-way communication with the right people. Two-way communication occurs when both parties involved establish a dialogue. The municipality will want to initiate this dialogue through the risk management plan notification process. Employing the most appropriate method of initial notification will increase the chances of establishing an effective dialogue. Letter(s) will be important in all cases and care should be taken in how the letter is worded. Other methods of communication, such as phone calls and site visits, may also be options.

The Risk Management Official may want to identify who they will need to engage, and tailor the notification approach to these individual groups. Where the person engaged in the activity is not the property owner, it may be a best practice for the Risk Management Official to also communicate with the property owner to make that person aware of activities related to the property.

To further encourage two-way communication, Risk Management Officials should also clearly highlight opportunities for feedback about the information communicated through notification.

### ***Clarity, Accuracy, and Relevance***

In order to build good relations, Risk Management Official should ensure that initial notifications contain information that is clear, accurate, and relevant to affected individuals. The initial notification should be structured in a way that helps affected individuals understand

the risk management plan process and policies, and their role in the procedure. This will allow for informed decision-making later on in the negotiation phase of the process.

The initial notification should also clearly highlight accessible resources to help affected parties better understand the information and allow them to contribute more effectively to the negotiation process.

### ***Timeliness***

Individuals, businesses, and industries that will need to conform to risk management plan policies should be contacted well in advance of any specific deadlines in the source protection plan to allow them to build the knowledge they need to support the implementation process. Initial notifications should clearly highlight all relevant timelines associated with risk management plan negotiation and establishment.

### ***Transparency***

Overall, the aim of the initial notification should be to establish the integrity of the risk management plan process and ensure that all of those involved understand the main objectives of the process. Risk Management Officials should articulate preferred outcomes through initial notification efforts. Communicating objectives and preferred outcomes from the beginning is an important part of building open and honest working relationships and ensuring that all of those involved clearly understand the boundaries of the process.

Clearly articulating the expectations of each party involved will allow affected persons to more effectively participate and prepare for the process. Risk Management Officials will also want to mention available support resources and should identify appeals and procedural options available to affected persons during the process (e.g., the option for an s.60 Risk Assessment).

### ***Collaboration***

Initial risk management plan notification efforts should demonstrate a commitment to collaboration and negotiation. It is important to articulate that the process will seek mutually beneficial outcomes and that affected parties will be legitimate contributors; their involvement is an essential part of developing a risk management strategy that will work for them and benefit the community.

## **iii. Process for Determining which Risk Management Measures to Include**

Many factors will need to be taken into consideration when considering the specific content requirements of a risk management plan. Figure 13 provides a useful seven-step process for the Risk Management Official and person(s) engaged in threat activities to follow in order to identify appropriate risk management measures.



**Figure 13:** Steps for Identifying Appropriate Risk Management Measures to Include in a Risk Management Plan



### **Step 1: Review the source protection plan policies**

The applicable policy(ies) in the local source protection plan should be reviewed prior to development of a risk management plan. The approach taken to writing the s.58 policies varied across the province. In some cases the source protection plan policies will outline specific measures to be included, while in others the Risk Management Official may be directed to include current industry standards and best management practices in the risk management plan. The policies may simply state that the risk management plan must ensure the activity ceases to be a significant drinking water threat.

### **Step 2: Consider site-specific conditions and limitations**

Site-specific conditions and limitations should be explored, including:

- hydrogeologic or hydrologic conditions
- vulnerable zone to which the RMP would apply
- number and type (s) of threat activities occurring/proposed to occur onsite
- associated risk to drinking water
- scale of operations
- operational constraints
- financial implications

### **Step 3: Check for risk management measures currently in place**

The negotiation of the risk management measures take into consideration the current measures in place. In many cases, the facility may be required to have protective measures in place to carry out the daily operational activities under other pieces of legislation. To identify these existing measures, discussions or a site tour with the person engaged in the activity may be helpful.

### **Step 4: Conduct a gap analysis**

There may be a difference between the existing measures that are currently applied to an activity and those measures that should be in place to satisfy the requirements of the risk management plan. A gap analysis can help to determine where additional can help. The analysis will also need to take the source protection plan policy requirements into consideration.

In some cases, the gap analysis will note that the gap is narrow, and only a few measures may need to be put in place to meet the 'ceases to be significant' test. In other cases the analysis may conclude that a large gap exists, and additional measures will need to be added to the list. If it is determined that the threat is adequately managed by existing measures, there may not be a need for additional measures.

### **Step 5: Select appropriate risk management measures**

Every source protection plan has as its objective that an activity ceases to be a significant drinking water threat or never becomes a significant drinking water threat (O.Reg. 287/07, s.22(1)(2)). That is to say, the threat is suitably managed or mitigated. The measures contained in the risk management plan should collectively achieve the test of ‘ceases to be a significant threat’ when they are implemented.

After completing an assessment of existing measures, the Risk Management Official should consider the available risk management measures. These may be best management practices used within that industry or adaptable to the situation. One source of information on these types of measures is the Provincial Risk Management Measures Catalogue. The Catalogue is a Ministry-developed tool to aid in risk management plan development. It provides a list of protective measures that could be put in place to fulfill the requirements of source protection plans. As well, the Catalogue can sort the recommended measures by activity and whether or not the measure is applicable to groundwater or surface water supply systems. The Catalogue provides some other specific insights about each measure. Figure 3 provides a screen shot of the risk management measures catalogue.

Find the Risk Management Measures Catalogue at <http://www.trcgauging.ca/RmmCatalogue/>

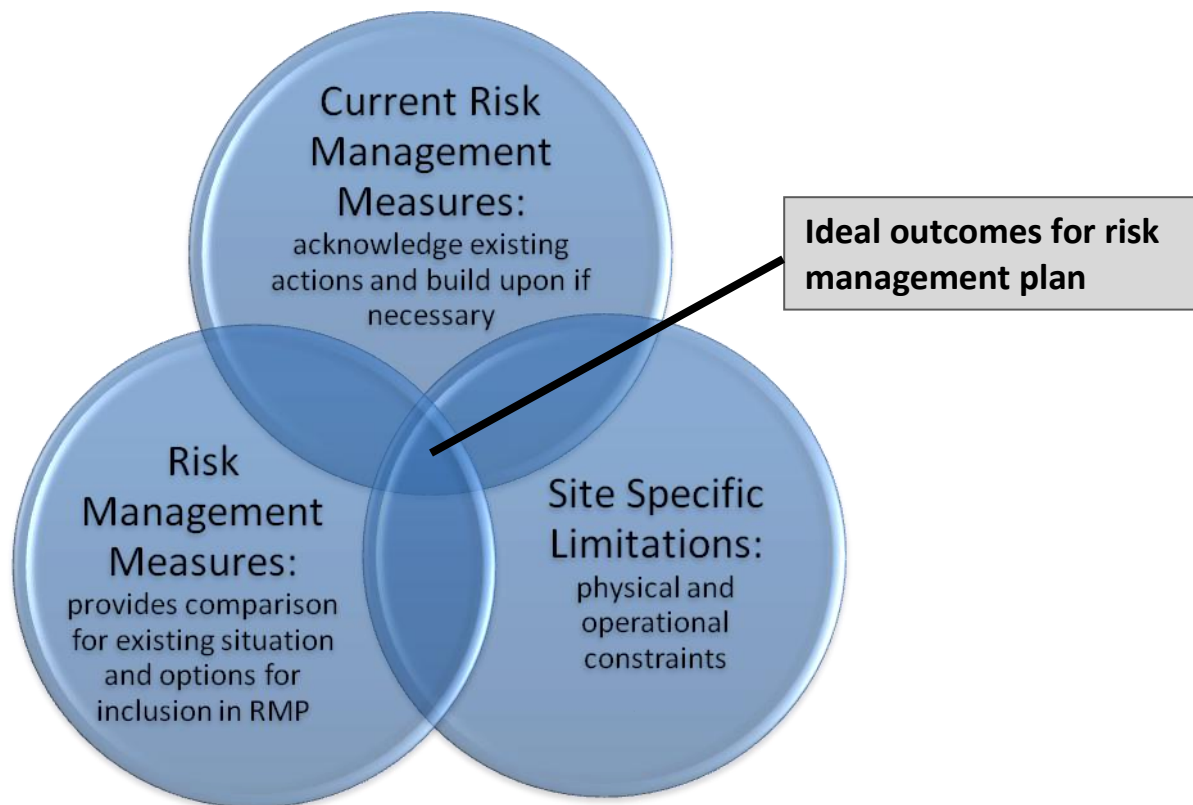
### **Step 6: Apply professional judgment**

When finalizing the risk management measures to be put in place, the Risk Management Official will need to apply professional judgment. Also, the Risk Management Official will need to ensure that the measures put in place will pass the cease to be significant test, and are practical and feasible to implement. When determining the practicality and feasibility of certain risk management measures, the items discussed in steps 1 through 5 will need to be considered as a whole. Applying professional judgment in developing the risk management plan should occur in all stages of negotiation.

Applying professional judgment in developing the risk management plan should occur in all stages of negotiation. The Risk Management Official will need to ensure that the measures put in place will meet the ‘ceases to be significant’ test of s.22 of the Act, and are practical and feasible to implement. When determining the practicality and feasibility of certain risk management measures, the items discussed in steps 1 through 6 will need to be considered as a whole.

Figure 14 illustrates how some of these elements are factored into deciding which measures to incorporate into a risk management plan.

In some cases, the Risk Management Official may not have the appropriate level of knowledge to be confident that the selected measures would meet the ‘ceases to be significant’ test, and are practical, implementable and feasible. In this situation it may be appropriate for the Risk Management Official engage a technical expert to assist in identifying the best approach.



**Figure 14:** Considerations for Use of Risk Management Measures.

**Step 7: Develop an implementation schedule**

The implementation schedule will outline the timeline for putting each measure in place. Some measures will be easy to implement, and could be implemented right away, while other measures may take a considerable amount of time or effort to implement. For example, a risk management plan addressing a DNAPL threat may require that inspections of existing storage tanks and drums commence immediately; that a spill contingency plan be developed and implemented within six months; and that a commitment be made to phase to an alternative product when such a product becomes available if it reduces the risk to drinking water. Establishing an implementation schedule will occur as part of the negotiation process with the person engaged in the activity. However, the Risk Management Official will need to consider the risks to drinking water and use professional judgment when negotiating and agreeing to an implementation schedule.

## H. Enforcing the Risk Management Plan

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The goal of inspections will be to verify compliance with the terms of established risk management plans, as well as adherence to any s.57 prohibition policies. Inspections are an effective way for enforcement authorities to manage activities subject to compliance, and enforce the requirements of source protection plan policies. If a source protection plan policy is in effect and designates an activity as one that requires a risk management plan, then a person shall not engage in that activity within that area unless a risk management plan has been agreed to or established. For existing activities, a risk management plan is not required until such a date as specified in the source protection plan policy or as specified in a notice issued by the Risk Management Official.

### Key Roles

The Risk Management Inspector will play the primary role in inspections and enforcement, while the Risk Management Official may become involved at various stages in the enforcement process. The Risk Management Inspector may use powers conferred by sections of the *Clean Water Act* and its regulations to gain property entry and to collect materials relevant to the investigation. Risk Management Officials and Risk Management Inspectors must have the prescribed qualification of completing a course, as noted in O.Reg. 287/07, s.54. The enforcement authority may also wish to have their appointed Risk Management Official/Risk Management Inspector complete additional training, such as enforcement techniques.

***Key individuals and groups in enforcing a risk management plan:***

*Risk Management Official*

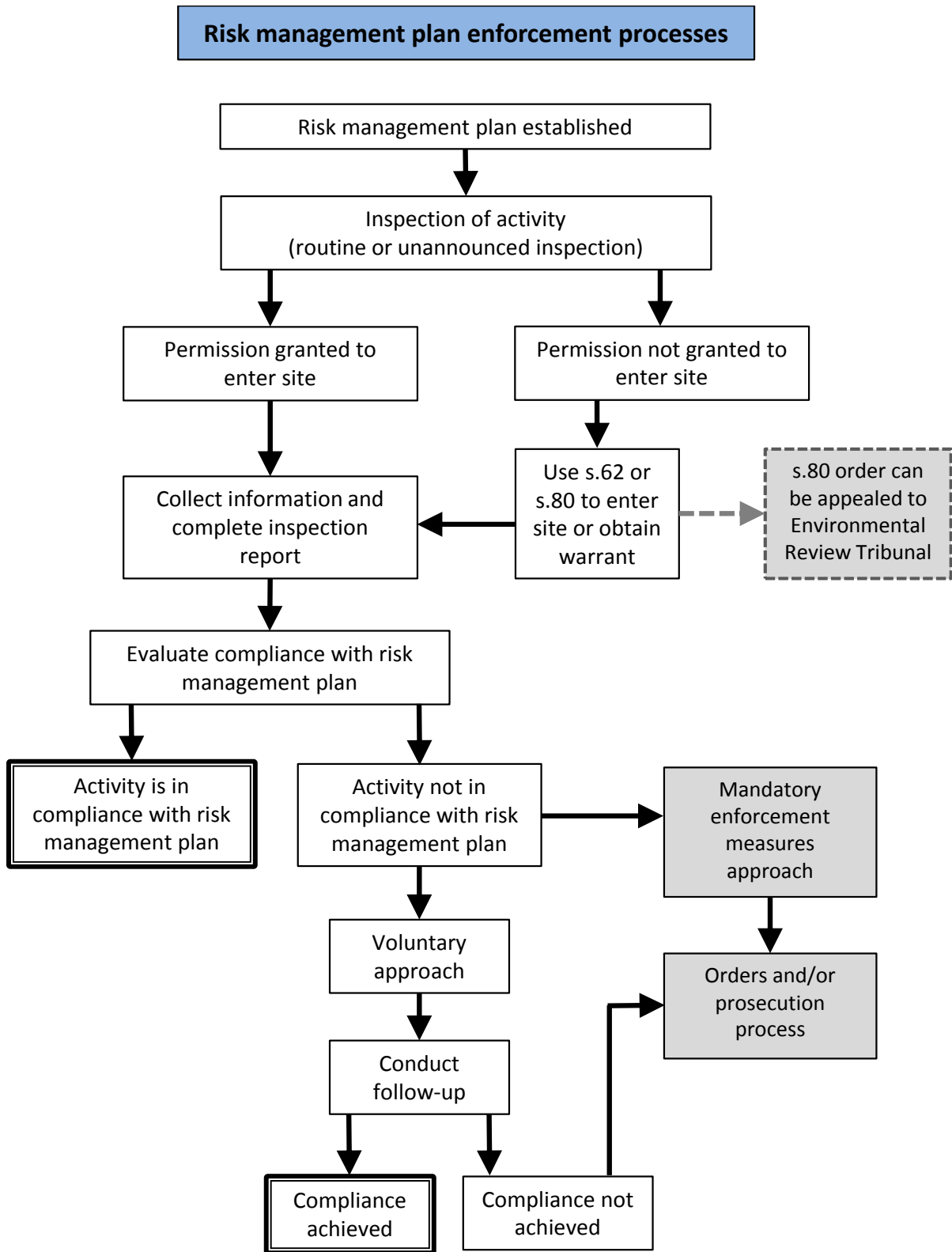
*Risk Management Inspector*

*Person engaged in the activity*

### i. Overview of Enforcement Processes

Risk Management Officials and Risk Management Inspectors may use professional judgement in deciding on the frequency of inspections, the conduct of the inspection and the enforcement approach used should an activity not be in compliance with the risk management plan or Part IV requirements. The *Clean Water Act* and O.Reg. 287/07 enable various tools to assist with enforcement of a risk management plan, while stipulating the conditions under which these tools can be utilized, and allow for persons engaged in activities to have opportunities for appeal.

Figure 15 provides an overview of the enforcement process.



**Figure 15: Enforcement Process (Adapted from York Region, 2011)**

## ii. Timelines for Enforcement of Risk Management Plans

The policies in a source protection plan have legal effect once the source protection plan is approved and comes into effect. Future activities to which s.58 policies apply must conform to the policies from the day the source protection plan takes effect. The Risk Management Inspector can also take appropriate action should an activity commence without first receiving an approval for a risk management plan. Where an s.58 risk management policy applies to an existing activity, the source protection plan policy usually gives a set timeframe by which the person engaged in the activity must have a risk management plan in place if the activity is to continue.

**Table 2: Overview of Enforcement Timeframes**

<b>TASK</b>	<b>TIMELINE</b>
s. 57 prohibition policies for future activities	Effective date of source protection plan
s. 58 risk management policies for future activities	Effective date of source protection plan
s.57 prohibition policies for existing activities	Minimum of 180 days after effective date of source protection plan or as stated in source protection plan policy
s. 58 risk management policies for existing activities	As stated in source protection plan policy; if not stated, then will be determined by Risk Management Official

## iii. Approaches to RMP Enforcement

This section outlines several approaches enforcement authorities may want to consider when instituting their own inspection programs.

- 1) Regional** – Enforcement authorities may want to organize inspections according to region. Using the regional approach, inspections would be carried out according to their geographic location within the vulnerable area. All of the regulated activities located within a designated geographic region are inspected during a single round of inspections. When all of the inspections for one particular region (or regions) are completed, another set of inspections can commence in a different region. To implement this approach, enforcement authorities will want to establish the boundaries of each inspection region, and set appropriate timelines for the completion of each round of inspections. Two inspection regions identical in size may contain a very different number of activities subject to

inspections. Defining appropriate inspection region boundaries will be crucial for the effective and timely delivery of regional enforcement programs.

**2) Risk-based** – A risk-based inspection program will consider the potential of each regulated activity to cause an adverse effect on drinking water sources and human health. If enforcement authorities choose to implement the risk-based approach, it will be necessary to consider several risk criteria associated with each activity, such as:

- compliance history
- past environmental performance
- nature/type of activity
- vulnerability score at the location of activity
- proximity to municipal intakes and wells
- time elapsed since last inspection (if applicable)

Based on the criteria above (and any other relevant criteria), the Risk Management Official and Risk Management Inspector will prioritize inspections. Generally, inspections for higher risk activities will be carried out first.

**3) Operation/Sector-based** – Enforcement authorities may want to target specific sectors or operations during each individual round of inspections. In most circumstances, this would entail targeting inspections at a particular group of industries, or businesses most commonly associated with similar types of threat activities. Using this approach, Risk Management Officials and Risk Management Inspectors will have the opportunity to gain an understanding of the risks associated with each type of operation or sector and build an expertise in the associated best management practices and risk management measures. This approach will also allow Risk Management Inspectors the opportunity to gain the technical understanding of procedures, equipment, and processes that will be necessary when carrying out complex inspections.

**4) Combined** – Enforcement authorities may decide that a combination of methods 1, 2, and 3 may be the best approach for establishing an effective inspection program in their communities. For example, the risk management office may decide to undertake inspections according to region, and further prioritize the inspections according to risk or sector. Overall, enforcement authorities should choose the inspection approach that best addresses the number and types of regulated activities in their municipalities.

#### **iv. Inspection Scheduling**

Once an inspection program has been established, enforcement authorities may want to further organize the enforcement program according to **scheduled** and **unscheduled** inspections.

##### ***Scheduled Inspections***

Scheduled inspections occur when Risk Management Inspectors consult with affected persons, prior to conducting the inspection. Inspectors will advise the affected persons of their intent to perform an upcoming compliance inspection. Scheduled inspections are preferable when an inspector wants to ensure that the appropriate person is onsite on the day of the inspection, and it will give affected persons an opportunity to gather useful information/documentation that may aid the inspection process. Scheduled inspections may also serve as a tool for encouraging good performance. Those with a good compliance history may be rewarded by being informed of upcoming inspections in advance. Scheduled inspections also give affected persons the opportunity to arrange inspections at a time that is convenient for them, which may also be considered an incentive for good performance.

##### ***Unscheduled inspections***

Under certain circumstances, it may be necessary for enforcement authorities to conduct unscheduled inspections. Unscheduled inspections may occur in response to information or complaints received from the public regarding the regulated activity. A history of non-compliance may also encourage Risk Management Inspectors to conduct unscheduled inspections. Emergency situations may also prompt unscheduled inspections.

Unscheduled inspections will allow the Risk Management Inspector to observe day-to-day compliance with Part IV policies. More specifically, it will allow the Risk Management Inspector to more accurately verify that the terms of risk management plans are being followed on a regular basis. However, it should be recognized that the facility staff that would be important to the inspection may not be present onsite if advanced notice is not given. Also, poor timing of the inspection may impact upon operations or production at the facility.

##### ***Frequency of Inspections***

When deciding on inspection timelines, enforcement authorities should give consideration to implementation and monitoring schedules outlined in risk management plans. Enforcement authorities may want to establish predetermined timelines for recurrent inspections. For example, the enforcement authority may decide that activities subject to Part IV policies will be subject to inspections by the Risk Management Inspector every five years. Alternatively, the enforcement authority may decide that the frequency of inspections should depend on compliance history. Using this approach, operations with a history of non-compliance will be subject to more frequent inspections, while operations with good performance histories will be rewarded with less frequent inspections.



The nature of the activity may also impact the inspection cycle. It is reasonable that a different inspection frequency would be applied to major industrial or commercial facilities with multiple threat activities, as compared to a single threat activity in a residential setting.

## **v. Inspection Objectives**

During inspections, Risk Management Inspectors can verify if compliance with Part IV policies is being achieved. More specifically, Risk Management Inspectors would confirm that:

- Activities are being conducted in accordance with identified Risk Management Measures (i.e. all measures identified in the risk management plan are in place and being followed).
- All provisions outlined in the risk management plan are in place and being implemented according to established timelines.
- Monitoring and reporting practices are in place and being carried out according to the terms of the risk management plan.
- Any corrective actions specified in the risk management plan are/have been implemented.

When carrying out inspections, Risk Management Inspectors should aim to review and confirm the accuracy of the information presented in the risk management plan, including administrative and source protection program area information. Risk Management Inspectors should ensure that previously documented threat activities still exist and meet the circumstances of a significant threat. They should note any changes in quantities, physical location or areal extent. Risk Management Inspectors should also document any activities onsite that may not have been previously identified and should be incorporated into the risk management plan.

## **vi. Methods for Addressing Non-compliance**

If, following an inspection, a non-compliance with the terms of a risk management plan is identified, the Risk Management Inspector will need to determine how to respond to the non-compliance to ensure that future compliance is achieved. Two of the many possible approaches to resolving non-compliance are the voluntary approach or mandatory enforcement measures approach.

The Risk Management Inspector should base the approach on several general considerations, which may include:

- The severity/significance of non-compliance (i.e. the severity of the actual or potential impact to drinking water sources).

- Compliance history (if one exists); if there is no risk management plan compliance history, the Risk Management Inspector could also consider the operation’s compliance with other programs.
- Any progressive sanctions used to address the non-compliance in the past.

Ultimately, the decision on the most appropriate response rests with the Risk Management Inspector. Risk Management Inspectors should implement the approach they feel will achieve the best outcome, while reducing the likelihood of the offence occurring again.

### ***Voluntary Approach***

Risk Management Inspectors may choose to issue a verbal or written request to the person engaged in the activity to correct a non-compliance situation within a certain period of time. The issuance of a compliance request is the voluntary approach. The approach is considered “voluntary” because legal instruments requiring mandatory action are not used; rather the Risk Management Inspector uses negotiation skills to reach a solution with the person engaged in the activity to correct the non-compliance.

The request may recommend a course of action, or set out directions that the affected person should take to bring the activity back into compliance, as well as set deadlines by which the corrective actions will need to be implemented. After receiving a request from the Risk Management Inspector, the affected person should then take the initiative to carry out the actions outlined in the request. A Risk Management Inspector request may require compliance through a variety of activities, such as corrective actions or education.

The Risk Management Inspector may request the person engaged in the regulated activity to follow up once the actions highlighted in the request are completed. Alternatively, the Risk Management Inspector may decide to follow up on the actions to ensure the activity has been brought back into compliance. The voluntary approach should generally be the first approach used in most situations.

### ***Mandatory Enforcement Measures Approach***

The mandatory enforcement measures approach makes use of legal instruments. The Risk Management Inspector may opt to use these measures as the primary steps to address a non-compliance incident. These measures may also be part of a progressive sanction to address either one-time or repeat non-compliance occurrences that have not been addressed despite previous requests from the Risk Management Inspector per the “voluntary” approach.

A brief description of many of the available enforcement measures are described in Section H (vii). An example of the progressive sanction type of enforcement is described in Section H (ix).

## **vii. Legal Instruments Available to Risk Management Officials and Risk Management Inspectors for Addressing Non-compliance**

### **Property entry and information gathering**

Under s.62 of the *Clean Water Act*, Risk Management Inspectors have the authority to enter property without a warrant for the purpose of carrying out an inspection as long as reasonable notice of entry has been given to the occupier of the property. However, if the property owner actively obstructs the inspector from entering, the Risk Management Inspector may have to obtain an inspection warrant to carry out their enforcement duties. The Ministry of the Environment's property entry training course covers entry protocols in further detail.

When carrying out inspections for the purpose of verifying Part IV compliance, Risk Management Inspectors have the authority to:

- collect samples, conduct tests and measurements, and carry out any necessary excavations,
- operate, use or set in motion any machine or thing that the person requires,
- examine, record, or copy any documents or data, or require the production of any documents or data,
- remove documents or data and make copies, and
- require any person to answer any reasonable inquiries related to the purpose of the entry. (*CWA*, s.62(8)).

The Risk Management Inspector is not permitted to remove any documents without providing a receipt for them. Additionally, if a property is entered, the Risk Management Inspector should do everything practicable to restore the property to the condition it was in prior to the entry. (*CWA*, s.62)

### **Enforcement Order**

Orders may be issued under Part IV of the *Clean Water Act*. The Act provides Risk Management Officials and Risk Management Inspectors with the authority to issue Orders according to prescribed criteria. RMOs and Risk Management Inspectors can issue various types of orders depending on the nature and circumstances of the contravention. Table 3 summarizes these powers.

When enforcement orders are issued, they create a new legal requirement that obliges affected persons to undertake (or cease) specific actions within established timelines. For example, a Risk Management Inspector may issue an Order that outlines the actions a person must take in order to achieve compliance with a provision in their risk management plan. Orders are specific in function and purpose and clearly outline the consequences of failing to comply with an outlined requirement. Before issuing an Order, Risk Management Inspectors should clearly

indicate the facts upon which the Order will be based to the person affected. This will allow the affected person the opportunity to address any perceived issues they may have.

**Notice of Intention to Cause Work to Be Done**

If an Enforcement Order has been issued and the affected person has refused to comply, or has not complied, the Risk Management Official may issue a Notice of Intention to cause work to be done under s.64 of the Act. This notice informs the person engaged in the activity that the Risk Management Official will cause work to be done that is required to bring the activity into compliance with Part IV requirements.

**Table 3. Various Types of Orders Issued by the Risk Management Official and Risk Management Inspector**

<b>Type of order</b>	<b>Issued by</b>
Order to comply, by a date specified in the Order, with directions set out in the Order relating to achieving compliance with a s.57 prohibition (CWA, s.63(1)(1))	Risk Management Inspector
Order to cease engaging in the activity that constitutes the contravention of a s.57 prohibition (CWA, s.63(1)(2))	Risk Management Inspector
Order to comply, by a date specified in the Order, with directions set out in the Order relating to implementing the provision of the risk management plan (CWA, s.63(4)(1))	Risk Management Inspector
Order to seek an amendment to the risk management plan (CWA, s.63(4)(2))	Risk Management Inspector
Order to report to the Risk Management Inspector on compliance with the order (CWA, s.63(1)(3) and s.63(4)(3))	Risk Management Inspector
Order to prepare a report on an activity (CWA, s.61(1))	Risk Management Official
Order establishing or amending an RMP (CWA, s.58(10) and s.58(12))	Risk Management Official
Order to pay costs (CWA, s. 67)	Risk Management Official
Order requiring a person to grant access to the property (CWA, s.80)	Risk Management Official or Risk Management Inspector

### **viii. Transition from Inspection to Investigation**

The intent of inspections under the *Clean Water Act* is to verify compliance with Part IV policy requirements. An investigation is initiated when the inspector has reasonable grounds to believe that a breach of compliance has taken place and evidence needs to be gathered to serve as proof of an offence.

To commence an investigation, the Risk Management Inspector or Risk Management Official must first verify that reasonable grounds exist to lay a charge. In other words, the Risk Management Inspector/Risk Management Official must confirm that there is a set of facts or circumstances that provide good reason to believe an offence has been committed. When a Risk Management Inspector/Risk Management Official has reasonable grounds to believe that an offence has occurred, they will need to collect evidence to provide proof of the offence.

When conducting an investigation, the Risk Management Inspector will, in most circumstances, be required to obtain a search warrant. Inspectors should always seek legal advice if they are thinking about obtaining a warrant. It is important to remember that when information gathered from an inspection leads to an investigation, the Risk Management Inspector should ensure that all reasonable actions are taken to prevent a violation of the Canadian Charter of Rights and Freedoms. A violation may discredit all of the evidence collected in support of the offence. An entry, inspection, or physical taking of something real will almost always require a warrant under the Canadian Charter of Rights and Freedoms.

## **ix. Sample Inspection Program Model – Ontario Ministry of the Environment**

The Ministry of the Environment has established a compliance and enforcement program and has made its policy publicly accessible on the Ontario government website. A synopsis of the document is provided in this section. The entire document, "Compliance Policy Applying Abatement and Enforcement Tools – May 2007" (Publication # 6248e), can be accessed on the Ministry of the Environment website [www.ontario.ca](http://www.ontario.ca) through a search for "Compliance Policy".

The Compliance Policy outlines the approach that Ministry staff members use to determine the severity of an incident. It can be considered as a reference document for Risk Management Officials and Risk Management Inspectors to use when dealing with similar enforcement situations. The policy outlines a number of definitions that apply to enforcement of ministry legislation. The Compliance Policy also includes types of abatement and enforcement tools, some of which are similar to those available to Risk Management Officials and Risk Management Inspectors to address significant drinking water threats.

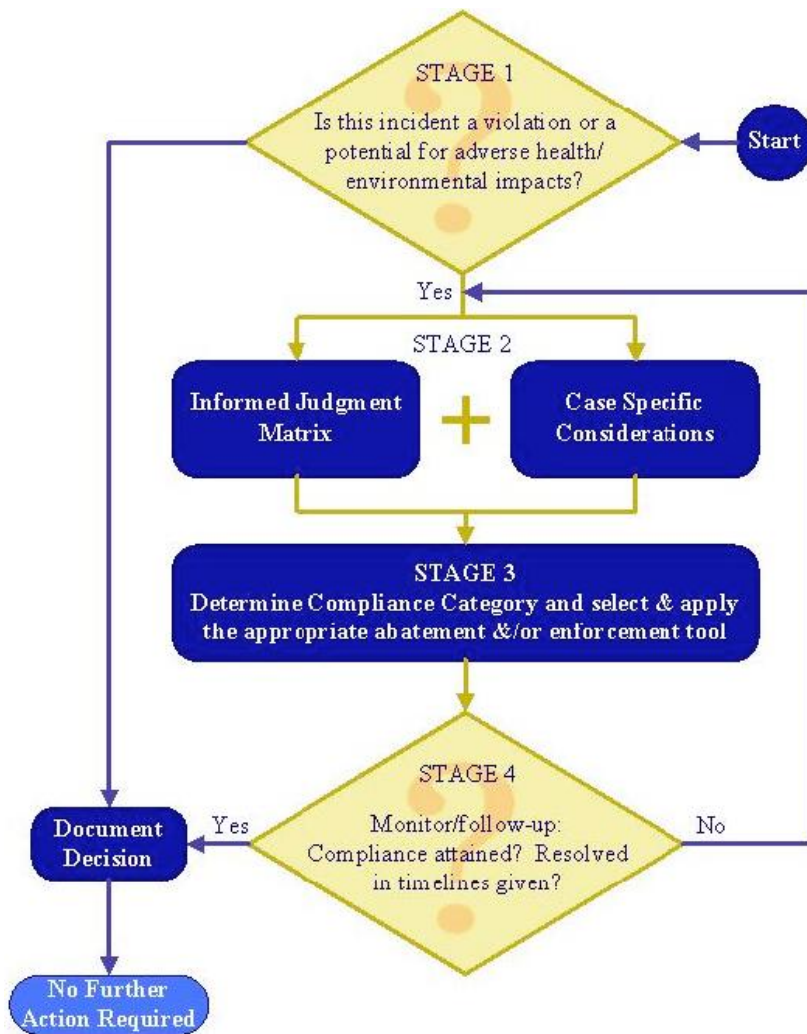
"The Ministry's approach to compliance and enforcement, as embodied in this Policy, seeks to safeguard the public interest by ensuring that the Ministry's response to an incident is proportionate to the severity of the incident. This Policy sets out the approach Ministry staff will use to determine the severity of an incident. For incidents that are determined to be more severe in nature, this Policy requires staff to consider a mandatory abatement response. For less severe incidents, this Policy permits staff to consider a voluntary abatement response. Generally, a mandatory abatement response is one where the law is used to compel a person to respond to an incident whereas a voluntary abatement response relies on a person's voluntary actions to respond to the incident. (Introduction to "Compliance Policy", MOE, 2007)

The approach allows for firm and swift action to respond to incidents with the potential for significant health and/or environmental consequences. There is also flexibility when addressing other situations. Enforcement staff seek to work in a professional and cooperative manner with the person responsible for the activity. The goal is to address the impacts of a violation and prevent a recurrence.

In Chapter 8 of the policy there is a decision tree that goes through a step-by-step process to assist in selecting which abatement and enforcement tools would be most appropriate to each

case/situation. It guides the evaluation of an incident by using the Informed Judgment Matrix to classify the severity of the incident. Case-specific considerations are applied to determine whether the recommended response for that classification is appropriate in the circumstances. The matrix considers the health/environmental consequences and the compliance history for the person or landowner involved in the incident.

The decision tree has been reproduced as Figure 16. The Informed Judgment Matrix is shown in Figure 17. Using the two tools together can help achieve a measured response to incidents.



**Figure 16:** Decision Tree for Determining Enforcement Response (MOE, 2007).

Informed Judgment Matrix (IJM)		Health/Environmental Consequences					
		1. Administrative	2. Minor Environmental	3. Minor Health	4. Medium Environmental	5. Major Environmental	6. Medium/Major Health
Compliance History	A. No History / Good Compliance History	Compliance Category I		Compliance Category II		Compliance Category III	
	B. Previous Violation (unrelated)						
	C. Previous Violation (related)						
	D. Ongoing Violation Not Resolved Despite Ministry Directions						
	E. Previous Significant Convictions or Environmental Penalty Orders						
	F. Obstruction / False Information **						

Compliance Category I: Recommend Education & Outreach, Notice of Violation, Abatement Plan &/or Amend Authorizing Document (Control Documents (e.g. Orders), EP Order, Ticket, or IEB Referral for Investigation may be considered).

Compliance Category II: Recommend Amend Authorizing Document, Control Document (e.g. Order) or EP Order. May Write A POA Ticket\* and shall consider IEB Referral for Investigation except when a ticket is used.

Compliance Category III: Recommend Amend Authorizing Document, Control Documents (e.g. Order) or EP Order. Shall refer to IEB for Investigation (No Ticket).

\*A ticket cannot be issued for a violation that is subject to an EP.

\*\* Obstruction is not a violation subject to an Environmental Penalty

**Figure 17: Informed Judgment Matrix (after MOE, 2007).**



## I. Reporting Requirements

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Under s.81 of *the Clean Water Act*, Risk Management Officials have a responsibility to prepare annual reports that summarize the actions taken by the Risk Management Official and Risk Management Inspector in fulfillment of their Part IV responsibilities. These reports must be submitted to the source protection authority, who will then use the information to track the implementation and effectiveness of source protection plan policies.

Information that the Risk Management Official must highlight in the report include:

- number of risk management plans agreed to, established or refused,
- number of Notices and Orders issued,
- number of inspections carried out (without consent),
- number of risk assessments submitted, accepted, or not accepted,
- number of times the RMO caused things to be done, and
- total number of prosecutions and number of convictions (O.Reg. 287/07, s.65).

Each report will apply to a single calendar year. The first report submitted should document information starting from the day the first Risk Management Official was appointed by the Council of the municipality (or delegated body) to December 31 of that same year. The report must be submitted to the source protection authority by February 1 of the following year. For example, the annual report that covers the period from January 1 to December 31, 2015 would be submitted to the source protection authority on February 1, 2016.

York Region has developed a checklist of materials that should be included in the annual report; find it in Section O: Appendix 4. Module 4 provides comprehensive information regarding the annual reporting requirements established for Risk Management Officials.

## J. Work Planning: Advice for Managing the Workload

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The risk management plan negotiation workload will vary depending on the municipality. Some Risk Management Officials will be required to negotiate many risk management plans, while others may only have a few to complete. There may be one type of threat activity that predominates or the types of threat activities may be wide ranging. Also, there may be a combination of simple and complex risk management plans.

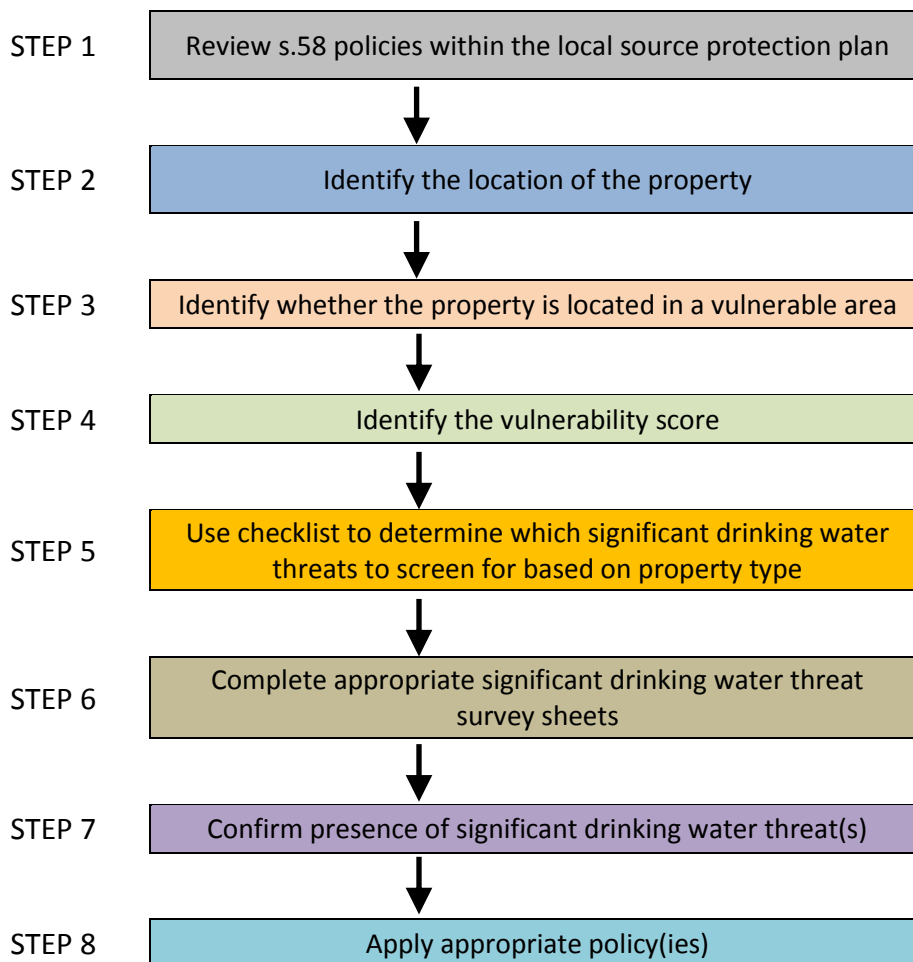
Regardless of the number of risk management plans to be negotiated, prioritizing the risk management plan negotiation workload will help ensure the job is completed by the date specified in the source protection plan. Prioritizing the workload can be separated into two key tasks: understanding the workload and prioritizing the negotiation roll out.

## i. Understanding the workload

### **Step 1: Determine how many existing significant drinking water threats require an RMP.**

RMPs are only necessary if a s.58 policy applies to the identified threat activity. Source protection plan policies will explicitly state where and when risk management plans will need to be established. In other words, a risk management plan will be necessary only when the local source protection plan has specifically designated the use of an s.58 risk management plan to address the significant threat and the significant threat has been confirmed using steps 2-7 (Figure 18).

To begin the workload prioritization process, you will first need to understand the vulnerable areas, including the numbers and types of significant drinking water threats present in your municipality. Before determining if an activity will need to be addressed through a risk management plan, the Risk Management Official will have to confirm that the activity in question is a significant drinking water threat. Module 2 provides detailed, step-by-step guidance on the process of identifying and confirming a significant drinking water threat.



**Figure 18:** Steps for Identifying and Confirming Significant Drinking Water Threats

To confirm the presence of a significant drinking water threat, the RMO will need to confirm that the property is located in a vulnerable area where significant drinking water threats are possible. In most cases, significant drinking water threats are found within Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs) where the vulnerability score is between 8 and 10. Activities associated with the handling and storage of DNAPLs are an exception to this, and are considered significant threats in any zone within a WHPA with a vulnerability score greater than or equal to 2. Pathogens are another exception as identification of pathogens as a significant threat does not include a quantity circumstance, i.e. they are significant in any amount. Within an Issue Contributing Area, significant drinking water threats can be present anywhere a circumstance for the identified threat is met, because there are no vulnerability scores associated with an Issue Contributing Area.

The next step would be to identify the significant drinking water threats present on the property, specifically those for which the local Source protection plan has applied an s.58 risk management plan requirement. The circumstances of the activity should be compared with the Provincial Tables of Threats and/or the Provincial Tables of Circumstances. Direction on how to use the Tables of Threats and Tables of Circumstances is described in Section I (i) of Module 2.

If a comparison with the tables determines that a significant drinking water threat exists on the property of interest, the RMO can then go on to identify the need for an RMP. In order to determine if an RMP is required to address the identified significant drinking water threat(s), the RMO will need to consult the policies established in the local source protection plan.

### **Step 2: Identify the land uses that are associated with significant drinking water threats**

Once the total number and type of risk management plans to negotiate is known, the information can be sorted into a variety of formats to begin prioritizing the workload - for example, using a tabular or database software such as a spreadsheet, database, or geographic information system (GIS). These tools will allow the workload to be sorted statistically and spatially.

By sorting the information into broad categories, an understanding of the sectors you will be dealing with can be gained, such as agriculture, businesses, municipal lands, and residential properties. The MPAC (Municipal Property Assessment Corporation) reference number is one source of information that will help in sorting by category or sector. Through this exercise it may be determined, for example, that risk management plans primarily need to be negotiated for the business sector and residential properties, and only a handful need to be negotiated for municipal lands and agriculture. This information is useful to know as different approaches may be taken to develop risk management plans for the various sectors.

Using GIS enabled software, such as ArcGIS from ESRI (Environmental Systems Research Institute, Inc.), the workload can be mapped according to vulnerable area and geographic location. Completing this task will allow you to easily view and map the target work areas.

Viewing the risk management plan workload in a variety of formats will provide additional information required to prioritize the workload. An analysis of the workload may identify that all required risk management plans are located in the same geographic area, or alternatively that the risk management plans needed are dispersed throughout all of the vulnerable areas within the municipality. The data could also indicate that risk management plans are only required for one or two primary land uses, thereby indicating where the majority of effort should be placed.

#### **Step 4: Estimate the number of Future Threat Activities that will require a Risk Management Plan**

Another consideration would be to go through an exercise to determine, based on best available information, the estimated potential or need for future risk management plans that will need to be negotiated as a result of applications to develop new threat activities. To estimate the number of “future threat” risk management plans, you will need to consult with the planning and/or building department within the municipality.

The location of the identified vulnerable areas within your municipality should be compared to the development areas outlined in the official plan. If the areas do not coincide, it is not likely that many of the applications submitted will be for future threat activities. If they do coincide, further consultation with the planning department will be required to estimate the number of future plans expected to be negotiated each year. The planning department will have records of the number of planning applications typically received each year. It also may be possible to break down the number of applications received according to each vulnerable area. Using these three key pieces of information, the number of future risk management plans can be estimated on a yearly basis.

#### **ii. Timelines for Establishing a Risk Management Plan**

The Risk Management Official may allow a period of time for persons engaged in an activity to agree to a risk management plan with the RMO after the source protection plan comes into effect (*CWA*, s.58(5)). A formal notice of intent to establish (*CWA*, s.58(7)) may be issued by the RMO as part of the process and will state a deadline by which a risk management plan must be agreed to (*CWA*, s.58(8)). The person engaged in the activity still has an opportunity to waive the remainder of the time before the deadline and consent to a risk management plan (*CWA*, s.58(9)). Deadlines for agreement should be set far in the future to allow for the negotiation, writing, and review of the RMP. A minimum of 120 days must be provided after the notice to establish is given (*CWA*, s.58(8)); however RMOs may wish to provide as long as 24 months for very complex activities. Time may also need to be allotted for site visits.

When establishing a timeline for the negotiation and development process, the RMO should take special consideration of their entire RMP workload. Where a large number of risk management plans must be established, it will be advisable to stagger the issuance of notices to spread the workload out over time.

**Table 4: Potential Schedule of Tasks for Establishing a Risk Management Plan (Relative to Effective Date of Source Protection Plan)**

<b>TASK</b>	<b>TIMELINE (Guideline)</b>
Determine number and complexity of risk management plans within jurisdiction	within 2 months after effective date
Send out initial correspondence to persons engaged in activities requiring an RMP	2 to 4 months after effective date
Work with persons who submit RMP for approval	4 to 12 months after effective date
Send first set of formal notices (CWA, s.58(7)) only to the more complex activities; set date far in future to allow time for writing draft RMP, review by RMO and negotiation process (minimum 120 days (CWA, s.58(8)); may wish to provide as long as 24 months)	12 months after effective date
Send out second correspondence to persons engaged in activities requiring an RMP	13 to 14 months after effective date
Work with persons who submit RMP for approval and persons who consent to establishment of RMP before date stated in the notice from the RMO (CWA, s.58(9))	13 to 24 months after effective date
Send second set of formal notices (CWA, s.58(7)) to the remaining activities; set date as just prior to or on deadline as specified in SPP policy; still allows up to 12 months for writing draft RMP, review by RMO and negotiation process (minimum 120 days (CWA, s.58(8))	24 months after effective date
Work with persons who consent to establishment of RMP before date stated in the notice from the RMO (CWA, s.58(9))	24 to 36 months after effective date
Final reminder for activities where no RMP established to date	34 months after effective date
<b>Deadline for RMPs as set by SPP policy</b>	<i>Note: 3 years after effective date of SPP often used; see local SPP policy for specific details</i>
Additional powers may need to be exercised by RMO/RMI	36 months after effective date and beyond

### **iii. Prioritizing the negotiation roll-out**

Now that the workload can be analyzed from a variety of angles, the work plan for Risk Management Plan negotiation can be developed. The source protection plan will outline the timeframe in which all existing threat activities subject to s.58 will be required to have a risk management plan in place. The timelines in the source protection plans typically range from three to five years across the province. All future threat activities that are subject to s.58 would require a risk management plan as part of the municipal application process.

Several approaches can be taken to prioritize the risk management plan negotiation roll out. The approach taken will vary depending on the Risk Management Official and the local circumstances. Two options for consideration have been outlined below.

#### **Option 1- Phased Approach**

Considering the uncertainty associated with the time and resources regarding the implementation of Part IV, a phased approach may be appropriate for the Risk Management Official to consider. A phased approach will allow the Risk Management Official to learn and adapt, while still meeting the source protection plan policy timeframe. It is recommended that a small number of risk management plans from each of the general categories (for example, agriculture, business, municipal, residential) be negotiated in the first year to better understand the effort required to complete a risk management plan from start to finish. The knowledge gained from the risk management plans negotiated in year 1 will allow for a realistic prioritization schedule to be developed based on the remaining workload and timeframe. In the remaining years, a set number of risk management plans will be negotiated according to the schedule developed in year 1.

#### **Option 2- Equal Number Approach**

A different approach could be planning that an equal number of risk management plans will be negotiated each year to conform to the source protection plan timelines. For example, if 150 individual parcels were identified as requiring a risk management plan and the source protection plan indicates that all plans must be in place within five years of SPP approval, approximately 30 risk management plans will need to be negotiated each year to address the existing threat activities. Based on the local circumstances, the RMO will prioritize which 30 RMPs are to be negotiated each year. The analysis of the future threat activities may indicate, for example, that approximately 7 applications can be anticipated each year. Adding this to the existing threat activity numbers brings the annual risk management plan negotiation workload up to 37 plans per year. Risk Management Plans associated with new threat activities will need to be negotiated each year as applications for new or re-developments are received.

The implementation workload and priority schedule will be unique to each municipality. Other factors that may influence the workload prioritization process include, but are not limited to:

- cross boundary jurisdiction situations,

- the need to implement more than one source protection plan, and
- the time it will take to establish the new internal business practices.

The case study provided in Section Q: Appendix 6 outlines the step-by-step prioritization process.

## K. Glossary: Some Terms to Know

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Some key terms are defined in the *Clean Water Act*, s.2. The following are excerpts from the Act:

“activity” includes a land use

“drinking water threat” means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat

“prescribed instrument” means an instrument that is issued or otherwise created under a provision prescribed by the regulations of,

- (a) the *Aggregate Resources Act*,
- (b) the *Conservation Authorities Act*,
- (c) the *Crown Forest Sustainability Act, 1994*,
- (d) the *Environmental Protection Act*,
- (e) the *Mining Act*,
- (f) the *Nutrient Management Act, 2002*,
- (g) the *Oil, Gas and Salt Resources Act*,
- (h) the *Ontario Water Resources Act*,
- (i) the *Pesticides Act*, or
- (j) any other Act or regulation prescribed by the regulations;

“risk management inspector” means a risk management inspector appointed under Part IV

“risk management official” means the risk management official appointed under Part IV

“risk management plan” means a plan for reducing a risk prepared in accordance with the regulations and the rules

# APPENDICES

- L. Appendix 1: Checklist Risk Management Plan Example
- M. Appendix 2: Single Option Risk Management Plan Example
- N. Appendix 3: Multiple Activities Addressed in one Risk Management Plan
- O. Appendix 4: Samples of Notices, Orders, Letters and other templates by York Region
- P. Appendix 5: Process Charts
- Q. Appendix 6: Case Study of Workload Prioritization Process
- R. Appendix 7: Ontario Farm Environmental Coalition – Farm Assessment Summary
- S. Appendix 8: Sample Checklist-style Risk Management Plan Framework by Region of Waterloo
- T. Appendix 9: Sample s.59 Screening Tool by Region of Waterloo



## L. Appendix 1: Checklist Risk Management Plan Example

### Checklist Risk Management Plan General Information Form

Municipality  
of ABCD



#### Applicant Information

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone (alternate): \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

#### Property Information

Roll Number: \_\_\_\_\_

GPS coordinates (if known): (Lat.) \_\_\_\_\_ (Long.) \_\_\_\_\_

GPS: (E) \_\_\_\_\_ (N) \_\_\_\_\_

Address of project location (if different from mailing address): Lot: \_\_\_\_\_ Conc: \_\_\_\_\_

Fire # or Street Address: \_\_\_\_\_

Land Use:  Residential  Agricultural  Commercial  Institutional  Industrial

Other (please specify) \_\_\_\_\_

Name of Vulnerable Area:  \_\_\_\_\_

Vulnerable Area Zone:  WHPA-A  WHPA-B  WHPA-C Vulnerability Score: \_\_\_\_\_

WHPA-E

IPZ – 1  IPZ-2 Vulnerability Score: \_\_\_\_\_

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## Checklist Risk Management Plan General Information Form

**Municipality  
of ABCD**



### Declaration of Applicant(s)

1. I/we have completed this application in full and I/we certify that the information contained in this application and any supporting documentation is true and complete to the best of my/our knowledge.
2. I/we are the owners of the mentioned property or if the land is rented or leased I have included a copy of the agreement from the property owner.
3. I/we understand that I/we are responsible for implementing the measures described herein.
4. I/we understand that failure to comply with all the requirements of an approved Risk Management Plan may result in action by the Risk Management Official or Risk Management Inspector.
5. I/we understand that I/we will be responsible for ensuring the technical and structural adequacy and legal requirements of any activities or structures.
6. I/we have included all other required documentation.
7. I/we agree to obtain all necessary permits and approvals from applicable agencies, which may include local municipalities, public health units and conservation authorities.
8. I/we acknowledge that this plan cannot be transferred to another person engaged (or proposing to engage in the activity at that location), without the written consent of the Risk Management Official.

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

*NOTE: All information collected on this application form is subject to the Freedom of Information and Protection of Privacy Act (FIPPA). Information may be provided to the Ministry of the Environment and other regulatory bodies.*

*NOTE: Incomplete applications will delay the approval process. Please ensure applications are complete before submission.*

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# Checklist Risk Management Plan General Information Form

**Municipality  
of ABCD**



## Site Plan

Please use the grid below to provide a sketch of the subject property. Please mark directional north, as well as any of the following features that occur on the subject property (include distances between features where possible):

- Location of abandoned and/or existing water wells
- Location of septic system
- Location of field tiles and catch basins
- Location of activity related to this Risk Management Plan
- Location of all building(s): mark those serviced by the existing septic system and water wells
- Indicate type of well: dug water wells ▼ drilled water wells ■
- Roadway/access routes
- Surface water features (streams, pond, wetlands)
- Location of municipal drinking water service line/trunk line and sewer line
- General topography (even and level, hilly, steep, depression)

**NOTE:** Illustrations from other permit applications or from design drawings may be submitted.


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## Checklist Risk Management Plan Organic Solvents

Municipality  
of ABCD



### Required Documentation - Attach the following reports to your application

**A. Product handling procedures**

Describe how material will be handled on-site, including unloading and transfer, if applicable.

---

**B. Product storage**

Include a diagram and/or photographs and a description of storage areas and methods.

---

**C. Containment measures**

Describe what measures will be used to prevent damage to stored materials and to contain spills.

---

**D. Spills Response Plan**

All spills are to be reported to the Spills Action Centre (toll-free 1-800-268-6060).

Include emergency contact information.

---

**E. Disposal of unused product**

Describe procedures for ensuring proper disposal of unused or waste product. Include name of contractor, if applicable.

---

**F. Inventory system for types of materials and quantities on-site**

Describe the inventory system for documenting the amount of material on-site.

---

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## M. Appendix 2: Multiple Activities Addressed in one Risk Management Plan

### Risk Management Plan General Information Form

Municipality  
of ABCD



#### Applicant Information

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone (alternate): \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

#### Property Information

Roll Number: \_\_\_\_\_

GPS coordinates (if known): (Lat.) \_\_\_\_\_ (Long.) \_\_\_\_\_

GPS: (E) \_\_\_\_\_ (N) \_\_\_\_\_

Address of project location (if different from mailing address): Lot: \_\_\_\_\_ Conc: \_\_\_\_\_

Fire # or Street Address: \_\_\_\_\_

Land Use:  Residential  Agricultural  Commercial  Institutional  Industrial

Other (please specify) \_\_\_\_\_

Name of Vulnerable Area:  \_\_\_\_\_

Vulnerable Area Zone:  WHPA-A  WHPA-B  WHPA-C Vulnerability Score: \_\_\_\_\_

WHPA-E

IPZ – 1  IPZ-2 Vulnerability Score: \_\_\_\_\_

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## Risk Management Plan General Information Form

**Municipality  
of ABCD**



### Declaration of Applicant(s)

9. I/we have completed this application in full and I/we certify that the information contained in this application and any supporting documentation is true and complete to the best of my/our knowledge.
10. I/we are the owners of the mentioned property or if the land is rented or leased I have included a copy of the agreement from the property owner.
11. I/we understand that I/we are responsible for implementing the measures described herein.
12. I/we understand that failure to comply with all the requirements of an approved Risk Management Plan may result in action by the Risk Management Official or Risk Management Inspector.
13. I/we understand that I/we will be responsible for ensuring the technical and structural adequacy and legal requirements of any activities or structures.
14. I/we have included all other required documentation.
15. I/we agree to obtain all necessary permits and approvals from applicable agencies, which may include local municipalities, public health units and conservation authorities.
16. I/we acknowledge that this plan cannot be transferred to another person engaged (or proposing to engage in the activity at that location), without the written consent of the Risk Management Official.

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

*NOTE: All information collected on this application form is subject to the Freedom of Information and Protection of Privacy Act (FIPPA). Information may be provided to the Ministry of the Environment and other regulatory bodies.*

*NOTE: Incomplete applications will delay the approval process. Please ensure applications are complete before submission.*

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**Risk Management Plan  
General Information Form**

**Municipality  
of ABCD**



**Site Plan**

Please use the grid below to provide a sketch of the subject property. Please mark directional north, as well as any of the following features that occur on the subject property (include distances between features where possible):

- Location of abandoned and/or existing water wells
- Location of septic system
- Location of field tiles and catch basins
- Location of activity related to this Risk Management Plan
- Location of all building(s): mark those serviced by the existing septic system and water wells
- Indicate type of well: dug water wells ▼ drilled water wells ■
- Roadway/access routes
- Surface water features (streams, pond, wetlands)
- Location of municipal drinking water service line/trunk line and sewer line
- General topography (even and level, hilly, steep, depression)

**NOTE:** Illustrations from other permit applications or from design drawings may be submitted.


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## Risk Management Plan Fuel Storage Activity

Municipality  
of ABCD



### Required Containment Measures

#### A. A double-walled storage tank is required

- The existing tank is a double-walled storage tank.

Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_

Date of manufacture: \_\_\_\_\_ Date Installed: \_\_\_\_\_

- A new, double-walled storage tank will be installed.

Date by which tank will be installed: \_\_\_\_\_

---

#### B. A visible interstitial alarm is required

- The existing tank has a visible interstitial alarm.

- A visible interstitial alarm will be added to the existing, double-walled storage tank.

Date by which alarm will be installed: \_\_\_\_\_

- A visible interstitial alarm will be part of the new, double-walled storage tank.

Note: Interstitial refers to the space in between the two walls of the tank.

---

#### C. Additional alarm requirement

An electronic monitoring system for spills and leaks with a visible and audible alarm is required if there is a floor drain, sump, indoor well, or cracks in the floor in the vicinity of the fuel storage tank.

- There is no floor drain, sump, indoor well, or cracks in the floor in the vicinity of the fuel storage tank.

- A floor drain    A sump    An indoor well    Cracks in the floor are present in the vicinity of the storage tank.

- Work will be undertaken to eliminate the identified openings in the floor.   OR

- An electronic monitoring system will be added to the existing, double-walled storage tank.

Date by which monitoring system will be installed: \_\_\_\_\_ OR

- An electronic monitoring system will be part of the new, double-walled storage tank.

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## Risk Management Plan Fuel Storage Activity

Municipality  
of ABCD



### Required Documentation

#### A. Spills Response Plan

Any large spills are to be reported to the Spills Action Centre (toll-free 1-800-268-6060).

Fuel supplier and contact information:

\_\_\_\_\_

Describe other steps to be taken in the event of a fuel spill:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

#### B. Annual inspection for oil burning equipment, including storage tank, is required

- An annual inspection will be carried out each year, as per Section 14 of the CAN/CSA-B139-00 Installation Code for Oil Burning Equipment, which includes an inspection of the fuel storage tank.

Date of last inspection: \_\_\_\_\_

Attach documentation of the last inspection. Inspection records are to be kept by the property owner.

---

#### C. Ten-year inspection for storage tank by fuel oil distributor

A comprehensive inspection of the storage tank is to be undertaken every ten years by the fuel oil distributor.

- The tank is less than ten years old. The first comprehensive inspection will be completed by:

Date of inspection: \_\_\_\_\_

- The tank is more than ten years old. The last comprehensive inspection was completed on:

Date of inspection: \_\_\_\_\_

Attach documentation of the last inspection.

---

#### D. Disposal of unused fuel

- Unused or contaminated fuel will be removed by a company equipped to safely dispose of the material:

Name of company: \_\_\_\_\_

---

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## N. Appendix 3: Multiple Activities Addressed in one Risk Management Plan

### Risk Management Plan General Information Form

Municipality  
of ABCD



#### Applicant Information

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone (alternate): \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

#### Property Information

Roll Number: \_\_\_\_\_

GPS coordinates (if known): (Lat.) \_\_\_\_\_ (Long.) \_\_\_\_\_

GPS: (E) \_\_\_\_\_ (N) \_\_\_\_\_

Address of project location (if different from mailing address): Lot: \_\_\_\_\_ Conc: \_\_\_\_\_

Fire # or Street Address: \_\_\_\_\_

Land Use:  Residential  Agricultural  Commercial  Institutional  Industrial

Other (please specify) \_\_\_\_\_

Name of Vulnerable Area:  \_\_\_\_\_

Vulnerable Area Zone:  WHPA-A  WHPA-B  WHPA-C Vulnerability Score: \_\_\_\_\_

WHPA-E

IPZ – 1  IPZ-2 Vulnerability Score: \_\_\_\_\_

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**Risk Management Plan  
General Information Form**

**Municipality  
of ABCD**



**Declaration of Applicant(s)**

- 17. I/we have completed this application in full and I/we certify that the information contained in this application and any supporting documentation is true and complete to the best of my/our knowledge.
- 18. I/we are the owners of the mentioned property or if the land is rented or leased I have included a copy of the agreement from the property owner.
- 19. I/we understand that I/we are responsible for implementing the measures described herein.
- 20. I/we understand that failure to comply with all the requirements of an approved Risk Management Plan may result in action by the Risk Management Official or Risk Management Inspector.
- 21. I/we understand that I/we will be responsible for ensuring the technical and structural adequacy and legal requirements of any activities or structures.
- 22. I/we have included all other required documentation.
- 23. I/we agree to obtain all necessary permits and approvals from applicable agencies, which may include local municipalities, public health units and conservation authorities.
- 24. I/we acknowledge that this plan cannot be transferred to another person engaged (or proposing to engage in the activity at that location), without the written consent of the Risk Management Official.

\_\_\_\_\_  
Signature of Applicant(s) \_\_\_\_\_  
Date

*NOTE: All information collected on this application form is subject to the Freedom of Information and Protection of Privacy Act (FIPPA). Information may be provided to the Ministry of the Environment and other regulatory bodies.*

*NOTE: Incomplete applications will delay the approval process. Please ensure applications are complete before submission.*

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# Risk Management Plan

## General Information Form

**Municipality  
of ABCD**



### Site Plan

Please use the grid below to provide a sketch of the subject property. Please mark directional north, as well as any of the following features that occur on the subject property (include distances between features where possible):

- Location of abandoned and/or existing water wells
- Location of septic system
- Location of field tiles and catch basins
- Location of activity related to this Risk Management Plan
- Location of all building(s): mark those serviced by the existing septic system and water wells
- Indicate type of well: dug water wells ▼ drilled water wells ■
- Roadway/access routes
- Surface water features (streams, pond, wetlands)
- Location of municipal drinking water service line/trunk line and sewer line
- General topography (even and level, hilly, steep, depression)

**NOTE:** Illustrations from other permit applications or from design drawings may be submitted.


Form G-100 11/07/2012	(for office use only)	Application # _____
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## Risk Management Plan Application of Agricultural Source Material

**Municipality  
of ABCD**



### Principles for Creating a Risk Management Plan

All Risk Management Plans related to the application of agricultural source material must meet the following guidelines as a minimum:

- Follow the details with respect to the contents of a nutrient management plan as described in Part III of O.Reg 267/03 under the *Nutrient Management Act*.
- Ensure that no material is applied within setback areas from municipal or private wells.
- Ensure that no material is applied near a watercourse unless a vegetated buffer strip is established between the field and the watercourse.
- Apply no material during restricted periods.
- Use application methods prescribed in O.Reg 267/03.
- Optimize the relationship between the land-based application of nutrients, farm management techniques and crop requirements.
- Maximize the efficiency of on-site nutrient use.
- Minimize adverse environmental impact.

### Contents of a Risk Management Plan

**A. Describe how material will be applied to the land**

Include a diagram and/or photographs and a description of application areas and methods.

**B. Calculations for expected annual application of nutrients**

It is recommended that NMAN or similar software be used to assist in calculations.

**C. Schedule for nutrient application**

Form G-100 11/07/2012	(for office use only)	Application # _____
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# Risk Management Plan Temporary Field Storage of Agricultural Source Material

Municipality  
of ABCD



## Principles for Creating a Risk Management Plan

All Risk Management Plans related to the temporary field storage of agricultural source material must meet the following guidelines as a minimum:

- Do not allow for the expansion of a temporary site existing as of the effective date of the Source Protection Plan.
- Follow the details with respect to the contents of a nutrient management strategy as described in Part III of O.Reg 267/03 under the *Nutrient Management Act*.
- Ensure that no material is stored within setback areas from municipal or private wells.
- Select sites that meet the siting criteria for temporary field nutrient storage sites as per the *Nutrient Management Act*.
- Store no material for no longer than 30 days.
- Demonstrate that sufficient land base exists to accommodate the land application of the stored agricultural source material.
- Optimize the relationship between the land-based application of nutrients, farm management techniques and crop requirements.
- Maximize the efficiency of on-site nutrient use.
- Minimize adverse environmental impact.

## Contents of a Risk Management Plan

**A. A statement that a Notice shall be obtained from the Risk Management Official prior to the use of a temporary field nutrient storage site**

**B. A map and coordinates identifying any sites to be used for the temporary storage of agricultural source material**

Include a diagram and/or photographs and a description of the land conditions at each site.

**C. Calculations for expected annual application of nutrients**

It is recommended that NMAN or similar software be used to assist in calculations.

Form G-100 11/07/2012	(for office use only)	Application # _____
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## O. Appendix 4: Samples of Notices, Orders, Letters and Other Templates by York Region

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### **Notification- Information Letter for Section 58**

**YORK-#4181329-v1-template\_letter\_requiring\_establishment\_of\_risk\_management\_plan**

**[Name  
Address  
Date]**

To [XXXX],

You have received this letter because the RMO for the Regional Municipality of York would like to inform you that the Source Protection Plan for the **[SPArea]** was approved by the Ministry of the Environment on **[XX date]**.

The source protection plan was developed in accordance with the *Clean Water Act, 2006* and its supporting regulations. The purpose of the Act is to protect Ontario's existing and future drinking water sources, in order to safeguard human health and the environment. A key focus of the legislation is the preparation of locally science-based assessment reports and source protection plans.

You are encouraged to review the provincially approved **[Area Name]** Source Protection plan, which is comprised of both the scientific basis for identifying significant threat activities (in the form of the assessment report) as well as the local policies designed to address them. The plan can be found online at [www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex](http://www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex) or a hard copy can be obtained via the (Municipal Clerk, Risk Management Official, etc).

As you should already be aware, one or more of the activities on your property has been designated in the source protection plan as being subject to section 58 risk management plan. Policy #**[XX]** in the Source Protection Plan states that a risk management plan is required in order for this activity to be carried out on that property address above. The source protection plan sets a date of no longer than **[x]** months for a plan to be in place.

The risk management plan provides an opportunity for collaboration and agreement, between the person identified in this notice and the Risk Management Official, on the conditions that will be applied to an activity and the appropriate actions required to address the identified significant drinking water threat(s). This may include any risk management measures that are already in place at the site to manage the activity.

In order to begin the process of developing a risk management plan for the identified activity(ies) on your property, please contact the Risk Management Official's Office at **[587-555-5555]**, anytime between **Monday and Friday, 9:00 am to 4:30 pm**, to discuss the specific contents of this notice and to request additional information.

If you wish to call into question the designation of the above activity at that location as a significant drinking water threat, you may do so by submitting an application and completing a site-specific risk assessment, under section 60 of the Clean Water Act. For more information on this process, please contact your local risk management official/municipality.

General information related to source water protection in Ontario, and the *Clean Water Act, 2006* can be found at [www.ontario.ca/ministry-environment](http://www.ontario.ca/ministry-environment).

Thank you for your ongoing cooperation in protecting our local sources of drinking water. We look forward to speaking with you in the near future.

**[Provide Contact Information]**

**Notice of Requirement for a Risk Management Plan**

**Clean Water Act - Section 58(4) Notice\* (used when NO date is specified in the SPP)**

**YORK-#4181349-v1-notice\_template\_for\_RMP\_required\_under\_ss\_58(4)**

Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: \_\_\_\_\_

**This Notice is being issued under subsection 58(4) of the *Clean Water Act, 2006*.**

You are receiving this notice because one or more of the activities engaged in at the above noted address has/have been identified as a significant drinking water threat in the [SP Area name] Source Protection Plan, which came into effect on [XX date].

The [SP Area name] Source Protection Plan contains a policy which states that a section 58 Risk Management Plan is required to manage the following activity(ies) at that location:

- Name of specific SDWT activity(ies) (from prescribed DWT list in regulation)

***It is the opinion of the Risk Management Official that the section 58 Risk Management Plan policy should be applied for the above activity (or activities) at the above noted property, within [XX days] (at least 120 days after this notice is given).***

In order to begin the process of developing a risk management plan for the identified activity(ies) on your property, please contact the Risk Management Official's Office at [587-555-5555], anytime between **Monday and Friday, 9:00 am to 4:30 pm**, to discuss the specific contents of this notice and to request additional information.

You are also encouraged to review the provincially approved [Area Name] Source Protection plan, which is comprised of both the scientific basis for identifying significant threat activities (in the form of the assessment report) as well as the local policies designed to address them. The plan can be found online at [www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex](http://www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex) or a hard copy can be obtained via the (Municipal Clerk, Risk Management Official, etc).

Thank you for your ongoing cooperation in protecting our local sources of drinking water. We look forward to speaking with you in the near future.

**\*\* Note:** With respect to Notice Period:

- The date set out in the notice must be a minimum of 120 days after the notice is given. [CWA, s.58 (4)]
- Rules relating to the 'service' of documents: Section 100 (1) of the Clean Water Act, 2006 and Ontario Regulation 231/07 specify the circumstances where the service of documents (including this notice) has been deemed made (i.e., in person, via mail, fax, e-mail, etc.)

**Signature of Risk Management Official and Contact Information**



O. Appendix 4 (continued): Samples of Notices, Orders, Letters and Other Templates by York Region

**Letter which accompanies the ss. 58(4) Notice (recommended)**  
**YORK-#4181358-v1-template\_for\_notice\_of\_agreement\_to\_RMP\_ss\_58(6)**

Dear Sir or Madame,

Please find attached a Notice from the Risk Management Official for the Regional Municipality of York given under section 58(4) of the *Clean Water Act, 2006*. The purpose of the Act is to protect existing and future sources of drinking water through the development of collaborative, locally-driven solutions to manage both existing and future significant drinking water threats.

You are receiving this notice because one or more of the activities engaged in at the above noted address has/have been identified as a significant drinking water threat in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**. **Policy #[XXX] within the Source Protection plan states that in order for that activity to be carried out, a Risk Management Plan is required for the activity, at that location.**

The risk management plan provides an opportunity for collaboration and agreement, between the person identified in this notice and the Risk Management Official, on the conditions that will be applied to an activity and the appropriate actions required to address the identified significant drinking water threat(s). This may include any risk management measures that are already in place at the site to manage the activity.

In order to begin the process of developing a risk management plan for the identified activity(ies) on your property, please contact the Risk Management Official's Office at **[587-555-5555]**, anytime between **Monday and Friday, 9:00 am to 4:30 pm**, to discuss the specific contents of this notice and to request additional information.

You are encouraged to review the provincially approved **[Area Name]** Source Protection plan, which is comprised of both the scientific basis for identifying significant threat activities (in the form of the assessment report) as well as the local policies designed to address them. The plan can be found online at [www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex](http://www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex) or a hard copy can be obtained via the (Municipal Clerk, Risk Management Official, etc).

General information related to source water protection in Ontario, and the *Clean Water Act, 2006* can be found at [www.ontario.ca/ministry-environment](http://www.ontario.ca/ministry-environment)

Thank you for your ongoing cooperation in protecting our local sources of drinking water. We look forward to speaking with you in the near future.

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[Signature of RMO]

**Contact Information:**

[Address:  
Telephone:  
Fax:  
E-mail: ]

O. Appendix 4 (continued): Samples of Notices, Orders, Letters and Other Templates by York Region

**Risk Management Official's Notice of Agreement on a Risk Management Plan  
Clean Water Act – ss. 58(6)**

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name \_\_\_\_\_ and/or

Site Operator \_\_\_\_\_

Pursuant to Notice Issued On (Date) \_\_\_\_\_ Notice File No. \_\_\_\_\_

This notice verifies that an agreement has been reached between **[PROPERTY OWNER NAME/NAME OF PERSON ENGAGED IN ACTIVITY]** and the Risk Management Official for the Regional Municipality of York on a section 58 risk management plan under subsection 58(5) of the *Clean Water Act, 2006*. The agreed-upon risk management plan is attached to this notice.

Signature of RMO: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**Notice of Requirement for a Risk Management Plan**

**Clean Water Act - Section 58(4) Notice\* (used when NO date is specified in the SPP)**

**YORK-#4181391-v1-template\_for\_notice\_to\_establish\_RMP\_and\_letter\_ss58(7)**

Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: \_\_\_\_\_

**This Notice is being issued under subsection 58(7) of the *Clean Water Act, 2006*.**

You are receiving this notice because one or more of the activities engaged in, or proposed to be engaged in, at the above noted address has been identified as a significant drinking water threat in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**.

The **[SP Area name]** Source Protection Plan designates that a section 58 Risk Management Plan is required to manage the following activity(ies) at that location:

- **[Name of specific prescribed activity(ies) engaged in or proposed to be engaged in (from prescribed DWT list in regulation)]**

The risk management plan for the above noted activity(ies) must include actions to address the identified significant drinking water threat(s) associated with that activity.

***Please be aware that, pursuant to the authority provided by the Clean Water Act, 2006, if agreement on a Risk Management Plan cannot be reached by [XX Date (minimum 120 days)], then it is the intent of the Risk Management Official to establish one for the identified activity(ies) at that location, by Order, under section 58(10) of the Clean Water Act, 2006.***

You are encouraged to review the provincially approved **[Area Name]** Source Protection plan, which is comprised of both the scientific basis for identifying significant threat activities (in the form of the assessment report) as well as the local policies designed to address them. The plan can be found online at [[www.conservation-ontario.on.ca/uncategorised/143-otherswpregionsindex](http://www.conservation-ontario.on.ca/uncategorised/143-otherswpregionsindex)] or a hard copy can be obtained via the [(Municipal Clerk, Risk Management Official, etc)].

Thank you for your ongoing cooperation in protecting our local sources of drinking water. We look forward to speaking with you in the near future.

***[Signature of Risk Management Official and Contact information:]***

***[A letter could accompany the S. 58(7) Notice (recommended):]***

Dear Sir or Madame,

Please find attached a Notice from the Risk Management Official for the Regional Municipality of York given under section 58(7) of the *Clean Water Act, 2006*. The purpose of the Act is to protect existing and future sources of drinking water through the development of collaborative, locally-driven solutions to manage both existing and future significant drinking water threats.

You are receiving this notice because one or more of the activities engaged in at the above noted address has/have been identified as a significant drinking water threat in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**. Policy #[XX] in the Source Protection Plan states that a risk management plan is required in order for this activity to be carried out on that property address above.

The risk management plan provides an opportunity for collaboration and agreement, between the person identified in this notice and the Risk Management Official, on the conditions that will be applied to an activity and the appropriate actions required to address the identified significant drinking water threat(s). This may include any risk management measures that are already in place at the site to manage the activity.

***Please be aware of the date set out in the notice by which an agreement on a risk management plan must be reached; if agreement cannot be reached by that date, then it is the intent of the Risk Management Official to establish a risk management plan for the identified activity(ies) at that location, by Order. The authority for the Risk Management Official to do so is provided under Section 58 of the Clean Water Act, 2006.***

The content of the risk management plan will include, at minimum:

- Basic contact information
- The specific activities on the property designated as significant drinking water threats
- Property map identifying the location of the activities
- A reference to the draft policy (or policies) in the draft source protection plan that the interim risk management plan is designed to address
- The risk reduction measure(s) currently in place
- The additional risk reduction measures(s) to be taken to address the threat
- Rationale in support of the measure(s) identified
- Implementation schedule for measure(s)
- Details of the monitoring and reporting requirements
- Signatures and date.

In order to begin the process of developing a risk management plan for the identified activity(ies) on your property, please contact the Risk Management Official's Office at **[587-555-5555]**, anytime between **Monday and Friday, 9:00 am to 4:30 pm**, to discuss the specific contents of this notice and to request additional information.

You are encouraged to review the provincially approved **[Area Name]** Source Protection plan, which is comprised of both the scientific basis for identifying significant threat activities (in the form of the assessment report) as well as the local policies designed to address them. The plan can be found online at [www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex](http://www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex) or a hard copy can be obtained via the [(Municipal Clerk, Risk Management Official, etc)].

General information related to source water protection in Ontario, and the *Clean Water Act, 2006* can be found at [www.ontario.ca/ministry-environment](http://www.ontario.ca/ministry-environment).

Thank you for your ongoing cooperation in protecting our local sources of drinking water. We look forward to speaking with you in the near future.

***[Signature of the RMO and Contact Information]***

O. Appendix 4 (continued): Samples of Notices, Orders, Letters and Other Templates by York Region

***Risk Management Official's Order to Establish a Risk Management Plan***

***Clean Water Act, 2006 – ss. 58(12)***

***YORK-#4181439-v1-template\_for\_order\_to\_establish\_a\_risk\_management\_plan\_ss58(12)***

Order Number: \_\_\_\_\_

To: \_\_\_\_\_

Site/Location: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Pursuant to Notice Issued On: \_\_\_\_\_

Notice File Number: \_\_\_\_\_

**Certificate of Service**

**Clean Water Act, 2006 – s. 10**

**YORK-#4181439-v1-template\_for\_order\_to\_establish\_a\_risk\_management\_plan\_ss58(12)**

I, \_\_\_\_\_, a designated Risk Management Official under the Clean Water Act, certify that I served a true copy of this Order, Order Number: \_\_\_\_\_, on the following person(s) or company ordered in the following manner:

Person/Company: \_\_\_\_\_

Site/Location: \_\_\_\_\_

Left With: \_\_\_\_\_

Position: \_\_\_\_\_

Date of Service: \_\_\_\_\_

Method of Service: \_\_\_\_\_

Signature \_\_\_\_\_

[name]  
Regional Municipality of York

Date: \_\_\_\_\_

**Notice of Date Copy of Prescribed Instrument is Due**

**O.Reg. 287/07 - Section 61(6)**



Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: \_\_\_\_\_

**This Notice is being issued under subsection 61(6) of the O.Reg. 287/07.**

You are receiving this notice because one or more of the activities engaged in, or proposed to be engaged in, at the above noted address has been identified as a significant drinking water threat in the [SP Area name] Source Protection Plan, which came into effect on [XX date].

The subsection 61(2) of O.Reg. 287/07 Notice you gave did not identify where a statement described in subsection (4) of O.Reg. 287/07 appears and no statement under subsection (5) of O.Reg. 287/07 was given. As per the subsection 61(6) of O.Reg. 287/07 you shall give me:

- (a) a copy of a prescribed instrument that regulates the activity you are engaged in or are proposing to engage in at the particular location and that contains a statement that, for the purposes of engaging in the activity at that location, conditions have been included in the instrument to ensure that it conforms to the significant threat policies set out in the source protection plan; or**
- (b) a copy of a prescribed instrument that regulates the activity you are engaged in or are proposing to engage in at the particular location and a statement in writing from the person or body who issued or created the instrument indicating that, for the purposes of engaging in the activity at that location, the instrument conforms to the significant threat policies set out in the source protection plan.**

**This information is due by:\_\_\_\_\_**

**[Signature of Risk Management Official and Contact information:]**

**Notice of Date Copy of New Prescribed Instrument is Due**

**O.Reg. 287/07 - Section 61(8)**



Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: : \_\_\_\_\_

**This Notice is being issued under subsection 61(8) of the O.Reg. 287/07.**

You are receiving this notice because one or more of the activities engaged in, or proposed to be engaged in, at the above noted address has been identified as a significant drinking water threat in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**.

The subsection 61(7) of O.Reg. 287/07 Notice you gave described the actions you will take to obtain a prescribed instrument that will regulate the activity at that location and that will conform to the significant threat policies set out in the source protection plan. As per the subsection 61(8) of O.Reg. 287/07 you shall give me:

- (a) a copy of a prescribed instrument that regulates the activity you are engaged in or are proposing to engage in at the particular location and that contains a statement that, for the purposes of engaging in the activity at that location, conditions have been included in the instrument to ensure that it conforms to the significant threat policies set out in the source protection plan; or**
- (b) a copy of a prescribed instrument that regulates the activity you are engaged in or are proposing to engage in at the particular location and a statement in writing from the person or body who issued or created the instrument indicating that, for the purposes of engaging in the activity at that location, the instrument conforms to the significant threat policies set out in the source protection plan.**

**This information is due by:** \_\_\_\_\_

**[Signature of Risk Management Official and Contact information:]**



**Notice of Termination of  
O.Reg. 287/07 - Subsection 61(1) Exemption**



Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: : \_\_\_\_\_

**This Notice is being issued under subsection 61(10) of the O.Reg. 287/07.**

You are receiving this notice because one or more of the activities engaged in, or proposed to be engaged in, at the above noted address has been identified as a significant drinking water threat in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**.

The subsection 61(1) of O.Reg. 287/07 Notice you gave in order to receive an exemption from section 58 of the *Clean Water Act* has been terminated as of **[XX date]**.

**[Signature of Risk Management Official and Contact information:]**

**Restricted Land Use Notice**

**Clean Water Act - Section 59(2)- Risk Management Plan Agreed to or Established**



Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: : \_\_\_\_\_

**This Notice is being issued under subsection 59(2)(b) of the *Clean Water Act, 2006*.**

You are receiving this notice because one or more of the land uses proposed to be engaged in, at the above noted address has been identified as a restricted land use under Section 59 of the *Clean Water Act* and in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**.

We have reviewed your application and find that section 58 (Risk Management Plan) applies to the activity(ies) for which the land is to be used at the location where the land is to be used. A risk Management Plan has been agreed to or established under section 58.

Thank you for your ongoing cooperation in protecting our local sources of drinking water.

**[Signature of Risk Management Official and Contact information:]**

**Clean Water Act (CWA) Annual Requirements for Reporting to Source Protection**

**Authority (Conservation Authority)**

**Required Under CWA (s. 81) and O.Reg. 287/07 (s. 65)**



The official's report **must** contain (9 items):

1. Number of RMPs **agreed to** (Section 56 (1) or 58 (5) (*Voluntary*) or **established** (56(6), 58(10), (or (12) (via application/order). Indicate for each:
  - a) **the location** of the property to which plan relates
  - b) **the WHPA of IPZ** where property is located
  - c) **the activity** to which plan relates
2. Number of plans the RMO **refuses to agree to** or **establish** under Section 56(9), 58(15) – (*meet/not meet criteria*), and 58(16) (*refusal*), including for each plan the information above (**a, b, c**) as well as the **Reasons for Refusal**.
3. Number of **orders issued** under Part IV, including for each order the information above (**a, b, c**) as well as a brief description of **circumstances** related to the order.
4. Number of **notices given to** and the number of **notices given by** the RMO under O.Reg 287/07, Sections 61(2)(*has Prescribed Instrument*), (7) (*intends to get instrument*) and (10) (*exemption termination*), including for each notice the information above (**a, b, c**) as well as the **type of prescribed instrument**, if any, referred to in the notice and any information needed to identify the prescribed instrument.
5. Number of CWA Section 59 notices issued.
6. Number of **inspections** carried out under Section 62 (*without consent*) of the CWA, including:
  - For each inspection, the **activity** to which the inspection relates.
  - The number of those cases in which the person was **not complying** with the RMP agreed to/imposed under section 56.
  - The number of inspections carried out in respect of an activity to which section 58 applies, and number of those cases where person **not complying** with an RMP agreed to/imposed under Section 58 and number of cases in which person was carrying out activity in **contravention of Section 58(1)** – (*engaged in activity without required RMP*)
  - The number of inspections carried out in respect of an activity to which Section 57 applies and number of those in which person was in **contravention of Section 57(1)** (*engaged in an activity where prohibited*)
7. Number of Risk Assessments submitted under Section 60 of the CWA, the number of those accepted and not accepted, including for each application the a) location of property b) WHPA or IPZ and c) activity to which the risk of assessment relates.
8. Number of times the RMO caused a thing to be done under Section 64 of CWA, including in each instance the information above (a, b, c) to which the Section 64 notice relates.
9. Total number of prosecutions and the number of prosecutions that resulted in conviction under Section 106 (Offences), including a brief description of each offence.

**Certificate of Compliance**



**Certificate of Compliance Framework for  
Handling and Storage of Fuel Oil at a Residential Site**

This information is required for obtaining a certificate of compliance for storage and handling of fuel oil at a residential site.

**1. Introduction and Background**

- Property description
- Clearly define the site with a map of it in a local context, where the fuel tank is located in relation to the house, identify significant threats, other prescribed activities, and preferential pathways (e.g. well, septic system, ditch). Include a scale bar, legend, and north arrow
- Describe the threat(s)

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**2. Document Preparation**

This document was prepared by: \_\_\_\_\_

**3. Process Considerations**

This document was prepared keeping in mind not only the protection of the existing municipal wells and well fields, but also for the longer term protection of the aquifer and potential new sources of groundwater supply. Consultation between the municipal review staff and the proponent has taken place as part of the initial screening stage to ensure that the major issues have been identified.

**Certificate of Compliance (continued)**



**4. Risk Determination Components**

**4.1 Introduction/Background:**

- Site location including street address \_\_\_\_\_
- UTM (northing and easting for centre of property) \_\_\_\_\_
- Roll/tax number \_\_\_\_\_
- Township/municipality \_\_\_\_\_
- Lot, concession \_\_\_\_\_
- Size of property \_\_\_\_\_
- Type of site servicing:  Municipal water  Municipal sewer  Private well  
 On-site septic system  Other \_\_\_\_\_

**4.2 Below-Ground Site Characterization**

- If there are any existing wells on the site please provide information on them (e.g. dug/drilled, depth, age, well log, in use or not) \_\_\_\_\_
- If there is an existing on-site septic system please provide information on it (e.g. location, design, age, capacity/yield) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4.3 Risk Determination**

- Please indicate the approximate maximum volume of fuel oil stored on site:  
\_\_\_\_\_ litres (or gallons)
- Tank Location (e.g. outside, basement, underground) \_\_\_\_\_

**Certificate of Compliance (continued)**



**5. Risk Management Components**

**Information on Preventive Measures**

**Please provide details on how the handling and storage of the fuel will cease to be or be prevented from becoming a significant threat, such as:**

- Copy of information on industry standards, regulations, best management practices, policies, etc. that are in place to help prevent contamination from the fuel oil, including those of your insurance company
- Copy of fuel oil supplier's environmental management policies and commitments

***Spill/leak prevention measures***

Provide details on how the fuel oil storage tank is constructed and operated so that it does not cause contamination, by checking the following boxes that apply and providing details where possible:

- Double walled and/or lined tanks and pipelines
- Liquid level indicators
- Leak detectors Alarm systems Backflow prevention Corrosion prevention
- Maintenance, inspection, and leak testing plans
- Selection of chemically appropriate storage containers
- Separation of non-compatible chemicals
- Security information (i.e. fencing)

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Copy of procedure and schedule to inspect the site and all related contamination prevention measures to ensure they are functioning as intended/designed

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**Certificate of Compliance (continued)**



Schedule of reporting to the Region

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Schedule to review and update the plan (e.g. every 5 years or more frequently if major changes occur at the site)

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Emergency response plan (e.g. phone numbers for contractors, Spill Centre)

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Proof of all required insurance is attached

Method proposed to cover any remediation of adverse effects

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Other:

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**Spill containment measures**

Check the following boxes that are in place:

- Bunds, pads, and trays
- Enclosures with sealed floors
- Dykes
- Trenches
- Lagoons

Other:

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***Certificate of Compliance (continued)***



**6. Conclusions and Recommendations**

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**7. References and Appendices**

Please provide the following if they are available: Well records and borehole logs; Copies of relevant planning policies, agency guidelines

**8. Other information or comments**

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NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



**Restricted Land Use Notice**  
**Clean Water Act - Section 59(2)**



Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: \_\_\_\_\_

**This Notice is being issued under subsection 59(2)(a) of the *Clean Water Act, 2006*.**

You are receiving this notice because one or more of the land uses proposed to be engaged in, at the above noted address has been identified as a restricted land use under Section 59 of the *Clean Water Act* and in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**.

We have reviewed your application and find that neither section 57 (Prohibition) nor section 58 (Risk Management Plan) applies to the activity(ies) for which the land is to be used at the location where the land is to be used.

Thank you for your ongoing cooperation in protecting our local sources of drinking water.

***[Signature of Risk Management Official and Contact information:]***

**Notice of Intent to Cause Things to Be Done**

**Clean Water Act - Section 64**



Notice  
File No. \_\_\_\_\_

To/ATTN: \_\_\_\_\_

Site/  
Location Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Date: \_\_\_\_\_

**This Notice is being issued under subsection 64(2) of the *Clean Water Act, 2006*.**

You are receiving this notice because one or more of the activities engaged in, or proposed to be engaged in, at the above noted address has been identified as a significant drinking water threat in the **[SP Area name]** Source Protection Plan, which came into effect on **[XX date]**.

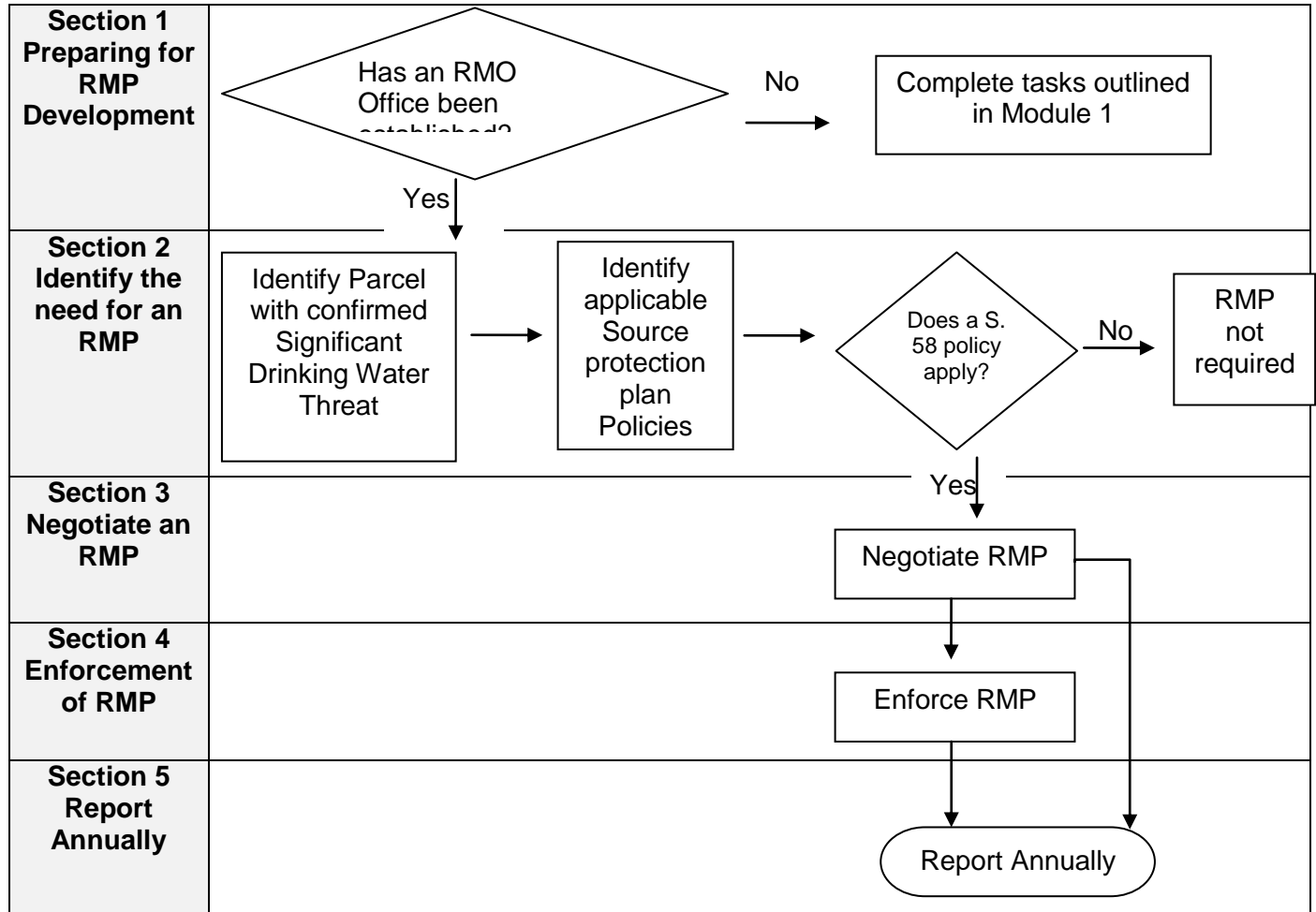
As per the section 63 Order issued to you on [XX date] the following things were required to be done:

***Pursuant to the authority provided by the Clean Water Act, 2006, it is the intent of the Risk Management Official to cause the things listed above to be done at [location], by this Order, under section 64 of the Clean Water Act, 2006.***

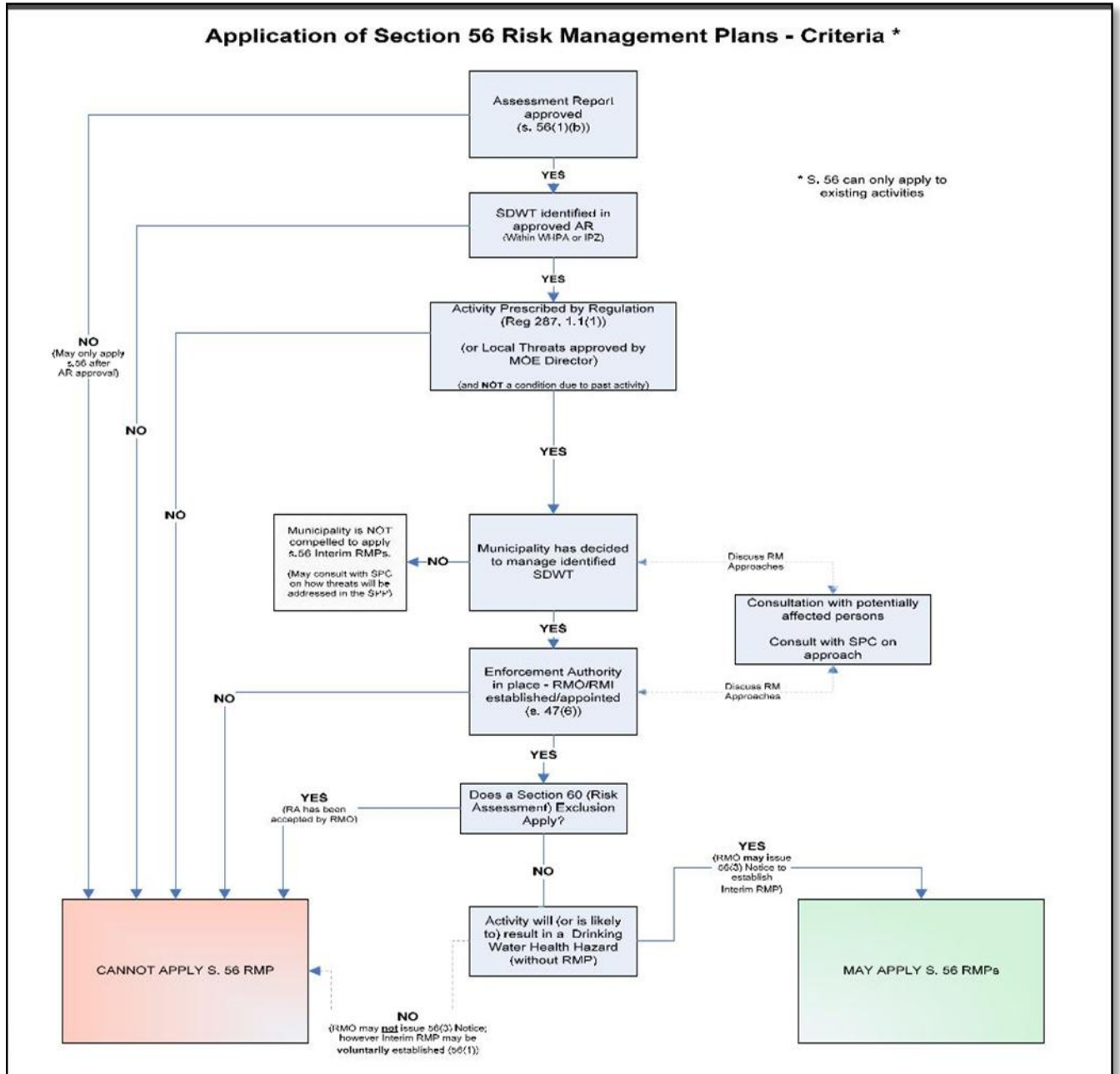
***[Signature of Risk Management Official and Contact information:]***

## P. Appendix 5: Process Charts

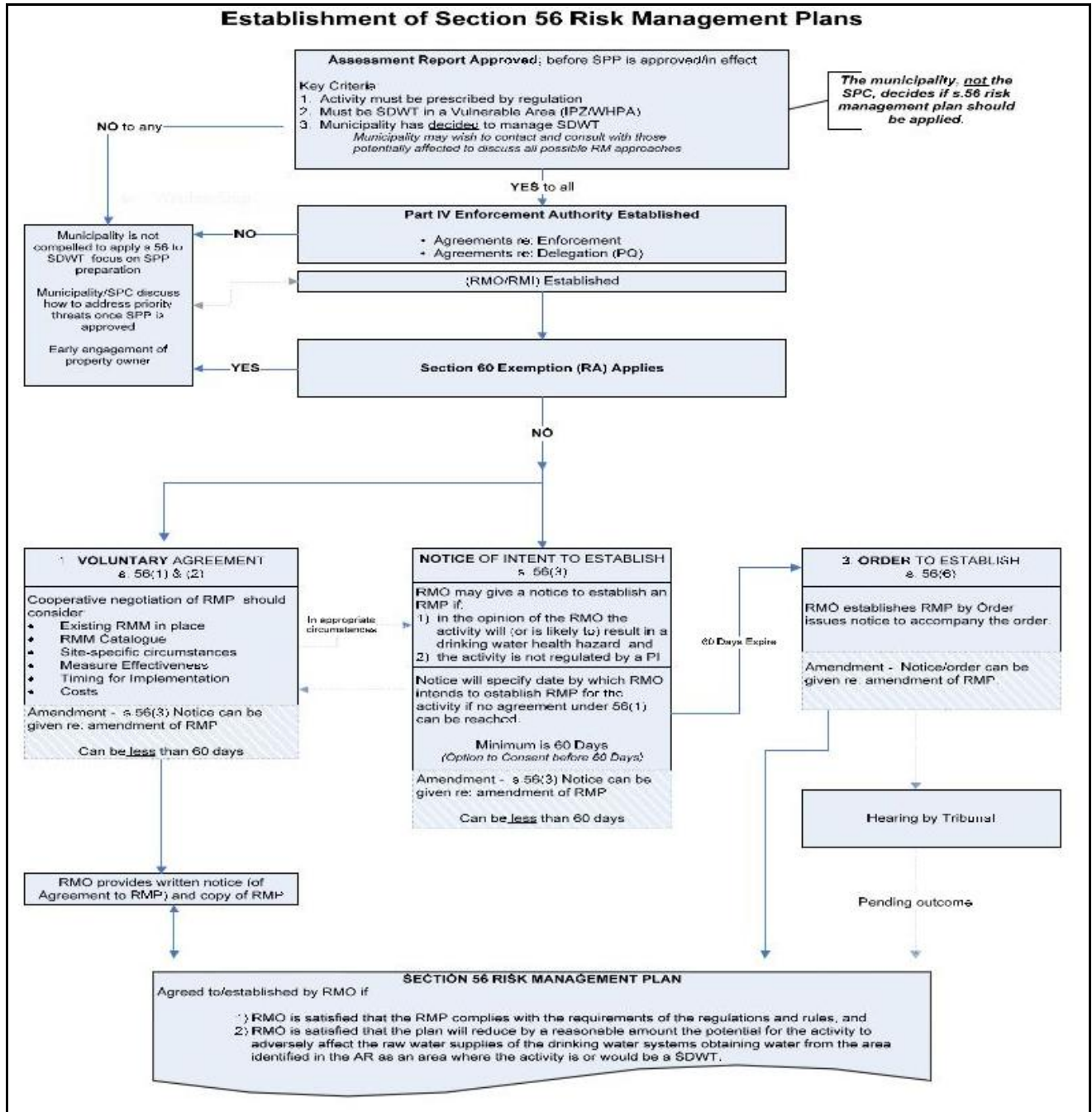
### Risk Management Plan Development Process under Section 58 of the *Clean Water Act*



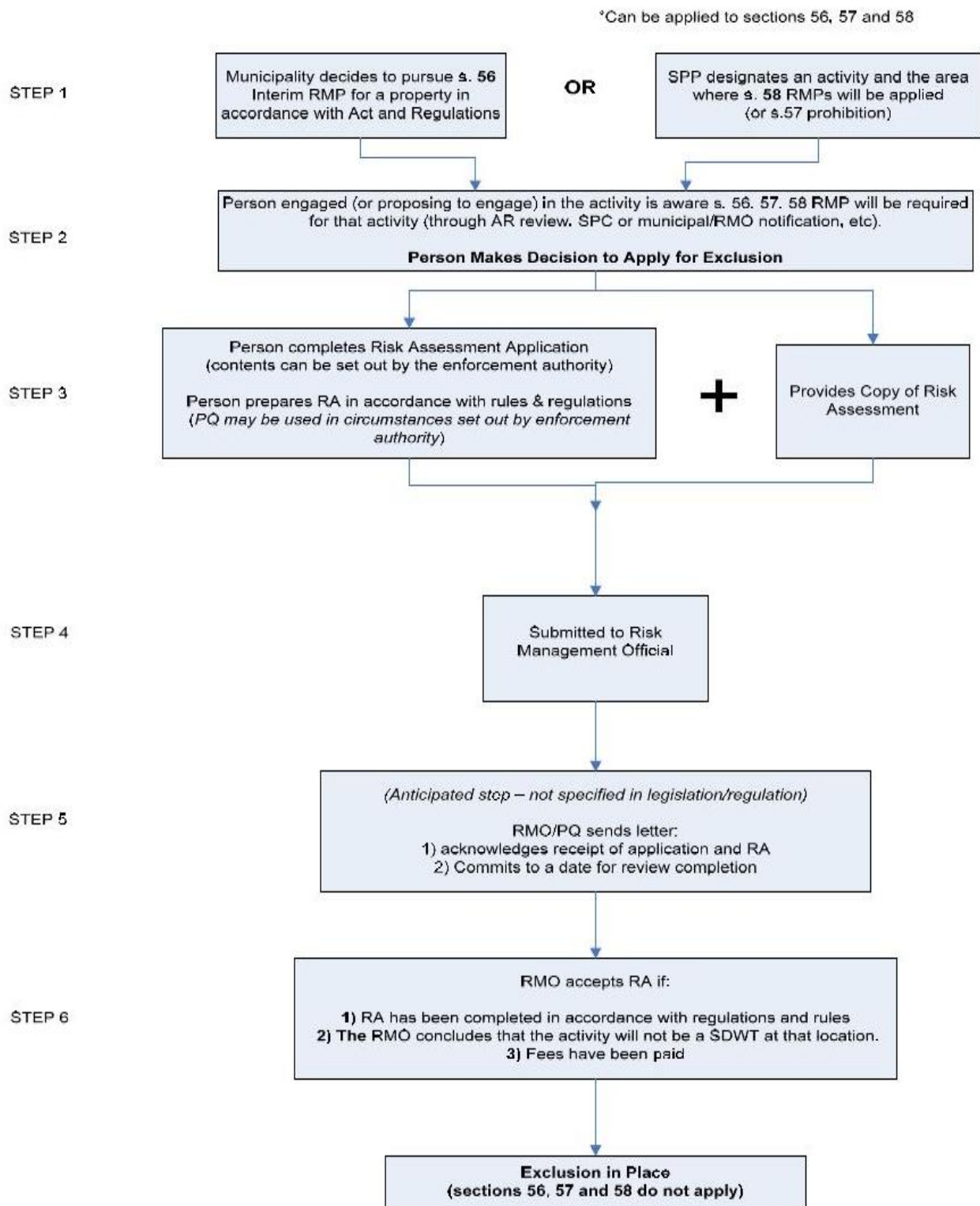
### Process for Interim Risk Management Plan Development under Section 56 of the *Clean Water Act*



## Process for Interim Risk Management Plan Development under Section 56 of the *Clean Water Act*



### Section 60 Risk Assessment Process\*





## Q. Appendix 6: Case Study of Workload Prioritization Process

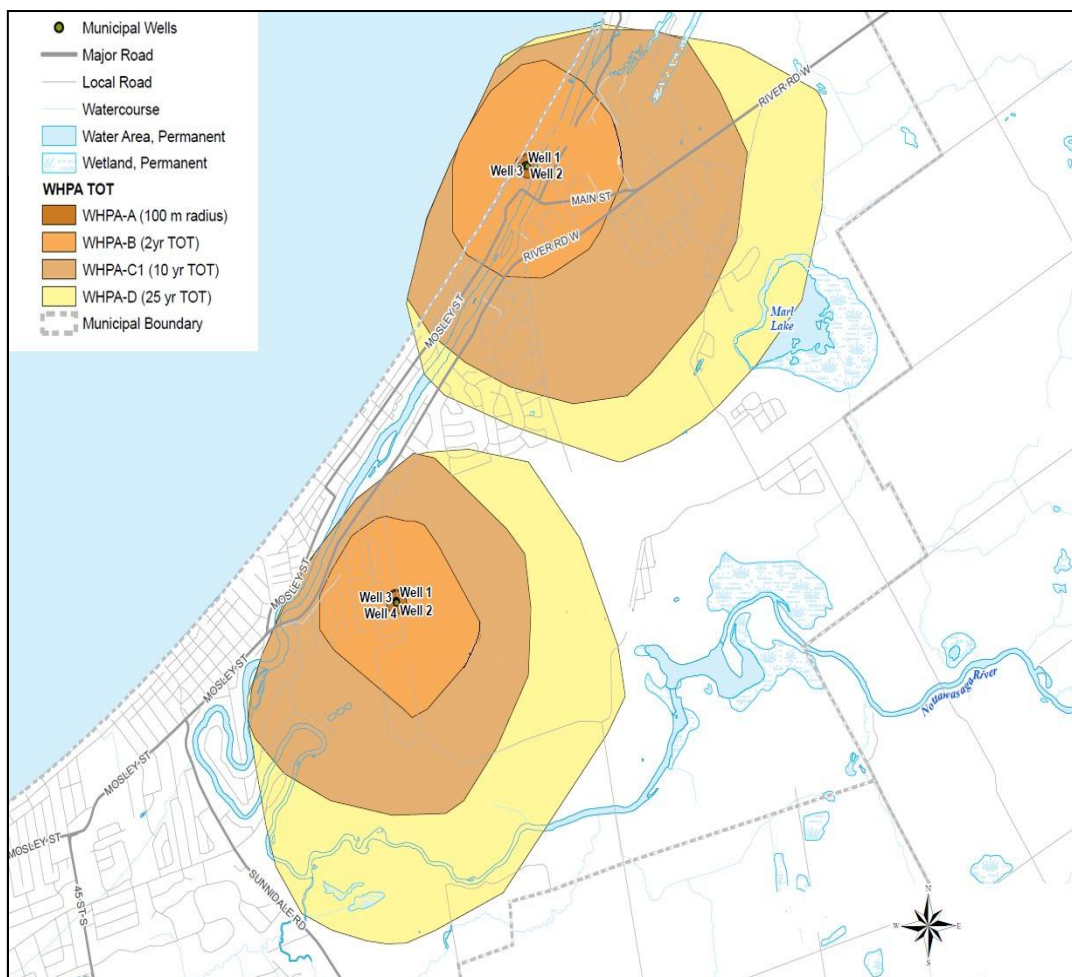
### Case Study- Prioritizing the Risk Management Process Workload

This case study will walk you through the process of developing a work plan to prioritize the risk management process workload. By prioritizing the risk management process workload, the RMO can ensure that all necessary RMPs are established by dates specified in the Source Protection Plan. Prioritizing the workload can be broken down into two key tasks; understanding the workload, and prioritizing the negotiation roll out. Each task involves a series of steps which will be highlighted through this case study. For the study, we will consider the fictional Municipality of ABCD. We will take on the role of the RMO, and work through the multiple steps required to develop an effective work plan.

#### Understanding the Workload

##### Step 1: Gain an Understanding of the Local Vulnerable Areas

As a first step, we will need to gain an understanding of the vulnerable areas defined for the Municipality of ABCD. Having an understanding of the vulnerable areas and associated vulnerability scores will allow us to identify where significant threat activities are possible, and in turn determine where s.58 policies will need to be enforced. In order to do this, we will need to consult the local Assessment Report.



Map 1: Wellhead Protection Areas for the Municipality of ABCD

Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

Maps and descriptive text in the relevant Assessment Report emphasize that the Municipality of ABCD exclusively obtains potable water from groundwater sources, and does not operate any surface water based supplies. As a result, Wellhead Protection Areas (WHPAs) are the primary Vulnerable Areas delineated to ensure the protection of the municipal groundwater supply. The groundwater supply is obtained from two well fields comprised of a total of 7 wells; 3 wells in the north well field, 4 wells in the south. Map 1 illustrates the WHPAs associated with each well field in the Municipality of ABCD.

Each wellhead protection area is further assessed for the intrinsic vulnerability (natural vulnerability) of the water supply. Vulnerability scores assigned to zones within the wellhead protection areas provide an indication of the where threats present at the surface will present the greatest risk to water supplies. Generally, areas located in the immediate vicinity of municipal wells are assigned a higher vulnerability score, since threats at these locations would present a greater risk to municipal water supplies. Map 2 illustrates the vulnerability scores assigned within the Wellhead Protection Areas for the Municipality of ABCD. From the map, we can see that the WHPAs for the Municipality of ABCD have a low natural vulnerability, with only a small area around the well designated as a highly vulnerable. Any threat activities identified in these red zones will present the highest potential risk to municipal water supplies.



Map 2: Vulnerability Scores within WHPAs for the Municipality of ABCD



Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

Now that we have an understanding of the local vulnerable areas and associated vulnerability scores, we can determine where threat activities can be significant. Understanding where threat activities can be significant, allows us to identify the areas where the S.58 policies will need to be applied for designated activities. Most threat activities are significant within WHPAs where the vulnerability score is between 8-10. Activities associated with the handling and storage of DNAPLs are an exception to this, and are considered significant threats in any zone within a WHPA with a vulnerability score greater than or equal to 2. Therefore, for the municipality of ABCD, threats identified in the area delineated in red will be significant and may, depending on s.58 policies specified in the local SPP, be subject to s.58 RMP. Any identified DNAPL threats highlighted within the WHPAs will also be considered significant, and may be subject to s.58 RMP policies depending on specifications within the local SPP, and individual circumstances.

**Step 2: Determine how many existing significant drinking water threats have been identified and require an RMP**

Now that we have an understanding of where SDWTs are possible, we can go on to determine the number of existing significant threats that will require an RMP. This will allow us to identify which s.58 policies will need to be enforced, and provide direction on the types of RMPs that will be required.

Threat summary tables contained within the local Assessment Report indicate that within the Municipality of ABCD, there is a total of 20 significant drinking water threats on 20 parcels. 14 of these threat activities are categorized under the handling and storage of DNAPLs. Two significant threats are attributed to the establishment, operation, or maintenance of a system that collects, stores, transmits, treats, or disposes of sewage, while three are classified as the handling and storage of fuel. The remaining threat is attributed to the handling and storage of organic solvent.

*Table 1 : Total Number of Threats - North Well Field*

WHPA	Threat Category	Number of Parcels with Significant Activity Threats
North Well Field	The establishment, operation or maintenance of a waste disposal site within the meaning of Part V or the Environmental Protection Act.	0
	The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.	0
	The application of agricultural source material to land.	0
	The storage of agricultural source material.	0
	The management of agricultural source material.	0
	The application of non-agricultural source material to land.	0
	The handling and storage of non-agricultural source material.	0
	The application of commercial fertilizer to land.	0
	The handling and storage of commercial fertilizer.	0
	The application of pesticide to land.	0
	The handling and storage of pesticide.	0
	The application of road salt.	0
	The handling and storage of road salt.	0
	The storage of snow.	0
	The handling and storage of fuel.	1
	The handling and storage of a dense non-aqueous phase liquid.	14
	The handling and storage of an organic solvent.	1
	The management of runoff that contains chemicals used in the de-icing of aircraft.	0
	The use of land as livestock grazing or pasturing land, an outdoor confinement area, or a farm-animal yard.	0
	<b>Total Threats</b>	<b>16</b>

Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

*Table 2 : Total Number of Threats - South Well Field*

WHPA	Threat Category	Number of Parcels with Significant Activity Threats
South Well Field	The establishment, operation or maintenance of a waste disposal site within the meaning of Part V or the Environmental Protection Act.	0
	The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.	2
	The application of agricultural source material to land.	0
	The storage of agricultural source material.	0
	The management of agricultural source material.	0
	The application of non-agricultural source material to land.	0
	The handling and storage of non-agricultural source material.	0
	The application of commercial fertilizer to land.	0
	The handling and storage of commercial fertilizer.	0
	The application of pesticide to land.	0
	The handling and storage of pesticide.	0
	The application of road salt.	0
	The handling and storage of road salt.	0
	The storage of snow.	0
	The handling and storage of fuel.	2
	The handling and storage of a dense non-aqueous phase liquid.	0
	The handling and storage of an organic solvent.	0
	The management of runoff that contains chemicals used in the de-icing of aircraft.	0
The use of land as livestock grazing or pasturing land, an outdoor confinement area, or a farm-animal yard.	0	
<b>Total Threats</b>	<b>4</b>	
<b>Total Parcels with Significant Threats (Activities) - All WHPAs</b>		<b>20</b>

Now that we have an understanding of the number and types of significant drinking water threats present in the municipality, the source protection plan will need to be consulted to identify which of the identified threat activities are designated for the purposes of s.58. Using the information we now know about the number and type of existing threats, we can make a s.58 applicability reference sheet that outlines when and where s. 58 policies apply within the municipality. A sample RMP applicability sheet has been completed for the Municipality of ABCD below (Table 3 ).

At this point we will also want to consider any findings brought forward by threats verification work, and refine the s.58 applicability reference sheet accordingly. Prescribed Threat #2 - the establishment, operation or maintenance of a system that collects/stores/treats/disposes of sewage has been identified as a significant threat in the south well field. Activities that fall under this category can be further classified into 4 threat subcategories (Threats 2a-2d) according the local source protection plan. For this case study we will assume that threats verification work has confirmed that the two threat activities identified fall under subcategory 2c. Subcategory 2c addresses threats associated with on-site sewage systems. According the source protection plan, threats that fall under this subcategory are not subject to s.58 RMP policies, and therefore will not need to be addressed through an RMP.

By comparing the number and types of significant drinking water threats present in the municipality against relevant section 58 policies in the local source protection plan, we can determine that a total of 18 RMPs will need to be negotiated ( as shown in Table 3).

*Table 3 : Potential Risk Management Plans Based on Enumerated Significant Threats for the Municipality of ABCD*

Threat #	Threat Category	RMP Policy Applies?	# of RMPs Required
2c	Establishment, operation or maintenance of system that collects /stores/transmits/treats/disposes of sewage – <u>on-site sewage systems</u>	No	n/a
15	Handle/Store Fuel	Yes	3
16	Handle/Store DNAPL	Yes	14
17	Handle/Store Organic Solvent	Yes	1
	<b>TOTAL RMPs</b>		<b>18</b>

**Step 3: Analyze and Sort the RMP Workload**

Now that we have an understanding of the number of risk management plans required to address existing threats, we will want to sort and analyze the information in order to gain an understanding of how we can most effectively prioritize the negotiation roll-out. The number of risk management plans to complete can be sorted by land use category, geographic area, and threat activity category. Viewing the risk management plan workload in a variety of formats provides us with the additional information required to effectively prioritize the workload.

For the municipality of ABCD, we will begin by first sorting the information according to land use category. To do this we will need to know the land use category associated with each of the identified activity threats. The four general land use categories that threat activities can be sorted into include: agriculture, businesses/commercial, municipal lands, and residential properties. Land use information can be obtained from schedules found in official plans, or from the MPAC reference data provided with the digital significant threat information obtained from the source protection authority. As shown in Table 4, using the database software program ‘Excel’, we can easily sort the threats information according the land use category. By sorting the information according to land use, we gain an understanding of the sectors that we will be dealing with, and the types of RMPs that will be required. From the analysis (Table 4) , we can see the majority of the significant drinking water threats are located on properties designated under the “business/commercial’ land use category, meaning that the majority of RMPs will need to be negotiated for the business sector, while only a handful of RMPs will be required for the municipal sector. When deciding how to prioritize the workload, we may choose to negotiate all of the RMPs designated under the ‘business’ land use category first, and then deal with the remaining threats designated under the ‘municipal’ land use category.

Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

We can also sort our workload according to threat category (as shown in in Table 4) . This will help us understand the specific type of risk management plans that will need to be negotiated. From our analysis we now know that the majority of the threats that will need to be addressed through an RMP are associated with the handling and storage of DNAPLs. We may choose to prioritize negotiations for these threats first, as they make up the largest portion of identified threats and will likely require a greater time commitment.

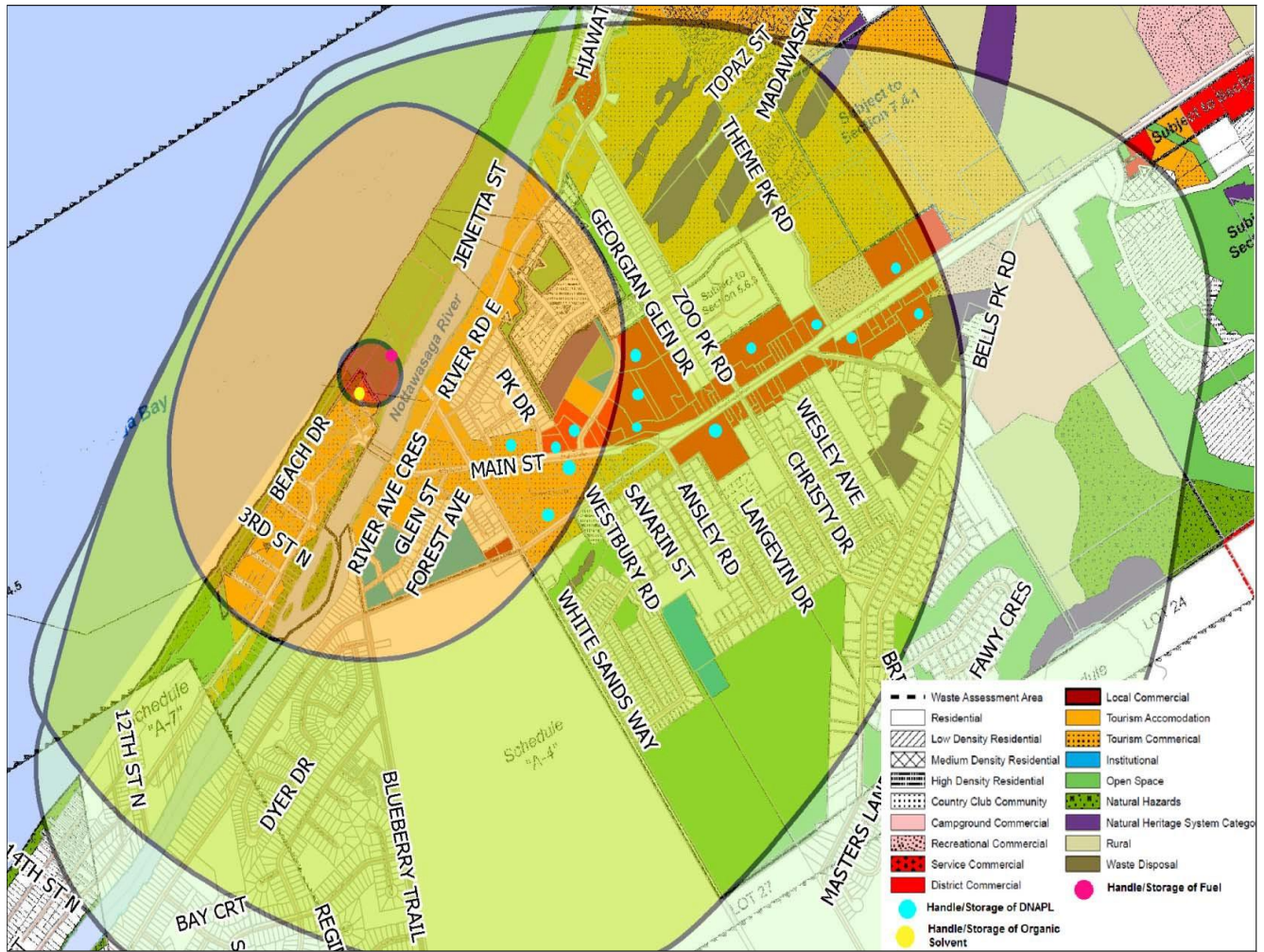
*Table 4: Analysis of RMP Workload according to Land Use and Threat Category*

Threat #	Threat Category	Associated Land Use Category	RMP Policy Applies ?
15	Handle/Store Fuel	Municipal	Yes
15	Handle/Store Fuel	Municipal	Yes
15	Handle/Store Fuel	Municipal	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
16	Handle/Store DNAPL	Business/Commercial	Yes
17	Handle/Store Organic Solvent	Business/ Commercial	Yes

Finally, using GIS enabled software we can also analyze the workload through mapping. Figures 3 and 4 map our RMP workload according to geographic location; this allows us to see how the workload relates to local vulnerable areas. Maps 3 and 4 illustrate the location of the target threat properties in relation to wellhead protection areas. This allows us to easily view our target work areas, and prioritize negotiations according to geographic location. Looking at the map, we may choose to prioritize the threats associated with the handling and storage of fuel and organic solvent, since these threats are located in higher vulnerability areas. Alternatively, we can also see that the majority of the threats associated with handling and storage of DNAPLs are clustered to one specific geographic area in the northern well field. We may alternatively choose prioritize these threats, and then deal with the remaining threats dispersed throughout the municipality.

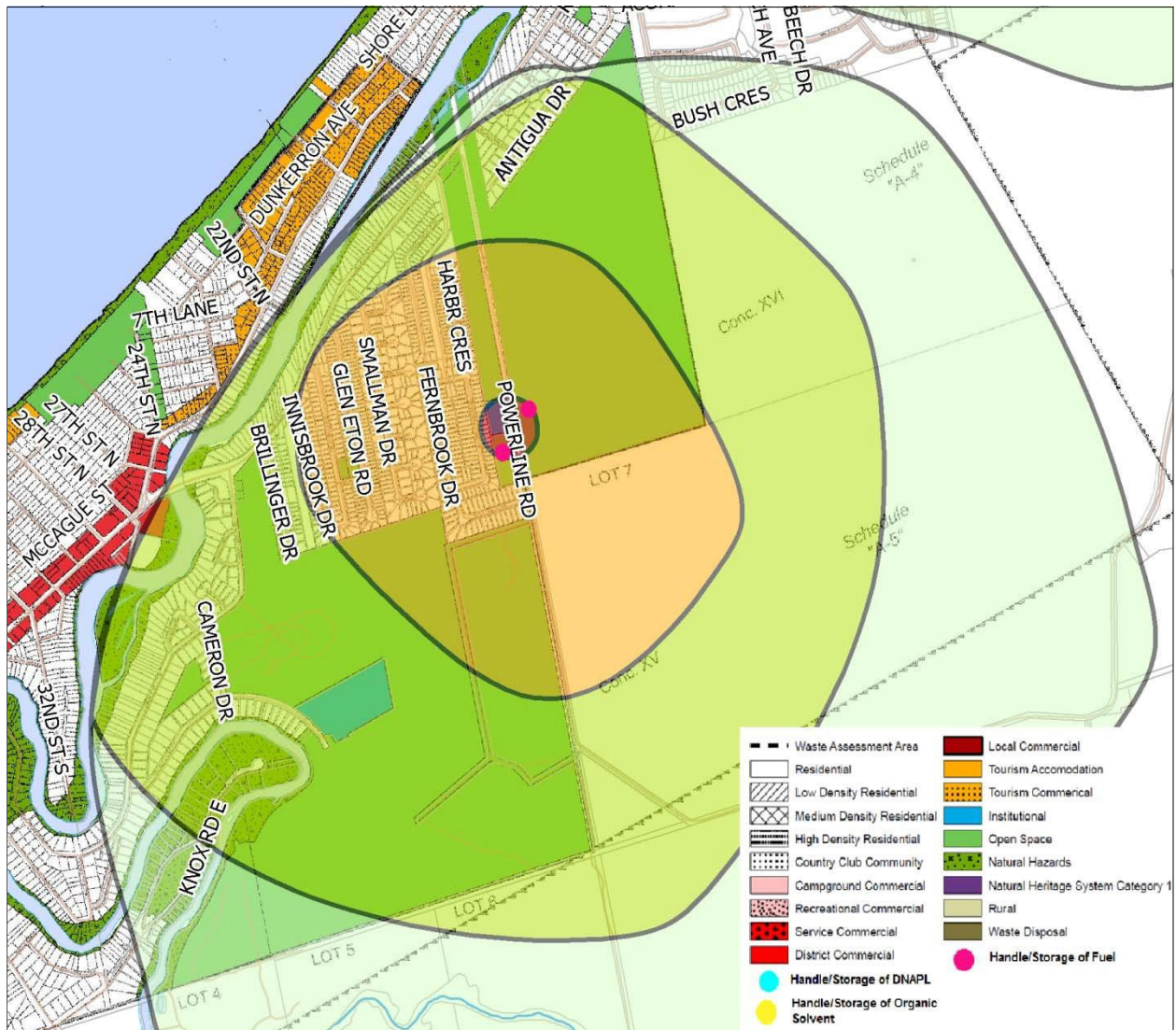


Q. Appendix 6 (continued): Case Study of Workload Prioritization Process



Map 3 : North Well Field WHPA & RMP Workload

Q. Appendix 6 (continued): Case Study of Workload Prioritization Process



Map 4: South Well Field WHPA & RMP Workload



**Step 4: Estimate the Number of Future Threat Activities that will require a risk management plan**

In addition to determining the number of RMPs that will be necessary to address existing threats, we will also need to estimate the number of risk management plans that will need to be negotiated as a result of applications to develop future threat activities. This will require us to gain an understanding of designated growth, settlement, employment, and redevelopment areas planned for the municipality. To obtain this information, we will need to refer to proposed development schedules found in official plans, or consult with the municipal planning department. As shown in Maps 5 and 6, the location of designated vulnerable areas can be compared against proposed development areas outlined in the official plan. Using GIS enabled software it may be possible to map these two pieces of information to gain a thorough understanding of how these areas relate. WHPAs designated for both the north and south well fields overlap future development areas. Further consultation with the planning department will be required to estimate the number of future plans expected to be negotiated each year in these vulnerable areas.

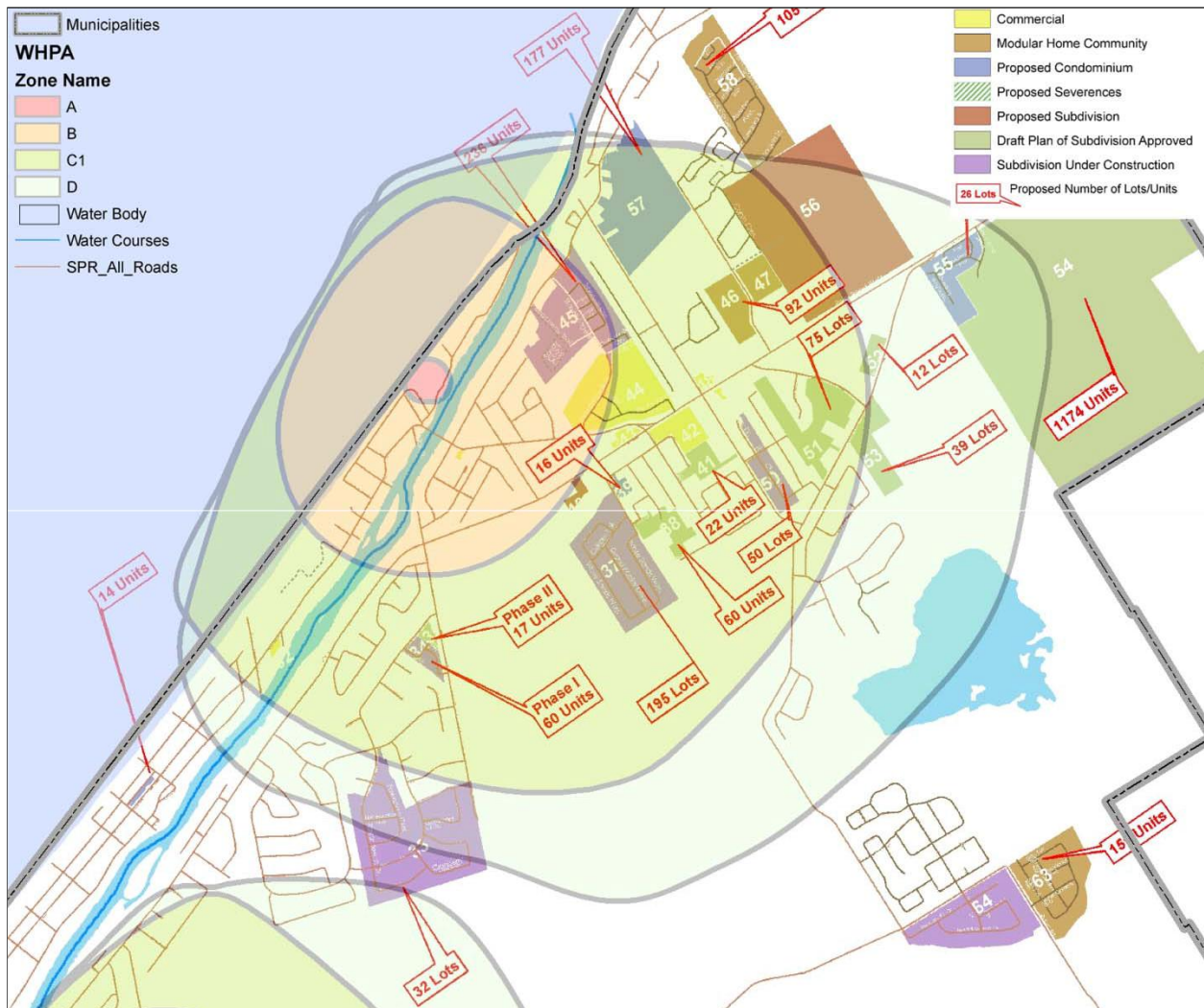


Figure 5: North Well Field WHPAs and Future Development

Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

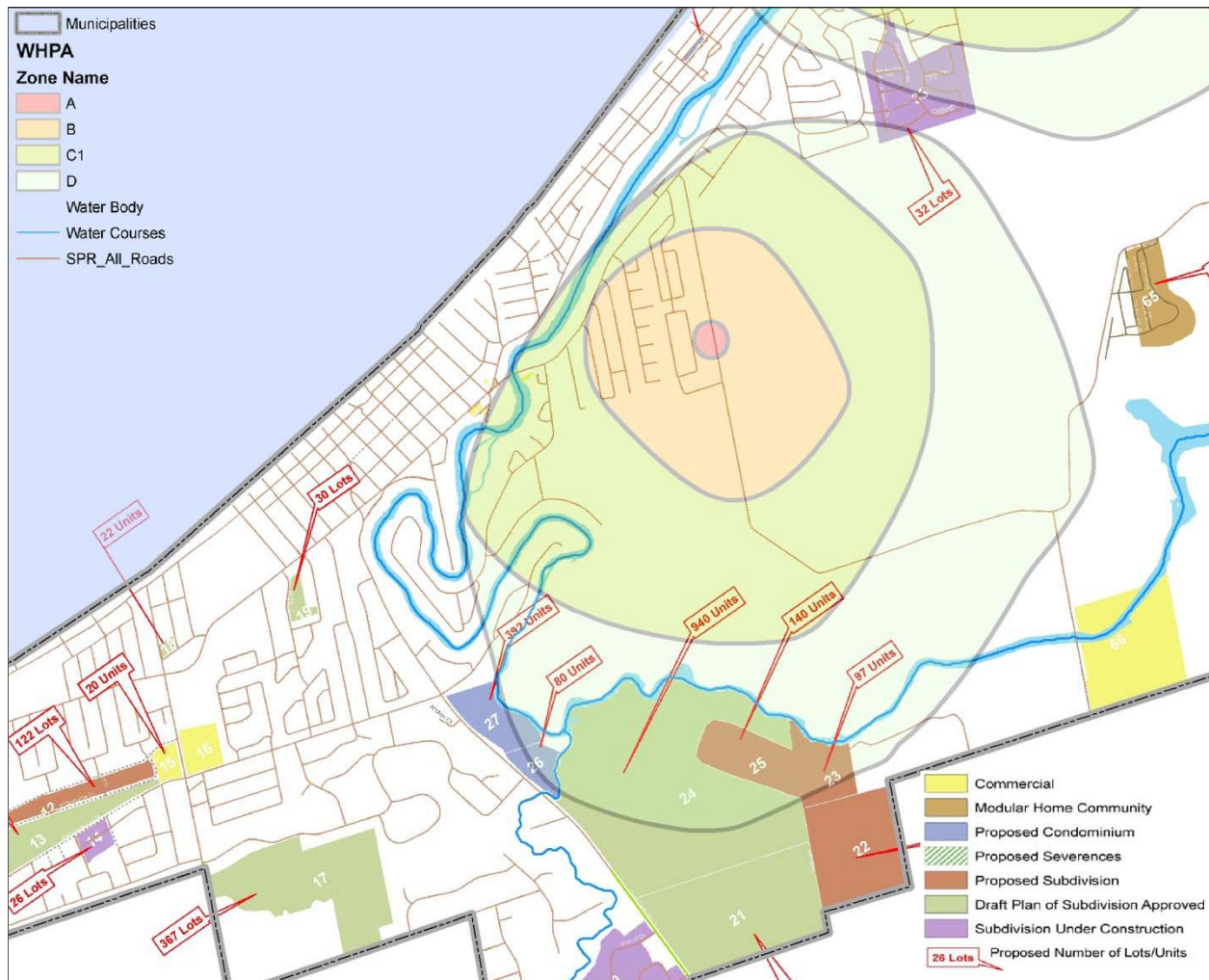


Figure 6: South Well Field WHPAs and Future Development

### **Prioritizing the Negotiation Roll-Out**

#### **Step 5: Prioritize the negotiation roll-out**

Now that we have an understanding of the workload, we can begin to prioritize the negotiation roll-out. To prioritize the negotiation roll out, a work plan that outlines when each risk management plan will be negotiated should be developed. Three main factors will dictate the number of RMPs that will need to be negotiated each year:

- The number of existing significant drinking water threat activities
- The number of anticipated future threat activity applications and
- Timelines established in the Source Protection Plan



Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

The SPP that addresses the Municipality of ABCD requires that RMPs be developed to address all applicable significant drinking water threats within 3 years of plan approval. The following section outlines a couple of the approaches we can implement when prioritizing the RMP workload for the Municipality of ABCD.

**Option 1 – Phased Approach**

Using the phased approach, for the first year of negotiations we would plan to complete an RMP for each of the land use categories identified. This would allow us to gain an understanding of the effort required to complete an RMP from start to finish, and reveal some of the issues that may come up for each sector. For the municipality of ABCD, RMPs will only need to be established for 2 main land use categories. In the first year, we would aim to negotiate a small number of RMPs from each category, as shown in Table 5. For the remaining two years, using the knowledge we gained from year one, we would set realistic time frames to negotiate the outstanding RMPs.

*Table 5: RMP Negotiation Schedule – Phased Approach*

Threat #	Threat Category	Associated Land Use Category	RMP Policy Applies ?	Year of Planned Negotiation
15	Handle/Store Fuel	Municipal	Yes	1
16	Handle/Store DNAPL	Business/ Commercial	Yes	1
16	Handle/Store DNAPL	Business/ Commercial	Yes	1
17	Handle/Store Organic Solvent	Business/Commercial	Yes	1
15	Handle/Store Fuel	Municipal	Yes	2
15	Handle/Store Fuel	Municipal	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3

Q. Appendix 6 (continued): Case Study of Workload Prioritization Process

**Option 2- Even Number Approach**

As an alternative to the phased approach, we may choose to negotiate an even number of RMPs each year to ensure that mandatory timelines set out in the SPP are met. For the Municipality of ABCD, 18 parcels have been identified as requiring a risk management plan. The source protection plan indicates that all plans must be in place within 3 years of SPP approval. This means that 6 plans will need to be negotiated each year (Table 6) It is important to keep in mind that all future threat activities subject to S.58 will also need to be addressed through risk management plans. With the guidance of the planning department, we can determine that a total of 2 applications can be anticipated each year. Adding this to the existing threat activity numbers brings the annual risk management plan negotiation workload up to 8 plans per year.

Now that we have determined the total amount of plans to be anticipated each year, we can further prioritize our negotiations using the insights gained from the analysis we performed in step 3. For this example we will negotiate 6 RMPs per year to address existing threats , and prioritize them according to land use category. RMPs categorized under the municipal land use category will be completed first , followed by RMPs associated with business/commercial land uses.

*Table 6: RMP Negotiation Schedule - Even Number Approach*

Threat #	Threat Category	Associated Land Use Category	RMP Policy Applies ?	Year of Planned Negotiation
15	Handle/Store Fuel	Municipal	Yes	1
15	Handle/Store Fuel	Municipal	Yes	1
15	Handle/Store Fuel	Municipal	Yes	1
17	Handle/Store Organic Solvent	Business/Commercial	Yes	1
16	Handle/Store DNAPL	Business/ Commercial	Yes	1
16	Handle/Store DNAPL	Business/ Commercial	Yes	1
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	2
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3
16	Handle/Store DNAPL	Business/ Commercial	Yes	3

## R. Appendix 7: Ontario Farm Environmental Coalition – Farm Assessment Summary

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### **OFEC Framework**

#### **Source Water Protection – Agricultural Training Sessions**

##### **Purpose:**

In response to the implementation of the Clean Water Act (CWA) and the establishment of Source Water Protection Plans, The Ontario Farm Environmental Coalition (OFEC) developed a Farm Assessment Workbook Tool to assist farmers in their preparation for Source Water Protection implementation. The tool is targeted at farmers who will be regulated under the policies of Source Protection Plans. Using the workbook, farmers required to implement Risk Management Plans will be able to evaluate how they are presently addressing the Significant Drinking Water Threat activities (SDWTs) flagged for their property. Following the assessment, farmers will be able to identify how to improve their practices, in order to minimize risks to municipal water supplies. The tool will also allow farmers to enter into a meaningful negotiation with the local Risk Management Officer (RMO) regarding property specific Risk Management Plans.

##### **The Farm Assessment Tool - General Overview:**

The Farm Assessment Tool has been developed to help farmers prepare for their meeting with the RMO. It involves a two-step process that allows the farmer to verify and assess the SDWTs flagged for their property. By carrying out a thorough assessment of their operation, farmers are able recognize where their strengths and weaknesses are in terms of managing risks to drinking water supplies. The 2 step assessment process is described in more detail below.

##### **Step 1 - Farm Sketch and Threats Inventory:**

The farm sketch and threats inventory requires farmers to obtain either a sketch, image, or photograph that illustrates the boundaries of their property, and all of the structures or activities on the property related to potentially significant drinking water threats. This step encourages farmers to determine the exact area of their property that is located in a Wellhead Protections Area (WHPA) or Intake Protection Zone (IPZ). This enables farmers to determine the exact proportion of their farm that should be the focus of attention during the risk management plan negotiation process. Having an accurate understanding of the affected property enables the farmer to conduct an inventory of the Significant Drinking Water Threat activities situated on their property. It also allows farmers to verify the accuracy of the information presented by the risk management official regarding SDWTs believed to be on the farmer's property.

##### **Step 2 – Farm Assessment Worksheets:**

OFEC has developed 2 sets of worksheets that are aimed at helping farmers determine the level at which they are currently addressing the SDWTs that have been identified for their property. The first set of worksheets is intended for properties situated in WHPAs; the second is for properties situated in IPZs. Each set contains 13 worksheets, with each worksheet representing 1 of the 13 agricultural SDWT that may be present on the farmer's property. Farmers are only required to complete the worksheets

R. Appendix 7 (continued): Ontario Farm Environmental Coalition – Farm Assessment Summary

applicable to their farm. Each worksheet presents 3 categories of assessment questions pertaining to either:

- Containment Barriers
- Spatial Barriers
- Contingency Barriers

Under each category, there is a list of target questions specific to a standard practice related to containment, separation, or contingency practices. For each standard practice, the farmer is required to rank the level to which the standard is met. Level 1 represents the lowest level of attainment, meaning that the practice currently in place does not meet design standards at the time of application. Level 2 represents median level of attainment, meaning that the practices currently in place do meet provincial level design standards. Finally, level 3 is representative of the highest level of attainment, meaning that practices currently in place exceed design standards set out by the most recent regulations.

Two sample worksheets can be found below; the first addresses a threat identified within a WHPA, while the second focuses on a threat within an IPZ.

<b>THREAT #8 - APPLICATION OF COMMERCIAL FERTILIZER IN WHPA</b>			
<b>Standard or Practice</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
	<b>Does not meet standards at time of application</b>	<b>Meets standards at time of application<sup>1</sup></b>	<b>Exceeds standards at time of application</b>
<b>Containment Barrier</b>			
Nutrient Management Plan (NMP)	No NMP  OR Existing NMP with no record keeping	A NMP is in place AND records are maintained  OR For NMA "phased-in" farms > 300 NU, a record of approval has been obtained, AND records are maintained to the Nutrient Management standard	A completed NMP with no "red flags" as assessed through OMAFRA's NMAN software is in place AND records are maintained to the Nutrient Management standard  OR For NMA "phased-in" farms > 300 NU, a record of approval has been obtained, AND the associated NMP has no "red flags" as assessed through OMAFRA's NMAN software, AND records are maintained to the Nutrient Management standard
Calibrate and Maintain Equipment	Application equipment settings are not checked or calibrated	Application equipment is checked but not calibrated by farmer AND manufacturer's instructions are followed to apply intended rate	Application equipment is calibrated by farmer
Cover Crop Use in Fall if Commercial Fertilizer is Applied	No cover crops used  OR Fields receiving fall applied commercial fertilizer do not have an over-winter crop (e.g. winter wheat or hay).	Cover crops or over-winter crops sometimes used when commercial fertilizer is applied on cropped land in late summer or fall.	Cover crops or over-winter crops are always used when commercial fertilizer is applied in late summer or fall.

<sup>1</sup> Must meet minimum regulatory criteria

Feb 22, 203 – For Pilot Studies Only

**Figure 1:** Sample Assessment Worksheet for Agricultural Threat within WHPA

R. Appendix 7 (continued): Ontario Farm Environmental Coalition – Farm Assessment Summary

<b>THREAT #3 - APPLICATION OF AGRICULTURAL SOURCE MATERIAL IN IPZ</b>			
<b>Standard or Practice</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
	<b>Does not meet standards at time of application</b>	<b>Meets standards at time of application<sup>1</sup></b>	<b>Exceeds standards at time of application</b>
Application Rates of Nitrogen (N) and Phosphorus (P)	Agronomic or Crop Removal recommended rates for N not considered  OR Agronomic or Crop Removal recommended rates for P not considered	Application rates for both N and P are based on Agronomic or Crop Removal recommended rates.	Application rates for both N and P are based on Agronomic or Crop Removal recommended rates. AND no "red flags" from N-Index or P-Index as calculated in NMAN
<b>Spatial Barrier</b>			
Application Setback Distance to Surface Water <sup>2</sup>	Surface application, < 30% cover, and no incorporation < 13 metres  OR Surface applied to a living crop or residue cover of at least 30% < 3 metres  OR Surface applied and incorporated within 24 hours < 3 metres  OR Injected , or placement in a band below the soil surface < 3 metres	Surface application, < 30% cover and no incorporation = 13 metres  OR Surface applied to a living crop or residue cover of at least 30% = 3 metres  OR Surface applied and incorporated within 24 hours = 3 metres  OR Injected , or placement in a band below the soil surface = 3 metres	Surface application, < 30% cover, and no incorporation > 13 metres  OR Surface applied to a living crop or residue cover of at least 30% > 3 metres  OR Surface applied and incorporated within 24 hours > 3 metres  OR Injected , or placement in a band below the soil surface > 3 metres

<sup>2</sup> Note these setback distances include the width of any vegetative buffer, if present, along surface water edge.

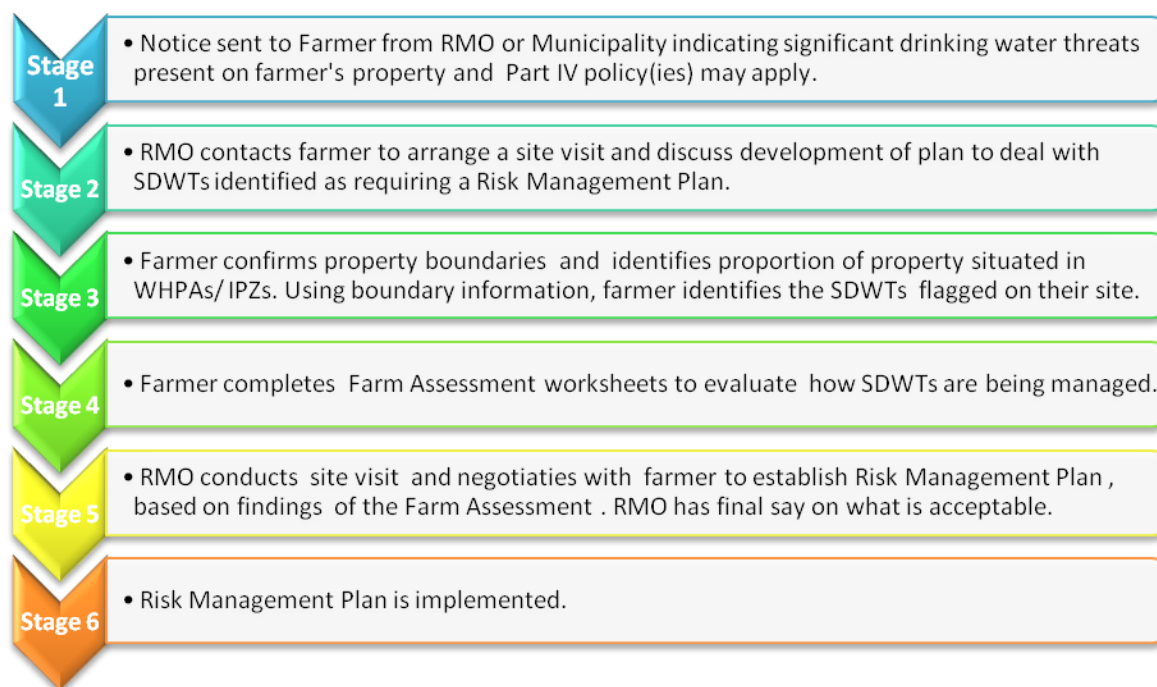
Feb 22, 2013 – For Pilot Studies Only

**Figure 2:** Sample Assessment Worksheet for Agricultural Threat within IPZ

**General Farm Assessment Process for Individual Agricultural Properties:**

The following flowchart outlines the various stages of the Farm Assessment process for Agricultural properties identified as requiring a Risk Management Plan. The RMO or Municipality may identify additional policies that apply to the property

## R. Appendix 7 (continued): Ontario Farm Environmental Coalition – Farm Assessment Summary



### **How can the OFEC Farm Assessment Tool serve RMOs?**

The OFEC Farm Assessment Tool can serve as a useful resource to RMOs when meeting with farmers to verify SDWTs on agricultural properties. The tool requires farmers to determine the exact area of their property situated in WHPAs and IPZs, and therefore provides the RMO with the information required to verify Source Drinking Water Threats within these boundaries. The tool can also be used to aid discussions during negotiations over Risk Management Plans. Through the Farm Assessment worksheets, the RMO will be presented with a summary of how the farmer is presently dealing with identified SDWTs, and how they can further improve their risk management efforts. Worksheets in particular, can help highlight special attention items, and better identify the specific management practices that need to be implemented in order to address identified risks. The tool allows the RMO and farmer to work together to develop a targeted Risk Management Plan based on the findings of the assessment. The tool utilizes the farmer's extensive knowledge of farm operations, and thereby provides the RMO with deeper insight into the potential risks on site.

For more resources and information on the OFEC Farm Assessment Tool please visit:  
<http://www.omafra.gov.on.ca/english/environment/efp/efp.htm>

## S. Appendix 8: Sample Checklist-Style Risk Management Plan Framework by Region of Waterloo

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# Preliminary Risk Management Plan Framework for Chemical Handling

## 1. Introduction/Background

- Property description
- Clearly define the site with a map of it in a local context, identifying significant threats, other prescribed activities, and preferential pathways. Include a scale bar, legend, and north arrow.
- Describe the threats

---

## 2. Information on Risk Prevention/Reduction

Provide information on industry standards, regulations, best management practices, and policies that are in place to help prevent contamination from the activity. Include current practices as well as planned practices. For planned practices, include an implementation schedule. Examples of management practices include:

### Risk reduction

- Locating chemical storage, handling, and use in a low risk and vulnerability area
- Increasing separation distances between well heads and intakes (but not necessarily out of high risk/vulnerability)
- Reduction in volume of chemicals stored/handled on site through process or equipment modification
- Replacement of below-ground tanks with above-ground tanks

### Spill/leak prevention measures

- Double walled and/or lined tanks and pipelines
- Instrumentation such as liquid level indicators, leak detectors, and alarm systems
- Backflow prevention
- Corrosion prevention
- Maintenance, inspection, leak testing, and staff training protocols
- Selection of chemically appropriate storage containers
- Separation of non-compatible chemicals

### Spill/leak prevention measures (continued)

- Site security measures such as sealed storage areas and locked doors
- Decontamination/equipment washing areas with oil-water separators and controls for runoff
- Staff training on all spill/leak prevention measures
- Closure plans for unused tanks storage containers and whole facilities

### Spill containment measures

- Bunds, pads, and trays
- Enclosures with sealed floors
- Dykes, trenches, lagoons
- Staff training on all spill containment measures

### Spill response measures

- Spill response plan including notification procedures and specific spill clean-up techniques. Staff training on same.
- Injection of Amierolants
- Post-spill sampling, monitoring, and inspections
- Appropriate disposal of collected materials

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## 3. Monitoring Plan (minimum requirements)

- Procedures and schedules for qualified persons to inspect the site and its contamination prevention measures to ensure that they are functioning as intended
- Comprehensive record-keeping for all chemicals stored/used on the property
- Schedule of reporting to the Region of Waterloo
- Schedule to review and update the plan (e.g. every 5 years or more frequently if major changes occur at the site)

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## 4. Conclusions and Recommendations

S. Appendix 8 (continued): Sample Checklist-Style Risk Management Plan Framework  
by Region of Waterloo



# Preliminary Risk Management Plan Framework for Nutrient Management

## 1. Introduction/Background

- Property description
- Clearly define the site with a map of it in a local context, identifying significant threats, other prescribed activities, and preferential pathways. Include a scale bar, legend, and north arrow.
- Describe the threats

## 2. Information on Risk Prevention/Reduction

Provide information on industry standards, regulations, best management practices and policies that are in place to help prevent contamination from the activity. Include current practices as well as planned practices. For planned practices, include an implementation schedule. Examples of management practices include:

### Risk reduction

- Moving nutrient storage and/or handling to a low vulnerability area (cessation of application in high vulnerability area)
- Increasing separation distances between well heads and intakes
- Reduction in volume of nutrients stored and/or handled on site

### Modification of application practices

- Effective irrigation systems to reduce runoff
- Confirm the suitability of the soils to the nutrients being applied and rate of application
- Restrict application of nutrients during (and prior to) periods of heavy rain, high wind, snow cover, or frozen ground
- Observe application setbacks from wells, waterways, and seasonally flooded areas
- Pre-till fields to remove preferential pathways
- For application of septage: spread uniformly, use multiple passes to ensure maximum application depth is not exceeded, avoid compaction of the soil where possible, and incorporate into the soil within a few days of application
- Minimize product applied by using reduced or split application rates and slow release nutrients

**If storing salt, nutrients, or pesticides, then spill prevention, containment and response measures will be required, as outlined in the Preliminary RMP Framework for Chemical Handling.**

### Control and treatment of surface runoff, washwater

- Construct a tile drainage system
- Utilize detention basins and berms
- Vegetative filter strips, buffer zones, managed riparian zones
- Treatment using wetlands, bioreactors, monitored natural attenuation, trenches

### Control the generation of manure

- Slatted floors
- Selection of bedding type and amount
- All-in/all-out feeding systems
- Total barn confinement systems

### Herd management

- Prevent stripping of vegetation through reduction of stocking density and/or rotational grazing
- Construct fencing to protect setbacks
- Vaccination to reduce pathogens

### Pretreatment of all nutrients to be applied to remove pathogens

- Stabilization
- pH adjustment
- Aeration
- Aerobic or anaerobic digestion
- Heat treatment
- Composting

## 3. Monitoring Plan (minimum requirements)

- Procedures and schedules for qualified persons to inspect the site and its contamination prevention measures to ensure that they are functioning as intended
- Comprehensive record-keeping of all chemicals stored/used on the property
- Schedule of reporting to the Region of Waterloo
- Schedule to review and update the plan (e.g. every 5 years or more frequently if major changes occur at the site)

## 4. Conclusions and Recommendations



S. Appendix 8 (continued): Sample Checklist-Style Risk Management Plan Framework  
by Region of Waterloo



# Preliminary Risk Management Plan Framework for Salt Management

## 1. Introduction/Background

- Property description
- Clearly define the site with a map of it in a local context, identifying significant threats, other prescribed activities, and preferential pathways. Include a scale bar, legend, and north arrow.
- Describe the threats

## 2. Information on Risk Prevention/Reduction

**If storing salt, nutrients, or pesticides, then spill prevention, containment and response measures will be required, as outlined in the Preliminary RMP Framework for Chemical Handling.**

Provide information on industry standards, regulations, best management practices, and policies that are in place to help prevent contamination from the activity. Include current practices as well as planned practices. For planned practices, include an implementation schedule. Examples of management practices include:

### Risk reduction

- Locating salt and snow storage and/or use in a low-risk and low-vulnerability area
- Increasing separation distances from well heads and intakes (but not necessarily out of high risk/vulnerability)
- Reduction in volume of salt stored on site
- Eliminate sources of water (e.g. downspouts, low spots) to prevent ice formation

### Modification of application practices

- Use of anti-icing agents to prevent ice formation
- Instrumentation (linked to GPS possibly) to measure spreading rates and locations
- Weather monitoring to determine most efficient application times
- Drift control to reduce snow buildup on paved surface

## 3. Monitoring Plan (minimum requirements)

- Procedures and schedules for qualified persons to inspect the site and its contamination prevention measures to ensure that they are functioning as intended
- Comprehensive record-keeping of all chemicals stored/used on the property
- Schedule of reporting to the Region of Waterloo
- Schedule to review and update the plan (e.g. every 5 years or more frequently if major changes occur at the site)

## 4. Conclusions and Recommendations

S. Appendix 8 (continued): Sample Checklist-Style Risk Management Plan Framework  
by Region of Waterloo



# Preliminary Risk Management Plan Framework for Integrated Pest Management

## 1. Introduction/Background

- Property description
- Clearly define the site with a map of it in a local context, identifying significant threats, other prescribed activities, and preferential pathways. Include a scale bar, legend, and north arrow.
- Describe the threats

## 2. Information on Risk Prevention/Reduction

Provide information on industry standards, regulations, best management practices, and policies that are in place to help prevent contamination from the activity. Include current practices as well as planned practices. For planned practices, include an implementation schedule. Examples of management practices include:

### Risk reduction

- Locating nutrient storage and handling in a low risk and vulnerability area
- Increasing separation distances between well heads and intakes (but not necessarily out of high risk/vulnerability)
- Cessation of pesticide application in high vulnerability areas

### Modification of application practices

- Larger nozzle, less pressure, and proper water volume rates to reduce drift
- Avoid times of high winds or prior to heavy rain
- Regularly calibrate pesticide spreaders
- Use of short half-life pesticides
- Management practices to reduce soil erosion
- Scout fields for weeds to confirm need
- Proper plant management to improve plant health and reduce the need for pesticides
- Maintain proper drainage and aeration to encourage the growth of microbes
- Reduce watering to control seepage of pesticides to the ground water
- Plants that attract predatory species, such as birds and bats, can enhance landscaping and naturally reduce pests

**If storing salt, nutrients, or pesticides, then spill prevention, containment and response measures will be required, as outlined in the Preliminary RMP Framework for Chemical Handling.**

### Modification of application practices (continued)

- Manual activities such as spading, hoeing, hand-picking weeds and pests, setting traps, and mulching
- Select healthy seeds and seedlings that are known to resist diseases
- Alternate plants each year. Insects will move to another location where they can find nutrients, and weeds will remain dormant until their nutrient source is replenished
- Ensure the pesticide matches the weed
- Evaluate reduced or split application rates
- Rotating herbicide and pesticide
- Apply pesticides with precision to reduce application volumes

### Control and treatment of surface runoff, washwater

- Construct a tile drainage system
- Utilize detention basins and berms
- Vegetative filter strips, buffer zones, managed riparian zones
- Treatment using wetlands, bioreactors, monitored natural attenuation, trenches

## 3. Monitoring Plan (minimum requirements)

- A procedure and schedule for qualified persons to inspect the site and its contamination prevention measures to ensure that they are functioning as intended
- A comprehensive record keeping of all chemicals stored/used on the property
- A schedule of reporting to the Region of Waterloo
- A schedule to review and update the plan on a regular basis (e.g. every 5 years or more frequently if major changes occur at the site)

## 4. Conclusions and Recommendations

## T. Appendix 9: Sample s. 59 Screening Tool by Region of Waterloo

### APPLICABILITY OF SOURCE PROTECTION PLAN PART IV POLICIES

The information on this form will help the Region determine if a development or building application is subject to any Part IV policies under The Region of Waterloo's Source Protection Plan.

Any applications requiring a Risk Management Plan to be negotiated with the Risk Management Official will be referred to The Region of Waterloo. The Risk Management Official will determine the appropriate stage of the process for the negotiation.

**THIS FORM MAY BE COMPLETED:**

- **ON PAPER** (PLEASE PRINT CAREFULLY) Please fax all paper applications to 519-575-xxxx
- **ON-LINE AT** [www.somewebaddresshere.com](http://www.somewebaddresshere.com)

#### Step 1: PROPERTY AND CONTACT INFORMATION

Name of Applicant:	Number:
Mailing Address:	City:
Street:	Postal Code:
Province:	Phone Number: ( )
Phone Number: ( )	Fax Number: ( )
*Address of Property (if different from above)	Number:
Street:	City:
Province:	Postal Code:

**TYPE OF APPLICATION** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Building Permit   | <input type="checkbox"/> Minor Variance          |
| <input type="checkbox"/> Consent/Severance | <input type="checkbox"/> Site Plan Approval      |
| <input type="checkbox"/> Zone Change       | <input type="checkbox"/> Condominium             |
| <input type="checkbox"/> Subdivision       | <input type="checkbox"/> Official Plan Amendment |

*Current Use of Property:	Proposed Use of Property:

#### STEP 2: CURRENT AND PROPOSED ZONING AND PROPERTY USE

(Check all boxes that apply)\*

- Property is zoned Residential 1, 2, 3, 4, 5, 6, 7 or 8.  
*(Zoning maps are located at [www.somewhereonline.ca](http://www.somewhereonline.ca))*
- Buildings are not heated with home heating oil
- There are fewer than 8 parking spaces

\* If all 3 boxes above are checked, proceed to Step 5, otherwise proceed to Step 3.

#### STEP 3: WELLHEAD PROTECTION AREA

Use the tool located at [www.insertwebaddresshere.ca](http://www.insertwebaddresshere.ca) to check if the property is located in a Wellhead Protection Area (WHPA). If you do not have access to the internet, please call the Risk Management Coordinator at 519-575-xxxx.

- NO**, the property is not located in a wellhead protection area. Proceed to Step 5.
- YES**, the property is located in a wellhead protection area. Proceed to Step 4.

#### STEP 4: PROPERTY AND LAND USE ACTIVITIES

Indicate activities that take place on the property under both current and proposed uses. If the activity has an associated Environmental Compliance Approval or Certificate of Approval, please provide the Approval Number. For a more detailed description of each activity or a full list of relevant approvals, refer to the guide entitled "What is the guide called" that can be found at municipal planning departments or online at [www.somewebaddress.ca](http://www.somewebaddress.ca). For further information call the Risk Management Coordinator at 519-575-xxxx.

1414641

Page 1 of 4

T. Appendix 9 (continued): Sample s. 59 Screening Tool by Region of Waterloo

**Note:** for Consent Applications, indicate the current and proposed uses for existing and proposed lots/blocks.

CURRENT	PROPOSED	NOT APPLICABLE
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**STORAGE AND USE OF MANURE, FERTILIZER AND PESTICIDES**

- Application of Manure to Land** **CIRCLE ONE**  
YES/NO  
*Is this activity covered under an existing Nutrient Management Plan?*  
 Indicate application rate in nutrient units per hectare \_\_\_\_\_
- Animal Yard or Confinement Area Generating More Than 0.5 Nutrient Units Per Hectare** YES/NO  
*Is this activity covered under an existing Nutrient Management Strategy?*  
 Indicate manure generation rate in nutrient units per hectare \_\_\_\_\_
- Storage of Manure in Quantities Greater Than 0.5 Units Per Hectare** YES/NO  
*Is this activity covered under an existing Nutrient Management Strategy?*  
 Indicate size of storage facility in nutrient units per hectare \_\_\_\_\_
- Application of Category 1 Biosolids (e.g.: vegetable culls) to Land**
- Storage of Category 1 Biosolids (e.g.: vegetable culls)**
- Application of Commercial Fertilizer to Land** YES/NO  
*Is this activity covered under an existing Nutrient Management Plan?*  
 Indicate application rate in nutrient units per hectare: \_\_\_\_\_
- Storage Of Commercial Fertilizer** **CIRCLE ONE**  
YES/NO  
*Is this activity covered under an existing Nutrient Management Strategy?*  
 Indicate total mass of materials stored in kilograms: \_\_\_\_\_
- Application of Pesticide to Land** YES/NO  
*Are you licensed for this activity under the Ontario Pesticide Act?*
- Storage of a Pesticide in Quantities Great than 250kg** YES/NO  
*Are you licensed for this activity under the Ontario Pesticide Act?*

CURRENT	PROPOSED	NOT APPLICABLE
---------	----------	----------------

**WINTER MAINTENANCE**

- Application of Road Salt to Parking Lots/Driveways Larger Than 2000 m<sup>2</sup> (approximately 80 spaces)**  
*Indicate total paved area in m<sup>2</sup> or equivalent number of parking spaces: \_\_\_\_\_*
- Application of Road Salt to Roads**
- Storage of Road Salt**  
*Indicate quantity stored in tonnes: \_\_\_\_\_*
- Snow Storage Area With a Footprint of at Least 0.01 Hectares**

T. Appendix 9 (continued): Sample s. 59 Screening Tool by Region of Waterloo

CURRENT	PROPOSED	NOT APPLICABLE	
			<b>CHEMICAL HANDLING</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storage of Degreasers, Dry Cleaning Chemicals and Other SNAPLs in Any Quantity <sup>(1)</sup>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storage of Fuel in Quantities Great Than 250L
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storage of Any Thinners, Strippers, Refrigerants and Other Organic Solvents in Quantities Great Than 25L <sup>(2)</sup>
			<b>WASTE AND STORM WATER</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discharge of Untreated Storm Water (drainage are at least 1 hectare)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Industrial Effluent Discharge
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Operation of a Site For the Deposition, Disposal, Handling, Storage, Transfer, Treatment of Processing of Waste. Note: "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other materials.
<p>If all lines are checked with "Not Applicable" in every section above, proceed to Step 5, otherwise proceed to Step 6.</p>			
<p>(1) Dense Non-Aqueous Phase Liquids (degreasers, dry cleaning chemicals, etc.) include:                      1-4 dioxane (not a DNAPLs)                      Polycyclic aromatic Hydrocarbons (PAHs)                      Tetrachloroethylene (PCD, tetrachloroethene, Perclene, Tetracap, Dee-Solv...)                      Trichloroethylene (TCE, trichloroethene, Acetylene, trichloride, Westrosol, Vestrol...)                      Vinyl Chloride (VC, chlorethene, ethylene, Vinyl C monomer)</p>			
<p>(2) Organic Solvents (thinners, strippers, refrigerants, etc.) include:                      Carbon Tetrachloride (tetrachloromethane, carbon, tet, Bensinoform, Necatorine, Univerm...)                      Chloroform (TCM, trichloromethane, Freon 20, Methane trichloride, trichloroform...)                      Methylene Chloride (dichloromethane, Freon 30, methane dichloride, Solaesthin, Solmethine...)                      Pentachlorophenol (PCP, Dowcide 7, Acutox, Penta-kil, Santobrite, Thompson's Wood Fix...)</p>			
<p><b>Step 5: COMPLETE THIS SECTION AS DIRECTED FROM STEP 2, 3, OR 4</b></p>			
<p>If directed here from Step 2, 3, or 4, no negotiation of sign-off is required by the Risk Management Official. The Application may proceed as usual with the municipality by submitting a copy of this form. Please also submit this form to the Risk Management Official at <a href="http://www.somwebaddress.ca">www.somwebaddress.ca</a>, or fax a paper copy to 519-575-4452.</p>			
<p>For further information, call the Risk Management Coordinator at 519-575-xxxx.</p>			
<p>The information I have provided above is accurate and complete to the best of my knowledge. I acknowledge that incomplete or inaccurate information may result in the future involvement of the Risk Management Official in the application process.</p>			
<p>_____ Signature of Applicant</p>			<p>_____ Date</p>
<p>Please fax all paper applications to 519-575-xxxx</p>			
<p>1414641</p>			<p>Page 3 of 4</p>

T. Appendix 9 (continued): Sample s. 59 Screening Tool by Region of Waterloo

**Step 6 COMPLETE THIS SECTION IF YOU COMPLETED ONLY**

If directed here from Step 4, negotiation with the Risk Management Official may be required or an activity may be prohibited. Please submit this form to the Risk Management Official at [www.somewebaddress.ca](http://www.somewebaddress.ca) or fax a paper copy to 519-575-xxxx. For further information, call the Risk Management Coordinator at 519-575-xxxx.

The information I have provided above is accurate and complete to the best of my knowledge. I understand that further application to the municipality may require sign-off from the Risk Management Official.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

*If completing a paper form, please fax to 519-575-4452.*

**Step 7 FOR OFFICE USE ONLY**

TO BE COMPLETED BY A RISK MANAGEMENT OFFICIAL

ACTION REQUIRED

- Risk Management Official Involvement no required
- Risk Management plan to be negotiated before current application can be processed by City/Township
- Risk Management Plan to be negotiated at future stage (specify)
  - Building Permit
  - Minor Variance
  - Consent/Severance
  - Site Plan Approval
  - Zone Change
  - Condominium
  - Subdivision
  - Official Plan Amendment
- Activity is Prohibited. Application not to be accepted by City

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

RMO has informed municipality of required action  
RMO has informed applicant of required action