

CHANGE LOG - SOURCE PROTECTION PLAN
Halton-Hamilton Source Protection Region
December 15, 2021

Table 1: Source Protection Plan (SPP) Updates

No.	HHSP Section or Policy#	SPP Updates (page numbers are approximate)
1.	After the cover page	Changes are proposed to the document version number, description, and date to reflect the Section 36 update to the SPP. Blue highlights indicate updates from early engagement . Green highlights indicate updates from pre-consultation .
2.	All policies	As described in the Section 36 workplan, users of the source protection plan requested amendments to provide clarity and to make the plan more easily understood. These include vulnerable area geographic references and legal effect of each policy. Formatting is required to ensure compliance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). MECP provided early engagement comments to change legal effect of “must comply” to be: “must conform” for Legal Effect Lists G, H and I (Clean Water Act Part IV S. 57, 58 and 59 policies). This change is made throughout the SPP.
3.	Applicable policies	Updated MOECC to “Ministry of Environment, Conservation and Parks” where relevant; update Source Protection Department of the Conservation Authorities to “Halton Region and Hamilton Region Conservation Authorities”
4.	Elaboration of “Legal effect”	The concept of “legal effect” is key and was elaborated on to help explain how some polices are legally binding and others are non-binding.
5.	Applicable text	The “establishment and operation of a liquid hydrocarbon pipeline” was added as a prescribed threat (and removed as a local threat) per the 2017 Technical Rules.
6.	G-1 (legally binding) Enacts timing requirements for implementation of SPP policies.	The SPP including its assessment reports are updated from time to time through Clean Water Act, 2006 Section 34, 35, or 36 updates, and typographical and other minor edits through an O. Reg. 287/07 Section 51 update. Revisions were made to Section 2.4 to indicate that updates to the SPP occur from time to time and that the effective date would change accordingly. Note that risk management plans (RMPs) are established for verified threats from the first round of source protection planning (i.e. the first source protection plan, which came into effect in Dec. 2015). Prescribed instruments (PIs) are also amended. New threats may be identified. Certain policies to address the threats must be implemented within a certain timeframe dependent upon the date that the updated plan takes effect. Per early engagement and pre-consultation comments from MECP, it was identified that policies using RMPs to address existing threats

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		<p>cannot come into effect on the same day as the effective date of the Source Protection Plan. Policy G-1 is edited accordingly. Policy G-1 also specifies a 5-year timeline to establish an RMP (from the effective date of the Source Protection Plan) - and this is a policy implementation date, not the policy effective date. Similarly, the Policy G-1 specifies a 3-year policy implementation timeline to amend prescribed instruments (from the effective date of the Source Protection Plan). Note that future threat policies come into effect on the same day as the plan.</p> <p>Reference to s. 58(3) is removed in policy part (a). Policy Part (b) is removed from the list of “exceptions” (i.e. it has the same effective date as the updated source protection plan).</p>
7.	<p>G-2 (legally binding) Designates land uses to which the restricted land uses provisions (Section 59) of the Clean Water Act, 2006 apply.</p>	<p>An update was made to would allow risk management officials to provide written direction to municipal staff regarding types of building or planning applications that can be screened out of the Section 59 notice process. This update addresses a requirement related to policy consistency, per the Minister’s Section 36 amended Order for the HHSPP.</p> <p>County of Wellington provided comments during early engagement to check that wording matches the Wellington County Chapter of the Grand River Plan dated February 3, 2021. Policy WC-CW-1.3 was used, and staff retained the wording “unless identified specifically within a policy” from the first approved SPP for HHSPP.</p>
8.	<p>T-2-C, T-13-C, T-27-C, T-31-C, T-43-C, T-54-C</p>	<p>Several Education and Outreach (E&O) policies have a two-year implementation period relative to the effective date of the Source Protection Plan. The E&O policies address existing and future threats, therefore the policy text is edited to recommend (i) the continuation of existing programs and (ii) E&O for newly identified significant drinking water threat to be implemented within a two-year timeline of the effective date of the updated Source Protection Plan. This addresses pre-consultation comments from the City of Hamilton.</p>
9.	<p>T-9-C</p>	<p>The MECP’s updates to the tables of drinking water threats circumstances included a change from the term “stormwater retention ponds” to “stormwater management facilities” and this is updated in the SPP accordingly. There are no policy implications.</p>
10.	<p>T-26-C a and b (legally binding) Policy part a requires OMAFRA to ensure that nutrient management plans manage the application of commercial fertilizer to never become a significant threat.</p> <p>Monitoring policy part b requires OMAFRA to document the</p>	<p>Per pre-consultation comments from MECP, these policies could be revised to name the person or body responsible for issuing, amending or otherwise creating the nutrient management plan, as responsible for ensuring it conforms with the significant threat policy. This would be the person with an Agricultural Operation Strategy/Plan Development Certificate from OMAFRA, that is certified to prepare nutrient management plans.</p> <p>As discussed at the October 2021 Halton-Hamilton Source Protection Committee (HHSPC) meeting, the pre-consultation comments from OMAFRA and MECP on nutrient management plan (NMP) policies will be addressed in a subsequent section 34. This approach and timing would allow for MECP to sort out the details and logistics for consistency across the province with other SPCs.</p>

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	number and locations of properties where NMPs were reviewed and record measures taken.	<p>Confirmation was received from MECP on Nov. 23, 2021 by email, that HHSPR and the SPC can move forward with the Section 36 update without including those changes to NMP policies, with the caveat that the update to those policies will have to happen as a future Section 34 amendment.</p> <p>Until then, the NMP and NMS policies will remain as approved originally in 2015 (i.e. previously proposed edits made under the Section 36 process are removed), with one exception as described below.</p> <p>Per pre-consultation comments from MECP, the policy T-26-C only addresses the future application of commercial fertilizer. Given the equivalent RMP policy only addresses non phased-in farms, this means that there is no policy requiring existing prescribed instruments to be amended for this activity to ensure it ceases to be, or never becomes a significant drinking water threat. This is a policy gap from the development of the first Source Protection Plan. Policy T-26-C is updated to address existing threats (besides future threats).</p>
11.	<p>T-29-S d Requests the Agrichemical Warehousing Standards Association (AWSA) to review their standards to ensure they include appropriate buffer areas to protect municipal drinking water sources and send a response to the Source Protection Authority within six months.</p> <p>New: T-30-S</p>	<p>The non-legally binding portion part d (directed to the AWSA) is separated from the legally binding portion parts a, b, c. Part d is proposed to be moved into previously repealed policy T-30-S.</p> <p>Staff proposed edits that request AWSA to review their standards to ensure they include appropriate buffer areas and emergency planning and response measures to protect municipal drinking water sources. Through pre-consultation comments, AWSA indicate that based on their review of the AWSA standards there are adequate policies and procedures established to comply with municipal, provincial and federal regulatory requirements to protect municipal drinking water sources. There is a 50m buffer from zoned residential lot lines, hospitals, schools, shopping centres, restaurants, processing facilities for feed or food and other buildings of high occupancy. Pre-approval with AWSA is required if there is potential for infringement into the 50 m buffer. Other measures include spills prevention and response.</p> <p>Further discussions are ongoing to encourage AWSA to incorporate information into their auditor notes who in turn could potentially advise operators of individual sites; and to send out industry bulletins to the operators. AWSA may potentially consider drinking water sources to be added to the list of features in a future revision of the warehousing standard.</p>
12.	<p>T-47-C b (legally binding) Requires risk management plans to manage livestock grazing.</p>	<p>Policy T-47-C part b requires a hard regulatory tool of risk management plans (RMPs) to manage livestock grazing, regardless of the number of animals. Implementation challenges and potential solutions were discussed with municipal staff early in 2021. Accordingly, a proposal to modify the policy was brought to the HHSPC at its March 2021 meeting. The SPC reached consensus on using a 5 NU (per farm property) criteria outside of WHPA-A, to determine whether the policy tool would be education and outreach (for less than 5 NU per farm) or RMP (for 5 or greater than 5 NU per farm).</p> <p>In late March 2021, the HHSPR hosted a municipal working group meeting to discuss contiguous vulnerability scores (especially a score of 10 through a WHPA-B). Generally, it was agreed that WHPA-A should continue to</p>

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		be subject to RMPs. It was agreed that the proposal (hinging on a 5 NU threshold) would be suitable outside WHPA-A (for significant threat activities). Follow up discussions with the City of Hamilton allowed for a closer look at what this means on the ground, and a review of the policy wording. This has allowed for municipal staff to reach the same consensus as the HHSPC and endorsement was obtained from the SPC at its June 2021 meeting. As required by legislation, a statement from the SPC was added to Section 3.14.2 in the Explanatory Document, page 236. It states that where there is less than 5 nutrient units on the farm property located outside a WHPA-A, a policy to regulate or prohibit the activity is not necessary (education and outreach will apply). Risk management plans will apply within a WHPA-A, and also outside the WHPA-A where the nutrient units are 5 or more per farm property and other significant threat criteria are met.
13.	T-52-C b (legally binding)	To address pre-consultation comments from MECP, the Policy T-52-C part b is revised to direct MECP to make all monitoring and reporting requirements publicly available at Access Environment to determine if any changes were made to effluent limits and monitoring requirements. However, the Source Protection Authority is not identified as the body making that determination, as it is unknown at this time if provincial funding will be provided to carry out the task of manually reviewing and comparing individual reports (current and previous) to determine if any changes were made to the effluent limits thresholds (and to what degree) and changes to the monitoring requirements.
14.	T-53-S c Requests that MMAH enact regulations under the Planning Act to enable the use of conditional zoning.	Based on public consultation feedback in 2007, the government is not proposing to proceed with a regulation to enable conditional zoning. In 2019 and in 2021, HHSPR contacted MMAH about this policy. Per the 2020 annual progress reporting, MMAH considers source water protection in its review of new land use planning documents (official plans, comprehensive zoning bylaws) and development applications. There appears to be no pressing need by municipalities and not anticipated in the future. Staff recommended the removal of policy T-53-S part (c). Note that part c was the only non-binding part of the policy. With its removal, the policy becomes legally binding.
15.	T-53-C	During early engagement , County of Wellington recommended adding “the proposed storage location, where applicable” to the policy wording. Staff agree that this would further clarify the information disclosure needs to project proponents.
16.	T-29 C/S, T-34-C/S, T-35-C/S, T-52 C/S, T-53 C/S	<p>Some of the source protection plan policies contain both legally binding and non-binding parts, where the former is meant to address significant level threats while the latter addresses moderate and low level threats. It is recommended that these policies be separated out based on the legal effect (and therefore also by threat level) to ensure clarity for policy implementers and help streamline the annual progress reporting process. These policies are: T-29 C/S, T-34-C/S, T-35-C/S, T-52 C/S and T-53 C/S. They are described below.</p> <ul style="list-style-type: none"> • T-29-C/S: Part d was the only non-binding part of the policy. By moving part d to T-30-S (for reasons described in item no. 9 in this table), the policy T-29-C becomes legally binding. • T-34-C/S: This policy is split into legally binding and non-binding policies of T-34-C and new T-60-S. • T-35-C/S: This policy is split into legally binding and non-binding policies of T-35-C and new T-61-S.

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		<ul style="list-style-type: none"> • T-52-C/S: This complicated policy is split into legally binding and non-binding policies as described in detail in Table 2. • T-53-C/S: Part c was the only non-binding part of the policy. With its removal (for reasons described in item No. 11 in this table), the policy becomes legally binding. <p>Although T-36-S, T-49-S address significant, moderate and low threats, they are non-binding policies and can remain the same.</p>
17.	<p>T-62-S (was L-1-S) Requests the Canada Energy Regulator and TSSA to ensure that their regulatory requirements manage liquid hydrocarbon pipelines that are existing significant threats.</p>	<p>Replaces L-1-S (pipeline integrity testing). Addresses hydrocarbon pipelines as new prescribed threat activity added in the Clean Water Act in 2018 and as modelled (event-based) threat. Considers extensive research by CA staff on applicable legislation and insights from discussions with pipeline companies. Redirects policy away from pipeline companies and to regulatory bodies.</p> <p>The monitoring policy directed to CAs is legally binding and moved to T-68-C.</p>
18.	<p>T-63-S (was L-1-S and L-2-S) Recommends that Canada Energy Regulator and Ontario Energy Board use a preventative approach with pipeline applicants for future significant threats.</p>	<p>Replaces L-1-S and L-2-S. Addresses liquid hydrocarbon pipelines as new prescribed threat activity added in the Clean Water Act in 2018. Considers extensive research by CA staff on applicable legislation and insights from discussions with pipeline companies.</p> <p>The monitoring policy directed to CAs is legally binding and therefore moved to T-68-C.</p>
19.	<p>T-64-S (new) Requests pipeline companies to use watershed and source water protection science in their emergency planning.</p>	<p>A new policy to encourage pipeline companies to leverage watershed and source water protection science. Addresses liquid hydrocarbon pipelines as new prescribed threat activity added in the Clean Water Act in 2018 and as modelled (event-based) threat.</p> <p>The monitoring policy directed to CAs is legally binding and moved to T-68-C.</p>
20.	<p>T-65-S (was T-52-C/S part c) Requests liquid hydrocarbon pipeline companies and owners of bulk fuel storage facilities to update their emergency plans.</p>	<p>Uses non-binding part c of T-52-C/S (part c is non-binding when addressed to pipeline and fuel storage facility owners). Addresses liquid hydrocarbon pipelines as new prescribed threat activity added in the Clean Water Act in 2018 and as modelled (event-based) threat. Addresses modelled, event-based threat of the handling and storage of fuel.</p> <p>The monitoring policy directed to CAs is legally binding and moved to T-68-C.</p>
21.	<p>T-66-C (was T-52-C/S part c) Directs municipalities to update their emergency plans.</p>	<p>Uses legally binding part c of T-52-C/S (part c is binding when directed to municipalities).</p> <p>The monitoring policy directed to CAs is legally binding and moved to T-68-C.</p>

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22.	<p>T-67-S (was T-52-C/S parts a, d) Recommends MECP Spills Action Centre to incorporate drinking water protection zone maps and modify their procedures.</p>	<p>Uses non-binding parts a and d of T-52-C/S. Addresses liquid hydrocarbon pipelines as new prescribed threat activity added in the Clean Water Act in 2018 and as modelled (event-based) threat. Addresses modelled, event-based threats of discharges from sewage treatment plants and the handling and storage of fuel.</p>
23.	<p>T-68-C (was T-52-C/S part e) Directs CAs to collaboratively liaise with pipeline companies, fuel storage companies, sewage treatment plant owners on several matters.</p>	<p>Uses legally binding part e of T-52-C/S and is the monitoring policy for policies T-62-S, T-63-S, T-64-S, T-65-S, and T-66-C. Addresses liquid hydrocarbon pipelines as new prescribed threat activity added in the Clean Water Act in 2018 and as modelled (event-based) threat. Addresses fuel storage and discharge from sewage treatment plants where they are a significant threat to Lake Ontario. Efficiently brings together all legally binding policy parts directed to CAs to help address liquid hydrocarbon pipelines and modelled sewage and fuel threats.</p> <p>To address an MECP comment received during early engagement, a supporting policy detail for Policy T-68-C is edited to indicate that it is a monitoring policy and its legal effect is List F. It is correctly listed in Appendix C – Compliance Lists.</p>
24.	<p>O-1-S BMPs for transport pathways</p>	<p>During early engagement, County of Wellington recommended the following:</p> <ul style="list-style-type: none"> • Add “maintenance” of municipal infrastructure to the policy wording. Staff agree that this would include the need to have best management practices to protect groundwater sources during maintenance of municipal infrastructure. • Add “in accordance with Ontario Regulation 903” when referring to the decommissioning of wells. Staff agree with this change.
25.	<p>O-4-S Importation of fill - education and outreach (E&O) policy</p>	<p>During early engagement, County of Wellington noted that the SPP section 3.3.4 is titled ‘Disposal’, but there is no mention of disposal in the policy wording. They indicated that, since this is an education and awareness policy, there could possibly be consideration to add: “and disposal” if necessary; or change the title to Importation of Fill. Further, at the October 5, 2021 Source Protection Committee (SPC) meeting, it was discussed to harmonize terminology with the Ontario On-Site and Excess Soil Regulation O. Reg. 406/19, which came into force in January 2021. Therefore updates include the term: “excess fill/excess soil including but not limited to contaminated soil” in Policy O-4-S, as discussed at the SPC meeting, to maintain the original intent of the policy direction by the SPC. Further information from MECP was sought about how contaminated excess soil is managed. This information is included in the Explanatory Document page 7-8, Section 4.3 page 263-267.</p>
26.	<p>O-5-S Transportation of hazardous goods - E&O policy.</p>	<p>Part c: The message and materials may not be reaching the intended audience, and outcomes are unknown. Staff recommended that the implementer be changed from municipalities to: Ministry of Transportation Ontario (MTO) and Transport Canada. Parts a, b, c: During early engagement, County of Wellington recommended that staff training be added to the policy. Staff agree with the recommendation.</p>

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		During pre-consultation , MTO submitted comments to indicate that it is not MTO's position or responsibility to conduct mandatory training as it relates to commercial motor vehicles or spill prevention. While MTO does not enforce spill prevention requirements, from their comments it appears that they carry out high level presentations to safety councils such as the Fleet Safety Council and Infrastructure Health and Safety Association. The Policy O-5-S is updated accordingly, to recommend that MTO, Transport Canada and the MECP Spills Action Centre work together to develop and implement an E&O program.
27.	O-6-S	During early engagement , County of Wellington recommended that the policy recommends including contact information for the Spills Action Centre in spills action plans of companies that lease space on relevant port lands.
28.	Appendix B: Collaboration and Consultation	The consultation summary section of the plan is updated. This addresses pre-consultation comments from MECP.
29.	Appendix D: Glossary of Terms	To address pre-consultation comments from the City of Hamilton and as discussed with the municipal working group in October-November 2021, the definition of "existing threat" is updated in Appendix D, page 193. It was discussed with the municipal working group about the definition of "existing threat", such that the ten-year window is proposed to be removed. Further, a proponent would need to demonstrate intent of resuming an activity. It would be subject to policies to manage risks. This will help prevent unintended prohibitions, given the high growth and development area that HHSPR is characterized by. Examples of "demonstrated intent" are included in the Explanatory Document Section 2.4, page 16.
30.	Appendix E: Maps	Most of the Maps are moved here for increased efficiency and ease in frequent updates.

Blue highlights indicate updates from **early engagement**. Green highlights indicate updates from **pre-consultation**.

Table 2: Halton-Hamilton Source Protection Plan: Policy T-52 C/S

Current Policy Part and Legal Effect	Current Policy	Proposed Policy and Legal Effect
<p>T-52 C/S overarching policy text (C: legally binding; S: non-binding)</p>	<p>Where discharges from sewage treatment plants, the handling and storage of fuel, and the conveyance of oil in a pipeline that crosses an open body of water are existing significant drinking water threats to Lake Ontario municipal intakes,</p>	<p>Overview: T-52-C/S is proposed to be split into legally binding and non-binding policies as described below.</p>
<p>T-52-S parts a and d List K – Non-binding Significant threat policies to be implemented by stakeholders other than municipalities, local boards, or source protection authorities</p>	<p>a) the Ministry of the Environment and Climate Change shall provide mapping of intake protection zones three and the locations of known significant threats to the Spills Action Centre, and if necessary modify procedures to ensure that the operators of all water treatment plants that could be affected by a spill are notified.</p> <p>d) by February 1 of each year, the Ministry of the Environment and Climate Change shall prepare and submit to the Source Protection Authority a report summarizing their actions for the previous year, including the number, type, and location of spills reported within intake protection zones three, adjusted thresholds, and actions taken or recommended to improve the efficiency and effectiveness of the spill reporting system.</p>	<ul style="list-style-type: none"> • New policy T-67-S for liquid hydrocarbon pipelines (event based IPZ-3 and certain WHPAs), and for sewage and fuel threats (event based IPZ-3s). <p>List K – Non-binding (Part b: Legally binding monitoring policy)</p>
<p>T-52-C part b List C - Legally binding - must conform with Significant threat policies that affect prescribed instrument decisions</p>	<p>b) the Ministry of the Environment and Climate Change shall ensure that the environmental compliance approvals that govern the sewage works include appropriate terms and conditions to ensure that the systems do not become significant drinking water threats. As part of its program to review environmental compliance approvals that are affected by source protection plans and in consultation with the municipalities responsible for water services the following conditions shall be considered for inclusion - adjustment of the reporting thresholds for pathogens and chemicals of concern in effluent.</p>	<p>To address pre-consultation comments from MECP, the Policy T-52-C part b (event based IPZ-3 for sewage threats) is revised to direct MECP to make all monitoring and reporting requirements publicly available at Access Environment to determine if any changes were made to effluent limits and monitoring requirements. However, the Source Protection Authority is not identified as the body making that determination, as it is unknown at this time if provincial funding will be provided to carry out the task of manually reviewing and comparing individual reports (current and previous) to determine if any changes were made to the effluent limits thresholds (and to what degree) and changes to the monitoring requirements.</p> <p>List C - Legally binding - must conform with</p>

Current Policy Part and Legal Effect	Current Policy	Proposed Policy and Legal Effect
<p>T-52-S part c</p> <p>List K - Non legally binding</p> <p>Significant threat policies to be implemented by stakeholders other than municipalities, local boards, or source protection authorities</p> <p>*industries (includes liquid hydrocarbon pipeline owners and bulk fuel storage facilities)</p>	<p>c) the owners of facilities* where these significant drinking water threats have been identified are requested to update emergency preparedness/contingency plans to include the location of municipal intakes, actions to be taken to protect drinking water sources should an incident occur, and the requirement for inclusion of the protection of drinking water sources in emergency preparedness exercises.</p>	<p>(Part b: Legally binding monitoring policy)</p> <ul style="list-style-type: none"> New policy T-65-S for liquid hydrocarbon pipelines (event based IPZ-3 and certain WHPAs) and fuel threats (event based IPZ-3) <p>List K - Non legally binding</p>
<p>T-52-C part c</p> <p>List E - Legally binding - must comply with</p> <p>Significant threat policies that impose obligations on municipalities, source protection authorities and local boards</p> <p>**municipalities</p>	<p>c) the owners of facilities** where these significant drinking water threats have been identified are requested to update emergency preparedness/contingency plans to include the location of municipal intakes, actions to be taken to protect drinking water sources should an incident occur, and the requirement for inclusion of the protection of drinking water sources in emergency preparedness exercises.</p>	<ul style="list-style-type: none"> New policy T-66-C for sewage threats (event based IPZ-3) <p>List E - Legally binding- must comply with</p>
<p>T-52-C part e</p> <p>List F - Legally binding - must comply with</p> <p>Monitoring policy referred to in subsection 22 (2) of the <i>Clean Water Act, 2006</i></p>	<p>e) the Source Protection Department of the Halton Region and Hamilton Region Conservation Authorities shall consult with the owners of facilities where these significant drinking water threats have been identified to request an invitation to observe the emergency preparedness exercises carried out in the vicinity of the Halton-Hamilton Source Protection Region, and to request to view a copy of the emergency preparedness plans when amended.</p>	<ul style="list-style-type: none"> New policy T-68-C <p>Legally binding monitoring policy</p>

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