

SRPRS.18.118

Appendix 1

Appendix 1

TEXT HIGHLIGHTED IN GREY INDICATES A REMOVAL (~~STRIKETHROUGH~~) OR ADDITION (**BOLD**) FROM APPROVED CTC SOURCE PROTECTION PLAN (JULY 2015)

TRANSITION PROVISION

Under the *Clean Water Act, 2006*, there is consideration for source protection plans (SPPs) to have a Transition Provision that outlines the circumstances under which a “future” drinking water threat activity, that would otherwise be prohibited, may be considered as “existing”, even if the activity has not yet commenced. The intent is to allow applications in transition to proceed while drinking water threats are managed under the “existing threat” policies.

The CTC Source Protection Committee included a Transition Provision to recognize situations where an approval-in-principle to proceed with a development application had already been obtained, or where a complete application was made prior to the date the SPP came into effect, but requires further planning approvals to implement the application in progress.

The CTC SPP was approved by the Minister of Environment and Climate Change on July 28, 2015 and became effective on December 31, 2015. Applications submitted after the effective date of the CTC SPP may only be transitioned if they are helping to implement an application in process prior to the date the CTC SPP took effect.

“Existing Threat” policies apply to prescribed drinking water threat activities under the following circumstances:

- 1) A drinking water threat activity that is part of a development proposal where a Complete Application (as determined by the municipality or Niagara Escarpment Commission) was made under the *Planning Act*, *Condominium Act* or *Niagara Escarpment Planning and Development Act* (NEPDA) prior to the day the Source Protection Plan comes into effect. The policy for “existing” drinking water threats also applies to any further applications required under the *Planning Act*, *Condominium Act*, Prescribed Instruments, or a development permit under the NEPDA, to implement the development proposal.
- 2) A drinking water threat activity that is part of an application accepted for a Building Permit, which has been submitted in compliance with Division C 1.3.1.13 ~~(5)~~ of the *Ontario Building Code* **under the *Building Code Act, 1992 as amended***, prior to the day the Source Protection Plan comes into effect.
- 3) A drinking water threat activity that is part of an application accepted for the issuance or amendment of a Prescribed Instrument prior to the day the Source Protection Plan comes into effect.

Explanatory Document Text

The Transition Provision outlines the circumstances under which a future significant drinking water threat activity may be considered an existing significant drinking water threat activity.

The *Clean Water Act, 2006* requires source protection plans to contain policies to address both existing and future threat activities. *The Clean Water Act, 2006* further specifies that all policies will come into effect upon the plan approval date or an effective date specified by the Minister of the Environment and Climate Change. Transition provisions have been developed to recognize those situations where an applicant has either obtained an approval-in-principle to proceed with a development application, or where a complete application has already been made to a planning approval authority that are “in process” on the date the Source Protection Plan comes into effect. They are not designed to allow proponents to ignore or circumvent the provision contained in this Plan. They will allow the applications to proceed subject to existing significant drinking water threat policies.

The CTC Source Protection Committee concluded a transition provision should be included in the Source Protection Plan to be fair to those with applications in progress or that have received an approval-in-principle to proceed with works. The policy will allow those with complete applications made under the *Planning Act* or *Condominium Act*, building permits submitted in compliance with Division C.1.3.1.13 (5) of the *Ontario Building Code Act, 1992 as amended*, development permits under the *Niagara Escarpment Planning and Development Act*, or an application for the issuance or amendment of a Prescribed Instrument prior to the day the Source Protection Plan comes into effect to be treated as existing threat activities.

Transition Provision and Policy REC-1

Policy REC-1 is intended to apply to “future threats” in a WHPA-Q2 with a significant or moderate risk level. However, if an application subject to REC-1 Parts 2a) and 2b) is submitted after the date the source protection plan came into effect (December 31, 2015), but is required to implement a development proposal in progress (as per the Transition Provision), the threat (reducing aquifer recharge) is to be managed as “existing”.

Through the plan review process, the Planning Approval Authority will decide what is required to ensure the “existing” threat does not become significant. This is generally to be determined through water balance assessments, or their equivalent (e.g. addendums or amendments to previous stormwater management reports undertaken on site). The Planning Approval Authority may, however, determine that an application submitted after the Transition Provision deadline to implement an application in progress would not increase impervious cover and a water balance assessment (or equivalent) is not required.

The CTC Source Protection Committee intended to allow the Planning Approval Authority the flexibility to require the appropriate level of detail in a specific water balance assessment (or equivalent) that is commensurate with the scale and location of the proposed development. Some areas of the WHPA-Q2 are particularly important for recharge (i.e. Significant Groundwater Recharge Areas) and should be given specific protection, while others may not be as important and/or cannot provide the required level of infiltration. Therefore, the water balance assessment (or equivalent) should include a site specific assessment, acknowledgement of previous planning approvals obtained or in progress that could impact infiltration, and an identification of recharge characteristics.

Ultimately, the intent of the water balance assessment is to demonstrate, to the satisfaction of the Planning Approval Authority, that pre-development recharge will be maintained to the greatest extent feasible through best management practices such as low impact development (LID), minimizing impervious surfaces, and lot level infiltration.

Policy ID	Timelines for Policy Implementation
	Land Use Planning
T-8	Official plans shall be amended for conformity with the Source Protection Plan within 5 years from the date the Source Protection Plan takes effect, or at the time of the next review in accordance with s.26 of the <i>Planning Act</i> , whichever occurs first. Zoning by-laws shall be amended within 3 years after the approval of the official plan.

Explanatory Document Text

Section 40(1) of the *Clean Water Act, 2006* requires that the Council of a municipality or a municipal planning authority that has jurisdiction in an area to which the source protection plan applies shall amend its Official plan to conform with significant threat policies and designated Great Lakes policies set out in the source protection plan. In part 2 of Section 40, the Council or municipal planning authority are required to make these amendments before the date specified in the source protection plan. Timeline T-8 in the CTC Source Protection Plan required that Official Plans be amended for conformity within 5 years from the date the Plan took effect (i.e., December 2020).

Several upper tier municipalities within the CTC Source Protection Region have communicated the difficulty with achieving the December 2020 timeline as outlined in the CTC Source Protection Plan which also impacts the ability of those lower tier municipalities dependent on the completion of the conformity exercise by their upper tier counterparts in meeting the same timeline. Further, the Government of Ontario released the Growth Plan for the Greater Golden Horseshoe ('Growth Plan') in May 2017. The Growth Plan was prepared and approved under the *Places to Grow Act, 2005* and took effect on July 1, 2017. Upper Tier municipalities are expected to review and update their Official Plans to conform with the updated Growth Plan by July 2022; lower tier municipalities must conform within 1 year of their upper tier counterparts. CTC Source Protection Region municipalities have communicated that completing conformity with the CTC Source Protection Plan and the Growth Plan, 2017, in unison, would be more time and cost effective.

Policy ID	Implementing Body	Legal Effect	Policy	When Policy Applies	Monitoring Policy
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Policy ID	Implementing Body	Legal Effect	Policy	When Policy Applies	Monitoring Policy
GEN-1			s.59 Restricted Land Uses		
			All land uses are designated for the purpose of Section 59 Restricted Land Uses under the <i>Clean Water Act, 2006</i> , with the exception of residential uses, in all areas where the following activities are, or would be, a significant drinking water threat....		
	Municipality RMO	A I	In accordance with Section 59 of the <i>Clean Water Act, 2006</i>, all land uses, except solely residential uses, where significant drinking water threat activities have been designated for the purposes of Sections 57 and 58 of the <i>Clean Water Act, 2006</i>, are hereby designated as Restricted Land Uses and a written notice from the Risk Management Official shall be required prior to approval of any Building Permit, <i>Planning Act</i> or <i>Condominium Act</i> application. Despite the above policy, a Risk Management Official may issue written direction specifying the situations under which a planning authority or Chief Building Official may be permitted to make the determination that a site specific land use designation is, or is not, designated for the purposes of Section 59. Where such direction has been issued, a site specific land use that is the subject of an application for approval under the <i>Planning Act</i> or for a permit under the <i>Building Code Act</i> is not designated for the purposes of Section 59, provided that the planning authority or Chief Building Official, as applicable, is satisfied that: - The application complies with the written direction issued by the Risk Management Official; and, - The applicant has demonstrated that a significant drinking water threat activity designated for the purposes of Section 57 or 58 will not be engaged in, or will not be affected by the application. Where the Risk Management Official has provided written direction designating a land use for the purpose of section 59, a written Notice from the Risk Management Official shall be required prior to approval of any Building Permit under the <i>Building Code Act, 1992</i> as amended, in addition to <i>Planning Act</i> and <i>Condominium Act</i> applications in accordance with Section 59 of the <i>Clean Water Act, 2006</i>.	Immediately (T-9) Amend OPs for conformity within 5 years and ZBLs within 3 years of OP approval (T-8)	MON-1 MON-2

Explanatory Document Text

Policy GEN-1 manages existing and future activities within vulnerable areas where the activity is or would be a significant drinking water threat as designated under section 59 of the *Clean Water Act, 2006*, by requiring Risk Management Officials to screen applications for works proposed under the *Planning Act*, the *Condominium Act*, and the *Building Code Act, 1992* as amended, excluding residential uses.

Where the activities are or would be a significant drinking water threat, this policy requires municipalities to designate land uses within their Official Plans and Zoning By-Laws. This will allow for the pre-screening by the Risk Management Official, ~~via~~ **using** section 59 of the *Clean Water Act, 2006*. Section 59 policies require that municipalities put a process in place to “flag” for the **Chief** Building Official and the Planning Department applications made under the *Planning Act* and ~~or~~ the *Condominium Act*, **as well as** ~~or~~ an application for a building permit **under the *Building Code Act, 1992*, as amended**, that is within a vulnerable area where a threat could be significant and where Part IV authorities are being used to prohibit or manage activities. The “flag” would indicate to the **Chief** Building Official or the Planning Department that the proposal needs to be reviewed by the Risk Management Official. Once the Risk Management Official is satisfied that the applicable Part IV policies are addressed, he/she would issue a “Notice to Proceed”. This Notice is used to let the **Chief** Building Official or Planning Department know they can proceed **with** ~~in~~ processing the proposal.

Risk Management Officials in the CTC Source Protection Region have communicated that Policy GEN-1, as originally written, had ambiguity regarding their ability to determine when site-specific land uses, activities, or building projects are or are not subject to Section 59 Notice requirements under the *Clean Water Act, 2006*. The revised policy text now has clear policy direction allowing Risk Management Officials the autonomy to determine the site specific land uses that both are and are not subject to Section 59 Notices.

Policy ID	Threat Description	Implementing Body	Legal Effect	Policy	Where Policy Applies	When Policy Applies	Monitoring Policy
SAL-10	Moderate/ Low Threats Application of Road Salt	Planning Approval Authority	B	Land Use Planning Where the application of road salt would be a moderate or low drinking water threat, the planning approval authority is encouraged to require a salt management plan, which includes a reduction in the future use of salt, as part of a complete application for development which includes new roads and parking lots in any of the following areas: • WHPA-A (VS = 10) (existing, future); or • WHPA-B (VS ≤ 10) (existing, future); or • WHPA-C (future); or • WHPA-D (future); or • WHPA-E (VS ≥ 4.5 and <9) (future); or • HVA (future); or • SGRA (VS ≥ 6) (future).	See Chapter 5 of the respective Assessment Report	Future: Immediately (T-9) Amend OPs for conformity with with 5 years and ZBLs within 3 years of OP approval (T-8)	N/A
				Such plans should include, but not be limited to, mitigation measures regarding design of parking lots, roadways and sidewalks to minimize the need for repeat application of road salt such as reducing ponding in parking areas, directing stormwater discharge outside of vulnerable areas where possible, and provisions to hire certified contractors.			

Policy ID	Threat Description	Implementing Body	Legal Effect	Policy	Where Policy Applies	When Policy Applies	Monitoring Policy
SAL-12	Moderate/ Low Threats Application of Road Salt	Municipality	J	Specify Action Where the application of road salt on unassumed roads and private parking lots with greater than 200 square metres is, or would be, a moderate or low drinking water threat in any of the following areas: • WHPA-A (VS = 10) (existing, future); or • WHPA-B (VS ≤ 10) (existing, future); or • WHPA-C (existing, future); or • WHPA-D (existing, future); or • WHPA-E (VS ≥ 4.5 and <9) (existing, future); or • HVA (existing, future); or • SGRA (VS ≥ 6) (existing, future); the municipality is encouraged to: a) require implementation of a salt management plan which includes the goal to minimize salt usage through alternative measures, while maintaining public safety; and b) require the use of trained individuals in the application of road salt (could include technicians and technologists and others responsible for salt management plans, winter maintenance supervisors, patrollers, equipment operators, mechanics, and contract employees).	See Chapter 5 of the respective Assessment Report	Existing & Future: Consider within 2 years (T-15)	N/A

Explanatory Document Text

Policies SAL-10 through SAL-13 apply to low and moderate threat areas.

The CTC Source Protection Committee has chosen to include a land use planning policy using *Planning Act* tools and a number of Specify Action policies where the threat is low or moderate in recognition that road salt application and storage activities **are** carried out throughout ~~all source protection areas~~ **the source protection region**; chloride and sodium are very mobile chemicals that move easily and rapidly into and through aquifers; and that there are many other sources of drinking water that may be protected as well through implementation practices to reduce the threat.

All of these low and moderate threat policies are non-legally binding. Each specific implementer must have regard for the policy in making decisions, but has the flexibility of determining what action(s) will be taken. While an implementer is not required to provide a report on their actions on implementing low or moderate threat policies, the CTC Source Protection Committee encourages them to provide information that will help in future review and revision of policies.

CTC Source Protection Plan Policies for Section 34 Amendment

Policy ID	Threat Description	Implementing Body	Legal Effect	Policy	Where Policy Applies	When Policy Applies	Monitoring Policy
REC-1	An activity that reduces recharge to an aquifer	Planning Approval Authority	A	Land Use Planning (Planning Policies for Protecting Groundwater Recharge) For applications under the Planning Act within the Tier 3 Water Budget WHPA-Q2 identified as having significant water quantity threats, the relevant Planning Approval Authority shall ensure recharge reduction does not become a significant drinking water threat by: 1) Requiring new development and site alteration under the Planning Act for lands zoned Low Density Residential (excluding subdivisions) or zoned Agricultural to implement best management practices such as Low Impact Development (LID) with the goal to maintain predevelopment recharge. Implementation of best management practices is encouraged, but voluntary, for Agricultural Uses, Agriculture-related Uses, or On-farm Diversified Uses where the total impervious surface does not exceed 10 per cent of the lot. 2) Requiring that all site plan (excluding an application for one single family dwelling) and subdivision applications to facilitate major development (excluding development on lands down-gradient of municipal wells in the Toronto & Region Source Protection Area [Figure X]) for new residential, commercial, industrial and institutional uses provide a water balance assessment for the proposed development to the satisfaction of the Planning Approval Authority which addresses each of the following requirements: a) maintain pre-development recharge to the greatest extent feasible through best management practices such as LID, minimizing impervious surfaces, and lot level infiltration; b) where pre-development recharge cannot be maintained on site, implement and maximize off-site recharge enhancement (within the same WHPA-Q2) to compensate for any predicted loss of recharge from the development; and c) for new development (excluding a minor variance) within the WHPA-Q2 and within an Issue Contributing Area (for sodium, chloride or nitrates), the water balance assessment shall consider water quality when recommending best management practices and address how recharge will be maintained and water quality will be protected. The Planning Approval Authority shall use its discretion to implement the requirements of this policy to the extent feasible and practicable given the specific circumstances of a site and off-site recharge opportunities. 3) Only approving settlement area expansions as part of a municipal comprehensive review where it has been demonstrated that recharge functions will be maintained on lands designated Significant Groundwater Recharge Areas within WHPA-Q2. 4) Amending municipal planning documents to reference most current Assessment Reports in regards to the Significant Groundwater Recharge Areas within WHPA-Q2.	Future: WHPA-Q2 with a significant risk level See Maps 3.1 3.2 Future: WHPA-Q2 with a moderate risk level See Maps 3.3 3.4	Future: Immediately (T-9) Amend OPs for conformity within 5-years and ZBLs within 3 years of OP approval (T-8)	MON-1

EXPLANATORY DOCUMENT TEXT

Policy REC-1 is a land use planning policy that manages activities that reduce recharge to an aquifer. This policy applies to future threats in a WHPA-Q2 with a significant or moderate risk level.

The intent of the policy is to ensure that the Planning Approval Authority makes decisions that do not result in recharge reduction from new development becoming a significant drinking water threat within a WHPA-Q2. The Planning Approval Authority, through the plan review process (i.e., *Planning Act* applications) will determine what is required, and determine the acceptability of the proposed actions, in the water balance assessments.

The CTC Source Protection Committee wants the Planning Approval Authority to have the flexibility to require the appropriate level of detail in a specific water balance assessment commensurate with the scale and location of a proposed development. For example, within the WHPA-Q2 are areas that have been identified as Significant Groundwater Recharge Areas which are particularly important due to the nature of the soils and slope that permit higher than average infiltration of precipitation to replenish the groundwater. These areas should be given particular protection. Other areas **within the Tier 3 WHPA-Q2**, may not be important for recharge and/or cannot provide the required infiltration due to the local soil and slope conditions. Site specific assessment and identification of the recharge characteristics of the site should be part of such water balance assessments **or equivalent**. Where a detailed assessment is warranted, using the current version of the Tier 3 Water Budget model and updated information should ensure that the results are technically robust and comparable to the original analysis. The local source protection authority has the model files and information to support this analysis, but it is envisioned that an applicant will have to retain qualified expertise to do the analysis.

The Source Protection Committee encourages the “complete application” check list be updated to include the Water Balance Assessment.

The intent of Part 1) of the policy is to **avoid the burden on individual residential owners or agricultural operations by requiring that they undertake expensive hydrogeological assessments, but to protect recharge by requiring instead that they implement best management practices that will reduce or eliminate any impact from their building or development activities that are subject to planning approvals—provide an appropriate level of policy direction to maintain recharge for development and site alteration associated with smaller-scale or agriculture-related development not covered by Part 2 of this policy. In lieu of providing hydrogeological assessments, applicants are required, or in the case of agriculture-related development where the total lot impervious surface is beneath a threshold of 10 per cent, encouraged to voluntarily implement best management practices, that will reduce or eliminate any impact from their building, or development, or site alteration activities that are subject to planning approvals**

With respect to the voluntary implementation of Part 1) of this policy for Agricultural Uses, Agricultural-Related Uses, and On-farm Diversified Uses these terms have the same meaning as defined in the *Provincial Policy Statement, 2014* and as further articulated in the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016*. The 10 percent impervious threshold for agricultural-related uses is adapted from Policy 3.2.4.2 of the *Greenbelt Plan, 2017* for the purposes of this policy.

In general, on low density and agriculturally zoned lands, it is possible to ensure that roof and impermeable surface run-off can be directed to on-site infiltration and thus maintain recharge without requiring technical assessments.

The intent of Part 2) of this policy is to ensure **certain Planning Act** applications ~~(excluding an application for one single family dwelling and on lands zoned agricultural)~~ include an assessment of the potential reduction in recharge so that specific measures are identified and implemented to ensure the proposal does not result in recharge reduction becoming a significant drinking water threat within a WHPA-Q2. This requirement applies to **major development** on lands with the greatest potential for reducing recharge, such as commercial, employment, institutional, industrial uses and includes residential subdivisions. ~~but excludes an application for one single family dwelling.~~ **Planning Act** applications applicable to Parts 2 (a) and (b) include site plan applications, draft plan of subdivision applications, and any associated implementing official plan or zoning by-law amendment applications, **however, applications for development on lands zoned agricultural, which do not meet the criteria for major development, and any development on lands down-gradient of municipal wells in the Toronto and Region Source Protection Area [See Figure X], are exempt from Part 2).**

The intent of Part 2 (b) is to allow the municipality the option where it meets local requirements to require the applicant to locate compensating recharge on another site within the WHPA-Q2 where it is not feasible to protect pre-development recharge within the development site. The CTC Source Protection Committee concluded that the local municipality is best placed to determine the optimal actions to protect recharge and this provides them some local flexibility in their decision-making.

Part 2 (c) of this policy applies ONLY to those parts of a WHPA-Q2 which are also within an Issue Contributing Area for Sodium, Chloride or Nitrate. These areas are shown on the maps in the appendices ~~of~~ **of the CTC** Source Protection Plan and also will be provided by the Source Protection Authority in other formats upon request to municipalities or other planning approval authorities. This requirement is intended to ensure that any risk management measure that is implemented to maintain recharge does not create a threat to source water quality. For example, infiltration of stormwater containing road salt in an Issue Contributing Area for Sodium or Chloride is a significant drinking water threat and subject to policies SWG-11 and SWG-12. The CTC Source Protection Committee has included Part 2 (c) of this policy for clarity to ensure that an implementing body does not inadvertently approve an activity to protect water quantity that is a threat to water quality.

The intent of Part 3) is to ensure municipalities evaluate planned growth against recharge reduction at a large scale and only proceed if the planned growth will not result in new significant drinking water threats. Once feasibility of the growth is confirmed, development proponents are subject to Parts 1) and 2) of this policy which are site-specific.