

Prohibition and Risk Management Plans in the Quinte Region

Certain activities, when carried out near a drinking water source, can pose a threat to that water source. The Quinte Region Source Protection Plan contains some policies that call for the prohibition of some activities and measures to manage other activities, **where they present a significant threat in the most vulnerable areas surrounding a municipal drinking water source.** The Plan also calls for municipalities to ensure that any new or future activities do not adversely affect the municipal water source.

What types of activities could be affected?

Some activities may pose a significant threat when they occur in specific identified vulnerable areas surrounding a municipal water source. The activities may include:

- ◆ Handling and storage of fuel
- ◆ Sewage collection and disposal
- ◆ Some agricultural practices
- ◆ Waste storage and disposal
- ◆ Use, handling and storage of certain dangerous chemicals, fertilizers and pesticides
- ◆ Road salt and snow storage

Who are the Risk Management Officials?

The Risk Management Inspector or Official (similar to a Building Inspector or Official) works with the person engaging in the activity to develop the risk management plan. Quinte Conservation provides the risk management services for municipalities with drinking water systems in the Quinte Region. Quinte Conservation's Risk Management Inspectors and Officials carry provincially issued identification.

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Contact Us

We can advise how your activities may be affected by policies in the Source Protection Plan.

If you require a risk management plan we can walk you through that process.

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What is a significant drinking water threat activity?

Activities on the land and in the water near municipal wells and surface water intakes may adversely affect our drinking water sources. Significant threat activities can be activities that are presently being engaged in or they may be future, intended activities. The Province of Ontario identified 21 drinking water threats under the *Clean Water Act, 2006*. Fact sheets about significant threat activities in the Quinte Region are available at www.quintesourcewater.ca. The types and number of existing threat activities and the vulnerable areas surrounding drinking water sources in the Quinte Region are identified in the Assessment Report.

What is the Assessment Report?

The Assessment Report is a technical document based on science that has been approved by the Ministry of the Environment and Climate Change. It describes the vulnerable areas around each municipal drinking water system where spills, pollution and contamination could harm the source water. The Quinte Region Assessment Report is available at www.quintesourcewater.ca.

The Clean Water Act

Source Protection Plans were created under Ontario's *Clean Water Act, 2006*. The Plans protect municipal drinking water sources by preventing contaminants from getting into the groundwater, rivers, lakes and bays that supply municipal drinking water systems.

Part IV of the *Clean Water Act* allows for policies in the Source Protection Plan to prohibit some activities or require risk management plans to regulate or manage other activities in specific vulnerable areas near drinking water sources.

Planning and Building Code Applications

Municipalities must have a process to screen planning applications and applications under the Building Code to determine if proposed activities are subject to prohibition or risk management plan policies.

This helps municipalities avoid inadvertently approving an application without complying with Source Protection Plan policies first.

Applications under the *Planning Act*, or for the construction or the change of the use of a building may not be made until the risk management official issues a notice to the person who is proposing the regulated activity.

The notice will identify either that:

- ◆ the activity is prohibited **or**
- ◆ that a risk management plan has been agreed to or established for the activity **or**
- ◆ neither prohibition or risk management measures apply.

If the activity is prohibited by the Source Protection Plan then the application cannot proceed. If a risk management plan is established then the application can proceed. If neither prohibition or risk management measures apply then the application may proceed.

Prohibition

The Source Protection Plan prohibits some activities, but only in the most vulnerable areas near municipal drinking water sources. Prohibited activities must not be carried out in the specified applicable area.

Less than two hectares of agricultural land in the entire Quinte Region are affected by prohibition. Other types of activities prohibited very close to drinking water sources include: sewage treatment plants, waste disposal sites and the handling and storage of certain dangerous chemicals and large quantities of road salt.

How are risk management plans established?

The risk management official will contact you if you require a risk management plan, or you may be referred to the risk management official by your municipality if you are planning a future activity that may require a risk management plan.

The risk management plan is negotiated by the official and the person engaged in the activity. That person may or may not be the property owner.

Risk management plans may be straightforward in many circumstances where persons are already using best management practices for their activities. If there is more than one significant threat activity being engaged in at a certain location, then the plan will be more complex in order to address the risks to the water source. Risk management plans may be amended.



A risk management plan for the storage of contaminated liquid waste, such as motor oil, may require the waste to be stored safely using a drip container with alarm.

What is a Risk Management Plan?

A risk management plan is a plan to regulate how a significant drinking water threat activity is undertaken on a specific property. It outlines what actions are required to control how the significant drinking water threat activity is carried out so the risks to the municipal drinking water source are reduced or eliminated.

Risk management plans are site specific documents. They are negotiated and agreed on by both the risk management official (appointed by a municipality) and the person engaged in the activity. A risk management plan allows certain activities that are identified as significant threats to continue on a specific parcel of land, provided that the measures in the risk management plan are followed.

The intent is that the risk management plan be voluntarily negotiated wherever possible. This means there is opportunity for discussion, flexibility and agreement as to how a significant drinking water threat will be regulated on a property in order to reduce the potential impact on drinking water sources. The risk management plan includes and accounts for any risk management measures that may already be in place such as a nutrient management plan.

Notice of risk management plan

If the risk management official and person engaged in the activity agree to a risk management plan, the risk management official will provide written notice to the person and attach a copy of the plan to the notice.

What if no plan is agreed to?

The risk management official may give a person a notice that if no risk management plan is agreed to by a date specified in the notice, which is at least 60 days after notice is given, then the official may establish a risk management plan for the activity at the location. A person receiving the notice may waive the notice period and consent in writing to the establishment of the risk management plan before the date specified in the notice.

What if consent is not given?

If a notice is given and no risk management plan is agreed to by the date specified in the notice then the risk management official will, by order, establish a risk management plan for the activity at the location.

Enforcement of a risk management plan

If a risk management official/inspector has reasonable grounds to believe that a person is failing to implement the risk management plan, then an order may be issued. This requires the person to do any one or more of the following: comply by a specific date; seek an amendment to the risk management plan; or submit a report on compliance. If the risk management plan is not carried out, the required work will be done and the person will be billed for the resulting costs. Costs may be recovered by adding them to the property taxes.

The information on this fact sheet is not legal advice.

Is there an appeal available?

Yes, a hearing before the Environmental Review Tribunal may be requested by serving written notice within 60 days after the Notice of Risk Management Plan is served by the risk management official. A person requesting a hearing must state in their notice the grounds on which the person intends to rely at the hearing. For more details see sections 70 to 77 of the *Clean Water Act, 2006*. There is a link to the *Clean Water Act, 2006* on the home page of www.quintessourcewater.ca.

What is a risk assessment and how does it work?

Under section 60 of the *Clean Water Act, 2006*, a person may undertake a risk assessment of the activity. The risk assessment must be undertaken by a “person of qualifications” and satisfy certain requirements. If the risk assessment is submitted to the risk management official and it concludes that the activity, if engaged in at that location, is not a significant drinking water threat and the risk management official accepts the risk assessment, then no risk management plan will be required.



Some agricultural practices are prohibited or require risk management plans in the most vulnerable areas near drinking water sources.