

Ontario Source Water Protection Plan Approval Update

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Ontario has approved 15 new Source Water Protection Plans (SPP) under the Clean Water Act, 2006. Municipalities and companies should take note of this development to help prepare for their potential responsibilities and opportunities under Ontario’s evolving drinking water source protection regime. Environmental compliance instrument holders should be aware that they may have to take additional steps to come into compliance under this regime.

Please also see our articles [“Ontario Approves Mississippi-Rideau Source Protection Plan”](#) dated September 4, 2014 and [“Ontario Approves Mattagami Region Source Protection Plan”](#), dated April 16, 2014.

Newly Approved SPP for Large Area of South-Central Ontario

On January 26, 2015, Ontario approved the South Georgian Bay Lake Simcoe Source Protection Plan. This plan comprises of the Lakes Simcoe and Couchiching/Black River Source Protection Area, the Nottawasaga Valley Source Protection Area and the Severn Sound Source Protection Area. This source protection plan also includes the First Nation drinking water system at Rama First Nation. In total, this SPP covers a region spanning 10,000 km².

This protection region contains four watersheds, three First Nations communities, 277 municipal supply wells and 16 municipal surface water intakes.

The South Georgian Bay Lake Simcoe SPP covers a total of 52 municipalities, including:

Adjala-Tosorontio	Dufferin County	Lake of Bays	Penetanguishene
Algonquin Highlands	Durham Region	Melancthon	Ramara
Amaranth	Dysart et Al	Midland	Scugog
Aurora	East Gwillimbury	Minden Hills	Severn
Barrie	Essa	Mono	Shelburne
Blue Mountains	Georgian Bay Township	Mulmur	Simcoe County
Bracebridge	Georgina	Muskoka District	Springwater
Bradford West Gwillimbury	Gravenhurst	Muskoka Lakes	Tay
Brock Township	Grey County	New Tecumseth	Tiny
Caledon	Grey Highlands	Newmarket	Uxbridge
City of Kawartha Lakes	Haliburton County	Orillia	Wasaga Beacg
Clearview	Innisfil	Oro-Medonte	Whitchurch-Stouffville
Collingwood	King Township	Peel Region	York Region

First Nation Option to Incorporate Drinking Water Systems into Regional SPPs

Ontario O. Reg. 287/07 has been amended to include three First Nations drinking water systems into regional SPPs. The Chippewas of Kettle and Stony Point First Nation, the Six Nations of the Grand River and the Chippewas of Rama First Nation have all opted in to a regional SPP.

First Nations may also choose to develop their own community-based SPPs by following the federal [First Nation On-Reserve Source Water Protection Plan: Guide and Template](#). The Guide provides an overview of the principles of source protection and a template for moving forward to develop a SPP. The Guide is available online and through Aboriginal Affairs and Northern Development Canada.

2014 Report of the Office of the Auditor General of Ontario

The large number of new SPPs addresses a key concern identified in the [2014 Report of the Office of the Auditor General of Ontario](#). The report audited the progress and effectiveness of the source water protection plan process. The audit took place between November 2013 and April 2014.

The audit identifies several factors indicating increased risk that source water in Ontario is not being effectively protected. The audit's additional areas of concern include delays in approving and implementing the Source Water Protection Plans, weaknesses in the Source Water Protection Plans, limited coverage and enforcement under the *Nutrient Management Act*, and insufficient water-taking charges to recover program costs

Areas with Approved SPPs

Ontario has approved SPPs for the following areas.

Ausable Bayfield	Niagara Peninsula
Cataraqui	Nottawasaga Valley Source Protection Area
Catfish Creek	Quinte
Kettle Creek	Raisin-South Nation
Lakehead	Sound Source Protection Area
Lakes Simcoe and Couchiching/Black River Source Protection Area	Sudbury
Mattagami Region	Trent
Mississippi-Rideau	

Ontario intends to approve the remaining 11 SPPs by the end of 2015.

Key Considerations for Municipalities and Companies

Municipalities are the primary implementers and enforcers of SPPs. Those with SPP responsibilities will need to prepare for this new role by employing and training risk management officers to oversee plan implementation. Alternatively, they may hire a body approved under the *Clean Water Act, 2006* to provide the necessary services.

Companies that operate in a region covered by an SPP will need to determine whether they are affected by SPP policies and, if so, how. For example, if a company is conducting activities that impact an SPP-identified vulnerable area, such as an intake protection zone or a wellhead protection area, it will need to find out whether those activities will be permitted to continue. If yes, it may need to negotiate a risk management plan with the responsible municipality within the stipulated time frame to avoid having one potentially imposed upon it.

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