

Ontario Approves Final Source Water Protection Plan

By [Julie Abouchar](#), Partner and Certified Environmental Law Specialist, with the assistance of Julia Paillé, Student-at-Law. © Willms & Shier Environmental Lawyers LLP.

January 22, 2016

On November 26, 2015, Ontario approved the Grand River Source Protection Plan. The Plan will take effect on July 1, 2016. This is the 22nd and final source protection plan (“SPP”) that Ontario committed to implement by 2015. The 22 SPPs cover an area of Ontario where over 95 per cent of the population lives. Municipalities and companies should take note of this development to help prepare for their potential responsibilities and opportunities under Ontario’s drinking water source protection regime.

Please also see our articles [“Ontario Source Water Protection Plan Approval Update”](#) dated February 19, 2015 and [“Ontario Approves Mattagami Region Source Protection Plan”](#) dated April 16, 2014.

Source Water Protection in Ontario

Ontario implemented the source water protection program under the *Clean Water Act* in 2006 to protect sources of drinking water. The source water protection program and the *Clean Water Act* were enacted following the Walkerton tragedy. In May 2000, at least seven residents were killed and thousands were rendered ill by a tainted water supply in Walkerton. The source water protection and planning process is funded and directed by the Ministry of the Environment and Climate Change and municipalities, and supported by regional conservation authorities. SPPs identify risks to municipal water quality and water supplies based on technical studies, policy initiatives, and extensive public consultations. SPPs outline policies and programs that will help to manage, eliminate and prevent significant threats to drinking water.

The 22 final SPPs that Ontario has approved cover the following areas:

Mattagami Region	Niagara Peninsula	Sudbury
Lakehead Kettle Creek	Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region	Raisin-South Nation
Long Point Region	Mississippi-Rideau	Ausable Bayfield
Quinte	Catfish Creek	North Bay-Mattawa
Trent	South Georgian Bay Lake Simcoe	Essex Region
Cataraqui	Sault Ste. Marie	Halton-Hamilton Region
Thames-Sydenham and Region	Credit Valley, Toronto Region, and Central Lake Ontario Region	Grand River

The Source Protection Plan for the Grand River Watershed

The Grand River watershed is located in south central Ontario and covers an area of approximately 6,800 km². The population of the Grand River watershed is approximately 895,517. There are 38 upper, lower, and single-tier municipalities and 2 First Nation communities within the Grand River watershed. The largest cities in the watershed are Waterloo, Kitchener, Cambridge, Guelph and Brantford. The remaining areas in the watershed are primarily rural and agricultural. Approximately 86 percent of the total population in the watershed receives municipal water supplies.

This SPP will help communities in the Grand River watershed address drinking water risks associated with waste disposal sites, road salt, snow storage, commercial fertilizers, manure, pesticides, fuel, and organic solvents. The SPP implements education, outreach and incentive programs to inform property owners of drinking water threats and provides best management practices to address these threats.

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 (“RMO”) to oversee plan implementation. Alternatively, they may hire a body approved under the *Clean Water Act*, 2006 to provide the necessary services. The City of Brantford and the Region of Waterloo have each employed RMOs to implement the Grand River SPP. Eight municipalities in Wellington County, Guelph Eramosa Township, the County of Oxford, the City of Guelph Grand River Conservation Authority and the Upper Thames River Conservation Authority signed a collaborative agreement to create a source water protection database.¹ The database will facilitate administering and reporting between the municipalities on activities associated with the *Clean Water Act*, 2006.

Companies that operate in the Grand River Watershed 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.

¹ “Collaboration Agreement for Local Source Water Information Management System (LSWIMS),” November 25, 2015, Between Upper Thames River Conservation Authority (UTRCA); The Corporation of the Township of Centre Wellington; The Corporation of the Town of Erin; The Corporation of the Township of Guelph / Eramosa; The Corporation of the Township of Mapleton; The Corporation of the Town of Minto; The Corporation of the Township of Puslinch; The Corporation of the Township of Wellington North; The Corporation of the County of Wellington; County of Oxford; The Corporation of the City of Guelph; and Grand River Conservation Authority (GRCA), <<http://saveourwater.ca/wp-content/uploads/2016/01/IS-2015-21-Source-Protection-Database-Collaboration-Agreement.pdf>>

[Julie Abouchar](#) is a partner at *Willms & Shier Environmental Lawyers LLP* in Toronto and certified as a *Specialist in Environmental Law* by the *Law Society of Upper Canada*. Julie recently co-authored *Ontario Water Law*, published by *Canada Law Book*. Julie may be reached at 416-862-4836 or by e-mail at jabouchar@willmsshier.com.

The information and comments herein are for the general information of the reader only and do not constitute legal advice or opinion. The reader should seek specific legal advice for particular applications of the law to specific situations.