



Crown Ministries: Policies & Implementation

Risk Management Official & Risk Management Inspector Training Course

Source Protection Programs Branch
Ministry of the Environment & Climate Change

Agenda

To provide an overview of how Crown Ministries will comply with their obligations under the CWA when issuing or amending a prescribed instruments:

- Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Ministry of Natural Resources and Forestry (MNRF)
- Ministry of Government & Consumer Services
 - The Technical Standards & Safety Authority
- Ministry of Transportation

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

Prescribed Instruments under the NMA

- OMAFRA has enhanced approval processes for ministry-issued prescribed instruments (PI), to ensure that PIs (existing and future) that regulate SDWT activities are identified and reviewed for compliance with SPP policies.
- OMAFRA has reviewed all SPP policies impacting prescribed instruments under the *Nutrient Management Act*; including:
 - Non-Agricultural Source Material Plans (**NASM Plans**),
 - Nutrient Management Strategies (**NMS**), and
 - Nutrient Management Plans (**NMP**).
- Policy specifics and mapping information is being used to determine instrument content requirements, based on the specific instrument location.

Prescribed Instruments under the NMA

- Where SDWT policies apply, OMAFRA will identify and review **existing** PIs to ensure they contain appropriate conditions.
- OMAFRA will screen all **future** PI approval applications to determine location, and where relevant, applications will be required to comply with applicable policies and contain appropriate conditions.
- Where a PI is required under the NMA but not approved by OMAFRA, OMAFRA will request PIs for submission and assessment on a voluntary basis.
 - OMAFRA can only impose conditions on **approved** PIs.

GIS

- OMAFRA will use GIS resources to determine overlap of IPZ's and WHPA's with declared farm units and will assess existing PIs and future PI applications for compliance with local SPP policies.



Implementation Process

PI approved by OMAFRA

(phased-in NMS and NASM plans)

- OMAFRA will review PI for compliance with local SPP and impose conditions (where appropriate) to comply with applicable policies (*Existing PIs*)
- OMAFRA will impose conditions to comply with applicable policies (*Future PIs*)

PI not approved by OMAFRA

(all NMPs, non-phased in NMS and NASM plans)

- OMAFRA will request that the PI be updated for compliance with local policies and submitted to OMAFRA
- OMAFRA will assess the PI for compliance with applicable policies and encourage revisions where appropriate (*Existing PIs*)
- OMAFRA will work with clients to encourage compliance with SPP policies (*Future PIs*)

Implementation Partners

Farmer Role:

- Be aware of any local SPP policies that may impact land/farm operation that is subject to a NMS/P or NASM Plan on their operation.
- Obtain the services of a qualified NMP preparer or become certified to prepare their own NMP/S.
- Update or have updated the NMS/P or NASM Plan to ensure existing and future activities classified as SDWT comply with local SPP policies.
 - Submit the updated instrument to OMAFRA when requested for assessment.
- Work with the local RMO as necessary
- Manage in accordance with the PIs (and RMP or s57 prohibitions were applicable), including complying with any requirement(s) imposed by SPP policies.

Implementation Partners cont'd

Certified NMP Preparer Role – Act as an ‘Agent’ to the Farmer:

- Determine if any local SPP policies may impact land in a farm unit that is subject to a NMS/P or NASM Plan on their client’s operation.
- Update the NMS/P or NASM Plan to ensure existing and future activities classified as significant threats comply with local SPP policies.
 - Submit the updated instrument to OMAFRA when requested for assessment.
- Work with the farmer to ensure they understand the changes and requirements of the PI, and what is necessary to comply with it.
- Work with the local RMO as necessary
- Work with the farmer and OMAFRA to obtain an “Exemption” from a risk management plan policy (section 61 of Regulation 297/07) if appropriate (not applicable for PIs not approved by OMAFRA).

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Environmental Management Branch

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Farm Unit with Source Water Protection Conditions

Dear ██████████:

Thank you for your letter dated May 14, 2015 with respect to the following conditions (numbered 3, 4, 5, and 6) of the Nutrient Management Strategy (NMS) approval Operation ID ██████████ signed on ██████████. These conditions were added to your NMS approval to ensure that the actions required to comply with the ██████████ Source Protection Plan (██████████) are completed:

3. The Owner, to the satisfaction of the Risk Management Official for the ██████████ ██████████ will delineate, on the grounds affected, the boundary of the Surface Water Intake Protection Zone 1 where intersects. The Owner will keep a record of the GPS points used to delineate these significant threat areas of the Intake Protection Zone 1 area.
4. Agricultural Source Material shall not be stored in the significant threat areas of the Surface Water Intake Protection Zone 1 in the circumstances where the storage is a significant drinking water threat as identified in the ██████████ Source Protection Plan. All locations of the temporary field storage will be recorded on the farmstead sketch and noted with the years in which the location was used.
5. The land within the Surface Water Intake Protection Zone 1 shall not be used to establish an outdoor confinement area or farm animal yard where this activity is a significant drinking water threat as identified in the ██████████ Source Protection Plan.
6. Agricultural Source Material shall not be land applied in significant threat areas of the Intake Protection Zone-1 area.

.../2



Upon reviewing the letter and attached sketch, and based on email confirmation received on August 8, 2015 from the Risk Management Official for the [REDACTED] Source Protection Area, the submitted information appears to meet the requirements of Condition 3.

Conditions 4, 5, and 6 are also addressed in your letter. These conditions have requirements on your operation that must be complied with on an ongoing basis. If you have specific questions regarding these requirements, please contact [REDACTED], Risk Management Official and Risk Management Inspector for [REDACTED].

If you have any other questions about your NMS approval, please contact Trevor Robak, Nutrient Management Program Lead at 519-826-6369.

Sincerely,



Len Senyshyn, Director
Section 3 *Nutrient Management Act, 2002*

[REDACTED]
[REDACTED]
[REDACTED]

Enforcement

- MOECC will enforce prescribed instruments that OMAFRA has approved, to ensure compliance with local SPP policies.
- MOECC has incorporated Source Protection information as 'risk criteria' that will be used to select farms for inspection.

Section 61 – Exemption (O. Reg 287/07)

- Any farmer that is affected by a RMP policy may be exempted from that policy provided they have obtained a PI which conforms to the desired goal or outcome of the policy.
- A **Statement of Conformity** must be issued (as per section 61) by the body that creates/amends the instrument; it must indicate that the instrument conforms to the significant drinking water threat (SDWT) policies in the source protection plan.
- OMAFRA will, where a PI is required under the NMA, issue all statements of conformity under section 61
- The process of obtaining conformity statements under s.61, in instances where a prescribed instrument is not created, issued or amended by OMAFRA (i.e. NMPs) is still under development.

Ministry of Natural Resources and Forestry (MNRF)

Objectives

- To provide information on prescribed drinking water threat activities regulated by MNRF issued instruments
- Cover the types of instruments issued by MNRF
- Policy examples
- How is MNRF preparing for implementation

Instruments issued by MNRF

- **License:** for aggregate extraction on private land
- **Wayside Permit:** for aggregate extraction on private land where aggregate to be used by a public authority (MTO/Municipality) for road construction or road maintenance
- **Aggregate Permit:** for aggregate or topsoil extraction on crown land
- **Site Plan:** applicants of above permits/license also require an approved Site Plan which sets out the specific operational and rehabilitation terms and conditions for the operation

21 Prescribed Drinking Water Threat Activities

1 – **waste** disposal

2 – **sewage**

Agriculture

3 – application of ASM

4 – storage of ASM

5 – management of ASM

6 – application of NASM

7 – handling and storage of NASM

8 – application of commercial fertilizer

9 – handling and storage of commercial fertilizer

10 – application of pesticide

11 – handling and storage of pesticide

21 – livestock grazing

12 – application of **road salt**

13 – handling and storage of **road salt**

14 – storage of **snow**

Industrial

15 – handling and storage of **fuel**

16 – handling and storage of **DNAPL**

17 – handling and storage of an **organic solvent**

18 – chemicals used in the de-icing of aircraft

Water Quantity

19 – consumptive water taking

20 – activity that reduces the recharge of an aquifer

Clean Water Act (General Reg. 287/07)



Management of Fuel at Aggregate Sites – Policy Example

To reduce the risk to municipal drinking water sources from the handling and storage of fuel where fuel storage is associated with aggregate operations, this activity shall be managed where it is a significant drinking water threat. The Province (Ministry of Natural Resources and Forestry) shall create, review and, where necessary, amend any required site plans to adequately manage the activity. These site plans shall incorporate terms and conditions. These terms and conditions, when implemented, shall manage this activity so that it ceases to be or never becomes a significant drinking water threat. The terms and conditions may include, but not necessarily be limited to the relocation of this activity to an area where the activity is not a significant drinking water threat.

Non-Legally Binding Policy Example

- The Ministry of the Environment and the Ministry of Natural Resources should consider the potential impact on drinking water sources prior to issuing approvals for any aquaculture facilities under the Ontario Water Resources Act and the Fish and Wildlife Conservation Act in the zones where these activities would be a moderate or low threat if established in the future. These approvals should include a decommissioning plan upon closure of the facility.

MNRF Preparing for Implementation

- MNRF is currently working to ensure implementation of, and compliance with, source protection plan policies for existing and future sites, as applicable
- For existing risks, MNRF has identified all aggregate sites within WHPA-A and WHPA-B sites across the province and are reviewing their instruments in accordance with the timelines associated within each policy.
 - Current Status: MNRF can work with operators to adjust approval conditions with their consent and could force a change; however, those changes would be subject to hearing provisions in order to implement the policies.
- For future applications, MNRF is using the source protection information mapping tool for screening, and including terms and conditions surrounding fuel storage in the instrument

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Cont'd... MNRF Preparing for Implementation

- ARA is currently under review (Nov 2015) and notice is posted on the EBR (#012-544) to provide new abilities related to source protection policies:
 - Proposal: New powers to allow for Regulations to establish new conditions to automatically apply to existing aggregate sites where source protection plans policies apply (ARA prescribed instrument policies). The proposal also includes new fuel handling and storage conditions that would be established and apply at sites within protection zones.
- MNRF is also conducting an analysis of non-legally binding policies where they are identified as an implementing body to determine how best to achieve the policy outcomes.

**Ministry of Government & Consumer
Services (MGCS)
and
The Technical Standards & Safety
Authority (TSSA)**

Ministry of Government & Consumer Services and The Technical Standards & Safety Authority

The Public Safety Branch of the Ministry of Government and Consumer Services is responsible for oversight of the Technical Standards and Safety Authority (TSSA). TSSA administers the 16 regulations of the Technical Standards and Safety Act, including those that speak to the transportation, storage, distribution and use of fuels.

Source Protection Policies & MGCS and TSSA

SPP policies ask MGCS to:

- Consider amendments to the following legislation:
 - O. Reg. 213/01(Fuel Oil) – I.e. residential fuel oil tanks
 - O. Reg. 217/01 (Liquid Fuel) – I.e. gas stations, marinas, card lock stations
 - Fuel Oil Code
 - Liquid Fuel Oil Code

- Improve collaboration between MOECC and MGCS – i.e. develop education and outreach material to support public safety and protect drinking water.

- Integrate source protection mapping into inspection prioritization and spill response

Preparing for Implementation

NOTE:

- All policies directed at MGCS and TSSA are non-legally binding to implement.
- TSSA is a fee for service, non-profit with responsibilities delegated by the ministry.
- Work underway by MGCS and TSSA to support implementation of policies.
- Some policies have been implemented:
 - Joint E&O material developed for Fuel Oil and Liquid Fuel posted on the Conservation Ontario's website in 2015

Preparing for Implementation Continued...

- The Fuel Oil Code will be amended and take effect on January 1, 2016. The amendments include new requirements for double bottom or double walled tanks and improved tank foundations for outside residential tanks.
- TSSA has proposed amendments to the Liquid Fuel Handling Code to address industry concerns and provide greater protection to the environment.
 - The comment period for the Code closed in September 2015

Ministry of Transportation (MTO)

Objectives

- Cover the types of policies MTO is the implementing body
- Policy examples
- How is MTO preparing for implementation

Policy Examples

(signage, salt storage, fuel storage at wayside permit sites)



Policies – MTO as Implementing Body

- **Signage** - MTO should manufacture, install and maintain signs along Provincial Highways within the WHPA and IPZs.
- **Salt – Application, Handling and Storage:** BMPs, updating salt management plans and pilot projects for the application and handling of road salt on provincial roads.
- **Fuel Handling and Storage** - For wayside permit sites where fuel policies apply. When aggregate to be used by MTO for road construction or road maintenance = delegated authority from MNRF.

Non-Legally Binding Policy Example Signage

- The Ministry of Transportation, in collaboration with the Ministry of the Environment as well as in consultation with Source Protection Authorities (SPAs), should **design a sign** to the appropriate Provincial standards, to identify the locations of Wellhead Protection Areas and Intake Protection Zones. The Ministry of Transportation should manufacture, install and maintain the signs along Provincial Highways within the Wellhead Protection Areas with a vulnerability score of 10, and/or within an Intake Protection Zone or Wellhead Protection Area E with a vulnerability score of 8 or higher.

Management of Fuel at Wayside Sites – Policy Example

- A prescribed instrument (under the ARA) issued where the threat from **the handling and storage of fuel** could be significant, shall contain conditions to manage the threat. A review of existing instruments and their conditions to manage these threats shall be completed within three years of the date the Source Protection Plan takes effect...

MTO Preparing for Implementation

- MTO is currently working to ensure implementation of source protection plan policies (existing and future) as applicable for signage and salt policies. MTO has finalized the design of provincial road signs and will begin the installation of signs in late 2015.
- MTO has identified that there are no existing wayside permits in vulnerable areas.
- For future applications, MOECC is working to provide MTO with our mapping tool (SPEM) for screening, including terms and conditions surrounding fuel storage in wayside pits.