Source Water Protection
South Georgian Bay Lake Simcoe Region



Required Revisions to Prescribed Instrument Policies

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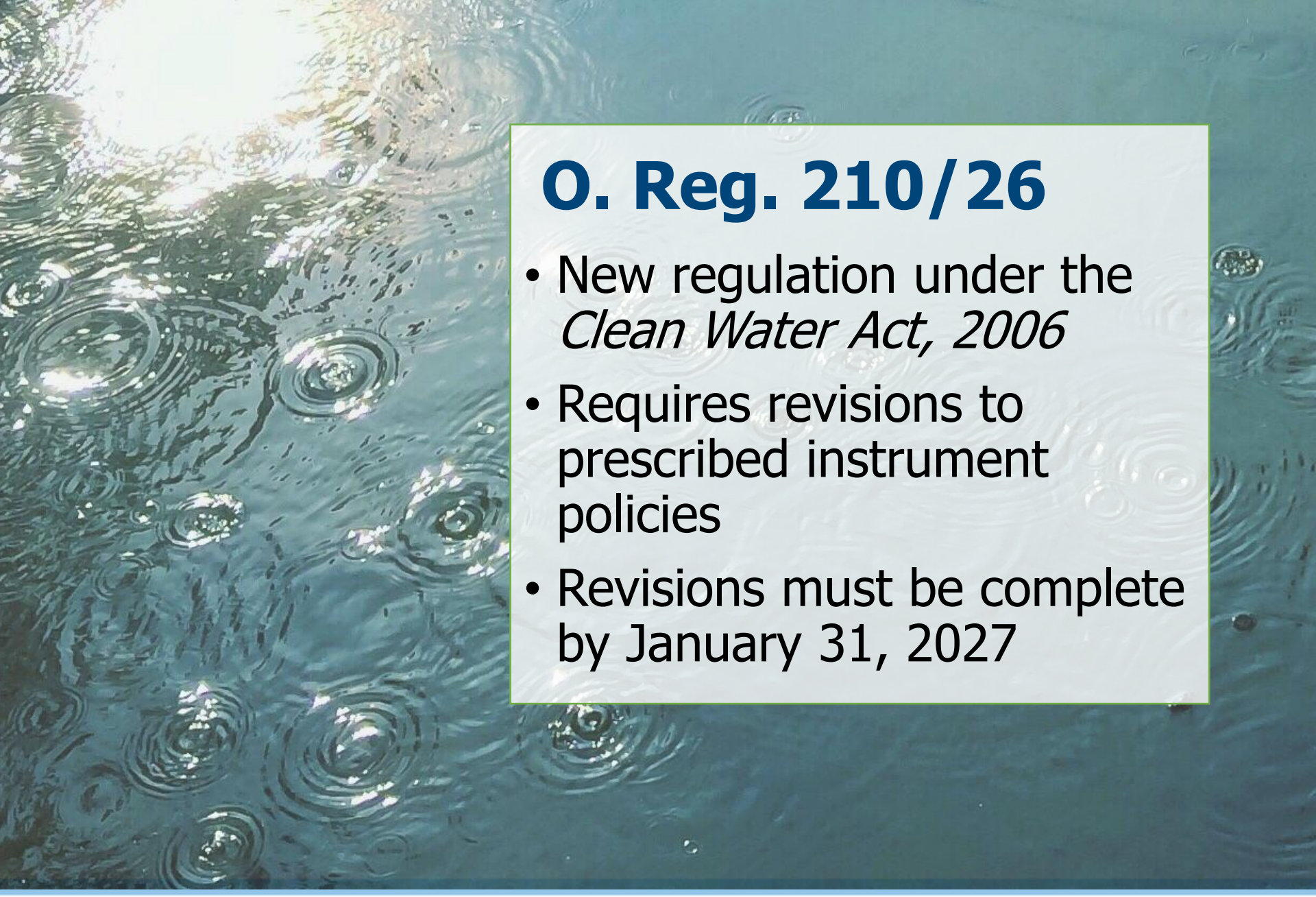


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Outline

- New Regulation
- Affected Instruments / Threats
- Issues
- Examples
- Summary



O. Reg. 210/26

- New regulation under the *Clean Water Act, 2006*
- Requires revisions to prescribed instrument policies
- Revisions must be complete by January 31, 2027

Threat Type (Generalized)	Applicable Prescribed Instruments
Waste (many kinds)	• Environmental Compliance Approval (ECA)
Wastewater (including stormwater and septics)	• Environmental Compliance Approval (ECA) • Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA)
Agricultural Source Material (ASM)	• Nutrient Management Strategy (storage) • Nutrient Management Plan (application)
Commercial Fertilizer	• Nutrient Management Strategy (storage) • Nutrient Management Plan (application)
Pesticides	• Pesticide Permit
Non-Agricultural Source Material (NASM)	• Environmental Compliance Approval (ECA) • NASM Plan
Livestock (grazing, confinement, etc.)	• Nutrient Management Strategy

Issues

- Standardized wording
- No prescribed instruments polices for moderate or low threats
- No prohibitions for existing threats (exception for those under the *Nutrient Management Act*)

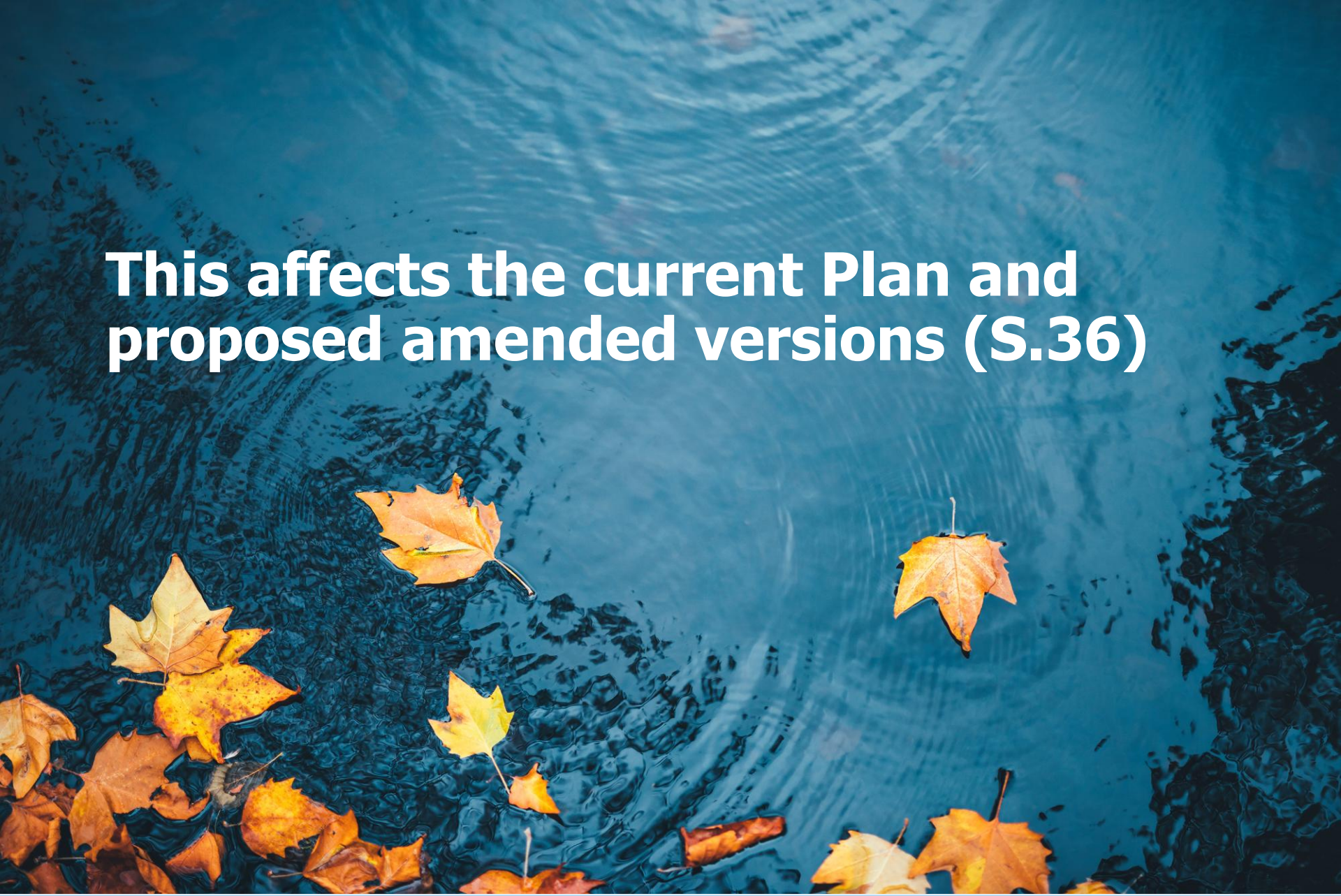


Example of standard wording

- Where [insert name of activity that is or would be a significant drinking water threat] [is/would be] a significant drinking water threat [if applicable, identify the specific areas and circumstances where this policy applies] and where the activity is governed by [insert name of the applicable prescribed instrument], the [insert name of the person or body responsible for making the decision to issue, otherwise create or amend the prescribed instrument] shall ensure that every decision to issue, otherwise create or amend the [insert name of the prescribed instrument] is designed to achieve the objectives set out in paragraph 2 of subsection 22 (2) of the Act.

Paragraph 2 of subsection 22 (2) of the Act.

- 22(2). Policies intended to achieve the following objectives for every area identified in the assessment report as an area where an activity is or would be a significant drinking water threat:
  - i. Ensuring that the activity never becomes a significant drinking water threat.
  - ii. Ensuring that, if the activity is being engaged in, the activity ceases to be a significant drinking water threat.


This affects the current Plan and proposed amended versions (S.36)

WAST(a)-3 – Simple Change

Current:

Where the existing establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act is a significant drinking water threat, the MECP shall ensure the Environmental Compliance Approval that governs the establishment, operation or maintenance of a waste disposal site includes appropriate terms and conditions to ensure the activity ceases to be a significant drinking water threat.

Revised:

Where the establishment, operation, or maintenance of a waste disposal site is a significant drinking water threat and where the activity is governed by an environmental compliance approval the Ministry of the Environment, Conservation and Parks shall ensure that every decision to issue, otherwise create or amend the environmental compliance approval is designed to achieve the objectives set out in paragraph 2 of subsection 22 (2) of the Act.

SEWG(a)-1 – Comparison 1/3

Policy Version	Policy Text
Existing SPP	Where the existing and future establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of stormwater is or would be a significant drinking water threat, the MECP shall ensure that the Environmental Compliance Approval that governs the establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of stormwater include appropriate terms and conditions to ensure that the activity ceases to be or does not become a significant drinking water threat. Such conditions may include: 1) permitting the expansion of an existing facility where the expansion does not pose a significant drinking water threat. 2) permitting retrofits to existing facilities where the retrofit will discharge the stormwater outside of the significant drinking water threat area.

SEWG(a)-1 – Comparison 2/3

Policy Version	Policy Text
S.36	Where the existing and future establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of stormwater is or would be a significant drinking water threat, the MECP shall ensure that the Environmental Compliance Approval or Consolidated Linear Infrastructure – Environmental Compliance Approval (CLI-ECA) that governs the establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of stormwater include appropriate terms and conditions to ensure that the activity ceases to be or does not become a significant drinking water threat. Such conditions may include: 1) permitting the expansion of an existing facility where the expansion does not pose a significant drinking water threats. 2) permitting retrofits to existing facilities where the retrofit will discharge the stormwater outside of the significant drinking water threat area. 3) an operations and maintenance plan, and monitoring plan, which ensure that the facility does not become a significant drinking water threat through insufficient maintenance. 4) identifying in the environmental compliance approval that the activity is a significant drinking water threat located within the wellhead protection area and/or the intake protection zone and the name of the associated municipal drinking water system. 5) requiring an emergency response procedure, whether through O. Reg 224/07 or a condition in the prescribed instrument. The prescribed instrument condition should at a minimum include information about the drinking water vulnerable area and contact information for the Spills Action Centre and the drinking water system operator that utilizes the source where the activity is occurring.

SEWG(a)-1 – Comparison 3/3

Policy Version	Policy Text
Revised	Where the establishment, operation or maintenance of a system that collects, stores, transmits, treats, or disposes of stormwater is or would be a significant drinking water threat and where the activity is governed by an environmental compliance approval (ECA) or consolidated linear infrastructure - environmental compliance approval (CLI-ECA) the Ministry of the Environment, Conservation and Parks shall ensure that every decision to issue, otherwise create or amend the environmental compliance approval or consolidated linear infrastructure - environmental compliance approval (CLI-ECA) is designed to achieve the objectives set out in paragraph 2 of subsection 22 (2) of the Act.

Fertilizer in a Nitrate ICA: FERT(ICA)-3

Nutrient Management Plan

- Where the handling and storage of commercial fertilizer is or would be a significant drinking water threat, where no prohibition applies, and where the activity is governed by a nutrient management plan, the person who owns or controls the agricultural operation and the person certified under Part X of Ontario Regulation 267/03 under the Nutrient Management Act, 2002 shall ensure that every decision to issue, otherwise create or amend the nutrient management plan is designed to achieve the objectives set out in paragraph 2 of subsection 22 (2) of the Act.

Fertilizer in a Nitrate ICA: FERT(ICA)-1

Risk Management Plan

- The existing and future application, handling and storage of commercial fertilizer to land is designated for the purposes of Section 58 of the Clean Water Act, and therefore requires a risk management plan for those not phased in under the Nutrient Management Act, where the vulnerability score is less than 10. The risk management plan, at a minimum, will be based on contemporary standards and shall require:
- Application
  - 1) all fertilizers to be applied using best agronomic practices based on the advice of a certified crop advisor;
  - 2) that soil tests (NPK) be conducted; and
  - 3) that proper farm practices regarding crop rotation be applied, as appropriate.
- Handling and Storage
  - 1) liquid fertilizer to be stored in double-walled tanks or secondary containment facilities, with collision protection;
  - 2) dry fertilizer to be stored under cover on impervious floor surfaces with no drainage outlets so that the application, handling and storage of commercial fertilizer ceases to be or does not become a significant drinking water threat.

Processed Organic Waste: WAST(c)-1

- Proposed
  - The existing and future application of processed organic waste to land is prohibited within WHPA-A and IPZ-1 where the activity is or would be a significant drinking water threat
- Allowed
  - The future application of processed organic waste to land is prohibited within WHPA-A and IPZ-1 where the activity is or would be a significant drinking water threat.

WAST(a)-2 - REMOVED

- Where the future application of untreated septage to land would be a moderate or low drinking water threat, the MECP shall ensure that the Environmental Compliance Approval that governs the application of untreated septage to land is managed in accordance with applicable legislation and policy.

No longer allowed



Other policy types not affected

- Such as risk management plans, education and outreach, etc.

Summary

- Prescribed Instrument policies are changing
- This is mandatory
- New policies must be included in the published plan by January 31, 2026

Thank you

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DRINKING WATER SOURCE PROTECTION
SOUTH GEORGIAN BAY LAKE SIMCOE REGION

