



Updated Explanatory Document

Sault Ste. Marie Region Source Protection Authority

With Support Provided By



Sault Ste. Marie Region Source Protection Committee

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Prepared as per Ontario Regulation 287/07, Clean Water Act, 2006

EXPLANATORY DOCUMENT

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1.0 INTRODUCTION

The purpose of the explanatory document is to provide stakeholders, the general public, other interested parties, as well as the Source Protection Authority and the Minister of Environment, Conservation and Parks (MECP) with an understanding of the rationale of the policies included in the plan by providing information that may have influenced policy decisions.

This explanatory document was prepared as a required component to accompany the Sault Ste. Marie Region Source Protection Plan (SSMR SPP) in accordance with Ontario Regulation 287/07. This document is intended to add further explanation as to the rationale for the policies developed for the Source Protection Plan.

As required the explanatory document contains the following information:

- 1) An explanation of the Source Protection Committee's (SPC) reasons for each policy set out in the source protection plan;
- 2) The reasons that Section 57 Prohibition is used to address the risk of an existing activity including the reasons relied on by the SPC to form the opinion that the activity must be prohibited in order to ensure that it ceases to be a significant drinking water threat;
- 3) A statement indicating that the SPC is of the opinion that non-regulatory measures are sufficient to address significant threats, when used as a stand-alone policy tool;
- 4) A summary of comments received and an explanation of how they affected policy development;
- 5) A summary of how the consideration of the potential financial implications for persons and bodies who would be implementing or affected by the source protection plan influenced the development of the policies set out in the plan;
- 6) An explanation of how climate change considerations may have impacted policies.

The purpose of the *Clean Water Act, 2006* ("the Act" or "CWA") is to protect Ontario's existing and future drinking water sources, as part of an overall commitment to safeguard human health and the environment. A key focus of the legislation is the preparation of locally developed terms of reference, science-based assessment reports and source protection plans. For additional information on the CWA and how the terms of reference and assessment reports were developed, readers may refer to the MECP's website.

2.0 POLICY RATIONALE

The *Clean Water Act, 2006* requires that all existing significant threats and future “would be” significant threats be addressed through policies in the SPP. In addition, the SPC has developed a policy for the Highly Vulnerable Aquifer as an optional moderate policy to indicate the importance of the Highly Vulnerable Aquifer in the local source protection area. The rationale and explanations for each policy developed by the Sault Ste. Marie Region SPC were documented to support the decisions made.

Reference to ‘retail’ shall include the following as defined in the current zoning by-laws for the City of Sault Ste. Marie;

1.12 BUILDING, HARDWARE, AND GARDEN SUPPLY STORES

Establishments primarily engaged in retailing building and home improvement materials, lawn and garden equipment and supplies, and nursery and garden products. Such uses may include the following or *similar uses*;

- Hardware stores
- Home care and decorating centers
- Lawn and garden equipment and supplies stores
- Nursery stores and gardening centers
- Paint and wallpaper stores

1.68 PERSONAL SERVICES

Establishments primarily engaged in providing personal care services. Such uses may include the following or *similar uses*;

- Beauty salons and hair stylists
- Day spas and tanning salons
- Dry cleaning and laundry services (including coin operated)
- Formal wear and costume rental
- Funeral service establishments
- Linen and uniform supply
- Massage therapists
- Photographic studios
- Tailors
- Tattoo parlours
- Travel agents

1.80 RETAIL TRADE

Establishments primarily engaged in the sale, lease, and rental of new and used merchandise, generally without transformation. Such uses generally provide services incidental to the sale, lease, or rental of merchandise. Such uses may include the following or *similar uses*;

- Auctioneers facilities
- Clothing and clothing accessories stores
- Consumer goods rental

- Copying facilities
- Department store type merchandise
- Food and beverage stores
- Furniture and home furnishings stores
- General merchandise stores
- Gift shops and antique stores
- Health and personal care stores
- Movie rental
- Photo finishing services
- Sporting goods, hobby, book and music stores

Exclusions – *Heavy equipment sales, repair, and maintenance, Fuel sales, and motor vehicle sales and parts dealers.*

2.1 Existing Threat - Sewage infrastructure in WHPA-A - Lorna Well

Policy Number: SSM-Sewage-E-1.4

The establishment of a repair procedure and parts inventory checklist for the sanitary force main program that will help to ensure the system is in sound working order, thus managing the significant drinking water threat.

Provincial instruments Environmental Compliance Approvals (ECA) for sewage infrastructure only apply at the installation phase of the infrastructure and currently there are no provincial instrument that will apply to the operation and maintenance of municipal sewage infrastructure.

The municipality has jurisdiction over the operation and maintenance of municipal sewage infrastructure.

To define the significant threat all sanitary infrastructure within all WHPA-As were evaluated for design capacity and those that did not meet the significant threat criteria were eliminated from consideration.

2.2 Existing Threat - Snow Storage in WHPA-A - Lorna Well

Policy Number: SSM-Snow-E-1.1

There were several factors that were considered by the SPC in determining the policies for the activity occurring on this site.

- Snow storage for the City of Sault Ste. Marie has existed on this site for many years.
- The presence of a deep clay layer lessens the threat of contamination.

- Alternate locations may not be currently available or suitable.
- Increased cost in the development of an alternate site.

One of the steps in the policy is to ensure that the activity be restricted to that portion of the site that is beyond the Wellhead Protection Area A. This step lessens the threat of contamination but with the understanding that on severely heavy snow years this may not be an option.

2.3 Existing Threat - Fuel storage and handling in WHPA-A - Goulais Well

Policy Number: SSM-Fuel-E-1.2

The volume of stored fuel that would be considered a significant threat at the Goulais Well WHPA–A site is 2500 L above or below ground storage.

A facility upgrade was completed in 2012. The current activity has existed on the site for many years without identifiable contamination.

An environmental report for the site during and after a station upgrade is available.

The operator of the site was extremely cooperative with the SPC and was willing to meet standards at the site that were above those required by the Technical Standards and Safety Association (TSSA). The operator was willing to provide the SPC with the environmental testing results from the upgrade and allowed SSMRCA staff onsite during the upgrade procedure.

2.4 Existing and Future Local Threat - Transportation corridor within the Intake Protection Zone

Policy Number: SSM-Trans-E-2.1

This policy is to address an event-based spill in a transportation corridor within the IPZ specifically petroleum products and potassic fertilizer.

Establishment and maintenance of effective communications measures to ensure the proper agencies are immediately notified in the event of a spill.

There is no option for restrictive policy development as the hazard exists in international waters.

Education and outreach options are available through cooperative emergency response agencies.

Emergency responders from the City of Sault Ste. Marie and the Sault Ste. Marie Region Conservation Authority (SSMRCA) currently participate on various Emergency Response Teams.

Historic communication between international emergency response agencies has not been adequate for timely municipal response actions to occur.

2.5 Future and Existing Threat – Fuel Handling and Storage

Policy Number: SSM-Fuel-F-1.1

The objective of the policy is to prevent the establishment of future and prohibit existing fuel storage and handling facilities within the vulnerable areas where they would be significant threats.

This policy prohibits the establishment of fuels storage and handling facilities in all WHPA-As. The SPC regards prohibition as the best policy tool for the WHPA-As because current commercial zoning may allow the storage and handling of fuel. The Committee is confident that the prohibition will prevent the establishment of this significant threat activity.

This policy does not cover the recognised existing significant threat activity within the Goulais WHPA-A which is addressed through Policy **SSM-Fuel-E-1.2**.

Note at the time of this edition of the Source Protection Plan and Explanatory Document there was no known evidence of an existing issue in WHPA-As.

2.6 Future and Existing Threat - Waste Disposal Sites

Policy Number: SSM-Waste-F-2.3

The objective of the policy is to prevent the establishment of future and existing waste disposal sites within the vulnerable areas where they would be significant threats.

The responsibility for the regulation of waste disposal sites falls under the jurisdiction of the MECP Provincial Instruments are the primary policy tool in source protection planning.

Policy Number: SSM-Waste-F-2.4

Land use planning approaches are used as a tool to cover those circumstances where a waste disposal site may be established without obtaining the necessary approvals. This allows the municipality to deal with local issues that may arise.

Existing land uses (primarily residential) and lot sizes within the WHPA-A and WHPA-B, from a land use perspective, the location of a waste disposal site would not be appropriate.

Policy Number: SSM-Waste-F-2.5

The objective of the policy is to prevent the establishment of future and existing waste disposal sites within the vulnerable areas where they would be significant threats.

This policy covers waste disposal sites that do not require approval under the Environmental Protection Act or Environmental Compliance Approval. The SPC is confident that Section 58 Risk Management Plans should apply in vulnerable areas where the threat could be significant, specifically WHPA-A and WHPA-B. The policy addresses the following threat subcategories:

- Waste Disposal Site – PCB Waste Storage;
- Waste Disposal Site – Storage of Hazardous Waste at disposal Sites; and
- Waste Disposal Site – Storage of wastes described in clauses (p), (q), (r), (s), (t) or (u) of the definition of hazardous waste under Ontario Regulation 347/09

2.7 Future and Existing Threat - Road Salt Application

Policy Number: SSM-Salt-F-1.4

The potential impervious area for at least one of the WHPAs is approaching 80% and the policy was developed to address this potential future circumstance of reaching the 80% threshold. The Goulais WHPA- A impermeability is approaching 80%, see **Figure 1**.

Public safety and liability concerns preclude the prohibition of the application of road salt. The municipality's comprehensive road salt management program adequately manages the threat.

The annual municipal review of the road salt management program will ensure that best management practices are adhered to and updated as new technologies develop and evolve.

The Source Protection Authority will monitor the sodium and chloride levels for each of the raw water supply wells by reviewing PUC annual reports and reports of the Provincial Groundwater Monitoring Wells samples collected by the SSMRCA.

Raw water sample data may reveal potential issues related to salt application within the WHPA-A. It is noted that sodium and chloride levels in the east end wells have been reported to be above health notification limits. The data is not extensive enough to determine a reliable trend. The levels in the east end wells are attributed to road salt applications in the significant groundwater recharge area as referenced in the Assessment Report. The central basin wells are not exhibiting similar trends.

The circumstance that would enable salt application to be a significant threat has not been met. If the impervious surfaces threshold changes and Assessment Report (AR) maps are updated, this policy would become legally binding.

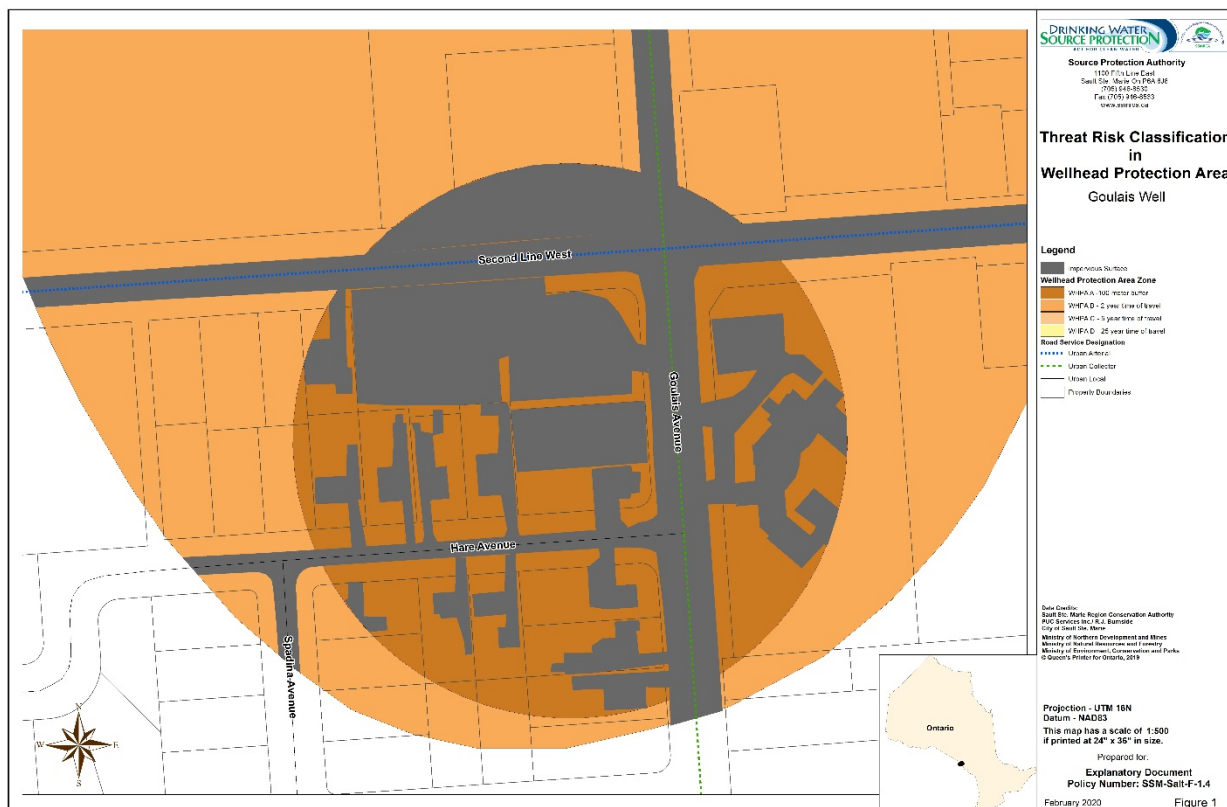


Figure 1: Goulais Well WHPA-A Impervious Surface Coverage

2.8 Future and Existing Threat - Road Salt Storage and Handling

Policy Number: SSM-Salt-F-2.2

The SPC has determined that the bulk storage of road salt should be discouraged in the vulnerable areas where the storage would be a significant threat as a potential contamination source.

Given the low volumes of road salt storage associated with residential uses, such uses have been excluded from the Risk Management policy approaches.

A risk management plan will include engineering/building measures aimed at reducing the significance of the threat including runoff reduction and drainage plans.

2.9 Future and Existing Threat - Handling and Storage of Dense

Non-Aqueous Phase Liquids (DNAPLs)

Policy Number: SSM-DNAPL-F-2.2

DNAPLs are significant threats throughout most of the vulnerable areas in the watershed. The prohibition of the handling and storage of DNAPLs in the areas indicated are important for the protection of the water supply.

Retail stores have been exempted from Section 57 Prohibition due to the lower inherent risk with indoor storage and handling of the packaged goods as well as the lower anticipated volume of the stored goods. Consequently, the Risk Management approach was deemed appropriate to manage the threat associated with the retail sales of products containing DNAPLs.

Given the low volumes of DNAPLs associated with residential uses, such uses have been excluded from the Prohibition and Risk Management policy approaches.

The education and outreach policy will be designed to inform the public, including residential landowner, as to the toxicity of the products and the proper storage, handling and disposal techniques.

The SPC feels that E&O is adequate to address the DNAPL threat in relation to residential uses due to the expectation of low volumes of DNAPLs and limited direct access to the aquifer.

2.10 Future and Existing Threat - Handling and Storage of Organic Solvents

Policy Number: SSM-orgsolvents-F-1.1

The prohibition of the handling and storage of organic solvents in the vulnerable areas is important for the protection of the water supply.

The prohibition will apply where above ground storage and handling of organic solvents volume exceeds 250 L or the below ground storage volume exceeds 25L in WHPA areas A, B and C and vulnerable score equals 10 (VS=10).

Retail sales have been excluded from Section 57 Prohibition due to the lower inherent risk with indoor storage and handling of the packaged goods as well as the lower anticipated volume of the stored goods. Consequently, the Risk Management approach was deemed appropriate to manage the threat associated with the retail sale of organic solvents.

Given the low volumes of organic solvents associated with residential uses, such uses have been excluded from the Prohibition and Risk Management policies.

The education and outreach materials will inform the public as to the toxicity of the products and the proper storage, handling and disposal techniques.

The Table of Drinking Water Threats¹ currently identifies a significant threat level for the storage and handling of organic solvents at 250 L above ground and 25 L below ground. It is recognized that these levels will be used as a guide for the Risk Management Official. In future, if there is a change to the Table of Drinking Water Threat levels, the Risk Management Plans shall be altered as necessary.

2.11 Future Threat – The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm animal yard

Policy Number: SSM-lives-F-1.1

Current zoning does not permit agricultural land uses within WHPA As. Current zoning and Official Plan land use designations are mainly residential with some commercial and institutional.

Given the mainly residential land uses within WHPA-A, existing lot sizes are too small to support agricultural uses.

The SPC is confident that the municipality will effectively enforce the zoning requirements. Due to this zoning enforcement the Education and Outreach portion of the policy has been removed.

2.12 Future Threat – The establishment, operation or maintenance of a system that collects, stores, transmits or disposes of sewage

Policy Number: SSM-Sewage-F-1.2

The policy will ensure that source water protection is considered when developing new sewage works or maintaining or upgrading of existing infrastructure.

This policy is applicable to all WHPA A's.

The Provincial Instrument, the Environmental Compliance Approvals (ECA) for sewage infrastructure falls under the jurisdiction of the MECP. Provincial Instruments are the primary policy tools in source protection planning. However, the Provincial Instrument, the ECA for sewage infrastructure, only applies at the installation phase of the infrastructure and currently there are no provincial instruments that will apply to the operation and maintenance of municipal sewage infrastructure.

¹ Table of Drinking Water Threats, are accessible via the source protection homepage of Ontario.ca. Drinking Water Threats in a given vulnerable zone and score can also be generated by searching the Source Water Protection Threats Tool, accessible via <https://swpip.ca/>.

Based on current sewage pipe capacities only one sewage transmission pipe within WHPA-A that has been identified as a significant threat. This future policy was not intended to restrict development within the City of Sault Ste. Marie.

The municipality has policies in place requiring all new development within the Urban Settlement Area to connect to City water and sewer services. Consequently, new development with private on-site septic systems will not occur.

The SPC is confident that other sewage subcategories contain no additional significant threats currently under this threat circumstance.

2.13 Future Threat - Application, handling and storage of Agricultural Source Material (ASM) and Non-Agricultural Source Material (NASM)

Policy Number: SSM-ASM-NASM-F-1.1

The current zoning for the vulnerable areas does not permit agricultural land uses and is mainly residential with some commercial and institutional.

The SPC does not anticipate that there would be a significant threat posed by the handling and storage of Agricultural Source Material (ASM) and Non-Agricultural Source Material (NASM).

An education and outreach approach to this threat would be for individual residential gardens.

The SPC feels that the current Official Plan policies are effective to reduce the significance of this threat. Agricultural uses, such as livestock grazing and pasturing, are prohibited under the Official Plan.

The SPC is confident that there are no additional significant threats currently under this threat circumstance.

2.14 Future Threat - Runoff from de-icing of aircraft

Policy Number: SSM-de-icing-F-1.2

The prohibition of the establishment of an airport is not permitted through the Clean Water Act. Airport development is under the jurisdiction of the federal government and therefore not applicable to policy development by the SPC.

The SPC feels the use of Section 58 will negate the threat by requiring a Risk Management Plan be developed for the activity.

The SPC is confident that no federal airport will be developed within the vulnerable areas of the Wellhead Protection Area A.

2.15 Future and Existing Threat - Handling and Storage and Application of Commercial Fertilizer to Land

Policy Number: SSM-fert-F-1.1

Risk Management Plans will be required where the storage and handling of commercial fertilizer is greater than 2500 kg.

It is not anticipated that residential/commercial/institutional application of fertilizer would be greater than 1 nutrient unit per acre within the WHPA-A. It is not anticipated that residential or institutional storage of commercial fertilizer would be greater than 2500 kg in WHPA-A.

Retail sale and storage of commercial fertilizer could be greater than 2500 kg and could occur within WHPA-As thus the need for a risk management plan for retail sales and storage.

The Table of Drinking Water Threats¹ currently identifies a significant threat level for the storage and handling of commercial fertilizer at 2500 kg. It is recognized that this level will be used as a guide for the Risk Management Official. In future, if there is a change to the Table of Drinking Water Threat levels, the Risk Management Plans shall be altered as necessary.

2.16 Future and Existing Threat - Snow Storage

Policy Number: SSM-snow-F-2.1

The policy is designed to manage the threats associated with potential development of new snow storage sites within areas where it would be a significant threat (i.e. within the WHPA – A of any wellhead).

An education and outreach approach to this threat would apply to areas zoned commercial and institutional within all WHPA-A's.

There is potential for this activity to occur within the vulnerable area based on commercial and institutional zoning of the areas. It will have no effect on residential zoning.

2.17 Future and Existing Threat - Handling and storage of pesticide and application of pesticide to land

Policy Number: SSM-pest-F-1.1

Risk Management Plans will be required where the storage and handling of pesticides is greater than 250kg. Retail sale and storage of pesticides could be greater than 250kg and could occur within WHPA-As thus the need for a risk management plan for all handling and storage.

The application of pesticides is designated for the purposes of Section 57 of the CWA. This designation would prohibit the handling and storage of pesticides in the areas where the threat would be significant - all WHPA-As. As well prohibition would apply to where the land area where the pesticide application is greater than 1 hectare or 10 000 m².

It is not anticipated that the residential/commercial/institutional land base application of pesticide would be a significant threat within the WHPA-A. It is not anticipated that residential or institutional storage of pesticides would be greater than 250kg in WHPA-A.

The Table of Drinking Water Threats¹ currently identifies a significant threat level for the storage and handling of pesticides at 250 kg. It is recognized that this level will be used as a guide for the Risk Management Official. In future, if there is a change to the Table of Drinking Water Threat levels, the Risk Management Plans shall be altered accordingly.

The existing Pesticides Act and Ontario Regulation 63/09 legislation address the handling, storage and application of pesticides. These legislative tools currently appear adequate to address residential users.

Education and outreach materials will assist landowners in all WHPA-As to understand potential threats and current pesticide regulations.

2.18 Policy Removal – Significant Groundwater Recharge Area

Policy Number: SSM-SGRA-F-4.0 – Policy removed as per ministry direction
Supplemental Bulletin #3 – Updates to Director's Technical Rules and Tables of Drinking Water Threats – August 2018.

2.19 Future Moderate Threat – Highly Vulnerable Aquifers

Policy Number: SSM-HVA-F-1.0

To recognise the importance of the Highly Vulnerable Aquifer in Sault Ste. Marie with respect to the future planning for new and existing land uses. Under the Official Plan for the City of Sault Ste. Marie, there are protections in place for certain land uses that are complementary to the Source Protection Plan process including handling and storage of fuels and chemicals within the Highly Vulnerable Aquifers.

Continuation of the best management practices for the storage and application of road salt in this area as managed by the City of Sault Ste. Marie and the Ministry of Transportation.

2.20 Future Significant Threat – Hydrocarbon Pipelines within Vulnerable areas

Policy Number : SSM-HCPipeline-F-2.0

Management of future above or below grade Hydrocarbon Pipelines where the activity would be a significant drinking water threat, through the establishment and maintenance of effective communications and protective measures.

Reasoning is that we have one below grade Hydrocarbon Pipeline that is used intermittently from the Federal Dock on the river front to an oil tank farm that is within WHPA C with a vulnerability score of 4. The policy has been created should a new pipeline be developed that intersects with any of the vulnerable areas as shown in **Figure 2**.

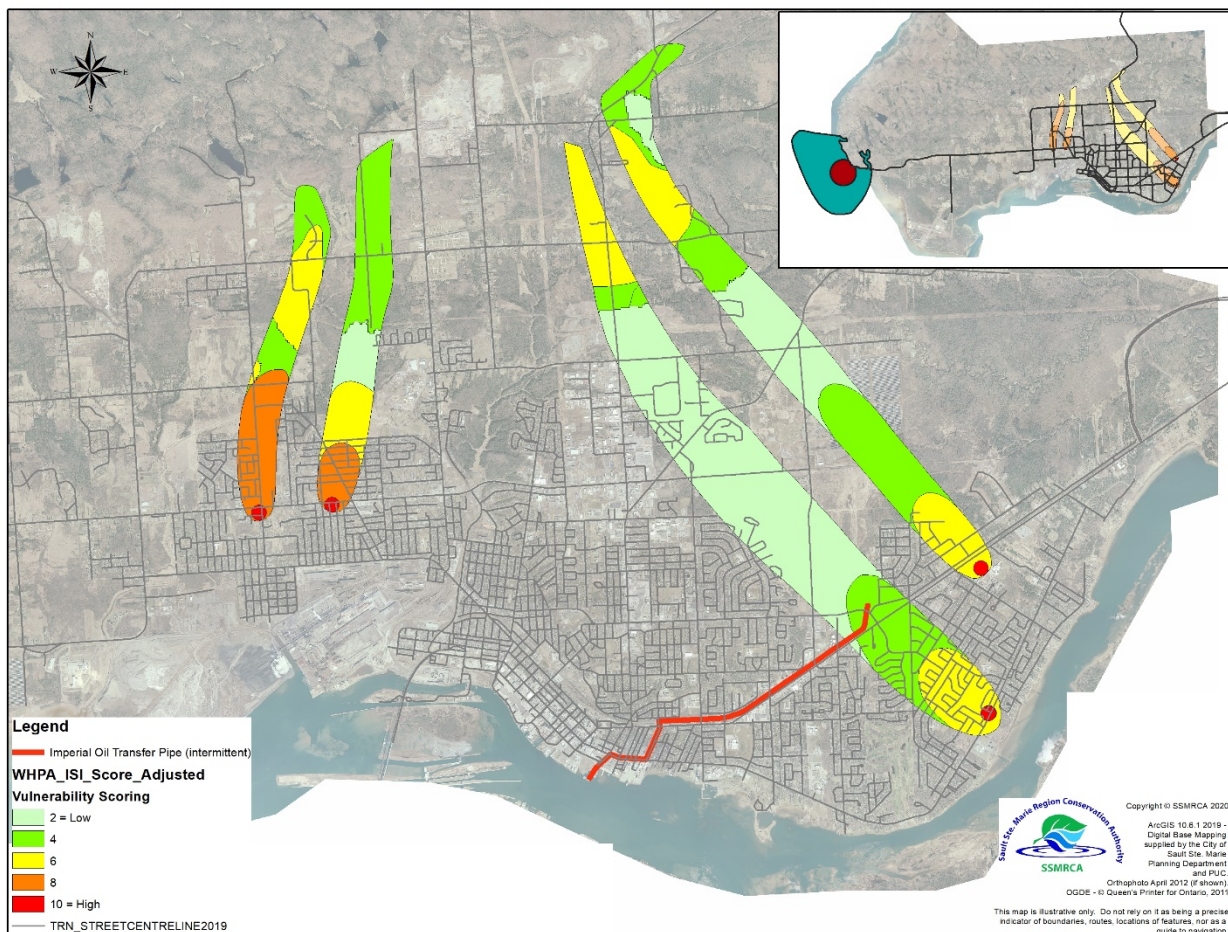


Figure 2: Hydrocarbon Pipeline within SSMR Source Protection Area

3.0 MONITORING POLICIES AND RATIONALE

The monitoring policies and their rationale are found in the Source Protection Plan in their entirety.

3.1 Provincial Instrument Monitoring Policy

For all future policies where the implementing body is a provincial ministry of the Government of Ontario, the following monitoring policy applies unless otherwise stated within a specific policy:

Provincial Instrument Monitoring Policy: SSM-PIgeneral-MP-1.0

The Ministry shall prepare an annual summary of the actions it has taken to achieve the outcomes of the source protection policy and make that report available to the SPC.

Reason for the Monitoring Policy:

This policy will allow the SPC to track the implementation of the policy with a provincial implementing body.

3.2 Education and Outreach Policy

For all education and outreach policies identified within future threat policies, the following monitoring policy applies:

Education and Outreach Policy: SSM-EOgeneral-MP-1.0

The Conservation Authority shall provide an annual report to the Source Protection Authority of the education and outreach program indicating that the program has been delivered and providing details of the manner in which the program was released. The annual report due February 1 shall highlight cases from the previous calendar year known to the municipality or the Conservation Authority where protection was achieved through the program and inclusion of comments from those participating in the program or receiving the information. The annual report shall also include any education and outreach program activities and materials/products developed.

Reason for the Monitoring Policy:

An education and outreach report can assist the SPC in determining the effectiveness of the program.

3.3 Planning Approach General Monitoring Policy

For all planning approach policies identified within the future threats policies, the following monitoring policy applies:

Planning Approach General Monitoring Policy: SSM-Planning-MP-1.1

City of Sault Ste. Marie shall report by February 1 of each year to the Source Protection Authority on the steps it has taken in the previous calendar year to implement the policies under the planning approach.

To satisfy the provisions of s. 40 and 42 of the CWA, the SSM OP and zoning shall be updated in accordance with the provisions of s. 26 of the Planning Act. Decisions under the Planning Act and Condominium Act must conform to the Safe Drinking Water Team (SDWT) policies and have regard to policies that address moderate and low threats when the plan takes effect.

Reason for the Monitoring Policy:

To assist the SPC to track the implementation of the planning approach policies.

Section 65 Part IV Monitoring Policy

For all policies that apply to Part IV under the Clean Water Act, 2006 including Risk Management Plans, Restricted Land Uses, or Prohibition the following policy applies:

Section 65 Part IV Monitoring Policy: SSM-RMO-MP-1.0

By February 1 of each year the Risk Management Official shall report to the Source Protection Authority with the information required in Section 65 of Regulation 287/07 related to the previous calendar year.

Reason for the Monitoring Policy:

To assist the SPC in determining the effectiveness of the Part IV policies.

3.4 Specific Threat Policies

There are policies that have been developed specifically for individual threats within the plan and a generalized monitoring policy that will not apply to general conditions. Those monitoring policies are as follows:

Monitoring Policy: SSM-Sewage-MP-E-2.0

City of Sault Ste. Marie shall report by February 1 after the plan takes effect on the steps it has taken in the previous calendar year to provide the status of the development and implementation of the repair procedure and parts inventory checklist. The report in subsequent years shall include yearly statistics on the number of staff participating in vulnerable area training and status and statistics associated with the emergency response plan.

Reasons for the Monitoring Policy:

The annual reporting on the status of the implementation of the repair procedure and checklist, the training initiative and response plan will assist the SPC to determine the effectiveness of the policy.

Monitoring Policy: SSM-Snow-MP-E-3.0

City of Sault Ste. Marie shall report by February 1 of each year on the steps it has taken in the previous (snow season) calendar year on storage area and melt water drainage. Reporting of results with on site-specific soil sampling and testing will be compiled if the information is available.

Reasons for the Monitoring Policy:

Yearly reporting will indicate the extent and number of times the storage area has encroached into the WHPA-A.

Monitoring Policy: SSM-transp-MP-E-1.0

City of Sault Ste. Marie and the Township of Prince in partnership shall report to the Source Protection Authority by February 1 of each year on any spill response within the area where these threats were identified as significant drinking water threats through the modelling approach. The report will include progress on the development and establishment of the coordinated response plan, outreach activities and emergency response exercises.

Reasons for Monitoring Policy:

The reporting of spills and related activities will determine the effectiveness of the coordinated response plan.

Monitoring Policy: SSM-salt-MP-F-1.0

The municipality shall report on the review of the Road Salt Management Plan when complete and updates as required with respect to Best Management Practices as they pertain to source water protection. On an annual basis the municipality shall report by February 1 on the volume of road salt used through the previous winter season until such a time as it is determined that the SPA no longer requires the report.

Reasons for the Monitoring Policy:

It will determine compliance with recognition of the impacts of road salt on drinking water sources.

Monitoring Policy: SSM-HVA-MP-1.0

City of Sault Ste. Marie and the Sault North Planning Board should report by February 1 of each year its decisions in the previous calendar year regarding any proposals, applications and changes in the official plan and zoning by-law, in the area where this policy applies. The Ministry of Transportation should report by February 1 of each year the results of the review of the Road Salt Management Plan and any changes as a result of changes to the Best Management Practices.

Reasons for the Monitoring Policy:

It will determine compliance with recognition of the impacts of fuel handling and storage, handling and storage of DNAPLs, handling and storage of organic solvents and the establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage, threat subcategory: sewage system or sewage works – discharge of stormwater from a stormwater retention pond on drinking water sources.

Monitoring Policy: SSM-HCPipeline-MP-1.0

City of Sault Ste. Marie and the Township of Prince in partnership shall report to the Source Protection Authority by February 1 of each year on any spill response within the area where the activity would be a significant drinking water threat. The report will include progress on the development and establishment of the coordinated response plan, outreach activities and emergency response exercises.

Reasons for Monitoring Policy:

The reporting of spills and related activities where the activity would be a significant threat within a vulnerable area will determine the effectiveness of the coordinated response plan.

4.0 SUMMARY OF CONSULTATION COMMENTS

4.1 Pre-Consultation Comments Received on Draft Proposed Updated SPP

The Source Protection Committee sent pre-consultation notices to municipalities and government agencies based on early policy development and their responsibility in implementation of those policies.

The pre-consultation recipient list included the following organizations and municipalities:

City of Sault Ste. Marie
Township of Prince
Ontario Ministry of the Environment
Ontario Ministry of Municipal Affairs and Housing
Ontario Ministry of Agricultural, Food and Rural Affairs
Ontario Ministry of Customer Services
Ontario Ministry of Transportation
Technical Standards and Safety Association

4.1.1 Specific information that affected policy development

Pre consultation comments were received from the City of Sault Ste. Marie regarding clarification of the previous comments.

The clarification is as follows:

Catherine Taddo, P. Eng., Land Development & Environmental Engineer on behalf of the City of Sault Ste. Marie sent a letter with the following comments:

From a memo dated May 4, 2012:

“Changes requested for the Financial Implications regarding SSM-Sewage-E-1.4 -

The City has transfer of review authority for storm sewer and sanitary sewer ECA’s. Current process for these particular ECA’s is as follows:

- *Design by a Professional Engineer;*
- *Review by a Professional Engineer at the City, with submission to the Ministry of Environment (MECP)*
- *Issuance of the ECA by the Ministry of Environment (MECP);*
- *Stormwater management ECA’s are a direct submission to the Ministry.*

The need for additional policy should be reviewed. The Engineering & Construction Department has the following concerns/comments:

- *Who will be reviewing all of the Environmental Compliance Approvals to determine whether they are significant threats, and determine conditions?*
- *Is there any proposed Conservation Authority involvement?*

A detailed description of the proposed process should be presented for further comment.”

Further (a portion was originally included in the Approved Explanatory Document)

—

‘In terms of the Section 5.0 (now Section 6.0) Financial Implications, reference is made to SSM-Sewage-E-1.4 policy, relating to the Sewage Infrastructure in WHPA-A – Lorna Well.

It should be noted that cost is a contributing factor toward policy; however, this is not the sole factor. Other factors of consideration are:

- Age of pipe and expected service life.*
- Type of pipe, and pipe construction.*
- The current policy as proposed requires the development of a repair procedure and parts inventory, training, and a response plan which provides additional protection.'*

In consultation with Catherine Taddo, Section 6 was edited to reflect the changes that have been implemented.

4.2 Consultation Comments Received on Draft Proposed Updated Source Protection Plan

Comments were received from the following agencies and a summary of the comments are provided.

MECP-Safe Drinking Water Branch

Since there are no new policies that would impact the Safe Drinking Water Act Prescribed Instruments, no comments were received.

MECP Drinking Water Source Protection Branch

Below is a summary of the comments received from Tea Pesheva, Liaison Officer, MECP that included documentation and comments from Erin Harkins, Program Analyst, MECP.

Assessment Report - Significant Groundwater Recharge Areas (SGRAs). We note a few references still remain in the AR associating vulnerability scores with the significant groundwater recharge areas (SGRA). As per the amended Minister's Order, it is a requirement that all references associating SGRAs with vulnerability scores be removed, to ensure compliance with the amended Technical Rules, published on the Environmental Registry in March 2017. As per the edited document provided, please remove this reference (see example on p.ii, Executive Summary, in Chapter 1: Watershed Characterization Report), and any other references linking SGRAs with vulnerability scores. Also, we observed that the SGRA mapping layer in Figure 10B, Ch 5(Threats and Issues) is missing the hatching/diagonal lines shown in the corresponding legend for the SGRA layer. IPZ-3 (Event Based Area Modelling). We acknowledge that p.10, Chapter 5 of AR -Section 3.6 Intake Protection Zones, subsection 3.6.1.4 IPZ-3, has been updated to address the ministry's previous comments. However, after some consideration, we recommend this paragraph be replaced with the text below to more closely reflect the content in the local threat approval letter and methodology for the EBA modelling. See attached for tracked changes.

The transportation of specific substances along transportation corridors was added as a local threat which was approved by the Director. The risk of this activity was evaluated using Event Based Modelling approach at a point where the international shipping channel crosses the IPZ-2 and the risk deemed significant. Should the event-based modelling be

used to evaluate other spills outside IPZ-2, IPZ-3 may be delineated. If IPZ-3 is delineated it will need to extend outward from the IPZ-2 to the head water of inland streams within the delineated limits of IPZ-2 and include the drainage area within 120m measured from the highwater mark or regulation limits whichever is greater along the abutted land (Technical Rules, Assessment Report March 2017).

Source Protection Plan Policy SSM-HVA-F-1.0 p.80, s.4.4.2, to help ensure expectations for the various implementing bodies and different legal effects are clear for “Parts A, B and C”, we recommend repositioning the “Part A” label to ensure it captures all text related to planning decisions under the Planning Act. See attached for tracked changes. Also, given “Parts B and C” of this policy apply to both future and existing activities, we recommend also including an “E” in the policy title/code. Consultation Summary (Plan and Explanatory Document). As per the amended Minister’s Order, the source protection plan must include a summary of all consultation activities undertaken as part of the s.36 update.

In addition, the explanatory document must document, consider and address all comments. Note, there is no legal obligation for the comments to appear verbatim in the explanatory document; comments can simply be summarized prior to finalizing the proposed updates, and an explanation provided of how the comments affected the development of the policies.

We note that Chapter 3, Section 3.1 Summary of Consultation Activities in the source protection plan is missing a fulsome description of the consultation activities undertaken to date as part of the s.36 update, and that the explanatory document does not include a summary of comments received during each stage of consultation. Please ensure this information is included in the final submission.

Editorial, Clarification, etc. Legal Effect Lists (See attached for tracked changes addressing each bullet): Remove HVA-MP-1.0 from List F, as it does not address significant drinking water threat activities (or activities that could become significant drinking water threats) and place on List J. Given SSM-HVA-F-1.0 is divided into 3 parts (A, B and C) which use different policy tools and different implementing bodies, we recommend including the identifiers “A, B or C” on the appropriate legal effect list. That is, “SSM-HVA-F-1.0 Part A” should be on List B, while “SSM-HVA-F-1.0 Parts B and C” should appear on List J. SSM-HCPipeline-F-2.0 – given this policy requires municipalities to lead the development of a coordinated response plan with pipeline owners and drinking water system operators to address a significant drinking water threat (i.e., spills/leaks/ruptures), and does not directly affect decisions under the Planning Act, it should be removed from List A and placed on List E (like SSM-Trans-E-2.1). Given the policy for liquid hydrocarbon pipelines is not a prohibition policy under Part IV of the CWA, please remove it from List G. SSM-pest-F-1.1 (handling/storage and application of pesticides) and SSM-Salt-F-2.2 (handling/storage of road salt) the “F” in the codes for these two policies indicates they apply to future activities only; however, in reviewing recent annual reports, we were able to confirm that these policies apply to both existing and future activities.

For clarity, we recommend updating these policy codes to reflect this. There is a typo on p.14 in Section 2.19, Future Moderate Threat – Highly Vulnerable Aquifers of the explanatory document, where SGRAs are referred to instead of HVAs.

Many comments were included in the review of the Plan by the MECP. Most of the comments received from MECP Drinking Water Source Protection Branch were with regard to wording that must be changed as per legislative requirements.

Appropriate edits were completed.

Public Comment:

One comment was received from a former SPC member (Peter McLarty) asking about the lack of changes in the data for the monitoring of the surface/groundwater downstream from the municipal landfill, salt content of Lorna municipal well and the position of an asphalt plant above the WHPA-D for the Lorna well.

This Section 36 Update did not include funding to update technical reports.

4.3 Original Source Protection Plan Comments Received on Pre-Consultation

The Source Protection Committee sent pre-consultation notices to municipalities and government agencies based on early policy development and their responsibility in implementation of those policies.

The pre-consultation recipient list included the following organizations and municipalities:

City of Sault Ste. Marie
Township of Prince
Ontario Ministry of the Environment
Ontario Ministry of Municipal Affairs and Housing
Ontario Ministry of Agricultural, Food and Rural Affairs
Ontario Ministry of Customer Services
Technical Standards and Safety Association

4.3.1 Specific information that affected policy development

Pre-consultation comments were received from most of the organizations contacted. Below are the comments that directly affected policy development. The remainder of the comments received did not affect policy development.

The comments from the Ministry of the Environment in regard to the use of Provincial Instruments as a policy approach resulted in a consistency in implementation timelines for those policies.

Comments received from PUC Services Inc. resulted in the development of a moderate policy for the significant groundwater recharge area (SGRA). The development of a moderate policy was to support the Official Plan protection of the SGRA from contamination as this area is the primary aquifer recharge zone for at

least half of the municipal drinking water supply. The moderate policy will include the Sault North Planning Board jurisdiction in addition to the City of Sault Ste. Marie.

Comments from the City of Sault Ste. Marie indicated that there were possible financial constraints on the ability to meet the policy requirements involved in inspection of sewage treatment pipes. As a consideration the committee created alternate wording to the policy which addressed the threat in a less costly manner. Further research into inspection options and costs are to be examined by the municipality.

There were no comments received from the Township of Prince.

4.3.2 Comments Received on Draft Proposed Source Protection Plan Consultation

Comments were received from the following agencies and a summary of the comments are provided.

MOE-Safe Drinking Water Branch

An email was received from Aziz Ahmed, P.Eng., Supervisor, Approvals and Licensing on behalf of the Safe Drinking Water Branch, Ministry of the Environment to acknowledge receipt of the Sault Ste. Marie Region Draft Proposed Source Protection Plan. Since there are no policies that impact the Safe Drinking Water Act Prescribed Instruments, no comments were provided at this time.

MMAH

A letter was received from Edouard Landry, MCIP, RPP, Team Lead (A), Community Planning and Development, Northeastern Municipal Services Office, on behalf of the Ministry of Municipal Affairs and Housing. In the letter the Source Protection Committee was encouraged to consider which land uses may be prohibited through the zoning by-law.

OMAFRA

A letter was received from J.D. Richardson, Director, Environmental Management Branch on behalf of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

During pre-consultation discussions with OMAFRA it was identified fact that WHPA – As in Sault Ste. Marie are primarily zoned urban/residential/commercial and therefore agricultural uses are not permitted. The comment in the letter reflected acknowledgement of the zoning and a retraction of earlier comments.

OMAFRA also recommended that the SPC define “outdoor confinement area” according to the definition in the Nutrient Management Act (NMA) to allow for consistency. The definition is already found within Chapter 3 of the Source Protection Plan, not in the policy itself.

The final comment received from OMAFRA referenced the Minimum Distance Separation (MDS) regulation of OMAFRA was only intended to address and minimize complaints related to odour, not source water protection. Withdrawal of the reference to MDS should be removed from the Explanatory Document as it is not applicable.

Edits were made in regard to these comments.

City of Sault Ste. Marie – Engineering & Construction Division

Catherine Taddo, P. Eng., Land Development & Environmental Engineer on behalf of the City of Sault Ste. Marie sent a letter with the following comments:

Policy number SSM-Trans-E-2.1 references any spill of fuel or potassic fertilizer within the IPZ-2, however the monitoring policy references any spill within the IPZ-1 and IPZ-2. Edits were made to the Monitoring Policy to address this inconsistency.

Policy number SSM-Salt-F-1.4 - Comment received - that the identification of areas with higher infiltration rates was not practical. Also, the monitoring policy requires a report each year on the progress on the update of the Road Salt Management Plan. Once the plan is updated it should be noted that reporting shall cease. Edits were made to the policy and will be reviewed by City staff.

Consistency in wording was identified and had been changed prior to receiving the comment with regard to “future and existing”.

In Section 5.0 of the Explanatory Document - Financial Implications, in regard to policy number SSM-Sewage-E-1.4 it was noted that cost is not the sole contributing factor toward policy. Other factors of consideration are:

- age of pipe and expected service life
- type of pipe, and pipe construction

Edits were made in regard to these comments.

City of Sault Ste. Marie – Planning Division

Peter Tonazzo, MCIP, RPP, Planner on behalf of the City of Sault Ste. Marie sent a letter outlining his concerns with the complex wording required by MOE in the policies.

With regards to specific policies within the Plan:

Future and Existing Threat – Fuel Storage and Handling

The volume of fuel that will cause a significant threat should be inserted into the policy.

As the regulated volume may change over time it has been recommended by the MOE that the volumes are not directly addressed in the policy but can be noted in the explanatory document.

The Explanatory Document will be edited to reflect the minimum volume of fuel that registers as a significant threat.

Future and Existing Threat – Road Salt Storage

The definition of “low density residential uses” should be clearly defined for the purposes of the Source Protection Plan.

Future and Existing Threat – Handling, storage and application of pesticides

Policy number SSM-pest-F-1.1 addition of the phrase residential uses excluded was incorporated.

It was also noted that wording in policy numbers SSM-Salt-F-2.2 and SSM-de-icing-F-1.2 is inconsistent.

MOE Drinking Water Source Protection Branch

Many comments were included in the review of the Plan by the MOE. Most of the comments received from MOE Drinking Water Source Protection Branch were with regard to wording that must be changed as per legislative requirements.

Appropriate edits were completed.

4.3.3 Comments Received on Proposed Source Protection Plan Consultation

Comments were received from the MOE Drinking Water Source Protection Branch and Andrew Hallett, SPC member.

The MOE comments were in regard to wording corrections to meet legislative requirements. The moderate policy for the significant groundwater recharge area was altered greatly but the intent of the policy remained intact.

The comment received from Andrew Hallett, P. Eng. was in regard to the hazard scoring of the significant groundwater recharge area. This issue has been discussed on several instances at SPC meetings as well as a noted concern with the submission of the Assessment Report. The concern cannot be addressed through the Source Protection Authority as it is directly related to the Technical Rules. The desire of the SPC is to recognise that the Technical Rules need to be revised on any subsequent planning cycle. This will allow the SPC to develop stronger policies to address the recognised gap in legally binding policies currently available.

5.0 REASONS FOR SEC 57 PROHIBITION

There are no Section 57 policies that apply to existing threats.

6.0 FINANCIAL IMPLICATIONS

The Source Protection Committee has approached the planning process in a fiscally responsible manner. The SPC has considered financial implications that would affect the implementers of the policies throughout the policy development process. The SPC did not want to place undue financial burdens on impacted landowners, the municipality and ultimately local taxpayers.

The SPC is not of the opinion that the remainder of the policies will place excessive costs or burden on any individual.

7.0 CLIMATE CHANGE CONSIDERATIONS

Climate change was considered by the Sault Ste. Marie Region Source Protection Committee when the *significant* threat policies were drafted. However, there is not very much climate change information available for Northern Ontario as indicated in the ***Updated Assessment Report, April 2021***

There were no water quantity threats identified in the Tier 3 Water Budget therefore no Source Protection Plan policies were required.