

November 3rd, 2020

Dr. George Jacoub  
Water Research Scientist – Hydrologist  
Source Protection Programs Branch  
Ministry of the Environment, Conservation and Parks  
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## Public Works

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### **Re: ERO 019-2219: Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006**

Dear Dr. Jacoub,

Thank you for the opportunity to comment on ERO 019-2219 – Proposed amendments to the Director's Technical Rules made under section 107 of the *Clean Water Act, 2006*. Regional staff acknowledge and appreciate the collaborative approach carried out by the Ministry of the Environment, Conservation and Parks (the Ministry) in developing the updates to the Director's Technical Rules and hosting the municipal engagement session in November 2019. Regional staff would like to provide the following comments in response to the proposed amendments.

#### **Clarification on Alternate Methods or Approaches**

Regional staff supports the proposed direction to reduce administrative burden and allow local flexibility with the removal of the requirement to obtain Director approval to depart from the prescribed approaches in the rules. We would like clarification on anticipated or expected source protection committee consultation with impacted municipalities and Ministry staff given that Director approval would not be required. It is also unclear at what stage in the process the source protection committee is required to provide notice to the Director and so, clarification regarding this process would be appreciated.

#### **Clarification on Activities Designated as Local Risk**

Regional staff agree with the necessity to avoid duplication of efforts in managing risks. However, the proposed approach to limit the addition of local drinking water threats to only those activities that are not currently regulated by the provincial and federal government implies that these statutory regimes address or manage significant drinking water threats. Please clarify how the Ministry intends to address potential gaps or limitations and demonstrate which enabling statutes should be relied upon for source water protection.

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### **Define the Methodology for the Delineation of IPZ-ICA / WHPA-ICA**

Regional staff recommend that the Ministry specify minimum requirements for a technical methodology to delineate an issue contributing area to ensure evidence-based decision making and consistency across the province. Specifically, with reference to Rule 114, an associated timeline should be defined to support the trend analysis and interpretation of results.

### **Proposed Amendments to the Tables of Drinking Water Threat Circumstances**

#### **Waste Generating Facilities**

Regional staff note that the approach as proposed, exempts motor vehicle repair waste oil for facilities that have a written agreement for collection and management with an approved carrier. We are concerned that this does not adequately address the risk of onsite waste oil storage tanks that have condition or contaminant deficiencies. Non-binding guidance on recommended practices for waste oil storage tanks lack efficacy and enforceability to mitigate risks. The rationale should be provided for removing the significant drinking water threat designation.

#### **Handling and Storage of Fuel**

Regional staff support the practical change to combine the handling and storage of fuel under one risk category and the revised volume threshold for fuel storage. The proposed lower quantity threshold for fuel (>250L), impacts the assessed threat level for the standby power at the Region's municipal wellheads resulting in a significant drinking water threat designation. The Region would like clarity on how the Ministry will communicate the new circumstances to the owners of municipal drinking water systems and initiate a review of prescribed instruments once a decision notice is posted on the ERO to meet the conformity obligations under the *Clean Water Act, 2006*. In the interest of eliminating duplication of efforts, we recommend that the issuing Ministry take action to ensure that municipal drinking water licences are amended, as necessary, to conform with the new circumstances.

#### **Handling and Storage of DNAPLs – List 1 of Section 11 of the Glossary of Terms in the Table of Drinking Water Threats**

Regional staff supports the inclusion of the proposed list of land use activities to facilitate identification of operations where dense non-aqueous phase liquids (DNAPLs) may be handled or stored. It is understood that the use of the list is optional. Risk Management Officials and Inspectors would benefit from more uniform guidance and mandated actions. To fully address implementation challenges and achieve the desired outcome, a list of DNAPL containing products would be very helpful. Regional staff encourages the Ministry to develop a guidance document on products that contain these chemicals as a more practical change toward a consistent approach and welcome future conversations around this threat activity.

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**Conclusion**

Thank you for the opportunity to contribute to this important consultation. Regional staff hope that you find our comments helpful to your review. Should you have any questions with respect to this letter, please contact Therese Estephan, Advisor, Source Water Protection/Risk Management Official at [therese.estephan@peelregion.ca](mailto:therese.estephan@peelregion.ca).

Sincerely,



Anthony Parente, P. Eng.  
(Acting) General Manager, Water and Wastewater Divisions  
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