

Thames - Sydenham and Region
c/o Upper Thames River Conservation Authority
1424 Clarke Road, London, ON, N5V 5B9

November 9, 2020

Dr. George Jacoub
Water Research Scientist - Hydrologist
Ontario Ministry of the Environment, Conservation and Parks
14th Flr, 40 St Clair Ave W,
Toronto, ON M4V 1M2

Dear Mr. Jacoub,

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

Thank you for the opportunity to review the proposed amendments to the Director’s Technical Rules. We appreciate the Ministry’s careful review of the source protection technical framework and your commitment to improve that framework by attempting to address the implementation challenges that have been raised, and tackling lessons learned from the first round of planning. We also appreciate your efforts to align the rules with the most current scientific information as well as other pieces of provincial legislation.

Drinking Water Source Protection staff within the Thames Sydenham and Region Source Protection Region have reviewed the proposed amendments to the Director’s Technical Rules and offer the following comments:

General Comments / Questions:

- Although the proposed changes included details about changes to the Tables of Drinking Water Threats, the detailed proposed changes to threat circumstances were not provided. We hope that this information can be shared with Source Protection Authority staff as soon as possible.
- Which amendments are mandatory, and which are enabling? A guidance document like the one that was released along with the 2017 changes to the DTR would be very helpful for SPA’s to understand how to implement all of the changes being made.
- Similar to the above questions, which of the amendments can SPAs undertake with funding from MECP through transfer payment agreements? Understanding what work is eligible for funding through the TPA will be helpful for SPAs to develop their workplans for the coming years.

Lower Thames Valley Conservation Authority
100 Thames Street, Chatham, Ontario,
N7L 2Y8

St. Clair Region Conservation Authority
205 Mill Pond Cres., Strathroy, Ontario,
N7G 3P9

Upper Thames River Conservation Authority
1424 Clarke Road, London, ON
N5V 5B9

phone 519-354-7310, fax 519-352-3435

phone 519-245-3710, fax. 519-245-3348

phone 519-451-2800, fax 519-451-1188

- Assuming that the changes to threat circumstances are mandatory, will these new circumstances only apply to new vulnerable areas associated with new or changed drinking water systems, or would they be applied to existing vulnerable areas as well? If the latter, will RMPs need to be renegotiated for properties with RMPs already in place and where new significant drinking water threats are identified as a result of the changed circumstances? Likewise, if the new circumstances indicate that an activity requiring an RMP is no longer a significant drinking water threat, is the RMO expected to contact the person holding RMP to indicate that the RMP is no longer required (see comment below regarding DNPALs for more context regarding this scenario)?

Part I.6 Climate Consideration

A Source Protection Committee is only able to undertake a climate impact assessment if they have funding from MECP to do so. MECP has indicated that they are unwilling to fund climate impact assessments, and that it will be up to municipalities to determine need/fund any assessments that are undertaken. Why then are the rules around the climate impact assessment written as though the decisions around climate impact assessments will be made by the SPC? Wouldn't some reference to municipalities in this section be appropriate?

Handling and Storage of DNAPLs

Some RMO's in the Thames-Sydenham and Region have expressed concern about the change in used oil going from a DNAPL threat to a waste threat. Many Risk Management Plans in the Thames-Sydenham and Region have been established with businesses within WHPA-C where the vulnerability score is 8, 6 or 4 to address waste oil on the property as a DNAPL threat. This change would mean that RMO's would need to go back out to those properties to inform them that the waste oil is no longer a significant drinking water threat, and indicate that the established RMP is no longer required. After the considerable amount of work that went into establishing those plans, eliminating them would seem like such a waste of time and effort, and ultimately take credibility away from the program. We recommend that this change be reconsidered.

Thank you again for the opportunity to provide comments. Should you have any questions about the above comments, please contact me directly through email (allainj@thamesriver.on.ca) or 519-451-2800 x223

Sincerely Yours,
THAMES-SYDENHAM AND REGION



Jenna Allain
Source Protection Project Coordinator

Lower Thames Valley Conservation Authority
100 Thames Street, Chatham, Ontario,
N7L 2Y8

phone 519-354-7310, fax 519-352-3435

St. Clair Region Conservation Authority
205 Mill Pond Cres., Strathroy, Ontario,
N7G 3P9

phone 519-245-3710, fax. 519-245-3348

Upper Thames River Conservation Authority
1424 Clarke Road, London, ON
N5V 5B9

phone 519-451-2800, fax 519-451-1188