

November 9, 2020

## Memorandum

To: George Jacob, Water Research Scientist – Hydrologist, Source Protection Programs Branch, Ontario Ministry of the Environment, Conservation and Parks, 40 St. Clair Avenue West, 14<sup>th</sup> Floor, Toronto, ON

*Submitted Online: Via E-mail and via Environmental Registry of Ontario website*

From: Emily Vandermeulen, Risk Management Inspector and  
Kyle Davis, Risk Management Official, Wellington Source Water Protection

**RE: Environmental Registry Number 019-2219, Proposed Amendments to the Director's Technical Rules Made Under Section 107 of the Clean Water Act, 2006**

The following comments are related to the above referenced policy proposal that was posted on the Environmental Registry of Ontario (ERO) on August 11, 2020. The public commenting period ends on November 9, 2020.

Staff appreciates the continued effort by the Ontario Ministry of the Environment, Conservation and Parks (MECP) to engage municipalities and Source Protection Authorities in the process of updating the Director's Technical Rules including the current and previous ERO postings and other engagement sessions / working groups over the past few years. Staff look forward to continuing to work with the MECP in the future as the source protection program continues to be updated and improved as part of a continuous improvement model. When appropriate, staff would be pleased to discuss with MECP staff further ideas for simplifying the implementation of the Director's Technical Rules and strengthening the protection of drinking water sources, however, we understand that discussion is not the focus of this ERO posting.

The following comments, with recommendations highlighted in bold, are provided for consideration:

## Comments

1. *Waste Oil Tanks at Automobile Servicing Facilities* - We disagree with the proposal to exempt above grade waste oil tanks at automobile servicing facilities, from being a significant drinking water threat within a WHPA score 10. This loosens the current technical rules where above grade waste oil tanks at these locations are significant drinking water threats and therefore Source Protection Plan policies apply.

In the current proposal, Section 1(3) of Ontario Regulation 347 is used as a definition of certain wastes and for above grade storage of these wastes, no significant drinking water threats are possible. The majority of the wastes listed in this Section, specifically Section 1(3)2 through 6, do not generally pose a risk to municipal drinking water systems and their exemption is reasonable.

Section 1(3)1 of Ontario Regulation 347, however, exempts waste from servicing of motor vehicles where a written agreement for the collection and management of such waste has been issued. In our experience, those written agreements are only for the removal of the waste oil from the facility by a waste management company. Those written agreements or contracts do not typically deal with site specific concerns such as secondary containment, integrity of the waste oil tanks, spill response plans etc. Above grade waste oil tanks are very common at automotive servicing facilities and are subject to the elements and can be damaged by vehicles. In our experience, the above grade tanks used for waste oil storage are often single-walled, have no secondary containment, and occasionally have been repurposed from other uses. These tanks have a greater possibility of spills or leaks and are located in a high vulnerability area (WHPA 10).

**To address this concern, we recommend that the MECP add the following to the first two proposed circumstances under Waste Generating Facilities: “Or waste as defined in Section 1(3) 1 as prescribed in Regulation 347 (General – Waste Management)” and edit the third proposed circumstance to specify that only wastes in Section 1(3) 2 through 6 are exempted.** These edits would ensure that above grade waste oil tanks at automotive servicing facilities are captured as significant drinking water threats, while still allowing exemption of other wastes in Section 1(3) 2 through 6.

2. *Dense Non-Aqueous Phase Liquids* – We are in support of the proposed changes. We recognize the large amount of work that was completed in relation to this change and that there was a wide variety of opinions on how to proceed. We support the proposed change as a compromise solution. We note that we have already used this list in Risk Management Plan negotiations and it has proven useful. **We recommend to the MECP that chemical manufacturing and processing companies should be added to List 1.**
3. *Conditions* - This proposed change has potential implications in how significant drinking water threat conditions are identified. **More direction from the MECP, through a technical bulletin, is needed to understand how this change will be applied in practice.**
4. *Fertilizer Storage* – Currently, the circumstances for commercial fertilizer application and storage apply to both solid and liquid forms. It is unclear from the proposed circumstances whether that is still the case. **We recommend that the proposed circumstances apply to both solid and liquid forms of fertilizer.**

5. *Liquid Fuel Handling and Storage* – We are in support of the proposed changes, specifically the lowering of the above grade storage threshold to 250 litres from 2,500 litres. This is a practical change that will ensure a lower quantity of fuel storage can continue without undue regulatory burden, however, ensures that the threshold is not set too high. There are a number of existing liquid fuel storage tanks, generally in the 400- to 900-litre range, that are in close proximity to our municipal wells in a WHPA 10, that are currently not regulated. This proposed amendment closes that gap.
  
6. *Road Salt Storage and Application* – We are in support of the proposed changes. The lowered thresholds for storage and application will result in increased protection for municipal well supplies.

We would be pleased to discuss these comments further. If you require further information, please contact the undersigned.

Regards,

Kyle Davis, Risk Management Official  
519-846-9691 ext 362  
[kdavis@centrewellington.ca](mailto:kdavis@centrewellington.ca)