



Ontario Federation of Agriculture

Ontario AgriCentre

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Ministry of the Environment and Climate Change
Policy and Program Division
Source Protection Programs Branch
40 St Clair Avenue West, Floor 14
Toronto, ON
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Dear Ms. Moulton,

Re: EBR 013-1839 AND EBR 013-1840

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

Farmers are integral partners in managing the natural environment. They rely on the air, soil and water to conduct their business, and as such, have a vested interest in the sustainability of these resources. We are pleased to provide our input into **EBR 013-1839: Amendments to Ontario Regulation 287/07 "General" under the Clean Water Act, 2006** and **EBR 013-1840: Establishment of a regulation under the Safe Drinking Water Act, 2002.**

A. Minor Amendment Provisions:

While the proposed amendments to address decommissioning of wells or intakes is a needed change, there is a significant consequence of this change missing in the proposed amendments. The posting recognizes the need to make "implementing bodies" aware of changes associated with these changes. However this posting does not even come close to acknowledging how landowners may be directly impacted. There needs to be direct and immediate contact with landowners impacted by such a change. For example, an activity may no longer be deemed a "significant threat" thereby eliminating the requirement for a Risk Management Plan on a specific property. Landowners who no longer require a Risk Management Plan (RMP) must be notified directly. Provisions must be made to immediately allow for the cancellation of a RMP when an activity/activities cease to be a drinking water threat.

B. Continuous improvement: hydrocarbon pipelines:

It is unclear with this posting as to the actual need to prescribe “liquid hydrocarbon pipelines” as a provincial threat. It has been noted that there are Source Protection Plans that include policies to address this potential threat where it is present. If this proposal does go forward, OFA would endorse that these policies remain only legally binding on public bodies – private landowners cannot be expected to bare the responsibility for these pipelines.

C. EBR 013-1840: Establishment of a regulation under the Safe Drinking Water Act, 2002

It must be recognized that new or expanding municipal drinking water systems will come at a direct cost/impact to rural landowners, specifically farmers. Generally, more urbanized areas will not be able to accommodate a new or expanding municipal drinking water system.

Appropriate siting and security of municipal drinking water systems must be a fundamental component for any consideration regarding municipal drinking water. There needs to be a prohibition on siting new municipal drinking water wells in vulnerable areas. Similar restrictions must be placed on developing GUDI wells. There should also be a focus on not only proper siting, but also proper installation and maintenance of municipal drinking water wells.

This proposal states that “new and expanding municipal drinking water systems may be located in areas where there are water quantity concerns.” This is a disturbing consideration for farmers. Siting of a new or expanding municipal system must not negatively impact on private wells (water quantity or quality), and Permit-To-Take-Water holders.

There must be a system put in place that demonstrates the need for a new or expanded system. Conservation and water efficiency programs for municipal water users must be in place and enforced. A similar conscientious system must be employed for site selection for a new well. A cost assessment needs to be included that looks at who is bearing what costs. Is the municipal system expanding at the expense of farmers, who may not even have access to municipal water? This direct impact on farmers, who may now be required to develop a Risk Management Plan, or even face prohibition of some of their activities, must be recognized, mitigated and paid for.

OFA and our members have been active participants and partners with the province regarding water-related policy for over two decades. The obvious lack of consideration for private landowners in both of these related consultations is beyond disappointing. That is not to say these proposals are completely without merit, however they have utterly failed in addressing the logistical implementation considerations, some of which may require further regulatory consideration.

I trust our opinions and recommendations will be given due consideration in this consultation. OFA remains available to provide clarification regarding our concerns.

Sincerely,



Keith Currie
President