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August 19, 2004

Ms. Dawn Landry, Policy Advisor  
Strategic Policy Branch  
Ontario Ministry of the Environment  
135 St. Clair Avenue West, 11<sup>th</sup> Floor  
Toronto, ON M4V 1P5

**Re: OPPI Submission - Drinking Water Source Protection Act**

Dear Ms. Landry:

We are pleased to provide this submission on the proposed *Drinking Water Source Protection Act*. The Ontario Professional Planners Institute (OPPI) represents Ontario's professional planning community, and is the only organization that brings all Ontario planners together. OPPI currently has some 2600 members. Our members include both public and private sector municipal, land use and environmental planners who are active in formulating the land use and environmental policies and decisions which shape the land use fabric in Ontario. An objective of OPPI is to improve the quality of the Ontario environment and communities by the application of sound planning principles.

OPPI provided comments on the *White Paper on Watershed-based Source Protection Planning* in an April 8, 2004 submission to the Ministry of the Environment and participated in the consultation workshops on the White Paper. Our submission focused on Section 3.0 of the White Paper (Proposed Source Water Protection Legislation). Specifically, we commented on the implications of the proposed watershed-based source protection planning for land use planning in Ontario.

We have now reviewed the proposed *Drinking Water Source Protection Act* and provide our comments as follows. While OPPI supports watershed based planning initiatives, we believe that a number of key issues which have implications for land use planning in Ontario have not been addressed in the proposed source protection planning process. For example, the integration of the proposed process with existing planning tools and implementing mechanisms is not addressed. There are a range of existing available planning tools (e.g., Official Plans, Zoning By-laws, Secondary Plans, Site Plan Control) that can be used to implement recommendations of the Source Protection Plan.

While the proposed legislation addresses the requirements for and preparation of Terms of Reference, Assessment Reports and Source Protection Plans, the legislation is silent on the implementation of the Source Protection Plan and on technical guidance for the production of these plans. OPPI believes that these matters need to be more clearly addressed in the legislation.

While it is assumed that the Source Protection Board is responsible for ensuring that the provisions of the Source Protection Plan are implemented, the mechanisms for implementation, as well as the relationship of the proposed Act to other planning legislation, are not addressed. This relates to our previous point regarding the use of existing planning tools for implementation. The watershed planning process and the more local planning instruments should be integrally linked to ensure that desired land use and environmental protection mechanisms are implemented. We strongly recommend that this issue be addressed. There needs to be some direction regarding how Official Plans and Zoning By-laws are to be amended to reflect the content and policies of the Source Protection Plans.

Generally, we support the proposed procedures and mechanisms for public review, however, we would suggest that the definition of an affected party be expanded to include potentially affected municipalities (see Section 10 – Appeal of plans).

We understand that the work of the two source protection advisory committees – the Implementation Committee and the Technical Experts Committee – will not be available until later this calendar year. We suggest that the process, as outlined in the proposed legislation, be reviewed and revised where required once the findings of these two committees are available.

We strongly urge the Ministry to develop appropriate guidance materials to assist those who are given the responsibility of developing the Source Protection Plans. Too frequently, relevant guidance materials are not available in a timely manner. We believe that effective guidance will be required to ensure consistency in the development and implementation of these plans in Ontario. Guidance materials could also acknowledge work completed to date (e.g., Regional Groundwater Studies) and its use as a foundation for the proposed source protection planning process. Model policies for water resource protection could also be included in the guidance materials. The model policies would provide concrete guidance regarding how the management actions identified in a Source Protection Plan could be incorporated into municipal Official Plans and implementing By-laws.

Thank you very much for the opportunity to comment on the *Drinking Water Source Protection Act*. We would welcome the opportunity to work with you to address these issues and would be pleased to discuss any of the points noted in this submission. We look forward to your response. In the meantime, if you have any questions, please contact Loretta Ryan, MCIP, RPP, Manager, Policy and Communications, OPPI.

Yours truly,

*Original signed by*

Jeff Celantano, MCIP, RPP  
Director of Policy Development

cc. Loretta Ryan, Manager, Policy and Communications, OPPI  
Dianne Damman – Environment Working Group, OPPI