

November 26, 2025

MECP Conservation and Source Protection Branch
Public Input Coordinator
300 Water Street North Tower, 5th floor
Peterborough, ON
K9J 3C7

Delivered via E-mail

Re: Regulatory changes for accelerating and improving protections for Ontario's drinking water sources (ERO Number 025-1104)

CELA writes to provide comments in respect of the above noted ERO posting. Canadian Environmental Law Association (CELA) is a legal aid clinic dedicated to environmental equity, justice, and health.

Founded in 1970, CELA is one of the oldest advocates for environmental protection in the country. With funding from [Legal Aid Ontario](#) (LAO), CELA provides free legal services relating to environmental justice in Ontario, including representing low-income and vulnerable or disadvantaged communities in litigation. CELA also works on environmental legal education and reform initiatives.

CELA has reviewed the above noted proposal. We provide the following comments for your consideration in respect of Bill 60, Schedule 10, the proposed Water and Wastewater Public Corporations Act, 2025.

Outline of the Proposal

The MECP is proposing regulations under the *Clean Water Act* and the *Safe Drinking Water Act* in respect of how amendments to source protection plans are approved. Generally, the Ministry's proposal is intended to accelerate the timeline of such approvals. The MECP posting states there is duplication in the approval process. It also states that the amendments will support the province's housing policy as it relates to bringing on new sources of drinking water supply for new housing development.

Inability of the Public to comment on related Bill 56

Relevant legislative amendments were passed under bill 56 in November 2025 with time allocation, before the timeframe related ERO posting [025-1060](#) closed. That Bill was not referred to a Standing Committee of the legislature for study, and so there was also no opportunity for public witnesses to provide deputations, nor for members of the public to make recommendations for amendment to the members of such a committee. Accordingly, a decision notice was posted in relation to ERO 025-1060 once that Bill passed the legislature and the public consultation was accordingly terminated early. CELA regrets this method of changing legislation, especially when dealing with such a critical matter as protection of drinking water in Ontario.

Canadian Environmental Law Association

T 416 960-2284 • 1-844-755-1420 • F 416 960-9392 • 55 University Avenue, Suite 1500 Toronto, Ontario M5J 2H7 • [cela.ca](#)

Turning to the current posting, dealing with related regulatory proposals under the two statutes amended in Bill 56, CELA has the following comments.

1. Proposed amendments to the General Regulation (O. Reg. 287/07) under the *Clean Water Act*

CELA supports an amendment specifying circumstances in which the Source Protection Authority could approve a source protection amendment in order to specify a new protection area around the supply, conditional on review and approval by the MECP Director as to the proposal's compliance with the *Clean Water Act* technical rules, and conditional on consultation with the public prior to approval of the proposed amendment.

CELA also supports the requirement for the MECP Director to confirm that a SPA amendment submitted to the Minister complies with the *Clean Water Act* before it can be submitted, and before the Minister may make a decision or alternatively a deemed decision is triggered by the expiry of a proposed 120 day period, also conditional on consultation with the public prior to the submission of the proposed amendment to the Minister.

CELA does not object to the minor plan amendments using the section 51 process in the circumstances outlined in the proposal (clarification of narrative sections, some timeline extensions, replacement of an existing well or intake with only slight changes to the delineation of the corresponding wellhead protection area or intake protection zone and conditional upon no new currently occurring activities being captured within the revised delineation that would be considered significant drinking water threats, that the plan has already incorporated the most recent technical rules and the protection area is immediately adjacent to the well or intake).

Prescribed Instruments' interaction with Risk Management Plans

CELA is concerned about the proposal to disallow the use of prescribed instruments when the activities are already subject to the requirement for a prescribed instrument. CELA objects to expanding the list from the existing prohibition on such use for waste disposal sites and sewage works. In CELA's view, allowing the use of Risk Management plans as a tool is part of the locally determined approach to source water protection plans that was envisaged in the development of the approach to drinking water source protection in Ontario. Furthermore, the intention was that the province would be required to ensure that its instruments were amended to be consistent with source protection plans in respect of significant drinking water threats that could impact that source. Having the Source Protection Plan Committee turn its mind to the specific activities that require control (to not become a significant drinking water threat, or to cease being a significant drinking water threat) in the context of the drinking water source hydrology and other factors is an important safeguard. Having an interaction between the risk management processes and the provincial instrument issuers is also an important safeguard to ensure the threat in question is actually well managed in the circumstances.

In terms of provincial instruments that are created by the person engaged in the activity (such as Nutrient Management Plans as mentioned in the proposal), then CELA agrees that the risk management official should review the prescribed instrument to determine if it meets the test that would have been established by a risk management plan. However, in such cases, the source protection plan should be required to include a periodic review of such instruments by the risk management official to ensure they are still in place, still being implemented, and still adequate to meet the test of preventing a significant threat to drinking water safety.

2. Proposal for New Minister's regulation under the *Clean Water Act*

The regulatory proposal includes a suggestion that a new Minister's regulation be issued to introduce standardized wording for inclusion in Source Protection Plans vis a vis prescribed instruments, that

requires issuers of prescribed instruments to include provisions in the instrument that ensure that a significant threat policy ceases to be or never becomes a significant drinking water threat. CELA does not object to this proposal.

CELA also does not object to provisions to “increase transparency and consistency by requiring documentation of how a prescribed instrument decision maker reviewed and amended the instrument to ensure the significant threat activity ceases to be or never becomes a significant threat.” CELA also supports new requirements that issuers of prescribed instruments report annually to the SPA and to have those reporting obligations specified. However, CELA recommends that the SPA be permitted to add additional reporting requirements in the event that the standardized regulation requirement not address the specific circumstances of the threat assessment for which the Source Protection Plan required a provincial instrument to manage.

CELA also supports the introduction of a timeline for such amendment and reporting and notice to the Director of MECP in respect of these instrument amendments.

However, in respect of the timeline indicated by the proposal for review of existing prescribed instruments when a new vulnerable area is set out, CELA recommends that the timeline should be no longer than one year. This recommendation is conditional upon the earlier provision that plan amendments would have been reviewed by the Director for compliance with the technical rules in any event. However, if a provincial instrument is the mechanism by which a new vulnerable area must be protected, its review and amendment must not wait as long as three years as this could allow unacceptable risk to the new supply to continue or develop.

3. Changes to O. Reg. 205/18 (Municipal Residential Drinking Water Systems in Source Protection Areas) and O. Reg. 287/07

CELA has concerns about, and objects to some aspects of changes to O. Reg. 205/18 Municipal Residential Drinking Water Systems in Source Protection Areas that would “allow the supply of drinking water when an amendment to a drinking water works permits or municipal drinking water licence is granted, before an amendment to a source protection plan is complete, in certain circumstances.”

In particular, CELA recommends that no new supply of drinking water be permitted without a plan amendment in the circumstances outlined in the proposal unless and until there be public consultation on the planned addition of that new supply and the protections that would be provided for that new supply pending the ultimate source protection plan approval.

CELA also recommends that even in circumstances where the conditions outlined in the ERO proposal exist (SPA has provided in a notice to the Director that relevant technical work was completed and so forth, and therefore there is no need for a condition prohibiting the supply prior to plan amendment), the timeline for ultimate approval should never exceed one year from the date of the new supply connection to the drinking water system.

In any event, in any case where a Source Protection Authority provides such a notice to the Director (essentially that the source may be connected to the distribution system prior to Plan amendment), CELA agrees that the conditions specified in the ERO proposal must be fulfilled, namely the provision by the SPA to the Director of the technical rationale, with consideration of vulnerable area mapping, assessment of threats, application of existing policies, additional plan policies required to manage the threats and timelines required to implement them. Alternatively, the other circumstance arising under section 51 for a replacement well that could justify the plan amendment could also support the technical rationale for connection of the supply prior to plan amendment.

However, CELA notes that the SPA and the municipality must consider and allow the public to comment on the proposed connection of the supply in that a new supply may create different conditions in hydrologic flow, draw different volumes of water, imply different times of travel and therefore different intake protection or wellhead protection zones, and attract the requirement for threat policies in the resulting zones.

CELA agrees, for similar reasons, to the proposal that a condition be enabled prohibiting connection of a supply to a distribution system until source protection plan amendments are complete in certain circumstances. Changes in volume, for example, as noted above, may change the requirement for the area delineated for source protection around a well head or intake.

Conclusion:

CELA notes that protection of the sources of drinking water under the *Clean Water Act* is of the utmost importance. While housing policy is important, the impetus for streamlining and efficiency must never compromise the most rigorous of approaches to ensuring safe drinking water provision by municipalities in Ontario.

We would be happy to discuss these submissions further or answer any questions you may have.

Yours very truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa McClenaghan
Executive Director & Counsel

cc. Environmental Commissioner, Office of the Auditor General Tyler Schultz
Minister of Municipal Affairs and Housing, Hon. Rob Flack
Minister of Environment, Conservation and Parks, Hon. Todd J. McCarthy
Chief Drinking Water Inspector for Ontario, Steven Carrasco