

BRIEFING:

Understanding how **source protection laws** work and how they can help protect your **private drinking water system**

Safe drinking water starts with preventing contaminants from entering the rivers, lakes and groundwater resources that we rely on.

This is called **source water protection**, and Ontario has laws which are designed to identify, manage and prevent activities that could pose a risk to source water quality or quantity in the years or even decades to come.

Despite promises from the province, the nearly three million Ontario residents who rely on water from a private well or water intake are largely excluded from these protections. This puts communities not served by a municipal drinking water system at a higher risk for their water being contaminated or depleted before it reaches them.

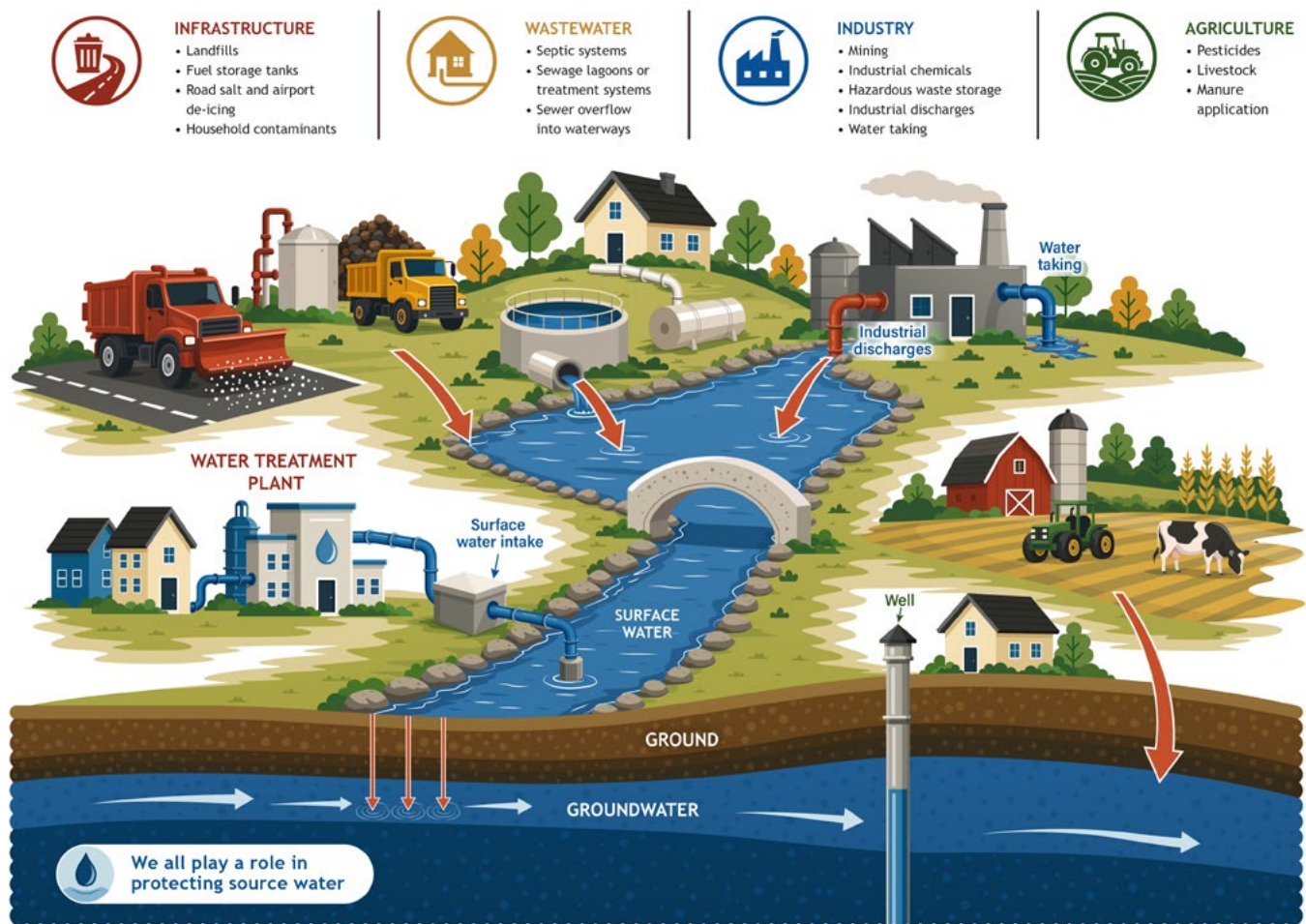
Communities that rely on non-municipal drinking water can and should ask to have their private wells or surface water intakes included in the local source protection plan.

This briefing provides key background information about why source protection is important, how Ontario's source protection laws work, and what you can do to ask for better protections for your drinking water.

Background: Why source protection?

In 2000, seven people died and thousands became ill when the water supply for the town of Walkerton, Ont., was contaminated with E. Coli. In the wake of this tragedy, Ontario developed a new “multi-barrier” approach to drinking water protection, introducing rules and regulations that address threats at each point in your drinking water’s journey from the source to the tap.

Source protection plans help identify and prevent pathways through which residential, commercial, industrial, infrastructure, and agricultural activities may contaminate or deplete drinking water sources



The first, and perhaps most important, step to protecting drinking water is called source protection. This refers to preventing any contamination or depletion of the lakes, rivers and groundwater resources that we rely on before they enter the drinking water system.

Preventing harm is very important given that treating contamination or increasing the water supply later on can be extremely expensive or even impossible.

When Ontario's source protection regime under the *Clean Water Act* was being developed, the province said that they would focus on municipal water systems first and then consider inclusion of private wells and surface water intakes in the future.¹

Today, the nearly three million² Ontario residents who live outside of the reach of municipal drinking water systems are still vulnerable to the same conditions that led to tragedy in Walkerton over 25 years ago, even though they may reside near other neighbours who are fully protected in the same municipality.

A yet-to-be used pathway exists within the *Clean Water Act* to strengthen the source water protections around certain non-municipal water systems. Your municipality may have the ability to add your drinking water system into the existing source protection plan—giving you the same water protection rights as your municipally-served neighbours.

In order to be eligible to be added to the local source protection plan, your well or surface water intake must:

- Be within the boundaries of an existing source protection area
- Be within the boundaries of a municipality
- Meet at least one of the following criteria:
 - Serve 6 or more households;
 - Be in proximity to at least six other wells or water intakes;
 - Serve a designated facility (e.g. a school, childcare centre, elder care facility, medical facility).

1 Office of the Auditor General of Ontario. (2014). Annual Report of the Office of the Auditor General of Ontario Chapter 3.12: Source water protection. <https://www.auditor.on.ca/en/content/annualreports/arreports/en14/312en14.pdf>

2 Office of the Auditor General of Ontario. (2025). Safety of Non-Municipal drinking water. [auditor.on.ca/en/content/annualreports/arreports/en25/pa_drinkingwater_en25.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en25/pa_drinkingwater_en25.pdf)

What is a Source Protection Plan?

Source protection plans lay out locally-developed policies that address activities that pose a threat to the quality or quantity of source waters. These policies can be legally-binding, such as restrictions on putting contaminants into a waterway, or recommendations, like suggested best practices for storing pesticides.

Source protection plans must address the province's list of 22 prescribed threats, but can go beyond that to respond to location-specific issues.

Some source protection policies may apply to the entire watershed, while others are specific to the areas that water travels through on its way to a well or surface water intake.

The task of developing a source protection plan and enforcing the policies within it is shared between a number of groups, including the source protection authority, the local source protection committee, municipalities, the province and representatives from the impacted community and industry groups.

Participants in Source Protection Planning

Ontario Provincial Government	Identifies the types and risk criteria for threats to water Approves changes to source protection plans Enforces source protection policies
Source Protection Authority: Often the local Conservation Authority, but sometimes a separate body	Appoints members to source protection committees and supports with policy development
Source Protection Committee	Develops locally-informed policies to address threats to source water
Municipality	Enforces source protection policies Submits annual reporting requirements Calls for inclusion of new drinking water system into the source protection plan
Community: Land owners, farmers, industry representatives, businesses, community members and others	Provide input on policies in the source protection plan Participate in required or suggested source protection activities

How will joining a source protection plan impact me?

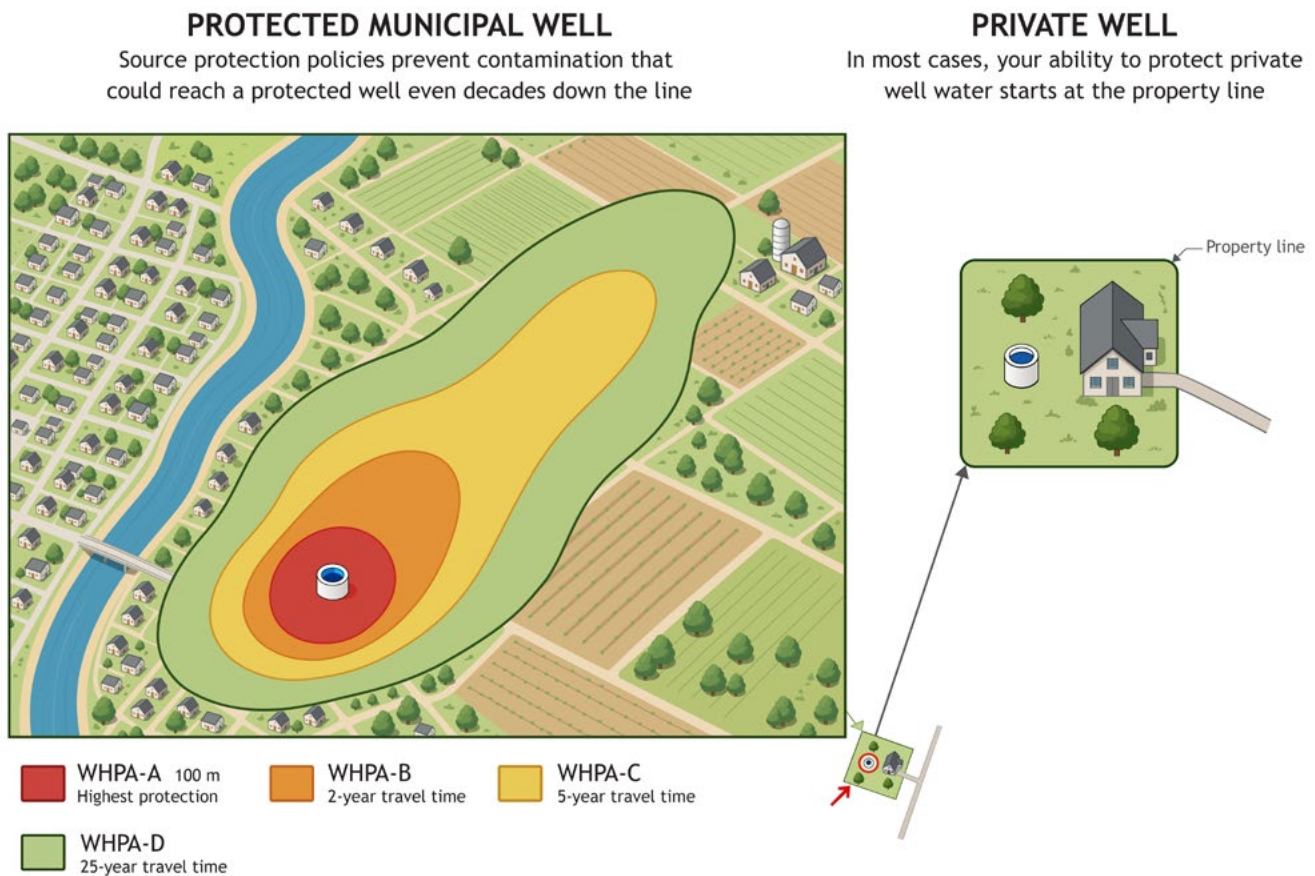
If you rely on drinking water that comes from a non-municipal well or surface water intake, you likely have little to no control over what happens to your water before it reaches the property line.

Joining a source protection plan will change this by giving you the **right to know** about what risks exist in your surrounding area. You will also benefit from source protection policies that can require land owners to **mitigate** existing risks to your source water and be protected by rules that **prevent** new risks from being created.

Right to Know

When a new drinking water system is added to a source protection plan, a detailed assessment must be carried out to show where the water comes from and how vulnerable it is to contamination or depletion.

For wells, a well head protection area (WHPA) is mapped out to show how long it would take contaminated water from one area to reach the well. The different areas range from the immediate area around the well all the way up to 25 years of travel time.



A similar process is done to create an intake protection zone (IPZ) around surface water intakes. Given that surface waters generally move faster than groundwater, the travel times for contaminants are mapped out in minutes, hours and days as opposed to the years used for a WHPA.

This information will determine where and how source protection policies can be applied and give your community helpful information about the vulnerability of your water source.

Mitigation

When your drinking water system is subject to a source protection plan, policies focused on preventing harm to the water system can now be enforced in your source protection zone—even on private land.

All source protection plans are different, but some examples of mitigation policies that could benefit your private well or surface water intake include:

- Transparent testing and reporting requirements for polluters in the WHPA or IPZ
- Mandatory inspections for septic systems or fuel tanks that could pose a threat to the source water
- Restrictions on where and when pesticides, manure or raw sewage can be applied to the ground or waters within a WHPA or IPZ

Unlocking these powers gives you significantly more control over how the actions of others impact your water, long before it makes its way to your tap.

Prevention

In addition to mitigating existing risks to source water, source protection policies can be used to prevent new sources of contamination or water depletion from being created.

Future developments or activities proposed to take place within a WHPA or IPZ must comply with the safety requirements and restrictions laid out for the area.

Are source protections policies legally enforceable?

Source protection plans often include a mix of legally enforceable and non-legally binding policies. The ability to require a certain action or prohibit something from taking place depends on what the risk is and where it is happening.

When a WHPA or IPZ is being mapped out, each section is given a risk score based on how vulnerable it is to harm and how the people who rely on the water would be impacted. Generally, risk scores are highest in the direct vicinity of the well or surface water intake and gradually decrease outwards, but many factors influence this.

By examining the threat score for the area and information about the ongoing or proposed activity, drinking water threats are sorted into three categories: low, moderate and significant.

Often, the strongest, legally-binding source protection policies can only be enforced when the threat is deemed “significant.”

Who can enforce source protection policies?

In many cases, your local municipality is responsible for implementing and enforcing source protection policies. However, provincial authorities may also be responsible for implementation and enforcement in some situations.

Municipal Enforcement

Municipal inspectors and risk management professionals are in charge of enforcing prohibitions on certain actions or developing and implementing mitigation programs that can be specific to a certain area or even one specific activity.

Municipalities also use land use planning to apply restrictions on where or if future activities that pose a risk to source water can be allowed to move forward.

The municipality may also create inspection programs, offer incentives for voluntary source protection, or carry out education campaigns.

Province

Many of the activities that are addressed by source protection policies are already regulated by the province. Some examples include the requirement for companies to obtain environmental and other approvals for mining and water management or permission to release pollution into waterways.

In cases where the province can put certain restrictions on regulated activities, source protection policies in the area may require or encourage them to add extra scrutiny to a specific site.

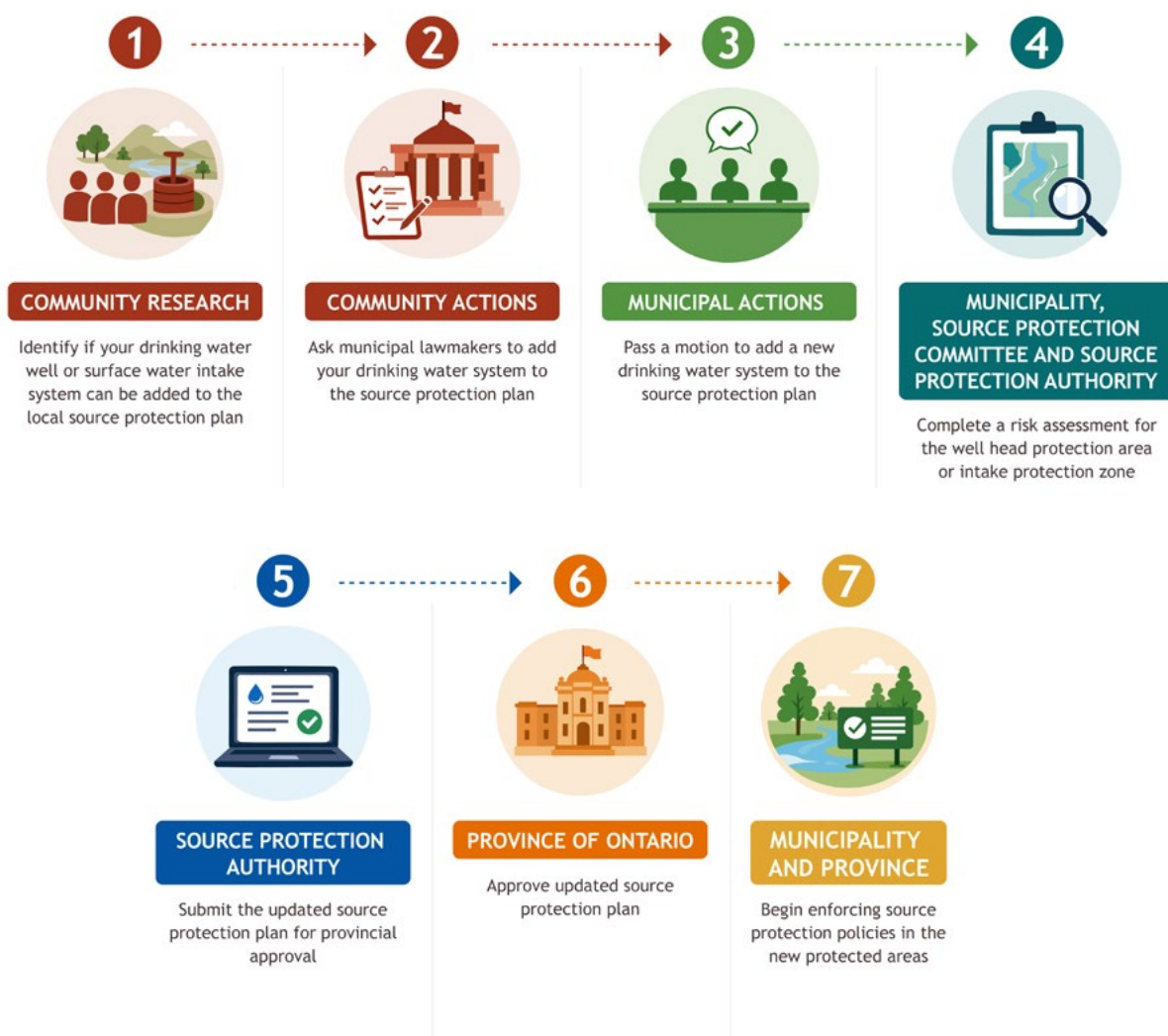
Once such provisions are included in an approved Source Protection Plan, any mandatory provisions must be respected by the province in its own decision making, including in provincial court decisions.

How do I get my drinking water system added to the source protection plan?

In most cases, the local municipality is responsible for seeking the addition of a new drinking water system to the source protection plan. This is done by passing a motion requesting an amendment to the “terms of reference” for the existing plan.



Steps to add your drinking water system to the local source protection plan.



Below are some steps that you can take to encourage your local representatives to protect your right to clean drinking water:

- If you live in a multi-tier municipality, review the local source protection plan to find out which municipal level is in charge of adding new drinking water systems;
- Develop clear talking points that outline why the municipality should add your drinking water system to the source protection plan;
- Ask your council to pass a motion to include your drinking water system in the source protection plan. This could be done:
 - In meetings with individual members of council;
 - In a presentation made to the entire council.

If your petition is successful, the following steps need to be taken in order to officially include your drinking water system into the source protection plan.

Conclusion

Everyone deserves access to safe drinking water, regardless of where they live.

Excluding people who rely on private wells or surface water intake systems from Ontario's source protection regime is not only unfair, but unsafe.

By advocating for your right to be included in the local source protection plan, Ontarians can improve the security of their drinking water and the health of the water systems their community relies on as a whole.

For more information about how joining a source protection plan could help protect your private well or surface water intake and what you can do to call for change, visit CELA's source protection webpage (English only) or contact us at info@cela.ca.

Appendix A: Source protection plan policy tools

<i>Policy Type</i>	<i>Description</i>	<i>Example (for illustration only)</i>
Prohibition	An existing activity is no longer allowed to take place where it constitutes a significant threat to drinking water.	Application of commercial fertilizer is not allowed to take place in a WHPA that is found to be highly vulnerable.
Risk Management Plans	Site-specific plans that outline actions required to address a significant drinking water threat.	A property owner who stores fuel underground in a vulnerable area works with the Risk Management Office to have the tank inspected and develop a spill action plan.
Restricted Land Use	Flags applications for land use or development in a vulnerable area to be reviewed by the municipality's Risk Management Office.	An application to build a barn on a farm near a vulnerable aquifer is sent to the Risk Management Office for review instead of going through the normal municipal process.
Land Use Planning	The municipality uses tools under the Planning Act to regulate the development and use of lands	An area that is known to be vulnerable is only zoned for residential use rather than industrial uses.

<i>Policy Type</i>	<i>Description</i>	<i>Example (for illustration only)</i>
Prescribed Instruments	Source Protection Plans can require/recommend that extra scrutiny or specific conditions are applied by the province when considering permits, licenses and approvals for activities that they regulate.	Future provincial approvals for water-taking permits should require a high level of evidence collection when proposed in areas where the activity is considered a moderate threat.
Specify Action	A non-binding policy that makes a specific request of another public body or organization to address a drinking water threat outside of the Source Protection Committee's scope.	A nearby municipality should amend their winter road management policies to reduce harms caused by road salt or snow storage.
Education/ Outreach	These policies lay out requirements for the topic, timeline, and creation of outreach material focused on helping prevent harm.	The local municipality and source protection authority work together to create and distribute an infographic about proper fuel handling and storage.
Incentive	Financial or recognition-based benefits given to people who voluntarily address drinking water threats on their property.	Municipalities are encouraged to consider the use of incentives to improve the use and care of septic systems.
Other	Includes non-binding policy tools like stewardship programs, best management practices, pilot programs and research.	The province is encouraged to work with the municipality and conservation authorities to create a pilot project focused on locating abandoned wells.

Appendix 2: Prescribed threats to drinking water

1. The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act.
2. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
3. The application of agricultural source material to land.
4. The storage of agricultural source material
5. The management of agricultural source material.
6. The application of non-agricultural source material to land.
7. The handling and storage of non-agricultural source material.
8. The application of commercial fertilizer to land.
9. The handling and storage of commercial fertilizer.
10. The application of pesticide to land.
11. The handling and storage of pesticide.
12. The application of road salt.
13. The handling and storage of road salt.
14. The storage of snow.
15. The handling and storage of fuel.
16. The handling and storage of a dense non-aqueous phase liquid.
17. The handling and storage of an organic solvent.
18. The management of runoff that contains chemicals used in the de-icing of aircraft.
19. An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
20. An activity that reduces the recharge of an aquifer.
21. The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.
22. The establishment and operation of a liquid hydrocarbon pipeline.