

# OSPE Submission on Proposed Amendments to Regulations under the Clean Water Act, 2006 and the Safe Drinking Water Act, 2002

December 4, 2025

**Submitted to the Ministry of the Environment, Conservation and Parks**

**Re: ERO postings related to regulatory amendments supporting the Building a More Competitive Economy Act, 2025**

The Ontario Society of Professional Engineers (OSPE) appreciates the opportunity to provide comments on the Ministry of the Environment, Conservation and Parks' (MECP) proposed regulatory amendments under the **Clean Water Act, 2006 (CWA)** and the **Safe Drinking Water Act, 2002 (SDWA)**.

Ontario's commitment to protecting drinking water sources is essential to public health, economic resilience, and sustainable community growth. Engineers play a central role in the design, construction, operation, and maintenance of drinking water infrastructure, and therefore have direct experience with the technical, operational, and administrative implications of the source protection framework.

OSPE supports efforts to streamline processes and reduce unnecessary administrative burden, provided that any changes continue to uphold—and strengthen—the scientific and risk-based foundations of source water protection.

The Province of Ontario must be commended for the rigorous legislative and regulatory processes which were put in place after the Walkerton drinking water tragedy, 25 years ago. Their use during the years since they were put in place have shown that some improvements and efficiencies are possible; however, the key tenet of protecting public health must be safeguarded.

## Overall Perspective

The proposed regulatory changes aim to:

- Streamline source protection plan amendments
- Reduce duplicative steps
- Enable faster approvals for new wells and intakes
- Increase local flexibility
- Standardize the role of prescribed instruments
- Modernize consultation and notification practices

OSPE agrees that improvements to timelines and administrative efficiency can be beneficial, especially as Ontario addresses housing pressures and the need for expanded water servicing. However, streamlining must not compromise risk management, technical rigour, or local watershed expertise— all of which are essential for safeguarding drinking water sources.

### 1. Streamlining Source Protection Plan Amendments (O. Reg. 287/07)

#### **OSPE's Comments**

OSPE supports allowing **source protection authorities (SPAs)** to approve routine and low-risk amendments, provided that:

- Assessment reports continue to be reviewed and approved by MECP Directors
- Amendments involving complex hydrogeological, hydrologic, or cumulative impacts remain under provincial approval
- SPAs have the necessary technical capacity and resources to take on these responsibilities

We agree that eliminating duplicative pre-consultation requirements and modernizing notification practices reduces administrative burden without undermining transparency.

#### **Key Engineering Considerations**

- Updates to vulnerability mapping and delineation require **rigorous technical review**, as small changes can significantly alter risk classifications.
- Reducing approval steps must not result in inconsistent application of technical rules across Ontario's 38 source protection areas.
- Capacity varies widely among SPAs; some will require additional support to assume expanded responsibilities.

## 2. Standardized Approach for Prescribed Instruments (New Minister's Regulation)

### OSPE's Comments

Introducing standardized policy wording and documentation requirements for prescribed instruments promotes consistency and clarity. Engineers often work across multiple jurisdictions; inconsistent expectations for instruments such as ECAs, Nutrient Management Plans, or permits can lead to uncertainty and delays.

However, OSPE emphasizes:

- Standardization must still allow for **site-specific flexibility**, especially in regions with complex hydrogeology.
- Decision-makers must be provided with technical training and guidance on evaluating whether instrument provisions adequately manage significant drinking water threats.
- Annual reporting requirements should be designed to minimize administrative burden for small operators while ensuring robust monitoring.

## 3. Amendments to O. Reg. 205/18 (Municipal Residential Drinking Water Systems)

### OSPE's Comments

Allowing new or altered water sources (e.g., wells, intakes) to begin supplying drinking water **before a source protection plan amendment is finalized**—in limited and technically justified circumstances—has merit. Ontario's rapid population growth and the urgency to expand water services require responsive regulatory processes.

OSPE supports the proposed flexibility **only when**:

- Technical studies are complete
- Vulnerability mapping is updated
- Existing policies effectively manage significant threats
- Municipalities and SPAs jointly confirm that risks are low and appropriately mitigated

This approach must be supported by clear guidance on what constitutes “appropriate safeguards,” to avoid inconsistent or overly permissive interpretations.

### **Key Engineering Considerations**

- Premature commissioning of a new source without full policy alignment could elevate long-term risk if unanticipated threats emerge later.
- Timelines (up to three years) for completing plan amendments must be strictly monitored to avoid prolonged gaps in protection.
- Replacement wells or intakes require clear technical criteria to determine when simplified processes are appropriate.

## **4. Risk Management and Prescribed Instruments**

OSPE supports clarifying when risk management plans (s.58) can be used versus when prescribed instruments should be the primary tool. Duplication between instruments and risk management plans creates confusion and delays for engineers, risk management officials, and municipalities.

### **OSPE’s Perspective**

- The principle of “one tool per threat” is sound.
- Risk management officials must retain the authority to require a risk management plan if a prescribed instrument does not sufficiently address risk.
- Oversight is needed where prescribed instruments are authored by proponents (e.g., Nutrient Management Plans), to ensure independent, science-based verification.

## 5. Consultation, Transparency, and Timelines

OSPE supports:

- Single-phase consultation processes
- Removal of newspaper notices (modernized outreach)
- Clear Ministerial timelines for decisions
- Streamlined minor amendments

For public confidence and engineering due diligence, OSPE recommends:

- SPAs use multiple notice channels, including online platforms and municipal communication tools
- MECP publish guidance on expected consultation standards to ensure consistency

## 6. Balancing Timeliness and Source Water Protection

The Ministry's rationale highlights the need to support faster housing development and municipal servicing. OSPE recognizes these pressures. However:

**Source water protection is foundational public infrastructure.**

**Any delay avoided today must not create future risks to drinking water safety, infrastructure reliability, or environmental integrity.**

Streamlining must be accompanied by:

- Strong provincial oversight of technical work
- Enhanced capacity-building for SPAs
- Clear decision-making criteria rooted in technical standards
- Transparent public reporting

## 7. Anticipated Costs and Benefits

OSPE agrees that the proposal could generate long-term efficiencies through:

- Standardized policies
- Fewer approval submissions

- More predictable processes

However, potential **risks and costs** must also be considered:

- Insufficient technical capacity at some SPAs may increase the need for external consultants
- Inconsistent implementation could lead to design uncertainty, project delays, or costly redesigns
- Accelerating approvals for new drinking water sources may increase risk of errors if technical guidance is not robust

We encourage MECP to incorporate a **technical readiness assessment** to ensure SPAs have the capacity needed before responsibilities shift.

## Conclusion and Recommendations

OSPE supports the Ministry's objective of modernizing and streamlining Ontario's source water protection framework, provided that **public safety, risk management, technical standards, and watershed-specific expertise remain at the forefront** of all regulatory changes.

To ensure the proposed amendments achieve the intended balance of efficiency and protection, OSPE recommends:

1. Maintaining rigorous technical review processes, especially for vulnerability mapping and delineation.
2. Providing clear provincial guidance and training on prescribed instruments under the new standardized approach.
3. Ensuring SPAs have adequate resources and expertise before assigning them additional approval responsibilities.
4. Applying early commissioning flexibly but cautiously, with strict criteria to ensure no increase in drinking water risk.
5. Requiring timely completion of plan amendments where early commissioning is permitted.
6. Maintaining strong oversight to prevent inconsistencies in how SPAs apply the amended regulations.

7. Enhancing transparency through a modernized but robust consultation practices.

OSPE appreciates the opportunity to contribute to this important consultation. Engineers remain committed to supporting Ontario's goals of safe, reliable drinking water, resilient infrastructure, and efficient development processes.

We would welcome the opportunity to discuss these recommendations with ministry staff or provide additional technical input as needed.

Sincerely,



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