

December 3, 2025

FOCA Comment Submission on ERO #025-1060

Re: Regulatory Amendments under the Clean Water Act and Safe Drinking Water Act

Thank you for the opportunity to comment on ERO #025-1060 regarding proposed regulatory changes intended to streamline approvals for amendments to source protection plans under the *Clean Water Act, 2006* (CWA) and the *Safe Drinking Water Act, 2002* (SDWA).

FOCA represents 50,000 Ontario families who own waterfront property across rural and northern Ontario whose communities rely heavily on safe, clean, and sustainably managed drinking water sources. As long-standing partners in local source protection planning, we strongly support evidence-based decision-making, local engagement, and the precautionary principles embedded in Ontario's drinking water framework.

1. Concerns about the Process and Limited Public Participation

FOCA remains concerned about the procedural approach taken with Bill 56, which introduced the enabling legislative changes prior to completion of public consultation on ERO #025-1060. The absence of Standing Committee review or public hearings eliminated opportunities for Ontarians—including municipalities, conservation authorities, Indigenous communities, and the public—to meaningfully participate.

Given the foundational importance of source water protection to public health and community resilience, FOCA urges the Ministry to ensure that any regulatory reforms are accompanied by robust opportunities for comment and transparency.

2. Proposed Amendments to O. Reg. 287/07 Under the Clean Water Act

FOCA supports amendments that:

- Allow Source Protection Authorities (SPAs) to approve certain plan amendments establishing new protection areas, *provided* any technical review or approval by the MECP Director includes a full public consultation period.
- Require the Director to confirm that amendments comply with technical rules prior to Ministerial consideration or any deemed decision.
- Permit the continued use of section 51 “minor amendment” processes for administrative or low-risk updates where no new significant drinking water threats are created.

These steps preserve local accountability and technical oversight while improving administrative efficiency.

Risk Management Plans and Prescribed Instruments

FOCA is concerned about proposals that would reduce the ability to use Risk Management Plans (RMPs) when activities are already subject to a prescribed instrument. We echo the view that

RMPs remain an essential locally tailored tool—particularly for activities that pose significant drinking water threats and require careful site-specific review.

For prescribed instruments developed by the proponent (e.g., Nutrient Management Plans), FOCA supports requiring risk management officials to review and ensure equivalency with RMP standards, alongside periodic review to ensure ongoing compliance.

3. New Minister's Regulation on Prescribed Instruments

FOCA supports proposals to:

- Introduce standardized wording requiring prescribed instruments to ensure that a significant threat activity *never becomes* or *ceases to be* a significant drinking water threat.
- Require documentation demonstrating how the instrument issuer reviewed and amended the instrument accordingly.
- Establish annual reporting requirements to SPAs.

We recommend allowing SPAs the ability to request or establish *additional* reporting requirements where unique hydrologic or threat conditions warrant enhanced oversight. FOCA also supports timelines for amendments but underscores that reviews related to new vulnerable areas should be completed within **one year**, not the proposed three, to avoid prolonged exposure to risk.

4. Amendments to O. Reg. 205/18 – Connection of New Drinking Water Supplies

FOCA has significant concerns with proposals allowing new drinking water supplies to be connected to distribution systems **before** related source protection plan amendments are complete.

Changes in water supply sources—including new wells, intakes, or increased pumping volumes—can alter hydrologic conditions, time-of-travel zones, and the delineation of vulnerable areas. These changes can introduce significant new threats that must be understood and addressed.

FOCA recommends:

- No new supply should be connected **prior to completion of source protection plan amendments**, unless there has been public consultation and clear demonstration of interim protections.
- Even where technical work is complete, approvals for related plan amendments should be finalized within **one year** of connection.
- Notices from SPAs allowing early connection must include detailed technical rationale, assessment of threats, and timelines for implementation of all required policies.
- Public consultation must be mandatory, as new supplies may introduce changes that materially affect local land use, municipal operations, and drinking water safety.

We support the continued ability to prohibit connection where necessary to protect vulnerable areas or where technical work has not been completed.

Conclusion

Source protection is the first—and most cost-effective—pillar of safe drinking water management.

FOCA acknowledges the province's objectives related to housing supply and administrative streamlining, but reiterates that efficiency cannot come at the expense of the robust safeguards designed to protect public health.

Ontario's water resources are foundational to the health of our communities, ecosystems, and economy. FOCA encourages MECP to maintain strong, science-based standards; preserve local decision-making; ensure transparent public engagement; and uphold the precautionary principles embedded in the *Clean Water Act*.

We appreciate the opportunity to comment and remain available to discuss these submissions further.

Respectfully,



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FOCA is the Federation of Ontario Cottagers' Associations, the only go-to provincial advocacy organization committed to sustaining and enhancing the Ontario cottage experience. We work collaboratively to identify and address key issues by providing credible expertise, environmental stewardship, targeted programs and services, and a robust network of strategic partners.

Since 1963, FOCA has united Ontario's waterfront community. We are a non-profit membership organization representing over 550 lake, road, cottage, camp, and rural waterfront associations—together, 250,000 families and voters who steward 15,000 km of shoreline and 50 hectares of privately owned waterfront land from Kenora to Kingston, Lake Erie to north of Temagami. Our [2022 Economic Impact Study](#) confirmed that every 100 waterfront properties generate 63 jobs in Ontario, with 54 of those jobs in the community itself.

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