

December 3, 2025

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

P.519.776.5209 ext 342
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

RE: ERO 025-1060 and ERO 025-1104

The following comments are provided regarding the above-named postings on behalf of the Essex Region Source Protection Authority (ERSPA). Although the proposed changes to the *Clean Water Act* (CWA) received Royal Assent on November 3, 2025 (ERO 025-1060) prior to the completion of the consultation period, the comment period for the associated changes to the General Regulations (ERO 025-1104) remain open until December 4, 2025.

The ERSPA is generally in favour of changes to the CWA proposed under ERO 025-1060 as they pertain to improving approval timelines and reducing administrative burden. The ERSPA does, however, have concerns with the changes where they pertain to Prescribed Instruments (PI) and the authority of the Minister.

A key component of Source Water Protection is the development of locally prepared Source Protection Plans and policies. With the changes to the CWA, the Minister will provide standardized PI policies that will replace those locally developed policies, including those that require the Province to report annually to the SPA. There are 18 policies in the proposed updated SPP that will be affected and will need to be rewritten. We understand that the Province will use a standardized approach to ensure that certain prescribed activities cease to be, or never become significant drinking water threats (SDWT), and that annually reporting will be a required action. We recommend that Source Water Project Managers (PM) be consulted and that the final approach consider the recent discussions between PMs and MECP which resulted in a compromised solution that all parties felt would meet the intent of SPP policies. Further, we recommend that policies requiring reporting of annual activities to SPAs be retained.

In addition, 10 new types of Regulation can now be made by the Minister under s.108 of the CWA. One such Regulation reads: "s.108(g.1) governing source protection plans, including prohibiting policies from being included in source protection plans". It has been confirmed in communication with Essex Region's PM that the intention of this Regulation is to prohibit certain types of PI policies only, however, as written it is a general statement, which could be used in future to prohibit other types of policies in local SPPs. It is recommended that this text be amended to read: "s.108(g.1) governing source protection plans, including prohibiting policies from being included in source protection plans for the purposes of subsection 22 (8.x)"

In conclusion, the ERSPA is concerned about the erosion of local input into Source Water Protection with the increase in prescriptive language for policies and the types of policies that can be used to

prohibit and/or manage SDWTs. This, along with the Minster's delay in appointing our Source Protection Chair, raises concerns about the Province's continued commitment to locally derived and implemented Source Protection Plans.

Sincerely,

Molly Allaire

Molly Allaire, Chair
Essex Region Source Protection Authority