



**A Guide to Completing the
City of Quinte West
Application for Restricted Land Use Notice
(under Section 59, Part IV of the *Clean Water Act*, SO
2006)**

Revised July 14, 2016

1.0 Introduction

Under the *Clean Water Act, SO 2006 (Act)*, a drinking water threat is “an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water”. The *Act* lists the activities that are a drinking water threat, if undertaken in select areas and under certain circumstances.

The Risk Management Official for the City of Quinte West will review this Application to determine if any associated activities (existing or proposed) represent a significant threat to the source of a municipal drinking water supply and if any policy(s) contained in the Trent Source Protection Plan (SPP) apply to the activity(s). The SPP contains policies intended to manage drinking water threat activities and protect municipal drinking water sources.

2.0 Purpose

The purpose of this document is to guide users through the process of completing the Application for Restricted Land Use Notice form. This document will assist users in determining how to complete each section.

The Risk Management Official referred to in the form and this guide is:

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The City of Quinte West
7 Creswell Drive, PO Box 490
Trenton, Ontario
K8V 5R6
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3.0 Application for Restricted Land Use Notice Form

3.1 When to Complete

Section 59 – Restricted Land Use is intended as a “red flag” under Part IV of the Clean Water Act so that building permit and Planning Act applications can be reviewed in areas where Section 57 (Prohibition) or Section 58 (Risk Management Plans) are in effect. Such a review will help to prevent inadvertently approving an application that includes a significant drinking water threat activity. Section 59 requires that the affected applicant must obtain a notice, called a “Restricted Land Use Notice” from a Risk

Management Official before an application for approval under the Planning Act or a building permit can proceed. Part IV applies to limited areas where threats to drinking water could be significant, therefore not all applications need to be sent to the Risk Management Official.

The Risk Management Official will need to review development applications, in vulnerable areas where Part IV applies, and issue a notice to proceed (Restricted Land Use Notice), which will form part of the complete application under the Planning Act or part of the applicable law provisions under the Building Code.

The Section 59 notice is part of the applicable law provisions under the Building Code Act, effective January 1, 2014, and is part of the complete application requirements under the Planning Act. The notice will indicate one of the following:

- i. neither Section 57 or 58 apply to the application, or
- ii. Section 58 applies, and if so, a Risk Management Plan has been agreed to or established for the significant drinking water threat activity.

Note that if Section 57 (Prohibition) applies, the Risk Management Official informs the proponent and the application does not proceed. There is no Section 59 notice issued in this circumstance.

The **Application for Restricted Land Use Notice Form** is used to apply for a Restricted Land Use Notice (Section 59 notice to proceed). By completing the form the proponent will provide the information necessary to evaluate source protection implications.

3.2 Who Should Complete

This form is to be completed by the person applying for a building permit or submitting a Planning Act application.

3.3 How to Complete

1. Contact Information – provide applicant information.

Applicant – provide the applicants information. This information could be different from the property owner.

Agent – provide a person's information who will act on behalf of the owner, if applicable. The applicant is under no obligation to use an agent.

Property Owner – provide property owner information.

All correspondence initiated by the City in respect to this application will, unless otherwise required by law, be directed to the Applicant's Agent where notes above, except where no agent is employed, then it will be directed to the Applicant. Where the registered Owner is a numbered company, please indicate a project or development name.

2. Location and Description of Subject Property – provide legal address information. This information can be found on your property tax bill.

3. Site Services – check which site services are located on the subject property.

4. Proposal is for – check which type of application for which you are applying for and write a brief description of what is being proposed.

5. Additional policies, legislation or prescribed instruments, permits or approval on property – check any that apply. You not have any that apply.

Renewable Energy Approval – Solar, wind or bio-energy (anaerobic digestion, biofuel, biogas, thermal treatment facility) projects

Municipal Drinking Water Licence and Permit – For owners or operators of a system that supply's drinking water to municipalities.

Pesticide Permit - A permit to apply certain types of pesticides.

Permit to Take Water – A permit to take greater than or equal to 50,000 litres of water a day from the environment.

Certificate of Approval (CofA)/Environmental Compliance Approval – Release of pollutants into the air, land or water and/or stores, transports or disposes of waste.

Nutrient Management Plan or Strategy – Farm that generates greater than 300 nutrient units (NU) annually or generates between 5 and 300 NU annually and have applied for a building permit to construct a building used to hold farm animals or store manure.

Aggregate Resources Act Instrument – Permit and licence for pits (loose material such as sand and gravel) and quarries (solid bedrock such as limestone and granite).

6. Property and land use activities –

Property Use – check which of the four (4) property uses applies. (Residential, Agricultural, Commercial, Industrial)

Property and Land Uses – There are 4 different categories listed. Read through all and answer the questions and circle YES, if they apply. If they do not apply, circle NO.

Current, Proposed or N/A – If you are circling YES to any of the property and land use activities listed, check whether it is an activity which currently exists or whether the activity is newly being proposed in this application. If you are circling NO to any of the property and land use activities listed, check N/A (Not Applicable).

Definitions -

Nutrient Unit (NU): Defined as the number of animals that will give the fertilizer replacement value of the lower of; 43 kilograms of nitrogen or 55 kilograms of phosphate per year as nutrients. For more information, please visit <http://www.omafra.gov.on.ca>

Biosolids: Organic matter recycled from sewage.

Dense Non-Aqueous Phase Liquids (DNAPLs): chemicals or mixtures of chemicals that have two major characteristics in common; they are heavier than water and are only slightly soluble in water. Some examples can be found at the end of this section (6).

Organic Solvent: a chemical class of compounds that are used routinely in commercial industries. Some examples can be found at the end of this section (6).

Effluent: liquid waste or sewage discharged into a body of water.

1 metric ton (T) = 1000 kilogram (kg)

1 hectare (ha) = 2.47105 acres (ac)

1 acre (ac) = 0.404686 hectares (ha)

1 hectare (ha) = 10,000 meters squared (m²)

1 US gallon (US gal) = 3.78541 litres (L)

7. Above-ground site characterization - List any historical land uses for the subject property and give a time frame of when the activity took place.

8. Site Sketch – This is the same sketch that would be submitted with your Planning Act or Building application.

9. Authorization – Read over the terms and conditions carefully. Declaration and Appointment of Authorized Agent (if applicable) example is below.

DECLARATION OF APPLICANT OR AUTHORIZED AGENT

I, _____ (applicant or agent name) _____ of _____ (address) _____

in the _____ (town or city) _____ of _____ (name of town or city) _____

solemnly declare that all statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Applicant

APPOINTMENT OF AUTHORIZED AGENT

I, _____ (property owner name) _____ of _____ (address) _____

in the _____ (town or city) _____ of _____ (name of town or city) _____

hereby authorize (full name and address including postal code of agent):

Name: _____ (full name of agent) _____

Address: _____ (address of agent) _____

Phone: _____ (phone number of agent) _____

Email: _____ (email address of agent) _____

Signature of Agent

to act as Agent on my behalf regarding _____ (address) _____ in _____ (Trenton, Frankford, Bayside, or Stirling) _____

in the City of Quinte West.

Signature of Owner

10. Supporting Technical Requirements & Mitigation Measures – If you require any of the listed information, Risk Management Official staff, during pre-consultation and/or following submission of this application, will advise you of this.

3.4 What Documents to Submit with Form

Applicants must submit a copy of the site sketch (Section 8) and if applicable, a copy of any prescribed instrument(s) (Section 5 and 6) associated with the subject property.

A copy of the Planning Act or building permit application can also be submitted.

4.0 Fee Schedule

The City of Quinte West does not charge for this service. No fees are payable, at this time.

