

Proposed Work Plan for the Development of Source Protection Plan Policies for the CTC Region

Background

This proposed work plan is based, in part, on the document prepared by the Ontario Ministry of the Environment dated June 2009 and titled *Source Protection Plans under the Clean Water Act, 2006, A Discussion Paper on Requirements for the Content and Preparation of Source Protection Plans* (referenced in the remainder of this proposed work plan as the “June 2009 Discussion Paper”). That document was produced to provide the basis for discussion on source protection plans made under the *Clean Water Act, 2006*, their content, and how they will be developed. Draft regulations for, among other things, the preparation, approval and amendment of Source Protection Plans, has just been released on the EBR for public review and comments, prior to its finalization.

This proposed work plan is also based on the *Approved Terms of Reference for the Work Plan to complete the Assessment Report and Source Protection Plans*, as prepared by the CTC Source Protection Committee, and approved by the Province in August, 2009 for each of the three source protection areas which form the CTC Source protection Region. Those documents identified a number of tasks to be completed in the preparation of the Source Protection Plan. In general, these tasks included the development of policies to address significant, moderate and low drinking water threats, monitoring, Great Lakes targets, coordinated policy development and timelines for policy implementation. There was also considerable discussion in 2008 with municipal representatives and agreement-in-principle on a proposed approach for completing the tasks, and this too was included in the Terms of Reference. Given that these tasks were prepared and submitted in the absence of complete guidance or regulations from the Province, certain specific elements were either vague or omitted, including the assignment of task leads, costs and accurate timelines. It is therefore necessary to prepare detailed work plans to accomplish the Terms of Reference tasks, as well as to reconfirm acceptance of the proposed facilitated collaborative approach to develop proposed Source Protection Plan policies for the consideration of the CTC Source Protection Committee (SPC).

In that regard, a meeting of municipal planners has been scheduled for February 8, 2010 to discuss these and other issues. This document, the *Proposed Work Plan for the Development of the Source Protection Plan Policies for the CTC Region*, includes relevant information from the June 2009 Discussion Paper (Tables 1 and 2) and the related tasks from the approved Terms of Reference (SPP 1.1, 2.1, 2.2, and 3.1 to 3.4). Additionally, further details on the approach and proposed process to completing the Source Protection Plan policy tasks are included below, in order to discuss the missing task details and reconfirm the commitment to the approach at the February 8 meeting. The results of this workshop will start the process of establishing the work plan to carry out these tasks. The CTC SPC will receive a staff report with the recommendations arising from the workshop for their consideration at their February 22, 2010 meeting. .

Key Guiding Principles

On September 2, 2009 members of the CTC Source Protection Committee met to review and discuss the 'June 2009 Discussion Paper'. At this meeting a number of principles to adhere to in developing SPP policies were identified. Subsequently, a workshop was held with municipal

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planners on February 8th, 2010, which focused on consultation and feedback with respect to this work plan. At this workshop, 3 new key guiding principles were identified and 2 were revised. These principles are as follows:

- Use of prescribed instruments is preferred over introduction of new measures.
- Maximizing accountability and transparency in the preparation, consultation and implementation of Source Protection Plan policies through collaboration and co-leading tasks with municipalities
- Where new policies and tools are necessary, select these from policies and tools that have proven to be effective elsewhere.
- Minimize duplication of work through effective liaison and information sharing with adjacent SPRs.
- Maximize effectiveness and efficiency by collaborating with municipal planning and works staff throughout the CTC SPR.
- Recommend policies and monitoring efforts that will minimize municipal fiscal, social and economic impacts to the maximum extent feasible.
- Wherever possible, recommend policies that will minimize social and economic impacts on private landowners.
- Recommend enforcement policies that minimize municipal fiscal impact
- Provide flexibility for municipalities, while maintaining consistency across municipal boundaries, by preparing a set of recommended model policies or “menu” of policy/approach choices, rather than prescribing a set of policies/approach.
- The set of recommended model policies shall include policies for upper tier/lower tier/ and single tier municipalities.
- Where necessary, identify the need for additional tools to manage drinking water threats where there are gaps or where the *Clean Water Act* does not provide the authority to address these

Governance and Process for Development of the Proposed Groundwater Source Protection Plan Policies

While this proposed work plan envisions a policy development process to address drinking water threats from groundwater sources that is undertaken primarily by consultants under the direction of a steering committee of municipal and conservation authority planners, it must be recognized that the decision-making authority is established and set out in the *Clean Water Act, 2006*. While a steering committee is proposed to oversee this work, it is ultimately the Source Protection Committee that has authority to decide what policies and policy approaches will be reflected in the Source Protection Plan, to which municipal official plans must conform when the Source Protection Plan has been approved by the Minister of the Environment. A separate work plan and approach to development of policies to address drinking water threats to Lake Ontario supplies will be developed when the technical assessment of these threats is completed. It is anticipated that this work plan will be developed in consultation with the other source protection committees that form the Lake Ontario Collaborative and the affected municipalities.

The SPC has established a number of sub-committees, including a Municipal Liaison Working Group (MLWG). With the approval of the SPC, it is proposed that the mandate and membership

of the MLWG will be confirmed to oversee the work to be carried out under the SPP work plan. It is proposed that the steering committee will report to, and take direction from, the MLWG. Additionally, it should be expected that members of the SPC or MLWG may wish to participate in the proposed policy development workshops.

1) Establishment of Steering Committee

The task of plan development is proposed to be a consensus-based process built on a facilitated collaboration between planning staff and water resource specialists from Conservation Authorities (CA), Counties and Regional Municipalities, Towns, Cities, and Townships. A steering committee will be established to direct this plan development effort. It is suggested that the committee be comprised of a maximum of 3 CA planners, 3 Regional/County planners, 3 local municipal planners plus 3 water resource specialists or drinking water system operational staff. It is envisioned that the steering committee would discuss matters and provide direction on tasks that would be carried out primarily by CA planners or other Source Protection Authority staff. The chair of the Steering Committee will be the CTC Project Manager or her alternate to ensure compliance with the oversight responsibilities and management of the delivery of materials on time and budget required under the *Clean Water Act, 2006* regulations. Administrative support and financing will be provided by the CTC Source Protection Region staff through the Toronto and Region Conservation Authority (TRCA) as the lead CA with funds provide by the province for these purposes. TRCA is legally bound by a memorandum of agreement with the province to administer the provincial funds, ensure delivery of the necessary studies to the CTC SPC, to request necessary funds and report on disbursements.

A separate work plan and governance approach will be developed to address the surface water threats in Lake Ontario with the Lake Ontario Collaborative partners (this area stretches from Grimsby in the west to Wellington in Prince Edward County in the east). CTC municipalities will be invited to comment on the work plan and their role in carrying out the work.

The main tasks of the **Steering Committee** would include:

- Making recommendations to amend and finalize the SPP tasks contained in the previously approved Terms of Reference
- Recommending the Work Plan for Development of the SPP policies for approval by the SPC/MLWG
- Drafting an RFP for a planning consultant & facilitator (based on the work plan)
- Consulting with other planners, etc to finalize RFP
- Tendering RFP, review submissions, interview short list, recommend hire & consult with other planners to finalize hire; report to SPC
- Attending start-up meeting with consultants to prepare and deliver background information
- Attending other meetings with consultants and technical staff as necessary
- Participating in the collaborative workshops
- Ensuring attendance at workshops by a broad range of stakeholders
- Liaising with other SPR policy groups, SPC, MOE, MLWG, etc as necessary
- Leading consultation, revisions to consultant work and preparing final recommended policies for the Source Protection Plan

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As noted above, the Steering Committee will, among other things, be responsible for retaining a consultant to organize and facilitate a series of workshops for relevant professionals from stakeholder groups. At each facilitated workshop, participants will discuss a variety of distinct policy topics and the options available for developing the Source Protection Plan policies in accordance with the requirements of the *Clean Water Act (CWA), 2006* and its associated regulations and guidance documents, plus the amended Terms of Reference, and in keeping with the Key Guiding Principles noted above. A Summary of Mandatory and Optional Policies in a Source Protection Plan (Table 1) and a Range of Policy Approaches Provided in CWA for Consideration in Policy Development (Table 2) are included as attachments to this work plan (both Tables from June 2009 Discussion Paper). Additionally, the SPP tasks to be amended (from the approved Terms of Reference) are also included as an attachment.

2) Facilitated Collaborative Workshops

The consultant planner and facilitator hired through the RFP would lead a series of 7 to 8 collaborative workshops with steering committee members, municipal planners, works and other staff as necessary to discuss Source Protection polices and policy approaches for each of the Vulnerable Groundwater Areas. Workshops may be half or full day duration depending on the amount of material to be covered. If half-day workshops are held, two may be held on the same day to minimize the number of separate dates required. The proposed workshops focusing on groundwater are as follows, but the final choice will be recommended by the Steering Committee for the approval of the SPC:

- Existing Significant, Moderate and Low Drinking Water Threats - 1 workshop
- Future Significant, Moderate and Low Drinking Water Threats - 1 workshop
- Vulnerable Groundwater Areas -Well Head Protection Areas (WHPA), Significant Groundwater Recharge Areas (SGRA) and Highly Vulnerable Aquifers (HVA)- 1 workshop
- Monitoring & Implementation Timelines – 1 workshop
- Stewardship and education – 1 workshop
- Risk Management Plans - 1 workshop
- Integration - 1 workshop
- Contingency – 1 workshop only if needed
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The main tasks of the **Consultants** would be:

- to prepare, in advance of each workshop, for distribution by the steering committee, a discussion paper document that:
 - Reviews and summarizes the relevant MOE, CWA and other regulations or guidance documents applicable to the particular Vulnerable Area
 - Reviews and summarizes the existing relevant municipal policies, best practices and other policy and approaches relating to the Vulnerable Area
 - Reviews and summarizes (with technical staff assistance) the findings of the Assessment Reports as they relate to the Vulnerable Areas and drinking water threats
 - Identifies policy approach gaps and needs

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- Proposes for discussion a suite of policies and policy approaches based on the requirements of Tables 1 & 2 (from the June 2009 Discussion Paper) that meet the requirements of the task outputs in the amended and approved Terms of Reference
- Includes an evaluation of the optional approaches against the key principles using a matrix evaluation

- At each workshop, to:
 - Present the discussion paper prepared by the consultant and respond to questions
 - Facilitate and guide a discussion about the identified gaps, needs and proposed policy approaches
 - Take notes of the discussion from workshop participants to be used in revising the suite of proposed policy approaches
 - Verbally summarize, based on professional judgment, how the consultant intends to use the discussion heard and advice given to revise the proposed policy approaches to be consistent with CWA requirements

- After each workshop:
 - Revise the discussion paper to include relevant comments and revise the “proposed” suite of policies and policy approaches to “recommended” policies and policy approaches. This will/may include recommendations reached on consensus as well as viable alternative approaches that were less widely supported. Rationale for additions and deletions will be included, as well as the pros and cons of each policy and policy approach. This revised document will be prepared prior to the next scheduled workshop for distribution to all participants by the steering committee.

- At the final workshop on Integration:
 - Present a draft final report that is a complete and integrated suite of recommended policies and policy approaches suitable for upper, lower and single tier municipalities, which meets the requirements for Source Protection Plans, as identified in the CWA and MOE regulations and guidance documents, as well as the CTC Terms of Reference.
 - The recommended policies shall be as fully developed as possible to permit municipalities to “cut and paste” the final approved policies into municipal instruments to minimize the implementation work.

The consultant and/or steering committee will meet with the MLWG as required. The consultant may also be requested to make presentations to the CTC SPC at key milestones during the development of the proposed policies.

3) Consultation, Policy Revisions and Final Recommended Policies and Policy Approaches

At the conclusion of the workshops, anticipated to be undertaken in Winter 2011, with the final document delivered by the consultant in early Spring 2011, the remaining tasks (to be led by the Steering Committee) and timelines for the work plan are as follows:

- Winter & Spring 2011 – broad consultations on the draft policy approaches with the SPC, public, municipalities, stakeholders and other SPRs

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- Summer & Fall 2011 – Steering committee revises policy approaches based on input received, consults with workshop participants to prepare final draft policy approaches for consultation with SPC, other SPRs to get SPC approval.

The CTC SPC would host formal public consultations in late winter 2012 on the draft policies for the Source Protection Plan for each of the three source protection areas. Municipalities will need a minimum of two months to review and comment formally (i.e. target January 2012).

Table 1: Summary of Mandatory and Optional Policies in a Source Protection Plan

MANDATORY	OPTIONAL
<p>Policies that:</p> <ul style="list-style-type: none"> • address activities set out in the assessment report that are or would be significant threats • govern the monitoring of significant threats • achieve Great Lakes targets and monitor their implementation and effectiveness (only if targets set and Minister directs source protection committees to do so) <p>If and where advisable – policies that:</p> <ul style="list-style-type: none"> • govern the monitoring of moderate and low threats • govern the monitoring of drinking water issues 	<p>Policies that:</p> <ul style="list-style-type: none"> • address conditions resulting from a past activity • address activities set out in the assessment report that are or would be moderate or low threats • are identified as a “designated Great Lakes policy” • govern incentive programs and education and outreach programs • designate the activities and areas to which Sections 57 (prohibition) and 58 (risk management plans) of the CWA apply • designate the land uses and areas to which Section 59 (restricted land uses) of the CWA applies

Table 2: Range of Policy Approaches Provided in CWA for Consideration in Policy Development

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Policy Approach (approach the policy relies upon to reduce the risk posed by drinking water threats):	May be Applied To			
	Activities that are or would be significant threats	Conditions that result from a past activity and are a significant threat	Moderate and Low Threats	Achieving Great Lakes Targets (if established under Section 85 of CWA)
Education & Outreach Programs	√	√	√	√
Incentive Programs	√	√	√	√
Monitoring Activities	√	√	√	√
Land Use Planning Approaches (e.g., official plans, zoning by-laws, site plan controls)	√	√	√	√
New or Amended Provincial Instruments (only applicable for those instruments prescribed in regulations under the CWA)	√	√	√	√
Risk Management Plans (s. 58 of CWA)				√*
Prohibitions (s. 57 of CWA)				√*
Restricted Land Uses (s. 59 of CWA)				√*

notes: √ eligible only for activities and land uses in wellhead protection areas and intake protection zones prescribed in future regulations under the CWA.*