



CTC SOURCE
PROTECTION
REGION



CTC SOURCE PROTECTION COMMITTEE

Source Protection Committee Meeting #7/14

Chair: Susan Self

Tuesday December 16, 2014

10:30 AM to 12:00 PM

Black Creek Pioneer Village, South Theatre

1000 Murray Ross Pkwy

Toronto, ON M3J 2P3

Christmas LUNCH served at noon for SPC members

AGENDA

1. **Disclosure of pecuniary interest**
2. **Minutes**
 - 2.1 Approval of Minutes of Meeting #6/14 - November 13, 2014
 - 2.2 Business arising from the minutes
3. **Delegations**
4. **Correspondence**
5. **Presentations**
 - 5.1 Source Protection Committee Member Renewal
6. **Items for Committee Action**
 - 6.1 Supplementary Letter to the Proposed Amended Source Protection Plan, December 2014 2
7. **Items for Committee Information**
 - 7.1 Source Protection Committee Member Renewal 15
8. **New business**

Item 6.1

TO: Chair and Members of the Source Protection Committee Meeting #7/14,
December 16, 2014

FROM: Susan Self, Chair, CTC SPC

RE: **Supplementary Letter to the Proposed Amended Source Protection Plan,
December 2014**

KEY ISSUE

Submission of a supplementary letter to accompany the Proposed Amended Source Protection Plan, December 2014

RECOMMENDATION

THAT the CTC SPC approves the supplementary letter found in Attachment for submission from Chair Self to the Minister of the Environment and Climate Change, subject to any changes approved at Meeting #7/14 to be held on December 16, 2014;

AND FURTHER THAT staff be directed to take the necessary actions to prepare the final letter from Chair Self and submit it to the Minister of the Environment and Climate Change.

BACKGROUND

During the development of the source protection plan policies, the Ministry of the Environment and Climate Change (MOECC) staff has advised that matters which are considered "out of scope" for inclusion in the Plan or Explanatory Document, may be brought to the Minister's attention through a "supplementary" letter. The content of policies and the documents required pursuant to the *Clean Water Act, 2006* and associated regulations are very prescriptive. A supplementary letter to the minister provides the CTC SPC the opportunity to raise matters which they wish to bring forward that are outside of the Plan or Explanatory Document.

REVISIONS TO 2012 LETTER

The CTC SPC opted to submit a supplementary letter along with the Proposed Source Protection Plan in 2012. Many of the concerns raised in the November 7, 2012 letter have been reviewed and resolved since its submission to the Minister. However, recognizing that it has been two years since the original supplementary letter was drafted, other issues have arisen, and some remain outstanding. At SPC meeting #6/14, held on November 13, 2014 by RES. #59 /14 staff were directed to draft a further supplementary letter based on comments and suggestion provided by the CTC SPC members during the meeting. Staff has prepared a draft letter for discussion found as Attachment 1.

NEXT STEPS

Subject to the approval of the SPC staff will make any revisions and prepare the letter for Chair Self's signature and submit it to the Minister of the Environment and Climate Change as soon as possible.

Report prepared by: Megan Price, extension 5568

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For Information contact: Beverley Thorpe, extension 5577

Emails: bthorpe@trca.on.ca

Date: December 05, 2014

Attachment: Supplementary Letter from the CTC SPC to the Minister of the Environment and Climate Change regarding the Amended Proposed Source Protection Plan

December 16, 2014

The Honourable Glen Murray
Minister of the Environment and Climate Change
11th Floor, Ferguson Block
77 Wellesley Street West
Toronto ON M7A 2T5

Dear Mr. Murray:

I am writing as Chair on behalf of the CTC (Credit Valley, Toronto Region and Central Lake Ontario) Source Protection Committee (SPC) to provide you with the recommendations and advice of our Source Protection Committee which are supplementary to the amended proposed source protection plan policies. The CTC SPC at their Meeting #XX held on December 16, 2014 directed by Resolution #XX that this letter and Attachment be sent. The CTC Source Protection Plan covering our three source protection areas has been submitted to your staff jointly by the Credit Valley, Toronto and Region and Central Lake Ontario Source Protection Authorities for your approval.

The CTC Source Protection Committee submitted a supplementary letter to your predecessor in October 2012 when the CTC Proposed Source Protection Plan was originally submitted for approval. The committee has reviewed that earlier letter and has chosen to include again some of the original submission as well as new material and observations based on our work over the intervening two years. We are hopeful that the amended proposed source protection plan will receive a favourable and prompt review so that the important work to protect our municipal drinking water supplies can begin. Only through application of the policies and analysis will we know what further improvements are needed to this plan. It's now time to "Learn by Doing".

The members and myself have spent the last seven years learning about the source water protection opportunities and challenges in our region. We consulted extensively with municipal and economic sector representatives and landowners. We have also been very fortunate in having as some of our municipal committee members, senior municipal staff who have direct responsibility for water in the Regions of Peel, York and Durham and the City of Toronto who have shared their knowledge and expertise. The capacity and challenges to protect municipal drinking water in the CTC Source Protection Region are extremely varied. In addition the CTC Source Protection Region is covered in part by a number of other special area planning requirements: the Oak Ridges Moraine Conservation Plan, the Niagara Escarpment Plan, the Greenbelt Plan and Places to Grow Act.

In the southern portion bordering Lake Ontario we have the greatest population concentration in the province with a large, sophisticated single tier and several two tier regional governments responsible for provision of water from Lake Ontario. In the northwest corner we have lower tier municipalities with small population and tax base that provide municipal water relying solely on wells. In some of these areas significant water quantity stress has been identified that affects the potential for servicing increased demand. And in the areas between, we have regional governments supplying water sourced from groundwater or a blended supply of water from wells and Lake Ontario.

Our SPC has been very active in reviewing and understanding the technical information and using this knowledge in recommending the policies and tools which we think are best suited to ensuring that

existing and future activities cease to be or do not become significant drinking water threats. In the course of this work, we have found that the requirements of the *Clean Water Act, 2006*, associated regulations and technical rules do not always provide the flexibility to address the threats in our region. This is particularly the case with developing policies governing activities that pose drinking water threats in Lake Ontario, which is the single most important source of water in terms of the population served in Ontario. We have also found that there are and will be challenges to protecting groundwater where the Well-Head Protection Areas and Local Areas (related to water quantity stress) cross municipal and/or adjacent source protection region boundaries.

The Attachment enclosed with this letter sets out a number of concerns and makes recommendations which the CTC SPC encourages you to consider in both your review and approval of our Source Protection Plan and also in determining how to improve the source water protection process through implementation and future program improvements.

I trust that you and your staff will give careful consideration to both the Amended Proposed Source Protection Plan and the recommendations in this Attachment. I would like to thank you for your attention to this matter and ongoing support from your staff in the development of source water protection plans. If you have any questions or concerns with these comments, please contact myself.

Yours respectfully,

Susan Self
Chair, CTC Source Protection Committee

Attachment

cc: CTC SPC Members
Lake Ontario Collaborative SPC Chairs and Project Managers
Gerri Lynn O'Connor, Chair, Toronto and Region Source Protection Authority
Pat Mullin, Chair, Credit Valley Source Protection Authority
Pat Perkins, Chair, Central Lake Ontario Source Protection Authority
Ling Mark, Director Source Protection Programs Branch

Purpose

This Attachment has been prepared by the CTC Source Protection Committee (SPC) to provide additional information and recommendations to supplement the Amended Proposed Source Protection Plan. The amended Plan is being submitted jointly from the Chairs of the Toronto and Region, Credit Valley and Central Lake Ontario Source Protection for approval pursuant to the requirements of the *Clean Water Act, 2006* (the Act). The matters included in this Attachment are beyond the scope of the allowed content in a Source Protection Plan and Explanatory Document as prescribed under the Act and regulations. The CTC SPC encourages the Minister and staff to consider these matters in the review and approval of the Amended Proposed Source Protection Plan and in determining future improvements to the development and implementation of the source water protection program.

1) Lake Ontario Policies

Through the consultation process on the draft policies, Ministry of the Environment and Climate Change staff had advised that a number of the proposed policies were considered to be “out of scope” for inclusion in a Source Protection Plan based on the Act and its regulations. They did concur with the CTC SPC that the matters dealt with in a number of these "out of scope" policies are critical to achieving the objective of protecting Lake Ontario as a source of municipal drinking water. After a series of meetings with senior ministry staff, it was identified that addressing these policies for implementation by a collaborative group led by MOECC in partnership with the affected municipalities and other agencies provides a mechanism to achieve the desired outcome to protect the source of municipal drinking water for intakes in the Western Basin of Lake Ontario (Policy LO-G-2).

The CTC Amended Proposed Source Protection Plan (SPP) also contains a policy requiring the municipalities of Peel, Toronto and Durham who have intakes in Lake Ontario within the CTC Source Protection Region to participate on the collaborative group and undertake actions (including funding) which are identified through the development of the collaborative terms of reference (Policy LO-G-3).

It is recognized that other municipalities and source protection authorities should also participate as the geographic scope of the area that needs to be protected includes the Region of Niagara (Niagara Peninsula Source Protection Area); City of Hamilton, Region of Halton (Halton-Hamilton Source Protection Region); Towns of Port Hope and Cobourg (Trent Conservation Coalition); and ideally the Town of Wellington (in Prince Edward County – part of the Quinte Source Protection Region). These additional areas and organizations were part of the original successful Lake Ontario Collaborative which undertook the technical work to identify vulnerable areas and threats led by the Region of Peel and funded by the ministry. However, the CTC SPP cannot contain policies that deal with areas outside of its boundaries.

The original Lake Ontario Collaborative is a successful model of how the wider scale technical issues can be addressed by a group of municipalities, source protection authorities and technical experts from provincial and federal agencies. The one time technical studies funding provided by the ministry enabled the Lake Ontario Collaborative (LOC) to undertake meaningful

work but that funding ended which curtails collaborative ongoing oversight and assessment of threats to Lake Ontario drinking water sources.

The CTC SPC requests that the Ministry of the Environment and Climate Change (MOECC) considers what additional actions need to be undertaken in the Western Basin of Lake Ontario to ensure that all affected source protection plans include a broader range of policies and measures necessary to collaboratively protect Lake Ontario as the single most important source of municipal drinking water in Ontario. Further, the MOECC must provide the necessary leadership and on-going technical commitment to ensure that the Lake Ontario Collaborative Group develops its terms of reference and undertakes the tasks.

What are the Key Factors considered by the CTC Source Protection Committee in assessing Threats to Municipal Drinking Water Sources in Lake Ontario?

The following summary information is provided to describe the risks and factors that the CTC SPC considered most important in developing the proposed policies:

- The drinking water intakes along the north shore of Lake Ontario are all located within the nearshore zone (less than five kilometers from shore) which represents the primary source of drinking water for the majority of Ontario's population. The nearshore zone continues to receive the discharge of contaminants from activities associated with urban, industrial and agricultural uses.
- These lands nearest Lake Ontario are also experiencing high levels of urban growth.
- The threat activities identified are related to spills, not normal operation of the facilities.
- A critical element of the risk management activity following a spill is to know where the spill is going. The predictive modeling and in-line lake current monitors which are proposed would provide essential information that is needed for spill responders to take actions to ensure the threat ceases to be significant.
- Due to the late inclusion in the *Technical Rules* of the provision to identify significant drinking water threats in the Great Lakes through the spill modelling approach, a full characterization of potential drinking water threats in the CTC for Lake Ontario based sources was not possible. Additional technical work is required.
- Since contaminants can persist and travel long distances along the shore (not immediately mixed and dispersed offshore), analysis and risk management must be conducted on a broader geographic scale than the municipal or source protection region level.
- A centralized agency will ensure that consistent hydrodynamic modeling and other tools needed to forecast time of travel (from threat to intake), extent (duration), and estimated peak concentration (organism density, activity) is maintained and that effective spill notification protocols are in place.

2) Water Quantity Policies

a) Background

The CTC SPC has developed the first policies to address significant drinking water quantity stress. The first Tier 3 Water Budget in the province was completed for municipal well water supplies serving the Towns of Orangeville, Mono and the

Township of Amaranth in the south part of Dufferin County. The wells are located in the Credit Valley Source Protection Area (CTC Source Protection Region) but the vulnerable area extends into the Grand River Source Protection Area (Lake Erie Source Protection Region) and the Nottawasaga Source Protection Area (South Georgian Bay Lake Simcoe Source Protection Region). In addition to significant water quantity stress, some of these same wells serving the Town of Orangeville have sodium and chloride “Issues”. The Issue Contributing Areas partly overlay the water quantity stress area, also extending into the Townships of Amaranth and East Garafraxa and the Grand River Source Protection Area.

CTC SPC members and staff have held numerous meetings with the adjacent source protection region committee members and staff, and elected officials and staff of the municipalities to discuss policies during the development of the Plan. The CTC has also flowed funding (from provincial transfer payments) to the Townships of Amaranth and East Garafraxa to hire a planning consultant to review and advise municipal staffs and councils during the development and review of policies. This support was to ensure that these municipalities had the capacity to participate. Some of these water quantity policies have proven particularly contentious for the Townships of Amaranth and East Garafraxa and to a lesser extent for the Town of Mono. These municipalities surrounding the Town of Orangeville have expressed concern that they will be required to implement policies that benefit Orangeville and not themselves. While many matters have been resolved, there are still outstanding matters which the province will need to address.

Since the Proposed Source Protection Plan was submitted in October 2012, two additional Tier 3 Water Budget Studies have been completed in the CTC that have identified vulnerable areas where significant water quantity threat policies will apply. In both cases (wells owned and operated by the Region of Halton serving Acton and Georgetown in the Town of Halton Hills; and numerous Region of York wells and one well owned and operated by Region of Durham serving Uxville industrial park) the vulnerable areas also extended across municipal and source protection region boundaries. However there is not the same degree of cross-boundary municipal concern as in the Dufferin County municipalities.

b) *Issues*

1. Implementation of the policies in the Amaranth, Mono, Orangeville vulnerable area will require that Amaranth and East Garafraxa in particular implement policies that affect their planned development of vacant lands identified in their current Official Plans. In the Township of Amaranth portions of the vulnerable areas overlay lands which have been designated for industrial development.

2. Amaranth and East Garafraxa are not planning to provide municipal drinking water services in their future development areas beyond a proposed well in Amaranth to service a new residential subdivision which was part of an Ontario Municipal Board decision. A Class Environmental Assessment is underway for this water system and an application for a Permit to Take Water will be submitted once the EA has been completed. The other development (industrial or residential) in these municipalities within the vulnerable area would be serviced from private systems. Water demand from such private systems has not been factored into the current stress assessments in the Tier 3 Water Budget.
3. Orangeville had an increased population target assigned under the *Places to Grow Act* in their Official Plan which was not considered when the Tier 3 Water Budget water demand scenarios were assessed. Without additional water supplies and/or more aggressive water conservation strategies to lessen demand, it is not likely that additional demand from increased population and other new demands from industrial, commercial and institutional uses can be met with the existing water supplies. There is minimal reserve capacity or redundancy in the current well systems in Orangeville. The Tier 3 study predicted significant stresses in meeting the current and committed demand to build out to the previous Official Plan growth targets.

The CTC SPC recommends that the provincial Ministries of Environment and Climate Change (Drinking Water Management and Operations Divisions), Municipal Affairs and Housing (planning, infrastructure and municipal government branches) and other affected provincial ministries and agencies work together with the above municipalities to find mutually beneficial solutions to these challenges and to ensure protection of sustainable municipal drinking water supplies for the current and future residents and other users in this area. The Proposed Policy DEM-7 addresses this issue.

c) *Out of Scope Policies*

The CTC SPC also wants to bring to your attention two water quantity policies which have not been included in our Proposed Source Protection Plan which were deemed by your Ministry staff in their review of the draft policies as being “out of scope”. The SPC is of the opinion that these two policies would provide protection to significant groundwater recharge areas which have been mapped as required under the Act but for which no policies can be proposed under the existing rules.

The CTC SPC recommends that the Ministry considers how the intent of the following policies may be achieved through other means or in future source protection plan revisions.

1. **Threat: An activity that reduces recharge to an aquifer**
Research: Change in Impervious Cover
Where funding has been made available, the responsible Conservation Authority shall assess the change in recharge from existing, approved and planned land uses within

the Local Area A (the area identified as having significant water quantity stress) and provide this data to MOECC for their update of the Tier 3 water budget model.

2. **Threat: Moderate/Low Threat** An activity that reduces recharge to an aquifer
Land Use Planning: Planning Policy for Protecting Low and Moderate Threats
In accordance with Provincial Policy Statement (2005) Sec. 2.2, Planning Approval Authorities shall protect, improve or restore ground water quality and quantity outside Tier 3 Water Budget Local Areas identified as having significant water quantity threats by implementing necessary restrictions on development and site alteration to:
- i) protect Significant Groundwater Recharge Areas;
 - ii) protect, improve, and restore vulnerable ground water, sensitive ground water features, and their hydrologic functions.
- Where policy applies: SGRAs (outside of Local Area A)

3) **Water Quality Policies**

a) *Gaps in Mandates of Provincial Ministries and Agencies in Protecting Source Water*
The CTC SPC has been disappointed with the number of gaps in current mandates, legislation and regulations that reduce the provincial instruments that could be used for policies. As a result of the gap, additional responsibilities have been added to the risk management official through some of our policies in order to meet our requirement to propose policies to address significant drinking water threats.

The CTC SPC encourages the Minister and staff to discuss at the earliest possible date with other provincial ministries the actions that can and should be taken under other legislation to implement source water protection as it is recognized that it may take some time to reach resolutions that would provide SPCs with more options for assigning implementation responsibilities in future source protection plan revisions.

b) *Economic Costs and Benefits - Who Pays? Who Benefits?*

Throughout our consultations with municipalities and affected property owners a common concern has been expressed about the costs of implementing source protection policies and who should pay for these costs.

The CTC SPC is well aware that the province is still determining what funding support will be provided to the source water protection program in the future to fund the Ontario Drinking Water Stewardship program and Source Protection Authorities to carry out their regulatory tasks including the support of source protection committees and other provincial support.

We would recommend that decisions should be made on multi-year funding basis to provide both a clear signal of the province's commitment to municipalities and property owners and to permit Source Protection Authorities the ability to plan and retain the staff with the necessary experience and expertise required to ensure that the implementation phase of the program is successful. Provincial funding of the first round

of Source Protection Plans has provided a solid basis for these policies.

The CTC SPC recommends that the province commits funding on a multi-year basis to Source Protection Authorities to enable successful implementation of Source Protection Plans and to meet their regulatory obligations to the source water protection program.

Many of our municipalities have expressed concern about the costs to implement and comply with source protection policies. While the municipality responsible for the provision of the municipal water system may recover costs for source water protection implementation and monitoring through municipal water rates, there is general reluctance for municipal councils to increase costs to their taxpayers. However, in a number of instances the municipalities that will need to implement policies are not those who are able to recover costs through municipal water rates. For example, the Town of Erin in the County of Wellington must implement policies to protect the Region of Halton's wells where the vulnerable areas extend into their municipality, but has no means to recover these costs from water users who are all located in Halton.

Likewise many of the property owners who will be required to comply with significant drinking water threat policies are not municipal water customers, but rely on their own private wells which may or may not also be protected by the actions taken. This is not intended to imply that there is a "right to pollute", but rather to try to strike a fair balance of costs and benefits.

The CTC SPC recommends that the province, in consultation with the municipalities whose water systems are being protected should research and implement economic mechanisms to fund implementation of these policies, including the role that the Ontario Drinking Water Stewardship program could play. In particular attention should be given to recognize the source water protection benefits provided to others by landowners who are often in the agricultural sector.

c) *Cross Boundary Policy Harmonization*

In developing these policies, CTC SPC members and staff held numerous workshops and meetings (details are found in the *Explanatory Document* which accompanies the Proposed Source Protection Plan) with municipal and industry staff and adjacent Source Protection Regions. Efforts have been made to harmonize these policies to the greatest extent possible with adjacent Source Protection Regions.

A number of municipalities have noted that there are some matters which could be better harmonized by the province developing and implementing some universal policies. In particular standardized definitions of what constitutes an "existing" or "future" threat, and transition policies. The CTC Proposed Source Protection Plan contains definitions for the foregoing that have been developed based on the input of members and considering proposals from adjacent source protection regions.

The greatest degree of harmonization has been achieved with the South Georgian Bay Lake Simcoe Source Protection Region which has the longest boundary with the CTC. Through these efforts it has been apparent that each Source Protection Committee has carefully considered their local drinking water threats and selected policy approaches that in their opinion are appropriate to meet their regulatory obligation to protect existing and future sources of municipal drinking water.

The CTC SPC recommends that the Ministry of the Environment reviews all source protection plans for opportunities to standardize wording of similar policies. In particular, the definitions and transition policies should be reviewed for this purpose.

d) *Salt Threats*

The CTC SPC is concerned that the Ministry's circumstances for identifying when there may be a significant salt threat are not sufficiently protective of groundwater. There are a number of wells in the CTC SPR that have "Issues" identified related to salt, yet none of these wells meet the threshold of road density for them to have a significant threat level in the absence of the rising salt levels being found in the wells. Additionally the MOECC approach does not take into consideration the large amounts of salt that are applied to parking lots and sidewalks including on private, commercial or industrial properties.

It has also become apparent the Ministry's circumstances for sodium and chloride threats are not consistent within the various sewage activities. In particular, neither sodium nor chloride are listed as a chemical circumstance associated with municipal sewage treatment plant discharge threat, even though levels of these chemicals are very high in municipal sewage, particularly where domestic water softeners are used. In contrast, sodium and chloride are chemical circumstances for septic systems.

It is doubtful that MOE's approach to identify significant drinking water threats in fact captured the majority of instances in which salt application presents a risk to drinking water. As a result, few instances of salt application qualified as a threat anywhere in the CTC, even in densely populated urban areas where it is expected that salt application would be high. This makes it very difficult for an SPC to ensure that there are proactive policies proposed to protect against more "issues" in the future. Thus the MOE circumstances set an unreasonably high threshold.

The CTC SPC recommends that the Ministry re-evaluates the circumstances in which salt application qualifies as a significant, moderate or low drinking water threat and what activities are associated with discharge of sodium and chloride into surface or groundwater.

e) *List of Pesticides which are Drinking Water Threats*

The CTC SPC agricultural representatives have raised a concern with the inclusion of the herbicide glyphosate (major constituent of Roundup) in the list of pesticides which pose a drinking water threat. They have advised that the rationale their sector has received

from Ministry staff for its inclusion on the list is solely due to the amount of this pesticide which is used in Ontario. Our SPC agricultural members are of the opinion that due to the low risk to non-target receptors, glyphosate should not be included in the list of pesticides which pose a threat to drinking water. The reason large amounts of glyphosate are used is because it is much less toxic than other herbicides. Therefore pesticide applicators have replaced other herbicides which pose a greater threat to non-target receptors with glyphosate. There is also recognition that other more toxic, commonly used substances are not included on the list but perhaps should be.

The CTC SPC recommends that the Ministry should review the criteria used to identify which specific pesticides pose a threat to drinking water to ensure they identify realistic threats and update the list of the Table of Threats by adding or deleting substances accordingly.

f) *Out of Scope Policies*

The CTC SPC also wants to highlight and bring to your attention the following water quality policy which was not been included in our Proposed Plans because it was deemed as being “out of scope” by your Ministry staff in their review of the original draft policies. The SPC feels that implementation of this policy would provide important information to aid the protection of drinking water quality.

The CTC SPC recommends that the Ministry considers how the intent of the following policy may be achieved through other means or in future source protection plan revisions.

The following is the draft proposed policy which has been removed from the Proposed Plan:

Related to threats from stormwater management facilities: - "The MOE is encouraged to conduct research to identify risks from infiltration ponds into groundwater used for drinking water and to review contemporary technology for the design and operation of stormwater management facilities that can protect municipal drinking water systems with the goal of updating SWM Planning and Design Guidelines and the Table of Circumstances as appropriate".

4) **Other Matters**

The following section deals with important concerns that don't fall under the preceding three categories which the CTC wants to bring to the Minister's attention.

a) *Emerging Issues*

Committee members are concerned that there is no clear process to ensure that new information (e.g. gathered from on-going Tier 3 water budget studies; when a new well or intake is brought on-line; or from new scientific research or monitoring showing changing trends in a contaminant) will be assessed to determine what changes are required in identifying new or updating vulnerable areas where policies will apply or determine if a new or amended Source Plan policy is required.

The following policy was not been included in our Proposed Plan as it was deemed as being “out of scope” by your Ministry staff in their review of the original draft policies. The SPC feels that implementation of this policy would provide important information to aid the protection of drinking water sources.

The CTC SPC recommends that the Ministry considers how the intent of the following policy may be achieved through other means or in future source protection plan revisions.

The following is the draft proposed policy which has been removed from the Proposed Plan:

Related to taking action upon identifying new or emerging “Issues” or significant drinking water threats: - "Where on-going scientific/technical assessment work identifies issues or SDWTs that are not addressed by policies in the most current version of the SPP, provincial ministries and/or municipal water providers are encouraged to take immediate action, as permitted, to ensure that the activity ceases to be or does not become a SDWT and to also refer the matter to the SPC for their assessment on the need to develop and consult on potential new policies to update the SPP".

As soon as additional technical information becomes available, targeted amendment processes for the ARs and SPPs should begin. Additionally, the CTC SPC recommends that the Ministry of the Environment and Climate Change ensures that as new technical information becomes available it is shared as soon as possible with all affected municipalities and provincial ministries so that it can be taken into account in decision-making in order to protect sources of drinking water.

b) Locating New Wells

Within the CTC Source Protection Region a number of municipalities are planning to establish new municipal water supplies. In areas inside the Greenbelt Planning Area, new municipal supplies must be based on groundwater as bringing in lake-based supplies is not permitted. New wells will result in new vulnerable areas where water quality policies will apply. Because the policies are generally most restrictive in WHPA-A and in WHPA-B with high vulnerability scores, locating new wells away from existing threat activities will reduce the burden on landowners to implement risk management actions or avoid prohibition of future activities. In particular concern has been raised about the impact on agricultural operations in the CTC SPC.

The CTC SPC recommends that the Ministry of the Environment and Climate Change directs municipalities to consider the potential impact on or by existing agricultural operations and to locate new wells in a manner so as to minimize any such impacts.

Item 7.1

TO: Chair and Members of the Source Protection Committee Meeting #7/14,
December 16, 2014

FROM: Beverley Thorpe, Project Manager, CTC Region

RE: Source Protection Committee Member Renewal

KEY ISSUE

Source Protection Committee renewal process and group discussion of ongoing role of SPC including: size/structure/renewal of current vacancies

RECOMMENDATIONS

THAT the CTC SPC receives this report for information;

AND FURTHER THAT the Toronto and Region Source Protection Authority in consultation with the Credit Valley and Central Lake Ontario Source Protection Authorities considers the perspectives and advice of the CTC SPC members provided during the discussion at Meeting #7/14 to be held December 16, 2014 in determining the path forward to replace SPC members.

BACKGROUND

The *Clean Water Act, 2006* and [Ontario Regulation 288/07](#) set out the requirements and responsibilities for establishing the source protection committees. The initial CTC Source Protection Committee members were appointed by the Toronto and Region Source Protection Authority (TRSPA) as the lead authority for the CTC Source Protection Region to serve until the approval of the first source protection plan.

Section 8 of Ontario Regulation 288/07 requires that when a source protection plan is approved by the Minister, and the notice of the approval for the plan is posted on the *Environmental Registry (EBR)*, the terms of appointment of the committee members begin to expire. Section 8 of the regulation outlines the timelines for committee renewal after the approval of a Source Protection Plan and Sections 2-7 of the regulation outline the appointment of SPC members, both for the initial committee formation, as well as for member renewal.

The purpose of the staggered committee renewal is threefold:

- 1) avoid member fatigue while maintaining pool of expertise;
- 2) allow new municipal councils to select representatives; and
- 3) allow for change in the economic and citizen at large members to bring new perspectives

This renewal can also include the TRSPA changing the sectors represented (municipal groupings, agricultural, environment NGOs, public) while maintaining the one-third representation by each group. There is nothing in the Act or regulations that prohibit a sitting member from re-applying to sit on the committee. The SPA may appoint interim members until formal recruitment is completed (see below under REGULATORY RENEWAL PROCESS).

SPC ROLES DURING IMPLEMENTATION

Source Protection Committees have an ongoing role to play after plan approval through the transition to implementation of approved plans.

The SPC:

- 1) must review and consult on any new technical work for new systems (CWA s.34 - note there are a number of new systems in the planning stage within the CTC);
- 2) must review annual reports before they are submitted to the Minister (the first of the annual reports on plan implementation are due in the February following the second calendar year after the plan comes into effect);
- 3) must undertake work to prepare for amendments to source protection plans as directed by Minister; and
- 4) may undertake other tasks as identified by the SPC itself and approved by the SPA or the ministry.

In the most recent Plan approvals, the Minister has set a date by which Terms of Reference must be submitted that set out the work and schedule to update the Plan. The dates set have been by November 30, 2018 for Plans that come into effect in 2015. The ministry is currently discussing and developing more guidance on specific tasks that SPCs may be requested to undertake. The ministry has asked SPC Chairs for advice regarding the extension of source protection to areas outside of the current source protection region/area boundaries. The SPC Chairs are also encouraging the ministry to consider extending source protection to non-municipal systems as allowed for under the Act.

REGULATORY RENEWAL PROCESS

Once the minister has approved the Source Protection Plan, appointments begin to expire "when notice is published under section 30 of the Act of the approval of the first source protection plans for all of the source protection areas in the source protection region" (S. 8 (3) 3). Not all members' terms expire concurrently. Upon approval of the CTC plan 9 members' terms will expire (3 in each group). The following year 6 more members, terms expire (2 in each group) and on the second year anniversary of the plan approval the remaining 6 terms expire. Therefore, over three years, terms for all committee members will expire. SPAs must replace members from each of the three groups equally so that the balance is maintained between new and experienced members of the groups.

The regulation only specifies the number of members to step down from within each subgroup each year. The lead source protection authorities will need to decide which individual members' terms expire. The source protection authority will need to solicit comment on the proposed composition of the the committees' economic and public groupings as well as recruiting new representatives for the committee (per section 9 of the regulation). Unlike the initial committee which was formed until the Source Protection Plan was approved, new members are appointed for three year terms. The SPA also has the option of appointing interim members until formal recruitment is completed. Interim members can include a member whose term has expired and interim or previous members may reapply during this recruitment.

The process, timelines and requirements for SPC member renewal are governed by the same sections of the regulation as the initial appointments, sections 2-7. These sections prescribe how municipal, business and public interest vacancies are to be filled.

Municipal Members

Regulation 288/07 states that "The source protection authority shall ... give a notice described in subsection (5) to the clerk of each municipality that is located, in whole or in part, in the source protection area or source protection region." O. Reg. 288/07, s. 3 (4). The councils must be given information on the role and obligations of the SPC, a list of the number of members of the SPC who are assigned to their municipal "group" as well as the date by which councils of the municipalities in each group must jointly submit the name of their representative to the TRSPA. The municipalities must be given at least two months to complete this task. TRSPA has 75 days after initial notice is given to appoint the new members.

Economic and Public Member Recruitment

TRSPA must publish a notice on the Internet and publish a notice described in one or more newspapers that, in the opinion of the source protection authority, are of sufficiently general circulation to bring the notice to the attention of the public in the source protection region. (O. Reg. 288/07, s. 4 (1)). The notices must include a summary of the functions of the source protection committee, why the notice is being made and the date by which applicants must apply. The date must be no less than two months after the notice is first published in the newspaper. The TRSPA will consider submissions that are received and, within 45 days after the notice was published on the internet will make a decision on how to divide up the appointments. They must provide rationale and have it published online and made available for the public to see. The TRSPA has 75 days after initial notice is given to appoint new members.

SPC DISCUSSION - ADVICE SOUGHT

While the size and composition of the SPC is governed under the Clean Water Act and regulations, MOECC has signalled a willingness to consider reviewing the role, structure and size of committees. MOECC is also having discussions regarding the overall renewal process, including questions about the appointment process as we move forward into implementation. TRSPA has a number of decisions to make regarding the composition and recruitment process under the current rules as outlined above. Although the formal renewal process does not need to begin until the CTC Plan is approved, time is required to prepare. In addition there are some existing vacancies on the CTC SPC and more members may be considering when they wish to be replaced or signal their interest in re-applying, so some early decisions on the process would be helpful.

The CTC Management Committee comprised of the three Chief Executive/Administrative Officers for the three SPAs has requested that the CTC SPC members provide their advice and perspectives on the various matters related to SPC member replacement. The SPC perspectives will aid the CEO/CAOs in determining the optimum process to move forward. The CTC perspectives will also be shared through Chair Self with MOECC. Chair Self is heading a group of SPC Chairs and PMs to provide advice to MOECC on these matters. Chair Self's group is also preparing a report to MOECC on this matter.

The following questions are designed to frame the SPC discussion but the members are encouraged to provide perspectives on additional areas. If any member wishes to provide written comment, please do so. Staff will take notes on the discussion and prepare a summary for use by the CTC SPAs and also for Chair Self to share with the MOECC.

1. What kind of work is useful for the SPC to do?

There are obligations under the CWA for the SPC, however what else would need to be on an agenda for it to be a useful exercise? (Refer to SPC ROLES DURING IMPLEMENTATION above)

2. Advice on CTC SPC Structure and Recruitment Process

- a. Is the 21 person committee plus chair an appropriate size in the go-forward?
- b. Is the current structure and composition of municipal, economic, and public still serving the needs of the CTC SPR? If not - what should change?
- c. What types of skills, experience, qualifications should members bring to their role?
- d. Is the renewal process as outlined above appropriate or how should it be changed?
- e. Is the 3-year term as outlined in the regulation appropriate or what would be better?
- f. What should TRSPA do with SPC vacancies before Plan approval? (appoint interim members, leave vacant until plan approval, other?)
- g. How often should the CTC SPC meet between now and plan approval? After Plan approval?

It would be helpful to know the preferences of individual members as to whether they wish their term to expire on Plan approval, on the one year anniversary, or on the second year anniversary of Plan approval; and also if they wish to seek re-appointment so that an orderly transition can happen. Members who have not already done so are requested to advise Chair Self and Beverley Thorpe of their preferences over the next few months, preferably by the end of March 2015. CTC Plan approval is not anticipated before mid-2015.

NEXT STEPS

CTC SPC Chair Susan Self is chairing a Working Group of Chairs to discuss the role of the Source Protection Committee through the implementation and renewal process. It is seeking to clarify information and flexibility around the size, make-up and appointment process. Once a report is completed, the draft will be circulated for comment prior to submission to MOECC.

The information from this discussion and any written comments will be considered by the CTC SPAs to determine how to move forward as well as being shared by Chair Self to MOECC. Staff will report back on the approach that will be followed in the CTC to replace members.

The advice and contributions by the members of the CTC SPC is very much appreciated and valued by the source protection authorities and staff.

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