



**INDEX TO
Source Protection Committee Meeting #1/15
Tuesday, June 23, 2015**

ADDENDUM TO AGENDA #1/15, June 23, 2015

ITEM 6.3

TO: Chair and Members of the Source Protection Committee Meeting #1/15, June 23, 23015

From: Beverley Thorpe, Project Manager, CTC Region

RE: **Revision to Timeline Policy T-6**

KEY ISSUE: Ministry of Environment and Climate Change (MOECC) staff has asked that the CTC Source Protection Committee consider revising proposed Timeline Policy T-6 to address Region of Halton concerns about effective date for the plan and their implementation timetable.

RECOMMENDATION

THAT the CTC SPC accept staff recommendation that proposed policy T-6 be revised to read as follows:

"Risk management plans shall be established within 5 years from the date the Source Protection Plan takes effect for activities (existing) designated for the purpose of s.58 under the Clean Water Act. The Risk Management Official is encouraged to identify and confirm activities requiring risk management plans within 1 year from the date the Source Protection Plan takes effect.";

AND FURTHER THAT staff be directed to take the necessary actions to advise the Ministry of the Environment and Climate Change of the proposed revision.

BACKGROUND

On June 5, 2015 CTC staff participated along with Halton-Hamilton staff in a teleconference hosted by MOECC to gather information from Halton Region and Town of Halton Hills staff on

their status in preparing for implementation of the Source Protection Plan (SPP) policies in order to inform the Minister in his determination of the effective dates of the respective CTC and Halton-Hamilton SPPs.

Halton Region staff expressed concern over proposed timeline policy T-6 which reads:

"Activities (existing) designated for the purpose of s. 58 under the Clean Water Act, requiring risk management plans shall be identified and confirmed within 1 year by the Risk Management Official. Risk management plans shall be established within 5 years from the date the Source Protection Plan takes effect."

Regional water staff who will be responsible for Part IV are concerned they would not be able to meet the 1 year timeline and suggested a June 1, 2016 effective date for the CTC plan versus the earlier possible date of October 1, 2015 on which MOECC has been consulting. The Town of Erin risk management official had separately expressed a similar concern about the one year provision in policy T-6 to CTC staff and suggested that an effective date at the end of 2015 or beginning of 2016 would give them the flexibility required.

Town of Halton Hills staff is also concerned about being ready for an October 1, 2015 effective date as the Region of Halton water staff has not yet established business processes or procedures with regard to compliance with Part IV policies to ensure that lower tier municipalities issue their approvals in compliance with policies. They expressed a preference for January 2016 effective date. Regional planning staff advised that they are currently screening applications using the vulnerable area mapping.

Subsequently, MOECC staff contacted CTC staff to request consideration of a revision to proposed policy T-6 to address the concern. They also advised that the one year clause was not likely binding in any case, but the five year time limit for completion of risk management plans would be compulsory.

Therefore it is recommended that timeline policy T-6 be revised in order to address the municipal concerns by making the one year provision clearly a guideline by rewording the proposed policy to read as follows:

"Risk management plans shall be established within 5 years from the date the Source Protection Plan takes effect for activities (existing) designated for the purpose of s. 58 under the Clean Water Act. The Risk Management Official is encouraged to identify and confirm activities requiring risk management plans within 1 year from the date the Source Protection Plan takes effect."

NEXT STEPS

Pending CTC SPC approval of the recommended revision, CTC staff will work with MOECC staff to make the necessary revisions to the proposed policy and source protection plan and explanatory document. Following the Minister's approval of the SPP, staff will ensure that the Plan reflects this and any other changes required prior to publication of final documents.

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Date: June 16, 2015

ITEM 7.2

TO: Chair and Members of the Source Protection Committee Meeting #1/15, June 23, 23015

From: Beverley Thorpe, Project Manager, CTC Region

RE: **EBR Posting of Proposed Amendments to Ontario Regulation 288/07 "Source Protection Committees" under the Clean Water Act, 2006.**

KEY ISSUE: Information is being provided on the proposed changes that were posted subsequent to circulating staff report found at Agenda Item 6.2 to provide the members with this information as they consider the recommendations on member renewal .

RECOMMENDATION

THAT the CTC Source Protection Committee (SPC) receives this report for information.

BACKGROUND

Staff prepared materials addressing **Agenda Item 6.2 - Matters for Committee Action** "CTC Source Protection Committee Renewal Process" for Meeting #1/15 to be held on June 23, 2015 and distributed the agenda package to members. Subsequently the Ministry of Environment and Climate Change (MOECC) posted on June 12, 2015 proposed amendments to Ontario Regulation 288/07 "Source Protection Committees" under the *Clean Water Act, 2006* . These proposed changes, if enacted, would provide more options and flexibility for the Toronto and Region Source Protection Authority (TRSPA) in replacing members and on the size of the committee.

As the SPC is being asked in **Agenda Item 6.2** to provide advice to the TRSPA, staff feels that the members should be aware of these proposals in determining their position.

The Chairs of the nineteen source protection committees across the province have raised concern that the rigid process and timing set out currently in O. Reg. 288/07 may not be the best approach to facilitating the implementation of the source protection plans. The Chairs are appointed by the Minister not the source protection authority. MOECC has listened to these concerns and responded with the proposed amendments.

The EBR notice outlining the purpose of the amendments and questions for consideration is found as **Attachment 1**. It can also be found on-line at www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTI1MTEw&statusId=MTg4NDQ0&language=en.

The comment period runs for 45 days between June 12, 2015 and July 27, 2015. Comments may be submitted on-line at the web page cited above.

SUMMARY OF PROPOSED CHANGES

The proposed amendments cover the following areas:

1. Option for the TRSPA to defer the expiry of the first members to be replaced to not later

than January 1st of the year the first annual progress reports on plan implementation are due to the Minister (approximately three years after approved plans come into effect). Remaining members would be replaced within the following 24 months consistent with the current regulation.

2. Option for the terms of newly appointed members to be set at five years rather than three years as in the current regulation.
3. Option for TRSPA and/or the CTC SPC to decide locally to reduce the size of the committee while maintaining the proportional representation across the three sectors to not less than 9 members plus chair.
4. Option to recruit economic and public members and post notices using the internet only, while still allowing for use of newspapers as locally determined.

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Date: June 16, 2015

Attachment 1

EBR Registry Number 012-4243 Regulation Proposal Notice "Amendments to Ontario Regulation 288/07 "Source Protection Committees" under the Clean Water Act, 2006"

Description of Regulation:

The purpose of the Clean Water Act, 2006 (CWA) is to protect existing and future sources of drinking water to help protect human health and the environment, and to ensure safe, clean drinking water for Ontarians. The Act ensures communities are able to protect their drinking water sources through prevention - by developing collaborative, locally driven, watershed based drinking water source protection plans founded on science. Source protection planning is a vital part of Ontario's drinking water safety net, a framework designed to protect drinking water from the source to the tap.

Ontario Regulation 288/07 "Source Protection Committees" sets out the requirements for the size, appointment and operation of source protection committees. Source protection plans for the 38 source protection areas were prepared by the 19 source protection committees in the province. A source protection committee's knowledge and experience with the plans that they prepared is important in fostering local acceptance and successful plan implementation after plans are approved by the Minister of the Environment and Climate Change. In addition, committee background of the plan's policy development is anticipated to be a valuable asset when committees review and comment on (i) the first progress report on the implementation of plans (required under section 46 of the CWA) and (ii) workplans that are intended to govern the review and update of plans, which are submitted to the ministry approximately three years after plans are approved.

In order to retain the valuable knowledge and expertise of committee members, the proposed regulation amendments allow committee members that were involved in the preparation of source protection plans to remain on the committee in the first few years of plan implementation.

The proposed amendments will provide greater local autonomy of source protection committees by providing flexibility to reduce the committee size.

The proposed amendments will eliminate the current requirement for newspaper notices and align with common practices of posting notices related to committee member recruitment on the Internet.

Purpose of Regulation:

The purpose of this proposal is to seek feedback from the public, stakeholders, communities, and First Nations on proposed amendments to O. Reg 288/07 ("Source Protection Committees") under the CWA. Specifically, the proposed amendments address the topics presented below.

A. Expiry of terms of appointment

Current regulation – composition and terms of appointment:

A source protection authority is required to appoint members of a source protection committee in accordance with the requirements of the regulation. Source protection committees are

required by the regulation to be comprised of local representatives from three sectors: 1/3 municipal; 1/3 economic (business, agriculture, industry); 1/3 environment/ health/ general public. The regulation also provides for First Nation members in addition to the sector representatives in areas or regions that include any part of First Nation reserve land. All 19 committees were established between 2007 and 2008.

Currently, the regulation stipulates that approximately one third of the terms of appointment of sector members on the committee expire when notice of plan approval is posted on the Environmental Registry (EBR). Where a source protection committee is responsible for a source protection region (which is a grouping of two or more source protection areas) – the term of appointments are to expire when notice of approval of the last source protection plan for the region is posted on the EBR. The expiries are to be applied equally across all three sectors represented on the committee. On the first anniversary of the posting date of the Minister's approval, the terms of appointments of approximately another third of sectoral members are to expire and on the second anniversary the final third are to expire. The exact number of expiries at each stage (EBR posting, 12 months later, 24 months later) varies depending on the size of the committee (the current regulation sets this out for each sized committee).

The current regulation also stipulates that the terms of appointment for all First Nation members expire when the notices of approval for all plans a committee is responsible for are posted on the EBR.

Proposed Amendments – Sectoral Representatives:

For the three sectors represented on committees, it is proposed that the initial expiry of the terms of appointment for committee members be deferred until not later than January 1st of the year the first annual progress report on the implementation of their source protection plan is due to the ministry (which is approximately three years after approved plans take effect). Where the terms of appointment for committee members that were involved in the preparation of the first source protection plan for the area or region have already expired, it is proposed that, similar to the provision that is provided in the regulation for interim appointments, the members may be readily reappointed without requiring the source protection authority to complete the recruitment process currently in the regulation.

When expiries for the terms of appointment begin to be applied, they will continue to be proportional across the three sectors and be complete after 24 months, consistent with the current regulation. The source protection authority will retain their current responsibility for choosing which memberships expire at each stage. The proposed amendments will give the source protection authority flexibility to determine the actual number of memberships (at a minimum one from each sector) that expire by January 1st of the year the first annual progress report is due and over the following 24 months, provided the expiries are always applied proportionally across the three sectors.

The proposed amendments would have the effect of retaining a majority of committee member's experience, knowledge and background of the policies in the first few years of plan implementation to support local acceptance and implementation of plans and provide input to (i) the first annual progress report on plan implementation and (ii) the workplans governing the update of source protection plans. At the same time, requiring the first set of terms of appointment to expire not later than January 1st of the year the first annual progress report is due (which is five months prior to the date the report is to be submitted to the Ministry of the Environment and Climate Change), provides an opportunity for the remaining members to

transfer their knowledge and experience to new members joining the committee at that time.

After source protection plans are approved, the current regulation specifies the term of appointment for committee members as three years. To avoid similar issues around a loss of knowledge and background in committees that are undergoing the review and update of source protection plans (as required by section 36 of the Act) around that same timeframe, the proposed amendments would allow the terms of appointment for members that join the committee after the plans are approved to be a maximum of five years. This will give source protection authorities local flexibility to align future terms of appointment with future work the committee is involved in, including the review and update of plans.

Proposed Amendments – First Nation Representatives:

For the First Nation representatives on a committee, it is proposed that the expiry of the terms of their appointment be removed from the regulation. Instead, the proposed amendments would allow the term to be decided by the band councils of the First Nations with reserves in the source protection area or region. This would have the effect of allowing members selected by band councils to readily remain on committees without band councils needing to go through another selection process. As has been the case since band councils were originally invited by source protection authorities to provide the names of persons to be appointed to the committee, changes in band council representation may occur at any time band councils determine a change is appropriate and notify the source protection authority.

B. Smaller committee sizes

The size of each committee is set out in regulation for every source protection area and region in the province. The sizes are 22, 16, or 10, including the chair of the committee. These sizes allow for an equal proportion of representation across the three sectors identified in the regulation (municipal; economic; environment/ health/ general public).

Now that source protection plans have been approved for 14 of 19 source protection committees and the remaining plans are nearly complete and anticipated to be approved in 2015, it is proposed that the regulation be amended to provide flexibility to reduce committee sizes to the minimum shown below. A table summarizing the number of members currently on each committee and the proposed minimum size is attached to this notice (see Additional Information).

Proposed Minimum Size of 7 members (including the chair):

1. Ausable Bayfield Maitland Valley Source Protection Region
2. Cataraqui Source Protection Area
3. Essex Region Source Protection Area
4. Halton-Hamilton Source Protection Region
5. Lakehead Source Protection Area
6. Mattagami Region Source Protection Area
7. Mississippi-Rideau Source Protection Region
8. Niagara Peninsula Source Protection Area
9. Sudbury Source Protection Area
10. North Bay-Mattawa Source Protection Area
11. Quinte Conservation Source Protection Area
12. Raisin-South Nation Source Protection Region

13. Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region
14. Sault Ste. Marie Region Source Protection Area

Proposed Minimum Size of 10 members (including the chair):

15. CTC Source Protection Region
16. Lake Erie Source Protection Region
17. South Georgian Bay-Lake Simcoe Source Protection Region
18. Thames-Sydenham and Region Source Protection Region
19. Trent Conservation Coalition Source Protection Region

It is proposed that the source protection authority and/or committee decide locally the committee size that suits their needs, provided it is within the current and proposed minimum size and that proportionality in the number of representatives across the three sectors is maintained. The size selected must be divisible by three plus have one committee chair. For example, a source protection committee of 22 members may reduce in size to 19, 16, 13 or 10 members. The proposed amendments would allow a reduction in size any time after the source protection plans for the area or region a committee represents are approved and the associated notices are posted on the EBR.

It is also proposed that opting locally to have a smaller source protection committee not eliminate the expiry of a portion of memberships by January 1st of the year their first progress report on plan implementation is due to the ministry (see item A above “Expiry of terms of appointment” for more details). This would ensure there is an opportunity for new members to join the committee and benefit from a transfer of knowledge of experienced members, while offering a fresh perspective when the committee provides input on the first progress report and workplans governing plan updates.

C. Appointment process notification requirements – Internet posting

To align with common standards of Internet use, it is proposed that the notification requirements for recruiting committee members in the economic and environment/ health/ general public sectors and posting the final decision about committee composition be streamlined to require a minimum of an Internet posting. This would have the effect of removing the obligation to post recruitment and composition notices in local newspapers throughout the source protection area, and instead allow source protection authorities the discretion to post in local newspapers if they determine that is appropriate for the local community.

The current notification requirements and process for securing municipal members on a committee remains unchanged.

Discussion / consultation questions:

1. Please comment on the proposal to defer the expiry of the terms of appointment and full recruitment process to not later than January 1st before the first progress report on plan implementation is due.
2. What are the advantages and disadvantages of providing flexibility to source protection authorities to determine the actual number of memberships that expire by January 1st of the year the first annual progress report is due and over the subsequent 24 months?
3. Should source protection authorities be able to align future terms of appointment with the time required to complete the future review and update of source protection plans (under section 36 of the Clean Water Act), to a maximum of five years? Why or why not?

4. It is proposed that the January 1st deferral apply regardless if a committee retains its current size or becomes smaller, in order to provide the opportunity for new members to join the committee. What advantages and disadvantages do you expect would result?
5. What are the advantages and disadvantages of the source protection committee in your area or region becoming smaller?
6. Should the source protection authority or source protection committee make the decision to have a smaller committee size? Why?
7. Please identify any other provisions in Regulation 288/07 that you recommend should change and what improvements these changes would provide.

Other Information:

The websites maintained by Conservation Ontario and source protection authorities contain information about the assessment reports and source protection plans prepared by each source protection committee:

www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex

General information on source water protection and the Clean Water Act, 2006, is also available at Conservation Ontario's website:

www.conservation-ontario.on.ca/what-we-do/source-water-protection

Public Consultation:

This proposal has been posted for a 45 day public review and comment period starting June 12, 2015. If you have any questions, or would like to submit your comments, please do so by July 27, 2015 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to July 27, 2015 will be considered as part of the decision-making process by the Ministry if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 012-4243.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

Other Public Consultation Opportunities:

Comments may also be submitted electronically to: source.protection@ontario.ca

To submit written comments, please forward your response to:

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