



Supported by Toronto and Region Conservation Authority

**Toronto and Region Source Protection Authority Meeting
Agenda**

#2/19

September 27, 2019

9:30 A.M.

HEAD OFFICE, 101 EXCHANGE AVENUE, VAUGHAN

Pages

1. **MINUTES OF MEETING 1/19, HELD ON APRIL 26, 2019**
Meeting Minutes Link
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
4. **DELEGATIONS**
5. **PRESENTATIONS**
6. **CORRESPONDENCE**
 - 6.1 **A LETTER RECEIVED FROM HON. JEFF YUREK, MINISTER OF THE ENVIRONMENT, CONSERVATION AND PARKS, RECEIVED ON JULY 22, 2019 re. CTC UPDATES UNDER SECTION 36 OF THE CLEAN WATER ACT** 3
7. **SECTION I - ITEMS FOR TORONTO AND REGION SOURCE PROTECTION AUTHORITY ACTION**
 - 7.1 **MEMBER APPOINTMENT - CTC SOURCE PROTECTION COMMITTEE** 7
To secure endorsement from Toronto and Region Source Protection Authority (TRSPA) on appointments to the CTC Source Protection Committee as outlined in Ontario Regulation 288/07 under the Clean Water Act, 2006.

8. SECTION III - ITEMS FOR THE INFORMATION OF THE TORONTO AND REGION SOURCE PROTECTION AUTHORITY

8.1 DRINKING WATER SOURCE PROTECTION PROGRAM

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To review with the Board of Directors, their duties, functions, and responsibilities as a Source Protection Authority under the Clean Water Act, 2006.

9. NEW BUSINESS

NEXT MEETING OF THE TORONTO AND REGION SOURCE PROTECTION AUTHORITY TO BE CONFIRMED

John MacKenzie, Chief Executive Officer
/am

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs

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JUL 22 2019

357-2019-1103
ENV283MC-2012-3028

Bob Chapman, Chair
Central Lake Ontario Source Protection
Authority
100 Whiting Ave
Oshawa ON L1H 3T3

Jennifer Innis, Chair
Toronto and Region Source Protection
Authority
101 Exchange Ave
Vaughan ON L4K 5R6

Karen Ras, Chair
Credit Valley Source Protection
Authority
1255 Old Derry Road
Mississauga ON L5N 6R4

Douglas Wright, Chair
CTC Source Protection Committee
125 Stratford Crescent
Toronto ON M4N 1C9

Dear Mr. Chapman, Ms. Ras, Ms. Innis, and Mr. Wright:

I am following up on your proposed workplan for the review and update of the assessment reports and source protection plan for CTC source protection region. The workplan, dated December 21, 2018, was submitted in compliance with the order dated July 28, 2015, issued under section 36 of the *Clean Water Act*.

I am pleased to note that your workplan confirms that implementation of the source protection plan is going well, and I appreciate the level of effort you put into your analysis of your assessment reports and plan.

Pursuant to subsection 36 (1) of the *Clean Water Act*, I am amending the order dated July 28, 2015, to establish requirements governing the content and timeframes of the review and the process to be followed for any updates to your assessment reports and plan. The source protection committee shall update the assessment reports and source protection plan to address the workplan items identified in the attachment to this order and ensure those changes comply with the recent amendments to the General Regulation (O. Reg. 287/07) and Director's Technical Rules.

I would also like to thank you for your proposed local interest updates which I noticed through my review. While not specifically required, I would encourage you to work with both your community and your municipalities to find cooperative ways to move forward with items that are consistent with the Act, its regulations and Technical Rules that are in effect at the time of the updates. Staff in the Ministry's drinking water source protection

program are also available to provide you advice on this. You may contact Debbie Scanlon, Manager Approvals Section (416-212-8839) if you have any questions.

When undertaking any updates, the source protection committee and lead source protection authority must follow the amendment process and consultation requirements set out in the attachment to this letter. All updates carried out under section 36 of the *Clean Water Act* are to be submitted to the Ministry within six (6) months after the completion of the required updates and consultation.

Thank you for the continued efforts of the source protection authorities, committee and local communities to ensure sources of drinking water are protected. Significant progress has been made in source protection and the province looks forward to continuing to work with you and all stakeholders to protect sources of drinking water.

Sincerely,



Jeff Yurek
Minister

Enclosure

C: Jennifer Stephens, Project Manager, CTC Source Protection Committee
Alyssa Roth, Coordinator, Toronto and Region Source Protection Authority
Susan Ecclestone, Director, Source Protection Programs Branch, MECP
Debbie Scanlon, Approvals Manager, Source Protection Programs Branch, MECP
Angelune Des Lauriers, Program Analyst, MECP
Beth Forrest, Liaison Officer, MECP

Attachment: CTC Updates under Section 36 of the *Clean Water Act*

Mandatory Updates to the Assessment Reports and Source Protection Plan

The **CTC** source protection committee shall ensure that the review includes updates to the assessment reports and source protection plan to:

- Comply with the amendments made to the Director's Technical Rules, published on the Environmental Registry in March 2017 under posting number 012-8507 and the 2018 amendments to the Rules and General Regulation (O. Reg. 287/07). For your source protection area this includes:
 - updating liquid hydrocarbon pipeline references in the current assessment reports and plans from a local threat to a prescribed drinking water threat of provincial interest and ensuring policies apply to all relevant protection zones;
 - assessing locations where the above-grade handling and storage of fuel, pose a significant, moderate and low risk, and ensuring policies apply to all relevant protection zones;
 - updating the significant groundwater recharge areas and any associated policies in the plan to align with the amended Rules; and
 - updating the assessment reports and source protection plan to revise references to circumstances, chemicals of concern or thresholds that may have changed as a result of changes to the Technical Rules.
- Include technical work completed by municipalities within the timeframe of the review, such as Durham Region's updated conceptual and groundwater model results in the relevant assessment report and make corresponding revisions to wellhead protection area and intake protection zone delineations.
- Revise policies to address implementation challenges where the committee, authority and affected municipalities determine it is necessary for the handling of dense non-aqueous phase liquids and organic solvents, as well as policies for agricultural activities that impose prohibitions outside of a WHPA-A and those that address nutrients.

Amendment Process for Updates including Consultation:

The rules that source protection committees and source protection authorities were required to follow under the *Clean Water Act* in preparing, consulting on and submitting assessment reports and source protection plan to the Ministry will generally apply when making updates as part of the review. However, as with locally initiated amendments, any proposed updates to an assessment report and plan are to be consulted on concurrently and submitted together as one package to the Ministry by the source protection authority.

Only those provisions of the *Clean Water Act* and the General Regulation (O.Reg. 287/07) referred to below apply to the update of your assessment reports and source protection plan. For example, as no terms of reference is being required for the review

and update of the assessment reports and plan, subsection 36 (3) of the *Clean Water Act* does not apply.

Accordingly, for the updates to the assessment reports and source protection plan, the following provisions apply:

- Assessment report content outlined in section 15 of the *Clean Water Act* and sections 11 to 14 of the General Regulation.
- Source protection plan content outlined in subsections 22 (2) to (15) of the *Clean Water Act* and sections 20 to 34 of the General Regulation.

Updates to the assessment reports and source protection plan shall be made in consultation with affected municipalities, the Ministry, and any other bodies responsible for implementing a policy that may be revised by as part of the updates. Consultation shall include the following minimum requirements:

- Early consultation on any draft updates to the assessment reports and plan with the Source Protection Programs Branch prior to carrying out pre-consultation with other bodies.
- Pre-consultation with all implementing bodies as well as persons and businesses engaged in significant drinking water threats in the geographic areas affected by the updates in accordance with sections 35 to 39 of the General Regulation.
- Consultation for a minimum of 35 days, as outlined below.

The Explanatory Document that accompanies the plan (section 40, General Regulation) shall also be updated to reflect the proposed changes to the plan and made available for consultation.

While consulting on the proposed updates to the assessment reports and source protection plan in accordance with the requirements set out above, comments received shall be documented, considered and addressed prior to advancing to the next consultation stage or finalizing the proposed updates to the assessment reports and plan.

Notification and publication of the proposed updates shall follow the provisions included in the General Regulation for assessment reports and plans as described below. This includes making the proposed updates available on the Internet and in locations that are accessible to give the public and other interested parties an opportunity to inspect and comment on the updates. Specifically, consultation on the proposed updates to the assessment reports and plan shall occur concurrently and sections 23 to 25 of the *Clean Water Act* and section 41 of the General Regulation apply with the modifications noted below:

- References to a draft or proposed source protection plan shall be read as references to the proposed updates to the assessment reports and source protection plan that result from the review carried out under section 36 of the *Clean Water Act*.
- Notices shall be provided to the clerk of each municipality and all other persons and bodies listed in section 41 that are affected by the proposed updates.
- A public meeting referred to in clause (c) of subsection 41 (3) and in subsection 41 (7) is optional as determined by the source protection committee in consideration of the nature and scope of the proposed updates.

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Section I – Items for Toronto and Region Source Protection Authority Action

TO: Chair and Members of the Toronto and Region Source Protection Authority Meeting #2/19, Friday, September 27, 2019

FROM: Laurie Nelson, Director, Policy Planning

RE: **CVC-TRCA-CLOCA (CTC) SOURCE PROTECTION COMMITTEE MEMBER APPOINTMENT**

KEY ISSUE

Appointments to the CTC Source Protection Committee as outlined in Ontario Regulation 288/07 under the *Clean Water Act, 2006*.

RECOMMENDATION

THAT upon endorsement by their municipal Councils, members be appointed to fill the municipal sector vacancies on the CTC SPC for a 5-year term between June 21, 2019 and June 20, 2024:

- Halton Region, Wellington County, and their local municipalities: David Kentner
- York Region and its local municipalities: Scott Lister
- Durham Region and its local municipalities: John Presta
- City of Toronto: Frank Quarisa

THAT the following members be appointed to represent the following sectors for a 5-year term between June 21, 2019 and June 20, 2024:

- General Public (3 seats): Julie Abouchar, Robert Gooding, Peter Miasek
- Petrochemical (1 seat): Deon Bridge
- Chemical (1 seat): Dan Bunner
- Land Development (1 seat): Louise Foster
- Agriculture (1 seat): Gary Mountain

THAT upon nomination by the CTC SPC Interview Panel, members from the following sectors be appointed for a 5-year term between June 21, 2019 and June 20, 2024:

- Environmental Non-Governmental Organization (1 seat)
- General Public (1 seat)

THAT the Chairs of the Credit Valley and Central Lake Ontario Source Protection Authorities be advised of the appointment of the new members;

AND FURTHER THAT staff be directed to take all necessary action to implement the foregoing.

BACKGROUND

Ontario Regulation (O. Reg.) 288/07 (the Regulation) under the *Clean Water Act, 2006* outlines the number and process for appointment of Source Protection Committee (SPC) members, as well as details on the other administrative requirements relating to committee operation. The

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Toronto and Region Source Protection Authority (TRSPA) as the lead authority in the CTC Source Protection Region is responsible for recruiting candidates for membership and appointing members in accordance with the Regulation in consultation with the other two source protection authorities that comprise the CTC, namely the Credit Valley and Central Lake Ontario. At the TRSPA meeting #1/14, held July 27, 2007, the Authority endorsed the proposed membership of the CTC Source Protection Committee (SPC), subject to the requirements of Ontario Regulation 288/07.

When originally released, the Regulation required that the appointments of 1/3 of any Source Protection Committee expire at the time the approval notice of the source protection plan was posted on the Environmental Bill of Rights Registry. With this timeline in mind, at SPC meeting #7/14, held December 16, 2014, the CTC SPC first discussed the replacement of inaugural members and their individual interest in when their term should expire and if they were interested in applying for re-appointment. This discussion was advanced at SPC meeting #1/15, on June 23, 2015 at which time the CTC SPC provided specific advice through Resolution #6/15 on the SPC renewal process in an effort to assist the source protection authorities in their responsibilities to recruit candidates for membership in accordance with the Regulation.

In July 2015, the TRSPA, with support from the Credit Valley Source Protection Authority (CVSPA) and the Central Lake Ontario Source Protection Authority (CLOSPA), endorsed a proposed replacement schedule for SPC members which ensured compliance with the appointment parameters as set out in the Regulation.

In June 2015, the Ministry of the Environment, Conservation and Parks (MECP) proposed changes to the Regulation through the Environment Registry of Ontario (ERO). Formal comments were submitted by the TRSPA and the CTC Source Protection Region (CTC SPR). Confirmed amendments to the Regulation were posted in October 2015.

As currently written, the amended Regulation requires that inaugural members of a Source Protection Committee be replaced or reappointed by the date on which the third annual progress report is due to the Province (May 1, 2020). Further, appointed members can only serve a term of up to five years under the amended regulation. At SPC meeting #2/15, held on December 10, 2015, the inaugural members of the CTC Source Protection Committee provided specific advice through Resolution #12/15 on a five-year term of appointment for all new or reappointed members being recruited as a result of the replacement schedule endorsed by the TRSPA in July 2015. In addition, the SPC agreed that the second cohort of original members would be replaced on June 1, 2018 and the final cohort would be replaced on June 1, 2019.

RATIONALE

The Regulation outlines the specific procedures necessary to recruit members to the three sectors represented on a source protection committee.

Municipal Members

Formal notices were sent to the clerks of those municipalities whose representative needed reappointment or replacement. Each municipality or group of municipalities is required to jointly agree on a member to sit on the Committee to represent their interests. Each municipality provides confirmation of their appointed nominee in writing. Municipalities have a period of 60 days to provide a response to the request for nominees. See Attachment 1 for the proposed municipal sector representatives for the CTC SPC.

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Economic and Public Sector Members

In compliance with the requirements of the Regulation, staff posted a Notice recruiting economic and public sector members on the CTC SPR website (www.ctcswp.ca), and in a number of local newspapers. Thirty (30) days is required for recruitment under the Regulation; this was extended to maximize the number of applications received. See Attachment 1 for a list of proposed economic and public sector representatives to the CTC SPC.

A panel consisting of membership from senior staff from Credit Valley and Toronto and Region Source Protection Authorities, as well as the Chair of the CTC Source Protection Committee and the Manager, Source Water Protection interviewed potential candidates for their appropriateness for membership on the Committee. Central Lake Ontario Source Protection Authority delegated their interview role to this panel. The panel agreed by consensus on the appropriate names to put forward for appointment to the Toronto and Region Source Protection Authority.

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Date: September 16, 2019

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ATTACHMENT 1: Proposed Membership of the CTC SPC (Effective June 21, 2019 given TRSPA Endorsement)

Municipal Sector Representatives	
David Kentner	Region of Halton, Wellington County, Town of Erin, Town of Halton Hills, Town of Oakville, Town of Milton
Andrew Farr*	Region of Peel, Town of Caledon, City of Brampton, City of Mississauga
Chris Gerrits*	Town of Orangeville, Dufferin County, Township of East Garafraxa, Township of Amaranth, Town of Mono, Township of Adjala-Tosorontio, Simcoe County
Scott Lister	Region of York, Township of King, City of Vaughan, Town of Aurora, Town of Richmond Hill, Town of Markham, Town of Whitchurch-Stouffville
John Presta	Durham Region, Township of Uxbridge, City of Pickering, Town of Ajax, Township of Scugog, Town of Whitby, City of Oshawa, Municipality of Clarington
Frank Quarisa	City of Toronto
Mahesh Patel*	City of Toronto
Economic Sector Representatives	
Louise Foster	Land Development
Maria Topalovic*	Aggregate
Daniel Bunner	Chemicals
Lee Gould*	Road Salt
Deon Bridge	Petrochemical
Gary Mountain	Agriculture
Geoff Maltby*	Agriculture
Public Sector Representatives	
Julie Aboucher	Citizen-At-Large
Nicola Crawhall*	Citizen-At-Large
Robert Goodings	Citizen-At-Large
Peter Miasek	Citizen-At-Large
To be determined	Citizen-At-Large
To be determined	ENGO
Rosemary Keenan*	ENGO

*Appointed to the CTC Source Protection Committee prior to 2019

Section III – Items for Information of the Toronto and Region Source Protection Authority

TO: Chair and Members of the Toronto and Region Source Protection Authority
Meeting #2/19, Friday, September 27, 2019

FROM: Laurie Nelson, Director, Policy Planning

RE: **DRINKING WATER SOURCE PROTECTION PROGRAM**

KEY ISSUE

To review with the Board of Directors, their duties, functions, and responsibilities as a Source Protection Authority under the *Clean Water Act, 2006*.

RECOMMENDATION

THAT the staff report on the duties, functions and responsibilities of the Board of Directors as a Source Protection Authority under the *Clean Water Act, 2006* be received for information.

BACKGROUND AND RATIONALE

It has been almost twenty years since the Walkerton tragedy, which triggered an Inquiry and new legislation related to source water protection. In 2004, Justice Dennis O'Connor delivered the second part of his report which outlined the principles of a multi-barrier approach to the protection of drinking water. The Walkerton Inquiry resulted in numerous pieces of new legislation and regulations including the *Safe Drinking Water Act, Sustainable Water and Sewage Systems Act*, and the *Nutrient Management Act* intended to act as several barriers in the multi-barrier approach. While this other legislation protecting drinking water focuses on the quality and sustainability of the treated water that is distributed to homeowners and businesses within our communities, the *Clean Water Act* focuses on protecting sources of municipal drinking water – the lakes, rivers, and groundwater resources.

The *Clean Water Act* received Royal Assent in 2006 and the first regulations were introduced in 2007. In addition to the *Act* and regulations, technical and policy guidance issued by the Ministry of the Environment, Conservation and Parks has dictated the content of the Assessment Report and Source Protection Plan.

Through Ontario Regulation 284/07, Source Protection Region and Areas were created. These areas were delineated based on watershed boundaries, not municipal jurisdictions, and mainly consisted of boundaries already established for conservation authorities. Under this Regulation, there are thirty-eight source protection areas. Where appropriate, two or more source protection areas work together. Toronto and Region Source Protection Area falls within the Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Protection Region. Credit Valley and Central Lake Ontario Source Protection Areas also form the CTC Source Protection Region, with Toronto and Region Source Protection Authority having been assigned the role of lead Source Protection Authority. Thirty-three municipalities fall within the boundaries of the CTC Source Protection Region. Staff from each of the three conservation authorities provide support to these municipalities under the leadership of a Program Manager operating from Toronto and Region Source Protection Authority.

In 2007, Toronto and Region Source Protection Authority established the CTC Source Protection Committee as required by Ontario Regulation 288/07. The Source Protection

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Committee is a group of local representatives that includes the municipal and economic sectors, as well as the general public. The CTC Source Protection Committee led the development of the three technical Assessment Reports and the CTC Source Protection Plan. Further, the committee is responsible for monitoring the implementation of the Source Protection Plan and supporting necessary amendments.

The CTC Source Protection Plan was approved by the Minister of the Environment, Conservation and Parks in July 2015 and became effective on December 31, 2015. The CTC Source Protection Plan contains policies directed at municipalities, the Province, source protection authorities, and planning approval authorities. The policies directed at municipalities range from those establishing education and outreach programs to the implementation of Part IV powers (risk management, prohibition) under the *Clean Water Act, 2006*. Planning approval authorities are responsible for the implementing land use planning policies under the *Planning Act*, which ultimately get incorporated into municipal Official Plans and Zoning By-Laws.

An amendment to the CTC Source Protection Plan was approved in March 2019 and a second amendment is currently underway with submission to the Ministry in September 2019. The first amendment incorporated new technical work at the Inglewood and Palgrave - Caledon East Drinking Water Systems into the CTC Source Protection Plan, as well as revised some policies in the Plan to address implementation challenges. The second amendment is intended to integrate new technical work completed at the Caledon Village – Alton Drinking Water System into the CTC Source Protection Plan. The CTC Source Protection Plan is currently in its fourth year of implementation. In May 2019, when the Toronto and Region Source Protection Authority reported on the implementation of the CTC Source Protection Plan, 88% of legally-binding policies had been implemented.

The *Clean Water Act, 2006* and the General Regulation 287/07 dictate the responsibilities of a source protection authority. These tasks include:

- Maintenance of the local source protection framework;
- Maintenance of the local source protection Committee;
- Provide scientific, technical and administrative support and resources to the Source Protection Committee;
- Monitor and report on CTC Source Protection Plan implementation progress;
- Records retention in accordance with legislative requirements;
- Issuance of confirmation notices to drinking water system owners;
- Amendments to Assessment Reports and Source Protection Plan for minor, administrative revisions;
- Amendments to Assessment Reports and Source Protection Plan to incorporate technical assessments of new or expanding systems and address implementation challenges;
- Undertake work to update the CTC Source Protection Plan based on the Section 36 Order that was issued by the Minister of the Environment, Conservation and Parks in July 2019; and
- Ensure minimum consultation requirements are met.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategic Priority 2: Manage our regional water resources for current and future generations.

Strategic Priority 8: Gather and share the best sustainability knowledge.

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FINANCIAL DETAILS

The Ministry of the Environment, Conservation and Parks has funded the Drinking Water Source Protection Program on an annual basis since its inception in July 2005. The most recent Agreement between the Ministry and TRCA for activities between April 1, 2019 and March 31, 2020 is for \$522,182.

On June 6, 2019, Bill 108, *The More Homes, More Choices Act* was passed which included amendments to the *Conservation Authorities Act*. Some provisions came into force when the Bill received Royal Assent, while others will come into force on a day to be proclaimed by the Lieutenant Governor (through Cabinet) or by the Minister through regulation(s). The key legislative amendments, (not yet enacted and subject to regulations), can be found in section 21.1(1) of the amended Act which lists the mandatory programs and services to be provided by a conservation authority within its area of jurisdiction. This list includes programs and services related to the conservation authority's duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*. Therefore, Toronto and Region will have the legal ability to levy funds for the program from its partner municipalities.

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Date: September 16, 2019