



Supported by Toronto and Region Conservation Authority

Toronto and Region Source Protection Authority Meeting Agenda

#2/20

January 29, 2021

9:30 A.M.

The meeting will be conducted via a video conference
Members of the public may view the livestream at the following link:

<https://video.isilive.ca/trca/live.html>

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AUTHORITY TO BE CONFIRMED**

John MacKenzie, Chief Executive Officer

/am

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

TO: Chair and Members of the Toronto and Region Source Protection Authority
Friday, January 29, 2021 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **CREDIT VALLEY-TORONTO AND REGION-CENTRAL LAKE ONTARIO (CTC) SOURCE PROTECTION REGION CHANGE IN LEAD SOURCE PROTECTION AUTHORITY**

KEY ISSUE

To obtain endorsement from the Toronto and Region Source Protection Authority (TRSPA) to change the Lead Source Protection Authority (SPA) for the Credit Valley-Toronto and Region-Central Lake Ontario (CTC) Source Protection Region from Toronto and Region SPA to Credit Valley SPA.

RECOMMENDATION

WHEREAS 422 of the 424 remaining Significant Drinking Water Threats that are within the Credit Valley-Toronto and Region-Central Lake Ontario (CTC) Source Protection Region are located within the Credit Valley Source Protection Authority jurisdiction;

AND WHEREAS the CTC Management Committee consisting of the CEO/CAOs of the Credit Valley, Toronto and Region, and Central Lake Ontario Conservation Authorities have directed staff to transfer Lead Source Protection Authority responsibilities from the Toronto and Region Conservation Authority to the Credit Valley Conservation Authority;

THEREFORE, LET IT BE RESOLVED THAT the Toronto and Region Source Protection Authority endorse the transfer of Lead Source Protection Authority responsibilities from Toronto and Region Source Protection Authority to Credit Valley Source Protection Authority for the 2020-2021 Provincial fiscal year, as described in the Letter Agreement dated October 21, 2020;

AND FURTHER THAT the Toronto and Region Source Protection Authority endorse the request that the Minister of the Environment, Conservation and Parks designate Credit Valley Source Protection Authority as the Lead Source Protection Authority for the CTC Source Protection Region under Ontario Regulation 284/07.

BACKGROUND

Under Ontario Regulation 284/07, the Credit Valley Source Protection Area (SPA) was grouped with the Central Lake Ontario and Toronto and Region SPAs and called the CTC Source Protection Region (CTC SPR). Toronto and Region SPA was identified as the Lead Source Protection Authority. All legal and transfer payment agreements are made between the Province and the Lead SPA on behalf of the SPR. The Lead and supporting SPA responsibilities are outlined in an annual Transfer Payment Agreement (TPA) that is negotiated and drawn between the Lead SPA and the Province.

Under the TPA, the Lead SPA is charged with general administration of the program, including establishment and management of the Source Protection Committee (SPC) that deliberates and makes policy decisions for the SPR. Two additional types of agreement exist: an agreement

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between the 3 SPAs outlining the division of responsibilities and work, and agreements between each SPA and its Conservation Authority (CA) to authorize the Board of the CA to also act as the Board of the SPA.

Ontario Regulation 284/07 gives a Management Committee comprised of the CEO/CAOs of the CAs the authority to request the Province make a change in Lead SPA. Precedence for a shift in Lead SPA for an SPR exists (e.g., Saugeen Valley CA to Grey Sauble CA for the Saugeen, Grey Sauble, Northern Bruce Peninsula SPR).

The CTC CEO/CAOs Management Committee recently agreed to submit a request to the Ministry of Environment, Conservation and Parks (MECP) to shift the Lead SPA responsibilities from the TRSPA to the CVSPA. The proposed change was endorsed by the CTC SPR Chair after submission of the 2019 CTC SPR annual report regarding the implementation of the Source Protection Plan.

RATIONALE

The rationale for this request is primarily based on the fact that the total count for remaining Significant Drinking Water Threats (SDWTs) in the CTC region is 424, and of these, the majority (422) are located within the CVSPA (2 in the TRSPA and 0 in the CLOSPA). In 2015, when the Source Protection Plan became effective, the TRSPA and CLOSPA had 479 and 8 reported SDWTs respectively, while the CVSPA had 10,116. This distribution of SDWTs was revealed during the completion of the first Assessment Reports circa 2012.

A phone conversation was held on June 9, 2020 with representatives of MECP to discuss options to authorize a change in Lead SPA from Toronto and Region to Credit Valley effective April 2021, the beginning of the provincial 2021-2022 fiscal year. Implications for the current fiscal year's TPA were discussed and three procedural options were outlined, as follows:

1. Maintain the current TPA and TRSPA as the Lead SPA until April 2021 but shift the Lead SPA responsibilities through an internal agreement between the SPAs. The CTC SPR would then initiate a formal request to amend the regulation identifying the Lead SPA for the 2021-2022 Provincial fiscal year.
2. The Province could terminate the current TPA with the TRSPA and prepare a new TPA with the CVSPA as the lead. Should the TPA be terminated, this would entail a reporting of funds spent to date, processing of refunds if necessary, and then a newly prepared TPA along with a revised workplan inclusive of allocations. The CTC SPR does not currently have the staff resources to complete this work in advance of spring 2021 and it would be inefficient to go through this process.
3. Legally draft a 'Consent to Assignment' agreement which would provide permission to the TRSPA to assign duties to the CVSPA. This instrument has never been used as a source water protection tool, and thus would have to be modified through a legal process which could be lengthy.

Option 1 was recommended for two reasons. Firstly, the current fiscal year's TPA between the MECP and the TRCA was signed on Apr 30, 2020 and runs only until March 30, 2021. The legal, accounting, and administrative processes to modify an existing TPA would be lengthy. The CTC SPR Program Manager position was vacant between May and October 2020 and was only recently filled by the CVSPA. A supporting coordinator position has recently been advertised. It was determined that as CTC SPR staff had to assume the responsibilities of the

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Program Manager during the interim to ensure that critical timelines were met, it was prudent that time not be lost in an administrative disruption.

Secondly, while the Lead SPA change could be ‘accommodated’ by a revision in the TPA without a change in the regulation, (as was done for the Saugeen-Grey Sauble lead SPA change), a regulatory change is eventually required. As a result, the Province suggested that the CTC SPR shift the responsibilities internally for this year and that the CTC initiate the formal regulatory change process in the 2021-2022 fiscal year. MECP will provide the CTC SPR with a list of items that should be considered when initiating the request to amend the regulation.

Option 1 was approved by the CEO/CAO Management Committee to prevent major disruptions in administration of the CTC SPR. It has been agreed that the CVSPA, with the support of SPR staff, will manage the interim progress and financial reporting under the existing 2020-2021 TPA. This decision was discussed and endorsed by the Chair of the CTC SPR.

Negotiations for renewed TPAs typically start in the fall and the Province will engage with CVSPA for that task. As well, the Province advised that they may consider reaching out to all the SPRs to determine what other SPRs may be interested so that they may proceed with a group amendment. The formal shift in Lead SPA for the Saugeen, Grey Sauble, Northern Bruce Peninsula SPR will be included in this grouping.

TRCA, CVC, and CLOCA have signed a Letter Agreement (**Attachment 1**), that will serve as the interim agreement to transfer Lead SPA responsibilities from TRSPA to CVSPA for the 2020-2021 fiscal year. The development of this Agreement was informed by consultation with MECP staff and prepared by TRCA’s Legal Counsel. Work on the 2021-2022 TPA with the Province is expected to begin shortly. A potential list of activities has already been provided to the MECP via Conservation Ontario. A report on the change in Lead SPA was presented to and received for information by the CTC Source Protection Committee through Resolution #20/20, at their meeting held on November 23, 2020. The Credit Valley Conservation Source Protection Authority endorsed the recommendation to change the Lead SPA from TRSCP to CVSPA at their meeting on December 11, 2020. It should be noted that although there will be a change in Lead SPA, the TRSPA will continue to fulfill its responsibilities under the *Clean Water Act*.

FINANCIAL DETAILS

A Transfer Payment Agreement between TRCA and MECP has been established for source water protection program costs for the 2020-2021 Provincial fiscal year. Under the attached Letter Agreement between the CTC Conservation Authorities, costs incurred by CVC in undertaking the responsibilities of the Lead SPA will be invoiced to TRCA. Negotiations for the Transfer Payment Agreement between CVC and MECP for the 2021-2022 Provincial fiscal year are expected to begin over the next month.

DETAILS OF WORK TO BE DONE

TRCA, CVC, and CLOCA have signed a Letter Agreement that will serve as the interim agreement to transfer Lead SPA responsibilities from TRSPA to CVSPA for the 2020-2021 fiscal year. The development of this Agreement was informed by consultation with MECP staff and prepared by TRCA’s Legal Counsel. Work on the 2021-2022 TPA with the Province is expected to begin shortly. A potential list of activities has already been provided to the MECP via Conservation Ontario.

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Report prepared by: Don Ford, extension 5369
Emails: don.ford@trca.ca
For Information contact: Don Ford, extension 5369
Emails: don.ford@trca.ca
Date: December 4, 2020
Attachments: 1

Attachment 1: Letter Agreement for Transfer of Lead Source Protection Authority Responsibilities from Toronto and Region Conservation Authority to Credit Valley Conservation Authority, October 21, 2020

October 21, 2020

Deborah Martin-Downs
CAO
Credit Valley Conservation Authority
1255 Old Derry Road
Mississauga, ON
Deb.Martindowns@cvc.ca

Chris Darling
CAO
Central Lake Ontario Conservation Authority
100 Whiting Avenue
Oshawa, ON
CDarling@cloca.com

VIA EMAIL

Dear Ms. Martin-Downs and Mr. Darling:

Re: Letter Agreement for Transfer of Lead Source Protection Authority Responsibilities from Toronto and Region Conservation Authority to Credit Valley Conservation Authority

This letter will serve as an interim agreement (“**Letter Agreement**”) between Toronto and Region Conservation Authority (“**TRCA**”), and Credit Valley Conservation Authority (“**CVC**”) and Central Lake Ontario Conservation Authority (“**CLOCA**”) governing the division of responsibilities and funding arrangements for the fiscal year 2020-2021 in respect of Drinking Water Source Protection under the *Clean Water Act, 2006*. This Letter Agreement is premised on an in-principle agreement between the parties to transfer the role of Lead Source Protection Authority (“**Lead SPA**”) from TRCA to CVC, and a commitment from the Ministry of Environment, Conservation and Parks (“**MECP**”) to amend Ontario Regulation 284/07 in 2021-2022 to assign the role of Lead SPA to CVC.

Prior to the commencement of the 2021-2022 fiscal year, the parties shall execute a further agreement which shall set out detailed terms and conditions for a) the exercise and performance of the Lead SPA’s powers and duties, and b) other matters related to the relationship between the Lead SPA and the other source protection authorities in the source protection region.

BACKGROUND

Under Ontario Regulation 284/07, the Credit Valley Source Protection Area was grouped with the Central Lake Ontario and Toronto and Region Source Protection Areas to form the CTC Source Protection Region. TRCA was identified as the Lead SPA. The Lead SPA is charged

with general administration of the program including the establishment and management of the Source Protection Committee. All legal and transfer payment agreements are made between MECP and TRCA, as the Lead SPA, on behalf of the other two conservation authorities. The transfer payment agreement between MECP and TRCA is dated April 1, 2020.

The Management Committee comprised of the CEO/CAOs of the three conservation authorities recently agreed to submit a request to MECP to shift the lead authority responsibilities from TRCA to CVC. The rationale for the request is primarily that the total count for remaining Significant Drinking Water Threats in the CTC Source Protection Region is 424, and of these the majority (422) are located within CVC's source protection jurisdiction.

MECP has agreed that this shift in responsibility can be formalized through an amendment to Ontario Regulation 284/07 in 2021-2022 to assign the role of Lead SPA to CVC. A transfer payment agreement between MECP and CVC would be executed for the 2021-2022 fiscal year. MECP recommended that an interim agreement be established between the three conservation authorities to provide for the shift in responsibilities and funding for the current fiscal year.

AGREEMENT FOR INTERIM TRANSFER OF RESPONSIBILITIES AND FUNDING

The transfer of responsibilities shall become effective on the date this Letter Agreement is signed by all parties.

Schedule A to this Letter Agreement further outlines the interim transfer of responsibilities between the parties for the current fiscal year. Schedule B to this Letter Agreement outlines estimated funding arrangements for the current fiscal year, and requirements for CVC submission of invoices to TRCA for reimbursement.

CVC agrees to work together with TRCA to carry out the obligations of the Recipient under the transfer payment agreement between MECP and TRCA, which is appended as Schedule C to this Letter Agreement. CVC further agrees that where TRCA is required to submit documents to MECP, which rely on information received from CVC, that CVC shall execute any document or attestation required by TRCA, acting reasonably.

This Letter Agreement does not affect the existing responsibilities or associated cost estimates under the TPA 2020-2021 for CLOCA.

AMENDMENT TO ONTARIO REGULATION 284/07

The parties agree to work cooperatively with MECP to effect an amendment to Ontario Regulation 284/07 in 2021-2022 to assign the role of Lead SPA to CVC.

ACCEPTANCE

If the above terms are acceptable, please so indicate by signing this Letter Agreement in the space provided below and returning a signed copy to the undersigned.

Yours truly,

**TORONTO AND REGION CONSERVATION
AUTHORITY**

By: _____

Name: John MacKenzie
Title: Chief Executive Officer

Accepted and agreed to this 3rd day of November, 2020.

**CREDIT VALLEY CONSERVATION
AUTHORITY**

By: _____

By: _____

Accepted and agreed to this 6th day of November, 2020.

**CENTRAL LAKE ONTARIO CONSERVATION
AUTHORITY**

By: _____

By: _____

SCHEDULE A

TRANSFER OF RESPONSIBILITIES

The following responsibilities shall transfer from TRCA to CVC for the 2020-2021 fiscal year:

- a) Assist the Toronto and Region and Central Lake Ontario Source Protection Authorities in exercising and performing their powers and duties under the *Act*;
- b) Provide scientific, technical, planning, communications, direction and administrative support and resources to Toronto and Region and Central Lake Ontario Source Protection Authorities, as well as the CTC Source Protection Committee;
- c) Serve as a liaison between the Ministry and the Toronto and Region and Central Lake Ontario Source Protection Authorities;
- d) Submit the proposed Terms of Reference for the source protection areas in the CTC Source Protection Region, as well as the CTC Source Protection Plan to the Minister;
- e) Submit the Assessment Reports for the source protection areas in the CTC Source Protection Region to the Director, as described in the *Act*;
- f) Prepare and submit to the Minister, amendments to the CTC Source Protection Plan if ordered to do so by the Minister;
- g) In consultation with Toronto and Region and Central Lake Ontario Source Protection Authorities, be responsible for all official postings of information and Notices required by the *Clean Water Act, 2006* and its regulations, however, TRCA shall remain responsible for the website;
- h) Establish and appoint new members to the CTC Source Protection Committee for the CTC Source Protection Region;
- i) In consultation with the Toronto and Region and Central Lake Ontario Source Protection Authorities, recommend appointment of a CTC Source Protection Committee Chair to the Minister of the Environment, Conservation and Parks, as required;
- j) Co-ordinate the preparation of Terms of Reference, Assessment Reports and the CTC Source Protection Plan, as well as any amendments to these documents, so that they do not conflict with each another;
- k) Manage all financial transactions on behalf of the CTC SPR including invoicing for work performed by the participating SPAs
- l) Coordinate the submission of 2021-22 fiscal year activities and negotiate funding with the MECP on behalf of the CTC SPR.
- m) Provide leadership guidance to the CTC Project Manager on strategic matters.
- n) Assist the CTC Source Protection Committee in exercising and performing its powers and duties under the *Act*;
- o) Consider decisions and recommendations from the Management Committee regarding any significant changes to the Program or the staff organization of the Program; and
- p) Carry out any other functions prescribed by the regulations or as agreed to by the Parties.

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

TO: Chair and Members of the Toronto and Region Source Protection Authority
Friday, January 29, 2021 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **SUBMISSION OF SECTION 34 AMENDMENTS TO TORONTO AND REGION SOURCE PROTECTION AUTHORITY ASSESSMENT REPORT AND CTC SOURCE PROTECTION PLAN**

KEY ISSUE

To obtain endorsement from the Toronto and Region Source Protection Authority (TRSPA) to submit amendments to the TRSPA Assessment Report and the Credit Valley-Toronto and Region-Central Lake Ontario Source Protection Plan (CTC SPP) to the Ministry of the Environment, Conservation, and Parks (MECP).

RECOMMENDATION

THAT the Toronto and Region Source Protection Authority (TRSPA) endorses the recommendation of the Credit Valley-Toronto and Region-Central Lake Ontario (CTC) Source Protection Committee to submit amendments to the TRSPA Assessment Report and the CTC Source Protection Plan under Section 34 of the *Clean Water Act*, 2006 to the Ministry of the Environment, Conservation, and Parks (MECP);

AND FURTHER THAT staff be directed to take the necessary actions to prepare and transmit the required documents and information to the MECP.

BACKGROUND

The *Clean Water Act*, 2006 (CWA) and Ontario Regulation (O. Reg.) 287/07 allow for amendments to be made to Assessment Reports (AR) and Source Protection Plans (SPP). Under Section 34 of the CWA, a Source Protection Authority can make amendments that cannot wait until a more comprehensive Section 36 update and do not qualify as minor administrative amendments under Section 51. At Meeting #3/20 of the CTC Source Protection Committee (comprising Credit Valley, Toronto and Region and Central Lake Ontario Source Protection Authorities), held on November 23, 2020, by Resolution #23/20, the Committee endorsed technical work completed for the Aurora-Newmarket Wellfields for incorporation into the Approved Assessment Report for the Toronto and Region Source Protection Authority (TRSPA) and the CTC Source Protection Plan. The Committee also directed that the Toronto and Region Source Protection Authority complete the actions necessary to submit the revised Toronto and Region Assessment Report and the CTC Source Protection Plan to the Ministry of Environment, Conservation, and Parks (MECP) for approval.

RATIONALE

The Yonge Street Aquifer (YSA) Well Capacity Restoration Environmental Assessment project identified a new well location in Aurora aimed at recovering lost well capacity due to aging infrastructure and water quality issues within the existing YSA well system. In 2016, a new production well was constructed in Aurora (Aurora PW7). The wellfield is shown in **Attachment 1**. Although the existing maximum permitted water taking rates for the other YSA wells and the overall YSA maximum permitted capacity will remain the same, the changes in water takings will alter the existing Aurora and Newmarket Wellhead Protection Areas (WHPAs). A Drinking Water

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Works Permit is required prior to activation of Aurora PW7. The MECP will have a condition in this permit requiring an update to the Approved Assessment Reports for the TRSPA and Lake Simcoe and Couchiching/Black River Source Protection Areas, as well as the Approved Source Protection Plans for the South Georgian Bay Lake Simcoe (SGBLS) and CTC Source Protection Regions. In accordance with the *Clean Water Act*, 2006, the YSA water supply system underwent a vulnerability assessment in 2007 (EarthFx and Azimuth, 2007; revised in 2009) and a drinking water quality threats assessment in 2010 (Stantec, 2010). The introduction of Aurora PW7 to the YSA water supply system required an update to the YSA vulnerability and threats assessment (Vulnerable areas shown in Attachment 1). York Region staff presented the updated wellhead protection areas to the CTC SPC on October 8, 2019. CTC SPC Resolution #18/19 accepted the technical work for inclusion in the TRSPA Assessment Report and directed staff to complete the public consultation process and report back to the committee.

CTC and SGBLS staff completed a 35-day consultation process in February 2020. No comments were received from the public, but ongoing discussions and meetings with the MECP resulted in minor changes to the mapping of the extents of WHPAs B, C, and D. Within the TRSPA, these included a small expansion of the WHPA-D to the south. However, the increased area is less than 1 ha, and virtually indistinguishable from the previous mapping. There were no changes to the enumeration of significant drinking water threats in the TRSPA jurisdiction, since significant threats are not possible in a WHPA-D. MECP has provided preliminary direction to CTC and SGBLS staff regarding consultation on the minor changes to the mapping. Where the extent of vulnerable areas is reduced, MECP recommends notifying landowners or businesses that based on updated science and modeling, the area they are in is no longer identified as an area where significant drinking water threats can occur, and that therefore SPP policies no longer apply. This circumstance does not apply within the CTC Source Protection Region as significant threats are not possible in a WHPA-D.

The existing Source Protection Plan policies will adequately protect the new Aurora well with no additional policies anticipated as part of this amendment. Policies directed at the application of road salt (SAL 10-13), the handling and storage of dense non-aqueous phase liquids (DNAP-3), and the handling and storage of organic solvents (OS-3) will apply to moderate and low threats in the WHPA-D.

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:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

All costs related to this work are to be paid by the Province of Ontario through the 2020-2021 funding agreement between the TRCA and MECP.

DETAILS OF WORK TO BE DONE

Once endorsement by the Toronto and Region Source Protection Authority of proposed amendments has been obtained, staff will prepare the materials for submission to the Province. When the amendments are submitted and reviewed by the MECP, and following any further consultation that the Ministry considers advisable, the Ministry will advise that they have been approved. Amendments to the TRSPA Assessment Report and the CTC Source Protection Plan

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will be posted on the Environmental Registry of Ontario with a date that they will become effective.

Report prepared by: Don Ford, extension 5369

Emails: don.ford@trca.ca

For Information contact: Don Ford, extension 5369

**Scott Lister, Source Water Protection Program Manager and Risk Management Official,
Regional Municipality of York Tel: 877-464-9675, ext.75050 or 75139**

Emails: don.ford@trca.ca; Scott.Lister@York.ca

Date: December 4, 2020

Attachments: 1

Attachment 1: Aurora/Newmarket Wellfield with Wellhead Protection Areas A-D and
Vulnerability Scoring

Attachment 1: Aurora/Newmarket Wellfield with Wellhead Protection Areas A-D and Vulnerability Scoring

