

TO: Chair and Members of the Source Protection Authority
Meeting #01/19, Friday, April 26, 2019

FROM: Laurie Nelson, Director (A), Planning Policy

RE: **ANNUAL REPORTING – DRINKING WATER SOURCE
PROTECTION PROGRAM**

KEY ISSUE

To secure endorsement from the Toronto and Region Source Protection Authority (TRSPA) to report to the Ministry of the Environment, Conservation and Parks (MECP) that the Credit Valley – Toronto & Region – Central Lake Ontario (CTC) Source Protection Plan is progressing well and is on target to full implementation within the timelines outlined in the Plan.

RECOMMENDATION

IT IS RECOMMENDED THAT the TRSPA endorses the recommendation of the CTC Source Protection Committee (CTC SPC) to report to the Ministry of the Environment, Conservation and Parks (MECP) that the CTC Source Protection Plan (CTC SPP) is progressing well and is on target to full implementation within the timelines outlined in the Plan.

AND FURTHER THAT the comments from the CTC SPC be incorporated into correspondence from the Chair of the TRSPA to the Ministry of Environment, Conservation and Parks by the May 1st reporting deadline.

BACKGROUND

The CTC SPP was approved by the MECP in July 2015 and became effective on December 31, 2015. Municipalities, source protection authorities (SPAs), and various provincial ministries have been implementing policies within the plan since it became effective.

The CTC SPC had a variety of policy tools available in developing Source Protection Plan policies, including specific prescribed instruments and land use planning powers under the *Clean Water Act, 2006*. The legislation also introduced new powers (Part IV Powers) which allow specific activities to be regulated (prohibited or managed) in areas where these activities are, or could be, a significant drinking water threat. Lastly, the Committee had access to a number of 'softer' tools, such as education and outreach or incentive programs, which could be used to address existing or future significant drinking water threats, in combination with other 'tools' or alone.

The *Clean Water Act (CWA)*, 2006 establishes a requirement for annual progress reporting by the SPA to the MECP by May 1st for the previous calendar year. Those responsible for the implementation of policies in the CTC SPP submitted a report of their activities between January 1st and December 31, 2018 by February 1, 2019. Staff summarized the content of these reports and presented this information to the CTC SPC for their review on March 20, 2019. The CTC SPC is required to comment on the extent to which, in their opinion, the objectives set out in the source protection plan are being achieved. Comments received from the CTC SPC are being presented to the Credit Valley, Central Lake Ontario, and Toronto & Region Source Protection Authorities in April 2018 prior to submission to the Province.

ANALYSIS:

The MECP has provided three different categories (Progressing Well/On Target; Satisfactory/Limited Progress; No Progress) for source protection committees to select from in commenting on the extent to which the objectives set out in the source protection plan are being achieved. The CTC SPC communicated that the CTC SPP is **progressing well** in its implementation and is on target to all policies being executed within the timelines outlined in the Plan.

A summary of CTC SPP implementation follows below:

1) Prescribed Instruments (Timeline for Implementation: December 2018)

Description	Status
Prescribed instruments (PIs) are existing, regulatory tools under specific pieces of provincial legislation. These instruments allow the regulatory authority to impose conditions on existing and/or future activities that can be used to protect drinking water.	All Ministries responsible for issuing Prescribed Instruments to conform with policies in the CTC SPP have integrated source protection practices into their business processes.
Using existing regulatory tools such as Environmental Compliance Approvals under the <i>Environmental Protection Act, 1990</i> , avoids regulatory duplication. This means that, rather than creating a new tool, a policy in a SPP would point to an already-existing tool that fulfills the objective of the policy.	MECP staff (Waste Disposal Sites, Wastewater/Sewage) have reviewed all Environmental Compliance Approvals and Permits-To-Take-Water that were in place prior to December 31, 2015, the date when the CTC SPP took effect. Where appropriate these documents have been amended to include terms and conditions to ensure that any significant drinking water threat identified in the Assessment Reports are managed such they would not impact sources of drinking water.

2) Risk Management Plans (Timeline for Implementation: December 2020)

Description	Status
A Risk Management Plan (RMP) is a plan to manage a threat activity in an area where it is, or could be, a significant drinking water threat, which may include responsibilities and protocols of the person engaged in the threat activity. Risk Management Plans are intended to be negotiated between a Risk Management Official (RMO) and a person engaging in the threat activity. There are eight RMOs operating in the CTC SPR.	<p>63 RMPs have been negotiated with landowners and business owners in the CTC Source Protection Region (CTC SPR) since the CTC SPP took effect.</p> <p>77 <i>existing</i> significant drinking water threats in the CTC SPR have been managed through RMPs since the CTC SPP took effect.</p>

3) Prohibition (Timeline for Implementation: December 31, 2015 or June 30, 2016)

Description	Status
Prohibition of certain activities was employed by the CTC SPC for both existing and future activities. The prohibition of existing activities was only exercised when the Committee was convinced there was no other method to reduce risk to the drinking water source, or the degree/level of risk that the activity posed was unacceptably high or severe that it may not be permitted to continue.	21 <i>existing</i> significant drinking water threats have been prohibited in the CTC SPR since the CTC SPP took effect; 14 of these threats were in York Region.

4) Restricted Land Uses (Timeline for Implementation: December 31, 2015)

Description	Status
Section 59 (Restricted Land Uses) Notices ensure that activities in designated areas are assessed by the RMO to ensure compliance with either RMP or prohibition policies before the municipality issues a building permit or planning approvals. These Notices, when implemented prevent the unintentional approval of activities that are a significant threat to municipal drinking water.	<p>All municipalities have established business processes to 'flag' potential significant drinking water threats.</p> <p>226 Section 59 Notices were issued in the CTC SPR for activities to which neither a prohibition, nor a RMP applied since the CTC SPP took effect.</p> <p>28 Section 59 Notices were issued in the CTC SPR for activities to which a RMP policy applied since the CTC SPP took effect.</p>

5) Land Use Planning (Timeline for Implementation: At the time of the next review in accordance with s. 26 of the *Planning Act*)

Description	Status
<p>Land use planning policies could fall under the <i>Planning Act, 1990</i> or the <i>Condominium Act, 1998</i>. These policies may manage or eliminate (through prohibiting it from being established) a future threat activity through a land use policy that is implemented through land use planning decisions (such as Official Plans, Zoning By-laws and Site Plan Controls).</p> <p>Under Section 40 of the <i>Clean Water Act, 2006</i>, the Council of a municipality or a municipal planning authority that has jurisdiction in an area to which the source protection plan applies is required to amend its official plan to conform with the significant threat policies and designated Great Lakes policies set out in the source protection plan.</p>	<p>All municipalities with Planning Approval Authority under the <i>Planning Act</i> and the <i>Condominium Act, 1998</i> are implementing the land use planning policies in the CTC SPP. York Region was one of the first municipalities to integrate source protection planning policies into their Official Plan (2015).</p> <p>The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') was prepared and approved under the <i>Places to Grow Act, 2005</i> and updated July 1, 2017. Upper Tier municipalities in the CTC Source Protection Region (CTC SPR) are expected to review and update their Official Plans to conform with the updated Growth Plan by July 2022; lower tier municipalities must conform within 1 year of their upper tier counterparts. The majority of municipalities in the CTC SPR have plans to complete their Municipal Comprehensive Review for conformity with the CTC SPP and the Growth Plan, 2017 in unison.</p>

6) Education and Outreach (Timeline for Implementation: December 2017)

Description	Status
<p>Approaches used to inform stakeholders about the actions they can and should take to protect municipal drinking water without compelling compliance through approvals, permits, or enforcement.</p>	<p>All municipalities have implemented source protection related education and outreach initiatives including the development and distribution of educational materials, in-person workshops, content for websites, educational videos, presentations at schools, and / or water treatment plant tours.</p>

7) Incentive Programs (Timeline for Implementation: December 2017)

Description	Status
<p>These programs provide the positive motivation for a voluntary change in behaviour. Such approaches are primarily monetary in nature, but could include discounted fees or recognition.</p>	<p>Such policies in the CTC SPP were for the municipality to consider providing incentive programs to encourage actions to reduce the risks to source water.</p> <p>A number of municipalities have provided financial support in favour of incentive programs including:</p> <ul style="list-style-type: none"> - Well decommissioning grant program to eliminate transport pathways (Peel Region); - Implementation of best management practices on rural properties (many municipalities); - Subsidized sale of rain barrels (Town of Orangeville, Halton Region); and - Implementation of risk management measures required for Risk Management Plans (York Region).

8) Specify Action (Timeline for Implementation: December 2017)

Description	Status
<p>“Strategic” and “Specify Action” policies outline a discretionary obligation recommended to achieve the objectives of the source protection plan and are non-legally binding. A number of Specify Action policies are included in the CTC SPP to achieve the objective of the plan: the protection of sources of drinking water.</p>	<p>Over 99% of the required sewage system inspections in the CTC SPR have been completed in accordance with the timeline outlined in the Mandatory Septic System Inspection Protocol, including 36 inspections completed in the Peel Region and 75 in York Region.</p> <p>The Town of Orangeville has carried out a research program to assess the impact of the Town’s Water Pollution Control Plan outfall on increasing chloride levels at one of its municipal wells.</p> <p>The Ministry of the Environment, Conservation and Parks, Durham Region, Peel Region, and the City of Toronto have established the Lake Ontario Collaborative Group to undertake actions to support the implementation of policies protecting the</p>

	<p>western basin of Lake Ontario. This group was created to:</p> <ul style="list-style-type: none"> • Establish year-round monitoring of Lake Ontario circulation and water quality; • Create a data sharing framework allowing access by all partners; • Maintain specialized modelling expertise to undertake spills scenario modelling; • Reviewing procedures & protocols to improve communication during incidents; and • Considering how to use modelling results and in-lake current monitoring data, when available. <p>The Town of Orangeville and Halton Region are continuing to monitor water quality monthly at municipal wells with increased sodium, chloride, and nitrate concentrations. Credit Valley Source Protection Authority (CVSPA) staff have provided technical support to both municipalities.</p>
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Comments from CTC Source Protection Committee

At Meeting #1/19 held on March 20, 2019, the Committee requested that the following commentary be forwarded to the Ministry:

A number of policies are included in the CTC SPP to protect Lake Ontario as a source of high quality drinking water. The Committee felt that these policies were best directed at the Ministry of the Environment, Conservation and Parks given its ability to influence various stakeholders. Since these policies are discretionary, the Committee is concerned that not all components of the policies will be implemented.

Lake Ontario is the only source of drinking water for the City of Toronto and the primary source for the Regions of Peel, York, and Durham. Several million Ontarians live and work in these municipalities. Considerable time and effort by the CTC SPC was spent in developing the content of the policies intended to protect Lake Ontario from spills. The City of Toronto, Peel Region, and Durham Region commit to funding the actions in the Lake Ontario policies. It is necessary that the MECP make the implementation of these policies a priority.

NEXT STEPS

To comply with the annual reporting requirements under the *Clean Water Act, 2006*, the CTC SPR will submit the Annual Progress Reporting results, including the comments received from the CTC SPC, to the MECP by May 1, 2019. In addition, the CTC SPR will post the Source Protection Annual Progress Report, the 10-page summary report from the CTC SPC, on the CTC SPR website (www.ctcswp.ca) by May 1, 2019.

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Date: April 16, 2019

Attachments: 2

Attachment 1: 2018 CTC Source Protection Plan Annual Progress Report

Attachment 2: Annual Reporting Submission Letter to MECP from TRSPA