

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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