

Ministry of the Environment,
Conservation and Parks

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

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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.