

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

TO: Chair and Members of the Toronto and Region Source Protection Authority
Meeting #1/20, Friday, May 22, 2020

FROM: Laurie Nelson, Director, Policy Planning

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

KEY ISSUE

Endorsement of the Toronto and Region Source Protection Authority (TRSPA) to report to the Ministry of the Environment, Conservation and Parks that implementation progress of the Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Protection Plan is progressing well, but short of target between January 1 and December 31, 2019.

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 (SPC) to report to the Ministry of the Environment, Conservation and Parks that implementation progress of the CTC Source Protection Plan is progressing well, but short of target;

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 June 1st reporting deadline and that staff be directed to submit the Annual Progress Report and accompanying documents.

BACKGROUND

The Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Protection Plan (SPP) was approved by the Minister of the Environment and Climate Change 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 Source Protection Committee (CTC SPC) had access to a variety of policy tools in developing Source Protection Plan policies, inclusive of 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 for 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 also had access to ‘softer’ tools, such as education and outreach or incentive programs, which could be applied 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 Ministry of the Environment, Conservation and Parks (MECP) by May 1st for the previous calendar year. Under the present circumstances related to the Novel Coronavirus (COVID-19) pandemic, the Toronto and Region Source Protection Authority, along with Credit Valley and Central Lake Ontario Source Protection Authorities were approved for a one-month extension to June 1st, 2020 to submit the 2019 Annual Reports.

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Those responsible for the implementation of policies in the CTC Source Protection Plan (CTC SPP) were required to submit a report of their activities between January 1st and December 31, 2019 by February 1, 2020. Staff summarized the content of these reports and presented this information to the CTC SPC for their review on April 29, 2020. 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 and Region Source Protection Authorities for endorsement in May 2020, prior to submission to the Province by June 1st.

RATIONALE

Of the 10,198 existing significant drinking water threats that were found in the CTC Source Protection Region (SPR) at the time the CTC SPP became effective, only 424 remain at the end of the fourth year of implementation (January 1 – December 31, 2019). All municipalities have implemented most significant drinking water threat policies in the CTC SPP. Most municipalities are in the process of implementing policies to address moderate and low threat policies.

The remaining 424 existing drinking water threats will be managed through 251 Risk Management Plans (RMPs), so they cease to be a significant threat to municipal sources of drinking water. Ten (10) of these RMPs fall within the Region of Peel and are needed to address 13 existing drinking water threats. These threats were recently added to the list of enumerated threats as a result of a new drinking water well at the Alton wellfield becoming operational in 2019. The CTC SPP does not address timelines for the completion of RMPs as a result of amendments, such as having a new municipal drinking water wells becoming operational. This issue will be addressed by the CTC SPC at their June 23, 2020 meeting. It is possible that the CTC SPC, with approval from the MECP, will amend the timelines in the CTC SPP so that all RMPs required to address existing threats as a result of a new drinking water well or intake be completed within three years.

Excluding the RMPs still to be negotiated in Peel Region as a result of the Alton wellfield amendment, there are still 241 RMPs necessary to address 411 significant drinking water threats. The distribution of RMPs and existing threats across the CTC SPR are as follows:

- Town of Mono - 8 threats, 7 RMPs;
- Township of Amaranth – 4 threats, 3 RMPs;
- Region of Peel – 1 threat, 1 RMP;
- Region of Halton – 229 threats, 165 RMPs;
- York Region – 2 threats, 2 RMPs;
- Town of Orangeville – 99 threats, 40 RMPs;
- Town of Erin – 68 threats, 23 RMPs; and
- Township of East Garafraxa – No threats.

The current timeline in the approved CTC SPP (2015) states that all RMPs to address existing significant drinking water threats must be completed by December 31, 2020. On an annual basis, there is great variation across municipalities in the length of time needed to create a RMP based on its complexity, the number of threats being addressed through the Plan, and the willingness of the parties carrying out the activity(ies) to negotiate the parameters of the plan. Discussions with source protection staff at these municipalities have concluded that for these reasons, as well as the restrictions currently in place as a result of the COVID-19 pandemic, it will be impossible for the Town of Erin, Halton Region, and the Town of Orangeville to meet the 2020 deadline for the completion of RMPs. The CTC Source Protection Committee rendered a

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decision to submit correspondence to the MECP requesting a 3-year extension to the December 2020 deadline to complete the remaining RMPs at Meeting #2/20 held on May 13, 2020.

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. At Meeting #1/20 held on April 29, 2020, the CTC SPC communicated that implementation of the CTC SPP is progressing well, but short of target (Attachment 1). The Committee felt that since 96% of the existing significant drinking water threats have been addressed, this shows tremendous progress. However, given that 241 RMPs will not meet the timeline outlined in the CTC SPP and the Committee is contemplating an extension to this deadline, progress falls just short of target. A summary of CTC SPP implementation follows below. This information is also presented in a public-friendly document attached (Attachment 2) to this report.

Prescribed Instruments (Timeline for Implementation: December 2018 for existing threats; ongoing for potential future threats)

Implementation Status: Progressing Well/On Target

Prescribed instruments (PIs) are regulatory tools under specific pieces of provincial legislation. These prescribed instruments allow the regulatory authority to impose conditions on existing and/or future activities that can be used to protect drinking water. Using existing regulatory tools such as environmental compliance approvals under the Environmental Protection Act, 1990, 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.

- All ministries responsible for issuing prescribed instruments to conform with policies in the CTC SPP have integrated source protection practices into their business processes.
- Between January 1 and December 31, 2019, 19 applications submitted to provincial ministries underwent a detailed review to ensure conformity with the CTC SPP across the CTC Source Protection Region. These reviews include:
 - One (1) permit for fuel handling and storage at a municipal residential drinking water system;
 - Sixteen (16) environmental compliance approvals for wastewater or sewage works; and
 - Two (2) aggregate licenses.

Part IV Tools (Timeline for Implementation: December 2020)

Implementation Status: Satisfactory/Limited Progress

A risk management plan (RMP) (Section 58 of the *Clean Water Act, 2006*) is a plan formulated to manage a threat activity in an area where it is, or could be, a significant drinking water threat, and 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.

- 41 RMPs were agreed to or established within the CTC SPR (for existing and future significant drinking water threats) between January 1 and December 31, 2019

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- 52 properties (parcels) had RMPs agreed to or established between January 1 and December 31, 2019
- 84 existing significant drinking water threats have been managed through established RMPs between January 1 and December 31, 2019
- 29 RMPs were in-progress at the end of December 31, 2019

Prohibition of certain activities was employed by the CTC SPC for both existing and future activities (Section 57 of the *Clean Water Act, 2006*). The prohibition of existing activities was exercised only 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.

- Since the CTC SPP took effect in December 2015, seven existing significant drinking water threats in the CVSPA have been prohibited. These threats were related to the application of agricultural source material (i.e., manure) and non-agricultural source material (i.e., biosolids), as well as livestock grazing. These seven threats were primarily located in the Wellhead Protection Area (WHPA-A) within 100 metres of the municipal well. The CTC SPP required all existing significant drinking water threats subject to prohibition to cease to exist within six months of the CTC SPP becoming effective. In 2019, no existing significant drinking water threats were prohibited.

Section 59 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.

- 31 Section 59 notices were issued in the CTC SPR for activities which upon review, neither a prohibition, nor a RMP applied during this reporting period. Of these Notices, one (1) was issued in York Region.
- 11 Section 59 Notices were issued in the CTC SPR for activities to which a RMP policy applied during this reporting period.

Land Use Planning

Implementation Status: Progressing Well/On Target

The *Clean Water Act, 2006* allows the use of land use planning policies under the *Planning Act, 1990* or the *Condominium Act, 1998* to address future significant drinking water threats. These policies manage or eliminate a future threat activity. Municipalities are required to incorporate these policies into their official Plans, zoning by-laws, and site plan controls.

Under Section 40 of the *Clean Water Act, 2006*, 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.

- All municipalities are implementing the land use planning policies to address significant drinking water threats in the CTC SPP.
- The majority of municipalities in the CTC SPR are in the process of completing the exercise to ensure that their Official Plan conforms with the CTC SPP.

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- The Regions of Peel, Halton, York and Durham are currently moving through the municipal comprehensive review process to incorporate CTC Source Protection Plan policies into the next iteration of their regional official plans, as part of the conformity exercise with the Growth Plan for the Greater Golden Horseshoe (i.e., July 2022 for the Regional municipalities, July 2023 for lower tier municipalities).

Education and Outreach (Timeline for Implementation: December 2017)

Implementation Status: Progressing Well/On Target

A number of approaches are being 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. All municipalities with existing significant drinking water threats were required to implement education and outreach programs by December 2017 and activities continue annually to advance the stakeholder knowledge of the Drinking Water Source Protection Program. These activities include the development and distribution of educational materials, in-person workshops, content for websites, educational videos, presentations at schools, and / or water treatment plant tours.

Incentive Programs (Timeline for Implementation: December 2017)

Implementation Status: Progressing Well/On Target

Such programs provide the positive motivation for a voluntary change in behaviour. Such approaches are not solely monetary in nature but could include discounted fees or recognition.

A number of municipalities have provided financial support in favour of incentive programs including:

- A well decommissioning grant program to eliminate transport pathways (Peel);
- Financial assistance to rural landowners (Wellington, Peel, York);
- Subsidized sale of rain barrels (Orangeville, Halton);
- Risk Management Measures required for risk management plans and
- Toilet rebate program (Halton).

Specify Action (Timeline for Implementation: December 2017)

Implementation Status: Progressing Well/On Target

These policies specify an action to be taken to achieve the SPP objectives.

- The Province, Durham Region, Peel Region and the City of Toronto participate in a Lake Ontario Collaborative Group, whose role is to undertake action to protect Lake Ontario as a source of drinking water. Participation in this group, along with other actions taken by the municipalities and the Province address 32 locations in CTC SPR's jurisdiction where significant drinking water quality threats to intakes on Lake Ontario were identified.
- The Town of Orangeville has completed a research program to determine the impact, if any, of the town's water pollution control plan (WPCP) outfall on increasing chloride levels at well 10, one of its municipal wells. The monitoring results indicate that there is minimal impact of the WPCP effluent on well 10.

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- The Town of Orangeville and the Region of Halton are undertaking monthly water quality monitoring at municipal wells with increased sodium, chloride, and nitrate concentrations. Credit Valley Source Protection Authority staff have been providing technical support to both municipalities.
- Over 99% of the required sewage system inspections have been completed in accordance with the timeline outlined in the Mandatory Septic System Inspection Protocol. These mandatory inspections are required to be completed every five years. With the first round of inspections completed as mandated by January 2017, most municipalities are beginning to initiate their second round of inspections, which are required to be complete by January 2022.

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

This report supports the following strategy 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

Funding has been provided to Toronto and Region Conservation Authority (as the lead Source Protection Authority in the CTC SPR) through a transfer payment agreement with the MECP. The financial resources to support staff time and the CTC SPC to advance and maintain the Drinking Water Source Protection Program are provided through this agreement. Provincial funding is continuing through the April 2020-March 2021 fiscal year.

DETAILS OF WORK TO BE DONE

To comply with the annual reporting requirements under the *Clean Water Act, 2006*, through the TRSPA, the CTC SPR will submit the annual progress reporting results received by the CTC SPC, to the MECP by June 1, 2020 (Attachment 2). This submission is accompanied by comments provided on the CTC SPC to the TRSPA (Attachment 1). The TRSPA may, at their discretion, submit their own supplementary comments. In addition, the CTC SPR will post the Source Protection Annual Progress Report, the ten-page summary report from the CTC SPC, on the CTC SPR website (www.ctcswp.ca) by June 1, 2020.

Report prepared by: Jennifer Stephens, 416-892-9634

Email: jennifer.stephens@trca.ca

For Information contact: Jennifer Stephens, 416-892-9634

Email: jennifer.stephens@trca.ca

Date: May 13, 2020

Attachments: 1

Attachment 1: Correspondence from D. Wright, Chair of CTC SPC to J. Innis, Chair, Toronto and Region Source Protection Authority, Dated April 30, 2020

Attachment 2: 2019 Annual Progress Report