

CREDIT VALLEY SOURCE PROTECTION AUTHORITY

Friday, December 14, 2018
CVC Administration Office
1255 Old Derry Road, Mississauga, ON

MEMBERS

N. (Nando) Iannicca (Chair)
D. (Don) MacIver (Vice Chair)
T. (Tom) Adams
J. (John) Brennan
G. (Gail) Campbell
D. (David) Cook
J. (Johanna) Downey
B. (Bob) Inglis
M. (Martin) Medeiros
M. (Michael) Palleschi
K. (Karen) Ras
R. (Ron) Starr

Pages

1. APPROVAL OF AGENDA

Recommended Resolution:

RESOLVED THAT the agenda be approved as distributed.

2. DECLARATION OF CONFLICT OF INTEREST

3. MINUTES OF PREVIOUS MEETING

Recommended Resolution:

RESOLVED THAT the minutes of the 21st meeting of the Credit Valley Source Protection Authority held April 13, 2018 be adopted.

4. PRESENTATION / DELEGATION

5. BUSINESS ARISING FROM MINUTES

6. NEW BUSINESS STAFF REPORTS

6.1 SUBMISSION OF SECTION 34 COMPLETED AMENDMENTS AND SECTION

36 WORKPLAN TO AMEND THE CTC SOURCE PROTECTION PLAN

A report on the above mentioned subject as submitted by Kerry Mulchansingh, Program Manager, Hydrogeology; and Gayle Soo Chan, Director, Watershed Knowledge is included in the agenda package as Schedule 'A'.

Recommended Resolution:

THEREFORE BE IT RESOLVED THAT the report entitled "Submission of Section 34 Completed Amendments and Section 36 Workplan to Amend the CTC Source Protection Plan" be received and appended to the minutes of this meeting as Schedule 'A'; and

THAT the CVSPA endorses the submission of the amendments through Section 34 of the Clean Water Act, 2006 to the Ministry of the Environment, Conservation and Parks which includes feedback from municipal stakeholders received during consultation; and further

THAT the CVSPA endorses the submission of the five year workplan by December 21, 2018 outlining the review schedule, the proposed amendments, and details pertaining to the completion of these Section 36 amendments to the Ministry of the Environment, Conservation and Parks for an updated CTC Source Protection Plan by December 1, 2024.

7. **CORRESPONDENCE/INFORMATION ITEMS DISTRIBUTED TO MEMBERS**
8. **NOTICE OF MOTION**
9. **QUESTION PERIOD**
10. **OTHER BUSINESS**
11. **MEETING ADJOURNED**

TO: The Chair and Members
of the Board of Directors,
Credit Valley Source Protection Authority (CVSPA)

SUBJECT: **SUBMISSION OF SECTION 34 COMPLETED
AMENDMENTS AND SECTION 36 WORKPLAN TO
AMEND THE CTC SOURCE PROTECTION PLAN**

PURPOSE: To obtain endorsement from the Credit Valley Source Protection Authority (CVSPA) to submit the completed amendments (S 34) and future workplan (S 36) regarding updates to the CTC Source Protection Plan (CTC SPP) by December 21, 2018 to the Ministry of the Environment, Conservation, and Parks (MECP).

BACKGROUND:

The *Clean Water Act*, 2006 (CWA) and Ontario Regulation (O. Reg. 287/07) allow for amendments to be made to a Source Protection Plan (SPP) under four conditions. The four Sections of the *Act* and Regulation which describe amendments are outlined in the Figure 1.

4 Types of Revisions	Examples
s.34 Amendment (CWA) <i>(SPA Proposes)</i>	<ul style="list-style-type: none"> • New/expanded systems • Completion of technical work • <i>e.g., water budgets</i>
s. 35 Order (CWA) <i>(Minister's Order)</i>	<ul style="list-style-type: none"> • Minister's discretion • <i>e.g., authority unable to obtain municipal support for amendments</i>
s. 36 Update (CWA) <i>(Mandatory Review)</i>	<ul style="list-style-type: none"> • Most plan revisions • <i>e.g., new policies, new technical work</i>
s. 51 (O.Reg.287/07) <i>(SPA's Discretion)</i>	<ul style="list-style-type: none"> • Minor administrative errors • <i>e.g., correction of typos, spelling, etc.</i>

Figure 1: Options for Amendments to Source Protection Plans under the *Clean Water Act*, 2006.

SCHEDULE 'A'
PAGE -2-
2018-12-14

Section 34, in particular, allows the Source Protection Authority (SPA) to make amendments that cannot wait until the Section 36 update (stipulated update timeline). These are amendments that do not qualify as minor administrative amendments under Section 51. Amendments that are appropriate to make under Section 34 include those that are necessary to ensure new or expanded municipal sources of drinking water are protected, incorporate important information not available at the time the plan was first approved, and ensure that critical implementation issues are addressed. These changes are required to be made on an ongoing basis and are to be included in annual and interim workplans as need be. This year the Section 36 workplan includes upcoming Section 34 updates.

At CTC Source Protection Committee (CTC SPC) meeting #1/16, held on November 28, 2016, by Resolution #5/16, the CTC SPC authorized the formation of an Amendments Working Group (WG) to work with staff and municipal partners to develop recommendations for amendments to the CTC Source Protection Plan (CTC SPP). The Amendments WG has met on multiple occasions to discuss necessary amendments to the Credit Valley Assessment Report (CVAR), as well as the CTC Source Protection Plan (CTC SPP).

Section 34 Amendments (Attachment A: CTC SPP – Notice of Amendments)

On July 1, 2018 a new regulation under the *Safe Drinking Water Act, 2002* (O. Reg. 205/18) and amendments to the General Regulation under the *Clean Water Act, 2006* (O. Reg. 287/07) came into effect. The new regulation under the *Safe Drinking Water Act, 2002* requires that municipalities work with source protection authorities to ensure new and changing municipal residential drinking water systems are included in source protection plans. The Region of Peel has had new technical work completed at the Caledon East and Inglewood Drinking water systems which needs to be incorporated into the Toronto and Region and Credit Valley Assessment Reports, respectively. This also results in changes to the CTC SPP. Given that the Region of Peel will not be able to provide drinking water to residents from the Inglewood drinking water system until the new technical work has been approved by the province in a revised source protection plan, a Section 34 amendment is the best approach to avoid further delays.

Section 36 Workplan – Attachment B: CTC SPR Section 36 Workplan)

Under Section 36 of the *Clean Water Act, 2006*, when a source protection plan is approved, an order must be given that governs the review of the plan. The mandated review of the CTC SPP indicated by the Province is November 2018, three years after the approval of the CTC SPP in 2015. Pursuant to clauses 36 (1) (c) and (d), and as an initial step in the development of detailed requirements that will govern the CTC Source Protection Plan's review, the Toronto and Region Source Protection Authority shall prepare and submit a workplan to the Ministry of the Environment, Conservation, and Parks (MECP).

The workplan is intended to outline steps for the review of the CTC Source Protection Plan, including which portions of the plan are to be reviewed, the timeframes for each step of the review, the consultation that would be undertaken as part of the review, and

SCHEDULE 'A'
PAGE -3-
2018-12-14

rationale for each step. A summary of how the workplan was developed is also to be included in the submission to the Province. The workplan is required to be developed in consultation with the CTC Source Protection Committee, participating municipalities in the CTC Source Protection Region, and the Source Protection Programs Branch of the MECP. The workplan also includes a summary of recently completed and planned Section 34 updates.

The development of the Section 36 workplan must take into consideration any experience that has been gained from implementing the CTC Source Protection Plan and information from the first annual progress report on the plan's implementation (submitted in May 2018). The workplan must be submitted to the MECP no later than December 21, 2018.

ANALYSIS:

At the Credit Valley Source Protection Authority (CVSPA) Meeting, held on October 13, 2017, the authority endorsed (Resolution # 03/CVSPA/17) the recommendation of the CTC Source Protection Committee (CTC SPC) to proceed with Section 34 amendments to the Toronto and Region and Credit Valley Assessment Reports, as well as the CTC Source Protection Plan.

At Meeting #3/18, held on September 19, 2018, the CTC Source Protection Committee (CTC SPC) endorsed a number of recently completed and anticipated future updates (longer-term) to the Assessment Report and CTC Source Protection Plan. The recently completed amendments have been addressed through Section 34 of the *Clean Water Act, 2006* and have culminated in a recent submission to the province.

Key amendments being submitted to the province under Section 34 at this time, include the revision of policies to ensure enhanced implementation of the SPP based on three years of implementation experience and technical updates associated with new water supply wells in Peel Region. On November 20, 2018, the Amendments Working Group reviewed and confirmed their support of the final amendments after consideration of feedback from the Source Protection Programs Branch of the Ministry of the Environment, Conservation and Parks (MECP).

As the lead source protection authority for the CTC Source Protection Region, the responsibility falls to the Toronto and Region Source Protection Authority (TRSPA) to endorse and submit amendments to the CTC Source Protection Plan. On November 30, 2018, the TRSPA endorsed the amendments carried out under Section 34 of the *Clean Water Act, 2006*. Staff generally endeavors to bring a report for information to the local source protection authority prior to the lead authority. In this particular case, however, it was essential to get the endorsed report to the province expeditiously to ensure that municipal operations were not unduly delayed. Municipal elections and Board schedules presented a challenge and so a decision was made to seek endorsement from the lead authority first (the Board schedule for the TRSPA allowed for this). Staff prepared the amendments and the necessary accompanying materials for submission to the MECP shortly after the TRSPA Board of Directors approval on November 30, 2018. Once the

amendments are reviewed by the ministry, and following any further consultation that the ministry considers advisable, the ministry will advise that they have been approved. Amendments to the CTC Source Protection Plan will be posted on the Environmental Bill of Rights Registry with a date that they will become effective.

Anticipated future updates to the CTC SPP will be completed under Section 36, which includes new or updated well head protection areas and vulnerability scoring as a result of revised surface and groundwater modeling, the addition of policies to fill implementation gaps, and a reassessment of water quality results with exceedances of certain standards, have been planned to take place over a period of five years beginning in 2019 and ending in 2024. The CTC 2019 Section 36 five year workplan also includes upcoming known Section 34 updates. A summary of these anticipated future updates to the CTC SPP are outlined in Tables 1 and 2 (Schedule 'A', Appendix 1) which have been circulated along with a more elaborate workplan to members of the CTC SPC, the MECP, as well as municipalities in the CTC Source Protection Region for feedback through an informal consultation period lasting 29 days.

The Source Protection Plan and its corresponding Assessment Reports were designed as living documents. New and revised technical information (i.e., maps, threat counts) will continually need to be updated based on drinking water supplies being brought into service or taken out of service or policies being implemented. The intent of the activities listed in Tables 1 and 2 is to update the SPP since its approval in July 2015.

Following the informal consultation period, feedback from municipalities, the MECP, and the CTC SPC will be incorporated into a final version of the proposed workplan during the week of December 17, 2018. The workplan will be submitted to the MECP by December 21, 2018. Once the workplan is submitted and reviewed by the ministry, and following any further consultation that the ministry considers advisable, a further order can be issued by the MECP under Section 36 that specifies more detailed requirements outlining the content and timeframes that will govern the review of the CTC Source Protection Plan.

COMMUNICATIONS PLAN:

For the Section 34 amendments, as with the preparation of the Assessment Reports and the CTC Source Protection Plan, there are regulatory requirements under the *Clean Water Act, 2006* and O. Reg. 287/07 to consult with municipalities, various ministries, and landowners affected by the policies in the source protection plan prior to proposed amendments being submitted to the Ministry for approval. An additional requirement under Section 34 of the *Clean Water Act, 2006*, is that source protection authorities must obtain a municipal council resolution from each municipality affected by the proposed amendments.

Between May and October 2018, with the assistance of municipal staff, these council resolutions were obtained with two exceptions. The Region of Peel and the Town of Caledon will be required to obtain council resolutions endorsing the technical

amendments associated with the Caledon East and Inglewood drinking water systems in February 2019.

Between October 12 and November 15, 2018, a period of public consultation (35 days) was carried out to allow members of the general public, municipalities, and provincial ministries to provide formal comments on the proposed amendments. Notices advising of this public consultation were published on the CTC Source Protection Region website (www.ctcswp.ca) and in local newspapers, where appropriate (i.e., the Caledon Citizen). The proposed amendments were also published on the CTC SPR website (www.ctcswp.ca) and hard copies made available at various locations. Minor and supportive formal comments were received from the MECP and one municipality.

There are no communications implications for the Section 36 workplan.

FINANCIAL IMPLICATIONS

Section 34 amendments were funded by the Municipalities. Funding to support the activities of CTC and CVSPA staff was provided by the province.

For Section 36 work, the coordination of all local source protection related activities is funded by the province through a Grant Funding Agreement. This has been the case since the inception of the Drinking Water Source Protection Program in 2005. In the CTC Source Protection Region, this funding is used to support regional staff working with all three source protection authorities, as well as local staff (i.e., CVSPA staff). The workplan described in this report will begin on April 1, 2019 subject to completing the funding arrangements. Typically, the province issues a call for proposals to request funding for the following fiscal year in November or December of the preceding calendar year. The call for proposals has not yet been received for the 2019-2020 fiscal year.

Costs related to the Drinking Water Source Protection Program include those affiliated with implementation of policies in the CTC SPP and the completion of new technical work associated with plans for a new water well to supply drinking water to residents. These costs are borne by the municipality responsible for the drinking water system. Mechanisms for recovery of these costs are available to municipalities in the *Clean Water Act, 2006*.

Conservation Ontario and its partner conservation authorities are working collaboratively to ensure that there is sufficient rationale for the continued shared funding model between municipalities and the Province of Ontario.

RECOMMENDED RESOLUTION:

THEREFORE BE IT RESOLVED THAT the report entitled "Submission of Section 34 Completed Amendments and Section 36 Workplan to Amend the CTC Source Protection Plan" be received and appended to the minutes of this meeting as Schedule 'A'; and

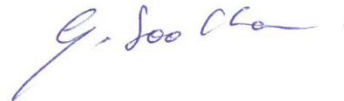
THAT the CVSPA endorses the submission of the amendments through Section 34 of the Clean Water Act, 2006 to the Ministry of the Environment, Conservation and Parks which includes feedback from municipal stakeholders received during consultation; and further

THAT the CVSPA endorses the submission of the five year workplan by December 21, 2018 outlining the review schedule, the proposed amendments, and details pertaining to the completion of these Section 36 amendments to the Ministry of the Environment, Conservation and Parks for an updated CTC Source Protection Plan by December 1, 2024.

Submitted by:



Kerry Mulchansingh
Program Manager, Hydrogeology



Gayle SooChan
Director, Watershed Knowledge

Recommended by:



Deborah Martin-Downs
Chief Administrative Officer

Table 1: Proposed Review and Updates to CTC Source Protection Plan - Policy Related

Update	Description of Proposed Review and Update	Applicable Document	Timeline	Consultation	Financial Responsibility for Update
1	Consider update to DNAP-1 and DNAP-2 policies to include the addition of exception for small quantities.	CTC SPP, ED	April 2019 – March 2021	Implementing Bodies (municipalities, Risk Management Official, MECP, OMAFRA, pipeline owners), CTC SPC	CTC SPR through Program Maintenance Funding
2	Review of agricultural source material policies (ASM-2, ASM-4) for gaps related to allowing a risk management plan (RMP) when a Nutrient Management Plan (NMP)/Strategy (NMS) is required, but has expired; or when a Nutrient Management Plan is voluntarily in place.				
3	Review of Policies ASM-1 and ASM-2: in particular duplication of requirements where NMP/NMS in place on a property where a risk management plan (RMP) is also required (i.e., soil testing).				
4	Review of the need for prohibiting the application of commercial fertilizer in Wellhead Protection Area-A.				
5	Consider changing implementation body in Lake Ontario policies.				
6	Consider addition to Policy LO-NGS-1 requiring that Ontario Power Generation designate an appropriate lead for source protection considerations.				
7	Consider the transportation of substances as a local threat. If deemed a local threat, create a specify action policy to address the this threat.	CVAR, TRAR, CLOAR, CTC SPP, ED	April 2020 – March 2022	Anticipated pre-consultation on potential policy implications, 35-day public consultation period	
8	Create policy to require signage at boundaries of most vulnerable areas (i.e., WHPA-A).	SPP, ED	April 2019 – March 2021		
9	Consider the creation of a policy or policies to address transport pathways.		April 2023 – March 2024		
10	Consider the need for new source protection plan policies to prevent future drinking water threats.				
11	Re-evaluate the appropriateness of a risk management plan approach for all agricultural policies currently requiring prohibition outside of the WHPA-A.				
12	Review need for new policies as a result of adding liquid hydrocarbon pipelines as a prescribed threat.				

Table 2: Proposed Review and Updates to CTC Source Protection Plan - Technical Related

Update	Description of Proposed Review and Update	Applicable Document	Timeline	Consultation*	Financial Responsibility for Update
13	Review of 'Nitrate Issue' designation at Acton Drinking Water System based on additional water quality monitoring data and research results.	CVAR	March – June 2024	Halton Region, CVSPA, CTC SPC, MECP	Halton Region
14	Review of 'Chloride Issue' designation at Georgetown Drinking Water System based on additional water quality monitoring data.	CVAR			Halton Region
15	Review of 'Sodium and Chloride Issue' designations at Orangeville Drinking Water System based on additional water quality monitoring data.	CVAR		Town of Orangeville, CVSPA, CTC SPC, MECP	Town of Orangeville
16	Group all significant groundwater recharge areas (SGRA) polygons previously scored 2,4,6 into one area with no score. Revision to map in each Assessment Report.	CVAR, TRAR, CLOAR	April 2019- March 2020	Municipalities, SPAs, CTC SPC, MECP	CTC SPR through Program Maintenance Funding
17	Update Assessment Reports to reflect the new prescribed significant threat per <i>Clean Water Act, 2006</i> (O. Reg. 287/07) - liquid hydrocarbon pipeline.		April 2020 – March 2022	Pipeline Owners, Municipalities, CTC SPC, MECP	
18	Incorporation of climate change considerations based on direction from the Source Protection Programs Branch.		Municipalities, MECP, SPAs, CTC SPC		
19	Incorporate updated conceptual and groundwater model (Durham Region) results from numerical modeling into Water Budget Chapters.	CLOAR, TRAR	January 2019- March 2021	Durham Region, Township of Uxbridge, MECP, SPAs, CTC SPC, landowners	Durham Region
20	Revise WHPA delineations for Uxville Drinking Water System as a result of model refinement and update.	TRAR			
21	Incorporate updated modeling (Peel Region) results into Water Budget Chapters (including conceptual model update, groundwater model, surface water model, and modelling scenarios).	CVAR, TRAR		Peel Region, Town of Caledon, MECP, SPAs, CTC SPC, landowners	Peel Region
22	Evaluate water quantity stress at subwatershed 13 and need for Tier 3 assessment.	CVAR			
23	Revise WHPA delineations for Peel Region Drinking Water Systems as a result of model refinement and update.	TRAR, CVAR			

Update	Description of Proposed Review and Update	Applicable Document	Timeline	Consultation*	Financial Responsibility for Update
24	Incorporate updated water budget and stress assessment (Halton Region) results into Water Budget Chapter (including conceptual model update, groundwater model, surface water model, and modelling scenarios).	CVAR	January 2020 – December 2023	Halton Region, Town of Halton Hills, MECP, SPAs, CTC SPC, landowners	Halton Region
25	Revise WHPA delineations for Georgetown and Acton Drinking Water Systems in Chapter 4 as a result of model refinement and update.	CVAR			
26	Incorporate updated water budget and stress assessment (Orangeville) results into Water Budget Chapter (including conceptual model update, groundwater model, surface water model, and modelling scenarios).	CVAR	September 2018 – March 2020	Town of Orangeville, MECP, SPAs, CTC SPC, landowners	Town of Orangeville
27	Revise WHPA delineations for Orangeville Drinking Water System in Chapter 4 as a result of model refinement and update.	CVAR			
28	Identify new and existing transport pathways based on in-depth inventory in all three source protection areas.	CVAR, TRAR, CLOAR	April 2019 – March 2020	Municipalities, SPAs, CTC SPC, MECP	CTC SPR through Program Maintenance Funding
29	Updates to threat enumeration summaries.		April 2019- March 2024		
30	Updates to content of Watershed Characterization Chapters.		April 2021- March 2024		
31	Assess effects of risk management measures on spill scenarios conducted through event-based modeling.				
32	Consideration of additional modeling scenarios (i.e., spill from a ship, consideration of extreme weather events) for inclusion in CTC SPP.				

* Anticipated pre-consultation on potential technical amendments, 35-day public consultation period.

CVAR – Credit Valley Assessment Report
CLOAR – Central Lake Ontario Assessment Report
CTC SPC – CTC Source Protection Committee
CTC SPP – CTC Source Protection Plan
ED – Explanatory Document
MECP – Ministry of the Environment, Conservation and Parks
OMAFRA – Ontario Ministry of Agriculture, Food and Rural Affairs
SPAs – Source Protection Authorities
TRAR – Toronto and Region Assessment Report