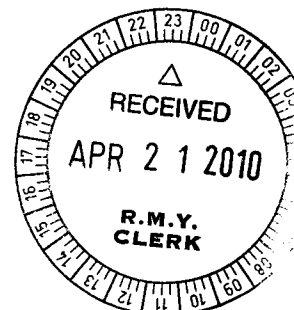


April 14, 2010

Debbie Scanlon
Senior Drinking Water Program Advisor
Ministry of the Environment
Drinking Water Management Division
Source Protection Programs Branch
2 St. Clair Avenue West, 8th Floor
Toronto, ON, M4V 1L5



Dear Ms. Scanlon:

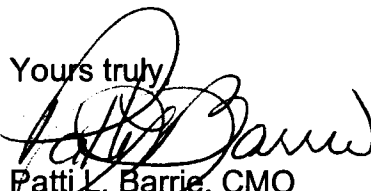
**RE: DRAFT REGULATION ON REQUIREMENTS FOR THE CONTENT AND
PREPARATION OF SOURCE PROTECTION PLANS
FILE NO.: E01.GE**

At a meeting held on April 12, 2010, the Council of the Municipality of Clarington endorsed the following resolution of the Region of Durham:

- "a) THAT Joint Report #2010-J-7 be endorsed and submitted to the Ministry of the Environment (MOE) As Durham Region's response to EBR Posting 010-8766;
- b) THAT Regional Council recommends that the Province should:
 - i) Make the language of the regulation much clearer and more direct so the reader may easily understand and interpret it, or provide a simplified guide that clearly explains the source protection plan regulation for areas where several protective acts (e.g. Lake Simcoe Protection Act, Greenbelt Act) are in place, clarifies which piece of legislation takes precedence;
 - ii) Provide permanent funding for municipalities to build staff capacity to participate in the ongoing source protection process as they have done for conservation authorities;

- iii) Extend the deadlines for the assessment reports (ARs) and source protection plans (SPPs) to allow for more thorough municipal review and commentary on draft documents. This is critical given that municipalities are a key delivery partner;
- iv) Integrate drinking water source protection requirements into any provincial mechanisms that govern prescribed threat activities;
- v) Be the one source of up-to-date, credible geo-referenced information on the provincial instruments required by the source protection committees to develop the source protection policies and plan in a timely way;
- vi) Ensure that communication from the SPCs to businesses and residents about potential significant drinking water threats will be handled with great care and in a coordinated manner;
- vii) Revise section 19.8 of the draft regulation to provide a clearer definition of transport pathways and to remove the requirement for municipalities to notify the SPC of provincial approvals related to an application that would create new transport pathways;
- viii) Provide, in the explanatory document, the rationale for any amendments the Province makes to the SPP after it is submitted for approval;
- ix) Fund municipalities to acquire the hardware and software and develop the systems and capacity for data management to support SPP implementation, monitoring and enforcement activities at the municipal level;
- x) Use data collected in the annual reports to evaluate the effectiveness of the source protection plans and enforcement mechanisms in protecting or improving Ontario's drinking water sources;
- xi) Ensure proactive, cost-efficient and consistent record-keeping by the SPCs by revising the regulation to include a requirement for the SPC to adopt an appropriate records retention schedule based on a model developed by the Province which would:
 - i. Suggest retention periods for records in all media based on the function of the records series created or collected by the SPC;
 - ii. Identify appropriate repositories for the care of and provision of access to electronic data and archival records; and
 - iii. Identify the custodians of the records for purposes of public access and FIPPA;

- xii) Properly resource the SPC records and data management functions to ensure that:
 - i. Decisions are properly documented in case of appeals or other legal actions; and
 - ii. Electronic data are properly maintained so that the data continue to be accessible for scientific study;
 - xiii) Revise the regulation to require that the source protection plan contain a workplan and budget for implementation. When the Ministry approves the source protection plan they would need to:
 - i. commit the Provincial resources needed to deliver that plan; and
 - ii. negotiate with CAs and municipalities the timing and allocation of financial commitments to support their roles in source protection plan implementation;
 - xiv) Provide start-up funding for the Part IV enforcement function and permanent funding for the ongoing costs (e.g. training costs and information systems) associated with the enforcement function;
 - xv) Better delineate the risk management function and deliver it at the provincial level as part of a one-window enforcement function;
 - xvi) Specify in the regulation who is qualified to develop risk management plans on behalf of landowners or persons engaging in prescribed threat activities; and
 - xvii) Compensate farmers, residents and lower-tier municipalities in intake protection zones (IPZs) and wellhead protection areas (WHPAs) for the costs to comply with source protection policies and provide incentives and technical assistance to support changes or adopt practices that reduce drinking water threats below the "significant threat" level; and
- a) THAT a copy of Joint Report #2010-J-7 be forwarded to the Minister of the Environment, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, Durham Region local area municipalities and conservation authorities, Durham Region MPP's, the Regions of York, Halton and Peel, the Durham Region Federation of Agriculture, the GTA Agricultural Action Committee, the Greater Toronto Area Countryside Mayors' Alliance, the Durham Agricultural Advisory Committee, and the Economic Development and Tourism Department for their information."

Yours truly,

Patti L. Barrie, CMO
Municipal Clerk

PLB/ta

cc: The Honourable, J. Gerretsen, Ontario Minister of the Environment
The Honourable, J. Bradley, Minister of Municipal Affairs & Housing
W. Arthurs, MPP, Pickering/Scarborough East
C. Elliott, MPP, Whitby/Oshawa
J. O'Toole, MPP, Durham
J. Ouellette, MPP, Oshawa
R. Johnson, MPP, Haliburton-Kawartha Lakes-Brock
J. Dickson, MPP, Ajax/Pickering
P. Vanini, Association of Municipalities of Ontario
K. Yellowless, Durham Region Federation of Agriculture
GTA Agricultural Action Committee
M. Morrison, Greater Toronto Area Countryside Mayor's Alliance
S. Lathan, Regional Clerk, Regional Municipality of Peel
C. Reid, Regional Clerk, Regional Municipality of York ✓
M. deRond, Clerk, Town of Ajax
T. Gettinby, Clerk, Township of Brock
S. Kranc, Clerk, City of Oshawa
D. Shields, Clerk, City of Pickering
K. Coates, Clerk, Township of Scugog
D. Leroux, Clerk, Township of Uxbridge
D. Wilcox, Clerk, Town of Whitby
R. Powell, Chief Administrative Officer, Central Lake Ontario Conservation
Authority
L. Laliberte, General Manager, Ganaraska Region Conservation Authority
R. Messervey, Chief Administrative Officer, Kawartha Conservation
D.G. Wood, Chief Administrative Officer, Lake Simcoe Region Conservation
Authority
B. Denney, Chief Administrative Officer, Toronto & Region Conservation
Authority
R.J. Clapp, Commissioner of Finance
C. Curtis, Commissioner of Works
A.L. Georgieff, Commissioner of Planning
D. Lindeblom, Director, Economic Development & Tourism
Pat Madill, Regional Clerk, Region of Durham