

MEMORANDUM

TO: Environmental Services Committee

FROM: Erin Mahoney, Commissioner, Environmental Services

DATE: March 7, 2012

RE: **Public Consultation on Draft Source Protection Plans - Forthcoming correspondence from Source Protection Committees**

This memo provides a brief update to members on the activities of local Source Protection Committees and will assist with addressing some key questions that could arise at local municipalities in the near future.

Protecting water at the source is step one of a multi-barrier approach for delivery of safe drinking water

As indicated in recent Council reports, Source Protection Plans are under development across the province. The two Source Protection Committees within York Region have drafted Source Protection Plans with policies intended to address potential threats to drinking water as required by the *Clean Water Act*. The policies contained in these draft plans were provided to the potential “implementing bodies” (e.g. municipalities) for review and comment. These plans will undergo two iterations before being submitted to the Minister of the Environment for review and final decision as illustrated below.



Timelines pose challenges to obtain Council endorsement of staff comments

Due to the complexity of developing Source Protection Plans, the timelines that were originally estimated by the Province when the legislation was established in 2006 has compressed the current consultation period. Although the Act allows for submission of Proposed Source Protection Plans (Version 3) to the Minister to be accompanied by municipal resolutions expressing comments on the Proposed Plan, the summer timeline would not allow for Council resolutions, as there are no Council meetings scheduled in the summer. Staff are working with Provincial and Conservation Authority staff on how best to incorporate municipal resolutions. One key action would be to extend the August 20 deadline; however, to date, the Province has not responded to this urgent request made by several municipalities, including York Region and the Planning Commissioners of Ontario. Given the constraints imposed on the Region, staff have undertaken the following phased approach to provide comments to Source Protection Committees as illustrated in the figure above.

Fall 2011 – Pre-Consultation (Version 1)

Regional staff comments on draft policies (Version 1) were submitted to Source Protection Committees without Council resolution. Due to the extensive review required to understand the implications of over 400 proposed policies that apply across the two Source Protection Areas in York Region and the limited consultation periods, staff were compelled to provide comments on Version 1 within a compressed time frame without Council endorsement. Municipal staff have provided extensive comments to each Source Protection Committee on the pre-consultation policies (Version 1) released in Fall 2011. In addition, five of the nine local municipalities were able to provide Council endorsed comments. This feedback will be considered by the two Source Protection Committees as they revise the policies and formulate the Draft Proposed Source Protection Plans (Version 2), which are scheduled to be released for public review and comment in late March.

Spring 2012 – Draft Proposed Policies (Version 2)

A report summarizing the Draft Proposed Source Protection Plans (Version 2), including the policies, municipal implications, and comments provided to each Source Protection Committee, is scheduled for the May 9th Environmental Services Committee meeting. This will provide an opportunity for Committee and Council to review the draft material prior to being finalized for the final stage of consultation.

Summer 2012 – Proposed Source Protection Plan (Version 3)

Based on current timelines, the comment period for the Proposed Source Protection Plans (Version 3) will fall within the summer recess of Council. This is one of the main reasons York Region Source Protection Committee members have been advocating for an extension to the timelines. In the absence of an extension, staff anticipate submitting comments in August and these comments will be brought forward to Environmental Services Committee in the Fall for Council endorsement. If the province grants the requested extension, a report summarizing the Proposed Source Protection Plans (Version 3), including the policies, municipal implications, and comments to each Source Protection Committee, can be brought to a Fall 2012 Environmental Services Committee meeting.

Provincially mandated public consultation scheduled for this Spring

As required under the *Clean Water Act*, each Source Protection Committee will be issuing letters to clerks to advise municipalities of the release of the Draft Proposed Source Protection Plans for public consultation. The Source Protection Committees will also be issuing letters to landowners within the most vulnerable areas to advise them of the release of draft policies and engage them in the consultation process.

The consultation period will be a minimum of 35 days and will include a series of public open houses. Within York Region, public meetings have been scheduled for:

- April 5th at the Nobleton Community Centre (6-9 pm)
- April 11th at Latcham Hall in Stouffville (6-9 pm)
- April 19th at the Holiday Inn Express in Newmarket (5:30-8:30 pm)

As referred to above, the South Georgian Bay Lake Simcoe Protection Committee requested that the Province grant a two month extension for submission of their Source Protection Plan (see *Attachment 1*). The additional two months will provide municipalities and the general public with more time to review and comment on the draft Source Protection Plans. It is anticipated that the second Source Protection Committee in York Region, the Credit Valley, Toronto and Region and Central Lake Ontario Source Protection Committee will also request an extension for submission of their Source Protection Plan in the near future.

York Region and Conservation Authority staff available to help address inquiries

The correspondence from the Source Protection Committees could result in inquiries from affected landowners. To help address concerns and anticipate questions, information about next steps and contact information is outlined in the attached “Frequently Asked Questions” document for your reference (see *Attachment 2*). In addition, the Region will be providing information about the Draft Proposed Source Protection Plans to local municipal staff through a variety of forums over the coming months.

Erin Mahoney,
Commissioner, Environmental Services

DG/WK

Attachment: Frequently asked questions

Copy to: Kathleen Llewellyn-Thomas, Commissioner, Transportation and Community Planning
Dino Basso, Executive Director, Corporate and Strategic Planning
Dr. Karim Kurji, Medical Officer of Health, Public Health Branch
Sean Love, Senior Legal Counsel



February 23, 2012

The Honourable Jim Bradley
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, ON M7A 2T5

Dear Sir:

I am writing on behalf of the South Georgian Bay Lake Simcoe Source Protection Committee to respectfully request a two month extension to the August 20th, 2012 deadline for the submission of the South Georgian Bay Lake Simcoe Source Protection Plan.

During the municipal pre-consultation process a common concern expressed by all the participating municipalities was that the time period allotted to review and comment on the policies was not adequate. Many expressed frustration suggesting that the process is being rushed and that as a result council and staff have not been provided with enough time to understand the consequences of the Source Water Protection Plan.

Recognizing the significant role that municipalities play in the development and future implementation of the plan, the Source Protection Committee wanted to ensure their concerns have been identified and addressed. This has prompted our request for the two month extension where the time would be used to increase the public consultation period. Should you consider the request the Committee would respectfully suggest that the new deadline to submit the plan be rescheduled to October 22, 2012.

In order for staff to extend the current consultation period as desired the South Georgian Bay Lake Simcoe Source Protection Committee will require a response to our request by or before March 20th, 2012 so that the revised deadline for comments and new schedule can be communicated to the municipalities and general public. Currently public open houses and presentations have been scheduled in April. The addition of the two month extension would provide municipalities and the general public an additional sixty three days to review and comment on the draft Source Protection Plan.

On behalf of the Source Protection Committee I would like to thank you and the Province for your direction and continued support in the completion of the Source Water Protection Plans.

Sincerely,

Lynn Dollin, Chair
South Georgian Bay Lake Simcoe Source Protection Committee

Draft Source Protection Plans - Frequently Asked Questions

- Q: Why did I receive the correspondence about a source protection plan being drafted?
- A: You received the letter because your property is near to a municipal water supply (well or intake) and certain activities like the storage of fuel for example, if they are occurring on your property, could pose a risk to the quality of the municipal water.
- Q: Are you suggesting my business is affecting the municipal water supply?
- A: Not at all. The businesses contacted only have the potential to impact the water supply because of their location relative to the municipal wells. The source protection program is intended to take proactive steps to help ensure raw water supplies will continue to be safe into the future.
- Q: Is York Region water safe to drink?
- A: Absolutely. The Region has an impeccable record with respect to the operation and maintenance of our municipal water supplies, which is strictly governed and monitored by the Province.
- Q: What are the implications of the source protection plan to my business?
- A: The *Clean Water Act* requires every potential threat to drinking water be addressed in a policy that requires a specific action. For existing activities, typically the DRAFT policies indicate that the threat will need to be managed, often through a Risk Management Plan. For example, a business that requires the storage of bulk fuel in a vulnerable area may need to take steps to prevent the release of that fuel. Things like upgrading to a double-walled tank, installing leak detection equipment, or updating a spill response plan might be required. In many cases these measures will already be in place and the Risk Management plan is simply documenting the efforts.
- Q: How can I have a say in the policies?
- A: There will be two formal opportunities for the public to review and comment on the Source Protection Plans. These two sessions will be held this spring and this summer. You can also attend Source Protection Committee meetings at any time, and make a deputation if you like as the meetings are open to the public as posted on their websites. (<http://www.ourwatershed.ca/> OR <http://www.ctcswp.ca/Source-Water-Committee/ctc-source-protection-committee.html>)
- Q: What are the next steps in the process?
- A: Following the current public consultation exercise, the Source Protection Committees will need to consider all of the feedback provided and revise the policies appropriately. After the policies are revised, the plans will again be released for a public consultation period. Following that second consultation, the policies will be submitted to the MOE, along with any unresolved comments, for their review.

Staff Contact Information

York Region

Wendy Kemp

Manager, Water Resources and member of South Georgian Bay Lake Simcoe Source Protection Committee

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<http://www.ctcswp.ca/Source-Water-Committee/ctc-source-protection-committee.html>

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