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NOMINATION OF MUNICIPAL REPRESENTATIVES FOR SOURCE PROTECTION COMMITTEES AS REQUIRED BY THE CLEAN WATER ACT

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, August 16, 2007, from the General Manager, Water and Wastewater:

1. RECOMMENDATIONS

It is recommended that:

1. Debbie Korolnek be nominated the Municipal representative for York Region and its constituent local municipalities on the Credit Valley, Toronto Region and Central Lake Ontario Region Source Protection Committee (CTC SPC).
2. Ilmar Simanovskis be nominated the Municipal representative for York Region and its constituent local municipalities on the South Georgian Bay-Lake Simcoe Source Protection Committee (SGBLS SPC).
3. A copy of this report be forwarded to the Clerks of the nine local municipalities of the Region, the Lake Simcoe Region Conservation Authority and the Toronto Region Conservation Authority.
4. The nine local municipalities be asked to endorse the nomination of Debbie Korolnek and Ilmar Simanovskis as the applicable Municipal representative on the CTC SPC and the SGBLS SPC.
5. Staff report back to Regional Council on the progress of the two Source Protection Committees (SPCs) at significant milestones in the development of Source Protection Plans.
6. Regional staff involve interested local municipal staff in technical working groups and keep local municipal staff informed of the progress of the SPCs through already established liaison groups such as the Area Municipal Liaison Committee and the Waterworks Liaison Committee.

2. PURPOSE

The purpose of this report is to obtain Council endorsement for the nomination of the municipal representatives for York Region and its local municipalities as requested by the conservation authorities, in order to comply with the Clean Water Act.

3. BACKGROUND

On July 3, 2007 the Clean Water Act came into force along with five regulations. The purpose of the Act is to enhance source water protection in the province through the creation of source protection plans for each watershed. The entities responsible for creation of these plans are Source Protection Authorities, which are conglomerates of existing conservation authorities around the province. Under the Act, the various source protection authorities are required to establish Source Protection Committees for the purpose of preparing the terms of reference, assessment reports, and the source protection plans for each source protection area.

Nominations for municipal sector representatives to sit on the Source Protection Committee must be submitted to the Source Protection Authorities within two months after requests for nominations are sent to the Clerk. The Act requires that the Source Protection Authority give notice of the nomination process to the Clerk no later than September 3, 2007.

York Region straddles two watershed areas being the Credit Valley, Toronto and Region, and Central Lake Ontario Source Protection Area (CTC), and the South Georgian Bay-Lake Simcoe (SGBLS) Source Protection Area. The Toronto and Region Conservation Authority is designated as the lead conservation authority for the CTC and the Lake Simcoe and Region Conservation Authority is the lead conservation authority for the South Georgian Bay-Lake Simcoe Source Protection Area.

4. ANALYSIS AND OPTIONS

4.1 Each of the two SPCs in York has 22 members, 7 of which are municipal representatives

Under the Clean Water Act and its regulations, the CTC and the SGBLS SPCs are mandated to have a total of 22 members, including the committee chair. The legislation requires that membership be distributed equally between three groups: municipal representatives; sectoral representatives (agriculture, industry, development); and other representatives (environmental NGO's, other NGO's and the general public). There are to be 7 members from each group.

4.2 Each of the two SPCs in York are now establishing groupings for the 7 municipal members

For the two SPCs in York, the number of municipalities within the source protection areas far outnumber the allowable municipal representation of 7 seats. In the CTC, there are 9 upper or single tier municipalities and 22 lower tier municipalities, while in the SGBLS region there are over 50 municipalities. The two Source Protection Authorities have initiated discussions with the municipalities in each of the source protection areas

and in doing so, have drafted or are in the process of drafting, proposed groupings to allocate the seven available seats.

For the CTC SPA, six groupings have been proposed with committee membership being comprised of the City of Toronto (2), Region of Durham (1), Region of York (1), Region of Halton (1), Region of Peel (1), and Town of Orangeville (1). York, with its one committee member will represent the Region of York, City of Vaughan, Town of Richmond Hill, Town of Markham, Town of Aurora, Township of King, and Town of Whitchurch-Stouffville. The County of Simcoe, and the Township of Adjala-Tosorontio were originally included in the grouping of municipalities proposed by the CTC to be represented by the York representative. On further discussion with CTC and TRCA staff, it was agreed that these two municipalities should be moved into the grouping with the Town of Orangeville.

For the South Georgian Bay-Lake Simcoe SPA, groupings have not been fully defined at this point, and the SPA is conducting a number of workshops for the region members to receive feedback on appropriate grouping. At this point it is assumed that York will be representing the York Region local municipalities and that a position on the committee will be available.

4.3 Source Protection Committee members should have demonstrated ability to understand source protection science and technical reports

The regulations stipulate that persons that are considered for membership cannot be a member of a conservation authority board or employee of a conservation authority within the source protection region and must reside, own or rent land, be an employee, or operate a business in the source protection region.

Members are expected to attend meetings of the committee, act as liaison by bringing forward concerns in their sector, assist in communicating the committee's work, attend public consultation and make decisions at the committee table.

Given the technical nature of source protection planning, the Ministry of the Environment has also recommended that SPC members have demonstrated ability to understand source protection science, concepts and technical reports. This will be particularly important to ensure that municipal interests are effectively represented.

4.4 Debbie Korolnek and Ilmar Simanovskis are recommended as the York nominees for the Credit Valley, Toronto Region and Central Lake Ontario Region and South Georgian Bay Lake Simcoe Source Protection Committees

It is proposed that Debbie Korolnek, General Manager of the Water and Wastewater Branch, be nominated to represent the interests of York Region and its local area municipalities within the source protection area on the CTC Source Protection Committee.

It is proposed that Ilmar Simanovskis, Manager, Technical Support in the Water and Wastewater Branch, be nominated to represent the interest of York Region and its local area municipalities on the South Georgian Bay-Lake Simcoe Source Protection Committee should the final groupings as defined by the Source Protection Authority include a seat for York Region.

Both of these candidates meet the qualifications prescribed by the regulations and recommended by the MOE. They work closely together on a daily basis and also sit on the Area Municipal Liaison Committee and the Waterworks Liaison Committee so they are well positioned to keep the local municipalities informed and involve local staff in the process of developing source protection plans.

4.5 Relationship to Vision 2026

Participation in source protection committees, and the development of source protection plans, furthers the Region's desire to enhance sustainable development principles in Vision 2026 and the Region's Official Plan.

5. FINANCIAL IMPLICATIONS

Completion of the source protection plans is a legislative requirement and will potentially have financial impacts on the Region and the local municipalities. Through active and thorough involvement and representation, the Region in cooperation with local staff participation can ensure that financial implications are warranted and to the benefit of our communities, the environment and regional sustainability.

6. LOCAL MUNICIPAL IMPACT

Effective communication will be essential in addressing concerns and comments from all interested parties that will be represented at the source protection committees. To ensure ample involvement of the local municipalities, the two York Region representatives will, through the Area Municipal Liaison and Waterworks Liaison Committees, involve local staff in the work of the SPC subcommittees and keep the local municipalities informed of progress.

Through this process, local impacts will be better understood and addressed as the source protection plans are developed.

A draft copy of this report has been circulated to local municipal staff for review.

7. CONCLUSION

The Clean Water Act and associated Regulations came into force on July 3, 2007. The Province has established aggressive timelines to establish Source Protection Committees and initiate the planning process.

For more information on this report contact Ilmar Simanovskis, extension 5027, Manager Technical Support of the Water and Wastewater Branch in the Transportation and Works Department.

The Senior Management Group has reviewed this report.