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UPDATE ON WATER-RELATED INITIATIVES

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report, September 9, 2004, from the Commissioner of Planning and Development Services and the Commissioner of Transportation and Works:

1. RECOMMENDATION

It is recommended that:

1. This report be received for information.

2. PURPOSE

The purpose of this report is to advise Committee and Regional Council of the number and extent of Water related initiatives currently under review and in progress. These initiatives include Regional initiatives underway as well as new Provincial initiatives.

A number of these initiatives will require Committee input and decisions in the future and all have the capability of impacting policy decisions and budget allocations in future years.

3. BACKGROUND

Since the Walkerton tragedy, the Province has become actively involved in source water protection initiatives and in the establishment of standards and programs relating to Provincial water resources. As well, the Oak Ridges Moraine Conservation Plan requires Regions, area municipalities and Conservation Authorities to partner to satisfy the not yet released Provincial requirements for watershed planning and water conservation.

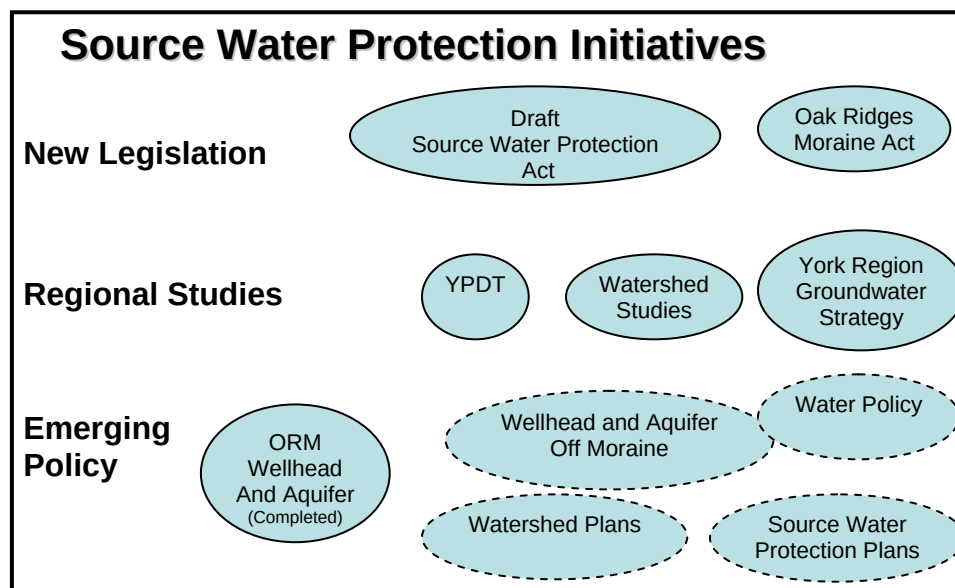
A number of these initiatives and the implementation actions will likely be considered by Planning and Economic Development Committee and then Council. For this reason, Committee members should be aware of the initiatives and of their role in their implementation.

4. ANALYSIS AND OPTIONS

Attachment 1 to this report is a matrix of on-going and anticipated water- related initiatives under development and/or review by Regional staff. The matrix identifies not only the overarching initiatives but also the status and due dates (such as those prescribed in EBR postings) and the anticipated timing for Committee and Council involvement.

Diagram 1 provides an overview of new legislation and studies underway and policies that may result.

Diagram 1
Source Water Protection Initiatives



4.1 Overview of Regional Water Initiatives

The Region is taking a complete and comprehensive approach to manage, protect and conserve the Region's water resources.

These initiatives have focused on protection of both the natural resource and drinking water quality and include watershed plans, water budget exercises, wellhead protection studies, the York Peel Durham Toronto Groundwater Management Strategy Study (YPDT Study), and the Region's own Groundwater Management Study.

The following provides a more detailed description of major Regional initiatives now underway.

4.1.1 York Region Groundwater Management Strategy

Regional Council adopted recommendations presented in Clause 3 of Report 1 of the Transportation and Works Committee on January 10, 2001 toward development of a comprehensive groundwater management strategy for York Region. In July of 2001, a new section was created in the Water and Wastewater Branch of the Transportation and Works Department and a professional hydrogeologist, Mr. Lloyd Lemon, was hired to manage this section and oversee the development of the comprehensive Groundwater Management Strategy.

The objectives of the York Region Groundwater Management Strategy are to:

- Develop an improved understanding of the groundwater system, the effects of known and proposed water-taking, and identify potential threats to water quality.
- Develop a work program for improving understanding of groundwater systems and for monitoring groundwater quantity and quality.
- Develop tools and procedures for effectively managing groundwater resources.
- Develop internal guidance documents, policies or programs for addressing issues such as:
 - Permit To Take Water Management
 - Wellhead Protection & Source Protection
 - Aquifer Vulnerability
 - Abandoned Wells
 - Low Water Response
 - Hazardous Materials Use and Management
 - Education/Communications
 - Private Wells

The Region's groundwater studies, which have been partially funded through the Province's Municipal Groundwater Study fund, are now reaching a conclusion.

The focus of these studies is to achieve an improved understanding of groundwater conditions in the Region which will be used to develop the technical components of the Groundwater Management Strategy. The Groundwater Management Strategy will also incorporate existing provincial regulatory requirements.

Given the significance and timing of pending Provincial drinking water source protection legislation, there is a considerable benefit to York Region to finalize the Groundwater Management Strategy after the primary provincial legislation is released.

Status reports on the progress of the development of the York Region Groundwater Management Strategy have been provided to Transportation and Works Committee approximately 2 times per year since February 2002. The next update report is planned for October Committee meeting. Regional staff will provide further updates to Planning and Economic Development Committee on issues relating to the Groundwater Management Strategy that relate to planning and development.

4.1.2 York-Peel-Durham-Toronto Groundwater Management Strategy Study

The York-Peel-Durham-Toronto Groundwater Management Strategy Study partnership was established in 2000 to develop a consistent approach to groundwater management in the jurisdictions of The Regional Municipalities of York, Peel, and Durham; the City of Toronto. In addition, 6 Conservation Authorities are involved and include The Toronto and Region Conservation Authority, The Credit Valley Conservation Authority, The Central Lake Ontario Conservation Authority, the Lake Simcoe Region Conservation Authority, the Kawartha Region Conservation Authority and the Ganaraska Region Conservation Authority. The Conservation Authorities Moraine Coalition that represents

all conservation authorities with interests in the Oak Ridges Moraine has played an active role in the study.

The YPDT Study team has been actively working to develop a consistent data management system to be shared by the partners and to develop improved understanding of conditions through refining previous geological models and developing a regional-scale numerical Groundwater Flow Model. Some additional field work has also been completed to address known data gaps and to supplement other studies. In 2004, representatives of the YPDT partners have been working to prepare guidance for use by municipal and conservation partners in the development and implementation of water-related policies for Official Plans. The intent of this program is to ensure that Municipal Official Plan policies will be prepared to allow effective implementation of recommendations expected from watershed plans, such as are required to be prepared by 2007 to comply with the Oak Ridges Moraine Conservation Plan.

The YPDT Study team has also been documenting the benefits of continued partnership and is working to shape a workable governance model for continuing this partnership. Noted benefits include substantially improved communication and partnership between agencies and an improved consistency of understanding of conditions throughout a large geographic area.

Regional staff will report to Council in the fall of 2004 to outline a proposed strategy for continuing the YPDT Study partnership.

4.2 Overview of Provincial Water Initiatives

4.2.1 Provincial Drinking Water Source Protection

On June 23, 2004 the Ontario Ministry of the Environment (MOE) released draft legislation entitled *Drinking Water Source Protection Act, 2004*.

This draft legislation is being proposed by the Province to deliver on commitments to meet Justice O'Connor's recommendations on Source Protection from the Walkerton inquiry and follows from the White Paper on Source Protection Planning (2004) and the associated consultation processes. It sets out the processes and responsibilities for source protection processes and preparation of source water protection plans which will be prepared on a watershed basis.

Legislation will require preparation of source water protection plans for each of the Region's two major watersheds. At this point, the draft legislation does not spell out issues around accountability or financial support for implementing the plan.

Comments were due into the Province through the EBR Aug 23, 2004. A separate Staff Report to the Transportation and Works Committee (September 8, 2004, Council September 23, 2004) outlined the Region's response on the proposed drinking water legislation in more detail.

Introduction of the draft legislation in the Legislature is expected in Fall 2004

4.2.2 Oak Ridges Moraine Conservation Plan Watershed Planning requirements

The *Oak Ridges Moraine Conservation Act, 2001* required that York Region and local municipalities bring their Official Plans and zoning bylaws (in the case of local municipalities) into conformity with the ORMCP by April 22, 2003 and October 22, 2003 respectively. This conformity date was achieved by the Region and has been achieved by area municipalities in the Region.

The Moraine Plan also contains several other critical target dates relating to the completion of Watershed Planning, including commencement of watershed planning for each watershed originating on the Moraine by April 22, 2003 (Section 24(1)); and completion of watershed plans by April 23, 2007.

The Lake Simcoe Region Conservation Authority (LSRCA) and Toronto and Region Conservation Authority (TRCA) have been actively working to develop and maintain watershed plans in York Region for many years. Subsequent to the introduction of the ORMCP, Regional staff and staff of the conservation authorities (CAs) worked together to develop a comprehensive five year work plan to fulfill the ORMCP watershed planning requirements. The workplan was adopted by Regional Council on February 19, 2004 with the request that the TRCA and the LSRCA provide semi-annual yearly progress reports to Committee and Council on the watershed planning process required under the ORMP. In addition, Authority staff were requested to provide an itemized listing of deliverables for each year of the program along with their estimated annual budgets actual costs incurred.

Watershed planning work is well advanced in the Region and the CAs work plans are well underway at this time with no significant issues or delays expected at this time. Regional staff is confident that the target dates for completion of watershed plans required by the ORMCP can be met.

The second semi-annual update of progress to June of 2004 was presented to Planning and Economic Development Committee on September 8, 2004.

The next progress report will be provided in February of 2005 and will detail on accomplishments for the balance of 2004.

4.2.3 Oak Ridges Moraine Conservation Plan Technical Guidance Documents

The Ministry of Environment has released a number of draft guidance documents over the past 10 months.

The draft guidance documents released to date include:

- Subwatersheds (Impervious Surfaces)
- Hydrological Evaluations for Hydrologically Sensitive Features
- Stormwater Management Plans
- Sewage and Water System Plans

- Wellhead Protection – Site Management and Contingency Plans
- Recreation Plans and Vegetation Management Plans
- Water Budget Technical Guidance
- Oak Ridges Moraine Aquifer Vulnerability Mapping

Regional Council has previously requested for MOE to provide for an extension of at least one year after the Guidance Documents have been finalized for York Region to meet commitments in the Oak Ridges Moraine Conservation Plan. The MOE has not provided any formal response to this request. Region staff continue to work with MOE to provide technical input and comments.

4.3 Other Water-Related Emerging Initiatives

A number of additional initiatives have been released by the Provincial government that will also have implications on water resource protection and management. These initiatives will have implications for York Region. For all but the not yet released GTA Transportation Plan, Region Staff have prepared and presented reports to Committee and Council for responses to the Province. These include:

4.3.1 Planning Reform

On June 1, 2004, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing released discussion papers on the following issues:

- Bill 26 the Strong Communities Act and Planning Reform
- Provincial Policy Statement Review and Draft PPS
- Ontario Municipal Board Reform

The direction of the Provincial initiatives and the proposed planning reform reinforce the direction in which the Region is currently heading and a number of key Regional initiatives are consistent with the Province's reform initiatives.

The proposed revisions to the Provincial Policy Statement will require municipalities to provide a long-term approach to protecting and improving the quality and quantity of water resources using watersheds as a basis for comprehensive land use planning.

A staff report with comments and recommendations was presented to the Planning and Economic Development Committee on June 16, 2004, endorsed by Council and submitted to the Province prior to the comment deadline of August 31, 2004.

4.3.2 Green Belt Protection Act and Plan

In December 2003, the Government introduced the *Greenbelt Protection Act, 2003* in the Legislature. The purpose of this Act was to give the Province time to study and establish a permanent Greenbelt in South Central Ontario. This Act received Royal Assent on June 24, 2004 and will lapse on December 16, 2004.

In February 2004, the Minister of Municipal Affairs and Housing established the Greenbelt Task Force, charged with providing recommendations on how to identify lands for protection from development in order to preserve them for current and future generations.

Staff prepared a report for Planning and Economic Development Committee which was adopted by Regional Council at its meeting of June 24, 2004.

On August 20, 2004, the Greenbelt Task Force delivered its recommendations to the Minister of Municipal Affairs and Housing.

4.3.3 Places to Grow: A Growth Plan for the Greater Golden Horseshoe

The Minister of Public Infrastructure Renewal, David Caplan, released the discussion paper *Places to Grow - A Growth Plan for the Greater Golden Horseshoe (Places to Grow)* on July 12, 2004.

Places to Grow signals a significant shift in Provincial planning policy towards building a system of higher density, mixed use urban centres supported by an inter-regional rapid transit network in the Greater Golden Horseshoe. The discussion paper states that the Province's growth plan will provide context for linking decisions around growth with protection of water and requirements for infrastructure on a watershed basis.

The recommendations in the document are consistent with York Region's Official Plan and on-going strategic initiatives to manage growth in a sustainable manner.

Regional staff support the overall direction of the plan, and presented a comprehensive set of recommendations to Planning and Economic Development Committee on September 8, 2004 which were forwarded to the Province on September 24, 2004 following Council's endorsement.

4.4 Implications for York Region

Both Regional and Provincial water initiatives are anticipated to result in significant policy, operations and financial implications.

Policy implications include Official Plan amendments to provide policy support and direction for water initiative implementation as well as bringing the Official Plan into conformity with Provincial policy and legislation where necessary. For example, Official Plan policies and mapping will be needed for wellhead protection policies off the Oak Ridges Moraine, to support and implement watershed plans and to bring the Official Plan into conformity with the Province's anticipated legislation and requirements for local Source Protection Plans.

Reviews of draft Provincial legislation seem to indicate that the Region and/or Conservation Authorities may be required to play a role in regulatory enforcement under Source Protection Plans. This will have implications for the Region's operations resourcing.

Potential financial implications are discussed in Section 5 below.

Regional staff will continue to advise Committee and Council on the details and status of these initiatives as they progress (please see *Attachment 1* for a list).

4.5 Relationship to Vision 2026

The intent of all these water-related initiatives are consistent with the objectives of Vision 2026 toward ensuring clean water and promoting conservation.

5. FINANCIAL IMPLICATIONS

Effective long-term management and protection of water resources is expected to be costly. York Region anticipates that substantial funding will be available from the Province to support implementation of their water based initiatives, however, even with Provincial funding support, the initiatives may impact budget allocations in future years.

More information around costing for individual initiatives will be presented in subsequent reports to PEDC and Council.

6. LOCAL MUNICIPAL IMPACT

Once the technical understanding of the groundwater systems in York Region has been assessed, and a preliminary direction for a Groundwater Management Strategy is prepared by York Region, the next step will be to initiate a consultative process with local municipalities in York Region to obtain their input and direction in the strategy. Once these inputs have been achieved, the Groundwater Management Strategy will be finalized and brought forward to Regional Council for endorsement.

It is expected that local municipalities will be required to participate in the various Provincial water related initiatives. It is anticipated that municipal planning documents will need to be amended in accordance with changes to Provincial legislation and it is possible that new by-laws will be needed in accordance with pending regulations.

7. CONCLUSION

New provincial legislation (Source Water Protection Act and the Oak Ridges Moraine Conservation Act) require the Region to take a comprehensive approach to water management. Several studies are underway to address these new legislative requirements including the YPDT Study and updating of watershed studies. These Provincial initiatives will also result in new policy approaches for the Region. Several of these, including aquifer and wellhead protection, have already been incorporated into the Regional

Official Plan for the Oak Ridges Moraine area. Additional policies will be updated as a result of new requirements for watershed plans and source water protection plans. Staff will keep Committee and Council apprised of new legislation as it evolves and how the Region's initiatives are progressing.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is included with this report.)