

2

APPOINTMENT OF RISK MANAGEMENT OFFICIAL AND INSPECTORS BYLAW AND UPDATE ON *CLEAN WATER ACT* REQUIREMENTS

The Environmental Services Committee recommends:

- 1. Receipt of the presentation by Wendy Kemp, Manager, Water Resources and Don Goodyear, Environmental Services Department; and**
- 2. Adoption of the recommendations contained in the following report dated October 28, 2011, from the Commissioner of Environmental Services and the Acting Commissioner of Planning and Development Services.**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council approve the appointment of Don Goodyear and Wendy Kemp (alternate) as Risk Management Officials under Part IV of the *Clean Water Act, 2006*.
2. Regional Council approve the appointment of Scott Lister, Tanya Kamperherm Martin and Angelika Masotti as Risk Management Inspectors under Part IV of the *Clean Water Act, 2006*.
3. The Regional Clerk issue a certificate of appointment bearing the clerk's signature to each Risk Management Official and Risk Management Inspectors appointed by Regional Council.
4. The necessary bylaws be presented to Council in November to effect these appointments.
5. The Regional Clerk circulate this report to Source Protection Authorities to obtain Section 88 Powers of Entry for Regional staff for the purposes of field verification of significant threats as defined in the *Clean Water Act, 2006*.
6. The Regional Clerk circulate this report to the Clerks of local municipalities; to Lynn Dollin, Chair, South Georgian Bay Lake Simcoe Source Protection Committee; Susan Self, Chair, Credit Valley Toronto Region Central Lake Ontario Source Protection Committee and Heather Malcolmson, Manager, Source Water Protection, Ministry of Environment.

2. PURPOSE

The report requests Regional Council approve the appointment of a risk management official and inspectors to allow specific Region staff to undertake the enforcement and monitoring responsibilities delegated by the Province to York Region as a provider of safe drinking water as required by the *Clean Water Act*. This report also summarizes recent activities to meet the *Clean Water Act* requirements including preliminary municipal review of draft source protection policies prepared by Source Protection Committees.

3. BACKGROUND

Protecting water at the source is part of the multi-barrier approach for delivery of safe drinking water

In recent years, the Province of Ontario has made safe drinking water a priority by implementing several pieces of legislation to ensure delivery of safe drinking water. Using a comprehensive 'from source to tap' approach, York Region continues to keep in step with new Provincial directions to ensure multiple barriers are in place to deliver safe drinking water. For a number of years, the operation, treatment and testing required under the *Safe Drinking Water Act* have been fully implemented at York Region to ensure our customers receive the highest quality of drinking water. York Region Public Health also plays an important role in public education by advising owners and operators on how to address adverse water quality incidents. As an additional measure, the *Clean Water Act* was enacted to protect sources of municipal drinking water.

Clean Water Act promotes protection of drinking water sources through voluntary and mandatory actions

Following the Walkerton tragedy, the Province created the *Clean Water Act* to set out a framework to protect drinking water at the source as outlined in *Attachment 1* and previously reported to Regional Council (Environmental Services Committee No2, February 9, 2011). It is a highly regulated process, with specific deliverables and extensive public consultation at each stage of delivery. Administered by the Conservation Authorities, Source Protection Committees, a group of appointed representatives from municipalities, agricultural, public, golf courses, aggregate and other industries, are responsible for the delivery of key components that are approaching final stages of preparation as prescribed under the *Clean Water Act* (Table 1).

Table 1
Regulatory Deadlines for Deliverables Under the *Clean Water Act*

Deliverables	Status	Current Deadlines for Source Protection Region	
		South Georgian Bay Lake Simcoe	Credit Valley Toronto Region Central Lake Ontario
Terms of Reference	Complete	June 29, 2009	August 17, 2009
Assessment Report	Complete Re-submitted and awaiting Provincial Director approval	August, 2011	June 24, 2011
Source Protection Plan	Drafted	August, 2012	August, 2012

Assessment Reports identified 1,100 significant threats to drinking water supplies in York Region

The Assessment Reports summarize a series of technical studies that outline vulnerable areas on maps and a total count of low, moderate and significant drinking water risks to every municipal drinking water system as prescribed by the Province. In York Region, there are two Assessment Reports as York Region straddles two source protection areas, the Credit Valley, Toronto and Region, Central Lake Ontario Source Protection Area and the South Georgian Bay Lake Simcoe Source Protection Region.

Drinking water threats include those land activities that may impair water quality or impact water quantity. Land use activities related to septic systems, waste disposal sites, agricultural source material (i.e. manure), fuels, road salt, fertilizers, pesticides, solvents and other related chemicals are defined in the *Clean Water Act* as threats to the quality of source waters. Water quantity threats are defined in the *Clean Water Act* by water taking related to dewatering or irrigation systems or paving over recharge areas preventing the seepage of groundwater.

Threats are ranked as significant, moderate or low depending on vulnerability scores in sensitive areas. Those land use activities located within highly vulnerable areas, typically closest to a production well, are generally ranked as significant threats. For example, fuel storage within 100m of a production well is identified as a significant threat. In York Region, fuel storage, septic systems and solvents make up the greatest number of significant threats (Table 2). Information on these threats is currently limited by available data sets and minimal field verification. Additional work is currently underway to verify these potential threats with business owners.

Table 2
Summary of Potential Existing Significant Threats Under the *Clean Water Act*
Across York Region

Threats Description	Source Protection Region		Total
	SGBLS	CTC	York Region
Handling and storage of fuel.	129	162	291
Handling and storage of a dense non-aqueous phase liquid. E.g. solvents, degreasers, paint thinners	258	26	284
Establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.	78	140	218
Establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act.	70	4	74
Handling and storage of an organic solvent.	51	2	53
Application of commercial fertilizer to land.	32	16	48
Application of agricultural source material to land.	14	26	40
Application of pesticide to land.	12	23	35
Handling and storage of commercial fertilizer.	18	11	29
Handling and storage of pesticide.	14	12	26
Storage of agricultural source material.	4	4	8
Use of land as livestock grazing or pasturing land, an outdoor confinement area or farm animal yard.	2	4	6
Handling and storage of non-agricultural source material.	3	0	3
Management of agricultural source material.	0	0	0
Application of non-agricultural source material to land.	0	0	0
Application of road salt.	0	0	0
Handling and storage of road salt.	0	0	0
Storage of snow.	0	0	0
Management of runoff that contains chemicals used in the de-icing of aircraft.	0	0	0

Activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.	*	*	*
Activity that reduces the recharge to the aquifer.	*	*	*
Total Threats	685	430	1,115
Total Land Parcels	246	175	421

SGBLS = South Georgian Bay Lake Simcoe

CTC = Credit Valley, Toronto and Region, Central Lake Ontario

* Tier 3 Water Budget Work Underway

In summary there are 1,115 potentially significant threats across 421 land parcels in York Region.

Source Protection policies will focus on mandatory actions to address significant threats as a first step

As the final deliverable to the Province in 2012, the Source Protection Plans will detail actions that ensure drinking water threats cease to be or never become significant risks to drinking water. Mandatory actions can only be assigned to land use activities identified as a significant threat as outlined in the regulation. As a first step, Source Protection Committees have been advised by the Province to focus on mandatory actions related to existing and future significant threats from land use activities within the highly vulnerable areas. Voluntary actions may also be proposed in the source protection plan to address moderate and low threats however these policies were not the focus of recent efforts.

4. ANALYSIS AND OPTIONS

Municipal review of draft source protection policies is happening this fall, with approximately 60 day review period

Over the past year, Regional staff have actively been involved in source protection planning working groups to support both Source Protection Committees and provide the local context across planning and environmental disciplines. Considerable efforts have been made by the Conservation Authorities to manage the information and bring everyone to the same level of understanding. In some cases, meetings have been held twice or more per month to help break down the information to manageable levels. In addition, the Province continues to issue information bulletins that explain the various implementation tools available under the Act. In total, over 400 policies have been drafted by both Committees requiring extensive municipal review.

As prescribed in regulation, Source Protection Committee must consult with the parties responsible for implementing the Source Protection Plan policies in advance of public consultation. Local and Regional municipal clerks were recently provided a package that included notice of this pre-consultation period, which extends until December 31, 2011 for the CTC municipalities and January 13, 2012 for the SGBLS municipalities (see *Attachments 2 and 3*). The draft policies were also provided in this notification package. A joint workshop is planned by the Region with the Conservation Authority and Source Protection Committees on November 23, 2011 to provide an overview of policies for both source protection areas. Invitations to Planning, Water and Wastewater, Roads, Health and Legal staff from local municipalities have also been sent. The November 23rd workshop will aid Region staff in preparing consolidated municipal staff comments to the Source Protection Committees for their consideration.

Future land use activities that may be a significant threat are generally proposed to be controlled by prohibiting the activity within highly vulnerable areas

For those activities that are not yet on the landscape that could be a significant threat, the general approach by both Source Protection Committees has been to prohibit the activity from ever appearing within these sensitive areas. For example, the prohibition of large quantities (>2500L) of fuel to be stored within a 100m of the well has been consistently proposed. Solvent and other related chemicals are currently proposed to be prohibited within 0-5 year wellhead protection zones as shown in (*Attachment 1*). This may pose challenges as this prohibition zone could cover entire employment areas, impacting businesses who may need to use these chemicals in their operations. Consultation with the local municipal planning departments will be essential as the Plan is finalized.

Risk Management Official tools are generally the proposed approach to manage existing land activities

Risk management prescribed in Part IV of the *Clean Water Act* is one of the new tools created to provide the responsible municipality with new powers to protect drinking water. Part IV powers allow a municipality to address specific activities that are threats to drinking water in wellhead protection and intake protection areas where these threats are or could be significant. These authorities were made available to address a gap in legislation. For example, the *Planning Act* addresses land use and not specific activities that may harm drinking water.

Where specified in the Source Protection Plan, the Region and local municipalities will be required to:

- Enforce prohibition of an activity (Prohibition section 57) by Risk Management Official.

- Require a person to seek approval from the Risk Management Official prior to engaging in the activity and subject to routine inspections by Risk Management Inspectors (Risk Management sections 56 and 58).
- Require a person to seek approval from the Risk Management Official prior to the issuance of a *Planning Act* or *Building Code Act* related permit (Restricted Land Use Section 59) as part of the complete application requirements under the *Planning Act* and as applicable law under the *Building Code Act*.

Landowners that engage in activity that has a Risk Management Plan policy in the Source Protection Plan will be required to work with a Risk Management Official to negotiate a risk management plan. Once approved by written notice from the Risk Management Official, the land owner will be subject to routine inspections by Risk Management Inspectors. On an annual basis, the Risk Management Official will also be required to prepare annual summary reports on the actions taken by the Risk Management Official and Inspectors and submit to Source Protection Authorities.

York Region is responsible for enforcement and monitoring of Source Protection Plans as mandated by the Act

As a provider of safe drinking water, York Region will be required to deliver a risk management program to protect source waters. Under Part IV of the *Clean Water Act*, municipalities responsible for the water production, treatment and storage in a two-tiered municipal structure are required to enforce prohibition and risk management policies related to significant threats in the Source Protection Plans. The Act allows for delegation to a board of health, planning board or source protection authority to undertake risk management duties on a municipality's behalf. However, the legal responsibility remains with the identified municipality. Joint enforcement between two neighbouring municipalities is also allowed with provisions to create agreements to address cost sharing and appoint risk management officials and inspectors. Once the Plans are approved by the Province, York Region may need to enter into agreements with Simcoe County, Durham Region and Town of Bradford West Gwillimbury as protection areas cross these municipal boundaries.

York Region leads the Province in hiring the first Risk Management Official to deliver on provincial requirement to protect drinking water

An additional full time staff resource approved in 2011 Environmental Services budget was recently hired. The Risk Management Official will begin to establish a risk management program to meet the Provincial mandate for enforcement and monitoring. York Region continues to play a lead role in the engagement of local municipalities, conservation authorities, source protection committees and the public to raise our common understanding of risks to drinking water sources and allow for ongoing dialogue across science and planning disciplines including Local, Regional, Provincial and Conservation Authorities' boundaries.

The Region is well positioned to lead the Province in developing a work plan on cost recovery for these new duties.

Regional Council must appoint a Risk Management Official and Inspectors to enforce the powers under the Act

In order to enforce the powers under Part IV of the *Act*, Regional Council must appoint a Risk Management Official and Inspectors as specified in section 47(6) of the *Act*. The Risk Management Official will have the responsibilities set out under the *Act* which include:

- negotiate/establish interim risk management plans and risk management plans
- evaluate risk assessments
- issue orders that specify actions to comply
- issue notices of failure to comply, including fines similar to Provincial offences
- attend Environmental Review Tribunal hearings
- annual report to Source Protection Committees
- issue notice for complete application for Building Code and Planning Act permits and approvals

The Risk Management Inspectors will have the following responsibilities:

- conduct inspections to ensure compliance with Risk Management Plans
- use powers of entry on properties where drinking water health hazard is suspected
- issue orders that specify actions to comply
- attend Environmental Review Tribunal hearings

Following the appointments, the Regional Clerk will be required to issue a certificate to each appointee. The bylaw will be written to provide flexibility to allow for Regional Council to approve new appointments as required. Similar to the Chief Building Official under the Building Code, there is a need to appoint one Risk Management Official, with powers to enact an alternate person should it be required.

York Region has initiated field verification of 1,100 significant threats identified in the Assessment Reports and requires Section 88 Property Entry powers

Upon approval of the Assessment Reports by the Province, interim risk management activities may begin to address identified significant threats as outlined in the *Act*. Fuel storage, agricultural source material (i.e. manure), septic systems and chemicals are examples of significant threats within wellhead protection areas in York Region. As reported previously, limited ground truthing has been undertaken to obtain site specific information from land owners identified in the Assessment Reports. In addition, York Region has an extensive sampling program that includes all production wells and several monitoring wells. To date, there has been no indication that any of these potentially significant threats have impacted quality of drinking water in York Region.

This early outreach has shown that the engagement process requires significant resources to maintain communications and build trust. Since July 2011, Regional staff has sent 381 letters to businesses identified in the Assessment Reports as having significant threats and initiated discussions with 20 per cent of the business owners who have voluntarily responded to the letter. To verify all the data collected, the *Clean Water Act* specifies approval of the Source Protection Authority to allow staff to enter onto properties for the purposes of data collection. This authority would allow staff, who have successfully completed the Provincial Section 88 training, to enter properties where owners have not voluntarily responded to the initial request for information. This information is essential and could trigger interim risk management by the Risk Management Official should there be a need.

5. FINANCIAL IMPLICATIONS

Province has not committed to fund risk management activities beyond 2012 and Region continues to explore full cost recovery options

As previously reported to Regional Council, the Province has committed more than \$200 million for municipalities and Conservation Authorities to conduct studies for the Assessment Report and develop Source Protection Plans. This funding includes costs for public consultation activities. There remains uncertainty how municipalities will fund programs to enforce and monitor the Source Protection Plan as required in the *Act*.

At this time, there is no provincial funding to create and establish a risk management program for 2012 and beyond. Early discussions with the Province and other upper-tier municipalities have been initiated to outline municipal challenges to meet these new Provincial mandates. The *Act* does specify opportunities for municipalities to introduce cost recovery bylaws, however questions remain to ensure consistency across all municipalities in the Province. Staff will continue to seek provincial funding mechanisms as legislation continues to unfold.

Protection of environmentally sensitive lands supports 2015 Corporate Strategic Plan

In addition to meeting the legislative requirement for Risk Management Officials, creation of the Risk Management office in the Region supports the corporate Strategic Plan 2011-2015 priorities. Specifically, the Risk Management office will help ensure infrastructure and land use planning decisions are informed by the Source Protection findings, and are protective of the Region's long term water supplies.

\$1M for source water related work has been allocated in the 2012 Water 10 year Capital budget and an additional two full-time staff for risk management have been forecasted in the 2013 and 2014 Operating budgets. Where appropriate, links to other programs, like sewer bylaw enforcement and water education and promotion programs have been made.

Approximately one million dollars per year has been anticipated in the Capital program to:

- Conduct new technical studies for new infrastructure (e.g. new Ballantrae production well) to update Assessment Reports with new vulnerable areas and threat counts
- Increase field sampling activities in highly vulnerable areas by installation of new monitoring wells
- Develop new data management system for property specific threat information
- To hire a consultant to assist in developing a cost recovery approach based on the principle of full cost user pay; or incorporate into water rate
- To purchase lands within 100m of existing wellheads, if the opportunity arises

6. LOCAL MUNICIPAL IMPACT

Local municipalities will have new duties for Planning and Chief Building Officials under new Source Protection Plans

Although the local municipalities do not operate or own the Regional water treatment system, the *Clean Water Act* and draft Plan policies assign responsibilities to local municipalities. The *Clean Water Act* is now ‘applicable law’ in the Ontario Building Code, and local Building Officials will be responsible for septic tank re-inspection programs and obtaining Risk Management Official approval prior to release of building permits for specified land activities. Annual reporting requirements to the Source Protection Authority by the Building Official on the number of inspections completed in wellhead protection areas are proposed in current draft Plans.

Official Plans and Zoning Bylaws will require amendments to conform with new Source Protection policies

Once the Source Protection Plans are approved by the Province, all planning decisions, including those made by the Ontario Municipal Board, must be consistent with the Plan. Both the Region’s and local municipalities’ Official Plans and Zoning Bylaws must be brought into conformity with the Source Protection Plan. This will include policies for prohibition and risk management of activities specified in the Plan. The local municipality, and the landowner, will need to ensure they have approval of the Risk Management Official as part of their complete application requirements for certain types of land uses. Activities listed in the *Clean Water Act* (e.g. storage and handling of agricultural source material, fuels, and organic solvents) and their related land uses (e.g. agriculture, gas stations and industrial/commercial sites) will likely be included in this process. The complete application requirements will need to be specified by the local municipality within their official plan or zoning bylaw. They will also be required to assist the Region in reporting to the Source Protection Authority on the number of applications received and processed.

The need for early communication on new planning proposals with local municipal staff is significant as communities begin to implement the *Places to Grow Act*. For example, intensification along Yonge Street in Newmarket introduces the need for early dialogue on *Clean Water Act* requirements on proposed zoning amendments for condominium developments with multiple levels of underground parking located immediately adjacent to Regional drinking water well sites. Detailed hydrogeological studies and screening for significant threats at earlier stages of the planning process have been requested to ensure new significant threats are not introduced prior to the release of the Plan.

Local municipal input on draft Source Protection policies is critical

Public consultation is a key component of the *Clean Water Act*, with specific requirements to liaise with municipalities and other stakeholders. York Region continues to host meetings with the Region's local municipalities on a regular basis to provide an update on ongoing technical studies, available provincial funding and highlight upcoming source planning activities. Regional staff continue to conduct presentations to local Councils to keep them informed on this complex issue. A workshop is planned for November 23rd to consolidate regional and local municipal comments on draft source protection policies. Representatives from Building Officials, Planning, Public Works and others have been invited. It is imperative that local municipalities remain informed and involved as the Source Protection Plans are finalized.

7. CONCLUSION

***Clean Water Act* promotes actions to protect drinking water at the source**

Protecting drinking water at the source is the first step of the multi-barrier approach. Using a comprehensive 'from source to tap' approach, York Region continues to keep in step with new Provincial directions to ensure multiple barriers are in place to deliver safe water. Although existing barriers including treatment and testing are standard practice at York Region and continue to demonstrate no impact to source water quality, further actions are required to ensure our source water remains a protected resource for future generations.

Regional Risk Management Official and Inspectors are required to enforce duties under the Act and must be appointed by Regional Council

Risk management approaches under Part IV of the *Clean Water Act*, are one of the proposed tools in draft Source Protection Plans to manage more than 75 per cent of the 1,100 significant threats identified in the Assessment Reports within York Region wellhead protection areas. To enforce the powers under Part IV of the *Clean Water Act*, the appointment of the Risk Management Official and Inspectors by Regional Council is required. In the interim period between the approval of the Assessment Report and final Source Protection Plan, the Region may undertake interim risk management where new

significant threats may be introduced and conduct field verification of identified threats within the Assessment Report. Specific powers to enter properties also need to be approved by the Source Protection Authorities.

Once the Source Protection Plans are approved, the Risk Management Official and Inspectors will be responsible for enforcing and monitoring risk management plans that relate to significant threats in wellhead protection areas and intake protection zones, where specified in the Plans. For the remaining 25 per cent, these potential threats will be managed using other tools such as Certificates of Approval and powers under the *Building Code Act*.

Region and local municipal review of draft source protection policies is essential to understand barriers to implementation

Over the next few months, Source Protection Committees will consult with municipalities and others prior to public release of the draft Source Protection Plan in 2012. With over 400 policies across both Source Protection Areas, this review will require considerable efforts within limited time frames. It is critical that the Region and local municipalities provide consolidated comments upon release of the draft policies this Fall. A workshop planned for November 23rd with Building Officials, Public Works, Planning, Health and others will allow for dialogue across disciplines and provide meaningful and expedited feedback to Source Protection Committees on the impact of these proposed mandatory actions.

All future planning decisions must conform with Source Protection Plan, requiring considerable communication and collaboration across local and Regional jurisdictions

Along with the Region, local municipalities will also have new source protection considerations prior to the issuance of building permits and planning approvals. Other new requirements for public works staff such as the management of road salt, snow storage, fuel storage, fertilizers and pesticides within these vulnerable areas will also be proposed in the draft Plans as mandatory actions to manage significant threats to drinking water. It is imperative that local municipalities remain informed and engaged as this process unfolds.

For more information on this report, please contact Laura McDowell, Director, Environmental Promotion and Protection at 905-830-4444 Ext 5077.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause are attached to this report.)



Appointment of Risk Management Official and Update on *Clean Water* Act Requirements

Presentation to Environmental Services Committee

Wendy Kemp and Don Goodyear
November 9, 2011

Environmental Services Committee - November 9, 2011

Source Water Protection

Overview

- ❑ Provide an overview of the Source Protection Program
- ❑ Provide a status update
- ❑ Summarize implications to the Region and local municipalities
- ❑ Provide recommendations to facilitate implementation



Environmental Services Committee - November 9, 2011

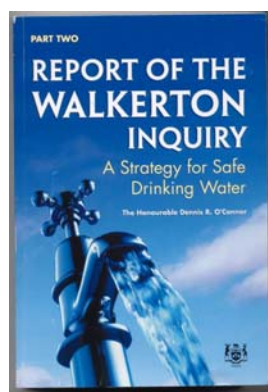
Slide 2

Source to Tap Approach

- ❑ Region has long history of programs to deliver safe water
 - ❑ Operations, maintenance and testing
 - ❑ Public health services directs action for adverse water quality incidents
 - ❑ Education and outreach to residents
 - ❑ Official Plan policies to direct development away from sensitive areas



Source Water Protection

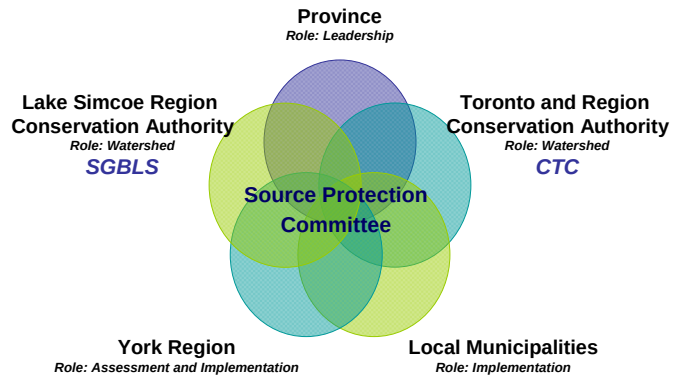


- ❑ Clean Water Act, 2006
- ❑ Promote the protection of drinking water through mandatory and voluntary actions
- ❑ Watershed based
- ❑ Public process

Protecting water at the source is part of the multi-barrier approach for delivery of safe water

Clean Water Act

ROLES and RESPONSIBILITIES



Overlapping roles to protect drinking water



Environmental Services Committee - November 9, 2011

Slide 5

Deliverables

1. Terms of Reference

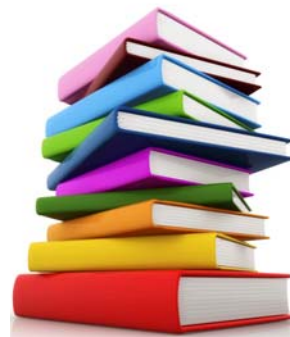
- Defines the work
- Completed August 2009

2. Assessment Report

- Identified threats and vulnerable areas relative to municipal supplies
- Re-submitted in Summer 2011

3. Source Protection Plan

- Policies to reduce existing risks and prevent new ones
- Due to the Province August 2012



Timelines are specified in the Act



Environmental Services Committee - November 9, 2011

Slide 6

What is a drinking water threat?

□ Two types of threat

□ Quality

- Pathogen – e.g. sewage, biosolids, agricultural source materials
- Chemicals – e.g. fuels, solvents, pesticides, fertilizers



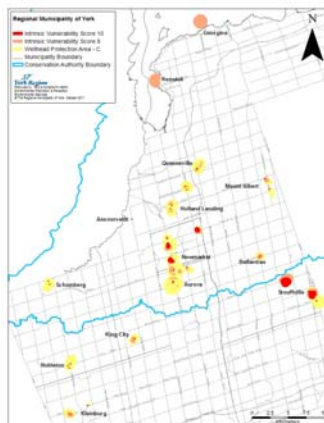
□ Quantity

- Water taking
- Loss of recharge



21 threats defined in legislation

Significant Threat Areas



□ Significance depends on where on landscape activity takes place

- Ranked as significant, moderate and low

□ Highest vulnerability

- Red/Orange zones
- Yellow zones = Dense Non-Aqueous Phase Liquids only

1,100 significant threats to drinking water supplies estimated in York Region

Field verification of threats currently underway

Deliverables

1. Terms of Reference

- Defines the work
- Completed August 2009

2. Assessment Report

- Identified threats and vulnerable areas relative to municipal supplies
- Completed December 2010

3. Source Protection Plan

- Policies to reduce existing risks and prevent new ones
- Due to the Province August 2012



Extensive municipal review is required over the next 60 days

Source Protection Plans

- Draft Source Protection Plan policies released to municipalities October / November
 - Over 200 draft policies in each plan



Policies are mostly focused on mandatory actions to address significant threats

Municipal Consultation Timelines



Multiple opportunities for municipal staff and council to review and comment on the draft policies

Source Protection Plans

Common approaches

- ❑ Manage existing significant threats
 - ❑ Risk management plans, Provincial instruments
- ❑ Prohibit future significant threats
 - ❑ 'Part IV Prohibition', land use planning
- ❑ 'Softer' tools to complement
 - ❑ Education, outreach, incentives, research

Policies must address activities that are, or would be, significant threats. These policies must ensure those activities cease to be, or do not become, significant threats

New Municipal Roles and Implications

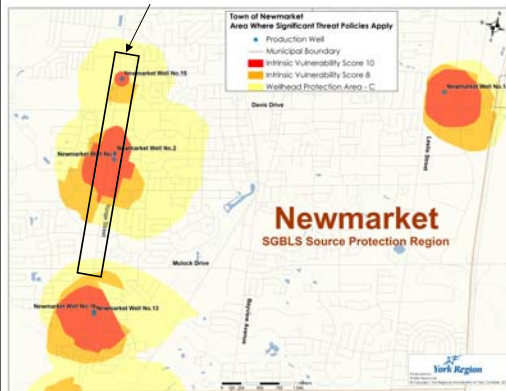
Municipalities 'must conform to' significant threat policies

- ❑ Official Plan amendments required at local and regional level
- ❑ Enforcement and monitoring of existing significant threats by the Risk Management Official
- ❑ Duty to report to Source Protection Authorities on annual basis
- ❑ New business processes required for land use planning
- ❑ Education and Outreach programs

Majority of policies are a municipal duty to implement

Impacts on Growth

Newmarket Urban Growth Centre

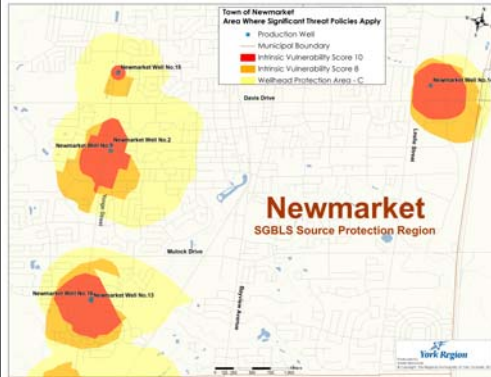


"Prohibit future land activities that store snow, fuel, sewage, storm water or activities that use fertilizers or pesticides..."

Opportunity to work with land owners to develop lands that protect drinking water but allows for growth to move forward

Proposed Urban Growth Centres lie within significant threat areas

Impacts on Business Sector



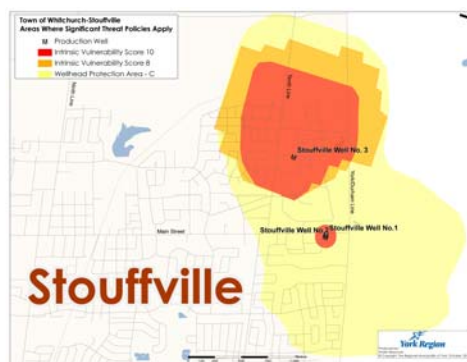
"Prohibit the use and storage of Dense Non Aqueous Phase Liquids...

... requiring Building Official to direct proponent to obtain a pre-screen notice from the Risk Management Official...."

New notification process to allow for the local municipal Chief Building Officials to work closely with Risk Management Official

Collaboration is required to implement policies

Impacts on Municipal Infrastructure



"Direct MOE to refuse to issue new CofAs for new or expanded sanitary pipes or systems within vulnerable zone.." (CTC)

All decisions must conform to the Source Protection Plan, including decisions by the Ontario Municipal Board, Ministry of Environment and others

Municipal review is essential to understand barriers to implementation

Part IV Responsibilities

- ❑ Risk Management Official
 - ❑ Negotiate risk management plans for existing significant threats
 - ❑ Screen for future significant threats
 - ❑ Report annually
- ❑ Risk Management Inspector
 - ❑ Inspect for compliance with risk management plans
 - ❑ Issue orders to address non-compliance with a risk management plan or Part IV prohibition

York Region leads the Province in hiring the first Risk Management Official to deliver on provincial requirement to protect drinking water



Environmental Services Committee - November 9, 2011

Slide 17

Links to the Corporate Strategic Plan

- ❑ Protecting drinking water at the source
 - ❑ safeguards the quality and quantity of our drinking water supplies
- ❑ Risk management office supports sustainability
 - ❑ commitments to environmental and human health protection
 - ❑ provides opportunity to engage and integrate early decisions into the planning process
 - ❑ experience with Oak Ridges Moraine Conservation Plan demonstrates effective use of resources



Growth drives need for proactive risk management prior to Plan approval



Environmental Services Committee - November 9, 2011

Slide 18

Report Recommendations

- ❑ Regional Council approve the appointment of Don Goodyear and Wendy Kemp (alternate) as Risk Management Officials under Part IV of the *Clean Water Act, 2006*.
- ❑ Regional Council approve the appointment of Scott Lister, Tanya Kamperherm Martin and Angelika Masotti as Risk Management Inspectors under Part IV of the *Clean Water Act, 2006*.
- ❑ The Regional Clerk issue a certificate of appointment bearing the clerk's signature to each Risk Management Official and Risk Management Inspector appointed by Regional Council.
- ❑ The necessary bylaws be presented to Council in November to effect these appointments.



Protecting Our Drinking Water: *The Clean Water Act*

The *Clean Water Act* was created to protect drinking water sources.

Following the Walkerton tragedy, the Province of Ontario released the *Clean Water Act* to create a framework to protect drinking water at the source. A local, science-based approach will be taken to consider both existing and potential threats to drinking water sources.

Source Protection Committees are responsible for developing Source Protection Plans and related policies regulated by the *Clean Water Act*. These committees consists of individuals from municipalities, the public and industries including golf courses and agriculture.

York Region is represented on two committees:

- Credit Valley, Toronto and Region, Central Lake Ontario (CTC) Source Protection Committee - Laura McDowell, Director, Environmental Promotion and Protection
- South Georgian Bay Lake Simcoe Source Protection Committee (SGBLS) - Wendy Kemp, Manager, Water Resources

Staff from York Region, local municipalities and conservation authorities participate in various working groups to provide technical and planning support to the Committees.

Assessment Reports identified over 1,100 potentially significant threats to drinking water supplies in York Region.

In December 2010 final draft Assessment Reports were submitted to the Province.

These reports summarized a series of technical studies that analyzed threats to drinking water quality and quantity within the watershed boundary.

The Reports identify:

- Vulnerable areas which include wellhead protection areas, intake protection zones, significant recharge areas and highly vulnerable aquifers
- Water quality issues related to water sources
- Land use activities that are considered potentially low, moderate and significant risks to municipal drinking water systems
- A total count of the number of potentially significant drinking water threats located in vulnerable areas for each municipal drinking water system in York Region.

Examples of potential drinking water quality threats include:

- septic systems
- waste disposal sites
- agricultural source material
- fuels
- road salt
- fertilizers
- pesticides
- solvents and other related chemicals

A significant threat can occur if one of these activities is located in a highly vulnerable area such as wellhead protection areas close to wells. Low and moderate threats are typically found in the outer reaches of wellhead protection areas or within other vulnerable areas.

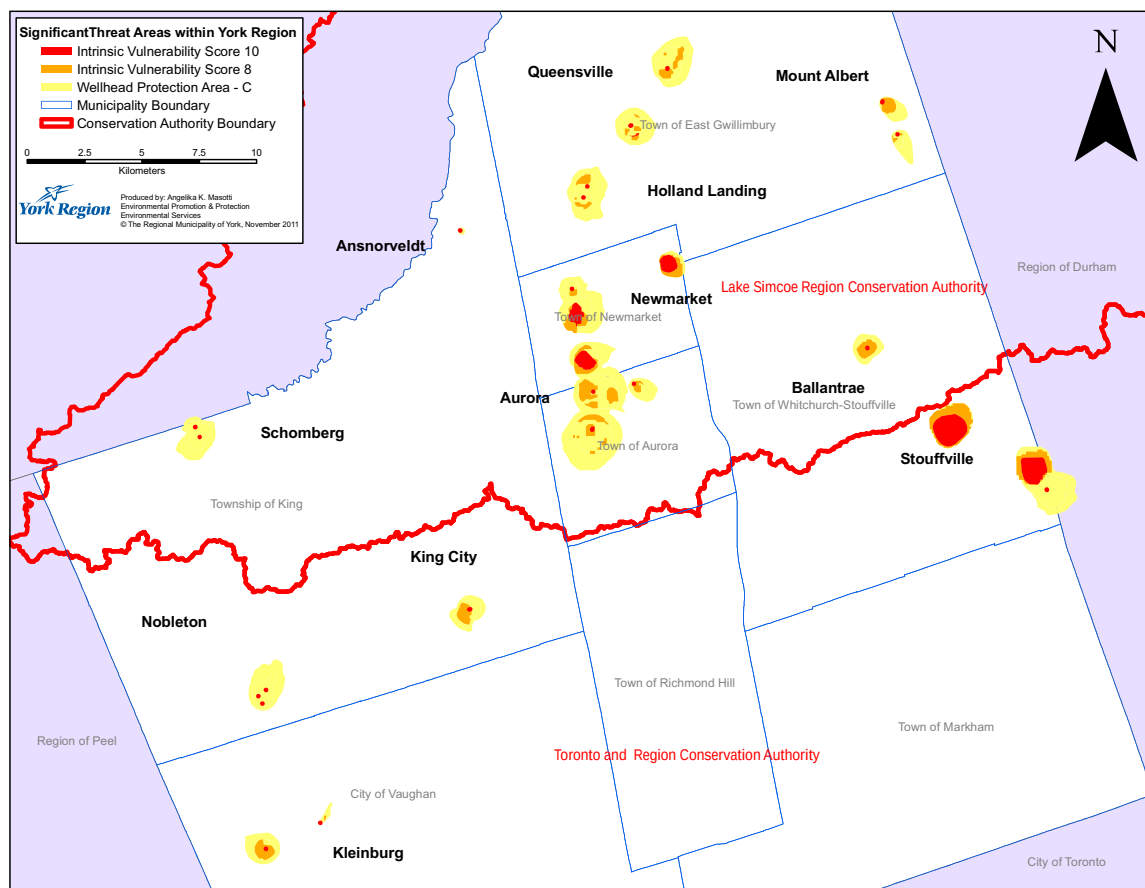
Municipalities will play a large role in implementing the Source Protection Plans' policies especially with regards to risk management, land use planning and education.

In August 2012 Source Protection Plans are scheduled to be completed.

Source Protection Plans will specify actions needed to protect drinking water sources. The Plans will specify actions that ensure drinking water threats cease to be or never become significant threats to drinking water.

Public consultation is an essential component of preparing the plan and includes:

- Notices to announce the commencement of the planning activities were sent to all land owners and municipalities in early 2011.
- Pre-consultation with implementing bodies, including local municipalities will occur November 23 in York Region.
- Two rounds of public consultation on the draft Plan will take place in the first half of 2012.





CTC SOURCE PROTECTION REGION

COUNCIL ATTACHMENT 2



CTC SOURCE PROTECTION COMMITTEE

October 7, 2011

DENIS KELLY, REGIONAL CLERK
REGIONAL MUNICIPALITY OF YORK
17250 YONGE STREET PO BOX 147
NEWMARKET, ON L3T 6Z1

Dear Denis Kelly,

FOR THE ATTENTION OF COUNCIL
Deadline for Comment – December 31, 2011

***Notification of Designation of Implementation of Source Protection Plan Policies
Pursuant to the Clean Water Act, 2006 (the Act) and Ontario Regulation 287/07***

Municipalities located in a source protection area designated to implement Source Protection Plan policies must be notified of the opportunity to make comment on the draft wording of the policies prior to the proposed draft of the Source Protection Plan being released to the public for consultation. York Region and its lower tier municipalities have been designated to implement certain Source Protection Plan policies by the Credit Valley, Toronto and Region, and Central Lake Ontario (CTC) Source Protection Committee (SPC).

Background

The Ontario *Clean Water Act, 2006* and the associated Regulations have prompted the formation of the CTC Source Protection Committee. The mandate of this Committee is to develop a science-based Source Protection Plan for each Source Protection Area to ensure the protection of existing and future municipal drinking water sources. York Region's representative on the committee is Laura McDowell, Director, Environmental Protection, York Region.

The first task of the Source Protection Committee was to develop its own **Terms of Reference** (TOR) for each of the three Source Protection Areas within the CTC Source Protection Region. The Terms of Reference outlined all the steps to be taken to develop and implement a Source Protection Plan. The TORs for each of the Toronto and Region, Credit Valley and Central Lake Ontario Source Protection Areas of the CTC Source Protection Region were approved by the Ministry of the Environment on August 17, 2009.

The second step in the process was to develop an **Assessment Report** (AR) for each Source Protection Area in the CTC Source Protection Region. The Assessment Reports identify vulnerable areas where municipal drinking water sources might face a risk of contamination or depletion and identifies drinking water threat activities within those vulnerable areas. After two rounds of public consultation an Assessment Report was submitted in August 2010 for the Central Lake Ontario Source Protection Area and in December 2010 for the other two areas. Updated Assessment Reports for each Source Protection Area in the CTC Source Protection Region were submitted on July 29, 2011 to the Ministry of the Environment following further public consultation.

The Source Protection Plan

Under the *Clean Water Act, 2006*, the CTC Source Protection Committee must develop policies which address significant drinking water threats as identified in the Source Protection Plan. The Source Protection Committee may designate municipalities to implement some of the policies in the Source Protection Plan.

Please find enclosed an explanatory document, maps showing where the policies apply and the draft policies which the York Region would be required to implement. The explanatory information provides background to the Source Protection Plan as well as the rationale for the SPC's selected policies. This notice is also being sent to your municipal staff contacts who have been involved in the development of these policies as noted below. Your staff may be preparing reports for your council on this. If your staff wants an electronic copy of the attached material, more detailed explanation or further information, please have them contact the CTC staff noted below. You may make comments on these draft policies which should be submitted to my attention. There is no requirement under the *Clean Water Act, 2006* for municipal councils to endorse these draft policies or make comment.

In order for us to jointly hear your feedback, a workshop is being organized with ourselves and the adjacent source protection regions. This is an opportunity for your designated municipal representatives (staff or elected officials) to discuss, in one venue, your comments on all the draft policies with representatives of Source Protection Committees within your municipalities. The workshop for York Region will be held November 23, 2011 at The Manor, Victoria Hall, 16750 Weston Road, RR1, Kettleby, ON L0G 1J0. If you have interest in attending this session, or require more information, please contact Kate Kusiak, Communications Coordinator, CTC Source Protection Region at 416-661-6600, extension 5568 or by email at kkusiak@trca.on.ca.

Should you or your council require further information please discuss your needs with your municipal representative, Laura McDowell (905-895-1231), or Beverley Thorpe, CTC Project Manager (416-661-6600 extension 5577) and we will be pleased to provide the necessary information. If your council would like further information, a presentation or a discussion with staff or councillors, please let Laura McDowell or our staff know.

The Committee will consider carefully any comments your municipality makes. Comments should be sent to me by December 31, 2011 at 70 Canuck Ave, Toronto, ON M3K 2C5, by fax at 416-667-6278 or by email to sourcewater@trca.on.ca. Your municipality will have two additional opportunities to formally provide your opinion on Source Protection plan policies before the plan is submitted to the Minister of the Environment for approval in August 2012. Thank you for your consideration of the foregoing as we all share in the important work to protect our current and future sources of drinking water.

Yours truly,



Susan Self,
Chair, CTC Source Protection Committee

cc: Laura McDowell, Director, Environmental Protection, York Region, CTC Source Protection Committee
Wendy Kemp, Manager, Water Resources
Tanya Kampher Martin, Program Coordinator, Water Resources
Beverley Thorpe, CTC Project Manager

Attachment package copied to clerk only



South Georgian Bay Lake Simcoe Source Protection Region

October 7, 2011

Denis Kelly
Clerk
York Region
17250 Yonge Street, Box 147
Newmarket, ON L3Y 6Z1



REGION OF YORK
CLERK'S OFFICE

FILE No. - E03

→ Wendy Kemp

Dear Denis Kelly,

Re: Notice of Pre-Consultation – DRAFT Policy Document
South Georgian Bay Lake Simcoe Source Protection Region
Deadline for Comment: January 13, 2012

The South Georgian Bay Lake Simcoe Source Protection Committee has begun preparation of a Source Protection Plan to protect municipal sources of drinking water. This letter serves as a notice for the purpose of Ontario Regulation 287/07 made under the Ontario Clean Water Act, 2006.

Please find enclosed in this package the DRAFT Policy Document which contains policies that you may be required to implement. We have also enclosed the Draft Explanatory Document, which provides the rationale for the Draft policies.

We recognize that the impacts to each municipality will vary depending on the responsibility for water supply, waste management or whether or not you have any drinking water systems or significant threats. To assist with reviewing these documents, we've also attached a table which provides an overview of which policies in the plan to focus on, based on your responsibilities. The deadline to submit written comments is January 13, 2012.

This is your first formal opportunity to provide comments on the DRAFT Policy Document. There will be two rounds of public consultation during the first half of 2012 that will allow your municipality the opportunity for further input before the Proposed Source Protection Plan is submitted to the Minister of the Environment in August 2012 for final review and approval.

To assist with reviewing these documents and providing us with your feedback, a municipal workshop has been planned as follows:

November 23, 2011

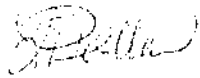
The Manor, 16750 Weston Road, Kettleby

cont'd...

If you have not contacted us about attending, please do so as soon as possible by contacting Susan Jagminas at the Lake Simcoe Region Conservation Authority at 905 895 1281 ext 264 or s.jagminas@lsrca.on.ca at your earliest convenience.

Thank you for your ongoing assistance with the Drinking Water Source Protection Program. Please contact Don Goodyear at 905 895 1281 ext 246 or d.goodyear@lsrca.on.ca with any concerns or questions regarding this Notice.

Yours truly,



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

cc Don Goodyear, Director, Source Protection Planning, South Georgian Bay Lake Simcoe Source Protection Region