

HALTON REGION SOURCE PROTECTION AUTHORITY BOARD OF DIRECTORS

MEETING #: 02 18
DATE: September 27, 2018
TIME: 3:00 – 6:00 pm
PLACE: CH Admin. Office, 2596 Britannia Road West, Burlington ON
905.336.1158 x 2236

AGENDA

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- 1.0 **Acceptance of Agenda as distributed**
- 2.0 **Disclosure of Pecuniary Interest for Board of Directors**
- 3.0 **Consent Items**
 - Roll Call & Mileage
 - Approval of HRSPA Board of Directors Minutes dated April 26, 2018 1 - 2
- 4.0 **Action Items**
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- 5. **Other Business**
- 6. **Adjournment**

REPORT TO: **Halton Region Source Protection Authority Board of Directors**

REPORT NO: # 02 18 01

FROM: Barbara J. Veale
Director, Planning and Watershed Management

DATE: September 27, 2018

SUBJECT: **Appointment of two members to the Halton-Hamilton Source Protection Committee representing the public-at-large**

Recommendation

THAT the Halton Region Source Protection Authority **reappoint Mr. Glenn Powell and appoint Ms. Dana Couture to the Halton-Hamilton Source Protection Committee to represent the general public for a period of five years.**

Background

The Halton-Hamilton Source Protection Committee comprises ten members representing municipal, economic and other interests. The Committee's composition is:

- a chair
- municipal representation from three groupings:
 1. City of Hamilton, Niagara Region, Town of Grimsby
 2. Regions of Halton and Peel, Cities of Burlington and Mississauga, Towns of Oakville, Milton and Halton Hills
 3. County of Wellington, Township of Puslinch
- two agricultural representatives
- one industrial/commercial representative
- one environmental representative
- two members representing health or the general public

Ontario Regulation 288/07 under the *Clean Water Act* sets out the criteria for membership on a source protection committee, including notification of vacancies, and conditions and terms of appointment. The Hamilton Region and Halton Region Source Protection Authorities appoint the Committee membership, except for the Chair. Following regulatory changes in 2015, the Authorities approved a plan to stagger member position expiry dates to provide for knowledge transfer and consistency in approach in future years. Two positions representing the general public are expiring in 2018.

Report

Two member positions on the Halton-Hamilton Source Protection Committee are being vacated in 2018 in accordance with the member replacement schedule. One of the sitting members did not wish to continue as a member, the other submitted an application as part of the recruitment process.

The recruitment process included notices placed in newspapers, on websites, through social media, and through e-mail. Seven applications were received and four applicants were selected for interviews.

The Halton-Hamilton Source Protection Management Committee conducted interviews on July 10, 2018. Three of the four interviews took place, as one person was unable to attend that day. The Committee agreed on their selection of Mr. Glenn Powell and Ms. Dana Couture as nominees for appointment.

Mr. Powell has sat on the Committee since 2007 and has been a valuable asset given his broad knowledge of the agricultural community, communications, and the source water protection program. Ms. Couture, as an aquatic biologist and former well owner, will bring a new perspective to the Committee.

The terms of the appointments can be a maximum of five years.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities.

Financial Impact

No impact

Signed & respectfully submitted:

Approved for circulation:



Barbara J. Veale
Director, Planning and Watershed Management



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Diane Bloomfield, 905.854.9229 x 223, dbloomfield@hrca.on.ca

REPORT TO: **Halton Region Source Protection Authority Board of Directors**

REPORT NO: # 02 18 02

FROM: Barbara J. Veale
Director, Planning and Watershed Management

DATE: September 27, 2018

SUBJECT: **New Source Protection Authority Responsibility Under the *Clean Water Act, 2006***

Recommendation

THAT the Halton Region Source Protection Authority **receive for information the staff report dated September 6, 2018 outlining the new responsibility given to the Source Protection Authority by the amended *Clean Water Act, 2006*;**

AND FURTHER THAT the Halton Region Source Protection Authority **endorse the attached “Business Protocol for the Implementation of O.Reg. 287/07 ss. 48(1.1) under the *Clean Water Act, 2006* for use within the Halton-Hamilton Source Protection Region”.**

Background

The Province of Ontario has recently amended Ontario Regulation 287/07 under the *Clean Water Act, 2006*, and enacted a new Regulation 205/18 under the *Safe Drinking Water Act, 2002*. These changes are intended to improve the framework to protect sources of drinking water in Ontario by requiring protection prior to water delivery to the public. There is a new requirement in these changes that directly affects the business of the source protection authorities (SPAs). The changes require that an owner of an existing or planned municipal drinking water system notify the SPA in which the water system is located when they propose to make an application under the *Safe Drinking Water Act* to alter or replace a system or establish a new system. The SPA in turn now has the responsibility to review the technical studies completed as part of the owner’s application and provide a notice back to the owner to confirm that the technical work required under the *Clean Water Act* has been completed. The SPA is also responsible for identifying any necessary amendments to the source protection plan as a result of the new work. Once the system owner receives this notice from the SPA they may submit their application to the Ministry of the Environment, Conservation and Parks (MECP) for their review and issuance of a municipal drinking water licence and drinking water works permit.

Report

The implementation of the requirement for a notice from a SPA is more complex in source protection regions where more than one SPA is working jointly to manage the program, as is the case in Halton-Hamilton. The regulation requires that the water system owner send a notice to the source protection authority in which the system is located. Accordingly, Hamilton Region SPA would receive notices from the City of Hamilton for their existing Woodward and Greensville water systems and any new systems they propose, while Halton Region SPA would receive notices from the City of Hamilton for

their existing Freelton and Carlisle systems, and from Halton Region for their Oakville, Burloak, Burlington, Kelso and Campbellville systems, as well as new systems they propose.

The Halton-Hamilton Source Protection Management Committee met July 10 to discuss this new responsibility and agreed that, since source protection staff work on behalf of both source protection authorities, all notices should be received by them. Source protection staff are typically aware of and possibly involved in the technical studies undertaken by the municipalities for amendments to their drinking water system licences and permits and are capable of reviewing the study reports for compliance with the requirements of the *Clean Water Act*.

The MECP has clarified that the SPA review is administrative and will determine if the technical work completed is sufficient for the SPA to identify amendments to the source protection plan and assessment report that are necessary based on the new application. The review is not to determine if the technical work is correct or to approve this work. Approval of the technical work will be issued by the MECP, triggered by the submission of the water system owner's application for a new licence and permit, or by submission of the revised source protection plan and assessment report by the SPA.

The MECP requested that local processes be established that will facilitate an efficient review of the technical work and notice issuance so as not to delay municipal applications. Source protection staff have written the attached "Business Protocol for the Implementation of O.Reg. 287/07 ss. 48(1.1) under the *Clean Water Act, 2006* for use within the Halton-Hamilton Source Protection Region" for this purpose.

The Business Protocol and sample notice are based on legally reviewed documents prepared by Conservation Ontario. It is legal opinion that sections 98 and 99 under the *Clean Water Act* provide protections to conservation authorities in their role as SPAs when issuing the required notice to the water system owners, as the SPAs are simply exercising powers and duties under the Act.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities.

Financial Impact

No impact

Signed & respectfully submitted:

Approved for circulation:



Barbara J. Veale
Director, Planning and Watershed Management



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Diane Bloomfield, 905.854.9229 x 223, dbloomfield@hrca.on.ca

**Business Protocol for the Implementation of O.Reg. 287/07 ss. 48(1.1)
under the *Clean Water Act, 2006* for use within the
Halton-Hamilton Source Protection Region**

Preamble

The *Safe Drinking Water Act, 2002*, and the *Clean Water Act, 2006* were amended to incorporate source protection planning early on in the municipal residential drinking water supply process. A municipal water system owner cannot, with few exceptions:

- a) apply for a drinking water works permit without a notice from a source protection authority under subsection 48(1.1) of Ontario Regulation 287/07, and
- b) supply treated water to users of the system until an amended source protection plan is approved by the Ministry of the Environment, Conservation and Parks (MECP).

The overall goal of the regulatory changes is to ensure that municipal residential drinking water sources are protected before water is provided to the public.

Requirements

The regulations place the onus on municipal drinking water system owners to ensure that technical work required by the *Clean Water Act* for new and altered systems is completed. System owners are encouraged to engage the Halton-Hamilton source protection staff early in the process to ensure that studies are designed to produce the resulting documentation necessary for inclusion in the assessment report and the amendment of the source protection plan.

Municipal Notification of the Intent to File an Application

Subsection 48(1.1) of Ontario Regulation 287/07 under the *Clean Water Act, 2006* requires an owner of an existing or planned municipal drinking water system that intends to make an application under section 32 of the *Safe Drinking Water Act, 2002* to give notice of the intended application to the source protection authority. The notice requirements are as follows:

- a) the notice must be in writing
- b) the notice must be given to the source protection authority for the source protection area in which the system is located
- c) the owner must request that the source protection authority notify the owner when technical work comprising mapping of new or altered vulnerable areas, and the identification of the areas where an activity or condition is or would be a significant, moderate, or low drinking water threat is complete

The Halton Region and Hamilton Region Conservation Authorities work collaboratively on the source protection program within the Halton-Hamilton Source Protection Region. As such, staff retained specifically for the program work on behalf of both source protection authorities and municipalities are asked to send the required notice of the intent to make an application to:

Manager, Source Water Protection
2596 Britannia Road, West
Burlington, ON L7P 0G3
sourceprotection@hrca.on.ca

Source Protection Authority Notification of Technical Study Completion

Subsections 2(2) and 3(2) of Ontario Regulation 205/18 under the *Safe Drinking Water Act, 2002* require that a notice from a source protection authority accompany an application for a drinking water works permit for a new or altered municipal drinking water system. The notice requirements are laid out in ss. 48(1.1) of Ontario Regulation 287/07 under the *Clean Water Act, 2006* as follows:

- a) the notice must be in writing
- b) the notice must include a statement that the source protection authority is satisfied that the technical work has been completed
- c) the notice must list the amendments to the source protection plan that the source protection authority may consider advisable based on the intended application
- d) the notice must include the timing for completion of the amendments and submission of the proposed amended source protection plan to the MECP under s. 34 of the *Clean Water Act*
- e) the notice must identify any updates completed or that will be completed as part of a source protection plan review and update under s. 36 of the *Clean Water Act*

Under the *Safe Drinking Water Act*, regulation 250/18 states the following exceptions to the requirement for a notice from the source protection authority:

1. A notification is not required if the assessment report for the source protection area includes a wellhead protection area or an intake protection zone where a new system's raw water supply is located, or where alterations to an existing wellhead protection area or intake protection zone are not necessary.
2. An application is being made for the purpose of alleviating an existing drinking water health hazard.
3. An application relates to an undertaking that has been exempted from the application of the *Environmental Assessment Act*, pursuant to an order made under section 3.2 of that Act.

Engagement of source protection staff early in the technical work will streamline the review and notification process. A sample source protection authority notification is attached.

Source Protection Plan Amendment

The notice from the source protection authority will itemize the amendments required to include the new technical work within the assessment report, and new policies or amended existing policies in the source protection plan. The amendments will be discussed by and agreed to by the Halton-Hamilton Source Protection Committee. The timing to complete the amendments will be based on staff availability, staff familiarity with the project, meeting schedules and complexity of the changes needed. Prior to submission of the proposed plan to the MECP, stakeholder consultation is required for a minimum 35 days and one public meeting is to be held. Source protection staff will work with the municipalities to combine public engagement opportunities, when possible. The proposed source protection plan will be endorsed by the Halton Region and/or the Hamilton Region Source Protection Authorities as necessary, and timing will be allowed for this.

Once the proposed plan is submitted, the MECP will undertake their review of the technical work and the proposed amendments. There is the potential for the MECP to identify additional work or changes needed to the technical work already completed. Early review of the draft technical work by the MECP may alleviate this concern. The approval of source protection plan amendments rests with the MECP and they will have to be asked for an estimate of time to complete their review and provide approval.

Municipal Application

Once the municipality has the notice from the source protection authority, if needed, they may submit their application for a drinking water works permit and municipal drinking water licence to the Safe Drinking Water Branch, MECP. The Source Protections Program Branch will undertake their review of the amended source protection plan and supporting technical work concurrently.

If the technical work does not produce a new vulnerable area associated with an altered or new well or intake and a notice is not required from the source protection authority, any required administrative amendments to the source protection plan will be completed during a future amendment under s. 34 or 36 of the *Clean Water Act, 2006*.



**NOTICE OF AMENDMENTS TO SOURCE PROTECTION PLAN
(pursuant to section 48(1.1)(b) of Ontario Regulation 287/07)**

Existing or Planned Municipal Drinking Water System (System):

Name of Owner of Existing or Planned Municipal Drinking Water System (Owner):

Applicable Source Protection Area (Source Protection Area):

The _____ Source Protection Authority is the Source Protection Authority for the Source Protection Area under the *Clean Water Act, 2006*.

The _____ Source Protection Authority has received written notice from the Owner about an intended application under the *Safe Drinking Water Act, 2002* for an existing or planned System that is located within the Source Protection Area.

The _____ Source Protection Authority is satisfied that the technical work required pursuant to subsection 48(1.1) of Ontario Regulation 287/07 under the *Clean Water Act, 2006* is completed for the purposes of identifying anticipated amendments to the source protection plan for the Source Protection Area.

The _____ Source Protection Authority anticipates the amendments set out in Schedule A of this notice will be required as a result of the intended application. The list of anticipated amendments in Schedule A is provisional and will undergo consultations with stakeholders and the source protection committee. All amendments must be approved by the Ministry of the Environment, Conservation and Parks and are subject to change after this notice is issued. The timing for approval of the amendments by the Ministry of Environment, Conservation and Parks is not within the control of the Source Protection Authority. The Schedule A also indicates amendments that have been completed.

All actions by the _____ Source Protection Authority for the purposes of this notice are undertaken as the Source Protection Authority for the above noted Source Protection Area and are subject to the *Clean Water Act, 2006*. This notice does not exempt the Owner from obtaining the required licence or permit to operate the System under the *Safe Drinking Water Act, 2002*.

Issued by: _____
Manager, Source Water Protection

Date: _____

