

Change in the Members Representing the City of Toronto on the CTC Source Protection Committee

Date: August 29, 2016
To: Executive Committee
From: General Manager, Toronto Water
Wards: All

SUMMARY

The Clean Water Act, directed at protecting the natural sources of Ontario's drinking water, was passed on October 18, 2006. The purpose of the Act is to protect existing and future sources of drinking water. The Act establishes Source Water Protection Regions in Ontario; and, delegates Conservation Authorities as Source Protection Authorities and requires them to create Source Protection Committees that are expected to implement and monitor the Ontario Ministry of Environment and Climate Change (MOECC) approved Source Water Protection Plan (SWPP) for their region, including updating the Assessment Report, which is the foundation for the SWPP, every five years.

The City of Toronto is within the CTC (Credit Valley, Toronto and Region and Central Lake Ontario) Source Protection Region and has two representatives on the CTC Source Protection Committee: one from Toronto Water and one from Toronto Public Health.

This staff report provides a status update on the Source Water Protection Plan, and requests authorization to replace Toronto's representatives to the CTC Source Protection Committee, for the next ten years from the date of this report.

RECOMMENDATIONS

The General Manager of Toronto Water recommends that:

1. City Council delegate authority to the Deputy City Manager, Cluster B, in consultation with the General Manager, Toronto Water and the Acting Medical Officer of Health, Toronto Public Health to designate replacement members for the City of Toronto's two representative positions on the CTC Source Protection Committee for the next ten year period, as members on the CTC Source Protection Committee complete their term.

2. City Council direct the City Clerk to forward the name(s) of the new City of Toronto representatives to the Toronto and Region Conservation Authority, as they are replaced.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact.

DECISION HISTORY

At its meeting of September 26 and 27, 2007, City Council authorized the Deputy City Manager responsible for Toronto Water, in consultation with the General Manager of Toronto Water, to designate Toronto's two representatives on the CTC Source Protection Committee. A copy of the Council decision document can be found at: <http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-09-26-cc12-dd.pdf>

At its meeting of November 27, 28, and 29, 2012, City Council unanimously endorsed the Source Water Protection Plan developed by the Credit Valley, Toronto and Region, Central Ontario (CTC) Source Protection Committee. The Plan presents policies intended to reduce threats to the sources of drinking water, including Lake Ontario, the source of drinking water for the 2.8 million residents of Toronto. A copy of the Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW19.6>

At its meeting of August 25, 26, 27 and 28, 2014, City Council confirmed its endorsement of the Lake Ontario policies contained in the Credit Valley, Toronto and Region, Central Ontario (CTC) Source Water Protection Plan submitted to the Ontario Minister of the Environment on October 22, 2012, and updated at the CTC Source Protection Committee meeting of June 24, 2014. A copy of the Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PW33.14>

COMMENTS

In 2006, in recognition of the importance of protecting the sources of drinking water for all Ontarians, the Ontario government passed the Clean Water Act (2006) [S.O. 2006, Chapter 22]. This Act addresses recommendations made by Justice O'Connor in his judicial inquiry into the tainted water tragedy that occurred at Walkerton in 2001.

The Act identified drinking water source protection areas across all of Ontario, including the Credit Valley, Toronto and Region, Central Ontario (CTC) Source Water Protection Area. Toronto is in the CTC Source Protection Area. The Act also established Source Water Protection Committees (SPC) for each area with responsibility for developing a plan to address activities and land uses around municipal wells and drinking water treatment plant intakes in order to safeguard human health, ensure adequate safe clean

water is available; and, protect current and future sources of municipal drinking water from significant threats.

The CTC Source Protection Committee is currently comprised of 21 members plus a chair (total 22), plus 3 liaison members. One of the non-voting liaison members represents the Medical Officers of Health within the CTC Region. One third of the members (7) reflect the interests of the municipalities within the region, one-third are sectoral representatives (agriculture, aggregate industry, petrochemical industry, land development and golf course), and one-third are general public representatives (including ENGO's and the general public).

The City of Toronto was allocated two members, in recognition of its large population. In 2007, two representatives were nominated to serve for the initial term, which led to the submission and approval of the CTC Source Protection Plan: Dr. Howard Shapiro, Director, Healthy Environments, Toronto Public Health, and Michael D'Andrea, Director (in 2007) Water Infrastructure Management, Toronto Water.

On October 22, 2012, the CTC Source Water Protection Committee fulfilled its legislated mandate and filed a Source Protection Plan (the Plan) for the CTC Region with the Minister of the Environment. The Plan represented intensive collaboration among municipalities (including the City of Toronto), conservation authorities, First Nations, representatives from industry and from non-governmental organizations, and benefited from in-depth and wide-ranging public consultation prior to submission. City Council considered the CTC Source Water Protection Plan at its meeting of November 27, 28, and 29, 2012, and unanimously endorsed the Plan at that time.

After submitting the Plan to the Minister, the CTC Source Protection Committee conducted additional technical studies to better understand groundwater regimes for well water supplies in the upper watershed areas of the CTC Source Protection Area and incorporated the results as updates to the Plan. During this time, the CTC Source Protection Committee also received comments from staff at the Ministry of Environment and Climate Change (MOECC).

At its meeting of August 25, 26, 27 and 28, 2014, City Council again considered the CTC Source Water Protection Plan and unanimously endorsed the Plan. Council also asked the City Manager to write to the Deputy Minister of the MOECC to ask that the MOECC acknowledge its responsibility as the "Implementing Body" for the purpose of the Lake Ontario policies contained in the CTC Source Water Protection Plan, and that the MOECC accept other policies, proposed in the CTC Plan, and the subject of the MOECC's comments in their June 18, 2014 letter to the CTC. Subsequently, an agreement was developed between MOECC staff and CTC staff respecting these matters, leading to successful re-submittal of a CTC Source Protection Plan. The MOECC approved the Plan on July 28 2015, with an effective date of December 31, 2015.

The efforts of the CTC Source Protection Committee are now focused on the implementation aspects of the approved Plan, monitoring the Plan, and fulfilling other legislated duties. For example, the Source Protection Committee is responsible for a developing terms of reference to undertake new work to address changing science and

municipal water supplies such as new intakes or wells and updating the policies by November 2018. In addition, the Approved Plan requires the development of a Terms of Reference to set up a continuing function involving MOECC and CTC Municipalities [the Lake Ontario Collaborative Group (LOCG)], to support implementation of policies to protect the western basin of Lake Ontario as a source of drinking water by ensuring that tools and information are available to all partners to help them manage threats to drinking water sources so that they cease to be or do not become significant.

In general, municipalities are responsible for implementing the Source Water Protection Plan. For municipalities within the CTC with groundwater based water supplies, these responsibilities include the development of Official Plan policies, zoning by-laws, licensing and permitting processes and enforcement. For Toronto, which has a Lake Ontario based source of water supply, the Plan focuses on developing contingency plans for significant threats (such as protecting sanitary trunk sewer from erosion and a disinfection interruption at a wastewater treatment plant) and enhancing contingency plans for spills which could be carried by lake currents toward water treatment plant intakes.

Toronto's representatives to the CTC Source Protection Committee

With the submission and approval of the CTC Source Protection Plan in 2015, the first two City of Toronto representatives on the CTC Source Protection Committee have completed their initial terms.

The regulations under the Clean Water Act have a requirement that the original members on the committee to be replaced in three separate time frames after the approval of the Plan. Each newly nominated member will be appointed to serve a five year term, and have the necessary qualifications defined by the MOECC. There is no limit in the regulation on how many times a member can be reappointed.

To comply with the regulatory requirements, the City of Toronto will replace one of its original CTC Source Protection Committee members in 2016, and the other original member in 2017. This approach will provide continuity in City representation and allow time for knowledge transfer among the outgoing and incoming City of Toronto members.

Given the direct linkage to Toronto Water's operations and the need to ensure the long term protection of its source water (Lake Ontario) and public health, it is recommended that the Deputy City Manager of Cluster B, in consultation with the General Manager, Toronto Water and the Acting Medical Officer of Health, Toronto Public Health, be authorized to designate new representatives for the City of Toronto's two representative positions on the CTC Source Protection Committee for the next ten year period. This authority is intended to assure ongoing full membership on the CTC Source Protection Committee in the event that appointed representatives leave the CTC Source Protection Committee within this ten year period.

CONTACT

Frank Quarisa, Director, Wastewater Treatment, Toronto Water, Phone: 416-392-8230, Email: Fquaris@toronto.ca

William J. Snodgrass, Ph.D., P. Eng., Senior Engineer, Stormwater Management Unit, Water Infrastructure Management, Toronto Water, Phone: 416-392-9746, Email: wsnodgr@toronto.ca

SIGNATURE

Lou Di Gironimo
General Manager, Toronto Water