



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 22, 2018

Report Number: SRPRS.18.119

Department: Planning and Regulatory Services
Divisions: Development Engineering and Transportation
and Policy Planning

Subject: **SRPRS.18.119 Proposed Policy Amendments to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan.**

Purpose:

The purpose of this report is to provide an overview of Source Water Protection and to seek Council endorsement on the proposed amendments to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan, (CTC SPP). The Clean Water Act, 2006, requires source protection authorities to obtain Council endorsements for each municipality affected by proposed Source Protection Plan (SPP) amendments in support of their application to amend the CTC SPP to the Ontario Ministry of the Environment and Climate Change.

Recommendation(s):

- a) That Staff Report SRPRS.18.119 be received;
- b) That Council endorse the proposed amendments to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan, (CTC SPP) provided in Appendix 1 and the proposed revisions to the Toronto and Region Assessment Report, specifically the addition of revised mapping provided in Appendix 2;
- c) That this report be circulated to the Toronto and Region Source Protection Authority, Region of York, and the Ontario Ministry of the Environment and Climate Change;
- d) That staff be directed to continue to work with the Toronto and Region Source Protection Authority, CTC Source Protection Committee, Region of York, and stakeholders as required to help facilitate the proposed amendments to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan.

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Contact Person:

Paul Guerreiro, Manager of Development Engineering – Site Plans, 905-747-6448

David Moyle, Programs Coordinator – Site Plans, 905-771-5541

Megan Kevill, Planner II – Policy, 905-771-5493

Sybelle von Kursell, Manager of Policy Planning, 416-629-1551

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Introduction:

The *Clean Water Act*, 2006, was created to protect existing and future sources of drinking water through the delineation of vulnerable areas, identification of drinking water threats, and implementation of source water protection policies. The *Clean Water Act*, 2006, requires the preparation of Source Protection Plans (SPP) across the Province to establish policies to protect the quantity and quality of municipal water supplies. Additionally the *Clean Water Act*, 2006 requires the creation of a Source Protection Authority for each SPP made up of the members of the boards of existing conservation authorities. The Source Protection Authority's (SPA) main role is to lay the groundwork for the development of the SPP for the associated Source Protection Area and monitor and report on progress in implementing the SPP. As mandated by the Province, municipalities impacted by SPP's are required to conform to these plans by amending their Official Plans and Zoning By-laws.

The Town of Richmond Hill is located within the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Region (CTC SPR), and supported by the Toronto Region Source Protection Authority, which is made up of board members from the Credit Valley Conservation Authority - Toronto and Region Conservation Authority - Central Lake Ontario Conservation Authority. The CTC Source Protection Plan (CTC SPP) was approved by the Minister of Environment and Climate Change in July 2015 and the policies have been in effect since December 31, 2015.

Like other municipalities in York Region, the Town has been working with York Region and the Toronto and Region Conservation Authority to implement the CTC SPP on a site by site basis. Through this process concerns have been raised regarding specific policies of the CTC SPP. Accordingly, the Toronto Region Source Protection Authority are proposing amendments to the Plan. Staff has reviewed the proposed changes as they would apply to the Town of Richmond Hill and concur that these proposed changes would resolve outstanding issues with respect to the Plan's implementation.

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Once the Ministry of Environment and Climate Change has issued its decision on the proposed amendments, Town staff will initiate an amendment to the Official Plan to ensure that it conforms to the application CTC SPP policies and will present it to the public and Council at a later date.

This report provides a brief overview of the CTC SPP and provides rationale for why the Town should support changes to it.

Background:

What is Source Water?

Source water is any untreated bodies of water that are used to supply raw water to municipal drinking water systems. There are two types of source water: surface water such as rivers and lakes, and groundwater that is located beneath the Earth's surface. Typically surface water is drawn into a drinking water system through intake pipes and groundwater is drawn into the drinking system through municipal wells. Both water sources can become contaminated by pollutants and/or overuse, so protecting source water is important for the continuation of a cost-effective and reliable way to safeguard our drinking water.

Source Protection Committee

The CTC Source Protection Committee (SPC) is a multi-stakeholder committee selected to represent municipalities, economic sectors, and the general public. The Committee has legislated responsibilities to protect drinking water sources across the CTC SPR. One of the Committee's roles is to develop a Source Protection Plan that, when implemented by the responsible parties (including municipalities), eliminates, reduces, or manages threats to drinking water sources, both now and in the future.

What is a Source Protection Plan?

A Source Protection Plan is a tool to aid in watershed quality and quantity protection and management. The CTC SPP, as mandated by the *Clean Water Act*, 2006, was developed by the CTC SPC and is the culmination of research, consultation, mapping and the technical assessment of watersheds in the CTC Source Protection Region. The CTC SPP contains specific policies that ensure that quality and quantity of municipal drinking water sources are protected and that all threats to these sources are mitigated as much as possible. The CTC SPP was developed based on three Assessment Reports which provides technical information on vulnerable areas that could have drinking water threats, as well as provides an assessment of local watersheds and water uses. The objectives of the CTC SPP are to protect existing and future drinking water sources in the source protection area and to ensure that an activity ceases to be a significant drinking water threat or never becomes a significant drinking water threat.

The CTC SPP is available at this link:

<https://www.ctcswp.ca/protecting-our-water/the-ctc-source-protection-plan/>

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The Toronto and Region Assessment Report is available at this link:

<https://www.ctcswp.ca/the-science/toronto-and-region-spa-assessment-report/>

Why is the CTC SPP being amended?

Technical issues and implementation challenges identified by municipalities and source protection authorities within the CTC SPR has triggered the need for revisions to the CTC SPP. The proposed amendments are intended to help improve implementation of source protection plan policies in line with the original intent of the CTC SPC, to revise technical information incorporated into the Toronto and Region Assessment Report and to improve alignment with the requirements and definitions of other policy documents (adjacent Source Protection Plans and the Oak Ridges Moraine Conservation Plan).

How will the CTC SPP be amended?

Under the Clean Water Act 2006, amendments to the CTC SPP requires Council endorsement from the Town of Richmond Hill, Region of York, and all other local municipalities affected by the proposed changes in support of their application to amend the CTC SPP. Once all of the municipal resolutions have been received, a period of consultation will then take place to obtain feedback from the general public. Following this, the proposed amendments and all comments received through consultation will be submitted by the Toronto and Region Source Protection Authority for endorsement and then to the Ministry of Environment and Climate Change for approval.

Discussion:

The Toronto and Region Source Protection Authority is proposing amendments to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan (CTC SPP) (attached as Appendix 1), as well as the Toronto and Region Assessment Report (attached as Appendix 2) to address technical updates and implementation challenges. The most substantial proposed amendment relates to the York-Durham Future Significant Groundwater Quantity Threat Area. This area is also referred to as the Wellhead Protection Area – Water Quantity (WHPA-Q). The WHPA-Q refers to the area where activities that reduce recharge may be a threat (see Map 1).

Policy REC-1 was crafted by the CTC SPC as a land use planning policy that manages activities that reduce recharge to an aquifer. As outlined in the approved CTC SPP, the policy currently applies to the entire WHPA-Q area. The REC-1 policy requires the majority of proposed developments provide a water budget assessment to demonstrate how pre-development groundwater recharge will be maintained to the greatest extent feasible.

Municipalities within the WHPA-Q area along with several other key stakeholders have raised concerns that the existing REC-1 policy is too onerous and unnecessarily restrictive making it difficult to facilitate major development. Compact development and site characteristics, such as underground parking structures with zero setback to lot lines, poses significant implementation challenges in achieving on-site recharge where

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the recharge loss would have little if any impact to source water. To this end, Toronto and Region Conservation Authority (TRCA) staff were asked to complete a technical review of the challenges being faced by municipalities attempting to implement Policy REC-1. Upon further assessment, TRCA staff identified areas in the south portion of the WHPA-Q Area where development would not have an effect on the groundwater quantity being provided to municipal well supplies taking into account regional groundwater flow directions. A “downgradient line” (Map 1) has been drawn to distinguish between areas where development must meet pre-development recharge and where development could simply follow ‘best efforts’ approaches. Municipalities such as the Town of Richmond Hill, City of Markham, and City of Vaughan (except for a single municipal well in Kleinberg in the North West limits of Vaughan) have no municipal wells in the southern extent of the WHPA-Q, and thus having very minimal impact to any existing municipal wells.

Within the WHPA-Q Area, south of the proposed “downgradient line”, the proposed changes to the REC-1 policy would eliminate the requirement to prepare a water balance assessment. This would provide flexibility to maintain pre-development recharge to the greatest extent feasible through best management practices such as low impact development, minimizing impervious surfaces, and lot level infiltration. Proposed development within the WHPA-Q Area and north of the proposed “downgradient line”, will still require a water balance assessment to be prepared and to show how pre-development groundwater recharge will be maintained.

The proposed policy amendments to the CTC SPP would still ensure that the protection of municipal water sources is maintained, while greatly improving the ability to implement the CTC SPP in proposed high density development areas.

Other minor changes to the policies have also been proposed to better align with the requirements and definitions of other policy documents (adjacent Source Protection Plans and the Oak Ridges Moraine Conservation Plan). Additional proposed amendments for policies that apply to Richmond Hill include:

- Clarification on transition policies for in-process development applications. Only applications submitted after the effective date (December 31, 2015) of the CTC SPP can be transitioned if they are related to an application in process prior to the effective date of the CTC SPP.
- Removal of the requirement for Official Plan to be updated to conform with the CTC SPP within 5 years from the date the CTC SPP came into effect (December 31, 2015). This proposed change means that Official Plans would be required to be in conformity with the CTC SPP at the time of the next Official Plan review.
- Additional areas added to the list of areas where there is a moderate or low threat to drinking water related to the application of road salt. To clarify, some of these road salt policies apply to Richmond Hill but the proposed additional areas are not located within the Town.

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- Revisions to the Toronto and Region Assessment Report, specifically the addition of revised mapping of the Significant Groundwater Recharge Areas (see attached Appendix 2). New recharge estimates were generated resulting in revised mapping. Seven maps have been revised and are proposed for inclusion in the amended Assessment Report. This is not a policy change, but a technical mapping change.

Staff recommend support of these policy and technical amendments. They provide greater clarity regarding matters that are transitioned. The extended timeframe for conformity provides the Town with the flexibility to amend the Plan on a thematic basis (just for the purpose of SPP updates only) or on a comprehensive basis through an Official Plan review.

Next Steps:

After Council endorsement has been received and forwarded to the Toronto and Region Source Protection Authority, the CTC SPC will review comments and Council Resolutions obtained from affected municipalities in June, 2018. Consultation with the public will then take place for a period of 35 days through July and early August, 2018. Following the consultation, the amendments will be endorsed by the source protection authorities in the CTC Source Protection Region prior to submission to the Ministry of the Environment in October, 2018, for approval.

Financial/Staffing/Other Implications:

There are no related costs to the Town. The Toronto and Region Source Protection Authority will manage all public consultation required for the Source Protection Plan and Assessment Report amendments, and the Ministry of the Environment and Climate Change will provide funding for the consultation. Town staff will remain engaged in the process as required to support in the proposed amendment to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan.

Relationship to the Strategic Plan:

The recommendations in this report demonstrate the strategic objective of building stronger connections with the Community and our responsibility to serve as a role model for municipal management of our resources.

Conclusion:

Based on the above, staff recommends that Council endorse the proposed amendments to the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan (CTC SPP), and that a copy of the endorsement be circulated to the Toronto and Region Source Protection Authority for inclusion in their application to amend the CTC SPP to the Ministry of the Environment and Climate Change. Staff also recommends that a copy of the endorsement be circulated to the Region of York and the Ontario Ministry of the Environment and Climate Change, and that Town staff

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remain engaged in the process as required to support in the proposed amendment process.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix 1 – CTC Source Protection Plan Policies for Section 34 Amendments dated April 2nd, 2018
- Appendix 2 – revised mapping for the Significant Groundwater Recharge Areas for the Toronto and Region Assessment Report
- Map 1 –WHPA Q – Downgradient Line

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Report Approval Details

Document Title:	SRPRS.18.119 CTC Sourcewater.docx
Attachments:	- SPRSR.18.119 - Appendix 1.pdf - SRPRS.18.119 - Appendix 2.pdf - SRPRS.18.119 - Map1.pdf
Final Approval Date:	May 14, 2018

This report and all of its attachments were approved and signed as outlined below:

Dan Terzievski - May 9, 2018 - 9:44 AM

Patrick Lee - May 9, 2018 - 3:19 PM

Kelvin Kwan - May 9, 2018 - 3:31 PM

Neil Garbe - May 14, 2018 - 9:13 AM