



## REPORT

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**TO:** Mayor Lawlor and Members of Council

**FROM:** Keith Hamilton, Senior Planner - Policy

**DATE:** May 1, 2023

**REPORT NO.:** PD-2023-040

**SUBJECT:** Proposed CTC Source Protection Plan Policy Amendments under Section 34 of the Clean Water Act

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### RECOMMENDATION:

THAT Report No. PD-2023-040 dated May 1, 2023 regarding 'Proposed CTC Source Protection Plan Policy Amendments under Section 34 of the Clean Water Act', be received;

AND FURTHER THAT Council endorse the proposed policy amendments (DNAP-1 and OS-1) including explanatory text, to the Source Protection Plan under Section 34 of the Clean Water Act, 2006 for the Credit Valley, Toronto and Region, and Central Lake Ontario (CTC) Source Protection Region, as outlined in Appendix 1 to this report;

AND FURTHER THAT the Resolution of Council, as well as a copy of this report, be forwarded to the Chair of the CTC Source Protection Committee (SPC), Ministry of the Environment, Conservation and Parks, Region of Halton, Credit Valley Conservation, City of Burlington, and the Towns of Oakville and Milton.

### KEY POINTS:

The following are key points for consideration with respect to this report:

- Amendments are being proposed to the Source Protection Plan (SPP) for the Credit Valley, Toronto and Region, and Central Lake Ontario (CTC) Source Protection Region under Section 34 of the Clean Water Act.
- The CTC Source Protection Authority is seeking endorsement of the proposed amendments from Halton Hills Council.
- The amendments impact the Definitions and Timelines for Implementation subsections of the SPP to align with the most current (2021) Director's Technical Rules under the Clean Water Act.

- The amendments also seek to apply volume thresholds to policies for Dense Non Aqueous Phase Liquids (DNAPL) and Organic Solvents within Wellhead Protection Areas.
- The CTC Source Protection Authority will conduct public consultation on the amendments starting in June and seek Ministry approval in September of this year.

## **BACKGROUND AND DISCUSSION:**

Municipal drinking water systems are regulated in Ontario under the Clean Water Act (CWA). This Act was passed in 2006 to implement recommendations made by the Walkerton Inquiry to better regulate safe drinking water systems, starting at the source. The intent of source protection planning is to protect water sources (both surface and groundwater) through the prevention of harmful contaminants entering the system as a result of human activities.

Drinking water source protection is undertaken in Halton Hills through the implementation of policies found in Source Protection Plans (SPP). These Plans are created and amended under Section II of the Clean Water Act. Within its boundary, Halton Hills is subject to three different Source Protection Authorities, each with their own SPP: Halton-Hamilton; Lake Erie; and Credit Valley - Toronto and Region - Central Lake Ontario (CTC). The focus of this report is on amendments to the SPP for the CTC Source Protection Authority (for a map see Appendix 2 attached). The original CTC Source Protection Plan came into effect on December 31, 2015, and has been amended on three previous occasions.

The intent of SPP policies is to protect the quality and quantity of groundwater (drawn by wells) and surface water used for municipal drinking water systems. Regulations created through SPPs are enforced by the appointed Risk Management Official (RMO) through Part IV of the Clean Water Act. In Halton, the Town and Region are responsible for SPP policy implementation, largely through regional and local Official Plans.

Section 34 of the Clean Water Act authorizes Source Protections Authorities (SPA) to make amendments to the SPP, subject to public and stakeholder consultation. Amendments that are appropriate to make under Section 34 include those necessary to ensure new or expanded municipal sources of drinking water are protected, implement important information not available at the time the SPP was first approved, and address other critical implementation issues.

At this time, the CTC Source Protection Region is undertaking Section 34 Amendments that include:

- Necessary updates to the Definitions subsection of the Plan;
- Updates to the Timelines for Implementation subsection of the Plan;
- Updates to policies for the handling and storage of Dense Non-Aqueous Phase Liquid (DNAPL); and,
- Updates to policies for the handling and storage of an Organic Solvent.

For reference, policies under discussion in this report cover:

- **Dense Non-Aqueous Phase Liquids:** an organic liquid that is denser than water, and insoluble so that it does not mix with water. When these liquids are spilled into ground or surface water sources, they sink and gradually contaminate water sources over a long period of time. DNAPLs can be found in substances used commonly in industrial operations, including metal cleaners, adhesives, varnishes and inks.
- **Organic Solvents:** liquid organic compounds that can dissolve solids, gases or liquids. These are lighter than water so they will sit and float at the surface. These can be found in small quantities in common household cleaners, and in larger quantities of industrial/commercial paint, aerosols, plastics and pesticides.

The extent to which DNAPLs are considered a threat in the Town's Wellhead Protection Areas is shown in the mapping provided as Appendix 3 to this report.

Amendments being made to the Definitions and Timelines for Implementation subsections of the Plan are clerical in nature. These are being made so the sections align with the most recent (2021) Director's Technical Rules under the Clean Water Act. The Director's Technical Rules provide the legal framework for assessing source water protection vulnerability and risk. Source Protection Authorities must ensure their Plans align with these rules. Additionally, language has been added to clarify when 'Existing Threat' policies apply to newly identified vulnerable areas (for water quality or quantity).

Amendments to policies for DNAPLs and Organic Solvents are intended to clarify where volume-based thresholds for managing threats apply. For all Wellhead Protection Areas where handling and storage of DNAPLs would exceed 250L, the activity would be prohibited. For Wellhead Protection Areas classed as A (WHPA-A), the threshold for prohibition is lower (25L) as these are the most vulnerable areas for source protection. The amendments also clarify that the handling and storage of a DNAPL greater than 25L in quantity requires a Risk Management Plan for all Wellhead Protection Areas. The amendments also clarify that the handling and storage of quantities less than 25L are excluded from these policies.

Amendments to policies for the handling and storage of Organic Solvents differ somewhat, where requirements for prohibition and Risk Management Plans only apply to Wellhead Protection Areas classed A or B. Handling and storage of Organic Solvents is prohibited in WHPA-A areas, while being permitted in WHPA-B areas up to 250L subject to a Risk Management Plan.

The CTC Source Protection Region is currently seeking Council support for the amendments from all impacted municipalities. Following this, a public consultation period will take place from June 5 to July 12, where opportunity will be given to provide written comments. Following this, CTC anticipates submitting the amendments to the Ministry of the Environment, Conservation and Parks in September of this year for approval.

**STRATEGIC PLAN ALIGNMENT:**

This report aligns to the Town's Strategic plan recognizing the value to preserve, protect and enhance our natural environment for the health benefits and enjoyment it provides to present and future generations.

This report also identifies climate change and the environment as one of the Town's Strategic priorities.

Through continued participation in Source Protection working groups and supporting Source Protection Plan policy implementation, the Town is taking steps to protect the natural environment for present and future generations.

**RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

**PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

**INTERNAL CONSULTATION:**

No internal consultation took place in preparation of this report.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer