

REPORT

REPORT TO: Chair and Members of the Planning, Public Works and Transportation Committee

REPORT FROM: John McMulkin, Planner – Development Review

DATE: May 17, 2018

REPORT NO.: PLS-2018-0039

RE: Proposed CTC Source Protection Plan Policy Amendments under Section 34 of the Clean Water Act, 2006

RECOMMENDATION:

THAT Report No. PLS-2018-0039 dated May 17, 2018, with respect to the “Proposed CTC Source Protection Plan Policy Amendments under Section 34 of the Clean Water Act, 2006”, be received;

AND FURTHER THAT Council endorse the proposed policy amendments (Transition, T-8, GEN-1, SWG-3, SAL-10, SAL-11, SAL-12, SAL-13, SNO-1 and REC-1) including explanatory text, to the Source Protection Plan (SPP) under Section 34 of the Clean Water Act, 2006, for the Credit Valley, Toronto and Region, and Central Lake Ontario (CTC) Source Protection Region (SPR), as outlined in Schedule 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 and Climate Change, Region of Halton, Credit Valley Conservation, City of Burlington, and the Towns of Oakville and Milton.

BACKGROUND:

As outlined in the previous staff report (PI-2015-0056) regarding the status of the implementation of the policies of the CTC Source Protection Plan (SPP), the Minister of the Environment and Climate Change approved the CTC SPP in July of 2015. The main objective of the SPP is to protect the quality and quantity of Halton Region’s municipal water supplies (i.e. municipal wells). The SPP came into effect on December 31, 2015, and is now in its third year of implementation. The Town of Halton Hills was involved in the preparation of the CTC SPP throughout its development from 2011 to 2014.

The majority of policies in the CTC SPP impose obligations on municipalities, Source Protection Authorities (SPAs), and local boards to ensure that the municipal drinking water supplies are protected. The three SPAs located within the CTC Source Protection Region (SPR) are Credit Valley, Toronto and Region, and Central Lake Ontario (see Schedule 2); the Town of Halton Hills is partially located within the Credit Valley SPA, whose Assessment Report applies to the Town.

The Town of Halton Hills has a mandatory duty to implement several SPP policies, especially with regard to land use planning. The Town's Official Plan will be updated to include any relevant land use SPP policies once the Region of Halton Official Plan Review has been completed.

Through ongoing implementation of the CTC SPP policies, staff from the implementing agencies, including the Town of Halton Hills, has identified policies where amendments are warranted to improve overall implementation. The Clean Water Act, 2006 enables SPPs to be amended, so through collaboration and consultation with staff, policies have been identified where improvements could be made to facilitate implementation within the Town of Halton Hills and throughout the CTC SPR.

Amendments to the CTC SPP

The Clean Water Act, 2006 enables the SPA to make amendments under Section 34, Section 36 and Section 51. Section 34 provides an option for the SPA to make amendments that cannot wait until an update resulting from a comprehensive review under Section 36 and do not qualify as minor administrative amendments under Section 51. 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.

The CTC SPP policies subject to the proposed Section 34 amendments are contained within Schedule 1 to this report. The main objectives of the proposed amendments are to provide clarity of policy intent, address gaps in the policies and provide reasonable flexibility in policy implementation. The Clean Water Act, 2006 requires that SPAs through pre-consultation obtain a municipal Council Resolution from each municipality impacted by the amendments prior to conducting public consultation.

The Town of Halton Hills is impacted because it is located within the geographic area related to the amendments and is responsible for taking actions for implementing SPP policies related to the amendments. As such, the purpose of this report is to obtain a Resolution of Council endorsing the proposed Section 34 amendments to the CTC SPP.

COMMENTS:

Amendment to Transition Provision

The CTC Source Protection Plan (SPP) has a Transition Provision to allow proposals filed prior to the enactment of the Plan to be treated as an “existing threat” when approval of further implementing applications is required.

The amended Transition Provision has clarified when a threat can be considered “existing” for in-progress development proposals and when a water balance assessment is needed for transitioning applications. In addition, the Planning Approval Authority now has flexibility regarding water balance assessment requirements based on the site-specific nature of the proposal.

Amendment to Official Plan and Zoning By-Law Conformity Timeline Policy (T-8)

The Clean Water Act, 2006 requires the Council of a municipality to amend its Official Plan to conform to the SPP’s significant threat policies before the date specified in the SPP. Timeline T-8 in the CTC SPP currently requires that Official Plans be amended for conformity within 5 years from the date the SPP took effect (i.e. December, 2020).

Upper tier municipalities are expected to review and update their Official Plans to conform to the new Growth Plan (2017) by July, 2022, and lower tier municipalities must conform within 1 year of their upper tier counterparts. Policy T-8 has been updated to allow for Official Plan conformity with the SPP to align with the Growth Plan conformity dates referenced in the previous sentence.

Amendment to Restricted Land Use Policy (GEN-1)

The GEN-1 policy requires all planning, and in particular, building permit applications for land uses (excluding residential) that may involve significant drinking water threat activities to be sent to the Region to provide a Notice under Section 59 of the Clean Water Act, 2006 outlining whether the proposed activity is prohibited or subject to a Risk Management Plan. This includes building permits for buildings that have already gone through the planning approval process and been deemed not to be significant drinking water threats.

The revised policy contains clear policy direction allowing the Region the flexibility to determine when proposals are subject to Section 59 Notices, thereby streamlining the approval process.

Amendment to Land Use Planning Policy for Septic Systems Governed under the Building Code Act, 1992 (SWG-3)

SWG-3 is a land use planning policy for future septic systems, including holding tanks, governed under the Building Code Act, 1992. The intent of SWG-3 is to ensure that site plan control, as a planning and development control tool, is used to optimize the location and design of septic systems when existing vacant lots of record are proposed to be developed within certain designated vulnerable areas identified in the policy. The

policy states that septic systems shall only be permitted if they are sited to ensure they do not become a significant drinking water threat.

The CTC SPC recognized that prohibiting a septic system on a vacant lot in the rural area would make it impossible to obtain a building permit for the lot and thereby void previous planning decisions to create and zone the lot for development. Revisions to the text of this policy were necessary to ensure that the original intent of the CTC SPP is being achieved.

Amendment to Storage of Snow Policy (SNO-1)

The SNO-1 policy addresses existing and future significant drinking water threats as a result of snow storage. In the approved CTC SPP, the policy prohibits the future storage of snow within a 100 metre radius of a municipal well, as well as within certain designated vulnerable areas outside the 100 metre radius of a municipal well.

Given the large surface areas in the Credit Valley Source Protection Area covered by Issue Contributing Areas for sodium and chloride, municipal staff has communicated the difficulty of implementing a prohibition for this potential future activity. Since a number of provisions could be included in a Risk Management Plan to ensure the storage of snow does not become a significant threat, the CTC SPC has opted instead to manage any future instances of the activity outside the 100 metre radius of a municipal well, while maintaining the prohibition on the storage of snow within the 100 metre radius.

Amendment to Planning Policy to Protect Groundwater Recharge (REC-1)

REC-1 is a land use planning policy that manages activities that reduce recharge to an aquifer. This policy applies to future threats in Well Head Protection Areas for Quantity – Recharge (WHPA-Q2) with a significant or moderate risk level (see Schedule 3). The Planning Approval Authority through the planning review process (i.e. Planning Act applications) will determine what is required and determine the acceptability of the proposed actions in the water balance assessments.

Proposed revisions to this policy through the Section 34 amendment clarify that proposals for agricultural uses and minor developments are not subject to water balance assessments and are instead encouraged to maintain pre-development recharge to the greatest extent feasible through the implementation of best management practices such as low impact development.

Amendment to Moderate and Low Threat Policies for the Application of Road Salt (SAL-10, SAL-11, SAL-12 and SAL-13)

The approved CTC SPP contains a land use planning policy using Planning Act applications and regulates road salt where the threat is low or moderate (in addition to significant threats) in recognition that road salt application and storage activities are carried out throughout the SPR. Where the application of road salt would be a low or moderate drinking water threat, the planning approval authority is “encouraged” to

require a salt management plan. Where the application of road salt would be a significant threat, the planning approval authority “shall” require a salt management plan, in addition to regulating the size of new parking lots within the 100 metre radius of a municipal well based on whether the parking lot is located within an Issue Contributing Area for sodium/chloride.

To ensure that the application, handling, and storage of road salt can be addressed in all instances within 100 metres of a municipal well (even when those activities are classified as low or moderate threats), additional Well Head Protection Areas have been added to this policy.

RELATIONSHIP TO STRATEGIC PLAN:

The Town’s participation in the Source Water Protection process and amendments for Source Protection Plan (SPP) implementation is consistent with the following Strategic Directions:

B: Preserve, Protect and Enhance our Environment, the Goal to preserve, protect and enhance our natural environment for enjoyment by present and future generations, and the following:

Strategic Objectives:

- B.1 To protect and conserve the quantity and quality of our ground and surface water resources, and ensure the integrity of our watersheds and aquatic ecosystems through integrated watershed planning and management.

Strategic Actions:

- B.1. (f) Participate in Source Water Protection programs.

Town staff participated in the Amendments Working Group established by CTC for the proposed Section 34 amendments along with Credit Valley Conservation staff to protect the quantity and quality of our ground and surface water resources through integrated watershed planning and management.

F: Protect and Enhance Our Agriculture, the Goal to protect and enhance the viability of our agricultural land base and agricultural industry.

Strategic Objectives:

- F.1 To support and promote the agricultural industry as an integral part of the Town’s economy.
- F.2 To support and promote agricultural land uses and other compatible rural business activities.

The REC-1 policy has been amended to clarify that proposals for agricultural buildings and structures are exempt from the requirement to submit water balance assessments, which can be expensive and negatively impact the viability of our agricultural land base and agricultural industry.

I: Provide Responsive, Effective Municipal Government, the Goal to provide strong leadership in the effective and efficient delivery of municipal services.

Strategic Objectives:

- L.1 Support Council and staff participation in efforts to advocate for issues important to the Halton Hills Community.

The Resolution of Council endorsing the proposed Section 34 amendments to the CTC SPP will support staff's and Council's participation in efforts to advocate for issues important to Halton Hills and facilitate the effective and efficient delivery of municipal services.

FINANCIAL IMPACT:

The proposed amendments are an administrative matter and have no financial impact.

CONSULTATION:

Staff participated in the Amendments Working Group established by the CTC Source Protection Committee (SPC) that consisted of staff from CTC member conservation authorities and municipalities to develop recommendations for Section 34 amendments to the CTC SPP. The recommendations were reviewed by Town of Halton Hills Planning, Development Engineering and Building staff, and Halton Region Planning and Public Works staff, and comments were provided to CTC. The CTC SPC considered the feedback received from municipal and conservation authority staff in the development of the updated recommendations for amendments to the CTC SPP policies.

Staff will continue to engage with other municipalities and SPAs through the various Working Groups created to assist with ensuring consistent implementation of the CTC SPP.

PUBLIC ENGAGEMENT:

As with the development of the CTC SPP, public consultation is an important step in the process of approving a Section 34 amendment. The CTC SPC will review the comments and Council Resolutions obtained during pre-consultation at their meeting in June, 2018, and consultation with the public will take place for a period of 35 days through late June and July, 2018. Notification of this consultation will be provided to all implementing bodies, including impacted municipalities.

Following the public consultation period, the Section 34 amendments will be endorsed by the three SPAs in the CTC SPR prior to submission to the Ministry of the Environment and Climate Change in late September of 2018 for final approval.

SUSTAINABILITY IMPLICATIONS:

Staff notes that Source Water Protection is not a Town initiative; however, when reviewing the proposed CTC SPP policies, staff has given consideration to the environmental, economic and social impacts of the proposed policies to the Town's operations and to the community.

Staff notes that SPP implementation supports the Water pillar of the Town's Integrated Community Sustainability Strategy and the following related goals:

- Support safe municipal drinking water and wastewater services and facilities as provided by Halton Region;
- Ensure private septic systems and water wells are safe and healthy; and
- Protect groundwater recharge areas.

Overall, the alignment of this report with the Community Sustainability Strategy is: Very Good.

COMMUNICATIONS:

If endorsed, the Resolution of Council, as well as a copy of this report, will be forwarded to the Chair of the CTC SPC for endorsement of the Section 34 amendments by the three SPAs, as well as to the Ministry of the Environment and Climate Change for final approval. In addition, these documents will be forwarded to the Region of Halton, Credit Valley Conservation, the City of Burlington, and the Towns of Milton and Oakville for their information.

Staff will report back to Council, as necessary, about any additional obligations or for authorizations required to implement the CTC SPP.

CONCLUSION:

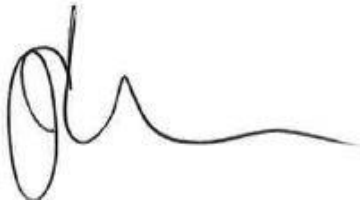
This report has provided an overview of the proposed policy amendments to the CTC Source Protection Plan under Section 34 of the Clean Water Act, 2006, which are included within Schedule 1 and have been endorsed by the CTC Source Protection Committee. As the main objectives of these amendments are to provide clarity of policy intent, address gaps and provide reasonable flexibility in policy implementation, it is

recommended that Council endorse this report in order to facilitate the final approval of the amendments by the Ministry of the Environment and Climate Change.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Steve Burke". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Burke".

Steve Burke, Manager of Planning Policy

A handwritten signature in black ink, appearing to read "John Linhardt". The signature is very stylized and cursive, with the first name "John" being the most legible part, followed by a long, sweeping line that represents the last name.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is cursive and somewhat stylized, with the first name "Brent" being clearly visible, followed by the last name "Marshall".

Brent Marshall, CAO