
REPORT TITLE: Clean Water Act Requirements - Amendments to the Assessment Reports and Source Protection Plans

FROM: Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

- 1. That the proposed technical amendments completed at the Palgrave - Caledon East and Caledon Village - Alton Drinking Water Systems and incorporated into the Credit Valley - Toronto and Region - Central Lake Ontario, and South Georgian Bay Lake Simcoe Source Protection Plans be endorsed, in accordance with the requirements of the *Clean Water Act, 2006*; and**
- 2. That the proposed policy revisions prepared by the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Committee and incorporated into the Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan be endorsed, in accordance with the requirements of the *Clean Water Act, 2006*; and**
- 3. That a copy of this resolution and the report of the Commissioner of Public Works, listed on the May 11, 2023 Regional Council agenda titled “Clean Water Act Requirements - Amendments to the Assessment Reports and Source Protection Plans” be forwarded to the Credit Valley - Toronto and Region - Central Lake Ontario and South Georgian Bay Lake Simcoe Source Protection Committees for their information and appropriate actions.**

REPORT HIGHLIGHTS

- The *Clean Water Act, 2006* enables assessment reports and source protection plans to be revised.
- Amendments developed under Section 34 of the *Clean Water Act, 2006*, require consultation with stakeholders potentially affected by the proposed amendments, and Council endorsement from affected municipalities.
- Peel Region staff and source protection authority staff have been working collaboratively to revise the select policies to support the effective implementation, as well as complete and integrate new technical work in the assessment reports and source protection plans triggered by drinking water system changes.
- Peel Regional Council's endorsement to support the new technical work related to the Palgrave-Caledon East and Caledon Village-Alton Drinking Water Systems is required before amendments can be approved by the province.

DISCUSSION

1. Background

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The *Clean Water Act, 2006* (the Act) requires technical studies and source protection plans to protect existing and future sources of municipal drinking water from contamination and depletion. “Assessment reports” summarize the technical studies completed to describe the location and extent of vulnerable areas and identify potential significant threats to drinking water sources. “Source protection plans” contain policies that apply within the vulnerable areas around municipal surface water intakes and groundwater wells to reduce or eliminate risks.

Under the Act, Peel Region is responsible for implementing local source protection plan policies, enforcing drinking water threats regulation, completing technical studies to ensure vulnerable area mapping reflect changes to drinking water systems, engaging the public and stakeholders, and annually reporting to source protection authorities on implementation efforts.

Peel Region’s groundwater-based drinking water systems are subject to two source protection plans (based on watershed boundaries or source protection authority areas):

- Credit Valley - Toronto and Region - Central Lake Ontario Source Protection Plan
- South Georgian Bay Lake Simcoe Source Protection Plan

Both source protection plans contain policies that must be implemented by the Region and local municipalities.

2. Prescribed Amendment Process Requires Consultation and Council Endorsement

The Act allows for amendments to the assessment reports and source protection plans. Amendments may include ensuring new or modified municipal sources of drinking water are protected, updating relevant information, and ensuring policy implementation challenges are addressed. Locally initiated amendments developed under Section 34 of the Act require comprehensive consultation with stakeholders and the public who are potentially affected by the proposed amendments.

Council endorsement from affected municipalities is also required prior to the proposed amendments submission to the Ministry of the Environment, Conservation and Parks (the Ministry) for approval. A municipality may be considered “affected” if it is located within a geographic area related to the amendments, and/or the municipality is responsible for taking actions or otherwise implementing source protection plan policies related to the amendments.

The proposed amendments described in this report affect Peel Region and Town of Caledon. This report is part of a series of mandated steps required when a municipality is proposing a new drinking water system or changes to an existing drinking water system. Previous amendments have been endorsed by Regional Council through resolution 2018-498, 2019-156, and 2019-940.

3. Groundwater Supply Projects and Source Water Protection Regulatory Implications

Peel Region initiated projects in accordance with the Municipal Class Environmental Assessment (Class EA) process for additional water supply capacity to the existing Palgrave-Caledon East Drinking Water System. The projects consisted of a new proposed groundwater supply well drilled in 2020, referred to as Caledon East Well 6, and a proposed increase in water taking capacity of the existing municipal supply well, Palgrave Well 4. This

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will provide system redundancy, security, and meet the long-term drinking water needs of the serviced area.

The assessment reports and source protection plans must be amended to reflect these changes to the municipal drinking water system under the *Safe Drinking Water Act, 2006* and *Clean Water Act, 2006* regulations. These regulations require municipal drinking water system owners to complete the technical work to assess the vulnerability of expanding or changing drinking water systems in source protection areas before the owner can apply for the necessary drinking water works permit and licence to authorize the system. Under the regulatory framework, Peel Region cannot supply treated drinking water from the new Caledon East Well 6, and Palgrave Well 4 at the increase pumping rate until the Ministry approves the proposed amendments to the assessment reports and source protection plans.

Peel Region completed the technical work following the Ministry requirements. In addition to updates triggered by the recent planned infrastructure changes, Peel Region also completed updates to the Caledon Village wellhead protection areas to reflect the existing Caledon Village Well 3B. The proposed amendment also captures the removal of Caledon East Well 2 that was decommissioned.

4. Summary of Proposed Amendments to the Assessment Reports and Source Protection Plan

The proposed amendments to the technical content and existing policies for inclusion in the Section 34 amendment relevant to Peel Region are highlighted below:

- **Wellhead Protection Area Delineation:** Updates to maps/figures and associated text for the Palgrave, Caledon East, and Caledon Village wellhead protection areas, aquifer vulnerability assessment, and vulnerability scores.
- **Policy Revisions:** There are no new policies proposed. There are proposed revisions to existing policies addressing the handling and storage of dense non-aqueous phase liquid and organic solvent to address implementation challenges by using a volume-based threshold to determine when the threat will be managed by prohibition or risk management plan.
- **Definitions:** Updates to existing threat activity definition, transition provision, and timelines for policy implementation to include reference to amendments and clarify policy effective date.

An overview of the proposed technical content updates, policy revisions, and rationale for decisions made are attached as Appendix I to this report.

5. Current State and Next Steps

Peel Region source protection authority staff have been working collaboratively to revise select policies to support effective implementation, and complete and integrate new technical work triggered by drinking water system changes in the assessment reports and source protection plans. The prescribed process requires source protection authorities responsible for implementing source protection plan policies inform all relevant organizations of the proposed changes during pre-consultation and obtain council resolution from affected municipalities prior to conducting broader public consultation.

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Following council resolution, the source protection authorities will conduct a minimum 35-day mandatory public consultation on the proposed changes. Notification of this consultation must be provided to all implementing organizations, stakeholders, persons believed to be engaged in significant drinking water threat activities and affected municipalities. Peel Region staff will continue to work with landowners and business owners to protect drinking water sources and mitigate risk in alignment with the amended source protection plans. All written comments received during the consultation period will be reviewed by the source protection committees and draft amendments will be revised, as necessary. Based on the current timelines, public consultation is scheduled to take place June to July 2023. The source protection authorities plan to submit the entire amendment package including council resolutions to the Ministry for consideration and approval by September 2023. The amendments will take effect on the day a notice of decision is posted to the Environmental Registry of Ontario. Following approval by the Ministry, amendments to wellhead protection area mapping will need to be updated and reflected in Peel Region and Town of Caledon Official Plans at the time the next official plan reviews are conducted in accordance with the *Planning Act*.

RISK CONSIDERATIONS

Regulations under the *Safe Drinking Water Act, 2002* and the *Clean Water Act, 2006* establishes requirements for source protection technical work, consultation on proposed amendments, timelines, and approvals for new or expanding drinking water systems. The recommendations documented in this report are consistent with the applicable regulations with the purpose to mitigate risks and ensure Peel Region's municipal drinking water systems continue to be protected. The proposed technical amendments were completed as a condition for the permitted operation of Caledon East Well 6 and Palgrave Well 4.

FINANCIAL IMPLICATIONS

The technical work to support source protection planning, including updating the existing groundwater flow model, and delineating new wellhead protection areas, was completed under Peel Region's existing approved Capital Project 19-1820. The source protection authorities will undertake the necessary formal public consultation required for the amendments to the assessment reports and source protection plans as part of their legislated role under the *Clean Water Act, 2006* funded by the province.

CONCLUSION

This report has been prepared to obtain the necessary resolution from Regional Council supporting the proposed technical and policy amendments carried out under Section 34 of the *Clean Water Act, 2006* to the Credit Valley - Toronto and Region - Central Lake Ontario, and South Georgian Bay Lake Simcoe Source Protection Plans. Peel Region staff will report back to Regional Council, as necessary, on any additional obligations or authorizations required under the Act.

APPENDICES

Appendix I – Proposed Policy and Technical Revisions Overview

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Kealy Dedman, Commissioner of Public Works

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