



Notice of Meeting

Hamilton Region Source Protection Authority

Thursday, September 2, 2021

7:00 p.m.

This meeting will be held by WebEx videoconference.

**The meeting can be viewed live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>**

- 1. Call to Order** – Ferguson
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Minutes of Previous Meeting (July 8, 2021)**
- 5. Business Arising from the Minutes**
- 6. New Business**
 - 6.1. Source Water Protection Consultation Progress** – Chitra Gowda
- 7. In-Camera Items**
- 8. Next Meeting – To be determined**
- 9. Adjournment**

Hamilton Region Source Protection Authority

Minutes

Board of Directors Meeting

July 8, 2021

Minutes of the Board of Directors meeting held on Thursday, July 8, 2021, at 7.p.m., by videoconference and livestreamed via YouTube.

PRESENT: **Lloyd Ferguson – in the Chair**
 Dan Bowman **Jim Cimba**
 Chad Collins **Susan Fielding**
 Tom Jackson **Cynthia Janzen**
 Santina Moccio **Esther Pauls**
 Maria Topalovic

Jennifer Stebbing – Foundation Chair

REGRETS: **Brad Clark**

STAFF PRESENT: **Lisa Burnside, Grace Correia, Gord Costie, Lesley McDonell, Scott Peck, Jaime Tellier, and Nancy Watts**

OTHERS: **Chitra Gowda**
 Jo-Anne Rzadki

1. Call to Order

The Chair called the meeting to order and welcomed everyone present.

2. Declarations of Conflict of Interest

There were none.

3. Approval of the Agenda

The Chair requested any additions or deletions to the agenda. There were none.

SP 2108 **MOVED BY: Santina Moccio**
SECONDED BY: Cynthia Janzen

THAT the agenda be approved.

CARRIED

4. Minutes of the Previous Meeting (April 1, 2021)

SP 2109 **MOVED BY: Dan Bowman**
SECONDED BY: Esther Pauls

THAT the minutes of the Hamilton Region Source Protection Authority meeting held on April 1, 2021, be adopted as circulated.

CARRIED

5. Business Arising from the Minutes

There was none.

6. New Business

6.1. Source Protection Committee Member Appointment

Chitra Gowda provided a summary of the report and answered the members' questions.

SP 2110 **MOVED BY: Jim Cimba**
SECONDED BY: Maria Topalovic

THAT the Hamilton Region Source Protection Authority appoint Scott Stewart as the agricultural sector representative on the Halton-Hamilton Source Protection Committee for a five-year term.

CARRIED

7. In-Camera Items

There were no in-camera items.

8. Next Meeting

Next meeting – to be determined.

9. Adjournment

On a motion, the meeting adjourned.



Memorandum

TO: Hamilton Region Source Protection Authority Board

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

SUBMITTED BY: T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Planning and Engineering

PREPARED BY: Chitra Gowda, Senior Manager, Watershed Planning and Source Protection, Conservation Halton

MEETING DATE: September 2, 2021

RE: Source Water Protection Consultation Process

BACKGROUND

Under Section 36 of the Clean Water Act, the Ministry of the Environment, Conservation and Parks (MECP) required the submission of workplans to review source protection plans, including the science-based assessment reports. This has led to the second round of source protection planning across Ontario. The workplan for the Halton and Hamilton source protection areas was approved by MECP in March 2019. The Minister provided an amended Order pursuant to Section 36 of the Clean Water Act. The approved workplan includes tasks to review both science and policies, to support the continued protection of drinking water sources. The workplan is available at the website: <https://bit.ly/3k6pyu0>. The Minister's amended Order specifies which tasks are mandatory to be undertaken as well as requirements of the comprehensive consultation process.

STAFF COMMENTS

Through 2019-2022, Halton-Hamilton Source Protection Region (HHSPR) staff (from Conservation Halton and Hamilton Conservation Authority) are undertaking comprehensive updates to the assessment reports, source protection plan, and explanatory document and conducting stakeholder consultation. Through the municipal working group, municipal staff are engaged frequently. Updates are brought to the Halton-Hamilton Source Protection Committee (HHSPC) for review and endorsement.

During the consultation stage, HHSPR staff will raise awareness about the proposed updates to the source water protection science and policies using various means such as social media, website updates and virtual meetings. It is possible that stakeholders may pose questions or have comments about drinking water to the conservation authorities, municipal councillors, and others. Staff will assist as needed and will provide general information about the update process on the website www.protectingwater.ca to help answer questions.

The **Figure 1** shows the steps required by MECP, leading to the submission of the amended documents to MECP.

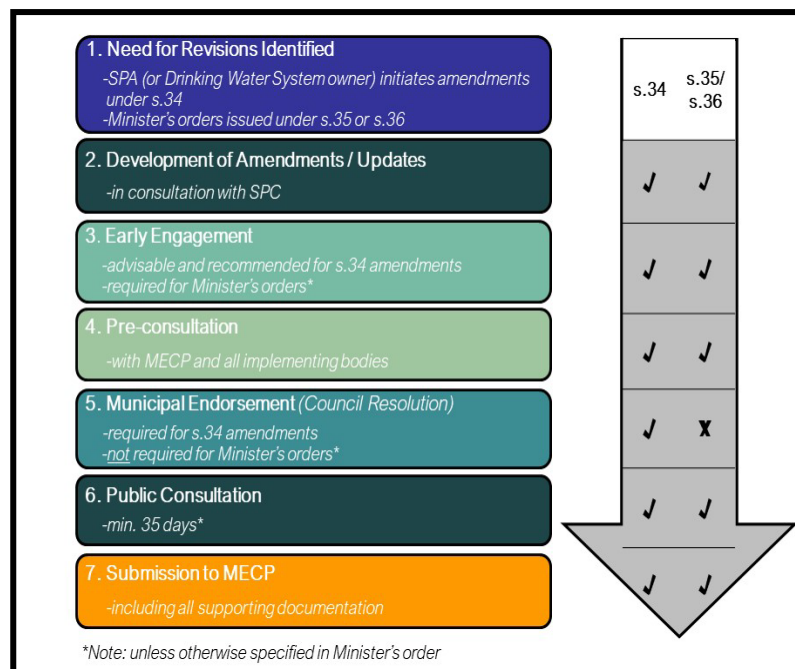


Figure 1: Assessment Report and Source Protection Plan Revision Process
From: "Source Protection Planning Bulletin – Overview of Requirements for Plan and Assessment Report Amendments and Updates under sections 34, 35 and 36 of the Clean Water Act". MECP, Oct. 2019.

The **Table 1** developed and updated by HHSPR staff provides timelines that ensure adequate consultation and result in a submission to the MECP.

Table 1: Comprehensive Updates to the Source Protection Plan

No.	Step	Timeline and Status as of August 11, 2021
1	Need for revisions/updates identified (Minister's Order issued under S. 35 or S. 36; SPA initiated S. 34)	2018 onwards – Completed.
2	Development of amendments/update (in consultation with the HHSPC)	April 1, 2019 to May 31, 2021 – Completed. <ul style="list-style-type: none"> Update documents by May 31, 2021 SPC meeting on June 15, 2021

No.	Step	Timeline and Status as of August 11, 2021
3	Early engagement (with MECP)	<ul style="list-style-type: none"> • Address SPC comments by June 20, 2021. <p>June 21 to July 20, 2021 (~4 weeks)</p> <ul style="list-style-type: none"> • Send documents to MECP on June 21, 2021 – Completed. • Receive MECP comments by July 16, 2021 (received July 20) – Completed. • Special meeting with MECP on July 23 to discuss mandatory Woodward IPZ vulnerability re-assessment – Completed. • Address all MECP comments, update documents and email the pre-con package to the SPC on August 11, 2021 – Completed. • Receive SPC comments by end of day Aug. 23, 2021 • Address SPC comments, pre-con (a) notices and prepare pre-con (a) package by Aug. 30, 2021.
4	<p>Pre-consultation (pre-con), in two steps:</p> <ul style="list-style-type: none"> a) with MECP and all policy implementers; and b) with persons/businesses believed to be engaged in significant threats. 	<ul style="list-style-type: none"> • Pre-con (a): Aug. 30 to Sep. 27, 2021 (4 weeks) <ul style="list-style-type: none"> ○ Post pre-con documents and send notices to MECP and policy implementers on Aug. 30, 2021 ○ Staff prepare notices for pre-con (b) ○ Receive pre-con (a) comments by Sep. 27, 2021; collate and send to SPC. • SPC meeting Oct. 5, 2021 for information only: pre-con comments received from policy implementers. • Pre-con (b): Sept. 28 to Oct. 26, 2021 (4 weeks) <ul style="list-style-type: none"> ○ Post pre-con documents and send notices to persons/business believed to be engaged in significant threats on Sept. 28, 2021 ○ Receive pre-con (b) comments by Oct. 26, 2021. • Address pre-con comments and get public consultation package ready by Nov. 15, 2021.
5	Municipal endorsement (Not applicable for Section 36 updates)	Not applicable for Section 36 updates
6	Public consultation (minimum 35 days)	<p>Nov. 16 to Dec. 23, 2021* (38 days) Involves:</p> <ul style="list-style-type: none"> • Public posting on Nov. 16, 2021 • SPC meeting Dec. 14, 2021 • Receive public comments by Dec. 23, 2021 • Address comments, update documents and send to SPC by Jan. 21, 2022 • Receive SPC comments by end of day Feb. 4, 2022 • Address SPC comments and prepare all documents for the Source Protection Authority (SPA) Boards by Feb. 18, 2022 • SPC meeting Mar. 15, 2022 • SPA board reports to be completed by: March 16, 2022

No.	Step	Timeline and Status as of August 11, 2021
		<ul style="list-style-type: none"> • HCA SPA Board April 7, 2022, CH SPA Board: April 22, 2022 to seek endorsement of the final submission by the boards • Prepare all supporting documentation and files including GIS shapefiles by May 20, 2022 to submit to MECP.
7	Submission to MECP (including all supporting documentation) Must be within 6 months of completion of consultation.	By May 30, 2022

The engagement and consultation stages are described below, along with clarifications around when municipal council resolutions are required per MECP.

Early engagement with MECP ensures that the MECP is engaged before technical and policy work is finalized, in order to provide essential early feedback. Early engagement helps to ensure that technical reports and information that supports the assessment report changes are evaluated by MECP to meet the requirements of the technical framework (prescribed under the Clean Water Act, including the Technical Rules and Tables of Drinking Water Threats) in effect at the time of the updates. SPAs are expected to use the version in effect at the time of the revisions. Comments from the MECP are to be addressed by providing responses, before moving to the next stage.

Pre-consultation with implementing bodies is required in all cases except for typographical and other changes set out in section 51 of O. Reg. 287/07. Implementing bodies are to be made aware of the plan and assessment report revisions and given an opportunity to provide feedback as early in the process as possible. Pre-consultation refers to the regulatory requirements within O. Reg. 287/07 (s.35 to s.39) and is listed within amended section 36 Minister's orders, to consult with impacted implementing bodies prior to conducting broader public consultation. More specifically, it refers to the requirement to send notices to persons or bodies responsible for implementing policies, including government ministries that have obligations under the Clean Water Act. The Minister's amended order for the HHSPR also includes a requirement to send notices to persons and businesses believed to be engaged in significant threats that are affected by the updates (including new or changing vulnerable areas). For a Section 34 amendment (locally initiated amendment), pre-consultation notices sent to affected municipalities could inform them that a council resolution will be required.

Prior to conducting public consultation for locally initiated amendments under section 34, the Clean Water Act requires the SPA to obtain a **municipal council resolution** from municipalities affected by the amendments. There is no legislative requirement to obtain a municipal council resolution as part of amendments or updates under sections 35 or 36 of the Clean Water Act, unless explicitly stated in the Minister's order. However, municipalities have the discretion to pass resolutions expressing comments on the proposed updates. Where a municipality has provided council resolutions, the

SPA must submit those to the ministry with the proposed revisions. The Minister's amended order for the HHSPR does not require municipal council resolutions.

The **public consultation** requirements for revisions are similar to those during initial plan development; however, per the MECP, for locally initiated amendments and s.36 orders issued to date, only one public consultation opportunity is required and there is no requirement for a public meeting. The SPA may have a public meeting depending on local circumstances and the scope and scale of the changes. The public consultation period must be for a minimum of 35 days (or as otherwise noted in a Minister's order), and notification of this consultation must be provided to all implementing bodies, persons believed to be engaged in significant drinking water threat activities and affected municipalities.

Following public consultation, any comments received during public consultation are to be submitted to the MECP as part of the submission package. MECP has provided SPAs with other submission details and supporting information requirements.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Water Management**
 - Initiatives – Invest in programs to address the impacts of nutrient and sediment loading on watershed stream, creeks, rivers and receiving water bodies.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

The Minister's amended Order pursuant to Section 36 of the Clean Water Act, 2006 lists the updates for the Halton-Hamilton Source Protection Plan and the assessment reports. Staff are implementing the updates as required and are scheduled to fulfill the necessary consultation process.