



Notice of Meeting

Hamilton Region Source Protection Authority

Thursday, September 3, 2020

**This meeting will be held in person for Board members and designated staff only.
The public may access the meeting by teleconference.
To access the meeting, please dial 1-866-219-8638.
Please then enter the conference access code: 4987945 and the # key.**

- 1. Call to Order** – Ferguson
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Minutes of Previous Meeting (April 2, 2020)**
- 5. Business Arising from the Minutes**
- 6. New Business**
 - 6.1. Renewal of the Source Protection Region Agreement – Chitra Gowda
 - 6.2. New Source Protection Committee (SPC) member – Chitra Gowda
- 7. In-Camera Items**
- 8. Next Meeting – To be determined**
- 9. Adjournment**

the Source Protection Plan for the Halton Region and Hamilton Region Source Protection Areas in 2019

CARRIED

SP 2004

**MOVED BY: Santina Moccio
SECONDED BY: Dan Bowman**

THAT the Hamilton Region Source Protection Authority, together with the Halton Region Source Protection Authority, endorse the submission of the 2019 Annual Progress Report on Implementation of the Source Protection Plan to the Ministry of the Environment, Conservation and Parks by May 1, 2019 in the format set out by the Province.

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.



Report

TO: Hamilton Region Source Protection Authority

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering

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

DATE: September 3, 2020

RE: Source Water Protection Memorandum of Agreement – Conservation Halton/Hamilton CA

STAFF RECOMMENDATION

THAT the Hamilton Region Source Protection Authority endorse the renewal of the attached Memorandum of Agreement, respecting the joint advancement of drinking water source protection within the Halton-Hamilton Source Protection Region, with the Halton Region Source Protection Authority as per Section 6(3) of the Clean Water Act effective from October 1, 2020 to September 30, 2025.

BACKGROUND

In 2004, Conservation Halton and the Hamilton Region Conservation Authority were grouped into one source water protection region known as the Halton-Hamilton Source Protection Region. The two conservation authorities have worked together on the source water protection program and this working partnership was confirmed through a formal Memorandum of Understanding effective from January 1, 2005 to December 31, 2009.

With the passage and proclamation of the *Clean Water Act* on July 3, 2007, source protection regions had 90 days from proclamation of the Act to enter into a new Memorandum of Agreement (MOA). A new MOA was executed between the two authorities for a term of five years running from October 1, 2007 to September 30, 2012, with Conservation Halton taking on the role of lead source protection authority. As per Section 6(3) of the *Clean Water Act*, the MOA dealt with the following:

- a) The exercise and performance of the lead source protection authority's powers and duties, and
- b) Other matters related to the relationship between the lead source protection authority and the other source protection authority in the source protection region.

The MOA was reviewed and renewed by the Halton Region and Hamilton Region Source Protection Authorities for a period of October 1, 2012 to September 30, 2017, and again from October 1, 2017 to September 30, 2020. It is now time to renew the agreement again.

STAFF COMMENT

In August 2020, Conservation Halton and Hamilton Conservation Authority staff have reviewed the MOA and suggested minor edits related to the renewal period, *Clean Water Act* requirements, and well-established operations/practices between the two authorities. The MOA was also updated to reflect significant changes made in July 2018 to the *Safe Drinking Water Act* and the *Clean Water Act* related to new and changing municipal drinking water systems, requiring early source protection planning. No other substantive changes are recommended. The period for renewal is from October 1, 2020 to September 30, 2025.

On August 18, 2020, the Source Protection Management Committee met and have reviewed the MOA. A brief discussion took place around finding efficiencies in routine operations of the Management Committee. Staff were directed to provide further information for discussions at a later date. The Hamilton Region Conservation Authority Liaison to the Source Protection Committee, Scott Peck, noted the importance of providing program updates to the source protection authorities. A motion was moved by Gerry Smallegange, Chair of Halton Region Source Protection Authority and seconded by Barbara Veale, Halton Region Conservation Authority Liaison to the Source Protection Committee, to present the revised MOA to the Source Protection Authorities for their approval.

STRATEGIC PLAN LINKAGE

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

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

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

The *Clean Water Act, 2006* requires that source protection authorities within a source protection region execute an agreement dealing with the roles and responsibilities of the lead and partner source protection authorities. The renewal of the agreement allows for the continuation of a well-established, collaborative partnership between the Hamilton Conservation Authority and Halton Conservation to fulfill legislated duties towards the protection of sources of municipal drinking water.

HALTON-HAMILTON SOURCE PROTECTION REGION

AGREEMENT

BETWEEN:

**THE HALTON REGION SOURCE PROTECTION AUTHORITY
(HRSPA)**

AND

**HAMILTON REGION SOURCE PROTECTION AUTHORITY
(HSPA)**

Hereinafter called the "Parties"

Background

- A. Whereas the Clean Water Act, 2006, 5.0. 2006, c.22 as amended (CWA), establishes a drinking water source protection area as the area over which a conservation authority has jurisdiction under the Conservation Authorities Act, R.S.O. 1990, c. C.27, as amended (CAA) and directs the conservation authority to exercise and perform the powers and duties of a drinking water source protection authority, as further set out in the CWA;
- B. Whereas the CWA provides for the Minister of the Environment, Conservation and Parks to make a regulation consolidating two or more source protection areas into a drinking water source protection region and designating a lead source protection authority, Ontario Regulation 284/07 establishes the Halton-Hamilton Source Protection Region comprised of the Halton Region Source Protection Authority and the Hamilton Region Source Protection Authority as one source protection region, herein after referred to as the 'Halton-Hamilton Source Protection Region';
- C. Whereas the CWA states that the lead source protection authority and the other source protection authorities in the source protection region shall, within 90 days after the establishment of the source protection region, enter into an agreement that deals with,
 - a) the exercise and performance of the lead source protection authority's powers and duties; and
 - b) other matters related to the relationship between the lead source protection authority and the other source protection authorities in the source protection region;
- D. Whereas the CWA authorizes that if no agreement is entered into within 90 days of the establishment of the source protection region, the Minister of the Environment,

Conservation and Parks may make an order directed to the source protection authorities in the source protection region governing any matter pertaining to the exercise and performance of the lead source protection authority's powers and duties and/or other matters related to the relationship between the lead and other source protection authorities in the source protection region;

Therefore the two source protection authorities named above are entering into this Agreement with renewal periods as specified in the Agreement.

1.0 Definitions

In this Agreement,

The “CWA” - refers to the Clean Water Act, 2006, S. O. 2006 c. 22, as amended.

The “CAA” - refers to the Conservation Authorities Act, R.S.O. 1990, c. C. 27 as amended.

“Conservation Authority” and “CA” means an entity established by or under the CAA.

“Source protection authority” and “SPA” means a source protection authority as defined by the CWA, namely a CA or other person or body that, under subsection 4 (2) or section 5 of the CWA, is required to exercise and perform the powers and duties of a drinking water source protection authority under the CWA.

“Lead source protection authority” means the source protection authority within the source protection region designated by the Minister of the Environment, Conservation and Parks under section 6 of the CWA and regulations to carry out the duties discussed in Section 7.0 of this agreement.

“Management committee” refers to the committee comprised of the chairs, vice-chairs, chief administrative officers and a senior staff representative from each source protection authority. The chair of the source protection committee will be an ex officio member of the management committee.

“Source protection committee” and “SPC” mean a committee established under section 7 of the CWA for a source protection area or source protection region established (a) by subsection 4 (1) of the CWA or (b) by Ontario Regulation 288/07.

“Source protection area” means a drinking water source protection area referred to in section 1(2) of Ontario Regulation 284/07 under the CWA.

“Source protection region” and “SPR” mean a drinking water source protection region established by Ontario Regulation 284/07. This Agreement pertains to the source protection region comprised of the HRSPA and HSPA jurisdictions as modified in Ontario Regulation 284/07, herein referred to as the 'Halton-Hamilton Source Protection Region'.

“Trust account” refers to a segregated account in the name of the Halton Region Conservation Authority in Trust established with a Canadian chartered bank or other financial institution acceptable to the Ministry of Environment, Conservation and Parks, into which the lead source protection authority shall deposit all funds advanced by the Ministry of Environment, Conservation and Parks and which is subject to the conditions set out in this Agreement.

2.0 Purpose of Agreement

2.1 The purpose of this Agreement is to jointly advance drinking water source protection within the watershed region, premised upon mutual consent and agreement between the parties, while respecting the individual needs and priorities of drinking water source protection that are unique to each watershed.

2.2 This Agreement sets out the terms for the administration of the source protection program, the roles and responsibilities of the parties, the roles and responsibilities of the lead source protection authority and the means by which the parties will fulfil the requirements of the CWA.

3.0 Amendments

3.1 This Agreement shall come into effect upon approval of each source protection authority board.

3.2 Changes to the scope or terms of this Agreement may be requested by either of the parties to this Agreement and made by exchange of letters, indicating agreement by both parties to the new terms. Any such letters shall be considered as forming part of this Agreement when approved by the parties.

3.3 HRSPA as the lead source protection authority shall engage both parties in undertaking a review of this Agreement after a five year period from its date of signing.

4.0 Principles

4.1 The parties agree to cooperate on delivery of their respective legislated and regulated obligations and other responsibilities as assigned by the Halton-Hamilton SPC for drinking water source protection in accordance with the following principles:

- a) Contribute to the protection of groundwater and lake-based drinking water sources;
- b) Consult with upper and lower tier municipalities and other watershed partners;
- c) Build on work already completed and avoid duplication;
- d) Promote watershed management to support climate change resiliency and environmentally sustainable growth and development;
- e) Integrate source protection plans and policies within watershed plans and other planning documents;
- f) Strive for consistency across the Halton-Hamilton Source Protection Region, while recognizing local circumstances;
- g) Share resources and staff as appropriate;
- h) Consider any new data and information arising from this joint source protection program to be publicly owned and available, subject to the requirements and restrictions under the Freedom of Information and Privacy Act of Ontario and the

Municipal Freedom of Information and Protection of Privacy Act, R.5.0. 1990, c. M.56; and

- i) Respect data or assessment products End User Licence Agreements for existing data and data ownership and distribution policies of municipalities within the Halton-Hamilton Source Protection Region.

5.0 Watershed Region Governance through the Management Committee

5.1 The parties agree to establish a watershed region management committee, which will be responsible for the overall administration and coordination of the activities of both source protection authorities.

5.2 Each source protection authority will have equal representation on this committee. Composition of the committee will include the Chairs, Vice-Chairs, Chief Administration Officers and a senior staff representative of each source protection authority in the region. The chair of the CA that is the lead source protection authority shall serve as the chair of this committee. The chair of the source protection committee will also be an ex officio member of the management committee.

5.3 Responsibilities of the management committee include:

- a) hiring the source protection planning program manager
- b) setting priorities, establishing annual work plans and budgets;
- c) establishing reporting procedures for the project manager and the technical team;
- d) liaising with the municipalities in the source protection region;
- e) participating in the selection of the chair for appointment by the Minister of the Environment as directed by the Ministry;
- f) establishing the composition and membership of the source protection committee for the Halton- Hamilton Region in accordance with the CWA and its regulations;
- g) coordinating reports to the source protection committee;
- h) ensuring the directions of the source protection committee are carried out.

Certain tasks, such as the recruitment and recommendation of a program manager and SPC members, may be delegated to those senior staff (of the source protection authorities) and the SPC Chair who are management committee members. The review and approval of such recommendations are carried out by the full management committee.

5.4 The management committee will make decisions by consensus to the extent possible. Otherwise decisions will be made by majority vote. Meetings will be conducted in accordance with accepted standards and procedures and the applicable by-laws of each party. In the event of a dispute that cannot be resolved, the dispute resolution mechanism identified in Section 7 will be followed.

6.0 Responsibilities of Each Source Protection Authority

6.1 As per the CWA and regulations, each CA board or other specified body constitutes a source protection authority for its source protection area.

6.2 Each source protection authority agrees to fulfill the following responsibilities for its source protection area:

- a) Provide scientific, technical and administrative support including data retention and resources to the source protection committee as necessary;
- b) Complete the work assigned to them for the preparation of the terms of reference, assessment reports, source protection plans, and associated consultation plans for their source protection area, in accordance with requirements set out in the CWA and regulations under the direction of the source protection committee;
- c) Supervise staff or consultants, as necessary in undertaking (b), and ensure all legislated and appropriate health and safety requirements are met;
- d) In cooperation with the source protection committee, ensure adequate local public consultation processes in all source protection planning initiatives within their source protection area;
- e) In cooperation with the source protection committee, seek input and endorsement by all watershed municipalities within their source protection area on the terms of reference, assessment reports and source protection plan;
- f) Review the terms of reference, assessment report and source protection plan for their source protection area as recommended for approval by the source protection committee giving consideration to (1) whether the source protection committee has completed the required work as outlined in the CWA and regulations and in other guidance issued by the Province; and (2) the anticipated impact on existing or planned watershed management objectives within the source protection area;
- g) Submit, through the lead source protection authority, the terms of reference, assessment report, and source protection plan prepared for their source protection area to the Minister of the Environment, Conservation and Parks for approval;
- h) Prepare and submit to the Minister of the Environment, Conservation and Parks, through the lead source protection authority, annual progress reports that document the measures that have been taken to implement the source protection plan that applies in their source protection area and describes the extent to which the objectives set out in the plans are being achieved;
- i) Make the annual progress reports publicly available;
- j) Must comply with an obligation to implement a significant threat policy or designated Great Lakes policy;
- k) Propose and prepare updates to source protection plans and undertake necessary consultations leading to a submission to the Minister of the Environment, Conservation and Parks, through the lead source protection authority; and
- l) Issue a Notice, through the lead source protection authority, to municipal residential drinking water system owners upon receipt and review of necessary technical work,

to support source protection planning for new or changing municipal residential drinking water systems.

7.0 Responsibilities of the Lead Source Protection Authority

7.1 The lead source protection authority will coordinate and administer the source protection planning process under the overall direction of the management committee.

7.2 The Halton Region Source Protection Authority has been designated as the lead source authority for the purposes of the CWA and this agreement. In addition to the responsibilities set out above for each source protection authority, the lead source authority shall have the following additional responsibilities:

- a) establish and provide oversight and administration to the source protection committee;
- b) assist the Hamilton Region Source Protection Authority in exercising and performing its powers and duties under CWA;
- c) establish the Trust Account with funds provided by the Province of Ontario in order to carry out its duties and responsibilities in accordance with CWA and its regulations;
- d) co-ordinate the development of an overall work program for the preparation of the terms of reference, assessment reports and source protection plans for the watersheds within the watershed region to ensure consistency and efficient sharing of resources;
- e) co-ordinate the work of the technical staff team including coordination of staff hiring and retaining consultants as required; share scientific and technical support and resources with the Hamilton Region Source Protection Authority as may be necessary to undertake an agreed upon work program for the Halton-Hamilton Region;
- f) serve as a liaison between the Ministry of the Environment, Conservation and Parks and the Hamilton Region Source Protection Authority in regard to funding and administration;
- g) provide scientific, technical and administrative support and resources to the source protection committee;
- h) assist the source protection committee in exercising and performing the committee's powers and duties under the CWA for each of the source protection areas in the Halton-Hamilton Source Protection Region;

8.0 Dispute Resolution

In the event of a disagreement between the parties, it is agreed that a mediator, acceptable mutually to each party, will be appointed for the purpose of resolving the dispute.

9.0 Duration

Subject to Section 3.0, this Agreement shall extend for a period of five years, commencing October 1, 2020 and ending September 30, 2025, and may be renewed by mutual consent.

10.0 General

The parties hereto agree to adhere to the terms, conditions, and guidelines contained in this Agreement.

Changes to the scope or terms of this Agreement may be made by mutual consent of the parties.

The parties hereto agree that any notice required to be given pursuant to this Agreement shall be sufficiently given if personally delivered or mailed by prepaid registered mail addressed as follows:

Chairman
The Halton Region Source Protection Authority
2596 Britannia Road West
Burlington ON L7P 0G3

Chairman
Hamilton Region Source Protection Authority
P.O . Box 81067
838 Mineral Springs Road Ancaster ON L9G 4XI

IN W ITNESS WHEREOF each party has hereunto affixed its Corporate Seal attested to by the signatures of its duly authorized Officers in that behalf;

DATED at _____, this __ day of _____, 2020:

THE HALTON REGION SOURCE PROTECTION AUTHORITY

Per: _____
Chairman

Per: _____
Chief Administrative Officer

HAMILTON REGION SOURCE PROTECTION AUTHORITY:

Per: _____
Chairman

Per: _____
Chief Administrative Officer



Report

TO: Hamilton Region Source Protection Authority

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering

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

DATE: September 3, 2020

RE: Source Protection Committee Member Appointment

STAFF RECOMMENDATION

THAT the Hamilton Region Source Protection Authority appoint Sarah McQuaig as the industrial-commercial sector representative on the Halton-Hamilton Source Protection Committee for a five-year term.

BACKGROUND

The role of a source protection committee is to guide the review and updating of the source protection plan using a science-based approach and consider relevant information. The Halton-Hamilton Source Protection Committee is comprised of nine members and the Chair. The members act as liaisons for their sectors, and regularly attend committee and public meetings. The member composition is as follows:

- three members representing municipalities
- two members representing the agricultural sector
- one member representing industrial/commercial sector
- three members representing the public interest at large – focused on environment and health.

Ontario Regulation 288/07 under the *Clean Water Act* sets out the criteria for membership on a source protection committee, including notification of vacancies, and conditions and terms of appointment. The Hamilton Region and Halton Region Source

Protection Authorities appoint the Committee membership, except for the Chair who is appointed by the Minister, Environment, Conservation and Parks.

The Halton-Hamilton Source Protection Committee industrial-commercial sector representative position became vacant in June 2020 when member Michael Kandravy of Suncor moved away. To follow the regulations under the *Clean Water Act, 2006* and maintain source protection committee membership, staff prepared a notice and application form, and advertised the vacancy per legislative requirements.

The vacancy was advertised for a period of 38 days using the source protection region website, social media, and through letters sent to industrial/commercial organizations and companies, economic development organizations, and local Chambers of Commerce. Four persons applied for the position. Staff screened the applications for the legislated eligibility criteria. The Hamilton Region Conservation Authority Liaison to the Source Protection Committee, Scott Peck, the Halton Region Conservation Authority Liaison Barbara Veale, and the Source Protection Committee Chair Robert (Bob) Edmundson conducted interviews with three strong applicants.

The interviewers came to a unanimous decision that the preferred candidate is Sarah McQuaig, Manager, Environment, Health & Safety for Suncor Energy's Operations & Logistics Business Area. She has twenty years' experience in the field of environmental consulting and project management, and is a member of the Sun-Canadian Pipeline Board of Directors, as well as the Air & Waste Management Association Ontario Section Board of Directors.

On August 18, 2020, the Source Protection Management Committee met and have reviewed the staff recommendation. A motion was moved by Lloyd Ferguson, and seconded by Moya Johnson, Vice Chair of the Halton Region Source Protection Authority, to recommend that the Source Protection Authorities appoint Sarah McQuaig to the Source Protection Committee as the industrial commercial sector representative for a period of five years.

STAFF COMMENT

The recommended candidate has direct and ongoing industry involvement and experience relevant to the Halton-Hamilton Source Protection Plan.

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

N/A

LEGAL/FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

Aligned with the requirements of the regulations under the *Clean Water Act*, the maintenance of Source Protection Committee membership is being undertaken by the source protection authorities. In 2020, staff are recommending the appointment of an eligible and qualified candidate to represent the industrial-commercial sector.