



THE TORONTO AND REGION CONSERVATION AUTHORITY

Authority Meeting #11/05

Chair: Dick O'Brien
Vice Chair: Gerri Lynn O'Connor
Members:

January 27, 2006
10:00 A.M.
SOUTH THEATRE, BLACK CREEK PIONEER VILLAGE

AGENDA

	<u>Pages</u>
1. MINUTES OF MEETING #10/05, HELD ON JANUARY 6, 2006 (Enclosed herewith on White)	
2. BUSINESS ARISING FROM THE MINUTES	
3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF	
4. DELEGATIONS	
5. PRESENTATIONS	
6. CORRESPONDENCE	
7. SECTION I - ITEMS FOR AUTHORITY ACTION	
7.1 CN's KINGSTON SUBDIVISION RAIL BRIDGE EXTENSION AND BALA PEDESTRIAN UNDERPASS Award of Contract.	11-14
7.2 DRAFT CLEAN WATER ACT, 2005 Establishment of Source Protection Planning Requirements	15-19
7.3 ENVIRONMENTAL ASSESSMENT FOR THE DON MOUTH NATURALIZATION AND PORT LANDS FLOOD PROTECTION PROJECT Terms of Reference <i>Report to Follow</i>	

7.4 BILL 51
Amendments to the Planning Act and the Conservation Land Act
Report to Follow

**8. CONSIDERATION OF REPORTS OF THE EXECUTIVE COMMITTEE MEETING
#11/05, HELD ON JANUARY 20, 2006**

Refer to pages printed on PINK

**9. CONSIDERATION OF REPORTS OF THE BUSINESS EXCELLENCE ADVISORY
BOARD MEETING #7/05, HELD ON JANUARY 20, 2006**

Refer to pages printed on YELLOW

10. NEW BUSINESS

NEXT MEETING OF THE AUTHORITY ANNUAL #1/06, TO BE HELD ON FEBRUARY 24, 2006,
AT 10:30 A.M. AT PEARSON CONVENTION CENTRE

Brian Denney
Chief Administrative Officer

/af

**8. CONSIDERATION OF REPORTS OF THE EXECUTIVE COMMITTEE MEETING
#11/05, HELD ON JANUARY 20, 2006**

Refer to pages printed on PINK. The minutes will be available at the Authority Meeting.

SECTION II - ITEMS FOR EXECUTIVE ACTION

**8.1 APPLICATIONS FOR PERMITS PURSUANT TO ONTARIO REGULATION 158
Fill, Construction & Alteration to Waterway.**

CITY OF BRAMPTON

8.1.1 BELL CANADA

To place fill within a regulated area on Lot 7, (McVean Drive north of Ebenezer road), in the City of Brampton, Humber River Watershed as located on the property owned by Bell Canada. 8-10

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

8.1.2 HOWARD BRAUDY

To place fill within a regulated area on Lot 356, Plan 412, (11 Walker Road), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Howard Braudy. 10-12

8.1.3 KAREN TRIMMER

To construct in a flood plain, place fill within a regulated area on Lot 11, PART 2, (17 Knightswood Road), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Karen Trimmer. 12-13

**8.1.4 SUNNYBROOK & WOMEN'S COLLEGE HEALTH SCIENCES
CENTRE**

To place fill within a regulated area on Part Lot 3, 4, Concession 2 EYS, (2075 Bayview Avenue), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Governing Council of University of Toronto. 13-15

CITY OF VAUGHAN

8.1.5 DUFFERIN CONTWO INVESTMENTS LIMITED

To alter a waterway on Lot 15, Concession 2, 1277 Rutherford Road, in the City of Vaughan, Don River Watershed as located on the property owned by Dufferin Contwo Investments Limited. 15-17

THE FOLLOWING PERMIT APPLICATIONS WERE ERRATA ITEMS:

CITY OF BRAMPTON

- 8.1.6 CRESTVALE HOLDINGS INC.**
To place fill within a regulated area on Part Lot 11, 12, Concession 7, in the City of Brampton, Humber River Watershed as located on the property owned by Crestvale Holdings Inc.. 18-19
- 8.1.7 INZOLA MAIN STREET INC.**
To place fill within a regulated area on Lot 6, Plan BR-14, Lot PART 1, Plan 43R-8741, (8 Queen Street East), in the City of Brampton, Etobicoke Creek Watershed as located on the property owned by Inzola Main Street Inc. 19-21

WITHDRAWN

- 8.1.8 REGENCY MANAGEMENT FACILITIES - JOE AND ANTHONY PETRONACI**
To alter a waterway, place fill within a regulated area on Lot 17, Concession 1 EHS, in the City of Brampton, Etobicoke Creek Watershed as located on the property owned by Regency Management Facilities - Joe and Anthony Petronaci. 21-22

CITY OF PICKERING

- 8.1.9 CHIEFTAN DEVELOPMENT CORPORATION**
To alter a waterway, construct in a flood plain, place fill within a regulated area on Part Lot 18, Concession 2, (south of Rossland Road, between Brock Road and Riverside Drive), in the City of Pickering, Duffins Creek Watershed as located on the property owned by Chieftan Development Corporation. 22-24

CITY OF VAUGHAN

- 8.1.10 BLOCK 11 PROPERTIES INC.**
To alter a waterway on Lot 16 - 20, Concession 2, northwest of Rutherford Road and Bathurst Street, in the City of Vaughan, Don River Watershed as located on the property owned by Block 11 Properties Inc. 24-27

TOWN OF AJAX

- 8.1.11 HAMPTSTOCK DEVELOPMENTS INC.**
To place fill within a regulated area on Part Lot 3, 4, 5, Concession 3, (southeast of Salem Road and Taunton Road), in the Town of Ajax, Carruthers Creek Watershed as located on the property owned by Hamptstock Developments Inc. 27-28

TOWN OF MARKHAM

8.1.12 TOWN OF MARKHAM

To alter a waterway, construct in a flood plain, place fill within a regulated area on Lot 17 - 19, Plan 2368, (Proctor Avenue), in the Town of Markham, Don River Watershed as located on the property owned by Town of Markham. 28-30

TOWN OF RICHMOND HILL

8.1.13 STONE COURT CONSTRUCTION INC.

To alter a waterway, construct in a flood plain, place fill within a regulated area on Lot 54, Block J, Plan JUDGE'S PLAN 10030, Part Lot 4, Plan 4840, (10537 Yonge Street), in the Town of Richmond Hill, Rouge River Watershed as located on the property owned by Stone Court Construction Inc.. 30-32

PERMIT APPLICATIONS 8.1.14 - 8.1.23 ARE MINOR WORKS ITEMS

Approvals of minor works are implemented by Development Services Section staff and are received monthly by the Executive Committee. The permit of minor works is subject to authorization by the Manager of Development Services and signed by an appointed enforcement officer. All minor works are located within a Fill Regulated Area, outside of the floodplain and in the opinion of staff do not affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.
--

CITY OF PICKERING

8.1.14 WEB-TECH SAFETY PRODUCTS INC.

To place fill within a regulated area on Lot 44, Plan 283, (368 Dyson Road), in the City of Pickering, Rouge River Watershed as located on the property owned by Web-Tech Safety Products Inc.

CFN: 37117 - Application #: 483/05/PICK

Report Prepared by: Susan Robertson, extension 5370

For information contact: Russel White, extension 5306

Date: November 23, 2005

CITY OF TORONTO (ETOBICOKE YORK COMMUNITY COUNCIL AREA)

8.1.15 BOGDAN DERECKI

To place fill within a regulated area on Lot 15, Plan 3729, (42 Grenview Boulevard South), in the City of Toronto (Etobicoke York Community Council Area), Mimico Creek Watershed as located on the property owned by Bogdan Derecki.

CFN: 37172 - Application #: 501/05/TOR
Report Prepared by: Annemarie Sanchez, extension 5284
For information contact: Steve Heuchert, extension 5311
Date: December 12, 2005

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

8.1.16 FLEMINGDON PARK GOLF CLUB INC.

To place fill within a regulated area on Lot 4, 5, Concession 3 FTB, Lot 9, 10, Concession 4 EYS Part Lot 1, Plan M-1353, (155 St. Dennis Drive), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Flemington Park Golf Club Inc..

CFN: 37156 - Application #: 491/05/TOR
Report Prepared by: Steve Heuchert, extension 5311
For information contact: Steve Heuchert, extension 5311
Date: December 2, 2005

CITY OF TORONTO (TORONTO AND EAST YORK COMMUNITY COUNCIL AREA)

8.1.17 MICHELLE KALSBECK

To place fill within a regulated area on Part Lot 78, 79, Plan 3053, (50 Davies Crescent), in the City of Toronto (Toronto and East York Community Council Area), Don River Watershed as located on the property owned by Michelle Kalsbeek.

CFN: 37112 - Application #: 479/05/TOR
Report Prepared by: Annemarie Sanchez, extension 5284
For information contact: Steve Heuchert, extension 5311
Date: November 22, 2005

CITY OF VAUGHAN

8.1.18 DOMENIC PORRETTA

To place fill within a regulated area on Lot 21, Concession 8, Lot 4, Plan 65M-3844, (26 Highland Creek Court), in the City of Vaughan, Humber River Watershed as located on the property owned by Domenic Porretta.

CFN: 37073 - Application #: 464/05/VAUG
Report Prepared by: Suzie Losiak, extension 5724
For information contact: Kevin Huang, extension 5307
Date: November 14, 2005

8.1.19 MICHAEL IACOVELLI

To place fill within a regulated area on Lot 33, Plan 65M-3377, (189 Treelawn Boulevard), in the City of Vaughan, Humber River Watershed as located on the property owned by Michael Iacovelli.

CFN: 36820 - Application #: 320/05/VAUG
Report Prepared by: Suzie Losiak, extension 5724
For information contact: Coreena Smith, extension 5269
Date: December 5, 2005

TOWN OF CALEDON

8.1.20 ALLAN PANKIW

To place fill within a regulated area on Lot 69, 70, 78, Block 4, Plan BOL 7, (46 Temperance Street), in the Town of Caledon, Humber River Watershed as located on the property owned by Allan Pankiw.

CFN: 37113 - Application #: 480/05/CAL
Report Prepared by: Adam Miller, extension 5244
For information contact: Quentin Hanchard, extension 5324
Date: November 22, 2005

8.1.21 DON RINGUETTE

To place fill within a regulated area on Lot 42, Plan 43M-651, (52 Bambi Trail), in the Town of Caledon, Humber River Watershed as located on the property owned by Don Ringuette.

CFN: 37158 - Application #: 493/05/CAL
Report Prepared by: Adam Miller, extension 5244
For information contact: Quentin Hanchard, extension 5324
Date: December 6, 2005

8.1.22 JEAN-PIERRE LAUZON

To place fill within a regulated area on Part Lot 1, Plan BOL-7, (99 King Street West), in the Town of Caledon, Humber River Watershed as located on the property owned by Jean-Pierre Lauzon.

CFN: 37166 - Application #: 497/05/CAL
Report Prepared by: Adam Miller, extension 5244
For information contact: Quentin Hanchard, extension 5324
Date: December 8, 2005

TOWN OF MARKHAM

8.1.23 WAYNE AND CAROL ARCUS

To construct in a flood plain on Part Lot 133, Plan M-1762, (26 Macauley Drive), in the Town of Markham, Don River Watershed as located on the property owned by Wayne and Carol Arcus.

CFN: 37072 - Application #: 467/05/MARK

Report Prepared by: Susan Robertson, extension 5370

For information contact: Russel White, extension 5306

Date: November 9, 2005

NEW PERMITS

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

8.1.24 THE DONALDA CLUB - PAUL SCENNA

To place fill within a regulated area on Lot 8, 9, Concession 3 EYS Plan 5112, (12 Bushbury Drive), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by The Donalda Club - Paul Scenna.

47-48

CITY OF TORONTO (TORONTO AND EAST YORK COMMUNITY COUNCIL AREA)

8.1.25 TORONTO WATERFRONT REVITALIZATION CORPORATION

To alter a waterway in the City of Toronto (Toronto and East York Community Council Area), Don River Watershed as located on the property owned by Toronto Waterfront Revitalization Corporation.

48-50

CITY OF VAUGHAN

8.1.26 THE NATIONAL GOLF COURSE OF CANADA

To alter a waterway, construct in a flood plain on Part Lot 11, 12, 13, Concession 6, 134 Club House Road, in the City of Vaughan, Humber River Watershed as located on the property owned by The National Golf Course of Canada.

50-52

8.2 PLACES TO GROW

Proposed Growth Plan for the Greater Golden Horseshoe

33-41

8.3 HMT SALES TAX CONSULTANTS INC.

Tax Recovery Contract Approval

42-43

8.4 OUT OF COUNTRY TRAVEL

Approval to Attend Conference in the United States

44

8.5 BALLANTREE HOMES AND ROMLEK ENTERPRISES AND CITY OF TORONTO
Ontario Municipal Board Hearing

53-54

9. CONSIDERATION OF REPORTS OF THE BUSINESS EXCELLENCE ADVISORY BOARD MEETING #7/05, HELD ON JANUARY 20, 2006

Refer to pages printed on YELLOW. The minutes will be available at the Authority Meeting.

SECTION I - ITEMS FOR AUTHORITY ACTION

- | | | |
|------------|--|------------|
| 9.1 | STRONGER CITY OF TORONTO FOR A STRONGER ONTARIO ACT, 2005 | 3-8 |
| 9.2 | STATUTORY BORROWING RESOLUTION
9-10 | |
| 9.3 | APPOINTMENT OF AUDITORS | 11 |

SECTION IV - ITEMS FOR THE INFORMATION OF THE BOARD

- | | | |
|------------|---|--------------|
| 9.4 | ACCOUNTS RECEIVABLE
December 30, 2005 | 12-14 |
| 9.5 | 2005 REQUESTS FOR PROPOSALS AND QUOTATIONS
Year End Summary | 15-19 |

TO: Chair and Members of the Authority
Meeting #11/05, January 27, 2006

FROM: Adele Freeman, Director, Watershed Management

RE: **CN's KINGSTON SUBDIVISION RAIL BRIDGE EXTENSION AND BALA PEDESTRIAN UNDERPASS**
Award of Contract.

KEY ISSUE

Award of Contract A #BW840-332.1-2.1 and Contract B #RSD05-31 for the construction of CN's Kingston Subdivision Bridge Extension, and for the excavation and construction of the Bala Subdivision Pedestrian Underpass, respectively.

RECOMMENDATION

THAT the Chief Administrative Officer (CAO) and Director, Finance and Business Services be authorized and directed to take such actions as are necessary, including signing of documents, to award Contract A #BW840-332.1-2.1 and Contract B #RSD05-31 subject to the following conditions:

- successful completion of all requirements of the tender review process as set out in the report dated January 13, 2006;
- approval of the proposed contracts by Toronto Waterfront Revitalization Corporation (TWRC) and CN;
- sign-off on all necessary agreements with CN, GO Transit and TEDCO; and
- acceptance by the successful contractor of all terms and conditions as may be required by Toronto and Region Conservation Authority (TRCA) staff and solicitors;

THAT for purposes of completing the underground and overhead high voltage cable relocation component of the project, Hydro One be retained as a consultant to TRCA to advise and assist TRCA;

AND FURTHER THAT the CAO and Director, Finance and Business Services be authorized and directed to take such actions as are necessary, including signing of documents, to contract with Hydro One as a consultant subject to terms and conditions satisfactory to TRCA staff and solicitors.

BACKGROUND

At Authority Meeting #9/05, held on November 25, 2005, Resolution #A252/05 was approved as follows:

THAT for purposes of awarding the Contract for Construction of CN's Kingston Subdivision Bridge Extension and Bala Subdivision Underpass, the tendering and approval process as set out in the report dated November 21, 2005, be approved;

THAT the award of contract be conditional upon approval by authorized representatives of Toronto Waterfront Revitalization Corporation (TWRC) and CN and confirmation of available funding for the project;

AND FURTHER THAT appropriate TRCA officials be directed and authorized to take whatever action may be required to give effect thereto, including obtaining necessary approvals and the execution and signing of any documents and indemnities.

Subsequently, TRCA staff and consultants have finalized the development of detailed designs and tender documents for the above works, to the satisfaction of TWRC and CN officials.

Given CN's better understanding of the entire project, CN reduced its list of prequalified contractors to receive the tender package from nine, as identified in November 2005, to six.

The list of prequalified contractors is as follows:

- AECON Construction
- Dagmar Construction
- Dufferin Construction
- Grascan Construction
- USL Construction
- Kiewit Construction

The scope of work outlined in the tender package was expanded to include the detailed design, purchase and installation of the Hydro One high voltage underground cables that require relocation as a result of the Kingston Subdivision Bridge Extension. At Authority Meeting #5/05, held on May 27, 2005, Resolution #A100/05 was approved, in part, as follows:

THAT Hydro One be retained to undertake the required Level A Assessments to relocate their underground and overhead power transmission lines to facilitate the detailed design phase for Component 1 of the Lower Don River West Remedial Flood Protection Project, at an upset cost of \$110,000, plus applicable taxes, subject to the approval of the Toronto Waterfront Revitalization Corporation and terms and conditions satisfactory to Toronto and Region Conservation Authority (TRCA) and its solicitors;...

Given the extended work action at Hydro One throughout the summer of 2005, Hydro One requested in December 2005 that the scope of work included in the tenders be expanded to include some of the activities that were originally assigned to Hydro One, namely the design/build component for the relocation of the high voltage cables within the project area. Instead of designing and procuring the cables, Hydro One will work as a consultant on behalf of TRCA and act as a project advisor on all aspects of the project related to the design and implementation of the high voltage cable relocations, as well as inspect the construction site periodically to monitor to ensure safety compliance when construction is within the proximity of the underground and overhead high voltage cables.

Given the very specialized nature of the design and relocation work for these high voltage systems, Hydro One provided staff with a list of prequalified installation sub-contractors and manufacturers (of the high voltage cables) that can be approached by the general contractors to undertake this component of the project.

The list of prequalified installation sub-contractors includes:

1. EHV Power Corp
2. Comstock Canada Ltd.
3. M.V. Mark Inc.

The list of prequalified cable manufacturers includes:

1. Prysmian Power Cables and Systems Canada Ltd (Formerly Pirelli Cable)
2. EHV Power Corp
3. Nexans
4. LS Cables (Formerly LG Cables)

The project tender has been divided into two contracts. Contract A will be led and executed by CN and primarily focuses on the construction of the Kingston Subdivision Bridge and its constituent parts. Contract B will be led and executed by TRCA and primarily focuses on the construction of the Bala Subdivision Underpass and its constituent parts, plus the relocation of the Hydro One underground high voltage cables, excavation of the new river channel under the new Kingston Subdivision Bridge section, and final landscaping and habitat treatments in the area. A single general contractor will be awarded the entire project covering both Contracts A and B. Bids on Contracts A and B will be evaluated together, rather than separately. Totten Sims Hubicki (TSH) will provide Construction Administration services on behalf of CN and TRCA for both Contracts A and B.

The prequalified list of contractors and installation sub-contractors received:

1. a pre-release package of the tender on December 19, 2005 which contained general arrangement drawings of the project components, a summary of the work to be undertaken and the management arrangement between CN, TRCA, TWRC and Construction Administrator; and
2. Hard copies and a CD containing the full tender package on January 3, 2006 at 3:00pm.

A bidders meeting was held on January 12, 2006 from 11:30am - 3:30pm at City of Toronto's Metro Hall, Room 307 and at the Don Yard. Representatives of TRCA, CN, TWRC and Hydro One were in attendance, as were representatives from all invited contractors. Following requests from the contractors during this meeting, an addenda was released on January 13, 2006 authorizing a two week extension to the bidding period. The closing date originally scheduled for 12:00 noon on January 20, 2006 was extended to 12:00 noon on February 3, 2006. Tenders will be submitted to 5 Shoreham Drive. Tenders will be opened "In-Camera", during the afternoon of February 3 with a member of the Authority and representatives of CN and TWRC present.

TSH will review the tenders on February 4 and 5th, 2006, and provide a recommendation to TRCA, CN, TWRC and city staff on February 6, 2006 or shortly thereafter based on the following:

- compliance with the contract; and
- lowest combined price for both Contracts A and B.

Hydro One will also review the tenders to ensure the technical specifications outlined in the contract meet Hydro One's requirements. If a Hydro One pre-qualified sub-contractor submits a proposal that is deemed by Hydro One not to meet the required specifications, that general contractor will be disqualified from consideration.

Based on this evaluation, staff will recommend to the CAO and Director, Finance and Business Services which of the contractors should be awarded of the two contracts. Award of the contracts will be conditional upon concurrence with TWRC, the 3 levels of government and CN. The award of the high voltage cable component of the project of the bid is conditional upon approval from Hydro One.

FINANCIAL DETAILS

Costs will be covered under the Eligible Recipient Delivery Agreement, including all administrative and legal costs. Funding will be available in account 195-05.

Report prepared by: Kenneth Dion, extension 5230
For Information contact: Kenneth Dion, extension 5230
Date: January 13, 2006

TO: Chair and Members of the Authority
Meeting #11/05, January 27, 2006

FROM: Adele Freeman, Director, Watershed Management

RE: **DRAFT CLEAN WATER ACT, 2005**
Establishment of Source Protection Planning Requirements

KEY ISSUE

Approval to make comments in support of the proposed legislation which was posted December 5, 2005 by the Ministry of the Environment on the EBR Registry for comment. The comment period closes February 3, 2006.

RECOMMENDATION

WHEREAS the Authority has previously supported the White Paper on Watershed Based Source Protection Planning, February 2004 by Resolution #A67/04 and the earlier proposed drinking water legislation (Drinking Water Source Protection Act, 2004) by Resolution #A224/04;

WHEREAS the current proposed legislation is consistent with these earlier proposals;

WHEREAS the province has provided funding to the Toronto and Region Conservation Authority (TRCA), Credit Valley Conservation (CVC), and Central Lake Ontario Conservation Authority (CLOCA) as the CTC Watershed Region to undertake technical studies in support of source protection planning through Memorandum's of Agreement (MOA) approved by Resolution #A67/04 and Resolution #A241/05;

THEREFORE LET IT BE RESOLVED THAT the Authority supports the proposed Clean Water Act, 2005 and the role proposed for conservation authorities;

THAT staff be authorized and directed to make comments through the Environmental Bill of Rights registry (EBR) process on behalf of TRCA and the CTC Watershed Region to the province in support of the Clean Water Act, 2005;

THAT staff be directed to include in the comments to the EBR a request for the opportunity to make a presentation in support of the Act before the Standing Committee of the Legislature, if and when the proposed Act is referred to committee for hearings;

AND FURTHER THAT the Chair circulate the staff report and the EBR comments to the clerks, Chief Administrative Officers (CAO) and Mayors of municipalities in the CTC Watershed Region, and staff send copies to the General Managers of Credit Valley Conservation and Conservation Ontario, the CAO of Central Lake Ontario Conservation Authority and to the project managers for the other source protection watershed regions.

BACKGROUND

The Minister of the Environment introduced the proposed Clean Water Act which received first reading on December 5, 2005. The Ministry of the Environment (MOE) is seeking comments through posting the legislation on the Environmental Bill of Rights registry.

The proposed Act is designed to protect existing and future sources of drinking water through the local identification and assessment of drinking water threats and the development of a source protection plan that addresses these threats.

The proposed Act is comprised of 5 parts.

Part I—General

Part I of the legislation establishes source protection areas and requires that a source protection plan be developed for each area. Under proposed regulations, the CTC source protection area will be established as the source protection area for our region (1 of 19 areas proposed across the province), comprised of the CVC, CLOCA and TRCA jurisdictions. TRCA will be the lead conservation authority (the “source protection authority”) and will have the responsibility for facilitating the source protection planning process for this area.

Part II— Preparation, Amendment and Review of Source Protection Plans

This Part establishes the process for developing and approving source protection plans. As the lead authority, TRCA is responsible for establishing the multi-stakeholder Source Protection Committee (SPC) comprised of no more than 16 members for the CTC region. The chair of the SPC must be approved by the Minister of the Environment and appointed by Order-in-Council. The SPC is responsible for developing terms of reference, an assessment report and a source protection plan for the CTC source protection area. It is anticipated that the SPC will be supported by a number of technical working groups.

Under the current MOA (including 100% funding) with Conservation Ontario and the province, TRCA, CVC and CLOCA are preparing the background technical reports which will be part of the basis for the assessment report required by the SPC. The assessment report identifies the watersheds in the source protection area, the vulnerable areas within the watershed, and assesses the drinking water threats in each vulnerable area in order to determine which threats constitute significant drinking water threats. The assessment report must be submitted by the SPC to the Source Protection Authority (SPA) for approval, who submit it subsequently to the MOE Director for approval.

It is mandatory that the SPC consult with municipalities when the Terms of Reference for the Assessment report are prepared, on the assessment report before it is submitted for approval and also on the source protection plan prior to submission for approval. It is mandatory to make the report available to the public when it is submitted to MOE. Within the CTC region, it is our intention to consult fully with municipalities and to seek their agreement in the establishment of the SPC and also in obtaining municipal council endorsement of reports and source protection plans before these are submitted to the province.

Following approval of the assessment report, the SPC is responsible for preparing a source protection plan (SPP). The SPP sets out policies intended to ensure that all current and future activities that pose, or may pose, a significant drinking water threat (as identified in the assessment report) cease to pose or to become a significant risk. Further, activities or specific land uses prescribed by regulation which occur in a well-head protection area or a surface water intake zone, may be designated for the purpose of specific provisions of Part IV. It is mandatory for the SPC to consult with municipalities.

Part III—Effect of Source Protection Plans

The Act requires municipalities to conform their Official Plans, zoning by-laws and prescribed instruments that relate to significant drinking water threats, with the SPP. In the case of a conflict between the source protection plan and other provincial plans such as the Oak Ridges Moraine Conservation Plan or Greenbelt Plan, the provisions most protective of the quality and quantity of drinking water prevail. Decisions under the Planning Act and the Condominium Act, 1998, must conform to the SPP. Finally, the Minister can require the appropriate legal authority to bring any non-conforming instrument prescribed by a regulation that relates to a significant drinking water threat into conformity with the SPP.

Part IV — Regulation of Drinking Water Threats

The municipality that has authority to make by-laws under the Municipal Act, 2001 for the production, treatment and storage of water is responsible for enforcement. This responsibility may be delegated by agreement to conservation authorities. The body responsible for enforcing Part IV must appoint a permit official and permit inspectors to administer the provisions of this Part.

Municipalities may order the development of risk management plans where an activity has been prescribed by regulation and the report has found that the activity constitutes a significant drinking water threat in a wellhead protection area or a surface water intake protection zone. Appeals can be made to the Environmental Review Tribunal. A person is required to comply with a risk management plan and failure to do so is an offence.

Part IV requires a person planning to build or get approval for specific land uses designated in the SPP to have the permit official review the proposal to ensure compliance before the proposal is approved under the Planning Act or the person obtains a permit under the Building Code Act.

Part IV provides authority to issue, amend, renew and revoke permits, issue enforcement orders, powers of entry and to cause the work to be done at the person's expense. It also provides for appeals to the Environmental Review Tribunal.

Part V — Other Matters

An important item for the CTC Watershed Region is the authority for the Minister of the Environment to set targets for the Great Lakes as a source of drinking water.

Part V also establishes obligations on various public bodies to share information related to the SPP process and the authority for the Director to establish technical rules in relation to assessment reports, risk assessments and risk management plans. The province is planning to post draft guidance documents on the EBR for comment in the near future. Technical staff have been consulted on earlier drafts and CTC technical work currently underway is being carried out in accordance with most recent draft guidance.

Regulation-making authority is provided to the Minister for certain matters and a more general regulation-making authority is given to the Lieutenant Governor in Council.

Part V includes a general conflict provision that provides that in case of a conflict between the Clean Water Act, 2005 and a provision of another Act or a regulation made under another Act, the provision that provides the greatest protection to a drinking water source prevails. In addition there is a specific conflict provision in relation to the Nutrient Management Act, 2002, which provides that in case of a conflict between a provision of the Clean Water Act, 2005 and a provision of the Nutrient Management Act, 2002, a regulation or an instrument under that Act, the provision of the Clean Water Act, 2005 prevails. Note that nothing in the Clean Water Act, 2005 affects the conflict provision in the Nutrient Management Act, 2002 in relation to municipal by-laws.

Finally, Part V includes an offence provision, largely for the purpose of enforcing Part IV and penalties with maximums from \$25,000 to \$100,000 per day.

This Bill amends other legislation. Amendments to the Building Code Act authorize the establishment by regulation of maintenance inspection programs for septic systems. They also allow for the establishment of other types of maintenance inspection programs, and makes complimentary amendments to the Planning Act, the Conservation Authorities Act and the Consolidated Hearings Act.

Staff Comments

The legislation is consistent with the recommendations made previously by Conservation Ontario and TRCA on the White Paper and earlier draft legislation. Details will be contained in future regulations and it is difficult to comment at this time on whether or not we would recommend supporting all the provisions to be included in these regulations.

The addition of provisions to consider current and potential source impacts on the Great Lakes intakes and for municipalities to designate clusters of private well or surface water sites for protection as municipal drinking water supplies is a considerable improvement. Both of these are important considerations within the CTC source protection region. The province also has announced grant money for studies related to the Great Lakes among other priorities. The CTC region may submit to MOE a grant proposal in cooperation with our municipal partners to develop an assessment and model for ongoing assessment of potential impacts to drinking water in the western basin of Lake Ontario.

The legislation does not provide any powers to fund the required activities of the Source Protection Committee, the Source Protection Authority, the mandatory monitoring and annual reporting or plan amendments. MOE staff has advised that it is the government's intention that municipalities (who are responsible for implementing the SPPs) will use new taxing powers through the *Sustainable Water and Sewage Act, 2002* to recover costs and to achieve full-cost accounting for water and sewage services. It is not clear how the SPC and SPA will be paid although to date the province has been paying 100% of the costs of the technical studies being carried out by conservation authorities through the MOA with Conservation Ontario & the Ministry of Natural Resources. This matter will be raised in the comments on EBR.

In summary, the draft *Clean Water Act, 2005* is a positive legislative initiative which will greatly increase the powers of municipalities to protect current and future drinking water sources. The roles identified for conservation authorities strengthen and build on their current roles and expertise in watershed management and working effectively with municipal partners and other watershed stakeholders. The legislation confers new responsibilities in protecting human health through helping protect drinking water sources.

Report prepared by: Beverley Thorpe, 416-484-1807

For Information contact: Adele Freeman, extension 5238; Beverley Thorpe, 416-484-1807

Date: January 12, 2006