

**FURTHER TO WATERSHED MANAGEMENT ADVISORY BOARD #2/04**  
**To be held Friday, April 16, 2004**

**Pages**

**6. CORRESPONDENCE**

**NEW CORRESPONDENCE**

- 6.2** An email dated April 15, 2003, from Madeleine McDowell, Chair, Humber Heritage Committee, in regards to item 7.9 - York Peel Durham Toronto / Conservation Authorities Moraine Coalition Groundwater Study. 70

**7. SECTION I - ITEMS FOR AUTHORITY ACTION**

**ITEM 7.16 - LISTED ON AGENDA AS REPORT TO FOLLOW**

- 7.16 NUTRIENT MANAGEMENT ACT**  
Update on Municipal Bylaws 67-69

**ITEM 7.17 - WITHDRAWN**

- 7.17 ASIAN LONGHORNED BEETLE**

**TO:** Chair and Members of the Watershed Management Advisory Board  
Meeting #2/04, April 16, 2004

**FROM:** Adele Freeman, Acting Director, Watershed Management Division

**RE: NUTRIENT MANAGEMENT ACT**  
Update on Municipal Bylaws

---

**KEY ISSUE**

Update on Municipal By-laws in support of the Nutrient Management Act.

**RECOMMENDATION**

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT staff continue to monitor the implementation of the Nutrient Management Act and opportunities to utilize its provision in conjunction with the implementation of integrated watershed management plans;**

**AND FURTHER THAT the staff of the Toronto and Region Conservation Authority (TRCA), in the course of reviewing regional and local municipal official plans and other planning documents, advocate at the provincial and municipal level for the use of all available powers to manage potential threats to human health and protect sources of drinking and surface waters, including those tributary to Lake Ontario with respect to high risk activities and land uses until source protection plans are approved and implemented.**

**BACKGROUND**

At Watershed Management Advisory Board Meeting #7/02, held on February 14, 2003, TRCA staff reported on the status of Bill 81, the Nutrient Management Act (NMA) and TRCA's involvement in Conservation Ontario's consultation process to submit a collaborative report for the Ontario Ministry of Agriculture and Food (OMAF). In the interim, staff have been in receipt of regular OMAF updates and attended information sessions to maintain their understanding of the NMA and its implications to our partners and stakeholders.

The intent of Ontario's Nutrient Management Act, legislated through parliament in June 2003, is to better protect water quality resources in our communities through the development of individual Nutrient Management Plans in compliance with the NMA. This new legislation sets standards for nutrient management on lands producing or receiving organic or synthetic nutrients. Requirements for nutrient management are currently managed by municipalities through the Planning Act using zoning, site plan controls and by-laws. Nutrient Management Plan requirements are usually triggered through the issuance of building permits for new and expanding livestock operations.

A number of rural municipalities have established Nutrient Management By-laws in an attempt to provide a high standard of environmental practice in compliance with the mandatory requirements of the NMA. The principals of municipal bylaws typically focus on Minimum Separation Distance (MSD) criteria for separating new and existing land uses to ensure they are compatible, thereby reducing the potential for conflict between neighbours. An estimated 85 municipal Nutrient Management By-laws have been adopted in Ontario. In the TRCA jurisdiction, the Township of Uxbridge is the only municipality with a Nutrient Management By-law.

A report detailing the status of municipal regulations in Ontario titled, "Managing the Transition Between Municipal and Provincial Governance as Required by the Regulations Under the Nutrient Management Act" was prepared for the Ministry of Agriculture and Food by Wayne J. Caldwell in June, 2003. This report provides more details and analysis on the status, content and variances between the 85 existing Nutrient Management By-laws. In this report, Mr. Caldwell describes the Nutrient Management By-laws at best, as a "patchwork" with inconsistent levels of content and trigger mechanisms across Ontario. The variety of categories within the by-laws included Nutrient Management Plan development, approval and renewal, Expanding Operations, Minimum and Maximum Separation Distance, Landownership, Wellhead Protection Areas, New Barn Construction, Site Plan Control, Spreading of Biosolids and Manure Storage and Disposal. While the various Nutrient Management By-laws reflect the diversity of the rural communities in which they were designed to serve, there is a need to create more consistency within the categories as they relate to farming practices in all municipalities.

Julie Abouchar, Solicitor with the environmental law firm Willms & Shier, will address the members of the Watershed Management Advisory Board on legal aspects of Nutrient Management. Ms. Abouchar served as commission counsel to Justice O'Connor during the Walkerton Inquiry into contaminated drinking water and was recently (December, 2003) appointed to the Source Water Protection Implementation Committee by Environment Minister Dombrowsky. Ms. Abouchar's presentation is timely as TRCA staff proceed in the development of integrated watershed management plans, and the role of conservation authorities in the development of source protection plans.

The advisory committee report on Watershed-Based Source Protection Planning, titled "Protecting Ontario's Drinking Water: Toward a Watershed Based Source Protection Planning Framework," April 2003, recommended that:

17. *The province, municipalities and conservation authorities use their available powers to manage potential threats to human health and protect sources of drinking water by taking action with respect to high risk activities and land uses until source protection plans are approved and implemented.*

The report identified that these powers include provisions under the Planning Act for new land uses and the power of the Director of the Ministry of the Environment to manage risk in key locations.

Further discussions with Ontario Ministry of Agriculture and Food Nutrient Management Act representatives indicate that municipalities face many challenges in developing a Nutrient Management By-law, from a thorough understanding of the NMA and associated political pressures, to the urgency of addressing local and regional water quality issues.

#### **DETAILS OF WORK TO BE DONE**

TRCA staff through the development of integrated water management plans currently being undertaken, groundwater studies, source protection planning and the review of development permits will work within the powers available to the TRCA to continue to address the protection of surface and subsurface water quality. TRCA staff, through its stewardship programs, will continue to advocate and implement projects that assist in protecting water quality.

#### **FINANCIAL DETAILS**

Not applicable at this time.

**Report prepared by: Patricia Lowe, 5365**

**For Information contact: Patricia Lowe, 5365**

**Date: March 30, 2004**

## CORRESPONDENCE 6.2



"Madeleine McDowell" <m.mcdowell@sympatico.ca> on 04/15/2004 12:34:02 PM

Please respond to "Madeleine McDowell" <m.mcdowell@sympatico.ca>

To: Kathy Stranks/MTRCA@MTRCA  
cc:

Subject: Watershed Mgmt Adv.Board Agenda item 7.9

---

The Chair and Members of the Board, April 15th, 2004.  
Watershed Management Advisory Board,  
Toronto and Region Conservation Authority,  
5 Shoreham Drive,  
Downsview, Ontario, M3N 1S4

re: agenda item 7.9

Dear Chairman Ryan:

The paths of the glacial River from the Kirkfield period and of the Laurentian River are referred to in Guidebook # 4 of the Geological Survey, Department of Mines, Ottawa, 1913.

The principal of their continued subterranean flow differs little from that of any spring, except in volume. Their role in the water table and groundwater movement in the area between Georgian Bay and Lake Ontario is overwhelming.

Their recent documentation through bore holes and seismic surveys is important. The flows of these Rivers were equivalent to, or greater than that of the St. Clair River. Their continued existence is a piece of hydrogeology that excites the imagination, recreating eons old geography, prior to the sculpting of the Earth's surface by the last Glaciers. The groundwater flows of these aquifers do not follow the surface watershed geography, but relates to Mother Earth's bedrock.

Tampering with these flows must be viewed with great alarm. The reference in the YPDT Conservation Authorities Moraine Coalition groundwater study status update, to the possibility or probability of the Laurentian flow becoming an additional municipal groundwater resource for Caledon East is most disturbing.

Engineered meddling with groundwater flows is a dangerous practice, which can express its self in the water table, already stressed by development and urbanization. Dry wells in the Lake Wilcox area have been a phenomenon for the last decade.

The interrelationship of surface watersheds and subterranean ones is a worthy study, only just commencing. It relates closely to the dangers of the transport of water from one watershed to another, which seems to be o direction under pursuit. The importance of the YDPT groundwater study cannot be over estimated and, as I have written previously, my Committee is overjoyed by the project and its support at many levels.

But the concept of the tap of modern plumbing attached to an ancient artesian source is infinitely alarming to us. It should also be viewed in the context of the 100 year plan of the excellent Natural Terrestrial Heritage Strategy.

Would you please ask staff to address this issue?

Thank you for your kind attention.

Yours sincerely,

Madeleine McDowell,  
Chair, Humber Heritage Committee.