

**Report To:** Halton-Hamilton Source Protection Committee  
**Report No.:** SPC-22-12-01  
**From:** Martin Keller, Senior Manager, Watershed Planning and Source Protection, mkeller@hrca.on.ca  
**Date:** December 6, 2022  
**Subject:** Source Protection Program Updates

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### **Recommendation**

**THAT** the Halton-Hamilton Source Protection Committee receives for information the staff report SPC-22-12-01 Program Updates.

### **Executive Summary**

This program update report includes updates on B. Edmondson being re-appointed as SPC Chair for the Halton-Hamilton Source Protection Committee, approval of the S.36 Source Protection Plan for the Halton-Hamilton Source Protection Region, SPC member appointments, annual progress reporting, source protection data management framework, Canadian Environmental Law Association's report on 'Safe Drinking Water for All – 20 Years after the Walkerton Inquiry Reports', and impacts from Bill 23 on the source protection program.

### **Report**

#### SPC Chair Appointments

On October 18, 2022, B. Edmondson was re-appointed by the Minister of the Environment, Conservation and Parks as chair of the Halton-Hamilton Source Protection Committee for a three year term to August 20, 2025, among eleven other committee chairs in the province. Seven source protection regions/areas are still without a Minister appointed chair at this time.

#### S.36 Approval of Halton-Hamilton Source Protection Plan update

On November 4, the Minister of the Environment, Conservation and Parks approved the S.36 update to the Halton-Hamilton Source Protection Plan. The plan update came into effect on November 18, 2022, the date the decision notice was posted on the Environmental Registry. **Appendix A** includes the media release related to the plan update.

#### SPC Member Appointments

Terms for the three municipal representatives on the Halton-Hamilton Source Protection Committee are expiring end of January 2023 and processes have been initiated with municipalities in all three municipal groupings. The aim is to have the (re-) appointments complete in time for the March 7, 2023, Committee meeting.

#### Annual Progress Reporting

In 2019, Halton-Hamilton Source Protection Region joined other source protection regions in using the Electronic Annual Reporting (EAR) platform for collecting annual progress reporting data from implementing bodies, i.e., municipalities. EAR was originally established by the Ministry for source protection authorities to submit annual progress reporting data to the province; the database and interface has been developed and is administered by Upper Thames Region Conservation Authority (UTRCA) staff. There are currently seven source protection areas/regions in the province which use EAR for the municipal annual progress reporting data collection.

Over the past few months (summer/fall 2022), staff worked on significant updates to the Halton-Hamilton Electronic Annual Reporting tool (EAR), together with staff from UTRCA. Reporting questions posed to municipalities/implementing bodies have been revised and reformatted, based on internal revisions, input from the collective effort of the annual progress reporting working group, and considering changes to the 2022 reportable questions from the Ministry. The goal of these updates is to streamline the reporting process, reduce the amount of redundant information collected and to simplify the process for the reporting bodies.

Undertaking these updates will also set the stage and allow for a smooth transition for future version upgrades to the EAR platform (coming as early as 2023). By completing these updates now, the questions and reporting data will also better align with other EAR members (Source Protection Programs) creating consistency in the back-end database. With increased consistency across the EAR platform, functionality can be designed to further simplify the reporting process, for all involved.

#### Source Protection Data Management Framework

One of the pillars of the Source Protection Program is that it is based on science. Since its inception, a large amount of scientific data, technical reports, and many maps have been produced. Under the Clean Water Act, any record (including data) that is being used for the preparation of the assessment reports and source protection plans, must be retained and stored for a minimum of 15 years. It is imperative that information gained through the program is maintained and archived efficiently.

The Halton-Hamilton Source Protection Program team has begun a data modernization project. Working with Conservation Halton's GIS team, a plan has been established to identify the most current and approved data and ensure it is stored on corporate servers. Utilizing this enterprise-wide infrastructure will ensure current source protection data is stored in one centralized location, is properly backed up and any changes can be tracked. All mapping products and documents will also be migrated over in the coming months. While doing so, existing records and documents will be cleaned up and mapping templates will be created. This will facilitate easier and more efficient updates of required mapping products. Any data created during technical work or data that is no longer current or in use will be archived and accessible if the need arises.

Better integration of the Source Protection Program into Conservation Halton's technical infrastructure will also allow the program to access further data sharing functionality.

With the assistance of Conservation Halton’s GIS team, the source protection data will be able to be added to Conservation Halton’s Open Data site utilizing the existing Portal platform. This web-based data sharing portal will make data and mapping products available (view and download) to the public. This will also reduce the time spent filling data requests for outside organizations.

Canadian Environmental Law Association – Report: Safe Drinking Water for All – 20 Years after the Walkerton Inquiry Reports

On September 23, 2022, the Canadian Environmental Law Association (CELA) released their report on drinking water source protection actions 20 years after the Walkerton Inquiry. The report evaluates and scores the degree of implementation for the 121 recommendations from Justice Denise O’Connor.

The following provides a high-level synopsis of the report, adapted from a summary provided by Conservation Ontario:

The comprehensive and well written report evaluates Justice O’Connor’s recommendations against implementation actions and provides a historical overview and status on each recommendation. The report is generally positive and highlights successes for different levels of the source protection program (e.g., source protection committees, source protection authorities, OMAFRA & MECP). The report identifies several recommendations that have not been carried out at the Provincial government levels (OMAFRA & MECP) with most being operational considerations for drinking water treatment within the responsibility framework of the various ministries. Not mentioned in the report was that source protection authorities/conservation authorities received 2 years (multiyear funding) for the first time earlier this year for the 2022- 2024 period.

The major gap identified in the report was the divergence between drinking water systems/populations covered under the Clean Water Act and systems/populations that are not covered. The report does mention the MECP’s Best Practices for Source Water Protection and points out the voluntary element as opposed to the previously funded measures mandated by the Clean Water Act. Although this approach is not perfect, source protection authorities and Conservation Ontario are working to share and promote this guidance as an available tool for systems/population not covered under the Clean Water Act.

Indigenous Nations in Ontario were also identified within this same gap. The report mentions that “as of May 2022 there were 34 long term drinking water advisories impacting 29 Indigenous communities in Ontario (Indigenous Services Canada, July 2022)” and details the jurisdictional and political complexities involved in improving access to safe drinking water for Indigenous communities.

Some steps are being made within Ontario within as well as outside of source protection areas/regions. For example, drinking water source protection program managers are working on renewing or developing new relationships with their local Indigenous Nations.

Conservation Ontario recently held a session “Building Relationships and Embracing Truth: Conservation Authority-Led Reconciliation” that was shared with program managers to exchange resources/information/experiences.

MECP (Conservation & Source Protection Branch) has also been working with the Chiefs of Ontario developing relationships with far north Indigenous Nations and co-creating pilot projects to protect drinking water sources and improve access.

### Bill 23 – Potential Impacts on the Source Protection Program

Over recent weeks, the provincial government has proposed a package of 19 changes under Bill 23 – More Homes Built Faster the government purports addresses Ontario’s housing supply challenges. The following section highlights legislative requirements that remain unchanged and identifies key proposals that may affect the drinking water source protection program under the Clean Water Act, 2006. There may be other unintended consequences from the proposal. This report does not address implications and effects of the proposed changes beyond the drinking water source protection program.

*Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 – [ERO 019-6141](#) – Comments close December 9, 2022*

This posting proposes several changes to the Conservation Authorities Act and Planning Act which may lessen the regulation of development for the protection of people and property from natural hazards, reduce the ability of conservation authorities to comment and appeal development related proposals and applications, freeze conservation authority fees, facilitate the use of conservation authority owned lands for housing, and reduce planning processes to facilitate faster development.

There are no proposed changes to the Clean Water Act, Safe Drinking Water Act, or source water references in the Conservation Authorities Act. The proposed changes do not change the requirement of a conservation authority to provide the programs and services related to the authority’s duties, functions, and responsibilities as a source protection authority under the Clean Water Act, 2006. With respect to a conservation authority’s ability to comment on development proposals and applications, S.13(3)4 of O. Reg. 686/21 remains and enables a conservation authority to review and comment on any proposal made under another Act that is circulated to the authority to determine whether the proposal relates to a significant drinking water threat or may impact any drinking water sources protected by a source protection plan.

*Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022) – [ERO 019-6163](#) – Comments closed November 24, 2022*

Among proposed changes in this proposal, the province proposes to streamline municipal planning responsibilities by removing the planning policy and approval responsibilities from certain upper-tier municipalities, including Halton Region. This could undermine

regional scale growth planning and allocation that has traditionally been sensitive to potential impacts of development on drinking water sources and may result in disjointed planning policies and a lack of coordination of regional water infrastructure. Growth planning at the regional scale is a key mechanism for source water protection specifically for municipalities reliant on groundwater sources for drinking water. Because lower tier municipalities may have significantly different goals, the proposal may lead to inefficient and less coordination of servicing plans that could impact water infrastructure development. If these changes come into effect as proposed, the Halton-Hamilton Source Protection Plan would need to be reviewed and revised to ensure current planning and development related policies directed at Halton Region as the upper-level municipality are still appropriate and implementable. The proposal would likely also impact timelines associated with source protection plan amendments under s.34 or S.36 of the Clean Water Act, 2006.

*Review of A Place to Grow and Provincial Policy Statement – [ERO 019-6177](#) – Comments close December 30, 2022*

The government is proposing to integrate the Provincial Policy Statement and A Place to Grow into a new streamlined province-wide planning policy instrument. Currently, key references in the two policy documents to drinking water sources, water resources (quality and quantity) and watershed planning reinforce the connection between the Planning Act and the Clean Water Act, 2006. The proposed core elements of this new policy instrument, with respect to the environment and natural resources, list agriculture, natural heritage, natural and human-made hazards, aggregates, and cultural heritage, but does not explicitly mention water resources and drinking water sources.

Signed & respectfully submitted:



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## Ministry of the Environment, Conservation and Parks approves update to Halton-Hamilton drinking water source protection plan

BURLINGTON, ON  
Friday, November 18, 2022

On November 4, 2022, the Ministry of the Environment, Conservation and Parks approved updates to the Halton-Hamilton Source Protection Plan to ensure that municipal drinking water sources are protected for communities in both watersheds. This update, which came into effect on November 18, 2022, is the first comprehensive revision to the Halton-Hamilton Source Protection Plan since it was first approved in 2015.

The update included four years of technical work to ensure that surface water intake protection areas for Hamilton (Woodward) and Halton (Burlington, Burloak, and Oakville) are properly mapped and the risks to sources of drinking water are accurately identified. This technical work was also conducted for the protection areas for municipal wells in Hamilton (Freelton, Carlisle, and Greensville) and Halton (Campbellville, Kelso, and Walkers Line).

“To protect municipal drinking water sources, it is important to do regular, comprehensive updates of the local source protection plan to make sure the plan is up-to-date and reflects the latest science and changes on the landscape,” says Martin Keller, Senior Manager, Watershed Planning and Source Protection, Conservation Halton. “We have updated the plan to make sure communities can be confident that their sources of municipal drinking water are protected.”

The update also includes new and revised policies to address implementation challenges and reflect provincial changes under the *Clean Water Act* (2006). The Halton-Hamilton Source Protection Committee, which is comprised of representatives from municipalities, business, industry, farmers, landowners, and other stakeholders, was formed under the *Clean Water Act*.

The process of updating the Halton-Hamilton Source Protection Plan included public consultation with members of the public and stakeholders throughout 2021. If you would like to learn more about the changes, visit [protectingwater.ca](http://protectingwater.ca).

*The Halton-Hamilton Source Protection Program is directed and funded by the Ministry of the Environment, Conservation and Parks in partnership with municipalities. Conservation Halton and Hamilton Conservation Authority work together to administer the program and provide*

*technical and communication support for the planning process. Conservation Halton is the lead authority for the Halton-Hamilton Source Protection Region, which is one of 19 source protection regions in the province.*

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