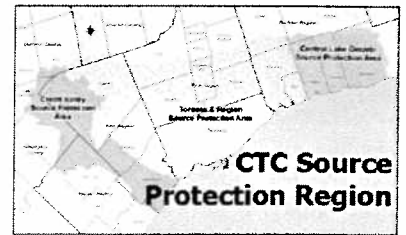


DRINKING WATER SOURCE PROTECTION

ACT FOR CLEAN WATER



July 18, 2007

General Letter

Sent by email and mail

Ms. Sheila Birrell
Town Clerk
Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Birrell:

With the proclamation of the *Clean Water Act 2006* and the promulgation of the first set of regulations effective July 3, 2007, the Toronto and Region Conservation Authority (TRCA) in its legislative and regulatory role as the lead source protection authority for the CTC Source Protection Region, is obligated to consult with all municipalities wholly or partially within the boundaries of the CTC (Credit Valley-Toronto and Region-Central Lake Ontario conservation authorities) on a number of matters.

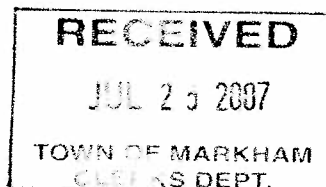
The first matter upon which we wish to consult is the selection process for municipal members for the CTC Source Protection Committee (SPC). As set out in O. Reg. 288/07, subsections 3(1) and 3(2), we invite your comment on the proposed groupings of municipalities and the number of municipal members to be selected for each group for appointment to the CTC SPC (see Attachment 1 for details).

After considering any comments received, we are required to give notice to the clerks of each municipality no later than September 3, 2007, on the groups of municipalities we have established and the date by which councils of the municipalities in each group must jointly submit a list of persons to be appointed to the CTC SPC to represent their group. An updated timelines summary is appended (see Attachment 2).

I have also included the proposed composition/selection process for the remaining (non-municipal) SPC members, and membership qualifications and responsibilities (see Attachments 3 & 4). We would be interested in your comments on this as well. We will be posting this proposal for general public comment in accordance with the regulatory requirement on or before August 3, 2007. We would also encourage you at this time to consider who else in your community would make an excellent candidate for sectoral or general members.

I look forward to receiving your advice. In order to provide an opportunity for discussion amongst the CTC municipalities, I am scheduling a meeting at Black Creek Pioneer Village on August 1, 2007, 12 pm to 2 pm, to clarify any aspects of this proposal and to provide you with any further guidance that we may receive from the province. If you wish to participate, please advise Karen Hortopan by noon, July 27, 2007 via email at khortopan@trca.on.ca and she will send you the meeting details and agenda.

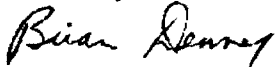
*Copy: Peter Lauckes
John Livey*



I apologize for the short commenting timeline during the summer season, but in order to meet the regulatory deadline of September 3, 2007, we need your written comments on the attached proposal by August 20, 2007, 5:00 pm so that we can consider your advice. Please address your comments to the attention of Karen Hortopan, CTC Communications Administration Coordinator, CTC Region, via email at khortopan@trca.on.ca or fax 416-667-6898.

Thank you for your cooperation and I look forward to working with you as we collectively act to protect the sources of our drinking water.

Sincerely,



Brian Denney
Chief Administrative Officer
Toronto and Region Conservation

- cc. Rae Horst, Chief Administrative Officer, Credit Valley Conservation
Russ Powell, Chief Administrative Officer, Central Lake Ontario Conservation Authority
Adele Freeman, Director, Watershed Management, TRCA
Beverley Thorpe, CTC Project Manager
Karen Hortopan, Communications Administration Coordinator, CTC Region
Addition cc's on list (Attachment 5):
- CTC Municipal Technical Advisory Committee members
 - Other Interested Parties

/Encl.

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Debi Bentley, City Clerk, City of Pickering
Sheila Birrell, Town Clerk, Town of Markham
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Cheryl Johns, Clerk, Town of Orangeville
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John Marshall, Acting City Manager, City of Brampton
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Pat Moyle, Chief Administrative Officer, Administration, Town of Caledon
Bob Panizza, Director of Corporate Services/Town Clerk, Town of Aurora
Dennis Perlin, Chief Administrative Officer, Town of Halton Hills
Robert Prowse, Clerk, Town of Richmond Hill
Thomas J. Quinn, Chief Administrative Officer, City of Pickering
John Rogers, Chief Administrative Officer, Town of Aurora
Rick Schwarzer, Chief Administrative Officer, Town of Orangeville
Brian Skinner, Chief Administrative Officer, Town of Ajax
Chris Somerville, Clerk, Township of King
Scott Somerville, Chief Administrative Officer, CAO's Office, Township of King
Susan M. Stone, CAO/Clerk-Treasurer, Township of Amaranth, Township of East Garafraxa
David Szwarc, Chief Administrative Officer, Regional Municipality of Peel
Vicki Tytaneck, Acting Town Clerk, Town of Oakville
Donna Vanwyck, County Clerk, Wellington County
Monica Wallenfels, Assistant Corporate Counsel and Regional Clerk, Halton Region
Ulli S. Watkiss, City Clerk, City Manager's Office, City of Toronto
Scott Wilson, Chief Administrative Officer, Wellington County
Franklin Wu, Chief Administrative Officer, Municipality of Clarington
Kathy Zammit, City Clerk, Clerk's Department, City of Brampton

Attachment 1

Draft for Consultation

CTC Source Protection Committee Proposed Groupings of Municipalities and Number of Members to be Appointed Per Group

**Pursuant to
Ontario Regulation 288/07 under the *Clean Water Act*, 2006**

Background

The Ontario government has established that the CTC Source Protection Committee will be comprised of 21 members plus chair (total 22). One-third of the members (7) are to be members who reflect the interests of the municipalities located in whole or in part in the source protection region.

Ontario Regulation 288/07 in Section 3 requires that the lead source protection authority divides the municipalities into one or more groups for the purposes of appointing person(s) to represent each group on the source protection committee, the regulation also requires that the source protection authority consults with all municipalities on the proposed composition prior to giving a notice (no later than September 3, 2007) to the clerks of all municipalities of the groupings of municipalities, number of persons to be appointed to represent each group and the date by which a list of person(s) jointly endorsed by the councils in the group must be submitted to the lead source protection authority.

Proposal

Based on initial discussions, with a number of municipal representatives, including a meeting on April 17, 2007, Rae Horst, CAO of Credit Valley Conservation, Russ Powell, CAO of Central Lake Ontario Conservation Authority and myself have developed the proposed groupings and number of representatives shown in the table below.

Rationale

1. Ensure that representation is from municipalities across the whole of the CTC Source Protection Region.
2. The 4 regional municipalities, the City of Toronto and the Town of Orangeville will be requested to coordinate the preparation of the nomination list for their group of municipalities.
3. Assign responsibility for coordinating to a municipality within the group who has direct water supply responsibilities.
4. Ensure that there are groups whose water supplies come from each of the two drinking water sources in the CTC Region or a combination of sources: all groundwater, groundwater & Lake Ontario supplies or all Lake Ontario sources. Within the CTC, the Regions of Halton and York and the Town of Erin, Town of Orangeville and Town of Mono depend only on groundwater systems; the Regions of Peel and Durham use both groundwater and Lake Ontario based supplies, while the City of Toronto uses only Lake Ontario based supplies.
5. Assign two members to the City of Toronto recognizing its large population.

Principles:

1. The composition will be:
 - a) 1/3 municipal representatives out of 21 members = 7;
 - b) Note that the Province has proposed that persons who are on the board of a conservation authority or employed by a conservation authority are excluded from membership on the SPC.
2. All municipalities who are wholly or partially within the CTC Region must be consulted on the groupings of municipalities and the number of municipal representatives per group. The TRSPA shall appoint members from the list of persons provided jointly by the councils of each group of municipalities. If groups of municipalities fail to submit the necessary list of persons within the required time frame, then the lead SPA may select municipal representatives who are representative of that group of municipalities.
3. Working group(s) will be established to support the SPC municipal members to aid in representing all municipal perspectives.
4. Members must meet the selection criteria set out in the regulation and provincial rules and guidance (see Attachment 4).
5. Members must be ready and willing to carry out duties as SPC members, abide by rules of conduct and conflict of interest policies, and be ready to serve the initial term to complete the first source protection plans (may be as long as 5+ years). (See Attachment 4 for current information on duties).
6. Members can be either elected officials or staff of the municipality or a citizen appointee.

| Grouping | Number of SPC Members to Nominate |
|---|--|
| City of Toronto | 2 |
| Region of Durham In consultation with: City of Pickering Town of Ajax Town of Whitby City of Oshawa Township of Uxbridge Municipality of Clarington Township of Scugog | 1 |
| Region of York In consultation with: City of Vaughan Town of Richmond Hill Town of Markham Town of Aurora Township of King Town of Whitchurch-Stouffville County of Simcoe Township of Adjala-Tosorontio | 1 |
| Region of Halton In consultation with: Town of Halton Hills Town of Oakville County of Wellington Town of Erin | 1 |
| Region of Peel In consultation with: City of Mississauga City of Brampton Town of Caledon | 1 |
| Town of Orangeville In consultation with: County of Dufferin Town of Mono Township of East Garafraxa Township of Amaranth | 1 |

Attachment 2

Timelines Summary (Revised, by Conservation Ontario)

SOURCE PROTECTION COMMITTEE FORMATION

Time following SPC Regulation Promulgation

| Key Tasks | Jul-07 | Aug-07 | Sep-07 | Oct-07 | Nov-07 | Dec-07 | Jan-08 | NOTES |
|--|--------|--------|--------|--------|--------|--------|--------|--|
| SPA to post notice with the functions and proposed composition of the SPC on Internet and within general circulation newspapers (NOTE: specific information required in notice set out in regulation) | ↑ | | | | | | | Notice on Internet & in newspapers no later than <u>Aug. 3, 2007</u> |
| SPA to notify Chief of each band where a reserve is within the SPA/SPR requesting a joint selection for First Nation (representative) to the SPC (NOTE: specific information required in notice set out in draft regulation) | ↑ | | | | | | | Notice to Chiefs no later than <u>Aug. 3, 2007</u> No timeline for selection of First Nation representative. Seat(s) is/are reserved indefinitely. Seat(s) is/are in addition to SPC composition set out in Regulations |
| SPA provides a notice to the clerk of each municipality in the SPA/SPR requesting appointment of members to SPC (NOTE: specific information required in notice set out in regulation) | ↑ | | | | | | | Notice to clerks no later than <u>Sept. 3, 2007</u> |
| Written comments to be received on proposed composition of SPC | | ↑ | | | | | | Comments due within <u>one month</u> of the notice on Internet/Newspapers |
| SPA to consider written comments on SPC composition and make their final decision on how to divide up appointments for sector and other interests. members SPA to publish a notice on the Internet and in newspapers with final decision on SPC composition. | | ↑ | | | | | | Within <u>45 days</u> of original notice on Internet/Newspapers |
| SPA receives applications from potential candidates for the SPC | | | ↑ | | | | | Date applications of potential SPC candidates are due to SPA shall not be earlier than <u>two months</u> after the request for expressions of interest is published in the newspaper |
| Council of municipalities must submit the list of municipal members to the SPA (based on groupings of municipalities) | | | | ↑ | | | | Due date that names are required to SPA shall not be earlier than <u>two months</u> after notice to clerks |
| SPA to appoint members of SPC | | | | | ↑ | | | SPA appoints members to SPC <u>75 days</u> after date of notice to clerks/date of notice in newspaper (which ever is later) |
| SPC prepares written: *Procedure for conducting committee business *Code of conduct *Conflict of Interest Policy | | | | | | ↑ | | Within <u>2 months</u> after sufficient number of members to constitute a quorum of the SPC, SPC develops written rules of procedure for conducting business and code of conduct and conflict of interest policy |

TIME LINES FOR TERMS OF REFERENCE, ASSESSMENT REPORT, AND SOURCE PROTECTION PLAN

Assumes SPC Chair appointed by Minister by September 2007

Key Tasks

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | NOTES |
|--|------|------|------|------|------|------|---|
| SPC to prepare draft Terms of Reference and publish on Internet and make available to public before submitting to SPC | → | | | | | | |
| SPC to host at least one public meeting providing an opportunity for public review, questions and comments on draft Terms of Reference | → | | | | | | at least 21 days after notice is published |
| Written comments on the draft Terms of Reference due to the SPC | → | | | | | | comments within 30 days after notice is published |
| SPA submits proposed Terms of Reference to SPA, including providing copy to clerks of each municipality, Chief of Band Council, Chair of every other SPC where consultation is required, relevant Great Lakes bodies, and publishing on internet/making available at public location for comment | → | → | | | | | within 12 months of SPC Chair appointment |
| SPA to accept written comments on Terms of Reference | | → | | | | | within 30 days after notice is published |
| SPA submits proposed terms of reference to Minister | → | → | | | | | within 14 months of the first SPC Chair appointment |
| SPA submits proposed assessment report to Director | | → | → | | | | within 1 year of the approved Terms of Reference |
| SPA submits proposed source protection plan to Minister | → | | | | | → | within 5 years of the first SPC Chair |

Attachment 3

Proposed Composition of CTC SPC

Principles

1. The CTC SPC will be 21 members plus chair.
2. The composition will be:
 - a. 1/3 municipal representatives;
 - b. 1/3 sectoral representatives reflecting the agricultural, commercial and industrial sectors likely to be most impacted by the source protection plan; and
 - c. 1/3 representing other source protection region interests, such as ENGO's, academia, general public;
 - d. Note that the Province has proposed that persons who are on the board of a conservation authority or employed by a conservation authority are excluded from membership on the SPC;
 - e. Ex-officio members: a person designated by the source protection authority as a representative of the authority; a person designated by the Minister of the Environment as a representative of the Ministry; and a person designated by the Minister of the Environment as a representative of the medical officers of health for the health units within the source protection region.
3. Working groups will be established to support the SPC municipal and sectoral members (if required) to aid in representing their sector/interest broadly.
4. Members must meet selection criteria set out in regulation and provincial rules and guidance (Attachment 3 contains the proposed provincial direction).
5. Members must be ready and willing to carry out duties as SPC members (see Attachment 3), abide by rules of conduct and conflict of interest policies set by the SPC and be ready to serve the initial term to complete the first source protection plans (may be as long as 5+ years).
6. Quorum for the source protection committee is 2/3 of the members, as set out in the legislation.

Sectoral Representatives (7):

2 agricultural representatives – nominated through the provincially coordinated process by the Ontario Farm Environmental Coalition (OFEC);

1 aggregate industry representative – selected with help of the Ontario Stone, Sand, and Gravel Association;

1 petrochemical representative – covering manufacturing and distributing, and retail interests such as refineries, gas stations, pipelines and chemical products – selected with the help of the Ontario Division of the Canadian Petroleum Products Institute (CPPI) and Canadian Chemical Producers Association (CCPA);

1 land development representative – selected with help of Greater Toronto Home Builders' Association-Urban Development Institute (GTHBA-UDI); and

1 golf course representative – selected in consultation with the industry.

1 additional sector representative – sector to be represented to be based on comments and applications received

General Public Representatives (7)

3 ENGO representatives – possibly 1 selected with help of provincially-led environmental organizations and 2 locally selected; and

4 representatives drawn from the watershed region – with experience in water management issues and drinking water source protection in particular, related health sector experience and/or use of municipal planning process to implement environmental protection to round out the expertise and balance the committee to represent the broad interests of residents in the CTC Region.

Municipal Representatives (7)

7 members - to be jointly nominated by the councils of each group of CTC Region municipalities and selected to represent the variety of municipal issues, e.g. ground and surface water sources, responsibility for water and land use planning at upper and lower tier, urban and rural municipalities.

Attachment 4

Qualification Criteria and Responsibilities of Source Protection Committee Members

Proposed SPC Member Qualifications

Mandatory

1. members must reside in, own or rent land in, or be employed or operate a business in the source protection region (in regulation);
2. members must not be board members or employees of a conservation authority (in regulation).

Guidance

3. demonstrated ability to understand source protection science, concepts and technical reports;
4. familiarity with the rules of operation for committee processes (e.g. Robert's Rules of Order);
5. proven ability to act as liaison to and from the sector(s) being represented;
6. solid problem-solving, analytical, communication and organizational skills;
7. an openness to work together, and with, representatives from other sectors;
8. knowledge of local watershed(s), communities and issues;
9. demonstrated ability to work with group dynamics and team environments; conciliatory decision-making skills;
10. strong communications skills;
11. willingness and ability to travel around the source protection region;
12. expected involvement in implementation of source water protection;
13. direct contact with residents and landowners;
14. perceived as a credible source of information; and,
15. demonstrated social/economic influence on the community.

Proposed SPC Member Responsibilities

Mandatory

1. must regularly attend meetings of the SPC (in regulation);
2. must abide by the SPC's code of conduct and conflict of interest policy (in regulation);

Guidance

3. members should be available to attend meetings of the committee until completion of the terms of reference, assessment report and source protection plan; note that committee meetings will, generally, be held during daytime hours and attendance at evening or weekend public consultations will occasionally be required.
4. members may act as liaisons by bringing forward common concerns from their knowledge and experience in the sector to the committee and assist in communicating the committee's work;
5. members should make decisions at the committee table;
6. members should work collaboratively and respectfully with each other and other stakeholder groups such as the general public, etc;
7. members should attend public information sessions and participate in public consultation forums;
8. members should respect confidential information and abide by the process in place to safeguard confidential information.

Attachment 5

CTC Municipal Technical Advisory Committee Members Other Interested Parties

Karen Antonio-Hadcock, Senior Planner, York Region
Lina Ariza, Program Coordinator, Water Resources, York Region
Laura Atkins-Paul, Senior Planner, York Region
Jeremy Baird, Town of Markham
Ed Belsey, Principal Planner, Town of Whitby
Jeremy Blair, Storm Drainage Programming Engineer, City of Mississauga
Diane Bloomfield, Senior Hydrologist, Region of Halton
Rodney Bouchard, Project Manager, Hydrogeology, Region of Peel
Ted Bowering, Manager, Policy & Program Development, City of Toronto
Mary Bracken, Environmental Planner, City of Mississauga
Paul Callanan, Director, Environmental Health, Region of Peel
Monica Campbell, Manager, Environmental Protection Office, City of Toronto
Gene Chartier, Commissioner, Infrastructure & Development, Township of Scugog
Nestor Chornobay, Director, Strategic Planning, Region of Durham
Alex Connor, Manager, Environmental Health, Region of Durham
Shelly Cuddy, Hydrogeologic Coordinator, Region of Durham
Chris Darling, Principal Planner, Region of Durham
Lou Di Gironimo, General Manager, Water, City of Toronto
Christine Drimmie, Policy and Research Advisor, Region of Durham
Lilli Duoba, Manager, Environmental Planning, Town of Markham
Susan Elston, Senior Environmental Coordinator, City of Oshawa
Steve Gaunt, Senior Planner, City of Pickering
Alex Georgieff, Commissioner of Planning, Region of Durham
Beata Golas, Hydrogeologist, Region of Durham
Mark Head, Principal Planner, Region of Peel
Kevin Heritage, Policy Planning Coordinator, Planning & Development Services, Town of Ajax
Barb Hodgins, Policy Planner, Planning & Development Services, Town of Ajax
Richard Holborn, Director, Public Works, City of Pickering
Doug Jones, Director, Environment & Development Services, Town of Orangeville
Lincoln Kan, Manager, Environmental Services, City of Mississauga
Wendy Kemp, Program Manager, Water & Wastewater, York Region
Dan Kennaley, Manager, Policy Planning, Town of Caledon
Alina Korniluk, Hydrogeologist, Region of Peel
Debbie Korolnek, Director, Water & Wastewater, York Region
Sudhakar Kurli, Source Protection Coordinator, Region of Halton
Bernie Kuslikis, Environmental Services, Region of Durham
Joe La Marca, Director, Health Protection Division, York Region
Dan Labrecque, Commissioner of Finance, Region of Peel
Patrick Lee, Manager, City of Oshawa
Bernard Mayer, Manager, Health Protection Division, York Region
G. McGregor, Principal Planner, Policy, City of Pickering
Ian McIlwham, Manager of Compliance, Works Dept., Region of Durham

Andrew Mcneely, Deputy Director and Manager, Development Services, Town of Whitchurch-Stouffville
Ron Motum, Supervisor, Technical Support Division, Region of Durham
David Mowat, MOH, Region of Peel
Gary Muller, Manager of Planning, Planning & Development Services, Town of Ajax
John Nemeth, Manager, Water Resources, Town of Richmond Hill
Mark Paoli, Senior Policy Planner, County of Wellington
Tom Parry, Director, Development Services, Town of Whitchurch-Stouffville
M. Patel, Manager, Public Health, City of Toronto
Jonathon Png, Manager, Stormwater Management, City of Toronto
Marc Pourvahidi, Treasurer, Town of Whitchurch-Stouffville
John Presta, Director of Environmental Services, Region of Durham
Clifford Rutledge, Hydrogeologist, Region of Peel
S. Sabanadesan, Environmental Protection Office, City of Toronto
Todd Salter, Senior Policy Planner, Town of Caledon
Jason Scott, Senior Environmental Planner, Region of Halton
Bob Short, Director of Planning, Town of Whitby
Ilmar Simanovskis, Manager, Technical Support, York Region
Sonia Singh, Senior Public Health Inspector, York Region
S. Sito, Environmental Engineer, Town of Markham
Frank Smedley, Water Superintendent, Town of Erin
Janette Smith, Commissioner, Health, Region of Peel
Bill Snodgrass, Works & Emergency Services, City of Toronto
Ralph Stanley, Supervisor of Environmental Health, Region of Peel
James Stiver, Director of Planning, Town of Orangeville
Janice Szwarc, Senior Planner, Special Projects, Municipality of Clarington
Nick Tunnacliffe, Commissioner, Planning, Region of Peel
Jacqueline Weston, Manager, Infrastructure Planning, Region of Halton
Laurie Wheeler, Senior Planner, Town of Markham
Mitch Zamojc, Commissioner, Public Works, Region of Peel