



**TOWN OF MINTO**

**DATE:** November 30, 2017  
**TO:** Mayor and Council  
**FROM:** Kyle Davis, Risk Management Official  
**SUBJECT:** Amendments to the Maitland Valley Source Water Protection Plan

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**STRATEGIC PLAN**

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

Support programs that maintain Minto's strong agricultural identity, enhance agricultural work, and protect and restore the natural environment given Minto's location in the heartland of Ontario surrounded by farmland and acknowledging that farming and a healthy natural environment are inextricably linked.

**BACKGROUND**

The *Clean Water Act* (2006) provides the framework for the development and implementation of watershed-based Source Protection Plans. Source Protection Plans identify risks to municipal drinking water sources and establish actions and policies to protect current and future sources of drinking water. The policies apply within Wellhead Protection Areas (WHPA) and Intake Protection Zones (IPZ) established around municipal wells or intakes.

There are 14 municipal drinking water systems within Wellington County in the following communities:

- Erin, Bel-Erin and Hillsburgh (Erin);
- Clifford, Palmerston, Minto Pines, and Harriston (Minto);
- Arthur and Mount Forest (Wellington North);
- Rockwood, Hamilton Drive (Guelph-Eramosa);
- Drayton and Moorefield (Mapleton); and
- Elora/Fergus (Centre Wellington).

The Wellhead Protection Areas (WHPA) from adjoining municipalities also enter into Wellington County and require protection by the Townships and Towns.

The County of Wellington is part of five Source Protection Regions (based on watershed or conservation authority boundaries). The ABMV – Maitland Valley Plan came into legal effect on April 1, 2015 while the CTC and Halton-Hamilton Plans came into legal effect on

December 31, 2015. The Saugeen Plan and Grand River Plan came into legal effect on July 1, 2016. The Town of Minto is part of two Source Protection Plans: the Maitland Valley and Saugeen Plans.

On November 16 and 23, 2017, the Town of Minto received correspondence from the Ausable Bayfield Maitland Valley Source Protection Region (ABMV) regarding proposed amendments to the Ausable Bayfield and Maitland Valley Source Protection Plans. Under Section 34 (3) of the Clean Water Act, a municipal council resolution endorsing the proposed amendments to the Source Protection Plan is required from affected municipalities prior to public consultation.

The proposed amendments to the Maitland Valley Source Protection Plan include:

1. Revision to wellhead protection areas (WHPAs) in a number of municipalities outside of the Town of Minto and the County of Wellington.
2. Revision to Policy P.12.1-Restricted Land Use: This policy revision would allow Risk Management Officials to provide written direction to municipal staff regarding types of building or planning applications that can be exempted from the Section 59 notice process.
3. Revision of Policy P.12.2 – Effective Date for Section 58 Risk Management Plan Policies. This policy revision would extend the timelines to negotiate or establish risk management plans from three years to five years.

#### **COMMENTS:**

The first proposed amendment discussed above is not applicable to the Town as the municipal systems are located outside of the Town and the County of Wellington. The second and third proposed amendments directly impact the Town. Staff are supportive of these proposed amendments.

Regarding the second proposed amendment, the addition of a Risk Management Official written direction policy would allow certain types of building and planning applications to be exempt from the Section 59 notice process pursuant to the Clean Water Act. Currently, and since April 1, 2015, all planning and building applications in Harriston and Palmerston have required review by a Risk Management Official and issuance of a Section 59 notice. Often many of these applications have nothing to do with an activity that could impact groundwater or municipal wells. For example, Section 59 notices have been issued for accessibility upgrades, lighting changes and fire alarm systems in Harriston and Palmerston since April 1, 2015. This requirement has resulted in 53 notices issued in 2015, 49 notices in 2016 and 73 notices to date in 2017. In the other source protection plan areas within the Town and County, there is some level of exemption to the Section 59 notice requirement

resulting in 58 notices issued, to date, for the rest of the County in 2017. The acceptance of this amendment will allow staff resources to be freed up to concentrate on other tasks.

Regarding the third proposed amendment, the extension of the timeline to negotiate or establish risk management plans would allow further time to continue to work cooperatively with the land owners or tenants. Further reason to extend this timeline is that the majority of the significant drinking water threats in the Town are dense non-aqueous phase liquid threats (DNAPL). DNAPLs are chemicals that can be present in commercial, industrial and retail products including brake cleaners, automotive fluids, solvent etc.

The Province released guidance clarifying the circumstances around this threat activity in July 2016, eighteen months after the Maitland Valley Plan became effective. Risk Management Plan negotiations did not start until after the guidance was received. Prior to and after this date, staff conducted verification visits to confirm the activities present.

To date, in the Town of Minto within the Maitland Valley Source Protection area (Harriston and Palmerston), there are 15 properties that will require risk management plans, two of which that have the risk management plans issued. An additional 15 properties were confirmed to have no risk management plan required, one property was confirmed to have a prohibition for manure application and four properties are still being reviewed to confirm chemical inventories. An extension to the timeline for risk management plans would allow staff further time to negotiate these risk management plans, including negotiations with corporate head offices, and would maintain consistency with the Saugeen Source Protection Plan that applies to the remainder of the Town.

## **FINANCIAL CONSIDERATIONS**

The Town shares services of the Risk Management Official with local municipalities in Wellington County. The Chief Building Official and Building Inspector are both Risk Management Inspectors. Provincial funding to support this program and these mandated positions is almost completely allocated.

## **RECOMMENDATION:**

That Council receives the Ausable Bayfield and Maitland Valley Source Protection Plans Amendments report from Kyle Davies dated November 30, 2017 and further:

THAT pursuant to Section 34(3) of the Clean Water Act, 2006, the Council of the Town of Minto endorse the proposed amendments to the Ausable Bayfield and Maitland Valley Source Protection Plans.

Provision of this resolution meets requirements of Section 34(3) of the Clean Water Act, 2006 prior to formal public consultation.

Attachments:

1. Correspondence from ABMV re: Amendments to Source Protection Plans