

STAFF REPORT: Planning



REPORT TO: Mayor & Members of Council
MEETING DATE: April 09, 2007
REPORT NO.: PL.07.47
SUBJECT: Clean Water Act and Role of Conservation Authorities
PREPARED BY: Peter Tollefsen
Director of Planning

A. Recommendations

THAT Council does receive Planning Staff Report #PL.07.47, "Clean Water Act and Role of Conservation Authorities";

THAT Council indicate to the Minister of the Environment, Laurel Broton, that the Town of The Blue Mountains support the concerns expressed in the January 31, 2007 letter from the Nottawasaga Valley Conservation Authority; and

THAT the Minister is requested to outline the source of funding for municipalities to implement and enforce the activities of Source Water Protection.

B. Background

Correspondence was sent from the Chair of the Nottawasaga Valley Conservation Authority (NVCA) to the Mayor and Council of NVCA municipalities, dated January 31, 2007, regarding the Clean Water Act and the Role of Conservation Authorities. A copy is attached.

The Clean Water Act makes the NVCA a "Source Protection Authority". The Act defines the powers and duties of a "Lead Source Protection Authority" which in the NVCA's case, is the Lake Simcoe Region Conservation Authority (LSRCA). The Act also requires that within 90 days of the establishment of the "Region" (in the NVCA's case, the South Georgian Bay Lake Simcoe Region) the various Conservation Authorities shall enter into an agreement with the Lead Authority that spells out who does what, and what powers various bodies have. The "power and duties" of the NVCA, then, hinge to a large extent on this agreement. The NVCA is concerned that its role in source protection planning will be dictated to in a manner which gives the Board of the NVCA little control.

The NVCA's role in developing source protection plans includes the appointment of a Chair and other members to the Source Protection Committee. The NVCA Board members would not be eligible for membership on the Source Protection Committee.

The Clean Water Act requires Conservation Authorities to “provide scientific, technical and administrative support and resources to the Source Protection Committee that it establishes”. The NVCA must make its staff and resources available notwithstanding the terms of any agreement it has with LSRCA or, notwithstanding the provision of any Provincial funding.

The letter suggests if the Town also has concerns about the pending regulations that the Town contact the Ministry of the Environment. Council received the correspondence at the February 12, 2007 meeting and referred the matter to Planning and Engineering and Public Works.

The purpose of this report is to respond back to Council. Staff would agree with the concerns outlined in the January 31, 2007 NVCA letter and would recommend a resolution of support be forwarded to the Minister of the Environment.

A presentation was made to Council on April 02, 2007 by David Ellingwood of the Grey Sauble Conservation Authority (GSCA) on Source Water Protection. At that time, concern was expressed by Council of the implementation and enforcement of Source Water Protection falling into municipal responsibility and where would the funding come from to carry out these responsibilities. A resolution was requested, which is the purpose of this report.

It is recommended that an addition be added to the resolution for the Minister of the Environment stating the Town’s concern regarding the responsibility of implementing and enforcement and funding required to carry out these activities.

There was a recent resolution from Council on March 12, 2007 supporting the NVCA with regard to full funding for Provincial programs, copy attached.

C. Strategic Plan

By passing a resolution expressing concerns to the Minister of the Environment about the Clean Water Act and the role of the Conservation Authorities, will hopefully be reflected in the soon to be released Regulations. To better Protect Source Water would be in-keeping with Goal 3: *Preserving and enhancing natural and environmental features and cultural heritage of the community.*

By passing a resolution to request the Minister of the Environment to consider funding for municipalities to carry out implementation and enforcement of Source Water Protection would be in-keeping with Goal 5: *Ensuring long-term financial sustainability.*

D. Budget Impact

There will be future associated municipal costs regarding this program dealing with implementation of Source Water Protection Plans.

E. Attachment

1. January 31, 2007 letter - Clean Water Act and the Role of Conservation Authorities
2. Resolution dated March 12, 2007

Respectfully submitted,

Peter Tollefsen, Director of Planning

Reg Russwurm, Director of Engineering
and Public Works