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AGENDA

SOURCE PROTECTION AUTHORITY April 22, 2021 6:30 pm 1/21 Page

- 1.0 Agenda Review**
- 2.0 Adoption of Agenda**
- 3.0 Declaration of Interest**
- 4.0 Approval of Minutes from November 26, 2021**
Attached as a separate document
- 5.0 Risk Management Official/Inspector Appointments**
Staff Report Attached..... 1-2
- 6.0 Source Protection Annual Progress Report**
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- 7.0 Extension Request**
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- 8.0 Member Inquiries**
- 9.0 New Business**
- 10.0 Upcoming Meetings**
To be determined
- 11.0 Adjournment**

**Proudly working in partnership
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

5.0 Risk Management Official/Inspector Appointments

Date: April 22, 2021
To: Rideau Valley Source Protection Authority
From: Marika Livingston, Project Manager
Mississippi-Rideau Source Protection Region

Recommendation:

That, pursuant to subsection 48(2) of the Clean Water Act, 2006, the Rideau Valley Source Protection Authority appoint:

1. Ryan Hiemstra as a Risk Management Official/Inspector
2. Laura Cummings as a Risk Management Official/Inspector
3. Abby Armstrong as a Risk Management Official/Inspector

Background

The Mississippi-Rideau Source Protection Plan contains some policies that regulate significant drinking water threats using Part IV of the *Clean Water Act*. Municipalities are responsible for administering these Part IV policies however they have the option of transferring the enforcement authority to another body (e.g. health unit, Conservation Authority). In the Mississippi-Rideau Source Protection Region, most municipalities have asked to enter into an agreement to transfer their Part IV enforcement authority to the Source Protection Authorities (Conservation Authorities).

The Source Protection Authority must have appointed Risk Management Officials and Risk Management Inspectors pursuant to subsection 48(2) of the *Clean Water Act, 2006* to administer and enforce Part IV policies.

Proposed Staff

The Part IV regulatory service is delivered out of both Conservation Authority offices. Historically, there were 2 Risk Management Officials and 3 Risk Management Inspectors. Currently there are 2 Risk Management Officials/Inspectors, but one staff person will be on leave for a year. As such, the appointment of additional staff is recommended.

Ryan and Laura are existing RVCA staff persons who have experience in the administration, inspection and enforcement of various regulations. Ryan and Laura are completing the Ministry of Environment, Conservation and Parks Risk Management Official/Inspector training and accreditation the week of April 19-22, 2021, if successful they will be appointed to support the Risk Management Program.

Abby Armstrong is an employee at the Municipality of Mississippi Mills, where she is an Environmental Compliance Coordinator. She successfully completed the Ministry of Environment, Conservation and Parks Risk Management Official/Inspector training and accreditation in 2018. It is suggested we appoint her to support our staff if assistance is required.

Appointment Terms and Certificates

The appointments do not have a term since Part IV policies contained in the Source Protection Plan remain in effect in perpetuity. While changes to those policies might occur, the Source Protection Plans themselves do not lapse. As such, there will be an ongoing need for the Risk Management Officials and Inspectors. As required under the *Clean Water Act*, each of the appointed staff will be issued a certificate of appointment.

6.0 Source Protection Annual Progress Report

Date: April 22, 2021
To: Rideau Valley Source Protection Authority
From: Marika Livingston, Project Manager
Mississippi-Rideau Source Protection Region

Recommendation:

That the Rideau Valley Source Protection Authority receive the 2020 Source Protection Annual Progress Report (public facing report and supplemental form), including the Source Protection Committee comments and grading;

And further, that the Rideau Valley Source Protection Authority direct staff to submit the Annual Progress Report (public and supplemental form) to the Ministry of the Environment, Conservation and Parks as required by the Clean Water Act and Regulations.

Annual Reporting Requirements

The *Clean Water Act* (Section 46) requires the Annual Progress Report to be prepared and:

- Describe measures taken to implement the Plan
- Describe the results of monitoring programs
- Describe extent to which objectives set out in the plan are being achieved
- Contain other information as prescribed by the regulations

Ontario Regulation 287/07 (Section 52) describes other information to be included:

- Description and reasons for policy delays
- Description of steps taken to address deficiencies in information
- Summary of the report prepared and submitted by the RMO each year
- Any other information the SPA considers advisable

Background

The Source Protection Authorities are required to submit an Annual Progress Report each year, under Section 46 Ontario's *Clean Water Act*. The report is to be submitted to the Ministry of Environment, Conservation and Parks (MECP) by May 1 of each year and is to be provided to the SPC for comment at least 30 days prior to this. The report summarizes:

- Measures taken to implement the source protection plan;
- Results of monitoring policies;

- The extent to which objectives of the plan are being achieved; and,
- Other information that might be required by the regulation.

There are two components of the progress reporting, a public facing report document and a supplemental reporting form that is to be provided directly to the MECP.

This is the fourth Annual Progress Report since the Source Protection Plan came into effect on January 1, 2015. The first Annual Progress Report was submitted on May 1, 2018, the second on May 1, 2019, and the third on May 1, 2020.

Public Facing Annual Progress Report

The public portion of the Annual Progress Report includes an introductory section which includes Source Protection Committee comments, information about the Mississippi-Rideau Source Protection Region, and an overall 'grade' for the region in achieving source protection plan objectives. Where the form asks for grading, there were three options for the SPC:

- P: Progressing Well/On Target, meaning that the majority of the source protection plan policies have been implemented and/or are progressing
- S: Satisfactory, meaning that some of the source protection plan policies have been implemented and/or are progressing
- L: Limited progress, meaning that a few of the source protection plan policies have been implemented and/or are progressing

There are nine general sections in the public report, that pull information from the MECP supplemental reporting form.

Annual Progress Reporting Supplemental Form For Source Protection

This form is meant to provide a standardized form across the province for sharing critical information from the source protection authorities on implementation progress. It is to be completed and provided to the MECP by May 1, 2021.

Separate Attachments

1. Source Protection Annual Progress Report—Public Facing Document
2. Annual Progress Reporting Supplemental Form

7.0 Extension Request

Date: April 22, 2021
To: Rideau Valley Source Protection Authority
From: Marika Livingston, Project Manager
Mississippi-Rideau Source Protection Region

Recommendation:

That the Rideau Valley Source Protection Authority receive for information this update.

Background—Risk Management Plans

Under the *Clean Water Act, 2006*, when drafting Source Protection Plan policies, Source Protection Committees were tasked with establishing timelines for policy implementation for implementing bodies.

Every legally binding policy in the Plan has a date by which it must be implemented, and every non-legally binding policy has a target date. These dates were established in consultation with implementing bodies to ensure that they are reasonable and achievable. Compliance and target dates in this Plan range from immediately upon the Source Protection Plan taking effect to within five years of the Plan taking effect.

All policies have been implemented in accordance with their established timeframes, except for four (4) legally binding policies:

Policy	Threat	Summary	Municipalities Affected	Proposed Extension Date
FUEL-1-LB-S58	Fuel (Heating) Oil — Risk Management Plan	Risk Management Plan required for the handling and storing of fuel oil.	City of Ottawa	December 31, 2024
ASM-2-LB-S58	Agricultural Source Material	Risk Management Plan required for the land application or storage of agricultural source material	Tay Valley Township	
LIVE-2-LB-S58	Outdoor Livestock Areas	Risk Management Plan required for the use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm animal yard.	Tay Valley Township	

DNAPL-1-LB-S58	DNAPLs and Organic Solvents	Risk Management Plan required for the handling and storing of DNAPL chemicals or Organic Solvents.	City of Ottawa; North Grenville
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Risk Management staff have reported challenges with a few non-responsive landowners within the Source Protection Region. Staff are currently exploring possible updates to policy, legal options and alternatives to address these conflicts.

Moreover, due to the COVID-19 pandemic, Risk Management staff have not been completing in-person site visits as per usual. Risk Management staff have continued to work with landowners remotely, but out of respect for the difficulties people are facing and the logistical challenges, no on-site visits have been recently conducted. Drive by visits or windshield surveys are preferred. Landowners have also asked for extensions and flexibility with Risk Management Plan requirements due to personal hardships because of the ongoing pandemic.

Due to the above listed reasons, Source Protection staff recommend an extension to our policy timeline until December 31, 2024. Extension permissions are not required under the *Clean Water Act*; however, it has been suggested we pursue this to be consistent with our counterparts across the Province who have also requested extensions and share our revised intentions with the Ministry of Environment, Conservation and Parks.

Background—Section 36 Workplan

On August 27, 2014, the Minister’s Approval letter for the Mississippi-Rideau Source Protection Plan included direction to prepare and submit a Section 36 Workplan under the *Clean Water Act*. This Workplan is an opportunity to complete a comprehensive review and update of our Source Protection Plan and Assessment Reports. When we submitted our Workplan in November 2018, we planned to submit the complementing components to the Ministry for Approval by December 2021.

We committed to seven (7) updates, five (5) potential updates and one (1) supplemental item. Most of these workplan updates are proceeding well and on time, while others are not. This is due to staffing changes delaying critical components of the Workplan and an upcoming big update to the Directors Technical Rules with an unknown effective date. Moreover, the COVID-19 pandemic has exacerbated municipal budgets, therefore items earmarked for completion to be included in our submission have been postponed.

It has been suggested by the Ministry of Environment, Conservation and Parks that we provide a revised timeline if our original estimated submission date becomes unattainable. Staff are proposing a new submission date of December 31, 2023. Like the Risk Management Plan timelines, extension requests for Section 36 Workplans are not required under the *Clean Water Act*; however, it has been suggested we do so to be consistent with our counterparts across the Province who have also requested extensions and share our revised intentions with the Ministry of Environment, Conservation and Parks.

Next Steps

Staff will submit an extension request addressed to the Manager of the Source Protection Programs Branch, Approvals Division sharing our intentions to submit our Workplan in 2023 and request an extension for the completion of outstanding Risk Management Plans for the previously listed policies.