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## 1.0 INTRODUCTION

### 1.1 OVERVIEW

Following the tragedy in Walkerton (May, 2000) when the town's drinking water became contaminated with a specific strain of *Escherichia coli* (*E. coli*) and *Campylobacter* bacteria, the Ministry of the Environment and Climate Change (MOECC) appointed Justice O'Connor to preside over the Walkerton Inquiry. Justice O'Connor made 121 recommendations in a two-part report, which included implementing a watershed-based, multi-barrier approach to protecting Ontario's drinking water.

Many of Justice O'Connor's recommendations were implemented with the introduction of the *Safe Drinking Water Act, 2002 (SDWA)* which dealt with the treatment, distribution, and testing of drinking water, as well as with notification protocols and the training of operators. In 2006, the *Clean Water Act, 2006 (CWA)* was introduced to address Justice O'Connor's recommendations pertaining to source water protection. Source water protection is considered the first step in the multi-barrier approach to ensuring safe drinking water.

Subsequent barriers address treatment, distribution, monitoring, and responses to emergencies. The key components of the CWA legislation include:

- Establishing Source Protection Areas (SPAs) and Regions;
- Establishing Source Protection Authorities;
- Establishing Source Protection Committees (SPCs);
- Preparing Terms of Reference for the Assessment Report;
- Preparing the Assessment Report;
- Preparing the Source Protection Plan (SPP);
- Establishing the Ontario Drinking Water Stewardship Program;
- Establishing timelines; and
- Consulting with the public.

### 1.2 CLEAN WATER ACT

The CWA which came into effect in July 2007, sets the legal framework that ensures communities are able to protect their municipal drinking water supplies by developing collaborative, locally driven, science-based protection plans. Communities will identify threats to local water sources and then take action to reduce or eliminate these threats. The CWA and the general regulation (Ontario Regulation 287/07) can be found at [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_070287\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070287_e.htm).

The *Technical Rules: Assessment Report* (MOE, 2009) outlines the legislated content and is posted on the MOECC website at

<http://www.ontario.ca/environment-and-energy/technical-rules-assessment-report>

***E. coli* and *Campylobacter* bacteria:** Bacteria that are commonly found in the intestines of humans and animals. Some types of *E. coli* can cause serious illness for humans.

**Watershed:** An area of land that drains downslope. The water moves through a network of drainage pathways, both underground and on the surface. Generally, these pathways converge into streams and rivers, which become progressively larger as the water moves downstream.

### 1.2.1 Provincial Ministries

In addition to the CWA and the SDWA, the MOECC is responsible for administering and enforcing the *Ontario Water Resources Act, 1990* and the *Environmental Protection Act, 1990* and is a key partner in the development of SPPs for watersheds in Ontario. Through regulations, legislation, and enforcement combined with innovative programs and initiatives, strong partnerships, and public engagement the ministry works to protect, restore, and enhance the natural environment and provide all Ontarians with safe and clean air, land, and water (<http://www.ontario.ca/ministry-environment>). In particular, the ministry provides funding and guidance with respect to Wellhead Protection Area (WHPA) delineation and drinking water systems.

The Ministry of Natural Resources and Forestry (MNRF) is committed to protecting and managing the province's natural resources, or its "natural capital," and making the interest from that capital available for individuals, communities, and economies that depend on it. In doing so, the ministry contributes to the environmental, social, and economic well-being of the people of Ontario, meeting not only today's needs, but also ensuring these resources are available for future generations ([www.mnr.gov.on.ca](http://www.mnr.gov.on.ca)). In support of this mission, the MNR is responsible for providing funding and guidance for water budgets aimed at source protection planning.

### 1.2.2 Regulations

The CWA and its regulations can be found at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). The four regulations under the CWA are:

- O. Reg. 231/07 (Service of Documents);
- O. Reg. 284/07 (Definitions of Source Protection Areas and Regions);
- O. Reg. 288/07 (Source Protection Committee Names and Structure); and
- O. Reg. 287/07 (General).

O. Reg. 287/07 provides the framework for the terms of reference for the SPCs, the assessment report, and the source protection plan, including the required public consultation.

### 1.2.3 Technical Rules

The *Technical Rules* outline the legislated content for assessment reports across Ontario. The *Technical Rules* report was posted on the MOECC's website in December 2008 and further amended in November 2009. Both versions of the document can be found at:

[www.ene.gov.on.ca/en/water/cleanwater/cwadocs/Tech\\_Rules\\_For\\_Assessment\\_Report\\_16Nov09.pdf](http://www.ene.gov.on.ca/en/water/cleanwater/cwadocs/Tech_Rules_For_Assessment_Report_16Nov09.pdf).

The *Technical Rules* contain definitions of key terms, as well as 143 specific requirements or rules for the content of an assessment report. The rules guided the development of this Assessment Report. As part of the *Technical Rules*, the Province has also provided provincial [Tables of Drinking Water Threats](#) (Nov. 2009) that establish the risk score for the different combinations of municipal drinking water threat activities and the corresponding vulnerable area types and scores. There are also standards to be used in preparing maps so that the symbology is consistent from one source protection area to another.

### 1.2.4 Provincial Technical Bulletins

In addition to the legislated, regulatory requirements and the *Technical Rules*, the Province provided a series of technical bulletins to assure accuracy and consistency with other source protection authorities across the province. The guidance and bulletins advised staff with additional direction on how to complete the analyses required, and outlined the technical work required to comply with legal requirements. Detailed guidance materials outlining how to conduct the various technical studies

included in an assessment report were developed between 2005 and 2008 by the MOECC. More recently, a series of technical bulletins was issued by the MOECC interpreting the *Technical Rules*. The technical bulletins are captured in **Appendix D1.3** of this Assessment Report. In the case of a conflict between the Technical Bulletins and the *Technical Rules*, the rules govern the requirements.

### 1.3 OBJECTIVES

The objectives of source water protection are to identify areas where municipal drinking water sources may be at risk from quantity or quality threats, to assess the level of risk, and to put in place measures to eliminate or manage the threat. To do so, the flow systems in the study area associated with drinking water sources (both ground and surface water) must be understood. These systems are described in this Assessment Report in support of the delineated vulnerable areas around wells and intakes. Vulnerability of these sources must also be assessed to determine the threat presented by the activities that occur on the land. Both vulnerability and threat are presented in this Assessment Report.

The SPP for the Central Lake Ontario Source Protection Area (CLOSPA) was developed by the CTC SPC and outlines measures, by way of policies, to protect these areas by managing the current and future potential risks associated with municipal drinking water sources. Drinking water threats that are identified as potentially significant must be addressed by policies in the SPP. The SPC has the option to include policies to address, some or all potentially, low and moderate drinking water threats, or to address these at a later time.

### 1.4 SOURCE PROTECTION PROCESS AND STUDY PARTNERS

The source protection planning process is directed by a group of 21 local stakeholders and a Chair, referred to in regulation as the CTC SPC. The committee members (<https://www.ctcswp.ca/who-we-are/ctc-source-protection-committee/>) are municipal, business, and public representatives who act like a Board of Directors, and are responsible for the development of the terms of reference (work plan), assessment report (technical assessment to identify vulnerable areas and drinking water threats), and the SPP (policies and identification of who is responsible for implementation) for each of the three source protection areas within the CTC Source Protection Region. The CTC SPC Chair is appointed by the MOECC. Members of the CTC SPC are appointed by the Toronto and Region Source Protection Authority (TRSPA), the lead source protection authority for the CTC.

For source water protection purposes, the jurisdiction of the Central Lake Ontario Conservation Authority becomes the Central Lake Ontario Source Protection Area.

The jurisdiction and membership of Central Lake Ontario Source Protection Area is the same as that of Central Lake Ontario Conservation Authority Board.

For the purposes of assessment report and SPP development, CLOSPA partners with the Credit Valley Source Protection Authority (CVSPA) and the Toronto and Region Source Protection Authority (TRSPA). A Memorandum of Agreement among the three partner source protection authorities sets out the responsibilities and operating arrangements. Under Ontario Regulation 288/07 the TRSPA has been assigned the lead responsibility in the CTC Source Protection Region and is responsible to support and ensure that the SPC fulfills its responsibilities to prepare the terms of reference, assessment reports and SPP.

CLOSPA is responsible for providing technical staff to support the work of the SPC and for the submission of the terms of reference, assessment reports and SPP for its source protection area for approval by MOECC.

Each task within the source water protection process must have an assigned lead. In some cases the work is led by a municipality, while in others the relevant conservation authority on behalf of the source

protection authority takes the lead. For some tasks several parties share the responsibilities. Regardless of the task leadership, the CTC SPC has the decision-making authority regarding the inclusion of all work or findings in the assessment report and SPP to be submitted through the TRSPA to the Province for final approval.

The Province of Ontario is providing funding for the Assessment Report and SPP development. The Province began providing funding in 2005 to conservation authorities and municipalities to undertake technical studies. All source protection funding from the Province has been provided to the lead SPA authority. Financial support for municipalities to undertake assigned tasks has been provided through, either direct grants from the Province or Memorandum of Agreement transfers between the lead SPA and the municipalities. Public involvement and consultation is an important part of both the Assessment Report and SPP, as local residents are key partners in the implementation of the plan and need to have a role in its development.

## 1.5 STUDY AREA

The Province has organized the Source Protection Program using watershed boundaries. This approach was recommended by Justice O'Connor as appropriate for water management. Since both groundwater and surface water flow across municipal boundaries, it is difficult to assess and control water quality threats within the constraints of municipal jurisdictions. Source Protection Areas (SPA) have been established by the Province using the boundaries of conservation authorities as the primary basis for organizational units. An assessment report and SPP must be developed for each SPA.

The CTC Source Protection Region is one of 19 regions and areas established across the province, as shown in

**Figure 1.1.** Within the CTC Source Protection Region (which is greater than 10,000 square kilometres), there are a number of watersheds and three SPAs: CVSPA, TRSPA and CLOSPA. The geographic extent of the CTC Source Protection Region is shown in **Figure 1.2.**

Central Lake Ontario Conservation Area's watersheds form the CLOSPA as one of the SPAs within the CTC Source Protection Region established in regulation under the CWA. The TRSPA and the CVSPA form the remainder of the CTC Source Protection Region and comprised nine and one watersheds, respectively. A map showing the boundaries of CLOSPA is presented in **Figure 1.3.**

CLOSPA comprises 15 small watersheds, the largest of which are the Lynde, Oshawa, Harmony, Black, Farewell, Bowmanville, and Soper Creek watersheds shown in **Figure 1.3.** Chapter 2 of this Assessment Report provides further details. Municipal drinking water supplies within this SPA are solely sourced from Lake Ontario. There are no groundwater-based municipal supplies, and none are currently planned by the Region of Durham who has the responsibility to supply municipal drinking water to all the municipalities within CLOSPA. The municipalities within CLOSPA include upper-tier and lower-tier municipalities, as shown in **Figure 1.3** and include:

- City of Pickering;
- Town of Ajax;
- Town of Whitby;
- City of Oshawa;
- Municipality of Clarington;
- Region of Durham;
- Township of Uxbridge; and
- Township of Scugog.



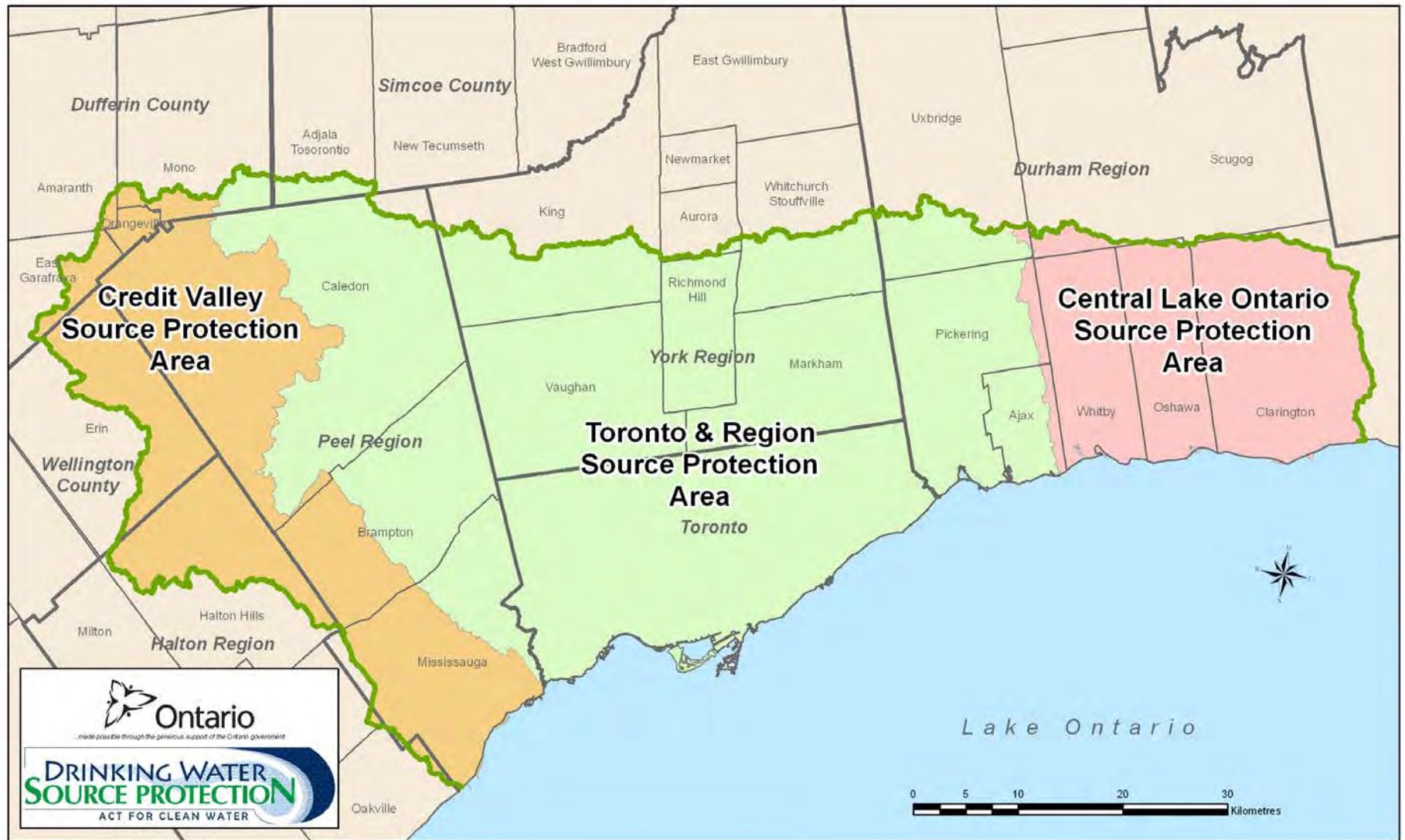


Figure 1.2: CTC Source Protection Region





## 1.6 SCOPE OF WORK

Lake Ontario (surface water) is the only source of municipal drinking water supplies within CLOSPA an assessment of groundwater sources for other drinking water supplies is required. The scope of work required for the Assessment Report is to assess vulnerable areas for both groundwater and surface water sources within the study area, using methodologies and techniques which comply with the *Technical Rules*.

In addition to its primary purpose in meeting the CWA requirements, this Assessment Report contributes to the sustainable development and integrated watershed management goals for the CLOSPA. It will be complementary to watershed planning processes undertaken by CLOCA staff in support of the *Oak Ridges Moraine Conservation Plan*, and will assist in refining management priorities for the ongoing implementation of Watershed Plans. The scope of work for this Assessment Report includes the following for all CLOSPA watersheds:

- Identification of the physical and human characteristics (i.e., physiography, soils, land use, and geology);
- A summary of the understanding of groundwater and surface water flows (quantity);
- A summary of the current status of groundwater and surface water quality;
- Identification of vulnerable areas (i.e., highly vulnerable aquifers (HVAs), significant groundwater recharge areas (SGRAs), wellhead protection areas (WHPAs) and intake protection zones (IPZs));
- Identification of known or potential threats to water quality based on a review of available data and feedback from municipal partners and watershed residents; and
- Identification and prioritization of data and knowledge gaps so efforts are directed to collect missing information.

### 1.6.1 Assessment Report

This Assessment Report is divided into Chapters, below is a description of each chapter.

**Chapter 1** provides a brief overview of the provincial context for source water protection, previous work done on this issue, and the goals of the source water protection planning process. It also lists the various agencies working on source protection. **Chapter 2** describes the physical and human characteristics of the CLOSPA jurisdiction, including its physiography, geology, hydrology, terrestrial and aquatic ecology, human characterization, water quality, and water uses. **Chapter 3** summarizes the water budget and water quantity stress assessment. **Chapter 4** identifies the vulnerable areas required as part of the source protection program within the study area. **Chapter 5** describes how drinking water threats and issues were identified and what these threats are in CLOSPA's jurisdiction. **Chapter 6** summarizes the Assessment Report contents and next steps. **Chapter 7** is the list of references, which includes a number of technical reports prepared by consultants working for municipalities, or the CLOSPA. These reports provide in-depth descriptions of the technical work, approaches, and findings; all were subject to extensive peer review followed by review and acceptance by the CTC SPC as foundation documents to prepare this Assessment Report. These technical reports are available online at <https://www.ctcswp.ca/technical-docs/>.

The Appendices have been organized to parallel the Chapters in the body of this Assessment Report.

**Appendix A** provides a description of the data sources as well as trends observed in surface and groundwater quality from monitoring data. **Appendix B** provides additional information for **Chapter 2** on the Watershed Characterization data gaps and supplementary water quality data. **Appendix C**

documents the methodologies employed in the development of understanding the water supply and demand across the CLOSPA. **Appendix D** provides additional documentation of the vulnerable areas assessment process including the MOECC Technical Bulletins on vulnerability. **Appendix E** includes the MOECC Technical Bulletin for the threat assessment process as well as output from the South Georgian Bay-Lake Simcoe conformance exercise on the enumeration of threats, summaries of the municipal threat assessment reports prepared for municipalities and a summary of the work completed for the Lake Ontario Collaborative for the assessment of threats to Lake Ontario drinking water intakes.

### 1.6.2 Source Protection Plan

The Source Protection Plan (SPP) is a document that sets out the policies to protect source water against drinking water threats identified in the CTC Assessment Reports. The SPP identifies how drinking water threats will be reduced, eliminated or monitored, who is responsible for taking action, timelines, and how progress will be measured.

Different regulatory bodies or agencies or persons are identified by the CTC SPC to implement different policies within the SPP. For example, if the policy requires changing a provincially issued approval, a provincial ministry would be identified as the responsible party to take the necessary steps to implement the policy. Municipalities would be responsible for implementation if the SPP policy requires new zoning by-laws, or amendments to the Official Plans.

The SPC must develop policies in its SPP to address the significant drinking water quality and quantity threats identified in this Assessment Report. The SPC may choose to develop policies in the SPP that addresses the moderate and low level threats identified in this Assessment Report.

Implementation actions will be mandatory for significant drinking water threat policies. If the SPP includes policies for low or moderate drinking water threats, the responsible party is to “have regard” for the policy in making decisions.

The SPP must also include policies to require annual reporting by implementing bodies to the lead Source Protection Authority on actions taken to implement significant threat policies. The lead authority is responsible for preparing and submitting a public annual report to the Minister of the Environment and Climate Change summarizing the implementation of the policies developed under the SPP.

## 1.7 CONSULTATION

Public consultation was carried out earlier on the previous versions of the assessment report. Public comments on the *Amended Assessment Report: CLOSPA* were sought for a 30-day period between June 17 and July 18, 2011. The public was invited to review the *Amended Assessment Report: CLOSPA* online at [www.ctcswp.ca](http://www.ctcswp.ca) or in conservation authority and municipal administrative offices where hard copies were available (listed in the notice online). Notice of this 30-day comment period was posted and sent to individuals on the CTC SPC's electronic mailing list. The comments and input received during the public consultation period were considered by the CTC SPC, and reflected in the report. CLOSPA submitted the *Amended Assessment Report* to the Ministry of the Environment for approval on July 29, 2011, and it was subsequently approved on January 18, 2012. This current Assessment Report contains approved updates to this earlier version.

Public comment on the updated technical work identifying vulnerable areas for water quantity that extend into CLOSPA was sought from April 24 to May 23, 2014 coinciding with consultation on draft water quantity policies that would apply in this new vulnerable area. This consultation was held in conjunction with the South Georgian Bay Lake Simcoe Source Protection Region with a public open house held on May 7<sup>th</sup> at Whitchurch-Stouffville Museum. Notices were posted in newspapers and

letters were sent to newly affected property owners. In addition, notice was posted on the CTC website and sent to the website subscribers. The comments and input received online during the public consultation period were considered by the CTC SPC, and are reflected in the new information contained in this Assessment Report.