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December 2, 2014

Mr. Paul Evans
Deputy Minister
Ontario Ministry of Environment and Climate Change
Ferguson Block, 11th Floor
77 Wellesley Street West
Toronto, ON M7A 2T5

Dear Deputy Minister Evans,

As detailed below, the City of Toronto does not agree with the recommendations of Ministry of Environment and Climate Change staff to remove or significantly alter the Lake Ontario policies contained in the Credit Valley, Toronto and Region, Central Ontario (CTC) Source Water Protection Plan (the Plan). Council also asked me to write to you to ask that your Ministry acknowledge its responsibility as the "Implementing Body" for the purpose of the Lake Ontario policies contained in the Plan. I have attached a staff report and City Council's decision for your information.

In 2006, in recognition of the importance of protecting the sources of drinking water for all Ontarians, the Ontario government passed the *Clean Water Act (2006)* [S.O. 2006, Chapter 22]. This Act addresses recommendations made by Justice O'Connor in his judicial inquiry into the tainted water tragedy that occurred at Walkerton in 2001.

The Act identified drinking water source protection areas across all of Ontario, including the CTC Source Water Protection Area. The Act also established source water protection committees for each Area with responsibility for developing a plan to address activities and land uses around municipal wells and drinking water treatment plant intakes in order to:

- Safeguard human health;
- Ensure adequate safe clean water is available; and,
- Protect current and future sources of municipal drinking water from significant threats.

On October 22, 2012, the CTC Source Water Protection Committee fulfilled its legislated mandate and filed a Source Protection Plan for the CTC Region with the Minister of the Environment. The Plan represented three years of intensive collaboration among municipalities (including the City of Toronto), conservation authorities, First Nations, representatives from industry and from non-governmental organizations, and benefited from in-depth and wide-ranging public consultation prior to submission.

Toronto City Council considered the CTC Source Water Protection Plan at its meeting of November 27, 28, and 29, 2012, and unanimously endorsed the Plan at that time.



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Since submitting the Plan to the Minister, the CTC Source Protection Committee has conducted additional technical studies to better understand groundwater regimes for well water supplies in the upper sections of the CTC Source Protection Area and incorporated the results as updates to the Plan. During this time, the CTC Source Protection Committee also received comments from staff at the Ministry of Environment and Climate Change. The comments are contained in a letter dated June 18, 2014, and essentially recommend the following Plan policies be either removed or significantly altered:

- Lake Ontario policies in the Plan that identify the Ontario Government as the appropriate “Implementing Body” for all Lake Ontario Source Protection Plan policies, and not the individual municipalities where a given threat may be located (e.g., pipeline, nuclear power plant, fuel storage facility, etc.) (MOE Comments 19, 25, 26, 27);
- The need for the Ontario Ministry of the Environment and Climate Change to provide better spill forecasting (C. T. C. Policies LO-G-3; LO-NGS-1(f); LO-SEW-1(f); LO-SEW-2(f); LO-PIPE-1(b); LO-FUEL-1(j,k)); and,
- The need for the Ontario Ministry of the Environment and Climate Change to regulate spills to storm sewers that eventually discharge to Lake Ontario (MOE Comment 24).

The City of Toronto does not agree with the recommendations of Ministry staff to remove or significantly alter the above policies. At its meeting of August 25, 26, 27 and 28, 2014, Toronto City Council again considered the Credit Valley, Toronto and Region, Central Ontario (CTC) Source Water Protection Plan and again unanimously endorsed the Plan.

The City of Toronto supports the CTC Source Protection Committee’s contention that the Ontario Government, through the Ontario Ministry of Environment and Climate Change, has a duty to protect and enhance the near shore water quality of Lake Ontario and is the appropriate authority to do so because:

1. Lake Ontario is an international water subject to treaties between Canada and the United States which are administered via the Canada-Ontario Agreement;
2. Many of the threats identified in the Plan originate with activities and/or operations that are regulated by other levels of governments. Because pollutants entering Lake Ontario do not respect municipal boundaries and without an ability or the authority to take inter-jurisdictional enforcement actions, individual municipalities cannot effectively mitigate threats originating beyond their borders; and,
3. The Ontario Government has powers and responsibilities under several other pieces of legislation, including the *Clean Water Act* (the Act), and already has systems in place, such as the Spills Action Centre, which are aimed at mitigating emergencies related to spills and drinking water hazards.

In closing, Toronto City Council and I look forward to the Minister’s approval and implementation of the policies contained in the CTC Source Water Protection Plan, especially those aimed at the safety and security of the 6 million Ontarians that rely on Lake Ontario as their drinking water source. Should you wish to discuss any of the issues highlighted in this letter, please contact Lou Di Gironimo, General Manager of Toronto Water at ldigiro@toronto.ca or 416-392-8200.

Yours truly,

(original signed by)

Joseph P. Pennachetti
City Manager

cc: John Livey, Deputy City Manager
Lou Di Gironimo, General Manager, Toronto Water