



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Hamilton Water Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	May 30, 2016
<b>SUBJECT/REPORT NO:</b>	Municipal Representation on the Halton-Hamilton Source Protection Committee - (PW16039) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Martha Kariuki Project Manager – Sustainable Initiatives (905) 546-2424, Extension 4018
<b>SUBMITTED BY:</b>	Mark Bainbridge, B.Sc. Director of Water & Wastewater Planning and Capital (905) 546-2424, Extension 5929
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the City of Hamilton accepts the proposed representative structure put forth by the Halton-Hamilton Source Protection Committee;
- (b) That the City of Hamilton appoints Councillor J. Partridge as the joint municipal nominee in the Source Protection Committee for the Halton-Hamilton Source Protection Region;
- (c) That the City Clerk be directed to circulate this report to: the General Manager, Halton Region Source Protection Authority; the Chief Administrative Officer, Hamilton Conservation Authority; the Director of Source Protection Programs Branch - Ontario Ministry of Environment and Climate Change (MOECC); the partner Municipalities, and the Chair of the Halton-Hamilton Source Protection Authority.

**EXECUTIVE SUMMARY**

The *Clean Water Act, 2006* and its associated regulations were created with the purpose of protecting existing and future sources of drinking water through the development of watershed-based Source Protection Plans (SPPs). The Source Protection Authorities established local Source Protection Committees (SPCs) that oversaw the production of the Plans and their approval.

The “Source Protection Committee Regulation,” O.Reg 288/07, under the *Clean Water Act, 2006*, was recently amended to provide flexibility to the Source Protection Authorities in the structure and composition of the SPCs. In response and as the Source Protection Authorities transitions into the implementation stages of the plan, the Halton-Hamilton Source Protection Committee (HHSPC) size will be reduced from fifteen (15)

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to nine (9) members, plus a chair. Therefore the HHSPC structure will have only three (3) municipal members with each member representing the municipal groups as follows:

1. City of Hamilton, Town of Grimsby, Niagara Region
2. Regions of Halton and Peel, Cities of Burlington and Mississauga, and Towns of Milton, Oakville and Halton Hills
3. County of Wellington and Township of Puslinch.

Approximately 1.4 km<sup>2</sup> of land within the jurisdiction of the Town of Grimsby lies within the Hamilton Conservation Authority watershed and as such; the Town of Grimsby and Niagara Region are to be represented on the HHSPC. Due to the limited area of land and to the fact that policies contained within the Halton-Hamilton Source Protection Plan (HHSPP) do not impact the lands within Niagara Region boundaries, it has been agreed that the City of Hamilton should also represent the Town of Grimsby, Niagara Region on the Committee. Niagara Region and the Town of Grimsby Councils have approved the support for the proposed municipal groupings and nomination of the City of Hamilton representative to act on Niagara Region's behalf.

Councillor J. Partridge as the proposed joint municipal nominee is a current City of Hamilton municipal representative in the HHSPC. She is eligible, qualified and able to assume this role along with its proposed changes of representing the small area of land within the Niagara Region that lies in the Hamilton Conservation Authority Watershed. The Town of Grimsby and Niagara Region representatives will continue to play an active role in the Niagara Peninsula Source Protection Committee where they are currently represented and, in the watershed wherein a more substantial area of their land lies.

The municipalities have 60 days from the time a notice is given to the clerks, to submit the name of a joint nominee to the Source Protection Authority as per Ontario Regulation 288/07, under the *Clean Water Act, 2006*. This notice from the Halton-Hamilton Source Protection Authority has been received with a nominee required before June 1<sup>st</sup> 2016. The recommendations contained in this report support the Mission Statement of the Public Works Business Plan, "Innovate Now" - "Provide safe, strategic and environmentally conscious services that bring our communities to life".

***Alternatives for Consideration – See page 6***

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: The suggested appointment can effectively be implemented with the existing staffing complement particularly because the nominee has been a sitting member of the HHSPC. Time commitment is projected to be two to three committee meetings per year

with periodic communication in between. The term of this appointment will be until January 2018, in alignment with the municipal election cycle.

Legal: The Source Protection Authority is tasked with appointing members of the Source Protection Committee, with one-third of the appointed committee members reflecting the interests of the municipalities located within the region as per O.Reg 288/07, under the *Clean Water Act, 2006*. Within the same regulation, municipalities are asked to submit the name of a joint nominee to the Source Protection Authority. Failure of the municipality to select a representative permits the Source Protection Authority to select a person to be appointed on their behalf and represent the municipal group.

### **HISTORICAL BACKGROUND**

The *Clean Water Act, 2006* and its regulations serve the purpose of protecting existing and future sources of drinking water through the development of collaborative watershed-based Source Protection Plans (SPPs). The Conservation Authorities, acting as the Source Protection Authorities, established local Source Protection Committees (SPCs) that oversaw the production of the three (3) SPPs applicable within the City of Hamilton:

1. Halton-Hamilton SPP
2. Grand River SPP
3. Niagara Peninsula SPP

The purpose of the SPC, which is a responsibility of the lead Source Protection Authority to create, is to ensure that all relevant information is taken into account and to consult with the community when developing and updating the SPP in accordance with the requirements of the *Clean Water Act, 2006*; its regulations, technical rules and provincial direction. The Halton-Hamilton SPP was approved in August 2015, with it coming into effect on December 31, 2015; its policies are currently being implemented. As such, the SPC's focus is to ensure that the plan's policies are comprehensive and effective in meeting their objective to reduce risk to municipal drinking water supplies.

The Ontario Ministry of Environment and Climate Change (MOECC) has recently amended the "Source Protection Committee" regulation, Ontario Regulation 288/07 under the *Clean Water Act, 2006*. This amendment provides flexibility to Source Protection Authorities in establishing SPCs that meet their local needs. In response and as SPPs transition into the implementation phase, the Halton-Hamilton Source Protection Region has made a reduction in the committee size and changes to the composition and terms of appointment for the committee (see Appendix "A").

The Committee is currently comprised of fifteen (15) members plus a chair, with the City of Hamilton having two (2) representatives. The Source Protection Authorities have reduced the committee size to nine (9) members plus a chair. To simplify the committee structure, three (3) municipal groups with one representative each have been proposed:

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1. City of Hamilton, Town of Grimsby, Niagara Region
2. Regions of Halton and Peel, Cities of Burlington and Mississauga, and Towns of Milton, Oakville and Halton Hills
3. County of Wellington and Township of Puslinch.

The remaining six (6) committee members will comprise of three (3) representatives from the economic sector (agricultural, industrial and commercial) and three (3) representatives of other interests (environment, health & the general public), who will be appointed by the Source Protection Authorities following an established process.

The City of Hamilton supports the municipal groupings and its representation as the SPC member for the municipal group that impacts the Town of Grimsby and Niagara Region. The Town of Grimsby and Niagara Region staff have also recommended and approved the support for the proposed municipal groupings and nomination of the City of Hamilton's representative to act on their behalf. Approximately 1.4 km<sup>2</sup> of land within the jurisdiction of the Town of Grimsby lies within the Hamilton Conservation Authority watersheds and as such; the Town of Grimsby and Niagara Region must be represented on the local SPC. However, there are zero (0) SPP policies that affect the above mentioned land area making the City of Hamilton the appropriate representative for this municipal grouping, because it contains a substantial land area and a number of applicable SPP policies.

As per the "Source Protection Committee" regulation, Ontario Regulation 288/07, the Municipalities have 60 days from the time the notice from the Source Protection Authority is given to the clerks, to submit the name of a joint nominee to the Source Protection Authority. This notice from the Halton-Hamilton Source Protection Authority has been received with a nominee required before June 1, 2016. This report is being presented such that an official council resolution can be provided before the deadline.

The Public Works Department through their Source Protection Planning Group under the broader Hamilton Water Division, Sustainable Initiatives Section, ensures the City's compliance with the *Clean Water Act, 2006*, while collaborating with other sections within the City to raise awareness of the Clean Water Act requirements. The Source Protection Planning Group also ensures that the collective thoughts and expertise of staff are included in recommendations to the MOECC and various Source Protection Authorities meetings. In addition, this group also plays a key role in the implementation of the SPP policies applicable to the City of Hamilton.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

These recommendations do not conflict with any existing municipal policies. The SPP policies may have significant implications on future land and/or water use activities. There is however little to no effect within the boundaries of Niagara Region as the policies contained within the Halton-Hamilton SPP do not impact those lands. Any future impacts to Niagara Region resulting from HHSPC decisions will be provided through correspondence between Niagara Region staff and the City of Hamilton representative.

## **RELEVANT CONSULTATION**

- City of Hamilton Public Works
- Halton-Hamilton Source Protection Authority
- Councillor J. Partridge's Office
- Regional Municipality of Niagara
- Town of Grimsby

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Ontario government passed the *Clean Water Act, 2006*, to help protect drinking water at the source, as part of an overall commitment to safeguard human health and the environment. A key focus of the legislation was the production of locally developed, science-based Assessment Reports and SPPs. These plans have since been developed and the SPC is transitioning into the implementation phase of the plans. The Municipality plays a primary role in the implementation of the plan's policies and should therefore have a significant role in updating the plans in accordance with the requirements of the *Clean Water Act, 2006*. The Municipality has the opportunity to do so through their representation on the SPC. The recommendation put forth by the City's Public Works Department has also considered the committee members' required knowledge as well as discussions with other municipalities.

The City of Hamilton supports its representation of the municipal grouping as the SPC member. The HHSPC will have three (3) municipal members with one (1) member representing a group of regions/municipalities; the City of Hamilton is grouped along with the Town of Grimsby and the Region of Niagara. Approximately 1.4 km<sup>2</sup> of land within the jurisdiction of the Town of Grimsby lies within the Hamilton Conservation Authority watersheds and as such, the Town of Grimsby and Niagara Region are to be represented on the local SPC, despite there being zero (0) SPP policies that affect the above mentioned land area.

The Town of Grimsby and Niagara Region staff have recommended and approved the support for the proposed municipal groupings and nomination of the City of Hamilton representative to act on their behalf (see Appendix "B" and "C"). Impacts to The Town of Grimsby and Niagara Region, resulting from future HHSPC decisions will be provided through correspondence between the City of Hamilton representative and both groups.

The MOECC has provided a summary of skills, qualifications and eligibility requirements, to guide in the SPC member selection process (see Appendix "A"). The nominee recommended satisfies all the requirements and is qualified and able to assume this role along with its proposed changes of representing the Town of Grimsby and Niagara Region. Additionally, Councillor J. Partridge as the proposed joint municipal nominee is currently serving as the HHSPC municipal representative for the City of Hamilton.

Hamilton City Council can pass a resolution to appoint members of their choice to the Committee within 60 days of receiving notice from the Source Protection Authorities as

per the “Source Protection Committee” Regulation (O. Reg. 288/07). If the municipality does not submit its membership appointee, the Source Protection Authority will appoint a member on its behalf in accordance with O. Reg. 288/07. The latter is a circumstance that is not in the City’s best interest as it does not consider City Staff recommendations which are based on internal discussions and consensus with other municipalities and agencies concerning the City’s representation.

**ALTERNATIVES FOR CONSIDERATION**

1. Do nothing; as per the *Clean Water Act, 2006* regulations, O. Reg. 288/07, if the municipality does not appoint a joint nominee within the prescribed time limits, the Source Protection Authority will appoint members on their behalf. This is not a recommended alternative as it leaves membership and resulting decision making powers and representation to an individual that may not be suitable from the City of Hamilton’s perspective.
2. Select a member different than the nominee recommended herein; this alternative includes staff representation. This alternative still ensures the City is represented by its chosen member and will allow for the broad input of technical information available or draw on the background and expertise of staff. However the staff nominee may not be able to bring the same level of experience, strategic planning, valuable political input and municipal governance that is needed when creating and/or altering policies.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

**Strategic Priority #3**

Leadership & Governance

*WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.*

**Strategic Objective**

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.
- 3.3 Improve employee engagement.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - Correspondence to City Clerks regarding the Halton-Hamilton Source Protection Committee Nomination Request (February 16, 2016)

Appendix "B" - Niagara Region Public Works Committee Report, PW 13-2016, Halton - Hamilton Source Protection Committee Representation

Appendix "C" - The Town of Grimsby, Public Works Committee Meeting Minutes (February 10, 2016), Item Number 5 (b), PW16-9