

# Staff Report



Development Services Department

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**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** May 13, 2024

**SUBMITTED BY:** Rosa Bustamante, Director, Planning and Housing Policy

**PREPARED BY:** Barbara Steiner, Senior Environmental Planner  
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**WARD(S) INVOLVED:** ALL WARDS

**DATE OF REPORT:** April 23, 2024

**REPORT NO.:** DSD-2024-205

**SUBJECT:** Ontario Clean Water Act: Region of Waterloo's Update to Source Protection Plan

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## RECOMMENDATION:

**That the proposed technical amendments to the Grand River Source Protection Plan that apply within the City of Kitchener as outlined in staff report DSD-2024-205 be supported.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to obtain Kitchener Council support for minor technical amendments to the Grand River Source Protection Plan as required by the Ontario *Clean Water Act*.
- The key finding of this report is: updated modelling of Well Head Protection Areas (WHPAs) resulting from operational changes to three (3) wellfields in/near Kitchener will result in minor expansion (representing +1.5% of Kitchener lands in WHPAs) of the William Street WHPA in north Kitchener.
- The financial implications are none.
- Community engagement will be undertaken by the Region and GRCA.
- This report supports **the delivery of core services**.

## BACKGROUND:

The Ontario *Clean Water Act* (2006) received royal assent on October 19, 2006. The purpose of the Act is to protect existing and future sources of drinking water throughout the province. Kitchener is located in the Lake Erie Source Protection Region that includes all lands under the jurisdiction of the Catfish Creek, Grand River, Kettle Creek and Long Point Region Conservation Authorities. The Grand River Conservation Authority (GRCA) is the Source Protection Authority for these areas while, within this larger area, the Regional Municipality of Waterloo (RMOW) maintains and implements the Source Protection Plan (SPP) for Waterloo Region, including Kitchener.

Kitchener Council was informed about the approach to the original SPP (DTS-07-031) and supported local membership on the GRCA-administered Source Protection Committee for the Lake Erie Source Protection Region (DTS-07-161). Relevant Kitchener staff and management participated in consultation and review of the original SPP (DTS-11-135) in the years leading to its finalization in 2012. Kitchener Council provided its comments to RMOW on the original Draft SPP in staff report CSD-12-109 as part of the required pre-consultation under the Ontario *Clean Water Act*.

The SPP has been implemented in Kitchener since the Province originally approved it as part of the Grand River Source Protection Plan (2015, in effect July 1, 2016). A current update requires resolutions of support from all impacted area municipalities, including Kitchener, before the public consultation period begins.

#### **REPORT:**

The SPP has been updated several times since coming into effect on July 1, 2016. Periodic updates to the Plan to reflect operational changes and updated technical information helps ensure that municipal sources of drinking water continue to be protected. The *Clean Water Act* requires Council resolutions from area municipalities to support changes to the Plan in advance of broader public consultation.

Currently, Regional staff are working on an amendment to the Grand River Source Protection Plan to capture operational changes at four wellfields, three of which are in / near the City of Kitchener. These changes affect protection areas in Cambridge, Kitchener, North Dumfries, and Waterloo (see Attachment A). At this time, it is expected that Regional staff are bringing a report forward to the Region's Planning and Works Committee on May 7th seeking their Council's endorsement.

Specific to Kitchener:

- New replacement wells at the Greenbrook and Strange Street well fields in Kitchener will result in a slight shift in the protection zone immediately around the new wells. No additional impact to the extent of WHPAs is anticipated as a result of the installation of these replacement wells. WHPAs are the lands surrounding a municipal well that contributes water to the well, and where activities constituting a threat (e.g. road salt) to the drinking water supply has the potential to affect the well.
- The installation of one new water supply well and two replacement wells are proposed at the William Street well field in the City of Waterloo just north of Kitchener. The WHPA has expanded to affect 1.5% more land in the City of Kitchener. The change to the WHPA is in a small area of north Kitchener (see Map in Attachment A).

There are no policy changes in the SPP proposed as part of the Region's update.

The main implication of the mapping changes is anticipated to be where mandatory notices of compliance are required (under Part IV, Section 59 of the *Clean Water Act*) as part of any *Planning and/or Building (Permit) Code Act* application(s). The Notice is a signed declaration that the activities on the property comply with SPP policies. Depending on what activity is proposed and where the property is located in the WHPA, a Landowner may need to negotiate a Risk Management Plan with the Region in order to obtain such a Notice. To facilitate the process for obtaining Notices, the Region developed an online application / tool

that is completed by the Landowner / applicant. This tool has been in place since July 1, 2016 and will be updated by the Region to reflect the mapping changes. Since this process is well established, City staff do not anticipate that the mapping changes will impact the timelines for processing *Planning Act* or Building Permit applications. *Activities* prescribed in the *Clean Water Act* (e.g. road salt application) are identified as *Threats* to the municipal drinking water supply rather than land uses in most instances. However, if some land uses (e.g. snow storage) constitute a *Threat* (per: the SPP) in the expanded WHPA, zoning may need to be updated as appropriate.

### **STRATEGIC PLAN ALIGNMENT:**

This report contributes to *the delivery of core services*.

### **FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

### **COMMUNITY ENGAGEMENT:**

The City of Kitchener is not the lead organization in this initiative and, as such, no corporate communications have emanated from the City of Kitchener. Rather, the GRCA and Region, as required by provincial legislation, have been and will be informing, engaging and seeking input from the public.

The *Clean Water Act* requires two phases of consultation when a Source Protection Plan is updated: pre-consultation and public consultation. Pre-consultation is directed at municipalities and provincial agencies, not the public, and occurs first. The pre-consultation phase concludes when the Region receives Council resolutions from all impacted area municipalities. The Region is targeting May and June for the pre-consultation phase. Once the pre-consultation phase is complete, the public consultation phase will begin. The Region is targeting July and August, and potentially September for the public consultation phase. As part of the public consultation, the Source Protection Authority (GRCA), in coordination with the Region, will be notifying property owners potentially affected by the Plan amendment. Given the nature of the updates (i.e. technical and operational changes), the focus will be on education and awareness (City of Waterloo report IPPW2024-029).

### **PREVIOUS REPORTS/AUTHORITIES:**

- [DTS-07-031](#) Implementation of the Clean Water Act 2006 and the Lake Erie Source Protection Committee
- [DTS-07-161](#) Selection of Source Protection Committee Representative for Waterloo Region
- [CSD-11-135](#) Ontario Clean Water Act: RMOW's Approaches to Policies in the SPP
- [CSD-12-109](#) RMOW's Pre-Consultation on Draft Policies for the SPP

**REVIEWED BY:** Natalie Goss, Manager, Policy and Research

**APPROVED BY:** Justin Readman, General Manager, Development Services

**ATTACHMENTS:**

Attachment A – Map-SPP Amendment 2024