



**City of Kingston
Report to Council
Report Number 18-176**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Peter Huigenbos, Director, Real Estate & Environmental Initiatives
Date of Meeting: July 10, 2018
Subject: Cataraqui Source Protection Plan (SPP) – Appointment of Risk Management Official

Executive Summary:

On February 17, 2015 Council received Report Number [15-168](#) to approve and implement the Cataraqui Source Protection Plan (SPP), which is a plan to protect the quality of drinking water sources within the Cataraqui Region Conservation Authority's (CRCA) boundaries and includes the Cana wellhead protection area within the City of Kingston.

The key components of the SPP implementation included the establishment of a Risk Management Office, the appointment of a Risk Management Official (RMO) and amendments to the Official Plan (OP) and Zoning By-Law (ZBL) to reflect the policies of the SPP with respect to significant drinking water quality threats in the Cana Wellhead Protection Area (WHPA).

To satisfy "comply with" policies of the SPP, the Planning, Building & Licensing Services Department's staff created a supportive policy framework during the 2015 OP Update. The framework was completed in consultation with the CRCA and came into effect in August 2017. Zoning By-Law (ZBL) policies will be reflected in a framework yet to be developed under the Planning Act.

As part of the SPP implementation, the City had the option to establish the required risk management office "in-house" or through a transfer agreement with another agency. This report recommends that the RMO for the City of Kingston be implemented "in-house" by staff within the Real Estate & Environmental Initiatives Department.

July 10, 2018

Page 2 of 7

Recommendation:

That the Corporation of the City of Kingston appoints the City's Manager, Environmental Projects, or his/her designate as the Risk Management Official, *RMO*, to carry out the duties and enforcement responsibilities under Part IV of the *Clean Water Act* (the Act) for the purpose of implementing the Cataraqui Source Protection Plan as it applies to the lands that are subject to Part IV of the Act (Cana Wellhead Protection Area) as enabled by Section 48 of the *Clean Water Act*.

July 10, 2018

Page 3 of 7

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston	√
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

July 10, 2018

Page 4 of 7

Options/Discussion:

The purpose of this report is to provide Council with an update on the implementation of the Cataraqui SPP and to recommend the appointment of the City of Kingston's RMO to satisfy policies of the SPP made pursuant to the Clean Water Act and the Planning Act.

Background

The Cataraqui SPP was approved by the Ministry of Environment and Climate Change (the Ministry) on November 26, 2014. The SPP became effective as of April 1, 2015. The approved SPP and Explanatory Document are available on the Cataraqui Source Protection website at www.cleanwatercataraqui.ca. The main objectives of the source water protection initiative were to:

- protect existing and future drinking water sources;
- ensure that existing significant drinking water threats are mitigated so that they cease to pose significant risks; and
- ensure that no other new drinking water threats ever become significant risks to drinking water sources.

The City has three sources of municipally supplied drinking water: the groundwater supply within the Cana WHPA in Kingston Mills; and two surface water supplies in Lake Ontario (Kingston Central Intake and Point Pleasant Intake). For the City of Kingston, significant drinking water threats were only identified in the SPP for the Cana WHPA.

On February 17, 2015 Council received Report Number [15-168](#) which provided details on the approval and implementation of the SPP and provided Council with background information respecting the overall source water protection initiative, requirements for amendments to the Official Plan and Zoning By-Laws, as well as a recommendation to establish a regional RMO in the Cataraqui Source Protection Area that would carry out the duties and enforcement responsibilities under Part IV of the *Clean Water Act* (the Act). At the time, several municipalities agreed to cost share the funding of the regional office as it was determined to be the most cost effective solution. The City of Kingston entered into a transfer agreement with the CRCA that saw them act as the City's RMO for a period of up to three years. The cost of the contract was established at \$13,000 per year and was included in departmental operating budgets.

The agreement period has now expired and the CRCA has notified participating municipalities that it cannot continue to operate the office at the same level of funding.

Risk Management Office

Following notification from the CRCA, remaining municipalities who were still interested in operating a regional office met to discuss options. CRCA staff remained involved and offered to assist in finding solutions as part of the effort and subsequently issued an RFP for private consultants interested in offering RMO services to the City of Kingston and four other municipalities. During the RFP period, one municipality withdrew from the group leaving four municipalities to seek a regional option.

July 10, 2018

Page 5 of 7

Three qualified engineering firms submitted responses to the RFP with one company, Cambium Environmental, being selected as the recommended consultant to provide RMO services to the group under separate contracts with each participating municipality. This meant that the selected firm would not act as a regional RMO as under the previous regional office operated by the CRCA. Contracting directly with the firm would require a separate transfer agreement between the City and Cambium, and would likely need to be repeated every two or three years.

The Cana subdivision WHPA represents the only area within Kingston with significant drinking water threats that require risk management plans to be filed under part IV of the Act. The CRCA negotiated all of the required risk management plans with affected property owners in the Cana WHPA during the first term of the regional transfer agreement, leaving only plan maintenance, reporting and inspection as tasks to be completed by an RMO going forward.

Due to the relatively minor effort and budget required to maintain the risk management office, this report recommends that the City's Manager, Environmental Projects, be appointed as the City's RMO. The RMO will, with the support of the selected firm and the CRCA, ensure that the required plans and reports are completed and filed in accordance with the Act and regulations.

Official Plan and Zoning By-Law

As outlined in Report Number [15-168](#), amendments to the City's OP and Zoning By-Law were needed to implement the policies of the Cataraqui SPP with respect to significant drinking water threats in the Cana WHPA. Through the 2015 OP Update, City staff and the consultant team worked with staff from the CRCA to prepare a policy framework that will be used to help regulate land use activities that have the potential to impact the area's potable drinking water supply. The noted policy framework, found in Section 5.A of the OP, is accompanied by Schedule 11-B, titled Constraint Mapping - Source Water Protection. It is noted that the policy framework introduced through the OP Update came into full force and effect with the Ministry's approval of the amendments in August of 2017.

Schedule 11-B to the Official Plan (Exhibit A) identifies the Cana WHPA and associated mapped areas of source water vulnerabilities. These mapped areas are tied to policies in the OP and the SPP which limit the types of activities that may be permitted within each. In addition to the mapping of the Cana WHPA, the Schedule also illustrates areas which fall within the Intake Protection Zones for the City of Kingston's surface water supply intakes, being located within Lake Ontario. Schedule 11-B also identifies "significant ground water recharge areas" and "highly vulnerable aquifers", both of which are terms defined in the OP. Within these mapped areas, proposals for new or expanding development that have the potential to constitute a drinking water threat, may be required to incorporate measures to adequately mitigate and manage any risk to source water. The review of such proposals is undertaken by the City and includes consultation with the Cataraqui Source Protection Authority.

The Planning Act requires that any by-law passed under the Act "conform to" the policies of the OP. In preparing a new zoning by-law for the City of Kingston, City staff will prepare a regulatory framework that implements the aforementioned source protection policies. It is anticipated that a zoning overlay will be used to illustrate the zoning on the maps and the existence of land use limitations within the vulnerable areas that make up the Cana WHPA. Within these areas, land

July 10, 2018

Page 6 of 7

use activities will be controlled to ensure greater long term protection of the municipal drinking water source.

It should be noted that it is only within the Cana WHPA that “risk management plans” are required. These management plans are reviewed by an RMO, who would be responsible for registering such plans with the Risk Management Office. Within all other mapped areas referenced above, proposals for land use change, which are subject to a Planning Act process, are reviewed against the policies of the City’s OP and, in turn, the applicable policies of the Source Protection Plan.

Existing Policy/By-Law:

Please refer to Report Number [15-168](#)

The approved Cataraqui SPP and Explanatory Document have been posted on the Cataraqui Source Protection website at www.cleanwatercataraqui.ca.

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Costs to operate the risk management office are contained within existing operational budget. No additional funding is being requested.

Contacts:

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Brodie Richmond, Manager, Environmental Projects 613-546-4291 extension 1368

Other City of Kingston Staff Consulted:

Greg Newman, Manager, Policy Planning, Planning, Building & Licensing Services

Paul MacLatchy, Environment Director, Real Estate & Environmental Initiatives

Jim Miller, Director, Engineering & HR, Utilities

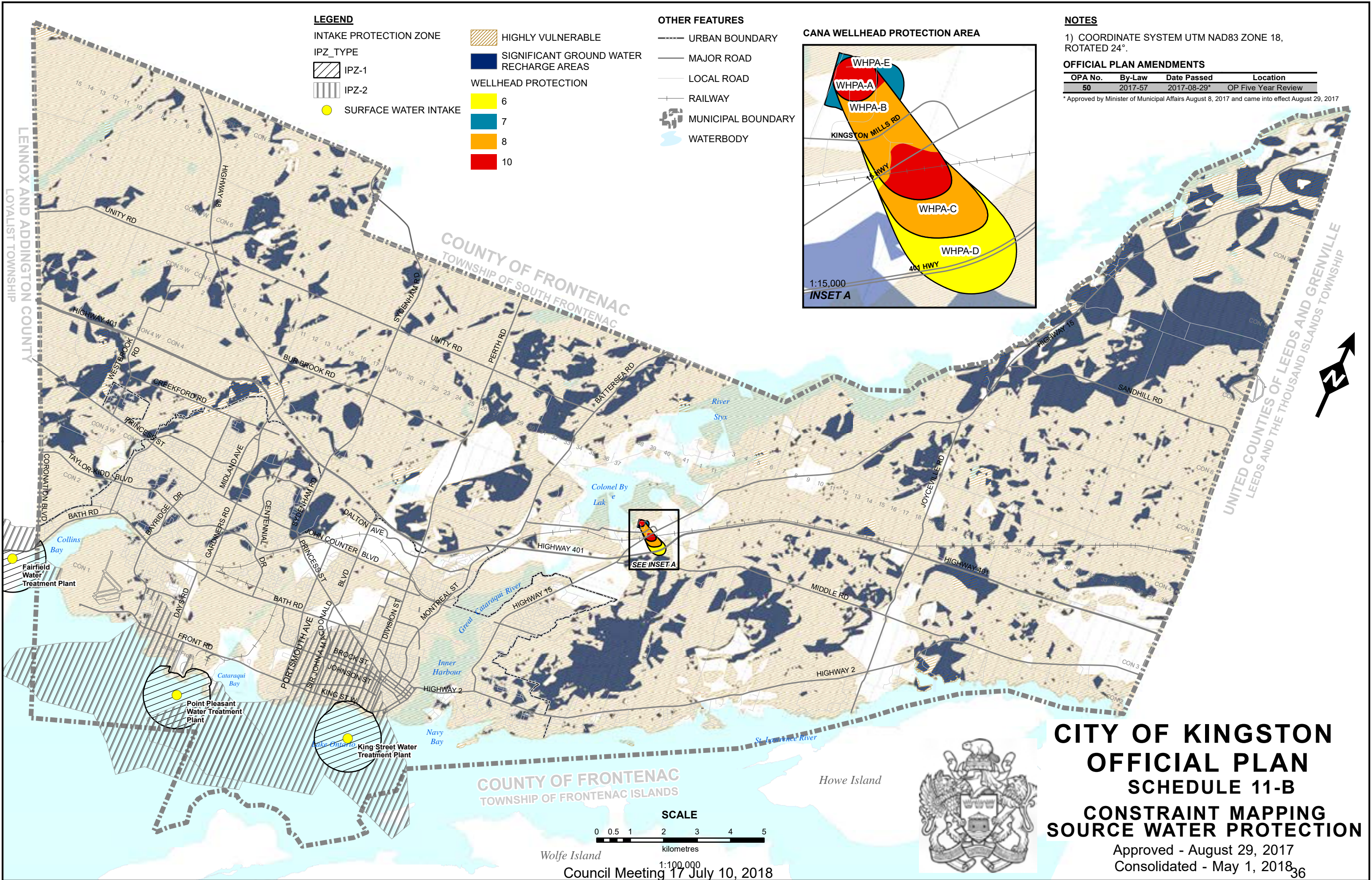
July 10, 2018

Page 7 of 7

Exhibits Attached:

Exhibit A City of Kingston Official Plan - Schedule 11B - Constraint Mapping Source Water Protection

Map Document: K:\D08_ Official Plan Comprehensive Review\Map Schedule Consolidation\2018 - May 1\Sch 11-B Development Constraints - Source Water Protection.mxd
Printing Date: 2018-04-26



LEGEND

INTAKE PROTECTION ZONE

IPZ_TYPE

IPZ-1

IPZ-2

SURFACE WATER INTAKE

HIGHLY VULNERABLE

SIGNIFICANT GROUND WATER RECHARGE AREAS

WELLHEAD PROTECTION

6

7

8

10

OTHER FEATURES

URBAN BOUNDARY

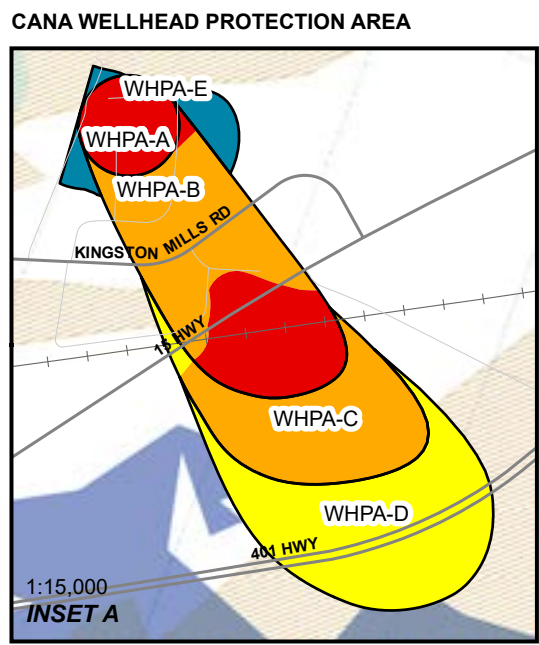
MAJOR ROAD

LOCAL ROAD

RAILWAY

MUNICIPAL BOUNDARY

WATERBODY



NOTES

1) COORDINATE SYSTEM UTM NAD83 ZONE 18, ROTATED 24°.

OFFICIAL PLAN AMENDMENTS

OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review

* Approved by Minister of Municipal Affairs August 8, 2017 and came into effect August 29, 2017



SCALE

0 0.5 1 2 3 4 5

kilometres

1:100,000

Council Meeting 17 July 10, 2018



**CITY OF KINGSTON
OFFICIAL PLAN
SCHEDULE 11-B
CONSTRAINT MAPPING
SOURCE WATER PROTECTION**

Approved - August 29, 2017
Consolidated - May 1, 2018

