

June 29, 2023

To Chief Administrative Officers, Participating Municipalities:

Re: Category 3 Cost Apportioning Agreements

In November 2018, as part of the Made-in-Ontario Environment Plan, the provincial government made a commitment to work in collaboration with municipalities and stakeholders. The aim was to ensure that conservation authorities (CAs) focus on their core mandate: protecting people and property from flooding and other natural hazards and conserving natural resources. Following this, the *Conservation Authorities Act* underwent amendments which granted the province the authority to define the core mandate of CAs. To actualize these amendments, new regulations and policies have been developed and introduced in stages over the past one and a half years.

Ontario Regulation 687/21 (Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act) required that each conservation authority prepare:

- A Transition Plan by December 31, 2021;
- An Inventory of Programs and Services by February 28, 2022; and
- Municipal Agreements by January 1, 2024.

The Transition Plan required that each conservation authority develop a timeline and steps they would follow to prepare a program inventory and enter into agreements with participating municipalities.

The Program Inventory required that conservation authorities:

- List their current programs and services;
- Categorize their programs and services;
 - Category 1: those prescribed as mandatory by the Province;
 - Category 2: those delivered on behalf of a municipality;
 - Category 3: those that further the conservation, restoration, development, and management of natural resources
- Identify the cost to deliver each program and services, as well as its revenue source.

Municipal Agreements require conservation authorities to:

• Enter into agreements with municipalities for any Category 2 programs and services; and



• Enter into cost apportioning agreements with municipalities for any Category 3 programs and services that are supported by municipal funding.

Saugeen Valley Conservation Authority staff are currently assessing whether any Category 2 Agreements are necessary. The purpose of this correspondence is to initiate formal discussions about the establishment of Category 3 Agreements.

The recent regulatory and legislative changes have focused CAs on their core mandate which includes helping protect people and property from the risk of natural hazards, the conservation and management of CA-owned lands, and their roles in drinking water source protection. In addition, these changes have given municipalities new abilities to make funding decisions about programs and services that a CA proposes to offer. Municipalities have the opportunity to continue collaborating with their local CAs to develop and deliver natural resource management programs and services to respond to local needs and priorities. Further to prescribed mandatory programs and services, other programs and services can continue provided municipalities agree to fund them, or there is funding through other means (e.g., provincial, or federal funding, or CA self-generated revenue). Changes to the CA funding framework are being implemented in time to be included in the 2024 CA budget.

Saugeen Valley Conservation Authority proposes to continue two Category 3 programs and services:

- 1) Service Area 1 Water Quality Program
- 2) Service Area 2 Public Awareness and Communications for Non-Mandatory Programs and Services

To continue the aforementioned programs and services, it is essential that the fifteen (15) participating municipalities within the Authority's jurisdiction enter into a cost apportioning agreement. A draft cost apportioning agreement has been prepared and attached to this correspondence for your review. To accompany this draft Agreement is a document which outlines the requirements of this Agreement per the *Conservation Authorities Act* and Regulation 687/21. Additionally, a business case has been provided to support the continuation of the Water Quality Program. This business case serves as supplementary material to the aforementioned documents.

In the upcoming weeks, I kindly request that you undertake a thorough review of the attached draft Agreement to ascertain if any significant modifications are necessary. Should you identify changes, please submit them by <u>Wednesday, July 12, 2023</u>. The Agreement will be brought to the SVCA Board of Directors on Thursday, July 20, 2023, for their endorsement to be sent (with the Business Case and other supporting documentation) to participating municipal Councils for consideration and execution. A motion will be incorporated into the report to the SVCA Board of Directors allowing minor changes to the Agreement to be made prior to execution provided that the intent of the Agreement remains the same.

It is our intention to get all Agreements signed by October 1, 2023. If you have any questions, please do not hesitate to contact me.

Kind regards,

Jeanifer Stephear

Jennifer Stephens General Manager/Secretary-Treasurer

Encl.

Attachment 1: Preamble – Agreement for Category 3 Programs and Services Attachment 2: Draft Category 3 Agreement Attachment 3: Business Case – Water Quality Program Attachment 4: Ontario Regulation 686/21: Mandatory Programs and Services Attachment 5: Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act



PREAMBLE

Saugeen Valley Conservation Authority – Municipal Cost Apportionment Agreement for Category 3 Programs and Services

Background:

Under Section 20(1) of the *Conservation Authorities Act*, the objects of an authority are to provide, in the area over which it has jurisdiction:

- Mandatory programs and services required under section 21.1 of the Act. <u>Note</u>: These programs and services <u>do not</u> require agreements.
- Any municipal programs and services that may be provided under section 21.1.1. <u>Note</u>: Funding for these programs and services is defined in existing agreements for these programs and services.
- Any other programs and services that may be provided under section 21.1.2. <u>Note</u>: These programs and services require cost apportioning agreements with participating municipalities where financing (*i.e.*, cost apportionment) is required by a participating municipality.

Through subsection 21.1.2 of the *Conservation Authorities Act*, an authority may provide, within its area of jurisdiction, any other programs and services that it determines are advisable to further the purposes of the *Conservation Authorities Act*. These programs are known as "Category 3" or "Other Programs and Services".

In general, conservation authorities and municipalities can both benefit from the coordination of program and service initiatives as appropriate.

Agreement Requirements:

Conservation Authorities Act Requirements of Agreements:

- 1. The Agreement is to be made available to the public on the Conservation Authority (CA) website or other means deemed advisable by the Conservation Authority.
- 2. The Agreement shall be subject to periodic review at intervals stipulated within the Agreement, provided that such intervals shall not exceed a five (5) year duration.



- 3. The Agreement will have clear termination dates.
- 4. The Agreement shall incorporate provisions for early termination by any party thereto, encompassing:
 - i. The methodology through which a party is to provide notice of early termination to the other party or parties; and
 - ii. A stipulation that mandates the dissemination of notice for early termination to be executed not less than thirty (30) days in advance of the early termination date, or such longer duration as may be specified within the Agreement.
- 5. The Agreement shall be subject to a review conducted by the parties thereto, which shall take place no later than six (6) months prior to the termination date, or within such extended timeframe as may be specified within the Agreement.
- 6. Programs and services will be provided in accordance with the terms and conditions in the Agreement.
- 7. The Agreement must provide for the participating municipality to pay the capital and operating expenses apportioned to them under the Agreement.
- 8. The Agreement must include provisions allowing the conservation authority to charge fees for any program or service for which a fee is proposed or may be proposed to be charged.
- 9. The Agreement will include requirements for dispute resolution.
- 10. The Agreement must be approved by a resolution of the participating municipal council.
- 11. The Province retains the right to prescribe standards and requirements for the provision of other programs and services. Should the Province enact regulations regarding the provision of services, the regulation would prevail in the event of conflict between the terms and conditions set out in the municipal Agreement.

Other:

Posting the Agreement will be consistent with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act.*



Cost Apportioning Agreement

(hereafter, "Agreement")

THIS AGREEMENT is made on the _____ day of _____, 2023 (the "Effective Date").

BETWEEN:

THE TOWN/MUNICIPALITY/TOWNSHIP OF ...

(hereinafter, "Participating Municipality")

AND:

SAUGEEN VALLEY CONSERVATION AUTHORITY

(hereinafter, "SVCA")

WHEREAS SVCA is a conservation authority established under the *Conservation Authorities Act* (the "Act") and is governed by its participating municipalities in accordance with the Act,

AND WHEREAS the Participating Municipality is a lower-tier municipality, located wholly or partly within the area under the jurisdiction of SVCA,

AND WHEREAS under the Act, Category 3 programs and services deemed advisable by the SVCA Board of Directors may be provided with municipal funding subject to a memorandum of understanding ("MOU") or such other agreement in respect of the programs and services,

AND WHEREAS SVCA is prepared to provide certain non-mandatory Category 3 programs and services to and/or on behalf of and/or within the boundaries of the Participating Municipality,

AND WHEREAS pursuant to Sections 25 and 27 of the Act, conservation authorities are authorized to apportion costs to municipalities for delivery of mandatory programs and services and general operating expenses,



AND WHEREAS pursuant to Section 25 and 27 of the Act and Ontario Regulation 687/21, conservation authorities and municipalities may enter into an Agreement to allow for the apportionment of costs to municipalities for programs and services provided, other than mandatory programs and services,

AND WHEREAS the Participating Municipality wishes to avail themselves of the non-mandatory Category 3 programs and services attached hereto as Schedule 'A',

AND WHEREAS the Council of the Participating Municipality has authorized the Participating Municipality to enter into this Agreement with SVCA for the delivery of Category 3 programs and services,

NOW THEREFORE, in consideration of the terms of this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- This Agreement shall commence on the Effective Date and shall continue for five (5) years (the "Initial Term"). Thereafter, this Agreement shall continue for additional five-year periods (each a "Renewal Term") unless either party provides written notice of termination to the other party at least ninety (90) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.
- 2. This Agreement shall be reviewed by the parties at least six (6) months prior to the expiry of the Initial Term and each Renewal Term.
- 3. SVCA agrees to provide the Category 3 programs and services outlined in Schedule 'A' to this Agreement.
- 4. Notwithstanding the foregoing, the Participating Municipality acknowledges and agrees that all Category 3 programs and services identified in Schedule 'A' shall also be included in a Watershed-Based Resource Management Strategy that the SVCA is required to develop and implement under the Act.
- 5. SVCA will not add to or delete from the list of Category 3 programs and services funded through municipal apportionment without first consulting with all participating municipalities. Any such change would require an amendment to this Agreement agreed to in writing by all participating municipalities.
- 6. The costs associated with the Category 3 programs and services subject to this Agreement shall be reviewed by the participating municipalities on an annual basis as part of the SVCA budget and apportionment process.

- 7. When preparing its annual budget, SVCA shall follow the prescribed budgetary process in accordance with the requirements of the applicable regulations under the Act, including preparation of a draft budget, consultations with participating municipalities, rules for voting to approve the apportionment, and preparation of the final budget.
- 8. SVCA's final approved budget shall be appended annually as Schedule 'B' to the Agreement.
- 9. SVCA and the Participating Municipality shall identify and agree upon the cost of relevant Category 3 programs and services in the annual budget, and shall comply with the prescribed methods of apportionment, including the Modified Current Value Assessment (MCVA) apportionment method (the ratio that the Participating Municipality's modified current value assessment bears to SVCA's modified current value assessment) and/or the benefit-based apportionment method (the benefit that each Participating Municipality obtains from the program or service to which the operating expense or capital cost is related), or where permitted in accordance with the applicable regulations, by agreement.
- 10. Where Category 3 programs and services are included in the budget process and apportionment, SVCA shall apportion the operating expenses and capital costs, as presented in the annual budget, to the Participating Municipality. The Participating Municipality's share of the total apportionment shall be appended annually as Schedule 'C' to this Agreement.
- 11. The Participating Municipality agrees to be apportioned costs as identified in Schedule 'C' to the Agreement.
- 12. Through this Agreement, the parties agree that the SVCA may, where applicable, charge a fee (user fee) for a Category 3 program or service provided under this Agreement by the SVCA. Any such fees collected for the programs and services identified in Schedule 'A' shall be used to offset the municipal apportionment costs associated with providing the Category 3 program and/or service for which the fee is collected.
- 13. Where Category 3 programs and services funded, in whole or in part, by the Participating Municipality involve user fees, such user fees shall only be imposed in accordance with SVCA's Fee Policy and Fee Schedules adopted in accordance with the provisions of the Act, or otherwise in accordance with provisions set out in an agreement between SVCA and the Participating Municipality.
- 14. SVCA and the Participating Municipality will strive to facilitate open and timely communication at all levels.

- 15. Unless otherwise provided for within the Act, if a dispute arises between the parties, including in respect of the content or interpretation of this Agreement, and which has not been resolved within sixty (60) days, such dispute may be submitted to a third party mediator, the choice of mediator to be agreed upon by the parties, and failing agreement to choose a mediator within an additional sixty (60) days, the mediator to be appointed by a judge of the Superior Court, for resolution via non-binding mediation conducted pursuant to the National Mediation Rules of the ADR.
- 16. Neither party shall be in default with respect to the performance or non-performance of the terms of the Agreement resulting directly or indirectly from causes beyond its reasonable control (other than for financial inability) that could not reasonably have been foreseen, including, without limitation, any delay caused by war, invasion, riots, acts of terrorism or sabotage, acts of government authority (other than by the Participating Municipality), plague, epidemic, pandemic, natural disaster, strike, lock-out, inability to procure material, acts, laws or regulations of government authority or other cause beyond the reasonable control of such party and not caused by the act or omission of such party, and the performance of such term or terms shall be extended for a period equivalent to the period of such delay. This provision should not relieve the Participating Municipality of its obligation to pay fees and costs when due.
- 17. If any provision of this Agreement is invalid, unenforceable, or unlawful, such provision shall be deemed to be deleted from this Agreement and all other provisions of this Agreement shall remain in full force and effect and shall be binding in all respects between the parties hereto.
- 18. The Participating Municipality and SVCA will continue to work together to identify opportunities for further collaboration to the benefit of both parties and ensure efficiency, transparency, and accountability in the use of public sector resources.
- 19. The resolution of the SVCA Board of Directors to execute this Agreement shall be included as Schedule 'D' to this Agreement.
- 20. The resolution of Council from the Participating Municipality to execute this Agreement shall be included as Schedule 'E' to this Agreement.
- 21. This Agreement shall be made available to the public in accordance with the Act and any applicable regulations.
- 22. This Agreement may be executed in counterparts and when each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all such counterparts, when taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the Effective Date.

SAUGEEN VALLEY CONSERVATION AUTHORITY

Per: _____

Name: Jennifer Stephens

Title: General Manager/Secretary-Treasurer

Per: _____

Name: Barbara Dobreen Title: Chair, SVCA Board of Directors

THE TOWN/MUNICIPALITY/TOWNSHIP OF ...

Per: _____

Name:

Title:

Per:_____

Name:

Title:

Schedule 'A' – Category 3 Programs and Services Requiring Apportionment

Service Area 1 – Water Quality Program

SVCA diligently conducts stream water quality monitoring at 14 locations within the watershed through the Provincial Water Quality Monitoring Network. Given the extensive expanse of the watershed and the constrained number of sampling locations under the Provincial Water Quality Monitoring Network, there were information voids. To ameliorate these deficits, SVCA instituted an in-house monitoring program in 2012, augmenting the network with an additional 15 monitoring sites distributed throughout the watershed. In concert, these programs yield the fundamental data indispensable for understanding the water quality status across the watershed.

Furthermore, SVCA has instituted a biomonitoring network encompassing twenty (20) water quality monitoring sites. Biomonitoring entails the utilization of organisms to evaluate environmental conditions, specifically water quality in this context. By monitoring benthic organisms, those that reside at the bottom of rivers and streams and possess specific tolerance thresholds for water quality conditions, SVCA can validate water chemistry findings through the biological data amassed at various locations throughout the watershed, thereby depicting a comprehensive characterization of water quality conditions.

Watershed Report Cards are developed every five (5) years using guidelines from Conservation Ontario. The Watershed Report Card is an excellent tool for conservation authorities to inform watershed residents about the health of their watershed in an easy-to-understand format. These Watershed Report Cards are a Category 3 Program using information collected directly from the two water quality monitoring programs described above.

The annual operating funds allocated for sustaining these water quality programs amount to \$119,050 for the year 2023. A business case, substantiating the perpetuation of these water quality programs, accompanies this Agreement.

Service Area 2 – Public Awareness and Communications for Non-Mandatory Programs and Services

SVCA's Communications, Community Outreach, and Public Awareness programming serve as instrumental tools in disseminating awareness pertaining to SVCA's array of programs and services. A considerable portion of this programming is financed in its entirety through the municipal levy, as it is primarily oriented towards mandatory programs and services (Category 1). However, an allocation of time and resources will be dedicated to buttress the non-mandatory components of the water quality monitoring program. For the year 2023, the operating funding budgeted for sustaining public awareness and communications specific to water quality monitoring programming stands at \$7,100.



2024 Business Case Water Quality Program

The intent of this business case is to underscore the vital importance of continued funding for the Water Quality Program managed by Saugeen Valley Conservation Authority (SVCA). This program ensures the health of our watershed by promoting environmental sustainability, public health, and local economic stability.

> Issued Date: June 29, 2023 Contact: Jennifer Stephens, General Manager/Secretary-Treasurer, SVCA Contact Info: 519-369-7206 or Email to j.stephens@svca.on.ca

Water Quality Program

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1. Executive Summary

Saugeen Valley Conservation Authority (SVCA) is one of the 36 conservation authorities in Ontario dedicated to protecting, restoring, and managing our natural resources.

The Saugeen watershed encompasses 4,675 km² in the counties of Bruce, Dufferin, Grey, Huron, and Wellington. SVCA's jurisdiction includes the Saugeen, Penetangore, Teeswater, and Pine Rivers, as well as the adjoining Lake Huron shoreline.

SVCA's Water Quality Program monitors, analyzes, and safeguards the health of our watershed. The key benefits of this program include environmental preservation, public health protection, economic sustainability, recreational opportunities enhancement, and education and awareness campaigns.

1.1 Recommended Solution

To sustain and build on these key benefits, it is vital to ensure the continuation of municipal funding through cost apportioning agreements as permitted under the *Conservation Authorities Act.* This funding structure not only secures the necessary resources to maintain the program's operational excellence but also demonstrates the municipalities' commitment to environmental conservation. By maintaining this funding, we can ensure the Water Quality Program continues to provide critical services, enhancing the health and wellbeing of our communities and the environment.

2. Introduction

2.1 Purpose of the Business Case

To demonstrate the value of SVCA's Water Quality Program and advocate for continued municipal funding.

This business case outlines the value, scope, and long-term benefits of the Water Quality Program managed by SVCA. Continued funding through municipal cost-apportioning agreements, as a Category 3 program and service, is requested to maintain this critical program.

The Water Quality Program plays an instrumental role in preserving our watershed's environmental health. This program allows SVCA to monitor and assess the quality of water and aquatic habitats within the Saugeen watershed. This program contributes significantly to our shared commitment towards sustainable natural resource management. The data collected through this program empowers our communities to implement effective strategies to protect our water resources against pollution, degradation, and understand the influences of climate change.

The significant funding invested through past municipal levy has allowed SVCA to sustain this fundamental program. These resources have been invaluable in supporting the broad-ranging work carried out by SVCA, from 2001 through today.

It is important to note that the ripple effects of this program extend beyond environmental considerations. The Water Quality Program underpins the intrinsic value of our natural heritage. The continuation of this program, therefore, is not just a matter of ecological preservation but is an investment in the resilience and prosperity of our communities.

In the ensuing document, we will delve into the specifics of our Water Quality Program, including its current accomplishments, its future potential, and its overall impact on the Saugeen watershed. Furthermore, we will present a clear case for why its continued funding is essential. We look forward to your active engagement with this crucial matter, confident that with your understanding and support, we can secure the long-term future of this key program and, by extension, the continued well-being of our watershed and its communities.

2.2 Scope and Limitations

The business case covers the importance, scope, and impact of the program, focusing on the Saugeen watershed. It does not consider alternate funding models or program redesign.

3. Current Situation

The SVCA's Water Quality Program is functioning well, but continued funding from municipalities is at risk due to the new arrangement as mandated by the province for mandatory and non-mandatory programs and services.

3.1 Background Relationship with Municipalities

Conservation authorities and the municipalities we serve share a mutual commitment to environmental conservation and sustainable community development. Conservation authorities provide vital services that support and enhance the quality of life within municipalities. These range from watershed management and water quality monitoring to flood monitoring and warning, regulation of development, habitat preservation, and conservation of sensitive lands.

In turn, municipalities provide vital support to conservation authorities, primarily in the form of funding and policy endorsement. Together, we work towards safeguarding natural resources, ensuring public health and safety, and fostering sustainable growth. This intricate relationship ensures that environmental priorities are balanced with socio-economic needs, leading to well-rounded, sustainable development that benefits current and future generations.

Thus, the relationship between conservation authorities and municipalities is not merely functional but is a critical partnership towards achieving our shared sustainability goals.

3.2 Background Information Regarding Category 3 Programs and Services

In 2021, *Conservation Authorities Act* amendments required conservation authorities to complete an inventory of programs and services by February 2022. The inventory has categorized our programs and services as follows:

Category 1: those prescribed as mandatory by the province;

Category 2: those delivered on behalf of a municipality; and

Category 3: those that further conservation, restoration, development, and management of natural resources.

Effective January 1, 2024, the continuation of Category 3 programs and services will necessitate the formalization of cost apportioning agreements between SVCA and each member municipality. This requirement ensures that municipal funding continues to support the effective delivery and implementation of our programs and services.

SVCA proposes that member municipalities commit to a five-year agreement. Provisions for conflict resolution, amendments, and early termination will be embedded within the agreement structure.

This agreement timeline ensures the seamless operation of our programs and services, while simultaneously allowing room for annual adaptations within the sanctioned budget or during review periods. Given that program implementation spans multiple years, a multiple year agreement offers necessary lead time for adjustments. Instances include securing lab services, ordering equipment, calibration solutions, and inventory. Similarly, watershed monitoring and reporting necessitate a multiple year engagement for efficiency and cost-effectiveness.

The agreement will also establish a cost distribution mechanism among the municipalities. SVCA suggests adhering to the existing levy apportionment calculation mandated by the Province of Ontario, known as the modified current value assessment method. This method is already in use for the remaining municipal levy apportionment for Category 1 mandatory programs and services, hence its adoption ensures consistency.

3.3 Program History

Saugeen Valley Conservation Authority historically started collecting water quality data in select locations as far back as the 1960's, partnering with the Ontario Ministry of the Environment. Surface water sampling in our watershed continued until provincial government funding was cut in 1996.

SVCA's Water Quality Program was revitalized in 2001 following the Walkerton Water Crisis of May 2000. The Walkerton Water Crisis stands as a stark reminder of the critical importance of enhanced water quality monitoring. In the small Ontario town of Walkerton, contamination of the town's water supply with *E. coli* bacteria led to a tragic public health crisis that caused the deaths of seven people and left more than two thousand residents ill. This calamity, one of the worst of its kind in Canadian history, occurred due to a combination of factors including faulty infrastructure, inadequate water treatment, and a lack of regulatory oversight.

In response to the crisis, the Ontario government instituted sweeping changes to water management policies, ushering in an era of heightened vigilance and commitment to protecting water quality.

SVCA's Water Quality Program was reestablished as a direct result of the lessons learned from Walkerton. This program, fueled by a sense of urgency and purpose, was tasked with the critical mandate to monitor, protect, and enhance the water quality in our jurisdiction, with the dual aims of ensuring public health and preventing a recurrence of such a devastating event.

3.4 Program Background

SVCA conducts regular surface and groundwater sampling at various sites across our watershed. We collect *in situ* general chemistry, complete lab analysis for indicator parameters, monitor groundwater chemistry levels, and review results in consideration of applicable legislation and guidelines. We also undertake biomonitoring of benthic macroinvertebrates, which serve as key indicators of long-term trends in water quality and ecosystem health.

Provincial Water Quality Monitoring Network – Category 1 Program

This provincial water quality monitoring network was established over 50 years ago with collaboration between government and environmental agencies and local conservation authorities.

Under this program, SVCA staff collect surface water samples at 14 sites monthly during icefree periods (April to November). These sites were selected based on our ability to measure water quality as it travels from a tributary to a larger basin, to monitor wastewater discharges, and to provide representative water quality conditions across our watershed. Samples are analyzed in a laboratory by the Ministry of Environment, Conservation and Parks (MECP), for parameters such as nitrates, metals, phosphorus, and chloride, among others.

Surface Water Quality Monitoring – Category 3 Program

Our team completes monthly surface water sampling at 15 sites within SVCA's jurisdiction, during ice free periods. These sites were selected with support from the MECP to fill important data gaps within the provincial monitoring program given the size of SVCA's watershed. These samples undergo analysis by trusted private laboratories and are tested for parameters consistent with the provincial program. Testing for *E. coli* at all provincial and SVCA sites is also completed under this program.

Water quality monitoring is essential to identify man-made sources or activities that affect the suitability of surface water for drinking water source protection, conservation of aquatic life, and recreational opportunities. This data is used in the management of aquatic ecosystems, to determine where actions may be needed, and to evaluate the efficacy of policy actions. Long-term data collection and trending is key to determine if water quality is improving or deteriorating over time.

Our water quality data allows SVCA to establish baseline conditions; establish and characterize long-term trends for various water quality indicator parameters; monitor compliance with Provincial Water Quality Objectives; provide information to municipalities and other regulatory agencies to support development (*i.e.*, nutrient inputs and loading, stormwater discharge, sewage facility discharges, and infrastructure removals, such as dams and weirs); and to determine the effectiveness of watershed programs.

Provincial Groundwater Monitoring Network – Category 1 Program

SVCA staff monitor 23 different aquifers situated across 13 different locations within the watershed. These include ten deep wells delving into bedrock aquifers and thirteen wells analyzing shallow, overburden aquifers located in the sediment layer above the bedrock. Water 7

levels and water temperature in these wells are recorded on an hourly basis, and annual water quality samples are generally collected each Fall. Any instances of surpassing Ontario Drinking Water Quality Standards (ODWQS) are promptly reported to the respective municipalities and the local Health Unit. This consistent monitoring of changes in groundwater levels and quality assists SVCA in making informed decisions related to resource management. Moreover, rain gauges have been integrated into numerous well sites to provide a better understanding of the correlation between rainfall and groundwater levels, and water use and taking, supporting the groundwater component of our Low Water Response Program.

Ontario Benthos Biomonitoring Program – Category 3 Program

Each year, we collect benthic macroinvertebrates—organisms such as bottom-dwelling insects, crustaceans, worms, and mollusks—from rivers and streams across the watershed. These creatures serve as excellent indicators of water quality. The presence, absence, or relative abundance of various species provides invaluable insights into water quality and the extent and sources of habitat degradation based on their tolerance to pollution. Biomonitoring and surface water quality sampling go together; biomonitoring identifies that there is a problem with the health of an aquatic system, and surface water sampling can help identify what that problem is and how it can be mitigated. Abundance and the type of organism found in a watercourse can also serve as an excellent proxy for the health of other aquatic organisms, such as fish populations. This data is critical for support of recreational activities, such as fishing, kayaking, and swimming, as well as economic development through tourism.

Watershed Report Cards – Category 3 Program

Watershed Report Cards are developed every five (5) years using guidelines from Conservation Ontario. All conservation authorities across Ontario develop the Report Cards to ensure consistent reporting across the province and to provide watershed residents with a high-level summary of the state of our watershed resources, as well as to identify potential stressors, such as rapid urbanization, changing land uses, and climate change. There are four key indicators that are used in the preparation of the Watershed Report Card: groundwater quality, surface water quality, forest coverage, and wetland coverage.

The Watershed Report Card is an excellent tool for conservation authorities to inform watershed residents about the health of their watershed in an easy-to-understand format. The format simplifies the extensive amounts of research and technical data.

Healthy Lake Huron Initiative – Category 3 Program

Since 2011, SVCA, along with similar organizations, has been actively engaged in a collaborative effort to safeguard and enhance the water quality of Lake Huron, focusing on areas that demand immediate remedial action. Part of SVCA's contribution involves the monthly collection of baseline and storm-event (runoff) samples from the South Pine River located in the Township of Huron-Kinloss. This water chemistry data, in conjunction with meteorological data, is fed into a computer-based model. This predictive tool enhances our understanding of how sediment and pollutants, such as nutrients, migrate from land into waterbodies.

Drinking Water Source Protection – Category 1 Program

The Water Quality Program is integral to SVCA's contribution towards the Drinking Water Source Protection Program, a mandated program under the *Clean Water Act, 2006*. Its primary objective is to safeguard the quality and quantity of current and future sources of municipal drinking water, thus ensuring the long-term availability of clean, safe drinking water for our communities.

In the Saugeen – Grey Sauble – North Bruce Peninsula Source Protection Region, Saugeen Conservation collaborates with Grey Sauble Conservation Authority and the Municipality of Northern Bruce Peninsula to protect 38 municipal residential drinking water systems. The data collected through our Water Quality Program provides the baseline for the Drinking Water Source Protection Plan's Assessment Report which is the technical foundation of the Source Protection Plan.

The Source Protection Plan determines the areas that are vulnerable or at risk of contamination and outlines a set of policies to address any identified threats. The Plan also provides specific timelines for policy implementation and necessitates ongoing monitoring of policy. This approach involves managing and mitigating risks through the effective use of existing legislation and regulations.

3.5 The Value of Data

The Water Quality Program's ability to continually provide updated, accurate data is crucial for proactive and informed decision-making within the Conservation Authority as well as to support economic development. The true value of data lies in its continuity and accumulation over time. With over twenty years of managing this program, the data collected can be used to establish long-term trends in watershed health, and therefore lend itself to detecting anomalies, predict outcomes, and make informed decisions.

The process of data collection is an ongoing narrative, where each data point connects to another, forming a continuous story of our watershed's health. Interruptions to this process can have profound implications. If we were to cease collecting data now, the existing wealth of information would lose much of its potency. Without continuity, discerning long-term trends or detecting subtle but significant changes becomes virtually impossible, thus undermining the informative value of the data we've gathered. Therefore, it is essential to maintain our data collection efforts to protect the integral value of the two-decade-long narrative we have built and enable us to proactively protect our watershed.

The need to continue data collection becomes particularly pressing considering climate change, an urgent global challenge that necessitates informed, proactive, and adaptive responses. As weather patterns become more unpredictable and extreme events more frequent, our understanding of how these changes impact our water quality is of paramount importance. Our data collection efforts allow us to track changes, identify emerging trends, and forecast potential challenges, informing our responses, and aiding in the development of strategies to mitigate the impacts of climate change. Without a continuous record, it will be nearly impossible to determine if environmental impacts are local (*i.e.*, point source pollution) or a result of changing background conditions (i.e., climate change).

At SVCA, we are keenly aware of the power of data as a tool for change and are in the process of making our water quality data publicly accessible and AODA (*Accessibility for Ontarians with Disabilities Act*) compliant via Microsoft Power-bi. This initiative aims to democratize data access, allowing any student, researcher, public authority, or government to utilize this valuable resource. By making this data widely available, we enable a multitude of stakeholders to engage in meaningful scientific investigations, supporting planning and development, enhancing our collective understanding of climate change impacts, and contributing to the creation of strategies that protect our environment and keep our communities safe. We are also in the process of preparing an annual water quality report to summarize, in depth, the current state of our watershed and how it might impact our communities.

3.6 Risks and Issues with the Current State

Loss of municipal funding would lead to discontinuation of this critical programs, posing significant ecological and economic impacts.

The prospect of losing funding for the Water Quality Program at SVCA carries with it more than just the discontinuation of a service; it represents the potential loss of a significant investment made by our municipalities over the years. A minimum amount of 2.9 million dollars has been directed towards this program, building its capacity, honing its methods, and accumulating a wealth of valuable data.

This investment should not be perceived as a sunk cost, but rather as a strategic commitment towards the long-term health and sustainability of our shared environment and communities. If funding were to be discontinued, so too would be the inherent value of the program and its accumulated data. It would be akin to abruptly abandoning a critical infrastructure project midway, thereby diminishing the returns on the investment made thus far.

Conservation authorities such as Saugeen Valley Conservation Authority (SVCA) are at the forefront of environmental conservation, utilizing the most efficient and scientifically backed methods to gather water quality data. Our extensive network, experienced team, and deep local knowledge ensure data collection is accurate, relevant, and cost-effective. It is important to note that outsourcing these data collection activities would invariably lead to significantly increased expenses, as there are no other local non-profit agencies equipped with the expertise and resources to carry out this critical task.

Furthermore, no alternative sources of this precise, area-specific information exist. If water quality monitoring ceases, or there is a gap in the data record, it will be difficult, if not impossible, to determine if temporal changes and trends in the data are due to pollution or site-specific sources, or if the changes can be attributed to watershed-wide factors such as climate change or natural variability.

Continuation of this SVCA program ensures a complete, reliable record. Therefore, the Water Quality Program implemented by SVCA is not only economically sound, but it also delivers

invaluable insights that could not be readily obtained otherwise, reinforcing the necessity of our work and the essential need for its continued funding.

Therefore, it is of utmost importance that we recognize and appreciate the true value of the Water Quality Program, understanding it not as a recurring cost, but as an ongoing investment in our region's environmental health, economic vitality, and overall resilience.

A commitment to sustained funding is critical to ensure that we continue to extract the maximum potential value from this significant investment for the benefit of our communities and the environment.

Please see Appendix B – Water Quality Program Investment.

4. Business Needs and Requirements

4.1 Objectives and Outcomes

Secure continued funding, maintain water quality, ensure public health, and promote sustainable local economic development.

The objectives and outcomes of our Water Quality Program are clear and interconnected, underpinning our collective vision of a sustainable Authority. At the forefront of these objectives is securing continued funding. This is a critical prerequisite to maintain the program's ongoing effectiveness and its ability to deliver tangible outcomes. By maintaining the Water Quality Program, we safeguard the ecological health of our watershed, preserving biodiversity and ensuring the longevity of our natural resources. Inextricably linked to this is our commitment to ensuring public health. By preserving water quality, we protect our communities from waterborne diseases, promote development and ensure a safe and healthy environment for our residents.

Lastly, our program aims to promote sustainable local economic development. Through our actions, we protect and enhance the region's natural assets, such as clean water and diverse ecosystems, which support various economic activities, from agriculture to tourism. In doing so, we ensure the long-term economic vitality of our region, providing a foundation for growth that balances environmental sustainability with socio-economic progress. Each of these objectives, while distinct, feeds into and reinforces the others, creating a holistic approach to our regional efforts.

4.2 Key Deliverables

Continued delivery of Category 3 programs, including surface water quality monitoring (i.e., sample collection, analysis, and reporting), biomonitoring, and public awareness campaigns such as watershed report cards.

4.3 Critical Success Factors

Success of the Water Quality Program is dependent upon sustained municipal funding, effective program execution by Saugeen Conservation and stakeholder support.

4.4 Recommended Solution

Continued funding of the Water Quality Program through 5-year cost apportioning agreements.

4.5 How This Meets Business Needs and Requirements

Municipal funding has historically supported the program and would meet current and anticipated future needs.

4.6 Alternative Solutions Considered and Why They Were Not Chosen

While enthusiastic, engagement with grassroots organizations proves to be unreliable due to the changing nature of their membership, varying degrees of experience and education, administrative issues (such as insurance) and their ability to access land (particularly private).

Research has been conducted to explore alternative funding avenues. However, other funding streams, while potentially supplementary, do not possess the capacity to replace the substantial monetary commitment provided by municipal funding, without threatening the continuity and effectiveness of the Water Quality Program. Funding from municipalities can be supported by additional sources but cannot be sustained by them.

5. Benefits and Risks

5.1 Tangible and Intangible Benefits

In the realm of tangible benefits, the scientific outputs of the Water Quality Program offer invaluable insight into our watershed's health, providing the data necessary to detect and predict environmental changes, prioritize conservation efforts, support sustainable development, and guide critical decision-making processes. Clean water, biodiversity preservation, healthier communities, sustainable local economies, and educational opportunities are tied to this program.

As for intangible benefits, the Water Quality Program bolsters public trust and community wellbeing, cultivates an ethos of environmental stewardship, and fortifies the social contract between municipalities and their residents by ensuring the safeguarding of our natural resources for present and future generations.

5.2 Costs and Risks Involved

Funding disruption could jeopardize the program's continuance and its associated benefits.

The Water Quality Program is funded though shared cost apportionment among 15 municipalities, demonstrating an impressive model of cooperative environmental stewardship. This shared cost approach not only makes the financial burden more manageable for each municipality but also promotes the health of our shared watershed, which naturally transcends municipal boundaries. By investing in this program, these municipalities are embracing a profound sense of community and collective responsibility, safeguarding our shared environment for the greater good, and fostering a stronger, more resilient region for everyone. This is a clear example of a commitment to the principles of 'being a good neighbour', and to the understanding that protecting our natural resources is a responsibility that extends beyond borders.

Additionally, it's critical to understand that the shared funding model also implies a shared business risk; if even one municipality opts out of the program, the Water Quality Program is compromised, threatening the continuity of this invaluable environmental initiative for the entire region.

5.3 Risk Mitigation Strategies

Risk mitigation forms an essential part of our strategy to secure the continuity of the Water Quality Program.

One approach is advocacy for continued funding; SVCA is committed to maintaining a strong, ongoing advocacy campaign aimed at securing sustained funding for the program. This involves clearly communicating the program's benefits and significance to member municipalities, and other stakeholders.

The other approach is active stakeholder engagement; engagement with all stakeholders is another critical risk mitigation strategy. We believe in fostering an environment of transparency, collaboration and open dialogue with municipalities, community members, and other partners about all work and services offered through SVCA.

6. Implementation Plan

6.1 Timeline

At the May 20, 2023 Meeting, the SVCA Board of Directors gave staff the direction to develop a business case to accompany the draft cost-apportioning Agreement that has been prepared to negotiate with municipalities. The Directors requested that staff engage with senior administrative municipal staff on the draft Agreement prior to returning to their next meeting on July 20, 2023 with a proposed Agreement to take to municipal Councils requesting a resolution to continue with Category 3 Programs and Services.

Following the July 20, 2023 meeting, SVCA staff will pursue reaching out to Councils with an Agreement and the business cases to support program continuation. Agreements must be in place with municipalities by January 1, 2024 for the continuation of Category 3 programs and services.

6.2 Stakeholders and Their Roles and Responsibilities

Saugeen Valley Conservation Authority (SVCA)

SVCA bears the primary responsibility for executing the Water Quality Program. This includes planning, monitoring, data collection, analysis, and reporting. Additionally, SVCA will continue to seek out additional revenue streams, such as environmental grants and partnerships, to supplement the funding received through municipalities.

Municipal Governments

Municipal governments play a critical role in providing funding through the municipal levy (Category 1 programs) and cost apportioning agreements (Category 3 programs) which is essential for the continuation and effectiveness of SVCA's Water Quality Program. Municipal commitment to this funding model illustrates recognition of the program's importance and value to communities and constituents. Furthermore, municipal governments can also contribute by promoting the program's objectives within their jurisdictions and supporting initiatives that align with the conservation of water quality and overall watershed health.

6.3 Potential Barriers to Implementation

Watersheds transect municipal boundaries, requiring inter-jurisdictional cooperation and agreement.

7. Financial Analysis

7.1 Cost of Proposed Solution

Fees supporting the Water Quality Program that have not been allocated to Category 1 Programs and Services would be apportioned to municipalities using the modified current value assessment method as these are watershed-wide programs that benefit all municipalities and residents.

Please see Appendix C – Cost Apportionment of Water Quality Program.

7.2 Return on Investment Analysis

Benefits of a healthy watershed significantly outweigh the investment; there is a high return on investment in terms of environmental, health, and economic benefits.

Analysis

The Return on Investment (ROI) analysis for the Water Quality Program at Saugeen Valley Conservation Authority strongly supports its ongoing funding. When considering ROI, it is vital to acknowledge the multidimensional nature of the returns generated by the program. These returns are not merely financial but extend to substantial environmental, health, and economic benefits.

Environmental returns manifest in the preservation of our local watershed's health, ensuring a robust and resilient ecosystem for future generations. Health benefits are realized through the prevention of waterborne diseases, enhancing the wellbeing of our community, and indirectly contributing to savings in healthcare costs. Economic returns are generated via sustainable local development and activities dependent on a clean and reliable water source, such as agriculture and tourism.

However, a crucial factor influencing this ROI is the ongoing nature of the program. The program's capacity to continuously collect and analyze data is integral to its value. The longitudinal data it generates enables the detection of trends and anomalies, informing proactive management strategies and contributing to the program's preventative capabilities.

Thus, to realize and maximize this ROI, the continuity of the program, underpinned by sustained funding, is vital. Any disruption could impair our ability to capitalize fully on these valuable returns, emphasizing the necessity for consistent investment in the Water Quality Program.

8. Critical Assumptions and Dependencies

8.1 List of Assumptions Made in the Business Case

One of the crucial assumptions of this business case is that municipal funding will continue through cost apportioning agreements. Funding apportionment would increase annually as it would with the levy. This funding provides the primary resource enabling the program to maintain and enhance its operations.

8.2 Key Dependencies for Successful Execution

The successful execution of the Water Quality Program heavily relies on the continued support and funding from our member municipalities. Their understanding of the program's value and their commitment to upholding it are essential to our mission.

Success also depends on effective execution by SVCA, as it is SVCA's responsibility to effectively implement the program, from consistent monitoring and data collection to timely reporting and public education, is a crucial dependency. The team's expertise, dedication, and effective management are fundamental to delivering the program's objectives and outcomes.

9. Conclusion

The Water Quality Program, managed by SVCA, offers substantial benefits to the Saugeen watershed, a region encompassing five counties. The program plays a pivotal role in preserving water quality, promoting public health, and fostering local economic sustainability. Its educational initiatives also increase community awareness about water conservation, strengthening public involvement in watershed health.

Thus, continued funding through municipalities remains vital. This funding model enables the program to maintain its valuable work, contributing significantly to the well-being of the watershed and the municipalities within its bounds.

Appendix A: 2022 Watershed Report Card

Saugeen Conservation has prepared this report card as a summary of the 2017-2021 state of water quality, forests, and wetlands in our watershed. These report cards are released every five years together with Conservation Ontario.

A watershed describes an area, and the waterways that flow through it and towards a major outlet such as a lake. Everything in a watershed is connected and actions upstream can affect conditions downstream.

We measure certain features in our watershed to learn about their current condition, as well as trends. This information helps us plan for the future.

Groundwater

Groundwater is flowing water that is found below the ground, that is often stored in aquifers. Groundwater is monitored at 23 sites in our watershed through the Provincial Groundwater Monitoring Network (PGMN). Groundwater quality for this report was graded on chloride and nitrogen (nitrate + nitrite) levels.

Chloride and nitrogen can exist naturally, however natural levels in water are generally minimal. Increased levels in our waterways can be related to:

- the use of road salts (chloride only)
- septic systems
- fertilizers and manure
- industrial discharge
- erosion

What's different in this report card?

Previous watershed report cards only used five years of data to come up with their findings. This report card uses a minimum of ten years of data, or more if it was available for a better view of long-term trends.

Our Findings:

Chloride levels at all tested sites received a grade of A (excellent).

Nitrogen levels at most (86%) of the sites received a grade of A (excellent).

Two sites received nitrogen grades of B (good) and one site received a D (poor).

Different nitrogen grades from these sites could be caused by using more data from a longer period of time. The three sites that did not receive an A grade are in locations where we might expect to see higher levels of nitrogen, based on their environments.

The map is a visual representation of our findings.



Note:

- These findings are not to be considered indicators of drinking water quality.
- Groundwater quality results being reported are specific to the site location and do not apply to the watershed as a whole.
- No biological levels (ie. *E.coli*) were considered.

Surface Water Quality

Surface water is monitored at 31 sites along major streams and rivers in our watershed. This monitoring happens through the Provincial Water Quality Monitoring Network (PWQMN) and through Saugeen Conservation's own network. Sampling occurs monthly from April to November each year. Surface water quality for this report was graded on phosphorus, Escherichia coli (*E.coli*), and benthic macroinvertebrates.

Phosphorus is an essential nutrient for all living organisms, however it can have harmful effects on aquatic life at high levels. Phosphorus levels can be natural, and increase with human influence.

E.coli is a type of bacteria commonly found in the intestines of warm blooded animals. *E. coli* is often used as an indicator of contamination from human and animal waste. *E.coli* levels may increase after heavy rainfalls and snowmelt.

Benthic macroinvertebrates refer to small aquatic bugs that live on the bottom of streams, rivers, and lakes; they can tell us about long term water quality because they are sensitive to their environments. Certain types of bugs can only thrive in good water, as they have a low tolerance to pollution.

What's different in this report card?

Previous watershed report cards only used the downstream monitoring sites. This report card used data from all surface water sites in our watershed. Using more data allows us to have more confidence in our findings.

Our Findings:

- Overall grades range from A (Excellent) to C (Fair), with mostly (60%) B (Good) grades.
- Most overall grades have not changed from the 2018 report card, however the Beatty Saugeen River, Lake Fringe and Upper Main Saugeen River areas have improved.
- Phosphorus grades fell in the South Saugeen River and Lower Main Saugeen River. Remaining grades stayed the same.
- E.coli grades remained mostly unchanged across the watershed, with improvement for the Penetangore River area.
- Benthic macroinvertebrate grades generally improved.

The map is a visual representation of our findings.



Note:

Streams and rivers are constantly changing, and water quality results represent only a snapshot in time.

Forest Conditions

Forests provide important habitat for wildlife and plants. Forests also give us cleaner air and water, economic benefits, and recreational areas for people to enjoy.

Forest conditions in the 2022 report card were graded on the percentage of forest cover, forest interior and riparian cover, which is the area between land and a river or stream.

Forests in our watershed have changed since early settlement, with agriculture and housing development driving the demand for forest clearing. The growing presence of invasive plant and animal species can also overwhelm forests.

Geographic Information Systems (GIS) tools were used to determine forest grades.

Our Findings:

• Grades range from A (excellent) to D (poor), with mostly B (good) and C (fair).

The map is a visual representation of our findings.



Note:

- Forests grow slowly, but the benefits begin as soon as trees are planted. Changes in forest cover will be noticed in five years or more.
- In 2022, Saugeen Conservation planted 28,000 trees and more than that number again were sold directly to landowners for independent planting.

Wetland Conditions

Wetlands play a very important role in our watershed. They help lessen the impact of floods and droughts, protect our shorelines, absorb pollutants, improve water quality, and provide habitats for many species. Protecting our wetlands is critical to the well being of people and our planet.

Wetlands were graded on the percentage of wetland cover. Geographic Information Systems (GIS) tools were used to inform wetland grades.

Our Findings:

- Grades range from A (excellent) to D (poor) with mostly excellent grades.
- Only 17.5% of the Saugeen watershed is covered by wetlands.

The map is a visual representation of our findings.



What can you do to support the health of our watershed?

- Support your local conservation authority through donation
- Volunteer with local environmental organizations
- Advocate for the environment through delegations to municipal council, and engaging your elected officials
- If your municipality has an environmental committee of council, consider joining
- Ask your local government to support environmental initiatives
- If you have a septic system, inspect and pump it every three to five years
- Decommission unused or damaged wells
- Dispose of household chemicals at hazardous waste depots
- Plant native species and educate yourself on invasives in your area

Consider how we are all connected.

Year	Water Quality Budget	Today's dollars
2001	9,000	14,393
2002	173,000	271,932
2003	124,580	190,276
2004	108,927	163,652
2005	81,263	119,226
2006	81,470	116,684
2007	93,470	130,992
2008	97,519	134,379
2009	98,747	135,593
2010	97,118	130,942
2011	96,626	126,146
2012	99,898	127,856
2013	99,831	127,250
2014	102,203	127,672
2015	106,601	132,111
2016	104,208	127,031
2017	114,246	137,025
2018	109,797	128,824
2019	98,302	113,047
2020	100,890	116,280
2021	99,400	110,807
2022	109,650	114,481
Totals	2,206,746	2,896,600

Appendix B: Investment in Water Quality Program Table

This appendix presents an Investment in Water Quality Program Table by Member Municipalities, providing a financial overview of the program. The numbers detailed within this table are derived from audited financial statements, focusing on budgeted amounts as these represent the financial commitments that our Board of Directors have allocated to the program over the years. It is important to note that the actual expenses incurred have closely aligned with the budgeted projections, reflecting the accuracy of our planning process.

To account for the effect of inflation over the years and to present a more accurate representation of the monetary value today, the Bank of Canada's inflation calculator was utilized to adjust the historical values.

Following these adjustments, the total investment that SVCA has made to the Water Quality Program since 2001 stands at approximately \$2.9 million dollars, illustrating our long-standing commitment to maintaining and enhancing the quality of our water resources.

Please note that the figures presented in the table exclusively reflect the financial contributions made by our Member Municipalities towards the Water Quality Program. They do not account for additional funding sourced from the Ministry of Environment, Conservation and Parks, grant

procurement initiatives, or other strategic partnerships. These external funding streams, although not included in these totals, have been instrumental in supplementing the resources provided by our Member Municipalities, thereby enhancing the overall financial support for the program.

Appendix C: Cost Apportionment of Water Quality Program by Municipality

Municipality	Amount
Arran-Elderslie	\$2 <i>,</i> 986
Brockton	\$10,280
Chatsworth	\$3 <i>,</i> 565
Grey Highlands	\$5,166
Hanover	\$7,789
Howick	\$321
Huron-Kinloss	\$6 <i>,</i> 597
Kincardine	\$20,823
Minto	\$3,235
Morris-Turnberry	\$228
Saugeen Shores	\$25 <i>,</i> 046
South Bruce	\$5,765
Southgate	\$8,124
Wellington North	\$4,693
West Grey	\$14,432
Totals	\$119,050

Appendix D: Water Quality Annual Report Preview – DRAFT

Excerpt from DRAFT 2022 Water Quality Report

This document is a draft only and is not intended for distribution. Data review and analysis is still on-going.

1. Introduction

The Saugeen Watershed is divided into ten sub-watersheds, each having its own natural and man-made features (see Figure XX).

Saugeen Valley Conservation Authority (SVCA) closely monitors the quality of water in the area. SVCA works with the Ministry of the Environment, Conservation and Parks (MECP) as part of the Provincial Water Quality Monitoring Network (PWQMN) to check water at 14 sites. PWQMN is essential for collecting information on the water's chemicals and physical properties.

Given the size of the watershed, 14 sites were not enough to collect all the needed information. In 2012, SVCA started an additional program to monitor 15 additional sites. Moreover, two more sites are part of an initiative called Healthy Lake Huron. Now, there are 31 sites in total where the water is monitored. This helps us gather the data needed to understand the health of the watershed.

SVCA collects benthic macroinvertebrates at 20 sites. This helps us understand the overall health of the watershed. These creatures serve as excellent indicators of water quality. The presence, absence, or relative abundance of various species provides invaluable insights into water quality.

As more people live in the area and farming activities increase, along with changes in weather patterns, it's increasingly important to keep an eye on water quality conditions. This is necessary because these changes can put pressure on the water environment. The monitoring programs help SVCA systematically collect important information, which is crucial for understanding and maintaining the quality of water both now and in the future.

2.0 Methods

2.1 Field Sampling

2.1.1 Surface Water

Surface water samples are collected using in-stream "grab" techniques throughout the year, typically in the first week of every month, during ice free periods (April to November). These samples are collected in accordance with PWQMN sample protocols. Additionally, *in situ* measurements of water temperature, pH, specific conductivity, turbidity, oxidative redox potential, and dissolved oxygen are collected at the time of sample collection. Sampling was conducted independent of precipitation events, however, precipitation data from the day of and two days prior to sampling were considered during data analysis.

In 2022, surface water samples were collected at 31 sites within SVCA's watershed: 14 sites under the PWQMN program, 15 sites under SVCA's internal monitoring program, and 2 sites under the Healthy Lake Huron stewardship initiative.

All samples collected under the PWQMN and Healthy Lake Huron programs were analyzed at the MECP laboratory, while SVCA samples were sent externally to SGS laboratories.

Sample collection in 2020 was variable due to laboratory shutdowns associated with the COVID-19 pandemic. SVCA sampling was not completed at this time, PWQMN sampling was only available during the months of January, October, and November 2020.



2.1.2 Benthic Macroinvertebrates

Benthic macroinvertebrates were collected at 20 sites throughout the Saugeen watershed using the Ontario Benthic Biomonitoring Network (OBBN) stream sampling protocol. Samples are collected bi-annually in May using a typical "kick-and-sweep" method with a D-net. As per OBBN protocol, three replicate samples are collected to cover different sections of the watercourse, encompassing two riffles and one pool, per sample site. The kick-and-sweep collection method is undertaken across each riffle and pool section to ensure a minimum of 100-animal count is obtained. Samples are then sieved and placed into plastic containers,

preserved with 95% ethanol. Large debris is discarded after confirming no loss of macroinvertebrates. Finally, samples are transported and stored in a cool environment until sorting is completed.

2.2 Laboratory Analysis

2.2.1 Surface Water

All surface water samples are analyzed using a standard set of water quality parameters, as noted in Appendix X. Metals are also sampled at select sites under the PWQMN program.

The Lower Main Saugeen River at Burgoyne (Q4) is also sampled monthly, from April to November, for parameters associated with pesticide monitoring. The pesticide monitoring program is in partnership with the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) and the <u>MECP</u>. This separate program is focused on Southern Ontario where there is heavy agricultural use. The program aims to characterize pesticide levels in the water and note trends with time. A report on these trends was published in 2022 for all sites across Southern Ontario.¹

For this report, six parameters were selected for discussion. These parameters are total phosphorus, nitrogen (nitrate-nitrite), chloride, total suspended solids, *E. coli*, and benthic macroinvertebrates (Table 1). The results for each parameter were compared to Provincial Water Quality Objectives (PWQO) or Canadian Water Quality Guidelines (CWQG) (Table 1).

PWQO were developed to protect all forms of aquatic life and all parts of their lifecycle. Additionally, PWQO can be used to protect recreational users by reviewing public health considerations (OMOEE 1994).

Where possible, the PWQO were used as they relate more specifically to surface water parameters. CWQG is typically associated with drinking water standards.

Total suspended solids and chloride are not identified in the PWQO and therefore they were reviewed against the CWQG.

Table 1. Provincial Water Quality Objectives (PWQO) & Canadian Water Quality Guidelines (CWQG).

Parameter (Unit)	Water Quality Objectives/Guidelines (Unit)	PWQO or CWQG	
Total Phosphorus (mg/L)	0.03 mg/L	PWQO	
Nitrogen; nitrite-nitrate (mg/L)	10 mg/L	PWQO	
Total Suspended Solids (TSS) (mg/L)	30 mg/L	CWQG	

¹ Raby, M., Lissemore, L., Kaltenecker, G., Beaton, D., & Prosser, R. S. (2022). Characterizing the exposure of streams in southern Ontario to agricultural pesticides. Chemosphere, 294, 133769.

Parameter (Unit)	Water Quality Objectives/Guidelines (Unit)	PWQO or CWQG	
Escherichia coli	(100 CFU/100mL)	PWQO	
Chloride (mg/L)	120 mg/L	CWQG	

2.2.2 Benthic Macroinvertebrates

Identification of benthic macroinvertebrates requires specific skills and certification under the Ontario Benthos Biomonitoring Network. SVCA certified staff can complete the analysis for benthic macroinvertebrates in-house.

Collected samples are rinsed and sieved through 500 um mesh to remove fine particulates. Large debris is removed and discarded, ensuring no loss of specimens. Each sample is then stirred, and a sub-sample is collected. Specimens are picked out of the sub-sample and reviewed under a microscope for identification. In accordance with OBBN protocol, specimens are identified to the Group 27 taxonomic level. Specimens are 'picked' from the sample until a total of 100 specimens have been analyzed.

Due time constraints, 2020 and 2021 samples were analyzed by the University of Windsor.

2.3 Parameters

2.3.1 Total Phosphorus

Phosphorus is a crucial nutrient for the growth of aquatic plants and algae. Phosphorus is a key factor in the overall health and productivity of freshwater ecosystems.

Phosphorus levels can occur naturally through soil and rock erosion. Phosphorus can also be impacted by human inputs such as fertilizers, manure, development, and industrial waste. High phosphorus levels are typically associated with storm events and high turbidity.

High phosphorus levels can lead to excess plant and algae growth, which reduces the oxygen needed for other aquatic species to survive.

The Provincial Water Quality Objective for phosphorus in streams is 0.03 mg/L (Table X).

2.3.2 Nitrogen: nitrate-nitrite

Like phosphorus, nitrogen is an important nutrient for aquatic plants and algae growth. However, high levels of nitrogen can be harmful to aquatic organisms. Nitrogen can reduce dissolved oxygen in the water, which organisms rely on to survive.

Nitrogen can occur naturally, however, it can also be present due to human-made sources, such as fertilizers, manure, failing septic systems, and industrial waste. Fertilizers and agricultural runoff are often the most significant source of high nitrogen levels in a watercourse.

Nitrogen in water is a combination of nitrite (NO₂-) and nitrate (NO₃-).

The Provincial Water Quality Objective for nitrogen is 10 mg/L (Table X).

2.3.3 Chloride

Chloride in watercourses often comes from winter maintenance activities which use salt. Once on roads, chlorides are easily washing into nearby ditches and make their way into larger rivers and lakes. Chlorides do not adhere to other minerals and therefore levels are often high in shallow waterbodies. Chlorides can be toxic to aquatic organisms.

The Canadian Water Quality Guidelines for chloride is 120 mg/L (Table X).

2.3.4 Total Suspended Solids (TSS)

Total suspended solids are a measure of the number of suspended particles in the water; it is often related to turbidity (i.e., cloudiness). Turbidity can exist naturally through erosion and watercourse flow or be impacted by human-made sources such as stormwater runoff and increased erosion from development or agriculture. If total suspended solids are high, sunlight may not reach the lower depths of a watercourse, making it difficult for plants and algae to grow.

Additionally, organics and metals often adhere to suspended solids, making them available for aquatic organisms to consume.

Canadian Water Quality Guidelines notes the maximum increase of TSS should be no more than 30 mg/L from background levels.

2.3.5 E. coli

Escherichia coli (*E. coli*) are a group of bacteria often found in the digestive systems of warmblooded animals. They are commonly used to indicate the presence of fecal contamination as they are not naturally found in aquatic ecosystems (i.e., plants or in soils). These bacteria can cause stomach illness and potentially more serious health problems if consumed.

Provincial Water Quality Objectives suggest that water is safe for swimming when levels are less than 100 colony-forming units (CFU) / 100mL.

Since *E. coli* cannot survive long on their own, monthly surface water samples need to be reviewed alongside other parameters.

2.3.6 Benthic Macroinvertebrates

The term benthic macroinvertebrates refer to watercourse bottom-dwelling organisms such as insects, crustaceans, worms, and mollusks. These creatures serve as excellent indicators of water quality because of their tolerance to pollution. The presence and abundance of different species helps us understand water quality and overall watershed health.

Benthic macroinvertebrates can also serve as an excellent indicator for the health of other aquatic organisms, such as fish populations.

3.0 South Saugeen River

The South Saugeen River sub-watershed covers has a drainage area of 798 km². This subwatershed is through primarily agricultural land and includes watercourses such as Carrick, Meux, Bell's, and Fairbanks Creeks. The South Saugeen River ultimately flows into the Main Saugeen River, south of Hanover.

There are three samples sites within this sub-watershed (Figure X). These sites are a combination of PWQMN (Q10, and Q14) and SVCA's internal monitoring program (S13).

Precipitation data used for analysis was collected from SVCA's Mount Forest stream gauge station. Precipitation data for 2019 was not included.





3.1 Results

3.1.1 Surface Water – 2022 Results

In 2022, most parameters within this sub-watershed were below water quality objectives, except for phosphorus (Figure X) and *E. coli* (Figure X). Phosphorus and *E. coli* showed most change during the summer months and exceeded water quality objectives 25% of the time.

There were no exceedances for nitrogen, chloride, and total suspended solids in 2022.



Figure 2: Total phosphorus (mg/L) concentrations for sampling locations within the South Saugeen River sub-watershed in 2022. PWQO= 0.03 mg/L.



Figure 3: Nitrogen: nitrite- nitrate (mg/L) concentrations for sampling locations within the South Saugeen River sub-watershed in 2022. PWQO= 10 mg/L.



Figure 4: Chloride concentrations (mg/L) for all sampling locations within the South Saugeen River sub-watershed in 2022. CWQG= 120 mg/L.



Figure 5: Total suspended solids concentrations (mg/L) for sampling locations within the South Saugeen River sub-watershed in 2022. CWQG = 30 mg/L.



Figure 6: E. coli concentrations for sampling locations within the South Saugeen River subwatershed in 2022. PWQO= 100 cfu/100mL

3.1.2 Surface Water - Long-term Results

Long-term findings within the South Saugeen River sub-watershed are similar to 2022 findings. Most parameters are generally well below water quality objectives, except for *E. coli* with 22% of sample results above. Phosphorus and total suspended solids also recorded a few exceedances (phosphorus – 5% and total suspended solids – 3% of samples)

There were no nitrogen or chloride exceedances between 2002 and 2022.

Precipitation • Q10 • Q14 • S13 0.06 1400 1200 0.05 C Phosphorus (mg/L) mm (1000 0.04 Precipitation 008 0 0.03 0 0.02 400 Annual Total • ó 0.01 200 0 0 2001 2003 2005 2007 2009 2013 2015 2017 2019 2021 2023 2011 Year

Appendix D: This document is a draft only and is not intended for distribution. Data review and analysis is still on-going.

Figure 7:. Annual average phosphorus concentrations (mg/L) for sampling locations within the South Saugeen River sub- watershed from 2002 to 2022. SVCA internal sampling program began at S13 in 2012, no prior data available. PWQO= 0.03 mg/L.



Figure 8: Annual average nitrogen: nitrate-nitrite concentrations (mg/L) for sampling locations within the South Saugeen River sub-watershed from 2002 to 2022. SVCA internal sampling program began at S13 in 2012, no prior data available. PWQO= 10 mg/L.



Figure 9: Annual average chloride concentrations (mg/L) for sampling locations within the South Saugeen River sub-watershed from 2002 to 2022. SVCA internal sampling program began at S13 in 2012, no prior data available. CWQG = 120 mg/L.



Figure 10: Total suspended solids concentrations (mg/L) for sampling locations within the South Saugeen River sub-watershed from 2002 to 2022. Analysis of TSS began in 2012, no prior data available. CWQG= 30 mg/L.

for distribution. Data review and analysis is still on-going. Precipitation • Q10 • Q14 • S13 1200 600 0 500 1000 800 400

Appendix D: This document is a draft only and is not intended



Figure 11:. Annual average E. coli concentrations for all three sampling locations within the South Saugeen River sub-watershed from 2002 to 2022. No data prior to 2012 available. PWQO = 100 cfu/100mL.

Sample of historical data for one SVCA station:

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	11:50:00	16.27	12.82	517	1.22	11	2	58 251 47 241	524		5 I.1	25	1.15	1.52	1.52	8.892
	15:28:88	28.55	11.44	547	1.42	42	2	4 223	515		5 5.6	55			1	1.125
	13:00:00	16.45	8.52	591	1.24	24	2	57 25	54		1.3	31	1.16	1.15	1.05	1.125
	12:55:00	18.55	18.51	548	1.21	22	2	55 255 55 255	542		s 9.6 s 12	33	1.15	i 1.82	1.82	1.122
	12:58:88	11.54	18.68	475	8.91	11		 52 28	475		5 1.7	15	1.19	1.11	1.51	1.115
	13:00:00	15.25	5.24	545	1.47	33	5	52 255	584		5 5.1	16	1.19	1.11	1.51	1.125
	13:58:88	15.15	3.74	518	1.43		2	57 255	595		. I.I	26	1.13	1.11	1.33	1.11
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	1:15:11	16.86	3.66	431	1.21	524	33	97 223 L4 253	457		1 1.1 5 1.5	1	1.19	1.13	1.13	1.163
	83:28:88	15.15	5.75	551	8.85	72		45 27	585		5 5.5	21	1.13	1.15	1.15	1.121
	11:51:11	1.67	12.85	596	8.27			35 275	596		5 5.6	14	1.15	1.11	1.82	1.111
	13:12:00	5.1	25.1		1.15	2	15	21 24	415		5 3.0 5 3	17	1.13	1.21	1.31	1.145
	14:55:88	16.51	17.85	528	1.51	115		 ei 263	52	1.3	5 9	22	1.13	1.26	1.25	1.113
	12:18:88	16.78	1	512	8.12	44		52 25			5 1. 1	11	1.15	1.11	1.55	1.121
	11:55:88	21.14	11.16	554	1.12	155	2	44 24	547			34	1.19	1.15	1.15	1.113
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	14:58:88	11.14	11.4	515	1.21			 95 255	587	·		11	1.19	1.55	1.55	1.121
	14:44:88	14	5.85	514	1.44	25		45 24	514			25	1.1	1.37	1.57	1.113
	12:58:88	11.1	1	598	1.0			41 22	54	1.3		36	1.19	1.25	1.25	1.113
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	15:57:88	1.1	11.54	455.1		28		 26 29	421	1.1	5	12	1.13	1.1	1.1	1.125
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	14:25:88	21.5	1.54	587				58 22	451	1.3		27	1.0	1.83	1.12	1.133
	14:85:88	28.6	1.55	525		24	•	 45 251	524		5 5	25	1.14	1.11	1.15	1.131
	12:58:88	4.1	15.61	445.5	1.43	2		 15 225	451	1.3		15	1.13	1.11	1.11	1.113
	14:55:88	15.1	18.52		1.64	22		 45 24	475	L. 1.3	, ,	14	1.19	1.16	1.35	1.115
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	13:46:88	14.2	18.61	445	1.0	•	2	47 235	582		1	17	1.13	1.13	1.15	1.133
	12:11:00		1.44	548	1.54	178		45 246 42 244	585		1	22		1.1	1.10	1.145
	11:16:88	15.6	18.54	545	8.62			 .5 29	585		s 11	31	1.19	1.11	1.51	1.125
	12:45:88	1	1	1	1	21	2	45 25	547			27	1.13	1.10	1.10	1.112
	11:25:00	3.6	11.51	595	1.75	1		46 269	596		5 11	25	1.19	1.11	1.81	1.11
	12:54:88	7	11.55	517		2		42 245	515	1.3	5 11	11	1.13	1.6	1.5	1.114
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	12:25:88	7.7	11.15	552	1.0	11		19 25	566		5 15	34	1.13	1.45	1.45	1.10
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Français

Conservation Authorities Act

ONTARIO REGULATION 686/21 MANDATORY PROGRAMS AND SERVICES

Consolidation Period: From January 1, 2023 to the e-Laws currency date.

Last amendment: 594/22.

Legislative History: 686/21, 594/22.

This is the English version of a bilingual regulation.

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RISK OF NATURAL HAZARDS

Risk of certain natural hazards

1. (1) An authority shall provide the programs and services set out in sections 2 to 8 related to the following types of natural hazards:

- 1. Dynamic beach hazard.
- 2. Erosion hazard.
- 3. Flooding hazard.
- 4. Hazardous lands.
- 5. Hazardous sites.
- 6. Low water or drought conditions.
- (2) The authority shall design the programs and services referred to in subsection (1) to achieve the following objectives:
- 1. Developing an awareness of the areas that are important for the management of the natural hazards referred to in subsection (1) that are within the authority's area of jurisdiction, including,
 - i. wetlands,
 - ii. river or stream valleys,

- iii. areas that are adjacent to or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, and
- iv. unstable soils or bedrock.
- 2. Understanding the risks related to natural hazards referred to in subsection (1), including how these risks may be affected by climate change.
- 3. Managing the risks related to natural hazards referred to in subsection (1), including preventing or mitigating those risks.
- 4. Promoting public awareness of the risks related to natural hazards described in subsection (1).

(3) Where the authority considers it advisable to help ensure it complies with its obligation to provide the programs and services described in sections 2 to 8, the authority shall, to the extent it considers appropriate, ensure those programs and services include the following components:

- 1. The collection, provision and management of information enabling the authority to,
 - i. delineate and map areas of natural hazards within its area of jurisdiction,
 - ii. study surface water hydrology and hydraulics, including surface water flows and levels, and the related interactions between surface and ground water,
 - iii. study stream morphology,
 - iv. study the potential effects of climate change on natural hazards, and
 - v. study the management of natural hazards.
- 2. The development of plans and policies that will support the delivery of those programs and services.
- 3. Public awareness, education and outreach components related to the risk of natural hazards within the authority's area of jurisdiction.
- 4. Consultation on the development and provision of those programs and services.

(4) In this section, "dynamic beach hazard", "erosion hazard", "flooding hazard", "hazardous sites", "hazardous lands" and "wetland" have the same meaning as in the Provincial Policy Statement, 2020 issued under section 3 of the *Planning Act*.

Flood forecasting and warning

2. (1) An authority shall provide programs and services to support its functions and responsibilities related to flood forecasting and warning as set out in subsection (2).

(2) The authority's functions and responsibilities with respect to flood forecasting and warning mentioned in subsection (1) are the following:

- 1. Maintaining information on surface water hydrology and the areas within the authority's area of jurisdiction that are vulnerable to flooding events.
- 2. Developing operating procedures for flood forecasting and warning, including flood contingency procedures to ensure continuity of an authority's operations in respect of flood forecasting and warning.
- 3. Maintaining a stream flow monitoring network that, at a minimum, includes stream flow gauges available as part of the provincial-federal hydrometric network and, where the authority considers it advisable, includes additional local stream flow gauges.
- 4. Monitoring of weather and climate information, snow surveys and observed water levels and flows utilizing local, provincial and federal data sources.
- 5. Analysis of local surface water hydrologic conditions related to flood potential and risk, including flood forecasting, to understand and quantify the response and potential impacts within watersheds to specific events and conditions.
- 6. Communications to inform persons and bodies that the authority considers advisable of the potential or actual impact of flood events in a timely manner.
- 7. Provision of ongoing information and advice to persons and bodies mentioned in paragraph 6 to support,
 - i. emergency and flood operations during a flood event, and
 - ii. documentation of flood events.

Drought or low water response

3. (1) An authority shall provide programs and services to support its functions and responsibilities to facilitate drought and low water forecasting and warning as set out in subsection (2). O. Reg. 686/21, s. 3 (1).

(2) The authority's functions and responsibilities with respect to drought and low water forecasting and warning mentioned in subsection (1) are the following:

- 1. Maintaining information on surface water hydrology and the areas within the authority's area of jurisdiction that are vulnerable to drought or low water events.
- 2. Maintaining a stream flow monitoring network that, at a minimum, includes stream flow gauges available as part of the provincial-federal hydrometric network and, where the authority considers it advisable, includes additional local stream flow gauges.
- 3. Monitoring of weather and climate information, snow surveys and water levels and flows utilizing local, provincial and federal data sources.
- 4. Analysis of local surface water hydrologic conditions related to risk of drought and low water events.
- 5. Gathering information to determine when low water levels exist within the authority's area of jurisdiction and initiating and maintaining the appropriate response to confirmed low water levels in accordance with the document entitled Ontario Low Water Response, dated March 2010, and available on request from the Ministry of Natural Resources and Forestry, as amended from time to time.
- 6. Communications to inform persons or bodies that the authority considers advisable of the potential or actual impact of drought and low water events in a timely manner.
- 7. Provision of ongoing information and advice to persons and bodies mentioned in paragraph 6 to support,
 - i. emergency and drought or low water activities during a drought or low water event, and
 - ii. documentation of drought and low water events. O. Reg. 686/21, s. 3 (2); O. Reg. 594/22, s. 1.

Ice management

4. (1) An authority shall provide programs and services for ice management within its area of jurisdiction, if the authority determines that ice management is necessary to reduce the risks associated with natural hazards referred to in subsection 1 (1).

(2) Programs or services provided under subsection (1) shall include the development and implementation of an ice management plan on or before December 31, 2024 that identifies,

- (a) how ice within the authority's area of jurisdiction may increase the risk of natural hazards; and
- (b) the steps that are necessary to mitigate these risks, including identifying equipment and resources needed to carry out these steps.

(3) An authority may update the ice management plan referred to in subsection (2) from time to time as the authority considers it advisable.

Infrastructure

5. (1) Subject to subsection (3), an authority shall provide programs and services that support the operation, maintenance, repair and decommissioning of the following types of infrastructure the authority owns or manages:

- 1. Any water control infrastructure, the purpose of which is to mitigate risks to life and damage to property resulting from flooding or to assist in flow augmentation.
- 2. Any erosion control infrastructure.
- (2) Programs or services provided under subsection (1) shall include the following components:
- 1. The development and implementation of an operational plan on or before December 31, 2024.
- 2. The development and implementation of an asset management plan on or before December 31, 2024.
- 3. The undertaking of any technical or engineering studies necessary to ensure the proper operation and maintenance of the infrastructure to which the program or service applies.

(3) If an authority enters into an agreement with an owner of infrastructure mentioned in paragraph 1 or 2 of subsection (1) to manage the infrastructure on the owner's behalf, the authority shall provide the programs and services to operate, maintain, repair and decommission the infrastructure only in accordance with its obligations under the agreement.

(4) An authority may update the plans mentioned in paragraphs 1 and 2 of subsection (2), from time to time, as the authority considers it advisable.

Comment re applications, proposals

6. (1) An authority shall provide programs and services to enable the authority to review proposals made under an Act mentioned in subsection (2) for the purpose of commenting on the risks related to natural hazards arising from the proposal where the authority considers it advisable.

- (2) The Acts referred to in subsection (1) are the following:
- 1. The Aggregate Resources Act.
- 2. The Drainage Act.
- 3. The Environmental Assessment Act.
- 4. The Niagara Escarpment Planning and Development Act.

Plan review, comments

7. (1) An authority shall provide programs and services to ensure the authority satisfies the functions and responsibilities set out in subsection (2), whether acting on behalf of the Ministry of Natural Resources and Forestry or in its capacity as a public body under the *Planning Act*, for the purposes of helping to ensure that the decisions under that Act are,

- (a) consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act*, but not including those policies related to hazardous forest types for wildland fire; and
- (b) where applicable, conform with any natural hazards policies included in a provincial plan as defined in section 1 of the *Planning Act*, but not including those policies related to hazardous forest types for wildland fire. O. Reg. 686/21, s. 7 (1); O. Reg. 594/22, s. 1.
- (2) The functions and responsibilities mentioned in subsection (1) are the following:
- 1. Reviewing applications or other matters under the *Planning Act* and, where the authority considers it advisable, providing comments, technical support or information to the responsible planning authority under that Act for the purposes set out in subsection (1).
- 2. When requested to by the Ministry of Municipal Affairs and Housing, providing comments directly to the Ministry within the timeframes requested by the Ministry on applications or other matters under the *Planning Act*.
- 3. When requested to by a municipality or planning board, providing advice, technical support, training and any information the municipality or planning board requires for the purposes set out in subsection (1).
- 4. Apprising the Ministry of Municipal Affairs and Housing of any applications or matters under the *Planning Act* where the authority is of the opinion that there is an application or other matter that should be brought to the attention of the Government of Ontario.
- 5. Providing technical input into and participating in provincial review of applications for approval of a "Special Policy Area" within the meaning of the Provincial Policy Statement, 2020 issued under section 3 of the *Planning Act*.
- 6. When requested to by the Ministry of Municipal Affairs and Housing, providing support to the Ministry in appeals on applications or other matters under the *Planning Act* on behalf of the Province at the Ontario Land Tribunal for the purposes set out in subsection (1).
- 7. Undertaking an appeal to the Ontario Land Tribunal of a decision under the *Planning Act* as a public body in accordance with that Act if,
 - i. the appeal relates to a purpose described in subsection (1), and
 - ii. the authority considers it advisable. O. Reg. 686/21, s. 7 (2).

Administering and enforcing the Act

8. An authority shall provide programs and services to ensure that the authority carries out its duties, functions and responsibilities to administer and enforce the following:

- 1. Section 28 of the Act.
- 2. The regulations made by the authority under section 28 of the Act.
- 3. Section 28.0.1 of the Act.
- 4. Section 30.1 of the Act.

Note: On the day subsection 15 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 8 of the Regulation is revoked and the following substituted: (See: O. Reg. 686/21, s. 16)

Administering and enforcing the Act

8. An authority shall provide programs and services to ensure that the authority satisfies its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts. O. Reg. 686/21, s. 16.

CONSERVATION AND MANAGEMENT OF LANDS

Required components

9. (1) Programs and services provided by an authority with respect to the conservation and management of lands under subparagraph 1 ii of subsection 21.1 (1) of the Act shall include the following:

- 1. A conservation area strategy, prepared on or before December 31, 2024 for all lands owned or controlled by the authority, including any interests in land registered on title, that meets the requirements set out in section 10.
- 2. Where the authority considers it advisable to achieve the objectives referred to in paragraph 1 of subsection 10 (1),
 - i. programs and services to secure the authority's interests in its lands that include measures for fencing, signage, patrolling and any other measures to prevent unlawful entry on the authority's land and to protect the authority from exposure to liability under the *Occupiers' Liability Act*,
 - ii. programs and services to maintain any facilities, trails or other amenities that support public access and recreational activities in conservation areas and that can be provided without the direct support or supervision of staff employed by the authority or by another person or body,
 - iii. programs and services to enable the authority, in its capacity as an owner of land, to make applications or comment on matters under the *Planning Act*,
 - iv. programs and services to conserve, protect, rehabilitate, establish, and manage natural heritage located within the lands owned or controlled by the authority,
 - v. programs and services to plant trees on lands owned or controlled by the authority, excluding commercial logging, and
 - vi. the development of one or more policies governing land acquisitions and land dispositions.
- 3. A land inventory, prepared on or before December 31, 2024, that meets the requirements set out in section 11.
- 4. Programs and services to ensure that the authority carries out its duties, functions and responsibilities to administer regulations made under section 29 of the Act.

(2) For greater certainty, programs and services with respect to the conservation and management of lands under subparagraph 1 ii of subsection 21.1 (1) of the Act do not apply to any lands where the authority has no legal interest in the lands registered on title and the authority has entered into an agreement with another person or body to manage the lands on the person's or body's behalf.

Conservation area strategy

10. (1) A conservation area strategy referred to in paragraph 1 of subsection 9 (1) shall include the following components:

- 1. Objectives established by the authority that will inform the authority's decision-making related to the lands it owns and controls, including decisions related to policies governing the acquisition and disposition of such lands.
- 2. Identification of the mandatory and non-mandatory programs and services that are provided on land owned and controlled by the authority, including the sources of financing for these programs and services.
- 3. Where the authority considers it advisable to achieve the objectives referred to in paragraph 1, an assessment of how the lands owned and controlled by the authority may,
 - i. augment any natural heritage located within the authority's area of jurisdiction, and
 - ii. integrate with other provincially or municipally owned lands or other publicly accessible lands and trails within the authority's area of jurisdiction.
- 4. The establishment of land use categories for the purpose of classifying lands in the land inventory described in section 11 based on the types of activities that are engaged in on each parcel of land or other matters of significance related to the parcel.
- 5. A process for the periodic review and updating of the conservation area strategy by the authority, including procedures to ensure stakeholders and the public are consulted during the review and update process.

(2) The authority shall ensure stakeholders and the public are consulted during the preparation of the conservation area strategy in a manner that the authority considers advisable.

(3) The authority shall ensure that the conservation area strategy is made public on the authority's website, or by such other means as the authority considers advisable.

Land inventory

11. (1) The land inventory referred to in paragraph 3 of subsection 9 (1) shall include the following information for every parcel of land the authority owns or controls:

- 1. The location of the parcel.
- 2. The identification of any information the authority has in its possession in respect of the parcel, including any surveys, site plans or other maps.
- 3. When the authority acquired the parcel.
- 4. Whether the parcel was acquired using a grant made under section 39 of the Act.
- 5. Whether the parcel was acquired through an expropriation.
- 6. Whether the authority owns the parcel or has a registered legal interest in the parcel, including an easement.
- 7. Identification of the land use categories mentioned in paragraph 4 of subsection 10 (1) that apply to the parcel.
- 8. For the purpose of ensuring a program or service is not included as a mandatory program or service under subparagraph 2 ii or v of subsection 9 (1), identification of whether,
 - i. a recreational activity is provided on the parcel that requires the direct support or supervision of staff employed by the authority or by another person or body, or
 - ii. commercial logging is carried out on the parcel.
- 9. Whether or not the parcel or a portion of the parcel is suitable for the purposes of housing and housing infrastructure development, including identifying,
 - i. any applicable zoning by-law passed under section 34 or 38 of the Planning Act or any predecessor of them,
 - ii. if the parcel or a portion of the parcel augments any natural heritage located within the authority's area of jurisdiction, and
 - iii. if the parcel or a portion of the parcel integrates with other provincially or municipally owned lands or other publicly accessible lands and trails within the authority's area of jurisdiction. O. Reg. 686/21, s. 11 (1); O. Reg. 594/22, s. 2.

(2) The land inventory shall include a process for the periodic review and updating of the inventory by the authority. O. Reg. 686/21, s. 11 (2).

OTHER PROGRAMS AND SERVICES

Required components

12. (1) An authority shall provide the following programs and services in accordance with paragraph 2 of subsection 21.1 (1) of the Act:

- 1. Programs and services to support the authority's functions and responsibilities related to the implementation and enhancement of the provincial groundwater monitoring program in accordance with subsection (2).
- 2. Programs and services to support the authority's functions and responsibilities related to the implementation and enhancement of the provincial stream monitoring program in accordance with subsection (3).
- 3. Programs and services to support the authority's functions and responsibilities related to the development and implementation of a watershed-based resource management strategy on or before December 31, 2024, in accordance with subsection (4).

(2) The authority shall perform the following functions and responsibilities with respect to supporting the implementation and enhancement of the Ministry's provincial groundwater monitoring program mentioned in paragraph 1 of subsection (1):

- 1. Collecting groundwater samples from wells that are part of the groundwater monitoring program.
- 2. Submitting samples and associated site information to a laboratory approved by the Ministry for analysis of parameters required by the groundwater monitoring program.
- 3. Collecting in-field groundwater data and in-field weather data for submission to the Ministry from sites that are part of the groundwater monitoring program.
- 4. Assessing and maintaining groundwater monitoring program sites and wells for safety and access.
- 5. Complying with the Ministry's procedures if a sample exceeds a drinking water quality standard set out in Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards) made under the *Safe Drinking Water Act, 2002*.

- 6. Deploying, removing, operating, calibrating and maintaining all equipment provided by the Ministry for the authority's use when carrying out its functions and responsibilities under the groundwater monitoring program.
- 7. Carrying out administrative support for the process of procuring groundwater monitoring program equipment, equipment repair services, well construction services and well decommissioning services.
- 8. Cost sharing, with the Ministry, the construction or decommissioning of wells that are part of the groundwater monitoring program.
- 9. Where a groundwater monitoring well that is part of the groundwater monitoring program is to be located on property not owned by the authority, establishing and maintaining an agreement with the owner of the property to ensure the authority has access to the well.
- 10. Participating in meetings or training scheduled by the Ministry related to the groundwater monitoring program.

(3) The authority shall satisfy the following functions and responsibilities with respect to supporting the implementation and enhancement of the provincial stream monitoring program mentioned in paragraph 2 of subsection (1):

- 1. Collecting stream samples from sampling sites that are part of the stream monitoring program.
- 2. Submitting samples and associated site information to a laboratory approved by the Ministry for analysis of parameters required by the stream monitoring program.
- 3. Collecting in-field stream water data for submission to the Ministry from sites that are part of the stream monitoring program.
- 4. Assessing and maintaining stream monitoring program sites for safety and access.
- 5. Deploying, removing, operating, calibrating and maintaining all equipment provided by the Ministry for the authority's use when carrying out its functions and responsibilities under the stream monitoring program.
- 6. Participating in meetings or training scheduled by the Ministry related to the stream monitoring program.

(4) The watershed-based resource management strategy referred to in paragraph 3 of subsection (1) shall include the following components:

- 1. Guiding principles and objectives that inform the design and delivery of the programs and services that the authority is required to provide under section 21.1 of the Act.
- 2. A summary of existing technical studies, monitoring programs and other information on the natural resources the authority relies on within its area of jurisdiction or in specific watersheds that directly informs and supports the delivery of programs and services under section 21.1 of the Act.
- 3. A review of the authority's programs and services provided under section 21.1 of the Act for the purposes of,
 - i. determining if the programs and services comply with the regulations made under clause 40 (1) (b) of the Act,
 - ii. identifying and analyzing issues and risks that limit the effectiveness of the delivery of these programs and services, and
 - iii. identifying actions to address the issues and mitigate the risks identified by the review, and providing a cost estimate for the implementation of those actions.
- 4. A process for the periodic review and updating of the watershed-based resource management strategy by the authority that includes procedures to ensure stakeholders and the public are consulted during the review and update process.

(5) Subject to subsections (6) and (7), a watershed-based resource management strategy may include programs and services provided by the authority under sections 21.1.1 and 21.1.2 of the Act.

(6) If, in respect of programs and services the authority provides under subsection 21.1.1 (1) of the Act, a memorandum of understanding or other agreement is required, a watershed-based resource management strategy may not include those programs and services unless the memorandum of understanding or other agreement includes provisions that those programs and services be included in the strategy.

(7) If, in respect of programs and services the authority provides under subsection 21.1.2 (1) of the Act, an agreement is required under subsection 21.1.2 (2), a watershed-based resource management strategy may not include those programs and services unless the agreement includes provisions that those programs and services be included in the strategy.

(8) The authority shall ensure stakeholders and the public are consulted during the preparation of the watershed-based resource management strategy in a manner that the authority considers advisable.

(9) The authority shall ensure that the watershed-based resource management strategy is made public on the authority's website, or by such other means as the authority considers advisable.

SOURCE PROTECTION AUTHORITY UNDER THE CLEAN WATER ACT, 2006

Required components

13. (1) An authority shall provide the following programs and services under subparagraph 1 iii of subsection 21.1 (1) of the Act:

- 1. Programs and services to ensure the authority carries out its duties, functions and responsibilities as a source protection authority under the provisions of the *Clean Water Act, 2006*, other than any duties, functions or responsibilities of the authority under Part IV of that Act where the authority has entered into a delegation agreement with a municipality to administer that Part, including the duties set out in subsection (2).
- 2. Programs and services set out in subsection (3) intended to support the authority's ability to carry out its duties, functions and responsibilities under paragraph 1 of this subsection.
- (2) The duties, functions and responsibilities referred to in paragraph 1 of subsection (1) are the following:
- 1. The operation of the source protection committee that has been established for the authority's area or region under the *Clean Water Act*, 2006.
- 2. If the authority has been consolidated into a drinking water source protection region established by the Minister under section 6 of that Act, fulfilling its obligations under the agreement referred to in that section.
- 3. The preparation of amendments to source protection plans in accordance with section 34 or 35 of that Act, as the case may be.
- 4. Assisting in the review of source protection plans under section 36 of that Act.
- 5. If the authority is designated in a significant threat policy in a source protection plan as being responsible for implementing the policy, fulfilling its obligation to implement the policy in accordance with section 38 of that Act.
- 6. If the authority is designated in a source protection plan as being responsible for implementing a policy governing monitoring, complying with its obligation to conduct the monitoring program in accordance with section 45 of that Act.
- 7. The preparation of annual progress reports in accordance with section 46 of that Act.
- 8. Satisfying any roles and responsibilities assigned to the authority in a source protection plan if the authority is designated by a policy in the plan as the body responsible for implementing the policy, other than those policies referred to in paragraphs 5 and 6.
- (3) The duties, functions and responsibilities referred to in paragraph 2 of subsection (1) are the following:
- 1. Responding to inquires relating to,
 - i. the Clean Water Act, 2006,
 - ii. the source protection plan that applies to the authority's source protection area, and
 - iii. any of the authority's duties, functions and responsibilities under that Act.
- 2. Conducting assessments to determine whether a source protection plan is up to date.
- 3. Assisting in the co-ordination and implementation of the source protection plan that applies to the authority's source protection area.
- 4. Where the authority considers it advisable, reviewing and commenting on any proposal made under another Act that is circulated to the authority for the purpose of determining,
 - i. whether the proposal relates to a significant drinking water threat that is governed by the plan, or
 - ii. the proposal's potential impact on any drinking water sources protected by the plan.
- (4) In this section,

"significant drinking water threat" and "significant threat policy" have the same meaning as in the Clean Water Act, 2006.

PRESCRIBED ACT

Building Code Act, 1992

14. (1) The Building Code Act, 1992 is prescribed for the purposes of subparagraph 1 iv of subsection 21.1 (1) of the Act.

(2) If, under subsection 3.1 (1) of the *Building Code Act, 1992*, an authority is prescribed responsibility in the building code for the enforcement of provisions of that Act and the building code related to sewage systems in the municipalities and territory without municipal organization prescribed in the building code, the authority shall provide programs and services to

ensure that the authority carries out its duties, functions and responsibilities to enforce those provisions and the building code in the geographic areas prescribed in the building code for that authority.

LAKE SIMCOE REGION CONSERVATION AUTHORITY

Lake Simcoe Region Conservation Authority

15. In addition to any other programs and services it is required to provide under the Act and this Regulation, the Lake Simcoe Region Conservation Authority shall provide the following programs and services in respect of its duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*:

- 1. Programs and services to ensure the authority complies with its duties under subsection 6 (9) of the *Lake Simcoe Protection Act*, 2008 in respect of the decisions the authority makes related to permissions required under this Act.
- 2. If, under section 11 of the *Lake Simcoe Protection Act, 2008*, the authority is identified in the Lake Simcoe Protection Plan as being responsible for implementing a policy governing monitoring, programs and services for the purpose of complying with that obligation.
- 3. If the authority is identified in a strategic action policy in the Lake Simcoe Protection Plan, other than Policy 6.19-SA, as a body that is responsible for leading the implementation of the policy or collaborating with other bodies to implement the policy, programs and services to ensure the authority satisfies its functions and responsibilities set out in those policies.
- 4. For the purpose of supporting the programs and services referred to in paragraphs 1 to 3, programs and services to,
 - i. respond to inquiries related to the Lake Simcoe Protection Plan and the authority's role under the Plan,
 - ii. assist in the co-ordination and implementation of the Lake Simcoe Protection Plan,
 - iii. assist in the review of the Lake Simcoe Protection Plan under section 17 of the Lake Simcoe Protection Act, 2008, and
 - iv. review and comment on proposals made under other Acts that are circulated to the authority for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.
- 16. OMITTED (PROVIDES FOR AMENDMENTS TO THIS REGULATION).
- 17. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

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Conservation Authorities Act

ONTARIO REGULATION 687/21

TRANSITION PLANS AND AGREEMENTS FOR PROGRAMS AND SERVICES UNDER SECTION 21.1.2 OF THE ACT

Consolidation Period: From January 1, 2023 to the e-Laws currency date.

Last amendment: 399/22.

Legislative History: 399/22.

This is the English version of a bilingual regulation.

Definitions

1. In this Regulation,

"cost apportioning agreement" means an agreement between an authority and one or more participating municipalities in the authority's area of jurisdiction that,

- (a) is required under subsection 21.1.2 (2) of the Act on and after the transition date, and
- (b) apportions capital costs referred to in section 25 of the Act and operating expenses referred to in section 27 of the Act that are associated with the provision of certain programs and services under section 21.1.2 of the Act to the participating municipalities; ("entente de répartition des coûts")

"inventory" means an inventory prepared by an authority of the authority's programs and services; ("inventaire")

"transition date" means the day prescribed under subsection 2 (1); ("date de transition")

"transition period" means the period that begins on the 60th day after the day this Regulation comes into force and ends on the transition date. ("période de transition")

Transition date

2. (1) January 1, 2024 is prescribed for the purposes of subsections 21.1.2 (2), 21.1.4 (1), 25 (1.1) and 27 (1.1) of the Act, as the day an authority is required to enter into one or more cost apportioning agreements with the participating municipalities.

- (2) For greater certainty, entering into a cost apportioning agreement before the transition date,
- (a) demonstrates that the transition plan required under subsection 21.1.4 (1) of the Act has been successfully implemented so as to ensure the authority's compliance with subsection 21.1.2 (2) of the Act; and
- (b) ensures that, on and after the transition date, the authority,
 - (i) is not prohibited by subsection 21.1.2 (2) of the Act from providing any program or service under section 21.1.2 of the Act that requires financing by one or more participating municipalities,
 - (ii) is not prevented by subsection 25 (1.1) of the Act from including any capital costs that are connected to a project related to a program or service under section 21.1.2 of the Act in the apportionment of capital costs of projects among the participating municipalities under section 25 of the Act, and
 - (iii) is not prevented by subsection 27 (1.1) of the Act from including any operating expenses that are related to a program or service under section 21.1.2 of the Act in the apportionment of annual operating expenses among the participating municipalities under section 27 of the Act.

Transition plans

3. Every authority shall, on or before December 31, 2021,

- (a) develop a transition plan that includes a timeline for the authority to meet the requirements for the first and second phases of the transition period, as set out in this Regulation;
- (b) send a copy of the transition plan to each participating municipality in the authority's area of jurisdiction and to the Ministry; and
- (c) publish a copy of the transition plan on the authority's website or make the transition plan available to the public by such other means as the authority considers advisable.

First and second phases of transition period requirements

4. Requirements for the first phase of the transition period must be met by February 28, 2022 and requirements for the second phase of the transition period must be met by the transition date.

First phase of transition period

- 5. (1) During the first phase of the transition period and no later than February 28, 2022, an authority shall,
- (a) prepare an inventory in accordance with paragraph 1 of subsection 21.1.4 (2) of the Act;
- (b) circulate the inventory to all the participating municipalities in the authority's area of jurisdiction and, if the authority considers it advisable, to any other municipality with which the authority has entered into, or intends to enter into, a memorandum of understanding or other agreement;
- (c) maintain a record of the municipalities referred to in clause (b) and the date upon which the inventory was circulated to each municipality; and
- (d) provide the inventory and the record prepared under clause (c) to the Ministry.

(2) The authority may make changes to the inventory after February 28, 2022 to address comments or other feedback submitted by a municipality referred to in clause (1) (b).

- (3) If changes are made to the inventory in accordance with subsection (2), the authority shall,
- (a) include the changed inventory in the next progress report required to be submitted to the Ministry under subsection 7
 (2); and
- (b) ensure that the progress report clearly describes the changes between the previous inventory and the changed inventory.

Inventory of programs and services

6. (1) An authority shall prepare an inventory to include in its transition plan in accordance with this section.

- (2) In preparing the inventory, the authority shall ensure that,
- (a) the inventory lists all the programs and services that the authority is providing as of February 28, 2022;
- (b) the inventory lists all the programs and services described in subsection (7) that the authority intends to provide after February 28, 2022; and
- (c) for each program or service listed in accordance with clause (a) or (b), the authority,
 - (i) estimates of the total annual cost of providing the program or service in the following manner and includes the estimate in the inventory:
 - (A) if the program or service has been provided by the authority for a period of five or more years, calculate the average annual cost of providing the program or service for five years,
 - (B) if the program or service has been provided by the authority for a period of less than five years, calculate the average annual cost of providing the program or service based on the period that the program was offered,
 - (C) if the program or service has not been provided by the authority but is intended to be provided after February 28, 2022, calculate the average annual cost of providing the program or service based on the authority's best assessment of what the costs will be and provide an explanation for the assessment, and
 - (D) if the authority is of the opinion that the average annual cost determined under sub-subclause (A) or (B) does not reflect the average annual cost to provide the program or service in the future, adjust the average annual cost and provide an explanation for this adjustment,
 - (ii) indicates the sources of funding available to cover the total annual cost estimated in subclause (i), including any municipal funding provided through municipal levy, provincial or federal funding, private funding or funding generated by the authority through user fees or otherwise, and
 - (iii) provides an estimate of the percentage of the total annual cost estimated in subclause (i) that each of the sources of funding referred to in subclause (ii) is expected to cover.

(3) In the inventory, the authority shall classify all of the programs and services listed under clause (2) (a) according to the following categories of programs and services:

- 1. Category 1 programs and services the mandatory programs and services provided under section 21.1 of the Act.
- 2. Category 2 programs and services the municipal programs and services provided under section 21.1.1 of the Act.
- 3. Category 3 programs and services the other programs and services provided under section 21.1.2 of the Act.

- (4) For each Category 1 program or service listed in the inventory under clause (2) (a), the authority shall,
- (a) indicate into which type of Category 1 programs and services it falls, based on the types of mandatory programs and services that are,
 - (i) described in paragraph 1 of subsection 21.1 (1) of the Act,
 - (ii) prescribed by regulation under paragraph 2 of subsection 21.1 (1) of the Act, and
 - (iii) described in subsection 21.1 (2) of the Act; and
- (b) explain why, in the authority's opinion, each Category 1 program or service falls into the specified type of mandatory programs and services and, if the authority has concerns about how to classify certain programs and services, explain those concerns.

(5) For each Category 2 program or service listed in the inventory under clause (2) (a), the authority shall include the following information:

- 1. The name of the municipality on behalf of which the program or service is provided.
- 2. The date on which the authority and the municipality entered into a memorandum of understanding or another agreement with respect to the provision of the program or service.

(6) For each Category 3 program or service listed in the inventory under clause (2) (a), the authority shall include the following information:

- 1. Whether or not the program or service was financed, in whole or in part, through municipal levies collected from participating municipalities.
- 2. Whether or not the authority intends to seek to enter into a cost apportioning agreement with one or more participating municipalities to ensure all or part of the financing of the program or service after the transition date.

(7) If an authority is aware on or before February 28, 2022 that it intends to provide a new Category 1, Category 2 or Category 3 program or service after February 28, 2022, the authority shall,

- (a) include the proposed program or service in the inventory;
- (b) in the case of a Category 2 program or service, indicate in the inventory that the authority intends to enter into a memorandum of understanding or another agreement under section 21.1.1 of the Act with the municipalities on behalf of which the program or service will be provided; and
- (c) in the case of a Category 3 program or service, indicate in the inventory whether the authority intends to seek to enter into a cost apportioning agreement with one or more participating municipalities to ensure all or part of the financing of the proposed program or service after the transition date.

Second phase of transition period

7. (1) During the second phase of the transition period and no later than the transition date, an authority shall,

- (a) consult with the participating municipalities on the inventory in accordance with paragraph 2 of subsection 21.1.4 (2) of the Act;
- (b) take the necessary steps to seek to enter into cost apportioning agreements with the participating municipalities on or before the transition date in accordance with paragraph 3 of subsection 21.1.4 (2) of the Act and section 8 of this Regulation; and
- (c) submit to the Ministry six progress reports that contain the information set out in subsection (3).
- (2) The authority shall submit the progress reports described in clause (1) (c) to the Ministry on the following dates:
- 1. July 1, 2022.
- 2. October 1, 2022.
- 3. January 1, 2023.
- 4. April 1, 2023.
- 5. July 1, 2023.
- 6. October 1, 2023.
- (3) Each progress report shall contain,
- (a) any comments or other feedback submitted by a municipality referred to in clause 5 (1) (b) regarding the inventory;

- (b) a summary of any changes that the authority has made to the inventory to address comments or other feedback referred to in clause (a), including the changed inventory and a clear description of the changes between the previous inventory and the changed inventory;
- (c) an update on the progress of negotiations of cost apportioning agreements with the participating municipalities; and
- (d) an outline of any difficulties that the authority is experiencing that might affect the ability of the authority to conclude any cost apportioning agreements with one or more participating municipalities by the transition date.

Cost apportioning agreements

8. (1) An authority may enter into a cost apportioning agreement with one or more participating municipalities and the agreement may relate to one or more programs or services provided by the authority under section 21.1.2 of the Act. O. Reg. 687/21, s. 8 (1).

(2) In accordance with paragraph 2 of subsection 21.1.2 (2) of the Act, a cost apportioning agreement must specify the termination date of the agreement and require that the agreement be reviewed by the parties to the agreement within at least six months, or such longer period as may be specified in the agreement, before the termination date, for the purpose of determining whether the agreement is to be renewed by the parties. O. Reg. 687/21, s. 8 (2).

(3) If a cost apportioning agreement provides that the agreement terminates more than five years after the agreement is entered into, the agreement must also require that the parties to the agreement review the agreement every five years while the agreement is in effect, or at such earlier intervals as may be specified in the agreement. O. Reg. 687/21, s. 8 (3).

- (4) A cost apportioning agreement must include provisions relating to,
- (a) the early termination of the agreement by any party to the agreement, including,
 - (i) how notice of early termination is to be provided by one party to the other parties, and
 - (ii) a requirement that notice of early termination is required to be given at least 30 days before the early termination date or such greater period of time before the early termination date as may be specified in the agreement; and
- (b) the resolution of disputes that may arise between the parties while the agreement is in effect, including the establishment of an alternative dispute resolution mechanism for the settling of disputes outside the court system. O. Reg. 687/21, s. 8 (4).

(4.1) If the Minister's published list under subsection 21.2 (2) of the Act lists a program or service provided by an authority under section 21.1.2 of the Act and specifies that a cost apportioning agreement may include provisions to establish a fee to be charged by an authority for the program or service, the parties to a cost apportioning agreement may permit the authority who is a party to the agreement to establish a fee for the program or service. O. Reg. 399/22, s. 1 (1).

(4.2) If the conditions under subsection (4.1) are met and the parties to a cost apportioning agreement permit the authority who is a party to the agreement to establish a fee for the program or service provided by the authority, the agreement must include provisions that,

- (a) identify the program or service provided by the authority for which the authority may establish and charge a fee; and
- (b) set out any procedures that must be followed before a fee is established by the authority, including consultations with each participating municipality that is a party to the agreement with the authority. O. Reg. 399/22, s. 1 (1).

(5) A cost apportioning agreement is not effective unless it is approved by a resolution of the municipal council of each participating municipality that is a party to the agreement. O. Reg. 687/21, s. 8 (5).

(6) REVOKED: O. Reg. 399/22, s. 1 (2).

Final submissions due at end of transition period

9. Within 30 days after the transition date, the authority shall submit to the participating municipalities and to the Ministry,

- (a) the final version of the inventory; and
- (b) confirmation that the authority has entered into all necessary cost apportioning agreements with the participating municipalities.

Extension of transition date

10. (1) For the purposes of subsections 25 (1.3) and 27 (1.3) of the Act, an authority may be granted an extension of time beyond the transition date in the following circumstances:

- 1. The authority submits a request for the extension to the Ministry on or before October 1, 2023.
- 2. The request demonstrates that additional time is required for any of the following reasons:

- i. The authority and one or more participating municipalities need time to conclude a cost apportioning agreement for a particular program or service that the authority intends to provide under section 21.1.2 of the Act after the transition date.
- ii. The authority needs more time to wind down a particular program or service that was provided by the authority under section 21.1.2 of the Act before the transition date but that will no longer be provided after the transition date.

(2) The length of the extension shall be specified in the notice given by a person designated by the Minister under subsection 25 (1.3) or 27 (1.3) of the Act.

11. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

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