

Intra-Basin Water Transfers
Municipal Sector Working Group Consultation
January 28, 2009

A consultation meeting on the *Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement* took place in York Region on January 28, 2009. The meeting with the Municipal Sector Working Group was held to discuss intra-basin water transfers as they pertain to Master Planning and the Class EA (and other approval mechanisms), and to the “related transferor”. Eleven participants representing four municipalities and one engineering consultancy attended the meeting (see Attachment 1 for the list of participants).

The goal of the meeting was to present attendees with an overview of intra-basin transfer considerations for Master Planning, the EA Act and Municipal Class EA, the Planning Act and the “related transferor” under the Agreement (refer to Attachment 2 for a copy of the meeting Agenda).

The following is a summary of participants’ general comments and questions following the presentations:

- “Terms and conditions regarding transfers” – would MOE have two different specifications? – it’s reflected already in C of A; conditions could reside with Sewer Works”
- If MOE places different Sewage Works approval conditions on Plant 1 on Lake Ontario than other plants on the lake, creates an uneven playing field
- In reference to slide 6, currently the permit numbers change when there is a modification, how will approvals be cross-referenced? Perhaps better to relate to the facility or connected approvals.
- In reference to slide 3 and 4 (“Related Transferor), are lower tiers included?
- How is MOE going to capture municipalities that may have no need for change in their PTTW? Only if change in transfer amount?
- After the PTTW issued, who has the onus to police the transfer?
- How does MOE/municipality deal with the consumptive use? Does this relate back to the PTTW holder?
- Whose responsibility is it to determine the consumptive use?
- The use of co-efficients may be the most straight forward approach for measuring consumptive use for the PTTW holder
- Is there potential to approve a permit now and amend it later when the rules are in place?
- What is the status of the technical memorandum?

Key questions to guide the discussions with participants. Although there were numerous and varied responses to key questions, some common themes emerged from the meeting. Common themes are those issues and/or recommendations for which there was general agreement amongst session participants. The key questions, themes and proceedings from the consultation meeting are summarized in Table 1 and 2 of this report.

TABLE 1: Gaps in meeting requirements involving transfers

<p>1. Are there gaps using the existing process for developing Master Plans, Class EA, Planning Act?</p>	
<p>General / Context</p>	<ul style="list-style-type: none"> ▪ Municipalities may be receptive to a required Master Plan (MP) if there is an approval at the conclusion of the process ▪ MP should identify in “broad brush” terms what are the concepts and broad servicing solutions with agreement in principle provided by MOE, therefore cannot revisit the approved terms, approaches and concepts ▪ The details of the Master Plan would be addressed in the Class EA (Phase 1 and 2) ▪ Do <u>not</u> want to go into a level of detail beyond reasonable (e.g. geotechnical studies for multiple routes and alternative options for the next 20 or 30 years), for the MP, must instead deal with higher level concepts ▪ Provide time windows (i.e., MP cover 50 years/ class EA 20 years) ▪ MP approval from MOE would be an “approval” in principle or an acknowledgement ▪ MOE should provide a letter of “acknowledgement” once they accept the broad concepts set out in the MP ▪ Have general exception criteria standards that have to be met at the MP-level, with specific detail provided in the Class EA ▪ Two part process: Part A – context (e.g. need transfer, amount, rationale, etc.) and Part B – more detail ▪ MOE would provide preliminary approval or acknowledgement of part A ▪ For those municipalities that currently complete a MP and a strategic plan, they would also be required to do a Class EA under this revised approach, which is more work with associated costs/resources ▪ Many municipalities already do a Master Servicing Plan (MSP) which is really a budgetary process ▪ MSPs are done every year in some big municipalities / every 5 years in smaller municipalities ▪ Instead of mandating MPs under the OWRA, could be “incented” by getting a Director’s acknowledgement (approval) of exception criteria for the transfer on a preliminary basis in the Master Plan
<p>Questions/Issues</p>	<ul style="list-style-type: none"> ▪ Master Plan approach may not make sense for small northern municipalities with small systems ▪ Does this discussion of possible alterations or changes to Master Plans, Class EA, etc. pertain only to transfers or to all water takings? ▪ Whose responsibility is it (PTTW holder/ receiver) for exception standards? ▪ Municipality A process for PTTW may not match municipality B process for the transfer, therefore there is an administrative, co-ordination issue ▪ If considering mandating MP’s need to talk to Municipal Engineers Association ▪ Different municipalities may be at different stages – this can be a significant challenge in the planning and approvals process ▪ Use of the MP would be suitable to large and medium sized municipalities, unlikely suitable approach for small municipalities.

TABLE 1 (Cont'd.): Gaps in meeting requirements involving transfer

2. Are there any other considerations for other processes (e.g., Planning Act)?	
Themes	<ul style="list-style-type: none"> ▪ Need to harmonize related planning/approval processes (PTTW, MP, Class EA) ▪ Establish an MOE Project team office – all review and approval staff currently residing in different departments come under one umbrella for co-ordinated review and approvals ▪ Current problem – separate departments not necessarily talking to each other and approvals done sequentially not in parallel ▪ All the infrastructure for review and approval in place at MOE, just needs to be brought together ▪ One-stop-shop would benefit both MOE and Municipalities, ensuring informed and co-ordinated review and approval process and maximization of efficiencies
General / context	<ul style="list-style-type: none"> ▪ More and more municipalities are doing a Master Environmental Servicing Plan (MESP) – this may be another option for getting “approval in principle” instead of using the MP process. ▪ Should consider amending so that the transferor owns the PTTW or is required to have a separate approval. ▪ Planning Act would <u>not</u> be an appropriate vehicle – too high level
3. What are the gaps and opportunities for “Referral for Regional Review” (over 19 mld consumptive use)?	
Themes	<ul style="list-style-type: none"> ▪ Do not make municipalities do PNC and Regional Review – should be one process ▪ Municipalities need to be aware of how to prepare for the final Regional Review by MOE ▪ Needs to be a co-ordinated and harmonized process with MOE and MNR
4. At which stage should a proposal be referred to the Review Board?	
General / Context	<ul style="list-style-type: none"> ▪ Before MOE issues an acknowledgement, MNR would check in with Review Board to determine if there are any concerns with the exception criteria ▪ Co-ordinate through the EA process
5. Are there any other gaps or concerns?	
General / Context	<ul style="list-style-type: none"> ▪ There is a lack of clarity around terminology: <ul style="list-style-type: none"> ▪ “consumptive use” ▪ What is in a Master Plan? ▪ “Water transfer” – what is included? ▪ Is there any discussion between Regional Review Board and the MOE about harmonizing?

TABLE 2: Related Transferor and the PTTW process and other approvals

1. Given the description of related transferor, who would be included and how might they be impacted?	
Themes	<ul style="list-style-type: none"> ▪ Involving multiple municipalities (transferors) could be a very large “animal” to wrap the permitting approach around
General / context	<ul style="list-style-type: none"> ▪ A lot of the conservation measures would be the purview of lower tier municipalities ▪ Consideration of some harmonization of conservation initiatives
2. Aside from using schedules in the PTTW, are there other ways of administering requirements on related transferors?	
General/Context	<ul style="list-style-type: none"> ▪ Should be a different permit (transfers only) ▪ Separate schedules and permits (i.e. if the transferor makes a change, MOE deals with the transferor <u>not</u> the permit holder and provides notification to PTTW holder of the transferor's change ▪ From an administrative point-of-view, how is the process involving multiple transferors going be managed? ▪ The returned flow discharger is another party (possibly not a water user at all) who will require a permit ▪ Major cross-referencing concern/issue for MOE for PTTW and related schedules ▪ Need co-ordination at a technical level not at a permit/requirement level
3. What guidance is needed regarding related transferor?	
Themes	<ul style="list-style-type: none"> ▪ The onus is on the MOE to be co-ordinated ▪ Difficult process – multiple players and need for co-ordination of information/records (PTTW and schedules) ▪ Large education process for municipalities will be needed ▪ Need clarification/guidance from MOE/MNR about what to do in the interim period while developing rules
Questions/Issues	<ul style="list-style-type: none"> ▪ Other part of agreement deals with consumptive use; will the municipality have to get a PTTW for the consumptive use?

LIST OF PARTICIPANTS
Municipal Sector Working Group Meeting
January 28, 2009

REPRESENTATIVE	ORGANIZATION
Michele Maitre	Regional Municipality of York
Sean Love	Regional Municipality of York
Paul May	Regional Municipality of York
Courtney Daniels	Regional Municipality of York
Stephen Fung	Regional Municipality of York
Adrian Coombs	Regional Municipality of York
Lisa Lin	Regional Municipality of York
Marcus Firman	Municipality of Collingwood
Pam Law	CH2M Hill Consulting
Andrew Farr	Region of Peel
Debbie Korolnek	Town of Bradford West Gwillimbury

**Intra-Basin Water Transfers
Municipal Sector Working Group Consultation**

Date: January 28, 2009

Location: Office of Regional Municipality of York
100 Garfield Wright Boulevard
Sharon, Ontario
2nd floor training room
Please sign in at reception.
Map attached

Please bring your binders from the last meeting to insert additional materials

AGENDA

- 9:30 AM Arrival and registration (continental breakfast provided)
- 10:00 AM Welcoming remarks and introductions
Review of session agenda and format for the day – comments and questions
- 10:15 AM Presentation on Master Planning, MEA Class EA
Exploration and discussion – key questions
- 12:00 PM Lunch (provided)
- 12:45 PM Presentation on Related Transferor
Terms and Conditions
Exploration and discussion – key questions
- 2:00 PM Group discussion
Topics for the next meeting
- 2:30 PM Wrap-up and next steps