

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number WWW2018-007**

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**Date:** March 06, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 8

**Subject:** Region of Durham and City of Kawartha Lakes Enforcement Responsibility Agreement for Source Water Protection

**Author Name and Title:** Kayla Strackholder, Contract Coordinator

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### **Recommendation(s):**

**RESOLVED THAT** Report **WWW2018-007, Region of Durham and City of Kawartha Lakes Enforcement Responsibility Agreement for Source Water Protection**, in Connection with the Mariposa Estates Municipal Drinking Water System, be received;

**THAT** the agreement between the Corporation of the City of Kawartha Lakes and the Regional Municipality of Durham for Enforcement Responsibility Agreement attached as Appendix A to Report WWW2018-007 be approved; and

**THAT** the Mayor and City Clerk be authorized to execute any documents and agreements required by the approval of this agreement.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The Mariposa Drinking Water System (Mariposa DWS) is designated as a small residential drinking water system pursuant to the *Clean Water Act, 2006*, (the “Act”) which is overseen by the Ministry of Environment and Climate Change (MOECC). The system services the Mariposa Estates subdivision and is located within the southwestern section of the City of Kawartha Lakes (CKL). This system is to not be confused with Mariposa Creek Estates which is a privately operated trailer park within the City. The Mariposa Estates treatment system comprises of two (2) groundwater wells, a small pump house and a treatment facility.

The Source Protection Plan for the Trent Conservation Coalition Source Protection Region was approved by the MOECC effective January 1, 2015. This plan encompasses the majority of Drinking Water Systems within the CKL, including the Mariposa DWS. The plan sets out policies to protect the water sources that supply municipal drinking water systems. These approaches include the development of risk management plans, education and outreach, land use planning and monitoring. This involves identifying vulnerable areas delineated around groundwater wells, described as wellhead protection areas (WHPA). The WHPA for the Mariposa Estates municipal drinking water wells extends into the Regional Municipality of Durham (Durham Region) and significant drinking water threats have been identified within that portion.

The creation of this agreement was a collaborative effort between the City of Kawartha Lakes (the City), Durham Region and the Kawartha Region Conservation Authority (KRCA). The purpose of the agreement is to clarify the roles and responsibilities of all parties involved, to mitigate possible risks to drinking water sources and comply with drinking water source protection policies. Under the Act, it is the responsibility of the drinking water provider to implement the source protection program regardless of municipal boundaries. The proposed Agreement allows the City to assume specific Part IV enforcement activities under the Act for the portion of the WHPA outside the municipal boundary.

The delegation of responsibilities in the Enforcement Responsibility Agreement includes: the Act requirements, responsibilities, costs, insurance, the appointment of Risk Management Officials and Risk Management Inspectors.

## **Rationale:**

Staff recommends that the Mayor and Clerk be authorized to execute the agreement substantially in the form as attached as Appendix A “Mariposa Estates Enforcement Responsibility Agreement” for the Mariposa Estates Drinking Water System. The Agreement is necessary in order to implement Source Protection Plans in this area. Durham Region has already obtained authorization from their Council to enter into an agreement with the City for

delegation of Source Water Protection responsibilities. The Council Report from Durham Region is attached as Appendix B to this report. The proposed agreement has been reviewed and deemed acceptable by the City's Solicitor.

The WHPA that extends from Mariposa estates into Durham Region has been identified to contain significant drinking water threats. Enforcing responsibility between the municipalities ensures the City is complying with source water protection policies to protect the community of Mariposa Estates' water quality and helps to manage risk associated with land use activities. The City currently has a contract with Kawartha Conservation to perform the duties and responsibilities of the Risk Management Official (RMO) for all of the City's municipal drinking water systems. With an executed agreement between CKL and Durham Region, the RMO will be able to exercise their powers to manage potential drinking water threats within the wellhead protection area.

### **Other Alternatives Considered:**

There are no other alternatives in order to maintain compliance with the Act.

### **Financial/Operation Impacts:**

There are no additional financial impacts for the City resulting from execution of this agreement. Any associated costs for enforcement by the Risk Management Official are covered through the Agreement between KRCA and the City and are included in the User Rate Annual Operating Budget. The agreement includes a section on financial requirements and is in accordance with the Act. The agreement clarifies the obligations and responsibilities of each party in regards to indemnity and expenses.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

This agreement is consistent with Council's Adopted Strategic Plan in that it contributes to the following goals:

- Goal 2 – An Exceptional Quality of Life; Implementing Source Water Protection Plans helps to support the delivery of safe drinking water that is essential for the quality of life of residents and visitors.
- Goal 3 – A Healthy Environment; Risk management is essential to providing a healthy and a clean environment.

### **Consultations:**

City Solicitor, Legal Services  
Director, Public Works  
Manager, Environmental Services

Supervisor, Water & Wastewater Operations  
The Regional Municipality of Durham  
Kawartha Conservation

## **Attachments:**

Appendix A – Mariposa Estates Enforcement Responsibility Agreement



Mariposa Estates-  
Enforcement Responsi

Appendix B – The Regional Municipality of Durham - Council Report



The Regional  
Municipality of Durham

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**Department Head: Bryan Robinson**