

February 25, 2022

Conservation and Source Protection Branch  
40 St. Clair Ave W., 14th Floor  
Toronto, ON, M4V 1M2

Submitted through the E.R.O.

**RE: Kawartha Region Conservation Authority's Comments on ERO #019-4610 – Regulatory Proposals (Phase 2) under the *Conservation Authorities Act***

We appreciate the opportunity to provide comment on the Ministry of Environment, Conservation and Parks Phase 2 Regulatory and Policy Proposal Consultation Guide. The comments below are reflective of Kawartha Conservation's Board of Directors perspectives on the consultation guide, approved at their meeting of February 24<sup>th</sup>, 2022. These comments are provided in addition to Conservation Ontario comments submitted on the proposal. The comments provided are generally organized by the headings provided in the consultation guide.

General Comments:

- The content of the consultation guide is generally encouraging, and content provided suggests that the regulations will be flexible and adaptable to our operations
- We applaud the province for continuing to engage the working group to help the province form perspectives regarding the regulatory proposal. We hope this engagement continues in the development of regulations flowing from this consultation, in addition to the complementary work on other regulations and provincial standards for programming areas identified.
- The practices and policy which we follow in the determination of our budgets, municipal levy apportionments and public process generally align with the proposed regulatory content provided for in the guide
- Release of the draft regulations will provide additional clarity on the specific translation of this guide to the legislative context. We look forward to the opportunity to review the regulations once drafted and posted for public comment.
- Consideration of the establishment of a transition fund by the province, available to conservation authorities would assist in meeting the terms set by the province as identified in the Phase 1 regulations and Phase 2 regulatory proposal.
- The province should consider establishing an ongoing fund to help further the requirements to study and assess natural hazard related features to complement the existing WECl funding and S. 39 transfer payments.

Part One: Proposed Municipal Levies Regulation

The proposed regulation would put into regulation the current policy and practice that are employed. Allowance for flexibility in determining levy approach is reasonable. We note that the complexity of determining categories of

programming identified in the regulations will require investment in budget software and will require a retooling of our budget, which present tangible costs to the organization to conform to the regulations.

### Part 2: Proposed Minister's Regulation for Determining Amounts Owed by Specified Municipalities

This proposal identifies the process for levying municipalities for the drinking water source protection program, a clause which exists in the Clean Water Act and in the Conservation Authorities Act. Defining this mechanism in the regulations clarifies the process which is a reasonable consideration, and flexibility on the approach for levy is appropriate, should it be required. Considering implementation of the proposal, specific points are provided for below:

- The budget process identified for source protection program costs will increase the complexity of our budget process and will require additional Board meetings with the specified municipalities to set and agree upon the budget. This is not currently considered in transfer payments or agreements.
- While the options presented for apportionment are reasonable, this may result in an interesting dynamic when determining budgets and voting on the budget, which would benefit from clarification in the regulation or through complementary interpretation of the regulation. This stems from the broad-based, yet targeted approach for the source protection program, which is focused on municipal residential drinking water systems, rather than drinking water in general. The result of the program is a net benefit to those municipalities that have included systems and the populations served. It would be attractive, as a result, to apportion based on the number of systems or number of significant threats present. Some municipalities, whether participating municipalities or specified municipalities, do not have systems included in the source protection program and therefore, presumably would not be part of the budget process or voting. For example, two of our four participating municipalities and three of our four specified municipalities do not have drinking water systems in the source protection program. Clarification on how these situations are to be interpreted would be helpful.
- The continued financial support of the source protection program was appreciated. If costs for the program are fully funded by the Province in the fashion that it currently is, would the implementation of the regulatory proposal remain unproclaimed such that the process is identified for levy apportionment and yet not active, or would there be a requirement to implement as the regulation would prescribe.

### Part 3: Proposal for Minister's Published List of Classes of Programs and Services for Which a Conservation Authority May Charge A Fee

Providing clear policy surrounding fees and fee schedules is reasonable as are the remedies for fee reconsideration. The user pay-principle is our current approach in the determination of fees. The classes of fees provide a reasonable framework for capturing fees. Category 3 fees (without cost apportioning agreements) may benefit from a slightly wider definition, such as technical or extension services that are common to conservation authorities and may not fit into the other categories.



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Part 4: Complementary Proposals to Increase Transparency of Authority Operations

Proposed measures in this part of the consultation can be met and we currently provide information in a governance section, which can meet these requirements.

Posting draft budgets and final budgets in the current fiscal year is reasonable, and it is suggested that the regulations should reflect this. Continued posting of final budgets is reasonable as well, although the intent of continued posting of draft budgets for previous years and expired MOUs for example, are not clear. Consideration should be given to the length of records history required to be presented on the website for both budgets and MOUs, reflective of current business.

The regulatory and policy proposal consultation guide for Phase 2 regulations provides a reasonable approach to addressing the established intent, with a few clarification points as noted, from our perspective. Thank-you for your consideration of our comments provided.

Sincerely,

Mark Majchrowski, CAO  
Kawartha Conservation

c.c. Member Municipalities  
Specified Municipalities (Source Water Protection)  
Conservation Ontario

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