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# Thames – Sydenham and Region Source Protection Committee

# Meeting Minutes

**Meeting Date:** April 8, 2011

**Meeting Time:** 9:00 am to 3:30 pm

**Meeting Location:** St. Clair Conservation Authority office

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## *Proposed Agenda*

| Item  | Time  |
|---|-------|
| 1. Chair's Welcome  | 9:00  |
| 2. Adoption of the Agenda   |       |
| 3. Delegations  |       |
| 4. Minutes From the Previous Meeting  |       |
| 5. Declaration of Conflict of Interest                                      |       |
| 6. Business arising from the minutes  | 9:15  |
| a. Cross jurisdictional issues in planning stages update                    |       |
| b. AR status update   |       |
| c. Fuel Handling and Storage Working Group                                  |       |
| 7. Business   |       |
| a. Policy Development Process   | 9:30  |
| b. April 7 Sub Committee meeting report                                     |       |
| c. Pesticide Threat Policy Discussion Paper                                 | 10:30 |
| d. Livestock Grazing and Outdoor Confinement Threat Policy Discussion Paper | 11:30 |
| Lunch   | 12:00 |
| e. ASM Policy Concepts and Options  | 1:00  |
| f. Commercial Fertilizer Concepts and Options                               | 2:00  |
| 8. Information  | 3:00  |
| a. MOE Technical Bulletins  |       |
| b. Revised Background Documents   |       |
| 9. In Camera Session  |       |
| 10. Other business  |       |
| 11. MOE Liaison report  |       |
| 12. Members reports   |       |
| 13. Adjournment (next meeting workshop- May 6, 2011)                        | 3:30  |



## Meeting Materials

| Agenda Item | Description   |
|-------------|---|
| 4           | <ul style="list-style-type: none"> <li>• March 4, 2011 meeting minutes</li> </ul>   |
| 7c          | <ul style="list-style-type: none"> <li>• Pesticide Threat Policy Discussion Paper</li> <li>• included in sub-committee part of package</li> </ul>   |
| 7d          | <ul style="list-style-type: none"> <li>• Livestock Grazing and Outdoor Confinement Threat Policy Discussion Paper</li> <li>• included in sub-committee part of package</li> </ul>                                 |
| 7e          | <ul style="list-style-type: none"> <li>• ASM Threat Policy Discussion Paper</li> <li>• included in sub-committee part of package</li> </ul>   |
| 7f          | <ul style="list-style-type: none"> <li>• Commercial Fertilizer Threat Policy Discussion Paper</li> <li>• included in sub-committee part of package</li> </ul>   |
| 8a          | MOE Technical Bulletins <ul style="list-style-type: none"> <li>• Aggregate Resources Act</li> <li>• Certificates of Approval</li> <li>• Overview of Requirements fro Pre-Consultation with Stakeholder</li> </ul> |
| 8b          | Revised Background Documents <ul style="list-style-type: none"> <li>• DNAPL</li> <li>• Fuel</li> <li>• Pesticide</li> <li>• Septic</li> </ul>   |



SPC MEETING MINUTES

APRIL 8, 2011

Meeting #37

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on April 8, 2011 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

**Members**

Bob Bedggood  
Murray Blackie (SPA Liaison)  
Brent Clutterbuck  
Pat Donnelly  
Dean Edwardson  
Pat Feryn  
Paul Hymus  
Carl Kennes  
Joe Kerr  
George Marr  
James Maudsley  
Don McCabe  
Valerie M'Garry  
Doug McGee  
Earl Morwood

Sheldon Parsons  
Darrell Randell  
Joe Salter  
Charles Sharina  
Patrick Sobeski  
Augustus Tobias  
John Trudgen  
John Van Dorp  
Joe Van Overberghe  
Darlene Whitecalf  
Teresa McLellan (Provincial Liaison)

**Regrets:**

Kennon Johnson  
Jim Reffle (MOH Liaison)

**Staff:**

Steve Clark  
Chris Tasker  
Deb Kirk  
Ingrid Vanderschot  
Teresa Hollingsworth  
Ralph Coe  
Linda Nicks

Brian McDougall  
Rick Battson  
Bonnie Carey  
Derekica Snake

Holly Waite (Oxford County)



1) Chair's Welcome

Bob Bedggood welcomed the committee. He announced the 11th annual Agricultural Awards of Excellence, sponsored by the Oxford County Federation of Agriculture, recognized an Oxford County individual who has demonstrated outstanding community service within and / or on behalf of the agricultural community in the category of Community Service. This award recognizes John Van Dorp's community service.

2) Adoption of the Agenda

Bob highlighted item *7.a Policy Development Process* as an area of focus for today's meeting.

Moved by Doug McGee-seconded by Jim Maudsley

*"RESOLVED that the agenda be approved."*

*CARRIED.*

3) Delegations

There were no delegations.

4) Minutes from Previous meetings

Moved by Paul Hymus -seconded by Carl Kennes

*"RESOLVED that the March 4th, 2011 SPC meeting minutes be approved."*

*CARRIED.*

Dean Edwardson provided clarification to the minutes under the DNAPL presentation discussion relating to DNAPL's outside the IPZ2 in Sarnia; he identified that *"DNAPL's have been disposed of in cavern storage."*

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) Cross jurisdictional issues in planning stages

Brian McDougall circulated a document to update the committee on cross jurisdictional issues and reported there has been significant progress in the past month. A meeting with First Nations took place to finalize the membership of the First Nations Advisory Committee and the first meeting is scheduled for May. A process will be established to move forward on obtaining drainage information on St. Anne's Island to be used in the revision of IPZ-2 for the Wallaceburg Intake and seek approval of Chief and Council of information to be included in future revisions to the St. Clair Region AR. The second page of the document outlines the communications schedule with American contacts including Michigan Department of Environmental Quality, Michigan Section of American Water Works Association for the Lambton Area Water Supply Communications Plan. Having direct exchange of information with intake and operators will be the focus and Port Huron/Detroit water systems were highlighted. The map was reviewed and a note made of Michigan having many private wells.

b) AR Status Update

The St. Clair and the Lower Thames Assessment Reports have been approved and the approval notices are posted on the EBR. Copies of the approved reports will be distributed at the next meeting in CD format. There will be further updates to all three AR's and the work will continue until the end of June.

c) Fuel Handling and Storage Working Group

Steve Clarke reported the Fuel and Storage working group is being established and the first meeting is scheduled for April 27, 2011. Representatives from the TSSA, local fuel distributors, MOE spill response, water system operators and gas station owners will be invited. The focus of the working group will be on groundwater systems where fuel storage is a significant threat in vulnerable areas having a score of 8 or 10.

## 7) Business

### a) Policy Development Process

Bob advised the committee of the schedule for policy development in the months ahead indicating there are approximately fifteen threats to complete for submission to the municipalities for their review by fall 2011. The committee was asked to consider attending more meetings in the upcoming months in order to meet this objective. After a discussion a motion was brought forward. Some of the meetings will be at the discretion of the chair based on the materials/work requirements. A revised schedule of meetings will be distributed.

Moved by Carl Kennes -seconded George Marr

*“RESOLVED that the SPC meeting schedule include workshops on the Fridays before the SPC meetings and if necessary, the Wednesday before as tentative meeting days based on work requirements. The Friday workshops generally will be the first Friday of the month unless in the case of a holiday weekend, the workshop would be held on the Thursday.”*

CARRIED.

Ingrid Vanderschot led a discussion to establish an efficient process when developing policy. The committee agreed to review each policy tool and the table was populated with those results during the meeting. The policy ideas may change through the process, as more experience is gained and more people are engaged. The goal of today’s meeting was to capture general philosophical principles on how each policy tool would be used.

A flow chart was circulated showing the development process overview; the *SPP work plan* and the *Evolution of Threat Policy Discussion papers*.

In starting the discussions, a review of the *Source Protection Plan preparation principles* from the discussion paper dated October 6, 2010 was given which outlines the objectives of the committee when developing policy such as being fair and reasonable, consensus within our diverse area group etc. The *Source Protection Plan Policy Evaluation Criteria* was distributed outlining criteria for consideration such as financial capacity, effectiveness criteria and appropriateness criteria.

Proposed policy idea tables are contained within each Threat Policy Discussion paper. The policy tools were discussed at length and the committee’s views were incorporated into each section.

Discussion key points:

### **Education and Outreach;**

- Partnership between Municipalities and CA's when implementing.
- Use existing programs to not have to re-invent the wheel.
- Two way education piece, using local innovators.
- General agreement that education and outreach should be a requirement to complement incentive and regulatory approaches.

### **Incentive Programs**

The committee agreed incentive programs will be necessary in following the SPC mandate of not permitting any new significant threats and to make existing significant threats no longer a threat. Being fair, reasonable and consistent when delivering incentive programs was noted as important. Policies around incentives can be mandated and considered with consultation. These are general statements to start the process and when developing specific policies for the individual threats, they may be tweaked.

- Policy should support existing incentive programs (EFP, Clean water program).
- Incentive programs should continue to be supported on a long-term basis.
- Encourage/recommend new incentives to reduce risk of significant threats (as identified in Assessment Reports).
- Highly recommend that Ontario Drinking Water Stewardship Program continue to adequately fund risk mitigation practices for significant threats.

A break commenced while the staff populated the table with the decisions made by the committee on incentive programs and it was reviewed again.

Moved by Jim Maudsley -seconded Doug McGee

*“RESOLVED that the four bullet points as outlined under Incentive Programs be accepted by the SPC.”*

CARRIED.

## Land Use Planning

In considering “*Land Use Planning*” the committee agreed it can be a tool used to prevent new significant threats being established. Significant risks already existing will be managed so they are not a risk. Existing or expanding will be treated the same so long as the expanding can be shown to be an improved management of the risk. Official plans/zoning by-laws were discussed. In policy development, general principles will be outlined and municipalities will need to incorporate them into their official plans. “*Land Use Planning*” is also tied with risk management and prohibition.

A concern was raised of how other regions in the province could be affected if our region’s policies are used as a model in terms of future growth if prohibition is used. Each SPC in the province will deal with their issues based on their own area. A question was asked of whether new land uses (significant threat) should be allowed in IPZ-2 and it was noted these are not significant threats due to the vulnerability score.

The committee agreed to include the following key points under this tool;

- New land uses will be prohibited from locating in WHPA-A, B, C and IPZ-1 areas where they will be a significant threat.
- Expansions or replacements on existing significant threats will be permitted if there is a reduction in risk over the existing.
- Expansion of current land use will not be permitted if it becomes a significant threat unless threat can be managed.
- Prohibiting activities which are unlikely to occur is the preferred tool for dealing with these future threats.

After a discussion, a motion was brought forward on where new land uses will be prohibited.

Moved by Doug McGee -seconded George Marr

*“RESOLVED that under Land Use Planning, new land use planning will be prohibited from locating in WHPA-A, B and C and IPZ-1 where they will be a significant threat.”*

CARRIED.

The committee broke for lunch from 12:15 to 1:00 p.m

### **Prescribed Instrument**

- “*Prescribed Instruments*” will be used as required based on the type of threat and be used to the best of the committee’s ability.
- Limitations of the “*Prescribed Instrument*” will be considered on a threat by threat basis. If the committee requires more information about a prescribed instrument, an expert will be solicited.

### **Risk Management Plans**

- “*Risk Management Plan*” is a tool that can address the activity, not just land use. It can manage the risk under existing, future or expanding and covers application or storage.
- These plans are enforced by a Risk Management Official (RMO) either hired through the municipality or CA, and Risk Management Plans (RMP) will be negotiated with the landowner.
- The SPC can indicate the policies need to match the Nutrient Management Plans or they can decide to be more general.
- Allow for improvements in technology in BMP as they become available to not restrict the RMO. The MOE Risk Management catalogue will be available for use in how to best mitigate risk but the RMP will not be restricted to the catalogue.
- Experts in each field will be important to work together with the RMO. The RMP definitions need to be clear.
- The RMO needs to be knowledgeable and the plan needs to be agreed upon with the landowner to address significant risk.
- A question was asked of what the SPC role will be once the SPP is developed. The SPC is required to submit a progress report to the province on an annual basis.
- Staff will enhance each of the bullet points and bring forward to the next meeting.
- The committee should consider how to proceed if quorum is reached at a workshop and whether formal motions can be made.

### **Prohibition**

- Prohibit for existing or future activities only when all other measures fail to address risk of significant threat. Prohibition is a strong tool and would be in effect as soon as the SPP is put in place.

- Apply prohibition through land use planning as preferred tool. An example of airplane de-icing was used to demonstrate some policies need to be developed although they may not be used they are in place for the future.
- The implementation and monitoring of this tool may be difficult for the RMO.
- Who is the RMO? Could be an existing staff or new person hired. This would be decided by the municipality. A comparison of by-law enforcement was noted to be similar to the RMO's role.
- Time lines should be specified for the RMP to be place to allow municipalities to have the RMO in place.

### **Restricted Land use**

- “*Restricted Land*” is a flagging tool that is linked to RMP or prohibition. There are uncertainties at this point how this will be used.

### **Specify Action – Land Securement**

- These policies would be specific to a threat.

In summary of the discussions, the decisions now outlined in the policy development table will be the guideline used when moving forward to complete each of the individual threats.

#### b) April 7 Sub Committee meeting report

The April 7, 2011 sub-committee meeting discussions have been reviewed throughout the meeting and incorporated into the bullet points as outlined above.

#### c) Pesticide Threat Policy Discussion Paper

To be discussed at the *Friday, May 6, 2011* workshop.

#### d) Livestock Grazing and Outdoor Confinement Threat Policy Discussion Paper

To be discussed at the *Friday, May 6, 2011* workshop.

e) ASM Policy Concepts and Options

To be discussed at the *Friday, May 6, 2011* workshop

f) Commercial Fertilizer Concepts and Options

To be discussed at the *Friday, May 6, 2011* workshop

## 8) Information

a) MOE Technical Bulletin

The MOE technical bulletins on *Aggregate Resources Act, Certificates of Approval and Overview of Requirements for Pre-consultation with Stakeholder* were distributed for the members information.

b) Revised Background Documents

Revised background documents on *DNAPL's, Fuel, Pesticide and Septics* were circulated for review. The revisions will be incorporated into the Threats Policy Discussion Paper.

## 9) In Camera Session

None.

## 10) Other business

No other business

## 11) MOE Liaison Report

Teresa McLellan reported that of the four Approved AR in the province two are for the Thames, Sydenham and Region.

## 12) Members Reports

*Charles Sharina*- asked for a report on the recent Komoka pond fish kill. It was noted this was a natural occurrence.



### 13) Adjournment

There being no further business, the meeting was adjourned at 2:35 p.m. The members were reminded of the workshop which is scheduled for *Friday, May 6<sup>th</sup>* prior to the next SPC meeting May 13, 2011.