



SPC MEETING MINUTES
SEPTEMBER 9, 2011
Meeting # 42

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on September 9, 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
Doug McGee
Valerie M'Garry
Don McCabe
Earl Morwood

Darrell Randall
Jim Reffle (MOH Liaison)
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
Sheldon Parsons

Staff:

Steve Clark
Chris Tasker
Deb Kirk
Ian Wilcox
Ralph Coe
Bonnie Carey
Derekica Snake
Girish Sankar



1) Chair's Welcome

Bob Bedggood welcomed the committee and acknowledged a quorum had been reached.

2) Adoption of the Agenda

Moved by Charles Sharina -seconded by Paul Hymus

"RESOLVED that the agenda be approved."

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous SPC meetings – July 8, 2011

Moved by Jim Maudsley -seconded by Pat Sobeski

"RESOLVED that the July 8th, 2011 SPC meeting minutes be approved."

CARRIED.

Minutes from Previous SPC meetings – August 12, 2011 sub-committee meeting

Moved by Joe Salter -seconded by Pat Feryn

"RESOLVED that the August 12, 2011 SPC subcommittee meeting minutes be approved."

CARRIED.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) Decisions of the August 12, 2011 sub-committee meeting

Moved by Earl Morwood-seconded by Charles Sharina

“RESOLVED that the August 12, 2011 sub-committee meeting decisions be endorsed by the SPC.”

CARRIED.

b) AR status update

The revisions to the UTRSPA Amended Proposed Assessment Report are completed and will be submitted to the Ministry of Environment (MOE) early next week along with the Consultation Summary. There are no updates on the St. Clair Assessment Report or the local threats letter submitted to the MOE.

c) First Nations Liaison update

Derekica Snake gave a brief overview and circulated a report of events occurring from April 2011 to present. Overview highlights given were:

- Delaware and Chippewa of the Thames technical studies are being done on water systems;
- Oneida First Nations is aware of the SP process and is deciding what to do.
- The First Nations Liaison Committee has been formed consisting of twenty eight members; the Terms of Reference is being finalized. The First Nations Liaison Committee meeting discussed the formality of comments and to be as informal as possible in order to bring thoughts forward without having to go through band councils at this point.

- Capacity Grant Funding applications are being submitted to the MOE.

She noted there has been more interest from the First Nations in general since Augustus Tobias and Darlene Whitecalf's involvement on the SPC.

Augustus Tobias reported a First Nations manager's meeting is coming up and he will provide a Source Water Protection update. Derekica Snake, in collaboration with Jennifer Arthur (MOE), was invited to give a presentation to the Chippewa of Rama First Nations at the end of October.

A question was raised of the status of Kennon Johnson's participation on the SPC. Darlene Whitecalf will bring this forward to the London District Chief's Council and will report at the next SPC meeting. Aamijwnaang First Nations has shown interest in appointing a representative.

d) Sanitary Sewers and Waste Water Treatment Working Group update

The Sanitary Sewers and Waste Water Treatment working group met on August 22, 2011 at the St. Clair Region Conservation Authority office. The City of London, Oxford County and City of Stratford were represented. Policy ideas have been submitted to Melissa Kiddie to incorporate into the discussion paper.

The next working groups will discuss stormwater and waste disposal. The committee agreed to continue having the same co-chairs as the Sanitary Sewer and Waste Treatment working group. Pat Donnelly and Murray Blackie agreed to chair these groups.

e) Municipal Policy Advisory Committee update

The Municipal Policy Advisory Committee met on August 23, 2011 and has the first round of discussion papers to review. The committee was asked to comment on the policies in terms of good qualities, deficiencies as well as provide a rationale and other alternatives, if appropriate. Comments have been submitted from four different municipalities and more may follow. The second round for review is the ASM and Livestock Confinement discussion papers. All the comments based on those sent out will be brought forward to the SPC meeting in October and incorporated into the discussion papers.

The committee discussed the formality of these comments and the goal of having candid rationales and comments brought forward. Formal consultation will occur later on for all implementers to provide comments on the draft policies.

Having councils engaged in the source protection policy development process was noted as important to ensure the process is not a surprise during pre-consultation.

To offer clarity, the Municipal Policy Advisory Committee members will be given a description of their role and responsibilities

A concern was raised of whether each municipality was informed of the process. The Municipal Policy Advisory Committee consists of 17 members from the different municipalities, to include a broad spectrum across the region. It was noted Oxford County and Chatham-Kent are well represented. The target was to solicit municipalities who will be affected by policies, in particular those with significant threats. A website repository will be set up for members to use and documentation will be developed on the process.

7) Business

a) Threats discussion paper update

A table titled “*Source Protection Plan: Threats Tracking Table*” was circulated. The table outlines the various stages for the threats discussion papers and identifies the next steps to come. To date, three discussion papers have been sent to the Municipal Policy Advisory Committee for review. A discussion paper on “*Aquaculture*” will not be completed as it is a moderate to low threat and does not pertain to this region.

b) Policy concepts from workshop

At the September 1, 2011 workshop “*Aircraft De-icing, Aquaculture and Mine Tailings*” threats were discussed. From the discussions, Steve Clark gave a presentation highlighting the policy ideas.

i. The Management of Agricultural Source Material to Land Aquaculture

- Aquaculture involves the farm raising of fish in ponds or open water facilities which may be located adjacent to a surface intake or ground water source. Contaminated water may result of fish manure and/or by-products in suspension or settled as part of the farming process;
- The Prescribed Drinking Water Threat is the Management of Agricultural Source Material, while the sub-threat is aquaculture;
- This activity is addressed in legislation under Federal, Municipal, Provincial and Other;

- A matrix table was shown to display how the threats levels are determined through the scoring process. The table will be circulated to the committee pending revision;
- Based on MOE's threats tables, this activity cannot be a significant threat therefore a discussion paper will not be created due to the lack of applicability;

ii. The Management of runoff that contains chemicals used in the de-icing of aircraft

- Under Canadian Aviation Regulations aircraft are not permitted to takeoff with frost, ice or snow on critical structures of the aircraft;
- Under the Prescribed Drinking Water Threat, the management of runoff that contains aircraft de-icing chemicals is considered a chemical threat only;
- Chemical threats identified in MOE tables include 1,4-dioxane and ethylene glycol (anti freeze) depending on the circumstances including location and volume. These are stored on site and sprayed on aircraft in a run off containment area however not all airports have a containment area in which case runoff is into watercourses and/or storm sewers;
- Airport authorities are required to have a "*Glycol Management Plan*";
- Airports are federally regulated. , Sewer Use By-laws and negotiated RMP's may be used to regulate outputs to storm sewers, chemical discharges and preparation of contingency plans,
- Policy tools/ideas were reviewed. Although *Gylcol* may be the most cost effective product to use, a suggestion was to include in policy that alternative environmentally friendly products will be considered.

iii. The Storage of Tailings from Mining Operations

- Under Prescribed Drinking Water Threats, the threat is the operation and maintenance of a Waste Disposal Site while the sub-threat is; storage, treatment and discharge of tailings from mines. No pathogen component;
- A note was made of there being nickel in southern Ontario but the focus for this threat is more in northern Ontario;

- During the mining process waste materials are left following the extraction of minerals, which includes both rock material as well as liquid slurry;
- Mining operations do not include aggregate extraction;
- Discharges from tailings storage may include various chemicals such as, arsenic, silver, cadmium, lead, nickel, copper, etc., which affect both groundwater and surface water;
- No locations were identified for this region;
- Industry is highly regulated at all government levels with the requirement of permits and approvals;
- Abandoned pits fall under the “*Aggregate Resources Act*”;
- Policy tools/ideas were reviewed;
- Incorporating information from the regions most impacted by mines was suggested;
- Under Prescribed Instruments a question was raised of what ministry (MOE or Ministry of Northern Development and Mines) is notified for spills relating to mines. Teresa McLellan to clarify;
- A concern was raised of abandoned mines being turned into waste disposal sites and to prevent future secondary uses. This is captured under transport pathways through the modification of the vulnerability.
- A discussion of whether SPC’s across the province should be consistent and have an un-written rule to not go into other regions policies. Although it is beneficial to draw on other region’s knowledge the SPP program was set up to create local solutions for local problems. The consistency issue has been discussed with municipalities, neighboring chairs and the MOE. Municipalities may look for consistency within their own counties. Policies may not be the same even within the same region such as in Oxford County; different policies will be written for different WHPA’s. Not one size fits all.

iv. Spills Response and Contingency Planning

Melissa Kiddie gave a presentation titled “*Optional Source Protection Plan Content Spill Prevention, Contingency and Emergency Response Plans.*” This was discussed at the workshop held on September 1, 2011.

Key points of presentation/discussion:

- The Clean Water Act (CWA) indicates that a SPP can include policies that specify actions to be taken to update spill prevention and spill contingency plans or emergency response plans for the purpose of protecting drinking water sources in WHPA and IPZ's along highways, rail corridors and shipping lanes;
- Although municipalities, agencies and industries that work with hazardous materials have spills prevention plans to address accidental spills they may be outdated and need to be reviewed on an annual basis;
- A concern was raised of costs to municipalities in terms of insurance/equipment required to deal with certain spills. These are considerations only; the SPC does not have authority over this;
- The notification process in the event of a spill was discussed and to include the water system operators on the list where spills occur in WHPAs and IPZ's.
 - Using caution when phrasing this policy was noted as important and the definition of a spill and reporting requirements need to be clear.
 - Maps should be provided showing where the vulnerable areas are.
 - Whose responsibility it is to contact the water system operators was discussed; the person/body spilling, municipalities, Spills Action Centre?
 - Industries in IPZs should boost emergency response programs.
 - Nutrient Management Plans include spills contingency plans.
 - A concern was noted of it being difficult to get through to the Spills Action Centre; having only an answering system for messages; it was pointed out that messages are retrieved quickly by staff working especially related to any drinking water threats, however its not always possible to answer all calls if they come in at the same time.
- Education and outreach programs will encourage municipalities and business owners in vulnerable areas to prepare spill prevention plans that include the notification, review and update processes.

c) Policy examples for approval

i. Transport Pathways

The Transport Pathways Discussion Paper was circulated again based on the Ministry of Environment's background paper and the material from the working group has been incorporated.

Key points of discussion:

- Transport pathways are not themselves a threat to drinking water and as a result have not been assigned a risk level.
- Dug out ponds will be included in the list on page 1 outlining the types of transport pathways.
- Minor editorial revisions were noted.
- A more detailed description of what makes abandoned and improperly maintained wells a concern. will be included
- The challenge in the language is to clearly articulate the concerns but not to elevate it beyond the level it needs to be; for example in construction phases the level of detail was meant to consider concerns during the planning of the development.
- A note was made under Petroleum and Natural gas wells definitions differ relating to abandoned and decommissioned wells; the oil and gas industry defines abandoned wells as proper decommissioning. This needs to be explicitly notged in the paper so that the reader can differentiate between the different uses of the same terms.
- The term “*water wells*” will be used to be clear in the discussion paper.
- Under Septic Systems section on page 4, 3rd paragraph, “*native soil*” is referred to and may not apply; to be reviewed.
- Quarries (consolidated material) and pits (unconsolidated material) should be defined as different. The “*Aggregate Resources Act*” will be referenced for definitions. In the guidance document it is suggested that as part of the rehabilitation of pits within vulnerable areas the revised vulnerability be calculated based on the post rehabilitation materials overlying the aquifer. This would have no impact on the quarry operations however an impact on threats assessment for activities proposed for the rehabilitated site was highlighted.

- Under construction activities the importance of highlighting consideration in planning and approval of projects in the WHPA where these activities could have an impact on the vulnerability of drinking water was noted. Edits to change regarding to *re-graded*.
- “Piles” and other “*deep footings*” will be added as a possible transport pathway.
- Directional drilling was discussed and will be considered. Material disposed of may need to be noted. Joe Van Overberghe and Pat Donnelly to research this and provide further information. The concern is not the drilling activity rather the pathway that is created.
- Under geo-thermal wells confirming that the construction complies with CSA requirements; *at a minimum* CSA will be added.
- In Section 3 outlining the local scale of the drinking water threats, a statement of there being no municipal ground water systems in Lambton and Elgin County will be included.
- A question was asked relating to septic systems and the bedding material/pathway it creates. The Sanitary Sewer working group discussed this and terminology from the Lake Erie SP Region was used if constructing a new “*Enhanced construction standards*” would apply.
- Applicable legislation, Policies and Programs are outlined in a table. Changes to be included;
 - The “*Well Wise Program*” is no longer available due to lack of funding.
 - The “*Clean Water Program*” will be referenced as a CA/municipal program, not to be confused with the CWA.
 - Jim Reffle will provide updated information on the “*Safe Water Program*” for private wells being administered by Public Health Ontario.
- Gaps in existing legislation will include geothermal boreholes not all built to water well standards.
- Another section will be added outlining Regulation 318/319 wells under the Health Act. Jim Reffle to provide information.

Committee broke for lunch 12:20-1:00 p.m.

Transport Pathway policy ideas were discussed at the workshop and previous SPC meeting and are completed. Policy examples were reviewed and discussed.

Key points of discussion:

- The term “*abandoned wells*” will be used versus “*improperly abandoned wells.*”
- TP-2 (Transport Pathways-Policy # 2)
 - Clarification was given on why WHPA-E is not included under policy number TP-2 (Transport Pathway). The focus is on the groundwater based pathways (WHPA-A, B, C, and D). WHPA-E is surface water.
 - Under Incentives, Policy Idea, page 4, third paragraph, the word “*implementation*” will be removed.
 - Incentives were discussed and well decommissioning being a priority from the perspective of transport pathways, not septic systems maintenance.
 - Encouraging the province to cover these costs is important
 - Under Policy Idea the last two paragraphs will be removed of encouraging the province and municipalities to provide incentives for maintaining a professional standard when decommissioning wells and the construction of new ones. This will be included in another policy that focuses on inspection and enforcement programs.
 - Enforcement of inspections should be required in WHPA-A and B for decommissioned wells and newly constructed wells.
 - Inspector on-site to be changed to “*Qualified professional.*” The well driller is not the qualified person.
 - Who pays for the inspector on-site? Some members stated the benefactor, being the local water commission, should pay. A concern was raised specifying on how it is funded is not the SPC’s role; this has not been the case in previous policies and rather should be at the discretion of the implementing body, the municipalities. John Trudgen will do some research on how the Ottawa-Carlton area dealt with incentives are how they are funded and report back at the next meeting.
 - Well records are a concern; not all wells have records.
 - Who is responsible for an abandoned or improperly decommissioned well? This falls under Provincial regulations.

- The committee agreed that the last paragraph “*Encouraging someone to act before they have to, other industries such as insurers and mortgage holders shall be encouraged to consider providing incentives for well decommissioning and well and septic maintenance and upgrades*” be removed.
- TP-3 (Transport Pathways Policy # 3a)
 - A preamble will be added to the policy idea of “*Municipalities developing by-laws restricting new transport pathways in vulnerable areas where activities could be significant.*” The word restricting to indicate there may be exceptions; not always prohibiting. In the case of a pumping station going down, private wells are relied on. There are times when access to a private well is required and when municipal water is not suitable for livestock.
 - To be consistent the 3rd bullet point municipalities “*shall be encouraged*” to work versus are “*encouraged to*” work collaboratively with CA and the province to develop a program to identify specified transport pathways within WHPA-A, B, C, D. When policies are finalized, the wording may change.
 - 4th bullet point removed relating to prohibiting construction of new private drinking water wells as it is covered in first point.
 - 5th bullet point, Municipalities shall be encouraged to develop by-laws requiring that landowners within the urban boundary that currently use wells as a water supply to hookup to municipal utilities where available and *suitable* in WHPA’s where transport pathways cause an increased risk.
 - 7th bullet point If the landowner fails to take appropriate action, the Risk Management Official *shall* rather than *shall consider* drawing this deficiency to the MOE. Also need to include that they also need to inform MOE that it is in a WHPA.
 - Last bullet point relating to a transport pathway as a result of an Earth Energy system was based on MOE bulletin. The last line will be changed to “*Shall encourage a Risk Management Plan be developed.*”
 - Under monitoring policies municipalities are directed to report to Conservation Authorities.

- TP-3b (*Transport Pathways policy # 3b*)
 - Policy tool is the regulation itself and is flagged as such. It is “*Conform*” due to it being in the regulations.
 - Time frames for reporting (monitoring) will be encouraged and indicated.
 - Implementation schedule was discussed conceptually. It can be strategic as long as it is clear it is not mandatory. Teresa McLellan will report back on whether strategic action polices can include monitoring policies.
 - 3rd bullet point, “*the notification shall be included as part of existing planning processes where possible*” will include advising the person submitting the proposal.
- TP-4 (*Transport Pathways policy #4*)
 - Under policy idea the 3rd paragraph “When municipalities are presented with an opportunity to “*have wells*” decommissioned” to be more clear the municipalities may not be the ones doing it. Valerie M’Garry to provide wording.
 - Municipalities shall be encouraged to use “*qualified professional*” will be included to ensure one is involved.
- The SPP reporting process was discussed. The municipalities will submit various reports to CA and CAs will provide a summary report to the SPAs. The SPAs are established under the CWA and will receive the Annual Summary reports. The CA acts as the SPA yet the SPA meets separately and has specific responsibility such as forming the SPC and submission of Assessment Reports.

ii. Septic System Discussion Paper-revised version

The revised version of the Septic System discussion paper was circulated in the packages for the committee to review and Melissa Kiddie highlighted the changes. These changes included:

- The policy examples were re-organized to read easier.
- In the policy examples there were some issues with legal effect (i.e. incentives had two different policies with different legal effects).

- The Education and Outreach section was changed to add similar wording to the discussion papers completed thereafter. The policy concepts are the same.

Moved by Darrell Randall-seconded by Joe Kerr

“RESOLVED that the SPC approve and accept the revised version of the Septic System Discussion Paper.”

CARRIED.

iii. Fuels Discussion Paper

To be discussed at the next SPC meeting.

8) Information

a) MOE Technical Bulletins

None.

b) SPPAC Update

A Source Protection Policy Advisory Committee (SPPAC) conference call was held on August 18, 2011. The MOE provided a presentation on early lessons and questions that have been raised through the policy development stage thus far. A policy development workshop has been planned for Sept. 19, 2011 at Black Creek Pioneer Village. Representation from the Thames-Sydenham and Region will include Chris Tasker, Bob Bedggood, Steve Clark and Melissa Kiddie.

9) In Camera Session

None.

10) Other business

No other business



11) MOE Liaison Report

No update.

12) Members Reports

No members reports.

13) Adjournment

There being no further business, the meeting was adjourned at 3:00 p.m. The next workshop is scheduled for Thursday, October 6, 2011 and the SPC meeting is October 14, 2011 (adjusted one week later due to Thanksgiving).