



SPC SUB-COMMITTEE MEETING MINUTES
MARCH 8, 2012
Meeting # 47

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:30 a.m. on March 8, 2012 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedggood
Murray Blackie (SPA Liaison)
Pat Donnelly
Dean Edwardson
Patrick Feryn
Joe Kerr
George Marr
Valerie M'Garry
Sheldon Parsons
Darrell Randell
Jim Reffle (HU Liaison)
Joe Salter

Charles Sharina
Pat Sobeski
Augustus Tobias
John Trudgen
John Van Dorp
Lisa Ross (Provincial Liaison)

Regrets:

Brent Clutterbuck
Paul Hymus
Kennon Johnson
Carl Kennes
James Maudsley
Don McCabe
Doug McGee
Earl Morwood
Darlene Whitecalf

Staff:

Chris Tasker
Deb Kirk
Derekica Snake
Steve Clark
Linda Nicks
Teresa Hollingsworth

Bonnie Carey
Melissa Kiddie
Brian McDougall

Paul Michiels, Oxford County
Deb Goudreau, Oxford County



1) Chair's Welcome

Bob Bedggood welcomed the committee and acknowledged there was not a quorum; the question was posed to the members present on how they wanted to proceed and the decision was unanimous to continue as a *sub-committee* and report back to the Source Protection Committee to endorse any decision made by the sub-committee. It was discussed whether staff should await the endorsement of the SPC before proceeding with pre-consultation. All members present agreed that staff should proceed with pre-consultation on the draft policies prior to the next SPC meeting. The SPC has been active in the development of these draft policies and formal approval before pre-consultation is not necessary. The minutes of the *sub-committee* will be presented at the next SPC meeting for adoption by the Source Protection Committee.

2) Adoption of the Agenda

The subcommittee agreed to proceed with the items on the proposed agenda and consider whether items should be deferred until the next meeting of the SPC.

3) Vice-chair and Recording Secretary Election

The Vice- Chair and Recording Secretary election was deferred to the next meeting.

4) Delegations

There were no delegations.

5) Minutes from Previous Meeting

The approval of the January 13, 2012 SPC meeting minutes were deferred until the next meeting.

6) Declaration of Conflict of Interest

No conflict of interest was identified.

7) Business arising from the minutes

a) First Nations update

No report.

8) Business

a) ODWSP update- additional threat funding

Brad Glasman from Upper Thames River Conservation Authority (UTRCA) attended the meeting and gave a presentation on “*The Ontario Drinking Water Stewardship Program (ODWSP), Early Actions & Early Response*”. The presentation outlined the ODWSP Early Actions and Early Response programs. Of the money allocated for Early Response programs, approximately \$60,000 remains and is expected to be allocated to projects.

There was a discussion on hazardous waste stations and whether it was appropriate for this type of activity to be undertaken in an area where it was a significant threat. It was pointed out the hazardous waste station was not located where it would be a significant threat. These types of programs are promoted so that household hazardous wastes are disposed of in a proper manner and are not discarded in areas where they could impact drinking water sources. There was also a discussion as to whether manure storage facilities should receive incentives in an area where it was a significant threat. It was pointed out that the discharge from this facility is into a significant threat area but the storage itself is located on the fringe. If there was a spill it could reach the vulnerable area and the goal of the improvement is to eliminate this from occurring.

A UTRCA staff recommendation was made that the Thames, Sydenham and Region SPC approve Agricultural Source Material Storage (Risk Management Catalogue Category 402) as a priority for funding under this Agreement. If approved by the SPC, a letter would be prepared and forwarded to the Ministry.

Moved by Dean Edwardson-seconded by Valerie M’Garry

“RESOLVED that the SPC approve a letter of support be sent to the Ministry of Environment recommending that Agricultural Source Material Storage be a priority for funding under the ODWSP Early Response projects”.

CARRIED.

b) Draft Policies for pre-consultation

The *Draft policies* for pre-consultation were circulated to the SPC. In the package circulated some of the policy details were blank due to database query issues which affected the display of threat level and legal effect. The edited version was available on screen. The focus of this presentation was to review the policies, which have been looked over by a proof reader. Each policy has a rationale section providing a narrative as to how the committee arrived at their decisions as well as an application section, which indicates the policy tool, the threat status, the locations that the policy applies (vulnerable areas), threat subcategories, and implementation timing. It was noted that the rationale may be reorganized in the SPP and the Explanatory document.

Highlights of the review and questions for SPC were as follows;

- The draft policy numbering and formatting was explained.
 - *G*: general policies applying to more than one prescribed threat.
 - *GM*: general monitoring policies referring to the obligation of monitoring the effectiveness of the policy in achieving the goal of protecting municipal drinking water.
 - *TS*: threat specific policies applying to one of the prescribed threats
 - *TS.TP*: transport pathways policies apply to transport pathways, which are not themselves a threat to drinking water but are land conditions that result from human activities that may increase the vulnerability of a municipal drinking water system’s raw water supply
 - *TS.SP*: spills policies allow for the updating of Spills Prevention, Spills Contingency and Emergency Response Plans to enhance the protection of drinking water.
 - *TS.LT*: local threats policies are significant threat policies based on added local threats that have been approved by the MOE.
 - Separate identifier numbers were generated from the policy database. The local policy numbering system may change as the policies are organized in the Source

Protection Plan but the database generated numbering is a unique identifier which all SPP policies across the province will have. This database number should not change.

- The application section with italicized and bolded items such as “*Conform with*” was generated from the database fields.
- Grammatical and spelling edits in the rationale sections will be completed; the members in attendance agreed that staff should proceed with those changes.

Policies TS.1.3.6, TS.1.3.7 Management of Waste Disposal Sites Through Prescribed Instruments (p31, 32)

- Dense non-aqueous phase liquids (DNAPLs) and organic solvents must be managed throughout their life cycles (collection, storage, transportation, treatment, recovery and disposal). The current policy was written as a storage of hazardous waste policy. While other policies manage the handling and storage of DNAPLs and organic solvents, the question of how to deal with waste disposal of materials which might contain DNAPLs/organic solvents was asked.
- After a brief discussion, the members agreed that hazardous waste policies related to DNAPLs and organic solvents should be removed and a paragraph should be added to the general waste policy to include DNAPLs and organic solvents. This would broaden the area recognizing DNAPLs are a significant threat in WHPA-B and WHPA-C regardless of vulnerability score.

Policy TS.1.3.9 Management of the Application of Road Salt as a Dust Suppressant Through Prescribed Instruments (p34)

- The SPC felt that there was a “gap” when it came to the threat of the application of road salt. This “gap” was the failure to recognize that road salt could be used as a dust suppressant. An example of a dust suppressant is brine as a consequence of the exploration for and extraction of oil and natural gas. Since brine is currently being used in Lambton County, the SPC decided to develop a policy related to the concerns of applying this waste in vulnerable areas.
- The SPC discussed the use of Prescribed Instruments (PI) for application of road salt for waste brine.
- There was discussion that the PI under the CWA may not be applicable for this threat. It was agreed to retain this policy through the pre-consultation stage.

Break 10:50- 11:00 a.m

Policy TS.2.5.7 Development of Compliance Monitoring for Large Septic Systems (pg. 76)

- An additional sentence was added to this policy: “*where the system is subject to a mandatory inspection as per conditions on the ECA as required in policy TS.2.5.3 the compliance monitoring program may consider a certificate produced by a qualified system installer as proof that the system has been inspected and is properly functioning*”. After some discussion the SPC decided that this idea will be retained with revisions removing the word “*system installer*” and using “*a qualified person*” at the Ministry of Environment’s discretion.

Policy TS.6.1 and 6.2 Application of NASM (p85, 86)

- Policies TS.6.1 and TS.6.2 overlap one another in terms of effect; only one or the other is required as they both achieve the same end goal of prohibiting the application of NASM in WHPA-A,B with a vulnerability score of 10.
- Policy TS.6.1 uses PI and Policy TS.6.2 uses S.57 Prohibition. The was agreed to retain both policies. The reference to the Environmental Protection Act in TS.6.2 will be removed (if included it is not in compliance with the CWA).

TS.7.0 Handling and Storage of NASM (p87, 88, 89)

- Policies TS.7.1 and TS.7.3 overlap one another in terms of effect; TS.7.1 manages existing permanent storage facilities through RMP while TS.7.3 manages existing permanent storage facilities through NASM Plans. Since there is no guarantee that NASM plans would adequately manage this threat in WHPA-B with a vulnerability score of 10, the SPC decided to also use RMPs. The sentence in the policy paragraph will be changed to “*The NMA shall form the basis of the RMP, provided the RMO is satisfied these principles adequately manage the threat*” to emphasize the committee’s concern of ensuring that the risk is managed. “*Shall*” or “*may*” was discussed; “*shall*” will be used. An additional statement in the rationale section will be included that would indicate the concern that the principals of the NMA may not cover WHPA-B.
- Both policies TS.7.1 and TS.7.3 do not address existing permanent storage of NASM regulated under the EPA. The members agreed that the gap will be addressed by managing these storage areas through the EPA.

TS.10.2 Application of Pesticides (p36)

- The question of whether the policy of prohibiting the application of pesticides through PI (TS.10.2) is necessary was posed since RMP is also being used for both existing and future;

- RMP would probably in effect do the same thing as pesticide permits by requiring prohibition of chemicals in vulnerable areas.
- Although there is overlap, the members agreed to retain both tools to be used in conjunction with each other. The rationale section in TS.10.1 will be re-worded.

MOE Comments on Timing for Prescribed Instruments

- MOE has suggested that policies associated with EPA or OWRA could be implemented within 3 years from date of the plan takes effect or such other date as the Director determines based on prioritized review of ECA for significant threats.
- The agreed to retain the one year timing after some discussion. It can be changed following pre-consultation based on the province's comments.

Committee broke for lunch 12:05-12:50 p.m

Application of road salt

- There is not a specific policy for the application of road salt.
- Policies for the application of road salt may be required in future iterations of the SPP. The possibility of identifying sodium or chloride as an issue in the future was discussed. In areas where the vulnerability score is 9 or greater municipalities may wish to consider limiting areas where road salt may be applied by limiting the per cent impervious area through land use planning. This is especially true for areas where sodium is a concern and the aquifer of interest has a high vulnerability.

Provincial Signage Policy

- Standardized wording has been provided by the province in a memo for a signage policy. Currently TSR has a signage policy only for local threats in IPZ areas; the question of whether this signage policy should apply to WHPAs was asked.
- After a discussion the committee agreed to broaden the signage to include WHPAs. The signs will be an educational tool and consistent SWP branding will be used across the province. The committee agreed to utilize the text outlined in the memo as well as including the wording "*Municipalities shall consider*" to maintain the intent of the policy and give the municipalities discretion.

Future PI Policies

- Using the word "*amend for future*" may not be the right wording since suggesting applying to future Environmental Compliance Approvals (ECA); suggested wording was "*approving with conditions*" as there is nothing to amend at that point.

Monitoring Policies

- The draft monitoring policies were circulated for review. These are general policies created by the committee outlining Annual Progress Report requirements for the Source Protection Authority. OMAFRA and MTO were excluded from the implementing body list and now have been added.
- The question of how complex the monitoring process will be for the municipalities was asked and it was suggested that the Conservation Authority work closely with the implementers to create a balance in completing the reporting requirements.

A question was raised of whether the Municipal Policy Advisory Committee (MPAC) has made comment on the draft policies. To date there have not been any comments on the specific policies however there will be opportunity for this through pre-consultation.

Moved by John Trudgen -seconded by Charles Sharina

“RESOLVED that with the SPC approve the draft policies to include the above mentioned revisions and that the policies be sent out for pre-consultation.”

CARRIED.

c) Pre-consultation information package

Pre-consultation is the next phase in policy development. Each implementer (provincial ministries, Board of Health, Conservation Authorities and municipalities) will receive a pre-consultation package with policies that apply to them. A series of 3 workshops have been planned (Mar.29, 2012 in Sarnia; Apr. 3, 2012 in London and Apr.4, 2012 in Chatham) to engage municipalities. An invitation to “*hold the date*” will be sent out to municipal clerks, councils, water systems operators, health units and municipal planners encouraging them to attend one of these workshops.

Bonnie Carey of LTVCA presented the pre-consultation information package to the SPC. This package had been sent to the SPC prior to the Mar.8, 2012 meeting for their review and included:

- Notice of Pre-Consultation on Draft SP Policies cover letter.
- Explanation of Pre-Consultation and the Policy Review Process.

- Sample map of Wellhead Protection Area, Policy Applicability Area.
- Implementation Cost Considerations for Municipalities Chart.
- Thames, Sydenham and Region SP Backgrounder.
- 3 version fo the Policy Matrix (significant threats in WHPAs, signification threats in IPZs and low and moderate threats in WHPAs/IPZs).

The implementers will only receive relevant information that applies to them.

The applicable draft policies as well as “*The Anatomy of a Policy*” outlining the structure of the policies will also be included within this package.

Members of the SPC were concerned about wording in the *Pre-Consultation and Policy Review* factsheet. They were concerned that the heading *constructive feedback* was too harsh. This comment was taken into consideration by staff and will be tweaked.

d) Source Protection Plan Submission Schedule

The Source Protection Plan submission schedule discussion paper was circulated. The schedule for consultation outlined pre-consultation to be completed in late 2011. Many factors have affected policy development delaying pre-consultation.

Lisa Ross from the MOE gave an update on other SPCs and the status of their policy development. Some SPCs have written MOE requesting extensions. The committee discussed this and agreed to alert, by way of letter, the Ministry of Environment detailing the possibility that the SPP submission would go beyond the August 2012 due date.

Moved by Joe Salter -seconded by Pat Donnelly

“RESOLVED that a letter be sent alerting the Ministry of Environment that there may be a delay in the Thames, Sydenham and Region SPP submission; outlining the various factors that have influenced this and to advise them of the SPC continuing to be realistic and mindful of the process.”

CARRIED.

e) Oxford Pre-consultation

A discussion paper titled “*Oxford County Pre-Consultation*” as well as Oxford County policies were circulated to the committee for their information. Where appropriate, TSR policies will be included in Oxford County’s pre-consultation process. Although there may be differences in wording the focus will be on the intent of a policy to ensure risks are mitigated.

f) Quorum

Quorum at upcoming meetings, especially through the consultation process, was noted as important in order to make decisions and approve the policies. Quorum will be discussed at the next meeting when there is a quorum.

g) Definitions

Members of the SPC had raised some questions with regards to certain definitions. Melissa Kiddie gave a presentation on SPP Definitions.

Key points:

- Definitions should not be limiting.
- Source protection definitions can be found in a variety of resources (CWA 2006, Assessment Report etc.). Many of these resources rely on definitions from other regulations (i.e. NMA).
- *Handling and Storage of Fuel:*
 - A question had been raised about what above ground and underground storage meant. CWA uses above, below or partially below grade while TSSA uses above and underground to describe storage of fuel. Under the CWA the terms help understand the impact a leak or spill from a tank would have on either groundwater or surface water sources in the absence of protective measures. The TSSA terms are used to set out the different design specifications of a system to prevent a spill
 - A question had been raised with regards to the definition of handling and storage of fuel. O. Reg. 217/01 (liquid fuels) and O. Reg. 213/01 (fuel oil) provided further clarification.

- Handling and Storage of Commercial Fertilizer and Pesticides
 - Circumstances do not separate storage facilities into temporary or permanent. As a result, staff developed definitions.
 - *Temporary* is a storage facility that has not received the required approvals nor has the necessary infrastructure to be in a location for the long term. *Permanent* is a storage facility that has received the required approvals to be allowed to be situated in a location for the long term.
 - The SPC discussed these definitions at length. If long term and short term were to be included this language would also need to be defined. The idea of mobile use was also discussed as part of the Temporary definition. It was decided that if pesticides or commercial fertilizer was stored for less than 24 hours it would not be considered storage eliminating the idea of mobile storage. It was also agreed that definitions would be tweaked to include leaving the definitions of Temporary and Permanent up to the RMO's discretion

- Existing and Future activities as defined by Oxford County were discussed
 - Existing is defined as:
 - Legally established as of the date of the SPP approval or,
 - *Legally permitted* by existing zoning without any further municipal approvals or,
 - Improvements or extensions and enlargements to legally existing activities that, in the opinion of the RMO are minor in nature and will either improve or not increase the threat to drinking water.

The committee discussed and the second and third *bullet point will be removed*. The *initial decision* of the committee was that existing was not for extensions or enlargements. In Oxford County's definition of *Existing* "except otherwise indicated in this plan" was added which will be included on a policy specific basis notwithstanding the definitions, in the case of a situation where improvements could be considered existing.

- Future is defined as:
 - An activity or land use that is not existing.
- Other things to think about: The committee was asked to think about:
 - Other terms that are necessary for the understanding of the policies.
 - have terms already been defined in another resource
 - Where definitions should be referenced in the SPP.

- The opportunity to change these definitions remains;
- Oxford County has a transitional policy which will be also incorporated into the TSR SPP. Transitional policies establish at what stage an application can proceed as existing and is not subject to the new rules set out in the Source Protection Plan for future. At the time of this meeting the wording proposed by Oxford was “*for the purposes of this Plan, where one or more of the following:*
 - a. *A complete application for development under the Planning Act;*
 - b. *An application for Environmental Compliance Approval; or*
 - c. *An application for a Building Permit*

Has been received by the applicable implementing body prior to the date this Source Protection Plan is approved, but not yet final approved; and where, in the opinion of the Risk Management Official, or Ministry of Environment in the case of an Environmental Compliance Approval, the development being proposed by such application (s) is associated with a significant threat activity that would constitute a fundamental component of such a development, that particular significant threat activity may be permitted subject to the policies pertaining to existing significant threats. Where the above noted applications have lapsed or been withdrawn, or where the significant threat activity proposed by any such applications has not been established within one year of the date the last such application was approved, the above noted transition policies shall no longer apply.”

9) Information

a) Line 9 inquiry

There was a general inquiry by the public relating to a proposal by Enbridge that involves the reverse flow of a pipeline that goes through an UTRCA property. The concerns relate to the different material and pressure used. Pipelines are not a provincial or local drinking water threat within the Upper Thames River Source Protection Authority. It is not anticipated that it would have an impact on the WHPAs in this area.

b) MOE Guidance

No report.

10) In Camera Session

None.

11) Other business

a) SPP Implementation Funding Letters

Copies of the SPP Implementation Cost letters from Quinte SPR, Saugeen, Grey-Sauble, Northern Bruce Peninsula SPC and Cataraqui SPA were circulated for review. The committee agreed a letter should be sent to the MOE outlining concerns for the necessary support required in the first few years of the SPP Implementation.

b) Cross Jurisdictional Report

Steve Clark reported he will be contacting nine American agencies relating to fifteen intakes to discuss their assessment reports and to share information.

c) Provincial Travel, Meal and Accommodation Allowances

Chris Tasker reported a directive had been given from the province relating to travel, meal and accommodation allowances. This directive capped the travel rate at forty cents a kilometer which would be a change from the current rate of forty four cents a kilometer. It is important to note that the forty cents a kilometer rate has been in place for the SPC chairs.

12) MOE Liaison Report

Lisa Ross reported there will be three hour webinar training sessions "*Preparing for Implementation & Compliance under Part IV of the CWA*" coming up March 27 & 29 and April 2, 2012. The email distributed by the MOE will be forwarded to the SPC and the Health Units in the region with details for registration.



13) Members Reports

Bob Bedggood was congratulated on his recent induction into the Middlesex County Agricultural Hall of Fame.

Joe Van Overberghe has resigned from the committee and the process of securing a replacement is underway.

John Van Dorp reported the agricultural groups are gaining funding to work on the Environmental Farm Plans.

Pat Donnelly reported the City of London will be releasing video clips "Put Waste, in the Right Place" on topics such as storm sewers, fats, oils and grease and "Don't Use your Toilet like a garbage can".

14) Adjournment

There being no further business, the meeting was adjourned at 3:00 p.m. The workshops in April are canceled. The regular SPC is scheduled for April 13, 2012.