



SPC MEETING MINUTES

JUNE 8, 2012

Meeting # 49

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:10 a.m. on June 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)
Brent Clutterbuck
Pat Donnelly
Dean Edwardson
Patrick Feryn
Paul Hymus
Carl Kennes
Joe Kerr
George Marr
James Maudsley
Don McCabe
Valerie M'Garry
Hugh Moran
Earl Morwood
Sheldon Parsons

Charles Sharina
Darrell Randell
Jim Reffle (HU Liaison)
Joe Salter
Pat Sobeski
Augustus Tobias
John Trudgen
John Van Dorp
Darlene Whitecalf
Teresa McLellan (Provincial Liaison)

Regrets:

Kennon Johnson
Doug McGee

Staff:

Chris Tasker
Deb Kirk
Derekica Snake
Steve Clark
Linda Nicks

Melissa Kiddie
Rick Battson
Paul Michiels (Oxford County)
Deb Goudreau (Oxford County)
Ingrid Vanderschott



1) Chair's Welcome

Bob Bedggood welcomed the committee and called the meeting to order at 9:10 am noting that quorum was achieved. Bob congratulated Melissa Kiddie, who has accepted a position with the City of Hamilton and welcomed back Ingrid Vanderschott.

A new SPC member Hugh Moran nominated by the Ontario Petroleum Institute was introduced to the committee.

2) Adoption of the Agenda

An item was added under item 7 to discuss progress on OFA/OFEC progress on Farm Water Protection Plans.

Moved by Jim Maudsley -seconded by Darrell Randall

“RESOLVED that the June 8, 2012 agenda be approved with the additional item under business.”

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous Meeting

The May 11, 2012 SPC meeting minutes were circulated for review in the meeting package.

Moved by George Marr-seconded by John Trudgen

“RESOLVED that the May 11, 2012 SPC meeting minutes be approved.”

CARRIED.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) First Nations Update

Augustus Tobias reported draft threat policy discussion papers have been presented and he indicated the Moravian of the Thames First Nations is organizing a committee to create policy to develop by-laws which he indicated is a new venture for them. Derekica Snake reported the First Nations Liaison Committee (FNLC) continues to meet; meeting locations will be rotated to various locations to encourage attendance from the different areas. Steve Clark reported GUDI study results for the various FN areas should be available soon and will be presented at an upcoming FNLC meeting.

7) Business

Farm Water Protection Plans

Pat Feryn, Don McCabe and John Van Dorp attended a meeting in Barrie hosted by Ontario Farm Environmental Coalition. Pat reported *Farm Water Protection Plans* were discussed and how these plans could potentially assist the Risk Management Official (RMO); incorporating established Best Management Practices to reduce risks to drinking water sources. The Ontario Environmental Farm Coalition is offering a training program for farmers to help them better understand Risk Management Plans. More information will be available to the farming community in the fall. Funding is being provided by the Agricultural Adaptation Council to have sixty farm properties go through a test run whereby farmers can prepare plans to address threats/concerns themselves or may hire a consultant. It is hoped that these plans will form the basis of the negotiated RMP which need to be accepted by the RMO.

a) Pre-consultation Comments

Melissa Kiddie updated the committee on the pre-consultation process for the draft policies. Each implementer was given specific policy packages and meetings were held for the municipalities to assist in understanding the process. Packages went out to municipalities, provincial agencies (including the Ministry of Environment, Ministry of Natural Resources, Municipal Affairs and Housing, OMAFRA, Ministry of Transportation), the Health Units and Thames, Sydenham and Regions'

Conservation Authorities. Presentations were requested for further clarification and provided for Lambton Clerks, Sarnia, Perth South and St. Mary's.

The pre-consultation commenting period for the implementers started in April and closed June 1, 2012. To date, there have been over two hundred comments received; by June 4 comments were received from fifteen implementers and notices from four that comments would be delayed. The municipalities of Dawn-Euphemia, Middlesex County, South Huron and the Elgin, London-Middlesex, County of Lambton Health Units submitted comments indicating they had no comments/or issues with the draft policies.

A compilation of the comments was distributed to the members (however it was later noted that the compilation was not complete and a revised compilation would be distributed). Overall, the comments support the policies indicating the policies are believed to be flexible and accomplish the objective of having a activity cease to a significant threat or prevent the activity from becoming a significant threat. All comments will be carefully considered and where appropriate, changes to the proposed policies will be presented to the SPC for approval.

Some common themes in the comments received were presented to the committee:

Funding:

- Funding will be needed for policy implementation, specifically start up funding for *Education and Outreach*.
- Continued support for ODWSP.
- RMO/RMI will need to have resources.
- Further consideration of financial implications for municipalities.

Implementation Timing:

- Timing to update OP and zoning by-laws should be revised. To be amended within 2 years of OPA; timing in 2 tier structure where local OP must conform with Upper Tier OP so initiating concurrent amendments may be problematic. OP and zoning by-laws generally within no later than 5 year OP review and within 3 years for zoning by-law conformity. Suggested wording was "*Shall be initiated*" to show intent.
- Implementation timing should be consistent for policies using similar approaches. (I.e. Specify Action). Time varies from 1 year to 2 years. It was suggested to standardize timeframes at 2 years for implementation.
- Annual reporting may be too onerous and more time may be required; many reports are due during this time and it may be difficult to manage.
- Timing should be revised for specific policies.

Typographic/Grammar/Format

- Reduce redundancy to be sure the policies are easily understood; revising policy descriptions so policies titles are consistent, threat activity status (whether for existing or future or both) needs to be clearly indicated.
- Ensure the *Explanatory Document* includes the rationale for the use of Section 57 for existing activities.
- Wording in policies may need to be “tweaked”. For example when using *PI* it reads *review and amend existing*, rather “*review and amend if necessary*”.

Collaboration

- To ensure conformity with policies of SPP and CWA, SPC or SPP staff or CA should assist the municipalities by reviewing and providing comment on OP and by-laws.

Out of Scope Policies

- Some policies may be out of scope for example the geo-referencing of *Prescribed Instruments* because the actions resulting from the policy would not directly address significant threats. It was suggested by the commenter that this recommendation may be forwarded as a supplement to the SPP.

Other Comments

- It was suggested that Transition policies are needed. Oxford County is working with others on developing transition policies and will provide further information.
- Differentiation between on-site snow storage and transportation of snow may be problematic. These 2 policies use Section 57 (transportation of snow) and Section 58 (on-site storage) and thus Section 57 and 58 would apply to the same activity on the same area which cannot be done under the CWA. Further discussions with MOE may be required for these types of comments.

All comments will be compiled and provided to the SPC in advance of the next meeting. The draft policies will be revised and the resulting revisions will be reviewed at the next SPC meeting. To facilitate this review, a table will be provided with existing draft wording, summary of comments pertaining to the policy and suggested solutions to the comments. An indication of the number of comments related to each policy will be included. Oxford County comments will also be included. Policies of the Thames, Sydenham and Region and Oxford County’s policies will be harmonized through this process. Following approval of policies at the July SPC meeting, all of the policies will

be input into the province's policy database to be included in the draft proposed SPP. The summary of comments will be included in the *Explanatory Document*.

The question of fiscal responsibility and costs associated with SPP implementation was discussed. The *Explanatory Document* identifies financial consideration options the implementers can use to evaluate some of these costs. The SPC does not have authority over creating a funding model however; comments relating to funding uncertainties will be identified in the *Explanatory Document*.

b) Oxford County Draft Policies

Paul Michiels gave an update on the pre-consultation process on the Oxford County's draft policies; comments received are similar to the Thames, Sydenham and Region. Municipal staff was consulted on an individual basis and are supportive of the policies. Significant threats policies are similar however low and moderate threat and transport pathway policies have not been developed on the Lake Erie side. These policies will be the focus of harmonization of the policies.

The definitions of "New" and "Existing" threats were reviewed. Existing means an activity that *lawfully* exists or was lawfully engaged in, on the date the SPP takes effect or at some point during the 5 year period ending on the date the SPP takes effect and intended to continue.

Discussion:

- The 5-year window approach was discussed and would allow for items that have a changing or intermittent use but does not allow for the activity that was there 100 years ago to re-establish.
- Whatever definition is decided upon will need to allow for discretion from the RMO or implementing body.
- Discussions will occur with Lake Erie, Oxford County and the Ministry of Environment to finalize the definition and it was suggested that consistency across the region in the definition of *existing* is important. Transitional policies may need to be more flexible from area to area.
- The Lake Erie Region definitions will be complete for June and be reported on the July SPC meeting.
- A concern was raised over including an arbitrary number of 5 years that may restrict activities which have a lengthy approval process.

- It was suggested that a standard application across the province would be preferable. The committee was informed that the province had indicated that they were not prepared to provide such a definition.
- Teresa McLellan will enquire about how exiting is defined in other Thames, Sydenham and Region neighboring regions of Essex Region and Ausable-Bayfield-Maitland Valley so that we may see if consistency with our neighbours is possible.

Transition Policies:

Transition policies would allow for a significant threat activity proposed as part of a development application(s), submitted prior to the date the SPP takes effect to, to be subject to the policies for existing threats (managed rather than prohibited), even though that threat activity would not meet the definition of existing. Types of applications that may need to be transitioned include: Planning Act/Condominium Act: Official Plan Amendments, Zoning By-Law Amendments, Site Plan Approvals, Minor Variance, Plan of Subdivision, Consent to sever and Draft Plan of Condominium/Exemptions. The question is at what stage in the process should a proposed activity be considered “*existing*”.

Discussion:

- The problem arises if policy *prohibits* new but allows existing to be *managed*, either through Part IV tools or a Prescribed Instruments (PI). The scope is limited to only those activities that are significant threats in the area where they would be significant threat and where there is a difference in the policy for future and existing.
- Definition of existing needs to be adhered to. A suggestion made to use wording of *within a reasonable amount of time* but not less than X years; however if not clearly defining the time lines, any decisions of the RMO could be challenged and taken to the ERT (Environmental Review Tribunal). The significant threat areas need to be reviewed and determine where potential transition policies may be required based on proposals being considered.
- Transition policies deal with applications/projects in the queue already; *existing* means established in the past.

- The question was asked whether timing should use the 5 year timeframe or leaving it open, using common sense. Definition of existing should be kept simple and more definition in detail can be included case by case, using an exemption where it makes sense.

Replacements, Modifications, Expansions

- Replacements, modifications, expansions were defined. Oxford is proposing to allow for replacements, modifications and/or expansions of existing significant threats to be treated as existing (e.g. managed) This would provide flexibility for lawfully established activities to evolve over time and in some cases provide an opportunity to reduce the threats to drinking water by allowing for improvements.
- The expansion of a system was discussed and the example of a gas station was used; if an upgraded, safer system is installed that protects the source then it would be permitted. If the expansion created a new significant threat or brought a threat into a significant threat area, this is a concern.
- The Thames, Sydenham and Region policies have dealt with expansions on a policy by policy basis specifically related to fuel and septic systems where the expansion was dealt with right within the policy.
- Staff will work with Oxford County and draft wording for the definitions and present to the committee for review at the next meeting. It was noted that there is flexibility in the SPP and the volumes to allow for differences in the policies for Oxford and the rest of the region.

Pre-consultation Draft Policies Oxford Comments

An overview was given of the Oxford County draft policy pre-consultation:

- Generally the significant threat policies are similar. A focus was given to the additional policies in the Thames, Sydenham and Region's policies of moderate and low threats, transport pathways, specified action and the broader impact of the policies.
- Difference in policies was noted under *Restricted Land Use (RLU)*. Oxford County exempts all residential from RLU whereas Thames, Sydenham and Region policies exempt these if serviced by sewers and natural gas. It was suggested this could be dealt with by providing education related to the additional requirements related to fuel and septic rather than using Restricted Land Use. This will result in a more reasonable amount of applications being submitted to the RMO and not dealing with more than necessary. It was

recommended that residential not be included in the RLU designation. It was noted that the two exceptions were: septic systems which are not dealt with through Risk Management and fuel which is only a significant threat if below grade; The challenges in applying the RLU policy to the IPZ areas in the St. Clair SPA were discussed and it was noted that a separate significant threat policy was suggested to deal with these areas relating specifically to large volumes of fuel and fertilizer storage activities. Revised policies to be brought forward to next SPC meeting.

- Temporary Storage: Oxford County policies manage existing storage and all future storage is prohibited. ASMs, pesticides and fertilizer are dealt with through the RMO who will determine whether it's prohibited. Clarification was given that the committee used prohibition for temporary storage and intends this to remain the same. It was pointed out that management of temporary storage would likely result in more permanent facilities being used which would achieve similar results.
- Implementation timing: Specified action policies time lines differ from Oxford County. A standardized 2-year period timeframe was recommended to provide consistency. The OP/by-laws process timeframes warrant more discussion.
- Incentive Policies Policy: a number of these will be collapsed into one to address all aspects. *Education and Outreach* and *Incentive* policies include details that could be inserted into the Explanatory Document.
- Transport Pathways are not included in Oxford County's policies. A number of the policies require municipalities to act where they may not have the authority, specifically wells subject to Regulation 903. This will be re-worded.

In concluding the discussion, there are a few of the Thames, Sydenham and Region policies that will be revised based on the discussions today and brought back to the committee for review. Some policy differences will remain however the intent is the same of mitigating risks to drinking water.

The committee took a break from 10:50-11:00 a.m.

c) Source Protection Plan Volume I

i) Text

The SPP Volume I text and maps were circulated to the committee for review. The focus at this stage is on content and wording. The documents will be forwarded to the proof reader.

Discussion:

- A suggestion was made to re-name the RMO throughout the document to *RM office* to cover the various scenarios for the municipalities; persons designated as the RMO may have other roles. A person with qualifications (PQ) can be designated by the municipality/implementing authority. The CWA provides three positions: RMO/RMI and PQ which allows flexibility in terms of who has to issues or approves.
- Related to page 34, under local threats, a concern was raised with the wording suggesting that an IPZ3 may be extended in land. There was limited modeling done at this stage and more work can/should be done to look at different scenarios including locations farther inland, different chemicals or different volumes. The text suggests that areas directly connected to the delineated IPZ are also likely to result in a deterioration of source water for the purposes of drinking. It was suggested that a reminder that the modeling was conservative should be included and additional modeling needs to be undertaken to determine if the IPZ work should be modified. Alerting the municipality of the potential for an increase in the size of the IPZ is important and should be considered by the implementing bodies. Although significant threat policies would not apply, they should not be left with the impression to outside of this are there are not impacts. A concern was raised that review agencies may require someone to prove though modeling they do not pose a threat outside the IPZ area.
- The question of the SPP amendment process was asked. The Minister of Environment will determine the time frame for plan review in the approval of the SPP. A 5-7 year revision period has been suggested. The CA's and municipalities will have a expectation to advice of any needed changes. A section covering updates to the plan is included in the SPP.

ii) Maps

A map was circulated showing locations of the drinking water systems. Grammatical revisions were identified. Clarifying where one system starts and another ends is always a challenge so the mapping from the Watershed Characterization and Assessment Reports was used which uses color coding to indicate intakes and centres supplied by the intakes. Some colours need to be altered to distinguish between similar colours.

Sheldon Parsons reported that he spoke with staff with the Municipality of Chatham-Kent about pre-consultation comments not being submitted. The notice did go to council and staff felt the input provided at previous meetings was sufficient. Formalized written comments will be submitted.

The committee broke for lunch 12:05 – 12:40 p.m

d) SPP Policies, Volume III

i) Text

- o Acronyms as suggested in past will be included.
- o Land farming term (under waste sub-threat) was clarified and refers to “*Part of land you spread petroleum bio-solids from digesters and natural microbes in soil degrade it*”.
- o The *Anatomy of a Policy* document will be improved through the graphics department.

ii) Policy Index Tables- are coming. These lists are a legislative requirement to indicate the legal effect.

iii) Maps- all the maps have been provided with the exception of Oxford County. The symbology may change to differentiate between area A and B; the final products will be available next meeting.

e) Explanatory Document

The *Explanatory Document* will be available and circulated at the next meeting.

f) Source Protection Plan Schedule update and extension request

The Source Protection Plan Schedule Discussion Paper (Document #2012.06.7f.) was circulated (it was later determined that the previous discussion paper was circulated rather than the intended update). It is recommended that the SPC request an extension to December 31, 2012. This will allow for policy developed by Oxford County to be integrated into to the work of the SPC. It also allows for the process to align with the schedule which Oxford is following for the Lake Erie Region. Due to the magnitude of comments received and the fact that a number of them were received after the deadline it will take some time to resolve policy recommendations and harmonize with Oxford’s policies. This additional time also allows for the integration of Oxford’s materials into the Explanatory Document and

Volume II of the SPP. It is critical that the revised schedule aligns with the Lake Erie schedule due to the complexities of integrating Oxford policies into the TSR SPP.

Policy revisions will be discussed at the July SPC meeting and in August the committee will have a final approval before the policies go out for public consultation. Consultation will commence around August 17 and end in mid September. Comments on the draft proposed SPP will be considered at the October SPC meeting. In order to meet the SPP requested submission deadline, the SPC meeting in November was moved up by one week, to November 2, 2012 to the date of the workshop. The SPP will be submitted to the Minister prior to Christmas. At the January SPC meeting the comments will be reviewed as no changes will be can be made at this point. The comments are received by the SPA who submits them, with the SPP, to the Minister.

Everyone was reminded that any SPC member is welcome to attend the consultation open houses, although it is not expected that members need to attend all of them. The updated SPC meeting and workshop schedule is posted on the Source Water Protection website. This schedule will be updated to reflect the change in meeting date for the November meeting.

The committee agreed with the recommendation of requesting an extension for the SPP submission to December 31, 2012.

Moved by Valerie M'Garry -seconded by Jim Maudsley

“RESOLVED that the SPC request an extension for the submission of the SPP to December 31, 2012 and approve the change in meeting dates to accommodate the updated SPP schedule.”

CARRIED.

8) Information

a) MOE Guidance

Teresa McLellan reported there was no new guidance to report on.

b) Geothermal Articles

Recent articles were circulated relating to geothermal energy systems and drilling. The article outlined that Ontario is strengthening drilling regulations after averting a

potential disaster in Oakville in May when a natural gas formation was hit when drilling for a geothermal borehold. It was reported that geothermal drilling has been stopped in Ontario until legislation is in place to ensure public safety.

9) In Camera Session

None.

10) Other business

None.

11) MOE Liaison Report

Teresa McLellan reported this week of an announcement of the Great Lakes Protection Act and leveraging existing networks such as SPC. The announcement included potentially looking at Great Lakes targets.

Teresa also reported that the responsibility for inspection of sewage systems and complaint based inspection of private wells is moving to Drinking Water Management division from Operations division of MOE.

12) Members Reports

Jim Reffle- attended a recent meeting facilitated by the Ministry of Environment where proposed protocols for monitoring blue/green algae in the north shore of Lake Erie were discussed. The algae typically were showing up in western part of Lake Erie, Wheatley/Point Pelee and are now drifting up to the western part of Elgin County. The CA's and treatment plant operators to be advised.

Joe Kerr- reported he received a call from a fertilizer facility of what inquiring what changes will occur when the SPPs are implemented; he indicated there is uncertainty in what will change at this point in time and possibility of hurdles.

Don McCabe- the Bio-Amber plant has chosen a site in Sarnia and another plant is taking CO2 from a stack to grow algae to make bio-diesel.

Sheldon Parsons- further to Joe Kerr's comment, if the local fertilizer industry was to close, it would cost local farmers greatly. Farmers have experienced benefits from using liquid and crystal fertilizer, being lawfully stored.



Melissa Kiddie- thanked the committee for helping to make this past year be one of growth, professionally and personally.

13) Adjournment

There being no further business, the meeting was adjourned at 1:25 p.m. The workshop on July 6 is canceled. The next regular SPC meeting is scheduled for July 13, 2012.