



SPC MEETING MINUTES
JULY 13, 2012
Meeting #50

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:10 a.m. on July 13, 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)	Charles Sharina
Brent Clutterbuck	Joe Salter
Pat Donnelly	Pat Sobeski
Dean Edwardson	John Trudgen
Patrick Feryn	John Van Dorp
Paul Hymus	Darlene Whitecalf
Carl Kennes	Teresa McLellan (Provincial Liaison)
George Marr	
James Maudsley	
Don McCabe	
Doug McGee	
Hugh Moran	
Earl Morwood	

Regrets:

Kennon Johnson
Joe Kerr
Valerie M'Garry
Sheldon Parsons
Darrell Randell
Jim Reffle (HU Liaison)
Augustus Tobias

Staff:

Chris Tasker	Rick Battson
Deb Kirk	Paul Michiels (Oxford County)
Derekica Snake	Ingrid Vanderschot
Steve Clark	Teresa Hollingsworth



1) Chair's Welcome

Bob Bedggood welcomed the committee and called the meeting to order at 9:10 am noting that quorum was achieved.

2) Adoption of the Agenda

Moved by John Van Dorp-seconded by Dean Edwardson

"RESOLVED that the July 13, 2012 agenda be approved."

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous Meeting –June 8, 2012

Moved by Jim Maudsley-seconded by Brent Clutterbuck

"RESOLVED that the June 8, 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) Source Protection Plan Schedule update and extension request

The Source Protection Plan schedule update and extension request was submitted and received by the Ministry. There has not been a formal response yet but it has been going through the proper channels. The Lake Erie Region has received an extension for their plan submission to December 31, 2012.

b) First Nations Update

Darlene Whitecalf reported things are moving forward for the FN and the SWP process. Bob Bedggood will be attending the next FN Liaison Committee meeting to discuss agriculture and fuel. Darlene indicated there are more First Nations dedicated to attending the liaison committee meetings.

Derekica Snake is working with the Delaware First Nations on a Children's Water Festival will be held on August 3, 2012.

7) Business

a) Policy Interpretation (2012.07.7.a)

The **revised** updated version of the "*Policy Interpretation Discussion paper*" was circulated for review. The discussion paper relates to the Draft Thames-Sydenham and Region SPP Volume III containing a section on policy interpretation that includes definitions and clarifying statements that apply to all policies. The SPC was asked to consider the new material which was added to these areas of Volume III since circulated for SPC approval.

Key Points:

A. Definitions The definition of *existing* and *future* is the same as in the previous version of the document.

- The SPC asked for a comparison of the definitions of existing and future with Oxford County, Ausable Bayfield Maitland Valley and Essex Region and those versions were outlined in the discussion paper. It was noted that this definition may change through consultation.

Under B - Clarifying Statements are included in Volume III, the statements were revised since the previous version and were phrased as being softer definitions.

- #1. Where a policy does not state whether it applies to future or existing threat, the policy applies to both existing and future threats.
- #2. Where the Tables of Drinking Water threats include circumstances referring to quantity of material and in developing policy the intention is to apply to volumes identified in the circumstances which are stored together in a storage unit. The definition does not relate to the individual container rather multiple containers in a storage unit, giving the flexibility in the definition to provide room for interpretation.
- #3. Policies related to threats involving handling and storage of material, the intention that these policies apply as defined in O.Reg 217/01 (liquid fuel) and 213/01 (fuel oil) as they would apply to materials identified as a threat. The definitions from the two regs have been blended together to be applied to a broader case which is likely broader than the Ministry's interpretation. Handling is intended to refer to the storing, transmitting, transporting or distribution of a material and including putting them in a container but not limited to one in a motor vehicle, water craft or trailer. The question was asked whether this only applies to above ground or for items stored below grade that could also be considered a threat. The question of whether the word "*transmitting*" should be tweaked was asked but will remain as it comes from the provincial definition.
- #4 Temporary Storage refers to storage in a facility that is temporary therefore the facility has not received approvals which would require them to be designed in such a way to mitigate the threat to drinking water. Storage for the purpose of application on that site within a 24 hour period is not considered to be storage but part of the application. The 24 hour time period was discussed and the committee agreed with retaining it, highlighting the importance of the balance of having some flexibility in allowing for this and at the same time respecting the significant risk it could create.
- #5 Policies in the SPP may make reference to other legislation, taking into consideration that legislation may be amended.

C. Implementation Timing will be stated in a new policy where not already prescribed through the CWA (Policy 1.13) and summarized in section 2.3.2 of Volume III, in a table as written in the Discussion Paper 2012.07.7a.

- Land Use Planning: Zoning by-laws implementation timing was discussed. The question of whether the 2 year time frame from the passing of the OP should be revised to 3 years as is the standard given in the MOE policy database. After some careful consideration the committee agreed to retain the 2 year period in order for the by-laws to be amended as soon as possible

and indicated it will be helpful if the municipalities can work together collaboratively.. Through consultation some municipalities are concerned with the possibility of appeals although there are no grounds if the SPP is followed. Compliance/decisions have to conform as soon as the SPP's are effective.

There were no other changes discussed to the implementation timing as written in the discussion paper. The Policy 1.13 Implementation Timing was revised from the previously distributed Discussion Paper version and was accepted by the SPC.

D. Risk Management Plan Requirements

- Pre-consultation policy G5.1 to G5.5 included requirements for RMPs. As it was not a Part IV policy in and of itself, the content was moved into the text of Volume III, policy interpretation section.

E. Transitional Provisions

- Volume III includes a description for Transitional Provisions which should be amended to show the progress Oxford County has made in working with MOE to establish effective wording. This wording will continue to evolve and the TSR wants to be consistent with Oxford County. More changes may be required after consultation. It was suggested these policies include the full range of things you may want to transition so that MOE can make comment on and it can be scoped afterwards.

b) Pre-Consultation Comments

- i) Summary: A summary table of the pre-consultation comments was circulated for review. An additional column will be included for responses to the comments and on how the committee dealt with the comments; this table will be included in the SPP under the Appendices of the Rationale.

The committee was given a summary of the general tone of the comments. For the most part comments have been positive. The intent of the policy and whether the policy is reasonable will be a deciding factor in revisions made to the policies. If revisions are not made, an explanation will be provided within the comments table. The MOE has submitted substantial comments for the TSR. There is some disagreement between ministries relating to the NMA legislation and will need to be resolved through the SPP approval process. The SPP Rationale will need to be sound, thorough and rely on the science of the Assessment Reports as established in the technical rules.

A discussion paper titled “*Policy Consolidation of tools with similar objectives*” (#2012.07.7.b.) was circulated and each was reviewed. There are a number of policies with the same intention and consolidating them will simplify the SPP.

Key Points of discussion:

- OMAFRA comments include not supporting prohibition of any of the threats covered under the NMA outside WHPA-A. The policy direction is consistent with the vulnerability and risk assessment process as laid out in the technical rules. If OMAFRA believes that the science behind the NMA is more appropriate, this is a decision outside the SPC’s mandate of mitigating significant drinking water threats as defined by the CWA. Therefore the decision needs to be made at a provincial level. OMAFRA also opposed policies proposing the management of the application of ASM where the NMA currently prohibits this activity within 100m of a municipal well. TSR policies permit some activities using risk management and wording was applied to these policies to indicate the RMO will have regard for the NMA prohibition in establishing the RMP.
- The TSR policies include separate policies for temporary and permanent storage and it was suggested to combine them. Based on pre-consultation comments, prohibition of existing temporary storages can be done through stipulations within a RMP which can be specified within the policy.

Policy 2.28 Temporary storage of Agricultural Material (ASM) Prohibition would be removed and permanent storage of Agricultural Source Material Management would read as follows outlined in the discussion paper.

Concerns were noted that the statement of the “*NMA principles shall form the basis of the RMP provided the RMO is satisfied these principles’ adequately manage the threat*” as being inflammatory on certain audiences. If the RMO is not given the discretion and it cannot adequately be managed then it effectively becomes a prohibition. The NMA does not include all threats but the CWA does. The recommendation from the committee was to retain the current wording for consultation and verify that language is included in the rationale that the SPC’s opinion is nutrient management principles will adequately manage the threat in most cases. A concern was raised that some inspectors who will be given the power to interpret policies and may not have enough experience.

- **Combining Part IV and PI tools with the same objective.** The existing seven NASM policies will be consolidated into 3 policies. New policies would accomplish the objective (manage or prohibit) using multiple tools (Part IV and PI).
- **Fertilizer Policies:** The proposed policy includes a restriction on acceptable risk management measures which effectively prohibits temporary storage as outlined in the discussion paper.
- **Under the Waste Disposal:** consolidation of PI and s57 prohibition into single policies for each of these threats. In trying to streamline the policies the language of “*Part IV are used where aspects of the activity are not covered by the PI*” was removed but will be added again and the wording tweaked relating to those aspects that are not dealt with the PI, designated under section 57 or 58.
- The approach of consolidating some of the policies stemmed from generating the required lists from the database. By combining some of the policies it will make the threats easier to deal with.

The committee took a break from 10:50-11:05 a.m.

ii) Review of proposed revisions.

A table outlining the revisions to policies based on pre-consultations comments was distributed and reviewed.

Key Points:

- ***Policy # 1.01 General Education and Outreach Policies.*** The word *partnership* will be removed because it has legal connotations and be replaced with negotiated or *work collaboratively municipal/CA/provincial partners*.
- ***Policy #1.05 General Incentive Programs Policy.*** Some of the details will be removed and put in the rationale. Policy 4.04 was removed relating to investives for septic well/inspections which is covered by a general policy; wording from this policy will be included in the rationale section.
- ***Policy #1.06 Continued Funding of Ontario Drinking Water Stewardship Program.*** The committee was asked if low to moderate threats should be included; decision was to only include significant threats.
- ***Policy #1.09 Restricted Land Use Policies.*** Policy 1.09.1 was added with the same wording for event based modelled threats (IPZ) this was not part of

the original pre-consultation package. A notice of approval from the RMO shall be required prior to the approval of any Condominium Act, Planning or Building Permit Application.

- **Policy #2.19 Incentive for Existing Septic Systems.** The committee was asked if a separate incentive or just a general one should apply. As suggested by Oxford County it would not add leverage to obtain funding therefore be kept general; the SPC agreed to incorporate it into the general incentives.
- **Policy #2.47.1 Existing Pesticide Storage** (greater than 2500 kg and 2500 L) was a policy gap. A new policy to fill the gap for managing existing pesticide storage where manufactured, distributed or processed will be added.
- **Policy #2.58 Handling and Storage of Fuel at aggregate management operations.** The MNR would be prepared to add a note on the spill site plan that reads to the effect “fuel storage tanks will be installed and maintained in accordance with liquid Fuels Handling Code of TSSA. The word “handling” and storage will be added to stress relocation where possible.
- **Policy #2.62.1 Handling and Storage of DNAPLs.** A policy gap was identified for DNAPL quantities typical of household use. A separate E & O policy will be included to address the significant threat.
- **Policy #2.73 Transportation of Fuel and Fertilizer along Roads, Railways and Waterways and the Transportation of Liquid Petroleum through pipelines.** The Ministry of Transportations has established requirements currently in place and the SPP will be taken into account and included as a criterion, in locating EDR. This will be done as part of the municipal process.
- **Policy #3.03 Location of New Road Salt Facilities in areas that would pose a Low or Moderate Threat to Drinking Water.** The committee was asked if this policy should include both low and moderate threats for new road salt storage. As such the current draft policy would prohibit any volume and type of salt storage from being developed therefore it was recommended that only moderate threats will be included which captures the larger storage. The management through minimum design standards if necessary to locate within these areas will be added to enable a salt storage to be approved and municipalities will be asked to “shall consider” so the intent is there.
- **Policy #4.01 Municipalities responsibilities for Updating Spill Prevention Plans, Spill Contingency Plans and Emergency Response Plans.** Oxford County’s wording was adopted which was more concise and the detail included in the Education and Outreach rationale.

- **Policy #4.08.1 New Transport Pathway Guidance to implement Section 27(3) of O. Reg.287/07.** This is a new policy which split the previous policy into two. CAs were not included as implementers in the first draft. Two separate policies are required because of the different implementation bodies and legal effect.

To summarize the discussion, it is expected the policies will require more subtle refinement and the descriptions will be standardized. The committee gave approval for the revised policies to go out for consultation and the staff the latitude to make any further changes which do not change the intent of the policy.

A note was made of the TSR possibly taking a leadership role in the province in Education and Outreach program for the household use of DNAPLs. Other chemicals such as organic solvents should also be included and outlining examples of products containing these chemical will be important.

c) Oxford County Policies

Paul Michiels gave the committee an update on the Oxford County policies indicating there are not substantial policy changes and based on pre-consultation, more of the municipal comments speak to the implementation versus the policies. The draft policies have gone to County Council. The Lake Erie Region's draft policies are complete with the exception of the transitional related policies and integration of the TSR and Oxford County will be completed also adding the transport pathways policies.

d) Source Protection Plan Volume I

The next version of the draft SPP Volume I was circulated for review. The committee was asked to provide any comments to Ingrid Vanderschot in the next week. Maps were reviewed at the previous meeting have been returned by the proof reader and presented again with a few further suggested revisions.

A comment was made about there being an overlap of some of the surface water systems. It is not the intent of the map to show emergency interconnections between systems which exist between many of the systems in the region. The map is intended to indicate the principle source; however London has two intakes in different lakes.



e) SPP Volume II

Volume II will include Oxford County's definitions/ interpretation and will be incorporated and presented at the August SPC meeting. The goal is to make the integration of the TRS and Oxford County as simple as possible.

f) SPP Volume III

The SPP Volume III was circulated for review. The information from the discussion paper titled "*Policy Interpretation Discussion paper*" will be incorporated into Volume III. Maps were circulated and reviewed again.

The Appendix A-Legal Conformity List was distributed. The list informs the implementer which significant threat policies affect decisions under the Planning Act and Condominium Act. More lists will be added.

The committee broke for lunch 12:00 – 12:30 p.m

g) Explanatory Document

i) Preliminary draft text. The Explanatory Document preliminary draft text was circulated which continues to be in a state of flux as the policy still evolves. The committee was advised to read it and direct any comments to Ingrid Vandershot in the next week.

ii) Prohibition rationale. A discussion paper was circulated titled "*Rationale for section 57 prohibition significant threats (2012.07.7.g.ii)*".

Section 40 of O.Reg 287/07 requires that the explanatory document include the committee's reasons for each policy in the Source Protection Plan. It also requires an explanation of the committee's reasons for designating an activity as prohibited, including the reasons relied on by the committee to form the opinion that the activity must be prohibited in order to ensure that it **ceases** to be a significant drinking water threat". Also, section 24 of OReg 287/07 indicates that an **activity that is occurring** when a source protection plan takes effect shall not be designated as prohibited "unless the source protection committee is of the opinion that the activity must be prohibited in order to ensure that it **ceases** to be a significant drinking water threat. O. Reg. 246/10, s. 12.

A table was extracted from Explanatory Document which outlines the reasons for section 57 prohibitions so that the committee could review it in detail to ensure that

it accurately and completely describes the reasons that the committee has relied upon to form the opinion that the activity must be prohibited to ensure that it ceases to be a significant drinking water threat. The committee was asked to review the attached table carefully and bring any concerns with how the rationale has been presented or suggestions as to how it could be improved to Ingrid Vanderschot within the next week.

The *Explanatory Document* is a separate document to explain the SPP and the reasons behind the policies. The MOE does not approve this document, rather uses it for reference.

h) Farm Water Protection Plan meeting

The SPC was asked to pass a motion to acknowledge John Van Dorp, Pat Feryn and Don McCabe representing the SPC at a workshop on the Farm Water Protection Plans in Barrie hosted by Ontario Farm Environmental Coalition.

Moved by Jim Maudsley-seconded by George Marr

“RESOLVED that the committee approve the attendance of John Van Dorp, Pat Feryn and Don McCabe as SPC representatives at a workshop on Farm Water Protection Plans”.

CARRIED.

8) Information

a) MOE Guidance

Teresa McLellan reported there is no new guidance.

9) In Camera Session

None.

10) Other business

None.

11) MOE Liaison Report

Teresa McLellan reported the Ministry of Environment Source Water Protections Branch is in the process of changing Directors.

12) Members Reports

Paul Hymus- as a point of interest the Municipality of Chatham-Kent is looking at other water supplies for the Ridgetown area.

Pat Donnelly - reported the City of London has released the video clips “Put Waste, in the Right Place” and on topics such as storm sewers, fats, oils and grease and “Don’t Use your Toilet like a garbage can”. He suggested a video be done for the use of DNAPLs.

Don McCabe- attended a conference in Chicago. Nitrate in water is a large issue that the Environmental Protection Agency is summarizing a report. Chesapeake Bay area is being used as a pilot project on how to handle SWP. He reported the United States is dealing with a number of issues particularly the drought situation and the impact to farming. Other topics included sustainability, eco-systems, water quality/water quality trading and global warming.

Bob Bedggood- posed the question of what is the SPC’s influence will be using the example of a sprayer breaking a hub and whether companies can be asked to build them to 100 percent capacity.

13) Adjournment

There being no further business, the meeting was adjourned at 12:50 p.m. The workshop in August is canceled. The next regular SPC meeting is scheduled for August 10, 2012. During this meeting final approval of the draft SPP will be required before it goes out to further consultation; that being said it will be crucial to have quorum in attendance at this meeting.