



SPC MEETING MINUTES
DECEMBER 9, 2011
Meeting # 45

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

Members

Bob Bedggood	Sheldon Parsons
Murray Blackie (SPA Liaison)	
Brent Clutterbuck	Joe Salter
Pat Donnelly	Charles Sharina
Dean Edwardson	Patrick Sobeski
Pat Feryn	John Trudgen
Paul Hymus	John Van Dorp
Joe Kerr	Joe Van Overberghe
Carl Kennes	Darlene Whitecalf
George Marr	
Don McCabe	
Earl Morwood	
Doug McGee	
Valerie M'Garry	

Regrets:

James Maudsley
Darrell Randall
Kennon Johnson
Augustus Tobias
Holly Waite
Jim Reffle (HU Liaison)
Teresa McLellan (Provincial Liaison)

Staff:

Chris Tasker	Linda Nicks
Deb Kirk	Rick Battson
Derekica Snake	Bonnie Carey
Girish Sankar	Melissa Kiddie
Steve Clark	

1) Chair's Welcome

Bob Bedggood welcomed the committee. Conservation Ontario "2012 Water the Future of the Source" calendars as well as the recent SWP newspaper tabloids were made available to the members.

2) Adoption of the Agenda

Moved by John Van Dorp-seconded by Earl Morwood

"RESOLVED that the agenda be approved."

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous Meeting

Moved by Doug McGee-seconded by Dean Edwardson

"RESOLVED that the November 18, 2011 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) AR status Update

The approval letter for the St Clair Region Updated Assessment Report has been received from the Director of the Ministry of Environment.

b) Municipal Policy Advisory Committee Update

Melissa Kiddie reported the Spills Prevention and Transport Pathways discussion papers have been distributed to the Municipal Policy Advisory Committee (MPAC). The remaining Threats Discussion Papers (Waste Disposal, Industrial Sewage, Sewage Treatment, Storm Water Management and Local Threats) will be distributed the week of Dec.12 to Dec.16, 2011. No further comments on the previous papers have been received.

c) First Nations Liaison Committee Update

Darlene Whitecalf reported attending a meeting of the London District Chief's Council. Sharilyn Johnston, an Environmental Officer from Aamjiwaang First Nations will be appointed as the new SPC representative replacing Kennon Johnson. Darlene and Augustus Tobias plan to schedule a meeting with Walpole First Nations to discuss SWP.

d) Threats Discussion Paper Update

An updated "*Threats Tracking*" table was circulated to the committee outlining the status of each discussion paper. To date Threats Policy Discussion Papers have been completed for all of the prescribed drinking water threats except for those associated with water quantity, which will be dealt with during future updates of the Source Protection Plan.

This table also outlines the draft policies completed for each prescribed drinking water threat under each policy tool approach. Chris Tasker reported work continues on the draft policies and the challenge is to ensure they are in a state where they can be submitted for pre-consultation. When sending the packages to the municipalities for pre-consultation they need to be clear, concise and complete. Consistency with Oxford County's policies also need to be evaluated.

7) Business

a) Draft Policies for pre-consultation

i. Restricted Land Use (RLU)

The “*Restricted Land Use*” draft policies were circulated and discussed at the December 2, 2011 workshop.

Key points of discussion:

- *Restricted Land Use (RLU)* is a tool under *Part IV* of the CWA and can only be used in conjunction with Section 57 (Prohibition) or Section 58 (Risk Management Plans) of the CWA.
- RLU is a complicated tool and has been simplified by only having two policies.
 - RL. 2.0 states: *having all land uses identified within Municipal Official Plans and zoning by-laws in the Thames-Sydenham and Region Source Protection Region with the exception of residential use in areas which are serviced by natural gas and sanitary sewers are designated for the purpose of S.59 restricted land use under the CWA in all areas where the policies of SPP indicate that one or more prescribed drinking water threats are subject to s.57 prohibition or s.58 Risk Management under the CWA (as illustrated in the mapping required under policy LP2.0). Within these designated land use categories and areas, written notice of approval from the Risk Management Official (RMO) shall be required prior to the approval of any building permit or Planning Act application. Notwithstanding the above where the RMO has developed more detailed direction as to specific land uses/activities, geographic areas and/or types of building permits and Planning Act applications that require a notice of approval from the RMO under S.59 of the CWA and such direction has been provided in writing to the municipality, this direction shall take precedence for purposes of complying with this policy.*
 - This concept resulted from discussions with Oxford County. The policy provides a level of screening through the RMO.
 - RL.2.1 *To assist in their review of applications subject to S.59 of the CWA, the RMO shall consider establishing requirements for the provision of additional documentation to detail the specific nature of the activities being proposed. Where written notice of*

these requirements has been provided to a municipality, a) municipalities shall require this additional documentation to form part of a complete application, b) municipalities shall circulate a copy of or the necessary components of the complete application to the RMO for review.

- The question of what will trigger the RMO to look at applications was asked. The trigger will be when an individual or business has submitted an application to the building/planning department. Areas are mapped where activities can be significant drinking water threats and where RLU applies; the Chief Building Official or planning department would alert the Risk Management Official (RMO). The RMO will have the ability to provide a guidance document to the Chief Building Official/ planning department and proponent of what documentation is required and under what circumstances RMO approval is required.
- The concept of all land uses except for residential fully serviced areas with sanitary and gas was introduced. This would not exclude septic systems and underground fuel storage from having RMO approval since they can be identified as significant threats. The challenge with this is gas is not mapped in official plans and future development plans may include the servicing of the areas.
- A map showing WHPA Vulnerability of 10 and a table “*Area with Vulnerability Score of 10 (in acres)*” was circulated listing the municipalities, land use type, parcels impacted and whether or not sanitary services might be available for at least part of the area.
- The RLU screening process allows for those submitting building permits and Planning Act applications to be aware of Source Protection policies prior to development. This is beneficial to the proponent since it would reduce the need to initiate measures after a building has been put in place and allow the proponent to consider the risk management in their development plans.
- A question of clarification was asked regarding the involvement of the RMO being only required within certain vulnerable areas. S.57 Prohibition, S.58 Risk Management Plans and therefore s.59 Restricted Land Use tools can only be used for significant drinking water threats. An exception where the RMO is suggested to be involved without the requirement of a RMP or prohibition is where aircraft de-icing is a significant drinking water threat. In this case it is recommended that the airport authority works with the RMO as airports are regulated by the federal government and it is therefore not thought to be enforceable to require the Risk Management Plan.

- A comment was brought forward that challenges in the screening process include identifying where vulnerable areas are located. Concerns have been voiced from the industrial sector of what the additional criteria will be for development. As outlined in draft policy LP2.0 and draft policy RI2.0 maps indicating vulnerability scores of 8 and 10 as well as WHPA-C relevant to DNAPLs will be included in Official Plans and zoning by-laws as a communication tool for people submitting/receiving applications.. Maps will be available within the SPP as well as on the geo-portal. Updated System Summaries figures will also be used as a communication tool to indicate the location of vulnerable areas where threats can be significant. Tabloids, which were circulated in newspapers, also indicate the affected areas.
- A question was asked of decommissioned wells and if they are included in mapping. If a municipality owns a well or intake they must be maintained or decommissioned. If a well is decommissioned and it is removed from the drinking water system it would be removed from the Assessment Report and the restriction would not apply to that area. There are examples in London and Dorchester where wells are used as back-ups and they need to be maintained while Mount Brydges and Strathroy are examples of systems which have been removed.
- It will be important for the RMO to have the ability to determine what documents they require to assist in their review. Details will not be entrenched in policy since it may not be updated quickly (i.e. every 5 years).

ii. Land Use Planning

The “*Land Use Planning*” draft policies were circulated and discussed at the December 2, 2011 workshop.

Key points of discussion:

- The “*Land Use Planning (LUP)*” tool applies to future activities and can be used in conjunction with other tools or on its own.
- Under the rationale section on page one, third paragraph sections of the Planning Act were included for clarification. The date of the current Planning Act and the words “amended from time to time” will be added.
- The Municipal Policy Advisory Committee questioned the timing requirements for updating official plans and zoning by-laws. Some members felt it should be part of the regular conformity exercises of Official Plans of 5 years and others thought since “*Land Use Planning*” is

not the only tool used it would not be advantageous to be so aggressive. At the workshop, the SPC members decided to stay with the original concept of “initiating the update of the Official Plan within 6 months of the effective date of the Source Protection Plan with a goal to be completed within 2 years of the effective date of the Source Protection Plan and updates to Zoning By-laws to occur within 3 years of the effective date of the Source Protection Plan”. Municipalities are obligated to comply immediately with the significant threat policies once the SPP is in effect and it will be important to have by-laws/official plans in place.

- Under LP.2.0 the policy was reworded to state; *As minimum municipalities shall review and amend their Official Plan and Zoning By-Laws to:*
 - *Identify the areas in which the drinking water threats prescribed under the CWA would be significant;*
 - *Incorporate mapping that reflects the locations where s.59 restricted land use policies would apply (as per policy RL.2.0);*
 - *Indicate that, notwithstanding the permitted uses contained in Official Plans and Zoning By-Laws within the areas identified above any use or activity that is or would be a significant drinking water threat under CWA is required to comply with the applicable policies contained in the Thames-Sydenham and Region Source Protection Plan and as such may be restricted, prohibited or otherwise regulated by those policies; and,*
 - *Incorporate any other amendments required to conform with any other specific land use policies identified in this plan.*
- Under LP.2.1 Official Plans and Zoning by-laws “additional information will be included such as technical reports, planning justification reports, physical prevention and mitigation measures that should be included in the design, disclosure report that describes the proposed structures and other supporting documents deemed necessary by the municipal council.” Discussion occurred around the idea of the complete application. The RMO under RL2.1 can require specific information to assist in their review. The SPC felt this should be more general and the draft policy changed to “Municipalities shall adopt Official Plan policies requiring the inclusion of additional information...” removing the specifics. A question was asked about which planning authority has to update its Official Plans and Zoning By-laws. Any planning authority needs to comply with SPP.
- A concern was raised of the initial pressures to the CAs to be the “watch dog” of the SPP implementation. Municipalities are the responsible body for determining RMO services *although they may contract* and negotiate this service with the CAs. Disclosure services are occurring now to educate people about vulnerable areas. CA planners use the same template for the letters to be consistent. All three of the CAs will work

collectively to determine what the CAs role may be. The UTRCA will have more challenges due to the area affected and number of applications.

- Under LP.2.2 wording was changed from “*ensure future activities never become*” to: “*manage the risk associated with significant drinking water threats.*”
- Under LP.2.3 “*when updating Official Plans and Zoning By-Laws, municipalities shall consider developing new land use categories to address road salt storage facilities and transported off-site snow storage to ensure that future activities never become significant drinking water threats*”. This policy was presented at the workshop. SPC members present decided that this policy did not need to be included since these activities are covered under S.57 prohibition draft policies.
- Based on suggestions from the SPC member at the workshop to keep draft policies more general rather than include specifics, LP3.0 was changed to “*Where municipalities require site plan control, site plans shall be consistent with risk management plans, in addition to the requirements set out in municipal Official Plans and zoning by-laws*”.
- LP.5.0 pertaining to septic systems was discussed at the December 2, 2011 workshop and three options were developed for the committee to consider:
 - a) Municipalities shall update Official Plan policies and zoning by-laws to prohibit the creation of new lots which would be serviced by septic systems within vulnerable areas where this would be a significant drinking water threat.
 - b) Municipalities shall update Official Plan policies and zoning by-laws to prohibit new septic systems where they would be a significant threat to drinking water.
 - c) The third option was defined as a non-policy and was to apply to future septic systems the same management required for existing septic systems. This would effectively allow septic systems within vulnerable areas where this would be a significant drinking water threat provided that they meet accepted standards and have in place assurances that they will be adequately maintained.
 - Points of clarification during this discussion included:
 - All classes of systems are included such as sub-surface sewage treatment systems.
 - Existing lots in vulnerable areas were discussed and whether a person can put in a septic system.

- This policy is less restrictive than the one Oxford County has in place already; they prohibit them out to WHPA-B.
- Severances of surplus farm housing were discussed and if the new lot is un-serviced this could create issues.
- Policy relates to only lots requiring septic services. There may be lots created that septic systems may not be required.
- Existing septic systems are required to meet accepted standards and have assurances that they will be adequately maintained.

After a lengthy discussion a motion was brought forward and the committee voted as follows;

Moved by Valerie M’Garry -seconded by Earl Morwood

“RESOLVED that Municipalities shall update their OP and Zoning by-laws to prohibit the installation of new septic systems in areas where they would be a significant threat to drinking water.

CARRIED.

A discussion concerning how existing septic systems should be dealt with resulted in the following wording to be added to the policy for clarification: *“For the purposes of this policy, the upgrading, alteration or replacement of an existing or previously existing septic system to an approved standard shall not be considered to be the installation of a new system.”*

- LP.6.0 Moderate/low policies: Municipalities shall be encouraged through their land use planning processes to locate new salt storages outside areas with a vulnerability score of 6 or greater, wording changed to *“locating in areas with a vulnerability score less than 6”* to be clearer.

iii. Specify Action

Melissa Kiddie reported the S.26p.1 Other-Stewardship, Best Management Practices, Pilot Programs, Govern Research and Specify Action document is not

yet complete however the committee was asked a series of questions for clarification.

Key points of discussion:

- Tools outlined within S.26 (1) of O. Reg. 287/07 are considered “soft” since they manage a threat activity by non-regulatory means. The tools include stewardship, best management practices, establishing pilot programs, govern research and specify actions to be taken to implement the Source Protection Plan.
- Under the Best Management Practices, a policy example was created for the storage of mine tailings to consider specific design standards such as containment structures, sub-surface barriers, and leak detection methods when the storage of mine tailings is a significant threat. In land use planning the storage of new mine tailings was prohibited and through prescribed instruments the storage of mine tailings was managed. The question was asked of “if prohibition is used through land use planning, does the policy need to consider design standards” The committee indicated that this policy be removed.
- A question was asked about drilling mud. It was suggested that drilling mud is not considered tailings and has a different permitting process considered by MNR (for oil and gas wells).
- A comment was made that gypsum stacks (from fertilizer manufacturing) may be a possible mine tailing and require maintenance. They are clay capped but are not in an area where they are a significant threat. IF the committee is concerned about this as a threat to downstream intakes, in future this could be modeled and considered as part of IPZ-3.
- Road Salt/Snow Storage-the policy example for road salt outlines road authorities would work in collaboration with the RMO in developing winter road maintenance and salt management plans. The intent of the committee was to include both the municipal and provincial authorities as implementing bodies
- Under the Establishment of Sewage Systems- Best Management Practices related to design and maintenance of storm management facilities be applied in vulnerable areas where the threat is significant. The question was raised “Should this apply anywhere or only where it is a significant threat” Best Management Practices for storm water management should apply to moderate and low threats as well.
- Best Management Practices related to maintenance/inspections of sewers that are located in vulnerable areas had examples listed such as sewer liner programs. The examples will be removed, relying on maintenance/inspection. Best Management Practices would be

encouraged or required in vulnerable areas only where it is threat. When suggesting Specified Action and BMPs to the municipalities the question was asked of whether to use soft language “*Shall be encouraged*” or to use stronger language “*shall*”. The objective is to mitigate significant risk and municipalities are obligated to comply. Where the specified action policy is the only tool managing risk, stronger language may be necessary.

- Transport Pathways- *it is suggested specific* guidance be used to alleviate stresses/dangers that transport pathways may have on municipal drinking water sources. The committee agreed encouraging others to use these guidelines when putting in wells is not necessary.
- Land Securement around well heads. This policy example idea was identified in the agricultural threats discussion papers where it stated “*when a municipality intends to exceed the level of protection identified within the SPP land securement should be considered*”. The question was asked, “Should this be a general policy or should it be specific to agricultural threats”. The committee agreed that this should be a general policy.

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

- Under Specify Action- Municipal Act Policies, municipalities shall be encouraged ...to enact and enforce by-laws such that e) floor drains where dense non-aqueous phase liquids (DNAPLs) and organic solvents are being handled or stored, and this activity is a drinking water threat are not directly connected to the sanitary sewer. The question posed to the committee was “if the action should be for only significant drinking water threats”. The committee discussed whether Municipal sewer use by-laws are general and apply to sanitary and storm sewers. It was concluded that they could apply to both storm and sanitary sewers.
- Considering by-laws that prohibit floor drain connections was discussed. If a person handles these chemicals, they should not be directly connected directly to a drain.
- The RMO can determine volume/concentration of DNAPLs and organic solvents.
 - Issue is not about whether a floor drain is connected or disconnected rather what is being poured down the drain.
 - If a floor drain is there, accidents can happen posing a threat.
 - Municipalities should encourage proper disposal of these chemicals as covered under waste management.
 - Definitions of sewage, septic systems, sewers, sanitary and storm sewers were discussed and the need for consistency.

- If using a general by-law, residential cannot be exempt. A suggestion to use the definition of “*Substances of special concern*” versus using specific examples.
- Improving the quality of the effluent does not address the issue of what is being put in the system.

After a lengthy discussion, the committee agreed to remove the wording “*Floor drains where DNAPL’s and organic solvents are being handled or stored, and this activity is a drinking water threat are not directly connected to sanitary or storm sewers*” to using broader terms of “*encouraging municipalities to enforce sewer use by-laws to include sanitary and storm sewers.*”

Specific examples of chemicals will not be included. The RMO through a RMP will deal with the issues of concentration levels of chemicals and floor drain connections.

- Storm Sewer by-laws and Storm Water Management were discussed at a previous meeting and clarity was required relating to the action of the policy example. The policy example stated: *Municipalities to enact and enforce storm sewer bylaws for vulnerable areas where storm water management facilities are designed to discharge storm water to ground water/ surface water where significant.* A discussion occurred and comments provided indicated by-laws are reviewed periodically to reflect current design standards. The committee agreed that the previous discussion of enforcing sewer use bylaws would capture this idea.
- Policy Example for NASMs - *The policy example outlines “municipalities shall consider not using facilities for the handling and storage of NASMs in areas where the storage would be a threat”.* Prohibition is used for new storage and temporary storage of NASMs. The question was asked if stronger language should be used for existing storage, of thou shall not versus just to consider. The committee agreed that stronger language will be used.
- Spills Prevention Plan - The policy example indicated that businesses and industries would be the implementer of updating their own spills prevention plans. This was changed to municipalities to encourage businesses and industries to complete spills prevention plans. This focuses on the municipalities as the implementer and would not require consultation with all industries. Duplication of the emergency responder’s role was discussed. The goal is for municipalities/businesses to consider risk mitigation around wellheads. This is not a RMP tool, it is meant to encourage the extra step of considering the risks to drinking water.

A question of whether Emergency Responders will respond differently to a spill relating to storm water management in a vulnerable area was asked. Standard Operating Procedures for Emergency Responders outline steps to cover this. “*To take additional steps*” will be removed from policy example to just read “*to consider risk mitigation.*”

- Under policies where the province is the implementer specific policies have been provided. It was noted that pesticide application permits have an inspection where there is significant threat the word “*Should*” will be used rather than “*Shall*” as the Province does not have to comply to specific action policies
- In the policy examples for fuels the policy as *it is* written outlines MOE *shall* consider monitoring abandoned decommissioned gas stations and remove unused storage tanks in vulnerable areas as priorities. These two are different actions and the committee agreed that they should be separated into two policies; one for monitoring and one for decommissioning.
- Policies affecting other Stakeholders-For road salt application and the storage of snow, the policy example identified that research and pilot programs would be an appropriate action. The policy example outlined the partners but the lead was not identified. The committee agreed that the province should take the lead.

Specified Action polices will be brought forward at the next meeting for further review and discussion.

b) Pre-consultation

Rick Battson reviewed the pre-consultation discussion paper completed by the SP communications team. The purpose of the paper was to outline the pre-consultation phase of the SPP. Specific requirements were outlined and various meetings described. Meetings will take place with the Municipal Policy Advisory Committee, municipalities, provincial implementers, the First Nations Liaison Committee and with other implementers. Items required to be included in the implementer packages are listed.

The SPC discussed the draft policies and agreed they are not ready at this stage to be taken out for pre-consultation. There are still inconsistencies between policies tools which need to be considered. Oxford County draft policies have to be considered which may have an effect on the Committee’s policies. Once the policy matrix is complete more clarity will be available and data gaps may be more evident when looking at all the policies together. Monitoring policies also need to be drafted. While it is expected that when the packages go out for pre-consultation there will be some comments that require revisions to the draft policies, there needs

to be confidence in the initial product going out. This delay may have an impact on the delivery of the SPP if consultation starts later than February or March 2012. The quality of the work and having a good product that we have confidence in was highlighted as more important than meeting a timeline. The impact of these delays on the Source Protection Plan submission date will be further evaluated when the pre-consultation period is established.

c) SPP and Explanatory Document Outline

The SPP and Explanatory Document Outline were circulated at the Dec 2, 2011 workshop. The committee was asked to review it and advise staff of any further input. It was identified that since distribution it had been revised to include Great Lakes targets as a data gap. This document will continue to be refined and early committee input is important.

8) Information

a) Spills Action Centre update

Teresa McLellan to give a presentation at the next meeting.

b) MOE Guidance

None.

9) In Camera Session

None.

10) Other business

Joe Kerr had questions about the recent area rain events and whether by-passes occurred. The concern of the Sydenham River getting to the St. Clair River, by the Walpole Intake. Under certain conditions the modeling did show that the flow from the Sydenham flowed upstream on the Chenal Ecarte past the Wallaceburg intake; but did not push it back as far as the St. Clair River. The question was asked of whether modeling will ever be updated based on a different year event rather; not just one in a hundred year event. Water plant operators reported the water flow was the most seen past the Wallaceburg intake. There are many scenarios that could be modeled at Wallaceburg; it is a very complex system. Various places

are looking at IDF (intensity duration frequency) curves and updating them based on more recent rainfall events however this is only one of the many variables in the flow regimes past the intake. It would be interesting to be able to model the conditions of this recent flooding event.

11) MOE Liaison Report

A document is available titled “*Ministry of Environment Liaison Program Update No.10 Date: November 16, 2011.*” If the members want a copy of the report it can be emailed or printed for them, please advice Deb Kirk.

12) Members Reports

Sheldon Parsons- asked of the status of cross jurisdictional issues. Brian McDougall provided an update at the previous meeting and will provide a further update at a future meeting.

Pat Donnelly- gave an update on the London International airport’s use of “*glycol usage*” and will email the results to everyone. He reported a research project on the public perception of drinking water; the recognition of where drinking water comes from resulted in a below average grade. The “*Thames River Clear Water Revival*” is still alive. A person from UTRCA has been hired to manage the project working with the City of London; the project is funded provincially and federally.

Charles Sharina- highlighted the articles circulated today from various newspapers relating to SWP.

Joe Van Overberghe- reported the Minister has been encouraging MOE and MNR to talk more and discuss hydraulic fracturing.

Dean Edwardson- reported the Sarnia Lambton Environmental Association received an honorary award at a SOLA Conference in Fort Erie for monitoring work done on the St. Clair River.

13) Adjournment

There being no further business, the meeting was adjourned at 2:50 p.m. The next SPC meeting is scheduled for January 13, 2012 and there will not be a workshop.