



SPC Sub- Committee MEETING MINUTES  
AUGUST 12, 2011  
Meeting # 41

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on August 12, 2011 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

**Members**

Bob Bedggood  
Murray Blackie (SPA Liaison)  
Pat Donnelly  
Dean Edwardson  
Pat Feryn  
Paul Hymus  
Carl Kennes  
Joe Kerr  
Don McCabe  
Earl Morwood  
Darrell Randall

Joe Salter  
Charles Sharina  
Patrick Sobeski  
John Trudgen  
John Van Dorp  
Darlene Whitecalf  
Teresa McLellan (Provincial Liaison)

**Regrets:**

Kennon Johnson  
Brent Clutterbuck  
James Maudsley  
Valerie M'Garry  
Sheldon Parsons  
Doug McGee  
Augustus Tobias  
Joe Van Overberghe  
George Marr  
Jim Reffle (MOH Liaison)

**Staff:**

Steve Clark  
Chris Tasker  
Deb Kirk  
Linda Nicks

Melissa Kiddie  
Bonnie Carey  
Derekica Snake  
Ian Wilcox

1) Chair's Welcome

Bob Bedggood welcomed the committee and indicated a quorum had not been met and the members present agreed to proceed as a subcommittee and report to the full Source Protection Committee to endorse the decisions made in sub-committee.

2) Adoption of the Agenda

A motion to approve the agenda was not given due to not having a quorum.

3) Delegations

There were no delegations.

4) Minutes from Previous meetings

The July 8<sup>th</sup> SPC meeting minutes were not approved due to not having quorum and were deferred until the September SPC meeting.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) AR Status

i. UTRCA Consultation Comments

Consultation on the UTRSPA AR resulted in eleven comments that were incorporated into a table and circulated to the committee for review. Most of the comments related to minor punctuation inconsistencies and grammatical revisions. The committee was asked to consider how they want to deal with the comments so that their proposed revisions can be sent to the Ministry of Environment (MOE) to accompany the report consulted on. The options presented were for the committee to either submit the revised pages before approval or submit them during a future round of planning when the AR is being updated for other reasons. Revisions will not be

accepted after approval, as small changes will not warrant an updated AR on their own. The committee was asked to determine which of these changes are major enough to revise at this time. It was noted that revisions based on any of the comments listed, would not require further consultation.

The committee agreed making the minor revisions to the Section and System Summaries will be a priority as they are utilized most often; other minor revisions can be completed the next time the entire report is updated.

The committee also considered the edits to the other components of the Assessment Report and agreed with staff recommendations included in the summary of comments.

Moved by Dean Edwardson -seconded by Pat Donnelly

*“RESOLVED that the SPC agreed to submit the revisions to amended proposed UTRSPA AR to the Ministry of Environment after the revisions are implemented as outlined in the summary of comments. Other minor revisions will be completed at a later date.”*

*CARRIED.*

#### b) First Nations Liaison update

The First Nations Liaison Committee had their first official meeting on July 27, 2011. It was reported the meeting was well attended and everyone was quite interested in the SWP process. Three new members from Aamjiwnaang First Nation have been appointed. Although they do not have their own water system they are interested in how SWP will protect their drinking water coming from LAWSS and because they are upstream of the Wallaceburg intake. The Kettle-Stoney Point First Nations has also expressed interest in the process but could not attend. Having a third SPC representative fully participate on the SPC was discussed. Darlene Whitecalf is meeting with the London District Chief's Council who appoints the committee members to reiterate this again.

Applications for capacity funding have been removed from the MOE website although there may be funding still available. Initially, when the funding was offered Darlene Whitecalf reported they did not apply due to not having the capacity to use it; now they do. The MOE is considering this and trying to provide support for this work. Applications that have been submitted are being processed.

c) Sanitary Sewers and Waste Water Treatment Terms of Reference

The Sanitary Sewers and Waste Water Treatment Terms of Reference document was circulated to the committee for final review. The first meeting is scheduled for August 22, 2011 at the St. Clair Conservation Authority office. Pat Donnelly and Murray Blackie are designated chairs and Girish Sankar, the staff lead. A note was made to reflect in the Terms of Reference Member Criteria that the City of London representative works in collection not treatment.

d) Municipal Advisory Committee Update

The Municipal Policy Advisory Committee met on August 11, 2011. Pat Donnelly reported the meeting resulted in good discussions; bringing everyone up to date on the SWP process. Many of the discussions were focused on the role of the Risk Management Official, the Risk Management Plan and concepts around “*Restricted Land Use*” and how this can work. Clarification that the “*Restricted Land Use*” definition is not a *Land Use Planning* definition rather a definition under the Clean Water Act, which refers to prohibition and risk management. Questions of applicable law through the Building Code were discussed. The members were encouraged to engage other municipal staff in the process.

## 7) Business

a) Local Threats identified through IPZ-3

A *draft* letter addressed to the MOE from the committee was circulated for review, to request the transportation of specific substances along transport corridors be added as a ‘local’ threat in the St. Clair SPA. This would support the IPZ-3 delineation work that has occurred. Girish Sankar reviewed highlights of the letter:

- The transportation of substances along corridors is currently not a prescribed drinking water quality threat and a spill of oil or fuel products from a pipeline has the potential to affect the quality of water used as a source of drinking water.

- Concerns have been expressed by the committee pertaining to the transportation of liquid petroleum products through pipelines and transportation of fuel and fertilizer along provincial highways, county and local roads, railways and navigation channels.
- Eligible circumstances in the Tables of Drinking Water Threats relate only to storage and handling. In the event that these substances were spilled during transportation they would also pose a risk to the quality of municipal water sources.

Key Points of Discussion:

- A concern was raised of a spill being a ‘temporary’ threat for an IPZ-3 intake and it may not adversely affect the intake. Even if the spill was temporary in nature policies can be written in spills action plans.
- The question of why ‘Benzene’ is identified was asked. Concentrations of benzene were used in the modeling; as a worse case scenario although there are other constituents of fuel which are also drinking water threats.
- A question was asked of whether to include WHPA’s in the letter or focus on IPZ-3. The committee agreed to keep them separate due to WHPA modeling not being done. The Lake Erie Region has identified pipelines as a local threat in WHPAs and this has been approved however these have not been identified in this region. Policies can be written to address spills through contingency plans regardless of whether the activity is identified as a local threat.
- The letter will be fine-tuned working with the MOE to ensure all information and content included is accurate.

Moved by Earl Morwood-seconded by Charles Sharina

*“RESOLVED that the letter be forwarded to the Ministry of the Environment identifying the transportation of specific substances along Transportation corridors as ‘other’ or non-prescribed drinking water quality threats in the St. Clair SPA.”*

*CARRIED.*

b) Policy concepts from workshop

i. Transport Pathways

The Transport Pathways presentation was given at the workshop held August 5, 2011 and a copy was circulated to the committee August 12, 2011. Although background papers on Transport Pathways are not available yet, the concepts are being discussed. The presentation outlined the definition of transport pathways, how they are related to drinking water threats, how they are considered in the Thames-Sydenham and Region Assessment Reports, applicable legislation, policies and programs, policy tools, considerations and concepts.

Key Points during discussion:

- Transport Pathways are defined as “*a land condition resulting from human activity that increases the vulnerability of a municipal drinking water system’s raw water supply.*” These include geothermal wells unused/abandoned water wells, improperly constructed or maintained oil and gas wells, pits and quarries, construction of underground services and sewer pipes and septic systems. Transport pathways are not themselves a threat and in the Thames, Sydenham and Region there are transport pathways in Perth, Oxford, Middlesex and Chatham-Kent.
- The gaps in the management of wells was discussed. There is no proactive inspection program to ensure that wells meet standards. Ontario Water Resources Act O. Reg. 903 requires wells to be decommissioned but there is no enforcement. If a well is reported an Environmental Officer will inspect it. Municipal wells are inspected on an annual basis whereas private wells are not.
- Incentives for well decommissioning were discussed. A suggestion was made to use the sale of a property as a trigger for well inspections to occur (via land transfer tax) in WHPAs. Under the Clean Water Program, wells requiring work are usually discovered when working on other projects, not by an individual coming forward. If de-commissioning a well is more regulated the risk for someone to cover it up may be greater, creating more of a problem. It is a societal benefit to protect the aquifer. The

committee agreed to continue to build on the policy concept and re-visit the incentive option of whether to include land transfer tax or not.

- Using caution when writing policy relating to insurance was suggested and there was a question of whether this concept can be worked in.
- Under Education and Outreach building on the ‘*Well Aware Program*’ was noted and that other environmental impacts such as low water times and pollution affect water in general.
- Geothermal systems were discussed and will be included under Education and Outreach. It was suggested to include the definition of geo-thermal systems and use wording to show support for *properly* constructed systems. It is important for people to know vertical systems can be transport pathways.
- Under Prescribed Instruments, the concept of using the Permit to Take Water program could include a condition that a well be maintained to standards. Teresa McLellan will clarify whether this can be used. Septic Approvals (by MOE) should consider whether a system is a transport pathway which affects vulnerability.
- Inspection programs through the Municipal RMI or Province to enforce O. Reg. 903 where discussed. Whose role is to inspect? It was suggested that the best qualified person are those within the MOE’s Safe Water Branch Division as they are currently involved in the inspection of the municipal wells.
- It was identified that the SPC’s role is to protect water before it gets to the treatment stage; treatment being the next step in the multi-barrier approach. Developing policies that outline inspection programs requiring funding/incentives may not be helpful when the funding may not be available.
- Septic systems can be considered transport pathways. In Oxford, in a couple areas where there is an increased density of septic systems, the vulnerability of these areas has been increased. This is generally only a concern in areas where the source of drinking water is from shallow aquifers.

- For wells it is only wells which extend to the same aquifers as the municipal source.
- Under Policy Concepts-Specify Action, the wording needs to be clear on whether we are dealing with septic systems or wells and include the rationale that there is no need to induce the future potential of a transport pathway when there is an alternative source of water and where that construction could have an impact on the municipal aquifer.
- The committee agreed to look at surface water transport pathways at later date.

The series of concepts discussed today will be incorporated in the discussion paper and policy examples will be available for review.

## ii. Spills response and contingency planning

The Spills response and contingency planning was deferred and will be discussed at the September 1, 2011 workshop.

The committee broke for lunch at 12:30 p.m

## c) Policy Examples for approval

### i. Road Salt and Snow Storage

The Road Salt and Snow Storage Policy example changes were circulated based on discussions at the workshop on August 5, 2011.

Key Points of Discussion:

#### ***Road Salt***

- Road salt used as a dust suppressant was discussed at length at the workshop and changes have been incorporated to capture this. A section was added on the guideline “C-9: Approval of Waste Management Systems for Dust Suppressant using Waste Material” produced by the MOE which applies to the carriers of the waste (not

the site receiving the waste to be used for dust suppression).

- A Guiding Principles sheet circulated under a cover letter from Paul Heeney (Acting Director) on Salt Storage and Snow Dumps on Licensed/Permitted Sites from the “*Aggregate and Petroleum Resources Act*”. Concepts from this sheet were incorporated into the Policy Concepts Table under *Prescribed Instruments* (p.18 of the Discussion Paper).
- To strengthen the mandate of these guiding principles, it was suggested that on page 18 under *Prescribed Instruments*, the policy concept discussed under bullet 5, be changed to the “MNR shall not allow temporary salt storage where the storage of salt is a significant drinking water threat “ changing the word “*should*” to “*shall*”.
- A question of how *brine* is defined and regulated was asked at the workshop on August 5<sup>th</sup>. Research was completed and it was understood that the definition of road salt would include products used in deicer/ice prevention as well as dust suppression. Brine would also be included in the general definition of dust suppressant outlined in “*Guideline C-9: Approval of Waste Management Systems for Dust Suppression using a Waste Material*”. Under this guideline, Certificate of Approvals are required for the carriers applying waste material as a dust suppressant. Brine would need to be chemically characterized at the time of applying for the C of A as different levels would be treated differently. Under the policy examples, brine is incorporated as road salt used for dust suppression under Policy 12-4b). The focus is on significant drinking water threats of storage in WHPA-B’s with vulnerability score of 10 and brine should be applied in a manner consistent with municipal salt management plans.
- *12 4b & c- Prescribed Instruments*: new policy examples were added on dust suppression that fall under Environmental Protection Act Reg. 347. Specific policies indicate Municipalities and the MOE as the implementing bodies.
  - Under the monitoring policy more details will be included based on how many Certificate of Approvals

were approved and the instrument number. The committee will review the moderate and low threats and determine where monitoring policies will be developed.

- *Under Policy Number 12-3a Land Use Planning (Storage of Road Salt) Implementation Schedule* changes were made in terms of Land Use Planning and Official Plan updates. The committee agreed to outline specific timelines to nudge municipalities along in completing the updates. This was also discussed at the Municipal Policy Advisory Committee. The intent of the implementation schedule timelines is to provide a target not necessarily the goal. However, the Ministry of Environment is looking at the timelines from the Ministry of Municipal Affairs and Housing perspective, incorporating policies into comprehensive updates which may have longer delays.
- A report of a brine storage (raw material) being a possible threat in IPZ-3 in St. Clair River being up river from Wallaceburg and Walpole was discussed. If it were to be deemed a local threat it needs to be included with details in the letter discussed earlier in the meeting. The Ministry of Environment would determine the hazard rating. Teresa McLellan will clarify this before the AR approval. In order to write policies modeling would need to be done and the timing and funding for this could be a stumbling block. The committee does not want lose track of this. After some discussion, it was decided to tweak the existing policy to make reference to products which may be turned into road salt. This could fall under Handling and Storage of Waste and the requirement of Certificate of Approvals. Teresa McLellan to also clarify this point.
- Language changes to Application, Handling and Storage of Road Salt policies included:
  - *12-4a Prescribed Instruments-Ontario Water Resources Act: the Implementation Schedule* was changed to “within 1 year of the approval of the SPP for existing Certificate of Approvals” while “implementation shall be immediate for future significant threats” was added.

- *Under 12-7 S. 59 Restricted Land Uses* wording to be revised. This policy will evolve as more is learned from advice provided by MOE.
- *Policy Number 12-8 Specified Action-salt management plans* now includes the line “*these plans should include the use of road salt for dust suppression.*”
- *Policy Number 12-9* relates to S.26 Other-Govern Research and Establish Pilot Programs. This policy example represents a new group of policies that have not been previously addressed in other threat policy examples. The wording was developed through discussions at the committee workshop on August 5<sup>th</sup>.
- Language changes to the Storage of Snow policies included:
  - The Storage of Snow policy examples have the same wording changes and ideas that are captured in the salt policy concepts.
  - Consistent language will be used throughout the *Implementation Schedule* to reflect shall conform from the date the Source Protection Plan decision is posted on the EBR.
  - *Policy 14-4b Prescribed Instruments-Aggregate Resources Act*, was added. This policy reiterates the Aggregate Resources Act Policy A.R.5.00.14 that does not permit snow dumping in aggregate operations.
  - *Policy 14-5 S.57 Prohibition*: policy idea now includes *hauled* snow storage areas.
  - *Policy 14-6 S. 58 Risk management Plans*: changes involved adjusting the time frame of the *Implementation Schedule*. For existing threats, the implementation of this policy shall be within 1 year of the approval of the SPP while for future threats it is implemented immediately.
  - *Policy 14-7 Restricted Land Use* wording may change.

- *Policy 14-9 Establishment of Pilot Programs* outlines the implementation of this policy through existing and new partnerships with groups experienced in research will allow the development of research projects to occur in an efficient manner.

Moved by Pat Donnelly-seconded by Darrell Randall

*“RESOLVED that the Application, Handling and Storage of Road Salt and Snow Storage policy examples be taken to the Municipal Policy Advisory Committee for their review.”*

*CARRIED.*

ii. DNAPL's

Minor revisions have been made to the DNAPL Discussion Paper based on previous discussions and copies were circulated August 12, 2011 for final review. The Discussion Paper will be presented to the Municipal Policy Advisory Committee.

8) Information

a) MOE Technical Bulletins

A covering letter from Paul Heeney was circulated to the committee along with a Section 56 (Interim) Risk Management Plan bulletin and Administering & Enforcement Part IV under the Clean Water Act.

9) In Camera Session

None.

10) Other business

a) SPPAC Update

A Source Protection Planning Advisory Committee (SPPAC) teleconference occurred July 22, 2011. The SPP and Explanatory Document content were discussed. Some members of SPPAC have suggested that some of the SPP sections have generic wording provided by MOE/CO for consistency. The slide presentation was circulated to the committee. Other discussions involved incentives such as the Ontario Drinking Water Stewardship Program (ODWSP) funds and the concern is whether this will be available in the long-term. The Clean Water Act provides a tool for this program but not necessarily the funding. The next meeting is scheduled for August 18, 2011; the committee will continue to be updated.

b) SPC reps attendance at agricultural meetings

Pat Feryn, John Van Dorp and Bob Bedggood attended a two day workshop through Ontario Farm Environmental Coalition (OFEC). The topics discussed directly related to Source Water Protection including the Farm Water Protection Plan, how to address farmers who have received significant threat letters and how the RMO relates to the farmer. In the past OFEC has funded these meetings, however they have requested the per diems be paid through Source Water Protection. The SPC agreed and endorsed the members attending as representatives of the SPC.

Moved by Earl Morwood -seconded by Charles Sharina

*“RESOLVED that the SPC endorse Pat Feryn, John Van Dorp and Robert Bedggood representing the Thames-Sydenham and Region Source Protection Committee at the OFEC workshop that directly related to Source Water Protection.”*

CARRIED

### 11) MOE Liaison Report

Teresa McLellan reported Ian Smith the SWP Director is now on an eight month leave of absence. Paul Heeney was Acting Director and now Heather Malcomson for the month of August. It is a challenging time with the Assessment Report approval processes continuing, the consultation required and timelines around this.

### 12) Members' Reports

*Earl Morwood-* made note of being impressed with the staff team being able to prepare all the documents in a short period of time for the meetings.

*Pat Sobeski-* posed a question to Bob Bedgood asking what the general sense is of the SPC Chairs and what their concerns are. Bob identified the timeline challenge and ensuring the job is done. Timelines are not budging at this point and until the election occurs, no future program approvals will be decided.

*Charles Sharina-* asked for an update on the wind turbines. Teresa McLellan reported there is a moratorium currently of no new wind turbines being approved and a 5 km set back from an IPZ is now included in the legislation.

*Don McCabe-* noted the election cycle routine of no Minister having the opportunity to do a public announcement. The Premier's office is the only one able to do this and he agrees with the comments about uncertainties until after the election. The OFA/OFEC perspectives on the Assessment Reports on the agricultural side, is to ensure there is conformity within balance of landscape across the province.

### 13) Adjournment

There being no further business, the meeting was adjourned. The next workshop is scheduled for September 1, 2011 and the next SPC meeting September 9, 2011. It was pointed out that the workshop was scheduled for Thursday rather than the Friday before the long weekend.