



SPC MEETING MINUTES

JULY 8, 2011

Meeting # 40

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on July 8, 2011 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedggood

Brent Clutterbuck

Pat Donnelly

Pat Feryn

Paul Hymus

Carl Kennes

Joe Kerr

George Marr

James Maudsley

Valerie M'Garry

Don McCabe

Darrell Randall

Jim Reffle (MOH Liaison)

Joe Salter

Charles Sharina

Patrick Sobeski

John Trudgen

John Van Dorp

Joe Van Overberghe

Darlene Whitecalf

Teresa McLellan (Provincial Liaison)

Regrets:

Kennon Johnson

Sheldon Parsons

Doug McGee

Dean Edwardson

Augustus Tobias

Earl Morwood

Murray Blackie (SPA Liaison)

Staff:

Steve Clark

Chris Tasker

Deb Kirk

Linda Nicks

Melissa Kiddie

Rick Battson

Teresa Hollingsworth

Brian McDougall



1) Chair's Welcome

Bob Bedggood welcomed the committee and acknowledged a quorum had been reached.

2) Adoption of the Agenda

Moved by Jim Maudsley-seconded by Carl Kennes

"RESOLVED that the agenda be approved."

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous meetings

Moved by Charles Sharina-seconded by Joe Kerr

"RESOLVED that the June 10, 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

i. SCRCA AR Comments

Two open houses were held for public consultation on the SCRCA AR. Enbridge, a gas distribution company was invited to attend because they will be engaging in activities which could be a significant threat in IPZ-3. Truck routes southwest of Wallaceburg which would be cutting through the IPZ-2 were noted as a concern. The updated SCRCA AR has been submitted to the Ministry of Environment with the above mentioned comments included.

ii. UTRCA AR Consultation Schedule.

Teresa Hollingsworth gave an update on the UTRCA AR consultation. Packages were mailed out in March 2011 to the affected landowners to include; a significant threat notification letter, a questionnaire on prescribed instruments, a table outlining the threats and Early Response Program information. Five hundred and forty packages went out across the Upper Thames area; forty two in Perth County, six in London, one hundred and two for Middlesex County, and three hundred and ninety in Oxford. This resulted in a return of twenty one surveys and nineteen telephone calls. Questions asked were “what does the SPP mean for me?” and “Why is the SPP being implemented if enforcement does not occur?” Many comments focused on the use of road salt.

The “*Public Consultation on the Amended Proposed AR Notice*” was placed in the newspapers and distributed to the members. It outlines the public open house dates and locations. The notice and an explanation letter were sent out to the Municipalities and adjoining SPA’s. Letters were also sent to a few municipalities with sewer threats and one new significant threat letter in Dorchester. A media release is being sent out this week. A question was asked of who is eligible for Stewardship funds. This will depends on the project; landowners can apply and in some cases municipalities. The SPC members were given the UTRCA Amended Proposed AR on CD.

b) First Nations Liaison update

Discussions with the Ministry of Environment have alluded to the question of whether “*Capacity Funding*” for First Nations work is still available. There are applications within the works in other regions as well as a number from this region. This region’s discussions have focused on ensuring there is funding for participation on the First Nations Liaison Committee and for the First Nations to review the Assessment Report and the Source Protection Plan. Darlene Whitecalf reported the Chippewa of the Thames is trying to speed up their application process, although elections are being held next week. The hope is to secure

funding as there is a demand for this work. Submission of the applications would also be important to highlight to the province the need for this capacity funding even if funding was no longer available.

The next First Nations Liaison Committee meeting is scheduled for July 27, 2011. Derekica Snake continues to work on soliciting new members.

c) Hydraulic Fracturing

Joe Van Overberghe gave a report on hydraulic fracturing. Hydraulic Fracturing (Fracking) is the process of initiating and subsequently propagating a fracture in a rock layer, employing significant pressure of a fluid into oil or methane gas deposits to fracture the rock and release the liquid or gas below.

Key points:

- Since the late 1950s in Ontario low pressure *injection* or nitrogen has been used to fracture rocks to stimulate wells. In Lake Erie, fracking is done using air.
- Hydraulic fracturing (*Fracking*) has been an issue in Pennsylvania where during the drilling and completion of horizontal drilling for gas wells, contamination occurred to private wells. Contamination occurred from a variety of different sources, some contamination was due to spillage at the surface others while others were from poor well completion practices and possibly from over pressurizing the shale. Fracking is being considered in Michigan, Ohio, Pennsylvania, New York and Quebec but not in Ontario as there is not a thick shale formation. A company in Australia drilled a well in Ontario and determined there is not an extensive reserve. It is an expensive process.
- Groups have been protesting hydraulic fracturing in Sarnia although it is not happening in Ontario; rather the pipeline is coming in from Pennsylvania and Ohio to the Sarnia refineries. Although London does not have potential shale formations under it, a recent protest occurred at City Hall during a council meeting where the media was present. Council of Canadians was one of the first organizations in Ontario to protest fracking. Maud Barlow of Council of Canadians spoke to city council about this issue. More information is available on the “Stop Fracturing Ontario” website.
- Hydraulic Fracturing is tightly regulated through the Ministry of Natural Resources and Ministry of Environment standards have to be met. Legislation is being reviewed in areas where drilling is being considered.

It was noted that the SPC has a considerable advantage having a broad spectrum of SPC members in order to speak to this issues such as this when they arise.

7) Business

a) Policy concepts from workshop

i. Road Salt and Snow Storage

Road Salt and Snow Storage Policy Ideas Table were reviewed based on the discussions from the working group held on June 29, 2011. Steve Clark gave a presentation.

Key points:

- Municipalities, private contractors and landscape companies are responsible. Safety needs to be considered in developing policy. The liability aspect if road salt is not applied was noted.
- Currently there are not any significant threats as a result of salt storage therefore the broad use of prohibition of future storage where it would be a significant threat will be used as a policy tool and risk management will not be necessary. Through the Municipal Policy Advisory Committee, roads authorities will have the opportunity to agree or not with this.
- Having municipalities re-locate an intake where there are significant threats was discussed as an option to reduce risk and will be noted in the SPP Preamble to not lose sight of it. Moving an intake could result in cost benefits. A comment was made of another SPA who extended an intake was granted stewardship funding due to risks being lowered. In this region, Petrolia is considering moving the pipeline out farther in the lake.
- Encouraging the use of other products was discussed and promoting research into finding salt alternatives will be included in the SPP. Some alternatives noted were snow melt facilities and urea pellets. Urea pellets are more expensive and have a high level of nitrogen. The discussion paper includes a list of alternatives.

- A question of whether brine is salt was asked. The threat is the application of road salt and if alternatives have sodium or chloride in them they are a threat. A note of alternatives having salt or other potential contaminants in them will be included in the discussion paper.
- Weather trends will be flagged in the *Education and Outreach* section. Storms are becoming more severe as a result of climate change. Lake Huron has not been freezing and there are more lake streamers, more snow.

These ideas discussed will be incorporated into policy examples and presented to the SPC for review.

ii. Storm Water Management and iii. Sanitary Sewers and Waste Water Treatment

The Storm Water Management and Sanitary Sewers and Waste Water Treatment policy background concepts were reviewed at a recent SPC workshop and it was concluded the activities related to these are carried out by municipalities. It was suggested working groups be established to consist of experts such as municipal staff from works departments and the Ministry of Environment to first build on the Sanitary Sewer Discussion Paper and then move on to consider Storm Water Management. The SPC endorsed moving forward with this. A Terms of Reference will be developed for these working groups. The letters being sent to Perth County concerning sewers being identified as significant threats will also include an invitation to participate in the working group. SPC members will chair/co-chair the groups.

Moved by Pat Donnelly-seconded by Darrell Randall

“RESOLVED that working groups be established to discuss and develop policy concepts for Storm Water Management and Sanitary Sewers and Waste Water Treatment.”

CARRIED.



Pat Donnelly will solicit City of London staff to participate. He made note of London recently producing brochures concerning the use and misuse of drains.

Valerie M'Garry nominated Pat Donnelly/Murray Blackie to be Co-Chairs of the working group. Bob Bedgood will confirm with Murray Blackie who is absent today.

Moved by Valerie M'Garry-seconded by Darrell Randall

“RESOLVED that Pat Donnelly and Murray Blackie be the Co-Chairs of the Storm Water Management and Sanitary Sewers and Waste Water Treatment Working Groups.”

CARRIED.

b) Policy examples for approval

i. Non- Agricultural Source Material and ii. Hauled Sewage Policy examples.

The Non-Agricultural Source Material and Hauled Sewage policy examples have been discussed at the various meetings. The SPC was asked to endorse these discussion papers and policy examples to then be brought forward to the Municipal Policy Advisory Committee for their review and input.

Moved by John Trudgen-seconded by George Marr

“RESOLVED that the Non-Agricultural Source Material and Hauled Sewage policy examples be endorsed by the SPC and be presented to the Municipal Policy Advisory Committee as part of the Threat Policy Discussion Paper.”

CARRIED.

A question related to Monitoring Policies and reporting to the Source Protection Authority (SPA) or Conservation Authorities (CA's). Each of the policies should be standardized to reflect *“Report to CA's.”* with the exception of monitoring requirements for the CA who should report to the SPA.

iii. Ag Threats

The SPC was asked to endorse the four agricultural threats policy examples that have been reviewed at the various meetings. These discussion papers include; Pesticides, Agricultural Source Material, Commercial Fertilizer and Livestock Grazing and Outdoor Confinement Areas. The discussion papers and policy examples will be presented to the Municipal Policy Advisory Committee for review and comment.

Moved by Joe Salter-seconded by Jim Maudsley

“RESOLVED that the four Agricultural Threats policy examples; Pesticides, Agricultural Source Material, Commercial Fertilizer and Livestock Grazing and Outdoor Confinement Areas be endorsed and presented to the Municipal Policy Advisory Committee as part of the Threat Policy Discussion Papers for review, subject to conforming to guidance on the wording recommended by the Ministry of Environment and the revisions discussed.”

CARRIED.

Discussion:

- Under Policy Example *Application of Pesticide (10-4 on page 5)* a concern was raised; if the vulnerability score changes in the future, how prohibition will be applied. Clarification was given that prohibition applies only to prescribed instruments and only those which are significant threats in areas where they are a significant threat; and including conditions on the permit which emphasize the protection of municipal wellheads where the application of the pesticide is not a significant threat. The SPC intentions will be implemented as policy and if future “*what if’s*” are always in question, policies will not be written due to fear about how they may be applied in the future. Policies need to be clear to avoid uncertainties and eliminate concerns.
- Under Implementation Schedule Pesticide Policy 10-4 the second sentence “*Existing permits which would be valid one year of the approval of the SPP shall be brought to conformity with the SPP within 6 months of the approval of the SPP.*” Wording will be changed to “*Existing permits at the time of the SPP approval will be amended within 6 months.*”
- Under Policy ideas a question was asked of whether it can be stated “*The Ontario Drinking Water Stewardship Program shall continue to adequately fund risk mitigation practices for significant drinking water threats over the long term.*” Using strong language was recommended at a recent workshop and further direction is now available from the Ministry to be forwarded by Teresa McClellan. Wording and formatting of policies has not been structured or determined yet and are still in the conceptual stage.

The Municipal Policy Advisory Committee will be formed and a meeting will be scheduled for the beginning of August to review the policy examples. The first meeting will be focused on background information and the role of the members.

iv. DNAPL and Organic Solvents

The DNAPL and Organic Solvents policy examples were circulated to the committee by email for review. At this point, these are in *rough draft* as there are still questions. The committee was asked to review and provide comments for the next workshop scheduled for August 5, 2011.

Any quantity of DNAPL's is a significant threat. The committee was asked to consider being specific about the allowable amount such as 25 liters used by the Saugeen/Grey Sauble SPC. The committee determined:

- Good to have consistency across Province.
- Although there is no clear threshold, using fair and reasonable solutions when stipulating allowable amounts will be important.
- Having the RMO determine the level of risk was debated. A suggestion to rely on expert opinion such as Dean Edwardson was made.
- Distinguishing between commercial/residential uses was suggested. The challenge is there are differences in residential uses such as the furniture stripper who works on one piece versus many. Accidents may happen more with residential versus industrial due to controls implemented by industry. Institutional such as high schools who have chemical labs, machine shops are other places where there may be risks.
- Teresa McLellan will poll other liaison officers to see what they are doing.

More information will be gathered and brought forward for further discussions.

v. Fuels

The Fuels Policy Example has been reviewed by the Fuels Working Group and will be reviewed again.

Questions were asked about the fuel being brought to the farm. If double walled tanks are to be used, are there incentives and to whom would the incentive be provided? It may actually be the fuel supplier who owns the tank. A comment was made that some companies give quotes on double-walled tanks and some

do not. Who pays and the liability was asked. If inspections are not done, it is up to the owner and if a tank is older than ten years fuel can not be delivered. The TSSA will be informed of the draft policies for their input through their involvement with the working group. Under this policy, the implementing body needs to be determined.

The SPC was asked to package up any further comments they have and email them to Melissa Kiddie.

8) Information

a) Monitoring Policies –presentation

Chris Tasker gave a presentation on *Monitoring policies* which was discussed at the SPPAC (Source Protection Policy Advisory Committee) Telecon on June 16, 2011. The presentation was completed by Conservation Ontario based on Research/Guidance documents from the Ministry of Environment. A copy of the presentation and the *Support Document for Developing Monitoring Policies* was distributed to the SPC. The SPPAC was formed by the SPC Chairs approximately a year ago to provide a venue for participation from others rather than just the SPC Chairs policy development including the review of background documents. This committee developed the working groups and used the background documents from out east; adding provincial flavor to them.

Discussion has occurred of what the definition of monitoring is. It is not water quality monitoring, rather monitoring how effective the SPP policies are at mitigating risk. Monitoring Approaches, Annual Reporting and Sample Monitoring Policies were also reviewed.

Discussion during presentation:

- A question of whether federal agencies are being considered in monitoring policies was asked. The SPP can encourage compliance but the monitoring policies are related to the threats policies which are not directed at federal agencies.
- How the SPP will be enforced is a concern and whether having regulations in place is enough to ensure compliance. When looking at significant/moderate/low risk and having diminishing returns focus in only on significant threats. Policy discussion are not focused on moderates to lows so these will not be monitored however consideration should be given to the monitoring and reporting back on public concerns raised so that it may be considered in future updates to the SPP.

- A question of who is responsible for monitoring when the SPP is in place? The Province is responsible for monitoring compliance of Prescribed Instruments and the RMO will be involved in the monitoring of most of the policies which would be implemented by the municipality. Municipalities need to think about whether they will require or have access to a RMO. Monitoring to be done on an annual basis and built into process.
- Monitoring polices may be consolidated versus having a single ones for each threat policy.
- The Clean Water Act requires annual reporting. A database will be implemented to collect information to generate reports.

b) MOE Technical Bulletins

No reports.

9) In Camera Session

None.

10) Other business

No other business

11) MOE Liaison Report

Teresa McLellan reported Ian Smith the SWP Director is now on an eight month leave of absence. Paul Heeny is Acting Director until a replacement is in place. The Assessment Report approval process continues.

12) Members' Reports

Paul Hymus- referenced a recent article in the newspaper *Point of View* indicating the Province going overboard on SWP. A response has been given from Conservation Ontario and CELA.

Jim Reffle- noted his change of position moving to the Elgin-St. Thomas Board of Health. He will remain on the SPC.



13) Adjournment

There being no further business, the meeting was adjourned at 12:00 p.m. The next workshop is scheduled for Wednesday, August 5, 2011 and the next SPC meeting August 12, 2011.