



SPC MEETING MINUTES
OCTOBER 14, 2011
Meeting # 43

Bob Bedgood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on October 14, 2011 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedgood
Murray Blackie (SPA Liaison)
Brent Clutterbuck
Pat Donnelly
Pat Feryn
Paul Hymus
Carl Kennes
Joe Kerr
George Marr
Don McCabe
Earl Morwood
Sheldon Parsons
Darrell Randall

Jim Reffle (HU Liaison)
Joe Salter
Charles Sharina
Patrick Sobeski
Augustus Tobias
John Trudgen
John Van Dorp

Regrets:

Kennon Johnson
James Maudsley
Doug McGee
Joe Van Overberghe

Valerie M'Garry
Dean Edwardson
Darlene Whitecalf
Teresa McLellan (Provincial Liaison)

Staff:

Chris Tasker
Deb Kirk
Bonnie Carey
Derekica Snake
Girish Sankar
Linda Nicks

Rick Battson
Holly Waite (Oxford County)
Jennifer Arthur (MOE)
Melissa Kiddie

1) Chair's Welcome

Bob Bedggood welcomed the committee and acknowledged a quorum had not been reached. A motion was passed on agenda item #2 and #4 when quorum was met.

2) Adoption of the Agenda

Additional agenda items *7b. Sewer and Sewage Treatment* was deferred and *7e. Cost Considerations* and *8c. SPP* were added.

Moved by John Trudgen -seconded by Charles Sharina

“RESOLVED that the agenda be approved with the changes outlined.”

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous SPC meetings – September 9, 2011

A question was asked of the status of the action items of the September 9, 2011 meeting. Jim Reffle provided information on the *“Safe Water Program”* which has been incorporated into the Transport Pathway discussion paper.

Pat Donnelly and Joe Van Overberghe will update the committee on directional drilling.

There is no new update on Kennon Johnson, the First Nations SPC representative.

Moved by George Marr-seconded by Carl Kennes

“RESOLVED that the September 9th, 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 Upper Thames Assessment Report has been approved by the Ministry of Environment (MOE). All three Assessment Reports are now approved; some updates are being completed for the St. Clair report.

b) Working Group Updates

The Waste Disposal and Storm Water Management working groups met on October 7, 2011. Girish Sankar reported that local experts and staff were represented at this meeting. A table has been populated with policy ideas and will be circulated at the next SPC meeting. A discussion also occurred concerning high sodium levels in the Dorchester area and dealing with it through Storm Water Management policies.

c) Municipal Policy Advisory Committee Update

Melissa Kiddie reported nine threat discussion papers have been submitted to the Municipal Policy Advisory Committee (MPAC) to date. The comments have been positive and will be incorporated into the draft policies. The remaining discussion papers will be sent to MPAC once they have been approved by the SPC.

A question was asked about the process and whether the SPC has the opportunity to review the Municipal Policy Advisory Committee's comments before they are incorporated into the policies. The comments are submitted electronically and time constraints are a challenge. The SPC will be provided with a summary of comments highlighting any changes to be made.

Having the appropriate representation was also noted as important. Municipal representatives from Chatham-Kent and West Elgin met with the LTVCA staff to review some of the discussion papers.

d) First Nations Liaison Committee Update

Derekica Snake reported the First Nations Liaison Committee meeting was held September 28, 2011. Attendance for this meeting was poor and will be addressed at the next meeting. The First Nations Liaison Committee has been invited to attend a Technical Services workshop on October 25 and 26, 2011 in Orillia.

The Oneida First Nations has also given approval to be involved with the GUDI studies.

e) Threats Discussion Paper Update

An updated table showing the status of each of the Threats Discussion papers was reviewed. The accepted discussion papers have been forwarded to the Source Protection Municipal Policy Advisory Committee for review. The SPC acknowledged the table as a good resource and copies were circulated.

7) Business

a) Policy concepts from workshop

i. Transportation Corridors

A table was circulated outlining the policy ideas for Transportation Corridors.

Key Points:

- Education and Outreach will raise awareness among fuel distributors about the importance of proper transportation and handling within WHPAs and IPZs.
 - A question was asked about railway ties and if CN will be provided with information and where vulnerable areas are. Policies are being developed and will be written for specific audiences to bring awareness on how and where railway ties are being disposed of. CP and Rail America should also be included.
- Incentive Programs, Land Use Planning and Prescribed Instruments are not valid policy tools for this type of threat. Risk Management Plan (RMP), Prohibition and Restricted Land Use are also not applicable.
- Under S.26 p.1 Other-Specify Action (Municipal Operations/Infrastructure) policy tool:
 - the sentence should read instead of no new highways as “consider re-routing where possible in WHPA’s and IPZ’s”.
 - Road signs to be at entrances to both WHPA’s and IPZ’s, especially for the more vulnerable of those areas; focusing on significant threats.
 - The last bullet will “*encourage*” versus “*use*” municipal traffic regulating by-laws to prohibit transportation of

specific substances/volume of substances through WHPAs and/or IPZs. Language to be consistent.

- A meeting occurred with Ministry of Transportation (MTO), MOE and a few of the SPC Chairs to discuss road signage for Source Water Protection. Bob provided a summary of the meeting for the members.
- Road sign main purposes are for regulations such as speed limit signs, warnings, destinations or information; information being the least important.
- There is a 200 meter requirement between signs and they are not to be near intersections.
- Source Water Protection (SWP) signs size would be four by eight feet and cost \$800.00 each.
- The signs need to be readable yet not a distraction, using few words and branded the same for consistency province wide.
- Education and Outreach will work in concert with the signs giving explanation to them.
- Another meeting will be scheduled to discuss further.
- A note was made of salt distributors being aware of Source Protection Planning.

b) Policy Examples for approval

i. Aircraft Deicing

The Aircraft Deicing Discussion Paper was reviewed at the previous SPC meeting and the comments have been incorporated.

Key Points;

Policy Number 18-1

- *Education and Outreach* programs will be enhanced or if they do not exist, new ones will be developed to promote Best Management Practices to protect drinking water sources related to the runoff that contains chemicals used in deicing of aircraft.

18-2 Prohibition

- Prohibition of new airports in vulnerable areas where the runoff would be a significant threat was discussed. Municipal drains may be affected if the airport deicing chemicals reach them; thus becoming the municipality's responsibility. The committee was asked how strongly

the messaging should be if it pertains to federally controlled land. The larger airports are a threat, not the smaller ones. Risk Management Plans was another option discussed.

The committee was asked if they wanted to use “*Prohibition*” or “*Risk Management Plans*” where it falls under Federal legislation for new airports. A consensus was reached on using the softer approach of using “*Risk Management Plans*.”

Moved by Joe Kerr-seconded by Don McCabe

“RESOLVED that under 18-2 policy tool for new future airports or land use that could be associated with the management of runoff that contains chemicals used in deicing of aircraft, Risk Management Plans will be used and not prohibition.”

CARRIED.

Discussion: A note was made that “*Restricted Land Use*” will work together with “*Risk Management Plans*.”

Policy Number 18-5a

- Under policy idea, municipalities “*shall consider*” monitoring where the run-off from airport sites into sewers and watercourses is a significant drinking water threat. Using “*shall consider*” was discussed and will remain. The intent is to ensure the monitoring happens.

Policy Number 18-5b

- Under policy idea, airport authorities are encouraged to develop and “*implement*” glycol management plans to manage low and moderate threats with regards to the management of runoff that contains chemicals used in the de-icing of aircraft.

ii. Mine Tailings

There are currently no mine tailing threats in this region. Under *1B-4b* the policy will be changed to: Through existing protocols of the Spills Action Centre, MOE shall be encouraged to notify the “*Municipal operator*” versus the “*RMO (Risk Management Official)*” for spills related to mine activities that occur in vulnerable areas.

iii. Spills Prevention

SP-1 (Spills Prevention)

- In spills prevention policy ideas the committee agreed to use the wording:
 - Municipalities “shall” update/amend their spill prevention and contingency plans to include mapping of vulnerable areas as well as special procedures related to these areas.
 - Municipalities “shall” incorporate the location of vulnerable areas and special procedures related to these areas into their Emergency Response Plans.
 - Municipalities “shall” also be encouraged to implement education and outreach programs to encourage businesses in vulnerable areas to prepare, review and update, when required, spill prevention plans and contingency plans. The plans related to municipal infrastructure also may need to be updated such as for example if a municipal drain runs through a WHPA.

SP-2 (Spills Prevention)

- Under the policy idea, a question was asked as to why the province was listed as the implementer: The province shall be encouraged to implement awareness programs, such as increasing signage within the SPA noting the location of vulnerable areas. The wording will be changed to: The province shall work with municipalities and increase signage within vulnerable areas where there are significant threats.

SP4 (Spills Prevention)

- Under policy idea, industries are encouraged to continue to review and update/amend, as required their spills prevention plans and spills contingency plans. The implementing body is other-industry: MISA (Municipal Industrial Strategy for Abatement), non-MISA and commercial businesses.

iv. Fuels Discussion Paper

The Fuels Discussion Paper was distributed at the previous SPC meeting and discussion was deferred. The concepts have been passed through the working group, and comments have been incorporated. A question of what below grade means in terms of boat tanks was discussed. It is not conclusive and the

fuel in a boat it is not considered stored rather part of transportation of fuel which would be looked at as a local threat through events based modeling.

v. Transport Pathways

The Transport Pathways policy examples were distributed.

Key points:

TP-1 (Transport Pathways Policy Example #1).

- Using consistent terminology for wells was noted. Rather than using improperly abandoned well they are “*abandoned wells*” and using language of wells being decommissioned rather than plugged or sealed properly. Oil and gas wells are referred to as being properly abandoned.
- Abandoned pipelines will be incorporated in Education and Outreach. Messages can be included for national pipelines as well.
- The term geothermal wells will be used rather than Earth Energy Systems.
- Short forms/acronyms will be consistent when documents are finalized.

TP-2 (Transport Pathways Policy Example #2)

- The implementing body being the Conservation Authorities (CAs), Municipalities, MOE and others. Monitoring Policies outline the implementing bodies shall report to the CAs; CAs have the staffing and resources to be able to receive and compile the information to submit to SPA and SPC.
- A question related to septic systems and incentive programs was asked. Incentives are a policy tool for the maintenance of septic systems that would be significant threats. Septic systems are potential pathways as well as being a threat themselves. Incentives are covered in the threat policy.
- Abandoned pipelines will not increase or adjust the level of vulnerability and will not have the same impact as a well.

TP-2a (Transport Pathways Policy Example #2a)

- Edit required to reflect implementing body as the province.

TP-3a (Transport Pathways Policy Example #3a)

- Under policy idea; municipalities are encouraged to develop by-laws restricting new transport pathways, it is acknowledged that there are cases where exceptions to this restriction can be made at the discretion of the RMO/RMI. This exception is important as in some cases the municipal water may not be adequate for the purpose being used for, such as a back up source for livestock operations. Flexibility may be used for geothermal wells. Examples will be included in the discussion paper for clarification.
- Unused wells and current wells terminology will be changed to abandoned wells. The word “*properly*” is to be removed from decommissioned wells.
- The municipality’s ability to restrict transport pathways through by-laws was debated. The wording may need to be refined relating to this. The RMO/RMI may not have legal authority to decommission wells or require maintenance of current wells in vulnerable areas.
- Density of wells has been considered in some areas but is not universal. The challenge when dealing with density is determining what threshold is used? Oxford County has reviewed this and focused on areas where density was a concern.

TP-3b (Transport Pathways Policy Example #3b)

- This policy idea comes from the Clean Water Act (CWA) Regulation O. Reg. 287/07 S.27: municipalities shall notify the SPA and the SPC if a person applies to the municipality for approval of a proposal to engage in an activity in a WHPA or IPZ that may result in the creation of a new transport pathway. Conservation Authorities will work with municipalities to identify which activities will create a transport pathway so they are aware of what needs to be reported. Similar information may need to come from the MOE as they quite often received inquiries; encouraging the province and federal agencies to notify will be built into the policies.
- The municipalities are required to report to the CAs when they become aware of an activity that may create a new transport pathway and the proposed monitoring policies would require them to submit an annual report summarizing the notifications which were made in the previous year and indicate the current status of the proposals.

TP-3c (Transport Pathways Policy Example 3c)

- Under policy idea; the MOE shall be encouraged to enforce O. Reg. 903 through well inspection by people “*with appropriate skills and training*”.

vi. Sewer and Sewage Treatment

The Sewer and Sewage Treatment policy examples were deferred until the November SPC meeting.

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

c) Draft Policies for Pre-Consultation

i. Overview

Chris Tasker gave an overview of the policy development process to date. The policy development process has evolved. The initial process involved developing policies examples on a threat by threat basis. Since some comparisons could be made between the policy examples e.g. all the threats used the Education and Outreach tool, a shift occurred to develop a new discussion paper, the Policy Tool discussion paper. The Policy Tool Discussion Paper will include the draft policies developed. The draft policies will be rolled up and condensed to a few pages on a policy tool by policy tool basis. These will be circulated in mid-November to municipal implementers for a pre-consultation period of 45 days.

The pre-consultation packages being sent will be customized to the. Municipal forums will be held so the municipalities are aware of their roles and responsibilities.

Comments received during pre-consultation will be reported to the SPC.

Comments from the Municipal Policy Advisory Committee on the Treats Policy Discussion Papers will also be summarized and provided to the SPC.

ii. Education and Outreach

Rick Battson gave a review on the “*Education and Outreach Draft Policies.*” The specific education and outreach ideas summarized from threats discussion papers has been part of the draft policy development process and will be part of the policy tool discussion paper so that the information is not lost.

Education and outreach policies are to ensure those responsible for implementing policies and those impacted by the policies are informed. The draft policy includes a table of the applicable prescribed drinking water threats and the vulnerable areas that are impacted. Sections in the draft policy include general policies, implementation and monitoring.

Key Points:

- ***E.3.0 Implementation.*** Provincial funding was discussed and the concern of costs being downloaded to municipalities. The CA Levy is not the most appropriate way to fund the implementation of the SPP. Language should be included in policy that acknowledges the province's responsibility to maintain funding.
- ***E.3.0 a)*** The list of potential partners should indicate: *list is not limited to*. Consideration for the agricultural sector's work relating to Environmental Farm Plans, Pesticide and Nutrient Management Plans to be included.
- Education and Outreach is not mandatory and funding may dictate what is done; existing programs will be utilized to the extent possible.
- ***E. 2.1 General.*** The province will be added to the municipal/CA partnership. A question of whether the SPC Chairs have raised the issue to the province of long term consistent funding. Legislated responsibilities from the CWA will most likely be funded for mandatory items. Stewardship funding has to date included some education and outreach efforts.
- Communication plans will be developed on a broad base and may include such items as fact sheets for septic systems. Conservation Ontario offers the common thread across the province. The goal is to achieve a balance of local negotiations and some province wide programs. The communications plan will be presented to the SPC for their input.

iii. Incentives

The "*Incentive Draft Policies*" document was circulated. The Municipal Policy Advisory Committee's comments were included and reviewed. Incentive programs can include both monetary and non-monetary incentives. A table has been included that indicates which applicable drinking water threats and vulnerable areas are affected by this policy.

Key Points:

- ***Under 1.2.0 a. General.*** The province and municipalities have been included and the term “*other responsible agencies*” will remain.
- A question of whether there can be incentives for persons who already act to protect water; municipalities recognizing early adopters rather than penalizing them. A note was made of when incentives are voluntary as time evolves, they become business as usual. Under the rationale section, a sentence will be included to indicate there may be disincentives if changes are not adopted.
- ***Under 1.3.0 Existing Incentive Programs*** the committee was asked whether they believe incentive programs should be considered long term/permanent funding. After a discussion long term support will be removed; at some point in time the issues relating to significant threats should be dealt with and incentives no longer needed.
- ***Under 1.3.1*** A concern of the statement: “*Municipalities are encouraged to share the funding of this incentive program equally with the province*” was noted to be more specific in responsibility. Instead the policy should state “*Municipalities will implement programs which compliment the province’s incentive programs.*” If incentive program funding is shared, the focus is not always clear.
- ***Under 1.4.0 New Incentive Programs***, “*other appropriate agencies*” will be added to “*municipalities and CA’s*” shall consider developing new incentive programs. In the statement: Where funding is limited emphasis shall be on significant threat mitigation, “*where funding is limited*” will be taken out as it is redundant to the statement above it.
- ***Under 1.5.0 Specific Incentive Programs.*** The phases of inspection will be re-worded to offer clarity of each step. It is a phased approach: *Phase 1.* Identifies problem and person deals with it. *Phase 2* an order is given, no choice but to deal with it and no incentives provided once and order is issued.
- ***Under 1.6.0. Monitoring.*** A question of what will be monitored? Monitoring will be the implementation of the policy such as determining how incentives were used, or how many new programs were developed.

iv. Prescribed Instruments

The “*Prescribed Instrument Draft Policies*” document was circulated and reviewed. The draft policies outlined include only those pertaining to the Environmental Protection Act (EPA) and the Ontario Water Resources Act (OWRA). The remainder of the policies associated with this tool will be presented at the November, 2011 SPC meeting. A table is included outlining the vulnerable areas, applicable drinking water threats and what Prescribed instrument will be used.

Key points:

- ***Under PI.2.2.2 a) ii) Review and Amend Certificates of Approval*** the statement “*As an alternative, the Ministry of Environment shall consider revoking existing Certificates of Approval (C of A’s) under the EPA and requiring review and approval under the Nutrient Management Act (NMA).*” The application of NASM has evolved from being under the Environmental Farm Plans to now under the NMA. An alternative was suggested to consider existing ones as current but the question of whether a policy can include an alternative was asked. C of A’s are valid for five years to 2016 and are based on best science and the preference is to not revoke them. The policy states the province is required to review the C of A’s. Areas in WHPA B with a vulnerability score of 10 will need to be considered. The alternative of OMAFRA dealing with the C of A’s under the NMA will be removed; indicating the MOE shall review them to ensure the significance risk is mitigated.
- ***Under PI.2.2.2 a) v).*** “*The C of A for hauling waste brine includes conditions which make carriers aware of the concerns related to the application of waste products used as road salt, for the purposes of dust suppression within vulnerable areas where its application is a drinking water threat*” was discussed. Further clarification is required on whether this form of waste is exempt from the C of A process. This may be dealt with during pre-consultation.
- ***Under PI.2.3.1 New Septic Systems should be discouraged*** where they are proposed to be located where they would be a significant threat will be changed to ***prohibit***. Existing systems would be managed.
- ***Item PI.2.3.3*** is a new item: the Province shall consider implementing a review of existing C of A’s in areas where septic systems would be a significant threat to identify systems which should be a priority in a compliance monitoring program. Encouraging this type of program for provincial systems is a suggestion. A qualified installer could do inspection and provide them with documentation that it has been done.

This was discussed and through consensus removed from the draft policy.

- **Road and Snow Storage** The intent of the policy is to review the threat road salt could impose through new C of A's. The threat may fall under storm water management; title to be changed.
- A standard list of definitions will be included in the SPP.

d) SPP Consultation and Engagement Plan

Rick Battson circulated a document titled "*Thames Sydenham Source Protection Plan Consultation and Stakeholder Engagement Plan.*" The document outlines details around the SPP notification process, early engagement, pre-consultation, stakeholder engagement and formal consultation.

e) Cost Consideration Tables

Tables outlining cost considerations for the SPP were circulated. This is a starting point to allow municipalities/implementers an idea of the costs involved to implement the SPP. The SPC was asked to review the tables carefully and provide comments.

Key points:

- Programs need to be developed and determining costs is a challenge at this point in the process; the tables offer a starting point.
- Concepts will be built into the policy tool discussion papers.
- The cost considerations in general terms outline the types of policies, who the implementers may be and that different policy tools will have different affects.
- How will the SPP be funded is an important question. Municipal water rates are a potential source. How much should be budgeted in the water rates is unknown at this time.
- Under possible funding sources where additional funding is provided local priorities will be addressed.
- Incentives for persons who have not adopted versus the early adopters were noted and will be included in the table. Higher levels of approval may be given to those who have acted to protect water. The priority of SWP is to encourage someone who has not versus the person who has.

- Other agencies portion is captured. When considering funding, think beyond the municipal tax base.
- A suggestion of the Ministry of Environment waving the administration fee under incentives for waste water management was suggested and will be included in the discussion paper.
- Funding and programs will vary from municipality to municipality.
- Under “*Possible funding*” for incentives water rates and municipal tax rates will be included as possible funding sources.
- Prescribed Instruments may be minor in some areas and more in others. Not all Certificates of Approval/Prescribed instruments are referenced.
- What year should the municipalities budget for? Not next year but they should start to consider costs in the next year.
- RMO/RMI will be required or the municipality may want access to one from another agency. It will depend on current land use and development pressures which will affect their costs. It will be a municipal decision if they want to hire a RMO or contract one. The RMO/RMI will need to be trained. The RMO/RMI will need to prioritize items, be consistent and be flexible. Prohibition is similar to RMP and the RMO will need to implement these policies. Restricted Land Use also ties into the RMP. The MOE training will assist in the consistency in implementing. Consistency should also show in the monitoring.
- Administrative support should be noted in the cost considerations and will be common to a number of areas of the table.

8) Information

a) MOE Guidance

None.

b) SPPAC Update

A workshop was held at the Black Creek Pioneer Village. SP staff and the SPC chair attended this workshop to discuss issues and challenges related to pre-consultation, policy development and how the SPP should be planned. The next

SPPAC meeting is October 20, 2011 to discuss the SPP; cost implementation and issues.

c) Source Protection Plan and Explanatory Document Update

SP staff held a brainstorming session on October 12, 2011, which resulted in the start of the SPP outline.

Key points:

- SPP to be lean and get to the point
- Policy will be overwhelming. The Explanatory Document will include other documents with more detail such as the System Summaries, Consultation and Engagement Plan.
- The plan will have 9-10 sections with paragraphs with references to where the information can be located.
- Assessment Report is part of the SPP.
- SPP will be more of an Executive Summary.
- Additional maps may be included to give a summary of where the policies apply.
- Goal it to ensure the SPP can be approved by the Ministry and is a plan that the SPC is comfortable with.
- At the next SPC the outline will be circulated with more detail.

9) In Camera Session

None.

10) Other business

No other business

11) MOE Liaison Report

A Planner's FAQ-September 29, 2011 document was circulated for the SPC's review.



12) Members Reports

Sheldon Parsons- asked a question of the status of the US and FN jurisdictions. Item to be taken under advisement.

13) Adjournment

There being no further business, the meeting was adjourned at 3:35 p.m. The next workshop is scheduled for Thursday, November 10, 2011 and the SPC meeting is November 18, 2011.