



SPC MEETING MINUTES
MAY 11, 2012
Meeting # 48

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:10 a.m. on May 11, 2012 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedggood
Murray Blackie (SPA Liaison)
Brent Clutterbuck
Pat Donnelly
Patrick Feryn
Paul Hymus
Carl Kennes
Joe Kerr
George Marr
Don McCabe
Doug McGee
Valerie M'Garry
James Maudsley
Earl Morwood
Sheldon Parsons

Darrell Randell
Jim Reffle (HU Liaison)
Joe Salter
Pat Sobeski
Augustus Tobias
John Trudgen
John Van Dorp
Darlene Whitecalf
Teresa McLellan (Provincial Liaison)

Regrets:

Dean Edwardson
Kennon Johnson
Sheldon Parsons
Charles Sharina

Staff:

Chris Tasker
Deb Kirk
Derekica Snake
Steve Clark
Linda Nicks
Teresa Hollingsworth

Bonnie Carey
Melissa Kiddie
Brian McDougall
Rick Battson



1) Chair's Welcome

Bob Bedggood welcomed the committee and called the meeting to order at 9:10 a.m; a quorum was achieved.

2) Adoption of the Agenda

Moved by Jim Maudsley-seconded by Joe Kerr

"RESOLVED that the May 11th, 2012 agenda be approved."

CARRIED.

3) Vice-chair and Recording Secretary Election

Darrell Randall moved to re-appoint Dean Edwardson for the SPC vice- Chair and Earl Morwood as the Recording Secretary for another yearly term.

Moved by Darrell Randall -seconded by James Maudsley

"RESOLVED that Dean Edwardson be re-appointed as the SPC vice Chair and Earl Morwood as the Recording Secretary for in camera meetings."

CARRIED.

4) Delegations

There were no delegations.



5) Minutes from Previous Meeting

The January 13, 2012 SPC meeting minutes were circulated for review.

Moved by John Trudgen-seconded by Earl Morwood

“RESOLVED that the January 13, 2012 SPC meeting minutes be approved.”

CARRIED.

The March 8, 2012 sub-committee meeting minutes were circulated for review.

Moved by George Marr-seconded by Joe Salter

“RESOLVED that the March 8, 2012 sub-committee meeting minutes be approved.”

CARRIED.

The SPC endorsed the decisions made by the sub-committee on March 8, 2012.

Moved by Doug McGee-seconded by Paul Hymus

“RESOLVED that the SPC endorse the decisions made by the March 8, 2012 sub-committee.”

CARRIED.

6) Declaration of Conflict of Interest

No conflict of interest was identified.

7) Business arising from the minutes

a) First Nations Update

Darlene Whitecalf reported the First Nations meetings have been progressing well and GUDI studies are underway. She noted the challenge for the First Nations Liaison Committee (FNLC) is frequent membership changes. Steve Clark is now a participant on the committee and Bob Bedggood has attended as well. Recent meetings have consisted of taking the FN through the threat policy discussion papers.

Derekica Snake reported that contact has been re-established with Walpole First Nations through the *Thames River Clear Water Revival* project; a multi-year, multi-agency initiative to improve the health of the Thames River by developing targets for water quality, water quantity and improved awareness of the Thames River. The *Thames River Clear Water Revival Project* will ultimately provide a mutually supported basis for water management decisions and actions in the Thames River watershed using a coordinated decision-making structure. While the governance model of *Thames River Clear Water Revival Project* provides for eight First Nations members to sit on the steering committee, only Walpole Island First Nation (WIFN) has been fully active as a steering committee member. As a result, the UTRCA seeks to develop strategies with WIFN on how to engage other First Nations at the governance level of this project, and to build capacity with the First Nations in the watershed to create a sense of shared ownership for sustainable water management.

Kettle and Stony Point FN technical work is complete and policy development for moderate to low threats can begin; there are no significant threats in their area. This work will be included in future AR updates. The hope is for all the First Nations to work together collectively on policy development. Augustus Tobias noted a few First Nations environmental staff will also be taking a canoe trip down the Thames River to look at some of the concerns.

b) Pre-consultation update

The Source Protection Plan Schedule Update (2012.05.7b) was circulated for review. Key dates for the revised SPP schedule were outlined. Pre-consultation packages went out to the region's municipalities; Oxford County sent out packages as well.

- The Thames-Sydenham and Region Source Protection Plan submission target date is December 31, 2012. This provides time to combine Oxford County's policies and ensure all the work is complete. This date aligns with the Lake Erie Region's submission.

- It was advised to hold off on a formal request for an extension until the completion of the pre-consultation period when there will be a better indication of the amount of policy revisions required and if further pre-consultation is advisable.
- The draft SPP is expected to be posted August 1st allowing for a 45 day public comment period instead of the required 35 day period.

A presentation was given on “*Policy Gap: Handling and Storage of Fuel and Fertilizer in IPZ-3 Zones*”.

Within the St. Clair Region SPA, event based modelling of various spill scenarios including the transportation, storage and handling of commercial fertilizer (greater than 30 000 kg) and fuel (greater than 34 000 L) was completed for IPZ-3. The modelling identified these scenarios as significant threats in certain areas. While the storage and handling of fuel and commercial fertilizer was identified as a prescribed threat, the transportation of these substances was identified and approved as a local threat. “Gaps” in policy have been identified for the storage and handling of commercial fertilizer and fuel at the modelled volumes.

Significant Threat Policies for Fuel:

- Under Policy TS.15.1 (1762) Manage Existing Fuel Storage: *To reduce the risk to municipal drinking water sources from the storage of fuel in circumstances identified in the Provincial Drinking Water Threats Tables and at locations where this activity is a significant drinking water threat, this activity shall be designated for the purposes of Section 58 of the Clean Water Act.*

This designation shall not apply to the storage of fuel for use in back-up generators for Water Works, Sewage Works or aggregate operations. Municipalities, through the Risk Management Official, shall require Risk Management Plans where this activity is a significant threat.

This policy currently applies to all significant fuel threats except those identified through event based modelling. The recommendation was to apply this policy to IPZ-1,2 and 3 where the handling and storage of fuel has been identified as a significant threat at volumes greater than 34 000 L.

- Under policy TS.15.4 (1763) Prohibit Future Fuel Storage: *To reduce the risk to municipal drinking water sources from the future handling and storage of fuel, in circumstances identified in the Provincial Drinking Water Threats Tables and at locations where this activity would be a significant drinking water threat, this activity is designated for the purposes*

of Section 57 of the Clean Water Act. This policy shall not apply to the storage of fuel for use in back-up generators for Water Works, Sewage Works or aggregate operations. Municipalities, through the Risk Management Official, shall prohibit this activity where it would be a significant drinking water threat. For the purposes of this policy, expansion of facilities intended to increase the volume of fuel handled or stored shall be considered as a future activity and shall be prohibited.

This policy applies to all future significant fuel threats except those identified through event based modelling. This has resulted in a “gap” because of the reference to the provincial drinking water threats tables. The challenge of prohibiting this activity was that the handling and storage of fuel may be prohibited in large areas and may be seen as being overly restrictive. The recommendation was to add a policy similar to the existing one where future handling and storage of fuel greater than 34 000 L would be managed in IPZ-1, 2 and 3.

Discussion:

- This policy only applies to the handling and storage of fuel greater than 34 000 L within the St. Clair SPA which were assessed using the event based approach.
- Marinas were discussed and how these can be managed under extreme conditions such as the recent fire occurring in Sarnia. Multiple vessels where fuel can be released at the same time could be considered through clear definitions and a Risk Management Plan (RMP) could outline having lower volumes to reduce risk.
- The definition of *handling fuel* was discussed.

The SPC decided that new policies for existing and future handling and storage of fuel for event based modelled areas should be developed. The policies would include specific volumes used in the modelling. Wording should be included in the policy to ensure that the RMP would provide suggestions on ways to manage this significant threat. Management could include how to store fuel (e.g. off season storage on site, lower volumes within containers etc.).

- Under policy TS.15.3 (1672) Exclusion for Back-up Generators for Waste Water and Sewage Works: *To reduce the risk to municipal drinking water sources from the handling and storage of fuel for use in back-up generators and other liquid power devices, the Province (Ministry of Environment) shall review and amend approvals, licenses or permits issued under the*

Safe Drinking Water Act or the Ontario Water Resources Act. These amendments shall incorporate conditions that, when implemented, would manage the activity where it is or would be a significant drinking water threat. The conditions may include but are not limited to requiring the use of double-walled tanks, secondary containment or regular inspection of fuel tanks and fuel handling equipment.

This policy does not take into account the significant fuel threats identified through event based modelling. The SPC agreed with the recommendation to add IPZ to the areas to which this policy would apply.

Significant threats policies for Fertilizer

- Under policy TS.9.1 (1749) Management of Existing Permanent Storage: *To reduce the risk to municipal drinking water sources from the handling and storage of commercial fertilizer quantities greater than 2500 L or 2500 kg stored at existing permanent facilities where it is sold or used for application at other sites, this activity shall be designated for the purposes of Section 58 of the Clean Water Act. Municipalities, through the Risk Management Official, shall require a Risk Management Plan where this activity is a significant drinking water threat.*

This policy excludes significant threats identified through event based modelling which has been identified as a “gap”. The recommendation was to apply a similar policy to TS.9.1 (1749) that would manage this activity in IPZ-1,2 and 3 where it had been identified as a significant threat.

Discussion:

- Significant threats policies based on event based modelling applies to volumes of commercial fertilizer greater than 30 000 kg. The volumes of 2500 L or 2500 kg only applies to the circumstances identified in the Provincial Drinking Water Threats Table.
 - The SPC discussed and decided that a new policy for existing permanent fertilizer storage based on event based modelling volumes should be developed. The policy would use Section 58 of the Clean Water Act to manage this threat.
- Under policy TS.9.2 (1750) Prohibition of Future Permanent Storage: *To reduce the risk to municipal drinking water sources for the future handling and storage of commercial fertilizer in quantities greater than 2500 L or*

2500 kg that would be stored at permanent facilities where it is sold or used for application at other sites; this activity is designated for the purposes of Section 57 of the Clean Water Act. Municipalities, through the Risk Management Official, shall prohibit this activity where it would be a significant drinking water threat.

This policy excludes significant threats identified through event based modelling. The current policy prohibits future permanent storage of commercial fertilizer and this may be overly restrictive in the large areas identified through the modelling (IPZ-1,2 and 3). The recommendation was to add a policy that would manage future occurrences of this activity in those areas identified as significant under event based modelling exercise.

Discussion:

- A concern was raised that in previous discussions the committee agreed to prohibit large fertilizer storage facilities.

A motion was brought forward to *prohibit future storage of fertilizer* in IPZ based on the modelling volume of 30 000 kg. An amendment was made to the motion.

Amendment: The definition of *expansion* can be considered *existing* unless the expansion would cause it to be a significant threat. (Exceeding 30 000 kg.)

Moved by Valerie M’Garry-seconded by George Marr

“RESOLVED that future storage of fertilizer in IPZ be prohibited based on modelling volumes of 30 000 kg and the expansion of such facilities be considered existing unless the expansion would cause the storage to be a significant threat.”

MOTION FAILS.

Discussion: A concern was noted that existing permanent storage would be permitted and new storage (that would have enhanced standards/methods) would not be permitted. After the discussion, the recommendation “*manage existing and future permanent storage of commercial fertilizer*” was considered. A new motion was brought forward that *future permanent storage of commercial fertilizer will be managed in IPZs.*

Moved by Valerie M'Garry-seconded by Darrell Randall

“RESOLVED that future permanent storage of commercial fertilizer in IPZ with volumes greater than 30 000 kg as identified through event based modelling be managed using Risk Management Plans.”

CARRIED.

The committee took a break from 10:50-11:00 a.m.

- Under policy TS.9.3. (1751) Prohibition of Temporary Storage: *To reduce the risk to municipal drinking water sources from the handling and storage of commercial fertilizers greater than 2500L or 2500 kg stored in temporary storage facilities, this activity shall be designated for the purpose of Section 57 of the Clean Water Act. Municipalities, through the Risk Management Official shall prohibit this activity where it is or would be a significant drinking water threat.*

This policy does not explicitly include significant threats identified through event based modelling. The recommendation was to apply a similar version of this policy to areas identified through the modelling exercise.

Discussion:

- Definition of temporary storage of fertilizer was discussed. Storage facilities that do not receive approvals such as building permit or site plan approval or have infrastructure in place to manage the risk was discussed as part of the definition. Also the concept that the fertilizer was to be in the location for an extended period of time was discussed. It was not intended that this include handling on site for during the application of the fertilizer. Temporary storage of fertilizer for sale in department store parking lots has been discussed as an example.

A motion was brought forward to accept the recommendation outlined in the presentation to prohibit temporary storage of fertilizer in an IPZ based on the modelling volume of greater than 30 000 kg.

Moved by George Marr -seconded by John Trudgen

“RESOLVED that the recommendation of developing a policy to prohibit temporary storage of commercial fertilizer greater than 30 000 kg in IPZ be accepted”.

CARRIED.

Discussion:

- The question of whether it is based on one tank or total within a storage facility was asked. The motion was amended to include that the volume will be based on total volume stored in a single storage unit
- The SPC discussed storage of this particular volume onsite for the purposes of application on the same site. It was suggested that this was not to be considered as temporary storage. A motion was brought forward that 30 000 kg on site for during the application at that site is not considered a temporary storage but would be considered part of the application on that site.

Moved by Valerie M’Garry -seconded by Joe Kerr

“RESOLVED that a 30 000 kg tank placed on a site for the purpose of application on that site will not be considered a temporary storage”.

CARRIED.

8) Business

a) Oxford County Draft Policies

Oxford County’s draft policies were distributed to the members and have been sent to the affected local municipalities and implementers for pre-consultation. Once feedback has been received these policies will be presented at the next SPC meeting. The Thames-Sydenham and Region policies have been discussed with Oxford’s area municipalities (where applicable). This may result in further refinement to harmonize policies.

b) Source Protection Plan

The development of draft SPP has begun. The draft SPP not only contains policies but also contains the Assessment Report as well as background context indicating that this has been a collaborative and science-based approach to the fundamental principal of protecting drinking water. A modest approach (brief overviews and reference to other materials/documents) has been used to develop the stand-alone draft SPP. This approach was taken because the Assessment Report contains a lot of detail and it was not necessary to restate all of that material. Flexibility will be necessary to incorporate Oxford County's policies and the organization of the SPP may need tweaking through the Plan's development stages.

The SPP will be contained in 3 volumes:

- Volume I-Context/background.
- Volume II-Oxford County's policies.
- Volume III-Policies that address the remainder of the areas in the Thames-Sydenham and Region

The draft SPP outline was developed through a staff brainstorming session. This outline was circulated for review. The committee was asked to give any feedback on what is contained with the SPP, especially the level of detail and if there are any missing pieces that need to be addressed. The members were directed to contact Melissa Kiddie either by email or telephone with any comments.

A question was asked about whether the Great Lakes and climate change will be incorporated into the SPP. A discussion of these topics will be included within the Plan as part of *next steps section* since information is not currently available to include it in this version of the SPP.

The draft SPP will be circulated to the SPC at the June 2012 meeting and will be posted for public consultation after the July SPC meeting.

Discussion:

- o Under local threats the question was asked of whether composting is considered a fertilizer and if mixing straw and fertilizer is covered under the ASM policies; Teresa McLellan to enquire and follow up.

i) Text

SPC members were asked to provide comments on the SPP outline distributed. Sections of the volumes include how to read the Plan and policies, interpretation and transition provisions. Acronyms will be defined in a *definitions* section.

ii) Policy Format

The policy format example document was circulated. General policies that address all threats (i.e. *Education and Outreach*) are organized as Section 1, followed by significant threats (Section 2), low and moderate threats (Section 3), other permitted policies such as spills/transport pathways (Section 4) and monitoring policies (Section 5). The goal of this format is to be user friendly. Additional information in the margins has been included to assist the reader. The anatomy of a policy will be included to assist the reader in understanding how to read the policies and what the additional information in the margins means.

iii) Policy Index tables

As a requirement of the legislation, legal conformity lists have been included in Appendix A of Volume III of the SPP. Other policy index tables (i.e. outlining body responsible or policies affecting each municipality) have been developed and will be included to assist the user of the SPP.

iv) Maps

Policy applicability mapping that was produced for pre-consultation (significant and moderate/low) will be included in Volumes II and III.

c) Explanatory Document

The “*Explanatory Document*” was distributed and reviewed. The committee was asked to give feedback on this.

Key points:

- The Explanatory Document is a companion document to the SPP. The contents of the explanatory document are set out in the regulations and is to include an explanation of each policy, explanation of why Section 57 was used (prohibition), a summary of pre-consultation comments and how the comments affected the development of policy, a summary of how conclusions in the AR on climate change affected development of policies, financial implications and a statement of the policies that use non-regulatory approaches and why this approach was sufficient.
- A modest approach was used in the development of this document to include summary level information with reference to other sources where that detail may be found.

Discussion:

- Acronyms should be provided in a definition section.
- In the Introduction, Page 2 wording relating to the overall goal of the SPP was questioned but will remain as it is part of the legislation. A cross reference to the Act was suggested.
- On Page 5, Table 2 Significant Local Threats in St. Clair SP Area Wallaceburg should be included under *fuel spill from a ship*.

d) Quorum

The topic of quorum was discussed. Bob Bedgood noted the importance of reaching quorum in the upcoming months as there will be decisions made and a lot of material presented to the SPC for approval. Currently, if quorum is not achieved, the committee continues the meeting as a “*sub-committee*” and decisions are endorsed by the SPC at the next meeting when this is quorum. Bob noted the objective of the sub-committee was to move forward with the meetings in order to complete the work. After a discussion the committee came to a consensus as follows:

- If quorum is not reached, meetings will continue by the sub-committee and the decisions made will be endorsed by the SPC when there is a quorum at the next meeting.
- It is possible that a member may question whether quorum has been maintained if a crucial decision is to be made. If this is the case the committee can decide to either continue as a sub-committee or may wish to consider the use of a *proxy vote* on a motion as an option.
- If a proxy is to be used we would need to amend the rules of order, however it was noted that the Clean Water Act does allow for the use of proxy however the committee in establishing their rules of order have chosen not to use proxy. The challenges associated with use of proxy were discussed including that the motion needs to be clearly defined.

e) Meeting Schedule

The SPC meeting schedule has been updated and circulated to the committee. June /July's SPC meeting were highlighted as important. The workshop for June has been cancelled.

9) Information

a) MOE Guidance

Teresa McLellan gave a report indicating the SPC chairs had a meeting with the Minister and voiced concerns about SPP funding and how the program will move forward. There was some reassurance of the work going forward and recognition for funding partnerships was also noted.

A teleconference was also held to discuss "*Prescribed Instruments*" and how to implement policies associated with them; guidance will be sent out when it is available.

How all SPP's in the province will be implemented is also being considered.

10) In Camera Session

None.

11) Other business

None.

12) MOE Liaison Report

Teresa McLellan reported the next phase for MOE will be to shift operations having the SP liaisons offer more support to the municipalities. Plan reviews through each stage are occurring. If there are comments on how strategies to implement SPP's advise Teresa. The focus will be the review of the 19 SPPs in the province.

A question was raised of the RMO's role and how land use planning/official plans will be affected especially in the initial stage and if ground work will be laid out for municipalities. Comments such as this will be important to be brought forward during pre-consultation and consultation for the municipality's consideration. A note was made that the land use planning will only be affected in areas where there are significant drinking water threats,



where Part IV tools have been applied to activities. What the RMO reviews was noted and having a screening process to focus on the significant threats.

The Great Lakes targets were briefly discussed; if the targets are set they will be included in subsequent SPP however it was noted that the targets would be only relating to the use of the great lakes as a drinking water source.

13) Members Reports

Pat Donnelly- reported the “*Thames River Clearwater Revival Project*” has been granted provincial funding for three years and Tara Tchir of the UTRCA has been hired as the Project Coordinator. Active outreach will occur with municipalities and First Nations. The City of London was also invited by MOE to discuss Great Lakes issues, more of an environmental perspective versus drinking water. On May 18, 2012 a Biennial Conference is being held at the CAW Centre in Port Elgin. On May 30, 2012 Maud Barlow and Pat will be speaking in London at the Aeolian Hall about Great Lakes and environmental issues.

Jim Reffle- has been updating the Health Units on the SP process to be sure there is familiarity. The Elgin Health Unit will have two different watershed SPPs .

John Van Dorp- noted that the Oxford County Water Festival is happening May 15-18th at Pittock Conservation Area. The agricultural reps will be attending a meeting at the end of May and Environmental SWP Farm Plans will be on the agenda.

Don McCabe- reported Bio Amber Inc. plant will be opening in Sarnia. The Minnesota-based company scouted 100 sites for its first North American bio-succinic acid plant. Sarnia was chosen for its location, government support, and the vision and leadership from management of Lanxess, a chemical products company. In June 2012, Rio de Janeiro, Brazil the Earth Summit will be held; water is on the agenda.

14) Adjournment

There being no further business, the meeting was adjourned at 1:40 p.m. The workshop in June is canceled. The next regular SPC meeting is scheduled for June 8, 2012.