



SPC MEETING MINUTES
OCTOBER 18, 2013
Meeting #56

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on October 18, 2013 at the Upper Thames River Conservation Authority (UTRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedggood	Earl Morwood
Murray Blackie (SPA Liaison)	Darrell Randell
Pat Donnelly	Joe Salter
Dean Edwardson	Charles Sharina
Patrick Feryn	Pat Sobeski
Carl Kennes	Augustus Tobias
Joe Kerr	John Trudgen
George Marr	John Van Dorp
James Maudsley	Darlene Whitecalf
Sheldon Parsons	Jim Reffle (HU Liaison)
Doug McGee	Lisa Ross (Provincial Liaison)

Regrets:

Kennon Johnson
Valerie M'Garry
Brent Clutterbuck
Paul Hymus
Don McCabe
Hugh Moran

Staff:

Chris Tasker	Brian McDougall
Deb Kirk	Girish Sankar
Steve Clark	Teresa Hollingsworth
Bonnie Carey	
Linda Nicks	Marie Claire Brisbois-guest
Rick Battson	



1) Chair's Welcome

Bob Bedggood welcomed the committee and acknowledged a quorum was not achieved. It was agreed that the members present proceed as a sub-committee until quorum is reached.

Bob introduced Marie Claire Brisbane, a guest University of Waterloo student who is working on a water related project. He noted Erin Merrit the Chatham-Kent RMO was invited to the meeting but was unable to attend and congratulated Lisa Ross on her new position within the Ministry of Environment, in the Operations Division.

2) Adoption of the Agenda

The agenda was approved at 9:10 a.m. when quorum was achieved. Under Business, agenda item 7.c was moved forward to ensure all members attending the meeting were present for the discussion.

Moved by Jim Maudsley -seconded by Dean Edwardson

“RESOLVED that the agenda be approved as amended.”

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous Meeting- June 14, 2013

The June 14, 2013 SPC meeting minutes were approved.

Moved by Earl Morwood -seconded by Charles Sharina

“RESOLVED that the June 14, 2013 meeting minutes be approved.”

CARRIED.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) SPP approval process update

Lisa Ross reported the comments on the draft SPP are not ready as anticipated but are expected to be submitted in December 2013. The Ministry has been involved in many discussions with internal stakeholders to ensure everyone is on board before feedback can be provided. She noted the process is challenging to review twenty two sets of locally developed policies on a provincial level and that the policies will affect every Ministry program. A two phase approach will allow for some of the comments to be submitted as soon as possible and the more contentious policies requiring more consideration, to be submitted later. Some of the regions have received phase one comments.

A discussion paper was circulated to outline the schedule of work to include finalizing revisions to the Assessment Reports (ARs), local consultation on the AR updates and consultation on the SPP based on the comments from MOE. A gantt chart was circulated outlining specific timelines for consultation and the SPP submission date. If revisions are required to the SPP there will be a delay.

Comments submitted to other regions are being looked at as they could pertain to this region, allowing for some work to begin in advance of receiving more formal comments. A new SPC meeting schedule was circulated to include meetings in December, February and April.

A motion was brought forward to accept the updated meeting schedule.

Moved by Dean Edwardson -seconded by Carl Kennes

“RESOLVED that the updated SPC meeting schedule be accepted.”

CARRIED.

b) Update on IPZ-3 and ICA work

Girish Sankar gave a presentation that outlined IPZ-3, an IPZ-Extension and gave an update on the work being done for SCRCA and LTVCA. Issue Contributing Area (ICA) was also reviewed.

IPZ-3:

Spills were investigated by Baird Consultants in 2011 and this work involved looking at the zone that may contribute to the intake during extreme events. The IPZ-3 should be delineated if modeling demonstrates the contaminants released during an extreme event may be transported to the intake and an activity may be listed as a significant threat if that a spill could result in deterioration of the water supply.

Previous work suggested that spills upstream of locations modelled in the Baird work could also result in drinking water quality deterioration. The current work looks at extension of the previously delineated IPZ-3.

Investigations of the effects of fuel spills were done for:

- Aberarder Creek, Douglas Drain, and Hickory Creek and the effects on the Lake Huron intakes.
- Talfourd Creek, Baby Creek and Marshy Creek and the effects on the Wallaceburg intake.
- The extent of IPZ-3 was investigated in the LTVSPA for Belle River, Stoney Point and Wheatley intakes.
- IPZ-3 revisions for Wallaceburg will be considered through analysis on Talford Creek, Baby Creek and a few other drains. During the TAC meetings it was determined to look at creeks that are where spills might be likely to occur.
- Lower Thames IPZ-3. Two Creeks will be considered for Wheatley Intake and Big Creek, Jeanettes' Creek and Lower Thames River for the Stoney Point Intake.
- Modeling was done on the Wheatley Intake (Two Creeks) and Stoney Point Intake (Big Creek, Janettes Creek and Lower Thames River). All resulted in exceedances of benzene.

Discussion:

- IPZ-3 revision work plan was reviewed and the ERCA IPZ investigation was looked at to see if it should be extended.
- A question was asked of whether rail spills have been considered; they have not. A question was raised of whether the Walpole intake will be

considered. The Walpole intake cannot be studied unless done in partnership with Walpole. Modeling included analysis done for concentrations to the Wallaceburg intake but results were not assessed for Walpole. It is possible to extend it but not within the scope of work being done presently.

- A question was asked about the implications if the Wallaceburg intake was decommissioned. The AR would be updated to remove it and once approved; the policies would not apply to the vulnerable areas associated with the decommissioned system. Therefore Risk Management services would not be required.
- It was noted that the shoreline affect is different for Walpole than Wallaceburg.

Darlene Whitecalf reported she has spoken to Chief Burton Kewayosh from Walpole and there may be more opportunity to work with them. She reported they are working with Sheldon Parsons and it is going well.

Sheldon reported the Chatham-Kent PUC will be issuing an EA study on the water source for Wallaceburg. Two alternatives are LAWSS and the Chatham plant, taking water from Lake Erie. No official report to council on this yet. EA study could include Walpole.

- Software may be available from ERCA to complete extract modelling results from Baird data.
- IPZ-3 work is preliminary and will be discussed again at the next TAC meeting on October 29th.
- The question of whether large drains are being investigated. The work plan does not include this work.

ICA Overview:

- Delineation methodology is based on:
 - Trend analysis of nitrates, time of occurrence (months in a year),
 - Flow conditions during these months and;
 - Areas where watersheds have the potential to contribute nitrate in exceedence of ½ mac or 5mg/l will be delineated as ICA.
- Nitrate trends recorded at the Wallaceburg treatment plant indicates a trend of increasing of nitrate from 1990-2011.
- The question of whether water levels were a factor in this increase was discussed but difficult to determine. Rainfall events were also noted as resulting in higher nitrate events.

- Nitrates were identified as an issue in the approved AR and this work will identify the area which is contributing to this issue. The analysis demonstrates this and could assist the PUC with their EA.
- Time of occurrence of nitrates was observed and noted as being higher during a spring freshet event; being more prominent in January, February and March.
- Ten sub-watersheds will be modeled looking at area slope and flow length covering residential, industrial and agriculture land uses in the St. Clair Region. An existing full-time monitoring station Lambton Shores, Shashawanda Creek will be used that collects water samples to determine the level of nitrates. The data from this location is used to validate modelling approach. A similar approach will then be applied to the other ten sub-watersheds.
- A number of factors will be considered such as soil type or run off.
- The question was asked of whether other contributing factors will be considered as an issue such as septic. All contributing threat activities must be considered. When an ICA is established, discretion can be used as to how it is dealt with in policy. Possibilities include encouraging BMP's rather than regulating using RM plans. Many other factors are involved and uncertainty should be considered. All contributing activities are being looked at, not a single cause.
- Are there other factors that we should pay attention to? The SPC decides and writes policies that are reasonable taking other factors such as climate change into account.
- Once ICA is established septic systems will need to be inspected within 5 years.
- Concerns were raised of whether three meter buffer strips will be imposed on farmers. More science is required and only trends in the geographic areas are looked at. It is the committee's decision how they want to address the nitrate issue through policy development. A further concern was expressed that SPP policies which were softer could be latter pushed further by other regulators without due consideration of the uncertainty associated with the work that resulted in the SPP policies.

A suggestion made to take more samples to better understand where nitrates are coming from. Time and funding would not allow this to be completed as an extensive monitoring program would need to be established. A note was also made that a few samples will not pinpoint the conclusions of where nitrates are coming from. Nitrates can come from various sources and we are not in a position to determine this.

- Timeline for final report is schedule for November 7, 2013.

c) Water Budget Update

Aqua Resources and the peer reviewers met last week. It was determined that there are no significant or moderate drinking water threats for water quantity in this region. A robust system is in place and these results will be included in the updated AR and policies will not be required.

Agenda Item 7.c was moved forward and discussed.

7) Business

c) Moderate and Low Threats PI policy

A Moderate and Low Threats PI policy discussion paper was circulated for review. The committee to date has focused on policy development for significant threats which could also be applied to moderate and low threats. Comments have been raised in Environmental Assessments across the region and during the SPP consultation about some moderate and low threats. Public concerns were raised over a landfill application which is a low to moderate threat. The committee submitted comments to the Minister indicating moderate and low threats need to be considered for approvals under the EPA and OWRA. The discussion paper outlines a proposed concept that does not direct the Ministry on how they should be dealt with or how onerous the conditions should be, rather that documentation should occur when permits are issued and the proponent is asked whether they are in a vulnerable area and what activities they are involved in. This information should be given due consideration in the approval process.

Discussion:

- Is this beyond the SPC's mandate? It is not, however it is beyond the current focus on significant drinking water threats as they relate to municipal systems. The CWA does designate SGRAs and HVAs relating to private drinking water systems.
- A question was asked about the application of nitrogen, fertilizer, NASM and ASM and whether the policy might result in RMP being applied to low and moderate threats. These activities can be moderate to low threat and prescribed instruments would apply. CWA states Part IV tools can only be used for significant threats relating to municipal systems so they could not be applied to these moderate and low threats.

- A concern was noted of the burden of proof when applying for permits as it pertains to low to moderate threat risk and this being another threshold of the approval process. The question is already being asked as part of application processes whether someone is in a vulnerable area or involved in these activities. The CWA outlines that whether they are in one of these areas is not a matter of discussion between the applicant and the MOE it is already documented in the approved AR. The circumstance is what remains to be determined such as how much fuel storage, how many hectares etc. The burden would be to advise the MOE what activity you are involved in. The rules are already in place. Environmental Compliance Approvals already include these questions.
- AR is approved for any agency to use at their discretion and currently there are no policies for moderate to low threats. If a policy is written the Ministry should be having regard for this when approvals are issued.
- Focus would be on new activities and only in vulnerable areas for drinking water threats.

A motion was brought forward to support developing a policy for moderate to low threats based in the points in the discussion paper.

Moved by Darrell Randell -seconded by Earl Morwood

“RESOLVED that the SPC approve a policy be written for moderate and Low Threat- Prescribed Instruments.”

CARRIED.

Wording will be developed and will exclude non-municipal drinking water sources and focus on moderate and low threats to municipal sources.

a) AR Revisions

A table titled “*Assessment Report Edits*” was circulated. This is a working document which will be updated as work proceeds. The Ministry has made supplemental comments that require consideration. These items have been discussed at previous meetings concerning the work plan. The Thames IPZ-3 will be added and there will be impacts throughout the AR including the vulnerability sections, summary and maps. If the committee has further questions they were advised to ask.



For the St. Clair AR the GUDI technical work will be added for the First Nations. Kettle/Stoney Point will be removed from third last bullet point.

b) Summary of MOE Comments on other SPP

Michelle Fletcher has been hired as the new Policy Advisor and will be looking at planned changes for the SPP documents and review relevant comments on SPP from other regions. General comments have been submitted to Halton-Hamilton, Mississippi-Rideau, Trent Conservation Coalition and Sudbury. We will be looking especially at the Catfish Creek SPA comments on Oxford policies.

Planned changes for the SPP include:

- Administrative changes such as policy database including updates to policy rationale, numbering in addendum to Threats Policy Discussion Papers, applicability lists, margin notes corrected and a review of existing/future and transitional policies.
- Policy changes will include Oxford's revisions and similar revisions may be required to the TSR. Storm water threat revision to align with PI, MTO sign comment, and clarification of the intent of policy 2.04 as it relates to H & S of DNAPLs versus Waste Management and to consider moderate to low threat PI policy.
- The Explanatory Document requires revisions for the Oxford notes, organization, more clarity on property specific assessment for existing and future definitions and transitional provisions.

Relevant MOE comments on SPP from other regions:

- Prohibition NASM comments to Hamilton-Halton and Trent CC. The question will need to be asked of does use of the CWA in conjunction with PI cover all NASM categories and the prohibition of NASM in WHPA-B (10).
- The question was posed to Mississippi and Rideau of whether the MOE will consider the handling and storage of DNAPLs as part of Waste disposal activity.
- Revisions may be required for Septic Holding tanks to include EPA if appropriate. Our policy relates to the OWRA which may be correct.
- The suggestion was given to Sudbury of the wording being more flexible pertaining to the hauling of septage. Hauling septage is dealt with through a haulers PI.

- Comments were given to the Mississippi-Rideau about “seasonal activities” being better defined and the signage policy being updated that it is not optional and to be consistent with the MTO’s wording.
- The Mississippi-Rideau had questions on the Annual Reporting policy and if it being more general is acceptable or are specifics needed.
- Comments submitted are Phase 1 and final comments will be coming.
- Each region is passing the comments to Conservation Ontario who is compiling all of them into a table. Niagara area has received theirs but is not included in the table yet. Ausable/Bayfield is expecting their comments soon.

8) Information

a) OP content

Chris Tasker reviewed and circulated a presentation on “*Official Plan Content*” based on presentations to planners as part of the municipal workshops in June 2013. The workshop agenda included OP updates, bylaw updates, other policies for municipal implementation and Education and Outreach. Currently, many municipalities are looking at updating their Official Plan updates. The municipalities were reminded of the CWA and the obligations to conform with significant drinking water threats policies. Another workshop will be held for municipalities and documents will be available as reference for the planners in order to draft their OP updates.

A working group will be established to refine this outline, draft generic policies, and further develop the discussion paper. The question was raised as to what the municipalities can do to start the process without the plan being approved. If municipalities begin to reference the SPP with placeholders it can be refined later and will help in the process later on.

b) RMO Proposal to Municipalities

A Risk Management Services CA proposal has been sent to the twelve municipalities who requested it for the UTRCA and St. Clair Region. Chatham-Kent and Oxford County have their own RMO/inspector and some are looking at retaining a consultant.

Key points of the discussion:

- Proposal is a five year program with a three year funding schedule, using a fixed annual cost. The funding may need to be re-negotiated based on

implementation history of the first three years. The cost will likely decline over time.

- The scope of the services was outlined to include program development and administrative support. Developing all aspects of the program will be required such as a detailed work plan, templates, forms, policies and guidance, by-laws/regulations.
- Risk Management Plan negotiation will be done for existing and future threats and be a collaborate approach with an exchange of information.
- It will involve working with municipalities to implement s59 guidance, site specific risk assessment, ensure compliance, education and outreach and monitoring and reporting.
- Land use planning support will be required for municipal staff, developers, consultants, lawyers, real estate agents, property owners.
- A cost apportionment was included as each municipality will have a different number of threats/vulnerable areas and work will vary by municipality.
- The question was asked of what *orders* mean. Orders include requiring a RMP or “*causing actions to be done*”. A RMP negotiation happens first and if that does not work, orders may be given. During the consultation comments from the public included ensuring compliance therefore this is an important part of the program and not left unfunded.
- Technical expertise in source protection will be important and access to hydrogeologists, engineers and staff knowledgeable in agriculture will be important.
- Municipalities were asked to respond formally by November as it will affect their budget in the following year and will require some level of service regardless of whether they delegate to the CA.
- A map was shown using the Grand River CAs map of the province outlining the municipalities in this region who have decided to delegate the CAs for this service; many have still not decided.
- Questions have been asked of whether the TSR can assist with the work outside the region for the Elgin Primary Intake, Belmont system and for North Perth. This will be considered but the preference will be to partner with the local CA.
- How the municipalities will fund the program is a concern. It was reported there is 13.4 million over a three year period but eligibility is still in question for small and rural municipalities.

- In Wellington County the local Tier municipalities have established a group to work together on implementation provided through Central Wellington.
- A concern was noted that these additional costs in the vulnerable areas will set up a more competitive process for developers.
- Will services be provided out of the local CA offices? St. Clair and UT each will oversee the work in their own area. The Chatham-Kent RMO now has added burden of responsibility and may require some CA support. The legislative requirements are to provide the SPP DVD but it would likely need to go beyond that.
- RMOs are not required in areas where there are no significant drinking water threats.
- Conservation Ontario's white paper asked the province to support SWP with long standing financial support/commitment.

In summary, the CA proposal is only one option for the municipality to consider. The proposal is a work in progress with many unknowns at this point and costs will be a challenge for some of the systems.

9) In Camera Session

None.

10) Other Business

a) SPC Appointments

Bob advised the members of their appointments being extended for another year until December 2014. At that time the re-appointments will be determined based on the legislative requirement for 1/3 of the committee to expire each year after the SPP is approved.

11) MOE Liaison report

Lisa Ross reported there were no further updates.

12) Members reports

Chatham-Kent- Chatham-Kent PUC has issued an EA study for water service to Highgate and Ridgetown and the option of a pipeline from existing plants versus using wells.



Preliminary discussions have occurred with Moraviantown and Bothwell about providing a line to those communities.

John Van Dorp- noted Oxford County has hired a SP Coordinator for RMI services and the job posting indicated \$70,000 annually.

Dean Edwardson-reported Marg Misek-Evans a former SPC member has been hired as the City Manager of Sarnia.

Charles Sharina-wind turbines are not on the lake yet.

Jim Reffle- work is being done for cyanobacteria being more prevalent with the MOE and Health Units on north shore of Lake Erie. An IJC draft report is out related to the problem. A meeting was held in Port Stanley to discuss phosphorus loading. The Eglin County water treatment plant issued a warning about high sodium levels especially for those with salt restrictive diets. Essex Region is looking at blue-green algae as ICA and therefore a significant drinking water threat.

Augustus Tobias- an assessment of their treatment plant showing a plateau in terms of supply and increased sodium levels. More meetings are being planned to look at the costs to treat.

Pat Donnelly-Lake Huron Coastal Center put out a paper on extreme water levels on Lake Huron in reaction to the discussions coming out of Georgian Bay. A forum is being held in Lambton County on November 5th in Sarnia to discuss the environmental impacts of putting things in St. Clair River to manipulate water levels. The chairman from IJC, Dean Jacobs (Walpole), Dick Hibna (C.O) and Pat will be providing different perspectives at the forum and information will be available on the website.

Darlene Whitecalf- Bob reported Darlene has been re-elected for a 2-year term.

13) Adjournment

There being no further business, the meeting was adjourned at 2:30 p.m. The next SPC meeting is scheduled for **December 13, 2013** at the St. Clair Region Conservation Authority Board room.