



SPC MEETING MINUTES
JUNE 13, 2014
Meeting #58

Bob Bedgood, Chair of the Source Protection Committee called the meeting to order at 9:05 a.m. on June 13, 2014 at the St. Clair Conservation Authority Boardroom. The following members and staff were in attendance:

Members

Bob Bedgood
Murray Blackie (SPA Liaison)
Brent Clutterbuck
Pat Donnelly
Dean Edwardson
Patrick Feryn
Paul Hymus
Carl Kennes
Joe Kerr
George Marr
Don McCabe

Doug McGee
Hugh Moran
Earl Morwood
Darrell Randell
Charles Sharina
Augustus Tobias
John Trudgen
John Van Dorp
Darlene Whitecalf
Teresa McLellan (Provincial Liaison)

Regrets:

Kennon Johnson
James Maudsley
Valerie M'Garry
Sheldon Parsons
Joe Salter
Pat Sobeski
Jim Reffle (HU Liaison)

Staff:

Chris Tasker
Michelle Fletcher
Deb Kirk
Steve Clark
Bonnie Carey
Linda Nicks
Rick Battson
Girish Sankar

External attendees:

Arnie Marsman, Middlesex Centre RMO
Katie Stammler, Essex Region SP
Project Manager

1) Chair's Welcome

Bob Bedggood welcomed the committee and acknowledged a quorum was not achieved. The members present met as a sub-committee until quorum was achieved. Arnie Marsman, the Director of Planning and CBO for Middlesex Centre will be designated as the RMO and was introduced during the meeting. Invitations were extended to the municipalities who have designated their RMO.

2) Adoption of the Agenda

The agenda was approved once quorum was reached.

Moved by Paul Hymus-seconded by Doug McGee

“RESOLVED that the agenda be approved.”

CARRIED.

3) Delegations

There were no delegations.

4) Minutes from Previous Meeting

The February 7, 2014 SPC meeting minutes were approved when quorum was reached.

Moved by Dean Edwardson-seconded by Joe Kerr

“RESOLVED that the February 7, 2014 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

Preliminary comments from the Ministry have been received and a letter is expected from the Director. Teresa McLellan reported a minor delay in the letter being issued as their waste policy branch is discussing the details on a waste comment. Policy edits were discussed in detail later in the agenda. Preliminary comments have been submitted province wide with the exception of the Essex Region who are expecting theirs shortly. Katie Stammler the SP Project Manager for Essex Region was introduced.

b) Wheatley Microcystins Issue

A meeting took place with ERCA and the Chatham-Kent PUC staff to discuss the microcystins issue. At the last Technical Advisory Committee meeting, the Wallaceburg ICA was discussed and a joint meeting with members of Essex SPC members, Chatham-Kent PUC staff and CA staff was planned. This meeting is scheduled for June 18, 2014. The goal is to arrive at a joint consensus which can be brought back to both SPCs. An update will be provided at the next SPC meeting in July. Bob Bedggood noted the Lambton Federation of Agriculture and Lambton Cattlemen's Association will also be consulted on the Wallaceburg issue.

7) Business

a) EA Review Policy

A discussion paper was circulated for the consideration of the members. This policy recommendation has stemmed from inconsistency in how SPP information has been considered through EAs. Some CAs provide comments on reports as they relate to their regulatory responsibilities such as the control of flooding and erosion while other provide comments on other aspects such as natural heritage. In this region we feel it is important to get involved at the EA stage so that regulatory requirements may be considered through the assessment of alternatives which is part of most EAs. The Class EA developed by the Municipal Engineers Association has very little detail pertaining to SWP although additional updates are being worked on. Source Protection needs to be considered and documented

as part of the EA process. Teresa McLellan noted MOE is working with the Municipal Engineers Association to include this in the process.

Most of the EAs that are seen in the UTRCA tend to be municipal class EA with the municipality as the proponent.

It is important that we approach this consistently across the region. A policy will provide some additional focus on this. It should be noted that the proponent is ultimately responsible for ensuring that all the appropriate factors are considered through the EA, however often once a preferred alternative is arrived at the opportunity to fully address other concerns are limited. Therefore, it is very important to ensure that all requirements and considerations are included early in the process. Across the province there has been much discussion as to how much detail should be applied at the EA stage. A note was made that it is not appropriate to undertake full vulnerability assessment for all alternatives when it comes to new drinking water sources yet it is important to include some level of assessment of all alternatives. The proponents should consider the appropriate level of detail to assess the alternatives. In many cases this will be an opportunity to document SPP information has been considered even if it has limited impact on the proposal or alternatives.

Whether this applies only wells was asked. This policy refers to everything not just wells. Proponents should be coming to the CA's for the information and as part of the Environmental Assessment and it is the proponent's responsibility to consider whether their proposal includes a threat. The CA does not have an approval role rather a role in providing information through the EA process. In response to a question, it was confirmed that Conservation Authorities also follow a similar process for their projects such as putting in a dam.

At 9:40 a.m. quorum was achieved; the agenda and previous meeting minutes were approved as indicated above.

A motion was passed by the committee to move forward in the Environmental Assessment Review policy and include it in the changes to the SPP.

Moved by George Marr-seconded by Charles Sharina

“RESOLVED that the Environmental Assessment Review policy be developed and be included in the updated changes of the SPP.”

CARRIED.

b) MOE Comments on proposed SPP

A discussion paper was circulated outlining comments from MOE. Since receiving the comments teleconferences have taken place with UTRCA and Oxford County with MOE to address any concerns. Michelle Fletcher reviewed the table provided that outline staff responses to the comments and highlighted ones where the comments resulted in an updated policy.

Under Appendix A: MOE Recommended Revisions for TSR Policies.

Key points:

Comment #1: Under waste policies it was noted the TSR used Environmental Compliance Approvals and prohibition of future waste disposal sites. Prohibiting may include certain commercial and industrial activities that the SPC may not have been aware of. This will be discussed further once more clarification on the set of circumstances is obtained from MOE. The only area of concern in this region is St. Mary's.

Comment #2 & 3: Because the SPC chose to prohibit the application of ASM and NASM where significant the question was raised of the potential impacts to existing agricultural activities. MOE was provided with details of the WHPA-B areas and future land uses; the reviewers were satisfied this information was adequate in qualifying the decisions made so that they could further consult with other affected ministries.

Comment #5 Policies 2.43 and OC-2.46 requested that MOE consider undertaking the removal abandoned fuel storage tanks on abandoned properties where the storage of fuel is or would be a significant drinking water threat. The Ministry provided revised policy language, similar to language provided to other SPCs as follows:

*“To reduce the risk to municipal drinking water sources from fuel storage tanks located on abandoned properties where the storage of fuel is, or would be, a significant drinking water threat, the Province (Ministry of Environment) **should consider** undertaking the removal of fuel storage tanks when they become aware of them.”*

After a discussion a motion was passed to change the wording from “*should consider*” to “*shall consider*” to take the oneness off of municipalities and to have stronger wording to ensure the Ministry will take the lead in the removal.

Moved by Pat Donnelly-seconded by George Marr

*“RESOLVED that the wording in this policy be changed from the Province “**should consider**” to “**shall consider**” undertaking the removal of fuel storage tanks when they become aware of them.”*

Appendix B comments are only suggestions and most have been addressed. The table of proposed changes was circulated to the MOE.

Comment #10 for policy 2.05 prohibiting future waste disposal sites DNAPL related text is removed from the waste policies and dealt with in a separate policy that only deal with DNAPLs to be clearer.

c) SPP Revisions

i) Volume 3 and policy edits

Michelle Fletcher reported that this table was reviewed at the previous SPC meeting and the sections highlighted in green and yellow were already discussed. New updated policy changes were reviewed today.

Policy #1.08 Based on the updated work on fuel modelling the policy wording has been changed to remove the specific quantities of fuel and fertilizer. The updated technical work for the IPZ3 has included modelling different volumes in different areas and this information will be contained in detail in the Assessment Reports/mapping. The policy will also specify that it was only nitrogen based fertilizer that was modeled as part of this work. Red text throughout the table indicates changes based on draft comments from MOE

Policy #2.04 This policy is one of many examples of where specific mention of a PI was removed and the text was changed. It now does not refer to a specific Act to prevent misquoting the PI. Additionally the references to DNAPLs have been removed from this policy and the issues of DNAPLs in the waste stream will be covered in the DNAPL policies as discussed earlier.

Policy #2.06 made reference to Environmental Compliance Amendment Fees for waste only. Policy wording is changed so that this policy applies to all ECAs that require amendments as a result of SPP policies.

Policy #2.10 bullets were added for clarity and additional sub-threats were added to this policy in response to MOE comments.

Policy #2.21 Inconsistencies were found in the agricultural policies so they were modified to read in the same format with consistent references. This

policy is an example of the changes that have been applied across the agricultural policies that use management.

Policy #2.23 Inconsistencies were found in the agricultural policies so they were modified to read in the same format with consistent references. This policy is an example of the changes that have been applied across the agricultural policies that use prohibition.

Policy #2.26 and #2.29 the question was asked whether commercial fertilizer policies need to specify that they are for nitrogen based fertilizers only. Policy #2.29 is an event based modeling policy that specifically used nitrogen based fertilizer and therefore should reflect that. Policy 2.26 is not based on event based modeling so all fertilizers at the circumstances listed in the Provincial Table of Drinking Water Threats will be covered by this policy.

Policy #2.38 Wording was changed slightly to remove the use of the word prohibit in a management policy.

Policy #2.46 DNAPL policy was altered to account for DNAPLS in the waste stream (as reference to DNAPLS has been removed from the waste policies). The new wording “Through all phases of its life cycle including disposal” was added and it was clarified that the policy applies the WHPA-A&B with a vulnerability score of 10.

Policy #2.51 Wording was changed slightly to remove the use of the word prohibit in a management policy.

Policy #2.53 This policy initially only applied to St. Clair Region SPA but now could apply to the other SPAs in the region due to the new technical work done. The wording therefore will be more generalized. The Director will need to be asked to consider the local threats in the IPZ-3 delineated in the Lower Thames area.

New EA Review policy proposed wording was outlined. The question was asked of why the CA “*should*” rather than “*shall*” review EAs, provide SP information and request that SPP planning be included in the EA. The reason for this is that this policy applies to EAs in moderate and low threat areas as well as significant threat areas. Therefore the language normally applied to significant threat policies is not appropriate. The policy does not require that EAs are reviewed by CAs but instead encourages that they are reviewed. Wording is provided to indicate that CA involvement is dependent on there being funding available to undertake this review. Policy wording allows for the fact that some municipalities may not want or need this review service.

Questions:

Policy #4.6 New Transport Pathway reporting; a question was asked about tile drainage and the reporting process happening when a person applies to a municipality. The municipalities will be asked to report tile drainage however they are not required to know about them. Guidance will be provided to the municipality so that they can interpret the policy.

Policy #4.12 EA Policy could encompass all the vulnerable areas, including SGRAs and HVAs. There were a significant number of comments relating to the South-West landfill which is proposed in SGRA/HVA areas. We want to be sure these are considered.

A question was asked whether this policy relates to the Drainage Act (section 6) in terms an environmental appraisal and the concern of an additional fee being applied. This policy only refers to Environmental Assessments under the provincial Environmental Assessment Act, not environmental appraisals under the Drainage Act.

The Committee took a break from 10:20-10:30 a.m.

ii) Volume 2 and policy edits

Changes to Volume 2 policies were covered at the previous SPC meeting and now include the Ministry's comments as well.

A motion was brought forward that Volume III and II policy revisions be accepted by the committee.

Moved by Doug McGee-seconded by Earl Morwood

“RESOLVED that the SPC approve the proposed revisions to Volume III and II of the SPP policies.”

d) Technical Work

i) Wallaceburg Nitrate Issue

The draft Wallaceburg ICA report will be distributed to the committee once finalized. The committee was requested to endorse the conclusions and recommendations before submitting it to MOE for their review. The conclusions were outlined in the discussion paper which was distributed in the meeting package. Based on discussions at the TAC the report has been revised

to recommend a wait and monitor approach. This is based on 1) inconclusive information that suggest the increasing trend in nitrates towards the 1/2 MAC may be reversing, 2) The PUC is looking at alternative water supplies and upgrades to the current treatment facilities. Girish Sankar gave an overview of the report. He noted that although the recommendation is to wait and see, nitrates are still an issue and will require a policy to promote best management practices through education and outreach.

A graph was discussed showing nitrate levels. The monitoring program which is done on a weekly basis since 2005 shows exceedances and an increasing trend but previous monitoring (1991- 2005) was done less frequently and hence cannot be used to support the increasing trend. Further monitoring is necessary to understand this more. PC SWMM modeling was used to model nitrates on a watershed basis, and gave insight into nitrate contribution on a watershed basis. The inputs to the model were: area, slope of the watershed, soil type, percentage of land used for industry, agricultural, residential or sewage treatment plant. The conclusion of the modelling indicates that of the ten specific sub-watersheds each contributes to nitrates equally.

Based on technical rules, an ICA area has to be in a vulnerable area. In order to create an ICA for Wallaceburg an IPZ-3 would need to be delineated specific to the nitrate issue as it is understood that the contributions to the issue are from beyond the IPZ-1, 2 and 3 currently delineated. The concern is whether the IPZ areas catch all the areas contributing to the issue.

A question was asked of why not all municipal drains are included on the map in the discussion paper. The mapping will be checked to see if it includes the best available information and if not it will be added to the work plan.

Possible contributing factors such as storm events and algae were discussed. There is uncertainty and it was acknowledged that not all contributing factors are known. The hope is to understand more when the work plan is completed. The appropriate level of effort put into the Wallaceburg intake is also uncertain based on whether the intake will remain in use. Thus the monitor and reassess approach decision is further reinforced. The Environmental Assessment Report will be completed in the fall.

If any new IPZ areas are created as a result of this work public consultation would occur. This would include the Lambton Federation of Agriculture and the Cattlemen's Association who expressed an interest in the implications this work may have on their interests.

The recommendations outlined in discussion paper were agreed and supported by the committee and a motion was passed to go ahead with developing a work plan and monitoring policy. Whether an IPZ-3 should be included in the AR will be discussed with MOE and if one is included it will include updated mapping if more accurate information is available on the drains.

Moved by Dean Edwardson-seconded Darrell Randell

“RESOLVED that the SPC accepted the four recommendations listed in the Wallaceburg Nitrate Issue discussion paper and that more accurate mapping will be used if a map is to be added to the Assessment Report.”

CARRIED.

The committee broke for Lunch from 11:55 am-12:35 p.m.

ii) SCRCA IPZ-3 Updates

MOE raised a concern about the uncertainty over whether a spill in the most easterly watercourse at Hickory Creek will reach the Petrolia intake at a concentration over the MAC. It is important to note that there are other uncertainties which could push the spill that way in higher concentrations, but most importantly if the 15,000 L was not identified as a SDWT, then a higher volume such as 34,000 L would be identified as a significant threat. Girish Sankar outlined why the TAC supported the staff recommendation to keep with the 15,000 L threshold in this tributary. The TAC felt it was important to keep it simple at 15,000 L in that particular zone and that many other factors could result in higher concentrations at the intake.

A question was raised of whether this will cause a burden on Lambton Shores in terms of a RMO being required. It is a significant threat and does require that Lambton Shores have a RMO. There is a fuel supplier close to Forest and the modelling does identify that a spill in this location could cause deterioration at the intake. Given the outcomes of this discussion this will need to be discussed with Lambton Shores.

The SPC supported recommendations of the Hickory Creek up to Highway 21 be included within IPZ-3 and identify storage of 15000 L or greater as a SDWT. Staff will incorporate the revised IPZ-3s into the AR and summarize the work undertaken to assess these new areas.

Moved by Pat Donnelly-seconded George Marr

“RESOLVED that the SPC agreed upon the recommendations in the SCRCA IPZ-3 Update discussion paper.”

CARRIED.

Based on the comments from the MOE an appendix was included at the end of the SCRCA IPZ-3 report.

e) SCRSPA Assessment Report revisions

Revisions have been done to the SCRSPA AR to include the Kettle and Stoney Point First Nations intake. The changes or additions are shown in the table distributed with the package. The change log table will be improved to conform to the previous tables and will be submitted with the updated AR to document the changes. The committee was asked to direct any questions or concerns to Steve Clark and Girish Sankar.

f) SPP and AR Consultation Schedule

The discussion paper distributed at the meeting is intended to update the schedule which was distributed at a previous meeting. Since then it has been revised a few times to reflect the MOE review schedule and progress on the technical work. The plans included in the discussion paper propose a few extra local consultations in the SCRCA in the IPZ-3 areas where the extent has changed and where lower volumes are identified as a Significant Drinking water threat.

Key dates for the revised SPP and AR consultation was reviewed. Local consultation on the new IPZ and ICA work will occur. Three local consultations are planned for the St. Clair Region in Wallaceburg, Sarnia and Camlachie. One Lower Thames consultation session will occur in Tilbury/Wheatley area and in the Upper Thames a meeting will be held in Woodstock, In the UTRCA it was suggested that specific local consultation on the results from the Tier 3 Water Budget is not needed. The Lambton Federation of Agriculture and Cattlemen’s Association will also be engaged now that there are conclusions made.

A question was asked of what happens if there are changes in Wallaceburg adding an ICA in the future. Updates to the SPP/AR would be required and the Minister would need to review. This would require further consultation at that stage.

Pre-consultation with the implementers will occur in the summer on the SPP changes but most likely will generate renewed discussion on all the policies.

The Ministry does not have set rules around formal consultation because it is only necessary to consult on amendments to the SPP and to those that are affected by the changes. However, we are planning a thorough consultation of 45 days. Consultation should be completed by the beginning of December. The SPC could consider any changes during the December 12, 2014 meeting. If direction from the SPA is given to submit the apSPP at their November meetings and comments are not substantial, it may be possible to submit in December.

The municipal election could bring additional focus to Source Protection.

8) Information

a) Updated/Revised meeting Schedule

The updated schedule was circulated that reflects the consultation schedule just discussed. The next SPC meeting will be held at the Upper Thames office to review revisions for the UTRCA and St. Clair Assessment reports with a few more revisions being discussed at the September meeting when the reports will need their final approval to go out for consultation.

9) In Camera Session

None.

10) Other Business

11) MOE Liaison report

Teresa McClellan gave the committee an update with additional information provided by Chris Tasker.

- Focus of the Ministry has been to review the plans.
- Three plans have been approved to date. Catfish and Kettle Creek are almost done and Oxford County will be able to start implementation.
- There are internal working groups for annual reporting processes and how implementation will look.

- Source Protection Implementation funding has been received by the municipalities. Letters have been sent from Perth to the Minister asking for extensions on the deadline of December to spend this funding. Chris added that this committee passed a motion previously and a letter will be sent for this region as well. We are looking at projects for the municipalities to get started on such as Education and Outreach, signage, Threats verification which can be completed within the eligible funding period.
- Focus at Ministry is also on municipal readiness. A letter was sent to the Ministry on behalf of the province's chairs requesting continued stewardship funding.
- RMO training was available in May but not enough registered; another one will be scheduled for the fall. A shared resource for RMO's via the internet has started as a pilot internally. There will be a "ask the expert" section, questions/answer section, as well as an education and outreach and form sharing section.
- SP has been subject to *value for money audit*. The report is being tabled at the legislature in the fall.
- Water charges and permit to take water is being discussed as it relates to the water budget and how to incorporate the science. There are no significant water quantity threats at this time but the information will be available for future use for municipalities. The conceptual model information will be rolled out as well. The Southwest Region office is the lead in the province in terms of permits to take water and has met with Chris Tasker and a consultant.
- Other Ministry branches such as MTO, Environment Canada, and Transport Canada are actively working on various policies for SP.
- Guidance for Certificate of Approvals process and the integration of the mapping tools with the Spills Action procedures are being worked on.

An article from CBC news on the algae bloom predicted to blanket Lake Erie this summer was circulated.

12) Members reports

Pat Donnelly- Planning Department has put out a document called the *London Plan* which can be seen on the City of London website. It includes a video, user friendly description to the new approaches of the Official plan. SWP is included and mapping is still being worked on. He reported the Lake Huron Costal Centre biannual conference is next Friday in Grand Bend with Jim Bradley and Mayor of Sarnia speaking. The Lake Huron Costal Centre partnered with UWO and developed a map around municipal treatment facilities for Lake Huron/Lake Michigan side called "Who's drinking the water". Information can be found on the website, lakehuron.on.ca



Earl Morwood- thanked Chris Tasker and the staff for all their continued efforts in the SP work.

Bob Bedggood- added that although the committee has not met as often, there is a lot work being done by the staff and it is appreciated.

13) Adjournment

There being no further business, the meeting was adjourned at 2:05 p.m. PLEASE NOTE: The next SPC meeting is scheduled for **July 11, 2014** and will be held at the Upper Thames River Conservation Authority office due to construction taking place over the summer at the St. Clair Conservation office.