

Thames – Sydenham and Region Source Protection Committee

Meeting Notice

Please be advised that a meeting of the Thames-Sydenham and Region Source Protection Committee has been called for the following time. Please confirm attendance with Deb Kirk at 519-451-2800 x256.

Meeting Date: June 12, 2015

Meeting Time: 9:30 am

Meeting Location: Upper Thames River Conservation Authority Board Room

Proposed Agenda

- | | | |
|-----------|---|--------------|
| 1 | Chair's Welcome | 9:30 |
| 2 | Adoption of the Agenda | |
| 3 | Delegations – none | |
| 4 | Minutes From the Previous Meetings | 9:35 |
| | SPC teleconference meeting March 5, 2015 | |
| | o Distributed in meeting package | |
| 5 | Declaration of Conflict of Interest | |
| 6 | Business arising from the minutes (None identified) | |
| 7 | Business | |
| 7b | Rules of Order | 9:40 |
| | • Discussion Paper distributed with meeting package | |
| 7a | Members Renewal following plan approval | |
| | • Presentation and discussion | |
| | • Letters to members will be distributed at the meeting | |
| 7c | Potential SPP effective dates | |
| 8 | Information | |
| 8a | SPP & Assessment Reports | 11:00 |
| | • DVD containing apSPP and uARs distributed with meeting package | |
| | • Cover Letter distributed by email following submission and in meeting package | |
| | • Additional Revisions distributed by email following submission and in meeting package | |
| 9 | In Camera Session (not planned) | |
| 10 | Other Business | |
| 11 | MOE Liaison report | 11:15 |

12 **Member Reports**

11:30

13 **Adjournment**

12:00

Next Meeting: Friday, September 11, 2015 (SCRCA)

Thames – Sydenham and Region Drinking Water Source Protection Source Protection Committee Discussion Paper

Report to	Chair and members Thames – Sydenham and Region Source Protection Committee	Agenda #	2015.06.7b
Cc	SP Management Committee	Date	June 1, 2015
Prepared By	Robert Bedggood, Chair Chris Tasker, Source Protection Project Manager Deb Kirk, Source Water Administrative Assistant		
Re:	SPC meetings		

Background

1. Section 15 of O.Reg 288/07 requires that the SPC prepare a written code of conduct and conflict of interest policy that is satisfactory to the SPA. These were developed with the SPC and accepted by SPAs (through review and acceptance of the striking committee). These policies are documented in the *Thames-Sydenham and Region SPC Code of Conduct, Rules of Order and Conflict of Interest Policies*. These policies, which will be referred to in this discussion paper as the *SPC policies*, have served the SPC well since its inception.
2. As we move into the next phase of the Source Protection Process the number of SPC meetings will be reduced to approximately 2-4 meetings annually. Challenges meeting quorum have persisted and progressively worsened as the meeting frequency was reduced. Recently, this resulted in challenges establishing meeting dates. We wanted to discuss the SPC policies and determine if revisions to the SPC policies and meeting format might alleviate some of the challenges as we move into the implementation phase of the SPP.
3. There are a number of things, many of which are routed in the rules of order, which we would like to give consideration to
4. Members may have other items which they would like to add to the discussion
 - o Use of Proxy and other meeting logistics,.
 - o Use of Executive Committee, Vice Chair and Recording Secretary
 - o Use of working groups and sub-committees
 - o Discussion paper format vs reports with recommendations
 - o Posting of meeting minutes
 - o Electronic documents (move towards paperless meetings)
5. It is important that the input of the current committee members be considered before committee renewal which follows the approval of the SPP. This document is intended as a discussion starter which will guide staff in their review of potential revisions to the SPC policies. Potential revisions would be
 - o presented at a subsequent SPC meeting
 - o endorsed by the SPAs through the striking committee, and
 - o the SPA may wish to consult renewed committee before acceptance of any revisions

Discussion

Proxy

6. The CWA and regulations allow for proxies. However the SPC, in establishing their policies, chose not to use proxies. Proxies were discussed and there were a number of reasons for deciding against proxy use. Proxies lend themselves quite well to predetermined alternatives such as a vote for or against an item/items, or a clearly recommended course of action. The SPC chose to use a consensus building approach to decision making which allows for members to see the other side of the argument and collectively move towards a decision that balances the goals and impacts with the interests of the various stakeholders. Even the reports presented to the SPC are discussion papers intended to illustrate all sides of a decision. The discussion is therefore the critical part of the decision making process. Depending on how proxy is used it assumes a decision without the discussion. The SPC policies outline the following under section 3.12. Proxy of the SPC's Policies:

(115) The Clean Water Act allows for absent members to participate in decision making by proxy. The committee, however has determined that this presents many logistical problems. Proxies are better suited to predetermined votes. This committee will be endeavouring to make decisions by consensus making it difficult for a member to provide an informed proxy. The committee members have therefore determined that they will not use proxies.

(116) If members are not able to participate in a meeting, in person or by teleconference, they are encouraged to submit their opinion on an issue. Absent member's opinions shall be submitted to the chair, in writing, in advance of the meeting. In this manner their initial opinion will be made known to the other committee members and may be considered in arriving at consensus. It is acknowledged that position papers submitted in the absence of the group discussion is contrary to the consensus building process. Only through the discussion should members form a position. This initial opinion is, however, intended only to allow the absent member's initial opinion to be considered in the group discussion. The focus should therefore be placed on the input rather than an established position.

7. The Lake Erie Region, Essex Region and Ausable-Bayfield Maitland Valley SPCs were polled in their use of proxy. Each of these regions has used proxies in various ways. In all cases member may participate in decision making by proxy, (with the exception of election votes in one case). The proxy will generally include written confirmation of the member's intents. While attendance in person is preferable, where possible a member may participate by telephone reducing the need for a proxy. Typically, if a SPC member cannot attend the meeting they email their regrets along with their proxy.
8. If the SPC should choose to use proxies, it would be important to assess the best way.
9. The SPC policies currently suggest that members not able to participate in discussion provide the chair with their written opinions on the subject. It would be preferred that the member, in assigning their proxy, also provide their current views in a brief email which could be read by the chair. In this way the absent member's views could be considered in the discussions. It therefore follows that a proxy would be best assigned to the chair with written opinions. The assigned proxy would then count towards quorum and may be counted towards any recorded votes.
10. It would also be important to determine how and when a proxy is counted in a vote. Based on the history of the SPC's decision making, it was rare to have a vote which required a count and no recorded votes were cast. This makes the individual vote less important which is in line with the consensus building decision-making adopted by the SPC. Once consensus has been well established, there were still dissenting votes, but the results were rarely close and never called for recording individual votes (recorded vote). If a recorded vote was called for, the chair could cast the proxies that they hold based on the opinions provided. This results in rare instances

when the proxy holder must decide how to best represent the member's opinions in a vote where the item voted on has changed through the discussion.

Meeting Logistics

11. The second Friday of the month was chosen by the members as the preferred meeting day based on the committee's expectation that there was the least potential conflict with other committees and meetings. It is anticipated that regular monthly meetings would not be a requirement (until updates to the AR and/or SPP are being discussed). It is anticipated that for the next few years two to four meetings per year would be required. It is anticipated that meeting lengths will be able to be kept to 2 to 3 hours. The SPC chose to meet in the mornings due to the anticipated length of the meetings. Consideration could be given to afternoon meetings as an alternative. The offices of the SCRCA were chosen as the meeting location due to being centrally located within the region.
12. While another day, time or location might result in fewer challenges, it is equally possible that a change might create other challenges. The meeting time, date and location should be identified in the SPC policies so that new members are aware of the commitment which they are making when they accept an appointment.
13. Attendance by teleconference is allowed in the SPC policies. Members attending by teleconference count towards quorum. However, attendance in person is always preferred due to the importance of the consensus building decision making process utilized by the SPC. Participation by teleconference would, however, be preferred over the assignment of a proxy if the SPC was to choose to use a proxy (as discussed above).

Vice Chair and Recording Secretary and Executive Committee

14. Although not specifically allowed for in the CWA a Vice Chair was used by the SPC to chair meetings which the chair is not able to attend. This was only used once in the past and the term of the last vice chair has long since expired. Instead, the SPA liaison, MOE liaison or Project Manager could call the meeting to order and ask for an acting chair. Once the sitting members agree to an acting chair, the acting chair would preside over the meeting.
15. A recording secretary was established to record notes from in-camera sessions. To date an in-camera session has not been needed and it is unlikely that the SPC would go in camera in the foreseeable future. In the rare instances that a recording secretary is needed, one could be elected when going in-camera.
16. Together the Chair, Vice-Chair and SPA liaison formed the Executive Committee which was never used. In the event that a smaller group is beneficial the SPC could establish a sub-committee for a specific purpose. Disciplinary needs (a current function of the executive) could be dealt with through the chair and SPA liaison and, at their discretion, the SPAs.
17. The Vice-Chair, and Executive Committee can be removed from the SPC policies as well as the requirement to annually elect a recording secretary.

Use of working groups and sub-committees

18. In establishing the SPC rules the committee acknowledged the potential of using working groups formed with staff and external stakeholders. It was determined that SPC working groups would generally be chaired by a SPC member. In practice, working groups established by the SPC are distinctive from other working groups which were established and facilitated by staff for such things as preparing for implementation, education and outreach, Official Plan and Bylaw updates, etc. The SPC rules also acknowledge the potential to establish sub-committees which although

not defined in the rules are understood to be limited to SPC members. Also, ad-hoc sub committees were established when the members met as a sub-committee when the SPC did not achieve quorum. The SPC also established technical advisory committees.

19. With reduced committee business and meeting frequency the need for SPC working groups and specific sub-committees will be lessened until such time as the ARs and SPP are being updated. It is however suggested that the rules of order retain the ability to establish these working groups or sub-committees from time to time.

Discussion Paper Format

20. Section 3.4 of the SPC Policies outline the decision making process and the use of discussion papers to facilitate the discussions.

(71) Reports for the consideration of committee members will be discussion papers which will be general in nature typically without recommendations. Recommendations may be appropriate where a professional opinion is warranted. (An example of this would be the opinion of a professional engineer or hydrogeologist as to whether a threat still poses a significant risk).

(77) The source Protection Committee is expected to arrive at decisions through consensus. Unanimous agreement is not required. Where necessary, votes will be undertaken on motions. Motions will carry by 2/3 majority.

(78) Reports presented to the committee as discussion papers will allow for the committee to discuss the business and will be focused on presenting the options and allowing the committee to arrive at consensus.

(79) The chair will determine if consensus is likely to be able to be achieved within the allotted time. The chair may then call for a motion on the business, ask to have the discussion extended by motion or deferred to a subsequent meeting.

21. During discussions there were times when the SPC looked for a staff recommendation. There were also times when discussion papers included simple recommendations as described in paragraph 71 of the policies. In addition recommendations may be made when the Act/Regs provides clear direction or staff was able to interpret previous SPC direction. Recommendations could, when appropriate include, options. Discussion papers with clear recommendations would still be intended to facilitate discussion and not restrict the discussion or the decision of the SPC.

Electronic meeting materials

22. Many committees and councils are moving towards the electronic distribution of meeting materials. In such cases materials are either distributed by email or posted on a website for the members to access. Currently, all SPC meeting materials are posted on the website when packages have been distributed. Materials are required to remain publically available reducing the need for the members to retain their own copies of the materials. The AR and SPP were all published electronically. At most SPC meetings the meeting materials are available for display on the screen in the meeting room.
23. Materials are prepared in Adobe portable document format which is viewable with a number of freely available viewers. Most of these viewers (including Adobe Acrobat Reader), now have the ability to mark up, record comments and include place marks, just as can be done with paper documents. To take advantage of this feature it would be necessary for the member to store their own electronic copy of the document.
24. The members should give consideration to promoting the distribution and use of electronic documents so as to reduce the amount of paper used. Members would be encouraged to use their electronic devices to be able to access the materials before, during and after meetings. A

basic level of computer literacy would be included as preferred in SCP position descriptions. Technical support would be provided during meetings to be able to access the document through WIFI connections and access to the website. Meeting materials would be available on screen during the meetings. Printed documents would only be provided at specific request of a member.

Posting of meeting minutes

25. Section 3.3 of the SPC policies indicates:

(73) Minutes of meetings will not be posted until approved by committee.

26. Less frequent meetings will result in meeting minutes not being available for an unacceptable period following the meeting. Having 6 or 8 months from the meeting to the approval of the minutes also makes it challenging to have a meaningful review of the minutes given the time which has passed since the discussions.

27. The SPC may wish to consider having meeting minutes approved by the chair prior to posting. Once posted members could be notified that they are posted and provided with a week to review the minutes and identify any concerns or indicate their support for the minutes. Minutes so posted, which have received the support of a quorum with no outstanding concerns would be deemed as approved. Approval would be confirmed by motion at the subsequent meeting. In this manner meeting minutes could be posted and deemed accepted within 4 weeks of the meeting.

Per diems

28. It is proposed that the per diem rates be flattened to a single rate from the 3 rates currently included in the SPC rules. Meeting lengths should stabilize at 2 to 3 hours reducing the need for multiple per diems for different meeting lengths.



Thames - Sydenham and Region
c/o Upper Thames River Conservation Authority
1424 Road, London, ON, N5V 5B9

May 20, 2015

The Honourable Glen Murray
Minister of Environment and Climate Change
c/o Ling Mark, Director
Source Protection Programs Branch
Ministry of Environment
40 St. Clair Avenue West, 14th Floor
Toronto, ON M4V 1M2

Dear Minister Murray:

Re: **Submission of the Thames-Sydenham and Region
Amended Proposed Source Protection Plan and Updated Assessment Reports**

The Upper Thames River Source Protection Authority is pleased to submit the Amended Proposed Source Protection Plan (SPP) and Updated Assessment Reports (ARs) on behalf of our partner Source Protection Authorities (SPA) and the Thames-Sydenham and Region Source Protection Committee (SPC). This submission marks an important milestone in the efforts towards the protection of drinking water sources in the Province of Ontario. The submission package includes the Thames-Sydenham and Region Amended Proposed Source Protection Plan, Explanatory Document and other supporting documentation outlined in the Director of the Source Protection Programs Branch letter dated January 26, 2015. The package also includes Updated Assessment Reports for the Lower Thames Valley SPA, St Clair Region SPA and Upper Thames River SPA. These documents all have been improved significantly since they were last submitted for approval.

The improvements from previously submitted versions are documented in a number of ways. Cover letters bound in the documents provide a high level summary of the revisions. Extensive change logs have been used as a tool for the committee to review and consider changes. Many of the changes documented in these logs have resulted from comments received through consultation. These change logs are compiled into a single bound copy which is included in this submission package. These change logs included on the SPP DVD in the supplemental documents section and included on the USB in the SPP and AR folders. The comments which resulted in many of these changes are included as appendices to the Explanatory Document.

Lower Thames Valley Conservation Authority
100 Thames Street, Chatham, Ontario,
N7L 2Y8

phone 519-354-7310, fax 519-352-3435

St. Clair Region Conservation Authority
205 Mill Pond Cres., Strathroy, Ontario,
N7G 3P9

phone 519-245-3710, fax. 519-245-3348

Upper Thames River Conservation Authority
1424 Clarke Road, London, ON
N5V 5B9

phone 519-451-2800, fax 519-451-1188

<http://www.sourcewaterprotection.on.ca/>

Together these change logs and revised documents document the changes to the documents since previously submitted.

In receiving the Source Protection Plan, the SPA acknowledged the hard work of the Source Protection Committee, staff and stakeholders in preparing this Source Protection Plan to meet the requirements of the Clean Water Act while staying true to the guiding principle which the SPC established soon after the SPC was formed. The SPC worked hard to create a balance between the important goal of protecting our municipal drinking water supplies and a plan which was fair and reasonable. The SPC and SPA look forward to the approval of the SPP so that we can work together with other implementers to protect our drinking water sources in the Thames-Sydenham and Region.

The SPA would like to provide you with confirmation of their full support of the Source Protection Plan and the policies which are contained in the plan. There were no concerns expressed by the First Nations. While considerable effort was made to address municipal concerns it should be noted that municipal concern was expressed over the need for ongoing funding for their responsibilities related to part IV enforcement. While the SPMIF provided most municipalities with financial assistance to establish the services, the new Assessment Report identifies new threats that were not considered in the previous funding. As such two municipalities which did not previously have significant threats will be faced with implementing part IV without the benefit of the SPMIF funding others received. This is one example of comments received by the SPC which were beyond the scope that the SPC could deal with in the SPP. Others included comments on what was considered a threat and concerns about how the ministries implement their responsibilities to review, amend or issue prescribed instruments. These comments are included with the comments however they are not considered to be unresolved comments on the SPP. Comments received during each consultation phase and an indication of how those comments were considered in the Source Protection Plan, are included in the Explanatory Document.

Following the last public consultation period staff worked closely with staff from the SPPB to ensure that provincial comments and concerns had been adequately considered. The additional effort of SPPB to provide valuable review and comment during and beyond consultation is greatly appreciated. We are hopeful that this additional time and effort by both the SPA and SPPB staff will facilitate the approval process of the SPP and ARs.

It is often difficult to balance stakeholder concerns with the requirements of the Clean Water Act to deal with significant drinking water threats. We understand that there were a few comments at earlier phases recommending different policy approaches be taken. The SPA supports the SPC's decision after careful consideration of the suggestions, to remain committed to their policy approach. Through subsequent discussions with the commenters we believe that these

differences of opinion have been resolved and trust that the Minister will support the SPC's policy approach in the approval of this Source Protection Plan.

Algae in Lake Erie was a concern addressed by the SPC. Although the microcystin level at the intake in the Thames-Sydenham and Region did not meet the test of identifying it as an issue (as per rule 114), it was identified as an issue as per rule 115.1 and as such will require continued monitoring and assessment. The data analysed from the local tributaries highlight that this problem is one which goes beyond an area which could be defined by a SPC as an ICA. It is well documented that the contributions to Lake Erie are felt from both Canadian and American tributaries far beyond the local watersheds in the Lower Thames and Essex SPAs. The SPP being submitted uses education and outreach specifically targeting activities which contribute to issues. The Explanatory Document includes additional details as to how this is to include promotion of best management practices even in the absence of defined areas where the activities contribute to the issue. This remains an issue which needs the continued attention of provincial, federal, and state agencies. The SPC and SPAs welcome the opportunity to work together with the other agencies to explore the ways which the SPP may be used to address the concerns in the future. It will be important to consider how Great Lakes targets, allowed for in section 85(1) of the Clean Water Act, may be used to address Ontario contributions to this issue. The Conservation Authorities have a long history of working successfully with both rural and urban watershed residents to affect positive change to water quality and are ready to assist with local implementation.

We look forward to being able to continue this important work to protect drinking water sources. The SPA welcomes their very important role in supporting the SPC and implementers of the SPP and trusts that the province will continue to fund this important work. Future updates of the Source Protection Plan will be necessary. We expect that our understanding of the tools used in the SPP and the science included in the ARs will continue to improve through implementation. Issues identified in the region need to be monitored. Changes to drinking water systems in the region may also necessitate revisions. It will be important that these documents continue to evolve through future review and updates. Monitoring and reporting built into the CWA and the SPP will provide the SPC and SPA with information which may identify important revisions to the SPP. We look forward to working with MOECC to determine the appropriate time for review and updates to the SPP and ARs of the Thames-Sydenham and Region.

The submission of this report was made possible through the efforts of many contributors over several years. We would like to express our thanks to the Source Protection Committee, Source Protection Authority staff, municipalities and stakeholders for all their efforts, input and involvement. We also thank the Ministry of Environment and Climate Change Source Protection Programs Branch staff for all their support and guidance.

While the submission of this Source Protection Plan is a monumental milestone in the Source Protection planning process, we remain committed to work with Source Protection Programs Branch staff to facilitate your approval of this Source Protection Plan. If you or your staff has any questions on this submission, please contact Chris Tasker, Source Protection Project Manager.

Yours Sincerely,

UPPER THAMES RIVER CONSERVATION
AUTHORITY



Ian Wilcox
General Manager/Secretary Treasurer

THAMES-SYDENHAM AND REGION



Robert Bedggood, Chair
Source Protection Committee

CT/dk

- c. Chris Tasker, SWP Project Manager
Members, Thames-Sydenham and Region Source Protection Committee
Teresa McLellan, Liaison Officer, Source Protection Programs Branch
Brian McDougall, General Manager St Clair River Conservation Authority
Don Pearson, General Manager Lower Thames Valley Conservation Authority

Enclosures: Amended Proposed Source Protection Plan (Volumes 1, 2, 3)
Explanatory Document and Glossary
Updated Lower Thames Valley SPA Assessment Report (with maps and appendices)
Updated St Clair River SPA Assessment Report (with maps and appendices)
Updated Upper Thames River SPA Assessment Report (with maps and appendices)
A bound compilation of the change logs
3 copies of the DVD containing SPP and supporting documents as linked pdfs
USB with documents stored in provided file structure

Additional Policy revisions following consultation on Amended Proposed SPP

Background

Through consultation on the Amended Proposed Source Protection Plan and Updated Assessment Reports a number of comments were considered by the SPC. This resulted in revisions being considered by the SPC who, at their March 5 teleconference, approved those revisions to address comments which could be addressed by policy revisions. Following the teleconference, the Provincial Liaison Officer was asked to circulate the revisions for provincial review prior to resubmission. It was hoped that through this early review the approval process could be streamlined by ensuring that the revisions had satisfactorily addressed the concerns identified through consultation.

In discussing the SPC's proposed revisions with MOECC a number of additional comments were received from MOECC. These comments and further clarification were mostly related to policies other than those which were revised following consultation on the apSPP. Many were related to policies on which the province had previously commented on. These additional provincial comments are discussed in this document and revisions were made to address the concerns.

MOECC has confirmed that the revisions should address their concerns, the revisions have been made and submitted to the Minister for approval. Prior to submission these revisions were discussed with the Chair of the SPC to determine if the SPC should be engaged prior to submitting the revised apSPP for approval. It was concluded that revisions to the policies still met with the original intent of the policies and were necessary to allow for the approval of the SPP. The SPC will be provided with these revisions at their June 12 meeting so that they are kept informed of the changes and allowed an opportunity for discussion.

The following sections document the policy concerns raised by MOECC and the revisions that were made to address these concerns.

1.02 Provincial Signage and 2.18 Septic System Compliance Monitoring

The province identified concerns that the wording of policy 1.02 and 2.18 are not consistent with the legal effect of the policies. Strategic action policies are not legally binding on the province and as such MOECC identified that the "shall" wording implies a more legally binding effect than is allowed by the CWA and regulations. MOECC therefore suggested that it would be more appropriate to use the word "should" in these cases.

Current wording of **1.02 Provincial Signage**:

In accordance with Section 22 (7) of the Clean Water Act, the Ministry of Transportation, in collaboration with the Ministry of Environment as well as in consultation with Source Protection Authorities (SPAs), shall design signage, to the appropriate Provincial

standards, to identify the locations of Wellhead Protection Areas (WHPA) and Intake Protection Zones (IPZ). The Ministry of Transportation should manufacture, install and maintain the signs along Provincial highways within WHPAs with a vulnerability score of 10, within IPZs with a vulnerability score of 8 or higher, or within an IPZ-3 (event based areas).

Revisions to address MOECC comments:

*In accordance with Section 22 (7) of the Clean Water Act, the Ministry of Transportation, in collaboration with the Ministry of Environment as well as in consultation with Source Protection Authorities (SPAs), **should** design signage, to the appropriate Provincial standards, to identify the locations of Wellhead Protection Areas (WHPA) and Intake Protection Zones (IPZ). The Ministry of Transportation should manufacture, install and maintain the signs along Provincial highways within WHPAs with a vulnerability score of 10, within IPZs with a vulnerability score of 8 or higher, or within an IPZ-3 (event based areas).*

The SPC has, in the past, expressed concern about an imbalance between what the SPP requires municipalities and the province to undertake in a time when fiscal constraints are a real consideration for both. As such they have endeavoured to balance the legal effect of policies with similar desired outcomes, giving consideration to the legal effect of the policies allowed by the CWA and regulations. In order to maintain this balance with the revision above, policy 1.03 Municipal Signage was also revised as follows. It is noted that this brings the policy in line with the original intent of the policy prior to receiving comments from other provincial agencies.

Current wording of Policy **1.03 Municipal Signage**:

*As part of an overall education and outreach program within each Source Protection Area (SPA), Municipalities **shall** place signage, where municipal arterial roads are located within Wellhead Protection Areas (WHPA) with a vulnerability score of 10, within Intake Protection Zones (IPZ) with a vulnerability score of 8 or higher, or within an IPZ-3 (event based areas). Municipalities would be responsible for the purchase, installation and maintenance of signs consistent with the design developed by the Province in collaboration with the SPA in accordance with policy 1.02.*

Revisions to 1.03 as follows:

*As part of an overall education and outreach program within each Source Protection Area (SPA), Municipalities **shall consider placing signage** where municipal arterial roads are located within Wellhead Protection Areas (WHPA) with a vulnerability score of 10, within Intake Protection Zones (IPZ) with a vulnerability score of 8 or higher, or within an IPZ-3 (event based areas). Municipalities would be responsible for the purchase, installation and maintenance of signs consistent with the design developed by the Province in collaboration with the SPA in accordance with policy 1.02.*

Similar changes are also proposed for the equivalent Oxford County policies (OC-1.10 and OC-1.11).

2.18 Septic Systems-Compliance Monitoring

Similar to comments received on policy 1.02, MOECC was concerned that the “shall develop” language in 2.18 is not consistent with the legal effect of the policy. The policy is considered a strategic action policy. As such, they suggested that it be revised to “should develop”.

This compliance monitoring program goes hand in hand with provisions identified in 2.14 which deal directly with the septic system prescribed instrument and require the MOECC in using or revising the instruments, include terms and conditions which among other things may require regular and ongoing compliance monitoring of the systems. As with all the SPP policies it leaves the determination of the exact terms and conditions to be included to the issuer of the instrument. Because of this interconnection of the 2 policies 2.18 was revised to reflect the correct legal effect without compromising the SPC’s intent that a compliance monitoring program be established by the province.

Current wording of 2.18 Septic Systems-Compliance Monitoring

*For septic systems or septic system holding tanks subject to an Environmental Compliance Approval (ECA), that are a significant drinking water threat, the Province (Ministry of Environment) **shall** develop a compliance monitoring program...*

Revised wording of 2.18

*For septic systems or septic system holding tanks subject to an Environmental Compliance Approval (ECA), that are a significant drinking water threat, the Province (Ministry of Environment) **should** develop a compliance monitoring program. The compliance monitoring should include inspection of the system to ensure that it:*

- continues to function as designed;*
- meets applicable design standards; and*
- is being properly maintained.*

Priorities for the compliance monitoring program should include areas where known septic failures have been identified and areas where older systems have not recently been inspected. Systems found to be deficient are required to undertake improvements to be in compliance.

Where the system is subject to a mandatory inspection as per conditions on the ECA as outlined in policy 2.14, the compliance monitoring program may consider a certificate produced by a qualified person as proof that the system has been inspected and is properly functioning.

While a revision to 2.14 was considered which would require, at a minimum, monitoring and reporting as a term or condition of the prescribed instrument this is not consistent with policy direction of other prescribed instrument issuers. Instead revisions to the Explanatory Document were made which include the importance of the compliance monitoring requirements. It also identifies the intent that the systems meet similar objectives as the requirements of the Building Code pertaining to inspections. This additional information in the Explanatory Document includes information on how the inspection may be satisfied by requiring the owner of the system to have a qualified person undertake an inspection and provide certification, in a form approved by the province, that the system functions as designed and meets or exceeds provincial regulations.

2.13.1 & 2.15

In updating the Ex Doc a significant policy gap was identified. Although the policy approaches table of TSR policies (Table 3 in appendix D) indicates that both large and small future septic systems are prohibited, the policies in the apSPP do not actually prohibit large septic systems approved through the ECA process. It was clearly the intent that these larger systems be prohibited along with smaller systems approved through the OBC. It was identified through review of the policy approaches table that the larger systems were to be prohibited through both Land Use Planning and the Prescribed Instrument.

A minor modification of the LUP prohibition policy (2.15) to remove the reference to septic systems approved through the OBC, and instead generally refer to septic systems and holding tanks, was made to include both large and small systems in the prohibition. Revisions to policy 2.15 to remove the struck out text as follows:

For new septic systems or new septic system holding tanks ~~regulated under the Ontario Building Code Act,~~ with the exception of:

- those required for a municipal water supply well; where these activities would be a significant drinking water threat, Municipalities shall amend their Official Plan and Zoning By-laws to prohibit uses, buildings or structures that would require a new septic system or septic system holding tank to be located within the above noted significant drinking water threat areas so that these activities never become significant drinking water threats.*

In order to also prohibit through the PI as identified in the policy approach table, it was also necessary to add a policy. The Oxford policy which had already been accepted by the SPC was used for this purpose and was added (2.13.1) with a minor wording change. TSR policies had been previously revised to remove specific reference to legislation. The revisions to the Oxford policy are illustrated in the following text which was added as policy 2.13.1 to the TSR policies.

For a new septic system or septic system holding tank requiring an Environmental Compliance Approval, ~~in accordance with the Ontario Water Resources Act that is located within a WHPA-A or B with a vulnerability score of 10, where these activities would be significant drinking water threats,~~ the Ministry of the Environment shall prohibit these activities through the Environmental Compliance Approvals process so that they never become significant drinking water threats.

This gap was only in the TSR policies and as such no revisions were necessary to the related Oxford policies.

OC-1.03 (and 1.10) Transitional Provisions

Concerns were raised with the wording of policy OC-1.03 (and 1.10) Transitional Provisions. It was identified that the exceptions provided to the transitions may inequitably limit some persons from relying on the transitional provisions, particularly in cases where municipal development approvals had recently been obtained. While it was not intended to be used in that manner, it was apparent that the provisions could be applied in a way to eliminate some from being able to rely on the transitional provisions. As such the transitional provisions were revised as follows.

Current wording of **OC-1.03 Transitional Provisions**

Transitional Matters

1. *Despite the definition of existing, where development is being proposed by one or more of the following applications:*

a. A site-specific amendment to a zoning by-law under Subsection 34(10) of the Planning Act;

b. A site plan under Subsection 41(4) of the Planning Act; or

c. A building permit under the Building Code Act,

a significant drinking water threat activity that is to be established as part of the proposed development may be considered existing for the purposes of complying with the applicable significant drinking water threat policies, provided that:

• The application was deemed to be complete by the applicable approval authority as of the date this Source Protection Plan takes effect; and

• The applicant has certified to the satisfaction of the implementing body named in the applicable significant drinking water threat policy that a particular significant drinking water threat activity is specifically intended to be undertaken as a part of the proposed development.

Where further development approvals are required to establish the development and related significant drinking water threat activity proposed by such application, that activity may also be considered as existing for the purposes of determining whether those subsequent approvals comply with the applicable significant drinking water threat policies.

The above noted transition provisions shall cease to apply where any of the approvals or applications required to implement the proposed development have been denied by the applicable approval authority and/or, where applicable, the relevant appeal body, or have lapsed or been withdrawn.

2. *Despite the definition of existing, where a significant drinking water threat activity is directly related to a land use permitted by existing zoning and does not require any approvals under the Planning Act or Ontario Building Code Act to be lawfully established on a property, such activity shall be considered existing for the purposes of compliance with the applicable significant drinking water threat policies.*

3. *Despite the definition of existing and the provisions contained in Sections 1 and 2 of policy OC-1.03, where a Risk Management Official or Inspector has conducted a property-specific assessment and documented the significant drinking water threat activities undertaken or established on a property as of that point in time, any significant drinking water threat activity not so documented shall be considered as new or future from that point forward.*

4. *Despite the definition of existing, where a significant drinking water threat activity is being proposed by way of a new or amended prescribed instrument, it shall be considered existing for the purposes of complying with the applicable significant drinking water threat policies provided that the application for the new or amended prescribed instrument was deemed to be complete by the applicable approval authority as of the date this Source Protection Plan takes effect*

Revisions to OC-1.03

Transitional Matters

1. Despite the definition of existing, where development is being proposed by one or more of the following applications:

a. A site-specific amendment to a zoning by-law under Subsection 34(10) of the Planning Act;

b. A site plan under Subsection 41(4) of the Planning Act; or

c. A building permit under the Building Code Act,

a significant drinking water threat activity that is to be established as part of the proposed development may be considered existing for the purposes of complying with the applicable significant drinking water threat policies, provided that:

- The application was deemed to be complete by the applicable approval authority as of the date this Source Protection Plan takes effect; and*

- The applicant has certified to the satisfaction of the implementing body named in the applicable significant drinking water threat policy that a particular significant drinking water threat activity is specifically intended to be undertaken as a part of the proposed development.*

Where further development approvals are required to establish the development and related significant drinking water threat activity proposed by such application, that activity may also be considered as existing for the purposes of determining whether those subsequent approvals comply with the applicable significant drinking water threat policies.

The above noted transition provisions shall cease to apply where any of the approvals or applications required to implement the proposed development have been denied by the applicable approval authority and/or, where applicable, the relevant appeal body, or have lapsed or been withdrawn.

2. Despite the definition of existing, where a significant drinking water threat activity is directly related to a land use permitted by existing zoning and does not require any approvals under the Planning Act or Ontario Building Code Act to be lawfully established on a property, such activity shall be considered existing for the purposes of compliance with the applicable significant drinking water threat policies. This provision shall cease to apply at such time as a Risk Management Official or Inspector has conducted a property-specific assessment and documented the significant drinking water threat activities undertaken or established on a property as of that point in time, following which any significant drinking water threat activity not so documented shall be considered as new or future.

3. Despite the definition of existing, where a significant drinking water threat activity is being proposed by way of a new or amended prescribed instrument, it shall be considered existing for the purposes of complying with the applicable significant drinking water threat policies provided that the application for the new or amended prescribed instrument was deemed to be complete by the applicable approval authority as of the date this Source Protection Plan takes effect.

The same revisions were made to policy **1.10 Transitional Provisions**

MOECC also suggested that minor variances be added to the list of applicable items being provided with transitional provisions. In developing this policy Oxford considered including

minor variances and determined that they are unlikely to be related to the establishment of a new significant drinking water threat on a property. Even if they were, one of the other municipal approvals (e.g. site plan or building permit) would typically be required and those applications are addressed in the transitional provisions. Given the short processing time frames for minor variance applications, it was determined that in the rare instance that a minor variance application involving a significant drinking water threat activity was submitted in the time leading up to the effective date of the plan, the proponent could simply submit the related building permit and/or site plan application and be subject to the transition provision. As this has not been identified as a concern by other municipalities, during any of the rounds of consultation, no revision is proposed to address this concern as additional consultation would be advisable if such a change was to be made.

Implementation Timing

MOECC identified inconsistencies in the implementation timing in section 2.3.3 of volumes 2 and 3 which needed to be revised. Revisions to the tables were made to address these inconsistencies. Addressing these concerns also resulted in staff identifying an additional inconsistency in policy OC-1.02

Current wording of the policy remains unchanged with the additional wording added to **OC-1.02 Implementation Timing** is highlighted below.

Except as set out below, or as otherwise prescribed by the Clean Water Act, the policies contained in this Source Protection Plan shall come into effect on the date of the posting of the notice of approval of this Source Protection Plan on the Environmental Registry.

1. For policies written pursuant to Section 43(2) of the Clean Water Act (prescribed instruments), amendments to existing prescribed instruments shall be completed within three (3) years from the effective date of the Source Protection Plan;

2. For policies written pursuant to Section 40(2) and Section 42 of the Clean Water Act (Official Plan conformity), amendments to the Official Plan required to conform with the policies of this SPP shall be initiated by the County within three (3) years from the effective date of the Source Protection Plan, or as part of the next Official Plan Review undertaken in accordance with Section 26 of the Planning Act, whichever comes first. Amendments to Zoning By-laws required to conform with the significant threat policies shall be initiated by the Area Municipalities within two (2) years of the adoption of the Official Plan conformity amendments;

3. Policies written pursuant to Section 22(6) of the Clean Water Act (other contents), shall be implemented within two (2) years of the effective date of the Source Protection Plan; and

4. Policies written pursuant to Section 22(7) of the Clean Water Act (incentive programs and education and outreach) shall be implemented within two (2) years of the effective date of the Source Protection Plan.

5. If an activity was engaged in at a particular location before this Source Protection Plan takes effect and the Risk Management Official gives notice to a person who is engaged in the activity at that location (as per Sec. 58(4) of the CWA, 2006), the policies written

pursuant to Section 58 shall apply on and after a date specified in the notice that is at least 120 days after the date notice is given.

5.02 to 5.09 Monitoring Policies and related guidance

The province and other implementers have identified concerns about the uncertainty of the guidance required by current SPP policies 5.02 to 5.09. MOECC indicated that the minister may not be able to approve the Source Protection Plan without knowing the implications on the implementers. The province therefore suggested requiring that implementers *consider* the guidance provided by the SPA rather than being *consistent with* or *conforming to* the guidance.

This guidance however is required to allow the SPA to ensure implementer reporting will allow the SPA to meet their reporting requirements under the CWA and regulations. The reporting requirements which the SPA will need to meet are also largely unknown until provincial guidance is available. For this reason it is critical that the SPA be able to require that all implementers provide information which will allow the SPA to meet the provincial reporting requirements. As such the monitoring policies were revised as follows. Policy 5.04 is provided, however similar revisions were made to 5.03 to 5.09

Current wording of **5.04 Ministry of Environment Monitoring and Reporting**

Ministry of Environment, and all other implementers, shall establish monitoring programs as per Section 45 of the Clean Water Act. The information collected through these monitoring programs shall be included in a monitoring report that shall be submitted annually to the Upper Thames River Conservation Authority. The information submitted to the Conservation Authority shall be consistent with the guidance developed pursuant to policy 5.02. Monitoring reports are to be submitted by February 1 of each year following the first anniversary of the effective date of the Source Protection Plan. Monitoring reports shall include information since the submission of the previous monitoring report to December 31 of the year previous to the deadline for report submission. For the first report, the information shall include information from the effective date of the Source Protection Plan.

Revisions to **5.04**

Ministry of Environment, and all other implementers, shall establish monitoring programs as per Section 45 of the Clean Water Act. The information collected through these monitoring programs shall be included in a monitoring report that shall be submitted annually to the Upper Thames River Conservation Authority. The information submitted to the Conservation Authority shall be consistent with the guidance developed pursuant to policy 5.02 where that guidance identifies items required to meet provincial reporting requirements of the implementer or SPA. Aspects of the guidance which are beyond that which is necessary to satisfy provincial reporting requirements shall be considered in submitting the monitoring reports. Monitoring reports are to be submitted by February 1 of each year following the first anniversary of the effective date of the Source Protection Plan. Monitoring reports shall include information since the submission of the previous monitoring report to December 31 of the year previous to the deadline for report submission. For the first report, the information shall include information from the effective date of the Source Protection Plan.

The revisions to policies 5.03 to 5.09 are in addition to the revisions to 5.02 approved by the SPC which include consultation as part of any amendments to the guidance. These revisions result in the highlighted additions to 5.02. To reflect the proposed revisions to 5.03-5.09 discussed above, the following additional revisions were made.

Wording of policy 5.02 Monitoring Guidance based on revisions approved by SPC

The Upper Thames River Conservation Authority, in collaboration with the Source Protection Committee, the St. Clair Region Conservation Authority, and Lower Thames Valley Conservation Authority, and the policy implementers, shall develop, **and when appropriate update**, monitoring and reporting guidance that will outline the specific contents and format of the monitoring report. This guidance shall be available February 1 of the year prior to the due date for the monitoring report. This guidance **shall be adhered to** by all implementers of monitoring policies contained in this Source Protection Plan when preparing and submitting the required monitoring report.

Additional revisions to 5.02

The Upper Thames River Conservation Authority, in collaboration with the Source Protection Committee, the St. Clair Region Conservation Authority, and Lower Thames Valley Conservation Authority, and the policy implementers, shall develop, **and when appropriate update**, monitoring and reporting guidance that will outline the specific contents and format of the monitoring report. This guidance shall be available February 1 of the year prior to the due date for the monitoring report. This guidance **shall be followed** by all implementers of monitoring policies contained in this Source Protection Plan when preparing and submitting the required monitoring report as described in policies 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, and 5.09..

2.45 Handling and Storage of DNAPLs-E&O

It was identified that the education and outreach policy dealing with handling and storage of DNAPLs needed to be revised to also cover future storage of these small quantities typical of household use. The sidebar accurately identifies that it is to apply to both future and existing. To address this concern the following revision to policy 2.45 was made:

*To reduce the risk to municipal drinking water sources from **existing** handling and storage of dense non-aqueous phase liquids in concentrations typical of household use*

Thames – Sydenham and Region Source Protection Committee Meeting Schedule

The following meeting schedule has been established by the Source Protection Committee. The meetings will generally conform to the following, however from time to time it may be necessary to adjust the meeting location, date or time to accommodate the needs of the committee. The committee does plan to hold meetings across the region from time to time. As such this schedule will be updated from time to time. The following general guidelines will be used by the committee to set specific meeting dates and locations beyond the schedule contained herein.

General Meeting Dates: Proposed meeting schedule is highly dependent on approval of the SPP and therefore meeting dates and business planned for the meetings may be adjusted.
(meetings generally the second Friday of each month)

General Meeting Time: 9:00 am

General Meeting Location: SCRCA

Meeting Date	Time	Proposed Location	Tentative description of business planned for this meeting
June 12, 2015	9:30	UTRCA	<i>SPC Meeting</i> <ul style="list-style-type: none"> • Submission of apSPP and uAR • Committee renewal • SPC policies
September 11, 2015	9:00	SCRCA	<i>SPC Meeting</i> <ul style="list-style-type: none"> • MOE comments • Additional revisions to SPP or AR if necessary • Local Municipal Guidance Transport Pathways Reporting • SPC policies
November 13, 2015	9:00	SCRCA	<i>SPC meeting</i> <ul style="list-style-type: none"> • If needed • Local Municipal Guidance Transport Pathways Reporting
January 15, 2016	9:00	SCRCA	<i>SPC meeting</i> <ul style="list-style-type: none"> • Finalize reporting guidance
April 8, 2016	9:00	SCRCA	<i>SPC meeting</i> <ul style="list-style-type: none"> • If needed • Review and provide comments on RMO and SPA monitoring reports