



SPC MEETING MINUTES
NOVEMBER 15, 2019
Meeting #74

The Source Protection Committee Chair, Dean Edwardson called the meeting to order at 10:00 a.m. on November 15, 2019 at the St. Clair Conservation Authority Boardroom. The following members and staff were in attendance;

Members

Dean Edwardson
Brent Clutterbuck
Cassandra Banting
Gary Eagleson
Pat Feryn
Carl Kennes
George Marr
Gary Martin
Mike Mortimer

Carlos Reyes
Christa Sawyer
Nich Seebach
John Trudgen
John Van Dorp
Joe Salter (Liaison)
Andrew Powell (HU Liaison)
Beth Forrest, MECF

Regrets:

Hugh Moran
Earl Morwood
Darlene Whitecalf

Staff:

Jenna Allain
Deb Kirk
Brian McDougall
Steve Clark
Linda Nicks
Katie Ebel
Jason Wintermute
Donna Blue
Girish Sankar

1) Chair's Welcome

Dean Edwardson welcomed the committee and acknowledged a quorum was achieved. Introductions were given for the new members Cassandra Banting, Gary Eagleson, Christa Sawyer and Andrew Powell. Round table introductions were also given.

2) Adoption of the Agenda

The agenda was approved.

Moved by Carl Kennes-seconded by John Trudgen

“RESOLVED that the November 15, 2019 agenda be approved.”

CARRIED.

3) Approval of March 22, 2019 SPC minutes

Minutes of the March 22, 2019 meeting were approved.

Moved by George Marr-seconded by Mike Mortimer

“RESOLVED that the March 22, 2019 meeting meetings be approved.”

CARRIED.

4) Delegations

None.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business Arising from the minutes

None.

7) Business

a) s.36 Order

The Upper Thames River Source Protection Authority received an amended s.36 order on July 22, 2019. A discussion paper was circulated showing the 17 proposed updates that are necessary in order to ensure that the sources of drinking water in the TSR SPR are adequately protected and that the information in the Assessment Reports and Source Protection Plan is up to date and accurate. These updates are related to environmental monitoring programs, growth and infrastructure changes, implementation challenges and both mandatory and no-mandatory updates related to the Director Technical Rules and Table of Drinking Water Threats. The amended order provides general support for the proposed updates, but only includes the details of specific updates that are mandatory. The Thames-Sydenham and Region is encouraged to work with our community and municipalities to find a cooperative way to move forward with all proposed updates.

Consultation with MECP, all implementing bodies as well as persons and businesses engaged in significant drinking water threat activities is required for the amendments to the Assessment Report, Source Protection Plan and the Explanatory document. A public consultation period of 35 days will also occur. The SPC will receive discussion papers on each of the proposed updates to discuss and make recommendations. The updates are tentative based on funding from the Province.

Recommendation: That the Report 2019.11.15 7(a) is received for information.

Moved by Gary Eagleson-seconded by Brent Clutterbuck

“RESOLVED that the Section 36 workplan report was received for information.”

CARRIED.

A Discussion Paper titled *s.36 Update-Agricultural Policy Proposed Amendments* was circulated. Staff reviewed existing agricultural Risk Management Plan (RMP) policies that reference applying *Nutrient Management Act* (NMA) principals and presented proposed changes to the committee to address some of the implementation challenges they have faced. The use of the management tool RMP for policies 2.21, 2.22, 2.24, 2.26, 2.27, and 2.51 to prohibit activities has been very challenging for Risk Management Officials. Removing the references aligning Risk Management Plans with the NMA and the creation of a new policy that uses Section 57 of the Clean Water Act to prohibit the application of agricultural source material in a WHPA-A with a vulnerability score of 10 was proposed. A table was included detailing all of the proposed amended policies and once approved will require further consultation.

Recommendation: That Policy 2.21 Application of Agricultural Source Material (ASM) to land –Management text be changed to shall be managed where it would be a significant drinking water threat and that the *Risk Management official must be satisfied that the RMP will adequately manages the activity so it ceases to be or never becomes a significant drinking water threat.* In the Thames Sydenham and Region there are approximately 5 farms affected by this policy. Oxford County has taken this same approach and it has been well received. The committee agreed it would be less restrictive for farms and in their best interest to protect wells.

Moved by George Marr -seconded by John Trudgen

“RESOLVED that the committee approve the proposed policy changes to policy 2.21.”

CARRIED.

Recommendation: That policy 2.22 Storage for Agricultural Source Material to Land-Management policy text be changed to remove Nutrient Management Act principals shall form the basis of the RMP with the *RMO must be satisfied with the Risk Management Plan adequately managing this risk.* The RMP shall not allow at or above grade temporary field nutrient storage sites defined under the NMA. A concern was raised regarding Section 61 and prescribed instruments, exempting the farmer from a RMP. Staff clarified that OMAFRA and other prescribed instrument issuers are required to consult with the RMO on any modifications that are incorporated into the PI under the NMA to ensure activities cease to or never become a significant drinking water threat.

Moved by Pat Feryn -seconded by Nich Seebach

“RESOLVED that the committee approve the proposed policy changes to policy 2.22.”

Recommendation: That policy 2.24 Existing Non-Agricultural Source Material (NASM) Storage –Management policy text be changed to remove Nutrient Management Act principals (including NMA prohibitions) shall form the basis of the RMP with the *RMO must be satisfied with the Risk Management Plan adequately managing this risk so it ceases to be or never becomes a significant drinking water threat.*”

Moved by Carl Kennes -seconded by John Trudgen

“RESOLVED that the committee approve the proposed policy changes to policy 2.24.”

CARRIED.

Recommendation: That policy 2.26 Application of Commercial Fertilizer-Management policy text be changed to remove Nutrient Management Act principals (including NMA prohibitions) shall form the basis of the RMP with the *RMO must be satisfied with the Risk Management Plan adequately managing this risk so it ceases to be or never becomes a significant drinking water threat.*”

Moved by George Marr-seconded by Pat Feryn

“RESOLVED that the committee approve the proposed policy changes to policy 2.26.”

Recommendation: That policy 2.51 Agricultural Source Material (ASM) Generation Through Livestock Grazing or Pasturing Land, An Outdoor Confinement Area of a Farm Animal Yard policy text be changed to remove Nutrient Management Act principals (including NMA prohibitions) shall form the basis of the RMP with the *RMO must be satisfied with the Risk Management Plan adequately managing this risk so it ceases to be or never becomes a significant drinking water threat.*”

Moved by Nich Seebach-seconded by Carol Kennes

“RESOLVED that the committee approve the proposed policy changes to policy 2.51.”

b) Section 51 Amendments

A Discussion Paper was circulated regarding the proposed Section 51 Amendment. Minor amendments to the SPP will be done to remove references to municipal drinking water systems that have been taken out of service and decommissioned. These changes will be completed by staff and do not require consultation or Minister approval. The removal of the Highgate well in Chatham-Kent and for the Fanshawe and Hyde Park emergency wells in London will be removed from the SPP.

Recommendation: That the proposed minor amendments be recommended to be made by the SPA; and further, that the amendments be published on the internet as soon as reasonably possible after confirmation of decommissioning has been received.

Moved by Brent Clutterbuck-seconded by John Van Dorp

“RESOLVED that the Section 51 Amendments are recommended be accepted by the committee”

CARRIED.

b) Phase II Technical Rule Changes

A discussion paper titled Phase II Technical Rule Changes was circulated to inform the committee of the steps being taken by the Province to implement Phase II of proposed amendments to the Director’s Technical Rules. The purpose of the review is to address challenges identified during the implementation of source protection plans, and to keep in line with the recommendations of the auditor general made in 2014. Amendments include; changes to Intake Protection Zone (IPZ) 1 and IPZ2 delineation, adding new IPZs and Wellhead Protection Areas (WHPAs) as Issues Contributing Areas, focus on local activity that may pose local risk, climate change risk assessment included in assessment report and clarification on threats and implementation challenges. Stakeholder engagement sessions are scheduled to seek feedback on the proposed amendments and will later be posted on the EBR. A session is being held at the Upper Thames River Conservation Authority office on November 29, 2019.

d) Risk Management Services Update

Katie Ebel gave an update on Risk Management Services being provided by Upper Thames River Conservation Authority to many municipalities within the TSR. Ninety-five percent of the Risk Management Plans that UTRCA is implementing are completed and RMOs have mostly shifted into the monitoring stage.

Education and Outreach has ramped up in this past year with staff showcasing Drinking Water Source Protection at the Doors Open event in St. Marys where approximately 250 people toured the Waterworks building. Source Water Protection will be represented at future events such as World Water Days in March and 2020 Children's Water Festivals. SP banners were created and have been placed on a rotational basis at municipal offices, generating questions about SP from municipal staff. A social media campaign was initiated through Conservation Ontario with a photo library and twitter posts created for use. A report by the UTRCA marketing specialist indicates just under 30,000 people tuning in. Facebook and Flickr are other platforms being used to reach people. A large social media frame for photo taking has been created to use at various events such as Hazardous Waste Days. Source Water staff will also have a table at the next Children's Water Festival in Perth County this spring.

e) SP Website Update

There have been a few updates to the Thames, Sydenham and Region Source Protection website based on provincial guidelines. A new committee members chart has been added that outlines who the members represent and their term under the *about committee* section and a photo will be added of the committee as well. Information about the SP signs on roadways has also been included so people know what the signs mean (entering a Source Protection Zone /vulnerable area). The members were reminded that the meeting agendas and packages can be accessed through the website. A link to the Province's website is also included.

f) 2018 Provincial Annual Reporting Summary

Beth Forrest gave a presentation summarizing 2018 Provincial Annual Reporting. The presentation included stats on: Implementation status for legally binding Significant Drinking Water Threat Policies, Non-binding, Significant Drinking Water Threat Policies, Moderate/Low Drinking Water Threat Policies and Other Policies. Implementation challenges, threat count highlights, Part IV Implementation Highlights with RMPs and inspections counts were shown.

Beth noted Source Protection Plan policies are progressing well and are on target towards achieving objectives of the plan. Provincial Ministry Highlights on Prescribed Instruments as they relate to Integration/Conformity (Future) Municipal & Source Protection Authority Highlights were reviewed.

A Province-wide Official Plan conformity graph was shown. It was noted that the City of Sarnia has recently updated their OP to conform with SPP policies, and is presenting this at their next council meeting. The top methods used for education & outreach were outlined. Beth reported that there are 1636 SP signs installed across the province. Incentives have also been successful in addressing some drinking water threats. The number of septic system inspections that have been completed, and the number of drinking water issues being monitored were shown. There have been 13 notices about transport pathways received by five (5) different source protection areas. 82% of Source Protection Authorities indicated that plan implementation is a contributing factor to achieving positive drinking water outcomes such as long term protection of aquifer recharge, the implementation of Low Impact Development, and human health being protected were just a few of the examples given.

8) Information

a) Articles

Three articles were included in the meeting package titled; *Partner news: Natural asset management an effective way to ensure safe drinking water from healthy watersheds;* *North American Lake Management Society report;* and *Next Round of public meetings planned for shoreline study article* (Lake Erie).

Jason Wintermute of the Lower Thames Valley Conservation spoke to the recent issues relating to high water and erosion issues happening in the Chatham-Kent area. A grant is being provided to study the impacts of climate change on lake water rising, specifically for Lake Erie. A public information session is being held on November 26, 2019 at the Links of Kent Golf Course. There are big concerns of the impacts on septic systems and homes being flooded. Criteria for evaluating options will be decided and ranked to determine what the priority is and what direction to take. The study is to be completed by March 31 and then a draft report will be taken to council.

A question was asked about the location of algae blooms on Lake Erie. Jason Wintermute reported the blooms usually stay out in open lake but have been seen along the Chatham-Kent shoreline, along the west to central areas; blooms on Thames River have also been an issue this year. A concern was raised about failing septic systems along the Lake Erie shoreline, particularly in Erieau. Some of these systems are located within an intake protection zone. Jenna Allain commented that currently the vulnerability scores of our Lake Erie intakes are too low to identify septic systems as a significant drinking water threat. However, our Section 36 workplan identifies three of the Lake Erie intakes for reevaluation of their assigned vulnerability scores, which could change the

risk level of certain threat activities like septic systems from moderate or low to significant. The current SPP policy for septic systems in intake protection zones is discretionary inspections which have generally not been undertaken. A question was asked of whether zebra mussels help filter algae. Zebra mussels do not consume it and are not helping the issue.

9) In Camera Session

None.

10) Other Business

None.

11) MOECP Liaison Report

Beth Forrest reported the 17 of the 19 Source Protection Committees Chairs in the province have recently been appointed or re-appointed; Niagara Region and Sudbury chairs need to be re-appointed. Bill 108- More Homes More Choice Act received royal assent on June 6 which included amendments to the Conservation Authorities Act. Part of the amendments includes identifying mandatory/non-mandatory programs that Conservation Authorities have to undertake. The Source Water Protection program has been identified as one of the mandatory programs. The province is currently working on developing the regulations that go along with the amendments to the Conservation Authorities Act.

Proposed amendments to the Aggregate Resources Act were posted on the EBR in September for a 45 day comment period; some changes relate to SP. They are proposing a more rigorous application process for existing aggregate operations seeking approval to extract below the water table which will allow for municipalities and others to officially object to an application and give an opportunity to voice concerns to the local planning appeal tribunal.

Phase II Director Technical Rule engagement sessions will occur November 25-December 9th across province and people will receive materials in advance of the meetings. The Section 36 workplan approval letter for this region was received in July. All but 3 Section 36 workplans have been submitted to the province. The remaining 3 are due for submission at the end of this month. Section 34 amendments that are initiated by SPAs (such as a new system being added) are being submitted and the timing of approvals from the Minister is improving. A call has gone out for submissions for funding applications to all SPAs but there is no commitment on funding yet; this is not typically done until the end of the month.

A concern was noted about the use of acronyms being clearly defined on documents especially for new members. The Glossary of Terms in the SPP will be forwarded committee as a refresher.

12) Members Report

Gary Eagleson –Noted he enjoyed the meeting and working with everyone.

13) Adjournment

There being no further business, the meeting was adjourned **at 12:00 p.m.**.

Moved by John Van Dorp-seconded by Carl Kennes

“RESOLVED that the meeting be adjourned.”

CARRIED.

PLEASE NOTE: The next SPC meeting is scheduled for **March 13, 2020** at the St. Clair Region Conservation Authority office.