

SPC MEETING MINUTES
OCTOBER 30, 2020
Meeting #76

The Source Protection Committee Chair, Dean Edwardson called the meeting to order at 10:00 a.m. on October 30, 2020 via ZOOM. The following members and staff were in attendance;

Members

Dean Edwardson	Earl Morwood
Brent Clutterbuck	Nich Seebach
Cassandra Banting	John Van Dorp
Gary Eagleson	Joe Salter (Liaison)
George Marr	Olga Yudina, MECP
Gary Martin	

Regrets:

Hugh Moran
Andrew Powell (HU Liaison)
Darlene Whitecalf
Pat Feryn
Carl Kennes
Christa Sawyer

Staff:

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

1) Chair's Welcome

Dean Edwardson welcomed the committee. After the roll call, he acknowledged a quorum was not achieved and advised the meeting will be held as a “*sub-committee*” meeting and any decisions be brought forward to the full SPC for final approval.

2) Adoption of the Agenda

The agenda was approved.

Moved by George Marr-seconded by Earl Morwood

“RESOLVED that the October 30, 2020 agenda be approved.”

CARRIED.

3) Approval of March 13, 2020 SPC minutes

Minutes of the March 13, 2020 meeting were approved.

Moved by George Marr-seconded by Gary Eagleson

“RESOLVED that the March 13, 2020 meeting minutes 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

Updated SPC Rules and Procedures

The members were circulated the amended SPC Rules and Procedures. J. Allain reported on March 26, 2020, the Minister of the Environment, Conservation and Parks (MECP) issued a direction to all Conservation Authorities enabling a special meeting to be held to make some recommended amendments to their Administrative bylaws to allow for certain electronic processes during declared states of emergencies. The Minister's Direction applies to CAs when meeting as a Source Protection Authority under the Clean Water Act, 2006. Amendments were also made to the Rules of Procedure for the Thames-Sydenham and Region Source Protection Committee to allow ongoing business during a declared state of emergency.

Recommendation:

THAT the Thames-Sydenham and Region Source Protection Committee endorses the proposed amendments to the Committee's Rules of Procedures.

Moved by George Marr-seconded by N. Seebach

“RESOLVED that the SPC endorsed the SPC Rules and Procedures amendments as circulated to allow for electronic meetings to be held during states of emergency”.

CARRIED.

b) Program Update

J. Allain reported that a lot has happened since the previous March SPC meeting. Most of the CA staff have worked from home since the start of the pandemic and all Conservation Authority offices have been closed to the public. Risk Management Official work was put on pause, with no site visits. Activity has resumed and outdoor visits at a safe distance with landowners are occurring. Risk Management Officials report that it is a challenging time to try and engage people to negotiate risk management plans with many businesses just trying to stay afloat.

SPC Membership: Currently there are (3) vacant committee positions: Municipal seats for City of Stratford, Mike Mortimer, Thames Centre, Carlos Reyes and for John Trudgen. Everyone was reminded that we are entering a membership renewal year with (7) members expiring in June 2021. The recruitment process will start in January 2021. Each current member will be asked if they want to remain on the committee and are encouraged to do so. The non-municipal positions will be posted on line and the committee will be informed when this occurs.

Fanshawe and Hyde Park wells in the City of London and the Highgate well in Chatham-Kent have been officially decommissioned. This will result in a minor amendment to the SPP and does not require Minister Approval. A notice will be issued to the municipalities and be posted on-line soon and the SPC notified.

The Risk Management Services agreements between UTRCA and municipalities are set to expire December 31, 2020. UTRCA provides services to (11) municipalities and are in the process of renewing the agreements for another (3) year term. J. Allain will provide an update at the next SPC meeting.

The Walkerton tragedy occurred 20 years ago this year and was commemorated. Quinte Conservation and Lower Trent Conservation came up with a “Trust the Tap” campaign to commemorate Walkerton and communicate the importance of source protection. A logo can be found on the Thames, Sydenham and Region SP website taking you to a the Quinte webpage that outlines all the actions taken to date to ensure drinking water is protected province wide.

c) Annual Progress Reporting – Provincial Summary

Olga Yudina gave a presentation and highlighted the province’s 2019 Annual Progress Reporting numbers. She noted the CWA requires all implementers to report annually by February 1, 2020 to the SPA on their progress for implementing SPP policies. The SPA’s then summarize the reporting data and report to the Ministry by May 1 of each year. The MECP then analyzes the progress and identifies and addresses any implementation challenges. The presentation summarized the following:

- Policy Implementation (Legally/non-legally binding Significant Drinking water threats policies, moderate-low threat policies and other non-threat policies were looked at and the implementation challenges)
- Part IV Implementation (Section 58 RMPs, inspections)
- Provincial Ministry Policy Implementation (Prescribed Instruments Integration/conformity)
- Municipal & Source Protection Authority Policy Implementation (land use planning, education & outreach, road signage, septic system inspections, environmental monitoring of drinking water issues and transport pathways).
- Source Protection Positive Outcomes were listed
- Achievement of Source Protection Plan Objectives

In summarizing the overall progress, 91% of Source Protection Committees (SPC) report they are progressing well and are on target towards achieving the objectives of the SPPs. The Thames Sydenham and Region is making significant progress in all areas and is on target.

d) Proposed Changes to the Director's Technical Rules

A discussion paper titled “*Proposed Updates to Directors’ Technical Rule Changes for Source Protection*” was circulated in the meeting package. The Source Protection Programs Branch (SPPB) initiated a project to review the source protection framework in 2014/15 after the first round of planning. The purpose of this project was to address challenges identified during the implementation of source protection plans, recommendations made in the 2014 Auditor General Report, and lessons learned during the development of the source protection plans and assessment reports. This project was divided into two phases, with the first phase of amendments to the Director’s Technical Rules (Rules) completed in March 2017. In August, phase 2 of the proposed updates to the Director’s Technical Rules was posted on the Environmental Registry, closing on November 9th, 2020. J. Allain reported that earlier this week regional engagement sessions were held with Chairs and Project Managers about the proposed changes. Although the rules may be changing this does not mean that all previously completed technical work has to be re-done. The Drinking Water Threats circumstances changes will have the biggest impact for the Thames-Sydenham and Region. The SPC will have to review policies for certain threats. The proposed amendments to the Director’s Technical Rules include changes to the following items:

- Surface water vulnerability – delineation of Intake Protection Zone 1 (IPZ-1) and scoring of IPZ-2
- Impervious surface area – calculation of percentage of impervious area
- Drinking water issues – delineation of Issue Contributing Areas
- Conditions – identification of a condition site
- Alternative approach request – administrative requirements to seek Director’s approval

- Local activity / threat – requirements to designate a local activity as a risk
- Climate change assessment – specify what needs to be included in an assessment report if climate impact assessment (CIA) is conducted
- Drinking water threats – updates to the circumstances, e.g. waste, sewage, road salt, storage of snow, DNAPLs

Proposed Changes to Threat Circumstances – Tables of Drinking Water Threats (TDWT); page 83-137 of the MECP ‘2020 Proposed Amendments to Technical Rules: Assessment Report’ was reviewed.

- **Road Salt application** More stringent thresholds are included: Percentages to identify significant risk will decrease to 30% for WHPAs scored 10, 6% or greater for IPZ scored 10, and 8% for IPZ scored 9 or 10; Percent impervious in a vulnerable area can be calculated as a whole now, or in a sub-area within a vulnerable area, rather than using 1km by 1 km grids. This will require a significant amount of work to re-map impervious areas. New salt application threats will require the SPC to develop new Source Protection Plan policies. Currently the TSR SPP does not contain any policies to address salt application threats.
- **Wastewater/ Sewage**- A number of changes have been proposed to threat sub-categories and threat circumstances. The SPP policies will need to be revised for new terminology and circumstances. There is uncertainty around whether the changes will affect the number of drinking water threats in the TSR. These activities are mostly managed through prescribed instrument policies implemented by provincial ministries. It is assumed that any changes that may arise to the number of threats as a result of these circumstance changes will be managed by the Provincial Ministries responsible for implementing the policies.
- **Snow Storage** - The proposed changes mean that any volume of snow stored within an IPZ where the vulnerability score is 8 to 10 or a WHPA where the score is 10 is now a significant threat. The existing circumstances set high volume thresholds in order for snow storage to be a significant drinking water threat. Policies will need to be revised for changed circumstances. Local snow storage in IPZ’s and WHPA’s will need to be reassessed and is likely to create many new significant threats in the TSR. The current policy approach is a Risk Management Plan for existing and future threats.

Discussion: Shopping mall parking lots would now be identified as a significant drinking water threat for snow storage if located in a WHPA or IPZ with a high vulnerability score. The size of the snow pile, any contaminants in the snow, and paved surfaces should all be considered as part of the threats assessment. Business owners may not have the ability to move a snow storage location if it is identified as a significant drinking water threat. A question was asked about a parking lot near Running Creek in Crothers Conservation Area in the Wallaceburg area. S. Clarke will look into this and report back. It was noted that road salt application management will need to consider the public’s safety on the roads as well as the protection of drinking water. The TSR has not dealt

with salt application threats to date, but with these proposed changes this could change significantly. However, there are not vast areas where the proposed changes will apply. The larger urban centers will be affected more than smaller rural areas that will not reach the 30% impervious surface area threshold for significant salt application threats to be identified.

- **DNAPLs** The proposed changes include the addition of a list of the types of industries and businesses that would typically handle and store DNAPL products. The list has been adopted from O. Reg. 153 (brownfields).. These changes may require some review of activities and existing RMP's but will not significantly change the number of existing threats in the TSR.
Discussion: There has been a lot of discussion over the years on how to deal with DNAPLs. Should there be more chemicals added to the list of potential DNAPL threats or less? Ultimately, the proposed changes do neither. The new list is to be used by RMOs as a guide only. Information provided by MECP this past week indicated that waste oil is no longer to be considered a DNAPL threat, and should instead be considered as a waste threat. This change will reduce area where waste oil is a significant threat since waste is only a significant threat in WHPA-A or B where the vulnerability score is 10 or 8, and DNAPLs are a significant threat out to the WHPA-C regardless of vulnerability score. In our region DNAPL RMPs have been developed for waste oil threats and it will be difficult to now advise landowners that a RMP is no longer required. Comments about this will be forwarded to the MECP.
- **Fuel** The proposed changes include changing the threshold for SDWT in WHPA 10 for the above ground storage of fuel from 2,500 L of to 250 L or greater. The TSR does not have many as residential home heating oil tanks since most WHPA's in the TSR are serviced with gas. It may however, have an impact on agricultural and commercial properties. A threats re-assessment is required.
- **Fertilizer** The proposed threat circumstances have been changed to remove references to land use type. The quantity thresholds for significant threats remain the same. Risk is based on the total storage at a given site and RMO's are asked to use professional judgement to determine risk of individual storage versus total storage based on property characteristics. Proposed changes are unlikely to impact the number of threats in the TSR.

General Comments / Questions included in the table:

- Will there be an outline that shows previous circumstances vs. new circumstances? This will help especially with the property owners that previously didn't need an RMP and now they do. The hope is to receive more details on this from MECP.
- Which amendments are mandatory, and which are enabling will be important to know.

- Assuming that the change to threat circumstances are mandatory, will these new circumstances only apply to new vulnerable areas associated with new or changed drinking water systems, or would they be applied to Existing threats as well? If the latter, then if these new circumstances identify a new SDWT on a property that already has a RMP in place, does the Ministry expect the RMP to be re-negotiated?

C. Banting reported that Oxford County did not include waste oil as a DNAPL threat so there will not be an impact to that part of the region. They viewed waste oil as a waste threat in a vulnerability score of 10 only. Impervious surface calculation for salt application threats will need to be re-assessed and could have impacts. Threshold changes for fuel threats will also need to be looked at for home heating oil fuel tanks that are now significant threats. Oxford County has (4) SPPs that they are implementing and may deal with some threats differently than the rest of the TSR.

The members were asked to review the proposed changes to the Director's Technical Rules and submit any comments to J. Allain by Friday, November 6th for consideration. The finalized comments will be submitted to the MECP on November 9th, 2020.

Recommendation

That Report 2020.10.30 7(d) is received for information AND THAT the Thames-Sydenham and Region Source Protection Committee direct TSR staff to finalize and submit the comments on the proposed changes to the Director's Technical Rules, on behalf of the Thames-Sydenham and Region Source Protection Committee. An update will be provided at the next SPC meeting.

Moved by Brent Clutterbuck-seconded by George Marr

“RESOLVED that the SPC direct TSR staff to finalize and submit the comments on the proposed changes to the Director's Technical Rules, on behalf of the Thames-Sydenham and Region Source Protection Committee.”

CARRIED.

e) Section 36 SPP and AR Amendments

At the March 13th, 2020 meeting of the Thames-Sydenham and Region Source Protection Committee, the committee reviewed some of the proposed amendments to be included in the Section 36 update to the SPP and AR's. A discussion paper titled “S.36

SPP and AR Amendments” was circulated to seek approval from the SPC for the remaining proposed amendments to be included in the Section 36 update as outlined.

Wallaceburg Nitrate Issue

Proposed Amendment: Update the SCR Assessment Report to indicate that nitrates are no longer an issue for the Wallaceburg drinking water system and remove Policy 4.13 from the SPP.

Shakespeare and Ridgetown WHPA Delineations

Update to the Shakespeare and Ridgetown DWS information and mapping to reflect changes to the number of wells and well locations. There are new wells that have been added to these systems and some wells that have been decommissioned in Ridgetown only. New wells are in close proximity to the existing wells, have been drilled to the same depth and there is no increase in the pumping rates for either system. For these reasons, it has been determined that new modelling work is not required, and the WHPA-A will be shifted for these systems to include the new wells and remove the decommissioned ones.

Livestock Grazing and Pasturing in the Town of St. Marys

Proposed Amendment: Change the Section 58 Risk Management Plan policy for Livestock Grazing and Pasturing to a Section 57 Prohibition policy for the Town of St. Marys only. Policy would apply in WHPA-A and WHPA-B where the vulnerability score is 10.

It has been determined by the RMOs that the threat of livestock grazing and pasturing cannot be reasonably managed through a risk management plan in the St. Marys WHPA. L. Nicks, the UTRCA hydrogeologist spoke to the vulnerability of the St. Marys WHPA consisting of fractured bedrock, exposed bedrock in, and adjacent to Trout Creek, and the evidence of microbial contamination for the municipal groundwater supply wells within this WHPA. The RMOs have asked farmers to fence cattle out of the most vulnerable parts of the WHPA (WHPA-A and B with a vulnerability score of 10). Several farms in St. Marys and neighboring farms in the Township of Perth South which fall within the St. Marys WHPA are affected. The proposed amendment is to change the policy from risk management to prohibition to support the decision made by the local risk management officials. The committee agreed this is a highly sensitive area that requires special policies and also acknowledged the impact this may have on landowners. The committee agreed it is in the best interest of everyone to control risk and also felt it important that further consultation occur with the MECF, OMAFRA and with the landowners. Results from the consultation will be brought back to the committee and only at that point will the policies be finalized and brought forward for a formal public consultation.

Risk Management Plan Policy Timeline for Existing Threats

A timeframe of eight years will be added to all Section 58 Risk Management Plan policies in the Thames-Sydenham and Region SPP with the exception of those policies that apply in Oxford County. This would require risk management plans to be established

for all existing significant threats identified at the time of the initial SPP approval by December 31st, 2023.

Recommendation

That the SPC approve the proposed amendments to be submitted to the MECP for early engagement.

Moved by George Marr-seconded by John Van Dorp

“RESOLVED that the proposed amendments to be submitted to the MECP for early engagement”.

CARRIED.

8) Information

J. Allain noted the items listed below were provided to the committee as a FYI:

- a) CA Review Mandate Letter of Support from Quinte SPC
- b) ESE Magazine Article on Source Protection
- c) Water Canada Article on Source Protection
- d) Microplastics Article

9) In Camera Session

None.

10) Other Business

None.

11) MOECP Liaison Report

Olga Yudina, the MECP Liaison provided an update and reported the MECP is working on guidance for private well systems that are not included under the CWA. Some of the same SPP strategies to protect municipal drinking water will be used. Information will be provided to landowners on the proper storage of contaminants to manage risks. Municipalities will be given the guidance to use along with the mandatory/non-mandatory tools used for septic systems under the building code. The guidance is in draft form and MECP has been working with some SPCs, project managers and other groups to review. Next steps are to take all comments into consideration with a target to roll out the guidance in 2021. The committee will be kept up to date on this.

12) Members Report

Gary Eagleson- noted his interest in the St. Mary's area and will be following.

John Van Dorp –noted a planning concern he has in Oxford County, along the 401 with a cavern being washed away and the threat to an aquifer, noting the area is fenced off now for liability. O. Yudina advised him she would obtain more information from him and investigate further.

George Marr- hopes the next meeting will be in person.

Gary Martin- reported the virtual Southwest Agricultural Conference, Golden Horseshoe & Heartland SCIA's and Eastern Ontario Crop Conference is being held January 6 & 7th , registration is open November 2, 2020.

13) Adjournment

There being no further business, the meeting was adjourned **at 12:05 p.m.**

Moved by Brent Clutterbuck -seconded by John Van Dorp

“RESOLVED that the meeting be adjourned.”

CARRIED.

PLEASE NOTE: The next SPC meeting will be scheduled in January.