

SPC MEETING MINUTES
OCTOBER 19, 2018
Meeting #72

The Source Protection Committee Chair, Dean Edwardson called the meeting to order at 10:08 a.m. on October 19, 2018 at the St. Clair Conservation Authority Boardroom. The following members and staff were in attendance;

Members

Murray Blackie
Brent Clutterbuck
Dean Edwardson
Pat Feryn
Paul Hymus
Carl Kennes
George Marr
Gary Martin

David Mayberry
Hugh Moran
Earl Morwood
Darrell Randell
Nich Seebach
Darlene Whitecalf
Fatih Sekercioglu (HU Liaison)
Olga Yudina, MOECP

Regrets:

Mike Mortimer
John Trudgen
Brian Lima
John Van Dorp

Staff:

Jenna Allain
Deb Kirk
Bonnie Carey
Brian McDougall
Mark Peacock
Steve Clark
Katie Ebel
Jessica Schnaithmann
Emily DeCloet
Girish Sankar
Donna Blue

Others:

None

1) Chair's Welcome

Dean Edwardson welcomed the committee and acknowledged a quorum was achieved.

2) Adoption of the Agenda

The agenda was approved.

Moved by C. Kennes-seconded by D. Mayberry

"RESOLVED that the October 19, 2018 agenda be approved."

CARRIED.

3) Approval of June 15, 2018 SPC minutes

Minutes of the June 15, 2018 meeting were approved.

Moved by D. Randall -seconded by N. Seebach

"RESOLVED that the June 15, 2018 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.

7a) Proposed Section 36 Workplan

The Proposed Section 36 Workplan was circulated to the members. The members were advised that the table of updates will be reviewed and discussed during the meeting, and that members can contact Jenna if they have any comments or concerns with any other sections of the workplan. All the updates included in the workplan are planned for completion by September 2020 and the updated Assessment Reports and Source Protection Plan will be submitted to MECP in October 2020. Each update item was reviewed; highlights of discussion were as follows:

- Update #7: An updated WHPA delineation for changes to the Ridgetown drinking water system will be required and undertaken by Chatham-Kent. There are 4 new wells that have been added to the system, and 3 wells that have been removed. A question was asked about why the new wells were drilled. Mark Peacock, General Manager from LTVCA indicated Chatham-Kent is upgrading the system.
- Update #8: New wellhead protection area mapping, vulnerability, and threats assessments for private water systems in the St. Clair Township will be undertaken, as requested through council resolution. The committee has discussed this in the past and technical work will be required to be undertaken by the municipality. The SPC would need to decide whether the current SPP policies should be applied to the private wells, or whether new policies should be developed. It is unclear whether these systems will be elevated due to the Otter Creek Wind turbine project being cancelled. In order for private systems to be elevated, the Clean Water Act requires it to be either a cluster of 6 or more wells, or located in an area of settlement as defined under the planning act. The size and shape of the protection area depends, in part, on the pumping rates. Based on the limited pumping of a private well compared to a municipal well, the vulnerable area most likely will not extend out much beyond the mandatory 100 meter zone around the well. It was noted in the news this week that Premier Ford has promised to look further into the wells in Chatham-Kent. Olga Yudina reported a Health Hazard Investigation is being done with the lead being the Ministry of Health for the North Kent Wind farm that is still operating. The Ministry of Environment, Conservation & Parks (MECP) continues to monitor water quality and to date the analysis has shown no evidence of ongoing water quality impacts. Discussions will continue with all involved. Due to item #17 also relating to the wind turbines it was reviewed next.
- Update #17: A review of information relevant to the local impacts of wind turbines and wind turbine construction on private well water quality will be undertaken to determine whether wind turbines should be included as a new local threat. This update item is still important as several municipalities identified support for this item to remain in the

workplan. At this point there is not enough evidence to add wind turbines as local threat. More information needs to be collected. A question was asked of what the intent is if there is not additional data. The Chatham-Kent wind farm is still being monitored and studies are still being done by *Water Wells First* and the University of Windsor to determine whether there is a link between turbidity and chemical.

- Update #9: Agricultural application policies will be reviewed to discuss the intent of using the Risk Management Plan tool to align with Nutrient Management Act prohibitions. Jenna Allain noted the policies as currently stated have created challenges for the RMOs. The policy requires a RMP which should be based on NMA principals, including any prohibitions. It is difficult to use a management tool to prohibit. Policies are prohibiting the application of all nutrients within the 100 meter zone. If the intent is to prohibit these activities, then using the probation tool is recommended not a RMP. The impact has been seen on smaller farms that are not phased in under the Nutrient Management Act. The SPC will review these policies in detail prior to making any decisions about policy changes.
- Update #10: Agricultural policies for the Town of St. Marys, particularly the policies addressing grazing and pasturing will be reviewed. Prior to SPP approval, OFEC and OFA partnered to develop a guidance document ahead of implementation which sets out recommended management measures to address agricultural activities that would require a risk management plan. TSR RMOs have relied on this document to inform the risk management plans that are being developed for farms. Due to the sensitivity of the St. Marys area (GUDI system, history of bacterial contamination, and the geology), RMO's have asked farmers in the St. Marys WHPA to fence cattle out of areas with a vulnerability score of 10. This is based on the standards for depth to bedrock set out in OFEC guidance document. The SPC may want to consider creating different policies for agricultural activities in the Town of St. Marys. Although farmers have been asked to fence cattle out of these areas, they have generally been given a timeframe of 2 to 3 years to comply with this requirement. The question of why separate policies need to be developed was asked, and whether the issue can be solved with water treatment. Source protection is all about prevention, and policies were developed to prevent contamination of a water supply, regardless of treatment. With any new drinking water systems, source protection now needs to be considered early during the planning stages, and the types of impact source protection would have on activities occurring around the new system.
- Update #11: Whether or not timelines should be added to Part IV, S. 58 Risk Management Plan policies will be reviewed. At the time that the TSR SPP was developed, no timelines were given to when RMPs for existing threats should be completed. Risk management plans are being established, however, there is one municipality in the TSR that has not completed any RMPs. Adding a timeframe may help facilitate the completion of RMPs within this municipality.

A motion was brought forward to impose a timeline of 5 years to implement RMP policies.

Moved by P. Feryn -seconded by E.Morwood

“RESOLVED that a timeline of 5 years be placed on RMP policies being implemented.”

WITHDRAWN.

Moved by D. Mayberry -seconded by H.Moran

“RESOLVED that a timeline of 5 years be placed on RMP policies being implemented be withdrawn until a formal report is prepared for review by the SPC.”

WITHDRAWN.

Discussion:

After a discussion the committee agreed that the SPC defer any decisions today and wait until a more formal staff recommendation is provided to be discussed further at a future SPC meeting.

- Update #12: The CWA regulation was changed to add liquid hydrocarbon pipelines as a new mandatory prescribed threat. Updates to the AR /SPP to identify where pipelines would be a significant, moderate and low threat are required. We are also required to assess this threat, and risk for the entire region, in addition to the *Event Based Areas* where they are already identified as a local threat. Consideration will need to be given to whether new policies to address new pipeline threats are necessary, or we the existing polices can be applied. Natural gas is not considered a liquid gas and would not pose a threat to ground or surface water; oil is. Liquid hydrocarbon pipelines have been added as an additional threat to the list of 21 prescribed drinking water threats as #22. Update #13: Another mandatory change that needs to be included in the next update to the AR and SPP is to reflect that above grade fuel storage is now a significant threat in IPZs and in WHPA-E where the vulnerability score is 9 or higher. The IPZ for Wallaceburg and a WHPA-E in Oxford County are the only areas in the TSR where this would apply.
- Update #16: New information provided by municipalities has resulted in the need for the removal, addition and or adjustments of transport pathways identified within vulnerable areas. For Perth County this includes abandoned wells (pits & quarries). Vulnerable area mapping and scoring will be updated to reflect these changes.

The Source Protection Plan and Assessment Report amendments will be brought to the SPC for approval in September 2020 and submitted to the Minister for approval in October 2020. Once the wells that are planned for decommissioning have been decommissioned in London (Hyde Park and Fanshawe), Middlesex Centre (Melrose), and Chatham-Kent (Highgate), these systems can be removed from the AR and SPP through a Section 51 minor amendment that does not require consultation, council resolution, or minister approval.

Recent comments on the draft workplan provided by MECP, requested that more detail be included in the workplan about education and outreach efforts to reduce blue-green algae, phosphorus and nitrate contributions into Lake Erie. This information was directed by the Minister, in the SPP approval letter, to be included in the workplan. Jason Wintermute has provided presentations and reports to the SPC in the past on the microcystin issue. This is a broader issue than just a drinking water specific issue, with broader implications. Microcystins have been identified as an issue for the Lake Erie intakes in the TSR, but if an *issue contributing area* was identified, it would encompass the whole Lake Erie basin. Binational partners have been working on defining targets that CA staff have been involved in. An International Joint Commission report will be coming out soon on this topic. Pat Feryn noted the efforts farmers have taken to reduce nutrients. It was suggested that the *Thames River Phosphorus Reduction Collaborative* group be invited to the next SPC meeting to provide an update on the work being done.

Recommendation: That the Thames-Sydenham and Region Source Protection Committee endorse the draft Section 36 Workplan for submission to the Ministry of Environment, Conservation and Parks by November 30, 2018, subject to any further amendments as a result of feedback from the Source Protection Authorities at their October and November meetings.

Moved by G. Marr -seconded by D. Randall

“RESOLVED that the Source Protection Committee endorse the Proposed Section 36 Workplan for submission on November 30, 2018”.

CARRIED.

b) SPC Reappointments/Replacement for 2019

On June 1, 2019 the terms of appointments for eight SPC members will expire, and will need to be re-appointed or replaced. Jenna gave a slide presentation to outline the details of the reappointment/replacement process. The SPC regulation requires that the term of all current members must expire before January 1, 2020. Members appointed in 2018 have a term to June 2021 and members appointed in 2019 will have a term that extends until June 2023. After these appointments all terms will be for 4 years, with half of the members' terms expiring every other year. The members were asked to consider what

their wishes are: to remain on the committee or to step down and to advise Jenna Allain in the next few weeks. All non-municipal positions must be advertised regardless of existing members intentions. Liaison positions do not expire. The same process will take place as in the previous year; notices will be advertised online and municipalities will be consulted. All members will be invited to the meeting in June 2019.

Break for lunch. 12:00-12:30 p.m.

c) New Regulation under the *Safe Drinking Water Act* Update

A presentation was given by Jenna Allain on the new Regulation under the *The Safe Drinking Water Act*. The proposed regulation was posted on the EBR from December 22, 2017 to February 20, 2018. The committee discussed it at the March 23, 2018 SPC meeting. The decision notice was posted for Regulation 205/18 on the EBR on April 5, 2018. The new regulation is to ensure sources of drinking water for any new systems are protected and municipalities or system owners ensure work is done to delineate and score vulnerable areas before a permit is issued. The new SDWA regulation requires system owners to have a notice from the Source Protection Authority stating that the technical work is complete, in order to apply for a permit. Concerns have been raised relating to SPA liability, workload, timing of the SPP and AR Amendments, and amendments initiated when not required. Concerns have since decreased when it was stated that notices from the SPA are not intended to be an approval of the technical work complete, and not all changes to drinking water systems necessarily require new technical work or changes to the SPP/AR.

8) Information

a) Correspondence from South Georgian Bay Lake Simcoe SPC to Minister of the Environment, Conservation and Parks

A letter was included in the package from the Lake Simcoe SPC to the Minister of Environment, Conservation and Parks to streamline the approvals of amendments to SP Plans for new drinking water systems when new policies are not required. The approval process can be lengthy and creates significant delays in allowing a municipality to provide critical services to residents. They added that delegating this approval to the Director of the SP Programs Branch would reduce timelines.

b) Correspondence from John Williamson, Cataraqui SPC, on behalf of the 19 SPC Chairs

John Williamson Chair from the Cataraqui SPC, on behalf of the nineteen Source Protection Chairs, sent a letter to Hon. Rod Phillips of the Ministry of Environment,

Conservation and Parks welcoming the new Minister, and highlighting the work that still needs to be done based on the recommendations from the Walkerton Inquiry to protect sources of drinking water. The letter notes the high percentage of wells that do not meet the standard for drinking water, and large areas in Ontario with vulnerable groundwater; reinforcing the need to continue with the work that has been done.

c) July 2018 Ontario Farmer Article by Tom Van Dusen, Raison-South Nation SPC

Article by Tom Van Dusen was included in the meeting package titled “Reasonable bias” In the article he highlights the need to continue *to guard precious communal drinking water resources* though the Source Protection programs that have been established across the province.

d) News Release: Binational Poll re: Great Lakes Protection

A news release was circulated from the Second Binational poll from July 10, 2019 reaffirming that citizens feel that Great Lakes protection is critical.

e) CELA Blog Article re: The Walkerton Tragedy

On May 22, 2018 an article was posted on the CELA blog by Richard D. Lindgren and included in the members package, titled “*The Walkerton Tragedy: Lessons Learned and Unfinished Business*”.

Chair Edwardson noted the articles being an endorsement and reminder of the importance and value of the SP program. He noted his concerns of the future of the SP program with the change in government. It was noted the many articles also speak about the need for adding other types of drinking water systems into the source protection program, not just municipal systems.

9) In Camera Session

None.

10) Other Business

None.

11) MOE Liaison Report

Olga Yudina reported there have been questions about the future of the SP program. No funding decisions have been made to date but they will continue to keep everyone apprised. The government did complete a line by line audit of all programs which is now going to generate a more thorough review of the programs.

12) Members Report

George Marr-advised the committee of the Ducks Unlimited dinner being held on November 15, 2018. If interested, please see him for tickets or if anyone has raffle items to donate.

Earl Morwood-congratulations to Jenna Allain who will be off on maternity leave starting in February 2019.

13) Adjournment

There being no further business, the meeting was adjourned **at 12:55 p.m.** PLEASE NOTE: The next SPC meeting is scheduled for **March 22, 2019** and the meeting location is to be at the St. Clair Region Conservation Authority office. Staff will confirm the date and time in advance of the meeting.