

SPC MEETING MINUTES
MARCH 25, 2022
Meeting #79

The Source Protection Committee Chair, Dean Edwardson called the meeting to order at 10:00 a.m. on March 25, 2022 via ZOOM. The following members and staff were in attendance;

Members

Dean Edwardson
Johnny Bowes
Brent Clutterbuck
Jarrod Craven
Gary Eagleson
Pat Feryn
Vince Gagner
Matthew Jauernig
George Marr
Gary Martin

Valerie M'Garry
Earl Morwood
Christa Sawyer
Karleen Sirna
John Van Dorp
Joe Salter (Liaison)
Catherine Eby, (MECP Liaison)
Andrew Powell (HU Liaison)

Regrets:

Carl Kennes

Staff:

Julie Welker
Jenna Allain
Deb Kirk
Steve Clark
Katie Ebel
Ken Phillips
Girish Sankar
Jason Wintermute

1) Chair's Welcome

Dean Edwardson welcomed the committee. After the roll call, he acknowledged a quorum was achieved. Catherine Eby was introduced as the new MECP SP Liaison.

2) Adoption of the Agenda

The March 25, 2022 agenda was approved to include the MECP liaison Catherine Eby presentation under agenda #7.

Moved by Pat Feryn -seconded by George Marr

“RESOLVED that the March 25, 2022 agenda was approved.”

CARRIED.

3) Approval of November 5, 2021 SPC minutes

The November 5, 2021 previous meeting minutes be approved with one edit to the members' attendance list.

Moved by George Marr -seconded by Earl Morwood

“RESOLVED that the November 5, 2021 meeting minutes were 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

MECP Presentation

C. Eby gave a presentation and provided an update to the committee. She relayed that Kirsten Corbel is the new SP Branch Director. Kirsten has committed to meeting with the SP Chairs one on one annually to build relationships and share issues or ideas. As of December 13, 2021 she has met with all the SP Chairs with the exception of Sault Ste. Marie.

The Director Technical Rules were approved and posted on December 3, 2021. New guidance material was released February 15, 2022 which will assist the SPAs in implementing these updated rules. The SP project managers were encouraged to develop a focus list of questions. If needed, regional discussions can be arranged to answer any outstanding questions.

A Best Practices Guide for Source Water Protection was released February 18, 2022 to help communities and landowners to protect their drinking water sources; for areas not covered under the SPPs. The guide is interactive, user friendly and includes an on line survey on the Ontario.ca website. The feedback will help continually improve this tool.

The Ministry continues to review and consult on the submissions of s36 and s34 Plan Amendments. The different Ministries have completed their annual reports for 2021 and all have been submitted to the SPAs in February. Final Annual Progress reports from the SPAs are due May 1 to the Ministry.

The Ministry is working on *Best Management Practices* for road salt use and management to ensure protection of water/environment and public safety are considered. The first step is to hold series of workshops in March for representatives from key ministries, CAs, municipalities' industry leaders, First Nations and other stakeholders to discuss the challenges to addressing this issue in Ontario. A question was asked about road salt and the spreading of more salt than usual on highways. How do we stop this trend? Liability is an issue and there is not a lot of incentive for landowners to use less. MTO is looking at alternative products; some are more effective in different temperatures.

Annual Report Presentation:

C. Eby gave a summary of key reporting items from the 2020 Source Protection Authority Annual Progress Reports. The CWA outlines that any implementing bodies need to report their progress to the SPA who in turn reports to the Ministry by region. The data is then analyzed and assists the Ministry in determining if there are any challenges.

Policy Implementation and Threats Addressed

On average, 98 percent of the legally-binding significant drinking water threat policies and 97% of non-binding have been implemented/being implemented by provincial source protection regions.

Implementation progress:

- 24 threat (low, moderate, significant) policies from eight SPR/As are experiencing delays in implementation. Of the 24 threat policies, 21 address significant threats (88%).
- The 21 SDWT threat policies from six SPR/As with implementation delays include: Specify action (11) Incentives (3) Risk Management Plan (RMP) (3) Land Use Planning (2) E&O (2)
- Reasons for delay vary include: COVID-19 restrictions hampering threat verification inspections for RMPs, municipality has not started exercise to conform with land use planning policy, municipality has not established incentive program, implementing bodies are considering options for implementation, activity not currently zoned to occur on landscape.
- Authorities reported steps they are taking to ensure implementation.
- On average, 83% of existing SDWTs addressed across provincial SPRs.

Part IV Implementation

Risk Management Plans (RMP) in place, properties covered, threats managed across source protection regions and Sections 57 & 58 inspection results were reviewed.

- There are 1,139 RMPs (cumulative total) in place across the province since the effective dates of SPPs covering 1,655 properties and addressing 2,925 significant drinking water threats (cumulative total) on the ground.
- Trend: Increasing number of RMPs in place over time until all required properties has RMPs in place.
- Sections 57 & 58 inspection results: 98% compliance rate with sections 57 and 58 policies.

Provincial Ministry Implementation

All nine (9) Ministry program areas that issue prescribed instruments continue to report having the following business processes in place for source protection:

- Staff training on source protection.

- Guidance documents to align with new program changes for source protection
- Mapping of prescribed instruments that are subject to policies.
- Screening to review incoming applications for prescribed instruments where they are a significant drinking water threat.
- Tracking prescribed instruments that are subject to source protection plan policies.
- Most program areas have additional processes in place related to: Tools to support stakeholders during applications and protocol in place to review previously issued prescribed instruments.
- 94% of previously issued PIs reviewed and/or on which actions taken for source protection.

Municipal and Source Protection Authority Implementation- a review of:

- 94% of municipalities have incorporated/in process of incorporating source protection into their Ops.
- A cumulative total of 1,779 source protection signs have been installed across source protection regions in Ontario.
- The number of septic systems that are inspected varies year to year due to the established 5-year inspection cycle of the septic inspection program meaning septic systems are inspected once every 5 years.
- 6 out of 47 or 13% of delineated drinking water issues are being reported as seeing an improvement in their concentration/trend in 2020.

Positive outcomes of Source Protection

Drinking Water Protection Zone signs are being noticed by the public, owners of fuel tanks and the local fuel suppliers more aware of the specific regulations they should be following and Oxford County has noted a change in the behaviour of people.

Water quality monitoring:

Some wells in the province have seen a leveling off in the rise of sodium and chloride levels. Some have shown sodium results have remained well below the Ontario drinking water quality aesthetic objective. Results of this monitoring have shown that nitrate levels have decreased and continue to decrease some wells in Ontario.

In summary: 91% of Source Protection Committees (SPC) are progressing well and are on target towards achieving objectives of the plan.

a) TSR 2021 Annual Progress Report Presentation.

Julie Welker provided an update on the 5th Annual Progress Report that will be submitted to the Director, May 1st, 2022 and covers the year 2021. Under the Clean Water Act, the SPC is required to review the report and provide written comments to the Source Protection Authority that the objectives set out in the Source Protection Plan are being achieved by the measures described in the report. The SPP Monitoring

policies require policy implementers to report to SPA by February 1st, annually and are submitted electronically through the Electronic Annual Reporting (EAR) Portal.

Two separate reports are generated in EAR: a Public report and a Supplemental Form. The reports were circulated to the SPC. A table outlined how the policies have been implemented for the TSR and Oxford County. A policy is considered implemented when the ministry has implemented its commitment to review and consider the policy. Multiple Implementers are involved to include Provincial Ministries, CAs and Municipalities. Many Policies are both Existing and Future threat Policies.

Status of Policies Table: outlined the status of policies that have been implemented for the TSR region as follows:

- 79 % of *Legally Binding Policies* have been implemented.
- 85% of *Non-Legally Binding Policies* that address significant drinking water threat activities have been implemented.
- 81% of Policies that address moderate-low drinking water threat activities.
- 69% Policies not directly associated with addressing specific drinking water threats (i.e., transport pathways, general E&O).
- The number of Risk Management plans (66) and inspections across the region was outlined.
- Section 59 Notices where neither 57 nor 58 applied was (12) and Section 59 Notices where 58 DID apply there were (3).
- Incoming prescribed instruments that MECP oversees were shown and cumulative counts indicate progress at 100%.
- There are 18 municipalities within the TSR that are required to complete an Official Plan conformity exercise, and 22 that are required to complete a Zoning By-Law conformity exercise
- (170) Source Protection signs can be found in the TSR region.
- (249) septic systems located in 8 municipalities within the TSR require mandatory inspection every 5 years. Most municipalities have completed the first round of inspections and are beginning to plan for the next round; a few still need to complete inspections.
- The microcystin issue will continue to be monitored. The nitrate issue in Wallaceburg will be removed as part of the Section 36 Amendments, and the nitrate is in Woodstock is being reviewed.
- Enumerated Threats Progress: Overall progress made is 53% but some level of uncertainty in enumerated threats data

Overall, significant progress in the Thames-Sydenham and Region has been made since the Source Protection Plan came into effect. During the last six years of plan implementation, 100% of the policies in the plan that address significant drinking water threats have been implemented or are in progress. In 2021, many of our member municipalities reported success stemming from the implementation of source protection plan policies. These included voluntary best management practices being undertaken by business and property owners; and

the development of a special training exercise for municipal emergency response staff which incorporated source protection information. Local Risk Management Officials in the Thames-Sydenham and Region have successfully managed 131 significant drinking water threats through the negotiation and establishment of 66 risk management plans in municipalities across the Source Protection Region since the Plan took effect.

Recommendation:

“That the Source Protection Committee approves the SPC comments on the Annual Report as drafted and direct staff to submit those comments to the Source Protection Authorities for inclusion in the Thames-Sydenham and Region Annual Progress Report submission

Moved by George Marr -seconded by Johnny Bowes

“RESOLVED that the. “That the Source Protection Committee approves the SPC comments on the Annual Report as drafted and direct staff to submit those comments to the Source Protection Authorities for inclusion in the Thames-Sydenham and Region Annual Progress Report submission”

CARRIED.

b) Section 36 Early Engagement

Julie Welker gave a presentation on the upcoming required early engagement with landowners. She provided some background information for the new members.

The section 36 Order issued by the Minister in 2018 required a workplan be developed outlining the steps for the comprehensive review and update to the Assessment Reports and Source Protection Plan. The section 36 Order also requires this workplan be completed in consultation with the TSR SPC. A comprehensive review and draft amendments to AR and SPP was completed in January 2022.

Next steps:

- Early Engagement with MECP. The SPC will review MECP comments when they are complete and agreed that an email motion can be used to approve these comments
- Pre-consultation with implementing bodies-and businesses/persons engaged in significant drinking water threats.
- Public Consultation.

A table was shown of all the various steps to each stage and timelines.

Pre-consultation, in two steps:

With all policy implementers and with persons/businesses believed to be engaged in significant threats: May (approx. 4 weeks)

- Post pre-con documents on secure website (SharePoint).
- Email notices to policy implementations and persons/businesses.
- Receive pre-con comments and address pre-con comments.
- Prepare public consultation package.

Public Consultation: (min 35 days)

June (Min. 35 days) Involves:

- Public posting.
- Receive and address public comments.
- Update documents and send to SPC
- Receive SPC and address SPC comments and prepare all documents.
- Source Protection Authority (SPA) board reports and Management Committee report to be completed
- SPA meetings to seek endorsement of the final submission by the boards.
- Prepare all supporting documentation and files including GIS shapefiles to submit to MECP..

The consultation will begin in June 2022 and be a (6) month process. We will be working closely with Oxford County to discuss approaches.

Public meetings can be held virtually and it is at the discretion of each region how many meetings to be held, as confirmed by Catherine Eby.

c) Directors' Technical Rules

Julie Welker reported the Director's Technical Rules are being reviewed. She introduced Terry Chapman, the UTRCA GIS specialist who provided slides on mapping for our region.

Existing Assessment Report

Within the WHPAs, on-screen digitizing was performed using colour 2006 orthophotography to delineate areas interpreted as paved including road, parking lots, driveways and sidewalks. Area outside WHPA's, HVAs and SGRAs, a roads layer was combined with digitized data to complete the impervious area. The percentage of impervious surface areas was calculated using a one kilometre square grid. Percent area of impervious surface was calculated for each cell.

Proposed Changes

- Areas of impervious surface area/road salt application , including roads, parking lots, driveways, and sidewalks.
- WHPA with vulnerability of 10 or IPZ with vulnerability of 9 or greater included.
- Update existing impervious surface area/road salt application information from 2006 imagery to 2020 imagery in applicable areas.
- To ensure each well is represented equal use an area of 100 metres around each well.
- Calculate the area of impervious surface/road salt application area for each individual well and also for area where 100 metres areas are combined as shown in Assessment Report.
- Calculate percentage of area of road salt application.

J. Welker gave a presentation titled *2021 Director's Technical Rules (DTRs) Top 4 Priorities in TSR*. DTRs are established under Section 107 of the Act and govern the assessment of risks to drinking water sources. The updated 2021 Rules took effect on December 2, 2021. The rules aim to clarify terminology the information needed to conduct a water quality climate change risk assessment, that the local threats provision intends to address activities that are not provincially or federally regulated and are area or community-specific and to Update the Tables of Drinking Water Quality Threats.

The TSR area of focus will be:

- Storage and Application of Road Salt
- Storage of Snow
- Handling and storage of fuel

Salt Application will require a *Desk Top Analysis* and will likely create a new salt application threats and will require new policies.

Salt Storage – Local salt storage in IPZ's and WHPA's will need to be reassessed and will most likely to create new significant threats in the TSR. The current TSR SPP Policies prohibit existing and future salt storage where it is a significant threat. The policy approach will need to be reviewed by the SPC (current s.57). The SPC can choose to address these newly identified areas using the same or different policy approach/tools. For example, where a plan includes a prohibition policy the SPC may choose to keep that policy and develop new policies to either prohibit or manage smaller volumes. Policies to manage may include RMPs, specify action, and E&O.

The circumstances for snow storage threats are now to be a function of the size of the storage area and whether snowmelt can infiltrate or discharge. Local snow storage in IPZs and WHPAs will need to be reassessed but is likely to create new significant

threats in the TSR. The current policy approach is a RMP for existing and future threats, which may need to be reassessed.

Snowbanks or ploughed snow in residential areas is not included.

Storage of snow designed to discharge to the environment requires an ECA (Environmental Compliance Approval). Where no ECA is required, s.57 or s.58 can address this activity. RMOs can use Access Environmental Ontario to determine whether an ECA exists already.

A question was asked of using salt on black top, gravel roads. This was discussed at the Project Managers meetings and needs to be considered. Snow banks not being considered also needs discussion. Programs such as Smart Salt and education and outreach can be used.

Handling and Storage of Fuel. The threshold for above ground storage of fuel as a significant threat in a WHPA with a score of 10 has been lowered from quantities of 2500L to 250L (size of a residential home heating oil tank). Although there are very few home heating oil tanks in the TSR, this change will likely add some new significant threats from agricultural and commercial fuel tanks that are between 250 and 2500 L. Some threats reassessment will be required by the RMOs. Current TSR SPP policy requires RMP's for significant fuel threats. This is focused on permanent tanks/structures.

When updating the plans, policies that used general language will not require a change. The TSR used general terms.

Next steps:

- Desk Top analysis for Impervious Surface Area for Application of Salt. And Ground Truthing results.
- Threat Verification completed by RMO/I.
- Discuss results at next SPC meeting and discuss need for new policies and policy approach.

8) Information

The items listed below were provided to the committee as a FYI:

- 8i.) Best Management Practices for Source Water
- 8ii.) Bulletin: 2001 Director's Technical Rules Guidance
- 8iii.) Bulletin: Climate Change Consideration
- 8iv.) Article: Salt contamination of Lake Simcoe a frightening warning about highway expansion

- 8v.) Article: 'Lethal levels of salt' seen in some southern Ontario waterways, warns WWF Canada
- 8vi.) Article: Local wastewater surveillance project
- 8vii.) Article: Oneida Nation on verge of joining Lake Huron water supply system
- 8viii.) World Water Day: Link: <https://www.worldwaterday.org/>

9) In Camera Session

None.

10) Other Business

None.

11) MOECP Liaison Report

Catherine Eby provided the update at the start of the meeting under Agenda #7.

12) Members Report

Earl Morwood; Thanked the staff for their hard work and making steady progress.

Gary Martin: noted that he is looking forward to agricultural reps on the CA boards as they are being hired now.

John Van Dorp: noted a concern of a drainage proposal that is in progress with a newly purchased parcel between Highway 401 and Stage Road. He noted the concern of concentrating water drainage from both the 401 and tile drainage via a municipal drain directly into the Thornton Wellhead area maybe better handled if the proposed drainage system with possible pollutants, continue on through the area and have the outlet placed directly into the Cedar Creek rather than to have it dump into the drinking water supply for Woodstock. Matthew Jauernig has been in touch with Doctor David Rudolph from the University of Waterloo and he has some concerns of elevated nitrates in some of the groundwater collected from the monitoring wells around the Thornton Wellfield and is looking into this further.

Johnny Bowes-noted there is more information relating to the article *Local wastewater surveillance project* and can be found: <https://covid19-sciencetable.ca/sciencebrief/the-role-of-wastewater-testing-for-sars-cov-2-surveillance/>. Other regions are doing the same surveillance.

13) Adjournment

There being no further business, the meeting was adjourned **at 11:30 a.m.**

Moved by George Marr -seconded by Valerie M'Garry

“RESOLVED that the meeting be adjourned.”

CARRIED.

PLEASE NOTE: Next SPC meeting **June 3, 2022**