

SUMMARY OF CHANGES TO THE REVISED SOURCE PROTECTION PLANS AND ASSESSMENT REPORTS

The following is a summary of changes made to the Trent and Ganaraska Source Protection Plans and the Ganaraska Assessment Report made in response to comments provided by the Ministry of the Environment and Climate Change on June 26, 2014 and discussions with MOECC staff. Further to the comments of June 26, this update includes a few additional changes to correct typographical errors and changes to the Ganaraska Source Protection Plan and Ganaraska Assessment Report made to allow the local threat for pipelines apply to other similar pipelines.

Comment No.	Policy / Page	Comment	Approach for Addressing the Comment (Agreed to be acceptable by MOE and the SPC)	Description of Actions and Changes to the Source Protection Plan made in response to the Comment
1) Consultation with newly affected landowners	n/a	<p>The intention of the Clean Water Act, 2006 and Ontario Regulation 287/07 is that persons engaged in activities that could be drinking water threats are notified that the source protection plan will contain policies that may affect the manner in which activities are engaged on their property, and that they are given ample opportunity to comment on the policies in the plan. From the documentation provided, it does not appear that the residents in the newly established Keene Heights WHPAs received adequate notification of the opportunity to comment on the source protection plan and the possibility of policies affecting their current or future activities. While the consultation activities at this stage (amendments post-submission of the plan but prior to approval) are somewhat unscripted, it does seem in line with the spirit of the legislation that newly affected landowners be given at least one chance to comment on policies in the source protection plan. Thus, we feel it would be advisable to carry out one final communication with the newly affected landowners (those in the Keene WHPAs and also those newly identified from the modeled threats in Ganaraska), to provide such an opportunity. For example, a letter could refer to the earlier notice that was provided about the AR consultation and could provide an opportunity to discuss the proposed policies in the plan. We request that you provide documentation about the additional communication undertaken to the ministry.</p>	<p>Request for additional documentation Send a second letter to the existing and “would be” SDWT parcels in the Keene WHPA that indicates that the SPP has been revised, provides a link to the document on the TCC website, and provides the landowners with contact information if they would like to ask questions about or discussion the implications of the Revised SPP.</p>	<p>Actions:</p> <ul style="list-style-type: none"> Additional correspondence sent to landowners in the Keene wellhead protection area (see Attachment 1) <p>Source Protection Plan (Trent only):</p> <ul style="list-style-type: none"> Appendix 5 – added the following text for Trent SPP: “Further comments on the Revised Source Protection Plans were provided by the Ministry of the Environment and Climate Change on June 26, 2014. Those comments were considered by the Source Protection Committee and resulted in a small number of changes to the policies and explanatory document, and the carrying out of additional consultation with the Township of Selwyn and landowners in the Keene Wellhead Protection Area.”
2) Prohibition of future NASM activities	N-2	<p>We have considered the additional rationale the SPC has provided for maintaining the prohibition of future occurrences of NASM application, handling and storage “where significant,” and we have shared this with the Ministry of Agriculture and Food (OMAF). As we have indicated previously, an analysis of how these future prohibitions would affect agricultural property owners in WHPA-Bs and IPZ-2s would assist our ministries in understanding the impacts of this policy.</p> <p>We understand from the NASM policy rationale document that NASM prohibitions (policy N-2) would apply on the ground as follows:</p> <ul style="list-style-type: none"> Blackstock well #1 - prohibition of all future NASM application, handling and storage in the ICA (until the time of decommissioning of the well), Prohibition of future handling and storage of any type of NASM in 21 WHPA Bs that score 10 and 5 IPZs that score 9, Prohibition of future application, handling and storage of NASM from a meat plant or sewage works in 21 WHPA Bs that score 10 and 9 IPZ 2s that score 8 or above. <p>We request that you provide us with an analysis of the agricultural properties that intersect the WHPA-Bs and IPZ-2s where these prohibitions would apply, and the opportunities for landowners to apply, handle and store NASM outside the prohibited area, but within their property boundary.</p>	<p>Request for additional documentation This comment is not seeking a change to the SPP, but is seeking a more detailed assessment of the number of properties affected by the prohibition. We propose to do a GIS calculation using the TCC regional MPAC dataset (which includes an attribute describing agricultural land uses on a per-parcel basis) to provide MOE an accounting of:</p> <ol style="list-style-type: none"> How many parcels that are currently considered agricultural that have not been identified as existing NASM threats within the WHPA-B and the IPZ-2? The intent here is to provide an estimate of how many parcels could conceivably apply NASM in the future who are not currently doing so in the area beyond the WHPA-A and IPZ-1 (i.e. how many parcels would be affected by the future prohibition); and How many parcels that meet the conditions above but straddle the WHPA or IPZ boundary in such a way that if NASM were proposed to be stored in the future that it could be included on the part of the property that is outside of the boundary. 	<p>Actions:</p> <ul style="list-style-type: none"> TCC staff carried out a GIS analysis of the requested areas. The methods and results are documented in a memo included as Attachment 2.

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3) Comments from the Town of Selwyn	F-2	During consultation on the revised plans in January-February 2014, the Town of Selwyn submitted a comment that they encourage consistency among source protection plans, and prefer exempting residential properties and small businesses from the requirement of a risk management plan in favour of education and outreach (relating to fuel storage threats). We understand that the Town of Selwyn has decided to delegate their authority for part IV policies to the Conservation Authority. They have also received implementation funding from the Ministry of Environment. Given these circumstances, we request that you communicate with the Town of Selwyn to evaluate whether their original concerns has been alleviated. Please provide us with documentation of communication that takes place.	Request for additional documentation This comment is not seeking a change to the SPP but rather is requesting that we provide additional documentation of our correspondence with the Township of Selwyn regarding their comment on Risk Management Plans for fuel tanks. This will be done by communicating with the Town of Selwyn (and documenting the correspondence – whether a letter or a phone call followed-up by email) to follow-up on their comment and to explain the decision and rationale of the SPC for continuing to require RMPs for fuel tanks.	Actions: <ul style="list-style-type: none"> Further correspondence was carried out with the Township of Selwyn. The Township indicated that they continued to support their preference for a fuel storage policy that exempted residences and small businesses. A copy of the correspondence is included as Attachment 3. Explanatory document: <ul style="list-style-type: none"> Updated to indicate additional correspondence. See page 74 of ED (Sec 5.4.3)
4) Prohibition of future waste disposal sites	W-4, W-2	When considering waste threat policies, the following might provide some important context. The waste threat includes ten sub-categories of waste in MOE’s Table of Circumstances. The prescribed instrument (i.e., Environmental Compliance Approval (ECA) under the EPA) that addresses waste is available for seven of the sub-categories, and these same ECAs manage the remaining three sub-categories when they occur at a landfill or transfer station. For three sub-categories, prescribed instruments cannot be used to manage the activities when waste is generated or stored at waste disposal sites other than landfills and transfer stations. The Ministry has other tools to ensure they are managed appropriately. However, these other tools, such as Director’s instructions, are not prescribed under the Clean Water Act (CWA). The policy approaches available for these sub-categories are outlined below. The three sub-categories are: <ul style="list-style-type: none"> a) storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste*; b) storage of hazardous or liquid industrial waste; and c) storage of polychlorinated biphenyls (PCB) waste. *Note that wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste generally represent small quantities of hazardous or liquid industrial waste. <i>(comment truncated due to length)</i>		Source Protection Plan (both Trent and Ganaraska): With respect to the following two threat subcategories: <ul style="list-style-type: none"> a) storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste; and b) storage of hazardous or liquid industrial waste; <ul style="list-style-type: none"> The SPC voted to exclude the “Storage of wastes described in clauses (p), (q), (r), (s), (t), or (u)...” threat subcategory from the future prohibition policy W-4. Instead require a Risk Management Plan for these types of sites. Policy W-4 was expanded to include clauses W-4(1) and W-4(2) to accommodate this change. With respect to the following threat subcategory: <ul style="list-style-type: none"> c) Storage of polychlorinated biphenyls (PCB) waste. <ul style="list-style-type: none"> The SPC agreed by consensus to include an exception to policy W-2 to allow a Prescribed Instrument in the future for a mobile PCB destruction unit. Policy W-2 was updated to this effect. Explanatory Document: <ul style="list-style-type: none"> Updated to describe the above changes. See page 91 of ED (Sec 5.6.4).
5) Explanatory Document description of comments and changes	F-2, R-3, R-4	Although many updates to the Explanatory Document were made to describe revisions to the source protection plans, not all modifications or considerations were included. For example, the comment from the Town of Selwyn from the most recent consultation period regarding their preferences relating to fuel storage policies (F-2) is absent, as is the SPC’s reasoning for not reviewing the policy in light of this comment. In fact, there is also no documentation of MOE’s comment (Letter from Ling Mark, November 13, 2013) to consider this policy with Durham and determine if implementation of this policy is feasible in terms of workload and cost. There is also no documentation of the consideration of MTO’s comments on R-3(3) and R-4 from the most recent consultation period regarding monitoring policies for road salt threats. These considerations should be added to the Explanatory Document so that it contains a full record of consultation comments and rationale behind decisions.	Request for additional documentation Update explanatory document as suggested. This comment is not seeking a change to the SPP but rather to ensure that the subject comments are documented in the explanatory document.	Explanatory Document: Updates as follows: <ul style="list-style-type: none"> Town of Selwyn Comment RE Policy F-2 – see page 74 of ED (Sec 5.4.3) MOE Comment RE Policy F-2 – see pages 84-86; Section 5.5.3 & 5.5.4 MTO road salt comments – see page 74 of ED (Sec 5.4.3)

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6) Legal effect table	Table 3.1	Table 3.1 in the plans illustrates the legal effect of policies by tool and implementing body, yet it incorrectly portrays the legal effect of certain policy tools on certain implementing bodies. For example, the table shows that part IV policies must be implemented (conform/comply with) by all three categories of implementing bodies. However, neither the province nor "other bodies" will be implementing part IV policies (although they may be subject to the policies, if they are engaging in a threat activity). The row for part IV tools should say N/A for both the province and "other bodies" as implementing bodies. Similarly, LUP policies are listed as "comform/comply with" for the province and "other bodies," where they should read N/A.	<p>Minor wording change Update table as suggested to correct the incorrectly listed legal effect entries in the legal effect table. This does not affect policy wordings.</p> <p>Add text to Chapter 3 to clarify the distinction between the roles of the MMAH as the Approval Authority under the Planning Act vs. the role of municipal planning departments to make the necessary OP/ZB updates for submission to MMAH.</p>	<p>Source Protection Plan (both Trent and Ganaraska):</p> <ul style="list-style-type: none"> Table 3.1 updated per comment. Added footnote.
7) Legal effect lists	Appendix 3	<p>One previous comment from MOE (Letter from Ling Mark, June 6, 2013) recommended a correction to the applicable legal provision list, moving G-7(1) from list G to list F. While the policy was added to list F, it was not removed from list G. The similar policy G-8(4) should also be removed from list H, since it is already on list F.</p> <p>Additionally, there is no list K in the legal effect lists. List K should contain significant threat policies to be implemented by stakeholders other than municipalities, local boards, or source protection authorities (e.g., significant threat policies for ministries that do not use the PI tool, significant threat policies for pipeline owners to implement). Currently, all such policies are located on list J. However, list J is by definition for "strategic action policies", as per section 33 of O. Reg. 287/07 - this section of the regulation says that <u>significant threat policies cannot be strategic action policies</u>. In order to be correctly categorized, the following policies that are currently on list J should be moved to list K: L-2(1,2,3,6,8,11,12), A-2(1, 4), R-2(1), R-3(1,2), R-4(1), P-1(2). Also, if the intent for the signage policy (G-6) is to have it act as a significant threat policy, as its presence on list E for the municipal portion would indicate, then G-6(1,2) should be also on list K.</p>	<p>Minor change to "legal effect" lists. Update lists as suggested to ensure that the policies are listed on their appropriate lists. These will not change the legal effect of the policies, but is simply to ensure that each policy is included in its proper list.</p>	<p>Source Protection Plan (both Trent and Ganaraska):</p> <ul style="list-style-type: none"> Legal effect lists updated per comment. See updated SPP appendices 3A and 3C.
8) Transport pathway policy	OT-2(4)	Section 27 of O. Reg. 287/07 lists the policy tools available for addressing transport pathways. While a variety of tools are available, land use planning is not one of these. For this reason OT-2(4), which is a new segment of the transport pathway policy, cannot use the LUP tool and correspondingly cannot be on list A. This segment of the policy could be maintained as a specify action policy on list J, or could be removed.		<p>Source Protection Plan (both Trent and Ganaraska):</p> <ul style="list-style-type: none"> The SPC decided by consensus to remove the land use planning clause from Policy OT-2. No other changes were made to the policy. Policy OT-4, 5, and 6 were renumbered to account for the change. <p>Explanatory Document:</p> <ul style="list-style-type: none"> Update to show the above change (See ED 5.14.2, page 115)
9) Monitoring policies	R-4(2), I-1, I-2	<p>We are grateful for the general changes to the monitoring policies, making them more outcome based. However, in several specific cases the standardized wording could result in some confusion:</p> <ul style="list-style-type: none"> The revised monitoring policy R-4(2) for MTO now states that MTO shall prepare an annual summary of their actions to implement the policies, including a summary of how the actions in the policy were achieved every five years. We encourage a revision to this policy to clarify the timing of the reporting (annually or every 5 years, but not both). Policies I-1 and I-2 are monitoring policies for drinking water issues. These policies include the collection of environmental data to track these issues. The standardized revisions to these two policies do not fully make sense, since these are not monitoring policies that report on the implementation of actions in other threat policies. These policies would be clearer and more direct if the standardized preamble was removed. Additionally, since these are monitoring policies, it would be more correct to list the tool as "monitoring" rather than "specify action," and to place these policies on list F rather than list E. 	<p>Minor wording change Update the monitoring policies as suggested. This does not affect the effect of the policy but is simply to correct an error regarding timelines that resulted due to a "blanket change" to the monitoring policies.</p>	<p>Source Protection Plan (both Trent and Ganaraska):</p> <ul style="list-style-type: none"> R-4(2) – changed to clarify report timing. I-1 and I-2 – changed to "monitoring" tool and changed entry to list F.

OTHER CHANGES

1) Enbridge Pipeline

Ganaraska Assessment Report:

- The SPC decided by consensus to make minor changes to the Ganaraska Assessment Report and maps to allow the definition of the “local pipeline threat” to apply to other similar pipelines, including the Enbridge Line 9 Reversal Project.
- Updated Chapter 4.2 of the Ganaraska Assessment Report
- Updated maps 4-13, 4-14, and 4-15 to accommodate the above changes

Actions:

- Consultation meeting with GRCA and Enbridge Pipelines Inc. staff on July 25, 2014
- Provided Enbridge staff with copies of Source Protection Plan, relevant maps and policies
- Ongoing correspondence with Enbridge Pipelines Inc.

Source Protection Plan (Ganaraska only):

- Appendix 5 – added the following text:
“Further comments on the Revised Source Protection Plans were provided by the Ministry of the Environment and Climate Change on June 26, 2014. Those comments were considered by the Source Protection Committee and resulted in a small number of changes to the policies and explanatory document. These changes included an amendment to the Ganaraska Assessment Report that made it so that a policy in the Ganaraska Source Protection Plan would apply to Enbridge Pipelines Inc., which was not previously affected. Consultation with Enbridge included a meeting with Enbridge staff and written correspondence.”

Explanatory document

- Updates to describe the changes to the pipeline policy L-2 (i.e. changing “E” to “E/F” to correspond with AR update). See ED page 112.

2) Trent Policy Applicability Maps

- Policy applicability maps for the “WHPA-E” were added for the Crystal Springs and Buckhorn Lake Estates drinking water systems. Previously the WHPA-E was not represented on the maps for these systems.

3) Typographical Errors

- A small number of additional changes were made to correct minor typographical errors (these changes are shown on the “Tracked Changes” files included with the Revised SPP Resubmission).