

**SOURCE PROTECTION COMMITTEE MEETING
MAY 17, 2012 – MAY 22, 2012
ASPHODEL-NORWOOD COMMUNITY CENTRE, NORWOOD, ON
MINUTES**

ATTENDEES

SOURCE PROTECTION COMMITTEE MEMBERS	MAY 17, 2012 PRESENT	MAY 17, 2012 REGRETS	MAY 22, 2012 PRESENT	MAY 22, 2012 REGRETS
Jim Hunt	✓		✓	
Monica Berdin	✓		✓	
Darla Blodgett	✓		✓	
Alanna Boulton	✓		✓	
Dave Burton		✓	✓	
Bill Cornfield	✓		✓	
Edgar Cornish	✓		✓	
Pam Crowe		✓		✓
Kerry Doughty		✓		✓
Bobbie Drew	✓		✓	
Rob Franklin	✓		✓	
Mike Gibbs	✓			✓
Dave Golem	✓			✓
Rosemary Kelleher-MacLennan	✓		✓	
Robert Lake		✓	✓	
Gerald McGregor	✓		✓	
Glenn Milne	✓		✓	
Terry Rees	✓			✓
Mary Smith	✓		✓	
Bev Spencer	✓		✓	
Richard Straka	✓		✓	
Wayne Stiver	✓			✓
Alix Taylor	✓			✓
Mae Whetung		✓	✓	
Dave Workman	✓		✓	

SOURCE PROTECTION COMMITTEE LIAISONS	MAY 17, 2012 PRESENT	MAY 17, 2012 REGRETS	MAY 22, 2012 PRESENT	MAY 22, 2012 REGRETS
Tom Cathcart	✓			✓
Glenda Rodgers	✓		✓	
Clare Mitchell	✓			✓

COMMITTEE SUPPORT STAFF:

Jennifer Stephens
 Marilyn Bucholtz *
 Myriam Genet

CONSERVATION AUTHORITY STAFF:

Crowe Valley SPA: Vicki Woolfrey*
 Ganaraska Region SPA: Pam Lancaster
 Kawartha-Haliburton SPA: Mark Majchrowski*, Paul Buckley
 Lower Trent SPA: Cristal Heintzman
 Otonabee-Peterborough SPA: Alan Seabrooke*, Meredith Carter, Terri Cox**
 TCC Regional Staff: Andrew Doiron*, Diana Tyner

OTHERS:

Peter Doris*, OMAFRA
 Andrea Loyst*, Havelock-Belmont-Methuen
 Jeff Janiszewski*, City of Kawartha Lakes

* May 17 only

** May 22 only

1. WELCOME

Chair Jim Hunt welcomed the Committee with opening comments.

2. CALL TO ORDER

The meeting was called to order at 9:40 am.

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST

There were no conflicts of interest.

4. APPROVAL OF THE AGENDA

Chair Hunt noted that two additional pieces of correspondence, as well as copies of the presentations have been left at the seats of all members.

SPC 2012-05-17-01

By consensus, the TCC SPC approved the agenda.

5. DELEGATIONS

There were no delegations. However, staff from the City of Kawartha Lakes, as well as the Township of Havelock-Belmont-Methuen were in attendance. Peter Doris was present from OMAFRA.

6. APPROVAL OF MINUTES FROM LAST MEETING –MARCH 07, 2012

Chair Hunt called for any revisions or omissions.

SPC 2012-05-17-02

By consensus, the TCC SPC approved the minutes of the March 7, 2012 meeting with one amendment. This amendment referred to receiving feedback on the *Draft* Proposed Source Protection Plan and needing to provide additional context.

7. BUSINESS ARISING FROM MINUTES OF LAST MEETING

There was no business arising from the last meeting, and the Committee agreed to deal with anything as it may come up in the presentations.

8. CORRESPONDENCE

Jennifer Stephens briefly commented on the number and general types of comments received from agencies through the first formal consultation period.

Comments Received:

i. CA/SPAs

- a. Lower Trent (17 April 2012)
- b. Crowe Valley (23 April 2012)
- c. Ganaraska (23 April 2012)
- d. Kawartha (23 April 2012)
- e. Otonabee (23 April 2012)

ii. Implementing Bodies

- a. Transport Canada (13 April 2012)
- b. Environment Canada (17 April 2012)
- c. Ministry of Economic Development and Innovation (18 April 2012)
- d. Ministry of Agriculture, Food and Rural Affairs (23 April 2012)
- e. Ministry of Consumer Services and Technical Standards and Safety Authority (25 April 2012) (LATE)
- f. Ministry of Transportation (25 April 2012) (LATE)
- g. Haliburton, Kawartha, Pine Ridge District Health Unit (03 May 2012) (LATE)

iii. Municipalities

- a. Otonabee-South Monaghan (17 April 2012)
- b. Prince Edward County (17 April 2012)
- c. Asphodel-Norwood (18 April 2012)
- d. Galway, Cavendish & Harvey (18 April 2012)
- e. Durham (TCC) (16 April 2012)
- f. Cavan Monaghan (20 April 2012)
- g. Clarington (23 April 2012)
- h. Cobourg (23 April 2012)
- i. Havelock-Belmont Methuen (23 April 2012)
- j. Marmora and Lake (23 April 2012)
- k. Trent Hills (23 April 2012)
- l. Kawartha Lakes (24 April 2012)(LATE)
- m. Durham (CTC) (04 May 2012)

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iv. Landowners

- a. Name withheld (02 April 2012)
- b. Name withheld (05 April 2012)
- c. Name withheld (11 April 2012)
- d. Name withheld (18 April 2012)
- e. Name withheld (18 April 2012)
- f. Name withheld (20 April 2012)
- g. Name withheld (20 April 2012)
- h. Name withheld (22 April 2012)
- i. Name withheld (23 April 2012)
- j. Name withheld (23 April 2012)
- k. Name withheld (23 April 2012)
- l. Name withheld (23 April 2012)
- m. Name withheld (23 April 2012)
- n. Name withheld (24 April 2012) (LATE)
- o. Name withheld (28 April 2012) (LATE)

v. Others

- a. Quinte Therapeutic (20 April 2012)
- b. BQRAP (23 April 2012)
- c. Institute for Watershed Science (23 April 2012)
- d. (Name withheld) Ratepayers Association (23 April 2012)
- e. Peterborough County Cattlemen's Gov't Regulations Committee (23 April 2012)

vi. Other Correspondence:

- a. Mary Anne Covelli, MOE to Municipalities, re: Preparing for Implementation (25 April 2012)

Jennifer Stephens confirmed that all individual landowners and organizations who submitted written comments, will receive a response concurrent with the second consultation period.

SPC 2012-05-17-03

By consensus, the TCC SPC received all items of correspondence for consideration in the preparation of the Proposed Source Protection Plans.

Chair Hunt reviewed the procedures of voting in the event that consensus is not reached.

9. REVISIONS TO SOURCE PROTECTION PLAN POLICIES AND CONTENT (STAFF REPORT 09/12) –J. STEPHENS, PROJECT MANAGER; A. DOIRON, SPP COORDINATOR

An overview of the first consultation period was provided. Six public meetings were held with a total of 131 attendees. During this period the Committee received a total of 45 comments from stakeholders: municipalities (13), health units (1), provincial ministries (4), federal ministries (2), landowners (15), CA/SPAs (5), and others agencies (5).

The Committee discussed revisions to the source protection plan policies as a result of the feedback obtained through consultation. The discussion was divided into five parts.

- Part 1: Change in Policy Approach
- Part 2: Suggestions to ensure practical implementation
- Part 3: Recommendations for improving policies relying on land use planning.
- Part 4: Editorial changes
- Part 5: Content of “MEMO” to be circulated to the province.

Feedback from municipalities generally related to cost, implementation, and concern with future prohibition. Jennifer Stephens explained that some municipalities expressed concern related to the Land Acquisition policy (G-2, formerly G-1) primarily due to liability. The policy developed to increase TSSA inspections was considered redundant.

The Committee discussed the issue of liability. In particular, Municipal representatives Dave Golem and Rosemary Kelleher-MacLennan suggested that the Committee might want to bring forward their concerns in the MEMO to the Province accompanying the Source Protection Plan

Policy	Discussion / Change to Policy	Decision
G-3 (formerly G-1)	The policy requires the municipality to consider the purchase. If the municipality can show due diligence, then it has made every effort to adopt the policy.	Maintain Policy
PART 1		
D-2	<p>The Village of Havelock has expressed concern with the prohibition of future DNAPL and organic solvent threats since most of the village is located within the WHPA B. In particular, the area zoned for industry (industrial park) lies within the WHPA B. The feedback from the municipality also confirmed that the situation is compounded by having a railway travel through the WHPA B. These trains carry many industrial liquids and there was concern from Council regarding the optics.</p> <p>The Committee communicated to staff from the Township of Havelock-Belmont-Methuen that the municipality should explore options for relocating their municipal well further away from the industrial park. The Committee was advised that this exercise is underway.</p>	The Committee chose to make an exemption to the future prohibition policy. For the Havelock Municipal Well, DNAPL and organic solvents would be prohibited in the WHPA A in the future, and managed using a risk management plan in the WHPA B and C. Unlike other risk management plans, the Committee will request specific provisions for the content of these documents.
A-1, 4	The Ontario Ministry of Agriculture, Food, and Rural Affairs commented that livestock grazing and pasturing should be permitted in the WHPA A and IPZ 1 where the soil depth is greater than 30 cm and less than 1 nutrient unit per acre.	<i>The Committee decided to maintain the approach of management of existing threats and prohibition in the WHPA A and IPZ 1 for future threats. Members felt that it would be difficult to gauge soil depth within a more extensive assessment</i>

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		<i>of the areas surrounding the municipal systems.</i>
N-3	The Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) commented that this policy should be removed. The rationale for removing the policy from the source protection plan is that the standards set out in the <i>Nutrient Management Act</i> (NMA) are appropriate for mitigating risks associated with Category 1 NASM.	<i>The Committee decided not to remove the policy. By requiring a risk management plan members can be assured that the standards set out in the NMA are being employed.</i>
A-4	OMAFRA commented that the Ministry does not support the prohibition of agricultural activities outside of the WHPA A and IPZ 1. The Committee discussed how the protection of farmland was necessary particularly where the threat could be managed. Specifying provisions for the content of these risk management plans was also discussed. The Committee, however, felt that this should be the responsibility of the Risk Management Official.	<i>The Committee changed the policy to allow agricultural activities to become established in the future where they would be significant drinking water threats, outside of the WHPA A and IPZ 1. These agricultural activities will be managed using a risk management plan.</i>
N-2	OMAFRA requested justification for the prohibition of future NASM threats. The Committee felt strongly that given the potential impact of NASM on water quality if not managed appropriately, it would be best to prohibit the threat since it does not already exist.	<i>Consensus was not reached, therefore an official vote took place. The majority (greater than 2/3) of the members felt the prohibition should be maintained.</i>
PART 2		
S-4(2)	Policies cannot identify the “person or body undertaking the activity” as an implementing body Landowners are already required to comply with the orders of an inspector under the <i>Building Code Act</i> . The clause and monitoring clause were removed.	<i>Agreed</i>
G-4 (formerly G-3)	The handling and storage of NASM and waste disposal sites were added to the list of activities for which this policy would apply. Aircraft de-icing wasn’t added as it is captured under Threat Specific Policy.	<i>Agreed</i>
G-4 (formerly G-3)	Timeline for implementation extended to two years.	<i>Agreed</i>
G-6 (formerly G-5)	The requirement for ongoing inspections was removed and replaced with text that re-iterates the existing reporting requirements of the RMO under section 65 of the <i>Clean Water Act</i> .	<i>Agreed</i>

S-4	<p>Land Use Planning clause S-4(1) was changed to a specify action policy that requires municipalities to establish bylaws to achieve the objectives of the former land use planning policy.</p> <p>New monitoring clause was added (S-4(2) requiring that the municipality report to the SPA regarding the establishment of the bylaw required by S-4(1).</p> <p>New land use planning clause was added to require planning approval authorities to require policies to support the objectives of the bylaw required by S-4(1).</p>	Agreed
S-5	<p>Land use planning clause [S-5(1)] was changed to a specify actions policy that requires municipalities to establish bylaws to achieve the objectives of the former land use planning policy</p> <p>New monitoring clause was added [S-5(2)] requiring that the municipality report to the SPA regarding the establishment of the bylaw required by S-5(1).</p> <p>New land use planning clause was added to require planning approval authorities to require policies to support the objectives of the bylaw required by S-5(1).</p>	Agreed
A-2(4), A-4(4)	<p>It was commented that requiring landowners to provide <i>Nutrient Management Act</i> instruments and Pesticide Permits to the Risk Management Official could infringe on landowners' privacy.</p> <p>These requirements have been removed.</p>	Agreed
A-1(6)	<p>It was commented that the reporting implemented by MOE regarding NMA instruments should be received by the SPA instead of the RMO.</p>	Agreed
F-1(4), A-5(2)	<p>The RMO cannot be named as the implementer for a policy that does not rely on Part IV tools.</p>	Agreed
R-2(1)	<p>Reporting regarding MTO's salt management plan should be directed towards the SPA instead of the RMO.</p>	Agreed
R-3	<p>The SPP cannot include policies that require environmental monitoring unless they are addressing a policy related to a drinking water issue.</p> <p>This policy was removed.</p>	Agreed
R-5	<p>"Person or body undertaking the activity" has been removed as an implementer for this policy.</p>	Agreed
D-1(1)	<p>The references to relocation or phase-out of DNAPL threats were removed [clause D-1(1)].</p> <p>The general provisions for RMPs [clause G-7(3), formerly G-6(3)] was amended to indicate that RMPs will include provisions for relocating the activity to a part of the property with the least risk, where applicable.</p>	Agreed
R-2(1)	<p>Consideration of alternative wording for MTO Salt Management</p> <p>The Committee felt that the policy text provided by MTO was too gentle. A vote resulted in maintaining the current policy.</p>	Denied

R-2(2)	<p>MTO commented that the prospect of the RMO identifying “opportunities” to enhance MTO’s Salt Management Plan is considered highly unlikely.</p> <p>The RMO cannot be named as the implementer for a policy that does not rely on Part IV tools.</p> <p>The policy has been removed.</p>	<i>Agreed</i>
R-3(1) (formerly R-4(1))	<p>The Ministry has commented that they would not be the appropriate implementing body.</p> <p>MEDI has been removed as an implementing body for this policy.</p>	<i>Agreed</i>
R-3(1) (formerly R-4(1))	Revised policy text from MTO. The Committee felt that the text should read “actively consider”.	<i>Agreed</i>
R-4 (formerly R-5)	<p>MTO has commented that the EA process automatically requires features such as VA to be considered during the planning and design of transportation infrastructure.</p> <p>Policy will not be removed.</p>	<i>Agreed</i>
G-7 (formerly G-6)	<p>Timelines for RMPs were increased :</p> <ul style="list-style-type: none"> • Submitted to the RMO within five years (previously three years). • The provisions of RMPs must be begun to be implemented within seven years (previously five years). 	<i>Agreed</i>
G-7 (formerly G-6)	A clause has been added requiring that the RMP contain provisions to notify RMO when the activity(ies) are changing on the property or a change in ownership is expected.	<i>Agreed</i>
G-7 (formerly G-6)	A clause has been added requiring that the RMP contain provisions to address emergency response for occurrences that could result in a contamination event.	<i>Agreed</i>
A-4(2)	N/A with the change in policy approach agreed to in Part 1	<i>Agreed</i>
S-6(4); A-2(6); F-1(4); O-1(3)	A review of the policies in the Source Protection Plan indicated that a number of monitoring clauses were missing. Text was added to satisfy monitoring requirement.	<i>Agreed</i>
NEW	A new policy was created to allow expansions to activities regulated by prescribed instruments. The provisions ensure that the expansion of the activity does not result in increased risk to the DW source.	<i>Agreed</i>
NEW	A new Strategic Action policy requiring municipalities to update Municipal Master Emergency Plans to address vulnerable areas will be created.	<i>Agreed</i>
G-4 (formerly G-2)	The implementing body was changed from source protection authority to conservation authority.	<i>Agreed</i>
F-1	The Committee discussed the feedback from TSSA/MCS and potentially removing this policy. It was agreed that the requirement for inspections would be incorporated into the RMP policy. Jennifer suggested that staff will review this policy and identify alternative solutions to capturing its intent.	<i>Agreed</i>

PART 3		
The Committee reviewed the recommended definitions for “existing” and “future”, as well as for the transition policies. This text was prepared by a group of municipal planners representing each of the five source protection areas.		
G-6(2)	A single general policy will be used for all activities in the SPP subject to a section 57 prohibition. <ul style="list-style-type: none"> - The policy will identify storage threats, aquaculture, and livestock threats that rely on section 57 as land uses that are not permitted - It will identify land uses that facilitate application and handling threats as not permitted. - An additional clause [G-6(3)] was added to indicate that this new planning policy does not apply where the proposed land use satisfies the criteria given in Policy A-4(2). 	<i>Agreed</i>
G-8 (formerly G-7)	Expanded to clarify that: <ol style="list-style-type: none"> 1) Applications for building permits related to the construction or change of use of a building, and 2) Applications for provisions of the <i>Planning Act</i> prescribed by the <i>Clean Water Act</i> must be forwarded to the RMO.	<i>Agreed</i>
R-5(2)	A new clause was added to refer separately to the consideration of impervious surfaces by the approval authority under the <i>Planning Act</i> .	<i>Agreed</i>

ADJOURNMENT

Meeting adjourned at 3:20 p.m. and would reconvene on Tuesday, May 22.

MAY 22, 2012**CALL TO ORDER**

The meeting was called to order at 9:15 am.

10. CONTINUATION - REVISIONS TO SOURCE PROTECTION PLAN POLICIES AND CONTENT (STAFF REPORT 09/12)

Jennifer Stephens finished the review of the editorial changes that have been made in the next version of the Source Protection Plan. Staff are developing a document that will accompany the Source Protection Plans and Explanatory Document when they are submitted to the Province in August. This document addresses the content that the Ministry of the Environment advised was out of scope this round of source protection planning. It is likely that some portions of the document will be similar to the documents being submitted by other source protection regions, particularly with regard to the Lake Ontario recommendations.

SPC 2012-05-17-04

By consensus, the Committee approved the recommendations outlined in Staff Report 09/12:

THAT the TCC SPC approves of the following revisions to the Trent and Ganaraska Source Protection Plans;

AND FURTHER THAT the SPC authorizes staff to update the municipal response document with the feedback provided;

AND FURTHER THAT the SPC authorizes staff to prepare a *draft* letter (re: out of scope policies) to the MOE for presentation at the June meeting.

11. POLICY COMPARISON WITH ADJACENT SOURCE PROTECTION REGIONS AND IMPLICATIONS (STAFF REPORT 10/12)

Jennifer Stephens reviewed the Comparison Table of the policies of the adjacent source protection regions/areas. It was noted that there are general consistencies between most of the approaches. Committees have used different approaches to yield the same results.

The Committee discussed the unique situation affecting Prince Edward County. The Bayside intake is within the Lower Trent Source Protection Area (TCC SPR), however a portion of IPZ 1 lies in the Quinte SPR. TCC SPC policies have no legal effect outside of the Trent Conservation Coalition Source Protection Region. The Committee, however, are still mandated to ensure that the municipal drinking water systems lying within its jurisdiction are protected. There are few differences in the policy approaches between both regions (Quinte and TCC). The Quinte SPC has chosen to manage livestock grazing and pasturing where the activity would be significant in the future, while the TCC SPC has chosen prohibition.

The Committee advised staff to inform Quinte SPR that members are in support of their approaches, even though there is variation. With this feedback, Quinte SPR will add the Bayside intake to the list of applicable areas where policies will apply, where warranted. Members felt that the Explanatory Document should explain why the Committee chose a management approach (*i.e.*, small areas, estate residential lots).

A second situation was discussed affecting the City of Kawartha Lakes. One well belonging to the Woods of Manilla system lies in the South Georgian Bay – Lake Simcoe SPR, while the second falls within the boundaries of the TCC SPR. All prescribed drinking water quality threats can be significant at both systems. The Committee advised staff to work with SGBLS to ensure that if the policy approaches differ, that the stronger and more protective of the municipal drinking water system prevails.

Jennifer also informed the Committee that both South Georgian Bay – Lake Simcoe and CTC Source Protection Regions have been granted extensions to the submission of their Source Protection Plans. The deadline for submission for both regions is October 22, 2012. There are potential implications to the City of Kawartha Lakes and the Region of Durham since these are shared municipalities. Both municipalities will be informed that the Trent and Ganaraska Source Protection Plans will still be submitted in August. Therefore, any feedback to be submitted with these documents will need to be received during the formal consultation period.

SPC 2012-05-17-05

By consensus, the Committee approved the recommendations outlined in Staff Report 10/12 with modifications:

THAT the TCC SPC advises staff to inform Quinte SPR that it supports the management of agricultural prescribed threats in the IPZ-1 for the Bayside Intake which extends into Prince Edward County.

AND FURTHER THAT the Committee advises staff to inform SGBLS SPR that where policy approaches differ between the SGBLS and TCC SPC for addressing SDWT at the Woods of Manilla system, the TCC SPC prefers the use of the stronger approach.

12. REPORTS/UPDATES

- **Staff**

- a. *Source Protection Program Update - J. Stephens, Project Manager*

Jennifer gave the Committee an update on a number of activities underway.

1) BUSINESS CASE

Municipalities are currently providing feedback to CA staff on the *draft* Business Case. These suggestions for improvement will be forwarded to regional staff. The document is intended to be circulated to the SPC the week of June 4. Once the SPC reviews the document, it will be forwarded to the Province.

Meredith Carter (ORCA) relayed the request from municipalities in the OPSPA that they view the document before it is submitted to the Province. It was agreed that municipalities are welcome to provide comments on the business case when it is circulated with the SPC Agenda for the June 15 meeting. Mary Smith emphasized that municipalities have to understand that the numbers in this business case are only estimations since costs for certain activities have yet to be determined.

Glenda suggested that municipalities should be encouraged to take the business case, customize it if necessary, and submit it the Province separately.

2) MUNICIPAL RESPONSE DOCUMENT

Work continues on this document which will be provided to municipalities at the beginning of the second formal consultation period. The Committee will have the opportunity to view this document at the next meeting.

3) OUTREACH TO WOULD BE LANDOWNERS

Approximately 8000 flyers were delivered to properties in the TCC SPR where the potential exists for future significant threat activities. There was very little response from the circulation of the brochure and outreach; however the Committee can be assured that they have made every attempt to reach out to landowners that could be affected by the Trent and Ganaraska Source Protection Plans.

4) DRINKING WATER STEWARDSHIP PROGRAM

The majority of the Early Actions funds have been spent. There remains Early Response funding to allocate to landowners engaging in significant threat activities. The Review Committee met in April at which time one project was approved. The next deadline for applications is June 30, 2012.

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Mary Smith mentioned that there was some discussion at the last Otonabee-Peterborough SPA meeting of not approving the source protection plan. Jennifer communicated that if the source protection authority does not accept a Plan, it can be imposed on them. The understanding is that members are interested in making a statement. Jennifer will work with Meredith to ensure that for the next SPA meeting the Board is made aware of their options.

SPC 2012-05-17-06

By consensus, the TCC SPC received the source protection program update for information.

- **Municipal Working Groups**
 - a. *OPMWG Minutes – 08 March 2012*
 - b. *GRCA MWG Minutes – 14 March 2012*
 - c. *KHSPA MWG Minutes – 22 March 2012*
 - d. *LTMWG Minutes – 22 March 2012*
 - e. *CVCA MWG Minutes – 27 March 2012*
 - f. *LTMWG Minutes – 02 May 2012*

SPC 2012-05-17-07

By consensus, the TCC SPC received the MWG minutes for information.

- **Committee Members (updates on public engagement/conferences)**
Jennifer Stephens reminded Committee members that the Children's Water Festivals will be taking place this week. Bev and Glenn told the Committee that the agricultural representatives from all the SPCs across the Province will be meeting shortly.

13. QUESTIONS/COMMENTS FROM THE PUBLIC

There were no questions.

14. OTHER BUSINESS

No other business

15. NEXT MEETING – JUNE 15 - ASPHODEL-NORWOOD COMMUNITY CENTRE, NORWOOD, ON

Attendance is critical. If you cannot attend, please contact Myriam.

16. ADJOURNMENT

Meeting adjourned at 11:10 a.m.