

SOURCE PROTECTION COMMITTEE MEETING
DECEMBER 3, 2013
DRAFT MINUTES

ATTENDEES

SOURCE PROTECTION COMMITTEE MEMBERS	PRESENT	REGRETS	NOTES
Jim Hunt	✓		
Monica Berdin		✓	
Darla Blodgett	✓		
Alanna Boulton	✓		
Dave Burton		✓	
Bill Cornfield	✓		
Edgar Cornish	✓		
Kerry Doughty	✓		Arrived at 12:30
Bobbie Drew	✓		Arrived at 12:30
Rob Franklin	✓		
Mike Gibbs	✓		
Dave Golem		✓	
Rosemary Kelleher-MacLennan		✓	
Robert Lake		✓	
Gerald McGregor	✓		
Glenn Milne	✓		
Terry Rees	✓		
Mary Smith	✓		Left at 2:00
Bev Spencer	✓		Left at 2:00
Richard Straka	✓		
Wayne Stiver	✓		
Alix Taylor	✓		
Mae Whetung	✓		
Dave Workman	✓		

SOURCE PROTECTION COMMITTEE LIAISONS	PRESENT	REGRETS	NOTES
Glenda Rodgers	✓		
Wendy Lavender	✓		
Atul Jain	✓		

COMMITTEE SUPPORT STAFF:

Andrea Hicks
Shan Mugalingam
Andrew Doiron

CONSERVATION AUTHORITY STAFF:

Crowe Valley SPA: Vicki Woolfrey

Ganaraska Region SPA: Pam Lancaster

Kawartha-Haliburton SPA: Mark Majchrowski (arrived at 11:00), Stacy Porter

Lower Trent SPA: Andrew Doiron

Otonabee-Peterborough SPA: Meredith Carter, Terri Cox

OTHER:

Greg Lymer, Durham Region

Tavis Nimmo, Durham Region

1. WELCOME

Chair Hunt welcomed the Committee.

2. CALL TO ORDER

The meeting was called to order at 10:05 AM

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST

No conflicts of interest were declared.

4. APPROVAL OF THE AGENDA**SPC 2013-12-03-01**

By consensus, the TCC SPC approved the agenda.

5. DELEGATIONS

There were no delegations.

6. APPROVAL OF MINUTES FROM LAST MEETING**SPC 2013-12-03-02**

By consensus, the TCC SPC approved the minutes of the meeting held November 15, 2013.

7. BUSINESS ARISING FROM MINUTES OF LAST MEETING

a) Draft letter to Cavan Monaghan Re: Millbrook DWSP Technical Review.

Andrea indicated that the draft letter would be circulated via email after the meeting.

8. CORRESPONDENCE

a) L. Mark to J. Hunt and C. Kerr re: Additional Recommended Revisions for TCC's Source Protection Plans – November 13, 2013

Jim Hunt reviewed the item of correspondence with the Committee. Andrea indicated that it would be talked about in greater detail under agenda item 10.

SPC 2013-12-03-03

By consensus, the TCC SPC received the item of correspondence as information.

9. NASM POLICY DECISION

The Committee discussed changing the applicable area of Source Protection Plan Policy N-2, which prohibits future instances of NASM application, handling and storage.

Andrea gave a presentation summarizing the following three options, including a summary of the approximate number of properties that would be affected under each option:

- 1) Leave policy as previously drafted (i.e. prohibit in all areas where these activities are a significant drinking water threats)
- 2) Limit the prohibition to the WHPA-A and IPZ-1
- 3) Limit the prohibition to the WHPA-A and WHPA-B with a vulnerability score of 10; and IPZ-1

The Committee discussed the above options. The following is a summary of the main discussion points:

- The policy prohibiting future agricultural source material applies only in the IPZ-1 and WHPA-A – it was commented that to apply the non-agricultural source material prohibition to a different boundary would be inconsistent. It was pointed out that information comparing the composition of ASM and NASM was not readily available.
- Gerald McGregor gave a brief overview of the summary of NASM threats prepared by Kawartha Conservation, with a focus on past examples of convictions for NASM infractions. He indicated that the Council of the City of Kawartha Lakes unanimously agreed that the activity should be prohibited.
- Anecdotal evidence was offered suggesting that most farmers would not want to apply NASM in a drinking water source protection area.
- Concern was expressed regarding the adequacy of current enforcement of existing NASM regulations
- Concern was expressed regarding deviation from the science-based findings of the Assessment Report (i.e. by restricting prohibition to specific vulnerable areas rather than based on vulnerability scores).
- The following other items were noted:
 - The summary of NASM threats prepared by KC, together with the estimate of affected parcels presented by Andrea, may constitute the “robust rationale” for NASM prohibition requested by the MOE;
 - The precautionary approach should be applied in this case;
 - There is sufficient land available outside of the vulnerable areas for NASM application;
 - The amount of people affected should not be a factor in the decision;
 - Other Source Protection Regions have prohibited future NASM activities.

The Committee did not reach a consensus about the policy; therefore, an official vote took place. The majority (greater than 2/3) of the members felt the prohibition of all future significant drinking water threats should be maintained. The policy will be left as written in the Proposed Source Protection Plan.

SPC 2013-12-03-04

By a majority vote, the TCC SPC decided to leave policy N-2 as written (i.e. the prohibition will continue to apply to all areas where NASM activities are significant drinking water threats).

10. KEENE HEIGHTS: NEW PRIMARY WELL

Andrea gave a presentation about the source protection technical studies carried out for the new municipal well in Keene Heights (Alpha Environmental Services hydrogeological assessment; and Earthfx vulnerability analysis).

Terri Cox gave a presentation about the changes made to the Trent Assessment Report to reflect the new Keene well system.

Meredith Carter presented an overview of the public consultation process and products for the new Keene well system. As part of the public consultation process, Meredith indicated that a public meeting is planned for Thursday, January 30, 2014 from 4-8 pm at the Otonabee-South Monaghan Municipal Office located at 20 Third Street, Keene.

SPC 2013-12-03-05

By consensus, the TCC SPC accepted the proposed updates to the Trent Assessment Report to address the new Keene well system, and to proceed to public consultation with those changes.

Concern was expressed regarding how the new Keene Heights well was planned and drilled before considering the source protection program. It was suggested that letters should be sent to municipalities and to local well drillers to ensure that proponents are aware of the requirements of source protection as a part of the planning process for a new well. Andrea indicated that she would draft and circulate the letters to the SPC.

SPC 2013-12-03-06

By consensus, the TCC SPC agreed to send letters to municipalities and to local well drillers to reiterate the requirement of drinking water source protection with respect to new municipal wells.

11. MOE ADDITIONAL RECOMMENDED REVISIONS FOR SOURCE PROTECTION PLANS

The additional recommended revisions for the Source Protection Plans from MOE were reviewed by the Committee. For each recommended revision, Andrea proposed options and/or suggested wording changes to address the recommendations. The MOE recommendations, proposed options, and the SPC Decision for each recommendation are given in the table below.

Policy	MOE Additional Recommended Revisions	Options and SPC Decision
Monitoring Policies	<p>To enable consistent reporting, we are asking committees to make their monitoring policies more outcomes based.</p> <p>For example: <i>“The ministry shall prepare an annual summary of the actions it has taken to achieve the outcomes of the source protection plan policies and make that report available to the SPA”.</i></p> <p>Where the committee has specific, detailed reporting requirements, we request that the Committee revise the language to make these “recommendations”.</p> <p>Many of the municipal monitoring policies in the plans use a similar approach to policy S-2. It is important for the SPC to consider the feasibility of and possible revisions for these policies.</p>	<p><u>Option 1:</u> For monitoring policies, use the example wordings suggested by MOE; and reword to make the required specific contents of the monitoring report contents to be recommended content.</p> <p><u>Option 2:</u> No change to the policy.</p> <p><u>SPC Decision: Consensus for Option 1</u></p>
S-3(3)	<p>Further to our comments on monitoring policies, we have a related comment on Policy S-3(3). As written, this policy specifies actions for the Ministry of the Environment to report on various prescribed instrument details to the source protection and municipality. These reporting actions in themselves do not reduce the risks from the</p>	<p><u>Option 1:</u> Change to a Monitoring Policy.</p> <p><u>Option 2:</u> No change to the policy.</p>

	sewage threat but instead, requires reporting on the implementation of the related threat policies S-3(1) and S-3(2). Therefore, our comments on monitoring policies also apply to this 'reporting'. Once revised, the policy could be combined with the other monitoring policy S-3(4) and presented as a single monitoring policy.	<u>SPC Decision: Consensus for Option 1</u>
OT-1(4) Transport Corridors	<p>Policy OT-1(4) addresses spills along transportation corridors. Part (4 b) of this policy seeks an update of MOE's emergency response plans and/or spill contingency plans for highways, shipping lanes and railways by reviewing the <u>reporting thresholds</u> for significant threat activities, in consultation with the municipalities and adjusting the reporting thresholds as required.</p> <p>We request that subsection b (reporting thresholds) be removed from the policy.</p>	<p><u>Option 1:</u> Remove clause b) reporting thresholds, and focus the policy on MOE/Municipal communication and coordination of Spills Reporting and Emergency Response Plans.</p> <p><u>Option 2:</u> No change to the policy.</p> <p><u>SPC Decision: Consensus for Option 1</u></p>
OT-2 Transport Pathways	<p>Policy OT-2 relates to transport pathways. Municipalities have limited authority to regulate transport pathways. Areas where municipal authority may extend include geothermal systems, as well as some control over grading (e.g., ditches, trenches).</p> <p>The province has authority for Regulation 903 and oversight of wells is an important part to the Government of Ontario policy to protect Ontario's aquifers and groundwater supplies for Ontario's present and future drinking water users.</p> <p>In light of the municipal and ministry roles in transport pathways, it is recommended that changes be made to OT-2(1), (2) and (3).</p>	<p><u>Staff Recommendation:</u></p> <p>OT-2(1) (a) and OT-2(2): Combine into one E&O Policy:</p> <ul style="list-style-type: none"> To residents and businesses in WHPA-A and IPZ-1 to understand the potential problems and their legal obligations under Ontario Regulation 903 with regards to proper well construction, maintenance and abandonment. To owner/operator of any existing transport pathways identified in the Assessment Report are notified of the potential for the pathway to endanger the municipal water supply, and provide guidance regarding the best management practices for upgrading and minimizing the potential for impacts to the water supply. <p>b): Leave as is</p> <p><u>SPC Decision: Consensus to adopt the recommended wording with the following addition: Add text to request MOE to review O. Reg. 903 with respect to the requirements of drinking water source protection.</u></p>
P-1 (2) De-icing	<p>Policy P-1 (2) is a non-legally binding policy which requires Transport Canada to include appropriate design standards and management practices to prevent run-off from airport deicing facilities. Recently the ministry has received comments from Transport Canada clarifying that they do not have a role in the approval or construction of new airport facilities.</p> <p>For this reason, we recommend modifying P-1(2) such that the implementing body is "relevant airport authorities or operators," who would have control over</p>	<p><u>Option 1:</u> Implementing Body change: Relevant airport authorities or operators</p> <p><u>Option 2:</u> P-1(2): Implementing Body change: Relevant airport authorities or operators P-1(3): No change to the policy – leave Transport Canada and the agency from whom the SPA requests information.</p> <p><u>SPC Decision: Consensus for Option 2, but</u></p>

	standards and management practices relating to de-icing of aircrafts. Previous comments provided on June 6, 2013 related to P-1 (3) still apply; however, instead of the SPA communicating routinely with Transport Canada, a modification to "relevant airport authorities or operators" is recommended.	<u>under P-1(3) use "relevant airport authorities and Transport Canada"</u>
S-4	S-4(3) is a LUP policy: LUP applies to future development, not existing. Future LUP regarding septic systems is covered by policy S-5(1).	<p>Option 1: Remove S-4(3)</p> <p>Option 2: Leave policy as written.</p> <p><u>SPC Decision: Consensus for Option 2. It was noted that the planning policy needs to be in place to give authority to the bylaw (even given that it is to address existing septic systems); and further that it should be included in the OP since it will inform decisions about extending municipal services to vulnerable areas.</u></p>
S-5	<ul style="list-style-type: none"> • Remove requirement for municipal by-law specifying Construction Standards • LUP to set out the hierarchy for new development, i.e.: <ul style="list-style-type: none"> ○ Connection to municipal services, where feasible ○ Septic systems, constructed according to BCA standards 	<p>Option 1: Accept the MOE suggestions – make the proposed changes.</p> <p>Option 2: Leave policy as written.</p> <p><u>SPC Decision: Consensus for Option 1.</u></p>
Policy Applicability Maps	<p>The applicable area colour coded descriptors and corresponding applicability maps for policies that address application of <u>road salt, commercial fertilizer, and NASM</u> currently convey to the reader that these policies apply much more broadly than they actually do within TCC wellhead protection areas (WHPAs) and intake protection zones (IPZs).</p> <p>Specifically, this applies to road salt policies R-1 to R-4; commercial fertilizer policies A-1, A-2 and A-4, and NASM policies N-1 to N-3.</p> <p>The application of road salt, commercial fertilizer and most NASM (all except a subset of category 3 NASM) is different from other significant threat activities since the actual landscape has to meet certain criteria for the threat to be significant:</p> <ul style="list-style-type: none"> • Impervious Surface • Percent Managed Lands • Livestock Density 	<p>Andrea reviewed the following proposed changes to the maps to reflect the MOE comments:</p> <ol style="list-style-type: none"> 1) Add a footnote to the colour coded descriptors and the applicability maps to clarify the applicability of road salt, commercial fertilizer, and NASM policies; 2) Add information to the Threat Summary in the SPP and the Explanatory Document to clarify where these policies apply; 3) Revise the tables in the corresponding policy applicability maps <p><u>SPC Decision: Consensus to accept the proposed changes.</u></p>
The following MOE comments were made in consideration of the other Source Protection Plans that apply within the Regional Municipality of Durham.		

<p>G-1(2)</p>	<p>Policy G-1(2) defines an existing significant drinking water threat as:</p> <p>a) An activity that, <u>in the opinion of the Risk Management Official or other applicable regulatory authority</u>, has been engaged in at some time within the 10- year period prior to the date that the Trent Source Protection Plan takes effect.</p> <p>b) An activity that is the subject of a matter given in (3), where that matter is deemed to have commenced in the 2-year period prior to the day that the Trent Source Protection Plan takes effect.</p> <p>Part a) includes a subjective element "in the opinion of..." when this should instead be based on fact. It is recommended that policy G-1(2) (a) be revised to reduce implementation challenges.</p> <p>Part b) only allows for applications that have been in the planning process for 2 years, prior to the SPP coming into effect, to be eligible for transitioning.</p> <p>Note: As written, applications submitted <u>more than 2 years</u> before the SPP takes effect will be considered <u>Future</u> SDWTs.</p>	<p>G-1(2)(a)</p> <p><u>Option 1:</u> Revise policy as suggested (i.e. remove "in the opinion of...")</p> <p><u>Option 2:</u> No change to the policy</p> <p><u>SPC Decision: Consensus for Option 1.</u></p> <p>G-1(2)(b)</p> <p><u>Staff Recommendation:</u> remove clause b); this will better align the transition provisions with adjacent SPRs</p> <p><u>SPC Decision: Consensus to remove the 2-year timeline (i.e. define planning applications as existing or future activities based on the approval date of the Source Protection Plan)</u></p>
<p>G-1(2) Def'n of existing</p>	<p>The definition in G-1(2) for 'existing' does not include expansion of an activity. G-2(1) & (2) and G-8(3) in the plan allow for expansion of existing activities that are managed by a prescribed instrument or risk management plan but do not cover other instances where an expansion, such as a septic system, may be needed. Given this, changes are recommended to reduce implementation challenges by adding a new clause (e) to policy G-1 (2) to allow for expansion of an existing activity.</p>	<p><u>Staff Recommendation:</u> Revise policy to capture expansion:</p> <p>e) Where not otherwise specified in this plan, an expansion, alteration or replacement of an activity that reduces the risk of contaminating drinking water shall be permitted.</p> <p><i>Note: A definition of expansion is being added under G-1, this clause will be incorporated there.</i></p> <p><u>SPC Decision: Consensus to accept changed wording, but using "does not increase the risk" instead of "reduces the risk".</u></p>
<p>G-1(3)</p>	<p>Policy G-1 (3) explains Transition as by listing various types of Planning Act applications. The transition provisions in clauses a) to i) deal only with specific land use planning applications and do not include applications for building permits or for prescribed instruments.</p> <p>It is recommended that the policy be amended to include all types of development applications. This can be achieved by generalizing the policy to address all types of in-process development applications by removing the detailed subsections a) to i) from the policy.</p> <p>Given this change, the implementing bodies named in the policy should include not only those with approval authority under the Planning Act, but also those bodies with approval authorities under the Building Code Act and other provincial legislation under which an approval/permit/ instrument is issued.</p>	<p><u>SPC Decision: Consensus to leave list of applications in, but add "including but not limited to".</u></p>

G-1	MOE provided a table with suggested changes to the Transition policy.	<p>SPC Decision: Consensus to accept recommended rewording with the following exceptions:</p> <ol style="list-style-type: none"> 1) Do not include proposed item (c) (i.e. “Activities that occur intermittently and are associated with agricultural operations”); and 2) Make the 10-year timeframe apply only to agricultural activities.
G-8(1)	<p>Policy G-8(1) b): Timelines for RMP policies</p> <p>SGBLS, CTC and TCC allow 5 years for a RMP to be established.</p> <p>The TCC plan requires <u>initiation of the provisions of a RMP within 2 years</u> of approval by the RMO.</p> <p>The CWA leaves the initiation timeline up to the discretion of the RMO if no date has been specified in the policy. Durham has expressed concern that the current policy wording may allow a person engaged in an activity to say that they do not need to initiate implementation of a RMP for 2 years after approval by the RMO, even though the RMO would like the threat activity dealt with sooner. Given the need to support implementation of policies across the three plans, it is recommended that part b) be removed from the plan.</p>	<p><u>Option 1:</u> Remove clause b) initiation within 2 years, and add: “<i>The provisions of the risk management plan must be initiated by the date specified in the risk management plan.</i>”</p> <p><u>Option 2:</u> The provisions of the risk management plan must be initiated:</p> <ol style="list-style-type: none"> a) <i>by the date specified in the risk management plan, or</i> b) <i>within two years following agreement with the Risk Management Official.</i> <p>SPC Decision: Consensus for Option 2, but using “within two years following agreement with the Risk Management Official, unless otherwise specified by the RMO”.</p>
F-2	<p>Fuel policies for existing residential home heating tanks TCC requires <u>RMPs</u> for fuel storage in residential home heating tanks;</p> <p>CTC exempts single-unit residential properties and small businesses from RMP, uses <u>E&O</u>;</p> <p>SGBLS exempts low density residential properties if <u>documentation is provided to the RMO</u> proving that the fuel tank is certified and up to contemporary standard, uses <u>E&O</u>.</p> <p>Province wide, there are a variety of tools used to address home heating oil tanks. Durham Region has expressed concerns with implementation of three different policies using different policy tools for fuel. It is recommend that you have discussions with Durham Region to determine if implementation of this policy is feasible in terms of workload and cost, and work towards a mutually beneficial resolution and any changes to the policy and explanatory document as a result of these discussions.</p>	<p><u>Staff Recommendation:</u> Develop a procedure, in cooperation with Durham Region and other SPRs, which will satisfy all policies using one method (i.e. one page form for RMP and documentation exchange)</p> <p>SPC Decision: Consensus to develop procedure.</p>

SPC 2013-12-03-07

By consensus, the TCC SPC agreed on the changes to the Trent & Ganaraska Source Protection Plans as noted above.

12. PUBLIC CONSULTATION ON REVISED PROPOSED SPP

Andrea gave a presentation on the “Revised SPP Public Consultation Process”.

SPC 2013-12-03-08

By consensus, the TCC SPC agreed on the proposed approach to public consultation for the Revised Proposed Source Protection Plan.

13. REPORTS/UPDATES

- Meredith Carter indicated that MPP Jeff Leal would be giving press conference regarding the municipal implementation fund on Friday, December 6th, 2013.
- Terry Rees indicated that Bob Stanford recently released a new book: *Saving Lake Winnipeg*.
- Mike Gibbs indicated that there would be a septic inspection programs workshop on Friday, December 13th in Woodview.
- Wayne Stiver indicated that the US EPA has an interesting report on the value of water:
<http://water.epa.gov/action/importanceofwater/upload/Importance-of-Water-Synthesis-Report.pdf>

15. QUESTIONS/COMMENTS FROM THE PUBLIC

There were no questions or comments from the public.

16. OTHER BUSINESS

There was no other business.

17. NEXT MEETING

The next meeting will be scheduled for Wednesday, February 26th, 2014 - location TBD.

18. ADJOURNMENT

Meeting adjourned at 3:10 PM.