

SOURCE PROTECTION COMMITTEE MEETING
JULY 18, 2013
MINUTES

ATTENDEES

SOURCE PROTECTION COMMITTEE MEMBERS	PRESENT	REGRETS	NOTES
Jim Hunt	✓		
Monica Berdin	✓		
Darla Blodgett	✓		
Alanna Boulton	✓		Departed at 2:55 PM
Dave Burton	✓		
Bill Cornfield	✓		
Edgar Cornish	✓		
Kerry Doughty	✓		
Bobbie Drew	✓		
Rob Franklin	✓		
Mike Gibbs	✓		
Dave Golem	✓		
Rosemary Kelleher-MacLennan	✓		Departed at 2:15 PM
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	PRESENT	REGRETS	NOTES
Glenda Rodgers	✓		
Clare Mitchell for Wendy Lavender	✓		
Health Unit - vacant		✓	

COMMITTEE SUPPORT STAFF:

Andrea Hicks
Marilyn Bucholtz
Shan Mugalingam

CONSERVATION AUTHORITY STAFF:

Crowe Valley SPA: Marnie Guindon

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Ganaraska Region SPA: Mark Peacock, Pam Lancaster
 Kawartha-Haliburton SPA: Mark Majchrowski
 Lower Trent SPA: Anne Anderson, Tania Clerac
 Otonabee-Peterborough SPA: Meredith Carter, Terri Cox

OTHER:

Christopher Beveridge, Director, Environmental Health, Haliburton, Kawartha, Pine Ridge District Health Unit
 Kathleen Shepherd, Public Health Inspector, Peterborough County-City Health Unit
 Jeff Janiszewski, Water & Wastewater Technician, City of Kawartha Lakes

1. WELCOME

Chair Hunt welcomed the Committee and introduced Andrea Hicks as SP Program Coordinator.

2. CALL TO ORDER

The meeting was called to order at 10:10 AM

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST

No conflicts of interest were declared.

4. APPROVAL OF THE AGENDA

Chair Hunt asked if there were any revisions.

SPC 2013-07-18-01

By consensus, the TCC SPC approved the agenda.

5. DELEGATIONS

There were no delegations.

6. APPROVAL OF MINUTES FROM LAST MEETING

SPC 2013-07-18-02

By consensus, the TCC SPC approved the minutes of the meeting held September 12, 2012.

7. BUSINESS ARISING FROM MINUTES OF LAST MEETING

There was no business arising.

8. CORRESPONDENCE

- a) City of Kawartha Lakes to KC and SPC re: Open-Looped Geo-Thermal Systems – January 17, 2013 (Attached)
 - Response by J. Hunt – May 9, 2013 (Attached)
 - Response by R. Messervey – May 13, 2013 (Attached)
- b) L. Mark to J. Hunt and C. Kerr re: MOE comments on TCC SPPs – June 6, 2013 (Attached)
- c) RM of Durham to G. Rodgers re: RMO/RMI appointments – June 21, 2013 (Attached)
- d) A. Hicks to R. Dunford re: City of Peterborough Stormwater Quality Management Master Plan – July 5, 2013 (Attached)

Andrea Hicks reviewed the items of correspondence with the Committee.

SPC 2013-07-18-03

By consensus, the TCC SPC received the items of correspondence for information.

9. REPORTS/UPDATESa) 2013-14 Agreement and Work Plan

- Mark Majchrowski outlined the key tasks to be carried out from January 2013 to March 2014. Major tasks include: facilitating the source protection planning process; supporting the SPP review and approvals process; preparing for implementation of SPP policies; verification of significant drinking water threats; and completing outstanding technical work.

b) Threats Verification

- Anne Anderson provided an update on the threats verification activities being carried out by each Conservation Authority this year. The purpose of this initiative is to:
 - Verify the details of the significant drinking water threats documented in the Assessment Reports which will help predict the workload and budgets required to implement the Source Protection Plan policies.
 - Increase landowner buy-in for source water protection by providing them with property-specific information and giving them an opportunity to speak to someone in person about the threats identified on their property.

c) Implementation Guide for Municipalities

- Meredith Carter provided an overview of an Implementation Resource Guide being prepared by Conservation Ontario in conjunction with Project Managers and Conservation Authority staff. The Guide will include nine modules and will provide a “how to” of Source Protection Plan Implementation designed for a municipal audience. It will include general information, along with templates, checklists, surveys, forms and case-studies related to different policy tools that can be customized to suit local needs. The goal for completion is Fall 2013.
- Topics for the modules are:
 - Establishing Risk Management Office (complete)
 - Understanding Where Policies Apply (complete)
 - Land Use Planning (complete)
 - Annual Report & Information Management
 - Risk Management Plans
 - Part IV Prohibition
 - Risk Assessments
 - Other Obligations, incl. transport pathways, septic systems
 - Section 26 Part 1 (O. Reg. 287/07) Policies – stewardship/education & outreach

d) Local Implementation Strategy

- Andrea Hicks provided an outline of some of the actions to be carried out this year regarding municipal engagement:
 - Preparing municipalities with implementation roles
 - Steps to take to attain readiness
 - Tracking progress of municipalities
 - Inform the MOE on our accomplishments under the Work Plan
 - Determining *Effective Date* of the Plans

e) Municipal Working Groups:

- Otonabee- Peterborough – April 15, 2013 (Attached)
- Crowe Valley – June 21, 2013 (Attached)

f) Committee Members (updates on public engagement/conferences)

- Gerald McGregor reported that a private corporation has been formed in the City of Kawartha Lakes called WRAIN (Water Research and Innovation Network - www.wrain.ca.) WRAIN has been established to support the water & wastewater industry within the City to accelerate market adoption of new technologies through collaboration and demonstration sites. The network consists of researchers, municipal services and economic development professionals. Gerald is a founding member.
- Rosemary Kelleher-MacLennan noted an excellent program on CBC's The Passionate Eye. LAST CALL AT THE OASIS presents an inspiring wake-up call for why the global water crisis will be the central issue facing our world this century.
- Mike Gibbs reported that the Lakeland Alliance has received a two-year grant from the Ontario Trillium Foundation to educate shoreline landowners about the importance of natural shorelines through its "Love Your Lake Program" (www.lakelandalliance.net/advisor/index.html).
- Wayne Stiver reported that the City of Peterborough has been advised by MOE about an algae bloom upstream of the drinking water intake that will be monitored closely should blue-green algae develop.

SPC 2013-07-18-4

By consensus, the TCC SPC received the staff reports and municipal working group minutes for information.

10. MOE SOURCE PROTECTION PLAN REVIEW – PROCESS AND TIMELINES

The first set of comments on the Trent and Ganaraska Source Protection Plans from the Ministry of the Environment were received by email on May 29 and in writing on June 6. There will be a second set of comments from MOE (possibly in August) which will address policies with other Ontario Ministries identified as Implementing Bodies, monitoring policies, funding requests, and issues associated with Region of Durham. An estimate of the timelines for finalizing the Source Protection Plans is as follows:

- | | |
|---|------------------------|
| • Receive 2 nd batch of MOE comments | August 2013 |
| • Staff Review | September 2013 |
| • SPC Review | September 2013 |
| • MWG Review | October 2013 |
| • Consultation | November/December 2013 |
| • SPC Policy Decisions | January 2014 |
| • Submit to SPA & MOE | February 2014 |

SPC 2013-07-18-5

By consensus, the TCC SPC agreed that the Committee would review MOE comments and draft associated changes prior to circulating to the Municipal Working Group for their review and feedback.

The extent of consultation on the changes to the policies will be determined by the Source Protection Authorities and will depend on the degree of policy change proposed. Consultation could include targeted consultation activities through meetings, letters or notices, and will also be coordinated in conjunction with any consultation activities required by regulations for the technical work underway.

Bill Cornfield suggested that, should targeted consultations take place, Committee members have an opportunity to participate in those consultation activities.

11. MOE COMMENTS AND POLICY REVISIONS

The comments received from MOE on the Source Protection Plans fall into four categories: policy change; implementing body change; policy rewording; and simple edits. The Committee reviewed the comments as follows:

Policy	MOE Comment	SPC Decision (in bold & underlined)
Expansion Policies	Policy G-2(1) allows for expansion of future threat activities through a prescribed instrument and leads the reader to interpret that expansions are subject to the future threat policies in the plan. However, Policy G-8(3) allows for expansion of both existing and future threat activities using a risk management plan. With the policies drafted as they are, in some cases it appears both the existing and future policies apply to an expansion activity. Revisions are needed to clarify the intent and potential contradictions among policies.	Yes, “expansion” can occur for both existing and future threats, as long as the future activity is not prohibited by the policies. “Resuming” an activity is addressed in Policy G-1(2). <u>Add a definition to clarify “expansion”.</u> <u>Expansion means an increase of the activity (land area, amount of discharge/effluent, quantity stored ...), occurring on the same parcel, for an activity already taking place.</u>
Policy G-3	Policy G-3 intends to “encourage” municipal land acquisition but the policy has a “must conform” legal effect. With the removal of ‘availability of funds and financial feasibility’ criteria from the policy text, the current policy wording does not provide the necessary level of flexibility to municipalities, as originally provided in the draft plan. The policy wording should be reconsidered and revised to be in alignment with the SPCs intent of “encouraging” by adding the affordability criterion in the policy text.	<u>Add an additional bullet (c):</u> To prevent the activity causing the threat, consider the purchase of properties located in the most vulnerable areas on an ongoing basis. Criteria for evaluating the feasibility of purchasing land can include, but are not limited to: a) The nature of any existing and potential future significant drinking water threats. b) The availability of the lands for purchase. c) <u>The availability of funds and financial feasibility.</u>
Policy G-7	Policy G-7 , as written, could have the effect of prohibiting very broad land uses, when the intent is to prohibit only the listed activities. Broad prohibition can have significant impacts on a community and the economy. To address this, the words “land uses” in line one should be replaced with “land use activities” and in item k) the words “Land uses that would facilitate” should be deleted and replaced with the word ‘specifically’ so that it reads: “Specifically, the following activities:” To assist with implementation of this policy, it would be helpful to add to the Explanatory Document (ED) the following to describe how the intended prohibition could be achieved: “The list of prohibited activities could be inserted in the updated municipal official plan as part of the screening criteria for review of new proposed development applications.”	<u>As suggested, replace “land uses” with “land use activities” as follows:</u> The following land use activities are not permitted where they would be a future significant drinking water threat, unless stated otherwise. <u>Combine the lists, with storage, handling, application, and management under one bullet.</u> <u>Add definition in the Glossary:</u> Land use activities listed here may be considered as <i>land uses</i> under the <i>Planning Act</i> .
Policy S-3(1)	Policy S-3(1) permits future sewage facilities only when: a) “The proposed activity is intended to replace an existing activity or activities and would result in a lower risk to the drinking water source; and b) The instrument for the proposed activity contains conditions that ensure that it does not become a significant drinking water threat.”	<u>Use three bullets, instead of two:</u> Future occurrences of the activity shall only be permitted when: a) The proposed activity is intended to replace an existing activity or activities; b) <u>The proposed activity would be more protective of drinking water;</u> and c) The instrument for the proposed activity

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	The use of the term “lower the risk” can be interpreted in a number of ways, and given how risk is categorised in the Act, it could mean that policy S-3(1) would never apply. We understand the intent is to allow a new sewage facility, which based on the table of drinking water threats would be a significant drinking water threat, if that new facility will have risk management measures in place that are more protective of drinking water. To avoid confusion over the term “lower the risk”, it would be more appropriate to say “would be more protective of drinking water”.	contains conditions that ensure that it does not become a significant drinking water threat.
Policy S-7	Policy S-7(2) addresses the future significant threat from wastewater collection facilities using a prescribed instrument. Policy S-7(1) requires municipal compliance with construction standards using land use planning to ensure the activity is not a significant threat. However, land use planning cannot be used as a means to stipulate or require construction standards of wastewater collection facilities. Also, construction standards are already considered and incorporated through prescribed instruments, which is the tool used in Policy S-7(2) . Therefore Policy S-7(1) should be removed.	No change to Policy S-7(1) <u>Add further details in Explanatory Document - use of a prescribed instrument leaves outlining required actions too late in the process. Policy S-1 is an attempt to red flag actions early in the process.</u>
Policy A-2	Policy A-2(1) is to review and amend existing Nutrient Management Plans (NMP) within three years while Policy A-2(3) requires MOE to prioritize the inspection of properties having NMP within one year . Since the prioritization of inspections would be coordinated with the review of NMPs, the ministry recommends that the policy text in (3) be amended to harmonize with the timing in A-2(1).	<u>Re-order Policies A-2(1), (3) and (5)</u> <u>Move A-2(3) to A-2(1):</u> Prioritize the review and inspection of all existing properties with Nutrient Management Plans or Strategies located in the Trent source protection areas within one year. <u>Implementing Bodies: add OMAFRA with MOE</u> <u>Move A-2(1) to A-2(3):</u> Review all existing Nutrient Management Plans or Strategies ... All amendments required by this policy must be carried out following the prioritization developed under A-2(1) and within three years from the date... <u>A-2(5):</u> Following the prioritization developed under A-2(1) and any implementation schedules set out within the amendments completed under A-2(3), within three years inspect properties with Nutrient Management Plans or Strategies for compliance with these documents.
Policy A-5	Policy A-5 , as written, would be problematic to implement since municipal powers do not extend to enforcing private sector certification. Presenting the policy as a part of the general Education/Outreach Policy G-5 to ‘promote the environmental benefits of the safe storage of pesticides and encourage businesses to obtain certification’ would be more feasible to implement while aligning with the policy	Change Policy A-5 to a requirement for a Risk Management Plan , implemented by the RMO , requiring certification from the Agrichemical Warehousing Standards Association. <u>The activity is designated for the purpose of</u>

	intent to have businesses embrace certification. While it may be the SPCs intent to promote AWSA's program, this could be presented as an option within the policy or the Explanatory Document as opposed to a mandatory program.	<u>section 58 of the Clean Water Act, 2006...</u> <u>The risk management plan required must, at a minimum, specify the requirement to have the pesticide storage certified by the Agrichemical Warehousing Standards Association, if the storage facility falls within their mandate.</u>
Policy R-2,3,4	Policy R-2 deals with MTO application of road salt where it is/could be a significant threat, and asks for an update of MTO's salt management plan and annual reporting to the SPA. For its road salt monitoring policies, MTO requested that the SPA contact MTO rather than MTO reporting to the SPA. This request was also communicated to the SPA/SPC during public consultation. It is MOE understanding that the SPA/SPC will be accommodating this change when it makes revisions to its plan. This revision is also applicable to policies R-3 and R-4 .	<u>No change to Policy R-2,3,4</u>
Policy R-6	Policy R-6 uses s. 57 and land use planning tools to prohibit handling and storage of road salt that could be a future significant threat. The policy rationale in the ED states the purpose is to address the threat posed from open storage of road salt, which aligns with the Table of Circumstances showing the threat activity is storage, and not the structure. Since land use planning (Site Plan Control) can only regulate the placement and not design of (open/covered) storage structures as part of the approval process, land use planning is not the appropriate tool to achieve the policy intent. As currently written, policy R-6(2) would result in the prohibition of all salt storage structures, including well-constructed, covered salt domes that are not a significant threat activity. Given the foregoing, policy R-6 (2) should be deleted.	<u>Keep Policy R-6(2) with rewording</u> Storage structures for road salt <u>that would be a future significant drinking water threat</u> are prohibited.
Policy N-1	Policy N-1 addresses <u>existing</u> NASM activities (application, handling and storage) that require a prescribed instrument (PI). Since only categories 2 & 3 NASM activities require a PI, the policy does not address existing category 1 NASM activities and therefore a policy is needed for these activities. An existing threat policy is required unless the committee is reasonably certain that Category 1 NASM is not an existing threat that is engaged in within the TCC region. If this is the case, a relevant statement as such should be included in the plan and/or Explanatory Document to explain this omission. Given the nature of Category 1 NASM, consideration of policy tools such as E&O may be reasonable to address this threat activity.	<u>Addition to the E&O Policy (G-5) applicability</u> NASM APPLICATION - Applicable Policies: N-1, N-2, N-3 <u>and G-5</u> NASM STORAGE - Applicable Policies: N-1, N-2 <u>and G-5</u>
Policy N-2	Policy N-2 prohibits all future NASM in vulnerable areas where it would be significant, both inside and <u>outside</u> of WHPA-A and IPZ-1 (with the exception of category-1). It is recommended that Policy N-2 be amended to permit future NASM category 2 & 3 outside of WHPA-A and IPZ-1 unless the SPA/SPC could provide a more robust rationale for prohibiting future NASM activities when ASM activities are	<u>Defer for further investigation and discussion</u>

	allowed given that the chemicals of concern (nitrogen, phosphorous and pathogen) are the same for <u>both</u> ASM and NASM, and thus have the same impact on drinking water sources. This could be done by changing the policy approach so that future NASM category 2 & 3 application, handling and storage is managed outside WHPA-A and IPZ-1 using a prescribed instrument.	
Policy N-3	Policy N-3 allows for <u>future</u> application of category 1 NASM subject to a RMP but is silent on handling and storage. Given that a policy is needed for every significant threat, especially threats that may occur in the future, a policy is needed to fully address the <u>future</u> handling and storage of category 1 NASM.	<u>Include handling & storage in Policy N-3</u> Applicable Activities: The application, <u>handling, and storage</u> of non-agricultural source material would be a future significant drinking water threat
Policy P-1, L-2 (GSPP)	Policy P-1 is a threat policy to address de-icing, and is directed at Transport Canada, the RMO, and municipality. The CWA requires monitoring policies related to significant threats to identify a public body as defined in section 2 of the CWA (this <u>excludes</u> federal bodies and private entities). Other committees have addressed this issue by rewording the monitoring policy to direct the responsibility to the SPA or CA, such as: “The SPA will communicate routinely with Transport Canada to get an update on implementation of the policy.” Accordingly, applicable changes to P-1(3) are needed. Similar consideration should be given to any monitoring policy associated with threat policies or drinking water issues that is directed at a federal body or private entity (applicable to monitoring policies L-2(2), (3) and (7) in the Ganaraska SPP).	<u>Change Implementing Body to Source Protection Authority for Policy P-1 and L-2</u> Policy P-1 <u>Request, and report on, information from Transport Canada</u> by February 1 each year where a future airport facility has been designed in the previous calendar year, to identify how the recommendations outlined in (2) were considered. Policy L-2 <u>Request, and report on, information from the Owner of the Pipeline</u> by February 1 each year....
Policy P-1	Another issue with this policy relates to naming the municipality as the implementing body in P-1(4); since the RMO is responsible for negotiating the RMP in P-1(1), it is logical that P-1(4) which refers to contents in the RMP, also name the RMO instead of the municipality.	<u>Change Implementing Body to RMO</u>
	<ol style="list-style-type: none"> 1) Wording in the SPP and the Explanatory Document refers to a “policy coming into effect when the plan is approved”; this should be changed in the SPP and ED to correctly read “when the plan comes into effect”. 2) Table 4.1: Policy Letter Codes includes abbreviations such as: S -Sewage; A-Agriculture; F-Fuel, etc. but the list is missing N -NASM and W-Waste; these should be added to Table 4.1 in the interest of consistency and clarity for the user. 3) Appendix 3- Applicable Legal Provision of Policies: G-7(1) should be moved from List G and added to List F because it is a monitoring policy. 	<u>Changes will be made as suggested.</u>

SPC 2013-07-18-6

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

12. LAKE ONTARIO INTAKES: FUEL AND WWTPs MODELLING

Mark Peacock provided details on the technical work being carried out for additional threat scenarios for the Lake Ontario intakes for Waste Water Treatment Plant disinfection failure and large fuel storage site spills. It is anticipated that the modelling will be completed by September. If a significant threat is identified, the Ganaraska Assessment Report will be updated, policies developed, Explanatory Document revised and consultations carried out.

Andrea Hicks provided an overview of minor changes required to existing policies within the Source Protection Plan as they relate to both scenarios as follows (changes in **bold & underlined**):

- a. Policies to Address SDWTs – Spill from Large Fuel Tanks - Storage and Handling of Fuel
 - Policy F-2: Risk Management Plan for fuel storage
 - Policy G-5: Education & Outreach for fuel storage and handling
 - Policy G-8: Monitoring
 - **Applicable Area: Expanded to include locations of the fuel tanks.**

SPC 2013-07-18-7

By consensus, the TCC SPC agreed to proceed with pre-consultation on the fuel policy options with the appropriate Implementing Bodies.

- b. Policies to Address SDWTs – Disinfection Failures at WWTP
 - Policy S-2: Review and Update PI for sewage works
 - **Applicable Area: Expanded to include locations of the WWTPs.**
 - Policy S-6: Ensure Emergency Response Plans for WW Collection Facilities
 - **S-6(2) (a) Updates or amendments to the plan, including provision to ensure potentially impacted water treatment plants are notified of a system failure**
 - **Applicable Activities: Sewage works as defined in section 1(1) of the Ontario Water Resources Act that are existing significant drinking water threats.**
 - **Applicable Area: Expanded to include locations of the WWTPs.**

SPC 2013-07-18-8

By consensus, the TCC SPC agreed to proceed with pre-consultation on the WWTP policy options with the appropriate Implementing Bodies.

13. & 14. IN CAMERA SESSIONS

SPC 2013-07-18-9

By consensus, the TCC SPC agreed to move into an in-camera session to discuss two items dealing with issues of confidentiality associated with a privately owned facility, and with identifiable individuals.

SPC 2013-07-18-10

By consensus, the TCC SPC agreed to move out of the in-camera session.

15. QUESTIONS/COMMENTS FROM THE PUBLIC

There were no questions.

16. OTHER BUSINESS

There was no other business.

17. NEXT MEETING

The next meeting will be scheduled at Chair's discretion.

18. ADJOURNMENT

Meeting adjourned at 3:42 PM.