



**Source Protection Committee
Wednesday, August 25th, 9:30 a.m. to 12:00 p.m.
Holmesville Community Centre, Holmesville**

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members; Keith Black, Matt Pearson, Karen Galbraith, Mike McElhone, Gerry Rupke, Jim Nelemans, Mert Schneider, Marilyn Miltenburg, Rowena Wallace, Ian Brebner, Al Hamilton, Gib Dow, Don Jones

LIAISONS PRESENT

Source Protection Authority Liaison, Jim Ginn, MOE Liaison, Tu Van Duong, Kettle and Stony Point First Nations Liaison, Bob Bresette, Health Liaison Bob Worsell

WITH REGRETS

SPC Members; Bill Rowat, John Vander Burgt

DWSP STAFF PRESENT

Cathie Brown, Project Manager; Jenna Bowen, Project Assistant/Recording Secretary; Tim Cumming, Communications Specialist

OTHERS PRESENT

Kate Monk, Doug Hocking

CALL TO ORDER

Larry Brown, Source Protection Committee Chair, called the meeting to order at 9:34a.m.

AGENDA

MOTION #SPC: 2010-08-01

Moved by Gerry Rupke
Seconded by Marilyn Miltenburg

That the agenda be approved.

Carried by Consensus.

MINUTES FROM JUNE 30th 2010

MOTION #SPC: 2010-08-02

Moved by Ian Brebner
Seconded by Jim Nelemans

That the SPC minutes from April 28th be approved as amended.

Carried by Consensus.

Amendments to the Minutes:

On page 3, the 4th sentence regarding the storage of natural gas the wording “chemical of concern” should be changed to “drinking water threat”.

In the MOE Liaison update, the planning regulation came into effect on July 1st not the 12th.

BUSINESS OUT OF THE MINUTES

Health Liaison, Bob Worsell provided an update on cluster systems. Staff at the Health Unit looked at samples from Hamlets that were taken from a database containing 20,858 samples collected from around the County between 2003 and 2010. The well samples were categorized as safe, maybe unsafe, and unsafe. The findings should be interpreted with caution since the database does not account for resamples and sample numbers are quite low for some of the Hamlets. However, it does give a sense of what water quality is like in these areas. For some of the Hamlets, the number of samples submitted over a seven year period is extremely low (e.g. Holmesville had only 23 samples). Overall, it seems that 80 to 90 % of private wells samples in Hamlets were found to be safe. The numbers also show that the results from the Hamlets are slightly higher than the County averages. The Committee discussed: the value of including regulated well systems into the data to improve sample numbers, nitrate values in well samples, and what the Health Unit protocol is when someone has an unsafe well result.

SPC Chair, Larry Brown informed the Committee that he had called Jack Powell as was instructed by the SPC at the June 2010 meeting. The chair explained the details of the Source Protection process and did not receive much feedback from Mr. Powell. Since the call, MOE liaison and chair have received email correspondence from Mr. Powell expressing further concerns with the DWSP program and the Assessment Reports.

MOE Liaison, Tu Van Duong provided a follow-up report on how many well systems met drinking water standards prior to the events that occurred in Walkerton, as per the Committees request. Prior to Walkerton, sampling did not occur with enough frequency to report annual statistics. Therefore, that kind of information is unavailable.

DECLARATION OF PECUNIARY INTEREST

None

PLANNING REGULATION PRESENTATION

MOE Liaison, Tu Van Duong gave a presentation on the new Source Protection Plan Regulation. The regulation describes contents and consultation requirements for the plan, and enables a range of approaches and tools to be used for policies. It is anticipated that SPC's will have policies completed by the end of next year with plans to be submitted in August 2012.

The *Clean Water Act* is clear about mandatory and optional policies. Mandatory policies are those that address: activities that are or would significant threats, monitor significant threats, and achieve Great Lakes Targets. It is not expected that any Great Lake Targets will be set for this round of planning. Every Plan will vary depending on the optional policies that they include.

The Regulation also allows for permissible discretionary policies (e.g. stewardship and pilot projects). If a policy direction is not specified in the regulation, it cannot be in a source protection plan. Therefore, MOE has made an attempt to address every possibility in the regulation. Discretionary policies allow SPC's to address drinking water systems not in the terms of reference such as private wells and cluster systems. Discretionary policies may also address data on climate change, spill prevention, transport pathways, or anything that will help understand source protection planning. The regulation stipulates that municipalities must notify their local SPA about the knowledge of any new transport pathways in WHPA's and IPZ's.

The Regulation does not regulate a process for policy development. MOE suggests that SPC's consider the pros and cons of various approaches, using local expertise, SPC knowledge, and the risk management catalogue. SPC's need to think about what the outcome of each policy should be and while keeping in mind the objectives of the source protection plans.

Planning tools range from soft (e.g. education and outreach) to restrictive (e.g. risk management plans and prohibition). Education and outreach is available to address all threats (mandatory and optional). Planning approaches include official plans, site plan controls, and zoning by-laws. A prescribed instrument (e.g. permits, certificates of approval) may be included provided that the threat and desired action is within the scope of the instrument authorities. The list of prescribed instruments available as a tool were discussed.

Action Item: *MOE Liaison is to follow up on what pesticide permits are and how to address deadstock.*

The CWA provided new powers that include: interim risk management plans (temporary between now and when plans are approved) and prohibition. These are called Part 4 Powers and are available to be used for any significant threat with a few exceptions. The exception applies to any threat that is already covered under the building code act. Landowners with prescribed instruments can be excused from Part 4 Powers if they produce provincial approval that the prescribed instrument meets the intent of the SPC policy. Using prohibition as a tool for moderate and low threats is not permissible.

In terms of consultation, the regulation stipulates that municipalities, chief of bands and individuals engaged in significant drinking water threats must be notified when committees begin preparation of plans. A draft of the plan should be posted on the internet with appropriate notice given and public meetings held for the public to comment. This process is modeled after the assessment report requirements. The SPC must develop an explanatory document that explains the rationale behind policy decisions. Once the plan is approved, annual progress reports must be submitted by the SPA. MOE is undertaking regional training sessions for SPC's about how policy development will be undertaken. These sessions will take place in October.

STEWARDSHIP PROGRAM PRESENTATION

ABCA Stewardship and Conservation Lands Supervisor, Kate Monk provided an update on the Drinking Water Stewardship Program. Kate is part of a committee of 5 people that oversee the delivery of the stewardship program in the ABMV region. Work on the early actions component of the stewardship project began in 2007. To date, the ABMV region has completed 58 projects worth \$175,000 and 180 projects are currently being undertaken. There is \$160,000 remaining of the early actions funding that is still unallocated. This funding needs to be committed by December 15th or the money will be returned to the Province. An interim report for the province that was recently released showed that the ABMV region ranked first for the number of stewardship projects completed. This shows that landowners in the region are being proactive in doing projects and staff are being proactive in getting the funding.

In 2011, stewardship funding will shift into an early response program, aimed at targeting significant threats. In the report provided to SPC members in their meeting materials, there is a list of recommendations from staff for where early response funding should be directed. The SPC needs to approve priorities for the program and the application must be submitted by September 30th.

The recommended best management practices for early response funding include:

- **Septic system inspections and upgrades.**
- **Upgrading and decommissioning of wells.**
- **Chemical and DNAPL storage. (Staff have been investigating some unique approaches to this kind of storage and are looking at providing shelving for residents dedicated to storing hazardous materials. This would be provided on a cost share basis).**
- **Agricultural stewardship.**
- **Fuel storage.**

The early actions funding cannot go towards projects that cost more than \$100,000. Special projects that cost over \$100,000 and land securement has to be applied for separately and is administered directly through MOE. Land securement is limited to 100 metres around a well and applications for this can be found online.

It is further recommended that stewardship funding also be directed towards community engagement by hosting some more open well events. For example, staff would meet with the owners of gas stations to let them know where the municipal well is located and what kinds of actions they can take to protect it. In order to roll out early response funding, staff will start by publicizing the program and providing applications. After the applications are reviewed, the applicant would complete the project and a review would be conducted, with the funding issued after the review.

The proposal is for 118 projects costing \$529,000, of which \$329,000 is being requested from the Province. This would cover 73% of project costs, the remainder of which could come from another source such as the Ontario Clean Water Program or other similar

projects. A total of \$396,000 has been requested for education, outreach and BMP's. The delivery costs have been estimated at \$81,950 based on a 2 year program.

MOTION #SPC: 2010-08-03

Moved by Marilyn Miltenburg
Seconded by Karen Galbraith

That the recommendations presented on the stewardship funding be adopted and approved. The SPC directs the stewardship staff to submit the funding application.

Carried by Consensus.

PLANNING GOALS & OBJECTIVES

Project Manager, Cathie Brown presented information on how the SPC can start to move towards a source protection plan. Staff are continuing to collect data through site visits and the information has already been collected which needs to be put into the database.

The first step in plan development is to consider what a plan would look like. The plan will start with an introduction containing an overall picture of what is to be achieved. Some of the information that could go into an introduction might go into the companion document called the explanatory document instead. The explanatory document is an attempt to divide the policy from some of the rationale behind the policy decisions.

There are a few different approaches for the layout of the plan. One is to describe policies by well head. The merits of this approach are that users of the plan could easily locate the information that pertains to a specific property. However, this could cause repeated information throughout the report if the policies chosen for residential threats at one well are exactly the same at another wellhead. Another option is to discuss policies by threat. All chairs and PM's are working together to test out ideas for a common framework.

One of the first steps the SPC will have to take is to consider policies around wells to determine what should be prohibited in the future. The Committee discussed what they would like the plan to look like and determined the following should characterize the plan:

- that it makes sense and is understandable,
- that it is in a language that everyone understands,
- that it is fair, affordable, scientifically supportable,
- that it is forward thinking, and consistent with an open process that has achievable results.

The SPC also determined the following goals for the plan:

- safe drinking water,
- a perception by the public that this is money well spent,
- and a confidence in drinking water.

The Project Manager shared results from Assessment Reports across the Province. The storage of DNAPLs came out as the number 1 significant drinking water threat identified in assessment reports. This result is not surprising since any quantity of DNAPL can be a threat. Therefore, many SP regions counted all the properties in the 5 year time of travel as a DNAPL threat. Septic systems came out as the next most common threat and the storage of fuel was next based on the oil heat in residential homes assumption. Waste storage was next based on the assumption that all businesses would have a dumpster in the WHPA-A. If most of the DNAPL threats are taken out due to relatively low quantities, it reduces the number of threats substantially.

In the ABMV region there are approximately 587 residential properties with significant threats as opposed to 30 agricultural properties, and 106 commercial properties. For residential properties, the highest number of significant threats are septic systems and oil fuel for heat. For commercial properties it is DNAPLs.

The SPC broke into groups and worked on an exercise to develop policies for certain threats in a sample well head protection area using the risk management catalogue.

CORRESPONDENCE AND DELEGATIONS

None

LIAISON UPDATES AND OTHER BUSINESS

MOE Liaison, Tu Van Duong informed the Committee that there is a new Minister of the Environment. His name is John Wilkinson, and he is the MPP for Perth Wellington. He is familiar with the Drinking Water Source Protection Program. It is hoped that the training for Source Protection Committees on source protection plans will take place in October. The dates for this training will be confirmed in the next few weeks.

Health Liaison, Bob Worsell informed the Committee that he had made a presentation to the Town of Goderich council about the septic maintenance program, and they are on board with it.

Kettle and Stoney Point Liaison Bob Bresette informed the Committee that Kettle Point is getting close to signing off on agreement with the Province. Council is amenable to the program.

SPC Member Keith Black informed the Committee that at a recent drainage meeting, a letter that was sent to Don Lobb from the SPC chair regarding the discussion of drainage in the Assessment Report was brought forward. The correspondence between staff and Mr. Lobb was explained to the Committee by staff.

Action Item: Staff should contact Mr. Lobb to confirm that his concerns have been addressed and report back to the Committee at the next SPC meeting.

AGENDA ITEMS FOR NEXT MEETING – September 29th, 2010

- Issues Presentation
- Conditions Presentation
- Update from Chair
- Planning Progress to Date

ADJOURNMENT

Chair Brown declared the meeting adjourned at 1:01 p.m.

Larry Brown
Chair

Jenna Bowen
Recording Secretary