



Source Protection Committee
Wednesday, April 25th, 2012
Holmesville Community Centre, Holmesville

Draft

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members; David Blaney, Karen Galbraith, Don Jones, Bill Rowat, Mike McElhone, Mert Schneider, Ian Brebner, Keith Black, John Vander Burgt, Al Hamilton, Marilyn Miltenburg, Matt Pearson, Gib Dow

LIAISONS PRESENT

MOE Liaison, Lisa Ross, Health Liaison Bob Worsell, Source Protection Authority Liaison, Jim Ginn

WITH REGRETS

SPC Members; Gerry Rupke, Rowena Wallace

DWSP STAFF PRESENT

Cathie Brown, Project Manager; Jenna Allain, Project Assistant/Recording Secretary; Mary Lynn MacDonald, Group Facilitator

CALL TO ORDER

Larry Brown, Source Protection Committee Chair, called the meeting to order at 9:32a.m.

AGENDA

MOTION #SPC: 2012-04-01

Moved by Karen Galbraith
Seconded by Don Jones

That the agenda be approved.

Carried by Consensus.

MINUTES FROM MARCH 28TH, 2012

MOTION #SPC: 2012-04-02

Moved by Marilyn Miltenburg
Seconded by David Blaney

That the SPC minutes from March 28th be approved.

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

A meeting schedule was included in SPC packages. Project Manager Cathie Brown reviewed the dates for upcoming SPC meetings, public consultation meetings, and other important dates.

DECLARATION OF PECUNIARY INTEREST

None

PRESENTATION ON BMP INITIATIVE IN AUBURN

Karen Redmond, President of the Auburn Horticulture Society gave a presentation on the Village of Auburn Environmental Stewardship Program. The village of Auburn has a long history of community activism through volunteer groups. Examples of this include the Auburn playground committee obtaining funds to replace community equipment, and the horticultural society holding a summer garden tour. The purpose of the Environmental Stewardship Program was to educate residents in a village setting on environmental issues. Benefits of the program included signs for each participant to promote the project, partial funding for the purchase of native trees, native wildflowers, and rain barrels. Twenty residents attended the workshop on the first day to review the landowner stewardship guide. Details about stewardship funding through the Huron Clean Water Program and the Ontario Drinking Water Stewardship Program (ODWSP) were discussed with workshop participants. For the second day of the workshop participants continued with the completion of the stewardship guide workbook with and applications for Huron Clean Water Program or ODWSP. By the end of the workshop, 10 participants had ordered rain barrels, a total of 33 trees were planted around the community through ABCA, and 20 native shrubs were planted. Nine inquiries related to potential ODWSP funding or requests for information were received.

REVIEW OF MARCH POLICY CHANGES

Project Assistant, Jenna Allain reviewed the changes made to the plan based on the direction from the SPC at the March meeting. SPC members were provided with a list of policy changes that were made, as well as a revised plan that highlighted all changes.

At the March meeting the SPC requested that staff research information on fuel tank inspections and report back to the SPC. Group Facilitator, Mary Lynn MacDonald presented this information to the Committee. Project Manager, Cathie Brown guided policy discussion and presented various policy options including writing a policy directed at TSSA or MCS, or adding provisions into RMP policies. The SPC agreed that RMP policies for fuel storage should be amended to add that it is expected that the RMP be based on current codes, regulations and guidelines. Commercial fuel outlet RMP's should reflect current Ontario regulations such as, but not limited to the list provided in SPC meeting materials. For residential properties, the RMP should ensure that the landowner meets the Fuel Oil Code.

PRE-CONSULTATION FEEDBACK REVIEW

The Project Assistant reviewed pre-consultation feedback starting with Comment 106 from the previous month's materials.

Report #11: Use of Section 59

Comment #106 and 107 MOE indicates that if a general Section 59 policy is used, it needs to list all the threat activities it applies to. Examples of Section 59 policies from other SPR's were reviewed. It was recommended that the language of 7.1.2 remain with the addition of reference to zoning by laws as well as official plans. Section 59 is used as an administrative flag. The SPC agreed with recommendations.

Report #12: Section 9.0 of Draft Plan

Cathie presented report #12. In response to MOE comments #115, 116, 118 and 119, staff recommended changing Section 9.0 to more clearly identify sections of the CWA. This will provide clarity on what is actually stipulated in the CWA. The SPC agreed. The MOE Liaison commented that all policies must identify the implementing body. Some subsections of 9.0 do not stipulate these things. The SPC agreed to add the language “mutually agreed upon mediator” to Section 9.1.2. For 9.2 and 9.3, the SPC agreed to add that the municipality must inform landowners.

Comments #108 – 114, 117 and 120 – 125 from MOE

The Project Assistant reviewed all remaining comments from MOE. Staff recommended the following in response to these comments.

- Changing the title of Section 8.0 to “Plan Administration Policies” for clarity that this is a policy section.
- No action for comment #109 since Section 7.2.4 and 7.2.5 provide effective dates.
- Amend MOE monitoring policy (Section 8.2) to allow for more flexibility.
- Change the word “prescribed” to “established” in regards to the standard monitoring form referred to in Sections 8.3 and 8.4.
- Sections 8.5 and 8.6 refer to CWA quotes and they are established as a policy with the intent to clarify for plan users what is required. Staff recommended this section should remain without change.
- References to Section 70 to 77 of the CWA be added to Section 9.0
- Delete Section 9.9.2 and add references to Sections 91 and 106 of the CWA into Section 9.9.3.
- Prescribed instrument policies addressing pending threats should delete any reference to future threats from them.
- Add sewage treatment facilities that discharge to land to bullet (d) of policies C.4.3, C.4.5.
- Correct typo in Policy C.4.4.
- Change “require” to “ensure” in policies C.4.5 and C.4.6.
- C.6.1 (sewage policy) should include the word “pond” to cover all circumstances for mind tailings.

The SPC agreed with all recommended changes.

Report #13: Definitions of Existing, Future and Pending

Report #13 was discussed by the Project Manager. Perth County recommended adding a clause to the definition of existing to clarify that the RMO will identify what is an existing threat. The SPC agreed with recommendation.

Comments from Perth County

Comment #127: The plan has been amended to provide definitions of Above Grade and Below Grade. Perth County suggested that a definition for Grade be included in the plan. Staff recommended keeping both above and below grade definitions but tying the definitions to the *Building Code Act*. The SPC agreed.

The County made a comment (#129) regarding the enforceability of policies R.1.2, A.1.2, and C.1.2 requiring landowners connect to existing sewer lines as a specify action policy. They also asked for a definition of a designed by-pass (Comment #130). The *Municipal Act* provides powers for municipalities to enact policies R.1.2, A.1.2 and C.1.2. It was recommended that staff inform the County about the enforceability of these policies and provide a definition of a designed bypass. The SPC Agreed.

Comment #131 from the County questioned whether homeowners with six gallons of paint would be captured by policies R.6.2, A.6.2, C.6.2. These policies require RMP's to manage DNAPLs threats. Currently the policies include the provision that RMP's are required only where DNAPLs are stored in excess of 25 litres. This was added in order to eliminate most residential use of DNAPLs. No change to policies were recommended. The SPC agreed.

Comment #134 suggests that policies R.1.3 and A.1.3 will be difficult to enforce. These policies call for new or replacement septic systems to be placed as far from the well head as possible. It is intended that the approval body for this system will exercise best judgment to implement this. Staff recommended the wording be changed to "as far as practically possible from the wellhead" to provide more flexibility. The SPC agreed.

Comment #135 questions what the municipality's role will be in education and outreach. Appendix C adds details to the education expectations. It was recommended that staff will work with the municipality to explain this. The SPC agreed.

Comment #138 expresses concern about the effort required to implement planning policies and suggests working groups be developed to undertake consistent approaches to by-law amendments and mapping overlays. It was recommended that this be part of the implementation work rather than a policy. The SPC agreed.

All other comments from Perth County were issues discussed at the March SPC meeting and no further action was required.

Comments from Morris-Turnberry

Clarification will be provided to Morris-Turnbury about the location of the airport outside the plan policy area (Comment #141). As well, the livestock density maps (Comment #142) will be re-sent to the municipality (or directions for downloading maps from the website). The intent of the signage policy (Comment #147) will also be discussed with the municipality. The SPC agreed with these directions.

Comment # 143 notes that certain maps apply to more than one municipality. Staff recommended that a reference to cross-border mapping be added to Section 5.0. The SPC agreed.

Comment #144 and 145 expresses concern about their capacity to implement policies and the timelines being too tight for planning amendments. Since the SPC chose to change many of the planning policies to Section 57 policies, the timelines should be more manageable. It is recommended that staff work with municipalities as implementation unfolds. The SPC agreed.

Comment # 150 suggests a list of acronyms be included in the plan for information purposes. The SPC agreed. Morris Turnbury supports user friendly education, and

suggests a video or power point be developed for use on municipal websites. The suggested video has been developed and will be posted on You Tube once the Draft Source Protection Plan has been passed for public consultation. It will be posted on the SPC member-only website in the meantime.

Comments from the Salt Institute

Comments # 152 and 153 from the Salt Institute supported the policies generally but indicated that they did not support the prohibition of salt storage of amounts over five thousand\ tonnes. This plan calls for RMP's for all future and existing salt storage threats, so no action was recommended. As well, the Salt Institutes' ideas on salt education are already part of the plan, and therefore, no action was required. The SPC agreed.

Comments from Central Huron

Central Huron questioned why incentives policies were not used. The SPC did not want to increase municipal costs of implementation but encourages voluntary incentives. Staff recommended this information be provided to the municipality. The SPC agreed.

Comment # 155: Some words used in the plan are technical but not in the definitions (HVA, SGRA, Organic Solvent, Emergency Response Plan, WHPA, DNAPL). Staff recommended including these in the definition section. The SPC agreed.

Comment #156 suggested mapping improvements. Staff recommended these changes be made. The SPC agreed.

Comment #157 indicated that the policy numbering is confusing. An explanation of the numbering code is recommended. The SPC agreed.

Clarification about policy R.1.1 was made and addresses Central Huron's concerns in comment #158. No further change was recommended and the SPC agreed. The same applies to policy R.1.2 regarding tertiary systems (Comment #159).

Comment #160 questioned the ramifications of Policy R.2.1 if no gas is available. For residential fuel oil heat, if there is no natural gas, above ground fuel is still possible. No action was recommended and the SPC agreed. Other concerns raised by Central Huron were addressed during the March SPC meeting and no further action was required.

Comments from Transport Canada

Transport Canada assures the SPC that it is a good steward and provided their guidelines on deicing (glycol) management. No policy action was required.

Comments from the Town of Minto

Additional comments were received from the Town of Minto. They request that cross-border policy issues be resolved by applying just the ABMV SP Plan to the entire municipality. Staff recommended this comment be forwarded to the Saugeen, Grey Sauble, Northern Bruce Peninsula Region and the Minister's office. The SPC agreed.

Comment #168 suggested using bullet points rather than letters in the definitions. The SPC agreed.

Implementing bodies must be specifically identified in the plan. Minto would like these to be more general (Comment #169) but this would not meet the test of a complete policy. The SPC directs no changes be made.

In comment # 170, Minto suggests removing references to the purpose of education and outreach from the policies since this is information rather than policy. Likewise they would remove details from Policies A.3.3 and A.3.4 (Comment # 178). The SPC directs that the language remain so that there is greater clarity to the policies.

In comment #171 Minto indicates that they do not want policies which may limit development (R.4.1, R.4.2). The SPC directs that the policies remain as they have been amended based on other pre-consultation feedback.

Minto suggests that hazardous waste education policies are redundant (Comment # 172). While Wellington County may have programs for hazardous waste, the policies apply to a broader area. The SPC directs that no changes be made to the policy.

The SPC directs that Policies A.1.2 (Comment #173) and A.1.3 (Comment #174) will remain as stated.

Connections to the sewer line A.1.4 was a concern to Minto (Comment # 175) as they felt there may not be sufficient capacity. The SPC directs that human waste should be treated. The policy should be changed to indicate that residential septic systems should be connected.

Comment # 177: Staff will advise Minto that the policies apply to land only where the vulnerability score is 10. Thus an outdoor confinement area outside the 10 is not subject to the policy.

Comments #176, 179 and 180 relate to concerns about using land use planning to address certain activities. In all cases, the SPC had previously chosen to switch to Section 57 to prohibit these activities. No further action was required.

Additional Policy Discussion by the SPC

The MOE Liaison provided additional clarification on the definition of “existing”. The SPC directed staff to delete “legal or not” and replace with “legal non-conforming”. As well, the definition should include seasonal activities. The MOE Liaison recommended referring to Oxford County definitions.

Any further pre-consultation comments will be dealt with during the next public consultation phase. Any additional comments must be received before May 16th to be included for discussion at the next SPC meeting. All due diligence to collect comments from every implementing body has been taken.

EXPLANATORY DOCUMENT

The Project Assistant reviewed the contents of the explanatory document. The contents of the document are defined by regulation. It is rationale for each of the policies in the plan, as well as how pre-consultation and public consultation comments have impacted policy decisions. The document will be amended in keeping with the decisions made today. It is organized by threat and cross references the land use based policies.

The rationale for tertiary system policies was discussed. The language has been softened from the original policies. No additional comments were added.

Outdoor Confinement and grazing policies require RMP's were also discussed. Some pre-consultation commenter's requested the use of prescribed instruments instead. The rationale adequately reflects the SPC justification for leaving the policies as they were, since the RMP covers more operations than the PI. For these policies, the SPC directed staff to include information in the rationale behind the use of "enhanced inspections".

The monitoring reports requested of MOE for landfills in HVA's and SGRA's are "have regard for" policies. The rationale behind this policy was satisfactory to the SPC.

The SPC requested the definition of Liquid Industrial Waste be included in the plan. Staff will add this into the definitions section.

The SPC confirm that the rationale as stated in the Explanatory Document is a correct reflection of their thinking. Additional information can be posted on the website to help the public, although it does not constitute part of this document.

The SPC had a brief discussion about heat pumps. Chair Brown said that they are sealed better than many water wells, and indicated that they are not nearly the threat they used to be. They use the same pipes as those used for natural gas. In March, the SPC chose to not include a transport pathway policy. Since transport pathways are not a significant threat, the SPC can only write soft policies which would have no legal effect. The SPC agreed to leave a policy addressing transport pathways out of the plan.

CORRESPONDENCE AND DELEGATIONS

Two articles on water pricing were provided to committee members for their information.

MOTION #SPC: 2012-04-03

Moved by Ian Brebner

Seconded by Don Jones

That the correspondence items be received, noted and filed.

Carried by Consensus

LIAISON UPDATES AND OTHER BUSINESS

MOE Liaison confirmed that the chairs met with the Minister and confirmed that the provincial budget was approved.

Chair Brown informed the SPC they he and the other 18 chairs met with minister for over an hour. The only topic was funding. The Minister is very interested in the next phase of source protection and talked a lot about the Great Lakes Protection Act which will be implemented on a watershed basis and be a lot like source protection. The Minister indicated that there would be funding into the future for source protection. Chair Brown's suggestion was to put a surcharge on water taking permits across the province so that everyone pays equally for source protection and great lakes protection. The MOE and source protection staff are currently working to determine what those costs will be. Chair Brown also indicated that the ABMV Region is now lagging behind most other committees who have now posted their plans for public consultation.

Project Manager Cathie Brown indicated that Kettle Point First Nation has completed work with ABMV Region which will be included in the Thames Sydenham Region Assessment Report. No significant threats were identified. They have their own environmental committee who are considering putting policies in place to address moderate and low threats. There is a first nation committee that has been put together to consider source protection.

AGENDA ITEMS FOR NEXT MEETING – MAY 16TH, 2012

- Draft SPP for approval for public consultation on May 16th.

ADJOURNMENT

Chair Brown adjourned the meeting at 2:31 p.m.

Larry Brown
Chair

Jenna Allain
Recording Secretary