



Source Protection Committee
Wednesday, February 29th, 2012
Holmesville Community Centre, Holmesville

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members; Gerry Rupke, Mert Schneider, Ian Brebner, Don Jones, Keith Black, John Vander Burgt, Al Hamilton, Marilyn Miltenburg, Matt Pearson, Rowena Wallace

LIAISONS PRESENT

MOE Liaison, Lisa Ross

WITH REGRETS

SPC Members; Karen Galbraith, Gib Dow, Mike McElhone, Bill Rowat, David Blaney, Source Protection Authority Liaison, Jim Ginn, Health Liaison Bob Worsell

DWSP STAFF PRESENT

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

CALL TO ORDER

Larry Brown, Source Protection Committee Chair, called the meeting to order at 9:30a.m.

AGENDA

MOTION #SPC: 2012-02-01

Moved by RowenaWallace
Seconded by Gerry Rupke

That the agenda be approved.

Carried by Consensus.

MINUTES FROM NOVEMBER 30TH, 2011

MOTION #SPC: 2012-01-02

Moved by Marilyn Miltenburg
Seconded by Don Jones

That the SPC minutes from November 30th be approved.

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

None

APPOINTMENT OF 2012 ACTING CHAIR

Chair Brown called for nominations for the 2012 Acting Chair of the Source Protection Committee. One nomination was made for Matt Pearson.

MOTION #SPC: 2012-01-03

Moved by Marilyn Miltenburg

Seconded by Gerry Rupke

That Matt Pearson be appointed acting chair by acclimation for 2012.

Carried by Consensus.

DECLARATION OF PECUNIARY INTEREST

None

PRECONSULTATION FEEDBACK

Jenna Allain, Project Assistant provided an overview of the pre-consultation comments received by provincial ministries and other interested parties. A copy of all letters received as well as a table summarizing each comment was included in SPC meeting materials.

Comments by MOE

1. MOE requested as much information about existing prescribed instruments as possible. At this point no landowners have come forward with information about prescribed instruments. Staff will work with MOE to provide this information as it becomes available.
2. MOE requested compliance dates be changed to three years or other date to be determined by the Director, rather than the 1 year currently stated in draft policies. MOE Liaison Lisa Ross explained the rationale from MOE about compliance dates. The SPC agreed to change the date to 3 years, but not another date determined by the Director.
3. MOE requested that land use planning policies be used to complement any policies using prescribed instruments to prohibit future activities. Staff feel this has already been done and will confirm this with MOE. MOE Liaison explained MOE's review process did not include review of all draft policies.
4. MOE requested that policies be changed to directly prohibit the activity rather than prohibiting the issuing of a prescribed instrument. SPC agreed to change wording to match MOE's request.
5. MOE suggested that additional provisions be added to all policies requiring tertiary systems under the Building Code that include a protocol for minimum servicing, maintenance, sampling, as well as an inspection program. The SPC had a lengthy discussion regarding the costs and benefits of tertiary systems. Ultimately the Committee decided to leave the policy as is.
6. MOE requested that flexibility be provided for septic systems regulated by MOE rather than requiring tertiary systems. Since this is a "have regard to" policy, the SPC chose to change the policy wording from "require" to "recommend" as suggested by MOE.
7. MOE's final comment was in regards to the steps they would be taking to ensure activities which require prescribed instruments will be managed such that they do not become a significant threat. No action by the SPC was necessary.

Comments from the Ministry of Consumer Services (MCS)

MCS is the regulating body for TSSA. They had no comments on the draft policies since they are not identified as an implementing body and encouraged the SPC to consider any comments made by TSSA. The SPC had a lengthy discussion about the role of TSSA and whether or not a fuel policy should be written regarding tank inspections that would be directed at MCS or at TSSA. The SPC directed staff to research other Regions fuel policies naming TSSA as the implementing body and put together a policy for discussion at the next SPC meeting.

Comments from the Canadian Fertilizer Institute (CFI)

The Canadian Fertilizer Institute outlined various codes of practice and best management practices for agri-retailers, farms and residential areas and indicated that they would be willing to form partnerships where possible to develop education and outreach materials. CFI is a self-regulating body. No SPC action was required.

Comments from the Ministry of Transportation (MTO)

MTO suggested wording changes to the road signage policy so that the wording would be consistent across the province. The policy wording suggested by MTO removes the three year timeframe of the original policy. The SPC agreed to make the wording changes as recommended but leave in the timeframe as originally stated.

Comments from Ontario Good Roads Association (OGRA)

OGRA recommends changing the wording of salt policy C.8.1 for private landowners to become “Smart About Salt” certified and municipally owned lands to develop risk/salt management plans. The SPC agreed to leave the policy as is but add in that risk management plans could be based on programs such as the “Smart About Salt” program. OGRA also recommended removing policy C.8.2. The SPC decided to leave the policy as is but include reference to the “Smart About Salt” program as in C.8.2. The third comment OGRA made was to change the salt monitoring policy to make the report that municipalities must annually submit to the SPA be compatible with the Environmental Code of Practice report municipalities submit by June 30th of each year. The SPC agreed to keep the current wording but ensure that the prescribed monitoring forms for municipalities reference the ECP report.

Comments from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

1. OMAFRA supports prohibition of agricultural activities in WHPA-A, but recommends that livestock grazing and pasturing be managed in WHPA-A where there is < 1 NU/acre and where the soil depth is > 30 cm. The SPC agreed to leave the policy as is, based on the same rationale as when the policy was first developed.
2. OMAFRA does not support prohibition of activities outside of WHPA-A. The SPC agreed to leave the policies as they are based on the same rationale as when the policies were first developed.
3. OMAFRA recommends that prescribed instruments be used rather than RMP's for farms phased in under the Nutrient Management Act. The SPC agreed to

- indicate in the policies that the RMO will accept a PI such as a Nutrient Management Strategy or Plan to form the basis of the RMP.
4. OMAFRA supports education and outreach policies and offered assistance in the development of those programs. No SPC action was required.

Comments from the Ministry of Municipal Affairs and Housing (MMAH)

1. MMAH requested that reference to Section 40 of the Clean Water Act be moved the front of the plan. The SPC agreed to put a reference to Section 40 in the section titled “Basis of the Plan” at the beginning of the document.
2. MMAH expresses the concern over using Planning Act tools to regulate activities and the ability for municipalities to adequately amend planning documents to conform with the policy requirements. DWSP Staff had a meeting with County planners from Bruce, Wellington, Huron and Perth counties to discuss land use planning policies. The suggestion from that meeting was to switch and use Section 57 prohibition to prohibit future threats that are currently being prohibited using land use planning. Project Manager, Cathie Brown reviewed some of the discussion from the planning meeting. The SPC had a lengthy discussion about these ideas, and the implementation and enforcement of the prohibition policies. The SPC agreed to wait to hear back from all municipalities before making a decision about switching land use planning policies to Section 57 prohibitions.
3. MMAH expresses concern over the financial implications of the policies on municipalities and recommends some guidance be provided in the plan. Jenna Allain indicated that the explanatory document will address financial implications of the policies. SPC Chair, Larry Brown discussed the model developed by DWSP staff at the request of municipalities for the cost of providing RMO services. The model is based on a joint RMO for both SPA’s housed at the Ausable Bayfield Conservation Authority. Based on the significant threats (approx. 600 properties) and number of water users jointly pooled (approx. 12,000 municipal water billing customers) it would cost approximately \$1 per month per user for RMO services. Adding in the costs of delivering education and outreach as well, the total cost would be less than \$2 per month per user. The total cost, including overhead, to operate the RMO office is estimated at \$150,000 for 1.5 RMO’s. Intensive education for all significant threats would be under \$100,000 and the general education in HVA’s and SGRA’s would be \$25,000 (for the first 3 years). The SPC had a lengthy discussion about the costing model and how it would be paid for by municipalities.
4. MMAH suggests that the SPC soften the language to state that setbacks of septic systems from municipal wells is “encouraged” rather than “required”. Since the setback policies are significant threat policies they are mandatory and the SCP agreed to leave the wording as is.

MOTION #SPC: 2012-01-04

Moved by Matt Pearson

Seconded by Don Jones

That the SPC accept these recommendations and direct staff to proceed with changes as discussed.

Carried by Consensus.

PUBLIC CONSULTATION PREPARATION

Project Manager, Cathie Brown reviewed a document comparing the policy suggestions from the working groups with the draft source protection plan policies. All policy suggestions from the working groups have been addressed except for three. One had to do with deadstock which is not a prescribed threat. The second had to do with natural gas which is also not a prescribed threat. The third was a policy suggestion to address sewer bypasses. Since sewer bypasses do not occur in WHPA's, they cannot be addressed by significant threat policies.

Project Manager Brown provided a presentation on the steps towards public consultation of the proposed SPP. Municipal and Conservation Authority pre-consultation comments are due by March 14th. The SPC will need to give staff direction on all outstanding comments at the March SPC meeting. Once the SPC approves a revised version of the draft plan (likely at the April SPC meeting), it will need to be made available for public inspection, and notification will be sent to municipalities, first nations and affected persons. Notices of this public opportunity to view the plan will be published online and in all local newspapers. One public meeting will be held in each SPA, 21 days after the notice is published. Public comments will be received up to 35 days after notice publication. The SPC will then need to consider all public comments and direct staff on any further changes to the plan. Once that revised version of the plan is approved it will sit with the Source Protection Authority for an additional 30 days of public comment. Any comments received during that time get attached to the plan for submission. Since the plan is due to the Minister on August 20th, it will be couriered out by August 16th.

Two different timelines are proposed for moving through public consultation. The first option has public consultation taking place in May, and the May SPC meeting would proceed as normal. The other option has the consultation period beginning in late May with all of the public meetings held in June. This option would require the May and June SPC meeting dates to be moved. The first option will be possible if the draft proposed plan is passed in April as planned. If comments are delayed, or the SPC is not ready to pass the plan at the April meeting, the second option will be necessary. The April meeting would take place as usual no matter what option is chosen. The following Wednesday the notice would go to the papers. If the plan is not approved in April, the SPC would have an additional mid-May meeting. In addition to the two public meetings, a web-based teleconference is also planned as well as a delegation meeting that would be combined with a regularly scheduled SPC meeting. SPC participation at the public meetings would be appreciated.

Clarification was provided on how comments get submitted and the process for comment submission prior to plan approval. The proposed plan sits with the SPA for 30 days, during which time any person, organization or municipality can submit further comments which will be attached to the plan and submitted to the Minister. Both timeframes make it possible for the Plan to be submitted to the Minister by August 20th.

MOE DATABASE DEMONSTRATION

Project Assistant, Jenna Allain and GIS Specialist, Aaron Clark gave a demonstration of the MOE policy database. Read-only access to the database has been provided to SPC members to review and compare policies from around the Province. The demonstration identified how to login, search for policies by threat, vulnerable area or source protection area, and how to look up specific policy details. SPC members were encouraged to use the database and contact staff if they had any questions.

CORRESPONDENCE AND DELEGATIONS

Three items of correspondence were included in SPC meeting materials. The first was a package of letters sent from various Chairs of other Source Protection Committees to Mary Ann Covelli, the new director at MOE's Source Protection Programs Branch regarding funding for implementation. The second letter was a response from Mary Ann Covelli to Max Christie, Chair of the Quinte SPC. The third item of correspondence was another letter from the Director to all SPC Chairs and Project Managers regarding a draft checklist for the source protection plans.

MOTION #SPC: 2012-01-05

Moved by Gerry Rupke
Seconded by Ian Brebner
Carried by Consensus.

That all items of correspondence be received, noted and filed.

LIAISON UPDATES AND OTHER BUSINESS

None.

AGENDA ITEMS FOR NEXT MEETING – MARCH 28TH, 2012

- Municipal and Conservation Authority feedback from pre-consultation.

ADJOURNMENT

Chair Brown adjourned the meeting at 1:57 p.m.

Larry Brown
Chair

Jenna Allain
Recording Secretary