



**Source Protection Committee**  
**Wednesday, March 28<sup>th</sup>, 2012**  
**Holmesville Community Centre, Holmesville**

**MEMBERS PRESENT**

SPC Chair Larry Brown; SPC Members; Gerry Rupke, David Blaney, Mike McElhone, Mert Schneider, Ian Brebner, Gib Dow, Keith Black, John Vander Burgt, Al Hamilton, Marilyn Miltenburg, Matt Pearson,

**LIAISONS PRESENT**

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

**WITH REGRETS**

SPC Members; Karen Galbraith, Don Jones, Bill Rowat, Rowena Wallace

**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 9:28a.m.

**AGENDA**

**MOTION #SPC: 2012-03-01**

Moved by Ian Brebner  
Seconded by Gerry Rupke  
**That the agenda be approved.**  
Carried by Consensus.

**MINUTES FROM FEBRUARY 29<sup>TH</sup>, 2012**

**MOTION #SPC: 2012-03-02**

Moved by Gerry Rupke  
Seconded by Marilyn Miltenburg  
**That the SPC minutes from February 29<sup>th</sup> be approved.**  
Carried by Consensus.

**BUSINESS OUT OF THE MINUTES**

None

**DECLARATION OF PECUNIARY INTEREST**

None

## **REVIEW OF FEBRUARY POLICY CHANGES**

The Project Assistant reviewed the changes to the draft plan as directed by the SPC at the last meeting (see Report 6A). These amendments were a result of comments from the various provincial ministries and some non-implementing organizations that have an interest in the program. The committee recommended that the risk management plan policies for agricultural threats be reworded to say that Nutrient Management Plans/Strategies “are expected to form” the basis of the RMP rather than “they may form” the basis of the RMP. Additionally, the SPC requested that the RMP policy for salt storage and application be changed to say that “the RMP is expected to be based on existing programs such as ‘Smart About Salt’ for commercial properties and ‘Synthesis of Best Management Practices’ for municipal properties”.

The remaining changes were more complex and required further discussion by the SPC. In some cases additional feedback from municipalities was received on these topics. Staff prepared a report on each topic for SPC review.

### **Report #1: Section 57 Prohibition vs. Land Use Planning**

The Project Manager presented Report #1 to the SPC. Feedback was received from several municipalities, MOE and MMAH suggesting that land use planning was a difficult way to enforce future prohibitions for many threat activities. They requested that the vast majority of policies relying on land use planning to prohibit future threats be changed to Section 57 Prohibitions. One of the issues raised was the difficulty in monitoring through land use planning which could be done more easily through a RMO. Another issue is the risk of appeals under the *Planning Act* through the OMB which can be lengthy and expensive. It was indicated by the MOE Liaison that prohibition in an area through Section 57 does not have an appeal process. What can be appealed is the science of the Assessment Report. The SPC had a lengthy discussion about the appeal process for both Section 57 Prohibitions and land use planning. The Project Manager reviewed which policies would change and how the new policy wording would read.

**MOTION #SPC: 2012-03-03**

Moved by Mike McElhone

Seconded by Gerry Rupke

**That the recommendations in Report #1 be adopted.**

Carried by Consensus.

### **Report #2: Prescribed Instruments**

Project Manager, Cathie Brown presented Report #2 on Prescribed Instruments. County planners have suggested that future waste disposal and sewage threats should be prohibited through Prescribed Instruments instead of land use planning. MOE has recommended that these threats be prohibited without specifying the tool in the policy text. Then, in Appendix B these policies could be listed as both land use planning and prescribed instrument policies. Staff recommend changing future land use planning policies to prescribed instrument policies by directly prohibiting the threat and then

listing it in Appendix B as a prescribed instrument policy. It is also recommended that the word “future” be removed from all pending prescribed instrument policies. With respect to the pending waste disposal policy C.5.6, it is recommended that staff request information from MOE on the status of any pending applications that could be impacted by this policy.

**MOTION #SPC: 2012-03-04**

Moved by Marilyn Miltenburg

Seconded by Mert Schneider

**That the recommendations in Report #2 be adopted.**

Carried by Consensus.

### **Report #3: TSSA Fuel Policy**

At the February SPC meeting, the Committee directed staff to develop a fuel policy directed at TSSA. Report #3 provides a recommendation to include a policy directed at MCS instead of TSSA since MCS has the authority for the TSSA. The Project Manager reviewed similar policies from other SPR's. The SPC had a lengthy discussion and then directed staff to find out what inspections of fuel tanks occur, who does them, and how often do they occur.

### **Report #4: MTO Road Signage Policy**

The Project Assistant reviewed the new wording for the road signage policy O.11.6 as recommended in a new letter to the SPC dated February 29<sup>th</sup>, 2012. The new recommended wording contains a two year timeframe for implementation. The wording also includes reference to an overall education and outreach plan that is a broad plan being undertaken by the Province. MTO will design and produce signs and install them on provincial roads. Municipalities would be required to purchase these signs, install them and maintain them on county and local roads. However, this is a have regard to policy only for municipalities.

**MOTION #SPC: 2012-03-05**

Moved by Ian Brebner

Seconded by Marilyn Miltenburg

**That the new policy wording recommended by MTO be accepted.**

Carried By Consensus.

### **PRECONSULTATION FEEDBACK**

Project Assistant Jenna Allain presented the pre-consultation comments received from municipalities and conservation authorities. SPC members were provided with a copy of all letters received (Item 7A) and a table summarizing each comment with a staff recommendation.

### **Comments #25**

The county planners recommended adding definitions for: fuel, above grade, land farming and outdoor confinement areas to the definitions section of the plan. The SPC

agreed to add the definitions and requested that they be brought forward at the April meeting for SPC consideration.

**Report #5: Education and Outreach Policies**

Feedback on education and outreach policies was received from ABCA, MVCA, Wellington County, and Bruce County. Concerns were raised about partnerships between municipalities and CA's, the delivery and development of E&O by the lead SPA rather than both SPA's, and cross-border issues for municipalities that fall into two different regions. Additionally, Wellington County would prefer education and outreach to risk management plans for the management of residential home heating oil. The policies as written foster collaboration between municipalities and conservation authorities, they are designed to build on existing expertise and capacity, minimize confusion for municipalities sited in more than one SPA, and minimize cost while maximizing effectiveness. Staff recommend leaving E&O policies as they are and keeping RMP's for residential heating oil.

**MOTION #SPC: 2012-03-05**

Moved by Marilyn Miltenburg

Seconded by Gerry Rupke

**That the recommendations from Report #5 be adopted.**

Carried By Consensus.

**Report #6: Legal Effect of Source Protection Policies**

Comments were received from Bruce County, Wellington County and Perth County suggesting that the legal effect of policies were unclear and confusing as presented in the Plan. A detailed description of the legal effect of various policies was developed by Conservation Ontario. Staff recommended adding this detailed description to the beginning of Appendix B as well as revising Section 7.1 to provide more clarity.

**MOTION #SPC: 2012-03-05**

Moved by Mike McElhone

Seconded by John Vander Burgt

**That the detailed description of legal effect be added to Appendix B and Section 7.1 of the plan be amended to provide more clarity.**

Carried By Consensus.

**Comments #31, 32, 33 and 34**

Comment 31 from Bruce county requested the monitoring report deadline be extended from February 1<sup>st</sup> annually to March 1<sup>st</sup>. Staff indicated that the February 1<sup>st</sup> date is set by the Province and is being used by all SPR's. General comments (32 through 34) came from ACW regarding the overall plan, RMO responsibilities and costs for ongoing technical support. The SPC agreed that no action was required for any of these comments.

**Comments from the Township of Minto**

Comments 35 through 42 from Minto were mainly about the source protection planning process. They expressed frustration in the process and recommended the Province intervene and streamline plans. They also expressed frustration in falling into two

different regions and having to grapple with two sets of policies. Staff recommended forwarding these comments to the Province. The SPC agreed with this recommendation.

#### **Comments #43 and #46**

Wellington County appreciates the attempt to improve readability by referring to land use categories. However, they indicated that they prefer to rely on the Nutrient Management Act wherever possible and prefer OMAFRA's position on grazing and pasturing. At the February meeting the SPC had a lengthy discussion about agricultural policies and OMAFRA's comments. Therefore staff recommend no changes to the policies. The SPC agreed with this recommendation.

#### **Report #7: Tertiary Treatment Systems**

Feedback was received from Wellington County, Perth County and the MOE in regards to Policies R.1.2, A.1.2 and C.1.3 which require all new or replacement septic systems to be tertiary treatment systems. Concerns expressed included: the ability for a SPP to require tertiary systems, and the ability for land use planning to require tertiary systems for replacement systems. Staff recommended revising these policies to add in "or other equivalent system". The SPC had a lengthy discussion about these policies and ultimately advised staff to revise the policies based on the Lambton Shores bylaw that was listed in Report #7 and bring it back to the Committee for discussion.

#### **Wellington County Comments**

Comment 50 from Wellington County indicated that they were not supportive of forced connections and recommend the word "encourage" instead. Since this is a must conform to significant threat policy, staff recommended no change to the policies. The SPC agreed with this recommendation.

Comment #52 questioned the need for policy A.1.1 if only part of a new lot is within a 10. Staff recommend adding "...unless the system can be located outside of the area with a score of 10" to this policy and the corresponding residential and commercial policies. The SPC agreed with this recommendation.

#### **Land Use Planning for Moderate and Low Threats**

Comments from Wellington County (#51) and the MOE (94) indicate that policies R.2.2 and A.2.2 which prohibit all future fuel storage through land use planning are inappropriate. MOE indicates that policies cannot prohibit moderate and low threats. The SPC agreed to change these to education and outreach policies.

#### **Report # 8: Sewer Mains**

Policy C.4.1 prohibits the extension of sewer mains where the score is 10. Huron County (#54) and Perth County (#139) expressed concerns with this prohibition. New policy wording was proposed by staff in Report #8. The SPC agreed to remove sewer mains from future prohibition policies, and to add a new policy recommending that the MOE put in place assurances that the main not become a drinking water threat and may include extra requirements for inspections including camera inspections every 5 years. The SPC also requested that forced mains be encourage to be located outside of areas with a score

of 10 wherever possible. The policy should be brought forward at the next SPC meeting for discussion.

#### **Comments from Huron-Kinloss**

Comments 55 through 59 were received from the Township of Huron-Kinloss. They expressed concerns about the funding implications for municipalities and asked the SPC to petition the Province to offset implementation costs. Staff recommended financial concerns be included in the cover letter of the SPP to the Minister and the SPC agreed.

Huron-Kinloss also expressed concern about compensation for affected landowners, having to implement two different sets of policies, the differences in policy approaches by the ABMV and SGSNBP Regions, and the timeframe for providing comments. Implication for landowners with compensation Staff recommended no changes to policies were required. However, staff should contact municipalities to ask for additional comments during public consultation. The SPC agreed with these recommendations.

#### **Comments from North Perth**

Comments 60 through 62 were received from North Perth. They indicate that they have no capacity to implement plan and are interested in purchasing RMO services from the CA or SPC. They also suggest that ABMV SPC should examine joining a broader area for RMO/RMI services. They indicate that implementation costs should be uploaded to the Province. However, costs could be covered through water bills if necessary. They state that the policies are understandable, concise and can be implemented so that vulnerable areas are protected in OP's and By-Laws. Staff recommended no action necessary and the SPC agreed.

#### **Comments from ABCA**

Comments 63 through 67 were received from ABCA. They wish to commend SPC for development of the plan. As an implementing body, ABCA has no specific concerns with the policies. They agree with the plans reliance on E&O. It should be expected that ABCA would consult/partner with agencies or bodies with expertise and share responsibilities with MVCA. ABCA has submitted a funding request for 100% of implementation except for RMO costs. ABCA indicated that they are well positioned to undertake RMO duties. Staff recommended no action necessary and the SPC agreed.

#### **Comments from Middlesex County and North Huron**

Comment #68 from Middlesex County recognizes that only moderate and low threat policies apply in limited areas of Middlesex. Policies to meet Provincial Policy Statements water protection requirements should be considered during the next review of official plans.

Comment #69 from North Huron expresses concern over the costs of implementation. Staff recommended no action necessary for these comments and the SPC agreed.

### **Report #9: Transport Pathway Policy**

Comment # 70 from North Huron expresses concern that there are no transport pathway policies included in the Plan. The CWA regulations allow SPC's to write policies addressing transport pathways. Many other SPR's have included these types of policies in their draft plans. Staff recommended adding a policy similar to the examples provided in Report #9 from either Trent Region or Hamilton Halton. The SPC discussed the fact that there is already plenty of education and outreach being undertaken to address transport pathways. Since policies addressing transport pathways can only rely on the softer tools and do not carry much legal effect, the SPC chose not to add a transport pathway policy.

### **Comments from MVCA**

Comments 71 through 74 were received from MVCA. They comment on collaboration between SPR's, capacity building within each CA to implement and maintain the plan, stewardship funding, and the need for municipal ownership of the plan and cooperation and support from landowners. Staff reviewed the rationale and in light of ABCA comments, recommended no action necessary. The SPC agreed with this recommendation.

### **Comments from Huron East**

Comment 75 indicates that policies R.1.1, A.1.1 and C.1.1 will restrict growth in places like Brucefield and ask what approval process takes precedence. Staff recommended that the response that the Building Code Act take precedence be provided to the municipality. The SPC agreed with this recommendation.

Comment 77 indicates that Huron East staff see merit in the program being delivered by ABCA. However, a review should be conducted after one or two years to determine feasibility of bringing delivery in-house. Staff recommended no action necessary and the SPC agreed.

### **Comments from MOE SPP Programs Branch**

The Project Assistant reviewed comments 78 through 105 from MOE. Staff recommended the following in response to these comments:

- Provide MOE with a table ensuring policies are written for all threats if time permits.
- Change terminology for policies that use Part IV powers to tie it to the legal effect of the Act in the case of an appeal.
- Change the title of Section C of the plan to be inclusive of all other land uses.
- Change "CofA" to "ECA" throughout the plan.
- Change Section 1.0 to make it clear that the CWA only deals with *municipal* drinking water.
- Amend last paragraph of Section 2.1.1 to remove "take action" and specify that the SPC will create a plan that will direct the action of others.
- Use the term "Area" instead of "Authority" in Section 2.1.2
- Remove "strategic action" and replace with "other tools" in Section 3.0.
- Remove references to O. Reg. 287 and replace with CWA references in Section 3.2.

- Change from “when the plan is approved” to “when the plan takes effect in Section 4.0.
- Add overlay wording into Section 5.0 as described in Report #10.
- Add existing waste policies into Section R.4
- Policies R.3.1 and A.3.1 should state that OCA’s are prohibited rather than focusing on the required amendment.
- Add Section 59 policy to List A in appendix B.
- Change policy C.4.8 to state that it is applicable where no ECA exists.
- Change policies C.8.1 and C.8.2 to state that they address both future and existing threats.
- Correct Section 7.2.1 so that it corresponds with 3-year timeframe of policies.

The SPC agreed with all recommended changes.

### **CORRESPONDENCE AND DELEGATIONS**

None

### **LIAISON UPDATES AND OTHER BUSINESS**

Health Liaison, Bob Worsell informed the Committee about the April 11<sup>th</sup> and 12<sup>th</sup> Huron Perth Water Festival in Seaforth.

MOE Liaison, Lisa Ross encouraged the Committee to listen in on the WebEx training provided by MOE.

The SPC agreed to meeting change their May meeting date from the 30<sup>th</sup> to the 16<sup>th</sup> in order to approve the draft plan for public consultation.

### **AGENDA ITEMS FOR NEXT MEETING – APRIL 25<sup>TH</sup>, 2012**

- Finish going through feedback reports.
- Review any new comments received.

### **ADJOURNMENT**

Chair Brown adjourned the meeting at 3:02 p.m.

---

Larry Brown  
Chair

---

Jenna Allain  
Recording Secretary