



**Source Protection Committee
Wednesday, May 25th, 2011
Holmesville Community Centre, Holmesville**

MEMBERS PRESENT

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

LIAISONS PRESENT

Source Protection Authority Liaison, Jim Ginn, MOE Liaisons, Tu Van Duong and Lisa Ross, Health Liaison Bob Worsell

WITH REGRETS

SPC Members; Mert Schneider, Gerry Rupke, John Vander Burgt, Kettle and Stony Point First Nations Liaison, Bob Bresette

DWSP STAFF PRESENT

Cathie Brown, Project Manager; Jenna Allain, Project Assistant/Recording Secretary; Tim Cumming, Communications Specialist; Donna Clarkson, Source Protection Technician; Mary Lynn MacDonald, Group Facilitator

OTHERS PRESENT

Geoff Cade, Supervisor of Water and Planning, ABCA

CALL TO ORDER

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

AGENDA

MOTION #SPC: 2011-05-01

Moved by Keith Black
Seconded by Marilyn Miltenburg

That the agenda be approved.

Carried by Consensus.

MINUTES FROM APRIL 27TH, 2011

MOTION #SPC: 2011-05-02

Moved by Don Jones
Seconded by David Blaney

That the SPC minutes from April 27th be approved.

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

Project Manager, Cathie Brown spoke to the SPC about the amended/updated Assessment Report (AR). Each member received a bound copy of the amended AR for both the Ausable Bayfield SPA and Maitland Valley SPA. The bound versions are the text of the reports with a CD in the back containing all of the maps and appendices. As discussed at the last SPC meeting, amendments to the AR included: ensuring that no conditions exist in the SPR, an IPZ-3 assessment, the removal of dumpsters and residential DNAPLs from threat counts, and providing clearer definitions and explanations about methodologies. Staff are confident that the requirements of the regulations, technical rules, and directions from the MOE and SPC have been met.

MOTION #SPC: 2011-05-02

Moved by Matt Pearson

Seconded by Karen Galbraith

That the SPC accepts the Ausable Bayfield and Maitland Valley Assessment Reports, and directs the Project Manager to submit the reports to the Ministry of the Environment.

Carried by Consensus.

DECLARATION OF PECUNIARY INTEREST

None

POLICY ENFORCEMENT AND PENALTIES

Project Manager Cathie Brown gave a presentation on policy enforcement and penalties. Enforcement and appeals of prescribed instruments and *Planning Act* tools will be as per the requirements of the enabling legislation. The *Planning Act* would govern the penalties that would apply, as well as govern expansions and alterations.

Risk Management Plans (RMPs) are used for a specific significant threat activity within a WHPA or IPZ. The plan is negotiated between the Risk Management Official (RMO) and the landowner, and is enforced by the RMO. Risk Management Plans can also involve Risk Management Inspectors (RMIs) who would ensure compliance and can hand out orders, as well as Qualified Persons (QPs) who are subject matter expert that can make certifications about RMPs. The roles of the RMOs, RMIs and QPs are the responsibility of municipalities. This could be municipal staff, shared staff between multiple municipalities, or contracted out (e.g. to a conservation authority). The Province had Risk Management Official pilot training a few weeks ago, and more details about future training opportunities will be forthcoming. If there is no agreement on a plan, a landowner will be given four months' notice that the RMO will create the plan. Where changes are proposed, the RMO confirms whether the proposal is in keeping with the RMP. The landowner can appeal this order to the Environmental Review Tribunal within 60 days. The Environmental Review Tribunal is a tribunal that reviews appeals under a variety of acts (e.g. *Environmental Protection Act*). The Committee requested that more information be provided about the Environmental Review Tribunal. MOE Liaison, Lisa Ross will make this presentation at the June SPC meeting.

The other part IV power is Restricted Land Use which is a screening tool for the development review process. It is used in combination with either risk management plans or section 57 prohibitions and acts as a trigger for municipalities. When new applications for development on a property are applied for, the restricted land use will notify the municipality that there is either a RMP or prohibition in effect on that property. The Committee discussed the possibility of registering source protection plan policies on title. It is of the opinion of staff that the registry office is not interested in doing this, but more information will be provided at the next meeting.

Part IV powers come in to play only after the SPP is approved, and the plan will be in place likely in early 2013. It is worth noting that property owners are already aware of the activities that are risks on their properties, what those risks are, and that there is stewardship funding available to deal with these risks now. Staff are working hard to get landowners to take advantage of stewardship funding now which should save them grief in the future. The Committee had a lengthy discussion about the role of municipal councils in identifying criteria for risk management plans.

OTHER POLICIES

The Project Assistant, Jenna Allain, provided a presentation on other types of policy not yet discussed at the SPC. The SPC can put policies in place to give direction to municipalities regarding development of new transport pathways (CWA Section 27). It was clarified that a transport pathway is not a threat and a transport pathway policy is not a legal requirement. A properly constructed well is a managed risk. After some discussion, there was consensus that education is the best tool available to the SPC. Regulation 903 does require licensing of well drillers and their requirements for reporting. A permitting process was promoted by the Health Unit Liaison to ensure that wells are properly sited on properties. Additionally, the SPC can develop policy regarding climate change, such as the collection of climate data. Although not required in a Source Protection Plan, strategic action policies can be used but must be focused and of high importance. Finally, the Source Protection Plan can also require updating of spills or emergency management plans to require updating for the protection of drinking water sources. This includes highway spills or other transportation related spills. Further questions arose about enforceability and the efficacy of the plans. The pre-consultation process will address how practical these draft policies are.

POLICY DISCUSSION – COMMERCIAL THREATS

ABCA Planner, Geoff Cade, introduced the policy recommendations for commercial threats that were included in SPC package materials. The policy recommendations are a result of the early engagement with municipal staff and stakeholders. The reports provided in meeting materials, deal with commercial fuel storage, application and storage of road salt, storage of snow, DNAPLs and organic solvents. The SPC broke into three groups to discuss each of the recommendations in detail. A roundtable discussion was had at the end to share comments and concerns about the policies. Comments were recorded and the policies will be further refined and presented to the SPC again at a later meeting.

SPC Chair, Larry Brown summed up the discussion by suggesting that instead of risk management plans, a better tool may be education and outreach that incorporates all the elements of a risk management plan. The education plan would be delivered to the landowner in the same way as a RMP, but instead of having them to sign off on a plan they would be informed that stewardship funds are available. Effectiveness of the program could be monitored through the level of stewardship uptake. The Committee discussed the implications of this type of program and staff were requested to present potential policy wording for this type of plan at the next SPC meeting.

CORRESPONDENCE AND DELEGATIONS

None

LIAISON UPDATES AND OTHER BUSINESS

Health Liaison, Bob Worsell informed the Committee that Huron County took the first steps towards developing a mandatory septic inspection program and that there was an overwhelming support for the program from the Committee of the Whole.

Outgoing MOE Liaison, Tu Van Duong took the opportunity to thank everyone for the last year and a half that she served as liaison. She enjoyed working with the ABMV SPC tremendously and wishes the group the best in the months ahead.

Incoming MOE Liaison, Lisa Ross informed the Committee that Tu Van would still be available for questions or support as she will still be working for MOE. She also informed the Committee that a Liaison newsletter gets sent out quarterly containing questions and answers on all things source protection. These can be made available to the SPC if they wish.

The SPC requested that more information be provided on what is happening at other Source Protection Committees in terms of policy decisions. Project Manager, Brown informed the Committee that communication about policies is taking place with the other regions on a regular basis through teleconferences and some face-to-face meetings. A planning meeting is taking place next week in Toronto and two ABMV staff will be attending. The information gained through these meetings will be brought forward to the SPC along the planning process. The MOE Liaison will also take these comments back to the Ministry.

AGENDA ITEMS FOR NEXT MEETING – JUNE 29TH, 2011

- Recommendation on Industrial Threats

ADJOURNMENT

Chair Brown declared the meeting adjourned at 2:25 p.m.

Larry Brown
Chair

Jenna Allain
Recording Secretary