



Source Protection Committee
Tuesday, October 25th & Wednesday, October 26th, 2011
Holmesville Community Centre, Holmesville

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members; Gerry Rupke, Ian Brebner, Bill Rowat, Don Jones, Keith Black, John Vander Burgt, Mike McElhone, Al Hamilton, Gib Dow

LIAISONS PRESENT

Source Protection Authority Liaison, Jim Ginn, MOE Liaison, Lisa Ross

WITH REGRETS

SPC Members; Marilyn Miltenburg, Mert Schneider, Matt Pearson, David Blaney, Rowena Wallace, Karen Galbraith, Health Liaison Bob Worsell, Kettle and Stony Point First Nations Liaison; Bob Bresette

DWSP STAFF PRESENT

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

OTHERS PRESENT

Geoff Cade, Supervisor of Water and Planning, ABCA

OVERVIEW OF DRAFT

Project Manager, Cathie Brown provided an overview of the context for the SP policies, which have been the focus of the past few meetings. The SP Plan will have three parts. The first part provides the basis for the plan, the tools and the threats it addresses. It also provides definitions. The second section includes the details of the policies. The third section is the administrative section. It clarifies how various specific sections of the CWA apply. It also provides administrative instructions to municipalities and outlines the expectations for monitoring, reporting and penalties. Feedback from pre-consultation will be forthcoming from municipalities. The SPC needs to feel comfortable with the first and last sections (as well as the policy section) in order to proceed with the Draft Proposed Source Protection Plan in November.

OVERVIEW OF POLICIES

The Project Assistant and Planner provided an overview of the contents and approach for draft policy review for the meeting. The discussion and supported version of each policy is summarized by policy number below.

Policy #: M.12.3

Policy recommends that MOE provide environmental monitoring information for waste disposal sites. The SPC discussed the need for the policy to apply to existing waste

disposal sites, and that municipalities should be added to the list of those who report. General agreement reached with the specified changes.

Policy #: M.12.4

It was clarified that this policy does not address all septic systems, only those that are regulated by MOE under the *OWRA*. It was requested that a definition of tertiary system be included in the definitions section to specify the chemical and pathogen requirements (enhanced biologic and chemical treatment). There was further discussion about strengthening or softening this policy. There was a lengthy discussion about the costs of tertiary systems. It was agreed that “should” is the appropriate level of requirement.

Policy #: C.9.1.1, A.8.3.1 and R.7.2.5

Discussion was had about the threat circumstances which identify residential basement tanks as a significant threat while above ground residential tanks are not. It was clarified by MOE that the circumstances listed as significant risks are set for this round of planning. However, there is great latitude in the types of policies that can be used. It was identified that the word “oil” should be removed from the policy. It was also requested that “insure” be changed to “ensure” and that the word “significant” should be removed and maintaining “minimize” risk was agreed to. The SPC also suggested that they would like to see a moderate and low threat policy as well. The SPC would also like to see something in the explanatory document stating that the SPC was not responsible for creating threat circumstances.

Policy #: A.8.3.2, C.9.1.2 and R.7.2.4

The SPC would like to see three additional education policies created with the amounts of fuel removed so that they capture more landowners. These would be “have regard to” policies for moderate and low threats rather than “conform with” policies.

Policy #: G.6.1.17, G.6.1.17b

MMAH feedback on land use planning policies suggests that policies need to specifically name land uses (e.g. residential, commercial). Policy G.6.1.17b removes quantities and reflects the discussions for the previous three policies (see above). There was discussion about existing lots not being a new use. This policy only comes into play when planning document changes would be required to permit the development. The word new was changed to future to be consistent with definitions. This approach was agreed to in principle. The have regard policies (e.g. G.6.1.17b) go beyond the minimum requirements but will bolster municipal requirements from other legislated responsibilities.

CALL TO ORDER

Larry Brown, Source Protection Committee Chair, called the meeting to order at 12:55 p.m. as an additional member arrived to create quorum.

Policy #: R.7.2.2

The intent of the policy was to trigger a risk management plan when a landowner replaces a heating system and requires a building permit. Based on SPC discussion it was

decided that the wording be changed to remove “building permit” and replace it with “demolition permit”.

Policy #: R.7.2.3 and C.9.1.3

These policies were removed because they were strategic action policies aimed at TSSA. It has become clear that TSSA will not be compelled to follow these policies. The acceptance ratings of the proposed drafts were very low.

Policy #: G 1.14, 1.15

Policy comments suggest that salt should be risk managed rather than prohibited. Concerns were raised about intermittent salt use and public safety. It was argued that very effective best management practices are available. On the other hand, there was indication that each industry can present arguments to manage rather than prohibit future uses. Concern was expressed over the costs of alternatives to salt if salt were to be prohibited. All these alternatives are Chlorides and some have not been as extensively tested as sodium chloride. There was much discussion about impervious surface area and the property impacts of this policy. The SPC agreed to use a risk management plan for significant threats and best management practices for moderate and low threats.

Policy #: G 6.1.3

The policy proposes that the creation of brand new lots not previously zoned for development will be prohibited. These are not lots of record but there are development pressures in hamlets to allow development of farm lands adjacent to wells. There was much discussion about the ability for small towns and hamlets to be able to do this. It was clarified that this policy would be consistent with the Provincial Policy Statement. There may be push back from municipalities where there is development potential for open land around wells. It could cause encroachment on agricultural land if property zoned in villages without sewer systems cannot developed on lands already zoned residential. Municipalities cannot zone more land as residential until land already designated is used. Consensus was to leave policy as is and wait for municipal comments.

Policy #: R 7.1.2

This policy states that where the score is 10 and where there are no sanitary sewers, any new or replacement septic systems must be tertiary systems. There was discussion about the effectiveness of tertiary systems especially for older installations. Some municipalities already have bylaws in place for mandatory tertiary systems, especially for areas with restricted lot sizes. The SPC agreed to leave the policy as is and wait for municipal comment.

Policy #: G.6.1.4

This policy proposes to prohibit all future sewage threats through land use planning. There was discussion around what types of facilities the circumstances listed in the policy included. The MOE Liaison is to get back to the SPC with more information. MOE also advised that this would include conveyances through stormwater pipes. MOE advised that some SPC’s recommended upgraded systems in WPHA-A’s rather than prohibition. The SPC decided to wait for clarification from MOE.

Policy #: G.6.1.18a and G.6.1.18b

There was discussion around the wording of personal use and what type of businesses/homes would have more than 25L of DNAPLs. It was noted that monitoring and enforcement of the policy could be problematic. The SPC discussed the merits of using section 57 prohibition rather than land use planning as a prohibition tool. The SPC decided to delete “personal use” and keep the policy.

ADJOURNMENT

Chair Brown adjourned the meeting at 3:08 p.m. until 9:30 a.m. the following morning.

CALL TO ORDER – Day 2, October 26th, 2011

Larry Brown, Source Protection Committee Chair, called the meeting to order at 10:45 a.m.

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members; Gerry Rupke, Ian Brebner, Bill Rowat, Don Jones, Keith Black, John Vander Burgt, Mike McElhone, Gib Dow, Marilyn Miltenburg, David Blaney, Karen Galbraith

LIAISONS PRESENT

Source Protection Authority Liaison, Jim Ginn, MOE Liaison, Lisa Ross

WITH REGRETS

SPC Members; Mert Schneider, Matt Pearson, Rowena Wallace, Al Hamilton, Health Liaison Bob Worsell, Kettle and Stony Point First Nations Liaison; Bob Bresette

DWSP STAFF PRESENT

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

OTHERS PRESENT

Geoff Cade, Supervisor of Water and Planning, ABCA

AGENDA

MOTION #SPC: 2011-10-01

Moved by Don Jones
Seconded by Gerry Rupke

That the agenda be approved.

Carried by Consensus.

MINUTES FROM SEPTEMBER 28TH, 2011

MOTION #SPC: 2011-10-02

Moved by Marilyn Miltenburg
Seconded by Don Jones

That the SPC minutes from September 28th, 2011 be approved.

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

None

DECLARATION OF PECUNIARY INTEREST

None

OVERVIEW OF POLICIES

The SPC resumes discussion of draft source protection plan policies.

Policy #: C.9.3.1 and G.6.1.19

These policies specify risk management plans for existing threats and prohibition of future threats for organic solvents. For consistency, the policy will be worded to “minimize risk” rather than “such that there is no significant risk”. Both policies were agreed to in principle.

Policy #: G.6.1.1

Two policy options were provided for future waste disposal threats. The first was a combined policy that combined significant, moderate and low threats. The second option separated the policy out to have one policy for significant threats and another policy for low and moderate threats. The SPC agreed in principle to the two policy approach.

Policy #: G.6.1.1b

This policy proposes to use prescribed instruments to manage future significant waste threats. The SPC decided to change the policy to prohibit MOE from issuing any new Certificates of Approval.

Policy #: G 6.1.2

This policy was discussed at the last SPC meeting and pertained to future waste threats where the score is 8. Similar to policy G.6.1.1, two policy approaches were presented. As with G.6.1.1, the SPC decided to go with a two policy approach with one policy for significant threats and another policy for moderate and low threats.

Policy #: G.6.1.12 and G.6.1.13

These policies proposed to prohibit future pesticide storage and application through land use planning. Concerns were raised over what defines a new use. The SPC wanted to ensure that any agricultural practice can be changed to a different agricultural practice without changing the use of the property. The SPC felt that pesticides should be included in the definitions section. The SPC wished to revert back to the circumstance wording that was presented at the SPC summit. The SPC requested an education policy be created for all pesticide use that promotes best management practices.

Policy #: G.6.1.10 and G.6.1.11

The SPC suggested removing “for retail sale or application” from G.6.1.11. Both policies were agreed to in principle.

Policy #: G.6.1.8 and G.6.1.9

Policies presented were for land use planning prohibition of future NASM storage and application. The definitions of managed land and livestock density were reviewed. The SPC agreed to the policies in principle.

Policy #: G 6.1.6 and G.6.1.7

The SPC approved both of these policies in principle.

Policy A.8.2.1

The policy is a risk management plan for all existing agricultural threats. A suggestion was made to change the risk management plan to include a provision to prohibit ASM and NASM application within the 100 m zone and enhanced inspections for everything else. This may need to be split into two separate policies but staff will work on this and bring the revised policy to the November meeting.

Policy #: A.8.2.4 and A.8.2.3

The SPC discussed the issues that OMAFRA has with using prescribed instruments for agricultural threats. Staff are still waiting for answers from OMAFRA on the usefulness of Nutrient Management Plans and Strategies as prescribed instruments. The implementing body would strictly be OMAFRA but the farmers themselves could be implicated as implementing bodies as well. The SPC decided to remove both of these policies.

Policy #: G.6.1.21, A.8.1.1, A.8.1.3 and A.8.1.4

All four of these policies relate to outdoor confinement and grazing and pasturing. Early engagement with OMAFRA resulted in the idea of adding a threshold of 1 nutrient unit/acre to the prohibition of grazing and pasturing. The SPC suggested that staff convert hectares to acres for all policies. The SPC directed staff to remove the prescribed instrument policies (A.8.1.3 and A.8.1.4) and revise G.6.1.21 and A.8.1.1 to prohibit all existing and future outdoor confinement and grazing within WHPA-A keeping the 1 NU provision. Risk manage existing with enhanced inspections outside of WHPA-A (as well as less than 1 NU/acre within WHPA-A). For future, in areas outside of the WHPA-A, where the score is 10, risk manage pasturing and grazing (with the 1 NU provision) but prohibit outdoor confinement.

REVIEW OF EXPECTATIONS FOR NOVEMBER VERSION

The Project Manager reviewed the amendments as follows:

1. Dividing policies such that have regard and comply elements of policies are separated and clear
2. Harmonize policies so language is consistent (not significant vs. manage risk)
3. Re-number policies, refine some definitions and amend the table of contents
4. Production of appendices
5. Revision of the Explanatory Document
 - a. Reflecting the choices for the tools, timing and implementing bodies for each policy
6. Allotment of time for sober second thought

7. Approval of document to proceed to pre-consultation

MOTION # SPC: 2011-10-03

Moved by Gerry Rupke

Seconded by Don Jones

That staff make the policy changes discussed by the SPC in its information session and meeting, and prepare the draft source protection plans for approval at the November SPC meeting and distribution for pre-consultation.

Carried by consensus

CORRESPONDENCE AND DELEGATIONS

Four pieces of correspondence were included in SPC meeting materials. The first was an update from the Stewardship Program on program delivery for the year. The second was from the Salt Institute indicating that the Institute would like to stay involved in the planning process. The final two documents were Q&A's on planning from MOE.

MOTION #SPC: 2011-10-03

Moved by Karen Galbraith

Seconded by Ian Brebner

That the pieces of correspondence be received for information.

Carried by Consensus.

LIAISON UPDATES AND OTHER BUSINESS

SPA Liaison, Jim Ginn informed the Committee that costing information was requested by one SPA to be shared as part of pre-consultation. The Project Manager indicated that estimations of future source protection costs are being developed by staff as well as Conservation Ontario and that these will be provided during pre-consultation.

MOE Liaison, Lisa Ross informed the Committee that she will work on finding information about the threat circumstances that might be useful during consultation.

AGENDA ITEMS FOR NEXT MEETING – NOVEMBER 30th, 2011

- Approval of policies for pre-consultation

ADJOURNMENT

Chair Brown adjourned the meeting at 3:10 p.m.

Larry Brown
Chair

Jenna Allain/Cathie Brown
Recording Secretary