



**Source Protection Committee
September 28th, 2011
Holmesville Community Centre, Holmesville**

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members; Matt Pearson, Gerry Rupke, David Blaney, Ian Brebner, Bill Rowat, Don Jones, Keith Black, John Vander Burgt, Rowena Wallace, Karen Galbraith, Al Hamilton, Gib Dow, Mert Schneider

LIAISONS PRESENT

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

WITH REGRETS

SPC Members; Marilyn Miltenburg, Mike McElhone, Kettle and Stony Point First Nations Liaison; Bob Bresette

DWSP STAFF PRESENT

Jenna Allain, Project Assistant; Tim Cumming, Communications Specialist; Mary Lynn MacDonald, Group Facilitator/Recording Secretary; Aaron Clark, GIS Specialist

OTHERS PRESENT

Geoff Cade, Supervisor of Water and Planning, ABCA; Jennifer Arthur, Land Use Planner, MOE

DELEGATION PRESENTATION

A delegation presentation was provided to the Committee by Mr. Bob Hallam. The delegate stressed the importance of informing and consulting with landowners when a new well is constructed in an area. When determining the location of new wells there needs to be better cooperation and communication between municipalities and landowners. The delegate also informed the Committee that every site is different which should be taken into consideration under the Drinking Water Source Protection Program. While this is done to some extent, all municipal wells are considered highly vulnerable within a 100 metre radius, regardless of grade, overburden, and slope. The delegate owns property next to a municipal well which draws water from an aquifer that is covered by blue clay. The delegate has spoken with water operators for that system and has been informed that the water that runs off the delegates property does not get into the well. The delegate emphasized the need to develop policies which are cost effective and practical, while keeping the water safe. He also reiterated that the most vulnerable wells require more consideration than the ones that are naturally well protected.

The Chair of the SPC thanked the delegate for his presentation and indicated that the direction from the Minister of the Environment to Source Protection Committees was to develop plans that are practical and cost-effective. The SPC is doing their best to create

policies which meet these objectives. One of the SPC members suggested that there was a need to develop a policy regarding how future wells will be sited, and how adjacent landowners should be engaged in this process. A cost-benefit analysis of source protection policies and the costs of implementation were discussed.

CALL TO ORDER

Larry Brown, Source Protection Committee Chair, called the meeting to order at 9:49 a.m. as quorum was reached.

AGENDA

MOTION #SPC: 2011-09-01

Moved by Rowena Wallace
Seconded by Don Jones

That the agenda be approved.

Carried by Consensus.

MINUTES FROM AUGUST 31st, 2011

MOTION #SPC: 2011-09-02

Moved by Gerry Rupke
Seconded by Ian Brebner

That the SPC minutes from August 31st, 2011 be approved.

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

None

DECLARATION OF PECUNIARY INTEREST

None

DRAFT SOURCE PROTECTION POLICIES - Process

Project Assistant, Jenna Allain provided an introduction to the policy discussion portion of the meeting.

Municipal: September 26, staff held a meeting for municipal working group members to update them on the policy development process. The timelines for policy development, pre-consultation, and public consultation were discussed. It is anticipated that the SPC will approve all of the draft policies for pre-consultation at the November meeting. The pre-consultation notices will then be sent out in early December requesting comments be submitted by mid-February. County-wide meetings will be held for both municipal staff and councils to discuss the draft policies. Concern was expressed by municipal staff over the timelines for pre-consultation. It was requested that once the policies have been approved in principal by the Committee, they be sent out to implementing bodies prior to the official pre-consultation notice.

Neighbouring SPR's: Concern was expressed by SPC members about creating policies that are different from other regions around the province and the need to collaborate more with adjacent regions. It was clarified that there has been ongoing communication with other source protection regions in the form of face-to-face meetings and teleconferences

to discuss policies and plan development. A regional meeting will take place on October 3rd to discuss draft policies and determine a collaborative approach for pre-consultation. It was explained to the Committee that the policies that will go out for pre-consultation will not be the final policies that will be submitted in August. Pre-consultation is considered a part of the policy development process and it is expected that the policies will continue to change as comments are received from implementing bodies.

Industries: Concern was also expressed over the involvement of various industries in the policy development process. It was explained that Conservation Ontario has coordinated an initiative to make various industries aware of source protection and invite them to participate. Those industries wishing to participate in the policy development process are beginning to get involved.

Affected Land Owners: A meeting was held for affected landowners on September 21st. An invitation to this meeting was included in the notices that were sent to landowners indicating that the planning process was underway. Nine people attended the meeting to discuss source protection and how policies may impact them. Overall, staff felt the meeting was productive and positive.

Online Tools: It was explained that an online policy database has been created as a way to provide policy details to the Province as well to other Source Protection Regions. There will be read-only access for SPC members to view the database. The database has recently gone live and it will be a good way to look up how others are dealing with specific threats. Local control is integral to the process but is difficult to do and still have consistency across the province. Once policies are uploaded into the database everyone can compare policies, and approaches can then be altered. The Committee also discussed the risk management catalogue and how it will be used as a tool for risk management officials rather than as a tool for developing the source protection policies.

Future Vulnerable Areas: The idea of developing a policy for new municipal wells was discussed. It was explained that creating these types of policies cannot be done under source protection plans. New wells are not considered a threat that requires a policy. However, communicating with municipalities outside of the plan is a way to express concerns and ideas. Environmental assessments are the appropriate avenue to deal with new wells.

DRAFT SOURCE PROTECTION POLICIES – Policy Discussion

After the summit, approval ratings were calculated for each of the draft policies. Approximately half of the policies received an approval rating of 80% or higher. These are the policies which were included in SPC meeting materials for discussion. The remaining policies with lower approval ratings are to be discussed at the October meeting (approximately 30 policies). The October meeting will be two full days to provide enough time to discuss each policy in detail.

In order to discuss policies, dual power points were used. The first power point showed the policy as it was written at the summit, followed by the approval rating and the comments that were submitted by SPC members. The second power point showed the revised policy as amended, based on SPC feedback and technical corrections. Revisions

were made to the amended version during the meeting to reflect the consensus of the SPC. The policy discussion was facilitated by ABCA Planner, Geoff Cade and Project Assistant, Jenna Allain. The discussion and supported version of each policy is summarized by policy number below.

Policy # M.12.1

The SPC discussed how an education program could be rolled out for everyone located in an HVA, and the cost effectiveness of doing so. It was explained that by not specifying the details of the education program, implementing bodies are free to create whatever program they like. Education may be as simple as including materials in with tax bills or holding several small workshops. They may also choose to build onto an existing program to reduce costs. This policy would be optional for the SPC and does not legally bind the implementing body.

Policy # M.12.2

This policy was consistent with the previous policy and there were no further comments.

Policy # G.6.4

It was pointed out that G.6.4 is also an optional policy and is not legally binding for the implementing body. The SPC felt that the wording “should” should be used rather than “shall” since it is a have regard to policy.

Policy # G.6.2

It was pointed out that the regulation states that this type of policy only applies to highways, railway lines and shipping lanes and should be added into the policy text. However, the SPC chose not to include this in the policy text. It was again pointed out that this is a “have regard to” policy and the word “shall” should be replaced with “should”. It was requested that “major industries” be removed from the policy text.

Policy # G.6.3

It was indicated that for the most part, Conservation Authorities are already collecting data about climate and this would just add onto existing CA responsibilities. The SPC requested that the wording be changed so that the information be provided to the SPC.

Policy # G.6.1.1

It was pointed out that G.6.1.1 is a future threat policy and will not impact any existing properties. The SPC requested some clarification about the circumstances included in the policy, and were concerned about smaller quantities that were not covered by the policy. The SPC requested that staff bring back two policy options. The first option would be to keep this policy and add a second policy to address low and moderate threats (would apply to all quantities). The second was to bring back one policy which would encompass all threats (significant, moderate and low) and it would be up to the municipalities to determine which circumstances had legal effect.

Policy # G.6.1.2

The SPC requested that the same policy options as noted above be brought back to them. They also requested more information on these circumstances be brought back to them. Many felt that a decision could not be made until more information was provided.

Policy # G.6.1.5

It was pointed out that the 50,000 cubic meters a day is the equivalent to 50,000 houses. The policy is a future threat policy and would not apply to any existing properties.

Policy # G.6.1.16

This policy is a future threat policy for snow storage. It was explained that it is written to be like a risk management plan in that it does not limit the land use of a parking lot, only snow storage on that lot. A comment was made that affected parties should be consulted and there should be more comments from industry before a decision gets made.

Policy # G.6.1.20

The SPC requested that “shall” be replaced with “should” since it is not a legally binding policy.

Policy # G.6.1.7

This policy generated a lot of discussion and consensus was not reached. Some pushed for thresholds to be added since they did not feel that all ASM storage was a threat. The SPC requested that some different policy options be presented at the next meeting. The SPC also requested that the definition of ASM be included in the definitions section of the source protection plan.

Policy # R.7.1.4

This policy is an education and outreach policy for residential septic systems. It was pointed out that Part IV powers are not an option for septic systems. Changes to the Building Code were made requiring a mandatory septic inspection every 5 years for any septic system that is considered a significant threat. Policy wording was changed to name the agency having jurisdiction over the approval of septic systems rather than municipalities, since some health units have this jurisdiction. It was requested that a timeframe be added to the policy.

Policy # R.7.1.1

The SPC discussed timing of this policy and agreed to sanitary sewer connections within the earlier of three years or at the time of sale.

Policy # R.7.1.3

Concern was raised that the policy could force a landowner to move a septic system closer to a private well. It was decided that the wording should be changed to move septic systems as far as possible from municipal wellheads while remaining in compliance with the Building Code.

Policy # A.8.1.2

It was requested that the wording be changed to name the implementing bodies as the municipality in cooperation with the lead SPA. This was requested to avoid multiple conservation authorities creating different education programs within a given municipality.

Policy # A.3.2.2

It was requested that the implementing bodies be changed as in the previous policy.

Policy # C.9.2.1

There was general consensus about this policy with some minor wording changes.

Policy # C.9.2.2

It was requested that implementing bodies be changed to reflect other changes to education and outreach policies as noted above.

Policy # C.9.3.2

There was consensus about this policy with the noted wording changes.

Policy # C.9.4.1

The SPC had a lengthy discussion about including wording to exempt temporary holding tanks. However, they eventually agreed to leave this wording out of the policy text.

Policy # C.9.4.2

It was recommended that the wording should change to “shall review and amend as required” since not all certificates of approval may need to be amended. Additional wording was added to the end of the policy indicating that the CofA shall include terms and conditions which when implemented will adequately manage the risk.

Policy # C.9.4.3

The policy was amended to include the same wording as included in the previous policy.

Policy #'s: C.9.5.1, C.9.5.2, C.9.5.3, and C.9.5.4

There was consensus about all of these policies with the noted wording changes.

Policy #'s: C.9.5.5 and C.9.5.6

These policies use risk management plans to manage existing sewage threats. They need wording changes to only include those circumstances where a certificate of approval may not exist. These changes will be made in consultation with the MOE liaison and will not be brought back to the SPC.

Policy # C.9.5.7

It was requested that implementing bodies be changed to reflect other changes to education and outreach policies as noted above.

Policy # C. 9.6.1

This policy was changed to removed circumstances (a) and (f) since they do not require a certificate of approval. These will be managed under a risk management plan instead.

Policy # C.9.6.2

It was requested that implementing bodies be changed to reflect other changes to education and outreach policies as noted above.

SPC Chair, Larry Brown indicated that the next step would be to take the discussed policies forward to municipalities.

CORRESPONDENCE AND DELEGATIONS

Two pieces of correspondence were included in SPC meeting materials. The first was a letter from the Lake Huron Primary Water Supply System indicating that they were encouraging MOE to consider activities which increase the vulnerability of an intake or wellhead to be a threat to drinking water.

MOTION #SPC: 2011-09-03

Moved by Matt Pearson
Seconded by Gerry Rupke

That the letter from LHPWSS be received and supported to pass on to the Ministry of the Environment.

Carried by Consensus.

The second piece of correspondence was a guidance document from the Ministry of the Environment on administering and enforcing Part IV of the Clean Water Act.

MOTION #SPC: 2011-09-04

Moved by Don Jones
Seconded by David Blaney

That the piece of correspondence be received for information.

Carried by Consensus.

LIAISON UPDATES AND OTHER BUSINESS

MOE is meeting with ABMV SPR staff along with other SPR's to talk about boundary issues.

AGENDA ITEMS FOR NEXT MEETING – October 25th and 26th, 2011

- Review of next draft of the SP Plan

ADJOURNMENT

A motion to adjourn the meeting was moved by Rowena Wallace. Chair Brown adjourned the meeting at 3:11 p.m.

Larry Brown
Chair

Jenna Allain
Recording Secretary