

SOURCE PROTECTION COMMITTEE MEETING MINUTES

November 22, 2019

White Carnation, Holmesville

MEMBERS PRESENT

Mary Ellen Foran, Jennette Walker, Keith Black, Dave Frayne, Allan Rothwell, David Blaney, Philip Keightley, Ian Brebner, John Graham, Bert Dykstra, Bruce Godkin, Gerry Rupke, Kerri Ann O'Rourke, Karen Galbraith, Matt Pearson

MEMBERS ABSENT

Myles Murdock

LIAISONS PRESENT

Health Unit Liaison – Lori Holmes

Ausable Bayfield Source Protection Authority (SPA) Liaison – Brian Horner

LIAISONS ABSENT

Maitland Valley Source Protection Authority (SPA) Liaison – Phil Beard

Ministry Environment, Conservation and Parks Liaison Officer – Mary Wooding

DWSP STAFF PRESENT

Mary Lynn MacDonald, Donna Clarkson, Elizabeth Balfour, Tim Cumming

CALL TO ORDER

Chair Matt Pearson called the meeting to order at 12:51p.m.

AGENDA

MOTION #SPC: 2019-11-01

Moved by Jennette Walker

Seconded by Ian Brebner

“That the agenda be approved as presented.”

Carried by Consensus.

APPROVAL OF MINUTES

MOTION #SPC: 2019-11-02

Moved by Philip Keightley
Seconded by Bert Dykstra

“That the SPC minutes from September 25, 2019 be approved as presented.”

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

None

DECLARATION OF PECUNIARY INTEREST

None

CORRESPONDENCE

None

CHAIR'S UPDATE

Matt was reappointed to his position as Chair until August 2020. The Source Protection budget will be submitted at the end of November for next year. Olga Yudini, Ministry of the Environment, Conservation and Parks (MECP) liaison has taken another ministry position. The new liaison will be Mary Wooding. Matt will be sitting in on a Chair's Teleconference Meeting on January 22nd, 2020.

PROGRAM UPDATE

Mary Lynn MacDonald, Co-Program Supervisor provided a program update for SPC members. Information from her update is as follows:

Source Protection Committee (SPC) Membership

On October 28th, 2019 the Province reappointed Matt Pearson as Chair for a one-year term ending in August 2020. Mary Lynn acknowledged that with the SPC reduction and membership renewals that five members are retiring after many years of dedicated service for which she thanked all departing members: Keith Black, Karen Galbraith, Gerry Rupke, Kerri-Ann O'Rourke, and Bruce Godkin. The Ausable Bayfield and Maitland Valley Source Protection Authorities passed a resolution to change the municipal grouping with the municipalities passing resolutions that endorse Dave Frayne as their municipal representative for the South-West grouping. Applications have been received for the vacancies on the committee in accordance with regulations under the *Clean Water Act, 2006*. The Source Protection Authority Joint Management Committee will conduct interviews for the remaining vacancies on November 27, 2019. There were no applications received for the industry representative and Bruce Godkin has agreed to stay on in the interim until March 2020. Olga Yudini, MECP liaison, has accepted another position at MECP and Mary Wooding will be the interim liaison until the Province

recruits a replacement. Lori Holmes, Public Health Manager at the Huron County Health Unit, will be the new liaison representing the medical officer of health.

2020-2021 DWSP Workplan and Budget

Mary Lynn and Donna Clarkson, Co-Program Supervisors, are working on developing a workplan and budget for next fiscal year, 2020-2021. Eligible activities largely remain the same with limits placed on IT costs, overhead, travel and hospitality. The possibility for renegotiation exists depending on the finalization of the Phase II Technical Rules which remains a large unknown at this time. The draft budget will be reviewed by the SPA Technical Team and Joint Management Committee prior to submission on November 28th, 2019.

Phase II Technical Rules Update

On November 29th, the Source Protection Branch of the MECP will meet with source protection stakeholders to discuss proposed amendments to Phase II of the Director's Technical Rules. Phase I amendments to the Technical Rules have been in effect since March of 2017. Proposed amendments to the Technical Rules under this review include: surface water vulnerability, drinking water issues, alternative approach request, local activity/threat request, climate change risk assessment, and threats.

Risk Management Activities

Remaining Risk Management Plans for dense non-aqueous phase liquids (DNAPLs) are on hold until more information is released following the proposed changes to the Technical Rules. Mary Lynn and Donna attended the Source Water Protection conference in Michigan. Some similarities exist between Ontario and Michigan's source water programs. In Michigan, the program is voluntary and is based on a 50/50 grant program with a program budget of \$300, 000 – \$400, 000 annually (reduced from \$1 million). Local SPC's are made up of city management, planning, fire and police services, science teachers, health units, residents, businesses, farmers, government environmental representatives, and adjacent municipalities. Michigan's wellheads have been mapped for 10 year time of travel and 200 feet, but no vulnerability scoring exists. For new wells a 2000 foot setback distance is required. The state is currently paying for thousands of contaminated (brownfield) sites. These sites face a legacy chemical problem from the manufacturing and automotive industry. In some instances, remediation consists of covering the site with soil and using land use planning policy to restrict the drilling of a new well on site and disturbance of the soil through excavation. Michigan SPCs focus on education and outreach through school programs. Two examples are their water calendar and water bottle design. School age children draw pictures for the calendar and design labels for the bottles which are used to promote municipal drinking water.

REVISION OF SPC RULE AND PROCEDURE

Donna reviewed the update process for the Rules of Procedures which was initiated because of the reduction in SPC membership and the arrival of new committee members in January 2020. Two main additions to the document were made: a paragraph about members not being paid twice for their involvement in the SPC and that teleconferences be added as an option for SPC meetings.

MOTION #SPC: 2019-11-03

Moved by Allan Rothwell
Seconded by Ian Brebner

“That the draft Governing Rules of Procedures, Code of Conduct and Conflict of Interest document be accepted as presented.”

Carried by Consensus.

ASM POLICY DISCUSSION

Mary Lynn informed committee members that following approval of all Source Protection Plans, the Ontario Ministry of Food and Rural Affairs (OMAFRA) requested a review of all agricultural policies that prohibited agricultural activities outside of a WHPA-A.

OMAFRA Prohibition Review Request

In Ausable Bayfield and Maitland Valley watersheds the prohibition in a WHPA-B with a vulnerability score of 10 would include: future Agricultural Source Material (ASM) and Non-Agricultural Source Material (NASM) storage, future outdoor confinement areas, and future commercial fertilizer storage. Two wellhead protection areas, Zurich and Lucknow, have the largest portions of agricultural lands in a WHPA-B where the score is 10. The above mentioned agricultural prohibitions would apply. In the case of these two farms, the area on the farm that scores a 10 does not cover the entire farm parcel. Therefore, while these activities are prohibited on a small portion of the farm, the activities would still be allowed elsewhere on the farm property as long as the threat activity is outside the boundary of the highly vulnerable area. In the original Explanatory Document, this local SPC recognized that OMAFRA did not support prohibition outside of a WHPA-A. However, the committee supported prohibition and included it in the local SPP because the affected agricultural properties had other areas on the farm where better site selection could occur for these threat activities. Following the review of the current local SPP agricultural policies and OMAFRA’s request, Mary Lynn asked the committee if they wished to revise their current policies. A discussion by the committee resulted with members agreeing that this policy was discussed many times during initial drafting, and a reasonable rationale was developed at the time that is still applicable today. No significant negative impacts to farming have been seen in the last five years in these two wellheads as a result of the prohibition policy.

MOTION #SPC: 2019-11-04

Moved by Gerry Rupke
Seconded by Karen Galbraith

“RESOLVED, that following the review requested by OMAFRA of Policy A.9.4 – Section 57 Prohibition of Future ASM and NASM Storage in WHPA-B, Policy A.3.1 – Section 57 Prohibition of Future Outdoor Confinement Areas in WHPA-B, and Policy A.9.7 – Section 57 Prohibition of Future Commercial Fertilizer and Pesticide Storage, the Source Protection Committee chooses not to remove the local agricultural policies prohibiting the afore mentioned activities in a WHPA-B.

Carried by Consensus.

No Prescribed Instrument (PI) Policy for Agricultural Threats

Source Protection Plans include policies requiring ministries to review prescribed instruments for waste and sewage. A similar policy for agricultural activities currently does not exist. It is suggested by staff that a policy be written asking OMAFRA to review prescribed instruments for agriculture to ensure that Nutrient Management Strategies and Nutrient Management Plans are protecting water. If an implementing body such as OMAFRA is named in the policy asking for a report on prescribed instruments than the implementing body must submit a report to the SPR. The report does not necessarily need to provide details on Nutrient Management Strategies and Nutrient Management Plans and could be as simple as stating that OMAFRA reviewed all plans to ensure drinking water was protected. Currently, Donna has not received reports from OMAFRA on prescribed instruments. It is unclear at this time if no report was received because no prescribed instruments existed in which a report was warranted or that OMAFRA did not report because the ministry has not been required to do so. Following discussions, the committee felt that a draft policy suggestion for prescribed instruments and a possible sample report from OMAFRA would be helpful for making an informed decision at future committee meetings.

Suggestions to Improve Clarity and Intent of ASM Policies for Future Consideration

As Risk Management Officials work with farmers to implement ASM policies some language issues in the policy wording has become apparent. The following are suggestions for discussion as the policies are reviewed. Farms with Nutrient Management Strategies are exempt from Risk Management Plans (RMPs) as per the Clean Water Act. For the farms that do not have a Nutrient Management Strategy or Nutrient Management Plan, a Risk Management Plan (RMP) is required and the suggested new wording read as follows: “Where there is no Nutrient Management Strategy in place, a Risk Management Plan shall be prepared in the same manner as required for approval by OMAFRA, using the same standards and protocols.” For Agricultural Education and Outreach policies where the current wording of “large animals” is used, it is suggested that “large animals” be changed to “animals for agricultural designated uses”. For policies addressing manure storage, it is recommended to explicitly state “temporary field storage” in a WHPA-A or WHPA-B with a score of 10. For policies related to grazing, it is advised that the wording be changed so that reference to grazing units which incorporates the amount of time animals are on the landscape is taken into consideration. Suggested future wording change: “where the vulnerability score is 10, grazing or pasturing where not greater than 1 nutrient unit per acre on an annual basis is generated, calculated by grazing units”.

EDUCATION AND OUTREACH POLICY REVIEW

Education and Outreach Update

Tim Cumming, Communications Specialist (Ausable Bayfield SPA) on behalf of himself and Jayne Thompson (Communications Coordinator, Maitland Valley SPA) provided a review of the Education and Outreach (EO) activities that have occurred over the years. Since 2007, municipalities and source protection authorities have implemented a robust education and outreach program for source water protection in this region. This Education and Outreach program has reached thousands of people with over \$1 million invested in local stewardship projects. The AB and MV plans include numerous EO policies which are an additional tool for protecting source water in conjunction with Risk Management Plans. A list of educational resources that were developed to help deliver EO policies is available for use by committee members to use with the public. These education resources have largely been used by Risk Management Officials as a first step in delivering Risk Management Plans. Some of the education resources have been directly mailed to landowners to help explain Dense Non-Aqueous Liquids (DNAPLs) and the risks of septic systems to drinking water systems. To reach a broader audience especially those who live in highly vulnerable areas and significant ground water recharge areas (who are not directly affected through regulated threat activities), a website and messaging through electronic means has been adopted. EO policies were funded through the Provincial Source Protection Municipal Implementation Funding (SPMIF) for the first year following SPP implementation; however, staff feel that there is a need to continue communication with the public. Reasons for continuing source protection education include educating property owners new to wellhead protection areas, educating the public about policy changes and amendments or changes to threat activities. As well as, general refreshers for the public as a whole are beneficial for source water. Education for source water protection can include a diverse audience of residents in wellhead protection areas to municipal councillors and staff to real estate agents and crop advisors to the general public.

Education and Outreach Policy Discussion

Donna provided a review of the current EO policies as well as EO policies that could be adopted going forward. The Source Protection Plan review in 2018 identified two gaps related to education and outreach (EO) policies which were incorporated as tasks in the section 36 workplan. The original source protection policy for education focused on the first year of implementation; nevertheless, it has been recognized that a policy addressing ongoing education and outreach may be beneficial for addressing significant threats. An EO policy targeting the Intake Protection Zone would be beneficial as well. Currently ABMV SPR has a specific EO policy for significant threats with some policies for moderate/low threats. These EO policies are implemented jointly by the municipality and the lead Source Protection Authority. The EO policies were written with a focus on implementation in the first year following the approval of the SPP with the intent to educate landowners before RMPs were required. Based on a review of the existing policies, future considerations for EO could include: one new general policy for all threat activities, two separate policies with one focusing on significant threats and another on moderate/low, or the current EO policies can remain unchanged. Based on discussion from the committee, Donna will draft sample EO policies for review at a later date.

LIAISON UPDATES

Lori Holmes the new liaison for the Health Unit noted that, with the amalgamation of the Huron and Perth Health Units, the Huron Health Unit will no longer be conducting septic system inspections. The Health Unit is reviewing the best possible way to transfer all past files to the appropriate people and municipalities. Municipalities will need to find a new inspector for the 2020 inspections.

Brian Horner, liaison for Ausable Bayfield Conservation Authority (ABCA), shared that on October 24th 2019, the ABCA met with members of MECP, Ministry of Natural Resources and Forestry, and Ministers of Provincial Parliament to discuss provincially and locally funded programs.

RETIREE PRESENTATIONS

Matt Pearson, Chair, recognized the commitment of the retiring committee members over the years with acknowledgements to those who have been on the committee since its inception (12 years). Matt presented gifts to: Keith Black, Gerry Rupke, Karen Galbraith, Kerri Ann O'Rourke, and Bruce Godkin. Photos were taken by Tim.

AGENDA ITEMS FOR NEXT MEETING

Agenda items can be sent to Mary Lynn before the meeting in March, 2020. More information on the Dungannon well and a possible section 34 in 2020 to follow.

NEXT MEETING

The next meeting is scheduled for Wednesday March 25th, 2020 at the White Carnation, Holmesville.

ADJOURNMENT

The meeting was adjourned at 3:10 p.m.

Matt Pearson
Chair

Elizabeth Balfour
Alternate Recording Secretary