



SOURCE PROTECTION COMMITTEE

March 9, 2016

White Carnation, Holmesville

MEMBERS PRESENT

David Blaney, Karen Galbraith, Bruce Godkin, John Graham, Philip Keightly, Mark McKenzie, Myles Murdock, Kerri Ann O'Rourke, Gerry Rupke, Matt Pearson, Rowena Wallace, John VanderBurgt

LIAISONS PRESENT

MOECC Liaison, Teresa McLellan
Ausable Bayfield SPA Liaison, Brian Horner
Maitland Valley SPA Liaison, Phil Beard
Health Unit Liaison, Jean-Guy Albert

MEMBERS ABSENT

Ian Brebner, Keith Black, Laurence Brown

DWSP STAFF PRESENT

Jenna Allain, Mary Lynn MacDonald, Donna Clarkson, Rob Carnegie, Judith Parker

OTHERS PRESENT

Kyle Davis, Wellington County RMO

CALL TO ORDER

Acting Chair Matt Pearson called the meeting to order at 9:40 a.m. and welcomed everyone attending.

AGENDA

MOTION #SPC: 2016-03-01

Moved by Rowena Wallace
Seconded by David Blaney

That the agenda be approved as presented.

Carried by Consensus.

APPROVAL OF MINUTES

MOTION #SPC: 2016-03-02

Moved by Gerry Rupke
Seconded by David Blaney

That the SPC minutes from September 30, 2015 be approved as presented.

Carried by Consensus.

BUSINESS OUT OF THE MINUTES

None

DECLARATION OF PECUNIARY INTEREST

None

CHAIR'S UPDATE

Matt Pearson reported that he had attended the provincial Chair's meeting and all Source Protection Plans have now been approved. There is no provincial funding available for new initiatives, but there is discussion on whether the province will look at protecting private drinking water systems in the future. Amending the number of members on the Source Protection Committee was also discussed.

PROGRAM UPDATES

Implementation Monitoring

Jenna Allain, Program Supervisor provided a summary on the implementation monitoring reports covering the activities carried out between April 1, 2015 and January 2016. Reports were received from every lower and upper tier municipality as well as the RMO for the Town of Minto. The report was categorized by policies and allows the Source Protection Committee and Source Protection Authorities to gauge the effectiveness of the policies.

Part IV policies in the Town of Minto – RMO/RMI staff completed 25 site visits at properties identified as potentially requiring risk management plans or prohibitions. 13 properties were confirmed to not contain a significant drinking water threat while 11 are potentially subject to risk management plan requirements for DNAPL handling and/or storage. Further RMP work is on hold until the Province completes major clarification on DNAPL guidance. There were 53 development review notices issued per Section 59 of the *Clean Water Act* in 2015

Part IV policies delivered by ABCA – Within the eight municipalities, it was estimated that 200 RMPs are required. Through threat verification the actual number could be reduced to 150. ABMV Region staff are leading the way in establishing some of the first RMPs across the province for the following significant threats: pesticide application, fuel storage and waste disposal. There were 42 development review notices under Section 59 of the *Clean Water Act*.

Planning policies – Most municipalities within the ABMV Region have either hired planning staff or engaged planning consultants to undertake a review of the source protection policies for incorporating these policies into municipal planning documents. Huron-Kinloss and Wellington County are currently updating their official plan to include source protection plan policies. It is anticipated that all planning documents will be updated by 2018.

Education and Outreach policies –The education and outreach policies are largely being delivered by the RMO as a first step in developing RMPs. A letter, factsheet and map were sent out to approximately 3,000 landowners within the 5 year time of travel.

HVA and SGRA Education – It would be financially prohibitive to do site visits or direct mailings, as it encompasses thousands of people in the HVA and SGRA areas. HVA and SGRA education messaging has therefore been incorporated into existing source protection communication projects (website, media, open houses, fact sheets).

Mandatory On-Site Sewage System Maintenance Inspection Program – Inspections are carried out by the Huron County Health Unit, municipal CBO or BM Ross (for Huron-Kinloss). Municipalities can use funding under the Municipal Implementation Funding to conduct the inspections. There are 205 inspections required in the ABMV Region, and 123 have been completed.

Other Policies (non-significant threat policies) – Staff continue to work with municipalities to provide guidance about these policies and encourage implementation wherever possible. These policies address things like existing waste disposal sites; road salt handling, storage and application; spills; and a specific action policy for signage on highways. Provincial funding provided to municipalities for implementation of source protection plans can be used to install signs denoting well-head protection zones.

RISK MANAGEMENT PLANS

Mary Lynn MacDonald, Risk Management Official gave an overview on problems and solutions found when developing the initial Risk Management Plans. She has concentrated on farmer and agribusiness risk management plans and making those connections.

One experience was addressing intergenerational communication within a farming operation so that everyone is aware of the wellhead protection areas. Signs were developed and placed in the field so that any hired help or custom operators are aware of the WHPA.

Maps have been sent to realtors to identify WHPAs. If there are prohibitions associated with a property, an acknowledgement can be signed at the time of sale. Property owners who sell privately may not want to acknowledge prohibitions.

There is a concern with the turnover of leased commercial properties. The property owner may not let the new lessee know about a prohibition and the RMO may not be aware of the type of business setting up.

With the exception of one property, all farms requiring a risk management plan for pesticide application are only applying one chemical that is considered a significant drinking water threat. This chemical is predominately used for cereal crops. If the property is leased, the tenant signs the RMP with a copy provided to the landowner. If leased and custom sprayed, both the leaser and the custom sprayer sign, and a copy is provided to the landowner.

There was discussion on pesticide labelling and groundwater. Buffer zone info is required for terrestrial, stream and marine, but not for municipal wells or groundwater leaching. The Pesticide Management Regulatory Agency reviews active ingredients and products on a 15 year rotation. It is felt MOECC needs to take responsibility for pesticides deemed significant threats in the Table of Circumstances and prioritize for the Pesticide Management Regulatory Agency review that labelling include groundwater leaching info and the set back from municipal wells.

Staff have been working with OMAFRA nutrient staff to establish appropriate stocking rates and come to agreement with farmers for best management practices to meet the grazing and pasturing policy. For larger farms that are regulated under the *Nutrient Management Act* the Nutrient Management Strategy details production of manure and fields that are phased-in for application. Nutrient Management Plans are written for how application happens in the phased-in field, so these farmers can use their NMP as the Prescribed Instrument to exempt them from doing a Risk Management Plan. A 'Statement of Conformity' is issued but there is confusion as to who decides the Nutrient Management Plan is 'conforming'. This is a complicated multi-ministry issue and the optics need to be sorted out.

One-third of the RMPs that will be negotiated between ABCA RMOs and landowners will be for DNAPLs. None of the negotiations for these plans have begun because staff are waiting for the province to provide guidance on how this complex group of chemicals.

New wells are coming on line in Ripley, Blyth and Varna so staff are providing assistance to the municipal staff with maps and guidance on their SPP responsibilities.

Since many Source Protection Regions have not started issuing Risk Management Plans, there have been inquiries for sharing templates, advice and tools such as the oil spill kits. New aerial photography will be available soon, so updated maps will be provided to the municipalities, counties, farmers, commercial operators and engaged community partners.

TIER 3 WATER BUDGET UPDATE

Jenna Allain gave an update on the status of the Tier 3 water budget for Century Heights. Donna Clarkson relied on previously consulting reports and data to put together a final report which has been distributed for peer review. The report details the well system and provides rationale for why there are no water quantity threats assessed for the well system. An update will be brought to the next SPC meeting.

MOECC SHORT-TERM TECHNICAL CHANGES

Jenna Allain explained the changes that have been proposed by MOECC to the technical rules and drinking water threats tables. The current changes being proposed are all considered short

term changes that do not require significant technical review of the science. Long term changes would require a substantial amount of research and review, and will be addressed at a later date. A lot of the proposed changes are housekeeping items that do not have any real implications for the program. However, staff question the broader implications to the proposed change of Rule No. Part VIII.3, which prescribes different ranges of Source Vulnerability Factors based on the type of intake (A, B, C or D). Currently the ABMV Region has no significant threats within intake protection zones, but it is unknown whether the proposed changes would alter that. The Chair will call a meeting of the SPC if staff identify impacts that need to be discussed before submitting comments. MOECC would like feedback on the proposed short-term technical changes by March 18 in preparation for the SPC Chair's meeting at the end of March.

Lunch was served at 12:15 p.m. and the meeting reconvened at 1 p.m. The new DWSP video on protecting sources of drinking water was shown. Committee members were encouraged to share this public education tool which can be found at <https://youtu.be/8kKGc0BsW2Q>. Jean-Guy Albert, Myles Murdock and Phil Beard departed in the afternoon before the meeting was adjourned.

AGRICULTURAL RISK MANAGEMENT PLANS AND SECTION 61 EXEMPTIONS

Jenna Allain explained that the *Clean Water Act* has an exclusion clause stating a person may be excluded from a risk management plan if the activity for which the RMP is required is regulated by a prescribed instrument (e.g. an Environmental Compliance Approval), and a 'Statement of Conformity' is signed by the issuer of the instrument. A Nutrient Management Plan is considered a prescribed instrument under the *Nutrient Management Act* although they are not reviewed and approved by OMAFRA in the same way that Nutrient Management Strategies are. In the case of manure application, where a farmer has a Nutrient Management Plan, OMAFRA has indicated that they will not be providing a 'statement of conformity' since they do not approve these instruments. They have indicated that in this case, the 'statement of conformity' would be written by the farmer. This is considered by staff to be a gap, where a significant drinking water threat may not be managed appropriately. This type of situation has already arisen in the ABMV Region, and staff are working with OMAFRA and MOECC to determine how best to deal with it. Teresa McLellan, MOECC Liaison will follow up and provide an update at the next SPC meeting.

SECTION 59 REPORT

At the last SPC meeting, Kyle Davies, RMO for the Town of Minto made a presentation on the amount of time RMO staff spend reviewing all planning applications and building permits to screen for Section 59 policies. Some other source protection plans exclude certain land uses providing some flexibility to screen out certain types of applications. Staff were directed to review the wording of Section 59 policies and bring back to the next meeting. MOECC also provided additional guidance with four options to consider:

- (i) The enforcement body could pass a bylaw or regulation to identify and clarify types of development to be addressed.
- (ii) Affected municipalities could establish an expedited administrative process between planning department, building department and RMO
- (iii) The enforcement body could appoint staff in the planning or building departments as RMOs for the purpose of issuing a Section 59 notice.

- (iv) The Source Protection Authority/Committee would amend the source protection plan to include site specific exemptions where necessary.

As a local approach, the ABCA is considering taking Option # 1 and seeking board approval for a regulation pursuant to Section 55(1)(c) of the *Clean Water Act*. Kyle Davies, RMO with the Town of Minto is considering passing a similar by-law. During the next fiscal year (2016-2017) there will be a request to undertake a Section 34 amendment. This is spearheaded by new well systems being installed since source protection plans have been approved. Perhaps the changes to Section 59 policies can be added to the amendment request.

MOTION #SPC: 2016-03-03

Moved by John VanderBurgt

Seconded by Gerry Rupke

That the ABMV Source Protection Committee endorse the approach to pass a by-law or make a regulation under clause 55 (1) (c) of the *Clean Water Act* in order to provide more flexibility in the type of applications that are reviewed by Risk Management Officials.

Carried by consensus

SOURCE PROTECTION COMMITTEE RENEWAL AND 2016 WORKPLAN

Jenna Allain noted there will be flexibility moving forward, as to the number of members appointed to the Source Protection Committee. However all sectors still need to be represented. The Source Protection Authority will consult with the SPC Chair before any reduction in SPC size is decided upon. According to the regulation all members should be changed by December 2019. Existing members can apply for reappointment. John VanderBurgt commented that there is value in having existing members remain so the knowledge base is not reduced. There was general consensus among committee members that the size of the SPC should remain the same.

The 2016/17 work plan has been submitted to MOECC. It includes delineation of a new WHPA in Varna and new well in Blyth. A request for two SPC meetings was included in the workplan. Additional meetings will be called if needed. There was no change identified in the SPC membership size for the next fiscal year.

LIAISON UPDATE

Teresa McLellan advised that the MOECC Deputy Minister directed staff to undertake a review as to what the source protection program framework will look like in the future. SPC members will be meeting less but kept engaged through teleconference and newsletter. Mandatory roles of the SPC include reviewing annual reports which will be due May 2018; new well systems technical work; and preparation for amendments to the current Source Protection Plan.

CORRESPONDENCE

1. A *Notification of Transport Pathway* was received from the Municipality of South Huron for a property at 5 Lakeshore Drive, Grand Bend.

MOTION #SPC 2016-03-04

Moved by John VanderBurg
Seconded by Karen Galbraith

That the *Notification of Transport Pathway* pursuant to Regulation 287/07 ss. 27(3) and 27(4) of the *Clean Water Act, 2006* be received, noted and filed.

Carried by consensus

2. Correspondence from Heather Malcolmson, Director of MOECC Source Protection Programs Branch advising that Source Protection Municipal Implementation Funding will be available to an additional 11 municipalities who met the eligibility criteria.
3. Source Protection Committee members may be contacted by a Ph.D. student wanting to conduct interviews regarding the source protection planning process.

NEXT MEETING

The SPC will meet next on Wednesday, September 14, 2016 at 9:30 a.m. at the White Carnation in Holmesville.

ADJOURNMENT

The meeting was adjourned at 2:37 p.m.

Matt Pearson
Acting Chair

Judith Parker
Recording Secretary