

# DRINKING WATER SOURCE PROTECTION

ACT FOR CLEAN WATER

TRENT  
CONSERVATION  
COALITION  
SOURCE PROTECTION  
REGION

## SOURCE PROTECTION COMMITTEE MEETING

AUGUST 16, 2011 – 9:45 A.M.

ASPHODEL-NORWOOD COMMUNITY CENTRE, NORWOOD, ON

### MINUTES

#### ATTENDEES

SOURCE PROTECTION COMMITTEE MEMBERS	PRESENT	REGRETS	ABSENT	NOTES
Jim Hunt	✓			
Monica Berdin	✓			
Darla Blodgett	✓			
Alanna Boulton	✓			
Dave Burton	✓			
Bill Cornfield	✓			
Edgar Cornish	✓			
Pam Crowe	✓			
Kerry Doughty	✓			Arrived at 10:15a.m.
Bobbie Drew	✓			
Rob Franklin	✓			
Mike Gibbs	✓			
Dave Golem	✓			Arrived at noon
Rosemary Kelleher-Maclennan	✓			Arrived at 10:30 a.m.
Robert Lake	✓			
Gerald McGregor	✓			
Glenn Milne	✓			
Terry Rees	✓			
Mary Smith	✓			
Bev Spencer	✓			Arrived at 10:15 a.m.
Richard Straka	✓			
Wayne Stiver			✓	
Alix Taylor			✓	
Mae Whetung	✓			
Dave Workman	✓			

SOURCE PROTECTION COMMITTEE LIAISONS	PRESENT	REGRETS	ABSENT	NOTES
Tom Cathcart		✓		
Glenda Rodgers	✓			
Wendy Lavender	✓			
Clare Mitchell	✓			

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**COMMITTEE SUPPORT STAFF:**

Andrew Doiron, Planning Coordinator  
Myriam Genet, Administrative Assistant  
Marilyn Bucholtz, Communications Coordinator

**CONSERVATION AUTHORITY STAFF:**

Crowe Valley SPA: Marnie Guindon, Vicki Woolfrey  
Ganaraska Region SPA: Mark Peacock  
Kawartha-Haliburton SPA: Mark Majchrowski, Paul Buckley  
Lower Trent SPA: Kelly Weste  
Otonabee-Peterborough SPA: Jennifer Bull  
TCC Regional Staff: Diana Tyner

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**1. WELCOME**

Chair Hunt welcomed the Committee. Diana Tyner, TCC's new Planning Assistant was introduced. Chair Hunt informed the Committee that Jennifer Stephens sent her regrets due to a family emergency, but the meeting would go on with the assistance of Marilyn Bucholtz, Andrew Doiron and Myriam Genet.

Jim Hunt noted that this was Wendy Lavender's last meeting with the TCC SPC, and that Clare Mitchell would take over the MOE liaison role. The Committee thanked Wendy for her contribution.

**2. CALL TO ORDER**

The meeting was called to order at 10.05 a.m.

**3. DISCLOSURE OF ANY CONFLICTS OF INTEREST**

There were no conflicts of interest.

**4. APPROVAL OF THE AGENDA****SPC 2011-08-16-01**

By consensus, the agenda was approved.

**5. DELEGATIONS**

There were no delegations.

**6. APPROVAL OF MINUTES FROM LAST MEETING – JULY 21, 2011**

Chair Hunt asked for any revisions.

**SPC 2011-08-16-02**

By consensus, the minutes of July 21, 2011 were approved.

## 7. BUSINESS ARISING FROM MINUTES OF LAST MEETING

- a) Approval of Staff Report 19 – 11(D) – *Draft Policy Wordings for Fuel, DNAPL, Organic Solvent and NASM Threats*

### SPC 2011-08-16-03

By consensus, the Staff Recommendation as outlined in Staff Report 19/11 to approve the attached policies for pre-consultation as discussed at the July 21, 2011 SPC meeting was accepted.

Gerald McGregor indicated that he wished to discuss fuel – Chair Hunt noted that this could be discussed later in the agenda.

## 8. CORRESPONDENCE

- a) *P. Heeney, Acting Director, Source Protection Planning Branch, re: Administering & Enforcement of Part IV under the Clean Water Act (July 29th, 2011)*
- b) *P. Heeney, Acting Director, Source Protection Planning Branch, re: Clean Water Act Source Protection*
- c) *Planning Bulletin – Section 56 Interim Risk Management Plans (July 29th, 2011)*

Marilyn Bucholtz outlined items a-c noting that they were provided for information.

- d) *C. Wrigley - Thomas, Executive Director to G. Rodgers, re: Canadian Oil Heat Association – Ontario Chapter (July 20th, 2011)*

Marilyn Bucholtz indicated that this letter was the first piece of correspondence received from the Canadian Oil Heat Association and that it provides the TCC with a contact.

**ACTION:** It was agreed that Staff would respond to the letter to “open the lines of communication”.

- e) *A. Denby, Manager – Regulatory Affairs, Trans-Northern Pipelines to J. Stephens, re: identification of local pipeline threat (July 15th, 2011)*

Jim Hunt noted that Trans-Northern Pipelines do not consider themselves to be a threat.

**ACTION:** It was agreed that Staff respond to the letter, asking what preventative measures and emergency response strategies are in place. Mark Peacock will liaise with Jennifer Stephens. The Committee requested that they be advised of any response from Trans-Northern Pipeline.

- f) *R. Bennis, Chair, GRSPA to Hon. John Wilkinson, re: provincial financial support (July 4th, 2011)*  
*The Committee noted that this was a common theme, and that we are getting closer to estimating costs to implementing bodies and to landowners/business owners.*

### SPC 2011-08-16-04

By consensus, the above Correspondence was accepted for information.

**9. REVIEW OF POLICIES – (STAFF REPORT 20-11) – ANDREW DOIRON, SPP COORDINATOR**

Policy	Discussion	Decisions
<b>“Other” Threats</b>		
<b>Snow Storage</b>		
O-1: Relocation of Snow Storage or Risk Management Plan	<ul style="list-style-type: none"> <li>Only one threat – municipality owns the property</li> <li>Identified gap – only know the existing. Counts change.</li> <li>Prohibition for future</li> <li>Confirmed that the definition does not mean the facility – it could be anywhere</li> </ul>	<p><i>Add an education clause—up to the Municipality to decide specific content of program</i></p> <p><i>Change the implementer to be the landowner</i></p> <p><i>Since facility was the intent – then add it to the policy</i></p> <p><i>Prohibit for future</i></p>
<b>Aircraft de-icing</b>		
O-2: Prohibition of Future Aircraft De-icing	<ul style="list-style-type: none"> <li>Case law suggests that the federal government and its corporations may not be immune to provincial legislation that relates to water pollution control. The SPC must develop a policy for this significant threat regardless of who has jurisdiction to comply with the Act.</li> </ul>	<p><i>Include a Communication component</i></p> <p><i>List Transport Canada as an implementing body.</i></p>
<b>Aquaculture</b>		
O-3: Prohibition of Future Aquaculture	<ul style="list-style-type: none"> <li>Cannot be a significant threat (only moderate or low). NOTE: Since the August 16<sup>th</sup> meeting, staff has confirmed that Aquaculture can be a significant threat in the WHPA-E of the Stirling Municipal Drinking Water System.</li> </ul>	<p><i>Consistent with past direction, the SPC will deal only with significant threats.</i></p>
<b>Local Threats</b>		
<b>Waterfowl</b>		
L-1: Requirement for Waterfowl Management Plan	<ul style="list-style-type: none"> <li>Discussion about legalities – implementer (landowner – municipality)</li> <li>Add to general E&amp;O policy</li> </ul>	<p><i>Consult with MOE</i></p> <p><i>Leave municipality as the agent</i></p> <p><i>Clarify legal effect issue</i></p>
<b>Pipeline Rupture</b>		
L-2: Review of Emergency Response Plans	<ul style="list-style-type: none"> <li>TransCanada pipeline is a federal jurisdiction – the feds should be involved</li> <li>They still have to have regard to provincial regulations (need to get CA permits, etc)</li> </ul>	<p><i>Add clause that Municipalities be notified during pipeline maintenance</i></p> <p><i>Require practice exercises/emergency response scenarios.</i></p> <p><b>ACTION:</b> <i>Explore Spill Action Policy that other CAs have used (not for this round)</i></p>


**SPC 2011-08-16-05**

By consensus, the Committee approved the policies for pre-consultation with implementing bodies.

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## 10. REVIEW OF UPDATED DRAFT POLICIES (STAFF REPORT 21-11 (D) – ANDREW DOIRON, SPP COORDINATOR)

Draft policy wording for most significant drinking water threats have been reviewed by the SPC at the May, June and July meetings. Based on feedback provided at these meetings, *draft* policies are being resubmitted so that the Committee can be informed of minor changes made to the policy text.

Policy	Discussion	Decisions
<b>Global Changes</b>		
	<p><b>RMP:</b> RMO will “negotiate and establish....”</p> <p><b>Education:</b> All moved into “E&amp;O – General Provisions” policy (G-4)</p> <p><b>Reporting:</b> All now refer to “Source Protection Authority with jurisdiction”</p> <p>Headers added where appropriate</p> <p><b>Numbering:</b></p> <ul style="list-style-type: none"> <li>▪ Rearrangements of clauses &amp; numbering</li> <li>▪ Lettered prefixes (i.e. “S-1”)</li> </ul> <p>It was suggested that the source protection plan should indicate that where a policy prohibits an activity and the establishment of a new instance of this activity would result in an overall improvement in source water quality that the prohibition should not apply (e.g. where the establishment of a large communal septic system would replace several smaller systems).</p>	<i>All approved</i>
<b>Waste Disposal Sites</b>		
W-1: C of A for Waste Disposal Sites	As outlined in presentation	<i>Approved</i>
<b>Non-Agricultural Source Material</b>		
NASM-2: Prohibition of Future	As outlined in presentation	<i>Exclude Category 1 NASM from prohibition</i>
<b>Sewage Systems</b>		
S-2: Review of C of A for Sewage Systems	As outlined in presentation	<p><i>Consensus that a clause be added that when the C of As are reviewed they should require annual inspection and reporting.</i></p> <p><i>Update the rationale – be consistent with the building code.</i></p> <p><i>Prohibit future (w/ C of A)</i></p>
S-4: Connection to Municipal Collection Systems / Future Constructions on Lots of Record	<p><i>As outlined in presentation</i></p> <p>Given the subjectivity of the wording “where feasible” do we want to list specific conditions?</p>	<p><i>Recycle wording from other policy (pg 11)</i></p> <p><i>Leave wording “where feasible”</i></p>
S-5: Wastewater collection facilities excluding storage (i.e. sewer pipes)	As outlined in presentation	<i>Agree</i>

S-6: Discharge of Untreated Stormwater from a Stormwater Management Facility	As outlined in presentation	<i>Agree</i>
S-7: Prohibition of Other Future Sewage Infrastructure	As outlined in presentation	<i>Agree</i>
<b>Agriculture</b>		
AG-1: Risk Management Plans	As outlined in presentation  If the proposed Farm Water Protection Plan is adopted by the MOE for use throughout the province should the contents of the RMP defer to the requirements of the FWPP? – Yes.	<i>May wish to have the municipality included in the reporting.</i>
AG-5: Prohibition of Future Ag. Activities	As outlined in presentation	<i>Agree</i>
AG-7: Requirement for Certification for Bulk Pesticide Warehousing	As outlined in presentation  Should AWSA certification be made a requirement of the RMP?	<i>Agree</i>
<b>Fuel</b>		
C-4: Creation of New Lots/Future Construction on Lots of Record	As outlined in presentation	<i>Prohibit future</i>
<b>Salt</b>		
S-4: Future Construction of Roads and Impervious Surfaces	As outlined in presentation	<i>Expand policy to include all future construction of impervious surfaces (as defined in the Technical Rules)</i>

**SPC 2011-08-16-06**

By consensus, the Committee approved the policies for pre-consultation and discussion with implementing bodies.

**11. REVIEW OF POLICIES – LOCATION TEXT (PRESENTATION)– ANDREW DOIRON, SPP COORDINATOR**

Andrew Doiron presented an overview of options for supporting materials that should be included with the pre-consultation package for the purpose of clarifying where particular policies apply for each drinking water system. Following discussion, it was suggested that a combination of mapping together with a summary of the circumstances that would make each policy applicable would assist the implementers in the pre-consultation phase.

**SPC 2011-08-16-07**

By consensus, the Committee approved the suggested approach for specifying the location where source protection policies apply.

## 12. SOURCE PROTECTION PLANNING UPDATE LETTER – MARILYN BUCHOLTZ, COMMUNICATIONS COORDINATOR

Following the June 8<sup>th</sup> forum, it was decided that the *draft* policies prepared by the TCC SPC would be provided to implementing bodies for a period of 60 days. The anticipated pre-consultation period for the TCC SPC will run from September 1<sup>st</sup> through October 31<sup>st</sup>, 2011.

Wendy Lavender indicated that the TCC SPR needs to ensure that *draft* policies (in the pre-consultation phase) are not on a public website. The intent should be to focus on allowing stakeholders an opportunity to comment before the *draft* policies are sent out for broader consultation, and therefore the *draft policies* should not be accessible to the general public.

### SPC 2011-08-16-08

By consensus, the Committee approved the Pre-consultation Notice and consultation procedure as outlined in Staff Report 22/11.

## 13. REPORTS/UPDATES

- **Staff**

There were no staff reports.

- **Municipal Working Groups**

- ❖ Minutes of Otonabee-Peterborough SPA Municipal Working Group Meeting – July 20th, 2011
- ❖ Minutes of Crowe Valley SPA Municipal Working Group Meeting – July 26th, 2011
- ❖ Minutes of Ganaraska Region SPA Municipal Working Group Meeting – July 27th, 2011
- ❖ Minutes of Lower Trent SPA Municipal Working Group – July 27th, 2011
- ❖ Minutes of Kawartha Haliburton SPA Municipal Working Group Meeting – July 29th, 2011

### SPC 2011-08-16-09

By consensus, the Source Protection Committee accepted the MWG meeting minutes for information.

- **Committee Members (updates on public engagement/conferences)**

There were no updates.

## 14. QUESTIONS/COMMENTS FROM THE PUBLIC

There were no questions.

## 15. OTHER BUSINESS

There was no other business.

## 16. NEXT MEETING – SEPTEMBER 14, 2011 - ASPHODEL-NORWOOD COMMUNITY CENTRE, NORWOOD, ON

Next meeting date and location was noted.

## 17. ADJOURNMENT

Meeting adjourned at 3.15 p.m.