

SOURCE PROTECTION COMMITTEE

MINUTES – MEETING #51

MEETING: SOURCE PROTECTION COMMITTEE
DATE: FRIDAY, JULY 27, 2012
TIME: 9:30 A.M.
LOCATION: GREY SAUBLE CONSERVATION, OWEN SOUND, ON

CALL TO ORDER

Chair Mike Traynor called the meeting to order at 9:32 a.m.

In Attendance: Chair, Mike Traynor
David Biesenthal, Lou D'Alessandro, Bruce Davidson, Carolyn Day,
Robert Emerson, Kathie Hughes, Brent Lanktree, Les MacKinnon, Les
Nichols, Dale Thompson, Bill Twaddle, Mitch Twolan

Others Present: Teresa McLellan, Ex-officio, Ministry of the Environment (MOE)
Robert Reid, Ex-officio member, Grey-Bruce Health Unit
Don Smith, Project Manager, Drinking Water Source Protection (DWSP)
Nancy Guest, Recording Secretary, DWSP

Also in Attendance: Gary Senior, Acting General Manager, Saugeen Conservation
David Ellingwood, Program Supervisor, DWSP
Brian Luinstra, Hydrogeologist, DWSP
Donna Clarkson, Outreach Specialist, DWSP
Emily Vandermeulen, GIS/Database Specialist, DWSP
Betsy Stewart, Councillor, Northern Bruce Peninsula

Regrets: Ken Furlong, Mark Kraemer, Carolyn Parker

The Chair introduced and welcomed Lisa Thompson, MPP, Huron-Bruce, Bill Walker, MPP, Bruce-Grey-Owen Sound, Joanne Hughes, Ontario Federation of Agriculture, Patrick Jilesen and John Gillespie, Bruce County Federation of Agriculture.

1. Adoption of Agenda

Motion No.
SPC-12-192

Moved by Carolyn Day
Seconded by Lou D'Alessandro

THAT the Agenda be adopted as amended.

Carried

2. Declaration of Pecuniary or Conflict of Interest

Committee members were reminded to disclose any pecuniary interest that may arise during the course of the meeting. No disclosures of pecuniary interest were expressed at this time.

3. Adoption of Minutes

**Motion No.
SPC-12-193**

**Moved by Bruce Davidson
Seconded by Dale Thompson**

THAT the Minutes of the May 25, 2012 Source Protection Committee meeting be adopted as distributed.

Carried

4. Matters Arising from the Minutes

Source Protection Authority Meetings Report

The Project Manager reviewed the Source Protection Authority Meetings Report and advised that all three Source Protection Authorities (SPAs) passed motions supporting the implementation of the Source Protection Plan (SPP) policies provided the Province provides full and continued funding for implementation costs. Motions were also passed by each SPA that the Proposed Source Protection Plan (PSPP) has been received, pending the addition of points of clarification agreed to by the Source Protection Committee. Drinking Water Source Protection (DWSP) staff was directed by resolution to submit the PSPP to the Ministry of the Environment.

Proposed Source Protection Plan Consultation Report 4a

The Project Manager reviewed Report 4a and the comments received during the final consultation period which ended July 3, 2012. The Project Manager advised that policies contained in the PSPP could be changed to clarify details, but at this point, the intent of a policy could not be changed without additional consultation.

Proposed Source Protection Plan Response to Comments Report 4b

The Program Supervisor reviewed all of the comments contained in Report 4a and the possible responses or suggested clarifications to policies resulting from the comments.

Comments related to the Walkerton nitrate issue contributing area were reviewed by the Committee.

Sample Policy WN-11 relating to an education course being part of a Risk Management Plan policy was reviewed and discussed. It was agreed that points of clarification would be added to the policy.

**Motion No.
SPC-12-194**

**Moved by Les Nichols
Seconded by Bruce Davidson**

THAT the Source Protection Committee amends Policies WN-11, WN-14, WN-16, WN-22, WN-24, WN-29, and WN-31 as per the sample attached to Report 4b and appended to this motion. (See attachment)

Carried

The Committee recessed from 10:45 a.m. to 11:00 a.m.

Sample wording for Policy WN-35 was reviewed and discussed respecting the effectiveness of educational programs with respect to the Walkerton nitrate issue. It was agreed that points of clarification would be added to the policy.

**Motion No.
SPC-12-195**

**Moved by Lou D'Alessandro
Seconded by Brent Lanktree**

THAT the Source Protection Committee amends Policy WN-35 as per the sample attached to Report 4b and appended to this motion. (See attachment)

Carried

Sample wording for Policy WN-36 respecting the Walkerton nitrate issue research project was reviewed and discussed and it was agreed that points of clarification would be added to the policy.

**Motion No.
SPC-12-196**

**Moved by Les MacKinnon
Seconded by Kathie Hughes**

THAT the Source Protection Committee amends Policy WN-36 as per the sample attached to Report 4b and appended to this motion. (See attachment)

Carried

The Chair confirmed that the three agricultural representatives on the Committee were satisfied with the clarifications made to the Walkerton nitrate issue policies.

Comments from the Ministry of Transportation were reviewed with respect to the sign policy.

**Motion No.
SPC-12-197**

**Moved by Les MacKinnon
Seconded by Dale Thompson**

THAT the Source Protection Committee amends Policy G-05 in the Proposed Source Protection Plan by striking the following paragraph:

“Exceptions from the above-noted sign placement criteria may be considered on a case-by-case basis by the applicable authority (the municipality, county or Ministry of Transportation), in collaboration with the Ministry of the Environment as well as the Source Protection Authority.”

Carried

The numerous comments received from the Ministry of the Environment (MOE) were discussed in detail. The Project Manager reiterated that funding for implementation is important to the effectiveness of the Source Protection Plan.

**Motion No.
SPC-12-198**

**Moved by Carolyn Day
Seconded by Robert Emerson**

THAT a cover letter to the Proposed Source Protection Plan be prepared to support the position of the Source Protection Committee that funding should be provided by the Province of Ontario to landowners affected by the implementation of Source Protection Plan policies and also to agencies responsible for the implementation of Source Protection Plan policies; and that this cover letter should be signed by the Chair of this Source Protection Committee.

Carried

**Motion No.
SPC-12-199**

**Moved by Dale Thompson
Seconded by Lou D'Alessandro**

THAT the Source Protection Committee amends Chapter 7 of the Explanatory Document to provide additional rationale for the use of Section 57 prohibition policies for existing activities.

Carried

**Motion No.
SPC-12-200**

**Moved by Carolyn Day
Seconded by Bruce Davidson**

THAT the Source Protection Committee amends Policy 02-05 by striking the following paragraph:

“Therefore, all land use designations and zones described in a municipal official plan or zoning by-law, as amended from time to time, are designated as restricted land uses for the purpose of s. 59 of the *Clean Water Act*.”

Carried

5. Correspondence

Letter from Town of Minto dated May 24, 2012 respecting boundary matters was **noted and filed**.

Copy of letter from Wellington North to Wellington County dated May 29, 2012 respecting the Draft Proposed Source Protection Plan was **noted and filed**.

Letter from Bill Walker, MPP and Lisa Thompson, MPP dated May 22, 2012 respecting Bruce County Federation of Agriculture and Chair Traynor's response were **noted and filed**.

Letter from OMAFRA dated June 12, 2012 respecting the Source Protection Program was **noted and filed**.

Letter from MOE dated June 13, 2012 respecting the Draft Proposed Source Protection Plan and the Proposed Source Protection Plan was **noted and filed**.

Email from MOE dated July 24, 2012 respecting the interim Source Protection Programs director was **noted and filed**.

Email from MOE dated July 24, 2012 respecting the Great Lakes Guardian Community Fund was **noted and filed**.

6. Reports

Administration Report 6a

The Chair acknowledged that this report was available for review prior to the meeting and asked for questions from the floor.

Ontario Drinking Water Stewardship Program 6b

The Chair acknowledged that this report was available for review prior to the meeting and asked for questions from the floor.

Communications 6c

The Chair acknowledged that this report was available for review prior to the meeting and asked for questions from the floor.

Ongoing Technical Work Report 6d

The Chair acknowledged that this report was available for review prior to the meeting and asked for questions from the floor.

The meeting recessed for lunch at 12:30 p.m. and reconvened at 12:45 p.m.

7. New Business

Isotope Results for Provincial Groundwater Monitoring Network Wells 304 and 188 Report 7b

The Hydrogeologist reviewed Report 7b and advised that the results of isotope sampling was available from Wells 304 (shallow overburden) and 188 (deep bedrock) located west of the Walkerton municipal supply wells. A summary report prepared by Mike Christie, Scientist with the Surface Water Interaction Monitoring for the Ministry of the Environment was attached to the report. The wells were analyzed for nitrogen, oxygen, and hydrogen isotopes as well as tritium. Based on the isotopic data, the results of the analyses show:

1. the source of nitrogen in the groundwater is an organic, volatilized ammonia-based fertilizer;
2. no significant denitrification was identified in the wells;
3. the isotopic signatures of the two wells are similar and indicate the shallow overburden and the deep bedrock aquifers have similar sources and characteristics; and,
4. tritium results indicate an estimated, average age of water in the aquifers of approximately 30-40 years; however, the similar isotopic signatures and the rapid increase in water levels

within the shallow well (304) are suggestive the aquifers are mixed, and a combination of younger, more recently infiltrated water recharge *in situ* and older groundwater recharged *ex situ*.

The Committee recessed for the remainder of lunch from 1:10 p.m. to 1:30 p.m.

Great Lakes Protection Act Report 7a

The Project Manager presented a powerpoint presentation on the *Great Lakes Protection Act*. The Program Supervisor reviewed Report 7a and advised that it may be appropriate for the Source Protection Committee to provide comments during the consultation period. Comments prepared by the Canadian Federation of University Women on the *Great Lakes Protection Act* and provided by Committee member, Carolyn Day, were made available to the Committee.

**Motion No.
SPC-12-201**

**Moved by Carolyn Day
Seconded by Dave Biesenthal**

THAT the Chair of the Source Protection Committee provide comments to the Environmental Registry postings for both Bill 100 - *Great Lakes Protection Act* and the Draft Great Lakes Strategy as agreed upon during the Source Protection Committee meeting.

Carried

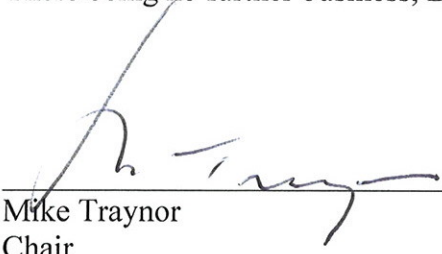
8. Other Business

There was no other business.

9. Confirmation of Next Meeting and Adjournment

The next Committee meeting will be held on September 28, 2012 at Grey Sauble Conservation, 237897 Inglis Falls Road, RR4, Owen Sound, Ontario.

There being no further business, Bruce Davidson made a motion to adjourn at 2:10 p.m.



Mike Traynor
Chair



Nancy Guest
Recording Secretary

WN-11 Risk Management Plan for Agricultural Source Material Application - portion of ICA coinciding with WHPA-C or WHPA-D

The policy applies to all portions of the issue contributing area that coincide with WHPA-C or WHPA-D of the Walkerton Well Supply and where the application of agricultural source material to land is or would be a significant threat (existing activity or future activity).

The application of agricultural source material to land may only occur in accordance with an approved Risk Management Plan. Therefore, the application of agricultural source material to land is designated for the purposes of s.58 of the *Clean Water Act*.

Establishment of a Risk Management Plan is required. The plan shall meet the guidelines with respect to the contents of a nutrient management plan established under Part III of O.Reg. 267/03 under the *Nutrient Management Act*.

It is recommended that NMAN software or similar be utilized to assist in calculations.

The calculations shall be reviewed annually and the Risk Management Plan updated so that it accurately reflects the anticipated operation on the farm unit during the following year.

The plan shall be renewed every five years.

~~In lieu of the requirement for a Risk Management Plan, the~~ The person engaging in the activity, **or a qualified individual acting on their behalf**, may take a designated educational course on nutrient management planning. During the course, a property workplan will be produced **and filed with the Risk Management Official**. Upon successful completion of the course, the **person engaging in the activity** ~~individual~~ shall sign a written commitment to apply the knowledge gained in the course to undertake the workplan.

The Risk Management Official shall work with the Municipality of Brockton, Municipality of South Bruce and Ministry of Agriculture, Food and Rural Affairs to provide the educational course on nutrient management planning.

For properties where the person engaging in the activity has a nutrient management plan as per O.Reg. 267/03 under the *Nutrient Management Act*, the Risk Management Official may accept the nutrient management plan in lieu of a Risk Management Plan for this activity if:

- a) the person engaging in the activity provides a copy of the nutrient management plan to the Risk Management Official; and
- b) the Risk Management Official is satisfied that the nutrient management plan contains sufficient terms, conditions and measures to manage the activity.

Risk Management Plans for existing activities shall be established within five years of the effective date of the Source Protection Plan.

Monitoring policy MP-25 applies.

WN-35

Education Program

The policy applies to all portions of the issue contributing area where:

1. Policy Text ID G-04 does not apply; and
2. the following activities are or would be a significant drinking water threats (existing activity or future activity):
 - a) The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act;
 - b) The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage;
 - c) The application of agricultural source material to land;
 - d) The storage of agricultural source material;
 - e) The application of non-agricultural source material to land;
 - f) The handling and storage of non-agricultural source material;
 - g) The application of commercial fertilizer to land;
 - h) The handling and storage of commercial fertilizer;
 - i) The storage of snow;
 - j) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.

In the portions of the issue contributing area that coincide with WHPA-C or WHPA-D of the Walkerton Well Supply, the Municipality of Brockton and Municipality of South Bruce shall co-ordinate with the Ministry of Agriculture, Food and Rural Affairs on the production of suitable education documents to be distributed programs to be provided to landowners explaining the nitrate concerns, potential contributing factors and best management practices on nutrient management.

In the portions of the issue contributing area that coincide with WHPA-A or WHPA-B of the Walkerton Well Supply, Conservation Authorities shall work with the Municipality of Brockton, the Municipality of South Bruce and the Ministry of Agriculture, Food and Rural Affairs to provide an education program that offers information and materials to landowners. Furthermore, Conservation Authorities are encouraged to work in partnership with other agencies to implement this policy.

Topics of a general nature in the program may include, but are not limited to:

- Prohibition of certain activities;

- Requirements for a Risk Management Plan for certain activities;
- Constraints on prescribed instruments (provincial approvals) for certain activities;
- Local zoning by-law provisions and municipal by-laws;
- Proper disposal methods;
- Occurrence of hazardous waste disposal opportunities;
- Funding opportunities;
- Advice and assistance available from provincial Ministries, non-governmental organizations and other agencies
- Various types of facilities or equipment for application, handling or storage activities
- Best management practices for application, handling or storage activities.

Other topics in the program related to particular activities may include, but are not necessarily limited to:

- A. For waste disposal sites:
 - risks associated with use and disposal of hazardous products;
 - alternative or environmentally-friendly products;
 - a 'take back' concept whereby retailers and manufacturers would offer to collect materials that they have sold or manufactured.
- B. For on-site sewage systems the program will discuss:
 - risks associated with disposal of hazardous products into sewers;
 - the location of storm sewers and the negative impacts of disposing of materials down the sewer;
 - alternative or environmentally-friendly products

The program shall be established within three years of the effective date of the Source Protection Plan.

Monitoring policy MP-27 applies.

WN-36

Walkerton Nitrate Issue Contributing Area Research Project

The policy applies to all portions of the issue contributing area where the following activities are or would be significant drinking water threats (existing activity or future activity):

1. Waste disposal – industrial/commercial waste; municipal waste; mine tailings; application of untreated septage to land
2. Sewage system or sewage works; on-site sewage system;
3. The application to agricultural source material to land;
4. The handling and storage of agricultural source material;
5. The application of non-agricultural source material to land;
6. The handling and storage of non-agricultural source material;
7. The application of commercial fertilizer to land;
8. The handling and storage of commercial fertilizer;
9. The storage of snow;
10. The use of land as livestock grazing or pasture land, an outdoor confinement area or a farm-animal yard.

~~The Saugeen Valley Conservation Authority shall initiate discussions between interested parties towards the development of a research project concerning the Walkerton Nitrate Issue Contributing Area.~~

The Municipality of Brockton and the Municipality of South Bruce shall co-ordinate with the Ministry of Agriculture, Food and Rural Affairs, in conjunction with other interested parties, the development of a research project concerning the Walkerton Nitrate Issue Contributing Area.

Interested parties may include, but not necessarily be limited to:

- Ministry of the Environment
- Conservation Authority
- Farm Organizations
- **Walkerton Clean Water Centre**
- Academic Institutions

The purpose of the research project would be to assess the effectiveness of measures and practices designed to reduce nitrates entering sources of drinking water.:

~~A. Investigate the various sources of nitrates in the area, and~~

The Research Project discussions shall be initiated within one year of the effective date of the Source Protection Plan.

Monitoring policy MP-29 applies.