

South Georgian Bay Lake Simcoe Source Protection Region

MINUTES

Source Protection Committee Meeting No. SPC-11/2012

Meeting No. 7

Monte Carlo Inn Barrie Suites, Barrie, ON

Thursday, November 22, 2012 : 2:00 pm – 5:00 pm

MEMBERS:

Lynn Dollin, Chair

Municipal

Herb Proudley
John Boucher
Richard Forward
Rick Newlove
Stan Wells
Wendy Kemp

Economic/Development

David Ketcheson
David Ritchie
Gerry Brouwer
John Hemsted

Public Sector

Alex Millar
Bob Duncanson
Dianne Corrigan
Larry Slomka
Stephanie Hobbs
Tom Kurtz

Liaison

Ministry of the Environment – Neil Gervais
SPA Liaison - Keith Sherman

Staff

Mike Walters	Ben Longstaff	Shelly Cuddy
Susan Jagminas	Theresa Bos, minutes	

Public at Large

Angela Bishop

Regrets:

Clayton Cameron	Chris Galway	Fred Ruf	Fred Jahn
Wayne Wilson	Colin Elliott	Ryan Post	
Gayle Wood	Colin Nisbet	Karen Kivilahti	Ted Devine

I. WELCOME & OPENING REMARKS

The Chair welcomed all to the meeting including the special guest, Angela Bishop. The Chair presented Angela with flowers and a special gift of thanks to show the Committee's appreciation for her superb administrative support over the past 4 years.

II. DECLARATION OF PECUNIARY INTEREST

No pecuniary interests declared for the record of this meeting.

III. **APPROVAL OF THE AGENDA**

Two additional pieces of correspondence were added to the agenda:

- 1) Proposed Source Protection Plan Supplement
- 2) Letter dated November 14, 2012 re Drinking Water Source Protection Program, 2013-14 Conservation Authority Work Planning

Moved by: Richard Forward

Seconded by: Rick Newlove

RESOLVED: **THAT the agenda for the October 15, 2012, meeting of the Source Protection Committee be approved as amended.**

CARRIED BY CONSENSUS

IV. **ADOPTION OF MINUTES**

(a) Source Protection Committee

Included is a copy of the draft minutes from the October 15, 2012, meeting of the Source Protection Committee (SPC).

Two recommended amendments to the minutes:

- 1) **VII. Presentations (a)** – John Stager, Ontario Chief Drinking Water Inspection should be “Inspector”.
- 2) **Barrie Salt Application** – the vote was not “carried by consensus” – it was “carried” with 11 votes in favour of the motion and 6 votes opposed to the motion.

Moved by: John Boucher

Seconded by: Rick Newlove

RESOLVED: **THAT the minutes of the October 15, 2012, meeting of the Source Protection Committee be approved as amended.**

CARRIED BY CONSENSUS

V. **ANNOUNCEMENTS**

(a) Activities of the Chair & Committee

The Chair reported that all three Source Protection Authorities unanimously endorsed submission of the SGBLS Source Protection Plan and it has been sent to the Minister for approval. Other activities included:

- October 25th - The Chair led a session for the Ontario Drinking Water Leadership summit.
- November 8th – The Chair presented to the Ontario Stone, Sand & Gravel Association on the effects to their industry.
- November 14th – Participated in a conference call with the new Director Ling Mark and Acting Chief Drinking Water Inspector Paul Niewglowski. They reported that funding for the branch had been approved through to March 31, 2014

The Chair commented on a great presentation that John Hemsted did at the Latornell Conference

- (b) Agricultural Sector Update to the SPC
None for the record of this meeting.

VI. DELEGATIONS

None for the record of this meeting.

VII. PRESENTATIONS

- (a) Ministry of Environment Update - Briefing update from Neil Gervais, Ministry of the Environment.

1. Rama First Nation:

- No updates with regards to the Regulation amendment package to include the Rama First Nation in the source protection planning process.
- The House being prorogued doesn't hinder the process of the Lieutenant Governor in Council (LGIC) Regulation. The package continues to move through the government processes.
- An LGIC Regulation would go from a Minister's office to a committee. That committee is a committee of the government and either approve or reject the Regulation. If accepted, it would become law. An LGIC Regulation is not voted on in the House.

2. Important updates:

- Currently, the MOE is reviewing the submitted SPPs. Working with source protection partners including SPCs and authorities, impacted ministries and key stakeholders, is an important part of carrying out this review.
- We continue to review and prepare a response to the October 19, 2012 letter from Chair Dollin in regards funding for technical studies to bring two First Nation communities into the source protection process. An interim response was provided on November 16, 2012.
- The SPPB Director held a teleconference with SPC Chairs on November 14, 2012 indicating our Branch's plans to issue a call for submissions for continued program funding to conservation authorities and Conservation

Ontario. This funding will support the review and approval of plans and other ongoing technical work. The agreements will cover the period of January 1, 2013 to March 31, 2014. This funding re-affirms the Province's commitment to the program and thus the importance of source protection to our partners.

3. Question and Answer Updates (information on a select # of questions posed since the last meeting):

Question (from Katie H on Oct 16, 2012): Concerning title and date for submitted SPP.

Response (via email to CA staff on October 16, 2012).

Question (from Susan J on October 18, 2012): Concerning unresolved issues and placement of files in submission package.

Response (Via email to CA staff on October 22, 2012).

Question (from Lynn Dollin on November 5, 2012): I was asked the other day if any plans have been approved yet, and I didn't know the answer. Also what was the date of the earliest submission and who was it.

Response (provided Nov 7, 2012): The Ministry continues to go through the review and approvals process for all the plans submitted to the Minister thus far. To date, we have not made any decisions with regards to any of the submitted plans. In terms of your second question, the first submitted source protection plan was from the Lakehead Source Protection Area on June 15, 2012.

Question (from Katie H on November 13, 2012): Concerning Rama off-reserve septic threats and how the Building Code addresses them.

Response (provided Nov 14, 2012): Although the Assessment Report enumerates significant drinking water threats located 'off reserve' related to the Rama First Nation drinking water system, the mandatory septic inspection program (as outlined in the Ontario Building Code) is not triggered until a Regulation is passed by the Ontario Legislature to formally bring the Rama First Nation drinking water system into the Clean Water Act process. However, even though the mandatory septic inspection program is not in effect for the 'off reserve' septic significant drinking water threats in Ramara Township until a Regulation is passed, the municipality still has the ability under the provisions in the Building Code to establish a discretionary septic inspection program utilizing the science in the Assessment Report as a foundation for the program design.

Question (from Fred Ruf on November 20, 2012): Concerning an MOE RMP template.

Response (provided on Nov 20, 2012): We do not have anything prepared, nor are we in the process of preparing a provincially sanctioned Risk Management Plan template for widespread use by Risk Management Officials. During the RMO/RMI training, participants received an 'example template' of a Risk Management Plan as part of that module. The example provided during the training was mainly for discussion purposes amongst participants as well as to serve as a guide for RMOs to develop their own template, etc.

Neil reported that both Waterloo and York are developing templates for their own use. You may be able to link in with them to see what they have developed thus far.

Moved by: Larry Slomka

Seconded by: Wendy Kemp

RESOLVED: THAT the presentation from Neil Gervais, Ministry of the Environment be received for information.

CARRIED BY CONSENSUS

(b) Part IV Administration and Personnel

Presentation from Shelly Cuddy and Keith Sherman on Part IV Powers

Shelly gave an overview of the Risk Management Inspector (RMI) and Risk Management Officer (RMO) training. The RMO and RMI could be the same person. Appointments must be issued by the municipality or designated enforcement authority. The frequency of inspections are left up to the municipality but may be linked to the SPP monitoring policies. RMO cannot issue compliance orders, only the RMI can do so because the RMI is the compliance enforcer. A key consideration in understanding the Risk Assessment (RA) process is that it is not meant to deal with situations where a person demonstrates they do not meet the circumstances of the threats that make an activity a SDWT. In this case, they are not a SDWT and they are not required to implement the policy associated with that activity. If an RMP requires a person to perform a task on another property, the RMO may by Order require the property owner to provide access to the person named in the RMP to ensure the RMP can be complied with. The purpose of this is to avoid the person being given the enforcement order to indicate they can't take those samples because they can't access the property. In reference to the Environmental Review Tribunal – Appeals process, the operation of an order is not "stayed" based on the commencement of proceedings before the Tribunal, unless the order is an "order to pay" under section 67. Appellant may apply for a stay which cannot be granted if stay results in a "drinking water health hazard".

Keith gave an overview of steps taken in developing a Risk Management Plan. When preparing a RMP the RMO will need to determine when it is appropriate to obtain expert input from a consultant or person with qualifications. If a RMP requires switching to an alternative product to ensure the activity ceases to be a significant threat, in some situations this can be implemented right away and sometimes the new product should go through an evaluation to ensure a new threat is not being introduced.

Moved by: John Hemsted

Seconded by: Alex Millar

RESOLVED: **THAT the presentation on Part IV Powers: administration and personnel be received for information.**

CARRIED BY CONSENSUS

- (c) Additional comments received on the Proposed Source Protection Plan Presentation by Ben Longstaff on further comments that have been received on the proposed Source Protection Plan.

Ben provided a presentation of the comments received after the deadline of the 2nd formal Consultation. The purpose of the presentation was to review the comments and solicit the SPC's responses to such comments.

SPC supported Salt (App)-2 policy changes suggested by MTO comment. However, the SPC did not support any changes suggested to existing policy for all OMAFRA's comments regarding removing the prohibition outside WHPA-A and IPZ-1.

There was a discussion on the process of addressing late comments and the role the SPC plays in providing feedback to the MOE on such comments. There was concern regarding the SPC supporting SPP policy changes based on late comments without allowing these changes to be consulted on. It was suggested that the SPC will likely be involved in the MOE SPP policy review and this won't be the first time the SPC will have to submit a response to the MOE regarding changes.

Moved by: Richard Forward

Seconded by: Rick Newlove

RESOLVED: **THAT the presentation from Ben Longstaff on further comments received on the proposed source protection plan be received for information.**

Action Item 1	Find out what MOE's process is on dealing with changes to the SPP through the review/approvals process and present at the next SPC meeting.
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Responsibility Neil Gervais

CARRIED BY CONSENSUS

- (d) Update on Implementation and Annual Reporting
Presentation from Ben Longstaff on the current status of the Implementation Guide and on the process of Annual Reporting requirements.

Implementation guide modules are currently being prepared in partnership with other SWP Regions. Module 1 (setting up an Risk Management Office) is being prepared by the SGSNBP Region is near completion and should be available by end of the year. Module 2 (determining where policies apply) is being prepared by SGBLS and TCC and is projected to be ready for release in the new year. Module 3 (Land Use Planning) is being prepared by Conservation Ontario and is projected to be available in early 2013. Other modules have yet to be started, although all modules are projected to be completed by May 2013.

The province is taking lead in regards Risk Management Official Annual reporting. They are holding a number of workshops and surveys to obtain feedback from Project Managers and Municipalities in regard the type of information that should be gathered for the annual reports. It is unclear as to whether the Province is taking a lead, or prescribing any activities related to annual reporting for the monitoring policies.

As this is the last SPC meeting for 2012, please submit any outstanding per diems so that the books can be closed off for this year.

As we are waiting for direction from the Province, we do not have a meeting schedule for 2013. In reference to Technical Working Group meetings, there is a possibility of four in 2013.

Moved by: Bob Duncanson

Seconded by: Fred Ruf

RESOLVED: **THAT the presentation from Ben Longstaff on the current status of the Implementation Guide and on the process of Annual Reporting requirements be received for information.**

VIII. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Two other items were handed out and tabled for discussion:

- (a) Additional correspondence on behalf of Ling Mark, Director, Source Protection Programs Branch, to Source Protection Committee Chairs dated November 14, 2012 concerning Drinking Water Source Protection Program for 2013-14 Conservation Authority Work Planning.
- (b) SGBLS Protection Region – Proposed Source Protection Plan Supplement related to items considered out of scope.

In response to discussion during the October SPC meeting staff prepared a supplement to be posted on the SGBLS website summarising items identified as being out of scope in the SPP submission letter. Some SPC members expressed concern in regards the content of the supplement especially in relation to statement about locating new municipal supplies. It was agreed that the tabled supplement would not be posted on the SGBLS website until content was agreed to.

IX. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

Agenda Item 1 (a) – (c) Correspondence
Agenda Item 2 Communications Update

Moved by: Larry Slomka

Seconded by: John Hemsted

RESOLVED: **THAT the recommendations respecting items not requiring separate discussion be approved, and staff be authorized to take all necessary actions to effect those recommendations.**

CARRIED BY CONSENSUS

X. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

None for the record of this meeting.

XI. OTHER BUSINESS

The Chair asked that the Committee watch their e-mails for announcements about future meetings. In the meantime, the blog is a way to stay in the loop and in touch.

The Chair wished everyone a wonderful holiday season.

XII. CLOSED SESSION

None for the record of this meeting.

XIII. ADJOURNMENT

Motion to adjourn meeting moved by Herb Proudley at 4:47 pm.