



South Georgian Bay Lake Simcoe Source Protection Region

MINUTES

Source Protection Committee Meeting No. SPC-02/2014

Meeting No. 2

Monte Carlo Inn Barrie Suites, Barrie, ON

Wednesday April 16, 2014: 1:00 pm – 4:00 pm

<u>MEMBERS:</u>			
Lynn Dollin, Chair			
<u>Municipal</u>	<u>Economic/Development</u>	<u>Public Sector</u>	<u>First Nations</u>
Herb Proudley	Colin Nisbet	Larry Slomka	Fred Jahn
John Boucher	Colin Elliott	Tom Kurtz	
Rick Newlove	Dave Ketcheson	Stephanie Hobbs	
Clayton Cameron		Diane Corrigan	
Richard Forward			
<u>Liaisons</u>			
Simcoe Muskoka District Health Unit - Ted Devine			
Severn Sound SPA – Keith Sherman			
Ministry of the Environment – John Westlake & Neil Gervais			
<u>Guests</u>			
Sherry Diemert, Barrie			
Don Goodyear, York Region			
<u>Staff</u>			
Susan Jagminas	Ben Longstaff	Katie Howson	Scott Drewette
Jessica Burns, minutes	Maria Picotti	Irena Kontrec	
<u>Regrets</u>			
Wendy Kemp	Chris Galway	Alex Millar	Ryan Post
Fred Ruf	Gerry Brouwer	Stan Wells	Bob Duncanson
David Ritchie	John Hemsted		

I. WELCOME & OPENING REMARKS

The Chair welcomed all to the meeting and introduced guest Don Goodyear from York Region and welcomed back Neil Gervais from the Ministry of the Environment (MOE). The Chair reviewed committee members who were unable to attend. She ensured that there were still enough SPC members present to have quorum.

It was also advised that Larry Slomka was given proxy votes, in writing, from Wendy Kemp and Fred Ruf and Stan Wells gave his proxy vote to Rick Newlove.



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The Chair also acknowledged those present who participated in and donated to the Polar Bear Dip event on February 22, 2014.

II. DECLARATION OF PECUNIARY INTEREST

Dave Ketcheson declared a pecuniary interest for an item on the agenda; he will declare it once that item is reached.

III. APPROVAL OF THE AGENDA

A change in the presentation format was noted as a necessary verbal adjustment to the agenda; Don Goodyear’s delegation on the Residential Fuel Policy will be presented as item VII. d, where appropriate, during the presentation by Katie Howson. There was no change to the content of the agenda.

Moved by: Herb Proudley

Seconded by: Rick Newlove

RESOLVED: THAT the agenda for the April 16, 2014 meeting of the Source Protection Committee be approved as presented.

CARRIED BY CONSENSUS

IV. ADOPTION OF MINUTES

(a) Source Protection Committee

Included is a copy of the draft minutes from the February 13, 2014, meeting of the Source Protection Committee (SPC).

A necessary correction was noted as Rick Newlove was both listed as sending his regrets and to have seconded a motion on page 8, item IX Adoption of items not requiring separate discussion. It was confirmed that Rick Newlove was not present at the February 13, 2014 SPC meeting.

Action Item 1	To review her notes, remove Rick Newlove as the seconder of item IX adoption of items not requiring separate discussion, and replace it with the correct name.
Responsibility	Susan Jagminas

Moved by: Richard Forward

Seconded by: Larry Slomka

RESOLVED: THAT the minutes of the February 13, 2014 meeting of the Source Protection Committee, including the insertion of the correct name of the seconder for item IX adoption of items not requiring separate

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discussion, be approved.

CARRIED BY CONSENSUS

V. ANNOUNCEMENTS

(a) Activities of the Chair & Committee

Chair Dollin advised that the first draft of the SWP by-law for Rama First Nations will be completed tomorrow. David Ketcheson, Katie Howson, Scott Drewette and Ben Longstaff were acknowledged for their assistance in seeing this work come to fruition. The Chairs and Project Managers meeting was recently held, at which Ben Longstaff presented on past workshops and scenarios. Katie Howson also presented on the Rama First Nations inclusion and was very well received. Chair Dollin also noted that the Mattagami Source Protection Plan (SPP) has been approved; there are now 3 approved SPPs: Niagara, Lakehead and Mattagami.

(b) Agricultural Sector Update to the SPC

Colin Elliott stated that he had an update but that he will make note of it at a later time.

VI. DELEGATIONS

Residential Fuel Policy

The delegation by Don Goodyear, York Region, on the Residential Fuel Policy, will take place as item VII. d, where appropriate, during the presentation by Katie Howson on Results of Pre-Consultation on the Source Protection Plan (Staff Report No. SPC-2014-04-2).

VII. PRESENTATIONS

(a) Ministry of Environment Update

Neil Gervais and John Westlake, Ministry of the Environment Liaisons, provided MOE updates:

- Neil Gervais was welcomed back and both John and Neil were thanked for attending. It was noted that, following this meeting, Neil Gervais will resume the role of MOE Liaison for the SPC.
- Neil further noted that the MOE is pleased to see that the Rama First Nations item has been resolved.



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- The Mattagami SPP was approved on April 10, 2014 and a few more SPPs will likely be approved over the next few months.
- Grant Funding Agreements (GFA) are, for the majority, signed off on and will be in effect for the next year, ending March 31, 2015. The MOE is currently looking at a multi-year funding framework to avoid having to complete the GFA approval process every first quarter.
- John Westlake noted that he enjoyed acting in place of Neil Gervais and hopes to see staff and SPC members at other events. Chair Dollin thanked John for his involvement.

The timing and process for the rotation of SPC members was brought up. Neil explained that the legislation requires 1/3 SPC turnover upon plan approval and so the issue can be dealt with at a later time. The process will be overseen by the SPAs as it has in the past.

The status of the Education and Outreach catalogue was discussed. John Westlake stated that the MOE is working with Conservation Ontario (CO) to bring this catalogue together and that it is intended to support education programs based on source protection policies. This catalogue is scheduled for completion in May 2014.

Moved by: Rick Newlove

Seconded by: Fred Jahn

RESOLVED: THAT the MOE updates provided by from Neil Gervais and John Westlake be received for information.

CARRIED BY CONSENSUS

(b) Implementation Readiness & Program Update

Ben Longstaff provided an overview of program updates and next steps for source water. His presentation discussed:

- The year ahead & next steps
- Program delivery/administration
- Supporting the SPP review and approval processes
- Preparing for implementation
- Watershed Science updates
- Consultation dates and
- Re-submission

Sherry Diemert asked about municipal staff access to the Tier 3 models. Ben confirmed this could be shared and that this would take place later this year.



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Colin Elliott stated that the agricultural representatives are in discussions with OMAFRA and will continue to meet with the MOE regarding their concerns with the Table of Circumstances/Threats. The hope is that the SPC will support their concerns.

Lynn Dollin clarified that if the agricultural representatives are representing the SPC in their discussion with OMAFRA and MOE then the SPC needs to be aware of what discussions are occurring and be in support. Colin Elliott stated that a letter outlining their primary concerns was submitted through the website on April 7th, 2014. According to staff, no such letter was received.

Action Item 2	Confirm if any correspondence came through the website.
Responsibility	Susan Jagminas

Lynn Dollin brought up the SPC letter that accompanied the October 22, 2012 submission of the Source Protection Plan to the MOE and asked that it be re-distributed to the SPC members since no formal response from the MOE had ever been received. She felt it would serve to support the contents of the SPC submission letter that will go to the MOE when the plan is submitted in July 2014.

Action Item 3	Distribute October 22, 2012 letter to SPC.
Responsibility	Staff

Colin Elliot also raised concern about staff interpretation of the SPP at a recent municipal workshop. Lynn declared that this issue is beyond the scope of the meeting agenda and will be addressed following this meeting.

Moved by: Richard Forward

Seconded by: Dianne Corrigan

RESOLVED: THAT the presentation from Ben Longstaff on program updates and next steps be received for information.

CARRIED BY CONSENSUS

(c) Staff Report on the Approval of the Assessment Report (AR)

Irena Kontrec gave a presentation to support her staff report on completion of the Assessment Report updates (Staff Report No. SPC-2014-04-1).

Her presentation summarized the updates: incorporation of Tier 3 Water Budgets; addition of new wells and the removal of decommissioned wells; refinement of threat counts; other minor editorial updates.

Irena explained that now that the updates are complete, staff are seeking approval for public consultation.



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Tom Kurtz asked about the process in place for municipalities to advise us when considering adding a new municipal well. Lynn Dollin noted that the question also came up at the latest Chairs and Project Managers meeting and that the MOE is aware that a formal process needs to be put into place to ensure the appropriate sequencing of the Environmental Assessment process.

John Westlake added that this is a big implementation issue and is currently being examined by the MOE. Katie Howson added that the SPAs are trying to fill in the gap at present by implementing a tracking process.

Moved by: Rick Newlove

Seconded by: Larry Slomka

RESOLVED: THAT the Staff Report No. SPC-2014-04-1 presented by Irena Kontrec on the approval of the AR be received for information.

CARRIED BY CONSENSUS

(d) Staff Report on Results of Pre-Consultation on the Source Protection Plan (SPP)

Katie Howson presented Staff Report No. SPC-2014-04-2 on the results of the pre-consultation of the Source Protection Plan.

The City of Barrie commented that Smart About Salt courses and certification may be more beneficial than enforcing application rates through a risk management plan.

Dave Ketcheson declared a pecuniary interest in this matter. The SPC agreed with the staff recommendation to pass the comment on to the conservation authorities and source protection authorities for consideration and action.

1. COND – 2: SPC agreed with staff recommendation that the City of Barrie be referred to the Explanatory Document for additional information pertaining to the purpose of the policy.
2. DEMD – 5: SPC agreed with staff recommendation that the policy wording should be changed back to the original, and kept on list K to ensure the correct legal effect is assigned; the policy text should read "MOI and MMAH." This addresses the MOE's comment that MOI is not a provincial planning approval authority.
3. LUP -1: SPC agreed with staff recommendation that there should be no change; The City of Barrie's concern is already addressed in the policy, and the Region of Peel's concern is captured through Part IV powers.
4. LUP – 12: In response to MOE's comment to consider defining the word "major", the SPC agreed with staff recommendation that the missing definition discussed at the February 13, 2014 SPC meeting be included prior to formal consultation.

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5. LUP – 9: In response to MOE’s comment that it is unclear how this policy would be implemented and whether MOE is to comment on the appropriateness of a development application, the SPC agreed with the staff recommendation that the Explanatory Document be revised to clearly state how this policy is intended to be implemented.

6. Education and Outreach (E & O) Comment: The SPC agrees with the staff recommendation that the word “lead” is to be added in brackets beside SPA in the implementer column, and the Explanatory Document be updated to clearly outline the role between the SPA and municipalities. This will address Peel’s comment that there is a need to clearly define who is taking the lead in E & O programs, who is supporting, or whether both are equally responsible for the implementation of the programming. Chair Dollin noted that municipalities were added to this policy so that they could use the implementing funding money for Education & Outreach.

7. RCHG 1: The SPC agreed with the staff recommendation to move this policy to List A and change the legal effect to “MC” (must conform).

8. RCHG – 2: The SPC agreed with the staff recommendation to move this policy to List A and change the legal effect to “MC” (must conform”.

9. RLU – 1: The SPC agrees with the staff recommendation that the term “circumstance” be swapped for “situations” to reduce confusion.

10. SEWG (b) – 5: The SPC agrees with the staff recommendation to revise the policy wording to improve clarity to read “Municipalities shall consider the implementation of programs to remove connections of stormwater sources to sanitary sewers to reduce surges in volumes during inflow/outflow, the removal of combined sewer overflow outlets to surface water and the establishment of upgrade priorities that focus on vulnerable areas where the activity is a significant drinking water threat.

11. WAST (b) – 1 and WAST (b) – 2: Dave Ketcheson declared a pecuniary interest. After much discussion on the topic, the SPC agreed with staff recommendation for Option #2, which calls for Education and Outreach for existing and future “PQRSTU” threats and a Risk Management Plan for existing and Prohibition for future PCB/liquid industrial wastes.

Lynn Dollin stated the need for clarification from the Province on waste disposal threats. Neil mentioned that this issue will be discussed at an internal MOE meeting on April 17, 2014 and that they will be trained what is captured in the Table of Circumstances in regards to wastes exempt from the Environmental Protection Act (EPA).

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Action Item 4	Will share what he learns regarding what is captured in the Table of Circumstances in regards to wastes exempt from the EPA at the June 5, 2014 SPC meeting.
Responsibility	Neil Gervais

12. FUEL – 1: There were two comments made on this policy. York commented that the implementation of this policy in the York area will require considerable workload, especially when compared to the potential benefits. Barrie expressed a similar concern. Don Goodyear, Risk Management Official, York Region, provided a deputation around their concerns and the workload versus value to be gained.

Katie Howson provided some background information for the Committee related to cases around recent fuel spills. Common causes were: rotting fuel tanks related to vacant or abandoned properties, negligence on the part of the fuel supplier, and spills into creeks as a result of stormwater run-off.

Don Goodyear presented his delegation on the Residential Fuel Policy. He reviewed some specific challenges implementing this policy and asked that the SPC consider the comments made from York Region and Barrie. He was clear that this is about value for money and that they are not looking for leniency; York Region has been very supportive of the SWP program.

Discussion occurred around how effective E & O efforts would be in terms of protecting against the introduction of new or overlooked Significant Drinking Water Threats (SDWTs). Don explained that there would be multiple avenues of E & O efforts made i.e. target suppliers, conduct workshops and engagement opportunities.

Larry noted that the greatest possible risks for SDWTs lie on abandoned properties and questioned whether there is a practical way to access such properties and if so, would this be beyond the scope of the policy.

Don's overall point was that according to the policy, as it is written today, the RMO needs to find and prove that each fuel tank is certified up to contemporary standards. This involves talking to homeowners and getting necessary information submitted; this is a lot of work to establish that there are no, or few, SDWTs.

Concern around optics and future issues based on the reaction of un-exempt municipalities was discussed. Katie noted that a similar question arose regarding salt policies, in that some residential properties were exempt because of work load.

Discussion took place on the implications of a fuel oil spill and what the remedial costs would be.



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Clayton asked whether all of the presented options are within the guideline set out by the Ministry. Katie said yes, the SPC has been directed to address this concern. Neil added that each SPC member should be comfortable with the policy’s ability to address the threat as they would be expected to stand behind the policy.

Chair Dollin further added that since there has been push back on this policy from some municipalities and the Ontario Ministry of Agriculture and Food (OMAF), that the Province is waiting for us to come to a resolution before the SPP will be approved. Chair Dollin further commented that the 2012 letter to the Minister identifying the Committees’ concerns with below grade residential fuel becoming a SDWT through the Table of Circumstances/Threats did note this issue.

Rick stated that Option 3 should include the need for verification that properties that have undergone or are undergoing an energy source change, have no fuel tank on the premises and if they do, it is to be removed. Katie noted that this could be incorporated into the policy.

Herb pointed out that municipalities may have the right to demolish properties that are vacant for a certain period of time and that this would tie into Option 3; to account for this, he suggests allowing for some modifications to the policy. Katie explained that municipalities have the right to demolish certain vacant properties but that it can be a political issue and the time period can be as long as 20 yrs. Therefore, there is a need to access vacant properties much sooner and remove the threat but let the structure stand. Katie is exploring how this concept can be applied to the SPP with the MOE.

It was mentioned that an Orillia survey of fuel tanks was conducted a long time ago as part of an incentive program to help residence stop using oil and start using gas; however, this was not well received by oil companies and they lobbied to stop the program and won.

Discussion occurred around the possible need for stronger wording in the policy and enforcement measures. Katie noted that the SPP directs the municipality as the implementing body and responsible to develop the necessary enforcement by-law.

Action Item 5	Staff will explore the creation of a sample enforcement by-law for the new Land Use Planning (LUP) policy, in collaboration with municipalities and providing there is sufficient interest and support.
Responsibility	Katie Howson

Out of the Staff recommended Options 1 through 4, the SPC members supported staff recommendation for amended Option 3, which states: Exempt residential fuel oil across the region, develop a by law or strategic action to require the removal of fuel tanks from vacant/abandoned properties within 1 year of known vacancy and enhance the Education and Outreach policy to address residential fuel storage.

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Action Item 6	Will provide further documentation to the TSSA outlining the extra effort the SPC has put into addressing this issue.
Responsibility	Lynn Dollin

Chair Dollin acknowledged the effort and support of York Region for SWP works.

Katie continued with her presentation. She provided an update on the status of outstanding OMAF concerns. In terms of Future Prohibition Katie noted the Issues Contributing Area (ICA) policy is for the areas of highest concern. She reviewed the status of Georgian Sands & Lafontaine ICAs.

Action Item 7	Will verify whether SSEA was provided a copy of the technical report on the rationale for the Georgian Sands and La Fontaine ICA policies and if not, to provide them with a copy as soon as possible.
Responsibility	Staff

Katie reviewed what has been done to resolve OMAF's concerns.

The SPC is to draft a letter to OMAF requesting comments be submitted prior to the end of formal consultation and that the SPC is to then form a mini Working Group to resolve OMAF comments, if any, prior to the next SPC meeting on June 5, 2014.

Action Item 8	Will write a letter to OMAF requesting comments be submitted prior to the end of formal consultation.
Responsibility	Ben Longstaff

Chair Dollin suggested that the SSSPA be involved in the Working Group. She also expressed that having a representative from the local Health Unit, the Agricultural Sector, and other SPC members, as well as allowing OMAF and the MOE to attend would be beneficial.

Discussion occurred around a concern regarding ICA policies.

Moved by: Fred Jahn

Seconded by: Tom Kurtz

RESOLVED: THAT Staff Report No. SPC-2014-04-2 presented by Katie Howson on the results of the pre-consultation of the SPP be received as amended, in terms of Residential Fuel Policy and WASTE policies and, FURTHER THAT the delegation from Don Goodyear regarding Residential Fuel Policy be received for information.

CARRIED BY CONSENSUS



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(e) Threats Verification Final Big Picture

Scott Drewette presented on the final overall outcome of threats verification. He provided a review of work conducted from summer/fall 2013 to present.

Sherry thanked Scott for all the work he has done; the amount of info he has gathered provides a clearer picture in terms of what future direction should be taken. Lynn echoed Sherry’s comments and thanked Scott for all his hard work.

Moved by: Rick Newlove

Seconded by: Colin Elliott

RESOLVED: THAT the presentation from Scott Drewette on the final overall outcome of threats verification be received for information.

CARRIED BY CONSENSUS

(f) Scenario Run Through – Time Permitting

Timing did not allow for this; however Lynn Dollin asked that this item be brought forward to future meeting because the hands-on sessions provide an excellent real-world application of the policies and would be good for SPC members to see it play out.

Action Item 9	Bring forward scenario sessions at a future meeting.
Responsibility	Staff

VIII. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Ben suggested to amend the recommendation for Staff Report No. SPC-2014-04-2 to “be received as amended” in terms of the fuel policy and update to waste policy.

Moved by: Richard Forward

Seconded by: Tom Kurtz

RESOLVED: THAT the recommendation for Staff Report No. SPC-2014-04-2 be changed to “be received as amended”.

CARRIED BY CONSENSUS

Chair Dollin requested a formal recommendation in favor of all staff recommended changes to the SPP, based on the comments received and as reviewed in the above presentation by Katie Howson.

Moved by: Herb Proudley

Seconded by: Larry Slomka



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RESOLVED: THAT all of the staff recommendations for SPP changes, reviewed in the presentation by Katie Howson, in respect to the comments received on the SPP, be approved.

CARRIED BY CONSENSUS

IX. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

Moved by: Herb Proudley

Seconded by: Rick Newlove

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 be received for information.

CARRIED BY CONSENSUS

X. OTHER BUSINESS

Chair Dollin reminded all to ensure that they have signed all necessary sheets i.e. per diems/ mileage sheet and Open House registration.

XI. CLOSED SESSION

None for the record of this meeting.

XII. ADJOURNMENT

Motion to adjourn meeting moved by Herb Proudley at 4:37pm.