Source Protection Committee (SPC)
Minutes of Meeting SPC-04-2022
July 5, 2022

The Chair called the meeting to order at 1:03 pm and Bill Thompson conducted the Roll Call.

Members Present:

Lynn Dollin, Chair

Municipal

Chris Gerrits, Jeff Hamelin, Kyle Mitchell, Katie Thompson, Stan Wells

Economic/Development

Colin Elliott, John Hemsted, Amanda Kellett, David Ketcheson, Jessica Neto, Rick Newlove, David Ritchie

Public Sector

Geoff Allen, Peter Dance, David Greenwood, Stephanie Hobbs, Tom Kurtz, Cate Root

Liaisons

Jenee Wallace, Simcoe Muskoka District Health Unit
Julie Cayley, Severn Sound Environmental Association (SSEA)
Doug Hevenor, Nottawasaga Valley Conservation Authority (NVCA)
Elizabeth Forrest, Ministry of the Environment, Conservation and Parks

Staff Present

Bill Thompson, LSRCA
Mike Wilson, LSRCA
Mystaya Touw, LSRCA
Kathy Hillis, LSRCA (minutes)
Ryan Post, NVCA
Sarah Thompson, NVCA
Melissa Carruthers, SSEA
Nicole Stott, SSEA

Guests

Angelika Masotti, York Region
Joanna Miron, York Region

Regrets:

Andy Campbell, Municipal
Scott Lister, Municipal – proxy to Katie Thompson
Bob Duncanson, Public Sector
Sharday James, First Nations
Karen Kivilahti, SMDHU

1. Welcome & Opening Remarks

2. Land Acknowledgement

The Chair recited the Acknowledgement of Indigenous Territory.

3. Declaration of Pecuniary Interest and Conflict of Interest

None declared.

4. Approval of Agenda

Moved by: Kyle Mitchell
Seconded by: Rick Newlove

SPC-26-22 **Resolved That** the agenda for the July 5, 2022 meeting of the Source Protection Committee (SPC) be approved as presented. **Carried**

5. Adoption of Minutes

Moved by: Peter Dance
Seconded by: Amanda Kellett

SPC-27-22 **Resolved That** the minutes of the June 21, 2022 meeting of the Source Protection Committee be approved as amended and circulated. **Carried**

6. Announcements

There are none.

7. Deputations

There were none.

8. Presentations

a) A presentation by Mystaya Touw, LSRCA regarding Staff Report SPC2.1 - New Stormwater Management and Stormwater Infiltration Facilities Circumstances and Policy Implications.

New Circumstances are shifting to include stormwater infiltration facilities. The Threat level is determined by overall drainage area to the imperviousness of drainage area (not including roofs, so basically how much pavement there is). It is the percentage of a drainage basin that is impervious for stormwater ponds and the total impervious area for infiltration features. Threat levels that are further differentiated by predominant land use type of drainage are greenspace, municipal, or commercial/industrial.

Stormwater management (SWM) facilities are considered more of significant Threat to surface water than to groundwater, and when the land use type is more developed and impermeable like commercial and industrial.

Not expecting very many new significant Threats due to the new circumstances. One potential new stormwater Threat is Cross St. Stormwater Pond in Barrie in an industrial area. It would need to have 20% of its drainage area impermeable. Depending on how the Ministry of the Environment, Conservation and Parks (MECP) delineated the drainage basin it could cross this threshold.

Stormwater infiltration facilities are more likely to be a Threat to groundwater in WHPAs than surface water as they direct stormwater back into the ground. More of a Threat in commercial or industrial areas than greenspaces or municipal lands. Examples of facilities include: soak-a-ways, infiltration trenches and chambers, rain gardens and bioswales, permeable paving and rainwater harvesting if they are directing the water back into the ground afterwards.

MECP considers the following for a stormwater/drinking water Environmental Compliance Approval (ECA): Erosion and sediment control measures, spill contingency plans, inspection and monitoring, repair and maintenance programs, and access to records, reports and manuals for ministry staff, Source Protection Authority and any other parties identified in the source protection plan. LSRCA stormwater team is recommending more reference to operations and maintenance plans as this will be more proactive, rather than reactive which is the case with repair and maintenance plans.

If low impact development (LID) facilities are considered one drainage basin when they are near one another, they could cross the threshold to be classified as a significant Threat. The Ministry is to advise how they classify these: individual or as one. There are only a few LID facilities within the Lake Simcoe watershed within the area of a well that may be considered one drainage basin.

New regulatory amendment was approved to remove the requirement for ECAs for stormwater infiltration facilities at residential properties. For a residential property to have a significant Threat in this category, the infiltration facility would have to be:

A) in a WHPA 10 with 200+m^2 of impervious surfaces in its drainage area
B) in an IPZ 10 with 2000 +m^2 of impervious surfaces in its drainage area

Proposed policy change is to add a third condition when looking at ECA approval to include an operations and maintenance plan and monitoring plan, which ensure that the facility does not become a Significant Drinking Water Threat through insufficient maintenance. In the situations where the Ontario Water Resources Act does not require an approval, recommending to remove the existing policy which was asking the Ministry to consider the research which has been done on identifying risks into infiltration facilities, and adding a policy that existing and future stormwater infiltration facilities, where the activity would be a significant Threat to drinking water, shall require a Risk Management Plan that includes appropriate terms and conditions to ensure that the activity ceases to be or does not become a significant Threat.

QUESTIONS AND COMMENTS

Cate Root: Does approval of the policy mean that we do or do not look at the impact of stormwater when we are looking at wells and safe drinking water issues?

Role of the SPC is to ensure municipal sources of drinking water are protected from those uses that can be incompatible, and stormwater can be considered incompatible. The SPCs role is to write the policies to manage those incompatible policies. Any time any new well is proposed, staff bring any new potential Threats in a WHPA to the Committee to ensure the correct policies are in place. Site specific measures would fall to the Ministry to be handled through an ECA, and the Risk Management Officials (RMO) through the Risk Management Plan (RMP).

Colin Elliott: Does this new policy interfere with the well at Warminster?

We have not done the same level of screening in the NVCA and SSEA areas. The MECP needs to screen all the SWM ponds in the source protection region that have ECAs to determine if they are, or are not, Significant Drinking Water Threats. Colin confirmed that there are no impermeable surfaces, therefore Bill advised that it is not considered a significant Threat.

Amanda Kellett: Is there any consideration for pre-treatment in the circumstances and vulnerability score, eg. if you have an oil grit separator upstream of an infiltration facility.

No, it does not. The circumstances are defined by the province so we can not set them. The SPC could write the policy to include or require pre-treatment, but Bill recommends avoiding overly complicated policies. The current policy that says the ECA should have the appropriate terms and conditions gives the Ministry and the proponent the authority to determine what is appropriate on a site-by-site basis. Peter Dance reminded the Committee that it is the SPC's job to develop clear policies and other bodies to implement them. Other approval authorities may define an equivalent reduction because there is pre-treatment, but the policies would still need to be met.

Katie Thompson: For infiltration circumstances where they are exempt from the Water Resources Act and we would be requiring an RMP, the drainage area must capture a lot of the impervious surfaces. Do we anticipate ever having to implement this or will it come up more frequently than we think?

If it is in a WHPA-10 then it would require a minimum of 200m^2 pavement. It is possible in a residential lot but given the amount of pavement this would not be your average home. It would be more likely in an apartment or condo/townhouse situation. All residential is included in the regulatory amendment and therefore exempted from requiring an ECA.

David Greenwood: Are we able to define in the circumstance the time commitments, so that we indicate a timeframe that an operations and maintenance plan must be developed in?

The SPC can add more text to the proposed policy to deal with timelines of when the plan is to be initiated and the reporting frequency. Amanda Kellett advised that operations and maintenance plans for municipality-owned facilities normally come into effect when the municipality assumes it, and the municipality generally requires the facility be restored to the as-constructed state prior to it being assumed. Bill suggested that the timeline could be at the point of assumption by a municipality, and the SPC can require a reporting frequency. Peter Dance advised that any operations and maintenance plan must to be from the time of approval and they sometimes sit in developer's hands for years, and the plans are often written with too much detail and therefore poorly complied with. Reporting to the Ministry is sporadic and there is not the staff capacity to review them annually. The plans need to be in place from the time of construction. If we want a timeline, then Peter recommends five years.

David Ketcheson: Is it correct that the operations and maintenance plan is all through the ECA and adjudicated by MECP? MECP is now mandated to make sure the operations and maintenance plans are in play and the monitoring is done accordingly, so does the SPC not get involved in that?

Both are correct. There is an option to add wording requiring a reporting process to have reports come to the Source Protection Authority as well as the Ministry. This may be a policy directed to the SPA to request these reports.

The ECA often demands certain operations and maintenance things, but the Ministry historically has always allowed that if the monitoring data shows that there is no implied Threat, the monitoring activities may be curtailed. If we put a reporting policy in place, will it restrict the Ministry from curtailing aspects of it and would this pose a problem if the specific SWM pond posed no Threat for years to come?

The intent is to require monitoring plans for stormwater facilities in vulnerable areas, and we are proposing the monitoring be ongoing. The Ministry may push back on that proposal. The Ministry is updating its process for ECA approvals for stormwater, and are entering a system-wide or Linear ECA process which will provide more consistency on monitoring and reporting. However, this affects only a few facilities, and the additional oversight may be required on them.

Beth Forrest: When MECP sees this policy for early engagement, they will look at it and talk to the program areas to see if it is feasible. If early eyes on it are wanted let Beth know, and she see will see if it is feasible and will bring it back to the MECP to decide if they should move forward with it through the consultation process.

Amendment

Moved by: David Ketcheson
Seconded by: Rick Newlove

SPC-28-22 **That** the following be added after the second clause of the main motion:

Further That the Source Protection Committee ask the SPC Liaison to investigate adding an operations and maintenance plan schedule; and **Carried**

Moved by: Peter Dance
Seconded by: Kyle Mitchell

SPC-29-22 **Resolved That** presentation a) and Staff Report SPC2.1 regarding New Stormwater Management and Stormwater Infiltration Facilities Circumstances and Policy Implications be received for information; and

Further That the Source Protection Committee endorse staff's recommended policies for stormwater management; and

Further That staff be directed to incorporate the new policies for stormwater management and stormwater infiltration facilities as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act. **Carried**

The Resultant Motion Reads as Follows:

Resolved That presentation a) and Staff Report SPC2.1 regarding New Stormwater Management and Stormwater Infiltration Facilities Circumstances and Policy Implications be received for information; and

Further That the Source Protection Committee endorse staff's recommended policies for stormwater management; and

Further That the SPC ask the SPC Liaison to investigate adding an operations and maintenance plan schedule; and

Further That staff be directed to incorporate the new policies for stormwater management and stormwater infiltration facilities as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act.

b) A presentation by Bill Thompson, LSRCA regarding Staff Report SPC2.2 – Change to Circumstances – the Application of Road Salt.

Seeking direction from the SPC as the Ministry has provided flexibility on where and how we map impervious cover. Directed to look at areas with more paved surfaces and to assume that areas with greater paved surfaces pose a greater risk to drinking water rather than determining actual number of impervious surfaces (roads and parking lots, not roofs). No systems in our source protection region met the former circumstances to be a significant Threat. There was however an issue in Barrie where some of the wells had a trend of increasing sodium or sodium and chloride concentrations. This resulted in an issue contributing area being identified where activities in the area may be a source of that contamination, with 40 parking lots being a Significant Drinking Water Threat.

Similar issues occurred in other source protection regions, so the province looked at the impervious surfaces with 1 km^2 around these wells that had a problem and determined it to be around 30%, so they set this as the new threshold. The lower threshold may mean significant Threats due to salt application outside of Barrie which begs the question do the policies make sense for other municipalities?

With the drop in threshold, how and where we map impervious cover may matter. Under the new rules an SPC can chose to map within the 1 km^2 grid or by the WHPA boundary. The grid is a larger area, but it does not match all the technical work on rate and direction of work, so it is a bit arbitrary. Mapping by the WHPA boundary is consistent with how other Threats are dealt with. Staff has gone through an exercise to map impervious areas in the WHPAs and IPZs. There are several systems that met the threshold in the WHPA but not in the grid, so we now have significant Threats outside of Barrie, but the number is dependant on the type of mapping done.

Desktop analysis indicates that within Barrie, all parking lots in an ICA are considered a significant Threat. In addition, the estimated new number of Threats outside of Barrie in the source protection region in a WHPA are 22 based on the WHPA boundary vs seven Threats based on the 1 km^2 grid.

Staff is not proposing any changes to the current policies as they are still relevant, and the workload is manageable for the RMOs in either scenario. However, staff is recommending the additional policy identified in the staff recommendation. Barrie has optimized salt use on the road network as a whole instead of just on the roads in the WHPA, and staff is recommending this same approach with other municipalities. The policy connects the Ontario Good Roads document which identifies “salt vulnerable areas” with the Directors Technical Rules.

QUESTIONS AND COMMENTS

Peter Dance: In favour of using the WHPA approach rather than the 1 km^2 grid as it focuses on SWP and the environment immediately.

David Greenwood: Agrees with WHPA approach as it is supportable by the science behind it, and the grid model is risky.

Jessica Neto: Agrees with WHPA approach as the best option.

Lynn Dollin: Agrees with WHPA approach. In the Alliston example provided in the presentation, it will meet the threshold when it is built out, so when would we go back to see if it now meets the threshold?

> If a new well is introduced in the area, the applicant would be required to map imperviousness, and any changes to land use would be picked up in that process. The Section 36 process is intended to be the cyclical review of the source protection plan (SPP) to account for those ongoing changes to land use. If there are significant changes to amount of impervious cover it will trigger a Section 34 process. Future comprehensive reviews are not identified in the Legislation, but this does not prevent the SPC from taking a holistic view of the entire SPP and determining future updating that may be needed, which can be done through a s.34 amendment.

Do we already have a policy with the Ministry of Transportation (MTO) for road salt application? Is that a type of prescribed instrument, or how would we capture Hwy 400?

> We cannot write legally binding policies for MTO, unless there is a prescribed instance at play which could be legally binding. There was a salt yard with salt storage and an RMP was negotiated with MTO for the salt storage that was legally binding, but the application on Hwy 400 could not be addressed.

Colin Elliot: Level of salt in Lake Simcoe keeps rising, but Bill praised Barrie on their efforts, so how can you do a good job when the level is rising? Would you not bring in more restrictive policies rather than ease them?

> It is not just Barrie that is the source of salt to Lake Simcoe (about 60% comes from municipal roads, including Simcoe County, Town of Innisfil, York Region, Town of Georgina, City of Barrie). Barrie has decreased their salt use approximately 40% per event, but due to development there are more surfaces, and more events being responded due to climate change.

David Ketcheson: The 100m circle around a well is not necessarily the primary cause of the salt impact being experienced by a well, as it is a much wider area and systemic use of salt due to urbanization. If the policy is perfectly implemented, we may not see a reduction in salt in wells due to this larger area. The SPC may want to delve into this science rather than what is proposed.

Kyle Mitchell: We have policies on source protection areas, specifically IPZs, however we have a bunch of Transport Pathways draining salt into the Lake, but we are not addressing these as we

are just looking at IPZ-1. Should we not be looking at where the salt is coming from and not just that it falls within an IPZ-1?

The SPC can only write legally binding policies that address significant Threats, which have a vulnerability score of 10, so we are really constrained to IPZ-1 and WHPA-A. Increasing chloride levels are a problem across the province. The SPC can write legally binding policies that apply to Significant Drinking Water Threats, and non-legally binding policies that relate to low and moderate Threats. The Education and Outreach policy directs municipalities and the SPAs to educate residents and municipalities on proper application and alternatives. Staff has worked with municipal staff on the roads network and the salt working group.

Peter Dance: The issue of us getting outside of our mandate is here. The way we are constrained, the WHPA-A and IPZs are the areas where we can have the most impact but obviously does not solve the problem. The larger issue is a provincial problem that MECP needs to deal with so that we do not have bare road and parking lot policies. Where we can have impact as a Committee is in the narrow areas of our mandate, and hopefully the province or someone else can have an impact on the larger issues affecting the Lake and the aquifers, and have a longer term impact while the SPC focuses on the short term impacts.

Beth Forrest: The Issue Contributing Area is also an option to the SPC where there are know issues at a well, like in the Barrie area. Although a more reactive approach, it does capture a larger area where an issue is identified as sodium or chloride contributing.

Moved by: Cate Root
Seconded by: Chris Gerrits

SPC-30-22 **Resolved That** presentation b) and Staff Report SPC2.2 regarding the change to circumstances for the application of road salt be received for information; and

Further That staff be directed to update the Assessment Report with new maps of impervious cover within vulnerable areas (rather than within 1 km2 area centred on municipal wells); and

Further That a new policy be added to the Source Protection Plan requiring municipalities to maintain a salt management plan, which identifies any municipal drinking water system where the application of road salt could be a Significant Drinking Water Threat as a “salt vulnerable area.” These plans will identify and implement practices to minimize the loss of salt to the environment and the impact of salt on drinking water, in areas where it would be a significant drinking water Threat; and

Further That staff be directed to incorporate the new policy text and updated maps as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act. **Carried**

c) A presentation by Bill Thompson, LSRCA regarding Staff Report SPC2.2 – Change to Circumstances – the Application of Road Salt.

Circumstances and vulnerability score looks at the amount of salt stored on a given property in a WHPA or IPZ. New circumstances reduced the quantity stored substantially from 500 tonnes to 10 kg so more significant Threats are identified. Salt stored inside (not subject to precipitation) and not on an impervious surface is not a significant Threat, except in the Barrie ICA where everything gets promoted.

The much lower threshold is such that every home with a bag of salt in the Barrie ICA could be a significant Threat, even if stored in the garage, resulting in approximately 20,000 significant Threats. Removing these residential properties and farms reduces the number to approximately 1,300 significant Threats. The SPCs role is to write a policy to address significant Threats, not to identify if something is a Threat.

As an example of the difference in Threats between application and storage, if a property in a WHPA or IPZ had a salt bin on their property and applied that salt to surface with less than 30% imperviousness or to a road, that would not be a Threat, but the simple storage of salt in that bin is a significant Threat. This is challenging for an RMO to explain to the property owner and therefore brings into question the integrity of the source protection program. As a result, staff is recommending the following outside of the ICA:

- to exclude residential properties from requiring an RMP as the amount of salt stored at a residential property or farm is minimal.
- requiring RMPs for existing and future salt handling and storage only at sites with >30% impervious cover in a WHPA or >8% in an IPZ. This would result in RMOs only needing to negotiate RMPs in areas where they are already negotiating one for salt application. For all other sites the focus should be on education and outreach.
- Maintain the prohibition on future handling and storage at 500 tonnes rather than 10 kg as the smaller number is unsustainable.

Inside the ICA staff is recommending that the proposed policy be updated to apply outside the WHPA-A to road salt storage associated with parking lots greater than 1 hectare.

QUESTIONS AND COMMENTS

Rick Newlove: Any chance that in areas of high residential use they can require that salt can only be bought in plastic containers rather than bags due to the potential for leakage from the bags?

This could be a component of education and outreach of proper storage.

David Ketcheson: Why has there been such a dramatic change in weight and what the province is trying to make us do?

It is related to the ongoing sodium and chloride increases across the province, and recognition that the thresholds were too high. The thresholds now are very low, but the province believes these are the correct thresholds although SPA staff does not agree with this rationale. Beth advised that a lot of thought was put to the changes in the 2021 Director Technical Rules, and a salt working group provided input into these changes. If they are not satisfactory there can be discussions with MECP staff to see if they can be amended to make more sense and bring this back to the SPC.

Peter Dance: If we are just talking about storage, should the focus be on open or inadequate storage, and not on all storage? There may be enough staff resources to deal with improper storage and application, but not on the amount of storage.

Policy speaks to handling and storage of salt. The risk may be spillage during the handling of salt, or failure of the storage container, resulting in the small amount of storage being a significant Threat. The point of the RMP is to put measures in place to ensure the storage does not fail.

David Ketcheson: When a salt truck enters a WHPA-A or IPZ does this policy apply?

Policy applies to stationary storage and not to trucks. In response David raised that it is hard to explain to people that a truck carrying a large amount of salt different from a bin of salt. The Chair responded that transport routes have always been treated differently.

David Ritchie: The root of the issue is liability and the ability of people to successfully sue, so property owners are using too much salt to protect themselves from liability. If this issue is not resolved, it will be difficult to stop the application of too much salt. In discussions with the Attorney General, we are trying to mediate some of the liability that municipalities are subject to.

This is the focus of the Salt Working Group.

Stan Wells: Joint and Several Liability results in the over application of salt. Does not see how this is anyway enforceable as it is no longer reasonable and manageable. Do not make a rule that you will not, or can not, enforce.

Kyle Mitchell: The real issue is the handling of salt and the potential for spillage while filling containers. As was seen in the fuel industry, when the thresholds were lowered for storage, many users stored less but then filled containers more often, which created a greater Threat due to the higher potential for spillage when filling containers more regularly. Believes the volumes are too low.

Chris Gerrits: When MECP had their road salt best management practices workshop in March, the discussion was that the main hurdle is liability. We can start to have more reasonable salt applications once the risk of being successfully sued is dealt with.

Lynn Dollin: Minister Downey went to municipalities with a survey on lawsuits that they are being faced with. Are we still asking about and promoting Smart About Salt certifications?

It is not in our policies, but it is being recommending in Barrie in the RMPs being negotiated, and a similar approach could be recommended to all RMOs.

Peter Dance: Personal domestic use has been exempted but are their other areas where the implementation issues can be minimized, and focus on the education and outreach components to get to the other issues?

Bill identified to MECP that such low volumes make it impossible for the RMOs to enforce. MECP responded that the SPC can set their policies to the thresholds that they feel are more appropriate, and everything else can be dealt with through education and outreach. The staff proposal is to exempt residential, and those sites that do not need an RMP for the application of salt. This limits the RMPs required to those already needing an RMP for application, and the rest would be dealt with through education and outreach.

Lynn Dollin: On the future prohibition policy, is 500 tonnes the right amount?

Bill recommends 500 tonnes as it is what is in the former policy. Municipalities and a wholesaler would be prohibited but a retailer or a property with storage for onsite application would not be prohibited. Beth advised that some other source protection regions have used the prohibition policy only for uncovered storage, trying to encourage them to cover it. Any policy needs to make sense for each region.

David Ketcheson: For future handling and storage of quantities greater than 500 tonnes it should be covered, but should the number be lower if it was not covered, or do we just prohibit any future uncovered salt storage?

Rick Newlove responded that Barrie would need to store their salt in Barrie so it would need to be covered in their boundaries. David Ritchie indicated that there are not too many municipalities that have uncovered storage of salt due to weather conditions and handling of it. David recommends we should restrict the ability of municipalities to have uncovered salt storage of any quantity.

ACTION ITEM: Bill will come back at future date with the recommended text for the policy.

Amendment

Moved by: Dave Ritchie
Seconded by: Dave Ketcheson

SPC-31-22 **That** the third clause of the main motion be amended to read as follows:

Further That Policies which apply to the future handling and storage of salt be amended to prohibit only volumes larger than 500 tonnes or prohibit any volume

of uncovered storage, to maintain the effect of the policies as originally written; and **Carried**

Moved by: John Hemsted
Seconded by: Stan Wells

SPC-32-22 **Resolved That** presentation c) and Staff Report SPC2.3 regarding the change to circumstances for the handling and storage of road salt be received for information; and

Further That Policies which apply to the existing handling and storage of salt be amended such that Risk Management Plans are required in cases where Risk Management Plans are required for the application of salt, and that Education and Outreach apply in all other cases; and

Further That Policies which apply to the future handling and storage of salt be amended to prohibit only volumes larger than 500 tonnes, to maintain the effect of the policies as originally written; and

Further That staff be directed to incorporate the new policy text as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act. **Carried**

The Resultant Motion Reads as Follows:

Resolved That presentation c) and Staff Report SPC2.3 regarding the change to circumstances for the handling and storage of road salt be received for information; and

Further That Policies which apply to the existing handling and storage of salt be amended such that Risk Management Plans are required in cases where Risk Management Plans are required for the application of salt, and that Education and Outreach apply in all other cases; and

Further That Policies which apply to the future handling and storage of salt be amended to prohibit only volumes larger than 500 tonnes and prohibit any uncovered storage, to maintain the effect of the policies as originally written; and **Further That** staff be directed to incorporate the new policy text as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act.

d) A presentation by Bill Thompson, LSRCA regarding Staff Report SPC2.4 – Change to Circumstances – the Storage of Snow.

Changed storage of snow in areas larger than 1 hectare stored above ground or larger than 0.01 hectare stored underground in a WHPA or IPZ. No underground storage of this size was found in the province. Did not have any significant Threats but 41 low and medium Threats in Barrie were promoted because of the ICA.

The new circumstances lowered areas of storage and added a condition of where it is stored. Any storage up to 200 m^2 in WHPA or IPZ is a significant Threat. Offsite storage with an outfall into the WHPA or IPZ is a significant Threat. This amount means any storage areas in a WHPA or IPZ is a significant Threat. The province clarified that it is only intended to apply to commercial and industrial sites to the storage of any amount of snow in designated sites, and is not intended to apply to snowbanks. Over 1,000 properties across the region would meet the new circumstances and would be considered a significant Threat.

Using the same scenario provided in the previous presentation, if applying salt to an area with <30% imperviousness it would not be considered a significant Threat but storing snow in a designated area would be considered a significant Threat. This would be hard to rationalize to the property owner that spreading the salt is not a significant Threat but storing the portions of salt picked up by the plow that they had spread would be. Storing of snow in designated areas is good practice that we do not want to discourage, so we need to focus the RMOs efforts on the areas that make sense to address.

Recommending:

- Require RMPs for only sites in areas with >30% imperviousness in a WHPA or >8% in an IPZ.
- RMP requirement for snow storage be the same as for salt application.
- Use education and outreach for all other situations.
- Maintain Prohibition on Future storage at volumes equal to amounts greater than 1 hectare.
- Manage Future storage of smaller volumes through an RMP.

QUESTIONS AND COMMENTS

Chris Gerrits: For commercial sites, if snow is stored in a designated area, would it be more appropriate to have it apply to every commercial site unless they export their snow? Will the policy worded this way make commercial property owners push their snow to a snow bank as a work around?

The wording is vague but RMPs should be able to negotiate proper locations for snow storage.

Peter Dance: Concern is if someone is importing snow from parking lots, how is it covered and it may be the one to prohibit? Believes they should require an ECA for these sites.

This was not on Bill's radar but is something he will consider.

Stan Wells: A significant number of leisure lifestyle communities provide snow removal by private contractors. How does this apply as it is residential, but it could be considered commercial?

It would not apply as they would be considered residential. Rationale provided by the province to having it apply to commercial and industrial only is that they tend to apply more salt and there is more risk of picking up non-salt contaminants. A condominium would fall into the same category as a residential subdivision.

ACTION ITEM: Bill to confirm if condominiums are designated residential or commercial and will follow up with the Committee.

David Ketcheson: How does mixed commercial/residential fit into the Ministry guidelines?

ACTION ITEM: Beth to get back to the Committee on this.

Rick Newlove: What kind of control is there on residential developments that remove snow to a different location?

If going to an area that has an ECA it would be controlled by the ECA. If going to an area larger than 1 hectare Bill is recommending this be prohibited if in a vulnerable area, and if outside of a vulnerable area it is not in the Committee's purview.

Cate Root: Residential areas have a lot of pervious surfaces so when thinking of storage of snow in these areas it should not be an issue.

Moved by: Peter Dance
Seconded by: Chris Gerrits

SPC-33-22 **Resolved** That presentation d) and Staff Report SPC2.4 – Change to Circumstances – the Storage of Snow be received for information; and

Further That Policies which apply to the storage of snow be amended such that Risk Management Plans are required in cases where Risk Management Plans are required for the application of salt, and that Education and Outreach apply in all other cases; and

Further That Policies which apply to the future handling and storage of snow be amended to prohibit only areas larger than 1 ha, to maintain the effect of the policies as originally written; and

Further That staff be directed to incorporate the new policy text as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act. **Carried**

9. Determination of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

10. Adoption of Items Not Requiring Separate Discussion

No items were identified under items requiring separate discussion.

11. Consideration of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

12. Other Business

Election of Officers

Lynn Dollin conducted the election of officers. Lynn noted that the position is required for Acting Chair for the period from August 20, 2022, until such time as the Minister of the Environment, Conservation and Parks appoints a Chair and must be appointed from members of the Source Protection Committee.

Peter Dance put his name forward for the position of Acting Chair. Nominations were called and no further nominations were put forward.

Moved by: David Ritchie
Seconded by: Stan Wells

SPC-34-22 **Resolved That** the nominations for the position of Acting Chair by closed; and

Further That Peter Dance be appointed Acting Chair for the period from August 20, 2022, until such time as the Minister of the Environment, Conservation and Parks appoints a Chair. **Carried**

Peter Dance accepted the nomination for the position of Acting Chair.

Acting Chair Peter Dance assumed the Chair.

Moved by: David Ritchie
Seconded by: Stan Wells

SPC-35-22 **That** the Committee advise the province that they fully support the reappointment of Lynn Dollin to the position of South Georgian Bay Lake Simcoe Region Source Protection Region Source Protection Committee Chair. **Carried**

Lynn Dollin reassumed the Chair.

David Ketcheson finds having to work around non-viable Threat assessments based on what the province is putting before us is very difficult for SPCs to manage. The SPCs are put in a position of having to modify policies to make them manageable but that may be less strict than what the province is recommending. How can this dichotomy be resolved with the province, rather than trying to find innovative ways to work around what the province is putting before us? Lynn and Bill reminded Members that it is the SPCs job to represent the region and to find the balance between what is effective versus unmanageable. It is the Committee's role to determine what policies to adopt and decide what is too strict vs too lax for the region. David reminded the SPC that the province could come back to an SPC and advise that a region is in a situation because of not adopting the strict policies that the province recommended. Stephanie Hobbs would prefer to prohibit everything but works with the SPC on reasonable measures, but lately she has not been able to support some decisions as she does not believe they are strict enough. Beth Forrest flagged that the Technical Rules govern the program, but flexibility is built into the program that does not put the SPC at risk as long as the policies adopted are implemented. Education and outreach have played a critical role in changing people's behaviours. Cate Root welcomes the oversight of the province and going to stricter rules, but if we have rules that are too strict to be accomplished, a lot will be missed and forgotten as it can not be negotiated. Education and outreach provide the opportunity to move things forward as we learn more and negotiate under good faith.

13. Closed Session

None.

14. Next Meeting and Adjournment

Moved by: Rick Newlove
Seconded by: Stan Wells

SPC-36-22 **Resolved That** the next meeting of the Source Protection Committee to be scheduled by poll; and

Further that the July 5, 2022 meeting of the Source Protection Committee be adjourned at 3:22 pm. **Carried**