

NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE

WELLAND

December 2, 2015

7:00 p.m.

MINUTES

MEMBERS PRESENT: M. Neufeld, (Chair)
R. Bator
M. Bellantino-Perco
C. Ches
T. Dalimonte
P. Grenier
D. Renshaw
D. Semple
A. Willems

MEMBERS ABSENT:

LIAISONS PRESENT: B. Baty, Niagara Peninsula Conservation Authority
G. Hudgin, Niagara Public Health Representative
B. Forrest, Ministry of the Environment

LIAISONS ABSENT:

STAFF PRESENT: B. Wright, Manager, Watershed Projects
P. Graham, Director, Watershed Management
M. Ferrusi, Human Resources Generalist
D. Gullett, Recording Secretary

OTHERS PRESENT: D. Barrow, Niagara Region
K. Goerz, Niagara Region

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

ADOPTION OF AGENDA

BUSINESS:

The Chair called the meeting to order at 7:10 p.m., welcomed everyone and inquired if anyone did not receive their agenda package. Mr. Baty indicated he did not receive his and that he would share. The Chair requested that SPC members turn to the agenda and that if anyone had a conflict of interest to declare it. There being none, the following resolution was then presented.

SPCR-01-15

MOVED BY: T. Dalimonte

SECONDED BY: R. Bator

THAT: The agenda be accepted as presented.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(1) MINUTES – OCTOBER 8, 2013 SPC MEETING

The Chair asked if there were any errors or omissions on the October 8, 2013 minutes. B. Wright noted a few minor errors. The revised minutes were shown to the committee and the following resolution was then presented.

SPCR-02-15

MOVED BY: D. Renshaw

SECONDED BY: D. Semple

THAT: The minutes of the Source Protection Committee meeting held October 8, 2013 be received and approved as amended.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(2) BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

(3) UPDATES FROM THE CHAIR

The Chair mentioned there have been a lot of changes to the committee since our last meeting. There is currently a vacancy for the Commercial sector, and missing one person does change the dynamics with respects to quorum. This position will be advertised during the next month. The Chair made the following introductions:

- Mr. Adrin Willems, representing the General Public on the SPC, he has previously volunteered with NPCA;

- Councilor Tony Dalimonte, Municipal SPC Rep. for Haldimand County and former NPCA Board Member;
- Councilor Paul Grenier, Municipal SPC Rep. for Niagara Region;
- Ms. Elizabeth (Beth) Forrest, new MOE Liaison;
- Mr. Peter Graham, Director Watershed Management NPCA;
- Ms. Kailen Goerz, Niagara Region Planning;
- Ms. Misti Ferrusi, Human Resources Generalist, NPCA;
- Ms. Carmen Ches, Municipal SPC Rep. for City of Hamilton.

The Chair mentioned he appreciates everyone's interest in this process. The committee usually met monthly but this phase may not be as intense, so meetings will be less often.

The Risk Management Official (RMO) has changed at the Region, and Ms. Barrow said recruiting for a new staff person should be completed early in the new year. A report has been prepared for council that in future the commissioner may appoint this position instead of having to go through the hiring process.

The Chair informed the committee the new acting director for the province's Source Protection Plan Branch is Ms. Heather Malcolmson. She has been involved since the beginning of the program and knows the process from the ground up. Ms. Forrest mentioned there is only one source protection plan in the province still outstanding and this should be approved by the end of the year.

The Ministry of the Environment and Climate Change (MOECC) has been busy getting ready for the implementation, as quite a few policies applied to them. The effective date for the last few plans is July 2016. The Great Lakes Protection Act was recently approved, and the Green Belt Act along with the Conservation Authorities Act are currently under review.

(4) UPDATES FROM NIAGARA REGION ON MUNICIPAL IMPLEMENTATION

Mr. Wright explained in January 2014 a working group was established to coordinate amendments to the Regional Official Plan to implement municipal source protection policies. This group consisted of planning staff from Niagara Falls, Thorold, Port Colborne, Niagara Region and Public Works staff from the Region and NPCA source protection staff. The amendment received final approval from Regional Council on May 22, 2015. The amendment includes:

- The addition of Schedule H showing where the source protection policies are applicable;
- Additional text and creation of a new *Section 7.E Source Water Protection*, in the Regional Official Plan. Section 7E must be read in its entirety in conjunction with the SPP, AR & ED which provides the context and rationale for the land use policies. Section 7E must also be read in

conjunction with other applicable plans and legislation.

Mr. Wright presented a few example scenarios to show how the Section 59 policy screening process, and outline issues that have been identified across the province with this screening tool.

Mr. Bator said you should be told up front if the property is located in the IPZ's, and Mr. Wright explained the challenge is how to flag these applications. Mr. Semple commented due diligence should be on the owner to make sure everything is looked at.

Mr. Baty recommended an outreach & education program for municipal planning staff and chief building officials so they understand the requirements and how to process the building / development applications with respect to source water protection.

Ms. Bellantino-Perco inquired how is this to be done at the lower tier municipalities when the RMO is with Niagara Region. Ms. Goerz responded that development applications first go to the local municipalities, who would then send the application on to the RMO at the Region if it required the RMO's review. A checklist will be prepared that is specific to each municipality. A screening tool is being developed to assist staff in determining if a notice is required from the RMO.

A MOECC update on section 59 was distributed (attached). Ms. Barrow mentioned now that implementation has started they should be able to assess the workload including staff availability, customer service and turn-around time.

Ms. Bellantino-Perco wondered if the extra RMO screening would take very long or hold up development applications compared to municipalities that don't have SPP policies to adhere to. Ms. Barrow responded it shouldn't take more than an hour to review unless the landowner required a risk assessment. The following resolution was presented:

SPCR-03-15

MOVED BY: D. Renshaw

SECONDED BY: A. Willems

THAT: The Source Protection Committee receives this report SPC-01-15 as amended for information purposes; and
 That the Source Protection Committee provide direction to staff on the Section 59 screening options.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(5) ANNUAL REPORTING REQUIREMENTS

Mr. Wright stated the annual reporting requirements process is similar to that of the AR, SPP & ED:

- Implementing body & the RMO must report to the Source Protection Authority (SPA) on the actions they have taken to implement SPP policies they are responsible for;
- The SPA then combines the information into a summary report that is sent to the SPC for comments;
- The summary report is then revised and submitted to the SPA;
- SPA submits summary report to the MOECC and makes it available on the website;
- The first RMO’s annual report was submitted to the SPA in January 2015. Other implementing bodies do not have to submit their annual reports to this SPA until January 2017;
- MOECC are currently developing an annual reporting checklist and form for municipalities that are implementing policies and the SPA summary reports. Mr. Wright has volunteered to sit on a working group for this task;
- Once the annual reporting checklist is completed by MOECC and made public, it will be provided it to the SPC.

There being no further discussion, the following resolution was presented:

SPCR-04-15

MOVED BY: T. Dalimonte

SECONDED BY: A. Willems

THAT: That the Source Protection Committee receives this report SPC-02-15 for information purposes.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(6) RISK MANAGEMENT OFFICIAL’S (RMO’S) 2014 ANNUAL REPORT

Mr. Wright mentioned Niagara’s SPP contains a number of policies that use Part IV of the Clean Water Act. We have already talked about some of these policies previously. As per the legislation, the RMO’s first annual report was received from the Niagara Region in January 2015. He asked Ms. Barrow to

talk about this report, and she had the following comments:

- Regional, municipal and NPCA staff worked together on drafting the official plan amendment text and mapping; and
- They are developing a planning and building application review process to be circulated to the RMO for review;
- A communication plan was developed to assist with education and outreach policies including a presentation on the IPZ's and how this affects them;
- In 2014 an information booth was provided at a local agricultural fair;
- Letters and follow-up phone conversations have taken place with property owners who may require risk management plans.

Ms. Bellantino-Perco commented as a starting document the report is nice for the public. Mr. Grenier questioned how data is being tracked? Ms. Barrow responded all building permits received, commercial or residential are all geo coded to help keep track. Mr. Bator asked if the RMO will approach the farmers during the winter months when they are less busy. Ms. Barrow said yes, this is the preferred approach. The following resolution was presented:

SPCR-05-15

MOVED BY: P. Grenier

SECONDED BY: R. Bator

THAT: That the Source Protection Committee receives this report SPC-03-15 and provides preliminary comments on the attached Risk Management Official's (RMO's) report dated January 2015.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(7) AUDITOR GENERAL'S REPORT ON SOURCE PROTECTION PROGRAM

This report strongly supports the continuation of the source protection program across Ontario. Some of the highlights of the Auditor General's 2014 report are:

- The report recommended MOECC have a strategy to address timely updates of the Source Protection Plans to ensure that policies that eliminate or mitigate the threats to drinking water sources remain current.
- That the MOECC work with the Ministry of Health and Long-Term Care and local public health units (e.g. Niagara Region Public Health), to put mechanisms in place to notify private well owners when bacterial and chemical levels are known to exceed acceptable levels in their area.

NPCA has been invited to sit on this working group.

The Chair mentioned inclusion of private water supplies has been a concern since the beginning. Ms. Bellantino-Perco inquired if we will be looking at all ground water. This is a massive undertaking to check all water sources in each municipality, and there is no indication we will be involved in this part of the process. Mr. Semple asked if they were looking at water quality and or quantity? Mr. Wright said the working group is looking at quality.

Mr. Renshaw said that at the Lake Erie Binational Forum a presentation by the MOECC regarding water quality indicated the SPC may be used in the Great Lakes Protection Act.

Mr. Willems asked about groundwater, and the Chair said currently the MOECC is focused on getting the plans approved. The logistics are too big to cover all private well systems under the source protection program.

Mr. Bator was concerned the report was prepared by experts with no agricultural representation in this group. He doesn't agree with all the paperwork involved for the NMA, and that his well water is tested yearly and so far it has been okay. The Chair responded the greater concern is where there is a school, or an old age home, not so much a farm. The intent is not to create more paperwork.

Mr. Hudgin explained the Public Health Department provides private drinking water testing for E. coli and coliform. It is free of charge, and adverse results come through the health unit. They will then contact you and advise what steps can be done to fix your well supply. There is a video on the Region's website which shows you how to test your water, and should be done four times yearly.

Mr. Wright commented the Auditor General staff did meet with NOCA source protection staff and also met with OMAFRA.

SPCR-06-15

MOVED BY: P. Grenier

SECONDED BY: C. Ches

THAT: That the Source Protection Committee receives this report SPC-04-15 for information purposes.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | | √ | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED WITH ONE OPPOSITION”

(8) FUTURE UPDATES ON THE ASSESSMENT REPORT AND SOURCE PROTECTION PLAN

This report is to provide information on the process for updating the Assessment Report and Source Protection Plan. Section 36 Order issued by the MOECC minister requires:

- SPC to submit a proposed work plan to MOECC;
- MOECC will identify what work is allowed / funded and what work isn't;
- Work plan must be submitted by November, 2017.

Mr. Wright said, for an example of items that could be in the work plan, this committee may consider adding moderate threat policies to the source protection plan. Only significant policies are currently in the plan. The work plan could also include updates to the IPZ's for DeCew water treatment plant, depending on whether Niagara Region goes forward with the intake relocation. He asked Ms. Barrow to update the committee on the Environmental Assessment (Class EA) for the relocation of the DeCew Falls Water Treatment Plant intakes. She explained the channel has reached the end of its lifespan. The preferred option is to install a pipe where the water supply canal is now located. Currently the Region and OPG are working on a conceptual design and negotiating costs right now.

Mr. Baty mentioned cleaning of the siphons under the Old Welland Canal have always posed a problem, and wondered if the pipe cleaning is being considered for this supply pipe? Ms. Barrow replied cleaning and maintenance of the pipe will be considered during the design phase. Mr. Baty commented the Greenbelt is expanding near Lake Gibson and was curious if this will have an impact on any construction moving forward.

Ms. Bellantino-Perco said if we update the SPP and AR, before DeCew intakes change, will we have to wait until the next update round 5 years later to include the DeCew changes in the AR & SPP? Ms. Forrest suggested we may use Sections 34 (Amendments initiated by SPA) & 35 (Amendments initiated by Minister) of the Clean Water Act to update the documents earlier if needed. The following resolution was presented:

SPCR-07-15

MOVED BY: M. Bellantino-Perco

SECONDED BY: R. Bator

THAT: That the Source Protection Committee receives this report SPC-05-15 for information purposes.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(9) MOCK FUEL SPILL AND EMERGENCY RESPONSE

Mr. Wright stated back in 2010 there was a diesel spill into the Welland Canal in Port Colborne. In November 2013, the mayor and staff from the City of Port Colborne, St. Lawrence Seaway, NPCA and Niagara Region participated in an emergency response exercise for a mock fuel spill. Results of the mock exercise are presented in the committee report.

The St. Lawrence Seaway Management Corporation has a local company on call 24 hours a day to respond to any type of spill in the area. Ms. Barrow commented that hooks have been installed for holding containment booms in place at the Port Colborne Water Treatment Plant intake. The following resolution was presented:

SPCR-08-15

MOVED BY: A. Willems

SECONDED BY: D. Renshaw

THAT: That this report SPC-06-15 concerning the results of the Port Colborne Hazardous Material Tabletop Exercise be received by the Source Protection Committee for information purposes.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

(10) OTHER BUSINESS

The Chair asked if anyone had any comments or suggestions from the Orientation Workshop held in October at Ball’s Falls. SPC members thought it was very useful and enjoyable.

A review of the size, composition and reappointments of SPC’s across the province is currently taking place. The Chair feels this committee is functioning fairly well. Mr. Bator recommended replacing the vacant commercial representative to even everything out. Mr. Grenier suggested we contact the local Chambers of Commerce to recruit a new commercial sector representative.

The Chair mentioned the Ministry of Transportation will be installing source protection signs on provincial highways soon.

Ms. Barrow informed the committee the Region's Green Scene publication that is distributed to Niagara residents contains information on Source Water Protection and the Region has also developed brochures to be distributed by the municipalities. It was suggested inserting a pamphlet in the water bills, that way everyone will receive them.

Mr. Renshaw inquired if the proxy system is still in place for the meetings. The Chair responded yes, and perhaps there may be only one or two meetings per year in the foreseeable future. Several months between SPC meetings is too long to remember what occurred at the previous meeting, so the draft minutes will be distributed via e-mail within two weeks of the SPC meeting and feedback will be requested a week after that.

Mr. Wright showed a brief slide show in regards to a proposed development near Lake Gibson. The stormwater management system from the proposed development discharged into a wetland that flowed into Marlatte's Pond and then into Lake Gibson where contaminated sediments have been identified. The development was outside of the DeCew IPZ-2. The stormwater management system is required to meet certain MOECC standards aimed to keeping storm water flows to pre-development levels. SPC members had the following comments:

- Is there a documented process to ensure Lake Gibson sediments are considered when development applications coming in to the city. It was noted that currently Niagara Region and Thorold staff know about the sediments and therefore will make sure the issue is considered when development applications come in. However, as the municipalities change staff, this knowledge may get lost and forgotten. Mr. Wright was not aware of anything in the Thorold Official Plan that addressed this issue.
- There was a concern the development of a brownfield site could contain contaminants from previous land usage that could impact stormwater quality. Mr. Wright indicated any brownfield redevelopment site would normally be required to be cleaned up to MOECC standards before redevelopment is allowed.
- The wetland may also have contaminated sediments. Information was not currently available to answer this question on the wetlands.

ADJOURNMENT

There being no further business the meeting adjourned at 9:42 pm.

SPCR-09-15

MOVED BY: M. Bellantino-Perco

SECONDED BY: D. Renshaw

THAT: This meeting do now adjourn.

| | Yes | No | | Yes | No | | Yes | No |
|--------------|-----|----|---------------------|-----|----|------------|-----|----|
| R. Bator | √ | | M. Bellantino-Perco | √ | | C. Ches | √ | |
| T. Dalimonte | √ | | P. Grenier | √ | | D. Renshaw | √ | |
| D. Semple | √ | | A. Willems | √ | | | | |

“CARRIED UNANIMOUSLY”

“D. Gullett, Recording Secretary

M. Neufeld, Chair”

attachment

MOECC Update – December 1, 2015

Hand-out to the Source Protection Committee on December 2, 2015.

Source Protection Programs Update – Site-specific exemptions for section 59 notice requirements

Options

Option 1 – The enforcement body responsible for Part IV would pass a by-law or make a regulation (depending on whether it's a municipality or a conservation authority) under clause 55 (1) (c) of the Clean Water Act describing the types of building permit or planning applications that do not require a section 59 notice from the risk management official.

Option 2 – Affected municipalities would establish an expedited administrative process between the planning departments, building departments and the risk management official for issuing notices under clause 59 (2) (a) (which indicate that the development proposal will not introduce a significant threat activity that is subject to sections 57 or 58 of the Clean Water Act).

Option 3 – The enforcement body responsible for Part IV would appoint certain staff in the planning or building departments as risk management officials, but strictly for the purpose of issuing a notice under clause 59 (2) (a) for certain types of planning and building permit applications, and refer all others to the risk management official for review.

Option 4 – The source protection authority/committee would amend the source protection plan to include a site specific exemption to section 59 policies, where necessary.