

NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE

WELLAND

February 21, 2012

7:00 p.m.

MINUTES

MEMBERS PRESENT: M. Neufeld, (Chair)
B. Antonsen (by proxy)
R. Bator
D. Ostryhon
M. Bellantino-Perco
D. Ricker
T. Rigby
D. Renshaw
D. Semple
C. Shrive

MEMBERS ABSENT:

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

LIAISONS ABSENT:

STAFF PRESENT: B. Wright, Coordinator Source Protection
D. Gullett, Recording Secretary

OTHERS PRESENT: H. Sim, Niagara Region
J. Campbell, Source Protection Hydrogeologist

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

ADOPTION OF AGENDA

BUSINESS:

The Chair called the meeting to order at 7:02 p.m., welcomed everyone and requested that if anyone had a conflict of interest to declare it. The Chair mentioned there was a proxy this evening from Mr. Antonsen to Mr. Renshaw, therefore the votes are to be recorded. The following resolution was then presented.

SPCR-01-12

MOVED BY: D. Ricker
SECONDED BY: R. Bator
THAT: The agenda be accepted as presented.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

“CARRIED UNANIMOUSLY”

(1) MINUTES – DECEMBER 13, 2011 SOURCE PROTECTION COMMITTEE MEETING

The Chair asked if there were any errors or omissions on the December 13, 2011 minutes. There being none, the following resolution was then presented.

SPCR-02-12

MOVED BY: D. Ostryhon
SECONDED BY: D. Semple
THAT: The minutes of the Source Protection Committee meeting held December 13, 2011 be received and approved as presented.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

“CARRIED UNANIMOUSLY”

(2) BUSINESS ARISING FROM THE MINUTES

Ms. Bellantino-Perco inquired about the Chairs meeting held in January, and also the progress with the MTO regarding signage. The Chair responded he will address this further in the agenda, under update from the Chair.

Mr. Semple asked the outcome of whether the Region or NPCA would be the implementing body for the St. Lawrence Seaway Management Corporation. Mr. Wright responded the Region consulted with their legal department and they suggested the NPCA be responsible for the monitoring policies, as they have no jurisdiction over the SLSMC.

(3) GANTT CHART UPDATE

Mr. Wright explained we are essentially on schedule if the draft SPP and ED are endorsed by the committee this evening. The first 35 day public consultation would be tentatively complete by the end of March or beginning of April.

Ms. Bellantino-Perco questioned the unofficial comments received from Port Colborne and the MOE. Mr. Wright replied there was only an e-mail received from the City of Port Colborne, so this could be made an official comment. The letter received in January from the MOE was more or less helpful guidance instead of official comments.

Mr. Bator attended a meeting with other agricultural representatives from the Province, and commented our committee is in pretty good shape in comparison to other SPC's.

(4) UPDATE OF PRE-CONSULTATION COMMENTS RECEIVED

A summary of the comments were put into a table, and copies of the letters received from OMAFRA, MMAH and SLSMC are attached. Mr. Wright went through the additional comments and noted the following:

- OMAFRA's major concern was they didn't like our prohibition policies in the Port Colborne IPZ-2, but were okay with prohibition in the Niagara Falls and DeCew Falls IPZ-1s, which have lower vulnerability scores. There are still ongoing discussions regarding this with OMAFRA.
- SLSMC did not have any specific comments in their letter.
- MMAH suggested some additional wording/ revisions to wording, but were generally accepting of our policies.
- MOE SPPB also reviewed the SPP and suggested a number of changes to the SPP and policies including:
 - Grouping of policies
 - Timelines etc.
 - Changes in text before the policy chapter in SPP.

The Chair asked if there were any more questions or comments. Mr. Rigby inquired about comments from the NPCA. Mr. Wright replied the NPCA doesn't really have any concerns, and comments will be submitted during the public consultation period. The following resolution was then presented:

SPCR-03-12

MOVED BY: D. Renshaw

SECONDED BY: C. Shrive

THAT: This report SPC-01-12 be received by the Source Protection Committee for information purposes.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

“CARRIED UNANIMOUSLY”

(5) DRAFT SOURCE PROTECTION PLAN (SPP)

Mr. Wright mentioned there is quite a difference compared to the last draft SPP the committee received, mainly due to the consolidation of policies. This did not affect the

intent of the policies at all. The following changes included:

- The title of the report should be the Draft Proposed Source Protection Plan;
- Grouping and consolidating of policies such as prohibition of waste disposal sites in the IPZ-1 using land-use planning as well as a prescribed provincial instrument;
- MOE suggested some wording changes (i.e. threat activities addressed by CWA Part IV RMP's must be "designated" by the policy);
- MOE recommended not using wording that "directed the director". For example it could read "No waste disposal sites are permitted in the IPZ-1;"
- Timelines for land use planning policies were removed from the threat policies and placed into the General Policies (G-1, G-2 etc.);
- Timelines now reference the date the SPP takes effect, instead of the date the SPP is approved;
- Monitoring policies are listed as separate policies now;
- Add IPZ-2 to policy PC-18.

Mr. Renshaw inquired about Section 6.2, should the SPC be reviewing the Annual Review Process? Mr. Wright looked up Section 46 of the CWA and explained the SPA prepares the report and submits it to the SPC for comments.

OMAFRA wasn't supportive of Policy PC-24 concerning prohibition of NASM application in the Port Colborne IPZ-2. Staff recommends leaving it as a prohibition policy since the Port Colborne IPZ-2 has a vulnerability score equal or greater than the DeCew and Niagara Falls IPZ-1's where OMAFRA accepted our prohibition policies. To change the policy would go against the science-based approach, as it would be prohibiting in IPZ's with lower vulnerability scores and using Risk Management Plans in IPZ's with higher vulnerability scores.

Ms. Bellantino-Perco asked as a matter of process are we going to respond to everyone who sent in comments on the SPP. Mr. Wright mentioned we will acknowledge we have received their comments. Mr. Bator submitted a quite extensive comment on section 6.2 Annual Review and Process. The Chair thanked him, said it was very helpful and suggested this go to staff to help them clarify this section.

The Chair asked for general comments from committee members on the overall layout and does the document on the whole represent a favourable document. The overall consensus was it is not too lengthy, to the point and very informative. The tables are easy to follow and the flow is good.

Chair mentioned this is still the draft stage and comments may be made further. The following resolution was then presented.

SPCR-04-12

MOVED BY: D. Renshaw

SECONDED BY: D. Ricker

THAT: This committee report SPC-02-12 concerning the draft proposed Source Protection Plan be accepted by the Source Protection Committee.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

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(6) DRAFT EXPLANATORY DOCUMENT

Many changes in the Explanatory Document were the result of cascading effects from edits to policies in the SPP. The Chair asked if there were any questions. Ms. Bellantino-Perco asked why the backgrounders weren't included with the document. Mr. Wright explained there is a link on the website to view these (similar to the Assessment Report appendix for the SPP). Ms. Bellantino pointed out Figure 5.3 should be revised as per most recent AR stormwater drainage on the east side. The following resolution was then presented:

SPCR-05-12

MOVED BY: T. Rigby

SECONDED BY: R. Bator

THAT: This committee report SPC-03-12 concerning the Draft Proposed Explanatory Document be accepted as amended by the Source Protection Committee.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

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(7) SOURCE PROTECTION PLAN PUBLIC CONSULTATION

Mr. Wright mentioned this report presents the public consultation requirements for the SPP and this process is very similar to that of the TOR and AR. The first public consultation period will be at least 35 days and the second public consultation will be at least 30 days. Mr. Renshaw inquired about the dates for the public consultations. Mr. Wright commented it would depend on the results this evening.

The notification letters being sent to the clerks of all the municipalities will include a request to circulate the letter and attached notice to the mayor and council, as well as planning and public works staff. The following resolution was then presented:

SPCR-06-12

MOVED BY: D. Ostryhon

SECONDED BY: D. Ricker

THAT: This committee report SPC-04-12 concerning the Source Protection Plan public consultation including additional SPC comments as

recorded by the secretary be received by the Source Protection Committee.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

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(8) SPP WORKING GROUP MINUTES

The minutes for the December 1, 21, 2011 and January 5, 23 and 27, 2012 SPPWG minutes were distributed, and the following resolution was then presented.

SPCR-07-12

MOVED BY: T. Rigby

SECONDED BY: D. Semple

THAT: The minutes of the Source Protection Plan Working Group meetings held December 1, 21, 2011 and January 5, 23 and 27, 2012 be received by the Source Protection Committee for information purposes.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

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(9) UPDATE FROM THE CHAIR

The Chair mentioned he had three items to discuss and the third item would be in-camera. The first is with respect to MOE signage. This was an initiative by the Chairs to get the ministry on board. The group has been kept purposely small, and so far they have been working on background research for the design and logo. To date there has not been another joint meeting with MOE and the Ministry of Transport (MTO).

The Chairs and project managers had a meeting at Black Creek I January 2012 and met the new Director Mary Anne Covelli. One of the main discussions was to encourage meeting deadlines for the SPP.

The Chair requested the Committee move in-camera, and the following resolution was then presented:

SPCR-08-12

MOVED BY: D. Ricker

SECONDED BY: C. Shrive

THAT: This meeting do now move in-camera.

	Yes	No		Yes	No		Yes	No
B. Antonsen	√		R. Bator	√		D. Ostryhon	√	
M. Bellantino-Perco	√		D. Renshaw	√		D. Ricker	√	
T. Rigby	√		D. Semple	√		C. Shrive	√	

“CARRIED UNANIMOUSLY”

The meeting is now back into open session.

(10) OTHER BUSINESS

The MOE will be providing outreach sessions for implementing bodies that will be administering Part IV of the CWA. It consists of approximately a three hour webcast at the end of March, first of April. The Chair or Mr. Wright will forward this information to committee members if they are interested.

Ms. Bellantino-Perco inquired about the Risk Management Official. Ms. Sim responded the Region will hold this position and recruitment will begin shortly as the job description is being drafted now by the Public Works Department. The Region approved this position in their budget this year, and the Region was very proactive with this issue in their water and wastewater department.

Mr. Wright mentioned a meeting won't be necessary in March as there won't be much to discuss until all the comments are received from the 35 day consultation period.

ADJOURNMENT

The Chair thanked everyone for their hard work and diligence. There being no further business, the Chair adjourned the meeting at 8:50 pm.

“D. Gullett, Recording Secretary

M. Neufeld, Chair”