

**NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE**

**WELLAND**

**May 7, 2013**

**7:00 p.m.**

**MINUTES**

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

**MEMBERS ABSENT:** B. Antonsen  
T. Rigby

**LIAISONS PRESENT:** G. Hudgin, Niagara Public Health Representative  
K. Turner, Ministry of the Environment

**LIAISONS ABSENT:** B. Baty, Niagara Peninsula Conservation Authority

**STAFF PRESENT:** B. Wright, Coordinator Source Protection  
D. Gullett, Recording Secretary  
M. Stack, Director Communications

**OTHERS PRESENT:** E. Evans, Niagara Region

**ROLL CALL**

**DECLARATION OF CONFLICT OF INTEREST**

**ADOPTION OF AGENDA**

**BUSINESS:**

The Chair called the meeting to order at 7:08 p.m. than mentioned there was a proxy this evening from Mr. Shrive to Mr. Ostryhon, therefore the votes are to be recorded. We do have a quorum at this point, so we will carry on. Mr Bator requested that he had comments he would like to bring up under other business. Mr. Wright mentioned working group is on going again. The Chair requested that if anyone had a conflict of interest to declare it. There being none, the following resolution was then presented.

**SPCR-01-13**

**MOVED BY:** R. Bator

**SECONDED BY:** D. Ricker

**THAT:** The agenda be accepted as amended.

	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 – SOURCE PROTECTION COMMITTEE MEETING SEP. 18, 2012**

The Chair apologized for not introducing Ms. Kate Turner, our current liaison representing Ministry of the Environment. He than asked if there were any errors or omissions on the September 18, 2012 minutes. There being none, the following resolution was then presented.

**SPCR-02-13**

**MOVED BY:** D. Semple

**SECONDED BY:** D. Ostryhon

**THAT:** The minutes of the Source Protection Committee meeting held September 18, 2012 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**

The Chair will comment on this under item number five – MOE comments on the Source Protection Plan (SPP) and recommended changes.

**(3) UPDATE FROM THE CHAIR**

The Chair received a letter informing the SPC’s where we were at and some of the rationale for not having a Chair’s and Project Manager’s meeting for quite some time. There was a leadership challenge with the MOE, and he met with the new Director and ADM. On March 26 the Chair and Mr. Wright met with the above and our ADM made it very clear that Minister Bradley and the entire SPP Branch are fully committed to the continuation of the program. While fiscal restraints are a reality in the Province, there is a strong commitment to the progression of the program into the future.

The Chair mentioned the Source Protection Committee’s role or the re-appointment of the Chair was not discussed at this meeting, and no comment was made on where this is going at this point. The Chair requested members of this committee stay on until year end at least or until the approval of the Source Protection Plan.

The Chair commented he was glad to see everyone again, and didn't think it would be eight months, than asked if anyone had any questions. Ms. Bellantino-Perco questioned the SPCs role in the implementation phase. Ms. Turner replied there's no straight answer yet, as it still has to be determined what is needed to be done. The Act was approved in 2008 and no one really expected the date to actually arrive.

Mr. Renshaw suggested we should coordinate with Great Lakes committees, and get them involved. Ms. Bellantino-Perco asked if there is still funding available, and as far as this year is concerned, more funds were allotted.

Mr. Bator inquired once the plan is approved, how will it unfold? The Chair responded the monitoring process is the responsibility of the SPA not the SPC. Mary Stack and the Chair mentioned it seems unanimous across the Province that local input from the municipalities is important for the implementation of the policies. Mr. Wright commented Conservation Ontario is making templates for committees to follow, along with guidance documents.

**(4) GANTT CHART OF TASKS FOR 2013**

Mr. Wright explained this Gantt chart is already out of date. The Chair has provided some insights and timelines previously. The IPZ-3 modeling has delayed us a little, due to questions posed by the MOE. The overall scheme of things, we should be on line, but not as aggressive schedule as the MOE would prefer.

Public consultations in the past have not worked well in the summer months, so preferably this can be accomplished by the end of September. Ms. Bellantino-Perco questioned the IPZ-3 and Transportation Threats not being presented, and Mr. Wright mentioned Stantec made a presentation to the committee in the spring of last year. The Chair responded the work would not have made the deadline for the submission of the SPP and ED.

Signage for the Transportation Threats are still very important but stalled with the province at this time. Mr. Ostryhon commented there are very prominent signs regarding no refueling on the highway.

**(5) MOE COMMENTS ON THE SOURCE PROTECTION PLAN (SPP) AND RECOMMENDED CHANGES**

Mr. Wright explained the table summarizes the amendments requested by the MOE, and staff recommendations. The most significant comments and changes are:

**Item # 2, Policy G-5**

Change policy timeline from two years to “three years from the date the SPP comes into effect, or such other date as the Director determines...,” to facilitate MOE's province-wide business process for the review of affected prescribed instruments.

- The committee agreed to make this change as it does not affect the municipalities. They strongly recommended in the cover letter that this committee would not like this open ended, and stands by a definite date not to exceed three years. Ms. Turner commented that one reason for flexible timelines was to accommodate appeals.

**Item # 6, Policy PC-10 Road Salt Application**

Clearly indicate that road salt application is not currently a significant threat by:

1. Adding a footnote to the policy explaining road salt application cannot become a significant threat without a change in the impervious surface area maps, OR
2. Remove reference to application of road salt from the policy;
3. Revise ED accordingly.
  - The committee decided to use a strategic action policy for road salt application. For clarification a footnote will be added explaining that the handling and storage of road salt cannot become a significant threat without a major increase to the impervious surface area. This policy is clearly described in the ED.
  - This policy should be split into separate policies: 1) handling and storage of road salt, and 2) application of road salt.
  - Mr. Renshaw suggested inserting an explanation of managed lands in the glossary.

**Item # 7, Policy PC-13 Runoff containing aircraft de-icing**

Revise the ED to be consistent with the previous change to the policy from prohibiting the establishment of airports to prohibiting the management of runoff containing chemicals used in the de-icing of aircraft.

- This change was a cascading effect that was not caught when PC-13 was revised previously.

**Item # 8, Category 1 & 2 NASM – Policies PC-22, PC-23 & PC-24**

Policies PC-22, PC-23 and PC-24 do not address all NASM related significant threat activities.

1. To address all significant NASM related threat activities, rewrite PC-22 generally like NF-5 by removing the list of threats. This way NASM is not conspicuously absent and it achieves consistency with NF-5.
2. Modify PC-23 to add NASM related activities, since these can be significant under various circumstances in IPZ 1 and 2.
3. Revise ED accordingly.
  - Make correction to PC-22 as Category 1 & 2 NASMs aren't covered by PC-24.
  - Make correction to PC-23 since this policy should include NASM threats.

**Item # 25, Section 4.3 Tables 4.5 & 4.7**

Salt, commercial fertilizer and NASM 1&2 application are different from other significant threat activities since the actual landscape has to meet certain criteria for the threat to be significant (impervious surface; % managed land). In contrast, other threats become significant (e.g., fuel storage, NASM storage, sewage systems) as soon as the actual activity is established. The added layer of contingency on landscape characteristics and associated mapping sets road salt, commercial fertilizer and NASM 1 & 2 apart from the other threats.....” (See item # 6 in this table.)

- The write-up in the Explanatory Document (ED) should be revised.

“... The situation for commercial fertilizer seems to be the same as for road salt. Since the IPZ 1 in Port Colborne does not have 40% managed lands, commercial fertilizer cannot be or become a significant threat. The fact that the plan uses a Part IV tool (risk management plans) to address commercial fertilizer adds an additional layer of complexity, since Part IV cannot be used for threats that are not significant.

The general options we (MOE) are working with to address road salt application policies when they have been included in a plan but where the threat cannot be significant .... would equally apply to commercial fertilizer policies in Niagara....”

- Policies PC-3 and PC-4 should be reworded so they are conditional on the Threat Circumstance criteria being met before these particular policies take effect. This would require a footnote similar to the salt application policy.

**Item # 26, Section 4.3**

The policies addressing pesticide application (PC-3 and PC-4) do not actually apply to the entire area where pesticide application could be a significant threat. The application of MCPA to land over 10 ha could be significant in an IPZ scoring 8.1 (this pesticide is banned for cosmetic use since it can be a class 9 pesticide under the Pesticides Act, but there may be exemptions from the cosmetic pesticide ban where it could potentially be permitted). (See MOE Threat Circumstance # 82.)

- One prescribed pesticide threat (called MCPA) is a significant in both IPZ-1 and IPZ-2 in Port Colborne. The other pesticide threats are only significant in the IPZ-1.

Thus, theoretically, the threat of pesticide application could be significant in IPZ 1 and 2 in Port Colborne. However, policies PC-3 and PC-4 are presented in the plan as only applying to IPZ-1.

- Two additional policies should be inserted into Table 4.7 to address pesticide application in the IPZ-2. They would be similar to PC-3 and PC-4, which would then only address pesticide application.
- Also recommend revising Figure 2.19 Federal Lands in the Assessment Report to show the IPZ-1 and IPZ-2 so you can tell federal lands are located in both IPZs.

Fertilizer Application – Staff to check with Niagara Region’s Water Treatment Plants regarding raw water results. Mr. Hudgin commented looking at the trends, nothing has shown up in the reports so far.

**SPCR-03-13**

**MOVED BY:** D. Semple

**SECONDED BY:** D. Renshaw

**THAT:** This report concerning the comments from Ontario Ministry of the Environment (MOE) and recommended discussed amendments to the Source Protection Plan 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	√	

**“CARRIED UNANIMOUSLY”**

**(6) UPDATES TO THE ASSESSMENT REPORT**

Mr. Wright explained there are three amendments the MOE has requested to be updated in the Assessment Report. They are:

1. Addition of Transportation Corridor threats & IPZ 3 event based modeling
2. Minor updates to some tables in Chapter 3 Water Budget
3. Minor updates to some maps (eg: where new stream gauges are installed)

For item number one, some IPZ-3 modeling has been completed for the Welland Canal. Contaminant modeling was conducted by the Lake Ontario Collaborative (LOC), but it did not include IPZ-3 which would still need to be completed. It was recommended by the committee that staff obtain Grimsby LOC modeling reports as they become available.

Item number two - the overall results of the water budget did not change with the uploads to the data base, but minor changes should be made to this chapter of the Assessment Report.

Lastly, minor updates could be made to improve some maps and IPZ-3 maps would need to be added.

**SPCR-04-13**

**MOVED BY:** D. Ostryhon

**SECONDED BY:** D. Ricker

**THAT:** This report concerning the potential updates to the Assessment Report and Source Protection Plan 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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**(7) OTHER BUSINESS**

Mr. Bator attended a meeting with consultants and agricultural representatives from Central Ontario concerning risk management plans. A farmer may hire a consultant to assess his property, and will then meet with the RMO to come up with the best course of action. OFA may be able to help with funding for the consultants. If anyone is interested, please contact Mr. Bator.

Ms. Evans attended a session and was really impressed with the support the Ontario Federation of Agricultural to negotiate and help out with the RMP. They are in line with measures the ministry has laid down, focusing on the uniqueness of each property. and an excellent session. A workshop to test out the waters of this new process may be implemented.

Mr. Wright requested the committee endorse re-establishing the SPPWG mainly to deal with updating requests from the MOE. Members that may have expertise in

certain areas of concern may be called upon to attend the working group meetings.

**SPCR-05-13**

**MOVED BY:** D. Renshaw

**SECONDED BY:** R. Bator

**THAT:** The members of this committee endorse the re-establishment of the Source Protection Plan Working Group.

	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 next SPC meeting is tentatively scheduled for June 25, 2013. The Chair will keep you up to date with a possibility of the meeting being held June 18, 2013.

**ADJOURNMENT**

There being no further business the Chair adjourned the meeting at 9:30 pm.

**“D. Gullett, Recording Secretary**

**M. Neufeld, Chair”**