

NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE

WELLAND

August 9, 2011

7:00 p.m.

MINUTES

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

MEMBERS ABSENT: T. Rigby

LIAISONS PRESENT: B. Baty, Niagara Peninsula Conservation Authority
W. Wright, Ministry of the Environment

LIAISONS ABSENT: G. Hudgin, Niagara Public Health Representative

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

OTHERS PRESENT: D. Barrow, Niagara Region
D. Bloomfield, Halton/Hamilton Conservation Authority

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

ADOPTION OF AGENDA

BUSINESS:

The Chair called the meeting to order at 7:04 p.m., welcomed everyone and requested that if anyone had a conflict of interest to declare it. There being none, the following resolution was then presented.

SPCR-36-11

MOVED BY: R. Bator

SECONDED BY: D. Ricker

THAT: The agenda be accepted as presented.

“CARRIED UNANIMOUSLY”

(1) **MINUTES – JUNE 14, 2011 SOURCE PROTECTION COMMITTEE MEETING**

The Chair asked if there were any errors or omissions on the June 14, 2011 minutes. There being none, the following resolution was then presented.

SPCR-37-11

MOVED BY: C. Shrive

SECONDED BY: M. Bellantino-Perco

THAT: The minutes of the Source Protection Committee meeting held June 14, 2011 be received and approved as presented.

“CARRIED UNANIMOUSLY”

(2) **BUSINESS ARISING FROM THE MINUTES**

Ms. Bellantino-Perco inquired about the acceptance letter for the Transportation Corridors. Mr. Wright will forward a copy via e-mail to her and Mr. Shrive.

Mr. Ricker questioned the working group’s clarification of threat 2A in Niagara Falls and DeCew becoming a significant threat. Mr. Wright responded the policy was written based on information available. Currently most land in DeCew is agricultural, and Niagara Falls lands are primarily residential. To be a significant threat the storm sewer drainage areas in these IPZ’s would need to be 10 ha in size with the predominant land use commercial/industrial, or 100 ha in size if not predominantly commercial/industrial.

The Chair apologized for not previously introducing our guest Diane Bloomfield who is the Project Manager for Hamilton/Halton Source Protection Region. She explained their committee has to deal with wellhead protection areas, and also some of the general policies extend to the eastern limit of their Source Protection Region which includes a small portion in Grimsby.

(3) **GANTT CHART UPDATE**

Mr. Wright explained the committee will be on target if we can get through all the policies during this meeting. This will allow for pre-consultation tasks to take place in September and October. Ms. Bellantino-Perco asked if this gives us any wiggle room at all in the schedule? Depending on how the municipalities accept the pre-consultations, (e.g. some may have to go through council) there may be some room in the schedule.

(4) **UPDATE ON STAKEHOLDER EARLY ENGAGEMENT MEETINGS**

The first meeting was held July 13 with the DeCew landowners, and was facilitated by Ruth Victor. Their main concern was the contents of a Risk Management Plan, which is currently being discussed between OMAFRA and MOE. Mr. Bator mentioned he attended a meeting on July 27 in Barrie with other agricultural reps from the province.

Mr. Antonsen inquired how many landowners are affected, and Mr. Wright explained it impacted four of the five in attendance, as one residential stakeholder currently doesn’t have any farm operations on his land.

The stakeholders also asked about the anticipated new bridge construction on Faywell Road between the upper and middle reservoirs, and if the same environmental requirements will be applied for the bridge construction as those that are being imposed on them. Ms. Barrow noted that Niagara Region are considering on providing access to the residences via the road allowance to the south instead of reconstructing the bridge.

Their final concern was about the water treatment plant intake not being shut off during the June 2011 fire in Allanburg area adjacent to the Welland Canal. Niagara Region has documentation that the spill response team and the enforcement officer investigated and no runoff entered the waterway, and a containment boom was erected as a precaution. The Chair suggested it would be proactive to inform the stakeholders of the process involved.

On July 26, 2011 the Chair and Source Protection staff met with planning staff at the City of Port Colborne. Their main concern was the extra workload for staff to fulfill their reporting obligations. Another meeting is scheduled for Thursday, August 11, 2011 with Public Works staff to discuss policies associated with storm water discharges. The following resolution was then presented:

SPCR-39-11

MOVED BY: D. Ostryhon

SECONDED BY: C. Shrive

THAT: This report SPC-14-11 be received by the Source Protection Committee for information purposes.

“CARRIED UNANIMOUSLY”

(5) DRAFT DRINKING WATER THREAT POLICIES

Mr. Wright briefly described the process that NPCA staff went through in writing the policies, and the assistance given by the MOE. There are still more corrections, editing and global changes to be completed. Mr. Wright commented the policies were divided into 15 separate policy sheets including four sections pertaining to each policy.

Threat 1A – Application to Land of Untreated Septage

The working group recommended changing the policy approach to prohibit waste disposal sites through a prescribed instrument instead of land use planning. The MOE suggested the change in policy tools. Essentially, this means the Province has to enforce the policy, instead of the municipalities. In discussions with the City of Port Colborne, this puts the onus on the Province, which they feel is better. Mr. Ricker suggested checking that the wording is acceptable to the municipalities. Ms. Bellantino-Perco questioned the significance of February 1st in the monitoring policy. This date is needed to meet legislated annual reporting requirements to the MOE.

Mr. Wesley Wright will check if threat policies that use provincial instruments need to identify the implementing body (i.e. reference Ontario Ministry of the Environment.)

The following corrections were recommended:

- Global Change – capitalize source protection authority

Threat 1B – Storage of Tailings from Mining Operations

The committee approved a three pronged approach. The St. Lawrence Seaway Management Corporation (SLSMC) policy is not a strategic action policy, it is a non-legally binding commitment.

The following corrections were recommended:

- Reword the first Threat Policy to begin the sentence with “Certificates of Approval”
- Global Change – capitalize province
- The third Threat Policy is missing the Context
- Global Change – Legal Effect SLSMC – change to read: This policy towards the SLSMC is a non-legally binding commitment.

Threat 1C – Waste Disposal Sites

This policy also has a three pronged approach and covers a number of activities under the waste disposal sites definition.

The following corrections were recommended:

- Reword the first Threat Policy to begin the sentence with “Certificates of Approval”
- Reword the second Threat Policy – first paragraph to read, “No new waste disposal sites shall be permitted within.....”

Threat 2A – Stormwater Management – Niagara Falls & DeCew IPZ-1

This would only become a significant threat if the catchment area increased in size. After a short discussion, the Chair suggested we look at Port Colborne first and see if it will pertain to Niagara Falls. The following corrections were recommended:

- Use the same threat policy as Port Colborne
- Threat policy 4 insert “shall be permitted” after lands
- Monitoring policy 4 – should be City of Thorold, not Port Colborne

Threat 2A – Stormwater Management – Port Colborne IPZ’s

The working group recommended changing this policy from conditional land use approvals to a stormwater management approach. The Chair asked how the City of Port Colborne would respond, and Mr. Wright explained it should be acceptable because the city recently approved a stormwater management plan which aligns well with the policy.

The following corrections were recommended:

- Policy Reference should read, “PC-IPZ1&2-Threat 2A-Existing Moderate & Future Significant”
- Rewrite first monitoring policy second paragraph “Niagara Region, and the City of Port Colborne shall evaluate, in consultation with the Niagara Peninsula Conservation Authority, and report to the Source Protection Authority, on the effectiveness of the above-noted significant threat policy.”
- Context missing on second policy

- Monitoring policy is missing on second threat policy
- Second threat policy remove “in collaboration with Niagara Region”
- Legal effect – remove Niagara Region
- Fourth policy context is missing
- Fourth policy – change NPCA to Niagara Peninsula Source Protection Authority

Threat 2B – Wastewater Treatment Plants and Sewer Systems

1. There was no change in the policy approach. There was a discussion with respect to having a timeline for compliance to the policies. Mr. Wright from the MOE stated that unless the policy states otherwise, all policies come into effect immediately upon approval by the Minister. However, if the SPC decided to have a policy come into effect at a later date (e.g., specifying a date for planning document conformity), then the SPC may write policy to reflect this. However, should they choose to do so, (1) they would have to first pre-consult with the impacted implementing body for buy-in re the reasonableness of the proposed timeframe, and (2) the rationale for doing so would have to be included in the explanatory document. Of course, there is always the possibility that the Minister would not, for whatever reason, approve a proposed timeframe.

Mr. Semple said it is not unusual for the Province to give a one year time frame for municipalities to amend their official plans. Mr. Ricker said the Official Plan amendment could be site specific and only concern the area of the IPZs. It was also mentioned the explanatory document could reflect the last time that official plans were updated. Mr. Semple commented that under the Planning Act, municipalities are required to do a comprehensive review every five years. After some discussion it was agreed to leave the implementation dates as shown in the policies.

The following corrections were recommended:

- Second and sixth Threat Policy – first paragraph to read, “No new wastewater treatment plants or sewer system shall be permitted if.....”
- Second, fourth and sixth Monitoring Policy – delete second paragraph
- Fourth Threat Policy – second paragraph insert “year” after one
- Sixth Threat Policy – second paragraph, should read: Niagara Region Policy Plan shall be amended to conform to.... etc.

Threat 2C – Industrial Effluent

A prescribed instrument and outreach & education were used for this threat policy. The following correction was recommended:

- Fourth policy is missing the Context

Threats 3,4,21 – ASM Application, Storage & Lands used for Livestock DeCew IPZ-1

Mr. Bator suggested including the Farm Water Protection Plan in the first Threat Policy. Mr. Renshaw mentioned we shouldn’t get too detailed in the threat policy. Mr. Bator mentioned the Risk Management Officials will be provincially trained to be consistent. Mr. Shrive has already completed the course. Mr. Ricker questioned how Niagara Region will fund this, as they will have to conform to legislation.

The following corrections were recommended:

- First monitoring policy, second paragraph should read: The Niagara Region in cooperation with the Source Protection Authority shall evaluate ...etc.
- Second threat policy the last sentence should end after measures. (delete examples)
- Third policy is missing the Monitoring Policy

Threats 3,4,21 – ASM Application, Storage & Lands used for Livestock Port Colborne & Niagara Falls

Land use planning was used for this threat policy. It is highly unlikely this would become a significant threat. The following corrections were recommended:

- The first & second monitoring policy, delete second paragraph
- Second and third policy context – Niagara Falls should be Port Colborne

Threats 6 & 7 – NASM Application, Storage and Handling – DeCew IPZ-1

Prohibition under prescribed instrument was chosen for this policy approach. The following correction was recommended:

- Monitoring policy – MOE should be OMAFRA

Threats 6 & 7– NASM Application, Storage & Handling – Port Colborne & Niagara Falls

The working group recommended changing the policy approach to prohibition using a prescribed instrument. MOE suggested that this is likely a more appropriate tool when it is available. The Niagara Region would prefer a land use planning approach, and also questioned why the policy approach for fertilizer application to land was not the same as NASM application. Following were cited as reasons for keeping the approach as a prescribed instrument:

- a) NASMs potentially contain pathogens and fertilizers don't.
- b) A prescribed instrument is probably the preferred approach by City of Port Colborne as there is less effort from them to fulfill monitoring policy obligations. Also, enforcement by Port Colborne may not be as robust as OMAFRA.
- c) This is consistent with DeCew IPZs which have been accepted by landowners already.

Threats 8 & 10 – Pesticide Application & Fertilizer Application to Land

The working group recommended changing the policy approach to a risk management plan. A new policy sheet was used for these threats since pesticide application is significant in Port Colborne IPZ-1 & IPZ-2, but fertilizer application is only significant in the IPZ. These may have to be split into two different policies. The following corrections were recommended:

- First policy context – First sentence should read, “The commercial application of fertilizer and pesticide to land may be associated with farming operations on agricultural lands as well as parks and recreational lands.”
- First policy legal effect should read, “Niagara Region and the City of Port Colborne ...”

Threat 11 – Pesticide Storage and Handling

A risk management policy and restricted land uses were selected for this policy approach. The following correction was recommended:

- The second policy is missing a monitoring policy.

Threats 12, 13, 14 – Application, Handling & Storage of Road Salt, Storage of Snow

An outreach and education and land use planning policy approaches were selected for this threat policy. The following corrections were recommended:

- Second threat policy should read, “No new open storage of road salt greater than 5,000 tonnes shall be permitted within the Port Colborne IPZ-1”
- Third threat policy should read, “No new storage of snow greater than 1 hectare shall be permitted within the Port Colborne IPZ-1”
- Second and third monitoring policies – second paragraph should read, “The Niagara Region in cooperation with the City of Port Colborne shall evaluate the effectiveness of the above noted significant threat policy.”
- Fourth policy is missing the Context

Ms. Barrow from the Niagara Region mentioned that she made a presentation to the transportation department and they were very receptive to these restrictions. They requested maps of the areas affected in the IPZ's.

Threat 18 – The Management of Runoff that Contains Chemicals used in the De-icing of Aircraft

Land use planning and prescribed instruments were selected as policy approaches. The following correction was recommended:

- Second Policy - delete second paragraph of the monitoring policy.

The following resolution was then presented.

SPCR-40-11

MOVED BY: D. Renshaw

SECONDED BY: C. Shrive

THAT: This report SPC-15-11 containing draft source protection plan policies be received by the Source Protection Committee as amended.

“CARRIED UNANIMOUSLY”

(6) SPP WORKING GROUP MINUTES

The Chair asked if there were any questions or comments on the SPPWG minutes. There being none, the following resolution was presented:

SPCR-35-11

MOVED BY: D. Semple

SECONDED BY: D. Ostryhon

THAT: The minutes of the Source Protection Plan Working Group meeting held May 31 and June 9, 2011 be received by the Source Protection Committee for information purposes.

(7) UPDATE FROM THE CHAIR

The Chair mentioned the approval letter received from the MOE for the Amended Proposed Assessment Report. He asked that the committee keep this confidential until it is posted on the Government EBR. The Chair asked that everyone check their calendars for the next two SPC meetings. Tuesday, September 13 meeting will be delayed until Wednesday, September 14 at 7:00 pm and the meeting scheduled for Tuesday, October 11 will remain the same. The Chair also asked if you are unable to attend the meeting, to please try and send a proxy.

(8) OTHER BUSINESS

Mr. Ostryhon represented the SPC at the Power of Shared Waters conference in Niagara Falls that took place in June and thanked the Chair and committee. He attended a technical session on the management of stormwater and end of pipe treatment. This is the first time the technical sessions were included and they were very impressive. Mr. Hudgin and Mr. Ostryhon also participated in a breakout session with local officials on improving and promoting beaches and coasts.

Ms. Stack was also involved with the conference and mentioned the attendance was one of the largest so far. Comments received from people attending were also very positive.

The Chair thanked the committee for their patience in reviewing all the written policies. He also commended the working group and NPCA staff for all they've accomplished and the hard work involved.

ADJOURNMENT

There being no further business, the Chair adjourned the meeting at 10:45 pm.

"D. Gullett, Recording Secretary

M. Neufeld, Chair"

Revised August 23, 2011