

**NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE**

**WELLAND**

**December 13, 2011**

**7:00 p.m.**

**MINUTES**

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

**MEMBERS ABSENT:**

**LIAISONS PRESENT:** G. Hudgin, Niagara Public Health Representative  
W. Wright, 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 of Communications  
J. Campbell, Source Protection Hydrogeologist

**OTHERS PRESENT:**

**ROLL CALL**

**DECLARATION OF CONFLICT OF INTEREST**

**ADOPTION OF AGENDA**

**BUSINESS:**

The Chair called the meeting to order at 7:03 p.m., welcomed everyone and requested that if anyone had a conflict of interest to declare it. The Chair mentioned there were two proxies this evening, the first one from Mr. Shrive to Mr. Ostryhon and the second Ms. Bellantino-Perco to Mr. Renshaw, therefore the votes are to be recorded. The following resolution was then presented.

**SPCR-54-11**

**MOVED BY:** D. Ricker  
**SECONDED BY:** T. Rigby  
**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 – OCTOBER 11, 2011 SOURCE PROTECTION COMMITTEE MEETING**

The Chair asked if there were any errors or omissions on the October 11, 2011 minutes. There being none, the following resolution was then presented.

**SPCR-55-11**

**MOVED BY:** D. Semple  
**SECONDED BY:** B. Antonsen  
**THAT:** The minutes of the Source Protection Committee meeting held October 11, 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**

Mr. Renshaw inquired about Item 2 if the Seaway letter had been sent and the final letter was forwarded October 12, 2011. He also asked if the letters were sent to the municipalities that are not responsible for implementing any policies, and they were sent the last week of November.

**(3) GANTT CHART UPDATE**

Mr. Wright explained there are no changes to the Gantt chart since the last meeting. If all goes well, it's possible we could actually submit the SPP to MOE by July. All of the pre-consultation comments haven't been received yet, but hopefully the remaining comments will be received by the end of December.

**(4) PRE-CONSULTATION RESULTS**

Pre-consultation notices were all sent, and the presentations to municipal councils are complete. Generally we received favourable responses/comments with no major disagreements. A summary of the comments were put into a table, and copies of the letters received from MOE and the Niagara Region are attached. We have not received any comments from NPCA, SLSMC, OMAFRA and MMAH to date.

Mr. Wright went through the summary of comments and noted the following:

- Generally the Niagara Region comments have been addressed during the preparation of the SPP and ED;
- Items 6 and 7: More discussion may be needed to decide which prescreening tools should be used, but the prescreening tools don't have to be mentioned in the policy;
- Item 10: MOE recommends using multiple policies for a given threat, which we are already doing;
- Items 17 to 21: These were not directed to us specifically, but have been included for information purposed to the SPC.
- Items 20 & 21 are presented in report SPC-23-11 covering proposed changes to our policies.

Mr. Wright asked if there were any questions or comments. Mr. Ostryhon noted a couple of minor spelling errors. Page 2, second paragraph "P0rt" should be "Port", and on page 3, #12 – "place" is spelled incorrectly. On the report SPC-22-11 Mr. Hudgin noted in the second sentence, "be" should be inserted before "responsible".

Mr. Semple mentioned on page 2 the second and third paragraphs are duplicated. Mr. Wright said the second paragraph should be deleted. The following resolution was then presented:

**SPCR-56-11**

**MOVED BY:** R. Bator

**SECONDED BY:** D. Ostryhon

**THAT:** This report SPC-22-11 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) PROPOSED POLICY CHANGES**

The following policy changes were recommended after reviewing the pre-consultation comments:

Item 1: MOE recommend referencing the SPP effective date instead of approval date as this is what the CWA uses. The effective date is when the SPP is posted on the EBR.

Items 2, 11 & 12: MOE doesn't like the SPP policies 'directing' the MOE Director.

- In some instances we could use the same policy wording as the land use planning policy, or go one step further and have the same policy apply to land use planning and PI's.
- You would know that the one policy applies to both implementing bodies by the Policy Lists and Legal Effect lists shown in Appendix C.
- Mr. Rigby asked if policies from the DeCew Falls, Niagara Falls and Port Colborne IPZ-s could be all grouped together. This would be difficult to do as the SPP and ED were written with the same format used for the AR where policies are arranged by Water Treatment Plant IPZs. Also there are instances where the threat categories may be the same between WTP IPZs but the detailed threat circumstances are not the same. (For instance, there are more types/circumstances of waste disposal site threats that are significant in Port Colborne IPZ-1 than in DeCew Falls IPZ-1s.)

Item 3: PC-8 is a stormwater management Prescribed Instrument policy. It was originally thought to be a moderate threat policy in IPZ-2, but after further discussion is now believed to be a *significant* future threat policy in IPZ-2. Therefore, the legal effect in the IPZ-2 should be "must comply with" instead of "must have regard for".

Item 4: PC-9, PC-10 & PC-11 – same as above stormwater management PI policy.

Item 5: Niagara Region has requested to be omitted from PC-10 since they have no jurisdiction over local municipal stormwater management.

Item 6: For better consistency between policies, PC-3, PC-6, PC-24, PC-25 and PC-29 have been changed to be similar to the monitoring policy sections in PC-13, when the monitoring policies were consolidated.

- The following phrase was removed from the monitoring policy sections because these policies are all prohibition policies so the effectiveness of the policy shouldn't need to be evaluated.  
"The Source Protection Authority, in cooperation with the Niagara Region, and the City of Port Colborne shall evaluate the effectiveness of the above-noted significant threat policy."

Item 7: PC-20 is currently a policy that requests SLSMC to prohibit the application of fertilizer and pesticide to land. But the land use planning policy (PC-19) requires a RMP. To be consistent, PC-20 should request SLSMC use a RMP on its federal lands instead of prohibition.

Item 8: The proposed change to the monitoring section of Policy PC-23 was already made to the SPP when preparing the consolidated monitoring policies.

Item 9: The proposed change to the monitoring section of policy PC-26 was already made to the SPP when preparing the consolidated monitoring policies. The main difference in wording is "Evaluate the effectiveness of policy" versus "How well did it achieve its objectives".

Item 10: The timelines given for SLSMC to meet its commitments is currently 1 year. Should this be 2 years or immediately instead? This is the only one year

timeline. This will be discussed at their meeting scheduled for this upcoming Friday.

Items 11 and 12: MOE suggest grouping policies together into a single policy where this is possible and useful. For instance PC-5 and PC-6 could be consolidated into one policy that says, “No new waste disposal sites shall be permitted within the Port Colborne IPZ-1.” (which is PC-6 wording). The lists in Appendix C that show the Legal Effect and Implementing Body would indicate that this single policy applies to MOE and the municipalities.

Sometimes it is not possible to consolidate the PI and land use policies into one. For example, PC-2 uses a PI tool to prohibit the discharges from any mine tailings sites, but PC-3 uses a land-use policy to prohibit the storage of mine tailings in the IPZ-1. These must therefore be two different policies as they don't apply to the same activity.

The NPCA or the Region would have to be the implementing body for St. Lawrence Seaway Management Corporation (SLSMC) policies. At the previous SPPWG meeting, the Region would like to implement this policy to have better communication with SLSMC. The Chair recommended bringing this back to the next meeting after discussion with SLSMC.

The following resolution was then presented.

**SPCR-57-11**

**MOVED BY:** D. Semple

**SECONDED BY:** B. Antonsen

**THAT:** This committee report SPC-23-11 concerning the proposed policy changes be received by the Source Protection Committee 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”**

**(6) DRAFT SOURCE PROTECTION PLAN (SPP)**

Mr. Wright mentioned there are still some tasks to complete including formatting & grammatical errors, and rewording some awkward sentences. The following edits were recommended:

1. Include the St. Lawrence Seaway Management Corp. in the acknowledgments as advisors;
2. Table 1.2 DeCew Alternate and Port Colborne IPZ-1 columns are reversed;
3. The last sentence on page 2 could be deleted with approval of the policy changes (concerning stormwater management practices);
4. Page 5 third paragraph delete better at the end of the first sentence;
5. Page 8 PC-10 may have to change example and add in section number for reference;

6. Page 9, 2.7 title should be Effective Date and Source Protection Plan Amendments;
  7. Last paragraph in section 2.7 should be deleted. In the SPP submittal letter to the MOE, the SPC may wish to request they issue an order setting out the next AR and SPP revision date, and specifically recommend a date for this with the reasons why the revision is needed.
  8. Page 11 second paragraph, second sentence should be changed to reflect the Ministry of Municipal Affairs and Housing must be pre-consulted by regulation, not just copied on the letters sent to the municipalities.
  9. Pages 15 to 21: The green font indicates a policy where MOE has suggested changing the wording so that the SPP is not directing the MOE Director.
  10. Pages 15 to 21: The yellow highlight shows where SLSMC policies indicate one year timeline to voluntarily adhere to the SPP policy.
  11. Page 20 PC-10 (continued should be deleted);
  12. Page 30 fourth paragraph – should be Source Protection Authority not Committee;
  13. Schedules: the first map should show the WTP locations.
- The following resolution was then presented.

**SPCR-58-11**

**MOVED BY:** D. Ostryhon

**SECONDED BY:** D. Ricker

**THAT:** This committee report SPC-24-11 concerning the Draft 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”**

**(7) DRAFT EXPLANATORY DOCUMENT**

The following corrections, edits were recommended for the Draft Explanatory Document:

1. Page 1, section 1.1 will need to be revised as bullet (ii) will need to go up into the items the ED must include;
2. Page 3, second paragraph – last sentence, delete IPZs with and add “in their IPZs” at the end of the sentence;
3. Section 2.2, last paragraph - reword first sentence “to write policies necessary to achieve the fundamental goals of the SPP, while appropriately considering .... etc.
4. Page 10 Section 2.6 – Insert paragraph for policies DC-8 and PC-22 do not have individual monitoring policies as they reference restricted land use and monitoring will be addressed through policies DC-7 & PC-21.
5. Section 2.8 – Need to revise since the application of road salt is a stand alone non-regulatory policy. Could add the SPC is of the opinion this policy will achieve its goal.
6. Grouping of policies could be explained if the policies are further grouped in the SPP. This could be inserted in a separate section in chapter 2.
7. Chapter 3 – Comments from pre-consultation and public consultation will be presented in here and the impact of these comments will be noted in this section.
8. Page 35 section 5.11 – insert paragraph with regard to the areas will not likely ever contain over 80% impervious area.
9. The appendices were not printed as SPC members have already seen these.

The following resolution was then presented:

**SPCR-59-11**

**MOVED BY:** T. Rigby

**SECONDED BY:** D. Renshaw

**THAT:** This committee report SPC-25-11 concerning the Draft Explanatory Document 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”**

**(8) SPP WORKING GROUP MINUTES**

The correct minutes for the November 3, 2011 SPPWG minutes were distributed, and the following resolution was then presented.

**SPCR-60-11**

**MOVED BY:** T. Rigby

**SECONDED BY:** D. Ricker

**THAT:** The minutes of the Source Protection Plan Working Group meetings held August 25, September 30, November 3 & 25, 2011 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”**

**(9) PROPOSED SPC MEETING SCHEDULE**

This is the proposed SPC meeting schedule for the first half of 2012. All meetings will be held in the NPCA boardroom at 7:00 pm.

Tuesday, January 10, 2012	Tuesday, April 10, 2012
Tuesday, February 21, 2012	Tuesday, May 8, 2012
Tuesday, March 20, 2012	Tuesday, June 12, 2012

**(10) UPDATE FROM THE CHAIR**

The Chair mentioned there will be a meeting January 9 with the other SPC Chairs and project managers. The main agenda is to come up with a strategy for the challenges arising to meet the August 2012 submittal of the SPP. Mr. Wesley Wright commented if you know you're going to have a problem with the deadline, alert the MOE (or himself) as soon as you know, and they will try and work with you to help meet this date.

The Chair explained that Ian Smith took a leave of absence for several months and will not be back as the Director. Ms. Mary Ann Cavelli is the new Director and the Chair met her last week. Mr. Wesley Wright will deliver a gift on our behalf for Mr. Ian Smith.

The Chair commented there is initiative underway with MTO and MOE with regards to posting signs in the IPZ's. Discussions are underway, and so far the MTO is looking into consistency across the province. The Region is currently designing a signage policy, that uses the provincial standard, and Mr. Ostryhon mentioned the traffic manual has all specifications required.

The Chair expressed how impressed he is at the amount of work the committee has accomplished in the past year. The working group and staff have also worked very hard.

**(11) OTHER BUSINESS**

Mr. Bator questioned if a RMP draft template could be circulated to the landowners prior to the public consultation. The Chair indicated the template would probably come from the RMO, but we could possibly ask for the landowners input on what they would like to see on the RMP.

**ADJOURNMENT**

There being no further business, the Chair adjourned the meeting at 9:20 pm.

**"D. Gullett, Recording Secretary**

**M. Neufeld, Chair"**