

NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE

WELLAND

July 16, 2019

7:00 p.m.

DRAFT MINUTES

MEMBERS PRESENT: M. Bellantino Perco, (Chair)
R. Bator
C. Bodimeade (by proxy)
T. Dalimonte
D. Fry (by proxy)
A. Michaud
D. Semple
C. Vega
A. Willems

MEMBERS ABSENT: T. Rigby

LIAISONS PRESENT: P. Jekel, Niagara Public Health Representative
B. Wright, Niagara Peninsula Conservation Authority
O. Yudina, Ministry of the Environment Conservation and Parks

LIAISONS ABSENT:

STAFF PRESENT: T. Proks, Hydrogeologist
G. Wood, Interim CAO/Secretary-Treasurer
S. Miller, Sr. Manager, Water Resources
D. Gullett, Recording Secretary
E. Navarro, Communications Specialist

OTHERS PRESENT: J. Croswell, Niagara Region
S. Campbell, MECP
K. Meikle, Walker Environmental

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 said there was a proxy this evening from Mr. Bodimeade to Ms. Bellantino Perco, and from Mr. Fry to Ms. K. Meikle, therefore the votes are to be recorded. The Chair requested Report SPC-06-19 be presented after Report SPC-08-19. She asked everyone to introduce themselves, as there were new people attending. The Chair requested that if anyone had a conflict of interest to declare it. There being none, the following resolution was then presented:

SPCR-10-19

MOVED BY: R. Bator
SECONDED BY: D. Semple
THAT: the agenda be accepted as amended.

	Yes	No		Yes	No		Yes	No
R. Bator	√		C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED UNANIMOUSLY”

(1) MINUTES – MARCH 26, 2019 SPC MEETING

The chair asked if there were any errors or omissions in the minutes of the March 26, 2019 minutes. There being none, the following resolution was then presented:

SPCR-11-19

MOVED BY: A. Michaud
SECONDED BY: A. Willems
THAT: the minutes of the Source Protection Committee meeting held March 26, 2019 be received and approved as presented.

	Yes	No		Yes	No		Yes	No
R. Bator	√		C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED UNANIMOUSLY”

(2) BUSINESS ARISING FROM THE MINUTES

Mr. Semple asked about the engineering drawings for the berm on page 7. Ms. Croswell followed up with her supervisor and this was an emergency situation, therefore no engineering drawings were used.

(3) UPDATES from the:

CHAIR

- There was a Source Protection Authority Meeting April 17 which Tom presented the Annual Report for their approval and provided response to questions from the previous meeting;
- A Chairs Meeting was held June 26 which involved:
 - Reviewed program funding and Chair appointments (expire Aug. 19/19)

- Reviewed status of assessment report and plan revisions and annual reporting
 1. 90% of prescribed instrument policies for significant drinking water threats have been implemented
 2. 45% of municipalities have incorporated source protection into their Official Plans
- June 20 - Stakeholder Engagement and Outreach - MOECC Niagara District Office which Tom will cover in his update
- July 10 – Teleconference with Jen Croswell and Sylvain Campbell which Tom will cover in his update
- Received correspondence from the previous SPC Chair (Mark Neufeld). He wanted to alert me to the issue with Port Colborne Quarries where the owner proposed to fill the abandoned quarry with soil while the residents want it filled as a passive lake. He wanted to ensure that this was brought forward to the SPC.
 - The Chair replied indicating that the SPC’s mandate concerns municipal drinking water systems and the quarry is outside the IPZ. She pointed him to the NPCA’s statement on this issue. <https://npca.ca/our-voice/post/statement-port-colborne-quarry>
 - The Intake Protection Zone for Port Colborne does not encompass Pit 1 at Port Colborne Quarries. As such, all regulations and policies pursuant to the Source Water Protection Program are not applicable to Pit 1.
 - The NPCA agrees with the City of Port Colborne’s decision to retain a licensed professional to review the Site Alteration Permit and the Soil Management Plan. As per the City of Port Colborne Official Plan (noted above), Section 4.1.3.1 (e), the NPCA Hydrogeologist will provide comment on the assessment, if requested by the City of Port Colborne.
- Our work is still important and relevant.

PROJECT MANAGER

Firstly, the Provincial Funding for the Source Protection program was delayed significantly this year. The typical funding agreement was agreed upon and signed prior to the expiry of the current agreement. This wasn’t the case this year. On top of the delays, the funding request for continuing to work on the 2017 Workplan goals was not entirely supported by the Province. This will be covered in more detail during our report discussions tonight. The funding agreement was received this morning, signed and sent back to the MECP this afternoon. We are now just waiting for the signature from the Deputy Minister and the agreement will be in place.

Secondly, Mr. Proks mentioned he would be bringing a report detailing the results of the OGS published Groundwater Resources Study Report 17, which highlights all the regions of elevated groundwater parameters across southern Ontario. Jayme drafted the report for us before his term ended and offered to present it at this meeting for information purposes, but due to the Province not supporting the additional workplan goals for this fiscal year and trying to navigate what that means, we decided to put it on hold, hoping to bring the report to the committee in the future.

Moving on, the next big change involves Bill 108, you may have seen the EBR posting regarding “Modernizing the Conservation Authorities Act”. That was encompassed into Bill 108, otherwise known as the More Homes, More Choices Act, 2019, which involved many changes to several pieces of legislation including:

- Conservation Authorities Act
- Endangered Species Act
- Environmental Assessment Act
- Environmental Protection Act
- Planning Act, just to name a few.

The biggest change for Source Water Protection, comes from the changes to the Conservation Authorities Act which now lists Source Water Protection as a core mandate for conservation authorities. While this is ultimately a good thing, this change likely implies that the provincial funding for source water protection will be discontinued, likely as soon as next year, and become a part of the mandatory municipal levy. This remains to be seen but that is the overwhelming consensus.

In addition, Mr. Proks attended a meeting with the Region to discuss the Algae issue at Decew, it was more for his information about the topic but also had an idea to delineate the area as an issue contributing area. Through discussions with the Region it was decided that it wouldn't be possible because the concentrations of the parameter in question (Microcystin-LR) was not high enough to warrant the concern under the technical rules. But the research into it gave him some ideas for other possibilities that we could consider, which we can discuss this under our workplan report.

He also presented to the MECP District Office, which the Chair was able to attend with him. It was a very productive presentation and a lot of good conversation ensued. There was a lot of interest at the district office on the information covered and he extended the invite so that they attend our meeting. There is a lot of local information at the District office which could be beneficial to us as we venture forth into our section 36 and section 34 updates. Out of that presentation, there was follow-up call to discuss some source water topics such as: Lake Gibson sediments, Decew Intakes, Port Colborne sewage spills and intake closures. He will most likely be bringing most of these as reports to the next meeting.

Mr. Proks attended and presented at the Niagara Children's Water Festival for two days. It was his first time doing this and really enjoyed himself. His presentation was the Rolling through the River activity which explains what a watershed is to the students, what are some different contaminants found within the watershed and how they are transported to our waterbodies. The activity involved suiting the children up in a safety vest with Velcro strips and then having them roll on the ground through our mock watershed to see what contaminants they pick up along the way. The contaminants were represented by different colour pieces of felt. It was definitely one of the more exhausting activities to run, but it was well received by the children and a lot of fun to do.

He also attended a Thin Soils working group meeting that was held in Kingston. It is predominately situated in eastern Ontario because they have large portions of their watersheds that have very thin soils (otherwise known as Highly Vulnerable Aquifers or Hydrogeologically Sensitive Areas). The City of Ottawa appears to be at the forefront of producing municipal guidance documents and offering tools and advise to developers looking to develop in these areas. The City of Ottawa had two presentations that were similar to the presentations at the OGS-GSC Groundwater Open House he attended in

February. Our area is similar to eastern Ontario as we also have largest portions of our watershed that are highly vulnerable, and he hopes to be able get Niagara Region to emulate some of the practices that the City of Ottawa is currently doing.

If there was amalgamation of Niagara and what this means for source water protection, largely just administrative in updating the AR and SPP. The Chair said the transfer of ownership of certain policies would have to be addressed.

One more comment, Conservation Ontario has succeeded in enshrining Source Water Protection into training of Ontario Real Estate Agents.

LIAISON OFFICER, MECP

Ms. Olga Yudina had the following updates:

Bill 108 – More Homes, More Choice Act received Royal Assent on June 1, 2019. Source Protection is not the lead but will be one of the mandatory regulations. There will be a transition period of approximately eighteen to twenty-four months to enter into Memorandums of Understanding (MOU's). This means that the province is still very committed to the tragedy at Walkerton.

The province has received all the annual reports for the first of May implementation, and is currently doing a provincial roll up, which shows progress is being made. There should be a report in the fall on where Conservation Authorities stand. Review and approval of amendments still require the Minister's approval.

The Chair inquired is there is a timeline on regulations to support Bill 108, and Ms. Yudina replied consultations with the Public will take place this summer.

Mr. Proks asked if a date has been set for a Phase 2 Technical meeting, but there has been no notice yet or when they will be moving forward on this.

(4) PRESENTATIONS

There were no presentations.

(5) REPORTS

b) REPORT NO. SPC-07-19 MUNICIPAL UPDATES

Niagara Falls, Welland, DeCew Falls and Rosehill / Fort Erie Water Treatment Plants are planned to have changes made. Any changes to the intakes require updates to the Source Protection Plan and the Assessment Report and approved by the Minister before supplying drinking water. These updates were originally expected to be covered under the Section 36 update, however the new Safe Drinking Water Act Regulation 205/18 imposes limitations to municipalities. To meet project deadlines, municipalities may need to fast track source protection updates under a Section 34 update. The following resolution was presented:

SPCR-13-19

MOVED BY: C. Vega

SECONDED BY: A. Willems

THAT: Report No. SPC-07-19 be **RECEIVED** for information.

	Yes	No		Yes	No		Yes	No
R. Bator	√		C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED UNANIMOUSLY”

c) REPORT SPC-08-19 2019 – 2022 WORKPLAN

This report highlights the approximate timelines for mandatory tasks to be completed as part of the Section 36 Order issued in December 2018:

1. Upgrades to the Water Treatment Plants;
2. Reassessing the Port Colborne Vulnerability Score;
3. Addressing the Oil Pipeline significant threat policy;
4. Addressing the change to fuel tank storage policies; and
5. Updating the Assessment Report (AR) and Source Protection Plan (SPP) to adhere to the new Director’s Technical Rules.

There are two possibilities for moving forward;

Option 1) Complete the remaining required tasks under the Section 36 amended order (includes policy development for oil pipelines and fuel handling and storage, as well as conforming to the changes to the Director’s Technical Rules) and submit the Section 36 updated AR and SPP early.

Option 2) Commit to the existing deadline for the Section 36 update and pursue other options for updating the AR and SPP that could address the other updates within the Workplan that were not funded by the province this year, in addition to the required updates. The following resolution was presented:

SPCR-14-19

MOVED BY: D. Semple

SECONDED BY: A. Willems

THAT: Report No. SPC-08-19 be **RECEIVED** for consideration and that direction be provided to staff to report back to the committee on the options of policies that can be written to address moderate and low threats.

	Yes	No		Yes	No		Yes	No
R. Bator			C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED WITH ONE ABSTAINING”

a) REPORT SPC-06-19 UPDATE TO 2018 ANNUAL PROGRESS REPORT

Policy DC-4 has to do with the Risk Management Plans (RMP) for the significant drinking water threats associated with the various Intake Protection Zone-1 (IPZ-1) areas for the Decew Falls Water Treatment Plant. The policy was originally indicated as implemented because the last remaining RMP for this policy was verbally agreed to but never signed.

As requested by the MECP, the status of policy DC-4 should be changed from “Implemented: Policy outcome(s) evaluated; no further action(s) required” to “In progress/some progress made”. The decision to change this policy comes from internal discussions with the Risk Management Official and the MECP regarding the possible liability that could exist with indicating the policy as implemented. The Niagara Region will not pursue an order, and currently are looking into legal to see what can be done. The following resolution was presented:

SPCR-12-19

MOVED BY: A. Michaud

SECONDED BY: D. Semple

THAT: Report No. SPC-06-19 be **RECEIVED** for consideration, and

That the Source Protection Committee **AMMEND** the following statement in the 2018 Annual Progress Report:

“The Source Protection Committee states that based on the information provided the majority of threats have been addressed and all of the policies are implemented.”

To

“The Source Protection Committee states that based on the information provided the majority of threats have been addressed and the majority of the policies are implemented.”

	Yes	No		Yes	No		Yes	No
R. Bator	√		C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED UNANIMOUSLY”

d) REPORT SPC-09-19 SOURCE PROTECTION POLICY WORKING GROUP

There are currently only a few policies required under the Section 36 update, these include:

- The handling and storage of fuel in quantities greater than 2,500 litres within the Port Colborne IPZ-1; and
- The local significant threat policy for oil pipelines crossing beneath water bodies for DeCew Falls and Niagara Falls.

Staff propose that portions of future SPC meetings be dedicated for the purposes of policy development including technical discussions and draft writing. Staff will invite interested parties from affected municipalities to participate in the discussions. The following resolution was presented:

SPCR-15-19

MOVED BY: R. Bator

SECONDED BY: A. Willems

THAT: Report No. SPC-09-19 be **RECEIVED** for consideration, and

That the Source Protection Committee **SUPPORT** committee time to assist writing Source Protection Plan policies to be incorporated into future Section 34 and Section 36 updates.

	Yes	No		Yes	No		Yes	No
R. Bator	√		C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED UNANIMOUSLY”

(6) OTHER BUSINESS

Ms. Nevarro mentioned there have been some staff changes in the communications department, and they are awaiting a new hire to support them. She is hoping to obtain Niagara College students to assist with education and outreach. She posts all information provided to her by Conservation Ontario.

Ms. Vega said the corporation did a table top involving a spill in proximity of the intake for source protection. This exercise showed there is not enough water in the reservoirs and the main issue was the infrastructure. The next step is to follow up on this.

Mr. Proks will be doing a Drinking Water Presentation at Lincoln Public Library in Beamsville next Tuesday, July 23, 2019. He also suggested the committee pick a date for the next meeting. October 1, 2019 in Welland at the main office at 7:00 pm was decided upon.

(7) ADJOURNMENT

There being no further business the Chair adjourned the meeting at 9:20 p.m. The following resolution was presented:

SPCR-16-19

MOVED BY: A. Willems

SECONDED BY: A. Michaud

THAT: this meeting do now adjourn.

	Yes	No		Yes	No		Yes	No
R. Bator	√		C. Bodimeade	√		T. Dalimonte	√	
D. Fry	√		A. Michaud	√		D. Semple	√	
C. Vega	√		A. Willems	√				

“CARRIED UNANIMOUSLY”

“D. Gullett, Recording Secretary

M. Bellantino Perco, Chair”