

Source Protection Committee - MINUTES

Minutes of Meeting of the Essex Region Source Protection Committee (SPC) held on **Wednesday, October 29, 2014**, in the **Essex Civic Centre, Committee Room C**, 360 Fairview Avenue West, Essex, Ontario.

Members Present:	John Barnett – carrying proxy for David Church	Robert Peterson
	Tom Fuerth (Chair)	Hans Peter Pfeifer
	Antionietta Giofu	Mario Songeo – carrying proxy for Tim Mousseau
	Thom Hunt	Ashley Stevenson
	Charles McLean	Larry Verbeke (SPA Liaison)
	Teresa McLellan	Ian Wilson – carrying proxy for Bill Dukes

Absent:	John Stuart	
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Regrets:	David Church	Bernard Nelson
	Bill Dukes	Andrew Pula
	Tim Mousseau	

Staff:	Katie Stammer, Project Manager, Source Water Protection/Water Quality Scientist	
	Candice Kondratowicz, Corporate Services Assistant	
	Mike Nelson, Watershed Planner	
	Roger Palmi, GIS Technician	
	Susanne Tomkins, Communications Specialist	

Delegates:	None	
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Guests:	John Kehoe, Town of Lakeshore	
	Kit Woods, Municipality of Leamington	

CALL TO ORDER

The Chair of the SPC, Tom Fuerth, called the meeting to order

CHAIRS WELCOME

Chair Tom Fuerth welcomed everyone to the meeting.

Chair Fuerth noted that at the last SPC Chairs meeting the Minister of Environment and Climate Change, Honourable Glen Murray was present. Rajesh Bejankiwar from the International Joint Commission (IJC) was also at this meeting and provided his powerpoint on the Blue Green Algae to the Chairs.

INTRODUCTIONS

None

DISCLOSURE OF CONFLICT OF INTEREST

None

AGENDA

1. The Agenda for the Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, October 29, 2014.

Resolution SPC 18/14

Moved by Mario Sonogo

Seconded by Bob Peterson

THAT the Agenda (including Report 13B/14) for the Wednesday, October 29, 2014, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

MINUTES

1. Minutes of the Meeting of the Source Protection Committee (SPC) held on Tuesday, September 23, 2014.

Resolution SPC 19/14

Moved by Ian Wilson

Seconded by Antonietta Giofu

THAT the Minutes for the Tuesday, September 23, 2014, Meeting of the Essex Region Source Protection Committee (SPC) be approved as amended to reflect that no guests were present at this meeting.

- CARRIED

CORRESPONDENCE

None

SOURCE PROTECTION AUTHORITY (SPA) INFORMATION

1. Minutes of the Meeting of the Source Protection Committee (SPC) held on April 11, 2013.

Resolution SPC 20/14

Moved by Charles McLean

Seconded by Ashley Stevenson

THAT the Minutes for the April 11, 2013, Meeting of the Source Protection Authority (SPA) be received for members information.

- CARRIED

MOE LIAISON'S UPDATE

Teresa McLellan provided a brief update to the SPC.

MOE has approved the format for the signage that will be installed on roads passing through vulnerable areas near municipal drinking water sources. These signs will help inform the public and emergency responders of the “drinking water protection zones” and provide a consistent branding logo. If there are signs currently in place, signs will be replaced on an as needed basis. The MOE anticipates a media announcement in the future around this topic.

REPORTS

1. **Report SPC 10/14** – Fall/Winter 2014/2015 schedule update

Resolution SPC 21/14

Moved by Charles McLean

Seconded by Ashley Stevenson

THAT Report SPC 10/14 be received for information and discussion purposes.

- CARRIED

2. **Report SPC 11/14** – MOE Comments on the Essex Region SPP

Resolution SPC 22/14

Moved by Thom Hunt

Seconded by Ian Wilson

THAT Report SPC 11/14 be received for members information and discussion purposes; and further, THAT the SPC approve the new S.58 policy for Waste disposal sites (storage of hazardous or liquid industrial waste) and associated changes to existing Policy 14; and further changes as noted to include examples of materials that contain arsenic and chromium 6 and to provide the RMO the ability to issue blanket approvals; and further,

THAT the SPC endorse the changes made to Policy 4 – Storm water management and Policy 6 – Discharge of industrial effluent: non-contact cooling water.

- CARRIED

3. **Report SPC 12/14** – Proposed Policy Approaches, updated Assessment Report and Technical Report: Microcystins (draft policies attached)

Resolution SPC 23/14

Moved by Mario Sonogo

Seconded by Ian Wilson

THAT the SPC approve the proposed Monitoring and Education and Outreach Policies with the changes as amended; and further,

THAT the SPC approve the addition of microcystins information on the Assessment Report; and further,

THAT the SPC approve the technical report for inclusion as an appendix to the Updated Assessment Report.

- CARRIED

4. **Report SPC 13/14 & Report SPC 13B/14** – Fuel Policy Update

Resolution SPC 24/14

Moved by Bob Peterson

Seconded by Charles McLean



Issue	Microcystin-LR
Threat	<p>The establishment, operation or maintenance of a waste disposal site;</p> <p>The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage;</p> <p>The application of agricultural source material to land;</p> <p>The storage of agricultural source material;</p> <p>The management of agricultural source material;</p> <p>The application of non-agricultural source material to land;</p> <p>The handling and storage of non-agricultural source material;</p> <p>The handling and storage of commercial fertilizer;</p> <p>The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard</p>
Target Area	Essex Region Source Protection Area
Policy Number	
Policy Reference Number	
Risk Level of Threat	Not applicable
Sub Threats	Not applicable
Significant Risk Circumstances	Not applicable
Threat Status	Existing and Future Threats
Current Land Use	Various
Approach	<p>Education and Outreach under Section 22(2)-7 of the Clean Water Act</p> <p>It is proposed that the Essex Region Conservation Authority initiate and lead an Education and Outreach (E & O) source protection policy in order to assist in addressing microcystins-LR as drinking water issue.</p> <p>E & O materials on typical Best Management Practices (BMPs) will be provided for</p>



	<p>landowners, residents, various business sectors, as well as organizations such as industry associations and professional organizations. BMPs apply to a range of measures from operational procedures to administrative processes.</p>
<p>Policy Text</p>	<p>The Essex Region Conservation Authority will initiate and lead Education and Outreach by building on existing Education and Outreach programs to promote best management practices targeted at phosphorus reduction from a variety of sources. The entire Essex Region Source Protection Area will be included in the E&O program. Targeted programs may include:</p> <ul style="list-style-type: none"> • Education and outreach programs on the importance of commercial fertilizer-free buffers around wells and surface water, targeted at commercial fertilizer application technicians and/or homeowners. • Promoting voluntary nutrient management plans for farms that do not qualify under O. Reg. 267/03 and who land apply commercial fertilizers. • Promoting and encouraging use of a nutrient calculator to determine the proper amount of nutrients to be applied in each situation and for each crop. • Promoting BMPs for the application, storage and handling of commercial fertilizer in areas where it is or would be a significant drinking water threat. <p>Implementation will be conditional on availability of funding. The E & O will be targeted for full implementation within three to five years after the Plan takes effect, and will continue as needed based on reviews. The above applies to drinking water threats that may release phosphorus, which contributes to algal growth and the production of microcystins-LR:</p> <ul style="list-style-type: none"> • The establishment, operation or maintenance of a waste disposal site; • The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage; • The application of agricultural source material to land; • The storage of agricultural source material; • The management of agricultural source material; • The application of non-agricultural source material to land; • The handling and storage of non-agricultural source material; • The handling and storage of commercial fertilizer; • The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard
<p>Rationale</p>	<p>Education and Outreach policies are intended to increase the awareness on the benefits of drinking water source protection, improve landowner acceptance of Source Protection Plan (SPP) policies, promote Best Management Practices, and encourage positive changes</p>



	<p>in behaviour. E & O approaches provide cost-effective opportunities to assist in helping address threats in the Essex Region SPA that release phosphorus, which contributes to algal growth and the production of microcystins-LR.</p> <p>Microcystin-LR was identified as an issue under the Clean Water Act pursuant to rule 115.1 at Lake Erie intakes in both the Essex Region and Thames-Sydenham Region, which have shared municipalities. Microcystins are the toxins produced by cyanobacteria (blue-green algae). The western basin of Lake Erie experiences blooms of cyanobacteria and associated high levels of microcystins annually in summer months. The blooms are visible to the public and affect recreational activities. Phosphorus is the limiting nutrient for these algae and can come from a variety of sources including human and animal waste and fertilizer. Educating the public on these sources of phosphorus and their linkage to algae blooms may encourage the use of best management practices. The entire Essex Region SPA is the target for this program because the adoption of phosphorus best management practices will have the greatest affect if all citizens of the region are informed. Without the delineation of an Issue Contributing Area, there is no defined Vulnerable Area.</p> <p>The Essex Region Conservation Authority will implement this E & O policy for consistent messaging on drinking water source protection, microcystins and phosphorus sources across the Essex Region Source Protection Area. The implementation of this policy in this manner builds on the strengths and efficiencies of the Conservation Authority. The Conservation Authority has existing E & O programs that could be tailored or enhanced to include the suggested messaging.</p>
Policy Tool	Education & Outreach under Section 22-7 of the Clean Water Act
Municipality Policy Applies to	All municipalities within the Essex Region Source Protection Area
Implementing Body	Essex Region Conservation Authority to be the lead
Legal Effect	Non-legally binding (Strategic Action)
Compliance Date	Within three to five years after the Plan takes effect
Status of Threat Policy	Draft policies for consultation

MONITORING POLICY

Issue	Microcystin-LR
Threat	<p>The establishment, operation or maintenance of a waste disposal site;</p> <p>The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage;</p> <p>The application of agricultural source material to land;</p> <p>The storage of agricultural source material;</p> <p>The management of agricultural source material;</p> <p>The application of non-agricultural source material to land;</p> <p>The handling and storage of non-agricultural source material;</p> <p>The handling and storage of commercial fertilizer;</p> <p>The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard</p>
Monitoring Policy Number	
Monitoring Policy Reference Number	
Sub Threats	Not applicable
Legal Effect	Non-legally binding (Strategic Action)
Monitoring Policy Text	The Essex Region Conservation Authority will document the actions taken to comply with policy REF NUMBER and submit an annual report. The date of compliance is by February 1 of each year.
Monitoring Policy Rationale	<p>The implementation of this policy in this manner builds on the strengths and efficiencies of the Conservation Authority.</p> <p>A form to document the information may be provided by the Source Protection Authority (SPA) in order to assist in the report preparation. It must be noted that the Director, Source Protection Program Branch, MOE has the formal legislative authority to prescribe a form for use for the SPA.</p>
Monitoring Policy	By February 1 of each year, the Conservation Authority will prepare and submit to



Compliance Date	the Source Protection Authority a report summarizing their actions for the previous year, to comply with the monitoring policy.
Municipality Policy Applies to	All municipalities within the Essex Region Source Protection Area
Implementing Body	Essex Region Conservation Authority
Status of Policy	Draft policies for consultation

Issue	Microcystin-LR
Target Area	Lake Erie drinking water intakes and tributaries
Vulnerable Area	Not applicable
Policy Number	
Policy Reference Number	
Risk Level of Threat	Not applicable
Sub Threats	Not applicable
Significant Risk Circumstances	Not applicable
Threat Status	Not applicable
Current Land Use	Varied
Approach	Monitoring Policy under Section 22(2)-7 of the Clean Water Act
Policy Text	<p>In accordance with Section 22(2)-[7] of the Clean Water Act, further monitoring and research of microcystin-LR and phosphorus is required for the Lake Erie drinking water intakes (Wheatley, Union, Harrow-Colchester and Pelee Island) and tributaries.</p> <p>The Leamington Water Services, Union Water Supply System ... and Essex Region Conservation Authority, in collaboration with the Province (Ministry of Environment), Lower Thames Valley Conservation Authority and other bodies where possible, should continue the support of existing water quality monitoring programs (e.g. DWSP, PWQMN and research projects) where they relate to the assessment and understanding of microcystin-LR as a drinking water issue.</p> <p>Where it is appropriate, additional water quality monitoring should be incorporated into existing programs or developed as new programs. These monitoring efforts should be directed at such things as, but not limited to:</p> <ul style="list-style-type: none"> • event based water quality monitoring (both blooms and runoff events), • correlation between the various monitoring programs (locally and within the western Basin of Lake Erie), and • contributions through transport pathways, including but not limited to agricultural non-point sources, septic systems, water treatment plants and residential sources such as lawns <p>Participation in these monitoring programs is dependent on adequate resources (including funding and staff capacity) being available.</p>

<p>Rationale</p>	<p>Microcystin-LR was identified as an issue under the Clean Water Act pursuant to rule 115.1 at Lake Erie intakes in both the Essex Region and Thames-Sydenham Region, which have shared municipalities. Microcystins are the toxins produced by cyanobacteria (blue-green algae). The western basin of Lake Erie experiences blooms of cyanobacteria and associated high levels of total microcystins annually in summer months. The blooms are visible to the public and affect recreational activities. Phosphorus is the limiting nutrient for these algae and can come from a variety of sources including human and animal waste and fertilizer.</p> <p>Data are available for the Wheatley, Union and Harrow-Colchester drinking water intakes, however the length of the data record is currently insufficient to determine if there is a trend of increasing concentrations and the data collection is too infrequent (weekly) to fully assess the severity of this drinking water issue. Pelee Island, which is most affected by algal blooms and associated microcystins-LR, has only recently begun regular sampling for microcystin-LR. Data from more locations with higher sampling frequency and longer data records are required to monitor and assess whether microcystin-LR continues to be an issue.</p> <p>Phosphorus is the limiting nutrient for the cyanobacteria (blue-green algae) that produce microcystins-LR. Results of ongoing phosphorus monitoring and modelling are currently insufficient to determine the areas and types of threats that may be contributing to microcystins-LR. Continued and/or improved monitoring of phosphorus in Lake Erie and its tributaries may provide more insight in future assessments of potential phosphorus contributions from a variety of sources. These data are needed in order to delineate and Issue Contributing Area; without the delineation of an Issue Contributing Area, there is no defined Vulnerable Area and no significant drinking water threats can be identified or addressed.</p>
<p>Policy Tool</p>	<p>Section 22(2)-7 of the Clean Water Act</p>
<p>Municipality Policy Applies to</p>	<p>Town of Amherstburg, Town of Essex, Town of Kingsville, Municipality of Leamington, Township of Pelee</p>
<p>Implementing Body</p>	<p>Essex Region Conservation Authority to be the lead</p>
<p>Legal Effect</p>	<p>Non-legally binding (Strategic Action)</p>
<p>Compliance Date</p>	<p>When Source Protection Plan takes effect.</p>
<p>Status of Threat Policy</p>	<p>Draft policies for consultation</p>



MONITORING POLICY

Issue	Microcystin-LR
Monitoring Policy Number	
Monitoring Policy Reference Number	
Sub Threats	Not applicable
Legal Effect	Non-legally binding (Strategic Action)
Monitoring Policy Text	<p>The Essex Region Conservation Authority will prepare and submit a report to the Source Protection Authority which summarizes the actions taken to comply with policy</p> <p>The above applies to the monitoring of microcystins at Lake Erie intakes and phosphorus in Lake Erie and its tributaries</p> <p>The date of compliance is by February 1 of each year.</p>
Monitoring Policy Rationale	<p>The implementation of this policy will provide an assessment of the effectiveness of the environmental monitoring. Monitoring programs may be continued or improved based on this assessment. The annual report may also include information such as how and what progress has been made on joint monitoring of blooms and runoff events at the Lake Erie intakes and Lake Erie tributaries between organizations (PUCs, ERCA, LTVCA, MOE, ...others?)</p> <p>A form to document the information may be provided by the Source Protection Authority (SPA) in order to assist in the report preparation. It must be noted that the Director, Source Protection Program Branch, MOE has the formal legislative authority to prescribe a form for use for the SPA.</p>
Monitoring Policy Compliance Date	By February 1 of each year, the Essex Region Conservation Authority will prepare and submit to the Source Protection Authority a report summarizing their actions for the previous year, to comply with the monitoring policy.
Municipality Policy Applies to	Town of Amherstburg, Town of Essex, Town of Kingsville, Municipality of Leamington, Township of Pelee
Implementing Body	Essex Region Conservation Authority to be the lead
Status of Policy	Draft policies for consultation





Source Protection Committee Term of Appointments

Ministry of the Environment and Climate Change
October 23, 2014

Source Protection Committees



Presentation Outline

- Current status
- Purpose of SPC member expiry and replacement
- Ongoing SPC responsibilities after plan approval
- SPC member Term of Appointments
- SPC member replacement process
- Going forward
- Discussion

Current Status

- 8 Source Protection Plans have been approved
- Requirements under CWA & O. Reg. 288/07
 - Section 7 of the CWA requires SPAs to establish SPCs - governs how the SPA appoints members and maintains the committee.
 - Section 8 of the regulation requires that, once a source protection plan approval is posted on the Environmental Registry, the terms of appointment of the committee members begin to expire.
 - Section 9 of the regulation allows for interim members to be appointed to meet quorum (s. 13)

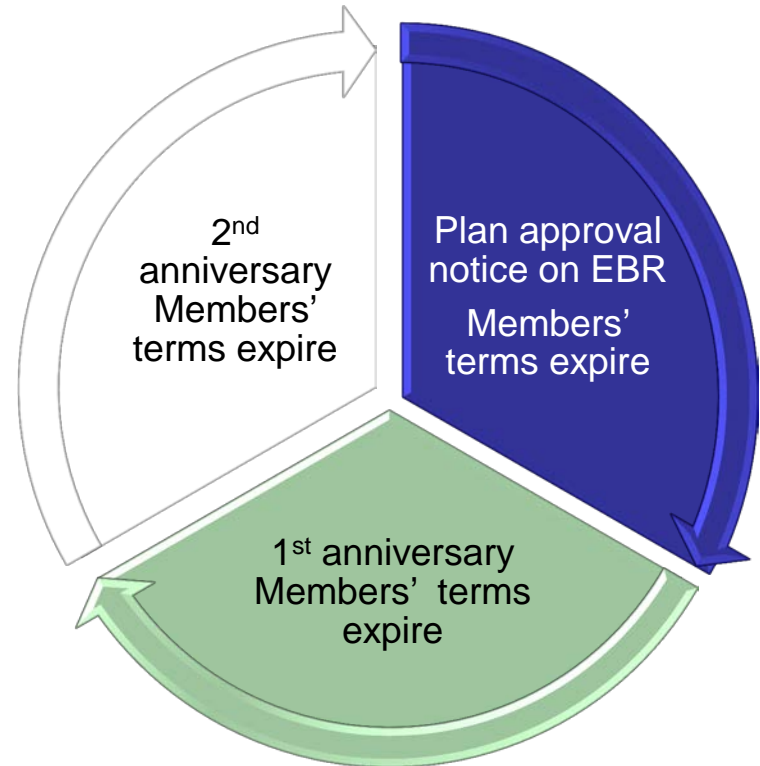
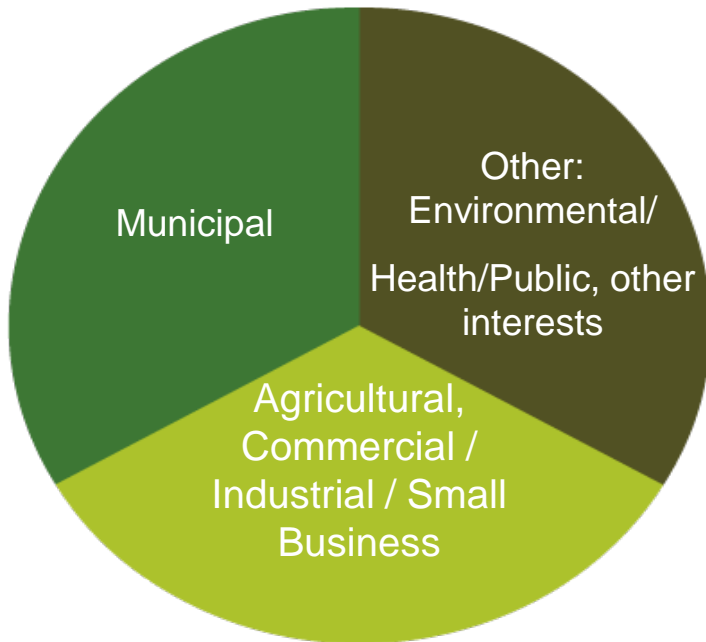
Purpose of SPC Member Expiry and Replacement

- Avoid member fatigue – allow members who no longer want to be on the committee to leave
- Allow municipalities to select new representatives
- Allow for new sectoral members (agricultural, environment NGOs, public) and new perspectives

Ongoing SPC Responsibilities After Plan Approval

- Source protection committees have an ongoing role to play after plan approval as local champions of the program as we transition to the implementation of approved plans
- Review and consult on any new technical work for new systems (CWA s.34)
- SPA will consult with SPC on the work plan where s.36 Order under the CWA specifies the requirement for a workplan
- Review annual reports developed by the SPA, before they are submitted to the Minister

SPC Member Term of Appointments



Term of Appointments

Committee Size (Including Chair)	Year 1*	Year 2	Year 3
10	1 from each group (3)	1 from each group (3)	1 from each group (3)
16	2 from each group (6)	2 from each group (6)	1 from each group (3)
22	3 from each group (9)	2 from each group (6)	2 from each group (6)

*FN member appointments expire at this time as well.

SPC Member Replacement Process

- SPC members are to be replaced by the SPA:
 - Soliciting local municipalities and First Nations for candidates
 - Publishing a notice in newspapers and on the internet
 - Inviting public input on the composition of the committee
 - Incumbent members may be reappointed, so long as the appointment process is followed
 - SPA may appoint interim members during this recruitment process

Going Forward

- SPAs need to meet regulatory requirements
- MOECC recognizes that this recruitment process as described in regulation takes time and resources

Discussion

- Is the current appointment process appropriate?
- Does the current SPC structure meet the requirements of the CWA during implementation and into the future?
- If not, what needs to change?
 - *SPC size?*
 - *Composition?*
 - *Recruitment Process?*