

Source Protection Committee - MINUTES

Minutes of Meeting of the Essex Region Source Protection Committee (SPC) held on **Tuesday, September 23, 2014**, in the **Essex Civic Centre, Committee Room C**, 360 Fairview Avenue West, Essex, Ontario.

Members Present:	John Barnett	Charles McLean
	David Church	Robert Peterson
	Bill Dukes	Hans Peter Pfeifer
	Tom Fuerth (Chair)	Mario Songeo
	Antonietta Giofu	Ashley Stevenson
	Thom Hunt	Ian Wilson

Absent:	Tim Mousseau
	John Stuart

Regrets:	Bernard Nelson	Larry Verbeke (SPA Liaison)
	Andrew Pula	

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

Delegates:	None
-------------------	------

Guests:	None
----------------	------

CALL TO ORDER

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

CHAIRS WELCOME

Chair Tom Fuerth welcomed the new SPC Members, Bill Dukes and Ian Wilson. Chair Fuerth requested that all members introduce themselves.

Chair Fuerth congratulated Katie Stammler on successfully completing the RMO training.

The next Chairs meeting is October 23rd and 24th with a project managers meeting on October 22nd. Raj Bejankiwar, of International Joint Commission (IJC) will attend the Chair's meeting in October with a presentation on the Blue Green Algae.

The public consultation/open house was held in Wheatley in coordination with Lower Thames Valley Source Protection Committee. Although attendance was low, Katie Stammler received many calls from landowners prior to this open house in response to the package that was sent to the affected landowners. The second open house will be held tomorrow, September 24th in Essex.

Chair Fuerth suggested that the SPC wear 'formal' attire (tie and jacket) to the next SPC meeting in October. This would be to update the pictures for the website.

INTRODUCTIONS

None.

DISCLOSURE OF CONFLICT OF INTEREST

None

AGENDA

- I. The Agenda for the Meeting of the Essex Region Source Protection Committee (SPC) held on Tuesday, September 23, 2014.

Resolution SPC 12/14

Moved by Mario Sonogo

Seconded by Bill Dukes

THAT the Agenda for the Tuesday, September 23, 2014, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

MINUTES

- I. Minutes of the Meeting of the Source Protection Committee (SPC) held on Wednesday, July 16, 2014.

Resolution SPC 13/14

Moved by Bob Peterson

Seconded by Hans Peter Pfeifer

THAT the Minutes for the Wednesday, July 16, 2014, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

CORRESPONDENCE

None

SOURCE PROTECTION AUTHORITY (SPA) INFORMATION

None

MOE LIAISON'S UPDATE

Teresa McLellan provided a brief update to the SPC.

The RMO forum is now live, which includes legislation, Q&A and information sharing.

There have been two more SPPlan approvals.

The final Minister's briefing on road signs will be completed this week.

REPORTS

1. **Report SPC 06/14** – Updated Assessment Report/Updated Source Protection Plan Consultation

Resolution SPC 14/14

Moved by Thom Hunt

Seconded by John Barnett

THAT Report SPC 06/14 be received for information and discussion purposes.

- CARRIED

2. **Report SPC 07/14** – MOE Comments on the Essex Region SPP

Table 5.3: Legal Effect Matrix was provided at this meeting (*attached*)

Appendix B – Legal Provisions List (*attached*)

Resolution SPC 15/14

Moved by Thom Hunt

Seconded by Antonietta Giofu

THAT Report SPC 07/14 be received for members information and discussion purposes; and further,

THAT the SPC approve the amendment to include existing and future instances to Policy 38 – The handling and storage of pesticide; and further,

THAT the SPC endorse the changes made to Policy 26, the legal effect portion of the policies and the minor editorial changes made to the policies in the SPP; and further,

THAT the SPC advise the Ministry that the 2 years was intentional.

- CARRIED

3. **Report SPC 08/14** – Proposed Policy Approach – Section 59

Resolution SPC 16/14

Moved by Thom Hunt

Seconded by Bob Peterson

THAT the proposed policy approach in Report SPC 08/14 be endorsed by the SPC in the development of two policies to address the use of Section 59 (Restricted Land Use) of the CWA; and further,

THAT the SPC endorse the resulting changes to the rationale portion of existing Section 57 and 58 policies.

- CARRIED

4. **Report SPC 09/14** – Fall/Winter 2014/2015 Schedule (*attached*)

Resolution SPC 17/14

Moved by David Church

Seconded by Ashley Stevenson

THAT Report SPC 09/14 be received for information and discussion purposes.

- CARRIED

OTHER BUSINESS

None

NEW BUSINESS

None

MEETING ADJOURNMENT

Resolution SPC 17/14

Moved by Consensus

Seconded by Consensus

THAT the meeting be adjourned.

- CARRIED

DATE – NEXT MEETING

The next meeting of the SPC will be held on Wednesday, October 29th at 4:00PM at the Essex County Civic Centre, Committee Room C.

CONCLUSION OF MEETING



Katie Stammler,
Project Manager, Source Water Protection/
Water Quality Scientist

Table 5.3: Legal Effect Matrix

Implementing Body:	Provincial	Municipality, Local Board or SPA	Other Bodies
SIGNIFICANT THREAT POLICIES- ACTIVITIES			
Part IV Tools ⁽¹⁾	Must Conform/ Comply With	Must Conform/ Comply With	Must Conform/ Comply With
Prescribed Instruments	Must Conform/ Comply With	N/A	N/A
Land Use Planning Approaches		Must Conform/ Comply With	Must Conform/ Comply With
Education and Outreach/ Incentive Programs	Non Legally Binding (Strategic Action)	Must Conform/ Comply With	Non Legally Binding (Strategic Action)
Other ⁽²⁾			
SIGNIFICANT THREAT POLICIES-CONDITIONS			
Part IV Tools ⁽¹⁾	N/A	N/A	N/A
Prescribed Instruments	Must Conform/ Comply With		
Land Use Planning Approaches		Must Conform/ Comply With	Must Conform/ Comply With
Education and Outreach/ Incentive Programs	Non Legally Binding (Strategic Action)	Must Conform/ Comply With	Non Legally Binding (Strategic Action)
Other ⁽²⁾			
MONITORING POLICIES			
All Policy Tools	Must Conform/ Comply With	Must Conform/ Comply With	Non Legally Binding (Strategic Action)
MODERATE AND LOW THREAT POLICIES-ACTIVITIES AND CONDITIONS			
Part IV Tools ⁽¹⁾	N/A	N/A	N/A
Prescribed Instruments	Have Regard		
Land Use Planning Approaches		Have Regard	Have Regard
Education and Outreach/	Non Legally Binding	Non Legally Binding	Non Legally Binding

Implementing Body:	Provincial	Municipality, Local Board or SPA	Other Bodies
Incentive Programs	(Strategic Action)	(Strategic Action)	(Strategic Action)
Other ⁽²⁾			
OTHER POLICIES			
Transport Pathways	Non Legally Binding (Strategic Action)	Non Legally Binding (Strategic Action)	Non Legally Binding (Strategic Action)
Climate change data collection			
Spill prevention, contingency or response plans along highways, railways or shipping lanes			

Notes: N/A not applicable

APPENDIX B

LEGAL PROVISIONS LISTS

LIST A

Title: Significant threat policies that affect decisions under the Planning Act and Condominium Act, 1998

Opening Statement: "Clause 39 (1) (a), subsections 39 (2), (4) and (6), and sections 40 and 42 of the Clean Water Act, 2006 apply to the following policies."

Content:

Policy No. 14 -WILIAI -waste-1 (Prescribed Instrument) only as it applies to the City of Windsor and the Town of Amherstburg,

Policy No. 49 - WIW2AI -livgraz-1 (Planning)

LIST B

Title: Moderate and low threat policies that affect decisions under the Planning Act and Condominium Act, 1998

Opening Statement: "Subsection 39 (1) (b) of the Clean Water Act, 2006 applies to the following policies."

Content: N/A

LIST C

Title: Significant threat policies that affect prescribed instrument decisions

Opening Statement: "Subsection 39 (6), clause 39 (7) (a), section 43 and subsection 44 (1) of the Clean Water Act, 2006 apply to the following policies."

Content:

Policy No.1- WIW2LIAI -combinedsewer-1 (Prescribed Instrument),

Policy No.2-WILIAI -bypass/effluent/storage-1 (Prescribed Instrument),

Policy No.3- W1-storage-1 (Prescribed Instrument),

Policy No.4-WIW2LIAI -stormwater-1 (Prescribed Instrument),

Policy No.5-WIW2LIAI -industrialeff-1 (Prescribed Instrument),

Policy No.6-WIW2LIAI -industrialeff-2 (Prescribed Instrument),

Policy No.7-W2-bypass/effluent-1 (Prescribed Instrument),

Policy No.8-W2applNASM-1 (Prescribed Instrument),

Policy No.9-W2storageNASM-1 (Prescribed Instrument),

Policy No.10-WILIAI -applicationNASM-1 (Prescribed Instrument),

Policy No.11-WILIAI -storageNASM-1 (Prescribed Instrument),

Policy No.12-WIW2LIAI -hauledsewage-1 (Prescribed Instrument),

Policy No.13-WILIAI - minetail-1 (Prescribed Instrument),

Policy No.14-WILIAI -waste-1 (Prescribed Instrument),

Policy No.15-WIW2LIAI -applPesticide-1 (Prescribed Instrument),

Policy No.16/17/18-SLWA123- handlestorefuel-3 (Prescribed Instrument),

Policy No.19/20/21-SLWA123-handlestorefuel-1 (Prescribed Instrument),

Policy No.22-SLWA123-handlestorefuel-5 (Prescribed Instrument),

Policy No.23-A12-handlestorefuel-5 (Prescribed Instrument),

Policy No.24-WI2A3-handlestorefuel-5 (Prescribed Instrument)

LIST D

Title: Moderate and low threat policies that affect prescribed instrument decisions

Opening Statement: "Clause 39 (7) (b) of the Clean Water Act, 2006 applies to the following policies."

Content: N/A

LIST E

Title: Significant threat policies that impose obligations on municipalities, source protection authorities and local boards

Opening Statement: "Section 38 and subsection 39 (6) of the Clean Water Act, 2006 applies to the following policies."

Content:

Policy No. 26 - All I23-transportcorridor-3(Specify Action)

Policy No.41- W2bypass-1(Specify Action), W2effluent-1 (Specify Action),

Policy No.42- W2effluent-1 (Specify Action),

Policy No.43-W1W2-combinedsewerbypasseffluent-1 (Specify Action),

Policy No.44-W1W2-combinedsewer-2 (Govern Research),

Policy No.45-W1W2-combinedsewerstorm-3 (E&O),

Policy No.46-W1W2-combinedsewerbypasseffluent-4 (Stewardship/Incentive),

Policy No.47-W1L1A1storage-1 (Specify Action),

Policy No.48-SLWA123-handlestorefuel-1 (Specify Action),

Policy No.52-SLWA123-handlestorefuel-1 (Stewardship/Incentive),

Policy No.54-W1A1L1-deicair (Specify Action),

Policy No.55-L1-livgraz-1 (E & O)

LIST F

Title: Monitoring policies referred to in subsection 22 (2) of the Clean Water Act, 2006

Opening Statement: "Section 45 of the Clean Water Act, 2006 applies to the following policies."

Content:

Policy No.1M-W1W2L1A1- combinedsewer-2 (Monitoring Policy),

Policy No.2M-W1L1A1 -bypass/effluent/storage-2 (Monitoring Policy),

Policy No.3M-W1-storage-2 (Monitoring Policy),

Policy No.4M-W1W2L1A1-stormwater-2 (Monitoring Policy),

Policy No.5M-W1W2L1A1-industrialeff-3 (Monitoring Policy),

Policy No.6M-W1W2L1A1-industrialeff-3 (Monitoring Policy),

Policy No.7M-W2-bypass/effluent-3 (Monitoring Policy),

Policy No.8M-W2applNASM-2 (Monitoring Policy),

Policy No.9M-W2storageNASM-2 (Monitoring Policy),

Policy No.10M-W1L1A1-applicationNASM-2 (Monitoring Policy),

Policy No.11M-W1L1A1-storageNASM-2 (Monitoring Policy),

Policy No.12M-W1W2L1A1-hauledsewage-2 (Monitoring Policy),

Policy No.13M-W1L1A1-minetail-2 (Monitoring Policy),

Policy No.14M-W1L1A1-waste-2 (Monitoring Policy),

Policy No.15M-W1W2L1A1applPesticide-2 (Monitoring Policy),

Policy No.16/17/18M-SLWA123-handlestorefuel-4 (Monitoring Policy),

Policy No.19/20/21M-SLWA123-handlestorefuel-2 (Monitoring Policy),

Policy No.22/23/24M-SLWA123-handlestorefuel-6 (Monitoring Policy),

Policy No.25M-All123-transportcorridor-2 (Monitoring Policy),
Policy No.26M-All123-transportcorridor-4 (Monitoring Policy),
Policy No.27M-WIW2LIAI-applASM-2 (CWA Monitoring Policy),
Policy No.28M-WIW2LIAI-storageASM-2 (CWA Monitoring Policy),
Policy No.29M-WILIAI-applNASM-2 (CWA Monitoring Policy),
Policy No.30M-WILIAI-storageNASM-2 (CWAMonitoring Policy),
Policy No.31M-WILIAI-storageNASM-4 (CWAMonitoring Policy),
Policy No.32M-WILIAI-storageroadsalt-2 (CWAMonitoring Policy),
Policy No.33M-WIAILI-storageroadsalt-4 (Monitoring Policy),
Policy No.34M-WILIAI-storagesnow-2 (CWA Monitoring Policy),
Policy No.35M-W2-applNASM-2 (CWA Monitoring Policy),
Policy No.36M-W2-storageNASM-2 (CWA Monitoring Policy),
Policy No.37M-WIW2AILIapplPesticide-2 (CWA Monitoring Policy),
Policy No.38M-WIAILI-storagepesticide-2 (CWA Monitoring Policy),
Policy No.39M-WIAILI-storagepesticide-4 (CWA Monitoring Policy),
Policy No.40M-SLWA123-handlestorefuel-3 (CWA Monitoring Policy),
Policy No.41M-W2bypass/effluent-2 (Monitoring Policy)
Policy No.42M-W2bypass/effluent-2 (Monitoring Policy)
Policy No.43M-WIW2-combinedsewerbypasseffluent-5 (Monitoring Policy)
Policy No.44M-WIW2-combinedsewerbypasseffluent-5 (Monitoring Policy)
Policy No.45M-WIW2-combinedsewerbypasseffluent-5 (Monitoring Policy)
Policy No.46M-WIW2-combinedsewerbypasseffluent-5 (Monitoring Policy)
Policy No.47M-WILIAI-storage-2 (Monitoring Policy),
Policy No.48M-SLWA123-handlestorefuel-2 (SpecActMonitoring Policy),
Policy No.49M-WIW2AI-livgraz-2 (Monitoring Policy),
Policy No.50M-All IPZs E&O (Monitoring),
Policy No.51M-HVAs, SGRAs, Wells (E&O-Monitor),
Policy No.52M-SLWA123-handlestorefuel-2 (Monitoring Policy),
Policy No.53M- All IPZs, HVAs, SGRAs, Wells-2 (Monitoring Policy),
Policy No.54M-WIAILI-deicair -2 (Monitoring Policy)
Policy No.55M-LI-livgraz-2 (Monitoring Policy)

LIST G

Title: Policies related to section 57 of the Clean Water Act, 2006

Opening Statement: "The following policies relate to section 57 (prohibition) of the Clean Water Act."

Content:

Policy No.27-WIW2LIAI-applASM-1 (Clean Water Act),
Policy No.28-WIW2LIAI-storageASM-1 (Clean Water Act),
Policy No.29-WILIAI-applNASM-1 (Clean Water Act),
Policy No.30-WILIAI-storageNASM-1 (Clean Water Act),
Policy No.32-WILIAI-storageroadsalt-1 (Clean Water Act),
Policy No.34-WILIAI-storagesnow-1 (Clean Water Act)

LIST H

Title: Policies related to section 58 of the Clean Water Act, 2006

Opening Statements: "The following policies relate to section 58 (risk management plans) of the Clean Water Act."

Content:

Policy No.35-W2-applNASM-1(Clean Water Act),
Policy No.36-W2-storageNASM-1(Clean Water Act),
Policy No.37-W1W2A1LI applPesticide-1(Clean Water Act),
Policy No.38-W1A1LI-storagepesticide-1(Clean Water Act),
Policy No.40-SLWA123-handlestorefuel-1(Clean Water Act)

LIST I

Title: Policies related to section 59 of the Clean Water Act, 2006

Opening Statement: "The following policies relate to section 59 (restricted land use) of the Clean Water Act."

Content:

Policy No.33-W1A1LI-storageroadsalt-3(Clean Water Act),
Policy No.31-W1L1A1-storageNASM-3(Clean Water Act),
Policy No.39-W1A1LI-storagepesticide-3(Clean Water Act)

LIST J

Title: Strategic Action policies

Opening Statement: For the purposes of section 33 of Ontario Regulation 287/07, the following policies are identified as strategic action policies

Content:

Policy No.25- All 123-transportcorridor-1 (Specify Action),
Policy No.26-All 123-transportcorridor-3 (Specify Action),
Policy No.50-All IPZs (E&O),
Policy No.51-HVAs, SGRAs, Wells-1 (E&O),
Policy No.53-All IPZs, HVAs, SGRAs, Wells-1 (Stewardship/Incentive)

LIST K

Title: Significant threat policies that represent a non-legally binding commitment

The policies that do not belong to the other Lists A to J are included in the List K.

Content:

Policy No.26-All 123-transportcorridor-3 (Specify Action)

SOURCE PROTECTION COMMITTEE - REPORT

SPC 09/14

FROM: Katie Stammer, Project Manager

SUBJECT: Fall/winter 2014/2015 schedule

DATE: Sept/23/2014

PURPOSE

To inform the SPC of the proposed schedule of work for the fall/winter 2014/2015

BACKGROUND

Key Dates for revised Source protection Plan and Assessment Reports

Task	Status	Expected Start date	Expected Completion Date
Early consultation - Fuels		August 18, 2014	September 24, 2014
Fuel technical report addendum	Underway		October 3, 2014
Microcystins technical report	Underway		October 17, 2014
SPP policy revisions	Underway		October 24, 2014
SPP revisions	Underway		October 24, 2014
AR revisions		October 1, 2014	October 24, 2014
SPC meeting			October 29, 2014
Updated SPP	Underway		November 7, 2014
Updated AR		October 1, 2014	November 7, 2014
SPC meeting			November 12, 2014
Pre-consultation with policy implementers		October 31, 2014	November 14, 2014
Public Consultation		November 20, 2014	December 22, 2014
Public Meeting			December 3, 2014
SPA approval of SPP and AR			December 19, 2014
SPC meeting			January, 2015 (TBD)
Resubmit SPP			January 31, 2015

*This schedule will continue to evolve as work progresses

September 23, 2014 SPC meeting

- Work Plan
- Communication Plan
- Major edits to the Essex Region Source Protection Plan policies
 - Policy 38: The Handling and Storage of Pesticides (existing and future vs future threat)
 - Policy 26: The Transportation of Fuels (new wording, effective date)
 - Legal Effect: simplification of phrasing in all policies
- Minor edits to the Essex Region Source Protection Plan policies
- New/edited Section 59 policies

October 29, 2014 SPC meeting

- Fuel Threats
 - Addendum to technical report
 - Modified Fuel Threat policies
 - Update on response to fuel letter mail out
- Microcystins/Phosphorus
 - Technical report
 - New policies: Monitoring; Education and Outreach
- Major Edits to SPP policies
 - New policy to address waste storage/disposal that are not covered by Prescribed Instruments (the Environmental Compliance Approval)
 - Policy 4: Storm Water Management (existing and future vs future threat)
- Minor edits to Source Protection Plan policies
- Minor/major edits to Source Protection Plan
- Minor/major edits to Assessment Report

November 12, 2014 SPC meeting

- Updated Source Protection Plan for public consultation to be approved by the SPC
- Updated Assessment Report for public consultation to be approved by the SPC

January 2014, SPC meeting

- Presentation of any comments received during consultation
- Final approval of SPP and AR for re-submission

RECOMMENDATION

THAT Report SPC 09/14 be received for information and discussion purposes.



Katie Stammer
Water Quality Scientist/
Project Manager, Source Water Protection