

Lakes Simcoe and Couchiching/Black River

Source Protection Authority

**Meeting No. SPA-01-21**

**Friday, February 26, 2021**

**9:00 a.m.**

**Agenda**

**Meeting Location:**

To be held virtually by Zoom

## I. Declarations of Pecuniary Interest

## II. Approval of Agenda

Pages 1 – 3

**Recommended:** That the agenda for the meeting of Lakes Simcoe and Couchiching/Black River Source Protection Authority held on February 26, 2021 be approved as presented.

## III. Adoption of Minutes

### a. Source Protection Authority

Pages 4 – 8

**Recommended:** That the minutes of the Lakes Simcoe and Couchiching/Black River Source Protection Authority Meeting No. SPA-02-20 held May 22, 2020 be approved as circulated.

### b. Source Protection Committee

Pages 9 – 48

**Recommended:** That the minutes of the South Georgian Bay Lake Simcoe Source Protection Committee meetings held on July 7, 2020 and December 1, 2020 be received for information.

## IV. Correspondence

Pages 49 – 50

The following correspondence item is included in the agenda:

- a) February 22, 2021 letter from Lakes Simcoe and Couchiching/Black River Source Protection Authority to the Hon. Jeff Yurek, Minister of Environment, Conservation and Parks regarding Regulation 287/07 under the Clean Water Act – Annual Reporting Requirements.

## V. General Updates

### a. Source Protection Committee Chair's Report

Pages 51 - 52

**Recommended:** That the report by South Georgian Bay Lake Simcoe Source Protection Committee Chair Lynn Dollin regarding Source Protection Committee updates be received for information.

### b. Source Protection Plan Amendment – York Region Drinking Water System

Pages 53 - 56

**Recommended:** That Staff Report No. 01-21-SPA regarding proposed amendments to the Source Protection Plan be endorsed; and

Further that these amendments be submitted to the Minister of the Environment, Conservation and Parks for approval.

### c. Delegation of Authority

Pages 57 - 59

**Recommended:** That Staff Report No. 02-21-SPA Staff Report No. 02-21-SPA regarding delegation of authority to staff for the submission of proposed amendments to the Source Protection Plan be received; and

Further that Source Protection Authority staff be authorized to submit completed draft Source Protection Plan amendments for new or expanded drinking water systems, on behalf of the Source Protection Authority; and

Further that staff report annually to the Source Protection Authority Board the basis of all such submissions, and their subsequent approvals by the Ministry.

## VI. Other Business

## VII. Adjournment

# Lakes Simcoe and Couchiching/Black River

## Source Protection Authority

Meeting No. SPA-02-20

Friday, May 22, 2020

Held virtually via Zoom

### Meeting Minutes

#### Source Protection Authority Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor K. Aylwin, Mayor D. Barton, Mayor D. Bath-Hadden, Mayor B. Drew, Councillor A. Eek, Councillor K. Ferdinands, Councillor W. Gaertner, Councillor R. Greenlaw, Councillor J. Gordon, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Mayor M. Quirk, Councillor C. Riepma, Councillor M. Taylor, Regional Councillor T. Vegh, Councillor A. Waters, Councillor E. Yeo

#### Source Protection Authority Board Members Absent

Township of Ramara, Councillor J. Dailloux, Councillor P. Ferragine Councillor (Vice Chair), Councillor T. Lauer, Councillor E. Yeo

#### LSRCA Staff Present

T. Barnett, B. Longstaff, B. Thompson, M. Walters, M. Wilson

#### Guests in Attendance

Mayor L. Dollin, South Georgina Bay Lake Simcoe Source Protection Committee Chair

### I. Declarations of Pecuniary Interest or Conflict of Interest

None noted for this meeting.

### II. Approval of Agenda

Moved by: K. Ferdinands

Seconded by: V. Hackson

SPA-05-20 **Resolved That** the agenda for the meeting of Lakes Simcoe and Couchiching/Black River Source Protection Authority held on May 22, 2020 be approved as presented. **Carried**

### III. Adoption of Minutes

#### a) Source Protection Authority

Moved by: C. Riepma

Seconded by: A. Eek

SPA-06-20 **Resolved That** the minutes of the Lakes Simcoe and Couchiching/Black River Source Protection Authority Meetings No. SPA-01-19 held April 26, 2019 and SPA-01-20 held February 28, 2020 be approved as circulated. **Carried**

#### b) Source Protection Committee

Moved by: C. Riepma

Seconded by: A. Eek

SPA-07-20 **Resolved That** the minutes of the South Georgian Bay Lake Simcoe Source Protection Committee meetings held on March 29, 2019 and October 10, 2019 be received for information. **Carried**

### IV. General Updates

#### a) Source Protection Committee Chair's Report

South Georgian Bay Lake Simcoe Source Protection Committee Chair Lynn Dollin's report was included in the agenda. She first mentioned that the Walkerton tragedy was 20 years ago and reflected on the great progress that has been made in the protection of drinking water sources. Highlighted change in committee members, several reappointed and four new members appointed. pleased there was lots of interest in the required positions and we are well represented. A virtual orientation was held and lots of information was provided. At the first meeting on April 30<sup>th</sup>, the 2019 annual report on implementation progress was discussed. While the Committee was very impressed with the amount of work done to date, there was concern around the pending July 2020 deadline for completing all Risk Management Plans. The Committee endorsed a proposal to seek a two-year extension on that deadline, to help manage delays caused by the COVID-19 pandemic, and to ensure that municipal Risk Management Officials have sufficient time to build relationships with all affected landowners.

Moved by: D. Barton

Seconded by: J. Gordon

SPA-08-20 **Resolved That** the Source Protection Committee update by South Georgian Bay Lake Simcoe Source Protection Committee Chair Lynn Dollin be received for information. **Carried**

**b) Annual Source Water Protection Progress Report to the Ministry**

Mike Wilson, SWP Coordinator/Hydrogeologist, provided a presentation regarding the Annual Source Water Protection Progress Report to the Ministry, noting the primary goal of the annual report is to assess if threats to drinking water supplies have been reduced through the implementation of the Source Protection Plan. Secondary goals include ensuring program effectiveness and efficiency; providing accountability and transparency through public reporting; informing future budget requests; reducing uncertainty of plan success or failure; informing decision-making and implementation; and enabling more effective on-the-ground management of significant drinking water threats.

A review of progress made on risk management plans shows that all municipalities have submitted annual reports to staff; most Plan policies that address significant drinking water threats been or are in the process of being implemented in accordance with the timelines set out. It is estimated that 86% of existing significant drinking water threats have been mitigated through policy implementation. He went on to note that 232 risk management plans have been established and an estimated 140 remain to be negotiated across the Source Protection Region. This suggests that the July 2020 deadline for risk management plans is unlikely to be met. The Source Protection Committee recommends seeking a two-year extension on the deadline for risk management plan completion. Upon endorsement by the Source Protection Authority, staff will seek provincial approval for an extension to the deadline.

Moved by: T. Vegh

Seconded by: W. Gaertner

SPA-09-20 **Resolved That** the presentation by Source Water Protection Hydrogeologist, Mike Wilson, regarding the Annual Source Water Protection Progress Report to the Ministry be received for information. **Carried**

Staff Report No. 02-20-SPA prepared LSRCA's Source Water Protection Hydrogeologist, Mike Wilson, regarding the Annual Source Water Protection Progress Report to the Ministry was included in the agenda.

Moved by: T. Vegh

Seconded by: W. Gaertner

SPA-10-20 **Resolved That** Staff Report No. 02-20-SPA regarding the 2019 source water protection annual report to the Ministry be received; and

**Further that** the Annual Report be submitted to the Director of Source Protection (MECP); and

**Further that** staff be directed to seek a two-year extension on the deadline for risk management plan completion. **Carried**

**c) Source Protection Plan – Annual Reporting Process**

Manager, Watershed Plans and Strategies, Bill Thompson, provided an overview of the Source Protection Plan's Annual Reporting Process, noting that annual reporting is required under the Clean Water Act, and it is an extremely valuable part of the Source Protection program, as it ensures that SPA staff remain aware of progress made and supports staff in providing this information to the SPA Board and the Source Protection Committee. He explained that annual report questions come from three sources: Ontario Regulation 287/07 under the Clean Water Act; MECP staff; and the Source Protection Committee and requires a significant amount of work for the Risk Management Officials responsible for completing the reports. In an effort to reduce some of this burden, staff have worked with the source protection committee and MECP to review and reduce the number of non-regulated questions from 121 to 60. This review also uncovered work being performed that has not been asked for by the Province since 2016, which suggests some aspects of the regulation are not a good use of the risk management officials' time. Staff sought the Source Protection Authority Board of Directors support in requesting the Minister of Environment, Conservation and Parks initiate a review of the Regulation.

Moved by: K. Aylwin

Seconded by: M. Quirk

SPA-11-20 **Resolved That** the presentation by Manager, Watershed Plans and Strategies, Bill Thompson regarding the Source Protection Plan annual reporting process be received for information. **Carried**

Staff Report No. 03-20-SPA prepared LSRCA's Manager, Watershed Plans and Strategies, Bill Thompson, regarding the Source Protection Plan annual reporting process was included in the agenda.

Moved by: K. Aylwin

Seconded by: M. Quirk

SPA-12-20 **Resolved That** Staff Report No. 03-20-SPA regarding the annual reporting requirements associated with Source Protection Plan implementation be received; and

**Further that** the Lakes Simcoe and Couchiching/Black River Source Protection Authority Board of Directors support staff's recommendation to request that the Minister of Environment, Conservation and Parks initiate a review of the Regulation.

**Carried**

## V. Other Business

## VI. Adjournment

Moved by: A. Waters

Seconded by: V. Hackson

SPA-13-20 **Resolved That** the meeting be adjourned at 9:50 a.m. **Carried**

*Original to be signed by:*

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Regional Chairman Wayne Emmerson, Chair

*Original to be signed by:*

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Rob Baldwin for  
Mike Walters, Chief Administrative Officer



**South Georgian Bay Lake Simcoe Source Protection Region**

**Source Protection Committee (SPC)**

**Minutes of Meeting SPC-02-2020**

**Tuesday, July 7, 2020; 1:00 p.m. – 4:00 p.m.**

**MEMBERS:**

Lynn Dollin, Chair

<u>Members</u>	<u>Economic/Development</u>	<u>Public Sector</u>	<u>First Nations</u>
Don Goodyear	Colin Elliott	Tom Kurtz	Sharday James
Debbie Korolinek	David Ketcheson	Bob Duncanson	
Kyle Mitchell	David Ritchie	Stephanie Hobbs	
Jeff Hamelin	Ian Chadwick	Geoff Allen	
Stan Wells	Rick Newlove	David Greenwood	
	Brandon Powers	Cate Root	
	John Hemsted	Larry Slomka	

**Liaisons**

Simcoe Muskoka District Health Unit	Christina Wieder
Lake Simcoe Region Conservation Authority	Ben Longstaff
Severn Sound Environmental Association	Melissa Carruthers (for: Julie Cayley)
Nottawasaga Conservation Authority	Ryan Post (for Doug Hevenor)
Ministry of the Environment, Conservation and Parks	Thea Pesheva

**Staff**

Bill Thompson, LSRCA	Tara Harvey, LSRCA
Mike Wilson, LSRCA	Shelley Fogelman, LSRCA (minutes)

**Guests**

Scott Lister, York Region	Tavis Nimmo, Durham Region
Brittany Barks, City of Barrie	Brook Piotrowski, LSRCA
Stephen Holden, City of Barrie	

**Regrets**

Andy Campbell	Katie Thompson – proxy to David Ketcheson
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**I. WELCOME & OPENING REMARKS**

The Chair opened the meeting at 1:00 p.m. She welcomed returning member Stan Wells back to the committee and introduced Tia Pesheva as the new MECP Liaison Officer during Elizabeth Forrest’s maternity leave.

**II. ROLL CALL**

Bill Thompson, LSRCA, carried out a roll call. New members introduced themselves to the Committee. A quorum was present.

Bill asked whether there was an issue with recording the meeting. There being none the meeting recording was started.

**III. DECLARATION OF PECUNIARY INTEREST**

The Chair asked for any declarations of pecuniary interest to any of the agenda items. There being none, she requested that if any arose during discussions they be identified.

**IV. APPROVAL OF AGENDA**

Bill T. noted that item d) under Presentations – **Proposed new policy test for Land Use Planning Policy LUP-12 to Include Single Detached Residential Major Developments** – had been pulled from the agenda. The presentation was removed from the agenda.

**RESOLVED:**                   **THAT** the agenda for the July 7, 2020 meeting of the Source Protection Committee (SPC) be approved as amended.

**Moved:**                         Larry Slomka

**Seconded:**                   David Ritchie

**CARRIED**

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**V. ADOPTION OF MINUTES**

A spelling error in the Minister’s name was pointed out (page 3). On the same page, in the first sentence of the last page a word appeared to be missing.

Errors, as noted, have been corrected.

**RESOLVED:**           **THAT** the minutes of the April 30, 2020 meeting of the Source Protection Committee be approved as amended and circulated.

**Moved:**                 Ian Chadwick

**Seconded:**           Cate Root

**CARRIED**

**VI. ANNOUNCEMENTS**

David Richie, Colin Elliott and ambassador Paul Maurice (a farmer from within the Georgian Sands/Lafontaine catchment) and Cindy Hastings (Tiny Township councillor) met with Minister Yurek on July 6, 2020 regarding agricultural policy moving forward.

Colin Elliott noted the Ministry suggested having farmer(s) on the provincial board to be involved with policy writing at the beginning stages and will be aware of changes to policy prior to such changes being instituted. Noted that they thought this was a good suggestion and they will move on from there.

Thea Pesheva (MECP) noted the transfer payment agreements for all Source Protection Authorities (SPA) have been approved and signed. She also noted there is a delay in timeline of the Phase 2 changes to the Director’s Technical Rules. It is anticipated that should approvals move forward as planned; public consultations will begin in the fall. There is a 90-day window for comments to be provided. It is anticipated that a needs assessment will be carried out in August to determine whether Risk Management Officer (RMO) training is required.

Dave Ketcheson stated he has noticed that the Ministry of the Environment, Conservation and Parks (MECP) has put up on the Environmental Bill of Rights website that they are seeking comments on an update to the evaluation process for water quantity issues and PTTW applications and questioned whether ministry would be seeking input from source water protection.

Thea P. advised the ministry’s Source Protection Branch had been involved in preparing the updates, however they would welcome comments.

The Chair asked when the commenting period ended for this proposed update.

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Thea P. advised it is a 45-day commenting period, ending on August 2, 2020.

The Chair noted that one issue that has come up already is the concept of a willing host. If you use Aberfoyle as an example – the water supply well is in Aberfoyle and they may be supportive of a water bottling company using water from that well, so they are considered a willing host. However, Guelph (the neighboring municipality) may have concern over sustainable water quantity for their needs and object to a company using that well. One municipality may support a water taking from a well while another municipality may be against the water taking from the same well. The Chair questioned whether the SPC saw a need to weigh in when there may be a difference of opinion between municipalities or if it should be left to individual municipalities to provide comments to ministry.

The Chair received no comments from SPC members.

Question was raised regarding return to work and Ministry’s current plans.

Thea P advised all staff continues to work remotely as are most SPA and SPC staff. There is a tentative plan to return to offices in September but not sure that will happen. There are no firm timelines in place to either return to office or have in person meetings.

**VII. DELEGATIONS**

There were no delegations.

**VIII. PRESENTATIONS**

**a) Tavis Nimmo – Important Considerations when Negotiating a Dense Non-Aqueous Phase Liquid (DNAPL) Risk Management Plan**

The presentation highlighted how Durham Region is currently dealing with DNAPLs and Risk Management Plan (RMP) current and future implementations. The presentation reviewed three current RMPs within the region.

The Region is currently in negotiations with one location, a custom stone countertop fabrication shop, which was brought to their attention due to a complaint. Noted that many of region’s best management practices were already in place.

It was noted that pre-consultation meetings are more important for providing comments and/or information than for Section 59 notices. Seven have been held to date. Based on feedback from these meetings the Region has developed education and outreach resources for the community which are available on their website.

The presentation outlined the future of DNAPLs noting that most listed activities are industrial thus do not capture commercial uses. It was recommended to either leave

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definitions as currently written or, if updated, to ensure the list of activities is not limited to those in Regulation 153 and to include activities RMOs deem applicable.

**Questions/Comments:**

- Ian C. I really like the education and outreach package. Does SPC have a similar package that can be shared with municipalities?
- Bill T. Yes. We work with municipalities in our area and have developed several materials relating to different areas. Most of the E&O material is available for download on the ourwatershed.ca website.
- Geoff A. How did you find out about the countertop company after the fact?
- Tavis N. They were in an existing plaza, so no building permit was required; municipality does not have a business change of ownership or registration system, so the business wasn't flagged in that way. The RMO has asked plaza owners to keep them abreast of tenant changes in the future.
- Cate R. I really like the education aspect; I like that approach because it expands the opportunity to engage with people who may not have known they were at risk.
- Dave K. Regulation 153/04 does not exclude other activities. Has the ministry advised they will only be limited to activities in Table 2 list or is the purpose to include any contaminating threats?
- Tavis N. This point was raised at last DNAPL working group meeting. It was indicated the list is not exclusive; the ministry has taken it back for consideration.
- Dave K. Like the idea of combining DNAPL and organic solvents under the umbrella of Liquid Industrial Chemicals as that could solve a lot of problems. Like the idea of a future policy however with the 25L limitation – most commercial facilities handle more than 25L of waste oil. Thus, the proposed approach likely needs some revision to consider these larger quantity waste oil. There might be a problem with limiting to 25L unless they specify that the chemicals have DNAPL characteristics instead of only having DNAPLs on the list.
- Lynn D. How does this match up with the two other SPC regions?

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Tavis N. CTC is a future prohibition but not in the TCC region. I don't think there is a way to standardize across the province as local knowledge goes a long way.

There being no further questions:

**RESOLVED:** THAT the presentation provided by Tavis Nimmo be received for information.

**Moved:** David Ketcheson

**Seconded:** Tom Kurtz

**CARRIED**

**b) Brook Piotrowski - Low Impact Development (LID) Retrofit Project within the York WHPA-Q**

Lake Simcoe Region Conservation Authority (LSRCA) partnered with York Region in 2018 to create a demonstration site where LSRCA partners would be given an idea of where LID could be done; something that was cost effective and easy to maintain.

Area in question is approximately 2,000 sq. m. Prior to construction area would drain into catch basins that drained directly into the stormwater management pond. As pond is old and has not been maintained well project provided opportunity to reduce stress and load in the pond. Often put up educational materials along site for public to understand what is being done; this being a high traffic area that was not an option.

Area is currently online and stable. LSRCA has created an inspection form for the Town to use when conducting maintenance on stormwater pond. Maintenance should be carried out annually or bi-annually.

**Questions/Comments:**

Ian C. Is there any movement to use permeable paving materials in parking lots?

Brook P. Permeable pavers work and are low maintenance, not as low as LID. LSRCA has installed permeable pavers at another Newmarket location; they are more costly to install and maintain than LID projects. Brook noted he promotes permeable pavers as a last option if there is insufficient space in the area to infiltrate and treat.

Lynn D. Wanted to ask about salt in the parking lot.



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- Brook P. Have been working with all municipalities including the Town of Newmarket through the Smart About Salt campaign. Working with them about better BMPs, identifying areas that don't need to be salted. On this project sand is not used as it plugs the LID, but I've observed less salt is being used.
- Cate R. Why not promote infiltration from the top rather than the lower levels?
- Brook P. Basically, in this case, we were trying to promote something that was cost effective that still had the capacity to capture a 25 mm event. The top part of the swale acts as filtration while the bottom is infiltrating. This scenario provides cost savings. The media (clear stone and grass) is still fairly costly, not as common as typical aggregates, it was an idea of working with consultant on another way to still have filtration and infiltration that's cost effective.
- Cate R. I didn't understand that it was natural clay and that you were trying to overcome what was already there.
- Lynn D. One other question – not that they don't understand it but getting the average person to like LID. We have LID subdivisions and people move in and the first thing they want to do is rip out the rain garden. Is Newmarket getting any complaints? I think the biggest obstacle to LID has been the average person's perception.
- Brook P. I agree. The biggest way to avoid that issue is to have a very definitive separation to the mow and no mow area. Clear delineation between manicured areas and those that are not seems to be helpful.
- Ben L. This is very first LID project we've done for Source Water under our water balance policies. It's been a good learning experience to see how these projects can be implemented across the watershed; and what additional benefits may be.

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There being no further questions:

**RESOLVED:** THAT the presentation provided by Brook Piotrowski be received for information.

**Moved:** Stan Wells

**Seconded:** Don Goodyear

**CARRIED**

**c) Bill Thompson - Source Protection Overview**

The presentation provided an overview of a 3-year work plan for source protection. It was noted the program is on track to complete a plan amendment in 2022.

For second year Tara Harvey gave a presentation to the Georgian Bay Realtors' Association at their request. It was an opportunity to provide information for realtors to pass on to their clients purchasing property. Staff in Severn Sound have been holding deputations for their councils regarding Source Water and current status of risk management plans in their area. Developing workshop for consultants who are involved with changes to municipal drinking water systems to ensure they understand our needs to ensure plans are current.

There are two types of plan amendments. Section 36 requires Minister to ask staff to look at Source Protection Plan as a whole to see what is and is not working and what could be improved. Other amendments tend to be more focused and deal with specific issues.

**Questions/Comments:**

Tom K. With respect to the Braestone development, there is a long history behind that so I understand how it got to the stage it has without source water protection overview. But currently what is the process to get source water involved at an early stage when a new subdivision is proposed?



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- Bill T. There is an ongoing risk as there could be any number of privately owned systems that could revert to municipal ownership. As far as I'm aware there is nothing that requires any source water consideration for those privately owned systems until they become municipally owned. The worst case scenario is that taps would have to be turned off or the well would be in violation of the Safe Drinking Water Act. There is an option in the Act to provide an emergency declaration order to allow a temporary ease of that requirement.
- Thea P. Need to have constant open communication with the municipalities and being aware of any potential and future plans for new wells. With new regulation it's vital to have conversation early on with municipalities and have them be aware of some of the processes in place through the new regulation.
- Bill T. Members have brought wells to the attention of the committee; this is definitely a role of the SPC members (particularly the municipal representatives) to ensure lines of communications remain open.
- Colin E. Could the committee have a chance to attend the municipal workshops?
- Bill T. Absolutely. Currently considering it will be a virtual meeting; will send a link when meeting is ready.
- Colin E. Has Stayner settled on a piece of land for their well?
- Ryan P. Yes they have.
- Dave K. Question to MECP – when private systems are put into place normally MECP requires municipalities to negotiate a financial assurance; should the private enterprise fail, the province will hold the municipality responsible for that assurance. My understanding is there was no renegotiation of financial assurances to address SWP issues. Am I correct in stating that?
- Thea P. I do not have an answer but will look into it.
- Dave K. I think a lot of municipalities would be keenly interested in whether they could open up their FAs to address these new issues that may be a burden upon them.

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- Cate R. Why would the province not have a demand on private systems to have the same kind of standard that we do for municipal? It's set up to protect the public so why would that not already be part of the consideration?
- Thea P. As it stands, the source protection and Clean Water Act only captures municipal drinking water systems. There are clauses where certain private sectors/clusters can be included depending on the decision of the Source Protection Authority and Committee. Again, this is something that has to be considered at all levels and municipalities have to make resolutions and it has not happened yet but there is opportunity for that. While I understand that currently there have been some comments and feedback coming into the ministry to investigate private systems and it's not captured under the Clean Water Act.
- Lynn D. If I could add to that answer – a lot of this is historic. When the Clean Water Act was first proposed there was a lot of pushback from the private landowners that they didn't want meters on their wells. Around 80% of Ontario's population is on a municipal drinking water system.
- Dave K. What is the procedure when a private communal organization goes bankrupt and in the eyes of the province the municipality must assume control under the terms of Source Water Protection?
- Bill T. I don't know; I don't recall having received any direction from the province on this.
- Lynn D. We'll have to take that question as a takeaway. I would just say that's why a lot of the municipalities shy away from both water and private wastewater systems.
- Geoff A. Will the SPC have the opportunity to comment on the environmental assessment being done at Stayner?
- Bill T. The SPC is responsible for drinking water systems under the Clean Water Act. Any time a new municipal drinking water system comes online it needs to be recognized in the Source Protection Plan. Waste water treatment only comes into the plan if it situated in a vulnerable area where water policies would apply in which case policies have been written and it's up to the implementing body to implement those policies in which case it would be the Ministry. The only role the committee would have in a situation like that is if we felt the policies weren't

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effective and wanted to have the policies amended. The committee's responsibility is not to get into case by case or specific issues except drinking water systems themselves.

Debbie K. Back to Dave K's earlier question. The experience that I've had at another municipality when a private system fails is the ministry would come in and issue an officers' order for the municipality to take on the system.

There being no further questions:

**RESOLVED:** THAT the update provided by Bill Thompson on the Source Protection Region be received for information.

**Moved:** Rick Newlove

**Seconded:** Stan Wells

**CARRIED**

**d) Proposed new policy text for Land Use Planning Policy LUP-12 to include Single Detached Residential Major Developments**

Presentation was deferred.

**e) Mike Wilson – New Handling and Storage of Fuel Circumstances and Policy Implications**

The presentation provided information regarding the new handling and storage of fuel threats and the resulting policy implications. Explained why re-evaluation of policy was required; reviewed methodology used to identify new fuel threats and the results of the assessment; reviewed current fuel threat policies to ensure they are adequate; made recommendation.

**Questions/Comments:**

Dave R. In regard to aerial photographs, I suggest it's a guess at best and until somebody makes a personal visit to the site or the landowner we don't really know. Need to be cautious.

Mike W. I totally agree; this is just a first step we take to get a ballpark number of potential fuel threats so we have a general idea of what we're dealing with. We have sent the list of potential threat sites out to RMO's so they can investigate further.

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- Lynn D. When the original assessment report was done we didn't have RMOs on the ground. Now that Theam is in place to be able to do that leg work (threats verification in the field).
- Dave K. There are new handling and storage circumstances; did the ministry ever provide an explanation of why they changed them or what was the basis for changing them?
- Mike W. I haven't spoken specifically to MECP about this, but I do feel a big part of it was that gap for above grade fuel storage with that being a big risk for tanks exposed to the elements. RMOs and other professionals identified this as a potential risk that wasn't captured. They changed the hazard rating for fuel from 8 to 10 which rolls downhill and has an effect on the circumstances.
- Lynn D. I think that a lot of Source Protection Committees said that was a gap and made the province aware.
- Dave G. Do RMOs have the authority to do a threat assessment on additional properties they may uncover while investigating already identified areas?
- Mike W. They have that authority within their areas. RMOs can add, remove or mitigate (through policy implementation) a threat.
- Cate R. Fuel transportation and on highways. Is that ever a piece that we would consider or comment on or have a concern if the traveling fuel came close to a vulnerable area?
- Bill T. At the time of the SPP development there were a number of issues identified that were seen as gaps in the source protection program. Other committees also noted that the transportation of fuel on rail lines is not specifically listed in the Act so we don't, strictly speaking, have the ability to write policies. There is the option to create local threat policy and the option to do some non-legally binding outreach policies to CN, which other regions have done. This is still a gap in the program.
- Lynn D. There was a time when the committee did consider a policy near the Rope vulnerable area and highway 400 but did not move forward with it based on risk involved and different scenarios that were reviewed.

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- Dave K. With respect to the rail because it's under the purview of the federal government the province could not put any action in place. Am I correct in stating that?
- Bill T. It makes it more challenging, but we can create non-legally binding policies for some federally mandated activities.
- Thea P. There are some opportunities for non-legally binding policies noting steps that can be taken by federal entities.
- Kyle M. One of the issues we had with marinas and fuel leaks from boats; this can be an issue in and of itself.

There being no further questions:

**RESOLVED:** THAT Staff Report No. SPC-2020-02-02 regarding new handling and storage of fuel circumstances and associated policy implications be received for information; and

**FURTHER THAT** the Source Protection Committee support staff's recommendation that the existing fuel handling and storage of fuel policies are adequate for managing the new fuel threats; and

**FURTHER THAT** staff be directed to incorporate the new handling and storage of fuel circumstances as part of the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act.

**Moved:** Kyle Mitchell

**Seconded:** Ian Chadwick

**CARRIED**

**f) Tara Harvey – Proposed Liquid Hydrocarbon Pipeline Policy**

The presentation provided an overview of the presence of liquid hydrocarbon pipelines within the Source Protection Region. A proposed policy resulting from the addition in 2018 of liquid hydrocarbon pipelines as a threat was presented. Policy is presented as non-legally binding.

**Questions/Comments**

Stephanie H. Request that policy be broken into two sentences.

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- Ian C. Under the proposed policy wording it says “significant drinking water threat” but it doesn’t say where a definition of that threat could be found. Could we have “according to the Clean Water Act” etc., put into that so the proponents, especially the commercial proponents, will know where to look to get the standards?
- Bill T. That’s fine.
- Dave K. Traditionally when new hydrocarbon pipeline corridors are being proposed, there’s public consultation and the ability to present concerns with corridor selection. I’m wondering if it would be more proactive of us to try and intervene at that time as opposed to rely on the proponent to use appropriate design, monitor and maintenance standards after the fact.
- Bill T. That was the intent around the reference to the location. Maybe we want to think about a second policy directed at the SPA requiring us to engage in public consultation of proposed pipelines.
- Lynn D. Does that satisfy if we had something in there that would trigger us to get engaged?
- Dave K. Yes, something along that line could be beneficial; then we’ve covered off a missed opportunity should it occur.
- Lynn D. Do we need to amend the recommendation to add: “And further that a legally binding policy directed to the SPA be prepared and brought back to the Committee”?
- Bill T. I’d be comfortable with that, Madame Chair.



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There being no further questions:

**RESOLVED: THAT** Staff Report No. SPC-2020-02-03 regarding a proposed liquid hydrocarbon policy be received for information; and

**FURTHER THAT** the Source Protection Committee endorse the proposed liquid hydrocarbon pipeline policy as amended; and

**FURTHER THAT** staff be directed to incorporate the proposed policy, as amended, as part of the forthcoming amendment to the Source Protection Plan, under Section 35 of the Clean Water Act; and

**FURTHER THAT** a new legally binding policy directed to the Source Protection Authority be prepared and brought back to the Committee for review.

**Moved:** Dave Ketcheson

**Seconded:** Stephanie Hobbs

**CARRIED**

**g) Bill Thompson – Winter maintenance chemicals: challenges and opportunities for change**

The correspondence, marked in the agenda as item 1(c), from Lake Erie Source Protection Region had been included in agenda of last meeting, the Region has requested that other committees consider passing resolutions in support of the actions outlined.

Lake Erie covers large municipal areas and has significant concerns regarding the salt used in their areas. Not as broadly an issue for Sourcewater protection in our area. However, there are increasing trends of salt across watersheds and is a significant environmental concern. The recommendations in the letter are consistent with work undertaken by Lake Simcoe in our own conservation authority portfolio.

**Questions/Comments:**

Ian C. It mentions that property owners would be trained and certified. Who would do the training?

Bill T. There is a program that was developed in Ontario called Smart About Salt. It's an excellent program that is voluntary at this point. Trying to provide a little more incentive for contractors to get certified and a little more provincial recognition.

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- Ian C. I'd like to see it mandatory. If we have the opportunity to do the training it might also be a revenue stream for us at some point.
- Dave R. I believe in recent years it's come down to liability for the municipalities about road maintenance and law suits. I believe there's a piece with Attorney General about looking at some of the liability laws and taking some of the teeth out of them, so they can get back to producing road maintenance programs that don't have constant use of salt.
- Bill T. New Hampshire has changed liability laws such that if someone slips and falls happen on a property managed by a contractor who can demonstrate they have the training (similar to that offered in Ontario), the contractor is not liable. We are working with some of our private partners to recommend a similar legal change in Ontario in the private sector.
- Lynn D. Is there anything in here (the letter) that says make the rules easier so that we have less work to do? Or heighten the bar to allow more sodium in the ground water? There's nothing here that actually puts the bar higher is there?
- Bill T. They are not asking for a change to the drinking water standard or additional flexibility. This is from the Source Protection Committee wanting to ensure that salt is addressed.
- Lynn D. Do we not have policies about asking the province to look into other materials that we could put down on our roads? Wasn't it in association with the Good Roads Association?
- Bill T. Yes. Both ideas are in the Source Protection Plan. Conservation Ontario in association with Good Roads Association did publish a guideline on developing salt management plans.



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There being no further questions:

**RESOLVED:** THAT Correspondence Item 1(c) from the Lake Erie Region Source Protection Committee be received for information; and

**FURTHER THAT** the Source Protection Committee support the recommended actions outlined in the letter; and

**FURTHER THAT** the Source Protection Committee authorize the Lake Erie Region Source Protection Committee to include this resolution of support in their future correspondence with Ministry staff and members of Cabinet on this topic.

**Moved:** Cate Root

**Seconded:** Geoff Allen

**CARRIED**

**IX. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION**

Stan Wells pulled Correspondence 1(e) for discussion.

**X. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION**

No items were brought forward.

**XI. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION**

Stan W. Raised concerns regarding correspondence from Quinte Source Protection as presented. In early part of letter the bulleted programs the conservation authority is responsible for. It presents as this is a mandate for the conservation authority and yet I think about 2/3 of that is legislated mandates under the Conservation Act; the other 1/3 I'd call advisory, they are non-binding. Does not present a clear picture of their responsibilities. Reading the three recommendations I got the impression this letter was leaning towards having the government change the responsibilities to a one size fits all. And that gave me cause for concern because I still think there's a place for the municipalities to choose how they go about implementation and monitoring.

Lynn D. Do you want to move to have further discussion on this at the next meeting?

Stan W. I don't feel the need to do that at the moment.

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**RESOLVED:** THAT the correspondence listed in the July 7, 2020 agenda as items 1(a) to 1(e) be received for information.

**Moved:** Stan Wells

**Seconded:** Tom Kurtz

**CARRIED**

**XII. OTHER BUSINESS**

None.

**XIII. CLOSED SESSION**

None.

**XIV. ADJOURNMENT**

There being no further business the meeting was adjourned.

**Moved:** Jeff Hamelin

**Seconded:** Rick Newlove

**CARRIED**

**ACTION ITEMS:**

**Thea P** to research whether MECP would hold municipality responsible for financial assurances should private enterprise fail.

**Staff** to determine procedure when a private communal organization goes bankrupt and in the eyes of the province the municipality must assume control under the terms of Source Water Protection

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**Source Protection Committee (SPC)**

**Minutes of Meeting SPC-03-2020**

**Tuesday, December 1, 2020; 1:00 p.m. – 4:00 p.m.**

**MEMBERS:**

Lynn Dollin, Chair

**Municipal**

Don Goodyear  
Debbie Korolnek  
Kyle Mitchell  
Andy Campbell  
Jeff Hamelin  
Stan Wells

**Economic/Development**

Colin Elliott  
David Ketcheson  
David Ritchie  
John Hemsted  
Ian Chadwick  
Rick Newlove  
Brandon Powers

**Public Sector**

Tom Kurtz  
Bob Duncanson  
Stephanie Hobbs  
Larry Slomka  
Geoff Allen  
David Greenwood  
Cate Root

**First Nations**

Sharday James

**Liaisons**

Simcoe Muskoka District Health Unit	Christina Wieder
Lake Simcoe Region Conservation Authority	Ben Longstaff
Severn Sound Environmental Association	Julie Cayley
Ministry of the Environment, Conservation and Parks	Tea Pesheva

**Staff**

Bill Thompson, LSRCA	Ryan Post, NVCA
Mike Wilson, LSRCA	Melissa Carruthers, SSEA
Tara Harvey, LSRCA	Shelley Fogelman, minutes, LSRCA

**Guests**

Scott Lister, York Region	Deborah Balika, Conservation Ontario
Tavis Nimmo, Durham Region	Steven Holden, City of Barrie
Brittany Barks, City of Barrie	Jenna Stephens, Kawartha Conservation
Janet Ivey, Credit Valley CA	

**Regrets**

Katie Thompson – proxy to David Ketcheson  
Doug Hevenor NVCA – represented by Ryan Post

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**I. WELCOME & OPENING REMARKS**

Chair Dollin welcomed everyone to the meeting.

**II. ROLL CALL**

Bill Thompson carried out a roll call. He also introduced and welcomed guests in attendance – Deborah Balika from Conservation Ontario and Janet Ivey from Credit Valley Conservation Authority.

**III. DECLARATION OF PECUNIARY INTERESTS**

Chair Dollin asked for any declarations. There being none the Chair requested that participants advise her should any become known during the meeting.

**IV. APPROVAL OF AGENDA**

Chair asked for any amendments to the agenda. Bill T. noted that presentation number VIII(b) – DNAPL Policy Review, would be given by Mike Wilson and Tara Harvey, not him.

**RESOLVED:** THAT the agenda for the December 1, 2020 meeting of the Source Protection Committee (SPC) be approved as amended.

**Moved:** Dave Ritchie

**Seconded:** Rick Newlove

**CARRIED**

**V. ADOPTION OF MINUTES**

Chair asked for any changes/updates required for minutes of July 7, 2020 meeting. Chair noted misspelling of Tea Pesheva’s first name, to be corrected. Spelling has been corrected.

**RESOLVED:** THAT the minutes of the July 7, 2020 meeting of the Source Protection Committee be approved as amended and circulated.

**Moved:** John Hemsted

**Seconded:** Dave Greenwood

**CARRIED**

Chair asked if updates on July meeting’s action items should be discussed at this point.

Bill T. Action item was for staff to determine the procedures when a private communal organization goes bankrupt and in the eyes of the province

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the municipality must assume control under the terms of Source Water Protection Program.

Bill advised that we don't yet have an answer so this will be an action item to be carried forward to another meeting.

Tea P. Action item was to research whether MECP would hold municipality responsible for financial assurances should private enterprise fail. Tea advised there is no official response at current time. We are discussing this process requirement for transitioning existing operating systems into municipal systems, it's rather complex and with the review that we're currently doing, for example with Braestone, this is something that's been discussed internally. I have shared this with our Environmental Approval Branch who deals with that piece. So once there is an official response, and it's going to probably be a written response, I will provide that to Bill to share with the SPC.

(Larry S. joined meeting. Chair requested that presentations be emailed to him as he wouldn't be able to see them via telephone connection).

**VI. ANNOUNCEMENTS**

Lynn C. Tea, anything to add to the announcements from MECP?

Tea P. Yes. As of yesterday, the application period for the Transfer Payment Agreements was open and it will close on December 23<sup>rd</sup>. All applications should be received by then. The application guide was updated for certain eligible activities however the majority of items are the same as last year. If there's any questions in the next period of time, I welcome those from Bill and the staff who are working on their work plans. Other than that, our team is reviewing the Directors' Technical Rules comments that we received in November for the proposed amendments. There were quite a few comments but we're going through them now and once there are decisions that are made I'll be giving everyone an update or through Bill. Finally, there is a private systems guidance being developed. There has been a representative group of project managers, chairs and municipalities that have been helping this process to provide feedback on some of the drafts that have been developed. That feedback will be incorporated into the finalized guidance. We don't have any timelines as to when this will be released, but the guidance is utilizing existing resources to a user friendly approach to helping provide information and

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resources to landowners to make sure they have properly functioning septic systems for example or proper storage and management of onsite fuel oil tanks and items like that. We're waiting for more comments; as soon as I have more information, I'll be providing another update. One last item: as part of the annual progress reporting for 2020 we have a commitment to continuously improve that process to make it clearer to the project managers. Some have reached out to provide some feedback on some of the changes that were proposed. As part of that feedback we have gone back on some of the changes just to continue to have it clear. Thankfully, the project managers across Ontario have been helping out and it's really useful to see how it's being implemented and what everybody wants to see as part of those progress reports.

Lynn D. Thank you. Anybody have any questions?

Colin E. I'd like to know when and how the committee got involved with Braestone. We don't have to know it right now, but I'd like to know the steps and is it the local risk management people or is the province looking after it?

Lynn D. Have we got Melissa on this call?

Melissa C. At the local level we are looking into this. It is at the beginning stages so it hasn't come to the Committee yet. At SSEA we've completed our work; it's sitting in the Ministry's hands at this point. We're waiting to do our early engagement meeting. After we do that it will come to the committee.

Lynn D. On a broader scale the reason that we're looking into it is because Braestone wants to hand it over to the municipality. Is that correct?

Bill T. That's right.

Dave K. Madame Chair. As the environmental consultant involved with the Braestone project, so I do have a pecuniary interest in that particular matter.

Lynn D. Thank you for making that known. Any other questions for Tea? Seeing none, we will ask the RMO working group if they have an update.

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- Tavis N.: RMO working group met in early October; it was a pretty business as usual meeting. We are all trying to figure out how to navigate the ever-changing environment of COVID, doing inspections, trying to get a hold of people, and get the risk management plans moving again. We're sharing ideas and as we're trying to move towards implementation, deadlines and different timelines how to start issuing orders or use common enforcement tactics. We developed a few working groups to comment on the Directors' Technical Rule updates. We had 3 different working groups and came up with some comments and feedback for the SPA. In general, we supported the Technical rule changes as they were put forward. We have another meeting scheduled for next week to review annual reporting and to touch base with a roundtable discussion.
- Lynn D.: Thanks, Tavis. Any questions for Tavis? Seeing none, any other announcements?
- Brandon P.: I want to share some exciting and sad news on my part. I have recently had an opportunity come up to accept a job outside of the watershed. Unfortunately, I am no longer going to be eligible for membership on the committee; I have recently moved out to Victoria, B.C. Although my time on the committee was much too short, I do want to say that I've appreciated working with and learning from this committee. This is a farewell meeting; I'll be in meeting but will be abstaining from any votes.
- Lynn D.: Thank you Brandon, we appreciate that. Good luck in your new endeavours and best wishes to you. Ian?
- Ian C.: I'm no longer working for the municipal water association. This will be my last meeting as well.
- Lynn D.: We appreciate your insight and your passion to the environment and to source water.
- Ian C.: This is a great group. I've seldom served on a group that is so collectively focused on their goals and working together so co-operatively.
- Lynn D.: So, Mr. Thompson we're going to have some recruitment work to do in the new year.
- Any other announcements?
- Bill T.: I do have an announcement as well, It's not mine, but I do unfortunately have to announce that this will be Tara Harvey's last SPC meeting as well.



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Tara has worked behind the scenes at LSRCA for a couple of years and has been an absolute rock star. Unfortunately, her time with the conservation authority is ending as of the end of December and she has moved to Kingston and will be starting her own business. It's a real loss to the authority.

Lynn D.: That's really exciting Tara.

Are there any other announcements?

On July 30<sup>th</sup>, Bill and I had a Zoom call with Tea about the pros and cons of virtual meetings in an effort for MECP to come up with a guidance document for all SPCs on what was working and what wasn't. On September 10 there was a chaired teleconference, mostly updates and guidance. In November George Jacoub gave us an update on the Directors' Technical Rules. I was invited to another meeting in November with MECP about the proposed amendments to the Conservation Authorities Act. I'm not entirely sure what why I was invited; it was an eclectic group of stakeholders.

**VII. DELEGATIONS**

There were none.

**VIII. PRESENTATIONS**

**(a) Source Protection Region Updates – Bill Thompson, LSRCA**

Bill provided an overview of work being carried out by staff.

Risk Management Plans (RMP) – noted that Mike Wilson had previously presented an update of the RMPs that were in place and/or progress; it appeared that not all RMPs would/could be completed by the deadline so recommended an extension to the deadline, which was supported by the committee. Ministry approved the extension (Correspondence Item 1(a)) for two years. In April meeting status as of December 2019 was presented to committee. As of June 2020, thirteen (13) additional plans have been negotiated; higher than expected however there is still a great deal of work to be done.

Amendments for new drinking water systems: noted this is a very new and important process for Source Protection Authorities. As of 2018 there is a new section under the Safe Drinking Water Act that requires any new or expanded systems have a completed Source Protection Plan before it can come into service



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to provide drinking water to residents. Noted committees/authorities are not proponents nor are they doing the technical work however the Source Protection Authority and the Source Protection Committee play an important step in the middle to ensure all source protection considerations are taken into account. This is a very important infrastructure and service that municipalities provide to their residents and we want to make sure that we are not creating unnecessary bottlenecks in the process. A list of current/ongoing projects was provided with updates on each.

A review of a training event about the amendments process for municipalities and their consults given by Tara Harvey and Mike Wilson was provided. Have had questions from three municipalities asking questions about the process.

An update regarding the proposed amendments to the Director Technical Rules. These have been in development for a number of years and were released for comments in August 2020. (Correspondence items 1(b)(c) and (d) to this agenda).

Bill noted the proposed amendments fall into two categories: Assessment Report Content and Circumstances. Noted that amendments are not fundamental changes that would require a full tear down and rebuild of the Source Protection Plan, but there are a number of amendments that will need to be considered moving forward.

Assessment report content – definition of how a well head protection area is delineated, what an intake protection zone is, how to do a water budget, how to determine the vulnerability of these vulnerable areas – all the content that sits in the Assessment Reports. There have been a number of amendments to those various rules and guidelines but they are enabling, not mandatory; will not address any challenges or solve any problems in the source protection region so not proposing to pursue at this time.

Changes to circumstances – these changes are mandatory; when approved and finalized are issues that the committee will need to think about. Bill suggested it will be worthwhile to go through a comprehensive review of the policies and Source Protection Plan.

Presentation provided an overview of topics of discussion for Source Protection Committee in the coming year. Noted that it may be necessary to meet more times in 2021 than in past years.

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Questions/Comments:

- Andy C. I attended Tara and Mike’s training and I thought it was really good. They made a boring presentation interactive; to the staff at LSRCA I think they did a great job.
- Don G. Wanted to flag a challenge for the new systems requirement. You may recall a couple years ago when we had to have when a new systems came in we had to have an approved source protection plan that this committee and many others wrote to the ministry that there were concerns around the delay that caused and our fears have been realized. We’ve got that well in Aurora that was drilled a couple years ago, technical work completed a year and a half ago. Fortunately, it’s part of an integrated system, so although it’s very frustrating that we’ve invested several hundred thousand dollars in a piece of infrastructure we can’t use, we can work around it. If that was a stand-alone system like Schomberg and Ballantrae we simply could not. This timeframe to bring a new system into operation is not feasible; it’s really not acceptable. I would implore the ministry to streamline the process or soften the rules because municipalities can’t operate like this, providing drinking water is the mandate.
- Lynn D. Thank you for that, Don, appreciate the comments. Tea any response to those issues or could you take it as a takeaway?
- Tea P. I have noted it and will take it back to our management.
- Dave R. Going back to the salt issue with the City of Barrie. For some of us who have been on the committee for quite a while, we granted the City of Barrie something like 3,500 “get out of jail free” comments at one time on best management practices. Has anybody been keeping an eye on them as to whether they followed through on those? I realize that the issue is salt, and with salt and municipalities there is ... lawyers and liability. Has there been any follow up on those best management practices on how much they did?
- Bill T. When we get to this item I will do a more complete presentation on the topic, but I do know they adopted a salt optimization plan in 2015 which was the year the Source Protection Plan came into force. They have provided us with their salt application data over the years. Looking at the data they have reduced their salt use by 40%. What they are asking for

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now is an expansion to the Risk Management Plan policy – how parking lots are managed. As you recall, the policies we have now pertain to the wellhead protection areas A and they have asked us to extend that policy out beyond ... to other parking lot areas; they are asking for a greater control when it comes to salt use.

Dave R. Good to hear. One more comment – we had a working lunch with our MPP, Doug Downey, and we had mentioned this liability issue. They have been working on some legislation to try and mediate some of this. It is a real minefield with COVID; I do believe the government is working on some updates to the legislation and trying to work around to easing the blow for some of these municipalities.

Bill T. I'll speak to that briefly as well, but this will be something that I'll expand on a little bit in a future meeting. Lake Simcoe Region Conservation Authority we convened what we call a Freshwater Round Table which included representation from the private sector from of the large parking lot owners – some of the big box stores, the building owners and management associations, as well as on the contracting society some of their associations and some of the larger contractors. Also, at that table was Don Goodyear representing York Region and someone representing the Association of Municipalities of Ontario. We have made a pitch to the ministry, exactly as Dave has, to change the legislation around slips, trips and falls, particularly as it relates to winter maintenance. At the moment that's being headed by Landscape Ontario which is the association representing contractors. Contractors have found their insurance costs have tripled or quadrupled every year for the past two or three years and it is becoming completely unsustainable. This is something we are very much working on as are many others across the province.

Dave R. One little caveat – maybe it wouldn't hurt to invite the bar association to this and have them sit in on it and the insurance people – they seem to be the two big players in all of this – the stumbling block.

Dave K. Two points: with regards to the discussion about the new Amaranth WHPA – once again we have pecuniary interest with that project that you should be aware of. Secondly, for the benefit of the membership, I'm wondering if Don could talk about the emergency director approval that you can get if you are in a situation where you need to use the well ahead

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of the Source Water Protection approval process. Don, do you want to deal with that? I've been through it at Pontypool but I thought that you might just keep people aware that there is a solution, not a good solution, in an emergency situation.

Don G. We haven't employed that, so if you know the details...

Dave K. Our firm was working on a replacement well for the Pontypool wellhead and it was a stand alone well. We got emergency director approval; you have to go through the ministry to obtain it. They will give you the ability to turn on the well, if you should need it in an emergency situation, which is what we had requested of them since we were on a stand alone well and fearful that it could suffer a repair problem and therefore there would be no water supply to the community. That was granted by the Regional Director while we progressed through the Section 34; it provided the safeguarding the City of Kawartha Lakes was seeking with regards to that particular system.

Lynn D. Any other questions or comments on this presentation? Seeing none, then a mover and a seconder to the recommendation that the information be received.

**RESOLVED:** THAT the Source Protection Region Update provided by Bill Thompson be received for information.

**Moved:** Bob Duncanson

**Seconded:** Cate Root

**CARRIED**

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**(b) DNAPL Policy Review – Tara Harvey & Mike Wilson, LSRCA**

Presentation provided an explanation of what DNAPLs are. Clean Water Act identifies five chemicals as DNAPLs. Noted that larger areas around a well are regulated for DNAPLs. DNAPL policies apply in all of our wellhead protection areas and in one quarter of Intake Protection Zones.

Most of our wellhead protection areas have risk management policies applying so risk management officials are looking for threats. Have found that very few businesses actually have pure DNAPL chemicals and it is typically volumes less than 25 litres. There are those businesses for which we are trying to implement the second DNAPL policy to prohibit future threats, where businesses are actually slipping through the cracks and risk management officials are not being made aware that these businesses are in place until after they’ve started operations.

In SWP we’re always dealing with a threat activity, such as the Application of Fertilizer, the Storage of Salt and in the case of DNAPLs the Handling & Storage of DNAPL. We are concerned with the product – one of the five DNAPL chemicals must be there for there to be a threat. The problem with a prohibition is there is no RMP to which the business owner can refer. For example, a business is facing a possible prohibition, so they replace all their DNAPLs with a safer product. Possibility exists that over time business may acquire another product containing DNAPLs however are unaware of the fact. Therefore, there may not be risk management measures in place to protect source water.

Mike presented a story to illustrate the problem. Story was fictional although based upon conversations with Risk Management Officials. The story illustrates that: education and outreach is very important; existing processes do not always work; allows development of a positive relationship with business owners; risk management measures are in place regardless of chemicals in use.

SPC had requested that staff look into change of use permits for catching businesses before operations begin. Staff surveyed all the chief building officials within our region almost all of whom responded. Of the respondents, 90% have a process in place for change of use permits and 67% of those are linked to source water. If during the change of use process, if its linked to source water it will be flagged for the RMO to review. Survey also identified that change of use is not commonly triggered and when it is, it is typically after a new business has

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started. Seems unlikely that change of use is going to act at the level required to capture DNAPL threats. Change of use is dependent upon two factors: Occupancy Classification Change Hazard Rating Change – either type of business or hazard rating need to be changed. There are four classifications of businesses and moving from one to the other will not necessarily trigger a DNAPL threat. Hazard ratings are based on combustibility; if that is increased a change of use would be required.

Noted that change of use does capture some threats, but cracks still exist during policy implementation allowing future DNAPL threats to slip through.

A comparison of provincial DNAPL plans was provided. Most of the 18 reviewed are similar. Similar reviews are taking place across the province and having same results as there is no good mechanism to capture new business.

#### Questions/Comments:

Dave K. I wrote to Bill this morning expressing some of my concerns with this presentation. I'm a contaminant hydrologist practicing for the past 40 years and deal with DNAPL and DNAPL situations all the time. I can virtually agree with everything that's being stated by staff and I really don't have much of an issue with the proposal except in instances where significant volumes of pure DNAPLs are in use in WHPA A to WHPA C areas as we currently define it. And there's no coincidence that MECP gave DNAPL products a special designation in the original source water protection threats evaluation and expanded it this significantly out to WHPA C areas. There are several reasons why – if you had one drum of a pure phase product and allowed it to leak into the environment it could extend down to 50 meters depth into the underlying aquifer. The other thing is because it is sparingly soluble, these contaminant plumes associated with these products can extend kilometers. But the mass in them can be very, very small, say, as little as 5 drums for something that extends 5 kilometers or more. But it eradicates the potable water resource for decades to centuries because you can't get the stuff out of the ground once it goes in, it's so cost prohibitive. So, we write off aquifers and this is the big problem with DNAPLs and DNAPL products – their drinking water solubility to their toxicity has a huge ratio differential so contaminates a lot. I tried to figure out how we could get around this. I like the RMP thing but I still would like to put a cap on how much any one



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institution could have in storage at their facility if they were in a WHPA A to WHPA C, to try and safeguard against these types of situations. I've posed a couple of solutions and I can present them if you want, but really what I'm saying is I don't want to abandon the prohibition completely for large quantity users like dry cleaners, but I do accept that the RMP solution for those that have lesser quantities could be quite useful in addressing these situations. I can expand, but don't want to monopolize the conversation.

Lynn D. We can come back to you, Dave.

Dave R. In discussion amongst ourselves in our industry, we've seen the abolition of certain chemicals, that have been outlawed totally, and I'm not too sure we shouldn't be putting a recommendation together with this that ask the Minister to outlaw DNAPLs totally. This way down the road we can take the risk out of it.

Lynn D. Any other comments?

Colin E. I agree with Dave that we should be talking to the ministry to get these chemicals banned; there are alternatives. The other thing is labelling – I'd like to see DNAPLs labelled for what they are and that's a fairly simple process. They're deadly so let's put a symbol on everything that they're in to indicate what they are.

Lynn D. Thank you, Colin. In my mind it's two different things. We have to deal with this recommendation and then do you want to put forward another recommendation with the labelling and asking the Minister to take them off the market? I see that as a separate recommendation. Other people have any comments on this?

Kyle M. I would support everything that's been said so far. I do agree with Dave these things should be prohibited. One of the challenges, as Mike said, is industries can bring these things in without recognizing that they are DNAPL and it is challenging for Risk Management Officials to actually discover that these are actually used in commercial businesses. I think part of our approach should be minimizing the quantities that commercial and industrial businesses have on hand. Maybe that's a minimum requirement or a risk management plan. Also look at writing to the Minister to actually ban these products. Ultimately these are a significant threat and trying to discover these threats is a challenge so if

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we just prohibit them from actually being used in province that solves the issue altogether.

Lynn D. Thank you, Kyle. Deb?

Debbie K. I think the recommendation is good and we should vote on that.

Kyle M. My rationale for banning the actual products; we are looking at it in existing source water areas but we have to look down the road as well. These areas that are not identified as wellhead protection areas and intake protection zones ultimately could be aquifers we tap into in the future and if they are already contaminated we're limiting our ability to use them. I do support banning these products, I know it's not an easy thing to do but I do agree we should be looking at writing to the ministry to see if we can get these banned.

Don G. I want to understand more about the implications of a ban. What are the alternatives, and if there are none what are the implications to the Region? It's certainly worth exploring but I wouldn't be comfortable voting in favour of that at this moment. In terms of Dave Ketcheson's suggestion, I certainly would echo the concern he flagged for large volumes. My understanding of the practical challenges that RMO's are facing are with the smaller volume uses, so I would support where Dave was headed in terms of some volume threshold and maintaining prohibition for large volumes of pure DNAPL.

Cate R. Regardless of the volume of the liquid that is being used, one of the pieces seems to be the trigger to alert the official that something is going on and needs an assessment. I'm wondering if we need to look at that piece a little more carefully and figure out a way to address the raising of the alarm. The other piece that Kyle expressed was that there may be aquifers that might be contaminated that are currently outside the drinking water source protection area. Those could be private wells and we don't want that to happen either, so it's probably a good reason for us to consider.

Ian C. If a substance is prohibited who does the enforcement and is the enforcement enshrined in a municipal bylaw or is it enshrined in another policy format and who enforces that?



**South Georgian Bay Lake Simcoe Source Protection Region**

- Mike W. When a RMO gets an application for development within one of the wellhead protection areas where policy applies, it is screened at the municipality and if it's in an area where there are policies then the RMO would use it. Proponent would complete a questionnaire on which one of the questions is "do you have DNAPLs". There would also be a pre-consultation meeting which the RMO would attend. At that stage, if there were alternatives available the RMO would encourage the proponent to use other products if possible. If not possible, RMO would advise activity as prohibited in the area and would issue a prohibition letter to the proponent. Then RMO would follow up from time to time.
- It's under the Clean Water Act and it's the Risk Management Official who enforces. May negotiate a Risk Management Plan. There are opportunities for prohibition check-ins, but may not get the attention or rigor that a Risk Management Plan would receive.
- Lynn D. I may have misunderstood the question. I thought you were asking if a product were banned in Ontario who polices that?
- Kyle M. In part I'm asking that, but if we do a ban/prohibition locally you end up with a different situation that puts the onus on the municipality. I just don't know if they have the authority to do it – a provincial ban is a completely different thing.
- Andy C. I think if we are asking for a prohibition it needs to be at the provincial level so that all businesses are treated fairly everywhere across the province. Getting the RMO to work with the company is the best solution. I'm concerned about the onus being put onto the municipalities; I'd rather see that we put policies in place so we're working in the right direction. We can lobby the province if we think some chemicals need to be added to the prohibition laws.
- Bill T. Just for additional context for the committee, we have a third DNAPL policy in the Source Protection Plan DNAPL 3, which encourages the province to look into alternatives. One alternative would be to send a letter to the Minister to remind him about this policy and perhaps ask for input in terms of what's been done to activate this policy.
- Lynn D. That might be a way to go and let them know that not only us, but other Source Protection Committees are struggling with this policy. I'm of two minds on this one. I absolutely understand why you wouldn't want to

**South Georgian Bay Lake Simcoe Source Protection Region**

walk into a business that’s been there for 20 years and shut them down. At the same time if someone wants to construct a facility that may use these chemicals, you have nothing that says they cannot. It’s encouraging people to ask for forgiveness instead of permission. It would be good to have the tool in the toolbox that would be used only in the most extreme circumstances, such as municipalities have. My worry is that if we pass this, there’s no tool that provides the ability to say no.

Tea P. I just want to add a couple of aspects to consider. If the proposed amendments to the Directors’ Technical Rules is approved, there is an optional list included for certain types of businesses that can be considered risks for DNAPLs; through that list there may be options to create more specific policies that would address specific industries or businesses that you would be concerned about within the Region. Through that list (still optional and not yet approved) there could be more options to specify if you don’t want to just prohibit or use RMPs. Your policies are quite broad, but there are options of using a suite of tools and identifying specific locations that are of concern. I just wanted to add that for consideration ... if you are considering how you want to change the policies, it could be a little more specific if the Source Protection Authority and SPC both believe it needs to be.

Dave K. Just so everybody is aware, let’s talk about the existing systems today in our watershed that are impacted by DNAPLs. The Barrie municipal system – the Wood street well was shut down because of DNAPL and the Heritage well is affected by DNAPL. The Coldwater municipal system is impacted by DNAPL. The Penetanguishene wellhead is impacted by DNAPL; the Cannington municipal system is impacted by DNAPL. When we think about what’s affecting our source water protection and who are the big players that are causing significant threats, to me it’s road salt because we have laid so much down over the years and the legacy of chlorinated solvents. The problem with chlorinated solvents is that if you let it into the environment you’ve basically written off that aquifer for a century. That’s the problem, there’s no getting back – if it gets in you have this problem. ... If we had a pure phase volume limit of say 200 liters, which is the equivalent of one drum of product; if you had a 2,500 liter waste oil tank and you thought that about 2% had solvent in it, then that would equate to about 125 liters of pure phase product, which

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would be under the 200 liter limit. You could impose a Risk Management Plan process on those smaller users and you could get away with using risk management on that basis. But for those that have quantities above some fixed limit (and I just threw out 200 liters); but if you do it on a percentage basis of a pure phase product so that we're talking about the actual pure phase DNAPL, then that way you could catch the large users while invoking a Risk Management Plan on all the small players. It's a win-win situation where for small players you're going to get away with a Risk Management Plan and having all the advantages that Mike spoke about, but also keeping that situation where you have large quantity that you could impose a prohibition. Just one strategy that the committee might want to think about – an alternative option to what's being offered.

- Lynn D. Thank you, Dave. Quantity in DNAPL has been a conversation we've been having since 2007.
- Rick N. If you are trying to get rid of some of these DNAPLs you need to get the government to phase them out over a period of time because they don't know how it's going to affect some of these businesses. Nobody wants to put business out of their municipality because it's income coming to the municipality and jobs. Whatever you do, you have to phase them out over time so they can look at their alternatives.
- Rick N. I would like to refer it back to staff and will put that motion on the table. And look at other options and see, based on our discussion, see what they might come back with.
- Lynn D. Any other comments?
- Dave R. I would support that with Rick. I think we need to put some other options on the table. I like Dave's with limits and percentages; maybe we can look at full removal of the product as well.
- Lynn D. Just to be clear, this recommendation is basically about whether or not we have a future prohibition DNAPL policy at some different volumes or whether we have risk management plans. I think that would be a separate issue. I'm trying to get a sense whether people are comfortable with that. What I'm struggling with here is are we doing it because we think it's better or are we doing it because the other one's too hard?

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- Bill T. I have come to the understanding and belief that what we're proposing is better. To reiterate – Risk Management Plans allow for risk management measures to be in place. Those measures can be secondary containment, training and education for staff...and those risk management measures are in place regardless of what happens. We think this is a better solution, providing better protection for aquifers on the landscape. I don't disagree with Dave's point about the larger volumes. I would have no concerns about revisiting this recommendation looking at a volume threshold, but I do want to reassure the Committee we're doing this because we think it's the better solution for drinking water sources.
- Lynn D. I think that the other alternative is if somebody does come in and they want to use gallons and gallons of DNAPLs and they are right beside a well you could make the Risk Management Plan so excessive and expensive that it would encourage them to relocate outside of the vulnerable area.
- Bill T. My understanding is that RMOs have a lot of latitude as to what they can include in a Risk Management Plan and could put limits on quantities allowed.
- Lynn D. So we have a motion on the floor, moved by Rick and seconded by Dave Ritchie that we refer it back to the committee for consideration of a volume threshold. Any more questions or comments on that?
- David G. It strikes me that the Risk Management Plan is a better solution, but if I understand correctly, we're not catching everybody as people change occupancy. So should there not be consideration in improving that aspect of it as well so that people are not slipping through the cracks as occupants change? It just strikes me as odd that a change of use is not triggered every time occupancy of a business changes, so I wonder if changes should be considered in that area as well.
- Bill T. That's a much more challenging exercise, although it is the bigger question. The reason it is more challenging is that everything they do is prescribed by the Clean Water Act and the various regulations under the Act. Section 59 requires any proposal that comes in front of planning or business departments in a vulnerable area needs approval from RMOs before it can move forward. The challenge speaks specifically to the planning act and building code. We have no control over anything outside

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these. This is a challenge that I'm not sure the SPC can resolve; I think what we need to do is try to tighten up the loophole as best we can.

Kyle M. My concern is that a lot of people who have DNAPLs would rather get rid of them to avoid the RMP or prohibition. I'm wondering if we're allowed to impose an RMP on a business that does not have DNAPLs on site.

Mike W. No, you can't force them to do a Risk Management Plan as there would be no threat on that property. However, RMOs can ask them to have a voluntary RMP.

Lynn D. Any more comments before the vote? We want to say the first bullet that it be received for information, and that it be referred back to staff for more investigation on whether it could be a volume threshold policy for future prohibition.

**RESOLVED:** THAT staff report number SPC-2020-03-01 regarding a review of implementation challenges associated with policy DNAPL-2 be received for information;

**AND THAT** this item be referred back to staff for more investigation on whether it could be a volume threshold policy for future prohibition.

**Moved:** Rick Newlove

**Seconded:** Dave Ritchie

**CARRIED**

**(c) Percent managed lands – Ryan Post, Nottawasaga Valley Conservation Authority**

Background and explanation of managed lands was provided. There were two methodologies employed in delineation of managed lands. The Source Protection Committee approved the use of the methodology outlined in the November 2009 MOECC Technical Bulletin.

Mapping for systems reviewed by staff was provided. Staff reviewed systems where the change in mapping methodology has resulted in the change in the percent managed lands. In eight systems the percent managed lands dropped from over 80% to 40-80, based on the November methodology, leading to a reduction in possible SDWTsWHPAWHPA. No system through this exercise witnessed an increase change in percent managed lands that has resulted in an increase in the number of SDWT.

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Discussion of an Education and Outreach Policy developed as a result of the original recommendations; presented proposed policy EDU-13. Highlighted that proposed policy focuses on low or moderate threats, and most areas are residential.

Updated mapping for all areas was included in the full agenda package.

Questions/Comments:

- Ian C. I really like the idea of the educational policy; how does that get from the SPC, through the municipalities to the residential owner?
- Ryan P. I think in this situation the key player in this would be the RMOs as a delivery agent through the municipality for this E&O policy.
- Lynn D. I think Melissa had some great success for buy-in for residential properties.
- Ian C. Does that mean the RMO has to go to each residential property and doesn't that add a lot to the work of the RMO? Just wondering if there's a more efficient way to reach residential properties; may be easier to reach them as a group rather than one to one, and can they do that through the municipality in another way?
- Ryan P. I see that as an opportunity; I will go back a few years and highlight what was called SPMIF Program – Source Protection Municipal Implementation Fund. MECP provided grants to the municipalities to help with the implementation of source water protection. SGBLS pooled resources and developed E&O materials including DNAPLs, road salt and fertilizer to provide E&O opportunities. Other opportunities do exist besides one to one. There will be cost effect, time sensitive opportunities for policy implementation, however we require the needs of the land in the policy – so bridging those two things together.
- Dave R. Had a public meeting with stakeholders and land owners several years ago to explain process; it worked well.
- Melissa C. Building on what Dave had mentioned. As an alternative in the Lafontaine area we did use mailouts to get to everybody at first, then moved to an open house. In the future it will be a mix.



**South Georgian Bay Lake Simcoe Source Protection Region**

Lynn D. Seeing no further hands. the recommendation:

**RESOLVED:** THAT Staff Report No. SPC-2020-03-02 regarding updated Percent Managed Lands mapping and proposed Education and Outreach Policy be received for information;

**FURTHER THAT** The Source Protection Committee endorse the inclusion of the updated maps of Percent Managed Lands in the forthcoming amendment to the Source Protection Plan under Section 36 of the Clean Water Act;

**AND FURTHER THAT** the Source Protection Committee endorse the proposed new education and outreach policy (EDU-13) for inclusion in the forthcoming amendment to the Source Protection Plan, under Section 36 of the Clean Water Act.

**Moved:** Kyle Mitchell

**Seconded:** Debbie Korolnek

**CARRIED**

**IX. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION**

There were none.

**RESOLVED** THAT the recommendation respecting items not requiring separate discussion be approved and staff be authorized to take all necessary actions to affect those recommendations.

**Moved:** Rick Newlove

**Seconded:** Andy Campbell

**CARRIED**

**X. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSIONS**

None.

**XI. OTHER BUSINESS**

Lynn D. In case any of you don't know, Mike Walters has decided to retire at the end of December. I want to acknowledge all of the work he put into the Committee; he's been a huge part of this program since the beginning.



**South Georgian Bay Lake Simcoe Source Protection Region**

We're happy and excited to have Rob Baldwin as the new CAO of the Lake Simcoe Region Conservation Authority.

I also take this opportunity to embarrass Deb Korolnek; she is also retiring in about mid-January. Thank you for your help during the pandemic and thank you for your work on the committee.

Deb K. Thank you, Madame Chair. It's been a pleasure to work with this committee.

Lynn D. Any other announcements or other business?

Seeing none. Best wishes to all for holiday season. Need mover, seconder for resolution to adjourn:

**RESOLVED** THAT meeting SPC-03-2020 be adjourned at 3:40 p.m.

**Moved:** John Hemsted

**Seconded:** Rick Newlove

**CARRIED**

February 22, 2021

Via email: [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

The Honourable Jeff Yurek  
Minister  
Ministry of the Environment, Conservation and Parks  
777 Bay Street  
5<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Dear Minister Yurek:

**Re: Regulation 287/07 under the *Clean Water Act* – Annual Reporting Requirements**

The Lakes Simcoe and Couchiching / Black River Source Protection Authority is committed to the local, efficient delivery of the source water protection program on behalf of the Province.

Regulation 287/07 under the Clean Water Act establishes a requirement for annual reporting, which is a very important part of the program and ensures that progress on such a critical and complex program can be tracked. Over the past five years of preparing annual reports, we have taken numerous steps under our control and with our municipal partners to ensure that the process is undertaken efficiently while upholding a high standard. We believe the annual reporting process could be made more efficient and thus reduce some of the administrative overhead associated with the program, without impacting the program's integrity.

The current Regulation 287/07 requires that Risk Management Officials report to Source Protection Authorities annually the details of each of the following:

- All Risk Management Plans negotiated,
- All Risk Management Plans rejected by the RMO,
- All Orders issued,
- All Notices issued,
- All Inspections carried out, and
- All Prosecutions carried out.

In each case, details include the location, including well or drinking water system that it pertains to, and which of the designated activities it addresses. As each Risk Management Plan requires negotiation and periodic inspections, this represents a significant and on-going workload in data entry for Risk Management Officials.

To put this workload into perspective, there are an estimated 372 Risk Management Plans required in the South Georgian Bay Lake Simcoe Source Protection Region and several thousand across the Province as a whole.

The Regulation has required that these details be submitted by Risk Management Officials since 2016. The Lakes Simcoe and Couchiching / Black River Source Protection Authority, like other Source Protection Authorities, has been duly collecting and storing this information in order for our municipal partners to comply with their Regulatory requirements. In that time however, we note that this information has not been requested by the Ministry, suggesting that this may not be useful information and may not be the best use the Risk Management Officials' time. It is our belief their time would be much better spent focusing on the important task of protecting raw sources of municipal drinking water.

On behalf of the South Georgian Bay – Lake Simcoe Source Protection Region and its municipal partners, we respectfully request a review of Regulation 287/07 under the Clean Water Act with a view to reducing the administrative tasks associated with annual reporting.

Sincerely,

A handwritten signature in black ink that reads "Wayne Emmerson". The signature is fluid and cursive, with a large, stylized initial 'W'.

Wayne Emmerson  
Chairman and CEO, Regional Municipality of York  
Chair, Lakes Simcoe and Couchiching/Black River Source Protection Authority

Copy: Debbie Scanlon – Manager, Source Protection Approvals, MECP  
Keley Katona – Director, Conservation and Source Protection Branch, MECP  
Lynn Dollin – Chair, South Georgian Bay Lake Simcoe Source Protection Committee  
Mariane McLeod – Chair, Nottawasaga Valley Source Protection Authority  
Steffen Walma – Chair, Severn Sound Source Protection Authority

## Source Protection Committee Chair's Report

To: Lakes Simcoe and Couchiching / Black River Source Protection Authority

From: Lynn Dollin, Chair – South Georgian Bay Lake Simcoe Source Protection Committee

Date: February 26, 2021

### Subject

Source Protection Committee Chair's Update

### Recommendation

**That** the report by South Georgian Bay Lake Simcoe Source Protection Committee Chair Lynn Dollin regarding Source Protection Committee updates be received for information.

### Chair's Update

It is my pleasure to bring you a brief update from the Source Protection Committee since the last meeting of the Lakes Simcoe and Couchiching / Black River Source Protection Authority Board.

The Source Protection Committee has met three times since your last meeting. On July 7, 2020, the Committee started the process of reviewing and updating policies in the Source Protection Plan, in order to address challenges that Risk Management Officials were facing in implementation, or to come into conformity with changes to provincial policy since the plan was approved. Those conversations carried on to our meeting in December 2020 and February 2021, when possible revisions to policies addressing dense non-aqueous phase liquids, and road salt, respectively were discussed.

At most recent meeting in February 2021, the Committee also presented draft technical work associated with changes to the municipal drinking water system in Oro-Medonte. The changes are all relatively minor in nature but will require amendments to the Source Protection Plan to ensure it remains current and that the raw sources of those drinking water systems are protected.

In late 2020, the Ministry of Environment, Conservation and Parks posted some proposed amendments to the "Director's Technical Rules" on the Environmental Registry. These rules provide the specific guidance on implementing the Clean Water Act, including defining what a vulnerable area is, and when activities can be considered "significant" threats to drinking water. While the province has yet to make decisions on these proposals, it is anticipated that the Committee will need to continue to review and amend policies in the Source Protection Plan to ensure it stays in conformity with Provincial policy. That work, as well as reviewing technical work for other changes to municipal drinking water systems, will form the basis of several meetings of the Committee in 2021.

The next meeting of the Source Protection Committee will be at the end of March, when staff will present us with their annual update on progress in implementing the Source Protection Plan. That report will then be brought to you at your April meeting.

Also in 2021, several members of the Source Protection Committee will come to the end of their terms. Under the Clean Water Act, members are appointed to the committee on overlapping five-year terms, and seven members are ending this year, including the three representatives of municipalities in this watershed. Members can be reappointed for successive terms and I am hoping that many of our currently serving members will seek reappointment; however, a public process will also be undertaken to ensure others have an opportunity to join the committee as well.

Personnel has changed at the Province this year as well, including a new Assistant Deputy Minister and a new Director responsible for Source Water Protection at the Ministry of Environment, Conservation and Parks. I have had the pleasure of meeting both new staff remotely and shared with them my experience with the Sourcewater Protection Program, including some of the challenges and successes faced by this Region.

As with this Board, the Source Protection Committee has transitioned to remote meetings this past year. It has been relatively successful for us, and participation in meetings has been high. Like many other committees though, members miss seeing each other face to face and look forward to a time when in-person meetings can resume. There are several new members on the committee who began their terms just before the pandemic and accordingly have not yet met any of their fellow committee members in person. Hopefully in-person meetings will resume before the end of 2021.

Respectfully submitted,

Lynn Dollin

Chair

## Source Protection Authority Staff Report

To: Lakes Simcoe and Couchiching/Black River Source Protection Authority

From: Bill Thompson, Manager, Watershed Plans and Strategies

Date: February 22, 2021

### Subject

Assessment Report - Amendment to York Region Newmarket / Aurora Wellhead Protection Areas

### Recommendation

**That** Staff Report No. 01-21-SPA regarding proposed amendments to the Source Protection Plan be endorsed; and

**Further** that these amendments be submitted to the Minister of the Environment, Conservation and Parks for approval.

### Purpose of Staff Report

The purpose of this Staff Report No. 01-21-SPA is to obtain the Source Protection Authority's endorsement of the proposed amendments to the Source Protection Plan for submission to the Minister of the Environment, Conservation and Parks for approval.

### Background

The Source Protection Plan is the key policy document protecting raw sources of municipal drinking water. The technical information supporting the plan is documented in the Assessment Report, which identifies vulnerable areas and potential significant threat activities to which policies in the Source Protection Plan will apply.

Regulation 205/18 under the *Safe Drinking Water Act* requires updates to Assessment Reports and Source Protection Plans prior to new (or expanded) municipal drinking water systems coming into use. As the Source Protection Plan is a Ministerial-approved document, any amendments must be approved by the Minister of Environment, Conservation and Parks prior to these systems coming into use. Upon approval, Source Protection Plan policies will apply in any newly identified vulnerable areas.

In 2016, the Regional Municipality of York drilled a well that is now being incorporated into their water supply. The technical work required by the Clean Water Act, passed in 2006, has been completed and appropriate updates to the Assessment Report and Source Protection Plan

have been made. In addition to the new well, the technical work captures the removal of Newmarket Well 14 from the Newmarket / Aurora well system.

During preparations of the York Assessment Report amendments, three rounds of consultation were held. The first round (early engagement with MECP) was held in August 2019, the second round (pre-consultation with local municipalities and provincial Ministries) was conducted from October to December 2019, and the third (public consultation) was completed in February 2020. Municipal endorsement from all affected municipalities has been received, all comments obtained from the consultation rounds have been addressed, and the Source Protection Committee has agreed that the amendment is advisable.

## **Issues**

In updating the Assessment Report to account for the new well, York Region staff also took the opportunity to update the groundwater model which was used in the original delineation of vulnerable areas in the Yonge Street aquifer, incorporating more sophisticated models which have since been developed for the area, and comparing model assumptions to groundwater monitoring data collected by the Region in the intervening years.

Through that model update, slight changes to the wellhead protection area boundary are recommended. The Yonge Street aquifer was confirmed to be protected by a thick confining unit above the drinking water aquifer, and accordingly the vulnerability scores in the wellhead protection area were lowered (see attached Figure 1). Source Protection Authority staff and MECP staff have both reviewed this work and agree that it is technically sound.

No new significant drinking water threats were identified through this amendment work and updated modelling. In contrast, five fuel storage and handling threats, one sewage threat, and 36 dense non-aqueous phase liquid (DNAPL) threats will be removed. As such, this amendment would not lead to additional restrictions on property owners or businesses in York Region, nor additional work for the Region or its local municipalities.

## **Summary**

Wellhead Protection Areas have been updated for the Regional Municipality of York's Newmarket / Aurora well field. The update was triggered by the incorporation of a new municipal well into the water supply system and decommissioning of an existing well. Authority staff have drafted an updated York Region Assessment Report chapter and Source Protection Plan, which incorporates the new technical work.



## Summary and Recommendations

It is therefore recommended that Staff Report No. 01-21-SPA regarding proposed amendments to the Source Protection Plan be endorsed; and Further that these amendments be submitted to the Minister of the Environment, Conservation and Parks for approval.

Signed by:

Signed by:

Ben Longstaff

Rob Baldwin

General Manager

Chief Administrative Officer

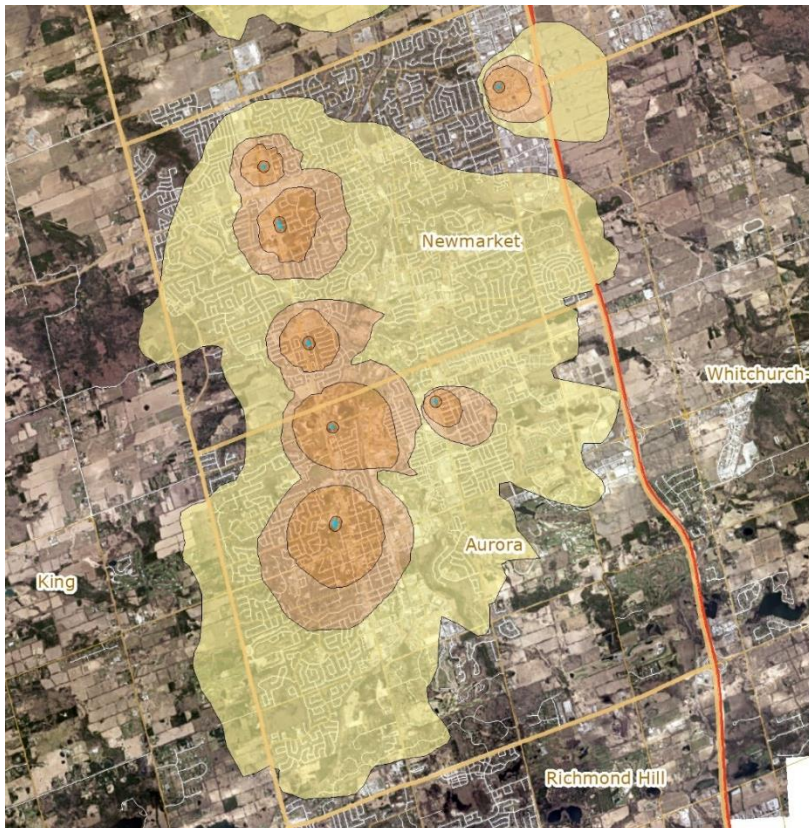
Integrated Watershed Management

## Attachments

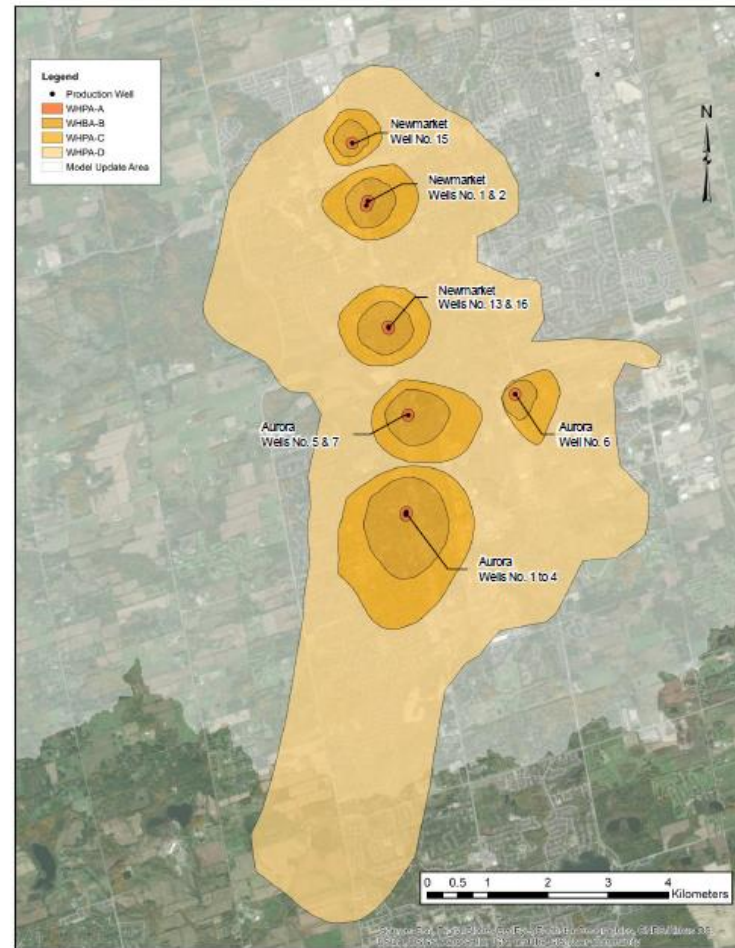
Diagrams of existing and proposed new wellhead protection areas in the Yonge Street aquifer

**Figure 1**

Existing wellhead protection areas  
in the Yonge Street aquifer



Proposed new wellhead protection areas  
in the Yonge Street aquifer



## Source Protection Authority Staff Report

To: Lakes Simcoe and Couchiching/Black River Source Protection Authority

From: Bill Thompson, Manager, Watershed Plans and Strategies

Date: February 22, 2021

### Subject

Delegation of Authority to submit proposed Source Protection Plan amendments to Minister of Environment, Conservation and Parks

### Recommendation

**That** Staff Report No. 02-21-SPA regarding delegation of authority to staff for the submission of proposed amendments to the Source Protection Plan be received; and

**Further** that Source Protection Authority staff be authorized to submit completed draft Source Protection Plan amendments for new or expanded drinking water systems, on behalf of the Source Protection Authority; and

**Further** that staff report annually to the Source Protection Authority Board the basis of all such submissions, and their subsequent approvals by the Ministry.

### Purpose of Staff Report

The purpose of this Staff Report No. 02-21-SPA is to seek delegation of authority for staff to submit future amendments to the Source Protection Plan to the Minister, when those amendments are technical in nature and required by Regulation 205/18 under the Safe Drinking Water Act.

### Background

As a Source Protection Authority, the Lake Simcoe Region Conservation Authority plays an important role in protecting raw sources of municipal drinking water. This role in the Source Water Protection Program is primarily in the identification of vulnerable areas (wellhead protection areas and intake protection zones) and in supporting the Source Protection Committee in developing policies to address significant threats to drinking water when they occur in those vulnerable areas.

Regulation 205/18, relatively new under the Safe Drinking Water Act, was developed to ensure that all new (or expanded) municipal drinking water systems are incorporated into Source Protection Plans. The regulation introduces a clause to future municipal drinking water licenses,

prohibiting the delivery of water from those new systems until Source Protection Plans are amended and approved by the Minister.

The Ministry has established a detailed process for Source Protection Authorities to follow prior to submitting a draft amendment to the Minister. This includes several stages of consultation, including early engagement with Ministry staff, consultation with the Source Protection Committee, pre-consultation with agencies responsible for implementing policies, municipal council endorsement, and public consultation. The process culminates in a submission to the Minister from the Source Protection Authority.

### **Issues**

All proposed amendments to the Source Protection Plan are to be submitted to the Minister of Environment, Conservation and Parks, with a letter from all impacted Source Protection Authorities. The Act and Regulation do not specify if that letter is to come from the Board or staff; instead, it leaves it up to Source Protection Authorities to determine, based on their standard business practices. When the current Source Protection Plan was submitted to the Minister for approval, however, it was submitted with a Board resolution endorsing the plan from each of the three Source Protection Authorities in our Region.

With the passing of Regulation 205, amendments to the Source Protection Plan will be required more frequently. Based on the current rate of growth and development in the Source Protection Region, staff anticipate 2-3 such amendments per year, for the foreseeable future.

These amendments will be relatively minor in nature and will simply be identifying new wellhead protection areas or new intake protection zones associated with new drinking water systems, within which existing policies will apply. Staff are of the opinion that it would be an inefficient use of the Board's time to seek their endorsement of all such amendments.

Staff are requesting the Board to delegate the authority to submit such draft amendments to the Minister when complete, after having completed all public and municipal engagement. Staff would provide a report to the Board on an annual basis of all such submissions, and their subsequent approval by the Ministry.

The amendment of Source Protection Plans to revise policies occurs through a separate process, under a different section of the Clean Water Act. Amendments of that sort, which have the potential to introduce new restrictions on businesses and landowners in the watershed, would still be brought to the Board for endorsement.

### Summary and Recommendations

It is therefore recommended That Staff Report No. 02-21-SPA regarding delegation of authority to staff for the submission of proposed amendments to the Source Protection Plan be received; and Further that Source Protection Authority staff be authorized to submit completed draft Source Protection Plan amendments for new or expanded drinking water systems, on behalf of the Source Protection Authority; and Further that staff report annually to the Source Protection Authority Board the basis of all such submissions, and their subsequent approvals by the Ministry.

Signed by:

Signed by:

Ben Longstaff

Rob Baldwin

General Manager

Chief Administrative Officer

Integrated Watershed Management