

**MINUTES OF THE FORTY-SIXTH MEETING OF THE
NORTH BAY-MATTAWA SOURCE PROTECTION COMMITTEE
9:15 AM, MONDAY, JULY 16, 2012
Held at the North Bay-Mattawa CA Boardroom, 15 Janey Ave North Bay**

1. Administration

a) Meeting called to order at 9:17 AM by Chair, Barbara Groves.

b) Attendance

S P C		Staff and Liaisons
Barbara Groves, Chair	Beverley Hillier	Sue Miller, Manager DWSP
Roy Warriner	George Onley	Rob Pringle, Source Protection Planner
John MacLachlan	Randy McLaren	Kristen Green, Water Resources Specialist
Dennis MacDonald	Maurice Schlosser	Sue Buckle, Supervisor, Communications
George Stivrins		Clare Mitchell, MOE Liaison (for N. Gervais)
		Chuck Poltz(from 10 :45 a.m.)
Regrets: Lucy Emmott	Guests:	Mark Kunkel, East Nipissing/Parry Sound Federation of Agriculture
		Bob Norris, Ontario Federation of Agriculture

c) Declaration of Pecuniary Interest – None

d) Approval of Agenda

Motion to Approve Agenda as presented made by Dennis MacDonald, seconded by Randy McLaren. (Resolution 47-01). **Carried**

e) Approval of Minutes of June 5, 2012 SPC Meeting

Motion to Approve Minutes as presented, moved by George Stivrins, seconded by Randy McLaren. (Resolution 47-02). **Carried**

f) Correspondence

All pieces of correspondence received are included as agenda items and will be discussed during the meeting.

g) Project Manager’s Report

The Project Manager’s Report was accepted by Resolution 47-03 and will be appended to the minutes of this meeting.

Discussion:

Where consideration of comments received on Draft SP Plan requires additional information or guidance, the Project Manager will follow up with appropriate agencies. Other comments may be addressed through the letter from the SP Authority to the Minister of Environment that will be part of the SP Plan submission. The latter will be considered by the SPA at its meeting September 26, 2012 and submitted promptly thereafter.

h) MOE Liaison Report

Claire Mitchell introduced herself and congratulated the committee on getting this far. She indicated that after the July 20th posting of the Proposed SPP minor editorial changes may be made, however no changes to the intent or direction of the policy would be permitted.

2. Signage Policy

The signage policy is not intended to address a significant threat and is therefore not legally binding. Staff met with MTO and received clarification on MTO's requirements for the province-wide signage policy. The SPC's biggest concern was regarding who would be responsible for paying for the signs. MTO would be responsible for paying for and installing signs on provincial highways. Municipalities would be responsible for installing the signs on municipal roadways, however the municipality has the choice of whether to implement the policy or not. MTO and MOE are currently working on a brand (symbol). This alleviated staff concerns and it was recommended that MTO's policy wording be adopted.

Resolution 47-04: That the Source Protection Committee adopt the proposed wording of Policy SVA, being the wording proposed by the Ministry of Transportation in consultation with the Ministry of the Environment and Provincial Source Protection Committee working group.

Resolution 47-05: That the Source Protection Committee directs the Source Protection Staff to include the list of suggested sign locations in the Explanatory Document for reference by the implementing bodies.

3. Site Plan Control

Staff advised the Committee that there were several comments from reviewers relating to the practicality of implementing a site plan control policy. Even after much consideration of the comments and attempts at revising the wording, the policy does not seem likely to contribute appreciably to the objectives of the SP Plan. Staff recommended to the SP Committee that the Site Plan Control policy for the Issue Contributing Area be removed, and that the goals of the policy be achieved through the education and outreach policy.

The Committee members also discussed issues related to the implementation and enforcement capacity for a Site Plan Control by-law. There are some municipalities that would not have sufficient capacity to implement and enforce a site plan control by-law on this scale. A municipality could implement a site plan control by-law in order to establish standards for the protection of shoreline from development, as a part of the goals of the education and outreach campaign.

Resolution 47-06: THAT the Source Protection Committee has removed policy ICA3: Site Plan Control - Vegetated Buffers in Issue Contributing Area (DB1315) and instead will add information to ICA1: Education and Outreach relating to vegetated buffers in the Callander Issue Contributing Area.

AND THAT the Source Protection Committee will report in the Explanatory Document why the Education and Outreach policy was chosen to address the Issue.

4. SEW 3 (monitoring policy)

In discussion with the North Bay-Mattawa Conservation Authority (NBMCA), many of the monitoring requirements of the policy in the Draft version were considered above and beyond the requirements of the Mandatory Maintenance Inspection program, and some statements could result in unnecessary delays to the NBMCA's annual reporting to the SPA (such as financial statements, which would need to be audited each year). A simpler version of the monitoring policy for SEW3 was proposed to the Committee.

In response, the Committee agreed that there were portions of the previous version that were unnecessary, but maintained that the NBMCA's report should include, if available, the total number of systems inspected annually and the number that failed.

Resolution 47-07: That the Source Protection Committee amends the wording of M07-CAS to include suggested reporting criteria so that the SPC may review the effectiveness of implementation. The criteria may include total number of systems inspected, number of failed systems, and whether problems were corrected.

5. Review of Proposed SP Plan

In addition to the major discussion points, additional comments and suggestions included:

- verify that all hyperlinks are active (and remove "http")
- consider adding map references to the list of municipal systems in Table 1-3
- consider changing "chapter" to "section"
- to the extent possible, make wording consistent between policies
- verify that features referred to in policy summaries are readily visible on relevant maps

6. New Business

Comments received on the Proposed SP Plan will be forwarded to the committee.

The next meeting will be at the call of the chair.

7. Adjourn

Meeting adjourned at 12:26 p.m.

Barbara Groves, Chair

Sue Miller, Project Manager

Resolution 47-01.

THAT the Agenda for the North Bay-Mattawa Source Protection Committee meeting for July 16, 2012 be accepted:

- As amended:
- As Presented.

Moved by: Dennis MacDonald Seconded By: Randy McLaren

Barbara Groves, Chair

Resolution 47-02.

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for June 5, 2012 be accepted:

- As amended:
- As Presented.

Moved by: George Stivrins Seconded By: Randy McLaren

Barbara Groves, Chair

Resolution 47-03.

THAT the Report of the Project Manager, July 5, 2012 be accepted and appended to the minutes of this meeting.

Moved by: Beverley Hillier Seconded By: John MacLachlan

Barbara Groves, Chair

Resolution 47-04.

That the Source Protection Committee adopt the proposed wording of Policy SVA, being the wording proposed by the Ministry of Transportation in consultation with the Ministry of the Environment and Provincial Source Protection Committee working group.

Moved by: George Stivrins Seconded by: Roy Warriner

Barbara Groves, Chair

Resolution 47-05.

That the Source Protection Committee directs the Source Protection Staff to include the list of suggested sign locations in the Explanatory Document for reference by the implementing bodies.

Moved by: Dennis MacDonald Seconded by: Beverley Hillier

Barbara Groves, Chair

Resolution 47-06.

That the Source Protection Committee has removed policy ICA3: Site Plan Control - Vegetated Buffers in Issue Contributing Area (DB1315) and instead will add information to ICA1: Education and Outreach relating to vegetated buffers in the Callander Issue Contributing Area.

And that the Source Protection Committee will report in the Explanatory Document why the Education and Outreach policy was chosen to address the Issue.

Moved by: Maurice Schlosser Seconded by: Dennis MacDonald

Barbara Groves, Chair

Resolution 47-07.

That the Source Protection Committee amends the wording of M07-CAS to include suggested reporting criteria so that the SPC may review the effectiveness of implementation. The criteria may include total number of systems inspected, number of failed systems, and whether problems were corrected.

Moved by: Dennis MacDonald Seconded by: John MacLachlan

Barbara Groves, Chair

TO: The Chair and Members of the North Bay-Mattawa
Source Protection Committee

ORIGIN: Sue Miller, Manager Source Water Protection

DATE: Thursday, July 5, 2012 (for meeting July 16)

SUBJECT: Project Manager's Report

BACKGROUND:

Updates on the Drinking Water Source Protection (DWSP) program are provided to the Source Protection Committee (SPC) at each meeting. Based on the approved Terms of Reference, it is the role of the SPC to oversee a science-based planning process to develop a Source Protection Plan to protect the five municipal sources of drinking water in the North Bay-Mattawa Source Protection Area along with the cluster of residential wells in the Trout Creek townsite in compliance with the Clean Water Act (2006), its Regulations and Technical Rules. Notification of approval of the Updated Assessment Report was received September 21, 2011.

The SPC is continuing with development of policies for the Source Protection (SP) Plan as directed by O. Reg 287/07 of the Clean Water Act using a set of guiding principles developed by the SPC in November 2010. Once it is approved by the Minister of the Environment, the SP Plan will be binding and cannot be appealed. Policies that rely on Land Use Planning approaches will be implemented by municipalities through their Official Plans. A number of activities that can threaten water quality are already controlled through environmental compliance approvals (formerly certificates of approval) which specify how the activities may be conducted at a site; Source Protection policies may require that conditions specified in such approvals be amended to conform to the Plan. Consultation on the Draft SP Plan officially closed June 1, 2012. All comments received will be presented to the Committee to consider whether they warrant changing the SP Plan. The revised version must be posted for comment for 30 days prior to submission to the Ministry of Environment Aug 20, 2012.

The Source Protection Authority (SPA) is responsible for governance of the local project and ensuring compliance with applicable legislation. The North Bay-Mattawa Conservation Authority (NBMCA) administers the program and provides necessary resources according to an agreement with the SPA. A group of dedicated staff of the NBMCA is facilitating the process by supporting the SPC in completion of all requirements specified in the Approved Terms of Reference. The program is funded 100% by the provincial government.

1. Source Protection Authority (SPA) discussions June 27, 2012

Two items were considered by the SPA at its meeting June 27, 2012. Regarding the SPC's decision not to amend the Terms of reference to remove Trout Creek, Councillor Geisler of Powassan expressed the municipality's disappointment and advised that they will continue with their efforts. The SPC should expect to receive comments on the Proposed SP Plan and the municipality is advising the Minister of Environment.

The second item dealt with a summary of responsibilities for either the Conservation Authority (NBMCA) or SPA due to implementation of the SP Plan and the financial implications (attached and labeled Appendix 2 as original). The following resolution was passed unanimously:

Resolution No. SPA21-12, Haufe-Neault

THAT the Source Protection Authority is satisfied that the policies directed at the Source Protection Authority and Conservation Authority in the Draft Source Protection Plan as an implementing body are accepted and further;

THAT this decision is communicated to the Source Protection Committee by staff.

2. Preliminary Assessment of Additional Well Clusters

In late March 2009, along with the grant received for the Trout Creek well cluster, a modest amount of funding was received to conduct a preliminary assessment of other clusters of residential wells in the SP Area. The intention was to inform municipalities that might want to consider elevating well clusters. These included Astorville, Bonfield, Corbeil, unserviced Callander and Derland (ABCCD). The consultant, Peter Richards of Waters Environmental Geosciences, was able to accomplish much more than originally envisaged. Through an assessment of well records combined with site investigations, the direction of groundwater flows in the areas has been determined. This allows potential wellhead protection areas to be identified, which should be adequate for purposes of protecting the quality of source water. He used a simplified approach compared to Trout Creek so no assessment of the capacity of local well supplies is possible. Because the Provincial Policy Statement requires municipalities to direct development to existing settlement areas (hamlets), it would be valuable for municipalities to understand the capacity of local aquifers. Such studies are required of proponents for subdivisions above a certain size, so most proposed development ends up being lower density.

Subsequent to the receipt of the grant, the Technical Rules were finalized and specified that the WHPA-A for each well in a cluster would be 100 m, which is the same standard as for a municipal well. That area would usually extend beyond the 2-year time of travel zone of the WHPA-B. WHPA A and B are the only zones required to be delineated for a well cluster. However the assessment of well records can easily generate a 25-year time of travel, which was found to be necessary to demonstrate the direction from which the source water flows to the well. This information is expected to be valuable to municipalities in making development decisions.

The consultant presented initial findings to the technical advisory committee, including the SPC Chair, in mid-June and a draft report is expected shortly.

3. Review of SP Plan

Numerous changes have been made to the Draft SP Plan. To facilitate efficient review by SPC Members two printed versions are included in the package. One highlights changes and the other provides a more readable "final" version. Changes such as the re-ordering of policies and formatting changes have not been highlighted.

4. Remaining Comments on Draft SP Plan

Although comments from the Ministry of Environment were received by the May 31st deadline, they were too lengthy to review prior to the SPC meeting June 5. After discussing the situation with the Chair, who wanted to ensure SPC Members had the opportunity to review all comments, they were circulated by email June 28, 2012. In most cases, it is the Ministry of Environment's position that the comments they have made must be addressed for the SP Plan to be acceptable. As such, staff has made the changes recommended and these are apparent in the version of the SP Plan being circulated that shows the tracked changes.

a) Signage

Additional comments were received from some other agencies such as Ministry of Transportation (MTO) regarding signage. These required subsequent negotiations with MTO as well as a conference call with other SP Areas having similar concerns prior to developing an option considered reasonable for consideration by the Committee. It should be noted that North Bay-Mattawa is one of the few SP Areas where transportation threats are significant and require legally binding policies to address them. Some of the Committee’s concerns regarding the standard MTO wording as proposed previously related to unknowns regarding details that are to be developed at a later date by SP Areas working together with MTO.

It is proposed that the Committee accept MTO’s wording but that the policy be structured to be non-legally binding. It would be a specified action policy using an education approach to increase awareness of vulnerable areas along roadways. To ensure it is non-legally binding, it may be prudent to locate it in the SP Plan separate from the section addressing threats due to transportation of hazardous substances. The rationale would be that those significant threats are being adequately addressed by the policies that improve spills response.

As well, the Committee will be consider whether the SP Plan should identify locations where they signs along roadways are recommended.

b) Site Plan Control

Several different agencies commented on their concerns regarding the draft policy for Site Plan Control in the Callander Issue Contributing Area (ICA). Proposed rewording is included in the current version of the SP Plan being circulated now for review. The Committee has not yet had the opportunity for a discussion of the topic and the full implications to property owners are not well understood. As well comments from Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) were only received June 8 and some of these relate to policies in the ICA. In addition, information from OMAFRA that provides an overview of source protection approaches related to threats associated with agricultural activities was only recently received and is being included in this package.

Since a decision to remove site plan control would rely more heavily on the education program, and OMAFRA has referred to common use of risk management in other areas, all three approaches have been compiled into the chart below. An example risk management approach is also included in case the Committee wishes to consider it. However this is not being recommended by staff because it has not been part of public consultation to this point and has proven to be highly contentious.

Factor	Site Plan Control	Risk Management	Education
Timeline of implementation	9 year minimum to implement, unless municipality reviews their OP and ZBL earlier. And after it is in place, it is still only triggered by development on the property or amendment to Planning Act requested by the property owner.	Could set any amount of time to implement, but practically would need to be a 5 year horizon to implement first stage (to identify areas where significant threats exist – septic maintenance will help ID those properties).	2 years to develop education program prior to delivering; and then ongoing as required, or made available continuously.

Cost to implement by the Municipality	If done at the time of the review cycles, low cost to set up framework. Cost of by-law enforcement or planners staff time could be high, depending on the rate of development within the area.	Number of properties and landowners involved would likely keep an RMO busy throughout first implementation period (approximately five years). To meet 5-year target would require some standardized approaches.	To implement effectively, costs of resources and manpower could be significant, but shared by affected municipalities.
Cost to property owner	May be costly to prepare the legal documents and do any of the work to implement a vegetated buffer or naturalized shoreline area.	Property owners may have to pay municipality for use of RMO. There may also be costs to implement risk management plans i.e. restore shorelines, buffers, etc. But plans are negotiated individually.	Property owners not required to act on information or suggestions, but cost of program borne by municipal rate payers.
Implementation happens as a result of:	As a condition of a building permit or change made under the Planning Act.	RMO would determine if a significant threat occurs on the property, could inspect without needing a trigger from development. New developments would require a RM Plan prior to approval.	Municipality must implement a program within two years.
Legal effect:	Strong – must conform.	Strong – must conform.	Weak – municipality must conform to implement, but persons engaged don't have to do anything.
Previous Committee Discussion	Was limited. Committee did not get all of the information because it was a new concept and more information has become available which has altered the policy to its current form.	Committee was not in favour of using a Risk Management Plan approach, nor was the farm community.	Fully supported, but would require additional discussion regarding any changes required to strengthen the wording of the policy regarding buffers.
Staff opinion:	The Site Plan Control tool needed a lot of edits based on extensive comments from agencies, but is now implementable. Only affects property owners when they apply for a building permit, so may be seen as unfairly targeting some people while more significant problems elsewhere continue unaddressed. Potential costs are not well understood.	The RM Plan allows for flexibility depending on specific circumstances on each property rather than standard width buffers for all watercourses. It is being used widely across the province to address threats from activities associated with agriculture. The current wording would need to be confirmed to be sure it is implementable. Switching to Risk Management at this late stage would threaten integrity of consultation.	Without any need for property owners to act, it is likely to take a long time before any benefits from education program are seen. Since this has been the focus of all public meetings until now, it would be problematic to make a major change in approach at this point.

Example Risk Management Policy for ICA to Replace Site Plan Control

ICA3: Risk Management Plans for Phosphorus Contributing Activities in the Issue Contributing Area
Intent ICA3

To manage the threat posed in the Issue Contributing Area by activities that contribute phosphorus to the identified Area and by implementing a vegetated buffer or naturalized shoreline area on any property that contains an activity in the Issue Contributing Area.

Policy ICA3

ICA3.0 In the Issue Contributing Area, activities listed below that could contribute phosphorus to the environment are designated for the purpose of S. 58 of the *Clean Water Act*, requiring risk management plans.

- The application of agricultural source material
- The storage of agricultural source material
- The application of non-agricultural source material
- The handling and storage of non-agricultural source material
- The application of commercial fertilizer
- The handling and storage of commercial fertilizer
- The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard. O.Reg. 385/08, s. 3.
- The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.

A risk management plan shall be required within five years of the date the SP Plan takes effect for existing activities, or prior to the establishment of a future activity. The risk management plan shall address, and is limited to, the following components:

1. Identification and management of the specific activities and/or site conditions that contribute phosphorus to the Issue Contributing Area;
2. Implementation of a vegetated buffer, maintenance of a naturalized shoreline zone, and/or shoreline restoration as may be appropriate.

All land use designations of the municipality's official plan are designated for the purposes of implementing S. 59 of the *Clean Water Act* where threats from the listed activities are significant.

3. Revisions to Monitoring Policy for SEW 3

SEW 3 requires the Principal Authority to implement the new requirements of the Ontario Building Code (OBC) regarding mandatory maintenance inspections for onsite septic systems in vulnerable areas where the threat would be significant. The policy wording currently suggests several items, which could be included in annual reporting to the SPA, but for the purposes of implementation of the SP Plan it would appear adequate that the Principal Authority merely issue a report confirming they are conducting the inspection program in accordance with requirements of the OBC.

4. Request for Policy Consideration from the Village of South River

Councillor Jeffery Dickerson has requested that the SPC consider including in the SP Plan a recommendation that a ditch of some sort be constructed alongside the rail corridor to divert potential spills away from the intake and through the village to enter the river well beyond the causeway. No resolution has been received from the municipality to this effect and the technical

merits have not been assessed. The item has been included in the agenda for Committee discussion.

5. Timelines for SP Plan Completion and Submission

Substantial revisions have been required in the Proposed SP Plan to address comments received since the Committee last met June 5, 2012. To meet the July 20 posting deadline, staff will have to make further changes based on SPC direction to be received at the July 16 meeting without the Committee having the opportunity to review these or the Explanatory Document.

A decision as to whether the Committee is comfortable with this arrangement will need to be made based on the outcomes of the meeting July 16, 2012 meeting.

6. Response to Comments from East Nipissing/Parry Sound Federation of Agriculture

Hutchinson Environmental Scientists has been consulted regarding a response to the East Nipissing/Parry Sound Federation of Agriculture and should be completed soon along with clarification for the Committee of other points raised in their remarks.

RECOMMENDED RESOLUTION

That the Report of the Project Manager, July 5, 2012 be accepted and appended to the minutes of this meeting. Several additional resolutions are anticipated based on SPC discussions regarding policies.

CONCLUSION:

We are continuing our work in providing support for the Source Protection Committee in development of the North Bay-Mattawa Source Protection Plan.



Sue Miller, Manger Source Water Protection