

**Source Protection Committee Meeting #4/14**

**Chair: Susan Self**

**Tuesday, June 24, 2014**

**9:30 AM to 4:30 PM**

**Black Creek Pioneer Village, South Theatre**

**1000 Murray Ross Pkwy**

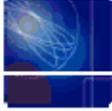
**Toronto, ON M3J 2P3**

**LUNCH served at noon**

**AGENDA**

1. **Disclosure of pecuniary interest**
2. **Minutes**
  - 2.1 Approval of Minutes of Meeting #3/14 - May 27, 2014 1
  - 2.2 Business arising from the minutes
3. **Delegations**
4. **Correspondence**
  - 4.1 Email to Beverley Thorpe, Project Manager CTC SPC, dated June 10, 2014, from Kyle Davis, RMO Centre Wellington, regarding Wellington-Erin CTC comments on Nitrate ICA Rec-1 and Existing Definition 2
5. **Presentations**
6. **Items for Committee Action**
  - 6.1 Amended Proposed Water QUANTITY Policies 6
  - 6.2 Amended Proposed Lake Ontario Policies 8
  - 6.3 Amended Proposed Water QUALITY Policies 10
  - 6.4 Consultation of the Amended Proposed Source Protection Plan 14
7. **Items for Committee Information**
8. **New business**

## CORRESPONDENCE 4.1



**To:** Kathy Padgett/TRCA@MTRCA, Sylvia Waters/MTRCA@MTRCA,  
**Cc:** "Bonner, Colleen" <CBonner@creditvalleyca.ca>, kmulchansingh@creditvalleyca.ca,  
**Bcc:**  
**Subject:** Fw: Wellington - Erin CTC comments Regarding Nitrate ICA, Rec-1 and Existing Definition  
**From:** Beverley Thorpe/MTRCA - Wednesday 06/11/2014 10:41 AM

----- Forwarded by Beverley Thorpe/MTRCA on 06/11/2014 10:37 AM -----

**From:** Kyle Davis <KDavis@centrewellington.ca>  
**To:** "Beverley Thorpe (bthorpe@trca.on.ca)" <bthorpe@trca.on.ca>, "Colleen Bonner (CBonner@creditvalleyca.ca)" <CBonner@creditvalleyca.ca>, "Kathy Padgett" <KPadgett@TRCA.on.ca>,  
**Cc:** Frank Smedley <Frank.Smedley@erin.ca>, Sally Stull <sally.stull@erin.ca>, Mark Paoli <markp@wellington.ca>, Andrew Hartholt <andrew.hartholt@erin.ca>  
**Date:** 06/10/2014 03:56 PM  
**Subject:** Wellington - Erin CTC comments Regarding Nitrate ICA, Rec-1 and Existing Definition

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Bev,

Further to our discussions at the May 27<sup>th</sup> SPC meeting, please find below staff comments, on behalf of the Town of Erin and County of Wellington, regarding the following source protection policies: Rec-1, nitrate ICA policies and the existing definition. As discussed, we have focused our review to these policies as we understand there will be further opportunity to comment on all the policies during the public comment period including the opportunity to arrange a meeting, if required, between your staff and ourselves.

### 1/ Nitrate ICA policies

#### a/ Use of Manage instead of Prohibition Policies

Upon review of the material provided including the presentations to the May 27, 2014 SPC, the Region of Halton memo dated May 23, 2014 and the policy options provided to the May 7, 2014 David Kentner meeting, we wished to make the SPC aware of the Town of Erin and County of Wellington staff comments regarding the nitrate ICA policy approaches. Overall, we support the current policies for WHPA – A prohibitions for ASM, NASM and fertilizer application and storage. We further support the inclusion of alternation of nitrate sources in the existing threat activity definition and the removal of the ASM application (future) prohibition as passed at the May 27, 2014 SPC meeting.

We wish to provide comment on the prohibition policy approach outlined for storage of ASM and the manage policy approach for fertilizer and NASM (Category 1) within the nitrate ICA – WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$ . We understand that at the May 27<sup>th</sup> meeting, the SPC voted to keep the prohibition in place for future storage of ASM within the nitrate ICA, WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$  and deferred decision on adding prohibition for future storage of commercial fertilizer and NASM Category 1 until the June meeting. The Region of Halton outlined a policy impact analysis in their memo dated May 23, 2014. Within that memo, the Region reviewed both properties within the Region of Halton and the County of Wellington. We have reviewed the Region's analysis and completed a brief, desktop analysis for the

County of Wellington / Town of Erin properties.

Based on our analysis, the nitrate ICA encompasses portions of 20 parcels within the County of Wellington / Town of Erin totaling approximately 191 acres (US) or 77 hectares. Ten of these parcels are present within nitrate ICA – WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$  totaling approximately 43 acres (US) or 13 hectares. These ten properties (43 acres) would be subject to the prohibition policy approach for future storage of ASM and to the prohibition policy approach for future commercial fertilizer / NASM Category 1 if the SPC decides to extend the prohibition. Based on our analysis, five of the properties are residential, four are agricultural and one property is government use within the nitrate ICA – WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$ . For the four agricultural properties, approximately 27.5 acres (US) or 11 hectares of agricultural land (based on air photo analysis that excluded bush lot, structures, hard surfaces) is present within the nitrate ICA – WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$  area within County of Wellington / Town of Erin. The majority of the affected land is contained within two parcels (22.5 acres in one parcel, 4.4 acres in the second parcel). Please note that the second parcel is also subject to WHPA B, vulnerability score 10 policies for the 4<sup>th</sup> line well (ie manage policies).

The Region of Halton has outlined a comprehensive case for using a manage policy approach for future storage of ASM, commercial fertilizer and NASM Category 1 within the nitrate ICA, WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$ . The Town of Erin and County of Wellington also support the use of a manage policy approach within the nitrate ICA, WHPA B, vulnerability score 10 and WHPA E, vulnerability score  $\geq 4.2/4.5$  for these future threats instead of a prohibition policy approach. It is our opinion that prohibition of future threats is not needed and the future threats can be adequately managed using prescribed instruments and / or risk management plans as applicable similar to the policy approach for existing threats. This would create consistency within the policy approaches for application and storage and for existing and future. This would also aid in implementation as currently a mix of policy approaches (ie prohibition and manage) apply to some of the same parcels. Implementation will be much easier to achieve if the policy approaches are consistent on the same parcels. A manage approach would provide the landowner the most flexibility for their operations while still providing an appropriate level of oversight.

#### **b/ Targeted Outreach to Nitrate ICA Residents**

We respectfully suggest that the SPC consider targeted outreach to the affected landowners within the nitrate ICA, both in Wellington and Halton, during the public comment period. We are willing to assist with this outreach and the purpose should be to educate the specific land owners affected regarding these policies and to encourage the landowners to provide comment on the policies during the public comment period. In particular, the use of prohibition policies and the definition of existing threat activity should be discussed. Contact with the Wellington and Halton Federations of Agriculture could also be considered to reach the appropriate land owners. It is recognized that some outreach has already occurred during the plan development process, however, additional outreach is warranted given that we are closer to implementation.

#### **c/ Personal Use Exemption for Risk Management Plan Policies – Fer-2 and Fer-3**

We note that the prohibition policies for fertilizer application / storage (bullet 1 of Fer-2 and Fer-3) include a personal use exemption (“excluding incidental quantities for personal use”). We respectfully suggest that the SPC consider also providing a personal use exemption for the manage policies for

fertilizer application / storage in the nitrate ICA (bullet 2 of Fer-2 and Fer-3). Within the nitrate ICA, all ASM, commercial fertilizer and NASM Category 1 storage volumes identified in the Table of Drinking Water Threats as threats become significant drinking water threats. For example, the MOE's Table of Drinking Water Threats identifies storage of up to 25 kilograms of commercial fertilizer a moderate drinking water threat in a VS 10 (Circumstance ID 1395). Under the nitrate issues approach, this volume becomes a significant threat. This translates to requiring a residential owner to negotiate a risk management plan for the application and storage of up to 4 small (6 kg) bags of fertilizer or 2 large (13 kg) bags of fertilizer for any residential properties within the nitrate ICA. Landowners outside of the nitrate ICA already effectively have a personal use exemption because the Ministry's Table of Drinking Water Threats creates that exemption by defining storage of less than 25 kilograms a moderate or low threat. Education of landowners (as per Fer-6) would be an effective tool to address residential landowners and remove an unnecessary regulatory burden, for land owners and municipalities to administer and enforce.

Similarly, any volume of ASM application and / or storage within the nitrate ICA will require either a risk management plan and / or will be prohibited (ie future ASM storage). We respectfully suggest that the SPC consider whether they wish to place a volume threshold where risk management plans are required or storage is prohibited within the nitrate ICA versus education and outreach.

## 2/ General Comment on Process and Timing of Policies

The Committee should be aware that the County Official Plan 5-Year Review Amendment (OPA 81) was recently approved by the Province. Among other matters, OPA 81 added mapping and policies for the Paris and Galt Moraines to protect their recharge functions. The moraine policy area overlaps to some degree the Moderate and Significant Water Quantity Threat Areas. While there are several site-specific appeals, it is likely that the policies introduced by OPA 81 will be in effect when the CTC Source Protection Plan comes into effect, or shortly thereafter. Therefore, care is needed to ensure that the OP and Source Protection Plan policies are complementary.

## 3/ Rec-1 – An activity that reduces recharge to the aquifer.

Upon discussion, the preference for Town and County staff would be policy Option 2 with the following edits / clarifications.

### Comments/questions applicable to all 3 options:

- Bullet 1): How does the applicant determine the predevelopment recharge? Concerned that this creates onerous pre- and post- development monitoring requirements.
- Bullet 2b): Provision for off-site recharge – how would this be implemented in a development approval?
- Bullet 4): "Amend municipal planning documents to require maps..." should be changed to "Amend Official Plans...".
- Bullet 5): Appears to apply to all applications: Consider adding as an item to Bullet 2 so as not to apply to applications exempted in Bullet 1. Add "to the satisfaction of the municipality" after the wording "submission of a report". This is important to ensure the report is of sufficient scope to adequately address the policy intent and both retain recharge and protect water

quality.

- Under the 'When Policy Applies' column: Currently states "Amend OPs and ZBLs for conformity within 5 years". This should be changed to say "Amend OP to conform in next 5-Year Review Amendment and subsequently amend ZBLs in accordance with the Planning Act", or similar wording with the same effect.

#### Comments applicable to Option 2:

- Upon review of the options, the Town and County prefer the use of square footage thresholds and the major and minor development definitions in Option 2. The provision of a clear threshold defining major and minor development (and therefore the applicability of the policy) is preferable from an implementation perspective. It will clearly provide municipal staff, applicants and the public the thresholds where the hydrologic study is needed versus use of best management practices. We appreciate the effort put into defining major and minor development as we feel this gives the clarity needed to avoid challenges relating to the interpretation of "residential subdivision, commercial, industrial and / or institutional development" as outlined in Option 3.
- Please consider deleting 'non-commercial' from the definitions of Minor and Major Development; "accessory structures" should suffice.
- We would support deleting "existing low density residential lots" from the exemption within the Major Development definition. Development of existing, low density residential lots exceeding 500 square metres should be considered major development and the hydrologic study requirement apply

#### 4/ Existing Threat Activity Definition

Suggest that the following wording be added to clarify the wording in the second paragraph dealing with rotation of agricultural crops.

"For clarity, the definition of an existing threat activity includes . . ."

Thank you for the opportunity to comment. If you require further clarification or discussion of these comments, please do not hesitate to contact me.

Regards,

Kyle

Please note my new phone number and extension

Kyle Davis  
Risk Management Official | [kdavis@centrewellington.ca](mailto:kdavis@centrewellington.ca)

## Item 6.1

**TO:** Chair and Members of the Source Protection Committee Meeting #4/14, June 24, 2014

**FROM:** Colleen Bonner, Planning Lead, CVSPA

**RE:** **Amended Proposed Water QUANTITY Policies**

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### KEY ISSUE

CTC Source Protection Committee approval of Amended Proposed Water QUANTITY policies as part of the Amended Proposed Source Protection Plan for a 35 day consultation prior to submission to the Minister of the Environment

### RECOMMENDATION

**WHEREAS the CTC Source Protection Committee has received and carefully considered the comments from the Ministry of the Environment staff on the Water QUANTITY policies in the Proposed Source Protection Plan submitted in October, 2012;**

**AND WHEREAS the CTC Source Protection Committee has received and carefully considered the comments received from the two consultations on draft water quantity policies in the vulnerable areas in the Town of Halton Hills (Halton Region) extending into the Town of Erin (County of Wellington); and the vulnerable area around York and Durham wells within the CTC Source Protection Region;**

**AND WHEREAS the CTC SPC approved the revision to policy DEM-4 as shown in Attachment 1 by RES. #22/14 passed at Meeting #3/14 held May 27, 2014;**

**AND WHEREAS the CTC SPC also determined that no revisions should be made to policies DEM-2, 3, 8 and REC-2 with regards to the consultation comments received and confirmed no further revisions are required to policies DEM-1, 6, 7, and 10 as shown in Attachment 1;**

**AND WHEREAS the CTC SPC directed staff by RES. #22/14 passed at Meeting #3/14 held on May 27, 2014 to develop further options to address municipal implementation concerns regarding policy REC-1 and to make amendments to policies DEM-5, DEM-9, and REC-3 to address consultation comments;**

**THEREFORE BE IT RESOLVED THAT the CTC Source Protection Committee approves the amended Water QUANTITY Policies found in Attachment 1 subject to any further amendments made at its Meeting #4/14 to be held on June 24, 2014;**

**THAT staff be directed to take the necessary steps to prepare material for the 35 day consultation to be held from mid-July to mid-August, 2014;**

**AND FURTHER THAT staff report back at Meeting #5/14, to be held on September 23, 2014 on the results of the consultation and recommendations for any further amendments prior to re-submitting the Plan and Explanatory Document to the Minister of the**

## **Environment for review and approval.**

### **BACKGROUND**

#### *Water Quantity Policies*

At SPC meeting #2/14 held on April 23, 2014, staff presented two policies, DEM-10 and REC-1, for further SPC consideration. The SPC approved by RES.#12/14 changes to DEM-10 and through RES#13/14 directed staff to consult further with affected municipalities on REC-1. SPC member David Kentner also expressed concern on behalf of the Town of Erin regarding DEM-4 and through RES. # 13/14 staff were advised to further consult with the Town of Erin on this policy.

On May 7, 2014, David Kentner hosted a meeting of his Municipal Liaison Group which provided an opportunity for CTC and municipal staff (Halton Region, Towns of Halton Hills and Erin, and County of Wellington) to discuss revised policy options for DEM-4 and REC-1. The municipal staff asked for additional time to review the revisions to policies and undertook to provide comment to CTC staff prior to the May 27, 2014 SPC meeting.

Staff consulted with planning staff at the Town of Halton Hills and received advice from the Region of York municipalities through Don Goodyear, SPC member representing York. Three options were presented to the CTC SPC at Meeting #3/14 held May 27, 2014. Staff was directed to further assess options for dealing with municipal implementation concerns regarding REC-1.

CTC SPC member Bob Burnside sent staff comments and questions on a number of policies on June 2, 2014. Kyle Davis sent consolidated comments on behalf of Wellington and Erin on June 10, 2014 (see Correspondence Item 4.1 in this agenda package). Staff is seeking direction from the CTC SPC at Meeting #4/14 to be held on June 24, 2014 on any further amendments that are required to the policies found in

**Report prepared by: Beverley Thorpe, CTC Project Manager, extension 5577**

**Emails: bthorpe@trca.on.ca**

**For Information contact: Colleen Bonner (Ditner), 905-670-1615**

**Emails: CBonner@creditvalleyca.ca**

**Date: June 04, 2014**

**Attachment: 1 – Amended Proposed Water Quantity Policies**

## Item 6.2

**TO:** Chair and Members of the Source Protection Committee Meeting #4/14, June 24, 2014

**FROM:** Chris Darling, Planning Lead, CLOSPA

**RE:** **Amended Proposed Lake Ontario Policies**

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### KEY ISSUE

Seeking CTC Source Protection Committee approval for amendments to Proposed Lake Ontario policies for a 35 day consultation prior to submission to the Minister of the Environment as part of the Amended Proposed Source Protection Plan.

### RECOMMENDATION

**WHEREAS the CTC Source Protection Committee (SPC) has received and carefully considered the comments received from the Ministry of the Environment staff on the Lake Ontario policies in the Proposed Source Protection Plan submitted in October, 2012;**

**AND WHEREAS the CTC SPC approved the amended Proposed Lake Ontario policies # LO-G-1, 2, 3 and 6; LO-SEW-1 and 2; LO-PIPE-1; LO-FUEL-1 per RES. #25/14 passed at Meeting#3/14 held May 27, 2014 ;**

**AND WHEREAS the CTC SPC also confirmed that no changes are required to the Proposed Lake Ontario policies #LO-G-3, 4 and 5: LO-SEW-4; and LO-FUEL-2 and 3;**

**AND WHEREAS the CTC SPC directed staff to discuss further with Ministry of the Environment staff and report back with recommendations for amendments to policies LO-SEW-3 and LO-FUEL-2;**

**THEREFORE BE IT RESOLVED THAT the CTC Source Protection Committee approves the amended Proposed Lake Ontario policies found in Attachment 1 subject to any further amendments made at its Meeting #4/14 to be held on June 24, 2014;**

**THAT staff be directed to take the necessary steps to prepare material for the 35 day consultation to be held from mid-July to mid-August, 2014;**

**AND FURTHER THAT staff report back at Meeting #5/14, to be held on September 23, 2014 on the results of the consultation and recommendations for any further amendments prior to re-submitting the Plan and Explanatory Document to the Minister of the Environment for review and approval.**

### BACKGROUND

At CTC meeting #3/14, held on May 27, 2014, staff provided CTC Source Protection Committee (SPC) with an overview presentation of the major concerns raised through Ministry of the Environment (MOE) comments and the matters arising from the May 21, 2014 meeting between several CTC SPC members, MOE and CTC staff. Tables showing the original proposed

policies, MOE comments and staff recommendations for amendments to address the comments, were reviewed by the SPC. For further information and to see the Tables and attachments provided refer to the Minutes of Meeting #3/14 held on May 27, 2014.

Decisions were made on all the Lake Ontario policies with two exceptions. The CTC SPC directed staff to discuss further with MOE staff how to address their concerns with policies LO-SEW-3 and LO-FUEL-2 and report back at Meeting #4/14 with recommendations for amendments to these policies and to seek SPC approval.

**Attachment 1** contains all the Lake Ontario policies. Proposed Policies for which no amendments are proposed are in black text. Where the SPC has made amendments to the Proposed Policies, these changes are shown in red text. Where the CTC SPC is being asked to make a decision, these policies include staff recommended amendments in red text followed by information or comments from the discussions with MOE since the May 27, 2014 meeting.

### **NEXT STEPS**

Pending the CTC SPC decisions to be taken at Meeting #4/14 to be held on June 24, 2014, staff will revise the Table found as **Attachment 1** to show all proposed amendments in red text. The revised Table will be posted as part of the public consultation on all policies to be held between mid-July and mid-August. See related Agenda **Item 6.4** for more details on the proposed consultation. Staff will also prepare new explanatory material where needed to provide additional rationale and explanation for individual policies. This explanation material will be made available as part of the consultation.

Following the consultation, staff will report back to the CTC SPC at Meeting #5/14 to be held on September 23, 2014 on any comments received and any matters which are raised; and recommendations to address any issues. The original *Explanatory Document* submitted along with the *Proposed Source Protection Plan* in October 2012, will be revised to include the new material. The revised *Explanatory Document* will be presented to the CTC SPC for review and approval. After the CTC SPC approves the *Amended Proposed Source Protection Plan* for the CTC Source Protection Region and the revised *Explanatory Document*, they will be submitted to the Chair of each Source Protection Authority for re-submission jointly for approval to the Minister of the Environment in late October, 2014.

**Report prepared by: Beverley Thorpe, 416-661-6600 x5577;**

**Email: bthorpe@trca.on.ca**

**For Information contact: Chris Darling, 1-905-579-041;**

**Email: cdarling@cloca.com**

**Date: June 13, 2014**

**Attachment: 1 - Amended Proposed Lake Ontario Policies**

## Item 6.3

**TO:** Chair and Members of the Source Protection Committee Meeting #4/14, June 24, 2014

**FROM:** Kathy Padgett, Acting CTC Project Coordinator and Planning TRSPA

**RE:** **Amended Proposed Water QUALITY Policies**

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### KEY ISSUE

Seeking CTC Source Protection Committee approval of Amended Proposed Water QUALITY policies as part of the Amended Proposed Source Protection Plan for a 35 day consultation prior to submission to the Minister of the Environment.

### RECOMMENDATION

**WHEREAS the CTC Source Protection Committee (SPC) has received and carefully considered the comments from the Ministry of the Environment staff on the Water QUALITY policies in the Proposed Source Protection Plan submitted in October, 2012;**

**AND WHEREAS at Meeting #2/14 held April 23, 2014 by RES. #15/14, 16/14 and 17/14 the CTC approved revisions to policies SAL-5; WST-1 and 7; ASM-1, 6 and 7; NASM-1 and 2; SWG-1; LIV-5; FER-5; and timeline policy T-8 and confirming that no changes were required to policies GEN-2; WST-6; SWG-5,11 and 13; FER-3; PES-1, 2 and 4; SAL-1 and 2; FUEL-1 and 2; DNAP-1; OS-1; and DI-1 and 2;**

**AND WHEREAS the CTC SPC also directed staff to consult with municipal staff on policies that apply within the Issue Contributing Area for nitrates;**

**AND WHEREAS the CTC SPC has received and carefully considered the comments of the Region of Halton, County of Wellington and the Town of Erin regarding some prohibition policies that affect future drinking water threat activities in parts of the Issue Contributing Area for nitrates surrounding the Davidson Well owned and operated by the Region of Halton;**

**AND WHEREAS the CTC SPC approved to change from a prohibition to a management approach for policies ASM-1 and ASM-2 (Application of Agricultural Source Material) for Future Threat Activities in a WHPA-B (VS=10) by RES. #24/14 passed at Meeting #3/14 held May 27, 2014;**

**AND WHEREAS the CTC SPC also approved retaining the prohibition approach for policies ASM-3 and ASM-4 (Storage of Agricultural Source Material), LIV-2 and LIV-3 (Outdoor Confinement Areas and Farm-Animal Yards) for Future Threat Activities in a WHPA-B (VS=10) and WHPA-E (VS ≥ 4.2/4.5) in an Issue Contributing Area (ICA) for Nitrates;**

**AND WHEREAS the CTC SPC directed staff to revise the Existing Threat Activity Definition to allow for alternating between sources of nitrates (agricultural source material (ASM), commercial fertilizer, and non-agricultural source material (NASM) Category 1) by**

**RES. #23/14 at Meeting#3/14 held May 27, 2014;**

**AND WHEREAS the CTC SPC requested staff report back with additional information on the nitrate content of Category 1 NASM in regards to Storage of NASM, specifically in relation to policy NASM-2 and on septic systems as they pertain to new lots in regards to prohibition of future septic systems on new lots in WHPA-A, specifically in relation to policy SWG-9;**

**AND WHEREAS the CTC SPC directed staff to discuss further with Ministry of the Environment staff and report back with recommendations for amendments to WST policies dealing with small quantities of hazardous waste (categories p,q,r,s,t and u) and liquid industrial waste (category d);**

**THEREFORE BE IT RESOLVED THAT the CTC SPC receives the additional information on found in Attachment 1;**

**THAT the CTC SPC approves the staff recommended amendments to WST-1, deletion of previous WST-2, inserting a new WST-2 and changes to WST-3 and -4 as found in Attachment 1;**

**THAT the CTC Source Protection Committee approves the amended Water QUALITY Policies found in Attachment 1 subject to any further amendments made at its Meeting #4/14 to be held on June 24, 2014;**

**THAT staff be directed to take the necessary steps to prepare material for the 35 day consultation to be held from mid-July to mid-August, 2014;**

**AND FURTHER THAT staff report back at Meeting #5/14, to be held on September 23, 2014 on the results of the consultation and recommendations for any further amendments prior to re-submitting the Plan and Explanatory Document to the Minister of the Environment for review and approval.**

## **BACKGROUND**

At CTC meeting #3/14, held on May 27, 2014, staff provided CTC Source Protection Committee (SPC) with information on the analysis and recommendations from the Region of Halton staff to amend some policies to use a management instead of a prohibition approach. Additional information was also tabled at this meeting prepared by Halton arising from the May 22, 2014 meeting between the Halton CTC SPC municipal member, Halton Region, MOE and CTC staff. For further information and to see the presentations and attachments provided refer to the Minutes of Meeting #3/14 held on May 27, 2014.

After careful and thorough consideration of Halton's analysis and recommendations, the CTC SPC made decisions to change from prohibition to management of future ASM application in WHPA-B with a vulnerability score equal to 10 within an Issue Contributing Area (ICA) for Nitrates per RES. #23/14 at Meeting#3/14 held May 27, 2014. The CTC SPC also decided not to change the prohibition in other policies as recommended by Halton as set out in RES. #23/14.

Staff was directed to revise the Existing Activity definition so that it allows for an agricultural

operator to change the source of nutrients applied on a property amongst ASM, commercial fertilizer, and Category 1 NASM and be subject to the Existing threat policy even if one or two of these nutrient sources had never been previously used.

Staff was also directed to report back to the SPC at Meeting #4/14 with additional information about policies dealing with future septic systems being located on new lots created in WHPA-B (VS=10) in the ICA for nitrates and the nitrate content of category 1 NASM.

On June 10, 2014 staff received consolidated comments from the Town of Erin and County of Wellington on some prohibition policies in the ICA for nitrate (see Correspondence Item 4.1 in this agenda package). Staff is seeking direction from the CTC SPC at Meeting #4/14 to be held on June 24, 2014 on any further amendments that are required to the policies found in **Attachment 1**.

Staff of MOE and CTC, CTC member Juli Abouchar, and Kyle Davis (Risk Management Official for Town of Erin) had a teleconference discussion on June 11, 2014 to develop policy options for Hazardous Waste categories p,q,r,s,t,u, and Liquid Industrial Waste category d. The storage at the site of generation of these defined small quantities are generally exempt from requiring Environmental Compliance Approvals and other requirements as long the generator maintains a contract with a licensed hauler to transport the wastes to a proper handling/disposal facility. As such policies using Part IV tools under the *Clean Water Act* are required as the existing policy approach which rely on prescribed instruments is not applicable. The recommended new, amended and deleted policies are found in the Table included in **Attachment 1** (WST-1, 2, 4 and 5).

**Attachment 1** contains all Water QUALITY policies. Proposed Policies for which no amendments are proposed are in black text. Where the SPC has already made decisions on amendments to the Proposed Policies, these changes are shown in red text. Where the CTC SPC is being asked to make a decision, these policies include staff recommended amendments in red text followed by information or comments arising since the May 27, 2014 meeting.

## **NEXT STEPS**

Pending the CTC SPC decisions to be taken at Meeting #4/14 to be held on June 24, 2014, staff will revise the Table found as **Attachment 1** to show all proposed amendments in red text. The revised Table will be posted as part of the public consultation on all policies to be held between mid-July and mid-August. See related Agenda Item 6.1 for more details on the proposed consultation. Staff will also prepare new explanatory material where needed to provide additional rationale and explanation for individual policies. This explanation material will be made available as part of the consultation.

Following the consultation, staff will report back to the CTC SPC at Meeting #5/14 to be held on September 23, 2014 on any comments received and any matters which are raised; and recommendations to address any issues. The original *Explanatory Document* submitted along with the *Proposed Source Protection Plan* in October 2012, will be revised to include the new material. The revised *Explanatory Document* will be presented to the CTC SPC for review and approval. After the CTC SPC approves the *Amended Proposed Source Protection Plan* for the CTC Source Protection Region and the revised *Explanatory Document*, they will be submitted to the Chair of each Source Protection Authority for re-submission jointly for approval to the Minister of the Environment in late October, 2014.

**Report prepared by: Beverley Thorpe, 416-661-6600 x5577;**

**Email: bthorpe@trca.on.ca**

**For Information contact: Kathy Padgett, extension 5568**

**Emails: kpadgett@trca.on.ca**

**Date: June 13, 2014**

**Attachment: 1 - Amended Water Quality Policies**

## Item 6.4

**TO:** Chair and Members of the Source Protection Committee Meeting #4/14, June 24, 2014

**FROM:** Beverley Thorpe, Project Manager, CTC Region

**RE:** **Consultation of the Amended Proposed Source Protection Plan**

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### KEY ISSUE

The CTC Source Protection Committee approval is sought for the proposed consultation on the Amended Proposed Source Protection Plan and new explanatory material.

### RECOMMENDATION

**THAT the CTC Source Protection Committee approves the proposed consultation on the Amended Source Protection Plan and new explanatory material as set out in this report;**

**AND FURTHER THAT staff be directed to report back at Meeting #5/14, to be held on September 23, 2014 on the results of the consultation and recommendations for any further amendments prior to re-submitting the Amended Source Protection Plan and revised Explanatory Document to the respective Chairs of the three Source Protection Authorities to send to the Minister of the Environment for review and approval.**

### BACKGROUND

#### Previous Public Consultations

On October 22, 2012, the Chair of the TRSPA along with the Chairs of the Credit Valley and Central Lake Ontario Source Protection Authorities jointly submitted to the Minister of the Environment (MOE) for approval the *Proposed Source Protection Plan and Explanatory Document* for the CTC Source Protection Region. Prior to submission, the CTC Source Protection Committee undertook three rounds of mandatory consultation across the source protection region at various stages in the development of the proposed policies. Mandatory public consultation was also carried out during the development of the Terms of Reference and Assessment Reports in each source protection area.

Various approaches have been used in previous consultations. In some cases advertisements were required in newspapers that reach all areas of each source protection area as well as mandatory public meetings, posting notices and materials on the CTC website, and notices sent to each municipal clerk and implementing body for policies. In a number of consultations within the CTC, individual letters were sent to property owners in vulnerable areas where significant threat policies would apply to existing or future threat activities.

Since submission of the Proposed Plan, two additional public consultations have been carried out. In the fall of 2013, consultations were carried out in the vulnerable areas around wells in Acton and Georgetown that extend into the Town of Erin where new water quantity threats could exist, along with the draft water quantity policies, and revisions to the Issue Contributing Areas. In this case letters were sent directly to affected parties, including property owners; materials were posted on the website; and a public information drop-in booth was set up at the Georgetown Farmers' Market on one Saturday in October in the effort to reach more people.

In April-May 2014 a public consultation was carried out in collaboration with the South Georgian Bay Lake Simcoe Source Protection Region regarding a new vulnerable area and draft water quantity policies affecting areas around the Region of York's and Region of Durham's wells that overlapped both source protection regions. In this case ads were placed in local weekly newspapers covering the affected area; letters were sent to implementing bodies; materials were posted on the website; and a public information meeting was held in Stouffville.

In these two latter consultations, the turnout at the public sessions was very low, less than five at the Georgetown location and only one person at the meeting in Stouffville.

In addition to these consultations, staff at the Credit Valley Source Protection Authority have been communicating with and sending surveys to property owners in vulnerable areas in Acton, Georgetown, Erin, Amaranth, East Garafraxa, Orangeville and Mono to verify if significant threat activities exist at properties where such activities could be a significant drinking water threat. The response rate to mailed surveys has generally been low – in the range of 10%.

### **CURRENT STATUS**

Consultation on the amended policies is at the discretion of the CTC Source Protection Committee (SPC). It is not a regulatory requirement. The Ministry of the Environment is supportive of the SPC conducting consultation as they feel that it is the spirit of the *Clean Water Act* to do so. They have approved staff using provincial funding to cover consultation costs.

Staff has developed the proposed consultation approach below considering both the effectiveness of the previous consultation plans in reaching affected parties and the public, combined with the workload and cost.

There has been a greatly diminishing interest in the public to attend meetings and to submit comments. Likely the long time period from the inception of the first source water protection consultation in 2007 along with the repeated consultations leading to this latest consultation on amended policies has resulted in consultation fatigue. Until implementation starts, it will likely remain difficult to engage individuals.

At the June 24th SPC meeting, the Committee is being asked to approve the amended suite of policies to be consulted upon. The CTC SPC has previously decided RES #22/14, 23/14 and 25/14 at meeting #3/14 that given the extent of the comments received from the Ministry in addition to two public consultations on new draft water quantity policies, it is in the public interest and beneficial for implementing bodies to have the opportunity to review the amended policies and new explanatory material.

### **Proposed Public Consultation on Amended Polices and Explanatory Document**

Consultation will commence mid-July and run for a 35 day period to mid-August. Newspaper advertisements will be placed in local weekly papers across the CTC Source Protection Region and in publications which target the agricultural community (see **Attachment 1** for sample wording and list of newspapers and publications). The *Amended Proposed Source Protection Plan* and new explanatory material will be posted on the CTC SPC website [www.ctcswp.ca](http://www.ctcswp.ca) along with telephone and email contact information to reach staff. In addition, notices and copies of the plan and explanatory materials will be sent to all implementing bodies (municipal,

provincial, source protection authority, federal and industry). Copies of materials will be available for viewing at each source protection office.

Staff does not recommend holding public open houses or information sessions as the attendance at recent open houses has been extremely low. Further staff does not recommend sending material to individual landowners given the cost and low response. The exception is sending information to individuals who have previously signed up requesting information via mail. We will also send emails to persons who have subscribed to our web updates. Staff will respond to any queries made via phone or email and meet with municipal staff or others as requested.

Staff has projected an October submission of the *Amended Proposed Source Protection Plan* and revised *Explanatory Document* to the Chairs of the three Source Protection Authorities. In turn, they are responsible for sending the documents to the Minister of the Environment for approval.

#### **NEXT STEPS**

Pending the CTC SPC decisions to be taken at Meeting #4/14 to be held on June 24, 2014, staff will prepare the consultation package to show all proposed amendments to the *Proposed Source Protection Plan* policies in red text to be posted on the website and sent to implementing bodies and individual subscribers. Staff will also prepare new explanatory material where needed to provide additional rationale and explanation for individual policies. This explanatory material will be made available with the respective policy (ies) as part of the consultation package.

Following the consultation, staff will report back to the CTC SPC at Meeting #5/14 to be held on September 23, 2014 on any comments received and any matters which are raised; and will bring forward recommendations to address any issues. The original *Explanatory Document* submitted along with the *Proposed Source Protection Plan* in October 2012, will be revised to include the new material. The revised *Explanatory Document* will be presented as part of the package for CTC SPC review and approval. After the CTC SPC approves the *Amended Proposed Source Protection Plan* for the CTC Source Protection Region and the revised *Explanatory Document*, they will be submitted by Chair Self to the Chair of each Source Protection Authority for their joint re-submission for approval to the Minister of the Environment in late October, 2014.

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**Date: June 16, 2014**

**Attachment: 1 - Proposed Public Consultation**

## ATTACHMENT 1 Proposed Public Consultation

1. Advertisements will be posted in local papers with coverage of the properties located in vulnerable areas where policies apply; and in publications targeting the agricultural sector (as recommended by the CTC SPC agricultural members). See the list below. Ads will provide information on where to review the Plan, date of commenting period and where to send comments. The following is a sample of the proposed ad content.

### SOURCE WATER PROTECTION PUBLIC CONSULTATION

The **Credit Valley, Toronto and Region and Central Lake Ontario (CTC)** Source Protection Committee is **asking for public comment** on the Amended Proposed Source Protection Plan policies. The Ministry of the Environment has made comments on the Plan submitted in October ,2012. In addition public consultations were held in fall 2013 and spring 2014 on new draft water quantity polices. This is your only opportunity to comment on the proposed amendments before submission for approval to the Minister of the Environment. The Amended Proposed Source Protection Plan contains policies for water quantity, quality and Lake Ontario that protect municipal sources of drinking water. Proposed changes are shown red in the Amended Proposed Source Protection Plan. New explanatory material is also available to better explain or provide support to those who will implement the Plan once it has been approved by the Minister of the Environment.

The Plan and explanatory material can be viewed online at [ctcswp.ca](http://ctcswp.ca) **OR** in paper format during regular business hours at Credit Valley Conservation (1255 Derry Rd., Mississauga, ON L5N-6R4); Toronto and Region Conservation Authority (5 Shoreham Dr., Downsview) ; or Central Lake Ontario Source Protection Authority (100 Whiting, Oshawa, ON, L1H-3T3)

The formal consultation period runs inclusive from July \_\_\_ through to August \_\_\_\_, 2014

The Committee will only consider comments received in writing. Comments must be received by Friday, August \_\_, 2014 by 4:00 pm  
Sent addressed to Chair, CTC Source Protection Committee

E-mail [sourcewater@trca.on.ca](mailto:sourcewater@trca.on.ca)

Mail 5 Shoreham Dr., Downsview, ON, M3K 2C5

Fax: 416-661-6898

2. Notices addressed to each implementer signed by the Chair will include a list of the policies to be implemented and map(s) of the area (s) where policies apply relevant to that implementer.
3. Notices sent to individuals who are subscribers will contain information similar to that contained in the newspaper ad.
4. On-line content of CTC website will be updated with the *Amended Proposed Source Protection Policies* and new explanatory materials. The Amended Plan will show all policies

originally submitted in October 2012 with proposed revisions in red text. Updated maps will be included for new or revised vulnerable areas. New Explanatory material will be provided for specific policies where additional explanation is necessary or recommended to better convey rationale and intent of the policy and guidance to interpretation of a policy.

5. Comments received from the Ministry of the Environment will be posted along with the amended Plan.
6. Paper copies of Amended Proposed Source Protection Plan and new Explanatory material will be available for viewing at each head office of the three conservation authorities.

**List of Publications**

Ads will be placed once in each of the following publications

Paper Group	Specific Local Paper	Circulation
Ontarion Farmer		
Orangeville Citizen		Circulation Thursdays 19,300 circulation
Metroland (York Region Media Group)	Stouffville SU Tribu	The Stouffville Sun-Tribune distributed to all homes in the market
	Vaughan Citizen classifieds	Selected homes in Woodbridge, Maple, Concord and Kleinburg
	Markham Economist	
This Week	Uxbridge (class)	
	Ajax Classified	
	Oshawa class	
The New Tanner Publishing Ltd.		
Le Metropolitain		
Brampton Guardian	Mississauga News	
	Georgetown display	
	Orangeville display	
	Erin display	
	Caledon Citizen	circulated on Thursdays Caledon Citizen 18,900 circulation
Toronto Community News	East York Mirror	central Toronto surrounding the Don River Valley and is bisected by the Don Valley Parkway
	York Guardian	Western Toronto surrounding Bathurst, Weston, Black Creek and Keele
	North York Mirror	North York
	City Centre Mirror	along the Yonge St. corridor from College St. to Highway 401
	Scarborough Mirror	eastern area of Toronto from Victoria Park to Rouge River Valley
	Etobicoke Guardian	western region of the City of Toronto from Humber River to Etobicoke Creek.