

**MINUTES OF THE FORTY SECOND MEETING OF THE  
NORTH BAY-MATTAWA SOURCE PROTECTION COMMITTEE  
9:15 AM, THURSDAY, JANUARY 12, 2012  
Held at the North Bay-Mattawa CA Boardroom, 15 Janey Ave North Bay**

**1. Administration**

**a) Meeting called to order at 9:15 AM by Chair, Barbara Groves.**

**b) Attendance**

| S P C  |                   | Staff and Liaisons                                |
|--|-------------------|---|
| Barbara Groves, Chair                            | Maurice Schlosser | Sue Miller, Manager DWSP                          |
| Roy Warriner                                     | Beverley Hillier  | Rob Pringle, Source Protection Planner            |
| Lucy Emmott                                      | John MacLachlan   | Kristen Green, Water Resources Specialist         |
| Dennis MacDonald                                 | Randy McLaren     | Sue Buckle, Supervisor, Communications & Outreach |
| George Onley                                     |                   | Neil Gervais, MOE Liaison                         |
|  |                   | Chuck Poltz (to 11:00), NBPSDHU Liaison           |
| <b>Guests</b>                                    |                   |   |
| Bob Norris, OFA                                  |                   | <b>Regrets</b>                                    |
| Michele Champagne                                |                   | George Stivrins, SPC                              |
| John Thib, ONR (from 1:35 to 2:30 via telephone) |                   |   |

**c) Declaration of Pecuniary Interest – None**

**d) Approval of Agenda**

Motion to Approve Agenda as presented made by Beverley Hillier, seconded by Lucy Emmott. (Resolution 42-01). **Carried**

**e) Approval of Minutes of December 8, 2011 SPC Meeting**

Motion to defer approval of Minutes until amended, moved by Maurice Schlosser, seconded by Roy Warriner. (Resolution 42-02). **Carried**

Additional discussion regarding draft ICA policies will be added to the minutes to reflect committee concerns and suggestions.

**f) Correspondence**

MTO response regarding signage and road salt.

**h) Project Manager's Report & Policy Working Group items**

The Updated Project Manager's Report was approved by Resolution 42-03.

Staff is to arrange a meeting with Agricultural Stakeholders, as approved by Resolution 42-04.

Staff is to revise education and outreach policies for storage of fuel oil for heating, as approved by Resolution 42-05.

Regular reporting on the ODWSP will be deferred until there is some activity in the program, as approved by Resolution 42-06.

**i) MOE Liaison Report**

Neil Gervais, Liaison Officer, provided ministry updates and provided a brief overview of the recent Source Protection Chairs meeting to the committee. The third Planners FAQ document was released. Rob Pringle will post the document on the SPC web forum. The final draft of the Risk Management Catalogue is being peer reviewed and is expected to be released in mid to late February.

**3. Report on Abandoned Gas Station Property in Trout Creek**

Sue Miller provided an overview of the report and indicated that a preliminary investigation indicated that there is no evidence of on-site or off-site contamination of water or soil. The fuel was removed from the tanks when the business was abandoned but residual fuel likely remains. This report will be shared with the Municipality of Powassan as approved by Resolution 42-07.

**4. Presentation by the SPC Agricultural Representative**

The Agriculture Representative, Maurice Schlosser, addressed the Committee asking they consider avoiding the use of Part IV powers and Risk Management Plans to address the significant threats due to prescribed activities in the ICA. He subsequently provided a hard copy of his remarks and the following is a brief summary:

- The use of soft tools has not been adequately considered
- Additional research is one possible alternative and had been recommended in the Phosphorus Budget
- He does not accept the Issues approach to identify significant threats to be valid
- He feels the link of agricultural phosphorus sources to the microcystin issue has not been effectively made
- The Phosphorus Budget recommendation for establishing fencing and riparian zone protection could be achieved through cooperative programs rather than risk management plans
- Without the support of the farm community, the outreach program will be ineffective

Following Maurice's remarks, Bob Norris, OFA Rep addressed the Committee. He stated that one of their concerns was that the use of Risk Management Plans would create a precedent. It was recommended that softer tools, such as education and outreach and stewardship initiatives, would effectively address the threats from agricultural activities in the ICA. Environmental Farm Plan pilot projects were also presented as a valuable option which the government is encouraging.

Mr. Norris also provided an Information Item on the topic of "Callander Bay ICA Significant Drinking Water Threat Designation" prepared by Chris Attema and Dr. John Fitzgibbons of OFEC to assist in future discussions. He also offered the assistance of both to the staff and committee in future policy development.

Committee consideration of the proposed policy alternatives followed.

**5. Review of Draft Policies for Callander Issue Contributing Area (ICA)**

During the October SPC meeting the Committee reached consensus that an education and outreach program was an acceptable policy approach for addressing significant threats in the Callander ICA. Since then staff had compiled additional draft policies for the SPC's consideration

**Motion to consider additional proposed policies in the Callander Issue Contributing Area.**

Vote: seven in favor, one opposed.

**Carried**

Neil Gervais provided guidance as to which policies tools were available to deal with threats in the ICA. He clarified that if only a soft non-regulatory tool is used to address a significant threat it must be documented in the explanatory document as to why the significant threat was dealt with this way and how the policy will achieve the objective of ensuring that the activity never becomes or ceases to be a significant drinking water threat.

Sue Buckle provided an overview of each draft ICA policy proposed. After review of each policy, approval of the policy was to be put to a vote. The outcome was as follows:

**Motion to approve draft policy 05C Education and Outreach Program for the Issue Contributing Area as amended.**

Vote: all in favor.

**Carried**

The draft policy will be amended as follows:

- 05C.2-remove reference to phosphorus contributing to microcystin LR production
- add definition to improve understanding of policy

**Motion to approve draft policy 05H Site Plan Control for Buffer Strips as amended.**

Vote: all in favor.

**Carried**

The draft policy will be amended as follows:

- include reference to a map of affected watercourses
- 05H.2 - replace "recreational use" with "access"

Staff will further research whether access to the shoreline should be restricted to one 3 m wide access per property, or if distance of shoreline on each property should be factored in, to allow for more than one access.

**Motion to approve draft policy 05I Prescribed Instruments Apply in Issues Contributing Area as amended.**

Vote: all in favor.

**Carried**

The draft policy will be amended as follows:

- remove reference to Risk Management Plan
- include implementing body

**Motion to approve draft policy 05G Risk Management Plans in Issue Contributing Area.**

Vote: all opposed.

**Defeated**

## 6. Update on Status of Policy Development; Responses to Pre-Consultation

### Transportation Threats

Dennis MacDonald, Transportation Rep, provided a summary of the meeting in Sudbury with CNR. He provided an overview of the extensive safety and maintenance requirements and practices currently implemented by the rail agencies. There was concern that a moderate threat policy would impact the public's perception of the affected agencies. The rail operator representative also expressed concern regarding the need for equitable treatment of both rail and trucking industries in the policy, the suggestion being that it would be unfair to the rail industry not to also have a policy directed at the trucking industry.

### **Motion to consider moderate threat policy for transportation of hazardous substance in the North Bay IPZ.**

Vote: five in favor, two opposed, one abstained.

**Carried**

### **Motion to draft policy for transportation of moderate/low threats in North Bay IPZ for both railway and highway corridors.**

Vote: all in favour

**Carried**

A separate policy will be created for both rail and trucking industries.

The draft policy presented will be amended as follows:

- the word "shall" will be removed from 22C.2, as a moderate threat policy has no legal effect
- text added to ensure that technological advancements in railway safety equipment and/or processes are also recognized
- the safety and maintenance measures currently being implemented by the rail agencies will be recognized

## 7. New Business and Wrap-up

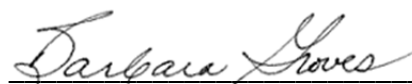
Any agenda items not covered at today's meeting will be added to the next meeting's agenda and include the following:

- Discussion of implementation of ICA policies
  - o Scope and resource requirements
  - o Establishment of a watershed stewardship council
  - o Enhancing public engagement
  - o Monitoring implementation
- Moderate and low threats to be addressed in SP Plan

## 8. Adjourn

Meeting adjourned at 2:30 p.m. on a motion by Randy McLaren.

**Carried.**

  
Barbara Groves, Chair

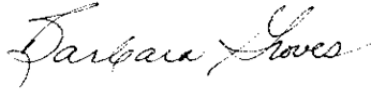
  
Sue Miller, Project Manager

**Resolution 42-01.**

THAT the Agenda for the North Bay-Mattawa Source Protection Committee meeting for January 12, 2012 be accepted:

- As amended:  
 As Presented.

Moved by: Beverley Hillier      Seconded By: Lucy Emmott

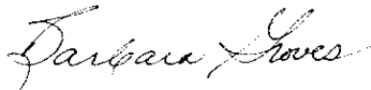


Barbara Groves, Chair

**Resolution 42-02.**

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for December 08, 2012 be deferred until amended:

Moved by: Maurice Schlosser      Seconded By: Roy Warriner

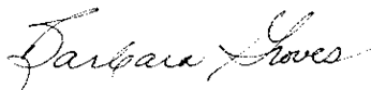


Barbara Groves, Chair

**Resolution 42-03.**

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

Moved by: Dennis MacDonald      Seconded By: John MacLachlan

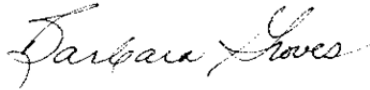


Barbara Groves, Chair

**Resolution 42-04.**

That the SPC direct staff to arrange a meeting with Agricultural Stakeholders for February 2012.

Moved by: Beverley Hillier      Seconded By: Maurice Schlosser



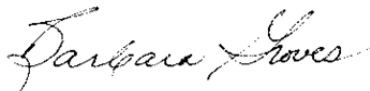
Barbara Groves, Chair

**Resolution 42-05.**

That the SPC direct staff to revise the education and outreach policy for fuel handling and storage to be the responsibility of the municipalities affected, and further;

That the TSSA continue to maintain information on its website related to appropriate safety practices related to handling and storage of fuels.

Moved by: Dennis MacDonald      Seconded By: Randy McLaren

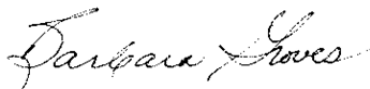


Barbara Groves, Chair

**Resolution 42-06.**

That further regular reporting on ODWSP program be deferred until there is some activity in the program.

Moved by: John MacLachlan      Seconded By: Dennis MacDonald



Barbara Groves, Chair

**Resolution 42-07.**

THAT staff shall advise the Municipality of Powassan of the findings from a report of current conditions at a property containing an abandoned gas station within Trout Creek.

Moved by: Dennis MacDonald Seconded By: Maurice Schlosser

A handwritten signature in cursive script that reads "Barbara Groves".

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, January 12, 2012 (for meeting January 12)

**SUBJECT:** Project Manager's Report (amended)

**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 certificates of approval which specify how the activity may be conducted; Source Protection policies may require that conditions specified in such certificates be amended to conform to the Plan. Pre-consultation on draft policies by implementing bodies is in progress. The Committee will begin to analyze the overall implications of Plan implementation as soon as the required data can be downloaded from the provincial policy database.

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. Proposed Consultation with Agricultural Stakeholders February 2012**

As presented in the previous Project Manager's report, coming out of the last meeting with the Policy Working Group (PWG), it was suggested that a meeting be arranged to update agricultural stakeholders. They have previously indicated that the month of February is convenient for them, so it is recommended:

**That the SPC direct staff to arrange a meeting with agricultural stakeholders for February 2012.**



## **2. TSSA Response to Pre-consultation**

TSSA has advised that they would be unable to conduct the education and outreach program required by the proposed policy. However they do maintain a highly informative website which provides adequate resources for another agency to implement such a program locally. Therefore it is recommended

**That the SPC direct staff to revise the education and outreach policy for fuel handling and storage to be the responsibility of the municipalities affected, and further**

**That the TSSA continue to maintain information on its website related to appropriate safety practices related to handling and storage of fuels.**

## **3. Revision of Source Protection Area Boundary**

Prior to submission of the original Proposed Assessment Report (AR), it was discovered that the SP Area boundary did not include the entire vulnerable area for Mattawa. The boundary falls some metres short of the Ottawa River. A request for amendment of the regulation that defines the boundary was submitted to the Ministry of Environment and this is only now about to be taken before Provincial Cabinet for action. The change does not affect any of the mapping in the Assessment Report. It is expected that the regulation will be amended in time to permit the map schedules in the SP Plan to reflect the revised boundary.

## **4. Analysis of Policy Implications for Implementation (carried forward to February)**

Because the ICA policies and some others are still in development due to fulsome discussions by the SPC, and the agenda is already lengthy, the analysis of implications for implementation will be deferred to the February meeting of the Committee.

## **5. Update on Proposed Changes to Ontario Building Code Requiring Advanced Septic Systems**

Following discussions with the Ministry of Municipal Affairs and Housing, it has been suggested that implementation of the proposed policy that would require advanced septic systems in vulnerable areas may not be as previously anticipated. While still awaiting final decision, SPC Members are advised that the situation may be changing. Staff will provide updates as information becomes available.

## **6. Status of Ontario Drinking Water Stewardship Program (ODWSP)**

As previously reported, all funds have been allocated and the NBMCA is maintaining a waiting list to ensure that all funds will be distributed for completion of qualifying projects. It is recommended

**That further regular reporting on ODWSP program be deferred until there is some activity in the program.**

**RECOMMENDED RESOLUTIONS**

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

**That the SPC direct staff to arrange a meeting with Agricultural Stakeholders for February 2012.**

**That the SPC direct staff to revise the education and outreach policy for fuel handling and storage to be the responsibility of the municipalities affected, and further**

**That the TSSA continue to maintain information on its website related to appropriate safety practices related to handling and storage of fuels.**

**That the SPC direct staff to begin amending the Assessment Report as required.**

**That further regular reporting on ODWSP program be deferred until there is some activity in the program.**

**CONCLUSION:**

We are continuing our work in providing support for the Source Protection Committee and in collecting and compiling the information that it will need to make relevant planning decisions.



Sue Miller, Manger Source Water Protection

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

**1. Administration**

**a) Meeting called to order at 9:15 AM by Chair, Barbara Groves.**

**b) Attendance**

| <b>S P C</b>                        | <b>Staff and Liaisons</b>                         |
|-------------------------------------|---|
| Barbara Groves, Chair               | Sue Miller, Manager DWSP                          |
| Roy Warriner                        | Rob Pringle, Source Protection Planner            |
| Lucy Emmott                         | Kristen Green, Water Resources Specialist         |
| Dennis MacDonald                    | Sue Buckle, Supervisor, Communications & Outreach |
| George Stivrins (by phone to 11:34) | Neil Gervais, MOE Liaison                         |
| Beverley Hillier (by phone)         | Chuck Poltz, NBPSDHU Liaison                      |
| John MacLachlan                     |   |
| Randy McLaren                       | <b>Guests</b>                                     |
| Maurice Schlosser                   | Bob Norris, OFA (to 10:00)                        |
|                                     | Klaus Wand  |
| <b>Regrets</b>                      |   |
| George Onley, SPC                   |   |

**c) Declaration of Pecuniary Interest – None**

**d) Approval of Agenda**

Motion to Approve Agenda as presented made by Lucy Emmott, seconded by John MacLachlan. (Resolution 43-01).

**Carried****e) Approval of Minutes of December 8, 2011 SPC Meeting**

Motion to Approve Minutes as presented, moved by Dennis MacDonald, seconded by Lucy Emmott. (Resolution 43-02).

**Carried****f) Approval of Minutes of January 12, 2012 SPC Meeting**

Several revisions to the minutes were made. A paragraph outlining Bob Norris's participation at the meeting was added. Reference was incorrectly made to the transportation rep and was changed to the rail operator. Finally, additional information provided by Neil Gervais was added to the minutes to better clarify what was said at the meeting.

Motion to Approve Minutes as amended, moved by Dennis MacDonald, seconded by Randy McLaren. (Resolution 43-03).

**Carried****g) Correspondence**

None.

## h) Project Manager's Report

The Project Manager's Report was approved by Resolution 43-04.

Some discussion followed on pesticide application. Aside from the Trout Creek WHPA, the application of pesticide was not identified as an existing significant threat in the Assessment Report. In areas that have no existing significant threats, policies have been drafted to deal with the future application of pesticides to land where the threat would be significant.

A copy of CN's vegetation control policy will be circulated to the committee when received.

## i) MOE Liaison Report

Neil Gervais, Liaison Officer, provided ministry updates. Another Planners FAQ document was released on January 26th. Rob Pringle will post the document on the SPC web forum.

The ministry is offering to review each committee's draft plan before going out for consultation, to make sure policies are complete and in accordance with the legislation.

## 2. Transportation Policies

Dennis MacDonald provided an overview of the transportation policies. The policies presented were the anticipated outcome and mirror policies created for the rest of the province. The policies do not target rail or trucking industries directly but instead enhance awareness of the process without adding additional regulatory restrictions.

Motion to approve draft policy 22B transportation of moderate/low threats in the North Bay IPZ as presented moved by Dennis MacDonald, seconded by John MacLachlan. (Resolution 43-05). **Carried**

Motion to approve draft policy 22A transportation of significant threats as presented moved by Dennis MacDonald, seconded by Maurice Schlosser. (Resolution 43-06). **Carried**

Lucy Emmott added that chemicals considered in the policy should not be limited to the list that received Director's approval. Future research needs to be done to expand the list of chemicals included in the policy.

**(Action Item) Staff will look at what options are available to incorporate this into the plan.**

Motion to release draft policy 10B transportation of significant threats for pre-consultation as amended moved by Dennis MacDonald, seconded by Roy Warriner. (Resolution 43-07). **Carried**

There was question about whether two different policies were needed since two implementing bodies are named in the policy.

**(Action Items) Staff will inquire further with MOE.**

It was clarified that rail operators can be named as implementing bodies in the policy but the legal effect of the policy would be different. The word “shall” should be removed from the policy and replaced with “should”.

**(Action Items) Rob Pringle will review all monitoring policies to ensure that reporting requirements are adequate for each policy.**

The Committee agreed that due to time constraints additional moderate and low threat policies would not be considered at this time.

### **3. Agricultural Consultation**

Sue Buckle, Communications Advisor, provided an overview of the agricultural consultation session planned for February 29<sup>th</sup> at the South Himsforth Community Centre. The purpose of the session is:

- to provide the agricultural community in the Callander Issue Contributing Area (ICA) with an update regarding the development of policies in the SP Plan that impact residents of the ICA;
- to receive feedback from the community on the draft policies; and
- to lay the foundation to move forward with implementation.

The committee stressed the need to clarify that the issue is due to phosphorus, and the objective of the plan is preventing/reducing excess phosphorus from getting into our waterways. And to be successful, all landowners in the watershed need to be involved and work together. Randy McLaren suggested that the farming community be advised that the Committee’s decision to use only soft tools was made in good faith based on their confidence in farmers’ commitment to adopt best management practices and work together to reduce phosphorus loading in waterways.

### **4. Review of Draft Policies for Callander Issue Contributing Area (ICA)**

Rob Pringle provided an update on the status of the draft policies for the Callander ICA. Recommended amendments to the policies suggested at the last meeting were made and the SPC’s approval is now needed to release the policies for pre-consultation. Each policy was reviewed and suggested revisions were made.

#### **05I - Prescribed instrument for managing agricultural activities in the Issue Contributing Area**

No comments on this policy.

#### **05C – Education and outreach program for Issues Contributing Area activities**

This policy is to establish an ongoing program however the associated monitoring policy specifies monitoring for only 6 months. The monitoring policy should be revised to require annual reporting.

#### **05H – Site plan control to establish vegetated buffer strips.**

George Stivrins expressed concern that some existing commercial uses on Callander Bay cannot meet the 5 m vegetated buffer width and 3 m access allowance. If the uses and buildings continue as existing, there would not be a requirement to complete the site plan control, nor to conform to the policy. It was suggested that the policy could include a caveat phrase so that if the requirements of the site plan control cannot be met, other alternative measures could be negotiated with the by-law enforcer that would achieve the same goals as the 5 m vegetated buffer in limiting phosphorus loading to the watercourse.

Motion to release draft policies in the Issue Contributing Area for pre-consultation moved by Dennis MacDonald, seconded by Lucy Emmott. (Resolution 43-08). **Carried**

#### **5. Timelines for final pre-consultation, draft and proposed consultation**

Sue Miller presented an overview of the timelines for completing the source protection plan. The first draft of the plan will be presented to the committee on March 1<sup>st</sup>. A second draft will be presented in April, with consultation on the draft plan starting on April 24<sup>th</sup> through to May 17<sup>th</sup>. This is the original timeline approved by the committee in January of 2011. Timelines are very tight and there is relatively little contingency available. It was suggested that more time may be needed to prepare and review the proposed plan and that less time is needed for submission of the proposed plan. Staff will adjust the timelines as needed however if we delay, key staff may be unavailable to assist in final preparations of the proposed plan.

The committee voted to have two public meetings on the draft plan, held during the consultation period.

#### **6. New Business and Wrap-up**

No new business.

#### **7. Adjourn**

Meeting adjourned at 12:15 p.m.

  
Barbara Groves, Chair

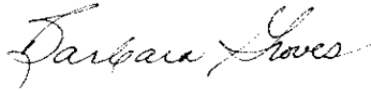
  
Sue Miller, Project Manager

**Resolution 43-01.**

THAT the Agenda for the North Bay-Mattawa Source Protection Committee meeting for February 09, 2012 be accepted:

- As amended:  
 As Presented.

Moved by: Lucy Emmott                      Seconded By: John MacLachlan



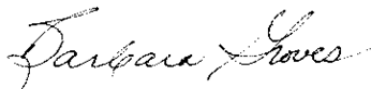
Barbara Groves, Chair

**Resolution 43-02.**

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for December 08, 2011 be accepted:

- As amended:  
 As Presented.

Moved by: Dennis MacDonald                      Seconded By: Lucy Emmott



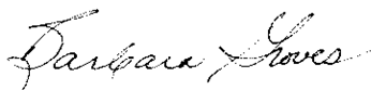
Barbara Groves, Chair

**Resolution 43-03.**

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for January 12, 2012 be accepted:

- As amended: A paragraph outlining Bob Norris's participation at the meeting was added. Reference was incorrectly made to the transportation rep and was changed to the rail operator. Finally, additional information provided by Neil Gervais was added to the minutes to better clarify what was said at the meeting.  
 As Presented.

Moved by: Dennis MacDonald                      Seconded By: Randy McLaren



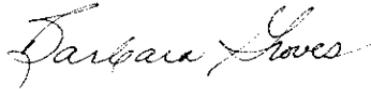
Barbara Groves, Chair

**Resolution 43-04.**

THAT the Report of the Project Manager, February 2, 2012 be accepted and appended to the minutes of this meeting.

Moved by: Lucy Emmott

Seconded By: Randy McLaren



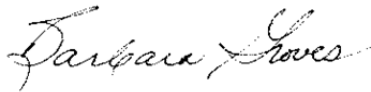
Barbara Groves, Chair

**Resolution 43-05.**

THAT the committee approves proposed policy 22B for the transportation of moderate/low threats in the North Bay IPZ:

- As amended:
- As Presented.

Moved by: Dennis MacDonald Seconded By: John MacLachlan



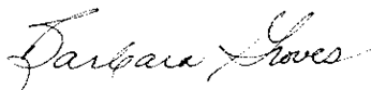
Barbara Groves, Chair

**Resolution 43-06.**

THAT the committee approves proposed policy 22A for the transportation of significant threats:

- As amended:
- As Presented.

Moved by: Dennis MacDonald Seconded By: Maurice Schlosser



Barbara Groves, Chair

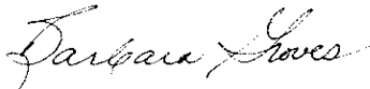


**Resolution 43-07.**

THAT the committee releases proposed policy 10B for the application of pesticides in the Trout Creek WHPA for pre-consultation:

- As amended: to specify the rail and highway operators separately
- As Presented.

Moved by: Dennis MacDonald Seconded By: Roy Warriner



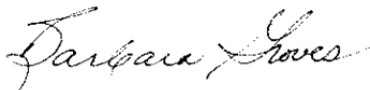
Barbara Groves, Chair

**Resolution 43-08.**

THAT the committee releases proposed policies 05C, 05H and 05I for the issue contributing area which have not yet been distributed for pre-consultation:

- As amended:
- As Presented.

Moved by: Dennis MacDonald Seconded By: Lucy Emmott



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, February 2, 2012 (for meeting February 9)

**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 certificates of approval which specify how the activity may be conducted; Source Protection policies may require that conditions specified in such certificates be amended to conform to the Plan. Pre-consultation on draft policies by implementing bodies is continuing. A policy summary to be presented at this meeting will enable the Committee to begin to consider the overall implications of Plan implementation.

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. Proposed Consultation with Agricultural Stakeholders February 2012**

As directed by Resolution 42-04, a meeting for agricultural stakeholders is being planned for Wednesday, February 29 at the South Himsforth Community Centre from 7 pm to 8:30 pm. The purpose is to update attendees on draft policies and the process for consultation as the SP Plan is completed over the next few months. It is expected that this will be a better time to solicit their feedback than when the Draft Plan is posted for comment in late April. The objectives and preparation plans for the meeting will be discussed in Agenda Item 5, to be led by the Communications Supervisor.

## **2. Overview of Proposed Policies for Callander Issue Contributing Area (ICA)**

A summary table of proposed policies in the Callander ICA is included in this package. The intention is to provide SPC Members a list of all policies, the threat addressed, policy tool, legal effect and other pertinent details. As well, all of the relevant policies have been compiled and are included in the package for easy reference. The SP Planner will lead a review during the meeting (Agenda Item 3).

The suggestion presented at the previous meeting that the option to use soft tools had not been fully considered has been reviewed by staff. The Committee has the option to include a policy in the plan to govern research. It is believed that such a policy could dovetail well with the education and outreach program to inform future actions. It could address some of the shortcomings that were identified by OFEC and OFA. Suggested wording for such a policy is included in this package. It is to be presented by the SP Planner and considered in Agenda Item 4. If supported by the Committee a resolution directing staff to proceed with pre-consultation will be required.

## **3. Revisions to Policies to Address the Transportation of Hazardous Substances**

On December 14, 2011, our SPC Chair and program staff attended a meeting with Nickel District SPC Chair and staff, and representatives of both Ontario Northland Railway (ONR) and Canadian National (CN) in Sudbury. Minutes of that meeting are included in this package. An overview of the regulations and legislation governing the safety of rail operations was presented. It was agreed that adequate regulation exists.

Following discussions at the January 12, 2012 SPC meeting and a subsequent meeting with the Transportation Representative on January 30, 2012, the previously proposed policy was reviewed. It was determined that in simply requiring the rail operators to follow all applicable regulations, it constituted regulatory duplication and, as such, should be avoided. Therefore the policies were revised as follows and should impact rail and trucking operations equally as directed by the SPC:

### **Transportation of hazardous substances where the threat is significant – Policy 22A**

Now relies on signage to improve response times in the event of a spill and requires municipalities to revise their emergency response plans accordingly. Similarly, it requires Spills Action Centre to update its procedures.

### **Transportation of hazardous substances in North Bay IPZ-1 where the threat is mod or low – Policy 22B**

Now, like 22A, relies on signage to identify the area of concern, and revisions to emergency response plans and Spills Action Centre protocols accordingly.

It should be noted that the proposed signage policy identifies a relatively small area along Hwy 11 through Powassan. The area is small and the nature of the soils indicates that contamination from a spill under current regulatory requirements would be unlikely to reach the municipal wellheads. Regulations are already in place, which require spills to be reported promptly. The SPC has already drafted policies to ensure that both the Spills Action Centre and Emergency Responders are aware of the vulnerability of the area. Therefore it would be reasonable for the Committee to decide that signage is not necessary. The reason this option is being presented is because information presented to the SPC Chairs and Project Managers January 9, 2012 suggests that protocols for such signs make them extremely costly. One option is to ask the Municipality of Powassan whether they wish to have signs installed. This should be considered in Agenda Item 2 as part of the review of proposed policies.

#### **4. Application of Pesticides**

The threat posed by the application of pesticides is only identified as an existing significant threat in Trout Creek along the rail corridor, which is currently owned and operated by CN. Using the same rationale as for transportation, that it is desirable to avoid regulatory duplication, the use of licensed applicators should be adequate to ensure that groundwater is not contaminated. The proposed policy has been drafted as follows:

##### **Application of Pesticides where threat is significant (Trout Creek) – Policy 10B**

Relies on regulatory compliance with Ontario Pesticides Act. Rail operator is required to demonstrate that it has protocols in place which require the use of provincially licensed applicators if they apply pesticides. Similar requirement for MTO.

CN has been contacted for a copy of their vegetation control policy. If it requires the use of provincially licensed applicators in Ontario, this would meet the requirements of the policy.

#### **5. Report on Abandoned Gas Station in Trout Creek**

The report has been forwarded to the Municipality of Powassan as per Resolution 42-07.

#### **6. Timelines Update (Chart appended to this report)**

A summary chart of proposed timelines for completion of the SP Plan is appended and will be presented and considered in Agenda Item 6. This is the original timeline proposed and approved by the Committee on January 13, 2011 other than a minor change to the public meeting on the Draft SP Plan. That has been moved to Thursday, May 17 to avoid holding it on a Tuesday, which is a common evening for municipal council meetings.

The Project Manager will present and review the schedule. Committee Members should note that timelines are very tight and there is relatively little contingency available. Staff is looking for feedback on how review of the Draft SP Plan should be conducted to meet Members' needs. Draft versions of both the Plan and Explanatory Document must be presented at the March 8 SPC meeting.

#### **RECOMMENDED RESOLUTIONS**

**That the Report of the Project Manager, February 2, 2012 be accepted and appended to the minutes of this meeting.**

#### **CONCLUSION:**

We are continuing our work in providing support for the Source Protection Committee and in collecting and compiling the information that it will need to make relevant planning decisions.



Sue Miller, Manger Source Water Protection

| <b>NORTH BAY-MATTAWA SOURCE PROTECTION PLAN<br/>2012 TIMELINE</b> |               |                |
|---|---------------|----------------|
|   | Start         | Finish         |
| Pre-Consultation  | October 2011  | March 2012     |
| Preparation of Draft SP Plan                                      | January 2012  | April 2012     |
| <b>DRAFT PLAN</b>   |               |                |
| SPC Review & Approval of Draft Plan                               | March 1, 2012 | April 12, 2012 |
| Consultation on Draft Plan  | April 24      | May 31         |
| Post on Website   |               | Apr 24         |
| Publish Notice in Newspaper(s)                                    |               | Apr 24         |
| Send Notices of Posting   |               | Apr 24         |
| Public Meeting on Draft Plan                                      |               | May 17         |
| Consultation Period Closes  |               | May 31         |
| <b>PROPOSED PLAN</b>  |               |                |
| Prepare Proposed Plan   | June 1        | June 12        |
| SPC Approval of Proposed Plan                                     |               | June 21        |
| SPA Review of Proposed Plan                                       |               | June 27        |
| Consultation  | June 28       | July 31        |
| Post on Website   |               | June 28        |
| Consultation Period Closes  |               | July 31        |
| Compile Comments/Prepare for Submission                           | August 1      | August 12      |
| Present Proposed Plan to SPA                                      |               | August 15      |
| Submit SP Plan to MOE   |               | August 17      |

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

**1. Administration**

**a) Meeting called to order at 9:35 AM by Chair, Barbara Groves.**

**b) Attendance**

| <b>S P C</b>                    |                   | <b>Staff and Liaisons</b>                 |
|---------------------------------|-------------------|---|
| Barbara Groves, Chair           |                   | Sue Miller, Manager DWSP                  |
| Roy Warriner                    | George Onley      | Rob Pringle, Source Protection Planner    |
| Lucy Emmott (From 10:17 am)     | Randy McLaren     | Kristen Green, Water Resources Specialist |
| Dennis MacDonald                | Maurice Schlosser | Sue Buckle, Supervisor, Communications    |
| George Stivrins (until 1:00 pm) |                   | Neil Gervais, MOE Liaison                 |
| Beverley Hillier                |                   | Chuck Poltz, NBPSDHU Liaison              |
|                                 |                   |   |
| <b>Regrets</b>                  |                   | <b>Guests</b>                             |
| John MacLachlan, SPC            |                   | Michel Champagne                          |
|                                 |                   | Mark Kunkel                               |

**c) Declaration of Pecuniary Interest – None**

**d) Approval of Agenda**

Motion to Approve Agenda as presented made by Dennis MacDonald, seconded by Bev Hillier. (Resolution 44-01). **Carried**

**e) Approval of Minutes of February 9, 2012 SPC Meeting**

Motion to Approve Minutes as amended, moved by Dennis MacDonald, seconded by Roy Warriner. (Resolution 44-02). **Carried**

**f) Correspondence**

OFEC comments on draft Education and Outreach policies in ICA – These will be considered similarly to pre-consultation comments in the Explanatory Document (see item 2).

Response to email correspondence from Lori Anderson – Ms. Anderson wrote to express her concerns following attendance at a presentation from OFEC January 10, 2012 regarding potential implications of preliminary draft policies to address certain threats associated with agricultural operations.

**g) Project Manager's Report**

The Project Manager's Report was approved as amended by Resolution 44-03.

**h) MOE Liaison Report**

Neil Gervais, Liaison Officer, provided ministry updates. The ministry is offering to review each committee's draft plan before going out for consultation, to make sure policies are complete and in accordance with the legislation. The draft plan will be sent to MOE for

review on March 29<sup>th</sup>. Comments received will be reviewed at the next SPC meeting and incorporated into the draft plan before posting

## 2. Feedback from Pre-Consultation including Trout creek concerns and OFEC comments

Rob Pringle provided an overview of the pre-consultation comments received to date, as follows:

- OMAFRA indicated that more time is needed for them to respond.
- MOE's earlier comments have already been incorporated into the draft plan.
- MTO provided provincial signage policy text to be incorporated into our policies. The committee passed **Resolution 44-04 (Stivrins, MacDonald)**, requesting that the memorandum from MTO be forwarded to the Ontario Good Roads Association and area municipalities to solicit feedback. Staff will consult with other committees to see how they are responding. No changes to transportation policies will be made at this time.
- Comments provided by Chris Attema on behalf of Ontario Farm Environmental Coalition will be summarized in the rationale and financial considerations of the Explanatory Document, as passed by **Resolution 44-05 (MacDonald, McLaren)**.
- The Committee passed **Resolution 44-06 (Emmott, Stivrins)**, directing staff to prepare a letter to acknowledge those agencies or individuals who provided comment on the draft plan and invite further participation during the public consultation period.
- Due to the Municipality of Powassan's recommendation to remove Trout Creek from source protection planning and the level of apparent concern of the local residents, the committee passed **Resolution 44-07 (MacDonald, Warriner)**, directing staff to arrange a third public consultation period in Trout Creek, specific to the needs of the local residents.

## 3. Draft Plan and Explanatory Document Review

Rob Pringle provided an introduction to the draft Source Protection Plan and Explanatory Document. Initial comments were heard from the committee and discussions followed.

Comments:

- The document is pretty straightforward, very clear and easy to follow and stresses the reasons for our concerns.
- Recommended adding the implementing body to the policy summary tables.
- Explain the policy numbers and how they relate to the prescribed threat.
- Add major landmarks and street names to maps.
- Need to write an invitation letter to the public, inviting them to comment on the draft plan.
- One year may not be sufficient to complete Official Plan amendments. More appropriate to update it at the 5 year review.

- Clarification is required regarding timelines and implementation of the municipal policies.
- Education and outreach policies for DNAPLs and organic solvents are too detailed and onerous.
- Need to clarify that there are two components to each policy, the policy and the monitoring policy.
- SPC commented on what needs to be included in the list of definitions.
- Explanatory document needs to describe the approach taken to identify the Callander Issue Contributing Area.

There was some discussion on the timeframe for which an activity should be considered an existing threat. The Committee **passed Resolution 44-08 (Stivrins, Onley)**, endorsing a definition of 'existing' as activities that are being engaged in as of January 1, 2003, or approximately 10 years prior to the date the source protection plan will come into effect. The onus is on the landowner to prove that the activity is existing. Clarification needs to be included to ensure that the activity also complies with current municipal land use policies.

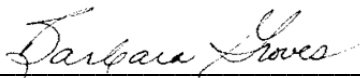
The Committee passed **Resolution 44-09 (Emmott, Hillier)**, directing staff to revise the draft source protection plan as discussed above.

## 6. New Business and Wrap-up

No new business.

## 7. Adjourn

Meeting adjourned at 1:55 p.m.



Barbara Groves, Chair



Sue Miller, Project Manager



**Resolution 44-01.**

THAT the Agenda for the North Bay-Mattawa Source Protection Committee meeting for March 15, 2012 be accepted:

- As amended:
- As Presented.

Moved by:     Beverley Hillier          Seconded By:     Dennis MacDonald    

Barbara Groves, Chair

**Resolution 44-02.**

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for February 09, 2012 be accepted:

- As amended: Item 5, "Sue Miller presented an overview" was amended to read " Sue Miller circulated an overview".
- As Presented.

Moved by:     Roy Warriner          Seconded By:     Dennis MacDonald    

Barbara Groves, Chair

**Resolution 44-03.**

THAT the Report of the Project Manager, March 8, 2012 be accepted as amended and appended to the minutes of this meeting.

Moved by:     Randy McLaren          Seconded By:     Roy Warriner    

Barbara Groves, Chair

**Resolution 44-04.**

THAT the memorandum from the Ministry of Transportation dated February 29, 2012 be forwarded to the Ontario Good Roads Association and area municipalities to solicit feedback regarding implementation of the MTO-recommended policy;

AND THAT for the interim, no changes will be made to policies 22A or 22B as a result of the recommended policy;

AND THAT the other source protection committees be additionally consulted to understand how they are responding.

Moved by: George Stivrins                      Seconded By: Dennis MacDonald

Barbara Groves, Chair

**Resolution 44-05.**

THAT the comments provided by Chris Attema on behalf of the Ontario Farm Environmental Coalition be addressed in the rationale and financial considerations portion of the Source Protection Plan;

AND FURTHER THAT the committee considers that the policies for the Issue Contributing Area, as they were presented, represent a thoughtful, scientific, and economical approach to address identified significant threats.

Moved by: Dennis MacDonald                      Seconded By: Randy McLaren

Barbara Groves, Chair

**Resolution 44-06.**

THAT staff prepare a letter for the Chair to respond to those agencies or individuals who have provided comment to acknowledge receipt and request further participation in the Draft Source Protection Plan consultation period.

Moved by: Lucy Emmott                      Seconded By: George Stivrins

Barbara Groves, Chair

**Resolution 44-07.**

THAT the source protection committee directs staff to arrange a third public consultation session for the Draft Source Protection Plan to specifically meet with residents of Trout Creek.

Moved by: Dennis MacDonald      Seconded By: Roy Warriner

Barbara Groves, Chair

**Resolution 44-08.**

THAT the source protection committee endorses a definition of 'existing' in reference to activities that relies on a date of January 1, 2003, or approximately 10 years prior to the date the source protection plan will come into effect;

AND FURTHER THAT the onus is on the proponent to demonstrate that the activity is existing;

AND FURTHER THAT clarification be included to require that a land use complies with municipal land use planning.

Moved by: George Stivrins      Seconded By: George Onley

Barbara Groves, Chair

**Resolution 44-09.**

THAT the source protection committee directs staff to implement the following in a revised draft source protection plan;

- 1) Additions and revisions to the list of definitions and addition of glossary terms
- 2) Revisions to timelines and implementation steps as a part of policies which are Planning Act tools, including site plan control.
- 3) Revision to education/outreach policies to reduce implementation requirements that are more onerous than is deemed necessary.

Moved by: Lucy Emmott      Seconded By: Beverley Hillier

Barbara Groves, Chair

**MINUTES OF THE FORTY FIFTH MEETING OF THE  
NORTH BAY-MATTAWA SOURCE PROTECTION COMMITTEE  
9:15 AM, THURSDAY, APRIL 12, 2012**

**Held at the North Bay-Mattawa CA Boardroom, 15 Janey Ave North Bay**

**1. Administration**

**a) Meeting called to order at 9:20 AM by Chair, Barbara Groves.**

**b) Attendance**

| S P C                    |                   | Staff and Liaisons                                 |
|--------------------------|-------------------|--|
| Barbara Groves, Chair    |                   | Sue Miller, Manager DWSP                           |
| Roy Warriner             | George Onley      | Rob Pringle, Source Protection Planner             |
| Lucy Emmott (From 12:45) | Randy McLaren     | Kristen Green, Water Resources Specialist          |
| Dennis MacDonald         | Maurice Schlosser | Sue Buckle, Supervisor, Communications             |
| George Stivrins          | John MacLachlan   | Neil Gervais, MOE Liaison (until 10:50, via phone) |
| Beverley Hillier         |                   | Chuck Poltz, NBPSDHU Liaison                       |

**c) Declaration of Pecuniary Interest – None**

**d) Approval of Agenda**

Motion to Approve Agenda as presented made by Beverley Hillier, seconded by Dennis MacDonald. (Resolution 45-01).

**Carried**

**e) Approval of Minutes of March 15, 2012 SPC Meeting**

Motion to Approve Minutes as presented, moved by George Onley, seconded by George Stivrins. (Resolution 45-02).

**Carried**

**f) Correspondence**

Salt Institute comments on road salt policies - Comments were considered by the committee but will not affect the draft policies.

**g) Project Manager's Report (verbal)**

Sue Miller provided an update on timelines to complete the source protection plan. So far everything is on schedule, but timelines are tight. There is some flexibility in the schedule to shift things around if more time is needed to complete the draft or proposed plan.

Proposed meeting dates for public consultation were presented. Proposed dates include:

- May 10<sup>th</sup> – Callander
- May 17<sup>th</sup> – Municipal
- May 24<sup>th</sup> – Trout Creek

The municipality of Powassan passed a resolution to remove Trout Creek from source protection planning, but this has not yet been received. A meeting has been set up with the municipality to discuss their concerns. In addition, information will be going out to the local residents to provide more information and try to clear up misconceptions.

Neil Gervais indicated that the resolution to remove Trout Creek has not yet been received by MOE. If they do receive the resolution, the Ministry will advise how to proceed. There is nothing in the Clean Water Act regarding removing systems, but the same process that brought the system in will likely have to occur to remove the system. This could include public consultation, as Trout Creek would have to be removed from both the terms of reference and the assessment report. The Committee should continue to move forward according to the approved Terms of Reference until otherwise advised.

The verbal Project Manager's Report was accepted by Resolution 45-03.

#### **h) MOE Liaison Report**

Neil Gervais, Liaison Officer, provided ministry updates. The ministry reviewed the draft plan and provided comments and key items for consideration just prior to the meeting. Some important changes are required to ensure legislative compliance and/or provide clarity and improve readability. Staff will review the comments and make changes as necessary. Changes required as a result of MOE's comments will be provided to the Committee for approval.

### **2. Update on Pre-consultation Comments Received**

Rob Pringle provided an update on pre-consultation comments. Approximately half of the implementing bodies have responded. The rest are expected to come, but if they weren't received before today's meeting, the comments will be considered as part of consultation on the draft plan. Consultation comments will be summarized in the explanatory document.

No changes have been made to the transportation policies in regard to incorporating the policy text provided by MTO. **Action: Staff will consult with other committees to see how they are responding.**

### **3. Draft Plan and Explanatory Document Review**

The draft plan was reviewed and comments were provided and discussed by the Committee. Ministry comments were also reviewed. A summary of Committee comments is provided below:

- Need to state whether appendices form part of the plan or not.
- Ensure definitions are consistent with official plans and zoning bylaws.
- More definitions needed – vegetated buffers, DNAPLs, vulnerable areas, threat levels.
- Reduce acronyms where possible and include a list of acronyms with definitions.
- Add names of SPA and SPC members.
- Include a brief paragraph explaining each policy summary table.
- WDS - need to better understand what temporary storage of waste includes.  
**Action: Staff will look into what constitutes temporary waste storage.**
- The committee agreed that policy WDS1 should be reworded to manage the existing threat with best management practices instead of prohibiting an existing activity.
- Suggested rewording provided for WDS2 and similar policies.
- FUL1 – Revision suggested to clarify requirements for implementation

- FUL3 - add definition of below grade and partially below grade fuel storage.
- Implementation and enforcement of the DNAPLs and organic solvent policies by municipalities will be difficult in terms of knowing what the substances are and who stores them. A list of land uses would be helpful.  
**Action: Staff will look into how other SP areas are dealing with DNAPLs and organic solvent storage.**
- HAZ1 - add paragraph explaining DNAPLs and their uses and clarify that the policy does not apply to residential uses.
- HAZ1.2-CN – section needs clarification.
- FUL5.4 - more time may be needed to deliver the education program.
- Definition of snow storage facilities needed.

Staff will consider all comments received and make the necessary revisions to the plan.

The draft plan will be posted for public comment on April 24, 2012. The Committee directed staff to provide the Committee with a summary of comments received on the draft plan for the next meeting.

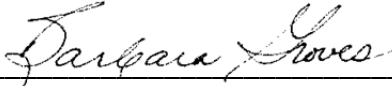
#### 6. New Business and Wrap-up

No new business.

#### 7. Next Meeting – At the call of the Chair

#### 8. Adjourn

Meeting adjourned at 2:45 p.m.

  
\_\_\_\_\_  
Barbara Groves, Chair

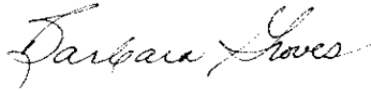
  
\_\_\_\_\_  
Sue Miller, Project Manager

**Resolution 45-01.**

THAT the Agenda for the North Bay-Mattawa Source Protection Committee meeting for April 12, 2012 be accepted:

- As amended:
- As Presented.

Moved by: Beverley Hillier      Seconded By: Dennis MacDonald



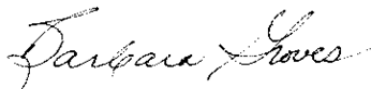
Barbara Groves, Chair

**Resolution 45-02.**

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for March 15, 2012 be accepted:

- As amended:
- As Presented.

Moved by: George Onley      Seconded By: George Stivrins

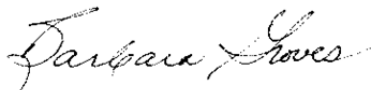


Barbara Groves, Chair

**Resolution 45-03.**

THAT the Verbal Report of the Project Manager, April 12, 2012 be accepted and recorded in the minutes of this meeting.

Moved by: George Onley      Seconded By: John MacLachlan



Barbara Groves, Chair

**MINUTES OF THE FORTY SIXTH MEETING OF THE  
NORTH BAY-MATTAWA SOURCE PROTECTION COMMITTEE  
9:15 AM, TUESDAY, JUNE 5, 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    |
| Lucy Emmott (From 9:30 to 11:30) | Randy McLaren     | Kristen Green, Water Resources Specialist |
| Dennis MacDonald                 | Maurice Schlosser | Sue Buckle, Supervisor, Communications    |
| George Stivrins                  | John MacLachlan   | Neil Gervais, MOE Liaison                 |
|                                  |                   | Brian Tayler, CAO, Secretary-Treasurer    |
|                                  |                   | <b>Guest:</b> Mark Kunkel, OFA            |

**c) Declaration of Pecuniary Interest – None**

**d) Approval of Agenda**

Motion to Approve Agenda as presented made by Beverley Hillier, seconded by George Onley. (Resolution 46-01). **Carried**

**e) Approval of Minutes of April 12, 2012 SPC Meeting**

Motion to Approve Minutes as presented, moved by George Onley, seconded by John MacLachlan. (Resolution 46-02). **Carried**

**f) Correspondence**

All 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 46-03 and will be appended to the minutes of this meeting.

**h) MOE Liaison Report**

Neil Gervais, Liaison Officer, provided Ministry of Environment updates to the committee. As in the letter dated May 11<sup>th</sup> to SPC Chairs and Project Managers, the Ministry is asking that prescribed instrument polices be written such that there is flexibility on timelines and how to address the threat. Rather than directing specific changes, Committees are requested to let the ministries determine the most appropriate means to address the threat. For non-prescribed instrument polices, consideration should be given on how to identify information gaps and potential program enhancements rather than requiring legislative changes.



There was concern expressed over the Ministry's ability to meet timelines with the diverse requirements being proposed by various Committees, and flexibility for implementation was requested.

Comments were provided by the ministry on the draft plan. Neil highlighted some of the key comments:

- ensure legislative compliance and the use of proper terminology
- ensure all threats have been considered
- wording provided by MTO has not been incorporated into the policies
- transition provisions not included
- monitoring polices require dates for implementation

One committee member opposed providing flexibility, stating that polices are often developed for southern Ontario, which do not necessarily make sense for northern Ontario.

## **2. Resolution from Powassan to withdraw Trout Creek**

The SPC considered the written comments, comments made during the Trout Creek consultation meeting, the submitted petition, as well as the letter and motion from the Municipality of Powassan requesting Trout Creek's removal from the Terms of Reference (ToR).

The Clean Water Act provides that the SPC may request an amendment to the ToR. Final approval of an amended Terms of Reference as well as the Source Protection Plan rests with the Minister of the Environment.

Discussion reflected the following:

- Designation of Trout Creek vulnerable areas and threats are based on scientific study undertaken in accordance with Ministry of Environment (MOE) guidelines.
- SPC mandate is to ensure that drinking water sources are protected from existing and future significant threats.
- The letter and motion from the Municipality of Powassan as well as the petition contain inaccuracies and these inaccuracies could be impacting public opinion and consideration.
- There are addresses on the petition which exist outside the vulnerable areas and policies and those persons are not affected by the SP Plan.
- The Municipality of Powassan has the option of asking the Minister of the Environment to amend the ToR to remove Trout Creek if SPC does not initiate process of amending the ToR.
- The municipal council is a duly elected voice of the people to be considered. The SPC could also conduct further consultation with the community in the form of
  - a) an education campaign to ensure residents are fully aware of the facts and to correct false information,
  - b) provide residents with a more formal vehicle for expressing comments (ie mailout with return envelope)

- Public comment has been made asking that Trout Creek remain in the SP Program

Section 4.2 of the SPC's Rules of Procedure indicates that if the Committee is unable to achieve consensus, the decision may be made by a vote at the next meeting. As a result the following motion was made:

Motion to suspend the Rules of Procedure in accordance with Bourinot's Rules of Order to vote on the matter of a motion to amend the terms of reference was moved by Lucy Emmott, seconded by Beverley Hillier (Resolution 46-04).

**Carried Unanimously**

Motion to proceed with an amendment to the Terms of Reference to remove the Trout Creek well cluster from the Terms of Reference was moved by George Onley, seconded by George Stivrins (Resolution 46-05).

**Motion defeated**

Following the vote on the motion, the SPC directed staff to respond to the Municipality of Powassan to advise of the SPC's decision and rationale, and to address the inaccuracies in the letter.

The letter to Council should also advise Council of its option to submit a request to the Minister of the Environment to amend the Terms of Reference, and to submit written comments following the posting of the Proposed Source Protection Plan.

It should further inform Council that the Clean Water Act does not allow the SPC to amend the Proposed Source Protection Plan once posted however it requires that all comments received during the consultation on the Proposed SP Plan be submitted to the Minister of the Environment with the Proposed SPP. The Minister of the Environment gives the final approval for the SP Plan.

### **3. Review summary of comments**

Comments submitted during the 30 day public consultation period on the draft plan were reviewed. A summary of discussions is provided below.

- Comments submitted by East Nipissing/Parry Sound Federation of Agriculture resulted in the following actions:
  - Staff will contact the consultant to request clarification of the phosphorus contributions from agriculture.
  - Staff will respond to the effectiveness of buffer strips to remove phosphorus.
  - The definition of a watercourse will be explained in the plan.
- The agriculture representative expressed the need to remove the Callander Issue Contributing Area from the Terms of Reference. Significant discussion has occurred regarding this matter and the Committee is satisfied with the policies in place.

- The Central Almaguin Planning Board (CAPB) submitted a resolution indicating that their preferred policy approach would be to use risk management or prohibition, with the default implementer being the province. The direction from the committee was to use the least onerous policy and agreed that Section 57 prohibition and education and outreach polices was the preferred approach.
- In response to the recent formaldehyde spill, the Trout Lake Conservation Association submitted comments in regard to lowering of speed limits on Hwy. 63 and made several other suggestions to reduce the potential of spills on either the highway or railway. The committee is satisfied with the current policies and do not see a need to amend them at this time.
- It was discovered by MAH that a very small section of Mattawan Township is included in WHPA-C. Consultation with Mattawan on the draft plan will need to occur.

All comments received will be summarized in the Explanatory Document, including if changes to policy were or were not made as a result of the comment.

#### **4. Draft Plan and Explanatory Document Review**

Direction was given by the committee for staff to amend the draft plan and explanatory document as a result of comments received. An explanation of the changes made will be provided to the committee to review prior to approval of the proposed plan.

#### **5. Meeting Schedule and Timelines**

The following timeline was proposed:

July 6<sup>th</sup> – Draft of Proposed Source Protection Plan to SPC for review

July 16<sup>th</sup> – SPC meeting

July 20<sup>th</sup> – Post Proposed Plan

#### **6. New Business**

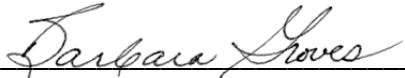
The need for a Risk Management Official was reviewed. Based on the policies written, a Risk Management Official will be required, however no activities currently exist that would require a Risk Management Plan. The committee is satisfied with the policies and the requirements for a Risk Management Official.

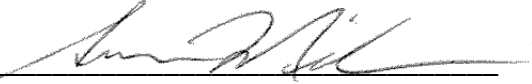
A home heating oil tank leak was reported to have occurred on the south shore of Callander Bay. Contaminated materials are currently being excavated from the site.

**Action:** Staff will investigate the cause of the leak.

#### **7. Adjourn**

Meeting adjourned at 2:00 p.m.

  
\_\_\_\_\_  
Barbara Groves, Chair

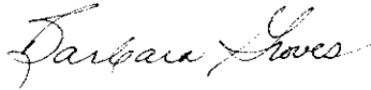
  
\_\_\_\_\_  
Sue Miller, Project Manager

**Resolution 46-01.**

THAT the Agenda for the North Bay-Mattawa Source Protection Committee meeting for June 6, 2012 be accepted:

- As amended:
- As Presented.

Moved by: Beverley Hillier      Seconded By: George Onley



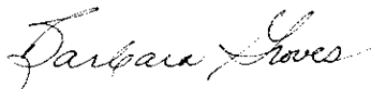
Barbara Groves, Chair

**Resolution 46-02.**

THAT the Minutes for the North Bay-Mattawa Source Protection Committee meeting for April 12, 2012 be accepted:

- As amended:
- As Presented.

Moved by: George Onley      Seconded By: John MacLachlan

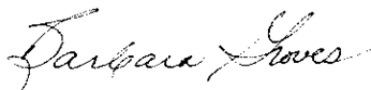


Barbara Groves, Chair

**Resolution 46-03.**

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

Moved by: Randy McLaren      Seconded By: Dennis MacDonald



Barbara Groves, Chair

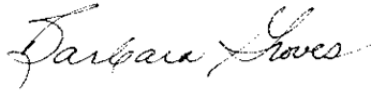
**Resolution 46-04.**

That the SPC suspend the Rules of Procedure in accordance with Bourinot's Rules of Order to vote on the matter of a motion to amend the Terms of Reference.

Moved by: Lucy Emmott

Seconded By: Beverly Hillier

**Carried Unanimously.**



Barbara Groves, Chair

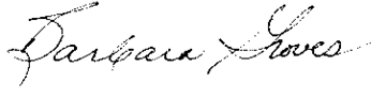
**Resolution 46-05.**

That the Source Protection Committee proceed with an Amendment to the Terms of Reference to remove the Village of Trout Creek from the Terms of Reference.

Moved by: George Onley

Seconded by: George Stivrins

**Motion defeated.**



Barbara Groves, Chair

**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)                      |
|                       |                   | <b>Chuck Poltz (from 10 :45 a.m.)</b>                             |
| 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 20<sup>th</sup> 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 31<sup>st</sup> 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