

**SOURCE PROTECTION AUTHORITY
ON-LINE VIDEO CONFERENCE
AND IN-PERSON MEETING**

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

**Friday, February 17, 2023
To Be Held Immediately
After the Full Authority Meeting**

A G E N D A

CALL TO ORDER

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiowonderonk (Neutral), and the Anishinaabeg, including the Mississaugas of the Credit—many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties (No. 3, 4, and 381) and is within the land protected by the Dish with One Spoon Wampum agreement. Today, the watershed is home to many First Nations, Métis, and Inuit peoples. Through the 2021-2031 Strategic Plan, we re-confirm our commitment to shared stewardship of natural resources and deep appreciation of Indigenous culture and history in the watershed.

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

- a) Approval of the Minutes of the Source Protection Authority Meeting dated November 18, 2022

Page # 1

4. CORRESPONDENCE

5. PRESENTATIONS

- a) PowerPoint Presentation by Thomas Proks, Source Protection and Hydrogeology Specialist RE: Niagara Peninsula Source Protection Area Overview and Updates (For Receipt)

Page # 4

6. DELEGATIONS

7. CONSENT ITEMS

8. DISCUSSION ITEMS

a) Report No. SPA-01-23 RE: SPC Member Appointment (Confidential Report – circulated under separate cover for Members only – For Approval in open session)

b) Report No. SPA-02-23 RE: SPC Municipal Members Appointment (For Approval)

Page # 21

c) Report No. SPA-03-23 RE: SPA Liaison Appointment (For Approval)

Page # 26

9. NEW BUSINESS

10. CLOSED SESSION (IF REQUIRED)

11. ADJOURNMENT

**SOURCE PROTECTION AUTHORITY
ON-LINE VIDEO CONFERENCE
AND IN-PERSON MEETING
MINUTES**

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

**Friday, November 18, 2022
9:30 a.m.**

NOTE: The archived recorded meeting is available on the NPCA website. The recorded video of the Source Protection Authority meeting is not considered the official record of that meeting. The official record of the Source Protection Authority meeting shall consist solely of the Minutes approved by the Source Protection Authority Board.

MEMBERS PRESENT: R. Foster (Chair)
S. Beattie
R. Brady
B. Clark
J. Hellinga
J. Ingrao
K. Kawall
B. Mackenzie
J. Metcalfe
W. Rapley
E. Smith
M. Woodhouse
B. Wright

MEMBERS ABSENT: D. Cridland
L. Feor
D. Huson
R. Shirton
B. Steele

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
E. Baldin, Manager, Land Planning

A. Christie, Director, Land Operations
D. Deluce, Senior Manager, Environmental Planning and Policy
L. Gagnon, Director, Corporate Services
R. Hull, Manager, Strategic Business Planning
L. Lee-Yates, Director, Watershed Management
T. Proks, Source Water Protection Coordinator

The Chair called the meeting to order at 9:30 a.m..

1. APPROVAL OF AGENDA

Resolution No. SPA-08-2022

Moved by Board Member Beattie

Seconded by Board Member Mackenzie

THAT the Source Protection Authority agenda dated November 18, 2022 **BE APPROVED.**
CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Approval of the Minutes of the Source Protection Authority meeting dated May 20, 2022

Resolution No. SPA-09-2022

Moved by Board Member Rapley

Seconded by Board Member Kwall

THAT the minutes of the Source Protection Authority Board meeting dated May 20, 2022
BE ADOPTED.

CARRIED

4. CORRESPONDENCE

- a) Email dated October 19, 2022 from Kristen Corrigan, Director, Conservation and Source Protection / Ontario Ministry of the Environment, Conservation and Parks RE: Source Protection Committee Chair Reappointments

Resolution No. SPA-10-2022

Moved by Board Member Smith

Seconded by Board Member Clark

1. **THAT** the email dated October 19, 2022 from Kristen Corrigan, Director, Conservation and Source Protection / Ontario Ministry of the Environment, Conservation and Parks RE: Source Protection Committee Chair Reappointments **BE RECEIVED.**

2. **AND THAT** the re-appointment of Bill Hodgson as Chair **BE ACKNOWLEDGED**.

CARRIED

5. DISCUSSION ITEMS

- a) Report No. SPA-02-22: Updates to the Operating Policy of the Source Protection Committee Member's Handbook – Thomas Proks, Source Water Protection Coordinator spoke on the report.

Resolution No. SPA-11-2022

Moved by Board Member Wright

Seconded by Board Member Metcalfe

1. **THAT** Report No. SPA-02-22: Updates to the Operating Policy of the Source Protection Committee Member's Handbook **BE RECEIVED**.

2. **THAT** the Source Protection Authority **APPROVES** the updates to the Operating Policy of the Source Protection Committee Member's Handbook.

CARRIED

6. NEW BUSINESS

None

7. CLOSED SESSION

None

8. ADJOURNMENT

With no further business, the Source Protection Authority adjourned at 9:41 a.m..

Robert Foster
Chair,
Source Protection Authority

Chandra Sharma
Chief Administrative Officer / Secretary -
Treasurer
Source Protection Authority



Niagara Peninsula Source Protection Area Overview and Updates

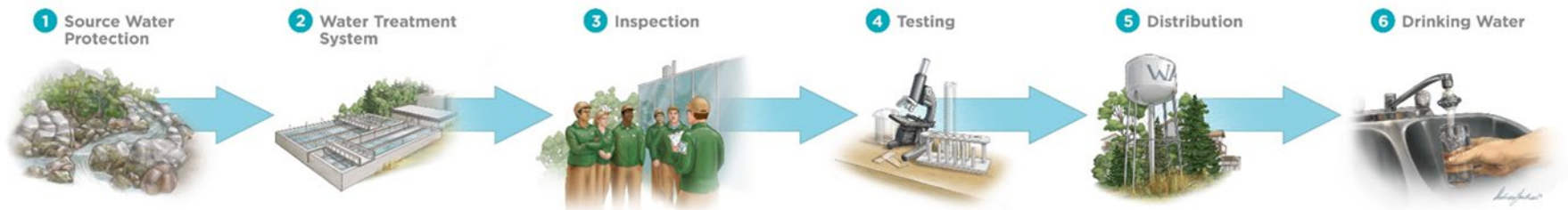
Niagara Peninsula Source Protection Authority

Thomas Proks, P.Geo.

February 17, 2023

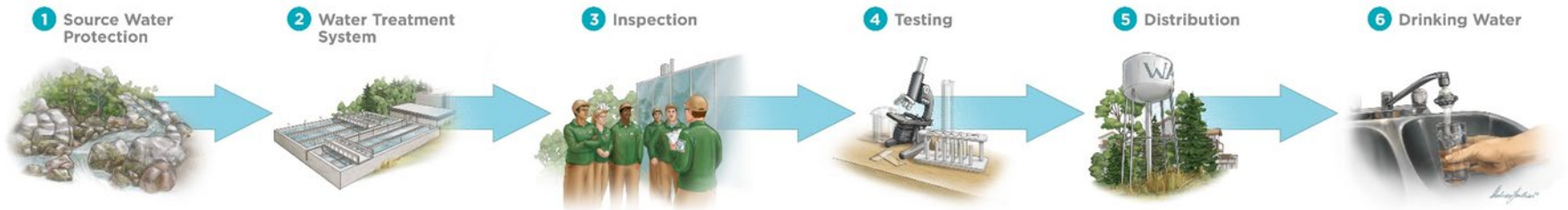
Source Protection Program Context

- After the Walkerton tragedy in May 2000, Justice Dennis O'Connor was commissioned to lead an inquiry into the contamination of the Walkerton water supply and more broadly, the safety of Ontario's drinking water.
- *Clean Water Act*, 2006 (CWA) came into force July 3rd, 2007.
- First Principle - concept of prevention in the safeguarding of our drinking water for our communities and our health.



Source Protection Program Context

- The CWA established 38 source protection areas within the Province generally based on Conservation Authority boundaries under the *Conservation Authorities Act*, 1990.
- Source protection plans are now in place for municipal residential drinking water systems within the 38 source protection areas, representing approximately **90% of the population** within those source protection areas.

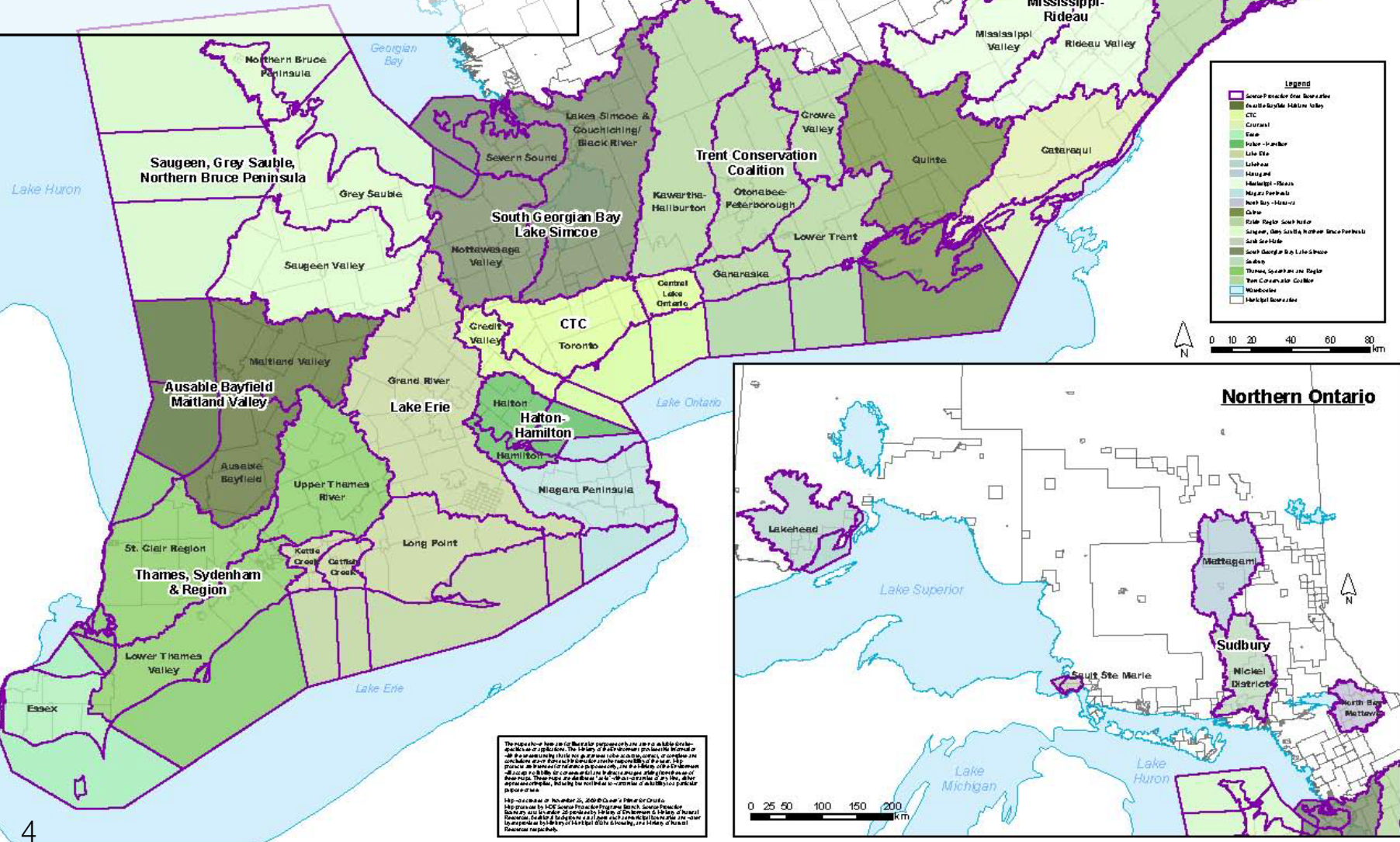


Source Protection Areas & Regions

Regulation 284/07

Source Protection: Scope

19 Source Protection Regions and Committees
38 Source Protection Areas





DRINKING WATER
SOURCE PROTECTION
ACT FOR CLEAN WATER

NPSA Assessment Report

Figure 5-5: Intake Protection Zones



Thursday, July 14, 2011



Source Protection Process

Assessment Report (November 2013)

- Vulnerable zones and vulnerability scores delineated
- Significant threats identified

Source Protection Plan (legal effect October 2014)

- Policies to address significant threats
- Implementer timelines and responsibilities

Implementation of Source Protection Plan

- By municipalities, provincial ministries, etc.
- Annual monitoring reporting by SPA

Updates to Assessment Report and Source Protection Plan (2018-Present)

Recent Changes

- CA Act amendments solidify Source Water Protection as a core mandate of the CA
- Provincial Funding for Source Water Protection continues with the first ever funding application for two year term
- Phase II Director's Technical Rule Amendments released in late 2021
- Early 2022 release of Best Practices guidance for Source Protection for other drinking water systems

Upcoming Section 36 Update

- May 2021 - receipt of Section 36 deadline extension
 - previous deadline was March 2022; new deadline is to submit within 6 months of completing updates
- Source Water Protection Technical Work in process for three (3) Niagara Region Water Treatment Plants
 - Welland
 - Rosehill (Fort Erie)
 - Niagara Falls
- Can accommodate Phase II DTR changes as well

Welland

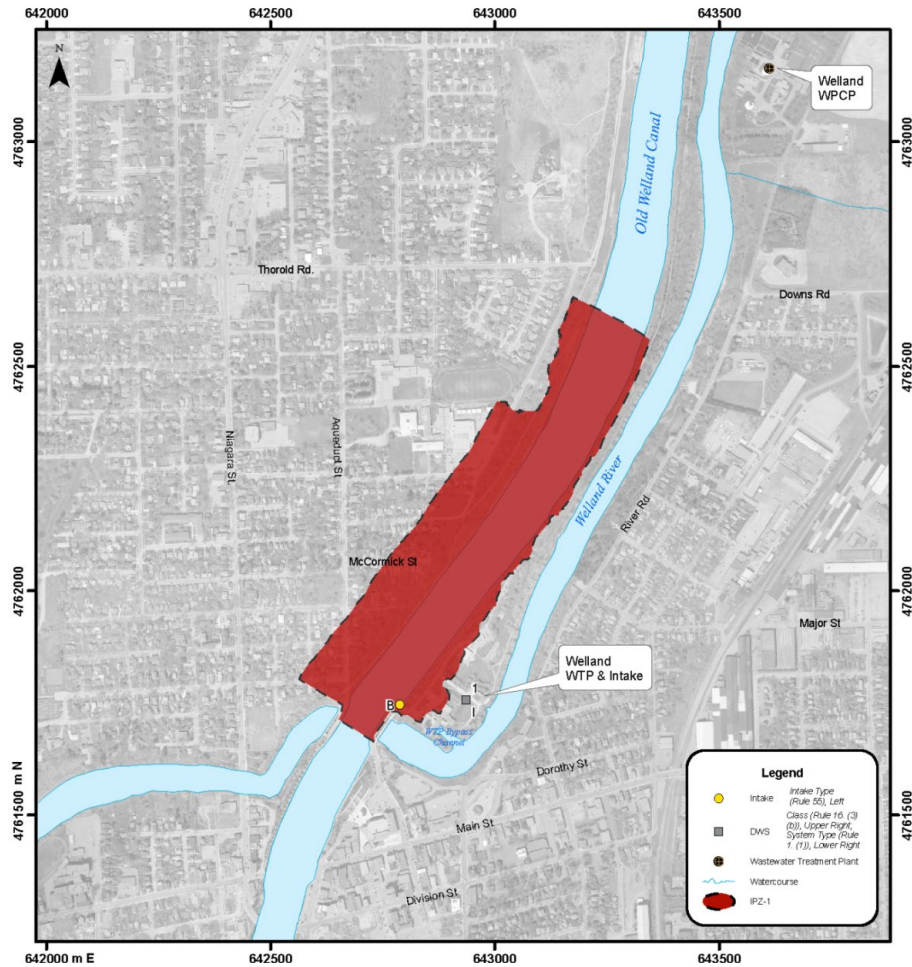


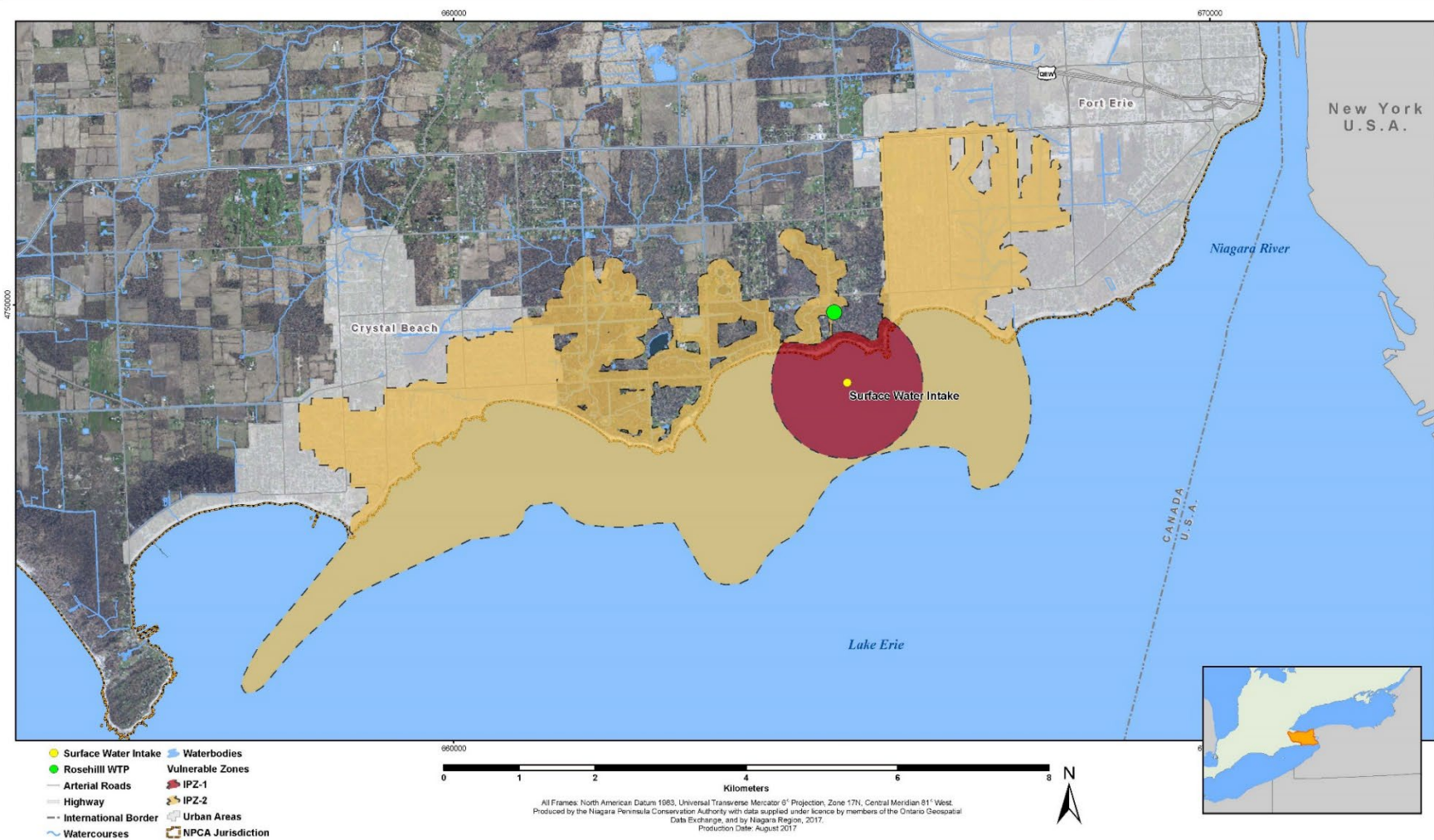
Figure 5: Rosehill IPZ-1/ IPZ-2



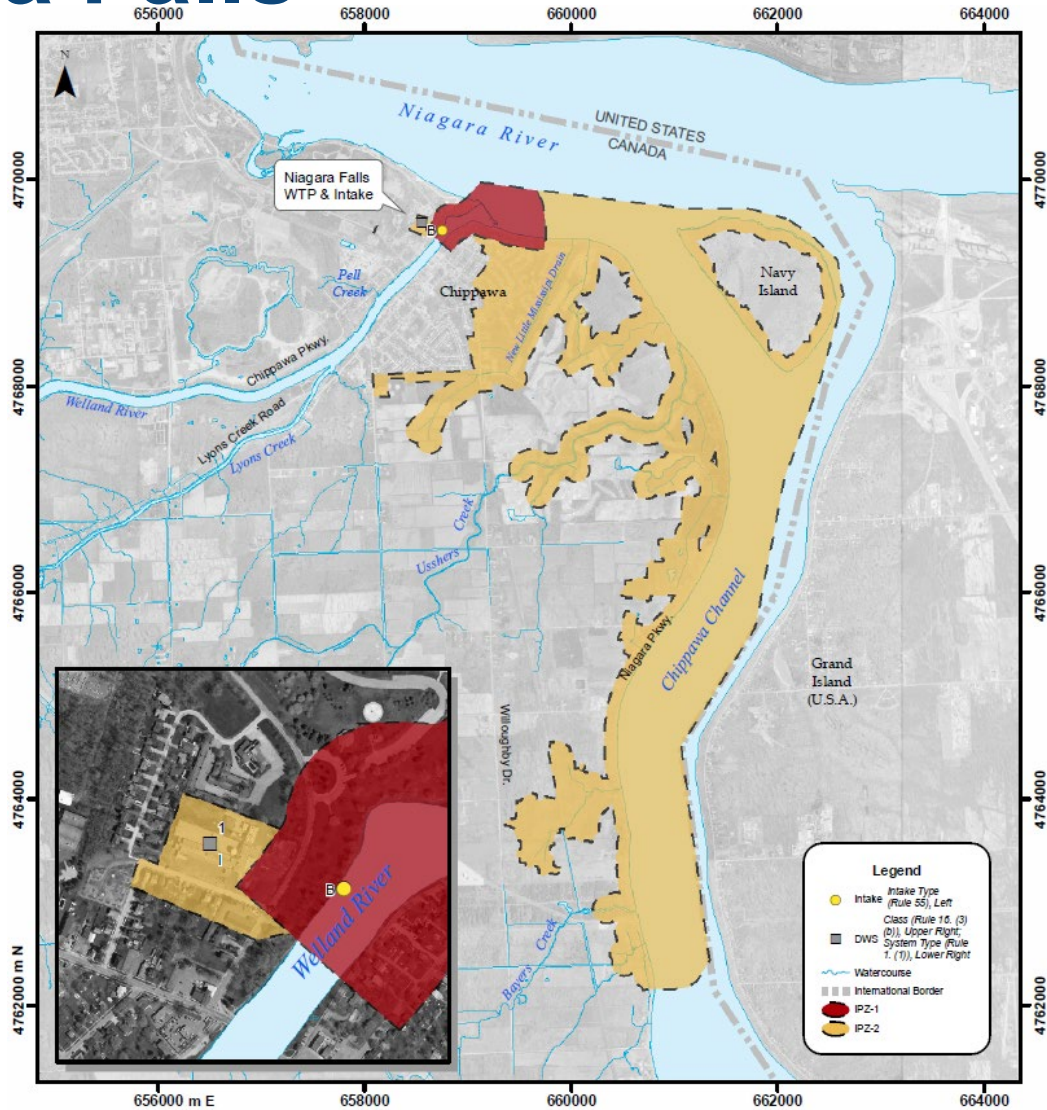
NIAGARA PENINSULA
CONSERVATION
AUTHORITY



DRINKING WATER
SOURCE PROTECTION
ACT FOR CLEAN WATER



Niagara Falls



Moving Forward

- Continue CWA Annual Progress Reporting
- Accommodate technical work and additional updates to Assessment Report and Source Protection Plan
- Conduct Pre-consultation with affected stakeholders
- Finalize Assessment Report and Source Protection Plan updates
- Public Consultation
- SPA review and approval before final submission

Thank You

For more information please refer to the DWSP Primer, visit our website at


sourceprotection-niagara.ca

or contact me

Thomas Proks, P.Geo.

905 – 788 – 3135 ext. 261

tproks@npca.ca



Drinking Water Source Protection Primer: For Municipal Councillors


Your community relies on safe, sustainable drinking water. Protecting the water at its source is an important first step in the drinking water safety net.

Ontario has a comprehensive Drinking Water Source Protection Program to ensure sources of municipal drinking water are protected now and into the future. Under this program, local source protection plans developed under the *Clean Water Act, 2006*, are in place. These plans contain policies that protect municipal drinking water sources (water found in lakes, rivers and groundwater aquifers) from contamination and overuse.

Meet your statutory standard of care responsibilities

Source protection plans require municipalities to implement policies to protect the source water for their drinking water systems. The *Safe Drinking Water Act, 2002*, includes a statutory standard of care (section 19) for individuals with oversight responsibilities for municipal drinking water systems, including municipal councillors.

This standard ensures that you are practicing due diligence to protect public health when making decisions that could affect drinking water. This includes a consideration of the source water characteristics as well as the risks posed to it.



Learn more at: ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils.

Ensure source protection planning is in place

New regulation 205/18 has been established under the *Safe Drinking Water Act, 2002*, to ensure that source protection planning is in place for new and changing municipal systems, before treated drinking water is provided to the public. The



Drinking Water Source Protection Primer: For Municipal Councillors

Your community relies on safe, sustainable drinking water. Protecting the water at its source is an important first step in the drinking water safety net.

Ontario has a comprehensive Drinking Water Source Protection Program to ensure sources of municipal drinking water are protected now and into the future. Under this program, local source protection plans developed under the Clean Water Act, 2006, are in place. These plans contain policies that protect municipal drinking water sources (water found in lakes, rivers and groundwater aquifers) from contamination and overuse.

Meet your statutory standard of care responsibilities

Source protection plans require municipalities to implement policies to protect the source water for their drinking water systems. The Safe Drinking Water Act, 2002, includes a statutory standard of care (section 19) for individuals with oversight responsibilities for municipal drinking water systems, including municipal councillors.

This standard ensures that you are practicing due diligence to protect public health when making decisions that could affect drinking water. This includes a consideration of the source water characteristics as well as the risks posed to it.



Learn more at: ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils.

Ensure source protection planning is in place

New regulation 205/18 has been established under the Safe Drinking Water Act, 2002, to ensure that source protection planning is in place for new and changing municipal systems, before treated drinking water is provided to the public.



The regulation came into effect on July 1, 2018. Municipal residential drinking water system owners are now responsible for ensuring that vulnerable areas are delineated and vulnerability scores are identified before they apply for a drinking water works permit. Source protection plans must also be amended and approved prior to the treated water being supplied to the public.

Notify your local conservation authority immediately, when planning changes to your drinking water systems, or planning for a new well/intake or a new system.

Provincial Policy Statement

Municipalities and other planning authorities must follow the Provincial Policy Statement. Section 2.2.1 mandates planning authorities to protect, improve or restore the quality and quantity of water. This includes protecting vulnerable areas associated with drinking water sources.

Be informed

- **Your constituents** may come to you with questions about the source of their drinking water supply. Find out how drinking water source protection benefits your region, and the cost of the protection. Know how many municipal wells/surface water intakes there are, where they are located, and who they serve in your municipality. Determine these with help from your municipal staff and local conservation authority.
- **Municipalities** are responsible for implementing more than half of the policies found in source protection plans. Many of these policies are legally binding.

Review the source protection plan for your area to find out what policies are to be implemented within your municipality and what actions are being taken to protect drinking water vulnerable areas.

- Understand how **source protection plan policies** can impact building requirements. Development applications and planning or building permits may be flagged at a municipality for land use planning policies. These applications or permits often need to be reviewed by the local risk management official (RMO) before they can be submitted to the municipality. Proposed activities may require a risk management plan, or in some cases are prohibited.
- When a **risk management plan** is needed, a risk management official works with the landowners/renters to develop a plan that contains measures to protect drinking water sources. A risk management plan is only required when a property is in a vulnerable area and the activity being undertaken poses a significant level risk to drinking water sources.
- **Sewage systems** identified under the Clean Water Act as causing significant level risks to drinking water sources, are subject to mandatory inspections through the Building Code Act, 1992.
- The Drinking Water Source Protection Program does not include **individual private wells**. A private well owner needs to regularly sample their water to test its quality, and properly maintain their well to protect water sources. [The Best Practices for Source Water Protection](#) developed by the Ministry of the Environment, Conservation and Parks, provides guidance for systems not covered under Clean Water Act.



What's a vulnerable area?

Drinking water source protection is based on science. Local scientific data was used to create maps that show drinking water vulnerable areas. In these areas, we need to pay attention to activities causing contamination and overuse of our municipal drinking water sources.

To find out if a property is located in a drinking water vulnerable area, search the Source Protection Information Atlas at ontario.ca/page/source-protection.

There are four types of vulnerable areas:

Wellhead protection areas (WHPAs) are areas around municipal wells where the groundwater is travelling toward that well when the well is being pumped. These areas should be protected from risks to the quality and quantity of the drinking water source.

Intake protection zones (IPZs) are areas of land and water around surface water intakes that should be protected from risks to the quality and quantity of the drinking water source.

Significant groundwater recharge areas (SGRAs) are areas where a relatively high percentage of precipitation seeps into the ground to help maintain the water level in an aquifer that supplies a community or private residence with drinking water.

Highly vulnerable aquifers (HVAs) are areas that are particularly susceptible to contamination based on factors such as the aquifer depth underground, the soil types, soil permeability and other characteristics of the surrounding soil or rock.

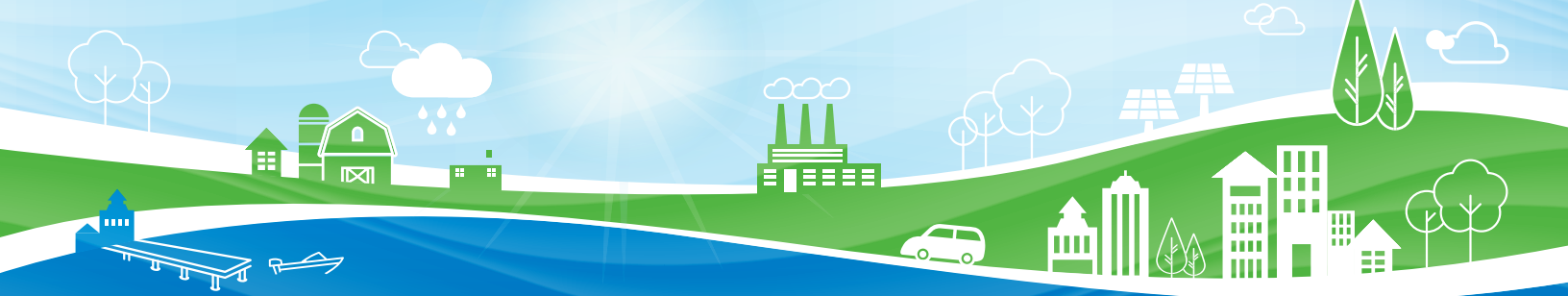
If a water quality issue is identified by source protection committees under the Clean Water Act, issue contributing areas (ICAs) can be delineated within the vulnerable areas. Examples of issues identified in Ontario include nitrate and sodium. Mandatory policies apply within issue contributing areas in order to ensure that the source water quality is protected or improved.

Know the threats to drinking water sources

The Clean Water Act identifies activities that could pose a threat to drinking water sources under certain circumstances. These threat activities may be significant, moderate or low level risks. Identified threats include:

- Application, handling and storage of agricultural source material (such as manure), non-agricultural source material (such as biosolids), commercial fertilizer, and pesticides.
- Handling and storage of fuel, dense non-aqueous phase liquids (DNAPLs*), and organic solvents.
- Management of aircraft de-icing chemical runoff.
- Land used for livestock grazing or pasturing, outdoor confinement areas, and farm-animal yards.
- Application, handling and storage of road salt, and storage of snow.
- The establishment, operation and maintenance of systems that collect, store, transmit, treat or dispose of sewage (such as septic systems and sewage treatment plants, stormwater management facilities).
- The establishment, operation and maintenance of waste disposal sites (such as landfills).
- Activities that take water from a water body without returning the water to the same water body.
- An activity that reduces the recharge of an aquifer.
- The establishment and operation of a liquid hydrocarbon pipeline (added in April 2018, through an amendment to the Clean Water Act).

**DNAPLs, or dense non-aqueous phase liquids, are a particularly hazardous group of substances that are heavier than water and are difficult to remove once they contaminate a water source.*



Have you seen this Drinking Water Protection Zone sign?

These signs are appearing across Ontario to raise awareness about the vulnerability of our municipal drinking water sources. Governments at the local and provincial level are placing signs along roadways where a pollution spill could have a negative impact on our drinking water sources.



120 Bayview Pkwy
Newmarket, ON L3Y 3W3
905-895-0716

DRINKING WATER
SOURCE PROTECTION
Our Actions Matter

Report To: Source Protection Authority

Subject: SPC Municipal Members Appointment

Report No: SPA-02-23

Date: February 17, 2023

Recommendation:

1. **THAT** Report No. SPA-02-23 RE: SPC Member Appointment **BE RECEIVED**.
2. **THAT** the Source Protection Authority **APPOINT** Councillor Insinna to represent Niagara Region on the Niagara Peninsula Source Protection Committee for a term of 4 years, ending on November 14, 2026.
3. **THAT** the Source Protection Authority **APPOINT** Councillor Shirton to represent Haldimand County on the Niagara Peninsula Source Protection Committee for a term of 4 years, ending on November 14, 2026.

Purpose:

The purpose of this report is to seek Source Protection Authority approval to appoint Source Protection Committee municipal members representing Niagara Region (Councillor Insinna) and Haldimand County (Councillor Shirton).

Background:

Ontario Regulation 288/07 under the Clean Water Act provides the Source Protection Authority the duty of appointing members to the Source Protection Committee. In addition, it legislates the number of members to be appointed as well as the distribution of the representatives. The Niagara Peninsula Source Protection Committee is allowed to have a maximum number of nine (9) members appointed to the Source Protection Committee with the following representative distribution:

- Three (3) municipal representatives
- One (1) commercial sector representative
- One (1) industrial sector representative
- One (1) agricultural sector representative
- Three (3) public-at-large representatives

Discussion:

In August of 2007, the Source Protection Authority resolved to divide the municipal representation on the Source Protection Committee by having one representative from each of Niagara Region, Haldimand County, and the City of Hamilton. The City of Hamilton resolved to have a staff member act as a representative to the Niagara Peninsula Source Protection Committee, whereas Haldimand and Niagara each appoint a representative from their elected officials.

Despite municipal representatives to the Source Protection Committee being selected by their respective municipalities, the Source Protection Authority must still approve and appoint the members to the Source Protection Committee.

As a result of the recent 2022 municipal elections, Niagara Region and Haldimand County have each selected a representative to be added to Niagara Peninsula Source Protection Committee. The terms of the municipal representatives will be set to match the municipal election cycle.

Related Reports and Appendices:

Appendix 1: Correspondence dated December 2, 2022 to Thomas Proks, NPCA Source Protection and Hydrogeology Specialist from Ann-Marie Norio, Niagara Regional Clerk, RE: Regional Councillor Appointment to the Niagara Peninsula Source Protection Committee

Appendix 2: Correspondence dated December 20, 2022 to Thomas Proks, NPCA Source Protection and Hydrogeology Specialist from Evelyn Eichenbaum, Municipal Clerk, Haldimand County, RE: Council Appointments as of November 15, 2022

Prepared by:

Original Signed by:

Thomas Proks, P.Geo.
Source Protection & Hydrogeology Specialist

Reviewed by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
CAO/Secretary-Treasurer



Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

December 2, 2022

T. Proks, Source Water Protection & Hydrogeology
Niagara Peninsula Conservation Authority

SENT ELECTRONICALLY

**RE: Regional Councillor Appointment to the Niagara Peninsula Source
Protection Committee
CL 12-2022, December 1, 2022, Minute Item 16.2**

Regional Council at its meeting held on Thursday, December 1, 2022, passed the following resolution:

That Councillor Insinna **BE APPOINTED** to the Niagara Peninsula Source Protection Committee for this term of Regional Council (2022-2026).

The contact information for Councillor Insinna is as follows:

Tom Insinna

Town of Fort Erie

220 High St.

Fort Erie, ON L2A 3R3

Cell: 905-321-5908

Email: tom.insinna@niagararegion.ca

If further information is required regarding this appointment, please contact me at 905-980-6000 Ext. 3220 or by email ann-marie.norio@niagararegion.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie Norio".

Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2022-158



Haldimand County Administration Building
53 Thorburn Street South
Cayuga, ON N0A 1E0

December 20, 2022

VIA EMAIL

Thomas Proks
Source Protection and Hydrogeology Specialist
250 Thorold Road West, 3rd Floor
Welland, ON L3C 3W2

Dear Mr. Proks:

RE: Council Appointments as of November 15, 2022

Please be advised that on December 12, 2022, Haldimand County Council adopted the following resolution:

THAT Councillor Shirton be appointed to the Niagara Source Water Protection Committee for a four-year term ending November 14, 2026.

Should you require further information, please contact the undersigned at 905-318-5932, extension 6349.

Sincerely,



Evelyn Eichenbaum
Manager, Clerks Division / Municipal Clerk

EE/km

Report To: **Source Protection Authority**

Subject: **SPA Liaison Appointment**

Report No: **SPA-03-23**

Date: **February 17, 2023**

Recommendation:

1. **THAT** Report No. SPA-03-23 RE: SPA Liaison Appointment **BE RECEIVED**.
2. **THAT** the Source Protection Authority **APPOINT** _____ to act as a liaison to the Source Protection Committee.

Purpose:

The purpose of this report is for Source Protection Authority to appoint a liaison to the Niagara Peninsula Source Protection Committee.

Background:

Ontario Regulation 288/07 under the Clean Water Act allows for additional participants in the form of liaisons to the Source Protection Committee. Liaisons to the Source Protection Committee do not have voting privileges, but may participate in all meetings, including any in closed session. The participation of liaisons is expected primarily as a resource for information gathering or sharing. The legislation allows for 3 liaisons to be designated as follows:

- A person designated by the Source Protection Authority as a representative of the Authority
- A person designated by the Minister as a representative of the Ministry
- A representative of the medical officers of health for the health units in which any part of the Source Protection Area or Source Protection Region is located.

Discussion:

As a result of the new composition of the Source Protection Authority members, the Source Protection Authority liaison position is now vacant. Historically, the Source Protection Authority have opted to appoint an acting Source Protection Authority member to the liaison position. As stated by the regulation, the liaison position is not mandatory and does not require a Source Protection Authority member. The Source Protection Authority can choose to appoint whomever they wish (including a staff member) to act as the representative, or choose to not appoint anyone

should they feel there are enough avenues of communication between the Source Protection Committee and the Source Protection Authority.

Prepared by:

Original Signed by:

Thomas Proks, P.Geo.
Source Protection & Hydrogeology Specialist

Reviewed by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
CAO/Secretary-Treasurer