



SOURCE PROTECTION AUTHORITY MEETING Wednesday, February 20, 2019 9:30 a.m. Ball's Falls Centre for Conservation Glen Elgin Room 3292 Sixth Avenue, Jordan, ON

AGENDA

1. ADOPTION OF AGENDA

- 1.1 Addition of items
- 1.2 Change in order of items

2. DECLARATION OF CONFLICT OF INTEREST

3. PRESENTATIONS (and/or Delegations)

- 3.1 Presentations
 - "Source Protection Program Overview" staff presentation by Thomas Proks, P.Geo.

4. ADMINISTRATIVE BUSINESS

- 4.1 Approval of Draft Minutes
 - 4.1.1 Source Protection Authority September 19, 2018
- 4.2 Business Arising from Minutes
- 4.3 <u>Correspondence</u>
 - 4.3.1 Section 36 Order from Ministry of the Environment, Conservation and Parks will be detailed under report SPA-01-19

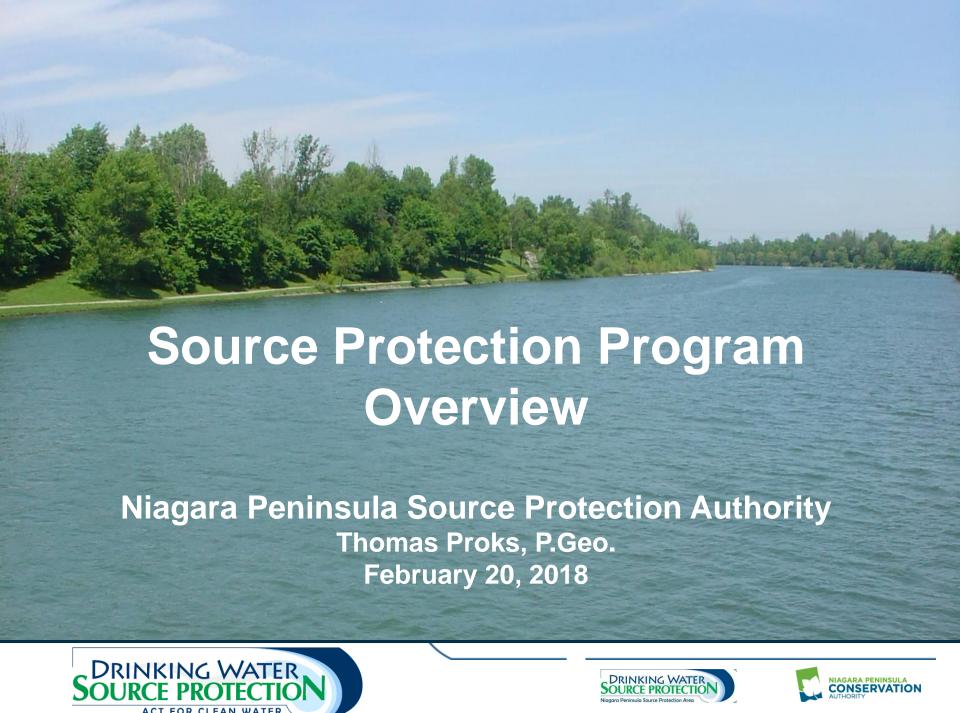
5. BUSINESS FOR INFORMATION

5.1 Reports

5.1.1 <u>Section 36 Order from Ministry of the Environment, Conservation and Parks</u> Report No. SPA-01-19

6. BUSINESS FOR CONSIDERATION

- 6.1 Reports
 - 6.1.1 <u>Source Protection Committee Appointments</u> Report No. SPA-02-19
 - 6.1.2 <u>Source Protection Committee Source Protection Authority Liaison Appointment</u>
 Report No. SPA-03-19
- 7. NEW BUSINESS
- 8. ADJOURNMENT



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.
 - Walkerton Inquiry Report made 121 recommendations.
- Clean Water Act, 2006 (CWA) came into force July 3rd, 2007.
 - Fulfills 12 of the Justice O'Connor's recommendations.
- First Principle concept of prevention in the safeguarding of our drinking water for our communities and our health.







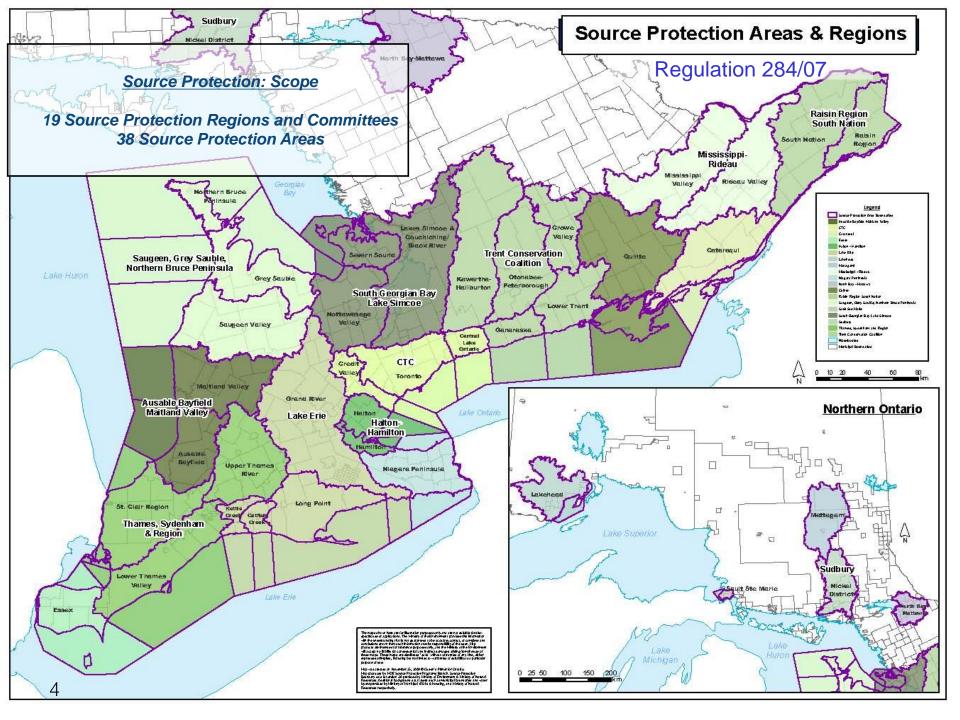
Source Protection Program

- 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 <u>90% of the population</u> within those source protection areas.









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

Update of Source Protection Plan (2018-2022)

• Minister's Section 36 Order to NPCA December 3rd,2018







Objectives of the Source Protection Plan

- 1. Protecting existing and future drinking water sources in the Niagara Peninsula Source Protection Area; and
- 2. Ensuring through management or prohibition, that activities identified as threats to drinking water either never become a significant threat or, if the activity is already taking place, the activity ceases to be a significant threat.

(Section 2.1, Niagara Peninsula Source Protection Plan)

The current plan only speaks to municipal supply protection.











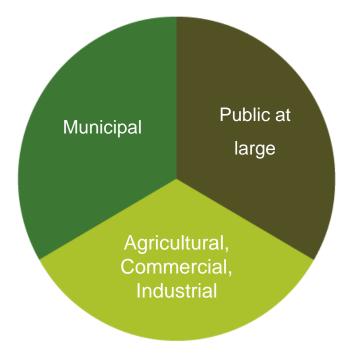




Key Players

Source Protection Committee (SPC)

- Multi-stakeholder committee comprised of 9 members,
 - 3 municipal representatives from each of Haldimand, Hamilton and Niagara
- Makes recommendations to the Source Protection Authority on annual reporting and revisions to the Source Protection Plan.



Source Protection Authority (Niagara Peninsula Conservation Authority)

- SPA Board appoints the SPC, while SPA staff provide administrative and technical support to the Source Protection Committee
- Ultimately responsible for Source Protection Plan monitoring implementation, reporting, and revisions.







Other Key Players

Municipalities

- Partners in development of the Source Protection Program in Niagara since Day 1.
- Implementers/enforcers of local measures, actions and policies addressing drinking water threats.

Province

- Develop, update and provide guidance to Source Protection Regions on regulations and technical rules
- Provide funding for Source Protection Authority staffing.
- Approvals (ToR, AR, SPP and revisions to plans).
- Implementers/enforcers of provincial measures, actions and policies addressing drinking water threats.



















NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA) SOURCE PROTECTION AUTHORITY MEETING MINUTES

Wednesday, September 19, 2018 9:30 a.m.

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

MEMBERS PRESENT: S. Annunziata (Chair)

S. Beattie
D. DiFruscio
A. Jeffs

J. Kaspersetz (Vice-Chair)

P. MacPherson

T. Quirk R. Shirton B. Timms

MEMBERS ABSENT: B. Baty

J. Diodati F. Campion P. Darte D. Joyner J. Maloney

STAFF PRESENT: M. Brickell, Chief Administrative Officer/Secretary-Treasurer

D. Barrick, Senior Director, Corporate Services T. Al-Zabet, Director, Watershed Management

L. McManus, Clerk

J. Campbell, Supervisor, Special Projects

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. NPCA Board of Directors Policy Handbook Regulation #2, Meeting Procedures Sec.16.0

The Board Chair called the meeting to order at 9:31 a.m.

1. ADOPTION OF AGENDA

1.1 Addition of Items

The Clerk advised that the Agenda had incorrectly reflected in the Closed Session (Agenda Item 7.) section that Confidential Appendix 1 was attached to Report No. SPA 05-18. The Confidential Appendix 1 was instead attached to Report No. SPA 04-18.

1.2 Change in Order of Items

There were no changes in order of agenda items.

1.3 Adoption of Agenda

Resolution No. SPA-10-18 Moved by Board Member Kaspersetz Seconded by Board Member Beattie

That the Agenda **BE APPROVED** as presented.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

There were no declarations of Conflict of Interest.

3. PRESENTATIONS (and/or Delegations)

There were no presentations or delegations.

4. ADMINISTRATIVE BUSINESS

4.1 Approval of Draft Minutes

4.1.1 Source Protection Authority Board Minutes – March 26, 2018

Resolution No. SPA-11-18
Moved by Board Member Timms
Seconded by Board Member MacPherson

That the Source Protection Authority Board minutes of the meeting held on March 26, 2018 **BE APPROVED** as presented.

CARRIED

4.2 Business Arising from Minutes

There was no business arising from the minutes.

4.3 <u>Correspondence</u>

There were no correspondence items.

5. BUSINESS FOR INFORMATION

There were no items for information.

6. BUSINESS FOR CONSIDERATION

6.1 <u>Source Protection Committee (SPC) Appointment</u> Report No. SPA 04-18

Resolution No. SPA-12-18
Moved by Board Member Shirton
Seconded by Board Member DiFruscio

- That Report No. SPA 04-18 respecting the Source Protection Committee (SPC) Appointment BE RECEIVED;
- 2. That the individual identified in Confidential Appendix 1 to Report SPA 01-18 **BE APPOINTED** as the Source Protection Committee (SPC) member representing the public-at-large; and
- 3. That the Source Protection Committee (SPC) member identified in Confidential Appendix 1 to Report SPA-01-18 **BE PUBLICLY NOTED** on the Niagara Peninsula Conservation Authority website.

CARRIED

6.2 <u>Issuance of Notices to Niagara Region</u>

Report No. SPA 05-18

Resolution No. SPA-13-18
Moved by Board Member Timms
Seconded by Board Member Quirk

- 1. That Report No. SPA 05-18 respecting Issuance of Notices to the Niagara Region **BE RECEIVED**; and
- That the Director of Watershed Management BE DELEGATED AUTHORITY to issue notices to Niagara Region for the purposes of O.Reg.287/07 on behalf of the Niagara Peninsula Conservation Authority (NPCA).

CARRIED

7. BUSINESS – IN CAMERA

The Source Protection Authority did not resolve in to Closed Session.

8.1 <u>Announcements</u>

Mark Brickell, CAO, welcomed and introduced Dr. Tareq Al-Zabet as the new Director of Watershed. He stated, "Dr. Al-Zabet brings a wealth of experience to the NPCA, supported by a strong technical and educational background. We are excited to welcome Tareq and look forward to his leadership in developing a long-term watershed resource management plan that will serve the people of the Niagara Peninsula watershed for decades to come." Board Chair welcomed Dr. Al-Zabet and congratulated Gregg Furtney for the outstanding job and commitment while in the Acting, Director of Watershed Management role.

The CAO proceeded to advise Board Members that Jayme Campbell, NPCA, Supervisor, Special Projects would be leaving the NPCA as he had accepted a new position in the consulting world. Mr. Brickell further stated that Jayme was an outstanding leader of all things, great intellectual and always showed extraordinary commitment.

9. ADJOURNMENT

There being no further business, the Source Protection Authority meeting adjourned at 9:49 p.m. with the following resolution;

Resolution No. SPA-14-18
Moved by Board Member DiFruscio
Seconded by Board Member MacPherson

That the Source Protection Authority Meeting **BE NOW ADJOURNED**.

CARRIED

Lisa McManus
Clerk
Niagara Peninsula Conservation Authority





Report To: Source Protection Authority

Subject: Section 36 Order from Ministry of the Environment, Conservation and Parks

Report No: SPA 01-19

Date: February 20, 2019

RECOMMENDATION:

That Report No. SPA-01-19 be **RECEIVED** for information.

PURPOSE:

To advise the Niagara Peninsula Source Protection Authority that a formal Section 36 Order from the Ministry of the Environment, Conservation and Parks has been received.

BACKGROUND:

In 2015 the Ministry of the Environment, Conservation and Parks directed the Niagara Peninsula Source Protection Authority to prepare a workplan to update the Assessment Report and Source Protection Plan by November 2017. The Niagara Peninsula Source Protection Authority Section 36 Workplan Proposal was submitted to the Ministry of the Environment, Conservation and Parks on November 2, 2017 which contained a proposal to update the existing Assessment Report and Source Protection Plan by 2022.

The Niagara Peninsula Source Protection Authority identified three main goals for the Source Protection Plan update in pursuit of "continuous improvement of the source protection technical framework" (MOECC, 2017):

- 1. Required Updates revised Intake Protection Zones vulnerability scores and threat analysis at:
 - a. DeCew Falls;
 - b. Niagara Falls;
 - c. Rosehill; and
 - d. Welland (not included in 2017 Workplan, but since required)
- 2. Recommend Updates Improve municipal supply protection:
 - a. Re-evaluate the Port Colborne intake vulnerability score:
 - b. Oil pipeline threat evaluation;
 - c. Transportation threats evaluation;

- d. Undertake to improve Great Lakes water quality protection with the intent of better safe guarding drinking water supplies; and
- e. Undertake climate change studies to better understand the increasing frequency and severity of storm events which could serve to degrade municipal water supply quality.
- 3. Recommend Updates Improve Groundwater Protection for residents drinking from wells:
 - a. Use of mapping and Source Protection policies to protect Hydrogeologically sensitive areas:
 - b. Amendment of the Source Protection Plan to identify and address naturally occurring groundwater concerns; and
 - c. Update the Source Protection Plan to address gas wells as sources that may negatively impact the groundwater aquifers.

SUMMARY:

On December 3, 2018 the Niagara Peninsula Source Protection Authority received the amended Section 36 Order from the Ministry of the Environment, Conservation and Parks. The order states that the Source Protection Committee shall update the Assessment Report and the Source Protection Plan to address the following workplan items:

- "reflect the planned changes at Niagara Falls, DeCew Falls, Rosehill and Welland water treatment plants (section 2 of the workplan)";
- "comply with the amendments made to the Director's Technical Rules, published on the Environmental Registry in March 2017 under posting number 012-8507. In particular for your source protection area, this includes assessing the vulnerability of the Port Colborne drinking water intake (section 3.1 of the workplan) and locations where the above grade handling and storage of fuel poses a significant risk, and updating the significant groundwater recharge areas to align with the amended Rules"; and
- "assess the new drinking water threat of provincial interest recently added to the General regulation (O.reg. 287/07) under the Clean Water Act – the establishment and operation of a liquid hydrocarbon pipeline (section 3.2 of the workplan) in accordance with the Director's Technical Rules" (MECP, 2018)

The remaining goals outlined in the workplan not specifically mentioned by the Ministry of the Environment, Conservation and Parks have been left to the Source Protection Committee to decide whether to pursue them. Pursuit of the remaining goals outlined in the workplan will be decided by the Source Protection Committee pending receipt of provincial funding in May 2019. Provisions and guidelines for updating the Assessment Report, Source Protection Plan and the Explanatory Document are outlined in the attached Section 36 Order.

RELATED REPORTS AND APPENDICES:

- 1. December 3, 2018 Amended Section 36 Order from the Ministry of the Environment, Conservation and Parks (attached)
- 2. November 2, 2017 Section 36 Workplan (available online at http://www.sourceprotection-niagara.ca/plan-update/final-report/)

Prepared by:	Reviewed By:
Thomas Proks, P.Geo.	Darren MacKenzie, C.Tech., rsci
Hydrogeologist	Director, Watershed Management
Source Protection Project Manager	
Submitted by:	
David Barrick, B.A. (Hon)	
Interm CAO/Secretary Treasurer	

Ministry of the Environment, Conservation and Parks Ministère de l'Environnement, de la Protection de la nature et des Parcs

Office of the Minister

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DEC - 3 2018

ENV1283MC-2018-716 CR: ENV1283MC-2012-2158

Sandy Annuziata, Chair Niagara Peninsula Source Protection Authority 36 Concession Road Fort Erie, ON L2A 4G4

Maria Bellantino-Perco, Chair Niagara Peninsula Source Protection Committee 174 Pancake Lane Fonthill, ON LOS 1E2

Dear Mr. Annuziata and Ms. Bellantino-Perco:

I am following up on your proposed workplan for the comprehensive review and update of the Niagara Peninsula assessment report and source protection plan. The workplan, dated November 2, 2017, was submitted in compliance with the order dated October 13, 2015, issued under section 36 of the *Clean Water Act*.

I am pleased to note that your workplan confirms that implementation of the source protection plan is going well and I appreciate the level of effort you put into your analysis of your assessment report and plan.

Pursuant to subsection 36 (1) of the *Clean Water Act*, I am amending the order dated October 13, 2015, to establish requirements governing the content and timeframes of the review and the process to be followed for any updates to your assessment report and plan. The source protection committee shall update the assessment report and source protection plan to address the workplan items identified in the attachment to this order and ensure those changes comply with the recent amendments to the General regulation and Director's Technical Rules. I will leave it to the source protection committee to determine if they wish to undertake other updates outlined in the workplan.

When undertaking these updates, the source protection committee and authority must follow the amendment process and consultation requirements set out in the attachment to this letter. All updates carried out under section 36 of the *Clean Water Act* are to be submitted to the Ministry by March 31, 2022.

I want to thank you for the continued efforts of the source protection authority, committee and local communities to ensure sources of drinking water are protected. Significant progress has been made in source protection and the province looks forward to continuing to work with you and all stakeholders to protect sources of drinking water.

Sincerely,

Rod Phillips

Minister

Attachment

 Jayme Campbell, Project Manager, Niagara Peninsula Conservation Authority Heather Malcolmson, Director, Source Protection Programs Branch, MECP Stacey Baker, Program Analyst, MECP Bilal Kidwai, Liaison Officer, MECP Attachment: Niagara Peninsula Updates under Section 36 of the Clean Water Act

Mandatory Updates to the Assessment Report and Source Protection Plan

The Niagara Peninsula source protection committee shall ensure that the review includes updates to the assessment report and source protection plan to:

- reflect the planned changes at Niagara Falls, DeCew Falls, Rosehill and Welland water treatment plants (section 2 of the workplan);
- comply with the amendments made to the Director's Technical Rules, published
 on the Environmental Registry in March 2017 under posting number 012-8507. In
 particular for your source protection area, this includes assessing the vulnerability
 of the Port Colborne drinking water intake (section 3.1 of the workplan) and
 locations where the above grade handling and storage of fuel poses a significant
 risk, and updating the significant groundwater recharge areas to align with the
 amended Rules; and
- assess the new drinking water threat of provincial interest recently added to the General regulation (O.Reg. 287/07) under the Clean Water Act – the establishment and operation of a liquid hydrocarbon pipeline (section 3.2 of the workplan) in accordance with the Director's Technical Rules.

In determining how to complete this work, also consider the timelines the municipality is proposing for the alterations to their existing drinking water systems. The new regulation under the *Safe Drinking Water Act* (O.Reg. 205/18) requires the source protection plan be amended to reflect any alterations to an existing surface water intake before the drinking water system can provide water to the public. Given this, the source protection committee, authority and municipality should jointly determine if it would be more appropriate to have the source protection authority propose amendments under section 34 of the *Clean Water Act* to deal with the changes to the Niagara Falls, DeCew Falls, Rosehill and Welland drinking water systems, as opposed to including these updates as part of the review under section 36.

Amendment Process for Updates including Consultation:

The rules that source protection committees and source protection authorities were required to follow under the *Clean Water Act* in preparing, consulting on and submitting assessment reports and source protection plans to the Ministry will generally apply when making updates as part of the review. However, as with locally initiated amendments, any proposed updates to the assessment report and plan are to be consulted on concurrently and submitted together as one package to the Ministry by the source protection authority.

Only those provisions of the *Clean Water Act* and the General regulation referred to below apply to the update of the assessment report and source protection plan. For example, as no terms of reference is being required for the review and update of the assessment report and plan, subsection 36 (3) of the *Clean Water Act* does not apply.

Accordingly, for the updates to the assessment report and source protection plan, the following provisions apply:

- Assessment report content outlined in section 15 of the Clean Water Act and sections 11 to 14 of the General regulation.
- Source protection plan content outlined in subsections 22 (2) to (15) of the *Clean Water Act* and sections 20 to 34 of the General regulation.

Updates to the Niagara Peninsula assessment report and source protection plan shall be made in consultation with affected municipalities, the Ministry, and any other bodies responsible for implementing a policy that may be revised by as part of the updates. Consultation shall include the following minimum requirements:

- Early consultation on any draft updates to the assessment report and plan with the Source Protection Programs Branch prior to carrying out pre-consultation with other bodies.
- Pre-consultation with all implementing bodies as well as persons and businesses engaged in significant drinking water threats in the geographic areas affected by the updates in accordance with sections 35 to 39 of the General regulation.
- Consultation for a minimum of 35 days, as outlined below.

The Explanatory Document that accompanies the plan (section 40, General regulation) shall also be updated to reflect the proposed changes to the plan and made available for consultation.

While consulting on the proposed updates to the assessment report and source protection plan in accordance with the requirements set out above, comments received shall be documented, considered and addressed prior to advancing to the next consultation stage or finalizing the proposed updates to the assessment report and plan.

Notification and publication of the proposed updates shall follow the provisions included in the General regulation for assessment reports and plans as described below. This includes making the proposed updates available on the Internet and in locations that are accessible to give the public and other interested parties an opportunity to inspect and comment on the updates. Specifically, consultation on the proposed updates to the assessment report and plan shall occur concurrently and sections 23 to 25 of the *Clean Water Act* and section 41 of the General regulation apply with modifications noted below:

- References to a draft or proposed source protection plan shall be read as references to the proposed updates to the assessment report and source protection plan that result from the review carried out under section 36 of the Clean Water Act.
- Notices shall be provided to the clerk of each municipality and all other persons and bodies listed in section 41 that are affected by the proposed updates.
- A public meeting referred to in clause (c) of subsection 41 (3) and in subsection 41 (7) is optional as determined by the source protection committee in consideration of the nature and scope of the proposed updates.





Report To: Source Protection Authority

Subject: Source Protection Committee Appointments

Report No: SPA 02-19

Date: February 20, 2019

RECOMMENDATION:

 That report SPA 02-19 respecting the Source Protection Committee Appointments BE RECEIVED;

2. That the Source Protection Authority Board **APPOINT** the Source Protection Committee members identified in Appendix 1 to Report SPA 02-19.

PURPOSE:

To satisfy the requirements of the Source Protection Committee Regulation (O.Reg.288/07).

Appointment of the municipal representatives for Niagara Region and Haldimand County to the Source Protection Committee would be for four years (a period ending December 2022).

BACKGROUND:

The Source Protection Committee is a body that exists to support the Source Protection Authority in the delivery of the Source Protection Plan. The Source Protection Committee identifies matters of policy, or technical issues, and makes recommendations to the Source Protection Authority for their consideration. The Source Protection Committee is comprised of 9 members and a Chair. The members represent municipalities, the industrial sector, the agricultural sector, the commerce sector, and the public-at-large. Members are appointed by the Source Protection Authority Board while the Chair is appointed by the Minister of the Environment, Conservation and Parks.

These two municipal representative appointments are supported by the Source Protection Committee Chair and Project Manager. These two individuals have been valued previous members of the Committee and provide a strong knowledge of the Source Protection program in Niagara to benefit the Source Protection Committee.

APPENDICES:			
Appendix 1	Source Protection Committee Appointments		
Prepared by	:	Reviewed By:	
Thomas Pro Hydrogeolog Source Prote		Darren MacKenzie, C.Tech., rsci Director, Watershed Management	
Submitted by	y:		
	k, B.A. (Hon) Secretary Treasurer		



Report To: **Source Protection Authority Board** Subject: **Source Protection Committee Appointments** Report No: Appendix 1 to Report SPA 02-19 February 20, 2019 Date: The Source Protection Authority Staff recommends that the Source Protection Authority Board approve the appointment to the Source Protection Committee Councillor Timothy Rigby for Niagara Region and Councillor Tony Dalimonte for Haldimand County. **PURPOSE:** Appointment of Councillors Timothy Rigby and Tony Dalimonte as municipal representatives to the Source Protection Committee. The appointments would be for four years (a period ending December 2022). Prepared by: **Reviewed By:** Thomas Proks, P.Geo. Darren MacKenzie, C.Tech., rsci **Director, Watershed Management** Hydrogeologist **Project Manager, Source Protection**

David Barrick, B.A. (Hon)
Interm CAO/Secretary Treasurer

Submitted by:





Report To: Source Protection Authority

Subject: Source Protection Committee - Source Protection Authority Liaison

Appointment

Report No: SPA 03-19

Date: February 20, 2019

RECOMMENDATION:

1. That report SPA 03-19 respecting the Source Protection Committee - Source Protection Authority Liaison Appointment **BE RECEIVED**;

2. That the Source Protection Authority Board move to **APPOINT** a fellow board member to act as the Source Protection Authority Liaison to the Source Protection Committee.

PURPOSE:

As outlined under the Clean Water Act O.Reg.288/07, the Source Protection Authority may designate a member to act as a liaison to the Source Protection Committee.

BACKGROUND:

According to the Clean Water Act, a designated liaison from each of the following:

- (1) Source Protection Authority;
- (2) Ministry of the Environment, Conservation and Parks; and
- (3) Medical Officers of Health;

may attend and participate in discussions at meetings of the Source Protection Committee, including any meeting or part of a meeting that is closed to the public.

To be identified as a Source Protection Committee Liaison, the person representing the Source Protection Authority must be designated by the Source Protection Authority Board.

The participation of liaisons is expected primarily as a resource for information gathering or sharing. The liaisons do not have voting privileges on the committee. These committee liaisons do not have to follow the same qualification requirements as committee members in that they are not required to reside in, own or rent property, be employed in or operate a business in the

source protection area or region. Although the liaisons are also not required to follow the established rules of procedure, code of conduct, and conflict of interest policy adopted by the Source Protection Committee, it is expected that the liaisons will work with the committee as a team member.

The Source Protection Authority may decide that a Source Protection Authority liaison is not needed, if it is deemed that there are enough avenues of communication between the Source Protection Authority and Source Protection Committee.

Prepared by:	Reviewed By:
Thomas Proks, P.Geo.	Darren MacKenzie, C.Tech., rsci
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•	
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