

Mission Statement of the Halton-Hamilton Source Protection Committee

To collaboratively develop and maintain a local watershed-based plan for the sustainable protection of municipal drinking water sources in the Halton-Hamilton Source Protection Region that is science-based and prevents, reduces or eliminates risks to Lake Ontario and groundwater sources of municipal drinking water.

MEETING NUMBER: #3-21 Halton-Hamilton Source Protection Committee

DATE: October 5, 2021

TIME: 1:30 pm to 4:30 pm

LOCATION: Virtual Meeting held on Zoom

Minutes

Source Protection Committee (SPC) Attendees:

Bob Edmondson, Chair

Daniel Banks

Carla Coveart

Gavin Smuk

Sarah Lock

Chris Murray

Councillor Judi Partridge (left meeting at 3:00 pm, Proxy held by Gavin Smuk)

Scott Stewart

SPC Liaisons:

Elizabeth Forrest, Ministry of the Environment, Conservation and Parks (MECP)

Erin Harkins, MECP

Richard MacDonald, City of Hamilton Public Health Services

Conservation Authorities:

Chita Gowda, Senior Manager, Conservation Halton

Jacek Strakowski, Conservation Halton

Brad Rennick, Conservation Halton

Christa Stribbell, Conservation Halton

Jeff Lee, Conservation Halton

Mike Stone, Hamilton Conservation Authority

Municipalities:

Marco Silverio, City of Hamilton

Carmen Vega, City of Hamilton

Danielle Walker, Wellington Source Water

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Absent with Regrets:

Dana Couture (Proxy held by Carla Coveart)

David Rodgers

Barbara Veale, Conservation Halton

Scott Peck, Hamilton Conservation Authority (represented by Mike Stone)

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1	<p>Roll call and welcome including new member (agricultural) and returning Liaison Officer, Ministry of the Environment, Conservation and Parks (MECP)</p> <p>Chair Bob introduced the new agricultural sector representative Scott Stewart who provided a brief background on his experience.</p> <p>Chair Bob welcomed Elizabeth “Beth” Forrest back as a returning MECP Liaison Officer. He indicated that Erin Harkins, MECP, would also be joining later in the meeting.</p> <p>Mike Stone represented Scott Peck, Hamilton Conservation Authority.</p>
2	<p>Disclosures of conflict of interest</p> <p>None</p>
3	<p>Review of agenda</p> <p>Moved by Judi Partridge and seconded by Gavin Smuk</p> <p>THAT the agenda be accepted as distributed</p> <p>Carried</p>
4	<p>Approval of the minutes of the June 15, 2021 meeting of the Source Protection Committee</p> <p>Moved by Gavin Smuk and seconded by Chris Murray</p> <p>THAT the minutes of the June 15, 2021 meeting of the Halton-Hamilton Source Protection Committee be approved.</p> <p>Carried</p>
5	<p>Business arising from the June 15, 2021 minutes</p> <p>a) See attached Table of Action Items (June 15, 2021) and Follow Up</p> <p>Chitra Gowda, Senior Manager, advised all action items have been completed except for one which is a work in progress.</p> <p>Chitra reviewed action items 7 & 8. Action item 8 explores harmonizing the definitions of contaminated fill and excess soil, and checking that the intent of the</p>

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	<p>policy O-4-S is retained. The main question is: if the SPC uses the term “excess soil” as defined under the regulation, does it still suit the original intent of the policy? Our policy O-4-S aims to address the import of contaminated fill within drinking water vulnerable areas. Chitra opened this up for discussion to the SPC.</p> <p>Councillor Partridge indicated that the term “potentially contaminated soil” must remain in the document. The import of contaminated fill is a large problem. For example, in Flamborough there are thousands of truckloads of fill that are ending up on farmland and the quality of the fill is unknown. The Freulton municipal water system was at risk by a site on Highway 6 that had contaminated fill brought in.</p> <p>Gavin Smuk said that since a new regulation is in place (O. Reg. 406/19) which legally defines “excess soil”, the SPC should adapt its policy to work with this regulation. Gavin supported the changing of the wording in the policy to be harmonized with the current regulation.</p> <p>Councillor Partridge said that the description in the source protection documents must be clear. Chris Murray said that the term “excess soil” seems to be an all-encompassing term that would include contaminated soil. Chris suggested the following wording: “Excess fill/excess soil including but not limited to contaminated soil”. The “excess soil” term is what we should be using with some additional wording around it to clarify the intent.</p> <p>Councillor Partridge asked if the explanation will hold up in court. Chitra advised that this specific policy is non-legally binding, however other means such as Zoning-By-Laws (e.g.: City of Hamilton) would be legal, strong tools.</p> <p>Action: Beth Forrest, MECP, to follow up how O. Reg. 406/19 helps protect drinking water sources from the dumping of contaminated soil.</p> <p>Action: Halton-Hamilton Source Protection Region (HHSPR) staff to develop a description that addresses these points in the explanatory document. Also, the “notes” section at the bottom of the O-4-S policy is where the term “excess soil” can be explained. The SPC agreed with this approach.</p>
6	<p>Business Reports</p> <p>a) Halton-Hamilton Section 36 Updates: Pre-Consultation and Policy Updates</p> <p>Chitra gave an overview of the report. HHSPR is undertaking a comprehensive consultation process for all Clean Water Act Section 36 updates. Early engagement has been completed and valuable feedback was received from MECP. Chitra acknowledged voluntary comments by municipalities in the early engagement stage and also in developing the pre-consultation materials.</p>

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	<p>Comments on the pre-consultation packages were received from the Agrichemical Warehousing Standards Association (AWSA), Niagara Escarpment Commission (NEC), Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of the Environment, Conservation and Parks (MECP).</p> <p>Chitra received permission from the AWSA Executive Director, Justine Taylor, to share their materials (codes and comments) on the HHSPR website and suggested that an invitation be extended to AWSA to present to the SPC. Chair Bob indicated that a presentation from AWSA may be advantageous in the future.</p> <p>Action: That the AWSA Executive Director, Justine Taylor, be asked by HHSPR to make a presentation to the SPC at a future meeting.</p> <p>Chitra described the detailed comments received from MECP and OMAFRA on policies where OMAFRA is identified as the main implementing body, particularly where the policy tool is the prescribed instrument of nutrient management plans (NMPs).</p> <p>Action: Chitra to share AWSA’s comments, documents and MECP’s comments with the SPC.</p> <p>As part of the section 36 updates, staff suggested that in part b (the monitoring policy) of those policies that the implementer change from OMAFRA to MECP. OMAFRA’s comments indicate support for this change, but they have concerns around the unchanged part a - where they remain to be the policy implementer (since the first round of source protection planning). OMAFRA reiterated that they do not have an active role with NMPs, and cannot ensure NMPs include measures to protect sources of drinking water. Also, OMAFRA does not conduct inspections, document the number and locations of NMPs or ensure compliance.</p> <p>Chitra detailed four options to address the comments, including one provided by MECP. Erin Harkins, Program Analyst at the MECP, advised that Halton-Hamilton is one of the first source protection plans in the province to reach the pre-consultation stage for section 36 updates. The Clean Water Act identifies the responsibility to implement the prescribed instrument policy is with whomever issues the instrument. For the nutrient management plan policies, that would be the certified nutrient management consultants and certified farmers. She is in discussions with other branches at MECP and OMAFRA on what this could look like, in source protection plans. More discussions are needed on this. Erin reminded the SPC that there is no obligation to have a prescribed instrument policy. It is up to the SPC and HHSPR. Also, NMPs are only required for a small number of farms in the province, and any impacts may be small for HHSPR.</p>

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	<p>Action: Chitra to check if there are any existing Nutrient Management Plans in HHSPR from OMAFRA and MECP annual progress reports.</p> <p>Chitra asked Erin if the certified planners are trained for Source Water Protection and if so, are there any plans to enhance that training by MECP or OMAFRA. Erin advised that training does occur, and that further discussions amongst the ministries will include the subject of training.</p> <p>Beth indicated that the current Halton-Hamilton risk management plan (RMP) policies only apply to farms that are phased in. Beth also advised that the SPC may consider changing that. However, because of section 61 in the regulation, the issuer of the prescribed instrument can issue a statement of conformity of the prescribed instrument to the source protection plan. Chitra clarified that the Risk Management Official (RMO) can request the prescribed instrument and review it, but they cannot enforce anything if they feel there is a gap. Erin confirmed this to be true.</p> <p>Chair Bob asked if the implementor for nutrient management storage is OMAFRA and Erin confirmed that they are.</p> <p>Gavin advised that OMAFRA assured that the Nutrient Management Act protects source water. If there is now a message that it does not do it properly, then there is a confidence issue. Further, he said that these changes (naming the certified consultant/farmer as the implementing body for policies using NMPs) need to be applied province-wide, instead of by each SPC. Chair Bob agreed that the approach should be consistent across all 19 regions.</p> <p>Chitra summarized that this is a work in progress. She discussed the process and timelines, given where HHSPR is in the section 36 process. Questions remaining include: do these large changes occur before pre-consultation with the potentially impacted property owners? Or should HHSPR hold off on these changes until a subsequent update in 2022-23? Several consultation and policy implementation logistics need to be sorted out, such as obtaining a list of certified persons and determining how to keep up with updates to such a list; and details of the monitoring policy.</p> <p>Beth suggested to bundle the policy change with the current section 36 comprehensive updates. If the changes were made to direct the policy at nutrient management consultants, then pre-consultation is required with them as an implementing body. Erin suggested that the pre-consultation with the policy implementer could happen concurrently with pre-consultation with property owners.</p>

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	<p>Chitra indicated that this is a big change (in policy implementing body for the NMP policies), and that property owners should receive a notification about this change during both pre-consultation and public consultation.</p> <p>She said that the property owners and policy implementers deserve the chance to see the change at both levels of consultation. Erin noted that perhaps the impacts on property owners might be small in HHSPR. Gavin advised there are other triggers that can cause smaller operations to have NMPs too and they are not necessarily restricted to just large operations. Chitra added that any future potential for NMPs is also a consideration.</p> <p>Daniel Banks agreed with Chitra that this proposed change requires an adequate amount of consultation.</p> <p>Chitra indicated that the section 36 process would need to carry on due to the time-sensitive Freelon drinking water system update. HHSPR has prioritized the Freelon source protection update to happen with the section 36 process, because a section 34 update option will result in delays that would impact the community. Chitra recommended to the SPC to delay the change in NMP policy implementer to 2022-23 through a section 34 (Source Protection Authority-initiated update).</p> <p>Councillor Partridge agreed with Chitra, noting the risks to Freelon and Carlisle drinking water sources and the need for continued protection.</p> <p>Chair Bob asked about the Director Technical Rules updates and asked for confirmation that it could be addressed through a section 34 update at HHSPR and if so the NMP policies could be bundled in that Section 34 update. Beth advised it depends on the timelines of everyone's section 36 updates across the province, and also when the Director Technical Rules get approved.</p> <p>Chitra advised there is a chapter on consultation in the source protection plan, and that HHSPR will mark the comments from OMAFRA and MECP as unaddressed during the section 36 process and will provide the reasons why, and indicate that they would be addressed in a subsequent section 34 type of update.</p> <p style="text-align: center;">Moved by Councillor Partridge and seconded by Daniel Banks</p> <p>THAT the OMAFRA and MECP comments received on the change in policy implementing body for policies pertaining to Nutrient Management Plan prescribed instruments, be addressed through a section 34 process in 2022-2023.</p> <p style="text-align: center;">Carried</p> <p>Councillor Partridge left the meeting (3 pm) and gave her proxy to Gavin.</p>

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	<p>Section 36 Updates: Policy G-1</p> <p>Per the Clean Water Act, risk management plan (RMP) policies for existing threats cannot be in effect on the same date as the Source Protection Plan. An edit will need to be made to policy G-1, in order to comply with the Act. Chitra advised that the policy implementation timelines will remain to be 5 years for RMPs. The explanatory document will be updated to clarify this.</p> <p style="text-align: center;">By consensus the committee accepted the recommendation</p> <p>THAT the Halton-Hamilton Source Protection Committee receives for information the Staff report on Halton-Hamilton Section 36 Updates: Pre-Consultation Comments.</p> <p>b) Livestock Density Maps: draft letter to MECP</p> <p>Chitra provided an overview of the matter of considering an alternate method to deriving livestock density maps. She indicated that after developing the draft letter, it became apparent that, at this time, an email to MECP would suffice to open up a dialogue. Beth agreed that an email is appropriate at this stage, and also that if the SPC is just proposing to divert or change from the MECP’s methodology; it may not require a letter to the relevant MECP Director.</p> <p>Action: Beth to confirm if a letter to the Director is required to deviate from a method in the MECP technical bulletins.</p> <p>Gavin spoke about the nutrient units amounts shown in Table 1 of the MECP technical bulletin. While the numbers on the table reflect Nutrient Units in a barn, where there is uncertainty in data then this information in the table can be inaccurate.</p> <p style="text-align: center;">By consensus the committee accepted the recommendation</p> <p>THAT the Halton-Hamilton Source Protection Committee receives for information the Staff report on Halton-Hamilton Section 36 Updates: Livestock Density Mapping.</p> <p>Chair Bob asked Chitra about a report on considering storm-sewer cross connections. Chitra indicated that information on the matter in the context of the source water program potential workplan item for 2022-2023 will be provided at the December 14, 2021 SPC meeting.</p>
7	<p>Correspondence:</p> <p>Chair Bob received acknowledgement from the City of Hamilton that they received the Pre-Consultation package and that it was then referred to their staff for action.</p>

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8	<p>Presentations: An introduction to climate change assessments for source water quality. Chitra Gowda, Senior Manager, Watershed Planning and Source Protection</p> <p>Chitra presented an introductory session on climate change vulnerability assessments for source water quality. She asked if the SPC would like to take a deeper look at the assessment tool in December, to potentially use next year. Dan agreed that some results could be looked at in greater detail.</p> <p>Action: Chitra to present the assessment tool to the SPC with real examples at the December SPC meeting.</p>
9	<p>Source Protection Committee Chair's Update by Bob Edmondson</p> <p>a) SPC Chairs meeting held on Sep. 14, 2021 by MECP.</p> <ul style="list-style-type: none"> • Overview of Per- and Polyfluoroalkyl Substances (PFAS) <ul style="list-style-type: none"> - Flame retardant chemicals are an example of PFAS chemicals. - The presentation introduced the chemicals and why they are of concern - Action: Beth will confirm if the MECP is considering bringing PFAS chemicals under the Clean Water Act • Phosphorus and Algal Blooms <ul style="list-style-type: none"> - The ministry provided an update on their monitoring protocols. <p>b) Sector outreach: general public outreach at the Hops and Harvest Conservation Halton Festival Oct. 2-3, 2021.</p> <ul style="list-style-type: none"> - Chair Bob met with Chris Murray, Carla Coveart and Dana Couture to look at outreach opportunities and decided on the Hops and Harvest festival held by Conservation Halton. Chitra provided the materials for the booth. It was a successful event, with many people visiting the source water protection booth for information. Carla suggested including interactive tools to draw children and more families in next year.
10	<p>Ministry of the Environment, Conservation and Parks Liaison's Update by Elizabeth Forrest</p> <p>The new Minister of Environment in Ontario is David Piccini.</p> <p>Beth advised that they are still working on finalizing the proposal for the Director Technical Rules proposed amendments. With all of the changes this year at MECP, the process has been slowed down and there is no update on the timeline. There is also no update on the timeline for the Best Practices Document.</p>
11	<p>Proposed dates for meetings of the Halton-Hamilton Source Protection Committee for fiscal year 2021-22 (all meetings to be held 1:30-4:30pm unless specified):</p> <ul style="list-style-type: none"> • December 14, 2021 • March 15, 2022.

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**Halton-Hamilton
Source Protection Region**

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12	Other Business
13	Adjournment 3:55 pm

Halton-Hamilton Source Protection Committee Chair: Bob Edmondson, spcchair@hrca.on.ca

Senior Manager, Watershed Planning and Source Protection: Chitra Gowda, cgowda@hrca.on.ca

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