

Halton-Hamilton Source Protection Committee

Mission Statement

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 Minutes

MEETING NUMBER: #4-23 Halton-Hamilton Source Protection Committee

DATE: December 5, 2023

TIME: 1:30 pm to 3:30 pm

LOCATION: Virtual Meeting via Zoom

Source Protection Committee (SPC) Attendees:

Robert (Bob) Edmondson (Chair), Carla Coveart, Chris Murray, Jon Clark, David Rodgers, Emily Milligan, Gavin Smuk, Sarah Lock, Scott Stewart.

Absent with Regrets:

Ted McMeekin

SPC Liaisons:

Scott Peck, Hamilton Conservation Authority

Barbara Veale, Conservation Halton

Conservation Authorities:

Mardi Bergen, Conservation Halton

Emily Peters, Conservation Halton

Martin Keller, Conservation Halton

Jacek Strakowski, Conservation Halton

Leslie Rich, Conservation Ontario

Municipalities:

Richard MacDonald, City of Hamilton Public Health Services

Marco Silverio, City of Hamilton

Carmen Vega, City of Hamilton

Hayley Pankhurst, Region of Halton

Keisha Segne, Region of Halton

Ministry of the Environment, Conservation and Parks:

Laura Collings, Conservation and Source Protection Branch

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1	<p>Call to Order and Welcome</p> <p>Chair Bob Edmondson called the meeting to order at 1:32 p.m.</p> <p>Introduction of Emily Milligan, new Source Protection Committee public representative.</p>
2	<p>Roll Call and Certification of Quorum – 6 Members Constitute Quorum (2/3 of Members plus Chair)</p> <p>The Chair and eight members are in attendance and therefore quorum is reached.</p>
3	<p>Declaration of Pecuniary Interest</p> <p>None</p>
4	<p>Review of Agenda</p> <p>G. Smuk noted that item 8 f) has a typo error.</p> <p>G. Smuk asked for clarification on 'received for endorsement'. B. Edmondson explained that policies are brought forward one category at a time. The process begins with a report for information to the Source Protection Committee (SPC) based on what the Municipal Working Group sees as potential policies, then based on SPC input they are revised and returned to the SPC for endorsement. From there, the policies will go through consultations as part of a source protection plan update. Following consultations, the policies are then finalized.</p> <p>THAT the agenda of December 5, 2023 meeting be accepted as distributed.</p> <p>Moved by Gavin Smuk seconded by Chris Murray.</p> <p>Carried</p>
5	<p>Minutes of the Previous Meeting</p> <p>THAT the minutes of the September 26, 2023 meeting of the Halton-Hamilton Source Protection Committee be approved as circulated.</p> <p>Moved by Dave Rodgers and seconded by Carla Coveart.</p> <p>Carried</p>
6	<p>Business arising from the September 26th meeting.</p> <p>M. Keller reported that the Agrichemical Warehousing Standard Association (AWSA) (Dr. Justin Taylor) provided feedback on the primer developed and</p>

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	<p>presented at the previous meeting. Dr. Taylor is satisfied with the primer and will circulate it using their distribution list (Ontario warehouses and auditors). The primer is a good communications tool to promote the program. SPC may set up a future webinar with Dr. Taylor for the auditors and warehouse owners to explain the program in more detail and answer any questions.</p> <p>AWSA is a national organization and they have a protocol in place that requires warehouses to comply with in order to receive product, i.e., pesticides. AWSA are in the final stages of updating their code, including proposed language for new warehouse builds to have a minimum separation distance of 30 metres from environmentally sensitive areas. The proposal also details that Source Protection language is included in the interpretation portion of the code document.</p> <p>M. Keller spoke to the Fire Response package. The slide deck from Georgian Bay Lake Simcoe Source Protection Region presented to the Central York Fire Service have been received and reviewed. Locally, in Halton-Hamilton, the SPC could look at opportunities to engage our fire services in a similar fashion and include outreach on the Source Protection Program.</p>
7	<p>Presentations</p> <p>None.</p>
8	<p>Reports</p> <p>a) SPC 23-12-01: Source Protection Program Updates</p> <p>M. Keller noted that staff are moving ahead with the trend analysis for the climate projections. The Source Protection Authority (SPA) received provincial funding to undertake a Climate Change Vulnerability Assessment for the systems in Halton-Hamilton. The work will be completed by the end of the fiscal year. This is a qualitative assessment of projections we can see because of climate change (e.g., higher temperature, rainfall events, dry spells) and their impact on the quality of surface water of Lake Ontario or groundwater as a source of our municipal drinking water systems.</p> <p>Regarding annual progress reporting, staff are ready to start the 2023 reporting season, and municipalities need to report to the SPA by February</p>

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	<p>1, 2024. The system has been updated by the Ministry and staff have done all the necessary revisions needed locally.</p> <p>THAT the Halton-Hamilton Source Protection Committee receives for information the staff report SPC 23-12-01 Source Protection Program Updates.</p> <p>B. Edmondson called for consensus that there is no issue with the report. Confirmed.</p> <p>For the reports, M. Bergen reminded the SPC that the new Director Technical Rules were released in 2021. M. Bergen has been reviewing them threat by threat and presenting implications and proposed policy revisions for information at SPC meetings. Following discussions, SPC comments were considered and taken back to the Municipal Working Group for any revisions. At this point, there is support from municipalities and rationale to move forward with some of these policies to get ready for early engagement.</p> <p>b) SPC 23-12-02: Draft Policy Package – Road Salt & Snow</p> <p>With regards to storage of road salt, the technical rules created three categories; fully, partially, and not exposed to precipitation and run off. Fully Exposed Storage of road salt is proposed to be prohibited anywhere it is a significant drinking water threat. Partially exposed storage will require a Risk Management Plan (RMP) with a Low-Density Residential Exemption (e.g., an open bag of salt on a front porch of a single detached home would not be prohibited). Staff are also requesting that the Niagara Escarpment Commission prohibits fully exposed storage of road salt through the Niagara Escarpment Plan. Staff are also proposing to continue with the current approach to Education & Outreach and Salt Management Plans for municipalities and encouraging Best Practices with the Ministry of Transportation.</p> <p>Staff suggest that prohibition of Fully Exposed Storage of road salt is a low effort practice with significant potential benefits to drinking water sources.</p>

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	<p>In response to a comment at the last meeting about prohibiting via an RMP, staff clarified that RMPs cannot be used to prohibit an activity. Staff note that the proposal is not prohibiting an activity fully, just the circumstance of how the road salt is stored.</p> <p>For snow storage and handling, staff are proposing to prohibit any future snow storage sites greater than 200 metres squared if it creates a significant drinking water threat. Anywhere else where the activity would be a significant drinking water threat will require an RMP.</p> <p>THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC-23-12-02 Draft Policy Package – Road Salt & Snow</p> <p>Moved by Jon Clark and Seconded by Scott Stewart.</p> <p>Carried.</p> <p>c) SPC 23-12-03: Draft Policy Package – Fuel</p> <p>M. Bergen summarized the proposed policy changes to prohibit Future Handling & Storage of fuel greater than 250L in a WHPA-A with a municipal emergency backup generator exemption. In a WHPA-B with a vulnerability score of 10, proposing to prohibit the future storage of fuel greater than 2500 L.</p> <p>The Municipal Working Group advised to keep the currently approved prohibition policy dealing with gas stations as it would give developers advance notice through Planning Act provisions.</p> <p>Any existing fuel storage and handling above 250L would be managed through an RMP. Any future fuel storage required for municipal emergency backup generators in a WHPA-A greater than 250L and less than 2500L would also be managed with an RMP. And any future storage of fuel in a WHPA-B greater than 250L and less than 2500L would be subject to an RMP.</p>

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	<p>Staff recommend keeping the prohibition request for future gas stations to the Niagara Escarpment Commission and continuing with Education & Outreach of the handling and storage of fuel.</p> <p>In the current Halton Hamilton Source Protection Plan (HHSP), an existing threat is defined as an activity that commences or has been engaged with a demonstrated intent to continue, in a location in a vulnerable area prior to the Source Protection Plan taking effect where there would be a drinking water threat. The definition includes any expansion of the activity or conversion to a similar use only on the same parcel of land.</p> <p>If the activity is already occurring with intent to continue or expand, it is an existing threat. Because of this definition the proposed residential and agricultural exemption has been removed.</p> <p>G. Smuk commented and outlined his concern that farms and houses change ownership, and that fuel storage may be removed and there may be the need to establish new fuel storage. With the combination of home heating fuel, diesel, and gasoline it is difficult to stay under the 2500L. G. Smuk does not agree with the prohibitions and the definition of existing threat.</p> <p>M. Bergen responded that the existing threat definition is from the current approved Halton-Hamilton Source Protection Plan. M. Keller noted that the prohibition policy would only apply if the activity would be covered under the future definition (i.e., no expansion, fuel storage did not exist at that location before). Most cases are covered under the definition for existing. Also, based on ortho-imagery analysis, there are very few locations where prohibition policy would apply.</p> <p>G. Smuk responded that prohibition is unnecessary if the likelihood is low and that the existing definition does not cover the possibilities. G. Smuk added that there is not enough reasoning to justify the prohibition.</p> <p>M. Bergen added that staff also looked at where fuel storage would be prohibited on a property with areas WHPA-B v10. In these cases fuel storage would not be prohibited on the entire property, it would just be</p>

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	<p>confined to the areas where significant drinking water threats exist on that same property.</p> <p>G. Smuk commented that the location of the tank could also increase risk, and that the security of tank is important.</p> <p>J. Clark commented from an RMO perspective on properties changing hands. When properties have changed hands in the past, the prohibition policy carries on from one owner to the next. Where RMPs exist, they are redefined with the new owner. RMPs are reworked frequently, but existing activities can carry on with new landowners.</p> <p>J. Strakowski commented from a scientific perspective on why prohibition is proposed. Looking only at locations where the vulnerability is high and travel times to the well are low (less than 2 years). The prohibition proposal is asking to protect against the worst-case scenario (e.g., fuel tank rupture) for locations that are potentially within days of travel time between the spill and municipal well.</p> <p>THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC 23-12-03 Draft Policy Package – Fuel</p> <p>Moved by Chris Murray and seconded by Carla Coveart.</p> <p>In favour include Dave Rodgers, Sarah Lock, Emily Milligan, Jon Clark, Carla Coveart and Chris Murray.</p> <p>Gavin Smuk and Scott Stewart opposed.</p> <p>Carried.</p> <p>d) SPC 23-12-04: Draft Policy Package – DNAPLs</p> <p>M. Bergen shared that there was little change. The province added a list of activities that have the potential to have Dense Non Aqueous Phased Liquids (DNAPLs) associated with them. Staff propose to keep the proposed policies in place that were approved and adding the list as reference (List 1) to the policy.</p>

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	<p>THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC 23-12-04 Draft Policy Package – DNAPLs</p> <p>Moved by Carla Coveart and seconded by Emily Mulligan.</p> <p>Carried.</p> <p>e) SPC 23-12-05: Draft Policy Package – Commercial Fertilizer and Pesticides</p> <p>M. Bergen walked the SPC through the RMPs for application of commercial fertilizer where it would be a significant drinking water threat for existing and future. The proposed changes also include continuing education and outreach for property owners, an RMP for existing handling and storage of commercial fertilizer in a WHPA-A of greater than 2500 kg, and an RMP for the existing and future handling of storage greater than 2500 kg within WHPA-B 10.</p> <p>Staff also propose to eliminate any future handling or storage of fertilizer greater than 2500 kg within the WHPA-A through prohibition.</p> <p>Discussions took place at the Municipal Working Group meeting about prohibiting the application of fertilizer within the WHPA-A, and that there are circumstances within the source protection region where it may not make sense. Staff propose the implementation of an RMP is a feasible option as an alternative.</p> <p>The proposed policies are included in the appendix to the report.</p> <p>The application of commercial fertilizer and the handling and storage are separated out with RMPs based on feedback from municipalities. Easier to keep these activities separate for implementation.</p> <p>G. Smuk commented that we are discussing prohibition for an activity that might occur within an WHPA-A. Fertilizer is often stored in buildings that are not specifically built for fertilizer storage. G. Smuk identified that 2500 kg covers 5 hectares for a corn crop and is not a lot of fertilizer. If the building already exists and is suitable for storage, G. Smuk is unsure of the threat if it is stored properly. There is an incentive for the owner of the</p>

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	<p>fertilizer to manage it properly because if it gets wet it is not very useable. G. Smuk expressed that prohibition is overkill and does not support it.</p> <p>M. Bergen responded that through the ortho-imagery analysis undertaken, there are no existing buildings that could be used for the purpose of fertilizer in the WHPA-A. This new policy would prohibit future storage. M. Keller shared that prohibition does not impact existing storage but it is valuable to introduce prohibition to protect future impacts to our drinking water sources.</p> <p>G. Smuk asked about the buildings at the Freelon Well. C. Vega flagged that the sheds surrounding the Freelon Well are not for storage but are horse shelters.</p> <p>On pesticides, M. Bergen gave an overview of the proposal to mitigate the risk of application of pesticides on land greater than one hectare through RMPs within WHPA-A (existing activity) and WHPA-B v10 (existing and future activity) and WHPA-E v8.1 or higher (existing and future activity). Staff are proposing to eliminate the risk through prohibition of future application of pesticides within a WHPA-A on land greater than one hectare.</p> <p>Additional changes include proposing an RMP for storage and handling of pesticides in WHPA-A greater than 250kg (existing activity), an RMP in a WHPA-B v10 and a WHPA-E v9-10 greater or equal to 250kg (existing and future activity) and prohibition of storage and handling of pesticides greater than 250kg in a WHPA-A (future activity). There are very few locations where these apply as a significant drinking water threat.</p> <p>G. Smuk commented on the language ‘eliminate the application of pesticides’. Pesticide application doesn’t necessarily get restricted to cultivated land, but woodland too. May use pesticides for invasive species control. Pesticide have regulatory labels with approved use. If it is unsafe to use within 100m of a well the label would identify it. It is not consistent with the existing regulatory environment to prohibit. If it can be managed properly, we should go with an RMP.</p> <p>M. Keller suggested a change to the language to be more specific and clarified that the intent of the policy is prohibiting the application of</p>

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	<p>pesticides on an area greater than one hectare. It is not the total elimination of the application of pesticides; it is within the context identified, i.e., on an area greater than one hectare.</p> <p>THAT the Halton-Hamilton Source Protection Committee receives for information the staff report SPC-23-12-05 Draft Policy Package – Commercial Fertilizer and Pesticides</p> <p>Moved by Carla Coveart and seconded by Chris Murray.</p> <p>Carried.</p> <p>f) SPC 23-12-06: Draft Policy Package – NASM and ASM</p> <p>M. Bergen shared that there have been discussions with neighbouring source protection areas and that she spoke to a program manager who is also an RMO and farmer to better understand the details (including regulations, compliance inspections and approvals) of NASM and ASM.</p> <p>The technical rules now break down the specific categories of NASM. It was identified that Category 1 was not covered by any currently approved policies. As such, staff are proposing to prohibit the application of NASM within a WHPA-A (existing and future). In a WHPA-B 10 and WHPA-E 8-10, staff are proposing an RMP to manage the application of NASM (existing and future). Staff are proposing to prohibit the handling and storage of NASM within WHPA-A 10 (existing and future) and proposing an RMP for handling and storage of NASM within a WHPA-B 10 and WHPA-E 9-10. This would include temporary storage.</p> <p>The RMPs are being proposed because where NASM plans are in place, farmers or operators that have these plans would be eligible for a section 61 exemption from needing an RMP. By creating the RMP it allows the RMO to speak with property owners and request to review the NASM plan and ensure the plan is being followed and protects drinking water sources. At that point, the RMO can evaluate if the RMP is necessary. This approach provides an avenue for inspection and compliance rather than leaving it up to MECP alone. Other source protection regions are also looking at similar approaches and implementing RMPs to address the gaps in inspections.</p>

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	<p>G. Smuk commented that the application of NASM is prohibited in the Nutrient Management Act and no additional S.57 prohibition is needed. The permanent storage of NASM requires a nutrient management strategy and you are prohibited from construction NASM or ASM storage within 100m of a municipal well. The only gap may be a temporary storage, but again, the Nutrient Management Act prohibits the storage within 100m of a well. It is enforced by calling the local MECP office for an inspector to come. The only real gap in our existing policy is the application of category 1 NASM (low risk material). According to the Nutrient Management Act, as long as you apply the material under 20 tonnes per hectare, testing or record keeping is not required. This material may not have value for developing RMPs.</p> <p>G. Smuk feels it is possible to manage it with an education plan rather than another RMP.</p> <p>M. Bergen commented that Category 1 includes non-farm herbivorous animals. The RMOs are referring to this as 'zoo poo'. There are places where the material is taken from zoos and used to spread as NASM. This is not currently captured under a Nutrient Management Plan. The RMP would cover this aspect and ensures consistency rather than inspections happening on a complaint basis.</p> <p>J. Clark clarified that the Nutrient Management Act only covers farms where they generate more than 5 Nutrient Management units, so some operations may fall through the cracks.</p> <p>THAT the Halton-Hamilton Source Protection Committee receives for information the staff report SPC-23-12-06 Draft Policy Package – NASM and ASM</p> <p>Moved by Carla Coveart and seconded by Jon Clark.</p> <p>Carried.</p> <p>g) SPC 23-12-07: ERO Update</p> <p>M. Keller shared that CH has commented on a few EROs to the province. The comments identified concerns with the proposals where activities could impact sources of drinking water. We recommended to consider source</p>

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	<p>protection and to not provide exemptions where activities would be significant drinking water threats. The comments encouraged the province to focus on proper oversights and to ensure environmental compliance approval remain in place for activities that impact drinking water sources. An example being preventing the use of salt impacted soils near a drinking water supply well.</p> <p>E. Milligan asked about construction dewatering and foundation drains. M. Keller explained that construction dewatering is typically temporary and generally does not have lasting environmental impacts. However, there are areas where there are water quantity protection zones (WHPA-Q) where there could be significant impact to drinking water quantity when construction dewatering is longer term and for large quantities. The comment on the proposal is to not remove the upper threshold for when construction dewatering activities can be self registered under the Environmental Activity and Sector Registry (EASR) where these activities would be significant drinking water threats under the Clean Water Act. With foundation drains, they are permanent and must be pumped indefinitely (for the lifetime of the building). In some cases, these can also be significant volumes. Where they are considered significant drinking water threats, our comments recommended that these water takings should continue to be managed through Permits To Take Water. J. Clark added that the threat is specifically taking the water from the groundwater source and returning to the surface water. C. Murray asked about salt impacted soils and that the soil rules under O. Reg. 406 already have a prohibition for soil use within 100m from a well and 30m from a surface water body. Does this factor into the comments? M. Keller responded that the proposal includes the existing setbacks from specific water bodies including the 100m exclusion zone, and that under the Clean Water Act, there are also protection areas that go beyond the 100m zone, e.g., Issue Contributing Areas (ICA) for chloride. Our comments recommended including a broader set of exclusions for the use of salt impacted soils based on the protection areas and scoring under the Clean Water Act.</p>

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	<p>THAT the Halton-Hamilton Source Protection Committee receives for information the staff report SPC-23-12-07 Conservation Halton Comments on Environmental Registry Notices</p> <p>Moved by Gavin Smuk and seconded by Dave Rodgers.</p> <p>Carried.</p>
9	<p>Correspondence</p> <p>B. Edmondson summarized the letter from Halton Region about Update on Status of Establishing Risk Management Plans for Source Water Protection. It doesn't directly apply to the Halton-Hamilton Source Protection Region as all RMPs are covered within our Source Protection Region. It is of interest to see how many RMPs need to be developed by Halton Region. J. Clark identified that the RMPs largely apply to parking lots with respect to the application of road salt.</p>
10	<p>Source Protection Committee Chair's Update by Bob Edmondson</p> <p>B. Edmondson shared that SPC attended the Hops & Harvest festival again. C. Coveart and C. Murray were on site. The festival is about beer and there are additional merchants and live music. It is difficult to engage people in that atmosphere, but it is good exposure.</p> <p>B. Edmondson identified that there is money left in our budget to go to the end of March 2024. Looking to access the Rotary Club or Community Centre and put up a display to promote the program. Also taking up the idea to present to local fire departments for exposure. We want to promote best practices. Other thoughts and ideas are welcome to promote Source Protection.</p>
11	<p>Ministry of the Environment, Conservation and Parks Update</p> <p>L. Collings introduced herself. She is a Program Analyst with the Source Protection Branch at the MECP. L. Collings will be handling the amendments coming through from Halton-Hamilton. There are no longer any liaison officers with the branch and staff are working in an adjustment space to sort out where the branch capacity lies. MECP acknowledges that this interaction is valuable, and L. Collings will be the point person for Halton-Hamilton. Questions or comments can go through L. Collings, or the generic monitored MECP inbox. About updates from the ministry,</p>

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	EASR is one of the biggest pieces right now, and staff at the Source Protection Branch are adjusting to the new Minister, Andrea Khanjin. Minister Khanjin has a keen interest in salt. One other priority is working to revise guidance materials to make processes easier for the SPAs.
12	<p>Conservation Ontario Update by Leslie Rich</p> <p>Leslie detailed that Conservation Ontario (CO) hosted their first hybrid project and program manager meeting in Peterborough on December 4, 2023. It was a great opportunity for MECP staff as well as CA staff to discuss issues of importance about the Source Protection Program.</p> <p>Wrapping up late fall social media campaign, which is focused on seasonal messages about protecting the sources of drinking water.</p> <p>Conservation Ontario has consolidated comments on the provinces proposed regulatory amendments to encourage greater reuse of excess soil. Comments were submitted last week and are aligned with the comments from HHSPC.</p> <p>The first meeting of one of COs program and process improvements working groups took place last week. The group is looking at developing guidance to assist in ensuring a complete technical work submission to SPA for section 34 amendments. It was a good first discussion and resources are being gathered to review prior to the next meeting in early February 2024.</p> <p>The next meeting of Conservation Ontario Council is December 11th and will be the final meeting for 2023.</p>
13	<p>Other Business</p> <p>None.</p>
14	<p>Adjourn</p> <p>Chair Bob Edmondson adjourned the meeting at 3:16p.m.</p>

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

Senior Manager, Watershed Planning and Source Protection: Martin Keller, mceller@hrca.on.ca