

**MINUTES OF THE FORTY-NINTH MEETING OF THE
NORTH BAY-MATTAWA SOURCE PROTECTION COMMITTEE
9:00 am, THURSDAY, JANUARY 9, 2014
Held at the North Bay-Mattawa CA Boardroom, 15 Janey Ave North Bay**

1. Administration

a) Meeting called to order at 9:10

b) Attendance Record and Quorum

S P C	Staff and Liaisons
Roy Warriner	Sue Miller, Manager DWSP
Lucy Emmott	Kristen Green, Water Resources Specialist
Dennis MacDonald	Julia Burke, Source Protection Specialist
Beverley Hillier	Sue Buckle, Supervisor Communications & Outreach
John MacLachlan	John Westlake, MOE Liaison
George Onley	Guests
Randy McLaren	Kelly Anne Smith (12:45-1:45pm)
Maurice Schlosser	
George Stivrins (10:00am)	Regrets – Chuck Poltz, NBPSD Health Unit

b) Declaration of Pecuniary Interest – none

d) Approval of Agenda

Motion to approve Agenda as presented, moved by George Onley, seconded by Lucy Emmott (Resolution 49-01). **Carried**

e) Approval of Minutes of August 29, 2013 SPC Meeting

Motion to approve Minutes as circulated, moved by George Onley, seconded by Dennis MacDonald (Resolution 49-02). **Carried**

f) Correspondence - none

g) Project Manager’s Report

The Project Manager provided an overview of her report which will be appended to the minutes of this meeting.

A Source Protection Committee (SPC) member asked whether the residents of Trout Creek had responded or made comment on the removal of the Trout Creek well cluster. No communication from residents was received.

SPC members asked for further information regarding the Source Protection Municipal Implementation Fund (SPMIF). The MOE Liaison provided details on how the funds were allocated and what expenditures were eligible.

Regarding the proposed conversion of the TransCanada pipeline to carry crude oil products running north of Trout Lake, clarification was sought regarding the SPC's role in a project that would be decided at the federal level.

MOE Liaison explained that the Ontario Energy Board will be holding public consultations, the results of which would be relayed to the National Energy Board. The SPC could play an important role in relaying the local science developed in the Assessment Report to the Ontario Energy Board (OEB).

Action Item → Further background information on the OEB public consultation will be provided to SPC members.

Motion to accept the Project Manager's Report as presented and append to the minutes of this meeting, moved by Dennis MacDonald, seconded by Lucy Emmott (Resolution 49-03). **Carried**

e) MOE Liaison's Report

SP Plan Review – all SPCs have received some form of comments from MOE. Extensive discussions have taken place to resolve challenges with implementing bodies. Two SP Plans have been approved, two resubmitted, and remaining. SP Plans are expected to be approved this year.

SPC Chair Appointment – this process is still ongoing. A new chair is expected to be appointed soon.

Source Protection Municipal Implementation Fund (SPMIF) – this fund was a good news story for the ministry. This was a milestone for the program. This also indicates the ministry's commitment to the Drinking Water Source Protection (DWSP) program.

Education Materials – for some education and outreach policies that are consistent across the province, there is a working group developing educational materials that can be shared.

Environmental Assessment – the guidance for Municipal Engineers undertaking projects is being amended to include consideration of source water protection.

2. Revised Assessment Report

Action Item → A comment was made to put in the meaning of the abbreviation DEM: digital elevation model into the revised assessment report. This revision will be made.

Motion to accept the proposed updates to the assessment report as presented moved by Bev Hillier, seconded by Dennis MacDonald (Resolution 49-04) **Carried**

3. Source Protection Plan Revisions

a) Trout Creek Removal

In compliance with an order issued October 9, 2013 by the Minister of the Environment under s. 13(2) of the Clean water Act, all references to Trout creek are being removed from the SP Plan (Terms of Reference, Assessment Report and SP Plan). The SPC was informed of the specific changes to the SP Plan as a result of the removal of Trout Creek Wellhead Protection Areas.

b) Removal of Risk Management Policies (also known as Part IV Policies)

There were four policies in the SP Plan that used Part IV powers to manage specific significant threat activities. Two of these would require Risk management Plans for the handling and storage of DNAPLs and organic solvents. Under the proposed education and outreach alternative approach, municipalities will be responsible to implement the education and outreach program as per the new policy (HAZ3). Municipalities have the option of expanding the program to deal more broadly with hazardous waste disposal and this has been well received.

Action Item → An SPC member advised that LAU1 policy should refer to s. 17 and s. 34 not s.17 and s.26. This should be changed throughout the SP Plan.

There was also a concern that this policy may not be effective if zoning by-laws are not already in place. The MOE Liaison will discuss this policy with an MOE planner to determine options.

Motion to revise the Source Protection Plan to remove the use of part IV powers as amended moved by Roy Warriner, seconded by Beverley Hillier (Resolution 49-05) **Carried**

Action Item → Implementing bodies would be responsible for the enforcement of specific prohibitions. It was recommended that municipalities, specifically planners, be advised that the Transition Policy is being removed and certain activities will now be prohibited rather than managed through risk management plans. This will enable municipal staff to provide pertinent advice regarding development applications in the interim, prior to the SP Plan and associated new prohibitions coming into effect.

Motion to remove TST1: Transition Policy as presented moved by Lucy Emmott, seconded by Beverley Hillier (Resolution 49-06) **Carried**

c) New Policies/Rewrites

Motion to revise WDS2: Municipal Land Use Prohibition of Waste Disposal Sites as presented moved by George Onley, seconded by George Stivrins (Resolution 49-07) **Carried**

A concern was expressed and considered regarding proposed WDS3 due to the difficulty of determining concrete outcomes when using an education and outreach approach.

Motion to add Education and Outreach policy WDS3: Education Hazardous Waste and PCBs and the monitoring policy M16 to the Source Protection Plan as presented moved by Dennis MacDonald, seconded by Maurice Schlosser (Resolution 49-08) **Carried**

d) Explanatory Document Changes

Motion that program staff be directed to amend the Explanatory Document and complete Minor Text Changes as presented, moved by Lucy Emmott, seconded by Randy McLaren (Resolution 49-09) **Carried**

e) Minor Text Changes

Action Item → As mentioned previously, the reference for LUP policies should be s. 17 and 34 of the Planning Act not s. 17 and s. 26

f) Monitoring Policies

Motion that program staff be directed to amend the Monitoring Policies M02, M07, M09, M10, M11 and the Monitoring Policy Table as presented, moved by George Onley, seconded by Dennis MacDonald (Resolution 49-10) **Carried**

g) Other Revisions

Motion that program staff be directed to add an explanation in the Explanatory Document for policies PST3: Land Use Prohibition – Pesticide Handling and Storage and ICA1: Education Issue Contributing Area as presented moved by Roy Warriner, seconded by Beverley Hillier (Resolution 49-11) **Carried**

Motion to revise policy ICA4: Monitor Issue in Callander ICA and monitoring policy M06 to provide a shared responsibility for implementation between the Municipality of Callander and the NBMCA as presented, moved by George Stivrins, seconded by Dennis MacDonald (Resolution 49-12) **Carried**

Motion to update explanatory document to reflect all revisions to the SP Plan, moved by Lucy Emmott, seconded by George Onley (Resolution 49-13) **Carried**

4. Callander ICA Advisory Group Update

The Supervisor of Communications and Outreach provided an overview of the ICA education program and the ICA advisory group. This report will be appended to the minutes of this meeting.

Action Item → Based on a request of a member, notes from the ICA Advisory Group will be provided to SPC members.

Motion to accept the Callander ICA Advisory Group Report as presented and append to the minutes of this meeting, moved by George Onley, seconded by Lucy Emmott (Resolution 49-06). **Carried**

5. Concerned Citizen's Presentation on the Proposed Oil Pipeline

Kelly-Anne Smith, representing a citizens' group, provided a presentation on the proposed Energy East pipeline and concerns regarding the Trout Lake watershed and risks to North Bay's drinking water. A map depicting specific features near the proposed route was provided to SPC Members. Ms. Smith also submitted 120 letters addressed to the North Bay Mattawa Conservation Authority. The map and letters will be filed with materials related to the NBMCA's review of the Energy East Project proposal.

Further discussion involved the potential next steps for the SPC and the citizens' group. The MOE Liaison explained the public consultation process and opportunities for comment that will be available through the Ontario Energy Board. An SPC member also emphasized the importance of citizens being politically engaged.

6. Timeline for Submission of Revised Documents

It is expected that the Revised SP Plan and Assessment Report will be posted for public consultation in February, 2014. The proposed timeline for submitting these revised documents is March or April, 2014.

Action Item → The summary chart of policies and responsibilities for implementation, which formed the basis of discussions with municipalities at a joint meeting held June 19, 2013 will be sent out to the SPC.

7. New Business and Wrap-up

No new business was presented.

8. Next Meeting

The next meeting will be at the call of the Chair.

9. Adjourn

Meeting adjourned at 1:53 pm on a motion by George Onley. **Carried**

John MacLachlan, Acting Chair

Sue Miller, Project Manager

TO: The Chair and Members of the North Bay-Mattawa
Source Protection Committee

ORIGIN: Sue Miller, Manager Source Water Protection

DATE: Friday, December 20, 2013 (for meeting January 9, 2014)

SUBJECT: Project Manager's Report

BACKGROUND:

Updates on the Drinking Water Source Protection (DWSP) program are provided to the Source Protection Committee (SPC) at each meeting. Between December 2007 and August 2012, the SPC oversaw a science-based planning process to develop a Source Protection Plan in compliance with an approved Terms of Reference, the Clean Water Act (2006), its Regulations and Technical Rules. Notification of approval of the Updated Assessment Report was received September 21, 2011. The proposed Source Protection Plan was submitted to the Minister of the Environment on August 20, 2012. Comments from the Ministry of Environment (MOE) review were received on October 29, 2013 and the SPC is now engaged in consideration of those comments and making revisions as the Committee sees fit. The SP Plan is intended to protect the five municipal sources of drinking water in the North Bay-Mattawa Source Protection Area.

The Source Protection Authority (SPA) is responsible for governance of the local project and ensuring compliance with applicable legislation. The North Bay-Mattawa Conservation Authority (NBMCA) administers the program and provides necessary resources according to an agreement with the SPA. To date, development of the SP Plan and preparations for its implementation have been funded 100% by the provincial government.

1. Appointment of New SPC Chair

At its meeting on November 27, 2013, the SPA considered candidates for the position of SPC Chair and forwarded their recommendation to the Minister of Environment.

Section 7(4) of the Clean Water Act (2006) stipulates that "the Minister shall appoint the chair of each source protection committee, after considering any recommendations from the Source Protection Authority."

There has been no further communication received from MOE at this time. John MacLachlan continues to fill the position of Acting Chair.

2. Ministry of Environment Review of Proposed SP Plan and SPC Consideration

Official comments were received from MOE Reviewers on October 29, 2013. These have been reviewed by staff and recommendations are provided in the meeting package for consideration of the Committee.

3. Status of Trout Creek – Consideration of Powassan Council's Request to Withdraw

On October 9, 2013, the Minister of Environment issued an order to remove Trout Creek from the Source Protection program. Therefore, the Terms of Reference, Assessment Report and proposed SP Plan all need to be amended to remove references the Trout Creek well cluster.

The amended Terms of Reference were posted for a 30-day comment period on November 18, 2013. Notifications were sent to the Municipality of Powassan and property owners/residents of the town site, in addition to all SP Area municipalities and SPA members. The commenting period has now closed and no comments were received. The amended Terms of Reference and required supporting documentation will be forwarded to the Ministry of Environment prior to the due date of January 9, 2014.

With the notification, Trout Creek residents were also provided an informative booklet on best practices to maintain a septic system.

4. Policies Requiring a Risk Management Official (RMO)

At a meeting with municipalities on June 19, 2013, to begin preparations for implementation of the SP Plan, attendees expressed support encouraging the SPC to replace policies that would require a risk management official. MOE reviewers have assisted staff with developing alternatives for the Committee to consider at the current meeting.

5. Source Protection Municipal Implementation Fund (SPMIF)

On Friday, November 1, 2013, the provincial government announced initial allocations of the \$13.5 million dollars identified in the current budget to assist municipalities to prepare for their responsibilities for implementation of SP Plans. In addition to the amounts listed below, each municipality is eligible for an incentive grant of up to \$15,000 for collaboration with other municipalities in the program. MOE hosted a webinar the following week to clarify the terms of the grant.

On Tuesday, December 10, 2013 municipal staff and councils met with program staff to clarify eligible expenditures, discuss each municipality's responsibilities under the SP Plan and consider opportunities for collaboration. The funding is being provided to the municipalities and is totally under their control but has substantial restrictions on how it may be used. Attendees supported the ongoing assistance of DWSP program staff with SP Plan implementation and appropriate use of the funds. To that end, staff will be preparing a proposal outlining a work plan and budget for consideration by municipalities in early March, 2014.

This is being provided to the SPC for information. Although the SPC is not responsible for implementation, it will be important that the Committee be aware of how implementation progresses so they can assess the effectiveness of the SP Plan policies and approaches the SPC

choose.

Municipality	Grant
Callander	\$64,783
Chisholm	\$25,000
East Ferris	\$21,599
Machar	\$21,238
Mattawa	\$75,000
North Bay	\$48,768
Powassan	\$75,000
South River	\$50,000

6. Implementation of the Callander ICA Education and Outreach Policy

The five municipalities collaborating on the education and outreach policy for the Callander ICA have formed an advisory group which has been quite active already. Details are provided in the report from the Supervisor of Communications and Outreach included in this meeting package.

7. Improving Understanding of Phosphorus Loading in Callander ICA

Effectively addressing the phosphorus loading to Callander Bay will likely be the most challenging aspect of SP Plan implementation. Responsibilities in the SP Plan include

- establishment of an outreach and education program,
- undertaking research to better understand the factors involved, and
- ongoing data collection to support implementation of other relevant policies.

As well, changes to the Ontario Building Code that became effective in 2011 require maintenance inspections of all septic systems the ICA. Inspections have been underway but it will take several more years before the first round of inspections is completed. In the meantime, it has become apparent that the ICA delineation needs to be verified to include consideration of the direction the land slopes. This is included in proposed revisions to the work plan for the ICA in the Assessment Report.

Over the summer of 2013, program staff visited farms and golf courses to determine the nature of activities that may increase phosphorus loading. Staff also coordinated a survey of urban and rural residents that was collected online as well as through a series of community meetings. The survey collects information on local knowledge, attitudes and behaviours related to phosphorus. The survey results will help us assess the nature of loading from urban Callander and identify what behaviours the education and outreach initiative should attempt to change as part of SP Policy ICA1: Education.

For several years we have coordinated our sampling and research activities with Nipissing University. This partnership has provided a number of benefits, the first of which was being able to attract better qualified students for our summer sampling jobs. The university recently began offering a Masters program and Nipissing is asking these students to consider local needs when selecting their thesis projects. Two of these projects currently relate to the Callander ICA:

- understanding sources of stream flow in the Wasi watershed, (Nathan Mountain) and
- the dynamics of conditions in Callander Bay that may influence the release of phosphorus from sediments (Jamie Lavigne).

The partnership recently evolved to include Environment Canada as well. One of the professors at Nipissing University has funding to purchase several automatic sampling devices. Environment Canada has agreed to help us install one of these at their gauge on the Wasi River near Callander Bay. The Environment Canada station monitors stream flow in the river, water depth, temperature and precipitation. For NBMCA's part, we are now trying to find funds to purchase a turbidity sensor which would be part of the installation. The proposed equipment at the gauge would allow us to investigate the relationship between phosphorus, sediment in the water, and various factors related to stream flow (storm events, precipitation, depth of the river).

Once we understand the relationship, we could significantly reduce our costs of monitoring the effectiveness of implementation of policies related to the ICA and actions taken by residents in the Wasi watershed.

Findings of NBMCA research and those of the Masters students were presented at the Lake Nipissing Research Conference, at Nipissing University on Friday November 22, 2012. Conference presentations are posted at lnsbr.nipissingu.ca under the conference activities tab.

8. EnergyEast Proposed Pipeline Conversion

At this meeting, Kelly Anne Smith will be presenting concerns of a local citizens' group regarding the proposed conversion of a TransCanada natural gas pipeline to carry crude oil including diluted bitumen. There will be some time for Committee discussion after her presentation.

The pipeline in question runs through the northern portion of the Trout Lake watershed. Staff have done some work to determine whether transportation of specific components of crude oil would pose a threat at the North Bay intake. Based on current technical rules and protocols for assessing threats, the anticipated threat is not significant based on Ministry of Environment (MOE) Source Protection guidelines for assessing significant threats. To get around the potentially inadequate technical rules, there exists the option to apply to the Director to include pipelines as a local threat as other SP Areas have done.

Another option would be to model potential spills as was done in in the Toronto area. In that case, the modeling considered the amount of product that could be released during a major spill, including the potential effects of a major storm and looked at the area that could be affected. This exercise concluded there was a significant threat in that region. The challenge with this option is that the North Bay-Mattawa Source Protection Area does not have any funding available for additional technical work. Further, the technical rules do not support additional modelling where an IPZ-3 has already been delineated. However, TransCanada is required to conduct dispersion studies considering potential impacts of a spill. TransCanada personnel have said that they would consider specific concerns of the NBMCA in those studies if approached. If modeling (conducted either independently or in partnership with TransCanada) were to reveal that the pipeline posed a significant threat, the SPC could include appropriate policies in the SP Plan to reduce the risk posed. The Ministry of Environment has advised that they are open to considering any specific evidence that indicates the current technical rule protocols are not adequate.

Brian Tayler, CAO of the NBMCA, is investigating possible courses of action for the NBMCA as are other Conservation Authorities also affected by the proposal, and we are assessing local landscape factors.

Options for the SPC to consider include:

1. Accept the validity of current Ministry of Environment (MOE) Source Protection guidelines for assessing "significant threats" which would indicate the pipeline as not posing a "significant threat" to the source water for the City of North Bay;
2. Request additional funds from MOE to conduct modelling of a diluted bitumen spill, including event-based modelling which considers how a spill situation could be made worse by a storm;
3. Approach TransCanada to include specific criteria in their dispersion studies (modelling) to investigate potential impacts to Trout Lake and the source water for the City of North Bay;
4. Other options may become evident during discussions.

9. Participation in MTO Value Engineering Study along Trout Lake Rd and Hwy 63

One of the recommendations following the formaldehyde spill on Hwy 63 adjacent to Trout Lake in North Bay in May 2012, was for the Ministry of Transport to investigate whether there should be changes made to reduce the risk of future spills and/or their impact. To this end, a workshop was held December 2 to 5, 2013 with representatives of various agencies including MTO specialists from across the province. The Project Manager attended to present the work of the Source Protection Committee related to

- vulnerability of the City of North Bay intake,
- potential contaminant flow within the watershed, and
- spills prevention.

The draft report is expected in January 2014.

RECOMMENDED RESOLUTION

That the Report of the Project Manager, December 20, 2013 be accepted and appended to the minutes of this meeting

CONCLUSION:

We are continuing our work in providing support for the Source Protection Committee to complete the SP Plan approval process and prepare for successful implementation.



Sue Miller, Manager Source Water Protection

TO: The Chair and Members of the North Bay-Mattawa
Source Protection Committee

ORIGIN: Sue Buckle, Communications & Outreach Supervisor

DATE: Wednesday, December 18, 2013 (for meeting Jan 09, 2014)

SUBJECT: Report on Callander ICA Education & Outreach Advisory Group

BACKGROUND:

The North Bay-Mattawa Source Protection Assessment Report identified an Issue Contributing Area (ICA) in the Callander/Wasi subwatershed. The ICA was delineated in the Assessment Report based on the total water contributing area using a 120 m setback from water courses and surface water bodies. All activities identified in the Assessment Report that could contribute phosphorus to the ICA landscape are significant threats to drinking water. The phosphorus in itself would not be an issue, except that in water courses it is a factor in the production of cyanobacteria, and the cyanobacteria can produce the toxin Microcystin LR.

Source Protection (SP) Plan *Policy ICA1: Education – Issue Contributing Area (ICA)* requires the five municipalities in the Issue Contributing Area to plan and deliver an Education and Outreach (E&O) program that would assist in reducing phosphorus loadings to waterways and increasing the amount of phosphorus which is bound in organisms or soil, or otherwise trapped so that it is unavailable to support the growth of algae. Further, the policy requires this is to be done by educating people on appropriate strategies or best management practices (BMP) as well as encouraging change in behaviours and the implementation of those strategies and BMPs.

The five ICA municipalities - Callander, Chisholm Twp, East Ferris Twp, North Bay and Powassan - are the responsible implementing bodies and are required to work collaboratively in the development of one program to be delivered throughout the ICA. The policy also calls for consultation with a variety of organizations and stakeholders which would have relevant knowledge to assist them in the development of the program.

The municipalities are required to implement the E&O program within two years of the date the SP Plan takes effect. The policy states that the program shall be updated as necessary and made available on an ongoing basis. The municipalities are required to report to the SPA in accordance with the monitoring policy, specifically by Feb 1st of the year after the municipality is required to prepare the program and in the case of an ongoing education program, each year thereafter.

This report is being provided as an information item to the SPC.

1. Formation of Advisory Group

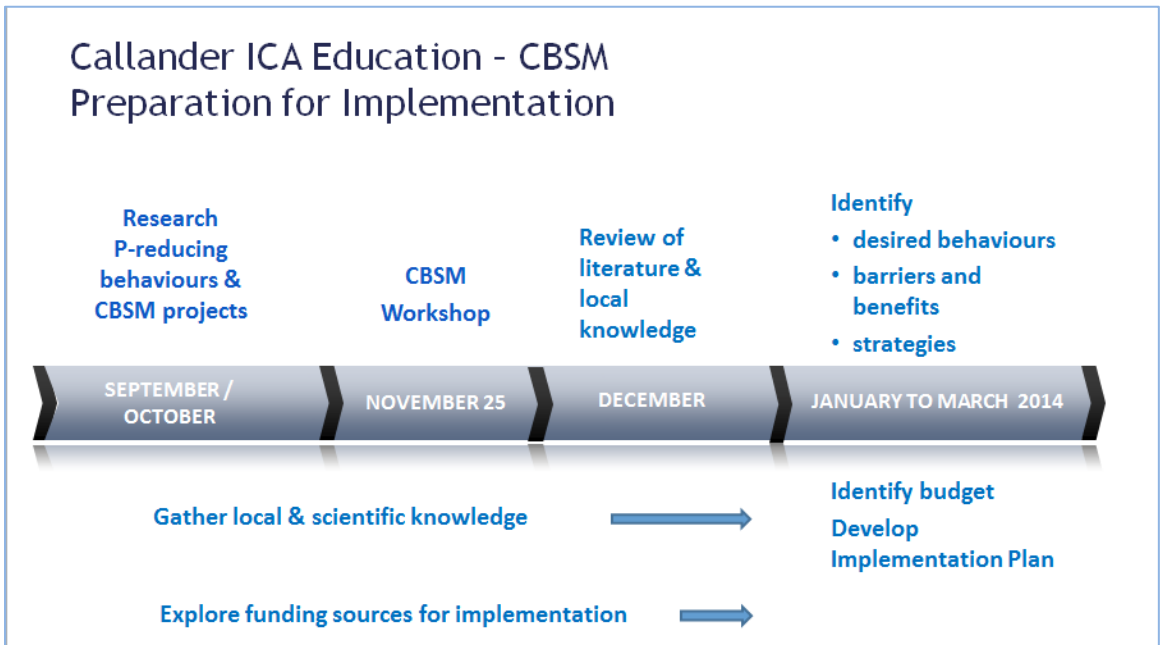
A Terms of Reference was developed and approved by representatives of the five Callander ICA municipalities, establishing the purpose, terms and conditions for the Callander ICA Advisory Group (CIAG). The Terms of Reference are attached.

The CIAG has met October 7th and December 10th, 2013 and many of the members attended the Nov. 25th, 2013 Community-based Social Marketing training session

2. Community-based Social Marketing (CBSM) Training

Policy ICA1: Education outlines the characteristics and elements of the E&O program, and requires that the program take into consideration the principles of social marketing as a strategy for fostering the desired behaviour and actions. Community-based Social Marketing (CBSM) provides a framework that will satisfy the policy. CBSM is used globally to foster environmentally sustainable behaviour change. NBMCA sponsored a CBSM training session on November 25, 2013; in lieu of funding from MOE’s DWSP program. The workshop was facilitated by LURA.ca which specializes in the development of CBSM programs, and has done so for a number of conservation authorities, Ministry of Natural Resources, Ministry of the Environment, Ontario Ministry of Agriculture and Food, Ontario Federation of Hunters and Anglers and others with extensive experience in phosphorus-reducing initiatives. Many CIAG members attended, along with representatives of NBMCA member municipalities, environmental groups, and other stakeholders.

3. Work Plan & Timeline



3. Funding

The Ministry of the Environment has provided the five ICA municipalities, as well as others in the DWSP jurisdiction, with funding through the Source Protection Municipal Implementation Funding (SPMIF) Program. There are funds available for qualified collaborative initiatives; up to \$15,000 each for collaborations of four or more municipalities. The ICA E&O program, prescribed in Policy ICA1 as a collaborative initiative, would qualify. At the December 10, 2013 meeting of the ICA municipalities, there was general consensus that these funds could be put towards the ICA E&O implementation. NBMCA is drafting a collaborative statement and proposal for the municipalities to consider, expected in March 2014. The collaborative statement must be submitted to MOE by Dec 2014 to qualify for the funds.

RECOMMENDED RESOLUTION

That the Report of the Supervisor of Communications and Outreach regarding the Callander ICA Education and Outreach Program be accepted and appended to the minutes of this meeting.

CONCLUSION:

We are continuing our work in assisting municipalities prepare for successful implementation of the Source Protection Plan policies.



Sue Buckle, Supervisor
Communications & Outreach



Sue Miller, Manager
Source Water Protection