



Notice of Meeting

Hamilton Region Source Protection Authority

Thursday, December 3, 2020

7:00 p.m.

This meeting will be held by WebEx videoconference.

The meeting will be at the beginning of the Hamilton Conservation Authority Board of Directors meeting and can be viewed live on HCA's You Tube Channel: <https://www.youtube.com/user/HamiltonConservation>

- 1. Call to Order** – Ferguson
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Minutes of Previous Meeting (September 3, 2020)**
- 5. Business Arising from the Minutes**
- 6. New Business**
 - 6.1. Source Protection Committee Member and Liaison Update – Chitra Gowda
 - 6.2. Clean Water Act Technical Rules – Chitra Gowda
- 7. In-Camera Items**
- 8. Next Meeting – To be determined**
- 9. Adjournment**

Hamilton Region Source Protection Authority

Minutes

Board of Directors Meeting

September 3, 2020

Minutes of the Board of Directors meeting held on Thursday, September 3, 2020, at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario and by teleconference, commencing at 7:00 p.m.

PRESENT:

Lloyd Ferguson – in the Chair	
Jim Cimba	Brad Clark
Susan Fielding	Tom Jackson – by phone
Cynthia Janzen	Santina Moccio

Margaret Reid – Foundation Chair

REGRETS: **Dan Bowman, Chad Collins, Esther Pauls, Maria Topalovic**

STAFF PRESENT: **Lisa Burnside, Gord Costie, Neil McDougall, Scott Peck, Jaime Tellier**

Grace Correia, Bruce Harschnitz – by phone

OTHERS: **Chitra Gowda – Senior Manager, Watershed Planning and Source Protection**

1. Call to Order

The Chair called the meeting to order and welcomed everyone present, reminding everyone of their role as Directors on the Hamilton Conservation Authority Board to also serve as the Board of Directors for the Hamilton Region Source Protection Authority.

2. Declarations of Conflict of Interest

There were none.

3. Approval of the Agenda

The Chair requested any additions or deletions to the agenda. There were none.

SP 2005 **MOVED BY: Santina Moccio**
 SECONDED BY: Jim Cimba

THAT the agenda be approved.

CARRIED

4. Minutes of the Previous Meeting (April 2, 2020)

SP 2006 **MOVED BY: Cynthia Janzen**
 SECONDED BY: Brad Clark

THAT the minutes of the Hamilton Region Source Protection Authority meeting held on April 2, 2020, be adopted as circulated.

CARRIED

5. Business Arising from the Minutes

There was none.

6. New Business

6.1. Renewal of the Source Protection Region Agreement

Chitra Gowda presented a summary of the report and answered the members' questions.

J. Cimba inquired about any past need to use the dispute resolution clause in the agreement. Scott Peck advised there has never been an instance requiring the use this clause, He added that HCA and Conservation Halton have an excellent working relationship.

SP 2007 **MOVED BY: Jim Cimba**
 SECONDED BY: Santina Moccio

THAT the Hamilton Region Source Protection Authority endorse the renewal of the attached Memorandum of Agreement, respecting the joint advancement of drinking water source protection within the Halton-Hamilton

Source Protection Region, with the Halton Region Source Protection Authority as per Section 6(3) of the Clean Water Act effective from October 1, 2020 to September 30, 2025.

CARRIED

6.2. Renewal of the Source Protection Region Agreement

Chitra Gowda presented a summary of the report, detailing the candidate selection process and Sarah McQuaig's qualifications for the position.

The Chair thanked Ms. Gowda for her reports.

SP 2008

**MOVED BY: Santina Moccio
SECONDED BY: Cynthia**

THAT the Hamilton Region Source Protection Authority appoint Sarah McQuaig as the industrial-commercial sector representative on the Halton-Hamilton Source Protection Committee for a five-year term.

CARRIED

7. In-Camera Items

There were no in-camera items.

8. Next Meeting

Next meeting – to be determined.

9. Adjournment

On a motion, the meeting adjourned.



Report

TO: Hamilton Region Source Protection Authority

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering

PREPARED BY: Chitra Gowda, Senior Manager, Watershed Planning and Source Protection

MEETING DATE: December 3, 2020

RE: Source Protection Committee Member and Liaison Update

STAFF RECOMMENDATION

THAT the Hamilton Region Source Protection Authority receives for information the Staff report Source Protection Committee Member and Liaison Update.

BACKGROUND

The role of a source protection committee is to guide the review and updating of the source protection plan using a science-based approach and consider relevant information. The Halton-Hamilton Source Protection Committee (HHSPC) is comprised of nine members and the Chair. The members act as liaisons for their sectors, and regularly attend committee and public meetings. The member composition is as follows:

- three members representing municipalities
- two members representing the agricultural sector
- one member representing industrial/commercial sector
- three members representing the public interest at large – focused on environment and health.

Ontario Regulation 288/07 under the *Clean Water Act, 2006* sets out the criteria for membership on a source protection committee, including notification of vacancies, and conditions and terms of appointment. The Hamilton Region and Halton Region Source

Protection Authorities appoint the Committee membership, except for the Chair who is appointed by the Minister, Environment, Conservation and Parks.

At the end of September 2020, staff learnt about the passing away of Glenn Powell who was an active member on several committees including the HHSPC. His valuable contribution to water protection is acknowledged. Late in October, staff posted a notice as required by the legislation to fill the general public member position on the HHSPC. The member recruitment process is underway and staff will provide a report to the Source Protection Authority Board of Directors in 2021.

In addition to the nine sector representative members, non-voting liaisons also participate in meetings of the HHSPC. Per the legislation, these liaisons are designated representatives of the Ministry of the Environment, Conservation and Parks, Halton Region Source Protection Authority, Hamilton Region Source Protection Authority, and a representative of the medical officers of health for the health units in any part of the source protection region.

Tony Colaco, Public Health Inspector from the Halton Region public health unit, was the health liaison for several years and his participation was much appreciated. In September 2020, staff contacted the City of Hamilton Public Health Services and the Halton Region public health unit to fill the health liaison position on the committee.

With support from the office of Councillor Judi Partridge, in October 2020 the City of Hamilton Public Health Services appointed Dr. Bart Harvey (Associate Medical Officer of Health, City of Hamilton Public Health Services) as the HHSPC health liaison, and Richard MacDonald (Manager, Food and Water Safety, City of Hamilton Public Health Services) as the alternate.

STAFF COMMENT

The member recruitment process for the general public member of the HHSPC is underway and staff will provide a report to the Source Protection Authority Board of Directors in 2021.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Collaborate and share services, expertise and resources with neighbouring conservation authorities and Conservation Ontario
- **Strategic Priority Area – Water Management**
 - Initiatives – Invest in programs to address the impacts of nutrient and sediment loading on watershed streams, creeks, rivers and receiving water bodies.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

Aligned with the requirements of the regulations under the *Clean Water Act*, the maintenance of Source Protection Committee membership is being undertaken by the source protection authorities.



Report

TO: Hamilton Region Source Protection Authority

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering

PREPARED BY: Chitra Gowda, Senior Manager, Watershed Planning and Source Protection

MEETING DATE: December 3, 2020

RE: Clean Water Act Technical Rules

STAFF RECOMMENDATION

THAT the Hamilton Region Source Protection Authority receives for information the Staff report Clean Water Act Technical Rules.

BACKGROUND

Conservation Halton and the Hamilton Conservation Authority are grouped into one source water protection region known as the Halton-Hamilton Source Protection Region, under the *Clean Water Act, 2006*, with Conservation Halton being the program lead.

The Director's Technical Rules made under the Clean Water Act, 2006 ("technical rules") are overarching technical methodologies developed by the province. They are applied to local watershed science, to create drinking water vulnerable areas and to identify risks in these areas. This information forms the basis of the policies of drinking water source protection plans.

In August 2020, the provincial government proposed amendments to the technical rules with the goals of reducing administrative burden, providing clarity on climate change risk assessments, and enhancing the understanding of risks posed to municipal drinking water sources in Ontario.

STAFF COMMENT

Conservation Halton staff reviewed the proposal and conducted an analysis of implications for the Halton-Hamilton Source Protection Region and source protection plan. The Halton-Hamilton Source Protection Committee were circulated the detailed, comprehensive analysis. Staff sought feedback and incorporated them into comments on the proposal. The comments were provided to Conservation Ontario to contribute to a joint submission to the Ministry of the Environment, Conservation and Parks. As well, the comments were submitted by Conservation Halton through the Environmental Registry posting, as attached. In general, the proposed updates are supported with a few specific concerns. Key comments include the following:

- The province should clarify mandatory and optional amendments, and indicate which amendments are to be undertaken by source protection authorities.
- Guidance is needed to address potential situations where a drinking water vulnerable area, spanning multiple source protection plan areas, has different thresholds for the same risk.
- Additional technical information is needed to support consistent application of climate change risk assessments across watersheds.
- A guidance document containing other provincial and federal statutes that support source water protection should be provided to source protection authorities to assist committees with identifying local threats that are not prescribed by the regulation.
- Detailed technical methods and data to prove that contamination from past activities is migrating towards a municipal drinking water well or intake, should be provided.
- The implementation of source protection plan policies for the activity of road salt application is a challenge largely due to excess liability concerns. It is recommended that the province address these concerns, in order to support the mitigation of road salt impacts on water resources in Ontario.
- Clarity is needed around specific circumstances of occurrence of activities on the landscape, to support accurate identification of risks posed to drinking water sources, and risk levels.

Staff will keep the Source Protection Authority apprised of final amendments to the Clean Water Act Technical rules.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Collaborate and share services, expertise and resources with neighbouring conservation authorities and Conservation Ontario

- **Strategic Priority Area – Water Management**
 - Initiatives – Invest in programs to address the impacts of nutrient and sediment loading on watershed streams, creeks, rivers and receiving water bodies.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

The *Clean Water Act, 2006* requires that source protection authorities within a source protection region use the Technical Rules to update the science-based assessments reports that support source protection plan policies. The analysis conducted and comments submitted reflect the ongoing needs and work of the Halton-Hamilton Source Protection Region towards the protection of sources of municipal drinking water.



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Protecting the Natural
Environment from
Lake to Escarpment

November 9, 2020

Dr. George Jacoub, P.Eng.
Water Research Scientist - Hydrologist
Ontario Ministry of the Environment, Conservation and Parks
Source Protection Programs Branch
Land and Water Division
40 St. Clair Ave. W., 14th Floor
Toronto, ON M4V 1M2
Email: George.Jacoub@ontario.ca

BY EMAIL

Dear Dr. Jacoub,

**RE: Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006
ERO No. 019-2219
CH File No.: PPO 061**

Thank you for the opportunity to provide comments on the Province's proposed amendments to the Director's Technical Rules made under the *Clean Water Act, 2006* ("technical rules"), including the tables of drinking water threats.

Conservation Halton (CH) is the lead source protection authority of the Halton-Hamilton Source Protection Region working in strong partnership with the Hamilton Conservation Authority. CH comments are provided below, organized into three main parts: general, technical rules and tables of drinking water threats.

Part 1: General comments

CH supports efforts to update the provincial technical rules, including the tables of drinking water threats, to ensure that Ontario's sources of drinking water continue to be protected through source protection planning that is supported by current science.

CH recommends that the province clarify proposed amendments that are mandatory to apply, those that are enabling, and those which will be funded under the provincial Drinking Water Source Protection program.

CH recommends that a comparison document be provided showing current and proposed threat risk circumstances and listing the policy tool options available for each of the changed sub-threat categories.

The province should provide guidance on how to address potential situations where a drinking water vulnerable area, spanning multiple source protection plan applicability areas, has different thresholds for the same threat activity.

It is recommended that the province clarify whether new threats circumstances would only apply to vulnerable areas associated with new or changed drinking water systems, or if they would apply to existing threat activities as well.

Part 2: Comments on the proposed changes to the technical rules

Significant Groundwater Recharge Areas (SGRAs)

Stakeholder concerns of water quality in SGRAs should be considered in the technical rules, alongside recharge considerations. With the proposed changes to the technical rules, conditions (contamination from past activities) can no longer be identified in SGRAs, even if updated information becomes available to source protection committees. CH recommends that the technical rule 126 allow for conditions to be identified in SGRAs. This in turn allows for a consideration of policies in source protection plans to support clean water recharge to groundwater aquifers that supply municipal drinking water wells.

Use of alternate methods or approaches

While CH supports the intent of reducing administrative burden, it is recommended that additional information be provided in proposed technical rules 15.1 and 15.2 to clearly specify the stage in the assessment report update process that (a) the municipalities will be consulted with on the alternate method, and (b) the Director will review the alternate method and issue a notice to the source protection authority.

Climate change risk assessment (water quality)

CH commends the Province for their intent to strengthen the consideration of climate change impacts on source water quality under the source protection planning process, to complement the current and detailed technical rules for water quantity. It is recommended that technical rule 15.3 provide additional information for clarity and to support consistent application of technical methods for climate change risk assessments across watersheds:

- Include definitions for terms used in climate change risk assessments. For example, define the proposed term “resiliency” (to climate change impacts). The assessment of climate change impacts on source water quality is not a well-researched matter, therefore having definitions helps support consistency.
- Consider the recently developed climate change vulnerability assessment tool for source water quality, to add further details to the proposed technical rules, such as data periods for historical and future analyses, typical steps of a climate change risk assessment, etc. Alternately, develop a bulletin that includes these details.
- Provide a detailed guidance on what to do with the outcomes of the climate change assessment, including policy options for mitigation and adaptation measures.
- Explain how to achieve harmonization with other climate change initiatives such as the provincial climate impacts assessment.
- Clarify which organization undertakes the climate change risk assessment. The proposed change indicates that source protection committees will undertake this work.

Issue Contributing Areas (ICAs)

CH is supportive of introducing ICAs as standalone vulnerable areas. It is recommended that the Province provide guidance to source protection authorities to help meet the requirement of proposed technical rules 48(7) and 78.1 of evidence that certain activities and conditions contribute to an identified drinking water issue. The guidance can include examples of past technical studies that have proven cumulative impacts and were approved by the Province, along with study parameters. This will help clarify whether studies such as loading estimations are acceptable.

Further, it is recommended that technical rule 114 include timelines associated with increasing trend concentrations that may result in deterioration of the quality of the water, for example an exceedance of established standards within a specified number of years. This would support a consistent approach for municipalities that may currently be subject to inconsistent methods applied to their various drinking water systems.

Total impervious surface area (ISA) map

CH appreciates the intent of providing local flexibility in developing the maps under technical rule 16 (11). It is recommended that examples of the proposed sub-areas be provided for clarity.

Surface water vulnerability and transport pathways

CH is supportive of the intent of the proposed changes to technical rule 62.1 (to extend Intake Protection Zones -1 or IPZ-1s to capture transport pathways); and to technical rules 86, 87, 89 (to allow for multiple scores within each IPZ-2 to capture variations in land and hydrological conditions). However CH recommends that further detailed criteria be included in the technical rules to support consistency in application across various watersheds and drinking water

intakes, and to define “each area of the IPZ-2”. It is also recommended technical 73 include factors of age and condition of the potential anthropogenic transport pathway.

Local activities

The proposed change to technical rule 119 appears to support an assumption that all provincial and federal legislation address drinking water source protection adequately for activities regulated under those statutes. CH recommends that the proposed technical rule 119 subsection (2) “an approval is not required to engage in the activity pursuant to any Act (Provincial or Federal);” not be included in the technical rules. Alternately, the Province is recommended to provide a guidance document that lists provincial and federal statutes that can be relied on for source water protection and specify the types of activities. This will help reduce the redundancy across the province in conducting research and consulting with various government agencies and legal staff to arrive at that determination.

Conditions

The proposed wording change in technical rule 141 from “offsite” to “migrating” appears to require detailed technical data and analysis by qualified persons to verify that a contaminant is migrating to the well or intake. CH recommends that the Province specify the technical methods and data sets needed to undertake such an analysis to prove that contamination is migrating towards a municipal drinking water well or intake.

Part 3: Comments on the proposed changes to the tables of drinking water threats

Road salt application

The intent of the province to mitigate the impacts of road salt on drinking water is commended. However, the implementation of source protection plan policies for the activity of road salt application is a challenge - largely due to excess liability concerns. There is a priority need to review the current liability framework and also to address insurance coverage issues. Further, road salt application and storage standards should be set for contractors.

These policy implementation challenges are outside of the purview of the *Clean Water Act*. CH recommends that the province address these large concerns, in order to support the mitigation of road salt impacts on water resources in Ontario.

Road salt storage and handling

Clarity is needed as to whether the proposed lowered threshold would apply to bags of road salt stored in residential areas. The province is requested to develop a municipal toolkit for education and outreach and for risk management plans.

Storage of snow

The intent of the proposed lowered snow storage area thresholds should be clarified, as it appears that any size of an area of snow storage is a significant threat in a WHPA of score 10

and would require mandatory policies. The province should also clarify the circumstances that constitutes snow storage. For example, if a residential property has a windrow of snow along a laneway (e.g. on a farm or estate property) would that constitute a significant threat?

Handling and storage of dense non-aqueous phase liquids (DNAPLs)

In the proposed 'List 1', it is recommended to include chemical companies (manufacturing and distribution). Clarification is needed on whether the activities in the proposed list must be used for the purposes of Restricted Land Use policy (S. 59) screening by risk management officials, even if the owner does not indicate the future use of DNAPLs.

Handling and storage and application of non-agricultural source materials (NASM)

CH support the proposed change to separate out the higher risk materials in category 1 NASM.

Handling and storage of fuel

The proposed lowered quantity thresholds may impact the assessed threat risk level of fuel oil systems used as standby power at municipal drinking water systems and may result in additional conditions in drinking water licences. Should the proposed change to the tables of drinking water threats become finalized, the province should communicate the impact to drinking water system owners.

The circumstance includes reference to the O. Reg. 217/01 (Liquid Fuels), where "facility" means a permanent or mobile retail outlet, bulk plant, marina, cardlock/keylock, private outlet or farm where gasoline or an associated product is handled other than in portable containers. CH recommends that the types of storage containers to be considered during the source water protection threats assessment be defined for clarity, for example permanent, mobile or portable containers. Many large trucks, farm equipment, smaller mobile refueling units, and construction equipment hold more than 250L of fuel. The information about containers would also be useful to the source protection committee if it considers potential moderate threats, for example 25L portable containers.

Handling and storage of commercial fertilizer

Clarification is needed on the following matters:

- handling and storage can be considered separately, for example in situations where the storage occurs outside a significant threat policy area, but mixing occurs inside the area
- the current circumstance that fertilizer be stored for retail/wholesale sale, manufacture etc. is proposed to be removed
- the quantities specified are for liquid fertilizer, powder, or both
- a mobile unit can be considered as a potential threat activity.

Waste generating facilities

The waste oil from auto repair shops is currently a threat activity; however with the proposed changes, this will cease to be. CH recommends that the province confirm the intent of the

proposed change and ensures that auto repair – waste oil tanks are not exempted from consideration as a significant drinking water threat.

CH appreciates the opportunity to support and provide comments on the proposed amendments to the technical rules. If you have any questions, please contact Chitra Gowda, Senior Manager, Watershed Planning and Source Protection, email: cgowda@hrca.on.ca phone: 905-336-1136 x2237.

Regards,

A handwritten signature in black ink that reads "Barbara Veale". The signature is written in a cursive style with a large initial 'B'.

Barbara J. Veale, PhD, RPP, MCIP
Director, Planning and Watershed Management