

**Minutes of the meeting of the  
QUINTE REGION SOURCE PROTECTION COMMITTEE**

**Date: November 14, 2017, 6:30 pm**

**Location: Quinte Conservation - Joe Eberwein Board Room**

**2061 Old Highway 2**

**Belleville ON**

**Meeting 51**

Members Present: Max Christie, Clarence Zieman (Municipal - Greater Napanee and Town of Deseronto), Ron Hamilton (Municipal - Group 5), Jack Alexander (Economic - Small Business), Gary Fox (Economic - Agriculture), Heather Lang (Economic - Agriculture), Rahmathulla Marikkar (Economic - Large Business), Terry Shea (Economic - Tourism and Recreation), Phil Norton (Other Interests - Rural Non-Farm), Doug Parker (Other Interests - General Public), Mel Plewes (Other Interests - Public Urban), Mary Wooding (Liaison - Ministry of Environment and Climate Change), Terry Kennedy (Other Interests - Environmental), Mike Kerby (Liaison - Quinte Region Source Protection Authority), Terry Murphy (Quinte Conservation General Manager), Amy Dickens (Quinte Conservation Source Water Protection Program Coordinator)

Members Absent: Andrew Landy (Liaison - Health Unit), Garnet Thompson (Municipal - City of Belleville), Roy Pennell (Municipal - Prince Edward County), Jo-Anne Albert (Municipal - Marmora and Lake, Centre Hastings, and Tweed), Eric Bauer (Other Interests - General Public), Todd Kring (First Nations - Mohawks of the Bay of Quinte), Curtis Maracle (First Nations- Mohawks of the Bay of Quinte).

Also Present: Brittany Thompson (Corporate Services Assistant),

**51.1 Call to Order**

Chair, Max Christie, called the meeting to order at 6:37pm.

Staff opened up the meeting by reminding the committee that it has been 10 years since the Clean Water Act had been implemented, and that much has happened since then. It was also noted that tragedies of the past, such as Walkerton, cannot be forgotten and that we must learn from those experiences and continue to grow.

## **51.2 Approval of Agenda**

By consensus the Quinte Region Source Protection Committee approved the agenda.

## **51.3 Chair's Statement to Guests**

There were no guests at the meeting.

## **51.4 Disclosure of Conflict of Interest**

There were no disclosures of conflict of interest.

## **51.5 Delegations**

There were no delegations.

## **51.6 Adoption of the Previous Minutes**

By consensus the Quinte Region Source Protection Committee approved the minutes of the previous meeting.

A committee member noted that there were some typos found in the minutes. Staff noted these errors and will adjust the minutes accordingly.

## **51.7 Picton Bay Update**

Staff noted that there are three events with regards to Picton Bay that the committee should be updated on. One is a non-source water concern but due to its proximity to the intake, the committee should be informed. The other two of these concerns are source water related.

### **1. Picton Terminal**

Staff provided a background on Picton Terminals and detailed the history of their applications to Quinte Conservation. Staff noted that Quinte Conservations regulations enforce a 30 metre setback from the high-water mark. Currently Picton Terminals is working outside Quinte Conservation's regulated area, thus Quinte Conservation has no jurisdiction over their current work. Picton Terminal has recently hired a consultant to determine the exact regulation area, in order to ensure they are working within their parameters.

Staff noted that Quinte Conservation will not be accepting any further permit applications from Picton Terminals until they receive a site plan that has been approved by Ministry of Environment and Climate Change (MOECC), Prince Edward County and the Ministry of Natural Resources and Forestry (MNRF).

Staff discussed the salt that is leaching into Picton Bay from Picton Terminals, and reported that MOECC has sampled directly beside the embankment, and found that there is a high concentration of salt, but further away from the embankment minimal amounts of salt are found in the water samples. Recently, Quinte Conservation had attended a meeting in Tyendinaga regarding Picton Terminals with various agencies that included Department of Fisheries and Ocean (DFO), MOECC, MNRF, and First Nations- Mohawks of the Bay of Quinte to discuss that repercussions of the salt leaking into Picton Bay may have on spawning Walleye.

A committee member questioned if Quinte Conservation or the Source Protection Committee would be involved if any suits were taken against Prince Edward County regarding Picton Terminals.

Staff responded no, that neither Quinte Conservation nor the Source Protection Committee would be tied to any suits as the legal matters are over zoning requirements. PEC had hired a lawyer, who proved that Picton Terminals operations were within their current and historical zoning.

## 2. Picton Bay Diesel

Staff reported that on October 8, 2017 Prince Edward County's Fire and Rescue received a call concerning a spill. It had been reported that the spill to the Ministry's Spill Action Centre as a diesel odour was coming from the Picton Harbour at the Picton Yacht Club at 30 Fairfield Street. The suspected source was bilge water from a boat in the harbour. The volume of diesel was estimated to be less than 80ml.

Staff noted that this is a very small amount when taken into perspective, and that the site of the spill was located within Quinte Source Protection Area: Intake Protection Zone 1, Score 10.

Fire and Rescue responded and confirmed a diesel odour and observed a sheen on the water, and thus contacted the Prince Edward County Work's department, who confirmed that the drinking water intake was approximately 200 yards away from the spill. In response to the situation, the County contacted the Chief Operator of the water treatment plant and the intake was shut down. It was verified that the water treatment system had enough capacity to last until at least Monday morning. The Kingston District ERP was contacted and attended the site at approximately 12:30am and confirmed the diesel spill and that it was an unknown quantity. The spill was then contained surrounding 3 boats and nothing had appeared upstream or downstream.

The following morning, the Picton Water Services Department reported that the observation of sheen was negligible and mostly dissipated and noted that the wind was blowing away from the intake. The Canadian Coast Guard was also on site the morning of Monday, October 9, 2017 and reported that the diesel spill was less than 80ml and that the rain was further dissipating the sheen. The Picton Water Services Department then opened the intake around noon on October 9, 2017 in order to top up the contingency supply as the wind was blowing away from the drinking water intake. The intake was then closed that night at 10pm, as enough water was reserved for the night. The owner of the suspected vessel, which had caused the spillage, was contacted October 9, 2017 at approximately 12:00pm and the Canadian Coast Guard had directed the owner to install booms around the vessel to contain any further sheening. The sheen had then dissipated.

## 3. Proctor Silex

Staff provided a history of the Proctor Silex, in that it is an industrial facility and has had numerous owners throughout the years. The Proctor Silex property runs parallel to the hospital creek. On site, there were buried barrels which over time, leaked and there was evidence of chlorinated volatile organic compounds (VOCs) and petroleum hydrocarbons (PHCs) onsite. All of the soil onsite has been replaced, as the previous owners were ordered by the MOECC to conduct an off-site investigation.

A committee member noted that much of the clean-up has taken place and it is noticeable on site.

Staff reported that sampling of groundwater, surface water and air samples in neighbouring basement have taken place. Samples have indicated Benzene, DEC, TCE- DNAPLs are present. Test wells exceeded DCE, TCE and vinyl chlorides. No contaminants have been reported at the intake site.

A committee member asked if the findings will impact the next protection plan. The committee also questioned whether concentrations were being sampled and whether there was a trigger to notify the committee of high readings, as there has been a similar situation in the Norcom building in Belleville. The committee is concerned about where the committee fits in and what their role and position is.

Staff responded that the Proctor Silex could be considered a condition, as there are no longer any ongoing matters, which is similar to Zwicks Park in Belleville, ON. Staff noted there are a variety of factors that prescribe whether something is a condition under the Clean Water Act, and staff will look into this in the Section 36 work plan update. Staff responded that for current land use activities, unless the threat circumstances related to DNAPLs are changed, it will not be a concern as DNAPLs are not considered significant drinking water threats in surface water intake protection zones. Staff explained the committee's role was to develop the plan, which has been completed, now it up to the municipalities to follow through with the plan and respond to situations accordingly.

A committee member asked about stormwater outlets on Sidney Street, and noted their concern with regards to water entering the Bay of Quinte, as well as drilling that is taking place at the fairgrounds in Belleville, ON.

Staff responded that if it does not meet the plan or minimum size requirements of the area, then it is too small, thus the threat is not large enough. The MOECC is currently reviewing these threat circumstances, examining the requirements and taking into account many considerations, and will be making updates where necessary.

A committee member responded, asking if it must be in an IPZ zone for the committee to have a position.

Staff responded that it is a similar situation as the Richmond Dump. In regards to their concerns, there are technical rules, regulations and conditions that are followed and kept up by other agencies.

A committee member asked about the Shell Gas Station that is being developed down the road from Quinte Conservation on Dundas Street, and how the committee can be proactive to ensure best management practices to protect drinking water.

Staff explained that generally for any planning or regulation file, Quinte Conservation's Planning Department receives the file first, and it is then flagged if it is a Source Water Protection concern. When the application is a source water concern, source water staff are the first to report on the project before it is commented by other departments at Quinte Conservation. This process ensures that any application that has a land use activity that is either prohibited or requires a risk management plan under the Quinte Source Protection Plan is addressed by the Risk Management Official first and does not continue without source water being properly addressed. Staff responded specifically to the Shell Gas Station, and the planning application which was received at this office. Since the tanks are below grade it is not a threat to the intake protection zone and the drainage in

regards to the storm water is not a concern as well, because it is too small, however they were notified that they are in our Source Water Protection zone.

A committee member asked what about the requirements for an emergency plan for this gas station. Staff responded that in this case they do not have to an emergency plan as it is not a risk, however the gas station in Madoc has an emergency plan as it was included in the risk management plan as it was a risk.

Staff reminded the committee that they developed the Source Water Protection Plan and MOECC and other agencies are working closely to comply with the policies in the plan and improve the situation. However, we are being proactive in updating a plan and with Section 36 update coming in November 2018 we need to consider any changes we feel should made for the next adaptation.

A committee member suggested adding our website to signs on only municipal roads, and it could be beneficial to have signs when entering an IPZ zone, especially in waterways.

Staff noted that it is difficult to have the signs put near waterways, as other areas have discussed that they were not allowed to have signs.

A committee member noted that we are doing our best and that the plan really does work to address the publics need, and the committee has done what it can to help the situation.

Staff reported that there is a program that MOECC implements, in which MOECC post a detailed list of many chemicals that have been found in samples, and the municipality post a detailed report yearly of the chemicals found in their municipality.

Staff reminded the committee that we are here to develop a plan and identify risks and it is up to the municipality to enforce.

### **51.8 Chair's Meeting Update**

Staff noted that we are now in a transition period as the plan is now complete and we are now getting ready to update the plan. At the chairs meeting there was encouragement to get members of the Source Protection Committee to ask the public, as their representatives, what they would like to see happen in regards to Source Water Protection. Staff noted that they will try to secure some funding for traveling expenses in order to do so.

Staff reported that some of the changes that might be seen in the next plan are surrounding end of life vehicles (EOLV) in wrecking yards and well as fuel tanks that are above ground as they are thirty-times more likely to fail.

### **51.9 Program Updates and Next Steps**

#### Communications

Staff reported that the Provincial Septic System brochures were disseminated and the extras will be sent to municipalities in the time coming. In the upcoming month of January, there will be a strong Source Water Presence as January is Source Protection Month. Currently we are working on creating a source water 'info graphic' for 2018 and are working on updating the website in order to ensure AODA compliance. Also, we are now implementation focused, with resources on Education and

Outreach categorized by end user for ease of use. Currently our communications staff is also working on creating a provincial working group to create generic resources to be available across the province as ways to monitor the effectiveness of Education and Outreach policy. There are some upcoming projects which will be on the radar for communications:

- Carwash fact sheets will be distributed to explain stormwater/spills and ways to minimize impact on source water.
- WHPA B flyers on home heating oil fuel and similarly training package to be supplied to fuel distributors.
- A training package for emergency responders, which defines what is source water and would be altered to produce a package for Fire Chiefs and a separate one for volunteers.
- Creating an open geospatial “GIS” data on website to avoid weekly request and make it more accessible for the public.
- Staff also noted that a large threat which will be examined further is cars in ditches and thus tow trucks as they are the most likely to respond and least likely to report any spills.

#### Part IV

Our office is circulated planning files from municipalities directly, and we receive a number of legal inquiry searches from lawyers and permit application from the public. This past year we have received 15 Legal inquiries from our watershed in the Source Water Protection zone, and when broken down:

- Bayside (1), Deseronto (2), Madoc (1), Marmora (3), Picton (7), Tweed (1)

Section 59 applications:

- Bayside (1), Belleville (4), Deseronto (6), Centre Hastings (3), Madoc Township (5: was the first ‘flag’ that lead to the requirement of a risk management plan), Marmora (1), Napanee (6), Peats Point (7), Picton (17), Tweed (1).

Risk Management Plans

- Ameliasburgh (1)- Agriculture
- Madoc (2)- 1 Agriculture and 1 large fuel
- Peats Point (1)- 1 Agriculture
- Picton (4)- Application of Road Salt
- Tweed (1)- 1 Agriculture (3 in the works)
- Marmora (1)- 1 in the works for Road Salt

Staff noted that there are currently 15 agricultural parcels left in the ICA of Madoc.

. Staff noted that because of the wording chosen for the Source Protection Plan, parking lots at condominium locations are currently excluded from the requirement of a risk management plan. The wording was chosen as a way to exclude small residential properties but by choosing to limit the policy to commercial land uses, these large residential parking lots, like those at condominiums have been excluded, which we have witnessed at Picton Bay, and perhaps this is something that need to be considered for future plans.

#### SPMIF & Implementation

Staff reported that all remaining municipalities applied and have received an extension for Source Protection Municipal Implementation Fund for the 2017 period. All municipalities are very close to spending all the funds that were granted, as the deadline is December 4<sup>th</sup>, and all the spending has to be reported by March 4, 2018. Madoc Township has been encouraged to apply, as there management and implementation plans are still to be completed.

Staff noted that the Cataraqui Region Conservation Areas has got creative with spending their dollars and has advertised on local TV stations. It was also encouraged to use the funds to place Source Protection Signs on municipal Roads with the website for improved access and information.

#### Next Steps

Staff reported that they will continue to work with municipalities on implementation plans.

Staff noted that in 2018 the first annual report is due to the Minister, which is a collection of all reports. In 2018, the Section 36 Work Plan is also due, and thus staff will be very busy working on reports in the upcoming year. With the work plan, staff will consult with municipalities, other Source Protection Authorities in the region, the Source Protection Committee and the Ministry of Environment and Climate Change. The consultation will surround results of monitoring, growth infrastructure changes, council resolutions, policy effectiveness, implementation changes, Technical Rule Changes, impacts of prohibition and other local considerations.

#### **51.10 Committee Turnover**

Staff provided a background of the Ontario Regulation 288/07 sets out for the Source Protection Committee requirements, which was amended in October 2015 and impacted the member term expirations and the size of the committees. Member's term can expire anytime from September 12, 2014 and must expire before January 1, 2020. Members whose appointments have expired can apply to be reappointed for an additional term. Staff noted that there is no term limit that is specified in the regulation. Currently in the Quinte Source Protection Area, no membership expirations have been undertaken to date.

Staff noted that the current size of the committee is the largest, and that the size of the committee can decrease for the future. The current memberships are broken down accordingly:

- Economic Section: 5 Members
- Municipal Sector: 5 Members
- Environmental, Health, Public Sector- 5 Members
- First Nation- 2 Members
- Total Members: 15 Members, plus 2 First Nations, 3 Liaisons

Staff noted that there are requirements for the committees, in that all sectors must have equal numbers, and the members must expire by January 1, 2020. The permissible committee size for the future of the Quinte Source Protection Area is:

- 15 members (5 members per sector, plus up to 2 First Nations Representatives)
- 12 Members (4 members per sector, plus up to 2 First Nations Representatives)
- 9 Members (3 members per sector, plus up to 1 First Nations Representatives)
- 6 Members (2 members per sector, plus up to 1 First Nations Representatives)

A committee member asked what the quorum would be for the new committee size. Staff noted that the current requirement for a quorum is 12, for the new committee size it would have to be researched as it follows a formula. A committee member noted that luckily the committee works heavily on consensus.

A committee member asked the timeframe of the expiry. Staff noted that they believe it can expire at one meeting and be renewed for the upcoming meeting, thus no time should lapse. However there are formalities that need to be met, such as advertising for the position in the newspaper.

Staff noted that in 2018 they could consider reducing the committee size from 15 members to 12, 9 or 6. Staff is concerned with municipal representation as it should remain high. Staff noted that changing members would not make any sense at this point, thus perhaps when members resign, it might be best to decrease as committee members leave and not replace those seats. At the next meeting the committee will have a more firm idea of how we will proceed with the decisions regarding the committee size.

#### **51.11 Non-municipal Systems**

Staff explained that in Northern Ontario where there is no Conservation Authority, there is no Source Protection Committee. An example of this is in Pembroke, Ontario. This is also true of those municipalities who do not have a municipal drinking water system. The Source Protection Authority had committed to assisting the rest of our municipalities with Source Protection once the South had been dealt with. The topic keeps being brought up at the Chairs meetings, but continuously receives push-back. Staff would like to send a letter to the Ministry of the Environment and Climate Change Source Protection Programs Branch demanding that attention be brought to the North in regards to Source Protection. Staff noted the history of the Walkerton incident, and that there was a letter addressing the issue before it had happened. Thus, getting the problem written to have record that they authority is aware of the situation of the North is wise.

Staff requested the committee to support the decision that the Chairs send a letter to the Source Protection Branch about the concern.

Staff also raised their concern about the vulnerable population, especially in rural nursing homes and schools. Staff reported the detail checks that are completed in rural wells are not to the same calibre as completed in the municipal sector, and that the Ministry is already monitoring both rural and urban areas in the municipalities. Staff noted that it is unfair that a child in Selby and a child in Napanee do not have the same access to clean water, as it is much more protected in the Town of Greater Napanee, then in Selby. This is the same for nursing residences in rural area's compared to residences in developed cities. Thus, the concern is with the vulnerable population (children and seniors) and their access to safe and clean water. Staff noted that this project should not be at the burden of the municipality, and that funding must be made available in order to improve rural area's drinking water quality for vulnerable populations.

A committee member noted that they support this initiative, and believe it is a step forward. Another committee member noted that any move in this direction, is a move in the right direction. It was also noted by a committee member that all the hamlets and rural areas should have the same protection of drinking water as municipalities.

**Motion:** The Quinte Source Protection Committee supports both letters to the chairs about Source Protection in Northern, Ontario and creating funding to improve drinking water quality in rural parts of municipalities for vulnerable populations.



Moved: Terry Kennedy (Other Interest- Environmental)  
Second: Clarence Zieman (Municipal- Greater Napanee and Town of Deseronto)

Staff shared

#### **51.12 Future Meetings**

The next meeting will be held at the call of the chair.

A committee member asked if we will be meeting on Thursday as regular. Staff responded that we will go back to meeting on Thursday's, and this meeting was only held on a Tuesday due to other conflicts.

Staff noted that there may be three meetings next year as the year will be a busy one, and that the chairs meeting will be held in March.

#### **51.13 Other Business**

Staff noted that the Environmental Commissioner of Ontario, Diane Saxe had visited Quinte Conservation and staff had noted much of the work and progress that the Source Protection Committee had completed.

Staff noted that at the Conservation Authority Chair meeting they had discussed the large gap in funding that rural and urban areas receive, and that perhaps there should be different requirements.

#### **51.14 Adjournment**

The meeting was adjourned at 8:25pm.

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Max Christie, Chair