

Date: December 12, 2024
Time: 1 pm
Location: Rideau Valley Conservation Authority
 3889 Rideau Valley Drive, Manotick

Source Protection Committee Meeting

Item Number	Item Title	Page	Person Responsible
1.0	Special Presentation(I) for Brian Stratton		<i>Sommer Casgrain- Robertson</i>
2.0	Welcome and Introductions a. Agenda Review b. Notice of Proxies c. Adoption of the Agenda (D) d. Declarations of Interest e. Approval of Minutes –October 3, 2024 (D) ▶ draft minutes attached as a separate document f. Correspondence ▶ Letter from Jim Hunt, Chair of Trent Conservation Coalition to The Honorable Todd McCarthy.....(I)	1-5	<i>Interim Chair</i>
	Staff Reports, Updates and Presentation		
3.0	Source Protection Staff Update (presentation)(I)		<i>Marika Livingston</i>
4.0	Section 36 Update.....(D)	6-18	<i>Marika Livingston</i>
	Other		<i>Marika Livingston</i>
5.0	Other Business		<i>Interim Chair</i>
6.0	Member Inquiries		<i>Interim Chair</i>
7.0	Next Meeting -Tentative: April 3, 2025		<i>Interim Chair</i>
8.0	Adjournment		

(I) = Information (D) = Decision

Delegations: If you wish to speak to an item on the Agenda please contact Marika Livingston before the meeting (marika.livingston@mrsourcewater.ca) or 613-692-3571 x 1148)

If you are a member of the public and would like to join the Zoom meeting please contact the above for more meeting details.



October 07, 2024

The Honorable Todd McCarthy
Minister of the Environment, Conservation and Parks
College Park 5th Floor
777 Bay Street
Toronto On, M7A 2J3

Subject: Section 36 Policy Amendment – Minimum Requirement for Prescribed Instruments

Dear Minister McCarthy,

I have been directed by the Trent Conservation Coalition Source Protection Committee to write you regarding your review of our proposed policy amendment, in our Source Protection Plan, related to Prescribed Instruments. We understand that you have received a request for a decision on this matter and recommendation from the Conservation and Source Protection Branch of your Ministry. Our committee wants to ensure that our rationale for proposing these amendments is included in your decision-making process.

Our committee and staff have been working for the last several years to prepare a set of amendments under Section 36 of the *Clean Water Act, 2006*, to improve our Source Protection Plan and to adapt to the new technical rules that must be followed.

Under the *Clean Water Act, 2006*, Prescribed Instruments are important tools issued under several other Acts, that can be used to manage activities that have been identified as significant drinking water threats. Our original Source Protection Plan, which has been in effect since 2015, contains policies directing various Ministries, including the Ministry of the Environment, Conservation and Parks, to review all existing Prescribed Instruments in vulnerable areas around drinking water supplies, to determine if they adequately manage drinking water threats and if not, amend those instruments by adding any necessary conditions.

C/O LOWER TRENT CONSERVATION
714 Murray St, R.R. #1, Trenton, Ont. K8V 0N1

While developing our amendment package, concerns were raised related to the Prescribed Instrument Policies for the following reasons:

- 1) Ministries that are required to implement Prescribed Instrument Policies must also provide details, through the mandatory Annual Reporting exercise, as to how they have met the requirements of the policies. This allows the Source Protection Committee to determine the effectiveness of a policy and determine that the threat has been managed sufficiently. To date, the Ministry of the Environment, Conservation and Parks has not provided adequate information through annual reporting to demonstrate that significant threats are being managed sufficiently. As well, the content of Prescribed Instruments is not routinely shared with the Source Protection Committee, so there is no way to ascertain that the threats are being managed adequately.
- 2) We have discovered many Environmental Compliance Approvals (Prescribed Instruments) for significant threat activities, in drinking water vulnerable zones, that do not mention the drinking water source protection nor identify municipal drinking water source supplies or vulnerable zones associated with them.
- 3) We have found one example where an Environmental Compliance Approval contains an incorrect statement, asking the owner of the system to follow the Source Protection Plan policies. However, the policies are not directed at the owner but rather the Ministry to put conditions in the instrument. This is an obvious error and does not constitute compliance with the policy. And yet the Ministry reports that everything has been implemented. If the people managing prescribed instruments don't understand the Source Protection Plan, we have a low level of confidence that the threats related to the drinking water are being managed.

The Source Protection Program is an important initiative of the Ministry of Environment, Conservation and Parks. However, if there was ever an incident resulting in a drinking water problem that could be traced back to the Ministry not adequately managing threats through a Prescribed Instrument, it would be very detrimental to the entire program and the tremendous efforts over the past 20 years.

Our committee, in conjunction with the Quinte Source Protection Region Committee, came up with a reasonable solution to address these issues. Several other committees are adopting the same approach in their amendments.

In our Section 36 Amendment package we are proposing minimum requirements for all Prescribed Instruments that manage significant drinking water threats. The proposed minimum requirements are:

- The Prescribed Instrument document shall include reference to the applicable source protection vulnerable area.
- The Prescribed Instrument document must also identify protocols for emergency responses related to protecting the drinking water source.

This is not an onerous requirement and could be accomplished with the insertion of one paragraph into the instrument. But it would draw attention to the fact the activity is a significant drinking water threat for an identified drinking water system and what to do in an emergency to make sure that the water supply is protected.

Coincidentally, the new Consolidated Linear Infrastructure approvals, which are for lower risk activities, contain these measures, so it makes sense to have at a minimum, similar requirements for higher risk activities that are managed by Prescribed Instruments.

We have negotiated with the Conservation and Source Protection Branch as part of the consultation process for our amendments, to address their concerns regarding the timing to implement the minimum requirements and as a result we built in a reasonable timeframe for compliance.

The Ministry staff have not shared with us their recommendation to you, related to this amendment proposal, but we certainly hope that they are supportive. In our discussions with them they have acknowledged that this is the right thing to do and that their Annual Reporting related Prescribed Instrument Policies needs to improve.

I am very proud to be part of the Source Protection Program, helping to protect sources of drinking water in Ontario. The success of this program was the result of strong leadership, partnership and collaboration among your Ministry, Conservation Authorities (Source Protection Authorities) and Source Protection Committees.

As we approach the 25th Anniversary of Walkerton, we are reminded that we can never become complacent when it comes to protecting our sources of drinking water. That is a lesson that Walkerton taught us all too well.

I assure you that we are endeavoring to help the Ministry by proposing our policy amendments and I urge to approve our approach through our Section 36 amendment.

This Source Protection partnership between the Minister of the Environment, Conservation and Parks, Source Protection Authorities and the Source Protection Committees needs strong, continued support and collaboration now and into the future. I look forward to continuing as your appointed Chair on the Trent Conservation Coalition Source Protection Committee and continuing our important work.

If I can be of any further assistance, please let me know.

Yours very truly,



p.p.

Keith Taylor

Jim Hunt
Chair, Trent Conservation Coalition Source Protection Committee

Cc: Conservation Ontario – Angela Coleman
Lower Trent Region Conservation Authority Chair – Bob Mullin
Trent Conservation Coalition GM/CAO – Rhonda Bateman
Quinte Source Protection Committee – Amy Dickens

DRINKING WATER
SOURCE PROTECTION
ACT FOR CLEAN WATER

**TRENT
CONSERVATION
COALITION**
SOURCE PROTECTION
REGION

Cataraqui Source Protection Committee – John Williamson and Kelsey Leblanc
Director of the Conservation and Source Protection Branch – Kirsten Service

*C/O LOWER TRENT CONSERVATION
714 Murray St, R.R. #1, Trenton, Ont. K8V 0N1*

4.0 Section 36 Update
Date: November 25, 2024
To: Mississippi-Rideau Source Protection Committee
From: Marika Livingston, Project Manager
Mississippi-Rideau Source Protection Region

Recommendation:

That the staff report providing Section 36 updates dated November 25, 2024 **Be Received** by the Mississippi-Rideau Source Protection Committee; and,

That staff **Be Directed** to revise the Source Protection Plan and Assessment Reports as recommended within this report and that any adjustments captured in the meeting minutes will be considered for inclusion in the final submission to the Ministry; and,

That the resulting updates **Be Included** in the amended Mississippi-Rideau Source Protection Plan, Mississippi Valley Assessment Report and the Rideau Valley Assessment Report; and,

That staff **Be Directed** to submit the report to the Ministry of the Environment, Conservation and Parks following the review of the report by the Mississippi and Rideau Source Protection Authorities.

Background

On November 14, 2018, our Section 36 Workplan was submitted to Ministry of Environment, Conservation and Parks (MECP) in compliance with the order dated August 27, 2014 under Section 36 of the *Clean Water Act*. On April 15, 2019, we received an amended Order from the Minister, outlining requirements governing the contents and timeframes of the review and process to be followed for any updates.

Since then, staff have been working to execute the revisions outlined in our Order and to align our Source Protection documents with the revised 2021 Technical Rules.

In addition to the early preparations since 2018, the following has been accomplished to advance our Section 36 update:

- February 8, 2024: an SPC meeting was held in to review the draft Source Protection documents
- March 14, 2024: Early Engagement with MECP commenced
- May 22, 2024: Early Engagement comments were received from MECP
- July 4, 2024: SPC meeting was held to review the comments received from MECP
- July 2024: Pre-Consultation commenced on July 18, 2024 with comments due August 30th, 2024
- September 20th, 2024: Received late comment submission from MECP.
- October 10th, 2024: Public Consultation Commenced. Comments were due November 22, 2024.

- November 26, 2024: Received late comments from MECP

Appendix A includes the revised timeline and workplan milestones.

Appendix B includes a summary of the comments received throughout public consultation.

Appendix C includes a copy of MECP's public consultation comments.

Next Steps

Staff will consult with the Source Protection Authorities prior to final submission to MECP in February 2025.

Attachments: Appendix A Timeline
 Appendix B Summary of Comments
 Appendix C MECP's Public Consultation Comments

Appendix A: Timeline for Mississippi-Rideau’s S. 36 Source Protection Plan (SPP) and Assessment Report (AR) Updates

Date	Objectives	
2023		
October		<p>Source Protection Committee Meeting <u>Drafted Policy</u></p> <ul style="list-style-type: none"> - Best Practices Working Group Policy (non-legally binding) - Revised Governing Policies document - S. 36 Tentative Timeline
November		<p><i>Work on SPP, AR and Explanatory Document Changes</i></p> <p>Source Protection Authority Meeting RVSPA Meeting to appoint and renew SPC seats</p> <ul style="list-style-type: none"> - Municipal Surface Water Seat, selected by Councils - Economic seat #1, proposed renewal - Economic seat #2, proposed renewal - Public, vacant, proposed new appointment. - Public, proposed renewal
December		<p><i>Work on SPP, AR and Explanatory Document Changes</i></p> <p>Source Protection Authority Meeting</p> <ul style="list-style-type: none"> - MVSPA Meeting to appoint and renew SPC seats
2024		
January	Finalize Layout and Associated Documents, Annual Reporting	<i>Work on SPP, AR and Explanatory Document Changes</i>
February		<p>Source Protection Committee <u>Draft Policy</u></p> <ul style="list-style-type: none"> - Revisions: Waste, Sewage, Agriculture (NASM), Fertilizer, Pesticides, Road Salt & Snow Storage, Chemical, Fuel - New policies: Hydrocarbon Pipeline, Working Group, Salt & Snow - Richmond—adding backup well - First look at draft SPP, Explanatory Document & Assessment Reports
March		<ol style="list-style-type: none"> 1. Work on Annual Reporting 2. Finalize the Amendment Package
April		<p>Source Protection Committee Meeting</p> <ul style="list-style-type: none"> - Preview of Amendment Package - Review Annual Reporting <p><u>Other Items for Approval</u></p> <ul style="list-style-type: none"> - Draft Source Protection Plan

		<ul style="list-style-type: none"> - Draft Explanatory Document - Draft Assessment Report <p>Source Protection Authority</p> <ul style="list-style-type: none"> - Preview Amendment Package - Review Annual Reporting
May		<ol style="list-style-type: none"> 1. Submit Annual Reporting 2. Submit Amendment Package for Early Engagement
Mid-Spring (May-June)	Submit for Early Engagement Source Protection Committee Meeting	
Late Summer (July-August)	Pre-Consultation	
Mid-Fall (September-October)	Source Protection Committee Meeting to review pre-con comments Public Consultation starts October 10, 2024, final comments due November 22, 2024	
Winter (November-February)	Source Protection Committee Meeting <ul style="list-style-type: none"> - to review Public Consultation comments - finalize submission January 23, 2025: RVCA Source Protection Authority Meeting February 10, 2025: MVCA Source Protection Authority Meeting	
February 2025	Submit	

Appendix B: Public Consultation Comments

Organization	Contact	Response received	Comment	MRSR Staff Response	Status
Source Protection Authority	Sommer Casgrain- Robertson Sally McIntyre	No			
MECP	General Email Nigel Holgate	No			
OMAFRA	Matt Wilson Brittany Barkes	No			
MNRF	Jason Bellegem	No			
MTO	Cheryl Davis Larry Saris Rita Goulet Michael Pardo Veronica Ayetan Nedim Oren Brady Lin	No			
MGCS/TSSA	Mueni Kithuka Kristian Kennedy	No			
MMAH	Erick Boyd Aldo Ingraldi Mike Elms	No			
Environment Canada	Carla Torchia	No			
Ottawa Septic System Office	Terry Davidson	No			
Canada Energy Regulator	Adele Houston	No			

	Holly Kingston				
City of Ottawa	Tessa Di Iorio	No			
North Grenville	Dillon Meilleur	No			
Perth	Grant Machan	Yes	Grant discussed the potential ways we can better protect surface water intakes from pumping stations and overflows where they would be a significant drinking water threat.	Staff have drafted a revision to this policy with Grant's suggestions.	Revisions will be brought to the SPC in December.
Smiths Falls	Sarah Cooke	No			
Merrickville-Wolford	Brad Cole	No			
Drummond-North Elmsley	Brady McGlade	Yes	Brady called Marika to revisit the changes that affect DNE.	Staff shared information with DNE about the proposed changes and their impact to DNE.	No further action required.
Montague	Kristin Cote	No			
Rideau Lakes	Malcolm Norwood	No			
Westport	Brandon Monaghan	No			
Tay Valley	Noelle Reeve	Yes	Tay Valley forwarded a Council Resolution in support of the proposed amendment.	No further action required.	No further action required.
Carleton Place	Niki Dwyer	No			
Mississippi Mills	Zachary Moshonas	No			
Beckwith	Enam	No			
Lanark	Mike Dwyer Koren Lam	No			
Leeds and Grenville	Elaine Mallory	No			

Persons Engaged in Threat Activity

Address	Comment	MRSRP Staff Response	Status
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Wellington St E, Merrickville	Landowner was inquiring about the public consultation letter they received.	Staff explained why they got a letter. Landowner acknowledged that salt storage on their property is only in very small quantities in a sealed bin and/or indoors.	No further action required.
Abbott St N, Smiths Falls	Staff person inquired about the public consultation letter they received and informed MRSPR staff that no large quantities of salt are being stored.	Staff thanked them for sharing additional information.	No further action required.
Jones Street, Kemptrville	Representative from the organization contacted staff to discuss the letter sent about salt handling and storage. Staff person confirmed with MRSPR staff that no salt storage was to occur when the development was completed. 4- unit residential tiny-homes.	Staff explained why they got a letter. Staff thanked them for sharing additional information.	No further action required.

General Public Inquiries

	Comment	MRSPR Staff Response	Status
Concerned landowner	Concerned about road salt usage and over salting	MRSPR staff spoke with this concerned landowner to explain our SALT policies and associated updates/changes. The individual is not within a vulnerable area where significant drinking water threat policies apply. Individual was happy with the information staff shared.	No further action required
Concerned landowner	Concerned that these updates do not protect private drinking water systems	The email was not considered a complete comment. No content was included in the email body. No questions were asked either. Staff reviewed the comment and decided not to reply.	No further action required

MECP Public Consultation Comments

Comment	Where to find	MRSPR Staff Response	Status
When listing subcategories of waste threats in the preamble, please use the correct legal terminology listed in the 2021 Technical Rules (TRs) to ensure that the right policy applies to the specific threat for ECA implementation.	SWP Plan 3.1 – Waste	Staff acknowledge their comment. Changes have been made.	Addressed.

<p>Certificate of Approvals were replaced by Environmental Compliance Approvals (ECAs); please correct this terminology throughout the document.</p>	<p>Throughout Source Protection Plan</p>	<p>Staff acknowledge their comment. Changes have been made.</p>	<p>Addressed.</p>
<p>When listing subcategories of sewage threats in the preamble, please use the correct legal terminology listed in the 2021 TRs to ensure that the right policy applies to the specific threat for ECA implementation. For the sewage threats, please ensure that threats 2.5-2.8 replace the threats currently listed under section 3.2. For example, forcemains and gravity sewers have a different set of circumstances from combined sewer discharges. “Bypasses” were replaced by final effluent outfalls or a sewage treatment plant overflow outfall that is part of a wastewater treatment facility.</p>	<p>SWP Plan 3.2 – Sewage Preamble</p>	<p>Staff acknowledge their comment. Changes have been made.</p>	<p>Addressed.</p>
<p>For clarity, edit the text “Potential activities that may result in the handling and storage of DNAPLs are included in List 1 of the Table of Drinking Threats” to read “Potential activities that may result in the handling and storage of DNAPLs are included in List 1, Section 9 of the Glossary of Terms in the Table of Drinking Water</p>	<p>SWP Plan 3.4 - DNAPLs and Organic Solvents Preamble</p>	<p>Staff acknowledge their comment. Changes have been made.</p>	<p>Addressed.</p>

Threats, prepared under the 2021 Technical Rules”.			
Please ensure that your Explanatory Document clarifies which DNAPL handling and storage activities are subject to the DNAPL policies in section 3.4 of the SPP.	Explanatory Document, Section 3.4	Staff acknowledge their comment but will not be making this change. DNAPL handling and storage is not limited to the list 1, Section 9 of the Glossary of Terms in the Table of Drinking Water Threats, prepared under the 2021 Technical Rules.	Has been considered. Will not be addressed.
On page 60, please edit the text “The application or handling and storing of ASM” to read “The application or handling and storage” for consistency with language in the 2021 Technical Rules.	SWP Plan 3.9 - Agricultural Source Material	Staff acknowledge their comment. Changes have been made.	Addressed.
For Policy NASM-3-LB-S58, NASM activities are only governed by approvals under the Nutrient Management Act. When the POW is stored on agricultural properties for disposal and that material does not meet NASM 3 requirements under the Nutrient Management Act, the POW storage and disposal, similar to NASM 3 material, would be subject to the ECA under the Environmental Protection Act. Please clarify which policy would apply in this situation.	SWP Plan 3.10 - Land Application and Storage of NASM	Staff acknowledge their comment. Staff feel the existing revised text addresses this comment. Email correspondence with MECP confirms that they are comfortable with leaving the text as is.	Addressed.

<p>Please note and clarify in the SPP that NASM 1 category listed in Schedule 4, Table 1 of O. Reg. 267/03 is only limited to "The material from non-farm herbivorous animals" which includes items 8-14 in Table 1.</p>	<p>SWP Plan 3.10 - Land Application and Storage of NASM</p>	<p>Staff acknowledge their comment. Changes have been made.</p>	<p>Addressed.</p>
<p>On page 23, please correct references from MOE with MECP.</p>	<p>Explanatory Document 4.1</p>	<p>Staff acknowledge their comment. Changes have been made.</p>	<p>Addressed.</p>

**Ministry of the Environment,
Conservation and Parks**

Conservation and Source Protection
Branch

14th Floor
40 St. Clair Ave. West
Toronto ON M4V 1M2

**Ministère de l'Environnement, de la
Protection de la nature et des Parcs**

Direction de la protection de la nature et
des sources

14^e étage
40, avenue St. Clair Ouest
Toronto (Ontario) M4V 1M2



November 26, 2024

To: Marika Livingston, Source Protection Program Manager
Mississippi-Rideau Source Protection Region

From: Nigel Holgate, Program Analyst
Conservation and Source Protection Branch

Re: Public Consultation Comments on Mississippi-Rideau Section 36 Minister's Order
Proposed Amendments

Thank you for the opportunity to review the proposed changes to the assessment report and source protection plan as part of your public consultation activities for Mississippi-Rideau's section 36 submission.

Conservation and Source Protection Branch (CSPB) technical staff have reviewed the technical reports against the 2021 Technical Rules, and we have no technical comments at this time. However, we have provided some administrative comments below, which recommend changes to the source protection plan text to improve clarity and consistency for readers of the plan.

We look forward to receiving a draft of the amended assessment report and plan when it becomes available. If you have any questions, please do not hesitate to contact me directly.

Thank you,

Nigel Holgate

Program Analyst, Conservation and Source Protection Branch
(289) 962-3912
Nigel.Holgate@ontario.ca

Cc: Jennifer McKay, Manager, Source Protection Section, CSPB
Wendy Lavender, Manager, Technical and Delivery Program Section, CSPB
George Jacoub, Watershed Management Research Scientist, P.Eng., CSPB

Ministry Policy / Administrative Comments

SWP Plan 3.1 – Waste

When listing subcategories of waste threats in the preamble, please use the correct legal terminology listed in the 2021 Technical Rules (TRs) to ensure that the right policy applies to the specific threat for ECA implementation. For example, please ensure that threats 1.9-1.13 replace the threats currently listed under section 3.1 for the waste threats.

Certificate of Approvals were replaced by Environmental Compliance Approvals (ECAs); please correct this terminology throughout the document.

SWP Plan 3.2 – Sewage Preamble

When listing subcategories of sewage threats in the preamble, please use the correct legal terminology listed in the 2021 TRs to ensure that the right policy applies to the specific threat for ECA implementation. For the sewage threats, please ensure that threats 2.5-2.8 replace the threats currently listed under section 3.2. For example, forcemains and gravity sewers have a different set of circumstances from combined sewer discharges.

“Bypasses” were replaced by final effluent outfalls or a sewage treatment plant overflow outfall that is part of a wastewater treatment facility. We acknowledge that the circumstances for combined sewage overflows (CSO) include sanitary sewage overflows (SSO) and sanitary sewage pumping station overflow (PSO) are defined in Section 3.2.5.

SWP Plan 3.4 - DNAPLs and Organic Solvents Preamble

For clarity, edit the text “Potential activities that may result in the handling and storage of DNAPLs are included in List 1 of the Table of Drinking Threats” to read “Potential activities that may result in the handling and storage of DNAPLs are included in List 1, Section 9 of the Glossary of Terms in the Table of Drinking Water Threats, prepared under the 2021 Technical Rules”. Please ensure that your Explanatory Document clarifies which DNAPL handling and storage activities are subject to the DNAPL policies in section 3.4 of the SPP.

SWP Plan 3.9 - Agricultural Source Material

On page 60, please edit the text “The application or handling and storing of ASM” to read “The application or handling and storage” for consistency with language in the 2021 Technical Rules.

SWP Plan 3.10 - Land Application and Storage of NASM

For Policy NASM-3-LB-S58, NASM activities are only governed by approvals under the *Nutrient Management Act*. When the POW is stored on agricultural properties for disposal and that material does not meet NASM 3 requirements under the *Nutrient Management Act*, the POW storage and disposal, similar to NASM 3 material, would be subject to the ECA under the *Environmental Protection Act*. Please clarify which policy would apply in this situation.

Please note and clarify in the SPP that NASM 1 category listed in Schedule 4, Table 1 of O. Reg. 267/03 is only limited to “The material from non-farm herbivorous animals” which includes items 8-14 in Table 1.

Explanatory Document 4.1

On page 23, please correct references from MOE with MECP.