



Raisin-South Nation Source Protection Region

Source Protection Committee Meeting Agenda

February 22, 2023

1:30 p.m.

Location: South Nation Conservation Administration Office
38 Victoria Street, Finch, Ontario

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1. Call to Order
 2. Chair's Remarks
 3. Approval of Agenda
 4. Declaration of Conflict of Interest
 5. Delegations / Presentations
 - a. Program Update - PowerPoint Presentation: Staff
 6. Approval of Minutes
 - a. Source Protection Committee Minutes of December 13, 2022 1-4
 7. New Business
 - a. Project Manager's Update: Lisa Van De Ligt 5
 - b. Source Protection Committee - Appointment Update: Lisa Van De Ligt 6-7
 - c. Approval - Draft Pesticide Policy: Alison McDonald 8-10
 - d. Update - Fuel Policies: Alison McDonald 11
 - e. Technical Rules - Salt and Snow: Alison McDonald 12-19
 - f. Technical Rules - Waste: Alison McDonald 20-25
 8. Community Engagement: Roundtable
 9. Correspondence
 10. Date of Next SPC Meeting: April 11
 11. Adjournment



Raisin-South Nation Source Protection Committee

Draft Minutes

December 13, 2022 – 1:00 p.m.

**Location: South Nation Conservation Administration Office
38 Victoria Street, Finch, Ontario**

PRESENT: Raymond Beauregard, Chair
Josée Brizard, The United Counties of Prescott and Russell
Michel Kearney, City of Ottawa
Elaine Kennedy, Great River Network
Martin Lang, Raisin Region Source Protection Authority Liaison Lawrence
Levere, The United Counties of Leeds and Grenville
Idalia Milan, Eastern Ontario Health Unit Liaison (virtual participation)
Don Munro, General Public
Walter Oeggerli, Agriculture
Robert Rathburn, City of Cornwall
Blair Walker, Aggregates (virtual participation)
Carma Williams, The United Counties of Stormont, Dundas and Glengarry
Stephen Wilson, Commercial / Industrial
Adrian Wynands, Clean Water Committee

REGRETS: Brian Powell, Agriculture
Jacqueline Pemberton, Agriculture
François St-Amour, South Nation Source Protection Authority Liaison
Mary Wooding, MECP Liaison
Tom Van Dusen, General Public

STAFF: Emily Baker, Planning and Regulations Assistant, RRCA
Phil Barnes, Team Lead, RRCA
Carl Bickerdike, Chief Administrative Officer, SNC
Laura Crites, Planning Technician, SNC
Alison McDonald, Managing Director, SNC
John Mesman, Managing Director, SNC
Richard Pilon, General Manager, RRCA
Kelsey Smith, Stewardship and Outreach Assistant, SNC
Erin Thorne, Communications Specialist, SNC
Lisa Van De Ligt, Project Manager, RRCA

GUESTS : Doug Renaud, The Nation Municipality



1. Call to Order

Raymond Beauregard, Chair, welcomed all in attendance and called the meeting to order at 1:08 PM.

2. Chairman's Remarks

Raymond Beauregard, Chair, welcomed all in attendance and provided a verbal update on recent happenings with the Drinking Water Source Protection program.

3. Approval of Agenda

Resolution #18/22

Moved by: Michel Kearney
Seconded: Robert Rathburn

CARRIED

4. Declaration of Conflict of Interest

None

Carma Williams joined the meeting at 1:10 PM.

5. Delegations / Presentations

a) Staff presented project and program updates

6. Approval of Minutes

Resolution #19/22

Moved by: Adrian Wynands
Seconded: Walter Oeggerli

THAT the minutes of the October 26, 2022, meeting of the Raisin-South Nation Source Protection Committee be approved.

CARRIED

7. New Business

a) Bill 23, More Homes Built Faster Act, 2022 (verbal)

Richard Pilon, RRCA General Manager, provided a verbal update on Schedule 2 of Bill 23, *More Homes Built Faster Act, 2022*.

Idalia Milan joined the meeting virtually at 1:25 PM.



b) Project Manager's Update

Resolution #20/22

Moved by: Carma Williams

Seconded: Elaine Kennedy

THAT the Raisin-South Nation Source Protection Committee receive and file the Project Manager's Update.

CARRIED

c) Technical Rules Update

Resolution #21/22

Moved by: Don Munro

Seconded: Josée Brizard

That the Raisin-South Nation Source Protection Committee receive the proposed Pesticide and Fuel policy updates and direct staff to prepare draft policies for approval by the Committee.

CARRIED

d) Best Practices for Source Water Protection Update

Resolution #22/22:

Moved by: Adrian Wynands

Seconded: Robert Rathburn

That the Raisin-South Nation Source Protection Committee receive and file the Best Practices for Source Water Protection report.

CARRIED

8. Community Engagement: Roundtable

- Adrian Wynands, Augusta Township Deputy Mayor, discussed Drinking Water Source Protection at a recent council meeting.

9. Correspondence

Correspondence was included in the agenda package.

10. Date of Next Meeting

The date of the next meeting is February 22, 2023 at 1:30 PM.



11. Adjournment

Resolution #23/22

Moved by: Carma Williams

THAT the Source Protection Committee meeting of December 13, 2022 be adjourned at 2:45 PM.

Raymond Beauregard
Chair

Lisa Van De Ligt
Project Manager

/lv



To: Raisin-South Nation Source Protection Committee
From: Lisa Van De Ligt, Project Manager
Date: February 14, 2023
Subject: Project Manager's Update

RECOMMENDATION:

That the Raisin-South Nation Source Protection Committee receive and file the Project Manager's Update.

The last Source Protection Committee (SPC) meeting was December 13, 2022. Since then, staff have continued to meet deliverables identified in the 2022-2024 agreement with the Ministry of Environment, Conservation and Parks (MECP) and on-going Drinking Water Source Protection (DWSP) initiatives. Below are the highlights:

- Raisin-South Nation Source Protection Plan Section 36 (Minister's Order) amendments underway. Detailed staff reports on proposed policies and technical rule updates to be presented.
- Three potential Raisin-South Nation Source Protection Plan Section 34 (locally-initiated) amendments underway.
- Detailed staff report on two new Source Protection Committee members to be presented.
- Annual Risk Management Official reports submitted to Source Protection Authorities by February 1.
- Annual progress report due by May 1 to Ministry of Environment, Conservation Parks is currently in progress.
- Meeting occurrence: Monthly Raisin-South Nation Source Protection Team meetings, monthly Eastern Region project managers meetings, quarterly provincial project manager and communications meetings.

A handwritten signature in cursive script that reads "Lisa Van De Ligt".

Lisa Van De Ligt,
Project Manager
Raisin-South Nation Source Protection Region



To: South Nation Source Protection Authority
From: Lisa Van De Ligt, Project Manager
Date: February 16, 2023
Subject: Source Protection Committee: Appointment Update

RECOMMENDATION:

That the Source Protection Committee receive and file the Committee membership update report.

Background:

As outlined in the *Clean Water Act, 2006*, under Ontario Regulation 288/07, the Raisin-South Source Protection Committee (SPC) was created to develop a Source Protection Plan to protect municipal sources of drinking water in the region. The SPC oversees the source protection program, and the composition ensures that a variety of local interests are represented at the decision-making table. The SPC is comprised of 15 members, 4 liaisons and the Chair.

Membership consists of:

- Municipal representatives (5)
 - City of Ottawa
 - City of Cornwall
 - United Counties of Stormont, Dundas, and Glengarry
 - United Counties of Prescott and Russell
 - United Counties of Leeds and Grenville
- Economic sector representatives (5)
 - 3 members representing the agricultural sector
 - 1 member for the aggregate sector
 - 1 member for the industrial/commercial sector
- Other interest representatives (5)
 - 1 member representing the SNC Clean Water Committee
 - 1 member representing the Great River Network
 - 3 members representing the General Public



Discussion:

Municipal Representative – Stormont, Dundas, and Glengarry:

On January 16, 2023, the United Counties of Stormont, Dundas, and Glengarry selected North Dundas Deputy Mayor Theresa Bergeron to represent the Counties for a term of 2 years, replacing North Glengarry Deputy Mayor Carma Williams.

General Public Representative

On October 6, 2022, the Raisin-South Nation Source Protection Region began recruitment for a vacant General Public seat on the SPC. Notices were placed in local newspapers, on social media, and the Raisin-South Nation Source Protection Region website. Applications were received by November 7, 2022 and interviews were conducted in December 2022. Chris McDonnell was the recommended candidate for a term of 5 years.

The Raisin Region Source Protection Authority and South Nation Source Protection Authority officially appointed the SPC members identified above at their February 14, 2023 and February 16, 2023 meetings, respectively.

A handwritten signature in cursive script, reading "Lisa Van De Ligt".

Lisa Van De Ligt,
Project Manager, Raisin-South Nation Source Protection Region



To: Raisin-South Nation Source Protection Committee
From: Alison McDonald, Managing Director, Approvals
Date: February 7, 2023
Subject: Approval: Draft Pesticide Policy

RECOMMENDATION:

That the Raisin-South Nation Source Protection Committee approve the proposed Pesticide policy updates and direct staff to prepare draft policies for consultation with the province.

Background:

The Source Protection Plan is being revised as part of a comprehensive review under section 36 of the *Clean Water Act* and as a result of updated Provincial Technical Rules. The Technical Rules modify the circumstances that determine when certain activities are deemed a significant drinking water threat (SDWT).

Staff assessed the impact of the Technical Rules changes on existing Pesticide policies. The 2021 Technical Rules update removed 'The Contaminant List' (found on Page 113 of Appendix E of the Source Protection Plan) which was previously relied on as an authoritative list. The removal of this list could infer that the circumstances apply to all pesticides; however, the definition of pesticide is reasonably tied to Ontario Regulation 63/09 of the *Pesticide Act*. In Ontario, use of pesticide for homes and gardens is banned except for low-risk pesticides on a provincial allowable list (e.g., castor oil, vinegar, soap, borax).

Staff identified potential updates for clarity including reference to the Provincial Pesticide Safety Course in Policy PEST-2 and removal of the phrase 'where they are manufactured or processed' from the PEST-3 policy as this terminology is no longer specified in the Technical Rules.

These policy updates were discussed with the Source Protection Committee (SPC) on December 13, 2022. The policy updates were circulated to SPC members for comment following the meeting.

The substantive update would be to the introduction section to specify that active ingredients should meet criteria set out in the Ontario Regulation 63/09 to be considered a significant threat. The Risk Management Official will have discretion and may consult the Ontario allowable list to decide whether a pesticide being used constitutes a significant threat and whether the Risk Management policies apply.

The final draft policies are included below for approval.

Conclusion:

Updated Overview and Intent Section

Pesticides

Overview

Pesticides include herbicides, insecticides, and fungicides. These types of compounds can contain ~~a number of several~~ harmful chemicals which can enter sources of drinking water. This policy is not intended to capture the use of small quantities of non-toxic products.

In Ontario there is a Cosmetic Pesticide Ban in effect for most properties except for low-risk pesticides that are on an allowable list. The active ingredient in these pesticides must meet specific criteria set out in Ontario Regulation 63/09.; ~~however,~~ some operations are exempt from this ban (including natural resource management and golf courses). These types of operations must have a license or safety accreditation to apply pesticides in Ontario.

Policy Intent

Policy PEST-1 captures all existing and future pesticide operations regulated under the *Pesticide Act, 1990*. Instruments issued under the *Pesticide Act, 1990* will be reviewed to ensure they ~~are protective of protect~~ drinking water sources.

Policy PEST-2 requires a Risk Management Plan for the application of pesticides which are not regulated by a ~~prescribed~~ instrument where they are a significant threat. This Risk Management Plan would include conditions similar to those found in the Ontario Pesticide Education Program. The Risk Management Officials will use discretion and may consult the Ontario List of Active Ingredients Authorized for Cosmetic Uses (Allowable List) to decide if a pesticide constitutes a significant threat and whether the Part IV policies apply.

Policy PEST-3 prohibits the storage of pesticides at retail or commercial outlets. These types of operations are associated with larger volumes of stored pesticides.

Updated PEST-2

Policy PEST-2

Existing and future application, storage, and handling of pesticide subject to a Risk Management Plan

The application, storage and handling of pesticides is designated for the purpose of Section 58 of the *Clean Water Act, 2006* (Risk Management Plan) where this activity could be a significant drinking water threat and is not subject to the requirements of the *Cosmetic Pesticide Ban or Pesticide Act, 1990*. This includes application of pesticides for public health & safety, natural resource management, golf courses and sports fields, and the existing commercial handling and storage of pesticides.

The Risk Management Plan should be based on appropriate environmental standards and/or the Ontario Pesticide Education Program or the Grower Pesticide Safety course and shall specify that only licensed/certified operators can apply pesticides.

Emergency response measures to address spills and an emergency response plan shall be updated to include identification of the vulnerable areas and contact information for the operator of the drinking water system.

Note: Additional policies apply. See: *MONITORING-1*, *GENERAL-5*, and *GENERAL-6*.

Updated PEST-3

Policy PEST-3

Prohibition of future commercial storage and handling of pesticide

The future commercial application, storage, and handling of pesticides ~~where they are manufactured or processed~~ is designated for the purpose of Section 57 of the *Clean Water Act, 2006* (prohibition) where this activity could be a significant drinking water threat.

This prohibition takes effect when the Source Protection Plan takes effect.

Note: Additional policies apply. See: *MONITORING-1* and *GENERAL-6*.



Alison McDonald
Managing Director, Approvals
South Nation Conservation



To: Raisin-South Nation Source Protection Committee
From: Alison McDonald, Managing Director, Approvals
Date: February 7, 2023
Subject: Update: Fuel Policies

RECOMMENDATION:

That the Raisin-South Nation Source Protection Committee receive the update on Fuel Policies.

Background:

The Source Protection Plan is being revised as part of a comprehensive review under section 36 of the *Clean Water Act* and as a result of updated Provincial Technical Rules. The Technical Rules modify the circumstances that determine when certain activities are deemed a significant drinking water threat (SDWT).

Staff assessed the impact of the Technical Rules changes on existing Fuel policies. The areas where a significant threat can occur now include additional Intake Protection Zone areas. The technical rules also recognize the risk related to the above grade handling and storage of fuel in quantities of 250 L or greater. Previously, above-ground tanks had to be above 2,500 L to be a significant threat. Although there are new parcels that could trigger a significant threat, these parcels are not expected to have above ground, outdoor fuel tanks.

These policies were discussed with the SPC on December 13, 2022. Staff recommended the Fuel policies not be updated as the intent had not changed. The SPC felt that this threat was adequately managed through a detailed Risk Management Plan which includes best management practices.

Conclusion

The Raisin-South Nation policies do not specify storage size; therefore, no changes are required to address the updated technical rules.

Staff will monitor this policy and work with Risk Management Official to determine if the inventory of existing parcels needs to be updated. This could be added to the 2024 workplan.

A handwritten signature in cursive script that reads "Alison McDonald".

Alison McDonald
Managing Director, Approvals
South Nation Conservation



To: Raisin-South Nation Source Protection Committee
From: Alison McDonald, Managing Director, Approvals
Date: February 9, 2023
Subject: Technical Rules: Salt and Snow

RECOMMENDATION:

That the Raisin-South Nation Source Protection Committee receive the proposed Salt and Snow policy updates and direct staff to prepare updated draft policies for Committee approval.

Background:

The Source Protection Plan is being revised as part of a comprehensive review under section 36 of the *Clean Water Act* and due to updated Provincial Technical Rules. The Technical Rules modify the circumstances that determine when certain activities are deemed a significant drinking water threat (SDWT). The proposed policy changes range from minor, administrative to those with broader implications for the intent and application of existing policies.

Staff assessed the impact of the Technical Rules changes on Salt and Snow policies. A summary of impacts and proposed updates is provided below. Technical and policy changes will also be presented in a slide show.

1. Application of Road Salt

Discussion:

The areas where a significant threat can occur have not changed; however, the circumstances where salt is applied within those areas have changed, specifically, the percentage of impervious surface area has decreased. Impervious area is hardened surfaces where road salt can be applied (the surface area of all highways and other impervious land surfaces used for vehicular traffic and parking, and all pedestrian paths), not including roofs.

Under the former Technical Rules, there were no significant drinking water threats related to salt application in the Source Protection Region. It is expected there will be 10 to 20 new significant drinking water threats in the Region under the new Technical Rules, particularly in urban and built-up rural areas. The new significant drinking water threats will include industrial or commercial establishments with parking lots and walkways that are required to be maintained.

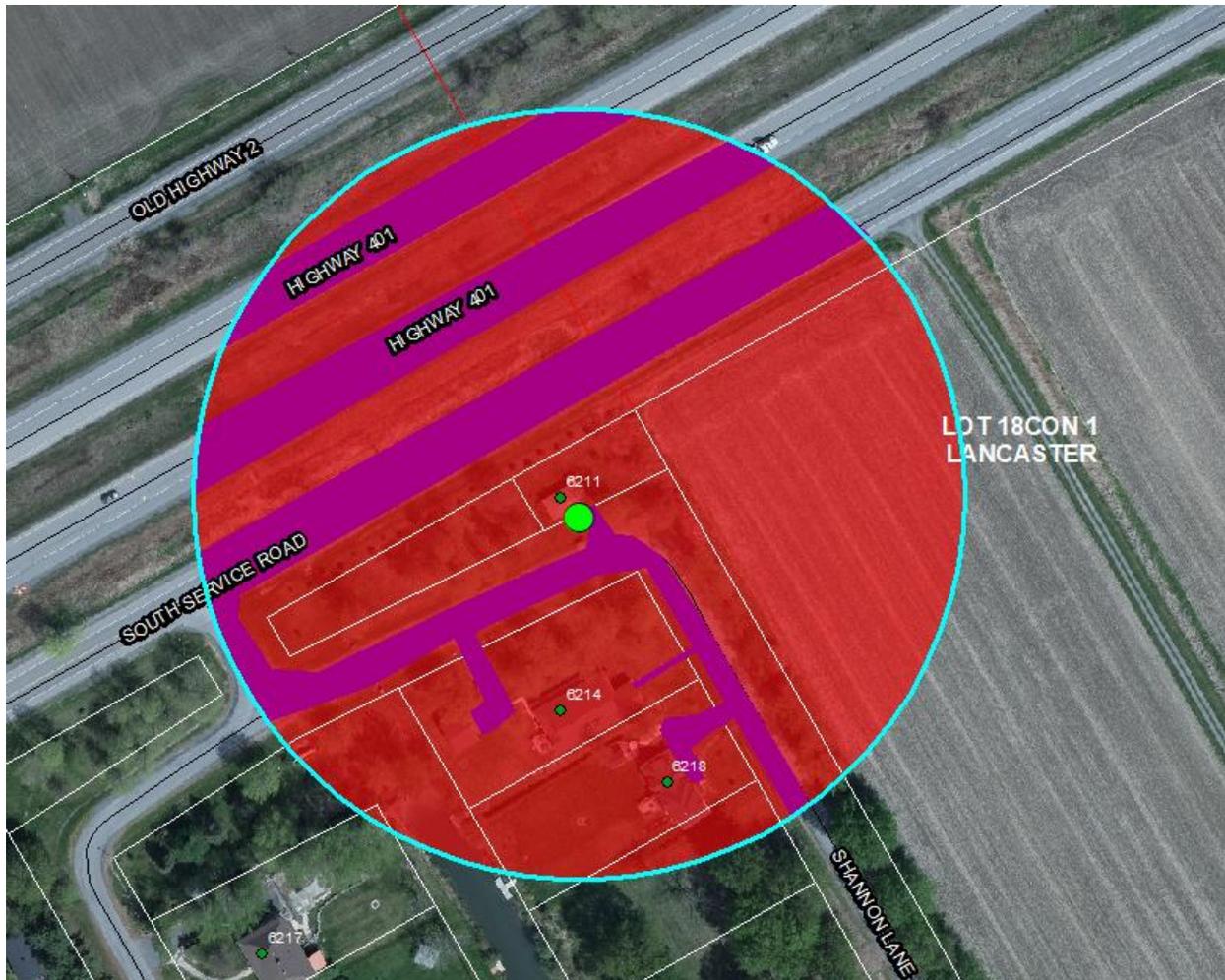


Figure 1. This is the Wellhead Protection Area (WHPA) A area for the Redwood Estates well. The impervious area (highlighted in purple) within the WHPA-A at this location is 25%. The threshold for significant drinking water threat is now 30% at this location; the threshold under the previous Technical Rules was 80%. This exercise will need to be completed for each WHPA and Intake Protection Zone (IPZ) where the score is high enough to generate a significant threat.

Policy Considerations:

Threats Enumeration

New significant threats include industrial, commercial, and institutional roads, parking lots, and walkways that are required to be maintained.

It is unlikely to find significant threats in Wellhead Protection Area (WHPA) As since they are very small areas immediately around the wellhead. Some WHPA-Bs near more-built up rural villages will have new significant threats (e.g., Winchester, Chesterville, Finch, Crysler and Moose Creek). Alexandria and Casselman are likely to have several new significant threats as the Intake Protection Zones include urban areas where 8% impervious area is very likely.

Existing Policies

Policy **SALT-1** recognizes that salt application is related to public health and safety. Municipalities are required to create/update a Salt Management Plan which outlines best management practices for salt application. The policy also suggests staff be trained (e.g., Smart About Salt) to ensure appropriate application of salt, especially in the vulnerable areas.

Policy **SALT-4** outlines requirements for the Ministry of Transportation on all Provincial roadways in the vulnerable areas and supports the Ministry's ongoing pilot programs and mitigation technology research initiatives.

Policy SALT-1

Municipal Salt Management Plans for future and existing application of road salt

Where the future and existing application of road salt could be a significant drinking water threat, the Municipality shall develop or review/update their Salt Management Plan.

The Salt Management Plan will include at a minimum:

- Management of sodium or chloride compounds used for dust suppression
- Minimizing application of road salt and/or use of alternative compounds
- Training for staff (such as the Smart About Salt program)
- Implementation of best management practices for salt application outlined by Environment [and Climate Change](#) Canada and the Transportation Association of Canada

The Salt Management Plan will be initiated within one year and completed within two years of the Source Protection Plan taking effect, after which it shall be reviewed annually to ensure it includes all current best management practices outlined by Environment [and Climate Change](#) Canada and the Transportation Association of Canada.

Note: Additional policies apply. See: *MONITORING-6*.



Policy SALT-4

Ministry of Transportation Salt Management Plans for the application of road salt

Where future/existing salt application would be a significant drinking water threat on Provincial network roadways, the Ministry of Transportation and their supporting de-icing contractors are strongly recommended to continue the proactive implementation of their Salt Management Plans and to continue the use of best management practices within the Wellhead Protection Areas and Intake Protection Zones.

The Ministry of Transportation is strongly recommended to continue their on-going investigation and implementation of innovative practices and new mitigative technologies regarding road salt application and the management of infiltration and runoff.

The Ministry of Transportation is strongly recommended to actively consider the creation of pilot projects to utilize new practices and mitigative technologies for road salt application or the management of runoff that could benefit drinking water sources in the Raisin-South Nation Source Protection Region.

Note: Additional policies apply. See: *MONITORING-7*.

Policy **SALT-5** is a non-legally binding policy which promotes education/outreach regarding salt application on private property.

Policy SALT-5

Education and outreach for private facilities through the Salt Institute

It is recommended that the Salt Institute implement an education and outreach program which targets private facility managers and salt application contractors in areas where salt application, handling and storage could be a significant drinking water threat.

This program may be based on the 'Smart About Salt' program, or may include Best Management Practices [for the Use of Road Salt in Winter Highway Maintenance](#) ~~from~~ [published by the](#) Transportation Association of Canada, 2003 or Best Practices for Salt Use on Private Roads, Parking Lots and Sidewalks (Environment [and Climate Change](#) Canada, 2004).

This program should be initiated within two years of the Source Protection Plan taking effect.



Policy Updates:

Staff are of the opinion that these policies appropriately address the threat for provincial and municipal infrastructure. Staff will notify municipalities where any new mandatory policies apply based on the updated impervious surface area requirements.

For salt application on commercial or industrial properties, **SALT-5** could be modified to be implemented by the Source Protection Region and municipality (mandatory). This policy is also proposed to be modified related to changes to salt storage (discussed below).

2. Handling and Storage of Salt and Snow

Discussion:

MECP revisited the circumstances based on increased concern related to chloride in groundwater and municipal aquifers throughout Ontario. The areas where a significant threat can occur have not changed significantly; however, the circumstances of how salt is stored have changed and the amount of salt being stored has decreased. A much smaller salt storage can now trigger a significant drinking water threat. Similarly, the size of snow storage area has decreased significantly.

The changes to these circumstances shift the focus of salt and snow storage policies from municipal-scale storage facilities to all forms of salt storage (except where it is stored in a roofed building with an impermeable floor) and small areas of snow storage.

Policy Considerations:

Threats Enumeration

The new significant threats will be due to industrial and commercial establishments with parking lots within WHPA-A, WHPA-B, and the affected IPZs. Any snow pile or salt storage in a parking lot within these areas would likely be considered a significant drinking water threat.

The new threats are likely to occur within more built-up rural villages (e.g., Winchester, Chesterville, Finch, Chrysler and Moose Creek). Alexandria and Casselman are likely to have several new significant threats as the IPZs include significant urban areas, particularly Casselman's IPZ-2 (large area with a score of 9).

Existing Policies

Policy SALT-2

Risk Management Plans for existing storage of road salt and snow

Existing handling and storage of road salt and storage of snow is designated for the purpose of Section 58 of the *Clean Water Act, 2006* (Risk Management Plans) where it could be a significant threat. The Risk Management Plan shall include up-to-date best management practices regarding snow and salt storage and management of snow melt-water.

Note: Additional policies apply. See: *MONITORING-1*, *GENERAL-5* and *GENERAL-6*.

Policy SALT-3

Prohibition of future storage of salt and snow

Future storage and handling of road salt and storage of snow is designated for the purpose of Section 57 of the *Clean Water Act, 2006* (prohibition) where it would be a significant drinking water threat.

This prohibition takes effect when the Source Protection Plan takes effect.

Note: Additional policies apply. See: *MONITORING-1* and *GENERAL-6*.

Policy Updates:

Given the drastic change in salt volumes and snow storage area, the current policies no longer reflect the original intent of capturing municipal-scale storage.

In consultation with other local Source Protection Regions, staff recommend the salt storage and handling policies be broken into two categories: education and outreach and risk management/prohibition.

Education and Outreach

Education and outreach for smaller storage volumes (suggest between 20-250 kg) and for snow piles capturing industrial, commercial, or institutional land uses. These properties generally have snow contractors responsible for salt storage and application. Risk Management Plan would be required to be updated almost yearly, if not more.

Risk Management Plan costs are no longer covered by funding from the Province or Municipalities, leaving private property owners responsible for the cost. This would create a

financial burden on business owners for a relatively small quantity of salt storage. An Education and Outreach policy could be highly effective to reach large audiences, take advantage of existing resources, and promote Best Management Practices. Suggested wording is included in the track changes version below.

Policy SALT-5

Education and outreach for private facilities ~~through the Salt Institute~~

The Raisin-South Nation Source Protection Region and the local municipality shall develop and implement an ongoing education and outreach program for:

- the application of road salt on commercial/industrial properties;
- the storage of snow in areas other than a snow dump; and,
- for the handling and storage of Road Salt at volumes between 20 kg and 250 kg

where these activities would be a significant drinking water threat.

~~It is recommended that the Salt Institute implement an education and outreach program which targets private facility managers and salt application contractors in areas where salt application, handling and storage could be a significant drinking water threat.~~

~~This program may be based on the 'Smart About Salt' program, ~~or may~~ and may include signage, best management practices, social media campaigns, and stickers for commercial salt boxes. ~~Best Management Practices for the Use of Road Salt in Winter Highway Maintenance from the published by the Transportation Association of Canada, 2003 or Best Practices for Salt Use on Private Roads, Parking Lots and Sidewalks (Environment and Climate Change Canada, 2004).~~~~

~~This program should be initiated within two years of the Source Protection Plan taking effect.~~

Risk Management Plans

Risk Management Plans for existing threats and prohibition for future threats where salt storage is greater than 250 kg and for larger 'snow dump' facilities.

Optional: Well Monitoring Policy

Neighbouring Source Protection Regions are considering the addition of a municipal well monitoring program policy. Staff recommend that chloride information be requested from municipalities to help monitor water quality trends, but do not believe a formal policy is needed.



Conclusion

The circumstances for these threat activities have change dramatically; this affects both the intent of the original policies and the potential impact to private properties.

Staff will receive feedback from the Source Protection Committee at the meeting. Once a policy direction is confirmed, staff will seek additional input from municipal staff through a technical working group.

A handwritten signature in black ink that reads "Alison McDonald".

Alison McDonald
Managing Director, Approvals
South Nation Conservation



To: Raisin-South Nation Source Protection Committee
From: Alison McDonald, Managing Director, Approvals
Date: February 9, 2023
Subject: Technical Rules: Waste

RECOMMENDATION:

That the Raisin-South Nation Source Protection Committee receive the waste technical rule and policy updates and direct staff to prepare updated draft policies for Committee approval.

Background:

The Source Protection Plan is being revised as part of a comprehensive review under section 36 of the *Clean Water Act* and as a result of updated Provincial Technical Rules. The Technical Rules modify the circumstances that determine when certain activities are deemed a significant drinking water threat (SDWT). The proposed policy changes range from minor, administrative to those with broader implications for the intent and application of existing policies.

Staff assessed the impact of the Technical Rules changes on Waste policies. A summary of impacts and proposed updates is provided below. Detailed technical and policy changes will be presented in a slide show.

Discussion:

There were a number of changes to the circumstances around Waste threats. Two updates are proposed based on these changes. Other circumstance changes do not change the intent of policies; rather, they update the circumstances to conform to complex wording and terminology used in the *Environmental Protection Act* (EPA). These updates are provided for information.

1. Storage of Hauled Sewage

This new threat sub-category is mainly associated with stationary storage and does not include septic tanks or septic systems where the sewage is produced before hauling. The risks related to the application of hauled sewage are defined in the threat tables; however, the tables did not capture the risk associated with the stationary storage where the hauled sewage is stored temporarily by haulers where it is not generated or disposed.

Policy Considerations

Staff reviewed the waste disposal site policies and definitions (WASTE-2 and WASTE-3). The policies cover all waste disposal sites and are sufficient to address the new threat. Staff will add

'Storage of Hauled Sewage' to the definition of Waste Disposal Site in Appendix B: Glossary.

Policy WASTE-2

Prohibition of future waste sites

The future establishment of a waste disposal site shall be prohibited where it is a significant drinking water threat.

Accordingly, decisions relating to Prescribed Instruments (Environmental Compliance Approvals) must conform with this policy. In addition, decisions made by planning authorities under the *Planning Act, 1990* must conform with this policy.

This policy does not apply to waste that is registered with the MOECC waste generation reporting system, or waste that is approved to be transported off-site using the MOECC manifest process or waste that is subject to Director's Instructions.

This policy takes effect when the Source Protection Plan takes effect.

Note: Additional policies apply. See: *MONITORING-2* and *MONITORING-3*.

Policy WASTE-3

Risk Management Plans for existing waste sites without a Prescribed Instrument

Where the *Environmental Protection Act, 1990* (as amended) does not require an approval, the existing operation or maintenance of a waste disposal site is designated for the purpose of Section 58 of the *Clean Water Act, 2006* (Risk Management Plan) where this activity is a significant drinking water threat. This includes, but is not limited to, PCB waste storage. The Risk Management Plan shall include the following:

- Inclusion of the most up-to-date best management practices regarding PCB waste storage, waste, and other harmful compounds
- A spill/emergency response plan which includes procedures to contact the local drinking water plant operator

This policy does not apply to waste that is registered with the MOECC waste generation reporting system, or waste that is approved to be transported off-site using the MOECC manifest process or waste that is subject to Director's Instructions.

Note: Additional policies apply. See: *MONITORING-1*, *GENERAL-5*, and *GENERAL-6*.

2. Application and Storage of Processed Organic Waste and Waste Biomass

Processed Organic Waste (POW) material is the organic waste residue remaining after sewage treatment plant processing and is similar to a category 3 non-agricultural source material (NASM). Waste biomass is the organic matter derived from a plant or animal available on a renewable basis, as defined under O. Reg. 347 under the EPA. Under the provincial management frameworks, the land application and storage of POW are subject to an Environmental Compliance Approval (ECA) under the *Environmental Protection Act* (EPA) when applied on non-agricultural land (i.e., municipal landfill).

When POW is applied on agricultural land as NASM, land application and storage are subject to the *Nutrient Management Act* (NMA). When POW is stored on an agricultural property for disposal and does not meet the category 3 land application requirements under the NMA, the POW storage and disposal would be subject to the EPA. POW can either be disposed of in municipal landfills or applied to sites that are not municipal landfills.

The generation and storage of waste biomass off-farm are subject to the EPA unless sent to an anaerobic digestion facility defined in Section 3(1) 14 of O. Reg 347. If the waste biomass is not sent to anaerobic digestion facilities, but rather disposed of, this material is considered municipal waste and disposed of in municipal landfills.

The Ministry responsible for issuing the ECA or NASM approvals for the storage of POW or Waste Biomass is required to review the instrument to consider the protection of drinking water sources when issuing and reporting on applications for POW where they could be a significant drinking water threat.

Policy Considerations

In reviewing the policies, staff recommend that AG-1 policy be modified to include the exemption for non-agricultural storage, application, and disposal of POW that is regulated under the EPA (Prescribed Instrument).

This recognizes the similarity of the threat activities and acknowledges the two possible regulatory regimes – the *Environmental Protection Act* and the *Nutrient Management Act*. This policy was already modified as part of the previous policy updates. Proposed changes for POW are indicated below in red.



Policy AG-12

Existing and future agricultural activities subject to a Risk Management Plan

The following activities are designated for the purpose of Section 58 of the *Clean Water Act, 2006* (Risk Management Plan), where the activity is or could be a significant drinking water threat ~~for activities that are not subject to the requirements of the *Nutrient Management Act, 2002 (as amended)*:~~

- the storage and application of agricultural source material (ASM);
- the handling, storage, and application of non-agricultural source material (NASM) ; Processed Organic Waste; or Waste Biomass;
- the use of land for livestock grazing/pasturing or outdoor confinement area/farm-animal yard; and
- the handling, storage, and application of commercial fertilizer.

The Risk Management Plan will be based upon the same principles as the requirements of a Nutrient Management Plan/Strategy or Environmental Farm Plan. The Risk Management Plan will include these conditions where appropriate:

- Requiring soil samples be done at least once every five years ~~(the default value of 101 ppm of plant available phosphorus and 251 ppm of plant available potassium can be used in place of the first soil test)~~
- Based on soil samples, fertilizer and ASM shall be used at the appropriate rates
- Requiring mitigation measures, including structural or management alterations, to prevent runoff that could pose a risk to drinking water from entering surface water, such as a berm or the establishment of minimum vegetative buffers between application areas and from surface water
- Requiring any other alterations needed to structural or management alterations needed to meet current best management practices (i.e. nutrient management standards for runoff)
- No ASM, NASM, or fertilizer shall be spread within the WHPA-A (100 m around the wellhead)
- Any other measure that protects drinking water or which are necessary to meet the test of "ceases to be a significant drinking water threat" to the satisfaction of the Risk Management Official
- Any other measures required to mitigate the potential risk to drinking water to the satisfaction of the Risk Management Official

~~Risk Management Plans or voluntary Nutrient Management Plans/Strategies prepared by~~ If a person has a prescribed instrument under the *Nutrient Management Act* or *Environmental Protection Act* that regulates the activity or activities the person is or is proposing to be engaged in at the particular location, and the prescribed instrument contains conditions to ensure that it conforms to the significant threat policies above, the person may apply to the Risk Management Official for an exemption from the Risk Management Plan requirement above. This is in accordance with ~~section 61 of Regulation 287/07.~~ |

Note: Additional policies apply. See *MONITORING-1*, *GENERAL-5*, and *GENERAL-6*.

3. Additional Technical Rule changes with minor impacts:

Landfilling of Hazardous Waste or Liquid Industrial Waste

This threat includes sites approved to receive subject waste (i.e., hazardous waste and liquid industrial waste (LIW) defined under Part V of the EPA).

The only revision to this threat is that the land disposal of hazardous waste, liquid industrial waste, or processed liquid industrial waste is a threat now for areas greater than 10 hectares in (instead being limited to just 10 hectares).

Staff feel the policy is sufficient and no new threats are anticipated.

Transfer/Processing Sites approved to receive Hazardous Waste or Liquid Industrial Waste

Previous: When hazardous waste or liquid industrial waste (LIW) is stored at a transfer processing site, it is considered a threat in Wellhead Protection Area (WHPA) score of 10 and IPZ 9-10.

New: When hazardous waste or LIW is stored at a transfer processing site it is now considered a threat in WHPA score of 8-10 and Intake Protection Zone (IPZ) 8-10.

Industrial Effluent Discharges

Added "or land" to the threat circumstances; industrial effluent discharges are now a threat in WHPA-10, instead of just IPZs.

Current policies prohibit future industrial effluent discharges. No policy revisions are suggested.

Storage of Subject Waste at a Waste Generation Facility: site requires generator registration under Section 3 of O. Reg. 347

This new threat subcategory includes storage of commercial, institutional, and industrial facilities at the original generators of subject waste until these wastes have been treated to meet the land disposal treatment requirements (example of registered businesses: Shoppers Drugmart, Walmart, Hardware Store).

Some facilities generating and storing hazardous waste or LIW (i.e., subject waste) do not require an ECA. Instead, they only require registration under the Hazardous Waste Information Network (HWIN). "Subject waste" is a term that refers to hazardous waste (including hazardous

waste treated to remove characteristic hazards such as reactivity and ignitability) that is registered with the Ministry of Environment, Conservation, and Parks (MECP) through the HWIN.

The current policies prohibit the storage of subject waste where it would be a significant threat (generally in IPZ and WHPA scored 10). Staff are of the opinion that this policy is appropriate, and no policy revisions are suggested.

Storage of Waste at a Waste Generation Facility: site that is exempt or excluded from generator registration requirements

This is a new threat. The storage of Waste at a Waste Generation Facility: site that is exempt or excluded from generator registration requirements includes facilities that generate hazardous wastes or liquid industrial waste.

However, unlike the threat above (storage of subject waste that is required to register), these facilities do not require ECAs or registration under HWIN. The management framework of these wastes is found in other EPA regulations.

Some examples of land uses or activities that fall under this threat are listed below:

- Waste from a motor servicing facility
- Waste batteries
- Nursing home waste
- Dental surgeon office
- Medical physician or surgeons' office

Current policies prohibit the below grade storage of waste that is exempt from registration where it is a significant threat. Staff suggest that this policy remains appropriate. No policy revisions are suggested.

Conclusion

Staff will present the policy updates for discussion. Final policies will be prepared for the next meeting based on Committee feedback.



Alison McDonald
Managing Director, Approvals
South Nation Conservation