

To: Warden and Members of County Council

From: Director of Public Works

Proposed Catfish Creek Source Protection Plan Update

RECOMMENDATION

1. That Oxford County Council endorse the proposed policy updates to the Catfish Creek Source Protection Plan and Assessment Report.

REPORT HIGHLIGHTS

- The Catfish Creek Source Protection Area (SPA), Lake Erie Source Protection Region (SPR), and Lake Erie Source Protection Committee (SPC) initiated an update to the 2015 Catfish Creek Source Protection Plan (SPP) and Assessment Report (AR) under Section 36 of the *Clean Water Act, 2006* and pursuant to an order from the Minister of the Environment, Conservation and Parks (MECP) dated July 22, 2019.
- The Grand River Source Protection Area (SPA) is the lead authority in the Lake Erie SPR and is jointly responsible with the Lake Erie SPC to update the Catfish Creek SPP, on behalf of the Catfish Creek SPA.
- The Catfish Creek SPP update includes revised policies grounded on the most up-to-date science as documented in the 2021 Director Technical Rules (DTR) and includes; revisions to salt and snow storage policies, the addition of new petroleum hydrocarbon pipeline policies, and minor amendments to the existing policies in the Catfish Creek SPP.
- The Lake Erie SPR is requesting endorsement from Oxford County Council on these proposed revisions to the Catfish Creek SPP and AR, prior to public consultation which will be lead by the Grand River SPA.

Implementation Points

A mandatory public consultation period is planned to commence on January 25, 2023. The public consultation period provides interested parties with the opportunity to view and submit comments related to the proposed policy updates to the Catfish Creek SPP and AR. Following the public consultation period the Lake Erie SPC will consider any comments received and direct Lake Erie SPR staff to revise the Catfish Creek SPP as necessary.

The revised draft Catfish Creek SPP and AR will then be submitted to the MECP for approval. Once ultimately approved by the MECP, the updated SPP and AR will come into effect. These policies will govern ongoing source water protection implementation to impacted landowners and/or municipalities.

Financial Impact

The revised Catfish Creek SPP updates are anticipated to result in a minor increase in the number of potential significant drinking water threats which must be managed by Oxford County existing Risk Management Official and Inspector in cooperation with land owners.

The increase can be accommodated within the existing Water Services Operational budgets.

Communications

The Grand River SPA, is the principal authority for the Lake Erie SPR and will lead communication with the public related to the proposed Catfish Creek SPP and AR updates, on behalf of the Catfish Creek SPA. The Grand River SPA will seek assistance from Oxford County's Risk Management Official and Inspector as needed throughout the public consultation process. Communication of the proposed updates will commence upon approval of this report and will continue for the duration of the update. The public consultation period will be active for 35 days between the dates of January 25 and February 28, 2023.

Prior to the start of the public consultation period, notification letters will be mailed to all addresses that will be impacted by the amendments made to the Catfish Creek SPP and AR. In Oxford County, this includes all properties located within the Brownsville Wellhead Protection Areas A, B and C - as listed in Attachment 1. The letter will outline the changes to the Catfish Creek SPP and AR and will notify land owners, businesses and other stakeholders of the opportunity to provide comments.







The Grand River SPA will also place a public consultation announcement in Oxford County's print newspapers for either one or two weeks: Oxford Review and/or Norfolk-Tillsonburg News.

During the 35 day public consultation period, the Lake Erie SPR will have a webpage dedicated to the Catfish Creek SPP and AR updates, which will also be utilized to receive comments. The Grand River SPA communication team will develop and schedule social media posts directing viewers to this webpage. Oxford County will link this webpage on the County's Source Water Protection webpage and will share the Grand River SPA social media posts on the County's social media sites.

Additionally, in accordance with O.Reg. 287/07, a hard copy of the updated Catfish Creek SPP and AR, provided by the Lake Erie SPR, must be present at an accessible location to give the public a reasonable opportunity to inspect the proposed amendments.

After the Public Consultation period is concluded, the amendments must be endorsed by the Lake Erie SPC and approved by the MECP. The updated SPP will be posted on the Environmental Bill of Rights. Once posted, the Grand River SPA will issue a press release and post a news update to the Lake Erie SPR website.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii. 3.iii.	4.i. 4.ii.	5.i. 5.ii.	

DISCUSSION

Background

The Lake Erie SPR is comprised of four different watersheds, known as Source Protection Areas (SPA) under the *Clean Water Act, 2006*. Oxford County, as a municipal water authority, has influence in three of these four watersheds (Grand River, Catfish Creek and Long Point Region SPAs). SPPs for each of these watersheds were developed by the Lake Erie SPC in 2015. A SPP is a strategy and suite of policies designed to protect municipal sources of drinking water from potential contamination and overuse.

As part of the 2015 Catfish Creek SPP and AR, vulnerable areas around Oxford County’s municipal drinking water supply wells in Brownsville were delineated and potential significant drinking water threat specific policies were implemented.

Under section 107 of the *Clean Water Act, 2006* the Director of the Conservation and Source Protection Branch may publish Technical Rules for the science-based framework that inform methodologies for assessing vulnerability and risk to drinking water sources (source water). On December 3, 2021, the DTR were updated changing specific significant municipal drinking water threat activity based circumstances as outlined in Attachment 3. The updated threat activity triggers the need to revise the Catfish Creek SPP and AR which serve to manage potential threats to source water.

The Catfish Creek SPP and AR update is pursuant to Section 36 of the *Clean Water Act, 2006* and an order was issued from the MECP dated July 22, 2019. The order requires the Grand River SPA, as the lead authority in the Lake Erie SPR, and the Lake Erie Region SPC, to update the SPP on behalf of the Catfish Creek SPA.

The Grand River SPA led pre-consultation on the Catfish Creek SPP and AR with the affected municipalities and the MECP between the dates of October 3 and November 6, 2022. Comments provided by Oxford County (municipal water authority) during the pre-consultation period can be found in Attachment 2. Following a review of the comments received during the pre-consultation phase, the Catfish Creek SPP and AR were updated in draft form and are now ready for public consultation.

Lake Erie SPR is seeking Oxford County Council endorsement of the revised Catfish Creek SPP policy revisions prior to initiating public consultation. Lake Erie SPR is also looking for similar endorsement from the Township of South-West Oxford which is geographically located within the Catfish Creek SPA jurisdiction.

Comments

The County owns and operates two groundwater based wells located within the Catfish Creek watershed. These wells are part of the County's Brownsville municipal drinking water system. Stakeholders and property owners that are located within the wellhead protection area of these wells are affected by the stipulated policies within the Catfish Creek SPP.

Revisions and additions to the Catfish Creek SPP, including Oxford County's comments, are shown in Attachment 2 documenting the changes and updates being made to the respective policies, based on the updated threat circumstances.

The 2021 DTR notable significant municipal drinking water threat activity thresholds and policies that will impact the Catfish Creek SPA are stated below in Table 1.

Conveyance of Oil by way of Underground Pipelines to a Provincial Prescribed Drinking Water Threat (The Establishment and Operation of a Liquid Hydrocarbon Pipeline) policies have also been added to the Catfish Creek SPP. These policies were added to address the potential future threat of a liquid hydrocarbon pipeline if one were ever to be constructed within the Catfish Creek Watershed.

Other minor administrative changes and changes to threat specific circumstances based on the DTR have been made to the Catfish Creek SPP; however, these changes pose no significant changes to implementation of the Catfish Creek SPP.

Table 1: 2021 DTR Significant Municipal Drinking Water Threat Threshold Changes

DTR Changes to Significant Municipal Drinking Water Threat Thresholds		Previous Catfish Creek Source Protection Plan Policy Approach(es)	Updated Catfish Creek Source Protection Plan Policy Approach(es)
Current Thresholds	2021 DTR Changes		
Fuel Storage equal to or greater than 2500 litres (L) within a wellhead protection area – A (WHPA-A)	Fuel storage equal to or greater than 250-L within a WHPA-A	For existing handling and storage of fuel the threat is managed through Part IV of the <i>Clean Water Act</i> – Risk Management Plan ¹ (RMP). For future handling and storage of fuel the threat is managed through Part IV of the <i>Clean Water Act</i> – Prohibition.	No changes
Salt Storage is more than 5,000 tonnes within a WHPA-A	Salt Storage where salt is <u>exposed</u> ² is equal to or greater than 20 kilograms (kg) within a WHPA-A. Salt storage where salt is <u>potentially exposed</u> ³ is equal to or greater than 100 kg within a WHPA-A.	For existing and future handling and storage of salt the threat is managed through Part IV of the <i>Clean Water Act</i> – Prohibition.	For existing and future handling and storage of salt exposed to precipitation, for all property uses (with the exception of residential use) the threat is managed through Part IV of the <i>Clean Water Act</i> – Prohibition. For existing and future handling and storage of salt potentially exposed to precipitation, for all property uses with the exception of residential use the threat is managed through Part IV of the <i>Clean Water Act</i> – Risk Management Plan (RMP). For existing and future handling and storage of salt potentially exposed and exposed to precipitation, for a residential use is managed through Education and Outreach.
The area upon what snow is stored on above grade is more than 5 hectares within a WHPA-A. The area upon which snow is stored on below grade is equal to or greater than 0.001 hectares within a WHPA-A.	The snow storage area is of any amount for properties consisting of industrial and commercial sites within a WHPA-A.	For existing storage of snow the threat is managed through Part IV of the <i>Clean Water Act</i> – RMP. For future storage of snow the threat is managed through Part IV of the <i>Clean Water Act</i> – Prohibition.	For existing and future storage of snow the threat is managed through Part IV of the <i>Clean Water Act</i> – RMP.

¹ A plan established between the Risk Management Official and the person engaged in a threat to ensure the threat activity never becomes a threat to the drinking water supply

² Salt stored in a manner that is fully exposed to precipitation, snowmelt and runoff (i.e., salt pile stored outdoors)

³ Salt stored in a manner that could be exposed to precipitation, snowmelt and runoff (i.e., three sided bin or shed)

Conclusions

The updates to the DTR released in 2021 provides most up-to-date science when it comes to addressing, managing, and eliminating significant municipal drinking water threats. The proposed amendments to the Catfish Creek SPP policies will ensure potential drinking water threats are properly managed to provide Brownsville and County residents with safe and clean drinking water.

SIGNATURES

Report Author:

Original signed by

Matthew Jauernig, RMO
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Departmental Approval:

Original signed by

David Simpson, P.Eng., PMP
Director of Public Works

Approved for submission:

Original signed by

Benjamin R. Addley
Interim Chief Administrative Officer

ATTACHMENTS

Attachment 1: Brownsville – Wellhead Protection Areas
Attachment 2: Notice of Pre-Consultation – Draft Updated Catfish Creek SPP, Nov. 7, 2022
Attachment 3: 2021 Amendment to Technical Rules: Assessment Report, December, 2021