



**Greater Sudbury Source Protection Committee
41st Meeting
October 11, 2011**

Held: Room C-11, Tom Davies Square

Commenced at: 1:10 p.m.

Adjourned at: 4:30 p.m.

Present: Nels Conroy, Chair
Richard Bois
Nick Benkovich
Greg Haddad
Lilly Noble
Cheryl Recollet
Wendy Wisniewski
Tim Worton

Also Present: Neil Gervais, Ministry of the Environment Liaison
Richard Auld, Sudbury & District Health Unit Liaison
Burgess Hawkins, Sudbury & District Health Unit Liaison
Kris Longston, City of Greater Sudbury Planning Alternate
Lynn Fortin, CGS Emergency Management Coordinator
Lisa Leger, Xstrata Nickel
Bob Rogers, Source Protection Authority Chair
Marc Rondina, Sudbury & District Health Unit Liaison Alternate
Judy Sewell, Drinking Water Source Protection
Jessica Brunelle, Drinking Water Source Protection
Katherine Mackenzie, Drinking Water Source Protection
Paul Sajatovic, Nickel District Conservation Authority

Communications: Paul Baskcomb
Luc Bock
Heather Mandamin
Stephen Monet

1. Chair Conroy Opened the Meeting

Chair Conroy opened the meeting by welcoming everyone back from the beautiful Thanksgiving weekend. Nels welcomed Lynn Fortin, Coordinator of CGS Emergency Management, and Lisa Leger of Xstrata and thanked them for attending the meeting.

2. Declarations of Conflict

No declarations of conflict were declared.

3. Adoption of Agenda

Resolution 2011- 22

Wisniewski – Benkovich

That the agenda for October 11, 2011, Greater Sudbury Source Protection Committee meeting be adopted as circulated.

Carried.

4. Adoption of Minutes of Previous the Meeting

Resolution 2011- 23

Noble – Haddad

That the minutes for the September 14, 2011, Greater Sudbury Source Protection Committee meeting, as duplicated and circulated, be approved.

Carried.

5. Business arising from the minutes

Katherine discussed an email sent two weeks prior to the SPC that asked for input from Committee Members on three threat policies – future prohibition of the application of agricultural source material, future prohibition of hazardous waste stored at waste sites (sub-threat of the waste threat) and the moderate fuel threat policy.

The application of ASM can be prohibited in residential areas because this will not affect residents who wish to apply triple-mix (or similar bagged products) to their gardens etc. This prohibition will only affect the ability to apply ASM coming directly from a farm – and to do so, a licence is required under the Nutrient Management Act.

The future hazardous waste threats were rolled into the policies for the other waste sub-threats (prohibition of future via Certificates of Approval and via land use planning mechanisms). Existing threats will be managed through Risk Management Plans – Rock City will likely be required to have a plan, and there could be a couple other properties in the

Ramsey IPZ 3 areas that would be considered a threat. Katherine estimated that there shouldn't be more than 5 properties that would require a plan.

The moderate fuel threat policy addresses fuel storage tanks that are close to the intakes/pumping houses via asking the MOE to add requirements to the drinking water licences.

Nels asked Nick how many sewage bypasses remain in the Ramsey system since the rock tunnel construction diverted a number of them. Nick said that there are a number remaining, and that he could confirm the number for Nels and the committee at a later date.

6. Communication from Visitors

No communication from visitors.

7. Policy Development / Planning Working Group Update

Mining

Nels, Judy and Katherine thanked the mining representatives from Xstrata Nickel (Chad Pearson and Lisa Leger) and First Nickel (Serena Maki) for attending the Planning Working Group meeting and a previous meeting to discuss mining tailings and policy options.

Nels, Judy and Katherine explained that there was a preliminary meeting for a full afternoon to discuss mining tailings in early September, and then the working group spent three full hours discussing draft policies for mining tailings at the September 27th meeting. By the end of the meeting, working group members and DWSP staff felt confident that the current regulatory regime is very rigorous, and deals with all concerns discussed by the working group. The working group asked Wendy Wisniewski to provide an overview of the regulatory regime to the SPC, who kindly agreed.

Katherine first provided a quick overview of what makes mine tailings a threat under the *Clean Water Act*. The criteria include: possible chemicals of concern, the location of the mine tailings storage area, the type of storage facility (pit or surface impoundment structure), and National Pollutant Release Inventory reporting requirements.

Wendy then provided an in-depth presentation of the regulatory requirements that mining operations must comply with in regards to tailings. She started by explaining that Copper Cliff is Vale's only active tailings site, and that Xstrata Nickel also has one active site near Onaping. There are a number of historical sites throughout the City of Greater Sudbury, but these would need to be identified as conditions in a future iteration of the Assessment Report / Source Protection Plan in order to be dealt with by the SPC. Wendy provided an overview of how tailings are managed at the Vale site – hay is layered on top of tailings in spring, summer and fall to prevent dust storms. Water from the tailings slurry is separated and is

collected and treated. No water leaves the Vale property untreated. Vale also treats water from the community of Copper Cliff (sewage and storm water). Water is also recycled throughout Vale's treatment processes.

The main pieces of legislation that regulate mine tailings are:

- Fisheries Act (federal)
 - Metal Mining Environmental Effects Monitoring
 - Fish Habitat Management Program
- National Pollutant Release Inventory (federal)
- Navigable Waters Act (federal)
- Canadian Environmental Assessment Act (federal)
- Environmental Protection Act (provincial)
 - Spills prevention and contingency plans
 - Effluent monitoring and effluent limits – industrial mineral sector (MISA)
- Ontario Water Resources Act (provincial)
 - Permits to Take Water
- Public Lands Act (provincial)
- Lakes and Rivers Improvement Act (provincial) – dam permitting
- Ontario Mining Act (provincial) – closure plans
- Municipal – Zoning By-law

Wendy explained that some of the requirements are overlapping – companies have to provide similar monitoring data and undergo similar inspections for multiple pieces of legislation (e.g. MMER and MISA).

Kris asked when the Vale tailings facility will reach capacity – Wendy explained that they do not expect to expand their current boundary. Lilly asked what Permits to Take Water are for – Wendy explained that any time Vale wants to *move* water, they require this permit (e.g. if water needs to be rerouted). Mines will soon have to pay for their water usage (similar to concrete plants). Richard Bois asked if the sludge received from the sewage treatment plant has any impact on the quality of the tailings run off. Wendy said that there have been no instances of e-coli, but there have been odour issues. Nick noted that the City is building a new sewage treatment and biosolids plant and that all raw sewage will be processed through (expected to be completed in 2013).

Paul S. asked if a tour of Vale's facilities could be arranged and Wendy said that yes, she could arrange a visit anytime. Nels asked if drinking water standards are applied to any of the monitoring program requirements. Wendy responded by saying that Provincial Water Quality Objectives are required.

Katherine then provided an overview of the policy working group's discussion for mine tailings. There are no existing significant tailings threats in the GSSPA – tailings *would be* a significant threat in all of the WHPA As and Bs, the Vermilion and Wanapitei IPZ 1 and the Ramsey Lake IPZ 1, 2 and 3. It would be a significant threat in all of Ramsey's vulnerable areas because all waste threats are associated with phosphorus, which has been identified as an issue for Ramsey. The working group discussed prohibiting future mine tailings in those

areas, and the SPC agreed that this would be a reasonable approach. This policy has been added into the other waste policies (prohibition via land use planning and prescribed instrument).

Katherine said that, while the working group is of the opinion that only policies to address the would be significant threats are necessary; the Committee could choose to develop policies for the moderate and low threats. There are two existing moderate and low threats. Moderate and low threats can occur in the Wanapitei and Vermilion IPZ 2 and 3 with a score of 6+, and in the WHPA C, D and E areas with scores of 6+.

Neil explained that it is not permitted to prohibit future or existing moderate and low threats. The Committee agreed with the working group that it is not necessary to develop policies for moderate and low mine tailings threats.

Transportation

Katherine provided an overview of the transportation threat, which is a local threat that was approved by the MOE Director. This threat is therefore only an existing threat. Katherine provided detailed lists and maps showing where the threats exist. There are:

- Low, moderate and significant threats for sulphuric acid (transported by rail)
- Low, moderate and significant threats for septage (transported by truck)
- Low and moderate threats for liquid fuel (transported by rail and truck)

Katherine then went on to describe the regulatory requirements for transportation. There are a number of federal pieces of legislation addressing rail (*Railway Safety Act, Transportation of Dangerous Goods Act* etc), and provincial legislation addressing mainly roads and spills response (*Environmental Protection Act, Technical Standards and Safety Act, Emergency Management*).

Lynn Fortin, Coordinator of Special Operations for Emergency Management at CGS, provided a great overview of emergency management in Greater Sudbury. Lynn noted that there are a number of partners involved in emergency management – fire, police, hospital, the Sudbury and District Health Unit, etc. She explained the structure of emergency management and also noted her concern with the substances that are transported through the City on a daily basis. She said that the City is not informed of what is being transported until there is a spill, at which point emergency responders (fire) are contacted in order to help manage the incident. Lynn noted that Special Operations has a good working relationship with a number of companies such as CN, Vale, and Xstrata Nickel and greatly values the expertise of these companies.

Greg asked about the resources available to deal with a spill on Ramsey Lake. Nick said Water and Wastewater does have their own emergency management plan which is a component of the larger Sudbury-wide plan that Lynn coordinates. Nick explained that the City does not have emergency materials (e.g. booms) on hand because they are expensive to buy and maintain and it is more efficient to source these materials as needed. Burgess added

that there are a number of companies in Sudbury that can provide these materials readily should an emergency occur.

Lynn requested updated maps and shape files of the vulnerable areas so that they could be shared with the operations centre staff.

Katherine thanked Lynn for her useful presentation and proceeded to discuss the policy options.

Transportation policy options discussed:

- 1) The MOE Spills Action Centre should review and update contact information and Procedure Cards based on WHPA and IPZ delineations.
 - Bob asked that the City's emergency response plan also include these delineations. Katherine responded that this is included in Policy Option #8.
- 2) Installation of signage at the border of drinking water source protection areas
- 3) Installation of emergency response equipment at intakes (Ramsey and Wanapitei) and wells.
 - SPC agreed that it is not a good use of resources to require City to house and maintain emergency response equipment. Preferred that policy requests that the City identify the type of equipment needed for different types of emergencies and maintain a list of companies where it can source the various types of equipment in the event of an emergency. This policy to be put together with option 8.
- 4) Enhanced railway line inspections and maintenance
 - Both CN and CP have agreed to review our policy options and provide information about their inspections, maintenance, operations etc. Until they provide such information this policy will be put on hold.
- 5) Addition of the vulnerable areas into companies' existing spills contingency or emergency response plans. This could include, for example, updated communications protocol that includes the drinking water system operators.
 - Same as above
- 6) Regulating Haulers of Septage and Liquid Fuel – 3 Options
 - Liquid fuel haulers' licences – prepare or update spill contingency plans
 - Septage haulers' Cs of A – same as above
 - Risk Management Plans for septage haulers → Neil thought that this is not possible because Part IV tools are not available for sewage threats. Neil to follow up with Katherine about this.
- 7) Education and Outreach for haulers → may be removed if SPC goes ahead with licence and C of A policies (as then E&O would be redundant and unnecessarily costly).
- 8) CGS to update Emergency Management Plan with maps of vulnerable areas and response to spills from septic haulage, highway accidents and railway derailments.
- 9) CGS to review its designated transportation routes → Katherine to remove. Lynn Fortin explained that the City has looked at this and it would be very difficult. Nick added that once the new treatment plant is finished this will concentrate the septage haulers along fewer routes. Also would be very difficult to enforce.

Katherine will revise the policy options as noted and bring this updated list to the November 7th SPC meeting for finalization for pre-consultation.

8. Correspondence/Program Updates

Nels thanked the SPC members for staying late. He asked Committee members to provide their sign-up sheets to Jessica to prepare for the November 7th breakout groups and said that DWSP staff will give each member a binder in the next two weeks with all of the draft policies. He asked that members read through these binders to prepare for the all-day meeting.

Paul indicated that the NDCA was given the opportunity to comment on a proposed aggregate pit in Onaping Falls that would be located in the Dowling WHPAs. The NDCA requested that the application be revised to make further allowances for the WHPA's. The NDCA has also been reviewing the proposal for the Howey Drive development.

Wendy mentioned the recent blue-green algae bloom on the Vermilion River and assured SPC members that it had not affected the intake. She said that once Vale was aware of the blue green algae bloom on the lower Vermilion River they did their own sampling at the intake and had the results rushed, which came back negative for the algae.

9. New Business - No new business.

10. Adjournment

The motion for adjournment of the October 11, 2011, Greater Sudbury Source Protection Committee meeting could not be passed as the SPC did not have quorum at meeting's end. Nels thanked SPC members for attending and called the meeting to a close.

11. List of Handouts Provided at Meeting

- Policy options presentation
- Policy options sheets for the two threats discussed

12. Flash Drive Updates

- None provided

Next meeting: Monday, November 7, 2011
8:30a.m. – 4:30 p.m.
Vale's Copper Cliff Club House