LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, April 14, 2011

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, April 14, 2011 at the Long Point Region Conservation Authority Administration Office, 4 Elm Street, Tillsonburg, ON.


Proxy Representatives: L. Perrin (D. Murray), N. Kodousek (T. Schmidt), W. Wright-Cascaden (D. Woolcott)

Liaisons: L. Ross, Provincial Liaison; C. Evanitski, Source Protection Authority Liaison

Region Management Committee: S. Martyn, CCCA; K. Smale, CCCA; E. VanHooren, KCCA

Staff: S. Brocklebank, GRCA; L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; D. Schultz, GRCA; T. Seguin, GRCA; M. Silverio, City of Hamilton; L. Stafford, City of St. Thomas; E. Stahl, GRCA; G. Zwiers, GRCA

1. Call to Order

C. Ashbaugh called the meeting to order at 1:00 p.m.

2. Roll Call and Certification of Quorum – 17 Members Constitute a Quorum (2/3 of members)

The Recording Secretary called the roll and certified quorum.
3. Chairman’s Remarks

C. Ashbaugh welcomed members, staff and guests and noted the following:

- The discussion paper workshops are now complete. Attendees included Conservation Authority staff, municipal staff, Source Protection Committee members, staff from various ministries as well as outside expertise and practitioners in the fields of discussion. Thanks were extended to W. Wright-Cascaden and the Project Team.

- Members were reminded that because the April meeting is later in the month, the reimbursement for per diems will be delayed until May.

4. Review of Agenda

C. Ashbaugh noted that Mark Goldberg is unable to attend and has asked that Item 12. b) be deferred until the next meeting.

 Moved by: B. Ungar  
             Seconded by: M. Wales  
             carried unanimously

THAT the amended agenda for the Lake Erie Region Source Protection Committee Meeting of April 14, 2011 be approved as distributed.

5. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest made in relation to the matters to be dealt with.


 Moved by: D. Parker  
             Seconded by: L. Perrin  
             carried unanimously

THAT the minutes of the previous meeting March 3, 2011 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

None
b) Not Copied

None

10. Reports

a) SPC-11-04-01  Committee Meeting Dates – July to December, 2011

P. General advised that he will confirm the availability of the Six Nations Community Hall for July 7, 2011.

M. Wales noted that the Provincial election is scheduled for October 6.

Res. No. 22-11  Moved by:  J. Harrison  
Seconded by:  A. Henry  
carried unanimously

THAT the Lake Erie Region Source Protection Committee adopt the following meeting schedule from July to December, 2011:

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Time</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>July 7, 2011</td>
<td>1:00 p.m.</td>
<td>Six Nations Community Hall, Main Hall</td>
</tr>
<tr>
<td>August 4, 2011</td>
<td>1:00 p.m.</td>
<td>TBD</td>
</tr>
<tr>
<td>September 1, 2011</td>
<td>1:00 p.m.</td>
<td>GRCA Administration Centre, Cambridge</td>
</tr>
<tr>
<td>October 6, 2011</td>
<td>1:00 p.m.</td>
<td>GRCA Administration Centre, Cambridge</td>
</tr>
<tr>
<td>November 3, 2011</td>
<td>1:00 p.m.</td>
<td>GRCA Administration Centre, Cambridge</td>
</tr>
<tr>
<td>December 1, 2011</td>
<td>1:00 p.m.</td>
<td>GRCA Administration Centre, Cambridge</td>
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</tbody>
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b) SPC-11-04-02  Early Actions Program Summary

L. Heyming provided an overview of Report SPC-11-04-02. D. Parker asked if there was Stewardship funding for stormwater diversion. L. Heyming replied that there was no funding for stormwater diversion under the Early Actions Program.

Res. No. 23-11  Moved by:  L. Perrin  
Seconded by:  R. Krueger  
carried unanimously

THAT Report SPC-11-04-02 Early Actions Program Summary be received for information.

c) SPC-11-04-03  Kettle Creek Source Protection Area Draft Updated Assessment Report

S. Brocklebank provided an overview of Report SPC-11-04-03.

A. Henry asked if the two new significant threats will be eligible for Early Response. L. Heyming responded that Conservation Authority staff are currently working with municipalities regarding Early Response prioritization.
THAT the Lake Erie Region Source Protection Committee approve the Draft Updated Kettle Creek Source Protection Area Assessment Report for public consultation.

* J. Oliver arrived at 1:20.

d) SPC-11-04-04 Long Point Region Source Protection Area Draft Amended Assessment Report

M. Keller provided an overview of Report SPC-11-04-04.

R. Seibel asked if any further information on the application for local threats is available. M. Keller advised that there has not yet been an official response from the Ministry. He noted that there have been requests from the MOE with respect to more specific information regarding volumes for pipelines to help determine a hazard rating to determine if it is significant or not, but at the moment, no further information is available. L. Ross added that the Ministry of the Environment is actively reviewing the application in consultation with their provincial partners.

R. Seibel suggested that the inclusion of the local threats should wait until receipt of the Ministry’s response to confirm if they are threats. M. Keller responded that the reason the local threats have been included is to ensure they can still go through a proper consultation and be included in the plan if they are approved. He stated that these threats are more easily removed if not approved than added if approved and noted that there is text stating that these threats are pending Ministry approval.

J. Oliver noted that he concurs with M. Keller’s approach and elaborated that much of the threats assessment has been a desktop exercise, and that many potential threats have not been confirmed throughout this process.

W. Wright-Cascaden identified that there are public meetings in May. If the Ministry letter is received prior to the meetings, it would make sense to provide this information at the public meetings.

e) SPC-11-04-05 Grand River Source Protection Area Draft Amended Assessment Report

S. Brocklebank provided an overview of Report SPC-11-04-05.

R. Seibel noted that his comment stands regarding not including the local threats unless they are confirmed by the Ministry.
Res. No. 26-11

Moved by: R. Krueger
Seconded by: L. Perrin

20 in favour, 1 opposed

THAT the Lake Erie Region Source Protection Committee approve the Draft Amended Grand River Source Protection Area Assessment Report for public consultation.

f) SPC-11-04-06  Source Protection Plan Commencement and Process Update

M. Keller provided an overview of Report SPC-11-04-06.

M. Keller noted that these meetings are regional meetings that will be process focused. As such, the meeting content will be the same across the Lake Erie Region. However, he asked that if there are any concerns with respect to the proposed dates, please advise T. Seguin and we will do our best to accommodate any requests. M. Ceschi-Smith advised of a conflict with the date of the Brantford meeting.

I. Macdonald asked if there is a mechanism for assisting private landowners with filling out the questionnaire. He stated that in his experience with ground truthing, the responses will be poor given the level of detail. M. Keller suggested that the letter recipients can call or attend public meetings for assistance, but noted that any suggestions are welcome. I. Macdonald suggested that it would be advisable to have available as many local municipal contacts as possible to help landowners fill out the form, noting that there can be significant differences between staff ground truthing and a form completed by the landowner.

J. Oliver stated that he is concerned about the strength of the wording on the first page of the letter which states “will be required to follow SP policies” particularly when the previous paragraph says “may be significant threats”. He wondered if it could be amended to “will be required where a significant threat is confirmed”. M. Keller confirmed that this can be amended, noting that the intent was to say that if an activity that is identified as a significant threat does occur, they would have to follow the policies.

A. Henry asked if the form is intended to capture information on all prescribed instruments or only those related to those possible threats. M. Keller responded that only those that have an activity that are governed by prescribed instruments.

R. Seibel advised that if pipelines and aggregate operations are being included, those property owners should get notification under this process as well. M. Keller confirmed that those identified as existing threats will receive notification. S. Brocklebank elaborated that there are two threats relating to oil pipelines and ten threats relating to aggregates that are new for the Lake Erie Region.

P. General pointed out that the public information meetings only go as far south as Brantford, and asked if a meeting in Ohsweken or Caledonia could be considered. M. Keller responded that no meeting was scheduled further south than Brantford was because there are no significant drinking water threats in Ohsweken or Caledonia. The rationale for not holding meetings further south than Brantford is related to significant threats.
M. Keller provided an overview of the finalization of the discussion papers.

R. Haggart expressed concern with the parallel process whereby information is being sent to municipal councils concurrently with the Source Protection Committee reviewing the policies. If municipalities have the end authority to choose their policies, he suggested that draft policies should be prepared in advance and recommended to councils. He is concerned that there will be conflicts and time wasted with the proposed parallel process. C. Ashbaugh concurred that the Source Protection Committee should be ahead of the municipal process and present something to the councils, noting that a parallel process could slow the process down instead of speeding it up. R. Haggart emphasized that a recommendation or criteria should be provided to municipal councils to help with consistency across the region.

M. Keller clarified that it is the committee who has the authority regarding what is included in the plan, but it is municipality who has the policy lead as stated in the Terms of Reference. Municipalities are developing and submitting what they would like to see in the plan and it is then for the committee to decide what should be included. To obtain consistency, it will be necessary to, very early on, figure out where the municipality wants to go and where the committee wants to go and whether they are on the same page. The discussion papers will provide the framework for this. Although municipalities are not obliged to use what is in the discussion paper, it will help guide the committee and the region to identify a consistent approach.

W. Wright-Cascaden referred to the discussion paper on septic systems, noting that a key discussion point for the project team has been how to provide enough direction yet flexibility to municipalities to ensure acceptable and consistent policies. Now that there is consensus, the discussion paper next month will include specific tools and how they will be used. She noted that municipalities may not be consistent and may use a variety of tools. Each of the discussion papers will provide guidance as well as more detailed information on opportunities and constraints; the largest constraint will be funds. A more detailed discussion regarding policy options will be brought back to this committee. If there is something that the Source Protection Committee does not want included in the source protection plan, it will be important that the municipality is aware of that up front.

She further noted that, one of the reasons for this model is that in the Terms of Reference, it was determined that rather than have the Conservation Authority write policies that could affect municipal resources, the municipalities would write and develop the policies. To the extent that they can, the project team will share policy writing among municipal staff and pull from a common database. In terms of bringing local councils up to date, at the moment, this has been left up to staff at municipal level with some additional resources that could be provided by other experts. Although it would be ideal if we could go through and develop general policies, which we can largely do, and then have the municipality take the general policies and develop their policies and hold their public consultations in the fall.

J. Oliver observed that it was made clear early in this process that municipalities, if they chose to, could develop their policies. He endorsed W. Wright-Cascaden’s suggestion that the municipal staff be given the Source Protection Committee’s suggested tools to use in developing those policies, but they then need to be given a chance to do it. He
suggested that this approach may be a gamble, but it is hoped that there will be enough consistency that the committee can be comfortable endorsing those plans moving forward.

W. Wright-Cascaden stated that another difficulty in doing policies is how detailed they should be. Although these details don’t have to be in the plan, the implementation can vary. The Ministry of the Environment and Conservation Ontario have been preparing and releasing background papers that this group has access to. This will assist with some consistency with the planning across the province. Different regions are also beginning to share policies on a website. The posting of policies and evaluating what others are doing can all be done informally until next January. One of the real challenges in this process is avoiding the potential adoption of policies by local municipalities that the Source Protection committee cannot live with.

N. Kodousek suggested that the discussion paper on page 26 of the agenda package identifies how to take the policy development to the next level. It will be important to recognize that all municipalities do have policies in place. Municipalities will need to consider what they currently have, what works, and consider resources to assess if there is there a business case to support the new policy and if it can be resourced appropriately. She noted that although there may be common policies, there are various budgets and resources, and what works for one, will be quite different for another.

W. Wright-Cascaden identified that one of the struggles will be with reconciling the level of detail required for the plan versus the level of detail necessary for the municipalities. It may be best to prepare the simpler plans first, such as Catfish Creek and Kettle Creek to get an idea of what should be included in the document.

C. Ashbaugh advised that he would still like to see the Source Protection Committee one step ahead; if both the Source Protection Committee and the municipalities are working in tandem, they could be off on different tangents. W. Wright-Cascaden agreed that this committee should be providing guidance to the municipalities for their policy development, noting that there is usually a front runner tool. When reviewing the available tools there comes a point where the policy direction becomes apparent and that should allow Source Protection Committee to provide guidance. It will be parallel in the sense there will be a dialogue back and forth. It may also be advisable to have the municipalities come back in the fall and present to the Source Protection Committee how their policy development is progressing.

J. Harrison questioned the feasibility of preparing twenty strategic directions on ten diverse policies and having them ready for municipalities to begin their policy development by May. W. Wright-Cascaden noted that there will be a revision to this timetable.

R. Haggart expressed an appreciation for the dialogue and noted that he agrees with J. Oliver regarding ensuring that municipalities are involved in the process. However, his concern is that there remain several policy options available, and he asked that the committee consider prioritizing the front runners, so that the municipality can see the preferred approach of the committee. It will be important to be cognizant of the various municipal resources.
W. Wright-Cascaden identified that although some prioritization can be done, one size will not fit all. Although the best policy for dealing with a problem can be put forward, that may not be best for all municipalities. There is normally a clear best option, and then there are softer policies which municipalities are often already doing.

J. Harrison asked what the Minister would do if the plan does not arrive on his desk on the prescribed date. W. Wright-Cascaden identified that the deadline can be met, but she is unsure whether the plan would be one the Ministry can approve.

J. Oliver asked how the release of the various discussion papers will occur, noting that the report suggests that the first two discussion papers will be released to municipalities. M. Keller noted that it is proposed that these discussion papers be released in May. W. Wright-Cascaden pointed out that all of this information is in the public domain, but in terms of formally using the information, that would be a separate recommendation from this committee.

Res. No. 27-11  Moved by: B. Ungar
Seconded by: R. Krueger  carried unanimously

THAT the Lake Erie Source Protection Committee approve the notice of plan commencement and direct staff to provide notice to all required parties.

THAT the Lake Erie Source Protection Committee endorse the proposed communications plan for public information meetings in spring 2011 on the source protection planning process.

THAT the Lake Erie Source Protection Committee approve the addition of a June 16, 2011 meeting to the Committee schedule.

g) SPC-11-04-07  Public Consultation – Spring 2011

D. Schultz provided an overview of Report SPC-11-04-07. The dates and locations for the Assessment Report meetings are fixed; the ads for these meetings will start appearing on Tuesday. He noted, however that there is flexibility around plan commencement dates which will be finalized in the next week.

D. Schultz noted that the May 10 meeting for the Region of Waterloo will now be held from 7:00 pm - 8:30 pm.

The latest copy of the Source Newsletter, which was distributed to members, will be going out as part of the information package.

Res. No. 28-11  Moved by: A. Henry
Seconded by: M. Ceschi-Smith  carried unanimously

THAT Report SPC-11-04-07 Public Consultation – Spring 2011 be received for information.
h) SPC-11-04-08  Source Protection Plan Discussion Paper – On Site Sewage Systems

M. Keller provided an overview of Report SPC-11-04-08.

W. Wright-Cascaden noted that the project team is considering putting detailed tables in an appendix and keeping table 8 as the key element in the report.

M. Ceschi-Smith cautioned against having municipalities being responsible for providing incentives to landowners, as they receive only minimal provincial funding. She noted that this program is provincial and suggested that incentive programs should come from other sources, because municipalities do not have a lot of money.

J. Oliver suggested that it will be important to raise this concern during the provincial election campaign. Referring to R. Haggart’s idea regarding prioritizing the policy options, J. Oliver stated that prioritization, such as ranking good, better, best, and N/A is a good idea. This type of generic ranking will give municipalities a sense of where the committee stands with the tools and may aid with approval. M. Keller noted that he can bring this idea back to the project team.

Res. No. 29-11  Moved by: J. Harrison  Seconded by: M. Ceschi-Smith  carried unanimously

THAT Report SPC-11-04-08 Source Protection Plan Discussion paper – On Site Sewage Systems be received for information.

i) SPC-11-04-09  Source Protection Plan Discussion Paper – Residential Heating Oil

M. Keller provided an overview of Report SPC-11-04-09.

W. Wright-Cascaden reminded the committee that the only new tools available are the Part IV tools; all other policies must rely on existing legislation. Part IV tools do not apply in all circumstances; they are very strong tools, and there would be the requirement that people comply if these tools are used.

D. Parker cautioned where prohibition is applied, providing the example that hooking up to natural gas may not be possible in some rural areas. W. Wright-Cascaden advised that her understanding is that propane does not cause a significant drinking water threat.

D. Parker asked if the threats would be modified if landowners clarify that they have propane where heating oil has been assumed. W. Wright-Cascaden responded affirmatively. A. Henry added that propane is not cheap, and cautioned on the use of Part IV prohibition in this instance, because the fuel source is comparably expensive. He cautioned that the Source Protection Committee should be aware of costs to landowners.

J. Harrison noted that the province is taking some significant steps in terms of regulating the industry, noting that oil tanks need to be inspected on a regular basis, which is the
responsibility of the fuel supplier. M. Keller pointed out that this is the type of information that was being provided at the workshops as well.

Res. No. 30-11  Moved by:  A. Henry
Seconded by:  L. Perrin  carried unanimously


11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

None

b) Melancthon Township Quarry

J. Oliver asked if the item is deferred to the next meeting if it will still be prior to the commenting deadline.

R. Seibel said that it was hard to tell on the smaller scale mapping whether the quarry is in our watershed. D. Schultz presented mapping, noting that it is not in the Grand River watershed; it is across the street from the watershed. He noted that in terms of surface water, there is no connection and staff are looking at the groundwater connection. The Grand River Conservation Authority staff are providing comments and notation to the Nottawasaga Valley Conservation Authority for their submission. The deadline for comments is April 26. D. Schulz stated that the mayor of Melancthon Township was at the Grand River Conservation Authority board meeting this morning requesting support for asking province to extend the deadline for comments to August 26. The Grand River Conservation Authority board did support that request. R. Seibel noted that the regulation would have to be changed to allow an extension.

J. Oliver pointed out that the deadline is prior to the next Source Protection Committee meeting.

D. Parker noted that from an agricultural point of view, the proposed lands are some of best potato land in that area. The quarry company is trying to resurrect an old railway line, not to go to Toronto, but to Owen Sound. He suggested that there is nothing to say that there have not been offers to purchase in our watershed and that this would not move into the Grand River watershed in the future. He further noted that the proposed lands are in the headwaters of the Grand River. I. Macdonald stated that, until it is in the watershed, it is not important. We can address what currently exists.

J. Oliver suggested that it may be appropriate for the Source Protection Committee to also support the request to extend the deadline to August 26.
Res. No. 31-11  Moved by: J. Oliver  
Seconded by: M. Ceschi-Smith  carried unanimously

THAT the Lake Erie Region Source Protection Committee support the Township of Melancthon’s request to the Ministry of Natural Resources to extend the commenting deadline for the The Highland Companies’ application for a quarry license in Melancthon Township.

13. Closed Meeting
Not applicable

14. Next Meeting – Thursday, May 5, 2011, 1:00 pm
Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON

15. Adjourn
The Lake Erie Region Source Protection Committee meeting of April 14, 2011 adjourned at 3:10 p.m.