LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, November 5, 2009

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, November 5, 2009 at the Grand River Conservation Authority Administration Centre, 400 Clyde Road, Cambridge, ON.


Members Regrets: M. Ceschi-Smith, R. Haggart, B. LaForme, C. Martin, B. Ungar

Proxy Representatives: *A. Davidson (R. Haggart), T. Spiers (M. Ceschi-Smith)

Liaisons: A. Dale, Source Protection Authority Liaison; M. Keller, Provincial Liaison

Region Management Committee: P. Emerson, GRCA; C. Evanitski, LPRCA; T. Marks, KCCA; S. Martyn, CCCA; K. Smale, CCCA; E. Vanhooren, KCCA

Staff: N. Betts, GRCA; S. Cooke, GRCA; N. Davy, GRCA; J. Etienne, GRCA; S. Glauser, GRCA; L. Minshall, GRCA; T. Ryan, GRCA; T. Seguin, GRCA; S. Shifflett, GRCA; S. Strynatka, GRCA; A. Wong, GRCA; G. Zwiers, GRCA

Also Present: M. Evans, County of Oxford; B. Fields, Norfolk County; E. Hodgins, Region of Waterloo; J. Romahn, Kitchener; M. Sherran, County of Oxford; Holly Waite, County of Oxford

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:
• A Preliminary Lake Erie Working Group meeting was held on October 22. Attendees included: Martin Keller from the Ministry of the Environment; Chairs and Program Managers from Niagara Peninsula Region, Thames Sydenham Region, Essex Region and the Lake Erie Region; General Managers, CAOs and Chairs from the partner conservation authorities; and Municipal Water Managers from the four regions. The Program Managers identified the Lake Erie-related issues in their regions and discussed similarities and contrasts between the regions. There were many similarities as well as significant differences. Attendees agreed that establishing a regular meeting schedule would be premature, and that the group should meet again in several months, once the source protection program technical studies have further developed.

• On October 30, a retirement celebration was held for Bryan Hall, General Manager/Secretary Treasurer of Kettle Creek Conservation Authority. Bryan worked for 30 years in conservation at Kettle Creek, and was General Manager/Secretary Treasurer for 25 years. He has been a valuable asset to Region Management Committee for the Lake Erie Region.

• C. Ashbaugh introduced and congratulated Elizabeth VanHooren, who has been appointed Acting General Manager/Secretary Treasurer for Kettle Creek Conservation Authority.

4. Review of Agenda

A revised agenda was distributed to members. Item 10. c), Report SPC-11-09-03 Lynden (Hamilton) Vulnerability, Threats and Issues, was removed from the agenda.

    Moved by: A. Henry
    Seconded by: R. Krueger carried unanimously

    THAT the revised agenda for the Lake Erie Region Source Protection Committee Meeting of November 5, 2009 be approved.

5. Declarations of Pecuniary Interest

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

6. Minutes of Previous Meeting – October 8, 2009

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

    THAT the minutes of the previous meeting of October 8, 2009 be approved as circulated.

7. Hearing of Delegations

None
8. Presentations

a) Summary of Municipal Water Managers Report to the Grand River Conservation Authority Members – Sandra Cooke


The Grand River Conservation Authority received the above noted report on September 14, 2009. One of the recommendations from the Grand River Conservation Authority was that a copy of the report be forwarded to the Lake Erie Region Source Protection Committee for their information. S. Cooke provided an overview of the Municipal water Managers’ Report noting objectives and recommendations to improve best practices for spills and bypasses in the Grand River Watershed. She further noted that the full Municipal Water Managers report is available at www.grandriver.ca under September 2009 meetings.

* A. Davidson joined the meeting at 1:15.

J. Harrison asked if the City of Brantford was included in the development of the best practices. S. Cooke responded affirmatively and noted that the report was presented to the City of Brantford Council, who unanimously supported the report. T. Spiers concurred that the best practices document was the result of an excellent collaborative effort.

D. Parker inquired if the list of spills is public knowledge and can be made available on a regular basis. S. Cooke identified that one of the recommendations in the best practices document is to improve data collection. It would be premature to post this information without improved data collection methods and proper context.

J. Laird asked if all municipalities who feed into the Grand River participated in the workshop. S. Cooke replied affirmatively.

J. Oliver wondered whether a large number of bypasses and spills do not get recorded or reported and have therefore not been included in the data used to develop the report. S. Cooke responded that the number of spills identified in the report were a result of the best possible information from the Spills Action Centre. The data was used to determine a broad sense of the causes of spills and bypasses to better identify best practices.

L. Perrin asked what percentage of the total volume of spills was high risk. S. Cooke responded that the data available is not sufficiently accurate to estimate the volume of high-risk bypasses.

D. Murray advised that the Ministry of the Environment met with some municipalities to reduce infiltration and inflow, and many municipalities made a ten year commitment towards reductions.

R. Krueger asked if Water Managers investigated the causes and volume of spills and bypasses in other watersheds. S. Cooke responded that she does not have any data from other watersheds and noted that the Ministry of the Environment would have a
broader sense of spills and bypasses, however, she suspects the issues would be similar.

T. Schmidt pointed out that the Region of Waterloo is diligent with spills reporting; other municipalities, or industries and businesses may not be as stringent with their processes.

9. Correspondence

a) Copied
   i) Correspondence from Jim Hunt, Chair, Trent Conservation Coalition
      Source Protection Committee to Source Protection Committee Chairs
      Re: Support for Peterborough Utilities Commission Special Project
      Application for Goose Management Program

b) Not Copied

None

M. Goldberg asked if staff have any further information regarding the outcome of the correspondence. L. Minshall replied that no further information has been distributed, however staff will follow up.

H. Cornwell pointed out that fecal contamination from geese is a large concern, noting that geese can shed as much or more e-coli than cows.

Res. No. 45-09   Moved by: G. Rae
                 Seconded by: L. Perrin    carried unanimously

THAT the correspondence be received as information.

10. Reports

a) SPC-11-09-01 Brownsville Vulnerability, Threats and Issues

H. Waite and M. Sherran presented the results of the Vulnerability, Threats and Issues analysis for the Brownsville well system.

D. Parker asked what the manure producing operations were in Brownsville. H. Waite replied that the manure producing operation was a dairy farm. D. Parker expressed concern regarding the effectiveness and accuracy of windshield survey assessments. He noted that it was identified that atrazine may result in groundwater and asked if there are any statistics identifying whether the atrazine is the result of historical or current land use. He asked whether Dichlorophenoxy Acetic Acid was incorrectly noted in the report as D-2,4. M as opposed to 2,4-D. Sherran responded that the threats and issues assessment was based on a preliminary assessment. Further details will be determined during the site specific assessments where uncertainty is high. D. Parker
suggested that households may be applying a higher rate of pesticides to the land than farmers. He further noted that pesticide bans will affect the figures in years to come.

L. Minshall explained that the process in meant to first look for issues. To date, they have not discovered any issues in Brownsville that would cause problems. The process then investigates land use activities and whether they could cause problems. Because of the timelines for source protection planning the threats and issues identification must be done through a two-step process. The first step is desktop, and then the process will start working with property owners to confirm information. Some municipal studies are further along in this aspect, such as the Region of Waterloo threats census.

H. Cornwell expressed concern with the method used to determine livestock density. He noted that using an air photo interpretation to determine type of barn and apply that assumption to type of livestock and livestock density is problematic, particularly when there is no reasonable method to determine to what capacity the barn is being used.

J. Harrison noted that there are sixteen potential threats for commercial fertilizer identified that do not include farms and asked what type of land use would constitute a threat for the application of commercial fertilizer. H. Waite responded that it is assumed that homeowners apply commercial fertilizer to their lawns.

J. Harrison pointed out that a document that has five paragraphs of limitations and data gaps speaks to the fact that it is not complete, and that a Tier 2 assessment is necessary.

D. Woolcott suggested that review of the Assessment Reports in their entirety provide more context on water quality and the types of chemicals that might be found in water systems throughout the Source Protection Areas. While his intention is not to make light of the comments, it may prove helpful to consider Brownsville's information in context of the broader information provided in the assessment report. He confirmed that there are a lot of gaps in the reports, and that this is the first step.

A. Henry identified that although members are anxious to move forward with the process, it is important to keep in mind that this is a Tier 1 assessment and there will be data gaps. The point of this stage of the exercise is to develop a potential list of threats and see if they pose a risk prior to moving forward with a more in depth Tier 2 assessment.

**Res. No. 46-09**

Moved by: A. Henry  
Seconded by: J. Harrison  
Carried unanimously

*THAT the Lake Erie Region Source Protection Committee direct staff to incorporate the components of the reports entitled Brownsville Well System Threats Assessment (Oxford County, 2009) and Source Water Protection Drinking Water Systems Issues Evaluation (Oxford County, 2009) into the Catfish Creek Source Protection Area Assessment Report.*
b) SPC-11-09-02 Technical Report Review Process

L. Minshall summarized report SPC-11-09-02 Technical Report Review Process. She noted that Chris Neville of S.S. Papadopulos and Associates has been asked to review the remaining reports pertaining to groundwater, and Dr. Hugh Whiteley has agreed to peer review the remaining reports pertaining to surface water.

A. Henry asked for clarification regarding the regulatory due dates for the Assessment Reports. L. Minshall confirmed that the Catfish Creek and Kettle Creek Source Protection Area Assessment Reports are due to the Minister in May 2010. The Grand River and Long Point Region Source Protection Area Assessment Reports are due July 2010. A. Henry wondered what the implications would be if the Assessment Reports are late. L. Minshall replied that if the Lake Erie Region does not meet the due date the Minister will be disappointed, and it could be embarrassing for the region. A. Henry responded that although the committee should strive to meet the due dates, it is imperative that the work be done correctly.

M. Goldberg thanked L. Minshall for investigating the sub-working groups in other Source Protection Regions.

L. Perrin asked if the Lake Erie Region has the budget to undertake the additional peer review. L. Minshall responded that she has applied to the Ministry of Natural Resources for additional funds noting that the cost of the this peer review is relatively small in proportion to the cost of the studies being reviewed.

D. Woolcott stated that he questions the sense in re-reviewing reports, noting that the Kettle Creek Source Protection Area Assessment Report is supported by numerous reports that have been reviewed.

R. Krueger advised that he was a student of Dr. Hugh Whiteley and expressed that Dr. Whiteley is an excellent choice for peer review.

Res. No. 47-09 Moved by: J. Laird
Seconded by: M. Goldberg carried unanimously


a) SPC-11-09-04 First Draft of Catfish Creek and Kettle Creek Source Protection Area Assessment Reports

S. Glauser provided an overview of report SPC-10-09-04 Draft of Catfish Creek and Kettle Creek Source Protection Assessment Reports and requested any feedback members may have on the first draft assessment report.

A. Henry asked if the supporting technical reports are being made available prior to public consultation for the Assessment Reports. S. Glauser responded that all the technical reports are being made available before the comment period if the municipality has released the report for that purpose.
R. Seibel expressed concern regarding including statements and recommendations in the assessment reports that pertain to general water quality, and not directly to source protection planning. L. Minshall advised that the source protection planning process does take into consideration co-benefits with broader water management. Water quality conditions and trends and watershed characterization are important to overall water quality. Although general water quality policy in a document for source protection planning would not be binding, the committee can make enabling policies for partners in the watershed that relate to broader co-benefits.

W. Wright-Cascaden noted that she thought the report was very readable, and that the average reader would be benefitted by the executive summary, which is still to be developed. She identified that the conclusions component may be best approached as a summary. She further suggested a smaller summary section at the end of each section. This would summarize the key information without forcing the public to read the entire document. If readers would like to further investigate the background information, they can go into the pertinent section of the document for further information.

D. Parker noted high nitrate and phosphorus levels and asked if there are any old cottages along Kettle Creek. T. Marks responded that there are not many. D. Parker asked if the high bacteria pathogen level below St. Thomas implies a problem with spills in St. Thomas. L. Perrin responded that St. Thomas is like many other municipal cities. They have old infrastructure and some issues with combined sewers; however, they are making great strides in improving their system and are working diligently to reduce overflows. L. Perrin noted the best practices developed in the Grand River Watershed and advised that he intends to take this information to Kettle Creek and Catfish Creek Watersheds.

J. Oliver observed that non-municipal drinking water systems, although identified as a data gap, will be included in the document. He asked what purpose it will serve to list non-municipal systems and expressed concern about having such systems identified. S. Glauser responded that the regulation requires that non-municipal systems be listed and suggested that it may relate to the issues evaluation process. M. Keller advised further that the Ministry would like non-municipal systems listed so that there is a complete account of systems. S. Glauser identified that list is currently identified as a data gap because it is being refined by the Health Units; there are currently too many uncertainties with the data to include it in a document. J. Oliver suggested including a rationale for the lists’ inclusion in the document.

J. Harrison noted that he is of the opinion that non-municipal systems should be included as part of this process noting that there are systems in Long Point Region that serve more people than Brownsville and they are not being assessed.

J. Harrison further noted that although the size of the document was intimidating, and expects that the Grand River Source Protection Area Assessment Report will be even more so, generally speaking the document is readable. He did note, however, that there remain some paragraphs that are quite technical and not easily understood. If the objective is to receive public feedback, readability is vital.
I. Macdonald concurred that the document was well written, pointing out the importance of including the technical details for those who want it, but common language summaries for those who prefer an overview.

A. Henry noted that section on climate change did not provide a lot of information with regards to sedimentation loading, noting that this information is particularly pertinent for Kettle Creek with its slope and tendency for high sediment loading. Further, he noted Lake Erie has a significant shoreline erosion rate, and observed that there was not a lot of discussion pertaining to erosion rates due to climate change. He asked if this is a data gap, and if it is expected that this will be addressed in future. L. Minshall responded that the section was written based on a broad literature review. Staff will look for more information pertaining to sediment loading.

R. Seibel asked if the electronic version of the document could be provided on the screen for future meetings so members can see the sections to which the discussion refers.

Members were advised that the first draft of the Catfish Creek Source Protection Area Assessment Report will be sent by November 13, and asked that members send any comments on both Kettle Creek and Catfish Creek at their earliest convenience to Lorrie Minshall so amendments can be incorporated into the drafts for the December meeting, which will be couriered on November 27.

D. Woolcott asked that the amendments to the Assessment Report documents be summarized.

Res. No. 48-09 Moved by: D. Woolcott
Seconded by: G. Rae carried unanimously

THAT Report SPC-11-09-04 First Draft of Catfish Creek and Kettle Creek Source Protection Area Assessment Reports be received for information.

b) SPC-11-09-05 Assessment Report Consultation – Kettle Creek Source Protection Area and Catfish Creek Source Protection Area

S. Glauser provided an overview of report SPC-11-09-05 Assessment Report Consultation – Kettle Creek Source Protection Area and Catfish Creek Source Protection Area.

Res. No. 49-09 Moved by: A. Henry
Seconded by: L. Perrin carried unanimously

THAT the Lake Erie Region Source Protection Committee adopt the proposed public consultation process outlined for the Assessment Reports for the Catfish Creek and Kettle Creek Source Protection Areas.

c) SPC-11-09-06 Six Nations Update

L. Minshall provided an overview of report SPC11-09-06 Six Nations Update.
Res. No. 50-09  
Moved by: R. Krueger  
Seconded by: T. Schmidt  
carried unanimously

THAT Report SPC-11-09-06 Six Nations Update be received for information.

11. Business Arising from Previous Meetings

D. Parker referred to the Port Stanley threats and issues report presented at the last meeting and asked whether the cause of the selenium has been identified. A. Henry responded that the cause of the selenium remains uncertain, however, it is likely historical. The selenium exists in amounts that are negligible and simply warrant further monitoring.

12. Other Business

a) Question and Answer Period

None

13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, December 3, 2009, 10:00 am, GRCA Administration Centre, 400 Clyde Road, Cambridge, ON

S. Glauser noted that if you cannot make the entire meeting please let him know when you intend to arrive or leave to ensure the committee can maintain quorum.

15. Adjourn

Moved by: D. Parker  
Seconded by: R. Seibel  
carried unanimously

The Lake Erie Region Source Protection Committee meeting of November 5, 2009 adjourned at 2:50 p.m.

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Chair  
Recording Secretary