The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, September 2, 2010 at the Grand River Conservation Authority Administration Centre, 400 Clyde Road, Cambridge, ON.


Members Regrets: C. Ashbaugh, M. Ceschi-Smith, R. Haggart, J. Laird, B. LaForme, I. Macdonald, C. Martin, P. Wilson

Proxy Representatives: M. Goldberg (M. Ceschi-Smith and Roy Haggart), T. Schmidt (P. Wilson), B. Ungar (I. Macdonald)

Liaisons: K. Turner, Provincial Liaison; P. Emerson, Source Protection Authority Liaison; D. Young, Public Health Liaison

Region Management Committee: C. Evanitski, LPRCA; T. Marks, KCCA; K. Smale, CCCA

Staff: M. Anderson, GRCA; S. Brocklebank, GRCA; S. Cooke, GRCA; J. Deter, GRCA; J. Etienne, GRCA; B. Fields, Norfolk County; L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; T. Ryan, GRCA; D. Schultz, GRCA; T. Seguin, GRCA; L. Stafford, City of St. Thomas; H. Waite, County of Oxford; A. Wong, GRCA; G. Zwiers, GRCA

1. Call to Order

M. Wales called the meeting to order at 1:02 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

M. Wales welcomed members, staff and guests and noted the following:
The Grand River Source Protection Authority has appointed Phil Wilson as an interim public service representative on the Lake Erie Region Source Protection Committee following the resignation of Geoff Rae. P. Wilson has previously served as a proxy for G. Rae when he was unable to attend.

Members were provided with information regarding the Grand River Watershed Awards which will take place Thursday, September 16 from 7:00 – 9:00 pm at the Grand River Conservation Authority as well as the Grand River Water Forum which is taking place September 17 at the Grand River Conservation Authority.

4. Review of Agenda

The agenda was reviewed, and it was noted that correspondence was added from Ian Smith, Director of the Source Protection Programs branch of the Ministry of the Environment. Report SPC-09-10-02, Brantford Special Projects Application was withdrawn; and the late starter report SPC-09-10-03 Early Response Prioritization was distributed to members with a revised agenda.

Moved by: A. Henry
Seconded by: D. Murray carried unanimously

THAT the revised agenda for the Lake Erie Region Source Protection Committee Meeting of September 2, 2010 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 – August 12, 2010

Moved by: B. Ungar
Seconded by: D. Parker carried unanimously

THAT the minutes of the previous meeting August 12, 2010 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members
i) Correspondence from Kate Turner, MOE Liaison, to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Septic Systems – Concerns Regarding Threats Assessment & Stewardship Funding

ii) Correspondence from Kate Turner, MOE Liaison, to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee, Re: Pipelines As Threats

iii) Correspondence from Ian Smith, Director, Source Protection Programs Branch to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Aggregate Extraction

D. Parker referred to correspondence item ii) and wondered if there is a method for the Source Protection Committee to address specific pipeline concerns. K. Turner responded that specific concerns of the committee, such as a pipeline of concern, can be added to the assessment report as a threat by the committee.

D. Woolcott noted that the jurisdiction of pipelines and their exemption from regulations can be problematic for policy development. He noted it may be most effective to focus on the response and communication protocols within and between municipalities in the event of a spill or leak.

T. Schmidt concurred that, at the request of the Source Protection Committee, municipalities can develop and implement a spills response plan. If the municipality is aware of a threat to their drinking water supply, they would want to have a spills response plan developed.

M. Wales asked K. Turner if it is possible for the Source Protection Committee to add a policy, such as a spills response plan, to the Source Protection Plan if it has not been included in the Assessment Report. K. Turner responded that a threat or issue must be identified in the Assessment Report for a Source Protection Planning policy to be developed. She suggested that the committee may want to consider including any additional threats and issues of concern in the amended Assessment Report to ensure that a policy can be developed moving forward.

H. Cornwell wondered what the requirements are for pipeline companies to check for corrosion and ensure that the pipelines are in good condition.

P. General identified that pipelines, including sewage pipes, crossing the river have always been problematic. Although the age and condition of the pipelines are a significant factor, he would like to see more work done on the pipelines, not only for oils and gases, but also for sewage.

B. Ungar put forward a motion that the Lake Erie Region Source Protection Committee submit an application to the Director of the Source Protection Programs branch at the Ministry of the Environment to include pipelines in the Catfish Creek, Kettle Creek, Long Point Region and Grand River Assessment Reports as a threat to drinking water in wellhead protection areas with high vulnerability. R. Krueger expressed that he is surprised that a pipeline has not been considered as the handling and storage of a fuel.
Res. No. 62-10  Moved by:  B. Ungar  Seconded by:  R. Krueger  carried unanimously

THAT the Lake Erie Region Source Protection Committee submit an application to the Director of the Source Protection Programs branch at the Ministry of the Environment to include pipelines in the Catfish Creek, Kettle Creek, Long Point Region and Grand River Assessment Reports as a local threat to drinking water in wellhead protection areas and intake protection zones with high vulnerability.

J. Oliver referred to correspondence item i) and asked if there are changes being made to the building code to require compulsory maintenance to septic systems. K. Turner responded that only septic systems identified in vulnerable areas will be subject to compulsory maintenance through the building code and noted that the amendments to the building code were reflective of the Clean Water Act.

K. Turner referred to correspondence item iii) and noted that the letter responding to this committee’s request that aggregate extraction which breaches an aquitard be considered a significant threat was finalized this morning and has been distributed with the revised agenda. She noted that the Ministry of the Environment’s position on aggregates has not changed; aggregate extraction is still seen affecting the vulnerability but is not considered a threat.

M. Goldberg expressed that he feels the Ministry of the Environment’s response is unacceptable and noted that although the committee could identify this as a threat in the Assessment Report, there would be no point in doing so if the Director will not approve the submission. He pointed out that the letter from the Ministry states that if a municipality becomes aware of a new transport pathway, they shall notify the Source Protection Authority and the Source Protection Committee. M. Goldberg identified the misalignment between the guidance of the Ministry and the practices, noting that this committee sent the request to the Director because the municipality advised the Source Protection Committee that the extraction had breached the aquitard and opened a means for pathogens to get into the city’s water supply. He further noted that the Stewardship Program also speaks to the importance of closing transport pathways which supports the point that the activity of opening a pathway for pathogens to enter is a threat to drinking water. M. Goldberg expressed that he would like to further pursue this issue with Ian Smith, as he feel it is a serious concern.

R. Seibel reminded members that although D. Belanger from the City of Guelph did advise the Source Protection Committee about the issue of the aquitard being breached, the committee did not receive a hard copy of the information. He would like to request that the City of Guelph provide that information. M. Goldberg noted that discussions with the aggregate company, the Ministry of the Environment, the Ministry of Natural Resources and the City of Guelph are ongoing, and suggested the City of Guelph may have not provided the information because the discussions have not been finalized.

K. Turner suggested that she could arrange a meeting with Ian Smith. L. Perrin suggested that the Source Protection Committee could invite Ian Smith to the next Source Protection Committee meeting so the committee can participate in the discussion.
J. Oliver added that he sees merit in a smaller meeting before inviting Ian Smith to a Source Protection Committee meeting, but requested that a staff designate would also participate in such a meeting.

J. Harrison noted that it is irrelevant how we communicate; it is not Mr. Smith and the Minister of the Environment making these decisions. The MOE has no means to fight with the Ministry of Natural Resources and Ministry of Transportation regarding what can be included in Source Protection Planning.

M. Goldberg noted that he would, nonetheless, like to meet with Ian Smith, and agreed that he would like to have Source Protection staff attend. He noted that Janet Laird may also wish to attend on behalf of the City of Guelph. W. Wright-Cascaden identified that a meeting is important, and noted that our Chairman should also attend as the formal representative of the committee.

B. Ungar suggested that, to be fair, the member representing the aggregate industry should also attend. R. Seibel concurred and requested that there either be a meeting with balanced representation of committee members, or just staff attend the meeting.

K. Turner agreed to arrange a meeting with Ian Smith prior to the next Source Protection Committee meeting. M. Wales asked if the committee would like K. Turner to also ask Ian Smith to attend a Source Protection Committee meeting. J. Oliver felt that it may be best to wait and assess the success of the smaller meeting of delegates.

A. Henry pointed out that if there is an activity that could increase the vulnerability of a water supply; the focus is not solely on the aggregate industry. He asked what powers a Source Protection Committee has if the municipality advises the Source Protection Committee that there is an activity that increases that vulnerability of the water supply, but this activity has been approved by the Ministry of Natural Resources, the Ministry of Transportation and/or the Ministry of the Environment. He noted that wells, sandpoints, and geothermal wells are all activities that could lead to increasing the vulnerability. He identified that the Source Protection Committee’s power to eliminate these threats to vulnerability is toothless.

T. Schmidt identified that although wells also increase the vulnerability, there is legislation that requires the proper decommissioning of wells. Once an aggregate pit has been opened, however, it cannot be restored back to what it was. Although he understands the need for aggregate extraction, it is important to be cognizant of the irreversibility of the aggregate extraction. T. Schmidt noted that the letter from Ian Smith does not properly recognize the permanence of what is created by aggregate extraction and suggested that the activity requires a higher level of scrutiny than what is suggested in the letter.

L. Minshall noted that the primary concern for the City of Guelph is that the act of breaching the aquitard allows surface water and associated pathogens into aquifer. She emphasized that there is a difference between a threat and anything associated with vulnerability. Our request to consider a local threat was the acknowledgement that the activity of breaching an aquitard which then releases pathogens to the aquifer. It will be important to express our concerns in that context. The Clean Water Act does not allow vulnerability to be the same as threats. Although the concern regarding increasing the vulnerability is a valid comment, there is nothing the Director can do, because
vulnerability and threats are separate in the Clean Water Act. If we are concerned about a local threat, it will be imperative to focus on the act of releasing a surface water threat to the aquifer due to a breach in the aquitard.

R. Seibel pointed out that proper rehabilitation is something that is within this committee’s purview. The committee can make recommendations regarding policies for various rehabilitative land uses once an aggregate site has closed its operations.

K. Turner referred to A. Henry’s point regarding the committee’s inability to address the increased vulnerability created by transport pathways and suggested that after the vulnerability is reassessed, if the vulnerability of the area has increased, new activities will become significant threats. The Source Protection Committee would then have power to address those significant threats. A. Henry concurred, but pointed out that this approach is reactive as opposed to proactive.

J. Oliver requested clarification regarding who would be attending the meeting with Ian Smith. It was decided that Craig Ashbaugh, Mark Goldberg, Richard Seibel and Martin Keller would attend.

**Res. No. 63-10**

*Moved by: H. Cornwell*

*Seconded by: L. Perrin*  

**carried unanimously**

 THAT the correspondence be received as information.

b) Not Copied  

None

10. Reports

a) SPC-09-10-01  

**Long Point Region Draft Assessment Report Public Comments**

M. Keller provided an overview of Report SPC-09-10-01.

D. Parker referred to the letter from Holcim and asked if a farmer were to send a letter saying that the potential threats identified on their property were not taking place, would they be given the same credibility. M. Keller responded that, ultimately, no matter which sector, the objective is to make site visits. However, at this stage of the assessment process, the approach is to accept the information when provided with the intent to follow up for verification.

J. Harrison wondered if there is some regulatory responsibility for people to provide the Source Protection Committee with accurate information.

J. Oliver pointed out that the watershed characterization report was largely a desktop exercise, and that the purpose of the consultation meetings is to get the property owners’ feedback. He suggested that at this point the committee assume the information provided is accurate, regardless of sector.
M. Wales further noted that the feedback is part of public record. If parties were to inaccurately report the activities on their property, and they were to have a spill or contaminate the water, those parties would have a very difficult time demonstrating due diligence.

Res. No. 64-10  Moved by: J. Harrison
                Seconded by: R. Seibel  carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to make the recommended changes to the Long Point Region Source Protection Area Assessment Report in response to comments received during the consultation period on the Draft Assessment Report.

b) SPC-09-10-02  Brantford Special Projects Application (Withdrawn)

M. Wales noted that although the request for funding to the Ministry of the Environment was withdrawn by the City of Brantford, City Council announced this morning that the project will continue, and the City of Brantford will be funding the balance of the project.

M. Wales wondered to what extent the replacement of the control gates would reduce the leakage of water from the Grand River into the inlet of Holmedale Canal. A. Henry responded that, from engineering perspective, it would be difficult to achieve 100%, but the project would certainly improve the extent of leakage.

T. Schmidt identified that the City of Brantford IPZ-2 was based primarily on the length of time it would take their staff to response to incidents and asked if the IPZ-2 will be amended as a result of this project. M. Keller responded that this will need to be revisited once the project is completed.

M. Wales asked what the timeline is for project completion. M. Keller responded that the project would not likely be completed in time for inclusion in the updated Assessment Report.

M. Goldberg asked that, as the report had been withdraw from the agenda, that the discussion for this item be deferred until M. Ceschi-Smith is in attendance and noted that she would likely be able to answer many of these questions.

c) SPC-09-10-03  Early Response Prioritization

A. Henry asked for clarification regarding the difference between Early Actions and Early Response. T. Ryan responded that there are three phases to the Stewardship Program. The first phase focused on the 100 m zone, the second phase focused on the two year time of travel and the third phase is Early Response, which will focus on the significant threats identified in the Assessment Reports. The Ministry of the Environment is asking the Source Protection Committees to prioritize the funding distribution for the Early Response program.

T. Ryan provided an overview of Report SPC-09-10-03.
J. Oliver asked if the Early Response program will share costs with landowners as the Early Action program does. T. Ryan responded that, as with the Early Action program, the Early Response program is cost shared with the landowner. J. Oliver commented that the Lake Erie Region promoted and delivered the Early Actions program quite well. He then asked for clarification regarding which areas are eligible for funding through the Early Response program. T. Ryan responded that significant threats are eligible for the program, although the 100 m zone is proposed to be given priority. There will be a committee for Early Response application review. One of the principles will be to prioritize applications with the limited funds that will be available. It will be extremely important to be judicious and set priorities; although all significant threats would be eligible, funding is limited.

M. Goldberg questioned why the application period is so short and requested clarification regarding what the committee is being asked to do. T. Ryan explained that the Ministry of the Environment needs to have the prioritization to the Minister of the Environment by the end of this year. Although staff have known about the requirement for this application for some time, they could not prepare for the application process until the Assessment Report was complete with the list of significant threats. There are some regions that will not be able to apply, because they cannot compile the required information in time for the deadline. T. Ryan explained that staff are asking members to adopt the principles proposed to manage the Early Response program.

J. Harrison requested confirmation that the proposed principles are alternate principles, not cumulative. T. Ryan replied affirmatively. J. Harrison asked if there will be a separate report to the Source Protection Committee requesting approval of a proposed subcommittee for the Early Response funding application review. T. Ryan replied affirmatively.

D. Parker asked if the request for funds will be based on a desktop estimate at this point. T. Ryan replied affirmatively, noting that the threats information will be drawn from the Assessment Report. She elaborated that because the initial Assessment Report was a desktop exercise, some of the threats may already be following best practices and will not require assistance from the Early Response program; there is still some verification work to be done.

T. Schmidt advised that, in general, he accepts the proposed principles, but noted that in the summary of significant threats he would suggest that E.Coli is not a top priority. He elaborated that, because bacteria and E.Coli are inherent in surface water, Early Response funding would not be well used to reduce this threat; it is inherent in surface water.

A. Henry asked if staff are recommending that only one Source Protection Committee member sit on the review committee as Chair, and suggested that it may be prudent to have a Chair and Vice-Chair. T. Ryan replied that staff will take this suggestion under advisement and will prepare a report to address the committee’s suggestions.

M. Keller identified that E.Coli was included in the summary of significant threats in error. Even though the City of Branford has identified E.Coli as an issue, there is
currently no issue contributing area so no threats contributing to the E.Coli issue have been identified.

**Res. No. 65-10**
*Moved by:* B. Ungar
*Seconded by:* R. Krueger  
carried unanimously

THAT the Lake Erie Region Source Protection Committee endorse the principles outlined in the report that will guide the prioritization of projects that are funded through Ontario’s Early Response program.

11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

None

13. Closed Meeting

Not applicable

14. Next Meeting

Thursday, October 7, 2010, 1:00 pm
Long Point Region Conservation Authority, 4 Elm Street, Tillsonburg, ON

15. Adjourn

*Moved by:* J Harrison
*Seconded by:* L. Perrin  
carried unanimously

THAT the Lake Erie Region Source Protection Committee meeting of September 2, 2010 be adjourned.

The meeting adjourned at 2:35 p.m.