The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, August 6, 2009 at the Kettle Creek Golf and Country Club, 320 Carlow Road, Port Stanley, ON.


Members Regrets: P. General, M. Goldberg, B. LaForme, C. Martin, J. Oliver, G. Rae, B. Ungar, D. Woolcott

Proxy Representatives: B. Fields (J. Oliver), N. Fueten (M. Goldberg), T. Schmidt (G. Rae)

Liaisons: K. Fairman, Provincial Liaison; A. Dale, Source Protection Authority Liaison

Region Management Committee: T. Marks, KCCA; S. Martyn, CCCA

Staff: P. Dragunas, CCCA; J. Etienne, GRCA; S. Glauser, GRCA; L. Minshall, GRCA; T. Ryan, GRCA; D. Schultz, GRCA; T. Seguin, GRCA; A. Wong, GRCA; G. Zwiers, GRCA

Also Present: A. Davidson, County of Brant; F. Dennison, Port Stanley News.com; T. Duong, MOE; G. Ounapuu, Lotowater; E. Soldo, City of St. Thomas; L. Stafford, City of St. Thomas; A. Zietsma, 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:

- The committee's bi-annual attendance summary was distributed to members;
- C. Ashbaugh noted that overall committee attendance has been excellent.
Committee members toured the Elgin Area Water Treatment Plant prior to the meeting; C. Ashbaugh thanked those hosting the site visits and stated that the tours have been informative and beneficial for committee members.

Katie Fairman was introduced and welcomed. She has served as the committee's interim provincial liaison officer for July and August. C. Ashbaugh introduced and welcomed Tu Van Duong, who has been assigned as the Lake Erie Region Source Protection Committee's provincial liaison for the next eleven months.

4. Review of Agenda

   Moved by: A. Henry
   Seconded by: M. Ceschi-Smith carried unanimously

   THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of August 6, 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 – July 9, 2009

   Moved by: L. Perrin
   Seconded by: M. Wales carried unanimously

   THAT the minutes of the previous meeting of July 9, 2009 be approved as circulated.

7. Hearing of Delegations

   None

8. Presentations

   None

9. Correspondence

   a) Copied
      None
   b) Not Copied
      None
10. Reports

a) SPC-08-09-01 Ontario Drinking Water Stewardship Program Update

T. Ryan summarized report SPC-08-09-01 noting Ontario Drinking Water Stewardship progress to date and program amendments moving forward.

A. Henry expressed concern that the Early Actions funding is being spent prior to development of the threats assessments and inventories. He asked if there will still be funding available for known threats once the assessment reports are complete. T. Ryan responded that there have been discussions with the Ministry regarding aligning the stewardship program with the threats assessments. Currently, the Ministry is taking a 'no-regrets' approach with the Early Actions program until 2011. A. Henry reiterated that the disconnect between stewardship funding and significant threats is disconcerting.

D. Murray commented that in Centre Wellington and Southgate, the stewardship program provided funding support to address municipal water quality through private well decommissioning. He advised that the Early Actions program was very effective for these municipalities.

Res. No. 28-09

Moved by: M. Ceschi-Smith
Seconded by: A. Henry

THAT Report SPC-08-09-01 Ontario Drinking Water Stewardship Program Update be received as information.

b) SPC-08-09-02 Assessment Report Update

S. Glauser provided a summary of the Assessment Report progress to date. He noted that on page one, paragraph four "The deadlines of May 11th and July 13th 2009" should read "2010".

J. Laird asked if it is expected that the technical work will be in the public domain when the vulnerability analysis and threats assessment reports are brought forward for endorsement. S. Glauser responded that the final reports would be in the public domain once the municipality has endorsed the release of the technical reports to the Source Protection Committee; however, the method of municipal endorsement would be left to the municipality’s discretion.

Res. No. 29-09

Moved by: D. Murray
Seconded by: M. Wales

THAT the Lake Erie Region Source Protection Committee endorse the proposed process and timelines to compile the first Assessment Reports for the Catfish Creek, Grand River, Kettle Creek and Long Point Region Source Protection Areas.
c) SPC-08-09-03 Village of Belmont Vulnerability Analysis

G. Zwiers provided an overview of the Vulnerability Analysis for the water supply in the Village of Belmont.

M. Wales noted the increase in vulnerability to the east of the Village of Belmont (Figures 2 and 3) and asked about contributing factors. G. Zwiers responded that to his knowledge, no significant unique geological features increased the vulnerability; it is most likely that this area was closer to the vulnerability calculation threshold than its surrounding area, and when the calculations were completed, the section noted crossed the threshold into a medium vulnerability.

I. Macdonald noted that the Belmont water supply is a straightforward study, but suggested that for other technical studies, field verification could modify the vulnerability. L. Minshall replied affirmatively, elaborating that if, for example, there was a broad well decommissioning, such as in the Town of Southgate, experts may choose to revisit the vulnerability scoring and assign the area a lower vulnerability. She stated that the content of the assessment report can be modified to a reasonable extent prior to public release, and to a more limited extent after public release. After the first submission of the assessment reports, the documents can be amended in 2011. I. Macdonald emphasized that 'ground truthing' will be important if restrictions are expected to be placed on a property.

* J. Harrison departed at 1:55 pm.

D. Parker asked if there are any cemeteries in the two year time of travel of the Belmont Wellhead Protection Area. L. Minshall advised that the current presentation refers to the vulnerability of the wellhead protection area. Information pertaining to threats and issues is currently being collected by consultants and will be presented to members as it becomes available.

R. Haggart inquired if a caveat to assist with public interpretation of the maps and technical documentation will be developed. L. Minshall responded that a caveat has been included with the maps for the water budget stress assessment; however, the vulnerability and threats assessments are more intuitive and not as likely to be misinterpreted.

A. Dale requested clarification regarding whether a pit or quarry is taken into consideration in the vulnerability analysis or threats assessment. G. Zwiers responded that the effects of aggregate extraction are taken into consideration in the vulnerability analysis. Aggregate extraction increases the vulnerability of the area, because a protective layer of the aquifer is being removed. Operational factors of aggregate extraction, such as fuel storage, are taken into consideration in the threats assessment.

L. Perrin pointed out threats are not always straightforward; what could be perceived as a threat may not necessarily be a threat. The committee will need to work hard to educate the public on how vulnerability and threats are determined. L. Minshall replied affirmatively and suggested that R. Haggart's concern regarding public misinterpretation
of the technical information will need to be addressed from a risk communication perspective when the threats and issues are available for public consultation.

**Res. No. 30-09**

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

THAT the Lake Erie Region Source Protection Committee direct staff to make the information in the report entitled Belmont Village – Source Protection Study – Vulnerability Analysis (Dillon, 2009) available to the public, and incorporate the components into the Kettle Creek Source Protection Area Assessment Report.

d) **SPC-08-09-04  Source Protection Plan Discussion Paper**


A. Henry asked if the province is favouring a prescriptive approach as opposed to a voluntary approach in the discussion paper. L. Minshall responded that she does not believe that there is an implied preference; the regulation enables regulatory tools, which is why there may seem to be a focus on a more prescriptive approach.

A. Henry suggested that provincial tools seem to overlap existing tools, and asked if there is any consideration being given to amalgamating the tools. L. Minshall responded that each of the tools fulfills a different purpose. K. Fairman elaborated that the provincial instruments will allow the committees to target specific activities as they relate to the threats, whereas municipal planning tools, such as official plans and zoning bylaws, address land use designations. The Ministry's instruments will provide risk management tools which will address the land use activity as opposed to the land use designation.

I. Macdonald advised that although he understands the hesitation to include rationale in the source protection plans, it will be necessary to have the rationale documented and available for defense in some form. L. Minshall concurred, and elaborated that rationale in the source protection plan would require careful development and consideration of wording, which would be more time consuming than simply documenting the rationale as background information.

R. Haggart requested confirmation that the Clean Water Act regulations will overrule planning regulations. L. Minshall responded that for significant threats, the Clean Water Act does take precedence.

T. Schmidt extended caution; the Region of Waterloo has tried to address threats in its planning uses, but it is not well received by businesses due to limited land use and reduced land value. He suggested that an effective approach for industries may be the development of best management practices.
Res. No. 31-09  Moved by: L. Perrin
Seconded by: D. Murray  carried unanimously

THAT the Lake Erie Region Source Protection Committee incorporate
the comments provided by the Municipal Water Services Technical
Group and Municipal Planning Directors Group into the Committee’s
submission to the province on the Source Protection Plan Discussion
Paper.

R. Krueger asked if there has been any discussion regarding compensation when
prohibition is the outcome. L. Minshall responded that the Clean Water Act states there
will not be compensation unless it meets criteria set out in the Expropriation Act. She
suggested that when developing the source protection plans, the committee will need
to take into consideration that prohibition will not take compensation into consideration.

D. Murray asked if there is an appeal process for affected landowners. L. Minshall
responded that landowners can appeal the policies that affect them. K. Fairman
elaborated that those affected by the policies can request to have a hearing officer
from the Minister of the Environment to hear their case. The timing and method of
appeal will vary depending on the type of policy that is recommended.

A. Dale asked how a pit or quarry owner can modify their business approach to reduce
impact. L. Minshall responded that the source protection plan will address activities
that are threats. The increase in vulnerability will affect future land use activities and
perhaps pit rehabilitation plans. W. Wright-Cascaden elaborated that zoning for
aggregate operations is different than other land uses; aggregate sites are zoned at
the time they get their license; which provides more opportunity to assess aggregate
zoning applications in relation to the Clean Water Act. The zoning for an aggregate site
is not in the 20 year official plan; it is based on a per application basis.

N. Fueten asked if the work of the committee considers the development of unserviced
areas to reduce the impact of well and septic installation. L. Minshall replied that this is
not addressed in the Clean Water Act.

K. Fairman reminded members that the MOE is receiving feedback on these tools and
using the feedback to further develop the proposed regulations.

11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

A. Henry advised that there is a ministry workshop on September 10 that poses a
scheduling conflict for surface water system administrators. C. Ashbaugh replied that
there is a tour and venue already scheduled for September 10 and suggested that
proxies be assigned.
13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, September 10, 2009, 1:00 pm, Ontario Ministry of Agriculture & Food - 1283 Blueline Road, Simcoe, Ontario

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of August 6, 2009 adjourned at 2:55 p.m.

Chair _______________________________  Recording Secretary _______________________________