LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, September 10, 2009

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, September 10, 2009 at the Junior Farmers Building, Norfolk County Fairgrounds, 172 South Drive, Norfolk, ON.


Members Regrets: M. Ceschi-Smith, P. General, R. Haggart, A. Henry, B. LaForme, C. Martin, D. Murray, G. Rae


Liaisons: A. Dale, Source Protection Authority Liaison; T. Duong, Provincial Liaison

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

Staff: J. Etienne, GRCA; S. Glauser, GRCA; L. Minshall, GRCA; T. Seguin, GRCA; S. Shifflett, GRCA; A. Wong, GRCA; G. Zwiers, GRCA

Also Present: D. Goudreau, County of Oxford; E. Hodgins, Region of Waterloo; S. Hollingshead; B. Fields, Norfolk County; S. Kurli, Halton Region

1. Call to Order

   C. Ashbaugh called the meeting to order at 1:05 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 meeting was held at the Six Nations Eco-Centre on August 17, 2006 regarding Six Nations Source Protection Planning initiatives and inclusion of the Ohsweken intake in the Lake Erie Region’s technical studies.

• The Lake Erie Region Management Committee meeting was held on August 25, 2009 at Long Point Region Conservation Authority.

• The Long Point Region watershed tour was held on August 28, 2009.

• On September 2, 2009 C. Ashbaugh, L. Minshall and S. Glauser hosted an orientation meeting with Provincial Liaison Tu Van Duong.

• Doug Quibell, Public Health Liaison has accepted a position in British Columbia. Doug was an excellent asset to Source Protection Planning. Henry Garcia, Director of Environmental Health & Lifestyle Resources for the Region of Waterloo will be acting as the interim Public Health Liaison until a new public health representative is selected.

• C. Ashbaugh thanked R. Seibel for assisting with arranging the tour of the Simcoe Aggregate pit and noted that the tour was very informative.

• B. Ungar will be Acting Chair for the October 8, 2009 Source Protection Committee meeting.

• The Water Forum at the Grand River Conservation Authority is on September 18, 2009. Those who have not registered and are interested in attending may contact S. Glauser or T. Seguin.

4. Review of Agenda

   Moved by: J. Laird
   Seconded by: L. Perrin carried unanimously

   THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of September 10, 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 –August 6, 2009

   Moved by: M. Wales
   Seconded by: J. Oliver carried unanimously

   THAT the minutes of the previous meeting of August 6, 2009 be approved as circulated.
7. Hearing of Delegations

a) Aggregate Extraction

S. Hollingshead provided an overview of aggregate extraction operations in relation to Source Protection Planning.

J. Laird referred to the statement that aggregate operations pose no risk of pathogens, and commented that when a mining operation is extracting aggregates from the aquitard, the groundwater becomes exposed as surface water, and the water is then exposed to pathogens. S. Hollingshead responded that the Ministry’s threats list has not identified open lakes or reservoirs as being threats to drinking water.

J. Oliver asked how the discharge of the groundwater extracted for aggregate operations is regulated. S. Hollingshead responded that many traditional quarries discharge the extracted groundwater to surface water. When a permit to take water is submitted, studies are undertaken that evaluate the effect of discharging groundwater to surface. Some aggregate operations are now undertaking the re-infiltration of extracted groundwater back to groundwater.

R. Krueger inquired if maintenance activities on quarry equipment are considered a potential threat. S. Hollinghead responded that spills contingency plans are well established and are required by law.

M. Goldberg commented that municipalities who locate wells within aggregate sites are doing so because that is where they are able to find sufficient groundwater for a municipal supply; not because aggregate sites are an ideal location for a municipal water supply. He stated that moraines provide both aggregate products and significant groundwater sources. S. Hollingshead clarified that moraines are not always good sources of gravel. Further, he stated that municipal supplies would require large aquifers, which would allow the municipal well to be placed outside of the aggregate site if preferred.

T. Schmidt stated that when a municipal groundwater supply becomes subjected to a surface water influence, the well(s) is re-classified as groundwater under the direct influence of surface water (GUDI). The groundwater treatment is then modified to that of surface water, given that the source is at greater risk of being contaminated by activities on the surface. He further noted that municipalities are affected by the aggregate industry, but have very little opportunity to influence regulations on aggregate operations that affect municipal operations, such as site rehabilitation. Open reservoirs increase the vulnerability of the groundwater. Inclusion of aggregate activities in the Clean Water Act will provide a means for change.

H. Cornwell asked if, when there is a municipal well and a quarry at the same site, the water is taken from the same aquifer. S. Hollingshead responded that there are examples of aggregate operations and municipalities taking from the same aquifer as well as municipalities taking from a deeper aquifer than the aggregate operation.

W. Wright-Cascaden asked if there have been studies pertaining to loss of water due to evaporation after groundwater has been exposed to the surface, and wondered if this
has an effect on the amount of water taken. S. Hollingshead responded that evaporation of the water may be slightly higher than the evapotranspiration off the land prior to the pit or quarry’s influence; however, he suggested that the amount is most likely negligible. He stated that considerations such as these are generally taken into account during the permit to take water evaluation.

W. Wright-Cascaden inquired if the cumulative effects of multiple pits in close proximity are taken into consideration when permits are issued, or if the licenses remain as individual licenses. S. Hollingshead responded that they remain individual licenses.

D. Parker asked how deep the aggregate operation is permitted to extract. S. Hollingshead responded that each quarry has a plan, which is approved by the Ministry of Natural Resources. The plan determines how deep the operation is permitted to extract. D. Parker inquired how long it takes for a quarry to fill with water after the pumping operations cease. S. Hollingshead responded that the amount of time varies depending on quarry size and location; some large quarries would take decades to fill up to where the groundwater table would have been prior to extraction.

8. Presentations

None

9. Correspondence

a) Copied

None

b) Not Copied

None

10. Reports

a) SPC-09-09-01 Assessment Report Update

S. Glauser provided an overview of report SPC-09-09-01 Assessment Report Update.

M. Goldberg noted that reading the reports in their entirely would take more time than is available and asked if there will be a report summary. S. Glauser responded that the technical studies that feed the content of the assessment report will be presented to the committee at the monthly meetings, and summarized in staff reports to the Committee.

D. Woolcott asked how the inaccessibility of the Assessment Reports to the public will be addressed. L. Minshall responded that she has raised this as a communication concern to the Ministry of the Environment. She will be seeking advice from municipal technical staff and the communications team. Currently, given the expected size of the
documents, the most feasible approach will be to provide a variety of means for the public to access the documents.

J. Harrison asked how much ownership the committee will have over the Assessment Reports. L. Minshall responded that the Lake Erie Region Source Protection Committee is a steering committee with a leadership role in directing the development of the assessment report. When the committee receives the compiled assessment report, the committee will have already reviewed and endorsed each piece as the content was presented. When the compiled assessment report is received, it is primarily a ratification of previously received material.

**Res. No. 32-09**  
Moved by: B. Ungar  
Seconded by: R. Seibel  
**carried unanimously**

**THAT** the Lake Erie Region Source Protection Committee change the start times of the following meeting dates from 1:00 pm to 10:00 am:

- November 5, 2009  10:00 am  GRCA Administration Centre, Cambridge
- December 3, 2009  10:00 am  GRCA Administration Centre, Cambridge
- January 7, 2010   10:00 am  GRCA Administration Centre, Cambridge

b) **SPC-09-09-02**  
Kettle/Catfish/Long Point Region Tier 2 Water Budget and Stress Assessment

J. Etienne provided an overview of report SPC-09-09-02. He noted that the final version of the Grand River Tier 2 Water Budget and Stress Assessment is forthcoming.

D. Parker referred to the limited responses received to the questionnaires regarding actual water use for permits to take water and asked if this could affect the province's acceptance of the report. J. Etienne responded that the water budget report is a consolidation of information including activities and land uses which includes a well documented process of collecting information and putting the information through a well established model. The results from the model demonstrated that the water estimated to be taken is representative of what is actually being taken. He noted that for the final differentiation between significant, moderate or no stress, studies err on the side of caution. He emphasized that the province has been involved throughout the process and is satisfied that enough work has been done to move forward.

J. Oliver pointed out that the scientific studies are a significant improvement over the broad regional designation used to date. J. Etienne replied that the Ministry of the Environment will now begin to consider within their framework how they will address policy. J. Oliver responded that it would be a shame for the watershed in their area to wait for the province to address the policy province-wide. He identified that the Long Point Region Conservation Authority will be discussing the designation at the board level and asked K. Smale if Catfish Creek Conservation Authority expected to do the same. K. Smale asked if Norfolk County intended to send a formal request to the Conservation Authorities requesting they discuss the designation at the board level. J. Oliver responded that Norfolk County could provide a request.
M. Goldberg moved to defer the motion until he has had an opportunity to read the peer review report.

J. Etienne identified that the Water Budget reports have followed a rigorous peer review process. L. Minshall added that the water budget peer reviewers have been involved throughout the process and their involvement has inherently affected the process. The peer review team has been part of the study from the beginning and has provided input as the studies developed.

J. Harrison pointed out that the committee is not being asked to take ownership of the report through adoption or approval of the study; they are being asked to include it in the Assessment Report. J. Harrison stated that he is prepared to vote on the recommendation at this meeting. M. Goldberg concurred and withdrew the motion to defer.

Res. No. 33-09 Moved by: J. Harrison
Seconded by: D. Parker carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to incorporate the components of the reports entitled (a) Long Point Region, Kettle Creek and Catfish Creek Integrated Water Budget: Final Report (AquaResource Inc., April 2009), and (b) Long Point Region, Catfish Creek and Kettle Creek Tier 2 Water Quantity Stress Assessment: Final Report (AquaResource Inc., May 2009) into the Kettle Creek Source Protection Area Assessment Report, Catfish Creek Source Protection Area Assessment Report and Long Point Region Source Protection Area Assessment Report.

c) SPC-09-09-03 Background Report – Conditions

L. Minshall provided an overview of report SPC-09-09-03 - Background Report - Conditions.

R. Seibel requested an example of an instrument that would control a past activity. L. Minshall responded that she believes there are several provisions under the Environmental Protection Act (EPA) that address contaminated sites. Under Section 18 of the EPA the Minister of the Environment can ask that preventative action to be taken.

D. Woolcott asked if conditions could be identified and addressed through a site's brownfield designation. L. Minshall identified that there are no instruments in the Clean Water Act that apply to conditions. The instruments would need to be identified on the prescribed instruments list in order to be addressed under the Clean Water Act.

L. Perrin stated that the credibility of this process will be at risk if instruments to address existing conditions are not available.

D. Woolcott expressed concern that the committee may be expected to address brownfield sites at a much broader level if this instrument is made available.
I. Macdonald requested clarification regarding the definition of a condition and an activity. L. Minshall responded that a condition results from past activities, whereas an activity refers to an ongoing land use. L. Minshall acknowledged that the committee will not be able to address all conditions; however, the municipal staff are requesting that the tools they need be included under the Clean Water Act to ensure they can address a condition if it poses a significant threat to their drinking water.

M. Wales expressed support for inclusion of prescribed instruments to address conditions if it provides more leverage to address drinking water threats.

**Res. No. 34-09 Moved by: M. Wales Seconded by: B. Ungar carried unanimously**

THAT the government be requested to include in the prescribed list of provincial instruments the instruments needed to address conditions that are significant drinking water threats;

AND THAT staff be directed to also include the request in the Lake Erie Region Source Protection Committee comments on the Source Protection Plan Discussion Paper Environmental Registry posting.

d) SPC-09-09-04 Source Protection Plan Discussion Paper: Draft Comments for Submission


R. Seibel requested clarification regarding comments included in the submission on the MOE proposal that existing provincial instruments be used as the policy approach of first choice. L. Minshall clarified that the province is proposing to limit the use of other policy approaches where a provincial instrument could be used to address the significant threat. To be eligible for use in source protection planning, instruments will need to be identified in the inventory of provincial instruments. The comments are requesting that the MOE not limit the use of other policy approaches, even if a provincial instrument exists. The submission requests that the decision on which policy approach to use remains flexible and is made at the local level.

**Res. No. 35-09 Moved by: J. Laird Seconded by: R. Krueger carried unanimously**

THAT the Lake Erie Region Source Protection Committee direct staff to submit the comments attached as Appendix A to this report to the Ministry of the Environment in response to the Environmental Bill of Rights Registry posting #010-6726 Source Protection Plans Under the Clean Water Act, 2006: A Discussion Paper of Requirements for the Content and Preparation of Source Protection Plans.

11. **Business Arising from Previous Meetings**

None
12. Other Business

a) Question and Answer Period

I. Macdonald advised that the business and industry representatives from local source protection areas are meeting next week. L. Minshall elaborated that the communications staff from the Ausable Bayfield Maitland Valley Source Protection Region are hosting a meeting for business and industry representatives for four Conservation Authorities west of the greater Toronto area. L. Minshall suggested that business and industry representatives from the Lake Erie Region may find the other regions are operating very differently and may come back with some very good ideas.

M. Goldberg noted that this week the Ministry of the Environment posted on the EBR the new Ontario Low Water Response Policy. He asked if staff could provide a brief presentation at next meeting regarding how this policy may impact the source protection planning process.

13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, October 8, 2009, 1:00 pm, GRCA Administration Centre, 400 Clyde Road, Cambridge, ON

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of September 10, 2009 adjourned at 3:20 p.m.

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Chair                                           Recording Secretary