LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, June 5, 2008

The following are the minutes of the Lake Erie Region Source Protection Committee held on Thursday, June 5, 2008 in the Auditorium, Grand River Conservation Authority, 400 Clyde Road, Cambridge, Ontario.


Members Regrets:  A. Henry, B. LaForme, J. Oliver, G. Rae, B. Ungar

Proxy Representatives:  B. Fields (for J. Oliver), T. Schmidt (for G. Rae)

Liaisons:  K. Zaletnik, Provincial Liaison

Region Management  P. Emerson, GRCA; C. Evanitski, LPRCA; T. Marks, KCCA; R. Sackrider, LPRCA; K. Smale, CCCA


Also Present:  D. Corbett, Region of Waterloo, A. Davidson; County of Brant, P. General, Six Nations of the Grand River; D. Goudreau, County of Oxford; C. Martin, Six Nations of the Grand River; S. Smith, University of Guelph; P. Wilson, Haldimand County

1. Call to Order

Craig Ashbaugh called the meeting to order at 1:03 pm.

2. Roll Call and Certification of Quorum – 15 Members Constitute a Quorum (2/3 of members)

The Recording Secretary called the roll and certified a quorum.

3. Chairman’s Remarks

C. Ashbaugh welcomed members, staff and guests, and spoke to the following announcements, meetings, and events:

- Members G. Rae and J. Oliver delegated proxies. T. Schmidt (for G. Rae) and B. Fields (for J. Oliver) were welcomed.
C. Martin and P. General from Six Nations of the Grand River Territory were welcomed. The Band Council resolution appointing C. Martin and P. General was received prior to the meeting. The appointment now requires appointment by the Grand River Source Protection Authority.

C. Ashbaugh extended congratulations to Alan Dale, who was recently elected vice-chair of Conservation Ontario.

*R. Krueger arrived at 1:06

Outreach and Education open houses took place in Drumbo and Tillsonburg on May 21 and May 22. C. Ashbaugh and D. Woolcott attended the Drumbo open house on May 21 and C. Ashbaugh, D. Woolcott and H. Cornwell attended the Tillsonburg open house on May 22. C. Ashbaugh commended municipal and Conservation Authority staff on their presentations.

The fourth Chair’s meeting took place in Toronto on June 2 and 3, 2008. Discussions pertained to regulation timelines, extensions, and federal transportation corridors.

4. Review of Agenda

C. Ashbaugh noted the revised Agenda distributed to members.

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

carried unanimously

THAT the revised agenda for the Lake Erie Region Source Protection Committee Meeting of June 5, 2008 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.

6. Minutes of Previous Meeting – May 1, 2008

Moved by: M. Ceschi-Smith  
Seconded by: M. Wales  

carried unanimously

THAT the Minutes of the previous meeting of May 1, 2008 be approved as circulated.

7. Hearing of Delegations

None

8. Presentations

None
9. Correspondence

a) Copied

i) Correspondence from Lynda Millard, Clerk, Municipality of Bayham, to Lorrie Minshall, Source Protection Program Director Re: Township of Malahide Report – Lake Erosion – County Road #24 – Dexter Line.

S. Glauser summarized further discussion with Ms. Millard since the distribution of the correspondence. Through these discussions, Ms. Millard has concluded that the safety of the distribution system is the key concern as opposed to the source of the drinking water. There is no further action necessary from the Source Protection Committee except to receive the letter as information.

Res. No. 19-08 Moved by: D. Murray
Seconded by: T. Schmidt carried unanimously

THAT the correspondence be received for information.

b) Not Copied

None

10. Reports

a) SPC-06-08-01 Source Protection Committee Position on Land Use Planning Matters

H. Cornwell asked at what point a threat qualifies for action. L. Minshall responded that a definition will be released with the Assessment Report Regulations. The definition is based on relative vulnerability and the relative hazard. If the score is greater than 80 when the two are multiplied together the threat will likely be considered significant. The hazard rankings, which are forthcoming from the Ministry are required for the calculation and will assist in determining significant threats.

Res. No. 20-08 Moved by: J. Harrison
Seconded by: R. Krueger carried unanimously

THAT the position described in Report No. SPC-06-08-01 be included in responses to correspondence regarding requests of the Lake Erie Region Source Protection Committee to comment, or take action on municipal land use planning matters.

b) SPC-06-08-02 Outreach and Education Program Update

L. Perrin expressed concern regarding attendance at the open houses. Municipal and conservation authority staff are expending considerable time and effort with minimal attendance. He inquired if there has been any discussion at the Chair’s level regarding a more rigorous public education campaign.
C. Ashbaugh responded that the Outreach and Education program was discussed at the Chair’s meeting. It was mentioned that until people realize they are affected there will not be a considerable turnout at the open houses. L. Minshall elaborated that advertising mediums were discussed at the Chair’s meeting; however, the provincial focus at this time is to encourage the committee and support staff to use their existing channels to communicate with the public.

J. Laird referred to the minutes of the May 1, 2008 Source Protection Committee meeting which states the contents of the Outreach and Education mail-outs depend on the municipality and suggested the wording is confusing. T. Ryan clarified that the letter for the mail-out is written by the municipality and the flyer (fact sheets) are customized based on the municipality. The mail-out content varies municipally as well as the approach of the public education campaign.

L. Minshall advised that members’ attendance at the open houses is greatly appreciated. The open houses can be considered as a step in the consultation process for the Assessment Report. Members who attend will be eligible to receive a per diem and mileage reimbursement.

Res. No. 21-08  Moved by:  M. Ceschi-Smith  Seconded by:  M. Wales  carried unanimously

THAT Report SPC-06-08-02 Outreach and Education Program Update be received for information.

c)  SPC-06-08-03  Comments on Proposed Stewardship Program Regulation

S. Glauser provided an overview of the report. L. Minshall added that ministry staff have indicated that the eligible area for next year’s early action fund may be broadened to accept the two year time of travel zones of Wellhead Protection Areas that have been approved by municipal council resolution.

D. Parker expressed concern that the two year time of travel could translate into an increased area of restriction. L. Minshall clarified that expanding eligibility to the two year time of travel delineation in the context of the Stewardship Program’s Early Action funding is intended to encourage voluntary improvements beyond the 100 metre zone before the Source Protection Plans are in place. This should not be interpreted into expansion of restrictions around wells. When the rules are applied they will address only the most vulnerable areas around the wells.

Res. No. 22-08  Moved by:  J. Laird  Seconded by:  L. Perrin  carried unanimously

THAT Report SPC-06-08-03 Comments on Proposed Stewardship Program Regulation be received for information.

d)  SPC-06-08-04  Terms of Reference Update and First Draft

L. Minshall noted the revised timeline for the Terms of Reference. She then provided clarification regarding municipal responses to Terms of Reference. Municipal council resolutions are required for consenting to be a task lead, elevating a non-municipal system, or exempting a municipal system. These
resolutions are required previous to ministry submission which is December 8, 2008. If the resolutions are not completed until December 8 and the resolution is contrary to what has been included in the Terms of Reference, the Source Protection Authority cannot change the Terms of Reference prior to submission to the Minister; they can only submit a request to the Minister for a revision to the Terms of Reference.

L. Minshall also noted that this timeline is based on the posting in draft of the Phase 2 Regulations and Technical Rules in June 2008. It is currently expected that the Technical Regulations and Rules may come into effect early October. This will allow the public and municipalities to comment on the Terms of Reference with the final Regulations and Rules for the Assessment Report. Municipalities may not want to make their resolutions until the Regulations come into effect.

It was noted that the Phase 2 Regulations and Technical Rules could result in significant changes to the Terms of Reference for the July 17, 2008 Source Protection Committee meeting.

M. Goldberg requested some advance notice of the expected changes to the Terms of Reference if they are to be considerable. L. Minshall advised that roundtable discussions are being planned by the Ministry of the Environment. Source Protection Committee members may attend the roundtable discussions, which will provide some insight on the changes. J. Laird expressed concern regarding time constraints if the ministry is late with posting the Regulations and Technical Rules. L. Minshall advised the Regulations are in the chain of approvals, and are no longer being developed.

L. Minshall provided a presentation with an overview of what a Terms of Reference will look like. Terms of Reference of other Source Protection Regions that have been drafted are available on Conservation Authority websites, and can also be accessed via the Conservation Ontario website at www.conservation-ontario.on.ca.

L. Minshall also noted the following:

- Work Plans are tentative and to be updated later in the Source Protection Planning process. The summary of costs relative to funds available is expected to be completed for the next draft.

- A planned system must be added to the Terms of Reference as it meets the definition of “planned”. If a planned system is added after the Terms of Reference has been approved, the Terms of Reference will need to be amended and the technical work will need to be done at that time. If the systems are not added in this round, they can be added in a subsequent round.

- The First Nations and the province are discussing the implications of bringing First Nations systems into the plan.

- Matters that affect other Source Protection Committees will require discussion with those committees regarding compatibility of policies.

- Under Watershed-wide tasks, staff costs are included under the ‘Coordination and Support’ task; while all other tasks indicate disbursement costs only.
The costs identified under ‘Work Completed or in Progress’ include all costs up to March 31, 2008. The costs identified under ‘Remaining Work’ are for work to be funded after March 31, 2008.

M. Wales requested clarification as to why the cost for Conducting a Tier 1 Water Budget Analysis is $0.00. L. Minshall responded that the Tier 1 Water Budget Analysis was rolled in with the Tier 2 Water Budget analysis because it was done as one project, and she did not separate the costs.

J. Harrison asked if all watershed-wide tasks are being led by the Grand River Source Protection Authority. L. Minshall replied affirmatively. He further inquired if the costs are dispersed to the other Conservation Authorities based on the area or the number of municipal water systems. L. Minshall replied that the costs are disbursed based on the time that the Conservation Authority staff spend on a task.

W. Wright-Cascaden suggested that coordination and support costs and disbursement costs be explained more clearly in the Terms of Reference.

L. Minshall advised that the current 2006 guidance is not specific to items such as site visits for issues evaluation. The forthcoming Technical Rules will assist with determining what issues evaluation entails. In the interim, estimated costs and schedules are necessary; however, caveats must be included to the extent possible. Whoever is committed to a task is responsible for the task regardless of future funding. It is anticipated that assigned leads could change considerably as the understanding of the implications of that role develops.

J. Harrison requested confirmation that if a municipality takes the lead and the task costs end up being higher than budgeted, that the municipality runs the risk of having to fund the additional costs. L. Minshall replied affirmatively, and elaborated stating that it is ideal to leave the door open to re-scope the task in accordance with the money that is available. J. Harrison asked who the default lead is if a municipality does not want to take on that role. L. Minshall replied that the Grand River Source Protection Authority then assumes the role of the lead. However, policy development is a local responsibility that requires local knowledge, and this responsibility will rest with the municipality or the local Source Protection Authority, in the case of Long Point Region, Kettle Creek and Catfish Creek rather than the Grand River Source Protection Authority.

M. Wales requested clarification regarding the committee’s input to the business plan/budget moving forward. L. Minshall advised that the committee’s input into the business plan is in determining the scope of the work to be done.

M. Wales asked whether working groups would be included in the Terms of Reference. L. Minshall replied that if possible we should include an estimate of the costs for working groups or a list of possible working groups. The Ministry of the Environment recognizes that the Terms of Reference will need to be amended once the Assessment Report is approved.

M. Wales expressed concern regarding workload implications in relation to the inclusion of non-municipal drinking water systems. L. Minshall replied that the villages on private or communal services are the ones being considered for inclusion, rather than individual landowners on private wells. This committee cannot
I. Macdonald requested clarification that Conservation Authority staff are eligible for funding for the administration of technical work, while municipal staff are not. L. Minshall replied affirmatively stating that the capacity has been built under Conservation Authorities for support to committee and the watershed component; the provincial government has not made provision for municipalities. Although project management tasks are not eligible, hiring contract staff for the technical work is eligible. D. Goudreau from the County of Oxford advised that the County of Oxford has hired contract staff to carry out the technical work with provincial funding.

L. Perrin asked if there is any indication that the province is going to continue to fund the Conservation Authorities, or if they will have to build capacity through their levies. L. Minshall replied that the Ministry of Natural Resources has budgeted to continue funding at this rate through 2012. The Ministry of Natural Resources has included Source Protection Planning funding to the Conservation Authorities in their base budget for some level of support going forward. The level of support moving forward may be reduced after the Source Protection Plans are done. Although there is an expectation, there is no commitment past 2012.

J. Harrison commented that the timeline chart is hard to read. H. Cornwell noted inconsistencies pertaining to the rounding of estimated costs. D. Parker noted wording revisions in the Program Overview. L. Minshall replied that this is a first draft to provide members with an overview of the Terms of Reference. The content will be refined for the next draft.

I. Macdonald asked if significant changes are expected in next draft. L. Minshall advised that the document will look the same as what members have seen. The document will be revised with more detail and improved descriptions.

R. Seibel asked if there is an overall sense that the available funding is sufficient to perform the tasks identified. L. Minshall advised that for much of the province it is. This region, however, is very complex. There are many issues in this watershed that will require further investigation.

**Res. No. 23-08 Moved by: M. Wales Seconded by: I. Macdonald carried unanimously**

THAT Report SPC-06-08-04 Terms of Reference Update and First Draft be received for information.

11. **Business Arising from Previous Meetings**

D. Parker asked if the federal sea-way authorities notify communities using lake water if there are potentially hazardous materials being transported in their area. C. Ashbaugh advised that potentially hazardous material being shipped within federal transportation corridors was discussed at the Chair’s meeting and that a best approach is still being determined.
K. Zaletnik indicated that the provincial and federal governments are communicating to determine how information can best be shared. She advised that developing an open communication with the federal government is the most appropriate course of action at this time. D. Parker suggested that he felt putting this concern forward as a recommendation would demonstrate due diligence. T. Schmidt suggested setting aside the recommendation until all threats have been identified.

M. Wales suggested that the oil and gas wells should also be taken into consideration.

M. Goldberg identified that the Clean Water Act appears to focus on identification of stationary threats and suggested that transient threats should also be given proper consideration.

C. Ashbaugh offered that a letter expressing concern over federal transportation corridors in vulnerable areas may be sufficient, as opposed to a committee resolution.

M. Wales noted that dredging would also impact the Great Lake intake.

H. Cornwell inquired as to how the transportation of dangerous goods in federal transportation corridors would be applied in the vulnerability calculations. L. Minshall advised that the ministry is still contemplating how to apply vulnerability calculations for transitory hazards.

12. Other Business

a) Director’s Technical Rules: Information and Consultation Sessions

L. Minshall advised members that the ministry will be holding round table discussions the last week of June/first week of July and asked if any members would like to participate. The technical full day sessions will be available to two or three members who have been involved in the technical studies. The half day higher level sessions are available to the Chair and a member from each sector. There will be sessions in London, Toronto, Barrie, Kingston, and Ottawa. The half day is proposed for July 7, 2008 and the full day for July 8, 2008. The dates are still tentative.

D. Murray and L. Perrin offered to attend the technical discussions in London. L. Perrin will contact A. Henry to determine availability.

I. Macdonald expressed interest in attending the June 23, 2008 technical discussions in Toronto. The date may shift, staff will continue to keep I. Macdonald updated.

R. Haggart, H. Cornwell, J. Laird, T. Schmidt offered to attend the higher level sessions as municipal representatives. M. Ceschi-Smith and W. Wright-Cascaden offered to attend as public interest representatives. M. Wales offered to attend as an agricultural/economic representative and P. General will advise staff on availability for First Nations representation.
b) Change to Mileage Reimbursement Rate

The reimbursement rate for mileage for the Source Protection Committee is determined by the Grand River Conservation Authority staff rate. The rate has increased to $0.48 per kilometer effective July 1, 2008.

c) Question and Answer Period

L. Perrin reminded members that the next meeting is in Aylmer at the East Elgin Community Complex.

The meeting will begin half an hour earlier in anticipation of a heavy agenda. Directions to the meeting will be sent to members with their agenda.

d) Compensation

M. Wales advised that a Source Protection Committee in the Raisin South Nation Region has discussed the task of creating a compensation model for those affected by land use restrictions. He asked where the idea of compensation for land use restrictions comes into the plan development and how it will be dealt with in our process. L. Minshall responded that the province is currently investigating options for policies and instruments including their financial implications with involvement from the Ontario Farm Environmental Coalition. If the province and the Ontario Farm Environmental Coalition agree on language for such a task, it can be brought forward into the Terms of Reference. M. Wales offered to circulate the model created by the Raisin South Nation Source Protection Committee. L. Minshall advised that part of the discussion is that the Clean Water Act has expressed language that says no compensation is due. There has been much discussion between the Ministry of the Environment and the Ontario Farm Environmental Coalition regarding the nuances of the Clean Water Act. They are working towards agreement; it is best to wait until the parties work through the legalities.

J. Harrison reminded members that the purpose of this committee is to examine where municipal water sources are, the challenges to those sources, and to develop a plan to mitigate those challenges around those sources. Cost issues should be dealt with province-wide for the sake of consistency. This is not an issue for this committee, but for the province. M. Wales responded that this is an opportunity to make recommendations on how it will be dealt with provincially. D. Parker offered the suggestion of decreasing the municipal tax rate on the land affected.

K. Zaletnik advised that there will be an opportunity to comment on financial instruments when the Source Protection Plan discussion papers are released.

13. Closed Meeting

Not applicable.

14. Next Meeting – Thursday, July 17, 2008, 12:30 pm at the East Elgin Community Complex, Imperial Hall, Room C
15. **Adjourn**

    The meeting adjourned at 3:38 p.m.

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Chair                        Recording Secretary