LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, September 4, 2008

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, September 4, 2008 at the Grand River Conservation Authority Administration Office, 400 Clyde Road, Cambridge, Ontario.


Members Regrets: M. Ceschi-Smith; M. Goldberg

Proxy Representatives: S. Kongara (M. Ceschi-Smith)

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

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


Also Present: B. Fields, Norfolk County; D. Goudreau, County of Oxford, S. Kurli, Halton Region; L. Lobe, Region of Waterloo; C. Tyler, University of Guelph; P. Wilson, Haldimand County

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 announcements, meetings, and events:
Minutes of Meeting
Lake Erie Region Source Protection Committee
September 4, 2008

- Because per diems and mileage are processed once per month, per diems for Source Protection Committee meetings scheduled for mid-month will be paid out the following month.

- Members are reminded to notify Simon Glauser when they are unable to attend a committee meeting. Members who intend to appoint a proxy in their absence must notify the Chair and S. Glauser prior to the meeting. The notice should include the name of the person holding the proxy.

- Members were notified on August 4, 2008 that the public consultation meetings on October 6, 7 and 8 will require volunteers to chair. M. Goldberg volunteered for October 6 in Fergus; staff will confirm his availability. L. Perrin will chair the meeting on October 7 in Port Stanley, and B. Ungar will chair the meeting on October 8 in Aylmer.

- Obsolete drafts of the Terms of Reference can be brought to the next meeting for recycling at Grand River Conservation Authority.

4. Review of Agenda

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

   THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of September 4, 2008 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 7, 2008

   Moved by: B. Ungar
   Seconded by: L. Perrin        carried unanimously

   THAT the minutes of the previous meeting of August 7, 2008 be approved as circulated.

7. Hearing of Delegations

   None

8. Presentations

   None
9. Correspondence

a) Copied

i) Correspondence from Michael Goffin, Director, Strategic Integration & Partnerships Division, Environment Canada to Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment, Drinking Water Management Division, Re: Invitations to comment on Source Protection Committees' proposed Terms of Reference for the preparation of Assessment Reports and Source Protection Plans

b) Not Copied

None

*Res. No. 30-08*  
Moved by: A. Henry  
Seconded by: J. Harrison  
carried unanimously

THAT the correspondence be received as information.

10. Reports

a) SPC-09-08-01 Terms of Reference Consultation Process Update

L. Perrin suggested that a digital copy of the public consultation advertisement be distributed to municipalities for posting on municipal websites.

*Res. 31-08*  
Moved by: A. Henry  
Seconded by: M. Wales  
carried unanimously

THAT Report SPC-09-08-01 Terms of Reference Consultation Process update be received for information.

b) SPC-09-08-02 Terms of Reference Update

*K. Hunsberger joined the meeting at 1:12 p.m.*

L. Minshall highlighted the key changes made to the Terms of Reference. It was noted that during the public comment period, municipalities should review the list of drinking water systems to be included in the Assessment Report, and the Task Lead named for each task. Municipal resolutions are required for any tasks municipalities intend to lead. Work plan details and cost estimates are tentative, pending final Assessment Report regulations and Director's Rules.

L. Minshall noted that the MOE Wizard was not used to generate this version of the Terms of Reference, because the document that it generates does not organize the information appropriately for source protection areas.
that have multiple municipalities with multiple drinking water systems. The Ministry has been notified that we plan to circulate a manually-developed version for public consultation.

L. Minshall identified that the Six Nations Grand River Water Supply System at Ohsweken has been tentatively added to the list of systems, pending a Band Council resolution and Ontario regulation under the Clean Water Act.

L. Minshall advised that small changes were made to the Terms of Reference since it was distributed to the Source Protection Committee. An overview of the changes was provided, along with replacement pages for members.

T. Schmidt noted on page A.44 of the Grand River Source Protection Area Terms of Reference, that the timeline of September 2009 for the Risk Assessment task is not achievable for the Region of Waterloo. He advised that December 2010 would be a more realistic deadline. L. Minshall advised that in January 2010 the first Assessment Report will be due; the Lake Erie Region's objective will be to submit a preliminary Assessment Report for this deadline, but continue the technical work and have an amended report by the time the Source Protection Plan is prepared. This approach is necessary for the Lake Erie Region because of its complexities. The dates reflected in the Terms of Reference should meet regulation deadlines with the full expectation that technical work will continue beyond 2009.

T. Schmidt advised that the Ministry inspects municipalities for compliance and expressed concern regarding committing to these dates and being held accountable. He further suggested that at some point the Ministry of the Environment should be advised that the regulatory timelines are not achievable, and that a more realistic timeline for task completion should be submitted.

L. Minshall suggested that the Source Protection Committee submission to the Source Protection Authority could note that timelines do not reflect realistic deadlines for work completion. She also suggested a letter could be sent to the Ministry of the Environment requesting guidance on how to address unachievable timelines.

J. Harrison stated that any unresolved municipal comments are to be forwarded to the Source Protection Authority and the Minister of the Environment. Municipalities can submit letters with the Terms of Reference stating that they will be unable to meet the task timelines.

A. Henry pointed out that any work for which the municipality is the task lead will require a council resolution, and suggested that the municipal council could address unrealistic timelines in their resolution.

L. Minshall suggested that all of these methods can be used to advise the Ministry of the Environment of the difficulties with the task timelines.
J. Oliver stated that while he respects the municipal concerns, one of the roles of the committee should be to make all efforts to meet the regulated timelines.

R. Seibel asked if members could receive a copy of the Terms of Reference generated by the MOE Wizard, so that members could compare the document to the manually-generated version. L. Minshall advised that staff have entered and generated Terms of Reference documents for Catfish Creek Source Protection Area and Kettle Creek Source Protection Area; however, when the output for Long Point Region Source Protection Area was generated the information became much less readable. It became clear that the Wizard would make the Grand River Source Protection Area Terms of Reference indecipherable, given the number of municipalities with multiple drinking water systems. Staff will post the Catfish Creek and Kettle Creek Source Protection Area Terms of Reference on the members secure website so that members can compare the versions.

D. Woolcott asked if Conservation Authorities expect to meet the timelines listed in the Terms of Reference. L. Minshall described that the Conservation Authority tasks are more straightforward, and if the Director's Rules are release in early October, the timelines will likely be met. If the final guidance is not available, the Conservation Authorities will not be able to meet the regulatory timelines.

M. Wales asked if it is realistic to expect the regulations by October 1, 2008. L. Minshall advised that the date remains the Ministry's objective. M. Wales inquired if a resolution requesting an extension will be necessary if the regulations are not released by October 1. L. Minshall responded that a request for extension would be required, if the MOE does not provide a province-wide extension to the timelines.

M. Wales requested further details regarding the 'statements of principle' referenced in the report that were included in the Terms of Reference. L. Minshall advised that in Section 1.3 the Terms of Reference states that the "Lake Erie Region SPC will continue to request that the province funds the stewardship program beyond 2011..." and in Section 1.4 they state "We will work with others to gather technical knowledge on which well-informed, consensus-based decisions can be made in an open and consultative manner."

D. Parker requested clarification regarding section 1.4 where the Terms of Reference state "...policies that are environmentally protective, effective, economical, and fair to local communities". L. Minshall advised that the intention of this phrase is to state that the committee would be cognizant of the impact of source protection plans on local communities when deciding on policies.

D. Parker requested clarification regarding the paragraph in Section 1.4 of the Terms of Reference which states "The Act allows for other water
systems to be considered, including clusters of private wells, communal systems, and other non-municipal supplies." Concern was raised over whether the statement encourages municipalities to include non-municipal systems, such as communal or private systems in campgrounds in Source Protection Planning. L. Minshall noted that it refers to the possible scope of the Clean Water Act, since these systems could be included if municipalities or the Minister of the Environment determine they should be.

I. Macdonald asked whether the concerns noted by members on the municipal timelines should be included in the resolution to approve the Terms of Reference for public consultation. L. Minshall suggested that it would be more appropriate for the members to comment on municipal concerns on the timelines on November 6, when the committee will be asked to approve the Terms of Reference for submission to the Source Protection Authorities. L. Minshall suggested members could leave the current resolution unchanged, and direct staff in a separate resolution to seek clarification on the Ministry’s position.

C. Martin advised that the Six Nations Source Protection Plan for the Reserve is half complete. He advised he could bring the motion for inclusion of the Ohsweken intake to Band Council by the end of the month. L. Minshall advised that staff can provide suggested wording for the Band Council resolution.

Res. 32-08  
Moved by: J. Harrison  
Seconded by: B. Ungar  
carried unanimously

THAT the Lake Erie Region Source Protection Committee approve the draft Catfish Creek Source Protection Area Terms of Reference, Grand River Source Protection Area Terms of Reference, Kettle Creek Source Protection Area Terms of Reference, and the Long Point Region Source Protection Area Terms of Reference for public consultation.

Res. 33-08  
Moved by: I. Macdonald  
Seconded by: A. Henry  
carried unanimously

THAT the Source Protection Committee direct staff to seek written clarification from the Ministry of the Environment on the inclusion of practical timelines for the completion of Assessment Report tasks in the Terms of Reference.

J. Oliver expressed support for the inclusion of the Six Nations intake relative to off-reserve activities. He asked if on-reserve assessments and impacts are being studied. C. Martin replied that the Six Nations Source Protection Plan is currently being developed for internal threats.
11. Business Arising from Previous Meetings

a) Appointment of Acting Chair for October 16, 2008 Committee meeting

C. Ashbaugh called for nominees to chair the October 16, 2008 Source Protection Committee meeting.

B. Ungar nominated M. Wales. There were no other nominees put forward.

M. Wales was acclaimed as acting chair for the October 16, 2008 Source Protection Committee meeting.

12. Other Business

a) Question and Answer Period

J. Oliver advised that Norfolk County Council does not meet on the 30th of September, so there is no conflict with the public meeting date in Delhi.

The A.D. Latornell Symposium is on November 19, 20 and 21, 2008 at Nottawasaga Inn in Alliston, Ontario. Brochures were distributed to members.

The Grand River Watershed Water Forum is on September 19, 2008 at the Grand River Conservation Authority. Minister Gerretson will be attending to start off the event. Information and registration are available on www.grandrivers.ca.

13. Closed Meeting

Not Applicable

14. Next Meeting – Thursday, October 16, 2008, 1:00 pm,
Grand River Conservation Authority, Auditorium, 400 Clyde Road, Cambridge.

15. Adjourn

Moved by: A. Henry
Seconded by: G. Rae carried unanimously

THAT the Lake Erie Region Source Protection Committee meeting of September 4, 2008 be adjourned. The meeting adjourned at 2:05 p.m.

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Chair                                                  Recording Secretary