The following are the minutes of the Lake Erie Region Source Protection Committee held on Thursday, July 17, 2008 at the East Elgin Community Complex, Imperial Hall, Room C, 531 Talbot Street West, Aylmer, Ontario.


Members Regrets: M. Goldberg, R. Haggart; B. LaForme

Proxy Representatives: T. Broscomb (M. Goldberg); A. Davidson (R. Haggart)

Liaisons: A. Dale, Source Protection Authority Liaison; D. Molnar, Provincial Liaison; D. Quibell, Public Health Liaison

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

Staff: S. Cooke, J. Etienne, S. Glauser, L. Minshall, M. Murray, T. Seguin, G. Sousa, G. Zwiers

Also Present: D. Goudreau, County of Oxford; S. Kongara, City of Brantford; R. Millard, Township of Malahide; S. Smith, University of Guelph

1. Call to Order

C. Ashbaugh called the meeting to order at 12:45 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 asked Gerry Richer, Chair of Catfish Creek Conservation Authority to say a few words.

Gerry Richer welcomed members and guests and offered tours of the East Elgin Community Complex, Catfish Creek Conservation Authority office and parks.
C. Ashbaugh then spoke to the following announcements, meetings, and events:

- The first round of Stewardship Outreach and Education open houses is complete. Open houses were well done and a positive outreach for Source Protection Planning and Stewardship Program Early Actions.

- S. Glauser and C. Ashbaugh attended a Six Nations Source Protection forum on June 24, 2008. The forum was hosted by P. General. Discussions and presentations were positive and informative.

- Ministry roundtable discussions pertaining to the Clean Water Act Phase 2 Regulations and Technical Rules occurred throughout Ontario from the end of June through the middle of July. Various members and staff attended these sessions.

4. Review of Agenda

Item 12. a) Stewardship Program Update (verbal) was added to the proposed agenda.

    Moved by: A. Henry  
    Seconded by: L. Perrin    carried unanimously

THAT the amended agenda for the Lake Erie Region Source Protection Committee Meeting of July 17, 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.


D. Molnar provided clarification from K. Zaletnik stating that at the June 5, 2008 meeting, K. Zaletnik advised that there would be opportunities to comment on financial instruments coming out of the Source Protection Planning discussion paper, not on compensation.

    Moved by: M. Ceschi-Smith  
    Seconded by: G. Rae    carried unanimously

THAT the minutes of the previous meeting of June 5, 2008 be approved as amended.

7. Hearing of Delegations

None

8. Presentations

None
9. Correspondence

a) Copied

i) Correspondence from the Honourable John Gerretsen, Minister of the Environment to Paul Emerson, Chief Administrative Officer, Grand River Conservation Authority and Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Committee Terms of Reference Extension Request.

ii) Correspondence from Dan Marinigh Acting Director, Lands and Water Branch, Ministry of Natural Resources to Paul Emerson, Chief Administrative Officer, Grand River Conservation Authority Re: Lorrie Minshall’s Involvement in Source Protection Planning Initiatives.

iii) Correspondence from Lynda Millard, Clerk, Municipality of Bayham to Lorrie Minshall, Source Protection Program Director, Lake Erie Source Protection Region Re: Correspondence from the Nation Municipality regarding Compensation Resolution for Source Protection (refer to Report SPC-07-08-03).

iv) Correspondence from Darryl Lee, City Clerk, City of Brantford to Dolly Goyette, Manager, Ministry of the Environment Guelph District Office Re: Sewage Bypass Events in the Grand River Watershed

v) Correspondence from Dolly Goyette, Manager, Ministry of the Environment Guelph District Office to Darryl Lee, City Clerk, City of Brantford Re: Sewage Bypass Events in the Grand River Watershed

vi) Correspondence from Ian Smith, Director, Source Protection Programs Branch to Doug Quibell, Manager of Environmental Health, Region of Waterloo Health Unit Re: Designation of Medical Officer of Health Liaison to the Lake Erie Region Source Protection Committee.

M. Ceschi-Smith commented that she was relieved to see that the City of Brantford received a response from the Ministry of the Environment (MOE). Brantford’s drinking water issues affect many individuals, and Brantford is working towards reversing the increasing number of spills. S. Kongara commented that the number of spills has been increasing, and the MOE and the City of Brantford are communicating with, and taking actions in cooperation with partner municipalities to decrease the number of spills into the Grand River.

P. Emerson advised that there was a meeting regarding spills into the Grand River with staff from upstream municipalities, the City of Brantford and the Grand River Conservation Authority. The GRCA will be authoring a report regarding issues and actions underway in the Grand River Watershed which will include spills into the Grand River.

M. Ceschi-Smith provided a notice of motion regarding spills to the Grand River.
J. Oliver requested that L. Minshall comment on the concerns in Brantford, and asked if these concerns would be addressed in the Source Protection Plan. L. Minshall advised that the proposed Technical Director's Rules, as they are currently written, do not address spills for which notification can be provided. Given the current interpretation of the assessment report rules, it will be difficult for the committee to deal with Brantford's spills issues directly in the Source Protection Plan. Staff have been discussing with the MOE various options for the inclusion of Brantford's drinking water concerns in the source protection plan. Given the current lack of means for inclusion of spills in the source protection plan, J. Oliver expressed his support for the notice of motion.

J. Harrison suggested the wording of the motion should take into consideration the potential differences among member municipalities and not be seen to be taking sides.

I. Macdonald reminded committee members of the resolution not to interfere with municipal planning issues and to consider the suitability of the Source Protection Committee becoming involved.

Res. 24-08  
Moved by: B. Ungar  
Seconded by: L. Perrin  
carried unanimously

THAT the correspondence be received for information.

b) Not Copied

None

10. Reports

a) SPC-07-08-01  Draft Assessment Report Regulation and Rules

The Clean Water Act Phase 2 Regulations and Technical Rules were posted on June 20, 2008. The comment period expires August 5, 2008. L. Minshall provided an overview of the proposed Assessment Report Regulation and Technical Rules, and the comments that staff propose to submit on behalf of the Source Protection Committee (definition of an issue, method of identifying threats, and supporting documentation for hazard scores). From early discussions with MOE staff, the definition of an issue and threats identification may be readdressed.

L. Minshall referred to the list of activities that are described as drinking water threats and advised that there is a process whereby the committee can put forward activities other than those on the prescribed list. Although it is not posted on the Environmental Registry, the MOE has suggested that they will provide the documentation on how the hazard scoring and risk assessment was undertaken.

*T. Schmidt arrived at 1:25
L. Minshall expressed concern over the lack of latitude in the Technical Director's Rules for the committee to do what it believes is right. It is, however, acceptable for the Director to consider exceptions and alternatives to the rules, which allows some latitude for bringing a local situation into the source protection plan.

In response to M. Ceschi-Smith's notice of motion, L. Minshall suggested the Committee add the frequency of spills to the comments to be submitted to the MOE. She then asked if the committee had any further comments for inclusion with the comments to be submitted to the MOE on August 5, 2008.

M. Wales commented that at the roundtable meetings it was mentioned that quantity is also considered a threat, particularly in relation to climate change, and will be added to the prescribed drinking water threats; this would indicate that water taking could be perceived as a threat.

L. Minshall expanded, stating that I. Smith advised that the province is moving forward on a climate change adaptation strategy. Right now they are requesting that a chapter be included in the assessment report commenting on how climate change might affect the conclusions of the assessment report. It is not the MOE's intention to incorporate changes based on climate change considerations into the assessment report. There is no current requirement to develop climate change scenarios.

I. Macdonald stated that quantity should be acknowledged as a concern regardless of climate change.

L. Minshall commented that key concerns the Lake Erie Region would want to bring forward have not been identified. The threats to water quantity for our region will be identified in the Tier 2 and Tier 3 Water Budget Studies. These studies will identify areas of potential stress. Municipal water supplies in the identified areas of potential stress will need to do additional studies. Simcoe, Waterford, Delhi, Guelph and the Region of Waterloo are some areas that are undertaking or may require further studies (Tier 3 Water Budgets). In areas identified to have a moderate or high potential stress, the water uses in those areas are considered to be moderate threats. If the total water taking is affecting the water supply; the collective water takings are the threat.

M. Wales requested clarification on the number of threats. L. Minshall clarified that the prescribed list and all permutations would equal approximately 42,000; of the 42,000, 3,000 of these are considered to be significant. This number represents all of the possible threats on the landscape, although not all of these will be present in the Lake Erie Region.

A. Henry commented that transportation corridors remain unaddressed in the Rules and Regulations. L. Minshall suggested this concern can be added to the key comments for submission to the MOE. Transportation corridors are not addressed because the corridor is not an activity; the
activity is transportation of material. The MOE has indicated that local emergency plans already deal with the transportation of hazardous material.

A. Henry expressed caution regarding the use of the hazard scoring tables by municipal staff. L. Minshall responded that it is appropriate for municipalities to put the vulnerable areas in their plans as soon as they have them and elaborated that they have an obligation to include them; the table, however, would not be appropriate to inform municipal land use planning, because it is preliminary and draft.

M. Ceschi-Smith expressed support for adding spills severity, quantity, and frequency to the list of comments for MOE submission.

T. Schmidt suggested that the staff comment pertaining to issues definitions seems unnecessary. He stated that many things interfere with water treatment processes, such as turbidity. L. Minshall clarified that the comment is suggesting that the parameters that undermine the treatment process also be taken into consideration when identifying issues. T. Schmidt responded that a treatment plant should be designed to address the challenges of its source water.

L. Minshall reminded T. Schmidt that Source Protection Planning is a multi-barrier approach. T. Schmidt responded that municipalities need to take into consideration the source water available and treat it accordingly; it is not realistic to assume a pristine water source.

M. Wales had understood from the roundtable meetings that areas more susceptible to climate change should be identified and that their source protection plans would be accelerated. D. Molnar responded that climate change data could be included in forecasting for the water budget, and if appropriate, that data could be included in the assessment report. D. Molnar suggested that the MOE will be providing a memo to committees summarizing and clarifying the incorporation of climate change into the development of the Assessment Report and Source Protection Plan.

W. Wright-Cascaden interpreted the comment pertaining to the definition of issues as referring to 'unexpected' interference with water treatment processes; and suggested that adding 'unexpected' to the comment could clarify the comment.

J. Laird questioned how much impact the comment pertaining to issues definition could have if the wording we are requesting was included in the earlier guidance documents, and then removed in the proposed Technical Rules. L. Minshall replied that the legal department removed the reference to parameters that interfere with water treatment from the issues definition, because they could not link that portion of the definition to an existing provincial standard. Ministry staff did not conceptually want to remove the definition as it was written; the definition was removed due to legalities. J. Laird asked for clarification as to how the word ‘unexpected’ would apply
to ammonia. L. Minshall replied that the intent of the comment is to address parameters that undermine the treatment process; the wording originally used in the guidance may provide the best description.

T. Schmidt reiterated that an appropriately designed facility should be able to deal with the issues.

M. Ceschi-Smith responded that the Brantford water treatment plant is a well designed facility; the ammonia poses difficulties because it interferes with the treatment process.

T. Schmidt offered to have Region of Waterloo staff provide additional information on the subject of upstream water treatment. He requested deferral of M. Ceschi-Smith's motion until the September meeting, as he will be absent from the August meeting. M. Ceschi-Smith will not be available for the September meeting. M. Ceschi-Smith agreed to defer the Notice of Motion until October, and T. Schmidt agreed to have Region of Waterloo staff present at the October meeting.


Res. 25-08

Moved by: M. Ceschi-Smith
Seconded by: L. Perrin carried unanimously

THAT the Program Director make comments on behalf of the Source Protection Committee to the Ministry of the Environment regarding the Draft Assessment Report Regulations and Technical Rules, that include the following concerns:

a) The definition of an issue as presented in Technical Rules does not address drinking water issues related to interference with the water treatment process (e.g. ammonia) or aesthetic parameters affecting potability (e.g. chloride).

b) The method for identifying threats (sources of contamination) that are linked with drinking water issues is likely to be effective only for single or clustered threats and will not be effective for widely distributed non-point sources. The consideration for cumulative threats has been lost.

c) The Ministry should provide technical documentation on how the hazard scores and subsequent Tables of Activities that are Significant, Moderate and Low Drinking Water Threats were developed, so that the SPC can benefit from the considerations that the MOE has used in the development of these rankings.

d) The proposed Assessment Report Regulation and Technical Director's Rules do not provide a means to consider the risk to drinking water sources associated with the frequency and severity of spills and by-passes.
e) The proposed Assessment Report Regulation and Technical Director's Rules do not provide a means to consider the risk associated with transportation corridors.

b) SPC-07-08-02 Terms of Reference Update

L. Minshall advised that a substantially completed draft of the Terms of Reference will be provided for the August 7th committee meeting. There should be only minor changes for the September meeting so that the Terms of Reference is ready for posting. Municipal council resolutions accepting the lead for tasks in the work plans will not be necessary until after the committee approves the Terms of Reference and submits it to the Source Protection Authority.

L. Minshall provided an overview of the principles used to assign task leads. L. Minshall stated that an explicit task will be listed for each cross municipal boundary. Municipalities with cross-municipal boundaries should agree to an approach and select a lead. The Municipal Water Services Technical Group suggested that the Source Protection Authority should be the lead for cross-municipal boundary matters, since the SPA would be considered a neutral third-party.

J. Harrison requested clarification that the next draft will indicate the Conservation Authorities/Source Protection Authorities are the lead on cross municipal boundaries unless the municipalities state otherwise. L. Minshall confirmed that this is correct.

R. Krueger asked how cross-watershed matters are addressed in the Plan. L. Minshall responded that for cross-watershed matters within the Lake Erie Region, either municipal or the Conservation Authority will be the lead. It will be easier to ensure consistency of approaches and policies for cross-watershed matters within the Lake Erie Region, since the matter can be discussed at the Source Protection Committee. Cross-Source Protection Region matters will also be considered. These will require coordination between municipalities and neighbouring Source Protection Committees. If a cross-Region boundary matter is contained within a single municipality, it will be relatively easier to ensure consistency of source protection plan policies within that municipality. All cross-SP Region matters must be listed in the Terms of Reference.

A. Henry asked if there is also a cross-region situation with the Elgin Area Primary Water Supply, since it provides water to communities in both the Lake Erie Region and Thames-Sydenham & Region. L. Minshall confirmed that this will be listed as a cross-SP Region matter.
c) SPC-07-08-03 Report on Compensation and Financial Assistance Discussion

L. Minshall provided an overview of the report. The Minister of the Environment has succinctly stated that compensation cannot be added to the Clean Water Act. Since the question of compensation affects all source protection regions, it was recommended that the Committee wait for the province to provide direction on the inclusion of appropriate wording in the Terms of Reference, prior to discussing the issue in detail. Further, it was recommended that the Committee defer the response to the Municipality of Bayham and wait until more information comes forward from the province.

L. Minshall pointed out that the work plan for the development of the Source Protection Plan includes the development of evaluation criteria used to evaluate the range of policies to address significant threats. The evaluation criteria will include a consideration of the financial implications of each policy option. The Terms of Reference task could include a note that the evaluation criteria will include consideration of the financial impact of the policies.

T. Schmidt suggested that the compensation model was written from an agricultural perspective; he reminded members that the impacts on small business could also be significant. Further, the compensation model implies that agricultural land would have the future potential to become developable land. T. Schmidt clarified that there is no guarantee that agricultural land would be re-zoned to anything other than agricultural use.

D. Parker stated that only 65 of 230 wells have agricultural land within the 100 metre area. He proposed that the province should consider investing their stewardship funding towards a program requiring farmers to pay for spreading time for manure application in protected areas as opposed to upgrading manure spreading equipment, which has a limited life span.

M. Wales explained that the compensation model was written from an agricultural perspective, because the agricultural sector has had significant regulation in the past and the sector is particularly sensitive to further regulation.

M. Wales acknowledged there are other industries that may be impacted by Source Protection Planning and stated that there are numerous financial instruments which may be feasible options.

Res. 26-08 Moved by: J. Harrison
Seconded by: R. Krueger carried unanimously

THAT Report SPC-07-08-03 Report on Compensation and Financial Assistance Discussion be received for information.
11. Business Arising from Previous Meetings

None

12. Other Business

a) Stewardship Program update

L. Minshall participated on a teleconference regarding the new Stewardship Program prior to attending this meeting. The new program will be released in the next couple of weeks and will be implemented during the month of August. The Ministry has made changes to the program based on comments received. A brief overview of the changes include:

- Increased grant rates (i.e. well decommissioning & septic upgrades are now eligible for 80% funding).

- Area of eligibility has been extended to the full Intake Protection Zone 1 for surface water and two-year Time-of-Travel zones for groundwater supplies.
  
  o Two-year Time-of-Travel zones eligible for the program include those in an approved Official Plan; those approved by municipal council resolution to be incorporated into an Official Plan; and those that have been endorsed through municipal council resolution to be used for the purposes of delivering the Stewardship Program.

- The land conservation program (land purchase/lease/easement for land within 100 metres of municipal wells) will now be eligible.

The Stewardship Program remains retroactive to September 2006. Applicants in the 100 m zone who already received grants during the 2007-08 program, will now be eligible to receive additional funding if the grant rate increased for the projects undertaken. Any eligible work that has been done in the two year zone as far back as September 2006 is now eligible for reimbursement. The Early Actions component of the Stewardship Program will continue to be administered by the Conservation Authorities and the Ontario Soil and Crop Improvement Association.

The Outreach and Education component of the Program will no longer be carried out by the Conservation Authority alone. The Conservation Authority now requires a partnership with one or more municipalities.

D. Parker expressed concern regarding the two year time of travel delineation increasing proportionate to the rate of development. A. Henry advised that the two year time of travel is based on the maximum pumping capacity of the well. The two year time of travel will not change unless another well is drilled. L. Minshall expanded stating that the two year time of
travel zone is based on permitted/allocated pumping. The rate of pumping is fixed.

M. Wales asked how new wells are taken into consideration. L. Minshall replied that if a new well has been identified as the preferred option in an Environmental Assessment, it must be included in the Terms of Reference, Assessment Report and Source Protection Plan.

J. Oliver asked if the Intake Protection Zone 1 eligibility is based on a 200 m radius. L. Minshall responded that the full Intake Protection Zone 1 is now eligible, however it is defined.

b) Watershed Characterization Reports

The Watershed Characterization Reports for Catfish Creek, Kettle Creek, Grand River and Long Point Region have been posted on www.sourcewater.ca. The formatting has changed since the original version was distributed to members, but the content has not changed. The Watershed Characterization Reports are living documents and will be updated moving forward.

c) Source Protection Committee Members’ Secure Website

The Secure Website for members is now available. Members should have received an e-mail with their password. Members with questions or comments may contact S. Glauser.

d) Question and Answer Period

J. Oliver asked for clarification regarding delivery of the new Outreach and Education program if the Conservation Authorities are no longer eligible for funding. L. Minshall replied that there will be three funding sources for the Stewardship Program. Funding for Early Actions will require the Conservation Authorities to develop and provide a business plan. The Outreach and Education funds will require a partnership between the municipalities and the Conservation Authorities. The Conservation Authorities cannot apply for these funds unless partnered with a municipality. Province-wide the Ministry is encouraging Conservation Authorities and municipalities to partner for the Stewardship Program implementation. The Lake Erie Region will discuss with the Municipal Technical Group how to move forward with the new scenario.

J. Oliver asked to what extent we want to encourage the public to attend the Source Protection Committee meetings when off-site. L. Minshall replied that the purpose of providing off site meetings was to encourage the public from various locations in the region to attend. Local advertising options will be investigated.
13. Closed Meeting

Not Applicable

14. Next Meeting – Thursday, August 7, 2008, 12:30 pm,
Delhi German Home, 443 James Street, Delhi, Ontario N4B 2B9.

15. Adjourn

*Moved by:* A. Henry  
*Seconded by:* M. Wales  
*carried unanimously*

THAT the Lake Erie Region Source Protection Committee meeting of July 17, 2008 be adjourned. The meeting adjourned at 3:00 p.m.

_______________________________  _______________________________
Chair      Recording Secretary