LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, August 12, 2010

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, August 12, 2010 at the Grand River Conservation Authority Administration Centre, 400 Clyde Road, Cambridge, ON.


Members Regrets: J. Harrison, J. Laird, B. LaForme, I. Macdonald, C. Martin, D. Murray, G. Rae


Liaisons: K. Turner, Provincial Liaison; A. Dale, Source Protection Authority Liaison; D. Young, Public Health Liaison

Region Management Committee: C. Evanitski, LPRCA; T. Marks, KCNA; S. Martyn, CCCA; K. Smale, CCCA, E. Vanhooren, KCCA

Staff: M. Anderson, GRCA; S. Brocklebank, GRCA; S. Cooke, GRCA; A. Davidson, GRCA; N. Davy, GRCA; J. Etienne, GRCA; J. Farwell, GRCA; B. Fields, Norfolk County; E. Hodgins, Region of Waterloo; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; T. Ryan, GRCA; T. Seguin, GRCA; M. Sherran, County of Oxford; L. Stafford, City of St. Thomas; E. Stahl, GRCA; A. Wong, GRCA; G. Zwiers, GRCA

Also Present: G. Ounapuu (Lotowater); M. Sherran (County of Oxford); Lynn Stafford (City of St. Thomas)

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:

- Two public meetings for the Long Point Region Source Protection Area Assessment Report took place on August 5 in Tillsonburg and August 10 in Simcoe.
- Paul Emerson will be retiring from the Grand River Conservation Authority and has accepted the position of Chief Administrative Officer with the County of Brant.
- Geoff Rae has accepted a position with the City of Hamilton and has resigned from the Source Protection Committee due to the change in municipal representation.
- Eric Hodgins and Lorrie Minshall will be accompanying representatives from the Ministry of the Environment as a delegation in China. They will be presenting the Source Protection initiatives currently underway in Ontario.

* Don Woolcott joined the meeting at 1:05.

4. Review of Agenda

The agenda was reviewed, and it was noted that a revised Report SPC-08-10-02, Six Nations of the Grand River Vulnerability, Threats and Issues was distributed.

_Moved by: A. Henry_  
_Seconded by: B. Ungar_ carried unanimously

_THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of August 12, 2010 be approved as revised._

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 8, 2010

_Moved by: A. Henry  
Seconded by: M. Wales_ carried unanimously

_THAT the minutes of the previous meeting July 8, 2010 be approved as distributed._

7. Hearing of Delegations

None
8. Presentations

None

9. Correspondence

a) Copies for Members

i) Correspondence from Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment to Craig Ashbaugh and Lorrie Minshall Re: Extension Request for Long Point Region and Grand River Source Protection Area Assessment Reports.

Res. No. 56-10  Moved by: R. Krueger
Seconded by: M. Ceschi-Smith  carried unanimously

THAT the correspondence be received as information.

b) Not Copied

None

10. Reports

a) SPC-08-10-01 Transportation Threats

M. Keller provided an overview of Report SPC-08-10-01. He noted that with the new regulation the committee can approve policies for transportation threats even if they have not included them in the Assessment Report.

D. Woolcott asked if pipelines are considered a transportation corridor. K. Turner noted that she will investigate whether pipelines have been included as transportation corridors.

A. Henry commented that local policies are not binding on provincial or federal highways. The SPC can create policies regarding transportation threats, but if a highway is not under municipal jurisdiction, that highway is excluded and the municipality has no ability to enforce a local policy. M. Keller agreed that local policies would not be binding on provincial highways. A. Henry asked if anything could be done with respect to the Great Lakes and transportation threats. M. Keller replied that the committee can discuss this issue with the federal government. A. Henry stated that it is a limitation of the Source Protection Plan that it cannot create protection for highways or for the Great Lakes. K. Turner mentioned that whether a policy is binding or not would depend on who it is directed at. She noted that the SPC can write policies to update spill prevention and spill contingency plans or emergency response plans without having identified any local transportation threats in the Assessment Report, and can provide recommendations to the province on best practice.

A. Henry also noted that policies would need to address a specific threat which would mean knowing specific substances that are transported. M. Keller explained that the SPC
would have to pick a specific substance and could pick a worst case scenario as the basis for applying for a local transportation threat.

W. Wright added that to place a berm requirement adjacent to provincial highways would be within the municipality’s ability.

*Ken Hunsberger joined the meeting at 1:25.

A. Henry noted that if or when a spill occurs, it will eventually get into the water courses or groundwater table and there is currently a lack to properly account for transportation corridors as a threat. When finalizing the source protection plan, this is going to be an obvious flaw that the public will provide feedback on.

M. Goldberg pointed out that the SPC previously considered non-stationary sources and he is not sure it is in the SPC’s mandate. For the contaminants in the discussed examples, the volume of traffic on the highway, the rate of salt application, type of chemical must all be considered which triggers a number of possibilities and might be difficult to fit into the Source Protection Program.

J. Oliver noted that if the SPC were to think back to last meeting when J. Harrison raised the initial concern for transportation corridors, his concern was specifically Highway 3 over the Lehman Dam. The Lehman Dam is a small confined physical area and it is under municipal jurisdiction. It would be easy to put a policy (e.g., speed reduction) to mitigate the risk in this specific instance. J. Oliver reiterated that if the SPC does not address transportation corridors, it will be a major flaw in the plan.

J. Oliver stated that he was disappointed that the recommendation for transportation corridors merely says that the “advisability of including...transportation threats...be further investigated.” He expressed concern that the SPC may be beyond the point of whether or not the decision to include transportation corridors are advisable and that perhaps the SPC needs to look at this issue more definitely. J. Oliver asked if there would be adequate time to put this issue in an amended Assessment Report. M. Keller responded that there is no time to put the issue of transportation corridors into the draft or proposed Assessment Reports. However, M. Keller suggested that the next stage would be completing work for the amended Assessment Report by the end of the year and it is reasonable to include it at this point. L. Minshall noted that the word ‘advisability’ was used in the recommendation because of the volume of work that would be required to assess all of the transportation threats. In the Cataraqui Region, she noted, the SPC looked at all roads and crossings and scoped them. The amount of work required to do this is quite large for Long Point Region and extremely large for the Grand River Watershed. It is, therefore, worthwhile to discuss the scope of this issue. K. Turner identified that the new regulation allows for non-binding policies for transportation corridors even if there are no threats identified. L. Minshall responded that the SPC would still need to discuss whether transportation threats are dealt with generally, or dealt with it as a scope of corridor size.

J. Oliver responded that he had only been thinking of IPZ-1 and 2, and now he realizes that the WHPAs must also be considered.
T. Schmidt proposed that the SPC needs to be careful of the approach taken, because there are other big issues in the watershed. There is the possibility of a spill in the watershed and it is not known what material it will be, but the appropriate protocols are for notification and response. It may make sense in a focused area such as Highway 3 to have specific policies, but for the larger watershed it would be better to have broad policies, as opposed to trying to regulate individual materials.

R. Krueger asked if the transportation of radioactive material has been considered a threat. K. Turner replied that the threat of radioactive material is not in the circumstances currently, so it would need to go through an application for a specific hazard rating.

M. Goldberg noted that radioactive waste does get transported for nuclear power plants, and it is a concern in this region.

Res. No. 57-10
Moved by: M. Ceschi-Smith
Seconded by: M. Wales carried unanimously

THAT the advisability of including at least one transportation threat in each Source Protection Area be further investigated and any resulting transportation threats be included in the amended assessment reports in 2011.

b) SPC-08-10-02 Six Nations of the Grand River – Intake Protection Zones Study Preliminary Vulnerability Scoring, Threats Assessment and Issues Identification

J. Etienne provided an overview of Report SPC-08-10-02.

J. Oliver noted that the introduction to the report outlines that the work undertaken by the GRCA only relates to the off-reserve area of the intake protection zones while the Six Nations is conducting the assessment of the on-reserve area and asked if the information will be shared with the SPC at some point. L. Minshall responded that the arrangement was that the GRCA would identify the intake protection zones and develop the threats inventory off-reserve while the Six Nations undergoes a parallel process of developing a threats inventory outside of the Clean Water Act. The Clean Water Act does not apply on-reserve and there is no requirement that the information is included in the Assessment Report. P. General further elaborated that there is a parallel process and that early work can be viewed on www.sixnations.ca. More work needs to be done, but the Six Nations does intend to share the information with the SPC.

C. Ashbaugh asked P. General to elaborate on the news that funding for a treatment plant for the Six Nations was received. P. General confirmed that funding was received for new treatment plant, with a larger, more modular system. The intake for this plant will be moved to upstream of the bridge. The new system will also have the capacity to service more residents.
A. Henry noted that he had a difficult time reconciling differences between the two versions of the report. A. Henry asked why paragraph two on page two (regarding the water treatment plant inability "of killing protozoa cysts such as giardia and cryptosporidium…") was deleted. J. Etienne replied that the report underwent a fluid editing process as the Assessment Report was being prepared. A. Henry expressed concern that an issue such as a WTP not dealing with protozoa was deleted from the report and asked that if there are any changes to updated reports that they be highlighted. J. Etienne responded that when he was generating the first copy of the report he cut and pasted information that was not to go into the report.

S. Cooke added that the water treatment plant does chlorinate, which takes care of giardia. A. Henry disagreed that this was not the case unless there is sufficient contact time. S. Cooke replied that she was of the understanding that contact time and chlorination does help. A. Henry suggested that many systems do not have enough contact time. S. Cooke responded that the paragraph was removed in the effort of editing and flow for a tight deadline.

T. Schmidt expressed concern that protozoa were not considered an issue for Ohsweken. He suggested that, in the Grand River, protozoa is probably one of the biggest issues and, from a treatment perspective, it is one of the most difficult to treat. S. Cooke responded that the lack of data is evident for Ohsweken. The issues are classified as having a high uncertainty, and it is recommended that there be a more comprehensive sampling program. As for protozoa, S. Cooke agreed that they are likely issues, but there is a lack of data to make this determination. T. Schmidt stated that the Region of Waterloo would be willing to share the drinking water quality information that they have, so that Six Nations can ensure the development of the water treatment plant that can properly address concerns of the raw water.

**Res. No. 58-10**  
Moved by: M. Goldberg  
Seconded by: A. Henry  
carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to re-insert paragraph two on page two of the report SPC-08-10-02 regarding the water treatment plant.

**Res. No. 59-10**  
Moved by: M. Goldberg  
Seconded by: A. Henry  
carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to incorporate components of the report: “Six Nations of the Grand River – Intake Protection Zones Study” (Stantec Consulting Ltd. June 2010) into the Grand River Source Protection Area Assessment Report, and make the results available to the public.
c) SPC-08-10-03  IPZ-3 for Brantford Drinking Water Intake

M. Anderson provided an overview of Report SPC-08-10-03.

D. Parker asked why the list of dams has not been listed for any of the other studies. M. Anderson replied that dams are only considered for vulnerability when looking at the IPZ-3, and that the IPZ-3s were only recently delineated for the Grand River Watershed. Dams were taken into consideration for the delineation of the surface water intakes.

D. Parker asked if the vulnerability scoring changed for upstream communities for IPZ-3 delineation. M. Anderson responded that the vulnerability score should not change significantly unless the intake was quite close.

T. Schmidt noted that one of the issues with agricultural activity is that it is not one activity on any one farm, but the impact of the broad agricultural activity. Treatment can be provided for some activities and not for others, but it is not any one farm, it is the broad practice.

Res. No. 60-10  Moved by: B. Ungar
Seconded by: R. Krueger  carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to incorporate the delineation, vulnerability scoring and threat identification for the Brantford intake IPZ-3 into the Grand River Source Protection Area Assessment Report.

d) SPC-08-10-04  Draft Grand River Source Protection Area Assessment Report

M. Keller noted that the staff received comments with a fair amount of detail from the Ministry regarding the Long Point Region Assessment Report. Staff will be working on those comments for the September 2nd meeting of the SPC.

M. Keller provided an overview of Report SPC-08-10-04 and he acknowledged that the committee has been given a tight timeline to review the report. M. Keller noted that if the Draft Assessment Report is approved, the public consultation closing date will be September 24th. There are five planned public consultation meetings and the last one in Brantford has been confirmed at Tranquility Hall (135 Francis Street).

M. Keller acknowledged that the Paris WHPAs currently extend into the Region of Waterloo. Staff is working on this issue and it will now be addressed in the amended assessment report. He also indicated that the amended issues contributing area has been distributed.

M. Keller noted that with respect to departures from the Technical Rules (Rule 15.1) staff is working through these and that the Region of Waterloo is working with the MOE on their differing approach to the calculation of impervious surfaces as it is a departure from the rules that is outside of the 15.1 Rule. A resolution to this will be included in the amended assessment report. Any quarries breaching the aquitard have not been
included in the current Assessment Report as a threat as response from MOE is still outstanding. The IPZ-3 for Ohsweken and Brantford will be included in the Assessment Report before posting, as well as the sections on the Great Lakes (chapter 17) and Climate Change (chapter 18) and conclusions (chapter 19).

M. Goldberg asked why the MOE has not responded to the SPC’s request regarding quarrying breaching the aquitard. K. Turner indicated that a response is imminent, and that the MOE had other related items that had to be addressed and responded to prior to that request.

C. Ashbaugh noted he is comfortable for staff to complete the content and noted that the region is under tremendous time constraints.

D. Parker noted that there is a typographical error on page 6-10. The word should be ‘Waldemar’ as opposed to ‘Dundalk.’

A. Henry stated that he tried to read as much as possible given the time and thanked staff for their hard work. However, he disagreed that there is a deadline that the SPC have to meet. A. Henry stated that he is not willing to sacrifice quality and work to achieve this in order for expediency. He realizes that the submission of the Assessment Report by December 23rd is regulatory requirement, but the reality is there are no penalties.

J. Oliver asked if it would help the concerns of some of the members to change the wording if the motion does not say ‘approve’ the document. He asked if the SPC could have a resolution that makes the document available for consultation without necessarily approving it. K. Turner indicated that there was nothing in the regulation that required the official approval of the SPC for the draft consultation.

W. Wright asked when the realistic date by which the Assessment Report would be ready to post. M. Keller responded that the aim is for Monday August 16th, but with the closing date moved to September 24th, there are a couple of days leeway if it does not get posted until Tuesday (August 17th) or Wednesday (August 18th).

M. Goldberg commended staff on the job done to assemble the Grand River Assessment Report. He feels that the SPC is approving a draft report, is not approving the report in its final form and perhaps the motion could ensure to reflect those sentiments. M. Goldberg stated, however, that he has no intention of approving the Assessment Report in its final form until feedback is given by the MOE on identifying quarrying as a threat below the aquitard.

A. Henry noted that if “approve” is not the best word it might be easier to “receive” the report and direct staff to proceed with the public consultation process.

R. Haggart noted that approving a draft is not an approval of the document as it is not a final document. W. Wright added that the substance of the report is there and that it essentially only requires the final editing.

J. Oliver suggested that the wording “the Lake Erie Region Source Protection Committee receive the Draft Grand River Source Protection Area Assessment Report
and make available for Public Consultation” be used for the motion. L. Minshall noted that nothing in the regulation requires the word “approved”, but that it is wise to “receive” the draft report.

Res. No. 60-10 
Moved by: J. Oliver
Seconded by: B. Ungar carried unanimously

THAT the Lake Erie Region Source Protection Committee receive the Draft Grand River Source Protection Area Assessment Report and make available for Public Consultation.

11. Business Arising from Previous Meetings

K. Turner clarified that there has been no change in guidance for septic systems to be removed from the Early Response Program. M. Wales requested that MOE provide a written statement that the province will not remove septic systems from the program.

D. Parker asked if the Grand Valley is a GUDI well given that the WHPA-A for this well includes the Grand River. L. Minshall responded that it had been identified for GUDI investigation, but that it has been determined that it is not a GUDI well.

D. Parker asked if Waldemar drills an auxiliary well in a subdivision, and allows houses in WHPA-A, do the homeowners then have to upgrades to their septic systems. M. Keller responded that this is essentially a town water supply planning issue and a question for the town planners.

12. Other Business

a) Question and Answer Period

P. General clarified that the new water treatment plant in Ohsweken will be built firstly to improve the water treatment. Although it will have a larger capacity, the plant will not immediately begin to service more people; the pipes will be laid later in time.

M. Goldberg asked T. Schmidt if the Region of Waterloo was planning a water pipeline to service its residents. T. Schmidt replied that it is common knowledge that the long term water strategy calls for other water source supplies and plans around 2035. Municipalities in the area, including Haldimand, Brantford, Six Nations and Brant County, are investigating the possibility of a pipeline should it become necessary.

13. Closed Meeting

Not applicable
14. **Next Meeting** – Thursday, September 2, 2010, 1:00 pm  
GRCA Administration Centre, 400 Clyde Road, Cambridge, ON  

October meeting hosted by LPRCA in Tillsonburg.

15. **Adjourn**

The Lake Erie Region Source Protection Committee meeting of August 12, 2010 adjourned at 2:40 p.m.

__________________________________________  _______________________________________
Chair                                             Recording Secretary