LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, January 13, 2011

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, January 13, 2011 at the Grand River Conservation Authority Administration Centre, 400 Clyde Road, Cambridge, ON.


Members Regrets: P. Green, B. LaForme, C. Martin, D. Murray, I. Macdonald, P. Wilson


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

Region Management Committee: C. Evanitski, LPRCA; J. Farwell, GRCA; S. Martyn, CCCA; R. Sackrider, LPRCA; E. VanHooren, KCCA

Staff: D. Belanger, City of Guelph; S. Brocklebank, GRCA; S. Cooke, GRCA; A. Davidson, County of Brant; J. Deter, GRCA; P. Draganas, CCCA; J. Etienne, GRCA; B. Fields, Norfolk County; E. Hodgins, Region of Waterloo; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; T. Ryan, GRCA; D. Schultz, GRCA; T. Seguin, GRCA; M. Silverio, City of Hamilton; L. Stafford, City of St. Thomas; E. Stahl, GRCA; H. Waite, County of Oxford; A. Wong, GRCA

Also Present: D. Young, New Hamburg

1. **Call to Order**

   C. Ashbaugh called the meeting to order at 2:05 p.m.

2. **Roll Call and Certification of Quorum – 16 Members Constitute a Quorum (2/3 of members) *re-appointment pending council resolution**

   The Recording Secretary called the roll and certified quorum.
3. Chairman’s Remarks

C. Ashbaugh welcomed members, staff and guests and noted the following:

- Source Protection is now entering its final and most critical component with the upcoming culmination of the Source Protection Plans. The timelines and the tasks that are forthcoming will be challenging; there are only 20 months left for the development of four Source Protection Plans. It is anticipated that Source Protection Committee members will be more actively involved from this point forward.

- Since the last Source Protection Committee meeting, the Source Protection Planning Project Team has met several times and has continued to work on moving the discussion papers forward.

- The membership of the Lake Erie Region Management Committee has recently undergone some changes. The new Region Management Committee members will be introduced at the next meeting, when the new members are in attendance and can be properly introduced.

4. Review of Agenda

The revised agenda was reviewed and approved as distributed.

Moved by: D. Parker
Seconded by: A. Henry carried unanimously

THAT the revised agenda for the Lake Erie Region Source Protection Committee Meeting of January 13, 2011 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 – November 4, 2010

R. Seibel noted that on page 3 of the minutes, in the second last paragraph, he stated “aquitard” as opposed to “aquifer”.

A. Henry noted that as a follow up to item 9, on page 3 of the minutes, he was advised by K. Turner that she received the reviewer’s comments which provide more context for the Kettle Creek approval letter. He asked that the response be noted for the minutes. K. Turner noted that she has received the reviewer’s comments regarding stream elements for the IPZ-2 and read the following paragraphs:

Comment on IPZ-2 delineation: “Figure 4-18: This figure shows the IPZ-1 and IPZ-2 delineation. For onshore component of IPZ-2, there are two small streams or channels that are not included in IPZ-2. The beginning and the end of these streams are included in IPZ-2 but not the entire
streams. Those streams are located at U-shape of IPZ-2. What is rationale for excluding the entire streams?”

**SPPB reviewer Analysis:** The AR does not provide any explanation on why these two streams were excluded even though the beginning and the end portions of those streams are included in IPZ-2. Therefore, the AR should include an explanation of this situation. It should be noted that all water courses including storm-sewer systems that are within the chosen time of travel should be included in the IPZ-2. If the beginning and the end of the streams are in the IPZ-2, the entire streams contribute water to the intake within the chosen time of travel. If these two streams are included in IPZ-2, appropriate setbacks should be applied. Without providing explanation on this, it appears the exclusion of these areas is inconsistent with the technical rules.

K. Turner noted that she will provide the reviewer’s comments to A. Henry and M. Keller. A. Henry stated that if the beginning and end of the streams are part of the IPZ-2 delineation, the middle portion should also be included in the IPZ-2. C. Ashbaugh noted that this will be further investigated and followed-up at the next meeting.

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

*THAT the amended minutes of the previous meeting November 4, 2010 be approved.*

7. **Hearing of Delegations**

None

8. **Presentations**

None

9. **Correspondence**

a) **Copies for Members**

i) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment Re: Catfish Creek Source Protection Area Updated Work Plan

ii) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment Re: Kettle Creek Source Protection Area Updated Work Plan

iii) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment Re: Lake Erie Region Source Protection Area Updated Work Plan
Programs Branch, Ministry of the Environment Re: Long Point Region Source Protection Area Updated Work Plan

iv) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment Re: Grand River Source Protection Area Updated Work Plan

b) Not Copied

None

**Res. No. 01-11**

*Moved by:* A. Henry  
*Seconded by:* M. Ceschi-Smith  
*carried unanimously*

*THAT* the correspondence be received for information.

10. Reports

a) **SPC-11-01-01  Progress on Updated Assessment Reports**

M. Keller provided an overview of Report SPC-11-01-01.

R. Seibell asked for confirmation regarding the proposed submission date of July 6 for the Long Point Region Updated Assessment Report, noting that the Ministry of the Environment has identified they will not accept updated assessment reports after June 2011. M. Keller confirmed that the date is correctly noted on the timeline; because of the timing of the Long Point Region Source Protection Authority meeting, July 6 is the earliest date the Long Point Region Updated Assessment Report will be available for submission. M. Keller noted that he will, however, confirm if this is acceptable to the Ministry of the Environment.

M. Goldberg asked if the Tier 3 for Guelph and the Region of Waterloo are expected to be complete in time for the updated assessment reports. M. Keller identified that the Tier 3 studies will not be complete in time for inclusion in the first round of updated assessment reports. J. Etienne confirmed that the Tier 3 studies for the City of Guelph are expected to be complete for 2011; there is a peer review meeting to assess status in February. The Region of Waterloo Tier 3 work will extend into 2012. J. Oliver asked if the Long Point Region Tier 3 studies would also be included in subsequent updates. J. Etienne replied that the Long Point Region Tier 3 studies will also continue until 2012.

**Res. No. 02-11**

*Moved by:* J. Harrison  
*Seconded by:* R. Krueger  
*carried unanimously*

*THAT* the Lake Erie Region Source Protection Committee reschedule the April 7, 2011 committee meeting to April 14, 2011 to accommodate the May 31, 2011 timeline for submission of the Kettle Creek Source Protection Area Proposed Updated Assessment Report to the Ministry of the Environment.
Res. No. 03-11  Moved by:  B. Ungar
Seconded by:  L. Perrin  carried unanimously

THAT Report 11-01-01 Progress on Updated Assessment Reports be received for information.

b) SPC-11-01-02  Update on Policy Development Process


T. Schmidt summarized that the end result from the project team will be a series of discussion papers listing available tools for various threats. M. Keller replied affirmatively, adding that there will also be a matrix listing the tools for the various threats. T. Schmidt requested confirmation that no decisions are being made by this group regarding source protection planning policy tools; this group is merely assembling an assessment of the source protection planning tools available. M. Keller replied affirmatively.

T. Schmidt questioned the value that the proposed broad public consultation would provide in the proposed policy development process. M. Keller responded that the proposed broader consultation is intended to serve a purpose similar to the vulnerability meetings, noting that it is better to communicate with the public as early as possible so people understand the options as early as possible. T. Schmidt suggested that the proposed public consultation meeting would be held too early in the process for the public to be able to provide meaningful input and suggested it may be more productive to make the prescribed threat summary tables available for comment on the internet.

W. Wright-Cascaden clarified that the first step is to assemble the document and to provide background information so the public will know what tools are available to deal with the threats. The proposed meetings would be similar to the information sessions provided prior to the consultation of the assessment reports. The intention is to give people an update regarding the tools that may apply to their situation, as opposed to waiting until the municipalities have developed the policies. T. Schmidt stated that staff will not be in a position to answer the public’s questions, noting the purpose of the meetings could only be for dissemination of information. He suggested that the attendance would be very low. W. Wright-Cascaden asked at what point the public should be included. T. Schmidt expressed concern that the assessment of policy tools is not being done at a provincial level to ensure consistency across the province, noting that; as a result, the potential diversity of policy throughout the province is a concern. However, locally, he suggested that the public may be best consulted when there is a proposed list of tools, so that they could then see the refined list, assess how it would apply to their situation and provide their comments on that basis.

M. Goldberg expressed agreement with waiting to consult until there is a more focused list of proposed tools, noting that it is difficult to get the public involved unless it affects them personally.

M. Goldberg asked if a consultant has been chosen from the request for proposal process. M. Keller responded that there was only one submission. M. Goldberg identified that he is not surprised, noting that from a consultant’s perspective, having the request
for proposal consultation period take place over the holidays implied that someone had already been preselected, and that there wasn't really the intention of a competition. He suggested that the proposal should be taken back out for consultation.

J. Oliver suggested that the public consultation is a good idea, noting that those interested would be landowners who have been previously contacted. J. Oliver asked how large the discussion papers may be. M. Keller responded that, at the moment it is expected the discussion papers will have two to four pages of condensed information and numerous references with tables attached.

J. Oliver asked why the member for Haldimand County has not yet been determined. M. Keller replied that there has been dialogue with Haldimand County with respect to sending a representative for the project team, but there has not yet been a decision regarding who the representative will be. M. Keller elaborated that Haldimand County does not have any significant drinking water threats, so their involvement will be in a broader context. J. Oliver noted that he will follow up and remind Haldimand County that they have the opportunity to appoint someone.

T. Schmidt asked that the team bring information back to the Source Protection Committee regarding what they intend to do for the public consultation. M. Keller noted that this is a very preliminary introduction, and more information will be forthcoming.

R. Haggart commented that he appreciates the opportunity for committee members to participate in the workshops and asked that members be given as much notice as possible. He further noted that he supports T. Schmidt's concern regarding consistency for the source protection plans, noting that the policies should not have a significant variance between municipalities.

Res. No. 04-11   Moved by:   L. Perrin
Seconded by:   T. Schmidt carried unanimously

THAT Report SPC-11-01-02 Progress Update on Policy Development Process be received for information.

c) SPC-11-01-03 Optional Content for Source Protection Plans

M. Keller provided an overview of Report SPC-11-01-03 Optional Policies for Source Protection Plans.

M. Ceschi-Smith noted that she was glad to see conditions included in the recommended optional policies, but asked if there is a component addressing training opportunities for spills prevention. M. Keller responded that the regulation permits the inclusion of updates to spill prevention and spill contingency plans or emergency response plans, and does not specify what those policies would entail. He noted that the proposed recommendation is to identify which policies would be brought forward to discuss at the next level of detail.

J. Oliver asked if the spill prevention and spill contingency plans or emergency response plans along highways would exclude wastewater treatment plants, noting that the wastewater treatment plants are not listed. K. Turner clarified that a spill from a
wastewater treatment plant could be addressed under one of the provincial lists of threats. M. Keller elaborated that spills from a wastewater treatment plant could be addressed as part of the mandatory threat policy if identified as significant; otherwise, for moderate or low threats, the policy is optional.

A. Henry asked if moderate or low threats are required to have monitoring policies. K. Turner responded that monitoring for moderate and low threats are mandatory only where advisable.

**Res. No. 05-11**

*Moved by: A. Henry  Seconded by: B. Ungar  carried unanimously*

THAT the Lake Erie Region Source Protection Committee include in the first source protection plans:

1. Policies on conditions that have been identified as significant drinking water threats in the Assessment Reports;
2. Policies to update spill prevention, spill contingency or emergency response plans along highways, railways or shipping lanes in IPZs or WHPAs;
3. Policies to govern transport pathways;
4. Policies for the monitoring of moderate and low threats in specific situations;
5. Anything that will assist in understanding the plan; and
6. Dates for when the policies take effect.

AND THAT the Lake Erie Region Source Protection Committee at this time not include in the first source protection plans:

1. Policies for moderate and low drinking water threats;
2. Policies for incentive programs or education and outreach programs for drinking water systems outside of the Terms of Reference; and
3. Policies for data collection for climate change.

**d) SPC-11-01-04 Addressing Potential Threats Related to the Introduction of Contaminants in the Post-Extraction Phase of Aggregate Operations**

M. Keller provided an overview of Report SPC-11-01-04 Options for Addressing Threats from Aggregate Extraction.
D. Parker stated that he is doubtful that there are many gravel pits or quarries within a two year time of travel in the region and suggested that a mountain has been made out of a molehill on this issue.

R. Seibel advised that, although the report summary is very good, he is concerned that the recommendation is too broad. He suggested that the recommendation increases the scope to all aggregate operations in the Lake Erie Region and noted that the entire Norfolk sand plain is a vulnerable area. The wording of the recommendation removes the context of a local threat. He also noted that there is a factual error in the first paragraph on the top of page three referring to the use of draglines at gravel pits. He clarified that for most operations with underwater extractions, a dragline cannot cause the groundwater to flow there on a permanent basis. He noted that there are times when the site is shut down, such as on weekends, when the water is moving offsite. He noted that if there were fuel storage at the edge of such a pond, and if there were a leak, the contamination would move offsite.

K. Turner stated that the letter of application for the threat would need to include a map specifying which aggregate operations are being considered.

J. Laird said that although she understands the concern regarding the scope of the recommendation, she noted that there is a direct link between the introduction of contaminants and vulnerable areas, which eliminates any area where those two factors are not combined. The wording of the recommendation describes the method for identification of areas that would be highlighted in the mapping; vulnerable areas with potential for introduction of contaminants.

M. Goldberg identified that although he is prepared to vote in favour of the recommendation, he would like to point out to the Director of the Source Protection Program at the Ministry of the Environment through his provincial representative that he does not think that the Ministry is taking a precautionary approach on this issue. The statement of environmental values under the Environmental Bill of Rights states the precautionary principle must be used, and this needs to be pointed out. The Ministry is bound to operate within the statement of environmental values and this is not being done.

K. Turner responded that this concern has been identified as an oversight in the Clean Water Act, and it would require a change in the Act to rectify. Because the Clean Water Act will not be changed, this is an alternative method to address these potential threats.

A. Henry pointed out that this flaw is not specific to pits and quarries and that the broader scope of the flaw needs to be addressed. The Clean Water Act fails to address all activities which change the vulnerability of an intake or wellhead protection area.

T. Schmidt noted that it is not so much the introduction of contaminants, but the activities that we should be concerned about and develop policies for. M. Keller elaborated that we are restricted by what the Clean Water Act allows us to include as a local threat. There has been a precedent decision by the Ministry in that they approved an application by another source protection region for a local threat with respect to the introduction of contaminants from the congregation of waterfowl near surface water bodies. That leads staff to use similar language. As an example, staff are considering
the post closure operation of an aggregate site where a pond could be formed and as such the introduction of contaminants to the pond could create a risk to the groundwater which supplies a municipal supply well. Potential policies to address this risk could include that the pond be lined to protect the groundwater from becoming potentially contaminated. T. Schmidt emphasized that it is the vulnerability that had changed, and that is what needs to be addressed.

M. Keller suggested that, in response to R. Seibel’s comment regarding the breadth of the recommendation; the word ‘specific’ could be included in the recommendation. J. Laird suggested that the wording of the recommendation already accomplishes the appropriate scope; because the words ‘vulnerable areas’ and ‘contaminants’ are linked, only sites where those two factors co-exist would be identified, and where they do not come together, they would not fall under this recommendation.

R. Seibel pointed out that the communication to the Ministry that the committee previously approved was very specific.

J. Oliver identified that the recommendation would only be relevant to an aggregate extraction operation of a specific wellhead protection area of a specific water supply. He can only think of one extraction operation within close proximity to wellhead protection area in the Long Point Region. As such, he is not concerned that this will capture too much of the Lake Erie Region.

M. Keller suggested that he could connect the recommendation to where there is a municipal drinking water supply. M. Goldberg asked if this resolution could be tabled to the next meeting. M. Keller identified that the difficulty is that there would then be insufficient time to get approval to have it included in the updated assessment report.

J. Laird suggested replacing “Lake Erie Region” with “municipal drinking water supply”.

**Res. No. 06-11**

Moved by: J. Laird  
Seconded by: L. Perrin  
19 in favour, 1 opposed

THAT the motion of Report SPC-11-01-04 be amended from:

...operations within vulnerable areas of the Lake Erie Region as a local threat under Technical Rule 119, and

To:

...operations within vulnerable areas of a municipal drinking water supply as a local threat under Technical Rule 119;

**Res. No. 07-11**

Moved by: J. Laird  
Seconded by: L. Perrin  
19 in favour, 1 opposed

THAT the Lake Erie Region Source Protection Committee direct staff to apply to the Director to identify the introduction of contaminants during the post extraction phase of aggregate operations within vulnerable areas of a
municipal drinking water supply as a local threat under Technical Rule 119, and

THAT the activity, circumstance, contaminants, frequency, and method of release be provided to the Director of the Source Protection Programs Branch of the Ministry of the Environment so that hazard scores for the activity can be established.

e) SPC-11-01-05  Advisability of Transportation Corridors as a Local Threat

M. Keller provided an overview of Report SPC-11-01-05 Advisability of Transportation Corridors as a Local Threat.

B. Ungar observed that there is no mention of a railroad as a transportation corridor and asked if staff had considered this. M. Keller responded that railway lines were not investigated in detail.

D. Parker recalled that Paul General's concern regarding sewer lines running under the Grand River was what initiated this concern and asked why they are not addressed in the report. M. Keller replied that sewage lines are included in the list of prescribed drinking water threats. He further noted that for pipelines, there is a specific resolution from a previous meeting regarding applying to the Ministry to include pipelines as a local threat.

A. Henry pointed out that shipping lanes have also not been considered. M. Keller responded that shipping lanes were also not part of the analysis as there is very limited scope as to potential policies addressing federally regulated activities.

M. Goldberg asked what the rationale is for waiting for a municipality or First Nations to request the inclusion of the transportation corridor as a local threat. M. Keller responded that the recommendation is to not apply to have the transportation of specific substances along certain routes included as a threat to local source waters unless, however, a municipality or First Nations community prefers otherwise.

Res. No. 08-11  Moved by: J. Oliver
Seconded by: W. Wright-Cascaden  14 in favour, 5 opposed

THAT the Lake Erie Source Protection Committee not apply to have the transportation of specific substances along certain routes as drinking water threats to local source waters as per Technical Rule 119 unless a municipality or First Nation so desires.

THAT the Lake Erie Source Protection Committee include in the source protection plans policies to update spill prevention, spill contingency or emergency response plans to address transportation threats.
11. Business Arising from Previous Meetings

John Harrison asked if there has been any follow up regarding members of the committee who have repeated absences. C. Ashbaugh suggested that there has been some follow up; they are working through the concern and hope to have a resolution before the next meeting.

12. Other Business

a) Question and Answer Period

None

13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, February 3, 2011, 1:00 pm
GRCA Administration Centre, 400 Clyde Road, Cambridge, ON

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of January 13, 2011 adjourned at 4:05 p.m.

Moved by: J. Laird
Seconded by: D. Parker carried unanimously

Chair
Recording Secretary