LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, December 15, 2011

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, December 15, 2011 at the Grand River Conservation Authority Administration Office, 400 Clyde Road, Cambridge, ON.


Members Regrets: M. Ceschi-Smith, J. Harrison, C. King, J. Laird, G. Montour,

Proxy Representatives: P. Busatto (J. Laird), K. Hagan (M. Ceschi-Smith)

Liaisons: L. Ross*, Provincial Liaison; J. Mitchell, SPA Liaison

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

Staff: S. Brocklebank, GRCA; N. Davy, GRCA; L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; T. Ryan, GRCA; D. Schultz, GRCA; S. Shifflett, GRCA; M. Silverio, City of Hamilton; K. Smith, GRCA; L. Stafford, City of St. Thomas; E. Stahl, GRCA; G. Zwiers, GRCA

1. Call to Order

C. Ashbaugh called the meeting to order at 9:37 a.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:
• Alan Dale was recommended by the Lake Erie Region Management Committee (LERMC) for the position of Public Interest Representative on the Source Protection Committee. It is expected that this recommendation will be ratified by the Source Protection Authority (SPA) at their meeting tomorrow. The decision to recommend Alan Dale was unanimous, and it is undoubted that he will bring a lot of experience and expertise to the SPC. In total, there were 19 applications received, and all the applicants were highly qualified and had impressive resumes.

* Don Woolcott joined the meeting at 9:40 am

• M. Wales was congratulated on being elected president for the Ontario Federation of Agriculture.

• D. Murray is attending the meeting today, but will not be permitted to vote. He is the representative for 17 municipalities, 2 of which expressed concerns regarding his reappointment to the SPC. Since that time, one of the municipalities has changed its position and has decided to support his reappointment. D. Murray has been in contact with several municipalities and it is expected that the status of his position on the SPC will be finalized by January.

• Mary Anne Covelli is now the new director for the Ministry of the Environment’s (MOE) Source Protection Branch. With her direction it is anticipated that the Chairs of all the Source Protection Regions (SPRs) will begin to meet regularly again, and there will be positive and progressive change as a result.

• A Roadside Signage Program has been initiated, with the purpose of providing signage to mark the locations of WHPAs and IPZs. C. Ashbaugh asked M. Keller to elaborate on the program.

* Lisa Ross joined the meeting at 9:43 am

M. Keller explained that a road signage working group has been established amongst SPC chairs and project managers to lead the Roadside Signage Program. A very positive and constructive meeting was held last Friday between the working group and staff from the Ministry of Transportation (MTO). The purpose of the meeting was to get MTO’s input on developing a proposal for the road signage to be submitted to the MTO. Currently, the project is aimed towards installing provincial road signage for vulnerable areas and areas where there are significant threats, and a uniform design across the province. MTO has offered to assist with the design of the signs.

• Cross-boundary pre-consultation workshops have commenced, and so far there have been 3 workshops, one for the municipalities in Dufferin County, one for Halton Region, and one for the Town of Erin in the County of Wellington. The workshops serve as a productive model for dialogue and there has been good representation from municipal council and conservation authority staff. C. Ashbaugh extended acknowledgement that both D. Parker and D. Murray attended the workshops when they could, and it was very beneficial to have them interact with the group. There will be more workshops scheduled for in the New Year.
An article was published in the Hamilton Spectator entitled Canada’s Drinking Water Still at Risk of Contamination. The article highlights that Ontario is the only province receiving an ‘A’ grade for water protection, and has the most ambitious source-water protection program in the country. Although the ‘big picture’ for the country is not very encouraging, the Lake Erie Region, along with other Ontario SPRs should be proud of their efforts.

* T. Schmidt joined the meeting at 9:51 am

4. Review of Agenda

   Moved by: R. Krueger  
   Seconded by: A. Henry  
   carried unanimously

   THAT the revised agenda for the Lake Erie Region Source Protection Committee Meeting of December 15, 2011 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 – November 3, 2011

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

   THAT the minutes of the previous meeting November 3, 2011 be approved as distributed.

7. Hearing of Delegations

   None

8. Presentations

   None

9. Correspondence

   a) Copies for Members

      i) Correspondence to Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment from Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Transitional Policies for Implementation of Source Protection Plans

      There were no questions or comments regarding the correspondence. M. Keller thanked the planning staff from Oxford County for putting the document together.
ii) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from Taran Beaty, Issues and Program Coordinator, Source Protection Programs Branch, Ontario Ministry of the Environment Re: The Lake Erie Region Source Protection Committee’s Concerns about Meeting the Source Protection Plan Submission Date of August, 2012

There were no questions or comments regarding the correspondence.

iii) Correspondence c.c. Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee to Heather Malcolmson, Director (Acting), Source Protection Programs Branch, Ontario Ministry of the Environment from Ashley Mancuso, Council and Committee Services Coordinator, the Town of Halton Hills Re: Council Resolution regarding Report No. PDS-2011-0087 Source Water Protection Update Report-Municipal Pre-consultation on Draft Source Protection Plan Policies

There were no questions or comments regarding the correspondence.

b) Not Copied

i) Correspondence to the members of the Lake Erie Region Source Protection Committee from Louisette Lanteigne Re: the use of the broad leaf pesticide Atrazine in the Grand River Watershed

B. Ungar noted that the data and research regarding Atrazine in the Grand River Watershed is not conclusive enough to support the proposed findings outlined in this correspondence.

Res. No. 90-11  Moved by: W. Wright-Cascaden  Seconded by: J. Oliver  carried unanimously

THAT the correspondence be received for information.

10. Reports

a) SPC-11-12-01 Ontario Drinking Water Stewardship Program Update

L. Heyming provided an overview of the report.

J. Oliver asked what the cap is on grant funding for individual projects. L. Heyming responded that the funding covers 70% of the project cost, up to a maximum of $50,000. J. Oliver asked if there could be a benefit to lowering the cap to allow for more projects to receive funding. For example, funding could provide for several septic system upgrades instead of only one manure storage project. L. Heyming responded that the grant amounts must reflect those given previously, in order to keep the allocation of funding consistent.

M. Wales noted that more property owners applied than received funding, and that certain projects were not eligible because they were outside of IPZ-1. He asked what will happen if all the funding is not used, and if the Early Response Committee is willing
to look beyond the MOE’s criteria for eligibility, to allow for the money to be spent. L. Heyming responded that once the funding deadline gets closer, the MOE could make a decision to alter their priority criteria to encompass other projects which were originally not eligible. M. Keller agreed that once the Early Response Committee is able to see how much grant money will be leftover, the MOE could be approached to discuss changing their criteria.

D. Parker asked if the building of new manure storage facilities is eligible, and how many potential manure storages there are in IPZ-1. L. Heyming responded that funding is always for existing facilities only, and that she did not know how many manure storages there are in IPZ-1, but the answer could be found in the Assessment Report. D. Parker asked what will happen if a property owner has a manure storage problem and they refuse to take care of it. L. Heyming responded that the Source Protection Plans will come into effect, and they will determine what will happen to those facilities, depending on the policies written. D. Parker suggested that these property owners be contacted and strongly encouraged to deal with the problem while there is still funding available. L. Heyming responded that a letter has been sent to notify them of such. B. Unger commented that staff sent 216 invitations to property owners to receive funding, but only 13 applications were received. The Early Response Committee has no control over whether or not they will apply in time to receive funding. L. Heyming added that those who were sent the initial invitations will also receive the most recent mailing of the general flyer, which should draw additional attention to the options that are available to them.

A. Henry noted from the report that additional applications for well upgrades and decommissioning had been received, and asked if there had been specific emphasis in that area. L. Heyming responded that the City of Guelph decided to offer well decommissioning, and it was published in the press. Since those press releases the committee received 4 or 5 more applications regarding well upgrades and decommissioning.

Res. No. 91-11 Moved by: A. Henry 
Seconded by: R. Krueger 
carried unanimously

THAT Report SPC-11-12-01 Ontario Drinking Water Stewardship Program Update be received as information.

b) SPC-11-12-02 Updated Kettle Creek Source Protection Area Assessment Report

M. Keller provided an overview of the report. There were no questions or comments.

Res. No. 92-11 Moved by: B. Ungar
Seconded by: L. Perrin 
carried unanimously

THAT the Updated Kettle Creek Source Protection Area Assessment Report (December 15, 2011) be submitted to the Kettle Creek Source Protection Authority, as requested under section 19 of the Clean Water Act.
c) SPC-11-12-03 Updated Long Point Region Source Protection Area Assessment Report

S. Brocklebank provided an overview of the report. There were no questions or comments.

Res. No. 93-11 Moved by: A. Henry Seconded by: J. Oliver carried unanimously

THAT the Updated Long Point Region Source Protection Area Assessment Report (December 15, 2011) be submitted to the Long Point Region Source Protection Authority, as requested under section 19 of the Clean Water Act.

d) SPC-11-12-04 Source Protection Plan Policy Development, Early Engagement and Pre-consultation Update

E. Stahl provided an overview of the report.

J. Oliver asked if there would be a meeting held between Oxford County and Thames-Sydenham. E. Stahl responded that a meeting would most likely be scheduled sometime in the near future. M. Keller explained that Oxford County has the lead in policy development in both Source Protection Regions and they have maintained a close relationship with Thames-Sydenham to address cross boundary issues. He added that staff will inform the SPC when a meeting date is chosen.

D. Murray commented that he was unable to attend the meeting for Dufferin County held December 6th, but that he met with Amaranth council separately to discuss some of their concerns coming out of the meeting. The councilors are very concerned that the Source Protection process is being dictated to them, and that they are unable to express their views, especially in regards to cross boundary issues involving Orangeville. They do not feel that the policies will be justifiable from their council’s perspective and that they will only satisfy Orangeville’s interests and needs. He added that municipal representatives are hearing this increasingly from the smaller municipalities, who feel they are being pushed aside in many parts of the Source Protection process. C. Ashbaugh commented that he was able to attend the Dufferin County meeting and agreed that there existed a lot of tension and there was little agreement regarding how to solve these issues.

M. Keller added that cross boundary relations in the realm of Source Protection are very complex. There will be 3 Source Protection Plans containing policies that will affect the municipalities within Dufferin County. The 3 Source Protection Regions have addressed working with those respective municipalities in very different ways. Lake Erie Region (LER) has engaged the ‘headwater’ municipalities by providing funding to address capacity issues, and provided them with draft policies as a basis to helping them write their own. However, this approach differs from those used by the other SPRs. For the CTC and South Georgian Bay Lake Simcoe, pre-consultation is the first opportunity for the municipalities to comment on the policies put in front of them. Councilors expressed that they feel they are being told what to do, instead of being asked. Orangeville is the first area in the province where policies are being developed to address water quantity
issues. The city is under water stress and one of the policies proposes that the municipalities in the area establish a Water Authority. This has generated a lot of discussion about what exactly that means for surrounding municipalities, and what the benefits for municipalities involved would be beyond those for Orangeville. The pre-consultation cross boundary meeting was the first opportunity for those municipalities to discuss in an informal format the content of such policies and the general feeling was a strong disagreement over the different SPR approaches to the policy development process.

D. Parker noted that a year ago Amaranth had a ‘clean sweep’ of councilors and the current members of council were not involved in the early stages of the Source Protection process. He suggested that their reaction now could be partially a consequence of this fact. He added that the County of Wellington is deeply concerned about having 5 different SPRs to ‘contend’ with, especially with such varying approaches between them. For example, Wellington felt that the LER is being ‘fair’ and ‘open’ on agricultural issues, whereas the CTC is more rigid. D. Murray added that the rural communities are especially concerned about having to appoint a Risk Management Official (RMO) as part of some of the policies being developed, and who will be responsible for paying for the RMO when resources are already limited. J. Oliver asked if this tension could be a result of long historical antagonisms between Orangeville and the smaller townships. D. Murray responded that he believes that is not the case, and that these smaller municipalities are genuinely concerned about where the Source Protection process is going and where they will fit into it.

* Paul General joined at 11:00 am

J. Oliver suggested that the LERSPC should be more proactive and take a stance against some of the more ‘rigid’ methods of the CTC. The municipal representatives are expressing that many of the CTC’s policies are too restrictive, and the LER should become more involved in addressing this issue. D. Murray agreed with J. Oliver that the municipalities are looking for the support of the LERSPC, and are undoubtedly not happy with how the CTC is handling policy development.

A. Henry noted that the discussion surrounding community engagement ultimately leads back to the issue of who will be paying for the implementation of these Source Protection policies. He commented that limited thought has been put into the consequences of these costs and suggested that it would be worthwhile to hear from the MOE about plans for the anticipated long term costs. R. Haggart agreed and added that the concerns being raised in Dufferin County are only the ‘tip of the iceberg’, and will not be unique to the county, but will occur across the province. The policies are now being brought before municipal councils and the realization of these costs are going to ‘hit hard’ and be brought to the forefront. He suggested that it might be impossible to move forward on the deadlines because of pre-consultation. I. Macdonald commented that the SPC cannot help municipalities right now with the bigger picture of long term costs, because it is beyond the committee’s control. However, the LERSPC can help them with developing policies, in cooperation with the CTC, which will better reflect their wants and needs.

J. Oliver suggested that the SPC provide direction to staff to try and initiate further discussion on this topic with the CTC and the affected municipalities. M. Keller agreed and added that the LERSPC is already taking proactive measures to work closely with the
‘headwater’ municipalities, but that discussion could be expanded to include Orangeville in order to bridge the gap between the SPRs. This might be challenging for staff to arrange, due to timing and existing workload, but it would be worthwhile to engage these groups in serious discussions to solve these issues. W. Wright-Cascaden added that by January, the SPC will have received several draft policies from other municipalities within the LER. She suggested it would be worthwhile to get feedback from the ‘headwater’ municipalities if they could be supportive of those policies and adopt similar ones. M. Keller responded that staff are waiting to receive comments back from the ‘headwater’ municipalities on the draft policies that were presented to them in November, and hopefully their comments will indicate their level of support.

Res. No. 94-11  Moved by:  B. Ungar
Seconded by:  L. Perrin  carried unanimously

THAT the Lake Erie Region Source Protection Committee, along with staff, take a leadership role in initiating discussions with Orangeville, the CTC, and surrounding municipalities to discuss draft policies and harmonize approaches.

T. Schmidt suggested that policies should be uniform across the province. If other SPRs are using prohibition more often than the LER, the question can be asked, “why are they being so protective of their water and we are not?” L. Ross commented that the Source Protection Program was born out of the hope of combining two competing needs to protect source water. There were those who wanted a ‘one size fits all’ solution, and there were others who did not want the MOE writing the same policy for everyone. The final idea of the program was to find a balance between the two competing interests, where the outcome for protecting source water would be the same, but how municipalities got there would be different. However, this approach becomes extremely difficult, as water crosses several municipal boundaries. The SPC would be permitted to draft one policy to be applied across the province if they wanted, but that was not the initial philosophy of the program. A. Henry added that there is great value in having as much consistency between policies as possible; however, he could not support a ‘one size fits all’ approach. R. Krueger suggested that the goal should be to ‘harmonize’ policies. Harmonization implies that the policies will be made as cooperative as possible, without being completely the same across the board. T. Schmidt added that he understands the need for policy flexibility. However, there is no clear solution to these cross boundary tensions. He added that he is supportive of initiating more discussions as a start to addressing the issue, but assuming that fundamentally there is the possibility of having conflicting policies with no real solution.

D. Woolcott commented that he does not feel the discussions will ultimately convince the CTC to change their entire approach, but that should not be the focus of the meetings. At the beginning of the Source Protection process, all the SPRs felt like they were on the same track and looking towards the same goal. Now, they are taking various paths. Perhaps these discussions will reinstall the cooperative feelings that existed when the program began- a good start to heading in a better direction.

T. Schmidt expressed concern that the ‘easiest’ policy tool is prohibition. Many SPRs could argue that it is the most protective of source water, which may or may not be the
Regardless, it is more realistic to seek approaches that are protective but that also allow certain necessary activities to continue. The LER is unique in that it houses a wide cross-section of competing interests, activities, and values, which other SPRs do not necessarily encounter. Therefore, the LER is not in a position to take a simplistic view and adopt prohibition so readily, and this will continue to cause conflict with other SPRs.

Res. No. 95-11
Moved by: A. Henry
Seconded by: L. Perrin

THAT Report SPC-11-12-04 Source Protection Plan Policy Development, Early Engagement and Pre-Consultation Update be received as information.

11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

L. Perrin asked L. Ross how the MOE plans to deal with situations where municipalities share boundaries but are unable to agree on policies. L. Ross responded that there is no formal process to deal with the disagreement, but all the comments that are made on draft policies must be considered in the approval of the Source Protection Plan. The Minster has the authority to have a hearing before making decision on SP Plan.

W. Wright-Cascaden asked for clarification on if Orangeville adopts policies which they see as necessary for Amaranth to adopt, is the LER required to include those policies in our Source Protection Plan. M. Keller responded that there is no obligation to include the policies of another SPR in the LER’s Source Protection Plan. However, the policies will affect the municipality that is sharing the boundary; therefore, they have to be content with both plans. J. Oliver suggested that it is possible to come to an agreement with other SPRs to endorse policies that are more compatible with each other. That is the goal of the proposed discussions between Orangeville, the CTC and the surrounding municipalities of the LER.

A. Henry asked if, after the deadline of August 2012, the SPC will continue and what would the nature of the work be. C. Ashbaugh called upon L. Minshall to provide more information on plans for the SPC post August 2012.

L. Minshall explained that the Clean Water Act and associated regulations are clear in that the SPC will continue in the same manner post August 2012. The SPA will produce an annual report around monitoring policies and ensure the Source Protection Plan is being implemented. Inevitably, an update of the plan will be required, especially when the water budget information is to be incorporated. Amendments to ARs will also be required. It can be expected that in the first 2-3 years following the approval of the plan a number of continuing amendments will have to be done, providing continued work for the SPC. Quarterly meetings will likely be in order until items come up that require more attention.
R. Sackrider asked if there is an abandoned private well within 100 m of a municipal well, does it have to be decommissioned. M. Keller responded that there are not any policies that directly require the decommissioning of a private well under those circumstances. This could be included under a transport pathway policy, but the well decommissioning would be recommended, not required. L. Ross clarified that the MOE has a regulation in place that states if a private well is not being used or if there is intent to use it in the future, but it has not been maintained properly, then the well must be decommissioned.

13. Closed Meeting

Not applicable

Long Point Region Conservation Authority, 4 Elm Street, Tillsonburg, ON

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of December 15, 2011 adjourned at 11:53 a.m.

Moved by: D. Parker
Seconded by: L. Perrin carried unanimously

THAT the December 15, 2011 Lake Erie Region Source Protection Committee meeting be adjourned.

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Chair                                             Recording Secretary