LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, November 4, 2010

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, November 4, 2010 at the Grand River Conservation Authority Administration Centre, 400 Clyde Road, Cambridge, ON.


Members Regrets: R. Haggart, B. LaForme, C. Martin, T. Schmidt, B. Ungar

Proxy Representatives: R. Haggart (A. Davidson), T. Schmidt (E. Hodgins)

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

Region Management Committee: C. Evanitski, LPRCA; J. Farwell, GRCA; T. Marks, KCCA; K. Smale, CCCA

Staff: S. Brocklebank, GRCA; S. Cooke, GRCA; N. Davy, GRCA; J. Deter, GRCA; J. Etienne, GRCA; B. Fields, Norfolk County; K. Gagnon, Township of Guelph-Eramosa; M. Keller, GRCA; L. Minshall, GRCA; K. Murch, GRCA; T. Ryan, GRCA; D. Schultz, GRCA; T. Seguin, GRCA; L. Stafford, City of St. Thomas; E. Stahl, GRCA; H. Waite, County of Oxford; W. Wight, Haldimand County; A. Wong, GRCA; G. Zwiers, GRCA

1. Call to Order

C. Ashbaugh called the meeting to order at 1:05 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:

- Congratulations were extended to Catfish Creek and Kettle Creek Conservation Authorities. They are two of the first three conservation authorities to have their assessment reports approved out of the 36 conservation authorities in Ontario.
• Staff were thanked for their recent extra effort putting together the Grand River Assessment Report.

• The work of The Lake Erie Region Municipal Water Services and Planning Directors Project Team has commenced. Wendy Wright-Cascaden is chairing this project team.

* D. Woolcott joined the meeting at 1:08.

• The MOE workshop was held in Brantford on November 2. There were a large number of committee members and municipal partners from the Lake Erie Region at the workshop.

• C. Ashbaugh noted that this meeting is the third anniversary of the first Lake Erie Region Source Protection Committee meeting. The process thus far has been very productive and collaborative with the exception of the last meeting. He stated that the last meeting got off-track and it behooves us all to reflect on what transpired as a positive learning experience. As we enter into the planning phase it is unlikely to be consensus oriented all the time, but it is beneficial to focus in a collaborative manner. He noted that the minutes of the meeting are useful and detailed and encouraged members to revisit those minutes as a learning experience.

J. Harrison stated that he found the last meeting very stimulating and he did not feel it was a derailment.

* M. Goldberg arrived at 1:12.

4. Review of Agenda

The agenda was reviewed and sub-items 12 and 13 under item 6. Minutes of Previous Meeting will instead be addressed under agenda item 11. Business Arising from Previous Meetings.

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

THAT the amended agenda for the Lake Erie Region Source Protection Committee Meeting of November 4, 2010 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 – October 7, 2010

Moved by: J. Harrison
Seconded by: J. Laird carried unanimously

THAT the minutes of the previous meeting October 7, 2010 be approved as distributed.
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 the Ministry of the Environment Re: Catfish Creek Source Protection Area Assessment Report Approval.

ii) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from the Ministry of the Environment Re: Kettle Creek Source Protection Area Assessment Report Approval

A. Henry referred to the second page, the second bullet in the Kettle Creek approval letter and asked for clarification regarding the exclusions of stream elements in the IPZ-2 for the Elgin Area Primary System. M. Keller advised that staff will review the comments in more depth for the updated assessment report and determine what needs to be done to address this comment.

Res. No. 75-10 Moved by: R. Krueger Seconded by: A. Henry carried unanimously

THAT the correspondence be received as information.

b) Not Copied

None

10. Reports

a) SPC-11-10-01 Grand River Source Protection Area Proposed Assessment Report

M. Keller provided an overview of Report SPC-11-10-01.

* K. Hunsberger joined the meeting at 1:23 pm.

R. Seibel asked for clarification regarding the points identified on the second page of the report that could not be addressed. He asked if the intention was to address threats related to excavation activities in general, or just excavation activities that breach the aquitard. M. Keller noted that the latter is correct and that the wording should be clarified.

J. Laird asked that the correspondence from the source protection committee to the Ministry of the Environment regarding excavation that breaches an aquitard and the
Ministry of the Environment’s response to that letter be appended to the submission of the Grand River Assessment Report, as it does reflect the committee’s position.

M. Ceschi-Smith referred to the E.coli and organic nitrogen for the City of Brantford and noted that, realizing there are no benchmarks, ongoing monitoring is an acceptable approach at this time.

M. Goldberg advised that there was a discussion with I. Smith at the MOE training regarding possible solutions pertaining to aggregate extraction that breaches an aquifer. M. Keller elaborated that the discussion focused on what solutions may be possible under the specific framework of the Clean Water Act. Currently only anthropogenic activities are considered threats; therefore, increasing the vulnerability is not considered a threat. Addressing threats that may materialize once a specific quarry is closed may be an alternate approach to protect water sources that may be negatively impacted by aggregate extraction that breaches the aquitard. This would include consideration of the introduction of pathogens once the pumping stops and would include policies addressing the potential threats in the post closure plan.

M. Goldberg stated that, if this recommendation is moved and seconded, he is prepared to vote against it. He noted that for the first three bullets on the second page of the report the data is not available, but there is sufficient information for the last three points. He emphasized that he feels we should ensure the report is correct before releasing it. At the training session he heard that 18 other source protection committees have not finalized their assessment reports, and suggested that we are not bound by the MOE timetable, we can have our own timetable. Although he commends M. Keller and staff for the updates and amendments to improve the report, it is not yet finished and he would like to wait until the report is ready.

M. Keller commented that staff are working on addressing the outstanding points, and delaying this decision will not change anything because these items cannot be addressed any faster. He noted that this is why there is a process by which assessment reports can be updated. K. Turner provided context noting that of the 18 assessment reports that have not been submitted, all are in the midst of public consultation, mostly in the proposed stage. Only two reports out of 20 are actually out of compliance with their timelines.

R. Seibel asked what the timeline is for the updated assessment reports. M. Keller responded that the Act allows for an update to assessment reports any time the committee feels the information is out of date under Section 19. However, because it is the first round for the source protection program, the MOE will not accept an updated assessment report beyond June 2011 for items to be included in the first round of planning and policy development. The Lake Erie Region is planning to submit the updated assessment reports for all four source protection areas by June 2011.

J. Harrison noted that he learned at the MOE training that highways cannot be identified as a threat. However, when developing policy the highways to which a threat can occur can be included in the policy development, even though it has not been identified as a threat. M. Keller confirmed that the regulation was specifically amended to allow for policies to be included in the source protection plan to update spill prevention and spill
contingency plans or emergency response plans, without needing highways, railway lines or shipping lanes to be included in the assessment report as threats.

D. Parker asked if the threats enumeration for the Marsville well was revisited. M. Keller noted that every single well and every single map was revisited to some degree. S. Brocklebank elaborated that the significant drinking water threats for Marsville did change slightly. D. Parker identified that he felt, as a local, that there was a large margin of error on that well, and was therefore concerned for the rest of the wells. M. Keller reiterated that staff did revisit all wells, but noted that at this stage the studies have been a desktop exercise to identify the drinking water threats. He also noted that it will be important to remember that we are also to develop policy for future potential threats.

J. Laird noted that conditions are optional content for the source protection plan and asked if the project team will be bringing a recommendation forward regarding inclusion of optional content. M. Keller responded that the project team intends to develop recommendations regarding the prioritization of optional content. There needs to be further consideration regarding the prioritization of resources and it will be at that point that the inclusion of Guelph's conditions would be discussed.

A. Henry requested clarification regarding the committee's ability to pass policy regarding transportation corridors. He wondered how enforceable those policies would be in an area such as the Saint Lawrence Seaway, where the jurisdiction is federal. He questioned the benefit of being able to pass a policy if it has no effect. M. Keller noted that such policies are called strategic action policies; they can be included but have no legal force. K. Turner noted that while the actual corridor cannot be a threat, the committee can apply for specific substances in the corridor to be a threat and noted that other source protection committees have taken this approach. If there are specific substances approved by the province as a threat, then the policy would be more binding.

M. Goldberg requested an estimation of how long it will take for the three points of concern on the bottom of page two to be completed. M. Keller identified that although it is difficult to say, staff are planning to have these issues resolved in the next three months. With respect to road salt, there is specific work being done right now to establish a specific method, for transportation corridors and pipelines, it will be necessary to apply for threats to be identified as a local threat and establish a hazard score. For excavation activities breaching the aquitard, staff will investigate specific details regarding the proposed approach, and this could take a couple of months. M. Goldberg asked what the consequence would be of delaying the proposed assessment report a couple of months. K. Turner responded that, legally, this region would be out of compliance. She also noted that the August 2012 timeline for submission of the source protection plans will not change, so delaying the proposed assessment report may reduce the time that can be spent on planning.

L. Minshall stated that there is no benefit to waiting. M. Keller reiterated that the work underway would not change, the concerns would not be resolved any faster, and it does not make sense to stop the process.

W. Wright-Cascaden suggested that if the assessment report could identify these as outstanding matters that the committee is still addressing, this will identify these items as future amendments for the public. There appears to be no substantive benefit to delaying
this process. She further stated that, because policy development cannot begin until the assessment report is submitted, it would be especially detrimental for the Grand River assessment report, as it would mean that final thinking and idea development for optional content for committee would be delayed as a result.

M. Keller noted that the first three points of the report have been specifically mentioned in the assessment report because they are required by the rules, the last three points, although not specifically mentioned, certainly could be.

J. Laird supported the proposal that the last three bullets be highlighted in the assessment report submission so that the public and councils are aware that this content, although not included, will be included in the updated assessment report.

M. Goldberg proposed an amendment to the motion that includes a proviso that the last three outstanding issues on page two be identified in the assessment report as outstanding issues that will be resolved. And the correspondence to and from the MOE regarding aggregate extraction breaching an aquitard be included.

E. Hodgins pointed out that there should already been some text in the assessment report regarding the Region of Waterloo’s method of calculating road salt application. He noted that each of these three issues comes up in a very different way, and the only issues of concern are the items where there has already been discussion with the Ministry of the Environment. He is not sure what is to be gained by bringing it forward, and certainly does not feel all three should be brought forward. M. Keller confirmed that the application of road salt in the Region of Waterloo is explicitly highlighted in the assessment report in the Region of Waterloo’s methodology section. C. Ashbaugh noted that the amendment would just require adding some text regarding excavation. R. Seibel asked that the full terminology that was used in the committee’s original letter to the Ministry of the Environment also be used in the assessment report. He noted that it was not excavation activities in general to which the committee was opposed, it was excavation activities that breach an aquitard that is protecting a municipal drinking water supply. J. Laird concurred that using whatever language was used for the letter would be acceptable.

Res. No. 76-10       Moved by:  M. Goldberg
Seconded by:  J. Laird       15 in favour, 3 opposed

THAT the motion for report SPC-11-10-01 be amended to include a proviso that identifies aggregate extraction activities that breach an aquitard protecting a municipal drinking water supply and transportation corridors and pipeline threats in the Grand River Proposed Assessment Report as outstanding issues that will be resolved.

AND THAT the motion for report SPC-11-10-01 be amended to note that the Lake Erie Region Source Protection Committee’s correspondence to and from the Ministry of the Environment regarding aggregate extraction breaching an aquitard will be attached to the assessment report submission.
THAT the Grand River Source Protection Area Proposed Assessment Report be amended to include the identification of aggregate extraction activities that breach an aquitard protecting a municipal drinking water supply and transportation corridors and pipeline threats as outstanding issues that will be resolved,

AND THAT the Lake Erie Region Source Protection Committee’s correspondence to and from the Ministry of the Environment regarding aggregate extraction breaching an aquitard be attached to the assessment report submission,

AND THAT the Proposed Grand River Source Protection Area Assessment Report be posted for the second consultation period starting November 5 and ending on December 6, 2010;

AND THAT the Proposed Grand River Source Protection Area Assessment Report be submitted to the Grand River Source Protection Authority, as required under Section 16 of the Clean Water Act, 2006.

b) SPC-11-10-02 Early Response Program Application Review Committee

T. Ryan provided an overview of Report SPC-11-10-02.

E. Hodgins suggested that if specific notices were going to be sent to the property owners that the conservation authority staff work with the municipalities. T. Ryan noted that conservation authority will continue to collaborate with municipal staff.

THAT Report SPC-11-10-02 Early Response Program Application Review Committee be received for information.

11. Business Arising from Previous Meetings

There was unfinished business from the October 7, 2010 meeting due to a loss of quorum.

12. Other Business

a) Question and Answer Period

13. Closed Meeting

There were no questions or comments.
12. Other Business

a) Question and Answer Period

J. Oliver referred to the Tier 3 water budget monitoring wells being installed in Long Point Region and asked what will happen to the wells once they are no longer required for this project. J. Etienne responded that when the project is complete there will be approximately 50 monitoring wells installed. He noted that although there are funds available in the program to decommission the wells, staff recognize there may be other valuable municipal uses for the wells such as sentinel wells for monitoring purposes. There will be discussions with the municipalities regarding any future use. There may be value in keeping some wells open while other wells will be decommissioned.

* M. Goldberg left the meeting at 2:25.

A. Henry referred to the discussion today and in past meetings regarding land uses that increase the vulnerability of a wellhead protection area. He noted that the Act is silent on activities that change the vulnerability of an intake and asked if, in a broader sense, activities associated with vulnerability will be amended in the Act. He suggested that if it is not anticipated that this will be addressed in the near future, it behooves the committee to continue to push on this subject. M. Keller identified that the Ministry of the Environment is aware that this is an omission that should be addressed; however, there has not been any commitment or timeline regarding amending the Clean Water Act. A. Henry summarized that the MOE is aware that this is a flaw but is not prepared to address this right now. K. Turner concurred that this is her understanding.

R. Krueger advised that some fairly new threats which the committee should become aware of are threats with hydrocarbons associated with aquifers. Two of these threats are hydrocarbon sequestration and marcellus shale, which is an extraction methodology that causes an explosion underground that liberates natural gas. These mining activities can expose threats through hydrocarbon contamination.

13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, January 13, 2011, 1:30 pm
GRCA Administration Centre, 400 Clyde Road, Cambridge, ON

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of November 4, 2010 adjourned at 2:30 p.m.