

LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES

Thursday, June 2, 2011

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, June 2, 2011 at the Grand River Conservation Authority Administration Office, 400 Clyde Road, Cambridge, ON.

Members Present:	C. Ashbaugh, Chair; H. Cornwell, R. Haggart, J. Harrison, A. Henry, C. King, R. Krueger, I. Macdonald, J. Oliver, D. Parker, L. Perrin, R. Seibel, M. Wales, W. Wright-Cascaden
Members Regrets:	M. Ceschi-Smith, P. General, M. Goldberg, K. Hunsberger, J. Laird, G. Montour, D. Murray, T. Schmidt, B. Ungar, P. Wilson, D. Woolcott
Proxy Representatives:	*P. Busatto (J. Laird), S. Kongara (M. Ceschi-Smith), I. Macdonald (B. Ungar), L. Perrin (D. Murray), W. Wright-Cascaden (M. Goldberg & D. Woolcott), N. Kodousek (T. Schmidt & P. Wilson)
Liaisons:	L. Ross, Provincial Liaison; J. Farwell, SPA Liaison
Region Management Committee:	C. Evanitski, LPRCA; C. Murray, KCCA; R. Sackrider, LPRCA; K. Smale, CCCA; E. VanHooren, KCCA
Staff:	S. Brocklebank, GRCA; S. Cooke, GRCA; N. Davy, GRCA; J. Etienne, GRCA; L. Heyming, GRCA; E. Hodgins, Region of Waterloo; C. Jacques, LPRCA; M. Keller, GRCA; L. Lobe, Region of Waterloo; T. Ryan, GRCA; D. Schultz, GRCA; T. Seguin, GRCA; E. Stahl, GRCA; H. Waite, County of Oxford; 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 that the public meetings for the notice of plan commencement have been going well. He thanked municipal and conservation authority staff and source protection committee members attending the meetings for their support and dedication.

4. Review of Agenda

Moved by:A. HenrySeconded by:R. Kruegercarried unanimously

THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of June 2, 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 – May 5, 2011

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

carried unanimously

THAT the minutes of the previous meeting May 5, 2011 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

None

b) Not Copied

None

10. Reports

a) SPC-11-06-01 Draft Updated Kettle Creek Source Protection Area Assessment Report Public Comments

S. Brocklebank provided an overview of Report SPC-11-06-01.

R. Haggart asked how individuals who provided comments on the assessment report will be notified how their comments were taken into consideration. S. Brocklebank advised that the comments and the response to the comments are included in Appendix A of the

assessment report, which will be posted on <u>www.sourcewater.ca</u>. L. Perrin asked if there could be some type of generic notification sent to those who commented which states that the committee received the comments and that the responses to the comments are in Appendix A of the assessment report. He expressed concern that a lack of response could be perceived as the comments having fallen on deaf ears.

C. Ashbaugh asked how many responses would have to be sent out if staff were to respond to the comments. M. Keller identified that there are not a substantial number of comments; staff were following the process as it was done last year. The assessment report is posted online, and the public can look at the next posted version to see if or how their comments were addressed. He further noted that the agendas, reports and minutes are public information and are also posted online, although this approach does require that those who commented follow up on their own initiative. A. Henry suggested that even if only a form letter, it would be beneficial to send a letter acknowledging receipt and advising how those who commented how they can follow up.

S. Kongara advised that if there were comments that cannot be addressed by the assessment report pertaining to the Brantford water supply, City of Brantford staff would like to know. Although the comments may not fit the criteria for an amendment to the assessment report, and the comments may not be addressed through this process, the municipality may be able to contact that person and discuss possible alternate methods of addressing their concerns.

W. Wright-Cascaden suggested that, in future, the public can be advised how their comments will be addressed both in the public consultation posting and at the public consultation meetings.

Res. No. 38-11	Moved by:	A. Henry	
	Seconded by:	J. Oliver	carried unanimously

THAT the Proposed Updated Kettle Creek Source Protection Area Assessment Report be submitted to the Kettle Creek Source Protection Authority, as required under section 19 of the Clean Water Act.

b) SPC-11-06-02 Draft Amended Long Point Region Source Protection Area Assessment Report Public Comments

S. Brocklebank provided an overview of Report SPC-11-06-02.

J. Oliver asked why the Ministry of the Environment is providing additional comments so late in the process. S. Brocklebank responded that when the Long Point Region Assessment Report was approved on April 29, the Ministry of the Environment provided additional comments with their approval as they had previously done with the Catfish Creek and Kettle Creek assessment reports. L. Ross added that the Ministry's approach is to send the approval letter, and in a separate attachment include additional steps the Ministry of the Environment would like to see for the assessment report. The proposed changes are not required to meet the regulations and do not alter the report significantly, but they are changes the Ministry of the Environment would like made to the report.

R. Haggart summarized that there are no major changes for the report as a result of the Ministry's comments. L. Ross replied affirmatively adding that if major amendments were required, there would have been a Directors' letter indicating the changes required and requesting that, once the changes were made that the report be re-submitted.

L. Ross added that the Approved Long Point Region Source Protection Area Assessment Report has been posted on the EBR.

Res. No. 39-11	Moved by:	J. Oliver	
	Seconded by:	L. Perrin	carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to make the recommended changes to the Draft Updated Long Point Region Source Protection Area Assessment Report in response to comments received during the consultation period.

c) SPC-11-06-03 Draft Amended Grand River Source Protection Area Assessment Report Public Comments

M. Keller provided an overview of Report SPC-11-06-03 and noted that, since the report was written, it has been confirmed that the Chiefswood property is below the intake protection zone for Ohsweken. As such, concerns identified in a comment received cannot be addressed in the assessment report. Further, it has been identified that the property noted is on reserve, so the provincial source protection planning process is not able to address this comment. As a result, there are no changes required to the assessment report.

R. Seibel pointed out that the summary of comment G identifies the extraction as below the water table when in fact the full comment identifies the extraction as above water table. He also asked if there were handouts for comments A-C. S. Brocklebank identified that comments A-C were handwritten comments from the public open houses.

Res. No. 40-11Moved by:I. MacdonaldSeconded by:M. Walescarried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to make the recommended changes to the Amended Grand River Source Protection Area Assessment Report.

J. Oliver asked how the indefinite delay of the submission of the Grand River Source Protection Area Assessment Report will affect the committee's ability to comply with the legislated timelines. M. Keller responded that he does not think it will affect compliance because everything required to develop the policies is currently available. It is his hope that the Ministry's review will not result in a lot of new amendments. It is likely the Amended Assessment Report will be submitted in July or August, depending on the extent of the comments received from the Ministry.

d) SPC-11-06-04 Livestock Grazing/Pasturing Discussion Paper

H. Waite provided an overview of SPC-11-06-04 and the Livestock Grazing/Pasturing Discussion Paper.

D. Parker commented that the discussion paper appears to have omitted dead stock control. M. Keller responded that the livestock grazing/pasturing discussion paper would not be the appropriate place to consider dead stock, and suggested that it would be better placed under waste. He added, however, that he does not believe dead stock is being considered under waste either, and suggested that this is more an omission of the regulation rather than the discussion papers. L. Ross added that dead stock is exempt from Source Protection Planning because there are other regulations in which it is addressed.

J. Oliver pointed out that he thought it was agreed at a previous meeting that there would be merit in the project team providing some sort of ranking of the policy options. M. Keller responded that this recommendation was taken back to the project team, and the project team expressed concern that a robust evaluation system and criteria would be required to rank the policy options; otherwise the ranking would be a subjective exercise. The project team was also concerned that ranking the policy options may impact the municipalities' flexibility when selecting policy options. As a compromise, they are using wording like 'most promising' and 'most useful' in the discussion papers. W. Wright-Cascaden added that the project team tried to include some sample policies that they thought were the most realistic for the broadest range of municipalities. She noted that there are still choices within those examples, but the examples provide a starting point. Because of the wide range of resources of the municipalities it would have been too prescriptive to have adopted a "good, better, best" ranking of the policy options.

R. Haggart asked how the discussion papers are being released to municipalities, noting that he has a number of organizations that are interested in reviewing the discussion papers once released. M. Keller responded that the discussion papers are being released to municipalities via e-mail, through the municipal water services and planning directors group. He added that it is also posted on the website as part of the agenda.

N. Kodousek asked if there will be a recommendation to implement common programs if there are synergies between various municipalities and if some recommendations could be directed towards the Ministry. She noted that although some programs already exist, any new programs would require funding, and funding will affect how municipalities do their policy evaluations. M. Keller replied that, although proposed policies can be directed to the province, in many cases they can only be recommendations. Whereas, policies directed towards the municipalities are a requirement for the most part. The cost will be, in many cases, the deciding factor. There are no commitments from the province with respect to future funding, although that is something this region can advocate. L. Ross pointed out that there is funding available under the Ontario Drinking Water Stewardship Program until 2012 but beyond that, there has been no formal commitment. She noted however, the Source Protection Programs branch is currently investigating possible funding models for implementation and the chairs and project managers will be involved in that discussion.

R. Krueger suggested charging a nominal fee for access to the discussion paper; the money from the fee would then be redirected to an implementation fund. He noted that industry does this by charging a fee for white papers.

D. Parker noted a typographical error on the first page, third paragraph which says "handling and storage of fuel".

D. Parker requested that the paper be amended to include dead stock as a threat noting that he would prefer to include it and be told to take it out than not include it. M. Keller responded that he could discuss with the Ministry of the Environment how dead stock can be included in the process and can report back. L. Ross noted that, although the legislation regarding what can be included in the plan is fairly restrictive, she can also verify how dead stock fits into the process. One of the objectives is that the policy must be a threat policy. She reminded members that the committee can, however, express their opinions outside of the plan. W. Wright-Cascaden suggested that she would prefer that M. Keller follow up with options for including dead stock rather than including it in this discussion paper right now.

M. Wales pointed out that the wording in the legislation that does address dead stock was recently updated. The wording is very specific regarding what can and cannot be done with respect to composting and burial in relation to water and the water table. He conceded, however, that there is still the issue with the regulation being ignored, noting that this is still worthwhile to investigate through the Clean Water Act.

R. Seibel suggested that the committee could ask the province for approval to consider the burying of dead stock as a local threat in a future assessment report. L. Ross suggested that she will also investigate whether it can be included if there is an issue related to that activity.

Res. No. 41-11Moved by:A. HenrySeconded by:L. Perrincarried unanimously

THAT the Lake Erie Region Source Protection Committee release the Livestock Grazing and Pasturing Land Discussion Paper to municipalities for source protection planning purposes.

e) SPC-11-06-05 Outdoor Confinement Discussion Paper

H. Waite provided an overview of Report SPC-11-06-05 and the Outdoor Confinement Discussion Paper.

A. Henry noted that the discussion paper focuses on pathogenic threats and asked how quantity threats will be taken into consideration. He noted that watering large herds of animals can take considerable quantities of water. M. Keller responded that a permit to take water would be required in this instance and that this water taking would be evaluated where there is a Tier 3 water budget. J. Etienne clarified that it is difficult to take livestock operations into consideration for a water quantity assessment, because they do not require permits to take water.

A. Henry asked if future operations could be considered through official plans, zoning, bylaws, or permits, noting that any well over 50,000 litres per day requires a permit from the Ministry of the Environment. L. Ross responded that there are exemptions; she would need to reference the Ontario Water Resources Act to confirm, but believes providing water to animals is exempt. A. Henry noted there are some legislative changes forthcoming regarding the Great Lakes and asked if inclusion of watering animals in the permit to take water process would be one of the modifications. M. Wales noted that he would suggest that the farm community would be opposed this type of amendment to the Great Lakes Annex agreement. He further stated that amending this agreement will be a very slow process.

D. Parker noted a typographical error on page 6 pertaining to the storage and handling of fuel. Referring to minimum distance set-backs, he stated that he believes that set-backs must be reciprocal. He also reiterated that he feels dead stock should be included. L. Ross stated that, as she mentioned at the last meeting, policy in the source protection plan can only address prescribed or local threats; the establishment of a well or home is not a prescribed threat. She stated that it is a valid point, but in terms of the committee having the authority regarding the locating of a well, it is not within the scope of the source protection committee. W. Wright-Cascaden pointed out that locating a well would be addressed through the environmental assessment process.

Res. No. 42-11 Moved by: D. Parker Seconded by: L. Perrin

carried unanimously

THAT the Lake Erie Region Source Protection Committee release the Outdoor Confinement Area and Farm Animal Yard Discussion Paper to municipalities for source protection planning purposes.

* The committee took a break at 2:45 and reconvened at 2:53.

f) SPC-11-06-06 Storage and Handling of Fuels Discussion Paper

L. Lobe provided an overview of Report SPC-11-06-06 and the Storage and Handling of Fuels Discussion Paper.

L. Ross noted that on page 5, under gaps, it states that the Environmental Protection Act (EPA) does not require a mechanism to notify a municipality. She stated that, under Part 10 of the EPA, there is an obligation to notify a number of parties, including municipalities. She pointed out that there are exemptions, and she can provide those for inclusion.

A. Henry asked if the example of the Risk Management Plan should state provision and approval. M. Keller replied affirmatively. W. Wright Cascaden pointed out that Risk Management Plans are only negotiated between the risk management official and the property owner; it would not be a complete risk management plan unless both parties approved and signed the agreement.

Res. No. 43-11 Moved by: I. Macdonald Seconded by: M. Wales carried unanimously

THAT the Lake Erie Region Source Protection Committee release the Handling and Storage of Fuel Discussion Paper to municipalities for source protection planning purposes.

g) SPC-11-06-07 Storage and Handling of Organic Solvents Discussion Paper

L. Lobe provided an overview of Report SPC-11-06-07 and the Storage and Handling of Organic Solvents Discussion Paper.

L. Ross referred to the example policy tool for specify action and pointed out that there is a requirement to comply with an action only as long as it is a significant threat. It would not have that legal effect in areas that do not have a significant threat.

Res. No. 44-11	Moved by:	A. Henry
	Seconded by:	I. Macdonald

carried unanimously

THAT the Lake Erie Region Source Protection Committee release the Handling and Storage of an Organic Solvent Discussion Paper to municipalities for source protection planning purposes.

h) SPC-11-06-08 Storage and Handling of DNAPLs Discussion Paper

L. Lobe provided an overview of Report SPC-11-06-08 and the Storage and Handling of DNAPLs Discussion Paper.

L. Ross pointed out that there is no requirement under legislation to write a one-size-fitsall policy for this type of threat. In addition to prohibition, the committee could elect to recommend, for example, a risk management plan for commercial operation or an education and outreach policy for household use.

C. Ashbaugh expressed his concern regarding DNAPLs, and advised that it is his hope that the committee makes a concerted attempt to address DNAPLs. I. Macdonald advised that industries are aware of the hazardous nature of DNAPLs and have replaced it where they can. Industries recognized decades ago that there are other preferred options; DNAPLs are only used where absolutely necessary. Many sites of concern are sites from the past.

R. Krueger questioned the threats total of "0" for DNAPLs for Haldimand County noting that PAH's would be by-products of combustion from the Nanticoke power plant. L. Lobe advised that staff will investigate and confirm the threats number for Haldimand County. M. Keller concurred but pointed out that, even if the reports states "0" and they do have PAHs, there would still be a requirement to comply with any policy developed. The threats totals are merely a snapshot in time.

Res. No. 45-11	Moved by:	I. Macdonald	
	Seconded by:	R. Krueger	carried unanimously

THAT the Lake Erie Region Source Protection Committee release the Handling and Storage of a Dense Non-Aqueous Phase Liquid Discussion Paper to municipalities for source protection planning purposes.

11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

None

13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, June 16, 2011, 1:00 pm Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON

C. Ashbaugh reminded members that an SPC meeting is scheduled for June 16, 2011 at the GRCA.

The July 7, 2011 meeting will be at the Ohsweken Fairgrounds.

The August 4, 2011 meeting will begin with a tour of the Nanticoke Water Treatment Plant followed by the Source Protection Committee meeting at the Jarvis Community Centre.

15. Adjourn

Moved by: I. Macdonald Seconded by: R. Krueger

carried unanimously

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THAT the Lake Erie Region Source Protection Committee meeting of June 2, 2011 be adjourned.

The meeting adjourned at 3:40 p.m.

Recording Secretary

Chair