



LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES

Thursday, November 1, 2012

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, November 1, 2012 at the SC Johnson Community Centre, 16 Morrell Street, Brantford, ON.

- Members Present:** W. Wright-Cascaden, Chair; M. Ceschi-Smith; H. Cornwell; A. Dale; P. General; R. Haggart; K. Hunsberger; C. King; D. Murray; J. Oliver; D. Parker; L. Perrin; T. Schmidt*; G. Schneider; B. Strauss; B. Ungar; M. Wales; D. Woolcott
- Members Regrets:** C. Ashbaugh, Chair, J. Laird; A. Henry; D. Hill; R. Krueger; I. Macdonald; P. Wilson;
- Proxy Representatives:** P. Busatto (J. Laird); K. Hunsberger (R. Krueger); T. Schmidt (P. Wilson)
- Liaisons:** J. Mitchell (SPA Liaison), L. Ross (Provincial Liaison)
- Region Management Committee:** K. Smale, CCCA; S. Martyn, CCCA; R. Geysens, LPRCA; E. VanHooren, KCCA, C. Evanitski, LPRCA
- Staff:** L. Heyming, GRCA; C. Jacques, LPRCA; D. Schultz, GRCA; K. Smith, GRCA; E. Stahl, WESA; J. Ogier, GRCA; M. Keller, GRCA; B. Fields, Norfolk County; E. Hodgins, ROW; K. Hagan, City of Brantford; H. McClure, Oxford County; C. Jovellanos, MOE; S. Kongara, City of Brantford
- Also Present:** P. Hania; G. Graham; R. Norris; D. Dietrich; J. Broomfield

1. Call to Order

W. Wright-Cascaden 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.

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R. Norris communicated that the CCOB feel that conclusive scientific research has not yet been provided to prove that drinking water sources will not be negatively impacted by the potential future activities of the proposed gravel pit in Paris. Members of CCOB are concerned about the proximity of the proposed gravel pit, with an aggregate wash pond to be located within 100 meters of a WHPA-B and within 50 meters of a WHPA-C. R. Norris stated that the CCOB share the SPC's concerns previously expressed in a letter to the Ministry of Environment (MOE) in 2010, requesting that excavation and extraction below the water table be listed as a prescribed drinking water threat. The CCOB were disappointed when the MOE denied this request. The group recognizes that the SPC was established to protect local drinking water sources and R. Norris expressed sincere appreciation towards the SPC for listening to their concerns at this meeting. He then put forth the following questions to the SPC:

- 1. Does the SPC have the authority to examine the risk as a site specific issue for the Paris wells prior to a permit being granted to take water?*
- 2. Will the SPC provide input to the MOE when Dufferin Aggregate applies for a permit to take water, as it relates to the issues outlined by the CCOB?*
- 3. Can the SPC request a study to be completed, specifying the lab and field methodology to detect low levels of chemistry to determine the CCOB's concerns regarding the wash pond have merit?*

R. Norris also noted that the CCOB presented the SPC's request to include excavation and extraction below the water table as a prescribed drinking water threat to Brant County Council and have received a great deal of support. The CCOB would like to know if the SPC will be pursuing this issue further with the MOE, and if so, they intend to support this pursuit in any way possible.

R. Haggart asked if the presentation given by R. Norris could be provided to the SPC to review the specific examples and details in more depth. M. Keller confirmed that a copy will be circulated via email.

G. Schneider asked if members of the CCOB have met with Dufferin Aggregates to discuss these concerns regarding the proposed gravel pit in Paris. If not, he suggested setting up a meeting in the near future. R. Norris explained that an invitation from Dufferin Aggregates was already extended to the CCOB. The CCOB also attended a town hall meeting with Dufferin Aggregates where their concerns were raised; however, responses from Dufferin Aggregates have not yet been received.

D. Parker asked G. Schneider if there is any reason why a concrete tank cannot be used in a wash area. G. Schneider felt that this is a complicated question. He noted that there are many factors to examine when answering that question; therefore, it would be more effectively discussed at a later date upon further consideration.

J. Oliver pointed out that R. Norris referred to an OMB hearing in his presentation and asked for clarification on when that particular hearing took place. R. Norris stated that the hearing took place in 1974.

B. Ungar noted that in his presentation, R. Norris implied that Atrazine, a chemical once used in agricultural practices such as the cultivation of corn, has accumulated in the soils of the Paris plains. However; he felt that this statement is inaccurate, as the use of Atrazine has generally ceased during the last 15 to 20 years. He asked if R. Norris had documentation to verify this statement. R. Norris clarified that his reference to Atrazine was to demonstrate that documentation to prove whether or not this harmful chemical still resides in the soil is not currently available, and the CCOB is requesting that the MOE conduct a study on Atrazine for this reason.

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R. Haggart felt that the issues being put forward by the CCOB are a County-wide concern and requested that these questions be reviewed and discussed at an upcoming SPC meeting. T. Schmidt felt that it is not the mandate of the SPC to comment or make decisions regarding site-specific development or operations (i.e. the proposed gravel pit in Paris). W. Wright-Cascaden agreed and added that although CCOB is particularly concern about events in Paris, the questions being brought forth to the SPC can be answered in a general manner.

J. Oliver asked if the activities that are causing concern for the CCOB could be considered a 'local threat'. M. Keller confirmed that there is an application process for a local threat, requiring approval from the MOE. If approved, the local threat is considered the same as a prescribed threat and policies can be written to address it. He reminded members that the SPC did apply for certain activities associated with aggregate operations to be considered local threats, where decisions from the MOE are still pending.

M. Keller also agreed with T. Schmidt's comment that the SPC must adhere to their mandate and are not responsible for addressing site-specific developments. R. Haggart agreed that the CCOB's questions could be answered with generalized responses. He felt that this is an opportunity for future review of local threats and stated that the SPC should become familiar with the local situation at hand. In the long term, it must be determined if source water protection and extraction of gravel can coexist. He then put forth the following motion to the SPC:

Res. No. 62-12

Moved by: R. Haggart

Seconded by: M. Ceschi-Smith

carried unanimously

THAT the presentation given by R. Norris at the Source Protection Committee meeting of November 1, 2012 on behalf of the Concerned Citizens of Brant be circulated to Committee members to review the specific questions put forward, and that a brief staff report with responses to those questions be presented to the Committee for review and consideration at the December 6, 2012 meeting.

8. Presentations

None

9. Correspondence

a) Copies for Members

None

b) Not Copied

None.

10. Reports

a) SPC-12-11-01 - Proposed Long Point Source Protection Plan

E. Stahl provided an overview of report SPC-12-11-01.

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D. Parker asked for clarification regarding Policy OC-CW-5.1 (i.e. Oxford County's policy for the storage of agricultural source material). He noted that the policy had been changed since the March, 2012 Discussion Draft version from a Section 58 Risk Management Plan policy to a Section 57 Prohibition policy. He felt that this is a significant change to have taken place and asked E. Stahl to confirm that there have been no other major changes in policy direction without being brought to the attention of the SPC.

E. Stahl confirmed that some policy numbers have been changed since the Draft Discussion version in March, 2012; however, no changes to the policy direction have been made since the Draft Source Protection Plan, presented to the SPC in August, 2012. She noted that Oxford County reviewed the technical studies presented in the Assessment Report for determining Wellhead Protection Area (WHPA) vulnerabilities. These studies indicated that the WHPA-B is as vulnerable as the WHPA-A; therefore, the area was given a vulnerability score of 10. Hence, the policy was developed to be more restrictive to better protect the drinking water source. Oxford County completed a current and future analysis of the land use as well as spoke directly to landowners regarding these policies. She added that justification for policy direction is included in the Oxford County section of the Explanatory Document and confirmed that any significant policy changes have not been made without informing the SPC.

J. Oliver inquired when the Proposed Long Point Region and Catfish Creek Source Protection Plans will be available to the public for review. E. Stahl explained that the Proposed Plans will be posted online for review and hard copies will be sent to the Conservation Authorities on November 2, 2012. Notification will be sent on November 2, 2012 to all City Clerks within the Source Protection Area and advertisements will be posted in local newspapers.

B. Ungar referred to the updated 'ceases to be' policy wording and inquired who will be responsible for the cost of 'ceasing' activities. M. Keller clarified that the wording speaks to a policy's objective of ensuring that activities cease to be *significant* drinking water threats, not cease entirely. He added that this has been a common misunderstanding; however, the *Clean Water Act* uses the 'ceases to be' language; therefore, policies have been updated to reflect the same wording.

Res. No. 62-12

Moved by: J. Oliver

Seconded by: D. Murray

18 in favour, 2 opposed

THAT the Proposed Long Point Region Source Protection Plan and associated Explanatory Document be posted for the second consultation period starting November 2, 2012 and ending on December 3, 2012 in accordance with Section 42(2) of Ontario Regulation 287/07.

THAT the Proposed Long Point Region Source Protection Plan and associated Explanatory Document be submitted to the Long Point Region Source Protection Authority in accordance with Section 22(16) of the Clean Water Act, 2006 and Sections 42(1) and 43 of Ontario Regulation 287/07.

b) SPC-12-11-02 – Proposed Catfish Creek Region Source Protection Plan

E. Stahl provided an overview of report SPC 12-11-02.

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K. Smale indicated that Volume II incorrectly states Long Point Region Conservation Authority and requested it be changed to Catfish Creek Conservation Authority. E. Stahl confirmed that the error will be corrected.

Res. No. 63-12

**Moved by: B. Ungar
Seconded by: M. Wales**

carried unanimously

THAT the Proposed Catfish Creek Source Protection Plan and associated Explanatory Document be posted for the second consultation period starting November 2, 2012 and ending on December 3, 2012 in accordance with Section 42(2) of Ontario Regulation 287/07.

THAT the Proposed Catfish Creek Source Protection Plan and associated Explanatory Document be submitted to the Catfish Creek Source Protection Authority in accordance with Section 22(16) of the Clean Water Act, 2006 and Sections 42(1) and 43 of Ontario Regulation 287.07.

c) SPC-12-11-03 – Grand River Source Protection Plan Update and Draft Source Protection Plan Comments

K. Smith provided an overview of report SPC 12-11-03.

B. Ungar referred to OMAFRA's assertion that the *Nutrient Management Act* is sufficient to protect drinking water sources, specifically their concerns with the prohibition of activities outside of WHPA-A. He stated that evidence has shown that the *Nutrient Management Act* cannot be solely relied upon to protect drinking water sources in many of these vulnerable areas; therefore, these comments have no bearing. K. Smith confirmed that no changes will be made to the existing policies based on these comments from OMAFRA, and noted that justification for going beyond the *Nutrient Management Act* is included in the Explanatory Document.

D. Murray asked if final solutions have been reached with regards to cross boundary policy harmonization in Dufferin County. M. Keller explained that a future meeting will take place to further discuss outstanding cross boundary harmonization concerns, and to seek clarification on some of the comments made by the Townships of Amaranth and East Garafraxa. D. Murray expressed his concern that the opportunity to resolve these issues may be lost, as the post submission process is currently uncertain. M. Keller noted that the Ministry of the Environment has given an indication that opportunities for discussions about outstanding concerns including cross boundary policies will be given after the Plan submission deadline.

D. Murray questioned, if the SPC supports the recommendation outlined in report SPC-12-11-03, how staff will address the issues that have not been fully discussed yet. He asked if the MOE will permit the SPC to change the policies after the submission deadline. W. Wright-Cascaden noted that staff will be making changes to the Draft Source Protection Plan up until the Proposed Plan provided to the SPC on December 6, 2012. At that time, the SPC will be better able to assess what the outstanding issues are. She agreed that the MOE should provide the SPC with a better understanding of the post submission process. J. Oliver felt that the Townships who share a boundary with the CTC are more satisfied with the Lake Erie Region policies and wondered if CTC has received similar comments from the Townships.

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P. Busatto put forth the following motion:

Res. No. 64-12

**Moved by: P. Busatto
Seconded by: L. Perrin**

carried unanimously

THAT staff continue dialogue with the Ministry of the Environment for resolving outstanding cross boundary concerns for policy harmonization, post Source Protection Plan submission.

A. Dale felt that a similar motion had already been put forth at a previous meeting. L. Ross confirmed that a motion regarding funding had been put forth previously, but not a motion specific to the post Source Protection Plan submission process.

P. Busatto voiced the City of Guelph's concern that council endorsement cannot be obtained within the current submission timeline for the Proposed Grand River Source Protection Plan. M. Keller noted that this topic will be discussed through report SPC-12-11-04.

J. Oliver commented on the hard work that has gone into the Lake Erie Region's Source Protection Plans over the last month, and extended the SPC's appreciation to all involved. J. Mitchell agreed with J. Oliver's comment. She also added that she sent a response to L. Lanteigne, who expressed concern regarding the GRCA's involvement with source water protection.

M. Wales asked if the recent prorogation of the legislature within the Ontario Government will impact the MOE's ability to approve Source Protection Plan's across Ontario. L. Ross explained that although the MOE is uncertain of the impacts to the approval process, staff will continue business as usual to ensure timelines are met.

Res. No. 64-12

**Moved by: M. Ceschi-Smith
Seconded by: P. Busatto**

carried unanimously

"THAT the Lake Erie Region Source Protection Committee direct staff to make the necessary revisions to the Grand River Draft Source Protection Plan, as outlined in this report, to address the comments received during the Draft Source Protection Plan public consultation period.

d) SPC-12-11-04 - Committee Meeting Dates – January to March, 2013

M. Keller provided an overview of report SPC 12-11-04.

M. Keller noted that due to the large amount of work still required to finalize the Grand River Source Protection Plan, the MOE has acknowledged the challenges involved with meeting the submission timeline. GRCA staff have discussed with the MOE the possibility of a submission extension, to ensure all municipalities have the opportunity to submit comments as well as obtain endorsement from their councils. He added that the MOE has confirmed that context can be added to the Source Protection Plan policies to eliminate policy gaps, and that further public consultation is not legally required as per the *Clean Water Act, 2006*.

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M. Keller confirmed that the next SPC meeting will be held on December 6, 2012 and he anticipates that information regarding future funding of the Source Water Protection Program, as well as direction on the post submission process, will be available at this time. P. Busatto asked if alternate funding is available to the Source Protection Program, should the MOE funding not be provided. M. Keller confirmed that to date all funding has been provided by the Province and no other sources of funding are available at this time. Forecasted funding needs can be included in the Source Protection Business Proposal for 2013, and if approved, a work plan will be put into place.

Res. No. 65-12

**Moved by: B. Strauss
Seconded by: M. Wales**

carried unanimously

THAT the Lake Erie Region Source Protection Committee adopt the following tentative meeting schedule from January to March, 2013

11. Business Arising from Previous Meetings

- a) Public consultation meeting comments – Brant Sports Complex, September 19, 2012

G. Schneider wished to highlight that certain individuals who attended the Draft Grand River Source Protection Plan public consultation meeting on September 19 at the Brant Sports Complex in Paris felt that the GRCA did not provide accurate technical information regarding the aggregate extraction concerns relating to proposed gravel pit on Watts Pond Road in Paris. He felt that the opportunity for the GRCA to explain why the MOE did not approve the SPC's request to have excavation that breaches the aquitard included as a prescribed drinking water threat was not taken, and noted that the aggregate industry takes these concerns very seriously. He commented that it is the responsibility of the GRCA to provide accurate information in order to dispel misconceptions.

- b) MOE Follow-up regarding SPC questions from October 4 SPC meeting.

M. Keller explained that SPC members were provided a copy of an email from L. Ross providing answers to two questions raised by J. Oliver during the previous SPC meeting of October 4. L. Ross provided a brief overview of the questions and answers. There were no additional questions raised by the SPC.

12. Other Business

- a) Rehabilitation Activities at an Aggregate Operation within a Vulnerable Area that Allows Ponding of Water.

P. Busatto explained that the SPC's concern regarding the post-extraction phase of aggregate operations was originally put forth to the MOE in February of 2011. The MOE responded in July, 2011 indicating that a decision on the SPC's local threat request regarding the creation of a ponded area due to the rehabilitation of an aggregate site has not yet been made, and that the MOE is currently consulting with other ministries. He added that the SPC continues to await a response; therefore, the City of Guelph requested this topic be included in the November 1 SPC agenda as a reminder to the MOE that a response to this request remains outstanding. The City of Guelph is concerned that it may be too late in the process for this issue to be addressed and the post submission process is still unknown.

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L. Ross confirmed that although the status of a response has not changed, providing a response to the SPC remains a priority for the MOE. P. Busatto added that Guelph city council appreciates the support received from the SPC regarding this issue, and receiving a response from the MOE is becoming critical.

W. Wright-Cascaden requested that L. Ross provide an update on the status of the MOE's response to the SPC at their next meeting. L. Ross confirmed that she will make an effort to provide the SPC with a response from the MOE on December 6, 2012. A. Dale pointed out that a neighbouring Source Protection Region encountered the same issue - that a standing pool of water could potentially contaminate an aquifer, and asked whether or not their request was approved by the MOE. L. Ross responded that she could provide an answer on December 6, 2012.

D. Parker suggested that the City of Guelph investigate the possibility of capturing the water before it pools so it can be removed. D. Belanger explained that the City of Guelph have investigated this possibility; however, it is not a viable option as the particular area in question currently contains an adequate water supply, as it contains several municipal wells. The City of Guelph have determined that protecting the existing ground water is a more appropriate solution that also allows the water to be provided to the municipality at a lower billing rate.

13. Closed Meeting

Not applicable

14. Next Meeting – Thursday, December 6th at 1:00 p.m. - GRCA

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of November 1, 2012 adjourned at 3:45 p.m.

Moved by: D. Parker

Seconded by: P. Busatto

carried unanimously

THAT the November 1, 2012 Lake Erie Region Source Protection Committee meeting be adjourned.

Chair

Recording Secretary