



LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES

Thursday, November 3, 2011

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, November 3, 2011 at the Grand River Conservation Authority Administration Office, 400 Clyde Road, Cambridge, ON.

Members Present: C. Ashbaugh, Chair; M. Ceschi-Smith, H. Cornwell, P. General, M. Goldberg, R. Haggart, J. Harrison, A. Henry, K. Hunsberger, C. King, R. Krueger, I. Macdonald, D. Murray, J. Oliver, D. Parker, L. Perrin, T. Schmidt, G. Schneider, B. Ungar, M. Wales*, D. Woolcott, W. Wright-Cascaden

Members Regrets: J. Laird, G. Montour, P. Wilson

Proxy Representatives: P. Busatto (J. Laird)

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; J. Deter, GRCA; J. Etienne, GRCA; B. Fields, Norfolk County; L. Heyming, GRCA; E. Hodgins, Region of Waterloo; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; S. Shifflett, GRCA; M. Silverio, City of Hamilton; K. Smith, GRCA; L. Stafford, City of St. Thomas; E. Stahl, GRCA; A. Wong, GRCA; G. Zwiers, GRCA

Also Present: P. Hania

1. Call to Order

C. Ashbaugh 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.

3. Chairman's Remarks

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

- The Lake Erie Region Management Committee (LERMC) held their quarterly meeting at the Catfish Creek Conservation Authority on October 25th. The meeting was highly productive and S. Martyn was commended for her outstanding hosting efforts.
- The history and structure of LERMC was reviewed. The committee has been very successful in getting the 4 watersheds of the Lake Erie Region (LER) to work collaboratively and has proved most beneficial to all parties involved. The LER remains unique with its high level of municipal involvement in policy writing, and although that type of process may take more time, it will produce very positive results. It is suggested that, in the upcoming months, focus be kept on the final product instead of entirely on the process.
- Kaitlyn Smith was introduced and welcomed to the Source Protection Committee (SPC) as the new Source Protection Program Administrative Assistant.
- M. Goldberg is not renewing his SPC membership. The Committee is sorry to see him go, as his contributions were of tremendous value and he will be sincerely missed.

4. Review of Agenda

M. Keller reviewed the new items added to the agenda and suggested that Report SPC 11-11-04 be presented before Report SPC 11-11-02. B. Ungar also asked if he could discuss what has been happening with the Early Actions Review Committee (EARC) under Other Business.

Moved by: H. Cornwell
Seconded by: B. Ungar **carried unanimously**

THAT the revised agenda for the Lake Erie Region Source Protection Committee Meeting of November 3, 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 – October 6, 2011

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

THAT the minutes of the previous meeting October 6, 2011 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

i) Correspondence to Heather Malcolmson, Director (Acting), Source Protection Programs Branch, Ontario Ministry of the Environment from Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Concerns about Meeting Source Protection Plan Submission Date of August 2012

J. Harrison asked that his objection to the letter be noted and that he be disassociated with its contents. He commented that it is dishonest of the SPC to say, as a collective group, that the deadline of August 2012 will not be met. The Committee should not blame municipalities' lack of responses for potentially missing the deadline, when the timeline could not be considered reasonable to begin with.

ii) Correspondence from Mark Goldberg, Lake Erie Region Source Protection Committee Member to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: The Dolime Quarry

M. Goldberg explained his reasoning for not renewing his SPC membership. After retirement in July, he is stepping back from a number of his involvements and taking time to pursue other opportunities. He added that he appreciates the dedication of the SPC and civil servants involved in the program and has a great deal of respect for all the efforts put forth. He commented on an outstanding issue that he is disappointed remained unsolved during his time with the SPC. The Dolime quarry was determined a serious concern for Guelph's water supply, as the aggregate extraction has breached the aquitard (a layer of rock protecting the underground supply, where 95% of city's drinking water is drawn from). The SPC passed a motion in February 2010 that the excavation be deemed a subscribed threat to source water; however, since then there has been continual resistance from the Ministry of the Environment (MOE) to designate the activity as such. The purpose of the SPC is to identify these issues and make sure they are addressed effectively. To date, nothing has been accomplished in regards to this problem. M. Goldberg highlighted that in a recent meeting he asked L. Ross, provincial liaison, to report back on the status of the SPC's request to the MOE, but has not received an update. L. Ross reviewed the correspondence from M. Goldberg and responded that this is a difficult and complex issue for the Ministry. Source Protection (SP) involves a large number of different legislations and separate branches of the government (SP Program, Operations Division, Ministry of Natural Resources etc.). Therefore, particularly complex issues take a great deal of time to resolve. There are talks occurring between the different branches and November 10th is the next scheduled meeting. The top priority of the MOE is to protect drinking water, and often it is a challenge to identify the best way to accomplish this, while simultaneously being mindful of other legislation. The Dolime quarry had not specifically been discussed by the MOE until August. It was decided that the activity doesn't involve excavations below the water table, and so the request to include it as a subscribed threat was originally denied. For commenting on this particular matter, the Operations Division has the lead, as they have the authority and detailed technical knowledge to deal with it properly.

* M. Wales joined the meeting at 1:22 pm.

process of approving Kettle Creek's Draft Plan should continue to move forward. M. Keller agreed and added that the discussions are based around defining existing and future threats, and how might these policies address both.

M. Goldberg asked if it is wise to start a 30 day consultation for Kettle Creek's Draft Amended Updated Assessment Report (AUAR) on December 19th, considering the Christmas holidays are about to begin. M. Keller responded that 30 days is the requirement for a public consultation period; however, the number of individuals that will be affected by the changes to the assessment report is very small, Therefore, it is not likely that the Christmas holiday period would be detrimental to the consultation. C. Ashbaugh suggested that a one day consultation could be scheduled for January, once the holidays are over, and both W. Wright-Cascaden and M. Keller expressed agreement.

D. Woolcott asked if the County of Oxford has expressed any concern about the policies of the Upper Thames, in regards to meeting timelines. M. Keller responded that during yesterday's SP Project Team meeting, such concerns were raised by the County of Oxford. It was confirmed that the Thames Sydenham Region are on a different timeline, and there is hope that they will produce some draft policies soon.

I. Macdonald questioned why there is such concern to acquire approval for Kettle Creek's AUAR, when the Grand River AR has not received any approval yet. M. Keller responded that Kettle Creek's Draft Plan can only be released for formal public consultation after the AR is approved.

J. Oliver asked, that if the policies for Central Elgin's fertilizer and fuel tanks were changed, what would the magnitude of the increased footprint of the area of concern be? Would it affect 1-2 more individuals, or would it affect a much greater property area and therefore many more landowners? M. Keller responded that in both cases the area could be extended upstream or downstream, but to what degree would depend on the results of the modelling done. For Port Stanley, the area would likely extend to capture the harbour area, but it would be premature to assume the policy could reach beyond that, as additional modelling would be needed to determine such. A. Henry provided clarification that in regards to the fertilizer tank in Port Stanley, the policy would likely no longer apply to just the asphalt site, but to all of the harbour properties. The question is, if a tank was put in adjacent to the current site, would the tank also pose a significant threat to the intake? The answer is yes. However, how far beyond the harbour this area could extend is currently unknown, and will be addressed in future updates of the AR. In regards to the diesel tank, there needs to be a decision made as to whether or not this site should be considered a significant threat. The water treatment plant drains at the facility, but also on a portion of the property, a section of the county road and some of the properties adjacent. It is expected that additional information will be provided by the end of the week that will help finalise the analysis.

J. Harrison asked M. Keller for confirmation that other Source Protection Regions (SPRs) have a later timeline than the LER with respect to policy development. M. Keller responded that it was his understanding that they have a timeline that is either similar to the LER or slightly later. Other SPRs do not have such high municipal involvement in writing their policies, and this differentiation is one of the reasons why their timeline is not consistent with that of the LER.

Res. No. 85-11

Moved by: D. Murray

Seconded by: L. Perrin

carried unanimously

THAT Report SPC-11-11-04 Comments on Updated Assessment Reports and Timelines for Source Protection Plan Development be received as information.

c) SPC-11-11-02 Kettle Creek Source Protection Plan: FIRST DRAFT

E. Stahl provided an overview of Report SPC-11-11-02. She noted that Kettle Creek's Draft Plan is still a working document, and that the SPC will receive it again for approval for the 30 day consultation. She also explained that changes to the document were not highlighted in the packages received by SPC members, because the edits were too numerous.

A. Henry referred to page 14 of Volume II and asked how detailed this section need to be. There are a number of specific threats that could be included in this section, or they could be generalized, depending on how extensive the section will be. E. Stahl responded that the section does not necessitate immense detail, and that readers of the document will be referred to the AR if they require more information. However, if particular threats are deemed very important, they can be brought forward and given emphasis if desired. M. Keller added that any information that could aid in the comprehension of Source Protection Plans (SPP) can be included. Therefore, the SPC has the flexibility to decide what details are provided to help understand the greater context. He advised that the Committee should express what details they would like to see included whenever possible.

J. Harrison highlighted that Volume II for Kettle Creek is already 90 pages long, and it does not yet include the AR. He asked if staff had any idea how long the document would be, once completed. M. Keller responded it is uncertain how long the document will be. The exact nature of the finished package is yet to be determined, and there are several ideas in the works (for example, the AR being presented in CD format). M. Keller confirmed that adding the AR would most likely bulk up the entire document, but otherwise, the Plan itself will not be much larger than it is already. J. Harrison questioned that if the document for Kettle Creek is this long, how long will it be for the Grand River be? E. Stahl responded that Volume I will look the same, but that it cannot be said what the differences in length for Volume II will be. J. Harrison advised that it might be extremely difficult to receive such large documents for Catfish Creek, Long Point Region, and Grand River all in the same day, as proposed in the timeline. M. Keller responded that the proposed timeline for Grand River has not yet been adjusted and it is uncertain what exactly it will look like in the upcoming months.

T. Schmidt suggested that there might be a better way to present these policies to the SPC, so that the process is not so long and tedious. Choosing significant threats that occur across the watersheds, and discussing the policies associated with them, might be a more efficient way to present these lengthy documents. M. Keller agreed that this was a good idea. He reminded the Committee that they will still have to receive all the documents, but that the information can be shared quicker by presenting policies by theme instead of each individual one, and choosing policies that address threats occurring "across the board." J. Harrison agreed that this method for presentation could

of Central Elgin would be responsible for bearing all costs associated with the SPP's implementation. The paragraph should be reworded, and instead suggest that the cost should be borne by the users of the water systems, and not entirely on the residents of Central Elgin. He added that all the SPPs should be financed this way, where those who do not use the water do not pay for implementing the Plan, and those who do use the water, do. L. Perrin added that this has been a topic of discussion for quite some time. Central Elgin shares the municipal water supply with outside communities; therefore, the entire cost should not be borne by the municipality just because the source happens to be located there. J. Oliver noted that prior to 2003, there was an opportunity to implement a SP Program before the current one being undertaken now. The reaction at that time from council and senior staff of the Water Department was that although the program would target municipal water supplies, the SPPs and their policies would apply to the source as a whole, not just the intake location (not just the intake pipe of a particular municipal well, for example). As a result, there existed considerable differences in opinion on whether or not all residents, water users or non-water users, would share in the cost. Nothing consequently ensued, but it is worth noting that these differences in opinion existed prior to these current discussions. R. Haggart commented that it is not the responsibility of the SPC to determine who will pay for SPP implementation and who will not. The SPC can make a recommendation, and the argument that only water users should pay will occur frequently. However, there are locations where municipal water is supplied to both industry and commoners in the same municipal tax base, for example, Brant County. The taxes collected from new industries in Paris and St. George for their water use do not go strictly to Paris or just to St. George, they go into a pot to be shared by the entire municipality. Therefore, the protection of that water base is financially important, even to non-water users. C. Ashbaugh asked L. Ross if this particular argument has been raised at the Ministry level. L. Ross responded that of all the more contentious issues the MOE has to deal with, the financial arguments are at the top of the list. No decisions have been made yet on future funding; therefore, the MOE has nothing substantial to share with the SPC on the topic at this point in time.

D. Woolcott suggested that it is not the hard costs that are the main issue, such as the buying of a piece of property to act as a buffer for a well intake. It is the softer costs that are more difficult to deal with, such as the *future* value or cost of that property, which could be subject to unforeseen increases. He agreed with R. Haggart and J. Harrison that it is not in the SPC's ability to dictate to municipalities who will be spending what. However, he suggested that the MOE fund the hard costs that result from the implementation of the SPPs. He also suggested that the Greenbelt Act should be referenced as an example of how municipalities were affected by policy implementation. The frustration of the industrial sector, in regards to SP, is certainly understood, as there will most likely be unintended consequences for them.

J. Oliver asked if the questionable third paragraph need to be included in the document at all. He suggested it be deleted entirely. The SPC has no jurisdiction in this financial area and the previous paragraph already states the SPC's commitment to getting some funding from the Province for SPP implementation. M. Keller, C. Ashbaugh, A. Henry subsequently expressed agreement. A. Henry added that, if left in the document, the section will receive similar commentary and debate at a public consultation. He suggested that the MOE consider the arguments and consult with the public on financial implications of the SPP.

Res. No. 87-11 **Moved by:** **J. Oliver**
 Seconded by: **M. Goldberg** **carried unanimously**

THAT the third paragraph on page 104 under section 2.3 Financial Considerations of the Kettle Creek Source Protection Area Explanatory Document: FIRST DRAFT be removed.

Res. No. 88-11 **Moved by:** **H. Andrew**
 Seconded by: **I. Macdonald** **carried unanimously**

THAT Report SPC-11-11-03 Kettle Creek Source Protection Area Explanatory Document: FIRST DRAFT be received as information.

11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

B. Ungar provided an overview of what has been happening with the Early Response Review Committee. The review committee received 13 project funding applications in total; 10 were approved, 2 were deferred for further information, and 1 was rejected. \$111,000 of grant money was spent on the approved applications. R. Haggart asked if there would be successive reports written regarding this information. B. Ungar responded that as of right now there are no other applications to the review committee. R. Haggart suggested that a written report be presented to the SPC about the current projects that received the grant money. B. Ungar responded that confidentiality agreements prevent the review committee from knowing exactly who the money is given to. R. Haggart confirmed that confidentiality would undoubtedly be honoured, but that the SPC would benefit from a written report to outline the nature of these approved projects, since \$111,000 is quite a large sum. M. Keller clarified that approval of these projects, and allocation of funding was extremely recent, and that staff certainly will have time later to create a report to bring the details to the SPC.

T. Schmidt commented that the Clean Water Act (CWA) has no transition policies for Section 59 Restrictive Land Use Policies. Once the SPP is approved, its policies will instantly take effect. This will certainly cause considerable planning issues. The CWA does allow the MOE to develop transition policies; therefore, the SPC should request the MOE to develop them for Section 59, for the entire province. A. Henry asked if anyone was concerned about what the nature of such transition policies would be. A development activity should not necessarily be allowed to continue when there are threats associated with it, simply because there is an application already being processed. He noted his approval of having transition policies, but advised caution on how they are applied. W. Wright-Cascaden explained that, under the CWA, policies are allowed to be 'phased' in, so that implementing bodies have the capacity and proper resources assembled to accomplish such realistically and effectively. If every policy



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 Present: C. Ashbaugh, Chair, H. Cornwell, P. General*, R. Haggart, A. Henry, K. Hunsberger, R. Krueger, I. Macdonald, D. Murray, J. Oliver, D. Parker, L. Perrin, T. Schmidt*, G. Schneider, B. Ungar, M. Wales, D. Woolcott*, W. Wright-Cascaden

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.

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

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

**14. Next Meeting – Thursday, January 12, 2012, 9:30 am
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.

Chair

Recording Secretary



LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES

Thursday, January 12, 2012

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, January 12, 2012 at the Long Point Region Conservation Authority, 4 Elm Street, Tillsonburg, ON.

Members Present: C. Ashbaugh, Chair, M. Ceschi-Smith, H. Cornwell, A. Dale, P. General, R. Haggart, J. Harrison*, A. Henry, C. King, R. Krueger, D. Murray, J. Oliver, D. Parker, L. Perrin, T. Schmidt, G. Schneider, B. Ungar, M. Wales, P. Wilson, D. Woolcott, W. Wright-Cascaden

Members Regrets: K. Hunsberger, J. Laird, I. Macdonald, G. Montour

Proxy Representatives: P. Busatto (J. Laird), A. Henry (I. Macdonald)

Liaisons: L. Ross, Provincial Liaison

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

Staff: D. Bray; OMAFRA; S. Brocklebank, GRCA; P. Chauvin; MHBC Planning; J. Godby, Norfolk County; L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; L. Lobe, Region of Waterloo; S. Longstaff, MHBC Planning; H. McClure, County of Oxford; 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 9:38 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:

- A. Dale was welcomed to the Lake Erie Region Source Protection Committee (LERSPC) as a new member and Public Interest representative.
- A Source Protection Region Chair's meeting was held by Conservation Ontario on January 9th, and was the first time all of the Chairs were together since March of 2011. Mary Anne Covelli, the new Director for the Ministry of the Environment's (MOE) Source Protection Programs Branch was present, as well as John Stager, Assistant Deputy Minister. Several topics were discussed at the meeting, including the following:
 - 1) The Chairs identified a need for a communication strategy for engaging the public in the next phase of the Source Protection Program. They agreed that if the program is to succeed, the public must be well informed, and are looking forward to a strategy being developed by the end of March.
 - 2) While attending public meetings, many of the Chairs have encountered 'push back' on several Source Protection initiatives, particularly from the agricultural and municipal community. To address some of their concerns, the Chairs discussed continuing support for delivery and enhancement of stewardship programs. It was also suggested that the MOE assume funding control of the Risk Management Office (officials and inspectors). The financial support from the MOE would eliminate several of the cost and expenditure concerns of many municipalities.
 - 3) A growing concern was shared regarding the closing date for Source Protection Plan (SPP) submissions. SPRs such as Lake Erie are dealing with complex drinking water systems and cross boundary issues. Therefore, more time is required to develop meaningful policies that will be implementable and effective. The MOE will be unable to simultaneously review all of the Plans in August of 2012, due to the volume of these documents. It was suggested that in the interim these SPRs should be permitted more time to complete Plan development.
 - 4) The Road Signage program was recognized by the Chairs as successfully moving forward, and will hopefully be in place for the approval of the SPPs. In addition to assisting with spill emergency response, it is anticipated that the signs will aid in increasing public awareness on Source Protection.
- Conservation Ontario was commended for their outstanding efforts in organizing and maintaining communication between the 19 SPR Chairs following the departure of the MOE's former Source Protection Programs Branch Director, Ian Smith.
- The Source Protection Program is not expected to suffer due to recent financial changes within the MOE. Many of the program's larger expenses will cease after the approval of the SPPs, such as consulting fees and technical study costs; therefore budget cuts within the Ministry should not affect the future of the program.
- M. Keller was called upon to share the comments made by John Stager at the Chairs meeting. John Stager stated that the MOE is strongly committed to the Source Protection Program, but specific financial commitments could not be determined at this time. An important message from the MOE was to listen to the implementing bodies when writing and refining policies. This is an indication that the Lake Erie Region (LER) has been heading in the right direction. The LER's support for, and engagement with, municipalities has been strong throughout the duration of the program, and there will continue to be a focus on maintaining positive relationships.

- In addition, John Stager advised the various SPRs to strive for consistency in their policies. Source Protection is based on a 'bottom up' approach, creating inevitable differences in policies across the province. However, it is important for policy writers to work cooperatively with not just neighbouring SPRs but also municipalities within the same SPR. The LER is very focused on 'harmonizing' policies as much as possible, and will continue to encourage and initiate communication between municipalities and neighbouring SPRs.

4. Review of Agenda

Moved by: L. Perrin
Seconded by: A. Henry *carried unanimously*

THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of January 12, 2012 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 – December 15, 2011

Moved by: B. Ungar
Seconded by: R. Krueger *carried unanimously*

THAT the minutes of the previous meeting December 15, 2011 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

- i) Correspondence c.c. Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee to Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment from Mitch Zamojc, Commissioner of Public Works, Regional Municipality of Halton Re: Request for Time Extension of Proposed Source Protection Plan Submission

There were no questions or comments regarding the correspondence.

Holly gave a presentation on the Nutrient Management Act (NMA) as a Prescribed Instrument.

J. Oliver noted that NMA instruments are no longer as effective, now that Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is no longer directly involved in reviewing, approving and monitoring Nutrient Management Plans (NMP). He asked if there is any indication of when the MOE and OMAFRA will work through this issue and come to a resolution. L. Ross explained that the MOE is recognizing the limitations and complications of OMAFRA no longer approving NMPs. Therefore, it is being suggested that policy writers look to Land Use Planning and Part IV tools instead of the NMA, at least in the short term. The MOE and OMAFRA are actively discussing the implications of this change, but resolutions are not likely to be made in line with the program's timeline. She added that using a Risk Management Plan (RMP), in conjunction with existing NMPs can be a workable approach. Risk Management Officials (RMO) have the flexibility to review an existing NMP and determine if it is adequate to deal with a particular threat or not.

B. Ungar commented that once regulations were altered in January of 2011, the NMA lost a lot of its legislative accountability. OMAFRA's involvement was important, because they ensured that NMPs were reviewed and renewed every 5 years. He suggested that since this has changed, the LERSPC can no longer consider the NMA as an effective tool. He added that while he was actively involved in writing NMPs for several farms, none of the properties were inspected by the MOE's environmental officers. A. Henry added that the RMO can rely on existing NMPs to make decisions, and would therefore fill OMAFRA's previous role. He added that he was not comfortable with that idea, and wondered if there are other Prescribed Instruments which will soon be scrutinized and replaced by Part IV tools. H. Cornwell agreed that the NMA does not appear to have any enforcement power anymore. The MOE will have a difficult time achieving compliance when the tool has no 'hammer'. L. Ross clarified that the MOE was always responsible for the enforcement portion of the NMA legislation, and OMAFRA was only in charge of the approval process for NMPs. The MOE's environmental officers are actively conducting inspections, although their numbers are limited. She added that RMOs are also compliance officers, and they will have the challenge of determining how to best enforce the Source Protection policies. This will likely require going beyond the NMA legislation. M. Wales commented that the NMA is not 'useless' legislation. OMAFRA ceased approving NMPs because there were few violations occurring, allowing their role to slowly become obsolete. Therefore, the NMA was achieving its goal. The implementation of RMPs will cause a lot of friction when the RMO tells a farmer that his or her NMP, which has been sufficient for several years, is no longer enough.

D. Parker asked how many farmers will be asked to relook at their NMPs, once a RMP is implemented. H. McClure responded that those numbers could not be defined at this time. Estimations have been made based on desktop exercises, and additional work will be required to identify which properties have significant threats. L. Ross added that the RMO would be able to obtain that information. M. Wales asked if discussions around the credibility of the numbers for significant threat properties occurred at the Chairs meeting. M. Keller responded that it is likely that other SPRs are asking similar questions.

D. Parker commented that the demographics of the agricultural industry are changing fast, and several of the small family farms situated around WHPAs are disappearing. He suggested that these tools are trying to capture historical farming practices that are now obsolete. J. Harrison agreed, and added that it is highly unlikely that farmers today are going to willingly partake in activities which could be harmful to a drinking water source.

J. Oliver asked if it would be possible for policy writers to reference the responsibility of the MOE's environmental officers to make regular inspections. L. Ross responded that there is the option of asking the MOE to fulfill specific responsibilities. Those policies would be considered 'Specify Action' policies; therefore, they are only a recommendation. It is likely that the MOE would adhere to the recommendation; however, the inspections would be limited to the scope of the NMA (phased-in farms only), and the policy would have limited legal effect.

L. Perrin expressed concern about the effectiveness of the NMA. Currently, there are only 3 environmental officers acting as inspectors in the London office. This is a very large geographic area, which houses many agricultural properties with NMPs. The job and cost of enforcement will ultimately become the responsibility of municipalities. L. Perrin agreed with J. Oliver that the LERSPC should ask the MOE to continue their enforcement role, but more importantly, enhance it beyond its current capacity. C. Ashbaugh added that another option would be to implement RMPs, but insist that the MOE fund the RMO position. D. Murray agreed, and added that the costs associated with RMPs are a major concern for municipalities. Neighbouring SPRs have recently presented these municipalities with cost estimations for having an RMO. The numbers are exceptionally high, and are upsetting smaller municipalities already struggling with tight budgets. H. McClure added that the SPP Project Team has discussed drafting general policies to encourage OMAFRA and the MOE to expand on existing legislation and to adopt a more supportive role.

S. Brocklebank provided an overview of the report SPC-12-01-04.

D. Parker noted that the threat circumstances for the application of Non-Agricultural Source Materials (NASM) refer to 'meat plants'. He asked if this was only meat plants used for human consumption, or if pet food plants were also included. S. Brocklebank confirmed that according to the MOE's threat circumstances, pet food plants are not considered significant threats and are not included. A. Dale asked if other food plants used for human consumption were included. For example, milk and egg waste can be used to feed livestock, and the excess of the waste can enter municipal drains through run-off. L. Ross responded that those types of products would be considered NASM and would be covered under the circumstances.

B. Unger noted that municipal biosolids are a NASM threat, and asked why municipal sewage treatment facilities were not included on the map for NASM threat locations. L. Ross responded that sewage treatment plants are identified as a separate threat and are captured under another map. M. Ceschi-Smith asked if Brantford's sewage treatment plants would be included on the map. S. Brocklebank responded only if the plants have significant threats. M. Keller clarified that the vulnerability score of an area is one of the criteria used to determine if an activity is a significant threat or not. The map demonstrates where high vulnerability scores occur, therefore, where there is potential to have significant threats. Not all of Brantford's treatment plants would be captured on the

map, since they are not all located within vulnerable areas where significant threats can occur.

* J. Harrison left the meeting at 12:00 pm

D. Parker commented that according to the presentation, there are 13 properties in Fergus and Elora where pesticide handling and storage is a significant threat, but it is unlikely that there are those many in existence. He questioned the logistics behind the numeration for existing threats. M. Keller responded that the numbers indicate where there are significant threats in existence, but are an estimation based on available land use data. It can be assumed that those 13 properties have significant threats for pesticide handling and storage based on the land use category they belong to; however, this has not been verified 'on the ground' by visiting those properties directly.

H. Cornwell noted that many municipalities are choosing to manage existing threats and to prohibit future threats. He added that the definition of what is existing and what is future needs to be determined as soon as possible. M. Keller responded that a letter was sent to the MOE regarding concerns surrounding transitional policies. The submission also included a discussion about defining existing and future, and asked for guidance from the Province on this. There has been no response to the letter from the MOE yet. As it stands currently, activities occurring at the time of the Source Protection Plans' approval will be considered existing, and everything else will be considered future. B. Ungar added that creating a workable definition of existing and future is extremely difficult, especially for agricultural activities. This is undoubtedly going to become a major issue when it comes time to implement the Source Protection Plan policies.

Res. No. 05-12

Moved by: A. Henry

Seconded by: B. Ungar

18 in favour, 1 opposed

THAT the Lake Erie Region Source Protection Committee support continued development and pre-consultation with implementing bodies on the basis of proposed policy direction outlines in this report, as amended where necessary based on comment from the Source Protection Committee and direction from policy developers

e) SPC-12-01-05 Summary of Municipal Policy Choices for Waste and Sewage Prescribed Drinking Water Threats within Catfish Creek, Long Point Region and Grand River Source Protection Areas

E. Stahl provided an overview of the report and highlighted that Certificates of Approval are now called Environmental Compliance Approvals (ECA).

M. Wales noted that there are future policies for storage, treatment and discharge of tailings from mines and asked if the region had any mines. G. Schneider responded that there are Gypsum mines in the Grand River watershed. E. Stahl added that although

there are no existing threats for mine tailings, future policies are still required under the Clean Water Act.

D. Parker noted that certain municipalities transfer top soil to other places, and asked if this would be considered a waste disposal activity. L. Ross responded that clean soils are not considered a waste. She added that businesses who generate hazardous waste as a part of their overall function currently do not require an ECA, but are still considered a waste disposal site. She reminded the LERSPC that if a policy prohibits the storage of hazardous waste, smaller organizations and businesses will be affected as well as large municipal sites. B. Ungar asked for clarification on what constitutes 'temporary storage' of waste. L. Ross responded that after 2 years of storing hazardous waste an ECA is required. However, if the site ships the waste elsewhere in less than 2 years, an ECA is not required. This is considered 'temporary storage'; even if the site repeats the cycle of storing waste and then shipping it elsewhere continually.

J. Oliver noted that for future small sewage system threats, many municipalities are using the Land Use Planning tool. He also noted that there is a Nitrate Issue identified in the Region of Waterloo. He asked if this might be a situation where the municipality could choose to specify tertiary systems for private systems, as well as systems that have a greater ability to remove nitrate. E. Stahl responded that some policy developers brought forth the idea of using tertiary treatment, but it is not required. The City of Guelph requires new developments to be connected to municipal services.

M. Ceschi-Smith commented that a major concern for the City of Brantford is E. coli contamination, and that the bacteria are able to enter the Grand River via WWTPs. She suggested that WWTP's adopt Water Quality Management Systems, similar to those for water treatment plants, and that the MOE be requested to initiate this. E. Stahl responded that a Specify Action policy could be written as a recommendation to the MOE, but with limited legal effect. L. Perrin added that a Water Quality Management System will not guarantee improvement of a WWTP's discharge quality. Effluent quality is managed through ECA requirements, and these requirements vary depending on the vintage of the WWTP. L. Perrin also noted that WWTP's cannot be blamed entirely for E. coli concentrations in the water. T. Schmidt agreed that WWTPs are not the only contributor of E. coli to the Grand River. WWTP effluent and bypasses are disinfected for E. coli, and several of the bacteria's sources are naturally occurring in and around the river. He added that it is not within the capacity or the responsibility of the LERSPC to address these E. coli threats. A. Henry added that it is always worth communicating concerns to the Province, as M. Ceschi-Smith has suggested. However, the length of the LERSPC's 'wish list' will eventually become daunting for the MOE to address adequately and realistically.

Res. No. 06-12

Moved by: B. Ungar

Seconded by: A. Henry

carried unanimously

THAT the Lake Erie Region Source Protection Committee support continued development and pre-consultation with implementing bodies on the basis of proposed policy direction outlines in this report, as amended where necessary based on comment from the Source Protection Committee and direction from policy developers

14. Next Meeting – Thursday, February 2, 2012, 1:00 pm
Grand River Conservation Authority Administration Office, 400 Clyde Road,
Cambridge, ON

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of January 12, 2012 adjourned
at 2:30 pm

Moved by: B. Ungar

Seconded by: M. Wales

carried unanimously

*THAT the January 12, 2012 Lake Erie Region Source Protection
Committee meeting be adjourned.*

Chair

Recording Secretary



LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES

Thursday, February 2, 2012

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, February 2, 2012 at the Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON.

Members Present: C. Ashbaugh, Chair; M. Ceschi-Smith, H. Cornwell, A. Dale, R. Haggart, K. Hunsberger, R. Krueger, I. Macdonald, D. Murray, D. Parker, L. Perrin, T. Schmidt, G. Schneider, B. Ungar, M. Wales, W. Wright-Cascaden

Members Regrets: P. General, J. Harrison, A. Henry, C. King, J. Laird, G. Montour, J. Oliver, P. Wilson, D. Woolcott

Proxy Representatives: P. Busatto (J. Laird), B. Fields (J. Oliver), T. Schmidt (P. Wilson)

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

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

Staff: D. Belanger, City of Guelph; S. Brocklebank, GRCA; J. Etienne, GRCA; N. Davy, GRCA; L. Heyming, GRCA; E. Hodgins, Region of Waterloo; C. Jacques, LPRCA; M. Keller, GRCA; A. Loeffler, GRCA; H. Malcolmson, MOE; L. Minshall, GRCA; T. Ryan, GRCA; M. Silverio, City of Hamilton; K. Smith, GRCA; A. Souwand, City of Cambridge; L. Stafford, City of St. Thomas; E. Stahl, GRCA

1. Call to Order

C. Ashbaugh called the meeting to order at 1:02 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:

- Two Early Engagement meetings were held in January- one for Perth County on January 18, and one for the County of Wellington on January 19. For Perth County project managers from the Lake Erie, Ausable Bayfield Maitland Valley, and Thames-Sydenham Source Protection Regions (SPRs) attended. Project managers from the Lake Erie, Ausable Bayfield Maitland Valley and Saugeen, Grey Sauble and Northern Bruce Peninsula SPRs were present for the County of Wellington. The purpose was to discuss cross boundary issues, compare the policy approaches of the various SPRs, and prepare the municipalities for pre-consultation. Both meetings were excellently attended by municipal staff, mayors and councilors, and the presentations given by the project managers were effective and positively received.
- Staff involved in organizing the Early Engagement meetings were commended for their dedication and effort. M. Keller, L. Ross, D. Murray and D. Parker were especially recognized for their outstanding ability to communicate with and support municipal partners.
- On January 24th, the Lake Erie Region Management Committee met at Kettle Creek Conservation Authority for their quarterly meeting. The meetings have remained highly productive since the format was first designed in 2003, and continue to unite the conservation authorities of the Lake Erie Region (LER) in their support for the Source Protection Program.

4. Review of Agenda

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

THAT the agenda for the Lake Erie Region Source Protection Committee meeting of February 2, 2012 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 – January 12, 2012

Moved by: D. Parker
Seconded by: M. Wales **carried unanimously**

THAT the minutes of the previous meeting January 12, 2012 be approved as distributed.

7. Hearing of Delegations

J. Etienne welcomed 2 guests from the Republic of Malawi, Elvis Maswaswa and Young Samanyika. Both Maswaswa and Samanyika had been visiting the Grand River Conservation Authority for 2 days, as part of a 4 week leadership exchange program sponsored by Engineers Without Borders (EWB).

J. Etienne provided a profile of each leader, as summarized below.

Elvis Maswaswa:

- Water Monitoring Assistant for the Ministry of Agriculture, Irrigation and Water Development (Malawi), which aims to increase the supply of safe, economically and environmentally sustainable water to its regions
- Facilitator with various 'train the trainer' initiatives at the national level
- Instrumental in gathering and leading a team to develop and pilot EWB's Household Safe Water Handling Practices Program and is also a leader for the Community-Led Total Sanitation Program
- Interested in learning about best practices in managing data and information, which would allow him to look more systematically at the villages and communities where he leads water and sanitation projects
- Also interested in learning more about social marketing and how ideas about sanitation can be promoted effectively within the community

Young Samanyika:

- Principal Environmental Health Officer for Water, Sanitation and Hygiene for the Ministry of Health (Malawi), which seeks to deliver health services and disseminate health information to 13 million Malawians
- Involved in increasing access to health care facilities, service expansion and integration, and battling communicable diseases
- Develops and leads the Ministry's various sanitation initiatives including his current National Hand-washing Campaign
- In his previous role as the District Environmental Health Officer, he helped to greatly reduce the number of cholera outbreaks in the area by working closely with the affected communities and public health officials and providing his staff with new technical support
- Hopes to improve his management and technical skills, as well as learn how public health officers in Canada promote sanitation and hygiene
- Looking to obtain specific knowledge on water quality testing and simple, local waste management and recycling technologies

J. Etienne highlighted how through their visit to Canada, both men were able to share their experiences from home and will bring back the lessons they have learned to their communities in Africa. While visiting the GRCA, they were exposed to Source Protection initiatives, the Waste-Water Optimization Pilot, and overall capacity building techniques.

8. Presentations

None

9. Correspondence

a) Copies for Members

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

ii) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment Re: Review of the Proposed Assessment Report for the Grand River Source Protection Area

iii) Correspondence c.c. Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee to Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment from John C. Williamson, Chair, Cataraqui Source Protection Committee Re: Source Protection Plans- Provincial Implementation Funding

There were no questions or comments regarding the correspondence.

b) Not Copied

None.

Res. No. 10-12 **Moved by:** **M. Ceschi-Smith**
Seconded by: **D. Murray** **carried unanimously**

THAT the correspondence be received for information.

10. Reports

a) SPC-12-02-01 Update: Ontario Drinking Water Stewardship Program Municipal Special Projects Funding Applications

S. Brocklebank provided an overview of the report SPC-12-02-01.

H. Cornwell noted that remediating potentially contaminated soil was part of the City of Guelph's Fuel Tank Replacement Project. He asked if the soil was tested for contamination, or was contamination assumed because it commonly occurs. D. Belanger confirmed that the soil was visually contaminated.

Res. No. 11-12 **Moved by:** **A. Dale**
Seconded by: **T. Schmidt** **carried unanimously**

THAT Report SPC-12-02-01 Update: Ontario Drinking Water Stewardship Program Municipal Special Projects Funding Applications be received as information.

b) SPC-12-02-02 Source Protection Policy Development, Early Engagement, and Pre-consultation Update

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

T. Schmidt asked if the work required to complete the Grand River's AR could be realistically achieved by April 30. M. Keller responded that the first step is to receive the information on the 5 Conditions sites from the MOE. In the meantime, a LERSPC meeting will be moved from May 3 to April 26 to approve the AR before its submission. Therefore, all of the work must be completed by April 19, in time for the mailout of the agenda and the reports. The current position of GRCA staff is that the work can be completed in time for April 19th; however, the ability to make the deadline cannot be completely confirmed without the information on the Conditions sites.

T. Schmidt commented that the April 30 deadline coincides with the MOE's goals and timelines; however, it is not conducive to the LERSPC. The MOE initially postponed providing comments on the Grand River AR, consequently upsetting the original timeline. By choosing April 30, they are neglecting to acknowledge their role in causing this delay. He added that while some of the LERSPC members are municipal staff, others hold volunteer positions, and devote time to Source Protection after long working hours. The deadline does not allow enough time for these members to review all of the necessary information and provide meaningful comments, in order to make sound decisions and recommendations.

Res. No. 13-12 **Moved by: T. Schmidt**
Seconded by: W. Wright-Cascaden **carried unanimously**

THAT the Lake Erie Region Source Protection Committee direct staff to write to the Minister of the Environment requesting an extension of the deadline to submit the Grand River Source Protection Plan to December 31st, 2012 or six (6) months after the Amended Grand River Source Protection Area Assessment Report has been approved, whichever comes later.

d) SPC-12-02-04 Revised Timeline and Preliminary Assessment of Additional Work for Completion of Amended Grand River Assessment Report

M. Keller provided an overview of report SPC-12-02-04.

There were no questions or comments regarding the report.

Res. No. 14-12 **Moved by: R. Krueger**
Seconded by: B. Ungar **carried unanimously**

THAT the Lake Erie Region Source Protection Committee direct staff to make the recommended changes to the Grand River Source Protection Area Assessment Report in response to comments received during the consultation period on the Draft Assessment Report (April 15 to May 21, 2011), and comments received from the Ministry of the Environment, as per the Director's letter (January 25, 2012).

THAT the Lake Erie Region Source Protection Committee move the May 3, 2012 scheduled meeting to April 26, 2012 and cancel the April 5, 2012 meeting to accommodate shifting timelines for the Amended Grand River Assessment Report and the Lake Erie Region Source Protection Plans.

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, March 1, 2012, 1:00 pm

**Grand River Conservation Authority Administration Office, 400 Clyde Road,
Cambridge, ON**

15. Adjourn

The Lake Erie Region Source Protection Committee meeting of February 2, 2012 adjourned at 2:45 pm

Moved by: D. Parker

Seconded by: L. Perrin

carried unanimously

THAT the February 2, 2012 Lake Erie Region Source Protection Committee meeting be adjourned.

Chair

Recording Secretary



**LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES**

Thursday, March 1, 2012

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, March 1, 2012 at the Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON.

- Members Present:** C. Ashbaugh, Chair; M. Ceschi-Smith, H. Cornwell, A. Dale, R. Haggart, J. Harrison, C. Hill, K. Hunsberger, C. King, R. Krueger, I. Macdonald, J. Oliver, D. Parker, L. Perrin, G. Schneider, M. Wales, P. Wilson, D. Woolcott, W. Wright-Cascaden
- Members Regrets:** P. General, A. Henry, J. Laird, D. Murray, T. Schmidt, B. Ungar
- Proxy Representatives:** L. Perrin (A. Henry), P. Busatto (J. Laird), N. Kodousek (T. Schmidt), I. Macdonald (B. Ungar)
- Liaisons:** J. Mitchell, SPA Liaison; L. Ross, Provincial Liaison; D. Young, Public Health Liaison
- Region Management Committee:** C. Evanitski, LPRCA; J. Farwell, GRCA; R. Geysens, LPRCA; K. Smale, CCA; E. VanHooren, KCCA
- Staff:** S. Brocklebank, GRCA; J. Etienne, GRCA; N. Davy, GRCA; B. Fields, Norfolk County; J. Godby, Norfolk County; L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; M. Silverio, City of Hamilton; K. Smith, GRCA; L. Stafford, City of St. Thomas; E. Stahl, GRCA

1. Call to Order

C. Ashbaugh called the meeting to order at 1:01 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:

- During the month of February the Lake Erie Region's (LER) four conservation authorities hosted their Annual General Meetings (AGM). C. Ashbaugh was pleased to have attended three AGMs in Catfish Creek, Kettle Creek and Long Point Region. The AGMs reinforced the efficiency and efficacy of the conservation authorities, and showcased the strong partnerships that have been made with the municipal staff and councilors who attended. It is these relationships that have helped bring the Source Protection program to fruition.
- C. Ashbaugh welcomed C. Hill to the Lake Erie Region Source Protection Committee (LERSPC). C. Hill will be replacing G. Montour as the representative for the Six Nations of the Grand River.

4. Review of Agenda

C. Ashbaugh noted that report SPC-12-03-05 was added as a late starter and there was an additional piece of correspondence.

Moved by: A. Dale
Seconded by: I. Macdonald **carried unanimously**

THAT the agenda for the Lake Erie Region Source Protection Committee meeting of March 1, 2012 be approved as amended.

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 – February 2, 2012

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

THAT the minutes of the previous meeting February 2, 2012 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

i) Correspondence c.c. Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee to Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment from Mike Traynor, Chair, Saugeen Grey Sauble Northern Bruce Peninsula Source Protection Committee Re: Source Protection Plan Implementation Funding

in the policy. E. VanHooren replied that the change was requested by the Kettle Creek Source Protection Authority, as they felt agricultural landowners will need financial assistance to comply with the source protection policies, and it has not yet been communicated to OMAFRA. J. Oliver felt that the policy wording should be provided to OMAFRA as soon as possible, so that the LERSPC is aware that the ministry agrees or disagrees with the policy by the time the plan is brought forward again. E. VanHooren confirmed that OMAFRA will be notified.

I. Macdonald asked if the MOE has provided any indication that they will be approving the Updated Kettle Creek Assessment Report anytime soon. M. Keller confirmed that the MOE has given an indication that the approval is coming shortly. There is still some flexibility in the current timeline to allow for slight delays; however, the approval is critical for public consultation, therefore, the draft plan will not be released without it.

D. Parker noted that agricultural source material (ASM) has been referred to as a 'chemical threat'; however, the term is not used to describe non-agricultural source material (NASM) (page 57, Volume I). He felt that 'nutrient' is a better word to describe ASM, and 'chemical' should be used to define NASM. M. Keller clarified that threats are categorized based on how the MOE has defined them. The terms 'pathogen' and 'chemical' come directly from the MOE's threat circumstances. D. Parker wondered if the wording might be incorrectly implying where the threats come from. M. Keller replied that the text could be revised to achieve a better understanding.

C. Ashbaugh commented that the Draft Kettle Creek Source Protection Plan has been very well organized and presented effectively for members of the public. He noted that there will inevitably be some modifications; however, this version is a substantial start and a product of outstanding effort.

Res. No. 17-12

Moved by: L. Perrin

Seconded by: J. Oliver

carried unanimously

THAT the Lake Erie Region Source Protection Committee approve the Draft Kettle Creek Source Protection Plan and associated Explanatory document for public consultation as required by section 41 of Ontario Regulation 287/07 and direct staff to commence the 35 day consultation as soon as approval of the Updated Kettle Creek Assessment Report has been received from the Ministry of the Environment.

c) SPC-12-03-03 Catfish Creek and Long Point Source Protection Plan: Discussion Draft

E. Stahl provided an overview of report SPC 12-03-03.

J. Oliver was surprised to see the Catfish Creek Source Protection Plan and the Long Point Region Source Protection Plan assimilated into a single document. He wondered if the conservation authorities for those two watersheds were comfortable with presenting the plans this way. At the beginning of the source protection process it was decided that the two plans be produced separately, and the potential benefit of combining them was questioned. M. Keller clarified that although the policies for Catfish Creek and Long Point are included in one document, they are still considered two separate Source Protection Plans. The decision to combine them came strictly from a practical point of view, in an attempt to simplify the process of document development. He added that bringing the two plans together is by no

means a final decision, and if the LERSPC felt there were significant challenges, the plans could be separated again.

J. Oliver asked if Catfish Creek Conservation Authority (CCCA) and Long Point Region Conservation Authority (LPRCA) were comfortable with combining the two plans into one document. C. Evanitski spoke on behalf of LPRCA, assuring the LERSPC that conservation authority staff were content with the change. K. Smale, representing CCCA, expressed concern for merging the two plans. He felt that there were more negative implications than benefits. However, the CCCA Board had not seen the information yet and K. Smale could not confirm how they would react to it. A. Dale pointed out that the amalgamation of two source protection plans could make public consultation challenging. The question, of which watershed to host public meetings in, will likely create difficulties.

M. Wales asked what could be gained by having two source protection plans under one heading. He felt that Grand River Conservation Authority (GRCA) staff must have had justifiable reasons for integrating the two, and he wondered if it had to do with avoiding repetitive documentation, saving paper, and/or potentially speeding up the MOE's approval process. M. Keller replied that those considerations all played a part in the decision making. However, the choice was made mainly to ease the process of reviewing and updating the document and to reduce duplication as much as possible. He added that one benefit would be having one General Policy section applying to two source protection areas.

H. Cornwell noted a factual error in Volume I (page 13). The plan states that there are no residents in Brant County and Southwest Oxford that are within the Long Point Region watershed that are serviced by municipal drinking water. This statement is incorrect because of the Durham water system. M. Keller responded that GRCA staff would look into making that correction.

D. Woolcott indicated that the language between the two plans is dramatically different (especially for sewage threats) and asked if the variation was directed by municipalities. E. Stahl responded that the policies were written by each municipality separately, and that differentiations in policy wording were a result. However, Oxford County and Norfolk County have met to discuss achieving as much consistency as possible, without negating their unique situations and needs. She reminded the LERSPC that when reviewing the policies it is helpful to look back at what the water systems actually look like. In other words, if there are dramatic differences in tool choices across municipalities, remember that the water systems are each unique and often need distinct approaches to address potential threats. D. Woolcott felt that seeing such variation in policies further justifies keeping the two plans apart. The plan contents appear more conflicting in one document than if the areas were separated.

C. Hill asked if pre-consultation was only open to municipalities, or if Six Nations would also be engaged. M. Keller replied that pre-consultation is for all implementing bodies. If a source protection policy requests or suggests that a specific agency perform a task, then that agency must be pre-consulted with for an opportunity to provide comment. The LER's source protection process only deals with off reserve lands; therefore, Six Nations council is not an implementing body for any of the policies in the region. However, GRCA staff wishes to engage with Six Nations council to discuss the policies being developed in the Lake Erie Region, and also learn about any processes occurring on reserve.

C. Ashbaugh concluded that there exists a genuine concern for merging the Catfish Creek and Long Point Region Source Protection Plans into one document. He expressed his own anxiety that if a resident of either watershed were looking for information on their source

