

LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
REVISED MEETING MINUTES

Thursday, July 5, 2012

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, July 5, 2012 at the Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON.

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

Members Regrets: M. Ceschi-Smith, J. Laird, G. Schneider

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

Liaisons: J. Mitchell (SPA Liaison), L. Ross (Provincial Liaison)

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

Staff: L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; D. Schultz, GRCA; K. Smith, GRCA; E. Stahl, WESA; J. Ogier, GRCA; E. Hodgins, Region of Waterloo

Also Present: J. Romahn, Ontario Farmers Publications

1. Call to Order

C. Ashbaugh called the meeting to order at 10:05 am

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.

4. Review of Agenda

Moved by: I. Macdonald
Seconded by: A. Henry

carried unanimously

THAT the agenda for the Lake Erie Region Source Protection Committee meeting of July 5, 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 – June 7, 2012

A. Dale noted that there was some confusion on a recorded vote last meeting as he was not sure of the policy. He explained that Keith Merch reviewed the GRCA bi-laws and it is confirmed that the vote was recorded correctly.

Moved by: D. Murray

Seconded by: B. Unger

carried unanimously

THAT the minutes of the previous meeting June 7, 2012 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

- i) Correspondence to Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from J.D. Richardson, Director, Environmental Management Branch, Ontario Ministry of Agriculture, Food and Rural Affairs Re: Technical Guidelines for Mitigating Risks Associated with Agricultural Land Use Activities.....01
- ii) Correspondence to Joe Farwell, CAO, Grand River Conservation Authority from Denise B. Holmes, Clerk of the Corporation of the Township of Melancthon Re: requesting confirmation of the request that the Source Protection Committee amend the Assessment Report for The Township of Melancthon.....07
- iii) Correspondence to Joe Farwell, CAO, Grand River Conservation Authority from Denise B. Holmes, Clerk of the Corporation of the Township of Melancthon Re: Motion #8 passed in open Council on June 7th, 2012.....09
- iv) Correspondence to Martin Keller, Source Protection Program Manager, Grand River Conservation Authority from Susan M Stone, CAO, Clerk-Treasurer, Township of Amaranth Re: Cross Boundary Policy Harmonization for Dufferin Municipalities..... 11
- v) Correspondence to Premier Dalton McGuinty from Mrs. Lynda Millard, CMO Clerk RE: Town of Minto resolution regarding Source Water Protection Program on June 21, 2012.....late starter

- vi) Correspondence to Mary Anne Covelli from Brenda Law, AMCT CAO/Clerk Treasurer RE: Puslinch Township supporting the LERSPC request to the Provincial Government for future funding of Source Protection.....late starter

b) Not Copied

None.

Res. No. 33-12

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

carried unanimously

THAT the correspondence be received for information.

Reports

a) **SPC-12-07-01 - Kettle Creek Source Protection Plan Update**

M. Keller provided an overview of report SPC-12-07-01.

L. Perrin felt that, in the previous SPC meeting held on June 7th 2012, the SPC understood that there would be additional work involved in updating the Kettle Creek Assessment Report (KC AR) to include an IPZ-3 to reflect a larger vulnerable area. He explained that he is concerned that there are no significant drinking water threats indicated in the current KC AR; however, there is waste and oil in the area that should be taken into consideration. L. Perrin felt that despite the MOE's request that the KC AR not be further amended at this time, the SPC should not rescind Resolution 30-12 made on June 7, 2012.

W. Wright-Cascaden added that she also understood that it was decided on June 7th that the KC AR would be amended to include the vulnerable area up to the King George Bridge in Port Stanley. She asked, if the SPC did not rescind Resolution 30-12, is it possible that the additional work in amending the KC AR could be completed in the allotted timeframe. M. Keller explained that, considering the given timeframe and the process involved with updating the KC AR, it is possible that the deadline would not be met.

A. Henry noted that modellers who worked with consultants felt the current modeling did not support the extension of the vulnerable area to the lift bridge. Further modeling work would be required to support an extension beyond the area shown on the map.

W. Wright-Cascaden asked how significant it is to proceed with extending the vulnerable area, given the timeframe and process involved in updating the KC AR. A. Henry explained that, because the IPZ2 currently encompasses only a portion of the property, there is no policy put in place to prevent land owners from adding a new tank to the area. He commented that, although timelines are tight, it is important to update the KC AR report to include a potential future threat now. B. Unger felt that updating the KC AR report to extent the vulnerable area is important because, last winter, a tank leaked in that area and was decommissioned; therefore, adding a new tank may be considered soon.

J. Oliver commented that, on June 7th, L. Ross explained the MOE's position on this issue and wondered what has changed between then and now. He asked whether there were concerns from others. M. Keller explained that he has received other concerns as well,

including a notice from Mary Anne Covelli stating that the SPC should not proceed with the KC AR amendments right now.

J. Oliver asked why the property in question must be separated into two zones. M. Keller explained that the consultants who provided the technical information do not feel comfortable including an IPZ-3 to reflect the property up to the bridge.

M. Keller confirmed that the technical report was submitted to the MOE on July 4th.

D. Murray asked if the consultants are confident that the current KC AR report should not be amended to include the property in question. He also questioned if the KC AR was amended, is it possible to complete this in the given timeframe.

A. Henry explained modelling has been completed to support only the current area excluding the bridge. He added that in order to extend the area to include the bridge, a lengthy process including complex modelling will be involved.

A. Dale explained that he was reluctant to support the motion on June 7th as he felt it was revisiting an issue that had been resolved and he understood on June 7th that the technical report was almost complete. He asked what the next steps are if the SPC rescinds the motion. M. Keller explained that if the SPC rescinds the motion today, report SPC-12-07-02: Kettle Creek Updated Assessment Report will no longer be relevant as the KC AR will not be updated.

W. Wright-Cascaden pointed out that, since the last SPC meeting held on June 7th, new information on extending the area in Kettle Creek to the bridge has been discovered and the consultants cannot support the amendment to the KC AR that the SPC is requesting. She added that the MOE is requesting that the SPC reconsider amending the KC AR as getting the Grand River AR approved is a priority at this stage of the SPP process.

J. Oliver noted that considering the current timeframe and cost involved in updating the KC AR, the consultants cannot support this.

I. Macdonald then asked, if the SPC rescinds the Resolution 30-12 at this meeting, can another motion be voted on to include the new area extending up to the bridge. R. Haggart felt that, based on the rules of procedures, that motion could not be passed at this meeting.

B. Unger pointed out that, based on the flow rates of Kettle Creek; if a spill occurred at the King George Bridge, it would take approximately thirty minutes to affect the area and felt that it is important that the KC AR be amended. C. Ashbaugh stated that it will not jeopardize the immediate situation. D. Murray then asked if the SPC were to rescind the motion, will it be helpful to the consultants as they cannot support the area up to the bridge. A. Henry then explained that extending the area up to the bridge requires more modelling and confirmed that the technical report sent to the MOE supports the middle area as an interim measure until further modelling can be completed. D. Murray suggested rescinding Resolution 30-12, then going back to the new motion for interim measure and support extending the area up to the mid-section of the map as in the future, it will be revisited. M. Keller stated that the MOE stands firm on their request to proceed with the Kettle Creek Source Protection Plan based on the latest approved updated Kettle Creek Assessment Report from February 23, 2012 as the concern is the time and process involved with amending an AR.

L. Ross then explained that the KC AR that was submitted to the MOE on February 23, 2012 did not include the area in question; however, the concerns put forward from the

SPC will still be voiced if the MOE seeks to amend the KC AR. She added that the MOE has put a lot of resources in place to complete the plans and their three main focus points are preparation, review and implementation. She explained that the Grand River AR is currently the priority and refocusing on a future threat for Kettle Creek cannot at this time be a focus as it opens up a significant work load. She confirmed that in the second round of the SPP, the issue of extending the area up to the bridge can be revisited. M. Keller added that amending the KCAR is a lengthy process as there is a 30 day public consultation period, then the comments are brought to the SPC for review and then submitted to the MOE.

I. MacDonald then asked if the SPC did not rescind their motion and the KC AR was amended, is it achievable in the given timeframe. M. Keller explained that, although it is possible, amending the KC AR will take resources away from other areas that are a priority. C. Ashbaugh noted that amending the KCAR without the MOE's support would not only be time consuming, it would be unproductive. D. Parker expressed concern that, if this issue were to wait until the second round of the SPP, land owners could install additional tanks in the meantime causing potential threats.

R. Haggart then stated that the SPC cannot rescind Resolution 30-12 at this meeting as well as re-vote as it states in the rules of procedure that it must be done at a future meeting. C. Ashbaugh disagreed and confirmed that the current meeting in progress is the future meeting of June 7th and the vote can take place.

Res. No. 34-12

Moved by: H. Cornwell

Seconded by: A. Dale

17 in favour, 5 opposed

THAT the Lake Erie Region Source Protection Committee reconsiders Resolution 30-12 made on June 7, 2012 based on the Ministry of the Environment's request and direct staff to proceed with completing the Kettle Creek Source Protection Plan based on the latest approved Updated Kettle Creek Assessment Report from February 23, 2012

Res. No. 35-12

Moved by: J. Oliver

Seconded by: I. Macdonald

17 in favour, 5 opposed

THAT the Lake Erie Region Source Protection Committee rescind Resolution 30-12 made on June 7, 2012 based on the Ministry of the Environment's request and direct staff to proceed with completing the Kettle Creek Source Protection Plan based on the latest approved Updated Kettle Creek Assessment Report from February 23, 2012.

b) SPC-12-07-02 - Kettle Creek Updated Assessment Report

Report SPC 12-07-02 was not discussed based on Res.No.35-12.

c) SPC-12-07-03 - Catfish Creek Source Protection Plan Update

K. Smith provided an overview of report SPC 12-07-03.

Res. No. 36-12

Moved by: A. Dale

Seconded by: R. Krieger

carried unanimously

*THAT Report No. SPC 12-07-03 – Catfish Creek Source Protection Plan Update
- be received for information.*

d) SPC-12-07-04 - Long Point Region Source Protection Plan Update

E. Stahl provided an overview of report SPC 12-07-04.

Res. No. 37-12

Moved by: B. Unger

Seconded by: J. Oliver

carried unanimously

*THAT Report No. SPC 12-07-04 – Long Point Region Source Protection Plan
Update - be received for information.*

e) SPC-12-07-05 - Grand River Source Protection Plan Update

M. Keller provided an overview of report SPC 12-07-05.

D. Parker expressed his thanks for the edits to Appendix B.

Res. No. 38-12

Moved by: A. Henry

Seconded by: L. Perrin

carried unanimously

*THAT Report No. SPC 12-07-05 – Grand River Source Protection Plan Update
– be received for information.*

f) SPC-12-07-06 - Draft Explanatory Update

E. Stahl provided an overview of report SPC 12-07-06.

Res. No. 39-12

Moved by: R. Krueger

Seconded by: M. Wales

carried unanimously

*THAT Report No. SPC 12-07-06 – Draft Explanatory Document Update - be
received for information.*

**g) SPC-12-07-07 - Summary of Discussion Draft Municipal Policies for Non-Prescribed
Drinking Water Threats within the Lake Erie Source Protection Region**

E. Stahl provided an overview of report SPC 12-07-07.

J. Oliver explained that Norfolk County has received information that the Town of Minto is petitioning the province to incorporate source protection into the Provincial Policy Statement (PPS). He then asked if the province will be completing this in the current review of the PPS. M. Keller replied that, other than the information received from the Town of Minto, he is unaware of further information from the province. L. Ross noted that the MOE is unsure of how the PPS will incorporate SP as a

response has not yet been received. She confirmed that the current PPS makes reference to protecting vulnerable areas. She added that, as the Assessment Reports get approved, the WHPAs and IPZs will equate to vulnerable areas. J. Oliver pointed out that, considering this is year five of the review period for the PPS, other townships and municipalities must be preparing for this.

Res. No. 40-12

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

carried unanimously

THAT the Source Protection Committee support continued policy development on the basis of the Discussion Draft policy direction outlined in this report, as amended where necessary based on comments from the Source Protection Committee and direction from policy developers.

h) SPC-12-07-08 - Summary of Discussion Draft Municipal Policies for Waste and Sewage Prescribed Drinking Water Threats within the Lake Erie Source Protection Region

E. Stahl provided an overview of report SPC 12-07-08.

D. Parker explained that bio solids are NASM's and that roads are used to transport this. He stated that if a tractor trailer carrying NASM's were to get into an accident and spilled, it could be an issue, not only in this immediate area, but over the entire province. He asked if this point has been taken into consideration. E. Stahl pointed out that only vulnerable areas designated in the AR will have policies written. She added that there was an analysis completed on transport corridors and it was determined that, after looking at WHPA-E, it was not necessary to have a policy put in place for this as it would be a local drinking water threat.

A. Henry pointed out that putting a policy in place now will prevent a spill in a transportation corridor and questioned that, if there was not a policy put in place, can the MOE lay charges if such a spill occurs. W. Wright-Cascaden suggested updating the spill contingency plans and incorporating the SP information into the plans. She felt that, based on the tools available, there are no other options to consider. L. Ross indicated that spill contingency policies can address SP information and the Environmental Protection Act is a very strong piece of legislation that deals with spills. She explained that another SPCs have elected to use provincial signage to identify where the vulnerable areas are as well as notify the first responders to the scene of a spill.

R. Krueger suggested that if a bridge was vulnerable, a spill kit could be placed on the bridge. In regards to L. Ross' point, M. Keller added that some municipalities have incorporated signage policies. He stated that an analysis, completed under technical rules, looked at the circumstances where such spills could be considered significant drinking water threats and this was previously brought to the SPC. The outcome was that significant drinking water threats were found in very limited areas on major truck routes.

Res. No. 41-12

Moved by: B. Unger
Seconded by: D. Parker

carried unanimously

THAT the Source Protection Committee support continued policy development and on the basis of the Discussion Draft policy direction outlined in this report, as amended where necessary based on comments from the Source Protection Committee and direction from policy developers.

i) SPC-12-07-09 -Summary of Discussion Draft Municipal Policies for Agricultural Prescribed Drinking Water Threats within the Lake Erie Source Protection Region

K. Smith provided an overview of report SPC 12-07-09.

D. Parker questioned why **glyphosate** is listed in the report as a significant threat as it is the safest pesticide used. M. Keller responded that that question should be directed to the MOE as they completed the threat ranking analysis. J Oliver added that for future uses, a number of municipalities are using prohibition and mentioned OMAFRA's position on this. He then asked if prohibition of future activities is still acceptable and if so, must rational be given and will there be appeals. K. Smith responded yes, updated rational must be provided as the technical guidance has been completed. She added that for local conditions they are open to these local policies however, it must be clearly outlined in the ED along with justification. J. Oliver then asked if the justification will be in the ED for each case. K. Smith confirmed that justification will be included in the ED for each case. M. Keller added that going beyond OMAFRA's guidance is permitted if reasonable and justified.

Res. No. 42-12

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

carried unanimously

THAT the Source Protection Committee support continued policy development and on the basis of the discussion draft policy direction outlined in this report, as amended where necessary based on comments from the Source Protection Committee and direction from policy developers.

j) SPC-12-07-10 - Summary of Discussion Draft Municipal Policies for Salt and Snow Prescribed Drinking Water Threats within the Lake Erie Source Protection Region

K. Smith provided an overview of report SPC 12-07-10.

Res. No. 43-12

**Moved by: I. Macdonald
Seconded by: A. Henry**

carried unanimously

THAT the Source Protection Committee support continued policy development and on the basis of the discussion draft policy direction outlined in this report, as amended where necessary based on comments from the Source Protection Committee and direction from policy developers.

k) SPC-12-07-11 - Summary of Discussion Draft Municipal Policies for Chemical Prescribed Drinking Water Threats within the Lake Erie Source Protection Region

K. Smith provided an overview of report SPC 12-07-11.

R. Krueger asked what category aircraft management falls under. L. Ross explained that, in order to answer that question, many factors must be considered. W. Wright-Cascaden felt that aircraft management would be part of fire suppression; however, there may be specific requirements. D. Parker pointed out that fertilizer and pesticides stored on the property beside the Guelph airport are under scrutiny and wondered if the airport has been asked about de-icing.

Res. No. 44-12

Moved by: R. Krueger

Seconded by: M. Wales

carried unanimously

THAT the Source Protection Committee support continued policy development and on the basis of the discussion draft policy direction outlined in this report, as amended where necessary based on comments from the Source Protection Committee and direction from policy developers.

l) SPC-12-07-12 - Township of Melancthon's Vulnerability Modification Request

M. Keller provided an overview of report SPC 12-07-12.

A. Dale asked if a firm to peer review the two maps is needed and if so, is there funding. M. Keller confirmed that there is funding for a peer review.

J. Oliver pointed out that the results reflected in point #2 of the report are different from the AR and asked for clarification on the differences. M. Keller explained that, when the original assessment was completed, Melancthon had no water system and were not eligible to have a vulnerability assessment completed. He added that the LER opted to add the time to expand the regional vulnerability assessment over the entire township. He added that the municipality has hired a consultant to compare the two maps and decide where the differences are.

I. Macdonald asked if the GRCA has made recommendations on the differences. M. Keller confirmed that the GRCA has completed the review and recommends updating the vulnerability in the Grand River Assessment Report to reflect a local vulnerability assessment undertaken on behalf of the Township. D. Woolcott felt in doing so, it could become costly.

A. Henry felt that the SPC is being asked to harmonize the vulnerability assessment between the Source Protection Regions and it has been suggested to the SPC that one methodology is better than the other. B. Unger stated that it is not the SPC's mandate to change any of the existing assessments. W. Wright-Cascaden pointed out that, when developing the policies, a municipality, regardless of whether it is in more than one region, is able to use the same policies. She added that being supportive of having the same information across the township is important and wondered why the work that has been completed in the Grand River cannot be used in this case. J. Oliver asked if deciding on what assessment to use is determined by which township has a greater percentage of land. M. Keller noted that the Grand River is a smaller area. M. Keller added that different direction from municipalities has been taken in the Lake Erie Region and this is not

necessarily the case in other Source Protection Regions. Given that the Lake Erie Region has taken this approach, it is easier to accommodate municipal requests; otherwise, vulnerability would have to change for the entire region.

Res. No. 45-12

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

carried unanimously

THAT the Lake Erie Region Source Protection Committee direct staff to adjust the vulnerability within the Township of Melancthon to reflect the Aquifer Vulnerability Index (first significant aquifer) developed by Harden Environmental, as per the request of the Township of Melancthon, pending the results of a third party peer review.

10. Business Arising from Previous Meetings

None

11. Other Business

None

12. Closed Meeting

Not applicable

13. Next Meeting – Thursday, August, 2012, 16th 1:00 p.m.

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

14. Adjourn

The Lake Erie Region Source Protection Committee meeting of July 5, 2012 adjourned at 2:30 p.m.

Chair

Recording Secretary