

Thames – Sydenham and Region Source Protection Committee Meeting Minutes

Please be advised that a meeting of the Thames-Sydenham and Region Source Protection Committee has been called for the following time. If you are unable to attend please contact Deb Kirk at 519-245-3710x 46.

Meeting Date: October 15, 2010

Meeting Time: 9:00 am to 3:30 pm

Meeting Location: St. Clair Conservation Authority office

Agenda

Item	Time
1. Chair's Welcome	9:00
2. Adoption of the Agenda	
3. Delegations - none	
4. Minutes From the Previous Meeting	
5. Declaration of Conflict of Interest	
6. Business arising from the minutes	
a. Discussion on cross jurisdictional issues in planning stages (deferred)	
b. Request to MOE for assistance with Walpole contact (deferred)	
c. Early Response Program application	
7. Business	
a. UTRSPA Assessment Report	9:30
i. Status update	
ii. Tier 2 Water Budget update	
b. LTVSPA amended proposed AR	
i. West Elgin IPZ-2 updated <i>maps</i>	
ii. Managed Land and Livestock Density updated <i>maps</i>	
iii. Text revision and other changes - <i>summary</i>	
iv. Amendments schedule and consultation	
c. Source Protection Plan preparation work plan	10:30
i. Overview of plan development process – <i>presentation</i>	
ii. SPP preparation principals– <i>discussion paper</i>	
Lunch	12:00
iii. Policy development framework– <i>discussion paper</i>	1:30
iv. Stakeholder engagement– <i>discussion paper</i>	
8. Information	3:00
a. Regional Training	
9. In Camera Session	
10. Other business	
11. MOE Liaison report	
12. Members reports	
13. Adjournment (next meeting November 12, 2010)	3:30



Meeting Materials

Agenda Item	Description
Previous minutes	<ul style="list-style-type: none"> • Will follow
2010.10.7.b.i.	<ul style="list-style-type: none"> • West Elgin updated Maps
2010.10.7.b.ii	<ul style="list-style-type: none"> • Managed Land and Livestock Density Updated Maps
2010.10.7.b.iii	<ul style="list-style-type: none"> • Text Revision and other changes -summary
2010.10.7.b.iv	<ul style="list-style-type: none"> • Amendments schedule and consultation
2010.10.7.c ii	<ul style="list-style-type: none"> • SPP preparation principals discussion paper
2010.10.7.c.iii	<ul style="list-style-type: none"> • Policy Development framework discussion paper
2010.10.7.c.iv	<ul style="list-style-type: none"> • Stakeholder engagement discussion paper
2010.10.7.c.i & 8.a	<ul style="list-style-type: none"> • SPP Bulletin – Overview of Source Protection Plan Requirements



SPC MEETING MINUTES
OCTOBER 15, 2010
Meeting #31

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on October 15, 2010 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedggood	
Murray Blackie (SPA Liaison)	
Brent Clutterbuck	
Pat Donnelly	
Dean Edwardson	
Pat Feryn	
Paul Hymus	
Carl Kennes	
Don McCabe	
Valerie M'Garry	
Doug McGee	
Earl Morwood	
	Richard Philp
	Darrell Randell
	Jim Reffle
	Joe Salter
	Patrick Sobeski
	Augustus Tobias
	John Van Dorp
	Joe Van Overberghe
	Teresa McLellan (Provincial Liaison)

Regrets:

Kennon Johnson
Joe Kerr
James Maudsley
Charles Sharina
Sheldon Parsons

Staff:

Steve Clark	Teresa Hollingsworth
Chitra Gowda	Linda Nicks
Girish Sankar	Ralph Coe
Chris Tasker	Rick Battson
Deb Kirk	Robert Olivier
Ingrid Vanderschott	
Derekica Snake	
Melissa Sherran (Oxford County)	Other: Naomi C. Williams (First Nations)
Bonnie Carey	

1) Chair's Welcome

Bob welcomed the committee.

2) Adoption of the Agenda.

An additional item was included under *10.a Other Business*, available Drinking Water funds.
moved by Joe Van Overberghe-seconded by Carl Kennes

“Resolved that the agenda be approved with the additional item included under 10a. Other Business, Drinking Water funds.”

CARRIED.

3) Delegations

None.

4) Minutes from Previous meetings

moved by Joe Salter-seconded by Earl Morwood

“Resolved that the September 10, 2010 meeting minutes be approved.”

CARRIED.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) Discussion of cross jurisdictional issues in planning stages

Deferred until further information is available.

b) Request to MOE for assistance with Walpole contact

Deferred until further information is available.

c) Early Response Program Application

Teresa Hollingsworth reported the Early Response Program application was submitted. We asked for close to a million dollars and of that sixty percent for septic related projects and the rest a variety of other projects such as well decommissioning, fuel storage, DNAPL storage, and farm based work. A chart outlines each of the projects and this will be shared with the committee. Clarification was given on people being able to still apply through the Early Actions program and that the Early Response program is the second phase of the project to deal with significant drinking water threats. Teresa McLellan indicated that the total ask of the province was 16.8 million dollars and of that 10.7 million was for the Early Response Program and 4.5 million for land securement for municipal wells. Five million will be allotted across the province. Decisions will be made by the end of December.

7) Business

a) UTRSPA Assessment Report

i. Status Update

The UTRSPA AR was posted with a comment period closing date of October 25. There are no comments to date.

ii. Tier 2 Water Budget update

Weekly progress meetings have been received from the consultants. Preliminary results from the modeling have not posed concerns thus far. More effort will be placed on calibrating the improved model to offer best results.

b) LTVSPA amended proposed AR

A pending letter from the province outlining any further required changes to the amended AR is expected soon. There may be some additional minor changes required. Judgment will need to be applied as to whether staff can go ahead and make the changes or if they warrant SPC approval. Teresa McLellan reported the draft letter is

currently being circulated at the Ministry mostly outlining clarification on regulatory requirements.

i. West Elgin IPZ-2 updated maps

- 4-1 Vulnerability Overview-IPZ and WHPA's and 4-2 Overview of West Elgin IPZ's. The emergency intake has been delineated based on the new drainage layer. There is now an IPZ-2 score for emergency intake of 5.6. The small differences between the properties included within the primary and emergency intakes' IPZ-2s were noted: a property at Talbot line/Kerr Road is now in the emergency intake IPZ-2. It was noted there are no storm sewer sheds for either IPZ-2.

ii. Managed Land and Livestock Density updated maps

Revised maps were circulated.

- *Map 7-1a* Impervious Surface Area within WHPA and IPZ. A question of the legend and maps having white color was discussed. The white area does not represent 0. Areas of white are not relevant as there is not a threat.
- *Map 7-1b* Impervious Surface Area within HVAs.
- *Map 7-1c* Impervious Surface Area within SGRAs.
- *Map 7-2a* Wheatley, West Elgin and Chatham/South Kent Percent Managed Land. Percent managed land for the IPZ.
- *Map 7-2c* Percent Managed Lands within HVAs. Green color tone variation will be changed to allow for better separation.
- *Map 7-2d* Percent Managed Lands within SGRAs.
- *Map 7-3a* Livestock Density to *Map 7-7* West Elgin Areas are or Would be Drinking Water Threats.

A question was asked of whether the SPA boundary lines going out into the lakes follow the municipal boundaries? The SPAs are extended out to the international boundary and set in the mapping that supports the Clean Water Act.

iii. Text revision and other changes-summary

A summary table was circulated to outline the changes made to the LTV Amended Proposed AR.

- *Comment 1* West Elgin emergency intake IPZ-2 vulnerability assessment discussion added. Maps related to vulnerability updated.

- *Comment 2* Text in threats section updated to include emergency intake IPZ-2 threats. Maps and system summaries were updated for West Elgin.
- *Comment 3* The West Elgin emergency intake IPZ-2 managed lands, livestock density and percent impervious mapping completed.
- *Comment 4 and 5.* Map related to West Elgin Primary intake IPZ-2 vulnerability were updated. Map for West Elgin primary intake IPZ-2 threats are updated. West Elgin system summary is updated.
- *Comment 6.* Livestock density, managed lands and percent impervious mapping is completed for HVAs and SGRAs.
- *Comment 7.* WHPA significant threats location counts related to livestock density and managed lands are updated and removed from data gaps. Section 7 and 9 section and system summaries for Ridgetown and Highgate are changed.
- *Comment 8.* Significant threats related to the use of land for pasture and outdoor confinement area is complete. This only occurs in Ridgetown WHPA and does not affect significant location count.
- *Comment 9.* The current amended AR fills in some of the data gaps identified in the proposed AR. This is now described in the AR

It was noted most of the data gaps have been completed but there may be a few unknowns based on the receipt of the final Ministry's letter. The committee agreed staff can proceed with making the required changes, if minor and not out of the norm, in order to complete the report and submit it by the proposed December 15, 2010 deadline. Teresa McLellan advised the committee the letter will indicate an extension to January 15, 2011.

moved by Pat Donnelly-seconded by Carl Kennes

“Resolved that the committee give staff the latitude to complete the necessary changes to the LTVSPA Proposed AR based on the Ministry’s letter, if the changes requested are minor in nature, to allow the report to be submitted to meet the deadline imposed by MOE.”

CARRIED.

iv. Amendments schedule and consultation

A chart was circulated to the committee outlining the schedule and consultation process. Consultation will occur during the month of November with individual consultation versus public open houses. Based on discussion with the Ministry, letters will be sent out to the people affected, specifically properties in the West

Elgin intake area where changes have been made, approximately ten to fifteen properties and five at Ridgetown. The amended Assessment Report will be available on the website during the consultation and sent to the Ministry upon completion of the consultation.

c) Source Protection Plan preparation work plan

i. Overview of plan development process- presentation

Chris Tasker gave a presentation on the preparation of the work plan as a primer for the committee on developing policy. A work plan will be developed and act as a guide throughout the planning process with the goal to have the work plan completed in December 2010. The SPP (Source Protection Plan) is to be submitted to the Minister August 2012. How the plan is developed, what will be in the plan, engaging stakeholders, implementation and how policy will be evaluated was reviewed. The planning stage will be driven by a schedule and the work plan will offer the ability to test the framework and process. The formal Consultation of the SPP may take six to seven months in order to ensure meaningful discussions occur with involved stakeholders. This leaves approximately twelve months for policy development. Discussion papers were suggested as the method to solicit SPC input and approvals. The work plan will include an outline of the SPP and policy development process. In addition to the SPP, there will be a required Explanatory Document and potentially additional supporting documents such as system and municipal summaries. A flow chart of the policy development framework was reviewed, outlining the various stages of the plan development.

Key points of discussion:

- The committee's preference is to write all three of the SPA plans concurrently.
- Three phases of the stakeholder engagement were reviewed; Engagement, Formal Consultation and Implementation. Affected parties must be notified when the preparation of the Source Protection Plan has begun and consulted before draft Proposed SPP is posted.
- A question of what type of appeal process will be implemented if there are objections. Concerns brought forward should surface in the consultation phase, during the commenting period. If it is not resolved, the comments are submitted to the Minister. The hope is to have resolution in the initial pre-consultation stages. The Explanatory Document must document the process for addressing concerns and the attempts to resolve them.
- A concern was mentioned of having new councilors/ reps in office and the impact it could have on them joining at this point of the process.

- We do not want to set up too big a process and at the same time we want to engage stakeholders and have some flexibility when developing the plan.
- Communication with other SPC's has occurred and are ongoing to share tools/ideas; also acknowledging the similarities and the uniqueness of each region. The SPP advisory committee is developing tools to share ideas and the SPC chairs across region meet regularly.
- A Municipal Policy Advisory Committee was suggested to be part of the process to educate and ensure the municipalities are informed and solicit input. Inviting public works staff, planners, and building officials was mentioned as beneficial.
- If the committee does not agree on an issue it was advised to remain objective through the process looking at the greater good, not individual interests. The goal of the SPP is to reduce significant drinking water threats. The hope is to have consensus as per the committee's Rules of Order, and vote when there is not.
- A comment was made of the title "*Threats Discussion paper*" as being a lose term. We have used the term *discussion paper* that includes background and discussion throughout and for consistency policy proposals can be set up in the same manner. It was suggested however, if the committee would like different terminology to bring their ideas forward.

The committee took a break 10:45-11:00.

Presentation continues;

- What is policy? The Ministry training will explore some of the components; desired outcome, what approach will be used, what tools or policy type and who will implement. There will be choices; what is the desired outcome, what approach/tool is used, and who implements will need to be determined.
- Two bulletins from the Ministry were included in the members' packages outlining the plan preparation to be discussed at the upcoming training session.
- The committee will run through case scenarios, writing policies to offer samples and test the process.

ii. SPP Preparation principals (2010.10.7.c.ii)

The Thames-Sydenham SPC guiding principles were previously developed as follows:

- Fair and reasonable solutions
- Consensus within our diverse area group

- Clarity of information
- Open communication
- Respecting diversity of opinion

The committee discussed Source Protection Plan preparation principles. These principles along with the committee's guiding principles will assist the committee in developing the Source Protection Plans for the region. These principles will also help the staff in developing a work plan for the Source Protection Plan.

1 Consistency

- Policies should be consistent within the Thames-Sydenham Region, yet strive for local relevance;
- Information in the Assessment Reports provide for local variation in policy implementation based on such things as vulnerability scores;
- Policies using prescribed instruments can be developed at a general level and can rely upon the instruments' issuing agency to apply local specificity;
- In the development of policies it is important to collaborate with MOE, other SPRs, municipalities, First Nations and stakeholders to maximize effectiveness, efficiency and consistency, while minimizing duplication.

2 Existing measures

- Existing measures will be considered first in the development of policies and where they are deemed ineffective, measures will be fine tuned or other policies will be explored to further mitigate risks;
- Where new measures are necessary, lessons can be learned from other jurisdictions (SPRs, provinces, countries), but the uniqueness of our region must be considered in how measures are adapted;
- The SPP will provide implementers of existing tools with new information on vulnerable areas that allows for considerations to be given to drinking water protection.

3 Education and outreach

- Education cannot be relied upon as a stand alone policy to address significant drinking water threats, but is a necessary part of supporting all other policies;
- Education and outreach will complement incentive and regulatory programs;
- Education and outreach influence the majority, yet there will always be a level of non-compliance in voluntary approaches that needs to be addressed through regulatory means;
- Education will be extremely important for risk reduction for private drinking water sources;
- A range of education and outreach approaches should be considered.

4 Incentives

- Incentives help to move the bar forward after education has been provided;

- People who voluntarily adopt changes are far more committed than those who are forced to make change;
 - Incentive approaches are potentially effective in reducing risks;
 - There will always be a level of non-compliance in voluntary approaches that needs to be addressed through regulatory means.
- 5 Regulatory approaches
- Adequate enforcement is necessary for regulatory policies to be effective;
 - Prescribed Instruments are preferred where they are seen to be effective.
- 6 Prohibition
- Prohibition for existing activities will only be used when all other measures fail to address risk of significant threat;
 - Prohibition will be considered as one tool in a tool box to be used in conjunction with others;
 - Land Use Planning as a tool to prohibit future uses has its own, existing appeal process (OMB);
 - Prohibiting future activities which are unlikely to occur will be considered;
 - Prohibition may be considered differently for existing, future and expansion of activities.
- 7 Risk Management Plans (RMP)
- The policies should direct the use of RMPs for consistency and not leave too much to the discretion of the individual Risk Management Officials;
 - RMP are intended to allow an activity with mitigation measures to manage the risks;
 - Risk Management Plans should be general enough to recognize improvements in technology and changes in operating environments;
 - If monitoring reveals that RMP (or other policy approaches) are not being effective, the SPP policies would be revisited.
- 8 Impacts of the policies on others
- Fair and reasonable solutions are always preferred;
 - Meet the objectives of the Clean Water Act while minimizing fiscal, social, and economic impact, to extent feasible, on any one body;
 - Implementation costs may be a shared responsibility of all stakeholders;
 - A cost sharing model, similar to the drainage act, where costs are shared by beneficiaries and proponent is worth considering
 - New operations may be responsible for implementation costs while existing operations may have access to financial support;
- 9 Engagement
- Engage those responsible for policy implementation in policy development process;
 - Engage those whose activities will be affected by the policies where possible.

10 Priority in addressing threats

- Address mandatory policies, such as significant threats and monitoring policies first;
- Consider optional policies related to spills, transportation corridors, and transport pathways;
- Address moderate and low threats where they may become significant;
- Policies for water quantity threats will be visited in an updated SPP, once the Tier 3 water budget is completed and included in an updated Assessment Report;
- Policies for moderate and low threats and for HVAs and SGRAs will be parked and timelines for the inclusion of these reassessed later in the SPP development process.

11 Policy development efficiency

- Keep focused on priorities as decided upon in framework and work plan;
- Develop a parking lot for items which are not mandatory and which cannot be addressed within the timeframe available to develop the first proposed SPP;
- Support collaboration as much as possible.

Items for future discussion (parking lot):

- When and how incentives and disincentives are best applied?
- Challenges with incentives include that they:
 - Don't benefit earliest adopters;
 - Don't promote the continued use of the BMP;
 - Create unfair subsidized property value increases;
 - Often provide irregular availability of funding;
 - Don't solve problems for those who can't pay their portion of the costs.
- How will the SPC give consideration to Brownfields in prohibiting future uses?
- How will RMP and prohibition be best used for existing, expanding and/or future uses?
 - If risk management is acceptable for existing, should it be acceptable for new?
 - Need to consider new vs. expansion of existing.
- Can Risk Management Plans be implemented in consultation with the Source Protection Committee?
- What is fair and equitable?
 - The Oxford County model of purchasing the land around the wellhead;
 - The province providing grants as a shared cost via the tax payer;
 - Can a policy be "We don't think this is a good place for a well"?

The committee broke for lunch.

The committee reconvened. Prior to moving to the next item on the agenda, Bob introduced Naomi C. Williams from Walpole as an observer.

iii. Policy development framework (2010.10.ciii)

The policy development framework discussion paper was intended to generate discussion on how the committee would like to organize the development process and to structure how policy is established. It will be important to consider the various types of policies which can be included in the SPP and to look at both mandatory and non-mandatory policies. A list is outlined in the discussion paper about the types of policies and five options for organizing the policies include;

1. By vulnerable area or system.
2. By municipality.
3. By SPA.
4. By general land use.
5. By groupings of similar threats.

The committee by consensus, agreed with using option Number 5, “By Grouping of similar threats” when developing policy. This will allow for consistency across the region, avoid duplication and brings relevant stakeholders together. The committee discussed incorporating some portions of the other options as follows;

- Municipalities need to be considered due to having land use planning tools in place. Connecting with the adjacent SP Regions will be necessary, for example having a set of policies for Lake Huron Water Supply System.
- To pull a portion of Number 4, having the correct sectors at the table regarding land use policies. It was explained the Flow chart presented allows for this. Municipal advisory groups will be engaged in formal and focused working groups; or less formal forums. Pre-consultation will also address this.
- Need to factor in the SPC does not write all policies. Oxford County is lead for their policy writing and we need to engage with them and build this into our process.
- Separating groundwater and surface water approaches may be too big to incorporate.
- Drafting all three of the SPP concurrently rather than independent of each other was agreed upon.
- Want to test framework with a threat as a test run. The committee agreed to use septic systems as the initial test run and start on DNAPL’s soliciting Dean Edwardson’s expertise/leadership.

iv. Stakeholder engagement (2010.10.7c.iv)

Successful collaboration and communication with Municipalities, First Nations and other stakeholders will be required when developing policies. The idea of sending an information package to municipalities by late November. A Municipal forum may also be an option for getting relevant



information out to municipalities. Municipal Policy Advisory Committee will be established to review policy discussion papers and provide feedback. Working together with Oxford County to integrate their policy work to ensure consistency was noted as important. The AR's have generated information that should now be considered by the municipalities in fulfilling their decision making responsibilities under the Planning Act. Conservation Authority staff will provide a service involving the disclosure of vulnerable areas information as part of the currently offered environmental planning services. Further stakeholder input will be required through forums, working groups, pre-consultation and public consultation. Engaging Municipal system operators, planners and building officials will all be necessary. The committee was asked if they have municipal operators who should be involved to please advise.

8) Information

9) a) Regional Training

The Ministry training session is scheduled for *October 21, 2010* in London at the *Forest City National Golf*. An agenda will be circulated to attendees on Monday. Ministry of Environment bulletins were included in the USB's distribution today for the committee to review.

10) In camera session

None

11) Other Business

a) *Doug McGee*- asked about stewardship funds. Someone approached him about not being eligible for a project. It was determined the area involved was not deemed a significant threat. The person can secure funding however through other options. A letter will be drafted and sent to them from the SPC.

12) MOE Liaison Report

No further updates.

13) Members Reports

Pat Donnelly- Clear Water Revival charrette date is November 25, 2010. More details to follow.

Richard Philp- referred to a recent article in the London Free Press pertaining to control sewage outlets during flood conditions for municipalities. A statement was outlined of it being fortunate that there is not down stream centers drawing their drinking water from the Thames. Clarification was



given of it should have read there are not municipal sources drawn from the Thames in the Lower Thames area.

Joe Van Overberghe- had a meeting with MNR and the windmill industry. An agreement will be reached pertaining to licenses being required for drilling related to wind turbine construction. This was due to oil and gas being too close to the surface in parts of the Great Lakes. There is also a concern that the power lines could lead to an increased rate of corrosion on pipes on the bottom of the lakes if the power lines are laid over or near the pipes. Teresa McLellan will bring this information to the Essex.

Don McCabe- OFA was approached by the Simcoe Region SPC agricultural representatives, proposing some concepts to deal with farms within WHPAs and IPZs and assist with risk management and provide litigation awareness. Implementation is expected post 2012.

Dean Edwardson- noted the recent article in the Globe and Mail relating to the plastic pellets discovered in Lake St. Clair.

The recent MOE liaison's report is included on the committee's USB along with previous updates and MOE Source Protection Bulletins.

14) Adjournment

There being no further business, the meeting was adjourned at 2:50 p.m. Next meeting is scheduled for November 12, 2010.