
Thames – Sydenham and Region Source Protection Committee

Meeting Notice

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 Erin Carroll at 519-245-3710x 46.

Meeting Date: April 30, 2010

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

Meeting Location: St. Clair Conservation Authority office

Proposed Agenda

| Item | Time |
|---|-------------|
| 1. Chair's Welcome | 9:00 |
| 2. Adoption of the Agenda | |
| 3. Delegations | |
| 4. Minutes From the Previous Meeting | |
| 5. Declaration of Conflict of Interest | |
| 6. Business arising from the minutes | |
| a. | |
| 7. Business | 9:30 |
| a. LTVSPA Assessment Report update | |
| b. SCRSPA Assessment Report comments and revisions | |
| c. UTRSPA Assessment Report | |
| i. UTRSPA AR Extension granted | |
| ii. Consultation Schedule update | |
| iii. Maps | |
| Lunch | 12:00 |
| d. Concern about Wind Turbine as a potential threat to drinking water | |
| e. Concern about application of chemicals at Rondeau Bay | |
| f. Wildlife as a threat to drinking water | |
| g. Concern about storage of vehicles | |
| 8. Information | 2:00 |
| a. Letter to Debbie Scanlon Re: comments on EBR 010-8766 | |
| b. London stakeholder session follow up slides | |
| c. Prescribed Instruments Criteria Considerations | |
| d. MOE Technical Bulletins | |
| 9. In Camera Session | |
| 10. Other business | |
| 11. MOE Liaison report | |
| 12. Members reports | |
| 13. Adjournment (next meeting May 14) | 3:00 |

Meeting Materials

| Agenda Item | Description |
|-------------|--|
| 7a | <ul style="list-style-type: none"> Lower Thames Valley proposed Assessment Report on CD |
| 7b | <ul style="list-style-type: none"> St Clair Region draft proposed Assessment Report on CD |
| 7b | <ul style="list-style-type: none"> Comments received on SCRSPA draft proposed assessment report To be distributed later |
| 7c. ii | <ul style="list-style-type: none"> tentative consultation schedule for Upper Thames River SPA |
| 7c.iii | <ul style="list-style-type: none"> UTR AR section 1 and 2 maps |
| 7d | <ul style="list-style-type: none"> Discussion paper on wind turbines as a potential threat to drinking water |
| 7e | <ul style="list-style-type: none"> Discussion paper on Rondeau Bay chemical application |
| 8a | <ul style="list-style-type: none"> Comments on SP Plan regulation |
| 8b | <ul style="list-style-type: none"> MOE slides from London |
| 8c | <ul style="list-style-type: none"> Prescribed Instruments Criteria Considerations and list |
| 8d | <ul style="list-style-type: none"> MOE Technical Bulletins |
| 11 | <ul style="list-style-type: none"> MOE Liaison Officer Program Update , Date: March 24, 2010 |



SPC MEETING MINUTES
APRIL 30, 2010
Meeting #25

Bob Bedgood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on April 30, 2010 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

Members

Bob Bedgood
Dean Edwardson
Brent Clutterbuck
Pat Donnelly
Pat Feryn
Carl Kennes
Joe Kerr
Don McCabe
Earl Morwood
Sheldon Parsons
Darrell Randell
Joe Salter

Charles Sharina
Pat Sobeski
Joe VanOverberghe
James Maudsley
Richard Philp
Augustus Tobias
Jim Reffle (Liaison)
Teresa McLellan (Provincial Liaison)
Murray Blackie (SPA Liaison)

Regrets:

Marg Misek-Evans
Paul Hymus
Valerie M'Garry

John Van Dorp
Doug McGee
Robert Olivier (First Nations Technical Staff)
Keenon Johnson

Staff:

Rick Battson
Steve Clark
Ralph Coe
Ian Wilcox

Chitra Gowda
Brian McDougall
Girish Sankar
Chris Tasker
Deb Kirk



1) Chair's Welcome

Bob Bedggood welcomed the committee and apologized to the membership for not having a quorum. It was suggested that the members present meet as a sub-committee. Once quorum is achieved the Committee can receive a report from the subcommittee for discussion and approval. Those members in attendance agreed that this was reasonable.

Moved by Earl Morwood seconded by Darrell Randall.

“resolved that members present meet as a sub-committee and report to the SPC once a quorum is reached.”

CARRIED.

8.d) MOE Technical Bulletins

Ministry of Environment Technical Bulletin: Provincial Tables of Circumstances: Understanding the provincial tables, MOE Liaison Officer Program Update and a Technical Bulletin on Threats Assessment and Issues Evaluation which were circulated were discussed. Teresa indicated the SPP regulations will be finalized the end of June and interim policies could be written in August. The Ministry had a review meeting for the St. Clair Assessment Report which went well; the comments on the St Clair Assessment Report will be discussed today.

Bob welcomed Deb Kirk back from her leave as the administrative assistant to the project and gave thanks to Erin Carroll for her work as her replacement.

7. a) LTVSPA Assessment Report update

Chitra Gowda gave an update on the Lower Thames Assessment Report. Based on the final consultation, a few more comments were added to the consultation summary appendix which has been forwarded to the Ministry of Environment. We have received a letter confirming they have received the report. Teresa M. indicated a more thorough review of this version of the report will be completed and is expected to take four to six months before final approvals are given.

7. b) SCRSPA Assessment Report comments and revisions

A table outlining the comments from the St. Clair Region Draft Proposed Assessment Report comment period (March 19, 2010 to April 30, 2010) was circulated. Brian McDougall reviewed the comments and responses, and some discussion took place, the highlights of which are below:

- Petrolia has a council motion and funding in place to extend their intake further into Lake Huron. Two concerns identified were the extension possibly being damaged by ice impacting the intake crib and post rain fall events where plumes come out of adjacent creeks that can impact the turbidity. The extension will go from 365 meters offshore to a point 1.5 km off shore. This will have a positive impact in terms of having deeper water and the IPZs will move north. IPZ-2 would also be changed significantly in terms of area on-shore being reduced. Source Protection technical work would not begin until the Environmental Assessment stage and consideration will be given on how and when this can be incorporated into an Assessment Report.
- A question was asked as to whether the consulting company, R.V. Anderson, worked with the Bright's Grove operators, in order to obtain current information. Brian M confirmed that they did and the initial information received on plant rated capacity, was from the 2001 Certificate of Approval. The Assessment Report is now updated to use the most recent rated capacity information, from the 2006 Certificate of Approval.
- The March 5, SPC Meeting Minutes indicated water takings from the lake is not considered in the water budget on the demand side but on supply side only where it is being discharged back into the watershed. Revisions are required in the Assessment Report to reflect this.

Augustus Tobius arrives at 9:30 a.m and a quorum was reached.

Moved by Jim Maudsley seconded by Joe Salter.

“resolved that the SPC meeting commence and that the committee accept the discussions and considerations of the sub-committee.”

CARRIED.

The Source Protection Committee continued with discussion on the comments on the St. Clair Assessment Report deferring Agenda approval until the completion of this item.

- A commenter, who wanted to remain anonymous, indicated, during an open house, the need for education for property owners relating to septic systems, farming practices etc. The consideration of comments on the Assessment Report from persons wishing to remain anonymous was discussed. It was decided to consider these comments in the Assessment Report. It was noted that these comments may pose some problems as there is no ability to follow up. The Ministry is reviewing how we have included comments in previous documents. They suggested that the comments in the form received do not need to be part of the posted document and if included in summary form should not any personal information, based on *Freedom of Information and Protection of Privacy Act (FIPPA)*.

- Spills and contamination from the Sarnia area will be considered under IPZ-3 delineation (comment 17). A question was raised as to whether Section 3 of the Ministry’s technical bulletin “*Events Based Approach*” will restrict us, due to the St. Clair River not being included within the list. It was noted the list includes Great Lakes, connecting channels and the lakes listed within the box. The St. Clair River is a connecting channel (*Type B intake*). Another approach is to look at the contributing area (inland watershed) such as with the Sydenham River as would be done for a type C or D intake. Each methodology will have advantages, and is applied to certain types of intakes. Therefore retaining flexibility in intake type will be important while considering the IPZ-3 of the Wallaceburg intake.
- Teresa M. gave an overview of the Ministry’s internal review process; the Assessment Report is reviewed by a team of specialists. The Ministry of Natural Resources staff is also involved. The SPPB General Comments and Observations St. Clair Draft AR table of comments was included in the SPC meeting package. The comments are broken into different categories to include; Legislative Requirement, Recommendation and Suggestion. They are trying to improve the process by allowing the prioritization of items such as the legislative requirements. The process has evolved since the LTVCA AR; timeframes are a challenge and have limited the dialogue. Once the AR is posted on the internet, the Ministry has three weeks to review.
- Data gaps have been discussed with the Project Managers and MOE. The Province would like to see the difference between data gaps and data limitations but this may be difficult for the reader to recognize the difference between the two (comment 19 and 20). The gaps are well identified in the AR. Ensuring the impacts of the data gaps on the work is identified and how the work could be improved if information was available, was highlighted. Teresa M. indicated a data gap means something is missing per the legislative requirement. Limitation means there is some information and a gap means there is none. For example, in the case of aluminum, the data is not available or accuracy is questionable. Data gaps need to be prioritized and some of them will need to be filled by municipalities or the Ministry. The rules allow for data gaps, and eventually they need to be filled. An amended AR should consider prioritizing gap filling.
- The Wallaceburg Intake was classified as a Type B intake but according to comment 28 it is a Type C (based on the technical rules). This comment is not consistent with previous discussion with the province, highlighting the flexibility in how this could be considered. A letter from the province will confirm our classification of the intake as type B. As work continues, flexibility on intake type is important. Rule 15.1 should allow for the flexibility needed. It was explained that the Sydenham River is an inland river and at times it flows past the intake making it a Type C. Other times the water which flows past the intake came down the St. Clair River making it a Type B. An exception is required regardless of which classification is used. This is identified in the AR and adequately documented so that flexibility be retained.
- Revisions to AR are required describing that it is unlikely that there are significant risks in the mapped areas (comment 48) resulting from such activities (impervious surfaces,

managed lands and livestock density). This will be noted in the St. Clair Region AR, but not for Lower Thames which is already submitted..

- Concerns were brought forward to the SPC regarding the consultant not completing field tests or confirming data for the Wallaceburg intake and therefore the information was initially flawed (comment 49). Since then, there has been a considerable amount of additional work and field verification in this area to ensure the information is accurate. A question was asked as to whether there is now a comfort level in the work, to date. Brian reported staff is satisfied due to the significant amount of work done, that the comfort level with the work is high..

The committee brought forward a motion to endorse St. Clair Region Draft Proposed Assessment Report comment table and planned revisions.

Moved by Dean Edwardson seconded by Pat Donnelly.

“resolved that the St. Clair Region Draft Proposed Assessment Report comment and response table is accepted and endorsed by the committee.”

CARRIED

2) Adoption of the Agenda

Moved by Jim Maudsley seconded by Earl Morwood .

“resolved that the agenda be approved.”

CARRIED.

3) Delegations

None

4) Minutes from the Previous Meeting

Moved by Brent Clutterbuck seconded by Charles Sharina.

“resolved that the previous meeting minutes be approved.”

CARRIED.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

7) Business

a) LTVSPA Assessment Report update

This item was discussed earlier in the meeting prior to the adoption of the Agenda.

b) SCRSPA Assessment Report comments and revisions

This item was discussed earlier in the meeting prior to the adoption of the Agenda.

c) UTRSPA Assessment Report

i. UTRSPA AR Extension granted

The Director has granted an extension until the end of October.

ii. Consultation Schedule update

The schedule for the Upper Thames Region Phase 1 and 2 consultation open houses was circulated outlining tentative dates. Phase 3 consultation to be held in three locations is scheduled for week of August 9th. Water budget discussions with municipalities will need to occur. Tier 1 and 2 are in the final stages and Tier 3 will be starting.

iii. Maps

The committee received five maps for review and final approval. Edits/Revisions;

1-1 **Thames-Sydenham and Region boundaries.** Approved, no changes.

1-2 **Upper Thames River Source Protection Area.** Top inset map has Lower Thames. Change legend to green color for Upper Thames River and add SPA. Remove labeling

municipalities outside the SPA. Increase size of font for London.

- 1-3 **Drinking Water Systems.** Include Tavistock. Change map title to municipal systems and remove municipal in the legend. Communities supplied by in legend vs. Supplied by Municipal Surface Water Intake. Mapping layers show two labels, one for the Municipality and one for the water system. Eliminate smaller London label. Confirmation required on whether Delaware receives water from Lake Huron and Elgin Area Water Supply System. Stand by systems are identified. A question was raised of whether the wells in Mount Brydges were decommissioned? Teresa M. will look into this.
- 1-4 **Areas of Settlement.** A question of why Lambeth identified? Pat D. will find out if it is designated a settlement area. Inset map and legend change Lower Thames label. Remove municipality labels from outside the SPA. Huron County is missing and could be included.
- 2-1 **Population Density.** Eliminate labels for Lambton, Wellington, Southwold. Resolution is fine on map. Fewer categories may broaden this and make it less cluttered. The color does not represent municipality rather the settlement areas. A question of the education purposes of the map; the intent being to show differences in population. Scale needs revisions.

d) Concern about Wind Turbine as a potential threat to drinking water

Document 2010.4.7d concerning the impacts of wind turbines on intake protection zones was discussed at length. During the Lower Thames proposed Assessment Report consultation period a letter was received by Jack Robertson outlining concerns regarding a development proposal for a wind farm off shore from Essex County. The Essex Region Source Protection Committee is actively considering the risks of this development with the focus being on the construction of wind turbines in around intake protection zones. Operation and maintenance, fluids within them, and decommissioning was also highlighted as concerns. The Essex Region has asked the wind turbine company for information on the materials that are stored, how construction happens and the chemicals involved, to determine how these risks may relate to Source Water Protection. Teresa McLellan gave an overview of the approval process, to include several vigorous steps. Before receiving approvals from Green Energy, one needs to apply for a contract from Ontario Power Authority, who only looks at the ability to produce electricity and connect to the grid, but does not consider the environmental impacts. If a contract is not offered, a connectivity test is done every six months. If a contract is granted, there are several other approval steps before

applying for a Green Energy approval. Policies are in place that could restrict wind turbines when science indicates there could be environmental impacts in some areas.

Other areas of discussion/concerns noted by the committee:

- A concern was raised of these contracts being issued regardless of the risks. Provincial standards need to be brought in. Renewable Facilitation Office needs to be involved in approval process.
- Green Energy Act is very broad. Other acts need to be considered such as the Species of Risk Act and possible impacts. A question was raised as to what Act trumps what?
- It was noted that maintenance will occur only every ten years.
- Asking Essex to consider the Wheatley, Chatham and South Chatham-Kent intakes will be beneficial and avoid duplication in the work.
- Sediment re-suspension is a concern. Sediment could contain toxic materials. The method of construction to put power lines out is high powered jetting which will stir up considerable sediment.
- Ease of connectivity allowed Kingston to move forward with off shore turbines whereas Southpoint was not.
- No other SPA, other than Essex, is considering this issue, at this time.

After an extensive discussion, the committee agreed two letters will be brought for review to the next SPC meeting. One will be addressed to the Essex Region SPA and one to the Ministry of Environment. The letters will be broad based, to encompass other possible future technology as well. The letters should acknowledge and support the Essex Region's concerns and outlining this committee's concerns. Copies will be forwarded to Ministry of Natural Resources, Ministry of Agriculture and Food, Ministry of Energy Infrastructure, Department of Fisheries and Oceans, and PUC's.

e) Concern about application of chemicals at Rondeau Bay

A comment was submitted during the posting of the Lower Thames Valley proposed Assessment Report regarding the application of and levels of pesticides in the water at Rondeau Bay, and the impacts on drinking water sources. Pesticides used in water are not a prescribed activity that can be considered as a drinking water threat. There are limited impacts and in this area the hazard score is less than 4, therefore any activity can not considered a drinking water threat. Licenses are issued for application of aquatic herbicide to very small areas for example, controlling weed grass near boat docks. Education and Outreach will be important. The Ministry of Environment could not determine who applied the pesticide at the time. A letter sent to residents of Rondeau Bay from the Ministry of Environment to provide them with information was attached to the discussion paper. The particular pesticide used can no longer be purchased by the public unless the buyer has a valid pesticide application license. Don. M noted he has a pesticide license if anyone requires any information or has further questions.

f) Wildlife as a threat to drinking water

Pat Feryn, Bob Bedggood and John Van Dorp attended an agricultural training session in Barrie and will provide information at the next meeting.

g) Concern about storage of vehicle

Although a written comment was not received, a member of the public brought up a concern over the storage of vehicles and the impact it could have on drinking water. Vehicles contain contaminants that would need to be considered. This was not submitted formally as the person wanted to remain anonymous. The committee discussed what constitutes risk; scrap yards with many vehicles or a few on someone's property. The person was advised of the option of filing a complaint to their municipality as property by-laws may already cover this issue. This possible threat will be considered again when policies are written.

8) Information

c) Letter to Debbie Scanlon Re: Comments on EBR 010-8766

A letter was circulated as an FYI to the committee to Debbie Scanlon of the Ministry of Environment outlining the comments on EBR 010-8766- Regulatory components to support the development and implementation of source protection plans. Based on the committee's observation at the MOE consultation meeting, a summary of their comments was outlined in the letter in the hope that the information will be useful in finalizing the regulatory components.

d) London Stakeholder session to follow up slides

Copies of the Source Protection Plans Development Under the Clean Water Act-Draft Regulation Amendments Proposals-Multi Stakeholder Discussion Sessions presentation by Debbie Scanlon and James Scott was distributed.

e) Prescribed instruments Criteria Consideration

A document on prescribed instruments was distributed outlining the criteria to evaluate instruments, orders that are issued, instruments that manage development, instruments out of scope with CWA, Content of instrument-conformity, Issuing Authority and Other instruments. I



9) In Camera Session

None

10) Other Business

None

11) MOE Liaison Report

Nothing additional was noted.

12) Members Reports

- Earl Morwood enquired about the meeting schedule and was referred to the SP website where it is posted.
- Pat Donnelly gave an overview of the steps taken during the recent Lake Huron pipeline break. He outlined the details of the media advisory from the Lake Huron Primary Water Supply System Joint Board of Management and some of the impacts on the community. Although the public was asked to conserve water, there was only a ten percent reduction reported. Pat also gave an update on the Thames River Clear Water Revival Charrette that is planned for Friday, May 14, 2010 at Museum London. The hope of the workshop is to engage senior staff and leaders who are involved in activities to safeguard and improve the health of the Thames River. For further information contact Pat.
- Richard Philp reported on an eco-justice report completed across Canada. Ontario received an A minus grade. The report indicated Ontario is slow in adopting SWP.

Adjournment

There being no further business, the meeting was adjourned at 1:30pm. Next meeting is scheduled for May 14, 2010.