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## 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 Deb Kirk at 519-245-3710 ext 46.

**Meeting Date:** August 14, 2009

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

**Meeting Location:** St. Clair Conservation Authority office board room

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### *Proposed Agenda*

<b>Item</b>	<b>Time</b>
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. Geothermal Issue-letter	
b. AR Consultation update	
c. Tier 1 Water Budget update	
7. Business	9:30
a. Engaging municipal planners	
b. Threats and Risk Assessment Terms of Reference	
8. Information	10:30
a. Threats and Risk Assessment Tool	
b. SPP Policy development (Discussion Paper, dry run)	
Lunch	12:00
c. Vulnerability Assessment Peer Review update (verbal)	12:30
d. Industrial/Commercial Workshop	
e. Site 41(Richard Philp)	
f. ODWSP zones (IPZ1, WHPA-B) approvals update (verbal)	
g. Communications update	
h. First Nations update (verbal)	
9. In Camera Session	
10. Other business	
a.	
11. MOE Liaison report	
12. Members reports	3:00
13. Adjournment	

## ***Meeting Materials***

<b>Agenda Item</b>		<b>Description</b>
Discussion Papers		•
		•
		•
Other Materials	Threats and Risk ToR	• Preliminary draft of document for discussion-to be distributed at a later date
	Site 41 Article	• Previously emailed to Source Protection Committee members • For discussion as part of item 8d
	AR Consultation Schedule update	• Updated schedule from Assessment Report consultation plan
	Source Protection Plan Workshop	• A pre-session
	SP Technical Bulletins	• Additional technical bulletins have been released and are being circulated to the committee members for their information

SPC MEETING MINUTES  
FRIDAY AUGUST 14, 2009  
Meeting #16

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on Friday, August 14, 2009 at the St. Clair Region Conservation Authority Board Room. The following members and staff were in attendance:

**Members:**

Bob Bedggood	Pat Sobeski
Dean Edwardson	Pat Donnelly
Paul Hymus	Joe Salter
Carl Kennes	Patrick Feryn (morning only)
Joe Kerr	Sheldon Parsons
Doug McGee	Richard Philp
Charles Sharina	Don McCabe
John Van Dorp	Murray Blackie
Brent Clutterbuck	Jim Reffle
Marg Misek-Evans	Teresa McLellan
Darrell Randell	

**Regrets:**

Valerie M'Garry  
Earl Morwood  
Joe VanOverberghe  
James Maudsley

**Others in attendance:**

Robert Olivier, First Nations technical representative  
Sarah Pardy, MOE

**Staff:**

Bonnie Carey  
Rick Battson  
Chris Tasker  
Chitra Gowda  
Linda Nicks  
Derekica Snake  
Ralph Coe  
Ian Wilcox  
Brian McDougall  
Steve Clark



1) Chair's Welcome

Bob Bedgood welcomed the committee.

2) Adoption of the Agenda

A motion to approve the agenda was requested.

moved by Charles Sharina—seconded by Joe Kerr

*“Resolved that the agenda be approved.”*

*CARRIED.*

3) Delegations

None

4) Minutes from the Previous Meeting

Bob identified that there were a couple typos in the last paragraph on page 6 which needed to be corrected.

moved by Dean Edwardson—seconded by Doug McGee

*“Resolved that the minutes be approved as amended.”*

*CARRIED.*

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) Geothermal Issue-letter

The geothermal letter was sent to the MOE. SPC members request a copy of the letter be sent to them. Chris Tasker indicated that it was sent by email.

## b) AR Consultation update

The assessment report package was presented to the SPC, including the letter signed by Bob and mailed to owners in IPZ-1, the invitation to the specific open house, and a fact sheet explaining the Clean Water Act and IPZs. The comments received from the two open houses at West Elgin and Bright's Grove were summarized. A discussion occurred on the comments received on vulnerable areas. The comments are entered into a database and will be sent to the respective consultants. A revised assessment report consultation schedule was presented to the SPC, with mention of uncertainty around some dates based on the peer review outcomes. Staff will continue to update the schedule and send to the committee by email. Bob cautioned the SPC to recognize the extent of its responsibilities when people bring up issues outside of source water protection at the open houses. Local municipal representatives were also invited to the open houses. Dean E. mentioned that the he received a letter to attend and provided positive feedback from the session.

Rick B. was asked to provide Pat D. with extra copies of the fact sheets. A discussion occurred on how the open house invitee list was generated and how changing property owners affected the process. Recent transfers of property area a challenge and some consideration was given to whether the invitation should be addressed to "or occupant" but did not want it to look like junk mail. It was also noted that the personal invitations were not the only method of promotion of the events, ads were also placed in local newspapers. A letter on the Ontario Drinking Water Stewardship Program (ODWSP) was also sent to those eligible, and a staff member specifically dealing with ODWSP were present at the open houses. In cases where open houses will be occurring later, ODWSP letters are being sent to eligible property owners.

## c) Tier 1 Water Budget update

Chris T. provided an update on the water budge process. There are a few issues left to deal with in the Tier 1 work after the peer review meeting held about two weeks ago, and so a presentation on the tier 1 water budget may be at done at the September SPC meeting as long as the peer review process is completed. Work continues on the Tier 2 Water budget.

## 7) Business

### a) Engaging municipal planners

A forum is being planned for municipal planners in addition to other efforts in the assessment report consultation plan. The forum is meant to update municipal planners on technical work and discuss ways of engaging them in the development of the source protection planning process including the potential for a municipal planners working group. The planners' opinions obtained will be brought back and reported to the SPC to see how to move forward in engaging the planners in source protection planning. A few planners from upper and single tier municipalities were invited to participate in the August 17 workshop. One of the items to discuss with the planners is how they

deal with comments related to planning act decisions and permitting processes. Given that accepted technical work is going to be complete in the next few months. Staff will update the SPC once the meeting is done. A question was raised on how to deal with questions related to source protection planning, citing a recent council meeting. Municipalities may be faced with making decisions where the affects on source planning have yet be determined. It was mentioned that the SPC must distinguish what can be addressed through this process and redirect other matters to the appropriate bodies to address. Currently, the focus is on the technical work for the assessment report. The plan comes follows the technical work. It is important to remember that the plan cannot be implemented before it is developed with the exception of interim risk management plans as allowed for under Section 56 of the Clean Water Act.

#### b) Threats and Risk Assessment Terms of Reference

The TSR Threats and Risk Assessment Terms of Reference was distributed by email and presented to the SPC at this meeting. Chris T. provided background to the threats assessment work. The MOE has been advocating a different approach to the semi-quantitative approach since the release of the Clean Water Act threats tables than was envisioned when much of the work was initiated. The threats tables provide a risk score directly. The Clean Water Act, the Regulations and the Rules all have specific assessment report deliverables. The threats assessment tool that the consultants have received from the province is different than what they expected.

Hence the TSR Threats and Risk Assessment Terms of Reference was prepared with the intention of clarifying and providing local interpretation similar to the TSR issues evaluation methodology. It tabulates what is required from the consultants and municipalities leading studies according to the Clean Water Act, Rules and Regulations. It is a preliminary draft and it is the intent to seek support from the SPC in principal. Further, this draft has been distributed to consultants for their comments. Those comments along with any comments from the SPC will be used to refine the document. The Terms of Reference would be provided to consultants and municipalities leading studies to complete the specific deliverables required by the rules, regulations and act.

A discussion on the clarity, intent and relation of the threats terms of reference to the SPC's terms of reference and nomenclature occurred. There were suggestions of using alternate titles such as guidance or methodology. Bob asked if, for the purpose of this document, the SPC could leave it to Chris and Chitra to ensure there is limited confusion whether by wording, or explanation, or change in the document, and asked if that would satisfy the concern over using the term 'terms of reference'. The general consensus suggested that referring to the document as local guidance would reduce the chances for confusion. It was asked to include reference to the agreements already in place. It was suggested that a combination approach is useful, using the lookup table, professional judgment, local knowledge, and NAICS codes.

A discussion on future threats and the interpretation of the term infrastructure in Section 5.6 took place. It was suggested to provide in the threats terms of reference a few diverse examples of what a future threat may be. Teresa M. mentioned that a written piece may possibly be coming in their newsletter, with some examples.

A discussion occurred on the SPC's position on threats affecting our region but occurring in federal lands, First Nations, and international boundaries. It was felt that the threats on these lands should be included in the assessment report. Teresa M. clarified that the SPC can express an opinion, but otherwise there is no jurisdiction on these lands. It was suggested to try to work with the boundary partners on the other side of the line to address the threats. It was asked if the SPC can provide a letter voicing that concern about pipelines 'running away' from source water policies by becoming federally regulated, and it should be looked at by putting in controls to stop it. It was agreed that such a letter may be prepared.

A discussion on the difference between phase 1 and 2 threats work took place and it was mentioned that the site specific risk assessment would be in the addendum to the assessment report. Chris asked the SPC if the term 'tier 2 risk assessment' could be used instead of phase 2 threats and risk assessment. It was agreed.

A discussion on the list of significant threats occurred. Also, staff were asked to confirm if circumstances are to be provided for moderate and low threats as well. Clarification was sought on the 'proposal' identified in the schedule table; Chris mentioned that these terms of reference (local guidance) is for consultants and that a proposal or work plan will be required for the work to be undertaken. It will be determined if the work is covered under provided MOE funding or if additional resources are needed, which would be provided by the CAs through technical studies funding provided by the province.

## 8) Information

### a) Threats and Risk Assessment Tool

Chris T. provided background on the threats and risks assessment tool developed by the UTRCA for source water protection studies. John Campbell, Senior Information Management Analyst has been working with WRIP (MNR) and MOE on developing a number of data management products.

The tool is available by internet at <http://maps.thamesriver.on.ca/swpthreats/>. The SPC was walked through the tool and mention was made of where to obtain the official list on the MOE website.

A discussion took place on accounting for Best Management Practices (BMPs) and other management methods in the threats assessment work. It was clarified that the scores are not adjusted to account for BMPs. Bob further clarified that while BMPs are not accounted for in the threats table, they are looked at in managing the risks. It was suggested that a table like this be used to show how the BMPs are accounted for later on.

It was suggested that terms such as agricultural source material and RIM be explained and also to explain the calculations made in determining the risk score. It was mentioned that the lists are based on MOE's information given to us, and sorted into significant, moderate and low threats, that the first column is sorted alphabetically. The sort order should be identified to the user so that they do not incorrectly assume that the first items are the highest risk. A glossary can be added to the threats assessment tool website.



A discussion took place on cumulative effects of an activity such as spraying of pesticides and mismanagement of lawn pesticide application rates. Bob cautioned the SPC on the cumulative effect of an activity being outside the purview currently but mentioned it is something the SPC may look at later. Teresa M. added that considering cumulative effects may be an opportunity under the policy development stage.

#### b) SPP Policy Development (Discussion Paper, dry run)

The Source Protection Planning (SPP) discussion paper issued by MOE was distributed at the last SPC meeting. The SPC was reminded that comments will be submitted by the September 23, 2009 deadline based on the workshop planned for August 17. Chris described the purpose of the August 17 source planning dry run workshop and presented MOE's slides on the SPP discussion paper. Bob stated that the comments from the SPP dry run workshop will be taken back to the MOE.

A discussion on prohibition, one of the proposed planning tools in the MOE discussion paper, took place. It was clarified that the discussion paper suggests that prohibition would be a last resort tool where the SPC is convinced that other risk management tools do not work.

The committee broke for lunch from 12:10 pm to 12:45 pm.

Question arose on federal instruments. Teresa M. clarified that the SPP discussion paper does not include federal instruments. A discussion about provincial tools available under acts such as the Species At Risk (SAR) Act took place and specifically whether the province had any instruments related to the SAR Act which might be used by SP Plans. Water quantity threats were briefly discussed, noting that water quantity stresses would be identified through the water budget studies. A discussion focused on whose responsibility it would be to implement the source protection plans. The risk management official's role was discussed. Chris mentioned MOE is compiling a risk management catalogue which is yet to be released. The appeal process was discussed and it was noted that the municipal planning approval can be appealed through the OMB, but not the plan itself. The appeal process for the plan is through an environmental review tribunal which the minister may request to consider an appeal. In dealing with land owner inquiries and comments to municipalities CA staff are considering whether they will need to include whether the application is within or near a proposed vulnerable area. OWRA Regulation 903 and tools to close abandoned wells were discussed, including incentive programs. It was noted that cost/benefit and liability related to each risk management tool need to be considered. Also, the lack of discussion of environmental goods and services in the SPP discussion paper was a concern that was raised.

#### c) Vulnerability Assessment Peer Review update

Chitra provided an update on the vulnerability assessment peer review process and the effects on the scheduling of phase 1 assessment report consultation open houses. Most vulnerability studies are peer reviewed with the exception of Wallaceburg intake, Oxford wells and Thames Centre wells. Additional work for Wheatley, Erie beach intakes and Ridgetown and Hyde Park wells to address



peer reviewers' comments and revisiting uncertainty analysis has affected the timing of the assessment report consultation scheduled for these systems.

#### d) Industrial/Commercial Workshop

Bob provided background on a workshop to be hosted by the Ausable Bayfield Maitland Valley region. Industrial/commercial representatives on the SPC have an opportunity to talk about common interests and it is an educational/training format, not completely formulated yet.

SPC members attending were asked to bring their impressions back to the SPC.

#### e) Site 41

Richard Philp provided background on this item. The Site 41 controversy was reported recently in the Toronto Star. Some 15 years ago, Simcoe County decided to locate a landfill at Site 41 and it has created controversy ever since. The proposed landfill at Site 41 is opposed by groups including First Nations. Currently there is a court case going on in Toronto between opposing parties. The site is about 15 kilometer south of Midland and 5 kilometres from Wye Marsh, adjacent to the McDonald creek. The MOE approved the landfill based on evidence they had at the time. Older studies are now in question. If there is a fault, there may be flow directly into the aquifer. A one year moratorium from the province to get more scientific evidence has been called for by opponents.

It was discussed whether an SPC can express a public opinion on an issue such as this. Concern was raised that silence on issues that are perceived by the public to be directly related to the protection of drinking water sources reduces credibility for the Source Protection Committee and the whole source protection planning process.

#### f) ODWSP Zones (IPZ1, WHPA-B) approvals update

Chris provided an update on ODWSP zones and noted that all municipalities have approved the lines. The Ministry has posted on their web site an interim progress report on the program. The new program has been released for this year with little change from last. There is mention of changes that may come. Still waiting for module on storage of fuel.

It was suggested that the SPC endorse providing funding through the ODWSP to get the obvious problems remedied such as the First Nation wells viewed on the Source Protection Committee's tour which were subject to flooding from the river. These types of upgrades in eligible areas would be funded for private wells. Extending that same assistance to these systems would offer protection to this drinking water source which is relied upon by the residents of the First Nation community. A motion was discussed that a letter be sent to Paul Heeney, MOE. providing the committee's support to the province funding improvements that will protect this system and others in a similar situation.

moved by Darrell Randall-seconded by Doug McGee



*“Resolved that a letter be sent to Paul Heeney supporting funding through the Ontario Drinking Water Stewardship Program to protect First Nations drinking water sources.”*

A discussion on the representation of the eight First Nations on the TSR SPC took place. Rob Olivier again highlighted the problem about eight chiefs but only three seats on the Source Protection Committee.

#### g) Communications update

Rick Battson provided an update on communications initiatives including the revised Thames-Sydenham and Region website where comments can be submitted. The website is easy to navigate, with no drop downs. The left hand bar with main links is present on all pages and links to much if the information is provided in multiple locations making it simple to find what you are looking for. Rick walked the SPC through the website showing SPC information, meeting minutes and notices, maps, ODWSP information and factsheets. Pat D. asked to show a 'What is WHPA and IPZ' on the left hand bar and brought to the SPC's attention the 3 dimensional figure of the WHPA and its usefulness. Pat D. asked if the existing fact sheet can be adapted to show GUDI wells also.

Rick mentioned that Derekica Snake was at the Elder's regional gathering at the Point Pelee National Park. They were also at WAMBO (Wallaceburg Antique Motor and Boat Outing) representing TSR, and will be at the Chatham-Kent children's water festival in October 6 to 8 of this year at Willson's Park. Bonnie described the work on organizing meetings for the assessment report vulnerability assessment open houses including the mailouts for ODWSP and planning for the August 17 SPP dry run workshop.

#### h) First Nations update

Rob O. mentioned that Chris was at the First Nations Secretariat to discuss scientific work around some of the intakes. Bonnie mentioned that Derekica was doing surveys with communities. Each community will have their own panel and brochures for education and outreach purposes through a stewardship program grant to the FN communities. Derekica was working with the communities to do that develop the displays and brochures. Sheldon raised concern about Walpole Island not being at the SPC. Bonnie mentioned the interest shown by certain persons of Walpole, Oneida and Delaware Nations.

#### 9) In Camera Session

None

10) Other Business

None

11) MOE Liaison Report

Teresa mentioned the last Terms of Reference was approved in the province. Teresa will no longer be the liaison for ABMV region. Chris mentioned that the SPC package included the MOE technical bulletins.

12) Members Reports

*Jim Reffle* mentioned that on August 25th the health unit liaisons have been invited to participate in a one day workshop on Source Protection.

*Charles Sharina* commented that the communication products shown to the SPC will help keep source protection in the public focus.

*Don McCabe* mentioned the EFP and that the 2009 allotment was quickly allocated. The 2010 allotment opens September 15.

A conference call for agricultural representatives is planned to discuss issues such as geothermal energy and other issue are burial sites with formaldehyde showing up in the water.

*Pat Donnelley* mentioned that the City of London provided comments on the ground source heat pump issue and embarked on a drinking water awareness program including refillable water bottles. He also mentioned his attendance at the Aquafest in Grand Bend.

*Carl Kennes* mentioned talking to golf representatives on other committees and that this committee is ahead of the others.

*Darrell Randall* mentioned that St. Clair Township started construction on a new wastewater treatment plant for Courtright.

*Bob Bedgood* mentioned that the next meeting is on September 11, 2009 and to indicate to Chitra whether you can attend or not.



## Adjournment

There being no further business, the meeting was adjourned at 3:00 p.m.