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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 519-245-3710x 46.

**Meeting Date:** August 20, 2010

**Meeting Time:** 9:00 am to 2:00 pm

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

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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	
a. June 25	
b. July 9	
5. Declaration of Conflict of Interest	
6. Business arising from the minutes	
a. Tier 2 Water Budget Update	
7. Business	9:30
a. ODWSP - Early Response Program preparations	
b. UTR Assessment Report Comments	10:00
c. SCR IPZ-3 advisory committee	
Lunch	12:00
8. Information	
a. Source Protection Plan Regulation – MOE presentation	12:30
9. In Camera Session	
10. Other business	
11. MOE Liaison report	
12. Members reports	
13. Adjournment (next meeting September 10, 2010)	2:00



## ***Meeting Materials***

<b>Agenda Item</b>	<b>Description</b>
4a.	<ul style="list-style-type: none"><li>• June 25, 2010 Meeting Minutes</li></ul>
4b.	<ul style="list-style-type: none"><li>• July 9, 2010 Meeting Minutes</li></ul>
7.c	<ul style="list-style-type: none"><li>• SCRSPA IPZ-3 Technical Steering Committee Terms of Reference-to be distributed at meeting</li></ul>



SPC MEETING MINUTES  
AUGUST 20, 2010  
Meeting #29

Marg Misek-Evans, Vice-Chair of the Source Protection Committee called the meeting to order in Bob Bedggood's absence at 9:15 a.m. on August 20, 2010 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

**Members**

Murray Blackie (SPA Liaison)  
Brent Clutterbuck  
Dean Edwardson  
Pat Feryn  
Paul Hymus  
Carl Kennes  
Joe Kerr  
James Maudsley  
Don McCabe  
Marg Misek-Evans  
Earl Morwood

Sheldon Parsons  
Richard Philp  
Darrell Randell  
Charles Sharina  
Joe Salter  
Augustus Tobias  
John Van Dorp  
Joe Van Overberghe  
Robert Olivier  
Lisa Ross (MOE)

**Regrets:**

Bob Bedggood  
Pat Donnelly  
Keenon Johnson  
Valerie M'Garry  
Doug McGee  
Jim Reffle  
Patrick Sobeski  
Teresa McLennan (Provincial Liaison)

**Staff:**

Steve Clark  
Chitra Gowda  
Girish Sankar  
Chris Tasker  
Deb Kirk  
Ingrid Vanderschott

Derekica Snake  
Melissa Sherran (Oxford County)  
Brad Glasman  
Linda Smith



## 1) Chair's Welcome

Marg Misk-Evans, the SPC vice-chair welcomed the committee in Bob's absence. Marg was identified at a previous meeting to act as chair for this meeting in Bob's absence. She outlined the documents circulated today; the UTRSPA AR CD, Terms of Reference for the SCR IPZ-3 Technical Advisory Committee, Summary of Comments for the UTRSPA AR and the Ministry's Q & A for "contaminants or contamination."

## 2) Adoption of the Agenda.

moved by Jim Maudsley-seconded by Dean Edwardson

*"Resolved that the agenda be approved."*

*CARRIED.*

## 3) Delegations

None

## 4) Minutes from Previous meetings:

a) June 25, 2010 meeting minutes were considered.

moved by Earl Morwood -seconded by Darrell Randall

*"Resolved that the June 25, 2010 meeting minutes be approved."*

*CARRIED.*

b) July 9, 2010 meeting minutes were considered.

Edits were noted for Page 9, typo under 3-5 surface water potential for stress, North Thames Medway requires a backslash between it. Change on Page 14 in paragraph above 8) "This is mostly like in river valleys" should read "this is most likely expected in." Pat Donnelly also will be discussing "Naming of River" at the next SPC meeting in September.

A question was raised of the quality of work being presented to the SPC. There were many revisions on the maps. Is it a deadline issue and if so, is the quality of work being affected? Chris explained time is a significant challenge and revisions were done to a hundred maps. When in the policy development stage, work will be done in compartments, by finalizing pieces and then moving to the next. Appreciation was expressed to the staff for the work but the timelines are an issue and being able to produce a quality product is important to the SPC. The Ministry is aware of the challenges. The deadlines are entrenched into the Act and we need to strive to meet these. Marg noted that the Draft Proposed Report postings and comment periods allow for review and revisions before final submission.

Joe Kerr asked to add “*Contaminants*” added to the Business Arising from the Minutes.

moved by Brent Clutterbuck-seconded by Carl Kennes

*“Resolved that the July 9, 2010 meeting minutes be approved with the edits outlined.”*

*CARRIED.*

#### 5) Declaration of Conflict of Interest

No conflict of interest was identified.

#### 6) Business arising from the minutes

##### a) Q & A for Thames Sydenham & Region SPC

Lisa Ross of the Ministry of Environment circulated and reviewed a question and answer sheet on “*contaminant or contamination*” when used in reference to the planning process described in the Clean Water Act, 2006. Lisa explained the term “*contaminant or contamination*” is not defined in the Clean Water Act. However, it is used in the document titled “Technical Rules: Assessment Report, under Part VI.5, Delineation of IPZ-3 (Rule #68) and Part XI.3, Listing of Drinking Water Threats, Conditions (Rule #126). The term “*contaminant*” is typically used in context of delineating IPZ-3 zones and in identifying conditions. The context in which it is used must be considered with a reference to procedures set out in the Director’s Technical Rules. .

It was explained that a condition is a past activity where contaminants are identified in sediment, soil or water. There are tables identified in the technical rules from the Ministry document entitled “*Soil, Ground Water and Sediment Standards*” listing the contaminants that can be looked at in the identification of conditions.



When delineating IPZ-3 on a Great Lake or connecting channel intake, contaminant specific modeling would be conducted. The SPC has the ability to determine a contaminant of concern while delineating IPZ-3s. Potential threats are looked at with potential contaminant (chemical) that could be released and through the modeling and determine where it can show up at the intake at a concentration level which could cause a problem for the intake. Concerns were discussed around the IPZ-3s in the Wallaceburg area and a question was raised of whose responsibility it will be for associated costs in dealing with contaminants. This will be a greater challenge when the contaminant results in a condition

In the case of a rain event in an IPZ which creates turbidity/sediment (which could be considered a contaminant), a question was asked of what the property owners responsibility would be. Rain events would be difficult to prevent or manage through a source protection plan. Lisa Ross explained there are other Acts such as the Environmental Protection Act which outlines the obligation to report a spill and to stop it as quickly as possible. A concern was voiced of the impacts of climate change leading to sediment and the time sensitivity to rules, having a baseline set of data.

A question was raised of whether interpretations under Rule 68 are restricted under interpretations of Rule 126 as with manufacturing processes or storage not falling into “*conditions*.” Chris explained conditions are defined as a past activity, storage would be considered a “*threat*” rather than a “*condition*”.

A committee member mentioned that, while defining human activity relating to Rule 68, having consistent tools and coordinating our efforts with SPCs across the region is important. Augustus Tobias made comment of identifying contaminants as natural or artificial (man-made), same as when dealing with issues. Rules for agriculture and industry need to be consistent. Although there may not be a broad definition of contaminants, there will likely be a commonality with some which should be treated in the same way. A question was asked whether phosphorus was considered a health issue in the Wallaceburg intake. Phosphorus is not included in the list of possible drinking water issues. However it may contribute to algal blooms, which are considered if ‘microcystins’ (a toxin released by algal blooms), is identified as an issue. The Essex Region may have identified algal blooms as a concern but this needs to be confirmed. Nitrates are identified as an issue in Wallaceburg.

## b) Tier 2 Water Budget Update

Since the last SPC meeting a peer reviewer teleconference occurred. The consultant has moved forward with some of the work but not all of it. The peer reviewer’s comments on SGRA were considered and a product has been brought forward, removing fluvial deposits in the SGRA areas and this was accepted by the peer reviewers. Concern was river valley areas act more like discharge areas versus recharge areas. Removing the fluvial deposits from the SGRA satisfied the peer reviewers, however this was by no means a unanimous agreement. The proposed Assessment Report will need to include the modified SGRA. It was noted that the new SGRA map shows less area than previously, so the change between posting should not require additional consultation. The peer reviewers also accepted the model calibration for Middle Thames for stress calculations in the



Tier 2 Water Budget. This will be documented in the AR. This does not have any effect on the results, but better documents the level of comfort with the results.

Drought scenario work is still required. They have not been able to get model running yet in the mode necessary to do this analysis. The model needs to be in an unconfined and transient mode to produce reliable results. These revisions and work will be completed on the Tier 2 Water Budget and brought forward to the peer reviewers again and to the SPC at the September meeting. The delay in posting the AR will ensure there are no surprises with the analysis and with a two week delay there should not be an impact on the submission of the Assessment Report to the Minister.

moved by Dean Edwardson-seconded by Charles Sharina

*“Resolved that the committee accept the recommendation to delay the posting of the AR to allow the Tier 2 Water Budget work to be completed, peer reviewed and brought to the SPC at the September meeting.”*

*CARRIED.*

## 7) Business

### a) ODWSP-Early Response Program Preparation

Brad Glasman from the Upper Thames River Conservation presented on the Ontario Drinking Water, Early Actions Program. The project will focus on local (potential) significant threats identified in the Assessment Report and needs to be based on the number of them in each WHPA. Threats will be prioritized, and cost share rates will be determined. This program is on a voluntary basis and project value must be under \$100, 000 on a parcel. A list of prioritized projects needs to be completed by September 30, 2010. Brad outlined a summary table of potential significant threats in the region. The program will use the existing Clean Water Program for delivery. This involves staff from LTVCA, UTRCA and SCRCA. Relationships with OSCIA/EFP staff is important as well as local representation, both of which have been included in the Clean Water Program. Ongoing communication, knowledge of best management practices/costs and continuation of Early Actions was highlighted. At the September SPC meeting a draft table of the threats, proposed measures, activities to best reduce risk in the local municipal wellheads including the cost share rates and maximum grants will be provided. The committee asked staff to prepare a recommended priority list at the next meeting due to the complexity and time constraints of the exercise.

moved by Sheldon Parsons-seconded by Earl Morwood



*“Resolved that the staff prepare a recommended prioritized list of eligible projects to the SPC at the next meeting in September for review and discussion.”*

*CARRIED.*

A question of whether specific lists will tie our hands for funding and are we setting funding standards? This is not anticipated as the program is on a voluntary basis. Cost effectiveness, consistency province wide and transparency was noted as important. The Clean Water Program was identified as being successful in a similar voluntary process. The committee discussed their concerns of the caps on rates and grants being set and the deadline pressure in prioritizing these projects.

The committee took a break at 10:45 a.m.

#### b) UTR Assessment Report Comments

The Draft Proposed AR comment period closes today so there may be additional comments. The Ministry has yet to submit their comments. Due to the AR posting being deferred until after the next meeting this will allow the committee to review the comments.

##### Keynotes:

- *Comment 1.* Oxford Systems summaries under Threats and Risk Assessment formatting for Table 2 needs to be consistent with other tables. Information will be obtained.
- *Comment 2.* Linking the text for the CD version-not a comment on the Assessment Report .
- *Comment 3.* Color scheme in Map 4-3 will be adjusted and title change to Mount Elgin not Mt on Map 7-1-14.
- *Comment 4.* Labeling on St. Mary’s map.
- *Comment 5.* Update to managed lands of Woodstock map. No change to threats counts.
- *Comment 6.* Maps will be included on Percent Impervious, Managed Lands and Livestock Density for HVA and SGRA.
- *Comment 7.* Remove Reg.385/08, s.3 reference from all significant threats tables.
- *Comment 8.* Change in Shakespeare WHPA vulnerability layer after creating the percent Impervious, Managed land and Livestock Density maps requires a revision to those maps.
- *Comment 9, 10, and 11.* Address differences in mapping for Oxford County information.
- *Comment 12, 13, 14, 15, and 16.* Editorial corrections from proofreader.
- *Comment 17.* Correction of labeling of East Zorra-Tavistock on all maps.

- *Comment 18.* Minor update in section summary and links repaired in glossary.
- *Comment 19.* Melrose map revised, vulnerability, threats, livestock density, managed lands and impervious.
- *Comment 20, 21, and 22.* Editorial changes.
- *Comment 23.* Thorndale maps corrected to a 100m circle versus 200m circle.
- *Comment 24.* Add page numbers to section, system summaries is more of a reminder than an actual edit to the Assessment Report.
- *Comment 25.* Revision to Stratford and St. Mary's impervious surface maps.

A question arose of whether there were any comments from the public during the open house consultations. There were more comments in the Phase 1 and II consultations, but not this round. There were limited people who attended and the persons who did showed interest in their own property. There were some questions relating to surface and groundwater systems but nothing formally was submitted. One person came to the Upper Thames River CA office to review the draft proposed Assessment Report. The Ministry's comments, yet to be submitted to TSR, will be brought to the September SPC meeting.

Further comments will be added for the Tier 2 Water Budget which will outline the teleconference results with the peer reviewers and the consultants moving forward with the work. As a result of comments received from the peer reviewer's staff presented alternative representations of the SGRA to peer reviewers for their input. As discussed earlier in the meeting, the peer reviewers supported a revised SGRA product which removed the area identified as fluvial deposits from those which were previously proposed as the SGRA. It is important to note that this results in an overall reduction in the area identified as SGRA and does not add any areas not previously included in the SGRA. It is recommended that the Assessment Report be revised to be consistent with the SGRA mapping accepted by the peer reviewers which will be included in this final T2WB report.

Also, at the recent peer review meeting the peer reviewers accepted that the groundwater and surface water model calibration in the Middle Thames was adequate for the stress calculations in the T2WB. Although this does not require a change in the results from the work, references in the Assessment Report to the Middle Thames calibration should be revised to reflect the additional calibration work.

The committee agreed and endorsed the revisions to the Draft Proposed UTR AR based on these comments,.

moved by James Maudsley-seconded by Joe Van Overberghe

*“Resolved that the SPC endorse the abovementioned changes to the UTRSPA AR and it will be posted in September to include the additional comments on the Tier 2 Water budget.”*

*CARRIED.*



c) SCR IPZ-3 Advisory committee

The Terms of Reference document for the SCR IPZ-3 Technical Advisory Committee (TAC) was circulated and discussed. The purpose of the TAC will be to provide technical advice and guidance to the IPZ-3 delineation and vulnerability assessment for the three intakes in the St. Clair Region Source Protection Area: LAWSS, Petrolia and Wallaceburg. They will meet four to five times from September 2010 to March 2010 and report back to the SPC. The committee will be comprised of SPC members, system operators, project consultants and committee members with knowledge of the area and science to be applied to the delineation of the IPZ-3 for the intakes.

After some discussion, Darrell Randall indicated that due to the uniqueness of Wallaceburg he would like to be on the committee as an agricultural representative. He nominated Sheldon Parsons to be the municipal representative. Dean Edwardson agreed to represent industry. Joe Kerr indicated that he would like the members list be modified to include another representation for agricultural due to Darrell Randall being on council and therefore may be seen as a municipal rep. The question was asked of the committee of whether to include Joe Kerr as an official member representing agriculture, with an understanding he may have some challenges attending all the meetings or acknowledge he and others could attend on an informal basis.

It was noted First Nations representation is important to be involved in this process and a suggestion was made to have Keenon Johnson attend the meetings as an observer until an official rep is identified. Augustus Tobias agreed to bring this information forward to the London Districts Chiefs Council and advise them of the invitation to participate and report back to the SPC.

After further discussion, the committee agreed to modify the composition of the Technical Advisory Committee by adding another municipal representative.

moved by Darrell Randall -seconded by John Van Dorp

*“Resolved that the SCR IPZ3 Technical Advisory Committee Terms of Reference will be amended to include another municipal representation for Lambton and Kent Counties respectively.”*

*CARRIED.*

A motion was brought forward announcing Dean Edwardson as representing industry, Joe Kerr, for agriculture and Darrell Randall and Sheldon Parsons to represent municipalities on the Technical Advisory Committee.

moved by James Maudsley-seconded by Charles Sharina



*“Resolved that the SCR IPZ3 Technical Advisory Committee include Dean Edwardson, Joe Kerr, Darrell Randall and Sheldon Parsons.”*

*CARRIED.*

A question was raised of the rules of engagement, whether there will be an official chair. The intent of the group is to work together freely so therefore a facilitator was identified to offer more flexibility. If delegations want to attend any of the meetings they could be considered informally or they could put in a request via the SPC as delegation to the SPC. Another option is for them to forward their input through SPC members and consultants.

The Committee broke for lunch from 11:45 a.m.-12:30 p.m.

## 8) Information

### a) Source Protection Plan Regulation-MOE presentation

Lisa Ross from the Ministry of Environment gave a presentation on the Clean Water Act, 2006 and Source Protection Plans Regulation Amendments to O. Reg. 287/07. Teresa McClellan sent her regrets. The presentation gave an overview of context, SPP content, policy development process, range of approached/tools, consultation/notification, explanatory document, progress reports and next steps. The SPC has the authority to develop the plans, allowing flexibility to address local issues. Draft policies need to be completed by August 2012.

Key points/Questions during the presentation:

- A required policy is to achieve Great Lake (G.L) targets. A question was asked of what is meant by a target. Lisa mentioned an example of a target, such as reducing phosphorous discharges into the lake by a certain %, and the SPC would write a policy to help contribute to that target. The SPCs will work together to review the lake wide concerns beyond what an individual committee could deal with and they will be pushed up to the minister for setting targets.
- Where Areas of Concern (A.O.C) exist, would they be considered G.L targets? This is focused on drinking water only. A.O.Cs and Remedial Action Plans (RAP) have a broader focus. A part of the St. Clair River is an A.O.C, would this be included in IPZ-3? Targets can go beyond vulnerable areas, and will need broader based cooperation.
- A concern was raised of what we “push” up to the Minister, and having flexibility. Lisa noted there is no flexibility in writing the target, as the Minister writes the target. There is flexibility in policy writing.

- In dealing with Great Lakes targets does that make every tributary as part of an IPZ-3? This would be watershed wide policy to address a Great Lake target. This work is still being looked at and if it could be dealt with in IPZ-1, 2 and 3 then the Great Lake targets may not be required. The Ministry will provide clarification on designated Great Lakes policies if and when Great Lakes targets are contemplated.
- Can a SPC direct a municipality or PUC to act? It can be applied to any policy addressing significant threats although consultation needs to happen in the policy writing stage. The SPC does not do Part 4 enforcement.
- Can a contaminant in IPZ-3 be considered a significant threat, triggering the municipality to take action? If it is identified as an issue, then yes. All implementers need to be consulted. Ministry will clarify.
- Transport pathways are not considered a drinking threats but the presence of one can elevate a level of threat to a higher. Policies can be written on transport pathways.
- What if the landowner does not ask for permission in creating a transport pathway?
- The definition of “person” responsible was questioned when properties change hands, people move, change jobs etc. The legislation reflects it to be “Person or Body” and to be used generically. Policies will not be written for individual property rather on the type of activity on the type of area. References are not to an individual.
- Incentive type policies? Look at what kind of incentive programs can be provided. General or specific policies can be written by SPC. Through consultation during polict development it can be determined who can deliver, how much etc. Municipalities in the region already participate in incentive based programs and the hope is to build on that.
- Consultation? It was identified that it will be important to expand to include neighboring regions, possibly including meetings with ABMV and ERCA. It will be important to not prohibit activity in one region but allow it the next. Consultation with neighbors is important to be consistent. SP Plan Advisory committee is set up and meets regularly which allows SPC to collaborate with each other and comments raised can be viewed by all.
- Ministry clarification on aggregate/pit licenses: policy cannot say how deep you can dig. Policy cannot be developed on aggregate pits because the pits are not a threat. A concern was raised about aggregates and pits not being included in policies. Pits are transport pathways. SPC can write policies on, for example storage of fuel in a pit. SPC can request Director to identify activity as a local threat, science based.
- Why is pesticide application permit under MOE? Permits for extermination are issued by the Ministry. This is for pesticide application for other special applications like commercial application/site specific permits and is different that pesticide application by farmers covered by their license. Where pesticide application would be a significant threat, a policy needs to be developed. The provincial instrument can be used for those activities which would require the site specific permit from MOE, otherwise other type of policies would need to be used.

Can a license card be used to demonstrate that the application of pesticides is not a threat?  
This will depend on policies developed by the SPC.

- Is there an opportunity to provide input on Certificates of Approval (C of A) if we cannot use Part IV tools? Yes, through the provincial instruments or incentive programs can be used. There are already existing provincial C of A's and you may require amendments to them to be consistent with the policy included in the SPP.
- What about single family septic systems? If not Part IV, what can be used to see if owner conforms to policy? This is regulated under the Building Code; no prescribed tool but the building code has inspection program which can be used. The property owner may be asked to demonstrate that the septic system is not causing impairment to the environment.
- Will there be policies written related to sewage? Policy can be written to affect a provincial instrument or write a risk management policy or prohibition. Policy can be written to amend the instrument consulting with the instrument's agency. Agency is obliged to amend the instrument.
- Is it anticipated that prohibition be appealed by the property owner? Yes, the owner can request a hearing or can have risk assessment done. If the risk assessment shows it is a moderate threat, then significant threat policies would not apply. This is a last resort tool.
- When notifying the chiefs it was noted to change the wording from 'notifying' to 'requesting to work together', or 'collaborate' or 'cooperative'. The word "notify" may not be appropriate. The intent here is to advise everyone of a process starting. It was noted notices have been sent out throughout the process and it does not require their participation at this stage.
- Will landowners get notices before IPZ-3? WHPA significant threat letters have gone out already. When IPZ-3 is completed, notices will be sent to any landowners identified as a significant threat at that point when we become aware that the activity at that location would be considered a significant threat.
- Are property owners notified whether or not there is a policy to address a threat? There should always be a significant threats policy and the owners need to be notified.
- How do you identify property owners in IPZ-3? Every property owner engaging in activity would be identified for issues within contributing area. It will be a big job. For Great Lakes and connecting channels IPZ-3, (contaminant specific modeling) it is more site specific. Nitrate issues work (activities and areas contributing) will take longer and is identified in the section on data gaps and next steps. Consultation in this round is unlikely to include the properties within the issues contributing area or the properties with activities contributing to the issue.
- Cross jurisdictional issues between SPCs should be discussed at next meeting, staff to provide background information.



9) In Camera Session

None.

10) Other Business

A question was asked to have an update on the Enbridge pipeline break. Dean Edwardson will look into this and circulate information.

11) MOE Liaison Report

No further updates.

12) Members Reports

*Charles Sharina*- asked for an update on the status of wind turbines.

*John Van Dorp*- will provide information concerning wind turbines and the recent coolant leaks and fires being reported.

*Marg-Misek Evans*- made an announcement of this being her last SPC meeting. She has accepted a position with the Capital Regional District of British Columbia. Melissa Sherran, a planner from Oxford County will be attending the meetings in her place to support Pat Sobeski. On Bob's behalf, Chris Tasker thanked Marg for her expertise, leadership and work prior to committee formation and also as a SPC member. She will be missed. A card will be circulated for the members to sign. Marg's seat will be filled in the near future, following the same initial appointment process. In the meantime, it was noted meeting quorum may be an additional challenge.

*Reports*- there are extra copies of some of the reports, Watershed Characterization, Assessment Report. If a committee member would like one, please advise Deb Kirk.

13) Adjournment

There being no further business, the meeting was adjourned at 3:00 p.m. Next meeting is scheduled for September 10, 2010.