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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 Erin Carroll at 519-245-3710x 46.

**Meeting Date:** February 19, 2010

**Meeting Time:** 9:00 am to 3:00 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	
5. Declaration of Conflict of Interest	
6. Business arising from the minutes	
a. Wallaceburg update	
7. Business	9:30
a. LTV consultation update	
b. SCRSPA AR draft materials	
i) Maps	
ii) Summaries	
Lunch	12:00
ii) Sections	
c. Source Protection Plan draft regulation posting	
d. MOE consultation session	
8. Information	2:00
a. MOE Technical Bulletins (deferred)	
b. SCRSPA Assessment Report consultation schedule	
9. In Camera Session	
10. Other business	
11. MOE Liaison report	
12. Members reports	
13. Adjournment	3:00

## ***Meeting Materials***

	<b>Agenda Item</b>	<b>Description</b>
Discussion papers	7c,d	<ul style="list-style-type: none"><li>• Overview of posting</li><li>• Summary of planned consultation sessions</li></ul>
AR materials	Maps	<ul style="list-style-type: none"><li>•</li></ul>
	System Summaries	<ul style="list-style-type: none"><li>•</li></ul>
	Section Summaries	<ul style="list-style-type: none"><li>•</li></ul>
	Sections	<ul style="list-style-type: none"><li>•</li></ul>



SPC MEETING MINUTES  
FEBRUARY 19, 2010  
Meeting #23

Bob Bedggood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on Friday, February 19, 2010 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

**Members**

Bob Bedggood  
Murray Blackie (Liaison)  
Dean Edwardson  
Brent Clutterbuck  
Pat Donnelly  
Pat Feryn  
Paul Hymus  
Carl Kennes  
Joe Kerr  
James Maudsley  
Don McCabe

Marg Misek-Evans  
Earl Morwood  
Darrell Randell  
Joe Salter  
Charles Sharina  
Pat Sobeski  
Augustus Tobias  
Joe VanOverberghe  
John Van Dorp

**Regrets:**

Keenon Johnson  
Doug McGee  
Teresa McLellan (MOE-Provincial Liaison)

Valerie M'Garry  
Sheldon Parsons  
Richard Philp  
Jim Reffle (Liaison)

**Others in Attendance**

Sarah Pardy (MOE)

**Staff:**

Rick Battson  
Bonnie Carey  
Steve Clark  
Ralph Coe  
Erin Carroll

Chitra Gowda  
Brian McDougall  
Chris Tasker



1) Chair's Welcome

Bob Bedggood welcomed the Committee. Members introduced themselves to Augustus Tobias one of two new members from the First Nations in the region.

2) Adoption of the Agenda

It was asked that under 10 Other Business an item be added to address the issue of "terrorist attack on Thames Sydenham and Region water intake plants?." Also, the MOE technical bulletin 8a will be deferred to the next meeting.

Moved by Dean Edwardson seconded by James Maudsley.

*"resolved that the agenda be approved with noted changes."*

*CARRIED.*

3) Delegations

None

4) Minutes from the Previous Meeting

The following corrections for the minutes were requested.

- Specify Lower Thames Valley assessment report sections (pp.7).
- Include management plan for Lake St. Clair, mention that there is no management plan for Lake Huron (pp. 11).
- Correct adjournment from 2009 to 2010 (pp.13).

Moved by Charles Sharina–seconded by Pat Donnelly

*"resolved that with the three corrections noted above in the minutes of January 8th be approved."*

*CARRIED.*

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) Wallaceburg IPZ-1 and IPZ-2

Brian McDougal briefed the group on the progression of the Wallaceburg IPZ-1 and IPZ-2 delineation since Wallaceburg sub-committee meetings. Brian asked members to pay particular attention to the component map. The mapping integrates three different models and timing. Brian noted an entire stormsewershed has been added since it is within two hour time-of-travel. He pointed out other areas that have now been excluded, where compounded extreme events made the delineation overly conservative.

A portion of immediate shoreline of the Sydenham River has been included. St. Anne Island has been shown in the new delineation, however only part likely drains to the IPZ. Brian noted that we want to be very conscious that it is First Nations territory and need to reflect this in the mapping. A 120 meter setback is identified in on the map. The group will continue to work with the First Nations to capture the complete drainage area that will drain into the intake protection zone. There is a legend marker that attempts to speak to that jurisdictional component. It reads “Areas beyond the current jurisdiction of this assessment where additional information is required.” Same terminology was used on the legends for the United States. These areas are identified in the maps as cross hatched.

SPC members wanted to underline that this map is a current version, not the final version. A week ago the Wallaceburg sub-committee concluded that a letter to be drafted to the Ministry of the Environment (MOE) requesting their assistance in gathering information on the First Nations territory where threats could affect the municipal drinking water system immediately adjacent to it. This move is necessary to be fair to people living in the area and working the land on either sides of the water course that is the source of the drinking water. It was also noted that there is potential for significant threats in Michigan and St. Ann’s Island that are not identified in maps or included in counts. The letter will be circulated by email to the SPC for comments before it is mailed to the MOE.

Moved by Darrel Randell –seconded by James Maudsley

*“resolved that the SPC accept the current Wallaceburg delineation for inclusion in the draft proposed Assessment Report.”*

*CARRIED.*

It was highlighted that conditions do not have to be extreme to effect the IPZ. There are a variety of events that can affect the IPZ. For example, the ice jam in the last 10 days in the St. Clair River has reduced the flow such that the Sydenham may be flowing back up to the intake.



## b) Tier 1 Water Budget

The Tier 1 Water Budget (T1WB) peer review meeting occurred around the time of the last Source Protection Committee meeting. Peer reviewer are comfortable with the report and final edits are being undertaken to ensure that all comments have been addressed.

## 7) Business

### a) LTV consultation update

A brief overview of given by Bonnie who highlighted phase 1 and 2 consultation efforts. Phase 3 currently underway now with open houses in West Lorne, Merlin and Ridgetown.

A few people that received the significant threats letter called LTVCA and spoke with Jack Roberson. Most were curious and wanted to know more about the program.

- a few people with residential houses on septic systems, a church and an automotive dealership asked what does this mean down the road,
- someone from an agribusiness called to ask whether the farmer or the agent of the farmer will be affected?

Yet to have openhouse in Ridgetown/Highgate area. It will be interesting to see if interest will be higher due to the letters to the significant threats in these WHPAs. The attendance at the phase 3 open houses has been quite small. At each phase different people are attending the open houses, extending the audience that has been engaged in the process. Generally, the at the meetings is not limited to those in the delineated areas, many are attending to see how their drinking water is protected.

There are a lot of questions about how issues and threats will be dealt with in the Source Protection Plan. These questions are difficult to answer, since we have not developed the plan yet. The bulk of vulnerable areas soft tools (e.g., stewardship) will be used. Basically the message is to stay tuned, especially if you are in a vulnerable area.

A request was made that a list of farmers that will be affected be made available to agricultural representative. Although the committee is supportive of engaging these stakeholders through as many ways as possible, we are not supposed to identify the specific threats. The Source Protection Committee is bound by protection of privacy legislation. The member can know the names of the individuals but the public can not. We can make the areas available and contact can be made to those in the areas. Property owners can be obtained through the municipal offices, but this is a challenge for larger areas. It was also suggested that materials could be included in our mail outs as to other resources and support which might be available.

b) SCRSPA AR draft materials

i) **Maps**

1-3 There was some discussion with the MOE about whether or not to include the Water Intakes that are outside the SPA. It was decided that since in much of the water relied upon in the region comes from outside the region this is important and needs to be properly represented in the report.

It was noted that Rutherford was missing from 1-3. Chris asked Committee members to submit other served by the intakes communities which should be included in map 1-3.

1-4 The size of the Sarnia dot does not indicate the correct population. The legend should likely say 50,000 not 500,000.

3-1 Somewhere in the text it should be referenced that in extreme event (e.g., ice jam, heavy rain fall) diversions happen in the McQue Floodway and the MacGregor (6 times in 25 year North Branch is diverted). Water budget is based on average annuals values, therefore calculations would not be affected.

3-2 The difference in colour too close together between 900-950 or 950-1,000

3-4 Infiltration. Why 18 colours? Can it be switched to four or five for clarity? The map is used to determine recharge, so to show less accuracy on this product and use it at a higher level would make little sense. The digital form which is more clear, not the printed version, is the important record.

3-5 and 3-6 Add symbology for the subwatershed boundaries was not changed to be consistent with many of the other maps.

The methodology for determination of “potential for stress” was discussed in detail. Some questioned the value of such mapping when drinking water comes from the great lakes.

4-1 Crosshatching needs to be added on both 4-1 to Wallaceburg and LAWSS intake

4-2 Add crosshatching to the US side, to remain consistent with symbology

4-3 Typo in the legend: change Omponents to components.

7-1 There will be a note explaining calculations are based on the areas within the vulnerable area, however the entire grid is shown, this is why the impervious areas go out into the lake or beyond the SPA.

7-xx *Lambton Area water supply system.* Crosshatch US side. Remove U.S. component on the right (because you can not identify threats significant, moderate or low).



7-xx *Petrolia* - Correct colours, they can both be low or moderate (need to all be the same colour).

7-xx *Wallaceburg* – Remove arbitrary 120 meter setback on the map on the right (on St. Anne’s Island) .

## Summaries

### *Lambton System Summary*

- Under pumping rates, remove per day
- Clarify the 176.0 refers to lake levels
- Figure 1 on pp. 2 switch to schematics on map sheet, include entire extent.
- Under local drinking water threats: Re-suspension of sediments during wind event can not be called an activity. It will be removed because it does not fit.

### *Petrolia System Summary*

- Same comment on capacity, remove par day.
- Replace Figure 1 with schematic
- Add information on how all the systems can back each other up to the characterization section or in the characterization in the system summaries.

## Section Summaries

### *Section 2*

- Under water quality, switch *indictors* to *indicators*.

### *Section 4*

- Figure 2. Intake protection zone substitution to schematic, add crosshatching to US side.

### *Discussion on Spills*

How do we deal with potential for chemical spills? Unless it was a re-occurring spill of a substance listed in the table of the SWA, then it is not an *issue*. It is however a significant concern for people living in the area. We should be sure to point out that spills outside of the IPZ1 & 2 will be dealt with as part of IPZ3? Under any event up to extreme event conditions, IPZ3 delineation is chemical specific, local and related would need to consider the spetic possibilities of release such as volume and rate of release. From the monitoring station on the St. Clair River, we could use the 20 chemicals identified at the station and consider release and transport scenarios to identify specific threats in IPZ-3. Typically, most of the chemicals that show up at the monitoring station are related to recreational boating. Unless there is a significant spill, large quantity over a large amount of time, it will not show up.

There was also a discussion that there is still some industrial in Wallaceburg IPZ2 as well, which will have to be considered.

It will be very important that the spills which could occur further up the St Clair River will not be ignored. As the guardians of the intake, we need to ensure we are doing the right thing, and that it is seen as the right thing to do.

## Sections

### Section 2

- pp. 24 table 2-7 cubic meters pumping rate.
- pp. 26 data gaps, second line down - *aquifer* spelt wrong.
- pp. 24 & 25 Table 2-7 – need to consolidate table if possible
- pp 23 water taking permits, the number of permits, percentage of permits, would size of permits also be helpful. Chris requested that is left with us. This is a summary of a report that was completed a couple years ago. Maybe it is adequately explained in section 3.

### Section 3

There was a discussion on the difference between permitted and non-permitted use (Table 3.1). A description of what non-permitted use is should be added as this term is misleading.

- It was suggested that a reference be added, but there is not a single source and it would be a TSR document that was referenced.
- It was suggested that tables 3-1 and 3-2 be combined, but because they are split across categories, this would not be possible.
- There was also a question about what makes up miscellaneous (e.g., reservoirs, heat pump, aesthetics and other miscellaneous), construction and recreational use. There was the suggestion that there be a few short paragraphs added to each to describe the meaning.
- It was suggested that a footnote be added to define non-permitted use.
- It was noted that the formatting of 3-7 has changed a little bit added extra rows for Sydenham River and Bear Creek subwatershed which contain the smaller subwatershed which were previously included in the table. The same thing will have to be done for the LTV AR.
- Change first column Table 3-7 to subwatershed: Anything smaller than SPA will be referred to as a subwatershed.
- Remove hyphen in subwatershed

### Section 5.

- There was a discussion about having treated water standards compared against non-treated water. A sentence needs to be added to explain what the water was compared to and whether or not the plant is able to deal with it. Chitra pointed out a consideration of existing treatment capabilities is already included in the report (pp.6).

It was questioned why in Table 5-5 no issues were identified in Bright's Grove (it is very close to the shoreline, no issues about the location of it). This is correct, no issues were identified in the report for this intake. Turbidity and ecoli potential issues are able to be adequately dealt with through treatment.

Table 5-1, 5-2 and 5-5. Titles need to explain that they are MOE standards for *treated* water. These are the standards that are compared against for issue identification, however treatment capabilities must also be considered. Chitra is to revise the title.

#### *Missing Section 5 Data Gap?*

It was pointed out that First Nations territories may have land use activities which could pose threats and may contribute to issues. There should there be some text added that describes this where it is identified that *issues contributing areas* are yet to identified? There was some discussion around whether or not this absence could be considered a data gap. It was suggested that it be included with the data gaps in the threats and issues sections.

There was some discussion around what is required to include First Nations systems in the Assessment Report. This requires a band council resolution requesting that the Minister create a regulation to include their system. Until the system is included *issues* for the First Nations systems are not identified.

#### c) Source Protection Plan draft regulation posting

Province posted a discussion paper, which has been turned around into a draft regulation. It gives the basic outline of what will go into the Source Protection Plans. The posting was distributed to the SPC members for review. SPC members discussed some of the key points of the regulation.

- There is potential for Great Lakes targets that will not likely be included in this round of the Assessment Reports.
- Objectives of the Source Protection Plan must remain within the scope of the *Clean Water Act*. Very prescriptive and regimented. Will have to relate specific policy back to a specific section in the Act. It will be structured with very technical language. There will be specific components required in every policy.
- There is the ability to included research and pilot programs and therefore the ability to identify specific policies that will advance the understanding of source protection.
- There is the ability to specify policy around climate change data collection. This will allow it to be considered in future Assessment Reports and Source Protection Plans.
- It was noted it allows policies on transport pathways, which may affect vulnerability rather than the focusing the policy on the threat itself. It is proposed that the construction of a transport pathway be reported to the Source Protection Authority. It does not specify for what purpose or how long this reporting is to go on.

- Certain instruments can not be included. It may be a challenge to educating people as why other legislative tools could not be used. It has to do whether or not conditions can be put on the instrument.
- Explanatory document to be developed as well as the policies. This will allow the Source Protection Committee to explain why they arrived at a policy or combination of policies. This will allow the Source Protection Committee to document the fact that they considered other option and why they settled on the policies that they did.
- SPC and CA would have to retain everything for 15 years.
- This committee does not have an implementation role in the policies. It will be up to the SPC to name who will implement following consultation with the implementer.
- There is discretionary flexibility for things such as stewardship and education including whether it adequately deals with significant risks.
- Risk management catalogue will provide some guidance on the types of risk management. It is unfortunate on that we do not have this at the same time as the regulation so that a more complete picture of the Source Protection Plan is available.
- There needs to be consultation with the significant threats at the time when the plan development begins. Have we started to develop the plan already? It is a little fuzzy on when the consultation has to begin.
- Requirements for annual progress reports are mentioned.
- Provides the authority to enable interim risk management plans which would cease to exist when the plan is in place replacing them with other policies.

At the next meeting there will be a presentation from the MOE. It was asked that SPC members bring their questions then.

#### d) MOE consultation session on Source Protection Plan Regulation

There are four seats for a meeting, to hear presentations from the MOE on the draft regulation on March 12<sup>th</sup>. Marg Misek-Evans, Pat Donnelly, Earl Morwood and Joe Salter were selected to represent the TSR SPC.

Comment period ends March 26<sup>th</sup>, the SPC develop input to the posing before that time. Comments will have more weight if they are coming from a number of different sources (e.g., SPCs, municipalities, Conservation Ontario, individual conservation authorities).

### 8) Information

#### a) MOE technical bulletins

Deferred until March 5<sup>th</sup>, 2010.

b) Assessment Report consultation schedule

Schedule for Wallaceburg Phase 1 & 2 and Phase 3 formal consultation across the St. Clair SPA was distributed.

9) In Camera Session

None

10) Other Business

a) Threat of Terrorism: TSR Source Protection mapping

The question was asked of the SPC by a LTV board member, if there is a malicious intent to commit a terrorist act, should there be a Source Protection policy written to address it? The Source Protection Committee considered whether it was appropriate or even possible to develop policy to protect against willful or intentional damage. Operators and municipalities have emergency plans should this occur. Also operators are responsible for the security of their infrastructure. It was considered that this is beyond the scope of the *Clean Water Act* and the work of this committee.

There was also some discussion as to whether the risk of this type of action has been increased by the Source Protection mapping? The locations are already publicly available so this has not been raised locally as a significant concern by the operators. It was also noted that the committee is required to develop and publicly post this information.

Chitra agreed to report back at the next LTV board meeting.

11) MOE Liaison Report

12) Members Reports

Bob B, Dean E and Joe attended an informative industrial/commercial meeting. They found that those in attendance from other SPCs had similar concerns about how to get message out. There were not any definitive solutions, but it was a good chance to discuss.

Darrell, that there are two initiatives to establish buffers on municipal drains in the region, Rondeau and Port Lambton. These are related to protecting costal wetlands downstream. The buffer area includes an area identified as HVA.

Joe Salter asked to do a council presentation for Perth East in March.



Training session a February 26 for two new First Nations SPC members.

## Adjournment

There being no further business, the meeting was adjourned at 2:10pm. The next meeting is scheduled for March 5, 2010 at the SCRCA.