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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:** March 5, 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***

	Agenda Item	Description
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	•
	System Summaries	•
	Section Summaries	•
	Sections	•



SPC MEETING MINUTES  
MARCH 5, 2010  
Meeting #24

Bob Bedgood, Chair of the Source Protection Committee called the meeting to order at 9:00 a.m. on March 5, 2010 at the St. Clair Region Conservation Authority (SCRCA) Boardroom. The following members and staff were in attendance:

**Members**

- |                   |                                      |
|-------------------|--------------------------------------|
| Bob Bedgood       | Earl Morwood                         |
| Dean Edwardson    | Sheldon Parsons                      |
| Brent Clutterbuck | Darrell Randell                      |
| Pat Donnelly      | Joe Salter                           |
| Pat Feryn         | Charles Sharina                      |
| Paul Hymus        | Pat Sobeski                          |
| Carl Kennes       | Augustus Tobias                      |
| Keenon Johnson    | Joe VanOverberghe                    |
| Joe Kerr          | John Van Dorp                        |
| Don McCabe        | Jim Reffle (Liaison)                 |
| Marg Misek-Evans  | Teresa McLellan (Provincial Liaison) |
| Valerie M'Garry   |                                      |

**Regrets:**

- |                              |                                 |
|------------------------------|---------------------------------|
| Murray Blackie (SPA Liaison) | Robert Olivier (FN Tech. Staff) |
| James Maudsley               | Richard Philp                   |
| Doug McGee                   |                                 |

**Staff:**

- |                             |                 |
|-----------------------------|-----------------|
| Rick Battson                | Chitra Gowda    |
| Steve Clark                 | Brian McDougall |
| Ralph Coe                   | Girish Sankar   |
| Derikica Snake (FN Liaison) | Chris Tasker    |
|                             | Erin Carroll    |

1) Chair's Welcome

Bob Bedggood welcomed the Committee and Kennon Johnson one of two new members from the First Nations in the region. Kennon noted that he often receives notification about the meeting after the meeting is over.

2) Adoption of the Agenda

Moved by Charles Sharina seconded by Paul Hymus.

*“resolved that the agenda be approved.”*

*CARRIED.*

3) Delegations

None

4) Minutes from the Previous Meeting

Deferred to next meeting, since members did not have enough time to review them.

5) Declaration of Conflict of Interest

No conflict of interest was identified.

6) Business arising from the minutes

a) Wallaceburg letter to the Ministry of Environment (MOE)

The letter which flagged data gaps on St. Ann's Island was reviewed by the SPC. It was suggested that a sentence about the physiographical complexities of the situation (e.g., reverse flows) be added to the letter to MOE on Wallaceburg.

Moved by Sheldon Parsons –seconded by Joe Kerr

*“resolved that, with an additional sentence on the physiographical complexities of the area, the letter will be signed and sent to MOE.”*

*CARRIED.*



A SPC member pointed out that assistance will be required (e.g., by both First Nations and non-First Nations operators) to fill the identified data gaps within the next year. He continued that there may be liability issues (trouble from insurance companies of landowners) of not identifying them at the appropriate time.

An update on how to deal with federal lands was provided by MOE. The new information does not change the fact that we have to move carefully in building the relationships with the First Nations and that information has to be accurate. Kennon requested a letter to take back to the First Nations, pulling everything together. The Ministry and INAC have gaps in First Nations data.

A member inquired whether there is similar letter on LAWSS related to the threats in the US? It was clarified that there is a subtle difference, since LAWSS is an international border. Teresa explained that there is a need for a letter regarding First Nations, since it is a compliance issue when submitting the LTV AR, but nothing can be done with regard to the U.S. (i.e., Who would you send the letter to in the U.S.?) It was also underlined that some level of effort is needed, with the assistance of MOE, to connect with the U.S. It was requested that staff investigate other ways to address this issue (e.g., GLWQA).

## 7) Business

### a) LTV consultation summary

LTV Consultation was reviewed by the SPC. The following suggestions were made:

- Include significant threats letter in the consultation update.
- pp. 27, comment 19 there is a print error that needs to be addressed.
- Clarification on comments and responses was given (e.g., who comments to who). Teresa M clarified MOE's process.

Moved by Darrell Randell –seconded by Dean Edwardson

*“resolved that proposed revisions are accepted.”*

*CARRIED.*

### b) SCRSPA AR draft material

#### i) SCRSPA Sections

Draft proposed St. Clair Assessment Report expected to be posted March 12th, 2010. The Lower Thames proposed assessment report is to be posted around March 17<sup>th</sup>.

*Section 4*

- The MOE asked that we clearly differentiate between storm sewers and transport pathways in their comments on the LTV Assessment Report.
- Pp. 4-5 Need to explain “distributary.” (e.g., the previous sentence is a little confusing, and needs to be cleared up. The Sydenham River is a tributary to the Chenal Ecarte? Need to verify that this information is accurate.)
- Delete “tributary” from previous sentence
- Explain/delete formation
- Pp. 4-6 On the chart in regard to intake depth: simplify the elevation, the current explanation may be inaccurate. Is it the low water Datum (not average)? Staff to follow up with Pat D. to clarify.
- Pp 4-6 not town of Wallaceburg, change to community of Wallaceburg
- Chris described how we arrived at a B classification for the intake (it is the best fit hydraulically) and how it fits into the other categories (fits with C and D). Went through considerable discussions with MOE and PUC. Does not restrict us from saying C is not a better fit in another situation. There is a need for some text around the classification and how we arrived at it. The door will be left open for re-consideration.
- No reference to MOE Wallaceburg letter in Section 4.
- Depth of intake? Provide an elevation. We may not actually have that data. If it is an estimate, we can add a footnote.
- Pp. 4-11 Wallaceburg needs to be clarified a little better. There is a lot of terminology. Much of Wallaceburg study area is drained by “list names of drains” as an introduction. Define terms.
- Glossary: define storm sewersheds and storm sewer systems, verify that the terms are being used appropriately (pp 4-14).
- Pp. 4-17 chart. Chris explained intake categories, and how the type of intake affects vulnerability. Do not currently know how IPZ-3 will be affected.
- In the IPZ of the Town of Petrolia intake there can be “no significant threats” reword (e.g., not being able to classify activities as significant threats, based on vulnerable areas and score.)

### *Discussion of Uncertainty*

There was an in-depth discussion on the distinction between public perception of the meaning of uncertainty and scientific uncertainty. It was acknowledged that there will always be a small amount of scientific uncertainty in modeling. For this reason, it was suggested that uncertainty tables be put in the Appendix, if included at all. In the section uncertainty should be described generally. Tables 4-4 Vulnerability and 4-5 Vulnerability Score refer to uncertainty in assigning a score to the

vulnerable area, not a vulnerability score. There was not an option to assign a moderate level of uncertainty: if given the choice of moderate it would have been selected in every case. It was argued that it comes down to what the SPC believes is adequate for the purposes intended. For this reason, if the SPC are satisfied with the work done, then they could report the uncertainty as low in the Assessment Report with proper explanation.

The following wording was suggested for the main document and summarized in the Appendix: “the rules require that the degree of uncertainty of the delineation of the IPZ limits be assessed. It can only be considered high or low. Baird and Associates undertook hydrological modeling to delineate the in-water IPZ-2 using the best available data. Because of such things as data gaps and modeling limitations in the outer reaches in areas of low vulnerability, in areas that will not effect threat assessment policies, there is uncertainty. However, in areas of high vulnerability which can effect threats or require threat assessment the Committee is satisfied that the uncertainty is low.”

According to the rules, the uncertainty must be identified as high or low, as well as the reason for selecting high or low. Those additional details can be added.

These changes will result in an inconsistency with the Lower Thames. It was suggested that we do not re-do the Lower Thames report. Bring forward for consistency to Upper Thames. Lower Thames will be corrected at the amended report stage.

List general limitations in the report. All other details in Appendix, in Appendix in preamble, put technical rules that were followed.

- There was some clarification for Wallaceburg model. Brain explained the third model run corrected the under-predictions. Some text will be added for the sake of clarity.
- Ice jams occurrence, although unpredictable and non-addressable, is to be added to text (not in data gaps), as well as information on deltas. Committee recognizes that the ice jams can have an effect.

It was pointed out by a member that only three water intakes have been identified, despite the fact that there are four intakes in the area. Although Walpole Island has not come forward to be included in the assessment report, they have an interest in it. According to Kennon, Walpole is interested, but they are cautious since it is a provincial based process. Teresa suggested that Donna Bigalow and Kennon could discuss. Walpole Island intake is not considered a gap, because there has not been a Band Council resolution to include the intake. At Kettle Stoney Point, the Band Council Resolution has occurred and the regulation is just about in place.

#### Section 7

- Add note on Kettle and Stoney Point intake First Nation supplies. All other sections: add Kettle and Stoney Point intakes to all data gaps tables.
- Pp. 7-14 Wallaceburg ... There is a sentence on consultant methodology to be added
- Pp. 7-11 replace *to come* with *0*
- Pp. 7-19 Fix up the language: due to the vulnerability scoring of the HVA and SGRA “it is not possible to *have* significant threats.” Change to *designate* or some other improved wording.

*Section 9*

Chris defined “Beneficial Use Impairments (BUI)”.

Chris defined “edge matching.”

In LTVAR remove DRAFT watermark

There was a discussion on timing in regard to Table 9-1. It will be a challenge to complete the Tier 3 water budget in the proposed timeline. The Amended AR must be submitted June 2011 to allow 6 months for approval prior to Source Protection plan which is due 2012.

**ii) Summaries**

*Section 3*

- Clarify that permitted water taking from the Great Lakes and connecting channels were not included in the Water Budget calculation as those sources are not part of the supply within the watershed.

*Section 8*

- Discussion around whether St. Clair is wholly situated within Lambton County. It was suggested that the source be looked up and a reference added in the document – in both sections (6&8).
- Pp. 2 Typo remove *a* in the sentence “the St. Clair River AOC is *a* comprised of”
- Pp. 3 in the sentence “while the is not a formal Watershed Plan” replace with “not a Lake-wide Management Plan”

*Wallaceburg System Summary*

- Pp. 1 replace “Town of Wallaceburg” with “Community of Wallaceburg”

*Section 9*

- The note at the end of the table is missing.

*Discussion:* Is it fair to say that the agricultural on both sides of the river is relatively similar? It was concluded that there may be some differences.

Wallaceburg letter- Brian McDougall revised the letter text, which was read and okayed.

**iii) Maps**

- *Map 4-1.* Note that Walpole Island is not part of Chatham-Kent.

- *Map 4-2.* Chris noted that the component map will be pink on the left under the crosshatching. On the map on the right the blue will show on the right. Same changes will occur on Map 7-8.
- *Map 4-2.* Eight will be added in the red.
- *Map 4-2.* The labeling of Point Edward needs to be moved up.
- Use the term hydrodynamic on all maps – not hydrometric
- *Map 4-4.* Move Chenal Ecarte so that it is visible.
- *Map 7-2 and 7-3.* Put the scale on all maps.
- Remove the break from the upper and lower branches of the Sydenham.

#### d) Source Protection Plan draft regulation

Teresa gave a slide presentation overview of the EBR proposal as posted. Rules are designed to give SPC flexibility.

#### *Summary of comments*

In general comments reflect support for:

- Use of prohibition as a last resort
- of consultation
- in-depth rationale behind each policy
- regulations around vulnerability – not just threats.

#### *Mandatory versus optional:*

- Mandatory policies for significant threats, including monitoring policy
- “If and when possible” policy for monitoring moderate and low threats. This means that the SPC can decide how to deal with the clause.

#### *Great Lakes Targets:*

- Broader reaching than just IPZ, if more of a lake-wide concern, the Minister can designate Great Lakes targets (e.g., Nitrate, phosphorous), and identify the contributing tributaries and their targets. Then there would be local policies to meet those targets. More systemic problems are addressed through Great Lakes Targets. The science has not caught up in order to identify Great Lakes targets.
- It was posed, can the SPC go anywhere/ anytime to monitor threats? Teresa clarified that only potential threats in the Assessment Report can be monitored. If a new threat came up, it would be worked into the next AR. There is a mechanism to extend threats areas.

#### *Geographic Extent of Policies:*

- Generally the extent of significant threats is within the first two rings of IPZ.



- Prohibition for future uses under the CofA – not current use. This is something that should be followed-up at the upcoming MOE consultation.

#### *Tools*

- If the tools are not listed within the regulation, they can not be included in the Plan. The ones listed include: stewardship program, pilot program, outreach and soft tools (for non-ToR, smaller systems)

#### *Climate Change*

New mechanism for collecting information on Climate Change. If the policy is there, does someone have to do it? Not sure what kind of teeth the policy has. “Have regard” “must conform”, people tend to do the strategic action as well.

#### *Discussion on threats pathway policies (Slide 11) Draft Reg. 19.8.*

If you have a significant threat in an area, policies on transport pathways may remove a pathway, thereby reducing it to moderate or low.

Why would the municipality have to report to the Source Protection Authority? Why just the municipality? SPC will no longer have a role. Why is just this item reported on? There are other things that need to be tracked. What about a bigger pump or a new pump on a municipal drain? This would change the IPZ. Why would this not be reported to someone? Should there be notification? It should be recorded for the next five year review.

SPP must include a consultation plan right back to the ToR. Why does consultation plan have to be carried forward if it is already part of the accepted Assessment Report?

#### *Prescribed Instruments*

- Have “regard for” means do not diverge from it without good reason.
- 56 instruments being considered.
- A lot of the questions have to do with why specific instruments are NOT used.
- Teresa is going to ask Melanie Ward for summary document that outline instruments that were excluded.

When can RMO be hired by municipalities so that they can consider Interim RMPs.

Must prohibit activities through the planning act. The prohibition is restricted to where risk management is insufficient. Have to be quite certain that a lesser method would not bring the threat to an acceptable level.

#### *Appeals procedure*

- There is no “appeal” in the traditional understanding of an appeal. There is a tribunal that MOE can take concerns to. Once in place and SPP has a policy, the question is, did the issuer of the instrument/implementer of policy follow that policy. If someone does not agree with what the SPC decides, they could go through the court system. Dialogue has already been initiated with those effected (in significant areas). The opportunity to dispute is during the plan development.

#### *Consultation and Notification*

- All those involved need to be notified before the SPP is developed (as soon as the discussion on the SPP commences).
- Consultation requirements are laid out in the CWA. Notices are focused at certain groups. There is a list of things that are required. Does it mean something else in the First Nations communities?
- Walpole has a consultation policy, which talks about how it they need to be consulted.
- The level of detail that goes into the notification letters that is prescribed in the regulation would require a great deal of administration. At the Grand, where 5,000 letters have to go out, it is an incredible challenge to deliver that amount of information accurately.

#### 8) Information

##### a) Wallaceburg Phase 2 & 3 Open House results

Brian gave update on Wallaceburg Phase 1 & 2 open house and email comments and the modest attendance. Comments were received on the general improved health of the Sydenham River. Also there was a comment on the spill into the McDonald Tap drain. Concern was raised over contaminated sediments. Some particularly focused questions on the upstream delineation boundaries and tributaries from the North. This is more or less the reason for the additional review. Brian has gone back and asked that the consultants double check their numbers to ensure that they have properly captured the areas. Concern identified that such a large area of Wallaceburg was delineated based on a backflow situation that only happens a couple times a year. Chris commented that the delineation is consistent with other SP mapping.

##### b) MOE Technical Bulletin

Deferred.

#### 9) In Camera Session

None



## 10) Other Business

Chris provided an overview of the threats and circumstance tables.

- The tables included in the LTV Assessment Report deal with activities, they do not show circumstance
- MOE has generated a thick volume of circumstance tables
- A cover page will be added to the threats table appendix in the Assessment Reports to reference the MOE circumstance tables posted on the internet
- MOE circumstance table and prescribed drinking water threats table links will be on our website
- A link to our interactive threats tool will also be included.
- Correction: Table A10-1-I2-9: IPZ-1 not IPZ-2

## 11) MOE Liaison Report

Nothing additional was noted.

## 12) Members Reports

- Jim Reffle reported that in January MOE posted a report on their website which surveyed raw and treated drinking water for about 46 pharmaceuticals and chemicals. Results indicated that this is not a public health threat. Jim will send a link to the report will be sent to the members of the SPC. Teresa might have some summary slides to share with the group.
- Pat Donnelly spoke of "Clearwater Revival" project brainstorming session and will give a further update at the next meeting.

## Adjournment

There being no further business, the meeting was adjourned at 2:25pm.