



Source Protection Committee

Wednesday, July 30, 2008, 10:00 a.m. to 12:00 p.m. (Noon)
Holmesville Community Centre, Holmesville

MEMBERS PRESENT

SPC Chair Larry Brown; SPC Members Don Jones; Al Hamilton; Mike McElhone; Marilyn Miltenburg; Keith Black; Ian Brebner; Matt Pearson; Karen Galbraith; Bill Rowat; Gerry Rupke; Mert Schneider; Rowena Wallace; Gib Dow; Jim Nelemans; Mike Strang.

LIAISONS PRESENT

Ontario MOE Jake Noordhof, Chippewas of Kettle and Stony Point First Nation Liaison Bob Bresette; Health Liaison Bob Worsell

WITH REGRETS

Walpole Island First Nation Liaison Kennon Johnson.

DWSP STAFF PRESENT

Cathie Brown, Project Manager; Tim Cumming, Communications Specialist/Acting Recording Secretary.

CALL TO ORDER

Larry Brown, Source Protection Committee Chair, called the meeting to order at 10:10 a.m. He welcomed Jake Noordhof as Acting Liaison for the Ontario Ministry of the Environment (MOE).

AGENDA

MOTION #SPC: 2008-07-01

Moved by Gerry Rupke
Seconded Meredith Schneider

That the agenda be approved as circulated.

Carried by Consensus.

MINUTES FROM JUNE 25, 2008

MOTION #SPC: 2008-07-02

Moved by Don Jones
Seconded by Jim Nelemans

That the SPC minutes from June 25, 2008 be approved.

Carried by Consensus.

BUSINESS ARISING FROM THE MINUTES – ASPHALT STORAGE

The Source Protection Committee discussed issues related to storage of road asphalt materials including an Ontario legal case being appealed by the Ontario Ministry of the Environment (MOE). The committee also discussed a local concern over outdoor asphalt storage near Palmerston. Chair Larry Brown read a draft letter for consideration of the SPC for possible submission to the Ministry. Project Manager Cathie Brown reported that, based on recent mapping that better defines watershed borders, the local site in question may not be in the Ausable Bayfield Maitland Valley Source Protection Region. [NOTE: Since meeting it has been confirmed this property is outside the Source Protection Region by approximately 40 metres.] SPC members discussed whether the issue of asphalt storage outside of a vulnerable area is a potential drinking water issue or not and whether it is within committee's mandate.

The draft letter advises the Ontario Ministry of the Environment that the creation of the Clean Water Act provides an opportunity to deal with issues of contaminant storage and the possible public perceptions created by the ministry's legal challenge of the judge's ruling. The letter asks the Ministry to address these issues and enact policy appropriate to protect water from future contaminant storage threats.

MOTION #SPC: 2008-07-03

Moved by Rowena Wallace

Seconded by Marilyn Miltenburg

That the letter, as amended, re: asphalt storage/appeal issue be sent to Ontario Ministry of the Environment.

Carried by majority.

DECLARATION OF PECUNIARY INTEREST

None

DRAFT PROPOSED TERMS OF REFERENCE BROUGHT FORWARD

The Draft Proposed Terms of Reference was tabled at the June 25, 2008 meeting. A copy of the cover and summary letter had not been distributed at that time.

MOTION #SPC: 2008-07-04

Moved by Ian Brebner

Seconded by Gerry Rupke

That the Draft Proposed Terms of Reference, and accompanying cover and summary letter, be brought forward for consideration to the July 30, 2008 meeting of the SPC.

Carried by consensus

The draft summary/cover letter to Keith Willson, Manager, Source Protection Approvals, of the Ontario Ministry of the Environment, to accompany the Proposed Terms of Reference, was read. Project Manager Cathie Brown explained the purpose of the letter is to bring

forward unresolved issues – municipal or First Nations concerns. She said the Chippewas of Kettle and Stony Point First Nation Band Council had passed a resolution which went to the Minister of the Environment. The MOE is dealing with it and they will have to create a regulation for those water systems in order for them to be included in the Terms of Reference. This is the only unresolved issued from a municipality or band.

Within the draft letter, a table itemizing lists of concerns, from the public consultation process, was included. The project manager reported that some concerns related directly to the Draft Proposed Terms of Reference while others were outside the prescribed content of ToR. She explained that costs in Terms of References are estimates and can fluctuate without amendment. Listed concerns related to the scope of the project, potential financial implications to municipalities and landowners, suggested clustering of Source Protection Areas with ecological similarities and others. The Project Manager clarified, in response to some comments, that the Clean Water Act, 2006 does include reference to the Great Lakes.

Jim Ginn, Source Protection Authorities liaison member, read concerns the Maitland Valley Source Protection Authority had with the Draft Proposed Terms of Reference. They include information on ongoing costs to each SPA to implement the plan, and recommendations for who should pay; cross-SPA issues including management of aquifers; and clustering SPAs with like issues once the SP plans are completed. He said the Maitland Valley Conservation Authority would like to see the latter two issues included in draft proposed terms of reference.

The project manager said there is reference in Draft Proposed ToR that cross-SPA issues will have to be addressed. The current pairing of Conservation Authorities in this Source Protection Region is in regulation and would require a legislative change to re-cluster SPAs but she said as Source Protection Authorities move forward with post-plan monitoring of implementation there is nothing to prevent SPAs from exploring new partnerships. The Chair said there will be two Source Protection Plans, one for each Source Protection Area.

The SPA liaison said the grouping of source protection authorities in this region was a political decision and that the MVCA would like to see groupings of CAs for planning determined on a science-based criteria – and that the Maitland Valley SPA should be grouped with a watershed that gains water from the Dundalk highland.

Some SPC members expressed concerns the contents of table might include matters outside the SPC mandate or might imply committee endorsement of the concerns. The project manager said all correspondence submitted through the public process will be submitted to the Ontario MOE and the cover/summary letter could indicate correspondence is attached.

Discussion on the Ontario Ministry of the Environment matrix screening/decision-making tool/filter for municipalities (to assess if non-municipal systems need be elevated) was discussed and proposed 'we urge the MOE to make this tool available as soon as possible' in cover letter.

MOTION #SPC: 2008-07-05

Moved by Bill Rowat
Seconded by Al Hamilton

That the letter to Ontario Ministry of the Environment's Keith Willson, Manager, Source Protection Approvals, be accepted as amended.

Carried by consensus

SPC discussion spoke to a desire for funding for landowners and businesses affected by Source Protection Planning and that the ToR be amended to reflect this desire. Some members thought 'financial assistance' was too weak a word compared with 'compensation.' The Chair said the Clean Water Act, 2006 refers to financial assistance, not compensation, and the SPC may not have the authority to include compensation in the Draft Proposed Terms of Reference. Discussion included comments that funding should not go to landowners to assist them in meeting their existing legal requirements but should be in place for those asked to do more than currently required and should be ongoing. It was suggested the Draft Proposed Terms of Reference be amended to say the SPC will research financial implications to landowners of land use restrictions, including the areas of compensation, financial assistance and incentives.

The project manager explained that based on discussions with Ontario Ministry of the Environment the word 'compensation' has a certain meaning in law whereas financial assistance does not have the same legal meaning and the MOE has advised to avoid the word compensation. The Minister can amend, approve, make deletions, send back, or send back with recommendations, the Proposed Terms of References.

MOTION #SPC: 2008-07-06

Moved by Rowena Wallace
Seconded by Keith Black

That where 'financial assistance' is included in Appendix B (Scope of Work – Source Protection Plans) of the Draft Proposed Terms of Reference it be replaced with 'Financial implications, including compensation, financial assistance and incentives, for land use restrictions will be researched by the SPC.'

Carried by consensus

The project manager said the SPAs have a responsibility to collect comments on the Proposed Terms of Reference and cannot amend the document but that they can add further comments through a companion letter or submission.

MOTION #SPC: 2008-07-07

Moved by Matt Pearson
Seconded by Don Jones

Accept the Terms of Reference as amended.

Carried by consensus

MOTION #SPC: 2008-06-03

Moved by Marilyn Miltenburg
Seconded by Don Jones

That the report and recommendations of the Project Manager be accepted and that the Proposed Terms of Reference as amended by accepted and forwarded to the Source Protection Authorities for their consideration.

Carried by consensus

CORRESPONDENCE AND DELEGATIONS

A letter was received from the Ontario Ministry of the Environment (MOE) – attached with agenda acknowledging receipt of correspondence from the SPC on deadlines.

Project Manager Cathie Brown read aloud a letter from Stephen Thompson, Huron County Federation of Agriculture, about payment for public-good policies by well-water users, limiting the scope of the planning process and the need for a ‘common-sense approach’ to plan developments and a suggested amendment to the Clean Water Act to allow for compensation. The letter is attached. In discussion, it was suggested a similar letter be sent to the Province of Ontario by the SPC.

Discussion was had over whether businesses or landowners making changes to protect the environment should receive funding in all cases. It was discussed that an operation acting after a spill is a different situation than an operation asked to undertake changes for a preventive multi-barrier process. Discussion also said land use restrictions within the 100-metre wellhead protection area [pending] is based on an arbitrary line, not a science-based delineation. Other discussion said it is too early to know what financial assistance is required or how it should be funded. A question was also raised about what limits there would be on funding required or available.

MOTION #SPC: 2008-07-08

Moved by Keith Black
Seconded by Rowena Wallace

That a letter be sent to the Ontario Ministry of the Environment asking that the Clean Water Act be amended to allow for compensation for landowners who have land use restrictions.

Motion was lost

Also received was correspondence – attached with agenda – from the Huron County Farm Environmental Coalition Chair Bob Down. The letter asked for an amendment to the Ontario Clean Water Act, 2006 to allow for compensation for landowners who are given land use restrictions as a result of planning policies.

A question was raised why a request to be a delegation had been turned down. SPC Chair said a delegation had made a request for further comment on the Draft Proposed Terms of

Reference but as the public process comment period had ended, and no new information was coming forward from the delegation, it would be inappropriate to provide an additional comment opportunity to one delegation after the comment period closing.

Source Protection Project Manager answered a question about a proposed Request for Proposals for the Source Protection Plans and said different municipal planners may bring expertise, interests and could share past experiences to ensure 'we don't reinvent the wheel.' Discussion underlined planners have experience working with agriculture, following Official Plans and planning statements and need to be involved.

Discussion also took place about possibly excluding Carriage Lane and Harbour Lights, which will ultimately be changed to municipal water sources in Bayfield. Committee heard there may be long-term potential for that to happen but it is not happening within the next five years.

AGENDA ITEMS FOR NEXT MEETING ON SEPTEMBER 24, 2008

- Communications Strategy
- Presentation on Threats
- Presentation on Great Lakes
- Award contract for peer review of IPZ and WHPA work

LIAISON UPDATES AND OTHER BUSINESS

MOE – None.

Health – None.

Chippewas of Kettle and Stony Point First Nation – SPC liaison Bob Bresette said he is no longer serving with the Band Council and will ask the Band if he is to continue to serve as liaison to the SPC. He also said they have not yet received a response from the Ontario Ministry of the Environment on whether the Ministry will include their water systems in the planning process.

Future Meeting Schedule

- September 24, 2008
- October 29, 2008
- November 26, 2008
- January 28, 2009
- February 25, 2009

ADJOURNMENT

Chair Brown adjourned the meeting at 12:05 p.m. and declared the half-day meeting adjourned.

Larry Brown
Chair

Tim Cumming
Recording Secretary