



**Source Protection Committee  
Wednesday, Nov. 28th, 2012  
Holmesville Community Centre, Holmesville**

**MEMBERS PRESENT**

Gerry Rupke, Rowena Wallace, Matt Pearson, Karen Galbraith, Gib Dow, David Blaney, Ian Brebner, John Vander Burgt, Don Jones, Keith Black

**LIAISONS PRESENT**

MOE Liaison, Lisa Ross

**WITH REGRETS**

Source Protection Authority Liaison, Jim Ginn; Health Unit Liaison, Bob Worsell; SPC Members; Al Hamilton, Marilyn Miltenberg, Bill Rowat, Meredith Schneider, Mike McElhone

**DWSP STAFF PRESENT**

Jenna Allain, Program Supervisor; Tim Cumming, Communications Specialist; Mary Lynn MacDonald, SP Facilitator; Aaron Clark, GIS Specialist

**OTHERS PRESENT**

Phil Beard – General Manager, MVCA; Tom Prout – General Manager, ABCA

**CALL TO ORDER**

SPC Chair, Larry Brown, called the meeting to order at 10:10 a.m.

**AGENDA**

**MOTION #SPC: 2012 -11-28**

Moved by Gerry Rupke

Seconded by Don Jones

**That the agenda be approved.**

Carried by Consensus.

**MINUTES FROM AUGUST 14<sup>TH</sup>, 2012**

**MOTION #SPC: 2012-11-28**

Moved by Ian Brebner

Seconded by Karen Gailbratith

**That the SPC minutes from Aug 14, 2012 be approved as presented.**

Carried by Consensus.

### **BUSINESS OUT OF THE MINUTES**

None

### **DECLARATION OF PECUNIARY INTEREST**

None

### **TIER 3 WATER BUDGET UPDATE**

Jenna Allain, Program Supervisor explained that water budgets look at the quantity of water in a region and determine whether there is any stress on municipal water systems. Jenna explained the difference between a Tier 1, Tier 2 and Tier 3 water budget. Currently, a Tier 3 water budget is underway for the Goderich subwatershed, the outcome of which, will determine whether any water quantity threats exist. Jenna explained how the process is developed and peer reviewed. The modelling work is almost complete and a process that will run risk scenarios for the area will begin in early 2013. Work to date indicates that it is highly unlikely that there will be any water quantity threats identified.

Hydrogeologist, Brian Luinstra has been managing this project since it began in late 2010. Brian has informed the SPA that he has taken a job in Australia starting January 1, 2013 so the work will be transitioned to another consultant, and it is anticipated that the project will be completed over the summer of 2013.

SPC member, Gerry Rupke asked a question regarding the composition of the peer review committee. It was explained that the peer review committee has been established since the beginning of the water budgeting exercise. The committee was refined at the beginning of the Tier 3 to add more local expertise. It was felt that adding industry representatives that could be impacted by the outcome of the project was not appropriate.

The SPC discussed the need for policies to be written should the Tier 3 identify water quantity threats. These policies would be included in an updated source protection plan.

### **COMMUNICATIONS REPORT**

Tim Cumming, Communication Specialist, provided an overview of all communications activities that have been undertaken over the fall. Tim explained that there was surplus communications funding available in the budget that allowed staff to take another opportunity to engage affected land owners about what the source protection plans say, and what a risk management plan might look like. Three public open houses were held during the month of November for this purpose.

Extensive radio and paper advertising was undertaken, as well as a direct mail invitation sent to all affected landowners. Despite these efforts, the workshops in Palmerston and Listowel were not well attended. Prior to the Clinton open house, staff attempted to increase attendance by making direct phone calls to impacted landowners. These efforts paid off, and 28 people showed up for the Clinton open house.

At the workshops realistic presentations were provided about the process of risk management plans and costs associated with them. There were questions from the audience regarding appeal processes and the threats tables of circumstances. There was some interest in stewardship, and some landowners indicated they would look into making changes in the near future to mitigate potential threats.

There were concerns from land owners, raised during public consultation on the SPP's, regarding property insurance and home or business resale values. In response to these concerns, staff have been undertaking some outreach with real estate and insurance industries, as well as other stakeholders, through presentations or displays at mutual insurance association and real estate group meetings, and meetings of the local Federation of Agriculture.

The SPC had some discussion about risk management plans and the appeals process. The MOE is promoting negotiation first and foremost between the RMO and affected landowners. There is an appeal process for the landowners to challenge the vulnerability score on a property if a risk assessment is undertaken which follows the MOE technical rules. Appeals can also be made for any orders issued by an RMO or an RMI. A Person with Qualifications (PQ) can also be part of the appeal process. A municipality has the option to pass a by-law that names PQ's for the municipality. Landowners can choose from this list of PQ's and the PQ would then develop the RMP instead of the RMO. There was some concern that if no PQ's are named by a municipality then there is no place for landowners to go to for a second opinion. Another suggestion was to use RMO's from other areas or municipalities as PQ.

### **SPP REVIEW PROCESS AND THE FUTURE OF THE SPC**

Program Supervisor, Jenna Allain, informed the SPC that once Source Protection Plans are approved, one third of the SPC members will turnover, as per the legislation. The Joint Management Committee has decided that no new members will be appointed until the plans are approved, despite the fact that some members have indicated that they would like to resign. This decision was made based on the fact that if members are replaced now, six additional members will still have to turnover when the plans are approved. It was also felt that it will be difficult to recruit members now, when the commitment required by SPC members during the review period of the plans is so uncertain. Members that have expressed a desire to resign have all indicated that they will remain on the Committee, and attend meetings when they can, until the plans are approved. Any members whose positions are turning over can apply to be reappointed to the Committee. It was stressed that between now and plan approval, any SPC members unable to attend a meeting, should send in proxies.

MOE Liaison, Lisa Ross informed the SPC that active reviews are taking place now. The process for approving SPP's is still being worked out. MOE is looking for gaps and non-compliances in their review. They will also be identifying problems or potential problems with policy. MOE envisions a "post-submission dialogue" that may involve SPC members or staff. The number of meetings required will be determined based on the amount of revisions required. Another possibility is for a more formal request for amendment and resubmission from the Minister. There are MOE staff members solely dedicated to reviewing source protection plans. Lisa noted the importance of flexibility for MOE to conform to SPP policies where they are named as the

implementing body. There are many policies directed at the ministry level and the workload potential is substantial.

### **PREPARING FOR PART IV IMPLEMENTATION**

Program Supervisor, Jenna Allain provided an overview of work that has been underway to prepare for implementation. Conservation Ontario is leading a process to prepare an *Implementation Guide* that will be used as a tool to support municipalities in preparing for implementation. The guide will be comprised of a series of nine modules, with each module to be released gradually over the course of the next six months. The first module has just been released and was included in SPC meeting materials. The first module is all about establishing a risk management office and includes background information, samples, worksheets and guides. The module has been sent out to all nine municipalities in the ABMV Region that will require a Risk Management Official.

The estimated number of Risk Management Plans (RMP's) for the ABMV Region was discussed. The total estimate of 572 RMP's is likely fairly high due to the fact that the estimate includes assumptions. Threats verification was done in 2010 for commercial and agricultural properties but only a survey was mailed out to residential properties. Where residents did not return surveys, assumptions were made about home heating oil. Threats will need to be verified before an accurate number of risk management plans can be determined.

ABCA has provided municipalities with a proposal for the delivery of Part IV services, and a copy of the proposal was included in SPC meeting materials. The costs outlined in the proposal are based on all nine municipalities in the Region delegating their Part IV authorities. The benefits of the Conservation Authority providing this service include training, knowledge and expertise about source protection. Additionally ABCA proposed to verify threats for each municipality to help determine the actual number of RMP's required, and refine the estimated costs for service delivery.

While there has been plenty of interest and discussion there has been no commitment from municipalities to date. A request was made in the proposal for a response by Nov 30<sup>th</sup> from municipalities. The SPC members had questions and discussion about the advantages and disadvantages of funding the RMO by cost per water connection or per risk management plan. Lisa Ross, MOE Liaison will determine whether municipalities can legally charge a user fee similar to other water services, and will provide a response at the next SPC meeting.

Tom Prout, General Manager of ABCA informed the SPC that the ABMV region was one of the few that did any threats verification while funding was available. Tom also indicated that ABCA would deliver Part IV services for any or all of the municipalities that choose to delegate their authorities, but the costs will vary based on the number of municipalities that participate. Concern was expressed that the budget was too small based on the job description of the RMO included in the Implementation Guide. It was explained that the job description in the guide is

just a suggestion, not a legal document, and there is local flexibility in the requirements of an RMO.

SPC Chair, Larry Brown indicated that at the last SPC meeting, the Chair's requested that MOE subsidize Conservation Authorities' delivery of Part IV services. If this happens, municipalities may be more inclined to join into a collective service provided by an agency like the ABCA.

### **CORRESPONDENCE**

Two pieces of correspondence were included in SPC meeting materials. The first was a letter from the Minister of the Environment to the Town of Minto in response to the resolution that the municipality passed in July. The second piece of correspondence was a letter sent from MOE's source protection programs branch acknowledging receipt of the Source Protection Plans Submission Package.

**MOTION #SPC: 2012-11-28**

Moved by John Vander Burgt  
Seconded by Don Jones

**That the correspondence items be received, noted and filed.**

Carried by Consensus.

### **LIAISON UPDATES AND OTHER BUSINESS**

MOE Liaison, Lisa Ross announced that funding will be provided to the Conservation Authorities to assist and support municipalities. The Source Protection Programs Branch has a new Director, Ling Mark.

SPC Chair, Larry Brown informed the Committee that the SPC Chairs have been trying to meet with the ministry to discuss the future of the SPC's, as well as the involvement SPC's may have with the *Great Lakes Protection Act*. Larry also informed the Committee that he sent a letter to the Minister of the Environment requesting discretionary funding for implementation.

### **AGENDA ITEMS FOR NEXT TENTATIVE MEETING – APRIL 24<sup>TH</sup>, 2013**

- Review comments from MOE on the Proposed SPP's.

### **ADJOURNMENT**

Chair, Larry Brown adjourned the meeting at 12:08 p.m.

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Larry Brown  
Chair

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Mary Lynn MacDonald  
Recording Secretary