



SOURCE PROTECTION COMMITTEE

MINUTES – MEETING #14

MEETING: SOURCE PROTECTION COMMITTEE

DATE: FRIDAY, MARCH 27, 2009

TIME: 2:00 P.M.

LOCATION: WHITNEY CRAWFORD COMMUNITY CENTRE
TIVERTON, ONTARIO

CALL TO ORDER

Chair Mike Traynor called the meeting to order at 1:55 p.m.

In Attendance: Chair, Mike Traynor
David Biesenthal, Lou D’Alessandro, Robert Emerson, Howard Greig,
Mark Kraemer, Brent Lanktree, Les MacKinnon, Les Nichols, Dale
Thompson, Bill Twaddle, Brad McRoberts, Sandy Gott, Bruce Davidson

Others Present: Teresa McLellan, Ex-officio, Ministry of the Environment (MOE)
Bob Graham, Ex-officio member, Grey-Bruce Health Unit
Don Smith, Project Manager, Drinking Water Source Protection (DWSP)
Nancy Guest, Recording Secretary, DWSP

Also in Attendance: Ian Smith, Director, Source Protection Programs Branch, MOE
Jim Coffey, General Manager/Secretary-Treasurer, Saugeen Conservation
Doug Freiburger, Chair, Saugeen Conservation
Agricultural representatives
David Ellingwood, Communications Specialist, DWSP
Thorsten Arnold, Technical Supervisor, DWSP
Sara Picard, Water Quality Technician
Karen Gillan, Education Specialist, DWSP
Emily Vandermeulen, GIS Technician, DWSP
Steady Cook, Outreach Specialist, DWSP
Brian Luinstra, Hydrogeologist

Regrets: Carolyn Day, Mitch Twolan

Brian Luinstra summarized the Committee's tour of the Ontario Power Generation Western Waste Management Facility and related how the proposed Deep Geologic Repository may affect the Kincardine water intake.

The Chair introduced and welcomed Ian Smith from the Ministry of the Environment, Doug Freiburger, Chair of Saugeen Conservation, Jim Coffey, General Manager & Secretary-Treasurer of Saugeen Conservation, various representatives of the agricultural community and the newest member of the DWSP staff, Thorsten Arnold.

1. Adoption of Agenda

**Motion No.
SPC-09-57**

**Moved by Lou D'Alessandro
Seconded by Robert Emerson**

THAT the Agenda be adopted as amended.

Carried

2. Declaration of Pecuniary or Conflict of Interest

Committee members were reminded to disclose any pecuniary interest that may arise during the course of the meeting. No disclosures of pecuniary interest were expressed at this time.

3. Adoption of Minutes

**Motion No.
SPC-09-58**

**Moved by Les Nichols
Seconded by Dale Thompson**

THAT the Minutes of the February 27, 2009 Source Protection Committee meeting be adopted as distributed.

Carried

4. Correspondence

Fax from South Bruce Peninsula dated February 27, 2009 advising of the passing of a resolution endorsing the new 2-year time-of-travel zone (TOT2) for the Stewardship Program was **noted and filed**.

Letter from West Grey dated March 2, 2009 advising of the passing of a resolution endorsing the new TOT2 for the Stewardship Program was **noted and filed**.

Letter from Owen Sound dated March 6, 2009 advising of the passing of a resolution endorsing the new TOT2 for the Stewardship Program was **noted and filed**.

Letter from Hanover dated March 10, 2009 advising of the passing of a resolution endorsing the new TOT2 for the Stewardship Program was **noted and filed**.

Letter from Grey Highlands dated March 11, 2009 advising of the passing of a resolution endorsing the new TOT2 for the Stewardship Program was **noted and filed**.

Letter from Minister of the Environment dated March 23, 2009 to the Chair of the SPC and Saugeen Valley Source Protection Authority respecting the Proposed Terms of Reference was **noted and filed**.

Letter from Minister of the Environment dated March 23, 2009 to the Chair of the SPC and Grey Sauble Source Protection Authority respecting the Proposed Terms of Reference was **noted and filed**.

Letter from Minister of the Environment dated March 23, 2009 to the Chair of the SPC and Northern Bruce Peninsula Source Protection Authority respecting the Proposed Terms of Reference was **noted and filed**.

Letter from Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment, dated March 24, 2009 respecting the Proposed Terms of Reference was **noted and filed**.

5. Reports

Ontario Drinking Water Stewardship Program Report

The Chair reviewed the consultation process requested by the MOE to collect feedback on the Ontario Drinking Water Stewardship Program (ODWSP) and noted that the results were forwarded to the MOE by the deadline of March 23, 2009.

The Outreach Specialist reviewed Report 4a, including a slide presentation outlining a breakdown of the results of the feedback. One-day consultation open houses were held at Saugeen Valley Conservation Authority in Hanover, Ontario, the Wiarton Propeller Club and Grey Sauble Conservation Authority in Owen Sound, Ontario on March 10th, 11th and 12th, 2009 respectively, and were relatively well-attended by the public and interested stakeholders. Feedback has also been received by email, fax and online.

The Chair noted that a common comment was that municipalities want to be more involved in getting the stewardship funding program information out to their constituents.

Compensation and Proposed Terms of Reference

The Project Manager reviewed the Compensation and Proposed Terms of Reference Report 4b and advised that the Proposed Terms of Reference have been reviewed by the MOE. Letters have been received from the Minister of the Environment directing changes be made to the Terms of Reference documents. Minor amendments are in the process of being made. The Terms of Reference must be presented to the three SPAs for their review and comments and returned to the MOE by May 7, 2009, 45 days from the date the notice was received from the Minister.

With respect to compensation, the Project Manager advised that early in the Source Water program, the MOE understood that compensation was important to the public and developed the Ontario Drinking Water Stewardship Program (ODWSP) relative to this issue. A letter from the Director dated May 14, 2008 stipulating the policies relating to compensation was included in the correspondence of the May 20, 2008 meeting of the SPC in Kincardine, Ontario. This issue was also discussed at the June 24, 2008 SPC meeting in Meaford, Ontario where alternate wording was suggested. The words “fair compensation” were included in the Proposed Terms of Reference. The aforementioned letters from the Minister dated March 23, 2009 directed that the compensation wording be removed. The Project Manager advised that there have been various meetings with SPA officials and some SPC members looking for common ground on this issue.

The Project Manager advised that large numbers of significant threats are not anticipated and many threats may be dealt with through the ODWSP. It was suggested that it may be time to take a different approach. The Committee was advised that the Minister has directed the SPC to make the changes and that it would be preferable that the SPC be the lead in making alterations. It was recommended that the compensation wording be removed from the Proposed Terms of Reference, alternate wording be substituted, and that this issue be pursued outside of the Terms of Reference, eg. working groups.

The Chair asked the Director for his comments on this matter, who advised that the MOE has been consistent and clear about compensation. The Minister attended training sessions and advised Source Protection committees that it was not the intention of the *Clean Water Act, 2006* to provide compensation. A number of Terms of Reference from across the province included wording referring to compensation. The Director stated the government will not provide compensation money through the Source Protection Program and that SPCs need to move forward with the task at hand. The *Clean Water Act, 2006* is not the only provincial legislation that affects land use and including compensation in the Terms of Reference would set a precedent for other provincial programs. It is unusual for the government to provide funding through legislation, eg. ODWSP, but this type of funding is needed to provide for an orderly transition. The sum of \$28,000,000 has been allocated to this program over the next four years. There are not a lot of landowners in vulnerable areas and the MOE is looking at expanding the vulnerable areas to include more landowners. The MOE has heard that the ODWSP does not fund enough activities and so the list of eligible activities may be expanded as well. The MOE is dedicated to finding ways to improve the ODWSP. It is the intent of the MOE that this funding continues after the Source Protection Plan is complete.

Committee member, Lou D’Alessandro, excused himself from the meeting at 2:35 p.m.

A discussion followed respecting the inclusion of fair compensation with various Committee members taking the position that it should be included in the Terms of Reference. During the discussion, Committee member Howard Greig presented a notice of the following motion to be debated at the next meeting:

“March 27, 2009

Moved by

Seconded by

Whereas the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Water Protection Committee has unanimously supported the term fair compensation in its terms of reference

And Whereas all municipalities in the source protection area have received and approved the terms of reference that include the words fair compensation and whereas there will be property owners who will have the use of their property changed or limited thereby causing a negative financial impact

And Whereas there is a responsibility of government to fairly compensate property owners affected by new rules

Now therefore be it resolved that the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Water Protection Committee discontinue any further meetings until such time as the issue of fair compensation is resolved”

The Director advised that there was the possibility of a conversation about the Ontario Drinking Water Stewardship Program with a subcommittee; but the MOE is an approval body and is not authorized to assist in amending the Terms of Reference. There was a discussion regarding discontinuing the Committee meetings until the matter of compensation is settled.

A request was made for a Memorandum of Understanding (MOU) to resolve this issue and a discussion followed indicating that there was room for negotiation respecting an MOU with the MOE.

**Motion No.
SPC-09-59**

**Moved by Mark Kraemer
Seconded by Les MacKinnon**

THAT the Agricultural & Rural Working Group and Drinking Water Source Protection Staff and the Source Protection Committee Chair accept the Ministry of the Environment offer to meet with the Minister of the Environment to make an effort to resolve the issue around the wording of compensation in the Terms of Reference and report back at the next Source Protection Committee meeting.

Carried

The Project Manager advised that he will need direction by April 24, 2009.

6. Other Business

There was no other business.

7. Confirmation of Next Meeting and Adjournment

The next Committee meeting will be held on Friday, April 24, 2009 in Grey Highlands.

There being no further business, Howard Greig made a motion to adjourn at 3:55 p.m.

Mike Traynor
Chair

Nancy Guest
Recording Secretary