



SOURCE PROTECTION COMMITTEE

MINUTES – MEETING #4

MEETING: Source Protection Committee

DATE: Tuesday, April 22, 2008

TIME: 9:30 a.m.

LOCATION: Northern Bruce Peninsula Municipal Offices

Chair Mike Traynor called the meeting to order at 9:30 a.m. The Chair welcomed the **Bruce Peninsula Environment Group** as visitors to the meeting and thanked the Municipality of Northern Bruce Peninsula for hosting the meeting. The Chair introduced **Cathy Robins, C.A.O.** of Northern Bruce Peninsula and Northern Bruce Peninsula Councillor **Tom Boyle**. The Chair noted that it was Earth Day and that as well as everyone participating on an individual level, the work done every day by Source Protection and the Conservation Authorities makes a positive contribution to the environment.

Chair: Mike Traynor

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

Absent: None

Others Present: Jennifer Arthur, Ex-officio member, Ministry of the Environment
Bob Graham, Ex-officio member, Grey Bruce Health Unit
Don Smith, Project Manager, Source Protection
Nancy Guest, Recording Secretary, Source Protection

Also in Attendance: David Ellingwood, Communications Specialist, Source Protection
Craig Fowler, Technical Supervisor, Source Protection
Brian Luinstra, Hydrogeologist, Source Protection
Sara Pickard, Water Quality Technician, Source Protection
Stacey Cook, Outreach Specialist, Source Protection
Karen Gillan, Education Specialist, Source Protection
Cathy Robins, C.A.O., Northern Bruce Peninsula
Tom Boyle, Councillor, Northern Bruce Peninsula
Members of Bruce Peninsula Environment Group

1. Adoption of Agenda

MOTION #SPC-08-16

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

THAT the Agenda be adopted as distributed.

Carried

2. Declaration of Pecuniary or Conflict of Interest

No person declared a conflict of interest relative to any item on the Agenda at this time.

3. Adoption of Minutes

MOTION #SPC-08-17

**Moved by Carolyn Day
Seconded by Dale Thompson**

THAT the Minutes of the March 18, 2008 Source Protection Committee meeting be adopted as distributed.

Carried

4. Matters Arising from the Minutes

a) Meeting Locations

The Project Manager advised that the next Committee meeting on Tuesday, May 20, 2008 has been confirmed at the Municipality of Kincardine Municipal Offices and future meetings may be held at the two County municipal offices.

b) Rules of Procedure and Code of Conduct & Conflict of Interest Policy

The Project Manager advised that the Rules of Procedure and Code of Conduct & Conflict of Interest Policy adopted by the Committee on January 22, 2008 have been found to be satisfactory by all three Source Protection Authorities.

c) Proposed Working Groups

David Ellingwood reviewed Report 4c and advised that topics had been assembled into four categories: chemical contaminants; organic and biological contaminants; water takings; and planning. It was estimated that it may take from 1-3 months to establish a working group and the following general suggestions were made:

- the process to establish groups should be initiated as soon as possible
- it is important to get a historical perspective
- each group should have clear terms of reference and that mandate should be made clear to the participants of the working group
- a sub-committee of the Chair from each working group would prevent duplication of work and could report back to the Source Protection Committee respecting progress
- the Chairs of the working groups could meet before each monthly SPC meeting
- there should be more than one SPC member in each working group
- working groups would include expertise outside of the Committee
- focus should be on this Committee's Source Protection Region and its vulnerabilities
- the working groups should focus on issues and vulnerabilities within the 5 municipal zones/watersheds or focus on the entire Region identifying specific issues and vulnerabilities
- it is important to identify the Regional issues
- productivity is paramount and coordination of working group mandates is key so that there is no overlap
- the study should be gap-oriented so that lapses are identified
- working groups should be used in a consulting role not as a sub-committee

The Committee members were asked to review and possibly rework the "Template for Working Groups" contained in Report 4c and bring back any suggestions to the next meeting.

d) Terms of Reference

Each Committee member and ex-officio member received for review a digital copy of the most recent version of the Terms of Reference based on the MOE's template and a background document which summarizes the information. The Project Manager advised that estimated costs are not yet available. The Terms of Reference will state that policies will be developed rather than containing specific policies such as compensation. Jennifer Arthur, of the MOE, advised that a letter from the Director is forthcoming which will clarify the Ministry's position on compensation and the manner in which this matter will be dealt with within the Terms of Reference. Committee members will receive an updated digital version of the Terms of Reference prior to each meeting.

- e) Conceptual Water Budget

MOTION #SPC-08-18

Moved by Mark Kraemer
Seconded by Mitch Twolan

Carried

THAT the Source Protection Committee accept the first draft of the Conceptual Water Budget for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region as distributed and presented on March 18, 2008.

5. Correspondence

- a) Copy of letter received from Township of Chatsworth addressed to Grey Sauble Conservation dated March 10, 2008 confirming that Council has endorsed a motion of support to have the Province fund the implementation of Drinking Water Source Protection and that the local municipal tax payers should not bear the cost of implementation, was **noted and filed**.
- b) Copy of Resolution received from The Corporation of the Town of South Bruce Peninsula dated March 10, 2008 adopting the recommendation that safe drinking water should be available to every person in Ontario and costs associated should be absorbed 100% by the province as opposed to the municipal tax payer, was **noted and filed**.
- c) Memo from Ian Smith, Director, Source Protection Programs Branch, MOE, dated April 3, 2008 respecting releasing information or documentation that is still in draft form, was **noted and filed**.
- d) Letter from the County of Bruce dated April 9, 2008 thanking Source Water Protection for the Terms of Reference presentation to the County Agriculture, Tourism and Planning Committee, was **noted and filed**.
- e) Letter from Deputy Clerk of The Corporation of the Municipality of Brockton dated April 18, 2008 asking for a positive response to a Resolution passed by Council requesting the SPC to examine the issue of pesticide application in ditches with the intent of developing rules and regulations for such practices was discussed. The Project Manager advised that the SPC is not in a position to develop rules and regulations but may be able to develop a policy in the future and suggested that SWP Staff research this matter relative to Source Water Protection and present a report at the next SPC meeting. Letter was **noted and filed**.

6. New Business

a) Per Diem Payments

The Project Manager advised that the Management Committee approved a half-day per diem payment of \$100.00 plus mileage to attend a Council meeting where the work of the Drinking Water Source Protection Program is being discussed. Payment for attendance at any other types of meetings will be at the discretion of the Chair, who would appreciate advance notice. The Chair suggested that the members present a report to the Committee of any SWP-related meetings they attend.

b) Characterization Report

David Ellingwood and Craig Fowler gave a presentation and answered questions respecting the Characterization Report. Members were provided with a CD or DVD containing the Characterization Report for their review and further discussion. Members were advised that the Report adhered to the guidance document provided by the MOE as much as possible.

The meeting recessed for lunch at 12:05 p.m. and reconvened at 1:05 p.m.
Mitch Twolan excused himself from the meeting.

c) Nitrogen Audit Report

Brian Luinstra, DWSP hydrogeologist consultant, discussed the Nitrogen Audit project that is being initiated in the Region at the Walkerton wells #7 and #9 wellhead protection area (WHPA) and funded by the MOE and reported that essentially, it is a pilot project for the whole Province which may take years to implement. A steering committee is being established which will include Dr. Biesenthal, of the SPC, Don Smith, the Project Manager of the DWSP program, a staff member from Brockton and an OMAFRA engineer.

d) Early Actions Program

Stacey Cook and Karen Gillan, DWSP Outreach Specialist and Education Specialist respectively, reported that there has been a good cross-section of people attending the open-house forums which they have organized to educate landowners respecting the Early Actions program and available funding. They advised that they have been advertising extensively with mass mailings and radio and newspaper reports. There was a suggestion that there be survey questions respecting decommissioned or abandoned wells at public meetings in order to gather historical information. Staff was requested to advise SPC members of the outreach meetings.

e) Walkerton Water Tragedy

SPC member, Bruce Davidson, gave a PowerPoint presentation respecting “The Cost of Getting It Wrong – The Long-term Social and Health Implications of the Walkerton Water Tragedy” followed by questions and answers.

f) Water Guardians Workshop

SPC member, Carolyn Day, reported on the Water Guardians Workshop held in Toronto which she and Bruce Davidson had recently attended. Copies of her report were not available at the meeting and are appended to these Minutes.

7. Other Business

a) Visit from Minister

The Chair advised that the Hon. Mr. Gerretsen, Minister of the Environment, has expressed an interest in visiting the Region, including the Walkerton Clean Water Centre, in May or June and suggested that it would be a good opportunity to advance goodwill and raise the profile of the Region with the Ministry.

b) Terms of Reference Deadline Extension

The Project Manager confirmed that the Minister of the Environment has not agreed to extend the deadline to complete the Terms of Reference.

c) Environmental Bill of Rights

It was brought to the attention of the Committee that there is a forum for comments on the internet respecting the *Clean Water Act, 2006*.

d) Lead Contamination

A Committee member noted that lead is becoming an emerging issue with respect to water contamination.

e) Closed-door Meetings

It was suggested that the Committee might meet in camera for 10 minutes at each meeting.

f) Meetings Schedule

There was a suggestion that meetings be held on Fridays rather than Tuesdays and the Project Manager confirmed that the meeting schedule has been confirmed until the end of June 2008 and a discussion respecting a new schedule for the next 6 months will be on the Agenda at the next meeting.

g) Mapping of Private Well Water Test Results

Members were advised to contact the District Health Unit for this information and it was confirmed that the Freedom of Information and Protection of Privacy Acts would be adhered to with respect to releasing data.

h) Elevated Systems

Jennifer Arthur advised that the Ministry expects to know which direction the program will take with respect to elevated systems and asked to be included in the Agenda of the next meeting to speak to this matter. It was noted that cluster wells are at high risk and the question was raised as to the obligation to advise the users of cluster well systems.

i) Educational Seminars

The Committee was advised of several educational opportunities including “Is the Coast Clear?”, a one-day conference on Lake Huron’s Coastal Environment being held at the CAW Conference Centre in Port Elgin on Friday, May 23, 2008 (www.lakehuron.on.ca).

The Chair suggested that a calendar showing educational opportunities might be shared with the Committee. A request was made for a definition of what types of seminars or conferences would be covered by a per diem payment and a suggestion was made to establish an “Education Fund”.

8. Confirmation of Next Meeting and Adjournment

The next meeting is scheduled for Tuesday, May 20, 2008 at the Municipal Offices of the Municipality of Kincardine.

There being no further business, the meeting adjourned at 2:55 p.m.

The Committee members and Staff then travelled to Lion’s Head for a tour of the Lion’s Head water intake facility and water treatment plant.

Mike Traynor
Chair

Nancy Guest
Recording Secretary



REPORT #6f

Water Guardians Skills Workshop Developing Strong Terms of Reference Wednesday, April 2, 2008

The Workshop was hosted by the Canadian Environmental Law Association and Environmental Defence.

Attendees included Source Protection Committee (SPC) members from across Ontario, members of non-governmental organizations (NGO) groups active in water issues and two representatives from the Ministry of the Environment (MOE).

The purpose of the workshop was to share information, concerns and examples of best practices, to look at the Terms of Reference regulations and to consider several different case studies and determine how they would be addressed under Source Protection.

It was based on the assumption that, in order to realize the full potential of source water protection in Ontario, the process requires strong Terms of Reference for each source protection region. Terms of Reference for all source protection regions should be as inclusive as possible, an ultimate goal being the protection of all sources of drinking water. The *Clean Water Act* should benefit all Ontarians, not simply those on municipal systems.

Agenda

Three keynote speakers gave three different approaches to the question: What is the Terms of Reference and what it could be?

Bruce Davidson,
Source Protection Committee Member, Concerned Citizens for Walkerton

Don Goodyear,
Source Protection Manager, Lake Simcoe-South Georgian Bay SPA

Theresa McClenaghan,
Executive Director, Canadian Environmental Law Association; and former Senior Policy Advisor to MOE on Water Issues.

MOE representatives spoke about Ministry expectations as well as some new and changing initiatives being considered by Ministry staff.

There was also information presented on the issue of uranium prospecting/mining in Eastern Ontario, the conflicting policies and mandates of MOE and the Ministry of Northern Development and Mines (MNDM), and how that threat could potentially affect Source Water Protection.

The speakers were followed by a TOR roundtable discussion.

Elements for Inclusion in the Terms of Reference

The Terms of Reference (ToR) can be broken down into two sections. The first section includes elements which must go into the ToR, such as a map of the Source Protection Region showing all municipal water systems, a list of the Region's municipalities, and the schedule and budget. The second section is discretionary and can comprise a number of elements the inclusion of which is dependent on their being incorporated into the ToR by a Region's Source Protection Committee.

At the April 2 Water Guardians Network workshop, participants identified a number of these discretionary elements. The inclusion of these elements, not all of which are applicable to every Region, will broaden the scope of the ToR and help to make source protection more effective.

SCOPE OF ToR:

The ToR should be as holistic as possible so that current outstanding issues as well as potential issues can be addressed. The list outlining some of these potential threats which our own SPC group had collated at our last meeting were shared at the workshop, and the importance of their inclusion as threats in the ToR was stressed. Climate change was also discussed, the effects of which on source-water quantity and quality are ultimately unknown. Guiding principles such as the precautionary principle could be used to address such issues.

CELA agreed to look at crafting some wording that is legally correct and acceptable to the government and SPC's to ensure consistency across the province.

FIRST NATION PARTICIPATION:

First Nations communities have the right to make decisions about their participation in Source Protection Regions. For inclusion in the Source Protection Plan, a First Nations community must pass a Band Council Resolution to have its drinking-water system designated under the *Clean Water Act, 2006*.

SYSTEMS TO BE INCLUDED:

It is important that CA's provide lists of all systems defined under the *Safe Drinking Water Act, 2002*, covered by their area. These would include both municipal and non-municipal systems. Particular attention should be given to the non-municipal systems which serve vulnerable populations such as those serving schools, community and daycare centres. Trailer parks should also be noted.

Clusters, which include communities on six or more private wells that draw their water from the same aquifer or surface-water source, should also be considered and decisions made as to which are priorities to be included in the ToR. (There is provincial money available for assessing clusters.) Clusters need to be prioritized re: size of cluster, vulnerability of users & degree of risk through acute or chronic threats.

Then IPA's and /or WHPA's would need to be defined around those sources of drinking water to ensure that there are no threats to drinking water safety.

It is important to consider recharge areas and vulnerable areas within IPA/WHPA's. The crux is - what do you do about vulnerable areas where there are pre-existing threats. When is grandfathering appropriate and when is it not?

A ToR should not be considered finalized until all systems have been considered for inclusion.

PUBLIC COMMENT:

The ToR is a very long and complicated document. It was suggested that an executive summary of the ToR in more user-friendly language would very likely be helpful to the public when going out for public comment.

An explicit part of the public discussion should centre on which non-municipal systems under the *Safe Water Drinking Act, 2002*, should be considered priorities for inclusion in the ToR. Examples of priority non-municipal systems are systems of six or more households on one well, and systems serving children.

CROSS-REGIONAL ISSUES:

All cross-regional issues should be discussed explicitly in the ToR. The relevant planning area needs to be defined, evaluation guidelines need to be drawn up, and the parties that will be undertaking an evaluation need to be identified.

Examples of cross-regional issues include:

- the Great Lakes, where more than one Region's systems draw their water from lake surface water and there is a potential of overlap of Total Water Contributing Areas;
- inter-watershed transfers;
- headwaters;
- non-point-source contamination such as that which results from the application of road salts and pesticides; and
- climate change.

IPZ'S, IPZ2'S & TWCA'S

As well as IPZ's and IPZ2's, the government has defined an area for rivers and inland lakes called the Total Water Contributing Area (TWCA) - which includes tributaries, streams etc. which feed the river or lake from which water is withdrawn. There is now discussion at the Ministry about whether to create a similar area around the Great Lakes intakes parallel to the

TWCA's. This needs to be encouraged. This would have an effect on the IPA's in which to consider potential threats.

RISK ASSESSMENT

It is important to consider both Chronic and Acute Risk and both short- and long-term threats.

Chronic: PPTW related to quantity issues.
Nitrate levels
Cumulative effect of storm water run-off on shoreline integrity/stability (need for buffering/riparian boundary/vegetation cover/fencing/etc)
Turbidity

Acute: Spill of fuel oil
Location of former landfill/gas station/septic
Spill on bridge crossing river - overflow of road salt
Pathogens like cryptosporidium; E-coli
Pharmaceuticals

GREAT LAKES COMPLIANCE:

It is important to recognize how the *Clean Water Act* relates and intersects with commitments under international agreements and the Safeguarding and Sustaining Ontario's Water Act (SSOWA). It was suggested that CELA come up with language that would address this issue and ensure that consistent language could be included in ToRs of affected SPA's.