

## **LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES**

Date: October 1, 2020  
Time: 1:00 pm  
Location: GRCA Zoom Virtual Meeting  
Link to be distributed via email prior to meeting

Chair	W. Wright-Cascaden
Members Present	C. Banting, B. Carberry, A. Dale, L. Dickson, P. Emerson, A. Henry, E. Hodgins, K. Hunsberger, C. Jamieson, R. Krueger, I. Macdonald, T. Nevills, L. Perrin, P. Rider, J. Sepulis, B. Strauss, B. Ungar, B. Whitwell, P. Wilson
Members Absent	W. Bomberry, J. Kirchin, G. Schneider, R. Taylor
Liaisons	O. Yudina (Provincial Liaison)
Proxy Representatives	E. Hodgins (J. Kirchin), B. Ungar (G. Schneider)
Staff	I. Feldmann, E. Hayman, M. Keller, S. Strynarka

### **1. Call to Order**

W. Wright-Cascaden called the meeting to order at 1:04pm.

### **2. Roll Call and Certification of Quorum – 17 Members Constitute a Quorum (2/3 of Members plus Chair)**

The Recording Secretary called the roll and certified a quorum with 21 members present.

### **3. Chair's Remarks**

W. Wright-Cascaden and M. Keller participated in Guelph-Guelph/Eramosa policy development meetings over the summer and attended a chairs teleconference in September. Three Lake Erie Region Source Protection Committee (SPC) members were recently re-appointed to the committee.

During the chairs meeting, participants discussed annual reporting, proposed changes to the Director's Technical Rules (technical rules), and how SPCs across the province have been meeting virtually the past several months. The chairs were happy to meet virtually but expressed that they would like to have an in-person meeting when possible.

**4. Review of Agenda**

**Res. No. 24-20**

**Moved By B. Ungar**

**Seconded By A. Henry**

*THAT the agenda of October 1, 2020 be approved as distributed.*

**Carried**

**5. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interests made in relation to the matters to be dealt with.

**6. Minutes of the Previous Meeting**

**Res. No. 25-20**

**Moved By A. Dale**

**Seconded By L. Dickson**

*THAT the minutes of the previous meeting on June 25, 2020 be approved as circulated.*

**Carried**

**7. Hearing of Delegations**

None

**8. Presentations**

None

**9. Correspondence**

None

**10. Reports**

**10.1 SPC-20-10-01 Source Protection Program Update**

M. Keller presented report SPC-20-10-01.

**Res. No. 26-20**

**Moved By L. Perrin**

**Seconded By B. Ungar**

*THAT the Lake Erie Region Source Protection Committee receives report SPC-20-10-01 – Program Update – for information.*

**Carried**

**10.2 SPC-20-10-02 Proposed Amendments to Source Protection Committee Rules of Procedure**

M. Keller presented report SPC-20-10-02. A. Henry commented on clause 20 and assumed the clause would be applicable post-COVID-19 pandemic and questioned if there were other circumstances, like a member's temporary immobility, that would allow virtual participation regardless if there is a pandemic. M. Keller said it was a valid comment but at this point staff would still need to figure out how to accommodate such a situation with both in person and virtual attendance from a technical point of view. GRCA staff are looking at possible options. The Lake Erie Region Source Protection Committee (SPC) also has proxy accommodation as an option. Lake Erie Region may further revise the Lake Erie Region Source Protection Committee Rules of Procedure once the GRCA determines all the available options. W. Wright-Cascaden added that a possible option for future meetings could be to have a hybrid format. H. Jowett commented that the GRCA could create a by-law that only allows for a certain number of virtual meetings that could be brought forward to the SPC for consideration.

**Res. No. 27-20**

**Moved By L. Dickson**

**Seconded By R. Krueger**

*THAT the Lake Erie Region Source Protection Committee endorses the proposed amendments to the Committee's Rules of Procedure, as outlined in report SPC-20-10-02.*

**Carried**

**10.3 SPC-20-10-03 Proposed Amendments to the Lake Erie Region Implementation Working Group Terms of Reference**

M. Keller presented report SPC-20-10-03. W. Wright-Cascaden thanked A. Dale for his role chairing the Lake Erie Region Implementation Working Group (IWG) for the past five year and welcomed L. Dickson as the new chair. A. Dale thanked W. Wright-Cascaden for the opportunity to chair the IWG. W. Wright-Cascaden was supportive of reviewing the IWG Terms of Reference on a regular basis.

**Res. No. 28-20**

**Moved By B. Strauss**

**Seconded By A. Dale**

*THAT the Lake Erie Region Source Protection Committee endorse report SPC-20-10-03 – including proposed amendments to the Lake Erie Region Implementation Working Group Terms of Reference and changes to the chair position.*

**Carried**

**10.4 SPC-20-10-04 S.34 Draft Updated Grand River Assessment Report and Source Protection Plan: Wellington County, Region of Waterloo**

M. Keller presented report SPC-20-10-04. J. Sepulis suggested that the SPC consider including private wells in future iterations of the source protection plans. W. Wright-Cascaden responded that the topic has been discussed at chairs

meetings and that chairs were supportive of considering private well inclusion, but at the present time, the *Clean Water Act, 2006* (CWA) only applies to municipal water supplies. The CWA does, however, allow for consideration of other wells. M. Keller responded that those concerns have been brought forward to the ministry by source protection regions in Eastern Ontario in particular. There are options in the CWA to bring private wells under the source protection umbrella but they are limited. Currently, municipalities can bring in a system through council resolutions but there are liability and financial implications. For these reasons, there is only limited uptake of this option by municipalities across the province. The request for an expansion of the CWA has also been brought forward by other organizations including the Canadian Environmental Law Association (CELA), the Auditor General and SPCs. The ministry is working on a guidance document to help stakeholders ascertain what information and analyses may need to be undertaken to protect systems outside the CWA. It is unknown when this guidance will be finalized; however, the ministry has engaged some program managers, Source Protection Authorities (SPAs) and municipal associations during development. Currently there is no direct funding from the ministry for systems outside of the CWA. O. Yudina added that the ministry is hoping to provide cost-effective strategies and guidance on how to use existing and non-regulatory planning tools. The next step is to incorporate feedback from early engagement and finalize the guidance by spring 2021.

J. Sepulis commented that the ministry should consider protecting private wells, particularly communal wells, and asked if it would be appropriate to ask for a SPC report to discuss the implications and what is being done across the province. M. Keller responded that the SPC has limited options on its own and would have to bring forward any recommendation to the ministry for consideration. W. Wright-Cascaden suggested that the SPC could have a more detailed discussion once the ministry's guidance document is closer to being finalized. M. Keller agreed with the suggestion and added that Lake Erie Region staff could bring a report to the SPC at the January 21, 2021 meeting. J. Sepulis was supportive of M. Keller's suggestion.

W. Wright-Cascaden shared that the S.34 "Wellington/Region of Waterloo" Grand River Source Protection will be released for pre-consultation following the SPC meeting. Any pre-consultation comments will be considered by Lake Erie Region staff and a revised draft presented to the SPC in January 2021. Public consultation is scheduled for the winter 2021. M. Keller added that the sixth and final Community Liaison Group (CLG) for the Centre Wellington Tier 3 study was held in September 2020. There will be continued opportunities for stakeholders and the public to have further input when the policies are shared during public consultation as part of a future source protection plan update.

H. Jowett hoped the ministry is considering wellhead development in municipalities that are growing rapidly and the effect it could have on neighbouring municipalities, and asked what Lake Erie Region is doing from a watershed perspective. M. Keller explained that the role of the Lake Erie Region was to support collaboration across municipal boundaries. M. Keller was hopeful that some of the proposed water quantity framework amendments may help with some of those municipal collaborations. Lake Erie Region also has the municipal implementation working group (IWG) that allows for local collaboration beyond municipal boundaries to work on common solutions. Some of the proposed water quantity framework

changes will help municipalities collaborate while others may be more challenging. H. Jowett assumed Lake Erie Region is still advocating at the provincial-level to ensure there is some form of objectivity for some of those conversations and studies. M. Keller replied that was correct.

**Res. No. 29-20**

**Moved By J. Sepulis**

**Seconded By L. Dickson**

*THAT the Lake Erie Region Source Protection Committee receives report SPC-20-10-04 – S.34 Draft Updated Grand River Assessment Report and Source Protection Plan: Wellington County, Region of Waterloo – for information.*

*AND THAT the Lake Erie Region Source Protection Committee release the draft Updated Grand River Assessment Report and Source Protection Plan for pre-consultation and direct staff to commence a 43-day pre-consultation period.*

**Carried**

**10.5 SPC-20-10-05 Lake Erie Region Comments on Proposed Changes to the Director's Technical Rules**

M. Keller presented report SPC-20-10-05. I. Macdonald asked why certain activities, e.g., fuel storage, are addressed under the CWA if they are already regulated by the Technical Standards and Safety Authority (TSSA). M. Keller responded that TSSA regulations are not a Prescribed Instrument (PI) which means SPAs cannot direct the TSSA to do anything; however, plan policies can reinforce and support TSSA regulations and standards. O. Yudina added that the only instance where the handling and storage of fuel would be covered by a PI would be if it is occurring at a municipal residential drinking water supply system, in all other cases the activity would have to be addressed through other policy approaches such as Risk Management Plans (RMPs) and education and outreach.

A. Henry asked if there are general conditions included in risk assessments associated with PFAS, PFOS and other fire suppressants. M. Keller was not aware of those chemicals being included in any threat circumstances. O. Yudina responded that there are no standards under the CWA for addressing fire suppressants at this time.

P. Emerson asked what a climate impact assessment was. M. Keller responded that a climate impact assessment could be conducted for specific wells or intakes that could be vulnerable to a change in climate to assess the vulnerability of the system. The assessment would take into account broader inputs to determine what the implications are locally.

J. Sepulis asked why Significant Groundwater Recharge Areas (SGRAs) were removed from the technical rules. M. Keller replied that the ministry is proposing to remove SGRA vulnerability scores, i.e., the ministry is saying that SGRAs do not have a role with regard to water quality. SGRAs are still vulnerable areas and can be identified in municipal planning documents, but SPAs will not be able to develop policies addressing water quality in SGRAs. Currently the maximum vulnerability score for SGRAs is six (6) which only results in a moderate threat. J. Sepulis asked Lake Erie Region staff to consider including a comment on SGRAs as part of Lake Erie Region's submission to the ministry. M. Keller responded that

the IWG has discussed the proposed changes to SGRAs, Lake Erie Region staff will follow-up with the ministry to clarify the intent of the proposed changes and will further discuss Lake Erie Region's draft comments with the IWG at their October 28, 2020 meeting to ensure Lake Erie Region has a complete set of comments.

**Res. No. 30-20**

**Moved By A. Henry**

**Seconded By B. Ungar**

*THAT the Lake Erie Region Source Protection Committee receives report SPC-20-10-05 – Draft Lake Erie Region Comments on Proposed Changes to the Director's Technical Rules – for information;*

*AND THAT the Lake Erie Region Source Protection Committee direct Lake Erie Region staff to continue working with partner municipalities to finalize and submit the comments on proposed changes to the Director's Technical Rules, on behalf of the Lake Erie Region Source Protection Committee.*

**Carried**

**10.6 SPC-20-10-06 Comments on Proposed Changes to Ontario's Water Quantity Management Framework**

M. Keller presented report SPC-20-10-06.

**Res. No. 31-20**

**Moved By A. Dale**

**Seconded By B. Strauss**

*THAT the Lake Erie Region Source Protection Committee receives report SPC-20-10-06 – Updating Ontario's Water Quantity Management Framework (ERO #019-1340) GRCA Response – for information.*

**Carried**

**10.7 SPC-20-10-07 Update on Winter Maintenance Chemicals: Challenges and Opportunities for Change – Responses from Municipalities, Ministries and Source Protection Committee**

M. Keller presented report SPC-20-10-07.

**Res. No. 32-20**

**Moved By R. Krueger**

**Seconded By C. Jamieson**

*THAT the Lake Erie Region Source Protection Committee receives report SPC-20-10-07 – Update on Winter Maintenance Chemicals: Challenges and Opportunities for Change – Responses from Municipalities, Ministries and Source Protection Committees – for information.*

**Carried**

**11. Business Arising from Previous Meetings**

There was no business arising from the minutes of the previous meeting.

**11.1 Lake Erie Region Source Protection Committee request under Technical Rule 119, from February 3, 2011, Re: rehabilitation activities at an aggregate operation within a vulnerable area of a municipal drinking water system that allows ponding of water.**

O. Yudina commented that at the time of the SPC's request the ministry advised that it was premature to review the request until the Ministry of Natural Resource and Forestry (MNRF) had completed their review and updates to the *Aggregate Resources Act, 1990* (ARA). The MNRF has now completed their review and any updates to the ARA which means there is now a need for the ministry to revisit this discussion. The ministry recognises that the context has changed and hopes to have an update at a future SPC meeting.

**15. Adjourn**

The Lake Erie Region Source Protection Committee meeting of October 1, 2020 adjourned at 2:34pm.

**Res. No. 33-20**  
**Moved By A. Henry**  
**Seconded By J. Sepulis**

*THAT the Lake Erie Source Protection Committee meeting of October 1, 2020 be adjourned.*

**Carried**

**12. Other Business**

None

**13. Closed Meeting**

Not applicable

**14. Next SPC Meeting**

January 21, 2021 at 1:00pm, virtual meeting

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Chair

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Recording Secretary