

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

Date: June 17, 2021  
Time: 1:00 pm  
Location: GRCA Zoom Virtual Meeting  
Link to be distributed via email prior to meeting

Chair W. Wright-Cascaden

Members Present B. Carberry, A. Dale, L. Dickson, P. Emerson, D. Ford, A. Henry, E. Hodgins, K. Hunsberger, J. Kirchin, R. Krueger, L. Perrin, P. Rider, G. Schneider, J. Sepulis, B. Strauss, P. Wilson

Members Absent C. Jamieson, I. Macdonald, R. Taylor, B. Ungar, B. Whitwell

Liaisons O. Yudina (Provincial Liaison)

Proxy Representatives

Staff I. Feldmann, E. Hayman, M. Keller

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

Virtual meeting: by using the microphone and web camera, committee members agree to the recording and livestreaming of the meeting.

W. Wright-Cascaden called the meeting to order at 1:07pm. W. Wright-Cascaden welcomed Don Ford, proxy for C. Banting, and shared that T. Nevills will be stepping down from the Lake Erie Region Source Protection Committee (SPC). W. Wright-Cascaden thanked T. Nevills for his contribution to the SPC.

W. Wright-Cascaden reviewed the SPC meeting procedure.

### **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 17 members present.

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

W. Wright-Cascaden reported that Guelph-Guelph/Eramosa (GGET) policy development is ongoing and that a progress report is included in the agenda. W.

Wright-Cascaden participated in a recent chairs meeting. The meeting addressed a number of items including plan implementation. The chairs talked about having more frequent chairs meetings. The Ministry of the Environment, Conservation and Parks (MECP) updated chairs on proposed regulatory changes under the Conservation Authorities Act, 1990 (CAA), particularly as they relate to the Source Water Protection Program. The MECP is also working on guidance for drinking water systems not addressed under the CWA. The final guidance will be shared with the SPC at a future meeting.

**4. Review of Agenda**

M. Keller shared that report SPC-21-06-04 has been amended, specifically the addition of Appendix B, Table 1 row #27. Members can view the updated agenda on eScribe and on Lake Erie Region's calendar.

**Res. No. 23-21**

Moved By B. Strauss  
Seconded By L. Perrin

THAT the agenda of June 17, 2021 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. 24-21**

Moved By A. Dale  
Seconded By P. Emerson

THAT the minutes of the previous meeting on April 1, 2021 be approved as circulated.

**Carried**

**7. Hearing of Delegations**

None

**8. Presentations**

None

**9. Correspondence**

None

## **10. Reports**

### **10.1 SPC-21-06-01 Source Protection Program Update**

M. Keller presented report SPC-21-06-01.

A. Henry was surprised that conservation authorities lead drinking water assessments and did not feel that it made sense. A. Henry thought that municipalities lead assessments and the conservation authorities provide support. M. Keller raised that point at the recent chairs meeting. In Lake Erie Region, the arrangement is that system owners, i.e., municipalities, do most of the work. M. Keller thought that perhaps the MECP is looking at the process more broadly because in some Source Protection Areas / Regions, the conservation authority may lead the assessments. It is important that there is local flexibility to work with individual municipalities and drinking water system owners.

A. Henry commented that funding for the Source Water Protection Program may be downloaded to the municipalities in the form a levy, and questioned how that would work for drinking water supply systems that benefit municipalities outside of a conservation authority's jurisdiction. M. Keller responded that this has been brought to the attention of the Ministry, and added that the proposed regulations under the Conservation Authorities Act (CAA) are only phase 1. There will be a second phase that will address questions around municipal levy; however, the timing of phase 2 is unknown. M. Keller added that there are many challenges allocating levy dollars to programs outside a particular watershed. Lake Erie Region has made the MECP aware of these challenges. O. Yudina reiterated that changes under the CAA enable conservation authorities to levy municipalities for activities under CWA without an agreement, but that it is not a signal of intention to shift to municipal funding of the program through a levy. O. Yudina indicated that it is the intention of the MECP to continue to fund the program, and to not transfer activities that are itemized in the proposed regulations to a municipal levy.

P. Emerson asked what new functions the SPC will have under the CAA. W. Wright-Cascaden responded that the MECP has shared that there is no change in terms of how Source Water Protection responsibilities happen under the new CAA. The MECP indicated their intention to continue to fund the program. M. Keller confirmed that there is no change to the role and responsibility of the SPC, and that the relationship between the SPC and source protection authorities remains the same. Source protection authority responsibilities will now be listed in the proposed CAA regulations. P. Emerson asked and M. Keller confirmed,

that including the municipal levy in the regulations, provides an option for conservation authorities.

T. Nevills did not see how a levy could work because many municipalities do not have municipal drinking water systems. Conservation authorities operate on a watershed basis and Source Water Protection is municipal-specific. T. Nevills suggested that the proposal to levy municipalities be removed if the intent is not to use it. L. Dickson echoed T. Nevills suggestion.

P. Emerson commented that there are aspects of the Source Water Protection Program that transcend municipal boundaries. The site of drinking water intakes is not the source – the source is the watershed upstream that feeds those river and groundwater systems. P. Emerson understood T. Nevills' comment in terms of municipalities upstream that would have to pay levies for benefits that tend to accrue downstream. It does not have to be an across the board levy – it could be a special benefiting or an apportioned levy. P. Emerson reiterated that a lot of Source Water Protection transcends municipal boundaries and we can't forget that.

A. Henry added to P. Emerson comments and shared that the program also transcends the boundaries of conservation authorities and it has to be well thought through before municipal levies are contemplated. L. Dickson appreciated A. Henry's comments, and was concerned that often legislation tries to make everything fit into one basket and that there are real challenges with that approach. It is important to try to keep things as flexible and open as possible.

**Res. No. 25-21**

**Moved By** L. Dickson

**Seconded By** A. Henry

THAT the Lake Erie Region Source Protection Committee receives report SPC-21-06-01 – Program Update – for information.

**Carried**

**10.2 SPC-21-06-02 Guelph-Guelph/Eramosa Water Quantity Policy Development Progress Update**

M. Keller presented SPC-21-06-02.

A. Henry asked if there was a well used for water bottling in the GGET WHPA-Q, and if a new owner were to acquire that well and ask for a doubling of water taking, how would the policies apply. M. Keller responded that there are parallel discussions between the City of Guelph and the MECP where this would be addressed. The policies would direct ministries to use their regulatory powers to address any changes to a Permit To Take Water (PTTW). Triton Waters

(previously Nestle Waters), has applied for renewal of an existing PTTW and it is for the same amount of water taking as the previous permit. That process is ongoing and the commenting period closes on June 22, 2021. There will be policies that speak to the specific role ministries will have addressing PTTW renewals or new permits within the WHPA-Q once there is an approved updated Grand River Source Protection Plan. The GGET Project Team has considered using Part IV powers, e.g., Risk Management Plans, which would be in the purview of municipalities under the CWA. A decision has been made to not use Part IV powers because it would be a duplication of regulatory processes and burden.

**Res. No. 26-21**

Moved By B. Strauss  
Seconded By J. Sepulis

THAT the Lake Erie Region Source Protection Committee receives report SPC-21-06-02 – Guelph-Guelph/Eramosa Water Quantity Policy Development Progress Update – for information.

**Carried**

**10.3 SPC-21-06-03 S.34 Draft Updated Grand River Assessment Report and Source Protection Plan: Town of Grand Valley**

M. Keller presented SPC-21-06-03.

J. Sepulis asked how public consultation will be conducted. M. Keller responded that source protection authorities are mandated to post the updated source protection plan on the internet, which Lake Erie Region staff will do. Hard copies will not be made available because of COVID-19 pandemic health measures. Staff will also post a presentation slide deck on the internet that provides information about the program and the proposed changes to the source protection plan.

**Res. No. 27-21**

Moved By J. Kirchin  
Seconded By L. Dickson

THAT the Lake Erie Region Source Protection Committee receives report SPC-21-06-03 – S.34 Draft Updated “Grand Valley” Grand River Assessment Report and Source Protection Plan – for information;

AND THAT the Lake Erie Region Source Protection Committee direct staff to release the draft Updated “Grand Valley” Grand River Assessment Report and Source Protection Plan for a 30-day public consultation period from June 21 to July 20, 2021.

**Carried**

**10.4 AMENDED: SPC-2021-06-04 S.34 Revised Updated Grand River Assessment Report and Source Protection Plan: Wellington County and Region of Waterloo**

M. Keller presented report SPC-21-06-04.

L. Dickson noted that there were a number of comments for Wellington County and appreciated the additional information with respect to some of the concerns addressed from the Region of Waterloo. L. Dickson did not have any concerns with how the comments were addressed but asked how the source protection authority knows that the public is satisfied with the responses. L. Dickson understood that Lake Erie Region staff responded to some commenters directly, and that some commenters may have been satisfied with the responses while others were not.

W. Wright-Cascaden added that she was unsure if there would be delegations to the SPC if there were still some ongoing significant concerns with what is being proposed; however, there have not been any. W. Wright-Cascaden thought that the Project Team did a good job in trying to address the concerns within the scope of what could be done. There were other comments outside the scope of the amendment, and it has been helpful that those comments have been brought forward to the SPC, but it is not something the SPC can address as part of this amendment. W. Wright-Cascaden also thought the report was very well done. There were some commenters that wanted to meet, and there were meetings for those who have requested that. W. Wright-Cascaden was hopeful that the public understands how the source protection committee is moving forward and are satisfied to the extent that the source protection committee can deal with the issues at this point in time.

Originally the comments and responses were scheduled to be presented to the SPC in April 2021. The extra time the Project Team took to thoroughly address the comments was a good idea and although it was a lot of work it shows in the result. L. Dickson thanked W. Wright-Cascaden for her comments.

**Res. No. 28-21**

Moved By R. Krueger  
Seconded By E. Hodgins

THAT the Lake Erie Region Source Protection Committee receives report SPC-21-06-04 – S.34 Revised Updated “Wellington / Region of Waterloo” Grand River Assessment Report and Source Protection Plan – for information;

AND THAT the Lake Erie Region Source Protection Committee releases the revised Updated “Wellington / Region of Waterloo” Grand River Assessment

Report and Source Protection Plan to the Grand River Source Protection Authority for submission to the Ministry of the Environment, Conservation and Parks, along with the municipal council resolutions received, and the comments as presented in this report.

**Carried**

## **11. Business Arising from Previous Meetings**

### **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. Yundina shared the ministries are actively reviewing and moving the work forward towards a decision but could not guarantee the timing of that decision. Good progress has been made so far and the MECP hopes to communicate a decision soon.

O. Yundina was able to look into A. Henry's comments from the last SPC meeting regarding the Director's Technical Rules current approach to vulnerability and risk assessments. O. Yundina confirmed that staff aware of A. Henry's comments and are considering them in the context of both the Director's Technical Rules proposal and as a local threat request. The MECP is open to discussions further down the line if there is interest once the decisions have been communicated. Another avenue could be to have further discussions offline and MECP staff would work with Lake Erie Region staff to make arrangements if a request is made.

## **12. Other Business**

P. Emerson noted that in report SPC-21-06-01 it said Source Water Protection staff will be working with Grand River Conservation Authority (GRCA) staff regarding the proposed regulations under the CAA, and that there would be a reporting going to the GRCA board. P. Emerson asked if the SPC is taking a position on the proposed regulations. M. Keller responded that the Lake Erie Region and GRCA staff made a decision that because the proposal is under the CAA, that comments and recommendations would be made through a GRCA board-specific report. As there are no changes to the CWA, Lake Erie Region and GRCA staff did not think it was necessary for Lake Erie Region staff and the SPC to submit separate comments. Lake Erie Region staff have been working closely with GRCA staff to bring comments forward to the GRCA board which will be submitted to the MECP. W. Wright-Cascaden said the comments presented to the SPC today will be the substance of the comments that will go forward in the GRCA board report. P. Emerson was still not sure where the SPC stood on the



proposed regulations, e.g., whether conservation authorities should have the ability to levy or not. P. Emerson wanted to confirm that while staff can make technical comments they cannot speak on behalf of the SPC because the SPC hasn't taken a position. M. Keller responded that P. Emerson was correct. Lake Erie Region's comments will be will be staff-level. M. Keller added that the SPC will have an opportunity for further discussions once the province releases phase 2 of the proposed CAA regulations.

**13. Closed Meeting**

Not applicable

**14. Next SPC Meeting**

September 9, 2021, 1:00pm, virtual meeting

**15. Adjourn**

T. Nevills thanked the SPC for the opportunity and had a great appreciation for all the work done over the past several years.

The Lake Erie Region Source Protection Committee meeting of June 17, 2021 adjourned at 2:14pm.

**Res. No. 29-21**

Moved By L. Perrin  
Seconded By A. Henry

THAT the Lake Erie Source Protection Committee meeting of June 17, 2021 be adjourned.

**Carried**

<u><b>Chair</b></u>	<u><b>Recording Secretary</b></u>
Wendy Wright-Cascaden July 17, 2021	Ilona Feldmann July 17, 2021t