

SOURCE PROTECTION COMMITTEE MEETING MINUTES

MEETING NO. 07-08-SPC

Thursday, July 24th, 2008

MASK Arena – Rama, ON

SOURCE PROTECTION COMMITTEE MEMBERS PRESENT:

Lynn Dollin	Chair, Source Protection Committee
Colin Elliott	Agricultural Sector Representative
John Hemsted	Agricultural Sector Representative
David Ritchie	Agricultural Sector Representative
Colin Nisbet	Economic / Development Sector Representative
Fred Jahn	First Nations Representative, Rama Mnjikaning First Nation
Gerry Brouwer	Industrial / Commercial Sector Representative
David Ketcheson	Industrial / Commercial Sector Representative
John Boucher	Municipal Sector Representative, Town of Penetanguishene
Clayton Cameron	Municipal Sector Representative, Township of Severn
David Marquis	Municipal Sector Representative, Durham Region
Erin Mahoney	Municipal Sector Representative, York Region
Brian Milligan	Municipal Sector Representative, Town of Midland
Rick Newlove	Municipal Sector Representative, Simcoe County
Stan Wells	Municipal Sector Representative, Town of Wasaga Beach
Stephanie Hobbs	Public Sector Representative
Tom Kurtz	Public Sector Representative
Alex Millar	Public Sector Representative
Fred Ruf	Public Sector Representative
Larry Slomka	Public Sector Representative

LIAISONS:

Ted Devine	Simcoe Muskoka District Health Unit
Kate Turner	Ministry of the Environment
Wayne Wilson	Source Protection Authority Liaison Representative (NVCA)

REGRETS:

Chris Galway	Aggregate Representative
Dianne Corrigan	Public Sector Representative
Bob Duncanson	Public Sector Representative

GUESTS PRESENT:

Sharon Bailey	Ministry of the Environment
Anne Guiot	Skelton, Brumwell and Associates
Bernard Mayer	York Region Health Department
Kevin McLean	Ministry of the Environment
Trudy Millard	Ministry of the Environment
Fred Nix	NVCA

SOUTH GEORGIAN BAY LAKE SIMCOE REGION STAFF PRESENT:

Don Goodyear	Manager, Source Protection Planning
Susan Jagminas	Communications Specialist, Source Protection Planning
Melanie Rumley	Project Assistant, Source Protection Planning
Andrea Torok	Project Coordinator, Source Protection Planning

I WELCOME & OPENING REMARKS

Member Fred Jahn welcomed all Members to the MASK (Mnjikaning Arena & Sports Complex) and went over health and safety aspects of the building.

Chair Dollin welcomed the liaison members and recognized the guests in attendance.

II DECLARATION OF PECUNIARY INTEREST

None identified for the record of this meeting.

III APPROVAL OF AGENDA

Moved by: J. Hemsted

Seconded by: R. Newlove

RESOLVED THAT the agenda for the July 24th, 2008 meeting of the Source Protection Committee be approved as presented.

CARRIED BY CONSENSUS

IV ADOPTION OF MINUTES

a) Source Protection Committee

i) Chair Dollin reviewed the minutes of the June 26th, 2008 Source Protection Committee meeting and noted that Member Rick Newlove was indeed in attendance at the meeting but was not listed in the Members present. The minutes will be amended as necessary to add Rick Newlove.

Moved by: F. Ruf

Seconded by: C. Nisbet

RESOLVED THAT the minutes of the South Georgian Bay/Lake Simcoe Source Protection Committee, held on June 26th, 2008 be approved as amended.

CARRIED BY CONSENSUS

b) Administrative Staff Team (AST)

Member Larry Slomka, Chair of the TWG, asked about an item on page 14 of 71 in the agenda regarding the TWG sending a letter to prompt receipt of the actual pumping data for Permits to Take Water (PTTWs). Don Goodyear replied that this database will be available in the future, but there is no set date. Chair Dollin mentioned that she had meant to address this question at the TWG meeting of July 21st. At this point, it was decided that a letter was not relevant and that the AST will await the database information.

Larry Slomka also inquired about the Business Plan approval item (page 14 of 71), which Don Goodyear explained is a new process that staff have to follow each year. He noted that the MNR has approved a pilot Tier 3 study in the East Holland River subwatershed as it's already know that it is a stressed area.

Moved by: B. Milligan

Seconded by: L. Slomka

RESOLVED THAT the draft minutes of the July 9th, 2008 meeting of the Administrative Staff Team be received for information.

CARRIED BY CONSENSUS

c) Communications Working Group (CWG)

CWG Chair Susan Jagminas noted that the main focus of the meeting was to work on a strategic communications plan. The Group hopes that the plan will be complete by the next meeting, which is scheduled to take place on September 10th, 2008.

Moved by: C. Cameron

Seconded by: A. Millar

RESOLVED THAT the draft minutes of the July 15th, 2008 meeting of the Communications Working Group be received for information.

CARRIED BY CONSENSUS

d) Technical Working Group (TWG)

TWG Chair Larry Slomka gave an overview of the tabled minutes of the July 21, 2008 meeting of the TWG and explained that the Tier 1 Water Budget for Lake Simcoe and Nottawasaga Valley will come to the SPC for approval at the August 14th meeting.

Moved by: J. Hemsted

Seconded by: C. Nisbet

RESOLVED THAT the minutes of the July 21st, 2008 meeting of the Technical Working Group be received for information and that the recommendations therein be approved by the Committee.

CARRIED BY CONSENSUS

V ANNOUNCEMENTS

a) Activities of the Committee and Chair

- i) Member Alex Millar noted that the two days of Director's Rules meetings (July 2 and 3) was well organized and run. Other members who attended the meetings had questions about the technical information and the uncertain areas of the documents that they felt were not answered. Member John Hemsted noted that it would have been useful to have the discussion questions that were handed out at the meeting in advance. Chair Dollin noted that the climate change term was raised and that the MOE has said there will more consideration for including this in policies going forward.
- ii) Member Alex Millar presented his second lecture for the university course he's completing. He reported that there was good dialogue and he encouraged the students to attend and give input for future public events regarding source water.
- iii) Chair Dollin attended the Severn Sound SPA meeting this morning and found it encouraging that many of the SPA members had reviewed Draft 1 of the Terms of Reference.

- iv) Member David Ritchie reported that he and the other agricultural representatives (John Hemsted and Colin Elliott) met with MP Aileen Carroll to discuss concerns.

VI DELEGATIONS

There were no delegations scheduled for this meeting.

VII PRESENTATIONS

- 1) Protecting Lake Simcoe: Ontario's Strategy For Action
Sharon Bailey, Director, Land and Water Policy Branch, MOE

Sharon Bailey gave an overview of the proposed Lake Simcoe Protection Act. The act, if passed, would allow the province to develop and implement an effective protection plan for the lake and surrounding regions. The proposed legislation is posted on the Environmental Bill of Rights registry. The registry number is 010-3753 and more information can be found at: <http://www.ene.gov.on.ca/en/water/lakesimcoe/index.php>.

Sharon volunteered to come back and speak to the group again in the fall once the Plan is drafted in more detail.

There were several questions and comments from the committee which Ms. Bailey addressed and noted.

- 2) Water Budget Results and Next Steps
This presentation was deferred to the next SPC meeting (August 14th).

VIII DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Agenda Items 1(a) – Letter from MOE to Ted Devine, 1(d) – Comments sent on Draft 1 ToR from Colin Elliott, 3 – Staff Report on the ToR, and 5 – Staff Report on the EBR Posting on Director's Rules.

IX ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

It was identified that Agenda Item 1(b), 1(c), 1(e), Agenda Item 2 (Communications Update – Staff Report No. 2008-07-01-SPC), and Agenda Item 4 (ToR Timeline – Staff Report No. 2008-07-03-SPC) have been received by the Committee and do not require separate discussion.

Moved by: D. Marquis

Seconded by: R. Newlove

RESOLVED THAT Staff Report No. 2008-07-01-SPC describing media coverage and web site statistics surrounding Source Water Protection be received for information.

CARRIED BY CONSENSUS

X CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

1.(a) Letter of June 30th, 2008 from the MOE to Ted Devine Re: Medical Officers of Health Liaisons to the Source Protection Committees

Chair Dollin wanted to highlight the fact that the MOE has designated Ted Devine as the Medical Officer of Health liaison to the South Georgian Bay – Lake Simcoe SPC. Also, the Chair recognized that according to the Code of Conduct, SPC liaisons do attend in-camera sessions, but can not vote.

1.(d) Comments send July 4th, 2008 on Draft 1 Terms of Reference documents from Colin Elliott, SPC Member

Colin Elliott's motion will be discussed under Agenda Item 3 – Terms of Reference Update.

Moved by: J. Hemsted

Seconded by: S. Wells

RESOLVED THAT the correspondence listed in the July 24th, 2008 agenda as items 1 (a) through (e) be received for information.

CARRIED BY CONSENSUS

3. Terms of Reference Update (Staff Report No. 2008-07-02-SPC)

Andrea Torok provided an overview of the balance of comments that have been received on Draft 1 of the ToR by reviewing the charts outlining the commend date, comment and staff suggestion. There were some blank areas identified in the suggestions part of the chart as requiring SPC direction. They are as follows:

Page 44 – "That \$600,000 be moved from the Tier 3 study allotment and added to an impact study fund"

- Members Erin Mahoney and Stan Wells suggested considering this in the future when it's know if Tier 3 study needs to be completed.
- The question was asked if the SPC has the authority to transfer funds like this. Don Goodyear explained that a move is subject to the available budget, but it would not require an amendment. He noted that there is some room to expand/contract budgets.
- The SPC would need to add the impact study as a task and assign it an associate budget. It was suggested that the study would be an assessment of economic impact of proposed strategies/plans on individual businesses and would likely be undertaken by a consultant and working group to determine a range of policy options. If a task, scope and budget description is added, it will be very preliminary in nature.
- Member Colin Elliott clarified that compensation may come as a result of the of impact study.
- Member John Hemsted expressed support of this comments if there is room in the budget.

Moved by: D. Marquis

Seconded by: S. Wells

RESOLVED THAT the \$600,000 as noted above in the Tier 3 budget should remain as is until further study.

CARRIED

Opposed: five (5)

Moved by: E. Mahoney

Seconded by: J. Hemsted

RESOLVED THAT an economic impact study be added as a new task or sub-task in Draft 2 of the Terms of Reference document and FURTHER THAT, as amended, SWP staff be directed to identify a budget and work scope for that task and that direction on this be given at the next SPC meeting of August 14th, 2008.

CARRIED BY CONSENSUS

Page 50 - "The financial burden of providing dependable water supply should be borne by those who benefit from it, not by one (or more) farmer(s) who probably received no supply from that well.

- It was suggested that this comment be noted.

Page 51 - "Request that Guidelines and Regulations that will be put in this Act will still allow fair and reasonable agricultural management practices."

- Don Goodyear noted that Draft 2 of the ToR has a revised Mission Statement of the SPC which states "The Source Protection Committee exists to ensure an open process is followed in the development of reasonable, science based policies that protect municipal sources of drinking water now and into the future."

"Of the \$17 million allocated for planning and studies, there is very little information on what the cost of implementing these regulations will be. It is hoped that some money be allocated for an impact study. Very little if any money seems to have been allocated for financial agricultural impact of loss of revenue to the land owners. Recommend that proper 'financial instruments' be put into place for fair and equitable allowances."

- Covered under Impact Assessment which has been added to the SP policy section in the ToR.

"It appears as though there won't be any compensation for not being able to use some of our land to produce food."

- Comment noted.

Page 52 - "Concerned about an unfair burden that will be placed on farmers with regard to the source protection laws that are now being considered. The protection of water for citizens of Ontario should be funded by the citizens of Ontario. Farmers ask that the new laws not be layers upon layers of regulation but plans that make sense, are concise and do not necessarily burden farmers financially. Request that the process slow down so that they can digest and understand what is trying to be accomplished."

- Comment noted.

"The actual guidelines for producing the plan are very vague, and are written in a language that is hard to understand."

- The guidelines are written as such to allow for future flexibility as it's hard to know at this early stage what exactly the specific tasks and associated budgets will be. Comment noted.

"It is not understood why the plan is being pushed through at such a rate, before they have the time to understand what is going on."

- Don Goodyear reviewed the remaining timeline for the ToR and noted that the August 14th SPC meeting is the last chance for the SPC members to comment. The document will then go to the SPAs, who will receive and review all comments and suggest to the Minister to accept or amend the ToR. As well, SPA comments will be available for the SPC to view. Please also note that personal information was not included in some of the comment letters because of privacy issues. When Draft 2 of the ToR is available for public comment on August 15th, there will be a privacy clause included so that the comments become public record.
- Comment noted.

"Develop policies that address funding requirements for the implementation of Source Water Protection plans. This will include measures under the Municipal Act, the Planning Act, or the Clean Water Act."

- Member Colin Elliott explained that the letters commenting on the ToR that are included in the agenda come from a large group of landowners/producers who are important stakeholders.
- Member Stan Wells asked how this fits in with Section 22 of the Clean Water Act which describes what policies can be developed (letter from Ian Smith). Kate Turner will get further clarification from the MOE. Kate also noted that the Raisin-South Nation SPC has created a separate working group for the compensation issue.
- Member Fred Ruf noted that there may already be existing tools in some of the Acts which can be used for this purpose.
- Chair Dollin mentioned that this is an issue in other Source Protection areas, and it has been discussed at Chair's meetings. It's been suggested that the issue needs to go forward to be discussed at a higher level.
- Member David Marquis is not in support of the motion at this time because it involves so many Acts and he feels the MOE will have to consider it at a later time in the planning process.
- Member Alex Millar suggested adding it as a Policy of the SPC, but not including it in the ToR.

Moved by: C. Elliott

Seconded by: F. Ruf

RESOLVED THAT the SPC develop policies that address funding requirements for the implementation of Source Water Protection plans. This will include measures under the Municipal Act, the Planning Act, or the Clean Water Act.

MOTION DEFEATED

Page 52 - "That we develop policies that encourage municipalities to conserve water."

- Many members commented that municipalities already have such policies in place, and that the Safe Drinking Water Act covers this comment. In future, the SP plan will identify stress and may introduce innovative water conservation strategies. Comment noted.

"That we write all of the non-technical parts of the plan in plain English so people can understand them."

- The Committee feels that the Executive Summary section does this quite well. Comment noted.

"That we develop a province-wide protocol of how land owners and municipalities agree on land for wells (eg. 5-year renewable lease for land and easement).

- Comment noted.

"That we have a water ombudsman to mediate on behalf of land owners with municipalities."

- It was suggested that this could possibly be part of the impact study task.
- Chair Dollin will bring this forward at a future Chair's meeting for consideration. It may be considered a province-wide initiative.

Moved by: S. Wells

Seconded by: R. Newlove

RESOLVED THAT Staff Report No. 2008-07-02-SPC regarding the additional comments made on the Draft 1 Terms of Reference documents be received for information, and FURTHER THAT the Source Protection Committee provide direction on inclusion of comments received to date.

CARRIED BY CONSENSUS

4. Terms of Reference Remaining Timelines (Staff Report No. 2008-07-03-SPC)

Moved by: L. Slomka

Seconded by: J. Hemsted

RESOLVED THAT the Staff Report No. 2008-07-03-SPC regarding the remaining timeline for the Terms of Reference document be received for information.

CARRIED BY CONSENSUS

5. EBR Posting on Director's Rules

Moved by: F. Ruf

Seconded by: S. Wells

RESOLVED THAT Staff Report No. 2008-07-04-SPC regarding the Director's Rules on the Assessment Report be received for information, and FURTHER THAT staff be directed to submit the letter attached to the staff report on behalf of the South Georgian Bay Lake Simcoe Source Protection Committee.

CARRIED BY CONSENSUS

XI OTHER BUSINESS

Shawn Slattery, Hydrogeologist with LSRCA, has moved on to a new position in Alberta. The TWG has suggested sending him a letter of thanks. His work will be continued through outsourcing some work.

Chair Dollin mentioned that she has the Ladies of the Lake calendar available for sale (\$15 each).

XII CLOSED SESSION

No closed sessions were identified for this meeting.

XIII ADJOURNMENT

Moved by: D. Marquis

The meeting was adjourned at 5:15 p.m.