

Source Protection Committee - MINUTES

Minutes of Meeting of the Essex Region Source Protection Committee (SPC) held on **Wednesday, April 10, 2019**, in the Essex Civic Centre, Committee Room E, 360 Fairview Avenue West, Essex, Ontario.

Members Present:	John Barnett	Tim Mousseau
	Ron Barrette – carrying proxy for Jean – Marc Beneteau	Larry Verbeke (SPA Liaison)
	Paul Drca	Nathan Warkentin
	Bill Dukes	Nelson Santos – carrying proxy for Cynthia Ouellet
	Tom Fuerth (Chair)	Ian Wilson
	Kevin Girard	Olga Yudina (MECP Liaison)
	Thom Hunt	

Absent:

Regrets:	Jean-Marc Beneteau	Cynthia Ouellet
	Antonietta Giofu	Jim Drummond
	Hans Peter Pfeifer	

Staff: Katie Stammer, Project Manager, Source Water Protection/Water Quality Scientist
Laura Monforton, Risk Management Official/ Inspector

Delegates:

Guests: Warren Higgins
Victoria Peczulis (Health Unit) on behalf of Phillip Wong (Health Unit Liaison)

CALL TO ORDER

The Chair of the SPC, Tom Fuerth , called the meeting to order at 4:35 pm.

CHAIRS WELCOME

Good afternoon. Chair Tom Fuerth welcomed everyone to the meeting and introduced our guests, Warren Higgins and Victoria Pezculis. It is fantastic to see both Ontario Clean Water Agency and Health Unit members.

We are currently in the process of completing the review of the year end annual progress report which will be submitted to MECP for May 1st.

The 2019 SWP draft budget has been submitted. Katie will be meeting with the ministry to review the budget and transfer payment agreement.

The term of appointment expires in August of 2019 for Chair of the SPC, Tom Fuerth. Chair Fuerth will be seeking re-appointment with the support of the Essex Region Source Protection Authority.

DISCLOSURE OF CONFLICT OF INTEREST

None

AGENDA

1. The Agenda for the Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, April 10th, 2019.

Resolution SPC 08/19 Moved by John Barnett

Seconded by Paul Drca

THAT the Agenda for the Wednesday, April 10th, 2019, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

MINUTES

1. Minutes of the Meeting of the Source Protection Committee (SPC) held on Wednesday, February, 27 2019.

Resolution SPC 09/19 Moved by Bill Dukes

Seconded by Ron Barrette

THAT the Minutes for the Wednesday, February 27, 2019, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

CORRESPONDENCE

1. Letter to Susan Stone, Township of Amaranth from Rod Phillips, MECP dated November 21, 2019
Re: Licensing Process to Take Water for Commercial Water Bottling Facilities

Motion to Receive 10/19 Moved by Thom Hunt

Seconded by Ian Wilson

THAT information be received.

- CARRIED

SOURCE PROTECTION AUTHORITY (SPA) INFORMATION

Minutes for the Meeting of the Essex Region Source Protection Authority (SPA) held on November 8, 2018.

Resolution SPC 11/19 Moved by John Barnett

Seconded by Nelson Santos

THAT the Minutes for November 8, 2018 be received.

- CARRIED

MECP LIAISON'S UPDATE

Olga Yudina, MECP liaison provided a brief update to the SPC. There are two postings on the Environmental Registry of Ontario that impact Conservation Authorities Act. The first addresses the conservation authority mandate by defining core mandatory programs and services, one of them being Source Water Protection; the new version of the CA Act updates how CAs use levies and fees to pay for programs and services, and discusses the governance and accountability of CAs. The proposed changes to the CA Act aim to improve transparency for CA core responsibilities. MECP is working with the Source Water branch to define what the core SWP program would look like, likely to reflect the CA's role with the CWA and regulations. The second proposal on the Environmental Registry is meant to streamline CAs permitting and planning roles and improve consistency across CAs. Our goal is to encourage you to submit comments, as this relates to Source Water Protection among other programs. The proposals are open for public comment until May 20, 2019.

PRESENTATION

None

REPORTS A PowerPoint summary presentation provided by Katie Stammeler is attached.

1. **Report SPC 03/19** – Draft Responses for the 2018 Annual Reporting template

Resolution SPC 12/19 Moved by Nelson Santos

Second by John Barnett

THAT the 2018 Essex Region Source Protection Authority Annual Progress Report be submitted to the MECP on or before May 1, 2019 pending suggested changes and additions made by the SPC, and endorsement by the SPA

- CARRIED

2. **Report SPC 04/19** – S. 51 updates to the Essex Region Source Protection Plan

Resolution SPC 13/19 Moved by Paul Drca

Seconded by Nathan Warkentin

THAT the proposed minor amendments be made by the SPA; and further, THAT the amendments be published on the Internet as soon as reasonable possible.

- CARRIED

3. **REPORT SPC 05/19** – Source Protection Committee Membership

Resolution SPC 14/19 Moved by Ron Barrette

Seconded by Thom Hunt

THAT Report SPC 05/19 be received for information

- CARRIED

OTHER BUSINESS

The Essex Region Conservation Authority rebranded to a new look and recently redesigned their website. Source Water Protection is now maintained and integrated into ERCA's new website and can be found on the landing page.

NEW BUSINESS

None

MEETING ADJOURNMENT

Resolution SPC 15/19 Moved by John Barnette

Seconded by Bill Dukes

THAT the meeting be adjourned.

- CARRIED

DATE – NEXT MEETING

The next meeting of the SPC is to be determined.

CONCLUSION OF MEETING



Katie Stammer,
Project Manager, Source Water Protection/
Water Quality Scientist



Annual Progress Reports

- Annual Progress Reports are required by May 1st each year
- Reports are generated from data collected from Implementing Bodies, received by February 1
- The Report will cover progress toward implementation cumulatively from October 1, 2015 (effect date) to December 31, 2018.
- Significant progress in 2018 is highlighted
- Reports are produced using a template provided by MECP
- This is the second Annual Progress Report produced by the ERSPA
- **The SPA is required to provide the SPC 30 days to comment on the Report**

DRINKING WATER
SOURCE PROTECTION
Our Actions Matter

Structure of Annual Progress Report

- Part I – Introduction
- Part II – Message from the SPC
- Part II – Our Watershed
- Part IV – Progress on Source Protection Plan Implementation
 - Implementation Progress
 - Municipal Progress
 - Septic Inspections
 - Risk Management Plans
 - Provincial Progress
 - Change in Behaviour
 - Summary of Delays
 - Source Water Quality: Results of monitoring projects
 - Assessment Reports/Work Plans
 - More from the Watershed

DRINKING WATER
SOURCE PROTECTION
Our Actions Matter

Scoring in Annual Progress Report

P – Progressing Well
S – Satisfactory
L – Limited progress

- Overall Score
- Implementation Progress
- Municipal Progress
- Risk Management Plans
- Provincial Progress

DRINKING WATER
SOURCE PROTECTION
Our Actions Matter

Annual Progress Report

DRINKING WATER
SOURCE PROTECTION
Our Actions Matter

Recommendation

- THAT the 2018 Essex Region Source Protection Authority Annual Progress Report be submitted to the MECP on or before May 1, 2019 pending suggested changes and additions made by the SPC, and endorsement by the SPA

SPC Report 04/19

s.51 updates

S.51 of O.Reg 278/07 allows for simple amendments that do not change the intention of the SPP or policies

51. (1) Subsections 34 (2) to (5) and 35 (4) to (8) of the Act and section 50 of this Regulation do not apply to the following amendments to a source protection plan:

1. An amendment that is made to correct a clerical, grammatical or typographical error.
2. An amendment that is made to alter the style or presentation of text or graphics in order to improve electronic or print presentation.
3. If the source protection plan contains a provision that is contingent on the occurrence of a future event and the event occurs, an amendment that is made to remove the text referring to the contingency and to make any related changes.
4. An amendment that is made to change references to a name, title, location or address if the name, title, location or address of a body, office, person, place or thing has changed.
5. An amendment that is made to correct errors in the numbering of provisions of the source protection plan and any related changes in cross-references.
6. An amendment that is made to correct errors, if it is patent that an error has been made and what the correction should be.
7. An amendment to update the assessment report portion of the source protection plan to reflect the results of a risk assessment accepted under subsection 60 (2) of the Act.
8. An amendment that is made to a source protection plan to account for the discontinuation of the use of a well or surface water intake related to a drinking water system that is referred to in the source protection plan.
9. An amendment that is made to a source protection plan to account for a change in the terminology used in the Tables of Drinking Water Threats. O. Reg. 246/10, s. 12; O. Reg. 206/18, s. 5 (1).

s.51 updates

S.51 of O.Reg 278/07 allows for simple amendments that do not change the intention of the SPP or policies

51. (1) Subsections 34 (2) to (5) and 35 (4) to (8) of the Act and section 50 of this Regulation do not apply to the following amendments to a source protection plan:

4. An amendment that is made to change references to a name, title, location or address if the name, title, location or address of a body, office, person, place or thing has changed.

- Hyperlinks to the ERSPA website updated to <https://essexregionconservation.ca/source-water-protection/> (s.51(1)(4) of O.Reg 287/07)
- Hyperlinks to the Tables of Drinking Water Threats updated to <http://swpip.ca/> or <https://www.ontario.ca/page/tables-drinking-water-threats> as applicable (s.51(1)(4) of O.Reg 287/07).

s.51 updates

S.51 of O.Reg 278/07 allows for simple amendments that do not change the intention of the SPP or policies

51. (1) Subsections 34 (2) to (5) and 35 (4) to (8) of the Act and section 50 of this Regulation do not apply to the following amendments to a source protection plan:

6. An amendment that is made to correct errors, if it is patent that an error has been made and what the correction should be.

- Text in Table 5.2 and sections 2.4 and 5.3 of the SPP updated to reflect previous s.51 update to fuel policies – i.e. changing 'containing 2% benzene or more' to 'containing benzene' (s.51(1)(6) of O.Reg 287/07)

s.51 updates

S.51 of O.Reg 278/07 allows for simple amendments that do not change the intention of the SPP or policies

51. (1) Subsections 34 (2) to (5) and 35 (4) to (8) of the Act and section 50 of this Regulation do not apply to the following amendments to a source protection plan:

2. An amendment that is made to alter the style or presentation of text or graphics in order to improve electronic or print presentation

- Updated cover page to include new logo, both DWSP and ERCA (s.51(1)(2) of O.Reg 287/07)

3. If the source protection plan contains a provision that is contingent on the occurrence of a future event and the event occurs, an amendment that is made to remove the text referring to the contingency and to make any related changes.

- Executive Summary, and sections 2.0, 2.4 and 3.2 of the SPP updated to include the approval dates of the SPP and AR (s.51(1)(3) of O.Reg 287/07)

s.51 updates

S.51(2) specifies the requirement that amendments made under s.51(1) must be posted on the internet with a notice explaining the amendment

51. (2) If an amendment described in subsection (1) is made, the source protection authority shall,

- (a) publish the amended source protection plan and a notice describing the amendment on the Internet as soon as reasonably possible after the amendment is made; and
- (b) give a copy of the notice referred to in clause (a) to the Director and to every person or body responsible for implementing a policy that is affected by the amendment. O. Reg. 206/18, s. 5 (2).

Recommendation

THAT the proposed minor amendments be made by the SPA; and further,

THAT the amendments be published on the Internet as soon as reasonably possible

SPC Report 05/19

SPC terms of appointment

- Ontario Regulation 288/07 "Source Protection Committees" sets out the requirements for the size, appointment and operation of source protection committees.
- Section 8(1) of O.Reg 288/07 discusses the Term of appointment of SPC members. Specifically, s.8(1)(1) applies to the Essex Region Source Protection Committee:

8. (1) The term of the appointment of a member of a source protection committee who was appointed by a source protection authority **on or before the day Ontario Regulation 310/15** came into force for a term governed by subsection 8 (1) or (3), as it read immediately before that day, **expires** in accordance with the following rules:
- In the case of a source protection committee established for a source protection area, **the term must expire before January 1 of the calendar year in which the third annual progress report required by section 46 of the Act is required to be submitted.** **October 16, 2015**
January 1, 2020

SPC membership terms

SPC Member	Sector	Appointment Date	Term Expiration Date
Paul Drca**	Municipal	02-Nov-15	02-Nov-20**
Antonietta Giofu*	Municipal	2009	Jan 1, 2020*
Kevin Girard	Municipal	21-Feb-19	21-Feb-24
Thom Hunt*	Municipal	2007	Jan 1, 2020*
Nelson Santos**	Municipal	02-Nov-15	02-Nov-20**
John Barnett*	Economic	2007	Jan 1, 2020*
Jean-Marc Beneteau	Economic	14-Apr-16	14-Apr-21
Hans Peter Pfeifer*	Economic	2007	Jan 1, 2020*
Nathan Warkentin	Economic	08-Nov-18	08-Nov-23
Ian Wilson*	Economic	11-Sep-14	Jan 1, 2020*
Ron Barrette	Other	14-Apr-16	14-Apr-21
Jim Drummond	Other	08-Nov-18	08-Nov-23
Bill Dukes*	Other	11-Sep-14	Jan 1, 2020*
Tim Mousseau*	Other	2007	Jan 1, 2020*
Cynthia Ouellet	Other	14-Dec-17	14-Dec-22

* Indicates SPC members whose terms of appointment expire January 1, 2020
** Indicates SPC members whose terms of appointment expire before the end of 2020

Municipal members

- Municipalities have the following representation as determined under s.3(1)a of O.Reg 288/07:

City of Windsor – 2 members
Union Water Board – 1 member
Town of Lakeshore – 1 member
Town of Amherstburg – 1 member

- As per s. 3(4) of O.Reg 288/07, the SPA is required to issue a notice to the clerk of each municipality. The municipalities then have 60 days to submit names to be appointed to the SPC.

'Other' and Economic members

- The appointment of all other members falls under section 4 of O.Reg 288/07.
- Requires that a notice as described in s.4(2) be published on the internet or newspapers for a minimum of 30 days.
- At least two members of the Economic sector must remain agricultural representatives, otherwise members in this sector are chosen according to s. 4(9) of O.Reg 288/07.
- Members in the Other sector are selected based on s. 4(10) of O.Reg 288/07.

Recruitment Process

- ERSPA staff will post the notices as described below:
 - 1) Notice to municipalities before the end of April, 2019 with a request for recommendations for the Municipal sector representatives within 60 days of receipt of the notice; and
 - 2) Notice issued publicly by May 1, 2019 for the Other and Economic sector members for a period of 30 days. Interviews will be conducted in June, 2019 by the Project Manager and Chair Fuerth as necessary
- Appointments or reappointments will be made at the SPA meeting on September 12, 2019

Recommendation

THAT SPC Report 05/19 be received for information