



# LAKE ERIE REGION SOURCE PROTECTION COMMITTEE MEETING MINUTES

Date: September 26, 2024

Time: 1:00 pm

Location: Auditorium  
Grand River Conservation Authority  
400 Clyde Road, Box 729  
Cambridge, ON N1R 5W6

Members Present: A. Dale, L. Davis, L. Dickson, A. Domaratzki, P. Emerson, C. Gerrits, A. Henry, K. Hunsberger, M. Jauernig, R. Krueger, I. Macdonald, A. Piggott, G. Schneider, J. Sepulis, F. Sault, L. Vandendriessche, B. Whitwell

Members Absent: L. Jones, G. Moroz, P. Rider, B. Strauss, B. Ungar, P. Wilson

Proxies: I. Macdonald (G. Moroz & P. Rider)

Liaisons: J. Maxwell (Source Protection Authority), B. Forrest, M. Lemke & M. Ahmed (Provincial - MECP), T. Black (Public Health)

Staff: S. Dahmer, J. Ivey, E. Persaud, K. Rosebrugh

## 1. Call to Order

S. Walsh called the meeting to order at 1:15 p.m.

## 2. Roll Call and Certification of Quorum – 14 Members Constitute a Quorum (2/3 of Members plus Chair)

The Recording Secretary called the roll and certified a quorum with 19 members present.

## 3. Chair's Remarks

S. Walsh announced that R. Krueger has decided to step down from the Source Protection Committee (SPC). He noted that this will be R. Krueger's last meeting and acknowledged his 17 years of dedicated service as a Business and Industry representative.

## 4. Updates

#### **4.1 Source Protection Authority Liaison, Long Point Region Conservation Authority**

J. Maxwell provided the following updates:

- The Transfer Payment Agreement for source protection program funding has been signed (April 2024 to March 2027). It is the first time funding has been secured for three years.
- The Lake Erie Region Management Committee has recommended four SPC members for appointment; two members are returning and two members are new and will join the SPC in the coming months.

#### **4.2 Ministry of the Environment, Conservation and Parks (MECP)**

B. Forrest provided the following updates:

- Mohammed Ahmed has joined the Conservation and Source Protection Branch as an intern and will be providing extra staff support.
- MECP has finished signing all of the 3-year Transfer Payment Agreements for Source Protection Regions (SPRs) across the Province. The 3-year agreements offer more stability for implementation of the source protection program.
- A Chairs meeting is planned for October 8, 2024. This will provide branch Director, Kirsten Service, an opportunity to interact with SPC Chairs across the Province. Program Managers are also invited to attend.
- Staff continue to finalize the revised guidance for the section 34 amendment process.
- MECP has analyzed the Province-wide results from Annual Progress Reports up to 2022 and has produced a 1-page Placemat to summarize implementation statistics and successes. The placemat has been provided to Program Managers to circulate to SPCs, working groups etc.

#### **4.3 Conservation Ontario**

None

### **5. Review of Agenda**

Res. No. 30-24

**Moved By** A. Henry

**Seconded By** P. Emerson

THAT the agenda of September 26, 2024 be approved as distributed.

**Carried**

**6. Declarations of Pecuniary Interest**

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

**7. Minutes of the Previous Meeting**

A correction to the June 20th minutes was made. Resolution 28-24 had been omitted and was added as follows:

Res. No. 28-24  
Moved By: R. Krueger  
Seconded By: P. Rider  
THAT report SPC-24-06-05 S.36 Draft Policy Approaches for Sewage Subthreats be received as information.

Res. No. 31-24

**Moved By** R. Krueger  
**Seconded By** J. Sepulis

THAT the minutes of the previous meeting on June 20, 2024 be approved as corrected.

**Carried**

**8. Hearing of Delegations**

None.

**9. Presentations**

None.

**10. Correspondence**

Res. No. 32-24

**Moved By** J. Sepulis  
**Seconded By** A. Piggott

THAT correspondence from September 26, 2024 be received as information.

**Carried**

**10.1 Andrea Khanjin, Minister of the Environment, Conservation and Parks to Chris White (GRSPA), Grant Jones (KCSPA), and Steve Walsh (LERSPC) regarding approval of the Section 36 update to the Kettle Creek Source Protection Plan (July 24, 2024)**

- 10.2 Andrea Khanjin, Minister of the Environment, Conservation and Parks to Chris White (GRSPA) and Steve Walsh (LERSPC) regarding approval of the Section 34 amendment to the Grand River Source Protection Plan (September 9, 2024)**
- 10.3 Andrea Khanjin, Minister of the Environment, Conservation and Parks to Chris White (GRSPA), Paul Buchner (CCSPA), and Steve Walsh (LERSPC) regarding approval of the Section 36 update to the Catfish Creek Source Protection Plan (September 10, 2024)**
- 10.4 Nathan Hyde, Chair of CTC Source Protection Committee to Andrea Khanjin, Minister of Environment, Conservation and Parks and Graydon Smith, Minister of Natural Resources regarding importation of excess soil into Wellhead Protection Areas (June 28, 2024)**

J. Sepulis noted that the correspondence from CTC (item 10.4) raises significant concern. He put forward a motion directing staff to provide a report with more information on the importation of excess soil in Wellhead Protection Areas (WHPAs) and if the activity could be considered a local threat.

G. Schneider commented that MECP guidelines and regulatory controls for soil importation are comprehensive. He was unsure if additional controls are necessary and felt that the issue appears to be jurisdictional conflict and lack of ministry oversight. The report from staff should focus on clarifying enforcement responsibilities.

A. Dale supported receiving more information on ministry oversight. Landowners can be significantly impacted when there is ministerial conflict during enforcement of regulations.

C. Gerrits provided additional context on the correspondence. The proposed soil importation on the subject site (Township of Amaranth) resulted in a disagreement on enforcement responsibility. The applicant has since abandoned their plan to fill the pit over a period of 6 weeks using topsoil from an adjacent property and will now fill the pit slowly with construction spoils from a vacuum truck business. This is a worse situation resulting from the jurisdictional conflict. To designate the activity a local threat would allow regulatory oversight through the Clean Water Act (CWA).

L. Davis added that there is a gravel pit in the County of Brant that may be of similar concern and it would be helpful to have more information on the role of the Ministry of Natural Resources (MNR) versus MECP with respect to the importation of excess soil.

B. Forrest confirmed that aggregate sites importing soil must conform with O.Reg. 406/19 (On-site and Excess Soil Management); however, the MECP continues to discuss the issue of oversight with CTC, local municipalities and MNR. It should be noted that under the 2021 Technical

Rules, a local threat cannot be requested if the activity is already managed or regulated through another piece of federal or provincial legislation.

F. Sault shared that excess soil is also a concern on reserve lands where there is no by-law enforcement. Large green space areas containing wetlands and species at risk are of particular concern. Reserve lands belong to the federal government. She asked if there were any federal laws that regulate excess soil importation.

S. Walsh noted that federal law could be researched by staff as part of the report.

L. Dickson agreed that federally owned lands appear to be non-regulated but can still impact water quality for the province. Provincial regulations are in place elsewhere, but enforcement and potential contamination remain a concern. She supported receiving a staff report with more information.

C. Gerrits added that site developers in the Township of Amaranth have discovered using federal exemptions as a loophole for soil importation.

Res. No. 33-24

**Moved By** J. Sepulis  
**Seconded By** K. Hunsberger

THAT the Lake Erie Region Source Protection Committee direct staff to provide a report with more information on the importation of excess soil in Wellhead Protection Areas and whether the activity could be considered a local threat.

**Carried**

## **11. Reports**

### **11.1 SPC-24-09-01 Source Protection Program Update**

S. Dahmer presented the report.

Res. No. 34-24

**Moved By** A. Dale  
**Seconded By** J. Sepulis

THAT report SPC-24-09-01 Source Protection Program Update be received as information.

**Carried**

**11.2 SPC-24-09-02 S.34 Amendment to the Grand River Assessment Report and Source Protection Plan: Regional Municipality of Waterloo**

E. Persaud presented the report.

Res. No. 35-24

**Moved By** A. Henry

**Seconded By** J. Sepulis

THAT report SPC-24-09-02 S.34 Amendment to the Grand River Assessment Report and Source Protection Plan: Regional Municipality of Waterloo be received as information;

AND THAT the Lake Erie Region Source Protection Committee release the S.34 amendment to the Grand River Assessment Report and Source Protection Plan to the Source Protection Authority for submission to the Ministry of the Environment, Conservation and Parks.

**Carried**

**11.3 SPC-24-09-03 S.34 Amendment to the Grand River Assessment Report and Source Protection Plan: County of Brant**

E. Persaud and K. Rosebrugh presented the report.

A. Dale thought he read an announcement that the County of Brant was updating their water treatment plant. He asked if this was related to the current section 34 amendment for the wells in St. George.

E. Persaud was unsure but noted that there are two bedrock wells at St. George that are not online yet which could be related to planned upgrades.

J. Ivey commented that provincial funding was recently received for an expansion to the Water Pollution Control Plant (wastewater) not the water treatment plant.

Res. No. 36-24

**Moved By** R. Krueger

**Seconded By** L. Davis

THAT report SPC-24-09-03 S.34 Amendment to the Grand River Assessment Report and Source Protection Plan: County of Brant be received as information;

AND THAT the Lake Erie Region Source Protection Committee release the S.34 amendment to the Grand River Assessment Report and Source Protection Plan for pre-consultation.

**Carried**

**11.4 SPC-24-09-04 S.34 Amendment to the Grand River Assessment Report and Source Protection Plan: City of Brantford**

E. Persaud and K. Rosebrugh presented the report.

F. Sault had questions about the potential impacts of liquid hydrocarbon pipelines and carbon storage. She asked if a contact could be provided.

B. Forrest noted that pipelines that cross provincial or international borders fall within Federal jurisdictions, and pipelines contained wholly within Ontario fall under the jurisdiction of the Ontario Energy Board.

B. Forrest noted that the topic of carbon storage is an emerging issue for the Province and there is active conversation on this subject.

S. Walsh noted that MNR was conducting consultation on proposed carbon storage beneath the Great Lakes. He attended a session that was very informative.

B. Forrest will work with S. Dahmer to provide a contact(s).

Res. No. 37-24

**Moved By** J. Sepulis

**Seconded By** L. Dickson

THAT report SPC-24-09-04 S.34 Amendment to the Grand River Assessment Report and Source Protection Plan: City of Brantford be received as information;

AND THAT the Lake Erie Region Source Protection Committee release the S.34 amendment to the Grand River Assessment Report and Source Protection Plan for pre-consultation.

**Carried**

**11.5 SPC-24-09-05 City of Hamilton Communal Well System Update**

E. Persaud presented the report.

C. Gerrits indicated that the change in WHPA delineation is very minor and asked why a section 34 amendment was required. E. Persaud confirmed that the well replacement is like-for-like with no change in pumping rates and that MECP provided direction for the amendment.

C. Gerrits recalled a similar scenario where a section 34 amendment was not required and felt the inconsistent direction is concerning.

S. Dahmer commented that this is a reoccurring topic of discussion among staff, the Implementation Working Group (IWG), and MECP. In this case, an amendment to the Source Protection Plan was required because of mapping updates. There is urgency for the municipality to bring the replacement well online; therefore, it was not feasible to delay an amendment until the upcoming section 36 update. Staff will continue discussions with MECP to gain a better understanding of why the interpretation of requirements has been inconsistent.

B. Forrest shared that these scenarios are common across the Province. Unfortunately, the regulation indicates that a change to vulnerable area mapping warrants a Source Protection Plan amendment. How to approach the amendment is at the discretion of the Source Protection Authority (SPA), whether through section 34 or section 51. Section 51 can be used for editorial edits and does not require MECP approval. The SPA can determine if the updates could fall under section 51. To date, MECP has provided an interpretation of the regulatory framework and the amendment options available to the SPA.

Res. No. 38-24

**Moved By** R. Krueger  
**Seconded By** C. Gerrits

THAT report SPC-24-09-05 City of Hamilton Lynden Communal Well System Update be received as information.

AND THAT the Lake Erie Region Source Protection Committee direct staff to incorporate the City of Hamilton Lynden Communal Well System Update into the Grand River Assessment Report.

**Carried**

**11.6 SPC-24-09-06 S.36 Update - Proposed changes to non-municipal sections of the Long Point Region Source Protection Plan and supporting documents**

K. Rosebrugh presented the report.

Res. No. 39-24

**Moved By** A. Dale  
**Seconded By** C. Gerrits

THAT report SPC-24-09-06 S.36 Update - Proposed changes to non-municipal sections of the Long Point Region Source Protection Plan and supporting documents be received as information;

AND THAT the Lake Erie Region Source Protection Committee direct staff to incorporate the proposed changes into the S.36 update to the Long



Point Region Assessment Report, Source Protection Plan, and Explanatory Document.

**Carried**

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

**12.1 Local aggregate threat request under Technical Rule 119: Discussion has been referred to the Lake Erie Region IWG for further consideration.**

**12.2 MECP response to SPC concerns regarding Part IV policy implications for storm water management subthreats 2.3 and 2.4 (report SPC-24-06-05 - Draft Policy Approaches for Sewage Subthreats).**

B. Forrest provided the following update:

- The question remains as to whether Part IV tools can be used to regulate storm water management activities that are significant drinking water threats. Under the CWA, Part IV tools cannot be used for storm water management activities that are already regulated through an Environmental Compliance Approval (ECA).
- LER municipalities have provided MECP with examples where storm water management activities may not have an ECA but may still be a significant drinking water threat (e.g. residential properties or LID measures exempt from ECA). This has been very eye-opening for MECP staff.
- MECP is committed to continuing the discussion and will provide updated guidance to all SPRs across the Province. Determining a final answer has been more complicated than first anticipated. MECP appreciates the SPC's patience as they prepare a formal response for a future meeting.

## **13. Other Business**

### **a) Protection for private wells**

J. Sepulis commented that the CWA and source protection program does not provide protection for private wells. He is aware of other SPRs advocating to have the CWA expanded to include private wells. He put forward a motion directing staff to work with IWG and consult with other SPRs to provide a report on options that the SPC could consider for enhancing the protection of private wells.

C. Gerrits did not support the motion stating that there is already a best practices manual for private wells and well construction specifications under Regulation 903. Expanding the CWA to private wells is not a good idea and there is no benefit to a staff report.

L. Davis did not support the motion stating that a lot of work has already been done on the Environmental Farm Plan to help farmers protect their own source of water and this would impact rural wells the most.

G. Schneider did not support the motion stating there are already regulations in place for private wells. A staff report will likely show that little can be done to improve the regulations.

L. Vandendriessche did not support the motion stating that there is sufficient regulations in place and there is no benefit to increasing requirements for private well owners.

C. Walsh called for a recorded vote.

Res. No. 40-24

**Moved By** J. Sepulis

**Seconded By** L. Dickson

THAT the Lake Erie Region Source Protection Committee direct staff to work with the Implementation Working Group and consult with other Source Protection Regions to provide a report on options for enhancing the protection of private wells.

**In favour: 9**

**Opposed: 9**

**Defeated**

A. Dale recalled that the Canadian Environmental Law Association (CELA) advocated for the expansion of the CWA to private wells a few years ago. Their correspondence was provided to the SPC at that time. He asked if staff could re-circulate CELA's letter to the SPC for information.

Several SPC members agreed this would be helpful.

S. Dahmer confirmed that CELA's correspondence will be re-circulated.

**Other Business**

**b) Carbon storage**

L. Davis raised the topic of carbon storage under the Great Lakes and asked if there was any action the SPC could take.

S. Dahmer felt there was no direct connection to SPC's mandate but agreed it is a topic of interest and staff could coordinate with MECP to bring more information.

S. Walsh suggested that MNR could be invited to do a presentation on carbon storage if feasible. F. Sault supported receiving more information from MNR.

**16. Adjourn**

The Lake Erie Region Source Protection Committee meeting of September 26, 2024 adjourned at 3:11 p.m.

Res. No. 41-24

**Moved By** J. Sepulis

THAT the Lake Erie Region Source Protection Committee meeting of September 26, 2024 be adjourned.