

MISSISSIPPI-RIDEAU SOURCE PROTECTION REGION
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MINUTES

Mississippi Rideau
Source Protection Committee **April 3, 2008** **5/08**

Present:

George Braithwaite	Scott Bryce
Carol Dillon	Richard Fraser
Domenic Idone	Paul Knowles
Christine Leadman	Randy Malcolm
Peter McLaren	Beverly Millar
Eleanor Renaud	Jim Riopelle
Janet Stavinga (Chair)	Mary Trudeau
Mark Burnham (SPA Liaison)	
Katie Fairman (MOE Liaison)	

Regrets:

Alex Cullen	Patricia Larkin
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Staff:

Charles Billington	Brad Carew
Sommer Casgrain-Robertson	Karyn Cornfield
Dell Hallett	Kristina Kamichaitis
Manon Lalonde (Delcan)	Paul Lehman
Emily Saumure	Sean Sterling (Intera)
Brian Stratton	

1. Welcome

a) Agenda Review

Chair Stavinga went over the purpose of the meeting and the agenda.

b) Notice of Proxies

Patricia Larkin provided her notice of proxy to Mary Trudeau by email.

c) Adoption of the Agenda

Motion 1-04/08

That the Agenda be adopted.

Carried

d) Declarations of Interest

None.

e) Approval of Minutes

Motion 2-04/08:

That the minutes of the Mississippi-Rideau Source Protection Committee meeting of March 6, 2008 be approved.

Carried

f) Status of Action Items

Status updates of each action item were provided in the agenda.

Karyn Cornfield provided an update on the Committee member's emails. Source water email accounts were created for all members. An instructions memo was sent out to members from John Demorest. The email addresses have been posted on the SPC website. Members can change their passwords through John Demorest or at the computer in the Monterey Boardroom at RVCA.

Summer meeting locations have been finalized. An updated meeting schedule and a locations map were included in the blue folders.

2. Events and Presentations

a) Update from Staff

Sommer Casgrain-Robertson provided an update on staff events.

Brian Stratton and Casgrain-Robertson attended the MNR (Ministry of Natural Resources) Staff Source Water Protection Workshop on April 1. MNR staff were very interested in the work being done locally for source protection and asked to be kept informed as the process progresses.

Upcoming Events:

- The Cottage Show (Ottawa), April 11-13 (Sommer attending)
- Ottawa Eco-Stewardship Fair, April 19 (Sommer attending)

b) Update from Members

Carol Dillon reported that she had attended a workshop in Toronto for SPC members by the Canadian Environmental Law Association. The title of the workshop was "Developing Strong Terms of Reference". Dillon will send out a summary of key points.

Richard Fraser is planning to attend the Rural Summit.

3. Preliminary Draft (version 1) Terms of Reference

Brian Stratton presented the first draft of the ToR (Terms of Reference). The MRSPC is required to submit the ToR for each of the two Source Protection areas, namely, MV (Mississippi Valley) and RV (Rideau Valley), to the SPAs (Source Protection Authorities) by August 20, 2008

for submission to the Province by October 20, 2008.

During the presentation, SPC members provided comments. Most committee members expressed concern that the two documents were difficult to read, not user-friendly and hard to understand. Several improvements were suggested and discussed by the Committee, including the provision of a narrative/explanatory notes, cover letter or executive summary. All suggestions were noted and provided to staff for use in developing version 2.

Peter McLaren reported that if the money showing for wellheads in Lanark Highlands required a resolution that the Township was currently without a clerk to write it. The Chair requested that MR staff assist McLaren with drafting a resolution.

- Precautionary Principle

Carol Dillon introduced discussion on the precautionary principle in an email previously posted to members of the Committee for their consideration. Each member received a copy of Dillon's proposal in their blue folders (see Attachment 1 at the end of this document).

Key points raised by Dillon are summarized as follows:

"Decisions required from the SPC will require judgment and discretion -- especially where supporting information is weak or insufficient. In such cases, a set of guiding principles for decision making would be helpful. Thus, I would like to propose that the SP Committee discuss one such principle -- the precautionary principle -- and consider including it as part of the Terms of Reference.

The precautionary principle is mentioned in the Part II Walkerton Report (pp. 76-77; 150; 437). It is also listed as Guiding Principle 23 in the report Watershed-Based Source Protection Planning: Science-based Decision-making for Protecting Ontario's Drinking Water Resources: A Threats Assessment Framework, Technical Experts Committee, Report to the Minister MOE, Nov 2004, p.12. This report states: "Source protection planning committees should incorporate the 'uncertainty principle' into the source protection planning process, so that the resulting risk management activities are consistent with the level of certainty (acknowledging that certainty is largely a data-constrained principle)." To ensure the precautionary principle is considered, it needs to be included specifically."

Katie Fairman (MOE) said that the CWA is inherently precautionary and the technical work currently underway employs this principle.

Members agreed to defer the discussion on the precautionary principle to a later date following a response from staff and the MOE. Dillon is to provide the list of O'Connor principles.

It was noted that a draft compensation policy for affected property owners had been presented to the Raisin-South Nation SP Committee.

Mark Burnham (SPA) identified that Conservation Ontario has been

doing work about ecological goods and services where land owners are compensated for environmental acts (e.g. riparian plantings) that protect the common good.

Members mentioned that compensations programs/policies can also be found in ALUS (Alternate Land Use Services), the City of Ottawa wetland policy, and the North Augusta bylaws.

Fairman (MOE) is to provide standard messaging. Robertson is to circulate a draft copy of the compensation policy document presented to the Raisin-South Nation SP Region.

4. Ministry of the Environment Presentation

Katie Fairman from the MOE gave a presentation on the “safety net” of provincial legislation protecting Ontario’s drinking water. Fairman’s presentation also included an overview of the primacy of the *Clean Water Act* (section 39). Members asked questions during the presentation. Discussion is summarized below.

Discussion during Katie Fairman’s (MOE) Presentation on the Ontario Drinking Water “Safety Net”

One member asked if schools were included in the CWA. Fairman responded that, depending on size, schools are not typically included in the CWA; rather they are regulated (heavily) under other legislation.

One member asked how areas outside of the CA’s boundaries (e.g. Renfrew County) are covered, such as the City of Pembroke. Fairman responded that Pembroke, and all other Ontario residential drinking water systems, are covered by the SDWA. Fairman noted that Renfrew County had received funding for screening of their municipal systems.

- **Conformance**

The Chair noted that of the four protection areas: IPZs (Intake Protection Zones), WHPAs (Wellhead Protection Areas), HVAs (Highly Vulnerables Areas), and SGRAs (Significant Groundwater Recharge Areas), the MRSPR will see significant threats in only two of these areas and can only get a score of 60.

Fairman (MOE) responded that threats can be significant in IPZs or in WHPAs. The ranking of threats in HVAs and SGRAs can be addressed during the public comment period when the Director’s Rules are posted. Documentation from the MRSPC is being considered by the Province.

A member noted that because of the narrow definition of protection zones it would be very unlikely that there will be a conflict of provisions.

A member expressed concern that expectations at the outset were not being matched and that the CWA is not as “robust” as expected.

Fairman responded that the scope of the Act has not changed and has always been geared to municipal drinking water in these specific protection areas only. Legal tests were completed to address worst

case scenarios. Some felt that the CWA was too strong so the result is a more balance approach. The enormous data gathering and information collection exercise that is being undertaken is having a big impact. There's a messaging issue that the Province is currently trying to manage.

A member reminder everyone that the SPC's work is significant as it is responsible for protecting drinking water sources for approximately 70% of the Region's population.

5. Draft Technical Reports

Manon Lalonde from Delcan Consulting presented the "Conceptual Understanding of the Water Budget" report that was completed by MR staff and approved by the Province in March 2007. The questions and comments about the presentation are given below.

Discussion during Manon's Presentation on the "Conceptual Understanding of the Water Budget"

Lalonde noted a slide correction to Figure 3.2-1. Perth drinking water consumption of 150 m³/d (cubic metres per day) should read 4,500 m³/d.

A member asked for the definition of sustainable use. Lalonde responded that this will be addressed in full later in Module 7.

A member asked that the 1% water taking of water surplus be removed from the slide showing the pie chart of water quantity supply. The information is misleading. It undermines the complexity of the analysis. The water surplus has to account for other water uses (e.g. ecological).

Staff clarified that the conceptual water budget, a screening step to Tier 1, is an average, annual, regional analysis. Although no significant stresses were found, the average, annual, regional scale masks seasonal and local stresses. Tier 1 will be based on a finer scale (monthly, subwatershed) and will reveal stresses on municipal drinking water systems.

In keeping with the Governing Rules of Procedures as to the length of meetings, the Committee considered a motion to extend their deliberations beyond four hours.

Motion 3-04/08

That the SPC meeting be continued beyond four hours.

Carried

Additional comments were as follows:

- Surface water systems should include Ottawa River as it supplies water to a huge population. The Ottawa River is a key surface water component and water levels need to be identified. If Ottawa River levels change, we will have to rely on more hydro power rather than

the natural hydraulic grade line. Therefore it's important to document aspects of the Ottawa River water supply.

- Average monthly wastewater discharges are 30% higher than average monthly water takings for Perth, Almonte and Kemptville (Table 3.7-5). Water infrastructure inefficiencies are a major issue. The report needs a 'hook' in the text that raises the issue of infrastructure condition.
- The report would benefit from a look at trend information and analysis in water consumption and wetland coverage.

A member asked what percentage of treated water is usually recovered. Staff responded that recovery is system specific and depends on state of infrastructure. Wastewater flows range depending on weather. Higher flows are normally due to combined sewer overflows.

A member asked if the OMYA water takings that were presented in the report are the actual takings or the permitted takings. Lalonde responded that the actual OMYA water takings are presented.

A member asked if the wells referred to on page 20 are domestic wells. Staff responded that residential wells were used. Residential well populations were assumed for the residential well population estimates. A relatively conservative consumption rate of 200 Lpcd (Litres per capita per day) was used to estimate well consumption.

Stratton explained that the water budget report underwent an extensive peer review process including review by water experts from academic, consulting, and municipalities. Tier 1 is coming soon.

Chair recommended not posting the presentation until appropriately revised in order to provide clarity and avoid sending the wrong message.

Comments on the report can be submitted in writing to MR staff and can be addressed during Tier 1.

6. Other Business

1. Brian Stratton submitted the MRSPR Business Plan to the Province on March 31, 2008 requesting a total of \$1.6 million dollars including \$962,000 for operating and administrative activities and \$582,000 for technical work.
2. One of the members asked whether the Committee could discuss the compensation model received by South Nation/Raisin SP Committee next month. Chair Stavinga indicated that the matter will not be able to be addressed next month given the heavy agenda and the need for the Committee to focus on the draft ToR. The matter can though be considered in an upcoming agenda in the coming months.

7. Member Inquiries

None.

8. Next Meeting

Thursday May 1, 2008 at the Old Town Hall (14 Bridge Street, Almonte)
5:00 pm - light refreshments (SPC)
6:00 pm - meet & greet with the public
7:00 pm - meeting start time

9. Adjournment

The meeting was adjourned at 5:45 pm.

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Janet Stavinga
Chair

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Karyn Cornfield
Recording Secretary

Attachment A - Member's Inquiry Concerning the Precautionary Principle

ATTACHMENT A

Member's Inquiry Concerning the Precautionary Principle

Proposed

That the MRSPC discuss the precautionary principle and consider making it a part of the Terms of Reference.

Rationale

The Preliminary Draft of the Watershed Characterization Report states that "The Clean Water Act prescribes a process of watershed-based research, analysis and actions rooted in good science..."(pi). That is an admirable goal and the myriad of reports, tables, maps and figures attest to the stellar efforts to provide a science base for decision making.

However, the preliminary draft also states that "There is lots of data available... [and] at the same time, there are many data gaps (p.iii). The work of the SPC will require decision making, at times, when the only data available is insufficient or inconclusive. I propose that the Committee consider the merits of the precautionary principle for such times and, for clarity and commitment, incorporate the precautionary principle into its Terms of Reference.

Furthermore, Justice O'Connor, in the Walkerton Report Part II gives a second reason for developing guiding principles for decision making. He writes: "...risk management inevitably involves the influencing of human behaviour.... The management of risks to public health is a value-driven exercise that must be informed by and must respond to the views of the public, just as it must call on the best that science can offer." (p.76)

The Walkerton Report, Part II addresses the precautionary principle. Justice O'Connor writes, in part: "One way to overcome the difficulties of purely rationalist risk management is to err systematically on the side of safety. A refinement of this approach is the precautionary principle, as a guide to environmental action.... This principle, which has been formulated in many ways, says that the absence of scientific certainty about a risk should not bar the taking of precautionary measures in the face of possible irreversible harm." (pp. 76-77) Justice O'Connor summarizes his advice on the precautionary principle in Recommendation 19 where he states: "...the precautionary principle has a role to play in risk management and should be an integral part of decisions affecting the safety of drinking water." (p.150)

The Clean Water Act, as a response to the Walkerton Report, makes this advice relevant for source protection committees.

Conclusion

Many decision-making situations facing the SPC will not be clear cut nor fully supported by sufficient data. The committee would benefit from clearly expressed principles in the Terms of Reference which could aid in such situations where judgment and discretion are required. Justice O'Connor supports the development of a set of principles to guide the exercise of individual discretion. He includes "a precautionary approach" as one of the principles and this would be a good principle on which to begin discussion. (Walkerton Report II, p.437)

Precautionary Principle

Definitions and Quotes

- **The absence of scientific certainty about a risk should not bar the taking of precautionary measures. It addresses situations in which the risk cannot be estimated with any reliability and in which uncertainty prevails regarding the relationship, if any, between cause and effect.** (Glossary Technical Experts Committee Final Report p.77)
- **Where there are threats of serious or irreversible damage to an existing or future source of drinking water, lack of full scientific certainty should not be used as a reason for postponing measures to prevent the threat.** (p.12 Watershed-Based Source Protection Planning: Science-based Decision-making for Protecting Ontario's Drinking Water Resources: A Threats Assessment Framework, Technical Experts Committee, Report to the Minister MOE, Nov 2004)
- **Decision makers should err on the side of caution. If there is any doubt, the safer approach should be adopted.** (Walkerton Report Pt II, p.437)
- **We must take a precautionary approach when it comes to setting guidelines for our drinking water.** (Ottawa Riverkeeper March Newsletter)