

## AGENDA

### Mississippi-Rideau Source Protection Committee (MRSPC)

October 1, 2009

1:00 pm

Rideau Valley Conservation Authority, Monterey Boardroom  
3889 Rideau Valley Drive, Manotick

	Pg.	
<b>1.0 Welcome and Introductions</b>		<i>Chair</i> <i>Stavinga</i>
a. Agenda Review		
b. Notice of Proxies		
c. Adoption of the Agenda (D)		
d. Declarations of Interest		
e. Approval of Minutes – September 3, 2009 (D) * draft minutes attached as a separate document		
f. Status of Action Items – Staff Report Attached (D) .....	1	
<b>2.0 Presentation: <i>Walkerton – The Cost of Getting It Wrong: Understanding the Consequences of Failing to Protect Drinking Water from Source to Tap</i> (I) .....</b>	3	<i>Bruce Davidson</i>
a. Bruce Davidson is co-founder and spokesperson for The Concerned Walkerton Citizens and a member of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Committee		
<b>3.0 Reviewing the Province’s Discussion Paper on Source Protection Plans – Staff Report Attached (D) .....</b>	5	<i>Sommer Casgrain-Robertson</i>
a. Members will consider draft comments on the Province’s <i>Discussion Paper on Requirements for the Content and Preparation of Source Protection Plans</i> that was posted on the Environmental Registry for public comment		
b. Approved comments will be submitted to the Environmental Registry		
<b>4.0 Community Outreach – Staff Report Attached (D) .....</b>	13	<i>Chair</i> <i>Stavinga</i>
a. Members & staff report on activities since the last meeting		
b. Discuss upcoming events & opportunities		
<b>5.0 Other Business</b>		<i>Chair</i> <i>Stavinga</i>
<b>6.0 Member Inquiries</b>		<i>Chair</i> <i>Stavinga</i>
<b>7.0 Next Meeting – November 5, 2009, 1pm</b> Rideau Valley Conservation Authority, Monterey Boardroom 3889 Rideau Valley Drive, Manotick		<i>Chair</i> <i>Stavinga</i>
<b>8.0 Adjournment</b>		<i>Chair</i> <i>Stavinga</i>

**(I) = Information    (D) = Decision**

**Delegations** wishing to speak to an item on the Agenda are asked to contact Sommer Casgrain-Robertson at 613-692-3571 ext 1147 or sommer.robertson@mrsourcewater.ca before the meeting.

## 1.0 f) STATUS OF ACTION ITEMS

**Date:** September 18, 2009  
**To:** Mississippi-Rideau Source Protection Committee  
**From:** Sommer Casgrain-Robertson, Co-Project Manager  
 Mississippi – Rideau Source Protection Region

**Recommendation:**

1. That the Mississippi-Rideau Source Protection Committee receive the following report for information.

**Staff & Chair Action Items:**

	<b>Issue</b>	<b>Action</b>	<b>Lead</b>	<b>Status</b>
1	Ottawa River Watershed Inter-Jurisdictional Committee	Encourage MOE to take the lead role in establishing an Ottawa River watershed inter-jurisdictional committee	Chair Stavinga & Mary Wooding	<b>In-Progress</b> The province is currently working with Chair Stavinga on an approach. A conference call was held on September 4, 2009 to discuss progress and next steps.
2	Vacant industry / commercial seat on the MRSPC	Fill a vacancy on the MRSPC	Sommer Casgrain-Robertson	<b>In-Progress</b> There will be a call for applications in October
4	Issues of concern outside the scope of the <i>Clean Water Act</i>	Staff develop a section in the Assessment Report to document issues of concern that fall outside the scope of the <i>Clean Water Act</i>	Sommer Casgrain-Robertson	<b>On-Going</b> Such a list/chapter will be included in the <i>draft</i> Assessment Report.
5	Uranium	MVC and local Health Units work together to raise public awareness about naturally occurring uranium in drinking water	Sommer Casgrain-Robertson & Mary Wooding	<b>In-progress</b> Local health units developed a brochure which is now being reviewed by Health Canada. Once completed a sheet of local information will be attached. Local health units will keep the MRSPC informed of their progress.

	<b>Issue</b>	<b>Action</b>	<b>Lead</b>	<b>Status</b>
6	Update Web Site	Update the web site	Sommer Casgrain- Robertson	<b>On-going</b> Many updates have been made to the web site and staff will continue to improve it.
7	Compensation	Staff to collect other compensation models (e.g. Ottawa wetland policy, Alternate Land Use Services).	Sommer Casgrain- Robertson	<b>In-progress</b>

**MRSPC Member Action Items:**

	<b>Issue</b>	<b>Action</b>	<b>Lead</b>	<b>Status</b>
1	Members were concerned that attendance might be low at Assessment Report open houses and groups who should be involved in the process are not	Members were asked to provide Sommer with contact information for groups they feel should be involved in the process – they will be added to our mailing list.	All Members	<b>Ongoing</b>
2	OFEC Conference Calls & Training Sessions	Richard Fraser will provide the MRSPC with updates on OFEC conference calls & training sessions	Richard Fraser	<b>Ongoing</b>
3	Community Outreach opportunities	Members to notify Sommer of potential events and opportunities to engage the public about source protection	All members	<b>Ongoing</b>

## **2.0 Walkerton – The Cost of Getting It Wrong: Understanding the Consequences of Failing to Protect Drinking Water from Source to Tap**

**Date:** September 18, 2009  
**To:** Mississippi-Rideau Source Protection Committee  
**From:** Sommer Casgrain-Robertson, Co-Project Manager  
Mississippi – Rideau Source Protection Region

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### **Background** (provided by Mr. Davidson)

This educational seminar has been presented across Canada to a variety of audiences including: municipal water workers, staff from the Ministries of Environment, Health and Natural Resources, municipal government associations, agricultural associations, First Nations, environmental groups, students from high school, college and university settings, land and cottage owner associations, industry associations, source protection committees and the general public.

The presentation illustrates the Walkerton Water Tragedy and its consequences from the point of view of the affected citizens of the town. The one hour seminar provides audiences with an undeniable example of the devastation that can occur when we collectively fail to protect our drinking water. This seminar will encourage stakeholders to view source protection measures as crucial steps to be taken towards the protection of municipal drinking water.

### **Presentation Summary:**

- Brief history of Walkerton as an average rural town
- Unfolding of the tragedy
- Illness strikes the community
- Schools close
- Hospital full to overflowing
- Businesses devastated
- Many children sent to safer communities
- Media saturation of community
- The systemic breakdown of Walkerton's water system
- Steps taken by the Province of Ontario to prevent reoccurrence
- Life without potable water
- Economic and social impacts
- Health consequences
- Steps taken locally to restore Walkerton's drinking water
- New water treatment management team
- Source protection assessment of remaining wells
- Public involvement in water management
- Establishment of the Walkerton Clean Water Centre

- Commitment to transparency and accountability

**Biography of Bruce Davidson:**

Bruce Davidson is co-founder and spokesmen for The Concerned Walkerton Citizens, a group that was formed in direct response to the Walkerton Water Tragedy. The CWC successfully fought for and gained full status in the Walkerton Water Inquiry. Since 2000, he has been involved in outreach, education and policy development regarding the protection of drinking water sources across Canada. Currently, Bruce holds positions on a number of boards and committees including: the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Committee, the Brockton Environmental Advisory Committee, the Walkerton-Hanover Landfill Committee, the Canadian Environmental Law Association (CELA) Board of Directors, and he is an enthusiastic member of the Water Guardians Network.

### **3.0 Reviewing the Province's Discussion Paper on Source Protection Plans**

**Date: September 18, 2009**  
**To: Mississippi-Rideau Source Protection Committee**  
**From: Sommer Casgrain-Robertson, Co-Project Manager**  
**Mississippi – Rideau Source Protection Region**

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#### **Recommendation:**

1. That the Mississippi-Rideau Source Protection Committee approve the following comments for submission to the Environmental Bill of Rights Registry - posting 010-6726 (*Discussion Paper on Requirements for the Content and Preparation of Source Protection Plans*).

#### **Background**

Once technical assessment reports are completed next spring, the Mississippi-Rideau Source Protection Committee must develop source protection plans by August 2012. These plans will contain policies (e.g. incentives, land use restrictions, monitoring) to address drinking water threats and protect source water.

To enable source protection committees to develop source protection plans a regulation must be issued under the Clean Water Act. The MOE posted a Discussion Paper on June 25 outlining proposed requirements for the content and preparation of source protection plans. This discussion paper was posted on the Environmental Bill of Rights Registry for a 90 day comment period (comment deadline is September 23). MOE will consider the feedback they receive on the discussion paper when developing a draft regulation this fall.

Source protection staff hosted two 'dry run' sessions, one for municipalities and one for source protection committee members. These sessions provided participants with an overview of the source protection plan framework proposed in the discussion paper and walked them through a number of scenarios where they developed mock planning policies to address hypothetical threats. Staff used the feedback from these two sessions, plus comments developed by other regions, to draft the following comments.

## General Comments

1. **Support the Open Approach** – We strongly support the relatively ‘open’ approach to developing source protection plans that has been proposed in the Discussion Paper. It is essential that the Source Protection Plan regulation be an enabling regulation rather than a prescriptive one. Prescription in the *Clean Water Act* and *Technical Rules* sometimes conflicted with the ‘locally-led’ philosophy of Ontario’s source protection planning initiative and in some cases impeded efficient and innovative approaches. The overall proposed approach to developing source protection plans sets reasonable parameters for consistency while allowing the integration of local knowledge and expertise from municipalities, source protection committees and the public.
2. **No Limits on Policy Approaches** – If source protection plans are to be “locally developed”, then no limits should be placed on the use of policy approaches to address drinking water threats. Municipalities, source protection authorities and committees, the province, First Nations, agricultural, industrial, commercial and environmental sectors, and the public must be able to evaluate all available options and determine the most appropriate approach based on local needs, conditions and principles.
3. **Long-Term Provincial Funding** – The province has generously funded the source protection planning initiative through its first three phases (terms of reference, assessment reports and source protection plans). There needs to be stable long-term provincial funding through the final three phases (implementation, monitoring and review) as these final phases will determine the overall success or failure of source protection planning in Ontario.

## Preparation of Source Protection Plans

4. **Risk Management Guidance Required** – The risk reduction guidance and Risk Management Catalogues being developed by the MOE should include information about land use activities for which there are no known risk mitigation strategies (short list of activities that may have to be addressed through prohibition), information from industry experts about how to mitigate threats (e.g. inefficient for each region to bring in a fuel storage expert), and an evaluation of how each risk management measure listed in the catalogue has been received by various sectors and how successful its implementation has been (was the policy embraced and readily implemented or did it meet opposition and was difficult to implement).

## Land Use Planning

5. **Municipalities Can Go Beyond Plan Policies** – As noted on page 13, the Clean Water Act does not limit municipalities from using their powers under the Planning Act to direct or limit land use to protect their municipal sources of drinking water in advance of source protection plans. Similarly, the Clean Water Act will not limit municipalities from using these same powers to direct or limit land use more stringently than their local source protection plan to protect their municipal sources of drinking water. This second fact must be clearly stated.
6. **Conditional Zoning Needs Regulation** – Municipal staff indicated that recent Planning Act amendments created a new tool called conditional zoning. They feel this new tool would be very useful in addressing drinking water threats. To have this tool available, the Ministry of Municipal Affairs and Housing needs to write a regulation enabling its use. MOE must ensure that this happens in time for conditional zoning to be used as a policy option in source protection plans.
7. **Amending OPs and Zoning By-laws Quickly** – There is concern about how long it will take municipalities to amend their official plans and zoning by-laws to conform with, and have regard for, source protection plan policies. It is recognized that the five year official plan review process is rigorous and requires substantial time and resources. There should be a way to expedite official plan and zoning by-law amendments that are conforming, and having regard for, source protection plan policies.
8. **Appeal Process** – If a section of an official plan or zoning by-law that is conforming to a source protection plan is appealed, that appeal should be handled by the Environmental Review Tribunal as an appeal of a source protection plan policy, not the Ontario Municipal Board as an appeal of an official plan or zoning by-law.

## Provincial Instruments

9. **No Prescribed List** – A list of specific instruments should not be prescribed in regulation because there is the risk that one will be missed. Instead the regulation should simply declare all documents issued under existing legislation are prescribed instruments for use under the Clean Water Act. If instruments must be individually prescribed, the list must be included in the draft regulation so people can review and comment on it prior to the regulation being finalized.
10. **Detailed Information Required** – Before instruments can be relied on as policies to address drinking water threats, municipalities and source protection committees will require a substantial amount of information and training from the MOE about what instruments exist, who administers them, how they are administered, who will develop the additional conditions to address drinking water threats, and how those conditions will be implemented, enforced and monitored. This information should be in guidance or perhaps in an “Instruments Catalogue”.

11. **Do Not Impose their Use** – While instruments should be used where possible to avoid regulatory duplication, imposing the use of prescribed instruments as the policy approach of first choice is not appropriate and could limit the ability to address some threats. The choice must lie with the policy developer once all approaches have been evaluated.
12. **How do you Ensure their Effectiveness** – It will be essential to ensure that all provincial personnel who issue or amend instruments have been fully informed about differing source protection plan policies across the province, that they understand and support their new obligation to utilize instruments to satisfy source protection plan objectives, and that they consistently include adequate conditions across the province. **Question:** How can the implementation and effectiveness of instruments be monitored?

### **Risk Management Plans**

13. **No Limitations on Use** – No limitations should be placed on the use of risk management plans. Flexibility in the use and application of all approaches is needed to best address drinking water threats.
14. **Register on Property Title** – There should be the ability to register risk management plans on title to a property so future owners of the property are aware of any risk management plans the property's current activities must adhere to.
15. **Official can Exempt a Risk Management Plan** – Risk Management Officials should have the ability to exempt a person from requiring a risk management plan if it can be demonstrated that an instrument will mitigate the risk to the same level as the risk management plan would. This exemption should only be granted once the Official has entered into discussions with the individual about the need to negotiate a risk management plan.

### **Prohibition**

16. **No Limitations on Use** – While prohibition should be considered as a last resort, no limitations should be placed on its use. Flexibility in the use and application of all approaches is needed to best address drinking water threats.

### **Restricted Land Uses**

17. **Clearer Explanation Required** – The purpose and function of this policy approach needs to be better explained, perhaps through the use of a plain language fact sheet and/or diagram. This policy approach should also be given a different name as the term “restricted land uses” already has a very precise meaning under the Planning Act.

18. **No Limitations on Use** – The restricted land uses approach should not be limited to use with prohibition and risk management plans. This is a valuable “early warning” tool that should be available for use with any policy approach. No limitations should be placed on its use. Flexibility in the use and application of all approaches is needed to best address drinking water threats.
19. **No Prescribed List of Planning Act Provisions** – The MOE should not prescribe provisions of the Planning Act in regulation because there is the risk that one will be missed. The regulation should simply refer to all provisions under the Planning Act.

### Other Policy Approaches

20. **Must Allow Other Approaches** - It is very important that the regulation allow other policy approaches to be used to address drinking water threats. This will allow any missed, innovative or locally unique policy approaches to be integrated into source protection plans.
21. **Authority Granted under Other Legislation** – There is a lot of existing legislation that provides instruments and powers that would be useful in addressing drinking water threats (e.g. Municipal Act, Federal Fisheries Act). It is important to allow the use of all instruments, not just provincial, to mitigate threats. This could be especially helpful when trying to address federally owned land and/or federally controlled activities (e.g. airports). It is understood that provincial legislation cannot be enforced on federal lands or activities.
22. **Land Acquisition & Municipal Infrastructure and Operations** – The Discussion Paper does not identify two source protection planning approaches discussed in the Clean Water Act: (1) land purchase, lease, or expropriation and (2) municipal infrastructure and operations. The first tool is enabled by Section 92 of the Act, which grants land acquisition powers to municipalities and source protection authorities for the purpose of implementing a source protection plan. The second tool could be beneficial in situations where improvements or modifications to municipal works (e.g. deepening municipal well casing) or changes in operations protocols (e.g. road salt application rates) would be an effective way to address a threat or multiple threats. It is understood that municipal works and operations by-laws are bound to conform to significant threat policies. **Provincial Funding** – There should be a substantial provincial grant program that municipalities can apply to for funding to cover the cost of land purchase, lease or expropriation and improved or modified municipal works and operations.
23. **Transportation Corridors** – The source protection planning framework should recognize the role that source protection committees can play in raising awareness of, and filling gaps between, emergency response protocols for spills along corridors (e.g. highways and railways) and at facilities.

## Additional Content Requirements

**24. Do Not Require Rationale in Plans** – The development of rationale should not be regulated. It should be left to the discretion of the source protection committee to decide how much rationale they embed in the plan versus what they provide in other documents. Documenting rationale for policy selection is a best practice and it is information that will be needed during public consultation and implementation. Rationale will be documented in a variety of ways and to varying levels for each policy decision through staff reports, meeting minutes, and separate rationale documents. It is not appropriate to include detailed rationale for each policy in the source protection plan itself, plans should include high-level preamble that notes the principles used in the policy development process, as is done in municipal official plans and the Provincial Policy Statement.

## Monitoring

**25. Monitoring is a Policy Approach** – Monitoring may effectively address some threats and should be recognized as a policy option to reduce risks posed by drinking water threats. It is identified as such in the chart on page 10 but not in the lists on pages 3 and 8.

**26. Broad Spectrum of Objectives** –The regulation should allow a broad spectrum of monitoring policies as bulleted on page 26. Monitoring should be able to encompass water quality and quantity measurements if appropriate. Limitations should not be placed on what can be monitored as part of a source protection plan.

**27. Do not Require a Description of Activities / Programs** – Monitoring policies should outline their objective and desired results, but should not be required to include details about specific monitoring activities. This information may not be know in time to meet source protection plan deadlines and flexibility will allow the persons or body responsible for implementing a monitoring policy to undertake it in the most efficient and cost effective manner (a detailed policy outlining how the monitoring must be done could limit the ability to use new technologies or methods as they become available). Also monitoring activities may need to be altered or changed if they are not achieving the objectives of the policy; this should not require a plan amendment.

**28. Provincial Funding for Monitoring** – an appropriate and stable amount of annual provincial funding for source protection authorities will be required to undertake adequate monitoring of source protection plan policies (implementation and effectiveness). Provincial funding must also be available to cover costs for monitoring activities delegated to other bodies (e.g. municipalities).

## Consultation

29. **Do not Regulate Early Engagement** – The adoption of consultation requirements similar to those required for the terms of reference and assessment reports is reasonable. Early engagement however, should not be regulated. Most regions undertake early engagement because it is a best practice, and it works best when the process is fluid and responsive to local needs. Early engagement efforts also vary from region to region depending on their size, complexity, and staffing resources.

## Administrative Requirements

30. **Allow Editorial Changes to Proposed Plans** – It would be more streamlined and efficient if editorial and other minor changes could be made to “proposed” source protection plans by the source protection authority (with agreement from the source protection committee) after it is reviewed by the public, but before it is submitted to the Minister.

31. **Provincial Funding for Annual Reporting** – The proposed requirements for annual progress reporting are reasonable; however, an appropriate and stable amount of annual provincial funding for source protection authorities will be required to meet these obligations.

32. **Provincial Funding for Plan Review Process** – An appropriate and stable amount of provincial funding for source protection authorities will be required to maintain staffing resources to work with source protection committees to re-examine and update terms of reference, assessment reports and source protection plans every X years.

33. **Targeted Consultation for Plan Amendments** – When plans are amended it is very important that source protection committees be able to focus their consultation efforts on parts of their region that are affected by the proposed amendment.

## Implementation of Source Protection Plans

34. **Provincial Funding for Implementation** – Many municipalities will need increased staffing resources to implement source protection plan policies. They will face larger workloads as many policies get implemented through existing land use planning and they will face new roles as risk management officials. If they chose to delegate the risk management official role to another agency there will likely be a cost to the municipality. The success of source protection planning will depend largely on how well the plan is implemented, to achieve this critical success factor adequate provincial funding is required for implementation.

## Final Comments

35. **Comment Period for Draft Regulation** – It is essential that the draft source protection plan regulation be posted for a minimum of 60 days for public comment. While 90 days would be preferable, less than 60 would be unacceptable. Given the importance of this regulation and its bearing on the overall success of the source protection planning program, a minimum two month comment period seems reasonable.
36. **MOE Engaging Other Ministries** – The dawn of the planning phase highlights the need for MOE to more fully engage other Ministries within the Government of Ontario in the source protection process. The participation of other Ministries on local working groups (i.e. Agriculture, Food and Rural Affairs, Municipal Affairs and Housing) would be very beneficial especially as policies relate to provincial instruments. It is unknown what their current level of engagement is in source protection. The Mississippi-Rideau region, in partnership with adjacent regions and areas, intend to engage District / Area offices of various Ministries on a regional level this fall and winter. We encourage MOE to lead this effort from Toronto, as a priority action during the next three months.
37. **Building Strong Municipal Partnerships** – The release of the Discussion Paper and related ‘dry run’ exercises formalized discussions with municipalities about the planning phase. Municipal engagement and buy-in during the development of source protection plans will be a prerequisite for success. We strongly encourage the MOE to work closely with the Ontario Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario to help raise municipal understanding of and support for the process. These efforts would complement our local and regional presentations to councils and staff.

## 4.0 Community Outreach

**Date:** September 18, 2009  
**To:** Mississippi-Rideau Source Protection Committee  
**From:** Sommer Casgrain-Robertson, Co-Project Manager  
Mississippi – Rideau Source Protection Region

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### **Recommendation:**

1. That the Mississippi-Rideau Source Protection Committee receive the following report for information.

### **Background**

Staff and MRSPC members participate in many different community outreach activities that raise awareness and promote the source protection planning process. These activities include information booths at events, presentations at meetings and articles in newsletters and local papers. It is important that staff and members keep each other informed about the activities they are involved in so that we can coordinate our participation and prepare appropriate materials in advance. This includes coordinating with our neighbouring regions for meetings and events that cover Eastern Ontario.

### **Past Activities**

Members & staff are asked to give a verbal update on any other activities that took place in the past month related to source protection.

1. *MOE Conference Call – Ottawa River and Municipal Infrastructure Funding*
  - o September 4 (Chair Stavinga, Sommer and Brian participated)
2. *Conservation Ontario Conference Call - Source Protection Plan Discussion Paper*
  - o September 10 (Sommer and Brian participated)
3. *City of Ottawa Environmental Advisory Committee meeting*
  - o September 10, Ottawa (Sommer presented)
4. *Source Protection Plan Discussion Paper 'Dry Run' for MRSPC*
  - o September 11, RVCA (staff and SPC attended)
5. *Eastern Regions Conference Call – Source Protection Plan Discussion Paper*
  - o September 16 (Sommer and Brian participated)
6. *Quarterly Chairs Meeting*
  - o September 21 & 22, Kingston (Chair Stavinga and Sommer attended)
7. *Mississippi Valley Source Protection Authority Meeting*
  - o September 24, Almonte (Chair Stavinga, Sommer and Brian attended)
8. *Rideau Valley Source Protection Authority Meeting*
  - o September 24, Manotick (Chair Stavinga, Sommer and Brian attended)

### **Upcoming Activities**

Members & staff are asked to give a verbal update about any other activities they know about in the coming months related to source protection.

1. *MRSPC Threats Training Session with MOE*
  - October 13, RVCA (staff and MRSPC members invited)
2. *Conservation Ontario's Planning Working Group Meeting*
  - Week of October 5, Toronto (Sommer attending)
3. *Eastern Regions Meeting – Assessment Report Progress*
  - October 14, Brockville (Sommer and Brian attending)
4. *Project Managers Meeting*
  - October 27, Toronto (Sommer and Brian attending)