

MISSISSIPPI-RIDEAU SOURCE PROTECTION REGION
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MINUTES

Mississippi-Rideau

Source Protection Committee

June 3, 2010

#6/10

Meeting 443 Rideau Wing (RCAF)
Location: 44 Abbott Street North, Smiths Falls

Present:

George Braithwaite	Scott Berquist
Scott Bryce	Carol Dillon
Richard Fraser	Paul Knowles
Drew Lampman	Patricia Larkin
Randy Malcolm	Peter McLaren
Beverly Millar	Eleanor Renaud
Tammy Rose	Janet Stavinga (Chair)

Jean-Guy Albert	(Medical Officer of Health Liaison)
Ken Graham	(Source Protection Authority Liaison)
Mary Wooding	(Ministry of the Environment Liaison)

Regrets: Christine Leadman

Staff:	Sommer Casgrain-Robertson	Jackie Oblak
	Michelle Paton	Brian Stratton

1.0 Welcome and Introductions

Chair Stavinga introduced Ted Joynt, Water/Wastewater Operations Superintendent, and Sarah Cooke, Water/Wastewater Compliance Coordinator, of the Town of Smiths Falls.

Chair Stavinga then introduced Catharine Lyons-King who has been contracted by the Institute for Public Administration of Canada to write a case study on post "Walkerton" and specifically how Ontario's Ministry of Environment (MOE) has changed its decision making approach to safe drinking water and source protection.

Chair Stavinga also introduced Tammy Rose as the Committee's new representative from the City of Ottawa.

Chair Stavinga welcomed everyone to the meeting and asked the other participants to introduce themselves.

a) **Agenda Review**

Chair Stavinga reviewed the purpose of the meeting and the Agenda.

b) **Notice of Proxies**

None

c) **Adoption of the Agenda**

Motion 1-06/10

That the Agenda be approved as presented.

Carried

d) **Declarations of Interest**

None

e) **Approval of Minutes**

Motion 2-06/10

That the minutes of the Mississippi-Rideau Source Protection Committee meeting of May 6, 2010 be approved as presented.

Carried

f) **Status of Action Items**

Motion 3-06/10

That the Mississippi-Rideau Source Protection Committee receive the Status of Action Items Report for information.

Carried

g) **Correspondence**

Chair Stavinga advised that the correspondence from Yasir Naqvi, MPP was included for information purposes.

2.0 Assessment Report Development

Chair Stavinga recommended that the preliminary Assessment Report be reviewed on a chapter by chapter basis for substantive issues only. Editorial comments should be forwarded to staff separately. Staff and MOE recommendations will also be presented by chapter.

Chapter 1

The Committee recommended the insertion of a Preface / Executive Summary to explain how to use the report and where certain information could be found.

A reference to the cover letter and accompanying document should be added to the beginning of the report.

The Glossary and List of Acronyms should be moved to the beginning of the report.

Chapter 2

No issues were identified.

Chapter 3

Staff were asked to replace the figure on Page 3-3, illustrating the Water Cycle, with one from a Canadian source.

Chapter 4

Brian Stratton confirmed that a comprehensive list of reference studies was included under Appendix A-1. For ease of reading, the Committee recommended expanding the reference section at the end of each chapter to include all sources cited in the chapter.

Chapter 5

Brian Stratton identified changes made to the Groundwater Threats Summary as a result of revised numbers received from Dillon Consulting. These changes will be reflected in the chapter's text.

Sommer Casgrain-Robertson thanked Mary Wooding for her help in expediting a review of the preliminary Assessment Report through MOE's pre-screening process. Sommer presented MOE's comments on Chapter 5 (attached).

The "Summary of Comments Received on Draft Groundwater Studies" was reviewed.

Carol Dillon questioned how comments received from the public outside of the open houses were being addressed, in particular, the delegations in August 2008 who were concerned about uranium. Staff were asked to incorporate comments from delegations and other public meetings into the "Summary of Comments Received on Draft Groundwater Studies".

Mary Wooding emphasized the need for clarity when referring to "decommissioned" or "abandoned" wells.

Brian Stratton advised that new information received from Dillon Consulting has resulted in an increase in the vulnerability score, from 6 to 8, for the

sewage lagoons in Almonte.

Chapter 6

Sommer Casgrain-Robertson spoke to staff's concerns with the vulnerability scores for the IPZ-3 zones. Staff do not have the same level of comfort in defending the methodology used to determine IPZ-3 vulnerability scores that they have with the IPZ-1 and IPZ-2 methodologies. Staff feel the IPZ-3 scoring methodology is not defensible and are concerned that the current methodology and results would damage the credibility of the entire report.

Ms. Casgrain-Robertson explained that this is a difficult situation because MOE staff cautioned that excluding IPZ-3 vulnerability scoring would put the Assessment Report in non-compliance, however redoing the IPZ-3 work now would cause the Committee to miss their Assessment Report submission deadline.

Sommer Casgrain-Robertson reviewed the comments from MOE regarding Chapter 6 (attached).

The "Summary of Comments Received on Draft Surface Water Studies" was reviewed.

Chair Stavinga asked that comments on Section 6.2 and IPZ-3 vulnerability scoring be parked until the entire Report had been reviewed.

Chair Stavinga spoke to MOE's pre-screening process and their concerns with Section 6.2 and their position on the absence of IPZ-3 vulnerability scores.

Chair Stavinga reviewed the Committee's position on Section 6.2 stating that the content was important and needed to be presented early in the chapter for information and clarity. Two options were presented for consideration:

1. Retain Section 6.2, post it in the *Draft* Assessment Report.
2. Remove the information before posting and put it into the Accompanying Document.

With respect to not including IPZ-3 vulnerability scores, Chair Stavinga presented three options for consideration, summarized as follows:

1. Include IPZ-3 vulnerability scores as they are;
2. Include IPZ-3 vulnerability scores but note that we consider the IPZ-3 scoring to be indefensible and we will continue to work on developing a more defensible methodology and scoring results to include in an updated Assessment Report; or
3. Exclude IPZ-3 vulnerability scores noting that we consider the omission to be a data gap and that including the current preliminary findings would affect the credibility of the entire document but that we will continue to work on a defensible scoring methodology.

Sommer Casgrain-Robertson explained the legislative implications of failing to submit on time or submitting an incomplete Assessment Report. MOE could ask that all monies relating to the IPZ-3 component of the studies be refunded. Obtaining approval from the Ministry for a second extension would be very difficult.

Brian Stratton confirmed that there is money in the budget for further IPZ-3 work. He added that MOE had offered the assistance of their technical experts.

Chair Stavinga confirmed that the decision to include or remove Section 6.2 and the IPZ-3 vulnerability scores was the responsibility of the Committee and not staff.

Chapter 7

No issues were identified.

Chapter 8

Sommer Casgrain-Robertson clarified that MOE staff only consider data gaps to be those they have identified in a memo sent to Project Managers. Therefore according to MOE staff, including IPZ-3 vulnerability scores as a data gap in Section 8.1.2 does not qualify and has to be removed. MOE staff also felt that Section 8.2 goes beyond the Technical Rules and may not be approvable by the Ministry. Staff recommended that the information in Section 8.2 could be moved to the Accompanying Document.

Staff were advised to include information explaining the data gaps on the Ottawa River in Sections 8.2.2 and 8.2.4,

Chapter 9

Editorial issues were identified.

Tables

No issues were identified.

Figures

No issues were identified.

Appendices

Staff were advised to make this section easier to navigate.

Motion 4-06/10

That the Mississippi-Rideau Source Protection Committee approve the *Summary of Comments Received on Draft Groundwater Studies and How They Could be Addressed* (dated March 3, 2010) as amended.

Carried

Motion 5-06/10

That the Mississippi-Rideau Source Protection Committee approve the *Summary of Comments Received on Draft Surface Water Studies and How They Could be Addressed* (dated May 18, 2010) as amended.

Carried

Motion 6-06/10

That the Mississippi-Rideau Source Protection Committee direct staff to address the following preliminary comments provided by the Ontario Ministry of the Environment in the *Proposed Assessment Report*:

- Clearly identify those areas where threats can be significant, moderate or low and clearly link each area to the corresponding provincial threats table that lists the land use activity circumstances that would be considered a significant, moderate or low drinking water threat in those areas.
- Provide a clear explanation of how Highly Vulnerable Aquifers were delineated.
- Provide greater hydrogeological evidence justifying the Highly Vulnerable Aquifer delineations.
- Create a new map delineating Issue Contributing Areas for issues that meet Rule 114 and provide rationale / evidence for each delineation
- Identify threat circumstances that could be causing Rule 114 issues
- Provide more details about how wind conditions were considered in the Intake Protection Zone delineations
- Include explanation of residual time-of-travel method used in storm sewers
- Include greater rationale for slope and transport pathway thresholds used in determining area vulnerability factors
- Include a summary of the uncertainty analysis provided by the consultants for the surface water delineation and scoring
- Include more detailed information about the Smiths Falls back-up intake
- Clarify what flow condition was used for modeling the Rideau River for the Smiths Falls Intake Protection Zones
- Provide greater clarity about how wind conditions and possible reverse flow were considered in the delineation of Intake Protection Zones 1 and 2 for the Ottawa River intakes.

Carried

The Committee discussed the three options that were proposed earlier dealing with IPZ-3 Vulnerability Scores:

- Include IPZ-3 vulnerability scores as they are;
- Include IPZ-3 vulnerability scores but note that we consider the IPZ-3 scoring to be indefensible and we will continue to work on developing a more defensible methodology and scoring results to include in an updated Assessment Report; or
- Exclude IPZ-3 vulnerability scores noting that we consider the omission to be a data gap and that including the current preliminary findings would affect the credibility of the entire document but that we will continue to work on a defensible scoring methodology.

Mary Wooding stated that the MOE had been very complimentary in their overall comments. MOE has offered their technical assistance to help with the development of a satisfactory scoring methodology. She emphasized that the IPZ-3 vulnerability scoring cannot be viewed as a data gap as the work has been completed and therefore must be included in the Assessment Report.

Motion 7-06/10

Moved by: Peter McLaren
Seconded by: Carol Dillon

Whereas, the source protection planning process is a science-based process and Assessment Reports must contain strong evidence and rationale to support findings and future source protection policies;

Whereas, the Technical Rules: Assessment Report (November 2009) under the *Clean Water Act, 2006* requires the IPZ-3 delineation for surface water intake protection zones (under Part VI.5) and the assignment of a vulnerability score to each area of an IPZ-3 (under Part VIII.1);

Whereas, the Mississippi-Rideau Source Protection Committee (MRSPC) is confident in the methodology developed for the delineation of IPZ-2 for our five municipal surface water systems;

Whereas, as a result of too much flexibility in the Technical Rules and after considerable effort by the Committee, staff and our consultants, our Committee is not able to develop a methodology to determine vulnerability scores for IPZ-3 that is scientifically defensible or locally acceptable;

Whereas, although the *Revised Methodology and Results for the IPZ-3 Area Vulnerability Factors* (dated March 23, 2010) for the surface water intakes for our three Inland Rivers as well as for our two surface water intakes on the Ottawa River meets the spirit of the Technical Rules, the Committee remains extremely concerned as to the scientific validity of the methodology;

Whereas, it is the position of the Committee that information for the determination of vulnerability scores for IPZ-3 "does not exist in sufficient quantity or quality to provide for a reasonably informed decision at the time of submission of the assessment reports to the Ministry" and should be deemed a data gap (as per the memo from the Source Protection Programs Branch of the Ontario Ministry of the Environment dated October 8, 2009) and be excluded from the first round of Assessment Reports;

Whereas, it is the Committee's position that all references to the vulnerability scores for IPZ-3 in our Assessment Reports should be removed and noted as a data gap to:

1. Ensure we meet legislative requirements to submit our Assessment Reports to the Source Protection Programs Branch of the Ontario Ministry of the Environment by September 21, 2010;
2. Enable the Committee a further opportunity to refine the methodology and vulnerability scores of IPZ-3 in order to submit an amended methodology and scores as part of updated Assessment Reports in the spring of 2011; and,
3. Enable the Committee to move to the next stage of source protection planning, specifically the development of policies to address potential significant threats within IPZ-1 and IPZ-2;

Whereas, the Source Protection Programs Branch of the Ontario Ministry of the Environment verbally advised our Mississippi-Rideau Source Protection Region Co-Project Managers on June 1, 2010 that in order to be in compliance with the Technical Rules we are required to include the vulnerability scores for each area of an IPZ-3 within the Assessment Reports or we will be unable to post our draft Assessment Reports;

Whereas, despite the position of the Source Protection Programs Branch, the MRSP Committee deems that the inclusion of the current methodology and vulnerability scores for IPZ-3 within our Assessment Reports would tarnish the wealth of credible scientific information contained within the rest of the Reports;

Therefore, be it resolved that the Mississippi-Rideau Source Protection Committee directs MRSP staff to:

1. Exclude the *Revised Methodology and Results for the IPZ-3 Area Vulnerability Factors* (dated March 23, 2010) for the surface water intakes for the three Inland Rivers as well as for the two surface water intakes of the Ottawa River in the *Draft* Assessment Reports and note these omissions as a data gap in order to facilitate the public consultation process and to meet the legislative requirements to submit our Assessment Reports by September 21, 2010; and,

2. Work with our consultants and the Source Protection Programs Branch of the Ontario Ministry of the Environment to develop a defensible methodology and vulnerability scores for IPZ-3 and to report back to the Committee to facilitate an amendment to the Assessment Reports in the spring of 2011.
3. Conduct public consultations and notify those landowners that are identified as being a potential significant threat once the methodology and vulnerability scores for IPZ-3 are finalized and that these comments be included in the updated Assessment Report.

A recorded vote of all Mississippi-Rideau Source Protection Committee members was taken.

Those in favour:	George Braithwaite Scott Bryce Richard Fraser Drew Lampman Randy Malcolm Beverly Millar Tammy Rose	Scott Berquist Carol Dillon Paul Knowles Patricia Larkin Peter McLaren Eleanor Renaud
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Those against: None

Absent: Christine Leadman

Carried

Motion 8-06/10

Moved by:	Paul Knowles
Seconded by:	George Braithwaite

That the Mississippi-Rideau Source Protection Committee directs staff to move Section 8.2 out of the Draft Assessment Report and into the Accompanying Document.

Carried

Motion

Moved by:	George Braithwaite
Seconded by:	Patricia Larkin

That the Mississippi-Rideau Source Protection Committee directs staff to move Section 6.2 out of the *Draft* Assessment Report and into the Accompanying Document

The Committee discussed the ramifications of leaving Section 6.2 in the Draft Assessment Report or removing it. It was suggested that Section 6.2 was critical and should be left in the *Draft* Assessment Report until after the public consultation process was completed and until MOE requests its removal.

The Motion was withdrawn

Motion 9-06/10

Moved by: Richard Fraser
Seconded by: Eleanor Renaud

That the Mississippi-Rideau Source Protection Committee directs staff to maintain Section 6.2 in the *Draft* Assessment Report.

Carried

Chair Stavinga advised that the *Clean Water Act* requires separate reports for the Mississippi Valley Source Protection Area and the Rideau Valley Source Protection Area. The Committee discussed various submission options that would meet MOE's compliance requirements.

Motion 10-06/10

Moved by: Patricia Larkin
Seconded by: Bev Millar

That the Mississippi-Rideau Source Protection Committee directs staff to clearly distinguish, within one *Draft* Assessment Report, information that is for the Mississippi Valley Source Protection Area and information that is for the Rideau Valley Source Protection Area. Two distinct cover letters would be submitted to the MOE when the *Proposed* Assessment Report is submitted for review and approval.

Carried

Motion 11-06/10

That the Mississippi-Rideau Source Protection Committee approve the *Preliminary Draft* Assessment Report, as amended, as the *Draft* Assessment Report to be posted for formal public consultation.

Carried

3.0 Community Outreach

Motion 12-06/10

That the Mississippi-Rideau Source Protection Committee receive the Community Outreach staff report for information.

Carried

4.0 Other Business

Peter McLaren will email information to staff on a Lanark Stewardship Council sponsored speaking engagement by the Finnish Ambassador.

Patricia Larkin will also email information to staff regarding a technical workshop on toxics reduction.

5.0 Member Inquiries None

6.0 Next Meeting

Date: August 12, 2010
Time: 6:00 pm
Location: North Grenville Municipal Centre (Hall A)
 285 County Road 44, Kemptville
 5pm – public “meet and greet”

7.0 Adjournment

The meeting was adjourned at 10 pm.

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Janet Stavinga
Chair

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Michelle Paton
Recording Secretary