



Thames – Sydenham and Region Source Protection Authority Meeting Agenda

Source Protection Authority Upper Thames River

Meeting Date: Tuesday, November 27, 2012

Meeting Time: Following the adjournment of the UTRCA Board of Directors' Meeting

Meeting Location: Watershed Conservation Centre Boardroom

Agenda

1. Adoption of the Agenda
2. Minutes From the Previous Meeting
March 27, 2012
3. Business Arising from the Previous Minutes
4. Presentation - None
5. Business for Information
 - (a) Chair's progress report (verbal)
- Policy Summaries Attached
6. Business for Approval
 - (a) Source Protection Plan Submission (report)
7. Other Business
8. Adjournment

Chris Tasker
Source Protection Project Manager



Upper Thames River Source Protection Authority Meeting
Watershed Conservation Centre Boardroom
London, Ontario
Tuesday, November 27, 2012

J.Boyce, Chair called the Source Protection Authority meeting to order at 3:05 p.m. in the Watershed Conservation Centre, Boardroom, London, Ontario. The following members and staff were in attendance:

Members:

J.Baechler	B.French
A.Bannister	T.Jackson
M.Blackie	D.Lazenby
J.Boyce	H,McDermid
R.Chowen	C.Mott
S.Clark	J.Northcott
R.Forbes	A.Ralph
	G.Way

Staff:

J.Brick	S.Shivas
C.Harrington	C.Tasker
T.Hollingsworth	I.Vanderschot
J.Howley	I.Wilcox
A.Shivas	

Solicitor: G.Inglis

1. Adoption of Agenda

T.Jackson moved – A.Bannister seconded:-

“RESOLVED that the agenda be approved as presented.”

CARRIED.

2. Minutes From the Previous Meeting
- March 27, 2012

R.Forbes moved – G.Way seconded:-

“RESOLVED that the minutes of the UTR Source Protection Authority meeting dated March 27, 2012 be approved as circulated.”

CARRIED.

3. Business Arising from the Previous Minutes

There was no business to discuss from the previous minutes.

4. Presentation

There was no presentation to be made.

5. Business for Information

(a) Chair's Progress Report
(Verbal)

C.Tasker advised the members that Bob Bedggood, Chair was unable to attend the meeting due to a scheduling conflict.

C.Tasker presented the Chair's progress report noting that the Committee is working toward the submission of the Source Protection Plan (SPP). The Committee requested a submission extension to align with the Lake Erie Region submission. The Minister of Environment granted the extension to December 31, 2012.

He advised the members that the proposed SPP and supporting documents are available on the web-site www.sourcewaterprotection.on.ca and on DVD's. He presented a brief overview of the SPP and its contents for the members' information. Copies of the DVD's were circulated to the members.

He referred to the Policy Development process. The Source Protection Committee (SPC) put considerable effort towards reaching a consensus on policies. The Committee worked closely with the County of Oxford who had their own process for developing policies. In the end, the County and Committee policies have some differences, but at a high level the policy objectives are similar without a great deal of deviation.

He advised the members that the proposed SPP was submitted to the Source Protection Authority (SPA) on November 15th, and as required, was posted on the web-site for the final round of comments prior to submitting it to the Province for approval.

The SPC is hopeful that the SPA will provide its support for the proposed SPP and its policies in submission to the Ministry of the Environment. That is the subject of the report included in the member's packages.

C.Tasker noted that the SPC and staff expect there will be feedback from the commenters and from the Ministry of the Environment which will require changes to the SPP.

He noted that the SPC will consider the comments at their January 25th meeting and will provide direction to staff as to how they would like to deal with any outstanding comments.

The SPC is confident that staff can work with the Ministry to resolve any outstanding concerns while not deviating from policy objectives established by the SPC and the County of Oxford.

He reiterated that the SPC is hopeful that the SPA will continue its support as the SPC and staff work toward obtaining approval of the first Source Protection Plan for the Thames-Sydenham and Region.

6. Business for Approval

- (a) Source Protection Plan Submission
(Report attached)

C.Tasker presented the report for the members' consideration.

T.Jackson moved - J.Baechler seconded:-

"RESOLVED that the Upper Thames River Source Protection Authority direct staff to submit the proposed Source Protection Plan to the Minister of the Environment as required under the Clean Water Act; and further that the Upper Thames River Source Protection Authority provide its support for the policy directions of the Source Protection Committee and acknowledge the considerable work the Source Protection Committee has undertaken to develop and consult on this Source Protection Plan."

CARRIED.

7. Other Business

J.Baechler stated developing the Source Protection Plan has been a tedious and difficult undertaking. She commended C.Tasker for doing an incredible job, and recognized the considerable efforts of staff to complete this work.

8. Adjournment

There being no further business the meeting was adjourned at 3:20 p.m.

Ian Wilcox
General Manager

Jane Boyce
Chair, Source Protection Authority



Report to Source Protection Authorities in the Thames – Sydenham and Region
Cc SP Management Committee
From Chris Tasker, Project Manager
Re: Source Protection Plan Submission

Agenda # 2012.12.6a
Date November 14, 2012

Recommendations

It is recommended that the Upper Thames River Source Protection Authority:

1. *direct staff to submit the proposed Source Protection Plan to the Minister of the Environment as required by the Clean Water Act; and*
2. *further, that the Upper Thames River Source Protection Authority provide its support for the policy directions of the Source Protection Committee and acknowledge the considerable work the Source Protection Committee has undertaken to develop and consult on this Source Protection Plan.*

Background

In preparing the Source Protection Plan (SPP), the Source Protection Committee (SPC) has completed extensive consultation beyond the requirements of the Clean Water Act. The consultation and additional engagement of stakeholders is outlined in the Stakeholder Consultation and Engagement Plan which is included with the Source Protection Plan as a supporting document which builds on the consultation related to the Assessment Report and earlier phases of Source Protection planning. The recent consultation included consulting with bodies responsible for implementing the draft policies as well as consultation on the Draft Proposed SPP.

The attached letter formalizes the submission of the Source Protection Plan to the SPA as required by section 42 of OReg 287/07. The letter outlines that no outstanding comments were received from municipalities or First Nations.

Through each of these stages of consultation, the SPC received considerable feedback on the SPP and policies. Comments are included in the appendices to the Explanatory Document. While most of the comments were constructive and aided in refining the policies and plan, some comments were contrary to the policy direction chosen by the committee and Oxford. The outstanding comments can be summarized into 2 categories.

The first group of outstanding comments pertains to the prohibition of certain agricultural activities in WHPA-B with a vulnerability score of 10. Currently the Nutrient Management Act (NMA) prohibits these activities in WHPA-A. Although the vulnerability score of both these areas is 10, WHPA-B with a vulnerability score of 10 is highly vulnerable while many the WHPA-A are moderate or low vulnerability. The committee remains resolved that the policy direction applied to the WHPA-A (which is consistent with the NMA) should also apply to the more vulnerable areas of WHPA-B.

The other group of unresolved comments relate to municipalities being required to update their Official Plans and Bylaws (OP&B) to be consistent with the SPP. Once the SPP comes into effect all decisions of the municipal planning authorities and the issuance of building permits must be consistent with the SPP. For this reason some commenters feel that it is not necessary to update OP&B. There are a number of reasons why the SPC and many of the planners involved with the policy development feel that it is important that municipalities be pushed to update their OP sooner rather than wait until comprehensive updates. Developers, property owners, municipal staff and planning authorities rely on the OP&B in land use and building decisions and it is important that it be updated as soon as possible to include the appropriate references to the SPP. Further, updates for the purposes of conformity with the SPP are less likely to be drawn out by review, approval and appeals which is more typical of the more complex comprehensive updates. More detail and other reasons are included in the Explanatory Document.

All comments, including those which were not acted upon, were considered by the committee in preparing the proposed Source Protection Plan. However, where the committee has considered comments but decided to continue their support for their policy direction, it is anticipated that these comments will come up again on the proposed SPP. The minister will then need to consider these differing positions on policies as part of approval of the SPP. The SPA therefore may wish to provide their support to the policies of the SPP.

Staff have proceeded with posting of the SPP on behalf of the SPA, satisfying the requirements of Section 23 of the Clean Water Act which requires that the SPA:

- (a) give a copy of the proposed source protection plan to the clerk of each municipality...;
- (b) publish the proposed source protection plan ...;
- (c) give notice of the proposed source protection plan in accordance with the regulations to the persons prescribed by the regulations, together with information on how copies of the plan may be obtained and an invitation to submit written comments on the plan to the source protection authority within the time period prescribed by the regulations; and
- (d) publish notice of the proposed source protection plan in accordance with the regulations, together with information on how members of the public may obtain copies of the plan and an invitation to the public to submit written comments on the plan to the source protection authority within the time period prescribed by the regulations

The regulations require that notices be provided to

- (a) every clerk of a municipality referred to in clause 23 (a) of the Act;
- (b) every chief of a band...(with a copy of the SPP); and
- (c) every person who submitted written comments on the draft of the proposed source protection ...

Pursuant to the regulation, the notice requests written comments be received by December 20, 2012. Comments will be compiled by staff. Section 25 of the Clean Water Act requires the SPA to submit the proposed source protection plan to the Minister, together with,

- (a) any written comments that the source protection authority wishes to make on the plan;
- (b) any written comments received by the source protection authority ...; and
- (c) any resolutions of municipal councils submitted to the source protection authority...

Discussion

- Staff have posted the proposed Source Protection Plan and required notices have been posted and distributed.
- The Act is clear that the plan, comments and resolutions are to be submitted to the Minister. The Source Protection team is prepared to undertake this on behalf of the Source Protection Authorities of the region. Recommendation 1 provides direction for staff to comply with the requirement.
- The SPA may wish to provide their support to the policies in the Proposed Source Protection Plan. Recommendation 2 provides general support or may be strengthened further with specific policy support on those outstanding comments noted in the background above.

Recommended and Prepared by:

Chris Tasker, P.Eng.
Source Protection Project Manager