



Minutes of Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, March 19, 2008, in the **Essex Civic Centre, Committee Room C, 360 Fairview Avenue West, Essex, Ontario.**

Present

Members: Robert Auger
John Barnett
David Brister (SPA Liaison)
Tim Mousseau
Hans Peter Pfeifer
Andrew Pula
Gord Queen (Interim Member)
Mario Sonogo

Ashley Stevenson
John Stuart
Richard Vantfoort, (MOE Liaison)
Larry Verbeke
Jim Vincent
David Watsa

Absent: Charles McLean
Lou Zarlenga

Regrets: Tom Fuerth (Chair)
Thom Hunt

Staff: Stan Taylor, Director of Source Water Protection
Rajesh Bejankiwar, Water Quality Specialist
Roger Palmiini, GIS/Data Specialist
Candice Kondratowicz, Administrative Assistant

Guests: John Langan, Gary Deonarine (Stantec Consulting)
Fiona Duckett (Baird Associates)

Preamble

At the 11 a.m. scheduled time of the start of the meeting, there was not yet a quorum, so Stan Taylor invited the Consultants (representatives of Stantec and Baird) to give their presentations regarding the ongoing Technical Studies involving Intake Protection Zones.

Stan Taylor also informed the Committee of the Minister’s decision not to grant an exemption to Regulations, with the result that Chris Lewis and Charlie Mclean will not be able to sit on both the SPC and ERCA Board. Mr. McLean has resigned from the ERCA Board and will continue to serve on the SPC. Mr. Lewis will be continuing to serve on the ERCA Board, so a replacement on the SPC will need to be appointed. Mr. Queen advised that the Union Water Board has nominated him for this position, subject to formal appointment by the SPA. Mr. Taylor noted that the SPA had previously appointed Mr. Queen as an interim member, so that Mr. Queen is considered a regular voting member at this time.

Call to Order

Following the Consultants presentations, noting that there was a quorum present, the Source Protection Program Manager, Stan Taylor, called the Meeting to Order at 1:20 p.m. and presided over the election of an Acting Chair in the absence of Tom Fuerth.

Election of Acting Chair

The SPC elected by consensus John Stuart as Acting Chair for this SPC Meeting, and Mr. Stuart Chaired the meeting accordingly.

Disclosure of Conflict of Interest

None

Agenda

- 1. The Agenda for the Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, March 19, 2008.

Moved by Jim Vincent
Seconded by John Barnett

THAT the Agenda for the Wednesday, March 19, 2008, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

Minutes

- 1. Minutes of the Meeting of the Source Protection Committee (SPC) held on Wednesday, February 20, 2008.

Moved by Tim Mousseau
Seconded by Jim Vincent

THAT the Minutes for the Wednesday, February 20, 2008, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

New Business

1. **Revisions to Rules of Procedure, Code of Conduct and Conflict of Interest Policies re: Proxy**

The revisions to the Rules of Procedure document: Rules of Order for Conducting Meetings sections five (5) and nine (9) (*attached*) were provided and briefly discussed.

Moved by Larry Verbeke
Seconded by Gord Queen

THAT the revisions to the Rules of Procedure document: Rules of Order for Conducting Meetings, sections five (5) and nine (9) be approved.

- CARRIED

2. **Information Requested by Members at Previous Meetings**

The information regarding Remedial Action Plan (RAP) Programs, and Environmental Assessments (EAs) related to waste water (*attached*) were provided and discussed. It was determined that not all of the Environmental Assessments (EAs) were identified and the list should be updated following the further classification of the IPZs.

Moved by Tim Mousseau
Seconded by Jim Vincent

THAT the SPC request to postpone updating the EAs until the Intake Protection Zones (IPZs) are identified.

- CARRIED

3. **Consultants Presentation – Intake Protection Zones Studies**

Consultants from Stantec & Baird gave informational presentations regarding the ongoing Technical Studies involving Intake Protection Zones.

Other Business

1. The Source Water Open Houses were briefly discussed. It was noted that approximately 120 people attended. The advertisements in local newspapers contributed to the number of guests whom attended. An issue that was raised by the SPC was related to the comments/questionnaires provided at the Open Houses. The SPC questioned whether or not they should receive a summary of the comments. It was determined that the Municipal Working Group should receive these comments.
2. Tom Fuerth and Stan Taylor attended a Meeting in Toronto, Ontario for the Source Protection Committee Chairs. A consensus from the SPC Chairs was that the Committee Members would likely need to attend training sessions only one (1) or two (2) times a year. Only if substantial information should arise, the Committee should require additional training.
3. Stan Taylor relayed news that the Essex Region Conservation Authority (ERCA) has received funding for a special project which will be announced sometime in April. This funding is for the removal of fuel tanks buried underground on a property in Amherstburg.

Meeting Adjournment

Moved by Mario Sonego
Seconded by John Barnett

- CARRIED

Meeting adjourned, followed by a meeting for the Municipal Sector Working Group.

Date – Next Meeting

The next meeting of the SPC will be held on Wednesday, April 16, 2008, in the Essex Civic Centre, Committee Room C, **commencing at 3:00 p.m.**

Conclusion of Meeting



Stan Taylor P.Eng., Director of Source Water Protection

2. The Chair shall cause the Project Manager, or his/her designate, to record the names of members present and members absent.
3. In the event of the absence of the Chair from any meeting, the members present shall, upon receiving notice of the absence, or after a waiting period of fifteen (15) minutes from the time of the duly called meeting, appoint a Chair pro-tempore from the Committee members present, who, for the purposes of that meeting, has all the powers and shall perform all duties of the Chair. The Chair pro-tempore shall preside over the meeting for so long as the Chair remains absent from the meeting and until the immediate business at hand is completed. The Project Manager or his/her designate shall preside over the appointment of the Chair pro-tempore. The Chair pro-tempore shall not vote on any matter
4. The Committee shall conduct business only when a quorum is present. One or more vacancies in the membership of the Committee does not prevent the Committee from conducting business as long as the number of members in office is sufficient to maintain quorum.
5. A quorum for any meeting of the Committee shall consist of the Chair or Chair pro-tempore plus two-thirds of the fifteen members of the Committee (10 members). Participation by teleconference, when necessary in extenuating circumstances, may count toward quorum. ~~Participation through proxy shall be based on Ministry Guidelines. (Proxy is addressed in item 9, page 5)~~ If no quorum is present one-half hour after the time appointed for a meeting of the Committee, the Project Manager records the names of those present and the meeting shall stand adjourned until the next meeting.
6. Delegations to any Committee meeting will be considered, if requested in writing at least ten (10) days prior to the meeting, or if otherwise approved by the Chair. Such written request must state the purpose of the delegation.

Delegations to any meeting of the Committee will be limited to one key spokesperson and will be allotted a maximum of five (5) minutes for their related presentation, with the Chair's discretion to allow ten (10) minutes. The Chair may limit the number of delegations per meeting.

7. Where an evening meeting is being held, every effort should be made to adjourn the meeting by 11:00 p.m. The Chair shall not permit the meeting to continue beyond 11:00 p.m. without the consent of the majority of the members present.
8. The Committee shall attempt to make decisions through consensus. If the Chair determines that consensus is not likely to be achieved with-in a reasonable time, the Chair may call for a motion on the business, or ask to have the business deferred to a subsequent meeting. Motions will carry by majority vote of at least 2/3 of the members present, not counting the Chair. Any motion on which there is an equality of votes is lost (i.e. at least 2/3 of the members present must vote, and

the vote is carried on a simple majority of those voting – and if 2/3 do not vote then it is lost)

9. At any meeting of the Committee, each member is entitled to one (1) vote. The Chair shall not vote. A member may participate by proxy **as follows**:
 - **Proxy will count toward quorum and in voting.**
 - **A Member wishing to give their proxy vote to another Member must advise the Chair in writing prior to the meeting (email is acceptable).**
 - **In addition to giving their general proxy vote to another Member, the Member may give specific instructions regarding their vote on a particular matter.**
 - **A Member attending a meeting may carry only one proxy.**
10. No motion or amendment shall be debated or put to a vote unless seconded.
11. When a motion is proposed, then an amendment and subsequently an amendment to the amendment (sub-amendment), the vote of the members shall first be taken on the sub-amendment, then on the amendment, and finally on the main motion. Only two (2) amendments (an amendment and a sub-amendment) may be proposed at the same time to a question. When one or both amendments have been disposed of, a further amendment or sub-amendment may be entertained by the Chair. When either an amendment or a sub-amendment has been carried, the question is put on the motion (or amendment) as amended.
12. The Chair, when the meeting is ready for the decision on any question, shall read the question (motion) before calling for the vote. He/she shall first call for those who favour the question, and next for those who oppose it.
13. Voting shall be by show of hands. Any member may request a recording of the vote by calling of the vote. A member has a right to abstain from voting.
14. If the Chair desires to leave the Chair for the purpose of taking part in the debate or for any other purpose, he/she shall call another member to fill his/her place until he/she resumes the Chair. Any member temporarily occupying the Chair shall discharge all the duties and enjoy all the rights of the Chair.
15. Every member may speak once for no more than five (5) minutes on each motion amendment or sub-amendment. Additional time or additional opportunities to speak on the same motion, amendment or sub-amendment may be granted by the Chair after all members have had an opportunity to speak.

Compiled by: Raj Bejankiwar (Water Quality Specialist)

Submitted to: the DW Source Protection Committee on March 19, 2008-03-18

The Detroit River AOC Remedial Action Plan (RAP)

General Introduction:

The Detroit River Area of Concern (AOC) extends 51 kilometres and connects Lake St. Clair to Lake Erie. Its watersheds, which cover over 2000 square kilometres, are home to more than 3 million people. The Detroit River AOC is shared between Canada and the United States.

Major environmental issues of concern in the area included:

- combined sewer overflows
- municipal, industrial and non-point discharges
- contaminated sediments
- habitat loss and degradation
- restrictions on fish consumption
- quality of bottom-dwelling animal communities is impaired
- restricted dredging activities due to contaminated sediments
- public beaches are closed at times
- overall aesthetic value of the river is low
- water quality objectives are exceeded

In order to improve the environmental conditions noted above, a Remedial Action Plan (RAP) has been developed for the Detroit River. The Detroit River RAP was initiated as a partnership between Canadian and U.S. federal governments, provincial (Ontario) and state (Michigan) governments, with cooperation from industry, municipalities, the public and other stakeholders and the Detroit River Binational Public Advisory Committee (BPAC).

This plan, which was initiated in 1987, involves the following steps:

- defining the problem
- planning for implementation
- implementing the actions
- monitoring the restoration of the environment

One hundred and four recommended remedial actions to restore the above environmental conditions were selected through the RAP process, which included consultation with the public. Many of actions have already been implemented.

RAP Status

The 1996 RAP Stage 2 Report contained 31 priority recommendations for the Canadian portion of the AOC. Programs and projects have been undertaken or completed in 21 of these areas and

planning is underway for the remainder. To date over 70 restoration projects have been undertaken or supported by various DRCC stakeholders and partners.

Since 1990, the Government of Canada's Great Lakes Sustainability Fund (GLSF) has supported 31 projects to restore impaired beneficial uses in the Detroit River Area of Concern. The relationships created through these projects have helped to leverage funding, in-kind contributions and staff support. Habitat and non point source projects are the two areas with the largest contributions.

In 2003, implementation efforts were strengthened by the addition of a community-based Implementation Coordinator. Working closely with federal, provincial and local agencies, the implementation coordinator enables stakeholders to communicate and work more cooperatively on issues such as project implementation, monitoring, progress reporting, and public involvement.

In 2004, the DRCCC was restructured into two groups: an Implementation and Outreach Group and a Public Advisory Council. The new streamlined structure allows participants to contribute more directly to the areas where they have the most interest and expertise. The new groups are reinvigorating the RAP process by continuing ongoing projects and developing new initiatives to address beneficial use impairments and encourage progress towards delisting.

RAP Implementation

In 1998, the Detroit River Canadian Cleanup Committee (DRCCC) was established to "cleanup, enhance and sustain the ecosystem of the Detroit River and its Canadian watersheds". The Committee was a community-based partnership of industry, government, academic, environmental and community organizations. The DRCCC worked on the Canadian side of the river to implement the RAP recommendations.

In 2003, an Implementation Specialist joined the Committee and assumed the role of Secretariat. A main priority for the Implementation Specialist was to develop and implement a strategy to re-energize the Remedial Action Plan process. Funding for the Implementation Specialist is provided by Environment Canada and the Ontario Ministry of the Environment.

In 2004, the DRCCC was reorganized to better facilitate progress towards delisting, and to encourage participants to contribute where their interests and experience are most ideally suited.

The new Detroit River Canadian Cleanup effort is made up of two separate groups:

- **an Implementation and Outreach Group and**
- **a Public Advisory Council.**

The Implementation and Outreach Group consists of three Committees: a Steering Committee, an Implementation Committee, and an Outreach Committee. Public input on the process is provided by the Detroit River Canadian Public Advisory Council (DRPAC), which includes representatives of the general public, community groups, academia, local business associations

and labour. The Implementation Specialist continues to have a central Secretariat role in the new structure by coordinating activities of the Implementation and Outreach Group and serving as a local resource for individual project implementers.

RAP Accomplishments

Notable environmental successes have included:

- protecting 366 ha of wetland
- developing and implementing a rural non-point source control strategy
- implementing conservation tillage techniques on over 15 000 ha of agricultural lands that has reduced nutrients, sediments and chemical inputs to the local water courses
- identifying \$33 million in cost savings for the City of Windsor towards the upgrade of its primary sewage treatment plant to secondary standards as a result of pilot evaluation of innovative treatment technologies

The Windsor Riverfront Pollution Control Planning Study was completed and adopted by the City. This \$1 million study (funded jointly by the City, Ontario Ministry of the Environment and Environment Canada) developed an implementation strategy for the Riverfront Districts which satisfies regulatory guidelines for CSO control and reduces the pollutant loading to the Detroit River to levels consistent with the RAP objectives. The cost for implementation is estimated at \$184 million. The City has requested one-third funding from both the federal and provincial governments.

To date, other Cleanup Committee projects which have received funding include:

- the Detroit River Rural Non-Point Source Remediation Program;
- the Windsor Combined Sewer Overflow (CSO) Effluent Characterization and Modeling Project;
- Biodiversity Conservation Strategy Implementation;
- Detroit River Shoreline Habitat Enhancement Plans Project;
- and various Shoreline Stabilization, Habitat Enhancement and Restoration projects throughout the watershed.

Some of these projects have been funded by the Government of Canada's Great Lakes Sustainability Fund.

RAP Participants

Cooperation is critical to the RAP process. Undertaking environmental restoration requires a large amount of local knowledge, scientific expertise and hard work. One agency or group cannot undertake such a large task on their own, without the help of others. Listed below are participants that contribute to the RAP program.

- Environment Canada
- Ontario Ministry of the Environment

- Ontario Ministry of Natural Resources
- City of Windsor
- Town of LaSalle
- Town of Amherstburg
- Essex Region Conservation Authority
- Little River Enhancement Group
- Citizens' Environmental Alliance
- University of Windsor
- Ford Motor Company of Canada
- General Chemical Canada
- Canadian Salt Company
- Dean Construction Company

Compiled by: Raj Bejankiwar (Water Quality Specialist)

Submitted to: the DW Source Protection Committee on March 19, 2008-03-18

Environmental Assessment in Ontario

General Information:

Environmental Assessment or EA is a decision-making process used to promote good environmental planning by assessing the potential effects and benefits of certain activities on the environment. In Ontario, this process is defined and finds its authority in the *Environmental Assessment Act* (EAA). The purpose of the EAA is to provide for the protection, conservation, and wise management of Ontario's environment. To achieve this, the EAA ensures that environmental problems or opportunities and alternatives are considered and their effects are planned for before development or building takes place. There are five program areas under Ontario's EA Program:

- Environmental Assessments (individual EAs) including EA Terms of Reference
- Class EAs
- Electricity Regulation (O. Reg 116)
- Designations
- Declarations

Not all undertakings subject to the *Environmental Assessment Act* (EAA) need to go through the Environmental Assessment Review and Approval Process. There are some groups or "classes" of projects which are:

- carried out routinely; and
- have predictable and mitigable environmental effects,

and therefore, do not warrant an individual Environmental Assessment (Individual EA). These are known as Class Environmental Assessment (Class EA) projects. Currently, Ontario has approved a total of 10 Class EAs, which cover routine activities related to such things as: highway construction and maintenance; forest management activities; conservation authorities works; and, other public-sector activities. T

he Class EA sets out a planning process to be followed for Class EA projects. The EAA formally recognizes the Class EA process and outlines the requirements for EA approval. The Class EA is submitted and reviewed under the individual EA review and approval process.

To ensure that environmental effects are considered for each project, proponents are required to follow the planning and design procedures set out in the approved Class EA including public consultation. Terms of References are required for the preparation of the Class EA but are not necessary for the individual projects under an approved Class EA.

Occasionally, there may be projects being carried out in accordance with a Class EA that warrant being individually dealt with through the Environmental Assessment Review and Approval Process. Under the Class EA, a Part II Order (known as the Bump-Up provision) is the mechanism under which any affected or interested party may request the Minister to order that an individual EA be prepared for any projects within the approved class of undertakings.

Recent Environmental Assessment Studies conducted or in process for various sewage/wastewater related project works in the Essex Region

Following is the list of sanitary sewage related projects that are proposing to, or are preceding, through requisite environmental assessment requirements. This list was provided by Craig Newton (Regional Environmental Planner / EA) from the Ontario Ministry of Environment's Southwestern Region's Planning and Environmental Assessment Unit at London, Ontario.

Mr. Craig has reviewed the computerized tracking system that this Ministry's established and has been maintaining since around the year 2000/2001 for this Ministry's Southwestern Region. This listing is maintained by staff of the Southwestern Region Planning Unit, and is based solely upon the various Notices this ministry's Southwestern Region Planning Unit has received with respect to sewage treatment works.

| Town/City/ Municipality | Sewage/Wastewater Work Projects |
|------------------------------------|--|
| Town of Amherstburg | Pollution Control Plan Class EA Study |
| Town of Essex | Harrow Sewage Works |
| Town of Essex | Town of Essex Sewage Works Expansion |
| Town of Kingsville | Hamlet of Ruthven Sewage Works System |
| Town of Kingsville | Expansion of Sewer Service Area Town of Kingsville |
| Town of Kingsville | Cottam Sewage Works Capacity Expansion & Upgrade Phase 1 Addendum To ESR |
| Lakeshore | Tecumseh Water and Wastewater Master Plan |
| Lakeshore | South Woodslee Sewage Works |

| | |
|---------------------|--|
| Lakeshore | Belle River Sewage Treatment Plant |
| LaSalle | Master Servicing Study |
| Town of Tecumseh | Water and Wastewater Master Plan |
| City of Windsor | Lou Romano Water Reclamation Plant |
| City of Windsor | Expansion of Sewer Service Area For Lou Romano Sewage Treatment Plant |
| City of Windsor | Sanitary Sewer Servicing Study For Lands Annexed From Town of Tecumseh |
| Town of Amherstburg | Wastewater Treatment Study for the expansion of the existing PCP treatment capacity from the current 7,770 m ³ /d to 11,500 m ³ /d (Schedule C Class EA) |

This list does not include any review of the numerous Certificates of Approval for sanitary sewage works issued by this Ministry over the past four years in Essex County.

The actual EA reports may be directly obtained from respective municipalities or towns.

Status of Wheatley Harbour Area of Concern

March 14, 2008

Prepared by Matthew Child, ERCA

The Great Lakes Water Quality Agreement (as revised in 1987) identified 43 Areas of Concern (AOC) around the Great Lakes. These AOCs have particular environmental problems, termed beneficial use impairments (BUI) in the Agreement, and require the development of a Remedial Action Plan (RAP) to address the BUIs. Seventeen AOCs occur in Canada or are binational i.e., connecting waters, one of which is Wheatley Harbour which is located in the current study area. The Muddy Creek watershed, which drains to Wheatley Harbour, is recognized as contributing to harbour conditions.

The BUIs for Wheatley Harbour include degradation of fish and wildlife populations, restrictions on dredging activities, eutrophication or undesirable algae, and loss of fish and wildlife habitat. To address these issues, the Ontario Ministry of the Environment established the Wheatley Harbour Implementation Team (WHIT) which consists of all levels of government (Environment Canada, Ontario ministries of Environment, Natural Resources, Agriculture Food and Rural Affairs, Essex Region Conservation Authority, and the Essex County Stewardship Network). WHIT has been meeting regularly for several years to better define environmental conditions in the harbour, and implement remedial actions to improve local conditions.

In the last several years watershed restoration work has proceeded through ERCA's programs, and between 2000 and 2006 forest cover in the Muddy Creek watershed has increased from approximately 6% to over 10.5%. Over 40 septic systems have been upgraded throughout the watershed. Despite these improvements, Muddy Creek water quality continues to exceed guidelines and objectives for nutrients and bacteria (*E. coli*), although trend analysis shows improvements in surface water quality over the last five years.

An extensive sampling program for water, sediment and fish tissue in the AOC and upstream Muddy Creek wetland between 2004 and 2007 showed concentrations of PCBs well above background levels. However, a recently completed Ecological Risk Assessment confirmed that existing contaminants do not pose a risk to piscivorous wildlife. Therefore sediment remediation activities in the AOC are not being recommended by WHIT.

Additional habitat restoration projects are planned for spring 2008 and 2009. Preparation of a Stage 3 (delisting) report is underway, and all delisting actions are expected to be completed by March, 2010 at the latest.