

MISSISSIPPI VALLEY CONSERVATION AUTHORITY  
SOURCE PROTECTION AUTHORITY MEETING

Mississippi Valley Conservation Centre  
Carleton Place, Ontario

MINUTES

December 4, 2013

MVCA MEMBERS PRESENT:

M. Burnham, Chair;  
J. Karau, Vice-Chair;  
D. Abbott;  
G. Code;  
A. Gillis;  
A. Jones;  
R. Kidd;  
G. McEvoy;  
G. Martin;  
W. Millar;  
P. Sweetnam;  
B. Sutcliffe.

MVCA MEMBERS ABSENT:

D. Black;  
E. El-Chantiry;  
A. Snider.

MVCA INVITED MEMBER ABSENT: L. Antonakos.

MVCA STAFF PRESENT:

P. Lehman, P.Eng., General Manager;  
J. Sargeant, Secretary-Treasurer;  
C. Craig, Project Manager;  
M. Craig, Manager, Planning & Regulatory  
Services;  
R. Fergusson, Operations Supervisor;  
S. McFarlane, Community Relations Coordinator;  
G. Mountenay, Water Management Supervisor.

OTHERS PRESENT:

S. Casgrain-Robertson, General Manager, RVCA

BUSINESS:

Mr. Burnham called the meeting to order at 10:05 a.m.

1. Approval of Minutes - Source Protection Authority April 17, 2013

SPA12/04/13-1

**MOVED BY: W. Millar**

**SECONDED BY: G. McEvoy**

**Resolved, That the minutes of the Mississippi Valley Source Protection Authority meeting held April 17, 2013 be received and approved as printed.**

**“CARRIED”**

3. Recommended Revisions to the Proposed Source Protection Plan

Mrs. Casgrain-Robertson advised that Source Protection Committees across Ontario have developed Proposed Source Protection Plans which contain policies to prevent the contamination and overuse of lakes, rivers and groundwater where they are a source of drinking water. The Plans are currently being reviewed by the Ontario Ministry of the Environment under the *Clean Water Act*. Implementation of the policies can begin once Plans are approved which is expected in 2014. The recommended revisions were listed in a table attached to Staff Report #SPA43/13. Mrs. Casgrain-Robertson noted that each recommended revision is accompanied by a staff recommendation about how to address each comment. She noted that the SPC will meet on December 5, 2013 to decide on each staff recommendation. She noted that all the recommendations are based on consultation with stakeholders (including the municipal working group) and whether or not the policy intent would still be achieved.

Following approval of the recommended revisions, source water staff will:

- Revise the Proposed Source Protection Plan and Explanatory Document;
- Prepare a resubmission package (cover letter to the Director, revised documents, and a summary of consultation / notifications related to the revisions);
- Consult policy implementers on a suitable effective date for the Plan and include the input in the resubmission package.

She noted that the target resubmission date is December 20, 2013.

There was a brief discussion regarding the policy for Commercial Fertilizer. Mrs. Casgrain-Robertson noted that the policy may never apply in the Rideau/Mississippi region because of the quantity for storage. No one in the area would use or store that quantity of fertilizer.

Mr. Gillis pointed out that the recommended revisions have been well prepared and presented. Mrs. Casgrain-Robertson commented on the continuous input and support received from municipal staff. She noted that all municipal staff were involved from the very beginning of the process and always attended the working group meetings.

**SPA12/04/13-2**

**MOVED BY: A. Gillis**

**SECONDED BY: J. Karau**

**Resolved, That the Mississippi Valley Source Protection Authority endorse the recommended revisions to the Source Protection Plan; and further,**

**Resolved, That the Mississippi Valley Source Protection Authority direct staff to submit a revised Proposed Source Protection Plan and Explanatory Document to the Ministry of Environment subject to Source Protection Committee approval of the recommended revisions.**

**“CARRIED”**

4. Source Protection Municipal Implementation Fund

Mrs. Casgrain-Robertson commented on Staff Report #SPA44/13 and pointed out that the Ontario government committed \$13.5 million in the 2013 Provincial budget to help Ontario's small, rural municipalities meet their obligations under the *Clean Water Act, 2006*. The funding commitment resulted in the creation of the Source Protection Municipal Implementation Fund (SPMIF) which the MOE launched on November 1, 2013 by sending funding agreements to all eligible municipalities. In the Mississippi-Rideau Source Protection Region all municipalities except the City of Ottawa are eligible for funding. Municipalities must sign and return their agreements by December 13, 2013.

The MOE have provided information about the SPMIF on their website and hosted a webinar for municipalities on November 13, 2013. Municipal staff from the Mississippi-Rideau Region participated in the webinar and took advantage of the opportunity to pose questions to the MOE during the session.

Immediately following the MOE announcement, Mississippi-Rideau source water staff contacted all of the eligible municipalities to ensure they had received the information and to encourage them to participate in the MOE webinar. During the week of November 18, 2013, source water staff contacted each municipality individually to offer assistance in understanding and making decisions surrounding the funding. On November 20, a chart was sent to all municipalities showing how the funding could be allocated to meet each municipality's legally binding obligations in the Mississippi-Rideau Source Protection Plan. On December 17, there will be an additional opportunity to discuss the SPMIF at the Municipal Working Group Meeting.

Mrs. Casgrain-Robertson noted that municipalities may not be able to use all of their funding and unused amounts will need to be returned.

5. Part IV Enforcement Transfer Agreement

Staff Report #SPA45/13 was reviewed and discussed. It was noted that the Mississippi-Rideau Source Protection Plan contains policies that manage or prohibit specific activities that are, or may become, "significant drinking water threats" as defined under the *Clean Water Act*. The policies can prohibit activities under Section 57 of the *Clean Water Act* or manage activities through the establishment of a Risk Management Plan under Section 58 of the *Clean Water Act*. The two sections of the Act appear in Part IV: *Regulation of Drinking Water Threats*. Under Part IV of the *Clean Water Act*, any single, upper or lower tier municipality that has the authority to pass by-laws under the *Municipal Act* for the production, treatment and storage of water is the enforcement authority. In the Mississippi-Rideau Source Protection Plan the following municipalities are responsible for enforcing Part IV policies: Beckwith, Carleton Place, Drummond/North Elmsley, Merrickville, Mississippi Mills, Montague, North Grenville, Perth, Rideau Lakes, Smiths Falls, Tay Valley, Westport, Ottawa (Britannia/Lemieux Island, Carp, Munster, Richmond).

Under section 47 of the *Clean Water Act*, a municipality may choose to transfer their enforcement authority to another municipality, board of health, planning board or Source Protection Authority

(Conservation Authority). That agency would be responsible for establishing a Risk Management Office which involves sending staff for training, appointing Risk Management Officials and Inspectors, setting up all logistical and procedural aspects (e.g. forms, fees, inspection protocol, reporting, record-keeping) and carrying out the work of implementing Part IV policies.

In the Mississippi-Rideau Source Protection Region, many municipalities have expressed an interest in transferring their enforcement authority to the Conservation Authority. As a result a draft Enforcement Transfer Agreement was developed and attached to the staff report for review.

The draft Enforcement Transfer Agreement was modeled on existing agreements such as those between municipalities and Conservation Authorities for CAs to carry out Part VIII of the Ontario Building Code (septic approvals). Eastern Ontario CAs, Conservation Ontario, MVCA and RVCA regulations staff and General Managers, and MOE legislative council were all consulted during the development of the Agreement. The draft Agreement is now undergoing a legal review by Bell Baker LLP Barristers and Solicitors.

Mrs. Casgrain-Robertson advised that following SPA approval, the legally reviewed draft Enforcement Transfer Agreement will be circulated to the municipal working group and CAOs for their review and comment in December, 2013. The final Enforcement Transfer Agreement will then be formally sent to municipalities for consideration by their Councils in early 2014.

It was noted that if municipalities transfer their Part IV enforcement authority to the CAs a Risk Management Office would need to be established as follows:

1. Staff training – already underway.  
MVCA and RVCA have 4 existing staff that completed the Risk Management Official / Inspector training.
2. Administrative aspects – already underway.  
Source water staff are developing forms, inspection checklists, Risk Management Plan templates, record-keeping protocols, etc. with the municipal working group.
3. Risk Management Official/Inspector Appointments and fee schedule approval – March. SPAs are responsible for appointing Risk Management Officials and Inspectors and approving a fee schedule (this will be developed in consultation with municipalities).

Mrs. Casgrain-Robertson advised that municipal councils will need to decide each year whether to transfer their Part IV enforcement authority to the CAs or do it themselves.

**SPA12/04/13-3**

**MOVED BY: G. Code**

**SECONDED BY: D. Jones**

**Resolved, That the Mississippi Valley Source Protection Authority direct staff to circulate the legally reviewed draft Enforcement Transfer Agreement to the municipal working group and CAOs for their review and then circulate a final version of the agreement to municipalities for council consideration.**

**“CARRIED”**

6. Upcoming Meetings

- a. Source Protection Committee (December 5, 2013)
- b. Municipal Working Group (December 17, 2013)

ADJOURNMENT

The meeting was adjourned at 10:45 a.m.

**SPA12/04/13-4**

**MOVED BY: G. Martin**

**SECONDED BY: A. Jones**

**Resolved, That the Mississippi Valley Source Protection Authority meeting be adjourned.**

**“CARRIED”**

“J. Sargeant, Secretary-Treasurer

M. Burnham, Chairman”