



Kettle Creek Source Protection Authority
August 16, 2023

Agenda
11:00 a.m.

Audio/Video Recording Notice

"Board members, staff, guests and members of the public are reminded that the KCSPA Board/Committee meeting is being recorded, and will be posted to the Authority's web site along with the official written minutes. As such, comments and opinions expressed may be published and any comments expressed by individual Board members, guests and the general public are their own, and do not, represent the opinions or comments of the Source Protection Authority and/or the KCSPA Board of Directors.

The recorded video of the KCSP meeting is not considered the official record of that meeting. The official record of the Source Protection Authority meeting shall consist solely of the Minutes approved by the Source Protection Authority."

Introductions and Declarations of Pecuniary Interest

Delegations

Minutes of Meetings

- a) Kettle Creek Source Protection Authority April 19, 20232

Recommendation: THAT the minutes of the April 19, 2023 Kettle Creek Source Protection Authority be approved.

Correspondence

- a) Resignation from the Lake Erie Region Source Protection Committee June 21, 2023.....5

- b) News Release: Lake Erie Source Protection Committee Vacancies July 5, 2023.....6

Recommendation: THAT the correspondence be received.

New Business

- a) Submission of the Amended Kettle Creek Source Protection Plan and Assessment Report.....7

Recommendation: THAT the staff report on the submission of the amended Kettle Creek Source Protection Plan and Assessment Report be received;

AND THAT staff be directed to submit the amended Kettle Creek Source Protection Plan and Assessment Report to the Minister of the Environment, Conservation and Parks for approval.

Next Meeting As required.

KETTLE CREEK SOURCE PROTECTION AUTHORITY
Wednesday, April 19, 2023, 11:11 a.m.

A hybrid meeting of the Kettle Creek Source Protection Authority was held on Wednesday, April 19, 2023 at 11:11 a.m. with members and staff joining in-person and electronically. The meeting was streamed live to Facebook.

VanHooren conducted a roll call with the following members identifying their presence:

Members Present:

Frank Berze	Middlesex Centre	In Person
Lori Baldwin-Sands (Vice Chair)	St. Thomas	In Person
Jim Herbert	St. Thomas	Virtual
Grant Jones (Chair)	Southwold	In Person
Sharron McMillan	Thames Centre	In Person
Sam Trosow	London	In Person

Members Absent:

Todd Noble	Central Elgin
John Wilson	Malahide

Staff Present:

Jennifer Dow	Water Resources Supervisor	In Person
Joe Gordon	Manager of Planning and Development	In Person
Jessica Kirschner	GIS/Information Services Coordinator	Virtual
Betsy McClure	Stewardship Program Supervisor	In Person
Elizabeth VanHooren	General Manager/Secretary Treasurer	In Person
Marianne Levogiannis	Public Relations Supervisor	Virtual

Audio/Video Record Notice

The public and members were reminded that the meeting was being recorded as noted below:

Board members, staff, guests and members of the public are advised that the Full Authority Board/Committee meeting is being video/audio recorded, and will be posted to the Authority's web site along with the official written minutes. As such, comments and opinions expressed may be published and any comments expressed by individual Board members, guests and the general public are their own, and do not represent the opinions or comments of the Full Authority and/or the KCCA Board of Directors.

The recorded video of the Full Authority meeting is not considered the official record of that meeting. The official record of the Full Authority meeting shall consist solely of the Minutes approved by the Full Authority.

As some members and guests attended virtually, all votes were recorded and are included in the Recorded Vote Registry.

Declaration of Pecuniary Interest

There were no declarations of pecuniary interest.

Delegations

There were no delegations.

Minutes of Meetings

a) Kettle Creek Source Protection Authority March 22, 2023

KCSPA3/2023

Moved by: Lori Baldwin-Sands

Seconded: Sam Trosow

THAT the minutes of the March 22, 2023 Kettle Creek Source Protection Authority be approved.

Carried

Correspondence

There was no correspondence.

New Business

a) Kettle Creek Annual Progress Report

KCSPA4/2023

Moved by: Sam Trosow

Seconded: Frank Berze

THAT the Kettle Creek Source Protection Authority accept the Lake Erie Region Source Protection Committee comments regarding the extent to which objectives of the Kettle Creek Source Protection Plan have been achieved during the annual reporting period January 1, 2022 to December 31, 2022.

AND THAT the Kettle Creek Source Protection Authority direct Lake Erie Source Protection Region staff to submit the Kettle Creek annual report to the Ministry of the Environment, Conservation and Parks in accordance with S.46 of the Clean Water Act, 2006 and any Director's instructions established under O.Reg. 287/07 S.52.

Carried

KCSPA5/2023

Moved by: Sharron McMillan

Seconded: Sam Trosow

That the meeting adjourn.

Carried

The meeting adjourned at 11:15 a.m.



Elizabeth VanHooren
General Manager/Secretary Treasurer

Grant Jones
Chair

Recorded Vote Registry KCSPA3/2023 to KCSPA5/2023
A=Absent Y=Yes N=No

Board Member	KCSPA3/2023	KCSPA4/2023	KCSPA5/2023
Baldwin-Sands	Y	Y	Y
Berze	Y	Y	Y
Herbert	Y	Y	Y
Jones	Y	Y	Y
McMillan	Y	Y	Y
Noble	A	A	A
Trosow	Y	Y	Y
Wilson	A	A	A
Result	Carried	Carried	Carried

From: [Lloyd Perrin](#)
To: [REDACTED]
Cc: [Shari Dahmer](#); [Elizabeth VanHooren](#); [Dusty Underill](#)
Subject: Lake Erie Region Sourcewater protection committee appointment
Date: June 21, 2023 4:22:58 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)
Importance: High

Good afternoon Alan

I hope this email finds you well.

As you are aware I sit as a municipal appointee to the Lake Erie Source Protection Region (LESPR) Committee for the municipalities in Elgin County, Middlesex County, City of London and City of St. Thomas. It is a position that I have held with the support of these municipalities since the Lake Erie Source Protection Committee was formed in 2008.

I am writing to you today to inform you that effective August 1, 2023 I will be resigning my position on the LESPR Committee.

During my 15 years I have had the pleasure of working with some amazing people that took on what some might describe as a monumental task. These people include past and present staff at GRCA, KCCA, CCCA, and LPRCA as well as past and present committee members. While we all came together with different perspective and interest, the committee accomplished the monumental task of developing the first Source Protection Plans for the region that will assist in protecting our residents drinking water for future generations. This was done with mutual respect of other opinions, professionalism and decorum. Something that all participants should be proud of.

In closing, I want to personally thank you and all of the committee members and staff for your hard work and support over the past 15 years and wish you all the best in your future work. If there is any way that I can assist you or the committee in the future please do not hesitate to reach out.

If you have any questions, please do not hesitate to contact me.

Regards

Lloyd J. Perrin

Director of Asset Management and Development

Corporation of the Municipality of Central Elgin

450 Sunset Drive, St. Thomas, ON N5R 5V1

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July 5, 2023
Release on receipt

Volunteers sought to fill vacancies on Lake Erie Source Protection Committee

Applications are being accepted until August 4, 2023 to fill two vacancies for public interest representatives on the Lake Erie Region Source Protection Committee.

The term of office will begin in September 2023 and last about 4 years, with the possibility of renewal.

The Lake Erie Region Source Protection Committee guides the collaborative process for developing and updating municipal drinking water source protection plans for four source protection areas within the Lake Erie Region: Grand River, Long Point Region, Catfish Creek and Kettle Creek.

This process involves identifying sources of municipal drinking water and the threats to both water quality and quantity; developing programs and policies that will reduce the risks to drinking water sources; and reporting on the implementation. This work is done under the Ontario Clean Water Act, 2006.

There are 24 members on the committee:

- Seven municipal representatives to represent the 52 municipalities in the Lake Erie Source Protection Region
- Seven economic sector representatives – three from agriculture, four from business and industry, and one from the aggregate sector
- Seven public interest representatives – persons appointed to reflect interests related to the environment, health and the general public
- Three First Nations representatives

Committee members are obligated to attend regular meetings, to participate fully, and work cooperatively and positively with other members towards achieving solutions.

The application form and more information on the eligibility and duties of committee members can be found at www.sourcewater.ca/SPC

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Further information:

Cam Linwood, GRCA Supervisor, Strategic Communications

Phone 519-621-2763 x2251 | Email clinwood@grandriver.ca

Shari Dahmer, Source Protection Program Manager, Lake Erie Source Protection Region

Phone 519-621-2763 ext. 2303 | Email sdahmer@grandriver.ca

DATE: August 16, 2023
TO: Kettle Creek Source Protection Authority
FROM: Elizabeth VanHooren
SUBJECT: Submission of the Amended Kettle Creek Source Protection Plan and Assessment Report

RECOMMENDATION:

THAT the staff report on the Submission of the Amended Kettle Creek Source Protection Plan and Assessment Report be received;

AND THAT staff be directed to submit the amended Kettle Creek Source Protection Plan and Assessment Report to the Minister of the Environment, Conservation and Parks for approval.

SUMMARY:

- Work under Section 36 of the Clean Water Act, 2006 (CWA) to amend the Kettle Creek Source Protection Plan and Assessment Report is complete.
- No comments were received on the updated documents during a public consultation period from April 5 to May 9, 2023; therefore, no additional changes were made. The full documents are available to members on the OnBoard platform.
- The Lake Erie Region Source Protection Committee reviewed the amendments and released the draft amended Kettle Creek Assessment Report and Source Protection Plan to the Kettle Creek Source Protection Authority for submission to the Ministry of the Environment, Conservation, and Parks for approval. The Kettle Creek Source Protection Authority does not approve these documents but may include any comments it wishes to make, along with the submission package as outlined in O. Reg. 287/07.

BACKGROUND:

Work under s. 36 of the Clean Water Act, 2006 to update the Kettle Creek Assessment Report and Source Protection Plan is complete.

The update addresses all the items listed in the amended order issued by the Minister on July 22, 2019, directing the lead Source Protection Authority (the Grand River Source Protection Authority) and the Lake Erie Region Source Protection Committee (SPC) to update the Kettle Creek Assessment Report and Source Protection Plan.

Updates to the Kettle Creek Source Protection Plan include:

- Addition of new policies (administrative and pipeline).
- Revisions to Part IV, prescribed instrument, specify action, incentive and education and outreach policies to align with the 2021 Technical Rules.
- Removal of specify action policy regarding chemicals used in the de-icing of aircraft.
- Minor revisions to monitoring policies.

The Kettle Creek Assessment Report and Source Protection Plan sections are available in their entirety on the OnBoard platform. Revisions are identified by strikethroughs and text highlights. The different highlight colours indicate different points in time during the update process that the revisions were made: first round of revisions are shown in yellow, second round are shown in green, and third round are shown in blue.

Pre-consultation and public consultation process

As part of the s. 36 update process, municipalities and ministries affected by the amendments were notified of the proposed changes and given the opportunity for pre-consultation. A council resolution in support of the amendments was received from the Municipality of Central Elgin.

The public consultation period began on April 5 and ended on May 9, 2023. Lake Erie Region posted public consultation material (including a slide deck) on the Lake Erie Region website. A hard copy of the plan was also made available at the Municipality of Central Elgin and Kettle Creek Conservation Authority administrative offices. No comments were received during the public consultation period; therefore, no additional changes were made to the Assessment Report or the Source Protection Plan following public consultation.

The Updated Kettle Creek Assessment Report and Source Protection Plan were considered at the June 22, 2023 Lake Erie Region Source Protection Committee meeting. A motion was passed recommending that the Updates be released to the Kettle Creek Source Protection Authority for submission to the Ministry of the Environment Conservation and Parks. The Kettle Creek Source Protection Authority does not approve these documents but may include any comments it wishes to make, along with the submission package as outlined in O. Reg. 287/07.

RECOMMENDATION:

THAT the staff report on the submission of the amended Kettle Creek Source Protection Plan and Assessment Report be received;

AND THAT staff be directed to submit the amended Kettle Creek Source Protection Plan and Assessment Report to the Minister of the Environment, Conservation and Parks for approval.

July 18, 2023

Grant Jones, Chair
Kettle Creek Conservation Authority
44015 Ferguson Line
St. Thomas, ON N5P 3T3

Dear Chair Jones

RE: Submission of the Updated Kettle Creek Assessment Report and Source Protection Plan

Work under s. 36 of the Clean Water Act, 2006 (CWA) to update the Kettle Creek Assessment Report and Source Protection Plan has been completed. On June 22, 2023, the Lake Erie Region Source Protection Committee (SPC) passed the following resolution:

THAT report SPC-23-06-03 S. 36 Update to the Kettle Creek Assessment Report and Source Protection Plan be received as information.

AND THAT the Lake Erie Region Source Protection Committee release the Kettle Creek Assessment Report and Source Protection Plan to the Kettle Creek Source Protection Authority for submission to the Ministry of the Environment, Conservation and Parks

As such, this letter serves as a notice pursuant to the requirements of Ontario Regulation 287/07, which requires the SPC to submit the updated Kettle Creek Assessment Report and Source Protection Plan to the Kettle Creek Source Protection Authority (SPA).

The SPA is now tasked with forwarding the updated Assessment Report and Source Protection Plan, together with the updated Explanatory Document, to the Ministry of the Environment, Conservation and Parks (MECP), along with any comments received during the pre-consultation and public consultation processes and any comments that the SPA wishes to make. Note that the SPA cannot make changes to the updated Assessment Report or Source Protection Plan and does not “approve” either document.

As part of the s. 36 update process, municipalities and ministries affected by the proposed amendments were notified of the proposed changes and the opportunity for pre-consultation. Lake Erie Region received pre-consultation comments for consideration from MECP (see Appendix A, Table 1).

The updated Kettle Creek Assessment Report and Source Protection Plan were made available for public comment between April 5 and May 9, 2023. Lake Erie Region posted public consultation material (including a slide deck) on the Lake Erie Region

website. A hard copy of the Source Protection Plan was also made available at the Municipality of Central Elgin and Kettle Creek Conservation Authority administrative offices. No comments were received during the public consultation period; therefore, no additional changes were made to the Assessment Report or the Source Protection Plan following public consultation.

At this time the SPA members may choose to attach their own comments regarding the updated Kettle Creek Assessment Report and Source Protection Plan. The SPA is then asked to direct Lake Erie Region staff to submit the Kettle Creek Assessment Report and Source Protection Plan together with SPA comments (if any) to MECP.

Upon release of the updated Source Protection Plan, Ontario Regulation 287/07 also requires the SPC to provide the SPA with the following information:

- a) a summary of any concerns that were raised by First Nations bands during the revision of the source protection plan that were not resolved to the satisfaction of the bands; and
- b) a summary of any concerns that were raised by municipalities during the revision of the proposed source protection plan and that were not resolved to the satisfaction of the municipalities.

There are no outstanding concerns raised by First Nations bands or municipalities that have not been resolved to the satisfaction of the bands or the municipalities.

If you have any questions regarding this letter, or the updated Assessment Report or Source Protection Plan, please contact Shari Dahmer at 519-621-2763 ext. 2303 or sdahmer@grandriver.ca

Sincerely,



Alan Dale

Acting Chair, Lake Erie Source Protection Committee

cc: Elizabeth VanHooren, General Manager, KCCA

Appendix A: Consultation comments and how they are addressed

Table 1: Draft updated Kettle Creek Assessment Report and Source Protection Plan pre-consultation comments and responses

#	Comment Source	AR/SPP Section	Comment	How Comment will be Addressed
1	MECP	AR, S1 Introduction	Table 1.4 – Drinking Water Threats (Page 1-23): For threats 3 and 4: Agricultural Source Material (ASM) – “whey” and threats 6 and 5: Non-Agricultural Source Material (NASM) – “organic soil conditioner,”. To provide clarity, please refer to ASM and NASM materials provided under the definitions of ASM and NASM, as well as Tables 1, 2, and 3 of Schedule 4 under O. Reg. 267/03.	Examples of land use / activities in Table 1, rows 3-6, amended to reflect definitions under O. Reg. 267/03.
2	MECP	AR, S4.11 Climate Change Vulnerability Assessment on Elgin Area Water Supply System	<p>The draft updated assessment report (AR) and the Climate Change vulnerability report, prepared by the Regional Water Supply Division c/o City of London, 2022/2023 (City report), show some discrepancies in climate change analysis, for example:</p> <ul style="list-style-type: none"> i. The intake overall sensitivity in the AR is 25%, while in the City report, it is 50%. ii. The adaptive capacity rate in the AR is 70%, while in the City report, it is 82%. iii. The climate change impact score in the AR is 6.5, while in the City report, it is 6.9. <p>Please explain and address the discrepancies and check the calculations and the assigned final climate change vulnerability rating in the AR accordingly. In addition, please ensure that the AR includes supportive information behind the reason for high adaptive capacity, the attributes contributing to the high sensitivity of the area scale, and the overall climate change vulnerability score leading to high resiliency.</p>	The City of London – Regional Water supply report is in accordance with the calculations and results generated by the Climate Change Vulnerability Assessment Tool for the Elgin Area Water Treatment Plant. Appropriate changes have been made within the AR to reflect the discrepancies.

#	Comment Source	AR/SPP Section	Comment	How Comment will be Addressed
3	MECP	SPP, Volume 2	<p>Removal of Aircraft De-icing Policy (BE-NB-5.1)</p> <ul style="list-style-type: none"> • This policy is directed to the Airport Authority to consider appropriate design standards and management practices for new airports within the Belmont Wellhead Protection Area (WHPA) to ensure the management of runoff that contains chemicals used in the de-icing of aircraft never becomes a significant drinking water threat. This policy was only applicable to the WHPA-A scoring 10 area of the Belmont wellfield. • Please confirm that the SPA is intending to use the exemption included in 2018 to s.31 of O.Reg. 287/07 for this activity: where a source protection plan is not required to include a significant threat policy under subsection 22 (2) of the Act in respect of an activity that would be a significant drinking water threat in an area identified in the assessment report if the activity has not been engaged in in that area; and there is no reasonable prospect that the activity will ever be engaged in in that area. • Ensure that the explanatory document is updated for this activity to include rationale for the change in policy approach (e.g., based on current land uses, etc.). 	<p>The Source Protection Authority is using the s.31 exemption from O. Reg. 287/07. Rationale has been added to the explanatory document regarding the proposed removal of the policy.</p>

#	Comment Source	AR/SPP Section	Comment	How Comment will be Addressed
4	MECP	SPP, Volume 2	<p>Policy BE-NB-5.2 and PS-NB-9.2</p> <ul style="list-style-type: none"> • The policy requests pipeline owners to ensure that the best available source protection information is used when developing, operating and maintaining liquid hydrocarbon pipelines, including developing and updating emergency planning zones. • Although hydrocarbon pipeline owners take source protection plan policies seriously, they are under federal jurisdiction. The enforceability of policies on federal land would need to be discussed further with your legal representatives. Given this, you may want to consider revising the policy to direct the municipality or SPA to provide pipeline owners with the best available source protection information to ensure the intent of the policy is being implemented, and that drinking water source protection can be considered in design, operational, and maintenance standards. • This action would also support the ability of pipeline owners and regulators to consider drinking water source protection as a risk factor as included in policies BE-NB-5.1 and PS-NB-9.1. 	<p>This policy is non-binding and as such, is not enforceable. Despite this, the Source Protection Authority felt that it is important that the responsibility is on the pipeline owners to ensure that they have the latest and best information, such as vulnerable areas, in the development, operation and maintenance of liquid hydrocarbon pipelines. Some pipeline owners may already consider source protection and the policy would act as a formal confirmation of their efforts. This rationale is included in the explanatory document.</p>

#	Comment Source	AR/SPP Section	Comment	How Comment will be Addressed
5	MECP	SPP, Volume 2	<p>Policy BE-NB-5.3 and PS-NB-9.3</p> <ul style="list-style-type: none"> • This policy has two parts, part one is directed at CER, OEB and pipeline proponent to ensure that the Source Protection Authority and the Municipality of Central Elgin are provided the location of any new proposed pipeline. Part two of the policy is directed at the SPA to document in the annual report the number of new pipelines proposed within vulnerable areas if a pipeline has been proposed and/or application has been received. • Please note the differences in effect of the policy: part one is a request upon the regulators, while part two is legally binding on the municipality. Consider revising the should to shall for this section. • As indicated for comment #2, you may also want to consider directing all actions for this policy to the SPA to ensure it is being implemented. For example: The Source Protection Authority shall engage CER, OEB and pipeline proponents once per calendar year and request the location of any new proposed pipeline applications. The SPA shall document in the annual report the number of new pipelines proposed within vulnerable areas if a pipeline has been proposed and/or application has been received. 	<p>This policy is only directed at the CER and OEB, and uses the term “should” as it is non-binding.</p> <p>Directing the policy at the CER and the OEB encourages the regulators to formally integrate source protection into their internal processes to ensure that the policy is implemented. This rationale is included in the explanatory document.</p>

#	Comment Source	AR/SPP Section	Comment	How Comment will be Addressed
6	MECP	SPP, Volume 2	<p>Policy BE-NB-5.4 and PS-NB-9.4</p> <ul style="list-style-type: none"> • The policies request pipeline owners to reimburse costs borne by the municipality where work in relation to this activity is required by a regulator with regards to protecting drinking water sources, or where the work identified by the drinking water system owner is supported based on due diligence and best practices as it relates to source protection and the protection of public health. • Please note that for any spills, the pipeline owner is already responsible for any cost associated with spill clean up. • Our branch would like to discuss this policy further to get some additional information and context. It is currently unclear how this policy would be implemented and for what items; for example, “where work is required” is very broad. Providing some more specific examples would be helpful. 	<p>Policy discussed with the MECP as requested. Specific examples of “where work is required” have been added to the policy. Rationale as to why the policy is directed at the pipeline owner is included in the explanatory document.</p>

#	Comment Source	AR/SPP Section	Comment	How Comment will be Addressed
7	MECP	SPP, Volume 2	<p>The Spills Action Centre has standard operating procedures to follow when they become of a spill to land or water or may pose a concern within a source protection area. Please see requested revisions that would align with the existing process at Spills Action Centre:</p> <p>PS-NB-8.1: The Ministry of the Environment Conservation and Parks should follow their standard operation procedures for source protection and spills to land or water, and notify the Elgin Area Primary Water Supply System duty operator when the ministry becomes aware of there are boating accidents or other incidents that may affect the drinking water treatment system and/or water quality within or near an the Intake Protection Zone, 1 (IPZ-1) and Intake Protection Zone 2 (IPZ-2), through the Spills Action Centre. or the Canada-Ontario Environmental Occurrences Notification Agreement.</p>	Policy PS-NB-8.1 amended as suggested.
8	MECP	SPP, Volume 2	<ul style="list-style-type: none"> • Formatting errors for Clean Water Act, 2006. Inconsistent italics used throughout. • Page 8-3 duplication: The annual progress report and supplemental form. The annual progress reports and supplemental form rely on several sources for information. • The SPP (Volume 1, Page 2) and AR (Page 2) indicate that amendments were made using the 2021 Director’s Technical Rules. Please revise any to reference the 2021 version as just the ‘2021 Technical Rules’. 	<p>Consistent formatting used for Clean Water Act, 2006”.</p> <p>Duplication on page 8-3, Volume 1, removed.</p> <p>“Director” removed from the “2021 Technical Rules”, as requested, in the AR and SPP.</p>