

Assessment Reports

# The South Georgian Bay Lake Simcoe Source Protection Region Consultations



NEWMARKET  
SEPTEMBER 28, 2010

## FACILITATOR'S SUMMARY



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## 4:00pm Open House Displays

Personal Advisors were available for personal consultations with individuals or businesses who have questions or comments about the letter they received regarding possible threats to drinking water on their property.



## 5:30pm Presentation on Assessment Reports and Facilitated Discussion

- Robb introduced his team and welcomed participants.



### The South Georgian Bay Lake Simcoe Source Protection Region Consultations

**You are Invited**

5 Open Houses on the Assessment Report will be held on the following dates and locations:

- Midland**
  - Saturday September 25, 2010 1 - 5 PM
  - North Simcoe Sport and Recreation Centre
  - 527 Len Golf Blvd, Midland, Ontario
- Newmarket**
  - Tuesday, September 28, 2010 4 - 8 PM
  - Glenway Club & Country Club
  - 470 Crossland Gate, Newmarket, Ontario
- Orillia**
  - Thursday, September 30, 2010 4 - 8 PM
  - ODS Park
  - 4000 Fairgrounds Rd, Orillia, Ontario
- Alliston**
  - Tuesday October 5, 2010 4 - 8 PM
  - The Nutcracker Inn
  - 6015 Highway 86, Alliston, Ontario
- Barrie**
  - Wednesday, October 6, 2010 4 - 8 PM
  - Lions Club Banquet Centre
  - 388 Blake St, Barrie, Ontario

**Please RSVP by September 15, 2010 so we know who and how many will be attending.**

**5 Open Houses**

The open houses will give the public an opportunity to see the draft Assessment Report, comment on it, learn about source water protection, get information about what constitutes a "threat" to drinking water per the Clean Water Act and have interaction with staff, committee members, municipal stakeholders and others. Each landowner who has an activity or condition identified as a significant threat on their property will be receiving a letter as part of the consultation process. These Open Houses will have Personal Advisors who are available for personal consultations with individuals or businesses who have questions or comments about the letter they received regarding possible threats to drinking water on their property.

**Agenda for Midland**

1:00pm Open House Drafts  
Personal Advisors will also be available for personal consultations with individuals or businesses who have questions or comments about the letter they received regarding possible threats to drinking water on their property.

2:00PM Presentation on Assessment Reports and Facilitated Discussion

4:00PM Repeat of the 2:00 Presentation and Facilitated Discussion

5:00PM Adjourn

**Agenda for Newmarket, Orillia, Alliston and Barrie**

4:00pm Open House Displays  
Personal Advisors will also be available for personal consultations with individuals or businesses who have questions or comments about the letter they received regarding possible threats to drinking water on their property.

5:30PM Presentation on Assessment Reports and Facilitated Discussion

7:00PM Repeat of the 5:30 Presentation and Facilitated Discussion

8:00PM Adjourn

1

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Independent Public Facilitator

- The role of the independent public facilitator is to ensure that discussions are fair, transparent, balanced, and informed.

### The Independent Public Facilitator

**My role is to make sure the discussions are fair, transparent, balanced and informed**

- Fair means everyone will be treated with respect, their opinions given a fair hearing.
- Transparent means summaries of these sessions will be published.
- Balanced means no one will be allowed to dominate or hog the discussion.
- Informed means the process will be based on "facts".

2

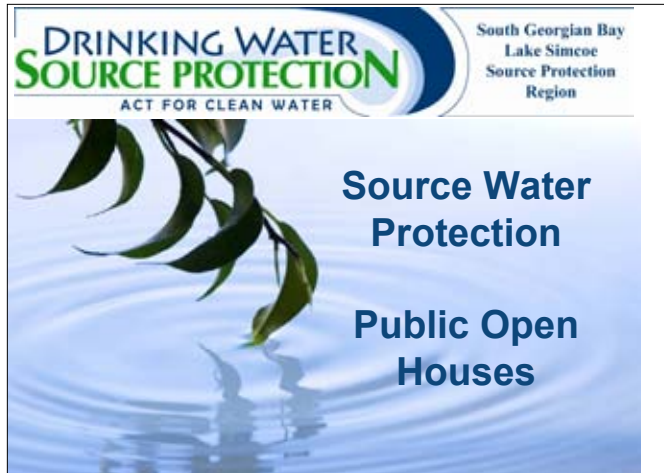
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Independent Public Facilitator

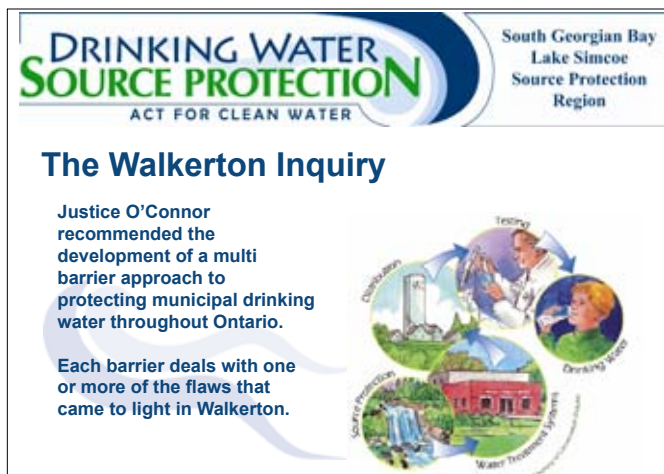
- We produce these summaries; if you have registered we will send you a copy electronically or mail one to you.



- Don thanked participants for coming. He is the Director of Source Water Protection for this region. He will give a summary of the source protection program, its roots, and where it came from, and will summarize the technical assessment part of the program. He will also try to give a sense of what is coming in the short- and long-term, including preparation of the plan.



- The roots of the program and the Clean Water Act are in the Walkerton tragedy, where an instance of water contamination resulted in 7 deaths and thousands of illnesses.



- The Province responded with a number of initiatives and safeguards to protect source water. These included testing, operator training, and drinking water treatment.
- Justice O'Connor recommended multiple barriers for source water protection. Tonight, we will be talking about the first barrier, prevention of contamination at the source.
- Source water is any untreated source or reservoir of water that is used for drinking water.



- Source water protection is any effort to protect drinking water sources from contamination or overuse.
- The Clean Water Act formalizes this in Ontario.
- One of the primary recommendations from the Justice O'Connor Walkerton inquiry was to manage water on a watershed basis. This makes sense – water doesn't obey municipal boundaries.
- There are 19 source protection regions in the Province. Ours (South Georgian Bay – Lake Simcoe Region) has four watersheds: the Black-Severn, Lake Simcoe, Nottawasaga, and Severn Sound. The region is a little more than 10,000 sq. km. and has 52 municipalities: 41 lower tier, 8 upper tier, and 3 separated cities. There are also three First Nations communities in the region, all of



which depend on surface water for their drinking water. This region has the greatest number of water intakes in the Province.

### Our Region

**Four watersheds**

- Black-Severn
- Lake Simcoe
- Nottawasaga
- Severn Sound

**> 10,000 km<sup>2</sup>**

**52 municipalities**

- 41 lower tier
- 8 upper tier
- 3 separated cities

**3 First Nations communities**

- The region is diverse in terms of geology and pressures on drinking water.
- The Clean Water Act divests responsibility for source water protection down to the level of a Source Protection Committee, a group of local stakeholders, which has 22 members in our region: 7 economic sector members; 7 municipal members; 7 public sector members; and one First Nations Community member (from the Rama First Nation). Among the public sector

South Georgian Bay  
Lake Simcoe  
Source Protection  
Region

## Source Protection Committee

Comprised of the Chair plus 22 members:

- 7 Economic
- 7 Municipal
- 7 Public Sector
- One First Nations Community Member

members are 2 retired public health officials. Our SPC is chaired by Councillor Lynn Dollin.

- The intent of the SPC is to ensure that the Source Protection Plan is practical and implementable.
- The Terms of Reference for the Source Water Protection Plan have been prepared; this is the first stage, a work plan.

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Lake Simcoe  
Source Protection  
Region

## Deliverables

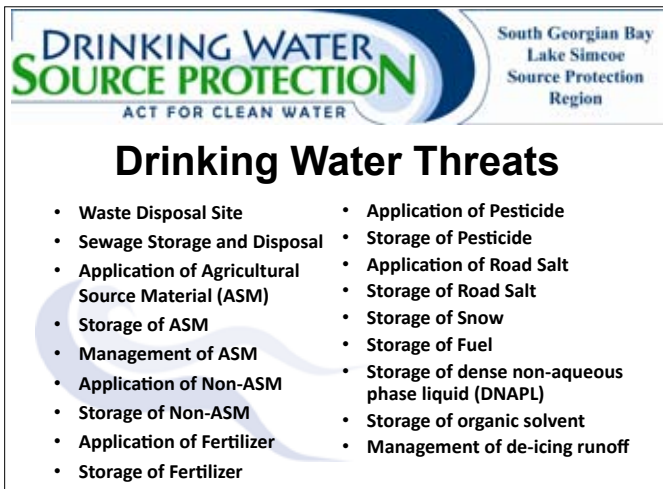
1. Terms of Reference
2. Assessment Report
3. Source Protection Plan

- We are currently in the Technical Assessment phase, which is intended to describe threats to drinking water in the region.
- The next stage is to prepare the Source Protection Plan, with recommendations about how to prevent future risks and reduce existing risks to drinking water sources. The Plan is based on the results of the Technical Assessment.

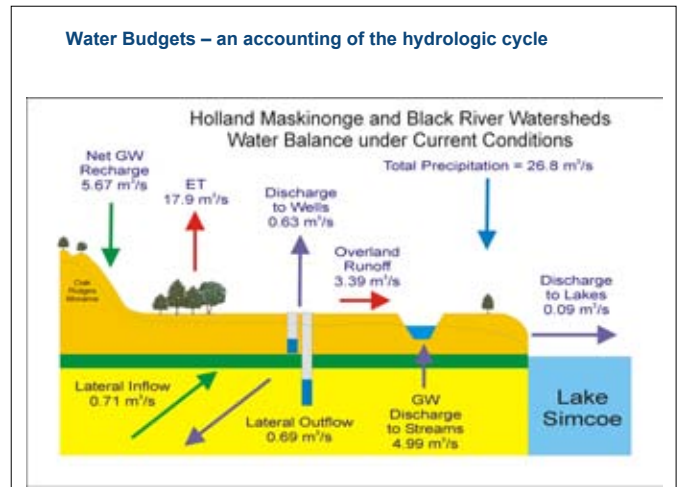
- The Clean Water Act seeks to protect four types of vulnerable areas: significant recharge areas, highly vulnerable aquifers (these first two are landscape vulnerable areas), and drinking water intake protection zones, and wellhead protection areas for groundwater-dependent areas (these latter two categories are municipal drinking water intake protection areas).



- The Province tried to prioritize assessments using a simplified risk assessment approach. The first step is to prioritize vulnerable geographic areas/locations, as just discussed. The second step is to prioritize threats, including high-risk land use activities. The combination of a highly vulnerable area and a high-risk activity should be the highest priority and are likely the most imminent threats. It's sort of a triage approach.



- The Clean Water Act also aims to manage water quantity, so we have a sustainable water supply for current and future generations. We have a phased water budget assessment – an accounting of the different water reservoirs in the hydrologic cycle.



- At the end of the day, we will compare the available water supply with the proportion of that supply that is under demand by users: supply and demand. Where demand exceeds supply, you might have a problem.

**DRINKING WATER SOURCE PROTECTION**  
ACT FOR CLEAN WATER

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**Stress Levels**

$$\% \text{ Water Demand} = \frac{Q_{\text{DEMAND}}}{Q_{\text{SUPPLY}} - Q_{\text{RESERVE}}} \times 100$$

Quantity Stress Assignment	Surface Water	Groundwater	
	Maximum Monthly % Water Demand	Average Annual % Water Demand	Maximum Monthly % Water Demand
Significant	>50%	>25%	>50%
Moderate	20 -50%	>10%	>25%
Low	<20%	0-10%	0-25%

- Some of the posters in this session talk about this water budget. We try to gradually refine our estimates of both supply and demand. We will eventually be able to evaluate threats to water supply (water quantity risk assessments).
- A Tier 1 assessment is a simple water budget and stress assessment. A Tier 2 assessment is a complex water budget and stress assessment, incorporating a more refined estimate of subwatershed demand, supply,



reserve, and potential stress. A Tier 3 assessment is a complex water budget and a water quantity risk assessment, incorporating detailed examination of local area drinking water systems, exposure, tolerance, threats identification, threats evaluation, and assessment of levels of risk.

- Tier 3 water budgets are planned or underway for Kempenfelt Bay area, the Holland/Maskinonge (Barrie area), and the Midland area.

**Tier 3 Water Budgets**

- Kempenfelt Bay Area
- Holland / Maskinonge
- Midland Area

- Tonight's presentation is our attempt to help you understand what to expect in terms of the technical assessment process. We will amend the assessment report in light of comments we receive from you and others, and there will be a second opportunity to review


**DRINKING WATER SOURCE PROTECTION**  
ACT FOR CLEAN WATER

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**What to Expect**

the assessment report, and ensure that your comments have been addressed.

- The revised technical assessment report will then be submitted to the Province and the Source Protection Committee for review and approval.
- The Source Protection Committee will then be asked to develop a Source Protection Plan. They will be considering policies to reduce identified risks; recommend policies to prevent future threats (e.g., through land use planning and education/ outreach initiatives); and monitoring and updating requirements to ensure the plan is working and stays current. There will be a need to refresh the plan periodically.




### Source Protection Plan

Includes policies, risk reduction strategies, monitoring requirements, education and outreach recommendations etc.

- Risk reduction strategies to address existing significant threats
- Land use planning recommendations to prevent new significant threats from being created
- Education, outreach, stewardship recommendations to address low and moderate threats
- Monitoring and updating requirements to ensure the plan is working and stays current

- The Source Protection Plan will be locally developed. A local Planning Working Group has been established,




### Source Protection Plan

Locally developed:

- Provincial regulation provides framework and context
- Local Planning Working Group established
- Group comprised of municipal planners, Source Protection Committee members, and Source Protection Authority staff
- Evaluating policy and risk reduction options, collaborating with neighboring regions to promote consistency, and making recommendations to SPC

comprising municipal planners, SPC members, and Source Protection Authority staff.

- The Province will provide guidance to ensure a minimum level of consistency, but ultimately it will be a local plan developed by people in this region.
- Plans are due to the Province by August 2012. Public consultation on the draft plans will begin in early 2012.
- The Province will review submitted plans for consistency (conformity) with others in Ontario and will approve them or request revision.
- Municipal official plans and provincial instruments (e.g., Certificates of Approval, Permits to Take Water, etc.) will have to **conform to** significant threat policies, and must **have regard for** moderate and low threat policies.
- Monitoring and reporting on the implementation of the plan is required. Updates will also be required to reflect new information as it becomes available. The frequency of these updates is still to be determined.




### Source Protection Plan

Implementation:

- Plans are due to the Province by August 2012 – Public consultation on the draft plans will commence in early 2012
- Followed by provincial review / approval and conformity exercise
- Municipal official plans and provincial instruments (C of As, PTTW etc.) will have to conform to **Significant** threat policies
- Must have regard for **moderate** and **low** threat policies
- Monitoring and reporting on plan implementation required
- Updates will be required to reflect new information, additional waters systems etc. Frequency To Be Determined

- The Province has established a stewardship program (the Early Response Program) to assist in risk mitigation. They have been funding projects like septic upgrades, well decommissioning, and so on. That program has now wrapped up and we are now in the process of applying to the next stage in the program, to address

significant drinking water threats or pathways. If you have such a threat, please see Maggie Simpson in the back of the room. We are establishing a list of potential projects for this program. Grant rates up to 80% of the project cost are available, with some caps by project type.



**Stewardship Program:**

Early Response

- Addresses significant drinking water threats or pathways that increase vulnerability scores
- Voluntary participation
- Local application process, underway - due to MOE by September 30<sup>th</sup>, 2010
- The program is expected to roll out March of 2011
- Grant rates up to 80% of the project cost (with some caps by project type)



**www.ourwatershed.ca**

**swp@lsrca.on.ca**

**1 800 465 0437**

- Robb thanked Don for his presentation and invited participants to ask questions.
- A participant expressed concern about the fluoridation of drinking water. He asked Don's help in contacting the local MP about this issue. Fluoride is a poison, and may be of greater concern that pollutants entering the drinking water system in other ways. There is considerable information about this issue on the Internet.
- The same participant added concerns about sodium and chlorine, both of which are toxic substances of concern for human health.
- Another participant said that she is associated with the local conservation authority, not with the SPC. She was born and raised in Newmarket. Her comment is to commend the work of the SPC. She has watched them diligently and wants to remind participants that this work arises from the Walkerton tragedy, where a number of lives were lost. This work is very important. It has been a daunting task, but it will be to the overall benefit of the entire community. She congratulated the group and the chair of the committee, Chair Dollin and her team.
- Robb invited other questions, but reminded participants that there is an opportunity also to offer comment through the "I didn't get a chance to say" form.
- Robb asked for a round of applause for Don, and then drew this portion of the session to a close.
- Added in the "I didn't get a chance to say..." forms:
  - A participant expressed concern about the page in the review re "livestock" in Newmarket.
  - The same participant was concerned about the potential effect on property values near these wellheads and groundwater sources. There may be no way of assessing this effect.

## 7:00pm Repeat of the 5:30 Presentation and Facilitated Discussion

- Don repeated the presentation as given earlier. The following questions and comments arose from the 7:00 presentation.
- A participant says that she resides in the Glenway area. They have not used pesticides for some time, but businesses are still allowed to use them. Why is this the case? Don responded that yes, there are some bans depending on land use, but those issues are captured in the current planning activity, and have been flagged as a significant threat. He cannot speak to why certain activities are included or excluded under the current bylaw.
- The same participant responded that she would like to know when this pesticide usage will stop; it is disregarding the people who live in the neighbourhood. Don responded that the SPC will be considering a suite of options, including management activities. It will not be a blanket approach; there are many opportunities to implement best management practices. Managing activities is important, not just prohibition.
- Another participant said that he is a farmer. Every property has a land patent, given by the Crown to the original deed holder. Each patent begins “By the Grace of God...” That’s how important the Crown felt the patent was, and the rights of property owners. It basically translates into a divine gift. The following is a transcript of a document provided following the meeting:

Each land patent, prior to confederation, starts with the phrase “by the grace of God”. This is a complex phrase. In essence, it translates to “by divine gift”. When one understands how and why the crown obtained the right to land in America... one understands that the crown only received “possession” of the soil. The crown then transferred the possession via land grants.

Only one that does – handshake.

...church view before Magna Carta says God owns soil given to church and man this is where Papal bulls come in The Church and crown rules together. All land patters start with “by the grace of God”. This is where the church gets its authority and likewise the crown. Settlers Contract is with the crown by the grace of God thus the chain. This is furthered by production

rights where a portion of the goods grown taxed to the crown. In modern term this amounts to production rights where a portion of the goods grown taxed to the crown. In modern term this amounts to production rights under modern day OFPMC although they are too dark to be associated with the church and McGinty’s values to not meet with the crown contract or public trust which is what crown documents are.

The covenant chain is a series of treaties between the crown and the Indians and a lot of them relate to things of the soil, air and water.

Two row wampum is an example as part of the chain.

The land grants are part and parcel to the covenant chain as the crown must supply needs to the said Indians if requested.

The land grants allow “the said Grantee shall have quiet possession of the said lands... for their sole and only use forever.”

This means that the land grant holders have possession of the things OF the soil for their own personal use. The grant is a sovereign right to production for personal use. I stress... PERSONAL USE. That means personal consumption on the property. There are exclusions that are found in British legislation such as deer belong to the crown. Legislation at the time of the land grant signing is very important Each land grant is unique.



It is a very complex topic with many, many layers and very, very deep. Property rights is at the root of civilization.

Brief and short.

Compensation.

Loss of Constitutional Rights must include not withstanding clause. Any leg. Including notwithstanding clause is not exempt from law must be reviewed every 5 years."

- The participant went on to say that his reason for bringing this up is that if it is good for him and his neighbours to comply, then the government should compensate him and his neighbours for lost rights under the land patent. That land patent transfers from owner to owner; it is not rescinded. When all is said and done, will he be compensated for what he can or cannot do for the public good?
- Don responded that this issue has arisen before and has been debated extensively. He can tell you that the Province has not committed to compensation. Their answer to the question early in the program was the stewardship program. That's as close as the Province has gotten in this process. There are a number of SPC members that continue to raise this issue. Costs are also a significant issue. The participant responded that the stewardship program does not constitute compensation for the loss of rights, say the right to grow



potatoes or carrots around a wellhead. There is a large loss of income and a large investment at the outset if the landowner is to engage in wellhead protection activities. Don responded that the SPC is not at the point of prohibiting agricultural activities. They are in the process of evaluating threats and vulnerable areas. He does not anticipate a broad document filled with prohibitions; rather, it is likely to have an emphasis on management of current land uses. We are not quite there yet. The agricultural members of the SPC continue to raise this issue and keep it before the committee. The SPC is not interested in reinventing the wheel and replicating existing legislation, such as the Nutrient Management Act. He advises the participant to stay tuned and stay in touch with the agricultural members of the SPC as the committee evaluates its options.

- The participant reiterated Don's comment that "we are not there yet". If that's the case, the problem should be fixed immediately; it should not be allowed to fester.
- Another participant observed that on her small street of six homes, within the last 3-5 homes, four of the homes have had family members with serious cancer-related illnesses. What does that mean? Is it a coincidence? It makes you wonder. Robb noted that this particular group is probably unable to respond to that question. He recommends that the participant speak to public health officials.
- Another participant asked for clarification. We are talking about wellheads and vulnerable areas He is curious about the scope of the SPC's assessment. Would smaller streams and groundwater aquifers also be included? Don responded that major systems currently used for drinking water are the principal focus, but smaller systems are also of interest insofar as they contribute to regional drinking water sources. The Clean Water Act is focused mainly on municipal water supply. The participant asked for additional clarification. Don responded that the significant threat requirement (municipalities "**must comply with** significant threat policies") takes precedence, but SPCs must also "have regard for" other moderate and low threat policies. It is softer language.

- A member of the SPC noted that although we have not won on compensation, some progress has been made.
- Another participant runs a vegetable packing plant, with 50 employees year-round. They use water in their packing plant, supplied by wells located on his property (with appropriate permits). In the last few years, a well that used to produce 200 gal/minute now produces about 65 gal/minute. His hydrologist tells him that he is about 3 miles as the crow flies from the Bradford wellhead. He has seen the availability of his water drop significantly, and his hydrologist advises him that it is likely because of municipal water taking by Bradford. He will not be happy if there are limitations to his ability to grow crops on his lands. Perhaps there will be a need to purchase the protected lands. Robb responded that one issue is the water quantity issue; another is the quantity issue. Don responded that the East and West Holland Rivers are both flagged in the water budget. Water demand does creep up in both, as a result of a variety of uses in their watersheds, and there have been supply issues in the past. Don is however surprised by the drop this participant has experienced, and wonders if there might be interference from another well or whether it might be a performance issue in the well. Some of the wells in our region are definitely under stress, and the East and West Holland Rivers are among the most heavily used system.
- Another participant asked about backflow prevention in commercial properties. This area seems to be well behind Toronto and Halton-Peel. How is that going to work? It's not just the water running off the land. Commercial properties, without backflow prevention, can put problems into regional water supplies. In other regions, no compensation is given. Has the SPC looked at this? Don responded that the process does require examination of land use activities. Use of chemicals would be included in this, as would transmission of sewage, so those things in combination are being characterized in the assessment report. The SPC is examining gaps and considering how to fill them. He thanked the participant for raising the issue and promised to take it back to the SPC.
- Another participant offered two observations. One is that the Cardinal Golf Club is in a low-lying area. If you want to play golf there, they will sometimes say the course is closed because it is under water. Runoff from the course is running into local rivers. The other issue is that in recent years, Newmarket has imposed a watering ban during low-water conditions. He had understood Don to say that there was considerably more supply than demand. Does the SPC get involved in moratoriums on growth, town planning, and so on, where water supply might constrain growth? Don agreed that this was the case; planners will be involved in implementing source protection measures later down the road. The SPC must consider policies, including management practices, low-impact development, water conservation (competing water uses), water reuse, and so on. Once they have sorted these options out, it will be the municipal planners and the provincial agencies that have to make these things happen.
- Another participant asked what percentage of water in our region is supplied by Lake Ontario versus local sources? This is the first summer we haven't had a water ban in the last ten years. Don responded that there is a blend of local groundwater supplies and surface water piped from Lake Ontario. It was about 50-50, but it is now a little more lake water, probably 60% lake water, 40% local, especially in Aurora and to a lesser extent possibly Newmarket.
- Robb thanked participants for attending and adjourned the meeting.
- Added in the "I didn't get a chance to say..." forms:
  - A participant notes "I appreciate the opportunity to hear about what is being started to protect our water, but I am disappointed there wasn't more information on the quality of our current water and the process of testing."

## 8:00pm Adjourn



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