



NIAGARA PENINSULA SOURCE PROTECTION COMMITTEE

WELLAND

July 22, 2008

7:00 p.m.

MINUTES

- MEMBERS PRESENT:** M. Neufeld, (Chair)
R. Bator
D. Ostryhon
M. Bellantino Perco
D. Renshaw
T. Rigby
E. Schneider
- MEMBERS ABSENT:** B. Antonsen
D. Kerr
D. Ricker
- LIAISONS PRESENT:** M. Keller, Ministry of the Environment
G. Hudgin, Niagara Public Health Representative
- LIASONS ABSENT:** B. Baty, Niagara Peninsula Conservation Authority
- STAFF PRESENT:** B. Wright, Source Protection Coordinator
J. Kukalis, Director, Water Management
M. Stack, Director, Communications
E. Best, Acting Recording Secretary
D. Gullet, Source Water Protection Administration Assistant

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

BUSINESS:

The Chair called the meeting to order at 7:00 p.m. He welcomed every one in attendance and requested that if anyone had a conflict of interest to declare it. The following resolution was then presented.

SPCR-42-08

MOVED BY: Maria Bellantino Perco

SECONDED BY: Dave Renshaw

THAT: The agenda be accepted as presented.

“CARRIED”

The Chair introduced Elizabeth Best, acting recording secretary for tonight’s meeting and Debbie Gullet the new Source Protection Administration Assistant.

The Chair invited Mary Stack to introduce John Kukalis, the new Director of Water Management, for the Niagara Peninsula Conservation Authority. John came to NPCA from the Town of Lincoln, where he was the Director of Public Works. John worked for the Niagara Peninsula Conservation Authority several years ago, and NPCA is happy to welcome him back.

(1) MINUTES

a) JUNE 17, 2008 SOURCE PROTECTION COMMITTEE MEETING

The chair asked for any comments on the June 17, 2008 meeting minutes, and Glen Hudgin asked that the following errors be submitted for correction:

- 1) Under liaisons absent – Glen was listed as absent, but was present.
- 2) Brian Baty was recorded as being present, but was in fact absent.
- 3) Glen asked that the letter ‘s’ be removed from the end of his name.

In addition, the minutes indicated on page 2 of 5 – item 2, SPCR-37-08, that the motion was moved by Tim Rigby and seconded by Brian Baty. But, since Brian Baty was not present, the original signature page must be checked and the minutes changed to reflect the correct information.

Glen Hudgin also noted that the February 12th Source Protection Committee (SPC) meeting minutes indicated that he was absent but in fact he was present.

Glen Hudgins asked for clarification regarding whether liaison members are able to second a motion. There was a question whether the Authority liaison was entitled to second a motion. It was noted that all three liaison should be the same.

The following resolution was presented.

SPCR-43-08

MOVED BY: Edwin Schneider

SECONDED BY: Tim Rigby

THAT: The minutes of the Source Protection Committee (SPC) meeting held June 17, 2008, be received with corrections duly noted and changed.

“CARRIED”

(2) BUSINESS ARISING FROM THE MINUTES

David Renshaw noted that while it was not on the agenda for tonight’s meeting he would appreciate hearing how the open houses went from those members in attendance. The Chair indicated that information regarding the open houses will be included verbally under item 3 of the agenda.

(3) TERMS OF REFERENCE COMMENTS AND RECOMMENDATIONS – REPORT NO. SPC-14-08 WITH TOR COMMENTS AND RECOMMENDATIONS

Brian Wright presented the report on Terms of Reference (TOR) Comments and Recommendations, and noted that comments from the municipalities would require only minor corrections to the TOR.

The Chair asked for comments regarding the proposed terms of reference.

The Chair indicated a change to the agenda, placing Agenda Item 6 before Item 3, indicating that we would go back to Item 3 - Terms of Reference after having discussed and resolved Item 6 – Great Lakes Agreement.

Robert Bator asked who will peer review the technical reports. Brian Wright said the Water Budget Reports, which are generated by the NPCA, are peer reviewed by an outside consultant. The work plan for the water budget study is also peer reviewed. The consultant was chosen based upon their expertise, and has no connection with the conservation authority. NPCA also plans to retain consultants to peer review the reports generated by the Region.

Maria Bellantino Perco asked if there is a conflict with the peer reviewer, reviewing work through-out the process versus the just final report, as this could be perceived as an advisor instead of peer reviewer.

Brian responded the peer reviewer does not prepare the report but they do make comments after reviewing the report. The Chair stated that he understands that the SPC wants to ensure that it is properly reviewed, and believes that is being done so at this time.

Martin Keller stated that funding is available for peer review of the Surface Water Vulnerability Studies.

The Chair summarized the discussions by saying that the third party reviewer must be independent and that there is a need to be also aware of the perceived optics in third party review.

Brian Wright stated that there was fairly good attendance at the three open houses ranging from 12 to 17, compared to some other SP regions that had only half that attendance.

The Chair asked Mary Stack what was spent on advertising for the open houses. Mary estimated that \$12,000 was spent on advertisements in local newspapers. She indicated that a mailing also went out to 500 stakeholders.

Tim Rigby asked if there was any attempt to respond to questions at the presentations? The Chair said that he and staff responded to questions as best they could. They also encouraged the public to submit their comments in writing.

Copies of the letters from OFA and CELA were distributed to SPC members at the meeting.

Maria Bellantino Perco asked if there was a process for providing feedback to the commenter. She felt that if people had taken the time to provide comments that the SPC should respond to them. After a discussion following this question, it was agreed that for now, since there are only 12 commenters on the TOR, the SPC will ask staff to prepare letters responding to each commenter.

Martin Keller indicated that item 4a, page 1 of 11 should be corrected to show that while the Minister has received the letter from CELA, it is not the same letter. It should read: comment from CELA to the minister (page 1 of 11)

The following resolution was presented:

SPCR-44-08

MOVED BY: Tim Rigby

SECONDED BY: Dean Ostryhon

THAT:The Source Protection Committee approve the recommendations presented in this report (Report SPC-14-08) as revised.

“CARRIED”

(4) GANTT CHART OF TASK SCHEDULES

The Chair asked Brian Wright to outline any staff highlights. Brian indicated:

- The completion date for the Tier 1 Water Budget task had been revised from August to December as meeting this timeline was a concern.
- NPCA staff are concerned that the IPZ Tasks under the Assessment Report work plan will not be completed by the indicated date. Niagara Region is the *Assigned Lead* on these tasks.
- NPCA staff are concerned that the tasks involving identifying issues, inventorying threats and assessing hazards in IPZ's will not be done by the target completion date of May 2009. Niagara Region is the *Assigned Lead* on these tasks.

The Chair said if the assessment report is to be submitted to the MOE by December 2009, it needs to be completed by July or August 2009, to allow for public consultation and revisions during the fall of 2009. If the Region does not complete the reports and studies by May 2009, the SPC will not meet its deadline. On July 24th the Chair, John Kukalis, Brian Wright, Mary Stack and Tim Rigby will meet with senior staff at Niagara Region concerning the TOR tasks.

The Chair indicated to the committee that they will not receive a GANTT chart at every meeting, however, that they will receive an update from Brian Wright at each meeting.

Brian Wright gave a verbal report on the current budget. In summary Brian Wright indicated that we are within budget. In the first quarter, NPCA has spent about 18% of the budget for this fiscal year, noting that some outstanding invoices for the open houses are not reflected in the 18% and that this does not include the water budget.

(5) PROCEDURES FOR IN-CAMERA SESSIONS – REPORT NO.SPC-15-08

The Chair asked for any comments on Report No. SPC-15-08. None were forthcoming.

The following resolution was presented.

SPCR-45-08
MOVED BY:

Tim Rigby

SECONDED BY: Irwin Schneider

THAT:The Source Protection Committee accept the procedures for In-Camera sessions as outlined in Report No. SPCR-15-08.

“CARRIED”

(6) GREAT LAKES AGREEMENT – REPORT SPC-16-08

The main concern is the unresolved issue of item 6b.

Tim Rigby indicated that item 6b recommendation of Report SPC-14-08 regarding the Great Lakes is different to the recommendations in Report SPC-16-08 on the Great Lakes target.

The Chair asked Brian Wright to explain briefly the Great Lake Targets. Brian Wright explained the process as it is outlined in Report SPC-14-08. A discussion on the Great Lakes targets process followed.

Martin Keller stated that the Great Lakes targets process is still in development. Any letters of concern from the SPC should be directed to Martin Keller.

Tim Rigby indicated that he would like to see the committee develop a mission statement, similar to Hamilton.

The Chair in summary stated that the SPC could indicate through a letter to senior MOE staff, its desire to have input into IJC, and be involved other stakeholders in that process.

It was agreed that the response to comment 6b (in Report SPC-14-08) indicate that the SPC plans to become more actively engaged with the MOE and the Great Lakes broader initiatives.

SPCR-46-08

MOVED BY: David Renshaw

SECONDED BY: Tim Rigby

THAT:The Source Protection Committee moved that a letter regarding SPC 16-08 be developed by staff and be brought back to the committee for approval.

“CARRIED”

(7) IN-CAMERA SESSION – STAKEHOLDER LIST – REPORT NO. CR – SPC-01-08

SPCR-47-08

MOVED BY: Tim Rigby

SECONDED BY: Maria Bellantino Perco

THAT: The Source Protection Committee move In-Camera to discuss Report No. CR-SPC-01-08. Time noted: 9:30 p.m.

“CARRIED”

SPCR-48-08

MOVED BY: David Renshaw

SECONDED BY: Tim Rigby

THAT: The Source Protection Committee moved out of In-Camera session. Time noted: 9:40 p.m.

“CARRIED”

(8) OTHER BUSINESS

Mr. Bator asked that those who attended the open houses share what they had learned at the meetings with the rest of the committee and asked that it be placed on the next meetings agenda.

The Chair stated the SPC Meeting scheduled for August 5th will be cancelled as all items on the agenda were completed at tonight’s meeting. The next scheduled SPC meeting will be September 9th, 7:00 p.m. at the NPCA offices.

Brian Wright stated that the Proposed Terms of Reference will be sent to the SPA with a cover letter and additional information as required. The proposed TOR will then be posted for 30 days for public comments. The SPA will then submit the Proposed TOR along with the comments and supporting documents to the MOE by October 20, 2008.

ADJOURNMENT

There was no further business, the following resolution was presented.

SPCR-49-08

MOVED BY: David Renshaw

SECONDED BY: Tim Rigby

THAT: This meeting does now adjourn.

Received at 9:46 p.m.

“CARRIED”

“E. Best, for D. Bois, Recording Secretary

M. Neufeld, Chair”