

ST. CLAIR RIVER BINATIONAL PUBLIC ADVISORY COUNCIL  
(BPAC)

Minutes - Draft  
Meeting 2018-1

Thursday, January 25, 2018  
Lambton Kent District School Board  
200 Wellington Street  
Sarnia, Ontario

ATTENDEES:

Kelly Johnson  
Paulette Duhaime  
Kirsten Lyons  
Marina Plain

Kathy Watts  
Patty Troy  
Terry Burrell  
Fred Kemp

April White  
Kris Lee  
Melanie Foose

REGRETS:

Archie Kerr  
Peter Westfall  
Darrell Randell

Ted Briggs  
Christine Loeffler  
Frank Frisk

Judy Ogden  
Theresa Warren

**Call to Order and Introductions – K. Lee**

The meeting was called to order by Kris Lee.

**Adoption, Additions or Corrections of Draft Agenda – All**

The draft agenda was reviewed and additions or corrections were solicited from BPAC members.

**Moved by Terry Burrell and seconded by Paulette Duhaime that the draft agenda be accepted with the following addition: 1) Future Enbridge Presentation by Kris Lee under “Other Business”.**

***CARRIED***

**Approval of July 20, 2017 Draft Minutes and Actions – All**

Actions arising from the last meeting on July 20, 2017 were reviewed along with the draft minutes.

Business arising from the July 20, 2017 minutes was:

1. The Canadian re-designation event scheduled for September 2017 was postponed. A new date has not yet been set.
2. The Freedom of Information Act request made to the Ontario Ministry of the Environment and Climate Change regarding the Spills Action Centre has been forwarded to the US.

**ACTION** – Patty Troy will contact Don Brown for feedback on the information received.

**Moved by Terry Burrell and seconded by Paulette Duhaime that the draft minutes of July 20, 2017 be accepted as prepared.**

**CARRIED**

**Election of Officers – F. Kemp and All**

The Chair asked that Fred Kemp facilitate the elections process. Fred Kemp called for nominations from the floor for the following six positions.

United States Co-Chair:

Patty Troy was nominated by Terry Burrell. No other members were nominated. **Moved by Terry Burrell and seconded by Kris Lee that nominations be closed and that a unanimous ballot be accepted.**

**CARRIED**

United States Vice Co-Chair:

Paulette Duhaime was nominated by Patty Troy. No other members were nominated. **Moved by Patty Troy and seconded by Kirsten Lyons that nominations be closed and that a unanimous ballot be accepted.**

**CARRIED**

Canadian Co-Chair:

Kris Lee was nominated by Patty Troy. No other members were nominated. **Moved by Patty Troy and seconded by Marina Plain that nominations be closed and that a unanimous ballot be accepted.**

**CARRIED**

Canadian Vice Co-Chair:

Terry Burrell was nominated by Marina Plain. No other members were nominated. **Moved by Marina Plain and seconded by Kirsten Lyons that nominations be closed and that a unanimous ballot be accepted.**

**CARRIED**

Canadian Remedial Action Plan (RAP) Implementation Committee (CRIC) Representative:

Kris Lee was nominated by Terry Burrell. No other members were nominated. **Moved by Terry Burrell and Marina Plain that nominations be closed and that a unanimous ballot be accepted.**

**CARRIED**

**Source Water Protection Update – F. Kemp**

Fred Kemp discussed the details of the proposed criteria intended to be used to remove the Drinking Water BUI on the US side of the St. Clair River. He also discussed the results of a meeting held with the City of Port Huron drinking water plant staff.

**Responses from the Water Filtration Plants re. Information Requests – P. Duhaime**

The US Drinking Water subcommittee met on October 30, 2017. Those present discussed revisions to the Drinking Water BUI removal criteria. The revision would require the subcommittee to verify the status of three documents for each of the US Water Filtration Plants on the St. Clair River. These documents include: 1) Source Water Risk Assessment, 2) Sanitary Survey, 3) Emergency Response Plan. These documents are required by law and the subcommittee feels that it is critical to the safe operation of the Water Treatment/Filtration Plants to have the documents up to date.

The subcommittee sent letters to the Water Filtration Plants in the City of Port Huron, City of Marysville, City of St. Clair, East China Township, Marine City and the City of Algonac. Responses were received from the City of St. Clair and City of Port Huron, including only one document (Source Water Risk Assessment). Security reasons were cited as the reason for not providing additional documents.

On December 13, 2017 the subcommittee modified their request asking plants to provide the Source Water Assessment and Sanitary Survey documents and to confirm that an Emergency Response Plan is in place and when it was last reviewed and updated. So far no responses have been received. The subcommittee will continue to request the information from the plants through Freedom of Information Act requests, and by working with MDEQ.

### **US Drinking Water BUI Delisting Criteria – P. Troy**

At their October 30, 2017 meeting the Drinking Water subcommittee revised the BUI removal criteria. The new proposed criteria are:

- Verify status of the Part 5 Rule (Spillage of Oil Polluting Materials administrative rules, promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended) requirements including Pollution Incident Prevention Plans; Federal Oil Pollution Act plans; and Federal Spill Prevention, Control and Countermeasure Plans for major St. Clair River AOC NPDES permit holders and major hydrocarbon storage facilities;
- Verify status of Drinking Water Emergency Response Plans, Sanitary Surveys, and Source Water Risk Assessments for Water Intake Filtration Plants along the St. Clair River;
- Document existing water quality monitoring programs and activities (including Canadian monitoring efforts covering the US side) for the St. Clair River, water intakes, and delivered water. Documentation includes: monitoring program/project title; monitoring organization; monitoring time frame; parameters and frequency monitored; and monitoring reporting type and frequency;
- Identify and document local, multi-jurisdictional and multi-national spill notification procedures for spills affecting the St. Clair River, in addition to documenting Spill Notification Exercises and Trainings.
  - Melanie Foose requested that the new criteria include a complete list of facilities (major NPDES permit holders and hydrocarbon facilities) whose spill prevention plans will be discussed in the BUI removal recommendation report.
  - Paulette Duhaime suggested that the subcommittee consider including all major storage facilities in the criteria.

**ACTION** – Patty Troy will consult with the Local Emergency Planning Committee and the Drinking Water subcommittee, and send the revised criteria to Kelly Johnson for distribution to BPAC members.

### **Canadian Drinking Water BUI Update – K. Lee**

The Canadian Drinking Water BUI Discussion Paper has been finalized which includes survey responses from the 7 major dischargers (i.e. Arlanxco, Shell, Suncor, Nova, Imperial, Plains Midstream and Ineos Styrolutions) on the Canadian side of the St. Clair River. This survey was conducted with the assistance of the Wallaceburg Advisory Team for a Cleaner Habitat (WATCH). Prior to the next WATCH meeting Kris Lee will be meeting with the survey participants to request updated survey information. Upon review of the Discussion Paper and

survey responses, Kris Lee will ask WATCH to recommend that the Restrictions on Drinking Water Consumption or Taste and Odour Problems BUI be re-designated to “Not Impaired” status.

### **Local/Regional Environmental News Round Up – K. Lyons**

Kirsten Lyons presented BPAC with an overview of topics recently in the news related to the Great Lakes. Topics included climate change, drinking water, invasive species, fish and wildlife habitat, and nuclear waste.

### **Science Symposium Proceedings – A. White**

April White provided BPAC with an overview of highlights from the 2017 Science Symposium. The purpose of the symposium is to share results of research and projects undertaken in the AOC to support BUIs and to foster greater community awareness and interest in the restoration of the St. Clair River. The symposium also provides the community with the opportunity to ask questions about on-going efforts.

Federal water quality monitoring was one topic presented at the forum. Monitoring takes place all year-round at the head and mouth of the St. Clair River, in Point Edward and Port Lambton respectively. Parameters measured in the suspended sediment include: hexachlorobutadiene (HCBT), octachlorostyrene (OCS), hexachlorobenzene (HCB), polychlorinated biphenyls (PCBs), organochlorine pesticides (Dieldrin, Mirex, DDE), and polycyclic aromatic hydrocarbons (PAHs), as well as mercury.

Results from the monitoring has concluded:

1. There are few upstream sources of HCB, OCS and HCBT to the St. Clair River;
2. Due to management and remedial actions, concentrations of these contaminants have declined and have declined to levels that are below the lowest federal sediment quality guidelines;
3. There are upstream sources of mercury to the St. Clair River which are declining. While on average, concentrations of mercury are below the lowest federal sediment quality guideline (TEL;FSQG), levels often exceed this guideline and occasionally exceed the highest guideline (PEL;FSQG).

Monitoring indicates that there has been a significant decline in contaminants associated with industrial by-products, and while mercury has declined significantly it is still detected in the river.

Another presentation at the symposium focused on the Benthic Community Health Assessment. The assessment had three objectives:

1. Perform Huron-Erie Corridor survey to assess sediment chemistry and benthic invertebrate composition in sediments;
2. Compare benthic invertebrate composition in the Detroit River and St. Clair River AOCs with Lake St. Clair;
3. Evaluate whether the benthic community in the St. Clair River differs depending on the sample location or degree of sediment contamination.

266 survey samples were taken between 2013 and 2015, including 128 in the St. Clair River. At each site 2L of sediment was taken for sediment chemistry, and 2L was taken for benthic invertebrate identification. The surveys determined patterns of sediment contaminant concentrations in the river and concluded:

1. Sediment contamination in the St. Clair River is low for PCBs, PAHs and metals compared to the Detroit River;

2. Legacy contamination of mercury and HCB persists;
3. Despite elevated levels, few priority chemicals exceed the federal Probable Effects Level (PEL);
4. The mercury “hotspot” zone is not “hot” in terms of sediment contamination exceeding a guideline but, rather they are samples that were higher than the geometric mean of 0.14 ug/g. This is lower than the Ministry of Environment Lowest Effect Level (LEL).
5. 2012 samples had several above the provincial LEL of 0.2 ug/g but none above the SEL (severe effect level).

The surveys also determined patterns of benthic composition and concluded:

1. There are differences in benthic communities between Lake St. Clair and St. Clair River, but there is no difference between the St. Clair River and Detroit River;
2. Within the St. Clair River there is no significant difference in the benthic community between the US and Canada.

April also informed BPAC that there are intentions to hold a Science Symposium again in 2018. More details will be shared when available.

**ACTION** – April White will speak with Ken Drouillard regarding the amount and location of mercury in the St. Clair River.

**ACTION** – April White will share the 2017 symposium proceedings with BPAC when they are available.

**Updates from OMOECC, ECCC, Michigan OGL and USEPA – T. Briggs, A. White, M. Foose and R. Ellison**

OMOECC Update:

Ted Briggs was unable to attend the meeting. No update was available.

ECCC Update:

April reported the much of the fish and wildlife research has been completed so no new research projects are being planned during the 2018-2020 work planning discussions within ECCC. Fisheries and Oceans Canada will likely continue to monitor fish communities in restored wetland sites and ECCC may also monitor these wetlands in 2018 pending discussions.

The CRIC is drafting the 2012 – 2017 Accomplishments Report and once that is completed the 2017 – 2020 Work Plan will be finalized.

The Great Lakes Sustainability Fund will now be one of 5 funding streams under the Great Lakes Protection Initiative. On-line requests for Project Proposals under these funding streams will be solicited at the end of January. An on-line application will be available on the ECCC website and the AOC Section will ensure an email to GLSF partners is sent out advising of the link etc. GLSF funding has been reduced by approximately \$500,000 for 2018 so partners are encouraged to ensure project proposals address a remaining action item in the AOC’s RAP.

April continues to work with Walpole Island First Nation to schedule a meeting with Chief and Council regarding BUIs: 1) Bird or Animal Deformities or Reproductive Problems, 2) Restrictions on Dredging, and 3) Beach Closings.

Michigan OGL Update:

Melanie Foose informed BPAC that the Office of the Great Lakes, including her position, is now part of the Michigan Department of Natural Resources, rather than MDEQ. This change will not affect her work with the BPAC.

Melanie also showed BPAC the fact sheet which has been produced for the Michigan AOC program. Specific fact sheets for each AOC will be created in the near future.

USEPA Update:

Rose Ellison was unable to attend the meeting. No update was available.

**Committee Reports:**

Statewide Public Advisory Council (SPAC) – P. Troy and P. Duhaime

Paulette Duhaime advised BPAC members that the SPAC met on October 10 and 11, 2017. This meeting included a Legislative Briefing with Senator Pavlov. At this meeting it was reported that the AOC program brought in over \$600 million to the State of Michigan. The annual AOC Conference is scheduled for May 16-17, 2018 in Sheboygan, Wisconsin. Paulette also reported that there is a new Economic Analyst at MDEQ and the governors and premiers have requested more information on the economic effects of the AOC program. The Great Lakes Commission is seeking a new Director.

Friends of the St. Clair River (FOSCR) – Canada – D. Randell and T. Burrell

Terry Burrell reported to BPAC that the Friends of the St. Clair River Canada held their Annual General Meeting on December 12, 2017.

The FOSCR continue to work on habitat projects in collaboration with St. Clair Region Conservation Authority (SCRCA) with funding through the Ontario Trillium Foundation. Friends continue to distribute their newsletter and will be working in 2018 to revamp their website.

Terry also informed BPAC that Cargill approached FOSCR in the fall with an interest in partnering on environmental projects in the AOC. With assistance from SCRCA a proposal was submitted to Cargill in January 2018 with four different project options.

Friends of the St. Clair River (FOSCR) – USA – S. Faust and K. Lyons

Kirsten Lyons reported to BPAC that the FOSCR (US) Board of Directors are starting to begin a strategic planning exercise. This is to prepare for “life after delisting” of the St. Clair River. FOSCR have seen their stewardship program expand. They are also going to hire a part-time environmental educator in the near future.

Friends are preparing for their 4<sup>th</sup> annual Winter Bird Blast taking place on Saturday, February 20, 2018. Participants can learn about winter birding, take a guided hike along the St. Clair River shoreline, and/or participate in a fundraiser painting party to benefit Friends.

BPAC Membership Subcommittee – A. Kerr and F. Kemp

No new updates identified.

Canadian RAP Implementation Committee (CRIC) – TBD

Kris Lee advised BPAC that the next CRIC meeting will be held on February 13, 2018. CRIC is hopeful that the following BUIs will be moving forward for re-designation in 2018:

1. Restrictions on Fish and Wildlife Consumption
2. Restrictions on Drinking Water Consumption or Taste and Odour Problems
3. Loss of Fish and Wildlife Habitat

Four Agency Managers Work Group – M. Foose

The next Four Agency Managers Work Group meeting will be held via teleconference on March 16, 2018. The next face-to-face meeting will take place in the St. Clair River AOC in late summer/early fall.

**Other Business:**

Future Enbridge Presentation

- Kris Lee was approached by Ken Hall of Enbridge in Sarnia regarding the upcoming Line 5 project. This project will see the eventual replacement of the dual pipelines in the Straits of Mackinac. As part of the consultation process Kris recommended that a presentation be made by Enbridge at the next BPAC meeting. Ken will discuss with his counterparts and contact Kelly Johnson regarding a presentation.

**Next Meeting Date**

**Moved by Terry Burrell and seconded by Kirsten Lyons that the next meeting date be at the discretion of the chairs.**

***CARRIED***

**Adjournment**

**Moved by Terry Burrell and seconded by Kirsten Lyons that the meeting be adjourned.**

***CARRIED***

The meeting was adjourned by Kris Lee at 9:35 pm.