

ST. CLAIR RIVER BINATIONAL PUBLIC ADVISORY COUNCIL
(BPAC)

Minutes - Final
Meeting 2016-2

Wednesday, March 30, 2016
Lambton-Kent District School Board Office
200 Wellington Street
Sarnia, Ontario

ATTENDEES:

Donna Strang
Patty Troy
Archie Kerr
Patty Hayman

Kathy Watts
Judy Ogden
April White
Fred Kemp

Kris Lee
Theresa Warren
Naomi Williams
Lori Eschenburg

REGRETS:

Fred Fuller
Marina Plain

Peter Westfall

Darrell Randell

GUESTS:

Raj Bejankiwar – International Joint Commission
Judy Lindberg – Blue Water Sierra Club

Call to Order and Introductions – K. Lee

The meeting was called to order by Kris Lee at 6:35 pm.

Prior to introductions, Phil Vallance, long-time member of BPAC expressed that because of other commitments he would be stepping away from the council. Members expressed appreciation for his participation and contributions over the last ten years and wished him luck with his future endeavors.

Adoption, Additions or Corrections of Draft Agenda – All

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

Moved by Theresa Warren and seconded by Fred Kemp that the draft agenda be accepted with the following additions under “Other Business”: 1) Microbead Workshop and other Area of Concern (AOC) related items by Patty Troy and 2) an update by Lori Eschenburg on the “No-Wake” zone mapping project of the St. Clair River.

CARRIED

Approval of January 26, 2016 Draft Minutes and Actions – All

Actions arising from the last meeting on January 26, 2016 were reviewed along with the draft minutes.

Moved by Fred Kemp and seconded by Kathy Watts that the draft minutes of January 26, 2016 be accepted.

Restrictions on Dredging Activities BUI Status Assessment – Canadian RAP Implementation Committee – D. Strang

Donna Strang provided an overview of the “Restrictions on Dredging Activities” Beneficial Use Impairment (BUI) status assessment and recommendation by the Canadian Remedial Action Plan (RAP) Implementation Committee (CRIC).

The BUI was identified as “Impaired” in the Stage 1 RAP report because contaminant levels in dredged sediment exceeded Provincial Sediment Quality Guidelines (PSQGs) for open-water disposal, a common practice (no longer accepted today) where dredged sediment was placed in a location in the river where it would not impede shipping traffic. Instead, placement in a Confined Disposal Facility (CDF) was required, constituting a substantial additional cost to the proponent. Sources of contamination were identified as municipal and industrial discharges. The delisting criteria for the “Restrictions on Dredging Activities” BUI on the Canadian side states that re-designation can occur when “there is no limitation on the disposal of dredged spoils from routine dredging of the St. Clair River”. The criteria would apply to those locations in the federally regulated navigational channel, although additional sites were referenced in the assessment for transparency.

The status assessment reported on municipal and industrial initiatives to reduce and/or eliminate point sources of contamination to the St. Clair River and also assessed sediment chemistry results from dredging projects conducted between 2000 and 2012. Lastly, an examination of dredged sediment disposal advancements was also provided.

Of the total number of sediment samples analyzed (n = 98), no sample had a contaminant concentration that exceeded the Severe-Effect-Level (SEL); a benchmark where biological impacts to benthic invertebrates would likely be observed. Thirty-six of the samples had one or more contaminant levels that exceeded the Lowest-Effect-Level (LEL); a guideline that is protective of 95% of benthic organisms but where some impact could be observed. The majority of exceeded samples were slightly over LELs and not reaching SEL concentrations. Lastly, the majority of dredged sediment disposal between 2000 and 2013 (70%) avoided CDF placement. As open-water disposal is longer considered appropriate (except where it will benefit fish habitat), a number of different disposal methods were utilized including beach nourishment, use in landscape projects, incorporation into asphalt and where required, transported to an upland disposal facility. The status assessment recommendation was that the delisting criteria has been achieved and the “Restrictions on Dredging Activities” BUI should be re-designated to “Not Impaired”.

Discussion, questions and comments from BPAC members included the following:

- It was not clear in the report that this BUI considered only “navigational” channels in the St. Clair River. A revision is required to clarify and strengthen the report as it can be confusing, especially when Sarnia Harbour and Mitchell’s Bay (outside the navigation channel) are included.
- Questions surrounded what the rationale behind limiting the scope of the “Restrictions on Dredging Activities” BUI to navigational channels was as this was not identified in the Stage 1 RAP report. April White advised that there was a recent guidance released by Environment and Climate Change Canada that concluded that this BUI should not be used as a surrogate for sediment quality as this is more appropriately addressed under the scope of the “Degradation of Benthos” BUI (which drives sediment remediation projects).

- Sediment chemistry results in Sarnia Harbour raised concerns (due to high number of LEL exceedances and the highest mercury level reported in the assessment). The source of contamination to this location was identified as an outfall that was historically connected to the Exmouth combined sewer. This sewer was separated in 2009. BPAC members recommended that sediment quality at Sarnia Harbour be investigated more thoroughly and include 1) more recent sediment chemistry results (post-2007) and 2) inquiring about follow-up sediment sampling and results after the Exmouth combined sewer separation project was completed.

ACTION – Donna Strang will revise the “Restrictions on Dredging Activities” BUI status assessment based on feedback from BPAC members and recirculate prior to the next meeting.

ACTION – BPAC members will send any additional comments on the “Restrictions on Dredging Activities” BUI status assessment to Donna Strang by the middle of April.

ACTION – Donna Strang and April White will follow-up with the City of Sarnia and other parties regarding Sarnia Harbour (e.g., recent sediment chemistry data, ownership change between the federal government and the City of Sarnia) and report to BPAC at the next meeting.

BPAC members expressed their preference to review a revised draft of the “Restrictions on Dredging Activities” BUI status assessment before providing support for the re-designation. This will be an agenda item at the next meeting.

Beach Closings BUI – Canadian Update – D. Strang

Donna Strang provided an update to BPAC members on the Canadian status assessment for the “Beach Closings” BUI. The CRIC recently approved a recommendation to re-designate this BUI to “Not Impaired”. They are hopeful that with the recent approval by BPAC to re-designate the “Beach Closings” BUI on the American side of the river, that a binational re-designation announcement could be coordinated.

The “Beach Closings” BUI was identified as “Impaired” due to frequent and prolonged beach closures along the St. Clair River due to elevated *Escherichia coli* (*E. coli*) levels. The draft status assessment reports on municipal initiatives to reduce and/or eliminate untreated or partially treated discharges to the St. Clair River along with *E. coli* data from beaches monitored by local Health Departments and other local swimming areas. Results are positive with improvements to municipal infrastructure substantially decreasing discharges to the St. Clair River. *E. coli* levels at beaches and local swimming areas are generally low with elevated levels attributed to non-anthropogenic sources (e.g., geese and ducks, precipitation, etc.) rather than anthropogenic (e.g., combined sewer overflows). Comparisons to upstream Lake Huron reference sites provided comparable results.

The next step in the re-designation process will be consultation with Aamjiwnaang and Walpole Island First Nation community members. Donna Strang solicited any initial comments or feedback from BPAC members on the information presented.

ACTION – Donna Strang will circulate the “Beach Closings” BUI update presentation to BPAC members.

May Pipeline Exercise/Simulation – K. Lee

At previous BPAC meetings, a representative from the United States Coast Guard provided updates on the spill exercise scheduled to take place on the St. Clair River in May 2016. The

purpose of the exercise is to bring together all agencies and organizations who would respond to such an incident to test awareness, prevention, response and recovery.

BPAC was invited to submit objectives for the exercise for consideration. A list of Canadian objectives was circulated to members prior to the meeting for their review.

The objectives/questions identified by BPAC members include:

1. Verifying that Canadian and American water intakes are notified and the timing of the notification.
2. Verifying notification time for individual water users.
3. What continuous water sampling controls are in place as part of the agency clean-up responsibility?
4. Who notifies the public-at-large (e.g., boaters, beaches, residents along the river)?
5. What extra measures are in place to manage a holiday weekend?

ACTION – Kris Lee will submit the objectives to organizers of the upcoming spill exercise on the St. Clair River on behalf of BPAC.

St. Clair River Pipeline Plan – Plains LPG – P. Troy

Public comment has been extended on the pipeline permit application by Plains LPG that would authorize the company to transport crude oil and other hydrocarbons through two pipelines under the St. Clair River. Plains LPG has stated that the company does not currently transport these products through St. Clair River pipelines and has no future plans to. The two pipelines identified in the application were constructed in 1918 and currently do not transport any materials, however the lack of communication regarding the original comment period has raised local concerns on both sides of the river. Patty Troy approached BPAC members about drafting a letter on behalf of the council, outlining concerns and expectations related to the Plains LPG permit application.

Concerns and expectations identified by BPAC members that should be included in the letter are:

- The age of the pipelines. It is recommended by BPAC that the pipelines undergo a third-party inspection to determine their current condition.
- That a public comment period be initiated and an Environmental Impact Assessment be completed prior to the pipelines being put into service.

Moved by Kathy Watts and seconded by Judy Ogden that a letter be drafted and submitted that outlines the concerns and expectations of BPAC regarding the Plains LPG pipeline permit application. It will be signed by both Patty Troy and Kris Lee.

CARRIED

ACTION – Patty Troy and Kris Lee will draft a letter on behalf of BPAC members outlining concerns surrounding the pipeline permit application by Plains LPG.

ACTION – BPAC members will email any additional comments or concerns regarding the Plains LPG permit application to Patty Troy (pitroy2004@yahoo.com).

AOC Science Symposium – Highlights – A. White

April White provided BPAC members with an overview of a science symposium held on March 23, 2016 in Wallaceburg, Ontario. The event was hosted by Walpole Island and Aamjiwnaang First Nations. The purpose of the symposium was to share results with community members on collaborative projects relating to a number of fish and wildlife BUIs. Scientists from Environment

and Climate Change Canada (ECCC), the University of Windsor, the Ontario Ministry of the Environment and Climate Change (OMOECC) and the Department of Fisheries and Oceans presented research results and answered questions.

The research projects presented support a number of BUIs on the Canadian side of the St. Clair River AOC including:

- Degradation of Benthos
- Fish Tumours and Other Deformities
- Restrictions on Fish and Wildlife Consumption
- Bird or Animal Deformities or Reproductive Problems, and
- Loss of Fish and Wildlife Habitat.

The event was very successful with approximately 85 people attending. The research projects presented at the symposium will be brought to BPAC in the future.

OMOECC, EC, MDEQ and USEPA Updates on Canadian and American Projects – T. Briggs, A. White, M. Foose and R. Ellison

OMOECC Update:

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

EC Update:

- April White advised that four proposals were received for the St. Clair River AOC for Great Lakes Sustainability Fund (GLSF) support. All four were recommended for funding constituting a total of \$350 000. Minister approval is pending.
- ECCC continues to work on implementing the Science and Monitoring 5-year Great Lakes Action Plan (GLAP).
- BPAC comments were received by the task team responsible for developing the Areas of Concern in Recovery (AOCiR) guidance document. They acknowledged that more discussion may be required on how the designation will and should be applied to binational AOCs.

MDEQ Update:

Melanie Foose was unable to attend the meeting. No update was available.

USEPA Update:

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

Committee Reports

Statewide Public Advisory Council – P. Troy and P. Duhaime:

The last Statewide Public Advisory Council (SPAC) meeting was held on March 1, 2016. Patty Troy reported that the Michigan Department of Environmental Quality (MDEQ) had hired an online news magazine (Issue Media Group) to interview a Public Advisory Council member from each Michigan AOC. Fred Kemp was interviewed for the St. Clair River AOC.

ACTION – Donna Strang will circulate the link to Fred Kemp's interview by Issue Media Group to BPAC members.

ACTION – Donna Strang will circulate the SPAC summary provided by Paulette Duhaime to BPAC members.

Patty also reported that a number of BPAC members attended the annual AOC conference on March 2-3, 2016. The AOCiR guidance paper and designation was a topic discussed. The draft is available online at binational.net. Paulette Duhaime, who attended the conference but was unable to attend the BPAC meeting provided a synopsis of the event. Lastly, Patty informed that there would be a “Microplastics in the Great Lakes” workshop hosted by the International Joint Commission on April 26th, 2016 at the University of Windsor.

ACTION – Donna Strang will circulate the AOC conference summary provided by Paulette Duhaime to BPAC members.

ACTION – Donna Strang will circulate the “Microplastics in the Great Lakes” workshop advertisement to BPAC members.

Friends of the St. Clair River – Canada – D. Randell and T. Burrell:

Kris Lee reported on recent Friends of the St. Clair River (FOSCR) activities (Canada) on behalf of Darrell Randell and Terry Burrell who were unable to attend the meeting. The last meeting was held on March 22, 2016. FOSCR will be represented in a display by the St. Clair Region Conservation Authority at the Go Wild Grow Wild event in London, Ontario on April 2, 2016. FOSCR will also be involved at the Bluewater Anglers Kid Training Day in May 2016.

Friends of the St. Clair River – USA – S. Faust:

Sheri Faust was unable to attend the meeting. Upcoming activities by the FOSCR (USA) include organizing the annual Sturgeon Festival in Port Huron (June 2016) and an Earth Fair that will take place on the last Friday and Saturday of April.

BPAC Membership Subcommittee – A. Kerr and F. Kemp:

Archie Kerr reported that an updated list of Canadian BPAC members was sent to Donna Strang and Fred Kemp is currently updating the American list. There are a number of positions that remain vacant. It is recommended that a conference call be organized to discuss how best to move forward (i.e., fill vacancies or continue as a smaller core group).

ACTION – Donna Strang will organize a conference call with Archie Kerr, Fred Kemp, Patty Troy and Kris Lee to discuss the BPAC membership list.

Canadian RAP Implementation Committee – P. Vallance:

April White reported on recent Canadian RAP Implementation Committee (CRIC) activities. The last meeting was held on March 21, 2016. The “Beach Closings” BUI was presented and approved for re-designation to “Not Impaired”. In addition, work continues on the “Restrictions on Drinking Water Consumption or Taste and Odour Problems” discussion paper. Lastly, CRIC is considering revising their current work plan or creating a new plan as the current one does not go beyond 2017.

Four Agency Managers Work Group – T. Briggs:

April White updated BPAC members on the Four Agency Managers Work Group as Ted Briggs was unable to attend the meeting. A conference call was recently held. The MDEQ proposal to re-designate the “Beach Closings” BUI on the American side of the river was discussed. The re-designation was supported by the OMOECC and ECCC.

Other Business

- Patty Troy reported that the US Drinking Water Subcommittee would be meeting on April 13th, 2016.
- At the last BPAC meeting, Patty Troy advised that she had heard reports of continued paper fiber discharges from the Dunn Paper facility in Port Huron. Since the last

meeting, an official complaint was received by the MDEQ and an unannounced inspection of the facility was conducted. Violation of permits were observed and a letter of violation will be issued.

- At the December 2015 BPAC meeting, Judy Ogden advised BPAC members of a proposal by the state of Michigan to develop two commercial aquaculture operations to raise Rainbow Trout in Lake Michigan and Lake Huron. She updated BPAC members that the proposal has been rejected due to concerns expressed by the public and three state agencies (MDEQ, Michigan Department of Natural Resources and the Michigan Department of Agriculture and Rural Development).
- Lori Eschenburg updated BPAC members on a map being created in response to the “No-Wake” discussion at the January 2016 meeting. She has created a draft map that identified areas that are “No-Wake” zones or have wake restrictions along the St. Clair River. She also advised members about the upcoming River Day event hosted by the County of St. Clair on June 11, 2016. The day will include free kayak rentals, guided tours for paddlers and fish demonstrations.

Next Meeting Date

The next BPAC meeting will be held on May 10, 2016 at the St. Clair County Building Auditorium, 200 Grand River Avenue in Port Huron, Michigan.

Adjournment

The meeting was adjourned by Kris Lee at 9:20 pm.