

ST. CLAIR RIVER BINATIONAL PUBLIC ADVISORY COUNCIL  
(BPAC)

Minutes - FINAL  
Meeting 2019-4

Wednesday, September 4, 2019  
St. Clair County Administration Building (Auditorium)  
200 Grand River Avenue  
Port Huron, Michigan

**ATTENDEES:**

Donna Blue  
Patty Troy  
Steve Demick  
Melanie Foose  
Susan MacFarlane

Kathy Watts  
Kris Lee  
Rose Ellison  
Marina Plain  
Fred Kemp

Paulette Duhaime  
Sheri Faust  
April White  
Terry Burrell  
Lori Eschenburg

**GUESTS:**

Kim Churchill, United States Environmental Protection Agency (USEPA)  
Justin Westmiller, St. Clair County Homeland Security and Emergency Management  
Dana Bradt, Michigan Department of Environment, Great Lakes and Energy (EGLE)

**REGRETS:**

Ted Briggs

Fred Fuller

Archie Kerr

**Call to Order and Introductions – P. Troy**

The meeting was called to order by Patty Troy at 6:32 pm.

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

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

**Moved by Fred Kemp and seconded by Terry Burrell that the draft agenda be accepted as prepared.**

***CARRIED***

**Approval of June 20, 2019 Draft Minutes and Actions – All**

The draft minutes from the last meeting on June 20, 2019 were reviewed.

- No corrections to be made to draft minutes.

**Moved by Terry Burrell and seconded by Kathy Watts that the draft minutes of June 20, 2019 be accepted as prepared.**

***CARRIED***

Action items from the June 20, 2019 meeting were reviewed and updated where necessary:

Actions from April 4, 2019 Meeting:

- Patty Troy will contact DTE Energy for a summary and/or copy of their presentation from the April 4, 2019 meeting.  
**COMPLETED** – DTE has provided Patty Troy with a summary of their presentation delivered at the April 4, 2019 meeting.
- The DTE presenters spoke about decommissioning the St. Clair plant during their presentation. Kris Lee proposed that BPAC chairs draft a letter to the Ontario Ministry of the Environment, Conservation and Parks (MECP) and the Michigan Department of Environment, Great Lakes and Energy (EGLE) requesting that the agencies keep each other aware of what is occurring during decommissioning, and who to contact if issues arise.  
**COMPLETED** – Kris Lee advised that the letter had been sent to MECP and EGLE.

US Drinking Water Update:

- The new delisting criteria will be circulated to the BPAC after approval by the subcommittee. BPAC members are asked to provide comments for consideration before the next BPAC meeting on September 4, 2019.  
**COMPLETED**
- Include the Restrictions on Drinking Water Consumption or Taste and Odour Problems BUI criteria as an item on the agenda for the next BPAC meeting.  
**COMPLETED**

Other Business:

- Ted Briggs will address the IPAT Report at the next meeting on the Canadian side.  
**CARRIED FORWARD**

**Pollution Emergency Alerting System (PEAS) Presentation – D. Bradt, Michigan Department of Environment, Great Lakes, and Energy (EGLE)**

Dana Bradt, PEAS Coordinator at EGLE provided an overview of the Pollution Emergency Alerting System (PEAS) administered by EGLE.

The PEAS system is designed to efficiently convey environmental emergency information (e.g., spills) to staff and agency counterparts to minimize human and environmental impacts. When an environmental emergency is detected, a call is placed to PEAS (1-800-292-4706) after which the dispatcher relays the details to the agency/organization responsible for responding and investigating the complaint.

The PEAS system is available 24 hours a day, 7 days a week, and 365 days a year. On average, 300 calls are made to PEAS every month.

In addition, EGLE utilizes the Michigan Health Alert Network (MIHAN). MIHAN is an alerting system that notifies first responders of incidents and conditions that could adversely affect the health of Michigan citizens. For example, the MIHAN system is used to alert drinking water plant operators of spills that might impact drinking water quality.

Questions and Comments from BPAC Members:

1. *What criteria do you use to determine whether an event is a major incident or a minor incident?*

EGLE uses the National Incident Management System (NIMS) to categorize what events are considered major and what events are considered minor. This is to ensure EGLE uses the same terminology as other emergency management organizations.

2. *How do emergency services in Sarnia correspond with emergency services in Michigan?*

This correspondence typically occurs through 1) Sarnia directly calling PEAS to report an incident or 2) through the Chemical Valley Emergency Coordinating Organization (CVECO) program to local emergency management teams including Michigan County emergency managers.

3. *What sort of education/outreach programs are implemented to ensure that industries are aware of the proper process they are to follow during an incident?*

EGLE participates in a number of conferences and works directly with different organizations to educate them on the PEAS systems and how it works. In addition, outreach activities planned for the future include developing a one-page handout on what facilities need to do in case of an environmental emergency.

**Oil Spill Prevention and Preparedness (SPCC) Presentation – United States Environmental Protection Agency – K. Churchill**

Kim Churchill, Michigan Contingency Planner/Regional SPCC Coordinator provided BPAC with an overview of the Spill Prevention, Control and Countermeasure (SPCC) program through the United States Environmental Protection Agency (USEPA).

The USEPA implements the SPCC program to prevent oil discharges from reaching navigable waters or adjoining shorelines. Under the United States Clean Water Act, any facility that meets SPCC rule applicability criteria are required to\*:

1. Implement preventative measures to eliminate possible oil discharges
2. Ensure any oil discharges are contained and do not reach navigable waters or adjoining shorelines
3. Prepare spill response measures to contain, clean-up and mitigate any oil that does reach navigable waterways.

*\*Full requirements are detailed in 40 CFR Part 112\**

Kim provided an overview of the applicability criteria whereby a facility is required to follow the SPCC program. The applicability criteria are as follows:

- Drills, produces, gathers, stores, processes, refines, transfers, distributes, uses, or consumes,
- Oil and oil products; **and**
- Is non-transportation-related (i.e., facility is not exclusively covered by the Department of Transportation); **and**
- Can reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the US or adjoining shorelines; **and**
- Meets capacity thresholds for containers sized 55-gallons and above:
  - Aboveground storage > 1,320 gallons, or

- Completely buried storage > 42,000 gallons.

Facilities that fall under the SPCC regulations are required to prepare a SPCC plan and have it readily available for USEPA review if requested. SPCC plan items can include, among others:

- Type of oil on-site
- Discharge prevention measures currently in-place
- Countermeasures for discharge discovery, response and clean-up
- Contact list
- Facility diagram
- Staff training, etc.

The USEPA has prepared a SPCC Guidance Document that is available online to facilitate consistent implementation and interpretation of the regulations. It can be accessed at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>.

Lastly, Kim provided BPAC with an overview of the Michigan Mapping Project which consists of a Geographic Information System (GIS) used as a tool by public and private emergency responders to better plan and respond to spills.

Questions and Comments from BPAC Members:

- *How often are inspection conducted by the USEPA at facilities regulated by the SPCC program?*  
The number of facilities that need a SPCC plan is unknown however, the USEPA conducts SPCC inspections at a number of facilities each year with a focus on high-risk facilities.

**US Drinking Water Consumption or Taste and Odour Problems BUI Criteria – P. Troy and P. Duhaime**

Patty Troy and Paulette Duhaime reported that the US Drinking Water Subcommittee has been working on finalizing the delisting criteria for the “*Drinking Water Consumption or Taste and Odour Problems*” BUI on the US side which was circulated to BPAC members prior to the meeting.

The current draft incorporated comments received regarding clarity and updated information. No further comments were received.

**Moved by Terry Burrell and seconded by Fred Kemp to accept the delisting criteria developed by the US Drinking Water Subcommittee for the “*Restrictions on Drinking Water Consumption or Taste and Odour Problems*” BUI on the US side of the St. Clair River AOC.**

**CARRIED**

**CDN Fish Tumours and Other Deformities – A. White**

April White of Environment and Climate Change Canada presented to BPAC the results of the Canadian Assessment for the “*Fish Tumours and Other Deformities*” BUI for the Canadian side of the St. Clair River AOC. This BUI is currently identified as “Requiring Further Assessment

(RFA)” as there was not sufficient data to make a sound decision on impairment status when this BUI was first assessed. As a result, two focused fish studies were conducted to investigate this BUI further.

Shorthead Redhorse Sucker (2002 – 2006)

Over a four year period, 126 Shorthead Redhorse Suckers (*Moxostoma macrolepidotum*) were collected from the St. Clair River and assessed for liver tumour prevalence. The average age of the fish was 10 and no liver neoplasms were detected in any of the fish collected from the river. In comparison, there was one fish (out of 100 assessed) at the Lake Huron reference site where a liver neoplasm was reported.

Brown Bullhead (2013 – 2014)

Over two years, 60 Brown Bullhead (*Ameiurus nebulosus*) fish were collected from the Walpole Island First Nation delta. The majority of fish were older than five years old and no liver neoplasms were detected. These data were corroborated by the results of a recent sediment study conducted throughout the delta that detected low levels of contaminants.

The Shorthead Redhorse Sucker and Brown Bullhead species of fish were used in this assessment as they 1) are both benthic-dwelling fish who are continuously exposed to local sediment, 2) they do not migrate far from their local habitat and 3) there is extensive information available for both species throughout the Great Lakes.

These studies suggest that the prevalence of liver tumours in the St. Clair River AOC is no greater than un-impacted reference sites (e.g., Lake Huron). No tumours were detected in the two studies which warranted the Canadian Remedial Action Plan (RAP) Implementation Committee (CRIC) to recommend that the “*Fish Tumours or Other Deformities*” BUI on the Canadian side of the St. Clair River AOC be re-designated to “Not Impaired”.

**Moved by Terry Burrell that the recommendation to re-designate the “*Fish Tumours and Other Deformities*” BUI to “Not Impaired” on the Canadian-side of the St. Clair River AOC be accepted.**

**TABLED**

Discussion, Questions and Comments from BPAC Members:

- Some BPAC Members were uneasy about accepting the recommendation until the report was circulated and reviewed

**ACTION** – April White will provide an electronic copy of the “*Fish Tumours or Other Deformities*” BUI status assessment for BPAC members to review. Comments are solicited by the end of October.

**ACTION** – Marina Plain will invite April White to an upcoming meeting to present the “*Fish Tumours or Other Deformities*” BUI status assessment to Aamjiwnaang First Nation representatives.

**Moved by Fred Kemp and seconded by Paulette Duhaime that the motion to accept the re-designation recommendation for the “*Fish Tumours and Other Deformities*” BUI on the Canadian-side of the St. Clair River AOC be tabled and discussed at the next BPAC meeting.**

**CARRIED with one opposition**

**ACTION** – The Canadian “*Fish Tumours or Other Deformities*” BUI status assessment will be discussed at the next BPAC meeting.

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

**OMECP Update:**

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

**ECCC Update:**

April White advised that ECCC is working through delays in provincial funding that has impacted programs related to the St. Clair River AOC (e.g., RAP Coordination). In addition, the new COA Agreement between the Government of Canada and the Government of Ontario is in draft and was open for public comment. Following the federal election, next steps will be determined.

**Michigan Department of Environment, Great Lakes and Energy (EGLE) Update:**

Melanie Foose reported that the USEPA has not yet provided funding to EGLE to administer PAC support grants.

**USEPA Update:**

Rose Ellison advised that current USEPA activities are mainly focused on end-of-fiscal financial reporting.

**Committee Reports:**

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

Patty Troy reported that she attended the most recent SPAC meeting in July at Torch Lake, Michigan. Major topics discussed included 1) funding challenges, 2) the University of Michigan AOC PAC study and 3) a tour of the Torch Lake AOC. The next SPAC meeting is planned for mid-October and will consist of a legislative briefing.

**Friends of the St. Clair River (FOSCR) – Canada – T. Burrell**

The Friends of the St. Clair River continue to wait on provincial funding. Thanks to reserves, the group is continuing to support conservation education programs administered by the St. Clair Region Conservation Authority. Work on the new FOSCR website is continuing and should be online shortly.

**Friends of the St. Clair River (FOSCR) – USA – K. Lyons**

Sheri Faust reported on behalf of K. Lyons and circulated some new brochures developed by FOSCR to the BPAC and advised BPAC members that the Great Lakes Celebration Event in Dearborn is being held on October 18<sup>th</sup>. This event occurs every two or three years and celebrates Great Lakes restoration projects in Michigan. FOSCR has also put together an Enbridge Line 5 information package regarding the horizontal drilling and pipeline replacement proposed to begin this fall.

Patty Troy congratulated FOSCR for their “Keep It Clean” campaign associated with the annual St. Clair River float down. Sheri advised that social media interest was extremely high during this campaign.

Sheri also reported that the St. Clair County Health Department finished beach monitoring for the 2019 season and only three closures were issued.

**ACTION** – Sheri Faust will share the final beach monitoring report prepared by the St. Clair County Health Department with BPAC once it is completed.

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

Fred Kemp advised BPAC that Fred Fuller has resigned from the BPAC due to relocation. Kris Lee advised that Craig Griffiths has stepped down from the BPAC as well.

*Canadian RAP Implementation Committee (CRIC) – A. White*

There has not been a CRIC meeting since this last BPAC meeting, however the CRIC has published an accomplishments report covering the years 2012-2017. It will be available online and at the next BPAC meeting.

*Four Agency Managers Work Group – A. White*

The Four Agency Managers Work Group will have their annual face-to-face meeting in Windsor, Ontario this October.

**Other Business:**

- Lori Eschenburg advised that a master plan has been developed for the Blue Ways of St. Clair. As part of this master plan, a brochure was produced titled “Your Passport to Blue” that identifies points of interest throughout the County and along the St. Clair River.

**Next Meeting Date**

The next meeting will be held at Aamjiwnaang First Nation at a date to be determined by the Chairs.

**Adjournment**

**The meeting was adjourned at 9:05 pm.**