

Binational Public Advisory Council (BPAC)

Approved Meeting Minutes

February 16, 2021- Virtual Meeting Via Zoom

Minutes Prepared by Natasha Pozega

Attending Members:

Sheri Faust	FOSCR-U.S.	Melanie Foose	Michigan EGLE
Kris Lee	CAN Co-Chair, Wallaceburg Advisory Team for Cleaner Habitat	Paulette Duhaime	U.S. Vice Co-Chair, Citizen at Large
Patty Troy	US Co-Chair, Env. Sector	Susan MacFarlane	CAN Citizen at Large
Donna Blue	St. Clair Region Conservation Authority	Theresa Warren	Lambton Public Health
John Jackson	CAN Env. Sector	Dan Collins	Citizen at Large
Marilyn Gladu	MP Sarnia-Lambton	Rose Ellison	U.S. EPA
Ted Briggs	Ministry of Environment, Conservation and Parks	Terry Burrell	Sarnia City Council
April White	Environment and Climate Change Canada	Natasha Pozega	St. Clair River RAP Coordinator
Vince Gagner	Lambton Bases (industry)	John Timar	City of Sarnia
Fred Kemp	City of Port Huron	Peter Westfall	CAN Business and Industry
Sharylin Johnson	Aamjiwnaang First Nation	Naomi Williams	Walpole Island First Nation

Guests:

Sean Morrison	MECP Sarnia District	Amy Meeker-Taylor	Citizen
Kevin Hrit	Rep. for U.S. Senator Gary Peters	Kay Cumbow	Citizen
Mark Burrows			

Regrets:

Kirsten Lyons FOSCR-U.S.

1.0 Call to Order and Introductions

Meeting called to order at 6:30pm.

Introduction of new members: John Timar, City of Sarnia and Dallas Sinopole, Aamjiwnaang First Nation.

Housekeeping:

- Members asked to add name and affiliation in chat box to mark attendance.
- Notice to committee that the meeting would be recorded to assist with minutes production as well as available to the public as requested.
- Chair will ask for opposition to motions only.

2.0 Adoption, Additions or Corrections to Draft Agenda

Modifications:

- Presentation by Sean Morrison, MECP title change from *IPAT update* to *Spills to River Concerns*
- Added *Life After Delisting and PAC Recruitment* presentation by Sheri Faust, FOSCR-U.S.

MOTION to approve the Agenda as revised.

Moved by Kris Lee and seconded by Terry Burrell.

CARRIED

3.0 Approval of September 24, 2020 Draft Minutes

MOTION to approve the minutes of the last meeting of the BPAC on September 24, 2020 as presented.

Moved by Terry Burrell and seconded by John Timar.

CARRIED

4.0 Elections of Officers- led by Fred Kemp

Positions to be elected include Canadian Co-Chair, Canadian Co-Vice Chair, U.S. Co-Chair, and U.S. Co-Vice Chair.

Nominations open for Canadian Co-Chair:

Patty Troy nominates Kris Lee, seconded by Susan MacFarlane.

Kris Lee accepts the nomination.

MOTION to close nominations and a unanimous ballot cast.

Moved by Terry Burrell and seconded by Susan MacFarlane.

CARRIED

MOTION to elect Kris Lee as the Canadian Co-Chair of the Binational Public Advisory Council.

Unanimous.

CARRIED

Nominations open for Canadian Co-Vice Chair:

Kris Lee nominates Terry Burrell, seconded by Archie Kerr.

Terry Burrell accepts the nomination.

MOTION to close nominations and a unanimous ballot cast.

Moved by Archie Kerr and seconded by Patty Troy.

CARRIED

MOTION to elect Terry Burrell as the Canadian Co-Vice Chair of the Binational Public Advisory Council

Unanimous.

CARRIED

Nominations open for the U.S. Co-Chair:

Patty Troy nominates Paulette Duhaime, seconded by Kris Lee.

Paulette Duhaime accepts the nomination.

MOTION to close nominations and a unanimous ballot cast.

Moved by Terry Burrell and seconded by Archie Kerr.

CARRIED

MOTION to elect Paulette Duhaime as the U.S. co-chair of the Binational Public Advisory Council

Unanimous.

CARRIED

Nominations open for the U.S. Co-Vice Chair:

Kris Lee nominates Patty Troy, seconded by Paulette Duhaime.

Patty accepts the nomination.

MOTION to close nominations and a unanimous ballot cast.

Moved by Terry Burrell and seconded by Archie Kerr.

CARRIED

MOTION to elect Patty Troy as the U.S. co-chair of the Binational Public Advisory Council

Unanimous.

CARRIED

Results of Elections:

Canadian co-chair: Kris Lee

U.S. co-chair: Paulette Duhaime

Canadian co-vice-chair: Terry Burrell

U.S. co-vice-chair: Patty Troy

5.0 Appointments of representatives to the Canadian RAP Implementation Committee (CRIC) and Statewide Public Advisory Council (SPAC)

SPAC- Appointed Patty Troy as representative, Paulette Duhaime is the alternate.

CRIC- Appointed Kris Lee as representative. Terry Burrell and Teresa Warren also serve on both committees, so there is enough redundancy not to assign an official alternate.

6.0 Spills to River Concerns- Presentation by Sean Morrison, District Manger for the Sarnia and Windsor Office's of the Ministry of Environment and Conservation and Parks.

MECP received an invitation from BPAC to review and discuss the recommendations that were made from the Industrial Pollution Action Team Report (IPAT) finalized in 2004. This report was generated following industrial spills that occurred in the late 1990's and early 2000's and made several recommendations to MECP, local municipalities, and industry to reduce spills to the river.

Since the 1990's, there has been a significant reduction in the number and severity of spills to the river. Spill protection now considers spill prevention, early detection on and off site, spills notifications, human and ecosystem health impacts, and communications.

New regulations have been enacted to help prevent spills since the IPAT report was released.

Under Spills Prevention and Contingency Plan (SPCP) Regulation (O. Reg. 224/07) larger facilities, including those recognized under the environment penalties regulations (2007), were required to have a SPCP put in place. Companies proactively develop the plans to reduce the risk of spills to land, air and

water. Plans are required to include spill prevention, response to spills, actions to be taken in the event of a spill and are developed using a risk-based approach.

MECP can use the SPCP when spills do occur to review the response and actions taken, but also to ensure that the description of the event is covered by the SPCP and identified in the draft. Ensuring that the plan is fully comprehensive is the responsibility of the company. MECP reviews the plans to ensure that they have covered each of the components required as part of the plan.

These SPCPs addressed the request for prevention of spills as identified in the 2004 IPAT report. O. Reg. 222-07 Environmental Penalties Regulation- government can issue penalties for spills to the land and water and for exceedances of the limits identified their Environmental Compliance Approvals. As of July 2019, the MECP can also issue Environmental Penalties (EP) for air releases of sulphur dioxide from petroleum refineries for exceeding a daily limit in O. Reg. 530. The MECP can also proceed with prosecution after an EP is issued, if appropriate. Industries have the opportunity to mitigate contraventions, take action to prevent recurrences, and implement environmental management systems onsite.

Funds collected from environmental penalties go to the Ontario Community Environment Fund (OCEF), which goes back to the community to fund environmental projects. 2021 funding should be announced in the spring. OCEF mechanism for distributing funds is changing, but there are funds to be delivered this year. All Environmental Penalties are publicly accessible and are reported online. These reports identify the company receiving the penalty as well as the infraction.

New O. Reg 530/18 addresses the 3 Sarnia refineries relating to air releases. Important to recognize that the scope for the BPAC only includes releases to the river.

There is no requirement for industrial SPCPs to be publicly available, but they are available to government agencies, municipalities, and other regulatory agencies. Companies are required to perform annual updates as well as updating the plan following any incidents. Interested members of the public can contact the industries directly to ask questions about the contingency plans.

Communication and Notification of Spills

The owner or the person who has care and control of a material that spills are required to immediately notify the MECP. Only the SAC can receive a spill notification. The municipality that the spill occurs in must also be notified, as well as the owner of the material if it was in another party's possession at the time of the spill.

MECP are not first responders and are not responsible for emergency notifications or shelter in place notices, but they provide the background information, ensure that the spill clean-up response is initiated, and can input information into spills modelling software to predict impacts downstream. Emergency response is the responsibility of the municipality, medical officer of health, police, and/or fire departments.

Any industries listed in the environmental penalties regulation (any facility with a discharge offsite are required to have spills prevention contingency plan). Some smaller industries may have this requirement built into their environmental compliance approvals. Most of the larger industries now have safeguards within their systems that allow them to detect issues and divert flows within their systems to prevent spills or releases to the river.

As of right now, there is not a publicly available website to call for information regarding a specific spill. However, there is an alerting system for Aamjiwnaang First Nation that covers operations in the city of Sarnia that is open for anyone to join.

SAC notifies the Michigan State Police and EGLE (cross border) when spills to the river occur. Contact information for the U.S. St. Clair County Emergency Management Division was provided to SAC following a meeting in March. New system "Send Word Now" is being launched in summer 2021 to allow anyone to sign-up to receive notification regarding spills. Right now, the full notification response to be made downstream can take up to 3 hours, but the new system will be much faster and will have a wider range of recipients. In addition, both industry and the municipality are moving forward with their own digital notification system.

Vince Gagner offered comments about the cross-border notification by industry. Whenever there is a release to the river, industry has a list (updated annually) that includes U.S. partners such as Michigan Central Dispatch Centre, St. Clair County Emergency Management Division, St. Clair County Health Department, Michigan Department of Environmental Quality 24hr Emergency Alert System, Coast Guard, and others.

The Sarnia-Area Environmental Health Project is being undertaken to address local air quality concerns in the Sarnia area. Work being done to assess risk. Kris Lee and Vince Gagner are chairs for the Sarnia-Area Environmental Health Project. Anyone who requires assistance registering for the Aamjiwnaang notifications system can contact Kris Lee for assistance.

Many industries using once-through cooling water systems have implemented a direct and divert system and now have additional storage capacity which has greatly decreased the number of spills. There has also been an increase in the number of small spills which typically would not have been reported in the past.

In the past, a significant focus of managing industrial discharges was on water. As many improvements have been implemented regarding discharges to the river, much of the recent MECP focus has been on addressing concerns with releases to air. Clean Air Sarnia website is an excellent resource for near real-time air quality reporting. <https://www.cleanairsarniaandarea.com/>

Please note this only monitors air quality on the Canadian side of the St. Clair River.

7.0 U.S. Drinking Water Subcommittee Report by Paulette Duhaime

Finalizing the draft removal document. Melanie Foose has been co-ordinating this and is waiting for some additional information from the EPA. Large facilities are responsible to have facility response plans

regulated by EPA, which Melanie is trying to get additional information for. Plans are required to be updated every five years, so Melanie is awaiting updates to include in her report. Draft report is currently in a holding pattern.

Once the document is completed, the BUI will be close to being removed on the U.S. side. A survey has been developed to determine the community perception on removal of this BUI. The River Network assisted in the development of the survey, which will be released in the next few weeks. The survey is about 12 questions long and will include some demographics on the survey participants. Based on the results of this survey, they will be implementing a public education program. There will be a final report and River Network produced which will help develop the public education program. This survey will help identify the public opinion of source water vs. distribution.

8.0 Life After Delisting – Transition Planning by Sheri Faust

Sheri proposes keeping this is a regular item on future agendas.

PAC Recruitment

Results shared from a project structured around conservation with University of Michigan Graduate Students and recent graduates. In Phase 1 of the interview project, Sheri, Patty, Paulette and Kirsten were interviewed to identify the concerns and challenges they found with the PAC. Three areas of focus were identified: recruitment, life after delisting, and funding. The U.S. team wants to delist, but they don't want to disband and want to keep momentum moving forward. In the next two months, an implementation plan will be drafted for the St. Clair River PAC.

Sheri's presentation identified some of the challenges associated with recruiting and maintaining PAC members and identifying what can be done to increase interest. They are promoting diversifying their membership with students, farmers, visitors, etc. Suggestions included all members taking responsibility for recruitment, creating training packages, inviting guest speakers, field trips, and sharing meeting summaries with community leaders.

Life After Delisting

Sheri shared some suggestions for maintaining collaboration between Canada and the U.S. after the AOC is delisted, as well as developing a format for addressing emerging issues in the St. Clair River. She is interested in reviewing other AOCs to see how they have moved from start to finish and what can be learned for this AOC. Friends of St Clair River U.S. has already struck a transition committee as they approach delisting. They also have an upcoming renewal of their strategic plan in 2022 and intend to include the goals of the PAC in that plan.

Once BPAC has finished the job of delisting the St. Clair River Area of Concern, Friends of the St. Clair River U.S. will be the point for continuous monitoring for Michigan to ensure the River doesn't slip backwards and to identify and address emerging concerns. As the transition away from Area of Concern program moves ahead, this will provide the opportunity to focus on more current issues rather than legacy and should help attract more young people to get involved.

A draft plan from the students should be available for review soon. Each of the 11 AOCs remaining in Michigan will have an implementation report produced.

9.0 St. Clair River AOC Video

The Canadian RAP Team has contracted Cranefly Productions to develop of a video to highlight the St. Clair Area of Concern and progress of the Remedial Action Plan. Key members of the CRIC were interviewed as part of the video. The video has been shared with the CRIC and BPAC to provide comments. Please share all comments with Natasha Pozega, RAP Coordinator. Members are asked not to share the video until it is made public.

10.0 Agency Updates

i. Ministry of Environment Conservation and Parks by Ted Briggs

- MECP is working on two COA agreements- one with Friends of St. Clair River for ongoing ACO outreach and educations, and with SCRCA for shoreline rehabilitation work in the Port Huron area.
- Natasha is working on the draft report for the Drinking Water BUI.

ii. Environment and Climate Change Canada by April White

- Great Lakes Protection Initiative funding has opened. Proposal deadline is March 3rd. It's important that proposals link back to in existing impairment and/or the AOC workplan. Additional points awarded if there is some in-kind or cash contributions from other sources, but not required. Proposals are submitted online.
- Work-planning meetings with science partners currently underway. Upstream/Downstream Water Quality Monitoring will continue, DFO modelling for fish habitat will continue.
- On February 23rd, April will present to Walpole Island Chief and Council on the Fish Tumour BUI. This will complete Indigenous engagement on this BUI, which is the final the last remaining component of public engagement on this BUI. The next step will be to submit a letter recommending the redesignation of this BUI to not impaired.
- The RAP Coordination Agreement with the SCRCA is expiring at the end of March. A two-year agreement is in development but will be a different process than in the past, which is more onerous.

iii. Michigan Department of Environment, Great Lakes, and Energy by Melanie Foose

- Only Two BUIs remain: Drinking Water and Fish Consumption.
- Drinking Water Assessment report is being drafted.
- Fish samples were collected from the St. Clair River in 2018 and 2019. Analysis and results will take another year to be complete.
- Michigan AOC conference is being organized for September 28-30 in Muskegon, Michigan.
- Next SPAC meeting will be on March 4th.
- Michigan State Environment Conference on March 9th.
- Expected to be teleworking until May 1st.

iv. U.S. Environmental Protection Agency by Rose Ellison

- No report

11.0 Committee Reports

i. Statewide Public Advisory Council

Last meeting on October 14th, 2020 via Zoom.

- Patty elected as SPAC Vice-Chair for one year.
 - Update from EPA regarding GRLI Action Plan 3 covering 2023-2024. Listed goals for BUIs to be removed and management action plans to be completed.
 - Discussion about Environmental Justice in the AOC program.
 - Presentation about harmful algal blooms in Michigan waters- warning will be going out to public due to potential toxicity.
 - New Michigan Clean Water Plan investing \$500M towards water infrastructure.
 - Sea Grant reported that they have a new Environmental Impact Report showing increased growth in recreation and tourism around restored areas.
 - Sea Grant submitted proposal to National Science Foundation. If successful, will be asking for input from the PACs regarding environmental justice in the AOC programs.
- ii. **Friends of the St. Clair River – Canada**
- Funds have been received from MECP for 2020 and are now working on 2021.
 - Change in focus of funding from rehabilitation projects to outreach.
 - Newsletters are now digital (through MailChimp), and being released monthly. You can subscribe at friendsofstclair.ca.
- iii. **Friends of the St. Clair River – USA**
- No other updates outside
- iv. **Canadian RAP Implementation Committee**
- Last meeting held in October 2020 with three guests presentations:
 - Brad Hill from ECCC presented on Upstream and Downstream Water Quality Monitoring in the St. Clair River.
 - Mike Moroney, SCRCA updated the CRIC on the progress of the Sediment Management Plan.
 - Nicole Drumm, SCRCA presented on the development of a Phosphorus Management Plan for the Sydenham River Watershed.
- v. **Four Agency Managers Work Group**
- Meet quarterly and their last meeting was held in January 2021.

12.0 Other Business

None.

13.0 Next Meeting Date and Adjournment

The next meeting will be held at the call of the Chairs and will be chaired by Co-Chair Paulette Duhaime. Proposing a Tuesday near the end of April.

MOTION to adjourn.

Moved by Kris Lee, seconded by Terry Burrell.

CARRIED

Meeting adjourned at 8:48pm.