



Binational Public Advisory Council (BPAC)

Meeting Minutes

April 19, 2023- Virtual Meeting Via Zoom

Minutes Prepared by Mike Moroney

Attending Members:

Paulette Duhaime	U.S. Co-Chair, Citizen at Large	Mike Moroney	St. Clair River RAP Coordinator
Kris Lee	CAN Co-Chair, Wallaceburg Advisory Team for Cleaner Habitat	Patty Troy	U.S. Co-Vice Chair, Citizen at large
Terry Burrell	CAN Co-Vice Chair, City of Sarnia, Friends of St. Clair River	April White	Environment and Climate Change Canada
Donna Blue	St. Clair Region Conservation Authority	Jason Vaillant	BASES
Sheri Faust	Friends of the St. Clair River (U.S.)	Melanie Foose	Michigan EGLE
Phillip Whitman	DT Energy (Guest)	John Timar	Appointed by City of Sarnia
Paul Parete	Environment and Climate Change Canada		

Attending Guests: Phillip Whitman, DT Energy; Paul Parete, Environment and Climate Change Canada

Actions Arising from the Minutes

- a) BPAC members to send suggestions to Kris or Paulette of possible locations and topics for the next USA/Canada Science Symposium.
- b) Phillip to follow-up on what parameters are included in DTE’s groundwater monitoring program, what concentrations are currently being detected, and what the toxicity levels/regulated limits are for the parameters.
- c) Phillip to confirm whether there will be an opportunity for public input for future decommissioning of DTE coal fired electrical generation facilities.
- d) Phillip will confirm level of site security at ash disposal facility.
- e) Phillip to confirm the amount of ash that is currently in DTE’s ash disposal facility.
- f) BPAC to consider options for making the BPAC meetings public.
- g) Mike to circulate the draft revised BPAC by-laws to the membership for review.
- h) Members are to provide comments on the draft revised by-laws by the end of May 2023.
- i) BPAC is to seek approval of the revised by-laws at the next BPAC meeting.
- j) Mike and Jason to collaborate on the flow chart presentation to BPAC, anticipated to be in June 2023.

- | |
|---|
| k) Paulette and Kris to work on drafting a letter to go to ECCC, on behalf of BPAC, related to capacity building at Aamjiwnaang First Nation. |
|---|

1.0 Call to Order, Introductions and Land Acknowledgement

Meeting called to order by Kris Lee at 6:35 pm.

2.0 Adoption, Additions or Corrections to Draft Agenda

Moved by: Terry Burrell

Seconded by: Paulette Duhaime

MOTION to approve the agenda.

No objections.

CARRIED

3.0 Review of Action Items and Approval of February 16, 2023 Draft Minutes

- a) Paulette to provide Patty with a link to the recording of the webinar about mercury in the St. Louis River and the use of isotopes to try to determine the source. - **Completed**
- b) BPAC members to send suggestions to Kris or Paulette of possible locations and topics for the next USA/Canada Science Symposium. – **Standing Agenda Item**
- c) BPAC members to send suggestions for amendments to the BPAC By-Laws to either Paulette and Kris. - **Completed**
- d) Melanie to share a couple of examples of recently amended by-laws with Paulette and Kris that reflect Diversity, Equity, Inclusion and Environmental Justice. - **Completed**
- e) Patty to send a survey link for the proposed SPAC AOC webinar to Mike for distribution to all BPAC members - **Completed**
- f) BPAC members are to provide ideas to Paulette on ways that BPAC has taken to incorporate Diversity, Equity, Inclusion and Environmental Justice in the work that it does - **Completed**
- g) Paulette to reach out to DTE for their availability to participate in a BPAC virtual meeting in April 2023. - **Completed**
- h) Mike to send out a Doodle Poll to BPAC members for their availability to meet in April 2023, based on dates when DTE is available - **Completed**
- i) Mike and Donna to look into options for being able to have hybrid meetings, going forward, after the April 2023 virtual BPAC meeting. **Completed** – see agenda under Other Business

4.0 DTE Energy – Presentation – Phillip Whitman

- The Bluewater Energy Centre had a ribbon cutting ceremony in late June 2022. The facility has been in operation for almost one year. It is a combined cycle power plant – multiple gas fired turbines. It generates enough power for 850,000 homes. It can generate 100 MW per minute during power up so can come on line quickly when required.
- It is 40% more efficient than the coal fired plant at Belle River.
- It operates 24/7, something that renewable energy is not able to do yet.
- It has 70% less carbon emissions than a coal fired plant.

- Ash Disposal Issue – Range Road ash disposal facility serves two power plants. The disposal facility had a clay wall installed in 2007/2008. It was installed to ensure protection against any leaks. Since then, DTE has been doing groundwater monitoring around the wall.
- The Belle River plant will be decommissioned in the 2025-to-2026-time frame. It will be converted to a Gas Peaking Plant. That means it will only operate when needed for grid stability. It will generate about 1200 MW of energy by way of two large gas turbines. Currently, it is operated 24/7 as a coal plant. Ash disposal will cease after decommissioning. Coal handling equipment that is used between the St. Clair site and the Belle River site will not be removed right away. DTE needs to first do studies to assess the need for any remediation work.
- Belle River will have full retirement after 2040 and will no longer operate as a Gas Peaking Plant.
- Gas used at the power facility will be obtained from an existing gas pipeline that runs from Canada to the U.S.
- Following Phillip’s presentation, BPAC members had a number of questions. The following additional information was provided in response to the questions:
 - DTE does not have the access rights to conduct groundwater monitoring on private properties that are located around the ash disposal facility but would be willing to consider expanding the current monitoring program if specific requests were received. Their monitoring program does include other testing groundwater quality at locations where DTE owns the land. There has been no indication of leakage from the ash disposal facility to date.
 - Monitoring will continue for as long as the disposal facility remains -at least until 2040. The timing for the duration of monitoring is still to be confirmed.
 - The US EPA did issue 6 proposed determinations to deny facilities’ requests to continue to dispose of ash into unlined ash disposal sites. It was due to a government change in policy, not due to a specific problem at a site or sites. If the US EPA finalizes these denials, the facilities will have to either stop sending ash waste to these disposal sites or submit applications for extensions to the deadline. (Note: As per US EPA [News Release](#), the process takes into consideration the need to ensure a reliable supply of electricity while protecting public health.)
 - **Action:** Phillip to follow-up on what parameters are included in their groundwater monitoring program, what concentrations are currently being detected, and what the toxicity levels/regulated limits are for the parameters.
 - DTE is planning to have the St. Clair Power Plant shut-down at the end of the 2023. It is being prepared for demolition. The location will be retained as a corporate asset and will eventually dismantle the plant. The plan is to also work on creating a shoreline that is favourable as a fish habitat.
 - In terms of facility response plans, each site has an incident contingency plan that is site specific. Incidents that occur from time to time, such as the fire that occurred at the Bluewater Energy Centre, are assessed for lessons learned and response plans are updated, if necessary. The St. Clair site will continue to have response plans in place, even after being shut-down. DTE staff will still be on-site 24/7.
 - The need to protect water quality in the St. Clair River will be taken into consideration as part of the decommissioning plans. DTE will be consulting with US EPA and Michigan EGLE. **Action:** Phillip to confirm whether there will be an opportunity for public input as well.
 - **Action:** With respect to questions around site security, Phillip will confirm if site security monitoring is 24/7.
 - **Action:** Phillip to confirm the amount of ash that is currently in the ash disposal facility.

5.0 Development of the Next Lake Erie Lakewide Action and Management Plan (LAMP) – Paul Parete

- Paul Parete is the ECCC contact for the Lake Erie LAMP and the Lake Huron LAMP. Andrew Bahrou is the Lake Erie Coordinator for Michigan EGLE and will be working with Paul on the Lake Erie LAMP.
- A Lakewide Action and Management Plan is a process that is used to drive lakewide actions. It brings together partners around the lake, on both sides the border to work together to address lakewide challenges. Lakewide management is an ongoing process that provides information on how the lake is doing, what's stressing the lake, the challenges, and actions that are needed to protect, and restore the lake.
- The LAMP process contributes to the coordination of actions and tracks progress on the implementation of actions throughout the Great Lakes.
- The partnership for the Lake Erie LAMP consists of approximately 60 individuals, with over 30 different agencies represented from all levels of government, including representation from First Nations.
- Government agencies are committed to implementing the LAMP actions. It is an ecosystem-based strategy designed to help governments and their partners fulfill commitments that they've made to protect water quality. The LAMP contains information on actions to address threats to the lake, which include chemical contaminants, nutrients and algae, habitats, invasive species, and other substances (e.g. microplastics). The LAMPs have about 40 plus management actions that are being implemented by the partners to address the major stressors. A major part of the LAMP is local outreach and engagement.
- The LAMP process contributes to achieving 9 general objectives of the GLWQA.
- Individuals can stay informed about the status of the LAMP by reviewing the information on: <https://binational.net/>
- Annual updates are provided that look at success stories for all the Great Lakes. The different projects that are addressing challenges, including projects representing the management actions that were committed to.
- There are webinars held in the spring and in fall each year for all the Great Lakes. **Lake Erie has a webinar scheduled for June 20, 2023** which will be focusing on nutrients and algae.
- The St. Clair River is part of the Lake Erie LAMP. Post St. Clair River AOC delisting actions, emerging issues, and monitoring will be captured under the Lake Erie LAMP.
- Each LAMP is updated every 5 years.
- An update to the Lake Erie LAMP is being drafted for 2024-2028. Public comments are being sought at the beginning stages of development for 2 weeks ending April 25.
- The updated LAMP will be available for review at the end of 2023. Once a draft is in place, there will be opportunities for public comment.
- The St. Clair River to Detroit River Corridor is part of the Lake Erie LAMP. The whole corridor is also part of the St. Clair River – Detroit River System (SCDRS) initiative. This initiative will also likely continue after delisting.

6.0 Updating of BPAC By-Laws – P. Duhaime

- Paulette provided an overview of the proposed updates to the BPAC By-Laws that were made following a teleconference that was held between Paulette, Kris and Mike on March 16, 2023. Proposed revisions were identified in yellow highlight.
- There was discussion around how to make the meetings public and to facilitate them if it is a virtual meeting. It was suggested that the meeting could be scheduled as a regular Zoom meeting but with an additional requirement that each participant register on Zoom to

participate. This would be an alternative to making it a Zoom Webinar. Sheri explained that FOSCR US does advertise meetings through social media but not by way of radio or print media.

- **Action:** BPAC to consider options for making the BPAC meetings public.

Motion by: Sheri Faust

Seconded by: Paulette Duhaime

That the by-laws be amended to reflect that BPAC elections will be held every 2 years.

CARRIED

- Paulette pointed out that BPAC had elections in February 2023 and Michigan SPAC had elections in 2022. SPAC's next elections will be held in 2024. It was suggested that a motion may be required in January of 2024 to delay BPAC elections until 2026, so that the elections align with Michigan SPAC elections.
- **Action:** Mike to circulate the draft revised by-laws to the membership for review.
- **Action:** Members are to provide comments on the draft revised by-laws by the end of May 2023.
- **Action:** BPAC is to seek approval of the revised by-laws at the next BPAC meeting.

7.0 Shipping Incident – Algoma Innovator – K. Lee

- Kris provided an overview of an incident that occurred on the morning of April 1, 2023 involving the Algoma Innovator. The ship lost power and became grounded along the shoreline near Aamjiwnaang First Nation. It was eventually freed through the assistance of tug boats. There was no spill to the river and there was no risk to the pipelines that cross under the river further downstream. It was noted that the Shell docks are located downstream of the incident.
- The incident was highlighted as an example of how shipping incidents can occur at any time on the river that could potentially result in water quality impacts, and that are difficult to prevent from happening.

8.0 Spill Notification Flow Charts – M. Moroney

- Mike provided an overview of the draft spill notification flow charts (Attachment A), starting with the notifications that occur in the event of a spill to the St. Clair River from the State of Michigan. The flow chart was based on information that Melanie was able to provide. Mike then discussed the flow chart for spills from Ontario and noted that input from industry is still pending.
- Jason explained that for the past 6 months, a multi-stakeholder team has been working on clarifying roles and responsibilities as it relates to notifications in the event of a spill to the river. They have developed a draft stream lined flow chart and will be testing it in late May 2023. They are focusing on trying to avoid duplication of effort when it comes to notifications. Jason anticipated being able to present it at the next BPAC meeting.
- Jason explained that the flow chart that is developed will be the one that will be used by those that respond to spills, including MECP's Spills Action Centre.
- **Action:** Mike and Jason to collaborate on the flow chart presentation to BPAC, anticipated to be in June 2023.

9.0 Aamjiwnaang First Nation Capacity Building – K. Lee

- Kris described the email that BPAC had received from Cathleen O’Brien, Aamjiwnaang First Nation, on March 29, 2023, requesting support from BPAC with the needs and wants of their Environment Department: long-term, consistent funding to keep existing staff and acquire new staff with health, safety and environment qualifications; to be involved in all decision-making processes that affect the Nation, and to have sufficient resources to facilitate First Nation consultation.
- Information on the amount of additional funding needed and level of staffing required was not included in the correspondence.
- April explained that ECCC has been providing funding to AFN for the past 15 years to support participation in the RAP program. The current funding ended on March 31, 2023. A recommendation for continued funding of AFN has been put forward. The next agreement with AFN will cover the next two years.
- Kris acknowledged the contributions of ECCC and suggested that the concerns being raised by AFN was with respect to the need for additional funds and on a consistent basis.

Motion by: Kris Lee

Seconded by: Paulette Duhaime

That BPAC send a letter to ECCC, with a copy to the local MP and Aamjiwnaang First Nation, expressing support for capacity building in Aamjiwnaang First Nation’s Environment Department.

CARRIED

- **Action:** Paulette and Kris to work on drafting a letter to go to ECCC, on behalf of BPAC.

10.0 Agency Updates

Ministry of the Environment Conservation and Parks

- No updates.

Environment and Climate Change Canada- April White

- \$420 million announced for the Great Lakes over a 10-year period.
- The money will likely start being available in 2024.
- Developing agreements with Aamjiwnaang First Nation and Walpole Island First Nation for funds to support engagement in the AOC over the next two years.
- Kris inquired about the status of the contaminated sediment management work. Terry explained that although he was not aware of any announcements around implementation of the engineering and design plan for managing the contaminated sediment, he had been contacted by local media regarding reports that Dow would be leading the work. Mike explained that it would be more appropriate for MECP to speak to the status of the project, and that although the SCRCA will not have a role in the implementation phase, the SCRCA was pleased to hear that action is being taken to address the contaminated sediment as it will support the redesignation of two Beneficial Use Impairments.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) - Melanie Foose

- The AOC Conference has been confirmed. It is scheduled for Sept 12 to 14, 2023 in Green Bay, Wisconsin. Guidance on how travel costs for the event will be covered is pending.

- Staffing update – Rick Hobrla retired March 31, 2023. Michigan EGLE is now looking for two AOC coordinators to handle 6 AOCs.
- Melanie has taken over from Rick and is now the Unit Supervisor, responsible for the Great Lakes Management Unit.
- Fish sampling will be conducted in the St. Clair River in Fall of 2023 for the fish consumption BUI.
- May 31, 2023 will be next SPAC meeting and will be virtual.

U.S. Environmental Protection Agency

- No updates.

11.0 Committee Reports

i. Statewide Public Advisory Council (SPAC) - Patty Troy

- No updates. Next meeting on May 31, 2023.

ii. Friends of the St. Clair River (Canada) - Terry Burrell

- Kris provided the update for FOSCR – in the process of creating educational signage along the river. Hope to be able to have the signs put up this summer.
- FOSCR seeking support with establishment of fish habitat area along Centennial Park in St. Clair Township.
- Kris is presenting at the Lake Huron Coast is Clear Conference in Grand Bend.

iii. Friends of the St. Clair River (USA) - Sheri Faust/P Duhaime

- FOSCR had the inaugural fund-raising banquet last week – “River Bash”. It was a sold-out event. The event will be held every year, going forward. They are now ramping up for the Sturgeon Festival. It is the 10th anniversary – it’s called “Sturgeon and Friends”. There will be live animal exhibits. The event will also focus on the Black Tern bird. The event will be held on Saturday June 3rd and will include an Indigenous component. Will be using students to hand release sturgeon into the river.
- Sheri would like to see photos of the FOSCR (Canada) signage once completed.

iv. Canadian RAP Implementation Committee (CRIC) – Kris Lee

- The next meeting is scheduled for May 11, 2023.

v. Four Agency Managers Work Group – Melanie Foose/April White

- Melanie – next meeting is scheduled for May 1, 2023.

12.0 Other Business

Hybrid BPAC meetings:

- Mike and Donna looked into options for being able to have hybrid meetings, going forward, after the April 2023 virtual BPAC meeting. If BPAC would like a hybrid meeting, it would need to be held at SCRCA’s office in Strathroy. In that way, the SCRCA could ensure that the necessary equipment and staff are available to set it up and operate it. It requires a phone line, phone pods (to allow those in the room to be heard when speaking), a good internet connection, two computers (one for presenting virtually and onto a screen, and another for controlling the virtual meeting), and a screen to project onto for those attending in

person. Trying to set up all the equipment remotely (including having access to a land line) and having it run properly is likely going to result in technical challenges, including the potential for feedback issues with the audio.

- Jason offered the BASES office as a more local location for future BPAC meetings. Their facility is set-up for holding hybrid meetings.

13.0 Next Meeting Data and Adjournment

- The next meeting will be at the call of the Chair – Paulette. It will be an in-person meeting, likely around the second week of July, in Michigan.

Moved by: Kris

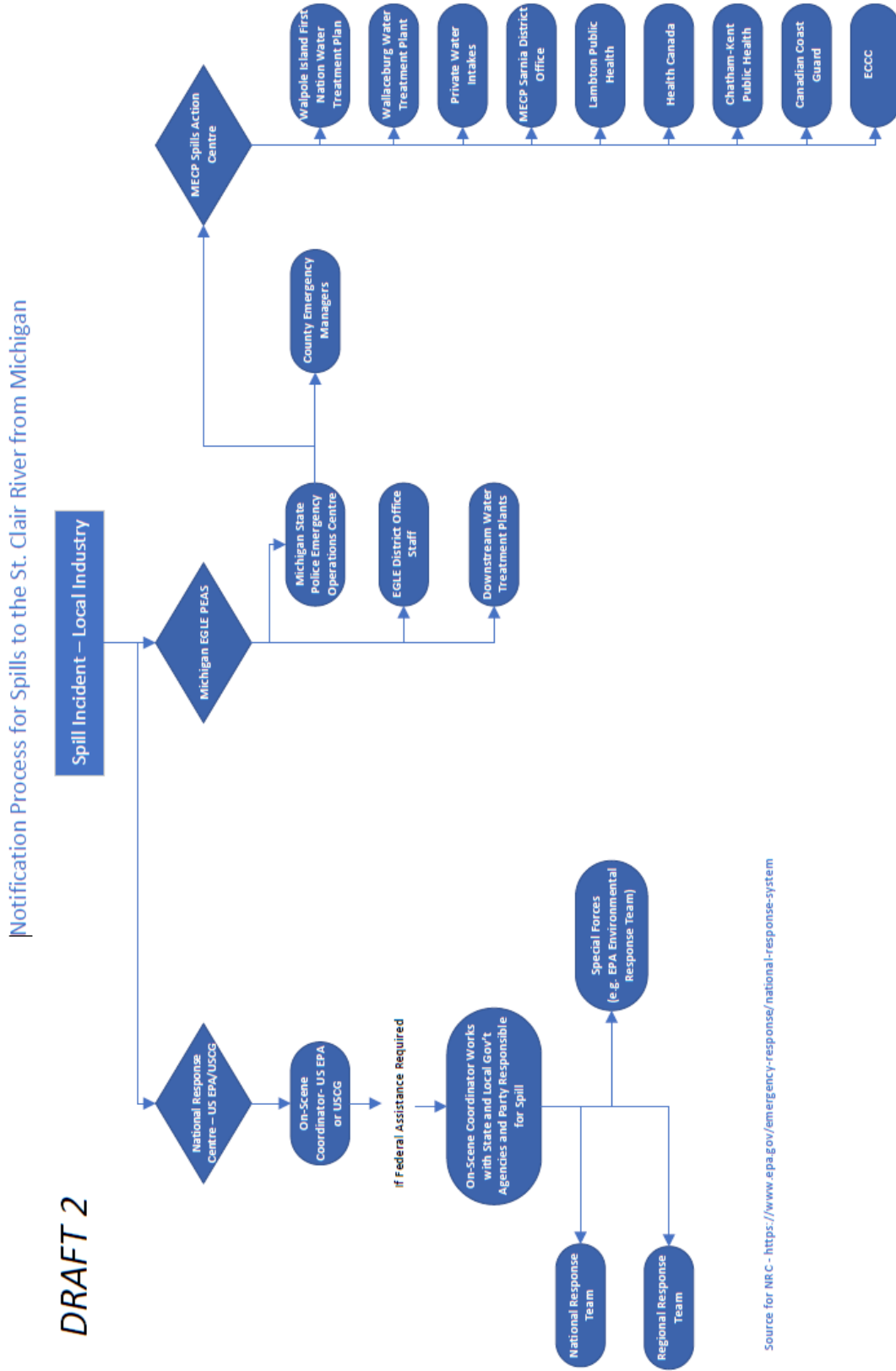
All in favour.

MOTION to adjourn the meeting.

CARRIED

Meeting adjourned at 8:55 pm.

ATTACHMENT A
Draft Spill Notification Flow Charts



Source for NRC - <https://www.epa.gov/emergency-response/national-response-system>

