



Binational Public Advisory Council (BPAC)

Meeting Minutes

August 2, 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 the St. Clair River	Fred Kemp	Appointed by City of Port Huron
Donna Blue	St. Clair Region Conservation Authority	Jason Vaillant	BASES
John Jackson	CAN Env. Sector	Lynn Rosales	Aamjiwnaang First Nation
Carla Rosenfeld	U.S. Environmental Protection Agency	John Timar	Appointed by City of Sarnia
Ted Briggs	Ministry of the Environment, Conservation and Parks	Naomi Williams	Walpole Island First Nation
Dan Collins	Citizen at Large		

Actions Arising from the Minutes

- a) Paulette to follow-up with DTE on each of their outstanding action items from the previous meeting.
- b) BPAC to consider options for making the BPAC meetings public.
- c) Mike to confirm if the recorded portion of his presentation on BUI #9 can be shared with WATCH, through Kris, for posting on their website.
- d) Mike to review information on spill incidents to determine the reason for some differences between the spill graph for Wallaceburg water treatment plant closures and the spill graph related to spills from BASES (formerly SLEA) member companies.
- e) Mike to connect with Jason to confirm that there have been no spills from BASES companies since 2015 that required a water treatment plant closure due to a potential exceedance of drinking water criteria, and assess whether the graph should be updated.
- f) Mike to draft wording for the motion on BUI #9 based on comments made during the discussion, and seek consensus with the wording.
- g) Mike to make additional amendments to the draft By-Laws:
 - add Land Acknowledgment statement as the second bullet point

- amend Section 7 to read as follows: Each BPAC member present shall have one vote. If a member is absent, the alternate designated by the member may vote in their place.
- amend Section 8 so that it reads as follows: A resolution or motion is passed by the casting of an affirmative vote by a majority of the voting members.
- h) Mike to schedule a meeting with the BPAC Executive and representatives from Walpole Island First Nation and Aamjiwnaang First Nation in September 2023 to discuss the current wording of the Land Acknowledgment statement, and the most recent revised draft of the By-Laws, to determine if any revisions are needed.
- i) Mike to distribute the marked-up version of the draft By-Laws and a clean version of the By-Laws to BPAC members.
- j) Patty to provide a link to a video called “Save the Sturgeon” to Mike to distribute to BPAC members with the meeting minutes.

1.0 Call to Order, Introductions and Land Acknowledgment

Meeting called to order by Paulette Duhaime at 6:35 pm.

2.0 Adoption, Additions or Corrections to Draft Agenda

Moved by: Paulette Duhaime

Seconded by: Fred Kemp

That the agenda be approved.

CARRIED

3.0 Review of Action Items and Approval of April 19, 2023 Draft Minutes

- a) BPAC members to send suggestions to Kris or Paulette of possible locations and topics for the next USA/Canada Science Symposium. **No submissions. Will focus on the topic in 2024.**
- 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. **Pending**
- c) Phillip to confirm whether there will be an opportunity for public input for future decommissioning of DTE coal fired electrical generation facilities. **Pending**
- d) Phillip will confirm level of site security at ash disposal facility. **Pending**
- e) Phillip to confirm the amount of ash that is currently in DTE’s ash disposal facility. **Pending. Paulette to follow-up with DTE on each of these outstanding items.**
- f) BPAC to consider options for making the BPAC meetings public. **Pending – BPAC Executive to have further discussions on best approach.**
- g) Mike to circulate the draft revised BPAC by-laws to the membership for review. **Completed.**
- h) Members are to provide comments on the draft revised by-laws by the end of May 2023. **Completed**
- i) BPAC is to seek approval of the revised by-laws at the next BPAC meeting. **Completed. On Agenda.**

- j) Mike and Jason to collaborate on the flow chart presentation to BPAC, anticipated to be in June 2023. **Completed**
- 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. **Completed.**

4.0 Presentation – BUI #9 Restrictions on Drinking Water Consumption or Taste and Odour Problems – M Moroney

- Mike spoke to a PowerPoint presentation on Beneficial Use Impairment #9 - Restrictions on Drinking Water Consumption, or Taste and Odour Problems. Information was provided on what triggered it to be identified as being impaired, the delisting criteria that was initially established, how the delisting criteria was reassessed over time, and actions taken to protect downstream drinking water intakes through spill prevention, spill notification and spill response.
- Mike explained that he was seeking the support of the Binational Public Advisory Council with the recommendation from the Canadian Remedial Action Plan Implementation Committee that BUI #9 be redesignated to no longer being impaired, recognizing that on-going diligence is required to maintain the St. Clair River as a beneficial use for drinking water.
- Kris inquired if the recorded presentation could be provided to WATCH for posting on their right-to-know website. **Action:** Mike to confirm if the presentation component of the recorded meeting can be shared with WATCH through Kris.
- Patty pointed out that the graph for the Wallaceburg water treatment plant shows that there were mandatory shut-downs in 2008 and 2013 but the graph that was provided by the Sarnia-Lambton Industrial Association does not show spills for those years. **Action:** Mike to review information on spill incidents to determine the reason for the difference.
- Paulette asked if the SLEA graph can be updated to 2020 so that it matches the timelines of the Wallaceburg graph. **Action:** Mike to connect with Jason to confirm that there have been no spills from BASES companies since 2015 that required a water treatment plant closure due to a potential exceedance of drinking water criteria, and assess whether the graph should be updated.
- It was suggested that future presentations emphasize that the SLEA chart is based on spills from member companies that required water intake closures, and that there may have been other minor spills that did not require intake closures, and are therefore not shown on the chart.
- Motion by Terry – that BPAC accept the recommendation that BUI 9 be redesignated to Not Impaired on the Canadian side. Seconded by Fred. Patty – asked for clarification. Mike explained that CRIC has accepted the report's recommendation that it be redesignated to Not Impaired and that it proceed through the redesignation process. John recommended that it be clear that the reason BPAC would be supporting the recommendation to redesignate it is not just because of the two years without a water treatment plant closure but also because of the commitment to a multi-barrier approach (Spill Prevention, Spill Response, and Spill Notification). It needs to stay in place and be improved when needed. Fred agreed with the initial motion and the suggested amendment. Terry agreed with the amended wording to his motion.
- There was consensus with the motion as amended but it was suggested that the wording be prepared and circulated to make sure there is a clear understanding of the wording of the motion that BPAC supports.
- **Action:** Mike to draft wording for the motion on BUI #9 based on comments made during the discussion, and seek consensus with the wording before including it in the meeting minutes.

5.0 Update on Spill Notification Flow Chart – M. Moroney

- Mike explained that Jason and Tracy of BASES had informed him that members of BASES's Emergency Management Committee had completed a review of industry's spill notification process for spills to the St. Clair River, and that it occurred over an 8-month period. Through the process they identified opportunities for improvement. Recommendations were made to ensure an efficient and coordinated response for notifications in the event of a spill. The project team consisted of representatives from industry, emergency managers, environmental and regulatory agencies, Lambton Public Health, SAC, MECP and the Coast Guard.
- Mike was provided with a number of slides that could be shared with BPAC. Mike reviewed the information contained in the slides provided by BASES.
- Jason explained that the bubble chart is for a general audience. There is a separate more detailed chart that responders would use.
- Jason also explained that there was a need to streamline or focus some of the notifications to avoid multiple notifications to the same party.
- Patty suggested that it would be helpful to have information presented on spill response exercises in the BASES presentation and in the previous presentation on BUI #9. Paulette pointed out that it will be part of the assessment report for BUI #9 on the U.S. side.

6.0 Updating of BPAC By-Laws – P. Duhaime

- Paulette discussed the revisions to the draft BPAC By-Laws based on comments received following the April 19th BPAC meeting.
- Under Section 5, Agenda Paulette asked if an additional standard agenda item should be added for the Land Acknowledgment statement. Lynn agreed that it should be included as a standard agenda item. Naomi recommended that there be some discussion of the wording that should be used.
- **Action:** Mike is to add Land Acknowledgment statement as the second bullet point.
- There was discussion around Section 7 and Section 8 about voting rights. As a result, it was agreed that Section 7 would be amended. **Action:** Mike to amend Section 7 to read as follows: Each BPAC member present shall have one vote. If a member is absent, the alternate designated by the member may vote in their place. It was also agreed that Section 8 be amended. **Action:** Mike to amend Section 8 so that it reads as follows: A resolution or motion is passed by the casting of an affirmative vote by a majority of the voting members.
- There was discussion around the voting rights of members of BPAC. Both Naomi and Lynn explained their role as members of their respective First Nation communities. Tonight, she did not vote because she is only sitting in on behalf of someone else that was not able to attend. Persons that have been delegated by Chief and Council to sit on a committee would normally have the right to vote. Naomi explained that she has been delegated by Chief and Council but she usually does not vote. Despite the delegation, she would still need to go back to her community to get their input before she would vote yes or no.
- Kris reminded members that all individuals that are members of BPAC have the right to vote, whether or not they chose to exercise that vote. Individuals that have voting rights can indicate that they chose to abstain from certain votes, if they wish.
- **Action:** Mike to schedule a meeting with the BPAC Executive and representatives from Walpole Island First Nation and Aamjiwnaang First Nation in September 2023 to discuss the current wording of the Land Acknowledgment statement, and the most recent revised draft of the By-Laws, to determine if any revisions are needed.
- **Action:** Mike to distribute the revised marked-up version, along with an unmarked version, of the draft By-Laws to BPAC members.

7.0 Agency Updates

Ministry of the Environment Conservation and Parks – Ted Briggs

- No updates.

Environment and Climate Change Canada - April White

- Mike read information that had been provided by way of an email message from April White:
 - The Canada Water Agency has been created within Environment and Climate Change Canada. It is the federal focal point for fresh water of national significance, such as the Great Lakes, Lake Winnipeg, Lake of the Woods, Lake Simcoe, the St. Lawrence, Fraser, McKenzie and Saint John Rivers. The Agency will work in partnership with Indigenous Peoples, provinces, territories, and stakeholders to strengthen collaboration on fresh water. Legislation will be introduced in 2023 to establish the Canada Water Agency as a stand-alone Agency but until then, the Agency is a “branch” within ECCC. There is no change to AOC or other Great Lakes programs or duties of staff within them. The Agency will be located in Winnipeg; however, staff will continue to be located across the country.
 - New funding resources were announced in the budget and will flow to the respective programs once the Treasury Board submission on how to utilize the funds is approved, likely sometime next year.
 - With respect to the Great Lakes Protection Initiative (GLPI), two years of funding to support community engagement will be provided to Aamjiwnaang and Walpole Island First Nations. April is working with each community to develop the Agreement. ECCC is also providing funding this year to support RAP Coordination.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) – Paulette (in Melanie’s absence)

- Paulette mentioned that she had an update on spill response plans for DTE in Michigan. She had been informed that DTE’s spill response plan for the Belle River facility has been accepted by Michigan EGLE. The response plan for the St. Clair facility is not required as it is being shut down.
- The BUI #9 assessment report on the U.S. side is expected to be completed in 2023.

U.S. Environmental Protection Agency – Carla Rosenfeld

- Carla is the new Task Force Lead for the St Clair River AOC for the US EPA, working out of the Great Lakes National Program Office in Chicago.

8.0 Committee Reports

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

- Last meeting was on May 31, 2023. It included updates from US EPA and Michigan EGLE. There is an upcoming conference in Green Bay on Sept 12th to 14th, 2023.
- Michigan EGLE staffing – there will be a new coordinator eventually to replace Melanie since she has taken on a new role.
- Next SPAC meeting will be in-person on October 3rd to 4th, 2023 in Sault Ste Marie, Michigan.

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

- Continuing to support education programs with the SCRCA, supporting the Chatham-Kent, Sarnia-Lambton Children's Water Festival, involved in an environmental project along the river, and working on putting in new educational signs along the river.

iii. Friends of the St. Clair River (USA) - Paulette Duhaime

- 10th annual Sturgeon Festival was a success. Have received good support from the community.
- Patty added that Sheri provided a link to a video called Save the Sturgeon. **Action:** Patty to provide it to Mike to distribute to members, along with the meeting minutes.
- Patty also explained that they had received approval of a 3-year grant from Michigan EGLE and will be putting a workplan together for the 3-year period.

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

- CRIC has finalized the workplan for the next 5 years; 2022-2027
- MECP and ECCC have funding in place for the RAP Coordinator position until March 2024. Will start looking at renewing the agreements later this year.
- The committee received a presentation on the outcome of the Fish Consumption Survey. The presentation will be provided to BPAC at the next meeting.

v. Four Agency Managers Work Group

- Update provided by Ted by way of email -there is a Four Agency Managers meeting scheduled for later in August 2023 at which time they will also receive the presentation on redesignating BUI #9.

9.0 Other Business

- No other business.

10.0 Next Meeting Data and Adjournment

- The next meeting will be at the call of the Canadian Chair – Kris.

Moved by: Terry Burrell

Seconded by: Fred Kemp

That the meeting be adjourned.

CARRIED

Meeting adjourned at 9:30 pm.