

NIAGARA PENINSULA CONSERVATION AUTHORITY

BALL'S FALLS

JANUARY 18, 2012

7:45 p.m.

MEMBERS PRESENT:

B. Maves (Chairman)
D. Barrick
B. Baty
S. Beattie
T. Dalimonte
C. D'Angelo
D. DiFruscio
T. Easton
D. Eke
A. Jeffs
D Joyner
B. Timms(Vice-Chairman)

MEMBERS ABSENT:

D. Ransom (with regrets)
B. Sharpe (with regrets)
B. Steckley (with regrets)

STAFF PRESENT:

T. D'Amario, CAO/Secretary-Treasurer
D. Bois, Acting Recording Secretary
J. Kukalis, Director, Water Management
D. Baker, Director, Land Management
M. Stack, Director Communications

OTHERS PRESENT:

Don Pearson, General Manager, Conservation Ontario
John Crossingham, Solicitor
Randy Momot, MacGillivray Partners
Mark Neufeld, Chairman Source Protection Committee
Andy Fevez, Past NPCA Board Member
Dave Drobitch, Superintendent, Long Beach & Chippawa Creek
Doug Durant, DSBN, Manager of Projects & Maintenance
Colleen Fast, DSBN, Staff
Kevin Graham, DSBN, Staff
Greg A. Redden, Macdonald Zuberec Ensslen Architects Inc.
Harald Ensslen, Macdonald Zuberec Ensslen Architects Inc.
Frank Scremin – Hamilton Int. Airport, Director, Operations
Eric Cunningham – Hamilton Int. Airport, Communications
Klara Young-Chin, Friends of One Mile Creek
Gerry Beneteau, Friends of One Mile Creek
John Sonneveld, Wainfleet Citizen
Glen Robins, Wainfleet Citizen
Bev Lepard, Wainfleet Citizen
Len Pennachetti, Twenty Valley Tourism / Cave Spring Cellars
Eric Cunningham, Former MPP (1977-1984)

BUSINESS:

The Chairman called the meeting to order at 7:45 p.m., welcomed all in attendance and requested anyone who had a conflict of interest to declare it.

(1) **MINUTES FULL AUTHORITY MEETING – DECEMBER 14, 2011**

There was a brief discussion about fracking. John advised that the issue is out of our jurisdiction and control as this area is not conducive to that type of extraction. Trevor Easton stated that the USA's EPA is looking into the matter.

There were no errors or omissions in the minutes. The following resolution was presented.

FA-07-12

MOVED BY: C D'Angelo

SECONDED BY: D. DiFruscio

THAT: the Minutes of the Full Authority meeting held December 14, 2012, be received and approved as printed.

"CARRIED"

(2) **BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

(3) **CHAIRMAN'S REMARKS**

The Chair made no remarks.

(4) **CAO'S REPORT**

The CAO advised that there will be an update on the Strategic Plan within the next two months.

The CAO updated the Board on the recent staffing changes made at the Authority.

The CAO advised that the annual ice fishing derby at Binbrook will be held February 12th if conditions allow, with a raindate of February 19th.

The CAO indicated he is working on the year-end financial report and will provide it to the Board in February.

Lastly, the CAO advised that the Authority has purchased a table at the Woodend Fundraiser. Anyone interested in attending should see Mary Stack as she has the 6 tickets that are available.

(5) **DELEGATION RE PFOS**

The Chairman thanked Carmen D'Angelo and Bruce Timms for representing the Board at the meetings held in Hamilton regarding the PFOS issue. He then asked Frank Scremin, Director of Operations at the John C. Munro International Airport, in Hamilton, to come forward and make his presentation.

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The presentation was followed with a brief discussion. Carmen D'Angelo noted he would like to see a communication plan prepared, through which the Airport would keep the public apprised of the status of the situation and the progress being made. He also asked what the response was from other agencies, ie Transport Canada and was advised that the responsibility was transferred to the City of Hamilton.

Brian Baty requested that the notes from Mr. Scremin be included in the minutes as a permanent record of the background and status to date. Therefore, the following is the "Bullet Points for Frank Scremin – January 18, 2012":

- I value the opportunity to meet with you tonight. I want you to know that the John C. Munro International Airport and TradePort International are committed to working with the City of Hamilton, the Ontario Ministry of the Environment and hopefully the Government of Canada to assess and remediate PFOS contamination at the Airport that took place prior to 1994 and prior to TradePort assuming operational responsibility of the Airport in 1996.
- Our primary objective is to ensure a timely, expert assessment of the PFOS contamination and an equally timely, science-driven remediation.
- Our organization is committed to this. We are also committed to open transparent communications particularly with the Niagara Peninsula Conservation Authority.
- The Niagara Peninsula Conservation Authority has been provided with background materials on this issue, particularly a comprehensive report dated May 9th, 2011, prepared by Darcy Baker.
- This report reflects current information about PFOS. As you know PFOS has been commonly used as repellants for water, soil, oil and grease for the manufacture of carpets, fabrics, upholstery and food packaging. It was also used until 1994 in fire fighting foam. Its use has generally been phased out in Canada.
- It is a stable chemical. Health Canada recommends a limit of .3 micrograms per litre, based upon lifetime exposure. The US EPA recommends .2 micrograms per litre.
- It is estimated that most people will be exposed to 30 nanograms of PFOS per kilogram of body weight per day or 3 micrograms per day per 100 kg person. One nanograms is equal to one-trillionth of one kilogram.
- Studies have not shown any adverse health effects in very high exposure groups such as carpet manufacturers or installers.
- None of this is to diminish our collective concern about the PFOS contamination, but rather to put the risk to the public in proper and reasonable perspective.
- Hamilton Public Health Services, through a public letter dated April 27, 2011, from Dr. Chris Mackie, Associate Medical Officer of Health, concluded that the levels of PFOS do not present a health risk for swimming. There was no reason for a public health risk or warning and that regular samplings will continue.

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- The consumption of fish from Lake Niapenco is now the subject of Ministry of Natural Resources guidelines.
- Our essential commitment is to work openly with the City and the Ministry of the Environment and hopefully the Government of Canada to resolve this issue as quickly as we can.
- We have engaged a highly regarded local engineering firm, expert, to conduct a delineation program, preliminary risk assessment and bench scale testing for soil and ground water remediation at the Airport. This work is underway. It is our expectation that this work will be completed in July. It will delineate the extent of PFOS contamination. More importantly, it will provide evaluation of a stabilization solution for both soil and ground water.
- These objectives were reflected in a report by the Planning and Economic Development Department of the City of Hamilton dated December 12, 2011.
- On December 16, 2011, City Council approved unanimously a motion by Councilor Brenda Johnson to proceed with the aforementioned risk assessment plan. The City will also fund half of the estimated \$80,000 assessment costs. We are grateful for Councilor Johnson's leadership in this regard.
- As you know, the use of PFOS predated our company's contract to operate the John C. Munro International Airport. From 1986 until 1994, Transport Canada was responsible for conducting all of the fire fighting training activities. As such, the City of Hamilton has written to the Federal Minister of Health and the Minister of Transport, Infrastructure and Communities to request their involvement and participation in this process.
- We are working closely with Members of Parliament Dean Allison and David Sweet in this regard.
- We are also working with the authority, particularly, Darcy Baker.
- This is a complex issue. I am by no means an expert in this area, but I do believe that working together we can complete a proper risk assessment as well as a remediation plan. - Thank you.

The Chairman thanked Mr. Scremin for his presentation and asked that item 7 be brought forward to be dealt with at this time.

(6) BINBROOK RESERVOIR PFOS UPDATE - REPORT NO. 01-12

The Director, Land Management presented this report and answered questions.

Stew Beattie asked about the sediment sample testing and Darcy Baker advised that he will keep the Board apprised as he gets answers back. He was then asked what information would be available at the Ice Fishing Derby regarding PFOS. Darcy Baker advised that copies of the Fish Consumption Guidelines will be available. He then explained how the guidelines were developed and said there is to be a meeting of all the parties involved, next week.

Carmen D'Angelo asked to be part of the committee for community involvement.

Bruce Timms asked that a friendly amendment be made to the resolution, directing staff to request that a Board member receive a seat on the Community Liaison Committee dealing with the PFOS issue.

The following resolution was then presented, as amended.

FA-08-12

MOVED BY: A. Jeffs

SECONDED BY: T. Easton

THAT: Report No. 01–12 regarding the Binbrook Reservoir PFOS be received;
and,

that staff request that a board member from the NPCA receive a seat on
the Community Liaison Committee

"CARRIED"

(7) DELEGATION RE WOODEND LIVING CAMPUS PROJECT

The Chairman welcomed Doug Durant, Manager of Projects & Maintenance for the District School Board of Niagara (DSBN) and invited him to make his presentation. Along with Colleen Fast and Kevin Graham, of the DSBN he gave a video presentation. Greg Redden and Harald Ensslen, from the firm of Macdonald Zuberec Ensslen Architects Inc., were also on hand to answer questions.

Brian Baty asked, if moving the building forward on the site was required after the Environmental Assessment, would the cost increase. The consultant said if the building had to be redesigned, to comply with being a LEED building, it would interrupt the roadway and there would be a cost.

Brian Baty also asked if trees are removed would they be used in the building for a story line and was told they could. Five trees are affected with the present design and the consultant thought 8 – 12 trees would be affected if the building was moved.

The Chairman thanked the delegation for their presentation.

(8) WOODEND LIVING CAMPUS PROJECT – REPORT NO. 02-12

The Director, Land Management outlined the report noting that he was bringing this to the board because of the need to accommodate school children at the site and added that staff support this great initiative. He overviewed how updating the Master Plan and doing an environmental assessment sooner rather than later will firm up the project position going forward through the design and permit phases. He asked that the Board approve the proposed building design and its final location which would ultimately be determined by an Environmental Impact Study (EIS). He then answered questions from the Board.

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Dave Eke asked what the breakdown of costs and responsibilities were. Doug Durant advised that the Board would be looking at the full cost and was hoping for a successful fundraising campaign.

Bruce Timms asked if the EIS would definitely be required and was advised it would be required at some point.

Dave Barrick asked who would require an EIS and Darcy Baker advised that both MNR and NEC will require an EIS as part of their permit process.

Dave Barrick noted he had concerns with approving a final location of a building which is yet to be determined. He suggested adding that the final location will be determined "by the Board following" an EIS. Brian Baty agreed with this amendment.

The Architect advised that preparing for an NEC permit is approximately a four month process, and the more complete the package, the better.

The Chair noted that an EIS would normally be commented on by NPCA staff and asked how this conflict of interest would be handled. Darcy Baker advised that in this situation they would seek peer review. He would go to MNR and likely the Region, as they would also be reviewing the document as part of their permit process.

Carmen D'Angelo said there should be a written agreement between the DSBN and the Authority regarding maintenance on the new building. He also thought the Board should review the current lease agreement. Darcy said he would make the lease available. He will also bring a staff report to the Board at the next meeting.

The following friendly amendments were put forth.

FA-09-12

MOVED BY: D. Barrick

SECONDED BY: B. Baty

THAT: the third paragraph wording be changed to read: That the final location of the building be determined by ***the board following*** an Environmental Impact Study.

"CARRIED"

FA-10-12

MOVED BY: D. Eke

SECONDED BY: D. Joyner

THAT: the second paragraph wording be changed to read: That the Conservation Authority Board approve the proposed building design ***and location; and,***

"CARRIED"

The following resolution was then presented, as amended.

FA-11-12

MOVED BY: C. D'Angelo

SECONDED BY: D. DiFruscio

THAT: Report No. 02-12 regarding the Woodend Living Campus be received;

That the Conservation Authority Board approve the proposed building design and location; and,

That the final location of the building be determined by the board following an Environmental Impact Study.

"CARRIED"

April Jeffs asked that item 11 be moved forward as there were citizens in attendance, waiting for this item. After a brief break the Chairman moved item 11 forward.

(9) CENTRAL WELLAND RIVER, 100 YEAR FLOODPLAIN MAPPING STATUS UPDATE – REPORT NO. 05-12

The Director, Water Management provided an update on this matter and looked to the Board to approve the Interim Transitional Policy to deal with regulating the floodplain. This would give staff time to deal with the anomalies which require additional validation work by the consultant. Staff will pursue dialogue with residents and there will be formal public meetings when the mapping is finalized.

The CAO added that there would be a report back to the board when the revisions are complete, addressing Board concerns about why the lines are higher or different.

April Jeffs asked whether this mapping had been generated by MNR. John Kukalis stated that MNR provides the technical guidelines which all CA's must use in the production of floodplain mapping. He recommended that staff use the old levels to regulate and the new levels as an advisory until all anomalies are ironed out and at that time roll out the whole package.

April Jeffs asked if there was any cost component available to affected property owners. John Kukalis said that any compensation would have to come from the Ministry, noting that at one time there was a flood damage reduction program offering grant money. He did note that he could not guarantee that such a program would be available again.

Brian Baty proposed deferring this report to determine the following:

- Wait for the final mapping to be verified
- Produce clear maps for each community, noting in colour, the old map and a different colour for the new map
- Does the model assume that there are plugged siphons
- Cost estimate for annual cleanout of the siphons
- Hold public information sessions to outline: 1) why the new study was undertaken; 2) what factors have changed; 3) explain what floodproofing entails and extra cost
- Answer the risk/liability of issues of retaining the former mapping
- Bring forth today's report of phasing-in, following all the above

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Bruce Timms asked if we use Hurricane Hazel as a bench mark. John Kukalis said no, that a mid '70's storm and rain analysis were used to determine the technical guidelines. He stated that the new floodlines were determined, based on the best available technologies.

April Jeffs noted communication was a big issue and how do we know old the mapping has changed. John Kukalis overviewed old DWOPER system that was used originally and pointed out problems with that system. This time they used the most current practices.

Doug Joyner asked how we deal with landowners who have owned properties for years and disagree with floodplain mapping. John Kukalis advised that we would be looking at peer review comments. Staff will look at the results and report back to the board.

There was a further discussion about the public meeting being held in Wainfleet on the 19th and public outreach in the future.

There was also much interest in forming a working group of Board members to assist staff moving forward. This matter will be dealt with under Other Business.

The following resolutions were presented.

FA-12-12

MOVED BY: T. Easton

SECONDED BY: B. Timms

THAT: Report No. 05-12 be received for information and the recommendations therein be approved.

“CARRIED”

(10) PRELIMINARY 2012 BUDGET – CITY OF HAMILTON - REPORT NO. 03-12

The CAO overviewed this report.

There were no questions and the following resolution was presented.

FA-13-12

MOVED BY: C. D'Angelo

SECONDED BY: S. Beattie

THAT: Report No. 03-12, regarding the preliminary 2012 Budget for the City of Hamilton be received; and,

That the 2012 Preliminary Budget levy apportionment for the City of Hamilton be reduced by \$5,694 to reflect a 0% increase over 2011.

"CARRIED"

(11) 2012 MEETING SCHEDULE - REPORT NO. 04-12

The CAO presented this report and after a brief discussion the following resolution was presented.

FA-14-12

MOVED BY: T. Easton

SECONDED BY: B. Timms

THAT: the 2012 Authority Meeting Schedule as outlined in Report No. 04-12 be approved.

"CARRIED"

(12) FINAL REPORT – UPPER WELLAND RIVER WATERSHED PLAN – REPORT NO. 06-12

The Director, Water Management presented this report.

Carmen D'Angelo had chaired the steering committee for this Plan. He noted that it had been a pleasure as there was good rapport with all the municipalities and stakeholders involved. He said it was a well thought out plan that set up guidelines. He advised that it had gone to public consultation twice.

There being no further questions or comments, the following resolution was presented.

FA-15-12

MOVED BY: T. Easton

SECONDED BY: B. Timms

THAT: Report No. 06-12 regarding the Upper Welland River Watershed Plan be received; and,

That the recommended Conservation Authority restoration works be approved for implementation over a multi-year time frame subject to annual budget approvals.

"CARRIED"

(13) OTHER BUSINESS

Further to the Central Welland River Floodplain Mapping discussions, the following resolution was presented.

FA-16-12

MOVED BY: A. Jeffs

SECONDED BY: B. Baty

THAT: Board members will form a working group to assist staff moving forward with the implementation of the new Central Welland River Floodplain Mapping.

"CARRIED"

Brian Baty noted that he would like a report back on the series of recommendations he put forth during the Central Welland River Floodplain Mapping discussion.

Brian Baty requested that staff check the Centre For Conservation and look at supplemental heating, stating that it was very cold and groups renting this room for meetings would be put off coming back a second time.

ADJOURNMENT

There being no further business, the following resolution was presented.

FA-17-12

MOVED BY: D. DiFruscio

SECONDED BY: C. D'Angelo

THAT: this meeting do now adjourn.

Received at 11:03 p.m.

“CARRIED”

"D. Bois, Acting Recording Secretary

Bart Maves, Chairman”