

# St. Marys River AOC BPAC Meeting Minutes

**Place:** Cisler Center, LSSU  
Sault Ste. Marie, Michigan

**When:** Wednesday November 13, 2019  
6:30 – 8:30 p.m.

## Call to order/introductions

<b>BPAC Members</b>	Mike Ripley, Ron Prickett, Paula Antunes, Klaas Oswald, Brian Wesolek, Jess Wesolek, Don Marles
<b>Agency Reps</b>	Kara Flannigan (APH), Lisa Derickx (AU)
<b>Guests</b>	Leslie Dafoe, Robert Laitinen, Tom VanDorn, Rebecca Bolen
<b>Regrets</b>	Kristen Sherlock, Aubrey Maccoux-LeDuc

## Approval of Last Meetings Minutes

- October 2, 2019 – Approved as presented

## Business Arising from Previous Minutes

- Status of *Restrictions on Dredging Activities* BUI on the Canadian side of the AOC – discussion of comments/questions received:
  - Maps that showcase the contaminated sites in more detail are required to make it easy for everyone to understand the location and level of contamination within the AOC.
    - ECCC maps are located on the BPAC website:
      - SMR Sediment Maps for Metals: <http://bpac.algomau.ca/wp-content/uploads/2015/10/SMR-sediment-maps-Metals-April-2015.pdf>
      - SMR Sediment Maps for PAHs: <http://bpac.algomau.ca/wp-content/uploads/2015/10/SMR-sediment-maps-Total-PAH-April-2015.pdf>
    - Better delineation is needed as opposed to using just sample points (ie. to show contours of contamination within the river).
  - Dredging Administrative Controls Document – how do we get buy-in from the relevant agencies to ensure the sediment management strategies are enforced?
    - The Dredging Administrative Controls was created to ensure that proponents understand what they need to do. This document will be part of the broader Sediment Management Strategy.
    - The Dredging Administrative Controls document has been actively used by dredging proponents and agencies, and is providing the relevant parties with guidance to abide by the regulations and guidelines governing dredging activities in the St. Marys River
  - Contaminated sediment issues will be assessed via the *Degradation of Benthos* BUI Sediment Management Strategy. The *Restrictions on Dredging Activities* BUI was originally based on the financial aspects associated with dredging contaminated sediments within the AOC. It is the additional financial cost associated with disposing the contaminated dredgate on land (instead of freely in the open waters) that has been considered the impaired beneficial use.

- What is meant by “open water disposal is *discouraged* in Ontario”? – Open water disposal can still occur however it is put on the proponent to prove that placing the dredged spoils in open water will not have an impact on the habitat and biota in the area.
- “Given the potential for ecological impacts associated with open water disposal of sediment, viewing this (ie. Restrictions on dredging activities) as a “beneficial use” is contrary to the spirit and intent of the AOC program to restore environmental quality and ecosystem health” – does this mean the BUI is being re-assessed across the province?
  - MECP and ECCC developed a technical memorandum in 1998 for the Steering Committee overseeing the Canada-Ontario Agreement on the Great Lakes, which concluded routine upland disposal for small-scale dredging operations does not constitute a BUI.
  - However, the RAP program is still looking to meet the requirements of the updated delisting criteria for this BUI.
- Due to recent changes in the political environment, Conservation Authorities have less funding and must focus mainly on flood control. Are they still in a position to act as the first point of contact for dredging?
- It may be premature to sign-off on this BUI until the Sediment Management Strategy has been finalized.
- Who will enforce the Dredging Controls Guidance document?
  - As outlined in the St. Marys River Dredging Administrative Controls document, the approval and management of dredging activities and disposal of material involves a number of provincial and federal legislation, and it is consistent across all the Great Lakes, including AOCs.
- Need a signature sheet at the end of such documents to ensure that all agencies involved are committed to ensuring enforcement.
- The Dredging Controls Guidance document outlines policies that already exist. But is that legislation sufficient? Don’t want to see the same things that have happened in the past.
- Need to provide oversight and legislation needs to be strengthened
  - Would like to be assured of the oversight.
  - What assurance is needed? A letter from the various agencies with a commitment (ie. Signature page for agencies involved in Sediment Management Strategy)
- Ferrochrome smelter
  - BPAC letters to the mayor, provincial & federal government have been drafted
    - Letters do not oppose the project but mention the large amounts of money spend thus far on the AOC program and urge that positive impacts are not negated by the creation of this new plant.
    - Request an environmental assessment by both provincial and federal government
      - These environmental assessments should be done by a neutral third party
    - Legally Noront is not required to do an EA unless the ministers designate the site as requiring one
    - Not focused solely on water but includes the source of contamination (ie. Includes mention of air borne products)
    - BPAC will have the opportunity to send more letters with more specifics as time progresses.

## Presentations

- Whitefish Township Clean-Up Site - Robert Laitinen, Chippewa County Road Commission
  - Sand borrow pit for bridge reconstruction project in the 1920s which became used as a community dump site and landfill. Some exploratory work was done in 1993 to determine what contaminants were there.

- Community testimony that there are old barrels, cars and household garbage. This was an uncontrolled landfill so people could dump anything including drums filled with paint thinner, or other hard to get rid of product.
- Road commission has responsibility to clean up the leak from the underground storage tank. All tanks have been removed from the ground. The dump site has been orphaned (ie. State won't take responsibility for the site).
- In 2004, MDEQ did an intensive study of the site to determine the extent of contamination at the site.
- A local group of concerned citizens in the town of Paradise who would like to see the site cleaned-up.
- Road Commission is not legally required to clean-up the site but would like to see it done anyway. Would like to have a letter of support from BPAC when applying for funding.
- Ground water seeps at the beach are in small quantity but some metals and tri-methyl benzenes were present in high levels. There is migration of contaminants to Lake Superior.
- Quarterly sampling is being taken. Lots of erosions is occurring along the shore of the bank. Currently there is nothing daylighting into the lake but it is getting close to the boundary of the dump.
- Funding has been hard to find. BPAC is willing to write a letter of support when a granting agency has been identified.

### **Agency Updates**

- There are no updates from the four agencies at this time.

### **New Business**

- Lake Superior LAMP Partnership meeting in Sault Ste. Marie, Canada on Nov. 19 – 21, 2019
  - Mike and Aubrey will be in attendance.
- Update on Algoma Steel's 2019 dredging campaign
  - post-pone to next meeting

### **Memberships**

- For new members, applications must be received & prospective members present for confirmation – standard procedure.

### **Public Comments**

- Lake Erie has been declared a living thing and having rights – suggest the same designation could be made for the St. Marys River.
- We should also keep in mind climate change and the implications this has for the river.

### **Next Meeting**

- In December or January depending on when a presentation can be coordinated.