

**St. Mary's River Binational Public Advisory Council
Minutes of Meeting**

Place: Cisler Center
Lake Superior State University
Sault Ste. Marie, Michigan

Time: September 9, 1998
7:00 - 9:45 PM

Binational Public Advisory Council Members

Present:

Joan Aikens - Ontario
Roman Aikens - Ontario
John Bain - Ontario
Dr. Bill Bowerman - Michigan
Marilyn Burton - Michigan
Kara Flannigan - Ontario
Jennifer Manville - U.S. Environmental Protection Agency (RAP Contact)
Don Marles - Ontario
Martin McPherson - Ontario
Mike Ripley - BPAC Chair, Michigan
Walter Sarich - Ontario
Rod Stewart - Ontario
Al Wright - Ontario

Regrets:

Roger Eberhardt - Michigan Department of Environmental Quality

Guests:

Bob Allen - Lieutenant, U.S. Coast Guard. Sault Ste. Marie, Michigan
Patrick Morash - Lake Superior Program Office, Thunder Bay
David Myton - Lake Superior State University (Chemistry)
Kiisa L. Ruotsala - Lake Superior State University
Ian Thompson - resident, Sault Ste. Marie, Ontario

1) Welcome and Introductions

Mike Ripley, as chair, called the meeting to order and requested the members and guests to introduce themselves and their affiliation, if appropriate. Mike reported that Roger Eberhardt (MDEQ) wished to attend the meeting but could not because of other commitments.

2) Minutes of June 11, 1998

Mike Ripley asked the BPAC members to identify any changes that might be required to the June 11 meeting minutes. Hearing none he subsequently asked for a motion for their adoption.

Marilyn Burton moved that the minutes be adopted, seconded by Kara Flannigan, and subsequently carried by the members present.

3) Briefing on Binational Oil Spill Exercise - Lieutenant Bob Allen, US Coast Guard

Mike Ripley thanked Bob for taking time from his busy schedule to come and make a presentation to BPAC. Bob indicated that he was the Chief of the Port Operations Environmental Protection Department. As such he was responsible for providing environmental protection and environmental emergency response for an area including the northern portions of Lake Huron and Michigan as well as the eastern half of Lake Superior lying within the USA. Four staff are included in his department.

Bob explained that the purpose of his presentation was to brief BPAC members on an international oil spill exercise known as CANUSLAK 1998 and to invite them to participate. This year the US Coast Guard will be hosting the exercise and it will take place on September 23 - 24 at the US Army National Guard Armory in Sault Ste. Marie, Michigan. The exercise will be conducted in a "tabletop" format and will focus on an international response that crosses multiple governmental boundaries in the United States and Canada including First Communities and Canadian lands. The purpose of the exercise was to determine what improvements/changes might be gained by developing a joint contingency plan involving a simulated oil spill on the St. Marys River as a result of boat traffic collision. The US Coast Guard will offer training on the incident command system on Monday, September 21 and public affairs/joint information centre training on Tuesday, September 22. The training is open to all exercise participants and is offered by the US Coast Guard at no cost. Bob provided handout material which identified the objectives of the exercise, participating agencies and spill response contractors, as well as a calendar for the exercise and times for demonstrations of boom deployment and equipment.

Marilyn Burton asked if there were hazardous substances being transported through the St. Marys River. Bob indicated that there were 50 hazardous substances either in ships or crossing the St. Marys River on railway cars. Locally there are deployment booms available to contain liquids and private contractors that could be called upon who have specialized training for the containment of hazardous substances. In a few hours a major response could be mounted. If the situation was very serious, heavy deployment resources could be accessed from Federal response teams within 12 to 15 hours. It would take 24 hours to have all equipment in place. Notification would take place immediately and would include water intake users and commercial/subsistence fishers.

Don Marles asked how long a major outfall (e.g. oil) from below the locks would take to reach the water intake at Echo Bay and then St. Joseph Island. Bob indicated that the (oil) pollution would take 6 hours to reach the water intake, 8 hours to reach St. Joseph Island and 24 hours to reach DeTour. He also noted that the most likely possibility for boat traffic collisions would be below the locks. (Both cities have their water intakes upstream from the locks: Sault Ste. Marie, Michigan, at Sherman Park and Sault Ste. Marie, Canada, at Gros Cap.)

Don also asked about the status of the agreement between the two countries not to have shipping take place on the St. Marys River after ice formation. Bob indicated that he was not sure of the status of the agreement but knew that shipping was occurring after freeze-up.

Walter Sarich wanted to know if government cutbacks had resulted in the possibility that emergency government response measures might be ineffective. Bob answered by saying that the Exxon Valdez oil spill caused legislation to be passed which would significantly reduce the possibility of similar occurrences. He cited the US Pollution Act of 1990 which requires major new control mechanisms and ship design upgrading including double hulls.

Don Marles asked about the frequency of groundings on the St. Marys River. Bob replied that this occurs mostly as a result of river water lowering during seiche conditions and not as a result of pilot navigational errors. In the former situation boat traffic would not likely be underway; however, in the latter case, boats would be underway and the possibility of boat damage would be greatest.

Rod Stewart noted that the Ontario Ministry of Environment should be added to the US Coast Guard's contact list for the CANUSLAK 1998 exercise and also a local firm, SpillTech, which has specialized knowledge and is a major supplier of pollution absorbent material.

Mike pointed out that an Environmental Sensitivity Atlas had been jointly prepared and was available for the St. Marys River.

Bob concluded by indicating that he hoped to see many of the BPAC members participating in the CANUSLAK 98 exercise. Registration starts at 7:00 AM and the exercise will begin at 8:00 AM and will continue for 8 hours.

4) New Business

Mike Ripley asked those BPAC members present to review a list of members' names, telephones and addresses which he provided and make any necessary corrections. He also requested those having e-mail addresses to identify these and pointed out that electronic communication could speed-up the time required to circulate information amongst the members. Those present reviewed the listing provided and made the necessary changes/additions.

Mike indicated that he had attended the first organizational meeting of the proposed Munuscong River Water Council. He said many property owners had wished to form a River Council because of erosion and fishery concerns. The group is being assisted by the Soil Conservation Service of the US Department of Agriculture. Once the group has met all the of organizational requirements, they will become formally recognized as a Watershed Council. The creation of watershed councils is occurring as a result of a new initiative of the President called the Clean Water Action Plan.

Al Wright informed the BPAC members that Ontario has formally accepted the nomination of the St. Marys River as a Canadian Heritage Waterway. It is now up to Sheila Copps, Federal Minister of Heritage Canada, to also support the nomination. If Federal approval is given, the local initiative will be able to start the fourth and final phase to formally have the St. Marys River designated and recog-

nized as a Canadian Heritage Waterway. Al said that he is keeping those involved with the American Heritage River application informed of the progress being made.

5). **Public Comment**

Ian Thompson provided a presentation concerning the opposition that his group of citizens is making to a proposed industrial park (Odena) within the City of Sault Ste. Marie, Ontario. He said that approximately 200 people are in objection to the proposal which is located adjacent to the Root River. The group is concerned because of the potential pollution damage to the river, which provides high quality habitat conditions for salmon and rainbow trout. They are also very concerned because the proposed industrial use is located on a designated aquifer recharge area which has high percolation rates and which does not have municipal storm/sewer services. He said that the concerned citizen group is hiring a hydrogeological consultant to develop a position statement. He said his reason for attending the BPAC session was to let the representatives know of the ODENA proposal and its high potential for environmental damage. He requested BPAC to write a letter to the Ontario Minister of Environment and suggest that other locations might be more appropriate.

Marilyn Burton moved that a letter to the Minister be written concerning the proposed industrial use. This was seconded by Don Marles and carried by the members present.*

(*Read this motion in conjunction with the following motion)

Rod Stewart pointed out that private development is not normally subject to the Environmental Assessment Act. He also said that the developer has given an assurance to the city of Sault Ste. Marie that he will carry out an environmental assessment.

John Bain pointed out that zoning is in place to allow for the industrial use. The city however may be able to persuade the developer to ensure additional environmental controls are applied. These would be formally identified in a control order. He also thought that there was a role for BPAC to review the proposal and make suggestions in what might be included in the city's control order.

Rod Stewart indicated that the residents have not been informed by the developer on what uses are being proposed for the site. He thought that it might be appropriate for the developer to be invited to the next BPAC session to describe what he intends and what environmental safeguards might be involved. This would be particularly appropriate because BPAC would be meeting in Ontario.

Don Marles moved that the developer of the proposed industrial park be invited to the next BPAC meeting to discuss their plans for the site. He thought that BPAC could identify their preliminary concerns beforehand to Mayor Steve Butland and to staff of the Ministry of Environment. Roman Aiken seconded the motion which was subsequently carried by the BPAC members present.*

(*Read this motion in conjunction with the preceding motion.)

Action item: *Mike Ripley to prepare a letter outlining the preliminary concerns that the BPAC members have concerning the proposed industrial development in the designated aquifer recharge and the potential for pollution.*

Discussion followed concerning the importance of aquifers. Martin McPherson said that there needs to be common action on the importance of aquifers on both sides of the St. Marys River. Marilyn Burton said that damage and loss of aquifers has been a concern of BPAC for a long time. Dr. Bill Bowerman pointed out that the Department of Public Health has a data base which identifies chemicals present by specific water drill locations and this information does relate to aquifer ground water movement. Martin McPherson wanted to know what was available.

Action item: *Mike Ripley to provide Martin McPherson with the names of contacts for accessing the water drill record data base available with the Michigan Department of Public Health.*

As a new item, Marilyn Burton noted that recent newspaper articles have indicated that (Nova Group) the Canadian firm interested in exporting water from Lake Superior is still active with the initiative. She said if approval is given, this could form a dangerous precedent and that BPAC should send a letter outlining its concerns to the appropriate agencies involved. Don Marles had previously agreed to prepare this letter.

Martin McPherson wanted to know what position IJC had taken and how it might relate to the North American Free Trade Agreement (NAFTA). Don Marles thought that BPAC should focus its concerns on the AOC.

Dr. Bill Bowerman said that Great Lakes United would be meeting at the Sault Ste. Marie Civic Centre on the following Saturday (September 12, meeting commencing at 10:00 AM). This would provide a better arena for Martin to raise his concerns about jurisdictions and NAFTA.

Discussion arose about whether BPAC members should attend the Great Lakes United Meeting because they had not been formally invited and this was seen by some members as an affront. Other members thought attending the meeting would allow BPAC to extend its contacts and pointed out that Great Lakes United worked through local environmental groups such as Contact North which had organized the meeting. Contacting BPAC should not become a major issue on whether BPAC members should attend or not.

Kara Flannigan wanted to know whether the BPAC water diversion letter, being prepared by Don Marles, should be sent to other Public Advisory Committees (PACs). Mike Ripley said that the appropriate contacts should be OPAC and SPAC.

Action Items: *Don Marles to ensure that the BPAC letter outlining its concerns for water diversions include copies for OPAC and SPAC.*

5) Discussion and Comments on Chapter 2 of the Stage 2 RAP

Mike Ripley welcomed Patrick Morash from the Lake Superior Programs Office. Regarding comments on the Chapter 2 draft, Mike asked if all the members could submit their comments to him so that a single submission could be provided to the Lake Superior Programs Office.

Action item: *All members of BPAC to submit their comments to Mike Ripley who will then prepare a*

consolidated BPAC submission to the Lake Superior Programs Office. These comments should be sent to him prior to the next BPAC meeting.

Patrick Morash indicated that 1999 was scheduled for sediment sampling in Lake Superior and that the Lake Superior Programs Office had recommended that the St. Marys River should receive the highest priority for sampling. In addition, he said that recent changes at the Lake Superior Programs Office could result in their not being able to meet the proposed schedule for preparing a Stage 2 RAP for the St. Marys River.

Dr. Bill Bowerman indicated that the Canadian Federal Government cut its funding allocation to the IJC by \$800,000. By agreement, the US Federal Government would be obligated to cut its allocation by a similar amount. Mike Ripley said that it is extremely important that the St. Marys River BPAC indicate its concern over funding and the implications that this might have on the completion of the Stage 2 RAP.

Marilyn Burton moved that a letter be written to the concerned officials in the Canada/Ontario RAP Steering Committee outlining BPAC's concern regarding the Canadian allocation cutback and that copies of this letter be sent to all of the agencies in the US and Canada that are involved with the St. Marys River rehabilitation. Water Sarich seconded the motion. The motion was carried by those present.

Dr. Bill Bowerman asked Patrick Morash if there are copies of the Task Team reports and whether these could be provided to BPAC for inclusion in the BPAC library being created at Lake Superior State University. Patrick Morash said that they could provide the Stage 2 references but he did not think that all of the Stage 1 references were available. John Bain indicated that the Stage 1 references are available at Bob Collins' office. These he thought should be directed to the new library.

Action item: *Mike Ripley to contact Bob Collins regarding the transfer of the Stage 1 reference materials to the new BPAC library at Lake Superior State University.*

Discussion arose regarding the need for new membership in BPAC. One group identified for possibly having a representative on BPAC was the Council of Canadians and the Water Caucus.

Walter Sarich moved that a letter be written to the Council of Canadians requesting their involvement in BPAC. Dr. Bill Bowerman seconded the motion and it was subsequently carried by those present.

Action item: *Walter Sarich to prepare a letter to the Council of Canadians requesting that the Council consider having a representative attend the St. Marys River BPAC meetings.*

Mike Ripley said he thought it was important to have further discussion on how BPAC could recruit new members.

Action item: *Mike Ripley to include Membership Recruitment as an item on the next BPAC agenda.*

6) MOE Report

Rod Stewart provided an update on the Ministry's activities relating to the St. Marys River:

- a) Nova Group. The company is appealing the decision regarding the turn down of its request to remove water from Lake Superior. The company wants a tri-lateral agreement that ensures that other companies will not be able to export water without Nova Group having first chance to do so because it first came up with the idea. The Ontario Environmental Appeal Board will hear presentations regarding the appeal. A Public Information Meeting has been scheduled for 7:30 PM on October 1, 1998 at the Sault Ste. Marie Civic Centre. A Preliminary Hearing has been scheduled for Friday, October 16 at 9:30 AM and the Main Hearing is scheduled for December 7, 1998 at 9:30 AM. The two hearings will also be held at the Civic Centre.
- b) Update on the ODENA request to develop an area of land zoned as industrial park in Sault Ste. Marie, Ontario. This topic was covered by Ian Thompson's presentation.
- c) Environmental Registry notice concerning Air Quality Program Approval for Algoma Steel. Rod Stewart reported that the Environmental Registry public notice has been provided concerning air borne particulate (kish) originating during the dumping of hot metal transfer cars. BPAC was invited to attend the future public meeting which will be held to discuss the program approval.
- d) US EPA and OMOE agreement concerning air quality monitoring. The US EPA will be providing the necessary funding for the creation of 3 new air quality sampling stations. The US EPA will be setting up air monitors in Sault Ste. Marie Michigan at Lake Superior State University and at the Sault Tribal elementary school. The Ontario MOE will establishing a third station in Sault Ste. Marie Ontario.
- e) Agribond Approval. Rod reported that the Minister of Environment has issued a certificate of approval for the Agribond application. It will be up to the Environmental Commissioner to make a decision on whether an appeal will be heard. The proposal involves the processing of organic waste from St. Mary's Paper Company.
- 1) Lake Superior Bi-National Forum. The Forum will start on September 10 in Wawa and Rod will report back to BPAC on relevant issues raised.

7) Formation of a Subcommittee to Address BPAC Office and Library

Mike Ripley and Dr. Bill Bowerman said that it was important that a Subcommittee to BPAC be established to set priorities and determine how the office and library would function. Questions that need to be resolved would include how BPAC members and the public might gain access to the information available through the RAP process.

Mike pointed out that funding had been provided the Coastal Environmental Management (CEM) program of the EPA and that 5 LSSU student workers were available to assist in the organization of the office and library.

Marilyn Burton moved to create a Subcommittee to BPAC to provide the necessary direction required for the BPAC office and library. Martin McPherson seconded the motion which was subsequently carried by BPAC members present. The following members agreed to be part of the Subcommittee: John Bain, John Campbell, Rod Stewart, Martin McPherson, Walter Sarich, Mike Ripley and Dr. Bill Bowerman.

Action item: *Following the BPAC meeting, members of the Subcommittee present were to agree upon a Subcommittee meeting date.*

8) Next Meeting, Date and Objectives

Mike Ripley announced that the next formal meeting of the BPAC will be scheduled for **Thursday October 29, 1998** and will be held at the **Civic Centre, Sault Ste. Marie, Ontario.**

Action item: Mike Ripley to arrange for a meeting room.

At 9:45 PM, with no further business pending, Mike Ripley adjourned the meeting.

(Al Wright)