



FINAL
O.S.P.E. LAND DRAINAGE COMMITTEE
MINUTES OF MEETING
Friday, September 18th, 2020
Virtual Meeting
MS Teams

1.0 Attendance and Call to Order

- 1.1 Members Present: Tony Peralta, Chairman; Stephen Brickman, Secretary; Brandon Widner, Vice Chairman; John Kuntze; Gerard Rood; Jeremy Taylor
- 1.2 Liaison Members Present: Tim Brook, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA); Lisa Wren, Department of Fisheries and Oceans (DFO); Lu-Ann Marentette, Drainage Superintendents Association of Ontario (DSAO); Olena Czajkowski, Ministry of Transportation (MTO); Davin Heinbuck (Conservation Ontario); Paul Heeney, Ministry of Environment, Conservation and Parks; Pat Shaver, Open Learning & Educational Support (University of Guelph)
- 1.3 Regrets: Dave Richards, Ontario Ministry of Natural Resources & Forestry (MNR), Stuart Atkinson, Ontario Society of Professional Engineers (OSPE)
- 1.4 Chairman Tony Peralta called the meeting to order at 9:02 a.m.

2.0 Approval of Agenda

- 2.1 The Committee reviewed the agenda prepared by Tony Peralta. Motion by Stephen Brickman, seconded by Gerard Rood that the agenda as prepared by the Chairman be accepted. Carried.

3.0 Minutes of Last Meeting

- 3.1 There were no comments or requests for changes. Olena Czajkowski moved to accept the January 21, 2020 L.D.C. revised draft meeting minutes as circulated, seconded John Kuntze. There was no discussion. Carried
- 3.2 Final documents are to be sent to Pat Shaver by Stephen Brickman for posting to the LDC web site. **Action by Steve and Pat Shaver.**

4.0 Business Arising from the Minutes

Tony reviewed the action items shown in the January meeting minutes.

- 4.1 Steve sent final minutes of last meeting to Pat. Steve will follow up with Pat. **Complete**
- 4.2 Steve to follow up with Pat about posting the June meeting minutes (meeting held on May 31, 2019). **Complete**
- 4.3 Tony is working on getting information for William Settingington biography. Tony has found personal information, but not professional. **Ongoing.**
- 4.4 Tony will contact PEO regarding the LDC's concerns about the ERC including a drainage engineer. **Complete. The ERC request for volunteers is closed, but COVID has stalled progress in PEO.**
- 4.5 Stuart to follow up with the LDC on the blog post article, and what the LDC can do next to improve awareness for drainage engineers. **Ongoing. Tony to follow up with Stuart. Action by Tony**
- 4.6 Tony will forward Davin's email to the LDC. **Complete.**
- 4.7 Tim will circulate a list of drains touching or bound by regulated areas (parks and reserves). **Complete.**
- 4.8 Tony will set up a conference call for the afternoon of February 7th. **Complete.** The LDC will brainstorm Drainage Act issues/opportunities for improvements prior to the conference call. **Complete.**
- 4.9 Tim will circulate annual statistics **Complete.**
- 4.10 Jenn will check with her team about what drainage engineers can do to speed up DFO review time. **Addressed in the meeting - Complete.**
- 4.11 Steve to forward Pat the following motion by Gerard and seconded by Jeremy that: the LDC proceed with a 'Seed' level sponsorship for the Conference on Sustainability in Engineering. **Complete.**
- 4.12 Tony will contact Paul Heeney of MECF and will forward issues that are common with drainage engineers that relate to the MECF. **Complete.**
- 4.13 Jeremy to attend LICO specifications committee on Wednesday. **Complete.**

5.0 Correspondence

- 5.1 An email was received from a practitioner regarding the posting of meeting minutes to the LDC website. Tony addressed the issue raised by the practitioner.

6.0 Liaison Report – OSPE – Stuart Atkinson (Not able to attend, but provided a written report)

- 6.1 OSPE formed a COVID 19 economic recovery working group to help short and long-term economic recovery. They propose a three-phase approach: Phase 1 – immediate and urgent measures needed to create conditions to reopen the economy. Phase 2 – Short term investments to support Phase 1 and the technologies that drive efficiencies. Phase 3 additional mediums and long terms supports for our economy that engineers are key to helping create and sustain.
- 6.2 OSPE addressed the electricity reform. Large amounts of clean electricity were wasted.
- 6.3 Standing committee on finance and economic affairs – This discussed the impacts to certain sectors of the economy caused by COVID.

6.4 Stuart noted (in his written report) the upcoming changes to the Drainage Act and Bill 197.

7.0 Liaison Report – Ministry of Transportation Ontario - Olena Czajkowski

7.1 MTO released a Professional Engineering Memo (PEM) for Cured in Place Pipe (CIPP) where the Moratorium remains in effect. CIPP is Extremely toxic to aquatic life. The MTO investigated if new advancements in the technology would alleviate this effect on aquatic life. The results were still not acceptable.

7.2 MTO Drainage management manual – initiated work on updating the manual. New Table of Contents will be much shorter and will only deal with highway drainage related technical aspects.

7.3 The MTO has initiated an update of the MTO IDF Curve tool. Currently, the tool relies on data as recent as 2015. Typically, the MTO updates IDF information about every five years. It is critical to maintain IDF data at today's standards because of the effects of climate change, and our infrastructure.

7.4 The MTO is updating a few OPSS relating to drainage 407, 408, 411 and 422. These include manholes, catch basins and ditch inlet catch basins, chamber installations and adjustments. A very crucial OPSS is cleaning and flushing of culverts (411). There is a new OPSS – 912. It is also for precast boxes, but larger than three metre spans.

7.5 A recurring issue seems to keep coming up – hydrologic and hydraulic modelling data sharing is an issue with Conservation Authorities (CAs). CAs want the MTO to buy the data. MTO is considering a memo of cooperation. CO and MNR have an agreement and the MTO are considering using that agreement as a model for a potential agreement with the CAs.

7.6 Questions:

John K. once OPSS are approved, are they put online right away? Olena said the OPSS will be available on the Technical Publications Library Portal.

Davin adds comment regarding CA Data – most stations are owned by the province and operated by Water Survey Canada (Branch of Environment Canada). CA's have partnered with these agencies and can therefore share data. CA's do own their own gauge stations. MTO also has their own. Davin will talk to his connections. There appears to be a two-way opportunity to share data.

8.0 Liaison Report – Conservation Ontario - Davin Heinbuck

8.1 CAs and CO are not yet back to work in offices yet, but they are operating from home. CO will not be back until at least January. Site visits are still taking place. Working remotely is functioning.

8.2 Nothing to add about the CA act review.

8.3 Flood Forecasting – Great Lakes Levels are high – the waves are now so high that there is a huge amount of erosion from the waves. The CAs are issuing special statements about the beaches. Lake Superior is a bit below record high, and it is now trending downward. That should pass on downstream, but this can all change. Lake Michigan and Lake Huron have set the record for monthly mean elevations. Moving forward, it is expected to drop by about a foot. Water levels may rise in winter. Lake St. Clair is currently at record levels. They hope levels will stabilize in the winter. Typically, the fall season has the lowest levels. Lake Erie is

expected to be below record levels and continue to drop by about a foot. Lake Ontario is in the best situation. These data and predictions come from Environment Canada.

9.0 Liaison Report – Ministry of Agriculture, Food & Rural Affairs – Tim Brook

- 9.1 OMAFRA continues to work from home.
- 9.2 They are there for specific COVID issues.
- 9.3 The Drainage Superintendent guide is progressing quite well. OMAFRA has some new budget, so they have money to publish when ready. Tim expects a 2021 release date, maybe the summer. Hopefully out before fall conferences. As always, OMAFRA is open to receiving photos.
- 9.4 The Engineer's guide has been out for a long time, and OMAFRA is considering updating all the fact sheets. OMAFRA would like to rebrand them for landowners. OMAFRA hopes that the update will reduce calls that come into OMAFRA. This is coming, but not quite yet.
- 9.5 Tim continues to meet with Paul Heeney (MECP) quarterly.
- 9.6 Consultation on the Drainage Act changes. The changes are continuing to move through the process. The current circumstances have caused a bit of a delay. There will be another consultation hopefully this fall. OMAFRA would like to pre-consult with the LDC and DSAO and CO.
- 9.7 Soil regulation began in 2017 and 2018. The Regulation is in place, but not in effect until January 1st. There is not a specifically named exemption for works under the Act, but the typical type of Drainage Act projects will likely be exempt.

Some exemptions may include:

- material stays on site.
- Site vs properties needs definition.
- Maintaining infrastructure in fit state of repair.
- Special rules when there is a staging area off site.

- 9.8 Emergency exemptions have increased dramatically this year. This is likely caused by challenges related to COVID and high lake levels.
- 9.9 ADIP grants are up to date with Drainage Superintendents. Grant submission deadlines for maintenance activities were delayed to 45 days after the emergency status was lifted (i.e., Sept 15 was the deadline). There continues to be Significant financial pressure on grants for construction activities. This pressure is currently being managed by backlog.
- 9.10 Questions:

John K. – John asked for confirmation about the amendments to the actual Act being approved and in place. Tim said this is correct. The next step is to define the details of what the regulations will be.

John K. – are paper copies available for the Drainage Engineers guide? Tim – Yes, they are available for purchase. Tim also has some.

John K. – what is the status of the Drainage Tribunal? Tim needs more information, but he thinks they are continuing virtually/remotely. John – how are they going to reschedule hearings that are cancelled? New cases are different, but John is more concerned with cancelled hearings. Tim will

check with Tribunal about status of their procedures. **Action by Tim.** Gerard is working on appeal with the City of Windsor. He is going to do it online, and it is coming up soon. The Tribunal asked everybody if they objected to a virtual hearing.

Jeremy T. – Construction Grants are still backlogged. How backlogged? Steve asked – is the backlog growing or staying the same? Tim noted that it is growing. To reduce the backlog growth, OMAFRA would need more budget or change the program.

Steve B. – asked about the pre-consultation. Tim said that the regulations need to be fleshed out, but the Act is already in place and coming into effect.

10.0 Liaison Report – Ministry of Natural Resources and Forestry

10.1 An MNR representative was not available. No report was provided.

11.0 Liaison Report – Ministry of the Environment, Conservation and Parks – Paul Heeney

11.1 Paul thanked the Committee for inviting him. Paul is the manager of admissions and compliance section of the SAR. Paul works under the ESA and has substantial experience.

11.2 In 2018 the responsibility of managing the ESA transitioned from the MNR to the MECP. There were challenges with that transition, but the MECP is making progress. The MECP would like to continue working with Tim and OMAFRA. The MECP has hired (temporarily) an MNR employee from Aylmer to assist with the Drainage Act. Paul and the MECP do not want to overregulate people; they must acknowledge people's obligations to the regulation.

11.3 Questions:

Tony P. – Should engineers be notifying the MECP more often, or continue with the status quo? Paul – wants to spend time to help clients understand their requirements under the ESA. There are 6,500 to 7,000 submissions every year. Paul suggested that Engineers continue with current practices.

Steve – Paul will you be joining our next meetings? Paul will try to attend.

12.0 Liaison Report – Fisheries and Oceans Canada – Lisa Wren

12.1 Lisa addressed updates arising from the last meeting

12.2 The previous minutes noted that DFO would be hiring students to assist with drain sampling. Due to COVID, this did not take place.

12.3 DFO has continued to update mapping with OMAFRA.

12.4 DFO is completing research to assess the fish resiliency in recently maintained drains.

12.5 Review time for DFO. Fisheries Act changed in September 2019. There have also been changes to the website and other public tools. This created a large influx of new files. DFO was already backlogged before. DFO had a very successful summer in completing work. DFO is happy to report that they are now looking at files from last week.

12.6 Drain Team. DFO has assigned biologists to each of the DSAO chapters. Engineers to continue use triage, and the Drain Team gets together regularly to discuss issues.

- 12.7 A Fisheries Act Registry has recently come into place. It is in its early stages. Fisheries Act Authorizations are listed on the registry along with the basic information of the project. One concern was all the class authorizations. All have been posted on the Registry. The purpose of the Registry is to convey transparency for the public. DFO also posts codes of practice. The Registry does not change Engineer's practice for approvals. Letters of Advice (LOAs) are not on the registry.
- 12.8 Most DFO staff are working from home. Site visits and other field related work is continuing if needed.
- 12.9 Questions:

Jeremy T. – Jeremy supports the Chapter Rep system.

Tony P. – Relating to Action Item from Heading 4.10. Is there anything Engineers can do to help speed up the process? Lisa – Filling out the Request for Review (RfR) is the best information. Photos are extremely important. It is best to take photos without snow.

Olena C. – Relating to drain RfR – is this new? Lisa – This is new and still a prototype.

13.0 Drainage Superintendents Association of Ontario – Lu-Ann Marentette

- 13.1 The last DSAO meeting was in July and was conducted using MS Teams. Discussion related mostly to the London conference. DSAO discussed conference topics in case a conference was viable.
- 13.2 DSAO's next meeting is scheduled for October 22nd, 2020.
- 13.3 The Procurement Committee is going to review procurement policies from its members. Frank Jonkman has a sample.
- 13.4 Lu-Ann asked Tim if there is going to be a drainage superintendents' course. Tim – The courses for the contractors will be offered. Right now, they are offered in person (but that may change).
- 13.5 Lu-Ann also noted the Excess soil regulations and how is this going to affect Superintendents.
- 13.6 OMAFRA is initiating an alliance to develop a provincial inventory of municipal drains. Tim – OMAFRA has initiated a project with the University of Guelph (UoG) and DSAO. UoG is funding the initiative. The primary intent is to develop an inventory of rural municipal drain infrastructure using a provincial wide database to encourage and assist with asset management. Additionally, there are three other potential benefits from OMAFRA's perspective. 1. How to manage ADIP grants (amount of maintenance etc.) 2. Look at climate change. 3. Green infrastructure projects. The program has just kicked off. The alliance is looking to pilot the project with volunteer drainage superintendents.

John would like to share what he is doing in Wilmot (where John is the Drainage Superintendent).

14.0 Drainage Act Regulations Team (DART) Update – Removed from Agenda

- 14.1 Tim expects that DART will become more active but is not sure when.

15.0 Drain Action Working Group (DAWG) Update – John Kuntze & Lisa Wren

- 15.1 DAWG is considering updating its Terms of Reference.
- 15.2 Many of the updates given in the DFO report are applicable to DAWG as well (Drain Team, specialized drain RfR, etc.)
- 15.3 Additionally, DFO provided funding for other participants to do their own sampling and studies.
- 15.4 DAWG's next meeting is pending; the date is not yet set.
- 15.5 DFO is preparing an information sheet for drain enclosures. The information sheet is geared more toward landowners. DFO has prepared a short video and a fact sheet. Both tools are not finalized, but they are moving forward.

16.0 LICO Specifications Committee – Jeremy Taylor

- 16.1 LICO specifications committee discussed flexible dual wall pipe specifications respecting minimum radii. The specification is not complete yet.
- 16.2 The committee also discussed a minimum service life of drainage tile for the industry.

17.0 Procurement Update

- 17.1 Tony will talk to Lu-Ann about the LDC's involvement in the Procurement Policy Committee. **Action by Tony.**
- 17.2 Tony will also talk to Lu-Ann about their (the DSAO) wishes are for the LDC participation at DSAO meetings. **Action by Tony.**

18.0 Office of Open Learning - University of Guelph - Pat Shaver

- 18.1 Pat provided an update in advance.
- 18.2 Cancelling the conference this year was not a problem. Pat has booked next year's venue.
- 18.3 Pat is investigating a new host for our website.
- 18.4 Pat reviewed visits to our website.
- 18.5 John & Steve feel we should have a practitioners meeting. We will need a list of Engineers (and their email addresses) to invite. Tim suggested taking Pat's list and his list and do a side-by-side comparison. Tony will do a side-by-side. **Action by Tony.**
- 18.6 The Committee voted on having a practitioner's meeting. The result of the vote is to have a practitioner's meeting. Jeremy and Brandon noted that the agenda must be meaningful.
- 18.7 Details:
 - Invite firms. The firm can circulate to whomever.
 - Format: Zoom
 - Tim highlights the importance of moderation.
 - Pat to be a moderator.
 - DSAO – Their meeting is from 9:00 to 4:30.
 - Practitioners – October 23 @ 10:00
 - Engineers to submit topics for open discussion.

Resolution: John Kuntze: The annual drainage practitioner's meeting be held on October 23rd, 2020 at 10:00 using an online meeting platform. Seconded by Steve and carried.

Poll Question: The Agenda for the Practitioners Meeting of October 23rd, 2020 be approved. This motion will be voted on at the practitioners meeting.

Poll Question: The minutes of the last practitioners meeting be approved. This motion will be voted on at the practitioners meeting.

Poll Question: The term for committee members be extended by one year. This motion will be voted on at the practitioners meeting.

Poll Question: The Practitioner's Meeting be adjourned. This motion will be voted on at the practitioners meeting.

18.8 The LDC is considering contingency plans for the 2021 conference with the preferred option being a live conference. This will be revisited later.

18.9 We intend to seek feedback on the format of next year's conference.

19.0 New Business

19.1 Regarding the new Drainage Act regulation, OMAFRA is still anticipating pre-consultation, but waiting for approval. Tim hopes that people are engaged and participate in the consultation.

19.2 A clear definition of a minor works, and its process will be open for comment. Tim reminded everybody that the goal of the regulation is burden reduction.

19.3 The consultation will be looking for input regarding updating the engineer's report after it is accepted by by-law.

19.4 Tim noted that there may be a future process to submit other comments. MPAC was too complicated to include in this process. Tim is prioritizing this issue. He does not have an answer yet.

19.5 Brandon asked if council has been involved? Tony replied no - they do not seem to be aware.

19.6 John discussed the CELA (Canadian Environmental Law Association). Tim has not seen it.

19.7 Tony asked if there was a lot of interest in the posting. Tim said there was all kinds.

19.8 Jeremy – asked if comments that we submitted may not be wasted. Tim noted that the next steps will use these comments. They also will use these comments in the future to look for other improvements.

19.9 Tim contacted Rebecca Moffat during the meeting for an update from the Tribunal. Rebecca's update is the following:

19.10 Live hearings are not happening. If parties want a hearing virtually, they may continue. The Tribunal is now scheduling cases that were cancelled.

19.11 Gerard added comments about rules that need to be followed virtually.

19.12 Jeremy asked Gerard to share Tribunal procedures.

20.0 Next Meeting

20.1 The next meeting of the LDC is typically held in January. John suggests we postpone the January Meeting until April 9th, 2021

21.0 Adjournment

21.1 The meeting was adjourned at approximately 3:15 p.m. Moved by John Kuntze and seconded by Jeremy Taylor. Carried

Tony Peralta, Chairman

Stephen Brickman, Secretary

SUMMARY OF ACTION ITEMS

- 1) Final documents are to be sent to Pat Shaver by Stephen Brickman for posting to the LDC web site. **Action by Steve and Pat Shaver.**
- 2) Tony is working on getting information for William Settingington biography. Tony has found personal information, but not professional. **Action by Tony.**
- 3) Stuart to follow up with the LDC on the blog post article, and what the LDC can do next to improve awareness for drainage engineers. **Ongoing. Tony to follow up with Stuart. Action by Tony.**
- 4) Tim will check with Tribunal about status of their procedures. **Action by Tim.**
- 5) Tony will talk to Lu-Ann about the LDC's involvement in the Procurement Policy Committee. **Action by Tony.**
- 6) Tony will also talk to Lu-Ann about their (the DSAO) wishes are for the LDC participation at DSAO meetings. **Action by Tony.**
- 7) Tim suggested taking Pat's list and his list and do a side-by-side comparison. Tony will do a side-by-side. **Action by Tony.**