O.S.P.E. LAND DRAINAGE COMMITTEE
January 24, 2023 MINUTES OF MEETING

1.0 General Business

1.1 Welcome, Call to Order and Attendance

Members Present:

Tony Peralta, Chairman
Jeremy Taylor
Carla Coveart
Paul Marsh, Vice Chairman.
John Kuntze
Josh Warner, Secretary

Liaison Member Present:

Lisa Wren, Department of Fisheries and Oceans (DFO) (Virtual)
David Moores Drainage Superintendents Association of Ontario (DSAO)
Olena Czajkowski, Ministry of Transportation (MTO) (Virtual)
Davin Heinbuck (Conservation Ontario)
Mariel Mading & Jennifer Grochocinski, Open Learning & Education Support (University of Guelph) (Virtual)
Tim Brook, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
Sara Mehraban, Ontario Society of Professional Engineers (OSPE) (Virtual)

Regrets:

Paul Heeney, Ministry of Environment, Conservation and Parks (MECP)

Chairman Tony Peralta called the meeting to order at 1:05 pm.
1.2 Approval of Agenda

Motion by Jeremy, seconded by Paul that the agenda as prepared by the Chairman be accepted.

1.3 Minutes of last Meeting – October 20, 2022

Motion by John, seconded by Jeremy that the minutes as prepared by the Chairman be accepted with the following amendments:

- Olena shall be moved to in attendance apart of Section 1.0
- Revision to the wording of Section 12.1

1.4 Business Arising from the Minutes

Action Items from the October 20, 2022 meeting were reviewed. Item #1 and #2 shall be deferred to the next meeting. Items #3 and #4 were deemed complete and Items #5 and #6 form part of this agenda.

1.5 Correspondence

Email regarding certification to become a drainage engineer. Tony responded via email on January 16, 2023.

Christmas Greeting from the Minister of Agriculture, Food and Rural Affairs (Lisa M. Thompson) on December 21, 2022.

OSPE emailed details of MPP Reception in Toronto on February 28, 2023.

2.0 Liaison Reports (1:25pm)

2.1 Sara Mehraban (OSPE)

OSPE noted the MPP reception at Queens Park to engage with stakeholders on February 28th, 2023 from 5:30 to 7:30. Carla mentioned she would likely attend.

OSPE noted that they will be holding a webinar every Thursday from 12-1pm that can count towards PEAK hours. They are currently booking into August.

2.2 Olena Czajkowski (MTO)

MTO is continuing to work on Highway Design Standards that was started in August of 2021 with anticipation of completion in 2023.
The update of two Guides is currently in the works: MTO Guide for Hydrotechnical Report Submissions and MTO Guide for SWM Reports: for Building and Land Use or Encroachment Permit Applications. Both documents are important in terms of not just consistency across MTO projects but as assurance of the records of drainage design elements that get often overlooked, for example assessment of impact on adjacent lands.

Updated MTO Corridor Management Manual: drainage chapter is also under detailed review and update. No substantial changes to MTO requirements, mostly streamlining the encroachment permit application process.

Trenchless technologies NSSPs are converted into OPSSs: seven on culvert rehabilitation technologies and one OPSS that will cover new construction trenchless technologies. Should be published in April 2023.

Gravity Pipe Codes and Associated Pipe Condition Assessment Status table will be revised based on the changes to the codes introduced in the Manual of Sewer Condition Classification (MSCC) fifth addition WRc, manual that identifies standard condition classification codes. The codes are used in post installation inspections of pipe culverts and sewers.

2.3 Davin Heinbuck (Conservation Ontario)

Bill 23: More Homes Built Faster Act, 2022:

- Approved late 2022. Will limit CA review to: the hazards of flooding and erosion, and other identified hazards. Will still be reviewing Drainage Act works with respect to mandated role (Category 1). Started January 01 2023.
- CA’s are to freeze fees effective December 28, 2022
- CA’s can not provide review or other previously agreed to advisory services under prescribed Acts on behalf of Municipalities.
- CA’s are still are required to issue permits for proposed works in regulated areas

Healthy Lake Huron: Tour on May 17, 2023 visiting 6 or 7 different sites. More information to come

2.4 Tim Brook (OMAFRA)

Update of Excess Soil Regulation

- infrastructure definition in the regulation has been changed to include drainage works under the Drainage Act
- plus, the previous clarity on project site definition as presented at the Drainage Engineer’s Conference in October 2022. Slide deck from MECP should be available.
Drainage Publications being reviewed/updated/created is moving forward but slowly – new Property Owners Guide is slowly moving forward. LDC board/selected P.Eng. will be able to complete peer review on content once developed. Still waiting for other comments from LDC group (only Tony has provided comments) on the Table of Contents.

CN update – AMO is presenting some new survey information as part of the DSAO AGM and the DSAO railway committee will also. OMAFRA continues to be engaged in the issue as we are able.

Statistics show increased overall cost of projects.

2.5 **Paul Heeney (MECCP)-Not in Attendance**

2.6 **Lisa Wren (DFO)**

Proposed drain class of Prescribed Works and Waters Regulation – nothing new to update. DFO continues to work through details such as how species at risk would be considered and what the on-line notification form/portal would look like.

Summer drain sampling program happening again this year, returning to two student field crews; anticipate an email in the spring requesting any priority drains for sampling. Reminder that municipalities can do their own drain sampling (following the DFO drain classification protocol) and submit their data to DFO.

Request for Review form for drains – this document is complete except for a possible addition of wording re: future works vs. immediate works proposed.

DFO Partnerships Team is holding 4 information sessions for all stakeholders on using the Projects Near Water website, completing a Request for Review form, and the general regulatory process. Dates are January 24th, May 16th, September 19th, and November 21st. Introductory level information. Requests for more in-depth or stakeholder specific sessions can be sent to the Partnerships team.

2.7 **David Moores (DSAO)**

AGM January 25, 2023 at 2:30pm

Presentation from Mellisa Schenk, from MS2 Productions to discuss DSAO branding, social media, etc.

In 2022, there were 162 member, DSAO Board met approximately 7 times (virtually and in person)

Highlights:

- DAWG moving forward
- Railway Committee very active with AMO and Minister
• Board is considering opening the constitution for changes to the policies to come by January 2024 AGM

RALP: Money available for projects that will reduce GHG emissions. Grant program through OMAFRA

Looking at options for better and more communication

2.8 Sub-Committee Reports

2.8..1.1 John Kuntze (DAWG)

Nothing to add. Next meeting in October

2.8..1.2 Tony Peralta (DSAO Railway Committee)

We met in November and December

November Meeting:

• We had Paul Courey and Eric Florjancic present their perspective on the situation
• Although there is precedence set through the Drainage Act, it is a provincial legislation
• Seeing that the Railway operate through Federal legislation, they feel that they do not need to comply with Provincial legislation
• Paul is recommending taking a political route first (elected officials, like MP’s)
• Another option is “Stated Case”:
  o “a case stated is a procedure by which a court or tribunal can ask another court for its opinion on a point of law”
  o This avenue will need to be specific to a project.
• Ultimately, it will need to be fought in the courts
• Provided his opinion on outstanding invoices… Through the statute of limitation, invoices only have 2 years before they expire.

December Meeting:

• Presentation from AMO on the survey results:
  o 120 of 444 (27%) Municipalities participated.
  o Of those, 60 have railways running through them.
  o Unpaid assessment on Maintenance = $330,000
  o Unpaid assessment on Capitol projects = $880,000
  o Active project (not billed/on hold) = $2.7M
  o Future projects = $1.9M
• AMO will likely have a follow-up survey to those Municipalities that are involved re: the impacts of not paying/participating
• AMO is only helping with the matter and will not lead any litigation/negotiation.
• Reaching the end of their involvement.
• Recommendations:
  o DSAO asking its members to submit a letter to CN ((based on Warwick’s letter)
  o DSAO send out a request to members; any Municipality that is experiencing
    issues to send a letter to OMAFRA, AMO and DSAO with specifics of their issues
    and how this is impacting their ratepayers (eg. XX % increase if the Municipality
    must absorb the cost of CN’s outstanding amounts)
• The next meeting is scheduled for March 14th, 2023

Since these meetings:

• The Town of Plympton-Wyoming and Warwick sent a joint letter to the Minster of
  Transport (Omar Alghabra) on January 16th, 2023 asking to:
  o Call upon their railways to reach collective goals
  o Expedite their response timelines
  o Meeting with all stakeholder (AMO, CN, municipalities, etc.)
• Received letter from CN to OMAFRA Minister, Lisa Thompson (Jan. 18th, 2023)
  o Essentially, they are not budging on their position.
  o However, recognizing that a resolution is important
  o Basically, telling us to buzz off and take us to court!

2.9 Mariel Mading (U of G – Open Learning and Educational Support)

Review of last years conference and discussion of the 2023 course/conference to occur
under New Business.
3.0 New Business (2:47pm)

3.1 2022 Conference Review and Evaluations

Mariel presented the results of the conference and survey.

- 68 registrants for Thursday night
- 122 registrants for conference, 97 in 2021 (virtual) and 112 in 2019
- 6 exhibitors, 8 speakers
- General feedback was that the presentations seemed valuable but would like to see more case studies. Participants would like the practitioners meeting on the Thursday evening in person, would like round tables for the conference and had mixed reviews about the venue and food.

Overall, successful returning conference, especially considering first post COVID and new venue.

3.2 2023 Conference & Course

Want to look at cost of a hospitality room for Thursday evening

Dinner or Snacks (5:30-7pm), Practitioners Meeting (7-9pm), Social afterwards

One Fee for entire Thursday Night

Look at option of recording the practitioners meeting

Exhibitors on Friday only and have them make a presentation

Tony to email practitioners about presenting case studies

No Course in 2023. Tim to reach out to Ridgetown College about setting up an Engineer’s Course.

Mariel to research possible new venues:

- Ensure more rooms are available.
- Cost for the Friday Conference: $375-400, Cost for Thursday: $125?
- Expand outside of Guelph: London to Hamilton
- Possibly October 19 & 20 or 26 & 27, depending on availability

April 4th, 2023 for LDC to meeting with Mariel virtually to discuss venues.
3.3 Review Terms of Reference / Self Funding

Jeremy to send October Minutes and Draft Practitioners Minutes for posting on website

More information needed for website to focus homepage on LDC rather than the conference. Mariel to discuss with team then get back to LDC.

LDC members to provide videos and photos for website to Mariel

Carla to investigate the creation of a LinkedIn page for the drainage community (DSAO/LDC)

Mariel to provide cost to administer an association with a fee.

LDC to bring up the idea of leaving OSPE at practitioners meeting and reach out to OSPE about the pros of staying apart of OSPE

Paul Moved to have membership fees. Jeremy motioned to defer in order to further review the concept and discuss further at the next meeting. Deferral seconded by John.

3.4 PEO PEAK Program

No action required by LDC as practitioners track separately.

3.5 Consideration of External Drainage Course

Tim to investigate transfer payment through OMAFRA and Ridgetown College for engineer’s course

4.0 Summary of Action Items (4:47)

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<thead>
<tr>
<th>Action Items</th>
<th>Owner(s)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Contact Tribunal (coordinator or chair) for consideration of a line of communication</td>
<td>Jeremy</td>
<td>In Progress or Completed</td>
</tr>
<tr>
<td>2. Provide comments on Table of Contents for Property Owners Guide</td>
<td>LDC</td>
<td></td>
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<tr>
<td>3. Email practitioners about presenting a case study at conference</td>
<td>Tony</td>
<td>Complete</td>
</tr>
<tr>
<td>4. Investigate transfer payment through OMAFRA and Ridgetown College for engineer’s course.</td>
<td>Tim</td>
<td></td>
</tr>
<tr>
<td>Action Items</td>
<td>Owner(s)</td>
<td>Status</td>
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<td>----------------------------------------------------------------------------</td>
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<tr>
<td>5. Research new venues for 2023 conference ahead of April 4, 2023 virtual</td>
<td>Mariel</td>
<td>In Progress</td>
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<tr>
<td>6. Review ability to update website to focus home page on LDC rather than</td>
<td>Mariel</td>
<td>In Progress</td>
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<tr>
<td>conference</td>
<td></td>
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<tr>
<td>7. Investigate the creation of a LinkedIn page for the drainage community</td>
<td>Carla</td>
<td>In Progress</td>
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<tr>
<td>(DSAO/LDC)</td>
<td></td>
<td></td>
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<tr>
<td>8. Send October Minutes and Draft Practitioners Minutes for posting on</td>
<td>Jeremy</td>
<td>Complete</td>
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<tr>
<td>website</td>
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<td>9. Provide LDC a cost to administer a fee-based association</td>
<td>Mariel</td>
<td>In Progress</td>
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<tr>
<td>10. Bring up the idea of leaving OSPE at practitioners meeting and reach</td>
<td>LDC</td>
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<td>out to OSPE about the pros of staying apart of OSPE</td>
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<tr>
<td>11. June Meeting: further discussion regarding an association fee</td>
<td>LDC</td>
<td>In Progress</td>
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5.0 Adjournment

Next In Person Meeting June 2, 2023

Motion to adjourn at 5:02 by Jeremy, seconded by Paul. Carried