O.S.P.E. LAND DRAINAGE COMMITTEE
October 19, 2023 MINUTES OF MEETING
Delta Hotels Guelph Conference Centre

1.0 General Business

1.1 Welcome, Call to Order and Attendance

Members Present:

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

Liaison Members:

Lisa Wren, Department of Fisheries and Oceans (DFO)
David Moores (Drainage Superintendents Association of Ontario, DSAO)
Davin Heinbuck (Conservation Ontario)
Mariel Mading, Open Learning & Education Support (University of Guelph)
Tim Brook, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
Olena Czajkowsk, Ministry of Transportation (MTO) (Virtual)
Clarissa Whitelaw, Ministry of Environment, Conservation and Parks (MECP) (Virtual)
Stefanie Black, Ontario Society of Professional Engineers (OSPE) (Virtual)

Chairman Tony Peralta called the meeting to order at 1:15pm

1.2 Approval of Agenda

Motion by John, seconded by Josh that the agenda as prepared by the Chairman be accepted.
1.3 Minutes of last Meeting – June 2, 2023

Motion by Paul, seconded by Jeremy that the minutes be accepted. Carried.

1.4 Business Arising from the Minutes

Action Items from the June 2, 2023 meeting were reviewed below:

<table>
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<th>Action Items</th>
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<td>1. Contact Tribunal (coordinator or chair) for consideration of a line of communication</td>
<td>Jeremy</td>
<td>Keep</td>
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<tr>
<td>2. Investigate the creation of a LinkedIn page for the drainage community (DSAO/LDC)</td>
<td>Carla</td>
<td>Keep</td>
</tr>
<tr>
<td>3. Lisa to send updated Request for Review Form to LDC</td>
<td>Lisa</td>
<td>Complete</td>
</tr>
<tr>
<td>4. Investigate having inspection/contract administration separated on grant applications</td>
<td>Tim</td>
<td>Complete. Not Feasible.</td>
</tr>
<tr>
<td>5. Finalize Conference Details</td>
<td>Mariel</td>
<td>Complete</td>
</tr>
<tr>
<td>6. Reach out to the University of Guelph to inform students about conference</td>
<td>Mariel</td>
<td>Complete</td>
</tr>
<tr>
<td>7. Send any additional suppliers to Mariel</td>
<td>LDC</td>
<td>Complete</td>
</tr>
<tr>
<td>8. Send DSAO contact to Mariel for booking a room</td>
<td>Tony</td>
<td>Complete</td>
</tr>
<tr>
<td>9. Send registration questionnaire for conference</td>
<td>LDC-Paul</td>
<td>Complete</td>
</tr>
<tr>
<td>10. Follow up on CNAS and CWA conference topics</td>
<td>Paul</td>
<td>Complete</td>
</tr>
<tr>
<td>11. Ask ABCA staff about Huronview project for conference</td>
<td>Davin</td>
<td>Complete</td>
</tr>
<tr>
<td>12. Reach out to Referee and Tribunal for report to be presented at practitioners meeting</td>
<td>Tim</td>
<td>Complete</td>
</tr>
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</table>

1.5 Correspondence

No Actionable Correspondence
2.0 Liaison Reports (1:34pm)

2.1 David Moores (DSAO)

- Met yesterday, this morning and in June.
- Running a budget deficit due to increase fees for conferences. Dues increase likely in 2025.
- Promotions: pins, lanyards and stickers for hard hats
- Hats, etc a possibility
- LICO/DSAO Conference is January 24 and 25, 2024
- Accidents and Drains – Lawyer for Essex
- Spill and Drains – Tom Bender (MECP) / K. McCallum
- Drainage Act and Urban Drains - A. Sobanski
- Case Study – Petinger Drain – Burnside and Norfolk
- Case Study – Sid Vander Veen
- Update on Registry – MECP ESA
- Adopted strategic plan and it will be sent out to the membership
- Phase 2 of our Fish Resiliency Study received by the board – Moving forward, looking for additional funding options.
- Revising constitution, notice with revisions to be sent out Monday and voted on at AGM in January
- Updating some of the policies to reflect the constitution change
- Most changes are housekeeping, but we are making changes to a couple of the Director positions
- Purchased Audio System to provide virtual option to live stream meetings.
- Looking at possibly a staffer to do web, social media/ secretary
  - Survey outlined that membership wants money put into web and virtual meeting option

2.2 Lisa Wren / Sara Eddy (DFO)

- 9 drain contracts were issued to CAs and municipalities for drain sampling in 2023,
- DFO was back to having 2 FSWEP student crews in the field this summer for drain sampling as well (up from one crew the past few years).
- There are some known mapping issues as the spring mapping update missed the data from the 2022 student crew field work. This will be remedied with the spring 2024 updates but if there are any questions, please inquire with the DFO Triage and Planning team at FisheriesProtection@dfo-mpo.gc.ca.
- The Drain RfR is now completed and ready for circulation. An option to identify “future works” has been added to the form those these works will need approval in the future. David Moores will circulate to DSAO and LDC and it is hoped it will also be posted on the DSAO website. This document is particularly relevant for drainage engineers since it is to be used for new engineers reports, new drain petitions, drain enclosures, improvements, etc.
• Reminder that the Wave 3 engagement period closes Nov 30th. To see the documents, and submit comments, visit the Talk Fish Habitat - Canada.ca website.
• Jeremy-Taking longer to get through approvals. Lisa: Looking to hire more staff to meet demand and provide direction to eventual outcome of an authorization early in the process to avoid projects sitting.

2.3 Stefanie Black (OSPE)

• Offered office space and board rooms for meetings
• Will be providing full support moving forward
• OSPE will not provide direction on how to operate committee. Only requirement will be that OSPE is properly credited when authoring reports. Will discuss further with leadership team. (any advocacy work not just technical work)
• Won’t dictate what committees can do. Do not anticipate changes to documents.
• Service is to help with wording and lobbying of professional documents.

2.4 Olena Czajkowski (MTO)

• Short staff in last 6 months.
• Publish two specs, construction spec for pipe sewer and culvert installation in open cut (OPS 4-10, 4-21)
• Update of TW1 in highway design standards
• Going to change rainfall storms to percentages rather than yearly storm events (Annual exceedance Period (AEP))

2.5 Davin Heinbuck (Conservation Ontario)

• CAs have made necessary changes to their planning and permitting roles further to Bill 23 (which received Royal Assent late 2022). This has included changes to the CA role in review of development proposals and applications.
• As well, a freeze in CA planning and development related fees has been in place for 2023
• MOU’s with Municipalities for non-Category 1(Mandated) programs are to be in place by the end of January 2024. CA’s are in the process currently, with many signed MOU’s already in place.
• Per regulations under the CA Act, CAs are also working on a number of deliverables for 2024, including a land inventory, conservation area strategy, and watershed-based resource management strategy.
• Jeremy mentioned generally concerned about the timelines for environmental approvals. Many experiencing staffing shortages.
2.6 Tim Brook (OMAFRA)

Soils regulation EBR posting

- MECP has posted a new regulatory change under the Excess Soils Regulation from Oct. 17, 2023 to Dec. 1, 2023. I have taken a quick look at it and am not sure of the impact on the industry. There is 1 bullet in the proposal that may have an impact on activities under the Drainage Act.
  - Enable storage of sediment and soil near waterbodies for projects excavating in or adjacent to that waterbody.

Encourage everyone to review and provide any comments as necessary.

To view the proposed amendments in greater detail, please see the Environmental Registry proposal notice 019-7636

Federally regulated railways and the Drainage Act

- A case is before the Court of the Drainage Referee involving CP and Chatham-Kent
- Drainage Referee will be looking to determine how to get intervenors involved in the case including:
  - Other municipalities that are dealing with similar issues
  - Other railways
  - Government agencies and Organizations such as AMO, ROMA, DSAO, CTA, provincial and federal government agencies, etc.
- Stay tuned for timing and opportunities (likely late 2023 to early 2024)

Posting of Drainage Referee Decisions and Order to CanLII.org

- List of cases to be posted is being developed with OMAFRA/Drainage Referees
- Working to get them posted to CanLII.org as soon as possible.

RALP

- Nothing new to report but stayed for any future updates to be provided on a potential drainage component.
- The DSAO and Land Drainage Committee has previously been engaged and will continue to be in the future, as able/required.

Provincial Park and Conservation Reserves Act new process for Environment Assessments including drains under the Drainage Act

- There appears to be a new process for environmental assessments under the PPCRA.
- Currently, a project for a new drain in a provincial park that requires a loner EA process as described in a new regulation/policy.
- Issue was raised for LDC Committee information only and to see if anyone on the committee had experienced this issue.
2.7 Clarissa Whitelaw (MECP)

- Not doing preliminary screening, leaving it up to the proponent. (Due to staffing issues)

2.8 Sub-Committee Reports

2.8.1 John Kuntze (DAWG)

- Repetition of sampling from DFO and private sampling.
- DFO needs to be satisfied with existing culvert to replace like for like
- Issues with OMAFRA mapping

2.8.2 Tony Peralta (DSAO Railway Committee)

- Railway Sub-Committee: As most of you are aware, a Railway Sub-Committee has been set up through the DSAO.
  - We met in June and October (last week)
- **June 2023 Meeting**
  - The Committee’s liaison with AMO: Amber Crawford will be departing this position and our new contact is Lindsay Jones
  - It’s official that VIA is on board with the Federal Railway position.
  - In May of 2023, ROMA has officially engaged as intervener to the Canadian Transportation Agency application made by CN against the City of Sarnia. (associated with Dobbin Eng project on the Mandaumin Drain)
- **October 2023 Meeting**
  - In August 2023, ROMA hosted a “Trains and Drains” session at their conference.
  - It was an informational session to get others up to speed on the situation
  - ROMA Intervention – No update available
  - C-K has officially submitted an appeal to the Drainage Referee against CP Rail
  - Still in the early stages, likely a 2024 hearing
  - Tim can provide more details
- **What’s Next:**
  - The sub-committee is currently in a holding pattern until we are needed.
  - Next meeting is scheduled for December 10, 2023.

2.8.3 Jeremy Taylor (LICO Standards and Specifications Committee)

- A sub committee of the LICO standards committee met in August and September of 2023 to review the manufacturing standards for flexible corrugated agricultural tubing up to 15 inch (single and dual wall). The sub committee discussed that the current standards for pipe manufacturing, BNQ 3624-115 and ASTM F667 address strength and longevity of the pipe, but that the standards do not require 3rd party certification process. The sub-committee recommended to LICO board that LICO:
1) advises Ontario farm drainage pipe manufacturers to meet minimum standards of either BNQ 3624-115 or ASTM F667 and obtain 3rd party certification from CSA, BNQ or Intertek and mark the pipe with certifying agencies trademark by December 31, 2024.
2) encourages its contractor members to use and promote only certified pipe, also educating famers and agricultural lenders about the importance of pipe quality and third-party certification programs.
3) requests OMAFRA to make amendments to Publication 29, the Agricultural Tile Drainage Installation Act and the Tile Drainage Act requiring licensed contractors to use only certified drainage pipe as available from the manufacturers, and also be required for farmers using the provincial tile loan program.
4) forms a research sub-committee to recommend pipe strength and installation procedures based on various soil and farming conditions.

3.0 New Business (3:51pm)

3.1 U of G – Open Learning and Education Support (Mariel Mading)
   • Mariel was away from meeting.

3.2 Last Minute Conference and Practitioners Meeting Discussion and Updates
   • Mariel was away from meeting but discussed sequence of practitioners meeting.

3.3 LDC Elections and Succession
   • Nominations and Elections to be held at Practitioners Meeting.

3.4 Discussion on Terms of Reference Presentation
   • Registration in person and online as an option depending on if the proposed Terms of Reference are adopted at the practitioners meeting.

3.5 Future Drainage Engineer’s Courses
   • Tim - Managers approval to discuss with Ridgetown.
   • LDC needs to submit a business case for a course and why OMAFRA needs to be tied in with it.
   • Discuss-detailed thinking of course, OMAFRA’s role and revenue neutral?
   • New Engineers Vs refresher.
   • Set meeting to develop business plan.
   • Josh to lead Business Plan. Jeremy and John

3.6 Conflict with Municipal Freedom and Protection of Privacy Act
   • Initiate conversation. Tony to write letter to OMAFRA
### 3.7 2024 Conference Topics
- Stormwater utilities in rural municipalities

### 4.0 Summary of Action Items (5:02)

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<td>3. Talk to PEO about updating practice guideline</td>
<td>Tony/Tim</td>
<td>In Progress</td>
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<tr>
<td>4. Develop business case for Engineer’s Course</td>
<td>Subcommittee- Josh, John, Jeremy</td>
<td>In Progress</td>
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<td>5. Write letter to OMAFRA to initiate conversation about Municipal Freedom and Protection of Privacy Act’s conflict with the Drainage Act.</td>
<td>Tony</td>
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5.0 Adjournment

Motion to adjourn 5:04 by Paul, seconded by Josh. Carried

Next In Person Meeting: January 24th, 2023 in person at LICO/DSAO Conference