



O.S.P.E. LAND DRAINAGE COMMITTEE
April 9, 2021 MINUTES OF MEETING
Virtual Meeting
MS Teams

1.0 Attendance and Call to Order

Members Present:

Tony Peralta, Chairman
Stephen Brickmam
Gerard Rood

Brandon Widner, Vice Chairman
John Kuntze
Jeremy Taylor, Secretary

Liaison Member Present:

Tim Brook, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
Sarah Eddy, Department of Fisheries and Oceans (DFO)
Liz Cummings, Drainage Superintendents Association of Ontario (DSAO)(later)
Olena Czajkowski, Ministry of Transportation (MTO)
Davin Heinbuck (Conservation Ontario)
Paul Heeney, Ministry of Environment, Conservation and Parks
Pat Shaver (1 p.m.), Open Learning & Education Support (University of Guelph)
Stuart Atkinson, Ontario Society of Professional Engineers (OSPE)

Regrets: Dave Richards, Ontario Ministry of Natural Resources & Forestry (MNRF)

1.1 Chairman Tony Peralta called the meeting to order at 9:05 am and noted that the meeting would be recorded to assist in minutes.

2.0 Approval of Agenda

2.1 Update to the agenda for the DART update to be removed. Motion by John K, seconded by Gerard R that the agenda as prepared by the Chairman be accepted. Carried. Follow up during correspondence to add item 3.5 Drainage Tribunal discussion in New Business.

3.0 Minutes of last Meeting

- 3.1 Discussion and noted by Steve B that Letter of Advice on Item 12.7 to be added. Motion by John K, seconded Gerard R to accept the September 18, 2020 L.D.C. revised draft meeting minutes as circulated. Carried.
- 3.2 Action Items from the September 18, 2020 meeting reviewed and deemed complete.

4.0 Correspondence

- 4.1 Very little correspondence noted by members other than the discussions regarding the proposed Drainage Act changes.
- 4.2 John K – requested that it be recorded in minutes – Feb 10, 2021 email to committee on Del O’Brien being inducted to Ontario Agriculture Hall of Fame.

5.0 Liaison Report – MECP (Paul Heeney)

- 5.1 Noted that SAR and Endangered Species Act previously under the jurisdiction of MNRF transferred to MECP as of April 2019.

Paul noted that MECP is organized differently than MNRF with one team located throughout the province. MECP does not have local/district offices and approvals are centralized handling over 7000 inquiries per year. MECP primary purpose is to provide support to proponents for permits and compliance with team.

- 5.2 MECP have contacted OMAFRA for direction on how to apply the Act with the Drainage Act. Training session was included as part of the Drainage Superintendent Course in 2021. Will continue to establish new connections between Practitioners and MECP on knowledge and training. MECP goal is to educate / firm up relationship with Drainage group and make it a streamlined process to complete. Paul noted that MECP group want to support the group and continue to be part of liaison.
- 5.3 Tony P commented that in the past with MNRF there was a registry and exemption process and that MNRF had capacity and ability to do review and provide approval. MECP process will be to guide proponents to the exemptions and autonomy as well as self sufficiency to proceed.
- 5.4 Questions asked what does MECP want to see submitted for new drains?
Action Item. Paul to provide direction on what the process is.

6.0 Liaison Report – OSPE (Stuart Atkinson)

- 6.1 A number of initiatives by OSPE were noted including comments on
- QPS – Qualification Procurement Services advocating with government in conjunction with architects and consulting engineers;
 - CPD – with PEO – continuing profession development;
 - Excess soils regulation – working for manual for best practices.
- 6.2 Comments were provided regarding the Conservation Authorities Act – as OSPE is concerned with changes.
- 6.3 Advocating and commenting on Government Budgets – investing infrastructure – noting the difference between shovel worthy as well as shovel ready.
- 6.4 OSPE hosting a conference in October of 2021 (likely a virtual versus in-person). Question was asked if a conference can be eligible for CPD credits which it was noted that PEO is still a self reported stage.
- 6.5 Continued Professional Development (CPD) – noted that PEO has agreed to move forward with a mandatory CPD program but PEO is in control of the timelines.
- 6.6 Question asked if there is a way to have Drainage Industry as part of post secondary Provincial curriculum and can OSPE help advocate to educate technologists and engineers. Response was that most likely need to go through Ministry. Stuart will ask CEO of OPSE what path to including in Universities. Hubs exist at Universities through OSPE as well that could be accessed. **Action Item** – Stuart to determine process within OSPE and follow up with direction.

7.0 Liaison Report – MTO (Olena Czajkowski)

- 7.1 MTO Curve Tool and updating IDF – process completed to validate curves from existing data in 2020. The current model is close to Environment Canada data. Therefore, maintaining the existing curves as is and will review in next 5 years. Note will be added indicating 2020 validation with 2020 Environment Canada data.
- 7.2 Updated and new standards related to drainage OPSS 411 – cleaning of culverts and OPSS 912 – brand new for concrete culverts > 3 m.

Other specifications included OPSS 407, 408 and 420. As well as 422 for culverts < 3 m span. Anticipated publish date of November 2021.

- 7.3 Other area of work involves the MTO Drainage Design Standards where the current version is 2008. The update will focus on standards from MTO operations. Olena has no major changes in standards. Preliminary schedule for this summer to commence updating process.
- 7.4 Data Sharing between MTO and CA is ongoing. Preliminary agreement to be drafted, but previous issues with implementation on both parties.
- 7.5 Question asked how is MTO working with National Railways. **Action Item.** Olena will follow up and report of any experiences with MTO and National Railways.
- 7.6 Question asked about MTO drainage manual update? Olena – not a lot of progress on manual, concentrating effort on standards instead of manual. Preliminary plan is to expand comments within standards to direct user how to use it better within standard.

8.0 Liaison Report – Conservation Authority (Davin Heinbuck)

- 8.1 CA Act update – no update at this time.
- 8.2 Southeast Shoreline Conservation Authorities, as part of a greater initiative of managing erosion and the movement of nutrients, are looking at drains and opportunities to provide stewardship resources for funding BMPS in drain design, maintenance, and land management. ABCA is leading a concept with Geoff King as Drainage Superintendent (DS) in Bluewater and Central Huron. The Drainage Act process is one that can be utilized early on, to engage discussion. ABCA is the first CA to develop a draft report with pathways to ACTTions. A=Avoid, C=Control, TT=Trap and Treat. **Action Item** – Noted as a potential topic at Engineers conference.
- 8.3 Davin presented at Drainage Superintendents Course this year on behalf of CA and ABCA.
- 8.4 Circulated Conservation Ontario's (CO) comments on the Drainage Act regulatory changes to Minor Improvements, Updating Engineers Report, and Protocols. Overall, CO is supportive of the changes, but has some questions over what criteria needs to be met for Minor Improvements. Davin noted that this is a great opportunity to re-instate DART committee as DART 2.

9.0 Liaison Report – OMAFRA (Tim Brook)

- 9.1 OMAFRA is continuing to work on changes to the Agricultural Tile Drainage Act including the removal of contractor license fees
- 9.2 Drainage Act changes – significant number of comments received from stakeholders from the outreach sessions held earlier in 2021. Working though some changes to be considered by the Minister. No firm timeline at this point for the regulation to be implemented.
- 9.3 Drainage Superintendents Guide – currently completing the French translation of the document with a planned release in Spring of 2021.
- 9.4 DAWG report through John K later in meeting.
- 9.5 ADIP – OMAFRA is continuing to process grant applications.
- 9.6 Fact Sheets – OMAFRA has been working on but no update.
- 9.7 Question asked on Drainage Act changes is there any additional public consultation expected before final issue. Answer – OMAFRA is always open to additional input on the Drainage Act changes and proposed regulation, but no formal process exists as the regulatory period has closed.

10.0 Liaison Report – MNRF

- 10.1 Tony provided MNRF written response that they feel they are no longer needed on committee.
- 10.2 John K noted that there is an active member on DAWG where MNRF is involved. **Action Item.** John to forward contact information to Tony and that if MNRF would not be able to sit on the committee at least be a contact person to start discussions with.

11.0 Liaison Report – DFO (Sarah Eddy)

- 11.1 Class Authorization updated in March – valid 2021-2026 with minor updates for Class C and E drains but no changes for A and B which are rarely used and will be assessed as they are submitted. Highlighted changes are to be in red for reference. Class E2 – half bottom clean out not always feasible. Have added a few more options to implement.

- 11.2 DFO guide for maintaining drains – just finished updating as well as notes on the Do Not Send List. These changes will be sent through DAWG first for comment. DFO working through the sampling/updating process and drain mapping updates with OMAFRA.
- 11.3 DFO has sent out a request looking for priority drains for classification by April 30, 2021. Also, DFO is asking for proposals to complete sampling by May 14, 2021 from CA and Municipalities. Currently anticipating some drain sampling with DFO this summer.
- 11.4 DFO virtual training sessions on new tools and regulations as well as codes of practice for work done without DFO review were held during March 2021. Information is found on the online engagement platform www.talkfishhabitat.ca Engagement will continue until the end of June on these current topics and a summary of what was heard will be completed by September.

12.0 Liaison Report – DSAO (Elizabeth Cummings)

- 12.1 DSAO had their regular meetings in January, July, October and November of 2020. DSAO held their AGM in January 2021 virtually with relatively positive feedback.
- 12.2 At the October 2020 meeting DSAO had a presentation on Excess Soils by MECP.
- 12.3 DSAO submitted comments to OMAFRA on proposed regulation changes. Comments were circulated and generally supportive of changes. DSAO to provide a copy of comments to committee.
- 12.4 Tony asked if there should be a LDC representative at DSAO Board meetings. What capacity would DSAO want LDC to participate. It was suggested that an update at meetings of LDC status similar to what DSAO does for LDC meeting. **Action Item** Elizabeth to take suggestion back to Board and for confirmation. Brandon W to be Liaison member of LDC on DSAO committee.

13.0 Subcommittees

- 13.1 DART – no update
- 13.2 DAWG – John/Sara
 - Continues to be going well

- Forthcoming – final version of terms of reference (TOR) to be updated from 2007. Next meeting will create a final version to bring it back to LDC to ratify the TOR.
- DFO webinars came out in March. Participated in a few in the Let's Talk Fish Habitat initiative.
- John – asked if anyone had any input or thoughts on it.

13.3 LICO – no update since there was no meeting.

13.4 DSAO Procurement Committee - No further update from DSAO. **Action Item** – Tony to advise DSAO that LDC would offer to be involved only if the procurement of engineering services is included

13.5 Question asked if there would be training from MECP? It was not discussed as it was happening. **Action Item** – Tim to report back on training session for ESA involvement.

14.0 **Railway Discussion**

14.1 Brandon brought forward a number of concerns that have been occurring with CN and CP (National Railways) with regards to their lack of involvement and response to the Drainage Act. The issues included ignoring requests for design input, confirmation of proposed designs across railway lands, refusal to provide permits for construction, extensive delays during construction. In addition, it was also noted that Municipalities are receiving comments that the railways are refusing to pay their assessments associated with Municipal Drains.

14.2 Travis Pitt from Thames Center joined the discussion after lunch break to reinforce the issues that Municipalities have been experiencing. This includes statements by the railways that their lands are not under the jurisdiction of the Drainage Act.

14.3 Tim noted that there have been some discussions within OMAFRA and CN but no significant direction.

14.4 **Action Item** – LDC to provide a letter to the Minister regarding the concerns and request for OMAFRA involvement to resolve issues. Continue to provide support to Municipalities to resolve Railway issues.

15.0 Website & Conference Update (Pat)

Website is currently not stable so we are in the process of switching it over. Pat reviewed the new website. Contacts list to be updated as well as past committee members. The new website will meet accessibility requirements.

15.1 Conference options were discussed:

Option 1 – Zoom meetings – webinar with speakers only. Costs zoom license only (possibly free through UofG).

Option 2 – pre-recorded speakers with posting on website. Can do a live recorded session, but generally little interaction.

Option 3 – Event sponsored sites...Hopin or Feedloop. Sets stage and can also have support videos from sponsors. Not sure if recording is available of speakers.

15.2 Need direction by end of June to set up conference.

- Question asked do we step back and figure out if we are in person or virtual. All appeared in agreement to hosting a conference but cancelling the drainage course.

15.3 Survey members for topics and format of a virtual conference. Poll to be issued close to June meeting for setting up conference. Questions based on format of virtual conference.

15.4 Plan a practitioners meeting possibly in person but separate from the conference to allow for discussion.

15.5 Exhibitors at conference? If we use Feedloop access to visitors and connections. Dependent on Format of virtual.

15.6 **Action Item** – Pat to prepare outline for survey and LDC members to provide/review. Issued closer to June meeting.

15.7 Professional speaker may be of benefit or focus on issues that help us out.

16.0 Excess soils regulation

- 16.1 General discussion – sites keeping spoil on the same project site for exemption/within the rules. Ditch enclosure, sourcing the material on site. Some options being explored were to leave enclosure to landowner and for them to deal with it. Understanding was that project site can be defined by more than one property.

17.0 New Business

- 17.1 General discussion on any retired drainage engineers available for the Tribunal.
- 17.2 Recommended for tracking correspondence between members that all emails start with LDC.
- 17.3 Brandon – comments on inconsistency for drain enclosures between different Conservation Authorities. **Action Item** Tony to follow up with Davin on what is the status of CA towards a common / consistent policy for drain enclosures.
- 17.4 Next meeting date – Friday June 4th.

18.0 Adjournment

- 18.1 Motion to the adjourn by Stephen B, seconded by John K at 2:48 pm. Carried

19.0 Summary of Action Items

Action Items	Owner(s)	Status
		In Progress or Completed
1. MECP to provide direction to LDC on what MECP process is for new drains for SAR and ESA.	Paul	
2. OSPE to provide feedback on their process within universities for curriculum.	Stuart	
3. MTO to provide comments on how their interaction is occurring with National Railways?	Olena	
4. Potential conference topic for South East Shoreline and ACTT.		Completed
5. John K to forward contact information for active MNRF member on DAWG committee.	John	

Action Items	Owner(s)	Status In Progress or Completed
6. DSAO Board to confirm LDC member to provide update in similar style to DSAO meetings.	Elizabeth	
DSAO to provide copy of comments regarding Drainage Act regulation changes		Complete
7. DSAO Procurement Committee Update – Ensure direction is sent to DSAO that LDC involved only if engineering procurement is included. Tony to send email to advise of position.	Tony	
8. OMAFRA to provide follow up on status of training session for ESA involvement.	Tim	
9. LDC to prepare and send letter to Minister indicating support for Municipalities and highlight concerns with National Railways disregard for the Drainage Act.	Brandon	
10. Pat to prepare survey for attendees prior to June meeting regarding the 2021 Conference.	Pat	
11. Tony to follow up with through Davin on the status of drain enclosures within the CA towards a common/consistent policy.	Tony / Davin	