

2013 DRAINAGE PRACTITIONERS MEETING
FINAL MINUTES OF MEETING
Thursday October 17, 2013
Holiday Inn Hotel and Conference Centre
Guelph, Ontario

1.0 Attendance and Call to Order

An attendance sheet was circulated at the meeting and there were 32 people in attendance.

Chairman Bill Dietrich called the meeting to order at 7:45 p.m.

2.0 Minutes of Last Meeting

Copies of the minutes were circulated. Motion by Tom Pridham, seconded by Jeremy Taylor, that the minutes be accepted. Carried

3.0 Business Arising From the Minutes

There were no questions or discussion of the last meeting minutes.

4.0 Chairman's Report - Bill Dietrich

- 4.1 Bill thanked the course instructors who presented at the 3rd training session on "Acts, Assessments and Cost Benefits" in the afternoon including 12 speakers on various topics that included Sid Vander Veen who provided an outline of the course and addressed Section 77 of the Drainage Act. 43 people had signed up in advance and approximately 48-50 people were in attendance. The last drainage course before the 3 sessions that were just presented was in 1980.
- 4.2 Bill discussed the Land Drainage Committee (L.D.C.) affiliation with the Ontario Society of Professional Engineers (O.S.P.E.). We are considered an affiliated committee that is semi-autonomous. There is no direct involvement of O.S.P.E. with the L.D.C. and no funding is being provided. Registration fees for the Conferences and training sessions have allowed for some expenses to be covered but most participation is voluntary.
- 4.3 Kenn Smart and Kay Palmer are continuing work on the Guidelines. They are investigating with Pat Shaver of the University of Guelph the possibility of posting information on the L.D.C. web site.
- 4.4 The L.D.C. is also looking into posting more information on the web site that might include Conference proceedings, Tribunal decisions and other information that may be relevant to the Drainage Practitioners.
- 4.5 The L.D.C. thanks Jack Young of the O.M.A.F. Appeals Tribunal for coming out to the meeting.

- 4.6 The Drainage Action Working Group (D.A.W.G.) is dormant at this time. Mike Devos is the engineering liaison.
- 4.7 The Drainage Act Regulations Team (D.A.R.T.) is represented by John Kuntze. The maintenance protocol established by the group is now in use. They have now started work on a protocol for new engineer's reports.
- 4.8 Bill provided a brief summary of the topics to be presented at the Conference tomorrow.
- 4.9 The new Fisheries Act is coming into play and things are still changing day to day.
- 4.10 John Kuntze is the L.D.C. representative on the Drainage Investment Group (D.I.G.). There may be some financial assistance on environmental works for future drainage projects.

5.0 O.M.A.F. Report - Sid Vander Veen - Drainage Coordinator

- 5.1 Sid introduced O.M.A.F. (Ontario Ministry of Agriculture and Food) staff members and presented a comprehensive report of activities over the past year. See the attached "Annual Drainage Practitioners Meeting O.M.A.F. Report".
- 5.2 Sid noted that the Ministry had been changed and he works with the Ontario Ministry of Agriculture and Food (O.M.A.F.) and the Ontario Ministry of Rural Affairs (O.M.R.A.). Kathleen Wynn is the Minister and also the Provincial Premier. Staffing is basically the same and their budget is stable.
- 5.3 Drainage work has been very busy. Andy Kester has been busy with tiling inspection. They are focusing on getting the grant applications processed by the end of the year. The Ministry is using the queue notification procedure. Applications are \$2,000,000.00 over the current budget this year and grants could be delayed until next year.
- 5.4 Training sessions were provided for the D.A.R.T. protocol. John Kuntze contributed a lot of time to this project. The D.A.R.T. group is continuing to work on Conservation Authority regulations for new drainage reports.
- 5.5 Web site mapping changes are working well. The parcel layers are set up and the Farm Tax Class is available on the mapping. The site is much easier to use than in the past.
- 5.6 The Drainage Act forms are finished and available through the Central Forms Repository. They can be accessed through the Ministry website www.ontario.ca/drainage.
- 5.7 The engineers training course this afternoon was well attended. There were 30 participants in the Drainage Superintendents course this year and good attendance at the other sessions presented by O.M.A.F. this year. Sessions are set up with reserved spots for superintendents and engineers first and then opened up to others that want to participate if any spots remain open. There has been interest from parties as far away as Alberta. London, Brockville and Fort Francis participated this year.

- 5.8 The Van Beets Drain is a project of interest this year. An appeal was made to the Normal Farm Practices Protection Board. The outcome of this project could affect the drainage industry in the future.
- 5.9 Emerging issues for drainage include climate change, more frequent storms, more intense storms, and drought conditions. This is shifting focus to retaining water on the landscape by slowing down the water. Phosphorus in the water is a current concern and a speaker tomorrow will be discussing this. The development of blue-green algae in lakes is pointing to agriculture and sewage system discharges. Phosphorus issues are not going away any time soon. Increased levels of drainage activity including conversion of pastures to crop land with subsequent tile installation influences the level of drainage work.
- 5.10 Brett Ruck and Frank Jonkman are continuing to push ahead with the D.I.G. The intent is to access funds and provide help and assistance with environmental issues. The drainage industry continues to adapt and new challenges are being met.
- 5.11 Drainage statistics are attached to the end of these minutes.

6.0 Design and Construction Guidelines Update - Kenn Smart & Kay Palmer

- 6.1 Sid Vander Veen advised that K. Smart Associates Limited continues to carry out the update to the Design and Construction Guidelines Manual.
- 6.2 Kenn Smart and Kay Palmer presented an update on the status of the work completed to date on the project. The study has 3 components. They have conferred with 11 jurisdictions and had good success with 9 of these as well as a good response from stakeholders. The focus has been on carrying out research and establishing information to be included in the updated Guide. The Guide is being done in 3 parts. Part A addresses requirements under the Drainage Act. Part B addresses design aspects. Part C addresses agencies and approvals. It is expected that this section may require frequent updates as legislation and protocols change. Several chapters have been submitted for review and others are being drafted. They are trying to get all draft chapters submitted by the end of the year. It is hoped that the complete draft document will be available by March 2014. See the attached chapter breakdown listing for more information.
- 6.3 There has been a good response from engineers with 26-29 responding for approximately a 66% response rate. There has also been a good response from superintendents. Some ministries have been poor to respond but they are continuing to work on this. Ken invited anyone who might have input to the project to contact them and make submissions for consideration.

7.0 O.M.A.F. Appeals Tribunal Report - Jack Young, Vice Chair

- 7.1 Jack expects the work on the Guide by K. Smart will be very beneficial to the drainage industry. The initial Guidelines done in 1978 were completed in about 3 months.
- 7.2 The Tribunal has held 7 hearings to date. There are 7 more hearings to come. There were 8 appeals to the Tribunal withdrawn before the hearing. There were 2 appeals that were not valid and 2 late appeals that were not accepted.
- 7.3 Last year there were 24 appeals with 11 under Section 76 due to severances or land transfers to new municipalities. Most drainage reports are good. There were 2 drainage reports that were not signed and stamped. Reports must meet the requirements of the Drainage Act. Some reports are missing a proper description of the work to be done. In some the complete extent of the work is not outlined. All reports should be clear for the owners and others to understand. Many drawings are small and hard to read. The new Guide may provide for the minimum scales that are to be used. For drawings that are being reduced there is a need for heavier lines and lettering.
- 7.4 Jeff Dickson noted that the old Guidelines required 1:5000 horizontal scale and 1:50 vertical scale unless a larger scale is needed for clarity.
- 7.5 Sid Vander Veen advised that the average project cost is in the range of \$100,000.00 and the costs are going up.
- 7.6 Tribunal decisions are posted online at: <http://www.omafra.gov.on.ca/english/tribunal/drain-act.htm>.

8.0 Election of New Members

- 8.1 Bill Dietrich reported that the 3 year term for Tom Pridham and John Kuntze was up.
- 8.2 An engineer must be writing reports to be elected. In order to vote a person must be a practicing engineer and have written at least one report in the last year. Each member is expected to serve a 3 year term and attend the 3 meetings that are scheduled each year. Duties include organizing the Drainage Engineers Conference each year with the assistance of Pat Shaver from the Office of Open Learning at the University of Guelph.
- 8.3 Sid Vander Veen conducted the election. Those nominated included Jeremy Taylor, John Kuntze and Jeff Dickson. After 3 calls for further nominations and none received, Gerard Rood moved that nominations be closed, seconded by Tony Peralta. Carried

8.3 Sid Vander Veen asked those nominated if they would stand for election. Jeremy Taylor and others declined. John Kuntze and Jeff Dickson accepted and were elected.

9.0 New Business

9.1 Neil Morris of K. Smart discussed his involvement in Engineers Without Borders who help with overseas projects. He described some works being done in Africa. They promote change through capacity building and often work with farmers. Approximately 95 % of the funds raised goes directly to projects. Neil spoke of a 5km run fundraiser that was being conducted on the weekend and invited anyone interested in sponsoring to contact him.

9.2 Jeremy Taylor asked about compliance with use of the new forms and what are people seeing. Bill Dietrich responded that the petition form is being used in areas where he works. Sid Vander Veen noted that the on-site meeting form is a regulated requirement under the Act and should be used. Because the petition form is a legal document it is very critical that it be correct in case it is challenged. Forms have to be able to stand up before the Referee. Kenn Smart advised that using the legislated forms is a mandatory step in the new Guide that is being prepared.

9.3 Tom Pridham stated that the petition form has to be addressed at the on-site meeting. Tim Oliver suggested that the engineer should send the petition back to Council if there are any concerns with it. It was noted that any owner can challenge the legality of the petition. It was recommended that the proper procedure as outlined in the Act should be followed at the time that the petition is filed.

9.4 Jeremy Taylor asked Jack Young how much guidance an engineer should provide on an appeal and what is the time frame. Jack responded that the time frame is up to the Chair of the Tribunal. Sid advised that there is awareness of the concern about acceptance by the Tribunal. Tim Oliver noted that an appeal can be denied due to lateness of submission. He asked if there is a written notice requirement. Jack replied that the engineer could advise the Clerk to include a final date for submission of an appeal in the notice letter that is sent out. The date could be set to be 21 days from the night of the Court of Revision or from the mailing of the decision of the Court of Revision.

9.5 Gerard Rood suggested that the Clerk should advise Council on the procedure. Sid observed that not all Clerks have the time or the knowledge and that the engineer's duty is completed after the engineer has presented the report

9.6 Kenn Smart would like copies of all proceedings or documents to post on the web site. Jeff Dickson stated that he has copies of most of the proceedings in their files in written form. Someone would have to convert them to electronic format. It was pointed out that the first

Drainage Engineers Conference was held in 1969 in London. Herb Todgham was one of the presenters.

10.0 Adjournment

10.1 Jeff Dickson moved to adjourn the meeting at 9:30 p.m. Seconded by Jeremy Taylor. Carried
ATT.

Bill Dietrich, Chairman

Gerard Rood, Secretary