

FINAL
O.S.P.E. LAND DRAINAGE COMMITTEE
MINUTES OF MEETING
Thursday January 24, 2013
Best Western Plus Lamplighter Inn & Conference Centre
London, Ontario

1.0 Attendance and Call to Order

- 1.1 Members Present: Bill Dietrich, Chairman; Gerard Rood, Secretary; Tim Oliver; Tom Pridham; John Kuntze; Tony Peralta
- 1.2 Liaison Members Present: Sid Vander Veen, OMAFRA; Davin Heinbuck, Conservation Authorities (ABCA); Mark Dietrich with Kristian Kennedy, O.S.P.E. (phoned in); Tom Hoggarth, Fisheries and Oceans Canada
- 1.3 Absent Members: Art Groenveld, MTO; Jeremy Downe, M.N.R.; Pat Shaver, Office of Open Learning, University of Guelph
- 1.4 Chairman Bill Dietrich called the meeting to order at 1:05 p.m.

2.0 Approval of Agenda

- 2.1 The committee was advised that Brett Ruck and Frank Jonkman of the Drainage Superintendents Association of Ontario (DSAO) had asked to appear and present at the meeting. Motion by Tom Pridham, seconded by John Kuntze, that the amended agenda to include the DSAO appearance under new business and otherwise as prepared by the Chairman be accepted. Carried

3.0 Minutes of Last Meetings

- 3.1 Tom Pridham asked about Item 11.6 of the minutes of the October 18, 2012 LDC meeting. Sid Vander Veen has spoken to Woolwich Township and advised that the Clerk seemed satisfied with the verbal response that he made. Sid essentially relayed to the Clerk the LDC discussions at the last meeting. Bill questioned if Sid should do a survey. Sid suggested that the item be left in the minutes and he will do the study to find out what is going on in other Municipalities. It was established that Sid would survey the engineers that are currently doing reports and the initial verbal response from LDC members addressed Item 11.6.
- 3.2 Tim Oliver had noted some discussion with OSPE at the last meeting regarding a concern with conflict of interest if the Drainage Superintendent and Engineer are from the same firm. Sid noted that this was related to the Woolwich discussions and are beyond the scope of this group. If a municipality has a concern, they should raise it with their engineer who should review the Code of Ethics to determine if they are putting themselves in a position of conflict.
- 3.3 John Kuntze moved to accept the October 18, 2012 LDC meeting minutes and seconded by Tim Oliver. Carried

- 3.4 The Draft 2012 Drainage Practitioners Meeting Minutes were discussed. Tom Pridham asked about Item 9.4. Bill Dietrich responded that the right-of-way width was for tile drain maintenance. This would apply to Section 4 and Section 78 reports under the Drainage Act. Tim Oliver suggested that the item should refer to allowances as per Section 29 of the Act.
- 3.5 Bill Dietrich had a question about Item 4.2 which was the statement by Tom Marentette about a 3 year cycle for training. Bill suggested that the next round of training courses could be held in 5 years. Sid Vander Veen stated that he had anticipated training be provided every year on the 3 year cycle currently underway. The same presentations could be used. Although there might be fewer people in the future, the training could be beneficial for Drainage Superintendents, technicians and others who work in the drainage field. Many Superintendents have indicated an interest in the courses. Tony Peralta suggested that the training courses be promoted to the others for future cycles. Sid would like to see more interest in drainage work to offset the reduced number of practitioners. He noted that it is also expected that the updated Design and Construction Guidelines would be completed in time for presentation at the 2014 training session. Bill agreed that the Item should be left as is.
- 3.6 John Kuntze suggested that Item 8.3 need only indicate that an election was held to replace the 2 LDC members whose 2 year terms had expired and the item state the results of the election.
- 3.7 Motion by Tony Peralta, seconded by Tom Pridham that the updated draft minutes of the October 18, 2012 meeting of the Drainage Practitioners meeting be accepted. Carried
- 3.8 Final documents are to be sent to Pat Shaver by Gerard Rood for posting to the LDC web site.

4.0 Business Arising From the Minutes

- 4.1 Sid Vander Veen will carry out the study as discussed in Item 3.1.
- 4.2 The Guidelines update was discussed. Bill Dietrich asked about review of the document. Tony Peralta suggested that input should be given by practitioners. Sid Vander Veen stated that a questionnaire will go out to all active practitioners as set out in the instructions to K. Smart and included in their plan for preparing the update. Sid was not sure of the final review process. John Kuntze expects that a final draft will be circulated for comment. He expects a more dynamic document. Sid noted that the Guidelines will be done in sections. Some of these sections will be fairly fixed in content while other sections could change every few years. The updated Design and Construction Guidelines will provide how to get it done and where to find the required reference information.

5.0 Correspondence

- 5.1 Pat Shaver has sent out forms January 9, 2013 for presenters at the training sessions to claim their honorarium. John Kuntze and Tim Oliver advised that they have submitted their forms.
- 5.2 Bill Dietrich received an email from Pat Shaver on January 23, 2013 advising that the Office of Open Learning University of Guelph has mailed out CD's and print copies of the Conference proceedings. The financial statement will be reconciled. She will estimate the

balance and the amount available for LDC members' expenses and will send out forms. The fall LDC meeting is scheduled for October 17, 2013 at the O.M.A.F.R.A. office and the Drainage Engineers Conference on October 18, 2013 at the Guelph Holiday Inn. Bill stated that comments and financials will be available at the June meeting of the LDC.

- 5.3 Mark Dietrich of OSPE had contacted Tom Marentette on December 18, 2012 regarding the LDC relationship with OSPE. This inquiry was redirected to Bill Dietrich and he has set up for Mark to call into the LDC meeting today.
- 5.4 Bill Dietrich advised that he had received a written submission and a verbal request from Peter Bryan Pulham of Norfolk for the LDC to review the submission. Sid Vander Veen noted that he was aware of the Norfolk document and that it related to grants which are under the control of O.M.A.F.R.A. It was discussed that Gerard Rood would PDF and circulate the Norfolk submission to the LDC for review at the June meeting.

6.0 Liaison Report – OSPE - Mark Dietrich

- 6.1 Mark Dietrich called into the meeting with Kristian Kennedy at approximately 1:15. The OSPE Board has been discussing the relationship with the LDC. There was some paperwork about 6-7 years ago. OSPE was to provide some funding. They are looking for a better defined relationship and clarification of it. They don't have the same connectivity with the LDC as with other OSPE groups and want to start some dialogue and explore the possibilities.
- 6.2 Bill Dietrich explained that the LDC went from PEO to OSPE. There was some communication at the time but the funding never materialized.
- 6.3 John Kuntze advised that he has been a long time LDC member and he recalls that when PEO dropped the LDC, OSPE was agreeable to making a connection. He believes the LDC needs direction on what OSPE wants.
- 6.4 Sid Vander Veen told Mark that he is the O.M.A.F.R.A. Drainage Coordinator and deals with practitioners under the Drainage Act. During the 1975 review there was concern about the services of engineers and the government directed PEO to provide training and direction. The LDC continues to try to fulfill those functions.
- 6.5 Mark went on to discuss that there are no foregone conclusions. There has been no consistent dialogue and there is a need to create some clarity. He asked what a closer relationship might entail. Sid explained that training is provided but there is no certification. Mark noted that OSPE provides training in a lot of areas. He suggested that they could offer the drainage engineering course and that there may be synergies to explore. OSPE might be able to assist with training, education, relationships with the public and consulting engineers. They could assist with events but there would be a need to be comfortable working together.
- 6.6 Tim Oliver believes that in 2005 there were terms of reference submitted. Some comments were received from OSPE and adjustments were made. LDC members need to be practitioners or be liaison members. There are 3 meetings per year and there has been an invitation to OSPE for every meeting. Bill noted that minutes of each meeting go to OSPE. Tim went on to advise

that website development was discussed but LDC was never put on the OSPE site other than a brief mention. Consequently the LDC developed their website separately.

6.7 Mark reviewed the terms of reference. The chair of OSPE is to appoint the chair for the LDC. All committee members are to be OSPE members. Task forces are to generate reports and these go through the OSPE board.

6.8 Mark looked at the LDC website. He noted that OSPE is changing their website and they can now capture other reference information and include training and registration features. He apologized for the lack of correspondence between OSPE and LDC.

6.9 Bill advised Mark that the LDC will discuss this further and will be in contact with OSPE. Mark summarized that it appears that the LDC wants to be linked with OSPE and that there is a desire to strengthen the bonds and use their resources. Bill agreed that LDC is looking to continue the affiliation. Mark said that it sounds like OSPE needs to respond positively and he will raise the matter at their next executive meeting in a couple of weeks. He will tell the executive that LDC wants to be part of OSPE. The phone call concluded at approximately 1:28.

7.0 Liaison Report – Ministry of Natural Resources - Jeremy Downe

7.1 Bill Dietrich advised the LDC that no report was provided by M.N.R.

8.0 Liaison Report – Ministry of Transportation Ontario - Art Groenveld

8.1 Bill Dietrich reported that no information had been received from MTO.

9.0 Liaison Report – Conservation Authorities Report - Davin Heinbuck

9.1 Davin advised that there have been 2 training sessions on the DART Protocol in Florence and in Ottawa. A third session is scheduled for Guelph next Wednesday. The Protocol is being rolled out for Drainage Superintendents and CA's. There is a new notification form and he provided copies for the LDC members. The form was mentioned at the DSAO Annual General Meeting yesterday and instructions were to start using it immediately.

9.2 The form is in digital format and a copy is circulated to the local CA and M.N.R. similar to the previous drain maintenance notification form. The Section 28 requirements of the Conservation Authority Act are met by the new form. A Standard Compliance Requirement (SCR) is issued by the CA. The form is in Excel format and has drop down menus. A 15 day or shorter turnaround is the target for a fully completed form. The Protocol document includes sketches to illustrate the standard types of work that can be undertaken.

9.3 Sid Vander Veen confirmed that the new form should be used immediately. He noted that the CA's may have to sort out some details. Davin stated that there may be fees set for processing the form. There may also be some differences regarding what is considered wetland works and

these could include areas either 30m or 120m around defined wetlands. He noted that the forms will change with Fisheries Act changes. Tom Hoggarth advised that the form needs to be used until a regulation covers a works. D.F.O. input is only in relation to the Fisheries Act. There will still only be one form to apply but it will change as needed.

- 9.4 Davin advised that he will be doing part of the Drainage Superintendents course with Sid Vander Veen this coming year.

10.0 Liaison Report – Fisheries and Oceans Canada - Thomas Hoggarth

- 10.1 Tom reported that the Fisheries Act amendments are underway. The old Act is still in effect at this time. The new Act may go to the Cabinet in July and then comes into place. The biggest change is the section relating to no serious harm to fish that form part of a commercial, recreational and aboriginal fishery and protection of those fish that support the 3 fisheries noted. There will need to be decisions on when the Act applies. He noted that there are bait licenses on almost all drains, so they could all be considered commercial fish. There will need to be a whole new suite of policies. A positive new feature is that they can now put regulations in place. For example a prescribed works regulation could outline when, where and what is allowed to be done without D.F.O. involvement. This would be similar to a class authorization. D.F.O. will have to monitor whether the regulations are being followed.
- 10.2 Tom noted that all current positions have been eliminated and the D.F.O. is filling 22 new positions for Ontario. On the habitat side, eight years ago there were 110 staff that has now been reduced to 55 and the number of biologists will soon be reduced to 22. The science side of D.F.O. has also been impacted. All offices will be located in Burlington so the few other remaining Ontario offices will be closed shortly.
- 10.3 All drain files will be handled by Regina who report to Winnipeg. There will be centres of expertise set up and a new group for Regulations and Guidelines. All agreements with the Conservation Authorities (CA's) are going through a review process. This could strengthen the relationships.
- 10.4 "Serious harm" will be the new requirement. They will need to define "permanent alteration". There will be a need to develop policies to establish the new requirements of the Act. There is a lot of good stuff in the new Act.
- 10.5 Some regulations are coming. Information requirements will be established and any applications that are not perfect will be sent back. There will be a timing regulation that sets a limit on the response time once the complete information for an application is with them.

11.0 Liaison Report – Ministry of Agriculture, Food and Rural Affairs - Sid Vander Veen

- 11.1 Sid stated that the Drainage Superintendents have to use the new forms. There is the possibility that there will be no grant if the DART Protocol is not followed.
- 11.2 The March 4th to 8th, 2013 Drainage Superintendents course has 13 people registered so far.

- 11.3 The regulated forms as established in the Drainage Act are now available on-line. The unregulated forms are also coming along.
- 11.4 The petition form has changed the most. There is more information required for each property so that the owners are clearly established. The new form came into effect just before Christmas and it must be used as per the regulations. John Kuntze suggested that Section 9 of the Drainage Act could be used to send any older forms back to the petitioners and their signatures can be put on the new form.
- 11.5 Sid noted that there is a separate form for a road petition. The road authority can also sign as an owner on the standard petition. The form has more details to be filled in so that the requested work can be more clearly established along with the names of the petitioners.
- 11.6 The notice for an on-site meeting is also a regulated form and should be used by all municipalities when notifying owners.
- 11.7 O.M.A.F.R.A. will accept comments on any of the forms and they may be updated from time to time as needed.
- 11.8 The Design Guidelines update has been discussed elsewhere in this meeting.
- 11.9 Sid noted that O.M.A.F.R.A. is going through a major computer system upgrade that could impact communications with O.M.A.F.R.A. in the coming weeks.
- 12.0 DAWG (Drain Action Working Group) Update - Mike Devos**
- 12.1 Mike did not submit a report. Tom Hoggarth advised that DAWG is suspended due to the Fisheries Act changes that are coming. They expect to bring DAWG back when the new Act is in place. He suggested that DAWG might be used to develop regulations.
- 13.0 DART (Drainage Act Regulations Team) Update - John Kuntze**
- 13.1 John pointed out that the current Protocol document is only for drain maintenance. It only involves the CA's and D.F.O. if there is a working agreement. There are no provisions for addressing M.N.R. or Endangered Species Act issues. The Protocol only applies in a regulated area under the Conservation Authorities Act.
- 13.2 The development of a Protocol for new reports under the Drainage Act is up in the air. Drainage Superintendents are in favour of moving ahead while M.N.R. is holding back.
- 14.0 New Business**
- 14.1 Bill Dietrich attended the LICO Standards and Specifications meeting as the LDC representative. Bob Brown of Coldstream Concrete noted that there are 3 classes for extra duty

tile including 1500D, 2000D and 2400D. Coldstream now produces 32” and 36” pipe. They would like feedback on whether the 1.2m or 2.0m length they produce is preferred by the Contractors and Engineers. He suggested that there should be a BMP to stay directly off new trenches with heavy equipment to avoid damage during the first year after installation. Some engineers include provisions in their report specifications.

- 14.2 Bob Carswell spoke on behalf of the steel pipe industry and noted that there are 3 types of pipes - galvanized, aluminized and polymer coated. They find that aluminized is approximately 20% higher cost than galvanized but provides more than double the life expectancy. There has been some experience with damage to the polymer coating during installation and more careful handling is recommended.
- 14.3 There were no plastic pipe changes. A new plant is to be constructed in Dundalk by Maple Ridge Plastics. There was some concern expressed about sales of pipe to unlicensed people. It was noted that owners are permitted to do their own installation without being licensed. Andy Kester discussed the new tile crusher equipment being used for tile ends. This is not an approved practice and is being monitored. Sid Vander Veen noted that there is no research on its use and it is an unknown situation at this time.
- 14.4 Missed tile connections were still somewhat of a concern. There were questions on how to get a contractor back to complete his work. John Kuntze noted that they deal with this as it happens. Bill noted that the response depends on the contractor who does the work.
- 14.5 Bill Dietrich asked about the next training session. Sid Vander Veen responded that he has an outline for training on the other legislation that the Drainage Act refers to as having to be considered. He is looking for speakers to discuss the Conservation Authority Act and the Fisheries Act. There are some other items of the Drainage Act that will be included. Sid will be sending out an outline and will arrange for speakers.
- 14.6 Topics for the Drainage Conference were discussed. Tom Pridham suggested that Harry Reinders of R&M Contracting be approached about presenting on natural channel construction. Tom Hoggarth noted that R&M did instruction for D.F.O. biologists.
- 14.7 John Kuntze would like to see someone speak on erosion and sediment impacts. Tom Hoggarth can send information on a specialist who could be contacted. John suggested that a case study could be presented. Sid suggested that the Conference theme could be erosion and sediment control.
- 14.8 John suggested that Art Groenveld of MTO be approached about presenting on the MTO IDF Curve web site information.
- 14.9 The Committee discussed the affiliation with OSPE. It was noted that the LDC has a very good relationship with the University of Guelph Centre for Open Learning and Educational Support. The LDC may not want to lose that relationship. A closer liaison with OSPE could result in conflicts arising. Members expressed an interest in maintaining just an affiliation with OSPE.
- 14.10 Bill Dietrich would like to see a review of the terms of reference. Tim Oliver would like to see how other groups/committees function within OSPE. Tom Pridham noted that the LDC has

been doing all the training and education and this could continue. John Kuntze suggested that OSPE has to provide more background on how the LDC can be affiliated. Bill Dietrich wondered if there are different levels for linking with OSPE.

- 14.11 Sid Vander Veen noted that the Drainage Act has a strong linkage with engineers. The legislators stated that PEO had to train and control the drainage engineers. John Kuntze suggested that a closer liaison might result in better exposure for drainage practitioners and possible benefits. Tim Oliver noted that there is only a very small group of engineers doing work under the Drainage Act.
- 14.12 Brett Ruck and Frank Jonkman came into the meeting. Brett explained that they have met with O.M.A.F.R.A. and M.N.R. to discuss how to help with drains. There is a desire to “green” the business. They have been investigating how to offset costs for environmental needs. Their proposal is to create a not for profit corporation. This corporation would provided grants for environmental requirements provided in drainage reports.
- 14.13 Brett went on to advise that they hope to register the corporation by March and plan to start business midyear. The corporation will need a board of directors that would comprise drainage, environmental and public people. They want to have representatives from LDC, M.N.R., D.F.O. and CA’s as members of the board.
- 14.14 The intent is to start with a steering committee. The endeavor would be carried out in a team environment with cooperation between all stakeholders. Grant funds would come in and go out from the corporation. The corporation would also look into research projects. All information would be kept in a data warehouse on the web for everyone involved with drainage to access.
- 14.15 They are looking to DSAO Chapters for grant writers. The approach would be similar to the Ontario Soil and Crop Improvement Association (OSCIA) but the focus would be on drains and greening the business.
- 14.16 Frank Jonkman clarified that it would not be on a consultant level. The intent is to simplify getting grants. The corporation does the grant writing, follow up, etcetera on behalf of small municipalities.
- 14.17 Brett sees the corporation trying to help municipalities. This could include help with scoping meetings and aid to Drainage Superintendents that may not otherwise have the funds. There are grants available province wide from Environment Canada, Ministry of Environment, Great Lakes Cleanup and Lake Simcoe fund. Both Brett and Frank got large grants for recent complex and large projects.
- 14.18 Sid Vander Veen noted that Brett and Frank are building off their own experience. Brett uses 3 biologists for his projects that are paid through grants. Frank commented that they are not trying to re-write the Drainage Act. The available grants are just saving landowners money for the environmental features dictated by current legislation changes. Brett stated that they know the arguments that have to be made and what the agencies require for evaluating grants. Solutions only work when doing things together.

- 14.19 Davin Heinbuck asked if grants would only be for extra environmental requirements. Brett does not expect that there would be exclusions but noted that some features serve multi functions. He would like to see more science on the 2 stage ditch presented at the last drainage conference.
- 14.20 Tom Hoggarth would like to be on the steering committee. He is not sure if he could be on the board. Brett explained that a committee will make decisions and this should avoid the potential for conflict of interest concerns. The corporation has to be a not for profit business that understands budgets and can work with municipalities. The corporation could work as a partner.
- 14.21 Tony Peralta asked if there would be a grant policy like the Agricultural Drainage Infrastructure Program so that provision can be made in the drainage reports that are prepared. Brett noted that if work is in a report a dollar value is there and they can determine funding. The proposed name for the corporation is Drainage Investment Group (DIG). Tim Oliver agreed that it would be helpful to know how much grant might be available. Brett stated that participation might include a possible membership fee or a per drain cost. At this point everything is evolving.

15.0 Review of the “Design and Construction Guidelines”

- 15.1 The Guidelines were discussed in Section 4 above.

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

- 16.1 Information from Pat was discussed under Correspondence above.

17.0 Next Meeting

- 17.1 The next meeting of the LDC will be 10:00 a.m. Friday June 14th, 2013 at the O.M.A.F.R.A. offices on Stone Road in Guelph. Sid Vander Veen will book a conference room and advise LDC members.

18.0 Adjournment

- 18.1 The meeting was adjourned at approximately 4:30 p.m. Moved by Tom Pridham and seconded by Sid Vander Veen. Carried

Bill Dietrich, Chairman

Gerard Rood, Secretary