



**Meeting  
Environmental Advisory Committee  
November 13, 2019, 6:00 p.m.**

**The following were in attendance:**

Staff: Darlene Suddard  
Janice Peyton

Council: Councillor Mark Bagu  
Councillor Harry Wells

Public Members: Beth Palma  
Ryan Waines  
Jack Hellinga  
George McKibbon  
Norbert Gieger  
Trent Doan  
Tim Hoyle  
Clayton Nadeau

Guest: Patty Moss

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**1. Call to Order**

Chair Beth Palma called the meeting to order at 6:00 p.m.

**2. Adoption of the Agenda**

Moved by Jack Hellinga  
Seconded by Tim Hoyle

That the agenda dated November 13, 2019 be accepted as circulated.  
CARRIED.

**3. Disclosures of Interest**

Councillor Harry Wells declared a conflict with regard to item 6(c) Draft Site Alteration Permit Review and Costing.

**4. Approval / Review of Previous Meeting Minutes**

Moved by George McKibbon  
Seconded by Ryan Waines

That the minutes of September 11, 2019 be accepted as written.  
CARRIED.

## **5. Guest – Patty Moss – Summary of Roadsides for 2019**

Patty Moss provided a summary of roadsides for 2019. A copy is attached to the minutes.

Patty had the following requests for the upcoming year:

- All rural roads to have the removal of the second cut, which will include Chippawa Road, Sherkston Road and Brookfield Road, and the North end of Elm Street.
- Butterfly signs to be installed/relocated with the QR code, and link the QR code to the EAC's web page informing of the roadside initiative, which will be updated with current information on the study.

Mark will help with having the signs relocated. Janice will advise the number of signs in stock.

- Creation of a volunteer group to assist the EAC in creating and implementing environmental initiatives on City owned lands.

It was suggested that Patty meet with Luke Rowe, Volunteer Coordinator, regarding volunteers. Mark suggested contacting Kathy McQuire, President of the PC Conservation Club as well. Kerry commented that she would place Patty in contact with a couple of volunteers that she knows in the area.

Jack asked if it is possible to reduce the number of complaints about site lines by clearing the site lines. Mark added that he has received concerns about the site lines along the Friendship Trail.

Mark added that the City is considering cutting roadsides internally in 2020 rather than through an outside contractor. Darlene will look into this.

## **6. Items Arising from Previous Minutes**

### **a) Recycle Bins**

Darlene advised that the recycle bins have been received and should be in place by the end of November. The Region is funding 25% of the cost of the bins.

Mark advised that the recycling bins at the Marina do not have images/directional labels on them. Darlene will look into this and see if possibly the recycling branding from the Region can be used on the Marina bins.

**b) Draft Report on Boulevard Trees**

George provided a review of the draft report on boulevard trees. He provided some background comments on how this project has advanced since it was first discussed several years ago. The committee discussed the report and agreed on some amendments. Tree species that are suitable for boulevards was discussed. George will amend the report as discussed. A copy of the report (amended) is attached to the minutes.

The report recommended that Port Colborne Environmental Advisory Committee recommend to Council that staff be directed to review previous decisions on boulevard tree planting, taking into regard the reasons provided within the report, and report back to Council following the review.

Moved by Beth Palma  
Seconded by Councillor Mark Bagu

That the EAC report on boulevard trees be referred to Council for consideration.

CARRIED.

**c) Draft Site Alteration Permit Review and Costing**

Jack emphasized the importance of the professional qualifications of the Qualified Person. This forms the basis of the recommendation that the administration of the bylaw be transferred to the Engineering and Operations department. Members discussed the application of the site alteration in other municipalities. The importance of having a bylaw that addresses all circumstances was emphasized. Trent discussed his experience in other municipalities where the MECP has issued a clean up order. George observed that those situations are very different from that intended to be addressed by this bylaw. A copy of the review is attached to the minutes.

Moved by Trent Doan  
Seconded by Beth Palma

That the EAC draft site alteration permit review and costing be referred to Council for consideration.

CARRIED.

**d) Planning & Development, Planning Division, Report 2019-173, Subject: Ministry of Environment, Conservation and Parks Response Regarding Safe Soil Levels of CBRA**

The committee received a copy of the above referenced report for information. (A copy is attached to the minutes.)

George reviewed the motion what was passed in July asking Council to write the MECP inquiring which standards apply within the study area covered by the Vale CBRA when a landowner applies for a sensitive use such as residential uses. Council directed Dan Aquilina, Director of Planning & Development to write a letter. MECP replied on October 3<sup>rd</sup> and Council received the letter at their meeting on November 12<sup>th</sup>. Council accepted Dan Aquilina's recommendation, directing the Planning department to speak to Vale concerning the matter.

George noted that the MECP letter was very informative and needs to be read carefully. He reconstructed for members the more recent series of reports that led to the Community Based Action Plan and MECP's scientific concerns with it. George observed that we do not seem to have a copy of the Region's Public Health Department so we are unable to know what they looked at where specific adverse effects associated with the soils in Port Colborne are concerned. Harry observed that the disagreements between Vale and MECP centre on the CBRA protocol. He added that INCO agreed with the protocol but subsequently Vale changed protocol and conducted its research differently. This produced a different set of standards, which MECP does not agree with. The MECP letter states that where the landowner is concerned, MECP is prepared to accept Vale's work that is in agreement with the original protocol. The landowners qualified person will then need to undertake an investigation needed to meet the approach and standards MECP agreed to initially.

George and Jack thought it would be useful to establish a series of questions and answers that would provide the public an accessible overview of this complicated matter. It was agreed that Jack, Trent, Norbert, Harry and George will form a committee and produce a list of questions and answers to provide Dan Aquilina and Council. It was observed that some preparation for the meeting with Vale would be beneficial and hopefully the question and answer discussion will assist.

## **7. New/Other Business**

### **a) Nature Works Collaborative Workshops to Restore a Green Future**

Information was provided regarding the In the Zone workshops, being held on Tuesday November 26, 2019. (Information is attached to the minutes.)

It was suggested that some of the City senior employees attend the workshop. Darlene will share this information with the Director of Community and Economic Development.

Moved by Jack Hellinga  
Seconded by Councillor Mark Bagu

That registration fees for Clayton's attendance at the Nature Works Collaborative Workshop be funded from the EAC environmental initiatives account.

CARRIED.

**b) Presentation – Green Gas Emissions Reduction Plan**

Darlene advised that Mae Lannan, the City's Climate Change Coordinator, has been working on the green gas emissions reduction program for the City and that she will attend the next meeting to give a presentation of the plan to the committee.

**8. Next Meeting/Adjourn**

The next EAC meeting will be on January 8th, 2020 at 6:00 pm.

Moved by Tim Hoyle  
Seconded by Ryan Waines

That with no further business to discuss, the meeting be adjourned at 7:45 p.m.  
CARRIED.

# Summary of Roadsides study for 2019 For Environmental Advisory Committee November 13, 2019

As most of you are aware I study the roadside habitat in order to determine the right mowing practices on city roadsides to benefit the pollinators, and using the Monarch Butterfly as a key study specimen. I look at identifying flowering plant species, observing the seed dispersal of each plant. I identify 'problem plant species' which could have negative impact on farm land, residential properties and watercourses.

This is my 5<sup>th</sup> year of studying Port Colborne roadsides, and it just surprises me how much nature is along these ditches. Besides having over 52 different flowering species, our roadways provide food, shelter and water for not only insects but birds, rabbits, turtles, amphibians and even foxes.



The timing of the mowing this year was as follows:

June 17<sup>th</sup> start date of first cut, all roads were cut

July 24<sup>th</sup> start date of the second cut for only select roads; Sherkston Road

Welland Road, Elm St. North of Barrick, Killaly East, Killaly Street West (East to Lorraine Road), Brookfield Road, Chippawa Road.

Sept 24<sup>th</sup> Start date of the last cut, all roads were scheduled

## Monarchs

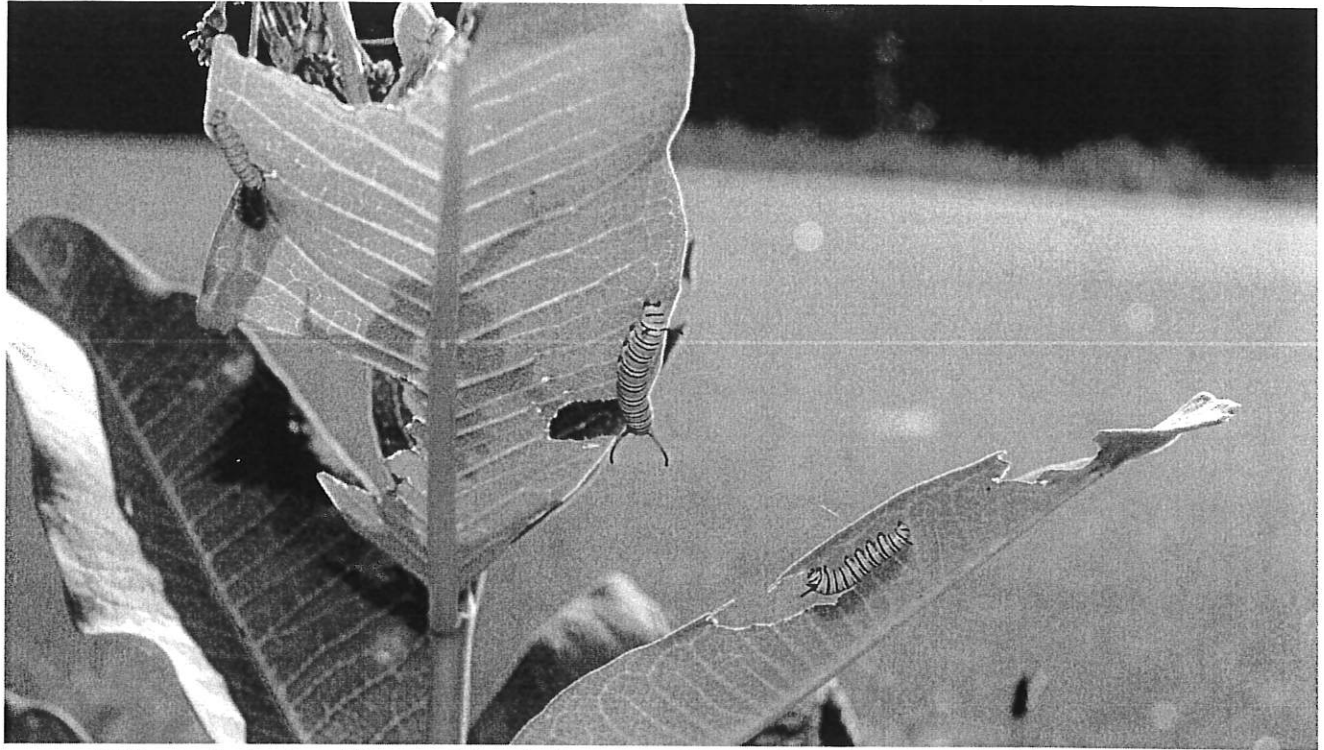
As I'm writing this the monarchs that were flying by us in late August are arriving in El Rosario, soon they will choose which Oyamel Fir Tree they will trust their lives to endure the mountain cold air. It is a complete phenomenon how this lightweight insect almost dances its way in flight from crossing the great lakes in one day, and then continue the 4500 km journey to El Rosario Butterfly Reserve. This reserve is one of a few areas in Mexico that have the trees that can give them enough heat to keep the butterflies alive while they sleep until spring comes. Then the Monarchs awakened and follow the new Milkweed growth and head back North to create the next generation.

Since the cut has been performed later in mid June, there were egg and caterpillar losses due to some early female Monarchs arriving. But the growth of milkweed came back just after a week, the wet weather helped to speed up the new growth of cut milkweed.

There was a lot of Monarchs in Port Colborne this year, overall sighting throughout Ontario have increased as well this year. It will be interesting to find out the population counts for this year.

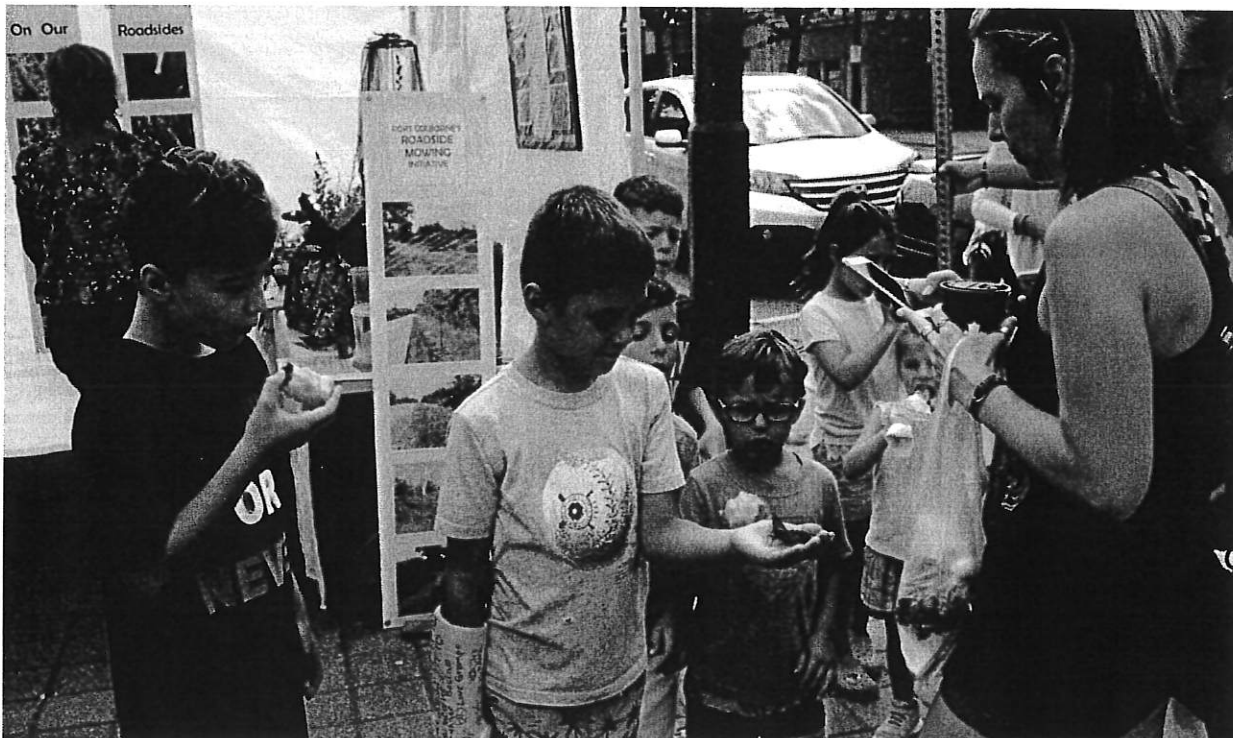


Milkweed plants eaten by Monarchs on Killaly Street.



Milkweed plant on Pinecrest Road, there are 4 caterpillars but one is hidden.

I observed high concentration of eggs starting in beginning to mid July, which when I did the count of Monarch Larvae on Brookfield Road it didn't surprise me that I collected a total of 372 eggs and Caterpillars!! I collected them since I knew they destroyed by the mower, however I did have volunteers to help, and gave me an opportunity to educate the public by releasing 52 butterflies at the Market in August. The market display was a hit, lots of information was shared regarding the roadside initiative, and everyone was fascinated to be able to up close with the Monarchs.



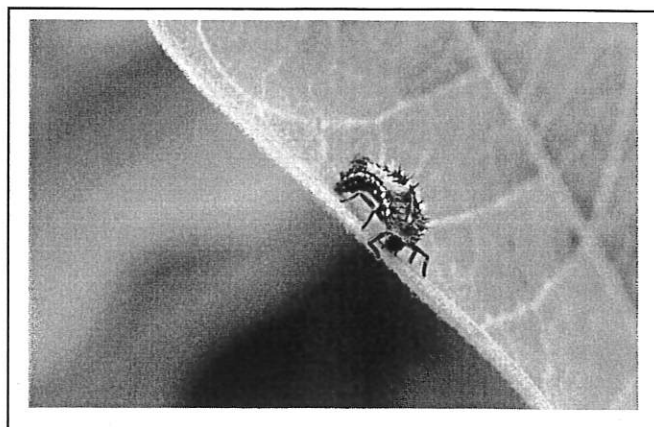




### Impact of September Cut

The earlier fall cut timing didn't hinder the Monarch's population; I checked 9 roads for larvae of the butterfly and only counted 16 on all the milkweed plants. In regards to other species on the roadsides, primarily honey bees and Bumble bees along with Fly species and Beetles. Popular nectar plant to be feeding on is Knapweed, also there the Aster species for additional food sources. There is a lot of plant growth outside the mowed areas; however more can be done to create additional natural lands within the city that will have fall nectar plants.

Note: I noticed a large amount of ladybug larvae on milkweed plants this fall, was it because of the high amounts of aphids this year? Too bad the timing of mowing might have a negative impact on their survival.



## Seed Dispersal

I have done the study long enough to understand which plants seed dispersal would have an impact on residential and farm lands, I am trying to find the right timing that would reduce the implications of unwanted plant growth.

### Sow Thistle



This is an aggressive plant which produces tap roots which break easily when pulled, and can develop many seeds which are dispersed by the wind starting in early August. I believe the later spring cut delayed the seed development of this species ( especially where there is shallow grade to the ditch) the plant has more stem cut off, since seed dispersal started in late August along roadsides in previous years.

When I performed the last seed disbursement count in mid September this plant was averaging 10 to 40 percent seed dispersal, compared to last year's 60 to 80 percent of disbursement of seeds. Interesting note that the rains hampered the disbursement of the seeds, since the seed fluffs clumped together.

This plant is so aggressive that when it received a second cut, it produced even more seed heads than plants receiving one cut, however it is lower to the ground, and seed dispersal was later.

### Phragmites

All I'm going to say that it is spreading, we will have to incorporate removal methods of this species in the future. A few residents have expressed their concerns of this invasive species during my market displays.

## Canadian Fleabane



This is a plant of concern due to its development of resistance to Herbicide treatment. I find the majority of this plant growth near runoffs of farmer's fields and near culverts and roadside edges where drained poor soil quality exists. I found there was a delay of this plants growth along with goldenrod, aster and other species. Weather is part of the reason, as well as the late spring cut could be a factor.

Seed disbursement in mid September was around 5 to 10 percent, much less than the prior year of study.

### **Thistles**

There is a large area of Canada Thistle that I have been observing along 2<sup>nd</sup> Con. for the years of study, I noticed this year there was no seed development of this species that received the first cut. Usually amounts of seed dispersment are noticed, but not this year. The only area I saw with development of Canada Thistle seeds was along the 140 which was able to mature to full seed set before the regions mowers cut it down. The region changed the mowing pattern and enabled the 140 to have fluffs of Canada Thistle to blow around for a week's time in late July.

### **Overall timing for limiting seed dispersal**

I will continue the monitoring of seed development for the next year to ensure the timing is best for preventative measures of dispersal. However I wish to encourage the cut in September to start within the time window of Sept 9 to the 16. Having the fall cut preformed an extra week later in a year that the summer weather is early and dry could increase seed disbursement drastically compared to this year.

### **Effects of Mowing on Knapweed**



I decided to take a closer look on flower development on Knapweed, I choose this plant because it is a favorite nectar plant for pollinators, and it can handle being cut multiple times. It blooms from mid July until when the first frost hits in early fall. The seeds are imbedded into the base of flower head, so there are no concerns of this species blowing into neighboring properties.

In the middle of September, I spent a few hours counting knapweed plant's flower heads and came up with an average of flowers that the plant produced over its growth period.

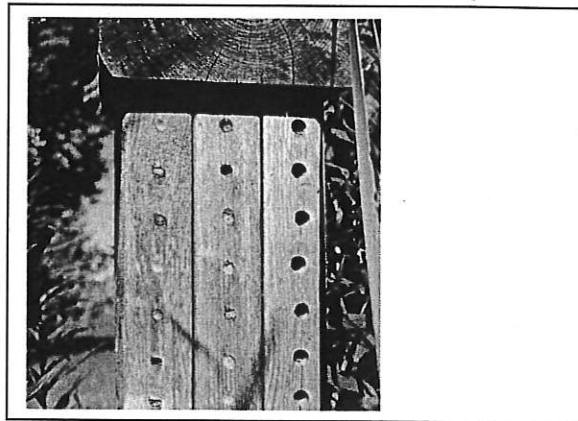
With plants that didn't receive a cut, they produced an average of 50 to 60 flowers; however it has completely finished its growth and was dead by the beginning of September.

For Knapweed that did receive the spring cut, it produced 11 to 17 flowers on average, and is producing the most flowers for mid September. (This is a crucial time for nectar)

And for the plants that received two cuts throughout the growing season only produced 5 to 7 flowers and has one or two that are blooming mid September.

I believe the spring cut doesn't sacrifice too much growth of this favorite plant; it does delay the maturity of the seed heads, which decreases the chance of seed dropping.

### Bee Houses



I found success with the bee houses in area where there is nearby concentrations of mixed flowering vegetation. Hoping bee houses can be installed in other city owned properties in the future...they work!!

### Roadside requests for next year...

All rural roads to have the removal of the second cut, which will include Chippawa Road, Sherston Road, and Brookfield Road, and north end of Elm Street.

Also, signs have to be installed with the QR code on them. And have it go to Eac's page on the City's webpage informing of the roadside initiative which will be updated with current information on the study.

## Additional Request

Wanting to develop a volunteer subcommittee under Environment Advisory Committee, would it be possible, and is the members of the Committee interested?

I'm wishing to create a volunteer based group that involves residents helping the EAC committee in creating and implementing environmental initiatives on city owned lands. The biggest hurdle in creating environmental change is liability, and it is so hard for citizens to help the community with the insurance barrier. I believe there must be a way where concerned residents can lift some of the work load off city staff in regards to environmental projects or studies that have been approved by council.

Patty Moss



Spring Peeper was resting on a top of a Milkweed plant on 3<sup>rd</sup> Con.

## Interesting Roadside Pictures of 2019



Bumble Bee collecting pollen from Viper Bugloss plant on Brookfield Road



Familiar Bluet Damselfly

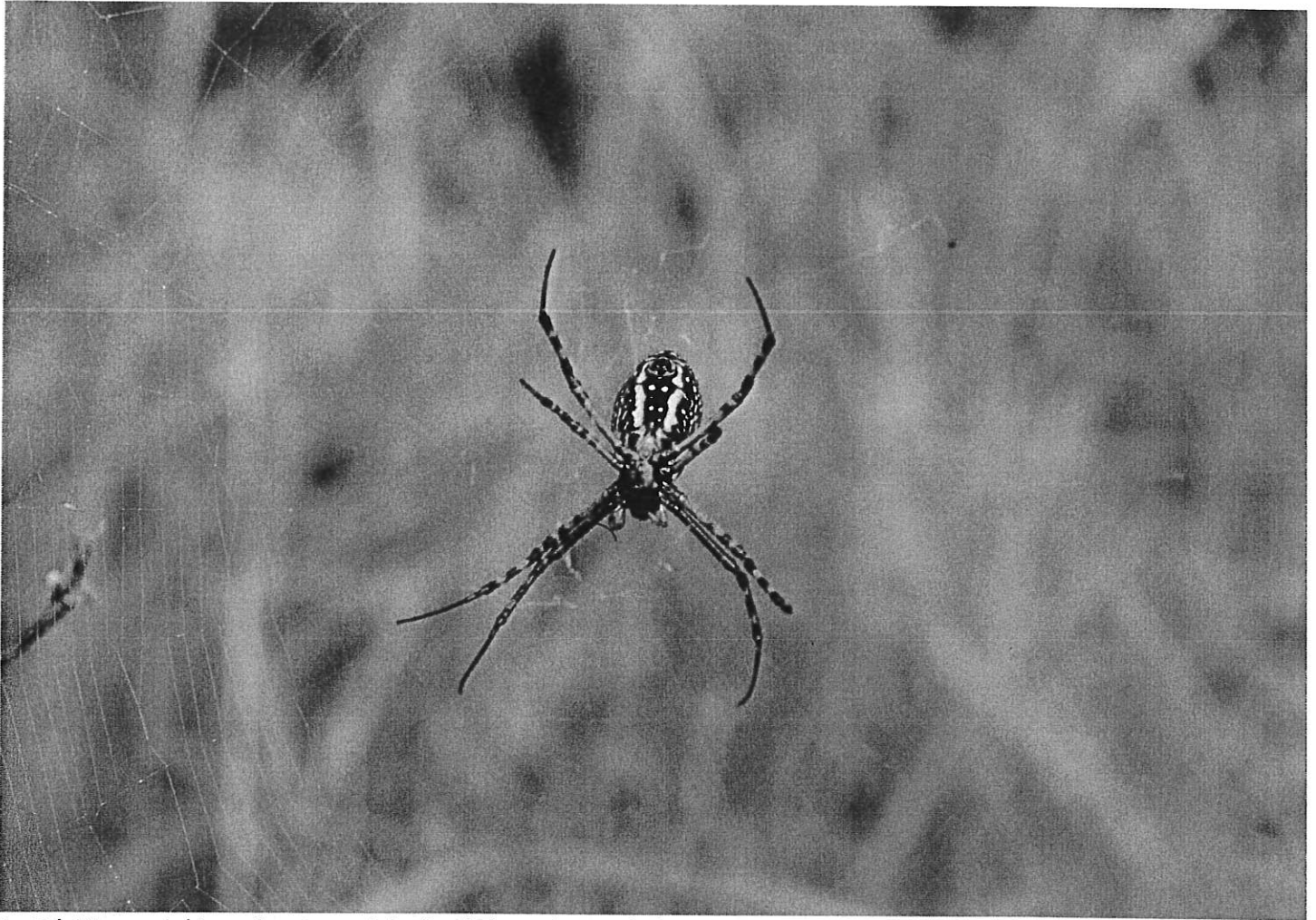


There was a large amount of dragonflies and Damsel Flies along the roadsides this year. I'm sure the wet weather had increased the population. But did the delay of the spring cut have something to do with the increase of population?

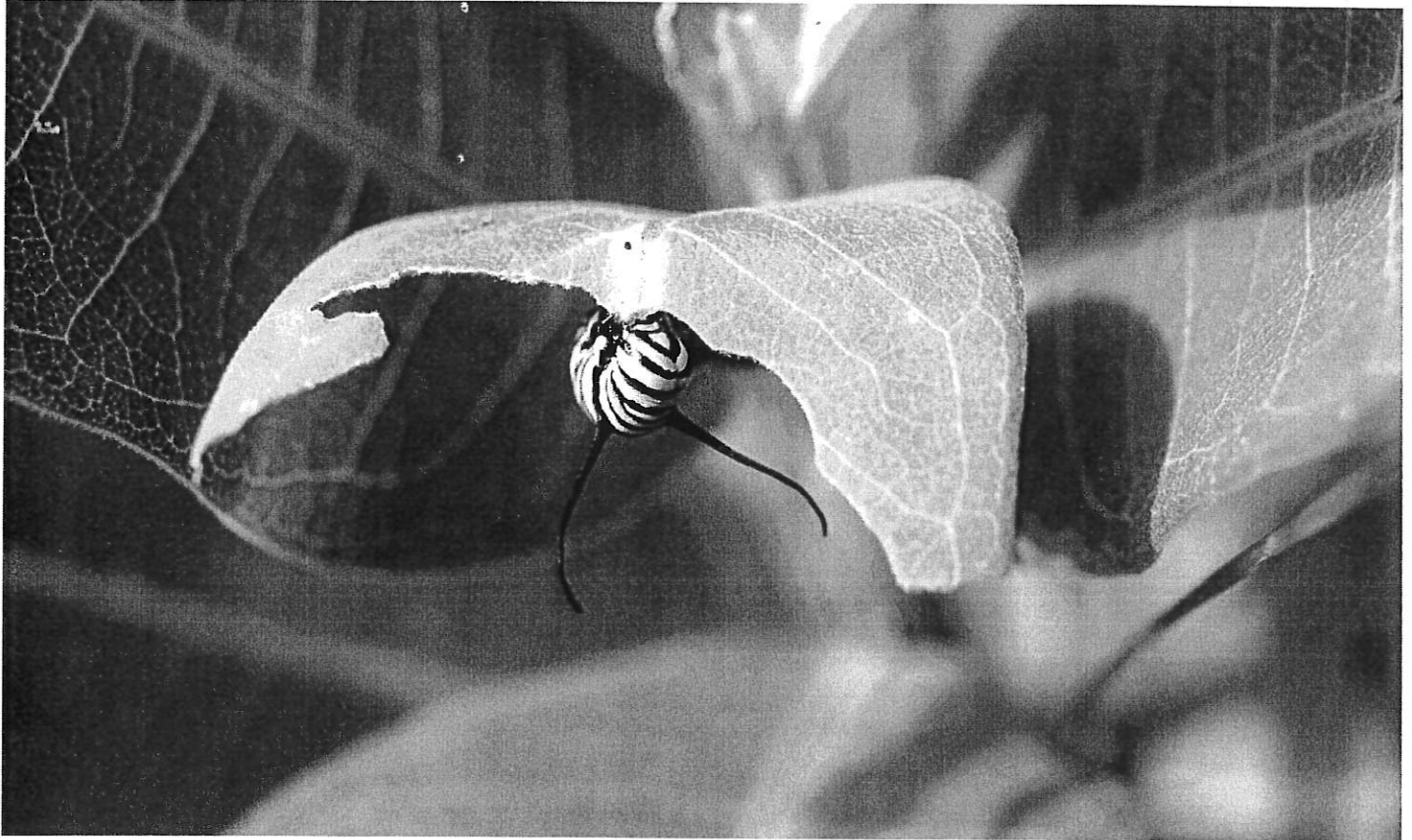


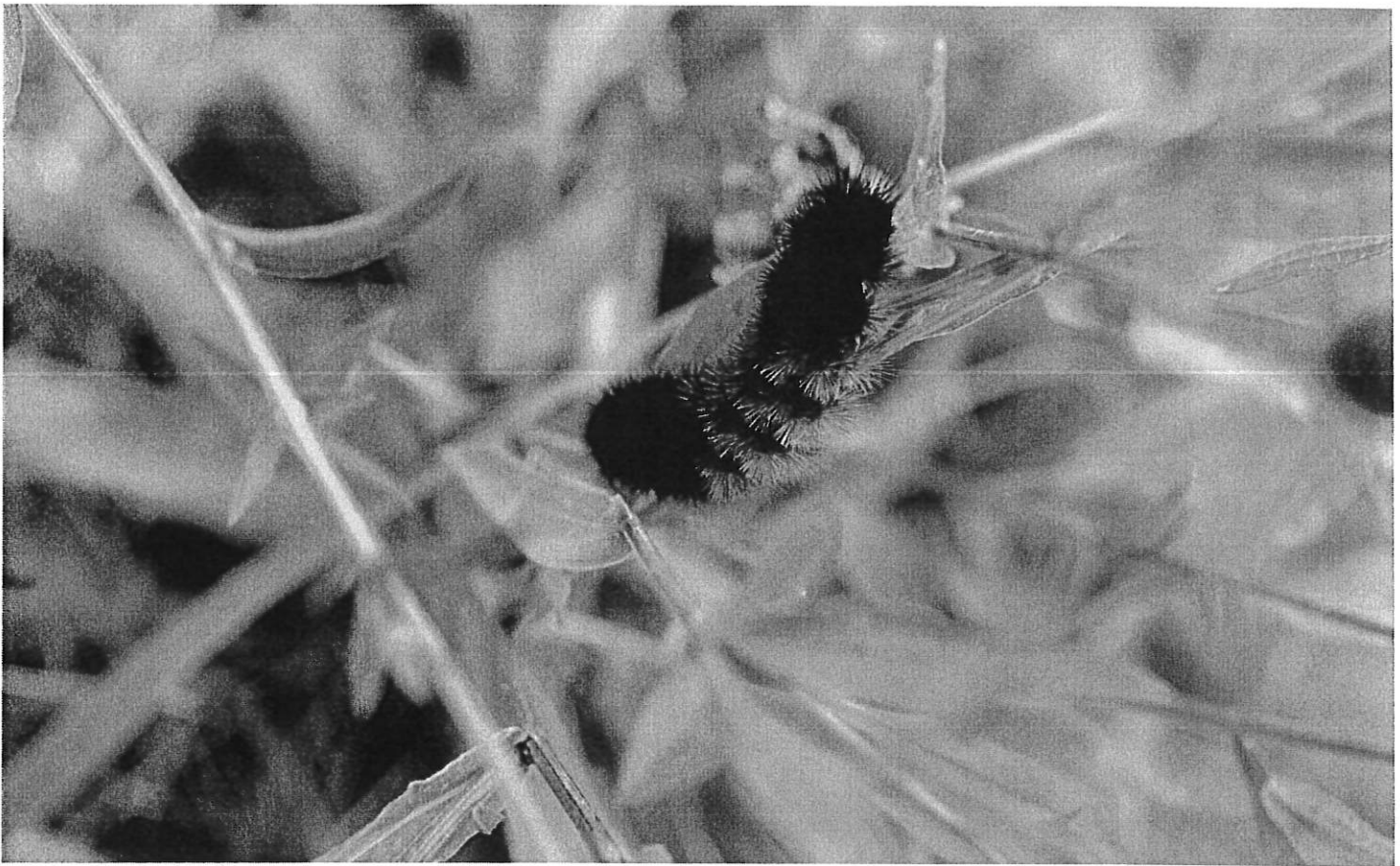
Virginia Ctenucha Moth





An Orb Weaver taking advantage of the food along the roadsides





Woolly Bear Caterpillar eating Knapweed plant, ever wonder why you see them on the roads in fall?



Black Swallowtail caterpillar and honey bee sharing Knapweed



Painted Lady Butterfly on Knapweed

## Report on Boulevard Trees to EAC Meeting, November 13, 2019

**Recommendation:** *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12<sup>th</sup> January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*

**Introduction:** Port Colborne's Environmental Advisory Committee (EAC) has been considering policy adopted by the City of Port Colborne on the planting and management of boulevard trees in Port Colborne. This policy is set out in a Tree Installation Policy which appears to have been adopted in the fall of 2007 and updated by Bylaw No. 6175/01/15 dated 12<sup>th</sup> January 2015.

The Bylaw and Tree Installation Policy provide for, among other things, the removal of trees from street boulevards, replanting a replacement tree if the adjoining landowner wishes, regulation of which trees can be planted with 4.5 m from City property and a strict prohibition on planting any tree within 1.5 m from City property including any replacement tree for one removed from the boulevard. No provision appears to be made for tree planting within streets owned by the City. Over time, this policy will result in the removal of trees from City streets in Port Colborne's urban area.

EAC believes that a review of this policy and it's further development to address the considerations listed below would benefit Port Colborne at this time for the following reasons:

1. Boulevard trees are important contributors to the quality of residential and commercial neighbourhoods and strategically planted can improve the environmental quality of the City as well as provide many other benefits described below. There is a substantial disparity in the distribution of boulevard trees throughout Port Colborne's urban area.
2. Public health research supports the importance of urban forestry and treed streetscapes. For example, American researchers have found the demise of ash trees due to the ash borer from the forest canopy correlates with increases in mortality where heart and lower respiratory diseases are concerned. More recently, Danish researchers have found that youth growing up in neighbourhoods with sufficient green space experience lower incidences of psychiatric disorders in later life. While the sciences doesn't establish causality where these correlations are concerned, sufficient evidence exists to warrant treed streetscapes, where possible.
3. Neighbourhood quality, including forested boulevards, is an important criteria where companies make decisions to develop and relocate manufacturing and industrial operations. The availability of quality walkable and green neighbourhoods for employees is an important consideration when relocation and development decisions are made.
4. Boulevard trees help improve air quality throughout the City. This is important where particulate matter is concerned. During extreme heat events, boulevard trees also help

cool neighbourhoods by providing shade. In addition, they calm traffic by encouraging slower vehicular speeds.

5. With the extreme wind events, we experienced in 2019, particularly October 31<sup>st</sup> and November 1<sup>st</sup>, Port Colborne may become geographically at risk to more severe and extreme wind events as a result of climate warming. More attention should be placed on reducing our vulnerability where larger tree species are concerned, particularly where hydroelectric facilities, building stock and streets are concerned. Attention is warranted to clarifying which species should be listed and regulated where bylaw 6175/01/15 are concerned. The list of prohibited trees and the possible addition of smaller tree species should be considered. This clarification should also be made available publicly so landowners can use these recommendations where replanting is undertaken, particularly where replacement of ash canopy is considered.
6. It may also be warranted to include this recommended re-consideration of Bylaw 6175/01/15 with work ongoing in the City on the topic of greenhouse gas mitigation strategies are concerned. Recent research on municipal climate change planning suggests that more emphasis needs to be placed on adaptation. Adaptation of Bylaw 6175/01/15 to extreme wind related events is warranted.

Further, in conducting this review, EAC recommends that the following matters be considered:

1. The use of smaller tree species to be determined as species recommended for application.
2. It is recommended that City staff work with municipal horticulturalists and landscape architects on staff and in other municipalities to identify and benefit for other municipal experience where comparable issues are concerned.
3. Where possible this work should be coordinated with the climate warming mitigation work underway presently in the City.
4. There is substantial variety in the dimensions and designs of the streetscapes in Port Colborne beyond the obvious variations that apply to commercial and industrial/manufacturing uses and residential neighbourhoods. If possible, can there be some adaptation of the boulevard tree policy to reflect these differences?

**Recommendation:** *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12<sup>th</sup> January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*

## Draft Report on Boulevard Trees to EAC Meeting, November 13, 2019

**Recommendation:** *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12<sup>th</sup> January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*

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The Bylaw and Tree Installation Policy provide for, among other things, the removal of trees from street boulevards, replanting a replacement tree if the adjoining landowner wishes, regulation of which trees can be planted with 4.5 m from City property and a strict prohibition on planting any tree within 1.5 m from City property including any replacement tree for one removed from the boulevard. No provision appears to be made for tree planting within streets owned by the City. Over time, this policy will result in the removal of trees from City streets in Port Colborne's urban area.

EAC believes that a review of this policy and it's further development to address the considerations listed below would benefit Port Colborne at this time for the following reasons:

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2. Public health research supports the importance of urban forestry and treed streetscapes. For example, American researchers have found the demise of ash trees due to the ash borer from the forest canopy correlates with increases in mortality where heart and lower respiratory diseases are concerned. More recently, Danish researchers have found that youth growing up in neighbourhoods with sufficient green space experience lower incidences of psychiatric disorders in later life. While the sciences doesn't establish causality where these correlations are concerned, sufficient evidence exists to warrant treed streetscapes, where possible.
3. Neighbourhood quality, including forested boulevards, is an important criteria where companies make decisions to develop and relocate manufacturing and industrial operations. The availability of quality walkable and green neighbourhoods for employees is an important consideration when relocation and development decisions are made.
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cool neighbourhoods by providing shade. In addition they calm traffic by encouraging slower vehicular speeds.

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6. It may also be warranted to include this recommended re-consideration of Bylaw 6175/01/15 with work ongoing in the City on the topic of greenhouse gas mitigation strategies are concerned. Recent research on municipal climate change planning suggests that more emphasis needs to be placed on adaptation. Adaptation of Bylaw 6175/01/15 to extreme wind related events is warranted.

Further, In conducting this review, EAC recommends that the following matters be considered:

1. The use of smaller tree species and possibly shrubs as species recommended for application.
2. It is recommended that City staff work with municipal horticulturalists and landscape architects on staff and in other municipalities to identify and benefit for other municipal experience where comparable issues are concerned.
3. Where possible this work should be coordinated with the climate warming mitigation work underway presently in the City.
4. There is substantial variety in the dimensions and designs of the streetscapes in Port Colborne beyond the obvious variations that apply to commercial and industrial/manufacturing uses and residential neighbourhoods. If possible can there be some adaptation of the boulevard tree policy to reflect these differences?

## Draft Site Alteration Permit Review and Costing

**Recommendation:** *Port Colborne Environmental Advisory Committee (EAC) recommends to Council that the review and fee structure associated with a revised site alteration bylaw needs to be coordinated together and recommends consideration of the following approach detailed in this report as an example of how this might be achieved.*

*Further EAC recommends that the administration of the revised site alteration bylaw be undertaken by the Director of Engineering given the engineering and geophysical analysis required to administer the bylaw.*

**Background:** On May 15, EAC provided a list of recommended questions to Council for consideration during the review of a site alteration permit by Port Colborne Quarries. At the last EAC meeting, it was reported that Council is considering the review of the site alteration bylaw. We understand that the review of fee structure may be conducted separately from the substantive provisions of the revised bylaw. EAC agrees that the bylaw needs to be reviewed and is of the opinion that the fee structure and the substantive requirements of the site alteration bylaw need to be coordinated together to produce the best result.

In the drafting of this report we have reviewed:

- O Reg. 153/04;
- The Ministry of the Environment, Conservation and Parks (MECP) Management of Excess Soil – A Guide for Best Management Practices;
- MECP's Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act;
- Whitchurch-Stouffville's Guideline for Site Alteration and Fill Permit;
- Ontario Soil Regulation Task Force (OSRTF) Model Fill Bylaw.

**Analysis:** There are a range of activities for which no site alteration permits may be needed. For example, these include:

1. Where draft plan or other approvals are required under similar Planning Act approvals;
2. In areas regulated by the Niagara Peninsula Conservation Authority;
3. Where site alteration requirements also fall within the regulations of Federal, Provincial (e.g., Aggregate Resources Act approvals) or Regional authorities;
4. Where the site alteration involves quantities less than 200 cubic metres; and
5. For normal farm practices and garden centres.

Otherwise, a detailed application permit, together with supporting documents is needed for all applications. The application and documentation is to be completed by a Qualified Person (e.g., P. Eng., P. Geo.) who will certify that the requirements of the site alteration bylaw have been adhered to. In the preparation of the application, the application should use MECP's Guideline on the Management of Excess Soil – A Guide for Best Management Practices; MECP's Soil,



Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act; and Ontario Regulation 153/04, where applicable.

Imported fill quality should be assessed in accordance with OR 153/04. Where a Record of Site Condition is not required, the bylaw should make provision for Port Colborne to require a Record of Site Condition. An agreement may be required between the applicant and the City of Port Colborne to administer the review, monitoring and implementation of the site alteration.

Other research and documentation may be required depending on the physical circumstances of the receiving site. For example the Niagara Peninsula Conservation Authority's watershed studies and plans and applicable official plan policy should be consulted. The additional documentation may be needed to ensure that the proper soil, groundwater and sediment standards are addressed.

Here are the technical and licensing and administrative fee requirements that can be addressed together:

1. A peer review by a Qualified Person retained by the City of Port Colborne is required before the application is approved. The standard fee required for this review may be set for smaller less complicated applications.
2. For larger applications, 5000 cubic metres or more in volume, the review fee should be set in a process that is based on the complexity of the source and receiving sites and the proposed plan for filling. One method of ensuring the review costs are adequately addressed is to require a cash deposit with the application fee. The cash fee should be set on the basis of the peer review required to peer review the application's technical documentation, on and offsite monitoring during the site alteration, and the implementation of the fill operation at the receiving site.
3. A Certificate of Insurance should also be applied where the complexity of the site alteration warrants it. Together with the Cash Deposit, the Certificate of Insurance is needed to provide the City of Port Colborne with resources to oversee the site alteration and if required, retain the necessary resources needed to control the site should non-compliance with the fill plan occur.
4. The quantum to be used to establish the Certificate should be based on the costs reasonably incurred to secure the site over the lifetime of the operation; rectify the outstanding requirements to address non-compliance with the fill plan, agreement with the municipality and O Reg. 153/04 and its successors; and complete the site alteration to meet the minimum requirements of the permit. Otherwise the remaining cash deposit and the Certificate of Insurance can be returned and cancelled at the acceptable completion of the site alteration.
5. For complex and large site alterations an agreement between the municipality and the applicant will be required to address the administration of the fill plan and its review and implementation.
6. Administration of the Site Alteration Bylaw should be undertaken by the Port Colborne Engineering and Operations Department.



EAC

HR

water &amp; wastewater

FW: Community Planning for Climate Action - Niagara Region

Palma,Beth

to:

Janice Peyton/Port\_Notes (janicepeyton@portcolborne.ca)

10/31/19 07:59 PM

Hide Details

From: "Palma,Beth" &lt;Beth.Palma@niagarahealth.on.ca&gt;

To: "Janice Peyton/Port\_Notes (janicepeyton@portcolborne.ca)"

&lt;janicepeyton@portcolborne.ca&gt;

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Janice, perhaps we could add this onto our next agenda? Do you think the committee could pay the \$15 for those who would like to attend? Beth.

---

**From:** Carolinian Canada <no-reply@email.caroliniancanada.ca>

**Sent:** 31-Oct-2019 10:17

**To:** Palma,Beth <Beth.Palma@niagarahealth.on.ca>

**Subject:** Community Planning for Climate Action - Niagara Region

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## Nature works! Collaborative Workshops to Restore a Green Future

[REGISTER](#)

Join Municipal Leaders, Environmental NGOs, agricultural representatives and Community Leaders at **two workshops in November** to find out what climate adaptation efforts are happening in your region, and next steps to accelerate climate action.

Niagara is at the heart of the Carolinian Zone; Canada's most biologically diverse, cultivated, and heavily populated region. As we approach the UN Decade of

Restoration, community leaders are encouraged to come to one - or both - workshop sessions to learn how to position municipalities, organizations and community groups as leaders in the movement to restore a green future.

## **1. Workshop for Municipal, Environmental NGO staff, agricultural representatives, Indigenous leaders and community groups.**

Tuesday, November 26, 2019  
 Ball's Falls Centre for Conservation  
 3292 Sixth Avenue, Lincoln, L0R 1S0  
 1:00pm-4:00pm  
 Cost: \$50/\$25.00 early bird by November 19th

### REGISTER

Join us to learn how the In the Zone program can:

- Help build municipal knowledge and capacity for high-quality restoration and management
- Identify opportunities to integrate nature-based climate solutions
- Empower community leaders to take on meaningful restoration projects
- Connect you to a network of local partners and native plant growers with shared goals
- Offer community outreach and impact tracking tools to measure and highlight successes
- Be added to existing native plant and community outreach efforts

The involvement of municipalities in raising awareness and empowering community leaders to take action is crucial. By working with local ENGOs, community groups, and residents, we can connect urban and rural landscapes and communities in southern Ontario, simply by reintroducing locally sourced native plants.

## **2. Workshop for Leaders of Community Groups, Gardening Clubs and Garden Centres**

Tuesday, November 26, 2019  
 Ball's Falls Centre for Conservation  
 3292 Sixth Avenue, Lincoln, L0R 1S0  
 6:00pm-8:30pm  
 Cost: \$15

### REGISTER

The In the Zone workshop will help you by:

- Increasing your knowledge about native plants

- Providing resources curated by experts
- Identifying opportunities for native plant restoration in your community
- Providing online tracking tools for you to register gardens you work and manage
- Publishing the progress you and your community of gardeners have made
- Sharing your community's success stories to inspire others

Through In the Zone, your group can empower individuals in your community to take positive climate actions supported by the best science. This program can be easily added to existing native plant and community outreach efforts and fosters values of connectedness to nature.

### REGISTER

## **Together we can restore a green future.**

### **Questions?**

email [workshop@carolinian.org](mailto:workshop@carolinian.org)

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Explore [CarolinianCanada.ca](http://CarolinianCanada.ca)

Approved November 12, 2019.



**Planning and Development Department  
Planning Division**

**Report Number: 2019-173**

**Date: November 12, 2019**

**SUBJECT:** Ministry of the Environment, Conservation and Parks Response Regarding Safe Soil Levels of the CBRA.

**1) PURPOSE:**

The purpose of the report is to provide Council with information on the response received from the Ministry of the Environment, Conservation and Parks (MECP) on the safe soil levels of the CBRA CoCs and levels for use in Ontario Regulation 153/04.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

On August 13, 2019, through Planning and Development report 2019-123, the following was approved by Council:

*"That the Director of Planning and Development be directed to send a letter to the Ministry of the Environment, Conservation and Parks requesting clarification with respect to the safe soil levels of the Port Colborne Community Based Risk Assessment Chemicals of Concern and levels for use in Ontario Regulation 153/04."*

On August 23, 2019, the requested letter was sent to the MECP and on October 9, 2019, a response was received.

**3) STAFF COMMENTS AND DISCUSSIONS**

Attached as Appendix A, is the response from the MECP. As it relates to safe soil levels of the CBRA CoCs, the MECP states:

*"The proposed Community Based Action Plan identifies a range of risk management measures that would be implemented at nickel concentration levels between 1,800 and 8,000 ppm which will address ministry's concerns and help to further reduce the potential for exposure to nickel and other metals in soils."*

In response to the safe levels for use in Ontario Regulation 153/04, the MECP states:

*"Ontario Regulation 153/04 lays out the requirements for a obtaining a Record of Site Condition (RSC). Any land use change to a more sensitive land use in the province of Ontario requires that a RSC be filed with the ministry: If nickel concentrations in soil are found at concentrations above O. Reg. 153/04 standards then an overall site remediation can be completed using the soil standards found in O. Reg 153/04 or a risk assessment may be conducted. The ministry supports a Qualified Professional relying on ministry accepted components of the CBRA to evaluate potential risks from nickel and other metals*

*in soil on the specific property that requires an RSC.”*

It is positive to note that the MECP acknowledges the burdens placed on property owners undergoing a change of use on land affected by the CBRA. As Vale's Community Based Action Plan has not been finalized, they are recommending the City discuss concerns about land use change burdens associated with requiring a RSC with Vale.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

a) **Do nothing.**

N/A

b) **Other Options**

N/A

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A.

**6) ATTACHMENTS**

Appendix A - Ministry of the Environment, Conservation and Parks response letter.

**7) RECOMMENDATION**

That Planning and Development Department report 2019-173, Ministry of the Environment, Conservation and Parks Response Regarding Safe Soil Levels of the CBRA be received for information; and

That the Director of Planning and Development discuss concerns about land use change burdens associated with requiring a RSC with Vale.

**8) SIGNATURES**

Prepared on October 31, 2019 by:

Reviewed and Respectfully Submitted:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development



Peter Senese  
Interim Chief Administrative Officer

Ministry of the Environment,  
Conservation and Parks  
Drinking Water and Environmental  
Compliance Division  
West Central Region  
Niagara District Office

Ministère de l'Environnement de la  
Protection de la nature et des Parcs  
Division de la conformité en matière  
d'eau potable et d'environnement  
Direction régionale du Centre-Ouest  
Bureau du district de Niagara



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St. Catharines, ON L2R 7R4  
Tel.: 905 704-3900  
1-800-263-1035  
Fax: 905 704-4015

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301, rue St. Paul  
St. Catharines, ON L2R 7R4  
Tel.: 905 704-3900  
1-800-263-1035  
Télé.: 905 704-4015

October 3, 2019

City of Port Colborne  
Attention: Dan Aquilina – Director of Planning and Development  
66 Charlotte Street  
Port Colborne, ON L3K 3C8  
(Sent via e-mail: [danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca))

Dear Mr. Aquilina,

**RE: Vale Community Based Action Plan**

Thank you for your letter dated August 23, 2019 requesting clarification with respect to the safe soil levels in the Port Colborne Community Based Risk Assessment Chemical of Concern and the levels for use in Ontario Regulation 153/04 (O. Reg. 153/04).

The Community-Based Risk Assessment (CBRA) was a voluntary approach undertaken by Vale which concluded that metals in the soil from historical refinery activities do not result in unacceptable risks to health. The Ministry of the Environment, Conservation and Parks ("the ministry") and Vale did not agree on fundamental concepts used for the scientific analysis in the CBRA and Vale has chosen not to revise the CBRA reports to address the ministry's comments. Vale has made the ministry's comments available on their website.

The Niagara Region Public Health Department has not detected any specific adverse effects to people associated with exposure to soils in Port Colborne and so it was agreed that the best path forward was to work on measures to reduce exposure to the Contaminants of Concern in the community to address the ministry's comments. Vale has proposed the Community Based Action Plan which uses valuable information from the CBRA process. The proposed Community Based Action Plan identifies a range of risk management measures that would be implemented at nickel concentration levels between 1,800 and 8,000 ppm which will address ministry's concerns and help to further reduce the potential for exposure to nickel and other metals in soils. The plan also proposes additional studies to determine future risk management measures for the natural environment and crops.

The ministry agrees in concept with the proposed Community-Based Action Plan and has asked Vale to proceed with municipality and stakeholder consultation including the development community to obtain feedback for consideration, along with ministry comments, as they finalize their Community Based Action Plan.

Ontario Regulation 153/04 lays out the requirements for a obtaining a Record of Site Condition (RSC). Any land use change to a more sensitive land use in the province of Ontario requires that a RSC be

filed with the ministry. If nickel concentrations in soil are found at concentrations above O. Reg. 153/04 standards, then an overall site remediation can be completed using the soil standards found in O. Reg 153/04 or a risk assessment may be conducted. The ministry supports a Qualified Professional relying on ministry accepted components of the CBRA to evaluate potential risks from nickel and other metals in soil on the specific property that requires an RSC.

As work is still underway to finalize of the Community Based Action Plan, I recommend the City discuss their concerns about land use change burdens associated with requiring an RSC with Vale.

If you have any further questions pertaining to Ontario Regulation 153/04 please contact Greg Washuta, Niagara District Engineer at the Ministry of Environment, Conservation and Parks at (905) 687- 4649 or [Greg.Washuta@ontario.ca](mailto:Greg.Washuta@ontario.ca).

Regards,



Kim Groombridge  
District Manager, Niagara District Office

cc. Eric Azzopardi – Vale  
Greg Washuta – MECP  
Linda Gabriele - MECP