

### City of Port Colborne Environmental Advisory Committee Meeting Agenda

Date:		Wednesday, March 8, 2023		
Time	:	6:00 pm		
Locat	tion:	Engineering and Operations Centre, Committee Room		
		1 Killaly St West, Port Colborne		
			Pages	
1.	Call to Order			
2.	Adoption of the	he Agenda		
3.	Disclosures of Interest			
4.	Approval of Minutes 1			
5.	Staff Updates 39			
	Urban Forestry Management Plan			
6.	Order of Business		44	
	Draft Work-Plans			
	NCCAN: Niagara Climate Projections Report			
7.	New Business			
8.	Adjournment			

Next Meeting May 10, 2023



### Meeting Environmental Advisory Committee January 11, 2023 6:00 p.m.

### The following were in attendance:

- Staff: Cassandra Banting Mae Lannan Janice Peyton
- Council: Councillor Tim Hoyle
- Public George McKibbon Members: Jack Hellinga Katherine Klauck Tim Lamb Trent Doan Tim Hoyle Ryan Waines Norbert Gieger

Interested citizens.

This was an online Microsoft Teams meeting.

### 1. Call to Order

Chair George McKibbon called the meeting to order at 6:05 p.m.

### 2. Adoption of the Agenda

Moved by Tim Lamb Seconded by Jack Hellinga

That the agenda dated January 11, 2023, be accepted as circulated. CARRIED.

### 3. Disclosures of Interest

Nil.

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

Moved by Ryan Waines Seconded by Tim Lamb

That the minutes of November 9, 2022, be accepted as written. CARRIED.

5. Planning & Legislative Services Department Memo & Proposed Terms of Reference

Saima Tufail, Interim Deputy Clerk, reviewed the EAC revised terms of reference and recommended composition change. A copy of the memo and proposed terms of reference are attached to the minutes.

Saima responded to comments and questions of Chair George McKibbon. Saima will provide the Strategic Planning meeting dates to the committee once set. Procedural training for committee members will take place in February, there is no set date yet.

Moved by Jack Hellinga Seconded by Norbert Gieger

That the Planning & Legislative Services Department Memo & Proposed Terms of Reference be received for information. CARRIED.

### 6. <u>Public Works Update</u>

Cassandra Banting, Environmental Compliance Supervisor, provided the following update:

a) Urban Forest Management Plan

The Urban Forest Management Strategy and Plan survey has been released and was circulated committee members. There will be a public open house in the beginning of March at the Golden Puck Room at the Vale Health & Wellness Centre. Mae Lannan, Climate Change Coordinator, will provide further details of the open house when they are available.

- b) Pilot Project Native Species Plantings on City Boulevards
- Dewitt Carter grade 7/8 students made a presentation to Council regarding replacing grass medians/areas, with native plants. Council supported the initiative and Public Works staff are looking at suitable locations for a pilot project.
- c) EV Charging Stations

City staff continue to work with a 3<sup>rd</sup> party to review options and determine locations for EV charging stations.

Mae Lannan, Climate Change Coordinator, responded to comments and questions of committee members regarding EV charging stations.

### 7. Draft Annual Report 2022

Moved by Katherine Klauck Seconded by Norbert Gieger

That the EAC Annual Report for 2022 be circulated to the Acting City Clerk for Council. CARRIED.

A copy of the report is attached to the minutes.

### 8. Ontario's Excess Soil Regulation

George McKibbon provided an information package on Vale's CBRA and Ontario's On-site and Excess Soil Management Regulation 406/19. A copy is attached to the minutes.

George asked for volunteers to review the information produced by the Ministry of Environment and report back to this committee.

Jack Hellinga, Katherine Klauck, Tim Lamb, George McKibbon, and Harry Wells will form the study group.

An update on the status of the Site Alteration By-Law will be provided at the next meeting.

### 9. <u>Region's Climate Initiative</u>

Mae Lannan, Climate Change Coordinator, sits on the Niagara Climate Change Action Network (NCCAN) and the Niagara Climate Change Municipal Community of Practice (NCCMCP) committees. Mae will update the EAC on actions that are taken by these committees.

### 10. Update on Fallout from Bill 23

No discussion/comments on this item.

### 11. Other Business

Mae Lannan, Climate Change Coordinator, will keep a roster of meeting outcomes from external committees and groups for this committee and will liaise with those committees based on items of interest to the EAC.

### 12. <u>Next Meeting /Adjournment</u>

With no further business to discuss, the meeting was adjourned at 7 p.m.

The next EAC meeting will be on Wednesday March 8<sup>th</sup> at 6 p.m.



### Memorandum

То:	Environmental Advisory Committee (EAC)
From:	Planning and Legislative Services Department-Clerk's Division
Date:	January 10, 2023
Re:	Revised Terms of Reference and Composition Change

The purpose of this memorandum is to provide details for consideration, related to a revised committee structure and Terms of Reference. The recommendations contained in this memorandum together with the Council adopted Procedural By-law, Council and Committee Code of Conduct and revised Terms of Reference will ensure Port Colborne's committee structure is responsive, accountable, and transparent.

The Environmental Advisory Committee must provide advice and recommendations to Council as requested on areas within the committee's mandate with no authority for decision making or independent action. In order to accomplish the City goals, it is imperative to evaluate the role and make changes as necessary.

As a result, staff have conducted a thorough review of the current committee structure. The objective was to identify any existing gaps between committee responsibilities, the City's Strategic Plan and ensure alignment with the current organizational structure.

City staff are recommending a composition change for the EAC. Currently, the EAC is comprised of ten members from the public at large by resolution of Council. Staff is recommending the composition be changed to include seven members of the public. The changes recommended are to ensure that committees operate at a successful level by receiving citizen engagement and to develop workplans to align with Council's priorities identified in the City's strategic plan during their four-year term. The recommended change to the number of members will be done through attrition. Currently, there are four vacancies on the Committee, it is recommended that only two positions are filled. This will bring the current composition from ten members of the public to eight. In addition, recommendations are provided to update committee terms of reference to clarify the role of Council, staff, chairs, staff liaisons and committee members.

Input received from the Committee and Council has been incorporated in the proposed terms of reference. The recommended terms of reference attached to this memorandum set out the recommended committee structure moving forward. Once reviewed by the committee the amended Terms of Reference will be considered by Council. Next steps include Procedural training for members, agendas to be completed through the eSCRIBE software and annual workplans will be drafted.



Port Colborne Environmental Advisory Committee Terms of Reference

**Committee:** Environmental Advisory Committee

Date Approved:

Date Revised: N/A

Approval: Council

Committee Resource: Public Works

### 1. Purpose

The City of Port Colborne Environmental Advisory Committee (EAC) is an Advisory Committee of Council established to offer advice and recommendations to Council to support and to promote the integration of environmental, energy conservation, climate change and shoreline protection.

### 2. Mandate

The mandate of the EAC is to provide advice to Council on a range of environmental and sustainability issues including, but not limited to:

2.1 Assist with the creation, improvement and enhancement of waste reduction, reuse and recycling programs, water and energy conservation measures and climate change mitigation measures;

2.2 Identify emerging environmental and issues and technologies particularly those associated with climate warming adaptation and mitigation;

2.3 Investigate and recommend to Council opportunities to work with municipal partners on environmental projects and collaborations to improve the City's conservation practices or in addressing environmental concerns;

2.4 Identify and recommend to Council implementation of community outreach activities which support the growth of environmental awareness and appreciation;

2.5 Identify new or changing environmental legislation, conservation, environmental sustainability, and the environment in relation to overall quality of life;



2.6 Investigate and recommend to Council funding opportunities that may be available for undertaking environmental upgrades;

2.7 Assist with and provide advice with respect to City properties and assets best suited for multi-faceted environmental conservation practices.

### 3. Membership Composition

The Environmental Advisory Committee shall consist of the following voting and non-voting members:

3.1 Seven voting members who shall be eighteen years or older and residents in the City of Port Colborne members shall be appointed from the public at large by resolution of Council. One citizen member should be under the age of 25, if possible.

3.2 Two non-voting members of Council will be appointed to the Advisory Committee to act as a liaison to the committee. The Mayor is an ex-officio nonvoting member of the Committee.

3.3 One non-voting member of staff who shall act as a resource person, recording secretary and shall provide administrative support to the Committee. Additional members of Staff may be called on for specific subject matter expertise as a committee resource.

3.4 One non-voting representative of the Niagara Peninsula Conservation Authority (NPCA), who shall be designated by the NPCA to serve as a resource person to the Committee.

### 4. Citizen Membership Eligibility Criteria

To facilitate the nomination and appointment of new citizen members to the EAC, the following criteria will be considered. The aim is to achieve a diverse committee with a combination of technical experts and community representatives.



### 4.1 Residency

Members must be a tenant or owner of land in the City of Port Colborne, or the spouse of such owner or tenant.

### 4.2 <u>Technical Expertise</u>

A high level of technical expertise is required within the Committee. Applicants with academic qualifications and/or work experience in environmentally related disciplines will be an important consideration.

### 4.3 Community Representatives

Consideration shall be given to the individual's level of participation and knowledge of environmental issues and the planning process. The relevance of their interests to the mandate of EAC will be an important consideration.

Where possible, one member should be drawn from those under the age of 25. Preference will be given to those enrolled or employed at the time of appointment in an environmentally related field of study, as noted above.

### 4.4 Availability

It is imperative that an applicant be able to attend as many EAC meetings as possible and undertake work outside of the regular meetings.

### 5. Membership Recruitment

5.1 Membership recruitment will be conducted in accordance with the City's Appointments to Boards and Committees Policy.

5.2 The membership on the Environmental Advisory Committee shall consist of appointments by Resolution of Council for Citizen Members.

### 6. Term

The Environmental Advisory Committee appointments shall follow a four-year term in order to maintain the staggered structure. Each member of the committee shall hold membership until his/her successor is appointed. In the case of a vacancy for any cause other than expiration of term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

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### 7. Resignation:

A voting member of the Environmental Advisory Committee shall cease to be a member of the Committee upon submission of a letter of resignation to the City Clerk or if he/she absents himself/herself from three successive scheduled meetings of the Committee without being authorized to do so by a resolution of the Environmental Advisory Committee entered into the minutes.

### 8. Appointment of Chair and Vice-Chair

At the first meeting of the new term of the EAC, the members shall appoint, from among their number, a Chair and Vice-Chair. Members of Council are not eligible to act as Chair or Vice-Chair.

### 9. Role of the Chair

The role of the Chair is to:

9. 1 Preside at the meetings of Environmental Advisory Committee in accordance with the Procedure By-law and keep discussion on topic.

9.2 Provide leadership to Environmental Advisory Committee to encourage that its activities remain focused on its mandate as an Advisory Committee of Council.

9.3 Review agenda items with the Staff Liaison

9.4 Recognize each Member's contribution to the Committee's work.

9.5 Serve as an ex-officio member of subcommittees and attend subcommittee meetings when necessary.

9.6 Liaise with other EAC members

9.7 Make deputations, presentations, etc. before Council.

9.8 Prepare report on recommendations for Council in coordination with Staff liaisons on the prescribed template

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### 10. Role of the Vice-Chair

In the absence of the Chair, the Vice-Chair will chair meetings and assume all functions of the Chair as necessary.

### **11. Role of Committee Members**

The role of Committee Members is to:

11. 1 Work collaboratively with City staff to develop an annual Work Plan and prepare annual progress reports. Work Plans will ensure workload is manageable and appropriately shared between EAC members and staff.

11.2 Ensure that the mandate of EAC is being fulfilled.

11.3 Conduct research to help inform environmental programs, outreach campaigns, by-laws, etc.

11.4 Provide the Chair with solid, information regarding agenda items.

11.5 Fairly represent the field of expertise, interest and involvement in the field of study of the Committee

11.6 Notify the Staff Liaison if they are unable to attend Environmental Advisory Committee meetings to ensure that quorum will be available for all meetings

### 12. Meetings

12.1 All meeting shall be open and no person shall be excluded therefrom except for improper conduct or except matter identified in section 239(2) of the Municipal Act, 2001, S.O. 2001, c. 25.

12.2 All matters pertaining to a closed meeting must first be approved by the Clerk to ensure it is appropriately being dealt with in closed session



12.3 The Committee shall hold a minimum of four (4) meetings in each calendar year. At the first regular meeting of the new term, a meeting schedule will be adopted by the Committee.

12.4 The Chair shall cause notice of the meetings, including the agenda for the meetings in accordance with the City's Procedural By-law.

12.5 Meetings will be held on a set day and time as may be determined by the Committee or at the call of the Chair. The EAC, will establish a meeting schedule taking into account the business needs and the schedule of Council.

12.6 The location of the meetings will be set by the Committee at a City facility.

### 13. Minutes

The minutes of all Committee meetings shall be recorded and distributed to Committee Members and to the City Clerk for safekeeping and inclusion on the regular Council agenda.

The minutes shall be open to inspection in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended and such minutes will be posted on the City's website.

### 14. Quorum

If a quorum for an Advisory Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee may proceed without a quorum, provided that at least three Members are present. The Clerk is not required to be present and no motions will be passed or minutes prepared.

### 15. Conflict of Interest

It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act,* R.S.O.1990, c.M. 50.

Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Committee at which the matter is



the subject of consideration, the Member will, in accordance with *Municipal Conflict of Interest Act,* R.S.O.1990, c.M. 50 (5):

15.1 file a written statement of the interest and its general nature with the Clerk prior to the meeting;

15. 2 not take part in the discussion of, or vote on any question with respect to the matter;

15.3 not attempt in any way before, during and/or after the meeting to influence the vote on the matter.

Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the Member will forthwith leave the meeting for the part during which the matter is under consideration.

The Clerk will record the particulars of any disclosure of pecuniary interest made by Members of Committees in the minutes of that meeting and update the Pecuniary Interest Registry. The Registry will be available for public inspection.

### 16. Procedures

Procedures for the proceedings of meetings shall be governed by the Procedural Bylaw, and Robert's Rules of Order.

### 17. Remuneration

All members of the Committee shall serve without remuneration.

### 18. Staff Liaison

City staff from key environmental positions within the Corporation, plus technical staff as required from time to time, will provide support for the reviews and activities of EAC. The liaison

will provide administrative, procedural, and technical support to the EAC. The liaison will co-ordinate all requests for advice from the EAC, through meeting agendas.



### 19. Annual Workplan

An annual workplan with an estimate of the resources necessary and any suggested revisions to the Terms of Reference for the coming year shall also be prepared by the EAC for consideration and approval by Council.

### 20. Resources

- 20.1 Procedural By-Law
- 20.2 *Municipal Act* 20.3 Code of Conduct
- 20.4 Appointment to Boards/Committees Policy
- 20.5 Conflict of Interest Act
- 20.6 Robert's Rules of Order
- 20.7 Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

### 21. Terms of Reference

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Port Colborne Staff. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the City Clerk through a report. At the discretion or upon the mandate of the Committee being fulfilled, the Committee may be dissolved by resolution of Council.

### Port Colborne Environmental Advisory Committee Annual Report: 2022

**Introduction:** This annual report documents the Port Colborne's Environmental Advisory Committee (EAC) highlights for 2022.

**Purpose:** "The Environmental Advisory Committee is an Ad-Hoc Committee of Council whose purpose is to:

- Advise Council on environmental, energy conservation and shoreline protection issues that affect the City of Port Colborne and those matters referred to the Committee by Council.
- To promote the integration of environmental, energy conservation and shoreline protection considerations into the planning and development of City policies, programs and services."

**2022 Membership:** Trent Doan, Norbert Geiger, Jack Hellinga (Vice Chair), Tim Hoyle (as of November 2022, Councillor Hoyle), George McKibbon (Chair), Steven Rivers, Kerry Royer (non-voting member NPCA), Ryan Waines, Councillor Mark Bagu, Councillor Harry Wells (term ending November 2022), Tim Lamb, and Katherine Klauck. Cassandra Banting (Public Works liaison) and Janice Peyton (Recording Secretary) provide City staff support.

**Meetings:** In 2022 five virtual meetings were held: February 2<sup>nd</sup>; April 23<sup>rd</sup>; June 8<sup>th</sup>; August 10<sup>th</sup>; and November 9<sup>th</sup>. One working committee meeting was held in July while drafting revised terms of reference and committee core competencies. One virtual consultation on climate change actions and review with Chris Kalamootoo, Director, Public Works. Members enjoyed a holiday reception on December 14.

**Committee Presentations:** Here are the list of presenters from members of the public, City representatives and various interest groups. Kerry Royer updated the Committee on Niagara Peninsula Conservation Authority projects; Dr. Rod Tennyson presented papers on Wind Turbine Issues and Committee Core Competencies; Nicole Rubli and Saimi Tufail, Clerk's Office updated the Committee on the City's procedural bylaw; Herb Sawatsky updated the Committee on 50by30's greenhouse gas reduction initiatives; and John McNeil, a forestry consultant, updated the committee on the ongoing urban forestry study.

Various committee members prepared and presented reports on ongoing projects.

Actions: Here are the main EAC initiatives in 2022:

- Reviewed Council's procedural bylaw to ensure EAC compliance;
- Drafted revised terms of reference and work plan for the City Clerk's office and Council review;
- Drafted reports and recommendations on climate warming and Port Colborne's Strategic Plan;

- Provided comments on a public notice, attended a public meeting, and prepared a report and recommendations in response to Planning and Development Report #2209-09;
- Reviewed and prepared reports and recommendations on land use compatibility where air and noise are concerned and hydrology for City review on Port Colborne Quarry's JART Review;
- In response to a request from Council, we prepared two reports and recommendations on wind turbine issues. The two reports are entitled: Overview of Wind Turbine Issues and Memorandum to Council on Multi Municipal Wind Turbine Working Group Correspondence – Ontario's Energy Plan and Wind Turbines;
- Reviewed and requested significant changes including the additional review of a City bylaw and policy on boulevard trees to a draft forestry request for proposals;
- Provided notice on a ship discharge into the Canal;
- Submitted operational questions on several environmental topics to Public Works staff for review, clarification and comment; and
- Reviewed Bill 23 and other policy amendments being proposed by the Province of Ontario.

What is Next in 2023: Subject to emerging issues and Council requests, EAC will also:

- Answer questions on the submitted revised terms of reference and implement Council's decisions on final revisions;
- Continue review and study of local climate change mitigation and adaptation issues;
- Update on Ontario's excess soil regulation OR 416/10;
- Review and provide comments on a revised boulevard tree bylaw and policy; and
- Review and provide comments on Provincial initiatives re environmental heritage features and hazard land policies.

On behalf of the EAC members, we thank Council for the opportunity to be of service in 2022.

### Vale's Community Based Risk Assessment and Ontario's On-site and Excess Soil Management Regulation 406/19.

I have assembled a package of information documenting EAC's comments on Vales' Community Based Risk Assessment and the more recent implementation of Ontario Regulation 406/19, an On-site and Excess Soil Regulation Management Regulation. Four provinces are implementing comparable regulations: a substantial initiative!

I would like to explore with members how these initiatives may overlap with a view to answering some questions we raised in 2020 but didn't follow-up because the information and research was incomplete.

This electronic package includes:

- 1. Two pages from an MECP Powerpoint presentation describing how OR 406/19 fits in with Vale's CBRA;
- 2. Our first report from January 8, 2020;
- 3. Council Agenda for January 25, 2021; and
- 4. A City Statement on the Community Based Risk Assessment (undated but circa 2020/21)

We did follow up on related matters. On December 8, 2021, I reported to EAC that the City Planner, David Shultz agreed soil test reports from the former Augustine farm would be made available to the committee for review. In 2020, we provided comments to Karen Walsh and Ashley Grigg re community gardens and the Recreational Master Plan implementation tasks we were assigned that would attempt to obtain gardening guidance provided by Vale re nickel concentrations. That guidance wasn't received.

George McKibbon

Ontario	4 Excess Soil Webinar - Reuse Sites
January 1, 2025	Restriction on the deposit of clean soil at landfill sites
	Hard copy or electronic hauling record Larger reuse site registration and procedures
	<ul> <li>Destination assessment report</li> <li>Tracking and registration</li> </ul>
	<ul> <li>For larger or riskier generating projects (with some exceptions)</li> <li>Assessment of past uses, and if required sampling and characterization</li> </ul>
January 1, 2023	Excess Soil Reuse Planning Requirements
January 1, 2021	Reuse Rules and Waste Designation Clarification - Excess soil reuse standards and waste designation, processing and storage rules, verbal hauling requirements
Timing	Phased Regulatory Implementation
emediation nt Regulations)	Complementary provisions in <u>O. Reg. 153/04</u> (Brownfields Re Regulation), <u>Reg. 347</u> and <u>O. Reg. 351/12</u> (Waste Manageme
	Beneficial Reuse Assessment Tool (BRAT)
141	Rules for Soil Management and Excess Soil Quality Standards
ent (Excess Soil zed in December	Regulation titled O. Reg. 406/19: On-Site and Excess Soil Managem Regulation) under the <i>Environmental Protection Act</i> (EPA), was finali 2019, supported by:
	<b>Overview of Regulatory Requirements</b>

Ontario 💦

Excess Soil Webinar - Reuse Sites

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### Community Status Report Vale's Community Based Risk Assessment Questions and Acquired Responses

### January 8, 2020

Introduction: The purpose of this document is to summarize objectively the status of Vale's Community Based Risk Assessment (CBRA) and Community Based Action Plan (CBAP). This summary is intended for Port Colborne Council and staff's use. If it is thought to be helpful, we recommend the City make it available to Port Colborne residents.

This report is based on reviews of historical documentation, the current CBRA and Ministry of the Environment, Conservation and Parks (MECP) and Region of Niagara Health Department comments on the CBRA and CBAP as well as recent correspondence between MECP and the City of Port Colborne. We sought clarification on selected points with Greg Washuta (MECP), Eric Azzopardi (Vale) and Siobhan Kearns (Public Health, Niagara Region). Each was provided an opportunity to confirm facts contained in this report. To date, Siobhan Kearns confirmed we have accurately reflected Public Health's responses to clarifying questions. Both Eric Azzopardi (Vale) and Greg Washuta (MECP) have provided detailed comments. Where possible many have been incorporated into the report. Further discussions will be required on some comments.

Harry Wells, Trent Doan, Jack Hellinga, Norbert Geiger and George McKibbon met, reviewed documentation and drafted this report. The report was reviewed by the Environmental Advisory Committee on January 8 2020. We thank the staff of the MECP, Vale and Public Health Niagara Region for providing documents and answering questions during the production of this report.

The Community Based Risk Assessment commenced 20 years ago. For the first 10 years, a Public Liaison Committee comprised of Port Colborne community members helped review, comment and make recommendations on the research undertaken in the CBRA. In 2010, the Public Liaison Committee disbanded and filed its final report in July 2010. Since that time, the CBRA and its review has been conducted by Vale, MECP and Public Health Niagara with limited input from the City of Port Colborne and its residents.

Recent reporting from Vale, MECP and Public Health Niagara represent important actions to conclude the CBRA. Some of those actions reported in the following series of questions and answers have material implications for Port Colborne, its property owners and residents. This report can be used to help develop responses where local permissions are required to conclude the actions recommended by MECP and Vale and to address municipal, property owner and resident's concerns.

In order to make recommendations as objective as possible, a statement of where matters sit is crucial. The Environmental Advisory Committee's aim is to provide such a statement for Council's use.

### 1) Are there a series of maps which describe where each of the tiers in the tlered approach contained in the CBRA is to be applied?

Yes, there appears to be a map that shows where the application of the tiered approach is to be undertaken. It appears to cover the area within the East Village streets bounded by Louis Street to Rodney Street and Fares Street to Davis Street. The boundaries have been delineated using nickel sampling undertaken by both the MECP and Vale. Vale generated a list of properties that are within each tier and where the focus on additional testing and confirmation are occurring. Vale is not releasing the mapping due to privacy concerns.

The area was determined after sampling throughout Port Colborne by MECP and Vale's consultant. MECP has asked Vale to prepare a final CBAP that incorporates MECP, Port Colborne and stakeholder feedback which would also be expected to include a rationale for property selection.

### 2) What measures are proposed to be implemented on residential lots outside the area bounded by Louis Street to Rodney Street and Fares Street to Davis Street in the East Village?

No actions are proposed to be undertaken at this time. There appear to be a few properties that fall within nickel contour concentrations that trigger one or more of the 5 bands and are eligible for actions proposed by Vale's CBAP. The MECP has asked Vale to prepare a final CBAP that incorporates MECP, Port Colborne and stakeholder feedback which may also include actions for additional properties.

3) What are the principle areas of disagreement between Vale and MECP? What are the possible outcomes that are under consideration?

Both MECP and Vale appear to agree with the tiered approach and the use of 8,000 ppm used by MECP in its original order with some reservations. The mapping of houses within the area bounded by Louis Street to Rodney Street and Fares Street to Davis Street is structured around bands established by Vale in its CBAP Table 4: Tiered Remedial Action Plan for Residential Properties - Human Health and further elaborated on in MECP Figure 1 entitled: Total Oral Nickel Exposure: Toddler (e.g., Fill Soil Type).

### Total Oral Nickel Exposure: Toddler (e.g. Fill Soil Type)

(% Additional Soil/Dust Exposure, MOECC Assumptions)

(4) 2000 EPH 79 % Band 5 Soil Removal (top 30 cm) 22 21 Indoor Dust Cleaning 8000 ppr 71 % Soll/Dust Exposure 20 Band 4 Limited Sail Removal (top 5-30 cm) Indoor Dust Cleaning 6900 con 62 % 19 18 Band 3 Re-Greening (bare soil) 17 4600 por 44 % 16 Total Nickel Exposure (3)15 (2)Band 2 Communication Plan (µg/kg bw/day) 14 1800 ppr 20 % 13 (1)12 Band 1 No Action Risk 11 No Risk 10 9 8 \*< 0.1% of total exposure from soil only 7 **Background Exposure** 6 \*\* May not be protective of Ni-sensitized individuals (> 95% diet and drinking water) 5 from provoking dermatitis 4 3 AAVALE's Action Plan assumed the MOECC's bioaccessibility factor of 21% and the average soil ingestion rate between 2 110 - 200 mg/day 1 0 Ontario\* MOECC Background Suggested **VALE** Recommended **RBSC Range\*\*** Action Plan AA

VALE Recommended Action Plan ^^

The areas of disagreement have to do with which estimated daily nickel intake should be applied where toddlers are concerned. Vale uses a toxicity reference value of 20 micrograms per kilogram of body weight per day to assess risk where toddlers are concerned. Since the CBRA research commenced, MECP has become aware of newer research that sets out 11 micrograms per body weight per day. MECP identified other risk concerns associated with risk calculations associated with nickel and which Vale is being asked to consider in the CBAP.

The other areas of concern include: the agricultural risks and the identification and evaluation of alternatives, and the effectiveness of all these measures and the proposed measures within each of the five bands where nickel exposure to toddlers is concerned. With respect to the municipal drains and the identification and treatment of woodlots, Vale is clarifying a work plan and identifying consultants to do the work. The work plans will be provided to MECP for comment before they are finalized.

### 4) Given the disagreements over the science and its application, on what basis is the decision being made to implement the CBAP?

There is nothing in the Environmental Protection Act or Ontario Regulation 153/04 that speaks to Community Based Risk Assessments. However, the MECP considers Community Based Risk Assessments (CBRA) a viable option to address risks to human health, ecological health and the natural environment arising from the migration of contaminants from a source site to an entire community. Single affected properties that are to be converted to a more sensitive use under Ontario Regulation 153/04 may have to be cleaned up to MECP site condition standards or be subject to Site Risk Assessment (SRA).

CBRAs are used to:

- Evaluate the soil and groundwater quality over an entire community a ;
- Assess potential health concerns for people and ecological systems within that community ( wildlife and aquatic habitat);
- Define mitigation objectives, soil and ground water management procedures and long term environmental protection requirements;
- Are based on well-established processes outlined in guidance from the MECP that consider contaminants, receptors and exposure pathways; and
- Are a collaborative, iterative and voluntary process.

The letter from Kim Groombridge states the Niagara Region Public Health Department "has not detected any specific adverse effects to exposure to soils in Port Colborne." On that basis it was decided that Vale should commence discussions with the community to obtain feedback in order to finalize the CBAP and continue research on further matters to address outstanding MECP and community concerns. MECP has asked Vale to prepare a final CBAP that incorporates MECP, Port Colborne and stakeholder feedback.

A major challenge with studying environmental health contamination is that the diseases they cause are generally diseases that can be caused in many other ways, and so those diseases already exist in the population—the risk to the public is never zero anywhere in the world.

When a physician sees a skin rashes, reproductive issues, cancers, or other illnesses that might be caused by nickel contamination, they are not going to be able to attribute that illness to nickel exposure, versus other causes, versus general unfortunate luck that leads a percentage of our population to suffer from those illnesses. Therefore, it is impossible ever to know definitively if environmental contamination is causing illness or not. All Public Health can do is look for indirect evidence: if there are an unusually high number of illnesses that might be caused by environmental contamination, or if those who have the most exposure (and therefore the most risk) have been affected.

The CHAP studies circa 2004 attempted to look for this sort of evidence, using the best research and evidence available at the time. Fortunately, Public Health did not find evidence that residents of Port Colborne, including those living near the Vale plant were suffering ill health. The depth of this assessment, and that Public Health did four different assessments all of which returned similar results gives us confidence in the conclusion.

Ongoing surveillance has not identified any new evidence of risk to health, which is further reassuring.

The CBRA included a Human Health Risk Assessment which concluded that the nickel contamination has not resulted in unacceptable risks to health in Port Colborne. This is consistent with all the earlier Public Health findings.

Notwithstanding there being no evidence of unacceptable health risks, Vale with the input of MECP and Public Health, are taking precautionary actions within their CBAP (Community-Based Action Plan) to further protect the people of Port Colborne, especially those nearest to the Vale plant, from any risk that may have resulted from nickel contamination.

Public Health believes that given consistent findings of research and health assessments, as well as proactive measures announced by MECP and Vale to protect residents, there is little reason for ongoing concern for the people of Port Colborne, including those living nearest to the Vale plant.

### 5) How many, if any orders has the MECP Director issued under the Environmental Protection Act to INCO/Vale for cleanups off site?

One order was issued to clean up 25 properties with nickel concentrations in soil at levels greater than 8,000 ppm. Of those 25 properties all but one has been cleaned up. These properties are situated within the area bounded by Louis Street to Rodney Street and Fares Street to Davis Street.

### 6) Which areas were remediated earlier by INCO/Vale and to which standards? Are those standards the same as those being applied in the tiered CBAP approach?

See the answer to question 5 above. Areas above 8,000 ppm lie within the area presently covered under the CBAP. The same standard appears to be incorporated in the CBAP's fifth tier.

For properties having soils with nickel contamination over 100 ppm, changes in land use to sensitive uses require phase 1 environmental site assessments (ESA) in order to obtain a Record of Site Condition. The owner will have to retain the services of a Qualified Person to conduct the phase 1 assessment. Depending upon the results of the phase 1 ESA, a Phase 2 ESA may be required. The Phase 2 ESA involves soil and groundwater testing. Based on the Phase 2 ESA, the owner may choose to remove the contaminated soils such that the soil contaminants are below the appropriate site condition standards. Subsequently the Qualified Person can proceed to file a Record of Site Condition.

If the Owner chooses not to remediate the property, the Qualified Person can prepare a Site Risk Assessment (SRA). The SRA must consider any contaminants associated with the property which could be more than the four contaminants that Vale identified. The Qualified Person can use the materials in the Vale documents in preparation of the SRA but ultimately the SRA is property specific and developed by that Qualified Person using current MECP legislation and policy to guide him/her.

The SRA will be reviewed in detail by MECP and the MECP will provide feedback. If the MECP's concerns are addressed (see concerns raised by usage of toxicity reference values in the answer to question 4 above) the Ministry will then accept the Risk Assessment.

Any SRA management measures identified in the SRA will be detailed in a Certificate of Property Use which will bind current and future owners to follow. The SRA measures will ensure that human health and the environment are protected.

### 7) What other research is being undertaken: e.g., where rural residences are concerned: where agriculture is concerned: and where the agricultural drains are concerned?

Where rural and urban residences are concerned outside the area bounded by Louis Street to Rodney Street and Fares Street to Davis Street, no action is recommended. There are residences outside the area mentioned previously which fall within Bands 2 of the CBAP's tlered approach to risk assessment (see attached Figure 2-5 of Jacques Whitford's Nickel in Soils the Human Health Assessment. Vale's action plan includes working with farmers to evaluate agricultural practices to reduce risk to crop yields (see Map H attached). However, MECP is seeking the identification and evaluation of agricultural remediation alternatives. Further research is also to be undertaken on the municipal drains and those woodlots, particularly those owned by Vale east of Reuter Road. No mapping is available of the woodlots proposed to be examined.

Where vegetable and flower gardens are concerned and located within the bounded area described above, advice has been provided to gardeners on how to address nickel in the soils.

MECP has asked Vale to prepare a final CBAP that incorporates MECP, Port Colborne and stakeholder feedback, which would be expected to include rationale for selection of properties for action and proposed communication to property owners.



### 8) What is the status of the research for items listed in #7 above?

Consultants have not been hired for the woodlot and municipal drain studies. The identification of work plans to be reviewed with MECP and the search for consultants is underway.

With respect to the CBAP, Vale's document which we are using for this analysis is dated March 2017. The MECP comments are dated August 10, 2018. There is no subsequent amended Vale CBAP that addresses these MECP comments. That document may be forthcoming as the additional research is undertaken. It appears that this CBAP is incomplete and several further steps may unfold. No contact with municipal staff has been made where the municipal drains and where records of site condition are concerned. Where the mapping of woodlots is concerned, the work will begin with the Reuter Road woodlots but may be extended to other woodlots.

### 9) What steps are being planned going forward and what are the key decisions to be made and time frames?

This is unknown at this time: the work programs and consultants have not been selected. That appears to be something that will emerge as the research work unfolds. Within the residential area bounded by Louis Street to Rodney Street and Fares Street to Davis Street, that work is unfolding quickly, it seems.

### 10) What measures will Vale undertake to assist the municipality in implementing the planned uses contained in its Official Plan and Zoning Bylaw when planning approvals are sought for uses which are more sensitive than those presently existing?

A record of site condition or SRA will be required when a land use changes to a more sensitive use where nickel exceeds 100 ppm. There may also be restrictions required depending upon the outcome of the woodlot study.

Planning approvals at the municipal and regional levels routinely require phase 1 environmental studies. These studies may trigger requirements for a record of site condition as the levels found in the soils within the plume area are well above the triggers established in Ontario Regulation 153/04.

There is an understanding between Vale and MECP that documents that Vale has made available publicly can be used by a Qualified Person when site specific work is undertaken for the purposes of preparing a SRA. MECP staff

### George McKibbon

have pointed out that the Municipality can assist landowners by offering CIP and/or tax incremental relief for the necessary brownfield remediation or capping where phase 2 studies require these measures. MECP has asked Vale to prepare a final CBAP that incorporates MECP comments, which include a recommendation to consider sites that are subject to the requirements of Ontario Regulation 153/04 with the development community.

But who pays for these measures, the landowner and/or the municipality?

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### 11) What is the best outcome we can reasonably expect when the actions proposed to be undertaken are completed?

It is prudent to minimize exposure to nickel contamination to minimize toddler health risk as these measures should also be preventative of health risk to other age categories. To that extent implementation of the steps agreed to between Vale and MECP appears reasonable. Where there are gaps in the analysis of risk and challenges imposed on landowners and the municipality's ability to plan land uses to provide for its growth and citizen's needs, additional action is needed. One gap that needs to be closed is the treatment of grassed sections of municipal right of ways within bands 4 and 5. If remediation involves soil removal in the adjacent lots, the soil should also be removed within the right of ways where those portions are grassed. Further thought needs to be given to the management of these operations on the right of ways when removal is undertaken.



George McKibbon

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### City of Port Colborne Council Meeting Agenda

Date: Time:		Monday, January 25, 2021 6:30 pm	Monday, January 25, 2021 6:30 pm			
Location:		Council Chambers, 3rd Floor, City Hall	Council Chambers, 3rd Floor, City Hall			
		66 Charlotte Street, Port Colborne				
			Pages			
1.	Call t	o Order				
2.	Natio	nal Anthem				
3.	Adop	tion of Agenda				
4.	Discl	osures of Interest				
5.	Appro	oval of Minutes				
	5.1.	Regular Meeting of Council - January 11, 2021	1			
6.	Staff	Reports				
	6.1.	COVID Update – January 2021 (Report 2021-26)	15			
	6.2.	General Insurance 2021 (Report 2021-25)	19			
	6.3.	Christian Horizons Group – Invoice for False Alarms (Report 2021-21)	23			
	6.4.	Annual Asphalt Resurfacing Program, Extension (Report 2021-24)	27			
	6.5.	Sidewalk Construction City Wide, Extension (Report 2021-33)	30			
	6.6.	Sale of 130 Rodney Street (Report 2021-27)	33			
	6.7.	Sale of 133 Durham Street (Report 2021-28)	54			
	6.8.	Sale of 142 Fraser Street (Report 2021-31)	76			
	6.9.	Sale of 80 Nickel Street (Report 2021-29)	96			
	6.10.	Sale of 90 Fraser Street (Report 2021-32)	126			

	6.11.	Sale of Vacant Lot on Catherine Street (Report 2021-30)	147			
7.	Correspondence Items					
	7.1.	7.1. Memorandum from Environmental Advisory Committee - EAC Additional 1 Vale CBRA Recommendations				
8.	Procla	mations				
9.	Prese	ntations				
	9.1.	Lynne Cunningham, Municipal Relations Representative, Municipal Property Assessment Corporation (MPAC)	173			
10.	Delega	ations				
	In orde noon o applica deputy	er to speak at a Council meeting, individuals must register no later than 12 on the date of the scheduled meeting. To register, complete the online ation at www.portcolborne.ca/delegation, email /clerk@portcolborne.ca or phone 905-835-2900, ext. 115.				
	10.1.	Jaskaran Singh - Request to waive invoice received for Fire Fighting Services - Water Rescue	185			
11.	Mayor's Report					
12.	Regional Councillor's Report					
13.	Staff Remarks					
14.	Councillors' Remarks					
15.	Consideration of Items Requiring Separate Discussion					
16.	Motions					
	16.1.	Memorandum from Councillor Bruno - Motion to Amend Official Plan and Zoning By-law	193			
17.	Notice	of Motions				
18.	Minute	es of Boards & Committees				
19.	By-laws					

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19.1.	By-law to Amend Zoning By-law 6575/30/18 Respecting 168 and 176 Elm Street	194
19.2.	By-law to Authorize Entering into a Contract Agreement with Rankin Construction - Tender 2015-11, Annual Asphalt Resurfacing Contract Extension	196
19.3.	By-law to Authorize Entering in a Contract Agreement with Signature Contractors Windsor Inc Tender 2020-12, Sidewalk Construction City Wide, Extension	197
19.4.	By-law to Authorize Entering into an Agreement of Purchase and Sale with Alvin Rampersaud respecting 130 Rodney Street	198
19.5.	By-law to Authorize Entering into an Agreement of Purchase and Sale with Glyn Holmes in Trust respecting 133 Durham Street	216
19.6.	By-law to Authorize Entering into an Agreement of Purchase and Sale with Davert Tools Inc. respecting 142 Fraser Street	235
19.7.	By-law to Authorize Entering into an Agreement of Purchase and Sale with Ryan Thompson in Trust respecting 80 Nickel Street	252
19.8.	By-law to Authorize Entering into an Agreement of Purchase and Sale with Adejoke and Femi Abdul respecting 90 Fraser Street	279
19.9.	By-law to Authorize Entering Into an Agreement of Purchase and Sale with The Landscape Depot (Niagara Falls) Ltd. respecting a Vacant lot on the West Side on Catherine Street near Princess Street	297
19.10.	By-law to Appoint Building Inspectors	318
19.11.	By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne	319

### 20. Confidential Items

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Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

### 21. Procedural Motions

### 22. Information items

### 23. Adjournment



**Engineering & Operational Services** 

### Memorandum

Date:	January 15, 2021	
То:	Amber LaPointe, City Clerk	
From:	Janice Peyton, Executive Assistant, DEO	
Re:	Environmental Advisory Committee Additional Vale CBRA Recommendations	

At the Environmental Advisory Committee meeting of December 9, 2020, the committee discussed the following Vale CBRA recommendations:

- That the City of Port Colborne add a map schedule or appendix to the City of Port Colborne Official Plan setting out the Nickel Concentrations throughout Port Colborne (Map #4 of the City Community Based Risk Assessment) and together with a statement setting out the requirements to undertake remediation and/or risk assessment where a land use change to a more sensitive use is proposed and nickel concentrations exceed Ontario Regulation 153/04 standards:
- 2. That the City of Port Colborne request from MECP a statement as to which aspects of a the CBRA risk assessment are agreed to by MECP and can be used in the preparation of a risk assessment when a land use change is proposed to a more sensitive use; and
- 3. That the City of Port Colborne set aside some of the community monies Vale proposes for the purpose of funding remediation/risk assessment within areas planned for urban growth which overlap the areas affected by Nickel Contamination (Map 4 above).

The committee resolved as follows:

Moved by Norbert Gieger Seconded by Jack Hellinga That the Environmental Advisory Committee additional Vale CBRA recommendations be provided to Council. CARRIED.

Please place this item on the next Council agenda for consideration.

JaniceReyton

Signed:

Janice Peyton Executive Assistant, DEO Recording Secretary, Environmental Advisory Committee

# **Community Based Risk Assessment (CBRA)**

### **Brief History**

2004, the Guideline was replaced by Ontario Regulation 153/04 (Records of Site Condition). Risk Assessment Process described in the MOE's "Guidelines for Use at Contaminated Sites in Ontario." On October 1, Environment, Conservation and Parks (MECP), INCO and the City agreed to a CBRA process based on the Site Specific In 2000, based on historic emissions (1914-1984) from INCO (now Vale), and at the request of the Ministry of

to Nickel, Copper, Cobalt and Arsenic. from INCO's operations. There were four CoC identified above the Ministries Generic Guideline levels directly associated The MECP identifying that an adverse environmental affect occurred due to the release of Chemicals of Concern (CoC)

Street. by site basis. The Independent Consultant provided the PLC with technical review of Vale's reports. The PLC concluded also completed by Vale to conclude Phase 1 of the CBRA and to address how remediation (Phase 2) would occur on a site Subcommittee (TSC) undertook the task to review technical matters to the Public Liaison Committee (PLC) and experts Environment at 3000-3500 ppm. Other studies included a Community Health Monitoring Study (CHAP). A Technical (HHRA) at 20,000 parts per million (ppm), Ecological Risk Assessments (ERA) for Crops at 750-2300 ppm and the Natura Since 2010, three major studies were completed as part of the CBRA by Vale, namely: a Human Health Risk Assessment City. The PLC submitted it final report to the MECP in July 2010. All reports are located in the City's Library at 322 King Independent Consultant (Watters Environmental) prepared reports of their review and were forwarded to the MOE by the (ECA) from the University of Toronto were involved in reviewing components of the CHAP study. An Integration Report was

### Status

assessment, both for human health and for the health of the ecosystem. On June 10, 2019, Vale released their Community Based Action Plan to address the findings of the scientific risk

Vale's Action Plan includes the following key actions:

- actions are being taken on a precautionary basis. All residential property owners have already been contacted by Vale; sodding, ground cover and/or soil replacement. There are no unacceptable health risks to these residents and these Remediation activities at a handful of residential properties in close proximity to Vale's Port Colborne Refinery, such as
- Scoping studies to be conducted on the woodlot and municipal drains just east of the refinery to assess potential remediation activities. Results will be shared with the community when the studies are complete
- 0 consideration afforded to projects with environmental or sustainability themes; will work collaboratively with the City of Port Colborne to prioritize and select local projects and initiatives, with specific place for the next four years providing support for priority improvement or development projects in the community. Vale recognize more than 100 years of operations in the community. The Fund, still in development, is envisioned to be in Creation of a Community Improvement Fund to deliver both environmental and social benefit to Port Colborne, and to
- Work with a small number of local farmers to address crop yields.

colborne/Documents/Community-Based%20Action%20Plan.pdf To access the CBRA Action Plan please visit: http://www.vale.com/canada/EN/aboutvale/communities/port-

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

# What this means for Development

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

The following rules apply in determining which type of property use is the most sensitive type of property use:

1. An agricultural or other use is the most sensitive of any type of property use.

community use. O. Reg. 153/04, s. 3 (2). 2. A residential use, parkland use or institutional use is more sensitive than an industrial use, commercial use or

process. A rezoning application to change the use of the property to any of the above uses will require a RSC as part of the approval

### Maps

Cobalt and will illustrate where historic emissions from INCO ended up being deposited. The attached MECP maps were produced from the surface soil chemistry data (0-5cm depth) for Nickel, Copper and

## **Contact Information**

City of Port Colborne:

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Ministry of Environment, Conservation and Parks:

Kim Groombridge District Manager Niagara District Office 905-704-3914 *Kim.Groombridge@ontario.ca* 

VALE

Eric Azzopardi Community Based Action Plan Project Manager 905-835-6379 *eric.azzopardi@vale.com* 





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![](_page_38_Figure_0.jpeg)

### Appendix A Criteria and Indicators for Port Colborne Urban Forest.

Kenney *et al.* (2011) have developed a comprehensive list of criteria and performance indicators for sustainable urban forest management. This list was derived from the work of Clark *et al.* (1997) and can be used to assess the progress towards urban forest sustainability.

### Table A1-1. Criteria and performance indicators for the Vegetation Resource.

### **Vegetation Resource Performance Indicators** Key Criteria Moderate Good Optimal Objectives Low The existing canopy The existing canopy The existing canopy The existing canopy Achieve climate-appropriate **Relative canopy** cover equals 0-25% cover equals 25cover equals 50cover equals 75degree of tree cover, communitycover of the potential. 50% of the 75% of the 100% of the wide potential. potential. potential. Any Relative dbh Any RDBH class No RDBH class 25% of the tree Provide for uneven-aged Age (RDBH) class (0-25% represents between represents more population is in each distribution city-wide as well as at distribution of RDBH, 26-50% 50% and 75% of the than 50% of the of four RDBH classes. the neighbourhood level. trees in the RDBH, etc.) tree population tree population community represents more than 75% of the tree population. Less than 50% of 50% to 75% of trees More than 75% of All trees are of Establish a tree population suitable Species for the urban environment and trees are of species are of species trees are of species species considered suitability considered suitable considered suitable considered suitable suitable for the area. adapted to the regional for the area. for the area. for the area. environment. Fewer than 5 No species No species No species Establish a genetically diverse tree **Species** species dominate represents more represents more represents more than population city-wide as well as at distribution the entire tree than 20% of the than 10% of the 10% of the entire the neighbourhood population cityentire tree entire tree tree population at wide. population citypopulation citythe neighbourhood level. wide. wide. No tree Sample-based Complete tree Complete tree Detailed understanding of the **Condition of** inventory indicating condition and risk potential of all maintenance or risk inventory which inventory which **Publicly-owned** assessment. tree condition and includes detailed includes detailed tree publicly- owned trees **Trees (trees** Request risk level is in place tree condition condition and risk managed based/reactive ratings. ratings. system. The intensively) condition of the urban forest is unknown No information Publicly-owned The level and type The ecological Detailed understanding of the **Publicly-owned** about publiclynatural areas of public use in structure and function ecological structure and function natural areas owned natural identified in a publicly-owned of all publicly-owned of all publicly-owned natural areas. (trees managed areas "natural areas natural areas is natural areas are extensively, survey" or similar documented documented and document. included in the citye.g. woodlands, wide GIS ravine lands) Native No program of Voluntary use of The use of native The use of native Preservation and enhancement of integration native species on species is required on local natural biodiversity species is vegetation publicly and encouraged on a a project-appropriate privately- owned project-appropriate basis in both lands; invasive intensively and basis in both species are intensively and extensively managed recognized. extensively areas; invasive species managed areas; are recognized and prohibited. invasive species are recognized and

### discouraged.

their use is

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Criteria	_	Performanc	e Indicators		Кеу
Public agency cooperation	Low Conflicting goals among departments and or agencies.	Moderate Common goals but no cooperation among departments and/or agencies.	<b>Good</b> Informal teams among departments and or agencies are functioning and implementing common goals on a project-specific basis.	<b>Optimal</b> Municipal policy implemented by formal interdepartmental/ interagency working teams on ALL municipal projects.	Objectives Insure all city department cooperate with common goals and objectives
Involvement of large private and institutional land holders	Ignorance of issues	Educational materials and advice available to landholders.	Clear goals for tree resource by landholders. Incentives for preservation of private trees.	Landholders develop comprehensive tree management plans (including funding).	Large private landholders embrace city-wide goals and objectives through specific resource management plans.
Green industry cooperation	No cooperation among segments of the green industry (nurseries, tree care companies, etc.) No adherence to industry standards.	General cooperation among nurseries, tree care companies, etc.	Specific cooperative arrangements such as purchase certificates for "right tree in the right place"	Shared vision and goals including the use of professional standards.	The green industry operates with high professional standards and commits to city-wide goals and objectives.
Neighbourhood action	No action	Isolated or limited number of active groups.	City-wide coverage and interaction.	All neighbourhoods organized and cooperating.	At the neighbourhood level, citizens understand and cooperate in urban forest management.
Citizen- municipality- business interaction	Conflicting goals among constituencies	No interaction among constituencies.	Informal and/or general cooperation.	Formal interaction e.g. Tree board with staff coordination.	All constituencies in the community interact for the benefit of the urban forest.
General awareness of trees as a community resource	Trees seen as a problem, a drain on budgets.	Trees seen as important to the community.	Trees acknowledged as providing environmental, social and economic services.	Urban forest recognized as vital to the communities environmental, social and economic well- being.	The general public understanding the role of the urban forest.
Regional cooperation	Communities cooperate independently.	Communities share similar policy vehicles.	Regional planning is in effect	Regional planning, coordination and /or management plans	Provide for cooperation and interaction among neighbouring communities and regional groups.

### **Community Framework**

### Table A1-3. Criteria and performance indicators for the Resource Management Approach.

### **Resource Management Approach**

			U	••	
Criteria		Performan	ce Indicators		Кеу
cintenta	Low	Moderate	Good	Optimal	Objectives
<b>Tree Inventory</b> (Inventory of Zone 1 complete)	No inventory	Complete or sample-based inventory of publicly-owned trees	Complete inventory of publicly-owned trees AND sample- based inventory of privately-owned trees.	Complete inventory of publicly-owned trees AND sample- based inventory of privately-owned trees included in city- wide GIS	Complete inventory of the tree resource to direct its management. This includes: age distribution, species mix, tree condition, risk assessment.
Canopy Cover Inventory (Canopy Analysis in Progress)	No inventory	Visual assessment	Sampling of tree cover using aerial photographs or satellite imagery.	Sampling of tree cover using aerial photographs or satellite imagery included in city-wide GIS	High resolution assessments of the existing and potential canopy cover for the entire community.
City-wide management plan (Plan in development)	Plan in Development/No plan	Existing plan limited in scope and implementation	Comprehensive plan for publicly-owned intensively- and extensively- managed forest resources accepted and implemented	Strategic multi-tiered plan for public and private intensively- and extensively- managed forest resources accepted and implemented with adaptive management mechanisms.	Develop and implement a comprehensive urban forest management plan for private and public property.
Municipality- wide funding	Funding for reactive management	Funding to optimize existing urban forest.	Funding to provide for net increase in urban forest benefits.	Adequate private and public funding to sustain maximum urban forest benefits.	Develop and maintain adequate funding to implement a city-wide urban forest management plan
City staffing	No staff.	No training of existing staff.	Certified arborists and professional foresters on staff with regular professional development.	Multi-disciplinary team within the urban forestry unit.	Employ and train adequate staff to implement city-wide urban forestry plan
Tree establishment planning and implementation	Tree establishment is <i>ad hoc</i>	Tree establishment occurs on an annual basis	Tree establishment is directed by needs derived from a tree inventory	Tree establishment is directed by needs derived from a tree inventory and is sufficient to meet canopy cover objectives (see Canopy Cover criterion in Table 1)	Urban Forest renewal is ensured through a comprehensive tree establishment program driven by canopy cover, species diversity, and species distribution objectives
Tree habitat suitability	Trees planted without consideration of site conditions.	Tree species are considered in planting site selection.	Community-wide guidelines are in place for the improvement of planting sites and the selection of suitable species.	All trees planted in sites with adequate soil quality and quantity, and growing space to achieve their genetic potential	All publicly-owned trees are planted in habitats which will maximize current and future benefits provided to the site.

### Table A1-3 cont'd. Criteria and performance indicators for the Resource Management Approach.

Resource Management Approach						
Cuitouio	Performance Indicators Key					
Criteria	Low	Moderate	Good	Optimal	Objectives	
Maintenance of publicly-owned, intensively managed trees	No maintenance of publicly-owned trees	Publicly-owned trees are maintained on a request/reactive basis. No systematic (block) pruning.	All publicly-owned trees are systematically maintained on a cycle longer than five years.	All mature publicly- owned trees are maintained on a 5- year cycle. All immature trees are structurally pruned.	All publicly-owned trees are maintained to maximize current and future benefits. Tree health and condition ensure maximum longevity.	
Tree Risk Management	No tree risk assessment/ remediation program. Request based/reactive system. The condition of the urban forest is unknown	Sample-based tree inventory which includes general tree risk information; Request based/reactive risk abatement program system.	Complete tree inventory which includes detailed tree failure risk ratings; risk abatement program is in effect eliminating hazards within a maximum of one month from confirmation of hazard potential.	Complete tree inventory which includes detailed tree failure risk ratings; risk abatement program is in effect eliminating hazards within a maximum of one week from confirmation of hazard potential.	All publicly owned trees are safe.	
Tree Protection Policy Development and Enforcement	No tree protection policy	Policies in place to protect public trees.	Policies in place to protect public and private trees with enforcement.	Integrated municipal wide policies that ensure the protection of trees on public and private land are consistently enforced and supported by significant deterrents	The benefits derived from large- stature trees are ensured by the enforcement of municipal wide policies.	
Publicly-owned natural areas management planning and implementation	No stewardship plans or implementation in effect.	Reactionary stewardship in effect to facilitate public use (e.g. hazard abatement, trail maintenance, etc.)	Stewardship plan in effect for each publicly-owned natural area to facilitate public use (e.g. hazard abatement, trail maintenance, etc.)	Stewardship plan in effect for each publicly-owned natural area focused on sustaining the ecological structure and function of the feature.	The ecological structure and function of all publicly-owned natural areas are protected and, where appropriate, enhanced.	

Strengths	Weaknesses
<ul> <li>Teamwork of Project team members</li> <li>Attitude &amp; energy of the Team</li> </ul>	<ul> <li>Poor quality of the City's urban forest management Program</li> <li>No clear staff "champion" designated to implement the UFMP: who is the Leader?</li> </ul>
Opportunities	Threats
<ul> <li>Reflect a changing "tree attitude" at the City through a new Tree policy &amp; Tree By-law, embracing an urban design that blends grey &amp; green infrastructure such as creating Engineering Road Cross Section designs with the Public Tree, amending the Official Plan to recognize the public tree as green infrastructure</li> <li>Demonstrate how trees can support some key corporate objectives</li> </ul>	<ul> <li>Public safety due to tree risks including some of the big, old silver maple trees in Zone 1 not being proactively inspected</li> <li>Do nothing</li> </ul>

City of Port Colborne SWOT Analysis. UFMP Project Team Exercise. October 18, 2022.

### **DRAFT Work Plan: Study Group 1**

**Study Group Assignment:** "Governments in Canada and around the world are taking steps to reduce the trucking of excess soils for disposal to reduce greenhouse gas emissions, reduce wear and tear on existing infrastructure, manage the costs of necessary projects and combat climate change. Environment ministries are looking to reduce environmental costs associated with the extraction of new materials from the subsurface, while moving towards models of managed reuse of materials and reducing opportunities for the illegal movement of excess soils.

"Excess soil is a fact of life for new projects that must be managed by all stakeholders, including project owners – both public and private – and the construction and consulting industries. Millions of cubic metres of excess soil are generated by Canadian provinces each year. With new development in rapidly growing urban centres and increased redevelopment of brownfield sites, the proper treatment of generated excess soil becomes even more critical."<sup>1</sup>

Ontario enacted Ontario Regulation 406/09 to address excess soils. Enactment of this regulation in Port Colborne will be complicated because of decisions made on Vale's Community Based Risk Assessment. The Study Group will update Council and staff on how OR 406/09, the risk assessment results and continuing work, Conservation Authority regulations and the site alteration bylaw currently under review might work together. We will highlight continuing concerns to be aware of, and what Council might consider asking for in pre-approval reports.

**Study Group Composition:** Jack Hellinga; Katherine Klauck, George McKibbon and members of the public, Harry Wells and Dan Dobrin. Conservation Authority staff have offered assistance on Conservation Authority regulations and we will approach Port Colborne Planning and Development Department staff on the draft site alteration bylaw.

**Mandate:** This study group addresses the following bolded issues taken from EAC's mandate<sup>2</sup>.

The Environmental Advisory Committee mandate is to provide advice to Council on a range of environmental and sustainability issues including, but not limited to:

<sup>&</sup>lt;sup>1</sup> Page 21, "Can you dig it? Ongoing Changes to Regulating Excess Soils in British Columbia, Ontario, Quebec and Alberta." By Gabrielle Kramer, Denisa Mertiri, Julie-Anne Pariseau, Julie Belley Perron, Roark Lewis, Chidinma Thompson, Rick Cobrn, Rick Willams, in Key Developments in Environmental Law, 2022 Edition, edited by Stanley Berger, Thomson Reuters, 2022

<sup>&</sup>lt;sup>2</sup> Port Colborne Environmental Advisory Committee Terms of Reference, Clerk's Office, City of Port Colborne, January 2023.

2.1 Assist with the creation, improvement and enhancement of waste reduction, reuse and recycling programs, water and energy conservation measures and climate change mitigation measures;

2.2 Identify emerging environmental and issues and technologies particularly those associated with climate warming adaptation and mitigation;

2.3 Investigate and recommend to Council opportunities to work with municipal partners on environmental projects and collaborations to improve the City's conservation practices or in addressing environmental concerns;

2.4 Identify and recommend to Council implementation of community outreach activities which support the growth of environmental awareness and appreciation;

2.5 Identify new or changing environmental legislation, conservation, environmental sustainability, and the environment in relation to overall quality of life;

2.6 Investigate and recommend to Council funding opportunities that may be available for undertaking environmental upgrades;

### 2.7 Assist with and provide advice with respect to City properties and assets best suited for multi-faceted environmental conservation practices.

**Review Issues to be addressed:** Here is a list of issues to be considered. As work unfolds, these may be updated and additional matters considered:

- a. How 406/19 works together with the Conservation Authority regulations and the Municipal Act's site alteration bylaw?
- b. How 406/19 might work with brownfield regulations within the area addressed by Vale's Community Based Risk Assessment?
- c. What is the status of work that was to be undertaken in Vale's Community Based Risk Assessment? For example, MECP offered affected landowners the opportunity to use elements of Vale's risk assessment that were approved by MECP. But there were areas of disagreement that were not reconciled at the time of EAC's previous reports to Council in early 2020. Other examples include woodlot biological investigations which were incomplete and water quality work which had not been commenced in adjoining municipal drains.

d. Different assumptions were made in the various regulations and Vale's Community Based Risk Assessment. For example, OR 406/19 requires leachate testing where nickel is concerned. Vale's Community Based Risk Assessment didn't. What, if any, implications arise from these different assumptions?

**Resource materials and Proposed Contacts:** Here is a preliminary list of documents that have been circulated to begin the work:

- a. MECP Powerpoint presentations on OR 406/19
- b. EAC's January 8, 2020 report on Vale's Community Based Risk Assessment
- c. Council agenda for January 25, 2021.
- d. City Statement on the Community Based Risk Assessment circa 2020/21

After initial investigation proposed contacts include Vale and MECP officials to obtain updates on issues that remained to be taken in Vale's Community Based Risk Assessment.

**Proposed Outcomes:** Report(s) on our findings and recommendations (if any) to Council by the end of 2023.

### **DRAFT Work Plan Study Group 2**

**Study Group Assignment:** Electrification poses unique opportunities in Port Colborne because of the nature of industrialization along the Welland Canal. This study group will interview canal located industrial firms to learn their plans for electrification and specifically, what actions Port Colborne can take to assist industry.

Land use compatibility and proposed changes to Provincial land use policy also poses issues. Currently the Provincial Land Use Policy Statement is under review. We will attend to the rules that apply where residential encroachment close to existing and proposed industrial areas and proposed changes to these rules. We will also comment how to address compatibility where industrial lands overlap Federal jurisdiction.

Study Group Composition: Ryan Waines, Tim Lamb, and George McKibbon

**Mandate:** This study group addresses the following bolded issues taken from EAC's mandate.

The Environmental Advisory Committee mandate is to provide advice to Council on a range of environmental and sustainability issues including, but not limited to:

2.1 Assist with the creation, improvement and enhancement of waste reduction, reuse and recycling programs, water and energy conservation measures and climate change mitigation measures;

2.2 Identify emerging environmental and issues and technologies particularly those associated with climate warming adaptation and mitigation;

2.3 Investigate and recommend to Council opportunities to work with municipal partners on environmental projects and collaborations to improve the City's conservation practices or in addressing environmental concerns;

2.4 Identify and recommend to Council implementation of community outreach activities which support the growth of environmental awareness and appreciation;

2.5 Identify new or changing environmental legislation, conservation, environmental sustainability, and the environment in relation to overall quality of life;

### 2.6 Investigate and recommend to Council funding opportunities that may be available for undertaking environmental upgrades;

### 2.7 Assist with and provide advice with respect to City properties and assets best suited for multi-faceted environmental conservation practices.

**Review Issues to be addressed:** As interviews unfold, we will add specific issues.

**Resource materials and Proposed Contacts:** EAC has prepared reports on land use compatibility previously. These will serve as background. Each national and international businesses along the canal will have environmental officers which we will identify and interview. Topics for discussion will be drafted in advance by EAC members and members of the public, e.g., Rod Tenneyson.

**Proposed Outcomes:** Reports and advice to Council on electrification needs and initiatives being undertaken by industry and commentary and advice to Council on proposed revisions to the Provincial Policy Statement on land use compatibility policies where residential encroachment close to industry is considered.