

EC/DFO Sec 36 Steering Committee Meeting
Draft Agenda October 27, 2005, 10:00 – 12:00

Objective: To provide a forum for liaison between EC and DFO on issues related to Sec 36 of the Fisheries Act

Agenda

1. **Review action items from April 14, 2005 meeting**
2. **Enforcement working group update** John
Working group was established in June 2005 to address roles, protocol, communication and tools for DFO/EC enforcement staff.
3. **DFO risk management model**
Possible development of a 36(3) pilot
 - Summary of water quality queries
 - FA Sec 36(3) Fact SheetSnehal
4. **Update on EC FAWG** Snehal
5. **Operating Statements** Bonnie
6. **Monitoring and auditing programs** Martin
7. **BC Permit referrals** Lisa
8. **Aquaculture** Bonnie
9. **Contaminated Sites** Bonnie
10. **Dioxin monitoring program** Wayne
11. **Emerging Issues** All
12. **Other**

DFO/EC Sec 36 Steering Committee Minutes

October 27, 2005

10:00 – 12:00

Boardroom F, 2nd Floor, 401 Burrard

Attendees:

EC: Lisa Walls, John Dyck, Snehal Lakhani

DFO: Wayne Knapp, Margaret Wright

Review of April 14, 2005 Action Items

- 1) **RDG briefing.** This was not done by DFO or EC after the April meeting. **Action: Lisa Walls will brief the EC Regional Executive Committee verbally following this meeting. Meeting minutes to Bonnie for briefing up.**
- 2) **EC will consider developing a risk matrix to provide guidance to FO on "significant events".** Done. EC decided that the Enforcement Protocol would provide direction to FOs (on agenda).
- 3) **L. Walls/B. Antcliffe to arrange a follow-up discussion on contaminated sediment.** Not done. This was FCSAAP related, purpose is unclear.
- 4) **DFO to forward Operational Statements for EC review.** Done.
- 5) **EC to draft a one-page fact sheet outlining Sec 36(3) obligations for industry/public. EC to send draft to DFO for review and possible incorporate Sec 35 requirements.** Fact sheet drafted by John Dyck, information taken from the DFO website. Discussion centred around when the fact sheet would be used and its target audience. It was suggested that the fact sheet be handed to public when a question is raised about a potential deposit of a deleterious substance. No clear resolution. **Action: Fact sheet to be reviewed by DFO.**
- 6) **EC to start a tracking list of Sec 36(3) related inquiries.** Done. EC and DFO have worked together on the list.
- 7) **Committee to consider a joint DFO/FAWG meeting to discuss Sec 36(3) priorities.** Deferred to FAWG discussion on agenda.
- 8) **S. Lakhani to forward PYR's draft list of Sec 36(3) priorities to M. Wright.** Done.

Agenda Items:

EC Organization Update

Lisa - New governance structure for departmental work; new results management framework; new organizational structure. ECB and EPB will be amalgamated and report to Don Fast; unknown implications for this committee, although interactions within the department should not change.

Micro-level staffing changes: Al Colodey is Acting Manager of PESC (staffing freeze prevents permanency); Industrial Programs Head position being filled on a 3 month rotation with Snehal Lakhani acting until Dec 31, Snehal's position is not backfilled. Although still important to EC, there is no capacity on the EC side to do work for this group.

John - Pollution Enforcement Director and Wildlife Enforcement Director will report (badge to badge) to National Chief Enforcement Officer. National Director of Enforcement - Paul Cuillerier. Implication may be that the enforcement priorities may come from Ottawa.

Micro-level staffing changes: Bruce Kay is Manager of Commercial Chemicals Division and Emergencies.

DFO Staffing Changes

Water Quality Coordinator position will not be filled after Oct. 31, 2005; however position is still on the Habitat org chart and work may resume in some capacity April 1, 2006.

Update on DFO Compliance Review deferred until next meeting.

Committee agreed to continue at a slow pace for the interim. The committee will continue to meet to discuss issues of common interest. Hopefully, the April 1 timing will work for both departments.

Water Quality Queries: Analysis of queries showed ~ 70 calls over 5 months, with 60% received from DFO field staff. Some of the queries were addressed through the provision of guidelines. The impediment to having all of the guidelines on a website is that some of the useful guidance documents are outdated.

It was agreed that the tracking of Sec 36(3) queries provides good information and should continue.

Snehal has asked EC Emergencies for information on Provincial Emergency Program reports to further identify trends on re-occurring issues.

Fact sheet template and example asphalt fact sheet distributed in EC for comment. Received positive comments from Russo in Inspections.

DFO RHQ has limited capacity to receive Sec 36 queries and it was suggested that queries are coming from field staff, who feel obligated to assist the public so DFO should provide necessary support. EC is opposed to the distribution of an EC contact list within DFO. Potentially too many calls to go to EC switchboard.

Action: EC/DFO to confirm contacts for Sec 36(3) queries.

Risk Management Framework

It is EC's intention to consider the developing a Sec 36(3) Risk Management Framework pilot using DFO RMF as a guide. This process could result in the development of a series of fact sheets. RMF discussion was deferred until Bonnie can advise on how DFO RMF can be applied to Sec. 36.

Enforcement Protocol

The intention of the enforcement protocol is to formalize the existing process and confirm the role of each department in the enforcement of Sec 36. The protocol was developed by Christine Van Horne, Planning, C&P and Randy Stennes, FO, Port Alberni from DFO and John Dyck, Head Investigations, EC. John obtained input from Brock Bailey, Prince George, EC, Yukon, EC legal, and the Inspections and Emergencies Branches. The protocol is based on both departments having mutual responsibility for the Fisheries Act and flows from the MOU, RWA and the 2001 Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the Fisheries Act.

DFO expressed concern that the MOU and RWA are outdated and reference to these documents in their entirety was not appropriate given the committee's movement to develop new working arrangements outside of Enforcement. This discussion was deferred as the initiative to re-open the RWA is not on the table.

Action 1: John to insert the words "of the compliance and enforcement provisions" to the end of paragraph 1 on page 6 in order to provide additional clarity around the limitations of this agreement to enforcement matters.

Action 2: Bonnie to review document before being forwarded for signature.

BC Permit Referrals

In the past EC would coordinate and manage BC permit referrals by referring the permit application to DFO for fisheries resource information. DFO comments would be incorporated in their response to BC. EC is drafting a letter to BC outlining a process in which DFO will not be referred and EC will review permit application in terms of end-of-pipe toxicity test result only. EC is not looking at fish impacts vis-à-vis species/habitats at site of discharge.

DFO has no capacity to re-enter a referral process. It is assumed that BC is referring Sec 35 issues to DFO directly on the projects.

Action: Margaret to brief Bonnie.

Aquaculture statements: Lisa has been too busy to review statements.

Action: DFO to advise EC when statements are sent out.

Contaminated Sites:

Jeff Taylor working on FCSAAP; EC is looking for a backfill for Joanne Aldridge, who has left EC.

Action: Wayne to contact Jeff on FCSAAP issues.

Dioxin Monitoring Program:

Action: Snehal to set up a separate meeting for Lisa, Wayne and Snehal to discuss the dioxin monitoring program.

Agenda Items not addresses: FAWG and Emerging Issues.

Meeting adjourned at 12:15.

Call	Date	Category	DFO Field Staff /Govt/Public/Industry	Affiliation	Query	Referred to EC	Guidelines/Fact sheets available	DFO Action
1	3/30/2005	Treated wood	Public	Englishman River Enhancement Society - Ardith	Use of treated lumber in freshwater	No	Yes	Provided guidelines
2	3/31/2005	Metals - Methylmercury	Field Staff	HEB, Salmon Arm - Cindy Harlow	Potential for methylmercury liberation in excavated swamp	No	Yes	Provided fact sheet
3	4/1/2005	Sewage spill	Field Staff	HEB, Nelson - Jason Kurtz	Requesting advice re: impact of sewage release to Kootenay R.	No	No	Provided regulatory advice
4	4/5/2005	Chloramine	Govt	DND, Esquimalt - Liam Edwards	Protocol for release of chloraminated water	Yes	Yes	Provided GVRD protocol
5	4/5/2005	WQ Monitoring	Field Staff	HEB, Kamloops - Jeff Guerin	Request review groundwater sampling	No	No	Provided comments
6	4/6/2005	Sediment	Field Staff	C&P, Duncan - Willi Jansen	Sample collection and transport	No	No	Provided advice
7	4/6/2005	Process - Woodwaste	Academia	Bioengineering Dept., UBC - Sheldon Duff	Update requested on regulatory and enforcement of woodwaste issue	Yes	No	Referred to Nick Russo, EC and Hubert Bunce, WLAP
8	4/7/2005	Metals - Iron	Field Staff	C&P, Madiera Park - Rob Harris	Discharge of elevated iron to Jordan Creek	No	No	Provided toxicity/impact info; advice on regulatory action
9	4/8/2005	Mystery discharge	Field Staff	HEB, Madiera Park - Dave Nanson	White milky substance emanating from asphalt crush	No	No	Provided suggestions and advice
10	4/11/2005	Sediment	Field Staff	HEB, Prince George - John Summers Harkness - Urban Systems	Replacement of sewer pipe and diffuser in the Peace River	No	No	Provided advice re: fish impact, containment, isolation
11	4/12/2005	Process	Field Staff	C&P, Victoria - Larry Paik	Status of water quality staff, require technical assistance	No	No	Provided information
12	4/12/2005	Fisheries resource info	EC Staff	EC - Rob McCandless	Require fish habitat info for historic mines ranking criteria	No	No	Brad Mason provided information
13	4/15/2005	Woodwaste leachate	Field Staff	C&P, Gold River - Ed Thorburn	Leachate emanating from hogfuel pile at abandoned pulp mill site	Yes	No	Provided fish impact, sample collection advice, Prov. contacts for site status
14	4/15/2005	Cadmium / fish kill	Field Staff	C&P, Victoria - Stephen Beckmann	Status of Roay Creek investigation	Yes	No	Referred to Nick Russo, EC
15	4/18/2005	Fisheries resource info	EC Staff	Industrial Programs - Janice Boyd	Request fisheries management information for offshore fish processing	No	No	Provided information
16	4/20/2005	Grain spill, CN rail	Field Staff	HEB, Prince George - Nick Leone	Request fish impact info	No	No	Provided advice
17	4/21/2005	Mining	Field Staff	HEB, Comox - Doug Swift	Request technical advice re: Zeballos River mineral exploration	No	Yes	Provided advice
18	4/27/2005	Treated wood	Industry	Triton Consultants	Request standards for wood in construction on water	No	Yes	Provided guidelines
19	4/29/2005	Fisheries resource info	Govt	Transport Canada - John Leung	Request sensitivity info for places of refuge (spill response)	No	No	Provided information
20	5/3/2005	Bridge Maintenance	Industry	Integrated Resource Consultants	Standards for wq during bridge maintenance	Yes	Yes	Provided guidelines
21	5/5/2005	Sewage - spill	Public	Burnaby Streamkeeper	chronic sewage in creek, x connection	Yes	No	
22	5/5/2005	Chlorine	Field Staff	HEB - Nelson	Request advice re Chlorine impacts of chlorinated water discharge from Fairmont Hot Springs	No	No	Provided advice
23	5/6/2005	Metals - Lead	Public	Friends of the Cat Stream - Rory Rickwood	City of Nanaimo playing field development on old rifle range (Pb concern) and mine shafts	Yes	No	Wrote letter of response to Friends of Cat Stream; obtained reports from City for EC
24	5/9/2005	Landfill - gyproc	Field Staff	C&P, Nanaimo - Gary Weighill	Public query re: acceptability of gyproc disposal in landfill	Yes	No	
25	5/10/2005	Aquaculture - wastewater	Industry	Terra Aquaculture - John Holder	Effluent discharge application from land-based recirculating aquaculture facility	Yes	No	Referred to EC; ensured review by DFO Introductions and Transfers Committee
26	5/11/2005	Sewage	Industry	Vancouver Port Authority	Revision of monitoring program	Yes	No	
27	5/13/2005	Pesticides - methoprene	Field Staff	C&P, Steveston - Al Jonsson	Why is methoprene approved for use in catch basins that lead to fish habitat?	Yes	No	May be useful for DFO to be involved in development of permit standards
28	5/14/2005	Herbicides	Field Staff	Science - Mark Higgins; Public query	Use of potassium permanganate for pond algae	Yes	No	
29	5/16/2005	Mystery substance	Field Staff	HEB, Comox - Doug Swift	Oily sheen on water: natural or not?	No	No	Provided advice
30	5/16/2005	Landfill	Industry	Paul O'Callahan on behalf of Freaser River Port Authority	Dumping ground at 7th and Blundell; how performing? quality of leachate? Regulatory requirements?	Yes	No	
31	5/18/2005	Road salt; creosote	EC Staff	Snehal Lakhani	Assist with query	No	Yes	Provided guidelines
32	5/31/2005	Concrete	Industry	Defence Construction Canada	Standards for concrete pours in marine waters	No	Yes	Provided guidelines

4/27/2005	Manure pit location	Bev McGuire-Funk	Fishery Officer	Location and construction of manure pit			GDcontact; Referred to EED
6/3/2005	Flourometry -use of dye	Brent Hutchinson	EC-	Approval of Flourometric dyes			CCD response -e-mail
05/31/2005	Concrete		DFO	looking for a specific concrete document			DFO provided guidelines
9/6/2005	Wood	Gary Weghill	DFO	wood facility receiving gyproc			Direct contact; refer to permit
4/6/2005	use of algal control chemicals	Public		Condo using unknown chemical for algae control			EC contacted individual, EED response
06/29/2005	Fresh water discharges	Linda Drury	DND	fresh water discharges to marine waters			EED (Nick) to contact Linda
12/7/2005	Asphalt	Mike Engelsjord	DFO	Use of asphalt			
07/20/2005	Fireworks	Public		Use of fireworks over the Nikimakek River			EED -no concerns- considered to be GVRD issue
07/26/2005	Boat yard	Roy Osselton	DFO	Information and sample photo's provided			EED lead -enforcement issue
3/8/2005	chemical	J. Bauman	Vancouver Port Authority	washing of a vessel			General compro letter sent from CCD
9/8/2005	Coatings	Public		Removal of coatings from a piling and application of new coating			CCD compro letter
4/8/2005	Sewage	Public	Ladysmith	small craft sewage discharges			Referred to TC
08/26/2005	Transport Vessel discharge		First Nations	aquaculture vessel discharging water			Referred to TC-web information provided
08/30/2005	Aquaculture	March Klaver	DFO	deposit of Slice			referred to legal
2/9/2005	Sewage	Brian Tutty	DFO	Sewage pump in Cowichan Lake			Referred to TC