

AbHALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD MINUTES AUGUST 21, 2002

PRESENT: Dr. Wayne Stobo, Chair
Mr. Keith Manchester
Mr. David Dwyer
Mr. Walter Regan
Ms. Ellinor Williams
Mr. Ross Evans
Mr. Frank Hope
Dr. Barry Thomas
Mr. Shalom Mandaville

ABSENT: Mr. Bill Ernst (regrets)
Mr. Glen Williams (regrets)
Dr. S. Ray (regrets)
Mr. Jim Holmes (regrets)
Mr. Peter Murray (regrets)

ALSO PRESENT: Ms. Susan Corser, Planner
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

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The meeting was called to order by the Chair at 6:30 p.m., Training Room, 1st Floor City Hall.

1. APPROVAL OF AGENDA

The following items were added to the agenda under New Business:

- Item 3.2 - Award - Sackville Rivers Association
- Item 3.3 - Woodens River Watershed Lake Restoration Project
- Item 3.4 - Trout, Salmon and Silt Brochure

Under Item 5.0 - Concept Plans:

Item 5.1 - Highland Park, Hammonds Plains

Re Information Items:

- C BWAC approved minutes for July 20, 2002 not available, as there was no quorum at the August meeting.
- C A revised Meeting Schedule dated August 15, 2002 circulated.
- C A revised Recommendations Report re RDM circulated. Last line on first page missing from earlier version.

The agenda, as modified, was adopted on motion of Walter Regan.

2. APPROVAL OF MINUTES

Mr. Mandaville expressed concern about comments made in the July 17, 2002 minutes and sought clarification.

Referring to item 4.4, Joint Meeting of WABs Re Terms of Reference and Jurisdictions, he noted reference in the second bullet "that none of the Board's existing members represent districts contained in this area". He didn't feel this was the case. He understood Dr. Ray and Mr. White represented District 16. (In fact there are two citizens at large appointed by Chebucto Community Council).

Referring to page 9, Status Sheet, Glen Arbour (Sandy Lake), Mr. Mandaville noted that in fact the test results had been submitted. He referred to a graph, previously provided to the members. The minutes will be amended to delete the word 'not' from the second sentence. He did not feel there was a need to do summer testing, as the whole idea was to see if the lake was restored to its previous state. The Chair recalled that the Board had requested post development testing on a quarterly basis.

Page 11, Stoneridge in the Park Test Results - Mr. Mandaville noted that various components are reported in milligrams not micrograms. He referred to the comments made in Dr. Blouin's August 29, 2002 e-mail relative to the RDM Recycling Lab Results. The Chair noted that it was his intention that Mr. Ernst might review the water testing results.

It was concluded that a note should be written to Gary Porter, the Planner associated with the case, noting problems with the sensitivity in the testing, i.e. that the reported phosphorus values are of no use, as the wrong methodology appears to have been used. Phosphorus in freshwaters should be measured to microgram detection limits, not milligrams as reported. Mr. Porter will be asked to see whether or not they can retrieve a higher precision level for the last testing. In future, testing should be done to the microgram level.

The amended minutes of July 17, 2002 were adopted on motion of Mr. Regan and Ms. Williams.

3. NEW BUSINESS

3.1 PRESENTATION OF STORMWATER MANAGEMENT PLAN - BEDFORD SOUTH

Ms. Thea Langille-Hanna, Planner was in attendance for this item. She noted that there was not going to be a presentation of the Stormwater Management Plan after all. In her recap she noted that Regional Council has approved policies and Clayton Developments have submitted their first application under the agreement. She noted that the Policy requires that before any development agreement can be entertained, a stormwater management plan has to be submitted and commented on. Once received, the Department of Environment & Labour and HRM engineering staff would review to ensure necessary information is in it.

She indicated she was aware of the discussions pertaining to a proposed boundary change, but because the issue has not been finalized, Clayton Developments would like to extend an invitation to members of the Board to take part in a site visit, tentatively set for Wednesday, September 4, 2002, at 6:00 p.m. to 8:30 p.m., departing Bedford South School. Their intention is to highlight major features, i.e. ravines, cascading ponds, etc. This should help the members in their evaluation of the stormwater master plan. Further details to be provided through the Clerk, i.e. map, concept plan identifying roads and houses, etc. She noted that members of BWAC and the NWPAC have also been invited to attend. She noted that a presentation may be coming from Clayton Development to the Board after the site visit, for its September meeting. She did not anticipate receiving a copy of the Master Plan until sometime next week. Reference was made to attempts to address concerns Mr. Regan had regarding a blocked culvert under the Bedford Highway. Ms. Langille-Hanna understood they had some information to share with the Board on this

subject.

A short discussion followed on the subject of changes to the WABs' terms of reference and jurisdictions. It was recalled that the Board had indicated they were in favour of proposed changes at the July meeting. To date, BWAC has not adopted the proposed terms of reference, thus the status quo remains. Ms. Corser recalled seeing a draft report from Dr. Blouin the end of July.

Ms. Langille-Hanna noted that except for a very small portion, the area being considered by Clayton Developments at this time, falls within the former boundary of the Town of Bedford.

Mr. Regan understood that the stormwater master plan had been prepared for another large tract of land in the area, referred to as Bedford West. He would like to see a copy of the study understood to have been done for the Annapolis Group.

3.2 AWARD - SACKVILLE RIVERS ASSOCIATION

The Chair was in receipt of an e-mail from Ivy Warren, Area Coordinator, Parks and Recreation announcing the Sackville Rivers Association as the 2002 recipient of the Canadian Parks and Recreation Association Award of Merit. The e-mail notes the Association was nominated by HRM's Parks and Recreation and Mr. Regan would be accepting it as President of the SRA in Winnipeg, September 21st.

The Board congratulated Mr. Regan and the Association.

Mr. Regan was asked for an update on the state of the Sackville River since events in mid July which lead to the death of thousands of fish, etc. over an eight kilometer stretch of the river. The damage was incurred as a result of an accident at a Sobeys construction site, when a watermain and sprinkler system was broken. The event resulted in low Ph in the river and elevated alumium levels which caused a huge fish kill. Mr. Regan indicated that Sobeys has accepted ownership of the spill and negotiations are on going for a recovery program, which would include the introduction of fish, various studies and a PR program.

3.3 WOODENS RIVER WATERSHED LAKE RESTORATION PROJECT

The Chair was in receipt of an e-mail from Mr. Hope to which was attached a description of the project. The e-mail notes that the Organization is seeking funding support for further water sampling and analysis to be complemented by other fish habitat restoration measures and restocking of lakes under the terms of the Canadian Rural Partnership Development initiative. Mr. Hope sought a letter from the Board in support of the application.

MOVED BY Mr. Regan and seconded by Mr. Evans that the Chair write a letter of support. MOTION PUT AND CARRIED.

3.4 TROUT, SALMON AND SILT BROCHURE

Mr. Mandaville provided members with copies of a brochure produced by Fisheries and Oceans Canada. The last sentence of the first page was quoted "There are really no safe levels of silt release".

4. BUSINESS ARISING FROM MINUTES

4.1 TREE CUTTING GUIDELINES

The item was deferred until the September meeting.

4.2 C & D WASTE MANAGEMENT - RDM - DRINKING WATER LAB RESULTS

Circulated at the meeting was a larger copy of the printout of the test results of wells in the area dated June 15, 2001. These results were reviewed in depth. Noted during the review were the following:

- C The figures used for the Canadian Drinking Water Guidelines are not alright, they need to be updated. Standard measurements (units) are not being used.
- C There appears to be a problem with aluminum in Sheas Lake.
 - C Iron was also identified as being high, but it is not a serious problem. More aesthetics versus a health problem.
 - C It was noted that the samples were taken subsequent to the use of the area as a waste disposal site, so there are no background levels available for Sheas Lake. Sampling the area upstream might be of use, although it was recognized that iron and aluminum might be naturally occurring in the lake or there may already be leachate entering Sheas Lake.
 - C Referring to the type of clay in the area, it was felt that it would be high in aluminum, thus the high levels may be occurring naturally.
 - C It was felt the high level of aluminum warranted investigation.
 - C It was unusual to find aluminum naturally high in a lake. It has very serious consequences for aquatic life.
 - C If samples upstream show low levels of aluminum, it would suggest the problem is coming from the site and some remedial action is required. It is a potential problem which needs to be addressed.
 - C Mr. Mandaville referred to data collected by Dr. Underwood on pristine lakes in 1984.

It was decided a letter should be sent to the HRM Planner associated with the case, regarding to the following:

- C That leachate from the site may be contributing to elevated levels of aluminum reported in Sheas Lake. It would be suggested that the proponent be required to sample upstream of Sheas Lake, i.e. Narrow Lake to help determine whether or not the high levels are a consequence of runoff from the proposed site or background amounts. It was recalled that there was provision for a leachate treatment facility in the proposal, if detrimental amounts of leachate were found.
- C Mention be made to the level of iron.
- C Concern about the high levels of uranium in some well samples and who was responsible for alerting the residents. Some area wells exceed the Canadian Drinking Water Guidelines for uranium. Although it is recognized that private wells are an individual's responsibility, it was felt there is a moral responsibility to alert the property owners, as the water appears not safe for drinking.
- C Since the samples were taken 1.5 years ago, sampling for the above noted three elements be done again.
- C The Canadian Drinking Water Guidelines quoted are not accurate and whoever in HRM or the Department of Environment & Labour is in receipt of such analyses, ensures they are updated by the respective lab(s).

A copy of the correspondence be sent to the Department of Environment & Labour.

4.3 HALIFAX CONSTRUCTION AND DEBRIS RECYCLING LTD.

Draft recommendations prepared by the Chair were circulated at the meeting, together with photos taken by Mr. Dwyer of the area.

The Board reviewed the draft recommendations to be forwarded to the Marine Drive, Valley, Canal Community Council. A few typographical errors were identified and a couple of changes to the draft were proposed:

- C A sentence to be added to point 5 re Fire Control. *Larger sedimentation control pond as water source in the event of fire.*
- C Change the words 'flow rate' to 'velocity', last line point 8.
- C Reverse the order of points 9 and 10.
- C Point 13 - more details regarding where the samples should be taken and when.

The Chair will revise the draft and provide to the Clerk for distribution. It was noted the Public Hearing on the Antrim site is scheduled for September 18, 2002.

4.4 HEALTHY GROWTH IN HRM - REGIONAL PLANNING

Following last month's presentation by Ms. Muecke, the members had been asked to consider items they wished included in the Board's recommendations. It was noted that September 8, 2002 was the deadline for submissions. It was recalled that Ms. Muecke was anxious to have input from the WABs given their expertise, knowledge and experience in the area of environment and health. Several members indicated they had already returned completed Workbooks.

Ms. Williams volunteered to draft the recommendations. During the ensuing discussion, the following subject areas were debated. It was stressed that it is only necessary for the Board to identify areas where improvements can be made, not provide solutions.

AS-OF-RIGHT (BY-RIGHT DEVELOPMENT)

- The need for something to be done regarding as-of-right (by-right) development. Ms. Corser pointed out that there is a difference between as-of-right and grandfathering.

It was felt that in the context of health or environmental issues, you cannot grandfather or use as-of-right as an excuse not to abide by higher standards. It was recognized that there are new ways to deal with old problems, i.e. new technologies to get around rigid setbacks for septic systems. for example and new environmental threats have been recognized.

It was felt that no as-of-right development should not meet current standards. These development should be compliant with current health and environmental standards.

- C The need for a clear MPS without loopholes.
- C If the bar was raised, as-of-right development might be fine.
- C The issue might be solved if environmental and health issues were given a higher profile.

Grandfathering and as-of-right can't be allowed as an excuse not to abide by current health and environmental standards and HRM has to build a system for necessary input and review of development proposals to ensure compliance.

HRM should be giving a higher profile to health and environmental issues by playing a leadership role.

Health and environmental issues should not be subverted by either as-of-right or grandfathering claims. Enhanced realization of things which could hurt our health or environment has to take precedent.

2. TREES

C The two principles regarding tree cutting, contained in Mr. Dwyer's draft letter reviewed at the July meeting, be forwarded. Mr. Dwyer noted that there are no regulations related to tree cutting on private lands. A standard is needed for tree cutting on both public and private lands. The two prime principles be identified, i.e. don't cut immature stands and cut in fashion which encourages natural regeneration.

3. SEPTIC AND SEWAGE TREATMENT

C HRM should move as quickly as possible to advanced sewage treatment. HRM needs to rationalize the level of treatment they are using, i.e. enhanced primary treatment against secondary and tertiary treatment. Perhaps enhanced treatment might be adequate for the urban core, which empties into salt water, but it is probably unsuitable for discharge into freshwater, which has less buffering capacity than the ocean. Consideration should be given to the level of treatment appropriate for the urban core versus outlying areas.

C Following a general discussion of septic systems and the value of using advanced technology, especially in existing situations involving lake front and undersized lots, reference was made by Mr. Mandaville to the Board's Guidelines, page 4. It was felt that residents should be encouraged to upgrade. Mr. Evans noted that the Province is considering legislation related to septic system enforcement.

4. BUFFERS

It was felt that HRM should institutionalize undisturbed buffer zones be required adjacent water courses, waterbodies and wetlands. Width of buffer could vary depending on the following:

- C size of the waterbody
- C vulnerability of the waterbody
- C gradient
- C hydrology of the area

5. STORMWATER MANAGEMENT

It was felt that HRM should institutionalize the need for approved plans. Aspects

of the plans to be innovative in relation to infiltration rates:

- C Emphasize the need for infiltration and storm water retention rather than removal.
- C Recommend guidelines in percentages of impermeable versus permeable surfaces. It was noted that Ms. Muecke, in her presentation, felt guidelines should be avoided. Rather than guidelines, it was suggested that reference to a methodology to ensure recharge is maintained would therefore be more appropriate.
- C It was suggested that if an item was particularly important, it needs to be addressed in regulations not by guidelines.
- C Mr. Regan felt the following should be included:
 - C Watershed Management
 - C Size of Culverts (Referring to the culverts, Mr. Regan wanted to have culverts designed to accommodate fish passage and to accommodate 1/100 year storms. The members agreed)
 - C Public Access to Watercourses - Develop a strategy to ensure when land is developed, public access is allowed /maintained.
 - C Flood Plain Identification and Protection - There is a need to identify flood plains at the highwater mark during a 1/100 year storm and develop a conservation status for floodplains.

Clarification was sought from Mr. Regan as to whether he wanted Master Plan Strategies based on watersheds, i.e. no development in a watershed until a Master Plan in place. Mr. Dwyer noted they have been, i.e. associated with heritage rivers.

6. PHASING OUT USE OF ROAD SALT

It was noted that it has been recognized that road salt is toxic and HRM has developed a strategy to minimize its use.

7. INTER-MUNICIPAL PLANNING

It was agreed that HRM needs to engage in intermunicipal planning with adjacent municipalities with regard to water conservation.

8. CUMULATIVE EFFECTS

HRM needs to develop a comprehensive master plan based on watersheds and cumulative or chronic effects with regard to contaminant releases.

9. WATER QUALITY STANDARDS

HRM should develop water quality standards based on CCME. They should cover

not only chemicals, but hydrocarbons, nutrients and heavy metals.

5. CONCEPT PLANS

5.1 HIGHLAND PARK, HAMMONDS PLAIN

Ms. Corser provided copies of a concept plan related to the Highland Park, Hammond Plains Subdivision.

6. DATE OF NEXT MEETING

The next meeting is scheduled for Wednesday, September 18th, 2002. Mr. Dwyer indicated he intends to have a video presentation at 6:00 p.m. about land use - rural areas.

For the next meeting, under Business Arising, the subject of Benthic Sampling, Sheas Lake will be on the agenda.

7. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk