

REGIONAL WATERSHEDS ADVISORY BOARD
MINUTES

February 12, 2014

PRESENT: Mr. Richard Hattin, Vice-Chair
Mr. Mark McLean
Mr. Dusan Soudek
Mr. Pierre Clement
Mr. Timothy Hayman
Mr. Peter Lund
Mr. Walter Regan
Mr. Tom Mills
Dr. Barry Thomas
Mr. Adam Fancy

REGRETS: Mr. Allan Billard, Chair

STAFF: Mr. Andrew Bone, HRM Senior Planner
Ms. Maureen Ryan, HRM Senior Planner
Mr. Lachlan Barber, Legislative Support

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1. CALL TO ORDER

Mr. Richard Hattin, Vice Chair, called the meeting to order at 5:00 p.m. in the Helen Creighton Room, Alderney Gate Public Library, 60 Alderney Drive, Dartmouth.

The Vice Chair confirmed that all members had received their agenda packages in the mail. Mr. Fancy stated that he didn't receive one. This was noted for the Clerk's office.

2. APPROVAL OF MINUTES – January 8, 2014

MOVED by Mr. Lund, seconded by Mr. Soudek, that the minutes January 8, 2014, be approved as circulated. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Mr. Lund requested that Information Item 3 - Report from RWAB to ESSC re: RWAB Process/Mandate be added to the agenda for discussion (as item 8.1).

The Vice Chair suggested consolidating items 5.1 and 5.2.

Item 5.4 was deferred to the following meeting at the request of staff.

The agenda was accepted as amended.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Business Arising – None

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Porters Lake Watershed Servicing Study Report

5.2 Tantallon Watershed Servicing Study Report

The Porters Lake and Tantallon Watershed Servicing Study Reports were considered under one item.

Staff reports dated October 21, 2013 were before the Board for the Porters Lake and Tantallon Watershed Servicing Studies.

The Vice Chair introduced the item, noting the work that had been done by Board members to consolidate the discussion that was had at previous meetings. Mr. Clement explained the format of the feedback provided by the Board. He went on to provide an overview of the recommendations developed by the Board.

The Board discussed recommendation 3 and agreed that it could be simplified by recommending the establishment of a Wastewater Management District (WWMD). Some members felt that WWMD could not apply to such large areas but it was agreed that it would be best to articulate the recommendation at a high level and let HRM set up the specific districts.

The Board discussed the value of a recommendation concerning septic field testing. Mr. Clement raised the point that there is currently no mechanism to test systems on private property. Mr. Thomas indicated that the provincial law allows testing on private property in cases of just cause. Mr. Lund added that investigation takes place if there are complaints. Mr. Mills raised the possibility of infrared testing. He also suggested that pumping, required every three years, would reveal problems. The Vice Chair explained non-obtrusive (off property) septic field efficiency test using a downstream growth medium. The Vice Chair asked Ms. Ryan if HRM has a septic testing by-law and if not, if there is one in development. Ms. Ryan explained that HRM does not have such a by-law. A draft went to ESSC and staff recommended against it. She added that HRM takes the view that this is a provincial responsibility. The Vice Chair asked that the staff report on on-site testing of septic systems to be forwarded to Board members. Ms. Ryan went on to explain that the Regional Plan includes a policy on studying the feasibility of establishing WWMDs and on-site testing.

Mr. Clement pointed out that two of the Board's recommendations deal with drinking water (hydrogeological) and asked if this is within the mandate of the RWAB. There was discussion among members of the Board as to whether this testing is already required. Mr. Regan indicated his understanding that the by-law only requires testing for new developments. Ms. Ryan clarified that a new policy based on new legislation will include grandfathering of testing for existing developments and as-of-right developments. This will apply for developments of 8 lots or more.

There was discussion among Board members about the application of standards to new development agreements. Ms. Ryan indicated that the regulator of Halifax Water is the Nova Scotia Department of Environment and that planning depends on provincial regulations.

Mr. Soudek excused himself the meeting at this time.

Mr. Lund asked for clarification as to the justification for the recommended riparian buffer of 30 metres. He suggested that the buffer would affect the ability to build on lots and that it might be appropriate for larger water courses but not for all. Mr. McLean indicated that justifying the buffer based on the size of the water course doesn't have a scientific basis.

The Board decided to include a rationale with the recommendations in order to give the community councils the requisite contextual information to soundly consider the advice of the Board. Mr. Lund and Mr. Clement agreed to work on the wording of the rationale

for the recommendations in advance of the next meeting. A motion was deferred until the following meeting, however, the following recommendations were finalized by the Board.

Recommendation 1

1. The Regional Watersheds Advisory Board recommends to the Harbour East-Marine Drive Community Council, that the Porters Lake Watershed Servicing Study Report be accepted as background for future community planning respecting all aspects of the CBCL report.

1. The Regional Watersheds Advisory Board recommends to the Halifax and West Community Council, that the Tantallon Watershed Servicing Study Report be accepted as background for future community planning respecting all aspects of the CBCL report.

Additionally, the RWAB makes the following recommendations:

Recommendation 2

2. The Board recommends that HRM respect the best practices specified in the report regarding waste and stormwater management to ensure that there is minimal impact on surface waters during and post development.

2.1 The Board recommends that stormwater Treatment discharge be tested by HRM to receiving waters, both for water quantity (zero discharge), and quality (CCME Guidelines).

Recommendation 3

3. The Board recommends that specific wastewater management districts be established within the study area.

3.1 The Board recommends that HRM negotiate with the Province to establish maintenance schedules for septic systems based on deficiencies within the reports.

Recommendation 4

4. The Board recommends that the HRM surface water quality sampling be reinstated with the addition of profile sampling and loading determinations including stream gauging, floodplain mapping and buffer of at least 30 meters.

The Board makes the additional recommendations for the Tantallon Watershed Servicing Study Report:

Recommendation 5

5. The Board recommends that homes near and on Hubley Mill Lake Road, Flat Lake Road, Stillwater Lake Road and Lane, Cambridge Court and Ensley Road be revisited for testing purposes of wells and septic systems.

The Board developed the following additional recommendations for the Porter's Lake Watershed Servicing Study Report:

Recommendation 5

5. The Board recommends that the Nova Scotia Department of Environment staff inspect all sewage plants for proper operation for protection of receiving waters.

Recommendation 6

6. That HRM ensure that a proper hydrogeologic testing program be carried out to ensure that there are proper amounts of ground water for new and existing drinking wells, especially for new house construction

The Vice Chair asked how the other feedback provided by the Board would be treated. Ms. Ryan explained that technical errors may be corrected and that other comments would be forwarded to the consultant. Board members expressed agreement that it would have been worthwhile to see the report at some point during the draft stage.

5.3 Case 18781: Application for Development Agreement – Mixed Use Subdivision – Sub- Areas 7&8, Bedford West

A memo from Mr. Andrew Bone, Senior Planner, dated October 9, 2013 was before the Board.

The Vice Chair invited a staff presentation from Mr. Bone. Mr. Bone began by explaining the mandate of the Board in relation to the planning applications and approvals process. He went on to review the policy context of the Bedford West Secondary Planning and noted that the ESSC is seeking a formal comment from RWAB on the master storm water management and water quality monitoring program relative to this proposal. Mr. Bone also reviewed the location and specifications of the proposed development.

Mr. Mills asked why residential densities are 20 pp acre, while commercial are 55 pp acre, noting that this appears backwards. Mr. Bone explained these numbers are based on sewer capacity. The Vice Chair asked for clarification regarding riparian buffer at Black Duck Brook. Mr. Bone explained that it is a minimum of 30 metres on each side of brook and that this is a special case due to *e coli* contamination. Elsewhere the buffer is 20 metres.

The Vice Chair invited Mr. Scott MacCallum, Bedford West Holdings, to present the Stormwater Management Plan. Mr. MacCallum's presentation highlighted the engineering and planning work completed for the proposal to date. It also explained the stormwater management objectives and the methods that will be used to meet them, including Best Management Practices and low impact development.

Board members had a number of questions for Mr. MacCallum. Mr. Regan asked if the project would involve the treatment of water from roads. Mr. MacCallum responded the objective is to balance pre and post development quality and quantities. Mr. Clement asked if the developer is working with the Nova Scotia Department of Transportation, noting the work done by the province at Dartmouth Crossing. Further to this, the Vice Chair asked if the developer is assuming a split highway. Mr. MacCallum replied that few details about the highway have been released. Mr. Lund asked if some pipes discharge into Black Duck Brook. Mr. MacCallum explained that the balance is achieved through overdetaining at some locations.

There were questions by a number of members of the Board regarding how the objectives would be enforced. Mr. Bone explained that enforcement is not done by HRM but rather Halifax Water in a contractual linkage established through the development approval process. There were questions by Board members about an overlap between catchment areas on the map. Mr. MacCallum explained the logic of the "balance point" which means that if flows are too fast, they are detained up stream. There was discussion among the Board as to whether swales are appropriate and whether they will work. Mr. Bone explained that in this situation there are some rural features and some urban, including sidewalks, and that this would be reviewed by a development engineer. Mr. Regan asked how the developer would ensure that the two ditches leading to Kearney Lake that will be used in the plan with concentrated storm flow will be able to handle the capacity. Mr. MacCallum explained that the release rate is controlled. Mr. Regan asked how HRM and Halifax Water will be prevented from building ditches at a later date. The Vice Chair suggested that the residents would not allow this. Board members suggested that rain barrels would be a useful feature to include.

Mr. Lund suggested the creation of another sampling node that would capture the water that flows into the development area. Mr. MacCallum agreed and suggested the addition of a further node. These two additions would ensure that water would be tested upstream and downstream of the development area.

Board members expressed concern about the water being tainted by leeching from off-site materials brought in for stormwater management features. Mr. MacCallum explained that nothing would be brought in and that these features would use materials that are already on-site. Mr. Lund asked if stagnant water would be released into the brook because this might affect fish. Mr. MacCallum replied that the fish habitat has been considered and there is no risk, even at a peak event. Mr. Regan noted that one sample detected arsenic and asked what action would be taken. Mr. MacCallum explained that it is HRM's responsibility to pursue follow up in such cases.

Mr. Mills noted that RCAP is trademarked and that, to avoid potential legal issues, the report should read "RCAP or similar". Mr. Mills raised some concern about the possibility that blasting could contaminate ground water and noted the high cadmium counts in the water testing. The Vice Chair asked that these results be requested from Mr. Deacoff. Mr. McLean asked if there is a management plan for the swales. Mr. MacCallum indicated that the developer is working on this with Halifax Water and HRM.

MOVED by Mr. Lund, seconded by Mr. Mills, that RWAB endorse Case No. 18781 – Application by West Bedford Limited Holdings Limited to enter into a development agreement to permit a mixed use subdivision at Sub-Areas 7 and 8, Bedford West, Kearney Lake Road, Bedford and Hammonds Plains.

MOVED by Mr. Regan, that the recommendation be amended related to testing septic fields in surrounding areas, fish ways, investigating protection against storm surges for the ditches, and turning land along Black Duck Brook over the HRM. There being no seconder, the MOTION WAS LOST.

The Board developed three recommendations.

Recommendation 1:

Add two more water quality testing locations: one upstream before water enters the property and downstream when the water exits the property.

Recommendation 2:

Add additional testing in the sampling programme, including a metal scan in the summer and *e coli* testing.

Recommendation 3:

Amend the proposal to read "RCAP or similar".

MOTION PUT AND PASSED.

5.4 Model Community Plan Environmental Section

The item was deferred until the March meeting at the request of staff.

6. CORRESPONDENCE, PETITIONS & DELEGATIONS - None

7. REPORTS – None

8. ADDED ITEMS

8.1 Report from RWAB to ESSC re: RWAB Process/Mandate

Information item 3 was added for discussion at the request of Mr. Lund.

Mr. Lund asked for the Board's further input on the RWAB's report to the ESSC, in particular more specificity on the point of seeking earlier input from the Board in the process of research studies. Advantages and disadvantages associated with earlier involvement were noted. Ms. Ryan indicated that there are a number of points in the process where staff can check in with the Board including the terms of reference stage, preliminary design stage, and the draft data analysis stage. It was further noted that Mr. Richard MacLellan, Manager, HRM Energy & Environment, is preparing a staff report based on the Board's report. It was agreed that Mr. Lund would follow up with Mr. MacLellan in order to discuss the possibility of being involved at the draft stage for the relevant studies.

9. NEXT MEETING DATE – March 12, 2014, 5:00 – 8:00 p.m., Helen Creighton Room, Alderney Public Library, 90 Alderney Drive, Dartmouth

10. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Lachlan Barber
Legislative Support

Information Items:

1. HRM Reports of Interest to RWAB – November 2013 to January 2014
2. Clean Nova Scotia Rain Yard's 2013 Final Report
3. Report from RWAB to ESSC re: RWAB Process/Mandate
4. Correspondence and response with Soil and Water Conservation Society of Metro Halifax