

## HAMILTON HARBOUR RAP GOVERNANCE & COMMITTEES

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## DEVELOPMENT OF REMEDIAL ACTION PLANS (RAPs) FOR GREAT LAKES AREAS OF CONCERN (AOCs)

In 1987 Canada and the United States amended the Great Lakes Water Quality Agreement (GLWQA) to include a commitment to the identification and remediation of significantly degraded areas throughout the Great Lakes. The two governments went on to identify 43 “Areas of Concern (AOC)” where water quality and related objectives established to protect uses have been exceeded and where remedial measures are required to restore beneficial uses. Seventeen of the AOCs were located either wholly in Canada or on waters shared with the United States (e.g. Niagara River)

The 1987 GLWQA also committed the two governments to working with state and provincial governments to ensure that a Remedial Action Plan (RAPs) was developed and implemented for each Area of Concern (AOC). The Agreement also provided direction for the action planning process and the content of the RAPs. On February 12, 2013 a revised GLWQA came into effect. It updates the earlier guidance for the development and implementation of RAPs.

Remedial Action Plans are to include:

1. Identification of impairments to beneficial uses of water (BUs) and their causes;
2. Criteria for the restoration of beneficial uses that take into account local conditions and established in consultation with the local community;
3. Remedial measures to be taken, including identification of entities responsible for implementing these measures;
4. A summary of the implementation of remedial measures taken and the status of the beneficial use; and
5. A description of surveillance and monitoring processes to track the effectiveness of remedial measures and confirm restoration of beneficial uses.

## CANADA-ONTARIO AGREEMENT (COA) RESPECTING GREAT LAKES WATER QUALITY

Since 1971 Canada and Ontario have had an agreement outlining their respective roles and responsibilities with regard to implementation of the GLWQA. Under this agreement the parties are committed to continuing to work together to restore, protect and conserve the environmental quality of the Basin for present and future generations. The COA is renewed regularly, so that new actions or changes in the GLWQA can be reflected in the text.

The COA sets out specific results and detailed commitments that directly support the RAP process leading to remediation and protection of the environmental quality and beneficial uses in the 15 remaining AOCs.

It also commits both governments to addressing harmful pollutants, nutrients, implementing Lake Wide Action and Management Plans (LAMPs) co-ordination of monitoring, research and information sharing.

Implementation of the COA is the responsibility of a Management Committee co-chaired by Environment Canada and the Ontario Ministry of the Environment.

## PUBLIC CONSULTATION

A major component of the development of the RAP is the public consultation program. Public consultation serves to inform and stimulate interest in local water quality issues and provides a basis for generating broad community support for RAP implementation. Input is obtained from the local organized public advisory councils (municipalities, industries, universities, interest groups, and general public) to better define use goals affected by water quality and remedial options for restoring these goals in each Area of Concern.

## RAP DEVELOPMENT

There are 12 Areas of Concern within the Canadian Great Lakes Basin plus five connecting channels which it shares with the U.S. for the development of Remedial Action Plans (RAPs). These are being developed under the direction of the federal and provincial governments and local implementation committees with provincial, federal and other representatives. The provincial and federal governments have provided funds to carry out investigative work required to prepare the assessment of each RAP area (Stage 1 Reports), the development of a plan with public consultation and consultation amongst all the agencies involved (Stage 2 Reports), funds for public advisory committees, staff and funds to carry out technical committee work, research, monitoring, technology development and demonstration, and for coordinating functions. Three of the areas (Collingwood, Severn Sound, and Wheatley Harbour) have prepared Stage 3 reports and have been delisted as AOCs. Jackfish Bay and Spanish Harbour are listed as Areas in Recovery.

## THE HAMILTON HARBOUR RAP

The work required to correct the problems identified in Hamilton Harbour in the early 1970's had proceeded to the point in 1985 where the Ontario Ministry of the Environment reported that many of the water quality problems associated with industrial discharges had been resolved and sewage treatment had been substantially upgraded. Yet problems remained and the potential management options to address the remaining discharge and contaminated sediment problems were qualitatively outlined.

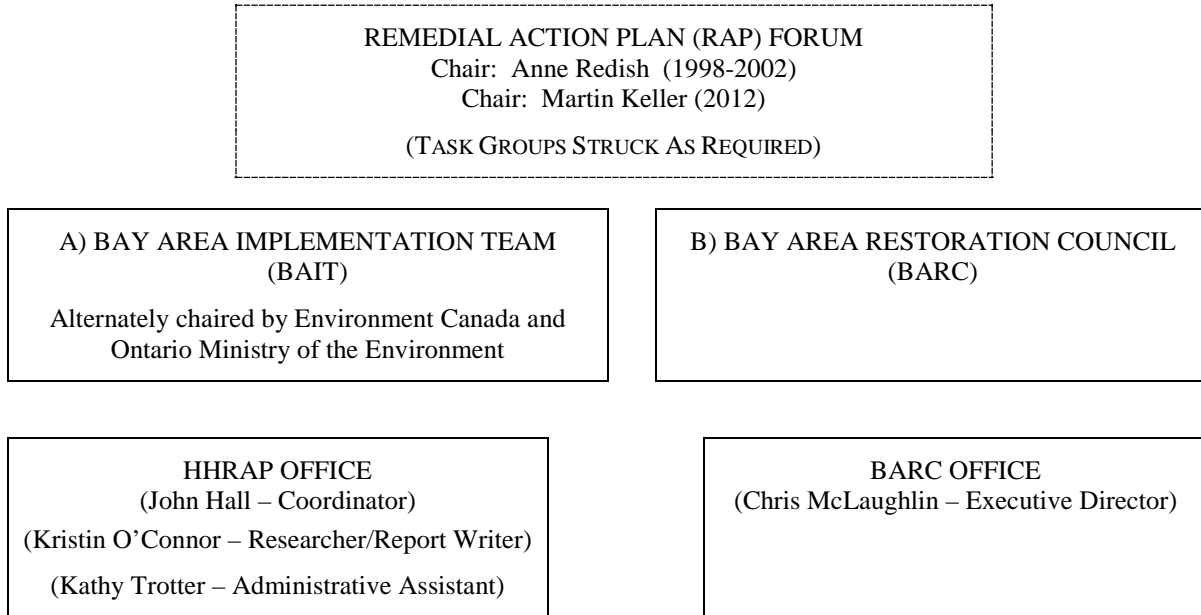
In 1986 a Stakeholders Group was formed under the auspices of the Ontario Ministry of the Environment and Environment Canada to examine alternative remedial action to address remaining problems. In 1987, this initiative was brought under the umbrella of the RAP program stipulated in the Canada/USA Protocol for the Great Lakes Water Quality Agreement (Annex 2 of the Agreement).

A Stakeholder Group worked with the RAP Technical Team to develop the Stage 1 and Stage 2 Reports published in 1992.

With the submission of the Stage 2 report to governments, the institutional structure recommended in the Plan was implemented with the formation of the Bay Area Restoration Council (BARC) and Bay Area Implementation Team (BAIT). The BAIT is mandated to implement the remedial actions while the BARC is mandated to monitor and promote RAP progress and report on actions and inaction. They are parallel organizations as shown in Figure 1. This report describes these organizations and their memberships as of October 2014. This Directory will be updated periodically as required.

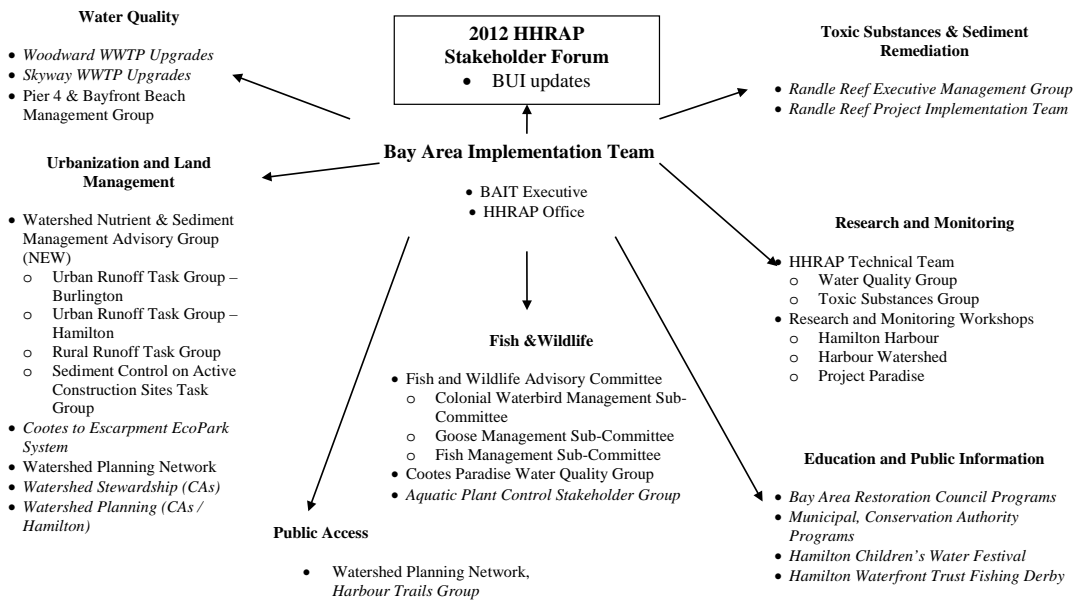
In 1998, a Stakeholder Group called the RAP Forum was convened to review and update the Stage 2 Report for Hamilton Harbour. The RAP Forum completed the update and approved a Stage 2 Update in December 2002. This update was released to the public in September 2003. It is used as the basis of the "Implementation Actions" work plans. The RAP Forum reconvened in 2012 to update the delisting objectives and reconfirm the status of all the beneficial uses. In 2013, BAIT prepared a new work plan to cover 2012-2016 actions in more detail.

FIGURE 1 - HAMILTON HARBOUR RAP STRUCTURE -2014



The Hamilton Harbour RAP Office provides the secretariat to approximately 20 Committees and Groups (Figure 2). This accounted for over 80 meetings scheduled and arranged directly by the HHRAP Office in 2013. Meeting summaries are provided for all meetings and groups. While some of these committees have existed for a number of years, individual committees and groups are formed and eliminated on an ongoing basis as required by the BAIT Work Plan and partners’ requirements. In addition, BAIT Workshops and three research and monitoring days are organized along with proceedings documents prepared. *Groups listed in italics are administered by the partners.* HHRAP Office Staff participate in additional meetings of partner agencies to represent RAP interests.

FIGURE 2 - COMMITTEE STRUCTURE AND RAP OFFICE SECRETARIAT - 2014



## KEY COMPONENTS OF HAMILTON HARBOUR RAP GOVERNANCE

BAIT, BARC and RAP Forum: The Hamilton Harbour RAP may be described as collaborative governance. Neither the BAIT nor the BARC are subordinate to one another. They operate as two parallel groups implementing a common plan but with different roles to perform. While the BARC and BAIT may from time to time differ on some issues, they enjoy a high level of cooperation. This ability to work together is likely a result of the stakeholder approach used to develop the RAP wherein the stakeholders are drawn from both the BAIT and BARC. Similarly, with the updating of the RAP Stage 2 document from 1998 to 2002, the RAP Forum joined stakeholders from the BAIT and BARC. In the late 1990s the BAIT and BARC met jointly to review RAP governance and chose to retain the existing organizational structure.

A great strength of the Hamilton Harbour RAP is the significant public involvement and support for the RAP. This is a direct result of the active role of the BARC and is often identified by other Great Lake RAPs as one of Hamilton Harbour's greatest attributes.

The BAIT is co-chaired by Environment Canada (EC) and the Ontario Ministry of the Environment (OMOE). RAP programs are delivered through individual agencies. Leadership of the BAIT and its individual remedial action plan programs can make a significant difference to the accomplishment of the RAP. Hamilton's RAP, unlike some in the province, has continued to make significant progress in many undertakings.

RAP Office: The RAP Office acts as secretariat to the RAP Forum, BAIT, and various Sub Committees. While the Office of the RAP Coordinator has no direct authority to require actions, it exercises influence and leadership, which is derived from the RAP. The Office of the RAP Coordinator has been seen to provide autonomous leadership for the RAP, speaking with independence to provide factual information on behalf of the RAP and setting out the position of the RAP when consensus has been reached among the various RAP partners.

RAP Accountable and Responsible to the IJC: Many RAP activities are locally based and reflect local priorities and initiatives. Nevertheless it must not be forgotten that the RAP is accountable and responsible to the IJC. The role of the federal and provincial governments is therefore crucial to the effective implementation of the RAP. This federal and provincial involvement is a key factor in progress made to date in the Hamilton RAP not only with respect to funding programs, but also in allocating staff resources for research and participation in specific remedial actions.

## KEY RAP REPORTS

- 1985** Release of an Ontario Ministry of the Environment (OMOE) report, “Technical Summary”, summarizing the water and sediment quality problems and their potential solutions. Based on investigation of the Harbour in the 1960s, 1970s, and early 1980s.
- 1986** The Minister of the Environment for Ontario called for consultation on the remedial program, at which time a Stakeholders Group was formed by OMOE and Environment Canada (EC) to discuss and advise on the plan to be undertaken. After several meetings an Interim Report was submitted by the Stakeholders to both the provincial and federal Ministers of the Environment outlining the principles, water uses, and goals they wished to see addressed in the plan.
- 1987** “Revised Great Lakes Water Quality Agreement of 1978 - as amended by Protocol signed November 18, 1987”. Remedial Action Plans discussed under Annex 2. First interim report of the Coordinator for the Plan and the Technical Writing Team including preliminary estimates of costs (subject to detailed engineering investigations) and identification of the remaining information gaps that had to be addressed before a substantive plan could be submitted.
- 1989** “Hamilton Harbour RAP Stage 1 – Environmental Conditions and Problem Definition”, March 1989. Describes the environmental problems, the beneficial uses that are still impaired, the standards that are not yet being met and the cause of the remaining uses of the Harbour. This report encompasses biological, chemical and physical factors affecting the aquatic system that included both Hamilton Harbour and Cootes Paradise.
- 1992** “Second Edition of Hamilton Harbour RAP Stage 1 – Environmental Conditions and Problem Definition”, October 1992. It updates material in the 1989 edition and includes new section on socio-economic issues, human health aspects and matters relating to water levels and climate change.
- “Hamilton Harbour RAP Stage 2 – Goals, Options and Recommendations”, November 1992. This report outlines in detail the proposed Remedial Action Plan, the options considered in reaching that plan and the goals and recommendations of the plan.
- 1995** “Stage 2: Annex A, Formal Implementation Commitments, Government of Canada & Ontario”. This report summarizes projects of federal and provincial agencies which contribute to addressing the 50 recommendations in the RAP.
- 1998** “1990-1996 Contaminant Loadings and Concentrations to Hamilton Harbour”, August 1998. This report identifies sources and calculates the amount of contaminants and nutrients entering Hamilton Harbour and Cootes Paradise on an annual basis.
- “Hamilton Harbour RAP 1998 Status Report”, September 1998. This report outlines progress in terms of action taken, money spent, observed changes in the ecosystem.
- 2003** “Hamilton Harbour RAP Stage 2 Update 2002”, September 2003. This report is a full update of the 1992 Stage 2 with updated delisting objectives and recommendations.
- 2004** “1996-2002 Contaminant Loadings and Concentrations to Hamilton Harbour”, March 2004.
- “Hamilton Harbour RAP Monitoring Catalogue”, June 2004. This report outlines metadata for monitoring programs in Hamilton Harbour. This report is then published on an annual basis (approximately).

- 2006** “Hamilton Harbour Remedial Action Plan: 2000-2005 Highlights and Summary”, January 2006. A brochure outlining: progress to 2005, highlights, and next steps for each of the seven RAP components.
- “BAIT 2006-2011 Workplan”, June 2006. Includes 183 new targets recommended by BAIT; this is in addition to the 159 targets outlined in the Stage 2 Update 2002.
- 2007** “Hamilton Harbour Remedial Action Plan: 2001-2005 Stakeholder Investments”, January 2007. A brochure outlining investments made in each of the seven RAP components from federal, provincial and local sources.
- “Hamilton Harbour RAP Water Quality Goals and Targets Review. Part 1: Response to the City of Hamilton’s Proposed Wastewater System Upgrades.”, July 2007.
- 2008** “An Assessment of Polychlorinated Biphenyls (PCBs) in the Hamilton Harbour Area of Concern (AOC) in Support of the Beneficial Use Impairment (BUI): *Restrictions on Fish and Wildlife Consumption*”. August 2008.
- 2009** “Contaminated Sediments in Hamilton Harbour. Compilation and Evaluation of sediment Databases, Publications, and Reports, 1975-2008”. 2009.
- “Water quality trends in Hamilton Harbour: Two decades of change in nutrients and chlorophyll *a*” in the *Journal of Great Lakes Research*. Vol 35 (2009), pp 293-301.
- “Arsenic and Cadmium in Hamilton Harbour. Technical Memorandum”, December 2009. This report recommended ongoing monitoring of these metals.
- “Mercury in Hamilton Harbour. Technical Memorandum”, December 2009. This report recommended removing mercury from the Toxic A list onto the B list as mercury is a toxic compound, but has not been demonstrated to be present in HH at levels that threaten fish or wildlife.
- 2010** “Contaminant Loadings and Concentrations to Hamilton Harbour: 2003-2007 Update”, January 2010. This report is the third in the series; note technical issues with creek loadings.
- “Spatial framework for storage and analyses of fish habitat data in Great Lakes’ Areas of Concern: Hamilton Harbour Geodatabase case study.” August 2010.
- 2012** “Cootes Paradise Marsh: Water Quality Review and Phosphorus Analysis”, March 2012. This report includes a model to determine sources of phosphorus inputs to Cootes to begin to set a final phosphorus target for the marsh.
- “Hamilton Harbour Remedial Action Plan Beneficial Uses. 2012 Fact Sheets”, June 2012. This report provides a fact sheet on all 14 beneficial uses (shown as 16 with two divided into separate fish and separate wildlife pages). The RAP Forum approved updated status and delisting objectives are shown.



## REMEDIAL ACTION PLAN (RAP) FORUM – (2012)

### Roles:

A committee of Harbour Stakeholders convened in 2012 to guide the process of updating the beneficial use statuses and associated delisting objectives. The RAP Forum also provided an opportunity for members of the public to provide input into the RAP implementation. The RAP Forum completed its work in June 2012 and can be reconvened in the future if deemed appropriate.

### Affiliations Represented by Committee Members (*Attended Meeting(s) in 2012*):

ArcelorMittal Dofasco Inc.  
Bay Area Restoration Council  
Burlington Sustainable Development Committee  
City of Burlington  
City of Hamilton  
Conservation Halton  
Environment Canada  
Environment Hamilton  
Fisheries and Oceans Canada  
Former RAP Forum Chair  
Former RAP Coordinators  
Green Venture  
Golden Horseshoe Outdoors Club  
Hamilton Bay Sailing Club  
Hamilton Beach Community Council  
Hamilton Chamber of Commerce  
Hamilton Conservation Authority  
Hamilton Harbour RAP  
Hamilton Industrial Environmental Association  
Hamilton Port Authority  
Hamilton Halton Watershed Stewardship Program  
Hamilton-Wentworth Catholic District School  
Board  
Hamilton-Wentworth Stewardship Council  
Lake Ontario Waterkeeper  
LaSalle Park Marina Association  
Macassa Bay Yacht Club  
McMaster University  
Ontario Federation of Agriculture  
Ontario Ministry of Natural Resources  
Ontario Ministry of the Environment  
RAP Forum Chair  
ReLeaf Hamilton  
Royal Botanical Gardens  
Royal Hamilton Yacht Club  
Stelco Fishing Club  
The Regional Municipality of Halton  
U. S. Steel Canada  
United Steelworkers of America

*A number of groups were contacted and provided the information for all meetings, but no one from the organization attended a meeting so have not been listed as participants.*

## A BAY AREA IMPLEMENTATION TEAM (BAIT)

### Roles: *(subject to change)*

1. To develop local arrangements for implementation of the Remedial Action Plan and to coordinate the implementation of remedial action for which commitments exist.
2. To provide consolidated reporting of actions and progress in implementing the Remedial Action Plan.
3. To consult with the Bay Area Restoration Council, with the general public and with other Stakeholders on issues related to implementation of the Remedial Action Plan.
4. To create and direct technical committees as required to support the implementation of the Remedial Action Plan.
5. To liaise directly with the Bay Area Restoration Council on a regular basis, including referral of progress reports and other RAP documentation of the review.
6. To evaluate the effectiveness of remedial action on an ongoing basis.
7. To assist the various implementation projects to locate sources of funding by identifying potential funding sources or possible contacts through the companies and agencies represented on BAIT.

## B BAY AREA RESTORATION COUNCIL (BARC)

### Roles:

The Bay Area Restoration Council represents the public interest in the restoration of Hamilton Harbour and its watershed. BARC is responsible for actions in implementing the Hamilton Harbour Remedial Action Plan (RAP) and for evaluating the overall performance of RAP progress. BARC encourages community action by offering school programs, volunteer planting events, community workshops, evaluative reporting on current issues, and opportunities for digital engagement and promotion. A not-for-profit, membership-based organization, BARC was established in 1991 to promote, monitor and assess the Hamilton Harbour Remedial Action Plan.

A web site at [www.hamiltonharbour.ca](http://www.hamiltonharbour.ca) is rich with information about the Bay Area Restoration Council, the community, RAP information and reports, and links of interest.

### Mandate:

1. Promote, monitor and assess the implementation of the Hamilton Harbour Remedial Action Plan.
2. Assure protection and appreciation of the Hamilton Harbour watershed ecosystem.
3. Assess the public's perception of the environmental status of Hamilton Harbour and its watershed.
4. Promote and develop public information and education programs.
5. Coordinate our activities with those of other organizations and individuals with complementary objectives.
6. Provide advice and make representations to relevant government bodies in support of environmental protection and restoration plans for the Hamilton Harbour watershed.