



FEBRUARY 11, 2014

JOINT MUNICIPAL COORDINATING
COMMITTEE

Minutes Community Issues Update Meeting

Wednesday, February 11, 2015

7:00 p.m.

Colombo Club of Beachville

The Oxford County Joint Municipal Coordinating Committee organized a meeting for Wednesday, February 11, 2015. The purpose of the meeting was to update community members on the work that's been done to date and to gain insight into the processes in relation to the Walker Southwestern Landfill Proposal and the Beachville Area Air Quality Assessment.

Oxford County Warden David Mayberry welcomed the approximately 180 individuals to the meeting, saying that the proposed landfill could be a life-changing event in the community and that together, we can make a difference.

Zorra Township CAO Don MacLeod explained that the JMCC was formed by the four member municipalities of the County of Oxford, the Townships of South-West Oxford and Zorra and the Town of Ingersoll in 2012 to coordinate municipal involvement in the provincial approval process for the proposed Walker Environmental Group (WEG) Southwest Landfill. Their key objective is to provide credible, independent publically available information on the Environmental Assessment (EA) process. He then made the following introductions:

Municipal Representatives:

- David Mayberry – Warden, County of Oxford and Mayor, South-West Oxford Township
- Margaret Lupton – Mayor, Zorra Township
- Gord Lesser – Councillor, Town of Ingersoll
- Mary Ellen Greb – CAO, South-West Oxford Township
- Michael Graves – Clerk, Town of Ingersoll
- Don MacLeod – CAO, Zorra Township
- Don McKay – Mayor, Township East Zorra Tavistock
- Larry Martin – Mayor, Township of Norwich
- Trevor Birtch – Mayor, City of Woodstock

Oxford County CAO Peter Crockett mentioned that a special orientation session was held in November with the new term of council to bring them up to speed on current issues, which included discussions on the Beachville Air Quality and proposed landfill. Peter also explained that local government is as concerned with these issues as the residents are. He then introduced:

Speakers:

- Peter Heywood – Manager, Health Protection, Oxford County Public Health (lead on the Beachville Area Air Quality Assessment)
- Peter Pickfield – Garrod Pickfield LLP, legal counsel to the JMCC on the Walker Southwestern Landfill proposal

Oxford County Public Health Specialists:

- Dr. Douglas Neal - Acting Medical Officer of Health
- Deborah Carr - Epidemiologist

Facilitator:

- Dianne Damman - D.C. Damman & Associates

Dianne Damman then assumed management of the meeting by providing a brief overview of the proceedings and then turned the podium over to Peter Heywood.

Beachville Area Air Quality Assessment:

Peter Heywood explained that there is a high number of aggregate industries in Oxford County and that Zorra Township is a major aggregate-producing municipality in Ontario.

Peter mentioned the Ministry of the Environment and Climate Change's (MOECC) 2003 *Summary of Air Monitoring in the Beachville Area* report and that there is an 11-year gap in the MOECC'S air monitoring information. A group of concerned citizens submitted a formal request to Public Health to conduct a comprehensive air monitoring and air quality study of the Beachville area air-shed to support efforts to improve local air quality. Public Health staff has determined that further monitoring and improvements are warranted and that community feedback is a key component of the process. A survey was conducted in September, 2014 ([Air Quality and You in the Beachville Area](#)). We will continue to monitor the air quality with the special EPA air monitoring units. A sign-up sheet was available for those wishing to have the air tested on their private properties. Will continue to monitor and report through surveys, website, telephone calls, emails, etc.

A facilitated Q&A session followed the Beachville Area Air Quality Assessment presentation:

Q: An individual mentioned that when the dew is heavy, the water coming off the roof is milky in colour. Can the water be tested?

A: Peter Heywood will ask Public Health Ontario if the water can be tested but doesn't see any reason why it couldn't. The question is what are we testing for?

Q: An individual asked Dr. Neal if we are able to draw on the power of the Chief Medical Officer of Health to ask the Superior Court of Justice to ask for an injunction to stop the landfill.

A: Dr. Neal indicated that there would have to be sufficient evidence to warrant such a request. At this time, we are at the gathering of evidence/information stage and if substantive evidence indicated as such, yes, we would move forward with such a request.

Q: An individual asked why the JMCC was requesting a Health Impact Assessment as opposed to a Health Risk Assessment.

A: Peter Heywood explained that the difference between a Health Impact Assessment (HIA) and a Health Risk Assessment (HRA) is that the HIA goes beyond the physical impacts to also consider the impact on the social well-being of the community. It is important to note that HRA and HIA are not equivalent processes. HRA is one analytic method for estimating health impacts and is used to examine discrete relationships between specific environmental contaminants, exposures and a single outcome. However, HRA often fail to look at the

synergistic and cumulative effects of potential contaminants, but more importantly the economic and social consideration frequently lack depth.

HIA tend to be a more comprehensive form of assessment that analyzes the potential direct and indirect health impacts of a project and explores the impacts of a project on the wider determinants of health. Hence the HIA need not be a separated or parallel process to the EA, but integrated into an EA that addresses in much greater detail community health and well-being, by examining key factors that determine health.

Q: An individual mentioned that because of the work that this group has done, other municipalities are following suit and looking at HIAs. She then asked what else can be done regarding the high dioxin counts.

A: Although we are not the regulatory authority, we do have the power to issue an order if a health hazard exists. We can go back to the regulatory authorities (MOECC in this case) and issue orders under the *Health Protection & Promotion Act* if there is reasonable cause.

Q: An individual stated that since the public is paying for these tests and the air quality issues are a result of industry, what is Oxford County Public Health doing to ensure enforcement if the industry isn't compliant?

A: Public Health historically and will continue to improve the current standards. It may be that those standards are out of date and they are within the old guidelines set out by the Ministry of Natural Resources (MNR) and the MOECC. We would advocate to change. Whenever there is non-compliance, Public Health is on the case.

Q: An individual commented that there has been a lack of evidence provided regarding air quality in the area. He showed some posters to illustrate death rates and various reports. According to his numbers, readings beyond 15 are considered dangerous and area levels have been as high as 147.

A: Although Public Health is not the regulatory authority, they do have influence to produce change. Public Health will continue to advocate on behalf of the citizens of Oxford.

Q: An individual brought in a sample of a chunk collected from his eaves trough and indicated he's been having problems such as this since 1991. He asked whether the MOECC is cooperating fully. He indicated that he and other citizens have recorded dust, noise and blasting issues over the years to the MOECC and that they rarely receive a response.

A: Peter H. indicated that there is collaborative work being done with the MOECC. Peter agreed that the MOECC has been lacking in their data collection but has seen some improvement in the last six months. Although historical data is important, we can only move forward to make informed decisions based on current information.

Q: An individual asked if the source of dust can be determined (engines, farm fields, lime plant, aggregates)?

A: Peter H. indicated that source attribution cannot be tracked but that the MOECC is looking at adding a filter medium to the air quality monitoring equipment. Peter will follow up with them re the status.

Q: An individual stated that the air study is being funded by the taxpayer. Is this not what Walker should have done in the first place?

A: Peter Pickfield indicated that the information that comes from this study may be useful to Walker. Walker is being asked to do a Health Impact Assessment, which is only a very small part of the broader Air Quality Impact Assessment.

Walker Environmental Southwestern Landfill Proposal:

Peter Pickfield thanked everyone for coming out to hear the presentation and provided background information as follows:

- Walker Industries is proposing to establish a large-scale solid waste landfill facility in a worked-out portion of the Carmeuse Lime (Canada) quarry facility in Zorra Township, in an area bordering South-West Oxford and Ingersoll. He also indicated that landfills of this scale present serious long term environmental risks and concerns regarding water quality issues, specifically since it's in a worked-out quarry with potentially serious land use issues. Since this is a private facility, all of the long term benefits are gained by the stakeholders of the company. The risks lie with the neighbours (the community). For these reasons, a very thorough health and environmental investigation is required.
- Peter P. indicated that the process itself has impacts that are significant and could go on for a much longer period of time, which is hard on a community.
- Peter reminded the group that this is a provincial approval process under the *Environmental Assessment Act* and that we are still in the early stages of the approval process.

Below is a timeline of the Joint Municipal Coordinating Committee's (JMCC) activities to date:

- The Walker MOU was signed in January 2013;
- An independent Peer Review Team was established in February, 2013. This is a team of approximately 20 professionals covering a multiple disciplines. More information can be found at http://oxfordreviewteam.ca/About_us.aspx. The work of the Peer Review Team is paid for by Walker Industries;
- The draft Terms of Reference (ToR) were reviewed in the spring/summer of 2013;
- The first JMCC / Council submissions were made in the summer of 2013;
- In 2014, an amended ToR was submitted to the Minister for approval by WEG and followed by letters to the Minister reinforcing positions and need for the Health Impact Assessment (HIA).

Current situation:

- Currently awaiting the Minister decision. The Minister's options are as follows:
 - Deny ToR
 - Approve ToR (as submitted, or with Amendments)
 - Could refer the matter to mediation

Our position:

- The ToR does not address a variety of technical issues;
- A Health Impact Assessment needs to be included within the Environmental Assessment;
- “Deny” the ToR or “Approve” ToR only with amendments (Health Impact Assessment)

Next Steps:

- **If the ToR is denied:**
 - The EA process stops and Walker would have to re-think their approach (try again or walk away).
- **If the ToR is approved without amendments:**
 - This would be unacceptable to the Oxford Community and decisions would then need to be made as to our approach;
 - Walker would be allowed to move forward with an Environmental Assessment (EA) study process. The full EA process is very thorough and requires extensive consultation, including a multi-disciplinary and public review process.
 - After the EA is approved, further approvals are required, including the *Environmental Compliance Act, Planning Act* as well as amendments to aggregate license to amend the rehabilitation plan.
- **If the ToR is approved with amendments:**
 - Depends on the extent of the amendments;
 - Is a HIA included? Are there other gaps?;
 - Decisions would need to be made as to our approach depending on those amendments.

In all, this is a very long process, which is expensive in time and resources. Need to wait now and see what to expect next from the Ministry.

A facilitated Q&A session followed the Walker Environmental Southwestern Landfill Proposal presentation:

Q: Can municipalities flat-out refuse to have landfills brought into their community?

A: Peter P. indicated “No”. The focus on the process needs to be on the decision-maker, which is the Province. We need to voice our views and concerns on the process.

Q: Is Walker allowed to bypass MOECC guidelines because they are a private company?

A: Peter P. indicated that the guidelines apply to both private / public sector.

Q: The impacts and challenges are great. Can you offer any advice as to how to get through this process as a community?

A: Peter P. said the key is to stick together, organize together, be a coordinated voice and coordinate resources as a community. It is helpful to have access to experts such as lawyers and consultants to help get through the process. It’s important to recognize that this process is a marathon and not a sprint!

Q: Does the host community need to keep an eye out for different issues than the neighbouring communities?

A: Peter P.'s advice is to keep doing what we've been doing and learn as much as possible about the proposal, its impacts and how they affect the community in order to make informed, correct decisions as they come along.

Q: Can the JMCC continue to communicate with the public as decisions are made and the process moves along?

A: Peter C. assured the group that the JMCC will continue to communicate on the process. Peter Pickfield will continue to advise as to whether or not he believes Walker is following the rules. The proponent is supposed to keep the public informed and they are evaluated on this but if that is not happening the JMCC will act accordingly. That's how the JMCC came to fruition. Will continue to inform the community through the JMCC website: <http://oxfordreviewteam.ca/>

Q: How does all of this fit into the County's Community Sustainability Plan?

A: Peter C. indicated that the Community Sustainability Committee is considering all of the broad aspects of sustainability. The committee is made up of fifteen community members (some of which were in the room). They are developing a draft plan, which will be available for public comment / insight in late March, 2015.

Closing Remarks:

Warden Mayberry gave closing remarks. He indicated that every individual needs to keep working together and keep their eyes on the goal. Most importantly, even politicians are human and care just as much about their families as the rest of the people do. Politicians care about what's happening around them and want to make a difference. We need to keep the focus on who is making the decision - the Province decides. If it were up to the politicians of Oxford, the decision would have been made a long time ago. "If we didn't care, we wouldn't be here". He then thanked everyone for coming out and encouraged people to come forth and ask questions (www.oxfordcounty.ca/speakup).

Meeting adjourned at 9:25 p.m.