

MINUTES
CHEMTURA PUBLIC ADVISORY COMMITTEE (C.P.A.C.) MEETING
Thursday, July 28, 2011
Council Chambers

Present:

Todd A. Cowan	Township of Woolwich
David Marks	
Vivienne Delaney	
Ron Campbell	
Sebastian Siebel-Achenbach	
Christine Broughton	Township of Woolwich
Garth Napier	Ministry of the Environment (MOE)
Greta Najcler	Ministry of the Environment (MOE)
Dwight Este	Chemtura Canada Co./Cie
Jozef Olejarz	Chemtura Canada Co./Cie
Richard Clausi	Elmira District Secondary School
Brent Fitzpatrick	Resident
Alan Marshall	Resident
Shannon Purves-Smith	Resident

Regrets:

Dan Holt

1. Roll Call

Todd Cowan – Interim Chair
David Marks
Ron Campbell
Vivienne Delaney
Sebastian Siebel-Achenbach

2. Approval of Agenda

Mayor Cowan asked that it be acceptable that outside of the Delegation and Forum, members of the gallery be permitted to speak as issues arise.

MOVED BY David Marks; SECONDED BY Sebastian Siebel-Achenbach: THAT the Agenda of the July 28th meeting be approved as amended.

CARRIED...

3. Delegations

3.1 Alan Marshall

Alan Marshall distributed copies of his delegation including a map of the town of Elmira highlighting environmental polluters. He highlighted the following from his document: That Varnicolor's Union St site has escaped all scrutiny as a potential polluter and contributor to the south wellfield contamination. He used figure 4.14 Chemtura Canada Co./Cie from a CRA Report dated Feb 27/2008. He noted that he has been bringing this information to CPAC for the past two years. Chemtura and the MOE have not confirmed this information. He alleged that there has been an ongoing conspiracy to deceive the public. The whole public premise of the cleanup has been to isolate and contain Chemtura's buried wastes on site, while simultaneously pumping and treating dissolved contamination off-site. He challenged CPAC that their mandate is to ensure that our local drinking water be restored. He added that CPAC is being grossly deceived and misled by Chemtura and others.

4. Approval of Minutes

Mr. Clausi noted that the following comment was omitted from the minutes and he requested they be included. "Mr. Clausi expressed grave concern that CPAC is excluding one of the town's most knowledgeable experts on this file namely, Alan Marshall."

Pg 7 Public Forum - Alan Marshall clarified that Chlorobenzene is subsurface near the water tower. CH48 should read CH38.

MOVED BY Sebastian Siebel-Achenbach; SECONDED BY David Marks: THAT the Minutes of the June 30, 2011 CPAC Meeting be adopted as amended.

CARRIED...

5. Business Arising from the Minutes

5.1 Chemtura Canada Co./Cie

5.1.1 Review of Proposed Work Plan GP1 & GP2

Dwight reported that Chemtura has rolled their responses into the revised Work Plan. The Company has been working with their consultant, however there are a few steps: 1) Check with GRCA to see if a permit is required to do the work; and 2) Marking the areas where samples will be taken and clearing the brush. Chemtura is anticipating starting sometime mid-August. Mayor Cowan asked if they have filed anything with the GRCA as yet. Dwight replied, he is uncertain as the staff member who will do that is currently on vacation. Dwight Este distributed the document "Proposed Investigation work Plan for Former Gravel Pit Area Chemtura Canada Co./Cie (Chemtura), Elmira, Ontario. Mayor Cowan asked if Chemtura wants CPAC's comments prior to the next meeting. Dwight, replied, yes. Dwight basically feels that they are ready to go. Mayor Cowan asked if they have taken samples previously. Dwight answered that samples were taken in 2001/2002 for a Site-Specific Risk Assessment (SSRA). Mayor Cowan asked if we will be looking at the 2001/2002 results as well as the current results. Mr. Este replied, "Yes."

Ron Campbell entered the meeting.

Dwight Este commented that Chemtura will take some additional samples from the test pits. Dr. Siebel-Achenbach asked when it will be completed. Dwight it will take two to three days to be completed and then it takes a few weeks for the lab to analyze the samples. It is anticipated that results will be available mid-September. Dr. Siebel-Achenbach further asked if they are looking for specific contaminants. Mr. Este replied they are looking for dioxins, furans and several other compounds. David Marks asked regarding the three test pits that are away from the creek NW of GP1 why is CRA putting them there. Dwight from a statistical approach they are trying to collect enough samples on a grid basis to see if there is any potential where there may have been runoff/overflow from the pits. Dr. Sebastian-Achenbach will they be counted in with the others and will that affect the results. Dwight responded, no because the idea is to determine the extent of the contamination. Mayor Cowan asked if the testing in 2001 was a similar test pattern. Mr. Este responded no it was more of a random test sampling this is more of a statistical approach. Mayor Cowan asked if we are confident enough to accept this plan.

Alan Marshall asked Mr. Este to clarify that there would be one soil sample per test pit. Mr. Este responded a minimum of 1 sample but if there is an odour or VOCs additional samples will be taken if the parameters warrant it. Alan asked if they are considering de-watering. Mr. Este also noted that where they can they will go as deep as 4 ft.

Dr. Sebastian Siebel-Achenbach asked if any contaminants going to be excluded from sampling. Mr. Este said no the contaminants of concern will be sampled and the results shared.

MOVED BY David Marks; SECONDED BY Vivienne Delaney: THAT CPAC is in agreement with the proposed work program for GP1 and GP2 and that the work commence immediately.

CARRIED...

5.1.2 Project Outline 2011

Dwight Este reported that one thing the company does annually is to pull a list together of projects. Mr. Este added that the company is not necessary looking for comments this evening.

Ron Campbell asked on the certificates of approval application submitted in July 28, 2010 under Air. Is that the MOE's completion date. Dwight responded no, as a peer review was requested by the previous CPAC. Mr. Este added we have compounds that do not have standards that need to go through. Mr. Campbell commented so probably not Q3. Mr. Este added Chemtura is not sure when that C of A will be issued.

Richard Clausi enquired regarding south yard soils. Does the Company know how many barrels there are and the contents. Dwight Este replied, no, when we were doing some excavation for installation of some underground wire we came across some drums. We had an area we used as a recycling area for concrete and asphalt and that was full and we could not get to it. So we removed all that stuff and just wanted to explore a little bit to see if there are anymore empty drum carcasses. We found some empty drum carcasses so we just want to take that a little further to see if there is anything there. Mr. Clausi asked if there were any identification symbols? Mr. Este said, no they were rusted out. These are just partial drum carcasses. Mr. Este thought there might be more in that area but could not get access to it.

Mayor Cowan asked if it would be helpful to have a one on one on DNAPL. He asked the committee if they would like to have an orientation on DNAPL. Dave Marks asked if anything more has been done on the item "Continue discussion of DNAPL remediation program to determine next steps." Dwight Este responded that there was a technical committee that worked on that document and offered to provide Mr. Marks with a copy. Vivienne Delaney commented that there is too much information wants to prioritize, find key items that need to be done and track progress at meetings.

Mayor Cowan asked as far as this committee, bringing us up to speed, should get for a broad stroke as far as chemicals. Dave Marks responded key contaminants on and off site, DNAPL, LNAPL, Hydrogeology 101. Mayor Cowan just want to provide an orientation in the basics when could they pull that together. Mr. Marks noted not the next meeting, but the meeting after i.e. September 2011. Richard Clausi suggested having that meeting available on the web for potential student members. He added this would be a useful educational tool.

Mr. Este reported every five years Chemtura has to do a review of the model for groundwater clean-up which is due this year. Copies of the Draft for Review – Work Plan Groundwater Flow and Contaminant Transport Model Update were distributed for review and comments. It is a process that ensures that the Company is on target for their clean-up. Mayor Cowan asked if basically all of the wells that Chemtura has have changed over time. Dwight responded that yes in response to issues that arise wells are installed, decommissioned or moved. Mayor Cowan asked if is testing expensive? Mr. Este replied that it depends what you are testing for i.e. soil samples for dioxins can run between \$600-800 per sample. Mr. Este added that the majority of testing is sent off-site.

Dr. Siebel-Achenbach asked what the criteria is for a new well location. Dwight Este responded that is what the optimization study determines where there are higher concentrations. He added there are a number of parameters that are reviewed. Mayor Cowan how many wells does Chemtura, Elmira have? Mr. Este replied 100s. Mayor Cowan are the successes of specific wells highlighted. Mr. Este responded, not necessarily the aim is for more of a broadscan. Vivienne Delaney asked how off property do you go for some of these wells. Dwight if you see a little reddish metal box sticking out of the ground that is a monitoring well. There is a pump house near the Canadian Automotive Association (CAA) office. Mayor Cowan asked if there is a map for those. Mr. Este noted there is a map in the Annual Monitoring Report. Dr. Siebel-Achenbach asked why is there a monitoring well at Lion's Park which is well outside the area that he thought might be contaminated. Dwight it would be a well to establish the plume of contamination and to ensure that contaminates are not drifting off the property. Ms. Delaney has there been any epidemiology studies on the health effects. Mr. Este replied that nothing has been done to his knowledge. However, there was a review done a few years ago by Cancer Care Ontario, but it looked at the area in a broad sense i.e. Woolwich, Waterloo and they did not see any increased evidence of cancer in that study, but there is nothing done on residents of Elmira. You have to have the right size population to warrant a study.

Richard Clausi compared a physical hydrogeological model of the site to a computer model of the site. Referring to page 13 of the "Draft for Review Work Plan Groundwater Flow and Contaminant Transport Model Update", he noted the updated conceptual hydrogeological model will incorporate five types of custom data. Mr. Clausi questioned how much faith do 'you' have in the accuracy of the computer model and is it a valuable tool to predict. He further questioned will it get to the point where you will be able to have confidence in the model. Dwight Este remarked that is what this exercise is for and one of the reasons PW1 and PW3 were shut down was become the model said that if we moved that pump here we will get better results. Dave Marks comment on groundwater models are calibrated by checking data in the model against the system to see if you are getting the same measure. Every time you add data you change the model.

Reverification

Mayor Cowan noted that the reverification is completed. Dwight Este noted that details cannot be shared until after the team has deliberated.

Public Education

Mayor Cowan would like to share with the community what is and has been going on. It will be positive in an effort engage the public.

5.2 Ministry of the Environment

5.2.1 Response to the Request for Action – July 2003

Garth Napier reported that in the last meeting there were comments on the status on the priorities on the priority list provided by CPAC in 2003. Mr. Napier remarked that the MOE has put some information of more than just those eight priorities. He further noted that it is up to this committee to determine what their priorities are. The first document he highlighted is the Environmental workplan that Chemtura has put together with 59 action items which has not as yet been endorsed by CPAC as a workplan. Dwight Este commented that this is what Chemtura really feels are priorities for the Company to focus on for the next couple of years. On an annual basis there is an annual project work plan taken from those 59 items. Mr. Napier suggested that the committee make this a standing item to look at those annual elements either every meeting or every couple of meetings. Mr. Este added that updates are reported on a quarterly basis. The first appendix is the work plan with the 59 elements on it. The next appendix is the 2010 project outline. The prior CPAC made comments on the work plan this committee could endorse them or make comments on the 2011 Chemtura Project Outline. The document with the 8 items were superceded by the comprehensive document with 59 items. The MOE's perspective is that the information is reviewed but also solicit input from stakeholders. Mr. Napier noted this is more than a learning experience but an opportunity to provide advice as to what Chemtura should be focusing on. Dr. Siebel-Achenbach asked are those 59 items doable within 10 years. Mr. Napier emphasized that this is not the MOE's workplan but the Company's workplan certainly they are doable but from time to time other priorities arise. Mr. Este commented that some of the items on the list will remain on the list as they are a requirement to be done annually. Mayor Cowan asked Greta Najcler if it regulatory means control order or a regulation. Ms. Najcler replied, "Yes." David Marks asked who came up with the eight items. Mr. Este responded that those were CPAC items that they provided. CPAC ratified the document. Mr. Este added the Company took all the priorities, MOE, CPAC and Chemtura and then listed the top eight based on the feedback and the Company's criteria. Alan Marshall commented there were four members on the Soil & Water subcommittee Alan Marshall, Fred Hager, Dr. Henry Regier and Susan Bryant presented this document to all of CPAC who voted on, and accepted the document. Mr. Marshall added that in the interim, since 2003, those 8 items expanded to 59. Mr. Marshall alleged that Chemtura's plan is to water down those eight items. He claimed these eight items will move mountains to get the drinking water cleaned-up. Highlighted the June 27th letter. Mr. Este commented that the reason there is more on there is that the previous CPAC had a series of other discussions and consultations and it was felt that these additional items should not be left off. David Marks remarked he just wants to focus on what they really need to be focused on. Wants to show the public that we have moved forward on those eight items. Mr. Napier said that is part of this committee's job is to decide what this committee needs to be focused on. He added that what the MOE has done is given the committee a status on the eight items in the June 27th letter. Dr. Siebel-Achenbach requested clarification we had a unanimous vote on 8 items, how did this escalate to 59 without CPAC's notification or approval. Mr. Este remarked that CPAC is an advisory committee and as such their advice is taken into consideration. Mr. Napier noted as a regulator, we would like to see all 59 items addressed. Having a comprehensive list is important and prioritizing that list is critical, having an annual plan is critical, the eight items are important, but there are other issues. Dr. Siebel-Achenbach asked who ultimately decides what becomes a priority. Mr. Napier responded that CPAC is an advisory committee, there are other folks in your community who have an interest as well and there are stakeholders attending meetings who have an interest as well. He added as a regulator all those interests are taken into account but we follow the regulations and the laws.

Shannon Purves-Smith entered the meeting.

Dr. Siebel-Achenbach who ultimately decides what gets done. Mr. Napier responded that there are orders and regulations and the advice of CPAC but we do not have the regulatory authority to motivate the company. Dr. Siebel-Achenbach asked if, hypothetically, if CPAC recommended that items 52-59 become the priority would the MOE also recognize these items as top priority. Garth Napier responded that there has been general agreement as to what needs to be worked on. The eight are important but there is more than the eight items. Dr. Siebel-Achenbach who ultimately makes the call on the ranking of the priorities. Mr. Napier it depends, if it is regulatory in nature then the MOE. Mr. Este added if it is not a regulatory issue it will be the Company that makes the call. Brent Fitzpatrick asked if are there control orders

associated with the 59 items. Garth Napier replied, some of them are, but not all 59 items, some of them are indirectly. Mayor Cowan remarked so GP1 and GP2 are voluntary. Mr. Este answered, yes.

Alan speaking to agenda item 6.2.1 Response to the Request for Action. This four page document from the MOE dated June 27, 2011 is grossly inaccurate. Highlighting item #4 P-1: Excavate worst spots in P-1 area and contain shallow groundwater. Status: This area was studied/sampled during the DNAPL investigation. Results indicated relatively low concentrations of a small number of parameters. Monitoring is ongoing. Mr. Marshall alleged that is false and reported that he has emailed some documents to CPAC members there is DDT up to 87,980 ppb in the soil in P-1 in the UA₁. There is also in the clay in P-1 DDT 461,670 ppb. So when the Ministry says, "Results indicated relatively low concentrations" that is totally inaccurate. Mayor Cowan asked Alan where he got his figures from. Mr. Marshall replied the CRA's March 5, 2002 fig 2.6 Concentration of Total DDT Compounds, Soil Samples, Crompton Company.

Item #7 RPW 6, 7, 8: selectively excavate and/or remediate soils. Remove LNAPL plume. (Long range plan (1), Soil, Sediment and Waste #3, page 6) Status: The area is contained by on site groundwater containment and treatment, and monitoring does not directly indicate the presence of DNAPL in the area. Decreasing concentration trends have been observed in monitoring wells in the RPW 7, 8 area. Monitoring will continue. Mr. Marshall feels that the status report is not addressing the issue. The issue in #7 according to the Control Order is removing DNAPLs as a contaminate source. All of the data shows that to this day, the highest concentrations of Chlorobenzene and other DNAPL compounds are on the southwest corner. Mr. Marshall accused the MOE of sloughing off item # 7 in this request for action is ridiculous. CRA justified their shallow aquifer containment system in 1997 by stating that 97.5% of all contaminants going to the Creek are from the southwest corner. The southwest corner is RPW 6, 7, 8. He added you cannot justify shallow aquifer containment in only one quadrant of the site by saying there are 97.5% of contaminants there and then turn around and say we are not going to obey the Control Order because it is not too bad or because there are decreasing contaminant concentrations. The Ministry's June 27 document allegedly an update of CPAC's request for action is totally inaccurate, it is deceptive, evasive when it says low concentrations or even to say decreasing concentrations. Alan Marshall challenged the MOE to come back with some accurate figures and numbers. Alan challenged CPAC to focus on the request for action items. Mayor Cowan clarified that there has been some action. Garth Napier offered to get some information on how why they wrote what they wrote. Mayor Cowan said that he would appreciate some more detail.

Richard Clausi asked Dwight Este if there is a collusion of sorts that is not part of the formal CPAC process. He added that it does not speak well of transparency and commitment. Dwight Este responded that CPAC was at the table as well as the Ministry and these are all part of the discussions that originated around the long range and contributed to all of those 59 items – no sidebar deals. Mr. Clausi recommended that all future meetings be public and stressed transparency. There were representatives from CPAC at the table. CPAC chose how to manage their committee. Dr. Siebel-Achenbach that the wishes of the committee by the Ministry of the Environment and that they not be sloughed off. Garth Napier recommended that the Committee go back and review past minutes. The recording secretary will review and provide a history on the Request for Action Items.

5.3 Chemtura Public Advisory Committee

5.3.1 Novotox Peer Review

Dwight Este provided comments to David Brenneman that they do not want a consultants battle. Will follow-up when David is back.

5.3.2 RWDI Peer Review

Dwight Este reported that the lead is just back from vacation and will provide an updated proposal end of August – mid-September.

6. New Business

Dwight Este spoke to the issue of NDMA in the southeast corner. Chemtura was waiting to install a couple of monitoring wells on some private property. The property was for sale and anticipating the new owners will sign the access agreement. Once the access agreement is signed the wells can be installed, possibly end of Aug, early Sept.

7. Public Forum

Alan Marshall alleged in eight years only one item has been completed, Item #5 Creek bank down gradient of M-2 (and RPWs): Excavate entire dry channel and island. Cap with clean fill. (no longer on long range plan (1)) Status: Complete (June 2006).

8. Outstanding Activity List – as of July 28, 2011

Mayor Cowan reported that a meeting has been set-up with Dr. G. Krantzberg and will follow-up at the next meeting.

9. Next Meeting Thursday, September 29, 2011 at 6:00 p.m. in Council Chambers

9.1 Agenda

Discussion on the Item Eight Items

Off-site Impact Areas i.e. Varnicolor and others at a future meeting

Dr. Sebastian-Achenbach asked how far does the plume of contamination go to the south and to the west, is there any way to find that out. He expressed concern that there are residents in the south on well water.

Dwight Este responded that was taken care of and if there are residents on well water, they should not be.

Dwight Este responded that this is identified annually in the Annual Monitoring Report

10. Meeting adjourned at 10:00 p.m.

MOVED BY David Marks; SECONDED BY Dr. Sebastian Siebel-Achenbach: THAT the meeting be adjourned.

CARRIED...

