

MINUTES  
CHEMTURA PUBLIC ADVISORY COMMITTEE (C.P.A.C.) MEETING  
Thursday, October 27, 2011  
Council Chambers

Present:

Todd A. Cowan                      Township of Woolwich  
Dan Holt  
David Marks  
Vivienne Delaney  
Ron Campbell  
Sebastian Siebel-Achenbach

Christine Broughton              Township of Woolwich

Garth Napier                      Ministry of the Environment (MOE)  
Steve Martindale                Ministry of the Environment (MOE)

Dwight Este                      Chemtura Canada Co./Cie  
Jeff Merriman                    Chemtura Canada Co./Cie

Richard Clausi                  Elmira District Secondary School  
Alan Marshall                    Resident  
Gail Martin                        The Independent

Regrets:

David Brenneman  
Jozef Olejarz

1. Roll Call

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

2. Approval of Agenda

Suggested addition of the following:

1. Chemtura – Biomonitoring Report
2. 62 Union St. added to Item #11

MOVED BY: Ron Campbell; SECONDED BY Dr. Siebel-Achenbach: THAT the Revised Agenda of the October 27<sup>th</sup> meeting be approved as amended.

CARRIED...

3. Delegations

3.1 Alan Marshall

Alan Marshall's delegation highlighted a motion tabled by the previous CPAC committee in June of 2004 that would require clean-up of the Crompton site would become a standing agenda item. Mr. Marshall noted that this item has never been rescinded or amended.

4. Approval of Minutes

Pg. 4, last paragraph should read, "... has denied free-phase DNAPL"  
Pg. 4, last paragraph should read, "TPW2..."

MOVED BY Ron Campbell; SECONDED BY David Marks: THAT the Minutes of the September 29, 2011 CPAC Meeting be adopted as amended.

CARRIED...

## 5. Business Arising from the Minutes

### 5.1 Chemtura Canada Co./Cie

#### 5.1.1 Update on GP1 & GP2

Jeff Merriman reported the analytical data is in and Chemtura has received a draft report from CRA. He anticipates a draft report will be available for the next meeting.

#### 5.1.2 Draft for Review – Work Plan Groundwater Flow and Contaminant Transport Model Update

Jeff Merriman reported that as per the groundwater C of A, Chemtura has to evaluate the progress on the off-site groundwater cleanup every five years. The computer model predicts the cleanup performance and then compares it to actual conditions. It is recalibrated to see if the predicted performance of the model matches the performance over a fixed period of time. Once the model is calibrated they project forward to 2028 to see what the cleanup progress looks like. Jeff Merriman further noted that Chemtura provided a draft of the workplan for CPAC back in July and they are looking for comments from both CPAC and the MOE on that workplan and once comments are received they will be incorporated as appropriate and work will begin. Steve Martindale commented that the MOE will send their comments to Chemtura with a copy to CPAC prior to the next meeting.

Ron Campbell noted on page 2 preparation of plume maps shall be part of this process. This information including the actual plume maps contain the check points and the model plume map. This would be really good to have a visual model of this. Canadian Consulting Engineering showed the model from 1991 and how it is going to draw over the next 30 years. Would be an excellent tool to have this done to help CPAC understand where we are at. David Marks enquired if the model being produced by CRA is 2 dimensional or 3 dimensional. Jeff Merriman replied it is a three dimensional computer model. There will be 2 dimensional models in various aquitards. David Marks stated it is easier to explain through a picture rather than reading copious amounts of data. Plume maps of actual conditions are available in all of the Annual Monitoring Reports, the most recent being February 2011 for 2010. David Marks noted he is most interested in the projection. Dwight Este asked if CPAC would like to see the first Optimization report. Jeff Merriman asked if CPAC would like a synopsis as the report is quite large, the committee agreed. Dwight Este added that it would put the five year review into perspective. Ron Campbell added an actual vs projected model so we have a snapshot of where we are at 20 years down the road. Jeff Merriman remarked Chemtura will proceed once we receive comments from CPAC and the MOE. David Marks asked how long will the process take. Jeff Merriman replied, a matter of weeks. Dr. Holt commented and quoted from the draft of the workplan, "The remedy is not limited to containment, restoration is the key objective." Jeff Merriman our objective is to contain contaminants on-site and to clean it up to some degree, to contain it and to prevent contaminants going off-site. The off-site object is clean-up the aquifer under the Town of Elmira to restore it to drinking water standards by 2028. Dr. Holt said he is confused with 2028, 30 years and the 1991 Order. Jeff Merriman answered it is a 30 year clean-up timetable which started when the off-site wells were put in, in 1998. Ron Campbell noted the 30 year timeline is difficult. The modeling predicted would be difficult to meet the 2028 clean-up as per a press release dated 1999. Jeff Merriman commented one of the challenges has been to run the off-site clean-up wells at the maximum year-round. Now they are trying to pump their wells harder to try and catch-up. Jeff Merriman stated it is a challenge because Chemtura lost some pumping time. Dwight Este commented that is the purpose of the optimization. David Marks noted he would like to see the MOEs comments. Alan Marshall asked if table 2.2 of the groundwater work plan is a listing of locations where soil samples were taken on the Nutrite site readings for NDMA and chlorobenzene. Is my understanding and interpretation of Table 2.2 that Nutrite is a source of NDMA and chlorobenzene to the drinking water aquifer. Jeff Merriman responded that he is not aware that Nutrite used any NDMA or chlorobenzene on that site. Nutrite was responsible for a good portion of the ammonia.

#### 5.1.3 Annual Work Plan – 3Q Update

Will be covered under 5.1.4 Plant Activities Summary

#### 5.1.4 Plant Activities Summary for October 2011

Jeff Merriman reported September was a good month with respect to odour complaints, had a few odour complaints in October but could not identify the source however the wind direction would have been favourable. Dr. Siebel-Achenbach asked where are the complainants located. Jeff Merriman responded usually close to the plant. Dr. Holt asked what the smell is comparable too. Dwight Este replied that we get complaints for different things. Often the complaints come in much later than they are detected. It is

important that complainants call the shift supervisor as soon as they detect an odour so sampling and identification can happen effectively. The October event could possibly be linked to the clarifier clean-out.

Ron Campbell asked how often is the clarifier cleaned out? Jeff Merriman replied this is the first time it has been cleaned out since its installation three years ago. The Company was cognizant of the potential for odours during the clean-out. They have had nasty odours linked to de-watering of waste water. Generally if biological sludges do not lay around and become anaerobic they do not smell. Vivienne Delaney noted there has been a smell that has been coming in the morning and dissipates at night, but is more prevalent when raining. Jeff Merriman responded please let us know when you notice an odour as we take these complaints seriously and we will send someone out if someone calls. Mr. Merriman advised to call the shift supervisor or the Spills Action Centre (SAC).

Jeff Merriman reported the bi-ennial creek biomonitoring report was issued this past month. Dioxin levels remained considerably lower compared with the levels when they started testing. The numbers for 2011 were the second lowest on record but very close to 2009 which was the lowest on record. Mayor Cowan asked how often is that report done. Jeff Merriman replied that the creek is monitored annually, even years fish species and odd years bioaccumulation studies using clams and leeches. Mayor Cowan we should be highlighting these results to Council and the public. Alan Marshall noted that on a couple of figures in the report some of the data has interchanged micrograms and nanograms. Jeff Merriman said to let him which figures so they can correct the information.

Two new monitoring wells were installed offsite (to confirm NDMA concentrations to the southeast of the Plantsite) and on the Chemtura site east of Bldg 44 (a recommendation from the DNAPL Investigation Subcommittee). Shallow wells are drilled to about 8-10 meters. These wells were installed in an area where there was some visual contamination.

Site-wide comprehensive CofA (Air) is under review by the MOE. RWDI was commissioned to conduct a peer review of their application according to his understanding is nearing completion.

Jeff Merriman reported they anticipate receiving a copy of the Responsible Care report soon.

Mayor Cowan asked does the Company plan to do a public wrap-up regarding the BLE release. Dwight Este met with David and NovoTox, CRA and their toxicologist. Meeting was positive made a decision to revise the report mid next week will send a copy to NovoTox. Then we will work with David to proceed.

Dr. Siebel-Achenbach asked if this is the norm for odour complaints? Jeff Merriman replied no, this has been a blip. Over the last few years had lower or no complaints per month. Dwight Este noted that they will go back and check because it seemed to him that we had the same number of complaints last year at this time. Last year it was very difficult to trouble shoot because the complaints did not go directly to Chemtura.

#### 5.1.5 Responsible Care Update Taken up under 5.1.4.

### 6.2 Ministry of the Environment

#### 6.2.1 RPE4 and 5 Update

Steve Martindale noted that he committed to resolving something out of context with RPW1 and RPW2. He reported there was a meeting held in Nov 8, 2008 and it was just something that was written down out of context. Currently the MOE is keeping an eye on it and if it becomes more of a priority or if CPAC wants to make it a priority then the Ministry will need to look at it. Any detail you should go to the Company reports and/or the DNAPL reports. Ron Campbell and David Marks are currently reviewing the DNAPL reports. Speaking to the action items it is all part of the overall plan. David Marks remarked that we are going to come up with an action plan based on 2003, based on 2011 and move forward. He further added this committee wants to see action with deliverables. Garth Napier offered to have their hydrogeologist come and speak to CPAC. Dr. Siebel-Achenbach asked, "When was the last time the MOE did an assessment of this site". Jeff Merriman replied it is ongoing. Garth said the Guelph office also does inspections. Dr. Siebel-Achenbach asked is all the information from the inspection reports made public. Steve Martindale replied most information has been made public there is just a vast amount of information. Dr. Holt asked if we can expect to see changes at the MOE due to the new minister. Mayor Cowan noted it is the same government so there should not be many changes.

Mr. Napier noted we are committed to this project and providing the committee with any information. Mayor Cowan added further that the Liberal mandate is to maintain the objectives and the goals.

Alan enquired if Mr. Martindale can confirm “the area will require on-site groundwater containment and treatment indefinitely” can you confirm that this is not shallow groundwater containment” Mr. Martindale responded there is Municipal Aquifer containment, no shallow groundwater containment. The appropriate party to ask is Chemtura. Alan remarked the MOE report talks about well OW89 and the fact that the screening of this well is not in either in RPW1 or 2 but adjacent to it. Jeff Merriman replied we placed it as close as we could. He further added the Municipal Aquifer is a long way down 20 m down. One cannot practically put a well whenever you want. Alan noted a well in these two pits at one time had the highest chlorobenzene numbers. Jeff Merriman replied that caused them to go on a quest looking for free-phase DNAPL. Had we found it we would have removed it. All we found was residual DNAPL. The request for action RPW1 and 2 there were a number of reasons why these pits should have been. Will the MOE ever go down bullet by bullet and confirm or deny. Jeff Merriman if I could echo Steve’s remarks, we have moved on since then and we have addressed that issue and all the others. He added further it is not the best use of staff time to go through that point by point. Richard Clausi recommended that the 2003 document could be a foundation expectation and progress should be measured against those standards.

### 6.2.2 Monthly Progress Report

Steve Martindale highlighted two items:

MOE received the AquaTox Bio-monitoring report on October 18, 2011. This report will be forwarded to the environmental monitoring and reporting branch in Toronto and they will have a biologist review that and come back with any suggestions or changes.

Received monthly Chemtura monthly report for September on October 14th

David Marks asked how long will it take for the biologist to review. Steve Martindale answered MOE staff spend the summer gathering data and the winter writing reports, usually February- March.

### 6.2.3 Other Potential Sources of Contamination into the Municipal Aquifer

MOE does not have any Guelph District Office members in attendance tonight but someone will be available for the next meeting. Ron Campbell noted one of the responsibilities for the CPAC is the strategies for the Municipal Aquifer. The Region filed an action against the following company Uniroyal Chemical, Yara (Nutrite), and Varnicolor for contamination of the Municipal Aquifer. The 1995 Report Groundwater Contamination of the Kitchener/Waterloo area makes reference to charges against Varnicolor for NDMA. Ron Campbell asked if there could be synergistic effects with other sites i.e. 62 Union and Lot 91 and asked if the MOE would have documentation on other sites. Steve Martindale says the stuff he was able to find was very limited. He further noted the plumes in the sampling that has been done point to a source underneath Chemtura, often it takes years for these contaminants to show up in the aquifer from a pre-existing site. Mr. Campbell asked is there anything that impacts the 30 year strategy. Mr. Martindale responded that it wouldn’t that be evident from the sampling that is already been done. David Marks noted the plume does go south and could encapsulate the other sites. Mayor Cowan asked is there any way we could peel back the sands of time to identify that. Mr. Martindale replied the MOE will go back and find out what do we have here. Mayor Cowan asked was Eric Hodgins involved in this and would he be able to shed some light? Steve unsure but he thought Eric goes back to 1991. Mayor Cowan asked Steve Martindale to give the Guelph office a heads up for the next meeting and Mayor Cowan will follow-up with Eric Hodgins at the Region. Dr. Holt commented that David Marks feels that there may be 7 or 8 sites that could be contributing to the contamination. If there are other sources we want to know about them. Alan Marshall noted that Philips Environmental was given an indemnity by the Province and by the Region for pre-existing contaminants on their site. Dr. Siebel-Achenbach asked who assumes liability for the contamination. Ron Campbell clarified charges were laid to Varnicolor in 1991 there were orders and amended orders. Have other sources of impacts and have they been cleaned up adequately. Mayor Cowan asked will the MOE know if the site is cleaned up. Garth Napier responded yes we will have the Guelph District Office here next month who will know. Richard Clausi commented that he chaired the Varnicolor committee and had difficulty convincing the MOE that there is a problem 20+ years ago. The contaminants are there and the idea of synergy is frightening.

## 6.3 Chemtura Public Advisory Committee

### 6.3.1 Novotox Peer Review

Taken up under 5.1.4

### 6.3.2 RWDI Peer Review – Site-wide C of A Air Update (Christine Broughton)

Christine Broughton provided the committee with an update and to date we have not seen a report. Ms. Broughton will email CPAC when a date is available for the report.

### 6.3.3 Proposal for Services of Dr. Gail Krantzberg

Christine reported that there is a cost involved, approximately \$9K and currently this committee's funding does not cover that. The cost would need to spread over two fiscal years. Mayor Cowan clarified that Dr. Krantzberg broke down the proposal and if we selected the item where she would help CPAC identify the issues and that was only \$3K of \$4K. It was pointed out that there was a slight misunderstanding on this point in that there is a base amount of \$5K that we would need to pay and any item from the list would be in addition to the \$5K. Mayor Cowan asked Corinne Shuh what she has prepared to date in the information package for Dr. Krantzberg. Ms. Shuh replied that Dr. Krantzberg specifically requested items that changed priorities and why particular actions were taken i.e. health related, orders, etc. Mayor Cowan asked where are we at as a committee. Do we need to decide whether or not to engage Dr. Krantzberg. Dr. Holt noted that a motion was passed at the last meeting. Ms. Shuh noted that David Brennenman's concern was that at the last meeting CPAC passed the motion on the basis that procuring Dr. Krantzberg would only cost the committee \$3 or \$4K as they were unaware of the base amount of \$5K.

Vivienne Delaney asked if we can go to Chemtura for a budget for this Ron Campbell requested a budget for this committee to do the work of the committee and we would like to know where to go. There may be other budget requirements to do the work of this committee. Ron Campbell asked if Chemtura and MOE split off-site clean-up 50/50. Jeff Merriman replied that is correct. There was a discussion exploring other options to procuring Dr. Krantzberg. Dr. Dan suggested CPAC needs some accountability for budgeting – where do we stand financially.

Christine reported currently the Township budget has put in \$10,000 and that is invoiced directly out to Chemtura and Chemtura has paid. The Township budget has put a limit of \$10,000. Some years CPAC has been over but in the timeframe she has been here we have never been drastically under. Ron Campbell noted the Province bears the responsibility for the work of the committee. Garth Napier commented that it is not typical for the MOE to pay for committees. Something unprecedented is that we pay 50% for the clean-up of Chemtura that was made by a previous Government of Ontario. Mr. Napier added that there is a cap on these funds. The MOE does provide staff, engineers and hydrogeologists that review reports. Ron Campbell remarked that maybe something for CPAC to tap into. Ron Campbell remarked it would be valuable for the committee to review sources of funding. Dr. Holt noted it would be beneficial for the committee to have a financial statement on a monthly basis. Mayor Cowan asked Christine to provide a financial statement for the next meeting. Dr. Holt asked Chemtura if \$10,000 is the limit. Dwight Este said that this is not their decision. We have spent a significant amount on the two peer reviews this year. Ron Campbell noted CPAC do not want that the work of this committee will not happen because we do not have the funds. After the review Mayor Cowan will take the request to Council. Dr. Holt asked what the process is to request an increase in funding or grants. Mayor Cowan responded the process would be to ask the chair. Christine CPAC can put forward a motion to Council being specific for 2012 funding or sustained over a period of time. Mayor Cowan can see a onetime request to do the identification of priorities and issues to bring the committee up-to-speed. Vivienne Delaney enquired how other groups raise funds. Garth Napier responded much like CPAC most committees are unpaid committees. Many committees rely on the MOE for reports. Depends on how many third party reviewers are needed. Mayor Cowan suggested it would be a reasonable to request one-time funding to procure Dr. Gail Krantzberg for \$7,000. Dr. Sebastian-Achenbach if we have a mandate for 4 years we need an ongoing budget for 4 years, something more substantial.

MOVED BY: Dr. Dan Holt; SECONDED BY: Ron Campbell that we request \$7K from Council to request the funding to engage Dr. Krantzberg to identify what the priorities are.

CARRIED...

## 6. New Business

Dr. Holt asked how other groups within the community's priorities would compare in regards to CPAC. Dwight Este basically we would look at the priorities, sometimes priorities would mesh and sometimes they would differ.

7. Public Forum

Alan Marshall spoke on behalf of a harassment policy for the citizens of Elmira. Over the last 2 years a citizen has come to this meeting and asked for a response from the MOE to the discovery of DNAPL 100 ft below the surface near the water tower West of Varnicolor chemical. This information comes from a report produced by Conestoga Rovers & Associates (CRA) consultants. He has not received a response in two years and considers that harassment

8. Outstanding Activity List – as of October 27, 2011

Public Education Sub-committee – premature now - deferred

Subcommittees – status of persons not on CPAC being able to service on sub-committees

David Brenneman will follow-up if Terms of Reference can be amended to allow.

9. Next Meeting Thursday, November 24, 2011 at 6:00 p.m. in Council Chambers

9.1 Agenda

Lot 91 Report Back – MOE

62 Union Street

10. Meeting adjourned at 8:29 p.m.

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

CARRIED

