

MINUTES
CHEMTURA PUBLIC ADVISORY COMMITTEE (C.P.A.C.) MEETING
Thursday, September 29, 2011
Council Chambers

Present:

Todd A. Cowan	Township of Woolwich
Dan Holt	
Vivienne Delaney	
Ron Campbell	
Sebastian Siebel-Achenbach	
David Brenneman	Township of Woolwich
Garth Napier	Ministry of the Environment (MOE)
Steve Martindale	Ministry of the Environment (MOE)
Dwight Este	Chemtura Canada Co./Cie
Jozef Olejarz	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 Marks

1. Roll Call

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

2. Approval of Agenda

Suggested addition of the following:

1. Monthly Chemtura Progress Report

MOVED BY: Dan Holt; SECONDED BY Vivienne Delaney: THAT the Revised Agenda of the September 29th meeting be approved as amended.

CARRIED...

3. Delegations

3.1 Alan Marshall

Mr. Marshall spoke to the Status of 2003 Action Action Item List (Additional Information) provided by the MOE. He encouraged the MOE to reread the July 2003 Request For Action more carefully and do a point for point critique of the rationale included in CPAC's request for action. In Mr. Marshall's opinion, the MOE has never done a point for point critique of the rationale for why CPAC believes why those areas in that three page document are a priority.

4. Approval of Minutes

Pg 3 paragraph 5 sentence 5 should read "... reasons PW1 and PW3 were shut down..."
Pg 3 paragraph 5 sentence 7 "pressure should read measure."
Page 3 paragraph 5 sentence 4 to read "...you will be able to have confidence in the model."

MOVED BY Ron Campbell ; SECONDED BY Sebastian Siebel-Achenbach: THAT the Minutes of the July 28, 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

Jeff Merriman reported that Chemtura has incorporated David Marks suggestions and the work has been completed. Chemtura undertook the work in August and now they are waiting for the results of analyses. They increased the number of test pits to 21. They added VOC analysis as well as herbicide analyses. Mr. Merriman anticipates receiving results fairly soon. There will be an internal review and then Chemtura will share the results with CPAC.

Ron Campbell asked if the excavation can still take place this Fall. Mr. Merriman said it is not ideal to deal with freezing weather. Better to proceed next year when the weather is warmer. Mr. Merriman noted the expectation is that they will evaluate the data and prepare a proposal, share it with CPAC and the MOE and then get MOE approval and then proceed next year. Dwight Este responded the proposal will take into account all options.

Dr. Siebel-Achenbach asked how deep do the test pits go. Jeff Merriman responded 1-2 m below surface. Dr. Siebel-Achenbach was surprised that they put a landfill that close to the water table. Mr. Merriman responded they were gravel pits that were in the path of water that was disposed of every Spring that accumulated in east side ponds. It was not a landfill or waste disposal area per se.

Alan Marshall noted that it was his understanding that Chemtura would be able to get the turnaround time on lab results was two weeks. Mr. Merriman responded that his understanding is that the results are coming in but are not complete. Mayor Cowan asked will we be getting a report on the results. Mr. Merriman responded, we will be providing the results up front that will be part of a summary report with recommendations and explaining the options.

Dr. Siebel-Achenbach asked if the raw data will be available to us. Jeff Merriman responded that we would be reluctant to do that without supplying an explanation of the data. He added that everyone will be better served with the information and an explanation. Mr. Merriman added you will see all the results in addition to options and recommendations. Ron Campbell asked what is the timeline that CRA will have that to you. Mr. Merriman replied, possibly by the November meeting.

5.1.2 Project Outline 2011

Mayor Cowan asked if agenda items arise from the Project Outline, Dwight Este we usually do a quarterly report which will be available at the next meeting.

5.2 Ministry of the Environment

5.2.1 Response to the Request for Action – July 2003

Garth Napier reported in June 27, 2011 that there were eight action items which has expanded into a longer version. Mr. Napier's suggestion is that they look at the entire document. Jeff Merriman reiterated that there has been an evolution. Mr. Napier provided CPAC with the Chemtura Annual Workplan. Dwight will provide an update of the Annual Workplan at the next meeting.

CPAC engaged in a discussion regarding setting priorities and expressed frustration at the speed at which the process is moving forward. Vivienne Delaney suggested CPAC should select a couple of items and stick with it. Dr. Dan enquired if there a real honest is intent that Chemtura is going to eliminate all of the sources or is it going to be a battle for all the other sources. Dwight Este said I think you need to go back and look at the list they were identified against Chemtura's priorities. It is a priority for Chemtura to remove the source of the material i.e. in 2000 Drums, in 1987 removed LNAPL. Jeff Merriman noted Chemtura is working on removal as it becomes known. CPAC has made progress. Ms. Delaney expressed that Chemtura has a responsibility to this community. There have been discussions over time and priorities have changed over time. Garth Napier recommended that CPAC get-together and establish their priorities. One of CPACs priorities may be trumped by the ministry as a regulator if there is a contaminant that has higher health risks.

Dr. Holt stated the objective is to make the water drinkable. Is Chemtura on track that to make the water drinkable by 2028 and what will happen in 2028 if the mandate is not met? Mr. Napier responded that he cannot say what will happen. Dr. Holt enquired what kind of action will be taken by the Ministry. Mr. Martindale replied what the MOE is doing is to try and keep track. Every five years, and this is the fifth year,

they create a model if milestones are not being met then hopefully well before 2028 the ministry will say you are not going to meet the objective what are you going to do about it. How fast is it being done and are you going to fall short. Dr. Holt asked if there will be penalties involved in 2028. That will be up to the Approvals Branch to decide however the ministry should know many years in advance. Dr. Siebel-Achenbach asked what the criteria is that Chemtura uses to establish priorities in terms of clean-up. Dwight Este replied there are a variety of factors such as technical and economical. Dr. Siebel-Achenbach asked can you give the weighting. Mr. Este responded that it is done through corporate office and there is no set rule. Mr. Merriman added a key part is what the community priorities are. Groundwater is a five year model that tells us the prediction which may indicate that more extraction wells need to be installed which may supercede another project. Dr. Siebel-Achenbach asked how important is the financial aspect when you make a decision. Mr. Este if it is identified as a priority the funds are allocated.

Ron Campbell expressed that 2028 is a real concern to him. DNAPLs are not easily treated by the conventional remediation technology GP1 and GP2 if DNAPLs exist, remediation of source, you can do most of that but the nature of DNAPLs, they do not want to be released into the environment they are referred to as sinkers or blobs. The conventional technologies and even the science of the technologies is not working well today. He added that he is not just concerned about Chemtura but other polluters as well. We have contaminants that are affecting the groundwater that are not just from Chemtura. He is concerned about the conventional technologies and their battle with DNAPLs. Current technologies are really not there at this point. He also stated concern about synergistics of byproducts of contaminants. Steve Martindale concurred that DNAPL certainly is difficult to contend with. Pump and treat is conventional for almost everything, gasoline, DNAPLs. Other sites have their own problems i.e. Smithville has PCBs which they are using pump and treat until some acceptable technology comes up. Mr. Martindale added we will have to put some trust in the model. Ron asked has the MOE done a study looking at the interaction of chemicals from other sites that are not Chemtura products? Mr. Martindale replied that he cannot say specifically. Mr. Campbell stated that it is not fair to just focus on just one industrial company. He added there are chemicals here with historical issues that have nothing to do with Chemtura. Dwight Este clarified that it is the groundwater that Chemtura is required to have cleaned up by 2028. Mayor Cowan asked if the Varnicolor site is still contaminated. Mr. Martindale responded that the District Office is taking care of that and has done some testing at the Varnicolor site this past summer. Mayor Cowan asked if the District Office will automatically report that back to the Township. Mr. Martindale responded that if there is a problem, they would issue an order or try to develop a plan or some sort of abatement action.

Jeff Merriman commented that we were discussing the five year model update and he reminded CPAC that Chemtura's draft work plan for that update which happens in 2011 is before the committee and Chemtura is awaiting your comments on the work plan. As soon as Chemtura receives CPAC's comments and approval from MOE, Chemtura will proceed with the five year update. Document is entitled "Draft for Review – Work Plan Groundwater Flow and Contaminant Transport Model Update".

Richard Clausi expressed concern re political and mechanical agenda. After all is said and done will more be said than done. He recommended to the committee to hone in on a few targets and make them measurable.

Alan Marshall stated regarding Lot 91, the only work allegedly done this past summer was at the 62 Union St site. The only thing happening at Lot 91 is that the owner is amassing more junk. The only work done was about 10 minutes from Three Eighths. The July 2003 Request for Action are the items that CPAC seems to want prioritized. Mayor Cowan clarified, to be clear CPAC has not formerly endorsed the 2003 Request for Action List. Mayor Cowan we do need to set a milestone as we move into the next year, say by the November meeting that we can come up with a list of priorities.

Steve Martindale commented he would like to help new committee understand how involved it is to set priorities. The June 27th document referred to the Action Item and what plan it was on i.e. Annual Plan, Long Term Plan. Instead of going into a lot of detail what Garth Napier wanted to express is where the action items are at and then it is up to CPAC to agree or disagree and then make appropriate changes. The 2003 Action Plan was a priority, it was written by Alan Marshall and generally accepted in CPAC. But it has been brought into discussion since 2003. Mr. Martindale noted he wanted to put the Action Plan into context of four things a) what is the problem b) what is the plan c) what is the method or solution to the problem d) implementation and monitoring e) project end:

Downstream contaminate sediment – completed – fencing and stream crossings have been done, GRCA has been paid to plant trees – Region/Township initiative

GP1 and GP2 – implementation mode - ongoing

RPW1 and 2 – DNAPL – monitoring mode

Garth Napier reported that there is the work that has been done to bring us to this point. He emphasized that actions have been taken to bring us where we are today. He suggested to the committee to get a handle on what has been done in order to help the process work better and more efficient.

Steve Martindale noted technical meetings involving the MOE hydrogeologist, CRA's hydrogeologist and Wilf Ruland, CPAC's hydrogeologist, generally speaking weren't public. CPAC has been involved and through discussion we have come to a plan. This CPAC is starting a new page and have to decide what they want to do, remembering they are an advisory committee but the ultimately decision is the MOEs as they are liable.

RPE4 and 5 excavations (Next meeting) - some work has been done, but we are basically in a monitoring mode.

P1 some excavation and clean-up has been done, but are in a monitoring mode.

Different purposes for different excavations. In 2007 the MOE was focusing on DNAPL in between they were monitoring for dioxins and furans.

Creebank 3 or 4 areas remediated but that work is done now.

M2 - Excavation of drums in 2006 - dealing with implementation and monitoring mode with M2 – no deadline on that

RPW6, 7, and 8 – RPW8 is a stormwater pond some shallow contamination found and covered up

At somepoint the sandshed will be removed in M2 and they will excavate under that. More recent implementation of test pits. Monitoring wells in that area

Jeff Meriman reiterated, Chemtura's unwritten objective is to remove waste materials whenever they find them.

Steve Martindale noted if further DNAPL information is needed Chemtura will be the best place to gain information.

Dr. Siebel-Achenbach commented the remediation process that is used i.e. treatment of the water is basically pump and treat. Jeff Merriman responded yes we had an LNAPL extraction system that we would recover directly but it did not yield an ongoing quantity. Dr. Siebel-Achenbach also asked would it be more effective in another location. Desire to extract LNAPL around Building 44 and Building 15. Rapidly diminishing LNAPLs. Dr. Siebel-Achenbach asked if Chemtura is happy with the results of the LNAPL extraction process. Mr. Merriman replied, no it did not yield the results we had hoped. Dr. Siebel-Achenbach further asked would it be possible to shift to another area. Dr. Siebel-Achenbach asked would it be worth it to take it off-site? Mr. Merriman replied a variant of that technology may work but it would have to be site specific

Vivienne Delaney asked if the MOE did not always have to release all the information. Mr. Martindale clarified what I said is that all the technical committees were not in the public forum. The results are in the public forum.

"You'll never solve a problem until after you admit it exists" Alan quoted Mr. Clausi, He also quoted Mr. Merriman, "We have found residual DNAPL on the site." Dr. Cherry and Dr. Parker, formerly from the University of Waterloo have explained that DNAPL will flush-out with a groundwater flow much more quickly than free phase. Jeff Merriman clarified that if he said DNAPL he meant LNAPL. He added that Chemtura's collection system is for LNAPL.

Alan Marshall stated that Chemtura has denied that free-phase DNAPL on there site. Jeff Merriman keeps saying that when we find buried wastes we take them out. In 1993 Chemtura found free-phase DNAPL in TPW2 and M2 and David Ash wrote a long letter explaining that M2 is a former municipal landfill and was

not (Uniroyal's) responsibility. Proving you have come across wastes and you have left them. Mr. Marshall alleged the 10,000 gallons of LNAPL are still there and Chemtura knows where they are. If pumping technology doesn't work, try another technology.

5.3 Chemtura Public Advisory Committee

5.3.1 Novotox Peer Review

David Brenneman actually had the meeting with consultants from CRA and our Consultant, Novotox. They met to review the comments that Novotox made, responses provided by CRA and then reach an understanding as to what revisions need to be made with respect to the original report that was tabled following the release which happened a year ago. He noted that the meeting was very productive in that the peer review agent representing the Township/CPAC was really just looking for some clarification and improvements on items. The emphasis is on making the information on the toxicology analysis easily understandable by the public. The process going forward, as agreed to, was that the appropriate revisions would be made, that our peer review consultant would see the revisions as they were made. Dwight Este will need to speak to the process going forward as to what Chemtura's plans are with respect to presenting this information in a public forum.

Dwight Este remarked that Chemtura has not made a final decision on that process. We agreed that process would encompass the Township as well as the Company. David Brenneman added that it would be a good time for the Township to let residents know what actions have been taken in terms of improvements i.e. Council recently approved remote activation of the siren. Mr. Brenneman also noted there are other things that the Township has learned and put into place that will improve emergency alerting. Mayor Cowan asked regarding a timeframe? Dwight Este responded he anticipates hearing from CRA next week.

5.3.2 RWDI Peer Review

David Brenneman reported that Chemtura has engaged RWDI to do the review. Dwight Este reported that the reviewer has done a preliminary walk through and she has indicated it will take a couple of weeks.

5.3.3. Appointment of a Vice-Chairperson

The committee agreed that a vice-chairperson should be nominated in order that meetings can still proceed if the chairperson is unable to attend.

MOVED BY Sebastian Siebel-Achenbach; SECONDED BY Ron Campbell: THAT CPAC request Council to appoint David Marks as Vice-Chairperson.

CARRIED...

6. New Business

Mayor Cowan reported that within the next week or so look at some messaging as to what Chemtura has done i.e. the Ammonia Treatment System.

7. Public Forum

Alan Marshall commented DNAPL technical meetings private to a certain extent. Minimize, minimize, minimize cannot believe how CRA could repudiate their own reports when it served their purposes. Private DNAPL meetings would have been eviscerated by the new committee.

8. Outstanding Activity List – as of September 29, 2011

Public Education Sub-Committee – Pending – Orientation Session

E.D.S.S. students can earn volunteer hours

Dr. Holt asked if non-committee members could sit on sub-committees. David Brenneman responded that the terms of reference would need to be amended.

Addition of Investigation of Health Studies

Vivienne Delaney requested an investigation into health studies that have been done in similar communities. Ms. Delaney noted that Gagetown received compensation as a result of the study. Dwight Este remarked Gagetown is a unique situation and was an actual test area for Agent Orange. Ron document makes reference to a federal fund for health effects of contaminants primarily gauged to the military. Ron Campbell offered to do some digging as he is connected with people in the industry.

Subcommittees – Ron possibly to look at other environmental impacts in the community which are not Chemtura's. David Brenneman commented that there is agreement for a subcommittee as a whole but we were not going to appoint a committee for soil or air because we do not have enough members.

3D Modelling - Jeff Merriman reported the 3D technology exists – How does the technology exist, to map aquifers and aquitards – Ron you program the computer modeling with the data. – Ron does not know how the money gets spent the committee feels this would be a good us we need to commit the necessary funds. Mayor Cowan noted he will do some investigating.

Steve what kind of 3D model are you looking for overlays or an acrylic model? What the last committee wanted was a physical model and there is a drastic difference in cost. David Marks wants a computer model. The model can also help with projection.

Responsible Care Process - Dwight noted that we haven't received a report yet. Dr. Holt reported that the reviewer is currently working on the Chemtura report and hopes to have it in the near future.

Dr. Gail Krantzberg's Proposal for Services

Meeting with Dr. Krantzberg's Proposal for services regarding working with the committee. Three issues she could assist the committee i.e. governance model, prioritizing the priorities. Also responding to pressures for remediating and responsible CARE include budget numbers for each area. David Dr. Krantzberg is not aware of the committee's budget issues. Maybe one of the areas you would like to have her consult is the priorities. Dr. Holt David did you get the feeling that this was an all or nothing proposal, that CPAC could cherry pick items that is why she broke it down this way. David Brenneman responded yes and recommended to Dr. Krantzberg that she breakdown the proposal so that we could scope out the work as funds permitted.

MOVED BY Dr. Dan Holt; SECONDED BY Ron Campbell: THAT Dr. Gail Krantzberg be engaged to assist CPAC with item number two of the proposal (2. Development and deployment of evaluation criteria to organize the long list of priorities within the CPAC files.)

Discussion on the Motion

Ron Campbell remarked that if there is value to the Company and the Ministry as well as CPAC and the community he does not want to be limited to \$5,000 of \$10,000 when other priorities may need to be addressed and we do not have the legislation where the responsible party(ies) are required to pay.

David Brenneman reported that historically CPAC's budget has been spent as follows \$5,000 on administrative support and another \$5,000 on the hydrogeological and other consultants. He cautioned if it is spent on Dr. Krantzberg we will not have any other funds. He further recommended to CPAC to dialogue with Chemtura regarding prioritization. Dan is the budget annual from January to January? Mayor Cowan replied, Yes. Dr. Holt added CPAC has not spent the \$10,000 even accounting for administrative support we should still have \$5,000 in the budget. David Brenneman asked if Chemtura commented in the past on how the 10K was spent. Dwight the agreement is we fund it and CPAC uses it. Dr. Holt pointed out that Dr. Krantzberg has a couple of figures for prioritization ranking and prioritization criteria on involves two to three working session and the other involves two weeks of review he recommended that perhaps at this point the review would be the best option. If she provided CPAC with a report on what she reviewed then we as a committee could determine based on her recommendations and our own feelings what those priorities should be.

Steve Martindale asked if the thesis spoke to how a committee could affect priorities or was this specific for Chemtura?

David Brenneman responded that the proposal addressed the following:

Issue 1 helping to affect an effective CPAC decision making and governance model. She has experience helping committees move from strictly advisory to more action items.

Issue 2 Evaluation of list of priorities in the CPAC file. Issue three is to investigate factors which would cause Chemtura to respond to pressure for remediation including their status in responsible care. David Brenneman will engage Dr. Krantzberg.

MOVED BY Dr. Dan Holt; SECONDED BY Ron Campbell: THAT Dr. Gail Krantzberg be engaged to assist CPAC with item number two of the proposal (2. Development and deployment of evaluation criteria to organize the long list of priorities within the CPAC files. Specifically the Prioritization Ranking with an estimate of \$2,000.)

CARRIED...

9. Next Meeting Thursday, October 27, 2011 at 6:00 p.m. in Council Chambers

9.1 Agenda

Lot 91 Report Back - MOE

Establish Priority Lists – CPAC Due November 2011

Request a new 3D model be aware of any changes in the modeling

Responsible CARE

10. Meeting adjourned at 8:40 p.m.

MOVED BY Dr. Dan Holt; SECONDED BY Vivienne Delaney: THAT the meeting be adjourned.

CARRIED...

