

# Township of Woolwich

## Remediation Advisory Committee (RAC) and Technical Advisory Group (TAG)

### Terms of Reference

#### Preamble

In 1992, the Ministry of the Environment, Conservation and Parks (MECP), formerly the Ministry of the Environment & Climate Change, requested that the Township of Woolwich create a body of citizens which would allow for independent public input to the remediation process associated with the Uniroyal/Crompton/Chemtura/LANXESS chemical manufacturing site located at 25 Erb Street in the town of Elmira. LANXESS acquired Chemtura in 2017. Pursuant to this, the Uniroyal Public Advisory Committee (UPAC), subsequently the Chemtura Public Advisory Committee (CPAC) was formed. Years later, it was given official status as a committee of Council of the Township of Woolwich (Township).

As a result of a previous consultation process facilitated by Mayor Shantz, which examined the current roadblocks and future solutions to achieving success in the clean-up process of the Elmira Aquifer to Ontario Drinking Water Quality Standards, Council determined that the overall structure, framework and inter-relationships of the advisory committee, related technical working group, the MECP and LANXESS should change. An advisory body was formed in 2015 called the Remediation Advisory Committee (RAC) in place of CPAC. It includes interested stakeholder organizations, and this Committee reports directly to Council. A citizen body was established in 2015 called the Technical Advisory Group (TAG), and this group may obtain and review technical advice from Qualified Persons and provide advice, assistance and recommendations to RAC. To ensure there is an effective working relationship between all of the stakeholders, it is expected that the sharing of information will occur among the RAC, TAG, MECP and LANXESS in an open and timely manner, communication will be professional and respectful, and the collective mandate is to provide advice and take actions that preserve and protect the well-being of the citizens. The RAC and TAG Terms of Reference (TOR) was adopted by Council on June 23, 2015.

#### Remediation Advisory Committee (RAC) Key Responsibilities

To ensure that appropriate review of environmental issues (including soil, water and air contamination) and remediation efforts occurs, RAC will be responsible for the following with technical support, advice and assistance provided by TAG:

- To monitor the issues and activities related to environmental matters at LANXESS within the contaminated Elmira aquifer, and any off-site, historical impacts;
- To provide the Township with outlines of the issues, to make recommendations to Council based on advice from TAG for remediation of Elmira's former municipal aquifer and any other environmental contamination related to LANXESS to satisfy MECP requirements;
- To provide information to the public on a regular basis concerning remediation efforts including public awareness and education initiatives;
- To provide a forum for the public, including concerned groups and community representatives to share their concerns related to LANXESS plant operations as they may impact the environment and remediation activities of historical impacts;
- To provide a forum for the MECP to present information, proposals and regular updates on the status of environmental issues originating from the LANXESS property;

- To provide a forum for staff of the Grand River Conservation Authority (GRCA), the Regional Municipality of Waterloo (RMOW), and other regulatory bodies to share their concerns and support the remediation activities as they pertain to GRCA and RMOW policies;
- To provide a forum for LANXESS to present information, proposals and regular updates on the status of current environmental issues originating from the LANXESS Canada Co./Cie. property to the community.
- To make recommendations to Council and in an advisory capacity to the MECP, GRCA, RMOW and LANXESS on behalf of the community to ensure the schedule of remediation to the Ontario Drinking Water Standards is met by the August 2028 deadline as per the MECP Control Order and remains to that standard.

## **RAC Structure and Framework**

1. RAC will serve as the oversight Committee, and will include representation from the following organizations:
  - Mayor of the Township of Woolwich (Chairperson)
  - Councillor from the Township of Woolwich (Alternate Chairperson)
  - Region of Waterloo Rep
  - GRCA Rep
  - Chair of TAG plus 2 additional members of TAG

Note: LANXESS representatives will attend RAC meetings as a resource, participate in discussions, but will not be able to participate in any voting on advice and recommendations going to Council. MECP representatives will attend RAC meetings as a resource and participate in discussions and report on the progress of the schedule of remediation, but they are not voting members.

2. RAC will meet at a minimum of three times each year, and present semi-annual updates to Council on the status of remediation efforts. RAC will provide information to the broader public on environmental issues, and weigh the advice provided by TAG in order to provide appropriate information to the broader public on the status of remediation efforts, and to make appropriate recommendations to the Council of the Township of Woolwich (Council). RAC will be responsible for public education and awareness initiatives.
3. Meetings of RAC shall be open sessions and these sessions shall take place in the Council Chambers. The provisions of the Township's Procedural By-law, with any necessary modifications, shall apply to RAC. Meeting dates and times should be advertised on the Township website and in the Community Page.

## **TAG Structure and Framework**

1. TAG will report to RAC, and TAG's mandate is to serve RAC in a technical capacity by addressing, legacy and potential future environmental and remediation issues with regards to the LANXESS site in Elmira. TAG will assist RAC with the fulfillment of its key responsibilities as outlined in these Terms of Reference.
2. TAG shall have a minimum of six (6) members and a maximum of eight (8) members. Each member will have one vote.
3. Council shall be the body that solicits applications from citizens from the community four months after the commencement of a new term of Council concerning the appointment of individuals to TAG.

4. TAG will meet at a minimum six (6) times per year. The purpose of this group will be to review ongoing technical reports, ask questions, identify problems, and make recommendations to RAC as appropriate. LANXESS and MECP will attend upon request by TAG to support remedial work plan discussions.
5. Meetings of TAG will be open meetings, but the meetings will not include a public forum/delegation component since RAC is the body that is designated for receiving and hearing delegations. Members of the public may have an opportunity to make written submissions to TAG in advance of the meeting.
6. TAG may pass a motion to request verbal clarification or allow further explanation of a written submission from a member of the public.
7. If during the 4-year term a TAG member resigns, Council shall approve additional members to maintain a minimum of six (6) members following consultation with RAC. The term of membership is concurrent with the current term of Council plus six (6) months. Members may be reappointed for additional terms at the discretion of Council.
8. Council shall appoint an independent third-party Chairperson to facilitate the TAG meetings.
9. The Chair may call a meeting of TAG with seven (7) days notice unless a two-thirds majority of TAG waives this notice requirement.
10. The Chair of TAG is not a voting member.
11. Members of TAG will be paid mileage for TAG related meetings and site visits.

### **Quorum, Voting, Funding, Public Relations and Terms of Reference Review**

1. A simple majority of RAC and TAG is required to transact all business. A "tie" shall be deemed as a defeated vote.
2. Funding for RAC and TAG, will be necessary for administrative support, public communication, independent Chairperson, and technical and legal advice. LANXESS is the primary source of funding.
3. The Chairpersons for RAC and TAG will respond to media requests on behalf of their committee or partner group as needed with the support of or resources from committee members.
4. These Terms of Reference will be reviewed by RAC and Council at the end of each four-year term, or at a time of Municipal restructuring.

### **Expectations re: Conduct**

RAC and TAG shall conduct themselves under the guidance of Council as set out by these terms of reference, the Municipal Act (2001) and by the Township of Woolwich Code of Conduct for Council and Committees. Being mindful of the need for open robust discussion, each member will conduct themselves in a professional manner giving courteous and fair consideration to all participants in the process as outlined in the attached RAC and TAG Code of Conduct. No attendee shall be subjected to heckling, harassment or abuse, written or verbal, during or after meetings of RAC or TAG. Where conflict of interest arises, the member shall declare this and recuse themselves when appropriate.

**Remediation Advisory Committee (RAC) &  
Technical Advisory Group (TAG)**

**Code of Conduct**

The “Code of Conduct for the Remediation Advisory Committee (RAC) and Technical Advisory Group (TAG) Members” shall provide as follows:

- A. All members of the RAC and TAG, herein referred to as “Advisory Committee members”, are expected to serve the Township of Woolwich with the highest personal and professional integrity at all times. Accordingly, all members of the RAC and TAG agree, as a condition of their appointment, to abide by the following requirements:
1. Advisory Committee members will abide by the Committee’s Terms of Reference and the Township of Woolwich By-laws governing the position to which they have been appointed.
  2. Advisory Committee members will not improperly use the prestige and influence of their appointment for private gain or advantage.
  3. Advisory Committee members will perform their duties in a professional and responsible manner. They shall treat their colleagues, fellow committee and Council members, appointed and elected officials, Township employees, and members of the public with respect, dignity, and fairness at all times, and will refrain from disparaging, defaming, or discriminating against any such person either in person, in the press, on social media, or to other parties.
  4. Advisory Committee members acknowledge that, as representatives of the Township of Woolwich, they are expected to conduct themselves in a manner that protects the Township’s reputation and should not engage in any activity that would bring their appointed position or the Township into disrepute.
  5. Advisory Committee members shall make sure that their decisions and actions are reasonable, fair, and appropriate to the circumstances based on consideration to relevant facts and supported by adequate evidence or documentation.
  6. Advisory Committee members shall utilize facilities, equipment, supplies, or other resources of the Township made available to them as a result of their appointed position for Advisory Committee business only and not for personal gain or political purposes.
  7. Advisory Committee members shall not accept any gift or benefit that is intended or may cause them to act in a non-impartial manner in the course of their duties and shall report any such attempt to improperly influence them to an appropriate authority.
  8. Advisory Committee members shall not make any public comment in a private capacity regarding the body to which they have been appointed and any studies, topics or matters related to the body, unless first prefacing their remarks by stating that such comment is made in a private capacity and does not represent the official view of the Advisory Committee on which they serve, unless otherwise authorized by the body as a whole to do so.

9. Advisory Committee members, in the event a conflict of interest arises, shall take appropriate action to resolve the matter, which may include disclosure of the conflict, relinquishment of the personal interest giving rise to the conflict, withdrawal (recusal) from consideration or particular task where the conflict arises, and/or resignation from the appointed Advisory Committee.
  
- B. All applicants seeking appointment to RAC or TAG acknowledge that by executing the "Application for Committee Membership" they have read and understand the "Code of Conduct for Members" and agree that any violation of the same may constitute grounds to subject them to removal from their appointed position by the Council of the Township of Woolwich.
  
- C. Any violation of the "Code of Conduct for Remediation Advisory Committee Members" may serve as sufficient cause for the removal of an appointee, subject to appropriate due process or other procedural requirements to the extent required by law for the particular appointment at issue.
  1. VACANCY DUE TO RESCINDED APPOINTMENT: Should an Advisory Committee member have their appointment rescinded as a result of non-compliance to the Remediation Advisory Committee's Terms of Reference or the Township of Woolwich by-laws governing the position to which they have been appointed, he/she shall be unable to be re-appointed to any of the Township's Advisory Committees for a period of at least two years from the date of their dismissal.

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Applicant's Signature

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Date