

Technical Remediation Advisory Committee (TRAC)

Terms of Reference

1. Name

The committee will be called the “Technical Remediation Advisory Committee” or “TRAC”.

2. Purpose/Mandate

To ensure the appropriate review of legacy environmental issues (including soil, water and air contamination) and remediation efforts occur associated with the LANXESS Canada Co./Cie (LANXESS and its predecessors) chemical manufacturing site located in the town of Elmira, Ontario, within the contaminated Elmira aquifers (municipal aquifers), and any off-Site environmental impacts.

3. Definitions

“GRCA” means Grand River Conservation Authority

“MECP” means Ontario Ministry of the Environment, Conservation and Parks.

“RMOW” means Regional Municipality of Waterloo.

“TRAC” means Technical Remediation Advisory Committee

4. Operation

TRAC will be a committee of Council and will serve in a technical and advisory capacity. To ensure the appropriate review of legacy environmental issues resulting from the LANXESS Site (including soil, water and air contamination) and remediation efforts occurs and will be responsible for the following:

- a) To monitor the issues and activities related to legacy environmental impacts at LANXESS within the contaminated Elmira aquifers, and any other off-site, historical and/or potential future impacts.
- b) To provide the Township with summaries of the issues, which includes:
 - o To make recommendations to Council based on advice from TRAC for remediation of Elmira’s former municipal aquifers.
 - o To make recommendations on any other legacy environmental contamination related to LANXESS to satisfy MECP requirements.
- c) To provide information to the public bi-annually via spring and fall presentations to Council concerning LANXESS remediation progress including related public awareness and education initiatives.
- d) To provide a forum via in-person/virtual or written delegations for the public, including concerned groups and community representatives to share their concerns

related to LANXESS manufacturing site operations as they may impact the environment and remediation activities of historical impacts.

- e) 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.
- f) To provide a forum for staff of the Grand River Conservation Authority (GRCA), the Regional Municipality of Waterloo (RMOW), and other regulatory bodies to provide input on the remediation activities as they pertain to GRCA and RMOW applicable policies/requirements.
- g) To provide a forum for LANXESS to present information, proposals and regular updates on the status of current environmental issues originating from the LANXESS. property to the community.
- h) To advise and recommend to Council, MECP, GRCA, RMOW, and LANXESS, ensuring community priorities for the post-August 2028 period, as per the MECP Control Order, are well-understood and considered. This includes establishing a process for stakeholder and community engagement to develop these priorities by the end of 2026, with a focus on the post-2028 timeline, and evaluating and providing feedback on any subsequent orders or directives for this period.
- i) To establish an electronic dashboard, which can be accessed via the EngageWR platform that would outline and show the remediation efforts and progress to date.

5. Structure and Framework

- a) Council shall be the body that solicits applications from citizens from the community within six months after the commencement of a new term of Council concerning the appointment of individuals to TRAC.
- b) TRAC may use sub-committees to complete technical reviews for specific aspects of LANXESS environmental impacts, monitoring programs and remedial efforts, as required. Sub-committee meetings are not open to the public and public meeting minutes are not taken.
- c) If during the 4-year term a TRAC member resigns, Council may approve additional members to maintain a minimum of six (6) community members (see section 6: Committee Composition).
- d) The Chair of TRAC may call a meeting with seven (7) calendar days notice unless a two-thirds voting member majority of TRAC waives this notice requirement.
- e) Members of TRAC will be paid mileage for TRAC related meetings and site visits, as per the Townships Mileage policy.
- f) The Chair for TRAC will respond to media/public with the support of or resources from committee members.
- g) These Terms of Reference will be reviewed by Council at the end of each four-year term, or at a time of Municipal restructuring. Council will initiate the review process and establish an ad-hoc working group of Council to oversee the review process and provide final recommendations to Council. The review will be initiated six months prior to the end of the Council term. The ad-hoc working group will seek both in-person and online engagement from interested stakeholders and organizations.

6. Committee Composition

- a) TRAC will be comprised of a minimum of nine (9) to a maximum of twelve (12) voting members. The committee will be comprised of:
 - i. Six (6) to eight (8) members of the community
 - ii. The Mayor and two (2) members of Council who will be appointed for their term of office.
 - iii. One (1) Region of Waterloo representative.
 - iv. The Mayor or designate will assume the role as the Chair.
 - v. An independent third-party technical expert, as appointed by Council, will be a non-voting member of the advisory committee.
- b) Each voting member will have one vote. Council will appoint members based on preferred technical expertise in natural environmental protection, climate action or sustainability.
- c) One Woolwich Township staff support person will be assigned to support the committee with scheduling meetings, drafting agendas, taking minutes and tracking correspondence. This support person will also assist with coordination of subcommittee/technical meetings, as required. This support person will also act as a liaison between the committee and the Township administration.
- d) Stakeholders (MECP, LANXESS, GRCA) will attend (as nonvoting members) all TRAC meetings.

7. Meeting Frequency

TRAC will meet at a minimum four (4) times per year.

8. Term of Office

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.

9. Meeting Procedures and Conduct

- a) TRAC will follow the Township's Procedural By-law with necessary amendments to apply to the committee. All meetings shall be public unless the committee is authorized to meet in closed session under section 239 of the Municipal Act.
- b) Meeting agendas will be prepared by the staff support in consultation with the Chair and independent third-party technical expert. All presentations, draft minutes, and reports will be attached to the agenda for record keeping. Agendas will be posted on the Township's website and circulated to TRAC members a minimum of seven (7) calendar days before the meeting.
- c) Meeting minutes will be prepared by the staff support person and approved by TRAC at the following meeting. Meeting minutes will be taken, as with Council minutes, without note or comment, to provide a high-level summary of the discussion and

actions of TRAC. Meeting minutes will be posted online and provided to Council for information as soon as possible following approval by TRAC.

- d) All public meetings of TRAC will be recorded, and the video recording will be posted online within five (5) calendar days after the meeting.
- e) A simple majority of TRAC is required to transact all business. A “tie” shall be deemed as a defeated vote.
- f) Meetings of TRAC will be open to the public. Members of the public will have an opportunity to register as a delegation or to submit a written submission to TRAC in advance of the meeting. All delegations must submit a written submission summarizing their comments, this is to be submitted when registering to be a delegation. Those wishing to register may be given the following advice:

When registering you must provide your name, phone number, email and the application number you would like to comment on. Once you are registered staff will forward information on how to connect to the Zoom meeting (i.e. zoom Wi-Fi login or conference call number).

If you are concerned that you do not have access to phone or internet or are otherwise concerned about the reliability of your signal, please ensure that you submit written comments. Written comments do not negate your opportunity to also speak at the Public Meeting but do ensure your voice is heard should your electronic connection to the meeting not work.

If you are unsure whether or not you would like to speak at the meeting but want to listen and have the option to comment on a particular agenda item, please register with the TRAC Staff Support person. You will not be required to speak if you do not want to.

- g) Delegation requests - submission timelines include:
 - i. When a member of the public wants to add a topical item to a TRAC agenda and speak to the committee about it, a formal, written delegation request must be received by 4:30 p.m. a minimum of eight (8) calendar days before the scheduled meeting date, as the Agenda will be posted seven (7) calendar days before the scheduled meeting date.
 - ii. When a member of the public wishes to speak to an existing item on a TRAC Agenda for a scheduled meeting, a formal, written delegation request must be received by 10:00 a.m. on the day of the scheduled meeting.
- h) Funding for TRAC will be necessary for administrative support, public communication, independent third-party technical expert, and technical and legal advice. LANXESS is the primary source of funding.
- i) TRAC 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 TRAC Code of Conduct. No attendee shall be subjected to heckling,

harassment or abuse, written or verbal, during or after meetings of TRAC. Where conflict of interest arises, the member shall declare this and recuse themselves when appropriate.

10. Background

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 (Township) create a body of citizens which would allow for independent public input to the remediation process associated with the chemical manufacturing site located at 25 Erb Street in the town of Elmira. LANXESS currently owns the site by acquiring Chemtura in 2017. Other predecessors of the site include Uniroyal, Crompton and Chemtura. 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 Township committee of Council.

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 Aquifers 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 included interested stakeholder organizations, and this Committee reported directly to Council. A citizen body was established in 2015 called the Technical Advisory Group (TAG), and this group was able to obtain and review technical advice from Qualified Persons and provided advice, assistance and recommendations to RAC. To ensure there was an effective working relationship between all of the stakeholders, it was expected that the sharing of information would occur among the RAC, TAG, MECP and LANXESS in an open and timely manner, communication was to be professional and respectful, and the collective mandate was to provide advice and take actions that preserved and protected the well-being of the citizens. The RAC and TAG Terms of Reference (TOR) was adopted by Council on June 23, 2015. At the time of the Council appointments to RAC and TAG for the current term (2022-2026), Council decided that it would be appropriate to complete a review of the terms of reference and obtain feedback through an engagement process regarding the current overall process. The rationale being that timing is important to complete a review in advance of the impending 2028 deadline under the MECP's Control Order issued to LANXESS for the cleanup of the Elmira Aquifers. Council wants to ensure the structure and related processes are set up for the future to allow RAC and TAG to be successful in achieving their respective mandates. Engagement for the review of the RAC and TAG TOR conducted in 2023 involved receiving verbal and written feedback from interested individuals and stakeholders.