

NORTH RENFREW WASTE MANAGEMENT BOARD

c/o Townships of Rolph, Buchanan, Wylie & McKay
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**NORTH RENFREW WASTE MANAGEMENT BOARD
MINUTES OF MEETING**

Date: 1997 September 4

Time: 7:00 pm

Location: Village of Chalk River, Municipal Office, Council Chambers

Attendance:

Councillor T.A. Nicks, Townships RBWM, Chairman

Councillor D. Burton, Village of Chalk River

Councillor R. Roiha, Town of Deep River

Mr. B. Bigham, Site Liaison Committee Chairman

Mr. M. Richardson, Works Superintendent, Town of Deep River

Ms. A. LeClair, NRWMB Project Coordinator

Mrs Iona Blimkie, Messrs. Sydney and Wayne Blimkie

Messrs. Brian and Earl Gust

1. Review and Acceptance of Minutes of Last Meeting

1997 July 11 (in camera session): Councillor Roiha motioned to accept the minutes; Councillor Burton seconded; minutes accepted without revision.

1997 June 26: Councillor: Roiha motioned to accept the minutes; Councillor Burton seconded; minutes accepted without revision.

2. Correspondence

Correspondence received as attached to agenda. Letters of estimates for survey work, and, a draft letter from the MOEE EPA approvals branch on the technical review comments was distributed to members.

3. Business Arising from Last Meeting

Municipal Compensation - Resolution to Councils

Ms. LeClair distributed revised wording of the resolution to councils. Members committed to submitting to respective councils for resolution.

Public Meeting - Setting a Date

Councillor Roiha suggested the public meeting to be scheduled for September 24, before hunting season. Members agreed. Councillor Roiha suggested to advertise in Petawawa Messenger and

the North Renfrew Times. Ms. LeClair suggested the possibility of coordinating a site tour of the Alice and Fraser Landfill Site as previously recommended by the Site Liaison Committee. Chairman Nicks recommended the tour, and directed Ms. LeClair to follow up with Mr. Steve Testart, Facility Manager of the Landfill Site.

Property Owner Compensation - Second Letter of Opinion to Gust Family

In the second letter of opinion, the Consultant recommends a baseline sample be collected at the area of concern on Lot3, Concession 10. Chairman Nicks requested a decision by the Board to follow through with the consultant's recommendation. All Board members voted in favor. Chairman Nicks requested that Mr. B. Gust make arrangements with the Ms. LeClair to collect the sample. Ms. LeClair suggested that the best opportunity would be sometime in the Fall of 1997.

Timeliness of Notices of Meetings

Mr. W. Blimkie wanted to know when the agendas were forwarded to the property owners. Ms. LeClair reported that the agendas were forwarded on Friday (August 29). Mr. Blimkie stated that his family received the agenda on Wednesday which didn't leave a lot of time to make arrangements to attend the meeting. Mrs. Blimkie demanded to know why the family cannot be better notified. Mr. Gust reported that his agenda arrived late because the postal code on the envelope was incorrect. Ms. LeClair stated that it was her opinion that sending the agendas out a week in advance was ample time, however, did point out that the Labour Day holiday Monday was an oversight, and apologized for their untimely arrival. Ms. LeClair further added that confirmation of the date must be received by all members before proceeding to work on the details of the meeting, and, the location of the meeting is not usually set until about 1 1/2 weeks prior to the meeting date. Ms. LeClair committed to improving the timeliness of the notices of meetings, or, at minimum, to call in advance to let the interested property owners know the date and time of the meeting as soon as it is known.

Responses to Concerns raised in Meeting of March 11 & Setback Zone

Mr. W. Blimkie questioned the Board's responsibility to property owners as it appears "left in the air". With respect to the issue of the setback zone, Mr. W. Blimkie stated that he was under the impression that his family will be able to build a dwelling and drill a well within the "zone". Mr. W. Blimkie stated that he was not satisfied with the responses to the concerns from the meeting of March 11, that he received by the Board in July and demanded that the Board set up a meeting with his Family and demanded changes to the responses.

With respect to the setback by-law, Chairman Nicks reported that the amended by-law would have allowed for this, however the by-law was appealed by residents after it was approved by Council. The Ontario Municipal Board held a hearing in June to hear arguments for and against the amended by-law and subsequently the Chairman of the OMB decided to repeal the by-law, leaving the original restrictive by-law in place. Although the OMB has made a ruling on the matter, it has yet to issue an order to repeal the by-law until litigation process on a related issue is complete. This leaves the

Townships Council unable to initiate action on a more suitable amended by-law which will be less restrictive.

Mr. Richardson pointed to the fact that two permits to build houses within the Miller's Road Site setback zone have been issued and the houses have been built. Chairman Nicks added that 2 houses exist within the 500m zone at the Bass Lake Road Site. Mr. Sydney Blimkie stated his concern is not related to the other sites. Chairman Nicks replied that Council will not be able to change the restrictiveness of the original by-law until the Ontario Municipal Board issues its order. Mr. Sydney Blimkie demanded to have the survey line drawn out on his property to know exactly where this zone is on his property and asserted that he will seek the assistance of a lawyer to see this done.

Mr. E. Gust asserted that the Board should focus on the present by-law and not about the future changes. Mr. Richardson recommended to the Board and to the property owners to consider having the surveyor place an iron bar along Bagg's Road to mark the distance of 500 m from the landfill area, to be used as a general reference point for the Blimkie Family. Mr. W. Blimkie asked to know how much it would cost his family to prove that he is safe to build within the zone. Mr. Richardson stated that in the case of the Miller's Road Landfill Site, the Town of Deep River paid for the geotechnical investigation which was used as evidence to permit construction. Chairman Nicks added that in the case of the new landfill site, the geotechnical investigation has been conducted in advance, to serve as evidence of the predicted flow of the leachate which will be produced when the site is operational.

Mr. W. Blimkie wanted to know what would happen if he sold the property next week. Chairman Nicks stated that no restrictions would be placed on construction of a house because there is no landfill site established at present, and the by-law would not apply. Mr. W. Blimkie insisted on having his property appraised as soon as possible. Ms. LeClair reported that this same matter was raised with the Board's lawyer who advised the Board that relevant information on the real estate market conditions without reference to the new landfill site can be readily traced, and the value of a property can be appraised at a later date. The need to do an "on the spot" appraisal at this point in time is not required.

Mr. W. Blimkie stated that the Board is not being fair as it has the assistance of a lawyer and the property owners don't, and demanded that the Board hire a lawyer to protect his family's interests. A pause in the meeting discussions occurred whereby talk continued informally. Board members returned to the table with suggestions made during the break period. A suggestion was made that provisions can be placed in property owner compensation agreements whereby the owners will be ensured of protection against the by-law should they wish to construct a dwelling or drill a well within the zone.

Mr. W. Blimkie asked to know the life span of the compensation agreement. Mr. Bigham replied that when the site is operational, it will be the life of the landfill. Mr. Blimkie requested confirmation that the life of the landfill included the closure period and Mr. Bigham affirmed that this was correct. Mr. Richardson added that the land will be owned

by one municipality, however, all municipalities will be legally responsible for liabilities and costs will be shared proportionally.

Mr. W. Blimkie asked about the procedure involved in requesting a permit to construct the house. Chairman Nicks replied that this can be done through the Townships Municipal Office, and suggested to talk to the planning coordinator and building inspector Mr. Gerry Dupuis, however, Chairman Nicks added that anyone can apply if the property abuts a Townships maintained road and the house will have 100 ft frontage. Mr. W. Blimkie asked whether he would have to pay for any upgrades to the road and entranceway. It was replied that the road and private entrances will be upgraded to townships standard.

Mr. W. Blimkie asked whether anything other than a house can be constructed within the zone. Chairman Nicks stated that anything can be built, except for a house. If you want to build a house after the landfill site is established, and assuming that the original restrictive by-law remains in place, there is the option of making a request to the Committee of Adjustments for a variance to the by-law. Mr. W. Blimkie asked whether the family can cut down trees on their property without affecting the natural visual screening of the landfill site. Chairman Nicks confirmed that the family is free to cut down the trees on its property, but forewarned Mr. W. Blimkie that the usual municipal by-laws and other regulations relating to this matter would still apply.

Mr. W. Blimkie handed to Councillor Burton a copy of a Pembroke Observer article dated 1995 October 18, which discussed the details of compensation entitled to Pembroke and area resident affected by the landfill siting. Mr. W. Blimkie questioned why the Board could not be as generous, and expected as much from this compensation process.

Mr. W. Blimkie expressed his frustration with respect to the Board's inability to assist the family in the matters above - why the family is expected to approach the Townships on their own and the Board refuses to see this as part of their job. Chairman Nicks stated that the Board's job is to seek approvals to establish the landfill site and to work with affected property owners on the issue of property owner compensation. What property owners plan to do with their land when the landfill site becomes operational is their business. To clarify his point, Chairman Nicks used the analogy of an established grocery store beside private property, and added that as a private property owner with property abutting the grocery store, you would not ask the owner/operator of the grocery store to seek out the permit to construct your new house from the municipality, on your behalf. Circumstances with the landfill site when it becomes operational would not be any different.

Firebreak on Lot 5, Concession 11 - Impact: Ms. LeClair stated that the firebreak was inspected on July 14, 1997, and reported that the creation of the firebreak minimally impacts on the site's potential to naturally screen the view of the future landfill site. Ms. LeClair reported the impact of the firebreak was discussed with Messrs. Wayne and Sydney Blimkie, and Mr. B. Gust on this same date, and neither the Gust Family nor the Blimkie Family had any issue with it.

4. EA/EPA Review and Approvals Processes - Update

EA - Minister's Notice of Acceptance: Ms. LeClair stated that the Minister has not yet released the Notice of Acceptance. Ms. LeClair reported that, according to J. Bullen of the MOEE EA approvals Branch, the Board's notice is on the priority list for the Minister's attention.

EPA - Feedback on MOEE Formal Review of EPA Application: Ms. LeClair distributed a draft letter from the MOEE EPA approvals Branch which had been forwarded for signature to the Supervisor of the Waste Unit. Ms. LeClair reported that, according to Mr. Osmond Ibrahim, the Board's MOEE EPA review coordinator, it is most likely that the supervisor will sign the letter without revision, therefore, the comments in draft form can form the basis for the Board's response. With respect to the content of the comments, Ms. LeClair reported that the comments are favorable, and that there were no major issues raised by the technical reviewers. However, the Ministry is recommending two points of compliance to meet PWQ objectives - one at the discharge point to Maskinonge Lake, and the other at a point somewhere between the two lower ponds. This issue may warrant further discussion with the Ministry as the area between the ponds is not a practical point of compliance as the original intent was to use that area for further attenuation by biological processes, and beaver activity makes any point between the ponds unreliable for the long term. Ms. LeClair stated that the letter will be discussed with the Mr. Hollingshead of Gartner Lee, and a response letter will be drafted for review by the Board in the next few weeks.

5. Land Acquisition

Sale of Property and Access to Land Under Licence (Copy of Correspondence (e-mail) AECL to B. Lange): Ms. LeClair reported that it is assumed that a copy of the e-mail correspondence is expected to satisfy the Board's original request during the last land acquisition meeting on August 15, for a copy of a revised letter from AECL outlining its position with respect to further approvals for the sale and access agreement of AECL lands under licence. Chairman Nicks directed Ms. LeClair to follow-up with a letter to Dr. Lange confirm receipt of the correspondence with the assumption that it replaces North Renfrew Waste Management Board's request for a revised statement in the form of a letter, and that acknowledgment is requested if the understanding is different.

Various Agreements: Ms. LeClair reported that the option to purchase and access agreements in draft form will be ready for review at the end of the week, and requested to know for the purposes of coordinating the review, how the Town of Deep River intends to proceed with its own internal review. Councillor Roiha suggested that the Board comment on the agreements first. Once the agreements are reviewed by the Board, they can be forwarded to the Town's Chief Clerk, L. Simons for an informal review, with recommendations by the Town's legal counsel, G. LeConte.

Survey of Lands for Purchase and Access: Ms. LeClair distributed letters received by J. Goltz and D. Patterson outlining their estimates on surveying the lands and prepare a plan for registration. Mr. W. Blimkie wanted to know what surveys the Board was referring. Ms.

LeClair explained to Mr. Blimkie that surveys of the land the municipalities plan to purchase and the land to be defined as the contaminant attenuation zone are required to legally described the lands for the purposes of the agreements with AECL, to satisfy the Ministry requirements associated with the Certificate of Approval.

Ms. LeClair pointed out to the Board that there was a significant discrepancy in the estimates, and reported to have discussed the estimates with both Mr. Goltz and Mr. Patterson. Mr. Goltz recommended registering one plan containing 2 parts - one part pertaining to the purchase ,of a portion of the lot, one part pertaining to the contaminant attenuation zone. This move would result in savings to the Board. Mr. Patterson contended that his estimate is in line with current rates, representative of costs associated with fulfillment of the requirements according to the land surveyor's act, and based on past experience surveying AECL lands. Gartner Lee's subcontractor, Mr. Boland of Janota Patrick, was consulted. Mr. Boland stated that Janota Patrick has had previous experience with both surveying companies, and contended that both surveyors are equally reputable and technical competent, however, estimates from Mr. Patterson are reported to be higher than others.

Both surveyors agreed that squaring off the lines to define the attenuation would be more economical and recommended to go that route. Ms. LeClair stated that based on the advice obtained in a previous discussion with B. Kaye of the MOEE District Office in Kingston, the definition of the zone as per the above would be sufficient to satisfy the Ministry's requirements.

Ms. LeClair requested acknowledgment of the Board's decision on its choice of surveyors. Councillor Roiha motioned to accept Mr. Goltz' estimate as outlined in the letter. All members agreed. Ms. LeClair was directed to instruct Mr. Goltz of the decision and request initiation of the work as soon as possible.

Mr. W. Blimkie wanted to know why the Board is not prepared to survey Bagg's Road at the same time. Chairman Nicks reported that the consultant's subcontractor, Janota Patrick, will survey the road when it is directed to initiate work on the detail design plans of the landfill site and the upgrade to the road. Mr. Richardson added that the surveyor will be cutting new lines for the purchase and the contaminant attenuation zone, and produce new plan to be registered. The road will be surveyed by qualified surveyors as well, however, the surveyors need only to reproduce the line, as the line has already been noted on a plan that's been previously registered.

Mr. W. Blimkie asked whether the Algonquins of Golden Lake have given the "go ahead", with respect to the purchase. Councillor Roiha confirmed that the Algonquins have no objections.

6. SLC Update

Letter to AECL

It was reported that the SLC received a response from AECL's Bruce Lange on the issue of potential for radioactive contamination at the new landfill site. Mr. Bigham stated that the SLC may require further clarification by Dr. Lange, as the letter does not indicate how AECL plans to manage its non-hazardous waste going to the new landfill site to ensure protection against radioactive contamination. However, Mr. Bigham did feel confident that if AECL does what it normally does with the work at Zeep, as the letter implies, then there will be no concerns. It was

questioned as to whether AECL should place a second level of monitoring like a gate monitor at the plant. Mr. Gust stated that AECL does have a gate monitor at the entrance to the active area, and that when the detection level is way above the limit, AECL does act on the trigger. Mr. Bigham suggested that the SLC/public need to know how high the limit can be above background can it be deemed acceptable for it to be considered acceptable.

Mr. W. Blimkie asked about how a truckload of waste is monitored. Chairman Nicks stated that scrap dealers have problems in this area, however, their concerns are not public health and safety related, per se. The concern is more related to the economics. When the scrap metal gets melted down, and a piece of contaminated waste melts with the other scrap metal, the entire melted metal gets contaminated, including equipment. This requires decontamination all its equipment used in the melting process which is an expensive process. Chairman Nicks assured Mr. Blimkie that the Board will follow through with its commitment to monitor the site for radioactive contamination in its monitoring program, and underlined the fact that AECL has no choice but to follow AECB regulations for transporting and disposing waste off-site. Mr. Bigham stated that AECL should be able to tell us what these regulations are, and what the company uses as safe monitoring levels.

Letter from D. Winfield

Mr. Bigham reported that Mr. David Winfield, in his letter to the SLC, feels that he has been unjustly treated and anyone dealing with the new site should be careful of the issue regarding the 500m setback bylaw. A copy of the letter was distributed to SLC and Board members.

7. Financial Update

Account Balance/Payables/Receivables: An account balance was not available for the meeting.

Third Quarterly Payments/Late Payment Charges: Ms. LeClair reported that third quarter payments were due and that the Town of Deep River has not yet forwarded it's second quarterly payment. Chairman Nicks recommended to write directly to the Chair of the Finance and General Government Committee, Councillor Denise Walker to see the issue resolved.

Review of Expenditures for Professional Services: Ms. LeClair distributed information pertaining to actual and projected figures on expenditures and savings in the area of professional services. Predicted expenditures for legal services are expected to exceed budget by about \$3,913 due to unanticipated expenses to cover the cost of a meeting and advice on various matters on land acquisition and property owner compensation. Expenditures in the area of consulting services are expected to exceed budget by about \$1,828 due to consulting activities related to property owner compensation. The Budget overall will be minimally impacted as there are savings of about \$3,673 expected in the area of administration as actual payroll costs in the first quarter were based on a 20hr/week schedule when the budget called for payroll costs based on a 30hr/week. The change in the coordinator's work schedule did not take effect until May 1997. With respect to the land acquisition, the cost is based on the purchase of a portion, and not the entire lot. Savings of about \$15,000 is anticipated.

8. Other Business

Next Meeting: No meeting plans were set.

Municipal Elections - Impact on Process: Ms. LeClair pointed to the fact that municipal elections may bring new representatives to the table, and raised issue about the need for continuity in the property owner compensation process. Ms. LeClair suggested to keep the present members involved to follow through with the compensation process since present members are familiar with the individual property owner's issues. Property owners asserted that they wanted firm answers from the Board with respect to what they should be compensated for. Councillor Roiha stated that the Board should focus on putting a negotiations structure in place, set up a meeting to put together a draft strategy. Chairman Nicks added that the Board should review the Landfill Compensation Policy and suggested to the property owners present at the meeting to note what it is they want and put a price to it.