

Meeting to discuss some of the issues of the former Appletex property

12 May 2009

Mississippi Mills Council Chambers

Attendees:

- Appleton residents: Alison Ball, Lee Brebner, Collin Gibson, Gordon MacNabb, Donna Maher, Linda Trantor, Joanne Morrison, Ian Morrison
- Ministry of the Environment: Rick Watchorn and Marc-Etienne Lesier
- Mississippi Mills Councilors: Val Wilkinson, Marilyn Anderson, James Lowry
- Mississippi Valley Conservation: John Price
- Paterson Group: Carlos Da Silva
- Stantec: Jane Almond
- Town of Mississippi Mills: Diane Smithson and Steven Stirling

Context:

On March 17, 2007, an oil spill was discovered on the former Appletex property in Appleton. Clean-up has been ongoing ever since. On April 8th, 2009, several nearby residents received a letter from the Paterson Group stating that drilling and blasting will be required and asking permission to complete a pre-blast survey of their properties. This was a meeting to discuss some general issues of the site and, in particular, to discuss some of the clean-up options and their implications.

Paterson Group [patersongroup.ca]:

The Paterson Group is a consulting engineering firm. Their client on this project is Paul Dulmage. Paterson has been involved since the beginning of the oil leak. They are now working on several of the problems on the property. They believe that there is "not that much contamination on the property". They are in the process of completing a Phase 2 environmental site assessment.

Description of the oil leak:

- The leak occurred at an area of shallow bedrock.
- Oil got into the fissures of the bedrock and they now want to clean up that oil.
- They cleaned up 99% of the oil in the soil. They still need to clean the remaining 1% in the soil that is close to the shore.
- They haven't done any testing of groundwater since last calendar year. They did not test for any other possible contaminants besides the oil; i.e., those related to the textile dyes.
- The oil in the groundwater is heavy oil

Clean-up options for the contaminated groundwater:

Paterson has considered only 2 clean-up options:

1. Wells to pump out the contaminants, with or without bioremediation: This method involves injecting solvents or solutions via wells to degrade the oil. They do not think that this is a very successful method and may still leave pockets of oil in the fissures.
2. Excavating: The main reason for choosing excavation is because it is the cheapest clean-up method. He doesn't know if they would still excavate if they could not get permission to fill the lagoons with the excavated rock. In that case, the property would stay zoned for industrial use. For the excavation option, hoe ramming is 10 times the cost of blasting. The excavation option would include:
 - Excavating until they find the oil, which could be about 30 ft.
 - Removing the bedrock

- Leaving contaminated rock on the surface
- Creating a hole for the oil to pool
- Collecting and removing the oil
- Monitoring for further oil leaks
- Backfilling the hole, when no oil is remaining

Proposed blasting plan:

- The blasting would be carried out by a certified blasting contractor.
- The charge put in the ground would be limited.
- The rock would transmit waves and the neighbors would feel:
 1. Vibrations in the ground
 2. Air pressure, which would shake windows.
- Blasting velocities of more than 50 mm/sec would cause problems with nearby buildings. Beside the parliament buildings, they used 13 mm/sec velocities. Their goal for the Appletex property would be to keep the blasting to less than 25 mm/sec.
- They would request that a seismograph be placed in the basement of the house closest to the blasting because that house would receive the highest vibration during the blasting
- There would be 2 rounds of blasting with 4 blasting events:
 1. The top 15 feet
 2. The lower 15 feet.
- All blasting would be completed in a 1-2 week period.
- Drill holes would be created for the charges.
- Blasting would take place mid-day.

Proposed pre-blast survey by Paterson:

- The applicants are offering to do a pre-blast survey of the 3 houses on Old Mill Lane that back onto the property.
- The survey would include photos and videos of the foundations of the houses. Paterson would keep these on file. Their intent is that these records would not be made public or shared with the home owners.
- The well water of the 3 houses would undergo “drinking water” tests. Paterson’s client has agreed to provide full spectrum tests of the well water.
- Some of the other nearby residents asked if their house could be included in the pre-blast survey and they were told that they would not be included.

Possible damage to nearby homes from blasting:

- Cracks in the walls, especially basements
- Change in yield of the well
- Spread of contaminated groundwater into well water
- When asked if the home owners should contact their insurance companies, Paterson didn’t have a recommendation.

Blasting liability:

- Blasting contractors have insurance. Their insurance company may require them to do their own pre-blast survey of nearby homes.

Existing remediation permit:

- The permit that MVC issued in August 2007 for continued clean-up of the oil spill along the river bank is still in effect. It expires in August 2009. The terms of the permit have not

changed; i.e., the property must be returned to a natural condition (natural condition is broadly defined and doesn't mean that it must be returned to its former treed state). The conditions of this permit must be met regardless of any other plans.

MVC site grading permit:

- There is no requirement for a blasting permit. However, because the property is within the wetland Regulated Limit, a permit under Section 28 of the Conservation Authorities Act is required from MVC for work on the site.
- None of the MVC permits allow for third party status (e.g., local residents). To obtain a copy of the permit application, an FOI request must be submitted.
- MVC received a permit application, which they are currently reviewing. MVC has asked for more information from the applicants; e.g., proof of ownership of the property and a justification of the remediation method that they are advocating. MVC did not ask for the date that ownership became effective.
- The permit application includes the oil clean up and filling the lagoons. These two activities are tied together by the applicant because they plan to use the blasted rock to fill the lagoons. If permission is not granted to fill the lagoons with the blasted rock, they would probably not proceed with the oil remediation work. It would be too expensive to move the blasted rock off the property.
- The MVC is planning to add a condition to the permit that the contractors comply with the Ontario Provincial Standard Specification, "General specifications for use of explosives". Paterson doesn't believe that a private company can be forced to comply with these guidelines because they apply only to Ontario government projects. Others attendees at the meeting argued that any condition can be added to a permit. Applicants have the opportunity to request a hearing with the Regulations Committee if they want to challenge a condition. This standard states that a resident is entitled to a copy of the pre-blast survey for his/her residence ["A copy of the pre-blast survey limited to a single residence or property, including copies of any photographs or videos that may form part of the report, shall be provided to the owner of that residence or property upon request."]

Remediation method:

- The method used to remediate the oil in the ground water is entirely the decision of the owners. None of the government agencies have the authority to assess and approve the method chosen.
- The Paterson Group has chosen blasting because they believe that it is the cheapest and most efficient option and because the blasted rock can be disposed of by filling the lagoons.

Record of Site Condition (RSC), Ontario Regulation 153/04:

- [From the MOE web site: "Ontario Regulation 153/04, which came into effect on October 1, 2004, details the requirements that property owners must meet in order to file a record of site condition. Two technical documents are referenced by this regulation, one providing applicable site condition standards, the other providing laboratory analytical protocols for the analysis of soil, sediment and ground water. Please note that the Record of Site Condition Regulation and the two technical documents replace the Guideline for Use at Contaminated Sites in Ontario."]
- MOE considers this property to be a brownfield property. The requirements for clean-up now (since 2004) are more stringent than when MOE first started investigating the property.
- Brownfield properties that are going to be rezoned from industrial to residential require an RSC.

- A summary version of all completed RSCs must be added to the public registry on the MOE web site.
- Paterson is preparing the RSC, which will be submitted to the MOE once the site meets provincial standards. It usually takes about 1 month for MOE to process an RSC.
- The RSC is used to determine if the property meets residential standards. It is submitted to the town as part of the process of rezoning the property.
- The site requirements for residential use are more stringent than for industrial use – this was referred to as “downzoning”.
- The MOE reserves the right to audit the RSC reports; i.e., the MOE doesn’t fully review all RSCs. If the MOE is not satisfied with the RSC, they can go onto the brownfield site for further investigation.
- Paterson doesn’t have a risk management plan or a communication plan.

Lagoons:

- The intent is to completely or partially fill in the lagoons with rubble from the site.
- They would like to include the property where the lagoons are located as part of the residential development.

Stantec [www.stantec.com]:

- Stantec’s client for this project is Paul Dulmage.
- The aim is to build a residential subdivision on the site.
- There has been no application to the municipality for a residential subdivision. However, they have had several private high-level discussions with town staff about options for development.
- They have not decided whether or not they would put in a common septic system.
- Her client did not give permission to the county to deposit large piles of rubble from the Appleton bridge reconstruction on the property. However, now that the rubble is there, they would like to use it as fill in the lagoons. Someone has tested all of the rubble and declared it safe to use.

Who is funding the clean-up?

- Currently, all work on the site is being privately funded. No level of government has given any funding, tax incentives or tax breaks to this property.

Property standards:

- When asked if the conditions on the property currently met town property standards, the Town did not comment.
- Concern was expressed by some of the residents over the dangerous condition of the site and how easy it is for children to walk onto the site.

Ownership of the property:

- There was some discussion throughout the meeting about the ownership of the property. 724597 ONTARIO INC. is listed as the owner on the title of the property. The corporate filings for this company have been delinquent since 2005. At that time, the primary director was Jim Collie, who since died in 2007. MVC is requesting that the applicant for the permit prove ownership as part of the permit application procedure. Before the meeting, attendees of the meeting were asked by the Town not to discuss ownership of the property during this meeting.

All attendees were asked to review the first draft of these notes by May 29th. This version of the notes includes all changes received to date.