

Mr. George Collins  
Box 883  
Nipigon, ON P0T 2J0

April 19<sup>th</sup>, 2017

Information and Privacy Commissioner of Ontario  
1400 - 2 Bloor St. East  
Toronto, ON M4W 1A8

Mr. Brian Beamish,

Respectfully Mr. Commissioner I submit the following attached to my Appeal to give you the most accurate, up to date facts and information I have concerning this matter.

The purpose of this Appeal is a hope that you will direct the Corporation of the Township of Hornepayne to surrender copies of correspondence related to this matter that, "they must have."

I filed simultaneously on June 25<sup>th</sup>, 2016 Freedom of Information requests to the Ministry of the Environment for Ontario, here after referred to as the M.O.E. and the Corporation of the Township of Hornepayne, hereafter referred to as the Municipality. Please find copies of the same numbered correspondence #1.

The material I requested was related to a locally known but unsubstantiated, undetailed pollution problem on Canadian National Railway property, hereafter referred to as C.N. and which has undoubtedly spread to adjacent Municipal or public and private land.

In response to my request I received a letter dated August 4<sup>th</sup>, 2016, from the Township of Hornepayne stating, "The Corporation has searched its records and does not have records in its care and control relating to this (F.O.I.) request. Please see correspondence #2.

On or about April 4<sup>th</sup>, 2017 I received, from the M.O.E., nine months after the fact, a disc which displayed two thousand, three hundred and sixteen (2, 316) pieces of correspondence, most of which relates directly to this matter. I add as a side note that this compilation, extensive as it is, is incomplete. Of the material I did receive I found several addressed to the Municipality of Hornepayne. Please see correspondence #3.

A quick summary of the material paints a shocking picture of the extent and degree to which four (4) large areas of C.N.'s property is polluted with known carcinogens, referred to in the material as, "diesel fuel and associated products." Some estimates

of quantity run as high as three million (3,000,000) liters to a depth indicated by drill results of five (5) meters, with a migration rate of two (2) meters per annum. Please see correspondence # 4.

Some of this material states that cleanup activities have been ongoing since the mid nineteen seventies (1970's). The first document dated Mar 2<sup>nd</sup>, 2015 and numbered 000001 makes direct reference to contact with and document exchanges with the Municipality. It states and I quote, "We received zoning information from the Township of Hornepayne on Friday of last week. C.N. signatures are now required so this will take a lot of time." Please see correspondence #5.

The second document dated August 13<sup>th</sup>, 2015 and numbered 000002 applauds the recent procurement by C.N. of a lead technical consultant named ARCADIS, who it states will integrate the current KGS Group Engineering, Thunder Bay, and again I quote, "into the remedial action plan developed by Arcadis, who are now tasked with reviewing the site to determine a more aggressive and innovative manner to address the site." Please see correspondence #6.

I conclude, from this, that past efforts have not made much progress to date or perhaps original estimates were grossly under estimated, but this terminology sets off alarm bells considering the number of years they have been working in the shadows to address this matter.

I am confident that after only a cursory examination of my material supplied to you, you will conclude, as any reasonable person would, that the response I received from the Municipality of Hornepayne's Freedom of Information Coordinator, which denies the existence of any records in its care or control relating to this matter, flies in the face of common sense. It constitutes an abdication of responsibility to provide and forward as the Act requires documents and material requested by the applicant.

The seriousness of this refusal, as you are no doubt aware, is made very clear in the text of the Act, "that to deliberately destroy, hide or alter requested information to prevent it being released is a criminal offense that individuals and public authorities can be charged with."

Commissioner, I began an official search for facts on this matter August 30<sup>th</sup>, 2007, almost ten (10) years ago. I wrote a Mr. Mike Windstanley, highest C.N. officer in Hornepayne at that time with cc:'s to Mr. Mike Brown, M.P.P. for Algoma Manitoulin, Mr. Gene Belanger (mayor) of Hornepayne, and Council, Mrs. Laurel Broten, Minister of the Environment of Ontario. I never received any response, which was not a surprise, and subsequent requests to C.N. have all been met with silence. Please see correspondence #7.

Whether it is complicity to mitigate the Municipality and C.N.'s liability or common political expediency my attempts to acquire support through the offices of Mrs. Carol Hughes, current N.D.P. MP for Algoma- Manitoulin - Kapuskasing and Mike Mantha

current M.P.P. for Algoma Manitoulin resulted in a communication disconnect by both parties. Mike Mantha, who at one time worked in the constituency office for Carol Hughes and remembered my first correspondence requesting her assistance on behalf of her constituents in Hornepayne, gave me full assurance that if he was re-elected he would assist in obtaining relevant material and I quote, "will take the matter to the Minister." Please see correspondence #8. The last contact I had with him was on June 12<sup>th</sup>, 2014, the day he was in fact re-elected, some people have no shame.

For the record, I list the names of other people or offices I have attempted to gain assistance from.

Mr. Jim Bradley      Minister of the Environment (successor to Laurel Broten)  
Ontario Ombudsman  
Integrity Commissioner of Canada  
Integrity Commissioner of Ontario  
Gobpubliccbc.ca  
Contact CN.ca  
The Chronicle Journal, Thunder Bay  
N.D.P. contact Bill Bains

I list the above to give credence to the following statement: Commissioner, if there is one fact which has become crystal clear to me it is how critical the Freedom of Information and Privacy Act is with regard to assisting the average person in obtaining the TRUTH.

My main concern is for the people, some of which are children living in close proximity to this disaster zone. Exposure to carcinogens can and does have deadly effects, which makes the knowing of the extent and degree of the pollution to the people of Hornepayne and in particular those whose property borders with C.N., a matter of paramount importance.

After going through the M.O.E. material a logical conclusion is that all property, North of C.N.'s property line, is contaminated to one degree or another as a result of C.N.'s past practises and their failure to remedy the situation over the last forty (40) years.

I include a small amount of additional information in the form of emails which supports and expands upon some of the above factors. Please see correspondence #9.

I trust I have provided enough information and supporting documents to sustain my concerns and to justify your time and attention to this serious matter.

If I can be of further assistance I am at your service.

Yours Sincerely,

George Collins  
Appellant