

1

My Copy
Sent April 3rd - 2019

Mayor and Council,
Corporation of Hornepayne,
April 3rd 2019.

I take this opportunity to congratulate the Mayor and Council on becoming the newly elected representatives of the community and wish you all every success in your endeavors, particularly in building a new municipal culture that places the People of the community first by Majority.

Since 2007 I have made reasonable effort to obtain documentation that confirms the extent and degree of CN's pollution on and adjacent to their property. The results of my efforts to date have made perfectly clear to me that the decision by past Administrations to use Moonlight Lake as a water source for the community is in fact one consequence of the uncontrollable spread of that pollution.

Of paramount importance concerning my effort, would be the GROUND WATER STUDY that was terminated at the sixty (60) percent completion mark in July 2003, and cost of \$61,546.39. It, more than any other study, has the potential to confirm beyond any doubt the extent and degree of pollution within the lower areas of the community.

Documentation I received under the Freedom of Information Act contains a request by the MOE on Friday October 29th, 2004 at 02:32 PM asking the Town "to submit all components of that Ground Water Study completed to date". Past requests on my part for a copy of this sixty (60%) completed study, resulted in emails declaring "it cannot be found in the records". Consider my concern when the Town was able to provide me, without hesitation, a copy of the KGS

2
Hydrogeological Study done immediately prior to the Ground Water Study and they were further able to provide without hesitation, a copy of the Environmental Assessment which bears a completion date of April 2004, or a date shortly after the Ground Water Study was terminated, but they were not able to find the material concerning the 60% completed study in the Official Municipal Record.

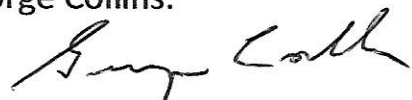
I have been advised by the Office of the Ombudsman for Ontario to request an explanation from the Town concerning this Missing Material or Gap in the record. Based upon the totality of the information contained in past documentation I obtained from the Municipality and the MOE, any reasonable minded person would agree that the absence of this Ground Water Study from the record constitutes an alarming anomaly and as such a serious concern.

I request that a second search be done which would include asking past employees and members of the council at that time for any information they might be able to provide concerning the matter. Failing a second search I request a reasonable, plausible explanation from the Town concerning this Missing Material or Gap in the Official Record. I'm certain the new mayor and council share my concerns with regard to who should bear the financial responsible for the ten point six (10.6) million dollar new system to bring water from Moonlight Lake, and the detrimental effects this financial burden is having on the community.

Please find attached two documents that confirm the existence of the Study and that the material was at one time within the municipal office. I thank you in advance for any attention you may see fit to give my request and look forward to your response.

Sincerely,

George Collins.



Kathy Bemben

From: Sue Smith - Township of Hornepayne [townshipofhornepayne@onlink.net]
Sent: October 29, 2004 3:20 PM
To: kbemben@enl-tbay.com
Subject: Fw: Hornepayne Groundwater Study

----- Original Message -----

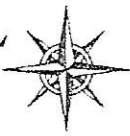
From: David.Neufeld@ene.gov.on.ca
To: townshipofhornepayne@onlink.net
Cc: Mark.Puumala@ene.gov.on.ca ; Dave.Hollinger@ene.gov.on.ca ; Cynthia.Carr@ene.gov.on.ca ;
Brent.Taylor@ene.gov.on.ca ; Richard.Tozak@ene.gov.on.ca ; Irmi.Pawlowski@ene.gov.on.ca ;
Barbara.Anderson@ene.gov.on.ca ; Brian.Nixon@ene.gov.on.ca
Sent: Friday, October 29, 2004 2:32 PM
Subject: Hornepayne Groundwater Study

Dear Sue Smith,
(Clerk, Township of Hornpayne)

In our phone discussion this morning you confirmed the information sent to us by your consultant (Kathy Bemben, Engineering Northwest Ltd.), in a memo dated October 25, 2004. You indicated that the Township has decided to change its water supply from a groundwater source to a surface water source, and that the groundwater study, for which you received a grant, is approximately 60%, and is now on hold. You also confirmed what is stated in the memo about the Township's request to use the remaining funds towards a source protection plan for the new source. As we discussed, this would require that the original MOE-approved terms of reference for your municipal source protection study be updated to reflect the new source of drinking water. The updated terms of reference would need to be approved by the Ministry (regional office) before funds could be used for that purpose.

In addition, the Township is required to submit all components of the groundwater study completed to date, including all data that been collected in the appropriate digital formats, as per the original terms of reference and any data sharing agreements you have signed for the project. Please contact Mark Puumala, from our Regional MOE Office (Sudbury) for discussion of the revisions to the original terms of reference.

*Dr. David Neufeld
Manager, Water Policy Branch
Ontario Ministry of the Environment
135 St. Clair Avenue, 6th floor
Toronto, Ontario M4V 1P5
(416) 314-7049*



December 2, 2004

RECEIVED
DEC 08 2004

PN 04034

Ministry of the Environment
435 S. James Street, Suite 331
Thunder Bay, Ontario
P7E 6S7

Attention: Mr. Mark Puumala

Dear Sir:

Re: Township of Hornepayne
Source Water Protection Plan for Moonlight Lake

The Township of Hornepayne received funding from the Ministry of the Environment (MOE) in 2002 for a Groundwater Study through Ontario's Clean Water Initiative. The purpose of the study was to assemble information to be used for the long term management of the Municipal groundwater supply.

KGS Group was retained to complete the study in March 2002, and has completed approximately 60% of the work. They were advised to postpone completion of the study, as the Township has decided to change its municipal supply to a surface water source, using Moonlight Lake.

The Township has been advised by the MOE that the funds remaining in the groundwater study budget can be utilized to develop a source protection plan for the new source. This will require the preparation of an updated terms of reference that would need to be approved by the MOE's Regional Office. Please refer to the enclosed e-mail from David Neufeld confirming this.

We have prepared a draft Terms of Reference, based on the draft legislation *Drinking Water Source Protection Act, 2004*, which is enclosed for your review and comments.

Once we have obtained comments from the MOE, we will finalize the Terms of Reference, and forward it to KGS Group.

If there are any questions, or if there is any additional information required, please do not hesitate to contact our office.

Yours very truly,

ENGINEERING NORTHWEST LTD.

K. Bemben, P. Eng.

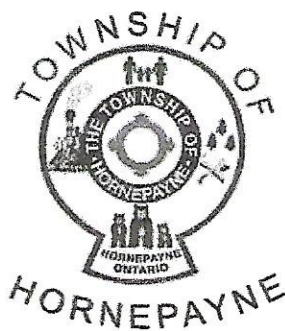
KB:co

Encl.

cc: Brent Taylor, MOE Land Use Policy Branch
Sue Smith, Township of Hornepayne

Filename: E:\ENL\PN04034\Corres\MOE-Dec2-04-Puumala.doc

P.O. BOX 370
68 FRONT STREET
HORNEPAYNE, ONTARIO
P0M 1Z0



TELEPHONE 807-868-2020
FAX No. 1-807-868-2787

May 14, 2019

George Collins
121 Fourth Street
Box 883, Nipigon, ON
P0T 2J0

**Re: Requests from George Collins ("Requestor")
File Numbers: M2018-001, M2018-002, M2018-003**

Dear Mr. Collins:

We are in receipt of your correspondence dated April 3, 2019, which is attached at Tab 1. This correspondence was tabled at the regular Council meeting of Wednesday, May 1, 2019. You asked Township representatives to contact other employees and members of Council at the relevant times these records were potentially/allegedly in existence.

Your letter relates to prior requests made by the you, the Requester, pursuant to the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"). Those relevant file numbers are M2018-001, 002 and 003 ("Prior Requests"). We have conducted the necessary investigations into these Prior Requests. We cannot provide any further records because no further records are available to us.

Your Prior Requests were responded to by the Township in accordance with MFIPPA ("Decisions"). Those relevant Decisions are attached hereto as Tabs 2, 3, and 4 respectively and had the following relevant dates:

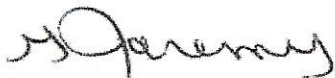
1. M2018-001 response dated March 6, 2018;
2. M2018-002 responses dated March 26, 2018 and April 9, 2018;
3. M2018-003 responses dated April 4, 2018 and April 9, 2018;

As outlined in your response letters, the recourse for further concerns or complaints about the relevant Decisions was appealing the Decisions, pursuant to Section 39 of the Act, to the Information and Privacy Commissioner of Ontario. Please note, you had 30 days from the receipt of the Township's Decisions to appeal. The Decisions set out the necessary steps that had to be taken for an appeal.

By writing this letter, the Township is not acquiescing to an extension of time to file those appeals to the Prior Requests/Decisions.

The Township will take the position that any IPC appeals of the Prior Requests/Decisions are untimely.

Sincerely,



Gail Jaremy
CAO/Clerk
Township of Hornepayne
GEJ/

c.c.: Mayor & Council

Attach: