

P.D.F. #49

*Gravelle Weighs in.*

July 13<sup>th</sup>, 2020.

Michael Gravelle, MPP for Thunder Bay – Superior North.  
Letter to and from.

Environment and Climate Change Canada.  
Feds want more time.

(1)

*My Copy Sent May 4-2020*

May 4, 2020;  
Box 883 POT 2J0,  
Nipigon Ont.

Mr. Michael Gravelle,  
MPP Thunder Bay-Superior North.

Dear Mr. Gravelle,

I write asking for any assistance you might be able to provide in the following matter. To date I have been through the various government channels with respect to this serious concern trying to obtain due diligence, and to no avail.

Currently, upon the advice of the law firm, Filipovic & Conway Associates of Thunder Bay, I'm searching for a Law Firm in Toronto that would have the resources necessary and be willing to take legal action against the parties named herein.

The assistance I request from you and your office in particular, is to obtain a rational answer from the Ombudsman's Office of Ontario as to why they refused to investigate the disappearance of a "Ground Water Study" from the Municipal Records in Hornepayne. The evidence forwarded to that Office, and included with this corr. for your viewing, outlines at a minimum their failure to follow established Provincial Protocol for removing Documents from the Public Record or more seriously, and as I contend, this revealing material was removed and destroyed to hide the information it contained from the community at large.

I'm now 70, was born in Hornepayne and lived there most of my life, in 2007 concerned over the lack of information being made available to the residences,

(2)

I took it upon myself to look into the local pollution matter on CN's property. I collected information obtained through the Freedom of Information Act (FOI) and read the various studies that had been conducted, which included the First Engineers Report, Community Hydrogeological Study, Hydrogeological Evaluation, Environmental Assessment, Drinking Waters Source Protection Study, and approx. 2000 pages obtained from the MOE, the material outlined a very disturbing picture or state of affairs. Based upon the documentation one consequence of the environmental disaster on CN's property generated as a result of their irresponsible policies, has resulted in the taxpayers of Hornepayne being saddled with a 10.6 million dollar debt without them ever being privy to the underlying facts that necessitated that expenditure. Specifically, that debt was incurred finding and accessing a new municipal water source from a distant watershed, one not connected to the local watershed which had been serving that community for decades, account that one was in the path of CN's migrating pollution. KGS Group an Engineering Firm that did the Hydrogeological Study for the municipality in 2002, had determined the municipal wells to be, "Ground Water Under the Direct Influence of Surface Water" or (GUDI). I also list some other pertinent information contained in those Studies, (1) there were documented estimates of millions of liters of spilt diesel fuel on CN property, (2) that the pollution was upgrade and moving in the direction of the town wells, (3) that those studies revealed most of that pollution was unrecoverable, (4) that it was leaching into the local Jackfish River, (5) that it was moving in the ground water and had spread beyond CN'S property boundaries. These factors combined with the geographical fact that the Jackfish River passed directly over the Unconfined Town Aquifer established "GUDI", confirmed that CN's pollution was unstoppable and would inevitably reach the Town Wells.

Concerning the same, if there was one piece of evidence referred to within the various studies that more than any other material would prove my contention, it was a "GROUND WATER STUDY" commenced in 2002 and

(3)

terminated without explanation a few months later at the 60% completion mark. Documentation I obtained through FOI requests and subsequent inquiry revealed that this material existed in and disappeared from the records of the HORNEPAYNE MUNICIPALITY OFFICE, the records of the MINISTRY of the ENVIROMENT, and the records of KGS the ENGINEERING FIRM that did the work.

Any Ombudsman's Office concerned with protecting the public interests would consider this disappearance of that material from all three sources a RED FLAG, but not so for our Ontario Ombudsman's Office. Please find included the reference material provided doc. which demonstrates that this material had at once been in the possession of the parties mentioned, and also their inability to find it at the present.

I have a record of my first request for an investigation from the Ombudsman's Office, copy included, but no record of their first refusal that came during a phone conversation with one Ronald Montes, Feb 22<sup>nd</sup> 2019. But I have included a written refusal to investigate concerning my second request dated March 10<sup>th</sup> 2020, from one Yvonne Heggie, Acting Manager; I include a copy of the same for your info. You will notice in the refusal they suggested, "you may wish to seek independent legal advice on the matter", while simultaneously refusing to do any investigation of their own, a response which seems a bit contradictory in itself.

You should know that both the Corporation of Hornepayne, and the MOE originally denied the existence of the Studies I listed above, while CN Rail would never respond to any of my requests for information concerning the matter, please find a letter enclosed from my lawyer to CN Rail that fell upon deaf ears.

It is my hope that after consideration of the material enclosed, that you will see fit to assist in obtaining a reasonable explanation from the Ontario Ombudsman's Office as to why they disregarded compelling evidence, and set aside their mandate to protect the Public interest in this matter, by refusing to investigate.

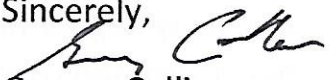
(4)

For the small community of Hornepayne with approx. 200 family units, the debt incurred amounts to an additional fifty three (\$53,000.00) thousand dollars per family unit over a twenty year debt lifespan, as a result of the same their water rates are currently unreasonable, and a deterrent to any new would be residences. I add, unfortunately for the residences of Hornepayne Carol Hughes and Mike Mantha their NDP representatives; it would seem for reasons of political expediency both refused to be of any assistance in this matter.

Mr. Gravelle, your reputation of assisting people as best you can wherever possible encourages me to reach out in your direction for any assistance you might provide. I recognize your limited capacity at the present to assist, and in these unchartered waters of pandemic; undoubtedly you have your share of problems within your own constituency. But still I must ask, considering the circumstances and detrimental effects this fraudulent debt is having upon that community, will you give due consideration to the facts of this matter. I assure you that any assistance you see fit to render in this matter will be very much appreciated.

Thanking you in advance for your time, and as always wishing you well.

Sincerely,



George Collins

Nipigon Ont.

**From:** Michael Gravelle MPP <mgdc@shaw.ca>

**Sent:** July 13, 2020 10:44 AM

**To:** grampabug7@hotmail.com <grampabug7@hotmail.com>

**Subject:** Fwd: George Collins Hornepayne area water concerns

---

**From:** "mgdc" <mgdc@shaw.ca>

**To:** info@environmentaldefence.ca, comments@auditor.on.ca, "minister mecp" <minister.mecp@ontario.ca>

**Cc:** rampabug7@hotmail.com, "Larry Joy" <ljoy@liberal.ola.org>, "Gravelle\_Michael-MPP-CO Gravelle\_Michael-MPP-CO" <mgravelle.mpp.co@liberal.ola.org>

**Sent:** Monday, July 13, 2020 10:43:32 AM

**Subject:** George Collins Hornepayne area water concerns

To: The Hon. Jeff Yurek Minister of Environment, Conservation and Parks

To: Office of the Environmental Commissioner of Ontario c/o Auditor General of Ontario

To: Environmental Defence Canada Kelsey Scarfone Program Manager, Water

Dear Minister Yurek, Environmental Minister of Ontario, and Kelsey Scarfone, Environmental Defence Canada:

Please find attached a letter, and background files and documents, from my constituent Mr. George Collins of Nipigon, about an unresolved ground-water contamination issue near Hornepayne.

The problem began with groundwater contamination by diesel fuel on land owned by Canadian National Rail. Mr. Collins refers to a 2002 Ground Water Study document that has gone missing, and was the subject of his FOI request and appeal to the Ontario Ombudsman. Mr. Collins is fighting the costs being imposed on the residents and municipality of Hornepayne that he feels are the responsibility of CN. A new water source for the town was required with a \$10.6 million cost for finding and accessing a distant watershed, as the municipal or 'town' wells could not escape the diesel pollution. I agree with Mr. Collins that this major cost should be borne by CNR.

Mr. Collins has been deeply engaged in this effort for decades now. Having received no action or satisfaction from the government, CNR, and the Ombudsman, we are hoping that that we may receive the attention of your offices in regaining the 'lost' ground water study, and possibly 'reverse-engineering' of the process undergone by the Town of Hornepayne, and identifying who is truly and fairly responsible for payment of the ground water study, and the cost of finding and deploying a new municipal water source.

As MPP for Thunder Bay-Superior North, I will respectfully request the attention of your respective offices to Mr. Collins' appeal, and will encourage your direct contact with him to answer questions, and identify new ways and means to correct this injustice, and accurately assess the damage and consequences as caused by CNR fuel spills.

Your specialized and expert attention to this complex case is greatly appreciated.

Sincere thanks

Michael Gravelle MPP Thunder Bay-Superior North  
Constituency Office 179 S. Algoma St. Thunder Bay, Ontario P7B 3C1  
807 345 3647 Fax 807 345 2922  
Toll Free 1-888-516-5555  
mgravelle.mpp@liberal.ola.org

FEDS WANT MORE TIME



Environment and  
Climate Change Canada

Environnement et  
Changement climatique Canada

Fontaine Building  
200 Sacré Coeur Blvd. 13th Floor  
Gatineau, Québec  
K1A 0H3

Your File Votre référence

2020-009096 / CN Rails

Property

Our File Notre référence

A-2020-00291

July 6, 2020

Mr. George Collins  
PO Box 883  
Nipigon, Ontario  
P0T 2J0

Dear Mr. Collins,

This is further to your request under the *Access to Information Act* (the Act) for:

**“Documents within the Environment and Climate Change Canada the relate to the subject matter, CN’S historic pollution both on and off the property in Hornepayne.**

**Documents between The township of Hornepayne and CN Rail, concerning this subject matter.**

**Documents which determine the extent and degree of the pollution in and on the ground.”**

Pursuant to paragraphs 9(1)(a), (b) and (c) of the Act (copy attached), an extension of 120 days is required beyond the statutory 30-day limit allowed for the processing of your request. Due to the significant search of records involved, meeting the original time limit would unreasonably interfere with the operations of the Department. Consultations with other government institutions and notifications to third parties pursuant to subsection 27(1) of the Act are also required and cannot reasonably be completed within the original time limit.

Please note that the notification process pursuant to paragraph 9(1)(c) of the Act normally takes approximately 60 days but it could be much more if a third party challenges the release of the records in court.

Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within sixty days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Information Commissioner of Canada  
30 Victoria Street  
Gatineau, Québec K1A 1H3

.../2

Canada

If you have any questions regarding this request, please contact Marla Komadina (Intake Officer) at 819-938-3761 or by email at [ec.aiprp-atip.ec@canada.ca](mailto:ec.aiprp-atip.ec@canada.ca).

Yours sincerely,

Original signed by:

Shelley Emmerson  
Director, Access to Information and Privacy

c.c. Information Commissioner of Canada