

(1)

PDF #59

Matters Pending

hpcnomissions.ca

November 19th 2022

Update for Interested Parties with regard to the following four pending matters.

(Item 1) TOWNSHIP

In a corres. dated Aug 10th 2021, the mayor and council of Hornepayne committed to doing a Comprehensive Report, with regard to the concerns I raised, associated with CN's local pollution problem. It is now fifteen 15 months later and there is nothing on the table yet. When they later informed me they had hired the law firm of Edmond Harnden to look into the matter, that decision seemed a little strange in itself. One has to ask, what were the objectives of the township, when they hired a law firm to produce a report on subject matter not pertaining to law. Basic common sense would suggest that the Township hire a firm with expertise in the area of environmental science, a hydrologist or hydrogeologist, why law?

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If however we take their past record into consideration, that may explain their decision to hire a law firm. With regard to this matter the townships past and current policy has been one of flip flop between foot-dragging, silence and denial, to protect CN Rail. Looking ahead, any action taken that they could not fully control would put that objective in jeopardy.

I would welcome any progressive action on their part that would result in all the FACTS BEING PUT ON THE TABLE, but towards that end this action is suspect. More detail concerning this law firm decision on page four and five.

Collins commentary

“Now ain’t this a strange State of Affairs “

Well the current Township administrators join the decades old chorus and continue the game of foot dragging, silence and denial, to the disadvantage of the community. CN’s past Regional Manager, Environment, the eminent David Sutherland, boasts on the world wide web of Remediation in Hornepayne Yard. I suggest you look this corporate character up and his claim to fame. One gets the impression from the write-up that CN’s pollution respected CN property boundaries and stopped on the line, which is a very, very long way from the truth. But to David that didn’t matter. Considering the Townships long standing position, it would seem while David was triumphal and slue the pollution giant at the back door of the municipal office. We are to believe, this event of historical significances

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was conducted with such swiftness and competence, that the elected representatives and administrators within those same municipal offices, are to this very day unaware that such an occurrence took place.

The new Official Town Plan, in effect until 2040 gives credence to my foot-dragging, silence and denial analogy. It indicates no motivation or intent to take any action with regard to this matter. There is not one word of this environmental disaster on CN property, which long ago spread to public and private property. How far east or down the Jackfish River this contaminate can be traced is anybody's guess. A request on my part to include information concerning the established facts, fell on deaf ears. Consequently, another opportunity for the township to face up to their responsibilities to the community, was lost.

Moving on, in a continuing effort to provide as much information as possible for concerned parties. I draw your attention to another doc. I recently came across. On Feb 24th 2015 one Nick Tropea of KGS (one of CN's clean-up contractors,) contacts the then CAO/clerk concerning an amendment to the ECA. In this single doc. we have the Township, KGS, CN Rail and the MECP, all working together to get things done. Now jump ahead a little to Aug 4th 2016 when I filed a FOI request for information concerning this matter. The response I receive from the current CAO/clerk stated, "The Corporation has searched its records and does not have records in its care and control relating to this FOI Request". This Feb 24th doc. once again demonstrates the lack of candor one can expect when making inquiry into this matter.

Both docs. are provided for viewing at the end of this PDF.

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(Item 2) SPECIAL AGREEMENT BETWEEN CN AND THE TOWNSHIP.

The Appeal is progressing and the matter will be dealt with starting mid-November. The people have a right to know the details based upon the common good.

It is my opinion, that we are being well represented, by committed, competent people at CELA, who have agreed to represent us based upon principle and merit.

(Item 3) Investigation, as per the Environmental Bill of Rights.

I found the application very extensive; I was struggling with it when another CELA lawyer offered to take the lead. The application for an investigation under the EBR is a work in progress, one which I maintain the Township should have filed if they were in fact working in the best interests of the community. It will most likely be completed and filed with the MECP in December.

As I pointed out in my letter to the mayor and council on Aug17th 2021, an investigation under the EBR was an option they had. It had been suggested to me by a CELA lawyer; it was a logical step in such a matter as this. The Township rejected that common sense approach and instead opted to hire the costly Law Firm of Edmond Harnden.

The short term advantage of hiring a Law Firm, as opposed to requesting an investigation under the EBR or having a qualified consulting firm do an independent report is clear. With a law firm, they have more control of the outcome, a hired law firm represents the

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position of the client, it is primarily an exchange of money for satisfaction.

Consequently, enter the law firm of Edmond Harnden and the plot thickens.

On July 5th 2022, I ask the CAO/clerk, "What specifically, were the instructions given to the above law firm". She refused to divulge that information claiming Solicitor-Client privilege, the protection clause already in use. You can see the emails at the end of this PDF

The present town administration, Up Front, Open and Transparent? NO, especially when it comes to this serious matter. To the detriment of the community, all efforts are directed at one objective, keeping the lid on the garbage can to protect those involved.

(Item 4) Mr. Hunter's Report.

Well Momma did the boogie-woogie, Papa was digging in the field, Oh my goodness, and what did papa find.

After a lengthy search, I found a reputable, qualified, independent party, willing to assist. On July 12th last I made contact with the consulting Firm, Hunter and Associates of Mississauga. You can look them up.

It quickly became apparent that the cost of hiring a Hydrogeologist to do a complete analysis of all documentation concerning this matter, far exceeded my means. After discussion with Mr. Hunter, we decided to

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concentrate on the 2002, KGS Hydrogeological Study. As indicated in Resolution No. 7654 of Oct. 1st 2002, the Townships decision to spend the 10.6 million to get water from Moonlight Lake was to a large extent based upon the results of that study. (Please see the significance of the same as indicated in the attached doc at the end of this PDF)

Currently, we are delayed waiting for the CAO/clerk to provide the final pieces of info required to complete the report. (please see emails concerning the same at the end).

However, after five (5) months, Mr. Hunter is writing up his report and we will have it shortly. Conversely, after fifteen (15) months where is the Townships, promised, "Comprehensive report".

Now we wait a little more and I with great anticipation, for the arrival of Mr. Hunters Report. I commit and look forward to the opportunity of reading and sharing the results of an independent third party assessment with everyone, and that dear friends, is an example of Openness and Transparency.

As another year comes to a close I worry, for the people living on or near this polluted ground and the health risks associated with this known carcinogen, that are still undetermined.

To them in the Township offices I point out again, their refusal to take appropriate action on behalf of the community in this serious matter, constitutes a complete abdication of their responsibility.

I will be in touch.

Geo.

Attached Docs - Order

① Feb 24th 2015 Doc.

② Aug 4th 2016 Doc

③ What instructions were given to Edna Kardon

④ KGS - Resolutions.

⑤ Waiting for sail-water information.

~~FILE~~

PDF #59 → Nov-19th-2022-

Matters Pending →

BETWEEN THE TOWN & C.N.

From: Nick Tropea
To: "SALLISON@KGSGROUP.COM"
Subject: FW: Municipal Zoning Letter / Mapping
Date: Friday, February 27, 2015 2:29:12 PM

From: Julie Roy-Ward [mailto:royward.hpayne@bellnet.ca]
Sent: Friday, February 27, 2015 2:26 PM
To: 'Nick Tropea'
Subject: RE: Municipal Zoning Letter / Mapping

Dear Nick,

I have verified the property class for the CN Rail property that the existing wells are located on the property is classed as commercial.

I have verified the Township list of Bylaws and I do not see any zoning by laws. I would like to state that the Township of Hornepayne does not foresee any problems with the ECA application.

The map shows the surface water sampling locations within the Hornepayne Yard. The areas in question are related to HOR 012 05, HOR 001 05 and HOR 003 05.

As the above listed wells are already existing wells and have met prior approval the Township of Hornepayne is agreeable to the amendment for the Hornepayne Yard.

If more information is required please do not hesitate to contact me.

Thank You

Julie Roy-Ward
CAO/Clerk
Township of Hornepayne
Tel: 807 868 2020 Fax: 807 868 2787

From: Nick Tropea [mailto:NTropea@ksgsgroup.com]
Sent: Tuesday, February 24, 2015 2:03 PM
To: royward.hpayne@bellnet.ca
Subject: Municipal Zoning Letter / Mapping

Hi Julie,

As per our discussion yesterday, we are applying to the Ministry of Environment on behalf of CN to an amendment to the ECA for the Hornepayne Yard. The application asks for a Municipal Zoning Confirmation Letter or a Zoning Map in order to determine what the current land use (CN property) is zoned for and if there are any maps to prove the zoning.

If the Township of Hornepayne does not have any zoning classification for residential / industrial / commercial properties, then could you please issue a letter stating this to be true. I will need something in writing from a Township Official to attach with the application.

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The attached map shows the surface water sampling locations within the Homepayne Yard. The areas in question are related to HOR 012 05, HOR 001 05 and HOR 003 05.

Please let me know if you have any questions or if you need to discuss further.

Regards,

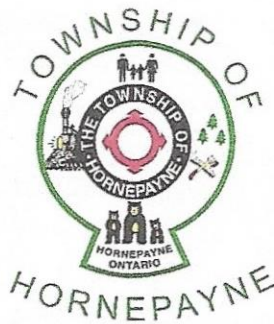
Nick Tropea, B.Sc.
Senior Environmental Technologist
KGS Group - Thunder Bay
1001 William Street, Suite 301-A
Thunder Bay, ON
P7B 6M1

Phone: 807.623.2195

Fax: 807.473.5671

Cell: 807.627.6164

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



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

August 4th, 2016

George Collins
Box 883
Nipigon, ON
P0T 2J0

RE: Municipal Freedom of Information Request

Dear Mr. Collins:

The Corporation of the Township of Hornepayne ("Corporation") has received your Freedom of Information request letter ("FOI Request") dated June 25, 2016, which was sent to the Freedom of Information and Privacy Officer ("Officer") of the Corporation.

Your FOI Request seeks records within the Corporation's care and control pertaining to the "extent and degree [of] pollution and associated health risks for persons living in close proximity to CN property."

The Corporation has searched its records and does not have records in its care and control relating to this FOI Request.

Yours truly,

A handwritten signature in cursive script, appearing to read "Gail Jeremy".

Gail Jeremy
CAO/Clerk
Township of Hornepayne
GEJ/

Encl.

Request Form

under the *Freedom of Information and Protection of Privacy Act*/
Municipal Freedom of Information and Protection of Privacy Act

Please Note: A \$5.00 application fee is required for all requests.

Request for: <input checked="" type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	Name of Institution request made to: <i>Municipality of Kamourague</i>
--	--

If request is for access to, or correction of, own personal information records:

Last name appearing on records: same as below, or: _____

Mr. Mrs. Ms. Miss

First Name: GEORGE Last Name: COLLINS
Middle Name: J.

My apologies, I meant to send the attached letter out yesterday morning.

I was also hoping to respond to your environmental concerns before I left on vacation but unfortunately, something came up so I will do that upon my return.

Hope you are enjoying your summer.

Best regards,
Gail



Gail Jeremy
CAO/Clerk

Township of Hornepayne
68 Front St. P.O. Box 370
Hornepayne, ON P0M 1Z0
Ph: 807-868-2020 x205

Fax: 807-868-2787

Email: jaremy.hpayne@bellnet.ca

Web: www.townshipofhornepayne.ca

~ We are a municipality focused on providing value-add
invest

~ Our quest for continual improvement and quality of life will make us the Township where people want to live, work, visit and invest. ~

The information contained in this email message is privileged and confidential and is intended for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone or email and delete.

From: George J Collins <grampabug7@hotmail.com>

Sent: July 5, 2022 11:49 AM

To: Gail Jeremy <jaremy.hpayne@bellnet.ca>

Subject: General.

Good morning, Gail.

Hoping you can provide me with the following general information, or direct me to where I might find it on the town website.

Concerning, the Law Firm of Edmond Harnden, was there a resolution passed in council to take that action. If so, could you provide the date and resolution number? Additionally, what were the instructions, given to this legal Firm? I'm trying to understand the rationale, that resulted in the decision to address this matter through a legal firm, as opposed to a firm with expertise in the

field of Hydrogeology. In my corr. dated Aug 17th, 2021, I pointed out your option of an investigation as per the EBR, such an action would have resulted in a third-party independent review at minimal cost if any.

In contrast, your decision to hire a law firm will neither be low cost nor provide an independent analysis of the material upon which final decisions were made, at a cost of 10.6 million to the ratepayers. What your decision to hire this firm will I do, is assure that your position of non-disclosure of the agreement in question is advanced and also eliminated any likelihood of an objective report with regard to the abnormalities and concerns I have raised.

It has been my experience, to observe that law firms support the position of the entity or entities that hired them, or they get fired and replaced by one that will render the satisfaction desired, in proportion to the funds agreed upon.

I fear, your recent decision to reject an independent third-party analysis, as was possible under the EBR indicates a continuation of the COVER-UP, not an open, transparent action, as is required in this matter.

Acting in the best interests of the community, and with the assistance of the CELA, I will file an application for an investigation under the EBR.

I thank you in advance, for any information concerning a resolution in council, to hire this law firm or your instructions given to them, concerning this matter.

Geo.

Fw: General.

George J Collins <grampabug7@hotmail.com>

Mon 15/08/2022 06:34 PM

To: Maneka Kaur <articling@cela.ca>; Carmen <vezina41@gmail.com>; Rob Wright <rvwright4@gmail.com>

 1 attachments (42 KB)

Collins - General - Jul 19-22.pdf;

As a taxpayer in Hornepayne, I ask what specific instructions did the Township give to the law firm of Edmond Harnden when they hired them to look into the CN pollution concerns, I have raised.

George J. Collins

From: Gail Jaremy <gail.jaremy@hornepayne.ca>

Sent: August 15, 2022 02:11 PM

To: 'George J Collins' <grampabug7@hotmail.com>

Subject: RE: General.

Sorry about that George. Here you go.

Best,

Gail

From: George J Collins <grampabug7@hotmail.com>

Sent: August 8, 2022 10:54 AM

To: Gail Jaremy <gail.jaremy@hornepayne.ca>

Subject: Re: General.

Good morning Gail,

Issues have kept me from getting back to you.

Thank you for your response, could you resend this email acct there was no letter attached?

Geo.

From: Gail Jaremy <gail.jaremy@hornepayne.ca>

Sent: July 20, 2022 12:02 PM

To: 'George J Collins' <grampabug7@hotmail.com>

Subject: RE: General.

Good afternoon George,

Township of Hornepayne
68 Front Street
P.O. Box 370
Hornepayne, ON P0M 1Z0



Tel: (807) 868-2020
Fax: (807) 868-2787
www.townshipofhornepayne.ca
info.hpayne@bellnet.ca

The Geographic Centre of Ontario

July 19, 2022
George Collins
121 Fourth Street
Nipigon, ON P0T 2J0
grampabug7@hotmail.com

Re: 'General' email

Dear Mr. Collins,

Emond Harnden LLP is representing the Township in appeals before the Information and Privacy Commissioner of Ontario.

All information regarding the retainer of Emond Harnden LLP as the Township's legal counsel, the instructions which the Township provided to its legal counsel, and any and all communications between the Township and its legal counsel are subject to solicitor-client privilege and will not be disclosed.

While you are, of course, free to file a formal request for this information under the Municipal Freedom of Information and Protection of Privacy Act, I would refer you in this respect to s. 12 of the Act, which exempts solicitor-client privileged records from disclosure.

Sincerely,

A handwritten signature in purple ink that reads 'Gail Jeremy'.

Gail Jeremy
CAO/Clerk
Township of Hornepayne

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Page 4
Minutes
October 1st, 2002

Resolution No. 7654

Moved by Councillor D. Jaremy

Seconded by Councillor H. Pullen

Whereas the hydrogeological study prepared by KGS has concluded that the three municipal wells are under the direct influence of surface water, and that the aquifer does not provide adequate filtration;

Whereas the Municipal Class Environmental Assessment is an established process that will lead the municipality through the identification and evaluation of all reasonable alternative ways to address this and other identified problems, including the items listed on the consolidated Certificate of Approval;

Therefore be it resolved that Council does hereby authorize our Project Manager, Kathy Bembem of Engineering Northwest Ltd. to proceed with the following:

Prepare a Request for Proposal (RFP) to retain a qualified consulting firm to conduct the Class EA. The RFP is to be structured assuming that the preferred solution is a Schedule C activity and that an ESR (Environmental Study Report) will be required, however this will be confirmed at the end of Phase 2 of the Class EA.

Prepare an updated cost estimate and time schedule for submission to OSTAR reflecting the results of the hydrogeological study and the intent to proceed with the Class EA process.

Prepare a submission to the Ministry of the Environment Approvals Branch, detailing the intent to proceed with the Class EA process and the updated time schedule, and request an extension to the compliance date on the consolidated Certificate of Approval.

Prepare an updated cost estimate and time schedule for submission to the Northern Ontario Heritage Fund, reflecting the results of the hydrogeological study, and the intent to proceed with the Class EA process.

Carried

Johanna Kirkbride
Regional Hub Manager, First Nations Ontario Clean Water Agency
574B Memorial Avenue | Thunder Bay, ON P7B 3Z2 | Cell: 807-252-8233

From: George J Collins <grampabug7@hotmail.com>
Sent: October-24-22 10:03 AM
To: Patrick Couture <PCouture@ocwa.com>
Subject: INFO please.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mr. Couture

My phone inquiries this morning advise that you are the gentleman that could help me.

I'm doing some research into the Hornepayne community water system, current and historic.

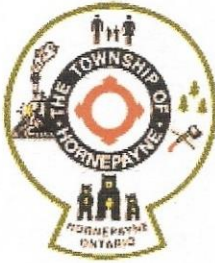
Of particular interest are the following four questions, which I hope you can help me with or direct me to where I can obtain this general information.

1. Does OCWA produce or publish an annual Water Report which would include water quality info for Hornepayne?
2. Amount of daily water consumption for the community.
3. Is there a permit for the community to take water from Moonlight Lake?
4. Is there a LICENCE required and was one provided for the current Hornepayne water system?

Should you require more detail please do not hesitate to email me or give me a call at 1 807 899 1497.

Thanking you in advance for any info. or assistance you may be able to provide.

George.



68 Front St. P.O. Box 370
Hornepayne, ON P0M 1Z0
Ph: 807-868-2020
Fax: 807-868-2787
Email: info@hornepayne.ca
Web: www.townshipofhornepayne.ca

From: George J Collins <grampabug7@hotmail.com>
Sent: October 24, 2022 11:01 AM
To: Info <info@hornepayne.ca>
Subject: Fw: INFO please.

To the receiver.

The last email I received from Gail indicated that she would be away from the office for a couple of weeks. As such I am forwarding this request, which I made to the OCWA, through your general inquiries address, hoping it will result in a sooner response.

Please see the info I am searching for in the attached email, hoping you can provide we with the same or direct me accordingly.

Thanking you in advance for your response. Geo.

George J. Collins

From: Johanna Kirkbride <JKirkbride@ocwa.com>
Sent: October 24, 2022 10:15 AM
To: grampabug7@hotmail.com <grampabug7@hotmail.com>
Cc: Patrick Couture <PCouture@ocwa.com>
Subject: FW: INFO please.

Good morning George, thank you for your email. I've called the number you listed but the call could not be put through.

Any requests for information for the Water Treatment Facility in Hornepayne should be submitted to the Township of Hornepayne. The Municipality is the owner of the system and data. Ontario Clean Water Agency operates the water treatment plant on behalf of the Township.

Here is a link to the Ministry of Environment, Conservation and Parks website →
<https://www.ontario.ca/page/municipal-drinking-water-systems-licensing-registration-and-permits>
The Ministry governs licencing for municipal drinking water systems and would be the best source for your question regarding licences.

Hope this helps. Thank you for your email.

RE: INFO please.

Info <info@hornepayne.ca>

Wed 26/10/2022 09:08 AM

To: 'George J Collins' <grampabug7@hotmail.com>

Cc: Deputy CAO <cao@hornepayne.ca>

Good morning, George

The Township will be dealing with you directly for this request.

As you are already aware, Gail is away until November 8, therefore this will need to be addressed after her return.

Thank you for your patience and understanding.

Have a great day.



Township of Hornepayne

68 Front St. P.O. Box 370

Hornepayne, ON P0M 1Z0

Ph: 807-868-2020

Fax: 807-868-2787

Email: info@hornepayne.ca

Web: www.townshipofhornepayne.ca

From: George J Collins <grampabug7@hotmail.com>

Sent: October 25, 2022 4:22 PM

To: Info <info@hornepayne.ca>

Subject: Re: INFO please.

OK THANK YOU, I went to them first and they sent me to you. Geo.

George J. Collins

From: Info <info@hornepayne.ca>

Sent: October 25, 2022 12:40 PM

To: 'George J Collins' <grampabug7@hotmail.com>

Subject: RE: INFO please.

RE: Request for Update.

Gail Jaremy <gail.jaremy@hornepayne.ca>

Tue 08/11/2022 07:41 AM

To: 'George J Collins' <grampabug7@hotmail.com>

Good Morning George,

Thank you for your comments.

I hope to provide you with a response in the near future.

Best Regards,

Gail

E: INFO please.

Gail Jaremy <gail.jaremy@hornepayne.ca>

Tue 08/11/2022 09:18 AM

To: George J Collins <grampabug7@hotmail.com>

Good Morning George,

Thanks for your patience.

Yes, Ontario Clean Water Agency does provide Annual Reports on Drinking Water.

I have attached both the 2021 Annual Summary Report for the Hornepayne Drinking Water System and the O. Reg. 170 – 2021 Section 11 Annual Report for the Hornepayne Drinking Water System.

I believe all the questions you have asked are addressed in the attached reports.

Best,

Gail

Garry Hunter <ghunter@hunter-gis.com> □

To: You

Wed 09/11/2022 03:05 PM

Thanks George,

However, strangely, the Hornepayne Drinking Water System Report does not include any daily or annual quantity flow history data (pumpage / production / consumption).

We still need this.

Thanks

Yours truly,

Garry T. Hunter M.A.Sc. P.Eng.
President

Hunter and Associates / Hunter GIS
2285 Dunwin Drive, Unit 18
Mississauga, ON L5L 3S3