

THE CORPORATION OF THE TOWNSHIP OF HORTON

**JOINT MEETING OF TOWNSHIP COUNCIL AND  
LIME STABILIZATION OF SEPTAGE COMMITTEE**

June 16, 2008

There was a meeting of the Township Council and the Lime Stabilization of Septage Committee held in the Horton Community Centre on Monday June 16, 2008 at the request of the solicitor for Mrs Buelah Reid and Larry Reid. Present from Council were Mayor Robert A. Johnston, Councillors Dave Bennett and Bob Kingsbury. From the Lime Stabilization Committee David Brown, Bruce Golden, Tom Reid and George Thompson. Staff present were Jeff Schruder Municipal Infrastructure Manager and Mackie J. McLaren COA Clerk.

1. CALL TO ORDER

Mayor Johnston called the meeting to order at 7:45 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

3. Ms JUDITH WILCOX, SOLICITOR REPRESENTING MRS BUELAH REID AND MR. LARRY REID

Septage Treatment Facility and Field Spreading of Treated Waste

Ms Wilcox thanked Council and the Committee for hosting this meeting with her clients. She informed the Council and the Committee that her clients do not have an issue against the project except the appropriateness of the location of the project. Their concern is their risk to their ongoing farm operation of the Site location. If there is any contamination to their water the Dairy Federation of Ontario will shut them down.

Ms Wilcox asked in the course of our planning and investigation was there any consideration given to the protection of the Reid's farm. She referenced the minimum distance set back requirements and the setbacks required for manure storage facilities and there does not seem to be any requirements for septage, even though there will be higher pathogens in human waste than in cattle waste and manure. She noted that the MDS requirements for manure storage are 100 feet away from the nearest well. In addition to these concerns she outlined that smell and odour are a concern. She asked if any studies have been done on eliminating this problem. She noted that in pumping from the trucks to the tanks methane gas has to get out. She noted that in the C of A there is emergency response procedures outlined, she noted that this does little to protect an accident as it is a reactive procedure after the damage is done. She added that any spillage has the potential to wipe out the Reid's farm.

Mayor Johnston thanked Ms Wilcox for her comments and introduced the members of the Council and Committee. He reviewed the Site Plan with Ms Wilcox and the Reids.

Dave Bennett reviewed the Site Plan in more detail and described the operation of the facility. He noted that odour will be controlled through charcoal filters. Ms Wilcox asked if there was any test conducted on the water table, and questioned the distance of the tanks from the Reid's well. Councillor Bennett reported that we monitor the tanks through a weeping system that is installed under the tanks, which would catch any liquid that may leak from the tanks and directs it to a catch basin. The tanks will be installed down gradient from the Reid's property.

Ms. Wilcox asked if there were any studies done on the neighbouring wells? George Thompson reported that he has carried out testing of the neighbour's wells, two rounds of testing have been completed. He discussed the water tests that are required and also that the Committee agreed to test beyond the minimum MOE requirements. Ms Wilcox noted that she sees the built-in safeguards but asked if there was any consideration about the closeness of the neighbour. George Thompson stated that every home has a well within fifty feet of their septic tank. We went much further than was required for our water testing. He noted that no property owner came forward to be host for the Treatment Facility and the Municipal site was available. The pilot project is carried out in conjunction with the Province of Ontario.

Councillor Bennett explained that we have sewage holding tanks, not sewage discharge tanks as a residence would have.

Mayor Johnston reviewed statistics of the thousands of septic tanks and wells in Horton Township and there have been no concerns. Ms Wilcox noted that statistics are not a good comfort for the Reids. Ms Wilcox asked if anyone thought about objections from neighbours? Councillor Bennett said "yes". All along the process concerns of neighbouring property owners were considered in the design of the facility. Public input has been a great benefit to this project. Ms Wilcox asked if we had an engineer? Councillor Bennett said that Jp2g in Pembroke has provided the concept plan. All other engineering was provided by the Ministry of Environment in Toronto.

Ms. Wilcox noted that there was a mention of an issue of liability? George Thompson responded that liability has always been a consideration of the Committee. He added that if this system was private it would not have to have a containment requirement, but being public the MOE demanded containment requirements, which further protects everyone's liability.

Ms Wilcox asked if anyone considered the location of the tanks from the Reid's well? Councillor Bennett said "yes", the provincial regulations require septage to be stored fifty feet away from a drilled well, one hundred feet away from a dug well. The well, not the property line, is the factor in determining the location of a septic system. Ms Wilcox said that this is not her understanding of the regulations. She asked what other considerations were considered. George Thompson said every consideration was given on water with the exception of a full blown hydrogeological study. Ms Wilcox asked if there was any risk management considered? George Thompson said "yes", he checked with his own insurance company as he is a licensed hauler that would be dumping into this facility and he has amended his own hauling license to able to place waste at the facility.

Ms Wilcox asked if there were any enquiries made from the Township's Insurance Company? The CAO/Clerk responded that there was a question of liability directed to our Insurance Company, the response being that our liability would be covered if an approved system was installed. Ms Wilcox asked for a copy of this letter. Councillor Bennett said that Council will consider this request at a Council meeting.

Ms Wilcox asked what the Township's Official Plan designation for the property was? The CAO/Clerk said the Township is a part of the County of Renfrew Official Plan and the property is designated as "Rural" and the Treatment Site is rural under the Township's zoning by-law.

Ms Wilcox asked if there was any flood zone in this area and she was answered "no". Ms Wilcox said she hoped the Council and Committee appreciated her client's concerns. Councillor Bennett said the Committee and Council have all along. We want this to have the same safeguards as any industry would be expected to meet. He added that any problems would be dealt with the property owners notification as soon as they are discovered.

Larry Reid responded that when the lime treatment of septage was discussed it was for a different property that he owned. He spoke with an engineer at the time, who advised him that there was a risk, noting that there is a tremendous build up of gas. He wants the facility back one thousand feet. He said he would be watching the Township's every move.

Councillor Bennett informed the group that he has heard claims from other people that there have been failed tests for biosolids and on lime stabilization but he has not been able to find any on lime stabilization. He asked if members of the public had information that they could give to him. He informed the group that we are not talking about a great volume of septage in the Pilot Project. He noted that we would be on the Reid's side if there was a problem, that we are interested in protecting his rights as well as our rights.

Ms Wilcox asked when do we expect the facility to be operational? Mayor Johnston said mid-September. Councillor Bennett added that we are hoping to receive enough septage to spread one test this Fall.

Dave Brown, Committee member, asked if the spread material will be tilled into the ground or just spread on top? Councillor Bennett said spread on top. Tom Reid the host farmer noted that it depends when the spreading happens and what he is doing in his farm operation at that time. It also depends on what direction comes from the Ministry of Environment. Dave Brown asked if the Committee Members supported incorporating it into the ground. Councillor Bennett said that we would do whatever the MOE says and whatever testing they want will be carried out.

Ms Wilcox asked if there was anything the Township can do to alleviate her clients' concerns? Councillor Bennett reviewed the improvements with the new plan amendment. The berm is increased to twelve feet above the elevation, it has been extended down the side a greater distance.

Larry Reid asked what this will do for farm values, if there is reduction in his farm value who comes good. George Thompson said that his field spreading of untreated septage has not affected property values in his area of spreading, in fact people are still building in the area. He also added that he cannot find out why the Province has instituted a ban on untreated septage. The Minister was not able to answer that question when he asked when he was in Toronto several years ago.

Mrs Reid commented how recently tomatoes have been pulled off store shelves, she added it is because of spreading human waste.

Mayor Johnston then opened up questions from the ten to twelve people who were in attendance. Meryl Bowes of the Ontario Landowners Association, noted that we should be aware that not everything that the Ministry of Environment says has turned out to be good in the end. He added that they do not want a pilot project in their area. He noted that this is a terrible situation. There are strict separation distances from the property line for a manure storage tank, why are we allowed to do our storage so close to him. Mayor Johnston suggested that this question be asked of the Ministry of Environment and OMAFRA here in this building on Thursday June 19, 2008 when the Federation of Agriculture is hosting a meeting on the pilot projects in Renfrew County.

Jack MacLaren, president of the Ontario Land Owner Association, expressed concern that the Township does not consider the wants and needs of the residents, particularly the peace of mind and security that is important to the Reids. Meryle Bowes said the right thing to do would be what a farmer would be expected to do and that is follow the Minimum Distance Separation formula.

Councillor Bennett said he will check into this to find out why we are exempted. Mayor Johnston added we would have not proposed this location if MOE had not suggested and approved it.

Someone in the audience noted that he works for Mr. Reid and Mr. Reid has good water which he takes back to town as it is better than town water.

A comment was made on public impact and spin of this, he heard in the meeting of charcoal filters relieving the odour and then he heard later of a twelve foot berm to eliminate odours. Councillor Bennett responded, the charcoal filter is designed in the system, it is a pilot project and we know there could be bugs in the road, the berm is a secondary barrier, or element as precaution.

Councillor Bennett then reviewed the technology that is built into the facility. The same gentleman asked about the field spreading material – is it odourless? Councillor Bennett said tests in Guelph, in western Ontario several years ago on another pilot project indicated an odour for ten minutes after application. The gentleman in the audience noted in 2007 the Ministry of Environment had 55 convictions for odour constraints, one of them being \$65,000 to the City of Ottawa because a high pressure sewage line leaked, and there was an extreme smell in the area for several days. He believes that Horton Township believe they are doing the right thing but are going down a road that will come back against us. This is not the right way to do this treatment. We need to carry out more due diligence and research before we construct the facility.

Councillor Bennett said this decision is based not just on MOE, it is also based on other successfully run operations, noting that the five American States bordering the Great Lakes have this system of treatment. He explained again that he has not found any negative information on the internet or elsewhere on the lime treatment of septage. He added that he cannot understand how years of raw application have not been a problem, yet the application of treated septage seems to be.

The same gentleman noted that other jurisdictions do not test for pharmaceuticals, estrogens etc.

Councillor Kingsbury asked if these same problems would exist in the raw septage? The gentleman said yes.

George Thompson noted that for over twenty years he has been spreading on his property which would make it an ideal spot to carry out these tests, but the Ministry does not require them or recommend them. The gentleman added that just because certain chemicals are not tested for does not mean that they are not there.

Another gentleman who informed the Committee that he is from Switzerland, and he has for twenty years spread lime treated septage on farms. This product is now totally banned in Switzerland and other European countries, as it has ruined farmland pH. The odour from spreading does not last for ten minutes, it lasts for more than a week. Today's sewage is burned in big incinerators. He added that you can not control the odour.

Meryl Bowes asked what the percentage of lime is in the mixture for treating the septage. He asked about heavy metals noting 11% of the arable land in China is contaminated because of heavy metals. Is the field checked for heavy metals? George Thompson said no, we have asked for the Ministry of Environment support on this but it has not come through.

Meryl Bowes noted that if there is a problem on the Reid farm, the first thing the insurance company will do is force the Reids to do their own testing to prove that the problem is not from their own system or from the manure. This is not right.

Councillor Bennett he will not have the Reids or anyone hanging on a hook. We are willing to take two years to test this product.

Ms Wilcox asked if the Township had access to the MDS software? The CAO/Clerk reported that we use the County of Renfrew software, when required for an application for permits for severance. She suggested that this would be a good process to go through.

David Brown, Committee Member, suggested that the Committee invite this ratepayer group and other ratepayers to attend the Septage Meeting. Councillor Bennett said that the meetings are public, if anyone would like to attend, leave their name and phone number and they will be invited.

Earl Sarr asked if the Township would consider putting the facility structure at the Community Centre Site? Councillor Bennett said the issue of Site location did not come up during two Public Meetings. The issue was totally on field spreading. Earl Sarr reported that Camp Petawawa emptied a lagoon that was tested after it was spread on farm fields, to have heavy metals. He took some and spread it in a reforested area, the next year those trees were eighteen inches higher so he believes that the area for spreading is in forest areas not the farm lots, no one eats trees.

Larry Reid referenced an article in the Farmer Forum Magazine which stated that the material spread in the field contains pathogens and other unknowns. Farmers who accept biosolids are not protected by their own insurance and they may not be able to borrow money on the value of their farm, as it will have no value.

Mayor Johnston thanked the Reids and Ms Wilcox and the public members for attending and said the Township will look back at the comments made at tonight's meeting.

Mayor Johnston declared the public portion of the Meeting adjourned at 9:25 p.m.

Jeff Schruder Infrastructure Manager left at this time.

4. **GEORGE THOMPSON – “ISSUE WHICH HAS DEVELOPED”**

Mr. Thompson advised the Council and Committee Members that he may be stepping down from the Committee as he is considering appealing the Township's Development Charge By-law. He is not happy with the decision Council made to charge such a high rate and if he does he will resign. He added that the Study is a “warmed up” version of the 1999 Study carried out by Jp2g Consultants. He believes that the Township did not get value for their \$10,000 investment in the Study. He noted that he is governed under the Landlord Tenant Act and he is restricted to 1.9% increase this year. Yet he has to deal with a 240% Lot Development Charge increase.

George suggested that Council was not aware of the reporting in the Study, he suggested that if we plagiarized our own Reports we would be in trouble, he questioned if this Report was really reality? He questioned the census statistics, believing that the population numbers are 600 too high, although it was later suggested that the Study included seasonal residents. The Study calls for .9% residential growth each year and 40% of the growth pays for capital construction. He added that there are places in the Report that still have other Municipalities' names in the Report. He asked Council to go over the Study closely to see if the data is accurate.

Councillor Bennett said that George Thompson is a very valuable member of the Lime Stabilization Committee and the community and he has a right to question what Council does. But he suggested that there was no need to step down from the Lime Stabilization Committee.

George Thompson said to appeal this he would have to hire a lawyer and therefore he could not act for the Township. It is a very serious issue

Councillor Bennett noted that Council has already adopted the Report and By-law but he has no problem inviting Brian Whitehead, author of the Report from Jp2g to a meeting to discuss the concerns. George Thompson said he has lost faith in the Report.

Mayor Johnston said we need to have Jp2g defend his concerns. George Thompson asked what would the development charge be on a Mobile Home Park, as there is no creation of a lot?

Councillor Kingsbury added that any appeal to the OMB should not mean George has to resign. Tom Reid echoed this comment, adding that George is a very valuable member of this Committee.

Council agreed to host a meeting with Brian Whitehead before the July 14, 2008 deadline.

5. CONFIRMING RESOLUTION

Moved by Bruce Golden, seconded by Dave Brown

That the Committee pass this confirming resolution to validate any action or directions given during the open portion of this committee Meeting which are minor in nature and which were not set out in By-law or Resolution.

**Carried.**

6 CLOSE MEETING

Moved by Dave Bennett, seconded by George Thompson

The this Joint Meeting of the Township Council and Lime Stabilization Committee be closed at 10.00 p.m.

**Carried.**

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Mayor

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CAO/Clerk