

Deputation to PEC Council by Victor Lind, July 23, 2019 on behalf of Save Picton Bay

Mayor and Council,

As most of you know by now, our citizen's environmental group, Save Picton Bay, was formed soon after Picton Terminals started blasting limestone off the face of the cliff at the water's edge in 2016.

This led, understandably, to residents asking questions about Picton Terminals' desire to create a Great Lakes shipping port akin to Hamilton Harbour, the possibility of a roll-on/roll-off ramp to barge bio waste to New York (later withdrawn verbally by the Doornekamps) and the presence of large ocean going ships entering these shallow waters and threatening not only the fishery but Picton's water intake with stirred up sediment from their prop wash.

I stood before County Council in early Spring of 2017 and warned of these dangers; especially if there would be an oil spill with little or no nearby spill cleanup capabilities. Then, some weeks later, it happened and the barge sank at their dock causing a 10 day shut down of Picton's water supply at an untold cost to the Coast Guard and from what I was told by our Mayor at the time, over \$700,000 cost to County Taxpayers. Many said it was just a freak accident – could have happened anywhere, anytime. But often you will find a pattern in the way operations are run.

Over the past several years, as the yearly tonnage of road salt climbed to 120,000 metric tonnes stored next to the cliff face, the Ontario Ministry of Environment received over 80 complaints from neighbours about the apparent mishandling

of uncovered salt during what turned out to be historic rainfall levels. It was plain to see that a lot of salt was going down the face and into Picton Bay.

- In the Fall of 2016, PT's mishandled a shipment of petroleum coke (petcoke) which blew all over Anne Taylor's farmhouse and yard over one windy weekend. After a full and no doubt expensive investigation by the Province, PT was charged and plead guilty in Court and was fined @ \$27,000. And by the way, as we speak, PT are currently under another investigation for the discharge of what is likely Clinker dust that blew all over Mike Hymus' property and house last Fall.

Anne Taylor had this to say to the Gazette “ My personal county dream is done, my enjoyment of the property is now negative. I'm now living in fear of what the next step will be. Property value in the neighbourhood is done and that hits me hard.”

Many residents in the Bay complain regularly of excessive noise at all hours.

And speaking of property values, you might be interested to know that one of our neighbours who lives across from PT has already had MPAC reduce their property assessment because of the activities at PT. If this trend continues, how will the County make up that shortfall in taxes and at whose expense?

- In Dec of 2017, a Federal Fisheries Inspector with Environment Canada gave PT notice that (and I paraphrase)

- “ That all reasonable measures consistent with public safety and with the conservation and protection of fish habitat have not been taken...as req’d by the Fisheries Act)”

- “ That samples collected by (Env.Canada) on Nov 5, 2017 from the seepage depositing into Picton Bay showed high levels of Aluminum, Chloride and Iron, as well as elevated Cyanide.”

- “ That according to expert opinion from Environment Canada’s toxicology Lab, runoff water containing Chlorides at concentrations of 21,400 mg/L would be acutely lethal and deleterious to fish and aquatic vertebrates.”

So while Ben Doornekamp was downplaying the loss of salt to local media, we discovered, through a cross examination, in a 2017 email between him and his engineering consultant that “ the total salt losses over the last five years are estimated to be 10,908 short tons.....the estimate is overall loss, including what would have runoff into the bay and what would have been lost in other ways.”

I don’t think the Doornekamps were too happy that we handed a copy of this memo to MECP as staff were looking for this themselves!

So now we catch up to the Superior Court ruling on zoning and subsequent appeal, which Brian Etherington will cover. But as you cast your eyes across this drone photo from June of this year, ask yourself if this part of their operation looks

like, walks like and quacks like....RU1 – Rural Residential Zoning!

The farmhouse was torn down and nothing down that pit looks like residential. The Judge ordered that all industrial equipment and aggregate stockpiles – be removed and only allowed for the access across and storage of industrial vehicles in the area next to the water's edge.

One would have thought that after all the Minister's Orders issued (something like 5 and counting), all the bad press and environmental reviews, that PT would be cleaning up their act.

Did they convince County staff or Council that all would be resolved if they came back with another Re-Zoning application? We hope not.

I was told by County staff that not only was the application deemed incomplete but it wasn't even signed – meaning it had no proper validity! It was sent back to PT months ago and staff have heard nothing since.

On July 5th, 2019 I forwarded to all Councillors a copy of my correspondence with Mr. Trevor Dagilis, in charge of the MECP for the Kingston District, together with a copy of this airphoto.

His latest Director's Order of June 14th, 2019 has now given the Doornekamps (PT) until Spring 2020 to have their dry storage in place, so that they can bring in another winter's worth of road salt.

His first condition No.1 relates to the recent load of Egyptian Salt which was to be kept dry. Clearly, bringing in salt and then tarping at some later date is NOT working,

We regularly fly drone footage of their operations and with respect to Item #1, you can see in this photo the Egyptian salt has obviously come into contact with either surface water or rain prior to being tarped and can be seen flowing into and down the side the hole. Fractured Limestone is well understood by scientists to have both horizontal as well as vertical fractures.

Like all of these Government legal documents, they can be lengthy and complicated..but for tonight's purpose I would like to lift just 2 paragraph's out of the Director's letter from just a month ago:

1. The Ministry's concern is the continued and ongoing discharge of contaminants to the Natural Environment. As noted by the memos from Officer's Putzlocher and Castro, they both have concerns regarding the elevated levels of contaminants in the discharge to the Natural Environment resulting from the activities at the Site and it is these continued and ongoing discharges that the Ministry is seeking to have reduced....

2. While the Court has already issued a decision allowing for the transshipment operations at the Site to continue, I acknowledge that there remains a risk to those activities due to a potential decision that may be rendered by the Court of Appeal.”

Many of you will recall this phrase from decades ago-

“ The Solution to Pollution is Dilution !”

Finally, with respect to arguing the findings of Provincial water scientists, it seems that PT will throw anything at the wall to see what sticks.....here in closing is what Victor Castro from MECP reported to his boss on June 7, 2019:

“ The submissions made by Picton Terminals rely on the fact that chloride and sodium levels in surface water samples collected from Picton Bay in front of the Terminal are similar in quality to other areas of Lake Ontario.

This can be explained by the fact that the surface water samples collected in the Bay are taken from a very large water body and represent highly diluted lake water.

It is absurd to think that it would be an acceptable practice in Ontario to allow companies to discharge substances at toxic levels to the Great Lakes simply because they offer vast dilution capacity. If that were the case, the ministry would allow all municipal sewage plants and industrial facilities to discharge their effluents without proper treatment.

Obviously, we do not.”

I would urge Councillors to go back to my email of July 5th where you can read the full report from the Director. It seems that the Province is finally getting tired of this and so are we!

Thank you for the chance to provide this update.