

Report of the Cape Breton District Health Authority's Ad Hoc Committee on the Sydney Tar Ponds & Coke Ovens Cleanup Project

Membership:

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Introduction

At its January 2005 Board meeting, the District Health Authority established an ad hoc committee to review the options for environmental assessment and cleanup of the Tar Ponds & Coke Ovens sites. The ad hoc committee met on three separate occasions and interviewed representatives from the Sydney Tar Ponds Agency, representatives of Public Works, Government Services Canada, Dr. Charl Badenhorst, Medical Officer of Health, and representatives of the Sierra Club of Canada. All interviewees were forthright in their comments and provided background information to support their position on various issues associated with the cleanup. While all parties are committed to proceeding with the cleanup in an expeditious fashion, significant disagreement exists over the process to be used for environmental assessment as well as the proposed cleanup methodologies. Because of the passionate debates that exist in these areas, the committee identified the importance of having opportunities throughout the process for constructive dialogue in order to move forward the selection of options that best meet the needs of the community. At this point in the process, the District committee addressed three questions:

- 1. Is there any concern with the preliminary work being proposed over the next two years?**
- 2. Which of the two processes for environmental assessment, comprehensive study or full-panel review should be supported by the District Health Authority Board and its Medical Staff?**
- 3. What concerns are identifiable at this point over the proposed methodologies for cleanup.**

1. The Preliminary Work.

There was universal support expressed by all we interviewed for proceeding with the preliminary work proposed over the next 18 months, which is preventative in nature and needs to be completed before the larger cleanup project can start. Provided this work is done in an appropriate fashion, the realignment of the coke ovens brook, the removal of the cooling pond, installation of the north pond coffer dam and the relocation of the Victoria Road water main represent important progress on cleanup activities at the site. The establishment of the coffer dam is particularly important to prevent the continued movement of contaminated material into Sydney Harbour, thereby, containing contaminants at the present location.

Material provided to the District committee by the Sierra Club on concerns with the proposed incineration in the cleanup identified three elements that the committee feels needs to be addressed in each and every element of all projects undertaken at this site. They are: (1) proper citing and design, (2) adequate monitoring, and (3) enforcement. In proceeding with the preliminary work, the committee recommends that the Sydney Tar Ponds Agency clearly identify to the community how it arrived at the proper citing and design of these options, how monitoring of the results of this work will occur, and how enforcement of any new restrictions that are necessary because of these changes will be implemented.

2. The Proposed Environmental Assessment Approach.

The District committee heard differing views in favour of continuing the comprehensive study process or changing to a full-panel review. Concerns expressed over the comprehensive study process dealt primarily with the lack of opportunity for public discussion and dialogue and the opportunity to look at an alternative that might be superior to the proposed cleanup methodologies. Concerns over the full panel process dealt primarily with the length of time required for this process as well as concerns over the duplication of efforts already undertaken through the JAG process.

The District committee recommends the continued use of the comprehensive study process for the environmental assessment of the cleanup project with the following conditions:

- (1) The opportunities for public consultation as outlined on page 3 of the scoping document need to be clearly defined and should be responsive to the needs of the community. Opportunities for the public's continued participation in the process should include public meetings, both of an informational nature as well as provide an opportunity for debate and dialogue over issues raised through the environmental assessment process. It is important that the responsible agencies not only accept written material from interveners but also listen and respond to the concerns of the community through an open, transparent and appropriate process.
- (2) The committee was satisfied that the comprehensive study process, if

appropriately performed in accordance with subsection 16 (1)(e) of the Canadian Environmental Assessment Act, provided an opportunity for the community to express its concerns (both on the need for the project and alternatives to the project) as referenced on page 12 of the scoping document. It is important that the District committee have an ability to continue to examine alternatives to the proposed methodologies as more information becomes available through the environmental assessment process. Clearly, it will be important to continue to examine those alternatives proposed through the JAG process as well as the proposed cleanup methodology outlined in the project description.

- (3) Full and complete disclosure of all assessments performed during the environmental assessment process need to be provided to the District Health Authority in a timely fashion to ensure that the health consequences associated with various options are understood and the most appropriate cleanup methodology from an overall health perspective is selected.
- (4) Because of the challenges faced with previous cleanup methodologies and the highly technical and complex nature of the materials produced through the environmental assessment process, the committee recommends that consideration be given to the establishment of an ombudsman position, independent of the responsible agencies and the interested parties, to allow for community members who have concerns to ensure that vehicles exist to address these in a fashion that are understood by the citizens of the community.

3. Concerns Over the Cleanup Methodologies Proposed

The District committee recognizes that there is no perfect solution to the cleanup of the tar ponds and coke ovens sites. Difficult choices between conflicting options all with strengths and weaknesses are required. The existing tar ponds and coke ovens sites do not represent immediate health risks provided access to the sites is controlled, however, the long term impact upon the health of the community due to the negative image portrayed by the sites as well as the stress caused by living in proximity to these locations is a health concern for our community. In choosing a cleanup methodology, our committee's primary concern is that the risks associated with the cleanup should not increase the immediate risks to the health of community members. As well, we should ensure that all opportunities to enhance the long term health of our community are fully considered in each option.

The District committee has concerns over the proposed incineration of materials in our community and wishes to assess the alternatives to incineration as the environmental assessment process proceeds. While the District Health Authority will be particularly interested in evaluation of the health risk assessments associated with incineration, our committee wishes to reinforce the need that all cleanup

methodologies selected for the sites should include as a key element the minimization of any potential, immediate health risk as well as offering the greatest opportunity of long term benefit to the community.

The District Health Authority will continue to participate in the discussion around cleanup methodologies, monitor the results of these methodologies, and review the appropriate enforcement of all environmental and health regulations. The creation of a Health/Environmental Advisory Committee by the Board is supported by the members of the ad hoc committee.

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