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ELGV settles with Orica as OMB hearing continues

By WES KELLER Freelance Reporter

The Township of East Luther Grand Valley has agreed to minutes of settlement with Orica Canada Inc., which might be expected to mean that a portion of the 160-acre farm owned by Klaus Friesecke near Luther Marsh can now be rezoned for Orica's explosive storage facility.

But Ontario Municipal Board Vice-Chairman Donald Granger has yet to hear from entirely from opposed parties David Reimer and Peter Turrell and from about a dozen residential participants who remain solidly opposed to the zoning.

The settlement did not come easily for either the township or Orica. And, whatever the outcome of the OMB hearing is, council members will have to face the electorate in October with little doubt they'll have the groundswell of public opposition to the Orica site in their minds.

Public interest in the outcome has not waned. This was evidenced by the movement of the hearing to the arena to accommodate the crowd.

Orica's lawyers have not relaxed, which might indicate that they don't consider the battle to have been won despite the settlement. On Monday, Orica lawyer Jane Pepino relentlessly grilled Mr. Turrell on just about every aspect of his opposition to the site.

Many of his concerns might have been addressed in the minutes of settlement – but there remain disagreements about Orica's safety record in the transportation of explosives, including an incident in which Mr. Turrell says his photos prove there was a "jackknifing" of an Orica vehicle, whereas a federal official said there was not.

Much of the public opposition to the Orica presence has centred on an expanded facility and a popular perception that an on-site accident, spill or explosion would imperil the Luther March and Grand River and have a devastating effect on nearby residents. As well, there have been public concerns about transportation safety as well as emergency planning and an evacuation protocol.

At the outset of the hearing, Orica presented evidence from planner Paul Britton in support of the positioning of the Orica storage facilities and the separation of various components required to manufacture the explosives – a process that is carried out at the blast site. As well, the company's lawyers submitted evidence from expert ecologist Mirek Sharp with respect to Luther Marsh.

Acting for the Township, Thomson Rogers lawyer Jeff Wilker outlined the minutes of settlement, and said they had been arrived at after four months of mediation. He confirmed that all Orica studies had been peer-reviewed by experts selected by the Township.

In brief, these are the salient conditions of the settlement:

- Orica has agreed to a limitation on the quantities of storage at the site, to construct an on-site spill containment pond and to monitor the water table and report annually. The reports are to be peer reviewed;
- Beyond the federal licensing, the company would build a noise containment berm and obtain a provincial certificate of approval in that regard. It will regulate its hours of operation;
- Orica is committed to rebuilding the bridge on Sideroad 21/22 and, in other financial matters, it will reimburse the Township for all its legal and consulting costs in the entire proceeding, pay the Township \$100,000 as a contribution to parkland, and provide continuing contributions in support of community activities. The facility will be assessed as industrial for tax purposes;
- To meet residents' concerns, security is to be improved, as is the entrance to the site.

Despite the settlement, the facility will still require site plan approval. The emergency response plan will involve selected experts, and Orica is committed to providing training for the Grand Valley Fire Department.

The hearing is expected to conclude this week.

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