



MINUTES



**CRANE MOUNTAIN ENHANCEMENT INC. (CMEI)
Board of Directors Meeting
September 10, 2024
MCC**

The September meeting of the Board of Directors of CMEI. was called to order at 6:02 by John Doubt, Chair.

In attendance: J.P. Casey, Lori Nason, Ryan Brown, John Adams, Michele Lodge, Greg Snow, John Doubt
Regrets: Patti Chisholm

PRESENTATION OF THE AGENDA

Motion: That the September 10, 2024 agenda be accepted as presented.

Proposed by: Greg Snow

Seconded by: J.P. Casey

Motion: Carried.

MINUTES OF THE LAST MEETING

Motion: That the minutes of the June 4, 2024 meeting be accepted as presented.

Proposed by: Lori Nason

Seconded by: J.P Casey

Motion: Carried.

FUNDY REGIONAL SOLID WASTE REPORT (FRSW)

Marc MacLeod advised everything is “fine”. John Doubt has asked Peter Baxter to take some readings from the data loggers

BUSINESS ARISING FROM MINUTES

1. **Landfill Height Increase:** John Doubt will address this in the Chair’s report.
2. **Request for Information:** John’s request for names and email addresses from the people who had attended the Fundy Region’s in-house meeting was denied for privacy reasons. The deadline to appeal that decision has passed.

CORRESPONDENCE

Nil

CHAIR'S REPORT

John Doubt read the report covering the last few months, attached as Appendix A. Most notably the motions via email related to "Plan B" regarding the minister and the FRSC.

Motion 1: to move forward via email communication or in person meetings of CMEI. Five voted for email, 2 in person.

Motion 2: That the monitoring committee initiate the process for judicial review of the determination by the environmental minister, including cost. Unanimously in favour with one absent vote.

Motion 3: That CMEI board provide approval for John to start detailed discussion with Charles Hache Law and sign an agreement for the performance of the judicial review. Unanimously in favour with one absent vote.

John Doubt to circulate the media release, refer any questions not covered by that back to him.

Motion: That the report be accepted as presented.

Proposed by: John Adams

Seconded: Michelle Lodge

Motion: Carried

Motion: That John Doubt make a presentation to GB-W to ask for financial assistance during the budget meeting.

Proposed by: Ryan Brown

Seconded: Michelle Lodge

Motion: Carried

Motion: That a Go Fund Me page be created for funding.

Proposed by: John Adams

Seconded: Jon Bidgood

Motion: Carried

TREASURER'S REPORT

John presented the report in Patti's absence covering June, July & August 2024 with a beginning balance of \$74,796.89, total expenses of \$10,055.00 and an ending balance of \$64,741.89.

John reported there is an outstanding invoice from EXP in the amount of \$1,400.00, and Charles Hache Professional in the amounts of \$7,000.00 and \$1,150.00.

Motion: That the report be accepted as presented and pay the outstanding invoices.

Proposed by: John Adams

Seconded: Greg Snow

Motion: Carried

MONITORING COMMITTEE

The Monitoring Committee met in July and an ad-hoc meeting in August to discuss preparations for the September 16th meeting with NBDELG (now cancelled) and the current status of the Judicial Review.

Motion: That the report be accepted as presented.

Proposed by: Lori Nason

Seconded: Greg Snow

Motion: Carried

SPECIAL PROJECTS

To date, the Committee have paid out 9 of 18 projects. Receipts and pictures have been submitted. To date \$45,233 has been distributed, with slightly over half left to be paid upon project completion.

Motion: That the report be accepted as presented.

Proposed by: Lori Nason

Seconded: J.P Casey

Motion: Carried

NEW BUSINESS

1. DELG Meeting September 16 – Cancelled due to Judicial Review
2. Political implications and CMEI's contacts – Several members have some political contacts and are willing to share publicly available information regarding CMEI
3. Interaction with GB-W – Apply to GB-W for funding at council meeting
4. CMEI Office at Shades of Green – Clean out office and downsize to locked cabinet to decrease the rental costs as well as maintain a physical address.
5. Next Meeting – October 1, 2024 at 6:00pm KBM (Meal at 5:30), Ward 1 Councilors and Councilors-at-large will be invited to the meeting for small presentation.

ADJOURNMENT

Motion: That the meeting be adjourned.

Proposed by: Greg Snow

Respectfully submitted,
Stacey Hines,
Recording Secretary

APPENDIX “A”

September 10, 2024 CMEI Board of Directors Meeting Chair’s Report

Due to the seriousness of the actions taken over the last few months, I felt it important to submit a written report to this month’s meeting.

On behalf of the Board, I have taken the following actions with help from the Board itself and specifically, the Monitoring Committee.

1. Prepared a presentation for the NB Minister of Environment and Local Government.
2. Exchanged several emails with the Minister in an attempt to meet with the Minister and discuss CMEI’s concerns regarding the current operation of the landfill and to persuade the Minister to delay the implementation of the EIA to Augment the Capacity and Extend the life of the Crane Mountain Landfill.
3. Prepare a presentation for the Fundy Region Service Commission (FRSC).
4. Met with Mayor Merrifield of the Town of Grand Bay – Westfield and Chair Riddell of Fundy Rural District to walk through the presentation and get their feedback.
5. Prepared a media release to publicize CMEI’s presentation to FRSC. Only one reporter attended the meeting.
6. Presented CMEI’s concerns at the June 27, 2024 FRSC Board of Directors meeting and answered their questions.
7. Attended the July 25, 2024 FRSC Board of Directors meeting to observe Gemtec’s Cost Benefit Analysis presentation and the FRSC’s approval of permitting the landfill to move forward with the project.
8. Attended the September 5, 2024 FRSC Board of Directors meeting to observe a landfill initiative on purchasing Envirosuite – more below.
9. Prepared, distributed and collected voting for the following three motions, via email, for moving forward with Plan B, in the event that approaches to the Minister and to FRSC do not result in delay of the EIA project implementation:
 - Motion 1:
To determine whether to move forward through email or an in-person meeting.
Result: 5 voted for email, 2 for in person, 1 no reply.
 - Motion 2:
That the Monitoring Committee initiate the process for Judicial Review of the determination by the NB Environment Minister to provide approval of the EIA. The Monitoring Committee will:
 - Contact exp and have them perform a technical review and analysis of the EIA document and the responses, provided by Gemtec, to the questions submitted by the Technical Review Committee and individuals. The Committee to ask for an estimate of the cost of the endeavour before signing a contract. The Monitoring Committee to explore payment options with exp as part of the contract negotiations.
 - Initiate discussions with a lawyer as to the cost and process for the performance of a Judicial Review and report back to the full CMEI board on the cost.Result: Unanimous, 1 absent
 - Motion 3:
That the CMEI Board provides approval for the President, John Doubt, to start detailed discussions

with C.A. Haché Law of Quispamsis and to sign an agreement for the performance of a Judicial Review of the Crane Mountain EIA.

That the Board authorises the payment of a retainer to C.A. Haché Law for the purposes of this work.

Result: Unanimous, 1 absent

10. Initiated a technical analysis of the EIA by exp and by Dr. Kerry Rowe.
11. Approached lawyers to discuss potential contract to prepare Judicial Review filing.
12. Reviewed and signed agreement with C.A. Haché Law.
13. Reviewed (with assistance of the Monitoring Committee) and commented on Notice of Application – this document details:
 - the request for a stay of the Judicial Review of the Minister’s Certificate of Determination.
 - an injunction prohibiting the FRSC from proceeding with the project.
 - a request for all documentation explaining the Minister’s decision.
 - an order recognizing John Sims, exp and Dr. Kerry Rowe as expert witnesses.
 - the grounds for the application – this is the key to our claim and contains identification of significant defects in the Minister’s approval process. There are 62 numbered paragraphs, several of which contain many sub-paragraphs.
14. Reviewed (with assistance of the Monitoring Committee) and commented on Affidavit. Signed the final document.
15. The Notice of Application, Affidavit and Gemtec’s EIA and Public Engagement Summary were filed with the Court in Saint John on Tuesday, August 13. **This is now public knowledge.**
16. The Court has provided us with a Notice of Hearing for December 18.
17. Coordinating delivery of final reports from John Sims and Dr. Kerry Rowe.
18. Discussed presentation to Minister with Monitoring Committee and updated it. The meeting was scheduled for September 16 – more below.

Observations:

1. The biggest impact of this process with the lawyer is the understanding that what everyone has referred to as an EIA is NOT an EIA – it is an “EIA Registration document”, which contains only a high-level view of the contents that would appear in an EIA, but which requires significant work to complete the detail required to determine the full environmental impact.
2. Charles Haché has made a major commitment to this project. He has read all the technical details of all the documents that are available regarding the EIA Registration document, including several documents that are not part of the EIA Registration document, but which relate to the landfill – parts of the 1994 EIA (incidentally, I found the original document at Shades of Green), the Summary report produced from that document, the 53 questions sent by the TRC in 2004 that FRSC never answered, the EIA Registration document from the Clay Pit and Quarry project (2019), both John Sims and Dr. Kerry Rowe’s current reports. He has also produced a media release for us. His thoroughness is impressive. We paid him \$10,000 initially and he has sent us invoices that total just over \$17,000 – we will discuss that under the Treasurer’s Report. He has also discounted \$9,000. Charles also sent us an invoice for the second half of August for \$1,150 with an additional \$500 discount.
3. Many of the claims that are included in the legal filing are significant and hard-hitting:
 - The Landfill poses serious environmental risks, including inadequate liner design, questionable liner integrity, groundwater contamination by leachate, insufficient monitoring, odour, and visual impacts.

- The Decision was made following a ‘rubber stamping’ process on an inexplicably fast timetable, given the more than two decades of remaining capacity. It was based on flawed, incomplete, and misleading information that failed to comply with the NBDELG’s guidelines and modern best practices.
 - The Decision was procedurally unfair to CMEI (and, by extension, the Host Community) being made by the Minister who had demonstrated a closed mind and a reasonable apprehension of bias, did not entertain serious, research-based questions and concerns, and did not give reasons that are capable of review.
 - The Decision was also substantively unreasonable because, among other reasons, the Minister didn’t apply NBDELG guidelines, was inconsistent with a prior decision on a similar proposal for the same site, and didn’t explain apparent gaps in reasoning.
 - Certain fundamental aspects of the Landfill – including the design of the liner system and the site’s hydrogeological conditions – have not changed and are inadequate for the Landfill at the original height and lifespan, let alone double the height and lifespan.
 - While the TRC for the Project asked three rounds of questions, they did not delve into many of the deficiencies in the 2023 GEMTEC EIA Registration document.
 - The 2023 GEMTEC EIA Registration document and the subsequent public engagement were essentially a ‘sales pitch’ to bolster the Project.
 - Rather than an honest dialogue, public engagement was an advocacy program to justify the Project and downplay concerns.
 - The 2023 GEMTEC EIA Registration document is deficient and fails to meet the Guidelines in several ways, and the deficiencies were never justified, corrected, or waived.
 - The 2023 GEMTEC EIA Registration document fails to meet these guidelines (followed by a list of reasons)
 - The 2023 GEMTEC EIA Registration document also may not meet professional engineering standards.
 - In particular, the 2023 GEMTEC EIA Registration document does not address emerging contaminants, notably per- and polyfluoroalkyl substances.
4. Charles has sent emails notifying the following of our filing – the Minister of the Environment, the FRSC Board, Marc Macleod, the Deputy Minister of Public Safety and the Legal Services Division of Public Safety. These were all delivered on September 4.
 5. Brittany Merrifield, Mayor of GB-W, has been very supportive of us and spoke extremely well at the July FRSC meeting attempting to delay their decision until more information could be gathered.
 6. Ray Riddell, Chair of Fundy Rural District, has also been very helpful.
 7. There was no open discussion of the filing at the FRSC meeting on September 5. I asked Brittany if it was discussed in the Closed Session, but he was unable to confirm or deny that.
 8. We have some connections with candidates in the upcoming NB election. It is ok to discuss the filing with them. I will circulate the media release, so that everyone has talking points. If you should be contacted by the media and you don’t feel comfortable talking to them, feel free to ask them to talk to me.

Next Steps

1. The meeting with the DELG was cancelled “As a result of the Judicial Review”. It looked like the Minister was not going to be present; Gemtec, Marc MacLeod were invited, so I had also invited John

- Sims, exp. Charles Haché's comment was "This isn't much of a loss. There was virtually no chance that they were going to do anything meaningful, especially if the Minister wasn't involved."
2. It is extremely unlikely that anything will happen with the filing until after the election. The best outcome would be if the in-coming Minister retracts the Certificate of Determination.
 3. If this does not happen, we need to keep a close watch on our finances. Charles is fully aware that we do not have deep pockets and has suggested some options for us:
 - Apply to GB-W for assistance in the work we are doing. There is a deadline tomorrow (Wednesday) for applications to make a presentation to a special GB-W Town Council Meeting as they prepare their budget for 2025. The Meeting is September 16 at 7:00 p.m. I can put a brief presentation together that shows who we are, our regular revenue from the landfill and our expenditure to date in the filing and potential future costs.
 - Set up a Go-Fund-Me account and see what else we can raise. Anyone who knows how to do that can help.
 4. Rough costs to-date on the legal process from balance of around \$50k (June meeting):
 - Exp \$5k
 - C. A. Haché Law \$19k
 5. Potential future costs to end of year:
 - Exp \$5k
 - C. A. Haché Law \$20k

Information from the September 5 FRSC Meeting:

1. A presentation was provided by Envirosuite. The board approved a proposal for the landfill to lease the software and hardware for three years. This provides installation of eleven sensors around the landfill to measure the amounts Hydrogen Sulphide, Ammonia and Volatile Organic Compounds – all gases from the landfill which impact the odour. The system links directly to weather data (wind speed and direction) and the topography of the surrounding area to provide real time analysis of the source of complaints about odour. The advantage I see in this system is that they can add to the sensors to also capture data on GHGs (Methane and CO₂). This will allow the landfill to determine their compliance with expected GHG emission regulations.
2. CEO Phil Ouellette gave an update on an agreement regarding circular materials (recycling) for the next two years that will benefit the FRSC by about \$750k.
3. Phil discussed a regional climate action plan which provided them with \$100k funding.
4. Phil also discussed an effort to impose a region-wide limit on waste – a bag limit.
5. There was also a presentation of the process and some of the details preparing a draft budget. This includes landfill costs.
6. My takeaway from the last few FRSC meetings is that we need to develop a much more detailed relationship with FRSC, and need to be aware of what items are being submitted for discussion at the Board meetings. CMEI needs a presence at many of these meetings.