

Adopted by Council at its meeting held June 17, 2013 [M253-2013]

/AA

Windsor, Ontario June 17, 2013

**REPORT NO. 139** of the  
**ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY**  
**STANDING COMMITTEE**  
of its meeting held May 22, 2013

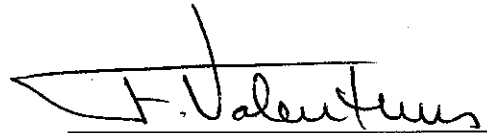
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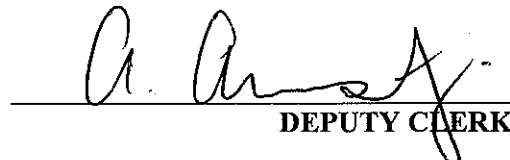
**Present:**                    **Councillor J. Gignac**  
                                  **Councillor A. Halberstadt**  
                                  **Councillor R. Jones,**  
                                  **Councillor H. Payne**  
                                  **Councillor F. Valentinis, Chair**

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED:**

Moved by Councillor Halberstadt, seconded by Councillor Payne,  
**THAT** the minutes of the Windsor-Essex County Environment Committee meeting held April 4, 2013 **BE RECEIVED** for information.  
Carried.

Clerk's Note: The minutes of the Windsor-Essex County Environment Committee meeting held April 4, 2013 are **attached** as background information.

  
\_\_\_\_\_  
CHAIRPERSON

  
\_\_\_\_\_  
DEPUTY CLERK

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX



KK/  
Windsor, Ontario April 4, 2013

A meeting of the **Windsor Essex County Environment Committee** is held this day commencing at 5:30 o'clock p.m. in the Board Room, Lou Romano Water Reclamation Plant, there being present the following members:

Councillor Alan Halberstadt, Co- Chair  
Charlie Wright, Co-Chair (arrives at 6:45 p.m.)  
Councillor Hilary Payne  
Derek Coronado  
Rick Coronado  
Jesse Costa Gardner  
Paul Henshaw  
John Miller (arrives at 5:35 p.m.)  
Mike Nelson (arrives at 6:00 p.m.)  
Tamara Stomp (arrives at 5:44 p.m.)  
Radwan Tamr

**Regrets received from:**

Mark Bartlett  
Roger Dzugan  
Karen Fallon  
Evan Freeman-Gibb

**Delegations:**

Nancy Pancheshan, Save Ojibway, regarding Item 4.2  
Allen Benson, Senior Biologist, Dillon Consulting regarding Item 4.2  
Johanna Shapira, Solicitor, Wood Bull LLP representing Coco Paving Inc.,  
regarding Item 4.2

**Guests in attendance:**

Ralph Benoit  
Christine Gross, Field Naturalists, Canada Southland Trust  
Tom Henderson, Public Advisory Council Detroit River Canadian Cleanup  
David Monroe  
Anthony Rossi, Coco Paving Inc.  
Karl Tanner, Dillon Consulting Inc.

*Also present are the following resource personnel:*

James Bryant, County Engineering Department  
Averil Parent, Environment & Sustainability Coordinator  
Beau Wansbrough, Planner II  
Karen Kadour, Committee Coordinator

1. **CALL TO ORDER**

Councillor Halberstadt Co-Chair calls the meeting to order at 5:33 o'clock p.m. and the Committee considers the Agenda being Schedule "A" attached hereto, matters which are dealt with as follows:

2. **ADDITIONS TO THE AGENDA**

No additions.

3. **DECLARATIONS OF CONFLICT**

None disclosed.

4. **PRESENTATIONS**

4.1 The Prestige LED Lighting – Energy conservation possibilities through LED lights presentation is deferred to the May 2, 2013 WECEC meeting.

4.2 **Coco Paving Inc. Big Box Proposal on Environmental Registry**

Windsor City Council at its meeting held October 29, 2007 adopted the following resolution:

**CR433/2007**

- I That the application of 1223244 Ontario Ltd for an amendment to the City of Windsor Official Plan changing the designation of Sprucewood Avenue between Ojibway Parkway and Matchette Road from Class I Collector Road to a Class II Arterial Road **BE APPROVED**.
- II That the application of 1223244 Ontario Ltd for an amendment to the City of Windsor Official Plan for Part of Block Z, Registered Plan 927 **BE APPROVED** changing the designation from Residential and Commercial Corridor to Commercial Centre.

- III That the application of 1223244 Ontario Ltd for an amendment to Zoning By-law 8600 for Part of Block Z, Registered Plan 927 **BE APPROVED** changing the zoning of Part of Block Z, Registered Plan 927 from RD2.3 and CD2.1 to HCD3.3 save and except the northerly 50 metres of the subject parcel which will change from RD2.3 to GD1.4.
- IV That the Holding symbol **BE REMOVED** when the owner submits an application to remove the Holding symbol and when the following conditions are satisfied:
- I. Execution and registration of a development or servicing agreement with the Corporation of the City of Windsor that includes, but is not limited to, the General Provisions of Council Resolution 233/98 and the following additional requirements:
    - a. **Ojibway Lakes Pump Station/ Force Main Upgrades**– The owner agrees that permits will be issued for development of the subject lands, based on capacity of sewage pump structure. Ojibway Lakes Pump Station/ Force Main will require upgrading for the completed development, at the entire expense of the applicant and subject to the approval of the City Engineer. The owner's engineer will show phasing of development and pump capacity.
    - b. **Matchette/Sprucewood Road and Intersection Improvements**- The owner will complete an environmental assessment at their expense for improvements, along and at Matchette Road and Sprucewood Avenue and that the roadway and intersection improvements be completed in accordance with the Environmental Assessment Act and that the Town of LaSalle be consulted on intersection improvements.
    - c. **Town of LaSalle Consultation** - The owner or the City of Windsor shall consult with the Town of LaSalle for road and intersection improvements within the Town of LaSalle limits.
    - d. **Bonding** – The owner agrees to submit bonding ((less cost sharing or Development Charge Credits) to ensure the completion of all required improvements to the satisfaction of the City Engineer and City Solicitor.
    - e. **Land Conveyances**- The owner agrees to convey for road widening purposes, necessary lands to create a 24-metre right-of-way on Matchette Road and up to a 30-metre right-of-way on Sprucewood Avenue and any other lands identified for intersection improvements at Matchette Road and Sprucewood Avenue.
    - f. **Development Charge Credits**- Improvements to the Matchette/Sprucewood Intersection are identified in the existing Development Charge bylaw. Any improvements completed by the owner qualify for a Development Charge Credit, as approved by City Council.

2. Submission of an Urban Design Study to the satisfaction of the City Planner and inclusion of offsite improvements identified in the Urban Design Study in executed and registered servicing and/or site plan agreements.
  3. Revision of the Environmental Evaluation Report to include an Updated Species at Risk (SAR) review per the comments of the Ministry of Natural Resources dated October 22, 2007.
- V That for any site plan control applications for the subject land, the Site Plan Approval Officer **BE REQUIRED**:
1. To circulate all site plan control applications to the City of Windsor Environmental Planning Advisory Committee for their review and comment; and
  2. To request that the Environmental Planning Advisory Committee send a representative to participate as a member of the Site Plan Review Committee.
- VI That the Site Plan Review Committee **BE DIRECTED** to utilize Schedule B – EPAC Conditions of Approval of the City of Windsor Environmental Planning Advisory Committee minutes for the meeting held on July 17, 2007 as site plan control guidelines (attached to the Report to the City of Windsor Planning Advisory Committee dated September 20, 2007 as Appendix C).
- VII That any Site Plan Control Application, save and except for minor changes or amendments, **BE SUBJECT** to approval by Council.

Carried.

Aye Votes: Councillors Brister, Postma, Lewenza, Gignac, Hatfield, Marra, Valentinis, Jones, Dilkens and Mayor Francis.

Nay Votes: Councillor Halberstadt.

Nancy Panchesan, Save Ojibway is present and provides the following comments relating to the Coco Paving Inc. Big Box proposal:

- In 2007, the zoning designation of the said lands was changed from residential and commercial corridor to commercial centre.
- She is one of the appellants who have appealed a zoning decision by the City of Windsor to the Ontario Municipal Board
- The big box development will have a negative impact on the Ojibway Prairie area.
- The Ojibway Prairie Nature Reserve is a rare five park system that holds some of Canada's and the globe's most endangered ecosystems.
- On March 7, 2013, Coco Paving Inc. submitted a proposal to the Ministry of Natural Resources on the Environmental Bill of Rights website. This proposal was in relation to an overall benefit permit under clause 17 (2) (c) of the

Endangered Species Act 2007. The public may comment until April 8, 2013. Under this clause, an overall benefit to the species must be obtained.

- Save Ojibway is concerned that traffic and widening of Matchette Road will harm animals that cross from the nature preserve to the park. The widening of Matchette will increase traffic tremendously.
- Four species-at-risk of concern include the eastern fox snake (endangered), and the willowleaf aster, dense blazing star and Butler's garter snake (threatened).

Johanna Shapira, Solicitor for Coco Paving Inc. (the client) and Allen Benson, Senior Biologist, Dillon Consulting are present and the salient points of discussion relating to the big box development are as follows:

- As referenced in the foregoing Clause 3 of CR 433/2007, it is noted the MNR requires the need for a study of species at risk.
- City Council added a Holding Symbol at the October 29, 2007 meeting and the client is working to remove the holding symbol.
- The matter is before the Ontario Municipal Board and the client is currently dealing with the MNR to obtain the necessary permit.
- A buffer of 300 metres to be created to protect and enhance the ecological features.
- Mitigating measures to the MNR include the transportation of plant species, snake salvage (only if necessary will remove during the construction phase), propagation of plant species, 5 year post construction monitoring, and habitat enhancement.
- In order to prevent species road mortality, mitigation measures will include the placement of a barrier between the development and the conveyance lands which will not destroy connectivity to the park, and the construction of snake exclusion fencing as a permanent feature.
- Public may make comments regarding this initiative to the Ontario Environmental Bill of Rights (EBR) website.
- Once the permit is drawn up, the Minister of Natural Resources has 30 days to make a decision on the project.

In response to a question asked by D. Coronado regarding if a representative from the MNR was invited to attend this meeting, the Co-Chair responds no one was invited from the MNR.

N. Panchesan advises if Coco Paving receives the permit from the MNR, it could negatively impact the decision made at the OMB. It is likely that the OMB will approve the development if the MNR has approved the permit.

R. Tamr states if the measures are in place to satisfy the MNR, WECEC should be fair in its evaluation. He suggests allow the MNR to comment and to discuss the results when known.

Councillor Payne expresses concern that WECEC does not have the expertise in this matter to comment.

Sample comments from N. Pancheshan relating to Coco Paving Inc's proposal for a permit as an overall benefit under clause 17(2)(c) of the Endangered Species Act is distributed and attached as Appendix "A". The "Reference EBR Registry Number 01-8520, Coco Paving, permit under clause 17(2)(c) of the Endangered Species Act" from N. Pancheshan is distributed and attached as Appendix "B".

Moved by T. Stomp, seconded by J. Costa Gardner,

That City Council **BE REQUESTED** to reconsider/revoke/review Council Resolution CR433/2007 relating to a rezoning for Part of Block Z, Registered Plan 927 as there are no adequate plans for the mitigation of identified species, and further, that a new bylaw **BE ADOPTED** relating to the Official Plan Amendment rezoning.

Carried.

Councillor Payne and M. Nelson abstain from voting on the matter.

R. Tamr voting nay.

Moved by R. Coronado, seconded by J. Miller,

That the Environment & Sustainability Coordinator **BE DIRECTED** to submit a letter on behalf of WECEC to the Environmental Bill of Rights (EBR) website regarding EBR # 011-8520 Permit for activities with conditions to achieve overall benefits to the species – ESA s. 17(2)(c) prior to April 8, 2013 as the Windsor Essex County Environment Committee disagrees with Coco Paving's proposal for a permit as they have not met the requirements for an overall benefit under clause 17(2)(c) of the Endangered Species Act 2007.

Carried.

Councillor Payne and M. Nelson abstain from voting on the matter.

R. Tamr voting nay.

## 5. MINUTES

Moved by Councillor Payne, seconded by J. Costa Gardner,

That the minutes of the Windsor Essex County Environment Committee at its meeting held March 7, 2013 **BE ADOPTED AS AMENDED** to replace "*larvae*" with "*DNA*" in the sentence "Asian Carp larvae has been found in the Great Lakes".

Carried.

R. Tamr leaves the meeting at 7:00 o'clock p.m.



6. **BUSINESS ARISING FROM THE MINUTES**

6.1 **Petcoke Update**

The following documents addressing the storage of petroleum coke on the shores of the Detroit River are distributed and ***attached*** as Appendix "C":

- Letter to the City of Detroit Environmental Affairs dated May 21, 2013
- E-mail from Tom Henderson, Detroit River Cleanup to Councillor Halberstadt dated March 12, 2013 regarding the discovery of piles of petroleum coke on the Michigan side of the Detroit River
- Letter to the State of Michigan Department of Environmental Quality dated March 20, 2013
- Letter to the United States Environmental Protection Agency dated March 20, 2013

It is recommended in the e-mail from Tom Henderson, Detroit River Cleanup that strict controls be put in place to ensure that the petcoke does not run off into the waterway or is blown about in the atmosphere.

D. Coronado questions what actions the Department of Environment Quality (DEQ) will take and if orders will be issued.

A. Parent will contact the DEQ to request a copy of the petcoke report and will provide the report when received.

6.2 **Green Speaker Series**

A. Parent advises the following groups/organizations will provide funding for the June 7, 2013 Green Speaker Series:

Wyandotte Street Business Improvement Area	\$1,000
St. Clair Architectural Society	\$1,000
WECEC	\$1,000

7. **COORDINATOR'S REPORT**

A. Parent advises WECEC assisted the City of Windsor and the Downtown Business Improvement Area to organize a kick-off event for the City's Rose City Clean Sweep campaign. The event will be held on April 5, 2013 from 10:00 a.m. to noon. Participants will meet on Maiden Lane West and will help pick up litter in the downtown area.

Moved by J. Miller, seconded by C. Wright,

That the WECEC Coordinator Monthly Report dated March 2013 **BE ACCEPTED.**

Carried.

## 8. SUBCOMMITTEE REPORTS

### 8.1 Air

J. Costa Gardner reports that the Ojibway Shores property is the last remaining stretch of underdeveloped land on the Detroit Shoreline. It is noted that the Port Authority has retained a consultant to undertake a biological survey (species assessment) of Ojibway Shores.

Moved by J. Costa Gardner, seconded by D. Coronado,

That the City of Windsor **BE REQUESTED** to engage the Port Authority to discuss their intentions for the activities occurring on the Ojibway Shores property, namely the hiring of a consultant to undertake a biological survey of the property.

Carried.

### 8.2 Transportation

The report of the Transportation Subcommittee dated March 11, 2013 is provided in the agenda for information purposes.

### 8.3 Provincially Significant Wetlands

T. Henderson, Detroit River Canadian Cleanup suggests the two airport woodlots be connected between the 22 acres of open field and to plant trees as an interior forest. ERCA has proposed to plant trees on the south end of the airport woodlot.

Moved by T. Stomp, seconded by Councillor Payne,

That the planting of trees on the 8.5 acres in the middle southern section between the east perimeter woodlot and the shooting woodlot on the airport lands **BE SUPPORTED**, and further that the cost of the trees and the planting will be at the expense of the Essex Region Conservation Authority.

Carried.

### 8.4 Water Quality

Councillor Halberstadt, Co-Chair advises a meeting of the Water Quality Subcommittee will be held on May 1, 2013.

**8.5 Surplus Parks Strategy**

Councillor Halberstadt, Co-Chair reports Long Park with be merged with St Bernard School with the construction of the new St. Bernard School as well as the development of 38 residential building lots. The loss of playground equipment will be compensated for by an expansion of playground equipment at the Ford Test Track.

**9. NEW BUSINESS**

**9.1 Strategic Plan Review**

This item is deferred to the May 2, 2013 WECEC meeting.

**10. COMMUNICATIONS**

**10.1** The Price of Green Energy: Is Germany Killing the Environment to Save It? – Spiegel Online International, March 12, 2013 is received for information.

**10.2** The Windsor Utilities Commission has just ceased adding fluoride to the water system serving Windsor, LaSalle and Tecumseh – Windsor Star article dated March 25, 2013 is received for information.

**11. DATE OF NEXT MEETING**

The next meeting will be held on May 2, 2013 at 5:30 o'clock p.m. at the Lou Romano Water Reclamation Plant.

**12. ADJOURNMENT**

There being no further business, the meeting is adjourned at 7:35 o'clock p.m.

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Councillor Alan Halberstadt, Co-Chair

\_\_\_\_\_  
Committee Coordinator

**AGENDA**  
**WINDSOR-ESSEX COUNTY ENVIRONMENT COMMITTEE**  
held on Thursday, April 4, 2013  
Meeting at 5:30p.m.  
At LOU ROMANO WATER RECLAMATION PLANT

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1. **CALL TO ORDER**

2. **ADDITIONS TO THE AGENDA**

3. **DECLARATION OF CONFLICT**

4. **PRESENTATIONS (10 MINUTES MAXIMUM)**

- 4.1 Prestige LED Lighting – Energy conservation possibilities through LED lights
- 4.2 Nancy Pancheshan, Save Ojibway – Coco Paving Inc. big box proposal on Environmental Registry  
**Delegation - Johanna Shapira, Solicitor, Wood Bull LLP, representing Coco Paving Inc. – (5 MINUTES MAXIMUM)**

5. **MINUTES**

Adoption of the minutes of the meeting held March 7<sup>th</sup>, 2013 – *emailed separately.*

6. **BUSINESS ARISING FROM THE MINUTES**

- 6.1 Petcoke update
- 6.2 Green Speaker Series proposal

7. **COORDINATORS REPORT**

WECEC Coordinator Monthly Report – *attached.*

8. **SUBCOMMITTEE REPORTS**

- 8.1 Air
- 8.2 Transportation – *attached.*
- 8.3 Provincially Significant Wetlands
- 8.4 Water Quality
- 8.5 Surplus Parks Strategy

9. **NEW BUSINESS**

- 9.1 Strategic Plan review – *attached.*

10. **COMMUNICATIONS**

- 10.1 The Price of Green Energy: Is Germany Killing the Environment to Save It? – Spiegel Online International, March 12<sup>th</sup>, 2013 – *attached.*
- 10.2 The Windsor Utilities Commission has just ceased adding fluoride to the water system serving Windsor, LaSalle and Tecumseh – The Windsor Star, Monday March 25<sup>th</sup> 2013 – *attached.*

11. **DATE OF NEXT MEETING**

The date of the next meeting will be May 2, 2013 at Lou Romano Water Reclamation Plant at 5:30 o'clock p.m.

**ADJOURNMENT**

# Sample Comment

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I strongly disagree with Coco Paving's proposal for a permit as an overall benefit under clause 17(2)(c) of the Endangered Species Act, 2007 (ESA) that it will: i) benefit the endangered species, ii) will not adversely affect the species, and iii) they have taken reasonable steps to minimize adverse effects on individual species. I disagree because;

- The application is not capable with dealing with the issues to the Eastern Foxsnake and Butler Gartersnake- demographic fluctuations due to disturbances or stress from development's completion, nor risk of traffic mortality and linkages for the Eastern Foxsnake and Butlers Gartersnake on Matchette Road (proposed traffic is 18 000 additional vehicles/day). This goes against Ontario's Eastern Foxsnake Recovery Plan.
- Development should not occur at this location due to probably negative impacts, and close proximity (5 metres) to Ojibway Park and the Ojibway Prairie Provincial Reserve. This development would lower the bar for the province.
- The application only considers impacts of species at risk on Coco Paving's lands and not others found in our parks.
- The application does not consider the large host of Tallgrass Prairie plants and habitat found on site and not found on the species at risk list.
- Our Tallgrass Prairie ecosystem has already been dramatically affected due to existing Permits under clause 17(2)(d) of the Endangered Species Act, 2007 (ESA 2007) for the Windsor-Essex Parkway and International Border Crossing. This permit alone impacted over 90 000 endangered and threatened Tallgrass Prairie species. This development also did not consider Tallgrass Prairie plants not found on the species at risk list. If we continue to allow permits within this ecosystem, we will no longer have it to protect.
- Our community does not need this development. The City of Windsor's Official Plan 2010 review states there is "enough retail commercial space to meet demand through 2031".

**Reference EBR Registry number 011-8520, Coco Paving, permit under clause 17(2)(c) of the Endangered Species Act**

I dispute Coco Paving's assertion that the proposed permit conditions would provide benefits that exceed the adverse effects on Eastern Foxsnake, Butler's Gartersnake, Dense Blazing Star and Willowleaf Aster. I also disagree, that the Company has met the requirements for an overall benefit permit under clause 17(2)(c) of the Endangered Species Act, 2007 (ESA), which are: avoidance and reasonable alternatives have been considered; adverse effects will be minimized; and an overall benefit will be achieved for the species in Ontario.

**Background:**

Coco Paving Inc. has applied to construct 11 commercial buildings, 2 roads, and associated parking - commonly described as a big box development - on 47 acres of largely vacant land. The proposed site is directly across from the Ojibway Prairie Provincial Nature Reserve and the Tall Grass Prairie Heritage Park and adjacent to the Ojibway Park/ Nature Centre. These three parks are part of a network of five parks which collectively form the Ojibway Prairie Complex.

The Ojibway Prairie Complex is special because, as Graham Buck, program coordinator of Tallgrass Ontario, puts it, "Ojibway is one of the only places where ecosystem functioning - the natural processes that maintain the prairie - still persists." Less than one six-hundredth of one percent of the tall grass prairie that once occurred abundantly in North America remains today. Approximately 20% of plants designated as rare in Ontario are associated with prairie. Hence, conservation of remaining natural prairie and its rare species is vital.

Unfortunately, the Ojibway Prairie ecosystem is already under stress from existing Permits under clause 17(2)(d) of the Endangered Species Act, 2007 (ESA) for the construction of the Rt. Hon. Herb Gray Parkway and International Border Crossing. Accordingly, the Coco submission cannot be considered in isolation of other developments that are threatening this vital ecosystem, nor can it be considered in isolation of its impact on the larger Ojibway Prairie ecosystem which surrounds it. If we continue to allow permits within this ecosystem, we will no longer have it to protect.

Coco could not have chosen a worse site to pave over for a high-traffic, commercial venture.

**How Coco Paving has failed to meet permit requirements:**

- 1) **Avoidance and reasonable alternatives have not been considered.** The Company suggests it is complying with this provision by adjusting the footprint of the development to reduce the size of area impacting endangered species and by reserving about 10 acres of its 47-acre holdings to create an improved and protected habitat. However, the Company has not considered "avoidance" - the City of Windsor does not need a big box development at this location. The City of Windsor's Official Plan 2010 review states there is "enough retail commercial space to meet demand through 2031." Windsor Councillor Halberstadt has described this development as "another blow to the downtown and the core area". The Town of LaSalle, which borders the proposed development, has opposed it because of its potential negative impact on nearby commercial centres.
- 2) **Adverse effects of the development will not be minimized.** The Company suggests it is complying with this provision by removing snakes and transplanting Dense Blazing Star and Willowleaf Aster from the construction site to a restoration area, installing a snake barrier fence and providing awareness training for construction personnel

However, a July 2007 natural heritage report completed for the Detroit River International Crossing project, which looked at the impact on the Ojibway Prairie complex of constructing a new parkway and border crossing, summarized its findings as follows:

"Thus, while, strictly speaking, DRIC's proposals don't "touch the boundaries" of Ojibway, they nevertheless have significant negative impacts on species of protected plants and animals that are dependent on Windsor's prairies and savannahs."

"You can dig up and move plants, but you aren't going to be moving the insects and wildlife that go with such a complex system."

DRIC's natural heritage report acknowledged **that for species such as snakes, no scientific research supports the notion that the animals can be successfully relocated.**

Other adverse effects of the development, which Coco's submission does not address, are that:

- a) Traffic along Matchette Road, which separates the Ojibway Prairie Provincial Nature Reserve/ Tall Grass Prairie Heritage Park from Ojibway Park and the proposed development site, will double to 18,000+ vehicles per day if the Company proceeds with its plans, and the development also requires Matchette Road to be widened from two lanes to four lanes, with a central median, to accommodate the extra traffic. Coco's submission has not addressed the additional snake mortality resulting from these changes.
- b) Paving over and building on most of its 37 acre site will deprive the underlying soil of storm water run-off to replenish the water table which sustains the life of the Ojibway Prairie Complex. Ojibway is located in a vast bowl of poorly drained sandy soil over a thick bed of clay. The sand is saturated with water in spring but very dry in mid-summer. These conditions are essential to the continued functioning of the Ojibway Prairie ecosystem.
- 3) *An overall benefit will NOT be achieved for the targeted species (Eastern Foxsnake, Butler's Gartersnake, Dense Blazing Star and Willowleaf Aster) in Ontario.* The Company takes pains to repeatedly describe its 47-acre development site as "low quality, degraded habitat", so that its proposal to enhance, restore to prairie habitat and protect a ten-acre site, located adjacent to Ojibway Park will appear to be an overall benefit for the protected species. However, experts for the parties who visited the site in 2010 found approximately 92 endangered/threatened individual species on this so-called "low quality, degraded habitat".

The noise and vibration of construction, the green space replaced by asphalt, changes to the water table, additional noise, light, air and garbage pollution when the development is completed, increased opportunities to become roadkill – how can any of this be considered an overall benefit for the targeted species?





**THE CITY OF WINDSOR**  
COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

March 21, 2013

City of Detroit Environmental Affairs  
Raymond A. Scott, General Manager  
660 Woodward Avenue, Suite 1800  
Detroit, Michigan  
48226

Dear Mr. Scott,

Please find this letter on behalf of Windsor City Council addressing the storage of petroleum coke on the shores of the Detroit River on Detroit, Michigan.

The petitioners are seeking assurances that strict controls are in place to prevent the pet coke substances from spilling into the water or blowing into the atmosphere, potentially causing health issues for humans on both sides of border, and endangering fish habitat in the Detroit River.

It has come to our attention that Marathon Oil's own guidelines dictate that the powdery substance should be covered and kept in bins to prevent it from becoming airborne. These guidelines have not been followed at the time of this writing by the third party transporters – namely CSX Railway and Transflow.

Windsor City Council strongly urges U.S. environmental authorities to enforce its standards if the pet coke is allowed to remain, although it is Council's preference that it be removed entirely from the river bed for aesthetic reasons alone. This eye pollution is harmful to the image of Windsor, Detroit, Canada and the United States and undermines the significant efforts over the last few years to upgrade the appearance of the shorelines of this great international heritage river.

Please find attached an email from Tom Henderson, chairperson of the Public Advisory Council of the Detroit River Canadian Clean-up committee, dated March 12, 2013. Mr. Henderson's email was sent to Windsor City Councillor Alan Halberstadt, co-chair of the Windsor Essex County Environment Committee, and it is typical of the concerns being raised to City Council by environmental advocates and regular citizens in our region.

Your attention to this matter would be greatly appreciated.

Regards,

Steve Vlachodimos  
Senior Manager of Council Services & Deputy City Clerk

Attachment

**APPENDIX "C"**

**From:** Tom Henderson [mailto:[henderson99@gmail.com](mailto:henderson99@gmail.com)]  
**Sent:** March 12, 2013 6:51 PM  
**To:** Halberstadt, Alan  
**Subject:** Re: Petroleum Coke on the U.S. Side of the Detroit River

Alan Halberstadt  
Councillor  
City of Windsor

Dear Alan,

The Public Advisory Council of the Detroit River Canadian Cleanup is in shock after the discovery of piles of petroleum coke on the Michigan side of the Detroit River. We wish to express our displeasure and request that the materials be removed as quickly as possible. In the meantime strict controls should be put in place to ensure that the petcoke does not run off into the waterway or is blown about in the atmosphere.

Attached is the Material Safety Data Sheet (MSDS) for petroleum coke. MSDSs are required by the government of the United States for all potentially hazardous chemicals ranging from household bleach to unleaded gasoline. Marathon Oil, the company purported to be the source of the petcoke has issued an MSDS, available through this link:

<http://www.marathonpetroleum.com/brand/content/documents/mpc/msds/0109MAR019.pdf>  
These forms are required by U.S. federal law to list the potentially harmful components (such as benzene in gasoline) and what to do in the event of a spill. The documents also outline the acceptable exposure levels and times for the product before they start harming you.

Unfortunately it appears the Michigan Department of Environmental Quality can do little except ensure Marathon Oil and/or the landowner have adequate erosion control measures in place to prevent this stuff from getting into the waterway. Notwithstanding, the fact that the petcoke is in such large quantities right beside the river remains a concern. Let's hope it isn't getting into the waterway, either as airborne migration or via stormwater as it will kill fish (clogging gills etc) and travel who knows where. Looking at the photos in the March 3, 2013 Windsor Star, who would have imagined anyone stockpiling such material in huge quantities along the river? It belongs at the bottom of an industrial landfill. At best, it's a blight on the landscape.

Over the decades millions of dollars have been spent on air and water quality improvement by citizens of both countries. Hopefully the people responsible for the petroleum coke will get rid of that stuff at once, remembering what happens when companies conveniently forget about these things. If nothing is done, the forces of mother nature will likely not help the situation. The Public Advisory Council urges you to prevail upon the American authorities to expedite the removal of the petcoke and to ensure that in the meantime none of this material finds its way into the river and none is released into the air.

Yours for a cleaner Detroit River,

Tom Henderson

chair, Public Advisory Council, Detroit River Canadian Cleanup

[www.detroitriver.ca](http://www.detroitriver.ca)



**THE CITY OF WINDSOR**  
COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO.

March 20, 2013

City of Detroit Environmental Affairs  
Raymond A. Scott, General Manager  
660 Woodward Avenue, Suite 1800  
Detroit, Michigan  
48226

Dear Mr. Scott,

Windsor City Council at its meeting held March 18, 2013, adopted the following motion:

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,  
**M83-2013** That the City of Detroit Environmental Affairs, State of Michigan  
Department of Environmental Quality and the United States Environmental Protection  
Agency **BE CONTACTED** on behalf of the Windsor-Essex County Environmental  
Committee over the environmental concerns that are mounting regarding the  
petroleum coke being stock piled along the Detroit River shoreline (just east of the  
Ambassador Bridge); and

That a letter **BE SENT** from Windsor City Council to the three levels  
of government (City, State and Federal government) outlining the environment  
concerns over the stock piling of petroleum coke along the shoreline; and

That the City of Windsor **PETITION** the Town of LaSalle, the Essex  
Region Conservation Authority (ERCA), Michigan Representative Rashida Tlaib (D-  
Detroit), U.S. Representatives Gary Peters (D-Bloomfield Township) and John  
Conyers (D-Detroit) as well as regional MPs and MPPs for support in this initiative.  
Carried.

Please find attached a letter on behalf of City Council requesting your consideration in this  
matter.

Yours Sincerely,



Steve Vlachodimos  
Senior Manager of Council Services & Deputy City Clerk

Attachment

cc: Bob Perciasepe, Acting Administrator, United States Environmental Protection Agency  
Dan Wyant, Director, Michigan Department of Environmental Quality  
Rashida Tlaib (D) Detroit, Michigan State Representative  
Gary Peters, Member of Congress  
John Conyers, Member of Congress  
Brian Masse, Member of Parliament – Windsor West  
Joe Comartin, Member of Parliament – Windsor Tecumseh  
Jeff Watson, Member of Parliament – Windsor Essex  
Teresa Piruzza, Member of Provincial Parliament - Windsor West  
Taras Natyshak, Member of Provincial Parliament – Essex  
Brenda Andreatta, Clerk, Town of LaSalle  
Richard Wyma, General Manager, Essex Region Conservation Authority



**THE CITY OF WINDSOR**  
COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

March 20, 2013

State of Michigan Department of Environmental Quality  
Dan Wyant, Director  
Constitution Hall  
525 West Allegan  
Lansing, MI 48913

Dear Mr. Wyant,

Windsor City Council at its meeting held March 18, 2013, adopted the following motion:

Moved by Councillor Halberstadt, seconded by Councillor Hatfield, M83-2013 That the City of Detroit Environmental Affairs, State of Michigan Department of Environmental Quality and the United States Environmental Protection Agency **BE CONTACTED** on behalf of the Windsor-Essex County Environmental Committee over the environmental concerns that are mounting regarding the petroleum coke being stock piled along the Detroit River shoreline (just east of the Ambassador Bridge); and

That a letter **BE SENT** from Windsor City Council to the three levels of government (City, State and Federal government) outlining the environment concerns over the stock piling of petroleum coke along the shoreline; and

That the City of Windsor **PETITION** the Town of LaSalle, the Essex Region Conservation Authority (ERCA), Michigan Representative Rashida Tlaib (D-Detroit), U.S. Representatives Gary Peters (D-Bloomfield Township) and John Conyers (D-Detroit) as well as regional MPs and MPPs for support in this initiative.  
Carried.

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Dear Mr. Wyant,

Please find this letter on behalf of Windsor City Council addressing the storage of petroleum coke on the shores of the Detroit River on Detroit, Michigan.

The petitioners are seeking assurances that strict controls are in place to prevent the pet coke substances from spilling into the water or blowing into the atmosphere, potentially causing health issues for humans on both sides of border, and endangering fish habitat in the Detroit River.

It has come to our attention that Marathon Oil's own guidelines dictate that the powdery substance should be covered and kept in bins to prevent it from becoming airborne. These guidelines have not been followed at the time of this writing by the third party transporters – namely CSX Railway and Transflow.

Windsor City Council strongly urges U.S. environmental authorities to enforce its standards if the pet coke is allowed to remain, although it is Council's preference that it be removed entirely from the river bed for aesthetic reasons alone. This eye pollution is harmful to the image of Windsor, Detroit, Canada and the United States and undermines the significant efforts over the last few years to upgrade the appearance of the shorelines of this great international heritage river.

Please find attached an email from Tom Henderson, chairperson of the Public Advisory Council of the Detroit River Canadian Clean-up committee, dated March 12, 2013. Mr. Henderson's email was sent to Windsor City Councillor Alan Halberstadt, co-chair of the Windsor Essex County Environment Committee, and it is typical of the concerns being raised to City Council by environmental advocates and regular citizens in our region.

Your attention to this matter would be greatly appreciated.

Regards,

Steve Vlachodimos  
Senior Manager of Council Services & Deputy City Clerk

Attachment

**From:** Tom Henderson [<mailto:henderson99@gmail.com>]  
**Sent:** March 12, 2013 6:51 PM  
**To:** Halberstadt, Alan  
**Subject:** Re: Petroleum Coke on the U.S. Side of the Detroit River

Alan Halberstadt  
Councillor  
City of Windsor

Dear Alan,

The Public Advisory Council of the Detroit River Canadian Cleanup is in shock after the discovery of piles of petroleum coke on the Michigan side of the Detroit River. We wish to express our displeasure and request that the materials be removed as quickly as possible. In the meantime strict controls should be put in place to ensure that the petcoke does not run off into the waterway or is blown about in the atmosphere.

Attached is the Material Safety Data Sheet (MSDS) for petroleum coke. MSDSs are required by the government of the United States for all potentially hazardous chemicals ranging from household bleach to unleaded gasoline. Marathon Oil, the company purported to be the source of the petcoke has issued an MSDS, available through this link:

<http://www.marathonpetroleum.com/brand/content/documents/mpc/msds/0109MAR019.pdf>  
These forms are required by U.S. federal law to list the potentially harmful components (such as benzene in gasoline) and what to do in the event of a spill. The documents also outline the acceptable exposure levels and times for the product before they start harming you.

Unfortunately it appears the Michigan Department of Environmental Quality can do little except ensure Marathon Oil and/or the landowner have adequate erosion control measures in place to prevent this stuff from getting into the waterway. Notwithstanding, the fact that the petcoke is in such large quantities right beside the river remains a concern. Let's hope it isn't getting into the waterway, either as airborne migration or via stormwater as it will kill fish (clogging gills etc) and travel who knows where. Looking at the photos in the March 3, 2013 Windsor Star, who would have imagined anyone stockpiling such material in huge quantities along the river? It belongs at the bottom of an industrial landfill. At best, it's a blight on the landscape.

Over the decades millions of dollars have been spent on air and water quality improvement by citizens of both countries. Hopefully the people responsible for the petroleum coke will get rid of that stuff at once, remembering what happens when companies conveniently forget about these things. If nothing is done, the forces of mother nature will likely not help the situation. The Public Advisory Council urges you to prevail upon the American authorities to expedite the removal of the petcoke and to ensure that in the meantime none of this material finds its way into the river and none is released into the air.

Yours for a cleaner Detroit River,

Tom Henderson

chair, Public Advisory Council, Detroit River Canadian Cleanup

[www.detroitriver.ca](http://www.detroitriver.ca)





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COUNCIL SERVICES DEPARTMENT

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March 20, 2013

United States Environmental Protection Agency  
Bob Perciasepe, Acting Administrator & Deputy Administrator  
Ariel Rios Building  
1200 Pennsylvania Avenue N.W, Mail Code 1101A  
Washington, D.C  
20460

Dear Mr. Perciasepe,

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