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Mayor Harold Locke  
Town of Shelburne  
PO Box 670  
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Shelburne, NS B0T 1W0

May 24, 2022

VIA E-MAIL: [harold.locke@shelburnens.ca](mailto:harold.locke@shelburnens.ca)

Dear Mayor Locke:

By way of introduction, I am Senior Legal Counsel at the African Nova Scotian Justice Institute [ANSJI]. The ANSJI was created by the ANSDPAD Coalition and has been funded by the Province of Nova Scotia. Its mandate is to address issues of systemic racism that negatively impact African Nova Scotians while ensuring fair, legal, and constitutional treatment of all African Nova Scotian community members.

As you are keenly aware, for the past several decades, the Morvan Road landfill (Civic No. 31, Morvan Road, PID No. 80149586), commonly referred to as the Shelburne Town Dump by residents, has been located on the southeastern outskirts of the Town of Shelburne, for decades the home of the largest concentration of African Nova Scotians.

The disproportionate location and greater exposure of African Nova Scotian communities to contamination and pollution is one of the ways in which environmental racism manifests<sup>1</sup> and the ANSJI supports the efforts of the South End Environmental Justice Society [SEED] in addressing and remediating this ongoing harm to the African Nova Scotian community in Shelburne.

I am writing specifically in response to the news release published by the Town of Shelburne on Friday, April 1, 2022, titled, "Town of Shelburne preparing to officially decommission first-generation landfill".

While the ANSJI supports decommissioning the Morvan Road landfill, the lack of transparency, engagement and consultation with impacted community members surrounding this process is concerning.

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<sup>1</sup> Bullard, Robert D. 2002. "Confronting Environmental Racism in the 21st Century." Global Dialogue: The Dialogue of Civilization, 4: 34-48.

It is clear from the press release and correspondence between the Town of Shelburne and the Province of Nova Scotia that the impetus for decommissioning the landfill is in response to the advocacy of SEED<sup>2</sup>, yet the Town has not consulted meaningfully with SEED or the African Nova Scotian community surrounding this process and has shared almost no details with residents about its plan to move forward on this.

In its press release, the Town stated that, “The project will take over five years to complete and is estimated at \$468,000 to which the town has applied for a \$297,000 grant from ICIP.”

The release also references, “a decommissioning plan, proposed engineering, biological and environmental considerations.”

This press release raises numerous related questions:

1. What, if any, detailed plans were drafted in support of decommissioning the landfill?
  - a. What, if any, investigation, delineation, testing, sampling, monitoring and remediation of the site and surrounding areas, including the South End, was conducted?
  - b. What measures will be put in place to stop the migration of contaminants and to prevent all future contamination from migrating from the site?
2. How did the Town arrive at the cost estimate of \$468,000?
3. What consultation was done to determine the most appropriate method to decommission the landfill? (i.e., capping and mitigating risk vs. removing material)
  - a. Which options were proposed?
  - b. Which options were chosen, and why?
  - c. On what information were these choices based?
4. Freedom of Information documents indicate that the Town was advised by the Province of Nova Scotia to hire a consultant to assess the potential paths forward, costs and risk associated with decommissioning the landfill.<sup>3</sup>

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<sup>2</sup> FOI Request, 2021-01306-ENV\_PublicPackage, Page 92 of 219

<sup>3</sup> FOI Request, 2021-01306-ENV\_PublicPackage, Page 92 of 219

- a. Was this action taken?
  - b. If so, what was the process undertaken to hire the consultant and
  - c. What were the findings of the consultant?
5. Further, on May 28<sup>th</sup>, 2021, in a meeting between representatives from the Town of Shelburne and the Province of Nova Scotia, it was recommended by the Province that as a first step, the Town should hire a Site Professional to assess whether the site is a contaminated site and to provide notification if it is. Town of Shelburne CAO Sherry Doane indicated that she would prepare a report to Council with a recommendation that they hire a site professional.<sup>4</sup>
- a. Did Ms. Doane prepare such a report for Town Council?
  - b. If so, has that report been made publicly available?
  - c. Was the action to hire a Site Professional taken?
  - d. If so, what was the process undertaken to hire the Site Professional? and;
  - e. What were the findings of the Site Professional?

The Town of Shelburne has committed to, “update residents on its funding application and the decommission as it proceeds, including making the water analysis synopsis publicly available.”

In that same spirit of transparency, the ANSJI respectfully requests that the Town of Shelburne make public all materials prepared, commissioned, received, or submitted, including all reports, studies, plans, specifications, investigations, and written and verbal advice, all correspondence, as well as any tender documents and/or instructions to contractors involved in the decommissioning of the landfill at Morvan Road. This should include any authorizations or directions provided by the governments of Nova Scotia or Canada.

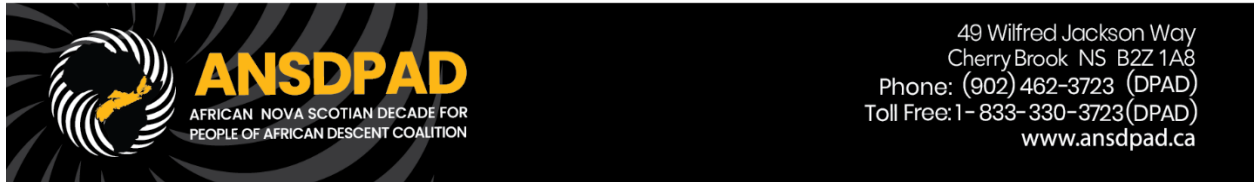
This should include any materials prepared in support of the Investing in Canada Infrastructure Program (ICIP) grant and the more recent application to the Provincial Capital Assistance Program as noted in the May 16<sup>th</sup> Town Council meeting.<sup>5</sup>

The ANSJI would encourage the Town of Shelburne to work collaboratively with SEED and the African Nova Scotian community in Shelburne in the decommissioning process going forward. Bringing the voice of those immediately impacted into the decision-making process will ensure an effective, consistent, and equitable approach to redressing these historical harms.

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<sup>4</sup> FOI Request, 2021-01306-ENV\_PublicPackage, Page 97 of 219

<sup>5</sup> Council Package, May 16, 2022, at page 4: <https://shelburnens.ca/2022-council-packages/1229-council-package-05-16-2022/file.html>



I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to be "Brandon Rolle".

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