



## STAFF REPORT

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May 4, 1998

To: Board of Health and Urban Environment and Development Committee

From: Dr. Sheela Basrur, Medical Officer of Health

Subject: PCB Waste Storage Management Issues in the new City of Toronto

### Purpose:

This report, prepared in consultation with Building officials, responds to a request from City Council on the monitoring and securing of existing PCB storage sites in the City of Toronto and to the Board of Health request to propose a process for dealing with PCB issues.

### Financial Implications:

Any financial issues will be considered by the subcommittee established to develop the unified policies and procedures for PCB waste management issues.

### Recommendation:

It is recommended that:

The Medical Officer of Health, in consultation with Functional Leads from affected program areas, coordinate the development of policies and procedures to be applied to PCB transfers, PCB decontaminations and PCB waste storage sites in the new City, and report through the Board of Health.

### Background:

At its January 26, 1998 meeting, the Interim Board of Health:

- (1) Requested the Ontario Ministry of Environment and Energy to continue to notify the new City of Toronto regarding all PCB waste transfers and requested City Council to endorse its action in this respect.
- (2) In the interim until the review of the structural and governance issues have been resolved by

Council, requested that the Acting Medical Officer of Health to:

- (a) continue monitoring the quantity and type of PCB waste transferred into and out of the City of Toronto and the storage and treatment scenarios associated with those transfers under the policy adopted by the former City of Toronto at its meeting of November 1 and 2 1993;
  - (b) continue to advise the Board of Health regarding PCB waste transfers into the new City; and
- (3) Requested the Acting Medical Officer of Health to report back to the Board of Health on a suggested process for dealing with environmental issues and PCB issues.

At its meeting of February 4,5 and 6, 1998, City Council amended these recommendations by adding the following:

- (4) It is further recommended that the Acting Medical Officer of Health and the Interim Functional Lead for Building, in consultation with appropriate staff, be requested to submit a report to the Board of Health and to the Urban Environment and Development Committee on the monitoring and securing of existing PCB storage sites in the City of Toronto and, in particular, on ensuring that all levels of government are working together to ensure the safety of the public in PCB storage, such report to include details on the responsibilities of the City of Toronto and the provincial government in this regard.

Comments:

PCBs, Human Health and the Environment

Polychlorinated biphenyls (PCBs) were banned from production in the 1970s because they persist in the environment, accumulate in the food chain, and can be toxic to humans and wildlife with long-term low level exposure. PCB spills are a concern primarily because of the long-term effects associated with the accumulation of PCBs in the environment. PCB fires are of great concern because the combustion products of PCB, which can be toxic with short-term and long-term exposure, can be released into the air, where they can be inhaled and/or dispersed into the general environment.

PCB Waste Management Activities Undertaken in the City

Three types of PCB waste management activities are undertaken in the City:

- (1) PCB waste can be transferred from one location to another for consolidation, reduction and/or treatment;

- (2) low level PCB waste can be decontaminated with chemical based technology; and
- (3) PCB waste can be stored in sites approved by the Ontario Ministry of Environment or Environment Canada.

Incineration, thermo-chemical and biological based technologies exist which can destroy high level and/or solid PCB waste, however these technologies have not yet been used within the City's boundaries.

#### (1) PCB Waste Transfers

The transfer of PCB wastes from one site to another is regulated, approved and monitored by the provincial government. When the owner of PCB waste wants to transfer PCB waste from one site to another, approval in the form of Director's Instructions is required from the Ministry of Environment. Although there is no legal requirement for municipal concurrence, the Ministry directs the proponent to submit a copy of each PCB transfer application to the Clerk's office of the receiving municipality and will consider any written comments submitted on behalf of the municipality. The Ministry has indicated that comments must be received within one week of notification; if no comments are received within that week, the Ministry will proceed to issue Director's Instructions. Ministry staff have indicated that the Ministry will continue to notify the six community council areas in Toronto as it did when they were separate municipalities until notified by the City that a unified corporate structure is in place.

PCB transfers are reviewed by Public Health in two of the six community council areas. They are reviewed by Works in two council areas and by a Staff Environment Team composed of director-level staff in another council area. The policies used to review PCB transfer requests vary substantially across the six community council areas as well. PCB transfer requests are reviewed on a case by case basis in two council areas, not at all in one, against a formally adopted policy in two, and against a zoning by-law in another. The zoning by-law in North York and the formal policy in Etobicoke indicate that PCB transfers into the municipality will be opposed in most situations. The formal policy adopted in the former municipality of Toronto indicates that PCB transfers will be opposed only if they present a public health or safety concern. Under these existing policies, PCB waste transfers between community council areas can be opposed by some council areas but not by others. A City-wide policy for the review of PCB transfers should be developed by representatives of Public Health, Works, and the North York Staff Environment Team.

#### (2) PCB Decontaminations

PCB decontamination is a chemical process that can be used to greatly reduce the concentration of PCBs in low level PCB liquids. PCB decontamination is regulated, approved and monitored by the Ministry of Environment. A Certificate of Approval is required from the Ministry of Environment for each site at which a decontamination takes place. The regulation requires that the Clerk of the local municipality and the Medical Officer of Health be given 30 days notice of an application for PCB decontamination on a particular site.

All six Public Health offices indicate that PCB decontamination applications receive qualitatively different attention now than they did several years ago when the technology was new. Regular inspections of proposed decontamination sites are no longer undertaken by any of the six Public Health Offices. PCB decontamination applications are reviewed by Public Health in four council areas, by Works in at least one, and by the Staff Environment Team in North York. Fire may review and/or monitor PCB decontamination processes as well. In all six council areas, letters or reports are sent to the applicant, the Board of Health and/or City Council. In one community council area, PCB decontamination applications trigger a community notification procedure which includes notification of the local Community Health Board and affected City Councillors. A City-wide policy for the review of PCB decontaminations should be developed by Public Health, Works, the North York Staff Environment Team, and Fire.

### (3a) PCB Waste Storage Sites

PCB waste storage sites are regulated, approved and monitored by the Ministry of Environment under Regulations 347 and 362. The Ministry issues Director's Instructions for each PCB storage site which may impose special conditions related to issues such as a timetable for destruction. The federal government has responsibility for the approval and enforcement of regulations for PCB waste storage sites belonging to organizations that are federally owned or chartered. The Ministry maintains a computerized inventory of all provincially registered PCB waste storage sites with more than 50 litres of PCBs, while Environment Canada maintains a computerized list of all PCB waste storage sites under federal jurisdiction. According to these lists, there are more than 340 PCB waste storage sites in the new City of Toronto: approximately 160 in the former City of Toronto, 10 in York, 55 in Etobicoke, 50 in North York, 10 in East York, and 55 in Scarborough. In many cases, these sites contain solid PCB waste such as fluorescent light ballasts which present relatively little risk for leak or spill.

Generally, a well secured and maintained PCB waste storage site presents relatively little risk to the public. When a PCB waste storage site is "abandoned" because the property owner has declared bankruptcy or otherwise refused to assume responsibility for the property, there is a greater chance that a PCB leak can go undetected or that PCB waste may be involved in a fire. While "abandoned" PCB waste storage sites have not presented a significant public health problem in the past, they have generated a great deal of community concern. The recent case involving the Canada Malting property, where people were living in the vacant structure which housed PCB waste, has brought the potential public health issues to light.

### (3b) Identifying and Monitoring Potentially Abandoned PCB Waste Storage Sites

The Ministry of Environment previously had a policy of inspecting PCB sites once every year to ensure that they were properly secured and well maintained. The Ministry has recently revised its policy on inspections; PCB waste storage sites are now being inspected once every four years. While it is not clear that the former inspection cycle (ie. once per year) was adequate for the purpose of identifying and monitoring potentially abandoned PCB waste storage sites, it is clear that the new inspection cycle (i.e.

once per four years) is inadequate for that purpose.

To determine the number of potentially abandoned PCB waste storage sites in the new City of Toronto, staff consulted with Public Health, Building and Tax officials in the six community council areas. In two council areas, Public Health staff indicated that they would know if PCB sites were abandoned because staff inspect them on a regular basis (ie. once or twice per year). In another council area, Public Health staff indicated that they would know if a PCB site was abandoned because all of the sites in that area belong to one owner with a history of responsible management. In the other three council areas, the Ministry's list of PCB sites was compared to a list of properties for which taxes are 3 years in arrears. In addition, in the former City of Toronto where Building officials maintain a list of vacant sites as part of their activities under the Vacant Building By-law, the Ministry's list of PCB sites was compared against a list of vacant sites. Altogether, six PCB waste storage sites were identified as potentially abandoned. Upon investigation, it was determined that the PCB wastes:

- (i) had previously been removed from three of the sites (including the John Mansville plant in Scarborough);
- (ii) have been moved, reduced and secured by Building at one site (Canada Malting); and
- (iii) continue to be maintained and secured by the property owner at two sites.

While this investigation did not include the smaller sites excluded from the Ministry's computerized database or those PCB sites that have never been properly registered, the results do suggest that there are few abandoned PCB waste storage sites in the new City. It also suggests however, that there may be a need to formalize a process for identifying potentially abandoned sites, and inspecting those sites identified. City staff from affected program areas should discuss with the Ministry a systematic process for identifying potentially abandoned PCB waste storage sites, and the inspection cycle required for sites identified.

### (3c) Monitoring and Securing Abandoned PCB Waste Storage Sites

Once an abandoned PCB waste storage site has been identified, there is a need to evaluate the response required to ensure the safety of the public. The Ministry of Environment has indicated that the owner or person in charge of a property is responsible for the maintenance and security of a registered PCB waste storage site. The Ministry has also indicated that while it will take all legal means within its legislated mandate to bring an abandoned PCB waste storage site into compliance, it will not assume responsibility for management of such sites.

Historical experience indicates that the actions taken by the Ministry, and the former municipalities, to secure and monitor an abandoned PCB site are worked out on a case by case basis, and reflect the legal circumstances, health risks, and community concerns associated with the site. Within the former municipalities, abandoned sites have been subject to special arrangements developed collaboratively between Building, Public Health, Works and/or Fire. The special arrangements can include remedial actions to secure the site, and in some cases, as with the Canada Malting site, can involve the demolition of the structures on the property. In some cases, the City gains the authority to act on abandoned or

unsafe sites from by-laws that have been developed by the municipality (eg. the Vacant Building By-law adopted by the former City of Toronto). City staff from affected program areas should clarify the legal responsibilities of the Ministry and the City with respect to abandoned PCB waste storage sites, and consider whether the City has the tools required to take action where necessary.

Conclusions:

With municipal amalgamation, there is a need to review and harmonize policies and procedures applied to PCB waste management activities undertaken in the new City. The Medical Officer of Health, in consultation with Functional Leads from program areas involved in PCB issues, should develop new policies and procedures to be applied to PCB transfers, PCB decontaminations and PCB waste storage sites in the new City. This process would include consideration of the responsibilities of the City and the Ministry with respect to the identification, monitoring and securing of potentially abandoned PCB waste storage sites. The new policies should reflect the current circumstances with respect to PCB destruction options and changes in provincial and federal policies, and should balance health risks, community concerns and resources. The results of this process will be reported to the Board of Health and City Council.

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