



Gardiner East Contaminated Soil Monitoring and Review Committee (GECSMRC) – Meeting #6 Minutes

South Riverdale Community Health Centre, 955 Queen Street East

April 18, 2006, 6:00 - 8:25 p.m.

Attendance

Paul Young
William Brown
Dalton Shipway

South Riverdale Health Centre
Resident
Resident

Kathy Brown
Richard Deiter
Tom Marjanovich
David Crichton
David Nagler
John D. Minor

Ontario Ministry of the Environment
Councillor Paula Fletcher's Office
Toronto Public Health
City of Toronto
City of Toronto
City of Toronto

New Action Items from Meeting #6

1. Subsequent groundwater reports for Sites A and B should contain a cumulative results table. – **David Crichton** to contact Shaheen and Peaker
2. **David Nagler** to provide relevant reports to Jones Library, Riverdale Library and/or the South Riverdale Community Health Centre. Find out what libraries have relevant reports.
3. **John Minor** to email Powerpoint Presentation on Regulation 153 to **David Nagler** for distribution to all Committee Members
4. **John Minor** to provide synopsis of new major points of brownfield regulations as they apply to A&B sites at the next Committee meeting
5. Councillor Fletcher's office (Richard Deiter) to work with Committee members to find archives of: amount of soil removed from site, contamination levels of that soil, and the location it was moved to.
6. **Kathy Brown** to provide **David Nagler** with Regulation 153 information for distribution to Committee
7. **David Nagler** to make changes to draft signage reviewed at April 18 meeting and distribute to Committee Members for additional comment, and David Crichton for review.
8. **Bill Brown** to draft recommendation on behalf of Committee for a) soil testing above the cap to establish a baseline b) soil testing every "x" number of years for comparison to baseline c) funding for such testing
9. The next meeting agenda to include an opportunity to brainstorm or discuss lessons learned from the GECSMRC process.

10. **David Crichton** to direct Shaheen and Peaker to identify trend of soil contamination in their next report. (see item 1)
11. Key lessons learned by Committee to be shared with Community – Discussion of best methods to disseminate information at next meeting

1.0 Welcome and Introductions

David Nagler opened the meeting at 6:10 p.m. Committee members, City staff, and MOE staff introduced themselves.

David Nagler reviewed the agenda. The question of whether there are additional brownfield sites was added to the agenda under "Other Business". The GECSMRC approved the agenda.

2.0 Review Meeting #5 Minutes

David Nagler reviewed changes to the Meeting #5 draft minutes.

3.0 Review Action Items from Meeting #5

Meeting 5 Action Item 1: Staff to find out the budget for signage.

David Crichton confirmed that no signage funding has been allocated in the budget. This does not mean that signs cannot receive funding.

*Meeting 5 Action Item 2: **Christine Iamonaco-Dagg** to prepare draft wording for the signage based on GECSMRC input and the Council Directive. The draft will be circulated to GECSMRC for feedback and will be reviewed at Meeting #6.*

David Nagler said draft wording for the signage was attached to the minutes and labeled as "Draft 3". Technical Services has reviewed Christine Iamonaco's draft and the draft submitted by Bill Brown and has not accepted either as the final wording for the signage.

The following is a summary of GECSMRC discussion:

- **Dalton Shipway** said it would be helpful to include the date of the SSRA because of changes that have taken place since it was carried out.
- **Kathy Brown** said the sign should say that the City conducted an SSRA process, rather than saying that it acted in accordance with it. When the City carried out the SSRA for Sites A and B, the process was proponent-driven and was dictated by the Guidelines. Now, the process is mandated by Regulation 153. Regulation 153 and the previous guidelines are very similar. The major difference between the two is the fact that Regulation 153 is mandatory. Regulation 153 is more prescriptive on how to conduct an assessment.
- **John Minor** said Regulation 153 makes the rules clearer and more directed with a more defined outcome.

- **Dalton Shipway** asked how the process would be different if conducted under Regulation 153 rather than the Guidelines.
- **John Minor** said conducting this risk assessment under Regulation 153 would require substantial time, effort and expense and the outcome would likely not be scientifically different. The steps taken as a result of the risk assessment would likely not be different either.
- **Dalton Shipway** asked whether the City is still operating under the old rules or whether Regulation 153 applies. **John Minor** said Regulation 153 would have applied to this project because there is an intensified or more sensitive use. For decades land use was thought of in terms of zones whereas Regulation 153 looks at uses. If a new use of a piece of land is more sensitive than the prior use, Regulation 153 must be followed.
- **Dalton Shipway** said he wants dialogue on the portlands because of the need for a clear, green waterfront. **David Nagler** said this issue is beyond the Terms of Reference of the GECSMRC.

Meeting 5 Action Item 3: Staff will provide the GECSMRC with the name of the MOE contact person.

Kathy Brown provided her contact information to the committee.

Meeting 5 Action Item 4: **Christine Iamonaco-Dagg** to provide GECSMRC members with copies of the 2004 groundwater report for Sites A and B.

Completed.

Meeting 5 Action Item 5: Subsequent groundwater reports for Sites A and B should contain a cumulative results table.

John Minor said it is possible that the consultant did not get this message in time to follow through on Action Item #5.

Action Item 1

Subsequent groundwater reports for Sites A and B should contain a cumulative results table – **David Crichton** to contact Shaheen and Peaker

Meeting 5 Action Item 6: Staff to find out how long the City will continue groundwater testing on Sites A and B.

David Crichton said he did not know how long the City will continue groundwater testing on Sites A and B.

John Minor said testing from consecutive years report no change and any change shown have been improvements; therefore, the need for different or more frequent testing is not indicated.

The following is a summary of GECSMRC discussion:

- **Kathy Brown** asked whether the City has a set schedule for groundwater monitoring. **David Crichton** said testing usually takes place in May and it is not clear when the testing will stop.
- **Kathy Brown** said the SSRA process is a defined process with a beginning and an end. In this case, the process never came to an end. The final documents were never reviewed by the MOE or accepted. Under normal circumstances, there would be a set schedule for monitoring and this site is a little different because such a schedule is not in place.
- **Dalton Shipway** said there should be ongoing monitoring because there is evidence that groundwater is moving around and is moving in the southwest direction.

Meeting 5 Action Item 7: Staff to find out to whom the GECSMRC should address its recommendation to undertake long-term groundwater testing on Sites A and B.

David Crichton said the GECSMRC should address this recommendation to Transportation Services on a year-to-year basis.

The following is a summary of GECSMRC discussion:

- **Richard Deiter** from Councillor Fletcher's office asked for a description of the sites' location, the capping involved, the main contaminants on the site, and the primary health concerns. Staff and GECSMRC members provided responses. Lead, hydrocarbons, and oil byproducts were named as the main contaminated. A point of concern was the fact that contamination has been measured at 12000 ppm (parts per million), which is higher than the standard of 200 ppm for residential parkland.
- **Bill Brown** said there is evidence that contaminants are spreading on the site since the groundwater is moving around. Testing should be done on an annual basis, particularly because we are in an early stage of finding out what is in the soil and because we are changing the use to a residential land use. **Kathy Brown** said the problem of groundwater migration extends beyond this site. Monitoring groundwater migration is part of a larger initiative that others are already undertaking. For this process, the City must ensure that there is no contamination or migration of contaminants from their property. **Dalton Shipway** said this offsite groundwater issues are related to this site because groundwater moves offsite in the southwest direction, and contaminants of extreme concern are moving offsite. **Kathy Brown** said she did not know if there was any evidence of contaminated groundwater moving downstream. **Dalton Shipway** said monitoring is required to determine whether contaminated groundwater is moving downstream. **John Minor** said that the fact that the new Canadian Tire site has obtained approval suggests that the adjoining Sites A and B are not adversely impacting surrounding properties. **Kathy Brown** said that under the RA procedure, a site must comply with MOE groundwater numbers and it must be shown that the site will not contribute additional contamination to any groundwater.

Meeting 5 Action Item 8: Staff to modify the website to indicate which libraries carry relevant reports.

See Action Item 2.

Action Item 2

David Nagler to provide relevant reports to Jones Library, Riverdale Library and/or the South Riverdale Community Health Centre and post to website. Find out what libraries have relevant reports

The following is a summary of GECSMRC discussion:

- **Dalton Shipway** said records from the Cromby Commission should be accessed since they contain a lot of information.
- **John Minor** noted that the mandate of the GECSMRC is to collect, provide and release information to the public.

*Meeting 5 Action Item 9: **John Minor** to provide a brief summary on the new greenbelt legislation, as per **Dalton Shipway's** request.*

Completed.

Action Item 3

John Minor to email Powerpoint Presentation on Regulation 153 to David Nagler for distribution to all Committee Members

The following is a summary of GECSMRC discussion:

- **John Minor** said this presentation was part of a training package given to City staff. The presentation looks at the City's role, and not the role of the GECSMRC.
- In response to GECSMRC questions, **John Minor** said the City has a role in regulating a site only if it is issuing a permit where a landowner is changing land use to a more sensitive use. Clean-up is not necessarily required by Regulation 153. The Record of Site Condition process is the methodology that the MOE created for the landowner to prove the land's condition is acceptable for its intended use. Three processes can be used to establish acceptability: (1) full depth or dig and dump, (2) partial depth or stratified, or (3) leave the contaminants and conduct a scientific study called a Risk Assessment. Under Regulation 153, the Risk Assessment scientifically evaluates health and ecological dangers, prescribes conditions to make the site acceptable and registers these conditions on the property's title to make it mandatory.
- **Kathy Brown** said the Record of Site condition and the CPU conditions are now available online. She agreed to answer **John Minor's** questions about what information is publicly available.

Action Item 4

John Minor to provide synopsis of new major points of brownfield regulations as they apply to sites A&B at the next Committee meeting

Meeting 5 Action Item 10: The next meeting agenda to include an opportunity to brainstorm or discuss lessons learned from the GECSMRC process.

Completed.

4.0 May 2005 Groundwater Monitoring Report

David Nagler asked if GECSMRC members had any comments on the May 2005 Groundwater Monitoring Report.

The following is a summary of GECSMRC discussion:

- **Bill Brown** requested documentation or information on the soil removed from sites A and B (volume, contamination levels, where it was shipped, etc). **John Minor** noted that data was only required for the soil that was left on the site. However, each step of the process is under the scrutiny of the MOE. Because the soil was removed, it can be inferred that the nature or concentration of the materials were such that they could not be readily risk-assessed and left on the site. The contaminants were likely PCBs. **Kathy Brown** said the new Regulation 153 would require an accounting of how much soil is removed from and added to the site. **David Crichton** said the City has complied with the appropriate process with regards to Sites A and B. Staff or Committee Members from outside of Technical Services may wish to search City archives to obtain soil details from the project which was completed 4 years ago.
- **Paul Young** said the process is complaint-driven and can take place without the MOE or Public Health's involvement. This has led to a lack of trust. The "Lessons Learned" section of the report should recommend making it clear who is responsible for what and what monitoring should take place. There is no reason for people to always trust that the process will work properly. This is a recommendation for future projects, and is not a comment on the process that took place for Sites A and B.
- GECSMRC members asked about groundwater contaminant levels and asked whether there was a difference in standards between potable and non-potable water. **John Minor** said the report firmly indicates that groundwater was below problem levels. **Kathy Brown** said Regulation 153 contains information on the different treatment of potable and non-potable water and agreed to send a copy of the regulation to **David Nagler** (see Action Item 6).

Action Item 5

Councillor Fletcher's office (**Richard Deiter**) to work with Committee members to find archives of: amount of soil removed from site, contamination levels of that soil, and the location it was moved to.

Action Item 6

Kathy Brown to provide David Nagler with Regulation 153 information for distribution to Committee.

5.0 Discussion of Signage

David Nagler said the draft wording for the signage was not acceptable to Transportation Services or Technical Services.

The following is a summary of GECSMRC discussion:

- **Dalton Shipway** said there is no rush to put up the signage until the wording has been discussed further.
- **Richard Deiter** asked about the location of the sites and whether there is a bike path on the sites. **John Minor** explained the location of the sites. He said Site A has a bike trail that connects the Don Valley Trail and the Martin Goodman Trail. Site B is capped with grass on top.
- **Bill Brown** said the terms “monitor” or “cover” should be used instead of the term “reclaimed”. The sign should mention the extent of contamination on the site and how the site is managed. **Bill Brown** expressed concern about the recontamination of soils on the upper layer above the cap.
- **Richard Deiter** asked whether it was possible that the new soil for the top layer is now contaminated. **Bill Brown** said ongoing monitoring can be done but it is not possible to do a comparison with initial contamination levels because baseline testing was not done.
- **Paul Young** said the health impact of air pollution in the area may be greater than the health impact of the soil. The sign should indicate that people should avoid cycling on smog days.

Action Item 7

David Nagler to make changes to draft signage reviewed at April 18 meeting and distribute to Committee Members for additional comment, and David Crichton for review.

6.0 Mechanism to monitor potential upward migration of pollutants from soil

David Crichton said there is no funding yet for monitoring of the potential upward migration of pollutants for the soil. The potential for contaminants to migrate upwards or downwards would have to be examined as part of any RA process.

The following is a summary of GECSMRC discussion:

- A GECSMRC member asked whether the cover would prevent upwards or downwards migration of contaminants. **Dalton Shipway** said tree roots could penetrate downwards through the cover and bring contaminants upwards and spread them in the environment.
- GECSMRC members unanimously agreed to recommend funding for baseline soil testing as well as subsequent testing (See Action Item 8). **David Crichton** said the recommendation must contemplate who will conduct the testing.

- **John Minor** noted that the new Regulation 153 is prescriptive in setting up how to prove acceptability of contamination levels through mandatory and contingent planning.
- **Dalton Shipway** said this will be an issue until the next generation since industrial use in the area is continuing. **John Minor** said an end date for the testing should be contemplated. Testing on Sites A and B has taken place for three years, long enough to show a trend.

Action Item 8

Bill Brown to draft recommendation on behalf of Committee for a) soil testing above the cap to establish a baseline b) soil testing every “x” number of years for comparison to baseline c) funding for such testing.

7.0 Soil Cover

This item was addressed during the previous discussion and will be discussed at the next meeting.

8.0 Reporting to Community

This item was deferred to the next meeting.

9.0 Lessons learned from the GECSMRC process

This item was deferred to the next meeting.

10.0 Other Business & New Business

No other business was brought up at this point in the meeting.

11.0 Items for Next Agenda and Next meeting

David Nagler reviewed agenda items for the next meeting.

Action Item 9

The next meeting agenda to include an opportunity to brainstorm or discuss lessons learned from the GECSMRC process.

Action Item 10

David Crichton to direct Shaheen and Peaker to identify trend of soil contamination in their next report. (see item 1).

Action Item 11

Key lessons learned by Committee to be shared with Community – Discussion of best methods to disseminate information at next meeting.

Dalton Shpway said the next agenda should include a discussion of the application of Regulation 153.04 to the berm on the west Donlands. **David Nagler** said this issue is not part of the GECSMRC Terms of Reference. **John Minor** offered to discuss this topic at the end of the next meeting.

David Nagler will provide details about the next meeting date, which should be held when a response to requests for soil testing are available and any new reporting is completed.

The meeting ended at 8:30 p.m.