



Gardiner East Contaminated Soil Monitoring and Review Committee (GECSMRC) – Meeting #4 Minutes

South Riverdale Community Health Centre, 955 Queen Street East
November 2, 2004, 6:00 – 8:30 p.m.

Attendance:

Dalton Shipway, Resident
Ellie Perkins, Resident
William Brown, Resident
Paul Young, South Riverdale Community Health Centre
Christine Iamonaco-Dagg, Public Consultation & Community Outreach, City of Toronto
John Minor, Sr. Environmental Specialist, Works and Emergency Services, City of Toronto

Regrets:

Holly Penfound, Councilor Paula Fletcher's Office
Gurpal Basra, Environmental Health Officer, Toronto Public Health

1.0 Welcome and Introductions

The meeting was started at 6:06 p.m. Meeting participants introduced themselves.

2.0 Review September 2, 2004 Meeting #3 Minutes

There were no comments on the minutes. All GECSMRC minutes will be posted on the GECSMRC website after they are approved.

3.0 Review Action Items from Meeting #3

The following action items were completed:

- ✓ **Christine Iamonaco-Dagg** will draft a letter to **John Minor** requesting soil testing and phytotoxicology, as well as information about other sources of funding for the testing.
- ✓ GECSMRC members to read Section 4.2 on p42 of the SSRA document for the next meeting.
- ✓ **Christine Iamonaco-Dagg** to look into the status of the Leslie St re-development plans and determine the location of the planned TRCA office.

Christine Iamonaco-Dagg distributed information on the Leslie St re-development and TRCA office. There is currently some debate about the proposed location of the TRCA office. It may be possible to post information about the contaminated sites and their containment at the TRCA Information Centre. This would not replace the signage the GECSMRC is planning. The off-ramp area (including Area B) is all part of the Ashbridges area.

- ✓ **Christine Iamonaco-Dagg** to revise the Soil Cover Integrity Inspection Form.

John Minor said Rob Orpin supervises the staff that manages the sites. Clearer and easy-to-follow instructions will improve compliance. The City often contracts out work; clear instructions or guidelines would also be useful in the bidding process when defining contractor responsibilities.

Action Item #1: The GECSMRC should appoint one of its members to review city contracting activities related to site inspection and monitoring.

Action Item #2: An area representative from the MOE should be invited to attend GECSMRC meetings on a regular basis (as per Dalton Shipway's request).

Action Item #3: **Christine Iamonaco-Dagg** to add questions about vegetative cover to the Soil Cover Integrity Inspection Form. Questions on the form should be more specific, in order to elicit better feedback. The top of the form should have a sentence explaining the purpose of the inspections (e.g. "Areas on map have contaminated soil that must be inspected on an ongoing basis for health reasons.")

Action Item #4: **Christine Iamonaco-Dagg** to seek staff input on the Soil Cover Integrity Inspection Form and attach a testing schedule to the form.

- ✓ **Christine Iamonaco-Dagg** to determine whether the original Council directive establishing the GECSMRC included a timeline.

Christine Iamonaco-Dagg said the timeline was determined through consultation between Jack Layton's office and the Commissioner of Works. The GECSMRC's mandate can last 2 – 5 years at the GECSMRC's discretion (see item 5b on page 3 of the GECSMRC's Terms of Reference). After the GECSMRC's mandate ends, the South Riverdale Environmental Liaison Committee will take over the GECSMRC's work. The GECSMRC can make a request to extend its mandate. The GECSMRC's work began in April 2004.

- ✓ **Christine Iamonaco-Dagg** to determine whether the original Council directive establishing the GECSMRC required open or closed meetings and membership.

Christine Iamonaco-Dagg said membership in the GECSMRC is open. The GECSMRC agreed that they will determine whether and how new members will acquire voter status only when the issue comes up.

- ✓ **Christine Iamonaco-Dagg** to inform federal and provincial representatives (i.e. Jack Layton and Marilyn Shirley) that the GECSMRC is meeting, and invite them to attend the meetings or receive minutes of the meetings.

Christine Iamonaco-Dagg said federal and provincial representatives have been notified. Peter Tabuns, the Official Monitor in Jack Layton's office, is aware that the GECSMRC is meeting.

- ✓ **Christine Iamonaco-Dagg** to revise the Terms of Reference according to GECSMRC discussion.

Christine Iamonaco-Dagg said the requested changes have been made and asked GECSMRC members to note any other items to be modified.

The following items were not reported as complete:

- **Holly Penfound** to proceed on the signage issue, in consultation with **David Crichton**. [**Holly Penfound** was not in attendance at the November 2 2004 meeting].

John Minor gave a presentation addressing the following four action items from Meeting # 3:

- ✓ Obtain a list of parameters tested at the monitoring wells, as well as the frequency of testing.
- ✓ Determine whether contaminants have migrated through the soil to the groundwater level.
- ✓ Determine the amount of testing and hydro-seeding on Site A.
- ✓ Determine the depth of soil cover and contamination.

Sites A and B: testing, hydro-seeding, soil cover and contamination

- **John Minor** said all of Site A has hydro-seeding. Whether an area has hydro-seeding is unrelated to whether the area is tested. Site A is permanent and 100% man-made. On the other hand, Site B is temporary and untouched to a large degree. Site B's ultimate decided use will determine what treatment it will receive.
- **Paul Young** asked whether there is any cover on site B. **Christine Iamonaco-Dagg** said Figure 4 on Page 42 of the SSRA shows the grading plan for Site B. Section 4 of the SSRA indicates that the entire surface area will be covered by a minimum of 30 cm of clean fill and states the soil criteria. **John Minor** said the hydro-seeder demands the capping be done properly in order to avoid additional work under the warranty.
- **Ellie Perkins** asked how much of the soil on Sites A and B would be classified as hazardous. **John Minor** said the volume of contaminated soil is not specifically stated in the SSRA. Measuring the volume of contaminated soil at this point would be difficult and would disturb much of the site and the capping. Such measurement is

not recommended at this time. The 'as-built' drawings will provide a maximum estimate of material used during construction of Site A and B.

Action Item #5:

Staff will clarify the differences between the conditions and treatment of Sites A and B by reviewing the 'as-built' drawings and documentation.

Soil and groundwater testing

- Similar parameters are tested in groundwater monitoring and soil monitoring. Typically, provincial regulations are used to define safe levels for given soil or groundwater testing parameters. Soil and water critical concentrations for the same parameters are typically different because safety is measured based on the potential risk of exposure. The scientific analysis of risk for soil or groundwater use different exposure pathways, hence the critical concentrations usually differ..
- Drilling and collecting soil samples consumes resources but can provide very accurate data within 4-6 weeks. The manner and amount of collection should be set by parameters that are thought of in advance, specifically with respect to exposure pathways and risk assessment .Collecting soil samples now, or in the near future ,would involve puncturing the membrane., and is not recommended at this time.
- Groundwater sample analysis costs more than soil sample analysis. Groundwater testing is difficult because of water movement. The movement and location of water must be recorded to determine where the water was before and where it will go. Groundwater may or may not move. Groundwater quality on the sites has already been identified in the SSRA. Testing the groundwater would reveal that the groundwater quality has improved, worsened, or remained the same. If testing a sample reveals poor groundwater quality, the results should be verified by taking a new sample. If the results are still problematic, the City would have to investigate what has changed on the site. Note that if groundwater is non-static, then the results will always be different. Also, it is not clear from the SSRA whether the GECSMRC needs detailed groundwater data to report to the public.
- **Dalton Shipway** asked whether it is within the GECSMRC's mandate to advocate more testing if groundwater monitoring is incomplete. **John Minor** said there may be a process for seeking further testing if the GECSMRC is expected to review monitoring data and requires further data to do its work. The GECSMRC needs to determine whether there is any groundwater movement. It must also access and review the consultant's answer that there is no groundwater movement.

Action Item #6:

John Minor is requested to access groundwater monitoring data from the Toronto Waterfront Regeneration Trust library.

Structural Integrity Testing

- The GECSMRC Soil Cover Integrity Inspection Form provides a checklist for the visual appraisal of the structural integrity or failure of the site. If an area is flagged for structural failure, Occupational Health and Safety Standards require an enhanced level of precaution.

Vegetation Testing

- Testing of samples of vegetation is much less reliable and studied than soil and groundwater testing. The Ministry of Environment has focused its regulations on soil and groundwater. However, vegetation can (when used as the “eyes” and “ears” of the system), reveal systemic problems in soil and groundwater quality. While it is possible to analyze vegetation (e.g. a leaf) for the presence of certain chemicals, developing a set of indicators for toxicity impacts may be preferable. These indicators can be created by reporting observations of the vegetation to experts who can say whether a condition is appropriate for a particular type of vegetation.
- Monitoring vegetation can provide information about the adequacy of the construction or SSRA generally, without having to dig through or damage the barrier. Monitoring the vegetation can address the concern that vegetation can bring toxins up to the surface through the barrier. Academic experts in City Forestry and at local Universities and Colleges could provide assistance for developing indicators. Creating this ‘indicator list’ and providing periodic assessment could be at a relatively low cost, compared to a \$20,000 to \$50,000 soil and groundwater monitoring program..
- City of Toronto Forestry staff have expertise in vegetative stress analysis. They are interested in investigating stressors throughout the City and therefore they acknowledge a need for this kind of work. However, they need to know whether we are asking them to advise on an annual or a more frequent basis and whether we are asking them to develop indicators. They suggested that they would not make an evaluative opinion or recommendation on less than two years of observations..
- More generally, the GECSMRC must define the information and result it is seeking from monitoring of vegetation, soil, groundwater or structural integrity (e.g. whether conditions are good or bad, or better or worse). The GECSMRC must also decide whether it wants to provide an annual report to the public or a one-time report.

Action Item #7:

John Minor will follow up with forestry staff at the City of Toronto to develop a rough outline of procedural mechanisms for a minimum two-year period.

Monitoring schedule

- It is not clear what the monitoring schedule is for Sites A and B. The SSRA says there is a two-year monitoring period and that further monitoring may or may not be required based on the findings. It is not clear who will require this further monitoring. The two-year monitoring period has passed and no monitoring is currently taking place. A contractor was hired to conduct certain rounds of soil and groundwater testing. The contractor says it sees no issues that would require further testing.
- The GECSMRC may still monitor the site. The Soil Cover Integrity Inspection Form enables monitoring of the site’s structural integrity. The GECSMRC may also want to consider monitoring of the vegetation.
- **Dalton Shipway** said that in his opinion, the conclusion that further testing is not required is based on the two-dimensional perspective of the sites, rather than the three-dimensional perspective. He feels that the pathways in the three-dimensional

view suggest the site is not static and suggest ongoing monitoring is necessary. Dalton Shipway offered his further opinion that the two-dimensional view represents the old way of looking at things. This could be a good test case for a lot of brown-field sites.

Regulation 153/04

- The Ministry of Environment has created Regulation 153/04 to replace environmental guidelines for dealing with brownfields sites. Regulation 153/04 will be fully in force in October 2005.
- Previously, the City would apply guidelines whenever it could. Regulation 153/04 makes compliance mandatory. Under Regulation 153/04, the City has the same rights and obligations as a private landowner. Where there is brownfield contamination, the City only has access to information if it can establish that it is adversely impacted as a neighboring property-owner, or if the site-owner voluntarily discloses the information. Also, certain conditions may trigger disclosure obligations. Under Regulation 153/04, the City no longer has access to environmental information, even when issuing permits. Where the City is the owner of a property, it has no disclosure obligation unless there is a change in land use.. There is no distinction between private land and public land (unless it is provincial rather than municipal). Regulation 153/04 reduces the municipalities' authority and decision-making power with respect to brownfields sites.
- The MOE policy change may have been motivated by a desire to create a one-stop approval process for landowners, who were faced with inconsistent rules across municipalities. Regulation 153/04 requires QP's (qualified persons) to conduct risk assessments. The MOE's involvement is limited under Regulation 153/04, because these QP's are private and hold insurance. Regulation 153/04 affects the public's access to information and the opportunity for grassroots environmental involvement.
- If the prior SSRA for Sites A and B is deemed to be inadequate, and a new risk assessment is required, then it must be conducted under the new Regulation 153/04. The City will have the status of a private property owner during this process.

4.0 Reporting to the Community

Christine Iamonaco-Dagg presented the GECSMRC's development website. The website will be online in approximately ten days. The website will contain the GECSMRC Terms of Reference, Agendas, approved minutes, meeting dates, the motion of council which formed the GECSMRC, GECSMRC tour pictures, and a map of Areas A and B. The website will indicate that the SSRA and the four monitoring reports will be located in two local libraries and the City library. Signage that is placed on Sites A and B will hopefully contain a link to the website. GECSMRC members should provide feedback before the website is put online.

The following is a summary of GECSMRC discussion:

- **Ellie Perkins** provided **Christine Iamonaco-Dagg** with a revised statement of how the site became contaminated, to be posted on the website. **Paul Young** said contamination was also caused by lead in the atmosphere from industry and auto fuel.

- **John Minor** said links to other websites could make the website more informative (e.g. the Toronto Waterfront Regeneration Trust website, the MOE website).

5.0 Public Meetings – Dates and Agenda

This discussion was deferred to the next meeting.

6.0 Items for Next Agenda and Next Meeting Date

Signage will be discussed at the next meeting. **William Brown** was concerned that City staff would determine the wording of the signage. **Christine Iamonaco-Dagg** said the motion of Council dictates who has authority with respect to signage. Some GECSMRC members questioned the appropriateness of celebrating the site management as a good news story. The SSRA resulted from a motion by **Jack Layton**, and not from good management controls. **Dalton Shipway** requested creating a GECSMRC subgroup to work on signage.

<p><u>Action Item #8</u>: Christine Iamonaco-Dagg to talk to Holly Penfound about creating a GECSMRC subgroup to work on signage.</p>

The next meeting was scheduled for January 17, 2005 at 6:30 pm. at the Queen Street Health Centre. It was subsequently changed to February 28th at 6:30 p.m., same location.

The meeting ended at 8:25 p.m.