



**Gardiner East Contaminated Soil Monitoring and Review Committee  
(GECSMRC)  
March 29, 2011  
4:30pm – 6:30pm**

**South Riverdale Community Health Centre - 955 Queen Street East**

**DRAFT**

**Attendance**

Paul Young	South Riverdale Health Centre
Bill Brown	Resident
Ellie Perkins	Resident
Dalton Shipway	Task Force to Bring Back the Don
Rod Adams	Ontario Ministry of the Environment
Barb Lachapelle	City of Toronto – Public Health
Allen Jones	City of Toronto – Technical Services
Agata Zurawska	City of Toronto – Technical Services
Melanie Azeff	City of Toronto – Public health
Nancy Martins	City of Toronto – Public Consultation Unit
Bruce Nagy	from Councillor McMahon's office
Susan Serran	from Councillor Fletcher's office
Councillor Paula Fletcher	Toronto City Councillor

The meeting was called to order at 4:35 pm.

**1. Welcome and Introductions**

The meeting attendees introduced themselves.

**2. Review Agenda**

**Nancy Martins** reviewed the agenda for the meeting. She said that the reports on soil testing and groundwater monitoring were circulated to the committee a few months ago and are available on the City's website ([http://www.toronto.ca/wes/techservices/involved/transportation/gardiner\\_east/index.htm](http://www.toronto.ca/wes/techservices/involved/transportation/gardiner_east/index.htm)).

**Paul Young** said that he had some hard copies of his memo regarding Lessons Learned: item #6 on the agenda.

**3. Review Minutes and Action Items, October 22, 2009**

The action items from the October 22, 2009 meeting were reviewed.

*Meeting 7 Action Item #1: Paul Young to advise David Nagler whether electronic copies of the reports would be required.*

**Nancy Martins** said that electronic versions of all the reports are now available on the website. **Bill Brown** said that the committee did not receive copies of the reports. He added that there are reports going back to 2004 that the committee has still not received. **Nancy Martins** assured the committee that as of March 29<sup>th</sup> 2011, the reports done by the City's Technical Services are available on the website, as well as the minutes from past meetings. She distributed hard copy print out of the website showing the list of reports found on the website.

**Bill Brown** added that the committee has also not seen any inspection reports by maintenance staff. **Paul Young** explained that a draft protocol was done for maintenance to report any breaches in the soil cover. **Allen Jones** said that he would check with Transportation regarding these reports.

**Ellie Perkins** further explained that at a meeting in 2004, the committee had a discussion about the need for continuous monitoring of the area and developed a sheet for the maintenance staff to use. The sheet was given to the staff and the log sheet was used as a visual inspection form. This was supposed to be forwarded back to the committee, however it never was. **Nancy Martins** reported that she had not seen this item.

**New Action Item #1:** **Bill Brown** will forward a copy of this original sheet to **Nancy Martins**.

*Meeting 7 Action Item #2: The matter of signage has been assigned to Barb Lachapelle from Toronto Public Health. Wording will be reviewed at the next meeting.*

**Nancy Martins** said that this item is on the agenda for today's meeting.

*Meeting 7 Action Item #3: For **John Minor** to ensure an executive summary is prepared and attached to this report and the one pertaining to the next round of groundwater samples, highlighting the exceedances, the standards, relevant terms, formatting, and other issues of interest to the community*

**Allen Jones** reported that there were no exceedances of ground water. **Nancy Martins** added that John Minor addressed this item, and that an executive summary was included at the front of the July 2010 Groundwater Sampling Report by By Terrapex Environmental Ltd.

**Ellie Perkins** asked why the report included information on hexavalent chromium, when it had not even been monitored as part of this study. **Allan Jones** explained that sometimes consultants use standard tables, and even though they did not examine values for hexavalent chromium at that particular site, they had probably used numbers from another site. Sometimes consultants take shortcuts; this was a quality control issue that should not have happened.

*Meeting 7 Action Item #4: John Minor to confirm a communications process to report findings of sampling reports.*

**Nancy Martins** asked the committee if this action item was referring to the inspection report forms, which had just been discussed.

**Allen Jones** said that this action item was referring to making copies of the sampling reports available to the South Riverdale Community Health Centre. There may have been some problems getting all of the printed copies to the Centre, however electronic copies have since been made available. **Paul Young** said that most reports actually are at the Centre.

**Nancy Martins** added that the reports are now accessible through the website, as well the Soil and Groundwater Sampling Report by Aqua Terre Solutions Inc (November 13, 2009) and the Groundwater Sampling Report by Terrapex Environmental Ltd (July 2010)

are at the Jones Public Library Copy Jones Public Library reference counter located at 118 Jones Ave at Dundas Street. A hard copy was also mail to Bill Brown which can be shared with other committee members.

Meeting 7 Action Item #5: To add an agenda item to next meeting to discuss lessons learned, and the value of this committee.

Nancy Martins said that this item is #6 on today's agenda.

#### 4. **Presentation** by Allen Jones from the City of Toronto Technical Services

The reports summarized in the presentation can be viewed through the following web sites:

- Overview of 2009 Soil and Groundwater Sampling Report, Aqua Terre Solutions Inc.  
[http://www.toronto.ca/wes/techservices/involved/transportation/gardiner\\_east/pdf/2009-09-29\\_lakeshore\\_phase2\\_sampling\\_report.pdf](http://www.toronto.ca/wes/techservices/involved/transportation/gardiner_east/pdf/2009-09-29_lakeshore_phase2_sampling_report.pdf)
- Overview of 2010 Groundwater Sampling Report, Terrapex Environmental Ltd.  
[http://www.toronto.ca/wes/techservices/involved/transportation/gardiner\\_east/pdf/groundwater\\_sample\\_report.pdf](http://www.toronto.ca/wes/techservices/involved/transportation/gardiner_east/pdf/groundwater_sample_report.pdf)

**Allen Jones** provided a few hard copies of his presentation (also available at [http://www.toronto.ca/wes/techservices/involved/transportation/gardiner\\_east/index.htm](http://www.toronto.ca/wes/techservices/involved/transportation/gardiner_east/index.htm)).

**Dalton Shipway** expressed the importance of the addressing the main issue of contamination, and making sure that the right thing gets done.

#### Questions and Answers

- **Q: Bill Brown** asked about how the recommended monitoring of groundwater under the SSRA could be stopped, when it is clearly stated that it cannot be eliminated. The SSRA must be followed. If any changes occur to the groundwater how will they be identified if monitoring does not continue?
- **A: Allan Jones** said that after testing the groundwater for 10 years, no problems have been detected. At this point, there is no need to continually monitor the groundwater because there are no concerns.
- **Q: Dalton Shipway** supported Bill Brown's comment and added that the City staff had reported that the groundwater was not moving around; it has been shown that the groundwater is in fact moving around and should be monitored because of these somewhat unpredictable changes. He expressed a need for ongoing monitoring of the groundwater in the spring and fall, and the results should be reported to the South Riverdale Health Centre.
- **A: Allen Jones** said that at the previous meeting, John Minor had clearly stated that if the next groundwater sampling showed clean water, there would be no more need for sampling. The MOE Certificates of Property Use Guidelines state that if the monitoring shows continuous positive results, the monitoring can cease. If the quality consistently meets table 3 standards (as it has in this case for the past 10 years), the director can consider stopping the sampling program.
- **Q: Dalton Shipway** disagreed with this approach. He stated that the City has a responsibility for the polluted sites and there is an element of liability for what happens in terms of land use on the sites, especially in residential areas. Capping of a polluted site should not be the end of the City's responsibility.
- **A: Rod Adams** said that if there were a change in land use and residences are introduced, a full risk assessment under regulation 153 would be required. If there is no change in land use, there is no requirement for a risk assessment.

- **Q: Ellie Perkins** inquired as to whether or not the TTC track-building project on the site would require another SSRA.
- **A: Rod Adams** replied that there are no more SSRAs; they are now called a Risk Assessments under the Brownfields Regulation. There would be no need for this because there is no change in land use.
- **Q: Ellie Perkins** pointed out that the work and excavation will be substantial and there will be significant disruption to the soil in the area. Under what regulation does the soil have to be tested?
- **A: Rod Adams** explained that if the soil were to be moved off-site, it would have to be tested in order to determine how it can safely be disposed.
- **Q: Ellie Perkins** added that once the upper soil is mixed in with the lower more contaminated soil, there is a high possibility that the soil will become more polluted than before.
- **A: Rod Adams** said that this soil would ultimately be covered with a top-cover and/or concrete.
  
- **Barb Lachapelle** explained that in terms of the EA process for the TTC site, the TTC has consulted with Toronto Public Health and they have committed to doing a Human Health Risk Assessment on the site.
- **Q: Ellie Perkins** asked if this would involve testing the soil at the surface as well as at a greater depth.
- **A: Barb Lachapelle** did not know the details of the testing, only any risks to human health would be assessed. The Risk Assessment for Human Health will evaluate the exposure pathways based on the concentrations of different substances.
  
- **Councillor Paula Fletcher** pointed out that both Site A and Site B must be considered separately, and part of Site B is going to be used by the TTC. She said that the most important issues on the site are:
  - Maintaining the capped area.
  - Determining how the soil will be removed.
  - Deciding what will happen to the parts of area B left behind.
- **Nancy Martins** reported that discussions with the TTC have begun to find out how these issues will be managed.
- **Paul Young** said that a meeting with the steering committee for the TTC project is scheduled for April 20<sup>th</sup> 2011. **Nancy Martins** will pass on the GECSMRC members' contact information to the organizer of the TTC meeting regarding the site, so they can be invited and informed of the details.
  
- **Dalton Shipway** said that the most important issue is to determine how to safely export the contaminated soil. The progressive thing to do is to make beneficial use of the soil on site and remediate. **Councillor Paula Fletcher** said that there is no way to remediate the soil on site because it is going to be removed. She has requested that the soil recycling facility in the Port Lands be looked into as an option.
  
- **Rod Adams** reported that the Ontario Ministry of the Environment and Toronto Public Health have been involved with the TTC with respect to the removal of soil from the site. An Environmental Assessment was done and it was determined that the soil removed from the site is considered non-hazardous waste and will be taken to a regular landfill in Niagara. **Barb Lachapelle** added that the non-homogenous nature of the soil has been recognized and the soil will continue to be tested.
  
- **Allan Jones** explained that sampling of the soil is done under Regulation 347 as part of the Toxicity and Leachate Profile. It was determined that most of the contaminants found on the site do not leach. The test found that lead levels under 8000ppm did not yield a leachate. **Rod Adams** explained that in this test, the soil is subjected to an acidic environment to simulate

landfill conditions and determine whether the leachate would get into the groundwater. The test determines whether or not the soil is considered hazardous or non hazardous waste.

- **Q: Bill Brown** readdressed the question of continuous monitoring of the groundwater. He emphasized that the SSRA clearly states that monitoring must be continuously done. How will any changes be detected if the groundwater is not tested?
- **A: Allen Jones** said that regular testing would not provide any useful information, because the groundwater is no longer contaminated.
- **Bill Brown** pointed out that monitoring the quality of the groundwater is an issue of human health and safety. The community has to speak up and tell the City that eliminating the monitoring it is not acceptable.
  
- **Nancy Martins** stated that the mandate of the GECSMRC is to receive the monitoring results and share them with the community. Based on the test results, the technical staff is now saying that there are no further requirements for monitoring. She asked if there were any other testing requirements in terms of Public Health or the MOE.
- **Barb Lachapelle** from Toronto Public Health said that there are no monitoring requirements in terms of Public Health, because there are currently no risks. The current levels are all within acceptable limits. Furthermore, there is no exposure pathway in terms of the groundwater.
- **Rod Adams** from the MOE said that as long as the cap integrity remains intact, there are no concerns. Through visual inspections the cap can be monitored.
- **Allen Jones** said that inspections of the cap would continue.
- **Bill Brown** said that these visual inspections must be documented and there must be a system in place whereby there are consequences if it is not done regularly. The forms that were developed back in 2004 have not been used more than once. **Nancy Martins** suggested the possibility of having the staff keep records of the inspections and provide them to the South Riverdale Community Liaison Committee.
- **Dalton Shipway** said that there must be accountability and transparency. The monitoring of the soil cap as well as the ground water should be reported to the South Riverdale Community Liaison Committee.
  
- **Q: Paul Young** asked if there would be any interest from another party, such as the TTC to continue monitoring the groundwater.
- **A: Allen Jones** said that there is no longer any reason to continue monitoring the ground water. Unless there is a spill of oil or acid or some other contaminating material, the groundwater should remain as it is.
  
- **Paul Young** pointed out that some activity has taken place on Site A and there has been some buckling, about 1 foot up off the ground. Also, there were 30 or 40 trees put in on Site A, and there is no available information regarding where the removed soil was taken.
- **Allen Jones** said that any work done on Site A or Site B should have been recorded. All contractors know that the soil in the area is contaminated.
- **Paul Young** asked that the committee be provided with any documentation showing this information and communication.

**NEW ACTION ITEM #2:** *City staff to provide a record of how contractors are notified about the soil conditions of the site and how they deal with these conditions.*

- **Ellie Perkins** asked if there would be any response to the auditor's report that Bill Brown had circulated, with respect to the recommendations to the Director of Technical Services division, to formalize procedures and to ensure accurate and complete site inspections. She asked if there was a citywide procedure in place to monitor contaminated sites. She suggested that there should be protocol in place to:
  - 1) Let concerned people know where there is contamination.

- 2) Ensure that anyone working on the site knows about the contamination.
- 3) Allow the community to access information about these sites.
- **Nancy Martins** said that there is a website for information pertaining to this particular site, however she did not know what was being done for other sites in the City.
- **Councillor Fletcher** added that she did not know of any City protocols with Right of Way Management pertaining to site inspection. She added that having the site inspected only by somebody cutting the lawn is not enough; there needs to be more accountability from Technical Services or Right of Way Management. It would be useful to continue to have testing done on the site on a yearly basis. Additionally, all work done on either site A or site B should be accurately recorded and a protocol for site inspection and analysis should be developed.
- **Dalton Shipway** supported Councillor Fletcher's comments and re-iterated that there needs to be accountability and a formal protocol in place.
- **Nancy Martins** said that the next step would be to look into the permitting process and discuss the development of a protocol with the staff that takes care of the sites. This will be reported back to the South Riverdale Community Environmental Liaison Committee.
- **Q: Ellie Perkins** asked if the MOE knew of any other Site Specific Risk Assessments that recommended continual monitoring, which was then stopped.
- **A: Rod Adams** explained that there have been Risk Assessments under Certificates of Property Use, where there have been requests to stop monitoring. The requests were granted based on historical information of sampling. He emphasized that it often becomes an issue of cost value; if nothing is changing and there is no longer a potential for impact, the value of doing the sampling significantly decreases.
- **Q: Bill Brown** pointed out that things should continue to be monitored in case some of the variables change and the potential for human risk becomes an issue again.
- **Q: Bruce Nagy** asked if there were any cost implications associated with not closing the wells. He also asked how frequently the wells were being sampled.
- **A: Allen Jones** replied that he did not know of any cost implications of closing the wells however, there would be legal implications. The monitoring has been done yearly. The consultants have shown that there has been 10 years of consistent results, indicating that monitoring is no longer required.
- **Councillor Fletcher** pointed out that Site A is very different from Site B. It is important to recognize that Site B is going to change significantly with the TTC developments, whereas Site A will likely remain as it is. In order for the community to understand what is happening on Site A, a protocol must be put into place in terms of monitoring and accountability.
- **Allen Jones** thinks that the wells in Site A should be decommissioned to ensure that the soil cap remains intact and that any breaches are addressed. He agreed that there should be a protocol in place, whereby any excavation work done on the site must have a permit that recognizes the contaminants and conforms to the MOE's legislation. He added that the consultants have recommended removing the wells and stop monitoring the groundwater. There is no financial gain for them to make this recommendation – it is based on careful analysis of the situation.
- **Ellie Perkins** suggested the committee schedule another meeting, because there are still a lot of things to be discussed. The City should present the committee with an acceptable protocol before the committee ceases to exist.
- **Dalton Shipway** agreed that discussion should not stop at this point.
- **Nancy Martins** summarized that there is clearly some disagreement as to whether or not monitoring should continue. The City has explained that they are following protocols, regulations and legislated requirements from the MOE, Toronto Public Health and the

consultants' recommendations. She recognized that the questions raised during the above discussion go beyond the scope of this committee, and refer to a citywide protocol. The concerns brought up at the meeting regarding the continuation of monitoring will be shared with the City's Right of Way staff as well as the TTC staff.

- **Councillor Fletcher** would like to see the inspection protocol written up to ensure some accountability. At the next meeting, the protocol could be reviewed so that people who are familiar with Site A can provide feedback to the City. She emphasized the importance of having another meeting with this committee.
- **Melanie Azeff** asked if anyone from the City's Right of Way Management is on the GECSMR committee. **Nancy Martins** said that there is not. **Councillor Fletcher** suggested that someone from the Right of Way Management come to the next meeting.

## 5. Site Signage

- **Review of text**

**Nancy Martins** passed around a few examples of the text for the signage. The purpose of the sign is to provide some background to the community about the site, the takedown of the Gardiner and the soil cap. **Bill Brown** added that information about monitoring is also expected to be included in the sign.

**Nancy Martins** asked the committee what they felt the tone of the sign should be and what kind of language they would like to see in it. She pointed out that one of the examples had an alarming tone to it.

**Dalton Shipway** said that the intention of the sign is to make what is going on at the site official and part of the public record. The wording of the sign is important.

**Bill Brown** pointed out that a draft from February 11<sup>th</sup> is the version that the GECSMRC had previously decided on. **Dalton Shipway** suggested that the members take home the various drafts of the text to review and then discuss at the next meeting.

**Councillor Fletcher** said that they should decide on the weight of severity for the sign. She does not want to approve something that has too much fear; she would like to see something with balance.

**Ellie Perkins** explained that an important part of the text on the sign is a description of the monitoring that is taking place on site. Since this information is not known, this cannot yet be done. Furthermore, sites A and B are very different. Will there be 1 or 2 signs? Will it be the same sign for each site?

**Nancy Martins** said that there would probably not be a sign on Site B because there will be a lot of work being done over the next while. The sign will be designed specifically for Site A.

**Paul Young** agreed that the wording of the sign is important and it is difficult to determine the best approach. It would be useful to have a consolidated draft. **Nancy Martins** added that the goal of the text in the signage is to be accurate, provide information on site inspection and include details about who to call in case anything occurs on the site.

**Ellie Perkins** asked what a 311 operator would do in response to a call regarding the site. **Allen Jones** said that a protocol for 311 would be developed and he will report back to the committee on this.

**Nancy Martins** clarified that callers to 311 identify the site of concern using an intersection or an address. A site name could be included on the sign.

**Bill Brown** said that the site is a potentially dangerous spot and this should be noted in the text on the sign. **Nancy Martins** informed the committee that the City does not require signs to be posted describing contaminated sites.

**Paul Young** pointed out that the intention of the sign is to maintain transparency. He wondered whether or not there should be signage describing other contaminated areas across the City.

**Ellie Perkins** said that it might be useful to delegate a sub-committee to come up with a draft for the sign. She suggested Nancy Martins, Paul Young and Councillor Fletcher's assistant Susan Serran for this sub-committee. **Nancy Martins** thought this was a useful suggestion and asked the other two if they would be interested in participating; both **Paul Young** and **Susan Serran** agreed.

**Susan Serran** added that Councillor Fletcher would like to see a sign that:

- 1) Acknowledges the contamination and history of the site.
- 2) Encourages people to use the site.
- 3) Describes the ongoing inspection of the site and where one would call for information on the site.

## 6. Lessons Learned

- Review of Paul Young's memo, August 11, 2010

Due to time constraints, this item was not discussed.

## 7. Thank You to Committee and Next Steps

**Nancy Martins** said that another meeting would be scheduled for early June 2011.

**Nancy Martins** thanked everyone for attending the meeting.

The meeting was adjourned at 6:20 pm.