

Council votes to revoke TAC site plan agreement

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New Tecumseth councillors voted last night to revoke the Tottenham Airfield Corporation (TAC) phase two site plan agreement that went into effect May 1, 2016, citing breaches of its terms, most notably importing fill from a facility that accepts PCB contaminated soils.

The stronger action is an amendment to the original motion flowing from last week's committee meeting, which was "staff be directed to begin the process to revoke the permit of the Tottenham Airfield Corporation (TAC) based on Section 27 of the Site Plan Agreement with an itemized list of issues and timelines for completion, with the understanding that if TAC responds reasonably, the permit will not be revoked."

In its place, moved by Ward 7 councillor Shira Harrison McIntyre, was immediate steps to stop the fill operation, with a provision it could be reinstated after "bore hole testing has been taken to the satisfaction of the Town."

There are five "Objectives" in the site plan agreement, which also required TAC to post a \$750,000 security deposit, sets working hour timelines and limits on the number of trucks per day, as well as a fee schedule per load

- maintain confidence in the Town and its residents in the airfield improvements, including soil importation;
- minimize disruption to the residents and general public both on and off-site;
- ensure the importation and placement of the soil is managed in an environmentally responsible manner;
- ensure the soil imported to the property is in compliance and meets all standards; and
- limit the fill importation of the airfield improvement to the development of the runways and associated facilities.

Michael Fleischmann, a lawyer representing one of the abutting property owners, told councillors last night that his client's situation alone was proof TAC was not living up to its part of the agreement. He pointed to a "considerable difference" in elevations resulting in "significant" amount of run-off onto adjacent properties creating mud bogs, and dust issues, as well, a "reasonable fear" that contamination could migrate to his property.

"This pile of dirt is not a tourist attraction, doesn't create jobs for the local economy, produces no goods or services, abutting landowners not being compensated, It has no public utility whatsoever what's going on at that location," said Mr. Fleischmann. "If they (TAC) were truly building an extra runway, I think that job would have been long done by now."

He noted opposition to the TAC fill operation from a "wide cross section of people", including abutting landowners, Tecumseth Pines retirement community.

"This whole spectrum of people have read the agreement with TAC and they see that there shall be no soil brought to this site from a facility that accepts PCBs and we've now found out through freedom of information, that between May 2016 and January 2017, 13,130 truck loads have been imported from the Unwin facility which in fact accepts PCB contaminated soil," said Mr. Fleischmann. "This to me shows a disrespect for the agreement and the community at large. Moreso, the auditing samples as have been pointed out before, which are the size of shoeboxes have been taken and there's measurable quantities of PCBs in those shoebox size samples of soil. Given that there's millions of shoeboxes of soil from Unwin alone, how can you possibly say we have a handle on the PCB contamination that might exist on this site, and that PCB contamination should not be there in the first place."

"It's time for council to act tonight and enforce that agreement by revoking TAC's permit and if it's to be reinstated, it should only be done after bore hole testing is done on the property to get a handle on what contamination exists."

In an April 19, 2017 letter to council following last week's decision in committee, TAC president John Bailey, notes "TAC has received confirmation from [GFL that is Unwin soil treatment facility does not accept soil from treatment if the soil contains](#) detectable concentrations of PCBs (i.e. concentrations above 0.10 ppm)."

"Council should also be aware that, while the environmental compliance approval for the Unwin facility does in fact allow the receipt of soil containing PCBs, there is a condition limiting such soil to a concentration of 0.30 ppm, which is the Ministry's Table 1 standard for concentrations of PCBs in soil. The Ministry of the Environment and Climate Change considers 0.30 ppm to be representative of province-wide background concentrations of PCBs in soil. TAC has also been advised by GFL that it has recently submitted a comprehensive application to amend its Unwin approval, and that it has every expectation that the reissued Unwin approval will not contain the language that is the basis for the Town's concern. In addition, GFL has agreed to test treated soil for PCBs at its Unwin facility, and those results are now being provided along with other testing data as part of the source site approval process. Finally, while TAC is only obligated under the Agreement to remediate PCBs found that are at a concentration greater than 1.1 ppm (i.e. the Table 2 standard), TAC has remediated to the Table 1 standard for PCBs for the few audit sample results where PCB concentrations exceeded Table 1, and will continue to do so going forward. (...) In my respectful submission, there is no reasonable basis to invoke the section 27 process, or to prohibit the receipt of soil from the Unwin Soil Treatment Facility."

A bid by Ward 3 councillor Paul Whiteside to move the matter in camera to discuss the ramifications, did not get majority support.

Ms. Harrison McIntyre said Mr. Baily's "new lower threshold is a step in the right direction."

"But like a lot of the experiences we've had with TAC, it's a little too late," she said. "A lot of these things should have been done in advance of this situation. If the Town even had a plan to

protect adjacent properties, then we wouldn't have had these soil breaches. We should look at revoking their permit now. And until we have the bore hole test results that say there's no fear of further contamination, and not just PCBs, but other contaminants like heavy metals, and only after we have those assurances should we put in a new plan."