
From: Simone Barb [REDACTED] >
Sent: Friday, May 14, 2021 11:36 AM
To: Carella, Tony <Tony.Carella@vaughan.ca>; Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; Suppa, Frank <Frank.Suppa@vaughan.ca>; Jackson, Linda <Linda.Jackson@vaughan.ca>; Ferri, Mario <Mario.Ferri@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Richard <[REDACTED]>; Racco, Sandra <Sandra.Racco@vaughan.ca>; Coles, Todd <Todd.Coles@vaughan.ca>
Cc: Ryan Stern [REDACTED] >; Bob Moroz [REDACTED] >; Celeste Dugas. MOE <celeste.dugas@ontario.ca>; Keep Vaughan Green <keepvaughangreen@gmail.com>; Angie Piro <[REDACTED]>; Robert A. Kenedy [REDACTED] >; Phyllis Barbieri [REDACTED] >; IRENE FORD [REDACTED] >; Noor Javed <njaved@thestar.ca>
Subject: [External] 5550 Langstaff

Todd,

Please also add this communication for upcoming special council meeting regarding 5550 Langstaff site.

As the attached extract document from October 20/205 states the knowledge and awareness the City of Vaughan staff and council have always had regarding the site of 5550 Langstaff as per meeting and discussion had with the MOECC keep the City of Vaughan apprised at all material times. As that document also fails to provide full

disclosure and risk of adversely affected activities without the necessary approvals in place and critical information listed and shared with this community.

No where in that document does it discuss the RAP report a city of Vaughan requirement or the lack of an approved ECA.

As well according to page 4 of this report the Hauling activities are with the City of Vaughan's jurisdiction and bylaw from the direction of City Staff and solicitor's have ordered the bylaw department to not act.

According to an Email written by Rebecca Hall-McGuire she states the following that I highlighted in Red.

Hall-McGuire, Rebecca <rebecca.hall-mcguire@vaughan.ca>

To: 'Simone Barb'

Cc: Catherine DiMarco, Guerette, Christian, Suppa, Frank, Bevilacqua, Maurizio, Michaels, Gus, Phyllis Barbieri, Angie Piro, Carella, Tony, Shefman, Alan, Rosati, Gino, Jackson, Linda, Iafrate, Marilyn, Ferri, Mario, DeFrancesca, Rosanna, Racco, Sandra, Law, Wendy, Richard, Ryan Stern, dibrahim@yrmg.com, Coles, Todd Hide

Fri, Nov 20, 2020 at 5:11 PM

Hello Ms. Barbieri,

As you are aware, the Ministry of the Environment, Conservation and Parks (MECP) has jurisdiction over hauling of waste material. As you indicate below, the MECP is addressing the issue of waste hauling with Mr. Gentile. **It would not be appropriate for the City to restrict access to 5550 Langstaff to address an issue that is within the jurisdiction of the MECP, and which is being dealt with by the MECP.**

Thank you,

Rebecca Hall-McGuire

Legal Counsel

(She/Her/Hers)

905-832-8585, ext. 8475 | Rebecca.Hall-Mcguire@vaughan.ca

City of Vaughan | Legal Services

2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

vaughan.ca

Then I'm going to attach the Presentation that was put together by the residents for a town hall that took place on Feb 4/2015 please reference the last page which has an email written by Mr. Michaels indicating that there are no infractions currently on the site of 5550 Langstaff but this October 20/2015 report speaks of different language written by Andrew Pearce the Director of Development and Infrastructure and Planning. as well in the report it indicates that a copy of this report was forward to council and city clerk. No where in that City report does it speak about Identified sensitive receptors or not having an ECA in place in accordance with EPA.

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6. Ms. Phyllis Barbieri, Campania Court, Woodbridge;
7. Mr. Robert Karrass, Morton Karrass LLP, Sheppard Avenue East, Toronto; and
8. Mr. Tony Gentile, Gentile Circle, Vaughan, applicant.

Recommendation

The Commissioner of Public Works and the Director of Development Engineering and Infrastructure Planning Services, in consultation with the Acting Director of Legal Services, recommend:

1. That the subdivision agreement related to the second phase of the Ravines of Rainbow Creek, Draft Plan of Subdivision 19T-12V003 be executed by the City only after the lands within the Plan have been remediated and a Record of Site Condition has been submitted and acknowledged by the Ministry of the Environment and Climate Change.

Contribution to Sustainability

The remediation and redevelopment of a brownfield site is sustainable for a number of reasons including:

- Environmental – remediation or risk management of waste and contaminants;
- Economic - increased property value/taxes, neighbourhood revitalization, job creation; and
- Social – health benefits, neighbourhood revitalization, increased neighbourhood pride, reduced dumping and crime

Economic Impact

The environmental remediation of the property at 5550 Langstaff Road is the responsibility of the landowner so there is no economic impact to the City resulting from the clean-up work.

Communications Plan

There is no specific communication plan associated with this report.

Purpose

The purpose of this report is to respond to Council's request for a status update on the site remediation activities associated with the development of the Ravines of Rainbow Creek Phase 2 Subdivision located on the property at 5550 Langstaff Road.

Background - Analysis and Options

At its meeting on September 16, 2015, Council adopted the following recommendation of the Committee of the Whole:

"That a report be provided to the Committee of the Whole meeting of October 7, 2015, on the status of 5550 Langstaff Road"

The Ravines of Rainbow Creek Subdivision is located on the property at 5550 Langstaff Road, which is located between Martin Grove Road and the CP Railway line in Woodbridge as shown on Attachment No. 1.

This Report also fails to speak to the existence of Identified Sensitive Receptors.

under the EPA in accordance to the EPA.

that ECA is required before remedial work can be conducted.

The City failing to inform and suppress critical information and failing to advise

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The lands at 5550 Langstaff Road were previously used as an unapproved landfill site during the 1970's and early 1980's for the disposal of solid non-hazardous construction and demolition waste. Accordingly, before development can proceed on this brownfield site, the lands must be fully remediated and a Record of Site Condition subsequently filed and acknowledged by the Ministry of the Environment and Climate Change (MOECC).

The lands are being remediated and developed in two sequential phases

The landowner is developing the Ravines of Rainbow Creek Subdivision in two phases; the limits of each are shown on Attachment No.1. The first phase of the subdivision was initiated in 2007 and construction is now essentially complete. Records of Site Condition were filed and acknowledged by the MOECC for phase one in 2009/10.

The landowner reportedly began remediating the lands in the second phase of the subdivision in 2010. In 2013, Council approved the draft plan of subdivision (19T-12V003) and associated zoning for the second phase of the development. The landowner is currently in the process of remediating the phase 2 lands.

The landowner is solely responsible for remediating the lands

As prescribed in Provincial legislation, the landowner is responsible for the remediation of impacted land. The remediation of the lands is to be carried out in conformance with the Environmental Protection Act and associated regulations. The MOECC is the agency that regulates these activities. The City has no jurisdiction over the works associated with an environmental site remediation or alteration/management of a waste disposal site. The City, however, has an interest in managing any related trucking activities on the municipal road network and in minimizing any community impacts from planned development.

City staff believes that, leading up to 2015, the landowner has excavated the eastern half of the phase 2 lands to native ground and then stockpiled the excavated material on the westerly half of the site under the hydro corridor for subsequent processing (screening and sorting). This stockpile of material has been present for a number of years now.

On July 16, 2015, staff issued the landowner a conditional Road Cut Permit to permit the crossing of the City's existing 0.3 metre reserve located between the Phase 2 lands and Campania Court so the landowner's contracted forces could use Campania Court and Sicilia Street as a truck haul route until September 15, 2015. This permit was issued primarily to facilitate the timely removal of the stockpiled material on the phase 2 lands.

On August 17, 2015, a soil screener was delivered to the site and work began to mechanically separate the waste from the useable soil. As of September 15, 2015, staff estimates that approximately between 30 to 40 percent of the original pile of material has been processed and the majority of the resultant screened soil together with other soils has been trucked off site. A significant amount of work effort is still required to completely remove the stockpile of waste material from the phase 2 lands and to remediate the remaining portions on the western half of the property currently beneath the stockpile.

After the Road Cut Permit expired on September 15, 2015, City staff closed the Campania Court construction access by installing a chain link fence and lockable gate at the south end of Campania Court. This fencing prevents the crossing of the City's existing 0.3 metre reserve abutting Campania Court. With the closure of the construction access on Campania Court, all trucking activities are now restricted to the access from the site to Langstaff Road via Gentile Circle and the maintenance access through the existing storm water management pond as shown on Attachment No.1. The landowner is currently using this access to continue the site clean-up.

...14

after the fact as development

Started
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RSC's
and

Subdivision
agreement
registered
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City of
Vaughan

no Hydro One agreement
in place.

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community

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an ECA
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or informing
Identified

Sensitive Receptors they were identified.

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As of September 23, 2015, staff estimates that approximately 50 to 60% of the original stockpile of material has been processed.

MOECC is ensuring proper management of waste material from the phase 2 lands

From the outset, the MOECC has been involved in the clean-up work to ensure proper management and disposal of waste materials arising from the phase 2 lands in accordance with all regulatory requirements. MOECC staff has committed to continue to work with the community, including the City of Vaughan, and the Toronto Region Conservation Authority to ensure that the site is responsibly managed.

In addition, MOECC staff continues to use its enforcement tools to correct non-compliance with Ontario's environmental legislation. In 2013, the MOECC issued Provincial Officer's Orders to the landowner requiring the submission of a waste processing plan, and for all waste to be removed by June 15, 2014. Given the stockpile of material is still on site, the landowner is currently in non-compliance with the Order.

During a recent teleconference, MOECC staff advised that charges have been laid against the landowner in connection with the remediation of the phase 2 lands and that there are additional infractions currently being investigated related to the landowner and the remediation of the site. Ultimately, if remediation does not proceed as previously directed, additional penalties may result from further legal proceedings. MOECC staff also committed to ensure that a Record of Site Condition is not acknowledged for the Phase 2 lands until the requirements of Ontario Regulation 153/04 and the Environmental Protection Act is satisfied.

The MOECC Environmental Clean-up Fund cannot be used to clean-up the phase 2 lands if the landowner were to abandon the property.

In public meetings, some community members have inquired about other opportunities for the clean-up of the lands if the landowner does not fulfill his clean-up obligations. In discussions with MOECC, staff was advised that MOECC has an Environmental Clean-up Fund as a contingency fund of last resort to allow the Ministry to resolve serious or urgent environmental contamination problems on private lands which present significant threats to human health or the environment. This fund is not accessible by outside parties. Applications for use of the Environmental Clean-up Fund come from within the Ministry.

MOECC staff advised that the Environmental Clean-up Funding can be applicable when:

- the use of legislative authority (e.g., Director's Order) against the responsible party has not resulted in the required action (i.e., the responsible party refuses or is unable to take the necessary remedial actions); or
- where the party responsible for the contamination cannot be identified or located.

MOECC have also advised that typically all other funding possibilities are exhausted before the Environmental Clean-up Funding is sought. One or more of the following eligibility requirements must be met:

- Provision of alternate water supplies where existing supplies are affected or threatened by a source of contamination;
- Clean-up of areas where environmental damage or health risks are identified;
- Hydrogeological studies of areas where serious contamination is known or expected; and/or
- Actions to remove or reduce potential long-term environmental hazards.

Mr. Michael's
said there
are
no
infractions.

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At this time, based on the ministry's acceptance criteria, the site at 5550 Langstaff Road does not appear to meet the MOECC's eligibility requirements for the Environmental Clean-up Fund.

The phase 2 lands should be cleaned up before any further development approvals are issued by the City

Given the long history of the site and the prolonged period of time that has elapsed since the landowner has been ordered to remediate the site, staff recommend that any further development approvals, including the execution of the subdivision agreement, be considered by the City only after the phase 2 lands are fully remediated and the MOECC has acknowledged the filing of a satisfactory Record of Site Condition for the lands within the plan.

Relationship to Vaughan Vision 2020

This report is consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no direct Regional implications associated with this report.

Conclusion

The landowner of 5550 Langstaff Road (Ravines of Rainbow Creek Phase 2 Subdivision) has been in the process of remediating the phase 2 lands for a number of years now. Currently, staff estimates that approximately 40 to 50% of the original stockpile of material plus the remaining portions on the western half of the property currently beneath the stockpile still needs to be remediated. The landowner is currently in non-compliance with a Provincial Officer's Order regarding the clean-up of the phase 2 lands and has been charged by the MOECC with infractions related to the works. In addition, MOECC staff advised that there are additional infractions currently being investigated related to the landowner and the remediation of the site.

The construction access to Campania Court was physically closed on September 15, 2015 following the expiration of the City issued Road Cut Permit. Construction access to the phase 2 lands is now restricted to the access from the site to Langstaff Road via Gentile Circle and the driveway around storm water management facility. → why didn't it always remain to Gentile Circle?

Given the long history of the site and the prolonged period of time that has elapsed since the landowner has been ordered to remediate the site, staff recommend that any further development approvals, including the execution of the subdivision agreement, be considered only after the phase 2 lands are fully remediated and the MOECC has acknowledged the filing of a satisfactory Record of Site Condition on the environmental site registry for the lands within the plan.

Attachments

1. Location Map

Report prepared by:

Andrew Pearce, Director of Development Engineering & Infrastructure Planning, Ext. 8255

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

According to court documents the City refused to provide L.C. to MOE to conduct the cleaning. Not that it did not meet requirements

Gus Michael's stating there were no infractions on the site.

without an environmental compliance approval to remediate or without an approved screener or maintaining 205 meters from sensitive receptors or informing sensitive receptors that they were identified.