

COMMUNICATION – C2

ITEM 5

Committee of the Whole (Closed Session)

May 12, 2021

From: [Simone Barb](#)
To: [Phyllis Barbieri](#)
Cc: [Richard Lorello](#); [Carella, Tony](#); [Coles, Todd](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Iafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas. MOE](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#)
Subject: [External] Re: 5550 Langstaff Rd.,
Date: Wednesday, April 21, 2021 1:29:13 PM
Attachments: [letter to council 04202021.pdf](#)
[ATT00001.htm](#)
[20210129132018937.pdf](#)
[ATT00002.htm](#)
[20210106135918091 2.pdf](#)
[ATT00003.htm](#)
[2014 CoV Contaminated Sites Policy Update 2.pdf](#)
[ATT00004.htm](#)
[new doc 2018-03-11 22.04.13 20181130135432.pdf](#)
[ATT00005.htm](#)
[Final Remediation Action Plan.pdf](#)
[ATT00006.htm](#)

Todd,

Please place this communications on the City website for the Special Council meeting regarding 5550 Langstaff. Please add my communication received today to Special Council meeting as well.

As well as the 2 Orders from the Ministry of Environment. As well as a copy of the court Order for the hauling as well.

Regards,
Simone Barbieri

Mayor Maurizio Bevilacqua, Council, Staff, & Integrity Commissioner Susan Craig,

April 21/2021

After receiving Mr. Lorello's email yesterday. Mr. Carella's actions do not surprise me. As this is the first, I am hearing of this. ZERO communication or opportunity for our voices to be heard once again. This brings me back to when we arrived at council chambers for a public meeting in 2015 and Tony Carella blind side the community hammering out a back door deal with the developer 48 hours before the public hearing and then trying to kick us off the agenda without our voices being heard and forcing a road cut permit down our throats. Making dump trucks haul hazardous waste through our community. Without informing my family that we were an identified sensitive receptor, and that Mr. Gentile did not have an approved environmental Compliance Approval to even conduct any remedial operations on or off site since at least but not limited to April 4/2014.

This is a perfect example how the City of Vaughan has always pushed their obligation of community consultation out of the way and removing our voice to such a miss management brown filed site under the Provisions of Ministry of Environment and the Environmental Protection Act. Evaluating all the suppressed information is disturbing what lengths the City of Vaughan would go to with the developer to suppress critical information that would have changed the course of all the damages and harm that we have been subjected to over the course of this negatively miss managed site.

I am not sure what position the developer or Mr. Carella currently think they have that TRUMPS the protocol of the Environmental Protection Act to move forward a development application in such a reckless manner. The City of Vaughan does not have the authority to overrule the Guidelines of the Environmental Protection Act. Or even by-pass your own policy endorsed by this very council.

Let me provide everyone a recap. As you all received a copy of the current Directors order that still has not been complied with to date for the property of 5550 Langstaff. As I have attached the MEPC to this email if this statement is wrong please, I allow you to correct the update regarding the Directors orders.

Director's Order No.: 1-14673240 Addressed to 1668135 Ontario Inc, Antonio Gentile and Vlado Vujeva Regarding 5550 Langstaff. This Order was issued out on Jan 6/2021 and following this Order a following Directors order was issued on Jan 29/2021.

These Orders have not been complied with to date. As well to date according to Andrea Brown from the MEPC there has been no application of RSC submitted and there has been no RSC for the phase 2 property issued by the Ministry of Environment.

As well if Mr. Gentile has a lawsuit against the City of Vaughan, what puts the City in a position to negotiate anything with Mr. Gentile. As well without an RSC registered to the property and a

massive pile of waste currently on the property where does the City of Vaughan think its appropriate to even entertain a development application.

We have been suffering for years with no supports or protection from the developer and the City of Vaughan. We have been subjected and forced to live through very cruel living conditions that have taken our right a way for a quality of life everyone is entitled to. We have been greatly adversely affected by the gross negligent actions of this developer and the City of Vaughan.

Mr. Carella referencing back to your audio discussion. You have reached a new low with community safety and respect and lack of transparency.

Your argument is complete lies and more lies. As you sate their and lied about the history of this property and were speaking negatively about 1 family which we all know you meant my family. I and my family are completely disgusted that in the course of time you have never once acted as our Ward 2 councillor and in good faith. You as are Ward 2 councillor had a part in suppressing critical and vital information as my family home has been identified as a sensitive receptor and that Mr. Gentile operated without an Environmental Compliance approval for over 6. As well that remediation of this waste was to be conducted at a minimum of 205 meters away from All identified sensitive receptors.

You have also failed to mention that at every stage that the City of Vaughan supported the developer to put infrastructure on the property it was without proper compliance approvals in place according to My Ministry of Environment FOI file of information, email communications and reports, even a letter written from York Region stating that if there is not a RSC for the property the infrastructure can not move forward but yet all the above was ignore and the infrastructure was installed.

After speaking with Celeste Dugas of the Ministry of Environment to April 21/2021 @ 10:00 am the following questions were asked and answered, and I invite Mrs. Dugas to correct me if I am wrong with the following break down.

Question 1 was: Have the Current Director's Orders been complied with by the Developer of the Property?

Celeste Dugas response was: NO, they have not been complied with. They are still outstanding.

Question 2 was: the waste that currently sits on the site. Can that waste be reused on the site for development or any other purpose?

Celeste Dugas Response was: No, it can not be reused on the site. It would have to be removed.

Question 3 was: With respect to development of the phase 2 lands can the City of Vaughan enter into a subdivision agreement with the developer to allow development on the property?

Celeste Dugas Response: NO, they can not, Development of foundations, occupancy, and sales of home can not happen in the current state of the site without a register RSC and with the current orders outstanding.

Question 4 was: is a Record of Site Condition for the Property been given to the developer for the phase 2 lands?

Celeste Dugas Response was: No there is no RSC for the property.

After having that conversation with Mrs. Celeste Dugas of the MEPC. I am asking where do you Mr. Carella or Wendy Law, or City staff, have the right to discuss any form of subdivision agreement with a developer that has allegedly according to directors' orders been reckless with his operation and broken many Ontario Regulations in the process of removing the waste off the site?

Mr. Carella I and my family are completely insulted with your continued position on this site. What my family has been through, subjected to has been so degrading that my mom has moved out because the devastation of harm and damages to our lifestyle and home has truly broke her. Your position in the audio recording from April 20/2021 is not for the benefit of my family or community or the Ministry of Environment EPA to be respected. It is to the benefit of your self-serving agenda and the developer to capitalize on the hot housing Market at any reckless length to get their. NO matter what law is broken, what legislation is ignored and or what policy and framework is ignored and or not adhere to.

Thank you for confirming that all the waste from phase 1 lands was stockpile on the phase 2 lands as according to the developer that was all removed. In my opinion I suggest before you go speaking lies you might want to get your scripted narrative in line if you are going to continue to lie about the events of operation of 5550 Langstaff and continue suppressing information and the truth. Also lets all be reminded that Mr. Karrass the Proponents then lawyer went on record confirming contamination and hotspots of contamination on the property. Mr. Carella please check your records before you speak and continue in my opinion belittle our damages and what we have been subjected to with no support from you or staff or bylaw and calling all my emails for help and concern frivolous and vexatious.

I strongly suggest that the City of Vaughan start do what is right and stop hurting and harming innocent people and damaging homes and families in the process. Because my family will forever be stigmatized by the gross negligence, harm, and damages we have been degrade and forced to live through.

So, Mr. Carella, Mayor, staff, council, and Mrs. Wendy Law, no meeting should be taking place, no subdivision agreement should be hammered out. The Only office that the developer should be speaking with is the MEPC not the City of Vaughan.

Regards,
Simone Barbieri

Ministry of the Environment,
Conservation and Parks
Central Region
York Durham District Office
1091 Gorham Street, Suite 102
Newmarket, ON L3Y 8X7
Toll-Free : 1-800-376-4547
Telephone.: 905-427-5600
Fax: 905-836-9209

Ministère de l'Environnement, de la
Protection de la nature et des Parcs
Région du Centre
Bureau de district de York Durham
Suite 102, 1091 Rue Gorham
Newmarket, ON L3Y 8X7
Sans frais : 1-800-376-4547
Téléphone : 905 427-5600
Télécopieur : 905 836-9209

Friday January 29, 2021

1668135 Ontario Inc.
166 Gentile Circle
Woodbridge, ON
L4H 3N3

Antonio Gentile
166 Gentile Circle,
Woodbridge, ON
L4H 3N3

Vlado Vujeva
6 Eastglen Crescent
Etobicoke, ON
M9B 4P7

Re: Director's Order No.: 1-14673240

Site: 5550 Langstaff Road, Vaughan

I am mailing to each of you a copy of the enclosed Director's Order No. 1-14673240 that I have issued today to all of you, 1668135 Ontario Inc., Antonio Gentile and Vlado Vujeva.

The Director's Order sets out work that must be done by the dates indicated and has been issued in response to the Request for Review dated January 15, 2021 that was made with respect to the Provincial Officer's Order 1-14169693.

Please **note** the Appeal to the Environmental Review Tribunal Information in the Director's Order at pages 6 and 7. The email address and fax number that has not been included on page 6 are celeste.dugas@ontario.ca at (905) 836-9209.

This Director's Order is being served by mail and is deemed to be served five days after the day of mailing, on January 29, 2021.

For convenience I am also sending a copy of this letter and Director's Order by email today to the Ministry people involved as well as to Antonio Gentile, Vlado Vujeva and the legal counsel who has been recently involved.

If you have any questions about the Director's Order do not hesitate to contact me at celeste.dugas@ontario.ca or at (905) 836-9209.

Yours truly,



Celeste Dugas
District Manager

Matt.mcneice@ontario.ca
Kristen.sones@ontario.ca
Norm.rankin@ontario.ca
tony@castlemanorhomes.ca
vlado@vujeva.com
drees@mpdlawfirm.com

Director's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)
Nutrient Management Act, 2002, S.O. 2002, c. 4 (NMA)
Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P.11 (PA)
Safe Drinking Water Act, 2002, S.O. 2002, c. 32 (SDWA)

Order Number

1-14673240

Order Issued To

1668135 ONTARIO INC.
166 GENTILE CIRCLE , VAUGHAN, ON, L4H 3N3

ANTONIO GENTILE
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

VLADO VUJEVA
6 EASTGLEN CRESCENT, TORONTO, ON, M9B 4P7

Site

1668135 Ontario Inc (5550 Langstaff Rd)
5550 LANGSTAFF RD, VAUGHAN, ON, L4H 3N5

Unless specified herein, capitalized terms used in this Director's Order have the meanings set out in the Definitions section in the Provincial Officer's Report, Part B of the Provincial Officer's Order, a copy of which is attached.

WORK ORDERED:

Pursuant to my authority under **EPA - s. 157.3**, I order you, jointly and severally, to do the following:

Item No.1 **Compliance Date:** 02/19/2021

By February 19, 2021 , submit to the undersigned Provincial Officer, by email at matt.mcneice@ontario.ca, a report on all the activities undertaken at the Site during the period of September 1, 2020 until December 31, 2020. The report must include a daily log to indicate what activity, if any, was being carried on including without limitation the following:

- (a) any sorting or movement of the Soil and/or the Waste on Site;
- (b) any shipment of Soil and/or Waste off-site; and
- (c) any Waste being brought back onto the Site.

Item No.2

Compliance Date: 03/05/2021

By March 5, 2021, submit to the Provincial Officer Matt McNeice, by email at matt.mcneice@ontario.ca, a report providing details on the trucking activities relating to the movement of Waste at the Site during the period of September 1, 2020 until December 31, 2020. The report must include the following information:

- (a) the name of the person(s) supervising and/or responsible for arranging the trucking activities;
- (b) the details regarding the trucks involved and quantity of Waste being hauled;
- (c) the locations where the Waste was sent;
- (d) any detailed information regarding the quality or nature of the Waste that was provided to the locations where the Waste was sent; and
- (e) details regarding any truck loads that returned Waste to the Site and why it was returned.

Item No.3

Compliance Date: 02/05/2021

Upon service of this Director's Order, no Waste shall be removed from the Site, unless there has been submitted to Provincial Officer Matt McNeice by email at matt.mcneice@ontario.ca the following proposed information and the Ministry has confirmed receipt of the information and acknowledged that the Waste can be removed as proposed:

- (a) the licence plate of each truck to be used to transfer the Waste and the details of the Environmental Compliance Approval or Environmental Activity Sector Registry under which the truck is operating;
- (b) the address where the Waste is destined for disposal or transfer and the details of the Environmental Compliance Approval under which that site is operating and confirmation that that site is authorized to, and has agreed to, receive the Waste; and
- (c) the estimated volume of Waste that is destined for the receiving site.

REQUEST FOR REVIEW

I have reviewed the Provincial Officer's Order **1-14169693** signed **01/06/2021**. I have considered the Request for Review and accompanied submissions and met with the Issuing Officer, **Matt McNeice** to discuss the Provincial Officer's Order and the submissions.

For convenience and ease of reference I have attached a copy of the Provincial Officer's Order excluding the Review and Appeal Information and Additional Information sections that are not

relevant to this Director's Order.

The Work Ordered Items set out above replace the Work Ordered Items in the Provincial Officer's Order.

The Provincial Officer's Report in the Provincial Officer's Order is hereby incorporated into, and forms part of, this Director's Order except as may be noted below.

In response to your Request for Review, I have made the following changes:

Due to technical difficulties I was not able to respond to the Request for Review within 7 days and accordingly the Provincial Officer's Order has been deemed to be confirmed. However, I have the authority to amend the deemed Director's Order and am hereby doing so.

I have extended the compliance dates but not to the requested April 30, 2021 date. Item No. 1 simply requires a summary of the activities at the Site which should be readily available. Accordingly I have amended that date to February 19, 2021. Item No. 2 has been amended to March 5, 2021 as it involves more detailed reporting which may include the consultation with third parties.

I have not replaced the references to "Waste" with "Soil and/or Waste". The defined terms are clear in the Provincial Officer's Report.

I have not removed Vlado Vujeva as requested.

I have added a new Item No. 3 to deal with the ongoing activities regarding the removal of Waste from the Site.

REASONS FOR RESPONSE

The following sets out a summary of the Request for Review submissions and my responses to them and the reasons for such responses.

The February 19, 2021 compliance date for Item No. 1 is reasonable as it is only a record of the activities at the Site and do not require and documentation from third parties. Sub-paragraphs a) and b) relate to the Soil and/or Waste activities and sub-paragraph c) deals with any Waste being brought back onto the Site.

The March 5, 2021 compliance date for Item No. 2 is reasonable given that the information regarding Waste activities has been requested even before the Order was issued.

As indicated in the Provincial Officer's Report Vlado Vujeva (listed at the bottom of page 3 as

Vujeva Vlado) is being ordered as a director and officer of the Company. The Request for Review incorrectly states that he is only the Treasurer. As a director he should have knowledge of, or involvement in, the facts at issue. Under the EPA section 194, as a director and officer he and Antonio Gentile both have a duty to take all reasonable care to prevent the Company from contravening any order.

I have added Item No. 3 to ensure that there is no misunderstanding and mistakes regarding removal of Waste at the Site. I understand that no material has left the Site since January 1, 2021 and what is remaining at the Site is all Waste as defined in the Provincial Officer's Report.

ATTACHMENTS

The attachments listed below form part of this Director's Order:

A copy of Provincial Officer's Order Number 1-14169693 (6 pages only).

ISSUING DIRECTOR

Name: Celeste Dugas

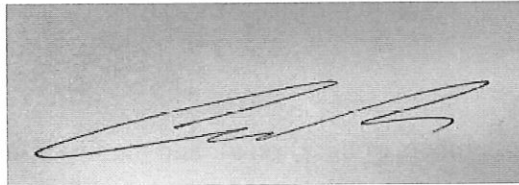
Badge Number: 763

Address: 230 WESTNEY RD S 5TH FLR, AJAX, ON, L1S 7J5

Address: 230 WESTNEY RD S 5TH FLR, AJAX, ON, L1S 7J5

Email: celeste.dugas@ontario.ca

Date: 2021/01/29



Signature:

APPEAL TO THE ENVIRONMENTAL REVIEW TRIBUNAL INFORMATION

REQUEST FOR HEARING

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of this Director's Order, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice of appeal must state the portions of this Director's Order for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive permission (leave) from the Environmental Review Tribunal, you are not entitled to appeal a portion of this Director's Order or to rely on grounds of appeal that are not stated in the notice of appeal. Unless stayed by the Environmental Review Tribunal, this Director's Order is effective from the date of service.

CONTACT INFORMATION

The address, email address and fax numbers of the Director and the Environmental Review Tribunal are:

The Secretary
Environmental Review Tribunal
655 BAY STREET, SUITE 1500
TORONTO, ON M5G 1E5
Fax: (416) 326-5370
Fax Toll Free: 1(844)213-3474
Email:
ERTTribunalSecretary@ontario.ca

and

Director
Ministry of the Environment, Conservation and Parks
York Durham District Office
230 WESTNEY RD S
, 5TH FLR
AJAX, ON L1S 7J5

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained by contacting them directly:

Tel: (416) 212-6349

Fax: (416) 326-5370

Email: erttribunalSecretary@ontario.ca

Webpage: www.olt.gov.on.ca

SERVICE INFORMATION

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the legislation under which this Director's Order is made and any corresponding Service Regulation.

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

ADDITIONAL INFORMATION

Failure to comply with a requirement of this Director's Order constitutes an offence.

The requirements of this Director's Order are minimum requirements only and do not relieve you from complying with the following:

- any applicable federal legislation;
- any applicable provincial requirements that are not addressed in this Director's Order; and
- any applicable municipal law.

The requirements of this Director's Order are severable. If any requirement of this Director's Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Director's Order.

Further orders may be issued in accordance with the legislation as circumstances require.

The procedures to request a hearing and an appeal of this Director's Order and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at <https://www.ontario.ca/laws>.

Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)
Nutrient Management Act, 2002, S.O. 2002, c. 4 (NMA)
Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P.11 (PA)
Safe Drinking Water Act, 2002, S.O. 2002, c. 32 (SDWA)

Order Number

1-14169693

Order Issued To

1668135 ONTARIO INC.
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

ANTONIO GENTILE
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

VLADO VUJEVA
6 EASTGLEN CRESCENT, TORONTO, ON, M9B 4P7

Site

1668135 Ontario Inc.
5550 LANGSTAFF ROAD, VAUGHAN, ON, L4H 3N5

Refer to the Definitions section in the Provincial Officer's Report, Part B of this Order, for the meaning of all the capitalized terms that are used in this Order.

PART A - WORK ORDERED

This work is ordered pursuant to my authority under **EPA | 157.1, EPA | 157**, I order you, jointly and severally, to do the following:

Item No.1 **Compliance Date:** 01/22/2021

By January 22, 2021, submit to the undersigned Provincial Officer, by email at matt.mcneice@ontario.ca, a report on all the activities undertaken at the Site during the period of September 1, 2020 until December 31, 2020. The report must include a daily log to indicate what activity, if any, was being carried on including without limitation the following:

(a) any sorting or movement of the Soil and/or the Waste on Site;

- (b) any shipment of Soil and/or Waste off-site; and
- (c) any Waste being brought back onto the Site.

Item No.2

Compliance Date: 01/29/2021

By January 29, 2021, submit to the undersigned Provincial Officer, by email at matt.mcneice@ontario.ca, a report providing details on the trucking activities relating to the movement of Waste at the Site during the period of September 1, 2020 until December 31, 2020. The report must include the following information:

- (a) the name of the person(s) supervising and/or responsible for arranging the trucking activities;
- (b) the details regarding the trucks involved and quantity of Waste being hauled;
- (c) the locations where the Waste was sent;
- (d) any detailed information regarding the quality or nature of the Waste that was provided to the locations where the Waste was sent; and
- (e) details regarding any truck loads that returned Waste to the Site and why it was returned.

PART B - PROVINCIAL OFFICER'S REPORT

This Order is being issued for the reasons set out below.

Definitions

For the purposes of this Order, the following capitalized terms shall have the meanings set out below:

"Company" means 1668135 Ontario Inc.

"EPA" means the Environmental Protection Act, R.S.O. 1990, c. E.19.

"Ministry" means the Ministry of the Environment, Conservation and Parks.

"Provincial Officer" means the undersigned provincial officer or, in the event that the undersigned is unable to act, any other provincial officer authorized to act under the EPA.

"Site" means the property legally described as Parts 4 and 5 on Reference Plan 66R-35952, being part of Property Identifier Number (PIN) 03307-2291 (LT) and municipally referred to as part of 5550 Langstaff Road, City of Vaughan.

"Soil" means material at the Site that is suitable for use as fill material either on-Site or at an off-site location.

"Waste" means material at the Site that is defined as waste under the EPA which would include construction and demolition material that has been separated or is mixed in with Soil and would not be suitable for use as fill material either on-Site or at an off-site location.

Description of Person(s) Subject to the Order

The following describes the Orderees, the persons to whom this Order is being issued, and the reasons why the Order is being issued to them jointly and severally which means collectively and also individually.

Antonio Gentile is being ordered as he is the president and a director of the Company and the primary person dealing with the Ministry regarding the Site.

1668135 Ontario Inc. is being ordered as the owner of the Site.

Vujeva Vlado is being ordered as a director and officer of the Company, who together with Antonio Gentile, has management and control of the Site and activities taking place at the Site.

Description of the Site and/or System/Facility

The Site was used as an unapproved landfill during the 1970s and early 1980s by a variety of waste management systems operating in the Greater Toronto Area for the disposal of primarily solid, non-hazardous, construction and demolition waste.

The Site is commonly referred to as the "Residential Parcel" of the second phase of the Ravines of Rainbow Creek residential subdivision development.

Events Leading up to Order

- 1 The following summarizes some of the key events that have occurred prior to this Order:
 - (1) The Company purchased the Site, along with adjoining property, on December 14, 2007.
 - (2) The Ministry and the City of Vaughan have had concerns regarding actions taken by the Company and others at the Site during the remediation and development process.
 - (3) In June 2018 the Ministry acknowledged the filing of record of site condition number 224542 confirming that as of March 2017 the Site was suitable for residential use but also advised the Company and the City of Vaughan that a new record of site condition would be required to be submitted and acknowledged by the Ministry to confirm that it will be suitable for residential development in the future, because of activities conducted at the Site.
 - (4) Since 2017 significant quantities of Soil and Waste were deposited and stockpiled on the Site and subsequently removed.
 - (5) The Ministry has had numerous discussions with Antonio Gentile and his environmental and legal advisors as to what needed to be carried out to properly remove the excess Soil and all of the Waste from the Site and then submit an updated record of site condition.
 - (6) The City of Vaughan has been monitoring the activities at the Site regarding compliance with its municipal and development requirements.
 - (7) The nearby residents have been concerned about the activities at the Site and been providing information to the Ministry and the City of Vaughan on a regular basis regarding the Site and the trucking activities including a number of occasions when trucks were coming to the Site and dumping material thereon.

(8) In September I attended at the Site and observed that Soil was being removed.

(9) On November 6, 2020 the Ministry learned that Waste from the Site was illegally deposited at an approved fill site in Springwater Township.

(10) I attended the Site on November 6, 2020 and observed that Waste was being loaded onto trucks. I requested from Antonio Gentile and the Company person on Site information regarding the waste management trucking companies involved and where the Waste was being taken. Although I was given information regarding the names of the trucking companies, I did not receive all of the information that I requested and was required in order to determine whether the EPA was being complied with.

(11) The owner of the Springwater Township site is working with the Ministry and making arrangements to remove the Waste.

(12) In December I was advised of Waste from the Site being deposited at 18 Molson Road in Brant County and also being returned to the Site.

(13) My District Manager on November 27, 2020 emailed Antonio Gentile, pursuant to section 157.0.01 of the EPA, "formally requiring a response to the inquiry as to where the material from the site has gone and by whom it was transported complete with all documentation related thereto".

(14) No information has since been provided and, as indicated in the email, this Order is being issued for the Ministry to proceed on a more formal basis.

Authority to Issue the Order

I am issuing this Order under my authority as a Provincial Officer under the following legislation, including the applicable sections providing for consequential authority, namely EPA 196, OWRA 104, and/or SDWA 162:

I have the authority as a Provincial Officer to issue orders under the EPA to further the purpose of the EPA, namely "to provide for the protection and conservation of the natural environment".

This Order is issued pursuant to subsection 157(1) of the EPA. I reasonably believe that the parties named in this Order (Orderees) have contravened section 40 of the EPA regarding depositing, or causing, permitting or arranging for the deposit of Waste upon land that is not a waste disposal site for which an environmental compliance approval has been issued and that Antonio Gentile has contravened subsection 184(4) of the EPA by refusing to provide information to the Ministry.

Set out in this Order is a brief description of the nature, and the locations, of the contraventions.

This Order is also being issued pursuant to subsection 157.1(1) of the EPA. I reasonably believe

that the requirements of this Order are necessary or advisable so as to prevent, decrease or eliminate an adverse effect that may result from the presence of any Waste on the Receiving Sites

Contraventions

EPA 184 (4)	(4) No person shall refuse to furnish any provincial officer, the Minister, the Ministry or any employee in or agent of the Ministry with information required for the purposes of this Act and the regulations.
EPA 40	40. No person shall deposit, or cause, permit or arrange for the deposit of, waste upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site for which an environmental compliance approval or renewable energy approval has been issued or a registration under Part II.2 is in effect and except in accordance with the terms and conditions of the approval or the regulations made for the purposes of Part II.2.

Ministry of the Environment,
Conservation and Parks
Central Region
York Durham District Office
1091 Gorham Street, Suite 102
Newmarket, ON L3Y 8X7
Toll-Free : 1-800-376-4547
Telephone.: 905-427-5600
Fax: 905-836-9209

Ministère de l'Environnement, de la
Protection de la nature et des Parcs
Région du Centre
Bureau de district de York Durham
Suite 102, 1091 Rue Gorham
Newmarket, ON L3Y 8X7
Sans frais : 1-800-376-4547
Téléphone : 905 427-5600
Télécopieur : 905 836-9209

Wednesday January 6, 2021

1668135 Ontario Inc.
166 Gentile Circle
Woodbridge, ON
L4H 3N3

Antonio Gentile
166 Gentile Circle,
Woodbridge, ON
L4H 3N3

Vlado Vujeva
6 Eastglen Crescent
Etobicoke, ON
M9B 4P7

Re: Order No.: 1-14169693

Site: 5550 Langstaff Road, Vaughan

I am mailing to each of you a copy of the enclosed Order No. 1-14169693 that I have issued today to all of you, 1668135 Ontario Inc., Antonio Gentile and Vujeva Vlado.

The Order sets out work that must be done by the dates indicated. As you may be aware, non-compliance with the Order by the corporation is an offence under the legislation as is the failure to carry out the director and officer duty of care.

Please **note** the review/appeal information in the Order at pages 9 and 10. The email address and fax number that has not been included on page 9 are celeste.dugas@ontario.ca at (905) 836-9209.

I am able to amend the Order unless you Request a Review at which time it will be up to my District Manager, Celeste Dugas, to deal with the Order requirements.

This Order is being served by mail and is deemed to be served five days after the day of mailing, on January 6, 2021.

For convenience I am also sending a copy of this letter and the Order by email today to the Ministry people involved as well as to Antonio Gentile, Vlado Vujeva and the legal counsel who has been recently involved.

If you have any questions about the Order do not hesitate to contact me at (705) 733-4387 or by email at matt.mcneice@ontario.ca.

Yours truly,



Matt McNeice
Provincial Officer #209

Celeste.dugas@ontario.ca
Kristen.sones@ontario.ca
Norm.rankin@ontario.ca
tony@castlemanorhomes.ca
vlado@vujeva.com
drees@mpdlawfirm.com

Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)
Nutrient Management Act, 2002, S.O. 2002, c. 4 (NMA)
Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P.11 (PA)
Safe Drinking Water Act, 2002, S.O. 2002, c. 32 (SDWA)

Order Number

1-14169693

Order Issued To

1668135 ONTARIO INC.
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

ANTONIO GENTILE

166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

VLADO VUJEVA

6 EASTGLEN CRESCENT, TORONTO, ON, M9B 4P7

Site

1668135 Ontario Inc.
5550 LANGSTAFF ROAD, VAUGHAN, ON, L4H 3N5

Refer to the Definitions section in the Provincial Officer's Report, Part B of this Order, for the meaning of all the capitalized terms that are used in this Order.

PART A - WORK ORDERED

This work is ordered pursuant to my authority under **EPA | 157.1**, **EPA | 157**, I order you, jointly and severally, to do the following:

Item No.1 **Compliance Date:** 01/22/2021

By January 22, 2021, submit to the undersigned Provincial Officer, by email at matt.mcneice@ontario.ca, a report on all the activities undertaken at the Site during the period of September 1, 2020 until December 31, 2020. The report must include a daily log to indicate what activity, if any, was being carried on including without limitation the following:

(a) any sorting or movement of the Soil and/or the Waste on Site;

- (b) any shipment of Soil and/or Waste off-site; and
- (c) any Waste being brought back onto the Site.

Item No.2

Compliance Date: 01/29/2021

By January 29, 2021, submit to the undersigned Provincial Officer, by email at matt.mcneice@ontario.ca, a report providing details on the trucking activities relating to the movement of Waste at the Site during the period of September 1, 2020 until December 31, 2020. The report must include the following information:

- (a) the name of the person(s) supervising and/or responsible for arranging the trucking activities;
- (b) the details regarding the trucks involved and quantity of Waste being hauled;
- (c) the locations where the Waste was sent;
- (d) any detailed information regarding the quality or nature of the Waste that was provided to the locations where the Waste was sent; and
- (e) details regarding any truck loads that returned Waste to the Site and why it was returned.

PART B - PROVINCIAL OFFICER'S REPORT

This Order is being issued for the reasons set out below.

Definitions

For the purposes of this Order, the following capitalized terms shall have the meanings set out below:

"Company" means 1668135 Ontario Inc.

"EPA" means the Environmental Protection Act, R.S.O. 1990, c. E.19.

"Ministry" means the Ministry of the Environment, Conservation and Parks.

"Provincial Officer" means the undersigned provincial officer or, in the event that the undersigned is unable to act, any other provincial officer authorized to act under the EPA.

"Site" means the property legally described as Parts 4 and 5 on Reference Plan 66R-35952, being part of Property Identifier Number (PIN) 03307-2291 (LT) and municipally referred to as part of 5550 Langstaff Road, City of Vaughan.

"Soil" means material at the Site that is suitable for use as fill material either on-Site or at an off-site location.

"Waste" means material at the Site that is defined as waste under the EPA which would include construction and demolition material that has been separated or is mixed in with Soil and would not be suitable for use as fill material either on-Site or at an off-site location.

Description of Person(s) Subject to the Order

The following describes the Orderees, the persons to whom this Order is being issued, and the reasons why the Order is being issued to them jointly and severally which means collectively and also individually.

Antonio Gentile is being ordered as he is the president and a director of the Company and the primary person dealing with the Ministry regarding the Site.

1668135 Ontario Inc. is being ordered as the owner of the Site.

Vujeva Vlado is being ordered as a director and officer of the Company, who together with Antonio Gentile, has management and control of the Site and activities taking place at the Site.

Description of the Site and/or System/Facility

The Site was used as an unapproved landfill during the 1970s and early 1980s by a variety of waste management systems operating in the Greater Toronto Area for the disposal of primarily solid, non-hazardous, construction and demolition waste.

The Site is commonly referred to as the "Residential Parcel" of the second phase of the Ravines of Rainbow Creek residential subdivision development.

Events Leading up to Order

- 1 The following summarizes some of the key events that have occurred prior to this Order:
 - (1) The Company purchased the Site, along with adjoining property, on December 14, 2007.
 - (2) The Ministry and the City of Vaughan have had concerns regarding actions taken by the Company and others at the Site during the remediation and development process.
 - (3) In June 2018 the Ministry acknowledged the filing of record of site condition number 224542 confirming that as of March 2017 the Site was suitable for residential use but also advised the Company and the City of Vaughan that a new record of site condition would be required to be submitted and acknowledged by the Ministry to confirm that it will be suitable for residential development in the future. because of activities conducted at the Site.
 - (4) Since 2017 significant quantities of Soil and Waste were deposited and stockpiled on the Site and subsequently removed.
 - (5) The Ministry has had numerous discussions with Antonio Gentile and his environmental and legal advisors as to what needed to be carried out to properly remove the excess Soil and all of the Waste from the Site and then submit an updated record of site condition.
 - (6) The City of Vaughan has been monitoring the activities at the Site regarding compliance with its municipal and development requirements.
 - (7) The nearby residents have been concerned about the activities at the Site and been providing information to the Ministry and the City of Vaughan on a regular basis regarding the Site and the trucking activities including a number of occasions when trucks were coming to the Site and dumping material thereon.

(8) In September I attended at the Site and observed that Soil was being removed.

(9) On November 6, 2020 the Ministry learned that Waste from the Site was illegally deposited at an approved fill site in Springwater Township.

(10) I attended the Site on November 6, 2020 and observed that Waste was being loaded onto trucks. I requested from Antonio Gentile and the Company person on Site information regarding the waste management trucking companies involved and where the Waste was being taken. Although I was given information regarding the names of the trucking companies, I did not receive all of the information that I requested and was required in order to determine whether the EPA was being complied with.

(11) The owner of the Springwater Township site is working with the Ministry and making arrangements to remove the Waste.

(12) In December I was advised of Waste from the Site being deposited at 18 Molson Road in Brant County and also being returned to the Site.

(13) My District Manager on November 27, 2020 emailed Antonio Gentile, pursuant to section 157.0.01 of the EPA, "formally requiring a response to the inquiry as to where the material from the site has gone and by whom it was transported complete with all documentation related thereto".

(14) No information has since been provided and, as indicated in the email, this Order is being issued for the Ministry to proceed on a more formal basis.

Authority to Issue the Order

I am issuing this Order under my authority as a Provincial Officer under the following legislation, including the applicable sections providing for consequential authority, namely EPA 196, OWRA 104, and/or SDWA 162:

I have the authority as a Provincial Officer to issue orders under the EPA to further the purpose of the EPA, namely "to provide for the protection and conservation of the natural environment".

This Order is issued pursuant to subsection 157(1) of the EPA. I reasonably believe that the parties named in this Order (Orderees) have contravened section 40 of the EPA regarding depositing, or causing, permitting or arranging for the deposit of Waste upon land that is not a waste disposal site for which an environmental compliance approval has been issued and that Antonio Gentile has contravened subsection 184(4) of the EPA by refusing to provide information to the Ministry.

Set out in this Order is a brief description of the nature, and the locations, of the contraventions.

This Order is also being issued pursuant to subsection 157.1(1) of the EPA. I reasonably believe

that the requirements of this Order are necessary or advisable so as to prevent, decrease or eliminate an adverse effect that may result from the presence of any Waste on the Receiving Sites

Contraventions

EPA 184 (4)	(4) No person shall refuse to furnish any provincial officer, the Minister, the Ministry or any employee in or agent of the Ministry with information required for the purposes of this Act and the regulations.
EPA 40	40. No person shall deposit, or cause, permit or arrange for the deposit of, waste upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site for which an environmental compliance approval or renewable energy approval has been issued or a registration under Part II.2 is in effect and except in accordance with the terms and conditions of the approval or the regulations made for the purposes of Part II.2.

ISSUING OFFICER

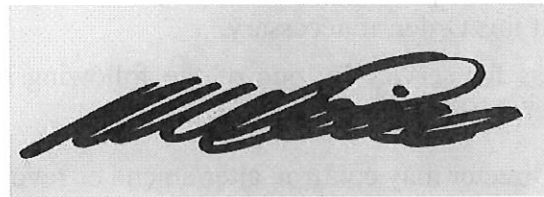
Name: Matt McNeice

Badge Number: 209

Address: 230 WESTNEY RD S 5TH FLR, AJAX, ON, L1S 7J5

Email: matt.mcneice@ontario.ca

Date: 2021/01/06



Signature:

REVIEW AND APPEAL INFORMATION

REQUEST FOR REVIEW

You may request that this Order be reviewed by the Director. Your request must be made in writing or orally with written confirmation. Your written request or written confirmation of your oral request must be served on the Director within 7 days after the date this Order was served on you and must be served on the Director at the address, email address or fax number in the Contact Information below.

In your written request or written confirmation, you must:

- Specify the portions of this Order that you wish to be reviewed.
- Include any submissions to be considered by the Director with respect to issuance of this Order to you or any other person and within respect to the contents of this Order.
- Apply for a stay of this Order, if necessary.
- Provide an address for service by one of the following means, in person, by mail, by commercial courier, by fax, or by email.

In response to your request, the Director may confirm, alter/amend or revoke this Order.

The Director will serve you with a copy (written notice) of the decision to revoke this Order or of an order, a Director's Order, to confirm or alter/amend this Order, together with reasons.

DEEMED CONFIRMATION OF THIS ORDER

If within 7 days of the Director receiving your request for review you do not receive oral or written notice of the Director's decision on your request for review, this Order is considered (deemed) to have been confirmed by order of the Director and deemed to have been served upon you at the expiry of those 7 days.

APPEAL INFORMATION (REQUIRE A HEARING)

A. If this Order is deemed confirmed as explained above, you may require a hearing by the Environmental Review Tribunal on the deemed confirmed order within 15 days of the deemed service date:

- You must serve written notice of your appeal on the Environmental Review Tribunal and the Director within those 15 days of the deemed service date.

- Your notice must state the portions of the deemed confirmed order for which a hearing is required and the grounds on which you intend to rely at the hearing.
- Unless you have permission (leave) of the Environmental Review Tribunal, you are not entitled to appeal a portion of the deemed confirmed order or to rely on grounds of appeal that are not stated in your notice requiring the hearing.
- Unless stayed by the Environmental Review Tribunal, the deemed confirmed order is effective from the deemed service date.
- Written notice requiring a hearing must be served at the address, email or fax number for the Environmental Review Tribunal and the Director in the Contact Information below.

If this Order is confirmed or altered/amended by the Director by a written order served upon you (as opposed to the deemed confirmation noted above), such Director's Order will include the appropriate instructions for appealing that order to the Environmental Review Tribunal.

CONTACT INFORMATION

The address, email address and fax numbers of the Director and the Environmental Review Tribunal are:

The Secretary
Environmental Review Tribunal
655 BAY STREET, SUITE 1500
TORONTO, ON M5G 1E5

Director (Provincial Officer's Orders)
Ministry of the Environment, Conservation and Parks
York Durham District Office
230 WESTNEY RD S
, 5TH FLR
AJAX, ON L1S 7J5

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal:

Tel: (416) 212-6349

Fax: (416) 326-5370

Email: erttribunalSecretary@ontario.ca

Webpage: www.olt.gov.on.ca

SERVICE INFORMATION

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the legislation under which this Order is made and any corresponding Service Regulation.

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

ADDITIONAL INFORMATION

Unless stayed by the Director or the Environmental Review Tribunal, this Order is effective from the date of service.

Failure to comply with a requirement of this Order constitutes an offence.

The requirements of this Order are minimum requirements only and do not relieve you from complying with the following:

- any applicable federal legislation;
- any applicable provincial requirements that are not addressed in this Order; and
- any applicable municipal law.

The requirements of this Order are severable. If any requirement of this Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Order.

Further orders may be issued in accordance with the legislation as circumstances require.

The procedures to request a review by the Director or require a hearing and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at <https://www.ontario.ca/laws>.



**CITY OF VAUGHAN
POLICY AND PROCEDURES FOR DEALING WITH
CONTAMINATED OR POTENTIALLY CONTAMINATED SITES
UPDATED JANUARY 2014**

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City of Vaughan Site Screening Questionnaire
Letter of Reliance Template
City of Vaughan Environmental Remedial Action Plan (RAP) Requirements

1.0 Introduction

Soil, ground water, and/or sediment quality can have a direct impact on human and ecological health. In order to minimize risk of health impacts, brownfield and contaminated sites with impacted soils, ground water, and/or sediment are severely restricted in terms of the uses that can occur on the lands.

Redevelopment and intensification will likely result in the identification of an increasing number of brownfield and contaminated sites. These sites may be found in Intensification Areas, where a significant portion of new growth in the City of Vaughan is being directed.

1.1 Purpose

This document provides an update to the City of Vaughan's *Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites* that was originally adopted by Council on May 14, 2001. The policy's intent is to ensure contaminated or potentially contaminated sites within the City of Vaughan are addressed according to Provincial statutes and regulations, York Region standards, and best management practices to permit development or redevelopment, and to ensure that lands being conveyed to the City meet the applicable environmental standards. As significant updates have occurred to the legislation relating to contaminated sites since 2001, an update to the policy is required to ensure the City's environmental review process is consistent with current industry practices and regulations as well as remaining effective and efficient for Vaughan's development application review process.

The requirements outlined in this updated policy are consistent with those prescribed by *Ontario Regulation (O. Reg.) 153/04* (as amended) but also encompass the guiding principals and recommendations contained in Ontario Ministry of the Environment (MOE) Guidance documents in order to capture those development applications where the land use does not change or the proposed development does not result in a change to a more sensitive land use.

Although this document supersedes the 2001 *Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites*, the protocols prescribed in this update have remained largely unchanged. Where applicable, reference should be made to the original policy document and background report if further insight on the development of the policy is required.

2.0 Governing Policies, Plans, and Legislative Background

The following provides a summary of the applicable provincial and municipal policies, plans, and legislation which has guided the development of the City's policy on dealing with brownfields and contaminated or potentially contaminated sites.

2.1 Official Plans and Policies

2.1.1 Provincial Policy Statement, 2005

The Provincial Policy Statement, 2005 (PPS) provides direction for the entire province on matters of provincial interest related to land use planning and development. The following are excerpts from the PPS which relate to brownfield and contaminated sites:

1.7 Long-Term Economic Prosperity

*1.7.1 Long-term economic prosperity should be supported by:
c) promoting the redevelopment of brownfield sites;*

3.2 Human-Made Hazards

3.2.1 Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

3.2.2 Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

2.1.2 Regional Municipality of York Official Plan Policies

The Regional Municipality of York (York Region) comprises nine local municipalities including the City of Vaughan. The York Region Official Plan - 2010 was approved by the Minister of Municipal Affairs and Housing on September 7, 2010 and appealed to the Ontario Municipal Board (OMB). Section 5.2 of the York Region Official Plan addresses contaminated or potentially contaminated sites as follows:

It is the policy of Council:

17. That local municipalities shall develop official plan policies and associated procedures for development on contaminated or potentially contaminated sites, including the use of community improvement plans where appropriate to promote brownfield site redevelopment.

2.1.3 City of Vaughan Official Plan Policies

On September 7, 2010, the City of Vaughan Council adopted a new Official Plan (VOP 2010) as part of the City's integrated Growth Management Strategy. The Official Plan addresses all elements of effective, sustainable and successful city-building, while managing projected growth to 2031.

Section 3.8.1 of VOP 2010 (City of Vaughan Official Plan 2010 Volume 1, as Adopted by the Council of the City of Vaughan September 7, 2010, subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, as endorsed by Regional Council on June 28, 2012) outlines the City of Vaughan's policy requirements with respect to soil quality and site remediation as follows:

It is the policy of Council:

3.8.1.1. To support and encourage the cleanup, renewal and redevelopment of brownfield and other contaminated sites for a variety of uses.

3.8.1.2. That brownfields and other contaminated sites are a legacy of past or current use that must be addressed when new development or a change in land use is proposed. New development on or adjacent to brownfield sites must plan for the redevelopment and reintegration of the brownfield site. Secondary plans and other planning exercises will also be required to plan for the redevelopment of brownfield sites.

3.8.1.3. To encourage the use of municipal funding mechanisms and funding sources from other tiers of government to support the cleanup, renewal and redevelopment of brownfield and other contaminated sites.

3.8.1.4. That, where development is proposed on a site which, in the opinion of the City or other approval authority, may be contaminated due to previous use, environmental assessment reports are required to be submitted in accordance with provincial regulations and guidelines.

3.8.1.5. To require that, prior to considering to permit development on contaminated sites, the following be completed to the satisfaction of the City or other approval authority:

a. determination of the impacted area of the site, in consultation with the City or appropriate approval authority, on the basis of technical studies;

b. submission of studies by the proponent identifying the level of contamination of the site, proposed remediation measures and post clean-up conditions as deemed necessary for the proposed use; and

c. cleaning or remediation of the site in accordance with provincial criteria, the policies of this Plan, and the directions identified in studies submitted to support redevelopment.

2.2 Legislative Framework

2.2.1 Environmental Protection Act

The *Environmental Protection Act* is Ontario's key legislation for environmental protection. The act grants the MOE broad powers to deal with the discharge of contaminants which cause negative effects. The act specifically:

- prohibits the discharge of any contaminants into the environment which cause or are likely to cause negative effects - and in the case of some approved contaminants requires that they must not exceed approved and regulated limits;
- requires that any spills of pollutants be reported and cleaned up in a timely fashion.

The *Environmental Protection Act* includes, among a number of items, authorization for the MOE to issue a control order where there is an adverse effect to the environment as well as prescribes the requirements for Environmental Compliance Approvals, Waste Management, and Spills. Records of Site Condition (RSCs) setting out the requirements for the assessment and cleanup of a property and prohibiting certain changes in the use of a property are detailed in Part XV.1 of the *Environmental Protection Act*. Part XV.2 contains special provisions reducing the potential liability from orders for municipalities and others who may need to undertake certain investigative or other actions related to brownfield sites.

2.2.2 Planning Act

The *Planning Act* legislates land use planning in Ontario and describes how land uses may be controlled, and who may control them. Section 2 of the *Planning Act* states that municipalities shall have regard to:

- (h) the orderly development of safe and healthy communities;*
- (o) the protection of public health and safety;*

While Part V, Section 34 relating to Contaminated lands; sensitive or vulnerable areas states:

34. (1) Zoning by-laws may be passed by the councils of local municipalities:

- 3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,*
 - i. that is contaminated,*

- ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or
- iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the Clean Water Act, 2006.

2.2.3 Building Code Act, 1992

The *Environmental Protection Act* is linked to the *Building Code Act, 1992* by requiring that a RSC be filed before construction, if the building will be used in connection with certain property use changes. However, an exemption to the requirement for a RSC prior to issuance of a building permit can be made in cases where excavation and shoring are required, recognizing that site remediation often takes place in concert with building excavation and a RSC could not be filed until after an excavation has taken place.

2.2.4 MOE Guideline for Use at Contaminated Sites in Ontario (1996)

The Guideline for Use at Contaminated Sites in Ontario (GUSCO) issued by the MOE in June of 1996 and revised in February 1997 provided advice and information to property owners and consultants on assessing the environmental condition of a property, determining whether or not restoration was required and options for clean-up based on background, generic, and site specific risk assessment approaches. It included details on undertaking site assessments, sampling and analysis, remedial work plans, and RSCs. GUSCO included a section on land use planning which outlined opportunities and considerations for using planning mechanisms to address potential concerns with the reuse or redevelopment of a contaminated or potentially contaminated sites.

The majority of the details in GUSCO have largely been formalized and legalized with the implementation of *O. Reg. 153/04*. The guidance and recommendations with respect to contaminated sites and land use planning were considered during the development of this policy and have been incorporated where applicable.

2.2.5 Brownfields Statute Law Amendment Act (2001) and O. Reg. 153/04

In 2001, the Ontario government enacted the *Brownfield Statute Law Amendment Act*, which amended seven provincial statutes including the *Environmental Protection Act*, with the objective of encouraging the redevelopment of thousands of brownfield sites in Ontario. However, since compliance with the existing soil and ground water quality criteria was optional, owners and prospective owners of brownfield sites were reluctant to develop these sites because of concerns about potential liability and unknown future clean-up costs.

In 2004, the *Environmental Protection Act* was amended and *O. Reg. 153/04 – Records of Site Condition – Part XV.1 of the Act*, made under the *Environmental Protection Act*, was passed to address some of these concerns as well as to legalize and formalize the provisions originally set out in the 1996 MOE GUSCO. The regulation set out the technical requirements for conducting Environmental Site Assessments (ESAs), Site Remediation and Risk Assessments. Owners of brownfield sites or sites where a change in land use resulted in a more sensitive site (e.g., commercial or industrial to residential or parkland) were now required to provide RSCs indicating that their sites have been assessed and whether or not they met the soil, ground water and sediment quality criteria applicable to the proposed use of their sites. *O. Reg. 153/04* strengthened the quality criteria for soil, ground water and sediment from mere guidelines to standards, enforceable through RSCs.

In October 2004, the MOE issued a new guidance document entitled *Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition* that provided an overview of the new requirements under the *Environmental Protection Act* and other Acts and generally replaced the 1996 MOE GUSCO.

To address ongoing concerns related to RSCs and liability, *O. Reg. 153/04* was amended again in 2007 and in December 2009, to improve the integrity of RSCs, streamline risk assessments and set quality standards for soil brought to brownfield sites. The MOE also published updated soil and ground water quality standards for approximately 120 chemicals in their technical document entitled *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* (April 15, 2011) (MOE Soil, Ground water, and Sediment Standards). Most of these amendments and the updated quality standards came into force on July 1, 2011.

As prescribed by the legislation, the requirements of *O. Reg. 153/04* (as amended) and the filing of a RSC is mandatory wherever a property changes to a more sensitive land use (e.g., industrial/commercial to residential). The ESA reports completed to support the filing of an RSC must be conducted or supervised by a Qualified Person (QP), as defined by *O. Reg. 153/04* (as amended).

3.0 Scope of Application

This policy applies to development proposals requiring Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Development applications, and where lands are being acquired by the City, except as otherwise stated in this policy.

This policy does not apply to applications for minor variance and severance where a change to a more sensitive land use is not contemplated. Draft Plan of Condominium applications also do not apply to this policy as they are addressed at the Official Plan, Zoning By-Law, or Site Development application stages.

4.0 Administration

The Development Planning Department is responsible for ensuring all required information is received to facilitate the approval of development applications.

The Development/Transportation Engineering (DTE) Department is responsible for coordinating the review of environmental information relating to contamination or potential contamination at a site for a development application. The DTE Department will identify specific requirements to address contamination or potential contamination and will provide acceptance of ESA reports and related documentation.

5.0 Review Process

As part of the Pre-Application Consultation (PAC) meeting request, the Proponent will be required to complete and submit a Site Screening Questionnaire. The value of the Site Screening Questionnaire assists in ensuring that the potential for adverse environmental effects are kept to a minimum to the extent practicable, without unduly restricting or slowing down the development review process.

The Development Planning Department will circulate the Site Screening Questionnaire to the DTE Department for review prior to the PAC meeting. The Proponent will be notified in the PAC meeting whether the development application will require the submission of ESA reports.

If ESA reports are required, the Proponent shall submit the reports to Development Planning Department who will then circulate to the DTE Department for review and comment. Comments from the DTE Department will be provided to the Development Planning Department who will then circulate to the Proponent.

If contamination or potential contamination on the subject lands is identified, the Proponent must then determine the course of action required to address and resolve the issues to the satisfaction of the City.

5.1 External Peer Review Option

At the discretion of the DTE Department, submitted ESA reports may be subject to an external peer review. The option to undertake an external peer review will be on a case-by-case basis but will generally depend on factors such as the previous or current use of the site, the degree or potential degree of contamination at the site, and/or the complexity of remediation/risk assessment undertaken or required. If an external peer review is deemed necessary, the Proponent will be notified and will be required to submit a deposit and pay for all costs associated with the peer review.

In those instances where a peer review is required, the City will rely on the review and recommendations of the City's environmental peer review consultant. However, the responsibility for ensuring that ESA reports and remedial/risk assessment work (if required) meet the applicable MOE requirements and the site is suitable for the intended use or reuse remains solely the responsibility of the Proponent and their environmental consultant's QP.

6.0 Scheduling and Timing

Where ESA(s) are required, the following shall apply with respect to the scheduling of the development application for consideration by the Committee of the Whole:

1. The requirement for ESA report(s) **will not** affect the scheduling of the Public Hearing on an application.
2. **Applications for Official Plan and Zoning By-law Amendment, Plan of Subdivision and Site Development shall not proceed to a Technical Report to the Committee of the Whole until such time as the DTE Department has informed the Development Planning Department that one of the following has occurred:**
 - i) The Proponent has submitted a Site Screening Questionnaire which has been completed to the satisfaction of the DTE Department and the information in the Site Screening Questionnaire along with a review of the City's files/records indicates no potential for environmental concern to the proposed development or adjacent properties; OR
 - ii) The Proponent has submitted ESA report(s) which have been completed to the satisfaction of the DTE Department, the ESA report(s) indicate that the subject lands are free of contamination, and/or the Proponent's QP indicates no further investigation is necessary and the lands are suitable for the proposed land use; OR
 - iii) The Proponent's ESA report(s) have identified areas of contamination and a Remedial Action Plan (RAP) has been prepared by the Proponent's QP, submitted, and reviewed to the satisfaction of the DTE Department. For Zoning By-law Amendments, the use of the 'H' Symbol shall be applied to

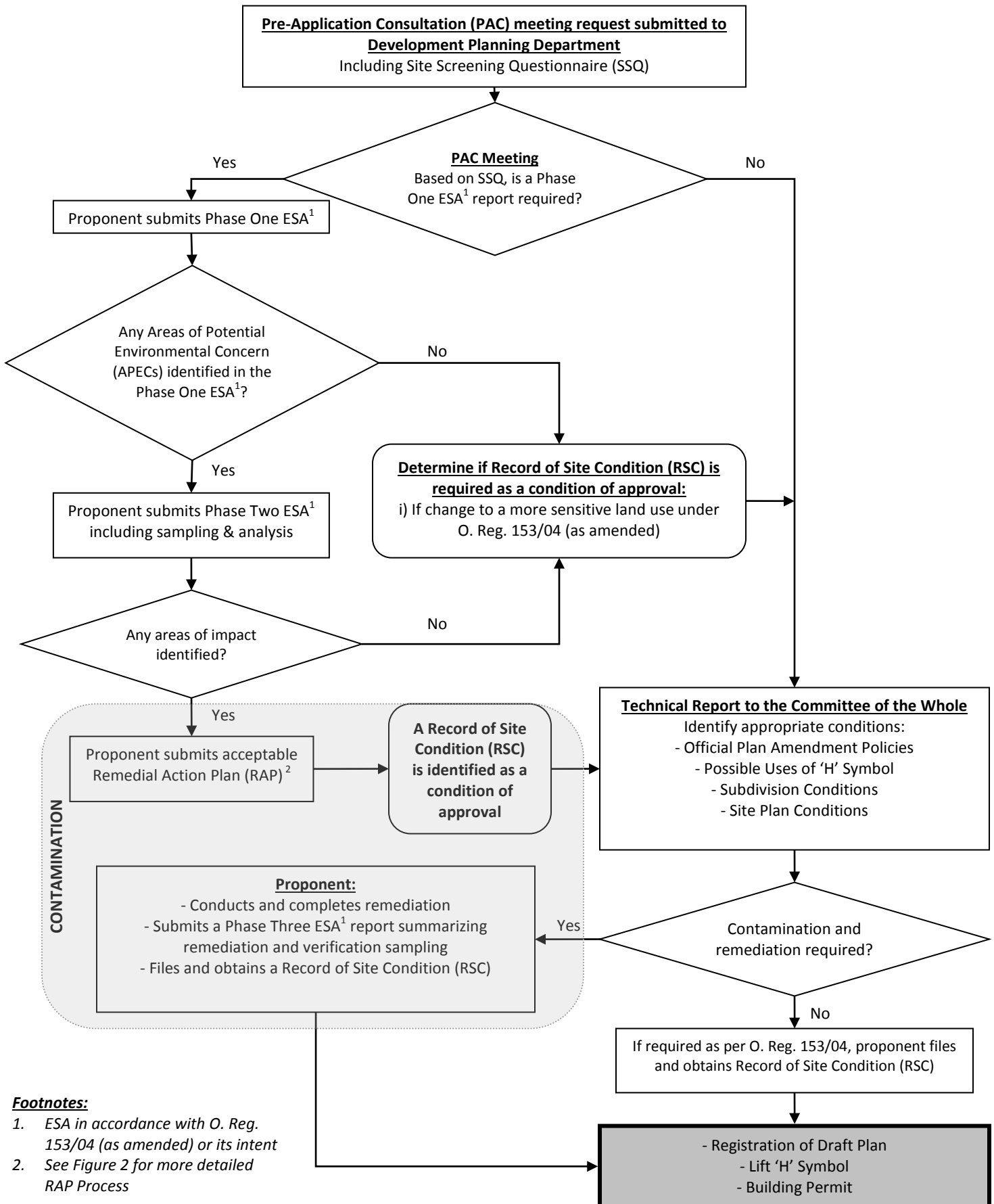
the application under these circumstances (refer to Section 8.1 for further details).

7.0 Submission Requirements

This section provides a detailed description of the City of Vaughan's environmental site contamination document submission and review requirements for development applications.

A flow chart outlining the City's review process is provided on the following page (Figure 1) for ease of reference in understanding this policy's requirements.

Figure 1: City of Vaughan Environmental Site Contamination Review Flow Chart



7.1 Site Screening Questionnaire

A Site Screening Questionnaire (completed and signed by the Owner and, if applicable, purchaser and/or lessee of the subject lands) must be submitted to the Development Planning Department with every Pre-Application Consultation (PAC) meeting request. As part of the application, the Environmental Certification affidavit which the applicant swears to, will also apply to the Site Screening Questionnaire.

The Development Planning Department will forward the completed Site Screening Questionnaire and Environmental Certification to the DTE Department for review.

A copy of the Site Screening Questionnaire and Environmental Certification is included in Appendix A of this Policy.

7.2 Environmental Site Assessment (ESA) Reports

7.2.1 Phase One ESA Requirements

A Phase One ESA, in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) to the satisfaction of the City where a RSC is not mandatory, will be required as part of a development application submission prior to the Technical Report being considered by the Committee of the Whole, if **any** of the following circumstances apply:

- i) The proposal includes a change to a more sensitive land use as defined under *O. Reg. 153/04* (as amended).
- ii) The Site Screening Questionnaire indicates the potential or uncertainty for contamination on the subject lands that currently or historically have been use for non-residential purposes (e.g., landfill, industrial manufacturing, automotive related, gas station, dry cleaning, raw material storage) and presents an environmental concern to the proposed development or to the surrounding land uses.
- iii) Lands are to be deeded/conveyed to or acquired by the municipality including but not limited to roads, parks, woodlots, valley lands, storm water management facilities or where lands are being acquired by the City through real estate transactions outside of the development review process.
- iv) The City has any other information by which it has reason to suspect that the subject lands may have the potential for being contaminated presenting an environmental concern to the proposed development or to the surrounding land uses.

The submitted Phase One ESA must be completed by or under the supervision of a QP and reflect the **current conditions** of the subject lands. As such, the submitted Phase One ESA report should contain information and site data **no more than 18 months** from the time of the development application submission date. If the information in the report is beyond 18 months, then an update to the Phase One ESA will be required with the extent of the Phase One ESA update (e.g., update letter or full report) determined by the Proponent's QP in order to satisfy themselves that the information relied upon in the update provides an accurate environmental assessment of the current site conditions.

Exceptions to the requirement for a Phase One ESA report may be granted as determined on a case-by-case basis by the DTE Department (e.g., in the case of road widening, easements and acquisitions of a minor nature).

Reliance on submitted Phase One ESA report(s) must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

7.2.2 Phase Two ESA Requirements

A Phase Two ESA, in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) to the satisfaction of the City where a RSC is not mandatory, will be required as part of a development application submission that resolves the environmental concerns of the City prior to the Technical Report being considered by the Committee of the Whole, if **any** of the following circumstances apply:

- i) The Phase One ESA recommends a Phase Two ESA and/or identifies areas of potential environmental concern on the subject lands presenting an environmental concern to the proposed development or to the surrounding land uses.
- ii) Lands designated as park land and/or open spaces are being deeded/conveyed to the City. If areas of potential environmental concern are identified in the Phase One ESA, the Phase Two ESA on the park land and/or open spaces shall occur **prior** to the Technical Report to the Committee of the Whole AND, in all cases, a Phase Two ESA on the park land and/or open spaces shall be conducted **after** the City has certified the rough grading for the park land and/or open spaces but prior to placement of topsoil and landscaping.

The submitted Phase Two ESA must be completed by or under the supervision of a QP and reflect the **current conditions** of the subject lands. If the City has reason to believe the information in the Phase Two ESA report does not reflect or satisfy all of the environmental concerns on

the subject lands, then additional updates or supplemental ESA work may be required to the satisfaction of the City.

Reliance on submitted Phase Two ESA report(s) must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

7.2.3 Phase Three ESA / Remedial Action Plan (RAP) requirements

A Phase Three ESA / Remedial Action Plan (RAP) in accordance with *O. Reg. 153/04* (as amended) will be required as part of the development application submission if the Phase Two ESA identifies soil, ground water, and/or sediment concentrations of contaminants on the subject land which exceed the applicable MOE Soil, Ground Water and Sediment Standards and remediation is necessary in order to make the site suitable for the intended use.

A RAP meeting the requirements outlined in the **City's Environmental Remedial Action Plan (RAP) checklist** (attached in Appendix A) shall be submitted by the Proponent for review and to the satisfaction of the DTE Department prior to the Technical Report to the Committee of the Whole. In some instances, the Proponent may be required to undertake a public communication program, to the satisfaction of the City.

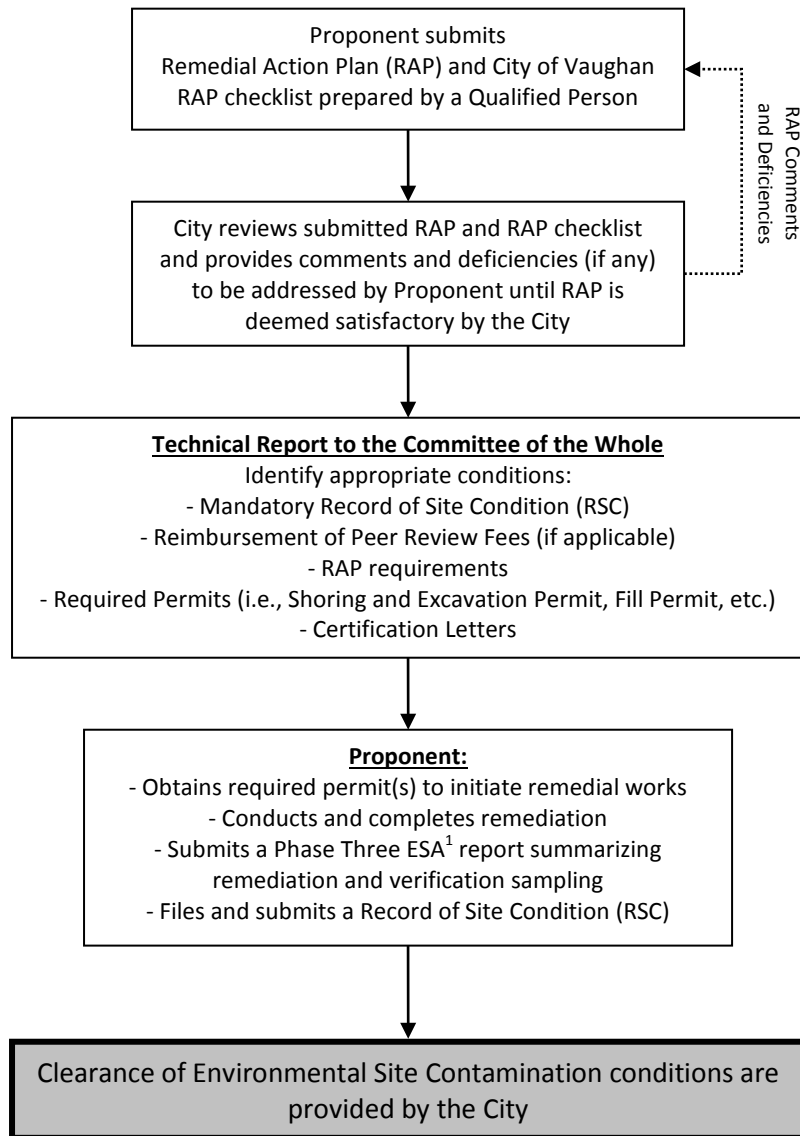
Upon ratification of the development application by Council, the Proponent may then proceed with remedial works in accordance with all applicable permits and agreements. The responsibility for ensuring that the information in the reports is correct, the site remediation and restoration work is completed in a manner consistent with MOE requirements, and the site is suitable for the intended property use, remains with the Proponent and their environmental consultant's QP.

Following the completion of all remedial works whereby the subject land is deemed suitable by the Proponent's QP for the intended land use and meets the applicable MOE Soil, Ground Water and Sediment Standards, a Phase Three ESA which includes details on the execution of the RAP and a summary of the results of remediation along with details on the completed site restoration must be prepared and submitted by the Proponent for review and to the satisfaction of the DTE Department.

The Phase Three ESA and RAP must be prepared by or under the supervision of a QP. Reliance on submitted Phase Three ESA report(s) and RAP must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

An overview outlining the City of Vaughan's RAP review process is provided in Figure 2 on the following page for ease of reference.

Figure 2: City of Vaughan RAP Review Flow Chart



Footnotes:

1. ESA in accordance with O. Reg. 153/04 (as amended)

7.3 Record of Site Condition (RSC)

A Record of Site Condition (RSC) will be required as a condition of development approval, if any of the following circumstances apply:

- i) The proposal includes a change in use to a more sensitive land use as defined under O. Reg. 153/04 (as amended).
- ii) The subject land requires remediation.

A copy of the RSC along with an MOE acknowledgement letter confirming that the RSC was filed on the Environmental Site Registry must be provided to the City as a condition of approval of the development application.

7.4 Use of Risk Assessment and Stratified Clean-up Approach

The City acknowledges the use of risk assessment and/or stratified clean-up in accordance with O. Reg. 153/04 as an alternative approach for addressing contaminated sites where remediation may not be feasible. As such, the utilization of risk assessment or stratified clean-up approach would be permitted for development sites where no lands are to be conveyed or acquired by the City. The proponent will be required to provide applicable documentation to the satisfaction of the City indicating that the approach is a viable alternative and recommended over remediation.

For development sites where the proposed remediation includes land to be conveyed or acquired by the City, the use of a risk assessment or stratified cleanup approach will be assessed on a case-by-case basis, having regard for the individual constraints and merits of the development proposal, and will be brought to the attention of Council.

Should a risk assessment or stratified clean-up approach be utilized, all applicable documentation must be forwarded to the City for review (e.g., MOE Pre-Submission Form, MOE correspondence, Risk Evaluation/Assessment Report, Risk Management Plan, Certificate of Property Use, RSC acknowledged by MOE etc.). The applicant may also be requested to undertake a public communication program, to the satisfaction of the City. Documentation must be prepared by or under the supervision of a QP (ESA or RA, as applicable). Reliance on submitted reports must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

8.0 Conditions on Development Approvals

If the development application or ESA reports have indicated that **remediation of the subject land and/or a RSC is required**, appropriate environmental site contamination policies/conditions will be applied to the Amendment or Agreement (i.e., Official Plan Amendment, Zoning By-Law Amendment, Draft Plan of Subdivision, Site Plan Agreement, Letter of Undertaking) which may include the following, as applicable.

8.1 Official Plan Amendments and Zoning By-Law Amendments

- The Official Plan Amendment should include policies respecting any additional reports or approvals required to address the remediation of the site, prior to development occurring, and the use of a “H” Holding Symbol in the amending zoning by-law.
- For Zoning By-Law Amendments, “H” Holding Symbol will be used to grant approval conditional upon the proponent’s RAP and verification of clean-up (RSC).
- The “H” Holding Symbol would have the effect of requiring the owner to carry out or cause to be carried out the recommendations and measures contained in the environmental consultants report(s) including the RAP and to obtain the necessary permits to perform the works referred to prior to construction on the site and to provide the City with a completed RSC acknowledged by the MOE prior to lifting of the “H” Holding Symbol.

8.2 Plan of Subdivision

- The Proponent shall carry out or cause to be carried out the recommendations and measures contained within the ESA report(s) and RAP and to obtain any necessary permits to perform the work(s) referred to, prior to the commencement of any grading or construction on the site.
- The Proponent shall provide the City with appropriate environmental documentation (e.g., Updated ESA reports, Phase Three ESA report, certificate letters) which documents that the site remediation and restoration has been conducted and completed in accordance with the requirements of the *Environmental Protection Act* and its regulations and indicates that the site is suitable for the intended property use.
- Prior to final approval, the Proponent shall provide the City with a copy of the RSC which has been acknowledged by the MOE.

8.3 Site Plan Agreement/Letter of Undertaking

- The Proponent shall carry out or cause to be carried out the recommendations and measures contained within the ESA report(s) and RAP and to obtain any necessary permits to perform the work(s) referred to, prior to the commencement of any grading or construction on the site.
- The Proponent shall provide the City with appropriate environmental documentation (e.g., Updated ESA reports, Phase Three ESA report, certificate letters) which documents that the site remediation and restoration has been conducted and completed in accordance with the requirements of the *Environmental Protection Act* and its regulations and indicates that the site is suitable for the intended property use.
- Prior to the issuance of building or foundation permits, the Proponent shall provide the City with a RSC which has been acknowledged by the MOE. Should the Proponent require excavation as part of the works to remediate the subject lands, a shoring and excavation permit may be issued by the Buildings Standards Department to facilitate remedial works prior to issuing of a building or foundation permit provided City interests are protected through financial assurances or other means.

8.4 Other Conditions (as applicable)

- The Proponent shall reimburse the City for the cost of an external peer review.
- For developments where no remediation was required but a change in use to a more sensitive land use as defined under *O. Reg. 153/04* (as amended) is proposed, prior to final approval, the Proponent shall provide the City with a copy of the RSC which has been acknowledged by the MOE.
- For development on or adjacent to closed or active waste disposal sites or landfill facilities, the proponent may be required to provide written approval from the MOE that the development satisfies the provisions of the *Environmental Protection Act* and that the site has been decommissioned and rehabilitated in accordance with applicable legislation and to the satisfaction of the MOE.

8.5 Land Conveyances/Acquisitions to the City

Where **lands are being conveyed to or acquired by the City**, the following clauses will be included as a condition in the Site Plan/Letter of Undertaking or Subdivision Agreement (as applicable) which has the effect of:

- Where **only a Phase One ESA** was completed, the Proponent's QP covenants and agrees that:
 - The assessment of the subject land has been conducted in accordance with the current requirements of the *Environmental Protection Act* and its regulations by or under the supervision of a QP.
 - They are not aware of any soil, ground water or sediment contamination on or within lands to be conveyed to the municipality that would exceed the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the subject lands and its intended use.
 - They are not aware of soil, ground water or sediment contamination on or within adjacent lands that could potentially migrate on to lands conveyed to the municipality resulting in exceedences of the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the intended use.
- Where a **Phase One and Phase Two ESA** were completed, the Proponent's QP covenants and agrees that:
 - The assessment of the subject land has been conducted in accordance with the current requirements of the *Environmental Protection Act* and its regulations by or under the supervision of a QP.
 - Lands to be conveyed to the municipality meet the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the subject lands and its intended use.
 - They are not aware of soil, ground water or sediment contamination on or within adjacent lands that could potentially migrate on to lands conveyed to the municipality resulting in exceedences of the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the intended use.
- Where **park land/open space is being conveyed to or acquired by the City**, prior to conveyance/acquisition and/or the issuance of building permits, the Proponent shall submit Phase Two ESA report(s) addressing all park blocks/open spaces in the plan to the satisfaction of the City. Note that if areas of potential environmental concern are identified in the

Phase One ESA, the Phase Two ESA on the park land and/or open spaces shall occur **prior** to the Committee of the Whole AND, in all cases, a Phase Two ESA on the park land and/or open spaces shall be conducted **after** the City has certified the rough grading for the park land and/or open spaces but prior to placement of topsoil and landscaping.

9.0 Definitions and Acronyms

Brownfield Site - abandoned or underutilized properties where development or activities have led to the presence or potential for environmental contamination. Brownfields are usually former industrial or industrial/commercial lands (e.g., closed factories, processing plants, gas stations).

Contaminated Site - an area of land in which the soil or underlying ground water or sediment contains a hazardous waste or substance in an amount or concentration that exceeds provincial environmental quality standards. A site is contaminated if it is unsuitable for specific uses of land, water and sediment.

DTE – Development/Transportation Engineering

ESA – Environmental Site Assessment

GUSCO – *Ontario Ministry of the Environment Guideline for Use at Contaminated Sites in Ontario* (June 1996 and revised February 1997)

MOE – Ontario Ministry of the Environment

MOE Soil, Ground water, and Sediment Standards – *Ontario Ministry of the Environment Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* (April 15, 2011)

Phase One ESA – is the systematic process by which a Qualified Person seeks to determine whether a particular property is or may be subject to actual or potential contamination, and the likely nature and location of the contamination. The process involves gathering and examining documents, maps and verbal information pertaining to a site. A Phase One ESA does not involve the investigative procedures of sampling, analyzing, and measuring. The Phase One ESA shall be completed in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) where a RSC is not mandatory.

Phase Two ESA – is the systematic process by which a Qualified Person seeks to characterize and delineate the extent of a property's contamination, by means of intrusive investigations, including surveys, excavating, sampling and analyses, to provide information to enable a decision on whether site remediation is required. A Phase Two ESA does not involve implementing any remedial activities. The Phase Two ESA shall be completed in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) where a RSC is not mandatory.

Phase Three ESA and Remedial Action Plan (RAP) - Depending on the results of the Phase Two ESA, a Phase Three ESA/RAP may be required in order to remediate the site. A Phase Three ESA/RAP involves determining the course of action required to remove contamination from the property and implementation and documentation of that strategy. Documentation must be sufficient to demonstrate that the remedial objectives were achieved. Examples of remediation strategies include: Excavation and soil removal; Physical treatment; Hydraulic containment; Ground water treatment; Offsite

treatment; In-situ treatment system; Institutional control. Depending on the nature of the contamination, on-going monitoring may be required for a determined period of time. The Phase Three ESA shall be completed in accordance with *O. Reg. 153/04* (as amended).

Pre-Application Consultation (PAC) – Prior to submitting a Development Application, the Owner and/or Agent must arrange a Pre-Application Consultation meeting with the Development Planning Department. The purpose of this meeting is for the Owner and/or Agent to present a proposal and for City Staff to identify, on a preliminary basis only, the required information for a complete submission of the Development Application.

Proponent – refers to the Owner and/or Owner's Agent for the subject lands.

Qualified Person (QP) – is defined under **O. Reg. 153/04** (as amended) as someone:

- Who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*; or,
- Who holds a certificate of registration under the *Professional Geoscientists Act*, 2000, and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.

Record of Site Condition (RSC) – is a document prepared by a Qualified Person based on ESAs and filed electronically with the MOE in the Environmental Site Registry (ESR) to certify that a property has been assessed and meets the soil, ground water, and sediment standards applicable to the proposed use of the property. The ESA(s) will either confirm that there is no evidence of contaminants at the property that would interfere with any future use of the property or that contaminants at the property do not exceed applicable concentration standards. **O. Reg. 153/04** (as amended), made under the *Environmental Protection Act*, outlines the provisions related to RSCs.

Remediation – refers to the cleanup and management of contaminated soil, ground water and sediment so that the site will be suitable for its future intended use.

Risk Assessment – is the scientific process used to describe and estimate the likelihood of adverse effects to human health and the environment resulting from exposure to contaminants. The purpose of a risk assessment is to develop standards that will protect the people and organisms expected at a property, that is being used for a given purpose.

10.0 References

City of Vaughan, *Background Report on Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites*, May 2001

City of Vaughan, *Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites*, May 2001

Ontario Ministry of the Environment, *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*, April 2011

Ontario Ministry of the Environment, *Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition*, October 2004

Ontario Ministry of the Environment, *Guideline for Use at Contaminated Sites in Ontario*, June 1996, Revised February 1997

Ontario Regulation (O. Reg.) 153/04 (as amended)

ATTACHMENTS

City of Vaughan Site Screening Questionnaire
Letter of Reliance Template
City of Vaughan Environmental Remedial Action Plan (RAP) Requirements

SITE SCREENING QUESTIONNAIRE AND ENVIRONMENTAL CERTIFICATION**(To be completed by Owner and, if applicable, Purchaser and/or Lessee of the Subject Property)****SUBJECT PROPERTY ADDRESS (Legal/Municipal):** _____

1. What is the historical, current, and proposed use of the Subject Property? Historical: _____ Current: _____ Proposed: _____	
2. Is there reason to believe the Subject Property may be contaminated either from <u>historical</u> or <u>current land use</u> or from <u>adjacent properties</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
3. Has <u>land filling</u> or <u>waste dumping</u> ever occurred on the <u>Subject Property</u> or on <u>adjacent properties</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
4. Has a <u>gas station</u> or <u>dry cleaning operation</u> ever been located on the <u>Subject Property</u> or on <u>adjacent properties</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
5. Was the <u>Subject Property</u> or <u>adjacent properties</u> ever used for industrial/commercial purposes (e.g., <u>product manufacturing</u> , <u>chemical/petroleum bulk storage</u> , <u>rail yards/tracks</u> , <u>automotive repair</u> , <u>metal fabrication</u> , other: _____)? (If yes, please circle/fill-in the applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
6. Was the Subject Property ever used for agricultural purposes with the application of <u>cyanide-based pesticides</u> (e.g., for orchards) or <u>sewage sludge</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
7. Are there or have there been any <u>underground</u> or <u>aboveground</u> storage tanks located on the Subject Property? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
8. Are you aware of any hazardous materials that may be present or that were generated on the Subject Property (i.e., asbestos, PCBs, lead, mercury, etc.)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
9. Is the Subject Property within 500 m (1,640 ft) of an <u>operational</u> or <u>non-operational</u> landfill or dump? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
10. Have any previous environmental reports been prepared for the Subject Property within the last 5 years, including but not limited to a Phase I, II, III Environmental Site Assessment(s), Remedial Action Plan, Risk Assessment, Record of Site Condition, or Certificate of Property Use? If Yes, please submit the documents in digital and hard copy format with your application along with a letter granting third party reliance on the documents to the City of Vaughan and its peer reviewer. If the reports were in connection to a previous City of Vaughan Development Application, please provide the City reference file number(s) (e.g., OP-, Z-, 19T-, DA-): _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain

NOTE: ALL QUESTIONS MUST BE ANSWERED.**TO BE COMPLETED BY CITY OF VAUGHAN****A. DEVELOPMENT PLANNING DEPARTMENT**

- | | |
|---|--|
| 1. Are all the Site Screening Questions answered and the Environmental Certification on page 2 completed, dated and signed? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Does the completed Site Screening Question include any "Yes" or "Uncertain" responses? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does the proposal include any lands to be conveyed to the City? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

B. DEVELOPMENT/TRANSPORTATION ENGINEERING DEPARTMENT

- | | |
|--|--|
| 1. Does the proposal require any lands to be conveyed to the City or for the City to acquire an interest in any lands for such purposes as, but not limited to, road widening, storm water management, services, etc.? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is there a change proposed for the Subject Property to a more sensitive land use as defined by the MOE? If Yes, then ESA reports and RSC is required as per O. Reg. 153/04. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Is a Phase One, Two, Three ESA, and/or RAP required to be submitted with the application? If Yes, provide correspondence to Development Planner to notify proponent in PAC meeting. | <input type="checkbox"/> Yes <input type="checkbox"/> No |



City File Number: _____
City File Name: _____
City Planner and extension: _____

ENVIRONMENTAL CERTIFICATION

(To be signed by Owner and, if applicable, purchaser and/or lessee)

I/We _____ the owner and/or purchaser _____ and/or lessee _____ (delete terms not applicable) of the above-noted lands Hereby acknowledge that the information provided in the site screening questionnaire is true to the best of my/our knowledge as of the date below and it is my/our responsibility to ensure that I/We are in compliance with all applicable legislative enactments, guidelines and other government directives pertaining to contaminated or potentially contaminated sites including, but not limited to, the *Environmental Protection Act (as amended)*. I/We further acknowledge that the City of Vaughan and/or the Regional Municipality of York are not responsible for the identification and/or remediation of contaminated sites and in any action or proceeding for losses or damages related to environmental contamination or clean-up of contamination will not sue or claim over against the City of Vaughan and/or the Regional Municipality of York.

Affix Corporate Seal of registered owner of property. Processing will not commence until this is provided.

Dated at _____ this _____ day of _____ 2_____.

LocationDayMonthYear

Signature of OWNER

Please Print Name
(AFFIX Corporate Seal, if applicable)

Dated at _____ this _____ day of _____ 2_____.

LocationDayMonthYear

Signature of PURCHASER

Please Print Name
(AFFIX Corporate Seal, if applicable)

Dated at _____ this _____ day of _____ 2_____.

LocationDayMonthYear

Signature of LESSEE

Please Print Name
(AFFIX Corporate Seal, if applicable)

(INSERT COMPANY LETTERHEAD/LOGO)

(INSERT DATE)

Andy Lee, P. Eng
Environmental Engineer
Development/Transportation Engineering Department, City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Lee,

Re: Reliance Letter for (INSERT FULL SITE ADDRESS OR LEGAL DESCRIPTION AND PROJECT REFERENCE NUMBER)

(INSERT NAME OF YOUR COMPANY) (the “Consultant”) understands that **(INSERT NAME OF THE OWNER/PROPONENT)** (the “Client”) is seeking approval of their development application from the City of Vaughan regarding the above-referenced property (the “Site”). The Client has requested that the City accept the following report(s), which was prepared by the Consultant for the exclusive benefit and use of the Client:

- **(INSERT THE TITLES OF ALL APPLICABLE ENVIRONMENTAL REPORTS, REFERENCE NUMBERS, AND DATES)**

The Consultant therefore agrees that the City and its peer reviewer may use and rely on the Report as if the report had been prepared for the use and benefit of the City. The Consultant recognizes that the City will utilize the Report for the purposes of assessing the environmental risk inherent in the contemplated development of the Site. The Consultant certifies that the Report was prepared in accordance with the due diligence practices and environmental laws and regulations applicable at the time of the investigation.

Yours very truly,

(INSERT SIGNATURE OF QUALIFIED PERSON, AS DEFINED UNDER O. REG. 153/04(AS AMENDED))

(INSERT YOUR NAME, FOLLOWED BY QUALIFIED PERSON DESIGNATION) (I.E., P. ENG OR P. GEO)

(INSERT YOUR TITLE)

(INSERT YOUR CONTACT INFORMATION)



ENVIRONMENTAL REMEDIAL ACTION PLAN (RAP) REQUIREMENTS

The following checklist ensures proponents submit an environmental Remedial Action Plan (RAP), where required, containing complete and comprehensive information. The checklist shall be completed and submitted along with the RAP to the City for review and acceptance.

The checklist is based on recommended Ministry of the Environment (MOE) guidelines as well as requirements outlined under O. Reg. 153/04 (as amended). It is not meant to be an exhaustive list and additional requirements may be identified by the City in the course of the environmental documents review.

REMEDIAL ACTION PLAN CHECKLIST	
1. Description of the proposed remediation objective and strategy to reduce/eliminate concentrations of contaminants exceeding the applicable MOE site condition standards for soil, ground water, and/or sediment (e.g., excavation and soil removal; offsite treatment; in-situ treatment, containment/isolation etc.).	<input type="checkbox"/>
2. Site Plan Figure(s) showing locations and concentrations of contaminants exceeding the applicable MOE site condition standards for soil, ground water, and/or sediment.	<input type="checkbox"/>
3. Site Plan Figure(s) showing the estimated vertical and horizontal extent of contamination on the site.	<input type="checkbox"/>
4. The estimated quantity of contaminated soil/ground water/sediment required to be remediated (in m ³ or tonnes and/or litres).	<input type="checkbox"/>
5. The estimated quantity of imported clean fill material required following remediation (if applicable) (in m ³ or tonnes).	<input type="checkbox"/>
6. A management plan outlining how the remediation of contaminated soil / ground water/sediment will be undertaken along with associated onsite activities (e.g., provide details on segregation of soils, stockpiling, offsite removal, onsite screening of contaminants, long-term monitoring requirements, onsite supervision schedule, management of impacted groundwater, dust, noise and traffic issues, etc.).	<input type="checkbox"/>
7. The confirmatory sampling strategy detailing the media, the specific analyses to be undertaken on the media, and the number and location of confirmatory samples to be submitted for chemical analysis following implementation of the remediation strategy. If excavation is proposed, confirmatory sampling should follow the minimum floor and wall sampling requirements for excavations as presented in O. Reg. 153/04, Schedule E- Part V, Table 3 (as amended). If stockpiles are present on site, confirmatory sampling follow the minimum stockpile sampling frequency as presented in O. Reg. 153/04, Schedule E- Part V, Table 2 (as amended).	<input type="checkbox"/>
8. If import of clean fill material is required for site restoration, the proposed confirmatory sampling strategy for imported clean fill material to confirm it meets the applicable MOE site condition standards.	<input type="checkbox"/>
9. The Contingency Remediation Plan in the event confirmatory sampling results indicate concentrations exceeding the applicable MOE site condition standards.	<input type="checkbox"/>
10. The Quality Assurance/ Quality Control Plan and Health and Safety Plan to be implemented during remedial activities.	<input type="checkbox"/>
11. The Communications and Reporting Plan to the City and other regulatory agencies.	<input type="checkbox"/>
12. The approximate timelines and/or stages of the implemented remediation strategy.	<input type="checkbox"/>
13. Description of regulatory agency approval requirements and/or other responsible authorities , if applicable (e.g., MOE Environmental Compliance Approval (ECA) for discharges such as air/noise, water, waste treatment, TRCA approval, etc.).	<input type="checkbox"/>
14. Proponent's Qualified Person (QP) Sign-off and Owner's Certification of Implementation of the RAP (include title, designations and stamps, signatures, and printed names).	<input type="checkbox"/>

Checklist Completed by (print name): _____

Signature: _____

Company: _____

Date: _____

From: Pearce, Andrew

Sent: Friday, September 10, 2010 5:52 PM

To: Cardile, Lucy

Cc: Testani, Stephanie; Carella, Tony; Uyeyama, Grant; Grellette, Leo

Subject: RE: 55 Sicilia Street, Woodbridge

Hi Lucy,

The parcel of land that Tony Gentile is currently developing at 5550 Langstaff Road (Ravines of Rainbow Creek, 19T-06V15) will be developed in two phases.

In brief, the status of the first phase of the development is as follows:

- Roads and municipal services have been constructed;
- Subdivision Agreement has been executed;
- Clearances from the various approval agencies for registration are being requested by the Owner;
- A MOE Record of Site Condition is still required for a number of lots in the plan before the plan of subdivision can be registered. Tony Gentile has retained a new environmental engineer to assist him in securing the RSC in the next few weeks;
- The waste material that was generated through the clean up of the phase 1 lands, which is temporarily stockpile on the phase 2 lands, must be removed before the plan of subdivision can be registered. It is important to note that piles of clean fill may continue to be stock piled on the phase 2 lands and used in the clean up of the phase 2 lands.
- House construction has begun without permits. It is my understanding that the Building Department is issuing charges/orders accordingly.

I would expect that the phase 1 plan of subdivision will be registered within the next two months. There is no development application that I'm aware of on the Phase 2 lands yet.

By copy, I am asking Grant and Leo to provide any additional comments from their perspective.

Have a good weekend.

Andrew D. Pearce

Director, Development / Transportation Engineering

City of Vaughan

2141 Major Mackenzie Drive

Vaughan, ON

L6A 1T1



TERRA FIRMA PLUS INC.

PROFESSIONAL GEOTECHNICAL, INSPECTION AND TESTING ENGINEERS,
ENVIRONMENTAL & BUILDING SCIENTISTS AND INSPECTORS

100 MCLEVIN AVE., SUITE NOS. 202 & 203, SCARBOROUGH, ONTARIO, M1B 2V5
PHONE: 416-321-3274 FAX: 416-321-6543

This document forms part of
a permit APPROVED by the
TRCA Executive Committee on

DEC 12 2014

May 8, 2012

1668137 Ontario Inc.
180 Wigwoss Drive
Woodbridge, Ontario
L4L 4H2

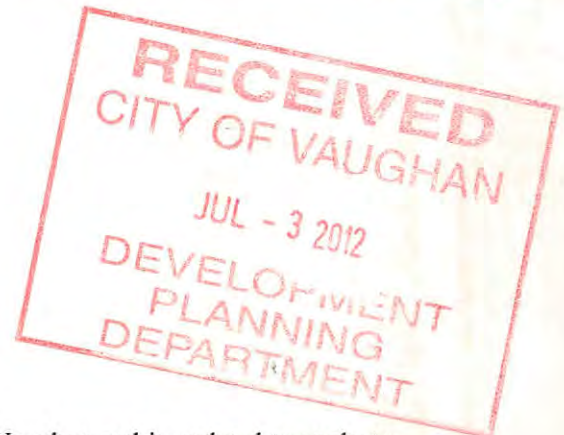
Attention: Mr. Tony Gentile



Report No.: 2007-R-1133-Addendum
Project: TSP-766

This approval is valid only if accompanied
by a permit signed by an TRCA
Enforcement Officer and is subject thereto.
* provides a list of all TRCA approved documents.

Re: • Final Remediation Action Plan (RAP)
Proposed Residential Subdivision, Phase 2
5550 Langstaff Road, Vaughan, Ontario.



1.0 INTRODUCTION

As requested this letter is prepared on the request of the City of Vaughan and is updated to apply to the second Phase of Development referred to herein as Phase 2 development.

History

On behalf of 1668137 Ontario Inc., Terra Firma Plus Inc. prepared a Final Remediation Action Plan, for Phase 1 lands development in our earlier report dated September 2007. The earlier RAP was accepted by the TRCA and City and on that basis development of Phase 1 lands has been completed.

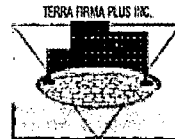
An earlier Phase II study, Project No. 33750.1 dated August 15, 2000, was conducted by Jacques Whitford Environmental Limited (hereinafter referred to as JWEL 2000 report) and included the subject site. In the time that has elapsed since the JWEL 2000 report and present there have been changes to MOE guidelines that govern the property use under consideration.

The City of Vaughan requested an updated Phase 2 ESA report prior to considering draft plan approval of the proposed residential subdivision, Phase 1.

An Updated Phase II Environmental Site Assessment study was submitted by Terra Firma Plus Inc. (TFPI), under our Report No. 2007-R-1104 dated May 1, 2007.

Subsequent to the submission of TFPI's Updated Phase II ESA, in their comments on the Phase II ESA, the City and their Peer Reviewer requested a Phase 1 ESA study and Aerial Photo Study. The Phase 1 ESA study was submitted by TFPI under our Report No. 2007-R-1104A dated June 28, 2007. The Aerial Photo study was submitted by TFPI under our Report No. 2007-R-1104B dated June 29, 2007. Notification to City of Vaughan and Region of York (upper tier municipality) of the intention to use MOE Table 1 and MOE Table 3 guidelines on the site was submitted in a letter dated June 26, 2007.

Subsequent to the TFPI submissions, Terrapex raised additional queries in their letter dated July 16, 2007 and email dated July 13, 2007 addressed to City of Vaughan. A meeting was subsequently arranged for July 27, 2007 to discuss some of the issues face to face together with representatives of



TRCA who also raised environmental, geotechnical and erosion control concerns pertaining to the proposed development. Prior to the meeting a report to address some of the peer review concerns was prepared by TFPI under our Report No. 2007-R-1104-C-2 dated July 27, 2007.

Subsequent to the meeting a list of concerns, raised by the Region of York, City, Peer Reviewer, and TRCA that are to be addressed in this RAP, was composed and is provided in the next section. The purpose of this RAP is to address all the stated concerns of all parties.

1.1 Purpose and Scope

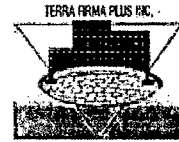
As per the understanding of the writer, the main concerns regarding this development (those that should be addressed in the remediation action plan) are as follows:

- C1. No contaminants or soils get into the Rainbow Creek during remediation and construction. *No migration of contaminants should occur across any property lines during remediation and construction.*
- C2. No contaminants or contaminated soils are left on-site after cleanup including within buildings, roadways, sound berms backyards, valleylands, etc. (within the degree of testing approved for the remediation action plan). The above does not include the placement of topsoil or organic material where it is permitted by normal construction practices.
- C3. During construction dust control and erosion control measures satisfactory to the TRCA and City are implemented on site.
- C4. During the cleanup all erosion control measures will be maintained.
- C5. During the cleanup measures will be in force to maintain slope stability.
- C6. The erosion control measures and slope stability factors of safety for the development will be in accordance with TRCA requirements.
- C7. The ultimate restoration and planting of the valley area, essentially, a reforestation.
- C8. Non-potable groundwater conditions (already approved by York Region) would be employed for the portion of lands outside of a 30 m buffer measured from the edge of Rainbow Creek and MOE Table 3 criteria for contaminants of concern in soil and groundwater would apply. Within 30 m buffer from the edge of Rainbow Creek MOE Table 1 criteria for contaminants of concern in soil and groundwater would apply as required by regulation.

From a development perspective, the following geotechnical and structural and other requirements are hereby added as 'concerns' for clarification purposes and to emphasize the plans for development of the proposed residential subdivision.

- C10. As an economical alternative to deep foundations and structural slab, etc., the house footings and floor slabs, underground services and roadways are to be constructed on 'inert' certified engineered fill. Certification would require continuous supervision by experienced personnel of earthworks during the entire engineered fill process.

We discuss our proposed remediation action plan and methodologies of satisfactorily addressing the above concerns in the ensuing paragraphs.



1.2 Proposed Development

The proposed Phase 2 lands development comprises one (1) parcel. A draft plan application for fully residential subdivision request has been submitted to the City of Vaughan and is currently under consideration. This parcel is intended to be remediated and developed into a residential subdivision.

1.3 Existing Conditions On-Site

The existing conditions prior to implementation of remediation action plan are as follows.

The subsoils consist of varying depths of structurally deleterious existing fill (not capable of supporting infrastructure for the proposed residential development) mixed with construction debris and sewage. More details about the composition of the subsoils are provided in earlier study called Phase II environmental investigations prepared by JWEL (2000) and TFPI (2006).

Based on the study called Phase II environmental site investigations conducted by JWEL (2000) and TFPI (2007) hot spots of chemically deleterious fill (exceeding applicable MOE guidelines) were also encountered on the site.

2.0 REMEDIATION ACTION PLAN

The remediation action plan has been divided into discrete steps based on the construction sequences envisioned at the time of its preparation and is described in general terms in this section.

RAP Step No. 1) Installation of Dust and Erosion Control Measures, Working within City of Vaughan Bylaw Times, Site Access Routes

All erosion control measures would be installed as described in the drawings prepared by Skira & Associates Ltd. (see attached drawings).

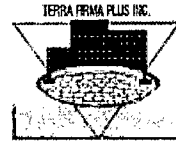
In accordance with the requirements of TRCA, the proposed post-remediation design slopes adjacent to Rainbow Creek were analyzed (by Soil Probe Ltd.) to ensure that the proposed slopes constructed of compacted soil free of organics and meeting the MOE requirements approved by the City and Region.

Dust Control Measures will be applied as field conditions dictate.

All work will be carried out strictly within City of Vaughan bylaw hours which are Monday to Saturday 7am to 7pm. The Phase 2 lands will be accessed through the adjoining Phase 1 lands referred to earlier provided that access to equipment and materials can be provided safely through the designated pond area. Alternatively access to the site will be carried out through Campania Court, an existing residential street to the north of the Phase 2 lands.

RAP Step #2) Direct Surface Water Away from Rainbow Creek during remediation.

The earthworks would take place with every reasonable effort made to direct ground and surface water away from Rainbow Creek.



RAP Step#3) Management of Excavated Fill Materials

RAP Step#3-1) It is intended to classify and handle the existing fill based on five (5) categories which are as follows:

Fill#1- Fill soil with visual evidence of free product.

This fill once excavated will be temporarily transported to a portion of the northerly adjacent lands owned by the applicant for mechanical sorting to remove construction debris and separate the soil. Both materials will be transferred to MOE certified receivers via MOE certified transporters and the movement of the materials will be documented in general compliance with MOE guidelines.

Fill#2- Soil free of topsoil, construction debris and visible evidence of free product

This fill once excavated will be temporarily stored on a portion of the northerly adjacent lands owned by the applicant for until it is laboratory screened to ensure that the material meets the approved MOE criteria for the site (see Appendix A) for the contaminants of concern identified from the Phase 1 ESA and Phase 2 reports by JWEL (2000) and TFPI (2007) (See Appendix B).

Fill#3- Soil mixed with construction debris.

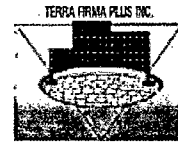
This fill once excavated will be temporarily transported to a portion of the northerly adjacent lands owned by the applicant for mechanical sorting to remove construction debris and separate the soil.

Construction Debris will be placed in the construction debris pile for transport to a receiver accepting the waste.

The separated soil, if free of organics and visible free product will be added to the pile containing soil without topsoil and construction debris for further laboratory screening to determine whether the material meets the approved MOE criteria (Appendix A) for the site for the contaminants of concern identified from the Phase 1 ESA and Phase 2 reports by JWEL (2000) and TFPI (2007) (Appendix B).

Fill#4-Sewage

The solid and fluid sewage will be completely removed from its location on-site onto appropriate vehicles and shipped to a receiver who accepts the waste.



Fill#5-Construction Debris

Construction Debris will be placed in the construction debris pile for transport to a receiver accepting the waste.

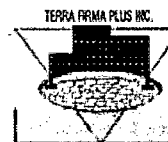
RAP Step#3-2) Test Pit Field and Lab Screening Portion of Remediation Action Plan

Field and lab screening has already been conducted by JWEL (reported in August 2000) and TFPI (reported in May 2007) and as such no further field and lab screening is deemed necessary prior to removal of fill soils from the site except as required by receivers of fill material exported off-site.

RAP Step#4) Fill Removal down to undisturbed natural ground

The plan for removal of fill will be enacted, which is subject to change based on actual field conditions, and it is described in very general terms as follows:

- 1) Existing Fill will be stripped in layers from the entire site
- 2) Every effort will be made to maintain the grading of the site away from Rainbow Creek so as to mitigate flow of ground or surface water from the lands into Rainbow Creek.
- 3) The areas identified with soils will be stripped first and it is intended to work around the areas that contain sewage, free product, construction debris, etc.
- 4) The areas that contain soil without sewage, free product, construction debris, etc. will be stockpiled in the designated area on 'the adjacent lands owned by the applicant' for additional testing and eventual re-use.
- 5) The areas that contain construction debris mixed with soil will be stockpiled in the designated area on 'the adjacent lands owned by the applicant' for mechanical sorting, stockpiling of the construction debris for off-site disposal and stockpiling of separated soils for laboratory screening. Based on the results of laboratory screening the separated soils would either be added to the re-use soil stockpile or dispose/further assess soil stockpile.
- 6) The material from areas that contain construction debris will be stockpiled in the designated area on 'the adjacent lands owned by the applicant' off-site disposal
- 7) The material from areas that contain sewage or free-product will be loaded onto trucks and shipped off-site.
- 8) Materials will be handled by haulers and receivers that are certified to handle the particular type of waste



RAP step#5) Screening of Undisturbed Natural Ground

After removal of all fill material (including native topsoil), any free product (sewage, fuel, oil, etc.) if encountered, the exposed undisturbed natural ground will be sampled based on one (1) representative sample per about 2000 metre squared and submitted to an accredited environmental lab to determine the levels of all identified contaminants of concern on the site (See Appendix B).

If the sample representing the undisturbed natural ground does not meet the MOE standards for the site, the sampled are would be subject to removal of suspect soil and additional screening of remaining soils until the remaining native soils meet the MOE criteria approved by the City and Region (See Appendix A).

If the remaining natural ground soils meet MOE Table 1 requirements for contaminants of concern in that case the native ground would be stockpiled on the 'adjacent lands owned by the applicant for the purposes of reuse as a compacted backfill within 30 m of Rainbow Creek.

The undisturbed natural ground will also be visually screened for competency to support the proposed engineered fill.

RAP step#6) Field and Lab Screening of Stockpiles of Fill Generated from the Cleanup.

i) After removal of fill materials and prior to re-use of any fills as engineered fill, the stockpile of fill that is intended for re-use as an engineered fill would be visually inspected for liquid free product, debris, etc., and laboratory screened for the full range of contaminants of concern (see Appendix B of the September 2007 RAP). The rate of sampling would be about one sample per 3000 m³ based on the client's expected volume of 40,000 to 60,000 cubic meters of soil to be recovered from the site. In our opinion the sampling rate of 1 sample per 3000 cubic meters is sufficiently representative based on the estimated volume of soil that is to be recovered on-site from the earthworks to be performed as a part of this RAP.

ii) Any material that fails to meet approved MOE guidelines for the site (See Appendix A) would be placed in a separate pile.

RAP step#7) Placement of organic-free engineered fill that meets site approved MOE guidelines

After the native ground subsoils and on-site fill stockpile subsoils are approved as meeting the approved MOE cleanup guidelines (See Appendix A)

i) The placement of engineered fill would be in controlled lifts not exceeding 200 mm and compacted to at least 98% standard Proctor maximum dry density and constructed in accordance with TFPI Engineered Fill Placement Guidelines.



ii) The material used for engineered fill within 30 m of Rainbow Creek would be soils meeting Table 1 found either on-site or imported.

iii) The material used for engineered fill for the portion of site outside of the 30 m boundary from Rainbow Creek would be soil meeting approved MOE guidelines (see Appendix A) found either on-site or imported soils.

iv) For quality control purposes, a minimum of five (5) representative samples of imported fill will be submitted for laboratory screening against selected metals and compared to the approved MOE guidelines for the subject site (see Appendix A).

v) The grading of the engineered fill would be in accordance with the design grading approved by the City and TRCA.

vi) Over the engineered fill (expected to be placed up to a level at least 0.3 m above the proposed underside of footing level), fill meeting the approved MOE requirements (see Appendix A) would be placed, however, it need not necessarily be free of topsoil and should be at least 1.2 m thick in order to act as a frost cover if the engineered fill will remain exposed to freeze and thaw cycles.

vii) Upon completion of engineered fill earthworks a certificate will be submitted documenting the engineered fill placed.

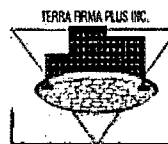
RAP step#8) Removal of Stockpiled materials

i) All the remaining stockpiled earth not meeting approved MOE guidelines (see Appendix A) would be completely removed within 90 days of the end of engineered fill operations.

ii) All construction debris would be completely removed within 90 days of the start of engineered fill operations.

RAP step#9) Methane Intrusion Concerns

All methane generating materials will be completely removed during remediation. As such in our opinion concerns of methane intrusion into the proposed dwellings will be made redundant by the implementation of this RAP.



3.0 ADDITIONAL ISSUES

The remediation action plan presented earlier is based on the information available and approvals received to date. The RAP may need to be revised based in the future based on additional information and approvals as they become available.

i) A slope stability analysis was conducted by Soil Probe Ltd. (SPL) as required by the TRCA for inclusion in this RAP and is submitted under separate cover.

Based on the findings of the analysis the minimum factor of safety (FOS) is 1.5 for the proposed slopes after remediation is under TRCA review and approval.

ii) A record of site condition will be completed and filed with the MOE for each parcel of land after the remediation action plan is executed and site cleanup is completed.

4.0 LIMITATION OF LIABILITY, SCOPE OF REPORT, THIRD PARTY RELIANCE

This report has been prepared and the work referred to in this report has been undertaken by Terra Firma Plus Inc. (TFPI) for **1668137 Ontario Inc.** It is intended for the sole and exclusive use of **1668137 Ontario Inc.**, its affiliated companies and partners and their respective insurers, agents, employees and advisors as well as City of Vaughan and their peer reviewer. Any use, reliance on or decision made by any other person is the sole responsibility of such other person. TFPI makes no representation or warranty to any other person with regard to this report and the work referred to in this report and they accept no duty of care to any other person or any liability or responsibility whatsoever for any losses, expenses, damages, fines, penalties or other harm that may be suffered or incurred by any other person as a result of the use of, reliance on, any decision made or any action taken based on this report or the work referred to in this report.

The investigation undertaken by TFPI with respect to this report and any conclusions or recommendations made in this report reflect TFPI's judgment based on the site conditions observed at the time of the site inspection on the dates set out in this report and on information available at the time of preparation of this report. This report has been prepared for specific application to this site and it is based, in part, upon visual observation of the site, subsurface investigation at discrete locations and depths, and specific analysis of specific chemical parameters and materials during a specified time interval, all as described in this report. Unless otherwise stated, the findings cannot be extended to previous or future site conditions, portions of the site which were unavailable for direct investigation, subsurface locations which were not investigated directly, or chemical parameters, materials or analysis which were not addressed. Substances other than those addressed by the investigation described in this report may exist within the site, substances addressed by the investigation may exist in areas of the site not investigated and concentrations of substances addressed which are different than those reported may exist in areas other than the locations from which samples were taken.



If site conditions or applicable standards change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

Other than **1668137 Ontario Inc., City of Vaughan and their peer reviewer**, copying or distribution of this report or use of or reliance on the information contained herein, in whole or in part, is not permitted without the express written permission of TFPI. Nothing in this report is intended to constitute or provide a legal opinion.

Notwithstanding what has been delineated above, this submitted report can be used for development approval purposes by the City of Vaughan and their peer review consultants, who may rely upon the finding, analysis, conclusions and recommendations of the report.

5.0 CLOSURE

We trust this information is sufficient for your immediate needs. Should any questions arise, please do call us.

**Yours Very Truly,
TERRA FIRMA PLUS INC.**

For (M Ahmed)
Daanish Memon, P.Eng.
DM/ZK/tfpi07

