

November 26, 2009

**LEGAL AND DEVELOPMENT SERVICES
(LEGAL) REPORT 2009-20**

TO: Committee of the Whole
SUBJECT: Summerhill Woods – Update on Risk Assessment
ORIGIN: Municipal Solicitor

RECOMMENDATIONS:

1. **THAT Legal and Development Services (Legal) Report 2009-20 dated November 26, 2009 regarding Summerhill Woods – Update on Risk Assessment be received for information.**

COMMENTS:

As Council is aware, construction and development is proceeding in the area of the Summerhill Woods development located at the southeast corner of Mulock and Bathurst Streets. 111 building permits (which represent all of the lots in this development) have been issued to the developer. Under the terms of a subdivision agreement dated October 8, 2008, the Town deferred the transfer and conveyance of the woodlot surrounding this development until such time as a Risk Assessment under the *Environmental Protection Act* is complete and recommendations have been made and approved by council regarding the remediation of certain portions of the woodlot that contain arsenic contamination.

A Public Information Centre regarding the Risk Assessment process was held by the Town on January 13, 2009.

The lands where the residential development is underway were completely cleaned up, stripped and removed of all contaminated soil. However, the lands to be conveyed to the Town were not. The lands to be conveyed to the Town could have been cleaned up in the same fashion as the development lands, but because of unique environmental features relating to the Oak Ridges Moraine, the Town was concerned about destroying in whole or in part these environmental features before it could identify and determine the options for managing the contamination in this area.

Legal and Development Services - Legal

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The Risk Assessment is being conducted in accordance with Ontario Regulation 153/04, which includes a series of submissions to the Ministry of the Environment (MOE) for their review and comments. York Regional Community and Health Services (YRCHS) also provides review and comments.

A Pre-Submission Form (PSF) was submitted to the MOE on April 20, 2009 and copied to YRCHS and to the developer. The PSF is a document which outlines the approach and methodology of the Risk Assessment, based on site conditions and proposed landuse. It is submitted for review at the initial stage of a Risk Assessment, to obtain comments and acceptance of the proposed approach.

Comments were received from YRCHS in May 2009 and from the MOE in June 2009. The comments indicated that the proposed approach and methodology to the Risk Assessment were acceptable, with recommendations for a number of details to be addressed during the Risk Assessment process.

A chronology of the work conducted to date is as follows:

- January 2009 – Public Meeting outlines the Risk Assessment process with an estimated timeline of 12 to 18 months
- February through April 2009 – Preparation of the Pre-Submission Form and site characterization support documents
- April 2009 – Submission of the PSF to the MOE, YRCHS and developer
- May 2009 – Comments received from YRCHS and developer
- June 2009 – MOE response to PSF
- July 2009 – Recommendations made for additional site characterization studies to address MOE and YRCHS comments
- August 2009 – Bioaccessibility study started
- September and October 2009 – Field program for additional site characterization. Bioaccessibility study completed.

The completion of the site characterization field program was delayed by road widening and construction activities along Bathurst Street that restricted access to two locations. The remainder of the work was just recently completed, and the data can now be included in the Risk Assessment submission.

Based on the work completed to date, the Town's environmental consultants are cautiously optimistic that the limited areas that contain lead and arsenic soil concentrations that result in unacceptable risks are small. The results so far indicate the need for a limited amount of targeted removal of impacted soil as part of an overall risk management plan. Preliminary results indicate that the extent of soil removal would be small enough to ensure the integrity of the woodlot.

The exact details of the Risk Management Plan and the areas requiring limited soil removal will be determined following completion of the Risk Assessment.

The current timeline for completion of the Risk Assessment is as follows:

- Completion of the site characterization program – late November 2009
- Completion and submission of the Risk Assessment to MOE, YRCHS and developer – early December 2009
- MOR review period – 16 – 22 weeks (approximately March to May 2010)
- Submission of final Risk Assessment to the MOE – approximately 3 weeks after receipt of MOE comments – April to June 2010
- Final MOE review and acceptance – early summer 2010.

A letter will be issued shortly to provide affected residents with this information.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report supports the *well equipped* and *well managed* objectives of the Town's strategic plan in the area of efficient management of development in the Town and careful management and control over lands intended to become public lands.

CONSULTATION

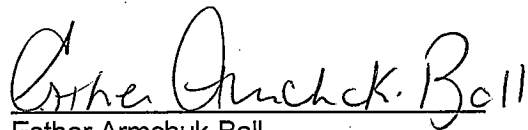
Town's environmental consultants, Legal, Communications and Development Coordination Committee.

BUDGET IMPACT

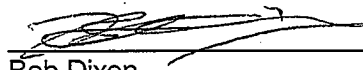
None.

CONTACT

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Esther Armchuk-Ball
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Legal & Development Services