



Central Neighbourhood Association

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Boundaries: Queen Street North, Main Street West, James Street North, Stuart Street/CN tracks

Monday June 11th, 2012
attn: Hamilton City Council

Dear Members of Council,

We are writing you this letter to inquire about the environmental condition of Central Park, located in the heart of the Central Neighbourhood in downtown Hamilton. The address for this property is 168 Bay Street North. This park is well-used by Central Neighbourhood residents, and includes tennis courts, a baseball diamond, a playground and splash pad, as well as a network of walking trails throughout the park.

A grid of streets including Railway, Sheaffe, Caroline North and Harriet Streets had bisected this area previous to the park being established. At the turn of the previous century, the site was known as the "Caroline Street Gully" and was used as a trash dump and sewer collection site for the local brewery, soap company and natural gas works. Over the course of the following decades the property housed several industrial uses, including the Waxman Scrap Yard on Harriet Street, and Currie Tar products on Sheaffe Street- a large manufacturer of coal tar products and various tar coatings.

In 1979, Currie Products moved from this site to a new location at 350 Wentworth Street North, which in recent years has been the subject of press coverage due to the discovery of numerous unguarded barrels of toxic waste and a pit containing coal tar, asphalt and solvents in the rear of the property. 85 formal complaints and 11 violation orders were filed against the company's Wentworth North property up until 1989 when Currie Products went bankrupt.

When Currie vacated the Sheaffe Street property, The City of Hamilton expropriated the property and established Central Park on this site in 1981. According to press reports from 1990 in regards to Currie Products, (*attached*), 675,000 litres of naphalene, tar residue and diesel fuel oil were removed from the Central Park site when it was established, and the site was subsequently covered with two feet of fill. City Staff in 1990 did not recall that soil testing had been done of the site after this material was removed.

We have inquired with the City of Hamilton Records Clerk as well as the Open Space Development Team in the Public Works Department, and upon their review of historical records, it is unclear what specific methods were used in the transformation from heavily contaminated lands to a public park, and whether any soil testing or remedial work was done in the years after the park was created. Some neighbours who have lived in the area for many decades have reported that material with a petroleum odor has at times come up out of the soil in patches of the Northern portion of the park adjacent to Caroline Street North.

The location of the areas in question are consistent with the contamination described in a Phase 1 Environmental Site Assessment of 125 Barton Street West (*attached*), a city-owned property directly adjacent to the northern part of the park.

This assessment, completed in October 2009 by McClymont & Rak Engineers Inc., flagged the site of the former coal tar plant 50 metres south of the property as a possible environmental concern. McClymont & Rak concluded in the assessment that a Phase II assessment of 125 Barton Street West would be warranted for that property.

Considering the previous industrial history of the park property, as well as the lack of information about the environmental condition of the site, our Neighbourhood Association would respectfully ask that council initiate a Phase 1 Assessment, which would clarify the site history and the methods used in capping the remaining contaminated soil. We believe this process would be helpful and informative for all Central residents.

Thank you,

Matt Jelly
Chair, Central Neighbourhood Association

encl.

- 1) *"Ministry reluctant to take polluter to court: official", Hamilton Spectator, August 20, 1900*
- 2) *Phase I Environmental Assessment 125 Barton Street West, Mclymont & Rak Engineers Inc.*

Ministry reluctant to take polluter to court: official

By BETH MARLIN
The Spectator

ALMOST 20 years ago, an official with the Ontario Ministry of the Environment predicted "all hell is going to break loose" over a chronic polluter spewing cancer-causing chemicals into the air in an east-end neighborhood.

And it did, to some extent. By 1985, the ministry had recorded at least 85 formal complaints against Currie Products Ltd., most of them for mothball-like odors from its former Sheaffe Street plant.

The City of Hamilton later expropriated the Sheaffe Street property and today it is a park. Currie, once a top Canadian roofing pitch and asphalt manufacturer, moved its plant to Wentworth Street North in 1979.

The city's director of property Dan Nyce says he doesn't recall any testing of the soil before the land was made a park, although the city removed 675,000 litres (150,000 gallons) of naphthalene, tar residue and diesel fuel oil and a half-metre (two feet) of soil.

Those exposed to Currie's emissions, which ministry tests found to contain carcinogenic benzo-a-pyrene and naphthalene, a coal tar derivative, reported nausea, respiratory problems, throat irritation, headaches and watering eyes.

The numerous complaints led the ministry to issue at least 11 violation notices, according to documents obtained by The Spectator under the province's Freedom of Information Act.

Yet ministry bureaucrats apparently ignored most of the recommendations by their own inspectors to prosecute a company which they claimed had a history of dragging its feet on pollution control measures.

The ministry followed through with only two prosecutions, each resulting in a nominal fine of \$500 in the mid-1970s. A third charge was withdrawn in 1974 after a plea-bargaining session.

No further action was taken by the ministry against Currie Products until after the company declared bankruptcy a year ago.

In June, former chairman Joln McGill Currie, former president R. Keith Bennett and the bankrupt company were charged with numerous environmental offences after coal tar was found illegally buried behind the Wentworth Street North plant.

If convicted, the men face possible fines of up to \$25,000 and a one-year jail term. The company could be fined up to \$70,000.

A trial date will be set in October.

Mr. Currie said he had no idea so many complaints had been made against his company over the years.

Currie eventually complied with all the ministry's requirements, Mr. Currie said before ending a brief telephone interview.

The Hamilton Street Railway, which bought the land containing the buried coal tar from Currie several years ago, now has a \$183,000 claim against the assets of the bankrupt company. The region spent more than \$100,000 cleaning up the site.

Environmental contamination on the rest of Currie's former Wentworth Street North property, which is now owned by a Blenheim entrepreneur, is expected to cost more than \$500,000 to clean up.

Currie Products is also among the defendants named in a \$35 million lawsuit by the Regional Municipality of Ottawa-Carleton, which claims its former Ottawa coal tar distillation plant contaminated surrounding land and ground water, eventually polluting the Rideau River.

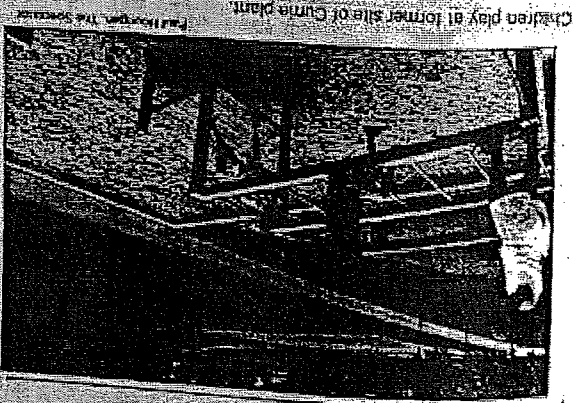
How did this 90-year-old company, which ministry files suggest flouted environmental regulations for years, manage to escape serious prosecution for so long?

Pushed for an answer, ministry officials cite a historic lack of re-

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HAMILTON SPECTATOR

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Children play at former site of Currie plant.

"I am quite sure that all hell is going to break loose over Currie in particular and hence a review in general in Hamilton. James Fy, warned his boss in a memo in April 1973. 'In my opinion, we are going to demonstrate that no health hazard exists with respect to the concentrations in Hamilton.'"

The memo continues, "Currie Products is a sloppy operation. They have a long history of poor complaints but we never seem to have a case for summary action."

"I am quite sure all hell is going to break loose over Currie."

- James Fy

Mr. Fy, who is now with the ministry's subsidiary office, said his strongly worded memo was prompted by concerns about a lack of guidelines for benzene. One of several carcinogenic chemicals found in Currie's air emissions.

The ministry has since brought in provisional guidelines for the compound.

At the time, area residents were assured by another ministry official that the company's emissions were particularly negligible, which did not exceed ministry guidelines.

Mr. Fy says it is unlikely a company would be allowed to tout ministry regulations for so long a day.

"We would probably have them called for violations and in court for violations much sooner," he said.

HAMILTON SPEE

As early as 1971, one supervisor was directing an abatement officer in a memo to check area of this plant approximately once daily and issue violation notice as soon as you detect offensive off-gas or off-gas.

The memo also asks the inspector to check area of this plant approximately once daily and issue violation notice as soon as you detect offensive off-gas or off-gas.

"We eventually compiled with all the (ministry's) requirements."

- John McGill Currie

Still, at least some ministry officials have been pushing for more drastic action against the company over the years according to ministry files.

The 1973 memo, which discussed Currie's request for a dropped charges, suggests the director of legal services of the day wanted to keep the issue out of the courts although "it is rather easy in this case to take a subjective view that this company deserves to be prosecuted."

"Back in those days, there was no enforcement branch," said John Veit, the ministry's district officer for abatement. "The emphasis was on abatement. The last resort was to pursue legal action against Currie Products despite repeated requests that the company would be charged."

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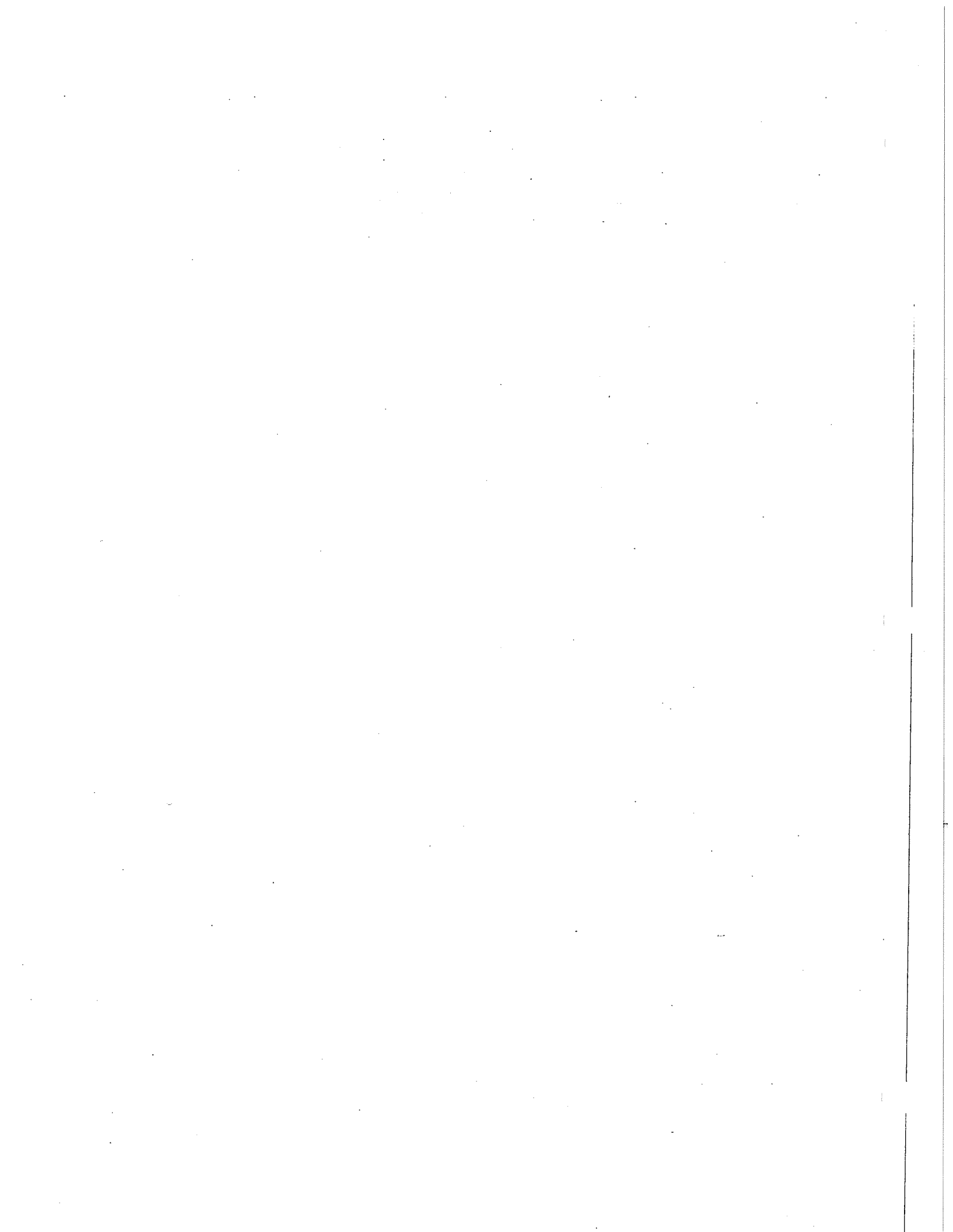
**PHASE I ENVIRONMENTAL SITE ASSESSMENT
125 BARTON STREET WEST
HAMILTON, ONTARIO**

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E3675

October 14, 2009

N. Barry Lyon Consultants Ltd.
3 Church Street, Suite 100
Toronto, Ontario
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Attn: Mr. Scott Walker, MCIP, RPP
Associate

Re: Phase I Environmental Site Assessment
125 Barton Street West
Hamilton, Ontario

Dear Sir:

N. Barry Lyon Consultants Ltd. authorized McCllymont & Rak Engineers, Inc. (MCR) to carry out a Phase I Environmental Site Assessment of the above-noted site. This report presents the methodology, findings and conclusions of the investigation. The Statement of Limitations for all work performed as part of this assessment is attached.

Based on our assessment, a Phase II Environmental Site Investigation is warranted for the subject site.

We trust that the information provided in this report is sufficient for your present requirements. Should you have any further questions, please do not hesitate to contact our office. Thank you for retaining McCllymont & Rak Engineers, Inc. for this project.

Yours Truly,
McCLYMONT & RAK ENGINEERS, INC.


Angelica Necula, M.Sc.


Led J. Rak, M.Eng., P.Eng.

McCLYMONT & RAK ENGINEERS, INC.

The site is occupied by industrial facilities and offices pertaining to the City of Hamilton. The services and activities on the site include a garage for construction equipment, a recycling depot, metal and wood elements storage, a repair shop and a carpentry section.

Surroundings of the site consist of industrial and residential land use.

Drainage pattern of the area is towards west.

The site and surroundings are schematically represented on Drawing No. 1 – Site Plan.

2. HISTORICAL AND RECORDS REVIEW

2.1 Aerial Photographs

Aerial photographs of the site and vicinity were searched at the City of Hamilton Library and Ontario Archives. The following information was inferred from the photographs:

- **1954, 1959 and 1971:** The northern portion of the site appeared to be occupied by a large building. A few smaller structures were located to the south of the large building. Surroundings of the site seemed to be in industrial land use to the north and south, whereas to the east the land was occupied by numerous residential lots.
- **1978 and 1989:** Since 1971, the site configuration changed locally and insignificantly. A few relatively minor changes have taken place in the land cover located just east and northeast of the site.

2.2 Property Use Records

City Directories were reviewed at the City of Toronto Reference Library. The following information was inferred from the directories:

- **Before 1945:** No listing at 125 Barton Street West.

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- Sheaffe Street was developed industrial. A coal tar manufacturer, called Currie Products Limited, was located on the south side of Sheaffe Street, about 50 metres south of the site.

2.4 Technical Standards and Safety Authority (TSSA)

The TSSA registers underground fuel/oil storage tanks since 1987. An inquiry regarding underground fuel/oil storage tanks for 125 Barton Street West in the City of Hamilton was made on September 18, 2009.

The result of the inquiry indicated that no underground fuel/oil storage tanks were registered for the site.

2.5 Waste Disposal Site Inventory

A review of the Ontario Ministry of the Environment document entitled "Waste Disposal Site Inventory", dated June 1991, indicated that:

- No active or closed municipal landfills were situated within 2 km of the site.
- A small coal tar plant was located to the south, within 50 m of the site.

2.6 Registered Waste Generators

Based on the Ontario Ministry of the Environment's 2007 database, there were no waste generators registered on the site or within 300 metres of the site.

2.7 PCB Storage Site Inventory

A review of the Ontario Ministry of the Environment's 2003 database indicated that no PCB storage sites were located on the site or within 300 metres of the site.

2.8 Freedom of Information

On October 13, 2009, an enquiry was sent to the Ontario Ministry of the Environment, Freedom of Information Office, with regard to records of the site. No reply from the Ministry of the Environment has been received to date. In the event

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the response indicates any issues of environmental concern, MCR will notify the client.

2.9 Interviews

On September 30, 2009, MCR staff interviewed Mr. Nick Roundis, the agent who authorized the site inspection.

Mr. Roundis was not aware of any buried or aboveground oil/fuel tanks on the property.

3. SITE VISIT

MCR staff examined the site's conditions on September 17, 2009. A few sections of the main building and the secondary building were not accessible at the time of our visit. The findings of the visual inspection are presented next:

- The site is located on the southeast corner of Barton Street West and Caroline Street North, in the City of Hamilton.
- The site was occupied for the most part by a large building in the northern half, and a secondary building with a small addition at the rear. The larger building accommodated both offices for the City of Hamilton employees and parking/storage of works machines or equipment.
- Inspection of the site and visited building sections did not reveal any spills of chemical products.
- Certain activities on the site, such as vehicle servicing, may raise environmental concerns.
- Materials, potentially containing asbestos fibres, were noted in the inspected building sections.
- Some types and vintages of lead based paint were suspected to be present in some sections of the visited building.