



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 21, 2016
<b>SUBJECT/REPORT NO:</b>	PCB Contaminated Lands Update (BOH16046) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Matt Lawson 905-546-2424 Ext. 5823
<b>SUBMITTED BY:</b>	Robert Hall Director, Health Protection Public Health Services
<b>SIGNATURE:</b>	

## Council Direction:

General Issues Committee (GIC), at its meeting of May 4, 2016 approved the following:  
“That staff be directed to review the matter of the Ministry of the Environment and Climate Change’s Order to clean up Polychlorinated biphenyls (PCB) contamination at Barton and Strathearne and report to the General Issues Committee.”

## Information:

### Background

PCBs are a group of chemicals found commonly in the environment and foods. At low levels, they do not appear to cause human health effects. PCBs are able to build up in the body over time, so minimizing cumulative exposure is important. People who eat large amounts of sport fish, wild life or marine mammals (e.g., seals, whales, polar bears) tend to have higher levels of PCBs. According to Health Canada, at high levels, PCBs can cause health effects including skin changes (chloracne, discolouration), numbness, weakness, muscle spasms, chronic bronchitis, and cancer (liver and kidney).

In 2009, the Ontario Ministry of the Environment and Climate Change (MOECC), in collaboration with the City of Hamilton, began collecting water samples and sediment cores from the Strathearne Avenue slip that identified the presence of PCB contamination linked to discharge from the combined sewer overflow that emptied into the slip.

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In 2014, additional sampling evidence obtained by the MOECC indicated that the PCB contamination was likely associated with lands located at 1565 and 1575 Barton Street East, and 360 Strathearne Avenue North, which are owned by Rosart Properties Inc., Coca Cola Refreshments Canada, and Union Gas Limited, respectively. The PCB contamination on the lands is believed to be a result of contamination that occurred on 1565 Barton Street when it was previously owned by Aerovox Canada, starting in the 1940's.

The risk of PCB exposure to anyone in the public is extremely low. The PCB contamination is located below ground and whatever is leached by rainwater is collected into the sewer system and eventually discharged into Hamilton Harbour. The contamination will not leach upward and only very slowly laterally, if at all, to other properties. The MOECC Order requires surveys to see if the PCBs have migrated off-site and to what extent. Public Health Services will be notified if any appreciable migration has occurred.

#### Current Timeline

On April 19, 2016 the MOECC issued a Director's Order to: 1) AVX Corporation (formerly 'Aerovox Canada'); 2) Coca Cola Refreshments Canada; 3) Rosart Properties, Inc.; and 4) Union Gas Limited.

The Order requires the Parties to:

- Jointly hire a Qualified Professional (QP) and lab with sufficient expertise in the assessment and remediation of groundwater, soil, soil vapour, sediment and surface water contamination;
- Provide the QP with all available data and reports pertaining to contamination identified in the soil, surface water, groundwater, soil vapour and sediment in, on or under the properties;
- Jointly submit a workplan and schedule prepared by the QP; and,
- Develop and submit a single Conceptual Site Model (CSM). The CSM represents an assessment that characterizes the extent of contamination on, in and under the properties, where contamination may have migrated to, and options for remediation.

On May 3, 2016 Union Gas, Coca Cola, and Rosart Properties submitted appeals to the Order. The appeal process falls under the responsibility of the Ontario Environmental Review Tribunal (ERT). The ERT is an administrative tribunal that holds hearings and issues decisions, reports or recommendations based on law, evidence and a duty to protect the environment. The next scheduled date for the ERT to review these appeals is September 30, 2016.

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Although Rosart Properties is appealing the Order, they have retained the services of a QP, to lead the development of the CSM. Both Union Gas and Coca Cola have agreed to allow the QP to access their land parcels to perform sampling, as needed, to assist in the development of a joint CSM as directed in the Order.

The joint preliminary CSM is required to be submitted to the MOECC on or before December 31, 2016. Once approved, the CSM will be considered final and remedial options may be undertaken by the Parties to the Order jointly or independently with continued oversight by the MOECC to ensure the required remediation work is progressing satisfactorily.

AVX Corporation has provided no response to the MOECC regarding the Order. It is expected that this non-compliance will result in Hamilton District Office of the MOECC referring the case to the MOECC's Investigations and Enforcement Branch.