

# BURLINGTON EXECUTIVE AIRPORT

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## Burlington Airpark – Environmental Review Chronology

Date	Event
March 4, 2009	<p><b>Region of Halton</b> – Rick Reitmeier (Senior Planner) and John McIntosh (Regional Water Resources Specialist) review soil analysis reports voluntarily provided by Airpark of imported soil and confirm in writing the following:                      “The results for all criteria meet the Regional and Provincial standards (potable) as required in Table 2 of the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the <i>Environmental Protection Act</i>.” (hereinafter “MOE Table 2”).</p> <p>City of Burlington Officials and Councilor D’Amelio copied on email</p>
May 6, 2009	<p><b>City of Burlington Planning and Building Department Report PB-34/09</b> – quotes from above email. This Report tabled and accepted at both the Community and Development Committee meeting of June 22, 2009 and the full Council Meeting of July 6, 2009</p>
June – July, 2012	<p><b>Pinchin Environmental Ltd.</b> – retained by Airpark to conduct a Phase I Environmental Study of entire airport site. The Study included a review of all the soil test reports of the fill imported between 2009 and 2012. That review also used the same standard as the Region of Halton (i.e. MOE Table 2). The Report concluded that the soil met the said criteria with noted exceptions, the majority of which had to do with electrical conductivity and sodium absorption ratios which were attributed to de-icing activities on roadways (i.e. the soil contained ordinary road salt). The Report concluded:                      -the forgoing “are not considered human health-risk related parameters.”                      -“As such, the above-noted exceedances are not considered a potential issue of environmental concern.”                      -“Based on Pinchin’s review of the above-referenced reports, nothing was identified that is likely to give rise to potential subsurface impacts in connection with the Site.”</p>
December 5, 2012	<p><b>Ontario Ministry of Environment</b> – received a tip from an unnamed “informant” alleging that contaminated fill was being brought onto Airpark. MOE shares information with enforcement officers of Environment Canada.</p>
December 17, 2012	<p><b>Ontario Ministry of Environment</b> - Scott Thompson, Senior Environment Officer for Halton Peel District Office and Mike Bywater take two water samples from two creeks directly</p>

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	south (downstream) of the Airpark and send same to a laboratory for analysis.
March 22, 2013	<b>Ontario Ministry of Environment</b> – laboratory results obtained by MOE from two samples come back negative. Scott Thompson (MOE) reports to Christopher Collings (Environment Canada enforcement officer) - “I sent it [the samples] to the lab requesting analysis for Hydrocarbon and BTEX. Everything was non-detect.”
May 15, 2013	<b>Environment Canada</b> – Christopher Collings receives complaint from an unnamed “resident in North Burlington” wanting to file a complaint and asks for soil testing.
June 3, 2013	<b>Environment Canada</b> – Environment Enforcement Officer Collings and Enforcement Officer Polyoka attend at Airpark and conduct an on-site inspection from 10:47 to 15:25. Nothing is found to warrant any action. “EO Collings recommends FILE CLOSURE. There is no further action required based on a thorough inspection of the entire property of Burlington Executive Airpark showing no violations under the Fisheries Act, section 36(3).”
July 11, 2013	<b>Terrapex Environmental Ltd.</b> – issues report to City of Burlington claiming that most of the soil samples from the imported fill voluntarily supplied to the City by the Airpark have exceedences. However, in doing so, Terrapex erroneously uses MOE Table 1, not Table 2. Based upon foregoing, City of Burlington asks Ontario Ministry of Environment to issue a “Stop Work Order” to Airpark.
July 16, 2013	<b>Pinchin Environmental</b> – completes a Phase II audit report based upon recommendations in Phase I report. “All reported measurable concentrations in the soil and groundwater samples submitted for analysis of PHCs (F1-F4), VOCs or BTEX satisfied the applicable MOE Table 2 Standards.” “Based on the finding of this Phase II ESA, it is Pinchin’s opinion that no further subsurface investigation is required in relation to the findings of the Phase I ESA.”
July 23, 2013	<b>Ontario Ministry of Environment</b> – responds by letter to July 11, 2013 Terrapex Report and City of Burlington and advises, amongst other things, that Terrapex used wrong standard in its analysis (MOE Table 1 instead of MOE Table 2).
August 1, 2013	<b>Airpark Solicitors</b> – a solicitor on behalf of Airpark, who is also a trained chemist, conducts cross-examination of author of Terrapex Report. The cross-examination revealed, amongst other things:

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	<p>-a number of test results recorded by Terrapex as “fails” were in fact passes</p> <p>-Terrapex miscounted the number of soil test results</p> <p>-Terrapex had applied an even stricter standard than one they said they had applied in the Terrapex Report of July 11, 2013</p> <p>-Terrapex admits it was not retained to assess off-site impacts</p>
August 23, 2013	<p><b>Terrapex Environmental Ltd.</b> – issues letter to City attempting to reargue its assertion that MOE Table 1 is proper standard but admits that “...we agree that Ontario Regulation 153/04 [i.e. MOE Table 1] does not strictly apply to conditions at the Airport site....”</p>
August 23, 2013	<p><b>Ontario Ministry of the Environment and Region of Halton</b> – at request of neighbours, attend to test neighbours’ drinking water wells located immediately adjacent to where the fill was being placed -according to City of Burlington Update #6 dated September 9, 2013, the samples were tested for inorganics, volatile organic compounds, polycyclic aromatic hydrocarbons and petroleum hydrocarbons. The test results were compared to MOE Table 2. “The Region has indicated that no exceedances were reported.”</p>
September 13, 2013	<p><b>Ontario Ministry of the Environment</b> – responds to the Terrapex letter of August 23, 2013 and indicates that it disagrees with the statements made therein by Terrapex and that its position has not changed as set out in its letter of July 23, 2013.</p>
November 20, 2013	<p><b>City of Burlington</b> – writes to the Ontario MOE and demands that the Ministry, “if warranted, make a remedial order against the Airpark requiring it to remove contaminated soil from its site or take steps to keep contaminants from moving onto the adjoining properties.”</p>
November 27, 2013	<p><b>Ontario Ministry of the Environment</b> – responds “The ministry will take action in the event there is evidence of a potential off-site adverse effect under our legislation. <u>There is no such evidence at this time.</u> The sampling of the adjacent private wells conducted by the Ministry and Halton Health indicated no exceedances of the Ontario Drinking Water Quality Standards or the Ministry of the Environment Table 2 Brownsfields standards.” [emphasis added]</p>

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Summary – Pinchin Environmental, Region of Halton, the Ontario Ministry of the Environment and Environment Canada have investigated the imported soil and/or water and/or neighbours' well water as follows:

- March 4, 2009                    -Region of Halton
- June/July 2012                    -Pinchin Environmental
- December 17, 2012   -Ontario Ministry of Environment
- June 3, 2012                    -Environment Canada
- July, 2013                    -Pinchin Environmental
- August 23, 2013           -Region of Halton/Ontario Ministry of Environment

None of these six investigations has found any problem with the fill or evidence the fill was having an impact on water.