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Environmental Approvals Access and Service Integration Branch  
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**re: Environmental Compliance Approval (project type: sewage), Burlington Airpark Inc.**

The Rural Burlington Greenbelt Coalition was formed in 2013 in response to the Burlington Airpark's 5+ year unregulated fill operation. The RBGC's mission is to protect the Greenbelt Plan's 'protected countryside' in north Burlington from ecologically and socially damaging development.

Firstly, it is important to state that we do not feel that the MOECC should be entertaining ANY form of stormwater management plan from the Burlington Airpark at this time; it is far too little and far too late.

The City of Burlington is currently engaged in a protracted legal dispute with the Airpark to try to get compliance to its site alteration bylaw and a large component of a complete and remediated airpark site will include a much more comprehensive SWM plan than the one currently submitted. It is critical that neighbouring residential and farm properties as well as our precious water resources are protected from the ongoing and serious runoff from this site - and the SWM plan before you is woefully inadequate.

Multiple reports from Terrapex environmental and Pinchin environmental have shown that fill at the Airpark contains chemical "contaminants of concern". This SWM plan in no way addresses the chemicals that the "sheet runoff" may contain, nor has adequate testing been proposed or completed.

A 2015 SSRA report by Pinchin prepared for the Burlington Airpark's legal counsel recommends that risks to human health through exposure to PAH's and metals in the dumped soil can be mitigated through capping the entire fill site. While the RBGC disagrees strongly with the recommended risk management conclusion, the premise - human and ecological health risk due to chemicals of concern in the soil - has not even been touched upon in this SWM report.

Additionally, the report gives no mention of stormwater controls for run off from the on-site Airplane fuelling station or from any plane de-icing activities/materials.

As the MOECC has so often reminded us in repeated correspondence: Regulation of this fill falls under the jurisdiction of the Municipality. Therefore, this application must be rejected by the MOECC, and the City of Burlington must be allowed to address SWM through its Site Alteration bylaw process.

It is also important to note that any and all previous MOECC approvals have been used erroneously in public relations and media documents by the Burlington Airpark. For example, MOECC reviews of groundwater tests became “the Ontario Ministry of the Environment...have found no safety issues with the commercial fill we have been using...”, or have been featured on Airpark media release headlines like “Burlington Airpark Improvements Not Affecting Groundwater: Environment Ministry”. It is our position that the current MOECC-reviewed perimeter GMP underway at the Burlington Airpark is a “canary in the coal mine” testing solution that will only show evidence of chemical contamination once it has entered the aquifer (and therefore far too late), but it is certain that no perimeter groundwater testing can find over 500,000 cubic meters of unregulated fill to be safe. This limited and inappropriate SWM plan, if approved by the MOECC, would no doubt be used by the Airpark as media and perhaps even legal ‘proof’ that the landfill is inert and or benign.

Those are our general objections to the Airpark’s application, but we also have specific objections as follows:

**Environmental Compliance Approval Application:**

Applicant Name: listed as a numbered company that no longer exists.

Project Description Executive Summary:

Drainage on the west/south west side of the Airpark property does not flow to the Bronte Creek tributary - some large portion flows west and south onto neighbouring properties causing severe erosion and flooding. Neighbours, who will be making independent submissions, have lost farmland, trees and property use and value.

Further, according to a 2014 report by AMEC for the Region of Halton, fill placement at the Airpark has also resulted in “significant erosion” to the shoulder of Appleby Line, causing a “significant hazard for vehicles”.

2.2 Project Type: The applicant has selected N/A for Waste Disposal Site - Landfill site. Terrapex Environmental has characterized the Airpark as a waste disposal site because

it accepted contaminated fill. A SWM plan from the Airpark must be evaluated under this project type, and through this lens.

The RBGC would further argue that due to the findings of the June 2015 Pinchin SSRA, this site should be evaluated as a contaminated site.

2.5 Technical Contacts: This section is unsigned by the technical contact

4.1 Site Address: The address given is incorrect. The primary civic address is 5342 Bell School Line. Additional addresses included in this application are: 5351 Appleby Line and 5260 Bell School Line

4.3 Site Zoning: Current zoning does not permit the proposed activity. Airpark activity is permitted due to the Federal Aeronautics Act, but not by Municipal zoning. Fill activity is certainly not permitted without a Site Alteration Permit. Further, the applicant has selected "yes" when there is clearly no correspondence from the Municipality confirming that the current zoning of the property permits the proposed use. Additionally, the official plan does not support fill activity or Airpark development.

4.6 Receiver of Effluent Discharge: It is our understanding that there is a current Conservation Halton Violation Notice regarding this Bronte Creek Tributary.

5.3.1 Facility Type - Sewage Works: Due to the nature of the site and the conservatively 500,000 cubic meters of fill dumped there, a hydrogeological assessment should be required.

5.4 Waste Disposal Site: As mentioned above and based on third party tests and reviews of the 500,000 cubic meters of fill dumped over 5 years, it is our position that this application should at minimum be reviewed as a waste disposal site and/or landfill site.

Map 32-E: The shaded area in this map does not accurately reflect the complete Airpark property.

### **Preliminary Stormwater Management Report**

The report is correct in its assessment that there has never been a stormwater management plan in place on the Airpark, event during its massive fill dumping operation.

It is the RBGC's opinion that the site has become FAR MORE impervious since 2008 or "pre-construction conditions" than characterized in this report. Prior to the fill operations

there was a gentle, naturally existing grade to the west side of the property that was covered in agriculture and a regionally significant woodlot. This has been replaced with a “level” hard pack surface of hard clay, aggregate, constructions waste etc, with steeply sloped banks surrounding neighbouring properties. Completely counter to this report, the newly filled area’s are not “pervious grass surfaces”. Aerial photographs show very little surface growth of even weeds since filling stopped in 2013. Characterizing this as a site with a 2.2% increase in imperviousness is preposterous.

The RBGC has been advocating for SWM quantity and quality controls at the Burlington Airpark since 2013. These need to be implemented either following a complete removal of the fill and a return to pre-fill elevations or through a comprehensive Site Alteration Permit process as currently sought by the City of Burlington.

This narrow and inadequate SWM application should be unequivocally rejected by the MOECC.

We would be happy to provide any supplementary materials referred to in this submission, including photographs (ground or aerial) or any of the reports referred to. Thank you for extending the submission deadline on this application.

Regards,

Vanessa Warren on behalf of the Rural Burlington Greenbelt Coalition

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