



Municipality of Port Hope

Staff Report

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Report Title: PHAI Information Update - Lion's Recreation Centre Park – 29 Thomas Street

Report to: Works & Engineering Committee

Date of meeting: March 15, 2022

Report Author:

Glenn McGlashon, MCIP, RPP
PHAI Project Consultant/Advisor

Department responsible:

Office of the CAO

Report Number: WE-07-22

Recommendation:

Receive as information.

Highlights:

- Lion's Recreation Centre Park is scheduled for remediation of 12,200 m³ of industrial waste and 2,500 m³ of low-level radioactive waste
- The area of remediation contains extensive individual trees and dense wooded areas which would largely be removed by the clean-up activities
- Staff requested that Canadian Nuclear Laboratories (CNL) explore alternatives to removing some or all of the trees in the contaminated areas
- After weighing the options, MPH staff concluded that upholding the terms of the legal agreement for the removal of contaminated soil, including the removal of trees, is of paramount importance to ensuring the long-term protection of the community's health and well being
- A landscape restoration plan will be implemented by CNL to offset the tree removals and help restore the site's ecological attributes for safe public enjoyment over the long term

Background:

The legal agreement between the Government of Canada (Canada), the Municipality of Port Hope (MPH) and the Municipality of Clarington for the Port Hope Area Initiative (PHAI) provides for the clean-up of a number of sites within MPH that contain hazardous industrial and LLRW waste. The sites are to be remediated in accordance

with the Ministry of Environment, Conservation and Parks (MECP) regulations using a risk-based assessment to ensure a minimum standard of care for human health and the environment, culminating with the filing of a Record of Site Condition (RSC) with the MECP. An RSC is prepared in accordance with the Environmental Protection Act (EPA) and Ontario Regulation (O. Reg.) 153/04 and documents the environmental state of the property and provides the property owner with certain limited liability protections.

Discussion:

One of the industrial sites, Lion's Recreation Centre Park at 29 Thomas Street, is scheduled for remediation in 2022/2023. Lion's Park includes a significant amount of industrial waste (12,200 m³) plus 2,500 m³ of Low-Level Radioactive Waste (LLRW). The area to be remediated is generally situated to the north and east (industrial waste location shown in green and LLRW in purple) of the existing Lion's Recreation Centre building, as illustrated in *Figure 1* below:



Figure 1: Lion's Recreation Centre Park

As this site is characterized by predominantly industrial waste, any future changes to LLRW clean up criteria would not be applicable and thus not change the proposed remediation strategy as it may in other locations.

The remediation area is characterized by a large number of individual trees and dense wooded areas, as well as open lawn/outdoor space. A watercourse (St. Mary's Creek) traverses the north-eastern sector of the site within a wooded ravine. Canadian Nuclear Laboratories (CNL) estimates that there are approx. 2,000+ trees of various species, sizes and condition within the remediation area.

Given the nature and extent of trees observed on site, CNL prepared alternative Risk Management Measures (RMM) at the request of MPH to assess whether the large-scale tree removal could be avoided. These alternative approaches included:

- i. establishing tree protection buffer zones around individual mature trees and/or densely vegetated areas within which only shallow depth (5-10 cm) soil remediation would occur;
- ii. fencing off individual mature trees and/or densely vegetated areas and restrict human access -- no soil remediation would occur within the restricted areas; and,
- iii. a combination of i. and ii.

The options were reviewed by MPH staff and, while it is acknowledged that the existing natural heritage context of the site is important from an environmental and ecological perspective, it was felt that the long-term protection of the community's health and well-being is of paramount importance and that the industrial waste, including the trees and other vegetation, should be removed and that a landscape restoration plan be implemented for the site. This action is consistent with the goals of the PHAI and the legal agreement with Canada to clean up historic waste sites in Port Hope where it is feasible to do so. Not doing so could impose long-term implications on the municipality and its residents with respect to health risk, liability, and maintenance.

It is acknowledged that trees and other vegetation provide significant ecological, social, health and economic benefits and bring important value to the community and its residents. They are also renewable resources and therefore, in order to offset the impact of the tree and vegetation removal on the Lion's Park site, an important element of the remediation process will be to regenerate disturbed areas through the implementation of a robust tree re-planting and maintenance plan. The intent of this plan is to replicate the site's impacted ecosystem and its functions to the fullest extent possible and create, over time, a beautifully-treed public open space area for residents to safely enjoy for decades to come.

The PHAI is currently exempt from the approved Municipal Tree Planting and Protection Policy and a formal tree removal & re-planting policy specific to the PHAI has not been adopted by Council. Nonetheless, the municipality has generally observed the principles of the current approved Tree Policy noted above, using a 1:1 tree replacement formula, in its re-planting approach for municipal PHAI sites. Unfortunately, with the current Policy, it is possible that some sites may not be able to realize the full replacement volume of trees due to tree spacing requirements, species limitations, physical

constraints and/or other Tree Policy considerations. In such cases, the implementation of a formal compensation program (financial, off-site, etc.) by MPH would be beneficial to ensure that replacement trees which would otherwise not be planted are planted elsewhere in the municipality for the purposes of maintaining and, if possible, enhancing the community's ecosystem (ie. no net loss). Similar approaches are employed by numerous municipalities, conservation authorities, and public organizations across Ontario.

Moving forward, CNL will be seeking final approvals for the Lion's Park remediation from MECP in the 1st half of 2022 with the intent to begin mobilization in late Summer of 2022, which is outside of the local migratory bird nesting season (anticipated completion date of 2023). As per the legal agreement with Canada and MPH's standard operating procedures, CNL will be responsible for preparing a Remediation and Restoration Plan, which will include an arborist report and tree replanting plan, in the Spring of 2022 prior to mobilizing. Logistical matters such as road closures, Permits and other approvals will be co-ordinated with MPH staff and applicable agencies.

Financial Considerations:

The legal agreement with Canada provides that all costs associated with clean-up of the industrial sites shall be borne by the Government of Canada.

Communication and Public Engagement:

In addition to this Report and regular Council updates by MPH and CNL staff, CNL will communicate the work plan and share remediation and restoration plans for the Lion's Park project directly with neighbouring property owners/residents in advance of project initiation.

Conclusion:

The Lion's Recreation Centre Park site, scheduled for remediation in 2022/2023, contains significant levels of industrial waste and is extensively vegetated. At the request of MPH, CNL prepared alternative remediation measures which seek to preserve areas of trees and vegetation on the Lion's Park site. Following a review of the options by MPH staff, it is the opinion of staff that the removal of the historic waste and trees is the preferred approach in order to minimize future risk and ensure the long-term protection of human and environmental health in the community. The implementation of a landscape restoration plan as part of the remediation work will help restore the site's ecological attributes for safe public enjoyment over the long term. This action is in accordance with the approved terms of the legal agreement with the Government of Canada.

Attachments:

None