

Development and Infrastructure Division

TO: Mayor and Members of Development & Infrastructure Committee

SUBJECT: Burlington Executive Airport Update #6 – September 9, 2013

Discussion:

The following is a summary of the issues that have been addressed or are in the process of being addressed since the previous update to Council provided on August 19, 2013.

Previous Council Directions

At the June 10, 2013 City Council meeting, Council passed a motion regarding the Burlington Executive Airport which contained seven items. An update on the status of each of the items is provided below.

- 1. Direct the City Solicitor to develop a legal strategy to address the concerns expressed by council and citizens regarding issues with the Burlington Executive Airport and report back to Council on July 2, 2013**

Updates have been provided to Committee on legal matters through the previous update reports and memos. As per the council direction, the City Solicitor prepared and presented a strategy, which included the hiring of Ian Blue. Legal matters have progressed throughout the summer. A court date is set for Oct. 4 to consider the issue of applicability of the city's Site Alteration By-law to the Airport filling operations. There are no further legal updates at this time.

- 2. Direct the Director of Engineering to review and update the City's Site Alteration By-law 6-2003 to reflect best practices by September**

The engineering department is revising the Site Alteration By-law. A report will be presented at D&I Committee on Sept. 30 outlining the proposed process, progress to date and projected time of completion.

- 3. Direct the Mayor and City Manager to jointly contact the federal Minister of Environment to request that soil testing be ordered for the Burlington Executive Airport property.**

A letter was sent in July. To date, no response has been received.

- 4. Direct the Mayor to work with the Federation of Canadian Municipalities to lobby the federal Minister of Transportation and other relevant Ministries to develop a process to allow municipalities to have input on airport land filling operations and expansion plans.**

This work was initiated over the summer, and that work remains ongoing.

- 5. Direct the Director of Finance to arrange a meeting with MPAC representatives and the affected property owners abutting the airport property specific to the property owners current value assessment.**

Staff reported on this item in the July 29, 2013 update, Update Report #4. A meeting was held in July 9 which was attended by, four residents (representing three abutting properties and one property on Appleby Line), Councillors Taylor and Lancaster, staff from the city's finance department, and two representatives from MPAC (Municipal Property Assessment Corporation). There were several outcomes from that meeting, including one assessment reduction.

- 6. Direct the General Manager of Development and Infrastructure to request the owner of the Burlington Executive Airport to provide the City with a complete site and grading plan that minimizes impacts on neighbouring properties. Further, request that the owner modify existing grades to minimize impact on neighbouring properties.**

Engineering staff requested this information.. Airport representatives did provide some basic information, including several different grading plans and some grading information; however these details have not been reviewed by staff given the advancement of the legal proceedings.

- 7. Direct the Director of Planning and Building to have staff enforce the Building Permit By-law 52-2012, as amended, that requires consideration be given to neighbouring properties when construction processes generate dust, and enforce the provisions of the Nuisance and Noise Control By-law including after hours enforcement and issuing offence notices if applicable and as necessary.**

As per the settlement reached with the airport, city staff are not to enforce any municipal by-laws on the airport property at the present time. This agreement is pending resolution of the question of jurisdiction of the city's Site Alteration By-law.

Airport Site Inspections

Since Update #5, engineering staff have been visiting the site on a daily basis. No hauling and filling operations have taken place. King Paving has been on site only to remove their equipment from the site.

Environmental Matters:

Well Testing on Adjacent Properties

On August 23, city staff were sent an email by the Region of Halton regarding testing of wells on several properties adjacent to the airport. The email indicated that the MOE and the Halton Region Health Department were working together to sample and analyze the drinking water wells of homes located immediately adjacent to where the fill was placed on the airport site. Well water samples were collected by MOE staff from two properties.. The samples were being analyzed for inorganics, volatile organic compounds, polycyclic aromatic hydrocarbons and petroleum hydrocarbons.

Results of this testing were provided to the Health Department. The results were then compared to the health-based Ontario Drinking Water Quality Standards and the Ministry of Environment Table 2 Brownfields standards. The Region has indicated that no exceedances were reported. These results have been shared with the property owners. Permission was given by these property owners for the Health Department to share the results with city staff.

Lastly, the letter indicated that the MOE was continuing to work with the airport regarding the airport's plan to assess the potential for off-site ground water impacts.

Response Letters - City and MOE

On July 11, 2013 Terrapex Environmental Ltd. presented their review of the soil test reports provided by the Airport. This was forwarded to the MOE. On July 23, 2013 the MOE provided a letter in response. Both the Terrapex report and MOE letter are posted on the city's webpage.

City staff asked Terrapex to review the MOE's July 23 letter and provide a response. This review was completed and a response letter from Terrapex dated Aug. 23 was sent to the MOE. This letter is also posted on the city's webpage. The MOE is reviewing Terrapex's response and will contact the city once their review is complete..

Airport's Goundwater Monitoring Program

The MOE has advised the city that they cannot release the details of the groundwater monitoring program agreed upon between the MOE and Airport, because it is third-party information.

However, the MOE has stated that the Airport provided them with a detailed groundwater monitoring program to assess the groundwater quality down gradient of the fill area. The MOE provided comments on the proposed plan which were addressed by

the Airport. The plan has been finalized and the ministry is satisfied that the plan will assess whether the fill operations are causing, or may cause, any offsite impacts.

Legal Matters:

There are no further legal updates to provide since the previous Update Report #5 on August 19.

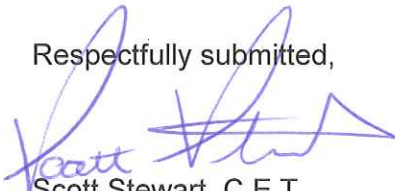
Communication Matters:

The webpage on the City's website (www.burlington.ca/airport) is regularly updated as new information is made available.

Conclusion:

This report has been provided for information.

Respectfully submitted,



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