



To: Mayor and Members of Council
From: Arvin Prasad, Commissioner of Development Services
Prepared by: Brashanthe Manoharan, Planner II, East District
Date: September 27, 2023

Re: Suncor Energy Products Partnership, Application for Zoning By-law Amendment to permit a temporary Multi-Phased Extraction remedial system in a 29.7 m² (320 ft²) enclosed structure at 2 Ovida Boulevard, File PLAN 23 131550 (Ward 4)

RECOMMENDATION:

1. THAT the staff memorandum, dated September 27, 2023, under the subject of “Suncor Energy Products Partnership, Application for Zoning By-law Amendment to permit a temporary a Multi-Phase Extraction remedial system for a period of three (3) years in a 29.7 m² (320 ft²) enclosed structure at 2 Ovida Boulevard, File PLAN 23 131550 (Ward 4)”, be received;
2. THAT the temporary use Zoning By-law, attached hereto as Appendix “A”, be finalized and enacted without further notice;
3. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This memorandum provides background information and recommends to Council approval of a temporary use by-law for a period of three (3) years to permit a Multi-Phased Extraction (“MPE”) remedial system in a 29.7 m² (320 ft²) temporary structure (the “Proposal”) at 2 Ovida Boulevard (the “Subject Lands”).

BACKGROUND AND COMMENTS:

Suncor Energy Products Partnership (the “Applicant”) submitted a Zoning By-law Amendment application to permit the Proposal on the Subject Lands, which is designated and zoned for residential land uses and located immediately south of an operating gas station at 5739 Highway 7 East.

An MPE system is a minimally invasive remedial system that treats groundwater contamination, free product at the groundwater table, and vapours above the groundwater table. Its primary objective is to extract and treat contaminated groundwater before discharging it into the sanitary system. The MPE system would stabilize the overall area of contamination and prevent any further future migration of contamination and impacts. The system operates seasonally for four months between June to October and will be enclosed in a noise controlled building.

The system is expected to operate for a minimum of three years to achieve these objectives. Staff note that the applicants will be required to apply for an extension to the Temporary-use By-law before its expiration if more time is required to achieve the aforementioned objectives.

The Applicant will remove the MPE system and noise control building once the system is no longer required. Groundwater discharge and air emissions will be treated through the MPE system before being released. Sanitary sewer discharge permits (for treated groundwater) have been obtained by the Applicant from the City and York Region. The Applicant has also obtained the required Environmental Clearance Approval (“ECA”), as shown in Appendix ‘B’, for the MPE system from the Ministry of the Environment, Conservation and Parks (MECP). The MPE system will be located at the northwest corner of the Subject Lands furthest away from the adjacent property to the south (4 Ovida Boulevard). According to the Applicant, this separation distance is in compliance with the ECA.

The following matters were raised at the September 5, 2023, statutory Public Meeting:

a) Map of Groundwater Monitoring Wells

The map, attached as Figure 5, indicates that approximately 50 groundwater wells have been installed in various locations. The current purpose of the wells is for monitoring only.

b) Registration of Warning Clause on Title for 2 Ovida Boulevard

Staff have confirmed with the City’s Legal Services Department that under the *Land Titles Act*, the City does not have the authority to register warning clauses on land titles. Staff note that there is a concurrent Site Plan Application under review, and that the clause can be put in the site plan agreement, which will be registered on title. Staff note that any future owners will be made aware of the site conditions as part of their due diligence review as contaminations are regulated and reported to the MECP.

c) Meeting with MECP

Staff has already met with the District Engineer from the MECP and Suncor on September 12, 2023, when the MECP confirmed that they have been receiving regular reports from Suncor and that they are up to date on the monitoring and proposed remediation work on the Subject Lands. According to the MECP, the monitoring and remediation work has been "well managed" by Suncor, and it is the Ministry’s opinion that Suncor has been "proactive" with the Ministry regarding their work, reports, and data at the site.

The MECP has also been contacted by the owner of 4 Ovida Boulevard and provided them with a high level overview of the information received from the Suncor. The MECP indicated they will communicate again with the owner regarding how to obtain complete information through a Freedom of Information (“FOI”) request (similar to City’s FOI process). The MECP is willing to meet with Suncor, the resident at 4 Ovida Boulevard and the City regarding the remediation work on the Subject Lands, if required. The City will coordinate such a meeting.

In addition, the City’s Legal Services and Engineering Departments (and the City’s peer-reviewer) have continuously engaged with Suncor with regards to the contamination issue from the gas station located at 5739 Highway 7 East, the contamination to adjacent properties, including the City’s right-of-way on Ovida and Grandview Blvd, and the proposed remediation work on the Subject Lands.

CONCLUSION:

Staff have reviewed the proposed temporary use Zoning By-law in accordance with the provisions of Section 10.2.6 of the City's 2014 Official Plan and note that temporary uses are permitted provided that it is compatible with adjacent land uses and does not jeopardize the long-term development intentions of the lands/area. Therefore, Staff recommend that the proposed amendment to Zoning By-law 1229, as amended, attached as Appendix 'A', be approved.

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo (2020)

Figure 4: Site Plan

Figure 5: Map of Monitoring Wells

Appendix 'A': Draft Zoning By-law Amendment

Appendix 'B': Environmental Compliance Approval