

Development Proposal Concerns

Position on Development:

The development proposal submitted by Fairhaven Investments Inc. Should **not be** allowed to proceed as per the current revision of the draft plan for the following reasons:

- 1) Increased Safety Risk to existing children in the neighborhood due to an unnecessary amount of increased traffic travelling down Albert & Nelson Street as a result of the multi-unit town houses
- 2) The Environmental Site Assessment does not meet the requirements set out in Ontario Regulation 153/04. The report contains several errors; poor assumptions and

Risk's Associated with Increased Traffic Flow



Proposed Plan Results in the Following:

- 26 Townhouse Dwelling Units
- 8 Single Detached Units
- Two Dead End Roads with single access point at the corner of Albert and Nelson Street.
- Increased Traffic and Noise. Potential of an additional 68+ Vehicles travelling down Albert / Nelson Street multiple times per day.
- Increased Safety Risk to Small Children in the existing Neighborhood

Recommend Resolutions to Address Concerns:



Recommendation 1:

- 1) Replace the proposed residential townhomes with single detached units.
 - This would reduce the total number of units from 34 dwellings down to between 18-20 dwellings.
 - This would reduce traffic volume through Nelson and Albert Street by 50% vs. the current one proposed.
 - I believe this would align with the original plan submitted by the builder when the neighborhood was first constructed.

Note: Recommendation 1 and 2 both need to be completed in order to satisfy the concerns.

Concerns with
Environmental Site
Assessment Quality
(O REG 153/04)

Environmental Site Assessment (ESA) Summary

- The ESA **did not** identify any Potential Contaminating Activities (PCA's) at the Phase 1 Property
- The ESA **did** identify **(3)** offsite PCA's
 - PCA#47 – Rubber Manufacturing and Processing (Goodyear Property)
 - PCA#46 – Rail Yards, Tracks and Spurs (Goodyear Property)
 - PCA #28 – Gasoline and Associated Products Storage in Fixed Tanks (Goodyear Property)
- In Pinchin's Opinion, The 3 PCA's identified are not considered to result in areas of potential environmental concern (APEC's)
- There opinion is driven by two primary factors:
 - 1) Their distance from the Property
 - 2) "Relatively Low Permeability of the **inferred** native soil" which they indicate in multiple times throughout the report is primarily clay and silt.
- As a result of this inference Pinchin **believes** a **Phase Two ESA is not required.**

Incomplete Environmental Site Assessment:

- Key Pieces of Information are missing from the ESA report completed by Pinchin Environmental as shown in the disclaimer below.

This report has been issued without having received responses from requests for information sent to the Ontario Ministry of the Environment, Conservation and Parks and Technical Standards and Safety Authority. Once responses from these regulatory bodies are received, the information will be incorporated into a revised version of this report. Our conclusions and recommendations may be amended based on this information. In addition, due to temporary closure of government repositories, Pinchin was unable to review historical city directories for the Phase One Study Area.

- The missing information prevents the ESA from meeting the requirements of Ontario Regulation 153/04 – Records of Site Condition – Part XV.1 of the act.
- In addition, the report itself contains both incorrect and/or misleading information, which will be reviewed as part of the upcoming slides.
- As a result the conclusions and recommendations resulting from this report **should not** be considered.

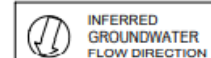
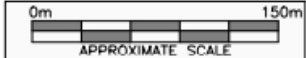
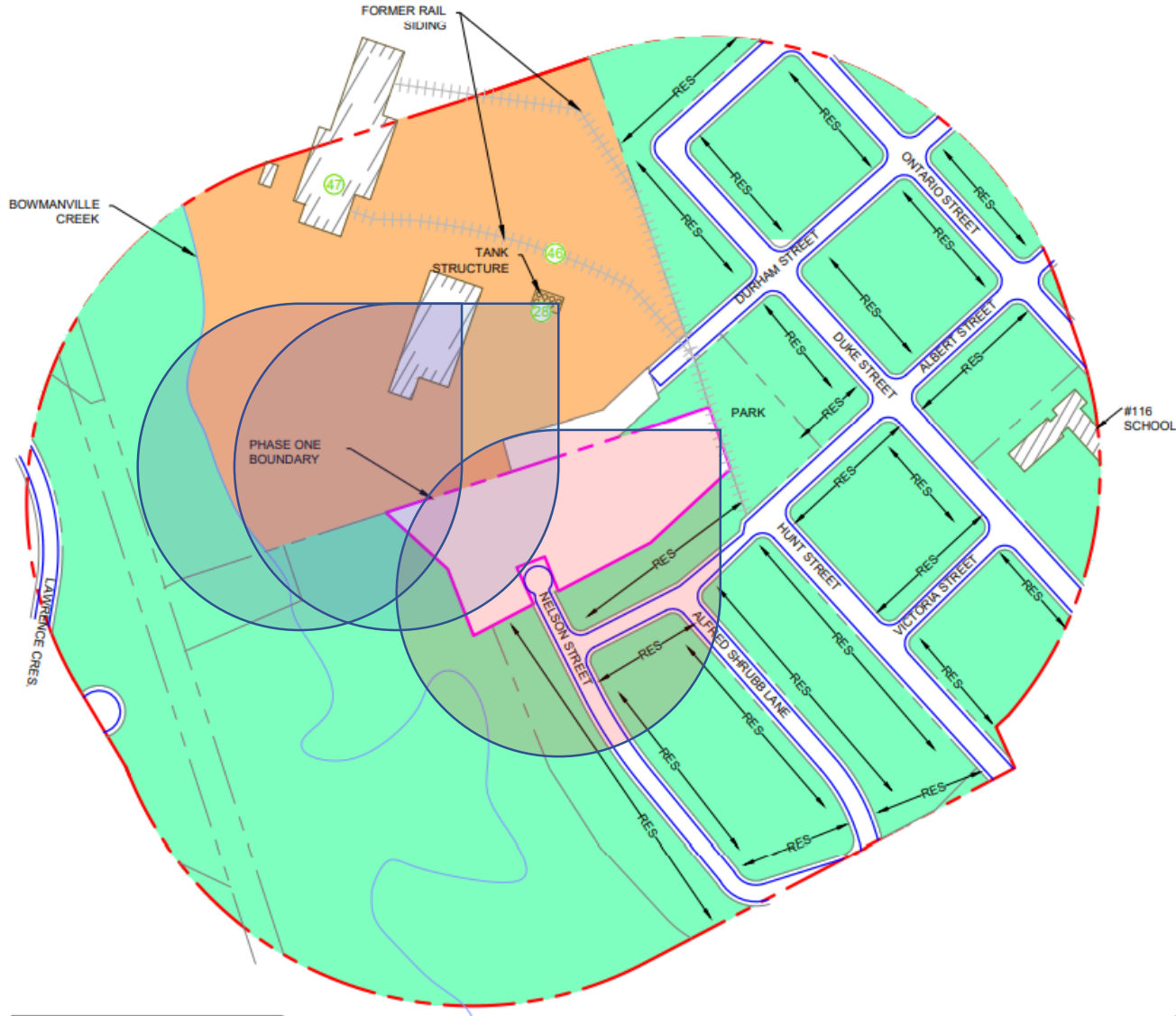
Contradicting, Incorrect or Misleading Information

Section 4.1 of the Report:

“In General, PCAs that were **relatively close** to the phase one property and/or were at properties upgradient of the Phase One Property with respect to the inferred groundwater flow direction were considered PCAs resulting in APECs.”

- In the report, Pinchin indicates that the topography in the area slopes in the “southwestern direction” and the unconfined groundwater flows in that same direction.
- All of the PCA’s are identified as being “Upgradient/Transgradient”
- The map on the following slide shows the location of the PCA’s relative to the phase 1 property.
- I plotted a shaded area onto the map starting from a point on each of the PCA’s in a “southwestern direction” to show where they intersect the phase one property.
- 2 out of 3 PCA’s Identified are in relatively close proximity to the phase one property and would indicate the potential for contaminates/spills to flow onto/under the phase one property.
- Despite this, the environmental site assessment concludes that there is low likelihood that any of the PCA’s would have resulted in an area of environmental concern.

How is that possible?



LEGEND

- RES RESIDENTIAL
- PHASE ONE STUDY AREA BOUNDARY
- RESIDENTIAL USE / PARKLAND USE / INSTITUTIONAL USE
- INDUSTRIAL USE / COMMERCIAL USE / COMMUNITY USE
- PCA POTENTIALLY CONTAMINATING ACTIVITIES
- # PCA NUMBER CONTRIBUTES TO AN APEC
- # PCA NUMBER DOES NOT CONTRIBUTES TO AN APEC



PROJECT NAME
PHASE ONE ENVIRONMENTAL SITE ASSESSMENT

CLIENT NAME
FAIRHAVEN INVESTMENTS INC.

PROJECT LOCATION
BLOCKS 112 AND 113 PART OF LOTS 11 AND 12, CONCESSION 1, BOWMANVILLE, ONTARIO

FIGURE NAME
POTENTIALLY CONTAMINATING ACTIVITIES

SCALE	PROJECT NO.
AS SHOWN	287038

DATE	FIGURE NO.
MARCH 2021	4

Contradicting, Incorrect or Misleading Information (Cont'd)

“Pinchin did not note or observe any significant potentially contaminating properties that should be included as part of this assessment (e.g. landfills, large industrial manufacturers, etc.)”

- ❑ The Goodyear / Veyance Conveyor plant located < 190m from the phase one property is a “large industrial manufacturers”
- ❑ This statement is either meant to be intentionally misleading or appears to be a “cut and paste” from another report.
- ❑ Another example of copy paste errors, likely from different reports is seen below in section 4.1.1. Where the same sentences are repeated twice

4.1.1 Phase One Study Area Determination

Based on a review of the available historical information and observations made during the Site reconnaissance for the properties greater than 250 metres (m), but less than 1 kilometre (km), from the Phase One Property boundary, Pinchin did not note or observe any significant potentially contaminating properties that should be included as part of this assessment (e.g., landfills, large industrial manufacturers, etc.). As such, the Phase One Study Area consisted of the Phase One Property, as well as all properties situated wholly, or partly, within 250 m from the nearest point of a boundary of the Phase One Property, in order to meet the minimum requirements set forth in O. Reg. 153/04. As such, the Phase One Study Area consisted of the Phase One Property, as well as all properties situated wholly, or partly, within 250 m from the nearest point of a boundary of the Phase One Property, to meet the minimum requirements set forth in O. Reg. 153/04.

Contradicting, Incorrect or Misleading Information (Cont'd)

Table 2 - Table of Potentially Contaminating Activities

PCA Designation	Location of Potentially Contaminating Activity	Potentially Contaminating Activity	Location of PCA (On-Site or Off-Site)	Distance from Phase One Property (metres)	Location Relative to Inferred Groundwater Flow Direction ¹	Contributing to an APEC at the Site (Yes/No)	Media Potentially Impacted (Ground Water, Soil and/or Sediment)
PCA-28	45 Raynes Avenue	Item 28 - Gasoline and Associated Products Storage in Fixed Tanks	Off-Site	190 northwest	Upgradient/Transgradient	No	Not Applicable
PCA-47	45 Raynes Avenue	Item 47 - Rubber Manufacturing and Processing	Off-Site	90 northwest	Upgradient/Transgradient	No	Not Applicable
PCA-46	Adjacent to the east boundary of the Phase One Property	Item 46 - Rail Yards, Tracks and Spurs	Off-Site	10 east	Upgradient/Transgradient	No	Not Applicable

Notes:

APEC – Area of Potential Environmental Concern

PCA – Potentially Contaminating Activity

1 – Location of PCA relative to the Phase One Property in relation to the inferred groundwater flow direction in the Phase One Study Area

- ❑ The Data Provided in Table 2 is Incorrect. If you refer back to the map from slide 9, PCA#28 is located 90 m northwest of the Phase 1 Property.
- ❑ There is also a second building on the Goodyear Property that isn't referenced as a PCA nor is it discussed at all in the report. This building appears to be less than 10 – 20 meters from the location of the AST Farm.
- ❑ In the report, Pinchin discredits all PCA's as an APEC despite the fact that they are upgradient of the property, and in the flow path of the groundwater flow as shown in the map on the previous page.

Incomplete Sections of Report (Spills/Incidents/Offenses)

- In Section 4.2.1.7 of the ESA Report, Pinchin states the following:

4.2.1.7 Environmental Incidents, Orders, Offences and Spills

ERIS completed a search of the various provincial and federal databases for information regarding environmental incidents, orders, offences and spills. O. Reg. 153/04 indicates that information from these databases only needs to be obtained for the Phase One Property and properties adjacent to the Phase One Property. Details regarding the searched databases are provided in the ERIS report in Appendix G.

The ERIS database search of records of environmental incidents, orders, offences or spills revealed the following for the Phase One Property and properties adjacent to the Phase One Property:

- No records were found of environmental incidents, orders, offences or spills for the Phase One Property.
- No records were found of environmental incidents, orders, offences or spills for properties adjacent to the Phase One Property except for the following:

- The report only discusses 12 Spills, 11 of which came from the Goodyear plant between 1991 and 2007.
- This is only a fraction of what was found in the ERIS Report

Date of Spill	Spill Type	Quantity (L)	Contamination Possible / Confirmed (ERIS Report)	Type of Contamination	Note:
7-Feb-91	Oil	Unknown	Possible	Soil	Oil Sheen Seen in Bowmanville Creek
19-Feb-91	Oil	80	Possible	Soil	Hydraulic Oil on Ground
14-Mar-91	Oil	Unknown	Possible	Soil	Oil Sheen Seen in Bowmanville Creek
8-May-91	Hexane	32	Confirmed	Soil	Leaked on Ground Due to Leaking Fitting
14-Feb-92	Gas	Unknown	Confirmed	Water	Sheen Seen on Bowmanville Creek
22-Apr-92	Natural Gas	Unknown	Possible	Air	Equipment Failure
18-Feb-97	Oil	Unknown	Possible	Water	Bowmanville Creek - Equipment Failure
18-Feb-97	Oil	Unknown	Confirmed	Water	Bowmanville Creek - Equipment Failure
6-Jan-00	Oil	Unknown	Possible	Water	Bowmanville Creek
11-Mar-00	Oil	Unknown	Possible	Soil	Oil Sheen Seen in Bowmanville Creek
4-Dec-00	Oil	341	Possible	Water	Reason for Spill Undetermined
3-Mar-07	Oil	Unknown	Confirmed	Water	Bowmanville Creek - Reason Undetermined
Not Listed	Water Solvent HCL (<10%)	60	Possible	Soil	

Incomplete Sections of Report (Spills/Incidents/Offenses)

Caption 1 – ERIS Report

SPL - Ontario Spills

A search of the SPL database, dated 1988-Mar 2020; Jul 2020 - Aug 2020 has found that there are 36 SPL site(s) within approximately 0.25 kilometers of the project property.

- 34 / 36 of the spills identified were from the good year plant. 70% of these spills were not considered in ESA Report? Why?
- There are other Captions from that ERIS Database Search as well that identify records in other databases including, the National Environmental Emergencies System, National Analysis of Trends in Emergencies Systems; Non-Compliance Reports; all of which identified the goodyear property as the primary and/or only contributor to events in those databases. None of which are discussed in the ESA? Why?

Other Captions – ERIS Report

EHS - ERIS Historical Searches

A search of the EHS database, dated 1999-Oct 31, 2020 has found that there are 6 EHS site(s) within approximately 0.25 kilometers of the project property.

NEES - National Environmental Emergencies System (NEES)

A search of the NEES database, dated 1974-2003* has found that there are 2 NEES site(s) within approximately 0.25 kilometers of the project property.

GEN - Ontario Regulation 347 Waste Generators Summary

A search of the GEN database, dated 1986 Jul 31, 2020 has found that there are 15 GEN site(s) within approximately 0.25 kilometers of the project property.

<u>Site</u>	<u>Address</u>	<u>Distance (m)</u>	<u>Map Key</u>
GOODYEARCANADA INC		249.8	15

NCPI - Non-Compliance Reports

A search of the NCPI database, dated Dec 31, 2018 has found that there are 8 NCPI site(s) within approximately 0.25 kilometers of the project property.

NATE - National Analysis of Trends in Emergencies System (NATES)

A search of the NATE database, dated 1974-1994* has found that there are 2 NATE site(s) within approximately 0.25 kilometers of the project property.

Incomplete Sections of Report(Spills/Incidents/Offenses)

Site: GOODYEAR CANADA INC. ON	Database: CONV
File No:	Location:
Crown Brief No: 02-0130-0070	Region: CENTRAL REGION
Court Location:	Ministry District: YORK-DURHAM
Publication City:	
Publication Title:	
Act:	
Act(s):	
First Matter:	
Second Matter:	
Investigation 1:	
Investigation 2:	
Penalty Imposed:	
Description: DISCHARGE OF CONTAMINANT CAUSING ADVERSE EFFECT.	
Background:	
URL:	
Additional Details	
Publication Date:	
Count: 1	
Act: EPA	
Regulation:	
Section: 14 (1)	
Act/Regulation/Section: EPA 14 (1)	
Date of Offence:	
Date of Conviction:	
Date Charged: 10/27/2003	
Charge Disposition: FINED	
Fine: \$45,000.00	
Synopsis:	

Site: GOODYEAR CANADA INC. ON	Database: CONV
File No:	Location:
Crown Brief No: 99-0041-0268	Region: CENTRAL REGION
Court Location:	Ministry District: YORK-DURHAM
Publication City:	
Publication Title:	
Act:	
Act(s):	
First Matter:	
Second Matter:	
Investigation 1:	
Investigation 2:	
Penalty Imposed:	
Description: PERMITTED THE DISCHARGE OF FUEL OIL INTO BOWMANVILLE CREEK CAUSING POSSIBLE IMPAIRMENT TO THE QUALITY OF WATER.	
Background:	
URL:	
Additional Details	
Publication Date:	
Count: 1	
Act: OWRA	
Regulation:	
Section: 30(1)	
Act/Regulation/Section: OWRA- -30(1)	
Date of Offence:	
Date of Conviction:	
Date Charged: 4/27/01	
Charge Disposition: FINED	
Fine:	
Synopsis:	

- This is another caption from the ERIS report that was also alarming as you can see in the highlighted text
- Significant Fines were imposed as a result of discharges of contaminants into the environment.
- Neither of these dates listed are aligned to dates of other spills that were discussed in the report and as such are presumed to be other significant spills not investigated in the report.
- I could not find anywhere in the ESA report where these incidents were discussed.

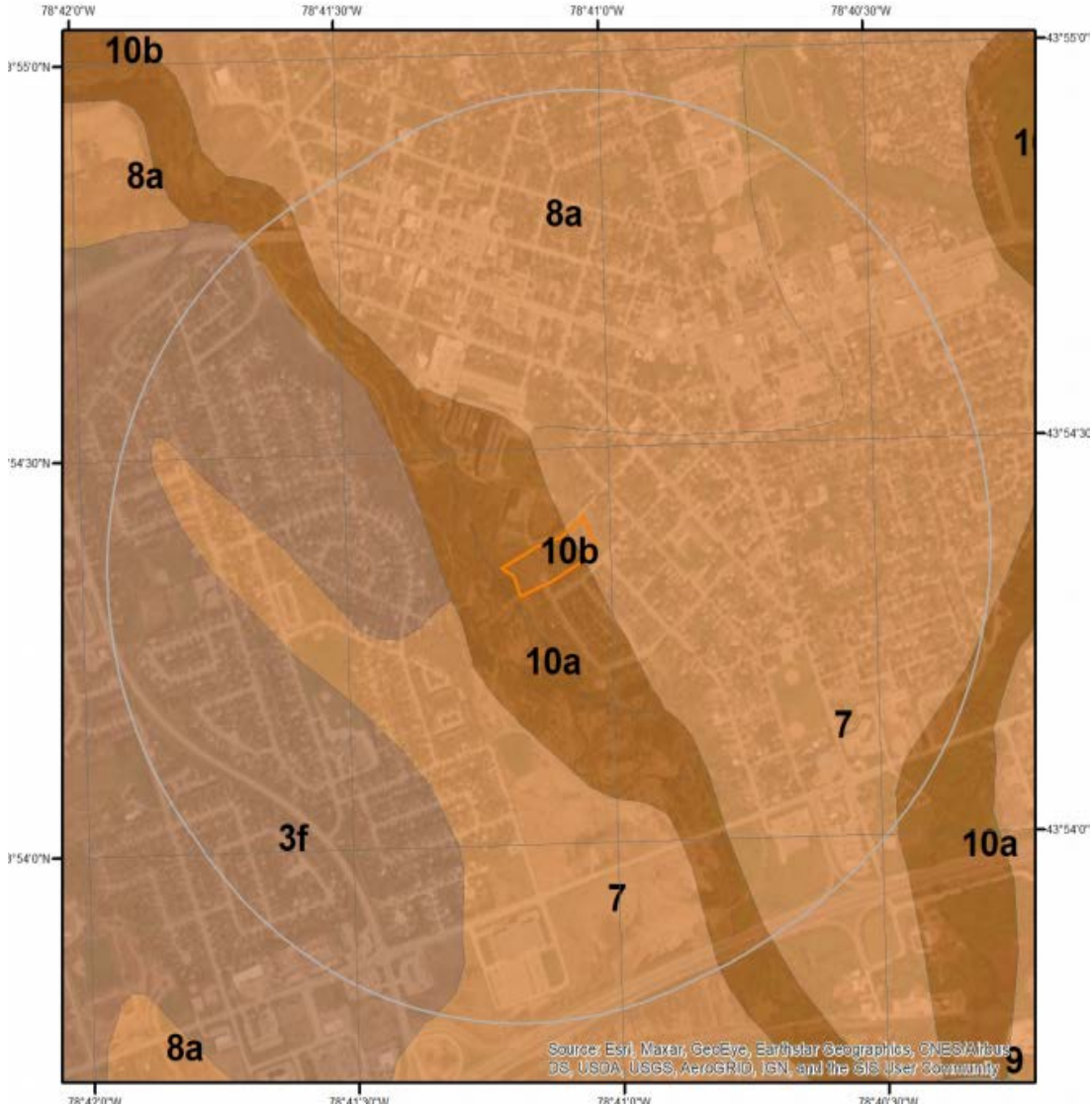
Poor Assumptions Made

- ❑ Pinchin dismissed the potential for any of the spills and/or other PCA's to have had an adverse impact based primarily on the following assumption:

“Based on the location and distance relative to the Phase One Property (“X” meters) the inferred groundwater flow direction as well as subsurface soils having **relatively low permeability (i.e. silt and clay)**”. It is Pinchin’s opinion that (X Activity) at this property has not resulted in an APEC at the phase one property.”

- ❑ In the early slides, I reviewed the topographical maps and the PCA's that were identified and showed how if you follow a variety of paths in the “southwestern direction” that the ground water flow for those PCA's would have flow into / over / under the Phase 1 Property.
- ❑ In the following slides I will show how Pinchin’s assumption of the permeability of the soil is also incorrect and/or misleading, which is the key basis for why all of the spills did not contaminate the Phase 1 Property.

Geologic Information



Unit ID 10a

Geological Deposit: River deposits
 Deposit Age: Quaternary
 Primary Material: clay, silt, sand, gravel
 Secondary Material:
 Primary General: fluvial
 Primary General Modifier: modern floodplain
 Veneer:
 Episode: Hudson
 Sub Episode:
 Strata Modifier: Surface
 Provenance:
 Carbon Content:
 Formation:
 Permeability: Variable
 Material Description: Gravel, sand, silt, clay, muck; 1-2m thick; occurs on modern floodplains

Unit ID 10b

Geological Deposit: River deposits
 Deposit Age: Quaternary
 Primary Material: clay, silt, sand, gravel
 Secondary Material:
 Primary General: fluvial
 Primary General Modifier: abandoned floodplain
 Veneer:
 Episode: Hudson
 Sub Episode:
 Strata Modifier: Surface
 Provenance:
 Carbon Content:
 Formation:
 Permeability: Variable
 Material Description: Gravel, sand, silt, clay; 1-8m thick; forms river deltas and terraces of early

Unit ID 8a

Geological Deposit: Glacial lake deposits
 Deposit Age: Quaternary
 Primary Material: sand
 Secondary Material:
 Primary General: glaciolacustrine
 Primary General Modifier: foreshore/basinal
 Veneer:
 Episode: Wisconsin
 Sub Episode: Michigan
 Strata Modifier: Surface
 Provenance:
 Carbon Content:
 Formation:
 Permeability: High
 Material Description: Sand and silty sand; 1->50m thick; occurs in basin lows and nearshore flats

Conclusion from Topological Data:

- The Phase 1 Area as well as the Goodyear lands where a large number of significant spills occurred are located in sections 10A and 10B
- The Data from the ERIS report shows that the material make up is “clay, silt, sand and gravel”sand and gravel which have relatively high permeability ratings were conveniently ignored when drawing their conclusions as to whether or not the PCA impacted the Phase 1 Property.
- It also shows that both of these area’s have a “Variable” permeability Rating.....not a “Low permeability rating” as specified in Pinchin’s conclusions.
- The only area’s on the map which have a low permeability, and are made up of primarily clay and silt were section 7 which is outside of the study area and much further south of the phase one property.
- As such the conclusions drawn by Pinchin as to whether or not the PCA resulted in an APEC cannot be credited and in my opinion, based on this fact there is a high likelihood that the PCA’s did result in APEC’s on the Phase 1 Property.

Hazardous Waste Generation (Goodyear 1986-2018)

- 1,700,496 kilograms (kg) of oil skimmings and sludges;
- 3,155,180-kg of waste oils and lubricants;
- 242,418-kg of emulsified oils;
- 9,140-kg of heavy fuels;
- 396,741-kg of petroleum distillates;
- 151,945-kg of light fuels;
- 465-kg of halogenated solvents;
- 16,852-kg of PCBs;
- 14,386-kg of aromatic solvents;
- 1,112-kg of acid waste-heavy metals;
- 41,570-kg of acid waste-other metals;
- 87,271- kg of inorganic laboratory chemicals;
- 674,856-kg of other specified inorganics;
- 11,202-kg of organic laboratory chemicals;
- 2,205-kg of paints/pigments/coating residues; and
- 3,606-kg of additional various hazardous wastes including other specified inorganics, aliphatic solvents, detergents/soaps, phenolic wastes, pathological wastes and waste compressed gases from 1986 until 2018.

“Based on the location and distance relative to the Phase One Property (>190 meters) the inferred groundwater flow direction as well as subsurface soils having **relatively low permeability (i.e. silt and clay)**. It is Pinchin’s opinion that hazardous waste generation at this property has not resulted in an APEC at the phase one property.

Incomplete Sections of Report - Notices and Instruments

4.2.1.10 *Notices and Instruments*

ERIS completed a search of the provincial Environmental Registry for records pertaining to proposals, decisions, and exceptions regarding policies, Acts, instruments, or regulations that could significantly affect the environment. ERIS also searched the Record of Site Condition database for filed RSCs.

Comments and Questions:

C: There is no conclusion or discussion on the findings, just a statement. It appears this section of the report was not completed.

Incomplete Sections of Report (MOE)

4.2.2 Ministry of the Environment, Conservation and Parks Freedom of Information Search

The MECP Freedom of Information and Protection of Privacy Office in Toronto, Ontario was contacted to determine if records exist for environmental matters such as orders, spills, previous investigations, prosecutions, registered PCB waste storage sites, waste generators, waste receivers, Cs-of-A and ECAs associated with the Phase One Property.

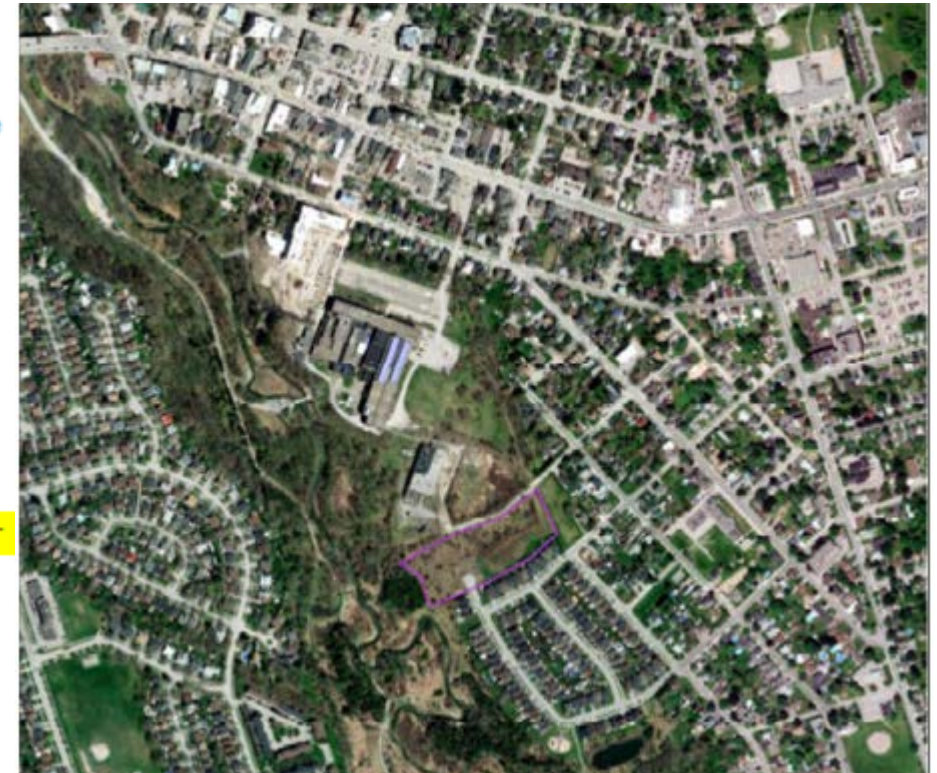
The search was requested on February 11, 2021 and a response was not received from the MECP at the time of writing this report. When a formal response is received, it will be reviewed by Pinchin. If there is any information that represents a potential issue of environmental concern, a copy of the response will be forwarded to the Client under separate cover. Our conclusions and recommendations may be amended based on this information. A copy of Pinchin's request submitted to the MECP is provided in Appendix H of this report.

Incomplete Sections of Report (TSSA)

4.2.3 Technical Standards and Safety Authority Search

The TSSA is the regulatory body that governs the safe handling and storage of fuel in Ontario. All storage of gasoline, diesel and fuel oil is subject to the Technical Standards and Safety Act. The Technical Standards and Safety Act and its relevant documents and regulations (e.g., *Liquid Fuels Handling Code*, *Ontario Regulation 213/01 – Fuel Oil*, *Ontario Regulation 217/01 – Liquid Fuels*) require that all fuel storage devices such as ASTs and underground storage tanks (USTs) be registered with the TSSA.

Pinchin contacted the TSSA to establish the status of the Site with respect to its files, to identify outstanding instructions, tank registrations, incident reports, fuel/oil spills or contamination records associated with the Site. **At the time of writing this report, no response had been received from the TSSA.** When a formal response is received, it will be reviewed by Pinchin. If there is any information that represents a potential issue of environmental concern, **a copy of the response will be forwarded to the Client under separate cover. Our conclusions and recommendations may be amended based on this information.** A copy of Pinchin's request submitted to the TSSA is provided in Appendix I of this report.



Incomplete Sections of Report (City Directories)

4.2.5 *City Directories*

At the time of writing this report, and due to temporary closures of Public Libraries and the Archives of Canada, City Directories were not available for Pinchin's review. This represents a potential data gap in the historical documentation review process.

Incomplete Sections of Report (PURs)

4.2.4 Property Underwriters' Reports and Plans

Property Underwriters' Reports (PURs) provide detailed information on a site-specific basis, including descriptions of building construction, heating sources, production processes, and the presence of any hazardous chemicals or materials which may have been historically stored on the Phase One Property. They also indicate the presence of environmental hazards such as electrical rooms, transformers, boilers and storage tanks. Information provided on Property Underwriters' Plans (PUPs) includes the location, capacity, and contents of ASTs, USTs, chemical storage and other forms of environmental hazards.

Pinchin contacted Opta to obtain copies of PURs and PUPs related to the Phase One Property. A response was received from Opta dated February 18, 2021, which indicated that no PURs or PUPs for the Phase One Property were available. The Opta response is provided in Appendix E.

Based on Ariel Photograph it Appears there was a lot of activity going on right up to the edge of the phase one property.

Q: What about the remaining properties within the Phase One Study Area?



Aerial Photograph - 1964

Comparisons



Aerial Photograph – 1959



Aerial Photograph – 1964



Aerial Photograph – 1976

Incomplete Sections of Report (Site Reconnaissance)

6.2.11 Details of Staining and Corrosion

None observed.

6.2.14 Details of Ground Cover

During the Site reconnaissance, Pinchin visually inspected the Phase One Property ground cover. The entire ground surface at the Site consisted of grass/vegetation. A pile of native topsoil was observed on the ground surface on the northwest portion of the Site. According to the Site representative, this material originated from the recently developed residential properties south of the Site. As such, this material does not represent a potential environmental concern, PCA or APEC at the Site.

6.2.15 Details of Current or Former Railways

No current or former railway infrastructure was observed on the Phase One Property.

6.2.16 Areas of Stained Soil, Vegetation and Pavement

During the Site reconnaissance, Pinchin did not observe any areas of stained soil, vegetation or pavement on the Phase One Property.

6.2.17 Areas of Stressed Vegetation

During the Site reconnaissance, Pinchin did not observe any areas of stressed vegetation on the Phase One Property.

6.2.18 Areas of Fill and Debris Materials

No obvious areas where fill material or debris have been placed or graded were observed by Pinchin at the Phase One Property.

- The following slide shows pictures of the site reconnaissance.
- How does a person identify whether or not the soil/vegetation/pavement is stained on the phase one property when it is covered in snow?
- Further to that point, how do you see if staining occurred when the client indicated they used all of the fill material from the properties south of it to bury the native soil
- 6.2.18 is contradictory to the statement made in 6.2.1.4



Photo 1 – Northeast of the Phase One Property, looking southwest.



Photo 3 – Southeast of the Phase One Property, looking northeast.



Photo 5 –Property north of the Phase One Property



Photo 2 – Northwest of the Phase One Property, looking southeast.



Photo 4 – Central portion of the Phase One Property, looking northwest.



Photo 6 –Properties south of the Phase One Property.

Conclusions and Recommendations to Resolve:

- Based on the gaps identified in the ESA Report and the assumptions made based on misleading information. The recommendations from the ESA should not be considered as valid.
- It is our opinion, that the PCA's identified in the report including the significant amount of spills which occurred on the goodyear lands directly adjacent to the Phase One Property, did result in several potential APEC's on the Phase 1 Property.
- It is our recommendation that no further development occur on the Phase One Property until a Phase 2 Environmental Assessment is Completed and Confirms whether or not there is contaminated soil on the phase one property.