

To: Andrew Neil, Environmental Assessment and Approvals Branch
Subject: Comments regarding Amended Compliance Approval for GFL
Date: April 16th, 2013
From: Carmela Marshall on behalf of LCCW

Thank you for the opportunity to provide further input with regards to GFL's amended Compliance Approval sent via email on April 9th, 2013. Please accept these comments.

Regarding Section 15.2(1)

We agree with the additions in this section.

The added section regarding "local planning authority sampling as required" is relevant. It will be helpful to share this information with planning authorities. This encourages municipalities to take responsibility for sampling as well, despite the existence of MOE Compliance Approvals.

Regarding Section 15.2(3) Point 3, and Section 15.2(4) Point 2

We agree with the addition of this section.

It is hoped this added section will discourage illegal dumping on sites. It is also hoped that this will allow for better management of the quality of soil brought to receiving sites. Just a technical note: should 15.2(4) Point 2 read : "written confirmation from the Qualified person (of the receiving site) that they:" Perhaps previous comments imply that the Qualified Person is from the receiving site?

Concerns:

Section 9.3 Records Retention

- the five year period, as discussed with staff in earlier comments, is a concern in that it may not be a long enough time period in order to discover impacts from migrating contaminants in soils shipped from the GFL facility
- it is noted that a similar compliance approval requires records to be retained for 10 years- Compliance Approval number 8096-8UEJJ issued March 21, 2013.
- it is hoped the Ministry would have consistent requirements for soil remediation facilities, especially those with similar treatment processes

Section 10.1 Service Area

- the concern is with regards to allowing soils from across Canada and the US
- there is no condition in the CA that indicates these outside soils have to go back to where they came from
- this means GFL will be trying to find a place for these soils here and appropriate, legitimate fill sites are already hard to find
- there is already an abundance of excess soil generated here in Ontario, some of which is contaminated
- invasive species are also an issue with regards to out of country soils

Section 12.1 (1) Approved Waste Types

As GFL cannot remediate metals and does not remediate salt-impacted soils, perhaps it is important to include a requirement such as that found in Compliance Approval 8096-8UEJJJ which states the following in Section 6.1 (c) “for soils to be bioremediated (or treated in GFL’s case as bioremediation is the only treatment option) the concentration of metals and SAR in all incoming soils shall not exceed the concentration listed in the Table 3 Standards for industrial/commercial/community use.”

It is understood that GFL can provide soils for cover at a waste disposal site and that concentrations above Table 3 for metals could be accepted for this purpose. However, Section 12.1(1) Point 1, indicates that the acceptance of contaminated soil is “limited to petroleum hydrocarbon and road salt impacted soils.” Would soils containing metal concentrations above Table 3 be considered metal-impacted soils? It is also of concern that metal impacted soils from GFL were delivered to a site in the City of Kawartha-MOE report attached. Perhaps specifically limiting the level of certain contaminants accepted at the facility would help to prevent this from happening in the future. If source site QP’s had to sign off on the existence or non-existence of metals, or other non-treatable contaminants, this would help to ensure GFL is accepting soils it can actually treat.

Section 12.2(1) The acceptance of soils at the GFL facility.

It is noted that there is no requirement for a QP (as defined by Reg. 153) at the source site to sign off on the “waste profile sheet” indicating the soil quality sent to the GFL facility. As well, there is no requirement for a QP at GFL to review and approve incoming soils based on documentation provided. QPs such as Professional Engineers have an outside governing body that can hold them accountable for their actions. “Trained Personnel” who are not part of these professional organizations cannot be held accountable in this manner. Although GFL is accountable to the MOE regarding requirements in this certificate, the accountability of its staff members to an outside governing may also encourage less biased procedures as well as provide added public confidence in the operations.

As well, the quality of the soils accepted is key in determining whether or not they can even be treated. Even if there are a significant number of tests required for outgoing soils from GFL, there is bias in every step of the sampling and testing process. Requiring QP’s to formally sign off on the quality of soil shipped and the acceptability of soil received at the facility is a proactive way to further ensure proper management of soils at this facility.

12. 1 (1) Acceptance of road salt impacted soils

- it is a concern that GFL is allowed to accept salt-impacted soils however is not required to treat it
- they do not require testing of incoming soils for salt
- they do not test outgoing soils for road salt
- another soil remediation facility under the recent approval 8096-8UEJJ will be piloting the removal of salt from soils.

I have **attached correspondence** between the MNR and myself regarding salt impacted soils and the concern regarding groundwater contamination. These concerns are relevant to GFL's Compliance Approval as GFL has shipped and currently ships some its soil, in quantity, to lands with sensitive aquifers.

Although a planning authority can request testing for salt impacted soils, they may not see the need if the Compliance Approval clearly states that GFL can accept salt-impacted soil. The assumption is that if the remediation facility is permitted to accept it, then surely they treat for it.

Section 12.2 (2) Verification Samples of incoming soils

- 1 sample for PHC's, VOCs, SVOCs, and metals is not enough when the incoming waste profile sheets are not required to be signed off by a QP at the source site
- Section 12.2 (1) asks for past site activities if known-perhaps it can be stated that if there is a Phase 1 or Phase 2 for the source site that it must be provided.
- As well, Section 12.2(1) requires documentation of known or estimated source site concentrations for various contaminants-perhaps more definitive direction is required indicating sample frequency based on volume of soil shipped.

Section 12.2(2) Testing at the GFL facility

It continues to be a concern that GFL is permitted to do their own testing of soils at their facility. This section indicates that for incoming soils, one split sample must be sent to an outside accredited lab once a week. The sentence before indicates that at a minimum of one verification sample shall be tested from each source site. I am unsure if the weekly split sample pertains only to incoming soils or if it would also pertain to in-process soil testing and treated soil testing. Either way, it is a great concern that GFL is allowed to do their own testing. This does not allow for an arm's length auditing system.

As well, GFL's lab is not an accredited laboratory. They are not ISO/IEC 17025 certified.

The permission for GFL to do their own testing is also detailed in section 5.4 of the Design and Operations Manual Revision 6 May 2011.

**Schedule A, Section 11.
Design and Operations Manual**

It is noted that the Compliance Approval indicates that Revision 6 forms part of the Certificate. Will the necessary changes be made to the Design and Operations Manual as specific pages such as pages 20 (section 4.9) and 25 (Section 5.3) are now dated? I note Section 3 of the CA deals with when documents are not reconciled, however, I am just pointing out the inconsistency.

Regarding Wording-should the sentence under the title Schedule A read: this Schedule "A" forms part of this "Amended Compliance Approval" for a Waste Disposal Site? It still says "Certificate of Approval".

Regarding the Removal of the "Environmentally Sensitive Site" Prohibition.

There is still concern regarding GFL soils (or any soils from remediation facilities) going to "sensitive sites". The concern is with regards to the materials being used to treat the soils. This involves the amount of phosphorus and nitrogen used with regards to impacts on water quality. It also involves the amount of bacteria used which has to do with the fungal/bacterial ratio concerns discussed in an earlier email.

I note that in the Ontario Soil Recycling –Dorchester Inc. CA, Approval Number 8096-8UEJJ, treated soils are not to go to "areas of natural significance" as indicated in section 11.3 of their approval and defined by Reg. 153. Perhaps now there will be an answer as to why a similar section was included in the original C of A for GFL. The Ontario Soil Recycling Inc. approval has just been amended. There may be correspondence regarding this section as indicated in Section A of that Compliance Approval.

We appreciate your time and consideration.

Regards,
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LCCW

