

Date: Feb. 4th, 2013

Township of Scugog General Purpose and Administration Committee Meeting

Subject: Greenbank Final Permit Considerations

From: Carmela Marshall, on behalf of LCCW

Agreement: Concerns/ Questions/ Recommendations

3. *The Owner shall retain the services of a qualified person (“QP”). The QP must be approved by the Director of Public Works and Parks for the Township (“Director”) and any change in the QP must also be approved*

by the Director. The QP shall be responsible for ensuring that the site alteration proceeds in accordance with,

(a) sound environmental practices;

(b) the plans submitted with the Application, including the fill quality control procedures and the site monitoring plan

(The Site Monitoring Plan is not provided on the website- specific groundwater monitoring details are not listed in the agreement-are these documented in the site-monitoring plan?)

(C) the environmental requirements of Section 4.05 of the By-law; and

(d) the Permit.

4. *The Owner shall at all times comply with the Quality Control Plan which is attached to this Agreement as Appendix A. **(Please see Quality Control Plan Concerns/Questions/Recommendations)***

*6. The Owner shall at all times comply with the Noise and Dust Control Plan attached to this Agreement as Appendix C. **(7am to 7pm -not restrictive enough-***

does not consider social impacts of dust and noise on travel routes-need to restrict volume of trucks per day and hours of operation-township hours, 8:30am-4:30pm should be maintained so as to allow proper township oversight. Minimal truck volume per day should be enforced.)

10. The Owner shall post on the Greenbank Airport Online Portal (What is the consequence if this is not done? Does this portal provide transparency as no source sites are listed?)

(www.greenbankairways.net/eportal) the following documentation with respect to any source site used in connection with the Site:

(a) The test results relied upon by the OP in its determination of the acceptability of fill from the source site; (not done for all sites, insufficient sampling compared to volume of fill- see Table 1 of this report)

(b) The QP's approval of the source site; and

(c) The test results from any audit samples taken by the OP in accordance with the Quality Control Plan in Appendix A (none provided on portal to date-enforcement issue?)

11. (b) The Director shall have 3 business days (not enough time-township needs their own consultant to review incoming documentation-may not always be possible in 3 days-why is this being rushed?) to object to the QP's approval of the source site, failing which the source site approval of

the OP will be effective and material from the source site may be accepted at the Site; and

(c) The Director may only object to the QP's approval of a source site if there are reasonable and probable grounds to believe that fill from

the source site does not meet the requirements of Section 10,(What does this mean as these conditions were already breached?) or

the source site does not have acceptable procedures in place to ensure that fill transported to the Site meets the requirements of

Section 12; (What are the criteria the township is using in order to ascertain if acceptable "procedures" are in place?-township should require documentation from source site QP re: soil management plan as per MOE guidelines-is this happening?)

13. The Township shall not impose geographical restrictions on the source of any fill.(Will the township accept fill from beyond the GTA, out of province, out of country? If so, it will be much harder to understand if proper procedures are in place and much more difficult to check on documentation provided. As well, how would this help CO2 emissions?)

15. *The Owner shall permit the Township and its Director and inspectors or their agents or contractors to enter and attend at the site for the purposes Of inspections at any reasonable time upon twenty-four hours notice. In the course of any such inspection, the Township or its agents or contractors may carry out any activity necessary to determine compliance with this Agreement and the requirements of the By-law, including but not limited to:*

- (a) Soil and groundwater sampling and testing provided that the QP is afforded the opportunity to obtain split samples; **(Minimum testing requirements should be listed here indicating all costs will be put back on the proponent. Also, township sampling should not be dependent on if the QP is there as the QP for Greenbank may not always be on site.)**

22. *The Owners shall provide payment to the Township as set out in s. 23, in order to compensate the Township for any legal, consulting, infrastructure or other costs that it may incur over the duration of the fill program, but does not include costs arising from a breach of the agreement or the by law.* **(Township should be retaining a consultant to review all incoming documentation and testing and these costs should be put back on the proponent-has the township retained the services of a consultant/QP such as Golder?)**

To consider: A 3 year agreement is too long as there may be other serious issues that come up. A 6 month or 1 year permit would allow for necessary changes to take place with greater ease.

Quality Control Plan (Fill Protocol): Questions/Concerns/Recommendations

From page 2

Before accepting any soil from a source other than the GFL Environmental soil recycling facility, DLS must receive:

*(b) **A Soil Management Plan (“SMP”) for the source site** that will be utilized to ensure that soil transported to the Site meets the Table 2 Industrial/Commercial Site Conditions Standards. The SMP will include:*

(i) A Site plan which identifies all areas to be excavated with the estimated volume and chemical composition of each area, along with detailed instructions to on-site contractors identifying the depth of soil to be excavated for off-site management;.....

(iv) Documentation signed by a QP with appropriate and representative soil analysis, confirming the quality of fill meets the soil site condition

(Has this documentation been received by the Township? Phase 1 and Phase 2 reports are not the same as the “SMP” above.)

From Page 2

*Before accepting any soil from a source **other than the GFL Environmental soil recycling** facility, DLS must receive:*

*(iii) **Appropriate sampling and laboratory testing to ensure that all chemical parameters in the soil are characterized;***

*(iv) **Documentation signed by a QP with appropriate and representative soil analysis, confirming the quality of fill meets the soil site condition***

(GFL should not be exempt from these requirements. As well, GFL does not normally measure the SAR. This should be required as they accept salt-impacted soils but do not treat for them according to information given on a tour of their facility. Their soils should be accompanied by signed approval from their QP, as for any other source site, stating that the requirements in (iv) above are met.)

From page 3

Remediated soil received from the GFL Environmental soil recycling facility in Pickering is subject to a rigorous testing protocol under Provisional Certificate of Approval No. A680301

(Despite Ministry Approvals and rigorous testing, contaminated fill from GFL was deposited at the City of Kawartha Lakes fill site

according to a letter from the Peterborough MOE office to City Staff, dated July 25, 2012)

Footnote at the bottom of page 3

¹ With the exception of the surrogate parameters Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR), where soil condition standards are established solely on the basis of potential impacts on plants and soil invertebrates. If the measurement of EC is greater than 1.4 mS/cm and/or the SAR exceeds 12, the soil will only be accepted at the Site on the basis that it will be placed at least 1.5 metres below finished grade.

(This is a policy that was adopted for the Aggregate industry and was not meant to be used for this application. As well, although plant impacts were considered, it is still undetermined if groundwater impacts due to elevated SAR were considered when the aggregate policy was developed.) (Please contact Maria VandenHeuvel Policy Advisor, Aggregates Lands and Non-Renewable Resources Ph. (705) 755-1375 to confirm.)

From page 4

*The QP (or their representative) collects a minimum of one audit sample per month of soil received from each source property, including the GFL soil treatment facility. Depending on the source site conditions and field observations, additional or more frequent sampling may be required. **(This is not enough audit testing, especially when there is so little testing indicated on the portal. There is well documented evidence that inappropriate fill was deposited at other fill sites despite soil tests submitted from source sites that indicated acceptable quality-1 test for every 160 cubic metres should be the minimum, with the township taking split samples.)***

We request that Township Staff and Council do their due diligence to ensure an agreement which is respectful of citizens and the environment. We do not believe that any of our recommendations conflict with Federal powers over aviation. We believe they are minimum requirements that should be enforced for any large fill site. We would appreciate understanding if Township staff and Council are in agreement with our recommendations or, if not; reasons for any

disagreement would be appreciated. Recommendations are summarized below.

Recommendations Summary

- **Ensure transparency in Portal.** Source sites should be listed.
- **Restrict volume of trucks per day and hours of operation-** township hours, 8:30am-4:30pm should be maintained (allows for adequate Township supervision) and minimal truck numbers per day enforced.
- **Township needs to retain its own consultant to review incoming documentation.** Costs should be borne by proponent.
- **Deadline of 3 days for review of documentation is insufficient.** Allow for adequate time and research of source sites and accompanying materials.
- **Remove the blanket statement of unlimited geographical regions. Be specific.**
- **Minimum testing requirements for proponent should be stipulated in the agreement-as per MOE guidelines for sites under provincial regulations, i.e. 1 test for every 160 cubic metres for imported fill.**
- **Minimum testing by Township should be included in the agreement.** Costs should be borne by the proponent.
- **Agreements should go no longer than 6 months to 1 year with a full review at the end of that time.**
- **Elevated SAR ratios (an indication of salt impacted soils) should not be permitted due to potential impacts to groundwater.**
- **GFL should not be exempt from (iii) and (iv) on page 2.**

Table 1

Soil Reports

Source Site	Quantity Approved/cubic metres	Number of tests on which approval is based
G002	13, 000	2 samples
G003	15, 000	57 (GFL)
G004	Volume to be determined	4 samples
G005	500-1000 loads	None provided
G006	Volume to be determined	3 samples
G007	10,000 loads	45 tests approx.

Questions:

- Were monthly audit samples taken as per the agreement? They have not been listed on the portal as per the agreement. **(this is no longer valid as audit tests were just posted)**
- What independent testing has the Township done to date? May we see the phase 1 and phase 2 for the relevant sites?
- Was there any other documentation received by the Township, aside from phase 1 and Phase 2 for the relevant sites and the information contained on the portal?
- Has the township retained the services of a QP to review all documentation submitted for the approval of source sites? What are the criteria the Township is using to approve source sites?
- Did the Township reject any of the source sites listed on the portal?
- How do the soil tests listed on the portal relate to what Greenbank has approved?
- Did these tests come with **accompanying documentation** from the QP of the source site to indicate that these samples represented the soil that was released to Greenbank?