



Lakeridge Citizens for Clean Water
Port Perry, Ontario, Canada
www.lakeridgecitizens.ca
info@lakeridgecitizens.ca

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Paul Newman
Town of Whitchurch-Stouffville
111 Sandiford Dr.
Stouffville, Ontario
L4A 0Z8

[sent by e-mail to an paul.neuman@townofws.ca]

Re: Site-alteration Application for 5783 Bloomington Rd

Lakeridge Citizens for Clean Water (LCCW) is pleased to present the following comments with respect to the site-alteration application for 5783 Bloomington Rd. LCCW has been active on the issue of soil dumping for 3 years having done extensive research, taken professional training, engaged lawyers, presented at conferences and to town councils, and interacted with concerned citizens and officials at several sites in the region.

Our concerns with dumping soil at this site at 5783 Bloomington Rd are in the following broad areas.

- Undoing Pit Rehabilitation
- Contamination in a Well-head Protection Area and High Aquifer Vulnerability Area
- Destruction of Hydrologically Sensitive Features
- Exceedance of ORMCP Landform Conservation Limits
- Unsuitable for the ORMCP Land Use Designation, and
- Reduction of Community Values

They are described below. We can provide references and background for any of the material covered if you wish to have a fuller discussion.

Undoing Pit Rehabilitation

Our group, Lakeridge Citizens for Clean Water, is very concerned that exemplary rehabilitations, such as the rehabilitation that had been done at 5783 Bloomington Rd., are being undermined by the need for dumping locations for Toronto's Brownfield waste and infrastructure projects. We understand that a substantial part of the entire 5783 site is currently being farmed and the subject property has been used for agricultural purposes in the past. The need to completely fill a portion of the property that has been maintained in its current, productive state for the past 25 years is a concern.

Contamination in a Well-head Protection Area and High Aquifer Vulnerability Area

The biggest concern is that this area lies in a well-head protection area and a high aquifer vulnerability area on the moraine.

The excavation, moving, and dumping of excess soils is poorly regulated in Ontario. A gap in the Brownfield legislation allows unmonitored dig-and-dump as a method to clean up contaminated industrial and commercial sites. MOE's Reg. 153 soil tables are inconsistently applied outside of their intended purpose at Brownfield sites and, despite those tables, there is no definition or test for "clean fill". A laboratory analysis of a single thimbleful of soil is used to judge the quality of many truckloads of excess soil. Developers of brownfield sites will pay hundreds of dollar per load to get rid of contaminated soil and the excavators can make large profits if it can be dumped as "clean fill" for tens of dollars. In this time of fiscal restraint and desire for economic development, there is weak environmental oversight by provincial and municipal agencies. These factors have led to contaminated soils turning up in several fill sites.

- At the Earthworx site in Scugog there is cyanide at 3000 times the current limit for soils in a non-potable groundwater area.
- At a residential area on Sideline 14 in Pickering, despite initial tests that showed the dumped soil was satisfactory, subsequent testing consistently showed it exceeded the limits for petroleum hydrocarbons, even for industrial land use in a non-potable groundwater area.
- At a site on Taylor's Road in Kawartha, despite monitoring at the source that certified the remediated soil to residential potable groundwater standards, subsequent testing by MOE found all samples to be well over the limits for industrial non-potable groundwater standards.

The precautionary principle should be applied. Not only must there be consideration for the health of families, there must be consideration of civic costs of lower property values and replacing a municipal water source. There are simply some locations that we need to protect from the uncertainties linked to the present state of excess soil management in Ontario. We note that the Township excludes fill operations in Environmental Zoned areas. We believe High Aquifer Vulnerability Area and Wellhead Protection areas of the Moraine should be included in these

Destruction of Hydrologically Sensitive Features

With regards to the ponds on site, these water features could have wildlife values and therefore could prove significant from an environmental perspective. Neighbours have indicated seeing various wetland birds in and around the ponds. These ponds could be wildlife staging areas, and breeding ponds for reptiles and amphibians. These ponds may be providing refuge for various wetland species and retaining them would be in keeping with innovative and habitat forming rehabilitations that are promoted both by the Ministry of Natural Resources (MNR) and the

industry as represented by Ontario Stone Sand and Gravel Association. LCCW believes these kinds of rehabilitations need to be celebrated and valued.

As well, it is important to note that a 2010 Southern Ontario Wetland Conversion Analysis Study by Ducks Unlimited (a study funded by government agencies such as Environment Canada and the MNR) indicated significant loss of wetlands in York Region with Whitchurch-Stouffville having lost 72.5 % of its wetlands as of 2002. We hope this analysis is considered when making decisions about existing water features within the Township.

The zoning by-law in Whitchurch-Stouffville protects Hydrologically Sensitive Features (HSF) and Key Natural Heritage Features (KNHF) on the Moraine. The ORMCP has Technical Papers that can be referenced in order to aid with interpretation and implementation of the ORMCP. With regards to determining hydrologically sensitive features, ORMCP Technical Paper 12, with specific attention to Appendix 1, may help with proper designations of the water features on site.

We respectfully recommend that the Oak Ridges Moraine Conformity Assessment becomes part of the initial application study package, which includes items such as archaeological studies and traffic studies, so that members of the public can be given sufficient opportunity to view all the relevant material prior to public meetings.

Exceedance of ORMCP Landform Conservation Limits

The intent of landform conservation section of the ORMCP legislation is to preserve the characteristic landforms of the moraine, such as the rolling hills. The site is located in a Landform Conservation Category 2 of the Moraine which limits the landform disturbance to 50% of the area. Filling an area until it is flat and level would be in contravention. The ORMCP Technical Paper 4 speaks to landform conservation category requirements. As applied to this site, the landform disturbance in its landform conservation area would be limited to 25 hectares, and less if ponds are considered protected HSF and KNHF areas and much less if the fill is considered impervious. The proponent is proposing 34 hectares, significantly more than the 25 hectares that would be permitted.

Unsuitable for the ORMCP Land Use Designation

The site is located in a Natural Linkage area of the Moraine. A review of the permitted land uses in this designation in Section 12 of the ORMCP, demonstrates how inconsistent a large industrial fill project would be in this area. If the ORMCP prohibits snow dumps, surely dumping potentially contaminated soil should be prohibited. Aggregate extraction operations are a permitted use in Natural Linkage Areas and one might argue that these operations are large industrial operations as well. However, Section 35(2) details specific requirements for mineral aggregate operations in Natural Linkage Areas. As well, aggregate material can only be mined

where it is located. We have the ability to direct fill sites away from sensitive, unique and vulnerable areas.

Like any large industrial project, there are responsible locations to set them up and there are locations that should be excluded. It is recommended that the Township adds these ORMCP classifications to the prohibited areas for these large fill sites.

Reduction of Community Values

The location of the small hamlet of Bloomington immediately adjacent to the subject property is a real concern. Local citizens, faced with an earth embankment and an industrial fill operation at their back fences, have expressed legitimate alarm on the impact on their quality of life and property values. The proposed operations are not compatible with the existing land uses in the immediate area. LCCW believes that if this application fell under the Planning Act (and we are told that municipalities can make that decision) the fill operation being proposed would not be permitted.

We appreciate your consideration and look forward to receiving the next staff report on the matter. We understand there will be opportunity to provide comment at that time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian McLaurin', written in a cursive style.

Ian McLaurin
Lakeridge Citizens for Clean Water
iansm@lakeridgecitizens.ca

c.c. to Susanne Hilton <susanne.hilton@townofws.ca>
Mike Molinari <mike.molinari@townofws.ca>