



Report to Council Regarding Greenbank Operations

From: Lakeridge Citizens for Clean Water

Date: June 16th, 2014

For: Council Consideration and Action

Non-compliance issues with the Agreement approved by Council in 2012

1. The approved load quantities for some source sites do not reconcile to the accepted loads contrary to the Greenbank Agreement.
2. There has been continued dumping of fill into the adjacent property contrary to the approved agreement.
3. There has been dumping on several occasions outside of approved working hours, contrary to the approved agreement.
4. According to the fill quality control protocol reviewed and approved by Golder, each incoming load was to be inspected—DLS has confirmed that this has not happened. The fact that 35 bad smelling loads were allowed on the property last summer confirms this non-compliance issue as well.
5. All source sites were to have Soil Management Plans and documentation signed by the source site QP relating to the fill destined for the Greenbank Property. This has not happened for all sites contrary to the approved agreement. DLS confirmed at our last PLC that not all source sites have a QP, which is also contrary to what the MOE recommends in their Best Practices.
6. All Fill Tickets were to include truck licence numbers. During the January PLC, Mr. Packer indicated this was definitely not happening, which is contrary to the agreement. In April, Mr. Packer said that actually it was happening. This point can be easily verified by the Township.
7. All complaints filed with Greenbank are to be included in the quarterly reports. Greenbank has not included all complaints received, contrary to the approved agreement.
8. Confirmatory sampling for bad fill areas is to be included in the quarterly reports. It has not been included (Can the Township confirm it has been done?) contrary to approved agreement.
9. All audit testing is to be posted on the portal. This has not been done for all tests, contrary to the approved protocol (GBOO3 and GBOO9 at least—is there certainty that they have been done?). Some soil reports are still missing as well (GB008).
10. Some Quarterly Reports are not being disclosed as per the timelines set out in the agreement.
11. Greenbank worked without a Township permit or MTO permit for a period last fall.

The Fill Quality Protocol

The protocol approved by Golder in 2012 has been strengthened in some areas and **significantly weakened** in others in new drafts of the document.

Track changes need to be included with draft amended protocols so the proposed changes can be easily identified.

Some examples of weakened areas of the 2012 protocol versus the DRAFT protocol dated April 2014:

2012 Protocol or Past Drafts	April 2014 Draft Protocol
Each incoming load inspected (original Protocol)	Incoming loads inspected—“ Each ” has been removed
All source sites need a Soil Management Plan and documentation signed by the source site QP (original Protocol)	Only previously or suspected contaminated sites need a Soil Management Plan
Source site is prohibited from bringing more fill until bad fill removed from receiving site (January draft-approved direction from PLC)	This direction has been removed in the April Draft- (No consultation from PLC or with Township)
All fill tickets must include truck licence numbers (original Protocol)	This was removed in earlier draft protocols without announcement or consultation—April draft includes the Documentation of the VIN number for each truck—however the full number was still not being recorded in April
Please see amended draft Protocols for further details	

Our Amended Draft Protocol (attached) addresses the following:

- -the points listed in the table above
- -the need for a contingency plan for bad fill with rationale provided
- -the need to ensure GFL soils are appropriate for the site by obtaining and reviewing all GFL compliance testing associated with the soils shipped from GFL
- -the need for appropriate confirmatory sampling when removing bad fill
- -the need to ensure salt impacted soils are not deposited on the site
- -the need to ensure Greenbank conducts audit tests that are appropriate for the volume of fill received from each source site on a monthly basis
- -the need for the Township to be copied on all audit tests directly from the laboratory
- -the need to reconcile the protocol to the recommendations in the MOE BMP
- -the need to reconcile the purchase of tickets to the volumes approved
- -the need for the amendments to the protocol to be reviewed and approved by the Township and Council
- -may we please understand which protocol is currently in place?

Township Action Required

1. Mandatory review and approval by the Township and the Township's consultant of drafts, including the LCCW draft, regarding an Amended Fill Quality Protocol
2. Develop and implement a response plan for the unapproved load quantities versus the reported load quantities received on site, for example:
 - a. **Source site GFL: 5,636 approved loads (Nov. 2012-May 2013) versus 10, 529 loads received**
 - b. **Source Site GBO09: 50 loads approved – more than 1138 loads received**
3. Conduct significantly more audit testing and post to Township website
Please note that staff indicated, in a meeting this past April that the public would not be happy even if the Township tested every truck. LCCW reiterates our position that LCCW would agree 100% to this type of testing regime as opposed to the handful of audit tests taken by this Township to date.)
4. Require the approved soil reports list specific volumes in cubic metres and that volume changes are reviewed and approved by the Township prior shipment to Greenbank with documentation regarding further sampling along with the rationale for the increase provided to the Township.
5. Require **monthly source site fill volumes and load counts** to continue to be included in the Quarterly Reports thereby allowing for easy and necessary Township review.
6. Develop a Township contingency plan for bad fill that includes a removal of Township approval where repeat offenders deliver bad fill to the site.
7. Retain a full time QP to peer review, audit, and inspect this site and all associated documentation so that the requirements of the Agreement are enforced and compliance is ensured. The costs of the QP should be borne by the proponent as permitted by the agreement.
8. Develop a more comprehensive and conservative Agreement now, so it is ready for permit renewal time.

Fill Quality Control Procedures

Changes as proposed by LCCW of DLS Group document dated March 24, 2014