

Date: November 29th 2013

For: GRCA Planning Staff

From: Carmela Marshall on behalf of Lakeridge Citizens for Clean Water

Subject: Comments regarding the Draft Large Fill Policy

Please except this cursory list of recommendations with regards to Section D1. Large Fill Site Policy of the GRCA draft policy entitled, "**POLICIES FOR THE IMPLEMENTATION OF ONTARIO REGULATION 168/06**".

Numbered sections are pasted from the GRCA draft policy. LCCW comments are bolded.

7. Documentation acceptable to the GRCA, of existing site soil and water conditions to form background information sufficient to determine if the control of pollution is being affected by the proposed activities.

What will be the indicator that control of pollution is not being effected-anything above background conditions with reference to soil and groundwater quality? This point needs to be further defined.

8. Documentation showing that one or more **Qualified Person(s)** has/have been retained to carry out the work described in the requirements below. This requires that written documentation confirming the name, contact information and qualifications of the retained Qualified Person(s) be submitted and accepted by the GRCA.

Qualified Persons should be defined.

9. **A procedure**, acceptable to the GRCA, whereby the Qualified Person(s) will review written documentation for each source site and confirm in writing that the material being received is acceptable for use at the fill site. This procedure must describe **how the documentation will be provided to the GRCA** office and retained on site, prior to the subject fill being placed.

The procedure mentioned above should include these minimum requirements (Borrowed from the Greenbank Fill Quality Control Policy).

"Before accepting any soil from a source site the QP of the receiving site must request and review:

All documentation regarding the environmental conditions of the source property, including all Phase I and/or II Environmental Site Assessment ("ESA") reports, and/or remediation reports. The documentation must be signed by a qualified person ("QP");

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;**
- (ii) Appropriate characterization of all excavated soil by a QP, or a person under the supervision of a QP, to determine the volume and chemical composition of the soil that is to be managed off-site;**
- (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 specified soil quality requirements**

This material should automatically be provided to the GRCA who in turn will retain their own qualified person to review all such material and approve or deny source sites for the fill based on the documentation received. The cost of the GRCA’s QP will be borne by the proponent.

10. A procedure acceptable to the GRCA whereby the Qualified Person(s), shall collect **weekly audit soil samples** from trucks that represent each source site that has been accepted to ship soil to the fill site. These soil samples shall be analyzed for metals, **soluble chlorides**, volatile organic compounds, petroleum hydrocarbons, and benzene, toluene, ethylbenzene, xylenes and semi-volatile organic compounds. Copies of these analysis results shall be maintained on the fill site and be **made available to GRCA office upon receipt.**

As GRCA cannot regulate the number of trucks per day entering the site-the weekly audit tests may not be enough. The MOE requires 1 test for every 160 cubic metres of fill being brought to a property under their Reg. 153 regulation. As there are no regulations for “clean fill” sites, at the very least, these minimum MOE standards should be followed.

The GRCA should ensure that the SAR is tested for the MOE tables. The soluble chlorides may encompass this test. This should be verified.

The GRCA should be cc’d directly from the reporting laboratory on all audit samples taken by the proponent.

12. A plan/procedure acceptable to the GRCA, should any audit sample results indicate levels above **Table 2 criteria**, for removal of material and grid sampling of the remainder of that week's material.

13. A procedure whereby the GRCA is provided with certification from the Qualified Person(s) that the audit program demonstrates that imported material meets **MOE Guidelines Table 2** (Potable Water Designation). The written documentation and written confirmation shall be provided to the GRCA office and be available at the fill site.

The Table 2 criteria should not be the blanket soil quality guideline. The requirement should be Table 1 for clean sites or "like to like" soil quality requirements. There should be no polluting up. Please see the attached rationale provided by LCCW, entitled, "Usage of Tables".

Both the KRCA and CLOCA require Table 1 soils with regards to the quality of imported fill. KRCA indicates Table 2 soils only where it can be demonstrated that the ambient soil is of Table 2 standards. .

As well, if the reasoning is that MOE has indicated that Table 2 soils are recommended for your regulated areas, we respectfully request a current report from the MOE to the GRCA indicating the same. Our discussions with the MOE have not indicated this type of blanket advice.

14. A **procedure** for monitoring all vehicle activities at the fill site including documenting the vehicle identity for all vehicles depositing material at the fill site, details of the approved source of the material, and the date, time and location where, material was deposited and / or managed.

A comprehensive Fill Quality Protocol should be developed and peer reviewed by a QP retained by GRCA. All costs to be paid for by the proponent. Volume of fill per truckload should be documented as well. "Vehicle identity" should be clarified-e.g. licence plate, hauling company's name, truck Id number etc. The site should also be gated and sign prohibiting access to unauthorized personal/trucks.

15. A plan detailing how any on-site works (i.e. grading, fill placement, excavation) will be isolated by silt fencing and a description of how the area will be adequately **re-vegetated**, to prevent the release of sediment from the work areas. This includes any dust soil and erosion control measures to be employed including timing description of how fill material will be contained to the site, (e.g. mudmats, haul routes, and dust control scheme).

A timeline should be indicated as to when the re-vegetation needs to occur. Consequences for delaying this part of the approval should be well documented as for any other contravention of the agreement.

16. **Confirmation** that authorized representatives of the GRCA may at any time enter onto the lands which are described herein in order to make any surveys, examinations, investigations, **take samples** or conduct inspections which are required for the purpose of ensuring that the work(s) authorized by this permit are being carried out according to the terms of this permit.

A minimum amount of independent testing by the GRCA, paid for by the proponent, should be indicated. Taking in to account the significant number of large fill sites that have demonstrated clean source site soil reports and yet have revealed contaminated soil reports after independent testing of the imported fill was done, it is not unreasonable to insist on the minimum standards set out by the MOE of 1 test for every 160 cubic metres of imported fill-in other words 1 test for every 10-16 truckloads of fill per day. For documented evidence of these sites, please visit the Case Studies section of the LCCW website. www.lakeridgecitizens.ca

17. Submission of the large fill site application review fee of \$500.00, in addition to \$1.00 per cubic metre submitted bi-weekly on a schedule agreed to by the GRCA.

Substantial securities should be required for when approvals are sought. The GRCA should provide a document as to how the tipping fees will be used. Examples of the securities requirement from the KRCA Large fill policy:

“KRCA may require the applicant to provide a letter of credit which could extend up to \$500,000.00 depending on the circumstances of each individual application, to ensure the implementation of permit conditions. A letter of credit will NOT be required when the fill placement is part of a project subject to Planning Act approvals e.g. residential/commercial developments, or part of a project subject to site plan approval of a municipality, or part of a municipal or provincial government project.”

Some additional items to include in the GRCA Large Fill Policy (This is not a complete list.):

As copied from the KRCA Gill Policy:

- “Applicants are required to consult with respective municipality and other government agencies as may be identified during pre-consultation. It is the responsibility of the authorized agent/owner to provide written authorization/consent from the respective municipality in which the proposed fill site is located (i.e., City of Kawartha Lakes, Township of Scugog, Township of Brock, Municipality of Clarington, Township of Galway-Cavendish & Harvey, Township of Cavan-Monaghan) and/or provincial/federal agencies where required, prior to permit issuance. Municipalities and agencies may be concerned with issues such as the following:
 - i. Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Lake Simcoe Protection Plan, Official Plan and Zoning
 - ii. Condition and damage of roadways/highways and access point(s)
 - iii. Haul route and truck traffic volumes from fill removal location to proposed fill site location
 - iv. Mud and dust control measures at the fill site, at fill removal locations and on haul routes and at access points
 - v. Sanitary facilities on site
 - vi. Noise
 - vii. Origin and quality of fill”

- “Where site specific conditions/concerns are warranted, KRCA may require submission of studies and reports as deemed necessary to ensure that the proposed fill site will not result in an adverse impact on the control of flooding, erosion, pollution or the conservation of land. These may include Environmental Impact Study (EIS), hydrogeological study, geotechnical study, hydraulic analysis, and/or stormwater management report. Once an application is submitted by the authorized agent/owner, KRCA staff will confirm study/report requirements as necessary. It will be the sole responsibility of the authorized agent/owner to pay for and complete the study/report. Site specific issues may include, but not be limited to, proximity to or presence of one or more of the following:
 - River or stream valley
 - Wetland
 - Watercourse
 - Features identified by the Clean Water Act (2006) (i.e., intake protection zones, wellhead protection areas, significant groundwater recharge areas, and the highly vulnerable aquifers)
 - High water tables
 - Other hydrogeologically (i.e., significant discharge areas, springs, seeps etc.) and/or environmentally sensitive features”

