

October 15, 2012

For: The Environmental Assessment and Approvals Branch, and the Toronto District Office

Subject: Green Soils Inc. C of A, A210742 as amended

From: Carmela Marshall, Lakeridge Citizens for Clean Water

I am writing with questions and **concerns regarding the Certificate of Approval for Green Soils Inc. (A210742)**, the company currently charged with managing the fill going to the Tottenham Airfield in New Tecumseth.

After reviewing the C of A and amendments, I am forwarding your offices the following questions and concerns in the hopes of understanding how the MOE is ensuring the operation of the Green Soils Inc. bioremediation facility and the export of processed soils under the current **dated** C of A, does not pose a threat to the health and safety of the public and the environment.

1. Annual MOE Review (Inspection) of Green Soils Inc. Bioremediation facility in North York.

- A) Is there an **annual inspection report** produced by the MOE when reviewing the Bioremediation facility. If so, may I have a copy of the most recent MOE report or would this be an FOI request?
- B) It appears from Section 31 of the C of A that daily records need to be maintained regarding (among other things) the source sites of soil received at the bioremediation facility, the destination sites and the results of soil testing for outgoing soils. Does the annual MOE review of the Green Soils Inc. facility encompass looking at all 365 daily log sheets to ensure that no soil has gone to residential locations? Does the MOE reconcile the number of soil tests done and parameters tested for outgoing soils to the volume of soil exiting the facility as well as the acceptability of the receiving locations?
- C) It is noted in condition 34 that annual reports are to be kept for a minimum of 2 years. I **respectfully** submit that these types of records should be kept for a much longer period as issues with contamination can surface years after, especially if one is considering groundwater contamination.

2. Ability of the MOE to review and amend requirements in the C of A

- A) It is noted in the C of A, Section 33 d), that the Director can review the amount of Financial Assurance at any time. What mechanism is in place so that the MOE can review outdated, non-applicable requirements listed in dated C of A's at any time? Does the MOE have the ability to require that amendments be made to dated C of A's even if not initiated by the proponent? **Will the approvals branch be reviewing the Green Soils Inc. C of A to amend the "non-applicable" sections**, like the decommissioning guidelines indication, and to add

the **necessary requirements**, such as minimum testing frequencies for outgoing soils, etc., in order to fulfill its mandate **to protect the health and safety of the public and the environment?**

3. Testing requirements

- A) Section 17 of Notice 2 of the C of A indicates testing parameters for incoming soils that need to be compared to Schedule 4 leachate standards in Reg. 347. However, as you are aware, leachate tests (TCLP tests) are not comparable to the tests done for meeting requirements in the Decommissioning Guidelines or the current Soil and Groundwater Standards, Tables 1-9. **The concern here is that Green Soils could be accepting soils that it may not be able to treat in the Bioremediation process- a process that treats organics, not heavy metals.**
- B) **Is there a “qualified person” at Green Soils Inc. reviewing the source site reports** for incoming soils ensuring they are current reports and that the appropriate parameters are being tested at a frequency representative of the volume received and degree of contamination present, and that the contaminants can even be treated?
- C) Does Green Soils Inc. require testing for salt impacted soils, as it appears they do not treat this type of contamination?
- D) Regarding outgoing soils, it is noted in condition 22 of the C of A that all processed soil must be sampled and analysed to meet the clean-up criteria required by the Decommissioning Guidelines **for the receiving location**. As it is clear that the Decommissioning Guidelines are outdated and no longer in use, and the number of parameters listed are minimal (approximately 20 parameters as opposed to the 120 parameters listed in the current tables), and the concentration levels indicated for some of those parameters are significantly greater than what would be considered protective of human and ecological health today, **how is the MOE ensuring that no soil that would be considered a waste by the current regulations is leaving the site for deposition at sites other than certified landfills?**
- E) How is the MOE ensuring that, for example, Table 3 soils are not being deposited on lands in a potable groundwater area? (Please note that I completely understand that these tables are prescribed for use with regards to Reg. 153, as amended). For sites that do not have decommissioning guidelines, i.e. sites that are not being mothballed or closed down or cleaned-up as indicated by the guidelines, how is the MOE ensuring that waste is not being deposited there? It is understood that receiving sites have a responsibility to announce what they will accept(as required through site-alteration by-law requirements, for instance) however, for a site like the Tottenham airfield where there are **no decommissioning guideline requirements** and there is **no direction from the municipality** on the quality of the soil that should be accepted, how is the MOE ensuring Green Soils Inc. is not depositing soils that could potentially adversely impact groundwater supplies? Who, at Green Soils Inc. is determining what soil quality is acceptable for specific receiving sites (is there a “qualified person” involved?) **when there are no decommissioning guidelines indicated**, and on what

is this person basing their decisions? Who, **at the receiving site**, is Green Soils Inc. getting permission from to deposit their fill for the quality indicated?

- F) **At what frequency are outgoing soils tested** as the C of A does not appear to dictate this? As well, the C of A does not appear to require specific parameters tested regardless of the destination site. How does the MOE ensure that no wastes are leaving the site if there is no minimum required testing indicated in the C of A and the only requirement that needs to be met, i.e. the decommissioning guidelines, are not applicable to any present receiving site?
- G) Is an **independent accredited lab** being used for testing of soils?
- H) I assume that some of the answers to the above questions, such as the frequency of testing of outgoing soils, may be found in the "Operations Procedures" document indicated in Section 11 of Schedule A of the C of A. Would this be the case? If so, is it possible to get this specific **information** without filing another FOI as I have already done so to receive the C of A?

4. Shared concerns with other Soil Remediation facilities

- A) It is noted that Green for Life (GFL), a similar soil remediation company, has had issues with depositing soils with significant exceedances on private lands (Please see Peterborough MOE report attached). This is of concern as this company's C of A required a significant amount of testing of outgoing soils and despite this, **independent testing** found soil results that did not reconcile with the results provided by GFL. Green Soils C of A does not list any minimum requirements for testing of outgoing soils nor does it require that certain parameters be tested, therefore it is of concern that inappropriate soils could easily be released from the Green Soils facility as well. How is the MOE ensuring this is not happening?
- B) **Does the MOE know exactly how much processed soil from Green Soils Inc. was shipped to The Tottenham airfield (previously the Volk airfield)? Can the MOE ensure that the parameters that were tested and the frequency of testing done for soils going to the airfield was enough to guarantee no potential adverse impacts to the sensitive groundwater aquifer that lies under the airfield? If so, what evidence does the MOE have to ensure this finding?**

Your time and attention is greatly appreciated. I look forward to receiving your comments soon.

Sincerely,

Carmela Marshall

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