

## Provincial Officer's Report

**Order Number**  
1231-8MYS4V

2241960 Ontario Inc.  
159 Roseborough Drive  
Port Perry, ON L9L 2E3

### **Site**

171 County Road No. 2 Lot 3 Concession A former South Monaghan Township  
Otonabee-South Monaghan, County of Peterborough

### **Observations**

It is the Ministry of Environment's (the Ministry or the Ministry's) understanding that, based on reasonable and probable grounds, that 2241960 Ontario Inc. is operating as Earthworx Industries (the Company), and that on or about July 28, 2011, arranged for the deposit of approximately 700 dump truck loads of fill material to be brought to the location known as 171 County Road No. 2, Lot 3, Concession A, former South Monaghan Township, Otonabee-South Monaghan, County of Peterborough (the Site).

It is the Ministry's understanding that Mr. Ruco Braat (the Property Owner) is the owner of the Site. It is the Ministry's understanding that the Property Owner arranged with the Company to bring the fill material to the Site and knowingly accepted the fill material based on the premise that the material was clean fill material which was acceptable for his agricultural property.

It is the Ministry's understanding that subsequent to the fill material being deposited at the Site the Property Owner arranged for two random tests of the fill material. The fill material was analysed by a reputable laboratory known as SGS Canada Inc. located in Lakefield, Ontario.

The results of the laboratory testing by SGS Canada Inc. show high concentrations of the following metals: Cadmium, Copper, Lead and Zinc. The results are above the Ministry's criteria for agricultural property. Of particular concern are the copper concentrations as the Property Owner is a sheep farmer and the Property Owner has indicated that elevated copper concentrations can be detrimental to the health of sheep. The Property Owner has indicated that he would not have accepted the fill material if it was known that the fill material contained elevated metals levels.

The Ministry believes that it is in the public interest that the Company undertake additional detailed testing of the fill material at the Site to verify that the fill material meets the appropriate Ministry criteria for the Site.

I reasonably believe that the requirements specified in this Order are necessary or advisable so as to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the Site and to prevent, decrease or eliminate an adverse effect that may result from the discharge of a contaminant from the operations on the Site.

I reasonable believe that the fill material deposited by the Company at the Site may cause adverse effects such as impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property, harm or material discomfort to any person, impairment of the safety of any person, loss of enjoyment of normal use of property and interference with the normal conduct of business.

I reasonably believe that it is in the public interest that this Order be issued to ensure the protection of public health and the natural environment.

**Offence(s)**

<b>Suspected Violation(s)/Offence(s):</b>	
<b>Act - Regulation - Section, Description {General Offence}</b>	



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Chris Johnston  
Provincial Officer  
Badge Number: 782  
Date: 2011/11/10  
District Office: Peterborough District Office