

Ministry of the Environment
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March 28, 2014

Patrick Dovigi
GFL Environmental
125 Villarboit Crescent
Vaughan, ON L4K 4K2

pdovigi@gflenv.com

Dear Mr. Dovigi:

RE: 13471 Lakeridge Road, Township of Scugog (Site)

Thank you for your February 3, 2014 letter and for attending the February 21, 2014 meeting with the Township of Scugog staff and Ministry of the Environment (ministry) staff to discuss the above referenced site.

Fill management procedures were submitted to the ministry in 2010 by 2241960 Ontario Inc. operating as Earthworx, as required by Director's Order No. 7671-8AGPMT (Order). These procedures acknowledged that the quality of the soil to be deposited at the Site would meet the Table 2 standards set out in the ministry's "Soil, Ground Water, Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (Standards) or be removed.

On January 15, 2013, GFL Environmental Inc. submitted a report titled "*Work Plan, Remedial Soil Excavation, 13471 Lakeridge Road (work plan)*", and a *Groundwater Monitoring Report* dated September 18, 2013, which were both prepared by D.L. Services Inc. The *work plan* recommended "... that contaminated fill at these identified areas be excavated and removed from the Site for disposal at an approved soil recycling or landfill facility.". Groundwater monitors have been installed and monitoring has occurred. The results, to date, do not indicate a concern.

The Standards apply when a Record of Site Condition is submitted to the ministry for filing on the Environmental Site Registry. Although these Standards have been applied to fill sites in the past, the Standards are not intended to address overall soil management activities. When considering the applicability of the Standards for use at a particular fill site, it is important to note that elevated concentrations of contaminants when compared to the Standards do not necessarily imply that:

- there is a risk to human health or the environment;
- remediation is required; or
- excess soil should be considered a waste.

An elevated concentration when compared to the Standards may suggest that additional site-specific studies, evaluations or assessments are warranted. These additional site-specific studies, evaluations or assessments should, at a minimum, be done in accordance with the ministry published guidance document titled "Management of Excess Soil- A Guide for Best Management Practices" (BMP) dated January 2014.

The BMP encourages the beneficial reuse of excess soil in a manner promoting sustainability and the protection of the environment; it also provides direction on the use of Qualified Person(s) to determine the most appropriate criteria to ensure environmental protection on a case-by-case basis.

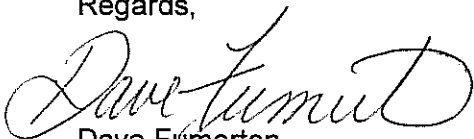
I am writing this letter to advise of the ministry's position regarding what is required for the ministry to be able to further comment on the environmental condition of the Site. As discussed at our February 21, 2014 meeting, I am suggesting that:

1. either the recommendations of the *work plan* be implemented or
2. in addition to the ongoing quarterly groundwater monitoring, a Qualified Person, as set out in section 6 of Ontario Regulation 153/04, conduct a risk assessment to determine the appropriateness of the Standards used at this Site and submit the assessment to the ministry for consideration.

Any outstanding issues or concerns that the Township of Scugog may have should be addressed directly with them.

If you have any questions, please contact me at 905 427 5626 or at dave.fumerton@ontario.ca.

Regards,



Dave Fumerton
District Manager
York Durham District

Cc: Bev Hendry (CAO -Township of Scugog)
Ian McLaurin (Lakeridge Citizens for Clean Water)
2241960 Ontario Inc. (Earthworx Industries)