

## Deputation - Earthworx site - speaking notes

Date: March 25, 2013

Presented to: Scugog Council

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

- 1) Good evening and thank you for hearing our deputation. Just recently, LCCW became aware of the **significant** contamination that exists on the earthworx site on lakeridge rd. We understand that GFL, a soil remediation and excavation company, has proposed to **buy** the earthworx site and clean it up, on the **condition** that it be given a permit to dump **more** fill on the site, as indicated in the **letter** displayed here. We **understand** that neither the Ministry of the Environment nor the township has made any decisions yet, however, given the reasons we will share with you now, we wish to make it **clear** that this proposal is absolutely unacceptable.
- 2) The Scugog site alteration by-law indicates that an application **must** comply with the Oak Ridges Moraine Conservation Plan.
- 3) Section 30 of the ORMCP indicates that no more than **50%** of a property can be disturbed. This includes grading **and** filling.
- 4) The earthworx site is located in an area to which this policy applies.
- 5) As you can see by this aerial photograph, it appears that half of the site has already been filled. Filling any more than 50% would be in direct **non-compliance** with the ORMCP and the township's by-law.

You can also see here that this site is located directly adjacent to a Natural Core area on the Moraine

- 6) This land use designation is the most stringent on the moraine and a review of the permitted land uses, as shown here, demonstrates how **inconsistent** a large **industrial** fill project would be, adjacent to this area.
- 7) The lakeridge site is also located in an area of high aquifer vulnerability, meaning the groundwater under this site is **particularly** vulnerable to contamination.
- 8) This slide lists the prohibited uses in HAV areas of the moraine. Waste sites and snow storage, for example, are listed as some of the prohibited uses. Commercial fill operations should also be

part of this list. The lakeridge site is **one** site among **many** that provides a good but unfortunate case justifying this recommendation.

9) This is a map of the lakeridge fill site illustrating the areas of imported fill in gray. The rectangles list the contaminants found that are **not** within acceptable limits. The purple areas are areas to be excavated due to contamination. According to the consultant, 1,400 truckloads, at a **minimum**, are to be removed from this site.

10) The Changing **regulated** concentration levels for various contaminants, such as the cyanide levels found on the lakeridge site, are another reason why the location of large fill sites should be **strictly** limited. In 2004 the acceptable level for cyanide in soil was 100ppm, while the 2009 standard, implemented in 2011, is over 100 times less. The cyanide levels found in one sample test at the lakeridge site revealed cyanide levels **3000 times** the acceptable 2009 limit.

11) And with regards to the company GFL, we would like to address the items listed here.

In terms of legislative accountability, we have concerns about GFL's **repeated involvement** regarding soils dumped in **multiple** sites in Durham, in the **absence** of necessary permits. This includes the earthworx site.

We have concerns about GFL's **repeated involvement** in multiple sites that were found to have contamination issues, the earthworx site being one of those sites.

And we have concerns regarding the **treatment and lack of treatment** of certain contaminants at the GFL facility which could prove significant at the earthworx site.

The next several slides provide evidence with regards to the statements just made.

12) We are aware of at least **3** different sites, scugog being one of them, where the importation of soil from GFL did occur when no permits were in place. The next two slides can be reviewed in this regard.

13) According to the date on this approval report by the earthworx consultant, GFL soil was imported to this site during the absence of a permit.

14) As well, according to MOE orders and conservation authority correspondence, GFL soil also landed on 2 large fill sites, one in Clarington and one in a regulated area of the Kawartha conservation authority, when no permits were in place.

15) AS well, this MOE report excerpt reveals GFL's non-compliance with requirements in it C of A. For a company that professes to be legislatively accountable, we are left with some serious concerns.

- 16) And with regards to contamination issues, this report by the city of Pickering's consultant indicates that GFL managed the fill going into a private property in Pickering. The imported fill was discovered to be contaminated with petroleum hydrocarbons well above acceptable limits.
- 17) These are the results of MOE soil testing on a City of Kawartha site with imported GFL fill. GFL submitted clean soil test results, however, all random samples taken by the MOE in June last year showed significant contamination results.
- 18) With regards to the earthwork site, we were told by MOE staff that most of the imported soil came from the GFL facility, and indeed, the majority of soil reports are for GFL soil. Considering the state of this site today, this is cause for justifiable concern.
- 19) And lastly, we have concerns with the remediation of soils at the GFL facility. We have made these concerns known to the MOE. Salt-impacted soils, as discussed on this slide, is just one of many concerns.
- 20) In terms of options, cleaning this site, only on the condition that a new fill permit is issued is absolutely not an option. It would be unethical to issue such a permit. We would like the township to be clear on this point and reject **any** such offer now or in the future.

**If** the MOE cannot **compel** the current owners, to clean this site, **by way of Order or through court**, than the township can and must take action, as it does bear some responsibility for the state of this site. The Township has a 200,000 security in place that it can use. This will not be enough by far, however, this township is receiving 20,000 dollars a month in tipping fees from the Greenbank fill site and we suggest using this money to clean up the earthwork site, if necessary.

Thank you