



Ministère  
de l'Environnement  
Région du Centre  
Bureau de district de York Durham  
230 Westney Rd. S., 5<sup>th</sup> Floor  
Ajax, ON L1S 7J5  
Tel. (905) 427-5600  
Fax (905) 427-5602

Ministry of the Environment  
Central Region  
York Durham District Office  
230 Westney Rd. S., 5<sup>th</sup> Floor  
Ajax, ON L1S 7J5  
Tel. (905) 427-5600  
Fax (905) 427-5602

November 25, 2013

Ian McLaurin  
Lakeridge Citizens for Clean Water  
Port Perry, ON

[www.lakeridgecitizens.ca](http://www.lakeridgecitizens.ca) [info@lakeridgecitizens.ca](mailto:info@lakeridgecitizens.ca)

Dear Mr. McLaurin,

Thank you for your letters dated August 1, 2013 and October 4, 2013 regarding the status of the Earthworx site that is located on Lakeridge Road in the Township of Scugog.

Ministry staff have inspected the site on many occasions, and have never observed evidence of waste that would require an Environmental Compliance Approval. Please note that Ontario's brownfield standards are intended to apply to brownfield sites planned for redevelopment and where the filing of a Record of Site Condition is expected. These standards are not used to define a material as a waste. Consequently, soils above the Table 3 brownfield standard do not imply the material is a waste or that there has been a contravention of the Environmental Protection Act.

In your August 1, 2013, a number of concerns were raised regarding the issuance of a fill permit and the proposed remediation plan which I will respond to in the order presented.

#### **Fill permit comments**

##### **1) Exceeding disturbed area limits**

Concerns related to both the Scugog site alteration by-law and the Oak Ridges Moraine Conservation Plan should be forwarded to the Township of Scugog.

##### **2) In protected areas**

The Township of Scugog should also be contacted regarding Natural Core Areas on the moraine and local planning considerations.

### **3) Concerns with GFL**

Green for Life (GFL) operates under a ministry issued Environmental Compliance Approval (ECA) at Toy Avenue in the City of Pickering. I agree that the treatment facility does not remediate metal impacted soils, however, the ECA requires the assessment of metals in the soil prior to receipt of the soil at the site. Additionally, the soils that leave the site must meet the soil quantity and quality requirements of the fill management plan for the receiving site. At no time can soils be mixed to reduce contaminant concentrations and treated soils must meet standards for a range of chemicals.

### **Comments on the proposed remediation plan**

#### **4) 2004 Table 3 Standards inappropriate**

In the absence of groundwater quality data at the down gradient property boundary, it is difficult to determine what degree of soil remediation may be required at the site to ensure that the groundwater leaving the site is not impaired or causing an adverse effect.

#### **5) Unknown confidence in the sampling**

Environmental sampling in any heterogeneous setting relies on the judgement and planning of a qualified person. The ministry assess the range of results, site conditions and considers a worst case scenario. The site retained a third party consultant to complete the environmental assessment and followed the requirements of Director's Order No. 7671-8AGPMT-1. The ministry initially based the requirements of the site assessment using Reg. 153/04 provisions.

#### **6) Limited Well Monitoring**

Ministry staff reviewed the April 16, 2012, groundwater monitoring program prepared by DLS Group regarding an assessment of the nearby water wells, including field verification of the well locations, depth and construction details of the wells. The groundwater monitoring program was updated and re-submitted to the satisfaction of the ministry on January 15, 2013. The monitoring program has been implemented and the first round of groundwater monitoring results is under review by ministry staff. Based on this review, the ministry may make recommendations to focus or modify this monitoring program.

#### **7) No contingency plan for relief from contaminated wells**

A Provincial Officer's Order can be issued where the contravention has caused damage to or endangered or is likely to cause damage to or endanger existing water supplies, providing temporary or permanent alternate water supplies. Concerns related to the loss of property value should be addressed by the Municipal Property Assessment Corporation, which can be reached at 1-866-296-6722.

**October 4, 2013 letter**

In your October 4, 2013 letter, you inquired about the current status of the Earthworx site. The site is owned by 2241960 Ontario Inc., carrying on business as Earthworx Industries. Effective March 14, 2011, Earthworx ceased accepting soil at the site. Earthworx Industries and/or GFL have not notified the ministry of any development plans for the site.

You have also asked the following:

**1. An assessment of the environmental and health risk if the site was left as is.**

The ministry will be in a position to provide comment relating to the environment, following review of the groundwater monitoring data submitted in October 2013. For additional health related concerns, please contact Ken Gorman, Director Health Services, Regional Municipality of Durham.

**2. An evaluation of the ability of the proposed groundwater monitoring plan to protect drinking water supplies.** Groundwater monitors are essentially sentry wells that will provide information of any impacts to groundwater. Ministry staff's evaluation of the initial groundwater monitoring plan indicated the need for small changes to the plan which were subsequently included and have now been implemented.

**3. An understanding of the enforcement tools you have available to get the site cleaned up.** In the event that activities at the site are likely to cause an adverse effect, the ministry's Director's Order can be amended to require additional activities. Also, the general provisions of the Environmental Protection Act and the Ontario Resource Water Act will apply.

**4. An idea of when MOE may be responding to the Site Assessment and the GFL letter.** The ministry continues to review the information provided by GFL and address the Order requirements with the current owners.

Once, again thank you for your letters and should you have any questions, please contact me at 905 427 5626 or [dave.fumerton@ontario.ca](mailto:dave.fumerton@ontario.ca) or Dave Fisher at 905 427 5608 or by email at [david.fisher@ontario.ca](mailto:david.fisher@ontario.ca).

Sincerely,



Dave Fumerton  
District Manager  
York Durham District

