

MYKawartha News Article

<http://www.mykawartha.com/news-story/3706409-moe-shuts-down-fill-haulage-to-taylor-s-road-property-after-second-rou/>

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MOE shuts down fill haulage to Taylor's Road property after second round of testing reveals elevated levels of metals and hydrocarbons

GFL insists no municipal laws were broken as there is no bylaw in place governing bringing fill into City from beyond its borders

Peterborough This Week

(OAKWOOD) What a difference a day makes.

On the eve of a council meeting that will deal with a proposed site alteration/fill bylaw, City of Kawartha Lakes staff are wondering about an email from the Ministry of the Environment (MOE) that says the Ministry has "concerns" after a second round of soil testing relating to an Oakwood property.

While Green for Life (GFL), the company supplying the remediated fill said it was "business as usual" on Monday morning (July 23), but by Monday afternoon they agreed to stop bringing any more dirt to 513 Taylor's Road in Mariposa Township.

GFL, a well known waste management company is providing tonnes of remediated fill being hauled to the property, a former gravel pit owned by Cindy Brigden. She wants to restore the land to its pre-gravel pit status, and her efforts have annoyed several neighbours upset with the dust and noise from dozens of dump trucks hauling in the fill.

As This Week published on July 19, the operation started in April and Ms Brigden admitted it is taking much longer than she originally thought, with another several weeks' work expected before the job is done.

While some residents have complained, both GFL and Ms Brigden maintain the soil being brought to the property meet MOE standards that will allow the land to be used for residential fill, although not for agriculture or animal pasture.

First thing Monday morning, the City's manager of planning Doug Carroll told This Week he received an email from the MOE on Friday (July 20) that confirmed a second round of testing was done on the soil GFL is bringing to the property.

But, he said while the email notes the MOE has "concerns" about what is in the soil, it didn't specify what those concerns were. Mr. Carroll stated the second tests on the soil were done June 21.

He said the email advised that GFL was "co-operating" with the Ministry.

On Monday morning, Sean Goldberg, GFL's vice president of soil and excavation operations, said there was (at that point) no order from the Ministry to stop hauling. "It's business as usual; everything's under control," he said. He added he "knows our results" of the testing and had not yet compared those results with those of the MOE, but, to his knowledge, there was nothing in the fill to cause concern.

Mr. Goldberg said after This Week's story appeared last week, he heard from several people who "are happy the safety concerns were dealt with."

Both he and Mr. Carroll mentioned a letter the City sent to GFL earlier this month, telling the company to stop the operation. Mr. Carroll said Monday that Mr. Goldberg has not responded to that letter.

Mr. Goldberg's position is that there is no bylaw in place that regulates commercial fill coming to the City from beyond its borders, and that without such a bylaw, bringing the fill to Taylor's Road is not illegal. As well, he said GFL is extremely diligent in testing its remediated soil before it is taken anywhere.

In the July 19 article, Mr. Goldberg made it clear the MOE had already taken soil samples and given the green light for the fill to be brought to Ms Bridgen's property, insisting the company's practice is in compliance with the regulations.

By Monday afternoon, David Bradley of the MOE responded to This Week's inquiry.

"The Ministry of the Environment does not regulate clean fill sites," he wrote in an email. "Clean fill sites are regulated by either the local municipality or the local conservation authority depending on where the fill is deposited. In this case, Green For Life provides treated soil to land owners upon their agreement."

"The Ministry has inspected the fill site and did not observe any waste materials being deposited at the site. As a precaution, the ministry has taken samples of the fill material from the site. The

first round of samples indicated the soil is acceptable for use as fill, however recent samples showed elevated levels of metals and hydrocarbons.

"The Ministry has been in contact with the company and today the company committed to immediately stopping any fill operations and is in the process of hiring a qualified person to do an assessment of the quality of the fill at the site."

Mr. Bradley clarified that the first testing the MOE did revealed the soil was acceptable, but the second tests (in June) revealed the higher levels of metals and hydrocarbons, which brought the hauling of fill to the property to a standstill.

Watch www.mykawartha.com for an update on this story after the proposed new bylawy comes before council on Tuesday (July 24).