

The Scugog Standard – Earthworx Story March 28, 2013

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Citizens urge Scugog to keep fill site closed

BLAKE WOLFE The Standard

NORTH DURHAM: Although the Lakeridge Rd. property at the centre of the commercial fill debate in Durham Region remains dormant, talk of the site's clean-up and possible reactivation returned to Scugog Council, nearly three years after the issue was initially brought into the spotlight.

According to a presentation to Scugog Council by community group Lakeridge Citizens for Clean Water (LCCW), work is progressing on a bid by Green For Life Environmental Corporation (GFL) to acquire the Earthworx Industries property at 13471 Lakeridge Rd. (located within the Oak Ridges Moraine) to re-open it as a fill receiving site. GFL is the Pickering-based waste remediation company which has been involved in numerous developments along Toronto's waterfront, treating excavated soil for contaminants before its shipped to receiving sites. According to a document in the LCCW presentation – dated Jan. 18, 2013, and addressed to the Ministry of the Environment - the proposal by GFL to acquire the property was originally discussed in June 2011.

At the township's Large-Scale Fill Symposium on Jan. 25, GFL CEO Patrick Dovigi told the audience that if a proposal - he declined to name the interested party - to acquire the property from Earthworx Industries went through, GFL has agreed to help clean up the property. However, what the clean-up would entail was not explained at the meeting, nor did he mention at the time that it was GFL that was planning to acquire the property to re-activate it as a fill receiving site.

Mr. Dovigi declined to comment on GFL's bid to purchase the Lakeridge Rd. property.

GFL/Direct Line's Pickering location is where trucks, hauling from former industrial sites on the Toronto waterfront, were sent for soil treatment prior to hauling the dirt to the same fill site on Lakeridge Rd. when it was operated by Earthworx Industries. According to a statement by the Ministry of the Environment dated April 12, 2011, 'Direct Line began accepting soils in June 2010 and shipped treated soils to Earthworx beginning in September 2010.'

The Lakeridge Rd. site was shut down in 2011 following a lengthy court battle between Earthworx and Scugog, in which a provincial tribunal ruled in the township's favour by declaring that the operation was subject to municipal bylaws. Earthworx continued dumping after its municipal site alteration permit was revoked by the township in October 2010, after soil samples

from the site tested positive for excessive amounts of certain contaminants.

It's unknown whether or not GFL/Direct Line would have received any of the soil placed at the Earthworx site that tested positive for those chemicals in 2010. However, Pickering resident Gord Hamilton has been dealing with problems on his Sideline 14 property, after he received soil, shipped to his property by Earthworx Industries in 2011, which he was told had been treated at GFL. He later found the soil to be contaminated with gasoline several times the accepted provincial limit.

Yet another fill project supplied by GFL, this one in Oakwood, Ontario, was shut down by City of Kawartha Lakes Council in July 2012, after soil tests revealed excessive levels of chemical contamination, including hydrocarbons and heavy metals.

GFL is also one of the sources of soil for the expansion plans at the Greenbank Airport, owned by Green For Life's Bob Munshaw. To date, no adverse findings have been recorded at that site.

The GFL proposal has drawn criticism from the LCCW, which formed shortly after the Lakeridge Rd. site was first in operation in 2010. According to LCCW spokesperson Carmela Marshall, the group contends that a reactivation of the permit would contravene the township's site alteration bylaw, which prohibits site alteration within the Oak Ridges Moraine unless an applicant can demonstrate that the work is permitted by the Oak Ridges Moraine Conservation Plan (ORMCP). Ms. Marshall said that in addition to municipal legislation, the ORMCP dictates that 'the portion of the net developable area of the site that is disturbed to be not more than 50 per cent of the total area of the site,' which may exclude the site from re-activation.

"LCCW (Lakeridge Citizens for Clean Water) believes that the significant contamination on this site must be cleaned up and believes that there are viable options to make this happen," said Ms. Marshall, who spoke to the matter at Scugog Council's March 25 meeting. "However, issuing a fill permit to import more dirt in order for the necessary remediation to happen is absolutely not one of these options. A site-alteration permit to further fill this site would be contrary to the Oak Ridges Moraine Conservation Plan and the Scugog by-law, as well as irresponsible and unethical."

"The proposed cleanup still leaves the site with contamination that exceeds today's soil standards for an industrial land use in an area where the groundwater isn't used for drinking," added LCCW spokesperson Ian McLaurin, "but this site is next to the Natural Core Area of the Oak Ridges Moraine and people drink from wells only one-third of a kilometre away. For example, the cleanup leaves in place soil where borehole samples had levels of free cyanide 100 times the standards set by MOE in 2011."

At the recent council meeting, Scugog CAO Bev Hendry told councillors that the township will meet with representatives from the MOE on April 16 regarding the status of the site.

Scugog Mayor Chuck Mercier added that while the township was previously informed of the intent for GFL to acquire the property - via the letter from GFL sent to the Ministry of the Environment (MOE) regarding the site - a formal application for a municipal site alteration

bylaw, as well as the MOE's assessment of the clean-up, is yet to come forward. Until that time, Mayor Mercier said that the township is considering the site a "work in progress," albeit one watched closely, particularly regarding the clean-up.

"Without the MOE's input, the correspondence doesn't really mean anything," said the mayor. "We have a strong position on managing commercial fill and a strong position on cleaning up the (Earthworx) site... (But) we're still unaware of the scope of the clean-up, and until then, there's nothing happening."