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## Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)  
Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA)  
Pesticides Act, R.S.O. 1990, c. P.11 (PA)  
Safe Drinking Water Act, 2002, S.O. 2002, c.32 (SDWA)  
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

**Order Number**  
8312-8V6LSG

**Incident Report No.**  
3015-8L3J5P

**To:** 2241960 Ontario Inc.  
Earthworx Industries  
159 Roseborough Drive  
Port Perry, Ontario  
L9L 2E3

And to:

Gordon Churchill  
159 Roseborough Drive  
Port Perry, Ontario  
L9L 2E3

And to:

Claudio Villa  
23 Leora Court  
Richmond Hill, Ontario  
L4C 7N3

And to:

Natalie Walsh  
2005 Burnham Line, R.R. No. 8  
Peterborough, Ontario  
K9J 6X9

And to:

1745491 Ontario Inc.  
Green for Life Environmental East Corporation  
1070 Toy Avenue  
Pickering, Ontario

L1W 3P1

And to:

Patrick Dovigi  
40 King Street West  
Toronto, Ontario  
M5H 3Y2

And to:

Dino Chiesa  
40 King Street West  
Toronto, Ontario  
M5H 3Y2

**Site:** 171 County Road No. 2 former South Monaghan Township  
Otonabee-South Monaghan, County of Peterborough

Pursuant to my authority under EPA Section 157.1, EPA Section 196(1) and EPA Section 157, I order you to do the following:

### Work Ordered

Item No. 1	Compliance Date	2012/08/03 (YYYY/MM/DD)
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By August 3, 2012, provide written notification to the undersigned Provincial Officer at the Ministry of the Environment, Peterborough District Office, 300 Water Street, 2nd Floor South, Peterborough, Ontario, K9J 8M5, that you have retained the services of a Qualified Consultant to do the following:

- a) supervise the removal of the fill material that exceeds Table 2 and/or Table 3 soil standards in Ontario Regulation 153/03 for agricultural land use (the Contaminated Fill), that was deposited at the Site by 1745491 Ontario Inc. (o/a Green for Life Environmental East Corporation) using 2241960 Ontario Inc. (o/a Earthworx Industries); and
- b) prepare a Remediation Report providing verification of the work completed and confirming that the Contaminated Fill has been removed from the Site and deposited at an appropriate receiving location(s).

Item No. 2	Compliance Date	2012/08/30 (YYYY/MM/DD)
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By August 30, 2012, submit to the issuing Provincial Officer at the Ministry of the Environment, Peterborough District Office, 300 Water Street, 2nd Floor South, Peterborough, Ontario, K9J 8M5 written confirmation that all of the Contaminated Fill that was deposited at the Site by 1745491 Ontario Inc. (o/a Green for Life Environmental East Corporation) using 2241960 Ontario Inc. (o/a Earthworx Industries) has been removed from the Site.

**Item No. 3**

**Compliance Date**

2012/09/15  
(YYYY/MM/DD)

By September 15, 2012, submit to the issuing Provincial Officer, at the Ministry of the Environment, Peterborough District Office, 300 Water Street, 2nd Floor South, Peterborough, Ontario, K9J 8M5 a copy of the completed Remediation Report prepared by the Qualified Consultant retained as a result of Item No. 1 of this Order. The Remediation Report shall include but not necessarily be limited to the following:

- confirmation that all of the Contaminated Fill has been removed from the Site;
  - identification of the date(s) and quantity(ies) of Contaminated Fill removed from the Site, and the locations including Environmental Compliance Approval Number(s) of the sites, where the Contaminated Fill was taken, and the quantity of Contaminated Fill removed from the Site on each of those dates;
  - the name(s) and Environmental Compliance Approval Number(s) of the waste haulers who removed the waste Contaminated Fill from the Site:
- A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.
- B. While this Order is in effect, report in writing, to the District or Area office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.
- C. Unless otherwise specified, all requirements of this Order are effective upon service of this Order.

This Order is being issued for the reasons set out in the annexed Provincial Officers Report which forms part of this Order.

Issued at Peterborough this 25th day of July, 2012.



Doug Johnston

Badge No:

Peterborough District Office

Tel: (705) 755-5272

## APPEAL/REVIEW INFORMATION

### REQUEST FOR REVIEW

You may request that this order be reviewed by the Director. Your request must be made in writing (or orally with written confirmation) within seven days of service of this order and sent by mail or fax to the Director at the address below. In the written request or written confirmation you must,

- specify the portions of this order that you wish to be reviewed;
- include any submissions to be considered by the Director with respect to issuance of the order to you or any other person and with respect to the contents of the order;
- apply for a stay of this order, if necessary; and provide an address for service by one of the following means:
  1. mail
  2. fax

The Director may confirm, alter or revoke this order. If this order is revoked by the Director, you will be notified in writing. If this order is confirmed or amended by order of the Director, the Director's order will be served upon you. The Director's order will include instructions for requiring a hearing before the Environmental Review Tribunal.

### DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision within seven days of receipt of your request, this order is deemed to be confirmed by order of the Director and deemed to be served upon you.

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of the confirming order deemed to have been made by the Director, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice must state the portions of the order for which a hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing. Unless stayed by the Environmental Review Tribunal, the order is effective from the date of service.

Written notice requiring a hearing must be served personally, by mail or facsimile on the following:

The Secretary  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto ON  
M5G 1E5  
Fax: (416) 314-4506  
Email: ERTTribunalsecretary@ontario.ca

and  
Director (Provincial Officer Orders)  
Ministry of the Environment  
Peterborough District Office  
2nd Floor South Tower  
300 Water St S  
Peterborough ON K9J 8M5  
Fax: (705)755-4321  
Tel: (705)755-4300

Where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 314-4600

Fax: (416) 314-4506

[www.ert.gov.on.ca](http://www.ert.gov.on.ca)

### FOR YOUR INFORMATION

- Unless stayed by the Director or the Environmental Review Tribunal, this order is effective from the date of service. Non-compliance with the requirements of this order constitutes an offence.
- The requirements of this order are minimum requirements only and do not relieve you from complying with the following:
  - any applicable federal legislation;
  - any applicable provincial requirements that are not addressed in the order; and
  - any applicable municipal law.
- The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the order are not affected.
- Further orders may be issued in accordance with the legislation as circumstances require.
- The procedures to request a review by the Director and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference.

