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Cannington couple still unable to return home following fuel spill

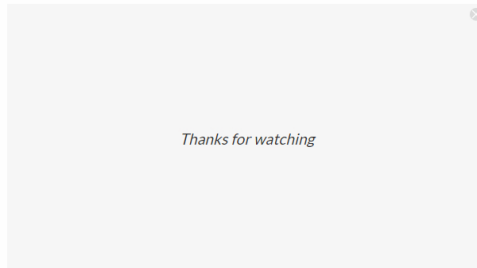
Nine months later, Ministry still working to clean up properties

NEWS Jul 05, 2017 by Bill Hodgins Brock Citizen



- Scott Howard

CANNINGTON - With summer coming on, Dawn DiBello returned to her home recently.



There were some seasonal clothes still there. But when she opened the drawers, she found mouse droppings. There was rice in there too. Obviously, she said, the place is overrun with rodents.

That's not the house she says she kept so tidy for the past 11 years; at least until last October when she and her husband, Fedelle, were forced from their home.

It was a Friday evening, Oct. 14, and DiBello and her husband had just left for the evening. They were barely down Simcoe Street when a car driven by a 20-year-old Cannington man crossed the line near Linden Valley Road, colliding head-on with a tanker truck carrying 55,000 litres of gasoline and diesel. The truck overturned in the ditch in front of the DiBello home, eventually draining almost two-thirds of its load.

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"We had just left to go out for the evening and we received a phone call," DiBello recalls. "We turned around to come home and saw fire trucks and police." Fedelle runs Dibello Towing and has a good relationship with fire officials in the township. In the past, the couple has donated old vehicles to the fire department for training purposes.

The phone call had come from fire officials, wanting to know if they were in the home, and if they were safe.

"We couldn't believe what we saw. They weren't going to let us in to the house but my husband is diabetic. The fire chief walked us to get all the medications. Then they told us to find a place to stay,"




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PROPERTIES OWNERS COULD FACE SOME CLEAN-UP COSTS

CANNINGTON - Beatrice Samis had just settled down to watch a Blue Jays game when she heard the crash. Her sister Bertha caught a glimpse of one of the vehicles involved.

Just a hundred feet or so down the road from their Simcoe Street home, a tanker trailer hauling 55,000 litres of fuel had collided head on with a Honda Civic, Brock Township Fire Chief Rick Harrison said that the force of the collision caused the tanker to roll over on its side and it left both of the drivers trapped in their vehicles. The Samis sisters knew it was bad. They went to check on the drivers and learned 911 had already been called. Then they watched as firefighters worked to free the drivers.

Beatrice Samis knew they would be affected by the collision. "The truck was hauling 30,000 litres of fuel in one tank, 25,000 in the other," Chief Harrison said. Both of the tanks ruptured, spilling an estimated 47,000 litres of gasoline and diesel fuel that ran through the ditches on both sides of the roadway. The road remained closed for nearly two weeks as crews worked to remove contaminated soil.

But the sisters were shocked when they received a letter from a lawyer representing Courtice Auto Wreckers, which is involved in the property clean-up. It stated "our client is owed the sum of \$32,318.00 and accordingly, please find enclosed our client's Claim for Lien in the sum of "\$32,318.00..."

"It looks as though the neighbours will have to deal with the environmental issues for along time, as well as more financial issues," Beatrice Samis said.

"No one in the neighbourhood got any sleep that night and some for two nights." She said she and her sister suffered headaches for days on end from the smell of the fuel. "Then we were all impacted by the digging for two full weeks as well as the road closure."

She is also concerned that the excessive amount of rainfall experienced this spring may have caused contaminants in the soil to spread more easily, and further. "Then to add insult to injury, we (the Samis sisters and the neighbours across the road) were slapped with part of the clean-up costs due to a contractor using the Construction Lien Act of the Ontario government."

Section 14 of the Act provides that, "a person who supplies services or materials to an improvement for an owner, contractor or subcontractor, has a lien upon the interest of the owner in the premises improved for the price of those services or materials." This was designed to prevent the owner of a property from receiving improved land without making payment for the improvement.

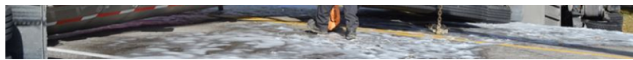
"This is so unfair," Beatrice Samis said, adding it was bad enough having to deal with the disruption from the accident. "We had nothing whatsoever to do with the accident."

In March of this year, the Ministry of Environment and Climate Change informed them that further testing would be required on their property. That work is now underway.

"We are continuing to contact other impacted property owners to coordinate actions necessary by Liftlock Fuels to address outstanding concerns from the initial spills response, and to mitigate any long-term risks to residences, well supplies, agricultural properties and municipal roads," Ministry spokesman Gary Wheeler told the Brock Citizen last week.

"The Ministry of the Environment and Climate Change takes the impacts from the October 2016 fuel spill very seriously, Ministry staff has requested that Liftlock Fuels take the necessary steps to assess and mitigate the impacts of the spill on effected properties and residents."

Under the Environmental Protection Act, the owner of the contaminant - Liftlock Fuels - is responsible for restoring the properties impacted by the spill, Wheeler added.



What they didn't realize at the time was that some nine months later, they would still be unable to live in their home. DiBello said they were fortunate to have three sons living close by. Their son Anthony took them in. In the months since, she says he still doesn't seem to mind. His brothers kid him about having more there to make his lunch for work. But she says it's tough to know you have a home you saved for – a place where you always felt secure – and you're unable to go back there to live. All their furniture is still there. There are toys for the grandchildren. There is a trampoline in the yard that the grand kids cannot use.



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One of the first blows came in the form of a hydro bill in the amount of \$19,000. The accident forced hydro to cut off service and move two poles. The DiBellos were sent the bill. "We got Laurie Scott's office involved. We called the MPP and the MP." The charge was withdrawn.

Then, like their neighbours across the road, they received a letter from the lawyer for Courtice Auto Wreckers stating that a Claim for Lien has been filed against them for a sum exceeding \$32,000. That matter is still working its way through the legal system. It's just another drawn out circumstance stemming from an accident in which they were totally blameless.

You couldn't make up a story like this one," DiBello said. "Everything that could have gone wrong has gone wrong."

Rob Bennett of Liftlock Fuels said his company has nothing to do with the lien. He said Courtice Auto Wreckers was just one company hired by others in the clean-up process, but it has now gone into receivership.

"It was obviously just a terrible accident and we're working hard to get everything cleaned up." Liftlock has been doing everything in its power to work with the Ministry, he added. Bennett said his driver is professional and experienced and was driving a straight line when the car driven by Sam Keeler, then 20, crossed the line. Keeler was initially charged with impaired driving, exceed 80 mgs of alcohol, and dangerous operation of a vehicle.

This past week, June 29, the impaired and dangerous operation charges were withdrawn in exchange for pleading guilty to the over 80 charge. Keeler was sentenced to a fine of \$1,500 plus a victim surcharge of \$450. As well, his driving privileges were suspended for one year.

Meanwhile, DiBello said, she and her husband are still waiting on test drilling done on their property. She is convinced that having the fuel "stopped up" on their ditch after the spill had to cause harm to their property. An air quality test carried out at the direction of the Ministry of Environment and Climate Change showed traces of fuel compound in the home three months following the crash, but they were told it was at a level below the Ministry standard, she said. But she added that there are no set standards for the air quality tests in a residential home; the standards were developed for workplace exposures, she said. "Workers are only on site for eight hours a day... that's not the same for someone who would spend 24 hours a day in a home."

The DiBello's insurance company did provide them funds to cover out-of-pocket expenses related to their circumstances, but that only lasted through February. They've hired a lawyer and plan to sue both Liftlock and Keeler.

"On July 14 we will be nine months out of this house. I don't know if we're ever going to be able to go home. Nobody can tell me. There is no light at the end of the tunnel. When this is over, who knows how much our house is going to be worth."



by **Bill Hodgins**

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Rob Bennett of Liftlock Fuels said his company is cooperating with the Ministry in clean-up efforts, but has nothing to do with the Courtice Auto Wreckers' lien. It was just one company hired by another to assist in the clean-up, providing trucks to transport the contaminated soil, taking to a disposal location.

The Brock Citizen reached out to Courtice Auto Wreckers, also known as Ontario Disposal, only to be told the company has gone into receivership.

Sam Keeler, the Cannington-area man who was driving the car that collided with the fuel truck, pleaded guilty this past week to driving with an alcohol limit exceeding 80 mgs.

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