

## Appendix II - Links to Relevant Media Coverage

<https://www.cbc.ca/news/canada/toronto/gta-soil-illegal-dumping-black-market-1.4781717>

<https://globalnews.ca/news/5230731/ontario-government-legislation-curb-illegal-soil-dumping/>

<https://www.thespec.com/news/hamilton-region/2019/05/02/ontario-proposes-new-law-to-crack-down-on-soil-dumping-in-wake-of-waterdown-garden-supplies-complaints.html>

<https://georginapost.com/2022/04/10/town-of-georgina-takes-property-owners-to-court-for-illegally-dumping-fill/>

[https://www.thestar.com/news/gta/2014/10/20/toxic\\_dirt\\_dumped\\_in\\_ontarios\\_prime\\_farmland.html](https://www.thestar.com/news/gta/2014/10/20/toxic_dirt_dumped_in_ontarios_prime_farmland.html)

<https://www.cbc.ca/news/canada/hamilton/headlines/we-need-tougher-dirt-dumping-regulations-now-hamilton-tells-province-1.3484566>

Copies of the above-listed articles are provided on the following pages of this Appendix.

Toronto

## GTA building boom spawns shadowy 'black market' for waste soil

Excavated soil in Ontario could fill 16 Rogers Centres annually

[Michael Smeed](#) · CBC News · Posted: Aug 13, 2018 4:00 AM ET | Last Updated: August 13, 2018



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The housing development boom in the GTA has spawned an accompanying, much more dangerous business: illegal dumping of unwanted, and sometimes toxic, soil.

The dirt dumps are popping up on farmers' fields and vacant lots across the region, according to the Lake Simcoe Region Conservation Authority — one of the organizations that's trying to curb the burgeoning trade in illegal soil.

"I've seen trucks — 10, 20 deep — parked along the road coming in and dumping every couple of minutes. If you can generate 30 loads an hour at \$100, that's three grand an hour," said Rob Baldwin, planning head at the LSRCA.

**“It absolutely creates a black market.”**

*- Rob Baldwin, LSRCA planning head*

"If that's half the cost of a legal tipping site, that's the lucrative side for those companies that are disposing of the fill. It absolutely creates a black market."

The problem arises from the fact that every time another basement in a new subdivision is excavated, the dirt has to be dumped somewhere. Rather than using the province's regulated, and costly, soil dump sites, some contractors are turning to soil brokers — middlemen who, for a fee, match builders with willing landowners.



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Lake Simcoe Region Conservation Authority planning head Rob Baldwin wants increased powers to investigate properties that he suspects are being used as illegal dump sites. (Tina Mackenzie/CBC)

And those middlemen, Baldwin says, are often members of organized crime groups.

"We've heard a lot of stories about certain organized crime entities, whether it's the the local biker gangs, as well as the Mafia being involved," he said.

"It's a very cash heavy business."

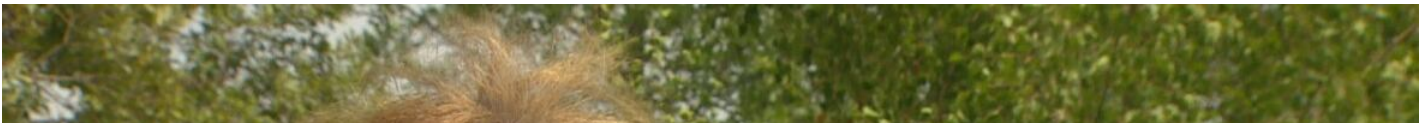
The LSRCA has become involved because wetlands and shorelines, which are often tantalizingly vacant, have become favourite options for illegal dumpers, Baldwin says.

- [\*\*We need tougher dirt dumping regulations — now, Hamilton tells province\*\*](#)

And there are serious risks to the public, he adds.

When tonnes of dirt, toxic or clean, are dumped onto a flood plain, it raises the risk that the next heavy rainfall could lead to a serious flood.

"If you have a thousand dump truck loads in the flood plain that take up all the space for the water, where is that water going to go? To the house next door?"



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Linda Kapeleris says she's fed up with dump trucks travelling day and night to illegal soil dump sites near her home. (Tina Mackenzie/CBC)

As well, he says, landowners who illegally accept soil for a price — usually \$75 to \$100 a truckload — have no way of knowing if it contains contaminants. If it does, the landowner is on the hook for the clean-up price, which can be tens of thousands of dollars.

In an area as fertile as the Holland Marsh, which the LSRCA regulates, Baldwin says there's also a real danger that the food supply could become contaminated.

The public in some of these areas appears to be taking notice. Baldwin recently identified a property on Ravenshoe Road in Georgina Township, near Keswick, that was being used a dump site.

Neighbour Linda Kapeleris has lived on Ravenshoe Road for 27 years and she says it's obvious that the area has become a hotbed for illegal dumping:

"They've even started dumping at night," she told CBC Toronto.

"A dozen dump trucks racing along there at midnight, 1 a.m. I've gotten up at 3 a.m. to see if they're ever going to stop."

It is legal for developers to dump waste soil from new subdivisions on private land, provided the owner of the property has received a permit from either the local conservation authority or

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Excess soil lies in a pile near the site of a new subdivision in Queensville, just north of Toronto. (Mike Smee/CBC)

And there is a lot of waste soil being generated.

"We do know that there's about 25 million cubic metres of soil looking for a place to go every single year in Ontario," he says.

"You can imagine the Rogers Centre? Sixteen of those filled with dirt every year. Some of it's contaminated, some of it's not."

## Legal dumps too pricey

But at a cost of \$150 or more per truckload, legitimate sites can be expensive for developers, compared to the prices charged by unregulated dump site, even when the broker's fee is tacked on.

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Baldwin says the landowner took significantly more than was allowed but declined to say how much more.



Ian McLaurin, of the Ontario Soil Regulation Task Force, says new construction in Ontario creates enough excess soil to fill 16 Rogers Centres annually. (Tina Mackenzie/CBC)

"Unfortunately it's a scenario that's common around the watershed," he explains.

It's the disregard for local wetlands and fertile fields that most bothers Kapeleris.

"Supposedly it's the best farming soil around, so why are you dumping on it," she says.

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Conservatives.

Those rules would require that all soil removed from construction sites be tested for contaminants. It would also put in place mechanisms for tracking where the soil is shipped.

As well, Baldwin says the new rules would increase fines for illegal dumping, and give the LSRCA more power to enter private properties that he believes are harbouring illegal soil dumps.



Every time a new basement is excavated, that soil must be transferred to another location. (Tina Mackenzie/CBC)

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## POLITICS

# Ontario government introduces legislation to curb illegal soil dumping

By **Anthony Urciuoli** • 900 CHML

Posted May 2, 2019 10:18 am



Waterdown Garden Supplies in Troy, Ont. The Ontario government has announced legislation that would stiffen penalties for illegal soil dumping. **Google Street View**



**-A****A+**

The Ontario government has announced legislation that would stiffen penalties for illegal soil dumping.

Flamborough-Glanbrook MPP Donna Skelly announced the Made-in-Ontario Environment Plan on Wednesday.

“I have been working with residents and Ministry staff to address concerns of alleged illegal dumping at [Waterdown Garden Supplies Ltd],” said Skelly.

“The proposed changes will not only prevent illegal dumping in Flamborough but also illegal dumping in other rural areas across the province.”

STORY CONTINUES BELOW ADVERTISEMENT

**READ MORE:** [Outrage over contaminated soil dump in Verdun](#)

Skelly says the government is proposing changes that will reduce the risk of contaminated soil being mismanaged and will allow for the redevelopment of historically contaminated sites, putting vacant lands back to use.

“These changes will make it safer and easier for more excess soil to be reused locally by clarifying rules associated with managing and transporting



excess soil and limiting the amount of soil being sent to landfills while penalizing those who dump soil illegally,” said Skelly.

“Strengthening our enforcement tools will allow administrative penalties to be issued for environmental violations, holding polluters accountable.”

The proposed changes would require developers, haulers, and excess soil recipients to register the quality, quantity, and destination of the soil.

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Ontario Budget 2019: PCs outline climate change strategy – Apr 11, 2019

Ward 12 City of Hamilton Coun. Lloyd Ferguson called the problem “chronic,” claiming that as many as 600 trucks per day are dumping soil at Waterdown Garden Supplies off Highway 5, which also impacts traffic.

STORY CONTINUES BELOW ADVERTISEMENT

“It’s not just in Flamborough, it’s all of our rural areas,” Ferguson said in an interview on 900 CHML’s Billy Kelly. “We’re seeing more and more of what’s called ‘surplus excavated material’ coming in from Toronto and being dumped into Hamilton.”

**READ MORE:** [‘Climate change will cost us more’: Ontario Green Party releases rival gas station sticker](#)

“When they put up these big condo facilities now, particularly along the [Toronto] waterfront, they’re going down six or seven floors for parking. That’s a lot of excavated material that needs to be disposed of.”

Ferguson added that municipalities in Greater Toronto have clamped down on soil dumping, inadvertently redirecting the material to the Hamilton area.

Those in violation of the proposed provincial changes could fine up to \$200,000 for each incident under the Environmental Protection Act.

**READ MORE:** [Environment watchdog says Ontario climate plan imposes carbon tax](#)

The government is also proposing to further increase the fine.

In addition to the provincial legislation, Lloyd Ferguson says he’s working on a bylaw to clamp down on rural properties taking too much soil.

It would require people and businesses to apply for permits before they accept fill.

STORY CONTINUES BELOW ADVERTISEMENT

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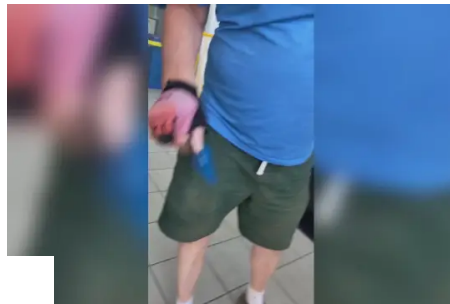
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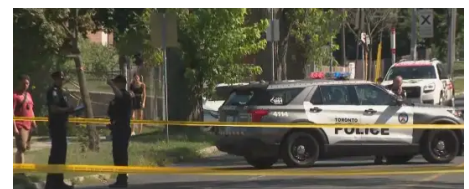
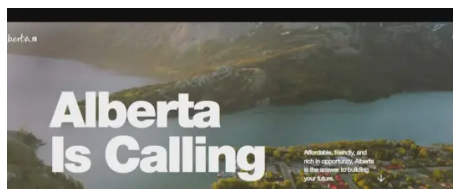
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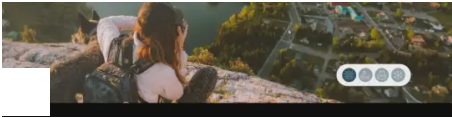
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## HAMILTON REGION


# Ontario proposes new law to crack down on soil dumping in wake of Waterdown Garden Supplies complaints

It's alleged that more than 24,000 loads of soil and other fill have been dumped on the 40-hectare site just west of Peters Corners.

By **Steve Buist** Spectator Reporter

The Hamilton Spectator

 **Thu., May 2, 2019** |  4 min. read

 Article was updated Mar. 02, 2020

The Ontario government is introducing new legislation that will toughen the rules around the excavation, hauling and dumping of excess soil.

The proposed legislation, spearheaded by Flamborough-Glanbrook MPP Donna Skelly, comes in the wake of long-standing [complaints from neighbours](#) about massive amounts of soil that have been dumped at the Waterdown Garden Supplies Ltd. property on Highway 5 West in rural Flamborough.

It's alleged that more than 24,000 loads of soil and other fill have been dumped on the 40-hectare site just west of Peters Corners. Neighbours around the site allege some of the material dumped there is contaminated.

"This legislation is truly a direct result of the issues that were raised by neighbours in the area and the farmers who are so concerned about what has been dumped at that site," Skelly said in an interview.

Skelly said the new legislation will require developers to register online the quantity and quality of soil to be moved offsite and list the destination where it will be hauled. The soil will have to be tested on-site to determine if it's contaminated.

Truck drivers hauling the material will have to register the quantity and quality of every load hauled, while the site receiving the soil must also register the quantity and quality.

Potential fines for violations have been raised to \$200,000 per incident and trucks not in compliance could lose their licence plates.



Piles of soil are seen on the property of Waterdown Garden Supplies. | Cathie Coward, The Hamilton Spectator



"This legislation is truly a direct result of the issues that were raised by neighbours in the area and the farmers who are so concerned about what has been dumped at that site," MPP Donna Skelly said in an interview. | Kevin Werner/Metroland/file

"It is a significant change to environmental protection in Ontario and it's because of Waterdown Garden," said Skelly.

"I think this is a very, very good step forward to prevent this from happening again not only in Flamborough but right across Ontario," she added.

The proposed legislation faces a 30-day consultation period plus the mandatory three readings in the legislature. Skelly hopes the law will be passed during the current legislative session.

Much of the soil that needs to be excavated and hauled in the Greater Toronto Area comes from the construction of highrise condominiums, many of them in Toronto. In some cases, the developers will need to dig down the equivalent of seven stories for underground parking and footings.

**Read more:**

[Five things to know about the investigation into Havana Group Supplies Inc.](#)

Ward 12 councillor says action needed on soil dumping: 'We can't allow this gong show to continue'

The mobster, the fraudster and the \$110-million-a-month construction business: The story of a Hamilton company's alleged scam

As GTA communities crack down on soil dumping through municipal bylaws, developers and truck operators are looking further afield for places to put soil, including rural parts of Hamilton.

Under the current legislation, the environment ministry says it has no jurisdiction over the movement of clean soil.

"Excess soil is a growing concern for communities, developers and our environment," stated Rod Phillips, Ontario's minister of the environment, conservation and parks.

Lloyd Ferguson, councillor for Ancaster and rural west Flamborough, said the city currently has no bylaws in place that prevent the dumping of clean soil on rural land.



**Coun. Lloyd Ferguson's now trying to draft a new bylaw that would require landowners in rural areas of Hamilton to obtain a permit to dump specific amounts of soil in specific places on a property | Spectator file photo**

He's now trying to draft a new bylaw that would require landowners in rural areas of Hamilton to obtain a permit to dump specific amounts of soil in specific places on a property.

"We don't want to grind development to a halt but we have to do it while protecting the environment," said Skelly.

"Don't get me wrong, the industry has good players," she said. "But some players, as you have discovered, are not playing by the rules."

In addition to allegations of contaminated soil, neighbours around the Waterdown Garden Supplies property allege that loads have sometimes been dumped on-site in the middle of the night.

The owner of the site says he's only holding the property as a mortgagee because of a default court judgment and doesn't know if contaminated soil has been dumped there.

Jim Whelan, who lives across the road from the Waterdown Garden Supplies property, praised Skelly for aggressively pushing for the new law since she was elected last year.

"It's a sigh of relief for the residents here," said Whelan. "This problem is way bigger than people realize."

The key, Whelan added, is for the new rules to be policed properly.

"You can have all kinds of laws but if they're not enforced it's just a piece of paper," he said.

[- Five things to know about the investigation into Havana Group Supplies Inc.](#)

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## Town of Georgina takes property owners to court for illegally dumping fill

April 10, 2022

### By Mike Anderson

The Town of Georgina is taking legal action against two local property owners who have been illegally dumping fill from construction sites on their properties.

According to a Town spokesperson, the owners of 22954 Warden Ave. and 6522 Ravenshoe Rd. have been operating without a permit to dump fill on their property, contravening the Town's fill by-law.

"The Town's lawyer has been instructed to bring court applications in which orders will be sought restraining the owners from breaching the Town's by-law and requiring the owners to remove the illegally dumped fill," said Tanya Thompson, communications manager for the Town of Georgina, in an email to the Post.

Ross Draper owns the property at 22954 Warden Ave., and 6552 Ravenshoe Rd is owned by a numbered company, 1580524 Ontario Ltd., which is registered to Ronald De Bruin.

Both properties cut across LSRCA regulated areas and are adjacent to wetlands.

The Town's legal action follows a formal complaint by Alec Cloke, president of United Soils, a large clean fill disposal business in Stouffville.

In an email addressed to Regional Councillor Rob Grossi and Ward 3 Councillor Dave Neeson on April 3, Cloke says that the property owners have been accepting untested fill, mostly from Hydrovac (vacuum) trucks, on a daily basis for years.



Cloke demands the Town take action to stop the illegal dumping of fill, which he says hasn't been tested for contaminants, which is a provincial requirement.

He also warns that Georgina Town Council could face legal action if the illegal dumpsites were not shut down.

"Town council and senior staff have a fiduciary duty to uphold the legislation designed to protect the public, and you aren't doing that," Cloke writes.

*Alec Cloke, president, United Soils*

Thompson confirmed that the Town had taken previous actions against both property owners, but they appear to have had little effect.

A Superior Court proceeding was filed against Draper, the owner of 22954 Warden Ave., and cease and desist correspondence was sent to De Bruin, the owner of 6522 Ravenshoe Rd.

"What's happening in Georgina doesn't involve testing or any of the proper handling methods that the industry recognizes," Cloke said.

Cloke told the Post that vacuum trucks must dump their loads at registered fill sites.

However, if the material is determined to be waste, it is immediately diverted to a waste transfer station.

Cloke says that not all material that comes out of a vacuum truck is contaminated, but he says you better be able to prove it isn't.

He says some vacuum truck operators are trying to avoid the cost of tipping at registered clean fill sites or have contaminated fill that would be rejected.

Currently, only a few facilities in the GTA accept contaminated fill, and tipping fees are considerably higher.



*Hydrovac truck at United Soils*



*Hydrovac truck fill tested at United Soils*

"Nobody should be dumping anything unless the property you are dumping on has a fill license, which we have to get renewed annually," said Cloke, who constructed an \$800,000 facility to process loads from vacuum trucks.

Cloke says there is no value to the landowner to take wet fill from vacuum trucks; he says it's just a cash grab.

"It costs \$300 to dump here, and they're probably giving the landowner \$150," he said.

Cloke says contaminated wet fill could seep into the water table, impacting residential wells.

He also points out that both properties are sitting next to a protected marsh, threatened by leaching wastewater.

Cloke wants to see stiffer provincial fines for property owners operating illegal dumpsites. But he says it's up to the Town to shut the sites down. He says the Town should monitor suspected sites 24-7.

"They should be writing down the license plate of the trucks. Recording the time they came in and taking their picture to go after the companies that are doing it," he said.

"Any truck caught dumping illegally should have their operating license taken away. It would be the end of all this illegal dumping."

Cloke says there has been too much passing the buck between municipalities, conservation authorities and the province, allowing illegal dump sites to go unchecked.

"The Town is not doing enough to shut this down. It's 100 per cent the Town's responsibility," he said.

"It wants all the benefits of being on Lake Simcoe, all the tourists, all the beaches, all the money. But it's not doing anything to protect it."

"If the Town of Georgina, one of the largest communities on Lake Simcoe, doesn't protect the lake, who will protect it?"

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**Mike Anderson**

Publisher/Editor at [The Georgina Post](#)

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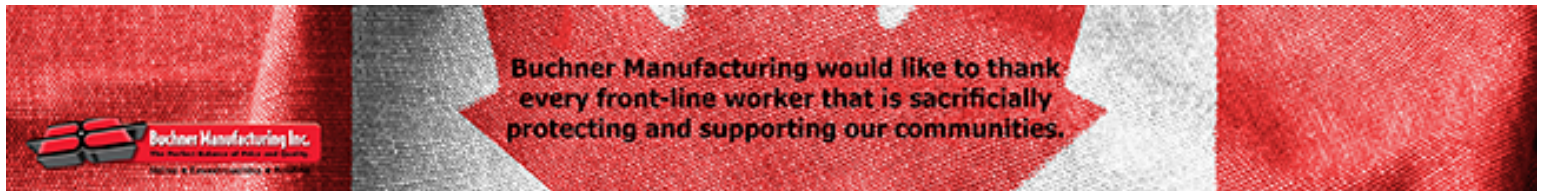
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GTA

# Toxic dirt dumped in Ontario's prime farmland

With lax rules and no tracking system, Ontario sits idly while Toronto's contaminated dirt is dumped in the countryside.

 By **Moira Welsh** Staff Reporter

⚠ Mon., Oct. 20, 2014 | ⌚ 9 min. read

## READ THE CONVERSATION

Toronto's construction boom is unearthing massive volumes of soil contaminated with dangerous heavy metals and petroleum, but it's nearly impossible to know where the dirt is going because Ontario doesn't track it.

Instead, thousands of tonnes of toxic earth taken to prime farmland from downtown condominium projects are usually discovered accidentally — by neighbours who report bad odours from soil that is supposed to be “clean.”

Long-term, experts warn of contamination of agricultural land and groundwater, often in the Greenbelt or [Oak Ridges Moraine](#).

Landfill operators say the final destination of the tainted soil is a mystery. At a time when excavation projects have spiked, there's been a dramatic drop in the number of trucks taking the dirt to the special landfill sites that can safely manage toxins, said Rob Cook, executive director of the Ontario Waste Management Association.

That leads to the “potential for large amounts of contaminated soil being improperly managed,” Cook said.

Ontario's lucrative soil industry operates with little government oversight. There's no regulated tracking system, no proper definition for “clean” soil and not enough rules to govern where the soil is taken.

The Star asked the province and various agencies to provide an accounting of where all the soil from big dig projects like the [Pam Am Athletes' Village](#) and downtown condominium sites was dumped. Neither the province nor any other agency could provide the information.

Environment Minister Glen Murray told the Star in an interview that better controls are needed to deal with what he termed a “serious issue” that for him is at the “top of environmental and economic concerns” in Ontario.

Years of lax oversight infuriate country residents, from Schomberg in the west to Lakeridge in the east, who fear their health is being sacrificed in the rush to finish big Toronto projects.

Carmela Marshall, of Lakeridge Citizens for Clean Water, said the drive to build infrastructure in Toronto and surrounding area will leave a dangerous legacy. “How many years before it gets in our groundwater? Five years? People are afraid.”



Here's what we know: In peak construction years, up to 50 million tonnes of dirt are excavated in Ontario projects, most from the greater Toronto region, at an annual cost of \$1.7 billion, according to the Residential and Civil Construction Alliance of Ontario. Industry experts say that roughly 15 per cent of that soil, as much as 7.5 million tonnes, is contaminated and should go to approved landfill or remediation sites. How much of those 7.5 million tonnes went to approved sites is unknown.

So where's all that dirt going? It's impossible to miss the dump trucks. They thunder across country roads to the north, east and west of Toronto, leaving sleepy towns in their dust. Talk to truck drivers at the Tim Hortons in Schomberg and they all say they're carrying fill from downtown Toronto construction sites. They all say their dirt is clean, but most don't know what they are carrying.

Sheep farmers Ruco and Kimberly Braat agreed to accept loads of soil in the summer of 2011. The couple and their two children live in the Peterborough County hamlet of Bailieboro (renowned for its butter tarts) and needed earth for the base of a barn.

Two men were offering free soil to farmers and Braat said he agreed to take hundreds of truckloads — with the strict proviso that it was clean. Later, a neighbour who wanted some for his property had it tested. The results were horrifying.

The pile of dirt their kids had been sliding on a few days earlier was steeped with polyaromatic hydrocarbons and heavy metals like barium, cadmium, copper and lead. The family complained to the provincial environment ministry.

After an investigation, the ministry filed Environmental Protection Act charges against soil contractor [Green For Life](#) (the company is also Toronto's garbage collector) and a soil broker called Earthworx. No one from Earthworx would comment.

GFL's president and CEO, Patrick Dovigi, said his company was not to blame for the toxic soil on the sheep farm. He said another contractor dumped the bad soil. The case is still before the courts.

According to Dovigi, GFL has been unfairly ensnared in several ministry investigations because it relies on the "hit and miss" accuracy of soil contamination tests done at the construction site by the "qualified persons" (called QPs) hired by developers. Dovigi's point is that his company is paid to haul dirt, not conduct scientific tests.

"The QP," said Dovigi, "is the kingpin. It's not our fault if they say the soil is clean and it turns out they're wrong."

Activists like Marshall agree the soil tests are open to interpretation. The results of these tests are included in the developers' "soil management plans," documents that critics say the ministry could collect and analyze. Currently, the ministry is only required to oversee "adverse" impacts under the Environmental Protection Act.

With limited provincial rules, individual municipalities are left to oversee fill operations, creating an ineffective patchwork enforcement system.

If it's confusing for country residents, the operators of landfills that were supposed to get the soil are equally perplexed. The circuitous path of tainted dirt from the Pan Am Athletes' Village provides one example.

Once an industrial dumping ground, the 32-hectare site near the Don River has been transformed by glass condominiums that will be home to 10,000 athletes and coaches during next summer's Pan Am and Parapan Am Games. The buildings will later be sold at market value by the private developer.

Infrastructure Ontario said GFL started the village job on Oct. 16, 2011, taking 248,000 cubic metres (depending on soil density, that's as much as 500,000 tonnes) to ministry-approved sites. The dirt was either tainted (with petroleum and metals) or needed extra tests to determine contamination levels, said an official from Infrastructure Ontario.

Here's the conundrum: Walker Environmental's Mike Watt said GFL's Dovigi told Walker it would get roughly 200,000 tonnes from the village dig. Instead, Watt said only 25,000 tonnes arrived at his landfills. In an interview, Dovigi said he strongly disputes those figures.

As the Star continued asking questions, Infrastructure Ontario offered the names of six sites where it claimed the dirt was taken. Two landfills were owned by Walker and two were owned by a company named Newalta, which said it got 8,930 tonnes. The fifth site was a soil treatment facility called Green Soils, but its owner, Ashley Herman, said he's never directly received dirt from the village.

The final site named is a GFL-owned soil remediation facility in Pickering that can clean out hydrocarbons (from oil or diesel) and identifies (but doesn't remove) heavy metals.

During a series of interviews, emails and text messages, Dovigi told his story to the Star. He said about 100,000 tonnes of the Pan Am dirt was taken to his remediation facility and later was mixed with municipal garbage and trucked across the U.S. border to the Pine Tree Acres Landfill in Michigan. A Michigan landfill official said the soil met state standards. Dovigi also said that some of the Pan Am dirt at the Pickering site was mixed with soil from other jobs, making it difficult to know where it ultimately landed.

Environmental groups say the confusion over the Pan Am dirt illustrates the challenge of tracking soil.

Now, groups like Lakeridge Citizens for Clean Water, Earthroots and Save the Oak Ridges Moraine are demanding the tough regulations of a “clean soil act.” They’re seeking rigorous laws that include soil tracking, a definition for “clean” dirt and rules to govern where contaminants are taken.

“The GTA is surrounded by the best farming land and drinking water sources and we will be polluting it for generations if the government continues to turn a blind eye to this problem,” said Earthroots’ Josh Garfinkle.

Clean or dirty, Toronto’s excess dirt ends up in quarries, farmers’ fields or “aerodromes,” the federally regulated landing strips in the country that offer some landowners a loophole to circumvent municipal soil rules. Many of these so-called airways take in hundreds of truckloads of dirt each day, transforming rolling green meadows into barren hectares of dirt.

Some landowners who take the soil are getting rich. They get between \$30 to \$50 for each load. With at least 150 trucks a day, the annual earnings can be \$2 million or more.

A stone’s throw from Port Perry, Greenbank Airways advertises itself as a country air strip. But the regular arrival of dump trucks provides far more action than a few small planes.

Greenbank is owned by Ajax resident Robert Munshaw, the previous owner of the Pickering site where GFL built its remediation facility. Greenbank pays a “qualified person” to test for contaminants on its site and a January 2014 report by the consultant noted that 385 tonnes of tainted dirt were found at Greenbank in 2013. The report, obtained by the Lakeridge Citizens for Clean Water, said the dirt in question was removed and “returned” to GFL’s site in Pickering.

Munshaw wouldn’t speak to the Star, but Dovigi said this finding shows that Greenbank’s system works. He also said that the tainted dirt likely came in one load and was spread around the Greenbank site.

The environment ministry didn’t investigate this contamination case, saying that’s the role of the local government.

Toxic dirt investigations by the ministry are few. The Star asked for all inspections, investigations and enforcement for the last five years, which coincided with the construction boom. There were fewer than 20 in the greater Toronto region.

In the ministry’s list, most companies were named just once. For example, Trillium Recycling, of Etobicoke, is in mediation with the ministry over “table three” soil (considered to be a waste) found on old rail lands in Haldimand County.

Trillium’s lawyer, Mauro Marchioni, said his client had the misfortune to be the last company to drop dirt on the site, despite years of dumping by others. “If the property has gone through six sets of hands and (the ministry) gets the last guy, that’s who they go after,” Marchioni said.

GFL was named six times in the ministry records. Two follow-up inspections west of Toronto found no outstanding issues. East of Toronto, the ministry named GFL in four cases involving contaminated soil, most of which has since been removed. Ministry documents said the tainted dirt came from GFL’s remediation facility where soil mixing made it “difficult to determine” the site where it originated.

Dovigi said GFL is targeted because its remediation facility in Pickering is subject to strict government rules. Other soil contractors just pick up the dirt and drop it off, so they don’t face the same scrutiny, he said.

The government oversight of the Pickering facility is part of GFL’s defence in the case of the sheep farmers, who are now suing GFL and Earthworx for nearly \$5 million. In GFL’s statement of defence, it says that contaminated soil is treated and tested by third parties to “confirm” that it complies with ministry standards. (The current system, which critics say can be loosely interpreted, uses contamination levels set out in “tables” that range from low to high.)

In the end, the Braats estimate that at least 700 truckloads were dumped on their farm. Dovigi said GFL only dumped 192 loads. Under ministry orders, GFL removed all of the soil. GFL is now countersuing for \$600,000 in removal costs, alleging the Braats benefited from GFL’s “good deed.” The Braats said they were not enriched “in any way” by GFL’s actions.

The farmers have since sold 100 of their 450 sheep to pay for soil tests, legal fees and other expenses. “I feel like we’re starting all over,” Braat said.

Cook, of the Ontario Waste Management Association, warns that one day the province will take a similar financial hit for this “environmental travesty.”

“When the birds come home to roost and somebody needs to clean up these sites, it’s going to fall on the taxpayer’s back.”

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## Headlines

# We need tougher dirt dumping regulations — now, Hamilton tells province

Trucks full of fill arrive in Flamborough by the hundreds each year, and some brokers make \$20K a week

[Samantha Craggs](#) · CBC News · Posted: Mar 10, 2016 8:30 AM ET | Last Updated: March 10, 2016



Trucks carrying fill from GTHA construction projects trail dirt and damage roads in Flamborough, says Coun. Rob Pasuta. The city has been battling the fill issue for years, and hopes new provincial regulations will make at least some difference. (Samantha Craggs/CBC)

[comments](#)

It's not quite the answer to Flamborough's dirt woes, but it will help.

The province is establishing new rules to keep potentially toxic dirt from being dumped around rural Ontario, and Hamilton is taking part.

Rural Flamborough and Glanbrook have battled for years with hundreds of trucks full of dirt — much of it dug up from GTHA subdivisions and condo projects — being dumped around the countryside every day.

While some law-abiding property owners have permits to accept dirt, other loads are dumped illegally, or in amounts that surpass what the permit allows. And until now, the city has been scrambling to try to get a handle on it.

“It's a step, finally.”

- Robert Pasuta, Ward 14 councillor

The province is establishing a new "excess soil management policy framework" that would give the province and municipalities more teeth to crack down on dirt woes. The Ministry of Environment and Climate Change is [asking for public input until March 26](#). Hamilton will weigh in.

- [Flamborough struggles to combat dumping of illegal Toronto dirt](#)
- [Court fines Flamborough land owners for taking dirt](#)

Robert Pasuta, a Ward 14 councillor who has been tackling the issue for about five years, says the framework isn't a total solution. But it helps.

"We have to have more enforcement, heavier fines and act quickly, more quickly than we ever have," he said. But "it's a step, finally."

The city will urge Ontario to put more onus on the person who digs up the dirt in the first place — namely, the developers.



Where to put the dirt, and testing what's in it, should be part of a project from the planning stages, Pasuta said. And Hamilton is telling the province that.

The city will also urge more communication between municipalities and conservation authorities. Authorities issue permits for legal fill, as does the city under its site alteration bylaw. But the two often don't communicate about it.

It won't solve the whole problem of fill, Pasuta said. After all, rules only help manage people who abide by them, or people the city can find to regulate. And there are plenty of illegal dirt dumpers in rural Flamborough.

- [\*\*Toronto dirt dumped in Hamilton, and Flamborough fights back\*\*](#)

Pasuta and others say that dirt dumping continues to be a lucrative enough business that it encourages people to find loopholes.

Typically, a fill broker approaches rural landowners and offers them money — usually \$5 to \$10 per load, or services in trade – to take the fill. The brokers then pocket bigger money from developers wanting to get rid of it. Nathan Murray, a Conservation Halton watershed enforcement officer, told CBC News last year that he [knows of fill brokers who make \\$20,000 a week](#).

Pasuta and local conservation authorities are worried about what's in the fill, too. Often, it soil on top, Pasuta said. But deeper down, it contains rocks, bits of steel and scraps of old tire.

Authorities have been cracking down more often on brokers and landowners on the issue of fill. Last year, an Ontario court fined a Flamborough couple \$1,500 for [taking more than 2,000 loads of fill](#).

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