

**Recommendations Submitted to Toronto City Councillor,
Glen De Baeremaeker**

As a result of 1) Ontario's Brownfield legislation providing a mechanism for re-developing old industrial sites, 2) the unprecedented development of condo towers in Toronto and 3) major development projects for transit expansion and the PanAm Games, excessive amounts of excess soil have been transported from Toronto to be dumped in the countryside outside of the city.

Finding some of these soils to be contaminated with toxic chemicals and dumped over drinking water aquifers, the citizens and municipalities in the affected areas are speaking out and taking action. Groups such as Ontario Nature, Save The Oak Ridges Moraine (STORM) Coalition, and Earthroots have taken up the call.

These recommendations for action by Councillors for the City Of Toronto were compiled by Lakeridge Citizens for Clean Water, a volunteer citizens group that has been active for the last three years.

Lakeridge Citizens for Clean Water

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March 13, 2013

To Toronto and Region Conservation Authority (TRCA) Board

Suggested Motion

Whereas “there has been an apparent increase in demand for large fill sites within and adjacent to the Greater Toronto Area”,¹

And whereas, “given the competitiveness of the trucking industry, haulers are being pressured to transport fill of any nature”²,

And whereas the TRCA needs to exercise their own due diligence and ensure the placement of fill within their regulated area will not have an adverse impact on the environment,

It is recommended that the TRCA’s Living City Policies (LCP) Document (*Annex 1 - The Living City Policies Draft January, 2013 Section 8.12*) include a large fill policy similar to the policies adopted by the KRCA (*Annex 2 - Kawartha Region Conservation Authority: Large Fill Procedural Guideline*) and CLOCA (*Annex 3 - Central Lake Ontario Conservation Authority: Large Fill Policy*) and

That the fill policy includes such necessary conditions as found in the CLOCA and KRCA fill policies, including those requirements listed below:

- Table 1 soils only on lands with no previous point source contamination-consistent with KRCA and CLOCA policies (*Annex 2 pg. 2*), (*Annex 3 pg. 2*) and (*Annex 4 pg. 2 - Central Lake Ontario Conservation Authority September 2011 Staff Report*)
- Frequent testing of incoming fill at the receiving site following MOE’s protocol for soils coming into an RSC property, i.e. 1 sample for every 160 cubic metres of incoming fill (*Annex 5 - MOE Fact Sheet: Bringing Soil to an RSC Property, April, 2011*)
- Proponent paid audit tests of incoming fill by TRCA staff or TRCA hired consultant
- Mandatory QP (qualified person as defined by O. Reg. 153) reviewing and signing off on source site soil reports at the receiving site
- Proponent paid TRCA consultant peer review of incoming soil reports
- Mandatory securities obtained reflecting the size of the fill operation

¹ CLOCA Staff Report : April 12, 2010 File ACAD 7 pg. 2

² Ibid pg. 3

To Toronto Transit Commission (TTC) Board

Suggested Motion

Whereas transit projects create significant quantities of excess fill materials (*Annex 6 pg. 7 - Eglinton LRT Project: Estimated Costs and Impacts of Addressing Excess Construction Soils, RCCAO: July 2012*)

And whereas significant quantities of these materials may be Table 3 soils which are not appropriate for deposition in potable groundwater areas (*Annex 6 pg. 7*)

And whereas these materials have been dumped in on high aquifer vulnerability areas of the Moraine (*Annex 7 - "Residents question airfield upgrades", Alliston Herald, March 27th, 2012*), in some instances at the objection of the receiving municipality (*Annex 8 - New Tecumseth Staff Report, Special Council Meeting March 30, 2012*)

And whereas the producers of excess fill materials have a legal and ethical obligation to ensure receiving municipalities and conservation authorities are aware of and have approved fill receiving sites in their jurisdictions

It is recommended that the TTC Board review their tendering process to allow for mandatory Material Management Plans, as developed by the RCCAO, (*Annex 9 - Materials Management Plan: RCCAO Best Management Practices for Handling Excess Construction Soils in Ontario, November 2012*) to be incorporated into legal agreements with contractors so as to mitigate illegal dumping of materials from Transit Projects and to ensure excess fill materials are managed in a sustainable and legislatively accountable manner.

To Toronto City Council

Suggested Motion

Whereas the City of Toronto produces significant quantities of excess fill through Brownfield redevelopment and infrastructure projects,

And whereas there is documented evidence that excess fill originating from Toronto is being deposited in Greenfield Sites within and adjacent to the GTA,

And whereas some fill has been found to contain unacceptable levels of contaminants when tested at the receiving site, (*Annex 10 - Globe and Mail Article, Feb. 19, 2012 "Tainted soil lands on Pickering farm"*)

It is recommended that Toronto Council direct staff to undertake a study in order to determine the appropriate mechanism in which to incorporate a mandatory Material Management Plan (*Annex 9*) requirement, as part of any major excavation or development / building permit approvals so as to mitigate illegal dumping of materials from Toronto development projects and to ensure excess fill materials are managed in a sustainable and legislatively accountable manner

And that this motion is circulated to AMO in order to encourage other municipalities to establish the same requirements in their jurisdictions, so that there is a fair and consistent approach to the management of excess fill from development and infrastructure projects for all Ontario municipalities.

Annexes

Annex 1: The Living City Policies Draft January, 2013 Section 8.12

Annex 2: Kawartha Region Conservation Authority: Large Fill Procedural Guideline

Annex 3: Central Lake Ontario Conservation Authority: Large Fill Policy

Annex 4: Central Lake Ontario Conservation Authority September 2011 Staff Report

Annex 5: MOE Fact Sheet: Bringing Soil to an RSC Property, April, 2011

Annex 6: Eglinton LRT Project: Estimated Costs and Impacts of Addressing Excess Construction Soils, RCCAO: July 2012

Annex 7: "Residents question airfield upgrades", Alliston Herald, March 27th, 2012

Annex 8: New Tecumseth Staff Report, Special Council Meeting March 30, 2012

Annex 9: Materials Management Plan: RCCAO Best Management Practices for Handling Excess Construction Soils in Ontario, November 2012

Annex 10: Globe and Mail Article, Feb. 19, 2012 "Tainted soil lands on Pickering farm"