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## Neighbour objects to gigantic dirt pile in field

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Next to Judie and Michael Zajac's horse-breeding farm in East Gwillimbury, there's a massive mound of soil three storeys high and hundreds of metres long.

"It was coming full tilt towards us," she said, remembering the hundreds of dump trucks that descended on the field in the summer of 2010.

As it turned out, Mount Albert Pit, a Newmarket firm, had a permit to dump 1.04 million cubic metres of "clean fill" in a portion of an active quarry nearby. But the company's trucks went well beyond the pit, and dumped a mountain of soil and construction debris on the adjacent cornfield, which abuts the Zajacs' land. Using aerial photos, Ms. Zajac estimated the mound is about the size of three or four football fields.

Throughout the 905, such piles have become increasingly common as trucking firms hustle for locations to deposit thousands of tonnes of soil from building sites and infrastructure projects.

The municipality shut down the entire operation next to the Zajacs in December, 2010, but Mount Albert this spring applied to have it restarted, with plans to deposit another two million cubic metres – equivalent to 200,000 truck loads – over the next five to eight years. The firm's owners, Nick Marchese and Rob Carnegie, said the fill comes from construction sites across Greater Toronto.

With developers and governments paying hefty sums to have the soil hauled away, the GTA's clean fill industry has become a fast-paced, big money business.

But how clean is clean?

A visit by a reporter this week revealed that the vast pile of clay-like fill on the farmland contains a diverse range of materials, including cement, brick, rebar, plastic and glass bottles, asphalt, shoes, food scraps, wood, terrazzo flooring, rusty wire and nails, insulation, and a diesel fuel tank with liquid inside.

Recalling her own investigation of the property, Ms. Zajac said, "When we went back there, it was, 'Oh my goodness.'" She's shown her photos of the debris to local officials.

In an interview, the company owners were adamant that they adhered to all provincial and municipal environmental regulations. "Brick is not a contaminant; concrete is not a contaminant; plastic pipe is not a contaminant: It is clean fill," Mr. Carnegie said. "We sort out the material like rebar. We put it in bins to go away to a dump site."

He added that the diesel tank is used to provide fuel for the firm's own trucks.

Mr. Marchese said the company owns the gravel pit and has no intention of contaminating its own property. He wants to rehabilitate it for agricultural uses. The farmland with the fill is licensed for gravel extraction, but has never been dug up.

According to town officials, soil tests revealed no sources of groundwater contamination, such as fuel or solvents. "Everything that was brought in met the [Ministry of Environment] criteria," said Christopher Kalimootoo, director of engineering and environmental services.

The Globe obtained a summary of tests done last fall by a Stouffville engineering firm. It showed that 22 samples met provincial standards for a range of organics and metal concentrations for soil deposited on "commercial, industrial and community use" sites. But the tests were not conducted on the fill deposited on the farmland next to Ms. Zajac's property. Brownfields experts say the MOE's standards for dumping on agricultural lands are much more stringent.

Ms. Zajac worries that substances like rebar and asphalt pose a threat to the area's groundwater and her own well. "This may not be a problem right now but it will be a problem in times to come."

East Gwillimbury officials are also concerned about the site. "I can tell you that this is not acceptable," Mayor Virginia Hackson said. "That's not what we anticipated."

Mr. Carnegie and Mr. Marchese acknowledged they did not have permission to dump on the field. But they said the construction debris visible on the site "could be from her backyard." (Ms. Zajac denied the allegation.)

“The photos she has shown to the public don’t prove that she was on our property,” Mr. Carnegie said. “We didn’t give her approval to go on our property.”

A new permit won’t be reissued to the firm until East Gwillimbury council approves a new and tougher clean fill bylaw. It will include more stringent rules around truck activity as well as on-site visual inspections and monitoring, both during and after the dumping activity, according to Ms. Hackson.

What’s more, the land owners must relinquish their quarry licence and develop an acceptable pit rehabilitation plan before further dumping can take place, said Jolanta Kowalski of the Ministry of Natural Resources. “Right now, the ball is in East Gwillimbury’s court.”

But Angelo Callegari, the company’s lawyer, said a new bylaw “is not going to stop my client from continuing their business.” He also noted that the town will derive significant revenue from the operation due to a \$5 per truckload fee that could add up to a \$1-million to the municipality’s coffers over the next several years.

Mount Albert’s Phase 2 application was the subject of a community meeting last week. Dozens of local residents, afraid of contamination and what they feel are inadequate controls, turned out. Other communities are organizing to keep huge quantities of construction fill out of their rural backyards, too. Clarington town council last month passed a bylaw banning clean fill from outside its municipal boundaries.

GTA residents say there’s a lack of clear provincial rules governing the dumping of huge quantities of excavated soil. The MOE so far is declining to assert its regulatory authority, but has been working on a so-called “best practices” guideline. That document was to have been released earlier this year, but has been delayed due to the ongoing consultation process.

“The province really needs to step up and define what clean fill is,” Ms. Zajac said.

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