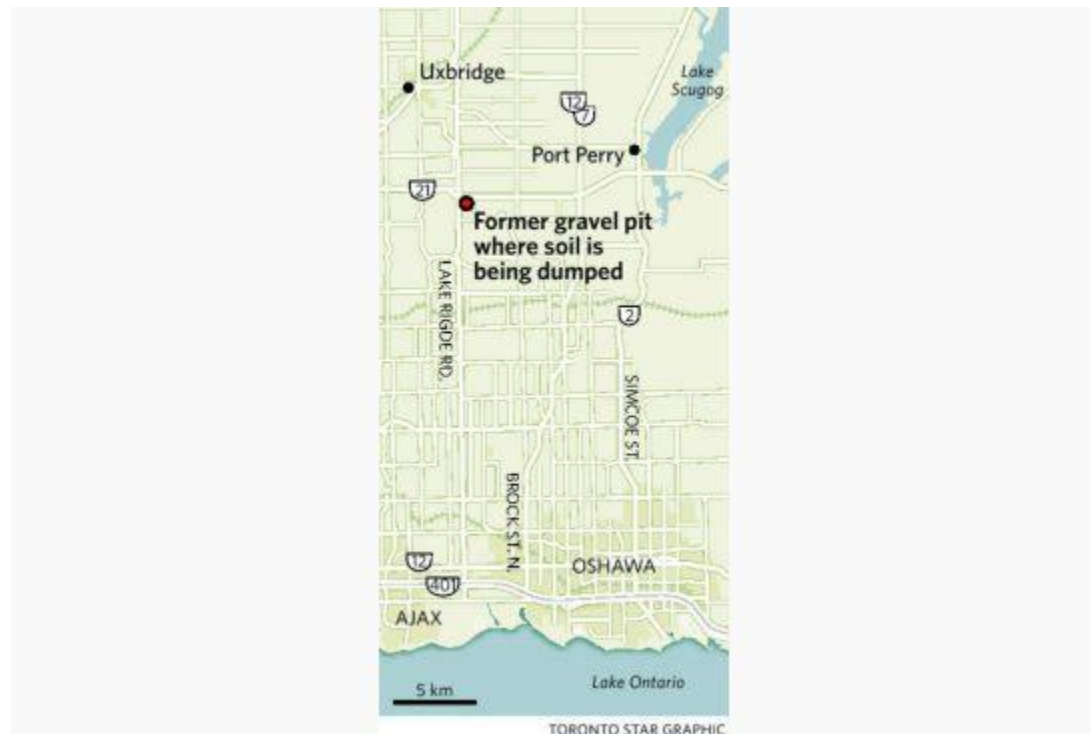


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http://www.thestar.com/news/gta/2011/02/13/fears_of_contaminated_soil_on_oak_ridges_moraine.html

Fears of contaminated soil on Oak Ridges Moraine

Fill dumped into an old gravel pit on the Oak Ridges Moraine concerns area residents who fear their wells are contaminated.



By: Vanessa Lu Staff Reporter, Published on Sun Feb 13 2011

Naomi Enns and Lonnie Schofield won't let their four kids drink the water at their Port Perry home.

They don't drink it or even cook with it any more because they fear possible contamination of their well water.

That's because they live just 50 metres from an old gravel pit on the Oak Ridges Moraine that, since last May, has become a repository for commercial fill — soil dug out from development sites across Greater Toronto.

Environment ministry records show the soil has come from across the region, including Toronto, Ajax and Pickering. Testing has shown evidence of heavy metals and petroleum hydrocarbons that in at least one sample exceeded permitted levels.

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Growing concerns among residents about possible contamination prompted the Township of Scugog to yank the dumping permit last October.

But 2241960 Ontario Inc., a company operating under the name Earthworx Industries, has ignored the decision, and still has loaded trucks coming to the site six days a week. It says it is not subject to the municipality's rules because it is building an aerodrome, which is regulated by Transport Canada.

The township is going to Superior Court on Monday to set a date for an injunction hearing, while Earthworx wants to argue in Divisional Court that the township does not have jurisdiction.

Residents fear this fight will be tied up in the courts for ages, eventually becoming a moot point if the gravel pit is filled.

So concerned are they that residents have formed a group called Lakeridge Citizens for Clean Water and are prodding politicians to intervene, noting that the 25-hectare property on Lakeridge Rd. sits atop a natural aquifer from which most residents draw their water.

“We don't feel safe drinking our water,” said Enns. “I don't think we would ever forgive ourselves if we let our children drink our water and they became sick from it. That's the bottom line.”

Enns and Schofield, whose family has lived in the area for five generations, moved there to raise their kids for the beauty of its pristine location on the Oak Ridges Moraine.

“It's a huge issue that could affect so many people,” Enns said, noting the property sits on the watershed for three lakes.

Just down the hill from the site is the Chalk Lake natural spring, where thousands of people collect drinking water.

“There’s a lineup there on Saturdays and Sundays,” she said. “It’s tastes amazing. And you think it’s clean, but now you don’t know.”

Municipal officials erected a huge sign outside the property, stating dumping is not allowed. The company erected a sign of its own, saying it’s not subject to municipal or provincial bylaws.

Environment ministry officials are monitoring the site, with digging now underway for four monitoring wells. Earthworx has also hired a company to test soil samples before they are taken to the site.

More than 100 people showed up, frustrated and angry, at a public meeting last week organized by the Lakeridge Citizens. They called on Scugog Mayor Chuck Mercier to do more.

“We have a bylaw, and you have to abide by the bylaw,” Mercier said. “The injunction is moving forward to stop this activity, because no other method has worked.”

Several residents urged the township to ticket every truck driver arriving at the site, something Mercier said wouldn’t be feasible. He argued that winning an injunction would stop the dumping.

“I have no authority to seize trucks or stop dumping on that site,” the mayor said.

Earthworx officials argue they’re exempt from municipal or provincial rules because the company is building an aerodrome, an antiquated term dating to World War II. They say they must answer only to Transport Canada, although Transport Minister Chuck Strahl argued in a January letter to local MPP John O’Toole that the province should have jurisdiction over the fill operation if it isn’t integral to aeronautics.

Earthworx lawyer John Tidball told residents that the owners — including Gordon Churchill and Claudio Villa, who attended the meeting but did not speak — want to run a clean operation.

“The last thing in the world that the people who own this land want is to contaminate the aquifer underneath this site. They want to run a clean operation. They would like to put an airfield there,” Tidball said.

Tidball said in an interview that Earthworx testing (done by a different lab) of the other half of the same sample tested by the environment ministry came back within acceptable levels for harmful substances. “You can never say you’re 100 per cent sure unless you test every shovelful,” he said.

“What was obvious at the meeting (is that) most people think there’s been dumping of hazardous or toxic waste in there, and I don’t think that’s the case,” he said. “(The soil is coming) from construction sites. They’re condominium projects where you have to dig down.”

When asked to explain why the dumping is continuing even though the municipality pulled the permit, Tidball said Earthworx's position is they don't need a permit because of the aerodrome.

Ian McLaurin, a spokesperson for the citizens' group, said they simply want dumping stopped within the moraine area until better regulations are in place.

"We also without want assurances that there has been no impact on the groundwater, and wherever that ground water is travelling to," McLaurin said.

Josh Garfinkel, a senior campaigner with Earthroots, an environmentalist group, believes this case reveals the loopholes that exist in the laws governing fill dumping and protection of the moraine.

"As more and more development happens, we will be left with the critical question: What to do with this fill? And what is clean fill and what is dirty fill?" he said. "I think it's the tip of the iceberg."