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Who's responsibility is it when dirty dirt surfaces?

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by [LINDSEY COLE](#) Jun 10, 2015

Contaminated soil found at the Greenbank Airways site in Durham Region has unearthed a bigger question on the reuse of excess soil: Who should take responsibility when issues surface, the province or municipalities?



Recently, Scugog Township pulled the plug on the delivery of soil to the airport site, which is located at Highway 47 East just outside of Port Perry, Ont.

Twelve of 16 bore holes tested by Golder Associates in March were found to have exceedances beyond Table 2, a standard set out by the province.

Various debris such as red brick, wood fragments, asphalt, plastic, rubber and glass were found.

"Contaminants of potential concern are present in the fill materials at concentrations that are above the regulatory standards identified in the Greenbank Airport Site Alternation Agreement," a report to Scugog council reads.

According to Glen Smith, Scugog's director of public works and parks, airport officials were without a permit as of April 1, thus the decision was made that there would be "no new permit until all exceedances on site have been dealt with."

As of Daily Commercial News press time, talks were continuing between the two parties about a remediation or removal plan.

The latest issue in Greenbank comes just before the province is supposed to release the results of a review on soil policies in Ontario.

Smith says while he is hopeful the review will evoke change, he states over the years the onus has been placed on municipalities who do not have the proper resources to handle these matters.

"Fifteen years ago, if there was any contaminated soil or even suspected anything like that, then we could call MOE (Ministry of the Environment) and they would come en masse and deal with it," he says, adding the government's idea that municipalities should implement the best management practices (BMP) doesn't solve the problem.

"They give you a bunch of guidelines to follow, but they take no accountability for enforcement themselves. It still falls on the local municipalities, the local authorities, who are ill equipped to handle the science or the enforcement."

Alan Durand is the project manager for SOil (Supporting Ontario Infrastructure Investments and Lands), an online service geared towards supporting the "responsible movement of excess soils from construction projects in Ontario," which was created under the auspices of the Residential and Civil Construction Alliance of Ontario.

He says the BMPs are a valuable tool, but the MOE fell short on implementing them adequately and some municipalities are under the impression a regulation will solve all problems.

"The whole thought then (when they were developed in January 2014) was that municipalities would pick up these BMPs and bring them into their updated site alteration bylaws, and procurement procedures, and the oversight that they are allowed to apply to things like granting permits. Really there was no implementation plan. Everything kind of stopped in that area to await that study," he explains.

"A lot of people, particularly at the local level, in simple terms said 'oh, we just need a reg to stop it.' Life is not that simple. The movement of dirt is much more complicated."

The MOE, the Ministry of Municipal Affairs and Housing, municipalities, developers and the like all need to work together, Durand says.

"A little town of Scugog doesn't want to have to go out and hire four inspectors that stop every dump truck going down the road," he states.

"You have to have it done by industry at the source and at the receiving end. Everybody involved has to understand the material they are dealing with and how to reuse it."

With some of the fill coming from Toronto, Smith says more oversight is needed on the other end of the line.

"The building boom in Toronto for various reasons is a good thing for the economy," he acknowledges.

"Whoever is doing that (handling soil) should have more responsibility over the fill that they're taking out. The onus should be on them to work with the province, or whomever, to have it taken to the appropriate site. It shouldn't end up in the backyard of Scugog."

Stopping the movement of fill altogether from Toronto isn't a solution either, Durand adds.

"The last thing you want is to have a moratorium on shutting down how soil gets moved out of Toronto. You would effectively kill a lot of commercial work. You have to balance things," he says. "The movement of soil is important to allow the Toronto/Ontario economy to keep moving ahead, but at the same time you have to protect what's going on, where the material goes."