

## Flamborough struggles to combat dumping of illegal Toronto dirt

Hundreds of trucks arrive every day carrying potentially contaminated fill from GTHA sites

By Samantha Craggs, [CBC News](#) Posted: Jun 22, 2015 5:45 AM ET

Rob Pasuta sits in his pickup truck along the side of the road and watches a man in an orange vest aimlessly sweep at a long, thick trail of dirt on the road.

The effort is no match for the mess — the twin tracks of dirt stretch a kilometre down the road. At this particular spot — a garden supply place on Highway 5 West in Flamborough — four or five dump trucks full of fill from GTHA construction projects arrive within minutes.

The man glances at Pasuta, a Ward 14 councillor, and eventually approaches. "You broke down?"

"I'm not broke down," Pasuta says. "I'm wondering whether you're going to clean up that road."

*It's almost like a drug cartel, in a way.'- Coun. Robert Pasuta on the fill trade*

The man knows Pasuta. Everyone in the Flamborough dirt trade does. For about four years now, he has been following trucks, parking on roadsides and calling bylaw officers on his Blackberry. He's been a general "pain in the ass" as he tries to curb the constant truckloads of potentially contaminated GTHA dirt from polluting the water table and marring the land.

And so far, it's just not working.

Enforcement is increasing. In the last year, city bylaw officers have issued 16 stop work orders for illegal dirt dumping in Ward 14. They've fielded 61 complaints, and are battling a well-known fill broker and a landowner in court.

But the money runs so deep, and so many people are getting rich from it, that it's a mountainous problem, Pasuta said.

"It's almost like a drug cartel, in a way," he said.

Here's how it works: developers cashing in on the GTHA construction boom are building subdivisions and condo towers. But in the "fast and furious" flurry, many don't think about where they'll put the dirt, said Nathan Murray, a Conservation Halton watershed enforcement officer.

Enter fill brokers. They approach "the contractor, or the subcontractor, or the sub-subcontractor, and say 'I can get rid of that dirt for you,'" Murray said. Some of it is from deep underground where condo towers will take root. Some is skimmed from the sites of future subdivisions.

'Where are the environmentalists?'- *Coun. Robert Pasuta*

Meanwhile, the fill broker approaches Flamborough landowners and offers them money — usually \$5 to \$10 per load, or services in trade — to take the fill. Each day, Pasuta said, hundreds of loads of fill arrive in Ward 14.

But there are problems. For one, no one really knows what's in the fill. Aside from the initial environment assessment done for the original development, no one tests the material. Dirt arrives mixed with wire mesh and bricks, and traces of petroleum and other suspected toxins, Pasuta said. And some Flamborough landowners are putting it next to creeks and using it to fill in ponds.

Landowners aren't always protected either. Some fill brokers promise landowners that they'll take care of permits, and then they don't, Murray said. Some landowners believe the soil has been tested when it hasn't.

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

Pasuta knows of a renter who accepted \$10 per load of fill, and the dirt was dumped without the landlord's knowledge. In other cases, more fill is dumped than expected, or of lesser quality, and landowners must pay to remove it.

## **There is a right way to do it**

There are legal uses. Some farmers, for example, have used it to level farmland. Others use it for legitimate berms. Pasuta is mainly concerned about what's in the fill, the damage to the roads and the sheer volume of truck traffic.

Sit for a mere 10 minutes along Highway 5 West, he said, and you can count dozens of dump trucks full of potentially contaminated GTHA fill. He's seen as many as 100 line up at a property. "It's incredible."

'We're going to ask the courts to send someone to jail for dirt?'- *Nathan Murray, Conservation Halton*

"Tarps back, they're coming from Toronto with dirt," he said. "Tarps forward, they're heading back."

The high sums of money involved make it hard to stop it, Murray said. He's investigated fill brokers who make more than \$700,000 per year. Some make \$20,000 per week. And contractors are just happy to get rid of the fill.

In the end, landowners and the environment lose, he said. But it's hard to motivate the public to care.

"There's a criminal aspect to this that's leaving a trail of victims," Murray said. "The more I dig into it, the more issues I'm seeing."

Pasuta laments the same point while stopped on a roadside. A former grassy meadow there is bumpy now, covered in gravel piles with old tires, metal tubes and other excavated junk.

"Where are the environmentalists?" he said. "They should be on this."

## **Fines only go so far**

Legal fill requires a permit from the conservation authority or the city, depending on the property. The city covers it under its site alteration bylaw. The fine for a first offense for a property owner is \$10,000. For corporations, it's \$50,000.

But when fill brokers are making in the high six figures, it pays more to not follow the law, Murray said.

'In the GTHA, they're digging deep, and the fill has to go somewhere.'- *Nathan Murray*

"Under the Conservation Authorities Act, our fines max out at \$10,000," he said. "We're going to ask the courts to send someone to jail for dirt?"

The city will hire a consultant this year to recommend how it can deal with the fill issue. It also beefed up its site alteration bylaw in 2013.

The city is also participating in a Hamilton fill working group, which includes city officials and local conservation authorities.

As for the illegal aspect of the fill trade, "I would say it's not getting better," Murray said. "It's hard to gauge whether or not it's getting worse."

## **No end in sight to the construction**

"In the GTHA, they're digging deep, and the fill has to go somewhere."

Back at the roadside, Pasuta doesn't flinch as he talks to the man in the orange vest, who insists he has Ministry of Environment approval.

"We're answering to the powers above," the man says with a nervous laugh. "I don't know what to say."

Pasuta says later that his truck has been rear-ended as he investigated the dirt issue. Once, a man told him to "get the f--k out of here."

"I handed him my card," Pasuta recalls. "He said, 'Ah, I've heard about you. You're the dirt hawk.'"

[samantha.craggs@cbc.ca](mailto:samantha.craggs@cbc.ca) | [@SamCraggsCBC](https://twitter.com/SamCraggsCBC)