

**THE BROCK WEST
LANDFILL SIGHT:**

**A CHRONOLOGICAL
HISTORY OF
LANDFILL
OPERATIONS IN
PICKERING.**

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CHRONOLOGICAL HISTORY - LANDFILL OPERATIONS IN PICKERING

Early 60's - Metro Toronto acquires abandoned gravel pits for the purpose of long-term waste disposal until the year 2000. The 3 sites are: Brock West (formerly Liverpool), Brock N. and Brock S. - the latter two located south of Greenwood.

1973 - With Scarborough's Beare Rd. landfill full at approx. 10 million tonnes, Metro is set to transport roughly one-half of its municipal waste to the Brock West site located at Valley Farm Rd. at the third concession. In the following year, Brock W. opens, but a Pickering Township environmental group, Group Against Garbage 'GAG', adopts a not-in-my-backyard attitude and attempts to fight Metro's operations.

The province which has already expropriated large tracts of land for the future city of Seaton, comes under fire and both Brock North and South are shelved temporarily. Then provincial environment minister Bill Newman, whose riding contains the two northerly proposed sites, lives in the hamlet of Greenwood: it would appear that Brock W. will be the 'sacrifice' location for a longer period.

1975 - Brock W. situated on the east side of the west branch of Duffin's Creek was termed as a 'Cadillac' designer dump (sanitary landfill project) with a tenure of no more than 5 years. With a minimum of 18 trucks per hour max. odours were to be noticed no more than 75 metres (yards) from its

boundaries. Pickering councillor for Ward 3 (Greenwood) issues stern warnings about dump matters and urges recycling as an alternative; Norah Stoner becomes a dump foe.

1982 - Pickering's town council unanimously approves residential developments to continue adjacent to the vicinity of Brock W. Apparently politicians feel that Brock West's life will soon be over; unfortunately Metro announces that this operation will continue until a capacity of 15 million tonnes is reached. The time frame is pushed to 1990.

1985 - Pickering's mayor John E. Anderson "prepared" to battle Metro over strong odours which are experienced several miles in most directions. Council is divided over plans to serve injunctions - mayor Anderson distributes literature castigating councillor Laurie Cahill for this suggestion - or revoke Metro's licences. Infighting prompts citizens to form DUMP METRO, Pickering's second environment organization. Then regional councillor Norah Stoner and local councillor Ward 3 Beverly Morgan are the founders of this group after GAG is disbanded. Struggle is intensified by conducting formal meetings and odour journals distributed to affected areas.

Sept. 1987 - Two major meetings at Pickering District High School are arranged with Metro Works officials. Here, hostile and indignant residents vent anger and frustration

with the promulgation of Brock North and South. During the second meeting Bill Newman former MPP and Conservative environment minister condemn Metro's unaccountability and irresponsible operations and conduct at the Brock West site. Metro Works Committee offers to buy out anyone who fears that they may suffer because of the proposed Brock South landfill operation.

Oct. 1987 - Residents from Pickering and Ajax form a third environmental group called PACT Pickering/Ajax Citizens Together for the Environment, a far more powerful one than DUMP METRO - one with a well-informed committee. The group is chaired by a former mayor of Ajax, William Parish. It is formed in response to Metro's plans to defile the environmentally-sensitive area of Greenwood, a locale which is shared by both municipalities. Metro continues to cry crisis but is still recycling at 1-2% despite the previous agreement in the late 60's re: conditions of operations for Brock W. Mary Wood a PACT member conducts a march on Toronto City Hall depositing symbolic bags of garbage on its doorsteps. Works Commissioner Frank Horgan warns Queen's Park that unless more sites are allowed, trash will pile up on city streets. Norah Stoner now Liberal MPP steps up the fight.

Jan. 1988 - Metro is generating 3.3 million tonnes/year. It

asks Kingston as well as some northern Ontario towns if they will agree to accept its solid waste. The reply is an emphatic NO! Brock West now receives more than 5,000 tonnes per day hauled by 600-800 vehicles in the same time period.

Feb. 1988 - Although Metro insists that its operation is run properly, a methane gas explosion destroys a weigh station injuring one worker. Metro is later fined \$12,000. Contrary to previous agreements, a number of illegal material and matter is allowed into the site. This list is announce in March of 1993.

March 1988 - Environment minister Jim Bradley disallows Metro to circumvent or fast-track the lengthy Environmental Assessment Act which is designed to safe-guard the land and human habitation from major projects deemed a potential threat. Solid waste disposal is to be a municipal responsibility says the province. Metro, while seeking additional sites, finds unwilling communities; the ubiquitous red flag is become of major concern to Metropolitan Toronto. The extension of Beare Rd., Metro's first major dump, is abandoned (Sept. 16) - some label it as a ploy. Town of Vaughan site - Keele Valley - in Maple will be expanded; its sister dump Brock W. will share the same fate. An interim site in Newcastle in East Durham is proposed. An all-out war against "cross-border" shipping by Metro is waged against Metro.

Sept. 28, 1988 - Durham Region bans corrugated cardboard from all dumps. This item represents 10-15% of 280,000 tonnes/year. Metro now delivers 45% of its 3.3 million tonnes/year of solid waste to Brock W. Durham Region tells Metro to terminate dumping 10 months prior to the 1990 agreed date.

Feb. 1989 - PACT chairman Bill Parish, in a letter to Durham Regional chairman Gary Herrema, states that Metro is still dumping 100,000 tonnes/year of sewage sludge into Brock W. one of the probable causes of offensive odours.

May 18 1990 - 1,500 angry Pickering residents assemble at the town's recreational complex to denounce the Whitevale P1 proposed dump site. Gary Herrema and Durham Works officials square up against a hostile situation as they attempt to persuade everyone that Brock West's life span is coming to an end and therefore a "new site" must be found for as, he put it, - "your garbage". What was meant in truth was a place for Metro's garbage with Metro's money. While this scenario was taking place during the time frame of the P1 fiasco, Metro tankers were sucking up leachate matter from the Brock North site on the 5th concession and Brock Rd. and shipping it down to the sewage treatment plant in Squires Beach, Pickering. In 1978, approx. 170,000 tonnes of garbage was dumped at the site, an act which proved disastrous

because of the presence of springs in the Greenwood region. To this day leachate is still being trucked southward - 300 hectares (750 acres) of which 4.8 hectares or 12 acres were used.

Sept. 18 1990 - Metro Works Commissioner Bob Ferguson states in a report to Premier-elect Bob Rae that if no new sites are approved by next July, the province will be asked to expand Brock W. as well as Keele Valley.

Nov. 9 1990 - Durham Region commences a ban on excavated dump material, contaminated soil, recyclable wood products, and loads with more than 50% scrap metal; a move designed to extend Brock West's life. Tires were banned last January.

Nov. 23 1990 - The newly formed NDP government places the P1 site back on the dump list one day after promising that it would be exempt. Durham West MPP Norah Stoner of the defeated Liberal party, who fought against Metro's intrusion for 17 years, retires from the political scene. Unfortunately she was remembered as a member of a political party which endorsed P1. Ajax High School teacher Jim Wiseman, now the new MPP for this dump troubled riding, must try to resolve the issue.

Dec. 26 1990 - Durham's Works Commissioner states that 56,925 tonnes of waste has been diverted from landfills including

Brock W. This figure represents 18.4% of 308,445 tonnes for 1990.

Dec. 11 1991 - A consultant's report states that Brock West appears to have a vastly greater life expectancy than previously believed. This incredulous news predicts a new lease on its life until March 1994 - possibly as late as Oct. 1996! It is now referred to as the Dump that won't die! Metro had calculated that Brock W. would have lasted until 1993. Brock West receives 500,000 tonnes annually with Metro's commercial sector and Durham's input divided evenly. Dumping costs for Durham are \$38.00 a tonne.

Jan. 31 1991 - Metro bans office paper and some metals from Brock W. and Keele Valley. The provincial government, unlike its predecessor, assumes full responsibility for garbage disposal.

Apr. 5 1991 - The Interim Waste Authority (IWA), a provincial Crown agency created by the NDP party, is granted power to hunt down potential candidate sites and involve the general public. Chairman Gary Herrema announces that Durham Region has no more control over dumping practises - "we're not in charge." The region has now spent 3.5 million dollars in its search for potential dump sites. He also predicts that Brock

West will have to be expanded to accommodate the Greater Toronto Area as outlined under the IWA and its political counterpart the GTA.

April 12, 1991 - In the first 3 months of this year, trash disposed at Metro sites was down 240,000 tonnes, representing a 31% drop over the same period last year. The recession and reduction programs appear to have a significant effect. Keele Valley and Brock West received, in all, 525,066 tonnes from Jan. to March. Brock West has space, supposedly, for another 275,391 tonnes. In March it accommodated 35,184 tonnes; at this rate ~~will~~ the site will last another 8 months?

Aug. 1992 - Rumors of expansion at Brock W. plague Pickering's political climate and at least one Regional councillor threatens a public blockade of its operations. Speculations of material settling with time progression would indicate that more tonnage could be added. It becomes painfully obvious now that time has run out; public pressure and political in-fighting have succeeded in delaying proposed site(s) that would have replaced Brock West. The massive crater adjacent to the northern perimeter of Brock West, which was one of the primary sources of soil cover for the landfill operation, becomes of great concern to residents. Will this huge hole in the fields north of the CPR tracks become Durham's future garbage dump?

August 13 1992 - The Mayor's Citizen Task Force located in the Pickering Town Centre, officially opens. Mayor Wayne Arthurs, members of town council, Lloyd Thomas, chairman of PACT, affiliated members, and the public utilize this 'store' as a public awareness centre. Task force chairman Dave Ryan states, "What we hope to do is raise the consciousness of people across the town." Maps of Brock West as well as other candidate sites are displayed in this office manned solely by non-paid volunteers.

June-Nov. 1992 - The IWA under Bob Rae - premier of the NDP - and his government arrive at a 'short list' of potential sites. Of five in the one thousand square miles that the region comprises, four are located on the provincially-owned lands around Whitevale; the crater north of Brock W. is named EE11.

Jan. 24 1993 - Pickering Mayor Wayne Arthurs states that he and council will sue Metro Toronto for overfilling Brock W. Metro is accused of deliberately cramming a considerable excess of trash (approx. 5 million tonnes) in violation of both operating certificates and agreements it signed prior to the site's tenure. PACT's research shows that the extra waste gave Metro \$400 million in extra revenue from dumping fees! If Metro closes the dump and settles the financial problem, lawsuits will be dropped.

Feb. 1993 - PACT demands that Brock West be closed and sealed immediately. It also accuses the province and Metro of hushing up an unauthorized expansion of Brock W. PACT hires two University of Toronto geography professors who contend that this dump has been overbuilt. Lloyd Thomas stated that the original blueprint drafted in 1977 accommodated 19 million cubic metres (655 million cubic feet) of solid urban waste. The dump is 676,655 cubic metres (23,682,925 cubic feet) from that capacity. The town of Pickering alleges they were not consulted. Mayor Arthurs stated, "You've gone beyond capacity in some places as high as 40 feet (12 metres). The province claimed that Brock West still had 2.4 million cubic metres of space left. Dave Strain of PACT's technical committee said that ground water may be contaminated and since the slopes are steeper than the original design called for, instability of the dump could occur. Ruth Grier, the NDP environment minister, claimed that the Certificate of Approval issued to Metro called for 20.5 million cubic metres.

Feb. 25th - March 1993 - Metro tanker and solid waste dumpsters are parking illegally at the intersection of Liverpool and Kingston Rd. Drivers have been stopping for coffee breaks at the franchises on Glendale Dr. thus creating hazardous driving conditions for motorists leaving that immediate subdivision. Although Metro Works officials have reprimanded employees for driving on non-designated routes,

this practise continues on an 'off and on' basis as it had for about two years. In this time frame information issued by PACT obtained from Brock West's Landfill

Development Operational Report 1989 - page 19 states:

- 92 tonnes of animal carcasses
- 1,240 tonnes of asbestos
- 5,798 tonnes of incinerator ash, classified as highly toxic
- 11,861 tonnes of hospital waste
- 16,034 tonnes of contaminated waste
- 101,982 tonnes of sewage sludge

All of the above are in violation of the landfill agreements and guidelines. At PACT's 7th annual meeting (in this month of March) a number of observed infractions were discussed: poor soil cover material, such as sand and gravel instead of non-porous clay is still being applied - as it has been for many years - to build the dump; on Jan. 4th 1988 for e.g. no final soil cover was even applied and it is highly suspected that an inadequate thickness of cover is placed down a majority of the time; there now exists a large "head" of water within the body of the landfill itself that shouldn't be there; bags of garbage litter the road to the dump; litter containment fences are inadequate to contain debris blowing into the surrounding trees and residential yards; gasses from the burners are escaping into the air because of alleged low burning temperatures; and Metro Works admits that a number of purge wells around the dump's

perimeters will have to be installed because of leachate problems. PACT announces that about 500,000 dollars will be needed to fight any future dumps in the town.

Oct. 23, 1993 - Town council might "demand" Queen's Park shut down the Brock West dump. A vote by politicians is expected on Nov. 1 on whether to ask the Ministry of the Environment to revoke a Certificate of Approval that allows landfill owner Metro Toronto to operate the site. Councillors Kip Van Kempen and Rick Johnson plan to move a motion re: revocation of the aforementioned. PACT however suggests council seek a court injunction to close the dump. As happened in 1985, town council once again becomes ineffective because of infighting in the council body. Councillor Johnson believes that Brock West is detrimental to personal health. However, Kip Van Kempen stated that court action which involves taxpayer's money may not be the quickest or best solution. Metro's director of solid waste management, George Kelly, said that Brock West is not full - capacity is based on volume not tonnage he said - and refutes PACT's claim that the dump is poisoning the environment.

Nov. 3, 1993 - Council votes to demand the Ontario Ministry of the Environment immediately revoke Certificate of Approval. It also decides to have town solicitors meet with PACT's lawyer to discuss legal action against Metro and the Ministry of the Environment; demand immediate action from the

provincial government to close the dump and to endorse recommendations in a report by professor Joseph Cummins, hired by PACT, to analyze data on the landfill; oppose Metro's plan to transfer waste from the closed Brock N. dump to Brock W., and to call a meeting on the proposal with works staff from both Durham Region and Metro. Councillor Maurice Brenner ripped the motion calling for a rescinding of Metro's operating certificate. Although he supported the motion, he stated that council had passed 11 similar motions previously. He stated, "Don't you think it is time to stop the rhetoric and get on with the action?" It should be pointed out at this time frame that in the period of approx. 1978, Metro as stated on page 2, introduced roughly 170,000 tonnes of solid urban waste in a 4.8 hectare (12 acres) area within a 300 hectare site; one which turned out to be a dismal failure. A second issue now arises in which 110,000 tonnes of waste could be destined for Brock West. From the late 70's to the present, millions of litres of contaminated groundwater have been pumped out of Brock N. and transported by Metro's tankers to the Highland Creek (Scarborough) sewage plant.

Nov. 14, 1993 - It is announced by the Interim Waste Authority (IWA), a provincial government agency in waste disposal matters, that the controversial EE11 site, one of four in Pickering - out of a total of five in Durham - will sit next to the existing Brock W. operation. It is in fact

an extension of Brock West. PACT chairman Lloyd Thomas condemns this proposal since it lies adjacent to an already troubled site as well as within the borders of the proposed Seaton community. EE11 is intended to last 20 years and will cover an area of 222 acres. Mayor Wayne Arthurs stated: "The town is not about to roll over and play dead and accept another dump." At a press conference he promised Pickering residents that "not in three years...not in 300 years will there be another dump here." The new dump or if you prefer Brock West's expansion would open in 1966 and accept 6.6 million tonnes of garbage. It should be noted that despite all the noise emanating from town council regarding the health and safety of present residents as well as future ones who live in close proximity to a landfill, the town council in 1982 and 1985 unanimously approve of the major Brock Ridge housing developments-while Brock West was growing-without any effective challenge.

Nov. 24 1993 - Eastern Power Development Co. at Brock W. faces a \$100,000 fine for spilling 24,000 gallons of toxic liquid into Duffin's Creek.

Nov. 17 1993-to end - Meetings between the IWA and affected municipalities become very stormy. In Pickering about a thousand people descend on the Metro Trade Centre and drown out IWA chairman Walter Pitman in a thunderous roar of disapproval. Politicians say a lot and do virtually nothing.

Durham West MPP, Jim Wiseman, faces increasing dissatisfaction from his constituents as well as some PACT members. Jim Wiseman tries in a futile attempt to persuade the area that the IWA's process is fair.

Dec. 15 1993 - PACT holds an information meeting for the general public at Pine Ridge Secondary School. About 200 people show up but several concerned residents bitterly condemn the EEl1 decision. Some of the Pickering councillors are harshly criticized for their apparent lack of will and unwillingness to support legal action both in their decision-making process and support of PACT recommendations. There appears to be an alarming lack of political will to take drastic action against Metro and the province. Former PACT chairman Bill Parish takes Jim Wiseman to task over the difficulties of getting a meeting with then Environment Minister Bud Wildman. The mindset of "the garbage has to go somewhere" still prevails while alternatives such as recycling and cross border shipping of trash languish by the roadside. The EEl1 site is claimed by those in the know as one of pragmatism or practicality and a close convenient and inexpensive one already situated on provincially-owned lands. Criteria supposedly used by IWA's selection methods such as geology, proximity to habitation, roads, etc. are scoffed at by the public.

Feb 1994 - The issue of the leaking Brock North landfill fiasco affects Pickering. Three levels of government agree that 110,000 tonnes of refuse must be transported safely from the site at Brock Rd. and the 5th Concession to make room for a possible residential neighbourhood. But Pickering and Durham Region maintain Brock W. at 17 million tonnes is full. Bill Parish says that PACT wants a full public hearing first. Brock N. is leaking and Metro Works is pumping 75,000 litres (20,000 gallons) of contaminated water per day out of this site. Councillor Rick Johnson stated that it has cost the Region \$146,000 since 1981 to maintain the Brock N. Site. (Why?) David Steele, now PACT chairman, writes to the Ministry of the Environment to request a public hearing on the matter. Councillor Johnson claims that Metro has been sending its garbage to Keele Valley since Dec. 15th 1993 as announced by Metro Toronto works dept. chief landfill site engineer Ken Hogg. The lifespan of Brock West is extended to 1996. It is then reported that if Brock West is allowed to take the 110,000 tonnes from Brock North, it should be full for sure.

Feb 9 1994 - John Aker, Durham's Works chairman, states "We're not aware of any leachate problems at Brock W. and there's no need to close it." He further tells Kip Van Kempen, "I understand your own legal counsel will tell you that you don't have a hope in hell"; referring to Kip's remarks that the town may have to fight Metro in a courtroom. Kip then states that there are risks if we use

taxpayer's money. Kip blames the Region for dumping at Brock West, yet it must be noted that Metro is still trucking material into Brock West.

March 1 1994 - About 60 protesters organized by PACT block haulage trucks on their way to the Brock W. site. In an effort to bring the issue of dumping to the fore front. During the half day demonstration, trucks were lined up for over a quarter of a mile. Several Pickering politicians showed up including Mayor Wayne Arthurs who jumped onto a haulage vehicle. The IWA gives PACT \$160,000 and the town \$85,000 to fight the EE11 site. The IWA has spent nearly \$50,000,000 on the entire site selection process!

March 6, 1994 - A letter to the editor in the Ajax/Pickering News Advertiser from David Ryan, PACT executive, and David Steele, chairman, castigates Premier Bob Rae and the IWA as well as Jim Wiseman for this terrible and grossly unfair process of waste site selection. Despite 100,000 signatures and many letters of concern, the EE11 site will get a fast track process. Threats of a 1985 provincial election no vote for the NDP are issued.

March 23 1994 - Dr. Joseph Cummins, a geneticist and associate professor at the University of Western Ontario who was hired by PACT, claimed that the leachate from Brock W.,

is poisonous. Even airborne contaminants were of great concern to him. But Regional associate medical health officer Dr. Linda Panaro vehemently disagreed with the Cummins report. Dr. Panaro said that the liquid in a surface pool near Brock West contained iron and manganese and was fit to drink. Furthermore, Dr. Panaro shrugged off health concerns and called any risks to health near Brock W. as acute, subjective and self-limiting. Despite PACT's efforts to secure support from town council for further studies from professionals elsewhere, they remain unsuccessful. Councillor Higdon derided PACT stating that two women whom this environmental group seeks to hire have questionable credentials and "I want to know where my tax money goes!"

March 24 1994 - It is now claimed that Brock West has been quietly accepting garbage at an increasing rate for the past three years. Both Keele Valley and Brock West had a 34% decrease as the result of high tipping fees (since 1991). Brock W. received 498,908 tonnes in 1991 and 507,644 tonnes in 1992. Last year more than 525,000 tonnes entered here. In total both sites are down to 1.4 million tonnes from the 1991 level of more than 2.1 million tonnes. At the 1993 level, Brock West is scheduled to close between Dec. 1994 and Sept. 1996 according to a Metro report.

Apr. 18 - Pickering announces that it will go to court in an attempt to close Brock W. Council votes 6-1 (Ward 2 local

councillor Eileen Higdon opposing, arguing that the town should fight EE11 and not waste money on the Brock W. injunction) to have its lawyers commence court action to obtain an interim injunction and a permanent injunction against the further disposal of waste at Brock West and to obtain an order requiring its closure. Action will be based on the validity of certificates of approval since 1980 i.e. the act of dumping without an Environmental Protection Act hearing; overfilling of the site since 1980 per allowable limits of capacity; question of validity of certificates of approval issued without a hearing of the Environmental Protection Act. Mayor Arthurs states that this is a strategic move. "The timing is right", he adds; "Metro has ignored the town's niceties, of negotiations. Metro intends to keep on dumping as the landfill keeps on shrinking. Metro faces a \$132 million lawsuit from York Region and shrinking tipping fees." The injunction will take about 6 weeks at a cost of \$200,000; the court date will likely be in the late fall.

According to PACT's technical committee member David Strain, the lack of proper cover material has let too much moisture in. Sheer volume has weighted down Brock W. causing shrinkage, causing more space, and more dumping. The original agreement between Metro-Pickering was a figure of 8.25 million tonnes of waste and then it was to be capped; to date 20 million tonnes rots at the site. "Previous postponements of injunctions by the town allowed lawyers to

get information about Brock W. through 52 questions they submitted to Metro," said Mayor Arthurs.

April 28 - The proposed transfer of 110,000 tonnes of garbage from Brock N. won't be enough to fill Brock W. according to Metro Works director George Kelly. He adds: Brock N. holds about 385,000 cubic yards of waste - only half of Brock West's remaining legal capacity of 780,000 cubic yards. The inflow into Brock W. won't result in a quick closing because at this point they are offset by shrinkage equivalent to 100,000 tonnes a year from compacting, decomposition and leaching. Brock N. will be mined to separate recoverable metals and composted soil from residual garbage, he states. Brock W. operators will need some of the soil for cover material. Councillor Rick Johnson said Pickering has no other interest in seeing 3,400 tractor-trailer loads of residual garbage and 8,700 dump-truck loads of cover material move over local roads.

May 4 - PACT, under the leadership of David Steele, met with Environment minister Bud Wildman for about one hour at this time period. Although 5 important questions were asked, Mr. Wildman listened intently but did not respond. PACT had requested an independent investigation of the existing approved capacity of Brock W. immediately and to submit a written explanation as to why the Ministry issued a Certificate of Approval allowing Metro to dump an additional

7 million tonnes at the site. The issue of Brock N. was raised. PACT requests a full Environmental Assessment with full open public hearings before any transfer of trash is to be undertaken. PACT requests that the proposed EEl1 dumpsite be closed immediately. Metro has excavated 2.5 million tonnes of earth from this site in the past 6 years. The excavation of this future site must be stopped immediately; the IWA process for dump approvals must be rescinded.

May 8 - Pickering councillors called on Durham Region to provide facilities other than Brock W. for the disposal of waste from Pickering and asked other Durham municipalities to find a site other than Brock W.

May 20 - Councillor Rick Johnson stated that Metro is throwing away the rule book and is allowing waste haulers to dump all kinds of recyclables at the Brock W. site. Council voted to request the province and Metro to enforce recycling regulations at the site. He added that Metro is trying to maximize revenue from the site before its closure. Mr. Johnson maintains that materials such as roofing, tires, scrap metal and wood are being allowed in. The proof: there has been a 70-90% reduction of non-residential waste going to Durham's two transfer stations. Metro has lowered its tipping fees from \$75 per tonne to \$50 a tonne. Metro's chief engineer Ken Hogg denies the allegations.

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August 17 - Town of Pickering officially launches a \$3 million lawsuit against Metro Toronto for damages allegedly resulting from its failure to close its Brock W. landfill site. Lawsuit served with the Ontario Attorney General also names the Province as a defendant. Mayor Wayne Arthurs says the decision to spend approx. 200,000 dollars in legal fees seems to be the only avenue left to bring Brock W. to a close. After a 60 day notice period, the Town plans to go to court to seek an injunction to have the site closed immediately pending the outcome of the lawsuit. If the court agrees to the injunction the site could be shut very shortly. Mayor Arthurs estimates that it could take up to 18 months before the court process is complete and a decision is issued on the Town's suit. Pickering alleges that leachate plumes are moving off-site from the eastern and southern borders of Brock W. and fouling groundwater beneath neighbouring lands as well as Duffin's Creek. It further maintains that the Province knew or should have known by 1991 that the collection systems for gas and leachate were clogged or collapsed; the dump's continued operation only exacerbated the overflowing mound of leachate. Unless Brock W. is closed immediately and remedial action is taken there is a significant risk of the liner's total failure.

August 31 - PACT endorses Pickering's lawsuit. David Steele who chairs the anti-dump organization, 'welcomes' the decision adding "I speak for all members when I say that this

criticisms have been omitted with explanation.
motion makes us all very happy, PACT in fact has been recommending this kind of action for at least the past three years. Now that Pickering council has committed itself and has seriously taken up the fight to close the Brock W. site, PACT will continue to prevent Bob Rae's NDP party and the IWA from building the proposed EE11 mega dump directly adjacent to the problematic Brock West dump. David Steele noted that until now both Pickering and Durham Region were ignoring the information submitted by his environmental organization.

Sept. 21 1994 - Regional councillor for Pickering's ward 3 states that Metro is ready to back down and close its Brock W. dump in face of a lawsuit launched by the town. Johnson says, "We're not talking years, we're talking months now." We've got their ears perked up. It may be closed before we go to court." Ward 2 local councillor Eileen Higdon urged council not to approve a \$70,000 expenditure on consultant's fees related to the town's lawsuit. "It should have been done 14 years ago."

Sept 23 1994 - Town of Pickering files notice of application re: lawsuit to stop environmental hearing on the EE11 proposed dumpsite adjacent to Brock W. Town claims that there has not been a proper provincial govt. review of environmental hearings before the EEA can begin. There was no public comment period hence it is invalid. Concerns and

criticisms have been omitted without explanation.

Pickering's 45 page list of criticisms and comments do not appear in the government review. The GTA area is not being dealt with a proper or democratic manner as the Cabinet and the IWA have "collaborated" to curtail the necessary requirements re: an EAA. Mayor Arthurs states the cost of this action won't be "substantive" and will be covered by the 1.1 million dollars budgeted in 1994.

Oct. 12 1994 - Works Committee chairman for Durham, John Aker stated that the region is not considering taking control over Brock W. Metro has been negotiating with Durham with respect to the perpetual care of Brock W. after its closure; however these talks fell apart. Durham is mandated to prepare for the "eventual" closure; Aker adds that he receives life expectancy reports from Metro every six months, but believes Brock W. could have a "very, very, long life."

End of Oct. approx. 28th - Angry opponents of the EE11 repeat opposition on Thursday 28th of this month in and around the central library in Pickering. PACT as well as groups from Caledon and Vaughan join together. PACT chairman David Steele says that all groups representing their communities will band together disallowing the IWA to divide us all.

Nov. 2 1994 Wayne Arthurs claims that Durham chairman Gary Herrema is pitting municipalities against each other with

Dec. 14 1994 - FACT will seek to state so that it can
 "inflammatory" comments on the future of landfill in the
 region. Herrema stated in the Bay News paper on Oct 19th, he
 wasn't prepared to take a stand against the EEL dump site.
 He accuses Mayor Arthurs of not having a fallback if the site
 selection is overturned. "What is his alternative,
 Clairington (formerly Newcastle)?" Herrema demanded.
 Herrema is drawing battle line replies Arthurs, "To pit one
 municipality against another is inflammatory."

Dec. 18th - Metro Toronto and the Province will try Monday
 Nov. 2 1994 - The hearings on the EEL are adjourned;
 actually this event takes place on the previous Friday but is
 reported in the Advertiser on the 2nd. A motion by the town
 for a temporary injunction to force Brock West's closure will
 be heard Dec. 19th 1994. "Pickering and the public will
 suffer irreparable harm in the form of serious environmental
 pollution if the injunction is not granted," states the
 formal town request. Documents filed with the court by
 Pickering charge that 58 million litres of leachate leaking
 from Brock W. every year are contaminating two streams and
 local groundwater.

FACT will attempt to advise party
 status before May, if not it will make a formal motion before
 the court at that time.

End of Jan. 1995 - According to the Toronto Star section B7,
 Environment the projected residential, commercial and

Dec. 14 1994 - PACT will seek party status so that it can join the town in court on Monday Dec. 19. Its chairman David Steele states that PACT has been actively involved with Brock W. for many years, it's not fair to let the town fight alone, affidavits have been collected by affected residents, it is very important that they have a say in court. PACT offers to pay its own court costs which is estimated at 10,000-15,000 dollars.

Dec. 18th - Metro Toronto and the Province will try Monday (19th) to have the court adjourn the town's case for an injunction to close Brock W.

Dec. 24 - Pickering will now have to wait until May before it has a chance to engage in court actions to close Brock W. But it also means that town lawyers will get a shot at permanently closing Brock W. "We would have wanted an earlier closure but we'd rather wait until May and have a quick trial and decision" said Mayor Arthurs. "Presumably we'd have ended up with legal delays that could have pushed (the hearing) to Sept. or Oct. I think that was a fair trade-off" he adds. PACT will attempt to achieve party status before May, if not it will make a formal motion before the court at that time.

End of Jan. 1995 - According to the Toronto Star section B7, Environment the projected residential, commercial and

Chairman John Aker stated, "I had a seven-word solution. industrial garbage production for this year will be for the Durham region, 300,000 tonnes. The approximate percentage of recycling of solid waste in the Greater Toronto Area is 10; the target date of 50% of recycling is the year 2000, only five years away.

Disclosure agreement. Court case will commence on May 18th. Jan. 26 - Members of PACT believe they scored a major victory as the result of a preliminary ruling by a Joint Board of members of the Environmental Assessment Board and of the Ontario Municipal Board. The size of landfills proposed in Pickering, Vaughan and Caledon will be contingent on the success or failure of waste diversions i.e. the practice of the 3R's - reduce, reuse and recycle.

are based on provincial criteria - dumps would last 20 years. Feb. 28 - Approximately 75 people attended PACT's 9th annual meeting at St. Wilfrid Catholic School in Pickering, only a kilometer from Brock W. Guest speaker Mike Harris announced his common sense revolution platform; with respect to the waste issue he promised to scrap the IWA, no municipality or region will be forced to accept trash from another municipality, tough new environmental standards will be implemented, an EAA could possibly be fast tracked, incineration and rail haul will be considered but not the idea of mega-dumps as a means of waste disposal. Queen's Park will not intervene if a municipality within a regional government is not a willing host. Regional works committee

chairman John Aker stated, "I have a seven-word solution. Ship it north or ship it south." Regional chairman Gary Herrema commented, "I don't see too many happy hosts."

March 8 - Town of Pickering rejects Metro and Province's offer details of which cannot be made public under the NO Disclosure agreement. Court case will commence on May 18th.

March 13-14 - PACT claims a major victory as the Joint Board of the provincial EAB and OMB rules that the 3R's must be considered before a landfill can be approved. PACT chairman states that his group will prove that the IWA grossly miscalculated the planned size and time frame for EE11. But IWA A spokesman John Steele said that landfill size estimates are based on provincial criteria - dumps would last 20 years with the population projections and 50% waste diversion practises.

April 5 - Pickering's mayor Wayne Arthurs says, "The rejection of a landfill proposal near Hamilton dooms the EE11 site before the main hearings even begin. These hearings cost thousands of dollars an hour. Why won't Mr. Rae stop this costly farce?" The proposal in Flamborough was turned down because the proximity to the residential communities was incompatible and concerns from provincial agencies were glossed over by environment ministry staff. Arthurs added that the EE11 straddles the proposed Seaton community and has

inadequate natural containment properties.

May 24 - Mayor Wayne Arthurs says that there is no garbage crisis and doomsayers who predict that landfill capacity in the GTA will run out by 1993 are obviously wrong. Other options such as rail haul, private sector sites, and (3Rs) would delay a crisis for another 37 years. The only GTA site near capacity is Brock W. which is scheduled to close between Nov. of this year and Nov. 1997.

May 31 - A PACT sponsored health report claims the risk of respiratory illness among children living near Brock W. is more than double that of other children living in Pickering. Titled, 'The Health Profile of Area Children' by cancer and birth defect researcher Dr. Rosalie Bertell, a report shows a study of more than 400 children randomly selected reveals a doubling rate of asthma and eczema. This immediate area contains Duffin's Creek. Bertell states that there are an "incredible mixture" of toxins coming from Brock W. She adds, "the magnitude" of the health problems can be questioned because of the small size of the study. Bertell states that "Governments try to hide these problems..but the problems are real." Wayne Arthurs said the public should be concerned but not alarmed; it draws attention to the fact that locating sites near residences aggravates health problems. PACT chairman David Steele says, "The Brock W.

dump is a major source of air, water, and land pollution and it should be closed now; at once! This report shows there is definitely an impact from the landfill site. We've got to close Brock W. We've got to cap it and we've got to clean it up. People should know now that they can't trust the ministry of the environment. Period."

July 7 - Ajax Regional councillor Steve Parish charges that the Bertell's health report is being 'sloughed off' by Durham regional officials. Mr. Parish said, "I'm astonished that Dr. Panaro - Durham's associate medical officer of health - says there are no records of contaminants in the air, water or land.

July 7 - Premier Mike Harris keeps his election promise by disbanding the IWA (this cabinet meeting was held on Wed. July 5) and by doing so effectively kills the proposed EE11 adjacent to Brock W. Durham's Regional works committee chairman vows, "There will never be a new landfill site or incinerator in Durham." He adds that in 1977 when Brock W. reaches its life expectancy, garbage will be shipped to the U.S. or northern Ontario. David Steele comments that with the dismantling of the IWA, hopefully Pickering will be a place of people not dumps. Mayor Arthurs says, "The champagne is on ice, all we have to do now is pop the cork." MPP Janet Ecker for Durham W. says that Ms. Brenda Elliot, her new government's Minister Conservative government, will

instruct the IWA to wind down its operations immediately; the Conservative government will allow municipalities to investigate all possible options to deal with waste; all alternatives including incineration will be available for consideration.

Aug. 16 - Approximately 9 years since its formation, PACT continues to seek a single party status in order to participate in Pickering's \$3 million legal battle with Metro Toronto. The request was turned down but the court did rule that all of PACT's concerns must be included in the town's case. Furthermore, PACT must be involved in any settlement. Metro indicates it may take PACT to court for \$3,000 in compensation for status achievement. PACT lawyer, Peter Pickfield says, it's unfair and inappropriate to take a volunteer organization to court; since 1985 PACT (actually this is an incorrect report since Dump METRO preceded PACT as of Oct. 1987) has succeeded in preventing Brock S. and EE11.

Oct. 16 - Pickering Town Council, behind closed doors, voted to consider the transfer of waste from the Brock N site to Brock W. - a move the politicians opposed last year and one that has local environmentalists sounding alarm bells. This about face move is in response to negotiations between Pickering and Metro re: the lawsuit scenario; one which is slated to take place in mid-Nov. Mayor Wayne Arthurs states,

"It's one of the elements up for consideration in the continuing negotiations. It provides an opportunity to cleanup the Brock N. site in its entirety." David Steele maintains waste should not be transferred without a public hearing. "PACT is very concerned about moving a landfill site that had to be closed one year after operation because of leachate problems. Then you're going to dump it into one which is already leaking." PACT is worried that the disturbance of removal will result in the release of toxins of the 130,000 tonnes of matter into the air. Mr. Steele suggests that politicians are trying to make a quick deal to close Brock W. before the next election. He adds that the politicians don't have the expertise to do the right reports on this issue. It should be done by the right people along with a full environmental impact study. Metro simply wants to save money it now spends to pump out leachate which is currently trucked to the sewage treatment plant by the lake. "We won't be shoved out of it" he insists. Pickering citizens thorough PACT have given around \$150,000 out of their pockets to protect their interest.

Wayne Arthurs comments that Metro doesn't prefer to "mine" Brock N. any longer, for fear of disruption. The mayor adds, "a clean site would be better than one in which you are trying to mitigate the damage." He points out that there are no gas or leachate collection systems there; "Our primary goal is to see closure...issue...sites... that protects health, safety, values.

Oct. 22 - A public hearing re: trash transfer from Brock N. to Brock W. won't be held if it's part of an out-of-court deal. PACT would be shown any deal on the landfill negotiations with Metro before it's signed. The town refuses to show PACT a letter from Metro which pertains to negotiation principles; the town it states has passed a resolution but the nature of it will be kept confidential. PACT will not aid the town until its contents are revealed. PACT states that it has experts ready to assist in transfer of Brock N's material.

Oct 29 - According to Mayor Wayne Arthurs an out-of-court settlement with Metro is 'highly unlikely'. There were simply not enough grounds to find an agreement. The lawsuit is scheduled for Nov. 13. If the suit goes to trial, the hearing is expected to last 4-6 weeks.

Nov 8 - Taxpayers have already spent \$1,000,000 on the lawsuit according to town manager Tim Sheffield. After a possible 4-6 week trial he adds that taxpayers could spend between \$1.5 and \$1.7 million possibly being reimbursed by about \$500,000. If Pickering loses, the town may end up footing the legal bill for the province and Metro. "We're not looking for or expecting any kind of financial bonanza" states Mr. Sheffield.

Nov 15 - Town manager Tim Sheffield announced that the municipality, Metro, and the Province are now back at the negotiating table and believe it may be worth while to try again. All three sides agreed to an adjournment of the trial on Tuesday the 14th of this month.

Nov 15th - PACT member and author of the weekly 'Recycler's Report' Lorraine Roulston announced in the local papers that as of March 1995, 80% of Ontario's population had access to recycling. The Blue Box system was able to divert 494,000 tonnes of wastes from landfill sites. The Recycling Council of Ontario, reports material such as boxboard and magazines are added to previous paper fibre such as corrugated cardboard, newsprint and phone books. The NDPE plastic included in Metro's collection program along with the PET type beverage containers account for 2.0% of the Blue Box stream with metal containers making up 15.7% and old corrugated cardboard at 8.2%. As time and technology progresses, recycling techniques and waste management programs are making some headway into reducing the dilemma of space consuming and socially unacceptable methods of waste disposal. The newest and hopefully a most pragmatic solution now practised in the U.S. is landfill mining, a process of material recovery which shows promise.

states Mr. Sheffield.

Nov. 19 - The trial date between Pickering, the Province, and Metro is now adjourned to April 29 1996.

Nov. approx. 20th-22nd - It was announced on the 24th in the News Advertiser that the town hopes to recover 2.2 million dollars it spent fighting the now defunct IWA process to establish a new dump in the municipality. "We feel we have an obligation to get as much back as possible from that crazy process," says Town manager Tim Sheffield. He added that the town will not necessarily meet with success; municipalities in the past have rarely been reimbursed. Pickering is applying to the Joint Board for \$1.7 million according to town lawyer Dan Kirby. P.A.C.T. despite being reimbursed as a result of the EEl fight still remains \$20,000 in the hole.

Feb. 9/96 - P.A.C.T. turns down the town's offer to allow it to be involved in the Brock W. closure. The confidentiality agreement in question is as Dave Steele bluntly put it, was "Basically it was a gag form." P.A.C.T. would have to receive permission from the town, Metro, and the Ministry of Environment and Energy before divulging negotiations even after the agreement was completed. In addition, P.A.C.T.'s board of directors could be held liable if any public discussion was discovered.

Feb. 11 - Dave Steele predicts Pickering and Metro will settle out of court. "You don't have to be a genius to figure out what's going to happen here," he says. Pickering's chances are good, Metro will agree to close Brock W. this summer and provide \$800,000 to \$1.5 million in compensation to the town in exchange for permission to move the approximate 130,000 tonnes of waste in Brock N. to the western site.

Feb 13/96 - P.A.C.T. held its 10th annual meeting at the 25th Division (Durham Regional Police Station). Most in attendance were the executives on the committee; the general feeling was that the organization's work is virtually complete. David Steele did, however, raise some serious concerns about the Provincial government's considerations on the "Golden Report", one drawn up by Anne Golden who recommends a re-drawing of regional municipalities' maps and combining them into a Greater Toronto Area. With the concept of a mega municipality, it is feared Pickering could see an indefinite extension of dumping woes.

Feb. 14/96 - In the Globe & Mail, 2 articles appeared regarding the Harris government's philosophy of possibly moving away from the recycling programs and instead making it easier to establish more dump sites in local municipalities. Far worse, is the possibility of exempting dumps from the esteemed Environmental Assessment Act and the allowing of

incineration as a method of waste reduction. Without question, any move away from protecting the rules, regulations, and laws that have been in place for the past 25 years would anger and dismay environmentalists and conservationists alike. If drastic changes came about, it is feared that governments or ministries could write their own 'Certificates of Approval.'

... updated on Feb. 22 1996

Frank Threlkeld Jr.

founding P.A.C.T. member