



**ONTARIO SOIL
REGULATION
TASK FORCE**

November 18, 2014

To the Standing Committee on Finance
House of Commons
By E-mail to FINA@parl.gc.ca

**RE: Study of Bill C-43
Amendments to the Aeronautics Act - Part 4 Division 2 of Bill C-43**

The Ontario Soil Regulation Task Force supports the proposed amendments to the Aeronautics Act presented in Bill C-43. We have seen several cases where developments at aerodromes appeared to be commercial fill operations and the Act is used to sidestep local regulations intended to protect the environment and the health of citizens from unmonitored fill operations. We believe that the minister should be able to stop operations at an aerodrome where the Aeronautics Act is being abused.

The Ontario Soil Regulation Task Force (<http://www.osrtf.ca>) is a forum for over a dozen groups in southern Ontario concerned about the industrial scale and potential groundwater contamination from soil dumps and commercial fill operations in their communities. At each of these sites there can be hundreds of dump trucks a day depositing soil that may have come from construction excavations or from the cleanup of old industrial lands. Aside from the noise, dust, and traffic issues, neighboring residents are concerned about the potential contamination of the groundwater aquifers that their drinking water comes from. Under their site alteration by-laws, municipalities regulate such matters as erosion control, hours of operation, and, to varying degrees, the cleanliness of the imported soil. If alerted to environmental concerns, the provincial ministry of the environment may order the monitoring of the soil for contaminants such as heavy metals and hydrocarbons. There have been several cases such as those that have recently reached the media where supposedly clean fill has been found to be contaminated and been ordered to be removed.

Understandably, our members are concerned when this soil dumping is taking place at aerodromes and the operators use the aeronautics act to thwart oversight by the lower levels of government. Scugog Township and the City of Burlington were successful in court against challenges to their rights to regulate fill operations but other townships, notably in New Tecumseth, have backed down concerned about the cost of a legal challenge.

The two recent court decisions with Scugog and Burlington have clarified that the lower levels of government can apply their regulations to activities not integral to aviation. The regulation of the importation of soil and the environmental quality of the fill is not integral to aviation. Transport Canada, in its circular AC 300-009, expects the proponent of an aerodrome development to comply with applicable provincial legislation and municipal by-laws in this situation. Where proponents do not comply and do abuse the freedoms of the Aeronautics Act, we believe that the minister should have the power to step in and stop operations at an aerodrome.

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