

Law suit against Region, biosolids firms launched by Burnhamthorpe Road family

By HOWARD MOZEL
Special to The Champion

Local residents Laurie and Allan Eagles are suing Halton Region, Azurix North America (Canada) Corp. and Terratec Environmental Ltd. for a total of \$2 million over the handling of waste at the W.A. Bill Johnson Biosolids Management Centre (BMC) near their property on Burnhamthorpe Road.

The couple's two children are also named in the suit as minor plaintiffs.

The family is seeking damages in the amount of \$1 million for "nuisance, injurious affection to land, personal injury, mental stress and loss of enjoyment of life and property occasioned by negligence of the defendants in the use and operation of the BMC."

The suit also seeks \$1 million in exemplary or punitive damages, plus an "interlocutory and permanent injunction to restrain the defendants from committing further injury of like kind to the plaintiffs or their property."

The BMC was built by the Region in 1986 just 700 metres from the Eagles'

property to store biosolids from the processing of Halton's sewage. The material found there, states the lawsuit, is a "stew of organic and inorganic materials, including human and animal fecal waste and a variety of metals, heavy metals and other chemicals from industrial and residential sewage."

Day-to-day operations were then contracted out to Terratec which, in 1996, was awarded a five-year demonstration project contract to handle and store up to 10,000 dry tonnes of City of Toronto biosolids each year in its open lagoon. The smell — which up until then had been an "occasional nuisance" — has since become "the source of considerable stink," says the lawsuit.

In 1999, the lagoon was increased in size to handle more Toronto waste despite what the Eagles maintain was an already intolerable problem. In 2000, Azurix assumed management of the BMC.

The Eagles' suit alleges that the "over-filled" lagoon was "not sufficiently protected and covered" and that corrective measures were not taken.

The result was "frequent and intense odours ... often forcing them to remain within their home with the windows and doors shut up while at home and causing

physical illness and emotional distress."

The Eagles have characterized entertaining at their home as Russian roulette, meaning guests take their chances on whether they will enjoy themselves or be nauseated by the stench. Ms Eagles has also said that at times her children have had to wait for the school bus with hands over their faces to avoid vomiting.

Just this past week, however, the Region announced that an internal audit of the BMC by a qualified ISO Quality Management Systems auditor revealed the

facility's compliance with Certificates of Approval and provincial guidelines.

Features inspected included the biosolid storage tanks, monitoring systems, berms, the storage lagoon, monitoring test wells, storm pond, fencing and operating procedures.

"This audit demonstrates our commitment to meeting the highest standards when it comes to biosolids management," said Regional CAO Brent Marshall, who maintains that the Region takes pride in its

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