



Murray Chusid, solicitor for York Sanitation, was one of the central figures in the Environmental hearings recently completed on the Highway 48 dump. Here, he presents his eloquent, often biting summation.



— John Montgomery

Hydrology Consultants man His report was under attack

STOUFFVILLE — A great deal of the hearing revolved around the credibility of Frank Rovers and the report he authored on the York Sanitation dump in his capacity as an engineer employed by Hydrology Consultants Limited.

Mr. Rovers and his report were praised effusively by Mr. Chusid who said he "replied on hard demonstrable evidence". Mr. Chusid further stated there was something on Mr. Rovers' side, "like a rock of Gibraltar."

This same report was described by Mr. Mingay as "self-serving."

In his rebuttal Mr. Chusid said he had challenged the opposition to show where Mr. Rovers said two conflicting things or was proven wrong. "Four lawyers had a pretty good go at him and they didn't damage him at all. Nothing was too small to be picked on," said Mr. Chusid.

Mr. Rovers had "very manfully dealt with it" according to Mr. Chusid.

Mr. Hindson was less impressed with Mr. Rovers. "Rovers is paid by a business to produce a report. He said he can design any site. You can see the drive exhibited in that report."

Mr. Hindson said he likes a man "who is forceful and doesn't back down," but he asked the board to consider how many times they had made a mistake or seen an expert make one.

"I wish I could say I could win any case, but I can't," he commented.

He would be more inclined to believe Mr. Rovers, he said, if he had admitted it is not a good site but said he can make something out of it.

"It is his job to develop the site to the highest economic capability and that is what he has done," concluded Mr. Hindson.

Mr. Black said he doubted Mr. Rovers' credibility because Mr. Rovers said the site has all the qualities he would look for when the site is located on a kame moraine and has an unknown past.

Mr. Rovers was accused by Mr. Swaigen of taking selective readings of water sampling.

Who's who at the hearings

It is hard to follow the reports on the Environmental Hearing into the York Sanitation dump without a program. The following is a list of people who are mentioned in the hearing reports:

— Paul Mingay, solicitor for the Town of Whitchurch - Stouffville, assisted by his associate Robert Black.

— Murray Chusid, solicitor for York Sanitation.

— Frank Rovers, engineer from Hydrology Consultants Ltd., the consulting firm used by York Sanitation.

— Don Hindson, solicitor retained by several people owning land adjacent to the dump.

— John Swaigen, representative of the Environmental Law Association of Ontario who is solicitor for the Preserve Our Water Resources group (POWR).

York Sanitation lawyer has last word in hearing

By JOHN MONTGOMERY — STOUFFVILLE — Murray Chusid was the first lawyer to deliver his argument at the environmental hearings and he was allowed to give a rebuttal after the other attorneys had finished.

Mr. Chusid pointed out the site has been investigated by 11 different groups since 1966. He listed the placing of observation wells and said they substantiate what has already been found.

He said the critics wanted more test holes but nobody knows how many are required.

"Some terrible things went on there and we don't find pollution outside the site," he claimed. He said pollution would have migrated outside the site by now if it were going to.

He asked rhetorically, "Where is the pollution?"

He was extremely critical of a report from International Water Supply, commissioned by the town and completed in November, being tabled at the beginning of last week's session.

He referred to the report as "sliding in here" at the last minute and he said the report was not in total agreement with York but "its not bad."

He insisted if the dump were closed tomorrow the problem, if it were there, would continue. He said it doesn't result from York's actions but from the dumping of liquid industrial waste before York took over.

Mr. Chusid then read from earlier transcripts of the hearings and criticized the town's witnesses, in particular the two experts, Robert Gillham, Assistant Professor of Earth Sciences from the University of Waterloo and Professor Leonard Webber, Land Resource Science, University of Guelph.

"The board will have to come to its own conclusion as to what Professor Webber believes," said Mr. Chusid.

He described Mr. Webber as a "nice professorial gentleman who called me sir" and said he "skated around question after question."

I'm not saying he's telling untruths but he's very hard to pin down on matters that are rather plain and perfectly obvious."

Both Paul Mingay and Don Hindson took time in their arguments to come to Mr. Webber's defence. Mr. Mingay termed the attack on Mr. Webber "unfair" and he told the board his evidence "is well qualified and should be given the greatest weight."

Mr. Hindson described the evidence of Professors Webber and Gillham as "two solid dissenting opinions."

Mr. Chusid said the people of Whitchurch-Stouffville have the advantages of living near a great metropolitan centre and must suffer some of the disadvantages.

In his argument Mr. Hindson called this contention "nonsense. There is no obligation for people outside Toronto to accept airports and garbage dumps. Let industry look after their own."

Mr. Chusid compared the people's reaction to the dump to witchburning and several times

referred to Salem and exorcising the devil.

Mr. Chusid was critical of the evidence given by Councillor Eldred King. He said Mr. King doesn't like the Ministry of the Environment's brief because it supports the application of York. Mr. Chusid interpreted Mr. King's comments as "how can they support the application when they have these minor concerns."

Mr. Hindson later referred to Mr. King's testimony and said Mr. King's concern had been that the ministry was critical of the site although the brief still recommended the expansion be approved.

Mr. Chusid said Councillor Merlyn Baker "wouldn't answer" a single question. He added, "You don't have to prove a devil exists you can just imagine it."

Paul Bolender, who owns property north of the dump, was described by Mr. Chusid as "my favorite witness." He called Mr. Bolender a "great protector of the environment" who is removing an environmentally important

peat bog with nobody objecting. According to Mr. Bolender's testimony the bog is polluted and Mr. Chusid said he expects Mr. Bolender to have a "little miracle" to unpollute it when he goes to sell it.

Mr. Chusid said the need for the site is amply demonstrated, it is required by private haulers, its not on a local road and it is isolated visually.

Mr. Chusid said Senior Environmental Officer Paul Isles had denied any collusion between York and the ministry and Mr. Chusid insisted theirs "was strictly a business relationship."

Mr. Chusid argued in favor of expanding the site on the grounds it cannot be operated economically at 300 tons per day and that regardless of tonnage the monitoring, consultants and hearings cost the same.

According to Mr. Chusid council knew what was going on all the time but didn't do anything about it and their opposition stems from the time the decision was made to have a public

hearing. He criticized them for deciding against the site when they didn't have an alternate one and before the hearing was held.

He concluded his argument by saying that tonnage is not a function of pollution and there have been very few noise complaints.

He said the citizen's fears were not reasonable and they are "chasing wraiths and imagined spirits."

On Monday Mr. Chusid took three hours to rebut the arguments of the opposition lawyers. At that time he said that Mr. Rovers' investigation supports the argument it is a good dump site and should be continued.

"Those who oppose are missing the fact it is an existing site," he argued and said they are acting as if it were a virgin site.

"Whether it was good idea originally is not essentially the argument," he maintained.

He pointed out the aquifer under the site is polluted but no surrounding wells are polluted. He insisted the pollution is there and it will pollute the wells or not, regardless of what's done now.

He dwelt on the fact Stouffville does not have their own dump and have no sites under investigation. He termed it "unreasonable fear" that there was so much opposition to the proposed dump site at Highway 48 and Vivian Rd.

"They don't even want their own garbage," he said.

He returned to an earlier argument that as long as factories are producing dangerous chemicals the dump shouldn't be criticized for accepting them as garbage.

He said the water in Keith Hutchinson's well "should be black" if leachate were moving off the site.

He said the ministry had supported their application because "they were looking at it reasonably."

"Answering the concerns of citizens"

Hindson says dump violates ministry rules

STOUFFVILLE — Attorney Don Hindson charged the Environmental Hearing Board with "answering the concerns of citizens."

He said the pollution of the town well is only one thing to be looked at.

He called for ditching and ponding to prevent runoff into the swamp before any more dumping is allowed.

Mr. Hindson listed a set of ministry regulations for dumps which he claims the York site does not adhere to.

He said the drainage is not to adversely affect other properties and the drainage is not to be obstructed. He mentioned that Frank Rovers had admitted the drainage to the north of the site will be doubled with the garbage is built up.

Mr. Hindson mentioned the orange sediment which was in the roadside ditch adjacent to the Hutchinson property and later Mr. Chusid rebutted this by saying there is no evidence anybody has been adversely affected

at most there was something orange colored in the water and pollution hasn't been demonstrated.

Mr. Hindson was critical of much of the technical evidence submitted by Hydrology Consultants Limited. He said there was no consistency in the well readings and there are 15 million gallons of leachate developed each year. He called the report a guess and said they don't know the attenuating capacity of the soil.

He described the dump as "absolutely the worst possible site you can find."

He said the site is not 200 yards from the road as required, not one quarter of a mile from neighbors but in fact there are six neighbors in the vicinity, not supposed to be on land covered with water yet there were lagoons on the property, there is not supposed to be drainage to any watercourse yet the site is located at the headwaters of the Holland River.

He said adjacent properties would regain their value in 30 years but that wouldn't do the present owners any good.

Mr. Hindson said the people feel "raped, bruised and brutalized" by the landfill, airport, parkway belt and dump.

Mr. Chusid later commented on this statement, saying "just because they feel that

way doesn't mean it's been done."

York was accused of trying to extract the maximum profit from the site and Mr. Hindson said if they continued the dump would be "higher than buildings and homes."

Acceptability should be a major consideration according to Mr. Hindson. He pointed out that 18 witnesses appeared to oppose the dump and 2,271 people signed a petition against the site.

Mr. Hindson said he is personally grateful to Fred Munroe who catalogued a list of the things that could occur.

Mr. Hindson admitted Mr. Munroe "has an abrasive way about him" but added the whole town is indebted to him. The board was urged to read the Munroe brief carefully.

The operation has got to be stopped until concerns are reasonably satisfied the board were told.

Mr. Hindson defended Paul Bolender's peat mining operation which he described as a legal operation at this time.

Mr. Chusid's argument that the damage has already been done was dismissed as "fallacious," Mr. Hindson insisted further dumping would aggravate the situation and make rehabilitation of the site impossible.

He asked that strict tonnages be imposed for the next four months.

Town's solicitor Paul Mingay

Well-water purity questioned

STOUFFVILLE — According to Paul Mingay, York's good corporate citizenship, as extolled by Mr. Chusid, coincided with action on the part of the Ministry of the Environment.

Mr. Mingay insisted the responsibility for dumping liquid industrial waste has nothing to do with the board but it is up to them to deal with the situation.

Mr. Mingay disagreed with Mr. Chusid's opinion of the water in nearby wells stating it "isn't excellent."

He claimed that the pollution of the lower

aquifer is reducing so future contamination is the fault of the present operation.

The action of council in passing a by-law to close the dump was defended by Mr. Mingay who insisted "they have reasonable grounds for action."

The Ministry of the Environment came in for a great deal of abuse. They were accused of dragging their feet, withholding information and allowing the dumping operation to continue without a licence.

Mr. Chusid's argument that council's passing a by-law to close

the dump before the hearing concluded was disrespectful to the Environmental Hearing Board was refuted. Mr. Mingay insisted it is a "municipal prerogative" and the dump owners made no attempt to appeal the by-law.

He said there was no motion by York to quash the by-law and the matter was not referred to the board by the ministry.

Any accident at the dump, according to Mr. Mingay, "can imperil the whole water supply of a major town of Ontario."

Mr. Mingay was critical of the ministry's approval of the site as

their evaluation was based on the applicant's report and there has been no independent assessment.

"The necessity for the site does not override the public interest," he said and "the ministry's duty is to the public and not to truckers and manufacturers. They must determine if the public interest is properly protected."

He described Mr. Chusid's arguments as "as dangerous as they are fallacious."

There are too many unknowns on the site he said. It is not known where or how fast water

is moving under the site or whether the cone of influence from the Stouffville wells will draw in polluted water.

Mr. Chusid's theory that the damage is already done was dismissed as "arguments of ignorance and desperation."

"Safety cannot be sacrificed to expediency," commented Mr. Mingay in calling for an adjournment of the hearing until all testing is completed.

He criticized Hydrology Consultants Limited for not using a scientific approach.

Tree planting first phase of park development

By TED WILCOX — STOUFFVILLE — Stouffville residents eager to roll up their sleeves and work for a good cause will have their chance on Saturday. Under the direction of the Conservation Club, 1,600 trees will be planted at the flood control area north of Stouffville Dist. Secondary School.

The club is asking for volunteers to plant the trees. Anyone wishing to help out is to meet on Saturday at 10 a.m. on top of the flood control dam, and to bring a sharp shovel and a pail with them.

The activity is the first phase of a series of proposed projects designed to make the area more useable as a "passive recreation" zone. The trees are to provide screening from the subdivision planned for the surrounding area.

At a planning meeting at Latcham Hall on Monday night about 50 children and adults gathered to discuss the planting on Saturday. Adults were in the minority at

the meeting, and Conservation Club president Dennis Sainsbury urged more to come to help on Saturday.

The planting on Saturday will take place "rain or shine," according to club vice-president Jim Doble, since the trees to go in there will be dug up the day before and have to be planted. "If a lot of people show up it'll go in pretty easily," said Doble. "Otherwise a few will have to put in long hours."

At the meeting it was learned that of the trees, 1,000 were just seedlings, while the remainder will be larger. Helpers on Saturday will be asked to break up into various designated areas to carry out the planting. It was suggested that they leave their cars in the high school parking lot and wear heavy-soled shoes.

John Griffiths, of the Ministry of Natural Resources gave instructions at the meeting on how the planting is to be carried out. He suggested that adults bring a child

with them to carry the pail with the seedling in it. That method is more efficient, he said, than carrying it all oneself.

Also present at the meeting was Lambert Stouffer, a neighbor of the dam site and former owner of it. He told the group of the past history of the area saying he hoped it would be "a beautiful spot for a good many years to come."

Mr. Doble of the club said that it had taken them two years to gain access to the area and that in order to retain control, the club had to "show some progress." Otherwise, it would revert to supervision by the owners, the Metropolitan Toronto and Region Conservation Authority since "it is a low priority on the M.T.R.C.A. scheme."

Mr. Doble said that part of the reason for the problem with the water level going down in the area was due to the many rocks and stones that are thrown into the pond. They catch in the valves of the dam and

hold them open, letting the water escape.

He suggested that Stouffville people should look on it as "their area."

"If they're breaking bottles, it's your property they're defacing," he told the group.

Club president Sainsbury added that it was important that people visiting the site communicate any problems they notice to members of the club so that they can be corrected.

Other children at the meeting showed an interest in joining the Rangers, but the biggest hindrance in the Stouffville area, according to representatives, is a lack of adult supervision.

Once again the subject of trail bikes in the area came up at the meeting. Mr. Doble

said they presented a real problem because of the harm they do to ground-nesting birds which need undisturbed open areas.

While the club plans a "persuasive approach to the problem to begin with," "we do have the authority to come down hard if we have to," said Mr. Doble.

It was further pointed out by Mr. Doble that the whole plan is a community project and that no one is paid for maintaining the area. While the M.T.R.C.A. will supply some expertise in helping to administer the area, they will contribute no money, he said.

The club hopes the area will gain further use as an outdoor education centre and a mini-wildlife sanctuary. Fishing has been and will continue to be permitted there, but hunting is not.

They plan to make trails through the area accessible to the community, but without unduly disturbing the flora and fauna present.



DONALD HINDSON