

**Understanding the Issue of Illegal Construction  
Waste and Construction-Derived Contaminated  
Soil Disposal in the Chateauguay River Watershed:  
Systematic Overview of the Documented  
Violations in Quebec from 2010 – 2023**

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July 23<sup>rd</sup> 2023

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## Section 1: Abstract

Throughout the past thirteen years, the regions surrounding Greater Montreal have been plagued by illegal construction dumping, for the most part on remote private properties. The issue has raised the concern of local communities in these rural regions: the noise, stench, soil toxicity and groundwater quality are some main negative externalities from the unauthorized backfilling activity in various locations in and around the Greater Montreal area. Municipalities are dependent on the provincial regulatory body to impose powerful corrective action on offenders. A systematic review revealed that one key provincial action, a compliance order, is typically issued only after very long delays. Over the past thirteen years, only one compliance order out of a total of thirteen was issued to a construction waste or construction-derived contaminated soil dumping offender within two years of the first witnessed infraction. In this lone case, the offender did not respect the compliance order after its issuance. Analysis of these thirteen compliance orders revealed recurring patterns throughout most provincially documented illegal sites. Many properties accepting unauthorized construction waste or construction-derived contaminated soil were owned by firms that have minimal information available online. Inspectors sent by the provincial regulatory body often witnessed, throughout their visit, heavy machinery, such as trucks and excavators, backfilling waste material on site. Similar waste materials, such as bricks, concrete, wood residues and fine residues, as well as a similar list of contaminants, such as petroleum hydrocarbons  $C_{10} - C_{50}$  and polycyclic aromatic hydrocarbons, were observed on the inspected properties. Warnings issued by inspectors, prior to the issuance of compliance orders, most often led to little action on behalf of the offenders. Along with this pattern of ineffective enforcement, the existence of only one site in Montérégie licensed under stricter waste disposal regulations that took effect in 2009 suggests that illegal disposal of construction wastes has become a routine, systematized way to avoid the costs of their safe and proper disposal in the region.

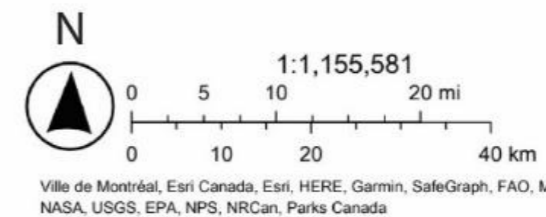


## Illegal Construction Waste Dumping in Quebec: 13 Documented Example Violations (2010-2023)

Abstract: This map highlights the geographical distribution of thirteen properties in Quebec that have been subjected to regulatory enforcement under the Environment Quality Act due to their involvement in illegal construction waste dumping. These identified sites, recognized by the provincial regulatory body, have been deemed hazardous to the local environment's integrity. It is important to note that the map presented does not encompass all illegal dump sites in Quebec, as numerous locations have been locally documented or suspected without receiving regulatory action

### Environmental Hazards and Ineffective Enforcement: Recurring Patterns Across Dump Sites

- Accepted unauthorized construction waste
- Minimal company information online
- Provincial inspectors witnessed heavy equipment onsite
- Construction waste included highly toxic chemicals
- Issuance of fines resulted in little or no action by property owners



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## Section 2: Introduction

This paper describes thirteen instances in the past thirteen years where Quebec's Ministry of Environment and Fight Against Climate Change (MELCCFP)<sup>1</sup> issued compliance orders against firms, individuals, or groups for violating Quebec's *Environment Quality Act* by illegally disposing of construction waste or construction-derived contaminated soil. This set of documentation is based, in the most part, on Quebec's registry of compliance orders that documents violations of the *Environment Quality Act*. The purpose of this research was to gain a better understanding of illegal construction waste and construction-derived contaminated soil disposal currently happening in the Chateauguay River Watershed, and more specifically, on the Route 201 and Rang Dumas dump sites in Franklin, Quebec. It is hoped that through a better understanding of the systematic shortfalls that have occurred in the province over the past thirteen years, community members and other stakeholders, along with provincial authorities, can find a solution that halts this illegal dumping, which will prevent the Chateauguay River aquifer from being contaminated. This report on the situation aims to encourage debate and achieve an optimal outcome for all community members and stakeholders.

A compliance order is a document issued by the ministry that legally obliges an offender to comply with existing regulations. In the case of the *Environment Quality Act*, the MELCCFP's compliance order empowers the ministry to order an immediate stoppage of the offender's illegal activity, such as the ceasing of all dumping; to impose corrective action, such as soil decontamination at the owner's expense; and to demand the offender pay for clarifying information, such as reports of groundwater quality undertaken by an independent contractor (Gouvernement du Québec, 2023). According to article 113 of the *Environment Quality Act*, failure to comply with a compliance order may result in monetary sanctions; fines issued by the MELCCFP could range from \$1 000 to \$6 000 000, depending on the nature of the infraction and the identity of the offender (Gouvernement du Québec, 2023 ; MELCCFP, 2023). The MELCCFP can also issue warnings, which are formal enforcement actions that inform a violator that if they do not take action to cease or remediate a violation, they may face legal consequences such as an order, a fine or imprisonment.

In Quebec, the regulation of environmental issues within the province's borders falls under provincial jurisdiction. Although the province can delegate the responsibility to create, monitor and enforce such

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<sup>1</sup> The ministry was titled, prior to 2014, as the Ministry of Sustainable Development, Environment, Fauna, and Parks (MDDEFP)

environmental laws to the municipalities, it has chosen not to do so for many of the regulations that concern construction waste and contaminated soil management (Becklumb, 2019; Gouvernement du Québec, 2023). Therefore, if a specific provincial law is breached, such as article 66 of the *Environment Quality Act* (stating that one must store, treat, or eliminate waste material on an authorized site), only the provincial regulatory body can take enforcement action against the offender. This leaves municipalities with little power and few resources to tackle local issues of illegal construction waste or construction-derived contaminated soil dumping.

The focus of the summary for each of the thirteen case studies below is: to provide a brief context of the compliance order; to furnish a background on the offender; to create an overview of the materials being dumped (particularly those that are similar to the ones observed on the Route 201 and Rang Dumas dump sites); to document the time lapse between the first inspection by the ministry and the eventual issuance of the compliance order; and to include the volume and/or area of contaminated soil observed on site (when applicable), as well as any other similarities between the recurring dumping in Franklin and the information found in the other issued compliance orders.

## Section 3: Case Studies

### [Case 1: Illegal Dumping in Franklin, Route 201 Dump Site](#)

The first case study features the compliance order issued to the owner of the Route 201 dump site, one of the critical dump sites located above the Chateauguay River aquifer. This compliance order will be summarized in detail below, and the twelve other case studies will be compared to this one.

Starting in February 2017, the MELCCFP received numerous complaints about waste being funnelled to a private property on Route 201. The registered owner of this property was the firm 4507380 Canada Inc. The identity of the complainants was undisclosed in the compliance order. Founded in 2009, 4507380 Canada Inc has a unique owner, Eric Jodoin. Minimal information about the firm is available online; it has no phone number, no email address and no official website. A first inspection in February 2017 revealed that a large portion of the site was being backfilled with construction-derived contaminated soil that cannot be revalued, featuring materials such as wood, plastic, gypsum, concrete, synthetic insulating material, styrofoam, ceramic, metal, glass and fine residues. The estimated area and volume of the contaminated soil were estimated at approximately 5 800 m<sup>2</sup> and 5 800 m<sup>3</sup>, respectively. It was therefore

concluded that 4507380 Canada Inc failed to respect Quebec's *Environment Quality Act* on two fronts: it was accepting waste on its property without proper certification and was failing to take any action to store, treat or eliminate the waste material on an authorized site (MELCCFP, 2021).

Days after the February 2017 inspection, the ministry received another complaint (source undisclosed) about truckloads of material being funnelled to the site. Another inspector was sent by the MELCCFP to inform the firm that its dumping activity was illegal: 4507380 Canada Inc was ordered to stop receiving unauthorized backfill, to undertake the necessary steps to store, treat or eliminate it on an authorized site and was handed a \$5 000 dollar fine (MELCCFP, 2021).

In July 2017, the ministry sent an inspector to see if 4507380 Canada Inc fulfilled its obligations. Not only had it failed to do so, but it had continued to accept new construction-derived contaminated soil on its property. The estimated volume of the waste had increased by approximately 2 500 m<sup>3</sup>, which is the volume of an Olympic swimming pool. The inspector once again asked 4507380 Canada Inc to take corrective action (MELCCFP, 2021).

In November 2017, another inspector was sent on site to see if corrective action had been undertaken. Once again, 4507380 Canada Inc kept on accepting unauthorized construction-derived contaminated soil, regardless of the ministry's warnings. The inspector once again asked 4507380 Canada Inc to take corrective action (MELCCFP, 2021).

After another complaint (source undisclosed) was filed to the MELCCFP, another inspector was sent on site in May 2019. Construction-derived contaminated soil, featuring bricks and wood, had been dumped on the property. Large trucks were on site to unload dirt. The inspector once again asked 4507380 Canada Inc to take corrective action (MELCCFP, 2021).

In July 2019, another complaint (source undisclosed) was filed to the ministry: approximately 20 trucks were seen bringing malodorous construction-derived contaminated soil to the dumpsite. Inspectors were sent days later to take soil samples, as well as contaminated soil samples. The soil samples were revealed to be contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons C<sub>10</sub> – C<sub>50</sub> and diverse metals (copper, tin and arsenic). It was then requested to 4507380 Canada Inc that they stop receiving unauthorized construction-derived contaminated soil and move the unauthorized waste as well as the contaminated soil to an authorized site. A fine of \$10 000 was issued to the firm (MELCCFP, 2021).

In November 2019, an inspector was sent to follow up the issue of the contaminated soil. While there, the inspector witnessed seven trucks offloading dirt on the site. An estimated extra 5 000 m<sup>3</sup> of construction-

derived contaminated soil had been dumped since the last visit; leachate was also witnessed on site. Soil samples taken that day revealed that soils on site were still contaminated. Corrective action was once again demanded. It was also recommended by the inspector that water samples of the aquifer below be taken to evaluate its potential contamination. Through the analysis of drone footage, it was determined that, in July 2020, approximately 27 000 m<sup>2</sup> of contaminated soil was present on site (MELCCFP, 2021).

Following these events, the MELCCFP eventually issued a compliance order on June 2<sup>nd</sup>, 2021, to 4507380 Canada Inc: the compliance order was judged necessary to cease the dumping activity and obtain a detailed portrait of the environmental threat posed by the contamination of the site (MELCCFP, 2021).

The issued compliance order was filed more than four years after the ministry issued its first warning to correct the situation and cease all dumping. As clearly demonstrated by the repeated offences after the initial warning, the inspectors' warnings were not taken seriously. As a result, the aquifer below the Route 201 dump site is threatened, putting at risk all of those who depend on it. As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### Case 2: Continued Leaching of Waste in St-Hyacinthe Following Quebec's 2009 Waste Management Regulation Change

In 2005, the provincial government adopted new, more stringent regulations (that came into force in 2009) to protect the safety of workers and the environment from suboptimal waste management practices. The new standards, found in Quebec's *Regulation on Burial and Incineration of Waste Material* (REIMR), notably prohibited trench dumping (Vachon et al, 2009). The REIMR required firms managing a legal waste site to decide by July 2008 if they wanted to comply with the new regulation or cease their activities. If a firm decides to cease their activities, the minimum safety standards still apply to the remaining waste material on site: waste must be buried at least 90 cm below ground and must not leach into the surrounding environment (MELCCFP, 2011).

It was in this context that the MDDEFP issued a compliance order to 9060-5460 Québec Inc on August 10<sup>th</sup>, 2011. The firm had been issued a permit in 1998 to exploit a sorting centre in St-Hyacinthe destined to take on construction waste. Although 9060-5460 Québec Inc had been recorded as violating



environmental and safety standards numerous times, it had been operating the waste facility with a legal permit, unlike in the case of the observed dumping in Franklin. After the implementation of the REIMR, the sorting center declared to the MDDEFP that it would cease its activities on January 19<sup>th</sup>, 2009 (MELCCFP, 2011).

Although inspections by the MDDEFP done as early as 2007 revealed contamination of groundwater below the site due to inadequately treated leachate, the issue remained unresolved until the closure of the site in 2009. Repeated warnings to remediate the contamination between 2007 and 2009 were therefore not respected by 9060-5460 Québec Inc, even though they had formally declared their willingness to cooperate with the MDDEFP. Although the firm was taking steps towards improving the situation all the way through 2011, such as by purchasing an aerator for the treatment basin, these were insufficient to stop the leaching and failed to satisfy the minimum safety standards for a closed dump site, according to a report produced by Labo Montérégie in 2010. The leachate was also found to be making its way towards a nearby stream (MELCCFP, 2011).

Four years passed between the first infraction witnessed by the inspector (2007) at 9060-5460 Québec's site and the issuance of a compliance order (2011). As a result, the leaching of contaminants into the local environment continued over a period of five years before the province issued an enforceable order seeking compliance (MELCCFP, 2011). According to *Le Courrier de St-Hyacinthe* (2012), who interviewed Émile Grieco, the director of sustainable development for the Montérégie administrative region, the compliance order still wasn't fully respected as of March 2012, indicating an even longer delay between the first witnessed infraction and the remediation of the situation. Both the dump site on Route 201 and the facility managed by 9060-5460 Québec Inc were taking on, for the most part, construction waste. As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### [Case 3: Violation of Dumping Authorization Granted by Issued Permit in Sherbrooke](#)

On October 9<sup>th</sup>, 2012, the MDDEFP filed a compliance order against Conteneurs Rock Forest Inc, a Sherbrooke firm that had been issued a permit in 2007 to exploit a construction waste sorting centre,

whose purpose was to revalue certain materials. As of 2023, the firm, owned by Sebastien Labrecque, isn't operating its facility anymore (MELCCFP, 2012).

A first inspection was undertaken by the MELCCFP in March 2012. It was noticed that the company was accepting more construction waste than they were permitted, as well as some construction waste that clearly could not be revalued, which they were not authorized to keep on site. Observed waste included (but was not limited to): wood residues, concrete, bricks, asphalt, styrofoam, ceramic and electric wires. The construction waste on site was therefore quite similar to the waste present in the unauthorized backfill in Franklin. Approximately 100 000 m<sup>3</sup> (40 Olympic swimming pools) of waste was present at the facility; some of it was being sorted outside of permitted areas (MELCCFP, 2012).

In July 2012, another inspection revealed continued violation of regulations. Conteneurs Rock Forest Inc was not accepting the waste that their permit allowed them; sorting was also taking place in undesignated areas. Some waste was observed to be decomposing, smelling like "rotten eggs" according to the inspector. Leachate was also observed to be making its way to a nearby wetland. Soil and surface water samples taken on July 17<sup>th</sup> 2012 revealed the presence of petroleum hydrocarbons, two thirds of them being above the legal thresholds for the site, according to the standards of Quebec's REIMR. Diverse metals and sulfates were also present in samples. The experts analyzing the samples concluded that the waste posed a contamination risk to the local environment, due to it being sorted outside of designated safe areas (MELCCFP, 2012). Two compliance orders, issued on July 11<sup>th</sup> 2012 and August 9<sup>th</sup> 2012, ordered Conteneurs Rock Forest Inc to temporarily cease the dumping (MELCCFP, 2012 ; MELCCFP, 2012). The sorting centre, however continued to accept waste material, violating the obligations stated in the compliance orders issued that summer. The third compliance order was filed shortly after in October 2012 (MELCCFP, 2012).

Not only did the sorting centre accept materials similar to those found on the dump sites in Franklin, its waste samples also contained similar contaminants in high concentrations (petroleum hydrocarbons, diverse metals). Although there was a relatively short delay between the first observed infraction and the last issued compliance order (seven months), the compliance orders once again did not seem to have a strong effect. According to an article from *La Tribune* in 2018, Conteneurs Rock Forest Inc had to pay a \$100 000 fine to the MDDEFP for failing to respect the obligations stated in the last issued compliance order from November 2012 to March 2013. According to an article published by *Radio-Canada* in 2016, Conteneurs Rock Forest Inc was unable to find a taker when auctioning their property that year; a study of soil samples taken on site in 2016 revealed that the property was indeed still contaminated, which

would impose the responsibility of decontaminating it on any potential buyer. This case study provides another instance where the ministry's intervention failed to protect the local environment from being contaminated to a significant degree by construction waste or construction-derived contaminated soil. While various news outlets reported violations of the compliance order after it was issued, the author of this paper could not obtain an update from the MELCCFP. As of July 23, 2023, the author's request for information, submitted on June 5, 2023, to the MELCCFP regarding inspections and follow-ups conducted by the ministry after the compliance order was issued, has not received a response.

#### [Case 4: Farm Backfilling Construction-Derived Contaminated Soil Since 2005 in Sainte-Sabine](#)

On July 10<sup>th</sup>, 2014, the MDDEFP filed a compliance order against Alain Ostiguy and Richard Ostiguy, owners of a farm and a waste transportation company in the municipality of Sainte-Sabine. The two firms do seem to still be active in the local economy, as they have information available online, such as opening hours and a working phone number. According to the compliance order, numerous inspections had been undertaken on site as early as 2005; the owners were declared guilty of violating the *Environment Quality Act* four separate times, between 2006 and 2011, for backfilling construction-derived contaminated soil on their properties (MELCCFP, 2014).

Observed waste materials in the backfill included, but were not limited to: wood residues, bricks, concrete, asphalt, plastic, synthetic isolating material, silicon tubes, ceramic, rubber tubes and various metals. The property therefore backfilled many of the same construction waste materials present on the illegal dumping sites in Franklin. It was estimated by the inspector in 2014 that nearly 38 000 m<sup>2</sup> of construction-derived contaminated soil was present on site. Despite the ministry's warnings to remediate the situation as early as 2006, nothing had been undertaken by the owners to move the contaminated soil to an authorized site; Alain and Richard Ostiguy did express a desire to remediate the situation a month prior to the issuance of the compliance order (MELCCFP, 2014).

Similarly to the dump sites in Franklin, there was a significant presence of groundwater right below the landfilling activity. However, no soil or groundwater testing had been undertaken as of July 2014 (the issuance date of the compliance order). The compliance order required the owners of the property to

undertake such testing themselves, at their own expense. The time lapse between the first observed infraction and the compliance order came to eight and a half years, which is about twice as long as it took to file a compliance order to the owner of the Route 201 dump site. Heavy machinery such as an excavator and dump trucks were witnessed on site during inspections, just as on the Route 201 dump site in Franklin. As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

#### Case 5: Construction-Derived Contaminated Soil Being Dumped Illegally on A Private Property in Hinchinbrooke

On August 7<sup>th</sup>, 2018, a compliance order was filed against Jean Patenaude, the owner of a private property in Hinchinbrooke, located in the Haut Saint-Laurent Regional County Municipality. A complaint was filed to the MDDEFP in 2013, claiming that Jean Patenaude was backfilling concrete residues on his property. The identity of the complainant was undisclosed in the compliance order. In 2015, an analysis conducted by the Analysis and Expertise Center for the Montérégie and Estrie Administrative Regions revealed that some of the backfilling operation was taking place on a wetland (MELCCFP, 2018). Both Jean Patenaude's dump site and the Route 201 dump site are located in the Chateauguay River watershed. However, contrary to the Route 201 dump site, Jean Patenaude's dump site doesn't appear to be located in a high recharge rate area (Croteau, Nastev, Lefebvre, 2010).

Between October 2013 and July 2017, numerous inspections had been undertaken on site. Over a surface of approximately 9 000 m<sup>2</sup>, the following waste materials were found: concrete, bricks, asphalt, ceramic, wood, diverse metals, paper, cardboard, fibers, protective sealant and plastic. Many of the observed construction waste was similar to the waste identified by the MELCCFP on the Route 201 dump site. It was documented that the MELCCFP demanded Jean Patenaude to remediate the situation in five different instances between October 2013 and July 2017. Having failed to take any measure to store, treat or eliminate the construction-derived contaminated soil on an authorized site, the ministry issued its compliance order to the property owner in August 2018, five years after the first observed infraction (MELCCFP, 2018). As of July 23, 2023, the access to information request submitted by the author of this

paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### Case 6: Company With no Registered Activity Accepts Construction-Derived Contaminated Soil on Their Private Property

In December 2019, the MELCCFP accused the firm 9508279 Canada Inc of violating Quebec's *Environment Quality Act* on two fronts: it was accepting construction-derived contaminated soil on its property in Saint-Joseph du Lac without proper certification; and it failed to take any action to store, treat or eliminate the waste material by taking it to an authorized site (MELCCFP, 2019). A fine of \$30 000 was issued to Yolande Legault, the owner and only stakeholder of the firm. Created in 2015 only to be dissolved in 2020, the firm has minimal information available online (Canada Company Directory, 2023). The firm purchased the property located in the Laurentians during the summer of 2017; the previous owner was Jean-Charles Legault, bearing the same family name as the owner of 9508279 Canada Inc (MELCCFP, 2019).

Starting December 2016, illegal dumping had been witnessed on what was at the time Jean-Charles Legault's property (MELCCFP, 2019). According to a report by *TVA Nouvelles* in 2019, Jean-Charles Legault pleaded not guilty to the charges imposed on him by the MELCCFP, claiming that he was the victim of false accusations and that he had cleaned up whatever waste material that may have been present on site. However, local authorities had declared to *TVA Nouvelles* (2019) that inspections revealed the continued presence of such construction waste as plastic, wood and styrofoam, even after Jean-Charles Legault's denials (Poirier, 2019). It was shortly after these accusations that 9508279 Canada Inc purchased the property. As the new owner failed to take any action to store, treat or eliminate the construction-derived contaminated soil on any authorized site, the MELCCFP filed a compliance order against them two years later, along with the \$30 000 fine mentioned above. Jean-Charles Legault was himself fined \$5 000 (MELCCFP, 2019).

Similarly to what has been recorded for the Route 201 dump site, the firm taking on the ownership of the property had no available phone number or email address at which they could be reached. Both illegal dump sites featured various construction waste materials, as well as a long delay of three or more years

between the first observation of the infraction and the issuance of a compliance order. As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### Case 7: Illegal Dumping in Kanesatake Leads to Unresolved Environmental Disaster

On December 5<sup>th</sup>, 2019, the MELCCFP issued a compliance order to the firm G&R Recyclage S.E.N.C. in Kanesatake, owned by Gary Gabriel and Robert Gabriel. The firm was licensed to sort construction waste in 2015, with a maximum storage capacity of 27 000 m<sup>3</sup> (MELCCFP, 2020). Notably, Robert and Gary Gabriel already had a criminal history. In particular, Gary Gabriel has been seen in the company of Montreal gang leaders, had threatened journalists (physically, to “break their neck”), and was identified by an anonymous neighbour as “someone who brought crime and violence to the community” (Curtis, 2021).

The MELCCFP first conducted an inspection of the site in December 2016. It was noticed that the sorting centre was storing construction waste outside of designated areas. Another inspection conducted in August 2017 revealed that the situation had not been remediated. In fact, the sorting centre was now accepting more construction waste than authorized, as well as construction waste that clearly could not be revalued, which they weren’t permitted to accept. Approximately 80 000 m<sup>3</sup> of waste was being kept on site. In October 2017, a sanction was imposed on the firm for their violation of the *Environment Quality Act*. However, once again, G&R Recyclage S.E.N.C. took no corrective action after the sanction (MELCCFP, 2019).

The MELCCFP conducted numerous inspections between 2018 and the issuance of the compliance order; every inspection revealed not only a continued lack of efforts to remediate the situation, but an increased volume of construction waste being stored on the site (MELCCFP, 2019). In November 2019, it was recorded that the sorting centre was storing more than fourteen times (400 219 m<sup>3</sup>, or 160 Olympic swimming pools) as much waste as their authorized limit; as a result, much of the sorting operation was taking place on unauthorized land, where the leachate from the construction waste could not be treated or contained. Leachate was indeed observed to be flowing into the nearby environment, which sample



analyses had proven to be contaminated with numerous dangerous pollutants, such as sulfur, beyond safe thresholds (MELCCFP, 2020). According to Saint-Placide mayor Richard Labonté, thousands of litres of thick black leachate made its way to Lake of Two Mountains on numerous occasions in 2020; the lake is located right off the Island of Montreal and is directly connected to the St-Lawrence River (Radio-Canada, 2020). According to an article published by *La Presse* in May 2023, drone footage from May 4<sup>th</sup> 2023 captured continued leakage from G & R Recyclage S.E.N.C.'s dump site making its way to the nearby stream, which also flows into the Lake of Two Mountains (Péloquin, 2023).

Even after the issuance of the 2019 compliance order, a spokesperson from the ministry declared in December 2020 that G&R Recyclage S.E.N.C. were continuing their activities regardless of the compliance order and the removal of their permit (Teisceira-Lessard and Larouche, 2020). Therefore, even two months after its issuance, the compliance order was not having its desired effect. Serge Simon, former Grand Chief of Kanésatake, stated he was not aware of the continued violation after the issuance of the compliance order; in any case, he declared that his community did not have the resources to deal with such infractions (Teisceira-Lessard and Larouche, 2020).

An anonymous source from Kanésatake, in correspondence with *La Presse*, claimed that the community is currently being held hostage by organized crime; the source claimed that the community council is unable to take any decision in opposition to crime leaders' interests, as they will most certainly face violent reprisal (Péloquin, 2023). The mayor of Saint-Placide claimed in August 2020 that the issue was further complicated by the fact that neither the provincial nor the federal government wanted to assume responsibility for what was happening on an Indigenous Reserve (Radio-Canada, 2020). As of today, the firm owned by the Gabriel brothers is considered de-registered but not dissolved. The MELCCFP confirmed to *Le Devoir* in April 2023 that there was still no plan to decontaminate what is today a practically abandoned construction waste dump site (Bergeron, 2023).

Three years passed between the first observed infraction and the issuance of the 2019 compliance order. Unfortunately, the compliance order again did not seem to have any impact in slowing down the contamination of the nearby environment as well as the interconnected bodies of water. Whoever ends up undertaking what the MELCCFP itself describes as "urgent decontamination of the dump site", it is estimated by the MELCCFP that such an endeavour would cost taxpayers more than 100 million dollars (*La Presse*, 2023). According to an article from *La Presse* published in Mai 2023, the owners of G&R Recyclage S.E.N.C. were fined less than \$18 000 for their illegal activities.

## Case 8: Real Estate Development Firm Backfills Construction-Derived Contaminated Soil on Their Property

On May 3<sup>rd</sup>, 2021, the MELCCFP issued a compliance order to Immeubles Deux Montagnes Inc, a real estate development firm based in St-Jerôme. Registered in 1968, it was owned by Marc Latour at the time of the compliance order; with no registered phone number or email address, the firm has minimal information available online (Entreprises Québécoise).

A first inspection was undertaken in November 2018 on one of the firm's properties, located in Saint-André d'Argenteuil, in the Laurentians, after a complaint was filed with the MELCCFP (MELCCFP, 2021). The identity of the complainant was undisclosed in the compliance order. On site, it was observed that heavy machinery was undertaking backfilling operation on what appeared to be homogenous dirt. Soil samples were taken. Analysis revealed that the soil was highly contaminated with mercury; arsenic, lead, tin and polycyclic aromatic hydrocarbons were also present in soil samples. In July 2019, a second inspection was conducted on site. It was observed that new loads of construction-derived contaminated soil had been delivered, featuring bricks, asphalt, armature and concrete. The backfill, with a volume of 2 700 m<sup>3</sup>, was estimated to be covering an area of 900 m<sup>2</sup>. Soil samples remained approximately as contaminated as they were in the prior inspection. Petroleum hydrocarbons C<sub>10</sub> – C<sub>50</sub> were then also observed as soil contaminants. Although each inspection revealed that Immeubles Deux Montagnes Inc was violating Quebec's *Environment Quality Act*, nothing was done to remediate the situation as of the date of the compliance order (MELCCFP, 2021).

This dump site in Saint-André d'Argenteuil possessed many similarities to the dump site on Route 201. Both featured construction waste and similar contaminants. In both instances, inspectors witnessed heavy machinery operating on site; 4507380 Canada Inc and Immeubles Deux Montagnes Inc also have no registered phone number, email address or official website available online. The area of observed contaminated soil was, however, much smaller on the Saint-André d'Argenteuil dump site than on the Route 201. Approximately two years and a half went by between the first observed infraction on site and the issuance of the compliance order (MELCCFP, 2021). As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update

on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### Case 9: Dumping Facility Continues Operations in La Prairie After Registered Closure Following Implementation of the REIMR

On June 2<sup>nd</sup>, 2021, a compliance order was filed against ÉcoServices Tria Inc, operating the “Enfouissement J.M. Langlois” landfills in La Prairie. The firm has been registered since 1991; it has its own website along with a phone number at which they can be reached, indicating that they seem active in the local economy (Entreprises Québécoises). Following Quebec’s change in regulations for waste management in 2009, ÉcoServices Tria Inc, which was operating an old landfill incompatible with the new imposed REIMR, declared to the MDDEFP that it would cease its operations at this inadequate facility by the end of the 2014 calendar year (MELCCFP, 2021). In 2008, Écoservices Tria Inc opened a new facility, which respected the REIMR guidelines; it is noteworthy that this facility is currently the only registered dump site for construction waste in the entire Montérégie administrative region, following the closure of nine others after the imposition of the REIMR (Vachon et al, 2009).

In 2017 and 2018, inspections revealed that the supposedly closed facility was undertaking construction of storage space on what was supposed to be a closed, covered dump site; trenches were also not proven to be adequately covered, which are both violations of the norms imposed by the REIMR for a closed dump site (MELCCFP, 2021).

Complaints first arose in December 2019, when truckloads of brick and concrete were seen being dumped on the supposedly closed dump site. These were being used to build a platform on which waste material could be stored. The identity of the complainants was undisclosed in the compliance order. An inspection in January 2020 revealed that ÉcoServices Tria Inc was storing fine residues and wood residues outside of designated areas; the firm declared to the inspector that the fine residues were going to be stored on the recently built platform located on the old dumping site. Following this discovery, the MELCCFP demanded ÉcoServices Tria Inc to remediate the situation without further delay. Fine residues and wood residues needed to be stored in an authorized location; the platform illegally built on the old landfill was not an appropriate location to store waste material. Another inspection in February 2020 witnessed trucks

starting to transport fine residues to the illegally built platform despite the previously issued warning (MELCCFP, 2021).

Starting February 2020, residents of the neighbouring residential sector reported noxious odors emanating from the site; the MELCCFP validated these complaints following an inspection in March 2020. A scientific study conducted by the Center of Environmental Control of the Estrie and Montérégie Administrative Regions concluded in April 2020 that the stench in the nearby residential sector came from the fine residues being stored and transported by Écoservices Tria Inc. The MELCCFP flew a drone over the supposedly closed dump site in September 2020, and reached the conclusion that fine residues were still illegally being accepted and stored in that area. Another inspection undertaken in December 2021 reached the same conclusion (MELCCFP, 2021).

Similar construction waste (fine residues, wood, concrete) was witnessed on both ÉcoServices Tria Inc's illegal dump site and the dump site located on Route 201. The time lapse between the first observed infraction and the issued compliance order was of approximately four years (MELCCFP, 2021). It is noteworthy that a collective action lawsuit was filed as early as 2016 against both the MELCCFP and ÉcoServices Tria Inc. The local community was seeking compensation from ÉcoServices Tria Inc for the noise, stench and dust pollution that made its way to the nearby residential sector as well as compensation from the MELCCFP for failing to properly monitor and enforce their own regulations (Barettes & Associés, 2023). As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### [Case 10: Gatineau Sorting Center Stores Construction Waste Materials Outside of Designated Areas](#)

On July 9<sup>th</sup>, 2021, the MELCCFP issued a compliance order to Centre de Tri Forget, a firm operating a construction waste sorting centre in Gatineau since 2017 (MELCCFP, 2021). The firm does have a phone number at which they can be reached as well as a website available online, indicating that they are most

probably active in the local economy. According to an article from *Le Droit* in 2022, the firm had its issued permit revoked in 2022 following a failure to conform to the MELCCFP's compliance order.

In January 2019, the MELCCFP first conducted an inspection at the sorting centre; it was discovered that Centre de Tri Forget was storing some of its waste outside of the permitted areas, on the City of Gatineau's property. The MELCCFP therefore requested to the Gatineau municipality to do what was necessary to store, treat or eliminate the waste on an authorized site. Two months later, the City of Gatineau informed the MELCCFP that it had cleaned up the illegal dump site; the City subsequently sold the property to Centre de Tri Forget (MELCCFP, 2021).

A complaint was made to the MELCCFP in July 2019, claiming that concrete and asphalt residues were being stored outside of designated areas. The identity of the complainant was undisclosed in the compliance order. After inspection in August 2019, it was discovered that Centre de Tri Forget was indeed storing construction waste on the newly acquired property, which wasn't registered as an authorized dump site. The firm was notified that their activities on this property were not permitted; the MELCCFP requested that they store, treat or eliminate this waste on an authorized site (MELCCFP, 2021).

Inspections in June 2020 and December 2020 identified the following waste materials on the unauthorized dump site: wood residues, cardboard, plastic, asphalt, ceramic, styrofoam, tires and bricks. Observed materials were therefore quite similar to those observed on the Route 201 dump site. The volume of wood residues and asphalt alone was estimated at approximately 40 000 m<sup>3</sup>. In April 2021, it was judged "likely" by the MELCCFP that the waste stored on the unauthorized site contaminated the soil as well as the groundwater located underneath the site (MELCCFP, 2021).

After five inspections conducted over two and a half years, the MELCCFP issued a compliance order was (MELCCFP, 2021). According to an article published by *Radio-Canada* in 2022, Centre de Tri Forget had failed to conform to the compliance order in August 2021; this infraction, among others, led the MELCCFP to fine them almost \$250 000.

On May 14<sup>th</sup>, 2023, a fire of unknown origin destroyed the facility's main building. Firefighting services in Gatineau announced that the building will have to undergo complete demolition following the incident (Radio-Canada, 2023). While various news outlets reported violations of the compliance order after it was issued, the author of this paper could not obtain an update from the MELCCFP. As of July 23, 2023, the

author's request for information, submitted on June 5, 2023, to the MELCCFP regarding inspections and follow-ups conducted by the ministry after the compliance order was issued, has not received a response.

### Case 11: Dump Site Continues to Accept Construction-Derived Contaminated Soil 30 Years After Official Closure

On March 21<sup>st</sup>, 2022, the MELCCFP issued a compliance order to Jean-Guy Lefebvre, owner of a property located in Saint-Valérien-de-Milton that was storing various waste materials, ranging from end-of-life vehicles to construction-derived contaminated soil. Jean-Guy Lefebvre is the spouse of Lisa Lahaie, president of Récupération Saint-Valérien Inc, a firm that had been operating backfilling activities on that same property from 1985-1990. The MELCCFP stated it has conducted numerous inspections on the site in past years, observing every time that numerous waste materials, such as gypsum, wood, concrete and end-of-life vehicles were being stored illegally on site. The earliest documented inspection was in October 2020 (MELCCFP, 2022).

A MELCCFP inspector warned Jean-Guy Lefebvre in April 2021 to stop accepting waste and act to store, treat or eliminate the construction-derived contaminated soil from his property on an authorized site. However, subsequent inspections revealed that new construction-derived contaminated soil had been accepted and backfilled on site in three different instances between May and December 2021, despite repeated warnings to cease illegal activity. Fresh tire tracks belonging to heavy machinery used to excavate and backfill were witnessed during each inspection. As of December 2021, approximately 2 460 m<sup>2</sup> of contaminated soil was observed on site (MELCCFP, 2022).

The time delay between the first documented inspection and the issuance of the compliance order was approximately two and a half years. Heavy machinery was used to backfill construction-derived contaminated soil on numerous occasions, as was the case for the documented Route 201 dump site. As observed in Franklin, repeated warnings were ineffective at stopping the dumping on Jean-Guy Lefebvre's dump site. According to an article published by *Le Courrier de Saint-Hyacinthe* in Mai 2022, Saint-Valérien-de-Milton mayor Daniel Paquette was not satisfied with the amount of time it took the MELCCFP to file its compliance order. The mayor told *Le Courrier de Saint-Hyacinthe* that more than two years was too long



of a time period when treating an issue that could have a serious impact on the environment (Villemaire, 2022). As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### Case 12: Construction-Derived Contaminated Soil From Various Locations Funnelled Towards the East End of Montreal

On March 26<sup>th</sup>, 2021, an ordinance was issued against the owner of a private property located in the East End of Montreal, Les Constructions Fédérales Inc, and the firm managing the backfilling operations happening on site, Dév Pacifique. Both firms were accused of storing construction-derived contaminated soil on an unauthorized site, contaminating the soil in the process (MELCCFP, 2021). Notably, the contaminated site is located approximately 100 meters away from the Prairies River, which is directly connected to the St-Lawrence River. Dév Pacifique, a firm owned by Isabelle Gagnon and operating as a real estate agency, does not seem to have any phone number or email address at which they could be reached (Entreprises Québécoise). Les Constructions Fédérales Inc, a real estate firm owned by lawyer Samuel Hornstein, does however have a phone number where they can be reached (Dun&Bradsreer, 2023).

Following a complaint filed by the City of Montreal in October 2017, claiming that backfill was being dumped on site, a MELCCFP inspector was sent to the alleged dumping ground. It was confirmed that backfilling activity had been taking place on site; it was also discovered that the illegal activity had been taking place as far back as 2016. The waste material in the backfill included bricks, concrete, wood residues, plastic, and asphalt. Soil samples taken on site revealed to be particularly contaminated with copper; zinc, polycyclic aromatic hydrocarbons and petroleum hydrocarbons C<sub>10</sub> – C<sub>50</sub> were also documented as observed contaminants. The MELCCFP conducted a second inspection in November 2017; the inspector witnessed an excavator undertaking backfilling activity on site. When questioned by the MELCCFP, Dév Pacifique claimed to not know where much of the construction-derived contaminated soil was coming from, and that it was only sorting it on the site for the purpose of sending the worthless waste to an authorized facility. The ministry issue a warning to both firms to take immediate action to store, treat

or eliminate the waste material on an authorized site; soil decontamination was also requested to be undertaken (MELCCFP, 2021).

In July 2019, the MELCCFP conducted another inspection, after having failed to receive any appropriate update on behalf of Dév Pacifique. Soil samples remained contaminated with pollutants similar to those documented in 2017. After another warning, Dév Pacifique hired the firm SolmaTech to undertake a study on the soil quality, as a first step to complete what the MELCCFP demanded from them. SolmaTech concluded that more than 100 000 m<sup>3</sup> (40 Olympic swimming pools) of soil was contaminated. In particular, petroleum hydrocarbons C<sub>10</sub> – C<sub>50</sub> were present in concentrations significantly above legal thresholds for the site (MELCCFP, 2021).

Approximately three and a half years after the initial observed infraction, the MELCCFP issued the compliance order; both firms failed to store, treat or eliminate the construction-derived contaminated soil on an authorized site following SolmaTech's analysis. Multiple parallels can be drawn to the documented illegal dumping happening on Route 201: similar waste materials (bricks, concrete, asphalt, plastic and wood) as well as similar pollutants (petroleum hydrocarbons C<sub>10</sub> – C<sub>50</sub>, polycyclic aromatic hydrocarbons) were observed on both sites. Inspectors also witnessed on both sites heavy machinery conducting backfilling operations. In October 2020, supplementary evidence provided by the City of Montreal, showed that the illegal dumping activity had been taking place on site as early as 2010 (MELCCFP, 2021). As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

### [Case 13: Property Owners Accept Construction-Derived Contaminated Soil After Being Told it was “Clean”](#)

On July 7<sup>th</sup>, 2022, the MELCCFP issued a compliance order to Charlie et Jamie Young Transport et Construction, as well as Centre de Tri Myral, for sending construction-derived contaminated soil to be backfilled on private properties while falsely claiming that it was “good fill”. Charlie et Jamie Young Transport et Construction has minimal information available online: they don't have an official website, nor a posted email address or phone number. Notably, Centre de Tri Myral appeared to be operating at

the same address as Centre de Tri Forget (which also faced a compliance order by the MELCCFP in June 2021); this was the sorting centre that caught fire on May 14<sup>th</sup>, 2023 (MELCCFP, 2022).

Following a complaint from the Municipality of Pontiac in November 2012, the MELCCFP undertook inspections on six private properties in the Gatineau area. These inspections revealed that fine residues made up of concrete, plastic, bricks, wood, gypsum, glass, asphalt, electric wires and polystyrene were being backfilled on site. A representative of Charlie et Jamie Young Transport et Construction declared to the Municipality of Pontiac, as well as the landowners, that they had papers provided by Centre de Tri Myral claiming that leachate from their construction-derived contaminated soil posed “no threat to the environment”. After the Municipality of Pontiac submitted another complaint in July 2013, the MELCCFP conducted another inspection. It was observed that part of the contaminated soil had been transported from the private properties back to Centre de Tri Myral (MELCCFP, 2022).

The MELCCFP did another inspection in June 2014 and found that waste material was still present on the sites. The next documented inspection, conducted in April 2018, came to the same conclusion: the construction-derived contaminated soil was still present and had not been stored, treated or eliminated on an authorized site. In May 2020, another inspection was undertaken, with the intended goal of collecting soil samples. As of that date, the volume of contaminated soil observed on the sites was approximately the same as four years prior (6 100 m<sup>3</sup>). The observed volume of backfilled construction-derived contaminated soil had been reduced to approximately 3 200 m<sup>3</sup> as of February 2022 (MELCCFP, 2022).

Test results from the May 2020 inspection were obtained in November 2020. Sulfur, sulfates, copper, arsenic, lead, zinc, chrome, tin, polycyclic aromatic hydrocarbons and petroleum hydrocarbons were among the observed contaminants observed in soil samples. Contrary to what was claimed by Centre de Tri Myral, the ministry’s analysis revealed that the waste material posed a contamination threat to the local environment. Separate analyses revealed that many of the private properties possessed wetlands; the western chorus frog, a vulnerable species, was proven to be present on these properties (MELCCFP, 2022).

Almost ten years after the first observed infraction, the MELCCFP finally issued a compliance order. Many of the waste materials and contaminants present on the Route 201 dump site were also present on the properties backfilled by Charlie et Jamie Young Transport et Construction. As of July 23, 2023, the access to information request submitted by the author of this paper on June 5, 2023, to the MELCCFP, which

sought an update on the inspections and follow-ups conducted by the ministry subsequent to the issuance of the compliance order, remained unanswered.

## Section 4: Concluding Remarks

The above case studies demonstrate that the illegal disposal of construction waste and construction-derived contaminated soil happening in Franklin is not an isolated incident. In fact, construction waste and construction-derived contaminated soil has been stored and backfilled illegally in and around the Greater Montreal area quite regularly over the past thirteen years, with ten of the thirteen compliance orders listed above being issued in the past five years. While the issuance of a compliance order remains the most powerful administrative tool at the disposal of the MELCCFP to impose corrective action on a firm or individual breaking the *Environment Quality Act*, its shortfalls have been noted in a good number of instances. Mainstream news outlets such as *Radio-Canada* and *La Presse*, as well as local newspapers, have documented failures to comply after the issuance of a compliance order on behalf of Centre de Tri forget, G & R Recyclage S.E.N.C., Conteneurs Rock Forest Inc and 9060 5460 Québec Inc. Absence of documented evidence is however not evidence of absence: local sources in correspondence with the author of this paper have claimed to observe continued dumping on the Route 201 dump site in Franklin even after the issuance of the compliance order, amidst the lack of any news outlet's coverage of the story.

Notably, not all illegal dump sites have faced a MELCCFP compliance order. Many of them have been documented on local news platforms but aren't yet facing the ministry's highest administrative level of attention. According to an article published by *La Presse* in May 2023, the MELCCFP is currently investigating a large illegal dump site in Saint-Marie-Salomé. According to the town's mayor, this dump site, having not yet faced a compliance order, is currently receiving between 100 and 300 truckloads of construction-derived contaminated soil daily. According to *La Presse*, MELCCFP's investigations have already revealed soil contamination. Polycyclic aromatic hydrocarbons, petroleum hydrocarbons and zinc were among the documented contaminants; the inspector declared that the contamination presented a long-term risk for the quality of local groundwater (Larouche, 2023).

Another dump site that did not receive a compliance order, located on Rang Dumas in the Haut St-Laurent region, has also proven to be contaminated by unauthorized construction-derived contaminated soil,

following soil sample testing conducted by Labo Montérégie and SolmaTech (Rennie, 2023). Like the Route 201 dump site, the Rang Dumas dump site is located in a high recharge rate area of the Chateauguay River aquifer, meaning that leachate poses a particular threat to the groundwater's quality (Croteau, Nastev, Lefebvre, 2010). The local municipalities of Ormstown and Franklin are trying to resolve the issue locally, be it through well water monitoring or bylaws currently freezing all dumping activities while stronger ones are devised. They are making the most of their limited resources in order to try and protect their aquifer. According to *The Gleaner* (2023), many local producers, supported by the local farmer's union, are demanding the *Commission for the Protection of Agricultural Territory of Quebec* (CPTAQ) to become the decision-making body for issues such as illegal dumping (Rennie, 2023). This would shuffle around responsibilities between the local municipalities, the municipal regional county and the CPTAQ. The MELCCFP, which has taken an average of approximately four years to file a compliance order after first witnessing the construction waste infraction, are thus far not considered in this reorganization of jurisdictions.

Although the MELCCFP has taken some steps to try to stop the illegal dumping of construction waste and construction-derived contaminated soil in Quebec, it seems to lack the resources not only to enforce its own policies, but also to find and investigate all illegal dump sites. In fact, the thirteen compliance orders issued since 2010 are most likely only the tip of the iceberg when it comes to illegal construction dumping in and around the Greater Montreal area. Some dump sites violating Quebec's *Environment Quality Act* are under investigation by the ministry but haven't received a compliance order. Others have been documented and observed by local municipalities but haven't caught the attention of higher levels of governance. No one can say how many are still flying under the radar. The known cases analyzed here, along with the unknown cases likely occurring, indicate a systemic, routinized practice in the construction and waste disposal sectors of avoiding the costs of proper and safe waste disposal at sites approved under stricter regulations adopted in 2009.

The issue requires attention to a large number of different topics: the potential increase of safe registered dumping facilities being made available to construction waste producers in the Greater Montreal area; waste prevention approaches undertaken during construction projects; and increasing MELCCFP's reliability in monitoring and enforcing regulations are of particular interest. If Quebec society is to exercise proper control over the province's groundwater resources, the quality of soils, and other features of its ecosystems, and to uphold the integrity and execution of laws and regulations that were created to benefit

all inhabitants of the province, the issue of illegal construction waste and construction-derived contaminated soil disposal needs to take a much bigger space in the public debate.



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