



Town of East Gwillimbury

COMMUNITY INFRASTRUCTURE & ENVIRONMENTAL SERVICES REPORT CIES-2013-08

To: Committee of the Whole Council

Date: November 4, 2013

Subject: Mount Albert Pit, Phase 2
Fill and Site Alteration Application Status

Origin: Community Infrastructure and Environmental Services
Environmental Services Branch

RECOMMENDATIONS

1. THAT Community Infrastructure and Environmental Services Report CIES-2013-08 dated November 4, 2013 regarding a status update on the Mount Albert Pit, Phase 2 Fill and Site Alteration application be received for information.

PURPOSE

The purpose of this report is to provide Council with an update with respect to the status of the Mount Albert Pit Inc. (MAP) Phase 2 Fill and Site Alteration application. Council has not yet considered the approval of MAP's Phase 2 application as this is subject to a future report.

BACKGROUND

On April 22, 2013 the Town enacted Fill and Site Alteration By-law 2013-066 and Operational Guidelines. These documents provide for a comprehensive approval process to better control fill operations within the municipality thereby minimizing impact to the environment and Town infrastructure.

Town staff are processing the Mount Albert Pit Inc. (MAP) Phase 2 fill application for the lands located at 19199 McCowan Road in compliance with the by-law. The processing of this application has been informed by extensive discussions and input from stakeholders.

In accordance with the fill By-Law, staff through the Town's Qualified Person (QP) continues to review the environmental components of the application before the agreement is brought forward for Council's consideration.

In addition, in consultation with a peer review consultant, staff have reviewed the fill application taking into consideration the quantity of fill, site grading, design concepts, and erosion & sediment control measures and criteria for agricultural priorities in accordance with the Ministry of Natural Resources requirements. Combined these are referred to as the “Civil Works”.

The environmental component of the application considers site hydrogeologic characterization and required studies, source material testing, ground water monitoring and quality control during importation of fill.

Additional components of the agreement will consider hours of operation, permitted haul roads, tipping fees, site audits/inspections of the civil works, etc.

On October 15, 2013, MAP submitted its hydrogeological site characterization study. This study is currently being peer reviewed by the Town’s QP. The preparation and submission of the hydrogeological study is a significant milestone in satisfying the environmental requirements of the By-law and is a prerequisite of moving forward with an agreement.

Phase 1 – “Overage” Issue

The By-Law required MAP to conduct public consultation and to address the concerns of stakeholders. During this public consultation, stakeholders raised concern about the quality of the excess materials (Overage) placed on site and partially on adjacent lands (19503 McCowan Road) during the MAP Phase 1 works. As previously reported MAP placed this Overage outside the limits of the Phase 1 permit area without Town approval.

The Overage is subject to the “Town of East Gwillimbury – Mount Albert Pit Phase 1 Rehabilitation Agreement,” dated February 21, 2012. In this agreement, all parties agree that the MAP, Phase 1 fill operation had exceeded the volume permissions by approximately 235,000 m³ of fill and that the Overage is to be moved through either incorporation into Phase 2 or through another methodology should Phase 2 not be approved.

Stakeholders also requested that the material in the Overage area be relocated prior to the importation of additional fill. This issue was presented to MAP who advised that at this time they did not wish to proceed in this manner.

On July 15, 2013 staff met with stakeholders to discuss their concerns related to the MAP, Phase 2 fill application. Through these discussions town staff committed to additional sampling of the Overage before it is utilized in the Phase 2 works. It was proposed at the time to install two additional test pits where three samples from each pit would be taken for environmental analysis and witnessed by the Town’s QP.

On October 2, 2013 staff discussed with the stakeholders and MAP an alternate proposal to monitor and test (as required) the Overage concurrently with the Phase 2 operation. The Town's QP will be present while the Overage is relocated and will have the authority to test any questionable material as it is encountered. Staff felt that this proposal better addressed stakeholder concerns that the Overage may be contaminated. The Town's QP concurred that this approach would provide a more thorough review of the Overage when compared to the two additional test pits originally proposed in July.

This latest proposal, to review the Overage while it is moved concurrently with the Phase 2 works, has been accepted by both MAP and stakeholders. The stakeholders did however ask staff to consider restricting the importation of fill until the Overage was moved back (southerly) to avoid co-mingling of imported with Overage material without QP consent. Staff advised that sufficient Town QP resources would be on site to ensure new fill is not co-mingled with the Overage during operations unless the Town's QP consents to this. Both the movement of the Overage and the importation of fill will require sufficient QP resources to manage both.

In the July meeting stakeholders requested that the Town consider the Overage as a source site in accordance with the current By-Law. The Town's QP responded to this stakeholder proposal advising that the Overage was placed in accordance with the 2010 by-law and the materials should not be retroactively subject to the current source material requirements in our Operational Guidelines. Regardless, the Town's QP will be onsite and have the authority to set aside and test any questionable material as it is moved.

The Question Of The Pond Filling (Phase 2)

An onsite pond was created when the MNR aggregate licence permitted extraction of aggregate below the ground water level. Stakeholders voiced concerns about the possibility of fish being present in the pond. In May 2012 CIES staff met with the Lake Simcoe and Region Conservation Authority regarding the site and was advised by the LSRCA that they do not have jurisdiction over the pond with respect to fish habitat, as the pond does not connect directly to a watercourse. LSRCA had no concern about the pond being filled in. Staff advised stakeholders in order to reduce the risk of contaminating the ground water it is proposed that the pond will be filled with soil of suitable quality for drinking water.

Through discussions stakeholders requested the depth of the pond and the impact to the ground water. Recently the Town was provided with the licence holder's MNR aggregate compliance assessment report (September 13, 2013) which indicates the bottom of the pond has an elevation of 242 metres. Based on the pond water level of 245.3± the pond would have a maximum depth of 3.3± metres.

Fill outside the aggregate extraction area

Stakeholders voiced a concern about the Town permitting fill outside the disturbed aggregate extraction area along the eastern site boundary. Staff consulted with the General Manager of Development Services who confirmed that fill is permitted under the zoning By-Law within the fill area proposed by the applicant. This does include unexcavated portions of the property. If the application is approved a buffer will be established along the LSRCA lands including erosion and sediment control.

ANALYSIS

Staff continue to process the MAP, Phase 2 application in accordance with the Fill and Site Alteration By-Law 2013-066.

The recent submission of the hydrogeological study and concurrence by MAP to move the Overage under the supervision of the Town's QP and stakeholders' agreement to these provisions are significant milestones in the application process.

Outcomes and/or recommendations of the peer reviews of the hydrogeological study, and civil works, hours of operation, average daily trucks, permitted haul routes, tipping fees etc. will be incorporated into the agreement for future consideration by Council.

With input from CIES, the Town's Solicitor is currently drafting the MAP, phase 2 fill agreement for Council's future Consideration.

The above agreement is also dependent upon the surrender of the Ministry of Natural Resources aggregate extraction licence # 6636 (Cedarhurst Quarries & Crushing Limited).

NEXT STEPS

1. Staff will review the findings of the hydrogeological study peer review with the Town's Qualified Person and incorporate recommendations regarding same into the MAP, Phase 2 agreement.
2. The Town's Solicitor, with input from CIES, will draft the Mount Albert Pit Inc., Phase 2 fill agreement incorporating all conditions outlined in the fill By-law and outcomes of public consultation.

PUBLIC NOTIFICATION

Public notification that this update report is before Committee of the Whole Council has been provided to resident stakeholders who have been involved with this process and to Mount Albert Pit Inc.

Additional consultation with stakeholders is not proposed at this time. Staff will however continue regular communications with stakeholders regarding the application.

The next opportunity for public input with respect to this matter will be when staff makes recommendation(s) to Committee of the Whole Council.

FINANCIAL IMPLICATIONS

There are no financial implications with respect to this report. By-Law 2013-066, Section 5.1 (v) states that the applicant is required to pay any and all costs incurred by the Town for peer review, quality control/assurance and operational compliance including a 15% administration fee.

ALIGNMENT TO STRATEGIC PLAN

The contents of this report support the Strategic Plan and Pillars as follows:

- 1. Protecting & Enhancing the Environment**
- 2. Supporting a Municipal Organization focused on Excellence**

CONCLUSION

This report is to be considered as an update to MAP's application only. Staff have facilitated open and regular communication with stakeholders and the applicant with respect to the Mount Albert Pit Inc., Phase 2 fill application.

Stakeholder concerns have been considered, and through discussions with stakeholders and the applicant, staff feel the technical aspects of their concerns have been addressed.

By-Law 2013-066 permits the proposed fill operations on the site subject to conditions outlined in the By-Law and Operational guidelines.

The Town's Solicitor, with input from CIES, is drafting the Mount Albert Pit Inc., Phase 2 fill agreement incorporating all conditions outlined in By-law 2013-066 and the Operational guidelines for Council's consideration.

Prepared By,

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