



Lakeridge Citizens for Clean Water  
Port Perry, Ontario, Canada  
www.lakeridgecitizens.ca  
info@lakeridgecitizens.ca

2013-07-16

Town of Whitchurch-Stouffville  
111 Sandiford Dr.  
Stouffville, Ontario  
L4A 0Z8

**Re: Site Alteration Permit - 14245 Ninth Line**

Lakeridge Citizens for Clean Water is pleased to present the following comments with respect to the site-alteration application for the Lee Sand and Gravel pit at 14245 Ninth Line.

***Pit Rehabilitation***

LCCW is concerned that there is the potential for the “business” of commercial fill operations to undermine various meaningful and innovative rehabilitation opportunities for some aggregate sites.

The Ontario Aggregate Resources Corporation’s Best Practices Guideline for Aggregate Rehabilitation Projects details various opportunities to enhance natural heritage systems and biodiversity. Aggregate producers, property owners and planning authorities should work together to explore the opportunities that exist that could allow these sites to contribute positively to healthy communities and environments. There are opportunities to integrate aggregates with natural heritage systems planning in order to maintain the integrity of the hydrology and natural systems of the Oak Ridges Moraine. This type of planning should be done in a purposeful way and should be reflected in official plans, zoning and by-laws.

The reality we have seen to this point in recent years where aggregate sites are being used for fill operations is a legacy of non-compliance issues such as overfilling, contamination issues, and quality of life issues for neighbouring communities.

***Time frame***

Both the ARA and ORMCP indicate that it is beneficial that extractions and rehabilitations should both happen “as quickly as possible”.

The subject application indicates an estimated 25 year timeline for rehabilitation to be complete. Indeed, the MNR has indicated that rehabilitation under the current MNR licence for the ninth line pit could be accomplished within the year. We do not believe a 25 year rehabilitation time period is in keeping with the recommendations of the ARA and the ORMCP with regards to rehabilitation timelines. It is hoped that this consideration is taken into account when reviewing these applications. As well, LCCW understands that that TOARC, through the MAAP program, is undertaking a study looking at gravel pits that have been converted into farmland. It is LCCW’s intention to become more informed of this study as well as suggest other parameters to include in the research, such as: how many pits were returned to grade, how many were deep pits as opposed to shallow pits, the size of the pits,

LCCW Re: site alteration permit for 14245 Ninth Line

whether farming operations (of which there are numerous variations) can take place in a pit or a partial pit which would be the case for the Lee Sand and Gravel site, etc. We believe this research would be consistent with responsible and informed planning. Ultimately, however, it would come to what is permitted in the site-alteration by-law and the policies of the official plan.

### *ORMCP Land Use Designation*

The site should be looked at in the context of the total area surrounding it.

The 2012 Ballantrae Mussleman Lake and Environs Environmental Management Strategy Report identifies numerous sensitive designations in the area of the gravel pits including an ANSI-area of natural and scientific interest directly north of the gravel pits. As well, the proponent's application package indicated that there are numerous sensitive species that can be found in the area as well. There exists an opportunity to further enhance the natural heritage system of the area and to link the surrounding ORM Natural Linkage Areas together.

The farming use can still take place in partnership with the ecological enhancement of the area and in a much more timely fashion. We are not certain that these possibilities have been considered or presented to the stakeholders involved. And with regards to the farming aspect, we are uncertain that a plan is in place on where all the necessary topsoil and subsoil will come from? It is likely that the original topsoil and subsoil were sold as was the common practice for pits established prior to 1970. However, even if topsoil did remain in berms, various studies indicate that topsoil should be stored for no longer than 5 years.

### *Well-head Protection Areas*

A 2006 Golder and Blackport Study regarding water quality issues and aggregate sites indicates that it is usually not the extraction process itself, but the post extraction land use applications that has the potential to impact groundwater quality.

Understanding this finding and understanding the significant issues and knowledge gaps that exist with regards to excess soil movement in Ontario, LCCW recommends prohibiting these operations in these in well-head protection areas.

Approximately half of the Lee Sand and Gravel pit lies in a well-head protection area. The precautionary principle should be applied. There are simply some locations that we need to protect from the uncertainties linked to the present state of excess soil management in Ontario. We note that the Township excludes these operations in Environmental Zoned areas. As indicated in comments for the application at 5783 Bloomington Rd., we believe High Aquifer Vulnerability Area as well as Wellhead Protection areas of the Moraine should be included in these prohibitions.

LCCW Re: site alteration permit for 14245 Ninth Line

Despite the best of intentions, the reality of the commercial fill industry reveals some very concerning issues:

- contaminated soils are turning up in various commercial fill sites (documented evidence regarding contamination issues can be provided promptly upon request)
- overfilling issues,
- issues effecting drainage due to the geology of fill materials,
- regulatory gaps in Brownfield legislation resulting in lack of testing of Brownfield waste materials,
- inconsistent and unprescribed use of the Reg. 153 MOE Tables, and
- the lack of standards to define clean fill

With regards to contamination, the application materials indicate that there will be 1 test for every 1000 loads or 10,000 cubic metres of fill. This degree of testing does not adequately reflect the need to proceed with caution due to the sensitive nature of the site. Although we again wish to state that these operations should not take place in these areas, if there was absolutely no other choice that existed, the most stringent and conservative testing program should be applied and then frequently audited through testing by the municipality. The MOE requires at least one test for every 160 cubic metres of fill coming into Brownfield sites. Clean sites should be given at least that minimum degree of testing. The added sensitivity of the well-head protection should demand a significant amount more testing.

### *ORMCP Landform Conservation Considerations*

The site is located in a Landform Conservation Category 1 of the Moraine.

Section 30 of the ORMCP requires “that an application for development or site alteration with respect to land in a landform conservation area (Category 1) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including limiting the portion of the net developable area of the site that is disturbed to not more than 25% per cent of the total area of the site.” Disturbance includes grading and filling.

The ORMCP states that mineral aggregate operations (those under MNR licence-as indicated in the definitions) are exempt from Landform Conservation Category requirements. In discussions with staff, the question was if staff apply landform category requirements to lands that were pits but are no longer licensed under the MNR. Staff has indicated they will be looking into an answer on this point. LCCW wishes to point out that the ORMCP makes a point in Section 30 (7) to indicate that disturbed area and impervious cover restrictions do not apply to (licensed) mineral aggregate operations. Therefore, as the ORMCP does not make a point to include any other exemptions, one could apply the landform conservation requirements to new development or site-alteration applications in surrendered pits.

As indicated in the ORMCP Technical Paper 4, “Category 1 land areas within the ORM are dominated by steeply sloping or complex landform patterns. They have been identified by the Province as areas having 50% or more of the land surface comprised of lands with slopes in excess of 10%; land with distinctive landform features such as ravines, kames and kettles;

LCCW Re: site alteration permit for 14245 Ninth Line


and/or land with a high diversity of land slope classes. We note that what is being proposed for the ninth line application is a plateau for most of the property until it approaches the adjacent properties where it then slopes down steeply. This is not consistent with the existing landforms surrounding the entire aggregate extraction area.

*Mussleman Lake Catchment Implications*

The 2009 Mussleman Lake Subwatershed Stewardship Report illustrates the catchment area of Mussleman Lake in Figure 1 of the report. LCCW has contacted members of the Technical Working Group for this document inquiring as to whether bringing the Lee Sand and Gravel pit and eventually the North York Sand and Gravel pit back up to grade will change the catchment area of Mussleman Lake. We feel that it is important to look ahead at the potential implications of increasing the catchment of Mussleman Lake –a lake that is reported to already have significant issues due to run-off from farms and septic input as well as other sources as per the report. We have been in contact with staff at the Township as well who are looking into whether the catchment will indeed be increased years down the line as a result of filling operations. We do not know what the implications may be, however we believe this issue should be investigated.

We appreciate your consideration and look forward to reviewing the next staff report on the matter. We would appreciate the opportunity to provide comment at that time as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian McLaurin". The signature is fluid and cursive, with the first name "Ian" being larger and more prominent than the last name "McLaurin".

Ian McLaurin  
LCCW