



Town of
East Gwillimbury

**IN CAMERA
COMMUNITY PROGRAMS & INFRASTRUCTURE
REPORT CPI-2010-71**

To: Committee of the Whole

Date: November 15, 2010

Subject: Mount Albert Pit Operations Status Update

Origin: Director of Engineering and Environmental Services - Community Programs & Infrastructure

RECOMMENDATIONS

1. THAT Community Programs & Infrastructure Report CPI-2010-71 dated November 15, 2010 regarding the operational status of the Mount Albert Pit be received.
2. THAT Council authorize staff to direct the Mount Albert Pit operators to immediately stop all importation of fill material on the subject property.
3. THAT in the event that Mount Albert Pit operators continue importing fill material for deposition within Phase 1 or Phase 2 without receiving a fill permit by the Town, then the Town proceed with legal action including an injunction to stop the operations.
4. THAT staff provide regular updates to Council with regard to the operation.

PURPOSE

The purpose of this report is to update Council on the current status of the Mount Albert Fill Pit. This report will also outline some of the operational aspects and challenges experienced by the Town thus far.

BACKGROUND

The Town entered into an agreement with Mount Albert Pit Incorporated in 2008. This agreement was for three years with an option for two 1-year extensions if the approved quantities were not deposited within the first three years.

This is a comprehensive agreement outlining, detailing, prescribing and defining numerous operational parameters relating to the fill site.

The agreement is currently in its third year and the initial three year agreement expires in June 2011.

Complaints

The Town has experienced approximately 50 complaints from residents regarding the Mount Albert Fill Pit Incorporated (the Pit). These complaints include but are not limited to:

- Amount of truck traffic
- Noise from truck traffic
- Site condition
- Operating outside of allowed hours. The allowable hours are Monday to Friday 7:00 a.m. to 7:00 p.m. and on Saturday 7:00 a.m. to noon.
- Encroachment into non-approved areas

Benefits

There are also some benefits the Town has experienced since the beginning of the Pit's operations such as:

- Tipping fees revenues
- Support of the Official Plan and its policy for progressive rehabilitation of pits and quarries to an appropriate after use; outlined in Report CPI-2008-24

Operator/Town Relationship

To some degree the operator of the Pit has responded positively and quickly to the requests and concerns put forth by the Town. Some of the issues which have arisen are:

- Truck traffic-the operator has significantly reduced complaints of this nature by instructing the drivers to access and exit the site via Highway 48. The operator has also erected signage on site instructing the drivers accordingly.
- Operating outside of approved hours – the operator agreed to discontinue all Saturday work activities at a meeting between Mount Albert Pit Inc. and the Town which took place on Monday, November 08, 2010.
- Site Conditions – the operator has historically responded quickly to any complaints of this nature such as dust control.
- Encroachment into non-approved areas – the operator of the Pit met with the Town on Monday, November 08 and agreed to cease all fill deposition activities in those areas defined as Future Phase 2 until such time as proper approvals have been acquired. Appendix A shows the view from the property at 19619 McCowan Road directly north of the Pit site illustrating encroachment into an unapproved area.

Agreement Violations

- The agreement allows for an average monthly truck volume of 100 trucks entering the site. The operators average daily truck volume to date is 119.
- Encroachment into non approved areas (see "Analysis" section).
- Operating hours outside allowed hours (particularly on Saturdays)

ANALYSIS

The impetus behind this status report is the encroachment by the operators of the Pit into those areas identified as Future Phase 2. According to the fill by-law in place when this agreement was established (Fill and Site Alteration By-law 2006-87); a public hearing process aligned with the Planning Act has to be conducted prior to issuing any agreements or permits. In addition the fill operation and grades have to be engineered.

The operators have deposited a significant amount of fill into the Future Phase 2 area (see appendix A & B). This is contrary to the agreement in place and the fill and site alteration by-law.

On September 23, 2010 the operator was formally advised to cease. On October 8, 2010 the operator was requested to provide proof that the remaining capacity within the approved Phase 1 could accommodate the fill placed in Phase 2. Staff met with the operators on November 8, 2010 and were informed by the operators that the fill currently on site within Phase 2 would fill the remaining capacity within Phase 1 essentially meaning that the fill operation has been completed from a volumetric perspective. Accordingly, the importing of additional fill should terminate until approval for Phase 2 encroachment is received. In the event that Phase 2 approval is not received then the existing fill placed in Phase 2 without approval should be removed or reworked to the satisfaction of the Town.

Aggregate Extraction Pit (Phase 3)

Within the operators lands exists a licensed aggregate extraction pit. The owner is required to rehabilitate this pit before the license is surrendered. This operation would require site alteration in accordance with MNR criteria and approval. This area will also be subject to compliance in accordance with the Town's Fill By-law once the license is surrendered.

NEED FOR PUBLIC CONSULTATION

According to the Town's Fill and Site Alteration By-law No. 2010-55, in addition to the engineering component of the approval process a public hearing which aligns with the Planning Act must be conducted before the Town can issue any agreements or permits where there is more than 10000 m³ of fill involved. Placement of fill beyond the approved area (Phase 1) and into Phase 2 or 3 (once the MNR License is surrendered) requires this public hearing and Council approval.

FINANCIAL IMPLICATIONS

The Town currently receives tipping fees from the Pit operators. A reconciliation of the revenue to be received by the Town for this operation will occur upon completion of a topographical survey verifying fill volume.

CONCLUSION

1. No more fill is brought on site until current quantities deposited on site are determined.
2. The Pit operators submit applications and receive approval for the Phase 2 area before any additional fill is brought on site for Phases 1 or 2.
3. As directed by the Town and/or if Phase 2 approval is not given the materials currently in Phase 2 be removed and/or reworked to the satisfaction of the Town.

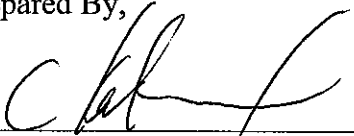
ALIGNMENT WITH STRATEGIC PLAN

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

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

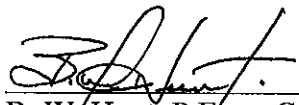
This report has been reviewed by the Senior Management Team.

Prepared By,



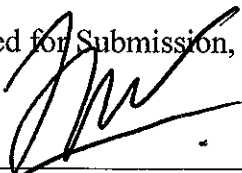
Christopher Kalimootoo, P. Eng, Director
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Approved and Received By,



B. W. Hunt, P.Eng., General Manager
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Approved for Submission,



Chief Administrative Officer
Thomas R. Webster

Appendix 'A'











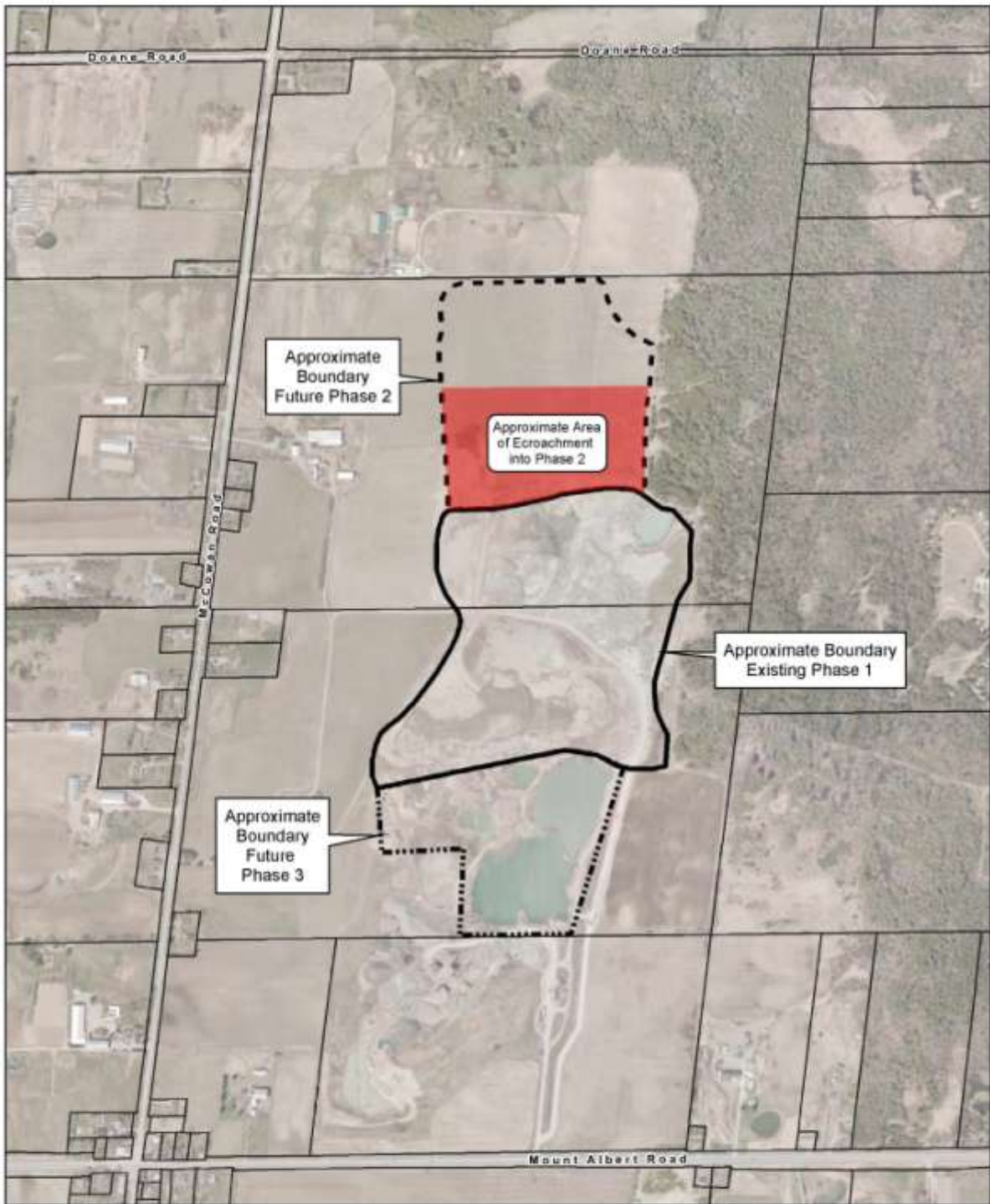








Appendix 'B'



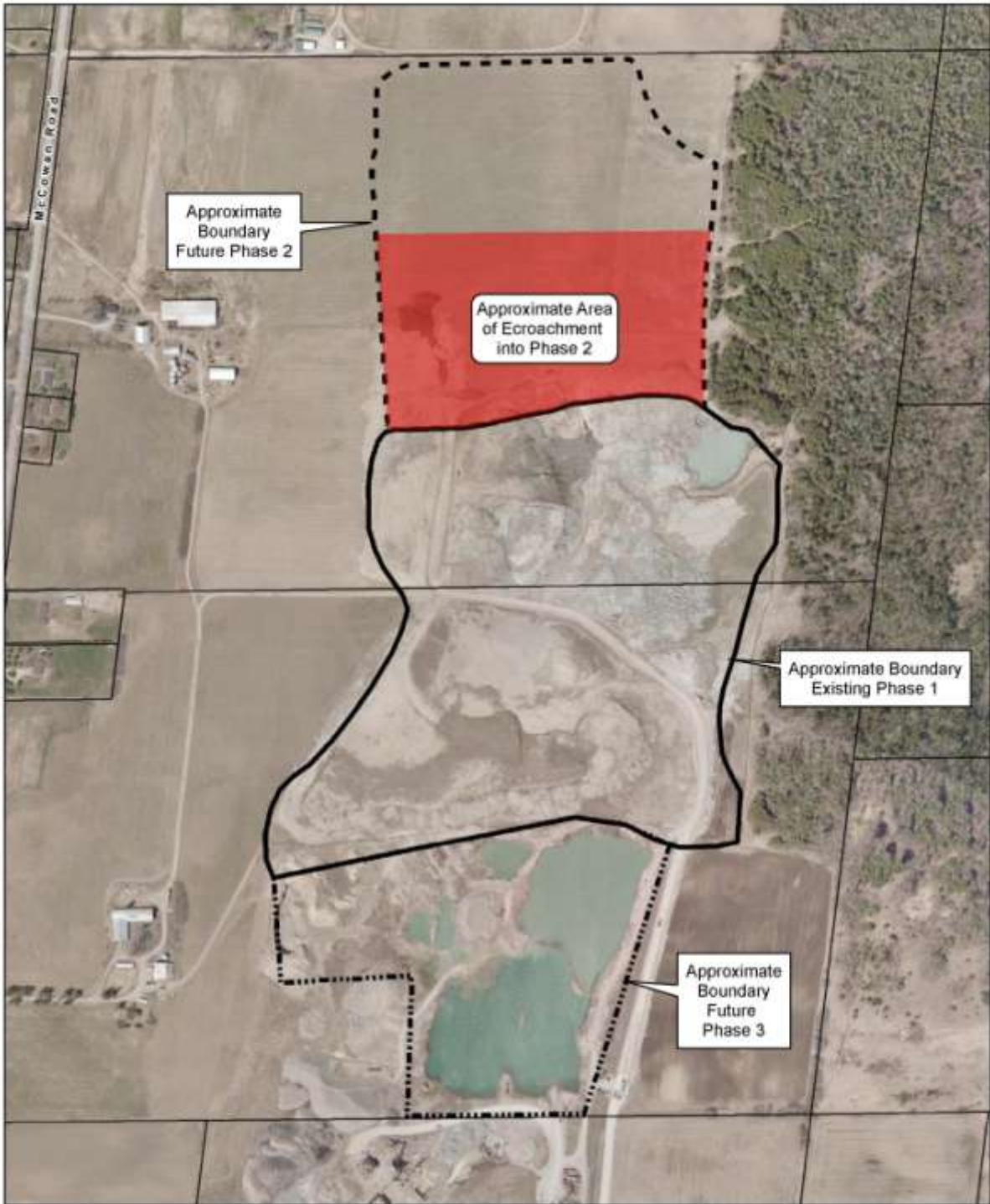
Mount Albert Pit
19503 McCowan Road



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Mount Albert Pit
19199 & 19503 McCowan Road



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