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Ministry of Natural Resources,  
Midhurst District Office,  
2284 Nursery Road,  
Midhurst, ON, L0L 1X0

Attention: Mr. Brent Armstrong

### **Notice of Objections**

with respect to the application by Nelson Aggregate Co. of 2433 No. Sideroad, P.O. Box 1070, Burlington, ON, L7P 0G8 for a Category 1, Class “A” Licence to excavate aggregate (sand and gravel) from below the established water table at a rate of 1,000,000 tonnes/annum from a new pit of 72.8 hectares located at Pt. 6, 7, Concession 4 of Adjala-Tosorontio.

We recognize that ‘Aggregate’ is an important resource for the well being of the Ontario economy. We also fully understand that it is a non-renewable natural resource that was identified as rapidly depleting in the series of major reports commissioned by MNR in 2009. We are unable to find more recent studies but the situation can now only be worsened in terms of available or potentially available product.

The Aggregate Resources Act, among other things, requires MNR to manage, control, regulate, require the rehabilitation of land from which aggregate has been excavated and to minimize adverse impact on the environment in respect of aggregate operations.

These factors combine to create a very challenging ‘balancing act’ for MNR. The degree to which MNR has succeeded in achieving that mandate is clearly a question fraught with judgement and affected by financial and human capital available to exercise the mandate.

We respect the difficulty of your challenge. We also think you would fare better if you were more flexible in the manner in which you engage the public to assist you in finding pragmatic solutions. This letter also includes a series of objections to the decision-making process.

Against all of those considerations, we wish to formally table our serious objections to the granting of a licence to Nelson Aggregates for extraction of aggregate from the proposed pit located as described above. The details of, and reasons for, our objections follow.

**A. We object to the deleterious impact on the bird, fish, wildlife, plant and tree species and insects of the directly affected and surrounding area if a licence is granted for this pit.**

1. Studies commissioned by the applicant identify a very wide range of birds, wildlife, fish and insects evident in and near the proposed pit area. All of these will be disrupted, most will be forced to find new habitat and those fortunate enough to adapt will be at risk of both air-borne and water-borne pollution and contamination with future serious effects.
2. The applicant's report acknowledges the presence of threatened/endangered and protected species, e.g., barn swallow, bank swallow, Bobolink, Eastern Meadowlark, Monarch butterfly, as well as Canada's iconic national symbol, the beaver.
3. Trees will be removed as required and used for firewood.

**B. We object to the negative impact on the water quality, watercourses and water levels as a result of pit operations should a licence be granted.**

1. Excavation below the water table will immediately lower the water table level with probable impact on nearby wells and watercourses
2. Excavation below the water table provides a natural bridge for co-mingling of contaminated pit stored water and the water table itself.
3. As the excavations and accumulations advance, the current flow directions of directly affected watercourses will be altered with uncertain impact.
4. The applicant intends to engage in "washing of aggregate" on site. This will have a negative impact on the water table level as source water is taken for the process and will establish a source of water table pollution through general seepage and co-mingling of pit and natural water table.
5. Water used for dust suppression will further reduce the water table level.
6. The new pit ponds will add to the rate of evaporation and contribute to reduced water levels.
7. The watercourse crossing, to be constructed across Tosorontio Creek to permit vehicle traffic between Phase 1 and Phase 2, is a certain source of pollution for the Creek caused by oil and fuel leakage from the constant passage of vehicles.
8. Design of the watercourse crossing will not be undertaken until after the licence is issued. This should be a requirement for assessment at the outset.
9. 'Drag-line' excavation carries the risk of undermining the minimal banks being proposed to protect the existing surface watercourses.
10. Spent water from the 'washing' operation will be discharged to a wash pond for treatment, "if required". At the very least, such must be required and the treatment pond must be constructed to eliminate any chance of adding further contamination of the water table.
11. The data supporting the domestic water well survey are presented in documents as old as 1968 and with only one (2012) from the current decade. It is reasonable to assume such data are significantly out-dated and, therefore, irrelevant as anything other than an interesting history note.
12. A more current domestic water well survey must be required and include domestic water supplies within an area of 1000m and include direct consideration of the threat to water supply

quality for the residents of Everett. The 500m limit adopted in the planning study is not sufficient given the immediate presence of the Boyne River and Tosorontio Creek watercourses.

13. The groundwater monitoring program proposed incorporates “on-site” wells with the possibility of including 3 domestic wells for regular quality monitoring. A minimum of 3 domestic wells plus appropriate sample points relevant to the Town of Everett must be a required condition should a licence be granted.

**C. We object to the removal of yet more agricultural and green space from the area.**

1. Removing productive farmland and/or extant ‘green space’ is not a “wise use” of the Province’s resources.

**D. We object to the negative impacts of noise and air quality pollution and the optics that will result from the ‘dynamic’ berm program if a licence is granted.**

1. Sound levels predicted are at, or barely within, MoE sound level limits and do not include consideration of the cumulative impact of other nearby pit operations and related truck traffic.

2. No plan for inclusion of sensors to monitor noise levels is evident.

**E. We object to the proposal to back-haul ‘fill’ to the pit operating area.**

1. This intent holds the threat of contaminated soil and unsightly construction refuse being accumulated on the property.

2. There is no undertaking on the part of the applicant to assure residents this will not happen.

3. Given the proposed scale of the operation, it will be impossible for MNR and other agencies such as the OPP to maintain any kind of meaningful oversight.

**F. We object to the inadequacy and the ‘post-licence’ timing of the proposed mitigation actions relative to protection of affected natural resources.**

1. All of the mitigation actions identified, with the possible exception of the planting of shrubs and grasses along existing watercourses, are deficient. None involve prior action. Instead, all can be characterized as “trust us” and we will report promptly to the Ministry when problems arise.

2. The applicant proposes to submit annual reports to MNR summarizing the groundwater and surface water monitoring program results. Such reports should be required to be submitted also to the local municipality and the summaries should be required to be published in local media at the expense of the pit operator.

3. The applicant proposes to “review” the SARO list at least annually and states that, “*adequate protection will be provided to any endangered or threatened species observed in the active extraction area if required*”. Not one example is given of a potential action to provide “adequate protection”.

4. Many ‘monitoring’ actions are ‘recommended’ by consultants who have been engaged in the planning process. While the applicant may be ‘required’ to meet various standards and expectations mandated by the Aggregate Resources Act and other applicable legislation, nowhere is there evidence in the application package of a genuine ‘good faith’, signed

commitment by the applicant to adhere to such requirements and practices. The engineering drawings, at least, do expect the applicant to sign-off but, at this stage, such has not occurred.

**G. We object to the proposed action for rehabilitation of the property.**

1. The applicant proposes to ‘rehabilitate’ the property at some uncertain future date by leaving behind yet more unsightly and dangerous water-filled pit craters. How does this translate into meaningful rehabilitation for the displaced birds, wildlife and insects? How does this provide any meaningful recreational, agricultural or other use of practical value to the residents of the area or to the Province?
2. This approach translates into minimal responsibility for the applicant to contribute to cleaning up the unsightly and largely useless end result of years of significant profit-taking at the expense of the environment and the taxpayers.

**H. We object to the potential removal of aggregate and related material, a non-renewable and rapidly depleting natural resource, from the Province of Ontario.**

1. The applicant has not stated where the extracted product will be used but their representatives acknowledged that such product could be exported outside of Ontario.
2. The applicant has not identified how their proposal contributes to the stated Ministry strategy of distribution “Close to Market”.

**I. We object to the designed intention of the applicant to engage in breaking the traffic laws of Ontario.**

1. The applicant has reportedly designed and documented a logistics process based on truck travel at 100 km/h through residential areas on two-lane township and county roads while, at the same time, acknowledging the applicable road speed maximum is 80 km/h.
2. This deliberate intention will amplify the significant safety hazards caused by the dramatic increase in the number of heavy trucks travelling on local roads. The logistics design envisions 42 twenty-two ton diesel trucks travelling every hour daily from 6am to 7pm, Monday to Saturday.
3. The safety hazards will increase for all other vehicles in general and school buses in particular; even more so if the designed ‘speed’ intent is followed.

**J. We object to the impact of increased vehicle movement on normal traffic flow in the area and the resulting inconvenience for residential and school bus traffic.**

1. The added volume of heavy truck traffic will result, by design, in daily weekday morning long waiting lines for all vehicles travelling south and attempting to transit the new traffic lights at the intersection of County Road 13 and Provincial Highway 89.
2. The long waiting lines will add diesel exhaust pollution to the atmosphere.
3. Major delays in daily peak rush hour for residents attempting to drive to work and for school buses transporting children will occur and lead to a significant shift in traffic patterns as a result of drivers seeking alternate routes.
4. The traffic studies submitted ignored these obvious outcomes.

**K. We object, as taxpayers, to having to underwrite the costs of repairs to basic infrastructure, the increased monitoring by the Ontario Provincial Police and the Ministry of Natural Resources that will arise as a direct result of granting a licence and the ensuing pit operations.**

1. Part of the route intended for use by trucks has been identified as requiring re-surfacing now. That condition will be rapidly worsened by the proposed additional truck traffic.
2. Given the stated intention of the applicant to routinely exceed legal speed limits, it will be necessary for law enforcement services to increase surveillance. This will increase direct cost and/or indirect 'opportunity' costs for the taxpayers of the Township.
3. Given the 'post-licence' timing of proposed mitigation actions, it will be necessary for the MNR inspectors to add more inspection hours to an already stressed capability. This will at least increase opportunity costs arising from diversion of already limited resources from other tasks.
4. The applicant has provided no information regarding the potential economic benefit for the affected community that might offset the inevitable costs.

**L. We object to the cumulative impact of this proposed new pit in concert with that of existing nearby aggregate excavation operations.**

1. The proposed number of additional vehicles, equipment and new excavation activities will combine to intensify the negative impact on all critical factors; e.g., road safety, noise levels, air-borne particulate, wear and tear on roadways and disruption of wildlife, bird and insect habitat.
2. The extension approved for a nearby pit simply aggravates the problem further.
3. No evidence has been provided to the contrary save for an opinion provided on the water table and groundwater temperature impact of existing water-filled pits.

**M. We object to the decision-making process pursuant to granting this licence.**

**\* There is an absence of a requirement for prior commitment by the applicant**

1. The applicant does not own the property for which a licence is sought.
2. The property for which a licence is sought is not zoned for such a purpose.
3. The applicant is able to set in motion a process funded by taxpayers in return for a very modest fee that does not begin to cover the resulting process costs.
4. The applicant is able to cause an expensive and complex process to be executed while avoiding any risk associated with having to first purchase the property for which a licence is sought or to invest in prior mitigation actions.

**\* There are inherent imbalances in the process**

5. The application process is biased against taxpaying citizens who will bear the brunt of resulting environmental, social, natural resources and infrastructure costs arising from the operation of such a pit.
6. The process is prejudiced in favour of the applicant who will further deplete a non-renewable natural resource of the Province while reaping considerable profit over an extended period while being required to pay only a modest royalty fee.

7. Interested citizens are expected to search out and obtain copies of the applicant's proposal from the Ministry at considerable inconvenience and with precious little window of opportunity to do so. The applicant, on the other hand, is privileged to receive any objections arising directly by post or email.

**\* It is very difficult to find and obtain essential information in a timely manner**

8. There is no obvious process by which interested citizens can readily obtain copies of the reviews and comments being provided by other government agencies.

9. The February 18, 2015 public forum convened by the applicant held no opportunity for interested assessors to be provided with copies of the proposal and related studies for the purpose of subsequent reading and assessment. Attendees were expected, presumably, to read the hundreds of pages of material while standing in place. No pro-active, overview presentation was made to assist interested parties to properly understand the proposals. The applicant's paid consultants were present to answer questions, assuming one had a basis for formulating meaningful questions.

10. The Council of the Township of Adjala-Tosorontio have not provided meaningful information to assist residents and others to properly understand the implications and conditions of the proposal relative to the impact on the municipality and their intended response to the proposal.

11. The Council of the Township of Adjala-Tosorontio provided no opportunity for citizens, in general, to gain additional knowledge that would be helpful in determining the degree and nature of potential objections in order to facilitate a more informed response to the Ministry by the deadline of March 9, 2015 imposed by the Ministry. They have agreed to provide some answers to questions posed but, to date, such have not been received.

**\* Confusion exists regarding the role of the involved municipality with respect to their obligations to ensure a transparent and full disclosure process**

12. The Council of the Township of Adjala-Tosorontio have been neither forthcoming nor clear with respect to their plans, or the timing of such, to provide citizens with an opportunity to understand and comment on the proposals.

13. The Council of the Township of Adjala-Tosorontio have not completed their due diligence and, as recently as February 12, 2015, the Mayor was cited in the media as stating, "*We cannot give a formal opinion until we have all information, to me that would be irresponsible*". Despite that, taxpaying citizens are required to submit objections to the Ministry by March 9, 2015 or forego any and all opportunity to participate in the process.

14. The Council of the Township of Adjala-Tosorontio, despite the above shortcomings and deficiencies, issued a Notice of Particulars and Public Access for Applications pertaining to the applicant's proposal, dated February 13, 2015, to a very limited number of recipients, i.e., "*to agencies and to the properties near the proposed gravel pit*". (Councillor Scott Anderson, email February 22, 2015). Recipients and anyone else, presumably, are required to provide comment to the Planning Department by March 6, 2015 after which "*Notice of Public Meetings for these applications ... will be given at a future date*".

15. The Council of the Township of Adjala-Tosorontio convened, with less than 24 hours notice, a Special Meeting at 9:00 am on Wednesday, February 25, 2015 with the stated purpose, among other things, "*... to discuss the proposed Nelson Aggregate Gravel Pit and to consider a*

*[related] motion by Councillor Meadows, ....*". The item was placed last on the Agenda, was preceded by an hour of other business and by the Council absenting itself to an In Camera session for over an hour. On reappearing, Council, through a solicitor, advised the Gravel Pit matter could not be discussed and the related motion was dropped. Opportunities for public comment will be provided at a future date, possibly in April.

**In conclusion, we object to the issuance of a licence but should our objections and those of others be over-riden, we expect no licence will be issued until such time as the conditions identified throughout this document, some of which are re-iterated here for emphasis, are satisfied.**

- \* All applicable "policy requirements" of the Simcoe County Official Plan are met and confirmed.
- \* All applicable analyses with respect to provincial, regional and local land use as required by the Planning Act are met and confirmed.
- \* A more current domestic water well survey be required and to include domestic water supplies within an area of 1000m and include direct consideration of the threat to water supply quality for the residents of Everett.
- \* A requirement to adjust proposed on-going groundwater and surface water sampling programs to reflect this broader geography.
- \* A requirement to demonstrate that the cumulative effect of this new operation in concert with other nearby operations will not increase safety, noise and air pollution hazards for the community.
- \* A requirement to publish at least annually, a summary of the groundwater and surface water monitoring results; any instances of reports to MNR in respect of endangered/threatened birds and wildlife; any instances of oil or fuel spills; any on-site safety incidents. Such results to be published in local media and posted in an easily visible manner at the entrance to the site.
- \* A formal commitment by the operator to meet all applicable legislative and regulatory requirements routinely throughout the life of the operation.

**We recommend that:**

- \* **MNR explore the feasibility of deploying modern, wireless-based technology and sensors to augment their monitoring efforts for this proposed pit; especially, with respect to water quality and noise levels. Costs of such capability should be added to the operating costs of the pit operator.**
- \* **All future applications for licences be made available online and in total to facilitate ease of access and review by citizens.**

Respectfully submitted,

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Jill Sadleir, B.A.