

# WHAT MUST WILMOT COUNCIL ADDRESS

**Proposed Hallman Pit  
1894 Witmer Road, Wilmot Township**

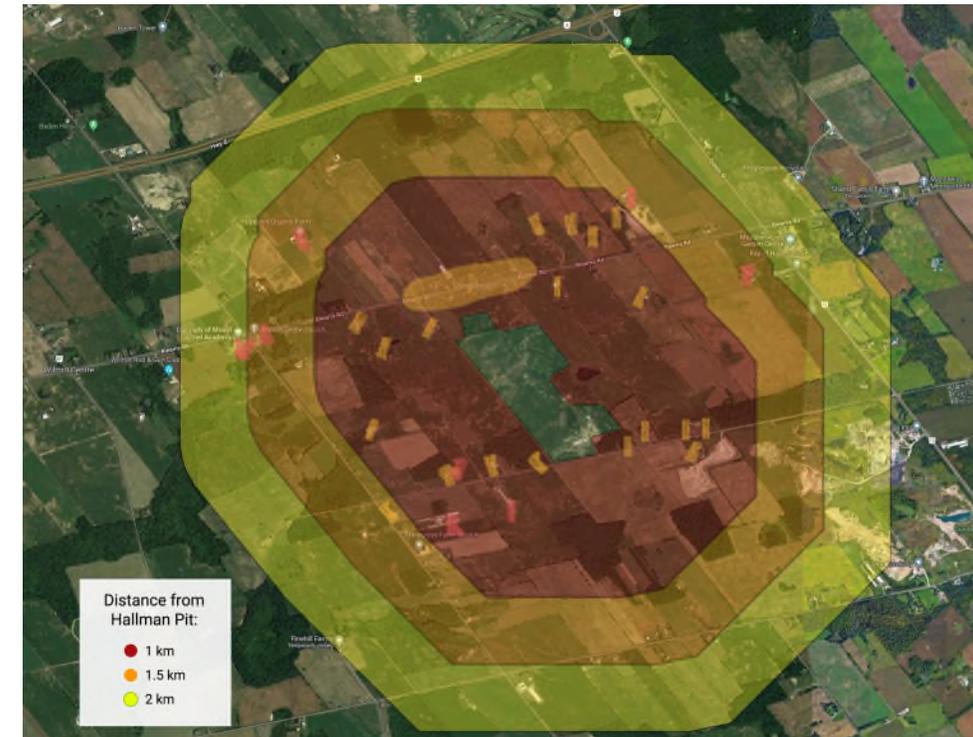
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# LOSS OF PRIME AGRICULTURAL LAND

## Hallman Planning Summary:

- The site is designated by Region and Town Official Plans as part of a 'prime agricultural area'.
- According to the Hallman reports and peer reviews, there is no scientific basis to demonstrate that the site can be rehabilitated to meet provincial standards (i.e., the Provincial Policy Statement)



# HARM TO THE ENVIRONMENT

## Hallman Environmental Impact Statement:

Provincially Protected Features that are on the site or within 120m are:

- **Habitat of Endangered or Threatened Species**  
Habitat for *Barn Swallow* and *Bank Swallow*;
- **Fish Habitat**
- **Significant Wildlife Habitat**  
Turtle wintering area (Midland Painted Turtle);  
Habitat for Species of Special Concern (Eastern Wood-Pewee and Monarch)
- **Significant Woodlands**



### Legend

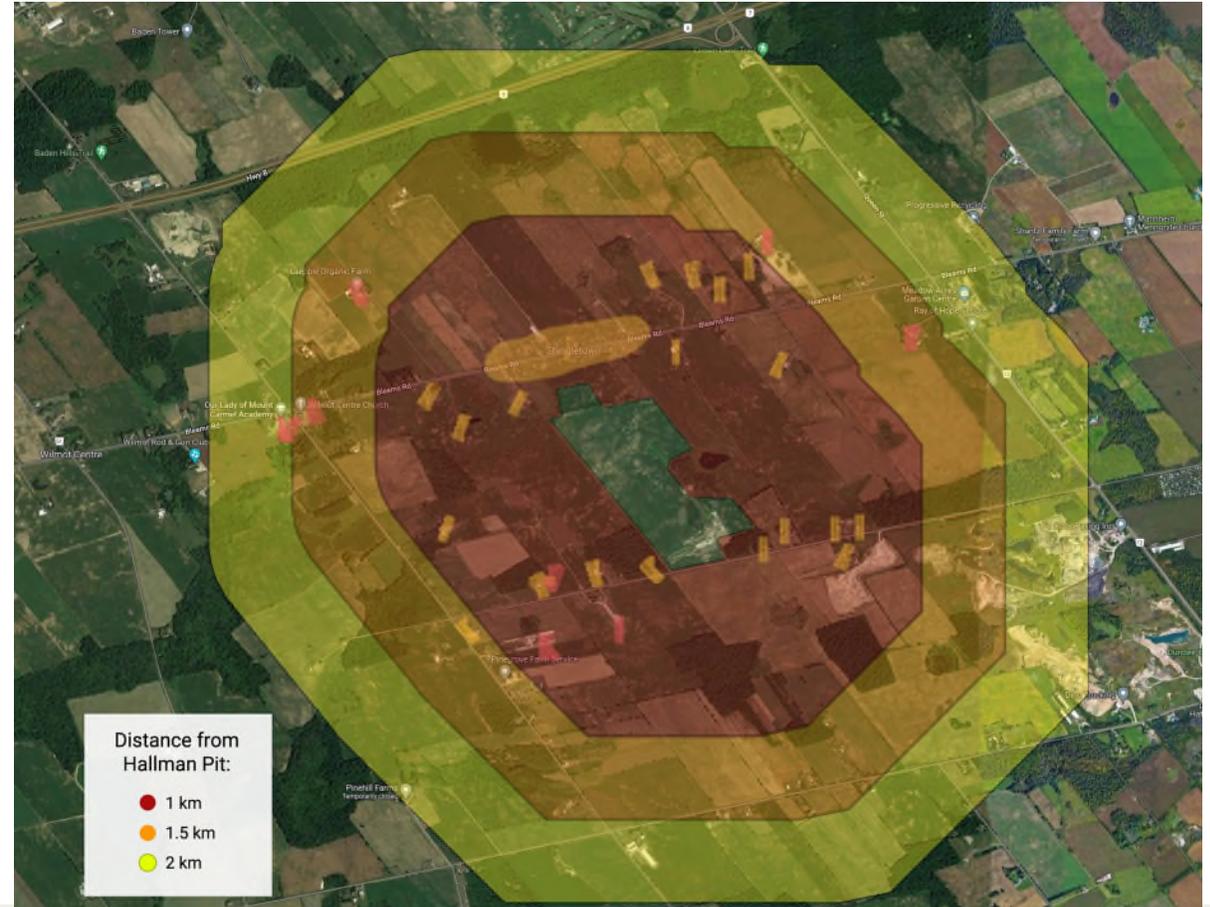
- Subject Property
- Significant Woodland
- GRCA Wetland
- GRCA -Regulation Limit

# HARM TO RESIDENTS (& TAXPAYERS)

- 55 homes within 1 km of the proposed pit
- 8 farm businesses with animals within 1.5 km of the proposed pit

## Map:

- Orange marks – Residents
- Orange cluster – Shingletown resident cluster
- Red marks – Farm businesses with animals



# HARM TO RESIDENTS – INCREASED NOISE

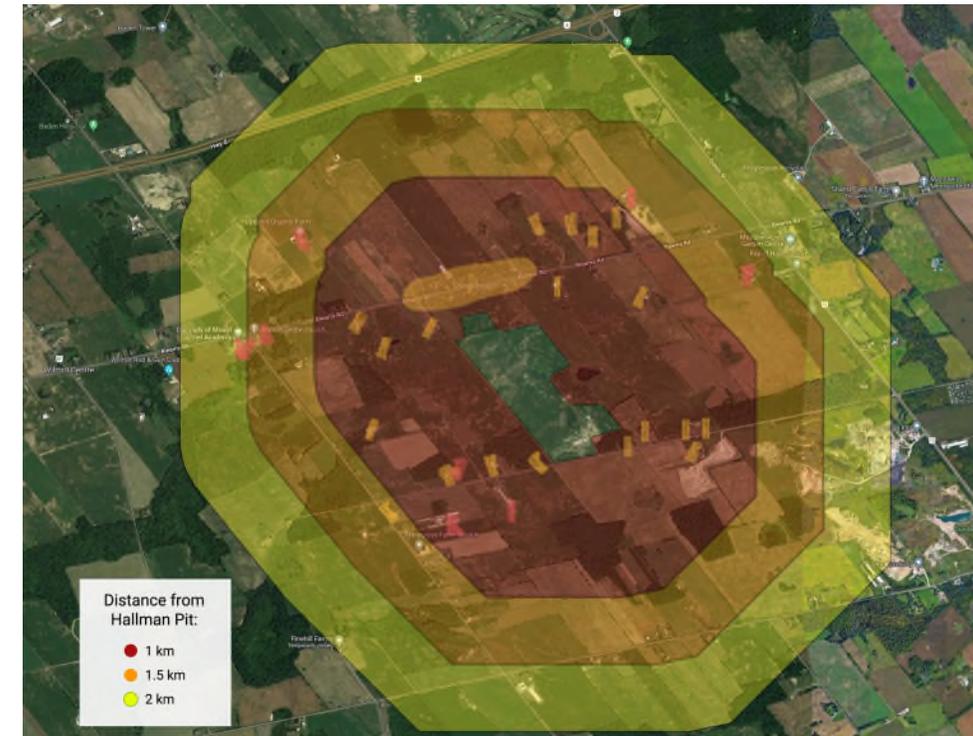
## Residents' Peer Review of Noise Study:

- Hallman's Noise Study wrongly described the existing noise levels and applied the wrong noise standard

“The backyards of the residences on Bleams Road north of the gravel pit have been incorrectly assumed to be located in a Class 2 area.”

- Hallman's Noise Study did not assess all on-site sources of noise
- Hallman's Noise Study did not meet requirements to assess noise impacts from its haul routes

***These errors will understate all noise impacts***



# HARM TO THE AIR RESIDENTS BREATHE

## Issues with Hallman's Air Quality Report:

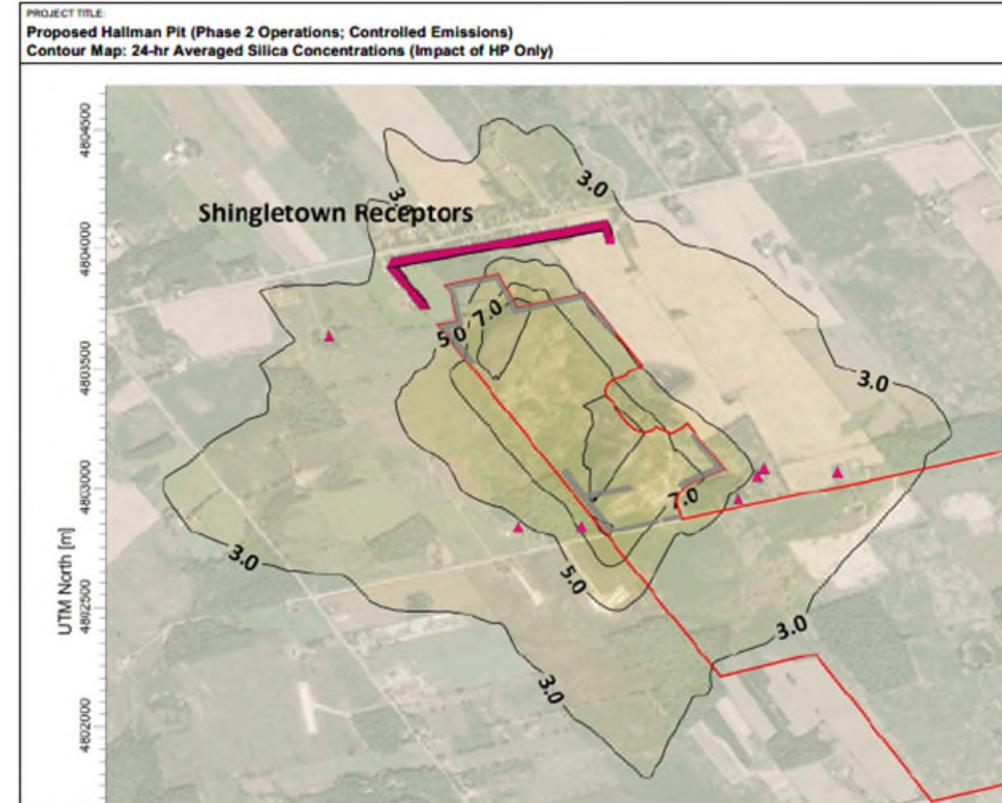
- Omitted Emissions: Failure to include all aggregate crushers
- Omitted emissions: NOx emissions from fuel combustion
- Over-valued mitigation: Report presumes 90% dust control efficiency; data supports broad range of efficiencies (high of 77%; low of 12%); lower efficiency is more appropriate
- Over-valued dust shielding: extraction depths varies from 1m to 20m; report uses 20 meter pit depth to model all emissions

***These modeling choices will understate all emissions***

***Key Emissions because of Dust from Pit equipment and trucks:***

***Silica (carcinogen)***

***Particulate Matter (10 micrograms or less) – hence, "PM10"***



# HARM TO HUMAN HEALTH

## Human Health Impacts:

- “No safe threshold has been established for human health effects resulting from exposure to particulate matter (PM2.5, PM10). Non-lethal effects of particulate matter and diesel particulate matter can include cardiovascular and respiratory disease.” – Milton Logistics Hub Federal Environmental Assessment Expert Report (p 181)
- “Any increase in ambient particulate matter is associated with a statistical increase in mortality and hospitalization rates.” Environment Canada/Health Canada Priority Substances List Assessment Report for Respirable Particulate Matter”

# ***TOWNSHIP COUNCIL IS THE LEAD DECISION-MAKER***

**Pit approvals are controlled by the most local decision-maker**

**New Aggregate Pits must have local zoning approval**

**Present zoning does not permit this Pit, so Council must decide to amend its zoning by-law**

**Zoning is the lead approval - not the Province's aggregate licence, not the Region's Official Plan**

***Aggregate Resources Act, 12.1 (1) No licence shall be issued for a pit or quarry if a zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries***

# ***KEY TEST THAT WILMOT COUNCIL MUST SATISFY***

## **Council's Decision Must Be “Consistent With” the Provincial Policy Statement**

### ***Planning Act, s.3(5)***

#### **Policy statements and provincial plans**

3(5) A decision of the council of a municipality...in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements...that are in effect on the date of the decision

**Provincial Policy Statement (2020) is the current policy statement**

## ***THE ESSENCE OF THE KEY TEST***

***Does this Pit – a Major Facility – Avoid all potential “Adverse Effects”?***

***Provincial Policy Statement (2020)***

1.2.6.1 ***Major facilities*** and sensitive land uses ***shall be planned and developed to avoid***, or if avoidance is not possible, minimize and mitigate ***any potential adverse effects*** from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

# ***OTHER TESTS BEFORE WILMOT COUNCIL***

**The 2020 Provincial Policy Statement also provides other *tests* that apply to Council**

**Council’s Decision must also be “Consistent With” the following policies:**

- Healthy, Liveable and Safe Communities (1.1.1)
- Natural Heritage (2.1.1, 2.1.4, 2.1.5-2.1.9)
- Water (2.2.1-2.2.2)
- Agriculture (2.3.1, 2.3.2, 2.3.6.1, 2.3.6.2)
- Mineral Aggregate (2.5.2.1-2.5.2.4, 2.5.3, 2.5.3.2, 2.5.3.3, 2.5.4.1)
- Cultural Heritage (2.6.1-2.6.3)
- Human-Made Hazards (3.2.1-3.2.3)

**QUESTIONS?**

# PRESENTERS



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APPENDIX D



**GOWLING WLG**