



SUBJECT: Meridian Brick / Aldershot Quarry Study review

TO: Planning and Development Committee

FROM: Office of the Mayor

Report Number: MO-17-19

Wards Affected: All

File Numbers: 210-01

Date to Committee: December 3, 2019

Date to Council: December 16, 2019

Recommendation:

Direct the Executive Director of Community Planning, Regulation and Mobility to investigate the Air Quality Bylaw for Oakville and report back to council with a recommendation for a similar bylaw for Burlington by Q2 2020; and

Direct the Executive Director of Legal Services and Corporation Counsel to retain an environmental lawyer to advise on the municipal role in the Aldershot Quarry, the potential air quality bylaw and any other matters arising; and

Direct the Executive Director of Community Planning, Regulation and Mobility to review and report back on the peer reviews of the studies done by Meridian/Aldershot Quarry and requirements for ongoing monitoring and potential impacts on human health. As part of the review, report back on the cost and process to conduct an independent peer review of studies conducted to date; and

Direct the Director of Roads, Parks and Forestry to review the forestry plan for phased removal and replacement of trees at the Aldershot Quarry, and report back with an assessment to council in Q2 2020; and

Direct the Mayor to:

- write to the three local MPPs for Burlington, the Ministry of the Environment, Conservation and Parks, and the Ministry of Natural Resources & Forestry to request a meeting to discuss the conditions of the site plan and their oversight and due diligence in ongoing monitoring and studies conducted on the air quality impacts of the quarry activities to ensure the quarry is operating within provincial regulations.

- establish a Community Council Liaison Committee with representation from Meridian/Aldershot Quarry, local citizens, provincial ministries, city staff and council, and other stakeholders (as identified below), to provide regular communication among stakeholders, renew monitoring studies, and discuss quarry activities and any emerging/new issues.

Purpose:

A Healthy and Greener City

- Healthy Lifestyles
 - Environmental and Energy Leadership
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Background and Discussion:

Meridian/Aldershot Quarry operates in the city of Burlington off of King Road, north of North Service Road. The quarry is governed by both a provincially approved license and a site plan. The license was issued in 1972.

In 2010, a revised site plan was approved by the Ministry of Natural Resources and Forestry. The site plan spells out certain provincial conditions that must be met to continue operations.

Meridian Brick purchased the Aldershot Quarry in 1990. In 1998, the Tyandaga West subdivision, including what is now Westhaven Drive, was approved by the then-Ontario Municipal Board (OMB). The OMB-endorsed Minutes of Settlement included conditions for the plan of subdivision regarding ongoing monitoring of dust and noise, which were met prior to the issuance of building permits.

The west and centre cells of the Quarry are almost depleted, so Aldershot/Meridian Brick is now moving into the east cell, closer to the homes on Westhaven Drive.

Residents on Westhaven Drive, along with the broader Tyandaga community and beyond, formed the Tyandaga Environmental Coalition (TEC) and have raised concerns about the impact on human health from dust from the quarry. Additional concerns have been raised regarding loss of tree canopy and noise. Residents have asked whether the decades-old license would be granted today, or the subdivision approved today in such close proximity, given up-to-date information about the environment and potential impact of quarries in close proximity to residential neighbourhoods.

TEC is advocating for three actions related to the quarry:

1. Endorse TEC's proposed Minister's Zoning Order and Request for Review to allow for the permanent protection of the site, or at the very least the required three-year salamander survey work;

2. Seek, along with the Halton Medical Officer of Health, independent peer reviews of all Meridian's technical studies, and
3. Commission a Stakeholder Design Charette exercise to explore sustainable rehabilitation and development solutions across the entire Aldershot quarry operation.

Requesting an MZO of the province would depend on the findings of the review of studies and ongoing monitoring requirements and oversight of the site. TEC has advised they have information about salamanders in the vicinity; we have requested they forward that information.

The city has recently taken the position with the proposed expansion of the Nelson Quarry that any post-use design discussion will not commence till the site is decommissioned; the same approach will be taken with the Tyandaga quarry.

There is merit in reviewing the studies that have been conducted, and the ongoing requirements for monitoring and provincial oversight.

In June of this year, myself and Ward 1 Councillor Kelvin Galbraith met with TEC members Fran Fendeleit, Heather Lareau, Maria Rozakis Adcock and their consultant Dr. Franco DiGiovanni.

Mr. DiGiovanni is an expert in air quality, is often called on to testify at hearings (most recently on the proposed Milton CN logistics hub), and currently works for Hemmera, a leading environmental consultancy.

A number of issues were identified and shared by Dr. DiGiovanni regarding the quality of the studies conducted by Meridian Brick/Aldershot Quarry, and the nature of the peer review work that was completed, specifically:

- not conducted by a licensed engineer practitioner
- some contaminants were not examined
- unclear how Meridian is held accountable for ongoing monitoring

The issues raised by TEC, Dr. DiGiovanni, and citizens regarding the nature and quality of the studies done to date warrant the city taking a deeper look at the quarry activities, the ongoing monitoring, and the oversight provided by the province.

Financial Matters:

Staff to report back on the costs for legal and any other consulting services that may be required.

Total Financial Impact

TBD

Source of Funding

TBD

Other Resource Impacts

Not applicable

Public Engagement Matters:

As per the above comments, engagement with members of the community through the TEC has taken place at various times already this year.

Conclusion:

This council needs to be satisfied that the quarry is operating in an environmentally friendly way, that there is sufficient ongoing monitoring, and there is no negative impact on residents. We will be guided by empirical evidence and the most up-to-date science in these matters. The recommendations in this report are drafted in the service of these goals.

Respectfully submitted,

Mayor Marianne Meed Ward

905-335-7607

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.