



## LPAT Day 10 – June 5, 2019

Day 10 is done. A potpourri of topics scattered through the hours; a mysterious gift of chocolates on the water table for the second day in a row; a little giddiness in the back rows; Chris White in brief attendance; and a few moments of sheer disbelief!

### IMPORTANT HOUSEKEEPING UPDATES:

1. **\*\*\*FRIDAY IS OFF AGAIN THIS WEEK!** We're moving through testimony at a good clip.
2. **Hearing times are 9:30 to 4:45** unless otherwise advised.
3. There will be **no Hearings on Fridays June 14 and 28.**
4. The **agenda for Thursday** is at the end of this report.
5. [Sign in on our roster here.](#) **Note: This is a new link with the first two weeks of June listed.**
6. **NEW!! Most participants will present their statements on Monday, June 17. Mark your calendars so you can come to support them.**

**Session Content** (This is not a detailed report – just a very simplistic record of activity because of the complexity of the issues, technical analyses and regulatory requirements. Any inaccuracies or opinions are Linda Sword's, not CRC's!!)

**Dr. Wren** resumed his water quality/fishery testimony. He stated, in passing, that quarries are good habitat for fish, even during operations. He recommended two years of baseline monitoring of fish habitat before the operation begins. However, in general, he didn't think that surveys of the fish population in Brydson Creek would make a difference since JDCL was protecting the fish anyway, even though Dr. Wren himself had not seen a fish there. He invested some time in questioning the approach and conclusions of CRC's fishery expert, Dr. Karl Schiefer, and a lot of time addressing the existing high nitrate and coliform content of Tributary B and Brydson Creek which are at maximum levels for fish health. He affirmed that the quarry operation would not increase nitrate levels, assuming full expenditure of nitrates in every blast. In cross-examination, C. Barnett drew his attention to an MNR study which indicated significant losses province-wide of brook trout habitat. He went on to confirm with Dr. Wren that Dr. Schiefer did know a fish when he saw one and that Brydson Ck. was suitable habitat. Halton Region's David Germain went on to confirm with Dr. Wren that the Fisheries and Oceans Act required that all habitat be protected. Dr. Wren credited JDCL with good stewardship since they had not asked permission to re-route Tributary B, which bisects the site. (Apparently re-routing is permitted by the Federal Ministry of Oceans and Fisheries.)

In response to JDCL's request to have Air Quality expert **Brian Sully** return to testify to the new model he had developed since his previous testimony, C. Barnett argued that the witness had had years to acquire the information on the revised, increased number of haul trucks on site, and that the rules do not permit unfair surprises. Mr. Tousaw ruled in favour of hearing the witness since LPAT rules give him more leeway, and in the interests of having the best technical information available to make a decision. He stated that he did not condone this approach...just as he had not condoned the inadequate witness statements on Day 2. Mr. Sully testified and to the amazement of everyone, quickly explained that the new model with increased trucks added up to lower dust impacts. We're sure someone can explain this, but certainly none of us in the peanut gallery!

We next leapt into the visual impact review by **Glenn Harrington, Landscape Architect**. He was comfortable that the 10 metres of tall trees around the site periphery would hide the berms, which would also be planted with native shrubs and groundcover. He recommended adding trees to line the east side of the access road which curves north after leaving 6<sup>th</sup> Line to further hide the operation from public view. To the consternation of JDCL lawyer D. White, it quickly became clear that Mr. Harrington did not understand that the quarry would not be de-watered, thinking the heavy machinery would be at the bottom of the excavation, and so quite invisible. After a short recess update he was able to muddle his way through this new information, but was not convincing when he stated that the operation would not be at all visible, including the stock piles, and couldn't assess the significance of the now higher berms.

The last witness was **Peter Stewart, Architect** specializing in heritage conservation. He stated that there were three 19<sup>th</sup> century stone houses on the 6<sup>th</sup> Line, that they would qualify for heritage designation, and that 6<sup>th</sup> Line was a cultural heritage landscape with these houses, representative of early farming along a narrow, treed road. Following the 120-metre ARA rule, he did not identify a heritage structure adjacent to the quarry, and therefore stated that the quarry would have no impact. He had no knowledge of potential vibration impacts on heritage buildings. However, when addressing the landscape, he said in one breath that 6<sup>th</sup> Line and Hwy. 7 would be the beginning of the heritage landscape, but then, when accepting that the entry road to the site interrupted this landscape, that it could be said to begin at the north boundary of the site...seemingly accepting the quarry as already in place. Finally, everyone was flumoxed because there didn't seem to be a definition of a significant cultural heritage landscape...although Mr. Stewart said 6<sup>th</sup> Line was worth protecting.

### **What's on the agenda for tomorrow?**

**Three JDCL witnesses remain. We will begin with Peter Giamou, Ground Penetrating Radar, followed by Anne Guiot, Site Plan. It is not clear that we will have time to hear from Michael Wynia on Environmental Planning.**