



LPAT Day 15 – June 13, 2019

Day 15 is done. It was a pleasure to listen to the Halton Region experts whose first impact was to show that there was a possibility of broad/deep analysis not evident in the JDCL experts who had only one purpose – to make a quarry palatable according to the narrowest interpretation of the rules.

IMPORTANT HOUSEKEEPING UPDATES:

1. **Hearing times are 9:30 to 4:45** unless otherwise advised.
2. There will be **no Hearing on Friday, June 28.**
3. The **agenda for Monday** is at the end of this report.
4. [Sign in on our roster here.](#) **Note: This is a new link for the week of June 17 and 24.**

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!! These daily journals are all on the CRC website www.hiddenquarry.ca/OMB)

Halton Region's hydrogeologist, Norbert Woerns continued his testimony. In discussing the water recharge value of the quarry site, he pointed out that the JDCL model did not accurately reflect the high porosity of the bedrock and the nature of the connectivity, in part because of a lack of data. Referencing the provincial Public Policy Statement (PPS) directive that development should be restricted near significant water recharge features, he referred to the Gartner Lee Study commissioned by GET Council in 2004 which identified the land between 6th and 7th Lines Eramosa as an area of significant recharge and high susceptibility to contamination, not suitable to heavy development. This study was echoed in the GRCA 2017 Source Water Protection Map which also identified this area at the highest level on the vulnerability score. Mr. Woerns did not find in the JDCL data any support for the assertion that the water recharge function will not be changed and stated that there was less data available to assess HQ than was used in other quarry assessments he had seen. Other missing assessments included the lack of a water balance study for the whole site, not just the NW wetland; turbidity in the quarry 'ponds': longterm impacts of a deep pond on newly cut bedrock; hydro-carbon from vehicles; lack of complete studies of the overburden in the area of Tributary B...and more. In his opinion, approval of the quarry would be pre-mature. JDCL lawyer David White settled in for a tough cross-examination, but Mr. Woerns, a truly extraordinary witness, was firm in his opinions and responded with unwavering authority and detail, asking the crucial question 'what is an acceptable level of uncertainty?'

Trumpets!! Special report from a super CRC supporter who caught part of the questioning which will give you another insight into this clash of titans: "After a bumpy start in which James Dyck's lawyer, Mr. White, asked questions that seemed to call into question the need for more monitoring on the Brydson property since there is already so much contamination present from e-coli etc. and saying that the proposed monitoring sites on the S. border of the proposed quarry should be enough. When responding to the Chair's questions directly, however, Halton's expert, Mr. Woerns, reiterated the uncertainty of all the assumptions. In response to CRC lawyer Mr. Woerns pointed out that e-coli can be mitigated in a short distance by surrounding particulate (sand etc – LS note: moraine anyone?), but would not be mitigated at all flowing through bedrock cracks; that other dolomite quarries in Ontario are in very different circumstances. (Speed River dilutes turbidity of Guelph Quarry, for example). The Chair seemed to be suggesting that Mr. Woerns could modify the JDLC plan to have more data points so it could work better. Mr. Woerns reiterated that it was not his job to design the system for JDLC but to review what they have proposed after 7 years of adjustments." Thank you to Joy!

Ecologist Mirek Sharpe was the next witness for Halton Region. He began by bringing Halton Region's long term commitment to protecting the natural environment, dating back to 1975 with a study called **Land Form Permanence**. He made it very clear that the PPS requires that natural heritage systems be identified, and that in this case, the natural heritage system reaches deeper into Halton Region than the ARA's limited 120 metre area for study. He would be addressing the Blue Springs Creek (Area of Natural Scientific Interest); Brydson Pond and Creek; and woodlands. He noted that Brydson Creek is a key natural feature which had received inadequate, if any, attention in JDCL studies. He referenced the fish habitat in the Creek and noted that the only report on the fishery he had seen came from CRC's expert, Dr. Karl Schiefer. In this case, he asserted, there must be no negative impacts at all. The proponent must 'provide every confidence' that natural heritage is protected. When Mr. Sharpe wanted to refer to the Halton Region Official Plan there was serious resistance from JDCL's lawyer, Mr. White. He argued that looking at one corner of the Region through the lens of the Official Plan would open the door to other aspects of the Plan which would not be relevant to an application in Wellington County. Mr. Sharpe indicated that his purpose in referring to the plan was limited to natural environment issues in the lands adjacent to the proposed quarry. The Chair agreed to permit references to the Official Plan in this limited context and said he would be on the alert if he felt the Plan was being used for other purposes. Mr. Sharpe argued that the separation of Wellington County from Halton Region by a highway or a line on the map should not affect appropriate assessment of impacts on the linked natural heritage features. JDCL may have felt that he only needed to meet GET/Wellington standards. Halton Region begs to differ! Mr. Sharpe will continue his testimony on Monday afternoon.

What's on the agenda for Monday?

Tomorrow is Participants Day beginning at 9:30 and continuing until noon – perhaps longer depending on questions from LPAT Chair or lawyers. After this unusual session, the Tribunal will continue to hear evidence from Mirek Sharpe, Ecologist for Halton Region.