



## LPAT Day 22 – June 26, 2019

Day 22 is done. Is it possible? More of us are dropping in every day for a few minutes or hours to experience this “Hearing” which has haunted us for so many years. We are listening. Have we been heard? We are so interconnected now we know just when to catch each other’s eyes to communicate anger, joy or sheer amazement without giving our feelings away to the adjudicator. Sometimes we check the clock at the back of the room – When will the bell ring for recess? Will it toll for JDCL?

### 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 or Monday, July 1.**
3. The **agenda for Thursday** is at the end of this report.
4. **If you haven’t seen these daily jottings, they are all posted at [www.hiddenquarry.ca/omb](http://www.hiddenquarry.ca/omb)**

**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](http://www.hiddenquarry.ca/OMB))

**CRC’s hydrogeologist Garry Hunter** stated “My conclusion is that this proposed Quarry Application as submitted does not and cannot meet the statutory tests as required by the Aggregate Resources Act (2018), the Provincial Policy Statement (2014) and County of Wellington Official Plan (2018) with respect to water and groundwater resources. This Application for an Aggregate Licence should not be approved.” Among the reasons were the following, in Mr. Hunter’s own words (longer list in his Witness Statement): 1. Groundwater Model understates predicted water level drawdowns on the upgradient Quarry perimeter and beyond into the Paris Moraine. 2. JDCL has not acknowledged quantity and quality impacts due to Quarry interference with Rockwood Municipal Wells #3 and #4 and nearby private water wells. 3. JDCL has not sufficiently protected the Allen Springs, De Grandis Springs and various Ponds and the Allen Wetlands in the Paris Moraine from adverse effects of passive quarry water table drawdowns or proposed appropriate mitigation. In his testimony he noted that JDCL was planning to dump silt into the new quarry ponds, risking turbidity in groundwater and potential blockage of important underground water channels. He also questioned JDCL’s commitment to the promised rehabilitation through the creation of wetlands at the top of a cliff on the ponds’ edges without severely restricting rock available for extraction to allow for a substantial space for a gradual slope. He also proposed, if the quarry application was successful, a more streamlined monitoring system which would include more monitoring wells outside the periphery, but fewer within. Hard for JDCL to resist such original thinking after five weeks of accumulating monitoring suggestions, wouldn’t you think?

In cross-examination, JDCL’s lawyer David White investigated some of Mr. Hunter’s assertions, including his estimate of a 7 metre drawdown to the north of the site; his suggestion that the bedrock might be close to the surface north of the site; his assertion that the contamination in Tributary B came from several agricultural sources north of the site. This last issue relates to Mr. White’s repeated questioning of all witnesses regarding the role of the DeGrandis pond/cattle farm in the “off the scale” contamination of Tributary B. (Stephanie DeGrandis, microbiologist, had stated in her participant statement that the ‘alarming’ contamination test had neither been conducted according to scientific protocols nor by the appropriate professionals.) Chris Barnett expressed his frustration with Mr. White’s repeated effort to point the finger at Dr. De Grandis, and pointed out that no witnesses have ‘sloughed off’ water quality issues. Mr. Hunter pointed out that the pond was home to a large flock of Canada geese who might take some responsibility for contamination, along with cash crop farming which depends on fertilizers and locally, turkey and poultry manure. Mr. White wondered out loud why the residents “in this perfect little community” weren’t taking care of their watershed...even while they complained about potential quarry impacts. It is not clear if he was including JDCL, owner of 300 acres on the 6<sup>th</sup> Line Eramosa, among watershed inhabitants...There will be more cross-examination tomorrow. Perhaps Mr. White will have regained his calm.

In the middle of Mr. Hunter’s cross-examination, another CRC witness took the stand for a short time. **Stephen Watson, Ground Penetrating Radar** specialist, spoke to his examination of the bedrock in the DeGrandis Pond. **Among the things modelling has been unable to confirm is the exact contours of bedrock, and the implications for groundwater movement and spring sources.** The DeGrandis Pond was a ‘dug’ pond when Stephanie was a young girl, and she remembered that the digging had stopped because they had encountered bedrock and a surge of upward moving water. Was the spring in her pond a groundwater spring? CRC engaged Mr. Watson to determine the slope of the bedrock in this area and to determine if there were any fractures. His testing revealed one large fracture of perhaps 2- 3 inches, and other smaller fractures, meaning that bedrock groundwater was the source of one of the pond’s springs, a new and important data point. In advance of Mr. Watson’s appearance, JDCL had engaged another GPR specialist, Mr. Giamou, to review his report, but not to do any testing. His testimony was scathing, on Day 11, questioning, among other things, Mr. Watson’s methodology. Today it became clear that Mr. Watson had used appropriate methodology, but that the retainer CRC was able to pay did not allow for the mountains of background data required to produce a full report. Nevertheless, the report was based on solid evidence, and the presence of fractures confirmed. This was another uncomfortable encounter, with Mr. White questioning the legality of Mr. Watson’s practice, without any basis, not even a piece of paper this time. Mr. Watson, as it turns out, has a lengthy list of projects in bedrock and quarry work, provides sole source services to the City of Toronto and Hydro One, and is just back from looking for treasure with a team on Oak Island!! No luck yet on that treasure...

### **What’s on the agenda for Thursday?**

**Garry Hunter will continue under cross-examination. Karl Schiefer (aquatic ecologist) and Bill Hill (blasting) will also testify. AND participant Tony Russell will speak to his experience living next door to the Acton Quarry. He’ll speak sometime after lunch so please come to support him if you can.**