



## **Briefing Notes – Rockfort Quarry Proposal 2010**

June 2010

### **Issue:**

The proposed quarrying of Amabel dolostone at the “*Rockfort Farm*” in Caledon, will ecologically degrade the Niagara Escarpment and imperil the groundwater, surface water and the cold water fisheries of the area. The risks are high and the damages to the ecosystem could be irreversible.

### **Background:**

- 1996:
  - An area of land adjacent to the Niagara Escarpment and midway between Terra Cotta and Belfountain was designated a High Priority Mineral Aggregate Resource Area in Peel Region’s Official Plan. It later became identified as Aggregate Reserve Area 9A.
  - James Dick Construction Ltd. (JDCL) purchased property at the Northeast corner of Winston Churchill Blvd. and Olde Baseline Rd. The vendor was totally unaware that the purchaser was a numbered company and not the young couple who had come to view the property.
- 1998:
  - JDCL proceeds with a Rockfort Quarry application that would result in mining 75 to 100 feet below the water table.
  - The matter was taken to the Ontario Municipal Board (OMB).
    - Among those objecting to the proposed Rockfort Quarry included: Ontario Ministry of Natural Resources, Credit Valley Conservation Authority (CVC), Town of Caledon, Region of Peel, Niagara Escarpment Commission and 1,000+ citizens.
    - The OMB directs the Town of Caledon to continue the Community Resource Study (CCRS), initiated in 1996, which aimed to establish a balanced aggregate management plan for the community.
- 2000-2002: The Caledon Community Resource Study (CCRS) is completed and approved by Town of Caledon Council as OPA 161, but appealed by JDCL and others to

the OMB. Settlement talks result in agreement and OPA 161 is passed. The Town of Caledon's aggregate resource policies allow mineral aggregate resources to be made available for use, "*where this use can be balanced and integrated with the ecosystem, social and economic goals of the Town of Caledon*". **Town of Caledon – Official Plan 5.11**

- 2003: The pre-hearing on the Rockfort application continues. The OMB finds that JDCL must have their case heard under the new OPA 161 rather than grandfathered under the old rules. JDCL must comply and undertake a Comprehensive Broader Scale Environmental Studies (CBSES). This was a precedent setting decision.
- 2008: Data collection and analysis for the CBSES were completed, but JDCL filed it under a "without prejudice" basis—an inconsistent position. Updated site-specific plans for Rockfort were submitted, but socio-economic studies were not completed.
- Experts for the agencies and the Coalition of Concerned Citizens (CCC) submitted final peer reviews, November 2008. Many reports have expressed serious unresolved concerns about the credibility of the proposal—especially regarding water mitigation, the grout curtain, the Adaptive Management Plan and adverse impacts. (See Highlights on Peer Reviews).
- 2009: After eleven years and four sets of peer reviews, the agencies (CVC, The Town and Region) voted their position for a second time. The Town of Caledon, Region of Peel, Town of Erin, Credit Valley Conservation and Niagara Escarpment Commission unanimously voted against the Rockfort application.
- The OMB Hearing is delayed from May 2009 to September 15, 2009, for JDCL to replace their lawyer due to illness.
- The OMB Hearing commenced on September 15, 2009.
  - JDCL presented their case through to the end of December, 2009.
  - The Region of Peel, The Town of Caledon, the Credit Valley Conservation Authority and The Coalition of Concerned Citizens present their opposing cases from January through to the beginning of May 2010.
  - A Public Session is held on April 12, 2010 and many citizens present their statements in opposition.
  - During the last week in May JDCL finalizes their case, The Region, The Town, The CVC and The CCC all present their final arguments.
  - JDCL then concludes with right of reply May 27<sup>th</sup>, 2010 and the hearing ends.
  - Madam Chair anticipates she may have a decision by the end of August 2010.

## **KEY CONSIDERATIONS**

### **For mining in Caledon Reserve Area 9A:**

- The 2005 Provincial Policy Statement has a priority of sourcing aggregate close to market.
- The projected population growth creates demand for aggregate (stone, sand and gravel).
- JDCL states that the dolostone in this area is of high quality.

### **Against mining in Caledon Reserve Area 9A:**

- The Region of Peel and the Town of Caledon must consider potential infrastructure costs for water supply and new haul route road construction and maintenance. They must also consider the potential negative impact to their tax base.
- The area is protected habitat for the threatened Jefferson Salamander which is now regulated under the “Species At Risk” Act in Ontario.
- It has been established that dolostone is available nearby on an existing haul route on Regional Road 124, west of Highway 10 in a Caledon “Resource” area.
- Added traffic (a possible 1,000 trucks per day) will create problems for the significant volume of daily commuter traffic that already moves through the area via Winston Churchill and Mississauga Road.
- The area around 9A is valued and used regularly by a large GTA population for bicycle touring and competition, fishing, riding, hiking, canoeing, skiing, equestrian, sight-seeing, motorcycle and car touring.
- The track record of aggregate extraction along the Escarpment is that as neighboring properties are devalued pits and quarries can easily expand.
- The 9A Area is heavily populated by rural standards and the property tax base is significant.
- The combination of water disruptions, increased traffic, dust and blasting could result in a much larger area being impacted.
- The 9A location could result in damage to neighbouring areas of Provincially Significant Environments on the Escarpment – areas that are easily accessible for recreation to the GTA.
- Area 9A is at the complicated and sensitive transition between the Paris Moraine (a water recharge area) and the Niagara Escarpment (a water discharge area).

- Blasting and pumping could have serious consequences for the Niagara Escarpment and area surface water and groundwater systems. (Ref. Howard).
- Disrupted water systems could impact sensitive area ecology, groundwater to the Credit River and water supplies for local citizens. (Ref. Howard).
- Proposed mitigation (including a grout curtain) is uncertain at best and uneconomical. (Ref. Naudts) It has never been used at a similar setting, in the manner and scale planned. Dealing with degradation of ecosystems, cold water fisheries, wetlands and most of all drinking water after the fact is unacceptable and is NOT adaptive management. (Ref. Greig).
- Hydrogeological studies on the type of rock formation found in 9A indicate real and widespread risk to water flow patterns if disruption occurs. (Ref. Howard). Who will take responsibility if mitigation fails in whole or in part, and who will bear those costs?

## **CONCLUSIONS**

Because water determines the nature and the value of any landscape, the water risks associated with a stone quarry in Area 9A are simply too great, because of the complex hydrology and hydrogeology found at this location.

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