

**TO: Chair and Members of the Source Protection Committee
Meeting #3/24, May 30, 2024**

**FROM: Behnam Doulatyari, Senior Manager, Watershed Plans and
Source Water Protection**

RE: Importation of excess soil into a Well Head Protection Area

RECOMMENDED RESOLUTIONS

THAT the CTC Source Protection Committee direct CVSPA staff to send a letter to the Ontario Minister of the Environment, Conservation and Parks, and the Minister of Natural Resources and Forestry, requesting both ministries to take steps to address the concerns raised by Amaranth and Orangeville on the application for significant amendment to the Aggregate Resource Act Licence No. 3573 (ERO# 019-8143), and to review the existing regulatory framework for governing excess soil in wellhead protection areas, and address gaps in the *Clean Water Act*, Excess Soil Regulations, and *Aggregate Resources Act* to ensure the protection of municipal drinking water sources.

AND FURTHER THAT the CTC Source Protection Committee direct CTC staff to develop appropriate policies directed at the Ministry of Natural Resources and Forestry for updating all existing aggregate licences across the CTC Source Protection Region to include the latest approved mapping of applicable Wellhead Protection Areas.

EXECUTIVE SUMMARY

The owner of an inactive aggregate pit in the Township of Amaranth, located within the Wellhead Protection Areas (WHPA) of the Town of Orangeville's groundwater-based municipal supply, has proposed importation of large quantities of excess soil as part of their new rehabilitation plan. Both municipalities, while supportive of rehabilitation, have raised concerns about the potential impact from importation of excess soil on the municipal sources of drinking water and have requested oversight of the rehabilitation project by provincial Ministries.

Background

The subject site is an inactive aggregate pit, under *Aggregate Resources Act* (ARA) licence #3573, owned by Amarlinc Earthworks Inc. (Amarlinc) and located at 513151 2nd Line in the Township of Amaranth. Although the site is located in the Township of Amaranth, it falls within multiple Wellhead Protections Areas for quality and quantity, an Issue Contributing Area for the Town of Orangeville water supply wells. These include:

- WHPA - Q1/Q2 (Significant Risk Level)
- WHPA - B, C, and D for Orangeville Wells 8B & 8C, and 12

- WHPA - C and D for Orangeville Wells 5 & 5A, 7, 2A, and 9A & 9B
- Sodium and Chloride Issue Contributing Area for Wells 9A & 9B
- WHPA-B for the Town's future municipal supply well (Pullen Well)

The site is also within the Significant Groundwater Recharge Area and Highly Vulnerable Aquifer.

Figure 1 shows the location of the subject site and relevant designated vulnerable areas. The inferred direction of groundwater flow on the property is in the south-easterly direction.

In early 2017, Amarlinc indicated their interest in completing the rehabilitation of the property pursuant to its ARA licence requirements, which includes flattening of the exhausted pit floor and rehabilitation for agricultural use. To that end, Amarlinc submitted a Site Alteration application to the Township of Amaranth for importing 800,000 cubic metres of excess soil from construction sites in undefined areas. Both Amaranth and Orangeville believed importation of large quantities of excess soil should be considered as a component of the rehabilitation plan under the ARA licence rather than the site alteration bylaw of the Township.

In December 2023, Amarlinc submitted a request for a significant amendment to their ARA license to the Ministry of Natural Resources and Forestry (MNRF). Significant changes to the operation or rehabilitation of a site trigger notification and consultation. The amendment would allow importation of 600,000 cubic metres of excess soil prior to rehabilitation with topsoil for agricultural use. The ERO posting for the proposal is available here: [1655319 Ontario Inc. - Changes to the site plan for a pit or quarry | Environmental Registry of Ontario](#). This report is concerned with the above application.

A potential excess soil source site, also located on 2nd Line in the Township of Amaranth, belonging to Ritchie Brothers Inc. (Ritchie Brothers) has been identified as a preferred source because of its proximity to the subject site (Amarlinc), similar soil type, large volume of excess soil available, and reliable historical understanding of past uses. Both Amaranth and Orangeville have supported the filling of the Amarlinc site using material exclusively from the Ritchie Brothers. The Ritchie Brothers site is under active development, and excess soil from the site has started to be exported to suitable reuse sites, reducing the total volume available for the rehabilitation at Amarlinc. This may lead to a larger portion of excess soil to be sourced from other, and potentially numerous locations with various past uses, and therefore potentially increasing the risk profile of the rehabilitation regarding the source of municipal drinking water.

The Town of Orangeville and Township of Amaranth have expressed concerns about the potential impacts to municipal water quality and quantity resulting from the import of excess soil to the site. The concerns with this application can be broadly grouped into technical and oversight categories. The first group are concerned with technical studies submitted by the proponent in support of their applications (including fill management plan, hydrogeological assessment, etc.). The second are concerned with roles and responsibilities during the implementation of the rehabilitation and oversight of excess soil importation to the site given the potential risk to sources of municipal drinking water.

It should be noted that while importation of excess soils within a WHPA would generally be a concern for potential risk to the source of municipal drinking water, this concern is heightened in the case of filling an aggregate pit. Aggregate pits are located in high permeability sand gravel deposits, which may act as recharge areas for the local/regional aquifer. In this case, the surficial geology of the area is comprised of glaciofluvial outwash and ice contact deposits consisting of gravel and sand, and the subject site is located upstream of a shallow overburden municipal well.

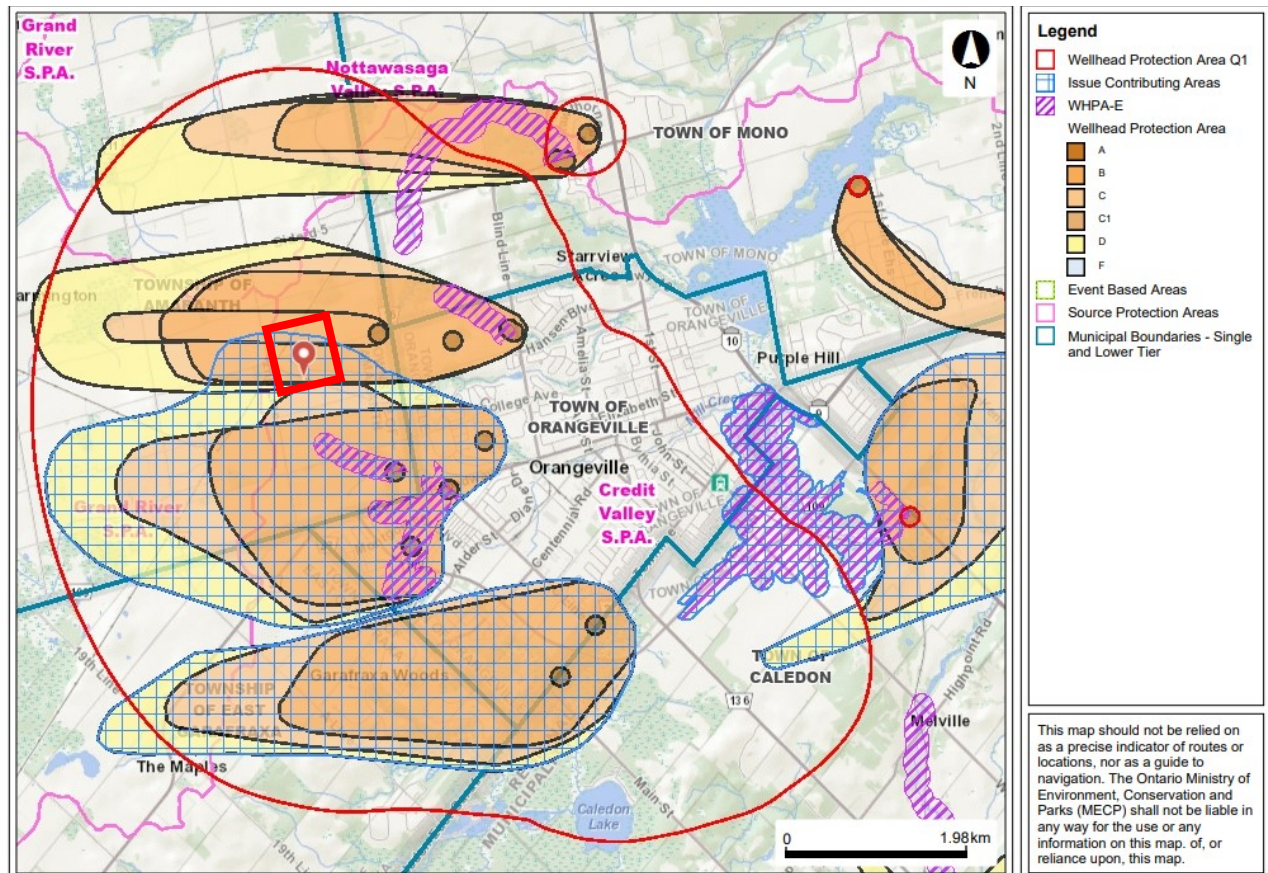


Figure 1 - Location of the subject sites and relevant designated vulnerable areas.

Policy Analysis

The following provides a summary of the relevant regulatory and legislative framework.

- **Municipal Act, 2001:**
 - A site alteration bylaw passed under section 142 of the Act does not apply to “*the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act*”. In the context of this application, Township of Amaranth’s Site Alteration Bylaw (By-law 65-2009) will be the governing instrument for importation of excess soil to the subject site only if the *Aggregate Resources Act* license has been/will be surrendered.

- *Clean Water Act, 2006 (CWA):*
 - Section 1 outlines “*The purpose of this Act is to **protect existing and future sources of drinking water.***”
 - Importation of excess soil is not a prescribed drinking water threat under the CWA.
 - The only policy in the approved CTC Source Protection Plan that utilizes the ARA license as the prescribed instrument for implementation is FUEL-2, for storage and handling of liquid fuels. It does not have an impact on the importation of excess soil.
 - The subject site is located within the WHPA-Q2 identified as having significant water quantity threats, however there are no applications under the *Planning Act* or for a Building Permit. Therefore REC-1 and REC-2 policies from the approved CTC Source Protection Plan do not apply.

- *O. Reg. 406/19: On-Site and Excess Soil Management, under the Environmental Protection Act (EPA):*
 - This regulation provides generic volume independent soil quality standards (Tables 2.1 through 9.1) for the placement of large quantities of soil in different settings and applications. The excess soil standards complement the pre-existing generic standards (Tables 2 to 9) under O. Reg. 153/04 for the remediation of brownfield sites which apply to small volumes of fill (<350 m³). Within the context of this application, Table 2.1 will be the appropriate soil standard.
 - *Rules for Soil Management and Excess Soil Quality Standards (Soil Rules):* This document is adopted by reference under O. Reg. 406/19 and includes Rules for Soil Management and the Excess Soil Quality Standards mentioned above.
 - The regulation applies to reuse sites governed by an instrument such as a licence or a permit under the *Aggregate Resources Act*, or a bylaw passed under Section 142 of the *Municipal Act*. Where the instrument does not include quality standards, the excess soil standards would be enforced by the Ministry of Environment, Conservation and Parks (MECP). Where the instrument includes quality or quality requirements that exceed O. Reg. 406/19, the instrument authority can enforce the more stringent requirements.

- *Aggregate Resources Act (ARA):*
 - licensed aggregate pits are under the jurisdiction of the MNR and regulated by the *Aggregate Resources Act*. Section 2 outlines the purposes of the Act as:
“
 - a) *to provide for the management of the aggregate resources of Ontario;*
 - b) *to control and regulate aggregate operations on Crown and private lands;*
 - c) *to require the **rehabilitation** of land from which aggregate has been excavated; and*”

d) to minimize **adverse impact** on the environment in respect of aggregate operations.

”

- An ARA license includes a site plan which lays out the legally binding requirement on the licensee and the site operator.
- O. Reg. 244/97 (General Regulation) under the *Aggregate Resources Act* was [updated in 2022](#) for consistency with the excess soil regulation O. Reg. 406/19, which among other things requires importation of excess soil to a pit/quarry be authorized by the *Aggregate Resources Act* license under section 0.14 (2), and for the excess soil placed at pit/quarry in accordance with the Soil Rules 0.14 (3).

Municipal Perspective

The Town of Orangeville and Township of Amaranth have expressed concerns with the potential introduction of contaminated excess soil into the WHPAs and excess soil that is high in sodium and chloride content into an Issue Contributing Area. The subject site is approximately 850m from Orangeville’s highest producing Wells, 5 and 5A, which are shallow overburden wells at a depth of 17.7m producing 40% of the Town’s drinking water supply; and 550 m from the future Pullen Well. The Pullen well is located in Amaranth but will provide water to Orangeville, with substantial resources dedicated to bringing it online (Environmental Assessment complete, Tier 3 Water Budget update underway to support an amendment under s.34 of *Clean Water Act*). The site is located within a WHPA-Q1/Q2 identified as having significant water quantity threats, therefore there are also concerns about the potential reduction in groundwater recharge from importing lower permeability fill materials.

In support of their application to MNRF and to address the concerns raised by the municipalities, the proponent has prepared a number of technical studies including a fill management plan, water balance assessment, and proposed the implementation of Low Impact Development features to address the infiltration deficit resulting from the import of lower permeability materials to the site. These materials have been independently reviewed by Town of Orangeville Staff, Blumetric Environmental (consultant for the Town of Orangeville), and R.J. Burnside & Associates Limited (consultant for Township of Amaranth). This is an iterative process and technical staff from all stakeholders are continuing the engagement to resolve outstanding issues.

Both municipalities have raised further concerns about the approval and oversight mechanisms that would be used to mandate the implementation and enforcement of the fill management plan. The application is not subject to any municipal or conservation authority approvals; therefore if/when the amendment application is approved by MNRF, neither municipality has any enforcement mechanism. Both municipalities have maintained that oversight of importation of excess soil to the site must remain with the MNRF until final rehabilitation and surrender of licence by Amarinc; and pending resolution of technical concerns, the approved amendment should establish operational details by incorporating the Fill Management Plan into the license.

The position of Township of Amaranth's council has been outlined in a letter by their solicitor dated November 1, 2023, directed to MNRF (**Attachment 1**). The position of Town of Orangeville's council has been outlined in a letter by their solicitor dated October 5, 2022, directed to MNRF (**Attachment 2**).

Provincial Perspective

MNRF staff have indicated that the intent of the *Aggregate Resources Act* is to regulate aggregate extraction and that oversight of excess soil operations, although within the context of rehabilitation, is outside the scope of the *Aggregate Resources Act* License approval framework or enforcement of licence requirements. Indeed, the standard conditions used by MNRF staff about excess soil reference O. Reg. 244/97 and O. Reg. 406/19 and direct the license holder to undertake the work in accordance with the advice of a Qualified Person (QP have either P.Geo or P.Eng designation) where it is required. MNRF staff have further clarified that an alternative would be for the proponent to apply for a site alteration permit from Township of Amaranth and request to surrender their *Aggregate Resources Act* licence which can be done at the staff level (MNRF) in a short amount of time.

MECP staff have indicated this application is out of scope of the CWA because excess soil has not been identified as a prescribed threat in the source protection framework. With regards to excess soil, our understanding of the MECP position is that the excess soil framework, as outlined in the regulation and rules and reflected in the updated ARA general regulation, put in place a process that adequately addresses risks associated with excess soil operations.

Discussion

The amendment process for an ARA license is proponent-led, meaning that the proponent applies to the MNRF with an application that includes technical material, satisfies consultation requirements, and then submits the consultation package (documenting all comments received during the consultation period and written confirmation from any person or organization who submitted comments that their comments have been addressed) for review and final decision. It is important to clarify, that Credit Valley Source Protection Authority (CVSPA) does not have an official role in this application. There are no applicable CTC Source Protection Plan policies, and the subject site is located outside of Credit Valley Conservation's (CVC) Regulated Area under section 28 of the *Conservation Authorities Act*. Accordingly, neither CVSPA nor CVC were requested to provide comments by MNRF. However, CVSPA and CTC Source Protection Committee have an interest in this application because the subject site is located within several designated vulnerable areas including WHPAs for quality and quantity related to the Town of Orangeville's groundwater-based municipal supply and an Issue Contributing Area for sodium and chloride delineated for Orangeville Well 9A and 9B.

CVSPA was informed about the latest application for the Amarlinc site in March 2024 (after the comment period on ERO# 019-8143 was closed) by the Risk Management Official for the Town of Orangeville. Since then, CVSPA staff have participated in several discussions with staff, leadership and consultants of Orangeville and Amaranth, and the proponent's consultant team. Notably,

CVSPA facilitated a meeting between staff and consultants of both municipalities and the proponent's team on May 3, 2024, to address outstanding comments on the technical studies submitted by the proponent. An updated submission is expected to be provided to the municipalities for review.

The concerns with roles and responsibilities are still outstanding. The application to amend the *Aggregate Resources Act* license is under the jurisdiction of MNRF, who has indicated oversight of the excess soil operation is not within the scope of the amendment process. Based on Section 2 of the ARA, rehabilitation of aggregate sites is one of the main purposes of this Act. As importation of excess soil is a common component of such rehabilitations, it is unclear why the oversight requested by Orangeville and Amaranth is out of scope for MNRF.

In their 2023 [report](#), Value-for-Money Audit: Management of Aggregate Resources, the Office of the Auditor General of Ontario, among other things, found that the MNRF is failing to adequately inspect aggregate operations, that violations are widespread, and that industry self-reporting is failing. MNRF staff have indicated that the Ministry is currently undertaking mitigative steps to address the concerns raised by the Auditor General.

Under section 0.14 (2) of O. Reg. 244/97 *"No excess soil may be deposited at the site of a pit or quarry unless authorized by the licence or permit for the site or a provision of the site plan for the licence or permit"*. CVSPA staff have reviewed the standard conditions utilized by MNRF; they are general in nature, reference O. Reg. 244/97 and O. Reg. 406/19, and do not specify operational details.

There are no source protection related conditions on the ARA license (#3573) for the subject site. As part of the source protection plan annual progress reporting MNRF has indicated that *"All applicants for a new Aggregate Licence or Permit must include in a Summary Statement if the proposed site is in a source protection area under the Clean Water Act and identify activities proposed at the site that are drinking water threats set out in applicable source protection plans, and provide details of how relevant source water protection policies will be followed and associated mitigation measures that will be implemented."*

Requirements to support an amendment to an existing aggregate licence or permit to lower the depth of extraction in an area of the operation that does not allow extraction below the water table include:

Source Water Considerations:

If the site is in a source protection area under the Clean Water Act, the request must identify activities proposed at the site that are drinking water threats set out in applicable source protection plans, and provide details of how relevant source water protection policies will be followed and associated mitigation measures that will be implemented."

It should also be noted that, Amaranth and Orangeville are small municipalities with limited resources. Both municipalities rely on consultants for technical support in matters involving

water quality and quantity. The alternative provided by MNRF represents a downloading of liability and costs by the province to the municipalities.

This application is out of scope of the CWA because excess soil has not been identified as a prescribed threat in the source protection framework. However regardless of identification as a prescribed threat, importation of excess soil in this case does in fact pose a potential risk to the sources of municipal drinking water in Orangeville. Based on the purpose of the Act outlined in section 1 of the CWA, the concerns raised by Amaranth and Orangeville should be considered within the scope of the CWA. The lack of applicable tools points to a gap that should be addressed. Given the rapid growth expected across CTC's many Large and Fast-Growing Municipalities and related challenges of managing excess soil, such issues are likely to repeat in the future. **Attachment 3** provides a list of active aggregate sites that overlap with drinking water source protection delineated vulnerable areas in the CTC Source Protection Region.

The excess soil framework as outlined in O. Reg 406/19 and Soil Rules is a proponent driven, QP implemented process, which builds on the existing brownfield regulations and record of site condition process outlined in O. Reg 153/04 under the EPA. While the framework provides a process for addressing environmental risks, it relies on the proponents and QPs for effective implementation. The incentive structure in the current excess soil framework is not conducive to the protection of public interest since the QP is retained by the proponent and reports to the proponent. It should be noted that the proponent in this application has voluntarily committed to providing all relevant reporting to MNRF and both Amaranth and Orangeville. However, this may not be the case in future examples, as this is not a mandated requirement under any existing legislation. Moreover, the Fill Management Plan in the first submission of this application did not include a contingency plan. This is an important component of addressing potential risks to municipal sources of drinking water, which has been flagged by the consultants of both municipalities and will be addressed in the next submission. Consistent oversight and enforcement is required to protect the public interest.

Recommendations

CVSPA staff recommend that MECP and MNRF should collaborate to develop an oversight and enforcement framework to ensure the protection of municipal sources of drinking water is prioritized on any reuse site governed by a provincial instrument, and the conditions on the instrument provide operational details through the mitigation plans developed for the site. CVSPA staff recommend that Provincial oversight should be maintained for any activity that may impact the quality or quantity of sources of municipal drinking water regardless of designation as a prescribed threat under the *Clean Water Act*.

In particular, CVSPA Staff recommend that the *Aggregate Resources Act* amendment process should be updated such that submissions that include excess soil brought onto a site governed by an *Aggregate Resources Act* instrument in WHPAs, must explicitly address risks to sources of municipal drinking water. Such approaches can also provide clear direction for small municipalities that face similar challenges and encourage timely rehabilitation of dormant aggregate sites.

While using broadly scoped general conditions is understandable from an operational perspective for *Aggregate Resources Act* licences, for this subject site, CVSPA staff recommend that the specific conditions outlined in the proponent's Fill Management Plan, which has now been extensively peer reviewed, is more comprehensive, and provides clear direction for any future inspection/enforcement action by the MNRF.

CVSPA staff recommend drafting new CTC Source Protection Plan policies directed at MNRF to ensure all existing and future *Aggregate Resources Act* Licenses include the latest approved mapping of applicable designated vulnerable areas, and identify all potential risks to the sources of municipal drinking water.

Next Steps

Pending approval by the CTC Source Protection Committee, staff will draft a cover letter with this report attached and send it to the Ontario Minister of the Environment, Conservation and Parks, and the Minister of Natural Resources and Forestry. Staff will further initiate the policy development process, which will be brought to the attention of the committee, and if timelines allow, included in the upcoming amendment of the CTC Source Protection Plan under section 36 of the CWA.

Report prepared by:

Behnam Doulatyari, Senior Manager, Watershed Plans and Source Water Protection, Credit Valley Conservation

T: 905-670-1615, ext. 3790

Email: behnam.doulatyari@cvc.ca

Date: May 24, 2024

Attachments (3)

Attachment 1: letter from Township of Amaranth's solicitor directed to MNRF, dated November 1, 2023.

Attachment 2: letter from Town of Orangeville's solicitor directed to MNRF, dated October 5, 2022

Attachment 3: List of active aggregate sites that overlap with drinking water source protection delineated vulnerable areas in the CTC SPR

SENT BY EMAIL ONLY

November 1, 2023

Ministry of Natural Resources and Forestry
99 Wellesley Street West
Toronto, Ontario
M7A 1W3

Attention: Kirsten Hicks (kirstin.hicks@ontario.ca) and
James Bakker (james.bakker@ontario.ca)

**Township of Amaranth re Amarline
Our File No. 500612**

This letter is to provide a brief update following our meeting on September 29 held with representatives of the Town of Orangeville (Town), Amarline Earthworks Inc. (Amarline), Ritchie Brothers Inc. (Ritchie), your Ministry and the Township.

Township Council has considered Amarline's proposal to import approximately 800,000 cubic meters of fill material to rehabilitate its licenced property, located at 513151, 2nd line (Subject Property) to pre-extraction grade.

Township Council is generally supportive of this proposal provided that:

- the amount of fill to be imported to the Subject Property is reduced to 600,000 cubic meters,
- the source site of imported fill is the Ritchie property, also located on 2nd Line, south of the Subject Lands,
- fill materials sourced from any site other than the Ritchie property, are to be considered for importation and approval on a case-by case basis,
- the Ministry of Natural Resources and Forestry ("MNRF") retain jurisdiction over the importation of 600,000 cubic meters of fill to the Subject Property until final rehabilitation is completed, under the requirements of the Aggregate Resources Act ("ARA"),



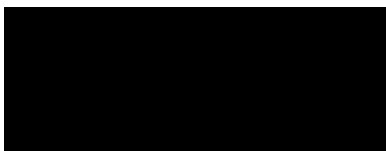
- the MNRF approve amendments to the ARA licence and/or site plan as necessary to establish operational details, safeguards, and conditions for this permission, prior to importation of fill materials from the Ritchie property, and
- the amendments to the ARA licence and/or site plan incorporate comments from the Town, as the owner and operator of the Pullen well, and further comment from the Township Engineer, with respect to road occupancy, haul routes, noise and other issues associated with 2nd Line and the importation of fill material to the Subject Property.

These provisos are all very important to the Township. The oversight, regulation and operational details associated with the importation of fill material to the Subject Property must remain with the MNRF until final rehabilitation and surrender of licence by Amarlinc. The Township is not prepared nor positioned to accept oversight responsibilities for fill importation to the Subject Lands, under its site alteration permit process established in Township By-law 65-2009.

The Township will be pleased to comment on any request by the MNRF to amend the Amarlinc licence or site plan, on an expedited basis, given the pre-circulation and discussion of this proposal to date.

We would be pleased to provide you with any additional details on behalf of the Township.

Yours very truly,



Stan Floras

SFF/pf

- cc. Gord Feniak, Township Engineer, R.J. Burnside
- cc: Jennifer Hazelton, Jack Kottelenberg, Julia Risi, Elizabeth Foran, Amarlinc
- cc: John Hart, Ritchie Ketcheson Hart & Biggart LLP
- cc: Tim Kocialek, Brandon Ward, Town of Orangeville
- cc. Bruce McCall-Richmond, Ernesto Ayala, Ritchie Bros.

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October 5, 2022

VIA EMAIL

Ms. Allison Minor, Aggregate Technical Specialist
Midhurst District
Ministry of Northern Development, Mines, Natural
Resources and Forestry
2284 Nursey Road
Midhurst, ON
L9X 1N8

Dear Ms. Minor:

**Town of Orangeville re: Potential Water Contamination Issues arising from
Rehabilitation/Site Alteration at 513151 2nd Line, Township of Amaranth**

We are the lawyers for the Town of Orangeville (the “Town”). We are writing to you for the purpose of expressing the Town’s concerns relating to its municipal drinking water supply, which concerns a rise out of the rehabilitation/site alteration proposed by 1655319 Ontario Inc./Amarline Earthworks Inc. (“Amarline”).

Background

The property municipally known as 513151 2nd Line, Township of Amaranth (the “Property”) is located within the capture zones of several of Orangeville’s municipal water wells, both existing and proposed, and as such, is located in a “Significant Groundwater Quantity Threat Area” and a “Significant Groundwater Quality Threat Area”. Included with this letter is a map setting out the various “Significant Groundwater Quality Threats” in the vicinity.

Among the concerns expressed by the Town are that the fill operation has the potential to decrease the amount of water infiltrated on this site, thereby impacting the amount of water available from Town wells and that fill brought onto the site will come from less than pristine sources, resulting in a potential for contaminants from the imported fill to reach municipal water supplies.

We understand from the Town that 1655319 Ontario Inc. is the holder of a pit or quarry licence bearing number 3573 issued by your Ministry for the Property, and that 1655319 Ontario Inc. has discontinued its use of the Property as a pit or quarry and is in the process of completing rehabilitation of the Property pursuant to its licence.

As part of the licence process, your Ministry would require that a rehabilitation plan be set out in the original application for a pit or quarry licence. Rehabilitation pursuant to a pit or quarry licence is exempt from any Municipal Site Alteration Permit pursuant to both the *Municipal Act, 2001* and the Amaranth Site Alteration By-law. As such, control with the rehabilitation presently rests with your Ministry. Generally speaking, rehabilitation of pits or quarries requires only appropriate sloping, with such sloping being performed with material retained on site, and not imported.

Site Alteration Permit

The Township of Amaranth has received a Site Alteration Application from Amarlinec which is proposing to use the Property for a fill operation that would result in approximately 800,000 m³ of fill from construction sites in the Greater Toronto Area being brought onto the Property. The apparent intention of Amarlinec is to “level” this site. Orangeville expects that once the rehabilitation process established pursuant to the pit or quarry licence is completed, Amarlinec will finalize its application for a Site Alteration Permit.

The Town’s position is that the work being proposed by Amarlinec pursuant to its site alteration permit application is effectively a rehabilitation of the Property and accordingly should not be processed by the Township of Amaranth; instead, the rehabilitation falls under the jurisdiction of the *Aggregate Resources Act* and accordingly, appropriate standards, policies and procedures established thereunder should be followed. Given the nature of the proposed fill operation, the preferred and appropriate course of action for Amarlinec would be the submission of an application for a License Amendment so as to seek approval from the Ministry regarding the new proposed rehabilitation plan.

Water Quality Concerns

The Town of Orangeville has operating wells and a proposed well, all located a short distance from this Property. Town wells 2A, 5, 7 and 9A/B supply approximately sixty per cent (60%) of the Town’s water supply. Compliance with Source Water Protection, given the proximity of the rehabilitation work and the proposed fill operation to the Town’s wells, should be of primary concern to all concerned, including Amaranth. Clearly, both the Ministry and Orangeville want to ensure that no adverse effect occurs to the Town’s water supply as a result of the quality of fill being brought onto the property for the purpose of rehabilitating the property. Should the Ministry deal with this matter as a license amendment, then the Town fully expects that the Ministry would secure evaluation and approval from the Ministry of Environment, Conservation and Parks in relation to the safety of the Town’s water supply vis a vis the proposed site alteration.

Another of the issues that the Town has with this proposal is that the Conservation Authority and the Local Municipality, which in this case would be Amaranth and not Orangeville, would be responsible for the implementation of policies relating to Source Water Protection. Orangeville has not been directly consulted about this matter and accordingly has not been in any position to review the appropriate measurements that have been proposed to protect the drinking water of the community.

Involvement of the Ministry

Any contamination from this proposed fill operation could result in irreversible catastrophic consequences to the local water supply, and it is for this reason that Orangeville is requesting the intervention of the Ministry to ensure that the water supply is not adversely affected in any way.

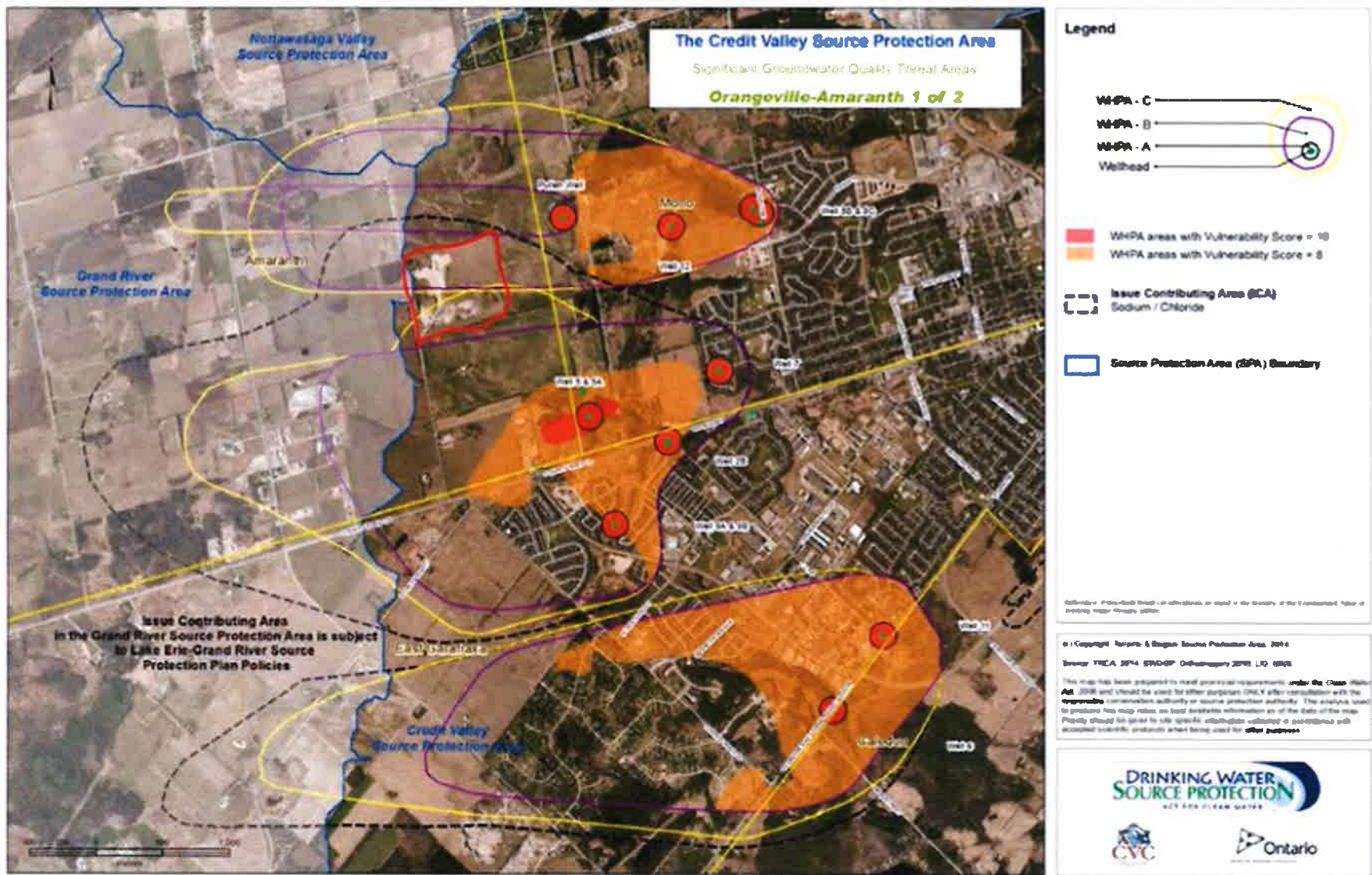
We look forward to your confirmation that the Ministry will assume jurisdiction over this matter for the purpose of ensuring that Source Water Protection remains of paramount importance in lands in proximity to drinking wells.

Yours very truly,

RITCHIE KETCHESON
HART & BIGGART LLP

John R. Hart
JRH/

Cc Township of Amaranth
Minister of Environment, Conservation and Parks
Minister of Energy, Northern Development, Mines Natural Resources and Forestry



Map 1.2: Orangeville-Amaranth 1 of 2 – Significant Groundwater Quality Threats

Attachment 3: List of active aggregate sites that overlap with drinking water source protection delineated vulnerable areas in the CTC SPR

ALPS ID	Client Name	Vulnerable Area
6506	2004295 Ontario Inc.	Caledon Village Well 3/3B WHPA - A - E
6512	Caledon Sand and Gravel Inc.	Caledon Village Well 3/3B WHPA – A - E
19073	Caledon Sand and Gravel Inc.	Caledon Village Well 3/3B WHPA - D
608341	Lafarge Canada Inc.	Caledon Village Well 4 WHPA - D
6537	James Dick Construction Limited	Alton – Caledon Village Well 3 and 4A WHPA - D
625402	Olympia Sand and Gravel Inc.	Orangeville Well 10 WHPA - Q1/Q2
3638	Rayburn Construction Limited	Orangeville Wells 6 and 11 WHPA - Q1/Q2 WHPA - C, D
3635	D&L Robinson Quality Sand and Gravel Inc.	Orangeville Wells 6 and 11 WHPA - Q1/Q2 WHPA - C, D ICA Sodium and Chloride
3633	1993445 Ontario Inc.	Orangeville Wells 2A, 5/5A, 7, 9A/9B WHPA - Q1/Q2 WHPA - D ICA Sodium and Chloride (Well 9A/9B)
3573	1655319 Ontario Inc.	Orangeville Wells 2A, 5/5A, 7, 9A/9B: WHPA - Q1/Q2 WHPA - C, D ICA Sodium and

		Chloride (Well 9A/9B) Orangeville Wells 8B/8C, 12: WHPA - B Pullen Well: WHPA - B
3583	Township of Mono	Cardinal Woods Wells 1 and 4, 3 WHPA - Q1/Q2 WHPA - B-D
15343	St. Mary's Cement Inc.	Town of Erin Wells H2 and H3 WHPA - D
5614	Zamparo Industries Incorporated	Cedarvale Wells 1A, 4, and 4A WHPA - Q1/Q2 WHPA - D, E ICA Chloride
5711	Zamparo Industries Incorporated	Georgetown Wells WHPA - Q1/Q2 WHPA - D ICA Chloride (Cedarvale Wells 1A, 4, 4A)
6559	LaFarge Canada Inc.	Whitchurch-Stouffville Wells 5 and 6 WHPA - Q1/Q2 WHPA - D
6584	1302824 Ontario Limited	Uxville Wells 1 and 2 WHPA - Q1/Q2 WHPA - C, D
6573	Lafarge Canada Inc.	Uxville Wells 1 and 2 WHPA - Q1/Q2 WHPA - D