

Town has conditions if fill goes into Cheltenham pits

By Bill Rea

Assuming Brampton Brick Limited (BBL) gets permission to fill the pits its mining in Cheltenham with dirt, the Town of Caledon has certain conditions it wants to see.

Town council Tuesday approved a list of staff recommendations, adding some modifications of their own in the process.

Brampton Brick has been mining shale material from the site on Mississauga Road, north of King Street, for more than 20 years.

The original plan was to create ponds in the three pits after the company was finished mining the material. It has been announced, however, that the company is interested in importing fill from outside the area to create forested areas and wetlands there.

One of the conditions staff had proposed was for fill to come from either Caledon or Brampton, but councillors agreed to amend that to include all of Peel Region.

This proposal will require the approval of the Niagara Escarpment Commission (NEC). The Town is just a commenting agency.

Council heard from delegations representing both sides of the issue Tuesday.

Former councillor Al Frost, a director with the Cheltenham Area Residents' Association (CARA), pointed out that construction activity generates a lot of fill, with more and more of it ending up in rural areas, causing problems for local farmers, as well as the municipalities.

The mining operation in Cheltenham consists of three pits, and the current application involves just the first one. It's estimated that it will take about 1.8 million cubic metres of material to fill it. Frost commented that much fill could create a trail one metre wide and one metre high that would stretch from Mississauga Road to Halifax. He added this is just talking about one of three pits.

Frost raised issues with some of the staff recommendations.

They were calling on BBL to retain someone qualified, at their own expense to monitor the quality of the fill going into the pit and to make sure sound environmental policies are being observed. He also pointed out that staff wants monthly fill monitoring.

'This is totally inadequate,' Frost declared, pointing out it will be one test for every 5,000 trucks going onto the site, or for every 65,000 cubic metres of fill.

He also wasn't pleased with the idea of limiting things to fill from Brampton and Caledon, also raising an issue with a staff recommendation calling for the pit to be filled 'in a timely fashion.' He charged that was contradictory, pointing out the movement of fill will depend on such factors as the economy and pace of development in the area.

Staff also called for payment from BBL to compensate the Town for any costs it put to. Frost wanted it treated as a levy, similar to the one imposed on gravel. Town CAO Doug Barnes told him the Town doesn't have the authority to issue a levy; only recover costs. But Mayor Marolyn Morrison said they could ask the company to make contributions. In that event, Councillor Gord McClure said he would want the money to benefit Ward 2, but Morrison reminded him his ward is part of Caledon too.

'This is not a NIMBY issue for CARA,' Frost remarked, adding it impacts on communities across rural southern Ontario.

'This is our opportunity to take a step back and develop a comprehensive, holistic plan to deal with the issues of excess fill from the cradle to the grave,' he commented.

Councillor Richard Paterak asked Frost if monitoring one in five loads would work for him. He said it would, but added it might be too onerous on BBL. Paterak countered the Ministry of Natural Resources applies such standards in places where topsoil is being imported, and it doesn't cause many problems.

Frost also told Councillor Nick deBoer one of the frustrations they have is with independent truckers who do things like speeding through school zones or break other traffic rules. He wanted some sort of monitoring system on them.

'There are so many things that I think could happen to make this a better proposal for everybody,' he commented, adding BBL 'is part of the community too. It's important that this works for them.'

Dave Rutherford, president of the Terra Cotta Community Centre, was more supportive of the proposal.

'We see this as an exercise in excellent planning,' he remarked, adding it's better than filling the pit with water. 'When you look at it from a common sense stand point, does it make a lot of sense?'

Rutherford pointed out stagnant water can be a breeding ground for mosquitoes, which he said could lead to cases of West Nile Virus.

He also said this would be a good place to put fill. 'We thought this was good environmental planning,' he said, adding Peel Regional Chair Emil Kolb has supported the idea in a letter.

Lawyer Ron Webb, representing BBL, pointed to the need to find places to put excess fill, pointing out there's lots of it being generated, especially in Brampton and Caledon.

BBL is a good corporate citizen, he argued, pointing out the company provides jobs and pays taxes locally, as well as supports community projects.

Webb also cited Credit Valley Conservation as stating this proposal is more in keeping with local landscaping, as opposed to spending 30 to 40 years filling the pit with water. He also cited Town staff as reporting more than a year ago that this idea was better than the current plan.

The development permit from NEC could contain conditions that satisfies the Town, Webb said, adding the negotiations could start once it's approved to make sure the Town benefits.

McClure was concerned about local farmers who get turned down by NEC when they want to import some fill.

"We don't want you to go hogging it all," he said.

"There's more than enough to go around," Webb replied.

Councillors agreed that BBL should pick up the costs of someone to monitor the fill, but they also went along with the Mayor's idea that the Town, and not the company, should retain that person.

Councillor Allan Thompson pointed out that since the fill is to come from Peel, the Region would have some responsibility for its quality.

Councillor Doug Beffort commented that NEC would turn the application down because it's not permitted in the Niagara Escarpment Plan. Paterak, who sits on NEC, said commercial fill is not permitted, but added it's possible to apply for an amendment to the Plan.

Beffort said he wanted the staff report to go to the Town's manager of regulatory services as part of a review of the fill bylaw. As well, he wanted to make sure that if this is approved, BBL will be obliged to follow the provisions of the bylaw, even if they're changed.

Councillor Richard Whitehead was the only one to vote against the recommendations, stating he wasn't pleased with the thought of Caledon hosting waste material from the rest of the Greater Toronto Area (GTA). He added this could set a dangerous precedent since about 70 per cent of his ward is taken up by either the Escarpment or Oak Ridges Moraine. With all the rolling hills and valleys, he said there could be any number of applications to have more fill brought in.