



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH  
NOVEMBER 30, 2022 COUNCIL MEETING  
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION &  
IN-PERSON AT THE PUSLINCH COMMUNITY CENTRE –  
23 BROCK RD S, PUSLINCH

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## **AGENDA**

**DATE:** Wednesday, November 30, 2022

**PUBLIC INFORMATION MEETING:** 7:00 P.M.

### **ADDENDUM**

**1. Written comments received regarding Zoning By-Law Application D14/ONT – 2374868 Ontario Inc. – Badger Farms**

#### **Order of Business:**

- 1. Zoning By-Law Application D14/ONT – 2374868 Ontario Inc. – Badger Farms – Front Part Lot 8, Concession 3, municipally known as 6678 Wellington Rd. 34, Township of Puslinch**

THE PURPOSE AND EFFECT of the proposed Zoning By-law Amendment is to amend the Township of Puslinch New Comprehensive Zoning By-law 23-2018 to rezone the lands from EX1 with special provision 63 (EX1 sp63) to EX1 special provision XX (EX1 spXX) to permit the use of a Vacuum Truck operation to transfer, store and process soil and aggregate materials, with the disposal of soil, aggregate or waste material prohibited on the land zoned EX1 (spXX). The proposed changes to the by-law also include amending the definition of an Aggregate Processing Facility to include the following wording shown in **bold**:

*“any premises used to process, crush, screen, wash, store/stockpile, and/or sort aggregate, **soil and top soil materials** and includes an asphalt plant, a concrete batching plant, cement manufacturing plant, a brick and tile manufacturing plant,*



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH  
MAY 25, 2022 PUBLIC INFORMATION MEETING  
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

*an aggregate transfer station, the stockpiling/blending of recycled aggregate, and a vacuum truck operation to transfer, store, and process materials from other sites, and the storage of vehicles involved in the vacuum truck operation.”*

*Public Notice, County of Wellington Report and Written Comments Attached*



## THE TOWNSHIP OF PUSLINCH NOTICE OF COMPLETE APPLICATION & NOTICE OF THE PUBLIC MEETING

### VIRTUAL MEETING BY ELECTRONIC PARTICIPATION & IN-PERSON AT THE PUSLINCH COMMUNITY CENTER – 23 BROCK RD S, PUSLINCH

The public is invited to participate by attending in person or by registering to attend virtually at the link below:

[https://us02web.zoom.us/webinar/register/WN\\_u0RoTPsLS7qFcmCUaMIN2Q](https://us02web.zoom.us/webinar/register/WN_u0RoTPsLS7qFcmCUaMIN2Q)

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

Canada: +1 613 209 3054 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 438 809  
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Webinar ID: 826 6657 8068

Passcode: 580371

International numbers available: <https://us02web.zoom.us/j/kdY9HDn0ku>

**TAKE NOTICE** that pursuant to the Planning Act, R.S.O. 1990, as amended, the Council of the Township of Puslinch will hold a public meeting to present the received public input regarding proposed amendment to the Township of Puslinch Zoning By-law (File No. D14/ONT) on **Wednesday, November 30, 2022 at 7:00 p.m.**

#### Meeting Place:

**The Public Meeting will be conducted in-person at the Puslinch Community Centre and electronically as a virtual meeting.**

#### How to Participate:

The public is invited to participate by attending in-person or registering for this webinar at the link shown above.-

***Please note the meeting is video and audio recorded and all electronic meetings are uploaded to the municipality's YouTube page. By requesting to participate in the meeting by electronic means, you are consenting to have your likeness and comments recorded and posted on YouTube.***

#### MAKING A WRITTEN SUBMISSION

The public is invited to participate by submitting written comments to the application in support or opposition of the application. Your full name and address must be on the submission. You can submit written comments via email to the **Township Clerk's office at the address below** no later than **November 28, 2022 by 4:30 p.m.** to ensure that your comments are included in the Council Agenda. Any written comments or objections submitted are made public as part of the application process and the public record and will be considered by Council.

You can also mail written comments to:

Township of Puslinch  
7404 Wellington Rd 34  
Puslinch ON N0B 2J0

Or place them in the Township Office mail slot no later than **November 28, 2021 at 4:30 p.m.** to ensure that your comments are included in the Council Agenda.

The Township will NOT be responsible for Canada Post delays. Please mail your comments with sufficient time, as they must be received in the Municipal Office by the date and time noted above to be included in the Council Agenda.

#### MAKING AN ORAL SUBMISSION

The public is invited to participate by speaking in support or opposition of the application. If you wish to participate in the meeting to provide verbal comments to speak in support or opposition, please contact the Township Clerk's office at the address below by **November 28, 2021 at 4:30 p.m.** and you will be provided with instructions on how to participate in the meeting. Instructions will also be provided during the meeting to ensure that those watching the public hearing will be given the opportunity to speak.

**THE LAND SUBJECT** to the application is described as Front Part Lot 8, Concession 3, municipally known as 6678 Wellington Rd. 34, Township of Puslinch. The subject lands are shown on the inset map.

**THE PURPOSE AND EFFECT** of the proposed Zoning By-law Amendment is to amend the Township of Puslinch New Comprehensive Zoning By-law 23-2018 to rezone the lands from EX1 with special provision 63 (EX1 sp63) to EX1 special provision XX (EX1 spXX) to permit the use of a Vacuum Truck operation to transfer, store and process soil and aggregate materials, with the disposal of soil, aggregate or waste material prohibited on the land zoned EX1 (spXX). The proposed changes to the by-law also include amending the definition of an Aggregate Processing Facility to include the following wording shown in **bold**: “any premises used to process, crush, screen, wash, store/stockpile, and/or sort aggregate, **soil and top soil materials** and includes an asphalt plant, a concrete batching plant, cement manufacturing plant, a brick and tile manufacturing plant, an aggregate transfer station, the stockpiling/blending of recycled aggregate, and a **vacuum truck operation to transfer, store, and process materials from other sites, and the storage of vehicles involved in the vacuum truck operation.**”

**ORAL OR WRITTEN SUBMISSIONS** may be made by the public either in support or in opposition to the proposed Zoning By-law Amendment. Any person may attend the public meeting and make an oral submission. Written submissions should be sent to the Township Clerk at the address below. All those present at the public meeting will be given the opportunity to make an oral submission, however; it is requested that those who wish to address Council notify the Township Clerk in advance of the public meeting.

**TAKE NOTICE** that if a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Puslinch to the Ontario Land Tribunal (OLT) but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Puslinch before the by-law is passed, the person or public body is not entitled to appeal the decision.

**AND TAKE NOTICE** that if a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Puslinch before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision regarding the proposed Zoning By-law amendment (D14/ONT), you must make a written request to the Township Clerk at the address shown below.

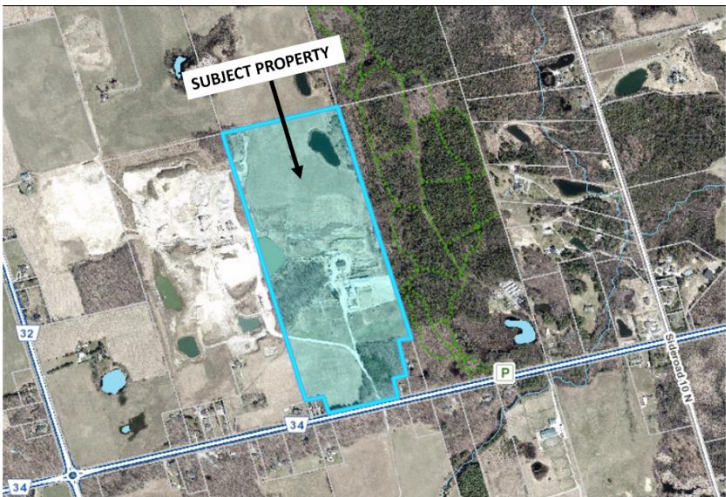
**ADDITIONAL INFORMATION** regarding the Zoning By-law Amendment, including information about appeal rights is available by contacting the Township of Puslinch Clerk’s office at the address below. If you require the information in an alternative format, please contact the Clerk’s office at the address below and arrangements can be made.

Dated at the Township of Puslinch on this  
28<sup>th</sup> day of October, 2022.

Courtenay Hoytfox  
Clerk  
Township of Puslinch

For more information or to register an oral or written submission please contact [admin@puslinch.ca](mailto:admin@puslinch.ca)

**KEY MAP**







## **PLANNING REPORT for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department

**MEETING DATE:** November 30<sup>th</sup>, 2022  
**TO:** Glenn Schwendinger, CAO  
Township of Puslinch  
**FROM:** Zach Prince, Senior Planner  
County of Wellington  
**SUBJECT:** **PUBLIC MEETING – 2374868 Ont Inc (Badger)**  
**Zoning By-law Amendment Application D14/BAD**  
**Part of Lot 8, Concession 3**  
**6678 Wellington Road 34**  
**ATTACHMENTS:** **1 – Aerial of Subject Lands**  
**2 – Sketch Provided by Applicant**

### **SUMMARY**

The purpose of this application is to amend the Township of Puslinch Zoning By-Law 23-2018 to permit an existing vacuum truck operation. The operation includes an existing office, parking for trucks and employees and materials handling and sorting facilities. The use operates on a site that is an active gravel pit license (Wellington Pit 5). The pit is licensed to Capital Paving however the use is operated by Badger.

A public meeting is scheduled for November 30<sup>th</sup>, 2022. This report provides a preliminary overview of the proposal, highlights key planning policies to be considered, details comments received to date and explains the next steps in the planning review process.

It is recommended that this Public Meeting Report regarding the proposed Zoning By-law Amendment D14/BAD be received for information.

### **INTRODUCTION**

The subject property is legally known as Part of Lot 8, Concession 3 and municipally known as 6678 Wellington Road 34 within the Township of Puslinch. The lands are approximately 38.22 ha (94.4 ac) and contains an existing building used for office space, a detached accessory structure (former primary dwelling), agricultural building. The immediate surrounding properties include an existing gravel pit, County of Wellington owned lands (Little Tract and Brad Whitcombe Green Legacy Tree Nursery), agriculture, and rural residential uses. A subject property map is identified in **Attachment 1**.

### **PROPOSAL**

The purpose of the Zoning By-law amendment is to rezone the subject property, which is currently zoned as EX1(sp63), to add the existing vacuum truck business as a permitted use. The property has two (2) site specific zones. The proposed use operates on the Extractive zoned portion of the site only. The subject lands are accessed via an existing driveway onto Wellington Road 34 which is also used as a haul access for the aggregate operation. The use includes parking for the vacuum trucks, parking for employees, unloading liquid soil that is then screened and stored. The soil that is brought to site via the vacuum trucks is collected from properties throughout Southern Ontario and is a mixture of water and soil. Once brought to the site, the soil is stock piled, dried, tested and eventually used as fill as part of the rehabilitation for

the gravel pit on the subject property. The existing agriculturally zoned portion of the property A(sp13) is proposed to remain.

The subject property is designated as Secondary Agricultural in the County's Official Plan (OP) and the applicant is proposing that the use meets the small scale commercial use permissions within the OP. A sketch prepared by the applicant has also been provided and can be seen in **Attachment 2**.

## **BACKGROUND**

The property is a licensed as an aggregate pit - Wellington Pit #5 operated by Capital Paving Inc. (License number 20085). The applicant has indicated that the section of the pit that is subject of this application is in the rehabilitation phase of the pit's lifecycle.

The vacuum truck use and office building do not appear on the existing Aggregate Resources Act (ARA) site plans for this pit. Further, The Township does not have building permit information for the office building; however, the applicant has indicated the size is approximately 650m<sup>2</sup>. Based on aerial photos it appears that a dwelling and other structure may have been removed since the initial aggregate pit site plan in 2003. The applicants have indicated the approximate area of 3 septic systems on site which services the barn, office and dwelling. The applicant has indicated that the use has existed for approximately 9 years on the property; however, there is no municipal record that staff are aware of.

## **SUPPORTING STUDIES AND REPORTS**

- Planning Rationale Report, prepared by GHD, dated December 2021
- Stormwater Management Report, prepared by GHD, dated April 14, 2022; updated August 25<sup>th</sup>, 2022
- Environmental Impact Assessment, prepared by GHD, dated May 10<sup>th</sup>, 2022; updated August 10<sup>th</sup>, 2022
- Design and Operations Report Waste Processing Facility, prepared by GHD, dated February 2, 2021.
- Acoustic Assessment Report, prepared by GHD, dated January 7, 2021.
- Erosion and Sediment Control Plan, Sheet No. C-02, prepared by GHD, dated December 13, 2021.
- Traffic Operations Assessment, prepared by GHD, dated December 13, 2021.
- Environmental Emergency and Contingency Plan 2374868 Ontario Inc.
- Approximate Locations of Septic Systems Figure, prepared by GHD, dated December 2021.
- MNRF Rehabilitation Plan Map by Harrington and Hoyle Ltd., dated March 20, 2003.

## **PLANNING POLICY REVIEW**

### **PROVINCIAL POLICY - PROVINCIAL POLICY STATEMENT (PPS 2020)**

The PPS provides a policy framework on matters of provincial interest and guides land use planning and development within the Province of Ontario. As the subject lands are located outside of a settlement area, the Rural Area and Land use policies apply. All land use decisions must be consistent with Provincial policy and included below are several key policies set out within the PPS that Council will need to consider.

#### *Rural Areas*

Section 1.1.4 states that Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. In accordance with Section 1.1.4.1 "a) Building upon rural character, and leveraging rural amenities and assets". Although rural settlement areas shall be the focused of growth and development, Section 1.1.4.4. further states that "Growth and development may be directed to rural lands in accordance with policy 1.1.5..." . Section 1.1.5 of the PPS provides direction for Rural Lands in Municipalities.

Section 1.1.5.2, further provides permitted uses including “a) the management or use of resources, c) residential development that is locally appropriate, d) agricultural uses... and g) other rural land uses.” More specifically, Section 1.1.5.7 of the PPS states that the opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses. With Section 1.1.5.8 requiring new land uses, including the creation of lots, to comply with the minimum distance separation formulae.

#### *Natural Heritage*

Section 2.1 of the PPS provides direction for Natural Heritage. Specifically, Section 2.1.1 states that, “natural features and areas shall be protected for the long term” and Section 2.1.2 states that, “the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.” Development and site alteration within or adjacent to significant wetlands and woodlands is not permitted unless there are no negative impacts.

#### *Water*

Section 2.2.1 states that planning authorities shall protect, improve or restore the quality and quantity of water by: including “b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts; i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. Further 2.2.2 states “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrogeological functions will be protected, improved or restored.”

#### *Mineral Aggregate*

Section 2.5 provides policies regarding Aggregate Resources including Section 2.5.2 which protects the long term supply of Aggregate Resources from development and activities that would preclude or hinder their expansion or continued use. Further, the Section 2.5.3.1 requires progressive and final rehabilitation to take place that promotes land use compatibility and recognizes the interim nature of extraction.

### **PROVINCIAL POLICY – A PLACE TO GROW, PROVINCIAL GROWTH PLAN (2020)**

Similar to the PPS, the Growth Plan directs growth to settlement areas, unless where otherwise permitted. Section 2.2.9 establishes policies for Rural Areas. Within Rural Areas, there are Rural Lands, which are defined as “lands which are located outside of settlement areas and which are outside prime agricultural areas”. Further, Section 2.2.9.3 permits similar uses to the PPS including development outside of settlement for c) other rural land uses that are not appropriate in settlement areas provided they: “i. are compatible with the rural landscape and surrounding land uses, ii. sustained by rural service levels and iii. not adversely affect agricultural uses or resource-based uses.”

### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated as Secondary Agricultural, Core Greenlands and Greenlands within the County of Wellington Official Plan. Identified features include Environmentally Sensitive Area and Significant Woodlands. The subject lands are located within the Paris Galt Moraine Policy Area. Further, the lands are identified as a sand and gravel resource of Primary and Secondary Significance in Schedule C and Appendix 2 of the Official Plan and within a Licensed Aggregate Operation.

#### *Secondary Agricultural Area*

The Secondary Agricultural area allows for small scale commercial or industrial uses subject to the criteria in Section 6.5.4; “Small scale commercial, industrial and institutional uses may be permitted provided that:

- a) appropriate sewage and water systems can be established;
- b) the proposed use is compatible with surrounding uses;
- c) the use requires a non-urban location due to:
  - market requirements;
  - land requirements;
  - compatibility issues.
- d) the use will not hinder or preclude the potential for agriculture or mineral aggregate operations;”

The applicant is of the opinion this proposal meets these criteria; however, will need to demonstrate to the satisfaction of staff that the above requirements can be met for the use.

#### *Mineral Aggregate Overlay*

Section 6.6 provides policies regarding the Mineral Aggregate Overlay area including Section 6.6.3 which states that “Existing licensed mineral aggregate operations are permitted and shall be recognized in Municipal zoning by-laws...These operations will be protected from new uses which would preclude or hinder their expansion or continued use, or which would be incompatible due to public health, public safety or environmental concerns.”

Section 6.6.4 provides permitted uses in the Mineral Aggregate Overlay and states that “In addition to the uses allowed in the underlying designation, the following uses may be allowed in the Mineral Aggregate Area through rezoning:

- a) aggregate extraction;
- b) associated uses such as stripping, berm construction, screen planting, landscaping, drilling, blasting, haulage, crushing, screening, washing, stockpiling, storage, loading, weighing, equipment parking, repair and maintenance, office facilities, importing and blending materials, environmental and safety control features and rehabilitation uses;
- c) ancillary uses such as asphalt plants, concrete plants, aggregate transfer stations, stockpiling and blending of aggregates with materials such as salt, sand-salt mixture and recycled road material.”

Further, the Official Plan provides policies for ancillary uses in Section 6.6.7. Ancillary uses may only be established if the following matters are addressed;

- a) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and unsightly storage;
- b) the protection of the environment from negative effects of dust, chemical spills, run-off, or contaminated surface or ground water; and
- c) ensuring that access can be obtained directly to a road capable of carrying the anticipated truck traffic

Regarding Rehabilitation, the Official Plan provides policies in Section 6.6.8 including, that “all proposals for new aggregate extraction shall include a plan for eventual rehabilitation. The plan shall:

- a) provide for progressive rehabilitation whenever feasible;
- b) be prepared in detail by a recognized expert;
- c) be compatible with the long term uses permitted by the surrounding official plan designations;

e) on lands designated Secondary Agricultural Areas, provide an agricultural rehabilitation plan which, whenever feasible, restores substantially the same areas and average soil quality for agriculture as before extraction occurred.”

#### *Groundwater*

Section 4.9.3 states that it is the County’s intent that the development of public and private uses will not negatively impact groundwater recharge or discharge, impair groundwater or surface water quality, negatively impact municipal groundwater supply. Further, Section 4.9.4 provides policy direction that Wellington County commits to pursuing the following directions relating to water resources:

a) ensure that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic systems on an integrated watershed management basis;

b) protect surface and groundwater quality and quantity through the use of regulatory and voluntary means of prohibiting, restricting or influencing land uses and activities

#### *Source Water Protection*

The subject property is located within a Wellhead Protection Area and the County’s Risk Management Official has provided comments on the initial submission. These comments have been included within the Agency and Public Comments section.

#### *Greenland System*

The Official Plan recognizes that the features and areas identified in the Plan function as a System and that this System will be protected, maintained and enhanced. Section 5.4 provides policies for the Core Greenlands which is specific to all wetlands, habitation of endangered or threatened species or fish habitat and hazardous areas. Section 5.5 provides policies specific to Greenlands, which includes significant woodlands, and a need to demonstrate no negative impacts.

### **ZONING BY-LAW**

According to Schedule ‘A’ of Zoning By-law No. 023-18 the subject property is zoned Agricultural Site Specific [A(sp13)], Extractive Site Specific [EXI(sp63)], and a portion of the lands are subject to the Township’s Environmental Protection Overlay. The zoning limits can be seen in **Attachment 1**.

The existing Agricultural site specific zone is located at the front of the property permits an existing kennel, temporary haul route and landscape berms. Additionally, the provisions clarify that temporary means that “until such time as the extraction use being carried out is completed” when considering the haul route.

The Extractive site specific zone permits all uses within the EXI zone and the following; “The extraction of aggregate resources shall not occur below any point which is 1 m above the high water table with the exception of those areas identified on the approved Site Plans accompanying the Pit License. The total area which may be extracted below the water table shall not exceed 7.5 ha (18.5 acres) of the license area.”

The existing zoning reflects the gravel pit operation on the site which the applicant has indicated that the gravel pit portion that is on the subject lands is in the rehabilitation stages. The applicant has indicated that the existing use operates exclusively on the lands that are zoned EXI(sp63).

When drafting an amending Zoning By-law and in considering this application, some key items that will need to be considered include: (i) permissions under the Planning Act vs. the Aggregate Resources Act; (ii) the appropriateness of the use including conformity with Provincial policy and the County of Wellington

Official Plan, the scale and compatibility of the proposal; and (iii) the type of zoning application suited for the use.

## AGENCY AND PUBLIC COMMENTS

This application was circulated to statutory agencies by the Township of Puslinch. The following comments have been provided at the time of preparation of this report are summarized below:

- **Township Engineer (GM Blue Plan):** Concerns raised regarding the stormwater run off, the infiltration of groundwater, and the design of the pond given that there is no outlet structure, lining, or sediment forebay for the pond.
- **Groundwater Comments (Harden Environmental):** There are obvious and significant concerns regarding the disposal of untested soil/water slurries in unlined ponds at the site with the intention of allowing the water to recharge the underlying aquifer. In some hydrogeological settings this activity may be appropriate and the risk manageable with appropriate groundwater monitoring. These conditions are not present at this site. The site-specific activity of disposing soil/water slurries into unlined basins should not be permitted at this site. It is our opinion that groundwater monitoring is a reactive and not proactive solution to addressing the potential contamination of the underlying aquifer.
- **Noise Assessment (Valcoustics):** Comments were provided regarding the methodology of the acoustic assessment.
  - **Planning Comment:** The applicant has submitted a response to the comments but not a revised report. Further comments may be received based on the information to date.
- **Environmental Impact Assessment (Dogan & Associates):** Concerns were raised regarding endangered species monitoring. The current report does not demonstrate the proposed land use is in compliance with Wellington County Official Plan Policy nor does it provide sufficient information on the proposed land uses to demonstrate no negative impacts.
  - **Planning Comment:** The applicant has submitted a revised EIA which more comments may be provided. Generally, the proposed use is located outside of the identified features on the site.
- **Source Water Protection:** Private or domestic drinking water wells are located in close proximity to the site whereas the nearest municipal well is approximately 5 kilometres from the site. Based on the submitted documents, the following potentially significant drinking water threat activities, as outlined in the Clean Water Act and associated regulations, are proposed or more information is required: winter maintenance activities, consumptive water taking and reduction to groundwater recharge. Additional comments will be provided at the site plan stage of the development.
- **Grand River Conservation Authority (GRCA):** Located outside of GRCA jurisdiction.

### Additional Comments:

- **Planning Development and Advisory Committee (PDAC):** The application was discussed at the PDAC meeting held on November 8<sup>th</sup>, 2022. Formal minutes have not been adopted by council at this but comments include; concerns with how soil is processed and potential for contaminants.



Concerns with trucking operations in the rural area and concerns with how groundwater is being tested.

- **Public Comments:** At the time of this report, it is understood that formal written comments have not been provided in response to the notices issued for this application.

Staff and agencies submitted a number of initial comments in June and July 2022 and the applicant has submitted responses to the initial comments, including a resubmission of the stormwater management report and Environmental Impact Assessment. At this time agencies and staff are reviewing the responses to the initial comments and may have more comments.

#### **Additional Items for consideration**

With respects to the Aggregate Resources Act and the existing license on site, planning staff are of the opinion that there are limitations on the ability to approve a *Planning Act* application once a license is issued to a property is. As such, the aggregate license may need to be removed from the property to allow the business to be appropriately zoned. Additional discussions regarding this item will be required.

Staff will also need to consider other regulations that may effect the subject lands such as the excess soil requirements to facilitate rehabilitation of pits and quarries. Changes to the excess soil regulations did occur in 2022.

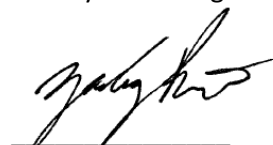
Based on the nature of the business, consideration of a temporary use by-law may be warranted until such time that the pit is rehabilitated at which time the operation would no longer be permitted to operate. The applicant has indicated that there will be approximately 10 more years to rehabilitate the pit.

It is understood that the applicants will also need environmental compliance approvals (ECA) from the Ministry of Environment, Conservation and Parks (MOECP) and that an ECA will be required for air and noise and also industrial sewage works for the use itself. It is further understood that the applicant has withdrawn its ECA applications from the MOECP so that the local approval process can be undertaken first. Planning staff will consider the timing of this approval relative to Ministry approvals and how concerns raised by the Township's consultants can be addressed.

#### **NEXT STEPS**

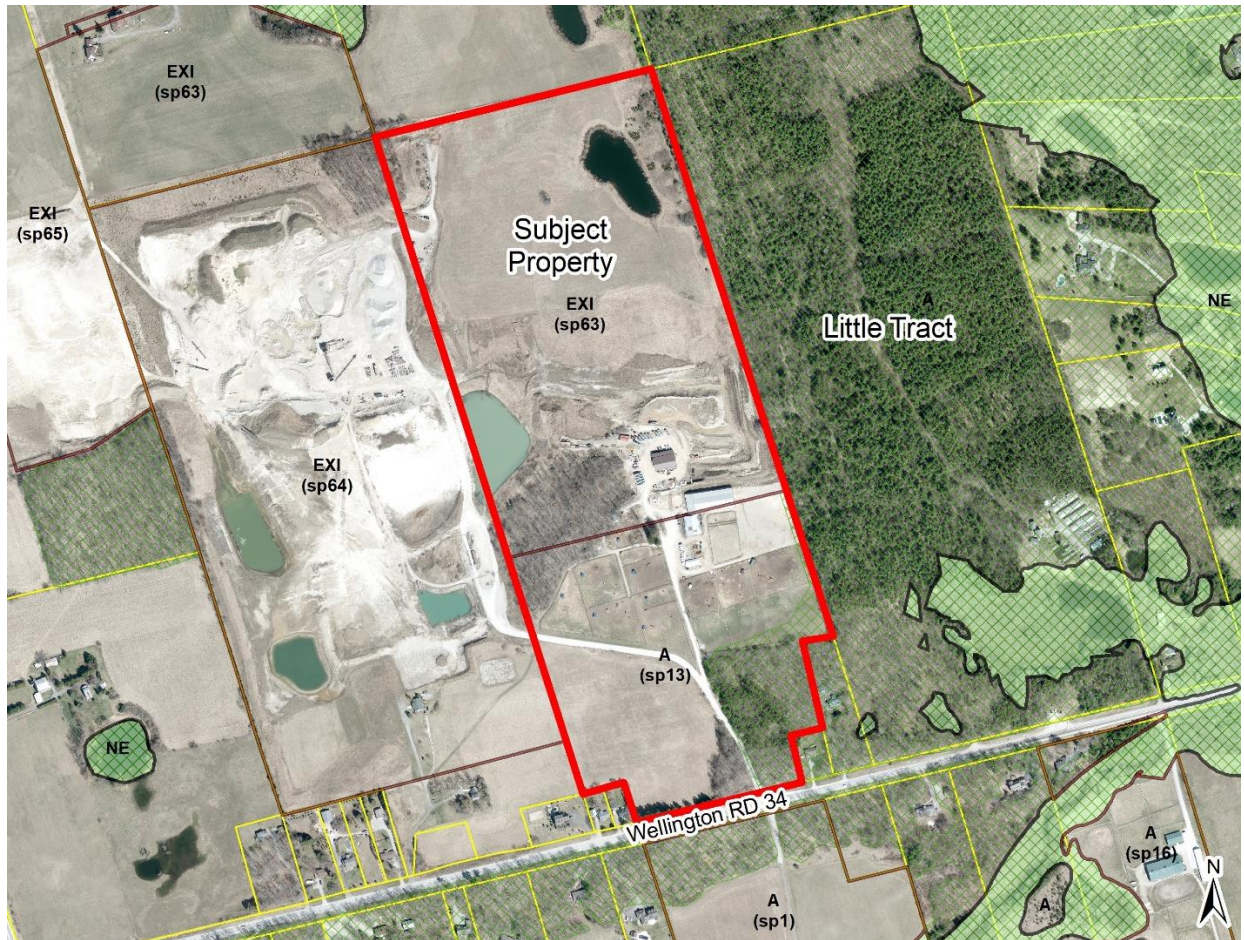
The public meeting for this application is scheduled for November 30<sup>th</sup>, 2022. We will be in attendance at the public meeting to hear the applicant's presentation and any public comments. Our planning recommendations will be provided following the public meeting and resolution of outstanding issues.

Respectfully submitted,  
County of Wellington Planning and Development Department

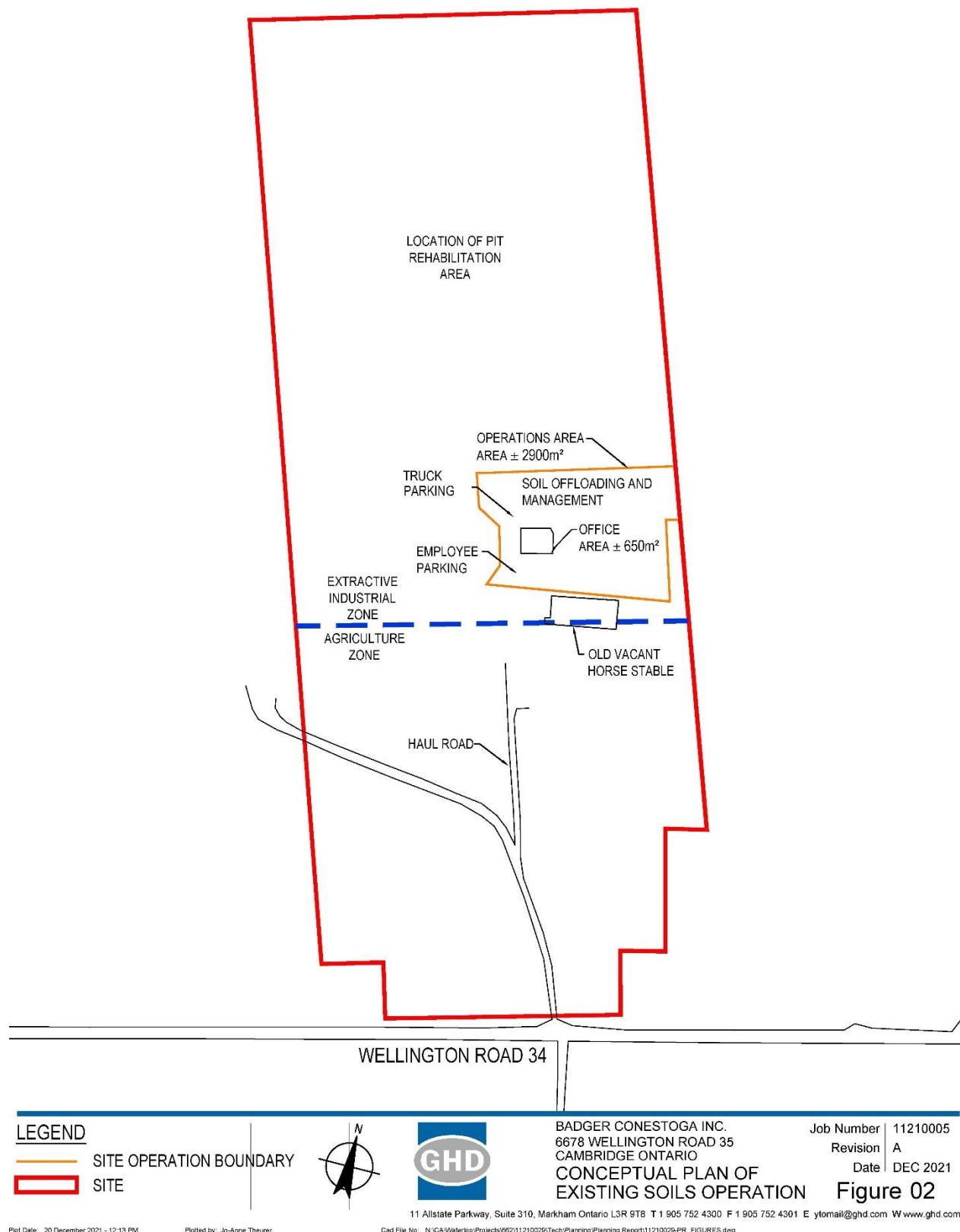


Zach Prince MCIP RPP  
Senior Planner

## ATTACHMENT 1 – Aerial of Subject Lands



## ATTACHMENT 2 - Sketch provided by Applicant



**November 15, 2022**

Courtenay Hoytfox

Deputy Clerk

Township of Puslinch

7404 Wellington Rd 34

Puslinch, Ontario

NOB 2JO

Email Address: admin@puslinch.ca

Re: Badger Hydrovac Operation – 6678 Wellington County Road 34

Dear Ms. Hoytfox,

I have been informed of Badger's application for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

I have been living on Sideroad 10 North ( [REDACTED] ) for the last 37 years and am very familiar with Badger's operations and the Property Owner, [REDACTED]. As a matter of fact, both my homes have been directly east of the subject property separated only by the width of the Little Tract Conservation Forest.

My comments regarding the application are as follows:

- Badger has been a good neighbour and there have been no issues with the hydrovac operation
- Having the hydrovac operations at the gravel pit is an appropriate location for such a process
- Using the hydrovac soil to rehab the old pit and return it to agricultural use is preferable
- There are no concerns with the Badger truck traffic adding to the current truck and vehicle traffic on County Road 34

I am supportive of the Owner and Badger's operations and the zoning bylaw application.

Regards,

Richard Reid

Local Resident





# 6678 Wellington Country Road 34 – Bylaw Amendment



➔ The Power of Commitment



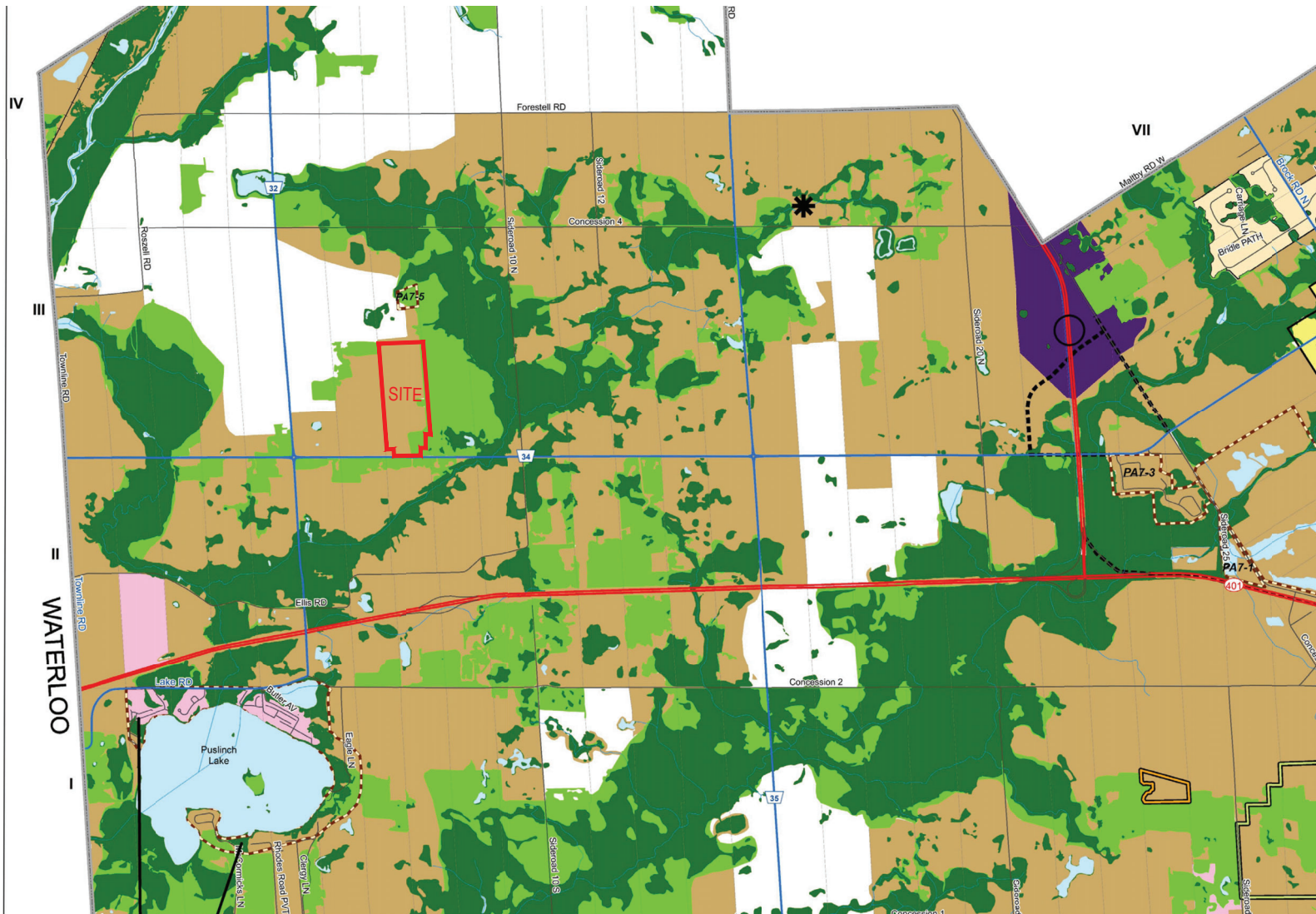


BADGER CONESTOGA INC.  
6678 WELLINGTON ROAD 34  
CAMBRIDGE ONTARIO  
**SITE LOCATION  
& CONTEXT**

Job Number | 11210005  
Revision | A  
Date | NOV 2022

11 Allstate Parkway, Suite 310, Markham Ontario L3R 9T8 T 1 905 752 4300 F 1 905 752 4301 E ytomail@ghd.com W www.ghd.com

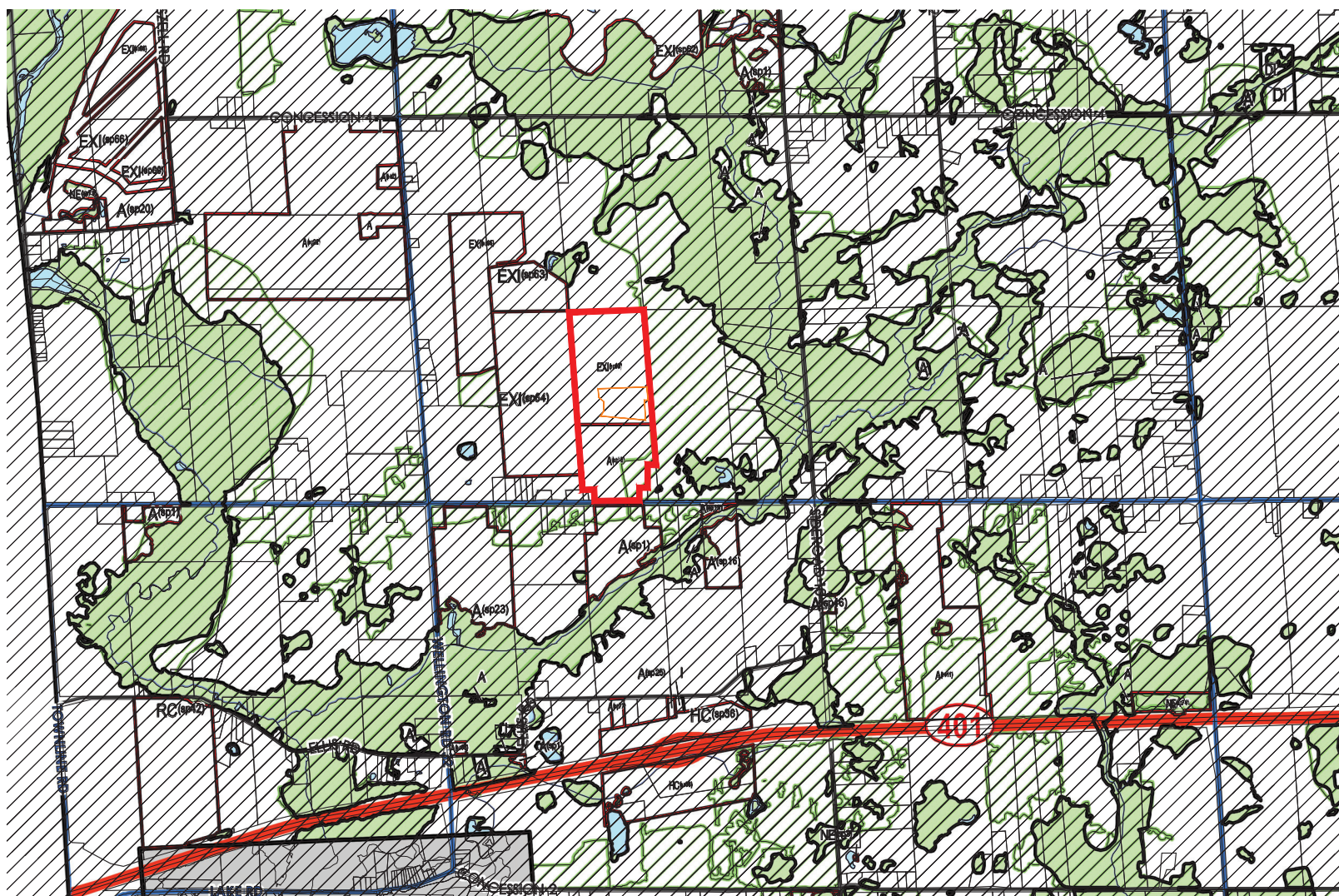




BADGER CONESTOGA INC.  
6678 WELLINGTON ROAD 34  
CAMBRIDGE, ONTARIO  
OFFICIAL PLAN DESIGNATION

Job Number | 11210029  
Revision | A  
Date | NOV 2022





# Township of Puslinch

Zoning By-Law No. 023-18

Schedule 'A'



## Legend

- Site Specific Exemption
- Zoning Limits
- Environmental Protection Overlay
- Natural Environment

## Zone Descriptions

- A Agricultural
- AC Agricultural Commercial
- C Commercial
- CMU Core Mixed Use
- DI Disposal Industrial
- EXI Extractive Industrial
- FD Future Development
- HC Highway Commercial
- HR Hamlet Residential
- I Institutional
- IND Industrial
- NE Natural Environment
- OS Open Space
- RC Resort Commercial
- RR Resort Residential
- RUR Rural Residential
- UR Urban Residential
- f- Aberfoyle Flood Plain Overlay
- (sp#) Site Specific Exemption
- (h#) Holding Provision
- (t#) Temporary Zone

This is not survey data.

Parcels - Wellington County 2017.  
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Updated: April 5, 2018  
Date printed: May 3, 2021

Sources:  
County of Wellington Planning Department, Ministry of Natural Resources  
Grand River Conservation Authority, Hamilton Region Conservation  
Authority, and Conservation Halton.



BADGER CONESTOGA INC.  
6678 WELLINGTON ROAD 34  
CAMBRIDGE, ONTARIO  
EXISTING ZONING

Job Number | 11210029  
Revision | A  
Date | NOV 2022





Project No. 11210029  
Revision No. -  
Date NOV 2022

Paper Size ANSI B  
0 20 40 60 80  
Meters



2374868 ONTARIO INC.  
6678 WELLINGTON RD 34  
TOWNSHIP OF PUSLINCH, ON

## SITE LAYOUT



# Site Overview



- No active pit extraction
- Uses under the current zoning already require truck use as a part of their operations.
- Pit under final rehabilitation per MNRF permit >> Agricultural
- Aggregate/Soil from road and utility work in region
- Hydrovacing is used to prevent underground utility strikes
- Site water is used for hydrovacing
- Material returned to site is 60% water/40% aggregate

# Summary of Operations



- Local owner, drivers and workers
- Ministry of the Environment ECA governs all operations
- Water is returned to Site – recharge groundwater
- Applicant is committed to lining the existing SWM Pond
- Frequent sampling as per MECP Requirements
  - Soil
  - Water
  - Groundwater
- Comprehensive documentation and reporting
- Environmental stewardship

Your ref: D14  
Our ref: 11210029-LTR-7

25 November 2022

Ms. Lynne Banks  
Development & Legislative Coordinator  
Township of Puslinch  
7404 Wellington Road 34  
Puslinch, Ontario  
N0B 2J0

**Response to Comments - Planning and Development Advisory Committee  
Zoning By-Law Application D14, 6678 Wellington County Road, Puslinch, Ontario**

Dear Ms. Banks

GHD has prepared this response letter on behalf of the Applicant. Zoning By-Law Application D14/ONT – Conestoga Badger Inc was reviewed by the Planning and Development Advisory Committee (Committee) through a virtual meeting on November 8, 2022. During this virtual committee meeting, three items of concern were raised regarding the Site operations. Each of the three items are listed below and following each one is the response by the Applicant.

Additionally, a number of letters from neighbours, local residents, Badger clients and other persons knowledgeable of the operation were received that provide comments and indicate support for the by-law amendment. These letters have been submitted to the Township in accordance with the upcoming Public Meeting notice requirements.

**Item No. 1**

***The Committee expressed a concern regarding soil and water not being tested before being brought to the Site and, therefore, there is the potential for contaminant migration to surface water, soil and groundwater.***

**Response to Item No.1**

The frequent testing of soil, pond water and groundwater is being conducted in accordance with current Ontario Ministry of the Environment, Conservation and Parks (MECP) regulations and industry practice<sup>(1)</sup>. Soil rarely does not meet the regulatory Standards and in such cases it is removed from the Site. Pond water and groundwater consistently meet the regulatory Standards (i.e., potable water). Groundwater from the Site also is used in the hydrovac operations and returned to the Site to provide groundwater recharge thus minimizing impacts to aquifer yield. The groundwater monitoring plan was approved by MECP and documentation of all operation and testing activities will be regularly reported to MECP.

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<sup>1</sup> Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act and O. Reg. 406/19 On-Site and Excess Soil Management



However, in order to be conservative and address the concern, the Applicant commits to installing low permeability soil liners in the stockpile area, the stockpile runoff ditch and the stormwater pond. The liners will prevent the potential migration of contaminants until testing results are received to confirm that regulatory Standards are met. Within 60 days of receiving Township approval of this approach the Applicant will prepare and submit an Engineering Design of the liner systems. Upon review and approval of the Engineering Design by the Township, the liner systems will be installed. Upon completion of installation, an independent professional engineer will provide a report verifying that the liner systems have been installed in accordance with the approved Engineering Design.

#### **Item No. 2**

***The Committee indicated that they believed that hydrovac operations are more appropriately conducted in industrial areas.***

#### **Response to Item No. 2**

While some similar hydrovac operations are conducted in industrial areas there are current operations in the Province that are conducted on the same types of land (i.e., operating or former gravel pits) also under similar Ontario Ministry of Natural Resources and Forestry (MNRF) and MECP approval processes. The hydrovac operations are essentially the same as pit rehabilitation operations which require importing soil, grading, agricultural and drainage activities to complete rehabilitation. The rehabilitation activities being completed under the MNRF Permit include vegetating the final surface grades and the areas which have been rehabilitated to date are being used for agricultural purposes by a local farmer. This practice will continue until all rehabilitation activities are completed and all of the EX1 zoned area of the Property is returned to agricultural use.

#### **Item No. 3**

***The Committee indicated a concern with trucking operations in a rural area.***

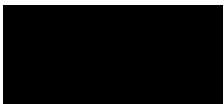
#### **Response to Item No. 3**

The existing zoning already permits a "haul road" and shared use of the haul road with the active pit operation by others on an adjacent property. The existing zoning allows the operations that require truck use and the movement of soils in order to provide the required rehabilitation of the former pit under the MNRF License. The north portion of the Property used for the hydrovac operation is zoned Extractive with special provision 63 (EX1 sp63). This zoning also permits uses that require trucks as a part of their operations, including: a pit, a quarry, and a wayside pit or quarry.

The Applicant completed a Traffic Impact Assessment which demonstrates that Wellington Road 34, a County Road, is able to accommodate the proposed truck operation and requires no additional traffic safety measures to continue its current operations. The trucks from the proposed hydrovac operation have no greater impact than the trucks that would be used under the permitted uses in the existing zoning.

We trust that the above response fully address the Committee's concerns regarding Site operations and the approval of the Zoning By-Law Application D14/ONT.

Regards



**Fred Taylor**  
Principal

+1 519 340-4222  
fred.taylor@ghd.com

Copy to: Frank Ertl, Badger  
Steve Edwards, GHD

November 25 2022

To: Courtenay Hoytfox

We at Grandbridge Energy have been using the services of Badger for many years. We use them in instances of MVA's to replace poles, leaking transformers replacements and repairing underground burn offs among other things. We have found them to be very reliable and conscientious in doing their work for us. If we use them where there is a possibility of contaminants in the scope of work being done, they readily notify us that they must dispose of said contents in a different manner than regular waste/fill. Whenever we set up a job with them, they consistently ask what the material is that will be excavated and, indicate the procedures that need to be followed for proper disposal. It is because of this due diligence they carry out that we continue to use their services in daily work and emergency situations with no hesitations.

Regards,

Hughie Porter

Field Supervisor, Operations

Grandbridge Energy



November 25, 2022

Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, ON NOB 2JO

Email Address: [admin@puslinch.ca](mailto:admin@puslinch.ca)

Re: Badger Hydrovac Operation – 6678 Wellington County Road 34

Dear Ms. Hoytfox:

We have been informed of Badger's application for zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

Enova Power Corp. (formally Kitchener-Wilmot Hydro and Waterloo North Hydro) have been using Badger services for many years and have found them to be extremely professional and dependable. The service they provide is essential for our business operations on a daily basis and also for emergency calls.

Our understanding is that Badger's operations are in full compliance with applicable Provincial regulations and industry practice. We also understand that Badger and the owner Frank Ertl has been trustworthy and a good neighbour to the surrounding property owners.

We are supportive of Badger's operations and fully endorse the zoning bylaw application to allow continued essential services to our business operations.

Regards,



Jason Finkbeiner  
Distribution Superintendent

JF:jk

**November 25, 2022**

**Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, ON  
NOB 2J0**

**Email Address: [admin@puslinch.ca](mailto:admin@puslinch.ca)**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

Dear Ms. Haytfox,

We have been informed of Badger's application for zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

As an owner of an underground utility, choosing the right Hydro Vac service provider is imperative. We have used others over the years but also return to Badger Conestoga for their services. They are professional and extremely diligent in their inspection of material that is being vacuumed or collected. In all my time with the gas company and working with Badger, we have never had a concern with their practise and never expect too with their dedication to their craft.

Our understanding is that Badger's operations are in full compliance with applicable Provincial regulations and industry practice. We also understand that Badger and the Owner Frank Ertl along with son Josh, has been trustworthy and a good neighbour to the surrounding property owners.

We are supportive of Badger's operations and fully endorse the zoning bylaw application to allow continued essential services to our business operations.

Thank you for your time,

**Kyle Kemp**  
Supervisor Operations  
Waterloo North

---

**ENBRIDGE**  
TEL: 519-885-7400 ext 5067517 | [Kyle.Kemp@enbridge.com](mailto:Kyle.Kemp@enbridge.com)  
603 Kumpf Dr. Waterloo, ON N2J 4A4  
[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect. Inclusion.**

November 27, 2022

Courtenay Hoytfox  
The Township of Puslinch  
7404 Wellington Road 34  
Puslinch, Ontario  
NOB 2J0

Re: Zoning By-law Amendment Badger Vacuum Truck Operation (File No. D14/ONT)

Dear Ms. Hoytfox,

As the Badger operation's closest neighbors, we would like to provide comments on the Application to amend the Township zoning by-law at 6678 Wellington Road 34 to include a vacuum truck operation (File No. D14/ONT). We have resided at [REDACTED] for 17 years and during this time have engaged with the property and its owners. We boarded a horse there for several years before they closed the barn in 2021 and more recently our son was employed by Badger during his summer break from university. The property appears to have been well managed, but it has been difficult to watch a rural horse farm transform into an industrial facility.

We are concerned about the threat to our drinking water well given the findings of the Harden Environmental report, we are also concerned with the potential for the existing operations to expand, and we have concerns regarding the berms and the need to buffer the industrial operations from our home. We have outlined our concerns in more detail below for your consideration.

The hydrogeological assessment conducted by Harden Environmental raises significant concerns for us regarding the protection of our drinking water well and the groundwater aquifer overall. We believe proactive measures should be taken to ensure that our drinking water well does not become contaminated, and we request those measures be identified and implemented prior to approving a zoning amendment. We would also like to be ensured that Badger would be held responsible for any drinking water well remediation or replacement should the well become contaminated and for financial compensation for the loss of our property value associated with having an unpotable water supply.

Badger stated in their presentation to the Planning and Development Committee on November 8<sup>th</sup> that 25 trucks are currently operating out of this location. We would like to better understand the potential for operational expansion for Badger and for Telecon who is also based out of the property. As you may be aware, as an industrial operation, Badger also requires an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP). MECP does not consider zoning as part of its review process for ECAs and therefore could grant an approval for a much larger industrial operation (i.e., with an expanded fleet that also works nights and weekends). This potential for expansion is a concern for us, and we would like to see



the Township limit the size of operation in consideration of its proximity to residential neighbors.

In October 2021 a large amount of fill was brought in and placed as a berm around the property. We are concerned with soil quality of the fill that makes up this berm which could also be a potential source of groundwater contamination to our drinking well located less than 125 meters away. We would like to better understand the source of this fill, and the results of the soil quality testing has been done. In addition, while these berms negate some of the noise, we have a view of parts of the facility in the winter months because our home is upslope. We would like to see an improved buffer between the industrial/commercial operations and our property, ideally in the form of mature non-deciduous trees.

Thank you for the opportunity to comment.

Sincerely,

Robert Hanner and Eva Ammentorp



Alison McCrindle

Dear Township of Puslinch Council,

I am writing to express my concerns about the proposed Zoning By-law Amendment which would rezone the lands at 6678 Wellington County Rd 34 from EX1 sp63 to EX1 spXX to allow Badger to continue to run their Hydrovac operation at this location. I am opposed to this idea for the following reasons:

1. Badger has been operating on the property for 10-15 years without proper zoning. The definition of extraction is, “the process of removing something”. Badger is not removing anything but in fact dumping materials onto the property. Was this land not rezoned in 1997 to EX1 for extraction to take place, and is there no end point to extraction permits? I do not understand why a Hydrovac company would be given the ability to dump materials in an EX1 zone. Is this not an Industrial use of land?
2. I worry that this kind of amendment is setting a precedent for future users in our Township. In other words, any operation can use the land as they see fit and then apply for rezoning after the fact. This seems like a slippery slope to me. Badger has been running the Hydrovac company for over a decade without proper zoning and now, they are asking for rezoning? I would say this is putting the cart before the horse.
3. This is a rural property with neighbouring residences and environmentally significant wetlands in Little Tract. It is not an industrial area. I watched the PDAC meeting on this amendment and do not feel confident that the materials that are being dumped at this location are being properly monitored. How can we be sure that the materials being dumped are “clean”? What lab is doing the testing? Is the lab checking for all of the possible contaminants that could potentially be in the slurry that is being hauled? And is it testing being done for the most minute amount of toxins that could still be potentially dangerous? Is the water quality being properly monitored? How about run-off? Can we be sure that groundwater is not being contaminated and affecting neighbouring wells and wetlands?
4. A decade ago, we would see a few Badger trucks going by each day. Now, it is a consistent flow of trucks, back and forth, back and forth. One of the members of the PDAC Committee was very mistaken when he said that they leave in the morning and return at the end of the day. All anyone needs to do is to sit at my driveway for half an hour and count the trucks that go by. They would discover that they are coming and going all of the time. And now, there is another business, Telecon, that is also running its trucks in and out of the property. Are all of these trucks refuelling on-site? Is this allowed? These trucking operations would be more suited to an industrial zone.
5. Finally, the GHD consultants tried to assure everyone that Badger’s operation is beneficial as they are “rehabilitating” the extracted areas back to agricultural land. Do we really know that this material is suitable for agricultural purposes? Are we absolutely certain that the materials

do not contain toxins that could show up in our food chain in the future? And furthermore, how do they separate the soil from the aggregate before putting it back onto the land to be used for agriculture?

6. I am appalled at the mess that Badger has already made to the land that, until fairly recently, was used as a horse operation. They have dumped loads and loads of fill, which is hopefully clean, to create huge berms.

In closing, I hope that Council will not allow this amendment and that this land will be properly rehabilitated to its original agricultural use.

Yours sincerely,

Alison McCrindle



**Justine Brotherston**

---

**From:** Barbara Bulmer <[REDACTED]>  
**Sent:** Monday, November 28, 2022 2:32 PM  
**To:** Admin  
**Subject:** Badger and Zoning By-law Amendment Application D14/BAD

November 28, 2022, 2:37 p.m.

Courtenay Hoytfox, Deputy Clerk,  
  
Township of Puslinch,  
  
7404 Wellington Rd. 34,  
  
Puslinch, ON N0B 2J0

Dear Ms. Hoytfox,

Re: 2374868 Ont Inc (Badger) Zoning By-law Amendment Application D14/BAD, Part Lot 8 Concession 3, 6678 Wellington Road 34 to amend

Township of Puslinch New Comprehensive Zoning By-law 23-2018

I have resided at [REDACTED] for 52 years, approximately 1.5 ks south west of the subject property, and in the direction of groundwater flow with direct potential for well-water contamination.

The PPS 2020 2.2.1 "Water", and Wellington County OP 4.9.3 "Groundwater" address groundwater features to be protected.

The Puslinch Township Engineer, and Harden Environmental (Hydrogeologists) both refer to the inappropriate pond design - unlined basins - that should not

be permitted at this site. Harden also points out that groundwater monitoring is reactive, not proactive, meaning that if monitoring groundwater after fill has been placed in the pond

contaminants have already leached from the site and are percolating into the aquifer.

I am opposed to Zoning By-law Application D14/BAD, Part Lot 8, Concession 3, 6678 Wellington Road 34 in The Township of Puslinch.

It is the wrong activity in the wrong place!

Best regards,

Barbara Bulmer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b

**RECEIVED**

NOV 28 2022

Township of Puslinch

Courtenay Hoytfox  
Clerk  
Township of Puslinch  
7404 Wellington Rd. 34  
Puslinch Ont.  
N0B 2J0

I am a resident of Puslinch Township living on Wellington Rd. 34.

I am writing in response to the proposed amendment to the township of Puslinch Zoning By-law (File No. D14/ONT)

I am not in favour of this property being re-zoned to special provision xx(EXI sppx)

I oppose this industrial business being located at 6678 Wellington Rd.34.

How large and how deep will this pond get? It appears to be 10 acres? With more Badger trucks at this location, and in 10 years time, will this pond be 20, 30, acres? And how deep?.

Why is this industrial operation working in a residential area?

Badger is bringing in fill, and water, they are not taking fill or gravel out.

Other Badger operations are located in industrial sites, why is this one different?

This operation is open 24 hours a day trucks go in and out any time of day or night. Delivery vehicles and service vehicles travel in and out of this location. Industrial garbage collection trucks. Purolator, FedEx, Fastening House. Gas delivery trucks and propane trucks, BioBob trucks, hydrovac trucks from different companies.

Lots of dust and dirt are created by all this traffic. The lane is not swept or watered.

A lot of noise comes from the Badger site. The constant hum of the bulldozer and excavator. Plus the noise of the trucks themselves. The beeping of the vehicles when they are backing up. Outside conversations have to stop because one's voice cannot be heard over the noise of the vehicles. The amount of vehicles travelling in and out of this location adds to fuel emissions.

In 2008 the top of a tree from Badger property fell on my hydro line. I was without power for hours and hours. My lane way was blocked by the tree. I asked the owner of the property Frank (Francis) Ertl to help pay the expenses for the hydro line repair and clean up. He refused. Frank does not reside at this property. Some of these trees need some environmental stewardship so they don't fall on my house. I have talked to Frank several times about this. Nothing has been done.

The hydrologists report from Harden Environment states that this activity should not be carried out at this site. Badger trucks collect storm water, dirt and material and bring it back to this site. When and how and by whom and what is this soil tested for?

If contaminants are brought back and dumped into this pond what happens to the drinking water for the neighbouring homes, and the groundwater?

Does this ground water not eventually run into Puslinch lake?

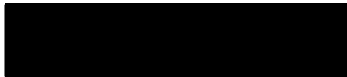
Is Badger responsible for cleaning up contaminated soil and water? Will Badger compensate me for my well, drinking water, and property value?

Another industrial business (Telecon) is located on this property as well. There are two industrial businesses located at 6678 Wellington Rd 34.

How much is their water usage? Will my well go dry because of their water usage? Will they provide me with clean drinking water, a new well, a cistern, a filtration system? Compensate me for loss of property value? Does this location have an adequate septic system for these industrial businesses and all the staff that work there.

Please look after the soil, trees, water, and the air. We can't live without them.  
Please look after the people, animals, birds, fish, turtles, who live near this industrial site.  
And those humans and creatures who may be affected by the eventual contaminated groundwater runoff.

Respectfully submitted  
Barbara Hagey





**J. WEBER CONTRACTING LIMITED**

90 WOOLWICH ST. P.O. BOX 59, BRESLAU, ONTARIO N0B 1M0  
PHONE: (519) 648-3302 FAX: (519) 648-3380

**November 20, 2022**

**Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, ON  
NOB 2J0**

**Email Address: admin@puslinch.ca**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

Dear Ms. Haytfox,

We have been informed of Badger's application for zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

For the past 15 years J. Weber Contracting has completed hundreds of emergency water and sewer repairs. Badger and hydrovac excavating have been used on 95% of these excavations to make them safer and quicker, in addition to assisting in requiring less restoration. We also use Badger on our Capital projects for the municipalities to locate services and utilities. This has helped limit damage to utilities and make for an efficient and safe work environment. We have found Badger services to be extremely professional and dependable. The service they provide us is essential for our business operations.

Our understanding is that Badger's operations are in full compliance with applicable Provincial regulations and industry practice. We also understand that Badger and the Owner Frank Ertl has been trustworthy and a good neighbour to the surrounding property owners.

We are supportive of Badger's operations and fully endorse the zoning bylaw application to allow continued essential services to our business operations.

Regards,

  
Murray Childerhose  
President  
J. Weber Contracting Ltd.  
murray@jwebercontracting.com  
519-658-3750

**November 24, 2022**

**Courtenay Hoytfox  
Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, ON  
NOB 2J0**

**Email Address: [admin@puslinch.ca](mailto:admin@puslinch.ca)**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

I have been informed of Badger's application for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022. As a former City and Regional Councillor for many decades I am very experienced with municipal and local policies, requirements and practices. I have known the Property owner/operator for many years and have found him to be professional, operating the business with the best intent to comply with regulations, being a good environmental steward of the land, and also being a good neighbour to surrounding property owners.

I am supportive of Badger's operations and fully endorse the zoning bylaw application to allow continued essential services to our business operations.

Regards

  
Karl Kiefer



**November 15, 2022**

Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, Ontario  
NOB 2JO

Email Address: [admin@puslinch.ca](mailto:admin@puslinch.ca)

Re: Badger Hydrovac Operation – 6678 Wellington County Road 34

Dear Ms. Hoytfox,

I have been informed of Badger's application for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

I have been living on [REDACTED] for the last 37 years and am very familiar with Badger's operations and the Property Owner, Frank Ertl. As a matter of fact, both my homes have been directly east of the subject property separated only by the width of the Little Tract Conservation Forest.

My comments regarding the application are as follows:

- Badger has been a good neighbour and there have been no issues with the hydrovac operation
- Having the hydrovac operations at the gravel pit is an appropriate location for such a process
- Using the hydrovac soil to rehab the old pit and return it to agricultural use is preferable
- There are no concerns with the Badger truck traffic adding to the current truck and vehicle traffic on County Road 34

I am supportive of the Owner and Badger's operations and the zoning bylaw application.

Regards,

Richard Reid

Local Resident

28<sup>th</sup> November, 2022.

I write from the perspective of someone with an up-to-date knowledge of how to measure the concentrations of organic pollutants (especially newly discovered ones) in environmental samples. I'm employed as a senior research advisor to one of only two major companies that supply environmental standards to nearly all the leading commercial, governmental, and academic analytical laboratories in the world that deal with environmental matrices.

I watched the portion of the video of the November 8, 2022 Planning and Development Advisory Committee Meeting that dealt with a possible amendment of a zoning bylaw pertinent to the Badger Daylighting property. I was surprised that there was no concern expressed about the fact that much of the material recovered from the hydrovac excavations comes from "**road** and utility work". One doesn't need to search the academic literature to discover that over the past thirty years there has been a steadily increasing concern about the impact of **road dust** on the environment. A search of Google using the term **6-PBB** or the phrases "**toxicity of road dust**" or "**tire wear particles and fish**" is enlightening.

It is now well accepted that the health of urban residents can be impacted negatively by living near a major industrial area or close to a high traffic highway. In the latter case, the increase in the risk of health conditions such as cancer, heart disease, stroke, asthma, and diabetes for nearby residents was originally attributed to inhalation of pollutants from tailpipe exhaust, especially from diesel vehicles. More recently, attention has shifted to the importance of non-exhaust emissions from road traffic. These emissions are found in road dust and come from tire and brake wear, metal corrosion, and leakages of lubricant and hydraulic fluids. The mass of **tire wear particles (TWPs)** released into road dust is immense and was estimated to be 2.9 million tons in 2019 worldwide and 540 thousand tons in the USA alone. Indeed, apart from the ambient "dirt", TWPs are usually the most abundant constituent of road dust at levels of over 10% at some locations. TWPs are tiny fragments generated by the friction between tires and the road surface. Because of their low density, these microparticles tend to become airborne because of air turbulence of vehicles and, although most are deposited on the roadsides, some are carried on air currents in the atmosphere to as far as the Arctic. In addition, rain easily washes them into roadside ditches from which water can seep naturally into the ground or be carried away by a drainage system. In either case, the particles themselves, or pollutants they contain, can end up in the nearest waterway.

The results of over a thousand research studies have been reported on TWPs, many of them in the last five years. This impetus came from the realization that they are actually not only **toxic** but also **microplastics (MPs)**. Thus, they are capable of delivering a "double punch". Microplastics have elicited concern because of their detection in air, soils, and water all over the world. The smallest particles (nanoparticles) are of particular concern since if taken in by animals, either by ingestion or respiration, they can cause damage to cell membranes and cell function. Preliminary studies of their potential effects on human health have revealed that immune responses may be provoked, and reproductive and developmental toxicity induced. Indeed, autopsies of human cadavers have found microplastics in tissue samples taken from the lungs, liver, spleen, and kidneys. TWPs can also be a source of toxic compounds. Apart from several types of rubber, carbon black, and sulfur, tires contain over 150 organic compounds as additives. Of these, more than half have some solubility in water, and several are classified as persistent toxic substances. Furthermore, these particles tend to attract a thin surface coating of

condensates and particulates from diesel exhaust that contain heavy metals and carcinogenic POPs (Persistent Organic Pollutants) such as PAHs (polycyclic aromatic hydrocarbons), dioxins, furans, and PCBs that can **leach** into water.

The impact of TWPs on all environmental compartments, including air, water, soils/sediments, and biota have been studied. Some studies are of general interest. For example, in the last two years, the outcome of a number of studies have been reported on the impact of microplastics on the oceans. Their combined mass is estimated to increase yearly by about 500,000 tons including almost 150,000 tons of TWPs resulting from deposition from the air or inflow from rivers. Recent investigations have shown that sea water closest to urban areas have higher levels of MPs and that this is reflected in higher accumulation of the particles in fish tissues. These researchers suggest that possible effects on the food chain should be investigated. Of more relevance to the present topic are the numerous studies on soil and inland waters. Contamination of the former by TWPs has been studied including the effects of the associated heavy metals and POPs on flora and fauna, food safety, and the risks posed to the vital worm and microbial activity in “healthy” soils. In all cases the results are alarming. A huge amount of attention has also been directed toward the impact of TWPs on aquatic taxa in streams and lakes close to highways. Effects have been noted for a large variety of species including bacteria, algae, crustaceans, and fish. For fish, it has been found that it is important to investigate the negative impacts to health of both the particle and leachate components. In addition, a severe urban runoff fish kill of coho salmon in the Pacific Northwest of the U.S. has been noticed for twenty years. Eventually the causal agent was found to be tiny concentrations of a leachate, 6-PPD-q from TWPs. This is a degradation product formed from the antioxidant, 6-PPD by oxidation. This forensic work has led to the discovery that 6-PPD, and other additives, are converted into a vast number of potentially toxic compounds by oxidation and heat from road friction and the sun.

In conclusion, using the solid material from hydrovacating by vigorous agitation for rehabilitation purposes and the associated water for recharging the ground water is definitely not a sound suggestion.

Three scientists from Ontario are experts on TRPs and their impact on the environment. Indeed, they are co-authors on a number of research articles on this topic, Dr. Paul Helm, Ontario Ministry of Environment, Conservation and Parks, Toronto, Dr. Tom Harner, Environment and Climate Change Canada, Toronto, and Dr. Derek Muir, Environment & Climate Change Canada, Burlington.

Sincerely,

Robert McCrindle

[REDACTED]

**Will Yzerman  
6895 Concession 1  
Puslinch, Ontario  
N0B 2J0**

**November 15, 2022**

**Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, Ontario  
N0B 2J0**

**Email Address: admin@puslinch.ca**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

Dear Ms. Hoytfox,

I have been informed that at the upcoming Public Meeting on November 30, 2022, Badger's application for a zoning bylaw amendment allowing hydrovac operations and the request to provide comments will be on the agenda. I have been working with the Property Owner, Frank Ertl for many years to complete the rehabilitation of this former gravel pit. I am a local farmer working at local properties, as well as performing the agricultural planting and crop management at this Badger property and therefore am very familiar with Badger's operations. My comments regarding the application are as follows:

- Badger has been an excellent operator and I have no issues with the hydrovac operation
- Using the soil and aggregate from the hydrovac operation provides higher nutrient soil than just using general fill and is better for the crops
- Having the hydrovac operation at a gravel pit is an excellent location for such a process
- Using the hydrovac soil to rehabilitate the old pit and restore it for agricultural use is preferable
- There are no concerns with Badger truck traffic adding to the current truck and vehicle traffic on County Road 34

I am supportive of the Owner, Badger's operations, and the rezoning bylaw application.

Regards

Will Yzerman



**Martin Dieter**  
**6554 Concession Road 4**  
**Puslinch, Ontario**  
**N1H 6J3**

**November 23, 2022**

**Courtenay Hoytfox**  
**Deputy Clerk**  
**Township of Puslinch**  
**7404 Wellington Rd 34**  
**Puslinch, Ontario**  
**NOB 2JO**

**Email Address: admin@puslinch.ca**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

Dear Ms. Hoytfox,

I have recently been informed of Badger's application for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

I have been living at my present address [REDACTED] for several years and am very familiar with Badger's operations and the Property Owner, Frank Ertl.

My comments regarding the application are as follows:

- Badger has been a good neighbour and we have had no issues with the hydrovac operation
- Having the hydrovac operation at a gravel pit is a good location for such an operation
- Using the hydrovac soil to rehab the old pit and return it to agricultural use is a preferred use
- There are no concerns with Badger truck traffic
- There already is significant truck and vehicle traffic on the County Road

I am supportive of the Owner and Badger's operations and the zoning bylaw application.

Regards

[REDACTED]

Martin Dieter

**Ray Roberts  
6670 Wellington Road 34  
Cambridge, Ontario  
N3C 2V4**

**November 23, 2022**

**Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, Ontario  
NOB 2J0**

**Email Address: admin@puslinch.ca**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

Dear Ms. Hoytfox,

It has been brought to my attention that Badger has applied for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

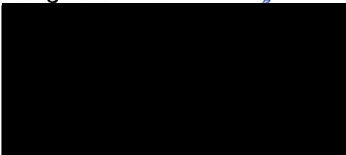
I have been living at [REDACTED] for several years and I am familiar with the Property Owner, Frank Ertl and Badger's operations.

My comments regarding the application are as follows:

- Badger has been a good neighbour and there have been no issues with the hydrovac operation
- Having the hydrovac operation at the gravel pit is an appropriate location for such a process
- Using the hydrovac soil to rehab the old pit and return it to agricultural use is preferable
- There are no concerns with the Badger truck traffic adding to the current truck and vehicle traffic on County Road 34

I am supportive of the Owner and Badger's operations and the zoning bylaw application.

Regards



Ray Roberts

**Doug Round  
6545 Roszell Road  
Cambridge, Ontario  
N3C 2V3**

**November 24, 2022**

**Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, Ontario  
NOB 2J0**

**Email Address: [admin@puslinch.ca](mailto:admin@puslinch.ca)**

**Re: Badger Hydrovac Operation – 6678 Wellington County Road 34**

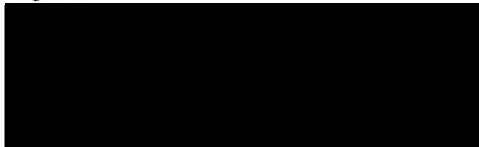
Dear Ms. Hoytfox,

I have recently been informed of Badger's application for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

I have been living at my present address for several years and know that Badger has been a good neighbour and have had no issues with the hydrovac operation. I believe that having the hydrovac operation at the gravel pit is a good location for such an operation and using the hydrovac soil to rehab the old pit and return it to agricultural use is a preferred use. I have no concern with the Badger truck traffic as there is already significant truck and vehicle traffic on the County Road.

I am supportive of the Owner and Badger's operations and the zoning bylaw application.

Regards

A large black rectangular redaction box covering the signature of Doug Round.

Doug Round

Simon Poladian  
6560 Wellington Road 34  
Cambridge, Ontario  
N3C 2V4

November 15, 2022

Courtenay Hoytfox  
Deputy Clerk  
Township of Puslinch  
7404 Wellington Rd 34  
Puslinch, Ontario  
NOB 2JO

Email Address: admin@puslinch.ca

Re: Badger Hydrovac Operation – 6678 Wellington County Road 34

Dear Ms. Hoytfox,

I have been informed of Badger's application for a zoning bylaw amendment to allow hydrovac operations and the request to provide comments before the upcoming Public Meeting on November 30, 2022.

I have been living at my present address [REDACTED] for several years and am very familiar with Badger's operations and the Property Owner, Frank Ertl.

My comments regarding the application are as follows:

- Badger has been a good neighbour and there have been no issues with the hydrovac operation
- Having the hydrovac operation at the gravel pit is an appropriate location for such a process
- Using the hydrovac soil to rehab the old pit and return it to agricultural use is preferable
- There are no concerns with the Badger truck traffic adding to the current truck and vehicle traffic on County Road 34

I am supportive of the Owner and Badger's operations and the zoning bylaw application.

Regards,

[REDACTED]

Simon Poladian