



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
NOVEMBER 20, 2025 PUBLIC INFORMATION MEETING
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION &
IN-PERSON AT 7404 WELLINGTON RD 34

MINUTES

DATE: November 20, 2025

TIME: 7:00 P.M

The November 20, 2025 Public Information Meeting was held on the above date and called to order at 7:00p.m. via electronic participation and in-person at 23 Brock Rd S.

1. CALL THE MEETING TO ORDER

2. ROLL CALL

ATTENDANCE:

Mayor James Seeley – Chair
Councillor John Sepulis
Councillor Sara Bailey
Councillor Russel Hurst
Councillor Jessica Goyda – Absent

STAFF IN ATTENDANCE:

Courtenay Hoytfox, CAO
Justine Brotherston, Director of Corporate Services/Municipal Clerk
Sarah Huether, Manager of Corporate Services/Deputy Clerk
Monika Farncombe, Planning & Corporate Services Coordinator
Joe Nethery, Township Planning Consultant, Nethery Planning
Stan Denhoed, Township Hydrogeology Consultant, Harden Environmental
Jeremy Tran, Township Planning Consultant, NPG Planning Consultant
Andrea Reed, Township Engineering Consultant, GEI
Thomas Kolodziej, Township Environmental Engineering Consultant, Trace Associates

PUBLIC ATTENDANCE:

Arlene Beaumont – Applicant, D14-DAA
Valerie Schmidt –Applicant Agent, D14-ONT
Frank Ertl – Property Owner 6678 Wellington Rd 34, D14-ONT
Fred Turner – Engineering Consultant for D14-ONT, GHD
Dan Puddephatt – Hydrogeology Consultant for D14-ONT, GHD

3. DISCLOSURE OF CONFLICT OF INTEREST

None

4. PURPOSE OF THE PUBLIC MEETING

The Chair stated the purpose of this Public Meeting is to inform and provide the public with the opportunity to ask questions, or to express views with respect to the development proposal. The Councillors are here to observe and listen to your comments; however, they will not make any decisions this evening.

The Township requests that you notify staff by email planning@puslinch.ca or by phone at 519-763-1226 ext. 4 if you wish to be on record and would like to be notified of future meetings and the decision of this meeting.

Please note the meeting is video and audio recorded, and all electronic meetings are uploaded to the municipality's YouTube page. By attending this meeting in person or by registering to



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participate in the meeting by electronic means, you are consenting to have your likeness and comments recorded and posted on YouTube.

Please note, in accordance with the amendments to the Planning Act through Bill 185. The following parties may appeal this application to the Ontario Land Tribunal for a hearing:

- a) The applicant, a specified person, a public body, the registered owner of the property to which the by-law would apply
- b) The Minister

Please note that if a specified person or public body does not make an oral submission at a public meeting or a written submission to the Township of Puslinch, before the decision is made, the specified person or public body is not entitled to appeal the decision of the Township of Puslinch to the Ontario Land Tribunal.

In addition, if a specified person or public body does not make an oral submission at a public meeting or make written comments to the Township of Puslinch before a decision is made the person or public body may not be added as a party to the hearing of the appeal before the Ontario Land Tribunal unless, in the opinion of the Board, there are reasonable grounds to do so. You may wish to talk to Township staff regarding further information about the appeal process.

The format of this Public Meeting is as follows:

- The applicant or agent will present the purpose and details of the application and any other relevant information.
- The Township Planner will then provide a brief presentation.
- Following this, the public can obtain clarification, ask questions and express their views on the proposal.
- Members of the public are permitted 10 minutes each to ask questions and express their views. This time limit is imposed to provide each member of the public an opportunity to speak.
- Council will then have an opportunity to ask any clarification questions.
- The applicant and the Township Planning Consultants will attempt to answer questions or respond to concerns this evening. If this is not possible, the applicant or staff will follow up and obtain this information.
- Responses will be provided when this matter is brought forward and evaluated by Council at a later date.

5.1 Zoning By-law Application D14-DAA 7456 McLean Rd W & 197 Brock Rd S, Township of Puslinch, County of Wellington

Mayor Seeley: This involves an application by DAAZ Inc. Zoning By-law application D14-DAA, property location municipally known as 7456 McLean Road and 197 Brock Road South, Township of Puslinch. The purpose and effect of the proposed zoning by-law amendment is to amend the Township New Comprehensive Zoning By-law 23-2018, as amended, to rezone the lands from a special provision industrial (IND SP54) zone and holding provision H5 zone to a site-specific highway commercial zone. I'll now ask the applicant if you want to present.

Arlene Beaumont, Applicant Agent D14-DAA: Good evening, I'm Arlene Beaumont from W.E Oughtred & Associates. We are the agents for the owners of 7456 McLean Road and 197 Brock Rd S.



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Next slide, please. So, this property is located at the corner of McLean Road and Brock Rd South. The property is about 1.62 hectares in size, or about 4 acres. It is currently undeveloped. You can see from this photo, it's quite well treed. Next slide, please.

I should just mention, the existing, or sorry, the historic uses on this site, I believe, were a small agricultural operation and a single-family home. All the structures have now been demolished.

The lands are designated rural employment in the County Official Plan. That designation permits dry industrial and commercial uses on large lots, and there are also some complementary commercial or accessory uses. Both properties are zoned IND Industrial in the Township of Puslinch Zoning By-law. 197 Brock Street has a holding provision. That holding provision requires site plan approval before the provision is lifted. 7456 McLean Road has a special provision which permits a truck repair shop as an additional permitted use.

In addition, there are some alternate parking standards under SP54, for multi-tenanted buildings. They don't really apply to this particular application. Next slide, please.

We have a proposed site plan for two gas bars, actually, one for trucks and one for passenger motor vehicles.

The truck gas bar is on the left side of this plan. The gas bar for passenger motor vehicles is on the right side. In approximately the middle, there is a building. Part of the building will be used as a convenience store; the other part would be a convenience drive-through type fast food restaurant. There are 8 truck parking spaces, 37 passenger vehicle parking spaces, including 3 handicapped accessible spaces, as well as 4 EV parking spaces.

Access, at the northeast corner of the site. There is an access off of Brock Road. That is intended to be a right-in, right-out only access. At the southwest corner, there will be access off McLean. That would be a full movement access. Services will be provided privately, private water and sewer. Next slide, please.

The IND zone does not permit a gas bar use. It also doesn't permit a convenience store. The drive-through restaurant may be permitted in conjunction with other uses, but we are rezoning the site for all the uses. So, we're looking to go from IND to HC, Highway Commercial. We do need some site-specific zoning. First of all, landscaped open space, the highway commercial zone requires 25%. We are going to have 20% landscaped open space. We also require some site-specific for parking. The zoning by-law requires one space per 10 square meters for restaurant uses. Our by-law will require one space per 20 square meters for the restaurant. Next slide, please.

So, at the present time, we are working on addressing technical comments on the rezoning application, and we hope to make a comprehensive resubmission by the end of this year. A site plan application has also been submitted, but site plan approval cannot be finalized until the rezoning is approved. Our timeline, hopefully, is to get site plan approval late winter or early spring 2026.

That's it in a nutshell. Happy to answer any questions.

Mayor James Seeley: Alright, thank you. So next, we'll move onto the Township Consultant to do their presentation today.

Jeremy Tran, Township Planning Consultant: Hi, good evening, Council and members of the public. My name is Jeremy Tran, I'm a manager with NPG Planning Solutions. We are the



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Township's planning consultant for the application. I'm going to proceed to share my screen with a presentation.

So, as part of my presentation, I will explain where we are in terms of the development process, before providing high-level information about the subject lands location, the proposed development, as well as the applicable provincial and county policies and the Township zoning by-law. I will also share the details of the zoning by-law amendment applications and the high-level technical comments that the Township, the County, and other commenting agencies have provided to date.

And lastly, we will explain what we could expect in terms of next steps.

So, in terms of development process, the applicant has submitted a zoning by-law amendment application, which is currently under review. Preliminary information and comments have been provided to the applicant, and I believe the applicant is addressing comments, and will come back for a resubmission. Once that is satisfied with all of the technical concerns have been addressed, we will bring the application back to Council with a recommendation report in the future.

As for the location of the subject lands, as Arlene has pointed out, the sites consist of, two properties, 7456 McLean Road and 197 Rock Road South. They are located at the corner of Brock Rd and McLean.

For the proposed development, the applicant is proposing a personal vehicle gas bar, a truck gas bar, a truck scale with, associated truck staging area, a convenience store, as well as a drive-through restaurant.

The application is to rezone the subject land to a highway commercial site-specific zone, and there is also a concurrent subject land approval application that has been submitted to the Township of Puslinch under the Provincial Policy Statement 2024, the subject lands are within employment areas, and within the County of Wellington Official Plan, the subject lands are designated rural employment areas, as shown on the map on the left-hand side. And on the map on the right-hand side, it shows that the subject lands are zoned Industrial with a special provision number 54, industrial with a holding provision number 5, and the entire property is within the industrial design overlay.

The zoning by-law amendment application that was submitted requests to rezone the subject lands to a highway commercial site-specific zone to permit all uses within the highway commercial zone. The zoning amendment would also permit a minimum landscape open space of 20% instead of the current requirement of 25%. The zoning amendment would also seek to permit a lower parking requirement for restaurant use. One space per 20 square meter net floor area, compared to the current requirement of one space per 10 square meter floor area.

In terms of technical comments that have been provided for the application to date, for planning, we have requested for an updated planning justification report to discuss the proposal consistency with the PPS 2024, as well as more justification for the reduced parking requirement.

For transportation, the Township consultant, Salvini Consulting, had highlighted, technical comments related to trip generation forecasts, queuing space, as well as a proxy survey to justify the reduced parking rate.



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The County of Wellington has indicated that the raised center median on Brock Road needs to be extended in order to permit the proposed access onto this regional road.

Other technical comments that were highlighted also include trip generation, and the need for further analysis on the drive-through stacking design, including a proxy site data collection. For engineering and hydrogeology, the Township engineering GEI consultants, highlighted that the proposed discharge of stormwater onto the neighboring property would require written permission from the property owner. They also highlighted technical comments related to storm sewer and regional storm design.

The Township's hydrogeologist, Harden Environmental, commented that the high sewage disposal would require environmental compliance approval with the MECP. They also highlighted the groundwater recharge deficit and the technical challenges associated with the high degree of treatment that would be required in relation to the small loss sites and the high-water table condition.

The Township Ecologist, Dougan, commented that the site plan should be revised to minimize impact to the woodland and to comply with the County's Woodland Conservation By-law. The other commenting agencies that are noted in the table have no outstanding comments. PDAC has provided draft comments on November 12th. The comments include that the driveway width to be reviewed to address any traffic movement or interference at the north entrance and exit onto Brock Road. That any road upgrades, including widening of McLean Road, be addressed through the zoning by-law amendment application. That the applicant addresses any reduction in parking requirement to the satisfaction of the Township. PDAC has concerns regarding the water imbalance, and that Council should consider that the water balance may need to be lessened with the use of a LID, low-impact development.

In terms of next step, the application is under review, comments have been provided to the applicant. They are in the process of making revisions and addressing comments, and we'll come back for a resubmission, and as I mentioned, once staff are satisfied that all of the technical issues have been addressed, we will bring the application back with a recommendation report to Council. I've come to the end of my presentation. I'm happy to respond to any questions.

Mayor Seeley: Thank you, Jeremy. We'll now ask if there's any attendees in person that have questions or comments in regards to this application. Ms. Brotherston, do you want to check online, please?

Justine Brotherston, Municipal Clerk: If there are any attendees online who'd like to speak to this application, if you can please use the raise your hand function, you'll see it at the bottom of your screen on Zoom.

Mayor Seeley: Any Council clarification?

Councillor Sara Bailey: Just have a question, that's just come to me, so pardon me for not doing any early reading. You mentioned that there was woodland on the property right now. Is there a mechanism to be tracking trees that are going to be removed?

Arlene Beaumont, Applicant Agent, D14-DAA: So, yes, we've submitted an arborist report, and there is a lot of trees being removed from this site. I have had some detailed discussions about tree removal permits and that kind of thing with the arborists. It is my understanding that the County, requires a tree clearing permit unless you're going through site plan approval, which we are. So, a tree clearing permit does not appear to apply to this project. Does that answer your question, or not really?



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Councillor Sara Bailey: Well, I guess we would see it in the site plan then, which I can look up.

Mayor Seeley: We will now move on to the second application.

5.2 Zoning By-law Application D14-ONT 6678 Wellington Rd 34, Township of Puslinch, County of Wellington

Mayor Seeley: This public meeting involves an application by 2374868 Ontario, Inc, zoning By-law application, property location municipally known as 6678 Wellington Road 34. 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 as amended to permit a temporary use of a liquid soil management operation on a portion of the property for a period of up to 3 years. Would the owner/applicant make the presentation, please?

Valerie Schmidt, Applicant Agent, D14-ONT: Good evening, Mayor, members of Council and residents. My name is Valerie Schmidt. I am the Senior Planner at GSP Group.

I'm here to present the application today for a temporary use bylaw, on behalf of the owner of the property, Frank Ertl, who's in attendance tonight. Also here is our project team with experts from HGB, including, Fred Taylor and Dan Pudavent.

So I'm just going to do a brief overview of the application, and then, obviously happy to answer any questions, that the members of Council and residents may have.

So, as you're aware, we are requesting a temporary use by-law to permit the management of liquid soil on the property. I just wanted to take a moment, to further explain Badger as a company, and what's actually entailed in a Hydrovac service, because I certainly didn't know before we applied.

So hydrovac trucks are used for non-destructive excavation and used in everyday projects in our communities and in our neighborhoods, often by local utilities, municipalities, and local residents. The trucks use highly pressurized clean water in a vacuum system to excavate and expose varied infrastructure. This pressurized water liquefies the soil, and it creates a slurry-type mixture. These trucks can actually go as far as 50 feet deep. The aggregate and the soil that's generated from these construction sites is then transferred to a liquid soil management site and for temporary storage. Soil is then dewatered, tested, and then transferred. Clean soil is then reused for, in this case, for the rehabilitation of the on-site gravel pit and then clean water is recycled.

So, Badger has many sites in Ontario. This includes Toronto, Bradford, Hamilton, Oshawa, London, and Sarnia. These particular sites are exclusive for offices and for truck parking. There are 3 processing sites, that is similar to what we're proposing, and these are in Ottawa, Sturgeon Falls, and Welland. So, we just want to go the property. The subject property altogether is about 39.4 hectares in area, and has frontage onto Wellington Road 34. The northern part of the property is licensed under the Aggregate Resource Act for a gravel pit.

There's the property, and then we're going to talk about the site. So, within the property, we're proposing the temporary liquid soil management in the area that we're going to call the site, it is highlighted in yellow on the map. This particular area that's highlighted in yellow is approximately 2.9 hectares, and is situated centrally to the site. It's accessible by a shared driveway with the adjacent landowner. Just looking at the map, you can see that the



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surrounding land uses include an aggregate, an adjacent aggregate pit, agricultural, rural, and environmental protected lands.

In conjunction with the proposed use, the MECP has recently issued a waste ECA for the proposed use, as well as an ECA for the associated noise and air as it relates to the proposed use. And we're going to talk about that a little further in the next couple slides.

Just some background on the site, the property and the site. Extraction operations and rehabilitation of the gravel pit have been ongoing for over 20 years. Previously, hydrovac operations were ongoing on the property for about 10 years, and there was no adverse effect to the environment in neighboring properties, and we're going to, again, talk about that in the next few slides as well.

The operations have stopped while we seek temporary use approval. But again, over the past 10 years, soil, groundwater, and surface water monitoring have been ongoing, and again, we're going to discuss this in a little more detail further in the presentation.

In this slide, it's just a blow-up of what we're calling the site, the 2.9 hectare site. We're just showing this in greater detail. As part of the liquid soil management operation, the following is going to be included. This is a one-story office and maintenance building. There's going to be 25 hydrovac truck parking spaces, 35 employee visitor parking spaces. Private servicing accommodated within the site, including water supply wells, a water firefighting water cistern, a holding tank, and a leach field. There's going to be an area for soil offloading and management, an area for soil processing and stockpiling, as well as a temporary pond and drainage trail that leads to the existing stormwater management on the site. There's also an area for soil screening.

From a land use perspective, the property is designated Secondary Agricultural Greenlands in the County Official Plan. The northern property is located within the mineral aggregate resource overlay, and further identified as a licensed aggregate operation. Next slide, please.

The property is also located within the Paris and Galt Moraine Policy Area in the County Official Plan which requires that large-scale development needs to demonstrate that ground and surface water will be maintained. Whether or not this use is considered a large-scale development, the hydrogeological assessment prepared for the site has demonstrated this protection and maintenance of ground and surface water. And again, we will discuss this in further detail.

The property currently has dual zoning on the site. The northern property is zoned extractive industrial, with Special Provision 63. The southern part is zoned agricultural. The site is contained. The site that we're talking about, the 2.9 hectares, is contained within the area zoned Extractive Industrial. However, liquid soil management is not listed as permitted use in the current zoning. So, under the County of Wellington Official Plan, ancillary uses are permitted under the mineral aggregate overlay. Ancillary is not necessarily defined in the County Official Plan, but it is commonly defined as providing support to the primary activity or operation of an organization.

The primary activity or operation on the property is a licensed aggregate operation that is currently undergoing extraction and rehabilitation. Clean, dry soil from the liquid soil operation is directly used for the rehabilitation of the pit. There is criteria in the Official Plan that ancillary uses must conform to and in which we believe the use does conform to. We do not feel that the use will pose any negative effects as it relates to groundwater supply and protection, noise,



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dust, odour, lighting, or unsightly storage, and contains access for a road that could carry the capacity that is required with the truck traffic.

There are many reasons why this site is desirable for the use. The main reason is the closeness to the gravel pit that's currently being rehabilitated. It is also a large lot, again, 2.9 hectares. As mentioned, there's also, as you can see through the picture, there's natural buffering around the site, not just from County Road 34, but from the adjacent landowners as well. Having frontage onto Wellington Road 34 is a great connection to major highways, including the 401. Also, there's an existing haul route in place for the trucks to use.

On October 10, 2024, the MECP issued a waste ECA for the processing of excess soil, including liquid soil. The ECA ensures comprehensive soil, surface water, and groundwater sampling, monitoring, reporting, and contingency programs. At the same time, in October 10th, 2024, a noise and air ECA that governs air and noise emissions from the equipment and operations and processing soil was also issued. The ECA provides for acoustic monitoring, dust control, and equipment maintenance to provide ongoing demonstrations of compliance. So as part of this application, we completed numerous studies and reports that included a site servicing report, stormwater management report, design and operations report, marble impact assessment, hydrogeological impact assessment, acoustic assessment, emissions summary, dispersion modeling report, traffic operations assessment, and probably a few more after that.

These reports were reviewed during a recent circulation, and comments were provided just over a couple weeks ago. Our consulting team is currently preparing our responses and feel confident that comments will be addressed.

So, at this point, I'm just going to hand this over to Fred, to go over the testing and recording.

Fred Taylor, Engineering Consultant for D14-ONT: Thanks, Valerie. Good evening, Fred Taylor, Professional Engineer with GHD on behalf of the consulting team. So, I'm going to go over the soil testing and reporting and water testing, and then Dan's going to talk about groundwater at the site to complete the picture about the application and all the work that we've done to support it.

The soil has to meet Table 1. Table 1 is basically samples from material that are typical ranges for actual non-contaminated sites, true background. So, my front yard, my background, the local school, the, local park. I mean, that would be typical background, non-contaminated. So, it's basically...non-contaminated soil. It's not hazardous, it's not in any way contaminated, it's very, very low levels that are acceptable for many property uses across the province, and that's the criteria that's used to accept the soil for rehabilitation from this operation.

The water, on the other hand, meets potable water conditions, so it's drinkable. And we'll talk about what the results have shown for the water conditions. And, potable water, table 2 is protective of typical background as well. It's also protective of human health and environment, that's where the standards are based. Next slide.

Testing is done by a third-party independent Canadian association for Laboratory Accredited laboratory. Very well known, and it's completely independent from Badger and from the consultants doing the work on the site. However, us consultants are a third party as well. We review and report the data. We're all professional engineers, licensed geologists, and scientists. This is what we do every day, all day, at multiple sites.

The MECP ECA specifies the frequency and number of samples required. It's very consistent with current XSOR regulations across the province that many different sites comply with. And



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also, there's some additional requirements that the MECP has put in for this site, and it's really industry practice across the entire province today. Next slide.

For 8 years, we've been testing soil at the site, the dry soil that is actually used for rehabilitation, not the liquid soil that comes onto the site. Over the course of the frequency that's required by MECP, we've collected 462 samples. 61 of those samples, 13%, did not meet the Table 1 very low-level background criteria. That soil was immediately loaded up and taken off-site to an off-site disposal site. That's the way the site is operated.

The pond water, the service water on the site, we sampled weekly. We have 257 samples. All the samples have met potable water standards over the course of the last 8 years. Next slide, please.

So there's, you know, Valerie talked about all the studies that we've done, but in the ECA, if you go look at the ECAs that have been issued for waste, air and noise, and the ARA license, there's a whole bunch of additional requirements that are required for this site. It's very extensive, and it's very detailed, and we've helped Badger and the client come into compliance with all of these things.

Even though they're not operating now, we have all of these things in place, and they've been proving that they've been documenting this and reporting it to the MECP and the Township over the last number of years to demonstrate that we're complying with all of these things.

So, I won't go through the details of these, but we're happy to answer questions about any of them. But the one I'll point out is that one of the requirements that was negotiated with the Ministry of Environment was an impermeable liner beneath the soil storage area, where the liquid soil comes in. It's placed on the ground, water gravity drains off and the soil is stockpiled and sampled as dry soil. The water runs through a ditch and into a pond. MECP requires an impermeable liner underneath that entire system, just as another protective contingency measure. To show that if there is any contamination in that material, liquid or solid, it will not penetrate into the ground below that area.

We have not installed that liner yet, because we're not operating. We're required to design it, install it, test it so it's demonstrated its permeability, and provide ethical guidance to the Ministry of the Environment before we start operation again. The client does, certainly intends to do that. Next slide. I'll pass it over to Dan to talk about groundwater laws. Thank you.

Dan Puddephatt, Hydrogeology Consultant, D14-ONT: Thank you so much, Fred and Valerie and Council. My name's Dan Puddephatt. I'm a professional geoscientist with limitations to hydrogeology and statistical methodologies. I wanted to talk a little bit... Fred gave a high-level overview of some of the protections. I wanted to give a little bit more specific details about some of those conditions in the ECA that provide some protection to the flow system.

Those include Condition 3.2.1., Fred was talking a little bit about the installation of what the ECA refers to as aspects of the site. Those aspects include the low permeability liner system that Fred was describing. Condition 28 also specifies the installation of that liner. Condition 21 prohibits any waste other than non-hazardous materials being brought onto site. Fred talked a little bit about that as well. In condition 28.11, the owner shall prepare a plan to prevent impacts of groundwater from storage or use of, winter maintenance materials, including salt. Salt is no longer used for winter maintenance. Badger has switched over to using sand for traction purposes.



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In addition to those, we do, quarterly sampling from the monitoring wells on site, including MWs 1 through 5, and the two background wells at BH213 and BH219. Let's move on to the next slide, please.

In addition to those, regulatory protections, just geological conditions that provide some protections have worn down gradient, beneficial uses of water. I know a lot of people are interested in geology and hydrogeology, but if you'll bear with me, I'll just give a high-level description of the way that water flows. Water will first infiltrate into the groundwater flow system, and then groundwater is only capable of flowing where geological conditions permit it to. So, for example, sands and gravels can typically transmit water, orders of magnitude more readily than clays. Anything that's transported in the groundwater will tend to migrate preferentially through these sands and gravels of the shallow stratified deposits.

I'm showing here a snapshot of some well logs from the downgraded domestic supply wells. I've removed any identifying features, such as well IDs from the logs out of consideration for privacy for people, but the logs themselves, they show that, you know, we see a clay layer add depth. Not sure if people can read those, but we've got, you know, a 7 foot thick, 50-foot, 50 foot, and a 40-foot thick clay zone. So, in those situations, water is going to migrate preferentially through that sand, and that clay zone will provide an additional layer of protection for the beneficial uses of water, including domestic supply.

I want to talk a little bit about some of the thought process that went into selection of the monitoring well selection program. So, for example, MW320, the last two numbers, those refer to the day, or sorry, the year that those wells were installed. So, MW3 was installed in 2020. It's immediately beside the swale and the infiltrating water. Now, that's an unfortunate satellite imagery on the bottom, because it shows MW3 out in the middle of the field, where, in reality, it's right beside the swale. In a photograph taken last year, it shows that a little bit better. But MW3, you know, it's the best estimate of what the water quality changes associated with the operations will be. BH219 and 213, those are background wells. Fred was describing the importance of having something, you know, background. You know, if we identify anything, environmental conditions are incredibly variable by nature, so we want to be able to measure conditions that are in the background so that we can distinguish that from any potential change that may have been affected by the operations.

And then we've got MWs 4 and 5. Those are intended to measure a water quality long before water migrates off-site. Water near the site, it travels on average 12 meters per year in those shallow stratified deposits above those local clays. As water moves from the operation area, it passes by MW20, so it's measuring water quality, as it leaves the operational area. And then water passing MW120, it'll take about 20 years to reach MW423. And water passing MW423 or MW5 will take about 17 meters to reach any areas that are overlying any supply wells. All that's to say that in the unlikely event that anything is detected in response to the operations, we'll be detected and providing enough time for any mitigation. Can we go on to the next slide, please?

Lastly, for my part, I'd like to briefly summarize the water quality assessments. Fred's talked about this a little bit, but water quality and quantity impacts, those were evaluated, in a hydrogeological impact assessment report. One of the ways that the MECP controls water quality projects across the province is by requiring proponents to evaluate impacts, and so that's what we do. We look at the conditions. We look at the operations, and then we identify any potential impacts, and we advise our clients, you know, here's strategies and ways to mitigate and manage those impacts. So we did that in 2020. The HIA, the Hydrogeological Impact Assessment, we updated that in 2024 as new data was coming in, and we had installed those new down gradient wells.



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Then we also proposed a trigger response plan. That's a proposed trigger response plan, because as we're collecting data, we're building out that trigger response. But in the meantime, there, that trigger response plan provides, a set of strategies to manage in the event, again, the unlikely event that anything's is going on. All these were submitted to MECP in support of the ECA application.

Like Fred was describing, surface water is being sampled on an ongoing basis since 2017, and we've seen no water quality exceedances. Groundwater is being sampled on an ongoing basis since 2020. There's been no exceedances of potable water criteria, except a few minor anomalies, and I describe them as anomalies because we were able to go out and reconfirm that those exceedances weren't actually present. That's part of that trigger response plan, just to confirm that what's been reported is what's in the aquifer.

Valerie Schmidt, Applicant Agent, D14-ONT: Okay, so as part of a bunch of the technical studies that we had to do, I just wanted to briefly touch on the traffic. We did the traffic impact assessment. The conclusions of the report basically indicate that there's no significant changes to the existing conditions of the road network. And just to reinstate, too, there's also an existing haul route that can be utilized by the vehicles, and as you know, living in this area, MTO recently did some upgrades, with the interchange, and, you know, overall, that just helps with the whole traffic flow and safety area.

So just to wrap up, we are requesting the temporary use of a liquid soil management on the site. We believe the use is appropriate, given no adverse effects have occurred previously, and now that ECAs have been issued for waste and air and noise. The technical reports have demonstrated protection of the natural environment. As well as ground and surface water with ongoing management, protection, and monitoring programs. Badger plays an important role in the community, by providing support to critical infrastructure projects in the area. This is noted with many letters of support from various residents, utilities, associations, and municipalities. This is including Electra, Everidge, Novapower, Municipality of North Perth, Township of Guelph-Eramosa, and the Canadian Water and Wastewater Association. So, I'd be happy to answer any questions that Council or residents may have. Thank you.

Mayor Seeley: Thank you, and I'll invite Joe Nethery to present.

Joe Nethery, Township Planning Consultant: Good evening, your Worship, members of council. Thank you so much for having me here tonight. I'm Joe Nethery, Consultant Planner for the Township on this application. On the application just introduced for the temporary use by-law amendment for the numbered company. In terms of my presentation, I will take, on my second slide, I'll take great care to ensure I'm not repeating or duplicating elements of Ms. Schmidt's presentation in terms of our application process that this file will go through, the purpose of the application, very quickly on the location of the proposal, the County's Official Plan, and zoning on site, the applicable policy frameworks that we'll be following through in reviewing and assessing the application, a quick repetition of the concept design as introduced by Ms. Schmidt, and a quick summary of the technical comments and next steps coming out of this presentation tonight.

On my next slide, I'll note, that the application was deemed complete, through PDAC in your meeting in September. We're here tonight at the next stage of the application review process, which is the public meeting to provide an overview of the application and for Council and to receive any information and feedback on the proposal itself. No decisions are being made tonight, and a future recommendation report would come back to Council in this regard.



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So, as is described by Ms. Schmidt, concurring that the application that is being sought is for the temporary use permission, this would follow Section 39 of the Planning Act to permit the liquid soil management operation, as it's been described, in the applicant's presentation. When it comes to temporary uses, I will note that there is a 3-year maximum that is built into the *Planning Act* for such permissions. A council of a municipality may grant further extensions to the temporary use, again, of not more than 3 years, also through the *Planning Act* as well.

So, on the next slide, again, not so very quickly, on the 40-hectare parcel itself, the applicant is looking for approximately 3 hectares of the site to be the home for the liquid soil operation. The site itself is surrounded by agricultural and rural lands on two sides, environmentally protected lands to the east, noting that there is an existing aggregate operation to the west. The two properties share a haul route, out to County Road 34.

The subject lands themselves are currently subject to an *Aggregate Resource Act* license. So on the next slide of the first presentation on the left, the orange-brown on the left side corresponds to the County's Official Plan designation. It is secondary agricultural in the County Official Plan.

On the right, the zoning by-law designates, as noted, split zones across the site itself, the agricultural lands in the southern half abutting County Road 34, with a special provision additionally adding permissions for a kennel and recognizing the shared haul route. The extractive industrial lands, recognizing the existing operation for the majority of the balance of the site.

So, on the next slide, this is an application that will involve multiple pieces of legislation and policy documents for which the proponent will provide their assessment of consistency and conformity with the relevant pieces. The relevant policies in those documents itself, this includes the *Planning Act*, the Provincial Policy Statement, the County's Official Plan, including its policies with respect to temporary use permissions.

The Township Zoning By-law, as noted by the applicant, the use needs to be added as a permitted use in the zoning by-law itself. There are also elements of the *Agriculture Resources Act* and the *Environmental Protection Act* that come into play.

On the next slide, Valerie Schmidt has done a great job at detailing the application and the concept plan itself, and what would be entailed, noting again the presence of an office for the site, associated parking spaces, the areas for the operation itself, the offloading of soil and dewatering. The lined temporary pond, as has been detailed, for our consumption tonight, and associated on-site services, which does include a cistern for firefighting protection.

As noted, technical comments on the next slide, have been provided through first circulation back to the applicant. Our engineers and noting I have a number of my colleagues here to my right, on stage left. Have requested some updates to the reports and the information that has been submitted with the application, primarily to ensure that the data is current and relevant up to present date and best available information, and that those recommendations have been appropriately integrated across all of the reports.

To ensure that the conclusions are... that the conclusions in the assessment are applicable across all aspects. This includes, civil engineering, stormwater management comments, operational comments, hydrogeological comments as well. On the next slide, additional information with respect to, restoration and enhancement plans associated with the natural heritage Future tuning east, and not appropriate transitioning and buffering being provided.



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Clarifications requested, additional monitoring with respect to worst-case operating conditions for the noise with the facility.

Wellington County Source Water Protection Team, is looking for some additional information as well, noting the site's presence within a wellhead protection area, Category D.

On the land use planning side, the County of Wellington providing a comment that evaluation with those temporary use policies in Section 13 of the County Official Plan being provided. And as your consulting planner, noting that, in my opinion, there are some areas of the County's Official Plan that require additional assessment as a part of an updated plan, justification report as well.

I will note the comments on the next slide from PDAC at its September meeting, that the committee has recommended through Council, and I will read this slide, that the applicant demonstrate that imported soils are suitable and safe to provide regular test results as required through the approved ECAs.

And to fully address hydrogeological and planning concerns. The committee has also asked Council to consider whether the proposed operation is appropriate for the site. I will additionally note is one of the approval conditions, in the ECA itself, Condition 8, does note that the ECAs do require compliance with other... with any other requirements, and that does include TAP chips only, amongst... amongst other items.

The application, as noted, remains currently under review. As of about 4 p.m. this afternoon. According to my inbox, we're up to 18 written submissions received so far. In terms of grossly oversimplifying the content of those, there are 14 of those appear to be in support of the proposal. Four of them are against the proposal. As you know, so as Council knows, those submissions can be received at any time throughout this process. What will be happening from here, as Ms. Schmidt has indicated, I'm happy to hear that updated information is being prepared to come in for a second submission back to the Township. That information will be reviewed, and we will continue the conversations with that applicant, as would be expected on any planning application itself.

However that technical review goes, and if additional circulations are required, it would be my intent to be bring forward a future recommendation report to Council at the natural conclusion of the effort. That concludes my presentation. I'm happy to answer any questions we have.

Mayor Seeley: Thank you, Joe. We'll now transition to questions or comments from members and tenants here tonight. You just need to state your name and address for the record. And just make your way up to the podium.

John McNie, 6927 Concession 2: Council, obviously, your peer reviewers seem to have done a quality job with reviewing the expert aspects of this application. I still have one qualm that I hope Council will address, and that is, in listening to the applicant, they've noted that it was in operation from 2017 to 24, apparently without having the necessary permissions, which, much like aggregate compliance, I think should be something that should always be in the back of Council's mind. But second is they rather casually list the number of samples that were done for soil and water during that period. If I'm correct, I saw something like 480-some-odd samples for water during that period. A simple math could suggest that's less than one sample per week over those years. It would be interesting to know how many truckloads were coming in per week, representing that one sample.



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If we look at water, only 200 and some odd samples were done, which is, you know, barely one a month kind of thing, or barely one every two weeks. They also noted that 13% of the soil samples showed signs of contamination. Given the number of samples that were done, 13% showing signs of contamination.

In a situation that was operating without permission, without the permeable barrier that our Ministry of the Environment has said this operation should not exist without, suggests that the soil could already be significantly contaminated. 13% of those samples were already leaching contamination into this very susceptible area, especially with our forests and that next door. So, I think that's something Council really has to consider.

And because of the powers that are given to municipal councils, and I state that the Supreme Court of Canada recognized that municipalities have the power to set higher standards, not lower standards than higher tier government, like provincial and federal government. They have the absolute capacity to set higher standards when it comes to the environment and health. There is no reason why, in these kind of situations, we shouldn't be absolutely requiring much, much higher sampling, and making sure that in situations like this, contamination never has the chance to get into these holding ponds, let alone with the potential to leach outside of them. And I would just add again that, representing the number of samples that were done, how much importing of soil was taking place before those 13% contaminated samples were noted. So again, potential here for environmental and residential health problems is just huge.

Given their background of operating without permission, I think this is a case where this application should absolutely be set aside for the time being while Council and municipalities in general across Ontario take a much closer look, especially at the sort of developing when it comes to excess oil. Thank you.

Barb Hagey, 6668 Wellington Rd 34: My name is Barb Hagey. I live at 6688 Wellington County Road 34. I believe that Frank Ertl and Badger have been operating that operation for at least 20 years. Him and Joe started that Badger operation. Nobody knew they were there. The trucks kept coming in, they kept filling in one spot on that farm that they owned. There were also horses on the farm at that time. The basic business, I don't know what licenses they had to get at that time, but I don't believe they got any, and the Badger trucks just kept coming and going and coming and going. The Gravel pit, I must admit, kept the area on the 34, where the roadway went in, very clean and it was well maintained. But I can't say the same for what it is now. It's not clean, it's very dusty, and the noise in the background is always audible. It might fit the standards of noise control, but the beeping of the trucks, the grinding. It's like, when you have a tap in your house that drips. It's not loud, you can talk over it, you don't have to yell, but do you want to live with that grinding and the noise of the trucks unloading and driving in, and the shovel, the excavator, working and working and working?

I recently bought a new water softener and a new light that purifies the water. I don't know if you're familiar with them, but my water stinks. I must say that. I don't know what's in it, I don't know, if it's from Badger, I can't say that, but I know my water stinks now. I just want to ask Council that they vote against this proposition of the Badger rezoning. Thank you very much.

Alison McCrindle, 6639 Wellington Rd 34: My name is Allison Crindle, and I live at 6639 Wellington County Road 34. Some of the questions that I had have been commented on, but I'm going to try to, try not to talk about those things, but I may repeat some things that have been addressed already. I apologize for that. The GSP consultants have stated, quote, hydro-vac operations are a critical infrastructure service. Unquote. I agree. And the question of how to dispose of the waste from these operations seems to be a widespread issue. There is good reason for this, as the locations chosen need to be carefully considered for a multitude of



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reasons. At this particular location, the potential for profound negative impacts due to soil and water contamination is of great concern. There is a risk that neighboring wells could be contaminated, and it is close to provincially significant wetlands and environmentally sensitive areas. It is not an industrial location.

GSP's consultants make the point that, quote, as environmental awareness grows, so does the need for advanced liquid waste management, or treatment. With approved ECAs, there are extensive and comprehensive environmental and other measures in place that will ensure protection of the natural environment. I do not agree with the second sentence. I do not believe that the holders of ECAs are being held accountable. To the terms and conditions of the agreements. One of the things was talked about, that the liner, for instance, is supposed to be the Ministry issued the environmental compliance approval in October of 2024. And, one of those, condition number 28, relates to the construction and maintenance of liners, and that those drawings be submitted to the, Ministry, the MECP. I spoke with Lynette Armour, the Ministry Senior Environmental Officer, and as of today or the other day, that hasn't been done. That was addressed by Fred Taylor. However the ECA says it needs to be done within 4 months.

So I question, why has that not happened? Once again, as has been mentioned, the track record of honesty with this particular company, and it is questionable. I also asked her about Condition 43 of the ECA, which requires that daily logs be maintained at the site. These need to include such things as quantities and sources of all waste received at the site, estimated quantities of all stockpiled soil on site at the end of each operating day, quantities and destinations of all waste and waste-derived materials shipped from the site. She was not able to tell me if these daily logs are being maintained, as she would only ask for them upon an on-site inspection.

But she has not been on the property since the issuance of the ECA 13 months ago. My question is, do we really know what's happening there because it doesn't seem like the Ministry of the Environment officials are following up on this ECA compliance approval. So, how, as a councillor, are you going to be able to make a decision on this amendment without knowing if the applicant is truly following these rules? Another condition of the ECA is that the owner ensure soil sampling and analysis. There are groups of chemicals listed for analysis in the ECA. This list is outdated, as it does not include some well-researched and hazardous compounds, including PFAS, which I'm sure we all have heard of by now, the forever chemicals and tire wear particle compounds. There have been thousands and thousands of scientific papers published about these compounds, and they are not being tested for under the ECA. Maybe that question can be answered by one of the consultants as to whether or not they are being tested for. I don't believe so. It is now well known that the toxin 6PPD quinone found in tire wear particles is the most toxic substance found in aquatic species. And there is now growing evidence that tire wear particles affect not only aquatic life, but humans, contributing to general cell damage, lung inflammation, cardiovascular issues, and digestive problems.

At the last public meeting regarding this property in November 2022, the applicant's consultant, Fred Taylor, estimated that, quote, half, maybe two-thirds of the hydrovac residue originates close to roads. Considering Badger collects waste near major multi-lane highways, including 401, Highway 7, and Highway 8, the potential for these pollutants to be present in their liquid waste, I would say, is very high, and you know, they're not being tested for. So, I ask you, when you are making your decision on this application, to please consider, for now, and for future generations, if this property is a suitable location for the dumping of hazardous liquid waste. Thank you.

Mayor Seeley: Just remember to state your name and address, please.

Kathy White, Wellington Rd 35: I want to be on the record saying I oppose this.



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Mayor Seeley: Can you state your name and address, please?

Kathy White, 4540 Wellington Road 35: I do plan to write a letter with attachments as well. A couple of things came up tonight. This just jumped into my hands before I came here. Back in 2007, Capital Paving surrendered the license on the most northern part of this property on the east side, because the pit started first on the west side, and then moved to the east side. I'm also concerned about the Little Tract being next door. I'm talking to the County Planners last night. It's a pearl. I was in there last year with the field naturalists looking at plants, wildflowers. We talked about neighboring uses last night as well at that meeting. I don't think that an industrial use fits. You know, it's not a neighbor to the Little Tract. It should not be.

In 2000, going back again to the Capital Paving. They asked for a zoning by-law amendment, but the planning committee also recommended that the zoning include identification of the subject land as a rehabilitated aggregate area. So, my assumption there was that, you know, they're close to the groundwater is only, like, one and a half meters above here. The concern was that this land may be susceptible to groundwater contamination should it become a candidate site for the application of biosolids through the MOE permit process. I think, Councillor Bulmer would remember that really well. At that time, we were dealing more with, sewage being spread on Puslinch farm fields injected, first air sprayed on, and then injected later on. So, there was a concern back there, and that's biosolids. Now we have importation of soil, liquid soil, from all over the province. I mean, maybe not in this area, but... possibly.

So, I looked up, what Badger Daylighting does, what they advertise on their website, sewer services, disaster response, debris removal, flushing and cleaning of sewers. There's something about, pits, cleaning pits. These are industrial, some of them industrial uses. What happens to that, other than the smell test? If we smell something? I heard that at the Township meeting last week. If we smell something, we'll stop. And this test doesn't tell me if there's chemicals in that soil. Maybe, Petroleum, Oils, those sorts of things.

Something was said here earlier, just tonight, about extraction. This is an aggregate licensed pit. I don't think there's any extraction happening on that side of the sold part, or the transferred part of the license. Is it extraction, or is it a place to dump their waste cheaply, as well, because it doesn't have to go to a processing facility. Which, and there are processing facilities in industrial areas where they separate the soils and the water. Soils go into barrels, they're tested, they're not just put on the ground to leach into the groundwater.

I'm really concerned about the number of years that this went on. We suspected something. Google Earth showed me a link at the top, but the Badger trucks came and went. And it's unfortunate. We don't have the means, I guess, for the by-law officers just to check suspicious-looking circumstances in the Township. No adverse effects for the past 20 years. I believe that's untrue. That's something that we said here, because the testing shows that there have been contaminants. And it's noise as well, which I was unaware of. Can these permits be transferred? Were they to get these things in place, if the owner of Badger was to line this all up, have the approvals in place, and have this 3-year deferral. Could they sell this site and say, this is now an approved site, and walk away, with multi-million dollars in their pockets. And I'm unsure if they could do that, does that zoning specific zoning have to stay with this operator and those MOE approvals, could they be transferred, to a new owner? Makes the site very valuable, because now it would be in compliance. Again, I'm unsure about the Aggregate Resources Act part of this.

Oh, yes, this is going back to the Aggregate Resources Act. At the time. There was an agreement, a memorandum of understanding, for that part of the pit, Capital Paving, Pit 5.



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There's an expectation, again, from the community that the end is the end. And Capital Paving, for some reason, has walked away from this. They certainly were seen to have been a part of it. Allowing this use to happen on their licensed site for years.

That expectation that the pit would be there and gone is gone, because if this permission is granted, three years from now, I'm told that we're just told 3 more years, 3 more years, it just becomes an accepted use. It could have a new owner, I guess. When you see it online, it's not a pit. There's no extraction, what does this have to do with aggregate extraction? These are my questions, comments, and...I'm very, very concerned about setting a precedent. Oh, the other thing is three other sites were mentioned here, Ottawa. That would be considered as an industrial area. It is a pit. It was operating. They were dumping in the pit, I believe. Before approvals. But again, I'm not going to 100% say that, just my research shows that there was something happening in that pit, which is on, Carp Road. And Badgers has the operation in front. And the second one, Sturgeon Falls. I think that's pits as well. In, in gravel pits. Welland. I think the Welland site is also owned by the same owner here is Conestoga Badger. And, Welland is also in an industrial area. This isn't an industrial area. This is the expectation. This would go back to farmland. It would be a quiet area beside the Little Tract. I can't say how opposed I am to this. Thank you.

Robert McCrindle, 6661 Wellington Rd 34: I had no intention of speaking. Robert McCrindle. I live within sight of the operations. It so happens that... even at my advanced stage, I'm still involved with a company that is world-renowned, a little... not so little, but a Guelph company that provides standards to every country in the world that has academic labs, or industrial labs that look at pollutants that are persistent and been active since the days of gaps and PCBs, brominated flame retardants, provides thousands of standards that allow advanced labs to estimate absolutely tiny quantities accurately.

Think of half a teaspoon or less of a chemical in the volume of five Olympic swimming pools. That's what they're detecting. The company I'm associated with allows labs all over the world to look at, and determine good values of tiny, tiny, tiny quantities. And it so happens that in recent years, the main focus has been to serve the PFAS area.

I think our laboratory it has something in the order of probably a thousand standards for the PFAS that are known. And, for example, these standards are used to estimate the amount of PFAS that's in our bodies and are in our blood, everywhere. We are polluted with tiny, tiny quantities of PFAS. Probably not doing any damage. But some of them are known to be carcinogens.

Now and out of interest, as White mentioned, the use of sewage sludge for fertilizers. You may have seen the headlines about a month ago, that over 70 million acres of farmland in the States is now contaminated with PFAS because of using sewage sludge as fertilizers. But PFAS aren't the latest things. The latest things that's worrying is what was mentioned by, I hate to admit it, my daughter. The tire wear particles. And the, compounds that bleach from the tire wear particles.

Most noxious of which are the phenylene diamine, APD, and it's added to tires to prevent deterioration of the tires by oxidation with ozone. And it works, and it produces the result of daiquinone by oxidation. And it is absolutely murderous to particularly salmon. And about 20 years ago, or 25 years ago, there were massive compound salmon kills on the west coast of North America. And not by determining, actually, the quantities of the compound that was killing them at the time, because they couldn't measure them. But they did track it back by doing model experiments to these PPDQ contaminations. And it's only within, about 5 years, that the research labs have been able to measure the quantities that are actually in waterways,



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and they're killing fish. And absolutely toxic to fish, and somewhat toxic to various other aquatic species. Curiously enough, three of the experts in the world, in the analysis of these compounds, live in Ontario.

I've opened and worked for two of them for Environment Canada, one in Toronto, one in Hamilton. One of them who's published pretty extensively on tire wear particles and the, PPD quinone, worked for the Ministry of Environment in Toronto. The person's name is Paul Helm. And I wonder if the Ministry perhaps have had any discussions with Paul. I've had discussions with them about the and again, unlike my daughter, I bow to Badger for providing a very, very, very useful service. In a way, I don't blame them, because why would they know? When the message isn't getting through about tire wear particles.

But you can do them. You can find a message for yourself. Look up tire wear particles and health, environmental health. And then you discover thousands of articles. Because it's well known to the scientists, but it's not well known to the public. It hasn't got to be level of the forever chemical. At my age, at 90, in that way I don't give a damn. Because I'm not going to be around, to be involved in any of these hot spots, or suffer from these hot spots, that are popping up I'm sure all over North America. But I've got great-grandkids, 7 of them, and I worry about their future. And I've said enough.

Mayor Seeley: All right, unless there's further comments from the attendees, I'll ask Ms. Brotherston to clear any electronic attendees.

Justine Brotherston, Municipal Clerk: If there's anyone online who's interested in providing comments, if you can please use the raise your hand function, you'll just see it at the bottom of your Zoom screen. I'll just ask one more time, if there's anyone who's interested, if you can please use the raise your hand function.

Mayor Seeley: Great. I have some questions. Firstly, the aggregate license was, separated for the two properties. Are the two properties owned by the same owner or is the one in question for the zoning just the one that is owned by Mr. Ertl.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Correct. Yeah, the license was flipped between Capital and the Badger Company, Frank's company, last year, and the property in question was the 2.9 hectares for rezoning. It's entirely within Frank's licensed property area. Nothing to do with Capital anymore.

Mayor Seeley: Okay, so the main justification for the zoning application is that, it's an accessory use for the rehab of the aggregate pits, that's correct, what we're hearing?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Yes, and the historic operation was done because it was allowed under aggregate license before they came out with the liquid soil prohibition in 2022. Before that, Frank got involved to try and get into compliance, and then the whole excess soil regulations also came into play, and that's why we're here tonight, because we're trying to get the zoning to comply with all three of those classes of regulations now.

Mayor Seeley: When the site was one license, was it ever reported on a CAR report? That the lands in question were reported as rehabbed.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: You mean with... under Capital?

Mayor Seeley: Correct. It has one license prior to the separation. Capital would have submitted CAR reports for the entire site. Were those lands ever reported as rehabbed?



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Fred Taylor, Engineering Consultant for Applicant D14-ONT: No, and we actually had an MNR inspection today at the site. And we toured the areas that still require rehabilitation, and went through every single area on the property with them MNR today, actually.

Mayor Seeley: So the, current site, this request and zoning, is there a rehab plan for that site?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: There's an approved rehab plan for the area licensed area use.

Mayor Seeley: Is the rehab plan specific to the new license, or is it just a carbon copy of the original? What's the rehab plan for the new site, the Ertl site?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: The rehab plan includes three elements. Water features, large ponds, which are currently in place. Forested areas, which are predominantly in place already, and a lot of tree planting has been done around the ponds and other areas. They're very clear on the property where those are. And the third element is the remaining part, at least the slope stabilized and filled to the appropriate grades to allow proper drainage and agricultural use.

Mayor Seeley: So, the statement today is that the lands in question were never rehabbed by Capital. What state were they left in or provided to Mr. Ertl?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Substantially rehabilitated, but rehabilitation, was not complete.

Mayor Seeley: Substantially rehabilitated, correct? Can you define substantially rehabilitated? Is there a delineation of that substantial rehabilitation?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Yeah, the back third is, essentially under agricultural use. And, it needs more topsoil to provide better agricultural growth for the type of crops that should be on that property.

The forested areas, the ponds are completely rehabilitated. They're 95% rehabilitated. And then the remaining area where this area can be rezoned, is where the building and the operation is. That's not rehabilitated yet, obviously.

Mayor Seeley: I am going to back up a little bit. The rehabilitation justification only applies to the Ertl site. Is that a fair statement?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: The ARA license Rehabilitation approved plan requires this site to be rehabilitated in accordance with the approved plan. Yes.

Mayor Seeley: Is the position of the applicant that this use is required to rehabilitate the Capital pit operation?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: It's the most efficient use, because the dry soil is tested, and like we said, we have all the protection measures in place, and the dry soil has to be brought into site somehow, and it just so happens the hydrovac operation provides that dry soil to support the rehabilitation on the property, instead of other trucks bringing in fill to do the rehabilitation.



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Mayor Seeley: What I'm asking for is, does the Capitol pit next door require soil from the Ertle for its rehab.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: No, there's no relationship there.

Mayor Seeley: No relationship. Thank you. So, if the justification is that you need soil to rehab, what calculations have you done for how much material is needed to meet that rehab?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: We haven't really done that, because the license still allows extraction of 50,000 tons per year.

So, if extraction happens in the future, then more rehabilitation would be required. Currently, a ballpark estimation would be that the hydrovac operation could operate for at least 3 years, and provide material for rehabilitation, and the rehabilitation at that time would not be completed.

Mayor Seeley: So, what I'm hearing is that your primary reasoning for the justification is that you need rehab, but you have not completed calculations on how much material you need for the site, on the premise that you assume that there's going to be more extraction.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Potentially more extraction, it's allowed under the license yea.

Mayor Seeley: Well, they're always allowed extraction until they surrender. There can be a tablespoon of material left for extraction. So, the operation, I assume, works 5 to 6 days a week, is it a 7-day-a-week operation?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: The ECA specifies the operating hours. From the top of my head, it's within the noise by-laws of the Township, so it's something like 8 a.m. to 6 p.m., 5 days a week. And if there's emergency situations where the hydrovac are needed on a, you know, electrical line that's blown out or pulled that's fallen over, a gas line that's leaked, then it's allowed for emergency operations.

Mayor Seeley: Have you run the calculations of 25 trucks operating 5 days a week, 6 days a week, whatever you're... sorry, I was reading, so I'm kind of tuned out there for a second. What calculations have you run to determine how much soil potential these vehicles can bring in over a 3-year period, working 5 days a week?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: VCA matches 25 trucks per day in terms of the maximum quantity that can be brought into the site is based on 25 trucks.

Mayor Seeley: But again, with the catch-all, I'll use that phrase that, for the rehab, you can extract more for better farming. Have you not done calculations of how much soil you need? Do you need 10 feet of topsoil to be better farming? Do you need 6 inches?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: The rehab plan requires a minimum of 8 inches and the back third of the property does not have 8 inches of topsoil. It's more like 4 inches. We could do the calculation. We're happy to do that. We'll write more detail around that.

Mayor Seeley: Absolutely. Let's ask first, the other Badger sites on the slide that you provided, are you an owner of those sites? I'll ask, you know what, Frank, I'll ask him to come out to the microphone so that people can hear.



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Frank Ertl, Property Owner 6678 Wellington Rd 34: I'm the owner of the Welland site, which is getting an ECA license, yes. The other two sites I am not.

Mayor Seeley: We've had that discussion, I thought it was somewhat of a franchise-type operation, is Badger a franchise type situation, or no?

Frank Ertl, Property Owner 6678 Wellington Rd 34: Yeah, yeah.

Mayor Seeley: Okay, so the other sites you own, are they located in industrial?

Frank Ertl, Property Owner 6678 Wellington Rd 34: The site down in Welland, it's in a rural area. The zoning on it is industrial. The site up in Ottawa is in the extracted pit. And then the site up in Sturgeon Falls, I'm not sure exactly what the zoning is up there, but it's similar in nature.

Mayor Seeley: Okay, thank you. I believe that's all I have for right now. Council, do you have any verification questions?

Barb Hagey, 6668 Wellington Rd 34: I was just wondering. I know they wash the trucks there at the Badger site, I just wonder how much water they use for washing those trucks down all the time. I see them, you know, how much water they use per day. And I thought that Badger ran 7 days a week, 24 hours a day. I think that's in their advertisement, that they're available.

Mayor Seeley: I'll let the applicant answer, but it sounds as though they can respond to emergencies. It's if you call and you need a vacuum truck, they'll attend them basically any time of day.

Frank Ertl, Property Owner 6678 Wellington Rd 34: How much water is needed to wash a Badger truck? How much water is needed to wash your car when you take it to a car wash? We wash off the tires when we drive in and out of the mud, and I mean, simple. 30 gallons, maybe? 25 gallons to wash a car, or a truck, would be my best guess. I mean, I don't have an estimate on how much. Well, depends on how much mud's on the truck, right? So that's, my best guess. And as far as our hours of operation, we're there, it's, you know, it's my property. I'm there, usually I'm there 7 days a week. We're not operating, but I'm at the farm typically 7 days a week, you know, for an hour, 2 hours, or whatever in there, but, we're not operational 7 days a week. We don't have, anyone on site Saturdays and Sundays, unless it is an emergency.

Mayor Seeley: I just want to go back to the rehab and the soils. If we're following the aggregate rehab plan, it will indicate an end use. What is that end use?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Well, the end use of when the rehab is complete, the license will be rescinded, rescinded or surrendered, and the license would no longer be in effect. And I think Val can answer to confirm, but it'd be secondary agricultural, that's the zoning right now.

Valerie Schmidt, Applicant Agent, D14-ONT: It would go back to the previous use, which would be secondary agricultural.

Mayor Seeley: Right, so farmland.

Valerie Schmidt, Applicant Agent, D14-ONT: Sure.

Mayor Seeley: So, in order to go back to crop land, if you're going to import soils. Would it not require Table 1 soils? I believe that was described here, right?



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Fed Taylor, Engineering Consultant for Applicant D14-ONT: Yeah, the rehabilitation plan is very clear. Table 1 soils are required, and it's also, documented in an ARA policy that defines what Table 1 soils are, and refers to the MECP requirements.

Mayor Seeley: Great. The ECA that was approved, does it allow Table 2 or 2.1 or a lower table importation?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: No, all the soil has to be tested, and then the ARA license kicks in for the use of the soil. Which is Table 1. And like we said, and somebody noted 13% of the soil did not meet Table 1, so it was immediately, collected, placed on a truck, taken off-site, disposed of somewhere else.

Mayor Seeley: What I originally posed the question as is the ECA permits Table 2 and 2.1. Less than Table 1.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: No.

Mayor Seeley: No, so, any soils brought in will be tested, and then, you know, then it's going to bring up the question of cross-contamination and things of that nature, and all the testing criteria about who won't go down that road. So, end of the day, the soil importation, any soils placed under the rehab guise is going to be Table 1.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Absolutely no question, it's all documented and reported, and all the data is collected, and the third-party lab provides that data, and then professionals review the data, confirm it before Badger removes the soil.

Barb Hagey, 6668 Wellington Rd 34: Sorry, so what about the soil that was brought in from the 401, the couple thousand loads of soil? How is that going to be rehabilitated?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: It's unrelated to this application. It's on the southern agricultural portion of the property. It's all been extensively tested. The data has been shared with the Township, and Frank is in discussion with the Township on how to address that, so on, but it's unrelated to this application.

Barb Hagey, 6668 Wellington Rd 34: Thank you.

Alison McCrindle, 6639 Wellington Rd 34: I guess I'm finding it hard to understand that all of this work and time and money that is being spent by this particular company to have this 3-year temporary use amendment. It's really only for 3 years, maybe 6 years. And it has to do with rehabilitating the land, and then they're just going to move on and go somewhere else and continue their, like, why would you put all of that time, money, and energy into this? and then not have the idea that you're actually going to stay there for more than 3 to 6 years and run this operation. I don't know. I find that really hard to believe. Just a comment.

Mayor Seeley: Mr. Ertl would like to address that.

Frank Ertl, Property Owner 6678 Wellington Rd 34: We have been there for a long time. I mean, you guys are my neighbors. You know, our original application was for permanent. Gravel pits are not permanent. At some point, gravel pits are going to be rehabilitated and turned back to farmland. When we spoke with, with Courtenay, Fred and I had a consultation with Courtenay, and she had said that a temporary use would be something that Council would look at. Because it's not permanent. So, if we change the zoning to a permanent zoning, we're going



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to have to come back here to flip it back over to agriculture. Therefore, temporary use while we're rehabilitating the pit is what we're currently doing.

Alison McCrindle, 6639 Wellington Rd 34: With the intention of moving your operation somewhere else?

Frank Ertl, Property Owner 6678 Wellington Rd 34: Eventually, yeah, you know what, it's my farm, and, you know, I'm not planning on selling my farm or getting rid of it. I'm planning on using it as a farm. Like, it's always been. We've got the back portion is in agricultural. We've got the front portion is, you know, we're farming that. Well, Will is farming the back portion, we're in the front portion, growing hay there, and that's the end use of the property. We have the resources to be able to rehabilitate the pit with the business that we're currently running.

Was there any other questions... and I would implore, you know, Barb and yourself, we're neighbors. I mean, if you have any issue. You've got my number, give me a call, and, you know, I want to say thank you to my consultants for doing a wonderful job presenting. And for the numerous, support letters we received from neighbors, and just with the letters that had been sent in with their concerns, I'm a phone call away. We don't have to wait till we get to a meeting. If you're concerned about my operations or how it's going to affect you, by all means, give me a call.

We are neighbours, I've supported your tree business for a number of years. I send my employees over there to buy Christmas trees. We're neighbors, so if you have an issue. I'm right across the road, so I've been to your place lots. Why don't you come over to mine, and I'll show you what we do there. We're not hiding anything, we're not, you know, my integrity is certainly not come into question about whether we're lying about things or doing things inappropriately. We've been doing this for a number of years. The last thing that I want is contaminated material with my farm. My children grow up there. My son is sitting in the back row, we put up fences there, we've been working our butts off on the farm is, you know, it's our home too, right? It's not just your home, it's my home, too.

Alison McCrindle, 6639 Wellington Rd 34: It is your home?

Frank Ertl, Property Owner 6678 Wellington Rd 34: Oh, I don't actually live there, not currently, but, it is my home, and to your letter that you had sent in. I live next door to a gravel pit. Where I reside, I live right next door to a gravel pit, and it's probably about 50 feet away from the gravel pit operation. You're on the other side of the road, so I know the day-to-day operations of the gravel pit. I hear it on the day in and day out, and I jump in my truck in the morning, and we've got dust all over my truck, it's from the gravel pit operations, and, you know, that's unfortunately Puslinch, and, in the area that I live.

That's where the gravel is where we need graveling, we need, you know, we need gravel pits. Nobody wants one in their backyard, but unfortunately, there's a strong need for it, right? When I had originally bought the property it had a gravel pit on it, and you know, we're going to continue to rehab it.

Your questions not related to this application, but the fill that we brought in at the front, we've got a site alteration permit, that, the Township is reviewing. And, once we do receive that, the go-ahead from them, we're going to plant trees in the front, like everybody's only talked about. The whole purpose of bringing that material in was to take the grade down in the front, because the buildings up front my property are all flooded. Every time it rains, the hallways and the inside of the building, the water rises and actually runs into the building. So, we wanted to grade out that front portion of the property, so that the water flows away from the building. I



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know it's not just part of the application, but I wanted to explain that to you, and to let you know that I'm available anytime if you ever want to talk.

Robert McCrindle, 6661 Wellington Rd 34: I don't blame Badger, as much as I blame the Ministry of the Environment. But I'm not cluing into the fact that the one way or another, dumping the wastewater, some of it'll get into the wetlands right next door, and may get into some wells, but that's short-lived. The long-lived problem is always certainly are the solids.

Because these solids almost certainly are contaminated with tire wear particles that slowly and steadily, through the years, will reach out 6PPD, and 6PPQ. It's an ongoing problem.

Mayor Seeley: We took the name that you mentioned, but we're going to, as a Township, we're going to reach out to Paul

So, I'm just reading from a slide here that says, and it's from your ECA, the owner shall ensure the soil sampling analysis and number of samples collected for each stockpile is in accordance with Table 2 of Schedule E of the Ontario Regulation 153-04. So, can you explain to me how your ECA references Table 2, yet you're saying that you're going to be only, putting Table 1.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Table 2 is the sampling frequency, according to the volume of soil that's collected. So the number of cubic meters of soil depending on the volume, you need to collect more samples the higher the volume. It has nothing to do with the standards that are used for comparison of the actual data from the laboratory. That's separate tables.

Mayor Seeley: Okay. So again, here you're sitting saying that there's going to be future extraction, and you need this soil for rehabbing your future extraction. So, if your full justification is rehabbing for future extraction, how much analysis have you done on what gravel resource is still available on the site?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: About a third of the back area has not been extracted at all, so it's available for extraction, based on historical knowledge and Capital's operations next door, and on the northern third of the property where extraction has been done, there is on the order of, you know, probably, and we could calculate it, we could estimate it, we could provide it in a response to. I can't give you a number tonight, but there is certainly material available for extraction. The extraction has not occurred on that part of the property to date.

Mayor Seeley: I'm definitely looking for a calculation on total soil required, if the justification for the whole site, if the justification is an accessory to the to the rehab, or to the, sorry, to the gravel for rehab. Unless you have solid numbers to me, then it's not...

Fred Taylor, Engineering Consultant for Applicant D14-ONT: I just want to clarify to be clear. So, you want to know how much soil is required for rehab versus how much is coming in from the hydrovac operation to be sure that the amount that's required and is delivered by the hydrovac operator isn't way above what is required for rehabilitation. Is that what you're saying?

Mayor Seeley: What I'm looking for is, yes, I'm looking to know if you need, if you have 4 inches in the back, and you need 8 inches more, there's going to be a total number, then you're going to calculate how much extraction you're going to do, and then there's going to be a rehab plan, and we're going to come to this grandiose number that says we need X amount of soil, and that should fit in 3 years or less. And there should be a plan that says it needs to be put to this elevation, this much depth. Because otherwise, I don't understand the justification.



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Fred Taylor, Engineering Consultant for Applicant D14-ONT: Yeah, the rehab plan provides all the elevations. And, we can provide the calculation to support what you're asking for, no question.

Mayor Seeley: Thank you. I think I'm done harping on that part. So, you have to be clear. It is what it is.

Justine Brotherston, Municipal Clerk: Okay. If there's anyone online who would like to make a comment, please use the raise your hand function. It's just located at the bottom of your screen.

Kathy White, 4540 Wellington Rd 35: Just wondering, in the time that your operation there has been closed down. Where would you take the soil in the interim.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Other permitted sites unrelated to Badger.

Kathy White, 4540 Wellington Rd 35: Other permanent sites?

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Permitted sites. For instance. I don't know the details, I mean, it's multiple sites. The clear, obvious one is Welland, which is a little farther away. It's a little more expensive, but it's already permitted.

Kathy White, 4540 Wellington Rd 35: A little further away. I drove to Welland a couple of weeks ago. It took me an hour and a half. 3 hours round trip to get rid of one.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: No, multiple trucks are allowed in Welland, and it's fully permitted,

Kathy White, 4540 Wellington Rd 35: That's ridiculous amount of time.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: I think Frank would agree. There must be something closer to that that you're using than one.

Mayor Seeley: Kathy, I don't think that's pertinent to us. As long as he's not dumping it on the site.

Kathy White, 4540 Wellington Rd 35: I'm just wondering if they did something in the meantime. Is that a possibility, for them to do in the future. That's the question. Yes, so instead of using this site, if there is something that's being used in the interim. That makes sense. Then why do this in a field in Puslinch.

Mayor Seeley: Because he can apply, any landowner can apply.

Kathy White, 4540 Wellington Rd 35: I know. But it's, it's just, and then I, I do want to stress the fact, I do believe that the Welland site, I mean, there are other, industrial operations around that, and also the Carp road is completely industrial.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Carp Road is a licensed ARA site.

Kathy White, 4540 Wellington Rd 35: At the back, on McGee Side Road.



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Fred Taylor, Engineering Consultant for Applicant D14-ONT: It's owned by Badger. I mean, that is almost identical to this site.

Kathy White, 4540 Wellington Rd 35: It's owned by Chaddick or something

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Badger. The same owner that operates the hydrovac operation at the site owns the gravel pit.

Kathy White, 4540 Wellington Rd 35: Yes, that's true, but it is a commercial area.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: It's extractive industrial.

Kathy White, 4540 Wellington Rd 35: Way more than County Road 34.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: County Road 34 is extractive industrial as well.

Kathy White, 4540 Wellington Rd 35: My point is, the back of the property on Carp Road may have been a pit and had extraction, but I don't think it's seeing any extraction now, it's being used by Badger.

Mayor Seeley: I can help here, Kathy. I just don't want to get into a back and forth.

Kathy White, 4540 Wellington Rd 35: But I want to make sure that we understand that this site is different. And I'm not getting that, he's just saying it's in a pit. It's not.

Fred Taylor, Engineering Consultant for Applicant D14-ONT: Extraction is allowed at the Carp Road site under the ARA license.

Mayor Seeley: Sir, just give me a second.

So through even the Wellington County Tax Assessment Appeal, through that process, an industrial tax class was created, too, so I'm assuming that that site would now be, under the extractive slash industrial, so it is correct.

And I don't believe you're incorrect, but there's likely more appropriate use around it, and it was I feel, you know, these area pits are becoming ideal for industrial uses, and that's, and to me, that's not appropriate when they are licensed pits. So, going forward, this is highlighting very important items that we're going to deal with. Every application that comes forward in this Township. We're going to have to dictate the truck, the boat, the ore, the motor, like, you name it. We're going to have to identify it, because they are too susceptible to other uses. But we're here today, I hear what you're saying, we don't have the same use around. The pit next door is extractive industrial. They submit CAR reports that extraction is almost complete, so much so that the scale house has been removed, that the plant was removed.

So, I think that's where you're going.

Kathy White: Yes, and I want to just make it very clear. The uses around those other sites are not farming.

Mayor Seeley: Fair statement.



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Kathy White, 4540 Wellington Rd 35: There might be some in Welland, but there definitely are industrial uses next to it. So, that's the point I want to make. I don't think it came across very well here, because we keep saying, well, there was a pit there, but, there are commercial uses, or industrial uses there.

Mayor Seeley: I declare this public meeting closed. Council will take no action on the proposal tonight. Staff will be reporting on a later date with a recommendation for Council's consideration. If you wish to receive further notification of this proposal, please email or call planning at bustlitch.ca, or by phone, 519-763-1226 Extension 4, or contact township staff during regular business hours.

When those persons who leave their names will be provided further notification. If you wish to speak to the proposal when it's brought forward brought before Council in the future, you must register as a delegation to the Municipal Clerk prior to the meeting. Thank you, everyone, for attending tonight