



January 13th, 2026

File No. 24038

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON
N0B 2J0

Attn: Joe Nethery, MCIP, RPP
Consulting Township Planner

**Re: Temporary Use Zoning By-law Amendment
6678 Wellington Road 34, Township of Puslinch
Township File No.: D14-ONT
1st Submission Response Letter**

Dear Mr. Nethery,

On behalf of the Owner, 2374868 Ontario Inc., please accept the following letter in response to 1st submission comments dated November 3, 2025 from Nethery Planning as it relates to the property located at 6678 Wellington Road 34 in the Township of Puslinch (the "**Property**") and portion of lands subject to the proposed Temporary Use Zoning By-law Amendment (the "**Site**").

Comment #1: *What is the procedure if an emission or exceedance occurs during operations? Several documents reference different inspection frequencies as some refer to daily monitoring, while the Inspection Form and Design and Operations Report identify weekly inspections. Please clarify the actual monitoring schedule and describe the protocol if a non-compliance event occurs during operations, such as how the township and public will receive this information.*

Response: Operational matters are within the responsibility of MECP and not a zoning consideration. These provisions are already in the ECA which is summarized as a courtesy as follows. As per the Waste ECA, the Owner is responsible to ensure that the Property is monitored in accordance with the Monitoring Plan that includes:

1. Sampling of the groundwater wells and the two-on-site water supply wells on a quarterly basis with samples to be analyzed for metals, VOCs, PHC F1-F4, SVOCs, and PAHs;
2. Sampling of the stormwater management pond on a weekly basis with samples to be analyzed for metals, VOCs, PHC F1-F4, SVOCs, and PAHs.
3. Measurement of the static groundwater levels at the eight groundwater monitoring wells quarterly during the groundwater sampling events.

The Owner is responsible for preparing and submitting a groundwater monitoring report, on an annual basis, within 90 days following the end of each operational season.

In the event of exceedance observed with the Monitoring Program results, there is a Trigger Response Plan that outlines the following protocols:

- If there is an exceedance of MECP Table 2 Standards in any of the source strength or downgradient wells, then a second round of groundwater sampling for the parameter(s) for which the exceedance was observed will be conducted within 60 days to ensure that the sample is representative of aquifer conditions. Should a similar parameter exceedance be confirmed after the second round of sampling, the MECP District Office will be notified of the groundwater exceedance.
- Based on the historical groundwater data, as well as weekly surface water monitoring results and other Site information (e.g., soil sampling data and operational incidents) as applicable, a groundwater response assessment, inclusive of a risk screening evaluation if the exceedance is determined to be the result of Site operations, will be conducted for the parameter(s) of concern to determine potential response actions to be completed. Results of the risk screening evaluation and potential response actions (i.e., additional sampling of groundwater and surface water samples, treatment/remediation options, etc.) will be reported to the MECP District Office for review and input prior to finalizing and implementing appropriate actions.

As per the Waste ECA, the Owner is also required to prepare and provide a copy of an Emergency Response Plan to the Puslinch Fire Department (contained in the Design and Operations Report). The Plan is to be continuously updated and is always retained and implemented by staff in the event of an incident. It is the Owner's responsibility to take all measures to contain and clean up any spill (as defined in the EPA) which may result from the operation of the Site and immediately implement the Plan if required. Fuel and oil materials spills, upsets, and fires are to be reported to the MECP's Spill Action Centre or local Fire department. Under the *Environmental Protection Act*, in the event of a spill, the Director (MECP) may require the Owner to develop and implement plans to notify public authorities and members of the public who may be affected by a discharge (18(1)7.iii.A).

As per the Air & Noise ECA, the Owner must ensure that the noise emissions from the facility comply with the limits set out in Ministry Publication NPC-300. Also, sound emissions from the equipment should not exceed the limits provided in the Acoustic Assessment Report.

The Owner is required to prepare a manual outlining the operating procedures and a maintenance program for the equipment used in operations. They are also responsible for preparing a Best

Management Practice Plan for the control of fugitive dust emissions and conduct and submit a report on an Acoustic Audit.

Furthermore, the Owner is required to retain, for a minimum of two (2) years from the date of their creation, all records and information relating to or resulting from the recording activities required by the Noise ECA, and make those records available for review by the MECP. Annual reports also are required to be submitted to MECP documenting and reporting on the operations of the previous year.

If a complaint is received, the Owner is required to notify the District Manager at the MECP and document the investigation and responses to the complaint.

Comment #2: *Per the Harden Environmental comments, dated November 3, 2025, how will the reporting required by the ECA be shared to the Township and the public at large?*

Response: As mentioned in response to Comment #1, any spills are reported to the MECP's Spill Action Centre or Puslinch Fire Department. Under the *Environmental Protection Act*, in the event of a spill, the Director (MECP) may require the Owner to develop and implement plans to notify public authorities and members of the public who may be affected by a discharge (18(1)7.iii.A).

Comment #3: *In the Design and Operations Report, Section 2.9 discusses stormwater management and introduces a "final pond" for liquid soil settling. This feature is not described or detailed in any other reports. The Township has previously requested design information for this pond. Please provide detailed engineering drawings and a written explanation of its design, function, and how it integrates with the broader stormwater system.*

Response: Please refer to GEI and Trace response letters for a description of the conceptual layout of the two (2) proposed liquid soil unloading/drainage swale/holding ponds and the extent of the liner system to be constructed beneath these features and the dry soil stockpile area. If the Township approves the temporary zoning, then the detailed design of these features will be prepared and as-built drawings certifying the construction will be provided as required by the Waste ECA.

Comment #4: *The Design and Operations report does not reference or integrate a current groundwater monitoring plan or any contingency measures (it is for references of the Provincial ECA). Please provide these details and how they address the Site's hydrogeological sensitivity.*

Response: The Waste ECA does specify a Monitoring Program which includes detailed groundwater and surface water monitoring requirements. These requirements were developed from the proposed monitoring programs provided in the Hydrogeological Impact Assessment prepared by GHD and provided to the Township, and these plans are referenced and summarized but not typically also

included in a Design and Operation Reports. The Hydrogeological Investigation provides a comprehensive review of Site hydrogeological conditions. Please also see responses to Harden Environmental and Trace comments.

Comment #5: *Please provide an assessment of the proposal against Policy 3.7.1 of the Provincial Planning Statement, with respect to waste management systems.*

Response: Policy 3.7.1 of the Provincial Planning Statement states *that waste management systems need to be planned for and provided that are of an appropriate size, type and location to accommodate present and future requirements, and facilitate integrated waste management.*

The proposed temporary use is being planned in an appropriate area within the Township of Puslinch. The proposed use is being proposed on a portion of the Property that currently contains a licensed gravel pit and is adjacent to an existing aggregate operation to the west. The proposed use on the Site will benefit from its proximity to the licensed gravel pit on the Property and the soil and water handling operations are very similar to gravel pit type operations. The clean soil generated from the proposed use will be used directly towards the rehabilitation of the licensed gravel pit. The Site is well buffered from Wellington Road 34 and from adjacent neighbouring properties. The Site is strategically located on Wellington Road 34 which connects to major transportation corridors including Highway 6 and Highway 401, which are considered major highways. The Site's proximity to these major highways will allow for the efficient movement of hydrovac trucks to and from the Site. The Site is adequately sized to accommodate a maintenance/repair shop, processing/stockpiling areas, parking areas and site services (stormwater management facility, well, leaching bed, fire cistern, etc.) all related to the proposed use as well as the existing gravel pit. The storage of liquid soil will be temporary as it is directly related to the rehabilitation efforts of the gravel pit. Based on these reasons above, it is our opinion that the proposed use is consistent with Policy 3.7.1 of the Provincial Planning Statement.

Comment #6: *Please provide a detailed explanation of conformity to Sections 4.9.7(a) and Part 5 of the County Official Plan.*

Response: Policy 4.9.7 of the County Official Plan discusses the Paris and Galt Moraines and their function to support hydrologic processes and features that influence groundwater and surface water resources. These processes and features include groundwater recharge; groundwater storage; surface water detention; groundwater potential; baseflow to streams; springs; and watershed divides for groundwater and surface water.

Policy 4.9.7.1 of the County Official Plan contains policies that protect these processes and functions and promote stewardship activities.

Policy 4.9.7.2 of the County Official Plan contains policies as it relates to lands identified in the Paris and Galt Moraines on Schedule C that lie outside of Wellhead Protection Area, that include:

- a) *Large scale development proposals including intensive recreation, mineral aggregate operations, new rural employment area designation, and urban boundary expansions will be required to demonstrate that ground and surface water functions will be maintained, and where possible, restored and enhanced;*
- b) *Small scale developments that do not rely on significant site alterations will not normally be required to demonstrate protection of the moraines. Where planning approvals for small scale developments are needed, best practices for alteration will be required to reduce or eliminate cut and fill activities that would fill in land surface depressions.*
- c) *Agriculture is a major activity on the moraines and is an accepted and supported use of land. The County will encourage best practices for agriculture by developing and supporting stewardship programs.*

Whether the proposed use is considered large or small scale development, it is not anticipated to cause changes to any of the listed processes and features of the Paris and Galt moraines. The only two surface water features located on the Property have been constructed in accordance with and are maintained as required by the approved ARA license Rehabilitation Plan. The proposed use does not require a Permit to Take Water from the Ministry as usage is under 50,000 litres per day. Any groundwater used for the hydrovac operation is returned to the Site as well as supplemented by potable municipal water obtained off-site. There are no impacts on the groundwater resource.

Based on these reasons, it is our opinion that the proposed use conforms to Policy 4.9.7 of the Official Plan as there will be no change to processes or features related to the Paris and Galt Moraines.

Part 5 of the County Official Plan addresses the Greenland System. The Greenlands System includes features and areas that are apart of the natural heritage or areas that include wetlands, environmentally sensitive areas, streams and valley lands, ponds, lakes, woodlands, etc. The Property is designated “Secondary Agricultural” and “Greenlands” on Schedule B7 (Puslinch Land Use) in the County Official Plan.

Based on the findings of the Environmental Impact Assessment (the “EIA”) prepared by GHD, there is a woodlot identified on adjacent lands immediately east of the Property and Site. Based on the EIA, a 10-metre buffer is required from the adjacent eastern woodland. The EIA concluded that the proposed temporary use would have no negative impacts on the identified natural heritage provided that mitigation measures outlined in the EIA are implemented. All operations related to the proposed use are outside of the proposed 10-metre buffer zone.

Policy 5.6.7 of the County Official Plan states the Core Greenlands and Greenlands mapping on schedules to the Official Plan may need to be refined by more detailed mapping on individual sites. When more detailed mapping is available, minor adjustments may be made without an amendment to the Plan. Given the results of the EIA, the Greenlands designation on Schedule B7 should be updated to reflect the findings of the EIA. There are no identified natural features on the Property. This is also reflective in the zoning for the Site.

It is our opinion that the proposed use conforms to the policies of Part 5 of the County Official Plan as identified natural features adjacent to the Property and Site will be protected with no negative impact.

Comment #7: *Which use, under the Section 6.6.3(c) of the Council Official Plan cited as applying to permit the proposal, applies to cover the importation and processing of excess soil and liquid soil? Notwithstanding the existence of the Waste ECA, the importation of liquid soil into mineral aggregate operations has not been permitted since 2022 without a separate approval, calling into question the description of the liquid soil operation as “ancillary.”*

Response: Policy 6.6.4 of the County Plan states that in addition to the uses allowed by the underlying designation, the following uses may be allowed in Mineral Aggregate Areas through rezoning:

- c) *ancillary such as asphalt plants, concrete plants, aggregate transfer stations, stockpiling and blending of aggregates with materials such as salt, sand-salt mixture and recycled road materials.*

In reviewing the policy above, ancillary is not a defined term in the County Official Plan. Ancillary is commonly defined as “*providing support to the primary activities or operation*”. In our opinion, the proposed use has a supporting role in the rehabilitation of the gravel pit. Clean soil generated from the operation is used directly to rehabilitate the Property back to its primary use. Furthermore, the term “such as” implies this is a list of suggested uses, not an exhaustive list.

Comment #8: *Section 6.6.3 of the County Official Plan is cited for applicability of the use permissions, and the Temporary Use policies (Section 13.4) apply to permit “the temporary use of land for a purpose that is not permitted by the Official Plan or Zoning By-law” (the first Section 2.3.6 of the submitted Planning Justification Report). Is it the applicant’s position that the temporary use policies supersede or modify the application of these other policies?*

Response: The first paragraph of Section 2.3.6 (Temporary Use By-law) in the Planning Justification Report prepared by GSP Group, dated July 2025, references the policies outlined in Section 13.4 in the County Official Plan. It is our opinion that the temporary use does not require an Official Plan Amendment as it can be considered an ancillary use to the primary activity on the Property, which is

aggregate extraction and rehabilitation. The intent of a temporary use by-law is to allow a use that is otherwise prohibited by the Official Plan or Zoning By-law.

Comment #9: *Based on the technical comments provided to date, Section 6.6.7 of the County Official Plan has not been adequately addressed in the current submission. Updated technical reports and the inclusion of detailed design drawings may assist in clarifying this policy alignment, and we will provide further assessment at that time.*

Response: Acknowledged.

Comment #10: *Please provide an assessment of the proposal against Section 11.4.4 of the County Official Plan, with respect to waste management systems.*

Response: Section 11.4.4 of the County Official Plan deals with policies related to disposal of waste. This section states that recycling, waste reduction, waste transfer stations, and similar waste management facilities may be permitted in addition to waste disposal activities. No new waste, recycling or disposal facilities are being proposed. The hydrovac trucks that may contain impacted soils are sent directly to a permitted MECP treatment or disposal facility and only return to the Site after all the contents have been removed. In our opinion, the proposed temporary use is a permitted use under Section 11.4.4 of the County Official Plan.

Comment #11: *Please confirm whether the shared driveway access from Wellington Road 34 will continue to be shared with the adjacent property and provide documentation of any existing legal agreement governing access, use, and maintenance responsibilities.*

Response: There is currently an agreement with the adjacent landowner (Capital Paving) to share driveway access from Wellington 34 from the Owner. This is based on a 21-year lease agreement.

Comment #12: *Please provide further explanation as to why this use is being proposed as temporary rather than permanent, particularly given the 10 year time frame proposed. If issues arise through monitoring, would it be the intent to provide that review on performance at the renewal stage (assuming one is requested)? What happens to a partially completed filling operation if the permission is not extended? Also, per Section 1.2 of the Planning Justification Report and the Pre-consultation meeting of February 27, 2025, does this mean the site requires 100,000 tonnes of material to complete rehabilitation?*

Response: We are currently requesting a temporary use by-law for a period of up to three (3) years. If an extension is pursued after three (3) years, a performance review could be provided subject to the Township's request. If permission is not granted, then soil needs to be brought into the Property from another source. The current gravel pit license allows 50,000 tonnes of material to be extracted per

year so that is the minimum amount of rehabilitation required per year if extraction is conducted. Once extraction and rehabilitation of the gravel pit is complete, then the use is no longer required.

Comment #13: *Section 2.3.2 of the Planning Justification Report identifies employment and infrastructure servicing benefits. Is this operation more appropriately located within an industrial designation, given the nature and scale of the use?*

Response: As noted under response to Comment #5, the proposed temporary use is being planned in an appropriate area within the Township of Puslinch. The proposed use is located on a property that currently contains a licensed gravel pit and is adjacent to an existing aggregate operation to the west. The proposed use will benefit from the licensed gravel pit on the Property as the clean soil generated from the proposed use will be used directly for rehabilitation purposes. The site operations are well buffered from Wellington Road 34 and from adjacent neighbouring properties. The Site is strategically located on Wellington Road 34 which connects to major transportation corridors including Highway 6 and Highway 401, which are considered major highways. The Site's proximity to these major highways will allow for the efficient movement of hydrovac trucks to and from the Site. The Site is adequately sized to accommodate a maintenance/repair shop, processing/stockpiling areas, parking areas and site services (stormwater management facility, well, leaching bed, firefighting water cistern, etc.) all related to the proposed temporary use. Once extraction and rehabilitation operations are completed it is expected that the building may remain for use as storage.

Comment #14: *It appears in June 2023 zoning sketch supplied that on-site infrastructure associated with the use falls outside of the orange square where the rezoning is targeted. Is that onsite infrastructure inside or outside of the ARA license #626648 area?*

Response: A conceptual plan prepared by GSP is attached to this response letter. All on-site infrastructure is contained within the Property boundaries and licensed gravel pit area. If temporary approval for the use is granted, then the ARA license will be amended to remove that area, which is to be used for hydrovac operations in accordance with this application.

Sincerely,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Vice President
hhandy@gspgroup.ca
226-243-7296



Valerie Schmidt, MCIP, RPP
Senior Planner
vschmidt@gspgroup.ca
226-243-7445