



August 4th, 2025

**Submission to ERO: Comments on ERO #025-0663 for Site Plan Change.
Aecon site plan rehabilitation changes from lake to agriculture proposed by
2004295 Ontario Inc.**

Gravel Watch Ontario (GWO) is a province-wide coalition of citizen groups and individuals that acts in the interests of residents and communities to protect the health, safety, quality of life of Ontarians and the natural environment in matters that relate to aggregate resources. Formed in 2003 we have over 20 years of experience assisting both communities and government agencies in matters related to aggregate resources.

GWO appreciates the opportunity to comment on ERO#025-0663. In this ERO, a numbered company is proposing to import approximately eleven million cubic metres of excess soil to fill the Aecon Caledon pit (Aggregate Resources Act Licence # 6506). This pit is 571 hectares in size and is below the water table. The company proposes to change the site plan to re-establish pre-existing grades and to revise the final use of the site from pond to agriculture.

Unfortunately, neither the company nor the municipality has publicly provided a detailed analysis of the: (1) exact location of the excess soil dumping within the pit, (2) amount of excess soil to be imported into the pit, (3) effects of the excess fill on the Caledon Outwash Channel that is entirely located within the pit, and (4) haul route and increased truck traffic. In addition, our organization has determined that the proposed modifications to the site plan do not meet multiple regulatory standards pertaining to environmental and public protection.

We respectfully state that if this site plan change is accepted by the MNRF it will set a precedence that allows aggregate companies to significantly alter existing site plans that have been vetted and approved by stakeholders such as municipalities, conservation authorities and the Ontario Land Tribunal without detailed analysis and subsequent approval by these same authorities. We provide a more detailed discussion below:

(1) Location of excess soil dumping within the Aecon-Caledon pit.

The ARA Licence #5606 includes former Caledon township, Parts of West and East Halves Concessions 1, 2 and 3 W.H.S. Caledon Twp. Lots, Lots 13, 14, 15 and Part Lot 16 in Con. 2 W.H.S. The ERO notice only references lands in Con. 3 W.H.S. The ARA Notice to adjacent property owners and agencies regarding Site Plan Amendment Aecon Caledon Pit, mentions only Part Lots 12, 13, 14 and 15 Concession 2. W.H.S. Part of Lot 16, 2nd Con. West is not referenced. The areas inside ARA Licence #6506 provided by the proponents, seem to range vaguely from the 1st Con. West through to the 3rd Con. West. The location where excess soil is intended to be placed remains imprecise.

(2) Amount of excess soil to be imported into the pit.

An Information Sheet, July 2025 from the Aecon, provides an imported fill volume of 11 million cubic metres of excess soil and an areal map outlining only lands in the 2nd Con. West Caledon, Parts of East and West halves lots 13, 14 and 15. The ERO posting #025-0663 notes a maximum of 11,395,324 cubic meters of imported fill. The Aecon Caledon Pit ARA Licence #6506 Amendment Form, June 12, 2025, requests a site plan amendment for importation of fill with a total volume of 15,000,000 cubic metres. Fill volume estimates vary by 4 million cubic metres from low to high.

(3) Effects of the excess soil on the Caledon Outwash Channel that is entirely located within the pit.

ARA Licence #6506 area includes the vulnerable area for Caledon Village Well 3/38, WHPA-A-E. Neither the numbered company nor the municipality has publicly provided a detailed analysis of the hydrogeological effects of the excess soil that will be dumped into the pit ponds. The existing ponds are fed by surface and groundwater which supplies Caledon's drinking water. The MNRF must assess the risk of groundwater contamination from filling these ponds with potentially contaminated industrial soil. Special operational care and policies must be developed and approved to permit any fill that threatens to the municipal water sources. GWO directs the MNRF attention to the policies developed for the Credit Valley-Toronto and Region-Central Lake Ontario (CTC) Source Protection Region. Include these policies in the approval process.

(4) Haul route and increased truck traffic.

The ERO posting fails to indicate a haul route for delivering the requested excess fill to the ARA Licence #6506 area. 11,395,324 cubic meters of fill @ 20 cubic meter per triaxle dump truck load would require 569,766 loads. A traffic study must be carried out assuming periods of peak deliveries in and out and a pit entrance must also be determined.

(5) Modifications to the site plan do not meet multiple regulatory standards.

- The proposed site plan change constitutes a "Significant Change" from the original site plan. The parameters to classify an amendment as a significant change are described in "Applications to amend licences, permits, and site plans under the Aggregate Resources Act (ARA), June 2024, p.4", that is: significant changes to operations or rehabilitation are changes that

fundamentally alter operations at the aggregate site or how the aggregate site is to be rehabilitated. Tests to meet the class of significant changes include those that:

- a. increase the annual tonnage condition or increase the amount of material coming to or leaving the site.
- b. change or delay progressive or final rehabilitation, including final land use.
- c. increase the amount of dust affecting nearby receptors.

A letter (May 8, 2025) from the MNRF to the numbered company also states that the MNRF considers this a “significant change” to the existing site plan. Thus, more environmental and socio-economic studies are required before the site plan can be amended.

- The present municipal zoning of the land under the Planning Act can only be changed if the licence is surrendered according to the Planning Act, RSO 1990, c P.13. In this case, a zoning change from water body to agriculture will be required, but the existing licence has not been surrendered.
- The Planning Act, S. 3.5, ensures that decisions related to aggregate operations are consistent with the Provincial Planning Statement (PPS 2024) and conforms with provincial plans, including site plan amendments. The Planning Act authority does not disappear when the Crown grants an ARA extraction licence. Minor site plan changes such as internal haul routes or routing of conveyors do not affect the primary land use while a change in the final land use stipulated in the rehabilitation plan in place since the Pits and Quarries Act, 1971, constitutes a significant land use change, from water body to agriculture.
- The town of Caledon comprehensive zoning by-law 2006-50, as amended identifies all lands covered by the ARA Licence #6506 as MX, Extractive Industrial. The MX definition for Gravel Pit means any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral to supply such material for construction, industrial or manufacturing purposes. Town of Caledon Zoning By-law Section 2 establishes the various Zone Types in the Town. Sections 4 to 12 identify the uses that are permitted in each Zone category. The effect of these Zones is to only permit certain uses in various parts of the Municipality. The only main uses permitted in a zone are those that are specified in the By-law. If a use is not specifically mentioned as a permitted use in a zone, then it is not permitted. The operative word in the MX definition for Gravel Pit is remove.

There is no provision for fill, dumping, placing, depositing or any other word providing for the filling up of a gravel pit excavation with waste excess construction fill. To dump excess soil into ARA licenced #6506 areas will require a Caledon zoning by-law amendment.

- The ARA mandates that extraction sites be restored following approved site plans and local zoning rules. ARA Licence #6506 includes land excavated by multiple licence holders over 55 years. The 1971 Pits and Quarries Control Act mandated square lakes in Site Plans in certain regions. The numbered company has provided no rationale to explain why the rehabilitation of excavated ponds has become unsatisfactory. Such a significant land use change through a site plan amendment requires careful planning justification under the Planning Act.
- To meet the ARA terms and conform with the PPS 2024. Independent expert consultants should thoroughly assess the matter and publish their findings. As mentioned above there have been no studies to date concerning adverse effects. Both the PPS 2024 and Environmental Protection Act define adverse effects as follows:
 - a) impairment of the quality of the natural environment for any use that can be made of it.
 - b) injury or damage to property or plant or animal life.
 - c) harm or material discomfort to any person.
 - d) an adverse effect on the health of any person.
 - e) impairment of the safety of any person.
 - f) rendering any property or plant or animal life unfit for human use.
 - g) loss of enjoyment of normal use of property.
 - h) interference with normal conduct of business.

GWO indicates that the anticipated effects resulting from the site plan modifications align with the adverse effects mentioned above. For example, the land and ponds are within the Caledon Outwash channel feature. Dumping excess construction soil of various qualities that may contain contaminants into the excavated lakes will certainly have long term groundwater quality and quantity impacts to the area and potentially regional water sources.

It is also of note that a similar fill request has been reviewed by the municipality and additional testing for adverse effects has been initiated. We refer the MNRF to the recent article in the Caledon Enterprise; (<https://www.caledonenterprise.com> /news/council/no-dumping-here-caledon-residents-

[upset-swan-lake-to-be-filled-in/article_6936cf60-5ad8-5b3e-9053-91Aecon](#)
Caledon Pit.

- There has been no Qualified Person (Ontario regulation 406/19; Environmental Protection Act) identified by the proponent as a necessary component for the proposed site plan change. The MNRF respectively should inquire into the company's plans to hire a qualified person over the possibly decades long life of the waste fill operation.
- Site plan amendments must include sufficient financial security requirements for both the municipality and the watershed. Security funds provide a mechanism to address any adverse effects resulting from the deposition of waste soil over the longer term.

In conclusion, our organization recommends that the MNRF consider the points discussed above and require the numbered company to withdraw its request for a site plan amendment until there is a complete understanding of the potential adverse effects that will be created by dumping excess soil into below the water table pit. The ARA site plan amendment process is proponent driven and the onus is on the proponent to solve the comments received. GWO looks forward to reviewing the considerable new information required to meet the ARA and Planning Act standards to make a safe and feasible decision for changing or maintaining the final rehabilitation of ARA Licence #6506.