



## **PUBLIC MEETING ZONING BY-LAW AMENDMENT MINUTES**

---

**Tuesday, September 13<sup>th</sup>, 2022**

**5:30 p.m.**

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers**

---

### **ATTENDANCE:**

**Members Present:** Chair Councillor Rob Rainer  
Deputy Reeve Barrie Crampton  
Councillor Gene Richardson  
Councillor Mick Wicklum  
Councillor RoxAnne Darling  
Councillor Fred Dobbie  
Councillor Beverley Phillips

**Members Absent:** Reeve Brian Campbell

**Staff Present:** Janie Laidlaw, Deputy Clerk  
Noelle Reeve, Planner  
Sean Ervin, Public Works Manager  
Ashley Liznick, Treasurer

**Public Present:** Carolos Morales  
Tom Lalonde  
Andrew Kendrick  
James Kuzych  
Paul Brady  
Brian Anderson  
Carol Dillon  
David Taylor  
Greg Hallam  
Frank Johnson  
David Cope  
Lou & Teresa Perna

---

### **1. CALL TO ORDER**

The public meeting was called to order at 5:30 p.m.

## 2. INTRODUCTION

The Chairman provided an overview of the Zoning By-Law application review process to be followed, including:

- the purpose of the meeting
- the process of the meeting
- all persons attending were encouraged to make comments in order to preserve their right to comment should the application(s) be referred to the Ontario Land Tribunal (OLT)
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding the applications on the agenda was advised to email [planningassistant@tayvalleytwp.ca](mailto:planningassistant@tayvalleytwp.ca)

The Chairman asked if anyone had any questions regarding the meeting and the process to be followed. Given that there were no questions, the meeting proceeded.

## 3. APPLICATIONS

- i) **FILE #ZA22-09: Marie Ferry and Gregory Collinson  
417 Miners Point Road  
Part Lot 16, Concession 3  
Geographic Township of North Burgess**

a) **PLANNER FILE REVIEW & PROPOSED BY-LAW**

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

b) **APPLICANT COMMENTS**

None.

c) **PUBLIC COMMENTS**

None.

d) **RECOMMENDATION**

That the proposed amendment to Zoning By-Law No. 02-021 be approved.

ii) **FILE #ZA22-11: Thies Schacht (David Cope).  
245 Island View Drive  
Part Lot 16-18, Concession 6  
Geographic Township of North Burgess**

a) **PLANNER FILE REVIEW & PROPOSED BY-LAW**

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

b) **APPLICANT COMMENTS**

None.

c) **PUBLIC COMMENTS**

None.

d) **RECOMMENDATION**

That the proposed amendment to Zoning By-Law No. 02-021 be approved.

iii) **FILE #ZA22-12: OMYA Canada (Inc).  
18471 Highway 7  
N and E Part Lot 17, Concession 3  
Geographic Township of Bathurst**

a) **PLANNER FILE REVIEW & PROPOSED BY-LAW**

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

The Planner handed out a map of the storage and stockpile design – *attached, page 8.* and written comments from the Friends of the Tay – *attached, page 9.*

The Planner reported that since the report was written a member of the public had asked whether the noise levels might increase with placing and storing of material. C. Morales, OMYA, replied that nothing will change from what is current, there is no expected increase of noise at the site.

The Friends of the Tay Watershed would like more detail to ensure that the proposal is in best interest of the Township. The Planner read the summary of questions and concerns.

A member of Council asked for clarification as to the current location of the settling ponds on the map and that OMYA is asking for a new

storage area, and that they are carrying on the current activities just looking for more capacity to store the material. C. Morales, OMYA confirmed the Zoning Amendment is for material storage and Agroc carb production, they need more storage to keep up with production. OMYA explained calcium carbonate production will be approximately 25,000 – 30,000 tonnes per year.

Council asked if another Public Meeting is needed given the questions and comments from the public. The Planner explained the Public Meeting process and the purpose is to get questions and concerns from the public. Another public meeting is not required under the Planning Act, typically if there are questions and concerns from the Public Meeting a report would be brought to a Committee of the Whole meeting with more information and answers to the questions. The answers to the questions and concerns would determine if and when the Planner would recommend the By-Law come forward to Council. The report that would come to the Committee of the Whole meeting is available to the public and questions can be sent to the Planner prior to the meeting.

Council discussed holding another public meeting after all the information is available. The Planner has no objection to holding another formal public meeting under Council direction and explained that it requires notice in the paper and circulation as legislated in the Planning Act.

b) APPLICANT COMMENTS

C. Morales, OMYA referred to the Friends of the Tay Watershed comments. The Friends of the Tay Watershed refers to it as waste, but it is a by-product. If the postproduction calcium carbonate was waste it would be regulated differently. The hydrogeology has been studied in 2003 and 2007. The studies were testing for leaching and chemicals; elements were studied deeply and it shows no impact. The material is inert. They are not allowed to transport from plant to quarry as per the licence to extract.

c) PUBLIC COMMENTS

Andrew Kendrick, resident

- asked for clarification for the long term intended original use of the fill in the ponds and will now the ponds act as temporary storage of the product which will be trucked somewhere else?
- understands that the material is a damp material and there will be no dust when put in place, but if it is stored there for some time and then moved, presumably it will dry and will there be dust then

C. Morales, OMYA explained that the product is like clay, it bakes and becomes hard in the heat so there is no dust from it.

James Kuzych, resident at lot 20 east of plant

- has followed the development of OMYA, feels another public meeting is strongly advised apart from Rideau Valley Conservation Authority being involved and the public sending emails. For a development this size there might be more questions that could come up from the answers to the questions and concerns
- has issues with the size of the rezoning, what is the justification for the area and how long does the material sit to before being shipped. Will this mean more shipping by train and if this is successful and the marketing ramps up there may be a need to provide more material. What is long term production and is there limits?
- expressed concern regarding the site layout in relation to his property
- dust could be an issue, water quality could be an issue, with the creek at the back connecting to the Tay River that provides drinking water to the Town of Perth, the material could get into the water.
- does not feel there is enough information from OMYA. 18 acres to be rezoned, not sure how long the material will sit there. Feels the development should be reviewed every 3-5 years and there should be limits to what is permitted under the Zoning. What happens at the end of 30 years, is there a remediation plan to be able to reuse the property?

Paul Brady, lives south of the Plant

- asked for confirmation that the material is basically lime and it is to be spread on the fields, and that it is the same material that is currently in the ponds? C. Morales, OMYA confirmed that it is the same material that is in the ponds and is calcium carbonate
- asked why is its not being sold C. Morales, OMYA explained that they do sell it locally in Ontario and have planted grass on it with no need for topsoil
- asked why not truck it back to the quarry since the trucks go back there empty. C. Morales, OMYA explained that having the material at the quarry means it is not as close to the market

Councillor Dobbie

- asked about the 25,000 to 30,000 tonnes stored depending on sales and will the storage require more ponds, and will there be a base put in for the storage? OMYA explained that they are discussing with the Conservation Authority what is needed to put the material down to manage the water both on the surface and underground. The Planner explained that the material is similar to clay so the plan is to store it on top of the ground, but not until the Conservation Authority is okay with that. Based on studies, it will also be determined by the Conservation Authority if test wells will be required to test for any leaching

Council supported a follow up Public Meeting

Councillor Richardson asked if there was a timeline OMYA was looking to complete the Zoning By-Law Amendment. Tom Lalonde from OMYA indicated that there is not, they are just following the process to have the Zoning By-Law amended.

d) **RECOMMENDATION**

A second public meeting will be held once information from the Rideau Valley Conservation Authority and information to public questions are received.

**4. ADJOURNMENT**

The public meeting adjourned at 6:36 p.m.

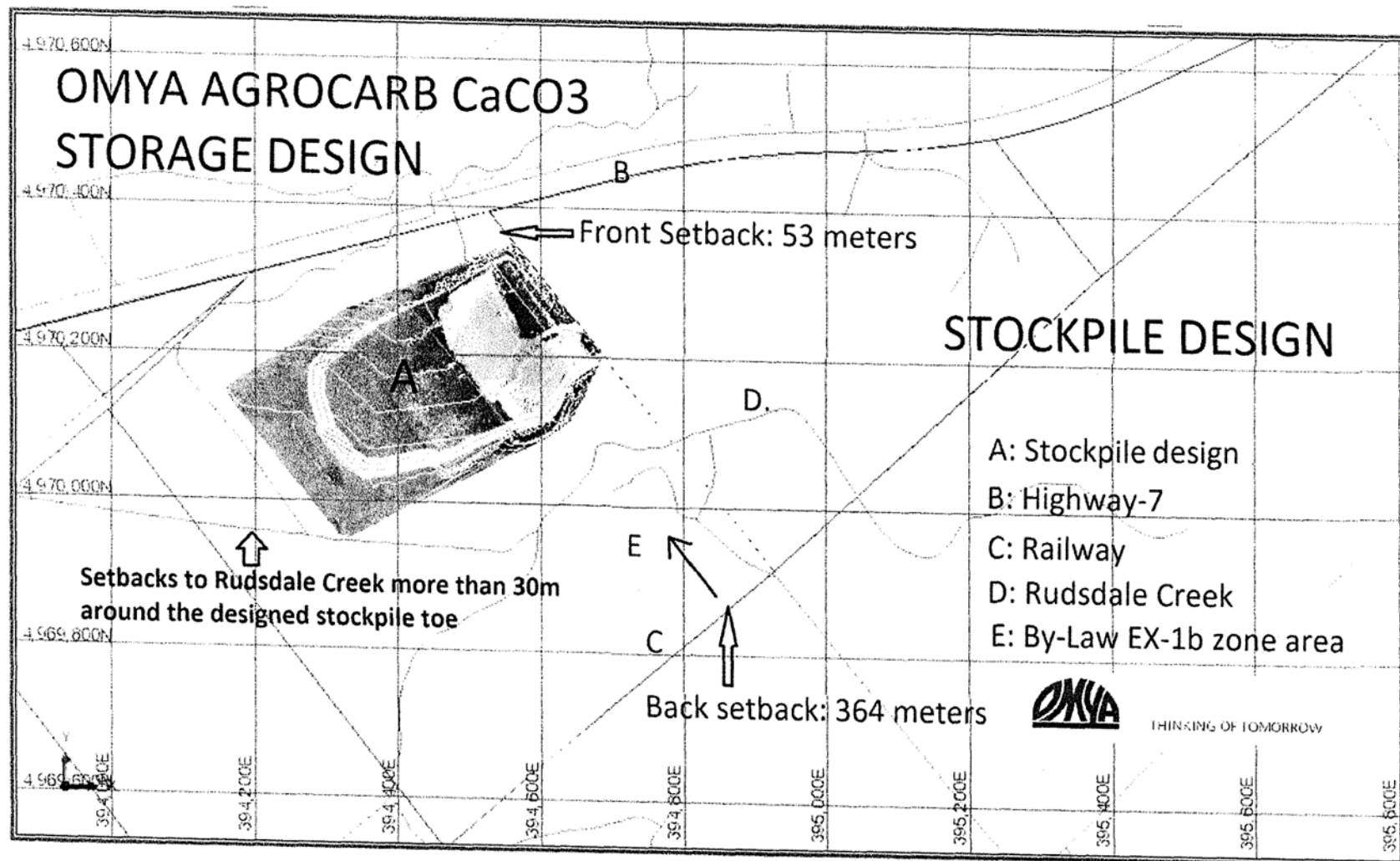


Chairperson



Deputy Clerk

# APPLICATIONS





## **Friends of the Tay Watershed Association**

### **Comments on OMYA Proposal to Re-Zone Property to Accept Waste Calcite Product**

This is a request that Council defer its consideration of the Omya proposal until serious gaps in the information provided have been addressed. While the regulatory requirements appear to have been addressed, other concerns such as potential environmental, community, and social impacts have not been given in adequate detail for astute decision making. The basis for these concerns follows.

The report notes that environmental assessments have been initiated, but the wording suggests they have not yet been completed. It would seem prudent that Council have these reports before making a decision. The bases for this comment are:

- p.37 "The groundwater and surface water impacts are being assessed by the Rideau Valley Conservation Authority."
- p.37 "The RVCA has requested information from OMYA...related to potential groundwater impact and any mitigation that may be required will be included in an amendment to the Site Plan Control Agreement."
- p.39 "The RVCA hydrogeologist has requested additional information about the groundwater and hydrogeological impact of storage of the material."

In addition, no mention of contact with, or advice from an Ontario ministry is included and some comment on provincial oversight for waste management would be reassuring.

Details about the content of the waste product do not appear in the report, but their inclusion would allow Council to make more fact-based decision. The waste is described as "...calcium carbonate that remains following the processing procedure, (p.35) Are there any residual chemicals in the waste such as biocides, dispersants or thickening flocculants? What effect might such additives have in a concentrated area?

Council also needs to know "how much" and "how long" details about this waste storage proposal. On page 36, the report describes the waste as "...its non-toxic nature". Many substances are "non toxic" in small quantities.

Page 36 also outlines benefits to Omya and benefits to the community. It lists re-use of a former waste product, but does not mention the process of producing this product or if there is a market or approval for it in Canada. The mention of "increased employment opportunities" does not factor in the loss of trucking jobs from the current practice of trucking waste to the quarry or the fact that Omya is proud of being a fully automated operation. The promise of new jobs in Tay Valley Township is attractive, but needs to be backed up with solid data.

In the report, no mention of the amount of waste to be stored or the length of time it can be stored is mentioned. This lack of detail must be considered in light of the railway ties

that are stored in Tay Valley Township annually on a “temporary” basis. This creosoted waste has been stored on a temporary basis for seven to ten months each year for the past 15 or more years. Any lack of clarity and control must be addressed by Council if Tay Valley Township is not to become a dumping ground for waste materials with no recourse to correct future problems.

The proposal assures readers that the waste material is “slightly damp and very compacted. No dust is generated by the outdoor storage.” This statement does not take into account the effects of climate change and extreme weather events. It may be true in the short term, so how long the waste remains in Tay Valley becomes another question to be answered.

The idea of converting waste material into a useable product has great merit and appeal. However, details are lacking. Is there a market for this product in Canada? Is it approved for use in Canada? How will it be produced and shipped? If by trucks, then the argument for less trucking and fewer greenhouse gases loses its merit. What will be the effect on the community of converting this waste onto a viable product. Are the processes in place to begin this positive re-use now or is it an undated, future supposition.

It is our opinion that this proposal has merit, but lacks sufficient detail to assure Council and Citizens that it is in the best interests of all.

Thank you for your time,

Carol Dillon

David Taylor

On behalf of Friends of the Tay Watershed

## OMYA Re-Zoning Proposal

### Summary of Questions and Concerns

1. Are any chemicals used in Calcite production presently or in the plant that could be present in the waste product to be stored in new area (see attached list of chemicals that were said to be used at one time in the Glen Tay or Vermont plants). It is suggested that a list of any chemicals used in the process or in the plant be provided and that more detail be provided on the content of the waste product.
2. A number of reports and environmental assessments have not been completed. These are listed in the Friends' 'Comments', and, also, one other request for information by RVCA on an unevaluated wetland between the storage area and Rudsdale Creek. It is recommended that consideration of the proposal be deferred until this information is available.
3. It is recommended that the opinion of the MOE and possibly MNRF be sought on the outdoor storage of such material.
4. There is need for more information on the quantity of product to be stored at the site, the length of time that it will be stored and the total area to be covered by the material. Is it possible that all of the large, re-zoned area (7.44 ha - 18.39 acres) could be covered? Is there a possibility that the waste product could be there indefinitely, and could the area be left as a 'dumping ground' with no township recourse?
5. There is little information provided on the source of the new jobs created. This is not one of our association's primary areas of interest, but perhaps, for community interest, could be expanded, given that the plant is highly automated and, apparently, trucking would be reduced, which would be a loss of jobs, although certainly positive from an environmental viewpoint.