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## MEMORANDUM

PHD-C 03-2019

**Subject:** Port Colborne Quarry  
**Date:** July 9, 2019  
**To:** Public Health and Social Services Committee  
**From:** Andrea Feller, Associate Medical Officer of Health

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As per the request at PHSSC on June 11, 2019, this is an update on the Port Colborne quarry as relates to Public Health.

### Legal Jurisdiction

- Under the *Ontario Water Resources Act*, protecting the integrity and safety of source water falls to the Ministry of Environment, Conservation and Parks (MECP). MECP is also afforded the powers to enforce and compel protection of source water from contamination through that *Act*. Public Health has no legal authority to prevent contamination of source water.
- The role of Public Health is to protect individuals from contaminated water, only after the water has been contaminated and is being provided for consumption. Public Health has legal authority in such cases to protect individuals from provision of contaminated water.
- Approval of quarry work in Port Colborne and protection of the aquifer from contamination is therefore the responsibility of the MECP. Currently all legal authority to act resides with them, and not Public Health.
- If there ever became any issue with the drinking water becoming contaminated and the public was at risk, Public Health would then become the agency with legal powers to *Act*. In most cases, Public Health would be working collaboratively with the MECP so that both our legal authorities could be applied in concert.

### Current Plans for Quarry

- The Port Colborne quarry is owned by Rankin construction.
- MECP is fully aware of the owner's plans for the quarry and, in fulfilling its responsibilities to protect the acquirer from contamination, is requiring the owner to complete a hydrogeological assessment, to implement a ground water monitoring plan, and to meet all other requirements by the MECP.
- Once the plan has been approved by the MECP, the owner can then apply for a permit from the City of Port Colborne.
- The City will not be in a position to approve the permit until a plan is signed and approved by the MECP.

- If a plan is put into place, MECP would also have oversight around its implementation in regard to any risk of contamination.
- Current expectations are that redevelopment of the quarry will not occur for 20 to 50 years.

Respectfully submitted and signed by

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Andrea Feller, MD, MS, FAAP, FACPM  
Associate Medical Officer of Health