



The Corporation of the Town of Milton

Report To:	Council
From:	Barbara Koopmans, Commissioner, Planning and Development
Date:	May 27, 2019
Report No:	PD-024-19
Subject:	Update Report: Reid Road Reservoir Quarry - Aggregate Resources Act (ARA) Licence Application - James Dick Construction Limited (JDCL)
Recommendation:	THAT Planning and Development Report PD-24-19 Update Report: Reid Road Reservoir Quarry - Aggregate Resources Act (ARA) Licence Application - James Dick Construction Limited (JDCL) be received for information.

EXECUTIVE SUMMARY

This report is intended to provide Town Council with an update on Town staff's review of the Aggregate Resources Act (ARA) Category "1 & 2", Class "A" below water licence application as submitted by James Dick Construction Limited (JDCL). The application is for a new pit and quarry located on a property with the municipal address 9210 Twiss Road in Milton.

Town Staff continues to undertake a full review of all the materials submitted in support of the ARA application (similar to Halton Region and Conservation Halton). Staff has not yet responded in detail to the JDCL letter dated December 11, 2018, which responded to the Town's original objection letter pending completion of the full review. Once staff has completed a full review of the application and all materials submitted in support, staff will report back to Town Council. At that time, staff will also prepare a detailed response back to JDCL in conjunction with the Region and Conservation Halton. As further milestones are reached and key decisions are needed, staff will provide Council with additional memos and reports for its consideration and additional direction.

Recently, the Town along with all other agencies and individuals who filed an objection letter on the proposed ARA licence application, received a letter (dated April 19, 2019 and attached as Attachment 4) from JDCL initiating a 20 days response period ending on May 16, 2019. Under the ARA and the ARA standards, this necessitates that the Town reconfirm that valid reasons to object to the application as currently submitted by JDCL remain. In accordance with the ARA standards, through the Town's response guidance on what additional work JDCL can do to try and address the Town's ongoing concerns must be provided. The Town's response letter is attached as Attachment 5.



REPORT

Background

Since Town Council considered staff report PD-050-18 (Attachment 1) on September 10, 2018, staff filed a letter of objection on September 17, 2018 with the Ministry of Natural Resources and Forestry (MNRF) (Attachment 2) in accordance with Council direction. A response from JDCL was subsequently received on December 11, 2018 following receipt of the Town's objection letter (Attachment 3). The ARA application as submitted by JDCL continues to be under review by the Town and our agency partners. Through the JART process, a comprehensive response on the review of the application and supportive materials prepared by JDCL will be forthcoming shortly.

Discussion

Halton Region has initiated a Joint Agency Review Team (JART) type process in consultation with Conservation Halton and Town Staff in order to share information and perspectives on the application and materials submitted by JDCL in support of the application. Through this process Town staff is able to implement Town resources as efficiently as possible by relying on the expertise of our partner agencies and their professional consultants. In this regard, Halton Region has secured the following external consultants to assist with the review of the application and supportive materials:

1. Land Use Planning and Compatibility: Meridian Planning Consultants;
2. Hydrogeology and Water Resources: Norbert Woerns
3. Noise: Nigel Taylor
4. Blasting: DST Consulting Engineers Inc.
5. Air Quality: Scott Penton
6. Natural Heritage: Dougan and Associates, and C. Portt and Associates

The Planning and Public Works Committee of Halton Regional Council on April 7, 2019 considered Report LPS13-19- Reid Road Quarry proposal Status Update (Attachment 6). Staff will not repeat the background information provided in this report through this report but will instead focus specifically on the Town's Review. Staff would like to however clarify a few matters as illustrated in the report:

1. On Page 1, in the "Executive Summary", second bullet it states "...the entire site is not designated for such uses in both the Regional Official Plan and the Town of Milton Official Plan.". Staff is of the opinion that the reference to the Town of Milton Official Plan is incorrect. Firstly, the application was filed before a decision was rendered by Halton Region on OPA 31. Secondly, in light of the James Dick appeal of OPA 31, the modifications made by the Region to OPA 31 do not come into force and effect on the quarry property until that appeal has been resolved.

As such, the schedules and policies of the December 1997 Town of Milton Official Plan are still in effect and applicable to this property and the review of the proposed licence application. In this version of the Town of Milton Official Plan, the subject property is clearly identified as “Mineral Resource Extraction Area” on Schedule A - Land Use Plan, Schedule G - Sites of Potential Contamination and Mineral Resource Extraction Areas, and as a Licenced Pits and Quarries in Appendix A1; and

2. On Page 4 third paragraph from the top, at the end of the paragraph the last line states: “Questions remain as to whether or not the proposed quarry complies with zoning”. Town staff is still undertaking its review of the application to determine compliance with the Town’s “Comprehensive Zoning By-law 144-2003, As Amended” through the May 2018 Consolidation. Staff will provide an opinion on zoning compliance as part of the completion of the thorough review of the ARA submission.

Through the JART type process, Town staff is relying on the following areas of expertise from Halton Region and Conservation Halton to ensure that existing resources are implemented in the most efficient manner possible:

1. Hydrogeology and Water Resources;
2. Natural Heritage;
3. Noise;
4. Blasting;
5. Air Quality; and
6. Provincial, Regional Planning Policy and Land Use Compatibility.

The Town’s Review will focus for the most part on Zoning, Transportation and Town of Milton Planning Policy. The following are some preliminary findings from staff’s review:

1. From a planning policy perspective, Town Council should be aware that following the approval of OPA 31 by Halton Region on November 22, 2018, JDCL appealed the Region’s decision on December 12, 2018. Since JDCL filed its ARA application on June 16, 2018, which is before the Region’s decision on OPA 31 was rendered, the policies of OPA 31 are not applicable to the review of the ARA application. This remains the case even if the OPA 31 appeal is resolved before the ARA Licence application review is completed. The policies of the Town of Milton Official Plan dated December 1997 (Consolidated August 2008) are in the opinion of Town staff the applicable policies to review the ARA application against. In this version of the Official Plan, the JDCL property is designated Mineral Resource Extraction Area, which permits aggregate extraction activities as long as they are pursuant to an active aggregate licence as issued by the MNRF. Currently there are no active licences on the subject property. The previous licence was revoked by the Province (MNRF) on April



16, 2008. Aggregate extraction outside of an active ARA licence is not permitted on the JDCL property;

2. There are other factors that need to be considered when determining what is consider to be a permitted use on the subject lands as of the day the ARA application was filed. The Town of Milton Rural Comprehensive Zoning By-law 144-2003, As Amended, is applicable to this matter. The subject property is zoned Extractive Industrial (MX), Greenlands A (GA) and Greenlands B (GB). The current MX Zone boundary, which generally aligns with the ARA Licence boundary as currently proposed by JDCL permits: Aggregate Recycling Facility, Agricultural Operation, Conservation Use, Extractive Use and Forestry Use. Generally speaking, the uses currently being proposed by JDCL appear to be permitted as of right on the subject property today. Further discussion on the compliance of the proposed quarry application to the Town's Zoning By-law will be provided in conjunction with the completion of our comprehensive review;
3. Reid Side Road (originally called the Springbank Haul Route Road) was constructed in the 1970's at the request of the Town of Milton under agreement with Halton Region and Springbank Sand and Gravel (previous quarry operator) to ensure that trucks carrying the extracted aggregate resources would not travel through the Hamlet of Campbellville; and
4. Schedule 26 in Town of Milton's Uniform Traffic Control By-law No. 1984-1 prohibits heavy vehicle through traffic on Reid Side Road, as well as Twiss Road (from Derry Road to the north limit of the road at the edge of the 401). This regulation however comes with a necessary exemption that stipulates the prohibition does not apply to any vehicle actually engaged in making a delivery to or a collection from a premises, which cannot be reached except by way of a road or portion of road where heavy trucks are prohibited. Truck and/ or heavy vehicles may only travel on that road to the extent that is unavoidable in getting to/from that premises.

Staff is of the opinion that trucks making collections / deliveries to and/ or from the Reid Side Road Quarry would fall under this exemption. This is similar to those trucks currently visiting the Campbellville Industrial Park located adjacent to the southern boundary of the JCDL property.

Pending completion of the review of the application, staff recommend that the Town maintains its objection to the proposed quarry.

Financial Impact

None arising from this report.



The Corporation of the Town of Milton

Attachment 1
PD-024-19

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: September 10, 2018

Report No: PD-050-18

Subject: Application for a Licence – James Dick Construction Limited – 9210 Twiss Road, Milton

Recommendation: **THAT PD-050-18 regarding an application for a Category 1 & 2, Class A Licence for a new pit and quarry by James Dick Construction Limited be received for information;**

AND THAT staff be directed to continue to evaluate the application through the Joint Agency Review Team (JART) process along with staff from the Region of Halton and Conservation Halton;

AND THAT staff report back to Council upon the completion of the JART process outlining the results of that review and any recommendations for further action;

AND THAT staff be directed to file a letter with the Ministry of Natural Resources and Forestry and the Applicant by the September 17, 2018 due date, advising that the Town objects to the application at the present time in accordance with the issues outlined in this report.

REPORT

Background

The Town of Milton has received a Notice of Application for a Licence pursuant to the Aggregate Resources Act to the Ministry of Natural Resources and Forestry on behalf of James Dick Construction Limited. The application is for a Category 1 & 2, Class A Licence for a pit and quarry below the water table proposed to be located on lands known municipally as 9210 Twiss Road and legally described as Part of Lot 7, Concession 2, geographic township of Nassagaweya. This property is the location of the former Springbank Sand and Gravel site.

The application proposes a new pit and quarry to be located within an area of the site previously disturbed through prior extraction activities. The overall licenced area is

approximately 29.4 hectares (72.6 acres); however, the extraction area is proposed to be 25.7 hectares (63.5 acres). The maximum annual tonnage is proposed to be 990,000 tonnes per year.

The area of the property proposed for extraction is zoned Extractive Industrial (MX) in accordance with Zoning By-law 144-2003, as amended. This zone permits both extractive uses and an aggregate recycling facility. An extractive use is defined as a “pit or excavation, made for the removal of consolidated and unconsolidated soil, earth, clay, marl, sand, gravel, or rock for commercial purposes and shall include facilities for the crushing, washing and screening of such materials”. An aggregate recycling facility is defined as “a premises used for the recycling of used aggregate materials such as concrete and asphalt into a usable product but does not include the operation of an asphalt or concrete batching plant”.

The Zoning By-law does not contain specific provisions to regulate land uses within the Extractive Industrial Zone but rather defers to the site plans approved under the Aggregate Resources Act by the Ministry of Natural Resources and Forestry. While portions of the property are located within the Greenlands A (GA) and Greenlands B (GB) Zones, the extraction operation as currently proposed will not encroach into these areas.

Discussion

Based upon the information provided, it does not appear that an amendment to the Town's Zoning By-law is required to permit the proposed extraction operation. As such, the Town's role relative to this application is that of a review agency, responding to the circulation of the application as required by the Ministry of Natural Resources and Forestry. In accordance with the Ministry's application process for a new aggregate licence, through the mandated consultation process, circulated agencies and the public are provided with an opportunity to provide a written notice of objection together with reasons for that objection to both the Ministry and the applicant. The last day to file a letter of objection is September 17, 2018.

If objections to the application are received, the applicant is required to endeavor to resolve them with the objectors. If, however, the objections cannot be resolved, the applicant is required to submit a list of the unresolved objections, documentation of its attempts to resolve the objections, recommendations for resolving the objections and a notice that a response is required within 20 days. Objectors are then provided with a further opportunity to respond to the applicant and the Ministry, providing their recommendations for resolution of all outstanding issues. A flow chart illustrating the Ministry's application process is attached as Appendix 1 to this report.

Due to the brevity of the commenting period and the complexity of the supporting documentation, staff has not had sufficient time to complete a thorough review of the



applications. More significantly, the review of many of the reports and studies requires very specialized expertise. As such, in conjunction with the Region of Halton and Conservation Halton, a joint agency review team (JART) is being established in order to ensure that this application is reviewed in a comprehensive and co-ordinated manner.

As outlined in the protocol, the role of the JART “is to steer and manage the entire technical review process i.e. co-ordinate all government technical review efforts, reduce duplication, respond to the public and government decision-makers on issues and concerns, and promote better government decision-making. The primary functions of the JART are to review, analyze and comment on the completeness of the proponent’s technical submissions in support of their application”.

It is significant to note that, while many of the issues potentially arising from the application including but not limited to environmental impacts, impacts on ground and surface water resources, noise, vibration, land use compatibility and truck traffic may have negative impacts, primary responsibility for these matters falls within the mandates of other agencies. As such, it is critical that the application be reviewed comprehensively through the JART process so that all issues can be assessed in a co-ordinated manner.

Based upon the limitations arising from the initial commenting period, staff recommends that the Town file a formal objection to the application. Once a thorough evaluation has been completed, that objection may be revised, depending upon the outcome of the review.

Financial Impact

Planning staff will participate in the JART process and Engineering staff are reviewing the transportation impact study submitted in support of the application. Staff does not recommend that the Town independently contract peer review resources to review the balance of the studies as responsibility for the issues arising fall within the mandates of other agencies. Further, it is anticipated that the potential costs associated with the completion of these reviews could exceed \$100,000, particularly if the application is appealed and the Town is required to defend its position.

Respectfully submitted,

Barbara Koopmans, BES, MCIP, RPP, CMO
Commissioner, Planning and Development

For questions, please
contact:

Barbara Koopmans 905.878.7252 X 2301



The Corporation of the Town of Milton

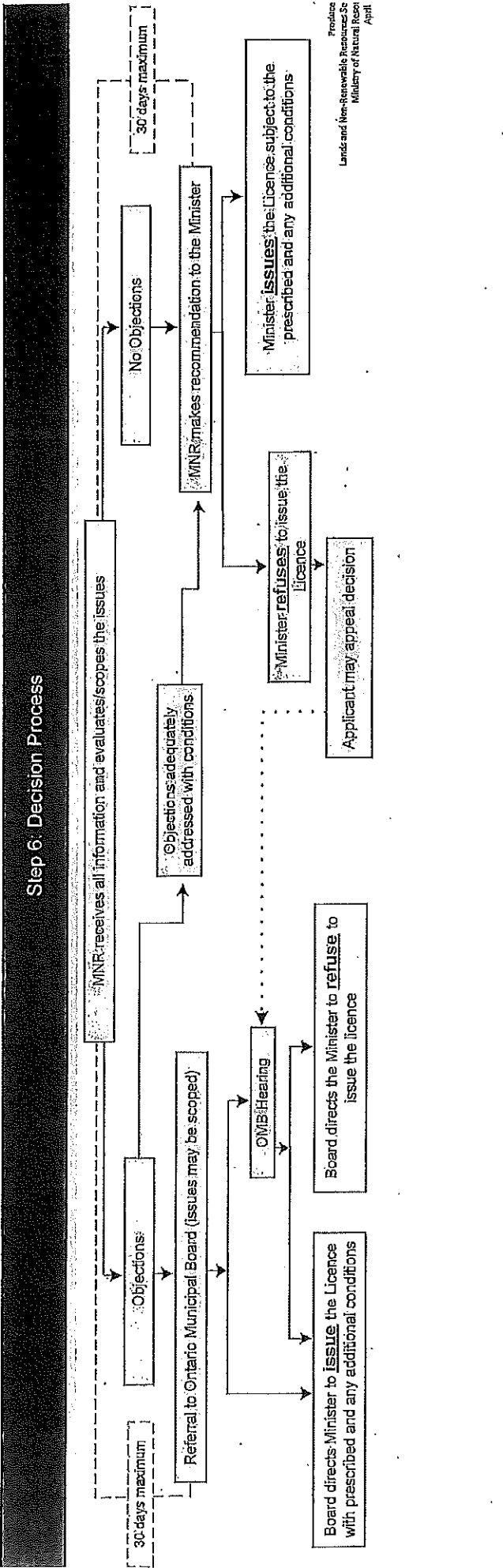
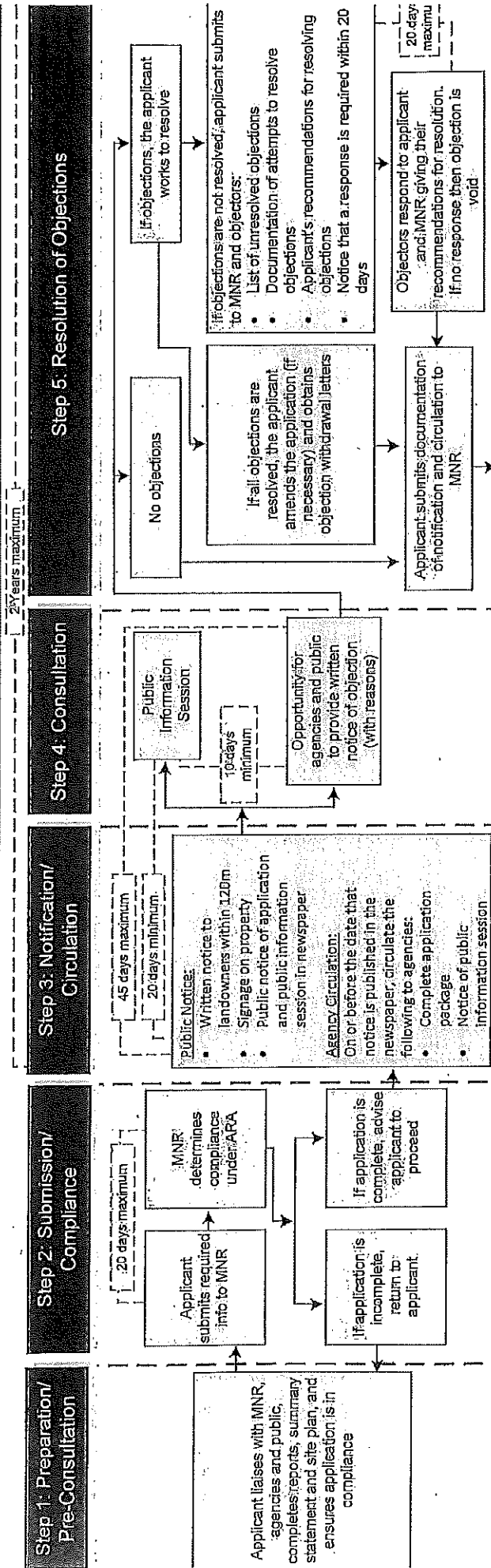
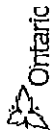
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PD-050-18
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Attachments

Appendix 1: Application Process: New Aggregate Licence (Private Land), Categories 1 to 8
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CAO Approval
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF
Chief Administrative Officer

Application Process: New Aggregate Licence (Private Land), Categories 1 to 8





Town of Milton
150 Mary Street
Milton, ON L9T 6Z5

T 905-878-7252
www.milton.ca

September 17, 2018

BY E-MAIL AND COURIER

Mr. Greg Sweetnam
James Dick Construction Limited
14442 Highway 50
Bolton ON L7E 5T4

Mr. Ben Keen, Aggregate Technical Specialist
Ministry of Natural Resources and Forestry
50 Bloomington Road
Aurora ON L4G 0L8

The Honorable Rod Phillips
Ministry of the Environment, Conservation and Parks
Ferguson Block, 11th Floor
77 Wellesley Street West
Toronto ON M7A 2T5

Dear Mr. Sweetnam and Mr. Keen

**Re: Application under the Aggregate Resources Act for a Category 1 & 2,
Class 'A' Licence (below water table)
James Dick Construction Limited - Reid Road Reservoir Quarry
Part of Lot 7, Concession 2 (Nassagaweya)
Town of Milton, Regional Municipality of Halton**

The Town of Milton is in receipt of the Notice of Application for a Licence to the Ministry of Natural Resources and Forestry with respect to the above noted project which proposes to establish a pit and quarry below the water table together with a number of supporting technical reports and site plan drawings. In light of the limited commenting period provided, the Town has completed only a cursory review of these documents. As such, the Town of Milton objects to the application for the following reasons:

1. The applicant elected to not consult with the Town in advance of submission of the application to the Ministry. Further, the notification/circulation and consultation period

afforded the Town does not allow sufficient time to complete a complete and comprehensive review of the application and supporting studies.

Given the scale, complexity and potential impacts of the application, areas of responsibility for potential impacts arising from the application fall within multiple jurisdictions and mandates. A number of the studies are of a very technical nature and require specialized expertise in order to complete an appropriately detailed evaluation. As such, within Halton, the protocol adopted by the municipalities and agencies involves the completion of an integrated evaluation of the application through a joint agency review team (JART). While the JART process has been initiated, the evaluation work is anticipated to require additional time to complete.

2. While the Town's review is ongoing, based upon an initial screening of the materials provided, several issues have been identified:
 - a) Insufficient information has been provided to determine whether the proposed operation, including any required setbacks, buffers or other mitigation measures, will be confined to the lands within the Mineral Extraction (MX) Zone. In addition, the internal haul route extends through both Greenlands A (GA) and Greenlands B (GB) Zones and is subject to more detailed review and approvals;
 - b) Insufficient information has been provided to determine whether the required water taking will impact other existing and permitted land uses. Of particular note, the Ontario Municipal Board has approved site-specific zoning to allow the comprehensive redevelopment of the Woodbine Mohawk Park property located to the north of the quarry site, on the north side of Hwy 401 fronting on Guelph Line. The redevelopment scheme contemplates a hotel/convention centre and major entertainment venue, along with a number of related community and tourism-oriented uses and activities in addition to the existing horse racing and gaming operation. It is the Town's understanding that Woodbine Mohawk has a current permit to take water sufficient to supply the proposed redevelopment; however, has not utilized the permitted taking to its full extent for its current operation;
 - c) The supporting studies identify existing capacity deficiencies in the area road network and required improvements relative to existing conditions. Insufficient information has been provided to assess the degree to which the proposed quarry operation will exacerbate these existing issues and the degree to which the introduction of the quarry use may necessitate improvements to the existing roads infrastructure. Of note, since the time Reid Side Road was originally constructed, a number of new developments and facilities have been established, including a Town Fire Station (Station 2) located between the proposed quarry site and the Guelph Line interchange with Hwy 401 on the north side of Reid Side Road. While Reid Side Road may have provided an appropriate haul route at the point in time of its original construction, it has yet to be determined as to whether it continues to be adequate to accommodate the additional truck traffic in the current context given the changes to background conditions; Further, it is imperative that the comments of the Ministry of Transportation and the Region of

Halton be included along with those of the Town of Milton in the full evaluation of the potential impacts of this proposed quarry.

- d) It is proposed that certain potential community impacts including those from blasting will be further assessed through monitoring once the quarry is in operation. Insufficient information has been provided to determine whether appropriate standards of mitigation can be implemented once the licence has been issued. Further, this approach does not allow a fulsome assessment of potential impacts prior to the issuance of a licence.
3. The Town's review fee for Aggregate Extraction Applications, in the amount of \$61,131.00 as prescribed by By-law 062-2018 has not been received. In addition, the Town requires payment of peer review fees at a rate equal to the costs incurred.

A number of the potential impacts arising from this proposal are not noted above as responsibility for those matters falls within the jurisdiction of other agency mandates. Nonetheless, these matters are of concern to the Town. While the Town maintains an interest in ensuring that these matters are appropriately addressed, the Town will rely on the expertise of our agency partners to do so.

On the basis of the foregoing and the information available at the present time, the Town of Milton objects to the approval of the ARA licence for a Category 1 and 2, Class A licence for a pit and quarry below the water table as proposed by James Dick Construction Limited. The Town further reserves the right to raise additional issues as our evaluation is advanced and/or more information becomes available. In addition, the Town supports the positions of the Region of Halton and Conservation Halton and will continue to work collaboratively with those agencies to develop a complete and comprehensive response to the quarry application. Should any further information or clarification be required, please do not hesitate to contact the undersigned at your convenience.

Yours truly



Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning & Development

cc: Joe Nethery, Region of Halton
Kellie McCormack, Conservation Halton
Steven Strong, MNRF, Aurora District
James Parkin, MHBC Planning



JAMES DICK CONSTRUCTION LIMITED



MAIL: P.O. Box 470, Bolton, Ontario. L7E 5T4
COURIER: 14442 Hwy. 50, Bolton, Ontario. L7E 3E2
TELEPHONE: (905) 857-3500 FAX: (905) 857-4833

December 11, 2018

Town of Milton
150 Mary Street
Milton ON
L9T 6Z5



Attention: Ms. Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning & Development

RE: Application under the Aggregate Resources Act for a Category 1 & 2,
Class 'A' Licence (below water table)
James Dick Construction Limited – Reid Road Reservoir Quarry
Part of Lot 7, Concession 2 (Nassagaweya)
Town of Milton, Regional Municipality of Halton

Dear Ms. Koopmans,

Thank you for your September 17, 2018 comments in response to our Aggregate Resources Act (ARA) application. We are working through the objections that we have received under the Aggregate Resources Act process. We would be happy to sit down with you to explain the proposal and review your concerns.

We are consulting with the Town and are following the prescribed process under the Aggregate Resources Act. All of the application documentation was provided for the Town's review soon after it was determined to be complete by the Ministry of Natural Resources and Forestry (MNRF). The notification and consultation process follows after the MNRF has accepted the application and authorizes us to proceed. The Town of Milton, and other circulated agencies, are welcome to participate as commenting agencies and/or objectors.

We believe that this is a relatively simple application compared to other quarries in your area. It has impacts similar to the previous gravel pit operation on this site. In regard to the JART process, we understand that this process was originally organized to coordinate multiple Planning Act approval processes alongside other overlapping application processes. In this case there are not multiple applications, jurisdictions and mandates. We are also working with qualified staff from various Provincial ministries to ensure that the study methodologies were appropriate and suitable mitigation strategies are in place.

Extent of application area

The site has been designed to limit extractive uses to the existing MX zone. We would be happy to review this with you or receive any specific concern regarding the geometry of the extraction areas. No changes are required to the existing site access road.

Water supplies and other users

This site will not have any impact on the Woodbine Mohawk Development which was approved taking into account the aggregate deposits in the area. Water supplies are protected. The proposed quarry must operate in accordance with MECP permits under the provisions of the Ontario Water Resources Act.

Road Network

This application is somewhat unusual in that up until recently the proposed quarry site was an operating gravel pit. As such the access road is already constructed and paved. The haul route, one of the shortest aggregate haul routes to a 400 series highway in Ontario, was built to accommodate the relatively low levels of truck traffic expected from this modestly sized operation.

Reid Side Road, the Haul Route, is an existing truck haul route. The Reid Side Road haul road was constructed jointly by Springbank Sand & Gravel, the Town of Milton and the MTO specifically to address hauling material from this property to the 401 ramps. Springbank paid for the cost of constructing this haul road, then known as the Springbank Haul Road, today known as Reid Side Road. Paradigm Engineering has assessed the existing traffic along with the projected traffic.

Please find attached the Haul Road Agreement dated December 12, 1977 pertaining to this road, executed by the Region, the Township, Springbank and approved by the Ministry of Transportation. You will note that the provisions of this agreement will enure to the benefit of and be binding upon the respective parties including their successors and assigns. We do not object to the provisions of this agreement being a condition of license.

Blasting

The blast monitoring work is more of a calibration exercise. There are many operational measures that can be taken to reduce blasting noise and vibration. These include, managing the weight of charge per delay, decking, reducing hole diameters close to the property line, and reduction in quarry depth close to receptors. There is sufficient information in the reports to indicate that the site can easily operate within provincial standards. The important bottom line is that all blasting activity must meet provincial criteria for noise and vibration at the closest receptors. If the standards that are in place to protect the environment and the surrounding community cannot be met, then the site cannot operate. Underwater blasting is a normal, well understood method that JDCL has utilized with excellent results.

Summary

As we have mentioned above, the ARA process is continuing. We do think it is worth reiterating that the usual ARA reviews that are taking place and pointing out that there will be many checks and balances in place should the quarry be approved. These considerations are directly relevant to many of the concerns that you have raised in your comment letter. For example:

- o MNR is completing a comprehensive review of potential impacts on all natural heritage features including endangered species. This includes the interactions between hydrogeology and natural heritage. If a licence is issued there will be site plan conditions that require ongoing monitoring of water levels in surrounding natural heritage features to ensure that the appropriate standards are being met.
- o In addition to the MNR hydrogeological review, the MOECP will review the hydrogeological report. Additionally, the quarry cannot operate without a Permit to Take Water under the Ontario Water Resources Act. The legislation and permitting will ensure the

protection of surrounding water supplies. The site will be well monitored and cannot operate if adjacent water supplies are affected.

o With respect to blasting, it will be a condition of the ARA licence that the site operate in accordance with MOE guidelines for blasting noise and vibration. These guidelines are protective of area wells and structures. All blasts will be monitored and the site cannot operate if the protective standards are not met.

o With respect to air quality and noise, the Environmental Protection Act and associated permitting (environmental compliance approvals) are all in place to ensure that there are no adverse effects on other sensitive uses in the area. In order to operate, the site must demonstrate compliance with all applicable noise and air quality standards.

If the Town, Region and Conservation Halton are coordinating preparation of their comments under the ARA we would be pleased to meet or provide additional information where we can assist. We do need to receive any further comments in the near future if the Town wishes to have its comments considered in the ongoing ARA process.

Sincerely,

JAMES DICK CONSTRUCTION LIMITED



Greg Sweetnam, Exec. V.P.



JAMES DICK CONSTRUCTION LIMITED

Attachment 4
PD-024-19



MAIL: P.O. Box 470, Bolton, Ontario. L7E 5T4
COURIER: 14442 Hwy. 50, Bolton, Ontario. L7E 3E2
TELEPHONE: (905) 857-3500 FAX: (905) 857-4833

April 19, 2019

Town of Milton
150 Mary Street
Milton ON
L9T 6Z5



**RE: Application under the Aggregate Resources Act for a Category 1 & 2,
Class 'A' Licence (below water table)
James Dick Construction Limited – Reid Road Reservoir Quarry
Part of Lot 7, Concession 2 (Nassagaweya) Town of Milton, Regional Municipality
of Halton**

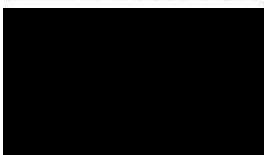
**Attention: Ms. Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning & Development**

Further to our letter of December 11, 2018 that was in response to your letter of objection dated September 17, 2018, we are anxious to hear back from The Town of Milton regarding any outstanding concerns that may remain with our license application. We appreciate staff attending our Aggregate Resources Act Public Information Session that was held on August 17, 2018. We appreciated the opportunity to speak to your council on September 10, 2018 and for the opportunity to answer questions. We also met with a representative of Milton by-law staff along with staff from Conservation Halton on November 13, 2018 at the site.

A meeting was held with our planner Mr. James Parkin of MHBC, along with representation from Conservation Halton and the Town of Milton on January 8, 2019. He advised that we were working to complete our ARA consultation and, given the number of objections that have been received, we intended to complete our reporting for the MNRF so that they could consider a referral of the application to the LPAT. We have also provided you with copies of our correspondence with the Provincial Ministries that addresses many of the matters you had raised. We have continued to be available to discuss any additional comments that you may have regarding our proposal. We understand from the Halton Region March Report that you are continuing your review. We continue to be open to discussion of any unresolved concerns.

Ms. Koopmans, I hope the responses of December 11, 2018 satisfy all of the Town of Milton's concerns. I have enclosed an Objector Response Form with this letter that directs you to respond to us and the MNRF within 20 days by registered mail or personal delivery if you still wish to object to the application. Your response should include any recommendations you have that would finally resolve any outstanding concerns.

Sincerely,
JAMES DICK CONSTRUCTION LIMITED



Greg Sweetnam, Exec. V.P.

Notice of Objector Response

Aggregate Resources Act

Subject: Application for a Category 1/2 Class A Licence under the Aggregate Resources Act

Part of Lot 7 Concession 2 Township of Nassagaweya, Town of Milton, Halton Region

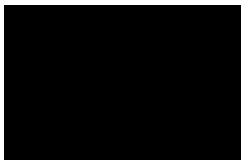
Objector: Barbara Koopmans Milton, Town of
150 Mary St., Milton ON L9T 6Z5

Further to your letter of objection regarding this licence application under the Aggregate Resources Act I offer the following further information to address your objections/concerns: Please see the accompanying letter.

As per section 4.3.3.2 of the Provincial Standards under the Act, please be advised that after review of this additional information you, the objector, have 20 days from receipt of this letter (i.e. May 22, 2019) to respond to the Ministry of Natural Resources and the applicant at the addresses shown below, with recommendations that may resolve the objections.

These recommendations must be delivered personally or by registered mail within the above-noted 20-day period or it will be deemed that there is no longer a valid objection.

Yours truly,



Greg Sweetnam Executive Vice-President, James Dick Construction Limited April 25 2019

Please send your response to the addresses below:

Greg Sweetnam

Ministry of Natural Resources and Forestry

James Dick Construction Limited

Aurora District Office

14442 Regional Road 50

50 Bloomington Road, Aurora ON, L4G 0L8

Bolton ON, L7E 5T4

Attention: Ben Keen



Town of Milton
150 Mary Street
Milton, ON L9T 6Z5

T 905-878-7252
www.milton.ca

May 15, 2019

BY E-MAIL AND COURIER

Mr. Greg Sweetnam
James Dick Construction Limited
14442 Highway 50
Bolton ON L7E 5T4

Mr. Ben Keen, Aggregate Technical Specialist
Ministry of Natural Resources and Forestry
50 Bloomington Road
Aurora ON L4G 0L8

Dear Mr. Sweetnam and Mr. Keen

**Re: Application under the Aggregate Resources Act for a Category 1 & 2,
Class 'A' Licence (below water table)
James Dick Construction Limited - Reid Road Reservoir Quarry
Part of Lot 7, Concession 2 (Nassagaweya)
Town of Milton, Regional Municipality of Halton**

The Town of Milton is in receipt of a letter from James Dick Construction Limited (JDCL) dated April 19, 2019. JDCL has applied to the Ministry of Natural Resources and Forestry (MMRF) for an Aggregate Resources Act Category 1 & 2 Class "A" Licence for a pit and quarry below the water table. JDCL have also submitted a number of technical reports and site plan drawings in support of their application.

Town staff has significantly advanced our review of the application and the supportive materials and are close to finalizing our detailed comments. Once completed, the Town will share these comments with JDCL and the MMRF. As the Town of Milton is relying on the subject matter experts from Halton Region and Conservation Halton and the professional consultants hired by Halton Region, until such time as the Town has the benefit of considering the perspectives of the other agencies and subject matter experts, we are not in a position to consider withdrawing our objection to the issuance of an ARA Licence to JDCL for the Reid Road Reservoir Quarry located west of the Hamlet of Campbellville in the Town of Milton.

There are however a few items identified from the Town's review to date that can be presented to JDCL for further analysis. They are a matter related to the lot fabric used by JDCL as the basis for the proposed Licence boundary and its relation to the existing zone boundaries in the Town of Milton Rural Comprehensive Zoning By-law 144-2003, As Amended (May 2018 Consolidation) and secondly the suitability of the existing Reid Side Road structure for the type of vehicles and weights proposed to be used by JDCL (or their affiliates) should the Licence be issued by the MNRF.

On the zone boundary issue, Staff's review has identified a slight discrepancy between the existing zone boundaries of the Extractive Industrial (MX), Greenlands A (GA) and Greenlands B (GB) Zones in the Town of Milton Rural Comprehensive Zoning By-law 144-2003, As Amended and the Licence boundary as proposed by JDCL. Clarification on the methods used to delineate the Licence Boundary would be helpful at this time to clarify if all the lands being proposed by JDCL are actually zoned for the uses that are being proposed through the ARA Licence application.

The second item relates to the structural suitability of Reid Side Road today to withstand the use of this road in its current configuration by heavy vehicles hauling aggregates through to the 401 interchange. It is noted in the TIS submitted in support of the ARA Licence application that the average load per truck from the quarry is estimated at 33 tonnes per truck but no information was provided by the applicant to allow the Town to confirm the accuracy of this load weight. Further to this, the forecast site activity appears to be based on a proxy site (Erin Pit) but no information is provided to verify these assumptions. It is unclear at this point in time as to the true physical demands on this municipal infrastructure going forward should the ARA Licence be approved by the MNRF.

The Town of Milton completed a geotechnical investigation for Reid Side Road in 2016. It should be noted however that this study was done and focused primarily on asphalt overlay activities. This study identified that the Reid Side Road was considered at that point in time to be a local rural road not an industrial road. The geotechnical investigation (2 boreholes for this section of Reid Side Road) indicated an asphalt thickness of 180 - 200mm and granular thickness ranging from 410-560mm. Based on the Town's current standards, it appears there are areas within the road structure that do not have the granular thickness required by the Town for a road that would be suitable for the types and weights of vehicles that JDCL is proposing. In order to determine if the existing road structure is sufficient to accommodate the anticipated heavy truck traffic expected to be generated by the proposed quarry, the Town will require JDCL to have a Geotechnical Investigation completed. This assessment shall examine and address the suitability of the existing road to accommodate the anticipated traffic volumes, vehicle weights and loading associated with the proposed quarry. This report must include an assessment as to whether the road is suitable in its current condition for the proposed use and recommend any improvements required to accommodate the anticipated site generated traffic and loading requirements. The Town will review the Geotechnical Investigation and will likely have this peer reviewed. The Town will look to recover any fees associated with this peer review from JDCL (the applicant) as is the case with any development application.

Until the Town has completed its comprehensive review of all materials submitted in support of the ARA application, the Town continues to have concerns related to:


- a) The quality and comprehensiveness of the materials submitted in support of the ARA application to determine whether the proposed operation, including any required setbacks, buffers or other mitigation measures, will be confined to the lands within the Mineral Extraction (MX) Zone. In this regard, it is significant to note that the internal haul route extends through both Greenlands A (GA) and Greenlands B (GB) Zones and should be subject to a more detailed review. It is the position of the Town that the portion of the haul route located on the subject property should be included within the proposed Licence Boundary and provided the same level of comprehensive review as all other parts of the proposed quarry application;
- b) Insufficient information has been provided to date to determine whether the required water taking will impact other existing and permitted land uses in the area. Of particular note, the Ontario Municipal Board has approved site-specific zoning to allow the comprehensive redevelopment of the Woodbine Mohawk Park property located to the north of the quarry site, on the north side of the 401 fronting on Guelph Line. The redevelopment scheme contemplates a hotel/convention centre and major entertainment venue, along with a number of related community and tourism-oriented uses and activities in addition to the existing horse racing and gaming operation. It is the Town's understanding that Woodbine Mohawk has a current permit to take water sufficient to supply the proposed redevelopment; however, has not utilized the permitted taking to its full extent for its current operation;
- c) As partially noted above, the supporting studies identify existing capacity deficiencies in the area road network and required improvements relative to existing conditions. Insufficient information has been provided to assess the degree to which the proposed quarry operation will exacerbate these existing issues and the degree to which the introduction of the quarry use may necessitate improvements to the existing road infrastructure. Of note, since the time Reid Side Road was originally constructed, a number of new developments and facilities have been established, including a Town Fire Station (Station 2) located between the proposed quarry site and the Guelph Line interchange with Hwy 401 on the north side of Reid Side Road. While Reid Side Road may have provided an appropriate haul route at the point in time of its original construction, it has yet to be determined as to whether it continues to be adequate to accommodate the additional truck traffic in the current context given the changes to background conditions. Further it is imperative that the comments of the Ministry of Transportation and the Region of Halton along with those of the Town of Milton on the proposed haul route be considered through the comprehensive and thorough evaluation the potential impacts of this proposed quarry; and
- d) It is proposed that certain potential community impacts including those from blasting will be further assessed through monitoring once the quarry is in operation. Insufficient information has been provided to date to determine whether appropriate standards of mitigation can be implemented once the licence has been issued. Further, this approach does not allow a fulsome assessment of potential impacts prior to the issuance of a licence.

Given the potential for a range of impacts from what is being proposed through the ARA application and given that the areas of responsibility for potential impacts arising from the

application fall within multiple jurisdictions and mandates, the Town required the benefit of specific expertise provided by our agency partners. A number of the studies are of a very technical nature, and require specialized expertise in order to complete an appropriately detailed evaluation. As such, within Halton, the protocol adopted by the municipalities and agencies involves the completion of an integrated evaluation of the application through a joint agency review team (JART). While the JART process is underway, the comprehensive evaluation work is not quite complete but is quickly nearing completion. This process allows the agency partners to as efficiently as possible, conduct a thorough and comprehensive review of the application and supportive materials without much duplication of efforts. It is our expectation that this review will be substantially completed by the end of June 2019. After which time the JART members will contact the applicant and endeavor to set up a series of meetings to discuss the detailed comments.

On the basis of the foregoing and the information available at the present time, the Town of Milton continues to object to the approval of the ARA licence for a Category 1 and 2, Class A licence for a pit and quarry below the water table as proposed by JDCL. The Town further reserves the right to raise additional issues as our evaluation is advanced and/ or more information becomes available. In addition, the Town continues to support the positions of the Region of Halton and Conservation Halton and will continue to work collaboratively with those agencies to develop a complete and comprehensive response to the quarry application. Should any further information or clarification be required, please do not hesitate to contact the undersigned at your convenience. Confirmation of your receipt of this letter is appreciated.

Yours truly



Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning & Development

cc: Joe Nethery, Region of Halton
Kellie McCormack, Conservation Halton
Steven Strong, MNRF, Aurora District
James Parkin, MHBC Planning
Ministry of the Environment, Conservation and Parks



Report To:	Regional Chair and Members of Regional Council
From:	Art Zuidema, Commissioner, Legislative and Planning Services
Date:	March 27, 2019
Report No. - Re:	LPS13-19 - Reid Road Quarry Proposal Status Update

RECOMMENDATION

1. THAT Report No. LPS13-19 re: "Reid Road Quarry Proposal Status Update" be received for information.
2. THAT the Regional Clerk forward a copy of Report No. LPS13-19 re: "Reid Road Quarry Proposal Status Update" to the Town of Milton and Conservation Halton for their information.

REPORT

Executive Summary

- In early August 2018, staff became aware of an application by James Dick Construction Limited (James Dick or "the applicant") under the *Aggregate Resources Act* to establish a new aggregate extraction operation at the western terminus of Reid Side Road in Milton. No advance notice was provided and no pre-consultation occurred with the Region, Town of Milton, or Conservation Halton on the application.
- The subject lands formerly known as the Woodlawn Guelph Campbellville Pit had its licence revoked in 2008. At present, portions of the site are zoned to permit extractive uses. However, the entire site is not designated for such uses in both the Regional Official Plan and Town of Milton Official Plan.
- Halton Region filed a Letter of Objection with the Ministry of Natural Resources and Forestry (MNRF) on September 17, 2018. The letter is included as Attachment #2 to this report. Town of Milton and Conservation Halton, among others, also filed letters of objection.
- The intent of this report is to outline the MNRF aggregate licence application review process, and advise on actions undertaken by Regional staff to identify and address technical concerns with James Dick and MNRF.

Background

James Dick has applied for a licence to operate a pit or quarry with respect to approximately 29.4 hectares (73 acres) for the entire operation, of which 25.7 hectares (63.5 acres) will be the site of actual extraction. The maximum annual tonnage is proposed to be 990,000 tonnes. James Dick identifies the lands as containing approximately 12.54 million tonnes of limestone and 500,000 tonnes of sand and gravel resources.

The site has had a long history of aggregate extraction. The subject lands were formerly known as the Woodlawn Guelph Campbellville Pit. A licence for the property existed in various forms from 1976 to 2008, when the licence was revoked by the Ministry of Natural Resources and Forestry (MNR) due to non-payment of annual *Aggregate Resources Act* licencing fees. The site is currently used for construction vehicle storage (associated with ongoing Highway 401 works), conservation uses, and generic rural/open space uses. A key map of the subject lands is found in Attachment #1 to this report.

Dewatering is not proposed as part of this operation; rather, extraction would occur through underwater blasting. James Dick indicates this method is used at the Do-Lime Quarry just outside of Guelph. The applicant is also proposing the same technology for its proposed Hidden Quarry in the Township of Guelph/Eramosa. That application will be the subject of a hearing before the Local Planning Appeal Tribunal in 2019 in which the Region is a party opposing approval. Staff are not presently aware of any other operations in Ontario using underwater blasting and have minimal information regarding the record of accomplishment of this technology and its impacts.

Discussion

Aggregate Resources Act Review Process

Licences to operate a pit or quarry are issued by the MNR under the *Aggregate Resources Act*. Public consultation is required pursuant to the "Aggregate Resources of Ontario Provincial Standards, Version 1.0", a set of standards published by MNR that establish the process and criteria for pit and quarry licence applications under the *Aggregate Resources Act*. The Standards require a 45-day notification period, which begins with notice being published in a local newspaper, signage being posted on the boundary of the site, and written notice being delivered to landowners within 120 metres of the proposed licence boundary. The applicant is also required to host a public information session during the 45-day notice period. Any person or agency objecting to the application must serve written notice of objection, including reasons for objecting, on the applicant and identified staff contact with the MNR within the 45-day notification period. The aggregate applicant is required to respond to issues raised by objectors. During this period, the MNR also posts notice on the Environmental Registry in accordance with Ontario's Environmental Bill of Rights.

During the consultation process, the aggregate applicant must attempt to resolve all objections raised. If objections are not resolved, the aggregate applicant must submit to the MNRF and remaining objectors a list of unresolved objections, documentation of attempts to resolve objections, the applicant's recommendations to resolve objections, and notice to objectors of a 20-day response period to this submission. Objectors need to respond within this 20-day period by submitting to MNRF and the applicant recommendations that may resolve the objections. Not replying will result in the MNRF deeming there to be no further objection. Aggregate applicants are given two years to complete this process. Failure to do so results in MNRF considering the application withdrawn.

Pursuant to Section 11 of the *Aggregate Resources Act*, the MNRF can refer the application and any objections arising out of the notification and consultation procedures to the Local Planning Appeal Tribunal for a hearing.

Zoning Compliance and the Land Use Planning Framework

In most cases, *Aggregate Resources Act* applications for aggregate extraction operations will be accompanied by applications (for official plan amendments and/or a re-zoning) under the *Planning Act*. Section 10 of the *Aggregate Resources Act* requires, “[an] applicant for a licence [to] furnish information satisfactory to the Minister describing the zoning by-laws applicable to the site and adjacent lands.” Lands proposed for aggregate extraction are typically not zoned as-of-right to permit these uses, requiring at a minimum a zoning by-law amendment to permit the use. Zoning by-law amendments also need to conform to an official plan as well as Provincial and Regional policy. *Planning Act* applications follow the typical process for development applications, and include rights of appeal to the Local Planning Appeal Tribunal for a Council decision or non-decision.

Staff have indicated in the Region's Letter of Objection and in discussions with James Dick's planning consultant that this proposed use is not permitted by, and does not conform with, the Region's Official Plan. The Region's Official Plan permits aggregate extraction on lands designated Mineral Resource Extraction Area. The subject lands are designated Agricultural Area; mineral aggregate operations are not permitted within this designation. The Regional Official Plan provides a basic principle of use issue with the quarry proposal.

The Greenbelt Natural Heritage System Overlay applies on these lands, which provides development criteria and a framework for permitting aggregate extraction (Section 4.3.2 of the Greenbelt Plan). Map 1G of the Regional Official Plan identifies key features and enhancement areas, linkages, and buffers on the subject lands. Studies provided to MNRF by James Dick do not provide a sufficient assessment of these features and the potential impacts from this proposal. Staff has made MNRF aware of the issue through the Letter of Objection.

The Town of Milton's Zoning By-law 144-2003 zones portions of the subject lands Extractive Industrial (MX), which permits "extractive uses". Extractive uses are defined as, "A pit or excavation, made for the removal of consolidated and unconsolidated soil, earth, clay, marl, sand, gravel, or rock for commercial purposes, and shall include facilities for the crushing, washing and screening of such materials. An extractive use shall not include an excavation incidental to the erection of a building or structure." Forestry uses, conservation uses, agricultural operations, and aggregate recycling facilities are also permitted in the applicable zone.

Other portions of the subject lands are zoned Greenlands A (GA) and Greenlands B (GB), zones where extraction is not permitted and lands cannot be used as part of the buffers required between the Region's Natural Heritage System and development.

It is staff's opinion that, until these issues are addressed, James Dick has not yet demonstrated neither consistency with the Provincial Policy Statement nor conformity with the Greenbelt Plan and Regional Official Plan. Reports submitted by James Dick's consultants rely upon the zoning already being in place to permit the use. Questions remain as to whether or not the proposed quarry complies with zoning.

Regional Staff Work Completed to Date

Prior to submitting applications for *Planning Act* approvals, applicants are required to pre-consult with the Town, Region, and other agencies such as Conservation Halton. Along with their *Planning Act* applications, applicants are also required to submit relevant planning and technical studies and pay application fees to cover the costs of review of the technical aspects of the application (staff and outside consultants' peer review time). For aggregate applications in Halton Region, this technical review normally takes place with support from a Joint Agency Review Team (JART) that would include an applicant, the Region, the local municipality, the applicable conservation authority, and the Niagara Escarpment Commission, where applicable.

In this case, the applicant has not submitted any *Planning Act* applications. It is the applicant's position that given the current zoning, no *Planning Act* applications are required. Therefore, the applicant has not pre-consulted with the Region, given advance notice of its proposal, or submitted any application fees. The only application submitted to date by the applicant is an application to the MNRF for a licence under the *Aggregate Resources Act*.

Regional staff attended the public meetings held in August 2018, reviewed the technical reports in support of the application under the *Aggregate Resources Act*, retained consulting expertise to review technical studies, and issued a Letter of Objection to James Dick and MNRF dated September 17, 2018. The letter is included as Attachment #2 to this report. The Town of Milton and Conservation Halton also issued Letters of Objection.

The Region's Letter of Objection raised twenty-four distinct issues, which were categorized under six thematic groupings:

- The potential effects of the operation of the proposed pit and quarry on the natural environment have not been adequately addressed, including effects upon key natural features and functions on the subject lands.
- The potential effects of the operation of the proposed pit and quarry on nearby communities have not been adequately addressed, including noise and vibration effects as well as hydrogeological concerns.
- The suitability of the progressive rehabilitation and final rehabilitation plans for the Site have not been adequately addressed.
- The potential effects on ground and surface water resources including on drinking water sources and private wells have not been adequately addressed.
- Detailed consideration should be given to planning and land use matters, including conformity with Regional and Provincial plans and policies.
- Other, miscellaneous concerns related to fees and the *Aggregate Resources Act* review process.

James Dick responded to Halton Region's Letters of Objection in a letter dated December 11, 2018. The letter offered preliminary responses to some (though not all) of the issues raised, and requested a complete list of any further comments, "in the near future if Halton Region wishes to have its comments considered in the ongoing [*Aggregate Resources Act*] process." This letter is included as Attachment #3 to this report.

An applicant has up to two years to attempt to resolve all objections. As of the date of writing this report, James Dick's consultants have reached out to Region, Town, and Conservation Halton staff to begin a dialogue on the issues raised in each agency's Letter of Objection. The Region, the Town, and Conservation Halton are working to elaborate on technical issues raised in each agency's Letter of Objection and evaluate James Dick's responses thereto. The agencies held an initial discussion with a representative of James Dick in January 2019. Staff will convene further meetings as required prior to submitting the detailed comments requested by James Dick.

James Dick has not yet submitted documentation to the MNRF and objectors that will trigger the final 20-day response period in which the agencies will be required to submit recommendations that may resolve outstanding objections.

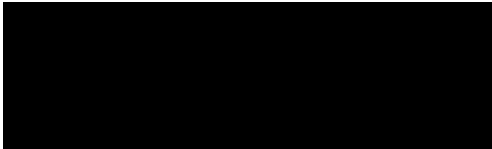
Conclusion

Staff are ensuring the Region is participating fully in the MNRF licence application process, and are working in a JART setup with Town and Conservation Halton staff to resolve technical concerns raised by the agencies. Staff continue to consult with MNRF staff and James Dick's consultant team to ensure that the objections raised in the Region's Letter of Objection are adequately addressed.

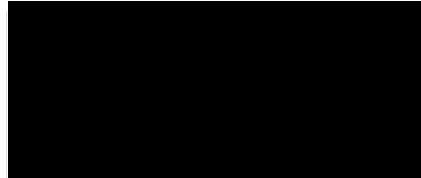
FINANCIAL/PROGRAM IMPLICATIONS

No planning applications have been filed with Halton Region and no corresponding application fees have been received. The application fee normally serves to cover the cost of reviewing these applications. Absent the payment of fees, or reimbursement of review costs by the applicant, those costs will come from existing resources within the approved Planning Services operating budget.

Respectfully submitted,

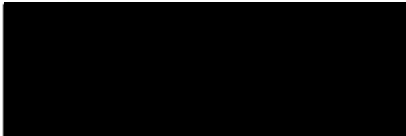


Curt Benson
Director, Planning Services and
Chief Planning Official



Art Zuidema
Commissioner, Legislative and Planning
Services

Approved by



Jane MacCaskill
Chief Administrative Officer

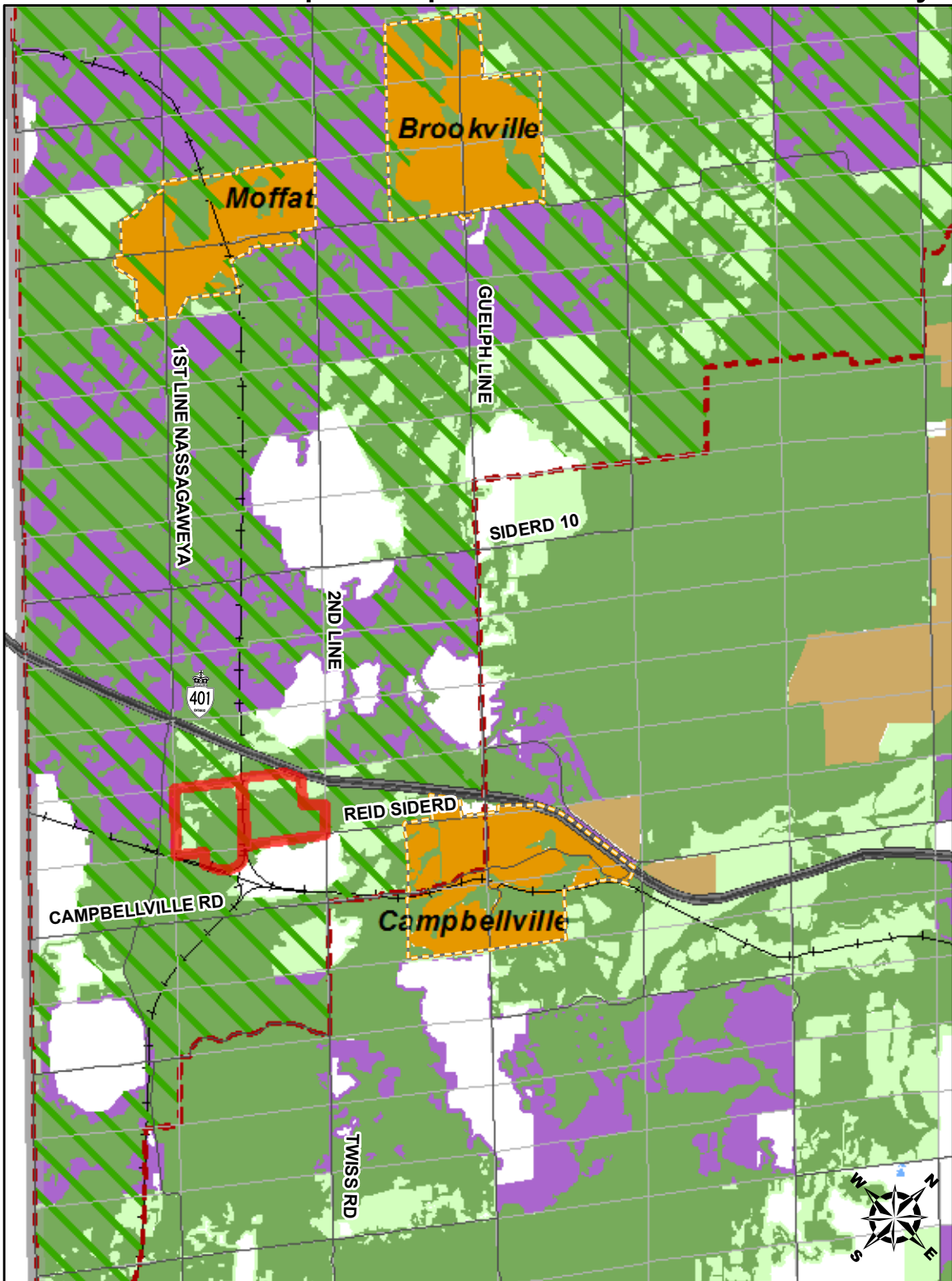
If you have any questions on the content of this report,
please contact:

Curt Benson

Tel. # 7181

Attachments: Attachment #1 – Locational Map, Proposed Reid Road Quarry
Attachment #2 – Halton Region's Letter of Objection
Attachment #3 – James Dick Response to Halton Region

Locational Map, Proposed Reid Road Quarry



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| <ul style="list-style-type: none"> —+— Rail Line — Major Road — Provincial Freeway — Greenbelt Plan Boundary — Hamlet — Key Features | <ul style="list-style-type: none"> — Enhancement Areas, Linkages and Buffers — Prime Agricultural Areas in Natural Heritage System Enhancements/ Linkages/ Buffers | <ul style="list-style-type: none"> — Mineral Resource Extraction Area — Greenbelt Natural Heritage System (Overlay) — Subject Lands |
|--|--|--|



Legislative and Planning Services
Planning Services
Halton Region
1151 Bronte Road
Oakville, ON L6M 3M1

September 17, 2018

Gregory Sweetnam
Executive Vice-president
James Dick Construction Limited
14442 Regional Road 50, PO Box 470
Bolton, ON L7E 5T4

Ben Keen
Aggregate Technical Specialist
Ministry of Natural Resources and Forestry
50 Bloomington Road
Aurora, ON L4G 0L8

(delivered by email, fax, and courier)

RE: Objection Letter to the James Dick Reid Road Quarry Proposal

Dear Messrs. Sweetnam and Keen:

Halton Region is in receipt of your information package (received August 2, 2018). On initial review of the information, staff have identified a number of concerns with the application. We, therefore, object to the application and are of the opinion that the applications do not constitute good planning and not in the public interest—consequently, they should not be approved in their present form.

Halton Region is responsible for implementing matters of Provincial and Regional interest, as expressed by the 2014 Provincial Policy Statement, the range of Provincial plans, and the Halton Region Official Plan. Those matters are also addressed by the Town of Milton in its Official Plan.

Halton Region is also a major landowner within the vicinity of the proposed new quarry. The Laking Tract and Snyder Tract forests are located within one kilometre to the south and southwest of the subject lands.

On initial review of the application, Halton Region has identified the following concerns with the proposed application:

The potential effects of the operation of the proposed pit and quarry on the environment have not been adequately addressed

1. There are a concentration of sensitive terrestrial and aquatic habitats within and surrounding the proposed pit and quarry that are supported by groundwater. The potential negative impacts to these sensitive natural features resulting from the proposal have not been thoroughly assessed and must be thoroughly understood (and addressed to demonstrate conformity with applicable policies, regulations, standards, and guidelines). Further work is required, including:
 - Verification of the extent of natural feature boundaries in the field, including identifying key features, linkages, buffers, and enhancement areas.
 - Complete peer reviews.
 - Identification of appropriate study methodologies.
 - Integrated review of the Natural Environment report, Hydrogeological report, Blast Impact Assessment report, site plans, and related mitigation strategies to establish appropriate feature characterization, understand potential negative impacts, and evaluate proposed mitigation measures.
 - Allow sufficient opportunity for the proponent to consider and address matters accordingly.
2. The proposed extraction will result in the removal of woodland areas that may be significant woodlands in accordance with Provincial and Regional policy. These locations, their assessment, and the impacts associated with their removal are not well documented in the Natural Environment report. Further details regarding the woodland removal are necessary to address this matter and a Significant Woodland assessment should be conducted by the proponent to evaluate the significance of this habitat.
3. The proposed extraction will result in potential negative impacts to significant wildlife habitat. The criteria used to identify these natural heritage areas require further review and the resultant habitat delineations contained in the Natural Environment report require verification. Conclusions in that report regarding potential impacts to Significant Wildlife Habitat and potential habitat for threatened or endangered species, and the efficacy of proposed avoidance and mitigation measures cannot be confirmed until such time that potential concerns relating to significant wildlife habitat delineation and assessment are further addressed.
4. There is little discussion of mitigation strategies related to site preparation, road construction and driveway/site access improvements, and increased traffic along Reid Sideroad. This raises issues with respect to whether or not appropriate studies were conducted and appropriate measures proposed to ensure no negative impacts on the natural environment.
5. The Blast Impact Assessment report has not adequately assessed the potential impact of underwater blasting. As with the point above, this raises issue with respect to no negatives impacts on the natural environment and surrounding community.
6. The Blast Impact Assessment report lacks sufficient detail in recommending necessary mitigation measures should the drilling and blasting operation fail to meet the requirements of the Ministry of the Environment, Conservation and Parks, therefore avoiding negative impacts on the natural environment and surrounding community.

The potential effects of the operation of the proposed pit and quarry on nearby communities have not been adequately addressed

1. Deepening of the quarry by another 20-25m below water table may trigger a need for major commitments in the event that potential impacts cannot be controlled as envisioned. There are no defined commitments to monitoring and reporting to local agencies. There is no reference to an adaptive management plan, monitoring and mitigation plan, or ecological monitoring in the quarry application. There are no financial commitments in case of default. This poses significant concerns in regards to protecting Region's and local interests.
2. Additional detail regarding the timeframe and proposed actions and activities associated with each phase of the proposed project are requested to consider the overall timeframe for development and operation result in no negative impacts on nearby communities.
3. The Blast Impact Assessment report failed to consider the worse case scenario for potential vibration and overpressure impact on sensitive receptors.
4. More work is needed to ensure the Noise Impact Study has identified all sensitive receptors within proximity of the proposed quarry.
5. Transportation matters have been reviewed in detail by the Town of Milton. Halton Region agrees with the concerns raised by the Town on transportation.

The suitability of the progressive rehabilitation and final rehabilitation plans for the site have not been adequately addressed

1. The rationale and details related to some of the proposed Environmental Enhancement Measures and Rehabilitation Plan are not clear. Considering that some have the potential to alter key features and their associated functions they must be further reviewed and consultation with the Region's technical experts may be necessary to address concerns.
2. In consideration of model uncertainties, the conclusion in the Level 1 and 2 Hydrogeological Report that no active post-extraction mitigation is needed, is premature. As the model was used to simulate post-quarry conditions (closure) based on two phases of extraction (Phase 1 involving the creation of a new pond and Phase 2 involving extractions of the Central Pond with pumping to wetlands to maintain their pre-extractive hydrologic condition, information regarding post-rehabilitation water management needs is not well documented on the Site Plans.
3. Additional analysis of monitoring plans and strategies is required to avoid or mitigate effects of quarrying and a plan for site rehabilitation.

The potential effects on ground and surface water resources including on drinking water sources and private wells have not been adequately addressed

1. The suitability of the proposed annual extraction limit may not be supported in the technical materials submitted to date. As the proposed water management strategy was developed based on the 350,000 tonnes/annum base limit, the higher anticipated limits (500,000 tonnes as per Section 6 of the Level 1 and 2 Hydrogeologic Report, or 990,000 tonnes as per annum as per the Site Plan) put the proposed water management and mitigation system in question.
2. A clearer integration between the hydrology, hydrogeology study and the natural environment study to characterize the wetland hydrologic functions is required to connect the effects of the proposed pit and quarry to the natural environment. As a

preliminary step, the applicant should provide a graph showing the average depth to ground water for all wetland features under existing conditions, during aggregate pond drawdown without mitigation, during aggregate pond drawdown with mitigation as well as maps showing anticipated zones of influence to groundwater.

3. The bedrock-overburden contact variation and surface water-groundwater interaction at this site (including existing anthropogenic features) govern the existing water and environmental conditions at the subject property. Any further changes to water regime at this site may permanently alter the existing equilibrium. Due to significant gaps in background evaluation, monitoring, and on-site mitigation-verification demonstration, avoiding significant changes may not be feasible through the proposed strategy.
4. In regards to the private wells in the areas adjacent to the site, enhanced monitoring frequency and modifications to extractive operations are planned as contingencies, in the event that wells are negatively affected. As most of the area wells tap into the same aquifers as the proposed extractive activities (the latter involving subaqueous blasting and introduction of blasting-related ingredients and chemicals into the local waters), this approach does not provide for adequate protection and mitigation of private wells. The influence of subaqueous blasting on the existing dolostone fracturing system and well infrastructure is also unknown and this raises a major concern in terms of the surrounding water supply wells.

Detailed consideration should be given to planning and land use matters

1. Halton Region typically deals with aggregate applications by establishing and coordinating a Joint Agency Review Team (JART) comprised of the Region, affected Local Municipalities and conservation authorities, Provincial ministries (including the Ministry of Natural Resources), other agencies as applicable, and the quarry proponent. The parameters of such a group are typically confirmed at the planning preconsultation meeting. However, no such meeting has taken place regarding this application. Given the scale of the proposed quarry and its potential for impacts, it would be inappropriate and premature to consider approval of this application without a full planning analysis, including a JART.
2. The applicant has sought to avoid consideration of this application under the *Planning Act* on the basis of existing legacy zoning on the property. This zoning is not consistent with the Provincial Policy Statement and does not conform to the Region's Official Plan, Town of Milton Official Plan, and the Greenbelt Plan as identified through the issues above. The proposal, therefore, does not represent current policy or good planning. The zoning, approved in 2003, was additionally intended to apply to sites with an existing licence, which is no longer the case for this site. It therefore does not take into account current standards and policy expectations concerning the establishment of pits and quarries and the protection of the natural environment. Consideration of the zoning and designation of the site in the context of current policy is therefore required prior to approval of the application.
3. This consideration should include pre-consultation, fees and professional analysis and review via a JART in accordance with the *Planning Act* and relevant policy. Alternatively, we request that the Ministry require a JART process pursuant to Section 7(5) of the *Aggregate Resources Act* to provide for a full planning policy review.

Other Concerns

1. There is no publicly available information on extraction through underwater blasting in Ontario. This extraction method appears to have very little precedent in Ontario.
2. The lack of reports being provided in an accessible location and in a user-friendly format has frustrated the ability of members of the public to meaningfully participate in the process.
3. The 45-day review process is insufficient to fully analyze and assess the potential effects of the quarry as proposed. Halton Region reserves the right to raise further issues as its review progresses.

Conclusion

Halton Region requests notification of any future meetings or updates on the review of this file, including any meetings convened under the *Planning Act*.

For further questions and correspondence on this file, Halton Region's project manager is Joe Nethery (joe.nethery@halton.ca, 905-825-6000 ext.3035), using the mailing address on page 1 of our submission.

Sincerely,

Curt Benson, MCIP, RPP
Director of Planning and Chief Planning Officer

cc: Barb Koopmans, Town of Milton (by email)
Kellie McCormack, Conservation Halton (by email)
Lisa De Angelis (by email)



JAMES DICK CONSTRUCTION LIMITED

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HALTON REGION

DEC 14 2018

December 11, 2018

PLANNING SERVICES

Legislative and Planning Services
Planning Services
Halton Region
1151 Bronte Road
Oakville ON
L6M 3M1

RE: James Dick Reid Road Reservoir Quarry Aggregate Resources Act Application

Attention: Mr. Joe Nethery, Manager of Community Planning

We are writing in response to your comments dated September 17, 2018 in regard to our proposed quarry. We are working through the objections that we have received under the Aggregate Resources Act (ARA) process. We would be happy to sit down with you to explain the proposal and review your concerns.

Potential effects on the environment

The site has been intensely studied from both a water resources and natural heritage perspective. *Table 1: Site Investigation Record – Reid Road Reservoir* found in the GWS Ecological and Forestry Services (GWS) Report outlines the over 40 days of field work conducted on this site by qualified biologists. This detailed site work resulted in the definition of natural features and onsite communities as depicted in detail in Figure 11 of the GWS report. Key features on surrounding lands are defined in Figures 5,7 and 8 of the same report. The biological team worked closely with the hydrogeologists to develop a suitable mitigation plan that takes into account the characterization and conditions at the site and surrounding areas.

Study methodologies were developed to address the Aggregate Resources Act Provincial Standards and our project team has experience in meeting those requirements. The application has been deemed complete by the Ministry of Natural Resources and Forestry (MNRF).

Peer reviews are not required under the ARA process but we understand that third parties may conduct their own reviews, if they wish. For clarity, JDCL will not be funding any third-party peer reviews. We are working with qualified staff from various Provincial ministries to ensure that the study methodologies were appropriate and suitable mitigation strategies are in place.

The Summary Report prepared by MacNaughton Hermson Britton Clarkson (MHBC) integrates the conclusions of the various reports and implements them through the notes on the Site Plan. The Site Plan is the governing document in the regulation of the site. Operating in compliance with this Site Plan will ensure that there are no significant negative impacts from the operation.

The site has been designed by drawing on and integrating the expertise of the project team across the various disciplines.

Significant Woodlands are addressed in Sections 8 and 14 of the GWS Report. The GWS report states, "No trees will be removed within Significant Woodlands. Consequently, there will be no direct effects on significant woodlands." and, after considering the significant woodlands in the context of other natural features, "It is concluded that the proposed quarry will have no effect on significant woodlands or their ecological functions."

Significant wildlife habitats are also comprehensively considered in the GWS report. GWS concludes, "There will be no adverse effects on significant wildlife habitat which includes amphibian breeding areas, turtle hibernaculum, nesting habitat for the Wood Thrush, Eastern Wood-Pewee, Nashville Warbler and the suite of area sensitive breeding birds, as well as the habitat of brook trout, eastern ribbonsnake, porcupine and snowshoe hare. Furthermore, the habitat of regionally and/or locally rare plants will also be protected and maintained since the significant woodlands and wetlands will not sustain any adverse effects." All of this work is being reviewed by the MNRF who hold approval authority and a mandate for protection of these habitats.

Haul Route

This application is somewhat unusual in that up until recently the proposed quarry site was an operating gravel pit. As such the access road is already constructed and paved. The haul route, one of the shortest aggregate haul routes to a 400 series highway in Ontario, was built to accommodate the relatively low levels of truck traffic expected from this modestly sized operation.

Reid Side Road, the Haul Route, is an existing truck haul route. The Reid Side Road haul road was constructed jointly by Springbank Sand & Gravel, the Town of Milton and the MTO specifically to address hauling material from this property to the 401 ramps. Springbank paid for the cost of constructing this haul road, then known as the Springbank Haul Road, today known as Reid Side Road. Paradigm Engineering has assessed the existing traffic along with the projected traffic.

Please find attached the Haul Road Agreement dated December 12, 1977 pertaining to this road, executed by the Region, the Township, Springbank and approved by the Ministry of Transportation. You will note that the provisions of this agreement will enure to the benefit of and be binding upon the respective parties including their successors and assigns. We do not object to the provisions of this agreement being a condition of license.

Blast Impact Analysis

The Blast Impact Analysis report has been completed to the standards required by the Aggregates Resources Act (ARA). Explotech Engineering Ltd. (Explotech) has completed similar reports for many other license applications under the ARA and is one of the more experienced firms in Ontario. All blasting activity must meet provincial criteria for noise and vibration at the closest receptors. These criteria are applicable for all blasting methods. If the standards that are in place to protect the environment and the surrounding community cannot be met, then the site cannot operate. Underwater blasting is a normal, well understood method that James Dick

Construction Ltd. (JDCL) has utilized with excellent results. Approximately 30 blasts per year will be undertaken, each of which lasts about one second. Thus, the cumulative annual blasting impact is less than one minute.

There are many operational measures that can be taken to reduce blasting noise and vibration. These include, managing the weight of charge per delay, decking, reducing hole diameters close to the property line, and reduction in quarry depth close to receptors. The key point is that the quarry must operate within provincial standards at all times. Operating the quarry beyond provincial standards would not be allowed by the MNRF or the Ministry of the Environment Conservation and Parks (MECP).

Figure 3 of the Aercoustics Engineering Ltd. (Aercoustics) report outlines the receptor locations including vacant lots in proximity to the property that might have receptors in the future. If there are other receptors that Halton wishes to have assessed please bring those to our attention.

Potential effects on nearby communities

Water supplies are protected. The proposed quarry must operate in accordance with MECP permits under the provisions of the Ontario Water Resources Act. There is a detailed monitoring plan prescribed in Section 9 of the Harden Environmental Services Ltd. (Harden) Report that is part of the proposal.

Given the simplicity of the proposal there is no need for an adaptive management plan. Aggregate extraction will resume in the three existing ponds and an additional small pond will be created in the southwest area of the site. The allowable water level change to on-site wetlands is measured in centimeters and will be regulated by a combination of extraction rates and availability of water from the existing ponds. As such there is limited risk that water levels cannot be controlled as envisaged. As rehabilitation is instantaneous with below water extraction there is no need to manage the site post extraction for long periods of time. There is no long-term pumping, no risk of unanticipated water level changes, and no post rehabilitation management period, therefore we are not proposing any special financial arrangements or agreements beyond our obligations under the ARA.

The Site Plans outline the extraction sequence of the proposed quarry. There is no overall timeline attached to the operation as the timing of extraction is dependent on market conditions.

Rehabilitation Suitability

The pond-based rehabilitation proposed is in many ways very similar to what exists at the site today. The biologists have recommended some environmental enhancement features that should improve the site.

It appears that the modelling of the closure plan is misunderstood. The closure plan models all ponds post extraction and indicates that pond levels quickly stabilize at levels where post rehabilitation management is not required. One of our objectives was to design the site without the need for energy intensive perpetual pumping regimes that the Region has approved elsewhere. This site is designed as a "walkaway". The water table leveling effect of initial pond

construction has already occurred on this site where the gravel pit ponds exist. The pumping into wetlands relates to very small amounts of water meant to overcome any impacts from the physical removal of rock from the ponds during operations. Post extraction there are no operational activities and hence no impacts.

The effects of quarrying have been avoided or mitigated as proposed and outlined in the documents provided. If the Region does have specific recommendations for monitoring or mitigation strategies, we would be pleased to consider them. Monitoring results during operations could also be circulated to the Region upon request.

Ground and Surface Water Resources

The application proposes to tie the extraction rate to the environmental trigger levels established in the monitoring program. Said simply, this is a quarry that will work in harmony with the ability of the environment to sustain it. In a wet year more rock may be extracted from below water, in a dry year less. The overall tonnage figure (990,000 tonnes) relates to the overall shipping level from the site (as opposed to extraction levels). Shipping levels are a composite of annual above and below water extraction, extracted material from previous years, stockpiled material and recycled material.

Appendix F of the Harden Report is the Earth FX Integrated Hydrologic/Hydrogeologic Model of the Reid Road Reservoir Property. Sections 8 and 9 of this report show graphs indicating the baseline conditions in various ponds and wetlands and the predicted levels. Maps are also provided showing anticipated areas of groundwater drawdown. Earthfx used an integrated surface water/groundwater model to help assess potential impacts during extraction and post-closure conditions. The model results, observed conditions and experience elsewhere lead us to conclude that water level changes will be small and pumping water from existing ponds will mitigate water level changes in the wetlands. A detailed groundwater and surface water monitoring program has been recommended and has been adopted onto the site plans.

The detailed reports provide comprehensive factual background and detail as to how this quarry can be implemented with minimal impact to the environment. Kindly provide specifics if you still have concerns after reviewing our reports.

We have monitored the quality of quarry water at other locations using subaqueous and above water blasting techniques. Our Guelph Quarry pond passes Ontario Drinking Water criteria for all chemical parameters. We have not detected elevated concentrations of "blasting related ingredients and chemicals" such that Ontario Drinking Water Quality Objectives are out of compliance. All explosives are waterproof, do not dissolve in water and are converted into gas during the blast where they vent to the atmosphere. Testing before and immediately after blasting events does not detect elevated concentrations of blasting agents in pond water.

The Amabel Dolostone is in immediate contact with the existing pond water with bedrock exposures throughout the existing ponds. Pond water can already move freely into the bedrock aquifer and vis-a versa. Removing the rock will simply increase the storage capacity of the reservoir. Local wells have not had issues to date given the connection that already exists. Our experience at other sites, the independent professional engineers (hydrogeologists) we hired to evaluate potential impacts and the professional geoscientists and engineers at the MECP have

concluded that local water wells will not be impacted. If you have evidence to the contrary, we would be interested in an opportunity to review and comment. We are happy to discuss any enhancements of the water monitoring program that are reasonable.

Planning and land use matters

Under the ARA the planning requirement is that the site is zoned for extraction. The necessary zoning is already in place for this site. JDCL is following the legislated process under the ARA. JDCL is not seeking to avoid a Planning Application – there is no such application to be made. Nor does JDCL intend to avoid scrutiny of the application against current environmental standards and industry best practices.

Other concerns

Blasting underwater is a normal part of blasting operations. It is used in many parts of the world including Ontario. JDCL has used it extensively in Ontario sites and believes it will be used more and more in the province to avoid groundwater impacts and save energy by eliminating the need for dewatering. This technique is a positive step in the evolution of our industry.

Extra hard copies of the reports are available for viewing at the Town, the Region and the MNRF Aurora District Office. Copies are also available for viewing online at <http://www.jamesdick.com/reid-road-reservoir-quarry/>. The public has meaningfully participated in the process.

In regard to the JART process, we understand that this was originally organized to coordinate a Planning Act approval processes alongside other overlapping application processes. In this case only an Aggregate Resources Act application has been made

Summary

As we have mentioned above, the ARA process is continuing. We do think it is worth reiterating that the usual ARA reviews that are taking place and pointing out that there will be many checks and balances in place should the quarry be approved. These considerations are directly relevant to many of the concerns that you have raised in your comment letter. For example:

- o MNRF is completing a comprehensive review of potential impacts on all natural heritage features including endangered species. This includes the interactions between hydrogeology and natural heritage. If a licence is issued there will be site plan conditions that require ongoing monitoring of water levels in surrounding natural heritage features to ensure that the appropriate standards are being met.
- o In addition to the MNRF hydrogeological review, the MOECP will review the hydrogeological report. Additionally, the quarry cannot operate without a Permit to Take Water under the Ontario Water Resources Act. The legislation and permitting will ensure the protection of surrounding water supplies. The site will be well monitored and cannot operate if adjacent water supplies are affected.
- o With respect to blasting, it will be a condition of the ARA licence that the site operate in accordance with MOE guidelines for blasting noise and vibration. These guidelines are

protective of area wells and structures. All blasts will be monitored and the site cannot operate if the protective standards are not met.

o With respect to air quality and noise, the Environmental Protection Act and associated permitting (environmental compliance approvals) are all in place to ensure that there are no adverse affects on other sensitive uses in the area. In order to operate, the site must demonstrate compliance with all applicable noise and air quality standards.

If the Town, Region and Conservation Halton are coordinating preparation of their comments under the ARA we would be pleased to meet or provide additional information where we can assist. We do need to receive any further comments in the near future if Halton Region wishes to have its comments considered in the ongoing ARA process.

Sincerely,

JAMES DICK CONSTRUCTION LIMITED

Greg Sweetnam, Exec V.P.