



Legislative and Planning Services
Planning Services
Halton Region
1151 Bronte Road
Oakville, ON, L6M 3L1

December 14, 2020

Nelson Aggregate Co.
Attn: Tecia White
2433 No. 2 Sideroad, P.O. Box 1070
Burlington, ON L7R 4L8

Calinda Manning
c/o Integrated Aggregate Operations Section
Ministry of Natural Resources and Forestry
4th Floor S, 300 Water Street
Peterborough, ON K9J 3C7

(delivered by email and courier)

**RE: Objection Letter to the Nelson Aggregate – Burlington Quarry Extension
Aggregate Resources Act Licence Application, File #626477**

Dear: Ms. White and Ms. Manning:

Halton Region is in receipt of your submission package. This letter is being provided by email in accordance with the direction provided in Form 1 approved by the Ministry of Natural Resources and Forestry. The Region's mailing address is above. Hard copies will follow by courier or delivery.

In initial review of the information, Halton Region has identified a number of concerns with the application. Halton Region, therefore, objects to the *Aggregate Resources Act* Licence application. Staff are of the opinion that the application in its current form does not have appropriate regard for the matter listed in s.12 of the *Aggregate Resources Act*. Furthermore, it is our opinion that the application does not constitute good planning and is not in the public interest—consequently, it should not be approved in its present form.

Halton Region is responsible for implementing matters of Provincial and Regional interest, as expressed by the 2020 Provincial Policy Statement, the range of Provincial plans, and the Halton Region Official Plan.

Please note that these concerns represent the results of our initial review and that Halton Region reserves the right to identify further concerns, to provide more detail and to provide additional recommendations for the resolution of any concerns identified as the review of this application continues.

Regional Municipality of Halton

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

1. The proposed extension lands include and are surrounded by natural features. The impacts of the proposed extension on the natural heritage system, features and functions have not been fully or adequately evaluated.
2. The reports submitted analyze the impact of the proposed extension against existing conditions and without reference to pre-quarry conditions. Cumulative impacts on the natural environment should be assessed.
3. The potential of the proposed extension to fragment the natural heritage system has not been adequately addressed. The quarry is surrounded by natural features that include woodlands and wetlands. The proposed westerly extension has the potential to fragment an existing woodlot, removing connectivity and linkages with other natural areas.
4. The potential impacts of the proposal on fish habitat have not been adequately assessed. The lack of integration between the supporting reports contributes to this lack of assessment. The applicant's hydrogeology and surface water reports identify potential impacts on water resources beyond 120m from the proposed expansion. However, the Natural Environment Report has restricted its assessment to 120m. Further, the Blast Impact Assessment needs to address potential impacts on fish habitat. Therefore there are potential ecological impacts that have not been assessed.
5. Insufficient detail and justification have been provided regarding the proposed Adaptive Management Plan.

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

1. A safety analysis has not been completed as part of the traffic study and is required to demonstrate that the proposal is not going to be detrimental to safety.
2. The truck routes to and from the quarry have not been detailed in the noise assessment, and acoustical mapping for those routes has not been completed.
3. The air quality study assesses too small an area, and only assesses individual phases. Potential overlap of phases has not been assessed. The study also makes assumptions about emission rates when the actual emissions from the operating quarry would provide a more accurate basis for assessment.
4. The proposed blasting impacts have not been adequately assessed. Data and formulas used in the report require clarification and consistent application throughout the report. Critical conditions for blasting and proximity to infrastructure and sensitive receptors need to be recognized in the study and associated documents.
5. The broader potential effects of the quarry on human health have not been addressed.

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

1. The subject lands contain Key Features and include Prime Agricultural Areas as well as NHS Enhancements/ Linkages/ Buffers. The Progressive and Final Rehabilitation and Monitoring Study focuses heavily on the proposed after use of parklands and fails to adequately consider the potential to rehabilitate the subject lands to accommodate natural features or agricultural uses.
2. Insufficient detail has been provided on long term and post-rehabilitation mitigation and management measures that may be required. More detail is required on how any such measures will be secured and funded over the long term.

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

1. With insufficient integration between the reports submitted by the applicant, the assessment of impacts on water resources is incomplete. The reports should be revised to address the inter-related impacts linking ground water and surface water to natural heritage. It is not possible to determine the potential impacts on the surrounding and nearby natural features without a full assessment of the surface water and groundwater impacts on ponds and other features that are outside of the area of study but likely to be within the area of influence. An integrated and cumulative assessment needs to be submitted in order to determine and analyze the extent of the potential impacts.
2. The Level 1 and Level 2 Hydrogeological and Hydrological Impact Assessment Report does not address groundwater quality. Both groundwater quality and drinking water standards will need to be addressed in order to adequately assess the potential impacts on drinking water sources and private wells.
3. The proposed mitigation measures lack adequate detail and justification. It has not been demonstrated that the proposed mitigation measures would be successful.
4. The analysis contained within the water resources reports is largely model driven. It has not been adequately established that the model used provides an adequate representation of either existing or future conditions. Further, there has been insufficient work done to ensure that the model results correlate with observed data. Confirmation is needed that model results are consistent with data and long term water levels.

The potential effects on agricultural lands have not been adequately addressed

1. A portion of the subject lands are designated Prime Agricultural Area under the Regional Official Plan. The removal of agricultural lands isn't supported by the Regional Official Plan as its objectives include preserving prime agricultural lands and maintaining as much land as possible for existing and future farm use. Based on the wording of the Provincial Policy Statement, the agricultural lands still need to be, "*promoted and protected.*"
2. The ability of the lands to be rehabilitated to accommodate agricultural uses has not been assessed. It is worth noting that agriculture is not just soil based and that the agricultural system includes rural lands for the other aspects of agriculture beyond growing crops and therefore having lands for other agricultural related uses and linkages are integral to the agricultural system.

Planning and land use considerations require further assessment

1. Approval of a Niagara Escarpment Plan Amendment and Development Permit under the *Niagara Escarpment Planning and Development Act* process is first required prior to any approvals being issued. This has not yet occurred, and conformity with that Plan has not yet been demonstrated.
2. Amendments to the Halton Region and City of Burlington Official Plans are required prior to the Licence being issued. In this context, a variety of land use planning considerations must be addressed, including consistency with the Provincial Policy Statement (2020) and conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) as well as the Halton Region Official Plan and City of Burlington Official Plan. Nelson has not provided sufficient assessment of these critical planning tests.

Haulage routes and effects related to truck traffic have not been adequately addressed

1. A safety analysis has not been undertaken to assess whether there will be any effect on traffic safety both entering and leaving the site and on the haul route.
2. The potential effect of increased noise from increased truck traffic on the haul route has not been assessed.
3. Information on traffic volumes is required. There is little discussion of mitigation strategies related to increased traffic along Regional roads likely to serve as haul routes.

Considerations remain with respect to the applicant's existing licence

1. The proposed rehabilitation plan indicates an overall plan to create a park on the entire quarry site (including the current and proposed expansion lands). Questions remain as to how the applicant is proposing to accommodate this plan within the context and confines of the current rehabilitation plan (natural filling of the excavated lands as a groundwater-fed lake). The necessary amendments to the rehabilitation plan for the existing quarry should be provided so that the rehabilitation plan and after use can be evaluated in a comprehensive manner.

Other matters that are appropriate to address

1. The financial impacts of the proposal on the City of Burlington and Halton Region have not been adequately assessed. The net financial impact to each municipality cannot be estimated based on the information provided.
2. The *Aggregate Resources Act* Site Plan and notes require revisions to address the above issues.
3. Halton Region notes letters of objection are anticipated from the City of Burlington, Niagara Escarpment Commission, and Conservation Halton. Halton Region is generally supportive of having those issues addressed through the review of the application.
4. Halton Region wants assurances that all objectors will be engaged by the proponent in a collaborative and constructive manner.
5. All commitments made during the consultation process by the applicant need to be fully detailed and properly secured through site plan conditions or appropriate agreements.

Conclusion

Given the volume and technical detail of the material provided in support of this application, Halton Region has not had sufficient time to fully analyze and assess the potential effects of the quarry

as proposed. Halton Region reserves the right to raise further issues and make further recommendations as its review progresses.

A Joint Agency Review Team (JART) approach will be used to review this proposal under the auspices of Halton Region's Halton Consolidated – Streamlined Mineral Aggregate Review Protocol. This was most recently updated by Halton Region Council in February 2020. The function of a JART is to review, analyze and comment on the completeness of the submissions supporting a proposal for new or expanded mineral aggregate extraction operations, and to comment and analyze the proposal on its technical merits. The JART will provide coordinated technical comments that will inform decision-making of the parties. Halton Region looks forward to engaging with the proponent through this process alongside our agency partners, and to involving Provincial staff at key intervals (confirmed via correspondence from Calinda Manning received August 14, 2020). This includes the production and provision of detailed comments to support discipline-to-discipline conversations on issues with the proposal.

Halton Region requests notification of any future meetings or updates on the review of this file.

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 Services and Chief Planning Official

cc: Jamie Tellier, City of Burlington (by email)
Barb Veale, Conservation Halton (by email)
Debbie Ramsay, Niagara Escarpment Commission (by email)
Kevin Powers, Project Advocacy Inc. (by email)
Quinn Moyer, Nelson Aggregates Co. (by email)
Brian Zeman, MHBC (by email)