



May 17, 2019

Legislative & Planning Services
Department
Planning Services
1151 Bronte Road
Oakville ON L6M 3L1

Gregory Sweetnam
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Bolton, ON L7E 5T4

Ben Keen
Aggregate Technical Specialist
Ministry of Natural Resources and Forestry
50 Bloomington Road
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**RE: Application under the *Aggregate Resources Act* for a Category 1 & 2, Class 'A' Licence (below water table)
James Dick Construction Limited ('JDCL'), Reid Road Reservoir Quarry Proposal - Part of Lot 7, Concession 2 (Nassagaweya), Town of Milton, Regional Municipality of Halton Letter of Objection**

Dear Messrs. Sweetnam and Keen:

Halton Region is writing in response to JDCL's correspondence to Joe Nethery, Manager of Community Planning, dated December 11, 2018, and two letters received April 29, 2019, and dated April 19, 2019, which included the attached Notice of Objector Response. This letter is to confirm Halton Region maintains its objection to the above-noted proposal.

Typically, an application under the *Aggregate Resources Act* ('ARA') is considered at the same time as applications made under the *Planning Act*. As this is not the case with the above-noted proposal, a joint agency review team (JART) approach has been initiated to ensure that the Region, the Town of Milton, and Conservation Halton are assessing the information provided by the applicant in a coordinated manner and contributing effectively to MNRF making a decision on this ARA application. To this end, the JART members (Halton Region, the Town of Milton, and Conservation Halton) are comprehensively reviewing the proposal. The collaborative nature of our review ensures that it is comprehensive and not duplicative, and adds value to the aggregate review process through its efficient consideration of any and all issues related to this application.

Regional Municipality of Halton

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In terms of technical expertise, the collective knowledge base of our staff includes many years of experience in reviewing aggregate applications across a wide variety of disciplines, as well as critical local knowledge that provincial agencies may not enjoy to the same extent. Halton Region has also retained outside professional consultants in the areas of natural heritage, noise and vibration, air quality, blasting, hydrogeology and land use planning to supplement staff analysis and assist with technical review of the application.

This review has significantly advanced and we are working to finalise our comprehensive review and provide JDCL and MNRF with comments by the end of June 2019. To facilitate a review of the JART comments, and per JDCL's offer in the April 2019 letters, Halton Region would be pleased to arrange a series of meetings with the applicant to discuss and work toward resolution of the outstanding issues.

Notwithstanding the above, Halton Region has identified matters identified below which remain unaddressed at this time, as well as recommendations which may assist in resolving those matters.

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

1. Given the concentration of sensitive terrestrial and aquatic habitats within and surrounding the proposed pit and quarry that are supported by groundwater, it is important to ensure the potential negative impacts to these sensitive natural features resulting from the proposal are thoroughly assessed and understood with respect to conformity with applicable policies, regulations, standards, and guidelines. Consistent with our September 2018 Letter of Objection, a recommendation is that further work be undertaken, including:
 - Delineation/staking and documentation of the extent of natural feature boundaries in the field, identifying all key features (including significant woodlands), linkages, buffers, enhancement areas, and significant wildlife habitat.
 - Identification of appropriate study methodologies, and clarification as to if three-season sampling has occurred.
 - Greater detail on proposed mitigation strategies, including monitoring, rehabilitation and remediation plans.
 - Integration of the various submitted reports (in particular, the Natural Environment report, Hydrogeological report, and Blast Impact Assessment report) to establish appropriate feature characterization, understand potential negative impacts, and evaluate proposed mitigation measures.
 - Provide a full description and understanding of the zone of impact.

2. The Region is concerned that, based on the information provided, field investigations were conducted and the report prepared by terrestrial experts although there are potential impacts on aquatic habitats (including on Kilbride Creek, which is a coldwater stream). A recommendation is for the various reports to be reviewed by aquatic experts and updated accordingly.
3. The proposed extraction will result in the removal of woodland areas that appear to meet the criteria for 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. A statement in the Natural Environment report simply stating that no trees will be removed does not constitute a comprehensive assessment for significant woodlands and associated buffer requirements. A recommendation remains that 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 and identify any necessary mitigation measures.
4. The proposed extraction has the potential to result in negative impacts to significant wildlife habitat. The criteria used to identify these natural heritage areas require further review, and the resultant habitat delineation contained in the Natural Environment report continues to 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 as potential concerns relating to significant wildlife habitat delineation and assessment are further addressed. No updated information has been provided, and Halton Region maintains an interest in ensuring any development conforms to its policies and Greenbelt Plan policies with respect to the natural environment. A recommendation remains to provide the updated information integrated across all relevant reports for review in order to determine appropriate solutions to mitigate the impacts of the proposed quarry.
5. There is little discussion of mitigation strategies related to site preparation, road construction, driveway/site access improvements, and increased traffic along Reid Sideroad. This raises questions whether appropriate studies were conducted to determine appropriate measures to ensure no negative impacts on the natural environment. A recommendation is that updated information be provided to demonstrate the integration across all relevant reports for review in order to determine appropriate solutions to mitigate the impacts of the proposed quarry.
6. The Blast Impact Assessment report is generic and has not adequately assessed the potential impact of underwater blasting. It is unclear how water contamination will be addressed and what the contingencies are if a charge does not detonate. The cumulative effect of post-blasting conditions in terms of water quality needs to be considered, as well as the interrelationship between blasting and hydrogeology. A recommendation is to ensure the various reports include analysis addressing these

issues, and to provide satisfactory recommendations and plans or measures to ensure these issues are comprehensively assessed.

7. The Blast Impact Assessment report lacks sufficient detail in recommending necessary mitigation measures, including notes on site plans, and contingency measures should the drilling and blasting operations encounter problems. It is unclear how the requirements of the Ministry of the Environment, Conservation and Parks will be met. A recommendation is to see the details (drilling, explosives loading, blast design) expressly provided within an operating plan tied to the site plans to assess the applicability of proposed mitigation plans to the specific quarrying method proposed.

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

1. The technical reports inadequately consider the potential impacts on the surrounding environment. As examples, deepening of the quarry by another 20-25 metres 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. In September, Halton Region identified the need for integrated incorporation of recommendations from each report into others to build a cumulative response that addresses these impacts on the local community. This remains one of Halton Region's recommendations.
2. The Blast Impact Assessment report failed to consider the worst case scenario for potential vibration and overpressure impact on sensitive receptors. The suggestion that the cumulative length of time of exposure represents a minor intrusion needs to be clarified. A recommendation remains to provide an updated report that assesses this consideration in order to identify any potential mitigation measures for inclusion on the site plan.
3. More work is needed to ensure the Noise Impact Study has identified all sensitive receptors within proximity of the proposed quarry. A recommendation remains to provide an updated report that assesses this consideration in order to identify any potential mitigation measures for inclusion on the site plan.
4. Assumptions made and the methodologies used need to be revisited for the Air Quality Assessment completed for the project. The effect of these incorrect assumptions is to potentially underestimate air quality emissions from the proposed quarry, and the combined effect of those emissions in the local area needs to be confirmed. A recommendation is for the study to be updated, which may require revised modelling and reconsideration of the background ambient conditions to confirm the conclusions. Confirmation of how mitigation activities for the quarry will be included in regulatory instruments is also requested.

5. There are significant issues with the assumptions made and the methodology used in the Noise Impact Study conducted for the project. As a result, the potential noise impact of the quarry is underestimated. The noise mitigation measures which have been identified are unlikely to be sufficient to ensure compliance with the applicable Provincial Publication NPC-300 noise guideline limits. A recommendation is for the study to be updated to include long-term ambient sound level measurements; establish the applicable guideline limits at noise sensitive receptors; include additional points of reception (existing residences) in the modelling; and confirm noise emission levels used in the assessment. A noise monitoring program is recommended to ensure and secure all required noise mitigation measures are in place to meet guideline limits.
6. Transportation matters are being coordinated by the Town of Milton. Halton Region agrees with the concerns raised by the Town on transportation, and will provide detailed technical comments through the JART comments mentioned above as recommendations to resolve these issues.

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. In September, Halton Region indicated that some elements of this plan appeared to have the potential to alter key features and their associated functions. A recommendation remains to provide updated reporting, including mapping, to allow for verification of this assessment or reveal alternative recommendations.
2. The conclusion of the Level 1 and 2 Hydrogeological Report that no active post-extraction mitigation is needed, is premature. 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. No updated information has been provided, and Halton Region maintains an interest in ensuring any development conforms to its policies, the Provincial Policy Statement, 2014 (PPS), and Greenbelt Plan policies with respect to the natural environment. A recommendation remains to provide the updated information to ensure post-extraction rehabilitation measures are appropriate, and for any new information generated through addressing this issue to be integrated across all relevant reports to ensure consistency and appropriateness across all disciplines.

3. Additional analysis of monitoring plans and strategies is required to avoid or mitigate effects of quarrying and fully inform a plan for site rehabilitation. Similar to the above, a recommendation remains to provide the updated information integrated across all relevant reports for review in order to determine appropriate solutions to mitigate the impacts of the proposed quarry.

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. The inconsistencies within the studies with respect to amount of extraction remains, with no updated information provided. A recommendation remains to provide updated and integrated reports to provide a basis for analysis. In addition, we recommend the development of appropriate monitoring and enforcement mechanisms to ensure that any required link between extraction and water management is maintained.
2. A clearer integration between studies to characterize the wetland hydrologic functions is required to determine the effects of the proposed pit and quarry to the natural environment. No updated information has been provided, and Halton Region maintains an interest in ensuring any development conforms to its policies, the PPS, and Greenbelt Plan policies with respect to the natural environment. A recommendation remains to provide the updated information integrated across all relevant reports for review in order to determine appropriate solutions to mitigate the impacts of the proposed quarry.
3. We have a number of concerns regarding the raising of wetland water levels including the impact on adjacent lands. Monitoring of quarry operations during and post-extraction is needed, as well as a monitoring plan which contains contingency measures. An adaptive management plan would be useful in this regard.
4. The bedrock-overburden contact variation and surface water-groundwater interaction at this site (including existing anthropogenic features) regulate the existing water and environmental conditions at the subject property. Groundwater modelling was conducted, but no connection made to groundwater quality. Any further changes to water regime at this site may permanently alter the existing equilibrium. In September, Halton Region noted the significant gaps in background evaluation, monitoring, and on-site mitigation-verification demonstration in the supplied reports. No updated reports have been prepared and options proposed still remain in isolation of other reports. A recommendation remains to provide updated reports (as summarized earlier in this letter) to enable a comprehensive assessment of the issues.

5. The number and location of groundwater and surface water monitoring points may not be adequate for assessing the impact of the proposed aggregate operations on wetlands and surrounding features. The monitoring data is inadequate for establishing historically low water levels and for establishing trigger water levels. It is not clear that a sensitivity analysis has been completed to consider the range of operating conditions. A recommendation is for that expanded analysis to occur to provide a foundation for external analysis, and an expanded monitoring network to be required.
6. In regards to the private wells in areas adjacent to the site, the conclusion is that local water wells will not be impacted. It would be informative to see the detailed work undertaken to support this conclusion as the Harden report has not considered water quality impacts on the groundwater system from the proposed quarry operations. The information supplied appears to be based on assumptions made of the area based on operations elsewhere. We do not have the information supporting MECP conclusions on this issue in the area of the proposed Reid Road Quarry. This renders the proposed contingencies unclear and needing further elaboration. A recommendation is for the requested information to be provided, and upon review for any appropriate mitigation measures to be included on the site plans. Consistent with other quarry operators in Halton Region, this should include a complaint/response protocol that includes contact information and a decision-making flow chart.

Other Concerns

This proposal, including supporting technical studies, should be consistent with current Provincial and Regional standards, plans, policies, and protocols for the natural environment and water resources. Halton Region disagrees with MHBC's opinion that the Greenbelt Plan is not relevant to the review of this application. In this regard, the Natural Heritage Reference Manual and the policies of the Greenbelt Plan need to be considered—and conformity to the Greenbelt Plan demonstrated. Detailed comments on this matter will be forthcoming.

Conclusion

Based on the foregoing, Halton Region continues to object to the application. While we appreciate JDCL's replies received to date, Halton Region continues to object to the application on the basis that it has not had sufficient regard to the matters listed in s. 12(1) of the *Aggregate Resources Act*, does not constitute good planning and is not in the public interest. Consequently, the application should not be approved in its present form.

The December 2018 reply letter from JDCL indicated JDCL, "would be pleased to meet or provide additional information where we can to assist" if coordinated comments were being prepared. Halton Region, the Town of Milton, and Conservation Halton will be providing our comments by the end of June 2019 and will look to arrange a series of meetings with the applicant shortly thereafter.

Halton Region wishes to participate in a meaningful, collaborative dialogue to pursue resolution of the issues raised. Halton Region reserves its right to raise additional issues and recommendations through the comprehensive JART response and as more information becomes available. Halton Region reiterates its request for notification of any future meetings or updates on the review of this file, including any meetings or proceedings convened under the *Planning Act* or *Aggregate Resources Act*.

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

Sincerely,



per Curt Benson, MCIP, RPP
Director, Planning Services and Chief Planning Official

cc: Barb Koopmans, Town of Milton (by email)
Kellie McCormack, Conservation Halton (by email)
Steven Strong, Ministry of Natural Resources and Forestry (by email)
Lisa De Angelis (by email)