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Proposed Reid Road Reservoir Quarry JART COMMENT SUMMARY TABLE RESPONSE #2

Please accept the following as feedback from the Reid Road Reservoir Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART comments and individual agency objections. **Additional comments may be provided once a response has been prepared by JDCL to the comments raised below and additional information provided.**

	Initial JART Comments (July 2019)	Page / Section	Applicant Response (December 2019)	JART Response (May 2020)	Applicant Response (October 2020)
<p>Report: <i>Aggregate Resources Act (ARA) Summary Statement Report</i> Author: MHBC Planning</p>					
	<p>Report will need to be updated to reflect updated technical reports.</p>			<p>Further comments on the Summary Statement Report are anticipated on a go-forward basis as JDCL continues to work through the issues identified by the Province, Municipalities, and Conservation Halton.</p>	
1.	<p>There are 23 residential uses within 500 metres, 55 residential uses within 1000 metres and 131 residential uses within 1500 metres of the quarry licence boundary. Clarity of the potential for impacts to these sensitive land uses needs to be explored and assessed more comprehensively.</p>	<p>Section 1.2 Section 9.3</p>	<p>Yes, the potential for impacts on sensitive land uses is being further explored and assessed through the application review and consultation processes. This will be documented in the ARA reporting to MNRF.</p>	<p>Please share the information provided to the Province and ARA objectors with JART members in a comprehensive manner. Please also notify JART members when new information is posted on the JDCL RRRQ Project Website.</p>	<p>JDCL has provided JART with the information provided to the MNRF including a copy of the form JDCL Response Letter.</p> <p>We understand that the Town and Region have posted updated Reports and JART tables on their websites.</p> <p>An Application Update Summary has been posted on the JDCL website.</p> <p>Considered resolved.</p>
2.	<p>In the 7th paragraph of the Summary Statement, last sentence, it states that “the subject lands will utilize an existing truck route...” Reid Side Road is not a designated truck route by the Town of Milton. This error is repeated on page 7, Section 1.4, 2nd paragraph, page 15, Section 7.0 bullet 3, and on page 26, Section 11.0 in the 2nd paragraph.</p>	<p>Summary Statement 7th paragraph and other references noted in comment</p>	<p>Reid Side Road is being used by trucks from the industrial park hence the use of the terminology in the Summary Statement Report. The Environmental Assessment for Twiss Road improvements describe this as an industrial area with heavy slow moving trucks and the section of Twiss Road (to the south) was improved accordingly. Reid Side Road itself was constructed to serve as a truck route (for the Springbank pit).</p>	<p>The Town appreciates the acknowledgement of the designation, restrictions and the local delivery interpretation and opportunities for JDCL.</p> <p>On the Haul Route Agreement issue, the Town does not necessarily agree with the interpretation of the applicability of the Springbank agreement to JDCL. Whether JDCL is assigned or is a successor it not clear. As the Licence was revoked and separately that JDCL is not a corporate heir of Springbank, the ability to be either assigned or a successor is in question. The agreement also refers to a specific licence, which adds clarity on the applicability and to whom. Lastly, as such it is unclear if the agreement would be</p>	<p>As was discussed at the JART Meetings:</p> <p>JDCL agrees and acknowledges that Reid Sideroad is designated as a “local” road in the Town’s Official Plan and trucks are prohibited from using this road, except for local deliveries (as per Schedule 26, By-Law No. 1984-1). Use of road by aggregate trucks is not disputed by Town if the site is licenced. This is the only reasonable option for a haul route from this site.</p> <p>JDCL notes Haul Route agreement applies to successors (see clause 6.9). Provide to Town and include in Report.</p>

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				binding today given the above and the lack of clarity in the agreement as to how it was to be applied in the future.	The Town's comments on the agreement are noted – no further action required at this time.
3.	Page 2, 2 nd paragraph, it is unclear if there any rehabilitation that was not completed to the satisfaction of the MNR on the subject property when the licence was revoked. If so, these deficiencies need to be addressed in accordance with MNRF best practices prior to the consideration of any new licence being issued on the subject lands.	Section 1.2	We are not aware of any such deficiencies. This is something that can be dealt with between MNRF and JDCL as required if the site is licenced.	MNRF has confirmed that there are no residual rehabilitation issues (refer to email correspondence from MNRF to JDCL/MHBC on November 8, 2019). This matter is resolved.	Resolved
4.	How will trucks waiting to enter the property in the morning be accommodated on the subject land and without negatively impacting the adjacent uses, public right-of-way or the normal and safe operation of Reid Side Road and Twiss Road?	Section 1.4	Trucks arriving at the pit will not be permitted to queue on public roads.	Documenting the agreement with the Town that there will be no staging of trucks waiting to enter the property on public lands and any time through a note on the Site Plan to the satisfaction of the Town is required.	Agree. This note will be added to the updated Site Plan.
5.	Can an update of the review and clearance by the Ministry of Tourism, Culture and Sport be provided and should a clearance be provided to the applicant? If so, it should be provided to the agencies.	Section 4.0	Yes, this can be provided.	MTCS clearance letter provided on October 31, 2019. This matter is resolved.	Resolved
6.	The portion of the haul route located on the subject property should be included within the proposed licence area boundary and provided the same level of comprehensive review as all other parts of the proposed quarry application.	Section 7.0	The driveway is not part of the proposed licenced area. Nonetheless, it has been considered in the impact assessments (e.g. Natural Environment, Noise, Air quality) and JDCL is considering any comments about potential impacts through the application review.	Refer to Item # 74 in the GWS Natural Environment Review table above. Refer to Item # 14 in the Summary Statement table below.	Hence now redundant and addressed elsewhere.
7.	Page 17, bullets 5 and 6, the capacity deficiencies notes in the TOS will however be exacerbated by the new demands generated by the proposed quarry and need to be mitigated. All improvements need to be paid for by JDCL.	Section 8.0	Noted – the need for improvements (if any) and cost sharing remain to be determined. Please refer to the road agreement.	A revised TIS is required to address all comments provided through the transportation review.	A revised TIS has been provided.
8.	The proposed use does not conform to the Regional Official Plan. Based on the technical review outlined above, many additional issues remain to be addressed for JDCL to have appropriately demonstrated conformity to the Regional Official Plan.	Section 8.1	The zoning bylaw regulates land uses and the proposed use is permitted.	These are planning and land use considerations that must be addressed.	The Town has acknowledged that the by-law regulates land uses and the proposed uses permitted. JDCL understands that no Regional Official Plan is required as the zoning permits the proposed use. JART position to be determined.
9.	It is unclear whether all lands proposed for extraction are zoned for the proposed use. It should be demonstrated that all components of the use can be undertaken within the lands currently zoned Extractive Industrial (MX).	Section 8.2	MHBC has been discussing the zoned area with Town staff so this will be clarified through the review.	Further conversation on the known minor zoning discrepancies will be undertaken as JART finalizes their comprehensive review of all other subject matter areas noted in this consolidated response document.	<p>The Town and JDCL discussions determined that the zoning bylaw permits the establishment of a quarry on the area proposed to be licenced. It is agreed that slight deficiencies in the zoning boundaries can be resolved without additional field work.</p> <p>The JDCL property is zoned a combination of MX Extractive Industrial, GA Greenlands 'A' and GB Greenlands</p>

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					<p>'B'. The proposed area to be licenced is zoned MX Extractive Industrial which permits a quarry (an extractive use which includes excavation for removal of consolidated rock). The Town has identified slight discrepancies between the boundary of the area to be licenced shown on the ARA site plan as compared to the zone boundaries shown in the Towns bylaw. Some of these discrepancies are a result of base mapping or parcel fabric inconsistency. The other discrepancies occur where the zone boundaries are intended to follow the edges of natural features and are approximate on the zoning schedules based on generalized maps and air photos. If an ARA licence is issued for the site the Town has the option of adjusting the zone schedule boundaries to align with the licenced boundary. This would not require an amendment to the zoning bylaw.</p> <p>Considered resolved.</p>
10.	<p>The agencies disagree with MHBC's opinion that the Provincial Policy Statement and Greenbelt Plan are not relevant to the review of this application. The ARA Licence Application requirements, Natural Environment Report Standards and current provincial guidance material (e.g., MNRFP policies and procedures, Natural Heritage Reference Manual) indicate that the Provincial Policy Statement and the policies of the Greenbelt Plan need to be considered. This consideration needs to be demonstrated and documented.</p>	Section 8.3 and 8.4	<p>The applicability of the PPS and Greenbelt Plan will be determined by the enabling legislation (more so than by MNRFP policy documents). For the time being there does appear to be a disagreement on applicability. Regardless the application materials do discuss the GBP and PPS policies and JDCL is fine having the consistency/conformity discussion with the JART agencies if they want to apply the policies to their reviews.</p>	<p>These are planning and land use considerations that must be addressed.</p>	<p>JDCL's understanding is that JART is applying the policies that JART feels are applicable. As such, the disagreement about what policies apply is a moot point for the time being.</p>
11.	<p>No recourse has been identified should a blasting issue be identified after the licence has been issued.</p>	Section 9.1	<p>All blasts will be monitored. The licence will operate to ensure compliance with provincial guideline limits. This is achieved through adjustments to the blast design as outlined in the Blast Impact Analysis and site plan requirements.</p>	<p>Monitoring measures should be noted in the IG.</p>	<p>Any updated blasting monitoring requirements are more appropriately included on the Site Plan rather than the IG. Any updated blasting requirements will be included on the Site Plan.</p>
12.	<p>On page 25, the report should be updated and JDCL shall commit in writing that any impact from an air quality perspective shall not be permitted to extend beyond the licence boundary area.</p>	Section 9.2 and 9.3	<p>The JDCL commitment is to meet all applicable air quality standards, permit conditions, prescribed conditions and operate in accordance with the recommended Best Management Practices Plan.</p>	<p>Monitoring measures should be noted in an appropriate location.</p>	<p>All updated monitoring requirements will be included on the Site Plan.</p>

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13.	It appears from the text in the 2 nd paragraph at the top of page 26 that there is also a pond in Phase 5. So would there be 5 ponds in total? Please clarify what is being proposed in the Phase 5 area.	Section 10.0	Phase 3 and 5 are in the same pond (East Pond) so that may be causing the confusion. There are 4 ponds in total. Please refer to the site plan drawings.	This matter is resolved.	Resolved
14.	The summary statement should address the applicability of the <i>Conservation Authorities Act</i> pre-, during and post-operation. Although areas licensed for aggregate extraction under the <i>ARA</i> are exempt from conservation authority permitting activities, Conservation Halton's regulation and policies are applicable prior to a license being granted and once a license is surrendered or revoked. Pursuant to Ontario Regulation 162/06, Conservation Halton regulates, all development in or adjacent to river or stream valleys, wetlands, shorelines or hazardous lands; alterations to a river, creek, stream or watercourse; and interference with wetlands. Conservation Halton's <i>Policies, Procedures and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document</i> can be found at: www.conservationhalton.ca .		CH staff have visited the site and JDCL is not aware of any issues or concerns with current conditions or activities. We assume any CH comments on the proposed licence are included in these consolidated JART comments. JDCL acknowledges and agrees that if driveway is not licenced it will be subject to CAA regulations and a permit would be required for any substantial improvements beyond regular maintenance such as culverts, widening, filling etc. See additional information on Driveway provided Dec. 3, 2019.	The information provided should be documented in an addendum and/or update to the Summary Statement. The Site Plan should also note that any development proposed in Conservation Halton's regulated area that is outside of the <i>ARA</i> licensed area will require permission from Conservation Halton. In addition, Conservation Halton should be contacted prior to submitting a permit application to confirm permit submission requirements.	A note will be added to the Site Plan that acknowledges that anywork outside of the Licence may be subject to a CH permit.
15.	The summary statement should also address the applicability of the <i>Clean Water Act</i> .		Please refer to the Hydrological Report for information on source water protection.	Comments to be addressed within the Hydrological Report table.	Hence now redundant and addressed elsewhere.