

**Notice of Objector Response- Aggregate Resources Act
James Dick Construction Limited- Reid Road Reservoir Quarry**

Objector Name: Joe NetheryHalton Region
Address: 1151 Bronte Rd. Oakville ON L6M 3L1

Subject: Application for a Category 1 Pit and Category 2 Quarry Licence under the Aggregate Resources Act Part Lot 7, Concession 2 Town of Milton, Region of Halton (9210 Twiss Road)

Further to your letter received in August or September of 2018 regarding this licence application under the Aggregate Resources Act, we offer the following further information to address your objections/concerns.

Introduction

James Dick Construction Limited (JDCL) is a Canadian, family-owned and operated producer of construction materials based in Bolton, Ontario. JDCL has applied to the Ministry of Natural Resources and Forestry (MNRF) under the Aggregate Resources Act (ARA) for a Licence to operate a pit and quarry on a property west of Campbellville in the Town of Milton.

The proposed Reid Road Reservoir Quarry (RRRQ) will re-instate an Aggregate Resources Act Licence on portions of the property that were previously extracted and are currently zoned to permit aggregate extraction. The site was formerly a sand and gravel pit and is located at 9210 Twiss Road.

The bedrock resource that is found at this location is used to produce some of the highest quality aggregate resource that can build the strongest and longest lasting infrastructure in Ontario. The planned and ongoing growth of the Greater Toronto Area and surrounding area requires millions of tonnes of close-to-market, high quality stone for use in infrastructure construction and maintenance.

Notification and Consultation Process

The public consultation process that was initiated in August 2018 requires residents or organizations that are concerned about the proposal to file objections which the applicant attempts to resolve by providing information and/or making revisions to what was originally proposed. This information is provided to the objectors who have the option of maintaining or withdrawing their objections. At the end of the process, all the information is provided to MNRF who make a decision whether to issue, refuse, or refer the application to the Local Planning Appeals Tribunal (LPAT) for a hearing.

The following summarizes the progress of the JDCL application to date:

- **Notification Requirements:** Notice of the application was provided through newspaper notice, signage at the site and mailings to landowners located within 120m of the licence boundary. The application was circulated to the required government review agencies. This was completed in August 2018.
- A Public Information Session was held on the RRRQ site on August 29th 2018.
- **Objections Received 2018:** Approximately 1000 letters of objection (“ARA Objectors”) were received in response to the notice of the application. The majority were form letters that outlined 3 main general areas of concern (water supply, natural environment and haul routes).
- **Spring 2019 Notices to Objectors:** In April 2019, JDCL wrote to all the ARA objectors and provided the required notice to determine if objections had been resolved. The letter summarized JDCL’s attempts to resolve the objections. This included information related to protection of water supplies, outlined some of the environmental work that had been completed at the site and described how the site would be rehabilitated to enhance wildlife habitats. Several changes to the application were made and listed in the response letter.
- **Spring 2019 Objector Responses:** In response to the JDCL letter and Notices to Objectors, about 300 individuals (from 170 households) confirmed their objections. Over 700 of the original objectors chose not to respond.
- **2019-20 Agency Review Process:** The government agency review of the application has continued over the past several months. This has included meetings and exchanges of information between JDCL and MNRF, Ministry of Environment Conservation and Parks (“MECP”), Region of Halton, Town of Milton and Conservation Halton. The Town, Region and Conservation Authority are conducting a Joint Agency Review Team (JART) review. JDCL has responded to all the comments, provided additional information and made further revisions to the proposal as a result of these reviews.
- The detailed list of JART comments are available on the Town and Region website. JART is also posting submitted materials and updated reports that are under review. The public has been invited to review the posted materials and provide input.
- JDCL has also posted updated reports and information on its project website in response to the public comments that have been received. The 2020 Interim Application Update has been posted on the JDCL project website.
- In the last week of September and first week of October 2020, JDCL sent a custom letter response and Interim Application Update to those who had written a personal objection letter in Spring 2019. These JDCL letters provided further detailed and specific responses and information where specific questions and individual comments had been provided. Also, the remaining original group of +/-1000 list were sent a general letter that responded to the received form letter concerns along with a copy of the Interim Application Update. (This general mailing had a typo on the letter portion as it was dated Sept 30, 2019 instead of 2020 – this was corrected and posted on the website.)

Attempts to Resolve Objections

The applicant (JDCL) has attempted to resolve objections by providing responses to the objections, being available to discuss any objector concerns, conducting additional review and investigations in response to reviewing agency and public concerns and by making revisions to the proposal.

Objectors may refer to previously provided response letters (April 2019 and September/October 2020) for specific responses to their objections. Complete information on the additional work completed and revisions to the proposal can be found on the Town of Milton and JDCL project websites.

The following sections provide a summary of responses to the main areas of public concern that have been raised through the ARA consultation process. The provided information is supported by detailed technical studies that have been reviewed by peer experts and government agencies.

Water Resources

The Licence application submitted by JDCL proposes to remove the limestone bedrock resource remaining on the property using a technique where blast holes are not dewatered. JDCL has successfully used the technique at a quarry in Guelph and a quarry in Puslinch. The Local Planning Appeal Tribunal recently approved this technique for a new JDCL quarry in Wellington County.

This blasting technique allows for aggregate material to be removed from the ground without the need to “dewater” the area being quarried (i.e. no water is pumped out of the excavation area to allow for extraction). This is a well understood, safe, low impact technique that ensures that surrounding wetlands, groundwater, adjacent creeks, and wells are protected and does not result in any negative water quantity or quality issues.

Water protection is of the utmost importance and aggregate producers must comply with many legal requirements governing the use and protection of on and off-site water resources. All water management in a quarry is regulated through a series of approvals granted by the Ministry of Environment Conservation and Parks (“MECP”).

Water resources and supplies are protected by Ontario law. The quarry cannot be approved or operated unless the proponent demonstrates to the satisfaction of the approval authorities that there will be no adverse effects on water supplies or water-dependent environmental features.

Quarrying is a clean activity and water in quarry ponds generally meets drinking water objectives for all chemical parameters. Quarrying is not a recognized drinking water threat under the *Clean Water Act*.

Low rates of pumping will occur between ponds on the site to manage water levels during extraction and ensure that the groundwater connections between the extraction area ponds and the adjacent wetlands and Kilbride Creek are maintained. Small amounts of water will be used for aggregate processing and on-site dust control. After extraction is completed, no long-term water management is required and the pond levels will return to their current water levels.

The proposed site is not within the Well Head Protection Area for Milton or Campbellville and cannot have any effect on the municipal water supplies for these areas.

Local water supplies are fully protected. Nearby residents who have private wells will not experience any changes in their water quality or quantity. A Water Well Interference Complaint Response Procedure will be in place to address any water well complaints that may be received. JDCL would be responsible in the unlikely event of any damage or well impacts. The onus is on JDCL to investigate and prove alleged water well impacts are not caused by the quarry.

A Hydrogeological Report has been undertaken to assess if the aggregate operation will adversely affect the water table or ground water regime (e.g. wetlands, creeks, and nearby residential wells). All of JDCL's impact assessment work has been reviewed by JART members and their professional peer review experts. JDCL has responded to all the JART comments and prepared an Environmental and Water Management Implementation Guide ("Implementation Guide") that outlines how the quarry will be operated to ensure that water supplies and water dependant environmental resources are protected.

JDCL received comments from MECP that generally concurred with the conclusions of the hydrogeological investigations completed by JDCL. JDCL agreed to conduct baseline door to door well surveys and increase the water monitoring based on the MECP comments.

A comprehensive monitoring and mitigation program will be implemented to ensure that operations will not cause any negative hydrogeological impacts and that water supplies and wetlands are protected. The proposed monitoring program has been upgraded and includes an extensive system of surface and groundwater monitoring stations that are used to track water levels, water temperature, and water quality.

Once the quarry is operating, the collected monitoring data is compared with the pre-extraction baseline data in order to monitor and track compliance with the plan, this will prevent any unexpected changes. If during the lifetime of the quarry the monitoring program identifies any unexpected changes to water levels within the surrounding area, or a water well complaint is received, then immediate action will be implemented to rectify the problem. This system, as outlined in the Implementation Guide, ensures that the quarry is operating as intended and without unacceptable impacts. If the monitoring suggests otherwise, the operations must be revised or stopped.

Natural Environment

The area proposed to be licensed was previously disturbed by aggregate extraction and does not contain any significant woodlands or wetlands. Adjacent to the Licenced area on the JDCL property, there are woodlands and wetlands areas that are part of the Guelph Junction Provincially Significant Wetland Complex. There are also a number of amphibian breeding ponds located outside of the proposed Licence area. No quarrying or disturbance is proposed in these areas and appropriate buffers and separation distance have been applied to protect these features.

A Natural Environment Report has been provided that identifies and determines the presence of significant natural heritage features on and around the area proposed to be Licenced. The Report includes recommendations to protect and enhance the adjacent natural heritage features.

The work related to understanding and assessment of the natural environment has been closely integrated with the hydrogeology impact assessment and mitigation plans. Through the JART and agency review process there have been several adjustments made including reduced extraction areas and increased setbacks between proposed extraction and the protected features. The monitoring and mitigation plans have all been reviewed and updated as presented in the Implementation Guide. All the JART comments have been responded to.

Environment and Climate Change Canada have advised that they do not anticipate adverse effects on endangered or threatened species at risk in areas of federal jurisdiction. Provincially, the Ministry of the Environment, Conservation and Parks has advised that adverse effects on endangered or threatened species or their habitats are not anticipated and that no authorization under the Endangered Species Act would be required.

As part of the new Licence application JDCL proposes to enhance the current ecological condition of the area, during extraction and through rehabilitation that would include a variety of measures such as: controlling invasive species in the adjacent wetland and forested areas; improving protection for the existing amphibian breeding ponds and constructing new amphibian breeding ponds; creating artificial turtle nesting areas; installing Osprey nesting platforms; and, reforestation and infill tree planting. Once aggregate extraction is completed, the area will be rehabilitated to a naturalized condition that will include ponds, wetlands, wildlife habitat, and reforested areas.

Blasting Noise and Vibration

The Blast Impact Study filed with the application is based on Ministry of Environment, Conservation and Parks guidelines for blasting relating to noise and ground vibration. All blasts are monitored and meeting the provincial guidelines will ensure no damage to surrounding buildings, structures or wells.

Small and controlled blasts will be used at the quarry to remove bedrock materials from below the existing man-made ponds. An estimated 30 blasting events will occur in the quarry annually, each event lasting about one second.

The JDCL Blast Impact Report has been reviewed by peer review experts retained by JART. JDCL has responded to all the comments and a revised updated Blast Impact Assessment has been provided in response to the comments received.

Vibration and noise from blasting may be noticeable but should not be a significant concern to residents living in Campbellville given the Ministry limits that have to be satisfied.

Fly rock is not allowed to leave the quarry property. The best practices for preventing this from happening have been incorporated into the blast design for this site. Many quarries operate safely in Ontario right beside busy highways and other neighbouring facilities. Furthermore, most of the rock to be blasted will be either under water or underneath an additional layer of shot rock which will further eliminate the possibility of fly rock.

Once explosives are detonated there is no residue that can contaminate water. Use of common best practices such as appropriate explosive products, “sleeving” of blast hole and good housekeeping in the blast area will ensure that water quality is protected.

Any complaints resulting from blasting noise or vibration can be effectively dealt with through the regulatory mechanisms in place. JDCL has provided a complaint response protocol that will be followed in response to any complaints that are received.

Noise Impacts

The operational plans for the site are based on a Noise Impact Study that outlines how mitigation measures such as berms and acoustic barriers will be used to ensure that Provincial noise level guidelines can be met.

The proposed quarry will include the use of heavy equipment for the extraction, processing and shipping of aggregate materials. The presence and location of nearby residents has been taken into account during the operational design of the quarry. Berms and acoustic barriers will be strategically located within the Licence to shield these residents from the noise created by extraction and processing activities.

Noise limits for the quarry have been set based on the current noise levels in the area, which includes heavy traffic on Highway 401, the Campbellville Industrial Park, the Guelph Junction Railway, and CP Guelph Junction railyard. Additional background noise monitoring has been completed and the mitigation requirements including positioning and height of the noise mitigation berms have been adjusted to better reflect the background noise environment.

JDCL has responded to the JART comments that were provided based on an expert peer review. For additional information reference can be made to the Addendum Noise Report. The revisions to the noise controls include, increase in perimeter berm height, extensions to the processing plant barriers and a new acoustic barrier on the southeast side of Phase 3.

JDCL has agreed to further develop an effective complaint response protocol which will be followed to help address community concerns about noise levels from the proposed quarry operations.

Air Quality

An Air Quality Assessment and Best Management Practices Plan for Dust Control has been developed to assess the potential for impacts from dust and other emissions and provide mitigation measures to control any potential off-site impacts.

There is much less dust generated as compared to a dewatered dry rock quarry. Any dust that is produced from truck traffic, wind erosion, and aggregate processing is required to be controlled on-site. The Best Management Practices Plan has been prepared to control dust in a manner that meets or exceeds industry standards.

The Air Quality Assessment has undergone expert peer review as part of the JART process and JDCL has responded to all the comments that were provided. A revised Best Management Practices Plan has been produced and includes revisions related to: measures to control dust from drilling and blasting; measures to control dust from the internal haul road; improved clarity on mitigation measures; and, revised site plan references.

Haul Road & Truck Traffic

The existing access road on the property will be used to haul aggregate materials from the Licenced area to Reid Sideroad. The truck haul route will be Reid Sideroad to Highway 401 via the Guelph Line interchange, a distance of about 1.5km. Trucks will not be allowed to line up and wait on Reid Sideroad. No truck traffic from the quarry would travel through Campbellville (except for local deliveries).

Reid Sideroad is currently used by truck traffic travelling to and from the Campbellville Industrial Park. Reid Sideroad serves as an industrial by-pass of Campbellville and allows truck access directly onto the 401 on-ramp. It can safely accommodate the trucks that would service the proposed quarry.

Reid Sideroad was built by the original pit operator at this site as a direct link from the quarry gate to the 401 ramps. This was done in agreement with the municipalities and Province to accommodate trucks from this site and minimize impacts to the Village of Campbellville. This interchange has been upgraded and improved in recent years. Any additional requirements for mitigation to improve existing traffic conditions on the 410 ramps would be determined by the Ministry of Transportation (MTO).

JDCL prepared a video that simulates the truck volumes and pass by frequency. This was posted on the JDCL website and directly responds to the concerns about blocking the EMS entrance and public safety. Emergency response vehicles will continue to have priority and be able to exit the Reid Sideroad EMS/Milton Fire Station 2 without delay. JDCL has agreed to work with Halton Region and the Town of Milton to install advance warning signage and pavement markings for the EMS entrance.

JDCL has updated its Traffic Impact Study in consultation with MTO and the JART review team. A Traffic Safety Report has also been provided and confirms that the proposed haul road can continue to safely accommodate trucks from an aggregate operation at this location. Geotechnical investigations have confirmed the pavement structure can support the proposed truck traffic.

Property Value

Property value is not usually a factor used to judge the acceptability or appropriateness of a land use. This property has been zoned for aggregate extraction since the 1970's. Property value is addressed by designing and operating the pit in accordance with current standards and by providing notice through the zoning bylaw that the use may occur at this location.

A recent University of Guelph thesis studies the effect of aggregate operations on property values in nearby Wellington County. The empirical evidence does not support the claim that aggregate sites are negatively affecting neighbouring property values.

Aggregate Recycling

Recycling is a responsible approach to conserving non-renewable resources and is a normal component of many mineral aggregate operations. Recycling aggregate reduces the need to use virgin material and is an aggregate conservation strategy. Recycling is encouraged in pits and quarries and the current zoning at the site includes recycling as a permitted use.

Suppliers of materials for road construction projects are allowed and sometimes required to incorporate recycled materials into their product mixes. A quarry is a good place to recycle because the equipment and materials that are used to make products blended with recycled aggregate are already there.

Recycling is proposed as a use that is accessory to the quarry operation. While the licence is in place it cannot operate as a standalone facility and it has to be secondary or incidental to the main pit operations. The location, storage and processing of recycled materials is enforced under the Aggregate Resources Act as outlined on the Site Plans. This includes limits on the amounts of recycled materials to be stored on-site.

Summary of Revisions made to the Application in Response to Public Concerns

The following are examples of some of the changes that have been made to the RRRQ proposal in response to the public and agency comments that have been received and the additional work that has been completed. Additional information and complete details are available for review in the objector response letters and documents and plans that have been made available for review.

- The extraction area has been reduced to protect adjacent pond and wetland areas.
- Setbacks from adjacent wetlands and woodlands have been increased.
- Detailed complaint response protocols have been provided.
- A Water Well Interference Complaint Response Procedure will be in place to protect water supplies and address any complaints that may be received.
- Agreement to complete a door-to-door well survey prior to any extractive operations
- The "Reid Road Reservoir Quarry Water and Environmental Management Implementation Guide" has been developed which includes:
 - An expanded comprehensive and robust monitoring and mitigation plan

- Additional ecological and climate monitoring protocols
- New post-extraction monitoring requirements
- Detailed water management system with a Response Action Framework
- Updated Water Level Targets and Thresholds based on additional monitoring data
- Updated and additional ecological enhancement plan
- Additional specifics for the annual reporting and modifications
- Improved rehabilitation plans including additional native tree planting, turtle nesting habitat and management of invasive species
- Enhanced noise control measures such as increased berms/acoustic barriers and processing plant shielding.
- The Best Practices Plan for Dust has been updated including clarification that only water will be used as a dust-suppressant
- Limitations on fill importation for berm construction and rehabilitation.
- A commitment has been included stating no truck queuing will be permitted on public roads.
- Signage and pavement markings requested by the Region will be in place to identify the EMS entrances.
- Limits on the amount of recycling permitted have been agreed to.
- Best practices for control of blasting impacts including fly rock and water quality have been updated and adopted.

Closure – Next Steps

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 until Tuesday December 15, 2020 to respond to the Ministry of Natural Resources **and the** applicant at the addresses shown below, with recommendations that may resolve the objections.

MNRF (Integrated Aggregate Operations Section)

300 Water St, 4th Floor S,
Peterborough, ON
K9J 3C7
ATTN: Krystle Dinunzio

James Dick Construction Limited

14442 Regional Road 50
Bolton, ON
L7E 3E2
ATTN: Greg Sweetnam, Exec. V.P

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 (see below).

For those who have already responded to the April 2019 Notices to Objectors: If you responded to the April 2019 notice by Registered Mail or by personal delivery to MNRF and the applicant then your response and recommendations have been registered and your name will be included in the list of objectors that will be provided to MNRF and LPAT so that you can receive notice of any future LPAT Hearing. If you are in this group, you do not have to submit a further response to this notice in order to remain on the list of objectors. You do have the option of submitting further comments with recommendations on how your objections may be resolved. You may also respond to advise that your

objections have been resolved or that you are no longer interested in receiving additional information or notices about the project.

For those who filed an objection in 2018 but did not respond to the April 2019 Notices to Objectors as outlined above: if you would like to maintain your objection you must respond in writing to this 2020 Application Update by registered mail or personal delivery to JDCL and MNRF by Tuesday December 15, 2020 and provide recommendations that may resolve your objection. Your name will be included on the list of objectors that will be provided to MNRF and LPAT so that you can receive notice of any future LPAT Hearing. You may also respond to advise that your objections have been resolved or that you are no longer interested in receiving additional information or notices about the project.



Greg Sweetnam, Exec V.P
James Dick Construction Limited
<http://www.jamesdick.com/reid-road-reservoir-quarry/>
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