



July 31, 2019

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

**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)
Detailed JART Comments from the Town of Milton, Regional Municipality of Halton, and Conservation Halton**

Dear Messrs. Sweetnam and Keen:

Further to the letters of objection submitted by the Town of Milton, the Regional Municipality of Halton, and Conservation Halton, please find attached the detailed technical comments promised by the joint agency review team (JART). As noted in our May 2019 Letters of Objection (Reply Letters), a JART approach has been initiated to ensure that materials submitted in support of the Reid Road Reservoir Quarry (RRRQ) application are reviewed in a co-ordinated manner. This is the first comprehensive review of the technical reports by the JART and is intended to elaborate on the letters of objection filed by each of our respective agencies.

In preparing the technical comments, a number of key themes emerge upon review of the various reports:

1. The studies and plans for the RRRQ are not fully aligned. There are numerous instances where a statement or action is proposed in one report, but the impact of that statement or action has not been assessed or acknowledged in another report. The application and associated studies need to be supported by an integrative and comprehensive set of technical reports and plans, including any associated recommendations, as well as monitoring and contingency measures.
2. There are several examples in the application and submitted studies where current provincial standards, protocols and policies have not been met. As a result, the potential impacts may not have been properly identified or evaluated, and the mitigation measures as currently proposed by the applicant may not be appropriate or sufficient. The supportive background studies need to be updated to reflect the current Provincial materials or protocols to ensure all issues are appropriately addressed and that the proposed quarry application meets Provincial, Regional, and local policy and all applicable standards.
3. There is insufficient baseline data, incomplete analyses or a lack of justification to support a number of the proposed targets, measures and conclusions as submitted in a number of reports. The implications of this baseline issue have significant ramifications on the accuracy, completeness and recommendations provided in the reports.

Beyond these quality of submission issues, the detailed comments provided by the agencies are generally categorized below to align with s. 12(1) tests of the *Aggregate Resources Act* for Ministerial consideration:

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

1. It is difficult to ascertain the potential effects given the insufficiency of baseline data and the incomplete analyses leading to improper justification of conclusions, proposed targets and measures contained in a number of reports. For example, the ecological and hydrological needs of each wetland and watercourse have not been adequately assessed. Consequently, the potential impact to wetland features, plant species, aquatic and wildlife species, and adjacent lands cannot be determined, and require further and integrative assessment.
2. The environmental objectives presented in the environmental report should reflect all disciplines and be considered as part of each study. Further, the objectives should reflect current provincial direction, policies, and protocols for natural

heritage as this is key for identifying potential impact and appropriateness of proposed mitigation measures and should be developed in consultation with relevant agencies before advancing. Of particular note, water quality is missing from environmental objectives.

3. It is unclear how the proposed mitigation and/or contingency measures would mitigate impacts on the natural environment. There should be an ecological justification for any of the proposed mitigation.
4. The proposed process for demonstrating efficacy of mitigation measures pre-extraction is insufficient.
5. The monitoring program for during and post extraction is inadequate. No adjustment mechanism is provided in the monitoring and mitigation program, should the natural features not respond to the proposed mitigation measures.
6. An adaptive management plan, or a comprehensive monitoring program, which includes a mitigation and contingency plan, is needed and should be developed in consultation with the agencies. The plan should document triggers/targets, response protocol, operational procedures and proposed measures to address issues, including the protection of the natural environment.
7. A site visit should be arranged with Regional, Town, Conservation Halton, MNRF and MECP staff to stake the limits of a number of natural features on the site (e.g., wetlands, top of bank, woodlands). This will help to establish the limit of the features but also help to identify where buffers/setback should be applied.

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

1. The submitted reports inadequately consider the potential impacts of the proposed quarry operations on surrounding lands uses and neighbouring communities. As an example, more work is required by the applicant to ensure the Noise Impact Study has identified all sensitive receptors within proximity of the proposed quarry.
2. The Blast Impact Assessment should be updated to assess “worst case” overpressure scenarios, particularly in the context of the “cumulative length of time” argument proposed, in order to identify any potential mitigation measures for inclusion on the site plan.
3. 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 has the potential to underestimate air quality emissions from the

proposed quarry, and the combined effect of those emissions in the local area needs to be confirmed.

4. 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.
5. Water levels in Wetland P5 are proposed to be raised by 0.5 metres, which cannot be supported as most of P5 is located on lands not owned by the proponent.
6. The impacts from the increase number of trucks on Reid Side Road and the 401/ Guelph Line interchange will be significant and these facilities are not currently designed to accommodate the traffic generated by the proposed quarry.

c) Comments provided by a municipality in which the site is located have not been adequately addressed.

1. Halton Region and the Town of Milton have each submitted Letters of Objection and Reply letters on the quarry application. The applicant has not adequately addressed the issues raised to date. The attached table provides further clarity and detail on the significance of these deficiencies.

d) The suitability of progressive and final rehabilitation plans have not been adequately addressed.

1. There are inconsistencies in the submitted Site Plan and the Site Plan may be subject to significant changes based on input received through the ARA review process
2. Actions for long-term closure are not adequately addressed. There is no reference to, or discussion on, need or structure of the post closure monitoring and/or contingency plan.
3. As indicated in a), the proposed monitoring program for during and post extraction is inadequate. No adjustment mechanism is provided in the monitoring and mitigation program, should features not respond to the proposed mitigation measures.
4. There is no indication of how rehabilitation proposed occurs in accordance with MNRF best practices, including the 2006 Aggregate Resources Program Policies and Procedures.

e) The potential effects on ground and surface water resources, including drinking water sources, have not been adequately addressed.

1. Potential impacts on water resources and water supplies have not been properly evaluated. Private wells were not included in the proposed water quality or quantity monitoring program and should be part of a baseline and long-term monitoring plan. Groundwater quality impacts due to proposed operations were not fully considered or addressed. Proposed mitigation measures may not be sufficient to protect water resources and water supplies.
2. The proposed annual extraction limit is unclear, as the limit proposed in each report/plan differs. As such, these inconsistencies put the proposed water management and mitigation system in question.
3. Proper identification of the potential effects depends on and requires accurate and complete baseline data and related analyses, feature-by-feature groundwater modelling, and more fulsome study of groundwater-surface water interaction.
4. As indicated in a) and d), the monitoring program for during and post extraction is inadequate. No adjustment mechanism is provided in the monitoring and mitigation program, should the natural features not respond to the proposed mitigation measures.
5. As indicated in a), an adaptive management plan or a comprehensive monitoring program, which includes a mitigation and contingency plan, is needed and should be developed in consultation with the agencies.

f) Planning and land use considerations have not been adequately addressed.

1. 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., MNRF 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.
2. The proposed use does not conform to the Region's Official Plan.
3. 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).

g) The potential effects on main haulage routes and proposed truck traffic to and from the site have not been adequately addressed.

1. No information was provided by the applicant to confirm the accuracy of load estimates of 33 tonnes per truck, and to verify assumptions around site activity based on a proxy site (Erin Pit).
2. The existing transportation infrastructure is not currently designed to accommodate the proposed quarry generate truck traffic.
3. A geotechnical investigation is required to examine and address the suitability of Reid Side Road to accommodate the anticipated traffic volumes, vehicle weights, and loading associated with the proposed quarry.

h) Questions related to the quantity of aggregate on the site have not been adequately addressed.

1. There are discrepancies within the reports on the amount of aggregate to be extracted annually. The reports and recommendations should be based upon the same figure—the maximum proposed amount of extraction, being 990,000 tonnes per annum.

i) Other matters as appropriate have not been adequately addressed.

1. It is the agencies' understanding that the previous licence was revoked by the Ministry over a decade ago. Matters relating to any outstanding remedial or rehabilitation works need to be addressed.

Conclusion

As indicated in the individual letters submitted by Halton Region, the Town of Milton, and Conservation Halton, the agencies continue to object to the proposed RRRQ application in its present form as the applicant has not had sufficient regard to the matters listed in s. 12(1) of the *Aggregate Resources Act*. The application does not constitute good planning and is not in the public interest. Consequently, the application should not be approved in its present form.

Finalization of comments and notes on the site plan should not occur before the comments provided in the attached table have been addressed to the JART agencies' satisfaction.

Once you have had time to review this letter and the attached comment table, we would like to meet to discuss our comments and any questions you may have. Joe Nethery from Halton Region should be the first point of contact for JDCL for coordinating the scheduling of these meetings.

If there are further questions, please contact Halton Region's project lead, Joe Nethery (joe.nethery@halton.ca, 905-825-6000, ext.3035).

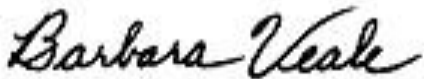
Sincerely,



Curt Benson, MCIP, RPP
Director, Planning Services and Chief Planning Official
Halton Region



Barb Koopmans, MCIP, RPP
Commissioner, Planning & Development
Town of Milton



Barb Veale, MCIP, RPP
Director, Planning and Watershed Management
Conservation Halton

cc: James Parkin, MHBC (by email)
Parm Gill, MPP for Milton (by email and mail)

Encl.