

March 4, 2022

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Ministry of Environment Conservation and Parks
Species at Risk
SAROntario@ontario.ca

Ministry of Northern Development, Mines, Natural Resources and Forestry
ARAApprovals@ontario.ca

**RE: Proposed Milton Quarry East Extension (MQEE) – Class A, Below Water Quarry
Part of Lots 11 & 12, Concession 1 (Geographic Township of Esquesing), Township of Halton
Hills, Regional Municipality of Halton
OUR FILE 9061DJ**

On behalf of our Client, Dufferin Aggregates, a Division of CRH Canada Group Inc. (Dufferin), we are pleased to submit the required documentation for a Class A Licence under the Aggregate Resources Act (ARA) to extend the Milton Quarry. The proposed Milton Quarry East Extension (MQEE) is located at Part of Lots 11 & 12, Concession 1 (Geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton. The area proposed to be licenced under the ARA is 30.2 hectares and the proposed extraction area is 15.9 hectares.

Extraction for the MQEE is proposed below the water table and extraction will be phased. The proposed MQEE will have an unlimited annual tonnage. There will be no processing in the proposed MQEE and the existing Milton Quarry and Milton Quarry Extension will be used to process aggregate from the proposed MQEE. Existing internal haul routes, and the existing entrance/exit and haul route onto Dublin Line from the Milton Quarry are proposed to be utilized as part of the proposed MQEE.

The proposed MQEE will be integrated into the existing state of the art water management system and Adaptive Management Plan that has been in operation at the existing quarry since 2007.

Rehabilitation of the site will be progressive, and the rehabilitation plan for the site is proposed to include deep lake, forested areas, shoreline wetlands, islands, shoreline shoals and cliff faces. An Ecological Enhancement Plan is also proposed to be implemented immediately on approximately 10.6 hectares of open field area that is located outside of the proposed extraction area. The Ecological Enhancement Plan includes tree planting, woodland restoration, habitat enhancement, and enhancement of wetland hydrology for two (2) wetlands.

The enclosed digital application package includes the following:

1. Milton Quarry East Extension Noise Impact Study, Aercoustics Engineering Ltd., December 7, 2021;
2. Milton Quarry East Extension Agricultural Impact Assessment, DBH Soil Services Inc., November 4, 2021;
3. Dufferin Milton Quarry East Extension Air Quality Assessment, RWDI, November 16, 2021;
4. Stage 1 and 2 Archaeological Assessment Milton Quarry East Extension, Golder Associates Ltd., April 30, 2021;
5. Stage 3 Archaeological Stage 3 Archaeological Assessment Location 2 (AjGx-306), Milton Quarry East Extension, Golder Associates Ltd., April 30, 2021;
6. Blast Impact Analysis Milton Quarry East Extension, Explotech, November 25, 2021;
7. Cultural Heritage Impact Assessment Report Milton Quarry East Extension, MHBC, December 2021;
8. Milton Quarry East Extension Fiscal Impact Study, Altus Group Economic Consulting, November 15, 2021;
9. Geology and Water Resources Assessment Report Dufferin Aggregates Milton Quarry East Extension, GHD, December 2021;
10. Addendum to Updated Adaptive Environmental Management and Protection Plan (AMP) Milton Quarry East Extension, GHD and Goodban Ecological Consulting Inc. (GEC), December 2021;
11. Level 1 And 2 Natural Environment Technical Report (NETR) and Environmental Impact Assessment (EIA) Dufferin Aggregates Milton Quarry East Extension, Goodban Ecological Consulting Inc. (GEC), December 2021;

12. Ecological Enhancement Plan (EEP) & Rehabilitation Plan Report, Dufferin Aggregates Milton Quarry East Extension, Goodban Ecological Consulting Inc. (GEC), December 2021;
13. Traffic Impact Study/ Haul Route Assessment Dufferin Aggregates Milton Quarry East Extension, The Municipal Infrastructure Group Ltd. (TMIG), October 2021;
14. Visual Impact Assessment, Proposed Milton Quarry East Extension, MHBC, November 2021;
15. Progressive and Final Rehabilitation and Monitoring Study, Dufferin Aggregates Milton Quarry East Extension, MHBC, December 2021;
16. Aggregate Resources Act Site Plan, Milton Quarry East Extension, MHBC, January 2022; and
17. Planning Justification Report and Aggregate Resources Act Summary Statement, prepared by MHBC, dated December 2021.

A copy of the reports can be accessed at the following link and they will be available for download until May 9th:

<https://www.dropbox.com/sh/gjz4b27xwo7nn10/AADpxAMq-Ty6gcaAnibxkWHPa?dl=0>

Paper copies of any of the above noted materials can be provided upon request and confirmation of the location to courier.

Additionally, please find enclosed a copy of the Public Notice of Application Form which contains information with respect to the proposed ARA application. Public Notice of Application Form, combined with the above noted technical reports and ARA Site Plans constitute the complete application package.

As noted in the enclosed Form, the last day written objections / comments on the licence application can be filed is May 9, 2022 (day 60). Written notices of objection are to be served upon the Applicant and the Integrated Operations Section of the Ministry of Northern Development, Mines, Natural Resources.

As part of the review period, CRH will be hosting an electronic public information session on Thursday, April 7th from 6:00 – 8:00 pm. The meeting can be accessed at the following link: <https://us02web.zoom.us/j/85935540988?pwd=NWp2N0N5cVhYQk80OVJrcnB1WXPpRzZ09>.

If any of the agencies have questions related to the proposed application or would like a meeting, please do not hesitate to contact the undersigned.

Respectfully submitted,

MHBC



Brian Zeman, BES, MCIP, RPP
President

cc. Kevin Mitchell | CRH Canada Group Inc.
Jason McLay | IAOS Aggregate Specialist
Ellen Ferris | MHBC

Fields marked with an asterisk (*) are mandatory.

Instructions

All information in this form must be included in the notice served to landowners and agencies, in the notice published in a newspaper, and on the sign posted at the boundary of the site. Where noted, information may be inserted by the applicant to complete the required statements.

Section 1

Complete all required information noted below.

This is a notice that an application has been made under the *Aggregate Resources Act* by:

Name of Applicant *

Dufferin Aggregates, a division of CRH Canada Group Inc.

Section 2

Applicants must complete one of the following sections based on their selected type of application (all other sections must be removed from the notice prior to serving or posting).

If the application is for *

- a licence or aggregate permit for a new pit or quarry – complete section 2A and section 3
- a wayside permit for a new pit or quarry – complete section 2B
- a new pit or quarry adjacent to an established pit or quarry – complete section 2C and section 3
- an amendment to allow an established pit or quarry to extract below the water table – complete section 2D and section 3
- an amendment to expand into a road allowance adjacent to an established pit or quarry – complete section 2E and section 3

Section 2C

To be used if the applicant is proposing a new pit or quarry adjacent to an established pit or quarry. Complete all required information noted below.

This application proposes a * **Class A licence**

(Class A licence, Class B licence, or aggregate permit, or wayside permit)

to excavate * **unlimited** tonnes of aggregate from * **a below** the ground water
(insert proposed tonnage limit) (an above or a below)

table * **quarry** that is located adjacent to * **608621 and 5481**
(pit or quarry or pit and quarry) (licence or permit number of existing site)

The new proposed site is * **30.20** hectares in size and is proposed to be located
(size of site)

(describe proposed location of site – e.g., lot, concession, local and upper tier municipality, geographic township, territorial district) *
at Part of Lots 11 & 12, Concession 1, Geographic Township of Esquesing, Town of Halton Hills, Halton Region

Section 3

Complete this section unless the proposal involves a wayside permit or a remote aggregate permit.

Information about the application will be provided at a session (details about the session to be held as per s.0.5(3) of O.Reg.244/97 – e.g., timing, date(s), location, venue, method of communication, etc).*

The Public Information Session will be held electronically on Thursday, April 7th from 6:00-8:00pm. The meeting can

be accessed at: <https://us02web.zoom.us/j/85935540988?pwd=NWp2N0NScVhYQk80OVJrcnB1WXpRZz09>.

Section 4

Provide details about where/how detailed application documents can be viewed/accessed.

Detailed technical reports, information and the site plan related to the application can be viewed at *
Digital copies of the detailed site plan and reports for the proposal are available at <https://www.dufferinaggregates.com/community-information>.

Section 5 – Applicant Contact Information

Last Name *		First Name *		Middle Initial
Mitchell		Kevin		
Telephone Number *		Email *		
416-788-0015 Extension		kevin.mitchell@ca.crh.com		
Address				
Unit Number	Street Number *	Street Name *		PO Box
	2300	Steeles Street West, 4th Floor		
City/Town *		Country *	Province/State *	Postal Code/Zip Code *
Concord		CA-Canada	ON-Ontario	L4K 5X6

Section 6

The following information must be included in the notice served to landowners and agencies and in the notice published in a newspaper, however it is not required to be included on the sign posted at the boundary of the site. Insert the deadline for comments in the space provided below.

Any person(s) wishing to comment on this application must send, in writing, their comments to the Applicant (at the address above) and send a copy to: ARAapprovals@ontario.ca or if email is not available, Integrated Aggregate Operations Section, Ministry of Natural Resources and Forestry, 300 Water Street, Peterborough ON K9J 3C7.

The last day on which comment(s) may be filed with the **Applicant** and **Ministry** is:

this * 9 day of * May, 2022
(day) (month) (year) *

Note: If you choose to participate in the *Aggregates Resources Act* (ARA) notification and consultation process, all personal information (PI) you provide may be subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA), whether provided to the Applicant or MNRF at any point during the consultation process. The MNRF collects your PI under the authority of s. 11, s.13.1, s.23, s. 35 and other provisions of the ARA and maintains it for the purposes of ensuring consultation and other requirements in the ARA are met. Under the authority of s. 11(2), s.13.1(3), s.23(7), s.35(2) of the ARA, your name and address will form part of the public record (that is available to the general public as described in s 37 of FIPPA) and will appear with your comments, unless you request in your submission that your name and address be kept confidential. If you have any questions about the collection and use of your personal information, please contact Ministry of Natural Resources and Forestry, Natural Resources Information and Support Centre (NRISC) 300 Water Street Peterborough ON K9J 3C7 Toll free: 1-800-667-1940.



April 26, 2022

Dufferin Aggregates – a Division of CRH Canada Group Inc.
Attn: Kevin Mitchell
2300 Steeles Avenue, 4th Floor
Concord, ON L4K 5X6

AND

Ministry of Northern Development Mines, Natural Resources & Forestry (MNDMNRF)
Attn: Jason McLay, Aggregate Specialist
Integrated Aggregate Operations Section
4th Floor S, 300 Water Street
Peterborough, ON K9J 3C7
ARAApprovals@ontario.ca

Dear Mr. Mitchell and Mr. McLay:

RE: Application under the *Aggregate Resources Act* for a Class A, Category 2 (Quarry Below Water) License

ERO REF #: 019-5305

Part Lots 11 & 12, Concession 1 (Geographic Township of Esquesing)

Town of Halton Hills, Region of Halton

Please accept this correspondence in response to the above-noted application being considered under the *Aggregate Resources Act (ARA)*, as notice that the Niagara Escarpment Commission (NEC) objects to the approval of the application for a Category 2 licence (Quarry Below Water). The rationale for the stated objection *at this stage* is outlined as follows.

1. The subject lands are confirmed to be within the NEC Area of Development Control established by *Ontario Regulation 826/90, as amended*. Section 24 (3) of the *Niagara Escarpment Planning and Development Act (NEPDA)* provides that:

.../2

No building permit, work order, certificate or licence that relates to development shall be issued, and no approval, consent, permission or other decision that is authorized or required by an Act and that relates to development shall be made, in respect of any land, building or structure within an area of development control, unless the development is exempt under the regulations or,

- a) a development permit relating to the land, building or structure has been issued under this Act;*
- b) and the building permit, work order, certificate, licence, approval, consent, permission, or decision is consistent with the development permit. 1999, c. 12, Sched. N, s. 4 (9).*

Pursuant to S. 24 (3) of the *NEPDA*, the NEC maintains that until such time that a decision on the Niagara Escarpment Plan (NEP) amendment application is made, and under an approval scenario, a subsequent Development Permit is issued, any approval for licence under the *ARA* would be premature.

2. At their meeting of April 21, 2022, the Commission supported the NEC Staff recommendation to circulate and provide notification of proposed NEP amendment application PH 224 21 (Dufferin Milton Quarry East Expansion). NEC Development Permit Application H/E/2021-2022/859 will be processed in conjunction with the NEP amendment application. The NEC commenting period on the amendment proposal will be 60 days. An Environmental Registry posting for the proposed amendment will also be made, also with a 60-day commenting period.

The NEC's final position on the proposed amendment cannot be provided until all comments have been reviewed and the applicant has attempted to address the issues outlined in submissions, including from the NEC. Once the Commission takes a position on the amendment, it is sent to the Minister of Northern Development, Mines, Natural Resources and Forestry (NDMNR) for a decision. If there is opposition to the NEP amendment on record, or if the Commission recommends refusal, the NEP amendment requires that a Hearing be held before the matter is referred to the Minister for a decision.

3. NEC Staff participates on the Region of Halton Joint Agency Review Team (JART), that has convened to review the application. The JART has been meeting regularly since prior to the Dufferin submissions and is still in the early, but active

review stages of the applications. The NEC provides that it would be appropriate to delay a recommendation on the proposal until the JART process has been completed, including completion of the final JART Report and recommendations from the Peer Reviewers who have been retained to support the JART in their review. Conformity of the policies of the NEP (2017) and Provincial Policy Statement (PPS, 2020) are better assessed once the full scope of review of the technical submissions have been made.

NEC Staff requires to consult with partner agencies through the NEC circulation and request for comments on the proposed NEP amendment (and Development Permit Application), as well as present the proposal and receive recommendation from the NEC Public Interest Advisory Committee (PIAC). Consultation with the Ministry of Environment, Conservation and Parks (MECP) is necessary regarding the requirements under the *Endangered Species Act (ESA)* and NEP, given it is confirmed that the subject lands and/or adjacent lands include the habitat of Threatened and Endangered species.

4. NEC Staff have undertaken a preliminary review of the extensive technical documents and studies submitted in support of the *ARA*, NEP and *Planning Act* applications and identified potential NEP and PPS conformity issues and/or areas which require further clarification from the proponent and discussions with subject matter experts, including, but not limited to the following:

Cumulative impacts of the proposal, including those associated with the current extractive operation and in consideration of the broader Niagara Escarpment, have not been sufficiently assessed or discussed within the context of a continued and expanded extraction operation, and including for the period between extraction and rehabilitation. The NEP requires a proposal for development to have regard for multiple or successive development that may have occurred or are likely to occur.

Further discussions on the basis for establishing baseline conditions for the expansion lands is required. The impact the existing quarry operations have had on the MQEE lands, and the effects of the existing water management system has had on reducing impacts from the existing quarry on the expansion lands should be expanded upon in the context of the proposed expansion.

5. The scope of the assessment of key natural heritage features (KHNF) and key hydrologic features (KHF), including maintenance and enhancement of connectivity and linkages between these features, and mapping and interpretation of the features requires greater discussion. The following matters related to natural heritage have been identified:
- a) Consideration should be given to whether unevaluated wetlands within the subject lands (i.e., U1 & W56) should be evaluated further for significance and possible inclusion in the Provincially Significant Wetland (PSW) Complex, according to the relevant criteria and in consultation with applicable agencies (including the MNDMNR).
 - b) The appropriate buffer widths to sensitive and significant natural heritage and hydrologic features, need to be discussed further, and in accordance with applicable policies. Additional justification will be required where a reduction to the standard generally accepted buffer width is being proposed (e.g., reduction to the standard 30m buffer to Significant Woodlands on the southwest side of the extraction area and for the woodland adjacent to wetland V2). Further discussion on any potential impacts of the placement of supporting infrastructure, such as watermains within the identified buffers should be provided.
 - c) Discussions with the MECP and other applicable agencies are required to confirm whether the adequacy of investigations for Species at Risk (SAR) and their habitat is sufficient, or whether additional investigations should be required (e.g., potential for additional amphibian breeding pools on adjacent lands, turtle surveys).

Additional SAR and Significant Wildlife Habitat (SWH) concerns include: the need to evaluate potential occurrence of bat hibernacula within 200 m of the study area as SWH, evaluation of Black Ash identified within wetland W41 as SWH (as a Species of Special Conservation Concern). Notwithstanding that the species is in decline due to the Emerald Ash Borer, mitigation measures for the protection of the wetland species should be identified.

6. The karst assessment (Geology and Water Resources Assessment Report) has generally concluded that the presence of karst within the proposed licence area is not of concern and concludes that karst issues are unlikely to be encountered in the development of the proposed east extension and further, that if karst issues were encountered, the mitigation and monitoring plan described would ensure the protection of water resources. The degree of karstic influence on the subject lands of the proposed expansion remains unclear to staff, and the adequacy of the assessment undertaken for the proposed expansion lands needs further consideration by the JART. To this point, the Addendum Adaptive Management Plan (AMP) does not appear to include karst contingencies. NEC staff would like the benefit of the JART technical Peer Review team on this matter.
7. The Visual Impact Assessment (VIA) review has identified several areas where clarifications (some minor in nature), and additional information will be requested (e.g., additional viewpoints, revised viewpoints). Potential impacts to open landscape character, as defined in the NEP has not been specifically addressed in the VIA report, and gaps in NEP policy analysis related to visual impact assessment and scenic resources policies have been identified.
8. The submission requires further assessment of the Archeology and Cultural Heritage matters, including by NEC staff and JART expert Peer Reviewers, in addition to seeking input from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The subject lands have been identified as being within the traditional territory of multiple Indigenous communities, including the Haudenosaunee (Six Nations of the Grand River) and the Anishinaabe (Mississaugas of the Credit First Nation) peoples. Adequate and meaningful consultation with Indigenous communities needs to be undertaken. The NEC will be undertaking circulation of the NEP amendment application to the appropriate Indigenous communities.

NEC staff have undertaken an initial review of the Stage 1,2 & 3 Archeological Assessments and Cultural Heritage Impact Assessment (CHIA), and have identified that overall, there is inadequate assessment and analysis of the relevant NEP policies (including NEP Part 2.9.3). Specific responses to policies are required; notably, to address cultural heritage landscape inventory gaps. The response provided to date warrants further documentation, evaluation, and analysis

In the review of impacts of the proposed development, the CHIA cites that the area of the site proposed for aggregate extraction does not contain any built heritage resources or cultural heritage landscapes, therefore no direct or indirect impacts are anticipated. NEC Staff provides that this conclusion is premature given that a description and assessment of the cultural heritage landscape does not consider multiple components contained with the NEP and PPS definitions.

Overall, staff finds that the CHIA does not incorporate the findings of the other technical reports (i.e., VIA, Archaeological, Planning or Natural Heritage), that directly contribute to the understanding of the cultural heritage landscape values of the area.

9. It is understood that the long-term rehabilitation of the lands assumes a perpetual active water management scenario. NEP Part 2.9.11 j) identifies that in areas with below-water table extraction, mineral aggregate operations requiring perpetual water management after rehabilitation is complete should be avoided but may be considered where it can be demonstrated that such actions would support other public water management needs. The issue of perpetual pumping (for the maintenance of natural heritage features) has not been fully addressed in terms of a comprehensive justification and the full extent to which it will be required.
10. The rehabilitation plan for the expansion will require the importation of soil to create the proposed landform, as it is identified that there will be a shortage of available soils on the subject lands. The soil importation is expected to be substantive to result in the MQEE lake feature being shallower relative to the adjacent east cell lake. Further discussion on the rehab of the MQEE lake relative to the adjacent east cell is required. Additionally, NEP rehabilitation policies emphasize that the need for the rehabilitated state should be representative of the existing ecodistrict. Further information and justification for the fill importation and compatibility of the features proposed (i.e., lake, islands, cliff) should be required.

In summary, the NEC is of the opinion that the ARA license application should not be approved until such time as further public consultation and technical review has been undertaken, and a decision on the NEP amendment application Development Permit Application has been made.

We trust these comments are of assistance. Pending final review of the application, NEC staff reserves the right to raise new concerns as the application process proceeds. Additional issues may be identified, including through the JART process, and following the NEC circulation.

Should you have any questions or concerns please do not hesitate to contact Lisa Grbinicek, Senior Strategic Advisor, at lisa.grbinicek@ontario.ca.

Yours truly,



Rob Nicholson
Chair
Niagara Escarpment Commission

- c. John Dungavell, Niagara Escarpment Commission (by email)
- John Linhardt, Town of Halton Hills (by email)
- Jill Hogan, Town of Milton (by email)
- Barb Veale, Conservation Halton (by email)
- Brian Zeman, MHBC (by email)
- Joe Nethery, Region of Halton (by email)
- Greg MacDonald, Town of Halton Hills (by email)
- Mollie Kuchma, Town of Milton (by email)
- Jessica Bester, Conservation Halton (by email)



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

May 6, 2022

Dufferin Aggregates, a division of CRH Canada Group Inc.
Attn: Kevin Mitchell
2300 Steeles Avenue West, 4th Floor
Concord, ON L4K 5X6

Jason McLay
c/o Integrated Aggregate Operations Section
Ministry of Northern Development, Mines, Natural Resources
and Forestry
4th Floor S, 300 Water Street
Peterborough, ON K9J 3C7

(delivered by email and courier)

RE: Objection Letter to the Dufferin Aggregates, a division of CRH Canada Group Inc. – Milton Quarry East Extension *Aggregate Resources Act* Licence Application, File #9061DJ

Dear Mr. Mitchell and Mr. McLay:

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 Northern Development, Mines, Natural Resources and Forestry. The Region's mailing address is above. Hard copies will follow by courier.

In its initial review of the submission, 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 matters listed in section 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

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1
905-825-6000 | Toll free: 1-866-442-5866

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

1. Cumulative impacts have been dealt with only in a cursory way. Additional detail of cumulative impact analysis should be provided that examines the potential interaction between the change in groundwater regime, increase in drying winds and ambient light as a result of removal of vegetation and extraction, and invasion of non-native species. These cumulative impacts particularly should be examined for the period between extraction and rehabilitation.
2. It is not clear to what extent mitigative measures for maintaining natural heritage features such as wetlands will be required following quarry operations and lake filling. Perpetual pumping requirements have not been fully addressed in terms of the full extent to which they are required, and the long-term financial implications to the agency responsible for management of this system.
3. The Adaptive Management Plan does not include water quality/chemistry sampling and monitoring other than that currently underway for recharge water taken from the existing reservoir. The Water Resources Assessment Report specifically notes potential contamination during excavation in the form of elevated turbidity, suspended solids ammonia and bacteria which would warrant ongoing monitoring.
4. Additional study is required to determine the potential presence of amphibians and the potential occurrence of bat hibernacula.

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

1. The broader potential effects of the quarry on human health have not been addressed.
2. The noise report only accounts for the equipment operating within the east extension and not all of the operations on the entire site. The site as a whole is considered the stationary noise source and the sound emissions from the entire site must comply with the guideline limits. Where the report deals with cumulative impacts (presumably from the integrated operation as a whole), it states that it is possible there could be excesses above the noise guideline limits when operations over the entire site are considered. This issue must be addressed.
3. The air quality study may not accurately reflect the air quality impacts to the surrounding community, especially when the data and assumptions (especially the emissions data) are further reviewed. The report's conclusion that the proposed extension would not cause any adverse air quality impacts appears to be questionable.

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

1. Compatibility of the rehabilitation plan with surrounding uses has not been addressed.
2. The rehabilitation plan should be more largely composed of communities consistent with the characteristic vegetation communities of the Niagara Escarpment. Without long-term monitoring of non-native species in place, the forests, islands and wetlands in the proposed rehabilitation plan will become dominated by non-native invasive species, most likely Common Reed, Common and Glossy Buckthorn, and Reed Canary-grass. A long-term monitoring plan should be outlined for all areas that will be restored as well as those that will be rehabilitated.

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

1. The period of groundwater and surface water monitoring data for the majority of the quarry area from the recently installed monitoring stations is limited and may not reflect representative or average conditions. It is not clear to what extent water levels at the trigger wells have been impacted by the existing quarry operations and whether these are appropriate for use as baseline conditions.
2. There is no discussion regarding the possible reduction or termination of the recharge system or portions of the recharge system under post rehabilitation conditions and the impact this may have on groundwater recharge. Details are lacking to support the conclusion made that the overall groundwater recharge will be maintained or enhanced in the Significant Groundwater Recharge Area as a result of the proposed expansion.
3. There is no discussion of existing down-gradient groundwater or surface water users below the escarpment, the impact the existing Milton Quarry may have had on possible down-gradient groundwater and surface water users and the possible impact the proposed expansion may have on these users.
4. Further monitoring and analysis of groundwater and comparison to recharge water is warranted to assess the dissolution potential of the recharge water and potential impacts on the groundwater system. Long-term dissolution of the dolostone bedrock could adversely impact the long-term functioning of the recharge system.

The potential effects on agricultural lands have not been adequately addressed

1. The Agricultural Impact Assessment does not include a sufficient study area and policy analysis. Consideration of the broader agricultural system should be given, extending beyond the 1.0 kilometre study distance.
2. The policy analysis has not addressed the Agricultural policies of the Niagara Escarpment Plan (Part 2.8).
3. Soil capability mapping in the Agricultural Impact Assessment indicates that most of the lands to be extracted are soil capability class 3 and are therefore Prime Agricultural Lands (not necessarily part of a Prime Agricultural Area). The study does not discuss changes to the soil capability rating related to depth to bedrock based on current OMAFRA soil capability for Ontario guidelines. Some of the soils, such as Farmington loam, may actually have a higher soil capability than originally mapped.
4. Site-specific soil observations resulting from the examination of soil pits or boreholes should be included in the analysis.

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 Town of Halton Hills 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 the Town of Halton Hills Official Plan. Dufferin has not provided sufficient assessment of these critical planning tests.

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

1. The report does not conduct a comparative analysis of the existing and future haul routes.
2. The review is based solely on aerial and street imagery, and should be informed by a site visit to confirm sightlines.
3. With the haul route crossing municipal boundaries, the traffic report should mention how the coordination between the various municipal stakeholders will occur.

Considerations remain with respect to the applicant's existing licence

1. Questions remain as to how the operation of the proposed extraction area will be incorporated into the existing licensed area.

Other matters that are appropriate to address

1. The net fiscal impacts of the proposal may have been overstated by overestimating tax revenues, understating the increase in net operating costs, and including the aggregate levy amount equal to, or less than, current revenues. A net impact for Halton Region's fiscal position should be provided and factored into the analysis.
2. Further analysis is required in order to determine the cultural heritage impacts of the proposal.
3. The *Aggregate Resources Act* Site Plan and notes require revisions to address the above issues.
4. Halton Region notes letters of objection are anticipated from the Town of Halton Hills, Town of Milton, Niagara Escarpment Commission, and Conservation Halton. Halton Region is generally supportive of having those issues addressed through the review of the application.
5. Halton Region wants assurances that all objectors will be engaged by the proponent in a collaborative and constructive manner.
6. 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 to support discipline-to-discipline conversations on the proposal and to inform decision-making of the parties. Halton Region looks forward to engaging with the proponent through this process alongside our agency partners, with Provincial staff engaged at key intervals.

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,

A handwritten signature in black ink, appearing to read "Curt Benson". The signature is fluid and cursive, with a large initial "C" and "B".

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

cc: John Linhardt, Town of Halton Hills (by email)
Jill Hogan, Town of Milton (by email)
Barb Veale, Conservation Halton (by email)
John Dungavell, Niagara Escarpment Commission (by email)
Brian Zeman, MHBC (by email)

April 25, 2022

BY E-MAIL AND MAIL

Mr. Kevin Mitchell
Dufferin Aggregates, a division of CRH Canada Group Inc.
2300 Steeles Street West, 4th Floor
Concord, ON L4K 5X6

Jason McLay
ROD - Integrated Aggregate Operations Section
Ministry of Northern Development, Mines, Natural Resources and Forestry
300 Water Street, 4th Floor South Tower
Peterborough, ON K9J 3C7

Dear Mr. Mitchell and Mr. McLay:

Re: Application under the Aggregate Resources Act for a Category 1 & 2,
Class 'A' Licence (below water table)
Dufferin Aggregates, a Division of CRH Canada Group Inc.
Milton Quarry East Extension
Part Lots 11 and 12, Concession 1 (Esquesing)
Town of Halton Hills, Regional Municipality of Halton

The Town of Halton Hills is in receipt of the Notice of Application for a License to the Ministry of Northern Development, Mines, Natural Resources and Forestry under the *Aggregate Resources Act* (ARA) with respect to the above noted project, which proposes an expansion to the existing Milton Quarry. Due to the limited commenting period the Town has only completed a cursory review of the supporting reports and drawings submitted with the license application. As such, the Town of Halton Hills objects to the application for the following reasons:

1. Given the scale and complexity of the proposed quarry expansion, areas of responsibility for evaluating potential impacts fall under multiple jurisdictions and mandates. Also, several of the submitted studies are very technical in nature and require specialized expertise to complete an appropriately detailed evaluation. As such, a protocol has been adopted within the Region of Halton that requires the completion of an integrated evaluation of the quarry expansion proposal through a joint agency review team (JART) comprised of the various municipalities and agencies who may have interest in the application. The JART review process has been initiated; however, the evaluation work is anticipated to require additional time to complete.

2. While the Town's review is ongoing, based upon an initial screening of the submitted materials, several items have been identified through the JART process that relate to interests of the Town of Halton Hills that need to be addressed. These include deficiencies in the technical studies and reports pertaining to natural heritage, transportation, noise and vibration (including blasting), the rehabilitation plan, water resources, agricultural impacts, etc. Although the primary responsibility for some of these matters falls under the jurisdiction of other agency mandates, they remain of interest and/or concern to the Town of Halton Hills given the proposed quarry expansion falls within the Town's municipal boundaries. It is appreciated that Dufferin Aggregates, upon receipt of formal comments from JART, will have an opportunity to address these concerns as part of a resubmission of plans, reports, studies, etc.
3. The plans, studies and reports submitted by Dufferin Aggregates in support of the ARA License Application also form the basis of other applications filed by Dufferin Aggregates under the *Planning Act* and the *Niagara Escarpment Planning & Development Act* to establish the land use permission in the Niagara Escarpment Plan, Region of Halton Official Plan and Town of Halton Hills Official Plan (as well as NEC and Conservation Halton Permits) to allow for the proposed Milton Quarry East expansion. As noted in Point 1 above, the review of these materials is ongoing and no decision on the required amendments to the Niagara Escarpment Plan, Region of Halton Official Plan or Town of Halton Hills Official Plan have yet been made. Therefore, it would also be premature to approve an ARA License when the underlining principal of land use has not been determined.

Based on the foregoing and the information available at the present time, the Town of Halton Hills objects to the approval of the ARA license application for a Category 1 and 2, Class A license for a pit and quarry below the water table as proposed by Dufferin Aggregates, a Division of CRH Canada Group Inc. The Town further reserves the right to raise additional issues as the evaluation of the proposal is advanced and/or more information becomes available.

In addition, the Town supports the positions of the Region of Halton, the Town of Milton, the Niagara Escarpment Commission, and Conservation Halton, and will continue to work collaboratively with those agencies through the JART process to develop a complete and comprehensive response to the quarry expansion proposal. Should any further information or clarification be required, please do not hesitate to contact Greg Macdonald, Senior Planner at gmacdonald@haltonhills.ca or (905) 873-2601 ext. 2979.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Linhardt', is positioned above the typed name.

John Linhardt, MCIP, RPP
Commissioner of Planning & Development
Town of Halton Hills

cc: Joe Nethery, Region of Halton
Mollie Kuchma, Town of Milton
Kellie McCormack, Conservation Halton
Lisa Grbinicek, Niagara Escarpment Commission
Brian Zeman, MHBC Planning

From: Mollie.Kuchma@milton.ca <Mollie.Kuchma@milton.ca>
Sent: April 20, 2022 11:28 AM
To: 'kevin.mitchell@ca.crh.com' <kevin.mitchell@ca.crh.com>; 'jason.mclay2@ontario.ca' <jason.mclay2@ontario.ca>
Cc: Nethery, Joe <Joe.Nethery@halton.ca>; Jill.Hogan@milton.ca; Jeff Markowiak (JeffMa@haltonhills.ca) <JeffMa@haltonhills.ca>; Greg Macdonald (gmacdonald@haltonhills.ca) <gmacdonald@haltonhills.ca>; 'Kellie McCormack' <kmccormack@hrca.on.ca>; Jessica Bester <jbester@hrca.on.ca>; Grbinicek, Lisa (MNR) (lisa.grbinicek@ontario.ca) <lisa.grbinicek@ontario.ca>; Brian Zeman <bzeman@mhbcplan.com>; Ellen Ferris <eferris@mhbcplan.com>
Subject: Town of Milton Objection to ARA Application by Dufferin Aggregates - Milton Quarry East Extension

Dear Mr. Mitchell and Mr. McLay,

Please see the attached Letter of Objection on behalf of the Town of Milton as it relates to the proposed ARA Application by Dufferin Aggregates for the Milton Quarry East Extension.

A hardcopy of the letter has been sent via courier as well.

Thank you,
Mollie



Mollie Kuchma, M.Sc. MPA MCIP RPP

Senior Planner, Development Review

150 Mary Street, Milton ON, L9T 6Z5

905-878-7252 ext. 2312

www.milton.ca

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Town of Milton
150 Mary Street
Milton, ON L9T 6Z5

T 905-878-7252
www.milton.ca

April 20, 2022

BY E-MAIL AND COURIER

Mr. Kevin Mitchell
Dufferin Aggregates, a division of CRH Canada Group Inc.
2300 Steeles Street West, 4th Floor
Concord, ON L4K 5X6

Jason McLay
ROD - Integrated Aggregate Operations Section
Ministry of Northern Development, Mines, Natural Resources and Forestry
300 Water Street, 4th Floor South Tower
Peterborough, ON K9J 3C7

Dear Mr. Mitchell and Mr. McLay:

**Re: Application under the Aggregate Resources Act for a Category 1 & 2,
Class 'A' Licence (below water table)
Dufferin Aggregates, a Division of CRH Canada Group Inc.
Milton Quarry East Extension
Part Lots 11 and 12, Concession 1 (former geographic Township of Esquesing)
Town of Halton Hills, Regional Municipality of Halton**

The Town of Milton is in receipt of the Notice of Application for a Licence to the Ministry of Northern Development, Mines, Natural Resources and Forestry with respect to the above noted project which proposes an expansion to the existing Milton Quarry East, together with a number of supporting technical reports and site plan drawings. In light of the limited commenting period provided, the Town has completed only a cursory review of these documents. As such, the Town of Milton objects to the application for the following reasons:

1. Given the scale, complexity and potential impacts of the application, areas of responsibility for potential impacts arising from the application fall within multiple jurisdictions and mandates. A number of the studies are of a very technical nature, and require specialized expertise in order to complete an appropriately detailed evaluation. As such, within Halton, the protocol adopted by the municipalities and agencies involves the completion of an integrated evaluation of the application through a joint agency review team (JART). While the JART process has been initiated, the evaluation work is anticipated to require additional time to complete.
2. While the Town's review is ongoing, based upon an initial screening of the materials provided, several items to be addressed have been identified:

- a) The supporting studies are required to adequately assess the impact of increased truck traffic on Town of Milton roads as a result of the proposed extension. In particular, the intersection of No. 5 Sideroad and James Snow Parkway is absent from the analysis and should be included in the updated Transportation Impact Study. A figure should also be provided showing the net increase in quarry trips on the existing road network as a result of the expansion. Further it is imperative that comments from the Ministry of Transportation, the Town of Halton Hills and the Region of Halton be included along with those of the Town of Milton in the full evaluation the potential traffic impacts of this proposed quarry extension; and,
- b) It is unclear if and how the proposed extension will impact rehabilitation of the existing licenced areas. The proposal states that there will be no processing within the proposed extension area and further that all aggregate extracted from the proposed licenced area will be transported to the existing processing plant in the Main Quarry for processing or shipping.

A number of the potential impacts arising from the proposal are not noted above as the responsibility for those matters falls within the jurisdiction of other agency mandates. Nonetheless, these matters are of concern to the Town. While the Town maintains an interest in ensuring that these matters are appropriately addressed, the Town will rely on the expertise of our agency partners to do so.

On the basis of the foregoing and the information available at the present time, the Town of Milton objects to the approval of the ARA licence for a Category 1 and 2, Class A licence for a pit and quarry below the water table as proposed by Dufferin Aggregates, a Division of CRH Canada Group Inc. The Town further reserves the right to raise additional issues as the evaluation of the proposal is advanced and/ or more information becomes available. In addition, the Town supports the positions of the Region of Halton, the Town of Halton Hills, the Niagara Escarpment Commission, and Conservation Halton, and will continue to work collaboratively with those agencies to develop a complete and comprehensive response to the quarry application. Should any further information or clarification be required, please do not hesitate to contact the undersigned at your convenience.

Yours truly

Jill Hogan, MCIP, RPP
Commissioner, Development Services

cc: Joe Nethery, Region of Halton
Jeff Markowiak, Town of Halton Hills
Kellie McCormack, Conservation Halton
Lisa Grbinicek, Niagara Escarpment Commission
Brian Zeman, MHBC Planning

May 4, 2022

BY E-MAIL AND MAIL

Ministry of Natural Resources & Forestry, Attn: Jason McLay
Integrated Aggregate Operations Section
300 Water Street, 4th Floor S
Peterborough, ON K9J 3C7
ARAapprovals@ontario.ca & Jason.McLay2@ontario.ca

AND

Dufferin Aggregates, Attn: Kevin Mitchell
2300 Steeles Street West, 4th Floor
Concord, ON L4K 5X6
Kevin.Mitchell@ca.crh.com

Dear Jason McLay and Kevin Mitchell:

**Re: Application under the *Aggregate Resources Act* for a Class A Licence - Quarry
Below Water
Dufferin Aggregates – Milton Quarry East Extension (MQEE)
Part of Lots 11 & 12, Concession 1, Geographic Township of Esquesing, Town of
Halton Hills
Conservation Halton File No: PQ 21**

Conservation Halton (CH) staff has received the above referenced Application for a Class A Licence (Quarry Below Water Table) to expand Milton Quarry East. CH is participating in the review of the proposal through the Region of Halton's Joint Agency Review Team (JART) process alongside the Region of Halton, Town of Halton Hills, Town of Milton, and the Niagara Escarpment Commission.

The existing Milton Quarry and proposed expansion area are entirely located within the Sixteen Mile Creek watershed. The expansion lands contain and/or are adjacent to features regulated by Conservation Halton (CH), including wetlands (e.g., Halton Escarpment Provincially Significant Wetlands (PSWs), etc.), tributaries of Sixteen Mile Creek with their associated flooding and erosion hazards as well as potentially hazardous lands (i.e., karst).

CH is responsible for reviewing the application based on our delegated responsibility to represent the Province on the natural hazard policies of the Provincial Policy Statement (PPS 3.1.1-3.1.7) and will also review the proposal to ensure that it complies with CH regulatory requirements (e.g., natural hazard or wetland related policies or requirements). CH will act as a technical advisor providing advice on natural heritage and water resource matters through the JART technical review process. However, the Region of Halton will be taking the primary review role of natural heritage

features that are not regulated by CH (e.g. significant woodlands, significant wildlife habitat, fish habitat, etc.).

CH has undertaken an initial review of the above-noted *Aggregate Resources Act (ARA)* application and objects to the application for the following reasons:

1. The 60-day notification and consultation period does not allow for adequate review, given the scale, scope and potential implications of the application. The submitted studies (e.g., Geology and Water Resources Assessment, Natural Environment Technical Report, etc.) require detailed technical review and CH's review is still ongoing, in coordination with the Joint Agency Review Team (JART).
2. Notwithstanding the above, based on CH's preliminary review of the information submitted, a number of key issues and/or deficiencies have been identified, including, but not limited to the following:
 - a. Insufficient detail has been provided to determine what impacts the proposed quarry may have on the surrounding water resources, and natural heritage features functions and areas including, but not limited to, wetlands including the Halton Escarpment Provincially Significant Wetlands (PSWs), tributaries of Sixteen Mile Creek, and sensitive surface water and groundwater features. Further, it is not clear whether the proposed mitigation measures will adequately ensure that the features and their functions will not be impacted over the long term.
 - b. There is limited discussion in the reports about cumulative impacts of the proposal. Regulated wetlands are within the zone of influence of the Main and North Quarry and may have already experienced impacts from extraction/dewatering. Until cumulative impacts are adequately identified, CH staff cannot confirm the proposed wetland mitigation measures and target levels are appropriate in ensuring no negative impacts to their form and functions. Further discussions on the basis of establishing baseline conditions is required.
 - c. To better understand the number and size of wetlands that may be impacted by this proposal, the wetlands will need to be staked by CH during the appropriate field season (June to late-September) to establish limits, and appropriate setbacks.
 - d. Target levels for each wetland within the zone of influence warrants further discussion.
 - e. The proposed mitigation measures for wetlands within the zone of influence do not fully consider the impacts to ecological and hydrological functions.
 - f. The complexity of the proposed water management system for mitigation and monitoring of features requires a detailed review.
 - g. It is not clear if the existing groundwater and surface water monitoring network and proposed monitoring program is sufficient to ensure no groundwater impacts to wetlands and other natural features.

- h. There are concerns that there may be hazardous lands (e.g., karst) near the brow of the Niagara Escarpment and in proximity to the expansion where mitigation and a contingency plan may be required.
3. CH has existing agreements with Dufferin Aggregates for the existing *ARA* licensed areas related to the future land conveyance, long term operation of the water management system, and implementation of the Adaptive Management Plan (AMP). Any proposed amendments to these existing agreements will require separate discussions with CH outside of the *ARA*, Niagara Escarpment Plan Amendment, Niagara Escarpment Commission Development Permit, and Regional and Local Official Plan Amendment review processes.

Detailed comments will be provided through the JART review process. Please note that should further issues arise through the detailed technical review, CH reserves the right to provide additional comments.

Based on the reasons outlined above, CH objects to the approval of the Licence application for a Category A, Quarry Below the Water Table.

We trust that these comments are of assistance. Should you have any questions, please contact the undersigned via email jbester@hrca.on.ca or phone 905-336-1158 ext. 2317.

Sincerely,



Jessica Bester, BES, MCIP, RPP
Senior Environmental Planner
Conservation Halton
2596 Britannia Rd W
Burlington, ON L7P 0G3

Cc (by email): Joe Nethery & Janice Hogg, Region of Halton
Jeff Markowiak & Greg MacDonald, Town of Halton Hills
Mollie Kuchma, Town of Milton
Lisa Grbinicek, Niagara Escarpment Commission
Brian Zeman, MHBC Planning