



July 18, 2008

Mr. Kevin C. Christenson, City Clerk
City Centre
77 James Street North, Suite 220
Hamilton, ON L8R 2K3

Office of the Chief Administrative Officer
Legal Services Division
Office of the Regional Clerk
1151 Bronte Road
Oakville ON L6M 3L1
Fax: 905-825-8838

Dear Mr. Christenson:

RE: PPW96-08 – St. Mary’s Quarry Proposal Update

This will confirm that the Council of the Regional Municipality of Halton, at its meeting held Wednesday, July 16, 2008, adopted the following resolution:

1. THAT Report No. PPW96-08 re: “St. Mary’s Quarry Proposal Update” be received for information.
2. THAT the Regional Clerk forward a copy of Report No. PPW96-08 to the Town of Milton, City of Burlington, City of Hamilton, Conservation Halton, Ministry of the Environment and Ministry of Natural Resources for their information.

Enclosed please find a copy of Report No. PPW96-08 for your information.

If you have any questions, please do not hesitate to contact Mark G. Meneray, Acting Commissioner of Planning and Public Works and Corporate Counsel.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Kieft".

Kathy Kieft
Committee Clerk
encl.

c. Mark G. Meneray, Acting Commissioner of Planning and Public Works and Corporate Counsel



The Regional Municipality of Halton

Report To:	Chair and Members of the Planning and Public Works Committee
From:	Mark G. Meneray, Acting Commissioner of Planning and Public Works and Corporate Counsel
Date:	June 26, 2008
Report No. - Re:	PPW96-08 - St. Mary's Quarry Proposal Update

RECOMMENDATION

1. THAT Report No. PPW96-08 re: "St. Mary's Quarry Proposal Update" be received for information.
2. THAT the Regional Clerk forward a copy of Report No. PPW96-08 to the Town of Milton, City of Burlington, City of Hamilton, Conservation Halton, Ministry of the Environment and Ministry of Natural Resources for their information.

REPORT

Purpose

At the June 18, 2008 Regional Council meeting, staff were requested to provide additional information regarding the St. Mary's Quarry Proposal.

The purpose of this report is to update Regional Council on several matters related to a limestone quarry proposal submitted by St. Mary's Cement on lands located within the City of Hamilton, directly adjacent to the Region of Halton. The information provided in this report relates to the hydrogeological study, the Ministry of the Environment temporary Permit to Take Water, the groundwater recharge systems and lastly, the role the Region has played to date in reviewing applications for the proposed quarry.

Background

St. Mary's Cement Group (formerly Mountsberg Quarry) is proposing a limestone quarry on approximately 154 hectares (380 acres) of land on Lots 1, 2 & 3, Concession XI, City of Hamilton (formerly Township of East Flamborough). The quarry, referred to as the St. Mary's Flamborough Quarry, is proposed to produce three million tonnes of dolostone a year for the next 25 to 30 years. This site is located on the west side of Milborough (Town) Line just outside of Halton Region.

Amendments to the former Township of Flamborough Official Plan and Zoning By-law and a Class "A" License under the *Aggregate Resources Act* are required prior to commencing operations at the proposed quarry. On September 28, 2004, St. Mary's Cement applied to the City of Hamilton for an Official Plan Amendment to redesignate the subject property from "Rural" to "Extractive Industrial" and to change the zoning from "A" Agricultural and "CM" Conservation Management to "EI" Extractive Industrial. These applications and their supporting documentation have been under review by Halton Region (Report PPW132-07) through our continued support and commitment to the Combined Aggregate Review Team (CART - similar to the Region's JART) process as initiated by the City of Hamilton in early 2005. Participants in the CART process include Halton Region, City of Hamilton, City of Burlington, Town of Milton and Conservation Halton. St. Mary's Cement, as of the writing of this report, has not applied for the quarry license under the *Aggregate Resources Act*.

Halton Region's Involvement

To date, Halton Region's concerns include the impact of the quarry on groundwater, natural features and traffic. It is anticipated that the review of this proposal including the pending review of the *Aggregate Resource Act* application, may last for several years. There is still a significant amount of work that needs to be completed by the proponent related to hydrogeology, transportation (the preferred haul route - Report PPW94-08)) and the natural environment, all of which have regional implications. Staff will continue to actively participate in the City of Hamilton CART process and diligently monitor matters of regional interest, make submissions to the Ministry of the Environment on the temporary Permit To Take Water and provide comments to the Ministry of Natural Resources on the aggregate license application once the application has been submitted and circulated for comments.

Since early 2005, Regional staff have been working with CART to establish the Terms of Reference and to review the background materials submitted by the proponent as part of their assessment of the hydrogeology of the area. The work plan for the hydrogeological assessment, as prepared for the proponent by Gartner Lee Limited (dated March 2008), has been reviewed by CART and Regional staff. This work plan has not received final endorsement from CART, the City of Hamilton or Halton Region. The objective of the work plan is to have a common understanding of the expectations of the required hydrogeological submission and to establish a basis for the technical review of the submission, once received by CART. The work plan combines an overview of work completed to date and the proposed work that will be required to provide a detailed description of the hydrogeological conditions on site, including an assessment of potential impacts of the quarry on water resource related features. A letter outlining the results of the Region's review was sent to the CART on April 29, 2008 outlining the following concerns:

1. The Region's main concerns with the proposed testing are the potential impacts to private and municipal water supplies in the area. There are concerns with the potential impacts on local wetlands, streams and other surface features, however, the Region will leave comments pertaining to these items to the Conservation Authority and the Ministry of Environment.

2. As the testing of the aquifer and prototype Groundwater Recharge System is necessary to carry out a proper hydrogeological assessment and determine potential impacts, the Region does not oppose the testing of the aquifer under the proposed work plan provided that the following issues are addressed:
 - a. The proponent take steps to ensure that there are no negative impacts to the quality and quantity of private and municipal water supplies in the area resulting from the testing activities on-site as per the protocols identified in the work plan.
 - b. The proponent provides a summary of the results of the groundwater use survey (pre-test components) to CART prior to Test 1 of the Groundwater Recharge System testing and identifies wells within Halton Region that have limited available drawdown.
 - c. The proponent does not progress to Test 2 or Test 3 of the Groundwater Recharge System testing until results of the previous tests are provided to CART for review.

3. Comments will not be provided at this time on additional groundwater modelling efforts, the adaptive management plan, and quarry development stage contingency measures as the acceptability of these items is dependant on many factors that are currently unknown.

CART included all of our concerns in their response to the proponent dated May 22, 2008. The proponent is continuing to complete background data collection and is actively trying to secure a temporary Permit to Take Water from the Ministry of the Environment. The proponent requires this permit in order to further characterize the hydrogeological conditions on site and test the feasibility of the proposed groundwater recharge system. At the request of the Ministry, Halton Region staff met with technical staff from the Ministry, the City of Hamilton Health Department and Conservation Halton on June 19, 2008 to discuss the temporary Permit to Take Water application. The Ministry provided a draft of the temporary Permit to Take Water to the meeting participants and proposed that the timing for the issuance of the temporary Permit to Take Water would be in or around the first week in July 2008. The Ministry also requested that the agencies provide any comments or concerns with respect to the draft temporary Permit to Take Water to them by June 27, 2008. Regional staff are currently reviewing the temporary Permit to Take Water and will provide comments to the Ministry of the Environment by the requested deadline.

On May 1, 2008 the Ministry also requested that the proponent conduct further site assessment work to address concerns about historical illegal waste management activities that had taken place on the site. A report prepared by Gartner Lee Ltd. was provided to the Ministry in June 2008 and outlined additional clean up measures that were undertaken. Ministry staff re-inspected the site and confirmed that the clean up measures were adequate. The proponent has proposed to undertake confirmatory sampling at specific locations at the site in a limited Phase Two Environmental Assessment. The Ministry has indicated that this work will not impact the decision on the temporary Permit to Take Water application as groundwater sampling on the property has confirmed that there are no groundwater impacts occurring.

Staff will continue to update Council on the status of this application as new information becomes available. We anticipate that the Ministry will make a decision on the temporary Permit to Take Water sometime in July and that the issues surrounding the Haul Route Study will be further examined throughout the Summer culminating in a further Public Information Centre in September 2008.

FINANCIAL/PROGRAM IMPLICATIONS

There are no financial/program implications arising from this report.

RELATIONSHIP TO THE STRATEGIC PLAN

This report has a direct relationship to the 2008 Planning & Public Works Committee Plan, specifically Theme 2: Protect and Enhance of our Natural Environment.

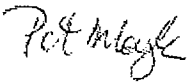
Respectfully submitted,



Mary Lou Tanner MCIP RPP
Director, Planning and Transportation and
Chief Planning Official

Mark G. Meneray
Acting Commissioner of Planning and Public
Works and Corporate Counsel

Approved by



Pat Moyle
Chief Administrative Officer

If you have any questions on the content of this report, please contact:

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