

Balaclava School Council



*Working Together
School - Parents - Community*

April 22, 2009

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St Marys Cement Inc. (Canada)
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Dear Sir/Madam,

Re: Aggregate License Application for Proposed Flamborough Quarry by St
Marys Cement

On behalf of the school and parent community, Balaclava School Council submits this letter to officially object to the application for a Category 2, Class A license filed by St Marys Cement (formerly Lowndes Holdings Corp.). The application is for the proposed Flamborough quarry and related site activities/functions to be located on parts of Lots 1, 2 and 3 of Concession 11 and 1869 Milborough Line. This matter was most recently reviewed at Council's April 14, 2009 meeting.

Some of the key reasons for our objection are outlined below. For further background, we have also attached a copy of a June 2004 resolution, passed by Council that documents in detail the original objections registered, regarding a proposed quarry one concession north of our public elementary school, as well as a March 4, 2009 letter. The resolution is on the public record with the City of Hamilton, pertaining to the original Official Plan and Zoning By-law amendment application OPA-04-17 and ZAC—04-89, and the letter is on the public record, with respect to the recent Official Plan and Zoning By-law amendment application for the 1869 Milborough Line property, OPA-08-014 and ZAC-08-067.

Our Council objects to the proposed quarry due to the potential impacts on student/staff health and safety, water quantity and quality, school bus safety, and on our community at large.

We note:

1. **An invitation to meet with our School Council to discuss our objections remains outstanding with the proponent.** Our most recent correspondence with St Marys Cement, in which an invitation was extended, was sent to Melanie Horton on March 6, 2008. No response has ever been received from the company on this matter. We also did not receive any response to our correspondence of June 4, 2008, which among other items, contained a request for notification and information on the well interference protocol regarding, what was at that time, proposed summer 2008 testing under a temporary PTTW to be issued by the Ministry of the Environment (MOE).
2. **The subject lands are zoned agriculture and conservation management and the City of Hamilton has not approved Official Plan or Zoning By-law amendments. An aggregate license cannot be granted if the appropriate zoning is not in place.**

While there may be quality aggregate on site that is suitable for extraction, the resource, and access to it, are constrained by existing approved residential, agricultural, and institutional (school) land uses. In addition, there are numerous provincially, regionally, and locally designated natural features on the site, including part of the Natural Heritage System of the Greenbelt, wetlands, woodlands, species at risk, and their habitats. There are also significant hydro-geological and hydrologic resources.

On April 15, 2009, the City of Hamilton passed a unanimous motion objecting to the aggregate license application and calling on the Minister of Natural Resources (MNR) to refuse to grant the license. A staff report detailing the objections is scheduled to for Committee on May 5 and for Council on May 13, 2009. The resolution has been circulated to the neighbouring municipalities of Milton, Burlington and Halton for their follow-up action.

We believe that consideration of the license application should be addressing the “big picture” question of whether this location is the appropriate site for a massive Greenfield industrial extractive open pit mine, in light of the presence and density of surrounding schools, homes, farms, and small businesses, and the extent of the natural and water features.

It is also a concern to us that the aggregate license process is focused on identification and resolution of objections. Trying to resolve objections from individual “persons”, in respective “issue silos”, is not necessarily conducive to answering that bigger question. Rather, an approach that focuses on resolution of objections seems predisposed to an affirmative outcome.

- 3. There is no assurance that the drilled well servicing our school will not be adversely impacted, in terms of quality and/or quantity, by the proposed development. There is a legal requirement for our facility to have potable water in order to remain open.**

We note the increasing importance of groundwater as our Board emphasizes drinking water at source and waste reduction. On April 13, 2009, the Board directed staff to bring forward a strategy to eliminate the purchase and sale of bottled water in administration and elementary schools, as of September 2009, and secondary schools, as of September 2010, as part of an integrated strategy. Use of refillable containers and use of existing water fountains will be encouraged. For many rural schools, such as ours, the existing water source is groundwater.

The MOE rejected the company’s 2008 pump test data, and prior 2004 pump test data, as unacceptable in October 2008. MOE ordered the company to redo the test to better understand the aquifer and to establish baseline data. The baseline data would have allowed comparison and evaluation of a proposed Groundwater Recirculation System (GRS). The theoretical and unproven GRS was originally proposed by St Marys Cement to mitigate the unacceptable impacts of quarry dewatering, as defined by its own technical consultants. In January 2009, the company refused to redo its pump test and, therefore, could not proceed to test the GRS. In March 2009 correspondence, MOE defended its decision to require the company to redo baseline pump tests and indicated that it was prepared to revoke a Permit to Take Water (PTTW) issued to the company for the test research. As of the writing of this letter, this situation had not been resolved. The existing PTTW expires on June 30, 2009.

Hamilton Public Health Services is on the public record with concerns about the proposed quarry operation. Hamilton Public Health Services exercised a rarely used notification section of the *Health Promotion and Protection Act* in October 2007 to register its concerns with MOE about the risk of significant public health concerns pertaining to groundwater quality and quantity impacts of the proposed quarry and to request conditions on tests then being considered by that ministry. The Medical Officer of Health has written to the Ministry of Natural Resources (MNR) in February 2009 reiterating those concerns and questioning the completeness of hydro-geological reports, supporting an aggregate license application, in light of MOE's rejection of the data underlying the reports. This position was re-enforced by a February 2009 letter from the Medical Officer of Health for the Region of Halton. Both Public Health Services are expected to file formal objections during the official public notification and consultation period ending May 21, 2009.

The application hydrogeology materials rely on data and assumptions that have been discredited, in part by MOE. There is heavy reliance on computer modeling. The company's conclusions around the homogeneity of the aquifer are not consistent within various sections of the application and between technical studies. Conclusions on differ from existing publicly available work on groundwater characterization and Carlisle well capture zones completed for the City of Hamilton and for the Halton-Hamilton Source Protection Committee. To date, no mitigation system of any kind has been tested on-site. Finally, the proposed menu of mitigation measures in the application is supported by an undefined adaptive management plan, to address any complications which may arise.

No proven, viable plan has been offered for protection of drinking and potable water for our school. Regrettably, this situation also extends to private wells in the area and to the groundwater-based municipal system for Carlisle.

The Greenbelt Plan, 2005, prohibits new or extensions of lake-based water systems. MOE does not support long term trucking of water into communities. This means that there is no Plan B for this school, the City of Hamilton as a water service provider, or this community, if its groundwater-based drinking water system is adversely impacted in terms of quantity and/or quality.

4. Any of the proposed haul routes, singly or in combination, create the potential for safety risks for students waiting for, riding, or exiting school buses. There are also risks for walkers, cyclists, and drivers.

The aggregate license application indicates that *some, or all, of the routes*, that have been identified as part of a Transportation Study underway, will be used. Moreover, while no southerly routes are officially contemplated, it is a reality that aggregate truck drivers are expedient and that the compensation system prevalent in the industry rewards the drivers with numerous, timely deliveries. Risks are inevitable given the proposed operation envisages in the order of one truck movement every 26 seconds. Official and unofficial routes, truck volume, speed, braking time, convoys, and morning queuing are all of concern.

We are aware that the Hamilton-Wentworth District School Board has shared data with the City of Hamilton regarding school bus travel routes and pupil pick-up locations. We know that there will also be school bus route and pupil pick-up implications for the Hamilton Catholic District School Board, the Halton District School Board, the Halton Catholic District School Board and for private school service in the area.

The roads here are not structurally designed for such loads. Both no truck and load weight restriction designations apply. The roads are narrow, change grade frequently, have limited sight lines, no turning lanes, and are scenic, bordered on both sides by natural features or country properties. Key intersections, such as Hwy 6 and Concession 11, Hwy 6 and Campbellville Road, and Milborough Line and Campbellville Road have similar features and were not designed with this use or volume of vehicles in mind. Further, structural changes, such as the urbanization of our roads which St Marys might contemplate, is not desired by the community either, and would not eliminate the safety risk as fast moving, heavy trucks meet slow moving, frequently stopping school buses. Speaking of safety, we are not aware of any meaningful analysis of impacts of the proposed truck volume on or from the Reid Sideroad fire, police and EMS facility. It is one of the nearest emergency facilities to our school, in addition to the Waterdown station, if there is a 911 call.

The Combined Aggregate Resource Team (CART) Transportation Study has not been completed by the company. We understand that the City of Hamilton, the Town of Milton and the Region of Halton, all, expressed concerns with St Marys Cement's report and public information boards prepared for a public information session in June 2008. Resolutions from Milton and Halton, in June 2008, asked for the transportation study to be halted, pending other work on the application, and both jurisdictions agreed to peer review the proponent's transportation work. Conservation Halton also recorded its concerns and lack of consultation on route

impacts. We are not aware of any further reports shared with the municipalities or agencies involved or any rescheduling of the final public information session, as of the writing of this letter.

Transportation safety is a significant issue for our school because the vast majority of students are bussed; indeed, the definition of a rural school specifies that more than 80% of students are bussed. We equally envisage the potential risks for students who may walk, cycle, or be driven by a parent to school. In addition, the risks to our students and their families outside of school hours must be recognized as they use the local roads as drivers, cyclists, joggers, walkers, horse-back riders, and more. The proposed operation envisages early evening and Saturday hours, in addition to day-time operations.

5. Other health and safety objections can be cited as well.

We are concerned about the potential for adverse air quality impacts. Dust from the operations and vehicles and diesel exhaust can easily result in air particulates. Inhalation of small particulate matter (referred to as PM <10) is documented to have health impacts, especially in children and those with existing lung conditions. The air intake vents for our school are located on the north side of the school. The grounds at our school and the adjacent Our Lady of Mount Carmel, are used for a variety of outdoor sports and community activities, including regular outdoor recess, Ministry of Education mandated Daily Physical Activity (DPA), physical education classes, intra and interscholastic sports (i.e. cross country, track & field, 3 pitch, soccer, etc.), the Terry Fox Run, Meet the Teacher, Fun Fair, and more. Again, this same problem would be experienced by the broader community, especially for residents near the operation and along the official and unofficial haul routes.

Noise and vibrations from blasting and the operations, and from heavy vehicles on official and unofficial haul routes, could also be objectionable, especially during school hours. We understand that the application materials provide no mitigation for haul route adverse impacts at all.

We ask that our School Council be kept informed of the aggregate license review process and that it be notified of the company's attempts to resolve objections as well as the Minister's considerations to grant or refuse the license.

Thank you for the opportunity to object.

Yours sincerely,

Originals signed by:

Graham Millman
Chair
Balaclava School Council

Karen Gourlay
Co-Secretary

CC: Karen Turkstra, Ward 14/15 HWDSB Trustee
John Gris, Principal, Balaclava
John Laverty, Superintendent, HWDSB
Our Lady of Mount Carmel School Council and Administration
Margaret McCarthy, Councillor
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