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MEMORANDUM

DATE: March 6, 2007

TO: CART MEMBERS

RE: Status Update
Proposed St Marys Flamborough Quarry
Files: OPA-04-17 & ZAC-04-89

FROM: Stan Holiday, Senior Planner
Legislative Approvals
Planning & Economic Development Department
City of Hamilton

The purpose of this memorandum is to provide CART members a status update on the review of the proposed Official Plan Amendment and Zoning By-Law Amendment applications for the proposed St Marys Flamborough Quarry.

Peer Review Funding

Following the purchase of Lowndes Holdings Corp. by St. Marys Cement in June 2006, discussions have been held regarding peer review funding and in January 2007, the proponent made a commitment in the form of a combination Letter of Credit and bank draft with the City of Hamilton. This funding included a commitment to fund revised work programs for both the City's Aggregate Planning Advisor and the Hydrogeological Peer Review Consultants so that peer review can continue at the proponent's cost.

It is anticipated that the other peer review components will require additional funding from the proponent. The actual funding requirements will be better defined over time and with the submission and review of various supporting reports and studies to the City and agencies.

Hydrogeological Component

On December 6, 2006, City Staff met with St Marys representatives Glen Schnarr, Planning Consultant and Bill Marquardt, Manager of Resource Development at their request, to discuss the City's response on the Permit to Take Water (PTTW) application that had recently been filed with the MOE. Staff indicated at the meeting that they will continue to work with the proponent and agencies regarding the PTTW application.

This pilot test is only one aspect of the overall Hydrogeological component of the required hydrological/hydrogeological studies. The Public Works Department of the City is also working with the proponent to facilitate the installation of a monitoring well to gather information at a location between the proponent's land and the City's communal well.

A Comprehensive Work Plan that encompasses all water resource aspects of the applications has been requested from the proponent and is still outstanding. This request originated at a CART meeting in January 2006, when it was recommended that the City's Hydrogeological Peer Reviewer prepare a Comprehensive Work Plan. The former owner and their Hydrogeological consultant's response to CART's request was that they would prepare the Work Plan, as they had the most knowledge about the site and the proponent's proposal. City Staff have continually requested that the proponent provide the work plan for review by the City and CART. The St Marys Cement representative indicated at the December 2006, meeting that the Comprehensive Work Plan would be submitted early in 2007. We await this submission.

Haul Route Evaluation Study

On December 7, 2006 St. Marys' transportation consultant, BA Consulting Group Ltd. provided a proposed work program for a Truck Route Evaluation for the proposed quarry. It proposed that the number of public consultation events in the process be reduced from four to two, and that the study be based on a smaller study area than that proposed in the April 2006 Terms of Reference prepared by the municipal transportation representatives on CART.

Response by CART

On January 12, 2007, a letter was developed in consultation the CART transportation group and was provided to St Marys consultant Glen Schnarr.

That letter included the following elements:

- i) The City's Terms of Reference which were prepared through a cooperative effort between the Planning and Economic Development and Public Works Departments of the City of Hamilton, the Region of Halton, and the Town of Milton and City of Burlington were intended to set the parameters for a study that would meet the City of Hamilton's requirements in reviewing the Flamborough Quarry proposal.
- ii) It was stated in the January 12, 2007, letter that the City of Hamilton owns the municipal road allowances within the City and the Milborough Line road allowance is shared between the City of Hamilton and the Town of Milton. Any planning process or EA undertaking that involves testing or construction within those road allowances would require the assent and involvement of the appropriate municipality(ies), ultimately as proponents or co-proponents.
- iii) In response to BA's proposal on reducing the size of the study area, the municipalities representatives from CART indicated that any scoping should be in accordance with Section 4 of the City's Terms of Reference and that routes be scoped as part of the planning study rather than at the outset. Also, a study area that encompasses all routes to 400 series highways is an appropriate starting point for that work.
- iv) With regard to BA Group's proposal regarding public consultation, the position of the CART transportation group was that each of the four meetings, as proposed, represent a substantive advance in terms of the type of information presented and the input sought. While there is room for flexibility in adapting the content of each meeting to respond to evolving circumstances, overall the City considers four to be a reasonable minimum number of meetings for a process that would be relatively complex; that will consider significant potential environmental effects, and has a high level of public interest. The minimum number of meetings proposed would likely be more acceptable if and when a formal Class EA process occurs, as by that time most outstanding issues should have been satisfactorily resolved or determined.

Haul Route Meeting of January 25, 2007

On January 25, 2007, City Staff and representatives from stakeholder municipalities met with representatives from St Marys Cement. At the meeting Municipal staff reiterated their support for the above aspects of the City's Terms of Reference for the Haul Route Study. The proponent indicated at the meeting that they would consider this information and provide a further response and request a further meeting with municipal representatives. We are currently awaiting a response from the proponent.

At the January 25, 2007, meeting Paul Cripps from the Town Milton indicated that borehole samples had been taken from roads in Milton without any municipal approvals. Residents in Milton had made staff aware of this action. Subsequent to this meeting, it was revealed that consultants working for St Marys Cement through their transportation consultant had proceeded to take core samples from City roads without proper authorization in the City of Hamilton and Town of Milton. Within the City of Hamilton there is an ongoing review by the Public Works Department on the implications of these works on City lands and the parties involved.

NEXT STEPS

The City will schedule a CART meeting when a substantive product has been provided for review (e.g. a Work Plan for the Hydrogeological component has been submitted, that has been peer reviewed by the City's consultant) or when there is any other critical development in relation to the proposal, that should be considered by CART members.

In the meantime, should you have any questions please do not hesitate to contact Stan Holiday, at 905-546-2424, ext. 4280.

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