



2596 Britannia Road West  
RR2, Milton, Ontario L9T 2X6  
905.336.1158 Fax 905.336.7014  
www.conservationhalton.on.ca

May 4, 2009

**DELIVERED BY E-MAIL & MAIL**

Ms. Melanie Horton  
St. Marys Cement Inc. (Canada)  
55 Industrial Street  
Toronto, Ontario  
M4G 3W9

E-mail: [communityinfo@stmaryscbm.com](mailto:communityinfo@stmaryscbm.com)

and

Ms. Diane Schwier  
Ontario Ministry of Natural Resources  
Guelph District Office  
1 Stone Road West  
Guelph, ON  
N1G 4Y2

E-mail: [MNRFQA@ontario.ca](mailto:MNRFQA@ontario.ca)

Dear Ms. Horton and Ms. Schwier:

**Re: Application for a Category 2 Class "A" Licence (below water table), under the *Aggregate Resources Act* (ARA) to excavate aggregate from a new pit and quarry  
St. Marys Cement Inc. (Canada) - Flamborough Quarry  
Part of Lots 1, 2 and 3, Concession 11  
City of Hamilton (Former Township of East Flamborough)  
45 Day Notification Period under the ARA**

**Conservation Halton File No: PQ10**

Conservation Halton staff have reviewed the above noted application for the proposed St. Marys Cement Inc. (Canada) pit and quarry, and offer the following comments. Conservation Halton objects to the licence application on the basis that technical information and planning matters remain outstanding.

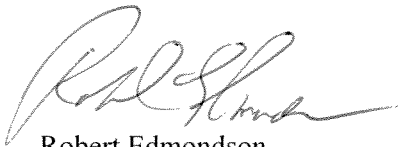
Conservation Halton is participating in the review of the St. Marys proposal through the City of Hamilton's Combined Aggregate Review Team (CART) process. The CART has agency representation from City of Hamilton, Ministry of the Environment, Ministry of Natural Resources, Niagara Escarpment Commission, Town of Milton, City of Burlington, Region of Halton and Conservation Halton.

Conservation Halton staff object to the licence application for the following reasons. Please note that more detail will be provided through the CART review and peer review process. Further issues may also arise depending upon the response received to the issues raised.

- The current planning designations as per the (former) Town of Flamborough Official Plan and Zoning By-law do not permit aggregate extraction as a land use on this site;
- The hydrologic and hydrogeologic analysis and water budget calculations are insufficient and do not provide full information required to evaluate the proposed quarry, and further Conservation Halton staff are of the opinion that these issues have not been adequately addressed;
- There is inadequate information provided to conclude that the Groundwater Recirculation System (GRS) is feasible or sustainable as a mitigation measure; further it is questioned over what duration would it need to be operated and whether it would effectively maintain the surrounding ecological features and functions including, but not limited to, the provincially significant wetlands, Mountsberg and Flamboro Creeks and their tributaries, seepage areas and springs, and fish habitat;
- The implications of climate change scenarios and long term variability in meteorologic conditions have not been adequately evaluated to determine impacts on lake filling/GRS operation timelines;
- The application recommends that an Adaptive Management Plan (AMP) program be developed in the future. Conservation Halton staff are concerned that deferring the development of an AMP is not appropriate and leaves many fundamental questions of mitigation performance and assurances unanswered such that there is no confidence that mitigation objectives and performance can be assured;
- The natural heritage analysis and interpretation, with respect to, but not limited to, provincially significant wetlands, significant habitat of threatened and endangered species, significant woodlands, significant wildlife habitat, Environmentally Significant Areas, fish habitat, diversity and connectivity of natural features in the area, is flawed and not supported by Conservation Halton;
- The suitability of the proposed progressive and final rehabilitation plan is questioned, particularly related to the adequacy and viability of habitat creation and maintenance of groundwater levels to support the surrounding ecological features and functions. Further, the application proposes a berm in the southwest corner of the site to maintain lake levels. It is questioned whether this structure would therefore be considered to be a dam which would require its design to meet current dam safety and performance criteria to address risks to downstream landowners.

I trust these comments are of assistance to you. If you require further clarification, please contact Brenda Axon, Manager Watershed Planning Services (ext. 222), Ray Guthrie, Manager Watershed Engineering Services (ext. 253), or the undersigned (ext. 228).

Yours truly,



Robert Edmondson  
Director Watershed Management Services

Cc: Heather Travis, City of Hamilton  
Stirling Todd, Region of Halton  
Robin van de Lande, City of Burlington  
Anne Dawkins, Town of Milton  
Kathryn Pounder, Niagara Escarpment Commission  
Steve Robichaud, City of Hamilton