

**CONSERVATION HALTON
WMAC 03 09 03**

REPORT TO: Watershed Management Advisory Committee

FROM: Brenda Axon, Manager Watershed Planning Services 905-336-1158 ext. 222

DATE: May 4, 2009

SUBJECT: **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
CH File No.: PQ10

Recommendation

THAT the Watershed Management Advisory Committee recommend to the Conservation Halton Board of Directors that the letter of objection, dated May 4, 2009, to Ms Diane Schwier, Guelph District Ontario Ministry of Natural Resources and Ms. Melanie Horton, St. Marys Cement Inc. (Canada) regarding the proposed St. Marys Flamborough Quarry, be endorsed.

Policies, Procedures and Process Pertaining to this Report

Reference is made to the *Aggregate Resources Act*, the *Planning Act* and the *Conservation Authorities Act*. Reference is also made to the following objectives of the Conservation Halton Strategic Plan: Objective 1.1 Create and implement programs to sustain a healthy watershed; Objective 1.3 Protect sources of public drinking water through source protection programs; Objective 1.6 Integrate environmental planning with community growth based on an environment-first approach; and Objective 1.7 Foster strong relationships with partner municipalities, other orders of government, non-government organizations, and private organizations.

Report

Background

St. Marys Cement Inc. (Canada) has applied for a Category 2, Class "A" licence to excavate aggregate from a new pit and quarry located in Part Lots 1 to 3, Concession 11, City of Hamilton (former township of East Flamborough) (Figure 1). The application proposes an annual tonnage limit of 3 million tonnes with an estimated total tonnage of 62 million tonnes. Based on this quantity and rate of extraction, it is estimated that quarrying would occur over 25 to 30 years. The total site is 158 ha in size with 66.4 ha proposed for extraction of the Amabel dolostone deposit to a depth of 27 to 40 metres. The quarry will extend below the water table and require dewatering. There are also areas of the site with sand and gravel deposits which are proposed to be extracted as part of the licence application.

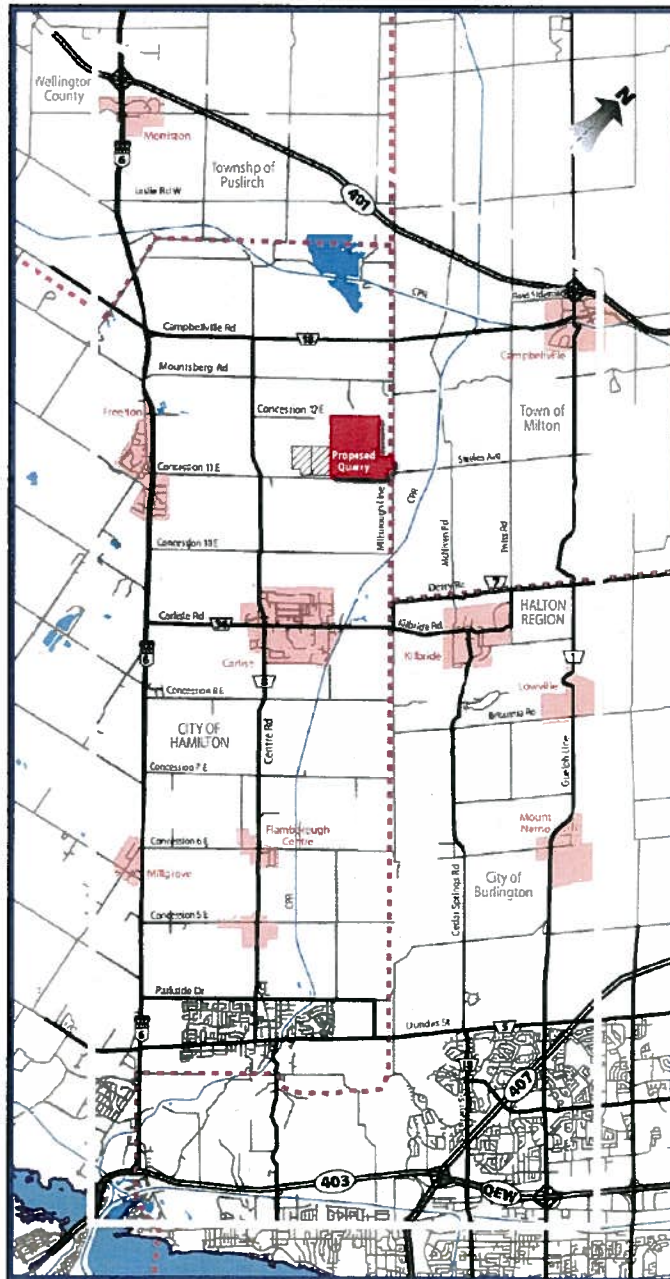


Figure 1. Location of the Proposed St. Marys Quarry

The Ministry of Natural Resources deemed the St. Marys' application to be complete on March 3, 2009 and the applicant has initiated the 45 day notification period, as of April 3, 2009. Anyone who has concerns with the proposal or wishes to continue to be involved in its review must submit a letter of objection by the last day of the 45 day notification period which is May 21, 2009. It will also require approvals under the *Planning Act* for amendments to the former Township of Flamborough Official Plan and Zoning By-Law. These applications were submitted by the former owner of the site Lowndes Holdings Corp. in June 2004. St. Marys acquired the site from Lowndes in June 2006. A supplementary Official Plan and Zoning By-Law Amendment application was submitted by St. Marys for a 4 ha parcel adjacent to the proposal located on Milborough Line. A Permit to Take Water for dewatering and processing and a Certificate of Approval for water discharge and air quality, associated with processing, will also be required. Although the proposed site contains areas that are

subject to Conservation Halton's Ontario Regulation 162/06, approvals under the *Conservation Authorities Act* are not required, since the *Conservation Authorities Act* specifically notes that such regulations do not apply to an activity approved under the *Aggregate Resources Act*.

The proposed quarry is located in the Bronte Creek watershed, with the site draining into the Mountsberg Creek and Flamboro Creek subwatersheds. The property includes portions of the Mountsberg East Wetlands Environmentally Significant Area, Carlisle North Forest Environmentally Significant Area and the Lower Mountsberg Creek Provincially Significant Wetland Complex (Figure 2).

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.

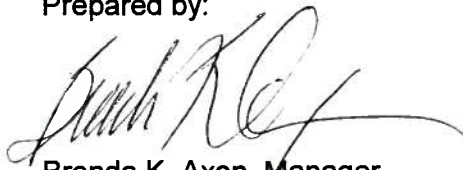
Conservation Halton Letter of Objection

The Conservation Halton staff have prepared the attached letter of objection, dated May 4, 2009, addressed to St. Marys Cement Inc. (Canada) and the Guelph District Office of the Ontario Ministry of Natural Resources, regarding the St. Marys ARA application. The letter provides the rationale for Conservation Halton's objection to the quarry on the basis that technical information and planning matters remain outstanding. As a result of the tight time lines for review, the letter was prepared and sent prior to the WMAC meeting. This was necessary to ensure that Conservation Halton remains involved in the review of this quarry.

Summary

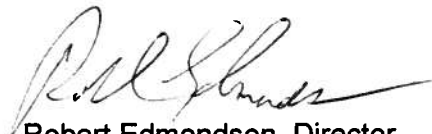
The Conservation Halton WMAC is requested to recommend to the Board of Directors that the letter of objection, dated May 4, 2009, to Ms Diane Schwier, Guelph District Ontario Ministry of Natural Resources and Ms. Melanie Horton, St. Marys Cement Inc. (Canada), wherein Conservation Halton objects to the St. Marys Flamborough Quarry proposal, be endorsed.

Prepared by:



Brenda K. Axon, Manager
Watershed Planning Services

Respectfully submitted:

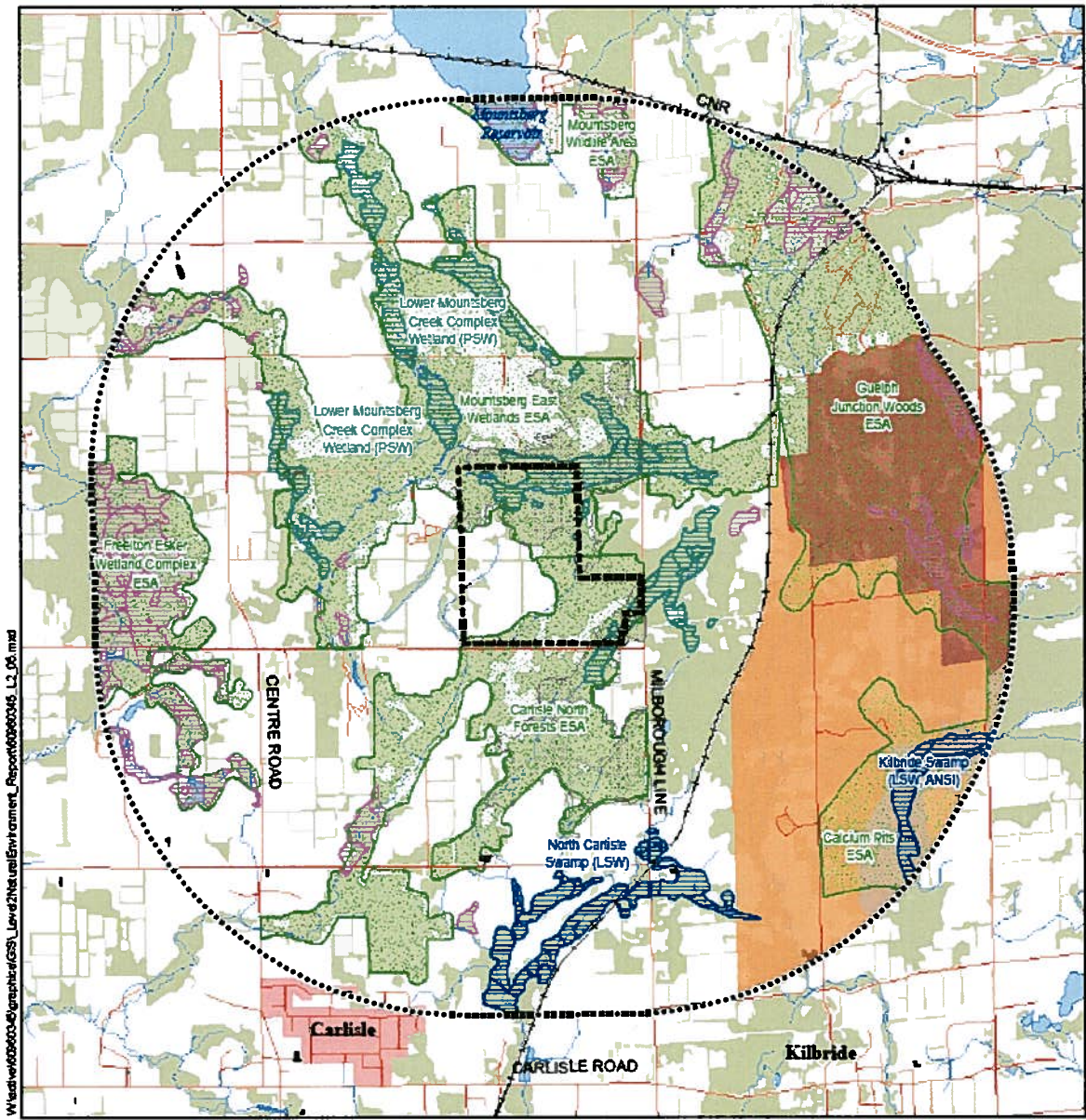


Robert Edmondson, Director
Watershed Management Services

Approved for circulation:



Ken Phillips
CAO/Secretary-Treasurer



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Source: NRCan Digital Topographic Maps, Department of Energy, Mines and Resources Canada, MNR, Hamilton NAI (2003), Heston NAI (2006).

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| | Site Location | | EN |
| | 3Km Focus Area | | Escarpment Protection Area |
| | ESA | | Escarpment Rural Area |
| | Deer Wintering Yard | | Locally Significant Wetland (NRVIS) |
| | | | Provincially Significant Wetland (NRVIS) |
| | | | Unevaluated Wetland (NRVIS) |



PREPARED FOR:
SMC FLAMBOROUGH QUARRY
LEVEL II NATURAL ENVIRONMENT REPORT

FIGURE NO. 7.0

DESIGNATED NATURAL FEATURES

Initiated: March, 2008
Revised: January, 2009

Figure 2. Designated Natural Features