



Town of Milton
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April 28, 2009

Mr. Graham Flint
10 Timber Run Court, R.R. #2
Campbellville, ON
L0P 1B0

VIA email – grahamflint@stopthequarry.ca

Dear Mr. Flint,

RE: Town of Milton Staff Report PD-043-09 – Response to Ministry of Natural Resources
Regarding a License Application for a Bedrock Quarry – St. Mary's Cement – Proposed
Flamborough Quarry

This letter is further to your attendance at the Council Meeting held on April 27, 2009. At that time, you made a presentation to Council with respect to the above noted matter. Subsequent to the presentation, the following was resolved:

WHEREAS St Mary's Cement submitted an *Aggregate Resources Act* application to the Ministry of Natural Resources (MNR) on January 22, 2009, resubmitted on February 13, 2009, and the application was found to be complete by MNR on March 3, 2009;

AND WHEREAS the Ministry of Natural Resources has the legislative authority to approve or deny Aggregate Licenses;

AND WHEREAS there is currently an application for an Aggregate License by St. Mary's Cement in adjacent Flamborough;

AND WHEREAS the McGuinty government has passed numerous initiatives to monitor, enforce and protect the environment, with legislation in place which is meant to secure the protection of areas such as that of Flamborough and our own community of Milton, and Campbellville in particular, against assault of its environmentally protected features;



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AND WHEREAS Section 12.1 of the Aggregate Resources Act states:

12. (1) In considering whether a license should be issued or refused, the Minister or the Board, as the case may be, shall have regard to:

- a) the effect of the operation of the pit or quarry on the environment;
- b) the effect of the operation of the pit or quarry on nearby communities;
- c) any comments provided by a municipality in which the site is located;
- d) the suitability of the progressive rehabilitation and final rehabilitation plans for the site;
- e) any possible effects on ground and surface water resources;
- f) any possible effects of the operation of the pit or quarry on agricultural resources;
- g) any planning and land use considerations;
- h) the main haulage routes and proposed truck traffic to and from the site;
- i) the quality and quantity of the aggregate on the site;
- j) the applicant's history of compliance with this Act and the regulations, if a licence or permit has previously been issued to the applicant under this Act or a predecessor of this Act; and
- k) such other matters as are considered appropriate. R.S.O. 1990, c. A.8, s. 12; 1996, c. 30, s. 9 (1, 2); 2002, c. 17, Schedule F, Table.

AND WHEREAS all parameters listed under 12.1 apply to this proponent's application and are clearly irresolvable;

AND WHEREAS St Mary's Cement is refusing to redo groundwater testing with respect to Phase 1 (1 of 3 Phases) of the Permit to Take Water (PTTW) as ordered by the Ministry of the Environment (MOE), stating in a January 22, 2009 letter that they (St Mary's Cement) "do not believe that any further data will be gained by repeating Phase 1 of the pumping test and will not be repeating the Phase";

AND WHEREAS the MOE in a letter to St. Mary's Cement dated March 5, 2009 state: "It is the ministry position that hydrogeological studies completed to date have not provided information to conclude that the proposed Groundwater Recirculation System is an acceptable mitigation strategy for this site. Further pumping tests are necessary to demonstrate that the proposed Groundwater Recirculation System for this site will protect the quality and quantity of both groundwater and surface water." (NOTE: St. Mary's Cement's letter indicates that they will not be carrying out any further testing under the mandate of the PTTW. Accordingly, unless they advise the MOE otherwise by March 20, 2009, the permit will be revoked);



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AND WHEREAS MOE has stated that completion of necessary studies (which includes the pump tests) is required prior to consideration of or any PTTW being issued for a quarry operation;

AND WHEREAS Hamilton's Medical Officer of Health has stated in a letter to the Ministry of Natural Resources dated February 10, 2009, that Public Health Services has health concerns regarding the operation of a limestone quarry as proposed by an Aggregate Resources Act Application made by CBM St Mary's Cement, and that these concerns are due to a potential risk for adverse impacts upon groundwater quantity and quality that could be caused by the quarry;

AND WHEREAS Halton Region's Chief Medical Officer of Health, Dr. Bob Nosal, has stated in a letter to the Ministry of Natural Resources dated February 20, 2009, that the Halton Regional Health Department has health concerns regarding the operation of a limestone quarry as proposed by an Aggregate Resources Act Application made by CBM St. Mary's Cement, and that these concerns are due to a potential risk for adverse impacts upon groundwater quantity and quality that could be caused by the quarry;

AND WHEREAS St Mary's Cement stated in the Fall 2007 Newsletter #6 that "St Mary's is committed to successfully demonstrating our GRS method here in Flamborough before this system is implemented or added as a component to our final application." And, with the refusal to complete the MOE ordered test phases, no mitigation system, of any kind, has been tested on-site to evaluate if the unacceptable impacts of quarry dewatering can be managed;

AND WHEREAS our own community lies within same Well Head Protection Area (WHPA) in which the proposed quarry falls; and the new Clean Water Act promises protection for our drinking water right at its source; and the law promises to prevent problems before they happen and the Greenbelt Plan prohibits extending lake-based water systems to our communities; and that if something goes wrong, there is no Plan B for our drinking water. Protection of water must be the first priority and take precedence over a proposed quarry;

AND WHEREAS the City of Hamilton's Medical Officer of Health stated in a letter to the Ministry of Natural Resources dated February 10, 2009, that Public Health Services has health concerns regarding the operation of a limestone quarry as proposed by an Aggregate Resources Act Application made by CBM St Mary's Cement, and that these concerns are due to a potential risk for adverse impacts upon groundwater quantity and quality that could be caused by the quarry;

AND WHEREAS the City of Hamilton unanimously approved a Motion on February 27, 2008 with respect to the Carlisle groundwater-based municipal system, with the following resolution:



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That the City of Hamilton

- a) bring to the attention of the Provincial Government its concerns regarding potential adverse impacts on the Carlisle groundwater-based municipal drinking water system
- b) request the Provincial Government, through the Premier and the Ontario Minister of the Environment, to fully consider the potential ramifications of the proposed development and
- c) before any provincial permits or approvals are issued for the proposed St Mary's Quarry, the province should require a formal review by the Halton/Hamilton Source Protection Authority, as part of the local source protection process.

AND WHEREAS in the City of Hamilton Public Health Services letter dated October 26, 2007 to the MOE, as per Item 3 (b) (i), (ii), (iii) and 3 (c), the City of Hamilton's hydro-geologist requested special testing of organics because of identified contaminants within the area;

AND WHEREAS the proposed site falls completely within the Natural Heritage System of Ontario's Greenbelt, the area of highest environmental value. Provincially Significant Wetlands, significant woodlands, and other nationally, provincially, regionally and municipally designated natural features and species at risk, or their habitats, are present on and around the site;

AND WHEREAS St Mary's Cement has failed to complete vital impact studies requested by Municipal, Regional and Provincial bodies with respect to issues such as the Permit to Take Water, Transportation Study and related public information meetings;

AND WHEREAS St Mary's Cement has suddenly shifted the process, abandoning their current work with the Hamilton Municipal Government, and moving on to the Provincial Government level, showing complete disregard for the welfare of our adjacent communities;

AND WHEREAS the timeframe provided to allow municipal and agency technical experts to digest, review, and submit detailed comments on the material is very short (45 days), a significant disadvantage is imposed on commenting bodies;

AND WHEREAS St Mary's Cement has yet to make any successful inroads towards their application to establish what would be the 8th largest quarry in Canada in an area that is already established residential, agricultural and conservation lands;



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THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Milton:

- a) Receive report PD-043-09 for information;
- b) **AND THAT the Minister of Natural Resources, the City of Hamilton, the Region of Halton and St. Mary's Cement be advised that the Council of the Town of Milton objects to the application for a license under the Aggregate Resources Act for the proposed St. Mary's quarry, located in the City of Hamilton for the reasons set out in Report PD-043-09;**
- c) **Being only a commenting agency while our community faces many of the same risks as Flamborough, fully endorses the motion by the City of Hamilton which was supported unanimously at their April 15th council meeting;**
- d) **Advise the Minister of Natural Resources, the City of Hamilton, the Region of Halton and St. Mary's Cement of the Town of Milton's support for the request submitted by the City of Hamilton under the authority granted to her by Section 12.1 of the Aggregate Resources Act RSO 1990 to refuse the aggregate license submitted by St. Mary's Cement;**
- e) **Circulate this resolution to City of Burlington and the Region of Halton so that those Councils may consider a similar resolution if they have not already done so, and that the motion be circulated as well to Premier Dalton McGuinty, MPP Ted Chudleigh, MPP Joyce Savoline, and Conservation Halton, and copy it to the City of Hamilton.**

On behalf of the Mayor and Members of Council, I would like to take this opportunity to thank you for your attendance during the Council meeting.

Yours very truly,

Shelly van Empel
Legislative Administrator
Executive Services Dept.

/sve